

---

# Menominee Indian Tribe of Wisconsin Facts and Figures Reference Book

---

Containing a compilation of statistical information of general  
organizational interest and application

**As of December 15, 2004 (Supplement as of June 2008)**

*With Appendices and 2008 Demographic Supplement to the Facts  
and Figures Handbook*

Published by  
Menominee Indian Tribe of Wisconsin  
Department of Administration  
Community Resource Planner – Brian Kowalkowski  
Cover Designed by Steve Price

Copyright © 2004 - 2010 Menominee Indian Tribe of Wisconsin

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior written permission of the publisher. Printed in the United States of America.

For permission to use copyrighted material, requests may be mailed or faxed to Menominee Indian Tribe of Wisconsin, Attn: Tribal Chairman, P.O. Box 910, W2908 Tribal Office Loop Road, Keshena, WI 54135.

Your comments and suggestions on future editions are welcome. Please fax them to (715) 799-4525, e-mail them to [rduquain@mitw.org](mailto:rduquain@mitw.org), or mail them to Menominee Indian Tribe of Wisconsin, Attn: Department of Administration, P.O. Box 910, W2908 Tribal Office Loop Road, Keshena, WI 54135.

This publication has been made possible with the assistance and support provided by the Menominee Tribal Legislature, departments and programs that the Department of Administration serves, and the numerous contributions of the many fine men and women employed by the Menominee Indian Tribe of Wisconsin.



# TABLE OF CONTENTS

Forward .....	1
History .....	2
Location/Land/Communities/Government.....	5
Menominee County, Wisconsin map .....	8
Woodland Bowl .....	9
I. Population .....	10
II. Elderly .....	14
III. Enrollment.....	15
IV. Veterans .....	17
V. Birth.....	18
VI. Death .....	20
VII. Income/Poverty.....	23
VIII. Labor Force .....	29
IX. Housing.....	34
X. Education.....	38
XI. Crime .....	41
XII. AODA.....	43
XIII. Utilities .....	45

## APPENDIX

APPENDIX A – Treaties .....	46
APPENDIX B – Menominee Land Cession Map .....	47
APPENDIX C – Resources .....	48
APPENDIX D – Governmental Structure .....	49
APPENDIX E – Tribal Laws .....	50
APPENDIX F – Menominee Tribal Legislature 1919-2004.....	52
APPENDIX G – Tribal Budget History .....	54
APPENDIX H – Reservation Area Maps.....	55
APPENDIX I – Federal Termination Act .....	67
APPENDIX J – Federal Restoration Act .....	70
APPENDIX K – Restoration Proclamation .....	73
APPENDIX L – Tribal Constitution .....	74
GLOSSARY .....	87
2008 Demographic Supplement to the Facts & Figures Handbook .....	88



## FORWARD

The purpose of this publication is to provide departments of the Menominee Indian Tribe with a more accessible and accurate collection of statistics that pertain to the Reservation and its people. This compilation of data includes population, Tribal enrollment, income, labor force, housing, education, crime, AODA, utilities, and health related issues. The information can be used by Tribal department directors to evaluate and enhance existing services, and assist directors and program managers in the preparation of grant applications. General information about the Reservation, its natural resources, climate, governmental structure and a collection of historical documents is also included.

Although the majority of the information from this document was obtained from the 2000 decennial census, Wisconsin state departments, Tribal departments and numerous other sources were also used. We hope to incorporate more local sources in future editions.

In the 2000 Census, the Census Bureau counted three different groups of numbers that pertain to the Reservation. The first is Menominee County. This includes all of the land within the exterior boundaries of the County (both trust and fee simple land). The second was the Menominee Reservation. This includes only Trust land within the exterior boundaries of the Reservation and does not include the part of the Reservation in Shawano County known as Middle Village. In order to make the information supplied in this document as accurate as possible, the sum of Menominee County and Middle Village were used for the total count of the Menominee Reservation.

The data was analyzed and summarized using a variety of graphs and charts. The population numbers are broken down into categories including communities, age, race, and future projections. It was determined that the population of the Reservation has steadily increased with the peak age group under the age of twenty.

Birth and death statistics were computed using the numbers compiled from 1999-2003 based on age. Causes of death were ranked based on the age of the individual. Percentages of the number of births and birth trends were compared to State of Wisconsin averages.

The economic indicators on the Reservation have shown a steady increase but are still well below the state and national averages. Comparisons of income characteristics were looked at from 1979, 1989, and 1999. Median household income was examined based on race and community. The other indicators that were compared were poverty and unemployment.

The housing stock on the Reservation has improved slightly from 1990 to 2000. More affordable homes have been constructed and are now owned by individual Tribal members. This is a step in the right direction, but there are still many individuals who live in public housing.

Finally, the topic of education was analyzed with an emphasis on high school aged individuals. Attendance was looked at for the Tribal School, Menominee Indian School District, NAES College and the College of the Menominee Nation. Also, reports were evaluated that summarized test scores as well as graduation rates.

The Department of Administration would like to thank everyone who made contributions to the success of this book, with a special thanks to the Menominee Tribal Legislature;

Chairperson Joan Delabreau  
 Vice Chair Laurie Boivin  
 Secretary Gary Besaw  
 Ann Marie Johnson  
 Laurie Reiter  
 Anthony Waupochock Sr.  
 Michael Chapman  
 Stephanie Awonohpay  
 Theodore Warrington

If there is information that you would like to see added to this document or if you have any questions, please contact the Menominee Department of Administration at (715) 799-5154. Your input would be appreciated.

## HISTORY

The Menominee Indians are the oldest continuous residents of Wisconsin. The Menominee are an Algonquin speaking nation and the name "O-MAEQ-NO-MIN-NI-WUK" means "WILD RICE PEOPLE". Long ago, the French called the Menominee the "Folle Avoine Nation" or the "Nation of the Wild Oats", because of the dependence on the Wild Rice. It was said that when the Menominee entered an area the Wild Rice followed and when they left the area, the Wild Rice passed.

The Menominee once occupied over 10 million acres of land which is now central and mid-eastern Wisconsin and part of the Upper Peninsula of Michigan (see appendix B). The boundaries of their land holdings were north to the Escanaba River, south to the Milwaukee River, including the Door Peninsula and west to the Mississippi River. But, through a series of treaties the Menominee were forced to cede most of their land, with the migrating Oneida and Stockbridge-Munsee tribes receiving ceded Menominee lands. In 1854, the Wolf River Treaty was signed, in this treaty the Menominees were granted 12 townships "for a home, to be held as Indian lands are held, that tract of Country lying upon the Wolf River," to be used as a Reservation and home.

### Creation Story

According to early records, the Menominee lived in villages at the mouth of the Menominee River, and it was here the tribe had its beginning. According to the creation story of the Menominee, the Great Bear emerged from the ground and took human form. Being alone, he called an Eagle flying high above to be his brother and descending, it took the form of a human and an Indian. As the two journeyed up the river they met a beaver and made her their sister. The Bear and the Eagle stood on the banks of the river and saw a stranger, the Sturgeon who was adopted by the Bear as a younger brother and a servant. The Elk was also adopted by the Eagle as a younger brother and water carrier. At another time, the Bear was going up the Wisconsin River and became fatigued and sat down to rest near a waterfall. From beneath the waterfall

emerged a Wolf. While asking the Bear why he was there, the Crane came by. Bear called to him and said, "Crane, carry me to my people at the head of the river, and I will take you as my younger brother." As Crane was taking Bear, Wolf called out to Bear saying, "Bear take me also as a younger brother, for I am alone." The Eagle decided to visit the Bear village and asked the Bear to join them. They promised to give corn and fire in return for wild rice which was the property of the Bear and the Sturgeon. From this time on, the families united into an organized body for mutual benefit known as the clan system.

Through this clan system, each clan was given a special expertise in a specific area.

Bear Clan: speakers and keeper of the law

Eagle/Thunder Clan: freedom and justice

Moose Clan: community or individual security

Crane Clan: architecture, construction and art

Wolf Clan: hunting and gathering

The clan structure of the Menominee people consists of 34 clans organized into five main phratries or subdivisions. People were known and referred to by the clan they were born into, that is their father's clan. Each phratry consists of a principal clan and a number of member clans:

### Owas'sse we'dishi'anun (Bear Phratry)

Owa'sse (Bear) principal clan

Kita'mi (Porcupine)

Miqa'no (Turtle)

Mikek' (Otter)

Noma'eu (Sturgeon)

Naku'ti (Sunfish)

Piwat'inot (Beaver)

O'sass (Muskrat)

Mud Turtle

### Ina'maqki'u wi'dishi'anun (Eagle Phratry)

Kine'u (Golden Eagle) principal clan

Kaka'ke (Crow)

Inaq'tek (Raven)

Maq'kwoka'ni (Red-tail hawk)

Pinash'iu (Bald Eagle)

Ke'shewa'toshe (Sparrow Hawk)

Pe'kike'kune (Winter Hawk)

Shawan'nani (Fork Tail Hawk)

Pakesh'tsheke'u (Swift Flying Hawk)

Fish Hawk

### Moqwai'owi'dishi'anun (Wolf Phratry)

Moqwai'o (Wolf) principal clan

Anam' (Dog)

**Moqwai'owi'dishi'anun(continued)**

Apaehsos (White Tail Deer)  
Wakoh (Fox)  
Pine Squirrel

**Ota'tshia wi'dishi'anun (Crane Phratry)**

Ota'tshia (Crane) principal clan  
Shakshak'eu (Great Blue Heron)  
Os'se (Old Squaw Duck)  
O'kawa'siku (Coot)  
Loon  
Turkey Buzzard

**Mo's wi'dishi'anun (Moose Phratry)**

Mo's (Moose) principal clan  
Oma'skos (Elk)  
Waba'shiu (Marten)  
Wu'tshik (Fisher)  
Racoon

**Subsistence**

The Menominee lived by hunting, fishing and gathering. The abundant wild rice was the staple food which was augmented by corn, beans and squash, grown in small gardens. Some of the food was dried in the sun for winter use. Boiling and roasting were the common methods of cooking. Maple sugar and syrup was used as sweeteners and flavorings.

**Treaty era**

In 1848 Tribal Chiefs were coerced into signing a treaty at Lake Poygan selling the last 4.5 million acres of Menominee land. They were told, by the Indian Agent, if they refused the government would take the land without paying for it and they would be moved to Crow Wing whether or not they sold the land. The Chiefs were offered \$350,000 plus they would be given 600,000 acres in Crow Wing country in Minnesota. At the request of the government, eleven Chiefs, headed by Chief Oshkosh, agreed to make the trip to look the area over. When they returned they immediately began to push for new terms to the 1848 Treaty, they refused to move their people to what they called "hostile" country. The Tribe sent eight Chiefs to Washington to meet with President Fillmore. As a result of this meeting, the Menominee were allowed to reside in Wisconsin for an extra year. This gave them the time needed to obtain another treaty

granting them the right to remain in Wisconsin. In October 1852, the Tribe was granted permission to move to the present area that would become Today's Reservation. (Menominee Indian Reservation Historical Review)

The present Menominee Reservation was established in 1854 in the Wolf River treaty with the United States Government. The Treaty relinquished the 600,000 acres in Minnesota, for 276,480 acres of their original land in Wisconsin. In addition to the original lands lost to non-Indians, two townships of the original Reservation went to the Stockbridge-Munsee Indians an emigrant tribe from the east. (See a listing of the treaties and land cessions listed in appendix A&B).

The U.S. Government focused on efforts to convert the Menominee to agrarians. However, the Menominees were more interested in logging for their economic base. They obtained permission from Washington to conduct their own commercial lumbering operation in 1871. As operations increased, they opened a new saw mill in 1886 that had the capacity to produce 15,000 board feet of lumber per day. By 1890, the Menominees provided a hospital, trade school, police and judicial system and shared a small per capita payment from their lumbering profits. This prosperity established the Menominee as one of the more economically progressive Indian Tribes in the U.S. at the turn of the century.

**Termination**

In 1954, exactly 100 years after the present reservation was established, the U.S. Congress passed the Termination Act (Public Law 108) which was effective on April 30, 1961. This Act abolished the Menominee Reservation and eliminated the Menominee Indian identity. This was an experiment to force tribes to join the mainstream of American Society as an assimilation attempt. The Menominee were singled out for termination because the tribe was self-sufficient and progressive in the eyes of the federal government. The once proud Menominee people were reduced to severe poverty. They lost their tribal land and assets and were effectively prevented from any efforts toward self-determination. On July 3, 1959 Governor Gaylord Nelson signed a law making Menominee County the state's 72<sup>nd</sup> County.

As a result of the Termination Act, a two part plan came into effect:

1. Formation of the entire reservation into a new county; and
2. Ownership of assets by the Menominee with the operation under a private management trust agreement.

Trust responsibility was assigned to the Menominee Common Stock and Voting Trust. The General Council elected four Menominee and three non-Menominee to positions on the trust. The Voting Trust, in turn, selected five non-Menominee and four Menominee to a Board of Directors, supervising management of a new corporation called Menominee Enterprises Incorporated (MEI). Corporate decisions on tribal assets could be made with a two-thirds majority vote of the Board of Directors of MEI. Three Hundred and twenty-seven thousand (327,000) shares of corporation stock were transferred to the voting Trust. The Voting Trust then issued Voting Trust certificates, no shares, to tribal members.

On July 9, 1968, MEI and N.E. Isaccson & Associates headed a joint venture to develop recreation land called the "Lakes of the Menominee" project due to excessive tax burdens. The Department of Natural Resources (DNR) issued a permit to build three dams on the project, the first one to be at the outlet of Wahtoah Lake. In 1969, the DNR authorized the second dam at the outlet at Blacksmith, Little Blacksmith, Spring and Peshtigo Lakes. This prompted formation of a group called DRUMS (Determination of Rights and Unity for Menominee Shareholders) in protest to the sales of the land. The situation caused a split of the Menominee People. Four DRUMS candidates were elected to the Voting Trust and MEI Board of Directors through DRUMS efforts. The new leadership of MEI dissolved their partnership with N.E. Isaccson & Associates and stopped land sales.

### Restoration

On April 20, 1972, Wisconsin Senators Proxmire and Nelson introduced Senate Bill No. 3514 in response to the Menominee's ambition to seek reversal of Termination. It was President Nixon who encouraged reversal of the Termination Policy during the summer of 1970. After two and one-half years of congressional testimony, the Restoration Act was passed on December 22, 1973 with widespread bipartisan support.

A nine member interim governing body was elected by the Menominee people. Their responsibility was to implement the Menominee Restoration Act until a Tribal

Legislature was formed on February 9, 1979. The historic Menominee Restoration Act reversed America's trend toward termination, and the Menominee regained their status as a sovereign Indian nation to which the federal government is obligated by treaties, agreements and statutes. The Committee was also responsible for developing the Menominee Constitution and Bylaws, which were ratified on November 12, 1977. A copy of the Menominee Constitution and Bylaws can be obtained by contacting the Menominee Tribal Chairperson's Office.

Today, the Menominee are once again on their way to economic progress through self sufficiency. The Tribe, being a multi-million dollar organization provides employment to its people along with services such as a clinic, police protection, and a Tribal school. Unique adaptability enabled the Menominee to endure the culture clash and to rebuild, relying on cultural and social greatness. . This is being accomplished through language programs, drumming groups and pow wows. (Source: *Menominee Demographic Report and Public Relations Department & Menominee Indian Reservation Historical Review*). For more information on the creation and history of the Menominee Tribe contact the Historic Preservation Department.

### Official Seal of the Menominee Tribe of Wisconsin



The Great Seal of the Menominee Nation was designed by Wayne Wynos Sr. during a contest that was put on by the Tribe in 1979. The seal was adopted by Motion on July 5, 1979 by the Menominee Tribal Legislature as the official seal of the Menominee Indian Tribe. The seal is also located on the Menominee Tribal Flag. The red and black Thunderbird represents a messenger between the Great Spirit, the people, and the environment. The yellow circle represents logging as a major industry that has provided employment and income for the Menominee people. The blue figure represents the ten township boundaries of the Reservation after the 1854 treaty. For years the Tribe shared coterminous boundaries with Menominee County. But, recently the Tribe purchased land located in Shawano County which became part of the Reservation boundary.

## Location

The Menominee Indian Reservation is located in the state of Wisconsin about 45 miles northwest of Green Bay. The Reservation shares nearly identical boundaries with the County of Menominee with the area known as Middle Village being the exception. Middle Village is located in Shawano County in the Town of Red Springs. The Reservation borders three counties; Langlade, Oconto, and Shawano. There are five main communities on the Reservation; the two main villages of Neopit and Keshena, two smaller villages of Middle Village and Zoar, and a more scattered community called South Branch.

## Land

The Reservation size is 235,523 acres, or approximately 357.96 square miles, and contains roughly 223,500 acres of heavily forested lands, representing the largest single tract of virgin timberland in Wisconsin. The elevation in Keshena is 829 feet above sea level. There are four rivers flowing through the Reservation, the Evergreen, the Oconto, the Red, and the Wolf.

## Geology

According to the Menominee County Land and Water Resource Management Plan, Menominee County/Reservation is part of two different drainage basins, the Wolf and Upper Green Bay. The Wolf River, the main river traversing the Reservation, is designated as a component of the national wild and scenic rivers system through the "Wild and Scenic River Act". There are seven sub-watersheds of which four are in the Wolf River Basin and three in the Upper Green Bay Basin. The geology of the Reservation consists mostly of glacial materials deposited on granite bedrock. Some areas in the eastern part of the Reservation have areas of sedimentary rock which is Cambrian and Ordovician sandstone.

