



Vol. XXXII, Issue 2

Huc wiconj na wira | First Bear Moon

January 26, 2018



Ho-Chunk Nation asked to become a legacy sponsor of the Great Sauk State Trail

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Wisconsin Dells football players named to the first team All-Conference

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Wisconsin tribes speak in favor of Assembly Bill 118

Tim Wohlers
Staff Writer

Tribal representatives from around the state testified at a public hearing in Madison this month, to express their support for Assembly Bill 118 (AB 118).

The measure would afford greater protection to burial sites in Wisconsin.

“We feel that AB 118 takes an important step towards ensuring that tribal remains are treated with the dignity and respect they deserve,” stated Chairman of the Forest County Potawatomi Harold Frank. “We would (therefore) like to express our support in this bill.”

Tribes such as the Forest County Potawatomi entered the discussion roughly two years ago, when Republicans introduced a bill that would have weakened protection of effigy mounds.

The failed proposal was Assembly Bill 620 (AB 620).

“The very sanctity of these sacred resting places was threatened by

Assembly Bill 620,” said Ho-Chunk Nation Executive Director of Heritage Preservation Jon Greendeer. “But it was not without purpose.”

Following the failure of AB 620, Wisconsin legislators formed a study committee to consider statute changes that might provide a better balance between the various stakeholders.

Rep. Amy Loudbeck (R-Clinton) chaired the committee.

“The Study Committee was tasked with reviewing Wisconsin’s current burial sites preservation law,” Loudbeck said, “to determine whether it adequately balances the interests of (all parties).”

Coming out of that study committee was AB 118. It has suggested several changes to the current law – such as an increase in the amount of land surrounding a burial



Ho-Chunk Nation’s Executive Director of Heritage Preservation Jon Greendeer and District-3 Legislator Kathy DeCamp provide testimony at a Jan. 4 public hearing held at the capitol.



The Senate Committee on Natural Resources and Energy listens to testimony from fellow legislators and members of the public on Assembly Bill 118, which would strengthen protection of burial sites.

site that cannot be disturbed.

Many tribes have backed the proposal.

“I am writing to express our support of Assembly Bill 118,” stated President of the Stockbridge-Munsee Shannon Holsey. “We thank the Committee for their consideration (of) this most significant matter.”

The bill has already passed the Assembly, and is now in the hands of state senators. The Committee on Natural Resources and Energy held a public hearing for it earlier this month.

That hearing took place on Jan. 4, at the capitol.

“I support AB 118,” congressional candidate Mary Jo Walters stated in a one-page testimony, “and hope that the public hearing today shows more of why the bill will help the mounds throughout Wisconsin.”

The bill would pass through the committee by

a 5-0 vote. Members said the Senate would likely be considering the measure in February or March.



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Materials Management law provision not being adhered to

Marlon WhiteEagle
Editor

As a sovereign nation, the Ho-Chunk Nation can make its own laws to govern itself. We've done that to a certain extent. Our laws don't have any teeth without penalties written within them.

But why do we continually make laws that we don't adhere to?

Take our Materials Management Policies and Procedures Manual for example.

It is a Title 5, Business and Finance, Section 9, Ho-Chunk Code on Materials Management. Under the Special Purchasing, h) Construction Projects, 2) reads as follows:

"All approved contract awards shall be published in

the tribal newsletter identifying the project, name of contractors and sub-contractors, projected timeline for completion, the dollar amount of the project, and the source of funds used for the project."

The code was enacted by the Ho-Chunk Nation Legislature on September 21, 2005, and was last amended and restated on March 3, 2009.

So since the code's creation in 2005, it was thought to be a good idea and voted on to publish construction project awards in the Hocak Worak.

The code doesn't discuss whose responsibility it would be to forward the construction project awarded contractors to the tribal newsletter.

Once again, the lawmak-

ers include no penalty for not complying with this Ho-Chunk Nation Code.

Department of Justice has a contract database. In most cases, the president signs the contracts. The legislature approves the budgets for such construction projects for various departments.

All those in the know of which construction contracts were awarded over the past 13 years have dropped the ball on compliance of 5HCCS9 when it comes to publishing awarded contracts.

Would it be acceptable to pay \$100,000 for the new District 1 Community Center's fireplace structure?

The only difference between the Black River Falls' and the new Dejope branch office's fireplace is a little more cement, a few metal beams, and some corrugated tin to cover the fire.

One tribal member said, "That's blasphemous," if the nation approved a fireplace construction for so much money.

Would such a purchase have occurred if tribal members read the awarded contract details if it was printed in the tribal newsletter?

The old District 1 building fireplace cover structure probably cost \$200 in lumber.

The purpose of the code



One fireplace structure probably cost \$200, while the other may have cost the nation \$100,000.

was to avoid the appearance of "unethical and uncompromising relationship, actions, and communications" in the awarding process."

The code also reads, "Know and obey the letter and spirit of the laws governing materials management and remain alert to the legal ramifications of material management decisions."

Overall, the awarding of contracts for Ho-Chunk Nation construction projects is about openness, impartiality, and transparency. But that only works when the letter of the law is adhered to.

Accountability is every tribal member's responsibility.

When tribal members run for office or accept appointments, they essentially give up certain amount of their rights to privacy.

Public officials are subject to public scrutiny and public discourse will happen on ac-

tions taken, votes casted, and public comments made on issues that matter to their constituents.

Just last week US cities saw hundreds of thousands women marching together to raise awareness of their fight for equality in representation and protection. They want their voice heard and to matter when it comes to change in laws and protections.

The same goes for tribal members who want their voices heard and to matter when it comes to spending tribal dollars.

We need our laws to be known and adhered to learn and grow as a nation.

If changes to the code were made, it should be to provide greater detail.

It's time we begin publishing construction project awarded contracts for all tribal members to view.

Lakers should consider Koenig

Tim Wohlers, Staff Writer

The Los Angeles Lakers should extend a contract offer to G-Leaguer Bronson Koenig, or at least invite him to one of the team's upcoming workouts.

They could use his help this season.

Their best player has shot less than 39 percent from three, where Koenig is 42 percent accurate. As a team, they have averaged just 33 percent. Since nearly a third of their shooting comes from beyond the arc, Koenig's precision would be a welcome contribution.

And with an average point differential of less than four, the Lakers would only need to add two treys a game in order to end up ahead of their opponents.

Koenig could provide that. Having him on their bench would most likely reduce the number of Laker turnovers, as well. The team has been averaging more than 16 a game... Koenig has averaged just one.

Consequently, he has been turning the ball over less than seven players on the Lakers' roster. That ball protection could do a lot for L.A. Fewer turnovers would result in more possessions, more possessions would result in more points, and more points would result in more wins.

The deal would not only benefit the Lakers, though.

Koenig has been patiently

waiting for an opportunity of his own. Teams have bounced him back and forth throughout the G League since mid-September, without giving him much thought.

Meanwhile, the rookie has watched several players from his class called up to the NBA. Michigan forward DJ Wilson went to Milwaukee in the first round, Creighton center Justin Patton traded to Minnesota, and Wisconsin alum Nigel Hayes has just signed with Los Angeles.

Let us not forget Lonzo Ball, either.

The UCLA point guard came to the Lakers with the second overall pick of the 2017 NBA Draft. Since then, he has fallen short of expectations and posted the team's worst field-goal percentage.

Critics have long argued that LA is wasting its time with Ball, and should be looking elsewhere. Many suggested the team address its shooting problems by calling up a G-League player like VJ Beachem, who once garnered national attention for his three-point accuracy.

However, Beachem has been averaging only 38.8 percent from downtown.

At this point, Los Angeles should be looking outside of the organization to find a solution. Signing Nigel Hayes was a good step. Going after Bronson would be an even better one.

Letter to the Editor

Greetings,

This in response to the "Editorial" that was featured in the "Hocak WoraK" dated January 12, 2018.

