



Covering the
Ho-Chunk
Nation

HOCAK WORAK

Vol. XXXII, Issue 1

Huc wiconj na wira | First Bear Moon

January 12, 2018



La Crosse community
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'Hiawatha' statue

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Native pride resonates through Menominee Nation Arena
as Wisconsin Herd faces Grand Rapids Drive

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Ho-Chunk Nation moves forward with Tribal Action Plan to address the growing drug epidemic

Tim Wohlers
Staff Writer

Representatives from the Ho-Chunk Nation attended a meeting in Black River Falls this month, to discuss the Tribal Action Plan (TAP) that they have developed.

The plan has outlined ways to address an ongoing drug problem.

"Tribal Action Plans are something that the state of Wisconsin has with each of the tribes," said Pharmacy Director Ted Hall. "They assist with developing a strategic plan around prevention and treatment of drugs, and alcohol."

Ho-Chunk Nation developed its own plan last year, after several of its tribal members suffered fatal drug overdoses.

To manage it, the tribe formed a Tribal Coordinating Committee (TCC) comprised of community

members and representatives from numerous departments in the Nation. Departments of Health, Housing, Education and several others have been involved.

However, their plan has been slow to get off the ground.

"It's obvious that the Tribal Action Plan really hasn't been progressing as fast as we want it to," said Executive Director of Housing Myra Price. "We're just in the initial phases."

The often-frustrating crawl has not phased committee members, though. Rather, they have been encouraging one another to keep striving toward their goal of eliminating drug use in the tribe.

They discussed ways to reach that goal during a Jan. 8 meeting.

Agenda items included grant applications to assist with funding the program, safe houses for those who are awaiting treatment, and options for a website or social-media page.

The committee first considered a Rural Health Network Development Program Planning Grant – which would give the group \$100,000 to work with as it pursues development of a healthcare network that is more accessible to rural residents.

District 1 Legislator Hinu Smith saw the grant as an excellent opportunity.

"A planning grant like this could be a doorway to more funding," Smith said. "And



Pharmacist Ted Hall leads drug-abuse prevention training.

maybe this is a source to fund the supportive-living homes."

Safe houses were the next agenda item. According to Director of Housing Myra Price, her department has already acquired two such homes – one in Black River Falls, and another in Necedah. They have begun searching for a third, elsewhere in Wisconsin.

Various models for the program have been under consideration.

"We don't know what we're doing yet," Price said. "I've been looking at our lease, and there has been some legal questions."

On-site counseling could be something to consider, Price said.

The committee then weighed its options for an online platform to help spread the word about the tribe's Action Plan. Tribal AmeriCorps Program Man-

ager Henrietta Funmaker discussed the possibility of a social-media page.

"It would be easier to put it out on Facebook," Funmaker said. "The question is...Do we want to be on Facebook?"

The committee debated the issue at length, but ended up tabling the discussion for a later date.

Other items addressed at the meeting included the level of participation in community drug walks, attendance at the recent "sobriety powwow," and the upcoming NARCAN training for the Nation's employees. "Our pharmacists are leading the NARCAN-training initiative," Pharmacist Ted Hall said, "that will take place in every community."

The training has already taken place in Nekoosa, and will be available to anyone who expresses interest. Those wishing to have train-

ing in their own community should contact the pharmacy, or a member of the coordinating committee.

Its next meeting will take place on Feb. 12, in Nekoosa.



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Legislature creates a resolution against General Council resolutions

Marlon WhiteEagle
Editor

The Ho-Chunk Nation Legislature passed a resolution titled, Limited Waiver of Sovereign Immunity of the Office of General Council and Ho-Chunk Nation General Council, with a unanimous vote, 9 to 0.

Resolution 11-07-17K, which attempts to refute the Ho-Chunk Nation Constitution, passed on November 7, 2017.

The Ho-Chunk Nation Constitution states in Article XII, Section 1, Immunity of Nation from Suit, that The Ho-Chunk Nation shall be immune from suit except to the extent that the Legislature expressly waives its sovereign immunity, and officials and employees of the Ho-Chunk Nation acting within the scope of their duties or authority shall be immune from suit.

Resolution 11-07-17K omitted the sentence, "Except suits brought in Article IV, Section 3(a)."

The omitted sentence refers to the powers retained by the General Council.

The Ho-Chunk Nation Constitution says, "General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at annual meetings and special meetings, by a majority vote of qualified voters of the Ho-Chunk Nation General Council."

"This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within 45 days after a majority vote."

Section 3(a) gives timelines of action required by the Ho-Chunk Nation Constitution to the Legislative, Executive, and Judicial branches. Each branch is delegated its authority from the General Council branch.

Section 3(a) also states, "In the event that this policy is not enacted by the Legislative Branch or enforced by the Executive Branch within 15 days of the aforementioned deadlines, the Ho-Chunk Nation General Council shall file suit in the Ho-Chunk Nation

Tribal Court against elected officials of the Ho-Chunk Nation branch of government."

Legislators who voted for this resolution must not know that the Ho-Chunk Nation Constitution instructs or orders the Ho-Chunk Nation General Council to file suit against the Legislature.

If Legislature met its Constitutional deadlines, there'd be no need for a court filing.

Legislature adds its own spin on what the Constitution says, when they add the word, "or any of its sub-entities" to the resolution. Where is the definition of "sub-entities" that's being referred to here?

That Whereas statement reads, "authority granted in Article XII, Section 1 of the Constitution to waive sovereign immunity of the Nation, or any of its sub-entities, is an authority given to the Legislature."

Another of Resolution 11-07-17K's Whereas statements says, "In the aftermath of the 2017 Annual General Council meeting, which took place in September of 2017, the Office of General Council has

indicated it may file litigation against the Legislature."

Why did the Legislature choose to use the word, aftermath, when referring to the General Council's annual meeting?

Aftermath is defined as the consequence of a significantly unpleasant event. Since when is the General Council proposing and approving the nation's policy a significantly unpleasant event?

The next Whereas statement says, "the Legislature finds that should there be a need to file an appropriate legal response, it is appropriate to waive the sovereign immunity of the General Council itself and the Office of General Council on a limited basis for litigation related to the 2017 Annual General Council meeting."

The Ho-Chunk Nation Constitution, through delegation of authority by the General Council, authorizes the Legislature "to negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals."

The Nation's sovereign immunity protects the tribe from being sued by external parties. Article XII, Sovereign Immunity, addresses instances where Legislature "expressly waives its sovereign immunity" when negotiating.

The Legislature is taking liberties when it passed Resolution 11-07-17K. The General Council would have had to negotiate and enter into some agreement with Legislature for any of its sovereign immunity to be waived.

How much time, energy, and most importantly, money, did the Legislature waste on this nonsensical and self-serving resolution?

Is this another way for the legislature to avoid doing its duties of addressing General Council resolutions?

Their time could be better spent on implementing the policy set by the General Council. Our goal is to move forward together, not tie up things up in tribal court.

Badger football deserves more credit

Tim Wohlers
Staff Writer

The Wisconsin Badgers football team should get more credit for its success on the field this year, considering it was one of two teams to finish the regular season undefeated.

By the end of November, the Badgers had outscored conference opponents by 174 points and had defeated two nationally-ranked teams.

Despite such impressive feats, critics downplayed their accomplishments throughout

the entire season, attributing the team's perfect record to nothing more than a weak schedule.

"They have not played anybody," said Ohio State sports reporter Tim Bielik. "Their non-conference schedule has not been very good. They were counting on teams like BYU to be good...and BYU has been bad this season."

ESPN college football analyst Tim Tebow shared a similar opinion heading into the postseason, when debating

which teams should compete in the College Football Playoffs.

"They're not one of the four best teams," Tebow said. "You look at film, and they're just not one of the four best teams."

Tebow's comments left many Badger fans scratching their heads, wondering why Wisconsin was one of only two teams that were still undefeated at the end of the regular season if everyone else was so much better.

After all, Wisconsin wasn't playing Division II schools. The Badgers had faced off against the likes of Michigan, who ranked 7th in the nation heading into Week 3, and an Iowa team that went undefeated in the 2015 regular season.

The fact that their other opponents struggled shouldn't overshadow those hard-fought victories.

"I know their schedule's not great," said sports writer Bill Landis. "You know who else's schedule isn't great? Alabama's schedule isn't great. Georgia's schedule is just okay. No one really has a good schedule."

Yet correspondents like Tebow argued that those teams deserved a spot in the playoffs ahead of Wisconsin, overlooking the loss they each suffered against Auburn.

Many of us Badger fans saw a problem with that logic. As far as we had known, a 12-0 team was better than an 11-1 team.

Perhaps things have changed, though.

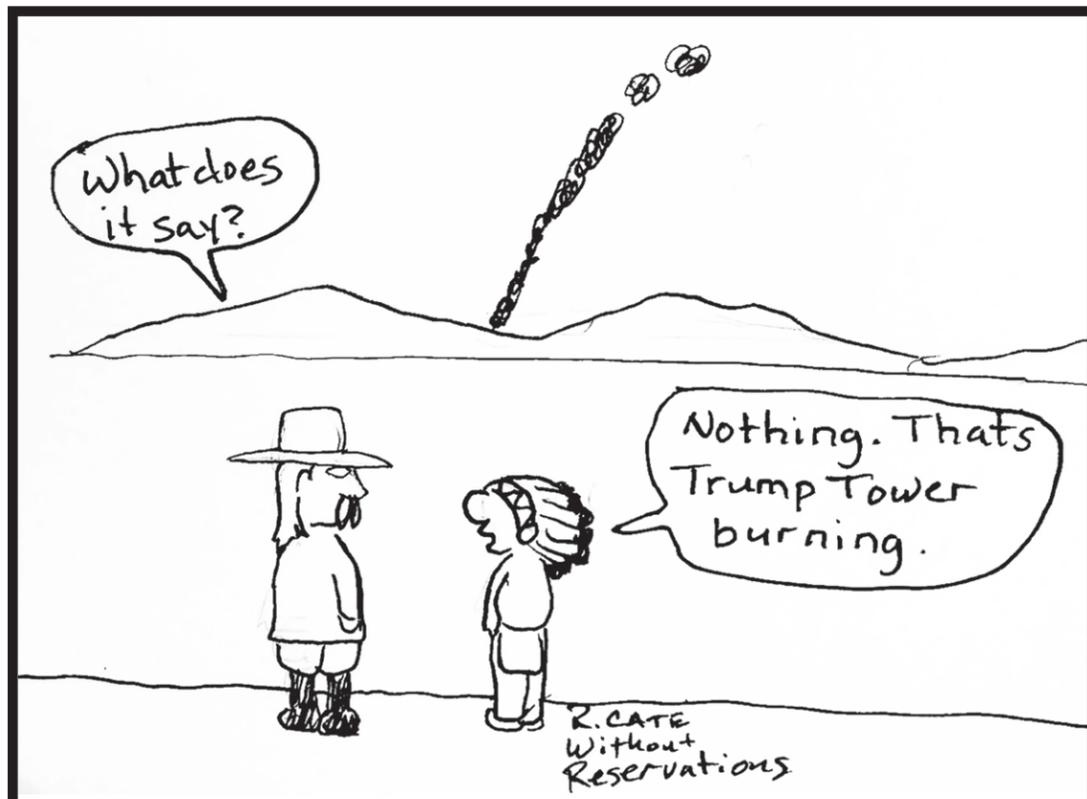
Maybe a perfect record shouldn't hold much weight. Maybe all teams should have a loss or two to fit in. In fact, maybe losing has become the cool new thing to do.

And maybe we should get real.

An undefeated team should get the recognition it deserves. Unless they had 12 flukes in a row, they won their games for a reason – they played better football, like Wisconsin did in the 2017 regular season.

Let's try to remember that in future, when the Badgers have their next undefeated season.

Without Reservations



Banner Journal's Indian Report by Charles Low Cloud

Printed from January 14, 1931



INDIAN MISSION

Paul J. Mike is cutting wood for his uncle, Frank Mike. Mr. and Mrs. Will Hall have gone to Wittenberg to stay for the rest of the winter. Howard White, of Wisconsin Rapids, brought his sister Susie to Peter Pettibone's. Joe Thunder, of Wyeville, was here last Monday, visit for a few days at Alex Thunder Cloud's. Helen Stacy, of Cass Lake, Minn., came back for a few days visit with her parents, Mr. and Mrs. John Stacy. John Big Soldier says the weather has been mild, but we are bound to have a cold spell before January is over.

La Crosse community debates on future of 'Hiawatha' statue

Ken Luchterhand
Staff Writer

Further discussions of a Native American statute in Riverside Park in La Crosse are continuing, with a meeting about the issue on Thursday, Jan. 4, at the Ni Tani Hocira, or Three Rivers House, in La Crosse.