## Fish

The lakes on the Reservation are inhabited by trout, northern pike, walleye, panfish and even sturgeon in a few lakes. There are a total of 187 streams and rivers, and 53 lakes totaling 2,756 acres of surface area.



The "Land of the Menominee" sign located along the banks of the Wolf River in Keshena. Picture provided by Steve Price Menominee Tribal News.

## Forest

There are roughly thirty-three different species of trees within the Menominee Forest. The most common are red pine, white pine, jack pine, aspen, scrub oak, hemlock, and northern hardwoods. There are also hard maple, red oak, basswood, yellow birch, cedar, soft maple, white cherry, white spruce, black cherry, hickory, tamarack, balsam fir, black spruce, and butternut. The forest is also utilized by the Menominee people for such things as berry picking, collecting mushrooms and ginseng, a Chinese herb. The Menominee Forest is managed by the Menominee Tribal Enterprises with an approach known as Sustained Yield Forestry. Sustained Yield Forest practice is a concept requiring that an equal balance be kept between the removal of trees and the growth. During the last 140 years more than 2 and one-half billion board feet of lumber was cut from the Reservation. This amount would be equal to clear cutting the Reservation almost twice over.

*(Menominee Tribal Enterprises: The Menominee Forest-Based Sustainable Development Tradition Handbook)*

The Menominee Tribal Enterprise (MTE) sawmill is located in the Village of Neopit and the Forestry Center is located in Keshena. According to the 2004 MTE Annual Report, the logging volume produced for the year was 15,130,500 board feet of saw logs and 76,919 cords of pulpwood and boltwood. MTE has a 12 member board of Directors.

**Annual Allowable Cut according to 1995 MTE Board**

Balsam Fir	59.92 MBF
Tamarack	23.52 MBF
White Spruce	161.22 MBF
Black Spruce	4.39 MBF
Jack Pine	57.35 MBF
Red Pine	630.52 MBF
White Pine	2856.57 MBF
White Cedar	1225.48 MBF
Hemlock	5771.49 MBF
Soft Maple	1260.36 MBF
Hard Maple	4156.61 MBF
Yellow Birch	1287.86 MBF
Paper Birch	336.53 MBF
Hickory	14.53 MBF
Beech	808.76 MBF
White Ash	134.38 MBF
Black Ash	178.39 MBF
Butternut	3.84 MBF
Balsam Poplar	142.75 MBF
Bigtooth Aspen	869.94 MBF
Quaking Aspen	2883.86 MBF
Black Cherry	470.96 MBF
White Oak	76.36 MBF
Scrub Oak	1032.54 MBF
Red Oak	1215.19 MBF
Basswood	1962.50 MBF
Soft Elm	5.02 MBF
Hard Elm	0.65 MBF
TOTAL	27631.49 MBF

MBF-Thousand Board Feet

**Wildlife**

One of the greatest assets of the Reservation is its vast expanses of undisturbed land and pristine lakes and streams. This creates an ideal habitat for a large number of wildlife and fish. Fishing and hunting are very important to the members of the community as it is used for recreation and also as a means of providing sustenance to families. Tribal members have the ability to hunt white-tailed deer, wild turkey, rabbit, ruffed grouse, black bear, waterfowl and squirrels. There are also fox, mink, beaver, muskrat, coyote, porcupine, raccoon, badgers, and opossum, just to name a few.

**Endangered Species**

There are three known endangered species and five known threatened species located within the boundaries of the Reservation. The endangered species are the Phlox Moth, the Northern Blue Butterfly, and the Karner Blue Butterfly. The five threatened species are the bald eagle, red-shouldered hawk, Pygmy Snaketail dragonfly, Slippershell Mussel, and the Wood Turtle. According to the U.S. Fish & Wildlife Service, an endangered species is an animal or plant species in danger of extinction throughout all or a significant portion of its range and a threatened species is an animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range. For more information on this topic, you can contact the Menominee Tribal Environmental Department.



Menominee Reservation-Local wildlife habitat. Picture provided by Steve Price, Menominee Tribal News.

**Vegetation**

The Menominee Reservation is host to a variety of native shrubs grasses, sedges, and wildflowers. One plant this is vital to the ecosystem is the Lupine plant. Lupine is the vital host to the Karner Blue Butterfly which has been identified as an endangered species. Lupine stands about 15" high and blooms from May to June. It has blue and lavender leaves. For a list of native plants species on the Reservation, contact the Menominee County Forester Jeremy Johnson at the Menominee County Courthouse, PO Box 279 Keshena, WI 54135, (715)799-5710.

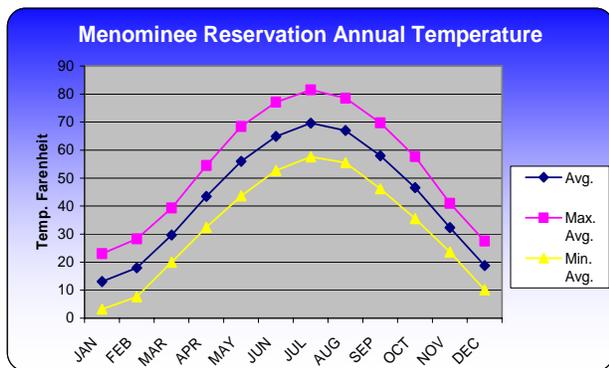
There are also plants on the Reservation that are non-native and are invasive to the native plant life. Some of these include purple loosestrife, garlic mustard, Eurasian milfoil, spotted knapweed, and leafy spurge. These plants tend to take over habitat used by other plant species and have no natural predator.



Garlic Mustard Plant-Picture provided by Jeremy Johnson Menominee County Forester.

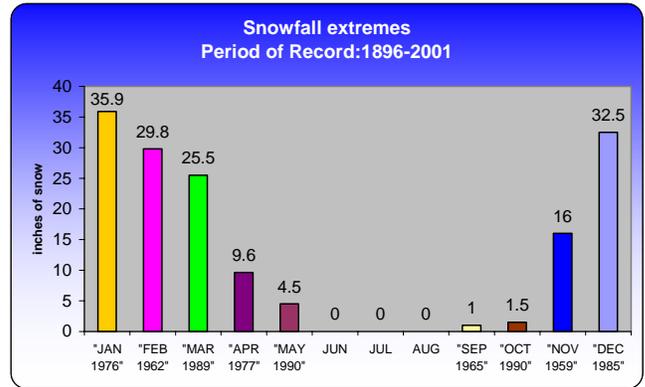
### Climate

The climate for the Reservation is very typical of a Midwestern Great Lakes community. Winters are very cold and with snow and summers tend to be moderately warm and moist. According to the State Climatology office, the average daily temperature is 43.1°F. The average maximum temperature is 53.9°F., and the average minimum temperature is 32.3°F.



Source: Wisconsin State Climatology Office

The average annual precipitation is 31.48 inches with the annual snowfall average being 50.8 inches.



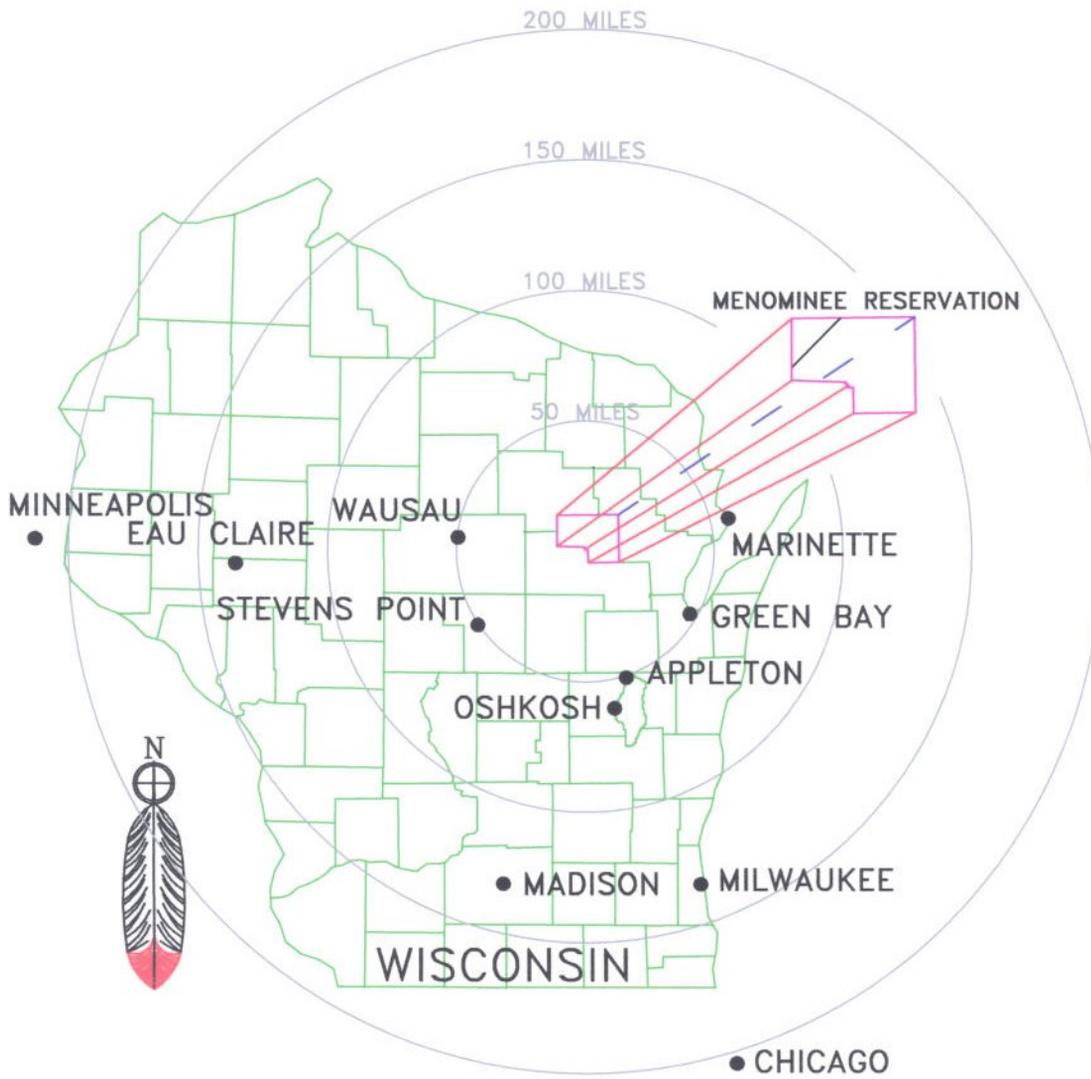
Source: Wisconsin State Climatology Office

### Government

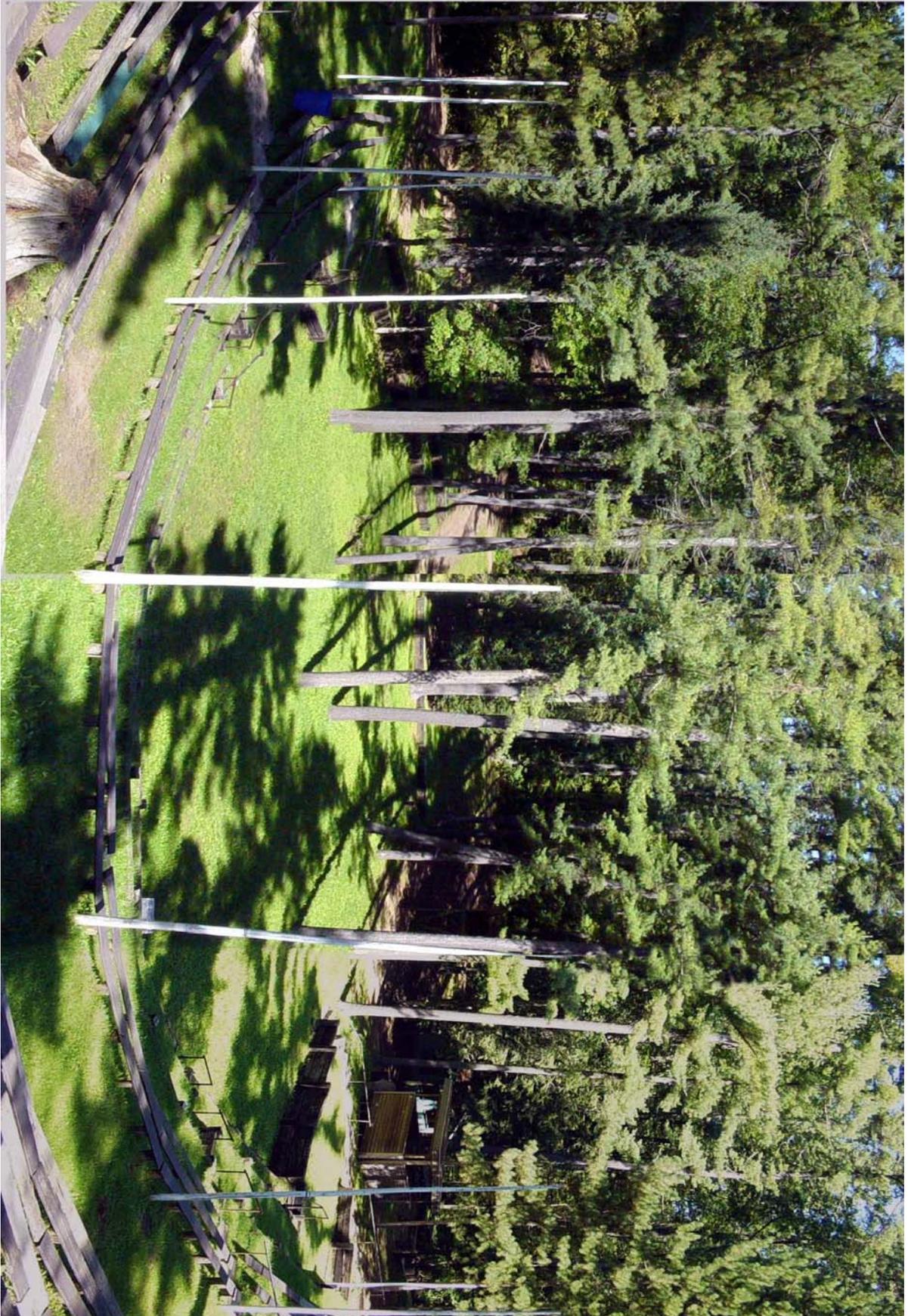
The governing body of the Menominee Indian Tribe of Wisconsin consists of a nine member legislature that is elected by enrolled Tribal Members. A chairperson, Vice Chairperson, and Secretary are elected annually by the governing body.

There is also a separate but equal Tribal judicial system that consists of a lower court and a supreme court. The court system has jurisdiction over all Native Americans within the exterior boundaries of the Menominee Indian Reservation. The lower court consists of a chief justice, two lower court judges and an appeals court judge.





VICINITY MAP:  
MENOMINEE RESERVATION



**Woodland bowl – home of the Veterans Pow Wow and the Annual Menominee Pow Wow, is located in the Village of Keshena. Picture provided by Steve Price, Menominee Tribal News.**

# I. POPULATION

## 1990 & 2000 CENSUS FIGURES

- 1990 Census figures showed 3,890 persons living on the Reservation/County.
- According to the 2000 Census, the current population count is 4857
- The population from 1990 to 2000 increased by 967 (24.8%) persons over a 10 year period.
- American Indians, Eskimos or Aleut accounted for 3,496 or 89.2% of the population on the Reservation in 1990 and 4,257 in 2000 or 87.6%.

## POPULATION BY AREA & GENDER

Location	All Persons	Male	Female
County/Res.	4857	2386	2471
Keshena	1394	701	693
Neopit	839	405	434
Zoar	124	61	63
Middle Village	295	136	159
Legend Lake	1533	739	794

**SOURCE: 2000 U. S. Census**

Note: The remainder of the population is scattered throughout Reservation.

- In the South Branch community there were a total of 200 people according to the 2000 Census.
- 1,394 or 28.7% of the total population resided in the Village of Keshena in 2000
- 839 or 17.3% of the residents resided in the Village of Neopit in 2000.
- 1,533 or 31.5% resided in the Legend Lake area in 2000.
- 1,091 or 22.5% of the remaining population resided in either MiddleVillage, Zoar, or in other rural areas in 2000.
- From 1990 to 2000 the population of Keshena increased from 685 to 1,394. That is an increase of 709 or 104%.
- Also from 1990 to 2000, the population of Neopit increased from 615 to 839. That is an increase of 224 or 36% respectively.

## POPULATION BY RACE

RACE	1990	2000
American Indian, Eskimo, Aleut	3496	4257
White	416	547
Other Race	5	53

**Source: 2000 U.S. Census**

- The American Indian, Eskimo, Aleut population increased by 761 or 21.8% from 1990 to 2000 on the Reservation.
- The White population increased by 131 or 31.5% from 1990 to 2000 on the Reservation.

## AGE OF POPULATION

	Male	Female	Total
Under 5 years	241	235	476
5 to 9 years	277	281	558
10 to 14 years	302	276	578
15 to 19 years	217	212	429
20 to 24 years	125	148	273
25 to 34 years	266	280	546
35 to 44 years	316	345	661
45 to 54 years	250	245	495
55 to 59 years	95	122	217
60 to 64 years	101	117	218
65 to 74 years	137	152	289
75 to 84 years	55	47	102
85 years and over	4	11	15
<b>Total</b>	<b>2386</b>	<b>2471</b>	<b>4857</b>

**Source: 2000 U.S. Census**

- 2,041 of the 4,857 total population are under the age of 20 on the Reservation.
- The median age of Menominee County is 27.7 years, compared to a statewide median of 36.0 years. In 1990, the median age of Menominee County was 24.5 and 32.9 in the State of Wisconsin.  
**Source: 2000 U.S. Census, Bureau of Aging and Long Term Care Resources, 1/29/2002**
- According to the 2000 census, 745 individuals, over the age of 5, migrated on to the Reservation since 1995 from a different county. Of that, 557 were in the State of Wisconsin and 188 were in a different state.

