



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE COVERAGE OF DEPENDENT CHILDREN UNDER THE AGE OF TWENTY-SEVEN FOR HO-CHUNK NATION EMPLOYEES WHO ARE TRIBAL MEMBERS RESOLUTION 3-23-10 E

- 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";

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 B entitled “Medicare Like Rates for Contract Health Eligible Tribal Employees”;
- 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, the Madison and Baraboo District Meetings adopted a motion that the Ho-Chunk Nation insurance should expand coverage to enable a Ho-Chunk Nation Tribal Member employee to include his or her children on the Nation’s health insurance plan as a covered dependent if the child is:

- (a) under the age of twenty-seven years of age;
- (b) living at home; and
- (c) fifty-one percent or more financially dependent on the parent who is a Ho-Chunk Nation Member; and

WHEREAS, this motion is consistent with portions of recently enacted Wisconsin Statute § 632.885(2) (a) that requires employers in Wisconsin to provide that:

“every self-insured health plan, shall offer and, if so requested by an applicant or an insured, provide coverage for an adult child of the applicant or insured as a dependent of the applicant or insured if the child satisfies all of the following criteria:

1. The child is over 17 but less than 27 years of age.
2. The child is not married.
3. The child is not eligible for coverage under a group health benefit plan, as defined in s. 632.745(9), that is offered by the child’s employer and for which the amount of the child’s premium contribution is no greater than the premium amount for his or her coverage as a dependent under this section.”; and

WHEREAS, the above provisions generally became effective as of January 1, 2010 for Wisconsin employers; and

WHEREAS, states are excluded from exercising their regulatory or taxing jurisdiction in Indian country and, therefore, this provision of Wisconsin law is not applicable to the Ho-Chunk Nation; and

WHEREAS, as one of the leading employers within Wisconsin, the Ho-Chunk Nation has always sought to have an insurance plan for its employees that is competitive or better than with what is offered by other employers throughout Wisconsin.

NOW THEREFORE BE IT RESOLVED, that the Legislature, pursuant to its Constitutional authority and consistent with the motion made at the Madison District Meeting, directs that the Ho-Chunk Nation insurance plan will enable a Ho-Chunk Nation Tribal Member employee to include his or her child on the Nation’s health insurance plan as a covered dependent if the child-is:

- (a) under the age of twenty-seven years of age;
- (b) living at home; and
- (c) fifty-one percent or more financially dependent, excluding per capita payments, on his or her parent who is a Ho-Chunk Nation Tribal Member.

BE IT FURTHER RESOLVED, that the Ho-Chunk Nation may require the applicant or insured seeking coverage of a dependent child to provide written documentation, initially and annually thereafter, that the dependent child satisfies the criteria for coverage under this Resolution.

BE IT FURTHER RESOLVED, that the Legislature, pursuant to its Constitutional authority, directs that this available coverage of dependents of Ho-Chunk Nation Tribal Members shall be available under the Ho-Chunk Nation insurance plan beginning 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 8 members, 3 opposed, and 1 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
Hope B. Smith, Tribal Secretary

3-23-10
Date