At the center of the debate is whether a 25-foot sculpture named "Hiawatha" should remain at the park or taken down, with residents speaking on either side of the issue.

No formal move has been made to remove the statue, but the issue is continuing to draw further heated discussions.

The main question is whether the statue is degrading to the Ho-Chunk people, the original inhabitants of the area, or if it should remain as art or a historical landmark.

At the meeting Thursday night, several tribal members spoke at the meeting, including Jon Greendeer, director of the Ho-Chunk Nation Heritage Preservation Department. Approximately 90 to 100 people were in attendance. Tracy Littlejohn and Elizabeth Digby-Britten, home school coordinators with the Ho-Chunk Nation, organized the meeting.

As a historical perspective, a Chamber-County-City Tourist Publicity Committee (CCCTPC) stemming from the La Crosse Chamber of Commerce commissioned a statue in the 1950s to serve as a tourist attraction. The committee chose local art teacher Anthony Zimmerhagl to create the statue, who chose to base the statue on the fictional version of Hiawatha from poet Henry Wadsworth Longfellow. Zimmerhagl completed the statue after four years of work in his backyard with the help of his children.

In January 1960, it was erected in Riverside Park. In 1961 and 1962, the CCCTPC offered "Hiawatha" as its name, although many people opposed the name. Other names were proposed, but ultimately, in 1962, the statue became known as "Hiawatha," although the original statue was created as a mixture of all Native American cultures.

In 2000, people became concerned about the appearance of the statue. It was cracked, parts had fallen off and it had been whitewashed. Despite the original agreement that the Chamber of Commerce would be financially responsible for the maintenance, it at some point was abandoned and being in a city park, fell into the city's domain. Unfortunately, the

city did not have the funds to properly care for the statue.

Debates occurred in 2000 in regards to its purpose, intent, relevance and for some, racist stereotype. Eventually, private citizens fundraised to help with repairing and repainting the statue. The painting was done in such a way to reflect Ho-Chunk attire.

The city spent \$35,000, including \$16,395 in private donations, to restore the statue.

Since that time, 17 years later, the existence of the statue is again in question.

"All I can do is provide my opinion, as a Ho-Chunk woman who has lived in La Crosse for 41 years," Littlejohn said. "My father had told me that his father offered to help Mr. Zimmerhagl with the statue's image, but was told he wasn't needed since the artist had books to reference. At no point was the statue intended to represent the Ho-Chunk, the original inhabitants of this area. It was a tourist attraction.

"I don't doubt the fact when I've heard that Mr. Zimmerhagl appreciated Native American culture, however it seems it may have been based on books that we know today were not accurate and were written from the viewpoint when Native Americans were still primarily seen as savage, speaking with broken English and 'uncivilized.' Even though there were already Native American physicians, teachers, and pro athletes for years prior," she said.

Littlejohn pointed out how studies show how stereotypes undermine the self-esteem and healthy identities of marginalized groups such as Native Americans.

"Inter-generational trauma, racism, white supremacist systems and a loss of history and culture due to forced assimilation has taken its toll on our communities. We have the highest suicide rates of any group; the greatest achievement gaps in schools and highest drop-out rates of any population," Littlejohn said.

On the flip side of the coin, people are supporting it to remain in Riverside Park both as a historical landmark and a significant work of art.

"I'm not sure how you erect art, whether you hang it on the wall or put it in the park, and expect to please everybody, because that ain't going to happen," said La Crosse Arts Board member Dick Record at a previous meeting.

La Crosse Common Council member Gary Padesky said that it was built as a way to honor a culture he felt was important and the city should

not remove art based on its possible offensiveness.

"There are a lot of us who had Mr. Zimmerhagl as a teacher, who grew up here, who have a lot of personal feelings for that statue or of art in particular," Padesky said at a previous meeting.

Over the years, Littlejohn's opinion of the statue has changed as she became more aware of what it might represent.

"I remember listening to the voice that boomed from the foot of the statue when I was a child. In that era, I did not know who Hiawatha was to know it would be insulting to the people he came from. To me, it was cool that one of the stories I knew was mentioned," she said.

"But as I've gotten older, became a parent and now work with Native American youth, I can in no way be okay with the statue staying where it is. It does not reflect accurately local history, it does not teach anything but a stereotypical native man in a mish mash of clothes from different tribes, and it reminds us that the only Indian most people recognize is one from history books, not of all we've endured and achieved since settlers began arriving in the mid-1800s," Littlejohn said.

She disagrees with those

who might want to keep the statue based on tradition.

"Our versions of tradition may be different. Sixty-six years of a tourist attraction versus the thousands of years the Ho-Chunk have been around is a huge gap," she said. "There are plenty of other wonderful things in La Crosse to visit such as the bluff, the parks themselves, downtown retailers, and the Pump House mural."

Littlejohn believes it's time to retire "Hiawatha."

"Having been made out of concrete, it was never going to survive. Now that we're hearing there's a time capsule in his ribcage, Mr. Zimmerhagl knew that at some point, his creation would be past its prime. His sincere intent is not doubted, but the affect it can have on people must be considered," Littlejohn said.

"Yes, it is just one statue, how much harm can it do? Well when it's not the only thing we see on a regular basis, things pile up and can actually destroy a life. Is it fair to ignore the emotional well-being of a people already suffering from white supremacist history just to keep an expensive, stereotypical photo opportunity standing?" she asked.

"Please, he needs to go," Littlejohn said.



Legislative Update

Submitted by Lynette LeGarde, HCN Legislative Chief Communications Officer

The Ho-Chunk Nation Legislature has been busy over the last couple months. Here are some highlights from the current Legislative Meetings.

November 7, 2017

A Legislative Redistricting Workgroup was created. A Gaming Compact Deduction was approved for the Boys and Girls Club of Greater Chippewa Valley-Jackson County Center. There was authorization for travel and attendance at White House Events of Critical Importance to the Ho-Chunk Nation. The General Welfare Exclusion Act was put out for 45 day Public Comment. Amendments to the Election Code were adopted.

November 21, 2017

A resolution for amendments to the Ho-Chunk Nation Health and Prescription Plan were passed. A resolution in support of applying for the Great Lakes Inter-Tribal Council, Inc. Bemidji Area Leaders Acting for Change Mini-Grant was approved. A resolution in support of the Education Department Head Start Division to apply for a Head Start Federal Continuation Grant was approved. The 2018-2021 Tribal Transportation Improvement Plan was adopted. A Cooperative Jackson County/Tribal Law Enforcement Agreement was approved. A Cooperative Monroe County/Tribal Law Enforcement Agreement was approved. A Cooperative Wood County/Tribal Law Enforcement Agreement

was approved. A Cooperative Shawano County/Tribal Law Enforcement Agreement was approved. A Cooperative Sauk County/Tribal Law Enforcement Agreement was approved. A Cooperative Juneau County/Tribal Law Enforcement Agreement was approved. Appointments of Justices for Pro Tempore for Ho-Chunk Nation Supreme Court Case were passed. A suitability waiver was passed. The Charitable Request Act was placed out for 45 Day Public Comment. Amendments were adopted for the Ho-Chunk Nation Prescription Benefit Plan.

Thank you for your time and attention. Have a great holiday and Happy New Year!!

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The Hocak Worak is a member of:
The Native American Journalist Association



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Flu makes first appearance at Ho-Chunk clinic

Ken Luchterhand
Staff Writer

It's that time of year – the sniffles and coughs are upon us, including the flu season.

Colds and flu usually appear this time of year, when people spend a majority of the time indoors, where people can spread whatever illness is going around.

More than 270 influenza-related hospitalizations in the state this week. Both influenza and Respiratory Syncytial Virus (RSV) made a large upswing in the past week.

The flu also has arrived at one Ho-Chunk health Care Clinic.

"We've had one confirmed case of flu at the Black River Falls clinic," said Dr. Amy DeLong, MD, physician at the House of Wellness in Baraboo.

Wisconsin, as a whole, is experiencing moderate influenza-like illness activity, according to statistics available to DeLong. Many states are now experiencing high levels, including some of the states neighboring Wisconsin.

In the state, about 20 percent of people tested for influenza are coming back positive. Of the tested patients, more than 90 percent are Influenza A strains.

About 10 percent of people tested for RSV are coming back positive.

DeLong recommends that everyone get a flu shot, not only to protect themselves, but also to protect the people who may come into contact with an ill person.

"The vaccination rate for influenza is slightly below this same time last year and substantially below the goal of 70 percent, although our health department is doing amazing giving the flu shots. We have had to order additional doses twice already."

DeLong does not recommend seeing the doctor immediately if someone contracts a virus.

"Really, they should not be in waiting rooms or in public and treated at home if possible, DeLong said. "The antivirals (like Tamiflu) really do not work well, so use them seldom."

Keep up the great work recommending flu vaccination, especially to those at high risk, use good hand hygiene and practice good respiratory etiquette. If you have a fever/chills/cough/headache, remember to stay home, rest, drink plenty of fluids and avoid contact with very young and very old community members.

The CDC is DeLong's favorite website for up to date information on health topics. www.cdc.gov.



Are you feeling sick as a dog?

SYMPTOM	COLD	FLU
Fever	Rare	Usually present (100.4° or higher)
Headache	Mild if present	Common
General Aches & Pains	Mild if present	Common, often severe
Fatigue & Weakness	Sometimes	Extreme, can last 2-3 weeks
Stuffy or Runny Nose	Common	Uncommon
Sneezing	Common	Uncommon
Sore Throat	Common	Common
Chest Discomfort	Mild to moderate	Often severe
Cough	Hacking cough	Common

STIs at all-time high: Know your risk

Submitted by J. Baird, Infection Prevention Nurse for HCN Health Department

According to the Centers for Disease Control and Prevention, sexually transmitted infections (STIs), such as chlamydia and gonorrhea, have reached the highest number of combined cases in US history! The Midwest region of the United States has the 2nd highest rate of chlamydia and gonorrhea in the country and American Indians and Alaskan Natives have the 2nd highest rate of chlamydia and gonorrhea of any other race/ethnicity in the country. Both conditions affect men and women but chlamydia is more common than gonorrhea. While some people notice symptoms, many people never experience any symptoms and never even realize they are infected. Even without symptoms, STIs can still be passed from person to person and can affect multiple areas of the body. Untreated STIs can lead to infertility, pelvic inflammatory disease, epididymitis, ectopic pregnancy and chronic pelvic pain. Screening can be done with a simple urine sample and once diagnosed chlamydia and gonorrhea are easily treated with antibiotics.

Here are some tips for both men and women that can reduce your risk for STIs:

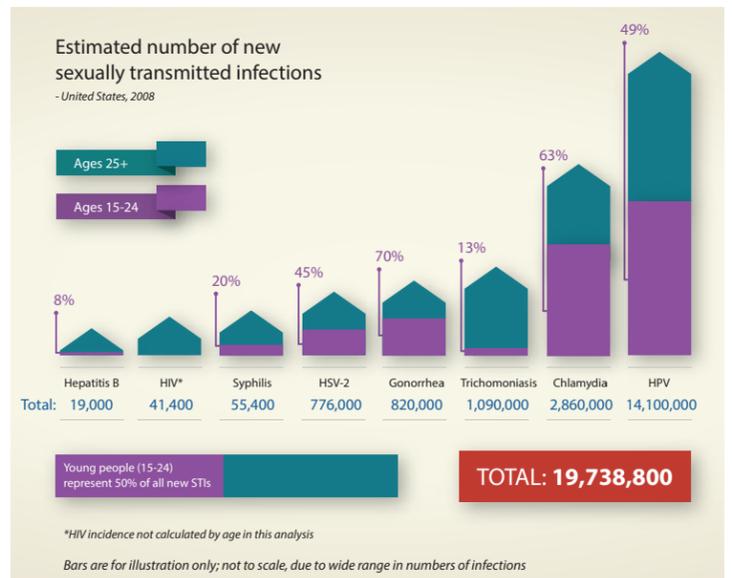
- Get tested regularly (at

least annually, more often if you have new partners)

- Use condoms correctly and every time
- Practice abstinence or mutual monogamy
- See your healthcare provider regularly and ask about getting tested

• If you are under the age of 27, get your HPV vaccine

For questions or additional information, contact your health care provider at HHCC/HOW, your closest Community Health Office, or your county health department.



THE LOWDOWN ON HOW TO PREVENT SEXUALLY TRANSMITTED DISEASES

Every year, there are an estimated **20 MILLION** new STD infections in the United States. Anyone who is sexually active can get an STD. Some groups are disproportionately affected by STDs: Adolescents and Young Adults; Gay, Bisexual, & other Men who have Sex with Men; Some Racial and Ethnic Minorities.