**KESHENA POPULATION**

	Male	Female	Total
Under 5 years	87	80	167
5 to 9 years	97	85	182
10 to 14 years	99	90	189
15 to 19 years	87	63	150
20 to 24 years	34	50	84
25 to 34 years	94	89	183
35 to 44 years	81	100	181
45 to 54 years	49	52	101
55 to 59 years	26	22	48
60 to 64 years	16	19	35
65 to 74 years	21	34	55
75 to 84 years	8	7	15
85 years and over	2	2	4
<b>Total</b>	<b>701</b>	<b>693</b>	<b>1394</b>

Source: 2000 U.S. Census

- 688 individuals or 49.4% of the Keshena population is under the age of 20.

**LEGEND LAKE POPULATION**

	Male	Female	Total
Under 5 years	53	49	102
5 to 9 years	60	82	142
10 to 14 years	72	62	134
15 to 19 years	56	71	127
20 to 24 years	38	38	76
25 to 34 years	62	61	123
35 to 44 years	100	112	212
45 to 54 years	90	112	202
55 to 59 years	47	55	102
60 to 64 years	54	59	113
65 to 74 years	74	72	146
75 to 84 years	32	18	50
85 years and over	1	3	4
<b>Total</b>	<b>739</b>	<b>794</b>	<b>1533</b>

Source: 2000 U.S. Census

- 415 or 27% of the Legend Lake population is older than age 55 compared to the Reservation as a whole, which is 841 or 17.3%.

**NEOPIT POPULATION**

	Male	Female	Total
Under 5 years	42	40	82
5 to 9 years	47	61	108
10 to 14 years	61	60	121
15 to 19 years	34	33	67
20 to 24 years	26	17	43
25 to 34 years	51	62	113
35 to 44 years	60	60	120
45 to 54 years	42	34	76
55 to 59 years	9	25	34
60 to 64 years	15	12	27
65 to 74 years	9	16	25
75 to 84 years	9	13	22
85 years and over	0	1	1
<b>Total</b>	<b>405</b>	<b>434</b>	<b>839</b>

Source: 2000 U.S. Census

**MIDDLE VILLAGE POPULATION**

	Male	Female	Total
Under 5 years	18	24	42
5 to 9 years	19	22	41
10 to 14 years	15	18	33
15 to 19 years	11	9	20
20 to 24 years	6	15	21
25 to 34 years	16	26	42
35 to 44 years	18	19	37
45 to 54 years	23	8	31
55 to 59 years	1	3	4
60 to 64 years	0	4	4
65 to 74 years	7	9	16
75 to 84 years	2	2	4
85 years and over	0	0	0
<b>Total</b>	<b>136</b>	<b>159</b>	<b>295</b>

Source: 2000 U.S. Census

\*Zoar has a total of 124 people, of which 63 are female and 61 are male.

### POPULATION CHANGE BY AGE GROUP

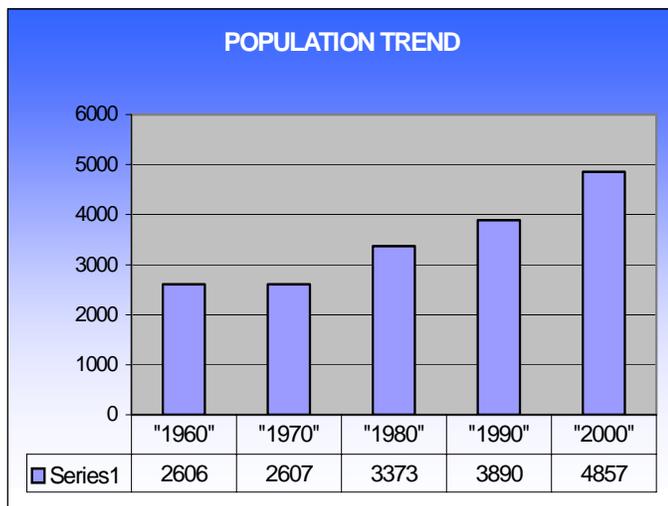
AGE GROUP	1990	% OF POPULATION	2000	% OF POPULATION	% CHANGE
0-4	489	12.6	476	9.4	-2.7
5-14	902	23.2	1136	23.4	25.9
15-19	322	8.3	429	8.8	33.2
20-54	1542	39.6	1975	40.7	28.1
55-74	530	13.6	724	14.9	36.6
75+	105	2.7	117	2.4	11.4

**NOTE:** Due to rounding of figures, some columns do not add up.

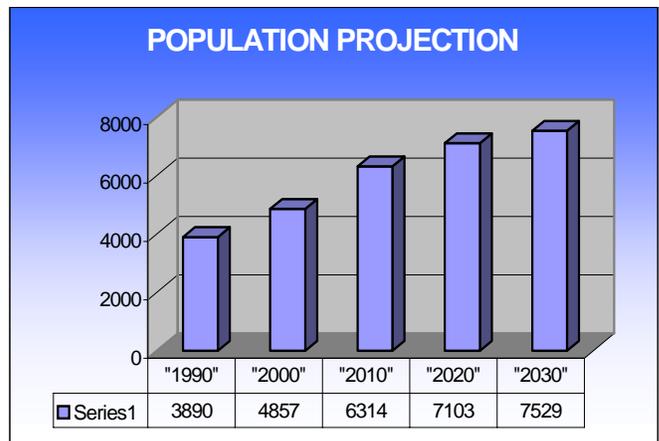
SOURCE: U.S. Census

### POPULATION CHANGE HISTORICALLY

- The Reservation experienced a decline in population of 342 or -11.6% from 1950 to 1960
- From 1960 to 1970, there was virtually no change in population. It increased only by one person or 0.04 percent
- In the 1970's, the population grew rapidly with an increase of 766 persons or 29.4%.
- From 1980 to 1990 the increase was 517 or 15.3%.
- From 1990 to 2000 there was an increase of 967 people which is 24.9



### POPULATION PROJECTION



Source: US Census 2000

- From 1990 to 2000, the population increased by 24.9%. Using an estimated growth rate of 25% for a ten year period, the population would grow to 6,314 by the year 2010.
- The population increase should level out by 2020 and 2030 due to slowing casino growth, lack of any additional employment and unavailability of developable land and housing. Therefore, an increase of 12.5% was projected between 2010 and 2020 and 6% from 2020 to 2030.

### TRIBAL SUBDIVISIONS

- The Census Bureau collected data in the year 2000 on two of the local housing subdivisions on the Reservation, Warrington Addition and Schoolview Addition. The majority of the homes built in these additions were federal projects; therefore the size and appearance of these homes are fairly similar. According to the 2000 Census, there were 175 people living in Schoolview and 307 living in Warrington.

### Schoolview Population

- Within the Schoolview addition, there were 101 females and 74 males.  
**Source: 2000 U.S. Census**
- Schoolview is made up of primarily American Indians with 172 being American Indian, 2 being white and 1 Black or African American.  
**Source: 2000 U.S. Census**
- The Median age of Schoolview was only 16.2.  
**Source: 2000 U.S. Census**

	Male	Female	Total
Under 5 years	12	19	31
5 to 9 years	11	15	26
10 to 14 years	9	17	26
15 to 19 years	12	6	18
20 to 24 years	4	9	13
25 to 34 years	11	16	27
35 to 44 years	9	8	17
45 to 54 years	3	4	7
55 to 59 years	1	4	5
60 to 64 years	1	1	2
65 to 74 years	1	2	3
75 to 84 years	0	0	0
85 years and over	0	0	0
<b>Total</b>	<b>74</b>	<b>101</b>	<b>175</b>

**Source: 2000 U.S. Census**

- 57 of the individuals living in Schoolview are under the age of ten. That is 33% of the overall population.  
**Source: 2000 U.S. Census**
- Within the households, there are 35 householders, 9 spouses, 86 children, 29 other relatives, and 16 nonrelatives of which 11 are unmarried partners.  
**Source: 2000 U.S. Census**

### Warrington Population

- Within the Warrington Addition, there were 145 females and 162 males.  
**Source: 2000 U.S. Census**
- Warrington is made up primarily of American Indians. 298 are American Indian, 6 are white and 1 is black or African American.  
**Source: 2000 U.S. Census**
- The Median age of Warrington addition is 14.8.  
**Source: 2000 U.S. Census**

	Male	Female	Total
Under 5 years	29	17	46
5 to 9 years	29	27	56
10 to 14 years	29	24	53
15 to 19 years	21	16	37
20 to 24 years	7	9	16
25 to 34 years	21	22	43
35 to 44 years	14	19	33
45 to 54 years	5	7	12
55 to 59 years	1	3	4
60 to 64 years	3	0	3
65 to 74 years	1	0	1
75 to 84 years	2	0	2
85 years and over	0	1	1
<b>Total</b>	<b>162</b>	<b>145</b>	<b>307</b>

**Source: 2000 U.S. Census**

- 192(62%) individuals living in Warrington Addition are under the age of 20, with 1/3 of them being under the age of 10.  
**Source: 2000 U.S. Census**
- Within the households of Warrington, there are 66 householders, 15 spouses, 182 children, 19 other relatives, and 25 nonrelatives of which 19 are unmarried partners.  
**Source: 2000 U.S. Census**
- 91.4% of the Schoolview Addition households and 92.4% of the Warrington Addition households have individuals under the age of 18.  
**Source: 2000 U.S. Census**

## II. ELDERLY

### Menominee County: Population and Change Since 1990

	2000 census		1990 census		change: 1990-2000	
	#	%	#	%	#	%
Persons 60+	600	13.2%	482	12.4%	118	24.5%
Persons 65+	386	8.5%	328	8.4%	58	17.7%
Person 85+	13	0.3%	21	0.5%	-8	-38%

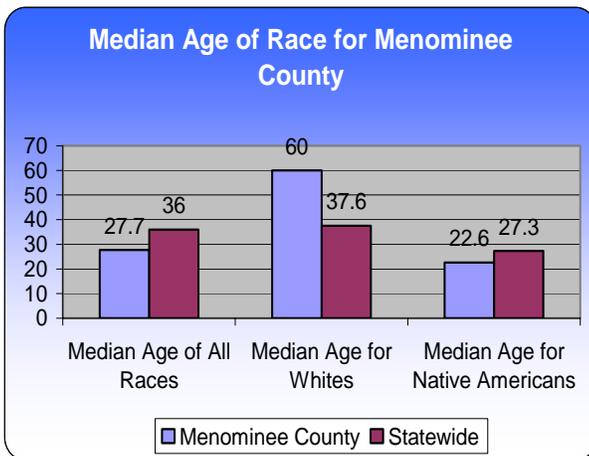
Source: 2000 U.S. Census, Bureau of Aging and Long Term Care Resources, 1/29/2002

- Since 1990 there has been an increase of 17.7% of individuals age 65 and over. This is a much greater increase than that of the State of Wisconsin which was only 7.9% for the same age group.

Source: 2000 U.S. Census, Bureau of Aging and Long Term Care Resources, 1/29/2002

- From 1990 to 2000, the number of individuals 55 and over increased from 635 to 841 on the Reservation. That is an increase of 206 or 32.4%.

Source: 2000 U.S. Census



Source: 2000 U.S. Census, Bureau of Aging and Long Term Care Resources, 1/29/2002

- Of the Menominee County residents age 65 and over, 173 (44.8%) are white. The median age of 60 for whites is the highest county in the state.

Source: 2000 U.S. Census, Bureau of Aging and Long Term Care Resources, 1/29/2002

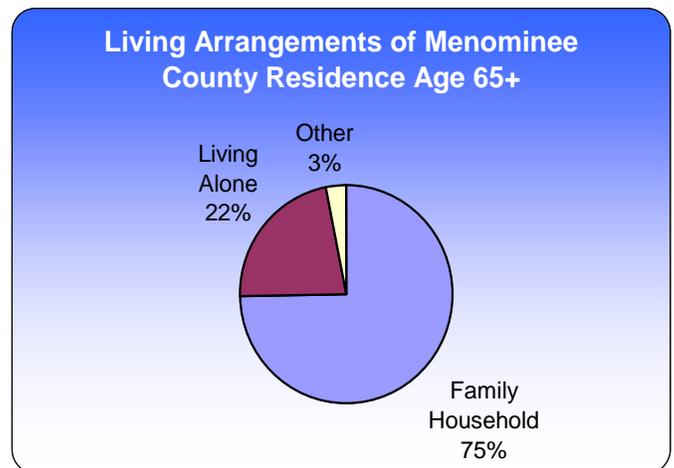
- An estimate 306,000 American Indians and Alaskan Natives were age 65 and over in 2003 in the United States. That is 7% of the total population of American Indians and Alaskan Natives.

Source: 2000 U.S. Census, Bureau of Aging and Long Term Care Resources, 1/29/2002

Living Arrangements and Housing Units	Menominee County		Statewide
	Number	%	%
People age 65+ living in family households	288	74.6%	61.2%
People 65+ in family households who are householder or spouse	257	89.2%	92.7%
People 65+ in family households living in their child's household	13	4.5%	4.0%
People 65+ and living alone	86	22.3%	29.5%
People 65+ living in noninstitutional group quarters	1	0.3%	1.6%
Households in the county, total	1,345	----	----
Households with one or more members age 65+	293	21.8%	23.0%
Housing units with householder 65+ that are owner-occupied	230	86.5%	75.0%
Housing units with householder 65+ that are rented	36	13.5%	25.0%
Housing units with householder 85+ that are owner-occupied	5	62.5%	57.5%
Housing units with householder 85+ that are rented	3	37.5%	42.5%

Source: 2000 U.S. Census, Bureau of Aging and Long Term Care Resources, 1/29/2002

- According to the Bureau of Aging and Long Term Care Resources, a majority of the older population in Menominee County live in "family households" containing at least two people related by blood or marriage, but another 22.3% of people 65 or older live alone.



Source: 2000 U.S. Census, Bureau of Aging and Long Term Care Resources, 1/29/2002

- According to Menominee Tribal housing, there were 19 elderly living in homes under the 202 elderly program and 16 elderly living in Elderly Low Rental homes as of 2004.

### III. ENROLLMENT

- In order to be placed on the Tribal rolls as of the year 2004, a blood quantum of one quarter Menominee is required.
- In September of 2004, the total enrollment of the Menominee Tribe was 8,181. In August of 1999, the total enrollment was 7,796. This is a 5% increase over the five year span.
- Of the total of 8,181 enrolled, 4,192 are female and 3,989 are male. This is a 51% to 49% ratio.
- Of the 8181 enrolled Menominees, 1,737 are married, 6,215 are single, 203 divorced, 12 are widowed and 14 are unknown.  
**Source: Menominee Tribal Enrollment**
- As of September 2004, 129 Tribal Members were incarcerated. Twenty of them female and 109 of them male.  
**Source: Menominee Tribal Enrollment**

#### Total Enrolled Menominee On and Off the Reservation

	Aug99	Sept04	%change
On Res	3693	4021	8.8
Off Res.	4103	4160	1.4
<b>Total</b>	<b>7769</b>	<b>8181</b>	<b>5.3</b>

**Source: Menominee Tribal Enrollment**

- Of the 8,181 enrolled, 6,877 live within the state of Wisconsin, 3,496 are female and 3,384 are male. Chicago has the most enrolled Menominees living outside of the State of Wisconsin with 126 (68 are female and 58 are male.) Illinois has the second largest concentration of Menominees after Wisconsin.

- The states with the most enrolled Menominee outside of Wisconsin are as follows:

Illinois	134
California	65
Minnesota	44
Michigan	44
Florida	33
Colorado	32
Indiana	25
Ohio	23
Arizona	23
Texas	22

**Source: Menominee Tribal Enrollment**

- Green Bay is the city in the state with the largest concentration of enrolled Menominees with 612; 324 female and 288 male. The top ten communities with enrolled Menominees are as follows.

Green Bay	612
Shawano	523
Milwaukee	341
Suring	207
Appleton	93
Bowler	64
Gillett	63
Gresham	61
Oneida	48
Sheboygan	46

Note: The Number of Enrolled Menominees in Suring and Gillett include members living on the Reservation within the Suring and Gillett postal zip code.

**Source: Menominee Tribal Enrollment**

- There are a total of 749 Tribal members living adjacent to the Reservation. Adjacent is defined as a 30 mile radius of the Reservation. Some of the adjacent communities include, Shawano, Bonduel, Antigo, Gillett and Suring.

