



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

**HO-CHUNK NATION LEGISLATURE
RESCISSION OF RESOLUTION 12-22-09 A AND
IN SELECT SITUATIONS, INCREASE BY ONE-HUNDRED
DOLLARS IN EMERGENCY ROOM CO-PAY AMOUNTS
RESOLUTION 3-23-10 C**

- WHEREAS,** on November 1, 1994, the Secretary of the Interior approved a new Constitution for the Ho-Chunk Nation, formerly known as the Wisconsin Winnebago Tribe; and
- WHEREAS,** the Ho-Chunk Nation ("Nation") is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Constitution of the Ho-Chunk Nation ("Constitution") grants the Legislature the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(d) of the Constitution grants the Legislature the power to authorize expenditures by law and appropriate funds to the various Departments in an annual budget; and
- WHEREAS,** Article V, Section 2(f) of the Constitution grants the Legislature the power to set the salaries, terms and conditions of employment for all government personnel; and
- WHEREAS,** Article V, Section 2(i) of the Constitution grants the Legislature the power to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals; and
- WHEREAS,** the Ho-Chunk Nation offers health insurance to employees and their families and Ho-Chunk Nation elders, and seeks to offer competitive health benefits; and
- WHEREAS,** the Ho-Chunk Nation seeks to improve the health of employees and their families and Ho-Chunk Nation elders; and
- WHEREAS,** the Legislature contracted with Cottingham & Butler Consulting Services as the Consultant for the Nation's Employee Benefits Insurance; and
- WHEREAS,** the Legislature held three meetings with Benjamin Butler, Vice President of Cottingham & Butler Consulting Services, to develop Wellness and Cost Savings Strategies for the Nation; and
- WHEREAS,** Mr. Butler made a number of recommendations and provided a hand-out entitled "Ho-Chunk Nation Wellness and Cost Savings Strategies December 2009" regarding wellness and cost savings strategies the Nation could use for its health insurance plan; and
- WHEREAS,** as a result at its December 22, 2009 Legislative Session the Legislature adopted the following five Resolutions:
- Resolution 12-22-09 A entitled "Excluding Ho-Chunk Nation Elders Increase in Emergency Room Co-Pay by One-Hundred Dollars";
 - Resolution 12-22-09 B entitled "Medicare Like Rates for Contract Health Eligible Tribal Employees";

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W9814 Airport Road P.O. Box 667 Black River Falls, WI 54615
(715) 284-9343 Fax (715) 284-3172 (800) 294-9343

- Resolution 12-22-09 C entitled “Working Dependent Provision to Nation’s Health Insurance Program”;
- Resolution 12-22-09 D entitled “Wellness Initiative Resolution”;
- Resolution 12-22-09 E entitled “Removal of Limitations Under All Nation Health Plans for Preventive Screenings and Immunizations for Children”; and

WHEREAS, subsequently, due to concerns of Tribal Members who are employees of the Nation, some Health Insurance Presentations were made at various District meetings by Mr. Butler regarding the adoption of these Resolutions; and

WHEREAS, these Health Insurance Presentations resulted in the various District meetings making motions for the Legislature to either rescind or modify portions of the five Resolutions; and

WHEREAS, as a result and in relevant part, the February 22, 2010 Legislative Meeting Minutes provide:

Motion by Rep. LoneTree-Whiterabbit to recommend the Legislative Attorney and Legislative Staff collect all information, concerns addressed at the District Meetings, and to share this information with Ben Butler and request that options be provided and to have this information prepared for the March 23, 2010 Legislative Meeting. Also to request that Ben Butler be present to address these concerns. Second by Representative Greengrass. 6-1(Vice President Brown)-1(Rep. TwoBears) Motion Carried.