The Good News: STDs ARE preventable. There are steps you can take to keep yourself and your partner(s) healthy. Here's How You Can Avoid Giving or Getting an STD:

- Practice Abstinence**: The surest way to avoid STDs is to not have sex. This means not having vaginal, oral, or anal sex.
- Have Fewer Partners**: Agree to only have sex with one person who agrees to only have sex with you. Make sure you both get tested to know for sure that neither of you has an STD. This is one of the most reliable ways to avoid STDs.
- Talk With Your Partner**: Talk with your sex partner(s) about STDs and staying safe before having sex. Why take a chance when we can know for sure? Let's both get tested together! It might be uncomfortable to start the conversation, but protecting your health is your responsibility.
- Use Condoms**: Using a condom correctly every time you have sex can help you avoid STDs. Condoms lessen the risk of infection for all STDs. You still can get certain STDs, like herpes or HPV, from contact with your partner's skin even when using a condom.
- Get Vaccinated**: The most common STD can be prevented by a vaccine. The HPV vaccine is safe, effective, and can help you avoid HPV-related health problems like genital warts and some cancers. Who should get the HPV vaccine? Routine vaccination for boys & girls ages 11 to 12. Catch-up vaccination for: Young women from age 13 to age 26 and young men from age 13 to age 21; Gay, Bisexual, & other Men who have sex with Men up to age 26; Men with compromised immune systems up to age 26.
- Get Tested**: Many STDs don't have symptoms, but they can still cause health problems. Talk with your health care provider; Search for CDC recommended tests; Find a location to get tested for STDs. The only way to know for sure if you have an STD is to get tested.
- If You Test Positive...**: Getting an STD is not the end! Many STDs are curable and all are treatable. If either you or your partner is infected with an STD that can be cured, both of you need to start treatment immediately to avoid getting re-infected.

View Infographic Online at: www.cdc.gov/std/prevention/lowdown/



Becky Windsor teaches Senior Stay Fit Chair Yoga at the Lunda Community Center.

Strength and fitness opportunities for seniors available through BRMH

Submitted by Katie Schmidt, Black River Memorial Hospital
 Becky Windsor, Group Fitness Instructor and Personal Trainer at Black River Memorial Hospital (BRMH), will be teaching Senior Stay Fit Classes throughout the year to help seniors stay active. "I encourage seniors to give these classes a try. We work to improve strength, flexibility, balance and build confidence in their abilities." Classes will take place at the Lunda Community Center. Seniors have a choice of four classes; Senior Stay Fit Strength, Senior Stay Fit Yoga, ONward and UPward Chair Yoga, and Tai Chi for Rehabilitation. Participants can sign up for eight sessions for \$25 or four sessions for \$15. Pre-registration is required. Those interested should contact Becky Windsor at 715-284-1379. Same day registrations are acceptable. Space is limited. For more information about these classes and more, go to www.brmh.net/services/rehabilitation/exercise-classes.

Ho-Chunk Gaming supports Polar Plunge again this year for the Special Olympics

Tris Harris
 Senior Manager-Public Relations, HCG Black River Falls/Tomah
 On February 25th, Ho-Chunk Gaming Black River Falls (HCG-BRF) Slot Supervisor, Justin Jones will be participating in the Polar Plunge at Half Moon Beach in Eau Claire. The Polar Plunge supports the Special Olympics of Wisconsin and there are 12 plunges done throughout Wisconsin in February and March each year. The Special Olympics is celebrating its 50th year and the Polar Plunge has raised over \$19 Million since 1999.



Justin Jones, HCG-BRF Slot Supervisor and Tris Harris, HCG-BRF Sr. Mgr. of Public Relations.

This is Justin's 3rd year being a team Captain for the "Foolish Kwiktrippers" from Black River Falls. He is passionate about the Special Olympics because he has a few co-workers with special needs and also a very special cousin, he says "to me, helping those with special needs just feels like it should be a top priority. It's kind of a big deal and I do what I can for the cause." HCG-BRF presented Justin a check for \$500 that will go straight to

the Special Olympics on behalf of his team. If you live in Black River Falls, stop in at one of the Kwik Trip locations and look for the donation jar for Justin's team, a little bit goes a long way. There are 90 Special Olympians that the funds support and it takes an average of \$600 for each

Olympian to participate in the Special Olympics. You can also show your support by creating your own team to do the Polar Plunge nearest you or donating directly at: <http://polarplungewi.org/ways-to-participate/ways-to-plunge/> and chose Pledge a Plunger, search for Justin Jones to donate today!

Prevent TYPE 2 DIABETES

Nekoosa

Classes start February 13th, 2018 Nekoosa Health Office

Only 8 spots left!!

Class will run from February to December on the following schedule:

- **Feb-May** classes will meet once a week from 10-11AM on Tuesdays.
- **June-Aug** will meet twice a month First and third Tuesday of each month.
- **Sept - December** will meet once a month first Tuesday of each month.

Contact Rachel Montana at 715-284-9851, Ext: 5039 to sign up. Pre-labs and a brief assessment are required to be completed prior to starting classes.

Prevent TYPE 2 DIABETES

Wittenberg

Classes start February 8th, 2018 Siga Funmaker Community Building

Only 8 spots left!!

Class will run from February to December on the following schedule:

- **Feb-May** classes will meet once a week from 1-2PM on Thursday.
- **June-Aug** will meet twice a month First and third Thursday of each month.
- **Sept - December** will meet once a month first Thursday of each month.

Contact Rachel Montana at 715-284-9851, Ext: 5039 to sign up. Pre-labs and a brief assessment are required to be completed prior to starting classes.



American Indian Families in Partnership

A Training Series for American Indian Families Who Have Children with Disabilities Ages 6-14

How Do I Register for American Indian Families in Partnership?

Call...
 Julie Beckwith,
 608-745-5421

Please Register by February 16, 2018

Space is Limited!

A small stipend is available to help offset costs for attending the trainings

Questions Contact:

Liz Wabindato,
 WSPEI Statewide Family Engagement Coordinator for American Indian Families
 715-682-2363, ext. 115

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Native pride resonates through Menominee Nation Arena as Wisconsin Herd faces Grand Rapids Drive

Tim Wohlers
Staff Writer

OSHKOSH, WI – Many Native Americans felt a sense of pride as they walked through Menominee Nation Arena last month, just a few weeks after the facility opened.

“It’s a really proud moment for us,” said Menominee tribal member Tony Waupo-chick. “Everyone talks about negative things, and the news always broadcasts negative things. Well, this is a positive thing that we can be proud of.”

For his tribe purchased naming rights to the Oshkosh arena in October, at which point it officially became the ‘Menominee Nation Arena’.

The stadium opened its doors the last week of November, and now serves as the home court of the Wisconsin Herd basketball team.

“It’s a real honor to be part of this arena,” Waupo-chick said. “Chief Oshkosh was one of our early chiefs, and the town is named after him. So it’s a proud moment for the Menominee people.”

Youth tribal member Sa-sanehseah Shawanokasic agreed.

“It’s like we’re noticed more,” Shawanokasic said. “We’re not silent anymore. Now I can say, ‘I’m from Menominee and an arena’s named after my tribe.’ The fact that I can tell people that is something to be proud of.”

Tribal members did not comment on other business opportunities, but one could expect the Menominee Casino Resort in Keshena to be featured in the new advertising space.

Another source of native pride came during a Dec. 20 game against the Grand Rapids Drive, which has two Native American players on the team. Rookie guard Bronson Koenig was born and raised in Wisconsin, and is an enrolled member of the Ho-Chunk tribe.

“It feels great,” Koenig said of the homecoming. “Growing up here and playing in college here, I haven’t left Wisconsin for a long period of time. So it’s definitely nice to be back.”

Koenig claimed to have no knowledge of the Menominee Nation’s investment, but said he was happy for his fellow tribal members nonetheless.

“I didn’t even know that it was going to be called the Menominee Nation Arena,” Koenig said. “But when we pulled up for shoot-around, it was pretty cool to see that on the side of the building.”

The rookie guard invited almost 30 of his friends and family to the Wednesday-night game, where he would wind up scoring 14 points in 20.3 minutes of play. That effort helped his team to a 111-104 upset over the Wisconsin Herd.

He credited his performance to the Native presence in the arena that night.

“It’s nice to have all that support from the Native community,” Koenig said.

Teammate Derek Willis came from Kentucky, and is the other Native American player on Grand Rapids. He graduated college in 2017, and was just grateful that he ended up on a team with another member of his demographic.

“It’s really cool,” Willis said. “At any games we go to, there’s usually a Native American tribe there or people who are Native American. And it’s something that the younger kids can look up to.”

Menominee’s youth tribal member shared similar thoughts. She said that Koenig and Willis were role models to many Native American youth like herself.

“Seeing two Native Americans actually go for it is inspiring,” Shawanokasic said, “and it makes you want to go for it.”

The two indigenous athletes are scheduled to return to Menominee Nation Arena on Feb. 9, when Grand Rapids faces off against its division rival once again.





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Attorney General Opinion regarding proposed amendments to the CONSTITUTION OF THE HO-CHUNK NATION

The Attorney General presents the following analysis of constitutional amendments proposed by the General Council in fulfillment of her duty under the Nation's ELECTION CODE. The proposed amendments are analyzed in the order they were passed by the General Council. The Election Board met on December 4, 2017 regarding an election to amend certain provisions of the CONSTITUTION OF THE HO-CHUNK NATION (hereinafter CONSTITUTION). The Election Board referred four (4) provisions that propose constitutional changes to the Attorney General for review. See *Election Board Minutes* (Dec. 4, 2017). According to the ELECTION CODE, the Attorney General has thirty (30) days in which to formulate a written opinion as it relates to the constitutionality and legality of proposed amendments. Once complete, the law requires the Attorney General to post the opinion in the Nation's newsletter for two consecutive printings along with the proposed amendments reviewed. ELECTION CODE, 2 HCC §6.21e.

1) 09-19-2015-02 To Establish the Department of Agriculture and Department of Natural Resources under the Executive Branch

As explained in more detail below, this proposed amendment is valid procedurally and verbally, and should be presented to the voters for consideration. The voters must weigh the inclusion of the two Departments (Natural Resources and Agriculture) and the elimination of the constitutional status of another Department (Personnel). The language within the Resolution is as follows, and affects the CONSTITUTION, Article VI, Section 1(b):

(b) The Executive Branch shall be composed of any administrative Departments created by the Legislature, including a Department of Treasury, Justice, Administration, Housing, Business, Health, Social Services, Education, Labor, Natural Resources, Agriculture, and other Departments deemed necessary by the Legislature. Each Department shall include an Executive Director, a Board of Directors, and necessary employees.

VOTE: The General Council cast 1,461 votes, and the Resolution was **PASSED** with 899 Affirming, 449 Opposing, and 113 Abstaining.

ANALYSIS:

In this instance, the proposed amendment changes the constitutional language in two respects. First, it adds a "Natural Resources" Department and an "Agriculture" Department. However, it also appears to eliminate the "Personnel" Department. Nonetheless, that does not affect the legality of the proposed amendment. The Legislature has the power to establish executive departments. See CONST., Art. V, § 2(b) ("The Legislature shall have the power: . . . To establish Executive Departments. . ."). The government has an established Personnel Department. See DEP'T OF PERSONNEL ESTABLISHMENT & ORGANIZATION ACT OF 2001. The Personnel Department will still exist, but the Personnel Department will no longer be constitutionally established.

RECOMMENDATION: This proposed amendment is valid procedurally and verbally, and should be presented to the voters for consideration. The voter must weigh the inclusion of the two Departments (Natural Resources and Agriculture) and the elimination of the constitutional standing of another Department (Personnel).

2) 09-19-2015-09 To Amend the Ho-Chunk Nation Constitution and provide for Rights of Nature

As explained in more detail below, this proposed amendment is valid procedurally and verbally, but depending on its usage and legislation that may follow, might be tested in court systems as it has been in other jurisdictions. The language within the Resolution is as follows, and affects the CONSTITUTION, Article X, Section 2:

Section 2. Rights of Nature.

(a) The Ho-Chunk Nation, in exercising its powers of self-government, shall:

(1) Give legal standing to nature. This legal standing will enable legal structures that protect conditions necessary for the thriving of all living plants, animals and the environment in which all living entities and organisms reside. Provide legal protections to promote, protect, maintain and aid in the regeneration of natural life cycles, structure, and function.

(2) All Ho-Chunk people can call upon Elected and Appointed Officials to enforce the rights of nature under the following principles:

(i) Nature has the right to be restored. This restoration shall be separate and apart from the obligation of the Nation and natural persons or legal entities to compensate individuals and communities that depend on affected natural systems.

(ii) In those cases of severe or permanent environmental impact, including those caused by the exploitation of nonrenewable natural resources, the Nation shall establish the most effective mechanisms to achieve the restoration and shall adopt adequate measures to eliminate or mitigate harmful environmental consequences.