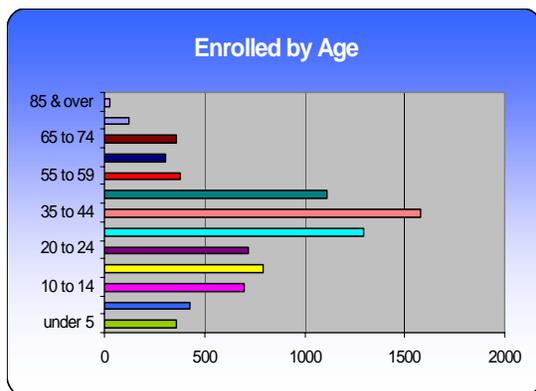
**Source: Menominee Tribal Enrollment**

**ENROLLMENT BY AGE**

Age Group	Sex	No.	Total
Under 5	Female	178	356
	Male	178	
5 to 9	Female	207	429
	Male	222	
10 to 14	Female	336	695
	Male	359	
15 to 19	Female	393	793
	Male	400	
20 to 24	Female	346	720
	Male	374	
25 to 34	Female	657	1297
	Male	640	
35 to 44	Female	819	1581
	Male	762	
45 to 54	Female	566	1113
	Male	547	
55 to 59	Female	199	383
	Male	184	
60 to 64	Female	179	303
	Male	124	
65 to 74	Female	217	359
	Male	142	
75 to 84	Female	79	123
	Male	44	
85 & over	Female	15	24
	Male	9	

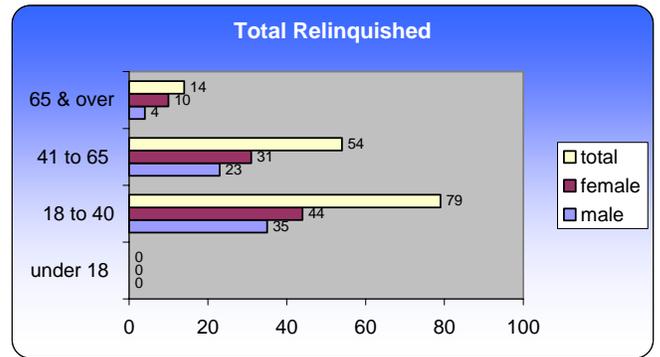
Source: Menominee Tribal Enrollment

- 3,991 or 48.8% of the Tribally Enrolled are between the ages of 25 and 54.



Source: Menominee Tribal Enrollment

**RELINQUISHED BY AGE**



Source: Menominee Tribal Enrollment

- Since 1978 there have been a total of 147 Tribal members who have relinquished their status as Menominee in order to enroll with a different Tribe.  
Source: Menominee Tribal Enrollment
- 85 or 58% of the individuals who relinquished were female and 62 or 42% were male.
- 79 or 54% were between the age of 18 and 40 when they relinquished.



Keshena Falls located on the Wolf River in Keshena. Many important treaty signings and ceremonies took place here. Picture provided by Steve Price, Menominee Tribal News.

## IV. VETERANS

### MENOMINEE COUNTY/RESERVATION

World War II, no Korean War, no Vietnam era	67
World War II and Korean War, no Vietnam era	1
Korean War, no Vietnam era, no World War II	90
February 1955 to July 1964 only	76
Vietnam era, no Korean War, no World War II, no August 1990 or later	125
May 1975 to July 1990 only	82
-September 1980 to July 1990 only	54
-Served under 2 years	12
-Served over 2 years	42
-Other May 1975 to July 1990 service	28
August 1990 or later (including Persian Gulf War)	54
-Served in Vietnam era	0
-No Vietnam era service	54
-Served September 1980 or later only	54
-Served under 2 years	12
-Served over 2 years	42
-Served prior to September 1980	0
Other Service only	5
<b>Total</b>	<b>500</b>

Source: U.S. Census Bureau "P40 Period of Military Service for Civilians 18 years and Over"

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Of the 4,857 people living on the Reservation/County, 500 of them are Veterans. That is 10.3% of the population. The State of Wisconsin has 9.5% of the population as having veteran status.</li> <li>• According to the 2000 Census, 383,000 military veterans identified themselves as American Indian or Alaskan Native.</li> </ul> | <ul style="list-style-type: none"> <li>• There were 12,000 Native Americans who fought in World War I. During World War II, 44,000 Native Americans out of a total population of less than 350,000 served between 1941 and 1945. In the Viet Nam War, 42,000 Native Americans fought for their country and of that more than 90% were volunteer.<br/>Source: Department of Navy-Naval Historical Center</li> </ul> |
|---|--|

## V. BIRTH

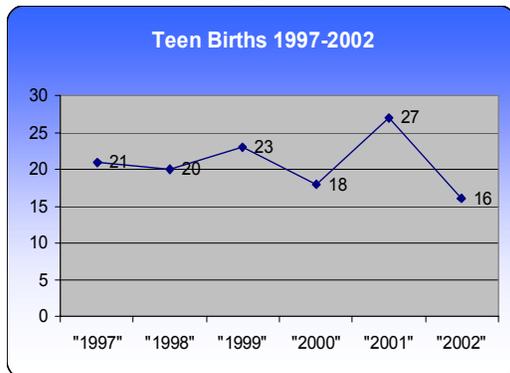
### LIVE BIRTHS BY AGE OF MOTHER 1999 to 2002

	1999	2000	2001	2002	2003
<15	0	0	1	0	0
15-17	7	7	13	8	8
18-19	16	11	13	8	10
20-24	34	37	36	33	40
25-29	24	20	14	20	19
30-34	10	15	10	14	7
35-39	4	2	5	2	5
40-44	2	1	1	0	1
45+	0	0	0	0	0
<b>Total</b>	<b>97</b>	<b>93</b>	<b>93</b>	<b>85</b>	<b>90</b>

Source: Wisconsin.gov

- Mothers between the age of 20 and 24 represent the highest birth rate from 1999 to 2002 with 140 births over the four year period.

### NUMBER OF BIRTHS TO MOTHERS LESS THAN 20 YEARS OF AGE FOR MENOMINEE COUNTY



Source: Wisconsin.gov

### TEEN BIRTHS BY AGE, WISCONSIN, 1992 AND 2002

Age	1992	2002
<15	159	108
15-17	2,427	1,898
18-19	4,622	4,528
<b>Total</b>	<b>7,208</b>	<b>6,534</b>

Source: Bureau of Health Information, Division of Health Care Financing, Department of Health and Family Services.

### TEEN BIRTHS BY RACE/ETHNICITY (<20), WISCONSIN, 2002

Race	Total	Teens
White	53,798	3,509
Black	6,338	1,600
American Indian	974	189
Hispanic/Latino	5,274	932
Laotian/Hmong	977	244
Other	1,125	60

Source: Bureau of Health Information, Division of Health Care Financing, Department of Health and Family Services.

### NATURAL INCREASE IN POPULATION

- The natural increase in population for the Reservation is figured by the number of births, minus the number of deaths that occur each year. The natural increase represents only part of the population increase. (The increase as a result of migration is not represented.)

### Natural Increase in Population 1999 to 2003

	1999	2000	2001	2002	2003
Births	97	93	93	85	89
Deaths	44	36	40	32	32
Natural Increase	53	57	53	53	57

\*Source: Wisconsin Births and Infant Deaths

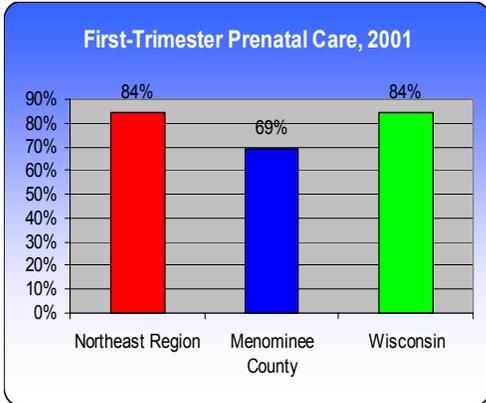
- In 2002 there were a total of 44 males born and 41 females. The Crude Birth Rate for the year was 18.5 and the General Fertility Rate was 90.1.

Note: The crude birth rate is the number of resident live births divided by the resident population times 1,000. The general fertility rate is the number of resident live births divided by the number of females ages 15-44 times 1,000.

Source: Bureau of Health Information, Division of Health Care Financing, Department of Health and Family Services.

**TREND BIRTH RATE**

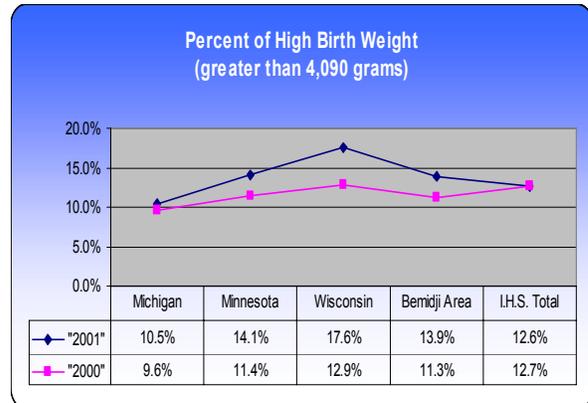
- The average number of births from 1999 to 2003 on the Menominee Reservation was 91.4 births.



Source: Wisconsin.gov

- In 2002, 59 of the 85 mothers within Menominee County sought prenatal care within the first trimester of pregnancy.  
Source: Wisconsin.gov
- Also in 2002, only 5.9% or 5 of the 85 babies born were considered to have a low birthweight in Menominee County.  
Source: Wisconsin.gov

**PERCENT OF AMERICAN INDIANS WITH HIGH BIRTH WEIGHT BIRTHS**



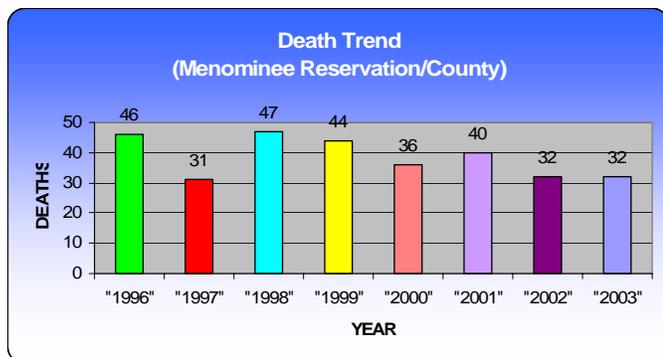
Source: Community Health Profile: Minnesota, Wisconsin & Michigan Tribal Communities, 2003. Great Lakes Epicenter. Great Lakes Inter-Tribal Council, Inc. 2003.

## VI. DEATH

### DEATH BY AGE

AGE	SEX	1999	2000	2001	2002	2003	Total
0-5	F	2	0	1	1	0	8
	M	0	0	1	12	1	
6-10	F	0	0	0	1	0	1
	M	0	0	0	0	0	
11-15	F	0	0	0	0	1	1
	M	0	0	0	0	0	
16-20	F	0	0	0	0	0	1
	M	0	0	1	0	0	
21-25	F	1	0	1	0	0	4
	M	1	0	0	0	1	
26-30	F	0	0	0	0	0	4
	M	3	1	0	0	0	
31-35	F	1	1	0	1	0	5
	M	1	0	0	1	0	
36-40	F	0	1	0	1	1	11
	M	1	1	2	2	2	
41-45	F	1	1	2	1	0	8
	M	1	0	0	1	1	
46-50	F	0	1	1	0	1	12
	M	1	2	3	2	1	
51-55	F	0	1	1	1	1	10
	M	1	2	2	0	1	
56-60	F	1	0	0	1	1	11
	M	2	1	3	2	0	
61-65	F	2	3	1	2	0	23
	M	2	3	5	2	3	
66-70	F	1	5	1	0	2	18
	M	1	2	3	1	2	
71-75	F	5	5	2	0	0	23
	M	6	2	2	0	1	
76-80	F	2	1	3	2	1	15
	M	0	1	2	1	2	
81+	F	4	0	3	4	3	29
	M	4	2	0	3	6	
Sub-total	F	20	19	16	15	11	184
	M	24	17	24	17	21	

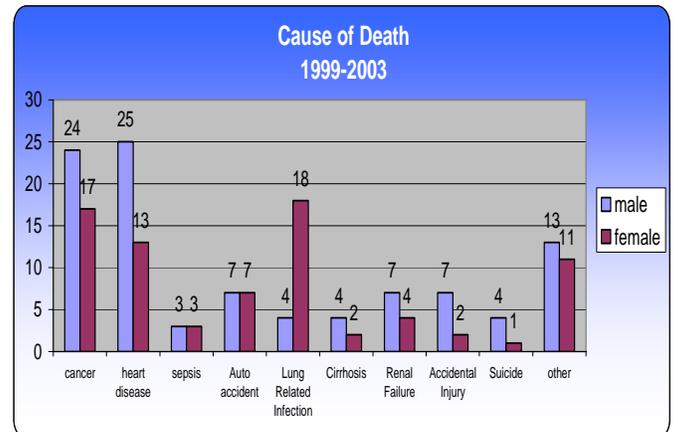
**TOTAL**            44    36    40    32    32  
 Source : Menominee County Register of Deeds



Source : Menominee County Register of Deeds

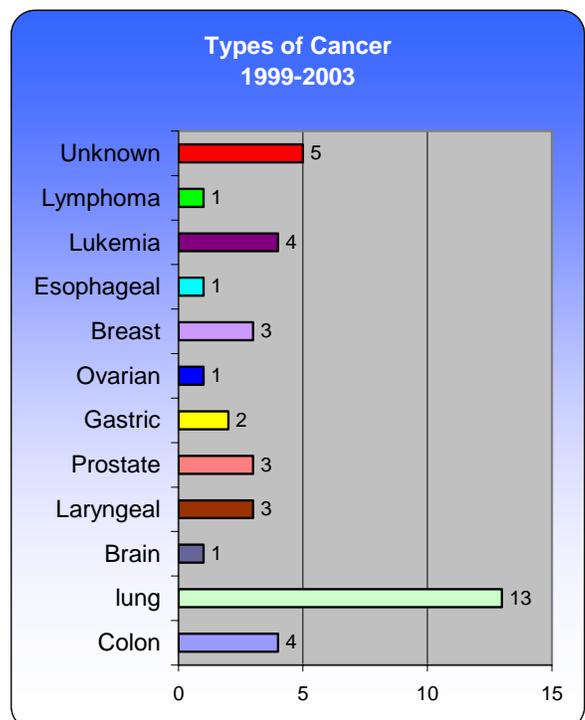
- The average age of death is 60.0 years.
- From 1999-2003, 24 or 13% of the deaths were between the ages of 21 and 40. Only five of the 24 were due to natural causes. Automobile accidents and suicide made up the greatest percentage.

### CAUSE OF DEATH



Source : Menominee County Register of Deeds

- According to the death certificates recorded at Menominee County Register of Deeds, the primary cause of death from 1999-2003 in the County, was due to cancer. This represented 41 (22%) of all deaths.



Source : Menominee County Register of Deeds

- The second leading cause of death was heart disease with 38. Just over 20% of all deaths occurred as a result of heart disease.
- From 1999 to 2003, there were two instances of deaths caused by complications from blastomycosis which is a fungal infection of the lungs.  
Source : Menominee County Register of Deeds
- Of the 184 deaths in Menominee County between 1999 and 2003, all but 29 of them were considered American Indian.  
Source : Menominee County Register of Deeds

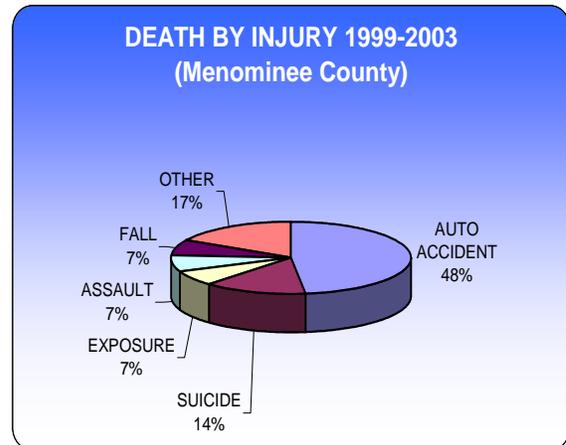
**LEADING CAUSE OF DEATH FOR AMERICAN INDIANS IN WISCONSIN 1999-2000**

Cause of Death	2001		2000		1999	
	#	%	#	%	#	%
1. Cancer	55	20.7	43	19.0	35	14.9
Lung Cancer	16	29.1	8	18.6	10	28.6
Breast Cancer	6	2.3	1	2.3	4	11.4
2. Heart Disease	53	20.0	55	24.3	54	23.0
Ischemic	46	86.8	39	70.9	38	70.4
3. Unintentional Injury	32	12.1	23	10.2	33	14.0
Motor Vehicle	20	62.5	14	60.9	20	60.6
4. Diabetes	14	5.3	14	6.2	21	8.9
5. Liver Disease	11	4.2	11	4.9	17	7.2
Sub-Total	165	62.3	146	64.6	160	68.1
Total Deaths	265	100	226	100	235	100

Source: Community Health Profile: Minnesota, Wisconsin & Michigan Tribal Communities, 2003. Great Lakes Epicenter. Great Lakes Inter-Tribal Council, Inc. 2003.

- In 2002, disease of the heart and cancer were the two leading underlying causes of death in each race group in Wisconsin. Diseases of the heart accounted for 22 percent of deaths among African Americans, 28 percent of deaths among white, 20 percent of deaths among American Indians and 12 percent of deaths among Asians. Cancer accounted for 21 percent of deaths among African Americans, 23 percent of deaths among whites, 16 percent of deaths among American Indians and 23 percent of deaths among Asians.  
Source: Wisconsin Deaths, 2002

**DEATH BY INJURY**



Source: Menominee County Register of Deeds

**TOTAL INJURIES**

- 113 or over 32% of injuries occurred as a result of motor vehicle collisions from 1999 to 2003 on the Menominee Reservation.

