



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE RESCISSION OF RESOLUTION 12-22-09 D AND IMPLEMENTATION OF WELLNESS INITIATIVE RESOLUTION 3-23-10 D

- 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";

Executive Offices

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. Lone Tree-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, a motion adopted at the Wisconsin Rapids District Meeting sought to modify Resolution 12-22-09 D to lessen the increase called for by Resolution 12-22-09 D with respect to the amount of the deductible for Ho-Chunk Nation Tribal Member employees; and

WHEREAS, Resolution 12-22-09 D provided that the amount of the deductible for Tribal Member employees would be \$500 for single and \$1,000 for family. The motion at the Wisconsin Rapids District Meeting requested that these amounts be decreased in half in order that the amount of the deductible for Tribal Member employees would be \$250 for single; and

WHEREAS, Mr. Butler recommended that if the Nation decreased the amount of the deductible, pursuant to the Wisconsin Rapids District Meeting motion, it should also correspondingly decrease the amount of health reimbursement account incentives available to Tribal Members who participate in the Wellness Initiative created by Resolution 12-22-09 D.

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

BE IT FURTHER RESOLVED, that the Legislature, pursuant to its Constitutional authority, approves the implementation of the Ho-Chunk Nation Wellness Program for all employees and spouses covered by the Ho-Chunk Nation health plans; and

BE IT FURTHER RESOLVED, that the health risk assessment testing for the Ho-Chunk Nation Wellness Program will be conducted initially in May of 2010 and thereafter annually in May and June; and

BE IT FURTHER REOLVED, that testing will be completed annually by Interactive Health Solutions, a vendor previously selected and utilized by the Ho-Chunk Nation; and

BE IT FURTHER RESOLVED, that the Nation will implement a value based wellness plan design with a health reimbursement account for tribal and non-tribal employees:

(1) For Non-Tribal employees:

- (a) the deductible shall be \$1,500 for single and \$3,000 for family;
- (b) the year one health reimbursement account incentives shall be \$750 for having a health risk assessment done in May of 2010 and \$250 for going to a routine preventive office visit;
- (c) the year two and every year thereafter health reimbursement account incentives shall be \$450 for having a health risk assessment done in May or June, \$300 for meeting a health goal index and \$250 for going to a routine preventive office visit; and
- (d) the employee shall be able to roll over 100% of the benefits earned from year to year, but the benefits shall not be portable upon the employee's separation from employment with the Nation.

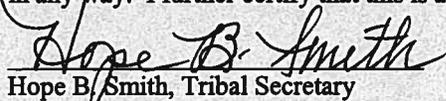
(2) For Tribal employees:

- (a) the deductible shall be \$250 for single and \$500 for family;
- (b) the year one health reimbursement account incentives shall be \$175 for having a health risk assessment done in May of 2010 and \$75 for going to a routine preventive office visit;
- (c) the year two and every year thereafter health reimbursement account incentives shall be \$125 for having a health risk assessment done in May or June, \$75 for meeting a health goal index and \$50 for going to a routine preventive office visit; and
- (d) the employee shall be able to roll over 100% of the benefits earned from year to year, but the benefits shall not be portable upon the employee's separation from employment with the Nation.

BE IT FURTHER RESOLVED that all HIPAA privacy requirements will be followed in order to protect the privacy of individual's personal health information.

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 6 members, 3 opposed, and 3 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