



HO-CHUNK NATION LEGISLATURE

Governing Body of the Ho-Chunk Nation

HO-CHUNK NATION LEGISLATURE PASSAGE OF AMENDMENTS TO THE ELDER PROTECTION ACT (4 HCC §1)

RESOLUTION 08-08-11F

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(r) of the Constitution grants the Legislature the power to protect and foster Ho-Chunk religious freedom, culture, language, and traditions; 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, the Legislature enacted the Elder Protection Act by Legislative Resolution 01/09/01 B; and

WHEREAS, the Legislature identified the need to amend the Elder Protection Act to further strengthen the purpose and goals of the Act including protection of Elders of the Nation from abuse, neglect, self-neglect, and exploitation; and

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WHEREAS, Section 31, subparagraph d(1)(a) of the Legislative Organization Act provides that the Public Review period for consideration of proposed laws or amendments will typically be forty-five (45) days; and

WHEREAS, the Legislature adopted Resolution 3-22-11 A to place the proposed amendments to the Appropriations and Budget Process Act out for forty-five day public comment; and

WHEREAS, the Legislature made a motion at the legislative meeting on May 17, 2011 to extend the comment period on the proposed amendments to the Elder Protection Act; and

WHEREAS, comments were received on the amendments including input from the Tribal Aging Unit Board and an informal workgroup composed of representatives from the Legislative Branch and the Executive Branch; and

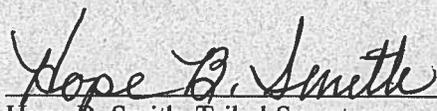
WHEREAS, the Legislature considered these comments and identified comments to be incorporated into the final draft of the amendments at its August 8, 2011 meeting;

NOW THEREFORE, BE IT RESOLVED, that the Legislature incorporates the comments received from both the Tribal Elder Advisory Board and Elder Protection Act workgroup to amend Chapter I § 5[b] to include the term “financial exploitation” in the definition of Abuse; to include in Chapter II § 8 the following language “ j. Any persons or agency, including their employees, with fiduciary responsibilities to an Elder such as accountants, property managers, financial advisors, or financial institutions”; and to amend Chapter V § 21[d] by changing the evidentiary standard from “clear and convincing evidence” to “a preponderance of the evidence.”

BE IT FURTHER RESOLVED, that the Legislature, pursuant to its Constitutional authority, adopts the attached Elder Protection Act as amended.

CERTIFICATION

I, the undersigned, as Tribal Secretary of the Ho-Chunk Nation Legislature, 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 on the 8th day of August, 2011, that the foregoing resolution was adopted at said meeting by an affirmative vote of **12 members, 0 opposed, and 0 abstaining**, pursuant to the authority of Article V, Section 2 (a) through (x) of the Constitution of the Ho-Chunk Nation approved by the Secretary of the Interior on November 1, 1994, and that said 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