



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE AMENDMENTS TO HO-CHUNK NATION HEALTH PLANS RECOGNIZING SAME-SEX MARRIAGE FOR PURPOSES OF PLAN BENEFITS AND COVERAGE

RESOLUTION 12-09-14H

- 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 self-funded health insurance plans 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 Plans; and

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WHEREAS, many states, including the State of Wisconsin, now recognize same-sex marriage as a result of recent federal court rulings, including the U.S. Supreme Court; and

WHEREAS, the Nation's health care plans currently exclude same-sex marriages and domestic partnerships; and

WHEREAS, it is reasonable for the plans to recognize all marriages as legal but not domestic partnerships; and

WHEREAS, the Insurance Division is recommending that all marriages, regardless of sexual orientation, be recognized for purposes of Ho-Chunk Nation plan benefits and coverage effective February 1, 2015; and

WHEREAS, the Legislature finds the recommendations by the Insurance Division to be reasonable.

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 the changes to the Nation's health plan; and

BE IT FURTHER RESOLVED that the Vice President is authorized to sign any necessary Plan Amendments required by this Resolution.

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 10 constituting a quorum were present at a meeting duly called and convened and held that on the **9th day of December, 2014**, adopted the foregoing resolution at said meeting by an affirmative vote of 10 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.

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

12.9.14
Date