Motion by Vice President Brown to recommend that the Health Insurance Presentation, be presented at the District Meetings that haven't been addressed on the issue. Second by Rep. Holst. 8-0-0 Motion Carried.; and

WHEREAS, officials from Cottingham & Butler Consulting Services and the Ho-Chunk Nation Insurance Department made Health Insurance Presentations to various District Meetings in the month of March to ensure that all Wisconsin District Meetings have had the Health Insurance Presentation related to the five Resolutions previously adopted by the Legislature at its December 22, 2009 Legislative Session; and

WHEREAS, the Legislative Staff collected the meeting minutes from every District Meeting in which the Health Insurance Presentations were made and these meeting minutes are attached for the Legislators’ reference and incorporated by reference as if more fully set forth herein; and

WHEREAS, three of the motions made at various District Meetings relate to making modifications to Resolution 12-22-09 A entitled “Excluding Ho-Chunk Nation Elders Increase in Emergency Room Co-Pay by One-Hundred Dollars”; and

WHEREAS, two of the three aforementioned motions called for modifying Resolution 12-22-09 A to eliminate the increase in emergency room co-pay if the individual accessing the emergency room service is a child. For purposes of the preceding sentence, a Ho-Chunk Nation child is an enrolled member of the Nation and under eighteen years of age at the time that he or she receives the emergency room service. The motions were made at the Madison and Baraboo District Meetings; and

WHEREAS, one of the three aforementioned motions called for modifying Resolution 12-22-09 A to eliminate the increase in emergency room co-pay if the individual accessing the

emergency room service is a Ho-Chunk Nation Tribal Member and does not have convenient access to an urgent room care facility. For purposes of the preceding sentence, an individual is considered to have convenient access to an urgent room care facility if the individual's primary residence, as declared on his or her annual address verification form submitted to the Enrollment Office, is within a twenty mile radius of any urgent care facility. The motion was made at the Wisconsin Rapids District Meeting.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, rescinds Resolution 12-22-09 A.

BE IT FURTHER RESOLVED that the Legislature, pursuant to its Constitutional authority, except for as provided in the next BE IT FURTHER RESOLVED CLAUSE, increases the emergency room co-pay responsibility by \$100.00 above co-pay amounts as existed prior to adoption of Resolution 12-22-09 A for non-tribal employees and tribal employees.

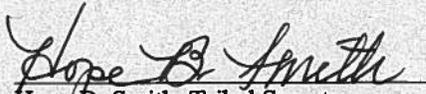
BE IT FURTHER RESOLVED that the Legislature, pursuant to its Constitutional authority, directs that the only exceptions to the previous BE IT FURTHER RESOLVED CLAUSE is for when the emergency room service is for a:

- (1) Ho-Chunk Nation elder. For purposes of the preceding sentence, a Ho-Chunk Nation elder is an enrolled member of the Nation who is over sixty years of age at the time that he or she receives the emergency room service.
- (2) Child of the employee. For purposes of the preceding sentence, the child must be under eighteen years of age at the time that he or she receives the emergency room service.
- (3) Ho-Chunk Nation member and the Ho-Chunk Nation Member lacks convenient access to an urgent room care facility. For purposes of the preceding sentence, a Ho-Chunk Nation Member is considered to have convenient access to an urgent room care facility if his or her primary residence, as declared on his or her annual address verification form submitted to the Enrollment Office, is within a twenty mile radius of any urgent care facility.

BE IT FURTHER RESOLVED that the Legislature, pursuant to its Constitutional authority, directs that this increase in co-pay responsibility shall be effective for all emergency room visits occurring on or after July 1, 2010.

CERTIFICATION

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certifies that the Legislature of the Ho-Chunk Nation, composed of 13 members of whom 12 constituting a quorum were present at a meeting duly called and convened and held that on the 23rd day of March, 2010, that the foregoing resolution was adopted at said meeting by an affirmative vote of 9 members, 3 opposed, and 0 abstaining, pursuant to the Article V, Section 2(a) and (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that the foregoing resolution has not been rescinded or amended in any way. I further certify that this is a verified copy of said resolution.


Hope B. Smith, Tribal Secretary

3-23-10
Date