Upon reading the "Editorial", my first impression is that the "Legislature" is decreeing that the "General Council" does not have a voice in how the Nation should be administered. The voting process showed that we voted for the "Legislature" to represent our opinions. Initially the responsibility of their acts and deeds

falls to us the voters. The people we elect to the "Legislature" are tribal members such as you and I. If not for our votes they would be part of the "General Council".

Our "Constitution" is set up for the "Ho-Chunk Nation", or so I believe. (Excuse my naivety) In my opinion for the "Legislature" to make themselves immune to the "Court", raises questions.

Thank you,
Bryon H. Lonetree

HO-CHUNK NATION

MARCH MADNESS

MARCH 9TH - 11TH 2018

PRIZES:
1ST - \$10,000
2ND - \$5,000
3RD - \$3,000
4TH - \$1,000

Wisconsin's Premier All-Native Basketball Tournament
 Sponsored by the House of Wellness & Ho-Chunk Nation Baraboo, WI

5th Annual Roberta Funmaker All-Stars Women's Tournament

16 Men's & 12 Women's Teams
 Double Elimination Tournament. Played with WIAA High School Rules.

ENTRY FEE : MEN'S \$600. WOMEN'S \$600.

All Tournament Players must be 18 years old & older, Out of High School, & must show proof of Tribal Enrollment AND valid Photo ID.
 Send Payment in full, Cashiers Check or Money Order. Payable to: House of Wellness March Madness Tournament 2018.
 Team Entry Deadline: Feb 28th 2018. No Personal checks/cash. No Refunds or Team/Money Transfers. No Holds.

Friday Night Events
 Nelson Funmaker 3pt Shoot out
 Kunu Yazzie Slam Dunk Contest

Admission:
Daily or Weekend.

Little Hoopsters
 Saturday @ Noon.
 (Limited to 80 Kids. Sign up @ 11am.)

House of Wellness Fitness & Aquatic Center
 S2845 White Eagle Rd. Baraboo, WI 53913
 1-888-560-4616 X5506 or (608) 355-5155 x5506
www.houseofwellnessfitnesscenter.com
www.facebook.com/Ho-ChunkHOW
www.facebook.com/Ho-Chunk-March-Madness-Basketball-Tournament

Greendeer plants seeds of healthy nutrition as Agriculture Division manager

Ken Luchterhand
Staff Writer

Jessika Greendeer has taken her passion for horticulture and turned it into a blessing for the Ho-Chunk people.

Greendeer is the new Agriculture Division manager for the Ho-Chunk Nation, having started as a limited term employee in October, but then was promoted to the full term permanent position in December.

The Ho-Chunk Department of Agriculture was established with an act of the Ho-Chunk Legislature on Oct. 18, 2016, after an establishment resolution by Joyce Warner was introduced at the Sept. 19, 2015, General Council meeting.

Greendeer is from Baraboo, the daughter of Conroy Greendeer Sr., an elder who saw the need of organic gardening in communities. His advice and example were the impetus to her to become more interested in horticulture.

She spent a 10-year stint in the U.S. Army, who served during wartimes in Afghanistan and Iraq, also taking up the journalist trade.

Greendeer became involved in the Veteran Farmer Train-

ing Program in Pennsylvania and she is a 2016 graduate of the Organic Farming Certificate Program, honored with the Rodale Institute's Organic Pioneer Award.

She began working with the Ho-Chunk Nation last year, working with organic gardening as an AmeriCorps volunteer.

Now, as she organizes the agriculture program, she develops plans to hire people to work for the division, including fulltime positions, along with temporary workers during the growing season.

One of the first jobs she intends to pursue is to get an organic vegetable farming operation underway, not only to provide horticulture skills to tribal employees, but also to provide healthy diet options for the Ho-Chunk people.

There are 6.5 acres of certified organic land at Whirling Thunder near Tomah, plus acreage elsewhere around the state, owned by the Ho-Chunk Nation.

"The health benefits for eating organic vegetables can be life-changing," Greendeer said.

The vegetables grown under the program would be

distributed to the Head Start facilities and the Tribal Aging Units. By doing so, it would be providing healthy food to children and elders, plus keeping food dollars within the tribe, she said.

Someday the agriculture effort might extend into animals, such as cows, pigs and chickens, but that would be at a future time.

"I don't like the idea of wasting food," Greendeer said. "You don't plant a seed without a plan what to do with it."

For now, Greendeer wants to organize things and get programs started.

"In the past, there have been efforts to get an agriculture program started, but this one needs to stick," she said.

She hopes to get Ho-Chunk members involved in agriculture, something that generations did decades ago.

"We need to get that back.

We need people to feel that personal responsibility to grow their own food," she said. "People don't need a farm to grow food. They can grow food in their backyards, or even in containers on their windowsills."

Greendeer previously was

involved in establishing community gardens within Ho-Chunk communities. Raised gardens are in Sandpillow, Indian Heights and Blue Wing. Another one will be established this year.

"Our fourth garden will be going in at Ho-Chunk Village this spring," she said. She hopes to maintain a working relationship with Melanie Stacy, who organizes the community gardens, to continue to develop agriculture in the communities and perhaps conduct an additional food survey so she can plan for what types of food the people can use.

Another project she would like to develop is the establishment of a seed bank. The ability to grow indigenous foods could be preserved for future generations and make sure those varieties would always be available. Plus, it would provide an effort to produce more seeds that are in demand and allocate the distribution of those seeds.

"It has to happen," Greendeer said. "We would provide training for people to become seed keepers or stewards to make sure we are continuing to have viable seeds."



Jessika Greendeer is the new Agriculture Division manager. She hopes to develop a program that will promote healthy eating options for the Ho-Chunk people.

Not all of the ideas Greendeer is contemplating are new. She will be looking at present indigenous agriculture programs in other Native American nations and use that information to develop her own programs. She knows of an aquaponics program in place with the Oneida nation and can learn from such examples. "Many people have been asking if we're ever going to return to raising bison. We'll get there one day," she said.

Twelve Clans, Inc. adds operations expertise

Submitted by
Joanne Whiterabbit

With an eye on supporting the growth of Twelve Clans, Inc. (TCI) and its many ongoing board activities and accomplishments, the Section 17 Corporation's board of directors signed a six-month contract with Jason Booth of Tribal Advancement Group. The focus of Booth's work will be to:

- Facilitate TCI work product resulting from Board action

- Enhance the understanding of TCI among Ho-Chunk tribal members through developing a comprehensive communications program

- Identify deal opportunities and facilitate diligence as defined by TCI's tribally-approved Investment Policy

"Mr. Booth brings 25+ years of corporate and Indian Country experience to his work with Twelve Clans," shared Jason Lambert, board chair. "He is one of the most experienced Native Ameri-

cans in the country working with the Fortune 500." Booth, an enrolled member of the Turtle Mountain Band of Chippewa Indians, has owned companies focused on marketing and communications, management consulting, and tribal diversification for 18+ years.

TCI continues to actualize the diversification goals of the Ho-Chunk Nation. 2017 transitioned the work from theory and planning to engagement and investment. "The corporation made its first investments this year in exactly the types of vehicles presented in the planning process," Jay Calhoun stated. "2018 starts with a number of deals in the diligence process," Calhoun continued. These actions mean seeking, analyzing, tracking, and closing on deals this year. This added amount of activity warrants assistance to enact company practices.

"I am very excited to as-

sist the board of directors of TCI as they continue this important work," said Booth. "I have worked with tribes across the country and this company is as advanced as I have seen. I am excited to facilitate the work."

In addition to board operating tasks and investment programming, Mr. Booth will assist Communications Committee Chairman, David Greendeer - Ho-Chunk Nation member, with the development and implementation of a plan to share TCI's activities with Ho-Chunk citizens. "So much progress has been made to date, and we need to make sure we share the hows and whys with our people," Greendeer shared. "We will work to identify the channels that are most effective and share the message with all constituents."