(iii) The Nation shall apply preventive and restrictive measures on activities that might lead to the pollution of air, water and soil, affect the abundance of surface and groundwater, destroy Ho-Chunk food and medicine plants, decrease habitat for important Ho-Chunk plant and animal communities, cause the extinction of species, lead to the destruction of ecosystems and the to permanent alteration of natural cycles.

(iv) People shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living.

(v) The Nation shall give incentives to natural persons and legal entities and to communities to protect nature and to promote respect for all the elements comprising an ecosystem.

(vi) The Nation shall apply preventive and restrictive measures on activities that might lead to the extinction of species, the destruction of ecosystems and the permanent alteration of natural cycles.

(vii) The introduction of organisms and organic and inorganic material that might definitively alter the nation's genetic assets is forbidden.

(viii) Persons, communities, and people shall have the right to benefit from the environment and the natural wealth enabling them to enjoy the good way of living.

(viii) Environmental services shall not be subject to appropriation; their production, delivery, use and development shall be regulated by the Nation.

VOTE: The General Council cast 1,268 votes, and the Resolution was **PASSED** with 893 Affirming, 182 Opposing, and 193 Abstaining.

ANALYSIS: "The General Council retains the power to set policy for the Nation, and the people have laudable trepidations regarding the Nation's future environment and communities within the State of Wisconsin. The Resolution states 'the Nation has a desire to protect the environment and the rights of nature from commercial activities that pollute the environment, which has caused climate [sic] a loss of natural resources necessary for continued survival.'" See *2015 Attorney General Opinion* (referencing *General Council Resolution 09/19/2015-09*). Based upon this policy, the General Council wished to add "constitutional rights to protect the rights of nature and add a provision" under the Bill of Rights. *Id.* Initial research indicated that the Republic of Ecuador adopted this concept in 2008. Ms. Juliee de la Terre of Viterbo University assisted the Ho-Chunk Nation General Council in this endeavor. See *Ho-Chunk Nation Amends Constitution to Add Environmental Protections. 'Rights of Nature' Provision Designed to Strengthen Legal Standing (Sept. 28, 2015)*. Rights of nature appears to be a legal term of art. Traditional environmental regulatory systems regards nature as property and manages the degradation of the environment rather than precluding it. The CONSTITUTION OF THE REPUBLIC OF ECUADOR recognizes the absolute rights of ecosystems to flourish and exist, gives citizens the authority to petition on the behalf of ecosystems, and requires the government to remedy violations of these rights. Ms. de la Terre stated to the media that "the rights of nature concept has had legal success in South America and tribal members said they're confident the resolution will hold up in U.S. federal courts." *Id.*

RECOMMENDATION: This proposed amendment is valid procedurally and verbally, but depending on its usage and legislation that may follow, might be tested in court systems as it has been in other jurisdictions. Voters must weigh this constitutional change in conjunction with the subsequent constitutional change that affects the same topic. I would suggest that both proposed amendments be placed on separate ballots based upon chronological order, and thus, the Election Board would hold two consecutive elections. Otherwise, a potential danger occurs as both provisions would be approved, and thus create a constitutional conundrum as to validity.

3) 09-17-2016-05 Special Election to Amend the Ho-Chunk Nation Constitution for the Rights of Nature

As explained in more detail below, this proposed amendment is valid procedurally and verbally, but depending on its usage and legislation that may follow, this might be tested in court systems as it has been in other jurisdictions. The language within the Resolution is as follows, and affects the CONSTITUTION, Article X, Section 2:

Article X, Section 2: Rights of Nature

(a) Rights of Nature. Ecosystems and natural communities within the Ho-Chunk Nation territory possess an inherent, fundamental, and inalienable right to exist and

thrive. This right includes, but is not limited to, the right of ecosystems and natural communities' to maintain and regenerate their life cycles, structure, functions and evolutionary processes; the right to be restored; and the right to the defense, protection, and enforcement of their rights.

(b) Enforcement. Ecosystems and natural communities may enforce their rights through an action brought by the Ho-Chunk Nation or members of the Ho-Chunk Nation in any court possessing jurisdiction over activities occurring on Ho-Chunk territory, in the name of the ecosystem or natural community as the real party in interest. Damages shall be measured by the cost of restoring the ecosystem or natural community to its state before the injury, and shall be paid to the Ho-Chunk Nation to be used exclusively for the full and complete restoration of the ecosystem or natural community.

(c) Prohibitions. It shall be unlawful within the Ho-Chunk territory for any corporation or government to engage in activities that would violate, or infringe upon, the rights recognized and secured by this Article, including but not limited to, damage or destruction of flora or fauna possessing traditional medicinal significance to the Ho-Chunk Nation or its members, fossil fuel extraction, frac sand mining, and the introduction or use of genetically engineered organisms.

(d) Corporations. Any corporation or other business entity, organized under the laws of any state or any country, which violates this Article, shall not be deemed to be a "person" to the extent that such treatment would interfere with the rights or prohibitions enumerated by this Article, nor shall they possess any other legal rights, powers, privileges, immunities, or duties that would interfere with the rights or prohibitions enumerated by this Article, including the power to assert state or federal preemptive laws in an attempt to overturn this Article, or the power to assert that the Ho-Chunk Nation lacks the authority to adopt this Article.

VOTE: The General Council cast 1,757 votes, and the Resolution was **PASSED** with 1,587 Affirming, 107 Opposing, and 63 Abstaining.

ANALYSIS: The analysis of this proposed amendment is very similar to that above. The General Council voted on this same topic two (2) years in a row, but the language differs. This version contains more language with regard to litigation, and governs the Nation and outside entities.

RECOMMENDATION: This proposed amendment is valid procedurally and verbally, but depending on its usage and legislation that may follow, might be tested in court systems as it has been in other jurisdictions. Voters must weigh this constitutional change in conjunction with the subsequent constitutional change that affects the same provision. I would suggest that both proposed amendments be placed on separate ballots based upon chronological order, and thus, the Election Board would hold two consecutive elections. Otherwise, a potential danger occurs as both provisions would be approved, and thus create a constitutional conundrum as to validity.

4) 09-16-2017-B Untitled

As explained in more detail below, this proposed amendment is not valid, and the language and the manner in which it was adopted are seriously flawed. The Resolution addresses three provisions within the body of the Resolution, but the Resolution incorporated by reference an email attachment, which is a complete overhaul of the CONSTITUTION in its entirety, specifically not limited to the referenced three provisions within the body of the Resolution. The ELECTION CODE currently states that "the Resolution will contain the full language of the proposed amendment." ELECTION CODE, 2 HCC §6.21d. The constitutional changes were incorporated by reference, which arguably contravenes the current law. The language incorporated by reference affects the following constitutional provisions: Article III, Section 4; Article IV, Section 1; Article IV, Section 2; Article IV, Section 3; Article IV, Section 4; Article IV, Section 8; Article V, Section 1; Article V, Section 9; Article VIII, Section 1; Article VIII, Section 8; Article IX, Section 2; Article IX, Section 5; Article IX, Section 7; Article IX, Section 12; Article XV.

For your reference, I have included the proposed amendments that were incorporated by reference, specifically to highlight the concerns with allowing such an attachment to be placed on a ballot. The Election Board indicated that this resolution should be placed on the Secretarial Election Official Ballot. See *Election Board Minutes* (Dec. 4, 2017) at 3. The language incorporated by reference is as follows:

The Constitution of The Ho-Chunk Nation
Legend: **Red, bold italicized are additions.** Black, bold with a strike through are deletions:

PREAMBLE

We the People, pursuant to our inherent sovereignty, in order to form a more perfect government, secure our rights, advance the general welfare, safeguard our interests, sustain our culture, promote our traditions and perpetuate our existence, and secure the natural and self-evident right to govern ourselves, do ordain and establish this Constitution for the Ho-Chunk Nation.

ARTICLE I - TERRITORY AND JURISDICTION

Section 1. Territory.

The territory of the Ho-Chunk Nation shall include all lands held by the Nation or the People, or by the United States for the benefit of the Nation or the People, and any additional lands acquired by the Nation or by the United States for the benefit of the Nation or the People, including but not limited to air, water, surface, subsurface, natural resources and any interest therein, notwithstanding the issuance of any patent or right-of-way in fee or otherwise, by the governments of the United States or the Ho-Chunk Nation, existing or in the future.

Section 2. Jurisdiction.

The jurisdiction of the Ho-Chunk Nation shall extend to all territory set forth in Section 1 of this Article and to any and all persons or activities therein, based upon the inherent sovereign authority of the Nation and the People or upon Federal law.

ARTICLE II - MEMBERSHIP

Section 1. Requirements.

The following persons shall be eligible for membership in the Ho-Chunk Nation, provided, that such persons are not enrolled members of any other Indian nation:

• (a) All persons of Ho-Chunk blood whose names appear or are entitled to appear on the official census roll prepared pursuant to the Act of January 18, 1881 (21 Stat. 315), or the Wisconsin Winnebago Annuity Payroll for the year one thousand nine hundred and one (1901), or the Act of January 20, 1910 (36 Stat. 873), or the Act of July 1, 1912 (37 Stat. 187); or

• (b) All descendants of persons listed in Section 1(a), provided, that such persons are at least one-fourth (1/4) Ho-Chunk blood.

• (c) DNA must prove parentage. "DNA" means deoxyribonucleic acid. [Amendment II adopted on May 6, 2009 which became effective June 20, 2009 by operation of law.]

• (d) Beginning the date this amendment is approved, the Ho-Chunk Nation shall no longer consider or accept for enrollment any person who has previously been enrolled as a member of another Tribe (including the Winnebago Tribe of Nebraska). [Amendment I adopted on January 26, 2000 and approved by the Secretary on March 3, 2000.]

Section 2. Relinquishment of Membership and Re-enrollment.

Enrollment in any other Indian Nation shall constitute voluntary relinquishment of membership. Adult members may relinquish their membership or the membership of their minor children. Relinquishment of membership shall be done in writing. Any adult member who has voluntarily requested to be removed from the Membership Roll shall not be eligible for re-enrollment. Any minor whose membership has been relinquished by a parent shall be eligible for re-enrollment upon reaching the age of eighteen (18).

Section 3. Re-enrollment by General Council.

Any person of at least one-fourth (1/4) Ho-Chunk blood who has relinquished membership under Section 2 of this Article may be re-enrolled into membership by a two-thirds (2/3) vote of the General Council, provided, that such individual is not an enrolled member of any other Indian Nation.

Section 4. Membership Roll.

The Legislature shall maintain one official roll of all tribal members.

Section 5. Membership Code.

The Legislature shall have the power to enact laws not inconsistent with this Article to govern membership. Removal of any person who is not eligible for membership from the Membership Roll shall be done in accordance with the Membership Code. Removal of any person from the Membership Roll shall be determined by the Judiciary. The rule of law shall be applied based on the evidence and DNA evidence. All decisions of the Judiciary shall be final. [Amendment XVI adopted on January 26, 2016 which became effective on February 11, 2016 by operation of law.]

Section 6. Appeals.

Any person who has been rejected for enrollment or who has been removed from the Membership Roll shall have the right to appeal to the Judiciary for a remedy in equity consistent with this Constitution.

ARTICLE III - ORGANIZATION OF THE GOVERNMENT

Section 1. Sovereignty.

The Ho-Chunk Nation possesses inherent sovereign powers by virtue of self-government and democracy.

Section 2. Branches of Government.

The government of the Ho-Chunk Nation shall be composed of four (4) branches: General Council, Legislature, Executive, and Judiciary.

Section 3. Separation of Functions.

No branch of the government shall exercise the powers or functions delegated to another branch.

Section 4. Supremacy Clause.

This Constitution **and General Council** shall be the supreme law over all territory and persons within the jurisdiction of the Ho-Chunk Nation.

ARTICLE IV - GENERAL COUNCIL

Section 1. Powers of the General Council.

The People of the Ho-Chunk Nation hereby grant all inherent sovereign powers to the General Council. All eligible voters of the Ho-Chunk Nation are entitled to participate in General Council.

• (a) **Members of General Council can attend Ho-Chunk Nation meetings.**

• (b) **Definition of General Council: General Council is sovereign and consists of all eligible voting members of the Ho-Chunk Nation.**

• (c) **Definition of sovereign: General Council's sovereignty and this Constitution are supreme legal authority. General Council's sovereignty ensures any decision about the Nation, with regard to property and members, are made with General Council's participation and consent.**

• (d) **The Office of General Council and reporters from the Hocak Worak shall be notified and permitted to attend all Ho-Chunk Nation meetings.**

• (e) **Reporters from the Hocak Worak and General Council members not affiliated with Office of General Council or General Council Branch Director cannot attend meetings related to the hiring and firing of personnel.**

• (f) **The General Council Branch is the governing body of the Ho-Chunk Nation.**

Section 2. Delegation of Authority.

