



## **HO-CHUNK NATION LEGISLATURE**

*Governing Body of the Ho-Chunk Nation*

### **HO-CHUNK NATION LEGISLATURE SELECTION OF HO-CHUNK NATION PHARMACY BENEFIT MANAGER**

#### **RESOLUTION 11-06-12B**

- WHEREAS,** on November 1, 1994, the United States 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, pursuant to the Indian Reorganization Act of 1934; and
- WHEREAS,** Article V, Section 2(a) of the Ho-Chunk Nation Constitution ("Constitution") gives the Ho-Chunk Nation Legislature ("Legislature") the power to make laws, including codes, ordinances, resolutions, and statutes; and
- WHEREAS,** Article V, Section 2(b) of the Constitution grants the Legislature the power to establish Executive Departments, and to delegate legislative powers to the Executive branch to be administered by such Departments, in accordance with the law; any Department established by the Legislature shall be administered by the Executive; the Legislature reserves the power to review any action taken by virtue of such delegated power; 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 governmental 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,** Article V, Section 2(x) of the Constitution grants the Legislature the power to enact any other laws, ordinances, resolutions, and statutes necessary to exercise its legislative powers delegated by the General Council pursuant to Article III including but not limited to the foregoing list of powers; and
- WHEREAS,** the Nation maintains an insurance plan for the Nation's employees and the terms and conditions of that plan are set by the Legislature, but the Nation's Personnel Department, Insurance Division helps to maintain and administer such programs; and

#### **Executive Offices**

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**WHEREAS,** the Nation has used Innoviant as its outside Pharmacy Benefit Manager for many years, but recently re-bid the functions in order to improve the services; and

**WHEREAS,** the Nation's Insurance Manager recommended to the Legislative Finance Committee on October 31, 2012 that Clear Scripts be selected as the new Pharmacy Benefit Manager, which the Finance Committee approved; and

**WHEREAS,** the Nation's Personnel Department, Insurance Division has been delegated the authority to work with the Nation's Third Party Administrator(s) on insurance issues, then assist the Legislature in the setting of such terms and conditions of employment; and

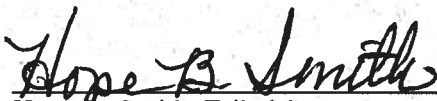
**WHEREAS,** the typical practice between the Personnel and Insurance Staff and the Legislature is that any recommended changes are considered by the Legislature and, if approved in concept, then prepared for contract review and signature as part of the Nation's standard administrative practice;

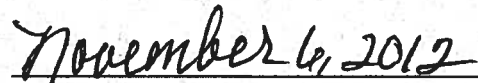
**NOW THEREFORE, BE IT RESOLVED** that the Legislature, pursuant to its Constitutional authority, approves the selection of Clear Scripts as the new Pharmacy Benefit Manager and authorizes the staff of the Personnel Department and Insurance Division to prepare the necessary documentation needed to confirm this selection, subject to the Nation's standard contract review process and protocols for signature;

**BE IT FURTHER RESOLVED** that the Legislature provides this authorization today due to the timing of the situation and the need for approval.

#### **CERTIFICATION**

I, the undersigned, as Tribal Secretary of Ho-Chunk Nation, hereby certify that the Legislature of the Ho-Chunk Nation, composed of **13 members** of whom **8** constituting a quorum were present at a meeting duly called and convened and held that on the **6<sup>th</sup> day of November, 2012**, adopted the foregoing resolution at said meeting by an affirmative vote of **8 members, 0 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

  
\_\_\_\_\_  
Date