Mr. Booth started his work December 4th and will work until June. Booth will also



Jason Booth of Tribal Advancement Group will work with Twelve Clans Inc through June 2018.

assist the board in the search for a new CEO who will start when the contract is over.

Banner Journal's Indian Report

by Charles Low Cloud

Printed from January 27, 1932



INDIAN MISSION

Freddie White Eagle and Edward Cloud were here in church, Sunday. Mitchell Elk, of Winnebago, Nebraska, was here Sunday night. He has been visiting at different places. Rev. David W. Decorah has been on the sick list the last two weeks. He is able to be around again now. Rev. and Mrs. John Stacy went to their own home at Greenwood, Sunday, after church, and will return here this afternoon. Charley Sine and Robert Greengrass and family are going to Greenwood to try to sell some baskets, and to visit Mrs. Greengrass' mother, at Mrs. Louis Looking Glass' home.

Disclaimer

A separate edition with the header Hocak Worak was printed and sent to tribal members this week. The special edition was produced and printed under the direction of the Ho-Chunk Legislature, and represents their collective opinions. The Hocak Worak staff took no part in its development.

Attention: The Next Deadline of the Hocak Worak will be Feb. 2nd which will be published on Feb 9th. Please contact Hocak Worak at ext. 1006 if you have a change of address or would like to be placed on the mailing list.

The Hocak Worak is a periodical published twice monthly by the Ho-Chunk Nation. Editorials and articles appearing in the Hocak Worak are the responsibility of the authors and do not necessarily reflect the opinion or attitude of the Hocak Worak staff or the Ho-Chunk Nation.

The Hocak Worak encourages the submission of letters to the Editor. All letters must include the signature, address and telephone number of the author. Letters are subject to editing for grammar, length, malicious and libelous content.

The Hocak Worak reserves the right to reject any advertising, material, or letters submitted for publication. The submission of articles, poetry, artwork and photos is encouraged. The Editor makes the sole decision of what is published in the Hocak Worak. The Hocak Worak will not assume any responsibility for unsolicited material.

Submissions deadlines for the Hocak Worak are by 4:30 PM. We cannot guarantee the publication of submissions meeting these deadlines if the space is not available. No part of this publication may be produced without express written consent from the Editor.

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NAJA

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WISCONSIN NEWSPAPER ASSOCIATION FOUNDATION
2016 BETTER NEWSPAPER CONTEST AWARD WINNER

Ho-Chunk Nation asked to become a legacy sponsor of the Great Sauk State Trail

Tim Wohlers
Staff Writer

The Sauk County Board of Supervisors requested financial assistance from the Ho-Chunk Nation earlier this month, to help pay for the next part of the Great Sauk State Trail.

Chair Marty Krueger presented the request at a Jan. 12 legislative meeting.

“Thank you for giving me the opportunity to speak to you this morning,” Krueger said. “Many of you know that on Oct. 19, we officially opened (the first section) of this long-awaited trail. Many people thought that it was impossible, and that it would never happen.”

Krueger said the first phase was only possible because of

generous donors throughout the state, and that the second part of Sauk County’s project would require similar support.

The price tag has been set at \$850,000.

Friends of the Great Sauk State Trail have raised half the necessary funds, but need a donor to match their effort. The county representative said he hopes the Nation will step forward.

“The Friends of the Great Sauk Trail are in a position to grant us \$425,000 to \$450,000 – or about half of what we need,” Krueger said. “So I’m going to ask you to become a legacy partner – the Ho-Chunk Nation.”

In return, Krueger said, the Nation would receive a sig-

nature art piece somewhere along the trail. The organization’s logo would appear on trail maps and various promotional materials, as well.

However, he did not say what it would cost to attain legacy status.

The legislators weighed the benefits of such an investment, and shared some of their concerns. District 1 Rep. Hinu Smith asked what would happen if the Nation denied the county’s request.

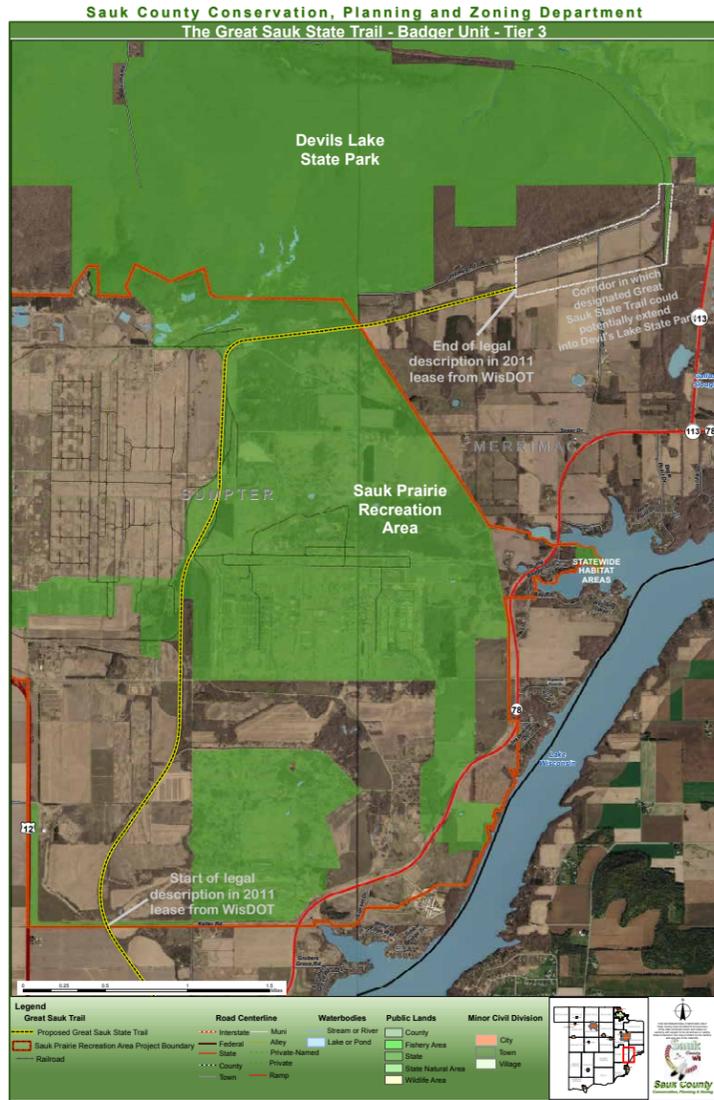
“Of course a donor who participates in such a dollar amount gets (certain things in return),” Smith said. “A lot of American history, state history, local history – regardless – is Native American history. So is that going to be incorpo-

rated anyway?”

Krueger pointed out that an investment by the Nation would be beneficial to the tribe, as well. However, he assured that the story of the Ho-Chunk people would be included no matter what.

He said sharing the area’s history is what matters most. “The importance of telling the complete story of that land came before any mention of money,” Krueger said. “The story of that land, no matter what level (of investment), will be told.”

The matter has been referred to the Finance Committee, which will meet at the end of this month.



Oneida Nation Arts Program

Native Song Writing Retreat

Beth Bashara, director of the Oneida Nation Arts Program

With funding from the National Endowment for the Arts, the Oneida Nation Arts Program working on a special project that brings together respected Native musicians in both traditional and contemporary genres to collectively create new music that reflects Native culture.

The goal of this project is to bring together Native musicians and recording engineer in a secluded location to create and help build a repertoire of Native cultural music that can be arranged or modi-

fied for children, particularly Native children, to sing in schools and choirs.

The program starts with a song writing and recording retreat in February. A core group of musicians are charged with imagining and writing “Lost Songs,” those melodies and lyrics that fall outside of the traditional music sung in Native communities yet still reflect Native culture either traditionally inspired or contemporarily influenced.