• (a) The General Council hereby authorizes the legislative branch to make laws and appropriate funds in accordance with Article V. The General Council hereby authorizes the executive branch to enforce the laws and administer funds in accordance with Article VI. The General Council hereby authorizes the judicial branch to interpret and apply the laws and Constitution of the Nation in accordance with Article VII.

• (b) **The General Council hereby authorizes the legislative branch to initiate a financial audit and appropriate funds for an audit of Ho-Chunk Nation's financial holdings/status.**

(1) **Audit to be conducted by an impartial, independent financial firm approved by the General Council Branch Director.**

(2) **Audit includes past and current years.**

(3) **Audit to be conducted annually.**

(4) **Office of General Council works in concert with auditing firm.**

(5) **Reporters from the Hocak Worak are privy to audits.**

(6) **The legislative branch shall initiate said audit upon adoption of this Amendment.**

(7) **The audit shall include a Forensic Audit of the Executive Branch.**

• (c) **The General Council hereby mandates the legislature to resolve General**

Council Resolutions that have not fully implemented General Council Resolutions. This includes legislative resolutions written, but not made into law, code, ordinance, or statute; and/or not implementing the intent of the General Council Resolution. Elected Officials shall resolve one year from adoption of this Amendment.

• (d) *The General Council hereby mandates the four Branches of Government to update acts, laws, codes, ordinances, resolutions, or statutes to be in accordance with a Constitution amendment. Updates to be completed within two (2) months after amendments.*

• (e) *The General Council hereby mandates the Election Board to call a 2018 General Council Branch Director Special Election. The legislature shall appropriate funds for the Special Election. Article IV, Section 2(e) shall be stricken from the Constitution subsequent to Special Election.*

Section 3. Powers Retained by the General Council.

• (a) The General Council retains the power to set policy for the Nation. This policy shall be resolutions proposed and approved at Annual *General Council* Meetings and Special Meetings, by a majority vote of the qualified voters of the Ho-Chunk Nation General Council. This policy shall be made into laws, including codes, ordinances, resolutions and statutes by the Legislative Branch of the Ho-Chunk Nation within forty-five (45) days after a majority vote of the qualified voters of the Ho-Chunk Nation General Council at Annual Meetings and Special Meetings. The Executive Branch shall enforce this policy within sixty (60) days of the majority vote of the qualified voters of the Ho-Chunk Nation General Council. In the event that this policy is not enacted by the Legislative Branch or enforced by the Executive Branch within fifteen (15) days of the aforementioned deadlines, the Ho-Chunk Nation General Council shall file a *Bad Faith law* suit in the Ho-Chunk Nation Tribal Court against elected officials of the Ho-Chunk Nation branch of government. The Supreme Court of the Ho-Chunk Nation shall have original jurisdiction within fifteen (15) days of filing date of suit. [Amendment X adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]

• (b) The General Council retains the power to review and reverse actions of the Legislature except those enumerated in Section 4 of this Article. The General Council *Branch Director* shall return such reversals to the Legislature for reconsideration consistent with the action of the General Council. The General Council retains the power to review and reverse decisions of the Judiciary which interpret actions of the Legislature. The General Council does not retain the power to review and reverse decisions of the Judiciary which interpret this Constitution.

• (c) The General Council retains the power to propose amendments in accordance with Article XIII, including those which reverse decisions of the Judiciary interpreting this Constitution.

• (d) The *Office of* General Council retains the power to establish its own procedures in accordance with this Constitution.

• (e) The General Council retains the power to call a Special Election.

• (f) Actions by the General Council shall be binding.

• (g) General Council Branch *Director* delegates authority to *Office of General Council* to select, hire manage and supervise General Council Branch personnel to accomplish the tasks mandated by General Council. [Amendment VI adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]

Section 4. Excepted Powers.

Due to demonstrated chronic inability to attain at least fifty (50) percent employment of Ho-Chunk Nation tribal members, the General Council invests with the General Council Branch Director the power to review actions relating to the hiring or firing of personnel.

Section 5. Annual Meetings.

The People shall meet in General Council at least one time each year, which shall be called by the President, and at other times as provided in Section 6 of this Article. Notice shall be provided by the President for all Annual Meetings of the General Council.

Section 6. Special Meetings.

Special Meetings of the General Council shall be called by the President upon petition by twenty (20) percent of the eligible voters, or upon written request of a majority of the Legislature, or when deemed necessary by the President. Notice shall be provided by the President for all Special Meetings of the General Council.

Section 7. Procedures.

Twenty (20) percent of the eligible voters of the Nation present in General Council shall constitute a quorum. Each action of the General Council shall require the presence of a quorum. The President shall call all Annual and Special General Council Meetings, except those meetings called pursuant to Article IX, Section 2. When a quorum is attained, the General Council shall select either the President or another person to conduct the meeting. A secretary shall be appointed to record the minutes of all General Council meetings, including any votes taken. The secretary shall transmit the minutes of General Council meetings to the Legislature.

Section 8. General Council Branch Director.

• (a) *General Council Branch Director Qualifications:*

1) *At least thirty-five (35) years old and eligible to vote.*

2) *No felony convictions unless pardoned.*

3) *Possess a bachelor's degree (master's degree preference).*

4) *Cognizant of the Ho-Chunk Nation language, culture, and traditions.*

5) *Have knowledge of tribal law attained through personal experience or formal education.*

6) *Possess auditing program skills attained through personal experience or formal education.*

7) *Possess business administration and/or business management skills attained through personal experience or formal education.*

8) *Have knowledge of Information Technology attained through personal experience or formal education.*

• (b) *Compensation: The General Council Branch Director shall receive reasonable compensation. No increase or decrease in compensation for the General Council Branch Director shall take effect until after the next General Election.*

• (c) *Term of Office: The General Council Branch Director shall serve a four (4) year term not to exceed two (2) consecutive four (4) year terms; and serve until a successor has been sworn into office. The General Council Branch Director shall be elected by a majority vote of the eligible voters of the Ho-Chunk Nation.*

• (d) *In absence the Office of General Council Advocate functions as the General Council Branch Director.*

• (e) *Powers of the General Council Branch Director:*

1. *Oversee and evaluate the work of the Office of General Council, Justice Department, Legislative, Executive, and Judicial branches.*

2. *Lead, guide, and direct the Office of General Council, Justice Department, Legislative, Executive, and Judicial branches.*

3. *Solicit advice and guidance from the Office of General Council, the Justice Department, and the Legislative, Executive, and Judicial branches.*

4. *The General Council mandate the General Council Branch Director to create, communicate, and implement the Nation's "Vision, Mission, Goal, Strategic Plan, and Overall Direction."*

5. *Implement and oversee the Nation's "Vision, Mission, Goal, Strategic Plan, and Overall Direction."*

6. *Evaluate the success of the Nation in reaching its Goals.*

7. *The General Council Branch Director shall promote, preserve, and enhance the Ho-Chunk Nation language, culture, and traditions to all enrolled members of the Ho-Chunk Nation and for future generations.*

8. *Review, and adjust if required, the salaries of Ho-Chunk Nation employees on an annual basis.*

9. *General Council Branch Director approves Office of General Council, Justice Department and Legislature, Executive, and Judiciary Branches budgets at quarterly meetings.*

10. *General Council Branch Director chairs General Council Meetings and assigns Secretary(s) from Office of General Council to take General Council Meeting minutes.*

ARTICLE V - LEGISLATURE

Section 1. Composition of the Legislature.

• (a) Legislative powers shall be vested in the Legislature.

• (b) ~~The Legislature shall be composed of Representatives from the following Districts, subject to Section 4 of this Article: the Black River Falls District, consisting of Clark, Eau Claire, and Jackson counties, which shall elect three (3) members; the Wisconsin Dells District, consisting of Wood, Juneau, Adams, Columbia, and Sauk counties, which shall elect three (3) members; and the LaCrosse-Tomah District, consisting of LaCrosse, Monroe, Vernon, and Crawford counties, which shall elect one (1) member; and the Wittenberg District, consisting of Marathon and Shawano counties, which shall elect one (1) member; and three (3) members which shall be elected at-large from outside the Districts listed above. [See appended Resolution 3-03-09 K for new Legislative Districts effective November 18, 2008].~~

• (b) *The Legislature shall be composed of Representatives from the following Districts, subject to Section 4 of this Article:*

District 1: Black River Falls District, which shall elect three (3) members including Wisconsin Counties of Ashland, Barron, Bayfield, Buffalo, Burnett, Chippeewa, Clark, Douglas, Dunn, Eau Claire, Florence, Forest, Iron, Jackson, Langlade, Lincoln, Marinette, Menominee, Oconto, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vilas, and Washburn.

District 2: Wisconsin Dells District, which shall elect three (3) members including Wisconsin Counties of Crawford, Columbia, Dane, Grant, Iowa, La Crosse, Lafayette, Monroe, Richland, Sauk, and Vernon.

District 3: Wittenberg/Green Bay District, which shall elect one (1) member including Wisconsin Counties of Adams, Brown, Calumet, Door, Fond du Lac, Green Lake, Juneau, Kewaunee, Manitowoc, Marathon, Marquette, Outagamie, Portage, Shawano, Sheboygan, Waupaca, Waushara, Winnebago, and Wood.

District 4: Milwaukee District, which shall elect one (1) member including Wisconsin Counties of Dodge, Green, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha

District 5: At Large District, outside the State of Wisconsin.

[See appended Resolution 3-03-09 K for new Legislative Districts effective November 18, 2008].

• (c) The Legislature shall select from among its Members a Vice President to serve throughout such Member's term. The President shall preside over meetings of the Legislature. The Vice President shall preside over meetings of the Legislature in the absence of the President and at such times the Vice President shall retain the power to vote.

Section 2. Powers of the Legislature.

The Legislature shall have the power:

• (a) To make laws, including codes, ordinances, resolutions, and statutes;

• (b) 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;

• (c) To constitute a Board of Directors for each Department, except the President shall name the Executive Director, subject to confirmation by the Legislature;

• (d) To authorize expenditures by law and appropriate funds to the various Departments in an annual budget;

• (e) To raise revenue, including the power to levy and collect taxes and license fees;

• (f) To set the salaries, terms and conditions of employment for all governmental personnel;

- (g) To set its own procedures, select its officers, and to enact laws governing attendance of its members, including penalties for absences;
- (h) To enact all laws prohibiting and regulating conduct, and imposing penalties upon all persons within the jurisdiction of the Nation;
- (i) To negotiate and enter into treaties, compacts, contracts, and agreements with other governments, organizations, or individuals;
- (j) To authorize and appropriate funds to employ legal counsel in accordance with applicable law;
- (k) To acquire or purchase lands for the benefit of the Nation and its members;
- (l) To enact laws to manage, lease, permit, or otherwise deal with the Nation's lands, interests in lands or other assets;
- (m) To enact laws to prevent the sale, disposition, or encumbrance of Ho-Chunk lands, or other Ho-Chunk assets;
- (n) To purchase under condemnation proceedings any lands within the jurisdiction of the Ho-Chunk Nation;
- (o) To enact laws to regulate and zone any lands within the jurisdiction of the Ho-Chunk Nation;
- (p) To enact laws to create and regulate a system of property including but not limited to use, title, deed, estate, inheritance, transfer, conveyance, and devise;
- (q) To issue charters of incorporation, to charter corporations and other organizations for economic or other purposes, and to regulate their activities;
- (r) To protect and foster Ho-Chunk religious freedom, culture, language, and traditions;
- (s) 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.
- (t) To enact laws governing law enforcement on lands within the jurisdiction of the Nation;
- (u) To enact laws to regulate domestic relations of persons within the jurisdiction of the Nation;
- (v) To establish and maintain headquarters for the Ho-Chunk Nation;
- (w) To enact laws to regulate hunting, fishing, trapping, recreation and all other related activities on lands within the Nation's jurisdiction;
- (x) 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.
- (y) The Legislature may overturn any Presidential Veto, by a 2/3 supermajority vote. The Legislature must exercise its veto within fourteen calendar days (14) after the President notifies the Legislature of the veto. The President shall serve notice of the veto to the Vice President and in the 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. [Amendment IX adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]

Section 3. Codes.

The Legislature shall adopt Codes governing Membership, Open Meetings, Elections, Ethics including conflicts of interest, nepotism, and the conduct of all elected and appointed officials and employees, and other Codes as deemed necessary.

Section 4. Redistricting or Reapportionment.

