



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AMENDMENTS TO HO-CHUNK NATION HEALTH PLANS RESOLUTION 11-19-13R

- 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(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(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 a self-funded health insurance plan as an employer, including health, dental and vision employee benefits ("Plan"); and
- WHEREAS,** the Nation's Personnel Department, Insurance Division, assists the Nation and Legislature in administering the Nation's Plan; and
- WHEREAS,** the Nation has started the process of strategically analyzing the options it has, as an employer, in implementing and responding to the requirements and mandates of the federal Affordable Care Act on the Nation's Plan; and

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- WHEREAS,** the Nation has identified substantial additional costs it may incur as a result of compliance with the Affordable Care Act, which could impact the overall budget of the Nation's government and enterprises; and
- WHEREAS,** in an effort to mitigate the additional costs and negative impacts on the Nation's tribal government budget, the Insurance Division has worked with the Legislature to present various options for changing the Nation's Plan; and
- WHEREAS,** the Insurance Division has worked with the Nation's vendor (Cottingham & Butler) to provide an overview of the Affordable Care Act and the Nation's options for cost-effective compliance, and presented information at multiple meetings; and
- WHEREAS,** on July 25, 2013 at a meeting of the Legislative Health, Social Services & Insurance Committee, an overview the Affordable Care Act and alternatives was initially presented and the Insurance staff were instructed to postpone the full presentation until the Nation's Departments of Health, Social Services and Insurance were all on the same page; and
- WHEREAS,** on August 13, 2013, a meeting was held with staff from the Departments of Health, Social Services, Insurance, Personnel and others in order to discuss the Affordable Care Act, assess impacts and options, and carry out the directive of the Legislative Health, Social Services & Insurance Committee; and
- WHEREAS,** on September 13, 2013, the Insurance Division assisted in the presentation on the requirements and impacts of the Affordable Care Act on the Nation, which was attended by various Legislators at the Nation's Executive Building; and
- WHEREAS,** on September 24, 2013 the Insurance Division assisted with a presentation of information on the Affordable Care Act, along with impacts and options, to the Legislative Finance Committee, and a motion was made to have the issues referred to the Affordable Care Act workgroup meeting on October 21, 2013; and
- WHEREAS,** the Legislative Affordable Care Act workgroup met on October 21, 2013, including six (6) Legislators, staff members from the Legislature, Personnel Department, Insurance Division, and Departments of Health, Social Services and others; and
- WHEREAS,** at the Affordable Care Act workgroup meeting, a summary of the Act was provided, including compliance requirements for the Nation's health plan and the projected substantial costs to the Nation; and
- WHEREAS,** various options and scenarios were presented to the workgroup for consideration, as potential steps to take in mitigating the financial impact on the Nation's health plan and tribal government budget; and

WHEREAS, after continued analysis by the Insurance Division with Cottingham & Butler, and input from Legislators at the October 21, 2013 workgroup meeting, the Insurance Division has recommended the following changes to the Nation's self-insured health plan:

- 1) Insurance department to conduct an eligibility audit of all dependents during annual enrollment to include requiring verification such as birth certificates or marriage certificates or tax returns.
- 2) Working spouse carve-out for non-tribal employees. Spouses of non-tribal employees who have access to coverage through their employer would not be eligible for coverage under the Ho-Chunk Health Plan.
- 3) The aforementioned changes to the Nation's Health Care Plans shall be February 1, 2014.

WHEREAS, the Legislature, in consideration of the costs and mitigation of impacts on the Nation's budget and employees, finds the recommendations by the Insurance Division to be reasonable; and

WHEREAS, the Legislature wishes to reconsider Resolution 11-19-13M, which was defeated by a vote of 5-6-1, by providing it with the resolution letter designation of 11-19-13R;

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, and for the reasons stated above, hereby concurs with the recommendations from the Insurance Division and authorizes the changes and amendments to the Nation's health plan as described above; and

BE IT FURTHER RESOLVED that the Insurance Division shall work to inform all employees of the changes and present information about employee options and impacts under the Affordable Care Act and the changes to the Nation's health plan.

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 **12** constituting a quorum were present at a meeting duly called and convened and held that on the 19th day of November, 2013, adopted the foregoing resolution at said meeting by an **affirmative vote of 8 members, 4 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.

Kathleen Lone Tree-Whiterabbit
Kathleen Lone Tree-Whiterabbit, Tribal Secretary

11.19.13
Date