A performance is scheduled for February 8th, 8pm, at the Gerold Opera House, 136 E. Main St., Weyauwega, WI.

This performance will be featuring artists Sadie Buck, Pura Fe, Wade Fernandez, Elizabeth Hill, Annie Humphrey, Kelly Jackson, Rebecca Miller and more. Tickets are \$5 for adults and children until 14 are free with an adult. Tickets are available online at: <https://oneidacommunityeducationcenter.org/product/native-songwriter-performance/> or available at the door. Some busing options are available through the Oneida Community Education ticket site.

For information, please contact the Oneida Nation Arts Program at (920) 490-3833.



February

Elders Birthdays

1 Levi Thunder Sr. Steve Funmaker Pinkah Greengrass Elaine Sine	17 Myrtle Funmaker Polly Cholka Dwight Steele Cleopus Delarosa Steven Pine Heather Hendrix Wright Steven Radtke
2 Calvin Snowball William Larsen Harold Blackdeer III	18 Janet Dittmer Leon Oknewski
3 Laverda Richter Rebecca Krause	19 Frank Decorah Helen WhiteHorse
4 Sharon Lynch Matthew Johnston Carlos Cabasos	20 Richard Decorah James Webster
7 Celena Twinn Robert Mann James Niemi	22 Betty Kingsley Albertina McArthur Shirley Kulvik Donald Blackhawk Jr.
8 Frederick White Jean Stopinski Tina Blair	23 Mary Beeman Merton Lincoln
9 Forrest Whiterabbit Janet Berg	24 Arlene Keahna Delia Maisells
10 Marlene Helgemo Geneinne Morgan	25 William Lamken Roger Thundercloud
11 Martina Little-Boy Patricia Provost John Huth Sr. Caroline Koukos	26 Leonard Sheka Jr. Bridgadne Spiegler Juan Rivera Helene Day
14 Lila Blackdeer	27 Millie Decorah Boye Ladd Edith Prescott Bruce Pettibone Anna Reichenbach Roy Littlegeorge
15 Eliza Green Joann Baker	28 Carole Buchanan Kathleen Blackdeer
16 Sharon Pierce Lucinda Littlesoldier Twyla Berry Carole Roberts Lori Gamble	

NATIVE SONGWRITER PERFORMANCE

FEBRUARY 8TH - 7PM
GEROLD OPERA HOUSE
136 E MAIN ST., WEYAUWEGA

FEATURING NATIVE AWARD WINNING:

SADIE BUCK
PURA FE
WADE FERNANDEZ
ELIZABETH HILL
ANNIE HUMPHREY
KELLY JACKSON
REBECCA MILLER
AND OTHERS

\$5 ADMISSION
14 AND UNDER FREE WITH ADULT
TICKET INCLUDES BUS RIDE
TICKETS AND MORE INFORMATION AT:
[ONEIDACOMMUNITYEDUCATIONCENTER.ORG](https://oneidacommunityeducationcenter.org)






January is Cervical Cancer Awareness Month

Submitted by Holly Rodenberg RN, Nurse Educator, Ho-Chunk Health Care Center

Each year in the U.S, 12,000 women get cervical cancer? The two main ways to prevent it are to have screening tests (such as a PAP test -see the chart with this article) and vaccination against HPV(Human Papilloma Virus), a virus which is the main cause of cervical cancer.

Even women who are vaccinated against HPV need to have regular Pap tests to screen for cervical cancer.

If you are unsure of what you need to have done or have questions, please talk with your healthcare provider or health educator in your area.

Here is a reliable source of further information: <https://www.cdc.gov/cancer/cervical/index.htm>

Prevent Cervical Cancer

with the **Right Test** at the **Right Time**



Screening tests can find abnormal cells so they can be treated before they turn into cancer.

- ① The Pap test looks for changes in cells on the cervix that could turn into cancer if left untreated.
- ② The human papillomavirus (HPV) test looks for the virus that causes these cell changes.

The only cancer the Pap test screens for is cervical.

HPV is the main cause of cervical cancer.



- ① HPV is a very common virus, passed from one person to another during sex.
- ② Most people get it, but it usually goes away on its own.
- ③ If HPV doesn't go away, it can cause cancer.

Most women don't need a Pap test every year!

Have your 1st Pap test when you're

21

If your test results are normal, you can wait **3** years for your next Pap test.



HPV tests aren't recommended for screening women under 30.

When you turn **30** you have a choice:

If your test results are normal, get a Pap test every **3** years.

OR

Get both a Pap test and an HPV test every **5** years.

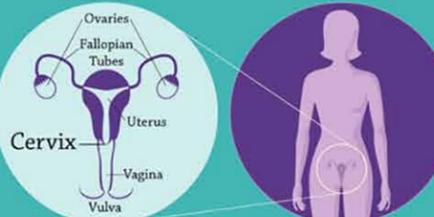


You can stop getting screened if:

- ① You're older than **65** and have had normal Pap test results for many years.
- ② Your cervix was removed during surgery for a non-cancerous condition like fibroids.



The cervix is the lower, narrow end of the uterus (womb) that connects the uterus to the vagina (birth canal).



No insurance? You may be able to get free or low-cost screening through CDC's National Breast and Cervical Cancer Early Detection Program. Call (800) CDC-INFO or scan this QR code.



More information about cervical cancer: www.cdc.gov/cancer/cervical/





Is your baby sleeping safely?
Remember these ABCs of safe sleep.

A B C S

Alone

on the back

in a crib

Smoke-free air

Safe sleep means:

- Alone with you nearby
- On the back
- In a crib or Pack 'n Play™
- In smoke-free air
- Room temperature should be comfortable to a lightly clothed adult



Unsafe sleep means:

- Sleeping in a bed or crib with others
- Sleeping on a sofa, recliner chair or soft bedding alone or with others
- Using bumper pads, blankets, pillows or toys in the crib
- Smoking in the house or car

Need a safe place for baby to sleep?
Contact your local Community Health Nurse for more information about safe sleep and our Cribs for Kids program.

Black River Falls: 888-685-4422 ext. 5317
House of Wellness: 888-552-7889 ext. 5551
La Crosse: 608-784-3083



Nekoosa: 715-886-5444
Tomah: 608-372-5202
Wittenberg: 715-253-2382

<http://health.ho-chunk.com/>

Join us at

Partners in Parenting

Including free lunch and raffles!

Must attend presentation to receive raffles and incentives. Presentations begin at noon for each session.

Wellness Visits
with Cari Ritter, PA-C

Where
Ho-Chunk Gaming-Dells
Lower Dells F/G

When
Thursday, January 25th
11:30 AM – 1:00 PM

Healthy Development
with Pam Reimer, CHN

Where
House of Wellness
Alberta Day Room

When
Thursday, February 22nd
11:30 AM – 1:00 PM

Car Seat Safety
with Allie Isaacson, CHN, CPST & Annie Wostal-Bender, RTR, CPST

Where
House of Wellness
Alberta Day Room

When
Thursday, March 22nd
11:30 AM – 1:00 PM

Questions?
Contact Allie Isaacson, CHN
Cell: 608-393-4369



Keep tobacco sacred and your baby safe.
Smoking during pregnancy can lead to:
Complications during delivery
Miscarriage
Sudden Infant Death Syndrome
Asthma in Children

FIRST BREATH is a program to help pregnant mothers stop smoking. **First Breath** participants receive:

- Personal support
- Smoking cessation counseling
- Education materials
- **FREE** incentives and gifts

Contact your Ho-Chunk Community Health Nurse to enroll in **First Breath** or for questions regarding quitting smoking.

Tomah: 608-372-5202
La Crosse: 608-784-3083
Nekoosa: 715-886-5444



Black River Falls: 888-685-4422 ext. 5317
Wittenberg: 715-253-2382
House of Wellness: 888-552-7889 ext. 5551

<http://health.ho-chunk.com/>



**HO-CHUNK NATION
LEGISLATURE
REGULAR MEETING
TRIBAL EXECUTIVE OFFICES
BLACK RIVER FALLS, WI
DECEMBER 5, 2017**

Call to Order: President Wilfrid Cleveland called the meeting to order at 10:10 a.m.