The Legislature shall have the power to redistrict or reapportion including changing, establishing, or discontinuing Districts. The Legislature shall maintain an accurate census for the purposes of redistricting or reapportionment. The Legislature shall redistrict and reapportion at least once every ten (10) years beginning in 1995, in pursuit of one-person/one-vote representation. The Legislature shall exercise this power only by submitting a final proposal to the vote of the People by Special Election which shall be binding and which shall not be reversible by the General Council. Any redistricting or reapportionment shall be completed at least six (6) months prior to the next election, and notice shall be provided to the voters. [Amendment IV adopted on May 6, 2009 which became effective June 20, 2009 by operation of law. This section was changed to require redistricting and reapportionment once every ten (10) years.]

Section 5. Compensation.

Members of the Legislature shall receive reasonable compensation. No increase or decrease in compensation for Legislators shall take effect until after the next General Election. No member of the Legislature shall receive compensation as an employee or in any other capacity within the Executive branch during their term of office.

Section 6. Terms of Office.

Members of the Legislature shall serve four (4) year terms not to exceed two (2) consecutive four (4) year terms, which shall be staggered, unless the Legislator's first term is filling a vacancy under Article IX of Constitution, it will not count as a term for purposes of this section. Legislators shall represent their respective Districts until their successors have been sworn into office except if the Legislator has been successfully removed or recalled in accordance with this Constitution. Members of the Legislature shall be elected by a majority vote of the eligible voters from their respective Districts. [Amendment VII adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law. This section was changed to require redistricting and reapportionment once every ten (10) years.]

Section 7. Qualifications.

Members of the Legislature shall be at least twenty five (25) years old and eligible to vote. No person shall become a member of the Ho-Chunk Nation Legislature if otherwise employed by the Ho-Chunk Nation. No person convicted of a felony shall serve as a Legislator unless pardoned.

[Amendment IX adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]

Section 8. Meetings.

The Legislature shall hold regular monthly meetings. The Legislature may hold special meetings as necessary. Members of the Legislature shall hold and attend regularly scheduled meetings in their respective Districts. Failure to attend such monthly or District meetings on a regular basis may constitute grounds for removal or recall. The Legislature shall not schedule a special meeting at the same time as a regularly scheduled District meeting.

Section 9. Open Meetings.

All meetings of the Legislature shall be open to all members of the Nation, ~~except when in Executive Session.~~

Section 10. Executive Session.

The Legislature may, upon duly recorded vote, go into executive session. At such sessions, all persons, except members of the Legislature, its officers, shall be excluded from the meeting chamber, except any person whose presence shall be required by the Legislature.

Section 11. Quorum.

A majority of the Legislature shall constitute a quorum. A quorum shall be necessary to transact official business of the Legislature. Each session of the Legislature

shall require a quorum.

Section 12. Voting.

A majority vote of the quorum shall be necessary to exercise the powers of the Legislature, except as otherwise provided by this Constitution. The votes of each member of the Legislature shall be recorded in the minutes of the meeting.

Section 13. Budget.

The Legislature shall enact an annual budget. The budget shall include an appropriation of operating funds for each branch of the government. The Legislature shall not appropriate funds which have not been authorized by law. No item shall be included in the budget if it is not authorized by law.

ARTICLE VI - EXECUTIVE

Section 1. Composition of the Executive Branch.

- (a) The Executive power of the Ho-Chunk Nation shall be vested in the President of the Ho-Chunk Nation.
- (b) The Executive Branch shall be composed of any administrative Departments created by the Legislature, including a Department of the Treasury, Justice, Administration, Housing, Business, Health, and Social Services, Education, Labor, and Personnel, and other Departments deemed necessary by the Legislature. Each Department shall include an Executive Director, a Board of Directors, and necessary employees. The Executive Director of the Department of Justice shall be called the Attorney General of the Ho-Chunk Nation. The Executive Director of the Department of the Treasury shall be called the Treasurer of the Ho-Chunk Nation. [Amendment III adopted May 6, 2009 which became effective June 20, 2009 by operation of law which separated the Department of Health and Social Services into two (2) separate departments - Department of Health and the Department of Social Services.]

Section 2. Powers of the President.

The President shall have the power:

- (a) To execute and administer the laws of the Ho-Chunk 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). The President cannot retroactively veto Legislation passed before enactment of this Amendment. [Amendment IX adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]
- (b) To make recommendations to the Legislature on matters of interest or benefit to the Nation;
- (c) To propose legislation and an annual budget to the Legislature;
- (d) To administer all Departments, boards, and committees created by the Legislature;
- (e) To nominate the Executive Directors of each Department subject to confirmation by the Legislature except that if a confirmation vote is not taken by the Legislature within ninety (90) days the nomination shall be deemed confirmed;
- (f) Remove an Executive Director of a Department or to reassign an Executive Director to another position;
- (g) To select and hire personnel in accordance with applicable law;
- (h) To preside over meetings of the Legislature;
- (i) To cast the deciding vote in the Legislature in case of a tie;
- (j) To call Annual and Special Meetings of the General Council;
- (k) To represent the Ho-Chunk Nation on all matters that concern its interests and welfare;
- (l) To execute, administer, and enforce the laws of the Ho-Chunk Nation necessary to exercise all powers delegated by the General Council and the Legislature, including but not limited to the foregoing list of powers.

Section 3. Qualifications.

The President shall be at least thirty-five (35) years old and eligible to vote. No person convicted of a felony shall serve as President unless pardoned.

Section 4. Compensation.

The President shall receive reasonable compensation. No increase or decrease in compensation for the office of President shall take effect until after the next General Election.

Section 5. Term of Office.

The President shall serve four (4) year terms not to exceed two (2) consecutive four (4) year terms, which shall be staggered unless the President's first term is filling a vacancy under Article IX of Constitution, it will not count as a term for purposes of this section. The President shall serve until a successor has been sworn into office. The President shall be elected by a majority vote of the eligible voters of the Ho-Chunk Nation. [Amendment VIII adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]

ARTICLE VII - JUDICIARY

Section 1. Composition of the Judiciary.

There shall be a Supreme Court of the Ho-Chunk Nation, a Trial Court of the Ho-Chunk Nation, such other lower courts of special jurisdiction as deemed necessary by the Legislature, and other forums of special jurisdiction for traditional dispute resolution as deemed necessary by the Legislature.

Section 2. Composition of the Supreme Court.

There shall be one Chief Justice and two Associate Justices of the Supreme Court.

Section 3. Composition of the Trial Court.

There shall be one Chief Judge of the Trial Court and other Associate Judges as deemed necessary by the Legislature.

Section 4. Powers of the Judiciary.

The judicial power of the Ho-Chunk Nation shall be vested in the Judiciary. The Judiciary shall have the power to interpret and apply the Constitution and laws of the Ho-Chunk Nation.

Section 5. Jurisdiction of the Judiciary.

- (a) The Trial Court shall have original jurisdiction over all cases and controversies, both criminal and civil, in law or in equity, arising under the Constitution, laws, customs, and traditions of the Ho-Chunk Nation, including cases in which the Ho-Chunk Nation, or its officials and employees, shall be a party. Any such case or controversy arising within the jurisdiction of the Ho-Chunk Nation shall be filed in Trial Court before it is filed in any other court. This grant of jurisdiction by the General Council shall not be construed to be a waiver of the Nation's sovereign immunity.
- (b) The Supreme Court shall have appellate jurisdiction over any case on appeal from the Trial Court.

Section 6. Powers of the Trial Court.

- (a) The Trial Court shall have the power to make findings of fact and conclusions of law. The Trial Court shall have the power to issue all remedies in law and in equity including injunctive and declaratory relief and all writs including attachment and mandamus.
- (b) The Trial Court shall have the power to declare the laws of the Ho-Chunk Nation void if such laws are not in agreement with this Constitution.

Section 7. Powers of the Supreme Court.

(a) The Supreme Court shall have the power to interpret the Constitution and laws of the Ho-Chunk Nation and to make conclusions of law. The Supreme Court shall not have the power to make findings of fact except as provided by enactment of the Legislature.

(b) The Supreme Court shall have the power to establish written rules for the Judiciary, including qualifications to practice before the Ho-Chunk courts, provided such rules are consistent with the laws of the Ho-Chunk Nation.

(c) Any decision of the Supreme Court shall be final.

Section 8. Qualifications.

• (a) The Chief Justice of the Supreme Court shall be at least forty (40) years old, an attorney admitted to practice in any State and before the Ho-Chunk courts, a member of the Ho-Chunk Nation, and shall possess all qualifications required by enactment of the Legislature. No person convicted of a felony shall serve as Chief Justice of the Supreme Court unless pardoned. [Amendment XI adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]

• (b) Associate Justices of the Supreme Court shall have been admitted to practice before the Ho-Chunk Courts and shall possess all qualifications required by enactment of the Legislature. No person convicted of a felony shall serve as Associate Justice of the Supreme Court unless pardoned.

• (c) The Chief Judge and Associate Judges of the Trial Court shall possess all qualifications required by enactment of the Legislature. No person convicted of a felony shall serve as Chief Judge or Associate Judge of the Trial Court unless pardoned.

Section 9. Terms of Office.

The Chief Justice of the Supreme Court shall be elected to serve for six (6) years and until such time as an election is held and a successor has been sworn into office. At the first election for positions on the Supreme Court, the candidate receiving the highest number of votes for the position of Associate Justice shall serve a four year term; the candidate receiving the second highest number of votes shall serve a two year term. Thereafter, Associate Justices shall serve for four (4) year staggered terms. A Supreme Court Justice shall serve until a successor has been sworn into office.

Section 10. Election of Supreme Court Justices.

Supreme Court Justices shall be elected by a majority of the eligible voters of the Ho-Chunk Nation, in accordance with the General Election provisions in Article VIII, Section 1, unless otherwise provided.

Section 11. Election of Trial Court Judges.

The Chief Trial Judge and any Associate Judges to the Trial Court shall be elected by a majority vote of the eligible voters of the Ho-Chunk Nation in accordance with the General Election provisions in Article VIII Section 1, unless otherwise provided. All candidates shall be a member of the Ho-Chunk Nation. Trial Judges shall serve staggered four (4) year terms and shall serve until a successor has been sworn into office except if the Trial Court Judge has been successfully recalled or removed. In the event a Trial Court Justice is removed, the Legislature may appoint an Interim Trial Court Judge, until a successor has been sworn into office. [Amendment XII adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]

Section 12. Compensation.

Supreme Court Justices and Trial Court Judges shall receive reasonable compensation. No increase or decrease in compensation for Justices or Judges shall take effect until after the next General Election or appointment to that office.

Section 13. Conflict of Interest.

Any Justice or Judge with a direct personal or financial interest in any matter before the Judiciary shall recuse; failure to recuse constitutes cause for removal in accordance with Article IX, Section 4. The Legislature shall appoint a Justice or Judge pro tempore to fill any vacancy due to recusal.

Section 14. Right to Appeal.

Any party to a civil action, or a defendant in a criminal action, who is dissatisfied with the judgment or verdict may appeal to the Supreme Court. All appeals before the Supreme Court shall be heard by the full Court.

ARTICLE VIII – ELECTIONS

Section 1. General Elections.

General Elections shall be held on the first Tuesday in June of odd numbered years. Offices of the *General Council*, Legislature, Executive, and Judiciary shall be filled at General Elections.

Section 2. Special Elections.

Special Elections shall be held when called for by the General Council, the Legislature, or by this Constitution or appropriate ordinances. In all Special Elections notice shall be provided to the voters.

Section 3. Election Code.

The Legislature shall enact an Election Code governing all necessary election procedures at least one hundred and twenty (120) days before the election.

Section 4. Election Board.

The Legislature shall enact a law creating an Election Board. The Election Board shall conduct all General and Special Elections. At least sixty (60) days before the election, the Election Board may adopt rules and regulations governing elections. Election Board members shall serve for two (2) years. Election Board members may serve more than one term. The Legislature may remove Election Board members for good cause.

Section 5. Eligible Voters.

Any member of the Ho-Chunk Nation who is at least eighteen (18) years old and who meets all other requirements established by the Ho-Chunk Nation shall be eligible to vote.

Section 6. Certification of Election Results.

The Election Board shall certify election results within three (3) days after the date of the election.

Section 7. Challenges of Election Results.

Any member of the Ho-Chunk Nation may challenge the results of any election by filing suit in the Trial Court within ten (10) days after the Election Board certifies the election results. The Trial Court shall hear and decide a challenge to any election within twenty (20) days after the challenge is filed in the Trial Court.

Section 8. Oath of Office.

The Election Board shall administer the oath for the offices of *General Council Branch Director*, President, Legislature, and Judiciary on the 4th Wednesday following the election after the Election Board certifies the Election results.

ARTICLE IX - REMOVAL, RECALL, AND VACANCIES

Section 1. General Council Removal of Legislators.