**INJURIES BY YEAR**

CAUSE	99	00	01	02	03	TOTAL
MVC	23	15	34	20	21	113
falls	25	18		19	31	117
other	2	7	12	8	10	39
suicide	6	3	3	9	1	22
assault	7	7	7	11	15	47
drown	1	1	1	0	0	3
Fire/burns	0	1	0	1	2	4
<b>TOTAL</b>	<b>64</b>	<b>52</b>	<b>81</b>	<b>68</b>	<b>80</b>	<b>345</b>

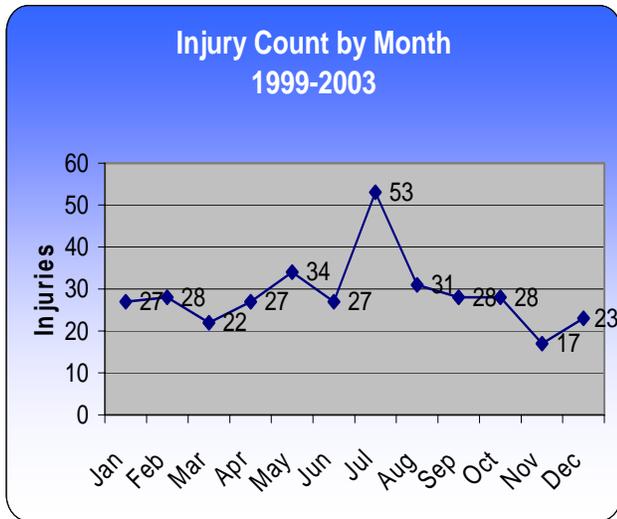
Source: Severe Injury Report from Menominee Environmental Health Department

Note: Suicide numbers are attempted suicides.

**SEVERITY OF INJURY 1999-2003**

CAUSE	FATAL	IP	OP	UNKNOWN
Assault	2	26	17	
Drown	3			
Fall	2	67	47	1
Fire/Burn		4		
MVC	12	71	29	
Other	4	22	13	
Suicide	2	20		
<b>Total</b>	<b>25</b>	<b>210</b>	<b>106</b>	<b>1</b>

Source: Severe Injury Report from Menominee Environmental Health Department  
IP=Individuals requiring inpatient hospital care.  
OP=Individuals requiring outpatient care only.



Source: Severe Injury Report from Menominee Environmental Health Department

- 18 of the 53 injuries that occurred in the month of July, from 1999 to 2003, were as a result of motor vehicle crashes. That is the highest month for motor vehicle crashes.
- The highest number of suicide attempts occurred in the month of September with 6 from 1999-2000 Source: Severe Injury Report from Menominee Environmental Health Department
- The number one cause of injuries among females was falls with 71 or 60%.

### ALCOHOL RELATED INJURIES

	No	Yes	Unknown
Falls	74	28	15
Burns	2	1	1
MVC	27	73	13
Drown	-	1	2
Assault	2	33	12
Suicide	2	14	6
Other	24	7	8
	131	157	57

Source: Severe Injury Report from Menominee Environmental Health Department

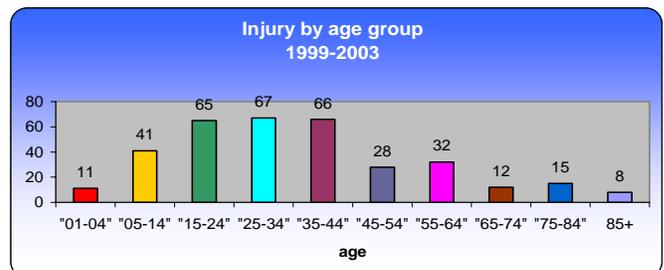
- Alcohol played a role in 46% of all injuries that occurred in Menominee County/Reservation.
- The highest ratio of alcohol related injuries was assaults. 70% of all assaults involved alcohol, 65% of motor vehicle crashes were alcohol related and 63% of all suicide attempts.

### INJURY BY AGE GROUP 1999-2003

Age	Assault	Drown	Fall	Fire	MVC	Suicide	Other
Infant	-	-	-	-	-	-	-
01-04	1	-	5	1	3	-	1
05-14	-	-	15	-	16	2	8
15-24	14	-	2	1	35	6	7
25-34	13	2	18	-	18	9	7
35-44	15	1	18	1	19	3	9
45-54	3	-	11	1	7	2	4
55-64	1	-	15	-	13	-	3
65-74	-	-	11	-	1	-	-
75-84	-	-	14	-	1	-	-
85+	-	-	8	-	-	-	-
<b>Total</b>	<b>47</b>	<b>3</b>	<b>117</b>	<b>4</b>	<b>113</b>	<b>22</b>	<b>39</b>

Source: Severe Injury Report from Menominee Environmental Health Department

- The 25-34 age group had the highest number of injuries with 67.
- 198 of the injuries that occurred, involved people age 15 to 44. That is 57% of all injuries.
- 35 of the 133 motor vehicle crash injuries occurred to people between the age of 15-44.



Source: Severe Injury Report from Menominee Environmental Health Department

## VII. INCOME

### MEDIAN HOUSEHOLD INCOME

According to the 2000 Census, the Median Household Income for Menominee County was **\$29,440**. This included both trust land and fee land within the boundaries of the County. The Median Household Income of just Tribal trust land on the Reservation was **\$26,923**. 80% of the Median Household Income is considered the cut off for low income. This would be **\$23,552** for Menominee County. 48% of the families in Menominee County are considered low income based on this number. The Median Household Income for the State of Wisconsin was **\$43,791**.



SOURCE: 2000 U. S. Census

### COMPARATIVE INCOME CHARACTERISTICS 1979 TO 1999

	1979	1989	1999
Median household income	\$13,325	\$14,122	\$29,440
Median Family Income	\$14,437	\$14,801	\$28,385
Per Capita Income	\$3,525	\$5,674	\$10,625

SOURCE: East Central Regional Planning Comm., U. S. Census

### CHANGE IN COMPARATIVE INCOME CHARACTERISTICS, 1979-1999\*

	1979-1989	1989-1999	1979-1999
Median household income	\$770	\$15,318	\$16,088
Median Family Income	\$364	\$13,584	\$13,948
Per Capita Income	\$2,149	\$4,951	\$7,100

SOURCE: East Central Regional Planning Comm., U. S. Census

\*These numbers are not adjusted for inflation.

### PERCENT CHANGE IN COMPARATIVE INCOME CHARACTERISTICS, 1979-1999\*

	1979-1989	1989-1999	1979-1999
Median household income	5.77%	108.47%	120.49%
Median Family Income	2.52%	91.78%	96.61%
Per Capita Income	60.96%	87.26%	201.42%

SOURCE: East Central Regional Planning Comm., U. S. Census

\*These numbers are not adjusted for inflation.

- According to the 2000 Census, 53 households out of 1,410 received public assistance. The Average public assistance income was \$2,698/year.

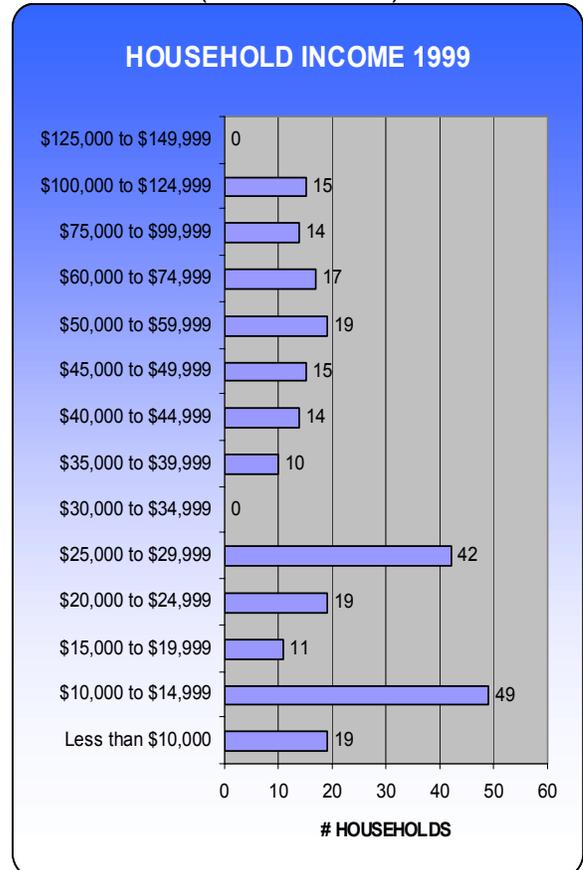
**HOUSEHOLD INCOME IN 1999  
MENOMINEE COUNTY  
(AMERICAN INDIAN AND ALASKA NATIVE)**



SOURCE: 2000 U. S. Census

- Of the 1,082 American Indian/Alaska Native households, 454 of them make less than \$25,000 annually. That is 42% of the households.
- 58 of the total 1,082 American Indian/Alaska Native households reside in the community of Middle Village.
- 196 (18%) of the American Indian/Alaska Native households make less than \$10,000.

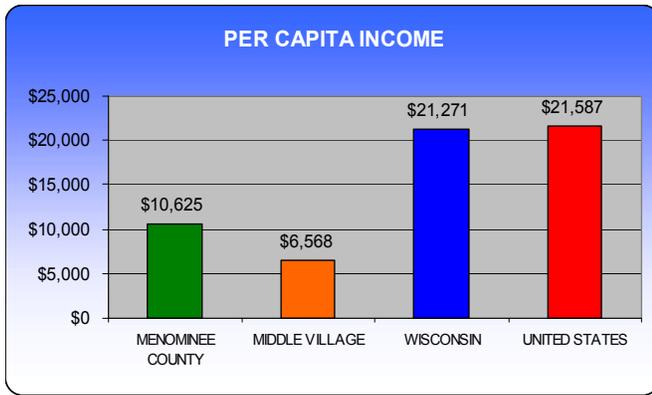
**HOUSEHOLD INCOME IN 1999  
MENOMINEE COUNTY  
(WHITE ALONE)**



SOURCE: 2000 U. S. Census

- Of the 244 white alone households, 98 of them make less than \$25,000 annually. That is 40% of the households.
- 46 (19%) of the white alone households make more than \$60,000 annually.
- 19 (7%) of the white alone households make less than \$10,000 annually, compared to 18% for American Indian/Alaska Native.

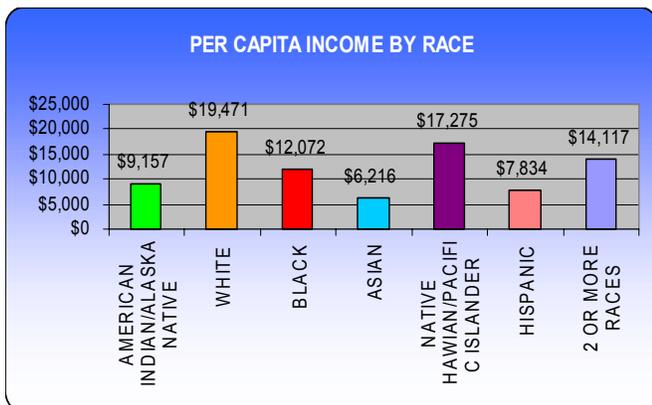
**2000 CENSUS PER CAPITA INCOME**



SOURCE: 2000 U. S. Census

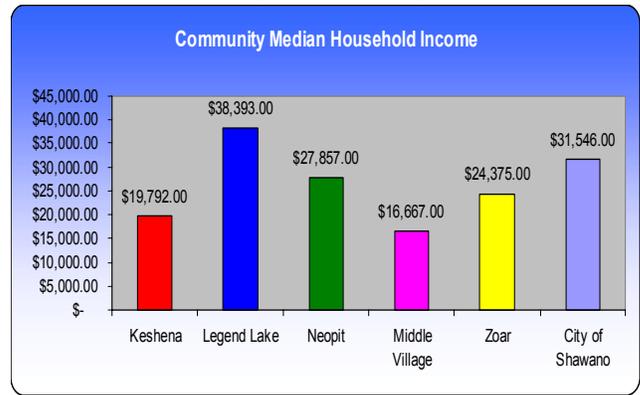
- A male working full time year-round, living on the Menominee Reservation/County has a median earning of \$22,683.
- A female working full time year-round, living on the Menominee Reservation/County has a median earning of \$21,382.
- According to the 2000 Census, the average social security income is \$10,203 on the Reservation/County.
- According to the 2000 Census, the average retirement income is \$17,300 on the Reservation/County.

**MENOMINEE COUNTY/RESERVATION INCOME BY RACE**



SOURCE: 2000 U. S. Census

**COMMUNITY INCOME**



SOURCE: 2000 U. S. Census

- Legend Lakes Median Household Income is 49% higher than the Village of Keshena and 37% higher than the Village of Neopit.
- Legend Lake Median Household Income is even 22% higher than the City of Shawano which is located eight miles south of Keshena in Shawano County.
- The average of the Median Household Income for Keshena, Neopit, Middle Village, and Zoar is \$22,172.

**KESHENA MEDIAN HOUSEHOLD INCOME**

Less than \$10,000	100
\$10,000 to \$14,999	46
\$15,000 to \$24,999	56
\$25,000 to \$34,999	41
\$35,000 to \$49,999	48
\$50,000 to \$74,999	46
\$75,000 to \$99,999	8
\$100,000 to \$149,999	17
\$150,000 to \$199,999	0
\$200,000 or more	0
<b>Total</b>	<b>362</b>

SOURCE: 2000 U. S. Census

**LEGEND LAKE MEDIAN HOUSEHOLD INCOME**

Less than \$10,000	33
\$10,000 to \$14,999	59
\$15,000 to \$24,999	75
\$25,000 to \$34,999	84
\$35,000 to \$49,999	108
\$50,000 to \$74,999	125
\$75,000 to \$99,999	26
\$100,000 to \$149,999	13
\$150,000 to \$199,999	0
\$200,000 or more	1
Total	524

SOURCE: 2000 U. S. Census

**NEOPIT MEDIAN HOUSEHOLD INCOME**

Less than \$10,000	27
\$10,000 to \$14,999	19
\$15,000 to \$24,999	42
\$25,000 to \$34,999	52
\$35,000 to \$49,999	61
\$50,000 to \$74,999	28
\$75,000 to \$99,999	3
\$100,000 to \$149,999	2
\$150,000 to \$199,999	0
\$200,000 or more	0
Total	234

SOURCE: 2000 U. S. Census

**ZOAR MEDIAN HOUSEHOLD INCOME**

Less than \$10,000	6
\$10,000 to \$14,999	0
\$15,000 to \$24,999	6
\$25,000 to \$34,999	4
\$35,000 to \$49,999	5
\$50,000 to \$74,999	2
\$75,000 to \$99,999	0
\$100,000 to \$149,999	0
\$150,000 to \$199,999	0
\$200,000 or more	0
Total	23

SOURCE: 2000 U. S. Census

**MIDDLE VILLAGE MEDIAN HOUSEHOLD INCOME**

Less than \$10,000	19
\$10,000 to \$14,999	7
\$15,000 to \$24,999	12
\$25,000 to \$34,999	8
\$35,000 to \$49,999	9
\$50,000 to \$74,999	2
\$75,000 to \$99,999	3
\$100,000 to \$149,999	0
\$150,000 to \$199,999	0
\$200,000 or more	0
Total	60

SOURCE: 2000 U. S. Census

**WARRINGTON SUBDIVISION MEDIAN HOUSEHOLD INCOME**

Less than \$10,000	26
\$10,000 to \$14,999	15
\$15,000 to \$24,999	18
\$25,000 to \$34,999	6
\$35,000 to \$49,999	8
\$50,000 to \$74,999	0
\$75,000 to \$99,999	0
\$100,000 to \$149,999	0
\$150,000 to \$199,999	0
\$200,000 or more	0
Total	73

SOURCE: 2000 U. S. Census

**SCHOOLVIEW SUBDIVISION MEDIAN HOUSEHOLD INCOME**

Less than \$10,000	18
\$10,000 to \$14,999	8
\$15,000 to \$24,999	4
\$25,000 to \$34,999	3
\$35,000 to \$49,999	2
\$50,000 to \$74,999	5
\$75,000 to \$99,999	1
\$100,000 to \$149,999	2
\$150,000 to \$199,999	0
\$200,000 or more	0
Total	43

SOURCE: 2000 U. S. Census

# POVERTY

The number of families in 1999 (263), within Menominee County that live on incomes below the poverty level (24.8%) have gone down since the 1990 Census which was at 381 families or 41.3%. They still are extremely high compared to the State of Wisconsin average of 5.6%. The community of Middle Village which is not included in the Counties percent is even worse at 55.8% of the families. 1999 Poverty Line for a family of four was \$16,895 and is not adjusted regionally.

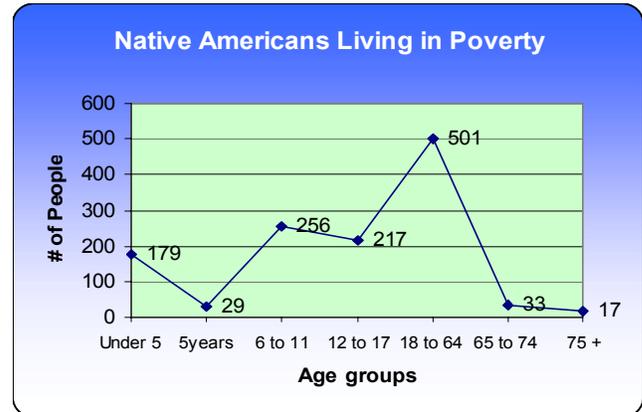
## POVERTY STATUS, 1979, 1989, AND 1999 (Menominee County)

Poverty Status	1979		1989		1999	
	Number	Percent	Number	Percent	Number	Percent
Total Persons	3,371	100.00%	3,820	100.00%	4,489	100.00%
Persons Above Poverty Level	2,767	82.08%	1,960	51.31%	3,196	71.20%
Persons Below Poverty Level	604	17.92%	1,860	48.69%	1,293	28.80%
Total Persons Under 18	1,475	100.00%	1,569	100.00%	1,743	100.00%
Persons Above Poverty Level	1,149	77.90%	560	35.69%	1,047	60.07%
Persons Below Poverty Level	326	22.10%	1,009	64.31%	696	39.93%
Total Persons 65+	237	100.00%	328	100.00%	419	100.00%
Persons Above Poverty Level	232	97.89%	268	81.71%	363	86.63%
Persons Below Poverty Level	5	2.11%	60	18.29%	56	13.37%
Total Families	695	100.00%	923	100.00%	1,060	100.00%
Persons Above Poverty Level	589	84.75%	542	58.72%	797	75.19%
Persons Below Poverty Level	106	15.25%	381	41.28%	263	24.81%

SOURCE: East Central Regional Planning Commission, U.S. Census

- There are 256 families with children under 18 on the Reservation/County that are considered below the poverty level. Of that, 138 of them have children below the age of 5.
- 196 of the 256 families have a female as the head of household with no husband present. That makes up 47.8% of the total.
- The average income deficit for individual males to be considered out of poverty is \$4,378 and the average income deficit for individual females is \$4,339.

