



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

DEFEATED

HO-CHUNK NATION LEGISLATURE OVERTURN OF PRESIDENTIAL VETO REGARDING RESOLUTION 11-19-13R (AMENDMENTS TO HO-CHUNK NATION HEALTH PLANS)

RESOLUTION 12-03-13F

- 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(s) of the Constitution grants the Legislature the power to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Ho-Chunk Nation; 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

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WHEREAS, the President of the Nation, pursuant to Article VI, Section 2(a) of the Constitution, has the power to execute and administer the laws of the Nation, including the right to veto within fourteen (14) calendar days any action of the Legislature unless overturned by the Legislature pursuant to Article V, Section 2(y); and

WHEREAS, the Legislature is authorized, pursuant to Article V, Section 2(y) of the Constitution, to overturn any Presidential veto, by a 2/3 supermajority vote, and the Legislature must exercise its veto (override) within fourteen (14) calendar days after the President notifies the Legislature of the veto, and the President

shall service notice of the veto to the Vice President and the in absence of the Vice President, notice will be provided to the full Legislature by placing the veto on the agenda under New Business at the next legislative meeting; and

WHEREAS, the Legislature adopted Resolution 11-19-13R, entitled Amendments to Ho-Chunk Nation Health Plans; and

WHEREAS, the goal of Resolution 11-19-13R was to amend the Nation's Employer-sponsored health plan to meet the requirements of the federal Affordable Care Act and mitigate excessive costs that will result from federal compliance; and

WHEREAS, the Legislature received input and recommendations from the Nation's Personnel and Insurance Departments, as well as Cottingham & Butler, for alternatives to achieve federal compliance, mitigate costs and amend the Nation's health plans, and those recommendations were reflected in Resolution 11-19-13R; and

WHEREAS, the President issued a Notice of Presidential Veto of Resolution 11-19-13R, dated November 25, 2013, and emailed to the Vice President the same day by the Executive Legislative Information Officer; and

WHEREAS, as a result of the President's veto, Resolution 11-19-13R is no longer effective, but is subject to be overturned by the Legislature pursuant to Article V, Section 2(y) of the Constitution; and

WHEREAS, the Legislature, after considering all the points and recommendations made by the Personnel and Insurance Departments, the President, and Legislators, finds it appropriate to consider overturning the President's veto in order to bring the Nation's health plan into federal compliance and mitigate the costs associated with such compliance.

NOW THEREFORE, BE IT RESOLVED that the Legislature, pursuant to its Constitutional authority, hereby overturns the veto issued by the President on November 25, 2013 of Resolution 11-19-13R; and

BE IT FURTHER RESOLVED that this Legislative overturn of the President's veto is approved by a two-thirds supermajority vote of the Legislature; and

BE IT FURTHER RESOLVED that Resolution 11-19-13R is hereby restored and is a valid enactment of the Legislature, requiring the actions to be carried out that were contemplated therein.

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 3rd day of December, 2013, defeated the foregoing resolution at said meeting by an **affirmative vote of 5 members, 5 opposed, and 2 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

12.3.13
Date