The General Council may remove any member of the Legislature for malfeasance. No vote by the General Council to remove a member of the Legislature shall take place before such Legislator has been given reasonable notice of the impending ac-

tion and has had a reasonable opportunity to be heard.

Section 2. General Council Removal of the *General Council Board Director or President*.

The General Council may remove the *General Council Board Director or President* for malfeasance. No vote by the General Council to remove the *General Council Board Director or President* shall take place before such the General Council Board Director or President has been given reasonable notice of the impending action and has had a reasonable opportunity to be heard.

Section 3. Legislative Removal of Legislators.

The Legislature may remove a member of the Legislature for good cause. Any member of the Legislature subject to removal shall be informed of the charges, be given adequate notice of the impending removal action, and given an opportunity to prepare and present a defense including presenting witnesses and other evidence. An affirmative vote of three-fourths (3/4) of the entire Legislature shall be required for all Legislative removal actions under this Section. The Legislator subject to removal shall not vote.

Section 4. Legislative Removal of Judges.

The Legislature may remove a Judge for good cause. A Judge subject to removal shall be informed of the charges, be given adequate notice of the impending removal action, and given an opportunity to prepare and present a defense including presenting witnesses and other evidence. An affirmative vote of three-fourths (3/4) of the entire Legislature shall be required for all legislative removal actions under this Section.

Section 5. Recall by General Council.

The *General Council Branch Director*, President, Legislators, and Members of the Judiciary shall be removable by recall vote at a Special Election requested by General Council. At the request of the General Council, the Election Board shall hold a Special Election not less than thirty (30) days and not more than ninety (90) days from the date of the General Council request. If the Election Board fails to hold such Special Election within ninety (90) days, any eligible voter of the Nation may request the Trial Court to order such Special Election. In any Special Election, no more than three (3) persons shall be subject to recall vote.

Section 6. District Recall of Legislators.

A member of the Legislature shall be removable by a recall vote called by a petition of thirty (30) percent of all eligible voters of the District which elected such member of the Legislature. A petition shall be submitted to the Election Board, which shall hold a Special Election not less than thirty (30) days and not more than ninety (90) days from the date a petition is duly submitted. If the Election Board fails to hold such Special Election within ninety (90) days, any eligible voter of the Nation may request the Trial Court to order such Special Election.

Section 7. Removal for Felony Conviction while in Office.

Any person serving as *General Council Branch Director*, President, Legislator, or a member of the Judiciary, who is convicted of a felony while in office, shall be removed from office and such office shall be deemed vacant.

Section 8. Vacancies in the Judiciary.

If a vacancy occurs in an office of the Supreme Court because of death, mental or physical incapacity, removal or recall vote, resignation, felony conviction, or any other reason, such vacancy shall be filled in the following manner:

- (a) If twelve (12) months or more remain before the next General Election, the Election Board shall call a Special Election in accordance with Article VIII.
- (b) If less than twelve (12) months remains before the next General Election, the Legislature shall fill the office by appointment.

Section 9. Vacancy of the Office of the President.

If the office of the President becomes vacant by reason of death, mental or physical incapacity, removal or recall vote, resignation, felony conviction, or for any other reason, such vacancy shall be filled in the following manner:

- (a) If twelve (12) months or more remain before the next General Election, the Vice President shall serve as President pro tempore and the Election Board shall call a Special Election in accordance with Article VIII. Upon election of a President at a Special Election, the Vice President shall reassume his seat on the Legislature for the remainder of his term, if any.
- (b) If less than twelve (12) months remain before the next General Election, the Vice President shall serve as President pro tempore. If less than twelve (12) months but more than three (3) months remain before the next General Election, the Election Board shall call a Special Election in the appropriate District within thirty (30) days to fill the seat vacated by the Vice President. Upon election of a President at the next General Election, the Vice President shall reassume his seat on the Legislature for the remainder of his term, if any.
- (c) If less than three (3) months remain before the next General Election, the office shall remain vacant.
- (d) A Vice President serving in the capacity of President pro tempore shall not vote in the Legislature except to cast the deciding vote in case of a tie.
- (e) In the event both the Office of the President and Vice-President becomes vacant, the Representative currently serving in the Legislature who has served the longest, shall immediately call a special meeting of the Legislature for the purpose of selecting from its remaining members a Vice-President, pro tempore to serve pursuant to this Article. [Amendment XII adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]

Section 10. Vacancies in the Legislature.

If a vacancy occurs in the Legislature because of death, mental or physical incapacity, removal or recall vote, resignation, felony conviction, or for any other reason, such vacancy shall be filled in the following manner:

- (a) If three (3) months or more remain before the next General Election, the Election Board shall call a Special Election in the appropriate District to be held within thirty (30) days.
- (b) If less than three (3) months remains before the next General Election, the seat shall remain vacant, except when the Vice President assumes the office of the President pursuant to Section 9(b) of this Article, an election to fill that vacancy shall be held within thirty (30) days.

Section 11. Terms for Vacancies.

Persons elected or appointed to fill a vacancy in the Judiciary, the Office of the President, or the Legislature shall serve out the term of the person whom they are replacing.

Section 12. Vacancy of the General Council Board Director.

If the office of the General Council Board Director becomes vacant by reason of death; mental or physical incapacity; removal or recall vote; resignation; felony conviction; or demonstrable malfeasance, the General Council Advocate shall assume that position until the Election Board calls a Special Election in accordance with Article VIII.

ARTICLE X - BILL OF RIGHTS

Section 1. Bill of Rights.

- (a) The Ho-Chunk Nation, in exercising its powers of self-government, shall not:
 - (1) make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;
 - (2) violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;
 - (3) subject any person for the same offense to be twice put in jeopardy;
 - (4) compel any person in any criminal case to be a witness against himself;
 - (5) take any private property for a public use without just compensation;
 - (6) deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense and to have these rights explained at the time of arrest;
 - (7) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;
 - (8) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without the due process of law;
 - (9) pass any bill of attainder or ex post facto law; or
 - (10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

ARTICLE XI - STATUTES AND RESOLUTIONS

Section 1. Statutes.

All final decisions of the Legislature on matters of permanent interest shall be embodied in statutes. Such enactments shall be available for inspection by members of the Nation during normal business hours.

Section 2. Resolutions.

All final decisions on matters of temporary interest where a formal expression is needed shall be embodied in a resolution, noted in the minutes, and shall be available for inspection by members of the Nation during normal business hours.

Section 3. Form.

All statutes and resolutions shall be dated and numbered and shall include a certificate of verification.

Section 4. Review.

The Legislature shall submit statutes and resolutions to the Secretary of the Interior for approval when required by Federal law.

ARTICLE XII - SOVEREIGN IMMUNITY

Section 1. Immunity of Nation from Suit.

The Ho-Chunk Nation shall be immune from suit except to the extent that the Legislature expressly waives its sovereign immunity, and officials and employees of the Ho-Chunk Nation acting within the scope of their duties or authority shall be immune from suit. Except brought in Article IV Section 3(a). [Amendment X adopted on August 14, 2012 which became effective on September 28, 2012 by operation of law.]

Section 2. Suit Against Officials and Employees.

Officials and employees of the Ho-Chunk Nation who act beyond the scope of their duties and authority shall be subject to suit in equity only for declaratory and non-monetary injunctive relief in Tribal Court by persons subject to its jurisdiction for purposes of enforcing rights and duties established by this constitution or other applicable laws.

ARTICLE XIII – AMENDMENTS

Section 1. Requirements.

This Constitution may be amended by a majority vote of the qualified voters of the Ho-Chunk Nation voting at an election called for that purpose by the Ho-Chunk Nation Election Board, provided, that at least thirty (30) percent of those entitled to vote shall vote in such election.

Section 2. Requests for a Secretarial Election.

It shall be the duty of the Ho-Chunk Nation Election Board to call and hold an election on any proposed amendment to this Constitution at the request of two thirds (2/3) of the entire Legislature, at the request of the General Council, or upon presentation of a petition signed by thirty (30) percent of the eligible voters of the Ho-Chunk Nation. [Amendment XIV adopted on January 26, 2016 which became effective on February 11, 2016 by operation of law.]

ARTICLE XIV - SAVINGS CLAUSE

All actions of the Nation, formerly known as the Wisconsin Winnebago Tribe, taken before the effective date of this Constitution, including elections and terms of office, shall remain in full force and effect to the extent that they are consistent with this Constitution.

ARTICLE XV - ADOPTION OF CONSTITUTION

This Constitution, when adopted by a majority vote of the registered voters voting at a Special Election authorized by the Secretary of the Interior in which at least thirty (30) percent of those registered in accordance with Secretarial regulations to vote shall vote, shall be submitted to the Secretary of the Interior for approval and, if approved by the Secretary of the Interior or by operation of law, shall be effective from the date of such approval.

This Constitution shall be adopted by a majority vote of at least thirty (30) percent of General Council voting at a Secretarial Election and shall be effective from the date of such approval.

VOTE: The General Council cast 1,910 votes, and the Resolution was **PASSED** with 1,154 Affirming, 511 Opposing, and 245 Abstaining.

ANALYSIS: The proposed amendment should not be placed on the ballot as written; it is seriously flawed and contrary to the current law. Additionally, it was passed in an ill-advised manner.

These proposed amendments contain serious drafting and conceptual errors. More importantly, these proposals represent a restructuring of governmental power in a way that will unbalance the system of checks established between the various branches of the government. This balance is necessary to avoid consolidation of power in one particular branch. The proposed amendments would unmake the needed balance and consolidate authority in the General Council in the very way that generally accepted, sound constitutional theory seeks to avoid. Without governmental powers largely separated into an odd number of branches, authority will either

be consolidated into a particular branch, or be evenly divided into four branches, increasing the likelihood of gridlock and constitutional crisis.

The manner in which these proposed amendments were passed is also seriously problematic. The General Council was never provided the actual text of the proposed amendments. Yet, this does not violate the General Council Procedures as adopted in 2007. However, the Election Code currently states that “the Resolution will contain the full language of the proposed amendment.” ELECTION CODE, 2 HCC §6.21d. The constitutional changes were incorporated by reference, which arguably contravenes the current law.

The vast majority of the General Council voted on measures they had never seen, let alone scrutinized. While Ho-Chunk voters still have chance to evaluate the proposed changes, blind adoption of any law as important as a constitution is imprudent. Constitutional drafting is a process that normally takes months, if not years, and is informed by a community, including legal experts. The current proposal could arguably be challenged as a breach of duty owed by those voting at the General Council in question to be sufficiently informed regarding all issues voted on. Such a theory would be novel, but similar duties exist in other contexts, such as corporate law.

Addressing specific revisions individually, the revisions to Article III, Section 4 changes the language of the supremacy clause and dilutes the constitutional provision. First, General Council is not a law; it is a body, specifically our tribal members. Another issue is that it creates equivalency and that may lead to conflicts in the law. That could create stalemate, or worse, constitutional crisis.

The revisions to Article IV, Section 1 provide a poor definition of sovereignty and further defines the powers of the General Council. It fails to address the delegation of authority, which may lead to conflicts in the law. That could create stalemate, or worse, constitutional crisis.

The revisions to Article IV, Section 2 further delegates authorities previously delegated. This creates confusion.

The revisions to Article IV, Section 3 addresses powers retained by the General Council and creates a General Council Director, which supervises the Office of General Council.

The revisions to Article IV, Section 4, purports to except powers, but actually provides the General Council Director to review actions relating to the hiring or firing of personnel. The reasoning is supposedly due to employment statistics that were falsified, and if not falsified the statistics are contrary to the most recent Ho-Chunk Nation census.

The revisions to Article IV, Section 8 states the qualifications, term, and powers of the General Council Branch Director. Subsection (e) gives the Branch Director broad supervisory powers over the other branches of government, in direct conflict with the separation of powers contained in Article III, Section 3. This represents a gross consolidation of all governmental power—legislative, executive, and judicial—in one official, a worrisome proposal.

The revisions to Article V, Section 1 reapportions the number of representatives representing certain districts on the Legislature.

The revisions to Article V, Section 9 eliminates the ability of various governing bodies to go into executive session regarding sensitive matters, such as legal advice on active or potential litigation, acquisition of real property, and personnel matters, among others. The ability to discuss such matters in executive session is universally accepted because not doing so seriously weakens a government’s ability to bargain and litigate by giving away confidential information such as negotiating position and litigation strategy. The Nation has adopted policies and procedures for executive sessions that avoid their use except where needed.

The revisions to Article VIII, Section 1 add General Council elections to the list of elections conducted in June of odd numbered years.

The revisions to Article VIII, Section 8 add the General Council Branch Director to the list of public officials who must take an oath of office.

The revisions to Article IX, Section 2 add the General Council Branch Director to the list of public officials the General Council can remove.