## MENOMINEE RESERVATION/COUNTY POVERTY



SOURCE: 2000 U. S. Census

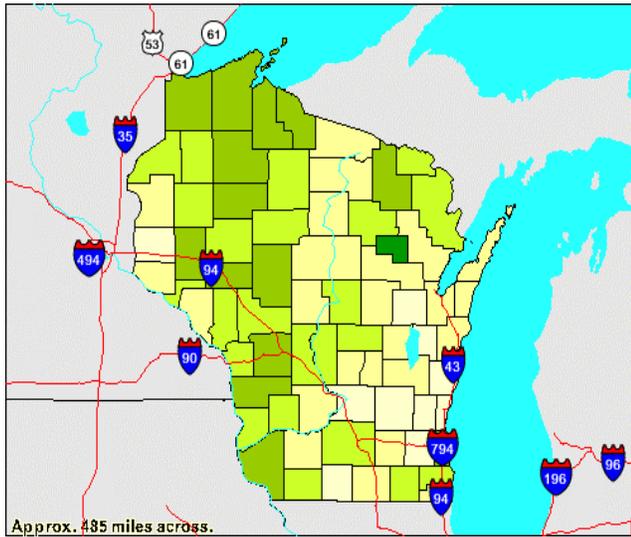
- According to the 2000 Census, 464 Native American children under 18 live below the poverty level. That is 31% of the total number of Native American children under the age of 18 living on the Reservation.
- There are a total of 74 white individuals living below the poverty level and 21 of them are under the age of 18.
- There are 57 Asians living on the Reservation who are considered living in poverty and 32 of them are under the age of 18.
- There are 65 Hispanics living on the Reservation who are living below the poverty level and 47 of them are under the age of 18.
- Of the African Americans and Native Hawaiians living on the Reservation, none are considered to be living in poverty according to the 2000 Census.

### YOUTH POVERTY

- Menominee’s youth poverty is 355% higher than the State of Wisconsin and 368% higher than Shawano County (located adjacent to the Reservation).
- On the Menominee Reservation, 1 out of every 2 kids under the age of 6 live below the poverty level.

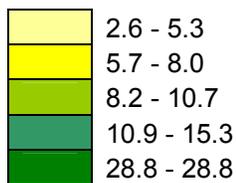
SOURCE: 2000 U. S. Census

### PERCENT POVERTY IN WISCONSIN



#### Data Classes

Percent



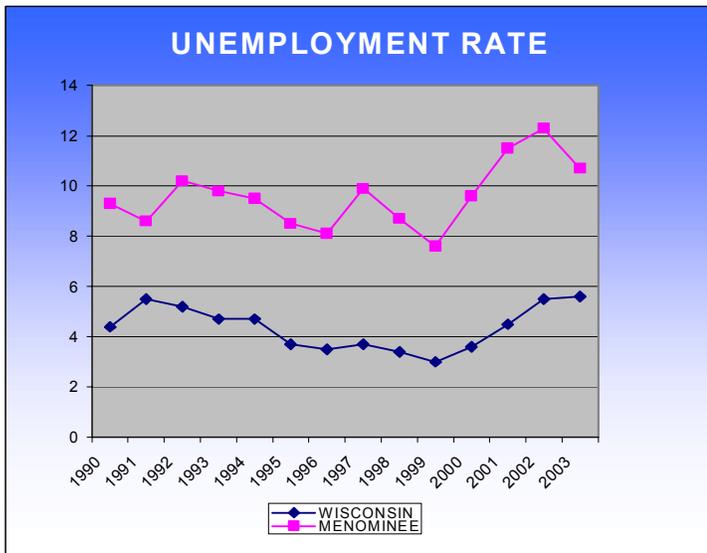
SOURCE: 2000 U. S. Census

## VIII. LABOR FORCE

### CURRENT UNEMPLOYMENT RATE

The State unemployment rate in 2003 was 5.6%. Menominee County's unemployment during that same year was at 10.7%. That is almost double the state figure.

NOTE: The Department of Workforce Development provides figures of unemployment as reflected from the labor force. The figures only take into account those who were working or looking for a job at the time the survey was being conducted. The unemployment number is made up of people who did not have a job, but had not given up on looking.



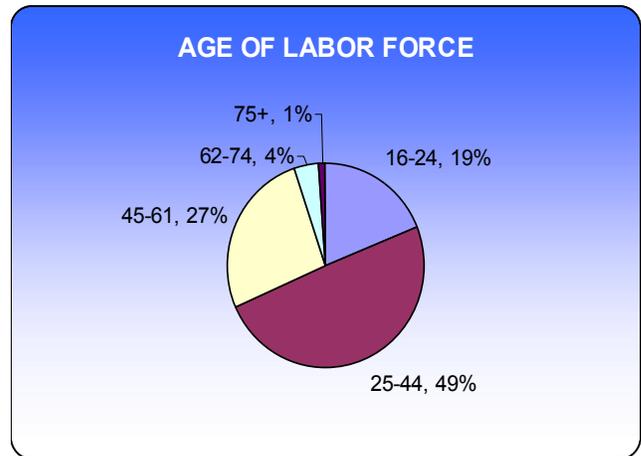
SOURCE: Wis. Dept. of Workforce Development

- The average unemployment rate from 1990 to 2003 on the Menominee Indian Reservation was 9.5%.

### LABOR FORCE 1990 TO 2003 MENOMINEE RESERVATION/COUNTY

YEAR	LABOR FORCE	EMPLOYED	UNEMPLOYED	RATE
1990	1159	1051	108	9.3
1991	1491	1363	128	8.6
1992	1740	1563	177	10.2
1993	1887	1702	185	9.8
1994	1956	1771	185	9.5
1995	2029	1859	170	8.4
1996	2199	2020	179	8.1
1997	2382	2145	237	9.9
1998	2515	2296	219	8.7
1999	2494	2304	190	7.6
2000	2344	2118	226	9.6
2001	2383	2110	273	11.5
2002	2464	2160	304	12.3
2003	2605	2327	278	10.7

SOURCE: Wis. Dept. of Workforce Development



SOURCE: Wisconsin Dept. of Administration

According to the 2000 Census in 1999, 3,139 residents were 16 years and over. Of that:

- 1,767 residents were considered in the labor force which is 56.3%.
- 1,463 or 82.8% of the labor force were employed.
- 17.2% were unemployed.
- 43.7% were not in the labor force.

**Of the 1,489 males that were 16 years and over,**

- 829 were in the labor force which is 55.7%.
- 81.8% were employed.
- 18.2% were unemployed.
- 44.3% were not in the labor force

**Of the 1,650 females that were 16 years and over,**

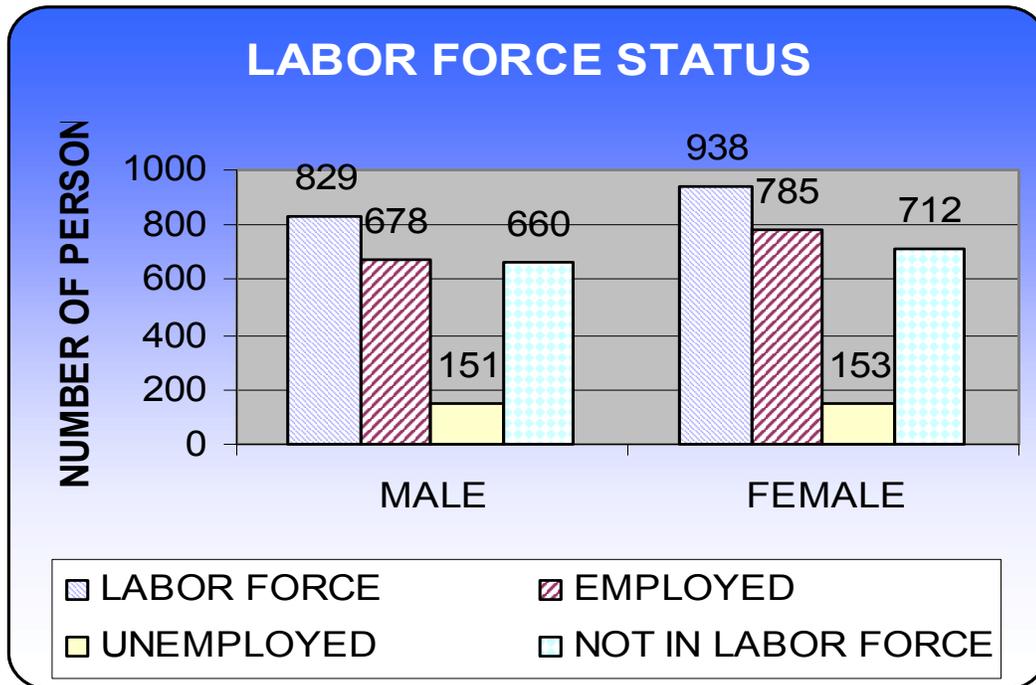
- 938 were in the labor force which is 56.8%.
- 83.7% were employed.
- 16.3% were unemployed.
- 43.2% were not in the labor force.

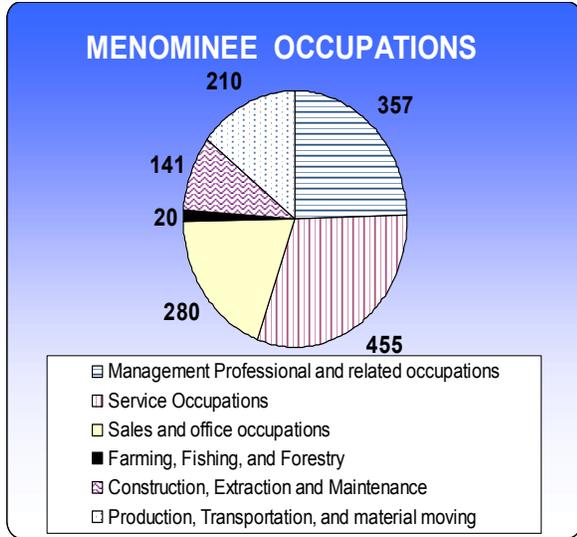
- The State of Wisconsin had a labor force of 2,872,104 in 2000. Of that, 134,311 were unemployed. That is an average of 4.6%, which is substantially lower than the Menominee Reservation/County average of 17.2%.
- There were 492 families with children under the age of six and of that 356 of them all had parents in the labor force.
- American Indians make up 80.4% of the overall labor force within the Reservation/County

**OCCUPATION PROJECTION:2010  
BAY AREA REGION  
(Fastest Growth)**

Top Ten	Education	Avg. Wage
Computer Support Spec.	Associate degree	\$20.38
Comp. Soft. Engrs. System soft	Bachelors degree	\$23.35
Network systems/Data Comm.	Bachelors degree	\$23.81
Network/Comp.Systems Admin.	Bachelors degree	\$22.13
Comp. Software Engrns Apps	Bachelors degree	\$26.61
Database Administrator	Bachelors degree	\$21.75
Personal & home care aides	1 month training	\$8.44
Medical Assts	On the job training	\$11.51
Medical Records/Health Tech.	Associate Degree	\$11.62
Gaming Services Worker	Vocational training	NA

Source: Wisconsin Department of Workforce Development





SOURCE: 2000 U. S. Census

### MENOMINEE COUNTY COMMUTING PATTERNS

	COMMUTE INTO	COMMUTE FROM	NET
BROWN	80	30	50
OUTAGAMIE	5	27	22
OCONTO	12	48	36
SHAWANO	151	601	450
TOTAL	248	706	458

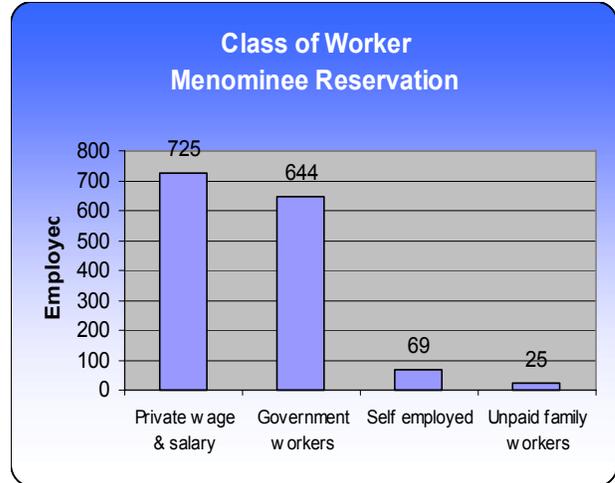
Source: Wisconsin Department of Workforce Development

- Menominee County is considered an importer of workers. 458 more workers commute into the county for employment than leave for employment elsewhere on a regular basis.
- A total of 81 people either ride public transportation or walk to work.

### EMPLOYED IN LOCAL INDUSTRY

	Number	%
-Agriculture, forestry, fishing, Hunting and mining	29	2.0
-Construction	112	7.7
-Manufacturing	156	10.6
-Wholesale Trade	17	1.2
-Retail Trade	74	5.1
-Transportation and warehousing And utilities	21	1.4
-Information	11	0.9
-Finance, Insurance, real estate And rental and leasing	23	1.5
-Professional, scientific, management Administrative, and waste management	30	2.1
-Educational, health and social services	343	23.4
-Arts, entertainment, recreation, Accommodation and food service	377	25.7
-Other Services	34	2.3
-Public Administration	236	16.1
<b>Total</b>	<b>1463</b>	

SOURCE: 2000 U. S. Census



SOURCE: 2000 U. S. Census

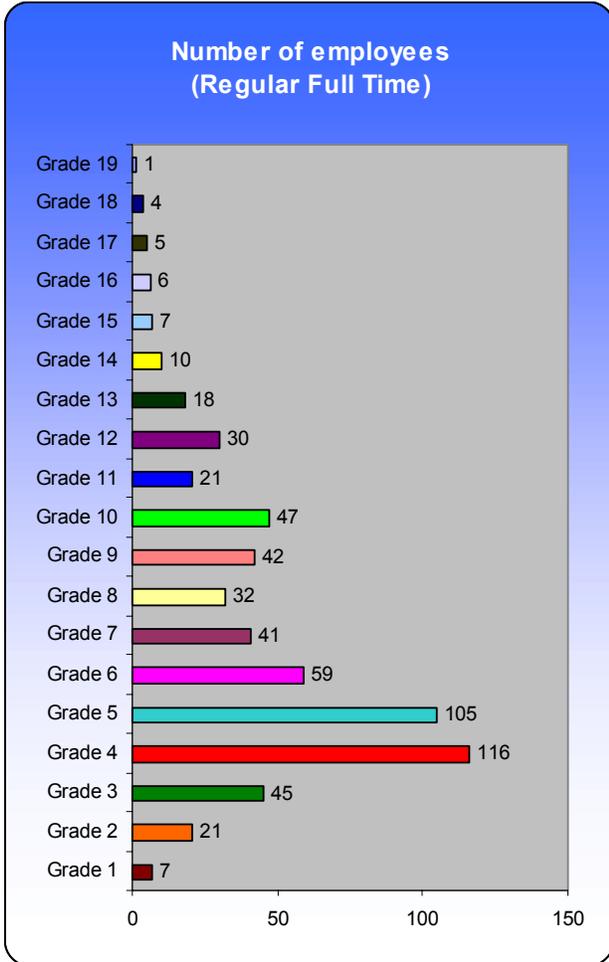
### TOP 10 EMPLOYERS RESERVATION/COUNTY

Company	Product or Service	Size
Menominee Indian Tribe	Exec. & Legis. Offices	500-999
Menominee Casino-Hotel	Casino	500-999
Menominee Enterprise	Sawmill	250-499
Menominee Indian School Dist.	Elementary & Secondary	100-249
College of Menominee Nation	American Indian Gov't	100-249
County of Menominee	Exec. & Legis. Offices	100-249
Town of Menominee	Exec. & Legis. Offices	20-49
Delabreau Otto Ltd.	Gasoline & Conv. Store	10-19
Tom Thumb Food Market	Gasoline & Conv. Store	10-19
Kenah Mecem, Inc.	Convenience Store	10-19

Source: Wisconsin Department of Workforce Development

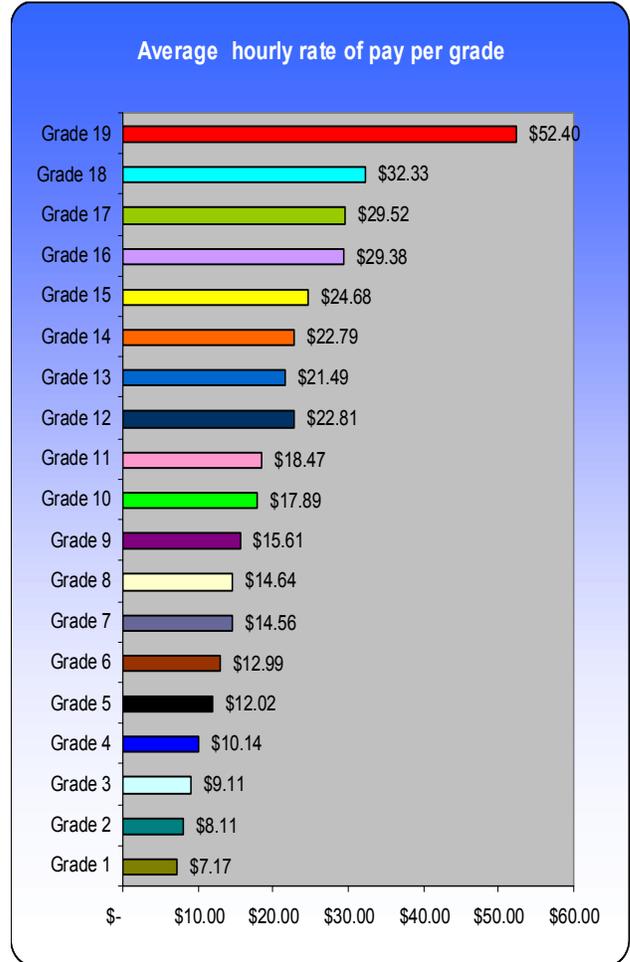
- The Menominee Indian Tribe of Wisconsin (MITW) is a leading employer in Menominee County. On an average the Tribe employs about 650 employees. Some of the services provided by the Tribe include housing, medical, governmental, judicial, law enforcement and social services.
- The Tribes payroll system is based on a Grading system. Each position is assigned a Grade based on the job requirements and skills. The higher the Grade the higher the rate of pay. The Grades go from 1-19. Within the Grades are steps and each employee is assigned a step within the Grade. Employees are allowed to move up steps within their Grade based on job performance and cost of living.