Roll Call:

President Wilfrid Cleveland-P
Vice President Doug Greengrass-P
Rep. Andrea Estebo-EX
Rep. Karena Thundercloud-EX
Rep. Carly Lincoln-P
Rep. Hinu Smith-P
Rep. Kristin White Eagle-EX
Rep. Shelby Visintin-P
Rep. Forrest Whiterabbit-P
Rep. Kathy DeCamp-P
Rep. Matt Mullen-CC
Rep. Robert TwoBears-EX
Rep. Lawrence Walker, Jr.-P (10:34a.m.)
Rep. Kathyleen Lone Tree-Whiterabbit-P
CC: conference call

Determination of Quorum: Quorum is established at 10:10 a.m.

Opening Prayer: President Wilfrid Cleveland offered a word of prayer.

Approval of Agenda:

MOTION by Rep. Kathyleen Lone Tree-Whiterabbit to approve the agenda with the additions under New Business; adding E. Resolution-Establishment of Funding of Restricted Account for Existing Mortgage Assistance for the Down Payment Assistance Program, and items, F. Resolution-Affiliation Agreement with University of Michigan College School of Pharmacy. Second by Rep. Forrest Whiterabbit. 8-0-0 **MOTION CARRIED.**

Approval of Previous Meeting Minutes:

Legislative Meeting – November 21, 2017
MOTION by Rep. Kathyleen Lone Tree-Whiterabbit to approve the November 21, 2017 Legislative Meeting minutes with corrections. Second by Rep. Kathy DeCamp. 8-0-0 **MOTION CARRIED.**

Committee Reports:

Health, Social Services & Insurance Committee-November 28, 2017

MOTION by Rep. Kathy DeCamp to approve the November 28, 2017 Health, Social Services & Insurance Committee Meeting minutes with corrections. Second by Rep. Shelby Visintin. 7-0-1 (Rep. Shelby Visintin) **MOTION CARRIED.**

Finance Committee-November 29, 2017

MOTION by Rep. Forrest Whiterabbit to approve the November 29, 2017 Finance Committee Meeting minutes with corrections. Second by Rep. Carly Lincoln. 7-0-1 (Rep. Carly Lincoln) **MOTION CARRIED.**

Project Forward Delay Update

MOTION by Rep. Forrest Whiterabbit to

TABLE the Project Forward Delay Update for further information. Second by Rep. Carly Lincoln. 8-0-0 **MOTION CARRIED.**

Unfinished Business:

Office of General Council (Standing Agenda Item)

MOTION by Rep. Kathyleen Lone Tree-Whiterabbit to **TABLE** the Office of General Council Update for lack of representation. Second by Rep. Shelby Visintin. 8-0-0 **MOTION CARRIED.**

Economic Diversification (Standing Agenda Item)

Rep. Matt Mullen mentions the next Economic Diversification Meeting will be on January 10, 2018. Location to be determined.

Rep. Lawrence Walker, Jr. arrived to the meeting at 10:34 a.m.

District 3 Wisconsin Dells District Meeting-November 14, 2017

MOTION by Rep. Kathy DeCamp to **TABLE** the District 3 Wisconsin Dells District Meeting minutes of November 14, 2017 so Legislative Counsel can prepare a resolution that includes residency requirements of one month to count towards District Meetings. Second by Rep. Shelby Visintin. 8-0-1 (Rep. Kathyleen Lone Tree-Whiterabbit) **MOTION CARRIED.**

Ho-Chunk Nation Website

Lynette LeGarde, Chief Communications Officer, provided an update on the bids submitted for the Nation's website. The bids received are for the Nation's website and not for a separate website for the Legislative Branch. IT was present to discuss the matter further.

Amendment to the Agenda:

MOTION by Rep. Forrest Whiterabbit to amend the agenda in order to hear more information about the Project Forward Delay Update next on the agenda. Second by Rep. Hinu Smith. 9-0-0 **MOTION CARRIED.**

Project Forward Delay Update

A verbal report was provided and a written memo will be forwarded to the Finance Committee.

Ho-Chunk Nation Website

Shane Steindorf, John Steindorf and Lael Hall were present to give an update regarding the Nation's website. Each department is responsible to update their portion of the website. Some departments are lacking to do updates to their portion of the website. The correctness and accuracy of the current website may be the cause. There is a lack of departmental participation in providing relevant updates to the website.

Shane mentions the laws are often updated by himself. He has to do the individualized calendars himself. The only reason he has not finished is because he is working with the Courts, and he is getting things done that need immediate upload to the website. No action taken.

New Business:

Resolution Establishing the Creation of a Work Group for the Critical Incident Policy
MOTION by Rep. Hinu Smith to adopt the resolution, Establishing the Creation of A Work Group to address the creation of an Internal Critical Incident Reporting Policy. **MOTION DIES FOR A LACK OF A SECOND.** Gennafer Garvin, Legislative Attorney mentions that she has been working with Lynette LeGarde, Chief Communications Officer. Lynette has been gathering points-of-contact for all agencies that the Nation currently has agreements with, namely Law Enforcement Agencies. Further, Lynette and Attorney Garvin have a drafted letter, which gives the aforementioned agencies the Chief Communications Officer's contact information and times that she can be reached, while also asking for reciprocal contact information from the agency(s) in the event that an emergency/critical incident occurs. This letter and the points-of-contact will allow the Nation to be informed of any emergency/incident that affects, or can potentially affect the Nation and its members.

Resolution-Project Forward Ho-Chunk Gaming-Black River Falls Miron Construction Change Order #4

MOTION by Rep. Kathyleen Lone Tree-Whiterabbit to adopt **Resolution 12-05-17 A**, Project Forward Ho-Chunk Gaming-Black River Falls Miron Construction Change Order #4. Second by Rep. Lawrence Walker, Jr. 9-0-0 **MOTION CARRIED.**

Resolution-Project Forward Ho-Chunk Gaming-Wittenberg Miron Construction Change Order #2

MOTION by Rep. Lawrence Walker, Jr. to adopt **Resolution 12-05-17 B**, Project Forward Ho-Chunk Gaming-Wittenberg Miron Construction Change Order #2. Second by Rep. Kathy DeCamp 8-0-1 (Rep. Forrest Whiterabbit) **MOTION CARRIED.**

Resolution-Memorandum of Understanding Between the House of Wellness Pharmacy and the Sauk County Health Department

MOTION by Rep. Kathy DeCamp to adopt Resolution-Memorandum of Understanding between the House of Wellness Pharmacy and the Sauk County Health Department. Second by Rep. Shelby Visintin. **MOTION AMENDED, TO STRIKE LANGUAGE, MOTION RESCINDED.**

MOTION by Rep. Kathy DeCamp to **TABLE** the Resolution-Memorandum of Understanding Between the House of Wellness Pharmacy and the Sauk County Health Department, until the MOU is reviewed and there is different language. Second by Rep. Shelby Visintin. 9-0-0 **MOTION CARRIED.**

RIED.

Resolution-Establishment and Funding of Restricted Account for Existing Mortgage Assistance and Down Payment Assistance Programs

MOTION by Rep. Hinu Smith to adopt **Resolution 12-05-17 C**, Establishment and Funding of Restricted Account for Existing Mortgage Assistance and Down Payment Assistance Programs. Second by Rep. Shelby Visintin. 6-1-(Vice President Douglas Greengrass)2-(Rep. Kathyleen Lone Tree-Whiterabbit, Rep. Lawrence Walker, Jr.) **MOTION CARRIED.**

Resolution-Affiliation Agreement with the University of Michigan College of Pharmacy

MOTION by Rep. Hinu Smith to **TABLE** the resolution Affiliation Agreement with the University Of Michigan College Of Pharmacy, until Health brings it back. Second by Rep. Forrest Whiterabbit. 9-0-0 **MOTION CARRIED**

District Meetings:

District 2 Tomah Area Meeting:

READ FOR RECORD:

MOTION by Chris Estebo to accept Francis Decorah as Delegate to the Election Board.