The revisions to Article IX, Section 5 add the General Council Branch Director to the list of public officials who can be removed by recall.

The revisions to Article IX, Section 7 add the General Council Branch Director to the list of public officials are to be removed from office if convicted of a felony.

The revisions to Article IX, Section 12 provide that the General Council Advocate shall assume the duties of the General Council Branch Director should the position become vacant.

The revisions to Article XV delete the need for amendments to the Constitution to be approved by the Secretary of the Interior.

RECOMMENDATION: The proposed amendment should not be placed on the ballot as written; it is seriously flawed and contrary to the current law. Additionally, it was passed in an ill-advised manner. The General Council should separate each proposed revision for study with the help of expert legal opinion and communal participation. After proper deliberation, the full language of each separate revision can be submitted to the General Council for informed, deliberate consideration and a vote. The proposed amendments cannot be incorporated by reference, but the proposed amendments must contain the full language of the proposed amendment, and should be discussed in full at the General Council.

Department of Housing Board of Directors Meeting

January 18, 2018 @ 9:00 am

Department of Housing Building
#5 Conference Room

Meeting Notice

Health Accreditation Board of
Directors Meeting

Friday, January 19, 2018
9:00 am

Eileen Decorah

Conference Classroom

Ho-Chunk Health Care Center
N 6520 Lumberjack Guy Rd
Black River Falls WI 54615

The Health Accreditation Board of Directors meeting is subject to the Open Meeting Act.
Public is welcome and encouraged to attend.

Home Ownership Program



27374 St Hwy 21 E Office Building 5
P.O. Box 170, Tomah, WI 54660

THE FOLLOWING HO-CHUNK NATION TRIBAL MEMBERS NEED TO
CONTACT THE DEPARTMENT OF HOUSING
HOME OWNERSHIP PROGRAM
BY FEBRUARY 1, 2018

1185 5452 3229 0040 5415 6292 6097 1077 1217 6163
3550 3014 2344 2543 5545 1039 1806 1664 3016 2098
3354 2428 2711 0126 1716 2081 2549 3536 0782 1901
0735 0584 2561 1124 1114 3373 1378 1094 2957 1699
5446 1966 0264 0990 0751 4700 1131 1740 0591 1812

**PLEASE CONTACT KYLE M. FUNMAKER
OR MICHELLE WINNESHIEK
(608)374-1225**

JUDGMENTS

HOW IT AFFECTS YOUR APPROVAL FOR THE HO-CHUNK NATION HOME OWNERSHIP PROGRAM OR SEEKING A MORTGAGE FROM AN OUTSIDE LENDER.

What is a Judgment?

A judgment against an individual is generally a formal decision, sentence or order of a court of justice against that person. The term judgment can also be used to refer to a legal recording of an individual's inability to honor a debt.

How to find out if you have any Judgments against you?

1) Check the courthouse's website. The State of Wisconsin's website is called Wisconsin Circuit Court Access or <http://wcca.wicourts.gov>. Not all courthouses list the judgments issued on the Internet, but several of them do. Since judgments are public records, there is no restriction as to who can check them.

2) Call the courthouse. Ask the clerk's office to look up your name to see if there have been any judgments filed against you. Some clerks will just give you the information over the phone, but others may not.

3) Go to the courthouse. Go to the clerk's office and ask them in person to check for judgments against you. You may have to pay a small search fee.

What steps do I take to pay off a Judgment?

1) Pay and Satisfy the judgment as soon as possible. It will take seven years for it to come off your credit report, but this is the best option available to most people. Judgments are placed on a credit report when a court holds a person responsible for an unpaid debt. These judgments hurt your credit score. This, in turn, can lead to higher interest rates on approved loans, or even declined loans. Credit card rates and approvals can also suffer as a result of a lowered credit score caused by judgments on your credit report.

2) Contact the company to whom the debt is owed. Ask if the company would be willing to dismiss the judgment if you are able to pay an agreed-upon amount upfront. This is often a portion of the debt which the company is willing to accept as "ready money," rather than risk losing the entire amount if you are unable to pay the judgment.

3) Dispute the judgment with the credit bureau. If the credit bureau's information about the judgment is incorrect, it will correct your credit report as soon as it receives accurate information. If the credit bureau is unable to verify the judgment within a 30-day period, the bureau will remove the judgment from your report.

How do Judgments affect my application for the Home Ownership Program?

The Home Ownership Program checks through Wisconsin Circuit Court Access, if you reside in Wisconsin. If you reside elsewhere within the United States, the Home Ownership Program will check the internet for judgments through the state in which you reside. You will also have to provide a current Credit Report.

If you have judgments against you when you come up for consideration through the Home Ownership Program your application will be placed on hold, which means you will not be considered until all judgments are PAID IN FULL and a SATISFACTION of the paid judgment is sent into our office.

If you have any questions or concerns, please contact the Home Ownership Program staff at (608)374-1225.

Monroe County Personnel Department

124 North Court Street, Sparta, WI 54656-4509
(608) 269-8719



Listed below are current vacancies that the Monroe County Personnel Department will accept applications for. If you know anyone who may be interested in any of these positions, please have them contact the Personnel Department to receive the appropriate materials to apply for the position. If no deadlines are listed, the position will remain open until filled.

Position: **Juvenile Court Office Clerk II**
Department: Circuit Court
Full-Time
Hiring Salary Range: \$13.60-\$15.46/hr.
Deadline: Friday, January 19, 2018

Position: **Child Support Specialist**
Department: Child Support
Full-Time
Hiring Salary Range: \$15.73-\$17.87/hr.
Deadline: Friday, January 26, 2018

Position: **ADRC On-Call Drivers & Site Managers**
Department: Human Services - ADRC
On-Call Position
Hiring Salary: \$9.12/hr. + mileage reimbursement
Deadline: Open until filled

Rolling Hills Nursing Home is accepting applications for the following:
Check out the new and improved website using the following link:
<http://rollinghillsseniorliving.org/>

Position: **RN Supervisor**
Full-Time pm shift (3pm-11pm)
Salary varies based on experience – More details available upon request

Position: **Registered Nurse**
Part-time Night shift (11pm-7am)
Salary varies based on experience – More details available upon request

Position: **Licensed Practical Nurse**
Full-Time PM & Part-time shifts available
Salary varies based on experience – More details available upon request

Position: **Certified Nursing Assistant**
Full-time pm shift (3pm-11pm), Part-time all shifts, and On-Call
Salary varies based on experience – More details available upon request

Position: **Dietary Aide/Cook**
Full-Time, Part-Time & On-Call Available
Salary varies based on experience – More details available upon request

Position: **Student Dietary Aide**
On-Call
Minimum Salary: \$9.53/hr. (Must be a full-time student and be at least 16 years old, up to the age of 25)

Position: **Housekeeper**
Part-Time
Salary varies based on experience – More details available upon request

SUMMONS

(Second Publication)

IN THE HO-CHUNK NATION TRIAL COURT
Ho-Chunk Nation Child Support Agency and State of Iowa, Petitioner, v. Colin Joseph Wauqua, Respondent.

Case : CSFJ 17-33

TO THE ABOVE-NAMED: Colin Joseph Wauqua

You are hereby informed that you have been named the payer in the above-entitled child support action. This legal notice of the *Petition to Register & Enforce a Foreign Judgment or Order* is now served upon you by publication. Your written *Answer* to the *Petition* must be filed with the Court on or before the twentieth day from the date of the second published issuance of this *Summons*. You may request a hearing within your written response. See CHILD SUPPORT ENFORCEMENT CODE, 4 HCC § 7.36. Also, you must send or present a copy of your *Answer* to the opposing party listed above or to their attorney of record. Failure to file a timely *Answer* in the time allowed can affect your right to object to the enforcement of the foreign judgment or order. *Id.*, § 7.36(b)(v).

The Trial Court is physically located at Wa Ehi Hocira, W9598 Highway 54 East, Black River Falls, (Jackson County) Wisconsin. The Trial Court's mailing address is P. O. Box 70, Black River Falls, WI 54615. The telephone number is (715) 284-2722, or toll free 800-434-4070, and the facsimile number is (715) 284-3136.

SUMMONS

(Second Publication)

IN THE HO-CHUNK NATION TRIAL COURT
Ho-Chunk Nation Child Support Agency and Shanti Gordon, Petitioner, v. Jon E. Miner, Respondent.

Case : CS 17-68

TO THE ABOVE-NAMED: Jon E. Miner

You are hereby informed that you have been deemed an interested party in this child support action. This legal notice of the filed *Petition for Child Support* is now served upon you by publication. A proceeding concerning the above-named child is pending in the Ho-Chunk Nation Trial Court, and an adjudication will be made.

You have twenty (20) days from the date of service to respond to the *Petition for Child Support*. Failure to do so will cause the Court to proceed without your participation, which may result in the entry of a *Default Judgment* against you. An *Answer* (response) shall be filed with the court at the address given below, and must be served on all parties to the action. The Court shall convene an *Initial Child Support Hearing* as permitted by CHILD SUPPORT ENFORCEMENT CODE, 4 HCC § 7.28.

The court shall commence a proceeding no sooner than twenty-five (25) days from the date of service. The shall be held at **10:00** on the **22nd** day of **Jan**. The Court also provides notice of the potential of being held in contempt of court:

NOTICE- VIOLATION OF THIS ORDER IS SUBJECT TO PROCEEDINGS FOR CONTEMPT OF COURT. SUBPOENAS: THE FAILURE TO COMPLY WITH A SUBPOENA SHALL SUBJECT THE PERSON FAILING TO COMPLY TO THE CONTEMPT POWER OF THE COURT. THE COURT MAY FIND ANY PARTY TO THIS MATTER IN CONTEMPT OF COURT FOR FAILURE TO APPEAR AT A COURT HEARING OR FOR FAILURE TO FOLLOW COURT ORDERS.

The Trial Court is physically located at Wa Ehi Hocira, W9598 Highway 54 East, Black River Falls, (Jackson County) Wisconsin. The Trial Court's mailing address is P.O. Box 70, Black River Falls, WI 54615. The telephone number is (715) 284-2722, or toll free 800-434-4070, and the facsimile number is (715) 284-3136.



DISTRICT 1 COMMUNITY CENTER
GRAND OPENING
RIBBON CUTTING
TUESDAY, JANUARY 23, 2018
5:00 P.M. - 7:00 P.M.

N7261 WARRIOR AVE
BLACK RIVER FALLS, WI

THE HO-CHUNK NATION CORDIALLY INVITES YOU TO JOIN US FOR THE GRAND OPENING OF OUR NEW COMMUNITY BUILDING.



EVENT AGENDA

- ◆ DRUM - LITTLE THUNDER
- ◆ WELCOME AND PRAYER
- ◆ HO-CHUNK NATION DISTRICT I REPRESENTATIVE
- ◆ GUEST SPEAKERS
- ◆ RIBBON CUTTING
- ◆ MEAL
- ◆ THANK YOU SONG



JOHNSON O'MALLEY PROGRAM

Baraboo/WI Dells/Mauston/Reedsburg/Portage/Sauk-Prairie/Adams-Friendship Indian Education Committee Johnson O'Malley Program

Like us on Facebook! <https://www.facebook.com/BarabooPortageReedsburgSauk-Prairie-Johnson-OMalley-IEC-249999178537132/>

Ho-Chunk Nation Education * PO Box 667 * Black River Falls, WI 54615 * (800) 294-9343

Meeting Notice

Date: Wednesday, January 24, 2018

Time: 6:00 p.m.

Location: House of Wellness

**** Bring Student Report Cards ****



\$18,000 CASH GIVEAWAY

REGISTER JANUARY 1 - 28 | DRAWING JANUARY 28

Win your share of \$18,000 in Cash during our Frozen Fortune giveaway. First entry is free. Prize split between 18 winners. Earn up to two additional entries per day when you earn 25 points or play tables for at least one hour. Drawings 5pm - 7pm.

VISIT THE REWARDS CLUB FOR DETAILS.

GET YOUR TICKETS TODAY!

TICKETS MAY BE PURCHASED BY CALLING 800.657.4621 EXT. 4060



JUMPING JACK FLASH

ULTIMATE ROLLING STONE TRIBUTE

\$30 GENERAL ADMISSION | FEBRUARY 16 | 8PM
\$15 REWARDS PLAY FOR EVERY TICKET SOLD



THE FAB FOUR

ULTIMATE BEATLES TRIBUTE

\$30 GENERAL ADMISSION | FEBRUARY 17 | 4PM OR 8PM
\$15 REWARDS PLAY FOR EVERY TICKET SOLD

Anyone 21 years or older is welcome to play in the Casino. Those 18 years or older are welcome to play Bingo. Ho-Chunk Gaming reserves the right to cancel or alter promotions at any time.



Experience the Difference



Visit all six casinos at ho-chungaming.com