**MITW EMPLOYMENT**



- There are 45 contract employees, 17 fulltime temporary employees, 29 on call employees, 3 part time hourly, 27 part time temporary, and 7 appointed employees (3 prosecutors and 4 judges).

**MITW EMPLOYMENT**

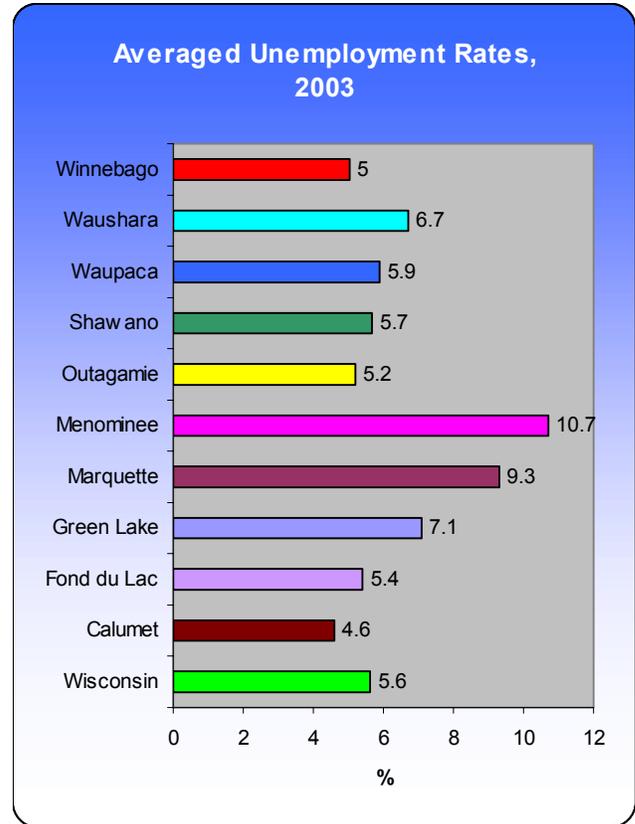


- The average salary of all of the regular full time employees was \$14.13. This does not take into account contract employees, part time employees, on call or appointed employees.

**NATIONAL LABOR FORCE INFORMATION**

- According to the 2001 Indian Labor Force Report, the nation’s Indian service population of potential labor force was 1,524,025. Which was an increase of 126,094 (8.3%) over the national total in 1999.
- Almost half of the work force in Indian Country remained unemployed, 49 percent in 2001 as compared to 42 percent in 1999.  
**Source: 2001 BIA Indian Labor force Report**
- Of the 403,714 adult Indians who were employed in 2001, 33 percent (133,226) were still living below poverty guidelines established by the Department of Health and Human Services.  
**Source: 2001 BIA Indian Labor force Report**
- The 11 tribes in the State of Wisconsin have a total labor force of 21,471, with 11,191 of them employed. This constitutes 48% of the Tribal labor force as being unemployed.  
**Source: 2001 BIA Indian Labor force Report**
- Within the 11 Tribes, 6,344 work in the private sector and 4,847 work in the public sector.  
**Source: 2001 BIA Indian Labor force Report**
- Of the 11,191 Wisconsin Tribal members employed, 4,996 have incomes below poverty guidelines. That is 45% of the total employed.

**EAST CENTRAL WISCONSIN REGION INFORMATION**



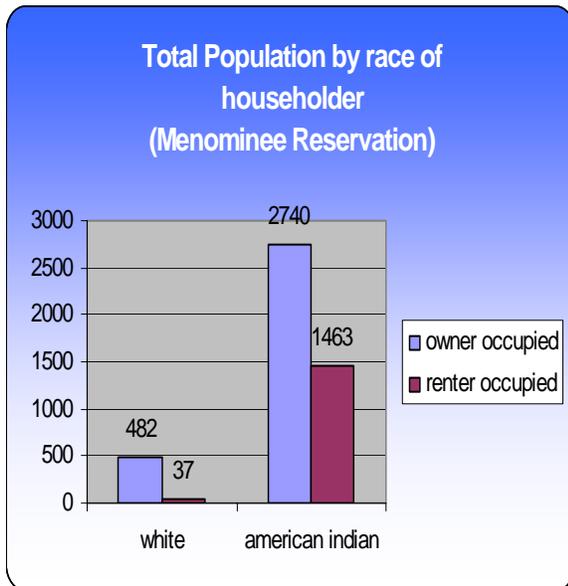
**Source: East Central Regional Planning Commission, CEDS Annual Report**

- The unemployment rate for Menominee County increased by 1.9% from 2000 to 2003. The State of Wisconsin as a whole had an increase in unemployment from 2000 to 2003 of 2.0%.  
**Source: East Central Regional Planning Commission, CEDS Annual Report**

## IX. HOUSING

### HOUSING OCCUPANCY

- According to the 2000 census, there were 2,216 housing units on the Menominee Reservation/County.  
**Source: 2000 Census**
- At the time of the 2000 census, 1,424 of the 2,216 housing units were occupied. Of the vacant homes, 686 were for seasonal, recreational, or occasional use. 34 were for rent and 24 were for sale. The seasonal homes account for 87% of the vacant homes and 31% of the total housing units.  
**Source: 2000 Census**
- The total population of all of the occupied housing units was 4,777. Of that, 3,257 were owner occupied and 1,519 were renter occupied.  
**Source: 2000 Census**



Source: 2000 Census

### TOTAL HOUSEHOLDS

#### Family Households

- There were a total of 4,404 people living in family households in 2000 according to the Census Bureau. Of that, 619 were male householders and 512 were female householders.

### Breakdown of Household

Householder	1131
Spouse	595
Natural Born or Adopted child	1796
Stepchild	88
Grandchild	273
Brother or Sister	48
Parent	22
Other Relatives	172
Nonrelatives	279
<b>Total</b>	<b>4404</b>

Source: 2000 Census

### Non-family Households

- There were 373 individuals living in non-family households. A non-family household is a householder living alone or with non-relatives only.  
**Source: 2000 Census**
- There were 110 male householders living alone and 27 not living alone in non-family households.  
**Source: 2000 Census**
- There were 118 female householders living alone and 38 not living alone in non-family households.  
**Source: 2000 Census**
- There were 80 nonrelatives living within non-family households.  
**Source: 2000 Census**

### In Group Quarters

- According to the 2000 census, there were 80 individuals living in group quarters. 35 of them are institutionalized (ex. Jail), and 45 are living in noninstitutionalized facilities (ex. group homes).  
**Source: 2000 Census**

### AMERICAN INDIAN HOUSEHOLDS

#### Family Households

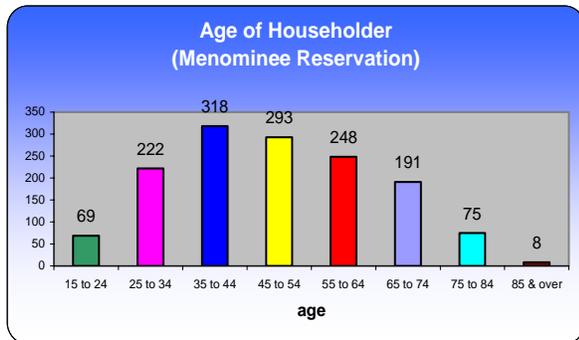
- There were a total of 3,894 American Indians living in family households in 2000 according to the Census Bureau. Of that, 461 were male householders and 476 were female householders.

**American Indian**

Householder	937
Spouse	408
Natural Born or Adopted child	1716
Stepchild	86
Grandchild	265
Brother or Sister	46
Parent	17
Other Relatives	164
<b>Nonrelatives</b>	<b>255</b>
<b>Total</b>	<b>3894</b>

Source: 2000 Census

**AGE OF HOUSEHOLDER**



Source: 2000 Census

**AVERAGE HOUSEHOLD SIZE**

	All races	Indian	white
Total	3.35	3.64	2.06
Owner occupied	3.13	3.46	2.04
Renter occupied	3.99	4.04	2.36

Source: 2000 Census

**UNITS IN STRUCTURE**

1-unit detached	1771
1-unit attached	14
2 units	16
3 or 4 unit	18
5 to 9 unit	35
10 to 19 unit	15
20 or more unit	2
Mobile Home	281

Source: 2000 Census

- A 1-unit detached is described as a 1-unit structure detached from any other house, with open space on all four sides.

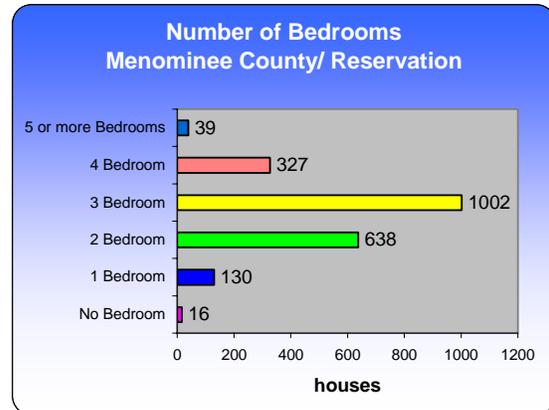
Source: 2000 Census

- A 1-unit attached is a 1-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures.

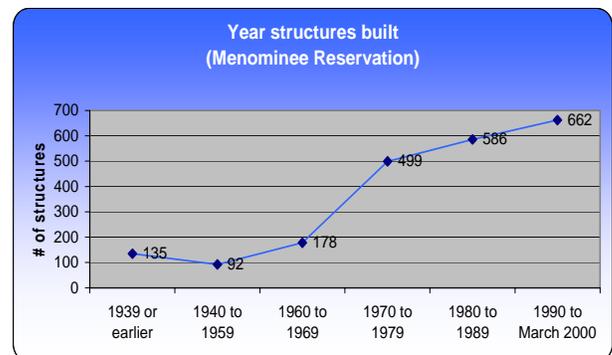
Source: 2000 Census

- The average number of rooms in a structure in Menominee County according to the 2000 Census was 5.2 rooms.

**BEDROOMS**



Source: 2000 Census



Source: 2000 Census

- The U.S. Census Bureau has indicated that 10 of the structures on the Reservation/County are lacking complete plumbing facilities. 11 are lacking complete kitchen facilities and 145 have no telephone service.

- Of the 145 households with no telephone service, 140 of them are American Indian households and 3 are white households.

Source: 2000 Census

- The median value for owner occupied homes in Menominee County was \$58,000.

Source: 2000 Census

- The median value for owner occupied homes in the Legend Lake area was \$78,200.  
Source: 2000 Census
- The median value for owner occupied homes in Keshena was \$42,700  
Source: 2000 Census
- The median value for Mobile homes in Menominee County was \$20,400.  
Source: 2000 Census

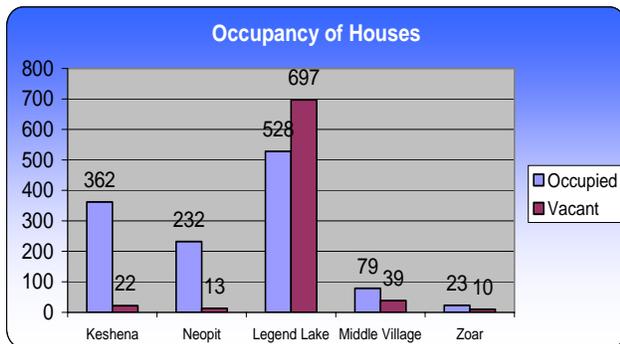
**COMMUNITY DATA**

Total Housing Units

Keshena	384
Legend Lake	1225
Neopit	245
South Branch	66
Zoar	33

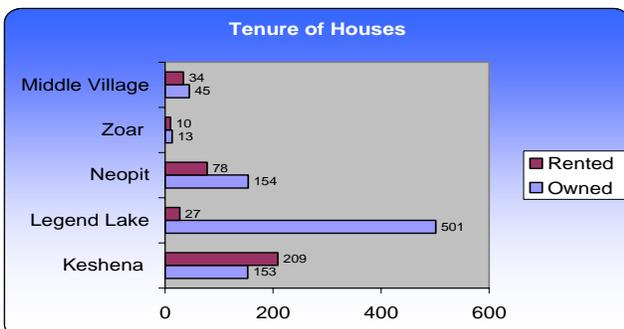
Source: 2000 Census

- According to the 2000 census, there are 48 mobile homes located in Keshena, 109 in the Legend Lake area, 31 in Neopit, 16 in Middle Village and 11 in Zoar.



Source: 2000 Census

- 528 or 43% of the homes in Legend Lake are considered occupied, but 681 of the 697 vacant homes are considered seasonal.



Source: 2000 Census

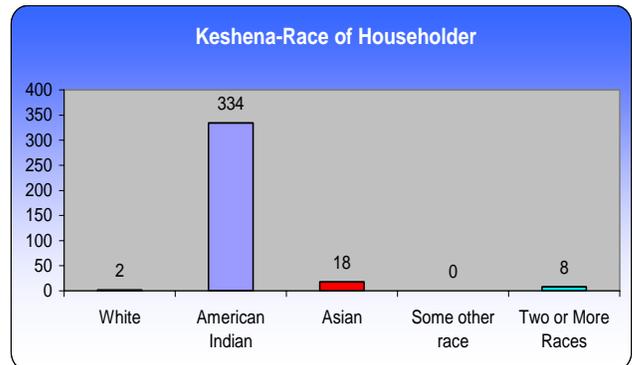
- 57% of the occupied homes in Keshena are rented by individuals.

**NUMBER OF BEDROOMS**

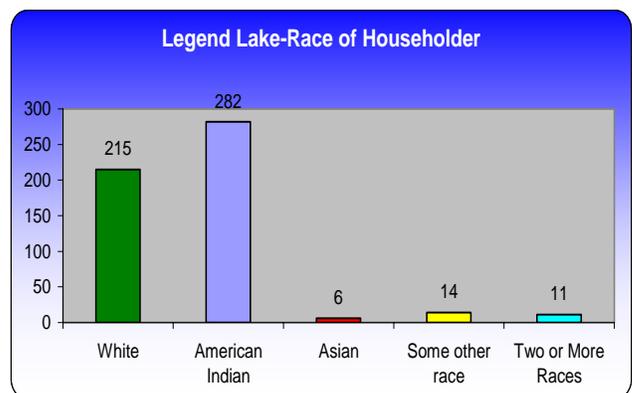
	Keshena	Legend Lake	Neopit	Zoar	Middle Village
No bedroom	0	8	0	0	0
1 bedroom	30	25	21	5	10
2 bedroom	78	418	70	5	22
3 bedroom	171	616	92	15	19
4 bedroom	91	158	50	8	3
5 or more bedroom	14	0	12	0	0

Source: 2000 Census

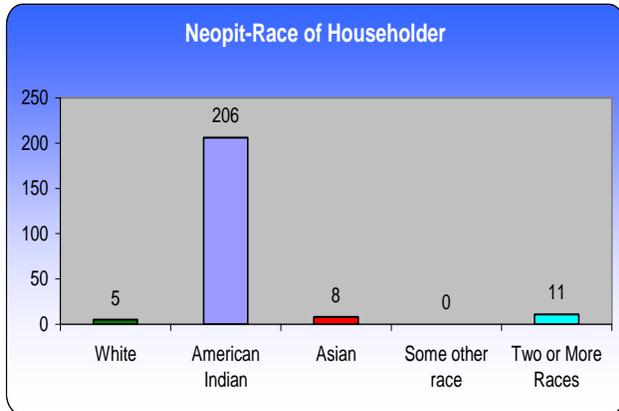
**RACE OF HOUSEHOLDER**



Source: 2000 Census



Source: 2000 Census



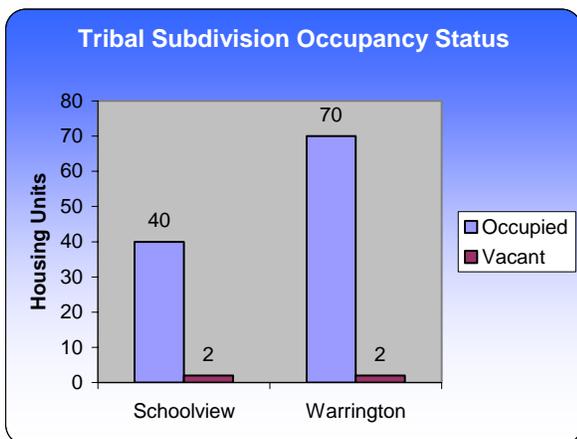
Source: 2000 Census

- Zoar has 20 American Indian householders and 3 white. Middle Village has 77 American Indian Householders and 2 white.