READ FOR THE RECORD:

MOTION by Francis Decorah to accept Chris Estebo as Alternate to the Election Board.

MOTION by Rep. Carly Lincoln to refer to the Department of Justice, Attorney General and Office of the President the **MOTION** by Richard Mann to have the Attorney General present at our next area meeting and address all concerns brought forward this evening.

Second by Rep. Lawrence Walker, Jr. 9-0-0 **MOTION CARRIED**

READ FOR THE RECORD:

MOTION by C-Ann Cleveland to nominate Roberta Decorah, as Delegate for District 2 Housing Board of Directors.

READ FOR THE RECORD:

MOTION by Richard Mann to nominate Gladys Ebata for District 2 Health Advisory Board.

MOTION by Rep. Carly Lincoln to refer to the Office of the President the **MOTION** by Nuria Ortiz to have Adrienne Thunder to be present at our next area meeting to address this issue of the Apprenticeship Program and our apprentices, and their master speakers.

Second by Rep. Lawrence Walker, Jr. 9-0-0 **MOTION CARRIED.**

Executive Session:

MOTION by Rep. Shelby Visintin to move into Executive Session. Second by Rep. Hinu Smith. 9-0-0 **MOTION CARRIED.**

Continued on Page 7

**SUMMONS
(First Publication)
IN THE HO-CHUNK NATION TRIAL COURT**

Jackson County Clerk of Court, Petitioner, v. Kric V. Pettibone, Respondent.
Case : CG 17-75

TO THE ABOVE-NAMED RESPONDENT: **Kric V. Pettibone**

You are hereby informed that you have been named a respondent in the above-entitled civil lawsuit. 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 published issuance of this *Summons* in. See *Ho-Chunk Nation Rules of Civil Procedure*, Rules 5(C)(1)(f), 6(A). You may request a hearing within your written response. *Id.*, Rule 73(A). 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.*, Rule 54.

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
(First Publication)
IN THE HO-CHUNK NATION TRIAL COURT**

In the Interest of Minor: N.L.H.-W., DOB 3/30/2015
Case : PA 17-13

TO THE NATURAL MOTHER, POTENTIAL FATHER, GUARDIAN, HO-CHUNK NATION CHILD SUPPORT AGENCY, OR ADULT CHILD WHOSE PATERNITY WAS NEVER ESTABLISHED: **Leonard Hopinka**

You are hereby informed that you have been deemed an interested party in this paternity action. This legal notice of the filed *Petition for Paternity* 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 the second publication to respond to the *Petition for Paternity*, failure to do so will cause the Court to proceed without your participation. An *Answer* (response) shall be filed with the court at the address given below. The Court shall convene a *Paternity Hearing* in accordance with HOCÅK NATION CHILD SUPPORT ENFORCEMENT CODE 4 HCC § 7.19.

The Court shall commence a proceeding at **1:30pm** on the **15th** day of **February 2018** for the following purpose: **Paternity Hearing.** Pursuant to HOCÅK NATION CHILDREN AND FAMILY ACT, Para. 3.35, the parties have a right to counsel at their own expense; a right to confront and cross-examine those appearing against them; a right to present and subpoena witnesses; a right to substitution of judge; and a right to a jury trial. You have additionally been provided a "Notice to Respondent" that sets forth your right and defenses and 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.

Notice to Respondent

- You have been named in a petition alleging paternity. A judgment of paternity would legally designate the child as your child, grant rights to you, create the right of inheritance for the child, obligate you to pay child support and make failure to pay child support punishable as contempt.
- You may request a genetic test which will indicate the probability that you are the father of the child. The court will order a genetic test on request from you, a designated tribal agency, or any other party to the case. Any person who refuses to take a court ordered genetic test may be punished for contempt.
- The petitioner has the burden of proving by clear and convincing evidence that you are the father. If a genetic test shows that you are not excluded as the father and that the statistical probability of you being the father is ninety-nine percent (99.0%) or higher, you are presumed to be the father.
- The following defenses are available to you:
 - That you were sterile or impotent at the time of conception;
 - That you did not have sexual intercourse with the mother of the child during the conception period; or
 - That another man did have sexual intercourse with the mother of the child during the conception time period.
- If you fail to appear at any stage of the proceeding, including a scheduled genetic test, the Court may find you in contempt.

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**SUMMONS
(First Publication)
IN THE HO-CHUNK NATION TRIAL COURT**

Ho-Chunk Nation Child Support Agency and Shanti J. 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 **10:00am** on the **20th** day of **February**. 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.

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**SUMMONS
(First Publication)
IN THE HO-CHUNK NATION TRIAL COURT**

In the Interest of Minor: W.M.C., DOB 4/16/2012
Case : PA 17-12

TO THE NATURAL MOTHER, POTENTIAL FATHER, GUARDIAN, HO-CHUNK NATION CHILD SUPPORT AGENCY, OR ADULT CHILD WHOSE PATERNITY WAS NEVER ESTABLISHED: **Gene J. Cloud Jr.**

You are hereby informed that you have been deemed an interested party in this paternity action. This legal notice of the filed *Petition for Paternity* 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 the second publication to respond to the *Petition for Paternity*, failure to do so will cause the Court to proceed without your participation. An *Answer* (response) shall be filed with the court at the address given below. The Court shall convene a *Paternity Hearing* in accordance with HOCÅK NATION CHILD SUPPORT ENFORCEMENT CODE 4 HCC § 7.19.

The Court shall commence a proceeding at **1:30pm** on the **5th** day of **February 2018** for the following purpose: **Paternity Hearing.** Pursuant to HOCÅK NATION CHILDREN AND FAMILY ACT, Para. 3.35, the parties have a right to counsel at their own expense; a right to confront and cross-examine those appearing against them; a right to present and subpoena witnesses; a right to substitution of judge; and a right to a jury trial. You have additionally been provided a "Notice to Respondent" that sets forth your right and defenses and 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.

Notice to Respondent

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 - That another man did have sexual intercourse with the mother of the child during the conception time period.
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Wisconsin Dells football players named to the first team All-Conference

Ken Luchterhand
Staff Writer

Two outstanding high school football players were recognized for their talents and efforts.

Adam Brown and Darius Mackinnis, both Ho-Chunk members, were recognized at a special athletic awards banquet in December.

The Wisconsin Dells High School seniors were named to the first team All-Conference honors in the South Central Conference in Wisconsin.

Brown is the son of Simone and Charles Brown. Darius is the son of Fran Williams and Paul MacKinnis.

Brown and Mackinnis were a part of the 44-player roster for WDHS. The team finished with a 3-5 record and went 2-3 in conference play.

Brown, a 5' 8," 180-pound senior running back, return specialist and defensive back, earned the nod of South Central Conference coaches and was selected as a first team return specialist for WDHS.

Some of Brown's best highlights this past season came

in the return game where he averaged 27.8 yard per returns with a season long 84-yard return for a touchdown. Late in the season, opponents often chose to directional kick away from Brown because of his return game skills.

Brown also garnered second team all-conference mention as a defensive back. He is a multi-sport athlete that will resume participation with the track team this spring. Following his 2018 graduation Adam plans to pursue a degree in business and continue his passion by participating in college football.

Mackinnis, a 6' 2," 195-pound senior outside linebacker and tight end, also earned the attention of South Central Conference coaches and was selected as a first team defensive player.

From his outside linebacker position, Mackinnis racked up 26 tackles, six as tackles for loss and added an interception for a touchdown early in the season. Offensively, he was tabbed as a second team all-conference tight end.

His favorite play is when he intercepted a pass and ran it back 50 yards for a touchdown.

Mackinnis is currently a member of the WDHS boys basketball team. He hopes to utilize the same athletic skills he displayed this past football season as he and his teammates hope to contend for a South Central Conference championship.

Following his 2018 graduation, Mackinnis plans to pursue a degree in criminal justice and to eventually become employed in law enforcement. He is considering attending Carroll University, Waukesha, where he has been accepted as a student.

In addition to their South Central Conference All-Conference honors, the pair of student-athletes also accomplished a feat that several Wisconsin Dells football coaches believe has not been accomplished since the fall of 1987, said Activity Director Aaron Mack.

That feat accomplished was when two members of the Ho-Chunk Nation both scored an offensive touchdown for Wisconsin Dells High School in a conference matchup versus Mauston.

Previously, this feat had not been accomplished since the



Darius Mackinnis (left) and Adam Brown intend to continue playing football next year, this time as college students. The two athletes were recently selected to the All-Conference first team in the South Central Conference.

fall of 1987 when Tim Decora and Henry Little soldier each scored a touchdown in the same game, Mack said.

Both student-athletes were

key contributors to the team and provided consistent leadership both in the classroom and playing field.

Without Reservations



Legislative Minutes

Continued from Page 6

11:36 a.m.

Break for Lunch

Rep. Forrest Whiterabbit was out of the room.

MOTION by Rep. Kathyleen Lone Tree-Whiterabbit to break for a half hour for lunch. Second by Rep. Lawrence Walker, Jr. 8-0-0 **MOTION CARRIED.**

12:32 p.m.

Call to Order: President Wilfrid Cleveland called the meeting to order at 1:16 p.m.

Roll Call:

President Wilfrid Cleveland-P
Vice President Doug Greengrass-P
Rep. Andrea Estebo-CC (1:26 p.m.)
Rep. Karen Thundercloud-EX
Rep. Carly Lincoln-P
Rep. Hinu Smith-P
Rep. Kristin White Eagle-EX
Rep. Shelby Visintin-P
Rep. Forrest Whiterabbit-P
Rep. Kathy DeCamp-P
Rep. Matt Mullen-CC
Rep. Lawrence Walker, Jr.-P
Rep. Robert TwoBears-EX
Rep. Kathyleen Lone Tree-Whiterabbit -P

CC: Conference Call

Determination of Quorum:

Quorum is established at 1:16 p.m. The meeting resumes in Executive Session.

Rep. Andrea Estebo arrives via

conference call at 1:26 p.m.

MOTION by Rep. Kathyleen Lone Tree-Whiterabbit to move out of Executive Session. Second by Rep. Kathy DeCamp. 10-0-0 **MOTION CARRIED.**

2:22 p.m.

MOTION by Rep. Kathyleen Lone Tree-Whiterabbit to ratify all action taken in Executive Session. Second by Rep. Kathy DeCamp. 10-0-0 **MOTION CARRIED**

Resolution-Quick Passage Procedure to Amend the Ho-Chunk Nation Legislative Organization Act (2 HCC § 11)

MOTION by Rep. Forrest Whiterabbit to adopt **Resolution 12-05-17 D**, Quick Passage Procedure to Amend the Ho-Chunk Nation Legislative Organization Act (2 HCC § 11). Second by Vice President Douglas Greengrass. 9-0-1 (Rep. Kathyleen Lone Tree-Whiterabbit) **MOTION CARRIED.**

Adjournment:

MOTION by Rep. Forrest Whiterabbit to adjourn the meeting and for the next Legislative Meeting to be held on January 9, 2018 at the Tribal Executive Offices in Black River Falls, Wisconsin. Second by Rep. Hinu Smith. 10-0-0 **MOTION CARRIED.**

The Legislative meeting adjourned at 2:22 p.m.

Respectfully submitted by, Andrea Estebo, Tribal Secretary

AGES
14 & OLDER

YOUTH
EMPLOYMENT

APPLICATIONS

Apps must be received by **May 10th** to be included in the youth only orientation on **June 3, 2018.**

DEPARTMENTS HIRING

Hotel, Food & Beverage, Environmental Services, Ho-Chunk RV Resort and Campground, and Marketing (Ages 18+). Various hours of employment, paid trainings, and a full range of resources available. Ho-Chunk and American Indian Preference will be observed.

CONTACTS

Phone Number: 800.746.2486

Ellen Duma | Human Resources | Ext. 2283
Michael Owen | American Indian Recruiter | Ext. 2451
Benjamin Winneshiek | American Indian Recruiter | Ext. 2290

53214 COUNTY RD BD, BARABOO, WI 53913 | 800.746.2486



Ho-Chunk Nation Department of Justice

Amanda L. White Eagle, Attorney General
 W9814 Airport Road, P.O. Box 667, Black River Falls, WI 54615
 Phone (715) 284-3170 / (800) 501-8039 - FAX (715) 284-7851

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.

Ho-Chunk Nation Election Board Vacancy Announcement

The Ho-Chunk Nation Election Board is seeking a Delegate to fill current vacancy on the board in the District 5.

• Delegate, Mpls/St.Paul

The terms will end December 2019.

Individuals may be nominated at their local area meetings and submit a letter of interest as well as qualifying information immediately. It is very important that all districts be represented at the Election Board Meetings. The following information below is how you would contact the Election Board Office.

Libby Fairchild
Election Board Chairperson
P.O. Box 756
206 South Roosevelt Rd
Black River Falls, WI 54615

(715)284.8900 (715)284-8600 FAX(800)890.0583

Melissa Olvera
Election Board Office
P.O. Box 756
206 S. Roosevelt Rd.
Black River Falls, WI 54615

The following is the job description for Election Board Members:

The Election Board shall conduct all General and Special Elections in a fair and impartial manner.

Shall notify the voters of the polling places not less than 15 days before the elections.

Shall ensure that all candidates meet the qualifications for office.

No member of the Election Board may actively campaign for the nomination, election, recall or removal of any elected official.

The Election Board shall seek uphold and to the terms of the HCN Election Board Ordinance.

Two consecutive unexcused absences for duly called Board meetings shall result in automatic removal from the board unless the absent Board Member establishes to the satisfaction of the Board good cause for his/her absence.

Must be an adult enrolled Ho-Chunk tribal member.

All Election Board members shall serve two (2) years or until their successors have been chosen. Election Board Members may serve more than one (1) term.

Proof of motor vehicle operator's license/insurance are required.

First Nations Community Financial announces new executive director

First Nations Community Financial (FNCF) is excited to announce Ms. Becky Albert-Breed as their new Executive Director. Ms. Albert-Breed's undergraduate college degree is in Business-Accounting and she holds an MBA in Business Administration. She has held FNCF's Chairperson Position for the last seven (7) years and looks forward to this new endeavor, "First Nations Community Financial has a great deal of potential and I plan to dedicate my time and talent into developing FNCF to be the premier lending institution for Native American tribal members and businesses. I find it extremely exciting to expand FNCF's financial resources, both funding and financial guidance to our community! A new year, a new plan."

With her life focus on helping in the communities, the main focus of the organization will be fulfilling the needs and wants of the communities. FNCF wants to expand and

grow our products and services to deliver more of what the communities need.

Becky Albert-Breed has a strong financial and business background her prior work experience includes public accounting work with a Milwaukee firm, senior finance positions, numerous auditing jobs: governmental, manufacturing, gaming, housing (HUD), small business and non-profit audits. In addition to her professional work experience, Becky has performed volunteer work for more than a dozen non-profit organizations for over two (2) decades. Being a staunch supporter of many community efforts, the new position fits perfectly into her values, interest and beliefs.

Let us show you how we can be your premier resource and deliver successful financial products and services! Please visit our facebook page, website or stop in for a visit to share your ideas and thoughts.

REQUESTS FOR VERIFICATION OF PER CAPITA RECEIVED

Requests for Verification of Per Capita received are processed by the Justice Department. Due to the large volume of requests, this task will be returned to the Treasury Department beginning **February 1, 2018**.

Depending on how per cap is received, per capita advices or pay stubs are mailed by Treasury to each tribal member as payments are disbursed. The advices or pay stubs can be used as verification of per capita received and contain year-to-date information.

For reprints of per capita advices or pay stubs plus additional verification requests, Treasury will charge a \$5.00 fee similar to the fee charged for reprints of 1099's and W-2's.

A completed notarized form along with payments can be directed to the Treasury Department Front Desk. Per Capita Verification Request Forms are available in Treasury and will be posted on the Ho-Chunk Nation website. Thank you

NOTICE OF VACANCY

Ho-Chunk Nation Tribal Aging Unit Elderly Advisory Board Member (1 vacancy)

District 1: Black River Falls Area

According to Ho-Chunk Tribal Aging Unit Advisory Board Establishment Act and Organization Act;

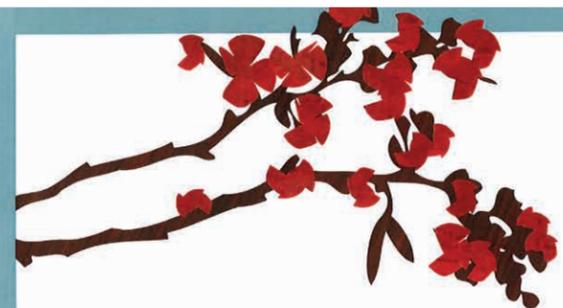
Terms: Board members shall serve for a three (3) year term and may serve more than one (1) term.

Term for Board Member will be from March 21, 2018 to September 10, 2018

Selection/Appointment: The members of the TAU Board shall be selected by the Elders from each of their respective Districts. Each District shall choose its member selection process.

The election will be held at the Black River Falls TAU meal site on February 19, 2018, from 7:30am-3pm

You may Contact TAU/BRF at 715-284-0811 for further information.



RUMMAGE FEVER
"SNOW OR SHINE"
FEBRUARY 15, 2018 3PM – 6PM
FEBRUARY 16, 2018 8AM – 5PM
FEBRUARY 17, 2018 8AM - ??????

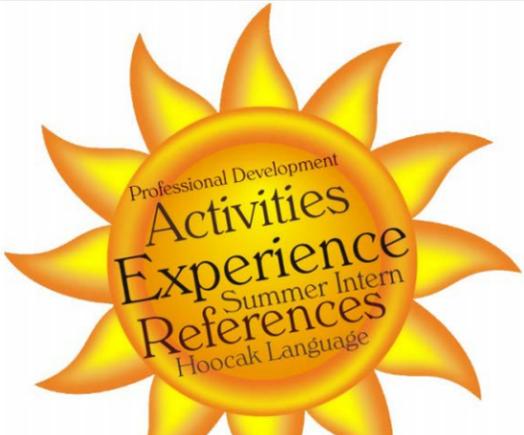
AMERICAN LEGION POST
W9802 AIRPORT RD
BLACK RIVER FALLS, WI 54615

CONTACT SANDY-715-896-9840

DRINKS & FOOD WILL BE FOR SALE

(8) VENDOR TABLES WILL BE AVAILABLE
@\$25.00

NUTRITION BOARD MEETING
February 9, 2018 • 10:00 am • Black River Falls
 Please contact: Frances Littlewolf, Nutrition Board Chairperson for information. Call 715-297-4239
2018 Nutrition Board Meeting will be:
 May 11th @ Tomah | August 10th @ Wittenberg | November 9th @ Nekoosa



WHAT ARE YOUR PLANS FOR THE SUMMER?

2018 Summer Internship Opportunity
June 11 — August 17, 2018

ATTENTION:
Ho-Chunk College Students
 Part-Time or Full Time
 Technical College or University
(non-profit institutions)

GATHER MATERIALS NOW
 Submit the following to apply:
 ♦ Cover Letter
 ♦ Résumé
 ♦ 2 Letters of Recommendation
 ♦ Application
Materials are due April 16, 2018

The Ho-Chunk Nation Summer Internship is a paid work experience



 Higher.Education@Ho-Chunk.com (800) 362-4476 

Jeffrey E. Lincoln
Maaxi Sga Hanaziga
 August 11, 1955 – November 29, 2017

The family of Jeffrey E. Lincoln, Maaxi Sga Hanaziga, would like to thank the many relatives and friends who took time to be with us in the days following the passing of our patriarch. Thank you to Chester Dick for officiating the funeral services and for all the prayers he and his wife Courtney have offered for our family and all our mourners. May blessings surround the many relatives who helped with the funeral and with devotional prayer services, prior to the funeral.

Thank you very much to Wendy Littlegeorge-Lonetree, Susette La Mere and Rose Walker for cooking and to all those who phoned us, sent messages, or brought food, donations and cards. Special appreciation to Joe White Eagle and the veterans who made it possible to raise the flag of our Jaji and Cooka, David Lincoln Jr., WW II veteran.

We are grateful for those who were with us, for all the words of encouragement, the prayers and everything that was done for our family during that sacred time. Special thanks to the Ho-Chunk Nation for the support we received, to the pall bearers, to those at Bluewing Cemetery for taking care of the interment, and to Jeff's attendants, Stanley and Orin White Eagle.

Our hearts are lighter because of your words of sympathy and gestures of kindness. We have been strengthened by your respectful ways and spiritual support. In the days ahead, we will remember you in our prayers.

Wa'iniginapwi,

The Family of Jeffrey E. Lincoln, Maaxi Sga Hanaziga



Save the Date
2018 Healthy Native Sports Summit
March 8th & March Madness Basketball Tournament
March 9, 10, & 11th @ the House of Wellness

www.houseofwellnessfitnesscenter.com
www.facebook.com/Ho-ChunkHOW
 52845 White Eagle Rd. Baraboo, WI 53913
 (608) 355-5155 ext 5506



Winter Social Gathering & Soup and Chili Contest!

Whether soup is your specialty or chili is....we're having 2 contests. Prizes for 1st, 2nd, & 3rd places. You may enter both contests!

Fun, prizes, games! Fry Bread.....yummm

Where: Ho-Chunk Nation Teejop Hocira
 Madison Community Center
 4724 Tradewinds Pkwy, Madison WI

When: Friday, February 23, 2018

Time: 5:30pm – 8:30pm



We're also having a "White Elephant" gift exchange. If you have a gift to pass, whether old, new or re-gift, bring it and we'll pass them around to all that join in. (\$20 limit)

WE ARE EXCITED TO ANNOUNCE
 _____ OUR _____

GRAND
 OPENING



FEBRUARY

14TH

2018

Join us for our Grand Opening event as we celebrate our expanded and renovated casino

Be the first to stay in our new hotel and receive a gift from us in your room

We will have guest speakers, 1pm - 3pm, and a \$10k Hurricane Cash Machine, 4pm - 10pm

DAY OF EVENT DETAILS

Grand Opening - From 1pm - 3pm, we will have guest speakers and a ribbon cutting ceremony celebrating our newly expanded casino and hotel.

\$10k Giveaway - From 4pm - 10pm, we will be holding Hot Seats for a chance to enter the Hurricane Cash Machine and win a share of \$10k in Cash and Rewards Play.

First Hotel Guests - Stay in one of our new hotel rooms on February 14th and receive a Free travel bag, souvenir, chocolates and \$10 Rewards Play for two.

Valentine's Day Buffet - From 11am - 9pm, enjoy chicken kiev, bbq ribs, fried chicken, desserts and much more at our Valentine's Day Buffet for \$16.95.

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.

HO-CHUNK GAMING
 BLACK RIVER FALLS

Experience the Difference

Visit all six casinos at ho-chungaming.com