Source: 2000 Census

### TRIBAL SUBDIVISIONS

- The U.S. Census Bureau collected subdivision data for the 2000 Census. The two subdivisions that were designated on the Reservation were the Schoolview Addition and the Warrington Addition. These subdivisions have homes that are predominantly constructed by the local housing authority with federal dollars.
- There were a total of 42 housing units located within the designated boundaries of the Schoolview Addition and 72 housing units within the designated boundaries of the Warrington Addition.



Source: 2000 Census

### HOUSEHOLD SIZE

	Schoolview	Warrington
1 person household	0	5
2 person household	2	0
3 person household	6	12
4 person household	16	15
5 person household	0	15
6 person household	10	12
7 or more person	6	11

Source: 2000 Census

### BUILDING PERMITS ISSUED BY MENOMINEE COUNTY

YEAR	# OF PERMITS	ESTIMATED \$
2000	28 single family	\$3,241,000
2001	15 single family	\$1,703,000
2002	24 single family	\$2,354,000
2003	19 single family	\$2,613,083

Source: U.S. Census

Note: All of these permits were issued for new construction on fee simple land.

- The average number of building permits issued over the last 4 years was 21.
- The total estimated expense for all of the new construction over the four years was \$9,911,083. That averages out to \$115,245 per building permit issued.

### BUILDING PERMITS ISSUED BY MENOMINEE TRIBE

YEAR	# OF PERMITS
2000	1 single family
2001	7 single family
2002	12 single family
2003	9 single family

Source: Tribal Licensing & Permits

## X. EDUCATION

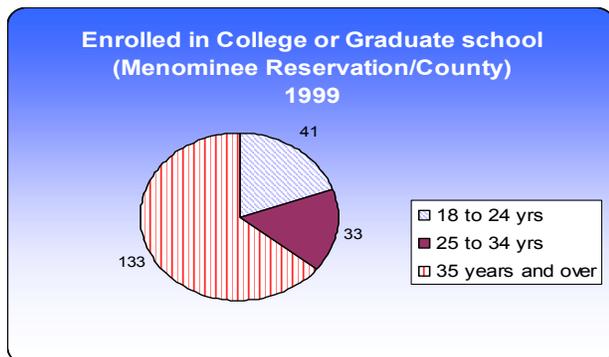
The Menominee Reservation/County has a school district which is called the Menominee Indian School District. This includes the Keshena Primary School in Keshena, the Menominee Indian Middle School in Neopit, and the Menominee Indian High School in Keshena. Head start and Early Head start are available. There is also a Tribally run school in Neopit that consists of grades K-8. The College of the Menominee Nation and NAES College are also available for post secondary education.

### EDUCATIONAL ATTAINMENT FOR INDIVIDUALS OVER 25

	MALE	FEMALE
No school complete	4	11
Nursery to 4 grade	7	2
5 <sup>th</sup> and 6 <sup>th</sup> grade	10	5
7 <sup>th</sup> and 8 <sup>th</sup> grade	54	30
9 <sup>th</sup> grade	24	57
10 <sup>th</sup> grade	54	50
11 <sup>th</sup> grade	92	75
12 <sup>th</sup> grade no diploma	29	38
High school graduates	534	500
Some college, less than 1 year	45	102
Some college, 1 or more years, no degree	145	197
Associate degree	33	74
Bachelors degree	120	140
Masters degree	18	15
Professional school degree	7	12
Doctorate degree	0	3
TOTAL	1176	1311

Source: U.S. Census Bureau

### COLLEGE ENROLLMENT



Source: U.S. Census Bureau

### EDUCATIONAL ATTAINMENT (by percent) FOR AMERICAN INDIANS AGE 25 AND OLDER IN WISCONSIN

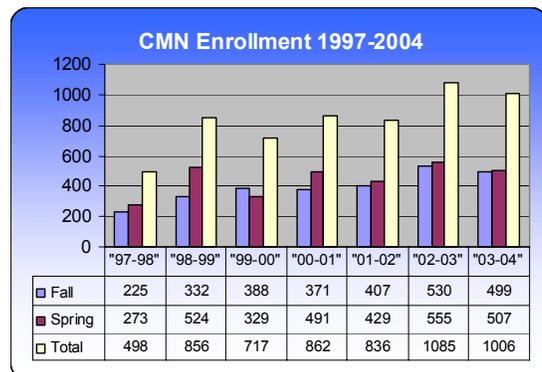
Educational Attainment	American Indian		
	1990	2000	% change
Less than 9 <sup>th</sup> grade	8.5	5.6	-34.6
9th to 12 <sup>th</sup> , no diploma	35.0	17.1	-51.1
High school diploma or GED	27.8	36.0	+29.4
Some college, no degree	16.2	24.0	+48.3
Associate's degree	4.7	6.9	+47.1
Bachelor's degree	3.0	6.9	+131.2
Graduate or prof. degree	4.8	3.5	-27.6
High School grad. or higher	56.5	77.3	+36.8
Bachelor degree or higher	7.8	10.4	+33.5

Source: Community Health Profile: Minnesota, Wisconsin & Michigan Tribal Communities, 2003. Great Lakes Epicenter. Great Lakes Inter-Tribal Council, Inc. 2003.

### COLLEGE OF THE MENOMINEE NATION

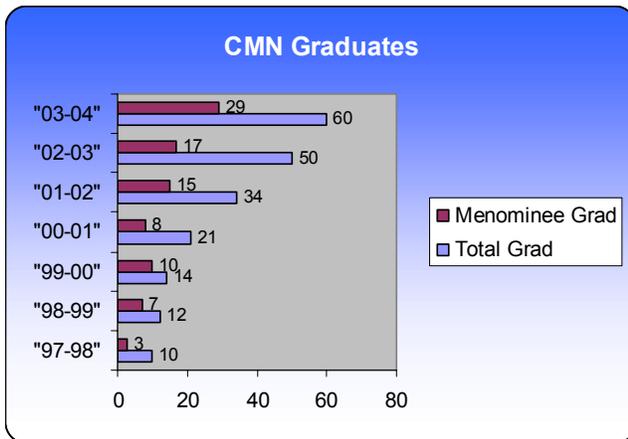
- The College of the Menominee Nation (CMN) was chartered by the Menominee Tribal Legislature in 1993. In 1996, the college was added to the Tribal Constitution and By-laws under Article VIII. The college was granted full accreditation by the NCA on August 7, 1998.

Source: [www.menominee.edu](http://www.menominee.edu)



Source: College of the Menominee Nation

- Enrollment at the College of the Menominee Nation has more than doubled over the last six years and it is anticipated that this will continue to increase.
- The number of Menominee Graduates increased by 12 (71%) in one year from the 2002-03 school year to the 2003-04 school year. They represent nearly half of the graduates for the 2003-04 school year.



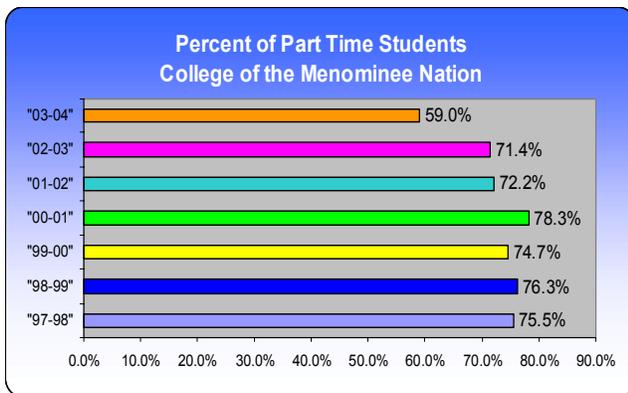
Source: College of the Menominee Nation

### Native American CMN Enrollment

	2001-2002	2002-2003	2003-2004	2004-2005
Menominee Fall Sem.	237	282	271	293
Menominee Spring Sem	221	255	296	na
Native Fall Sem.	303	392	383	406
Native Spring Sem	315	375	390	na

Source: College of the Menominee Nation

- The college offers classes at an Oneida site as well as a Potawatomi site, so that other Native Americans can benefit from a Tribally run college.
- The College of the Menominee Nation also represents an opportunity for individuals to continue their education while still holding a job. A large number of the students are part time.



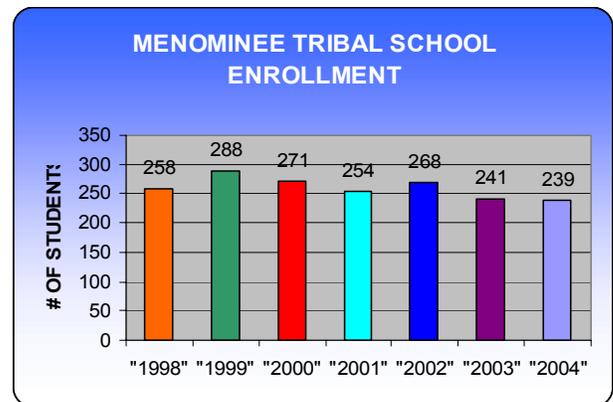
Source: College of the Menominee Nation

### North American Education Services (NAES) College

- NAES college was established in 1974 as the only American Indian owned and controlled college in the country. There are campuses available in Chicago, the Menominee Reservation, and the Twin Cities.
  - The Menominee campus has been in operation since 1989 and has had 35 graduates with Bachelor of Arts degrees in Public Policy since then. They average 2 to 4 graduates per year and currently have 19 individuals enrolled.
- Source: [www.NAES.edu](http://www.NAES.edu) & NAES College (Keshena Campus)

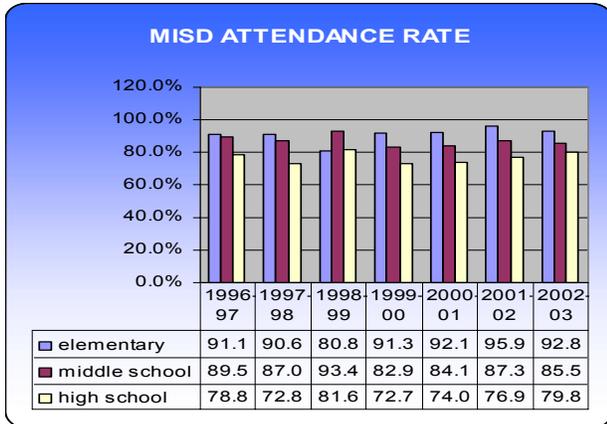
### SCHOOL ENROLLMENT

- The Menominee Tribal School which is located in Neopit is funded by the Bureau of Indian Affairs, the Tribe, and several other agencies.

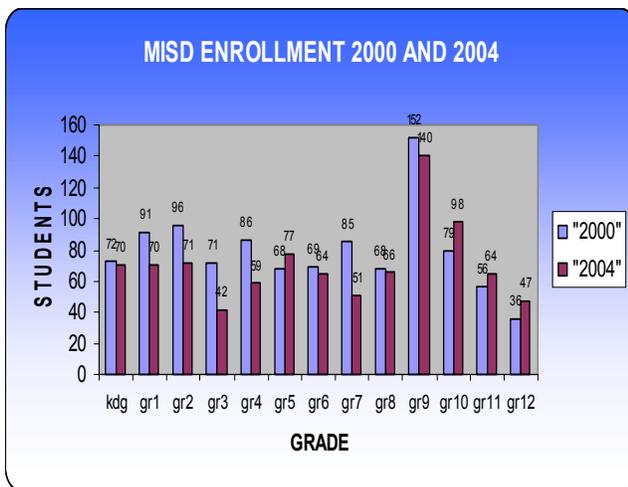


Source: Menominee Tribal School

- The vision of the Menominee Tribal School is that individuals who are accepted for admission will possess high personal expectations, set and achieve life-long goals, and are motivated to excel in their chosen field.
  - As of January 9, 2004 according to the Menominee Indian School District, the Keshena Primary School had a total enrollment of 389. This was less than the total number of 484 in 2000. The Menominee Indian Middle School had 181 compared to 222 in 2000 and the Menominee Indian High School had 349 compared to 323 in 2000. One of the reasons for the drop in overall enrollment was the availability of open enrollment. A total of 55 students went to other districts, while only 4 came to MISD from other districts in 2004.
- Source: Menominee Indian School District

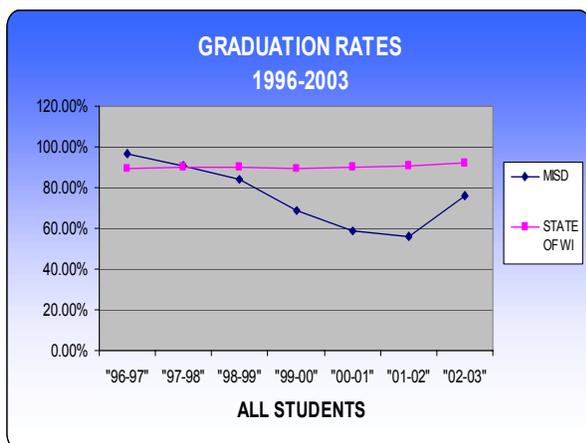


Source: Wisconsin Department of Public Instruction



Source: Menominee Indian School District

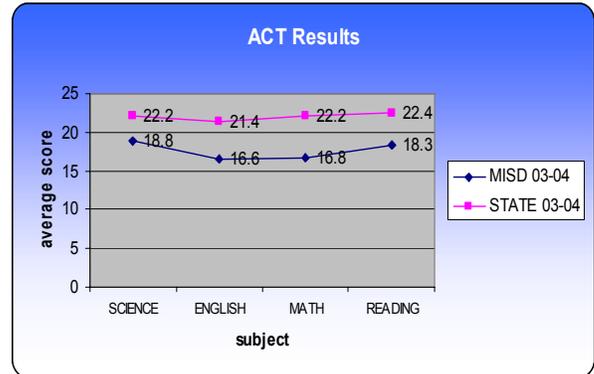
## HIGH SCHOOL GRADUATES



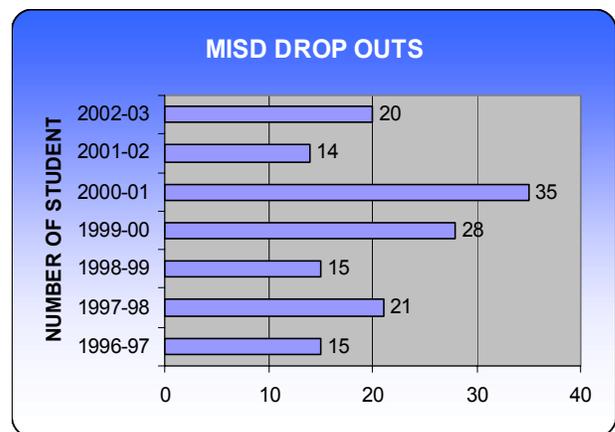
Source: Wisconsin Department of Public Instruction

- ACT results are for public school students in grade 12 who took the ACT as juniors or seniors. The state numbers are an average of all participants within the state.

## COLLEGE ENTRANCE EXAMS



Source: Wisconsin Department of Public Instruction



Source: Wisconsin Department of Public Instruction

## HEADSTART AND DAYCARE

- For children under the age of 5, Early Head start (Birth-3) is available and Head start (3-5), as well as a Tribally run Daycare.
- As of September 9, 2004, there were 32 children enrolled in Early Head start and 171 children enrolled in Head start.
- The Tribal Daycare is located in Keshena and as of September 9, 2004 had 69 children under the age of 6 and 36 children enrolled between the ages of 6-12.

## TRIBAL DAYCARE ENROLLMENT

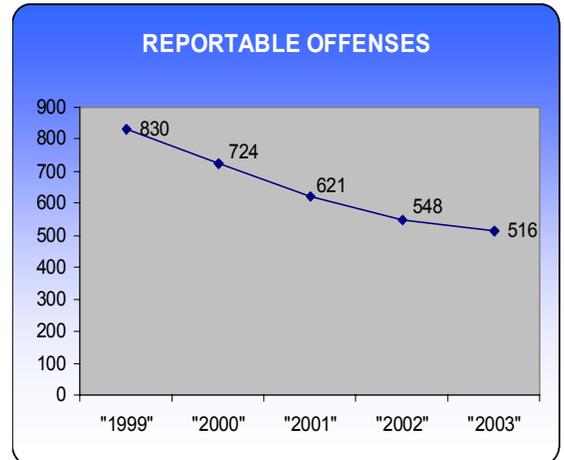
age	Total Enrolled
0-1	15
1-2	16
2-3	14
3-4	10
4-5	14
6-12	36

Source: Menominee Tribal Daycare

# XI. CRIME

Offense	1999	2000	2001	2002	2003
Murder/Negligent Homicide	0	2	0	0	0
Manslaughter by Negligence	1	1	1	1	0
Rape by Force	4	4	1	0	3
Attempts to commit forcible rape	2	0	1	0	1
Robbery-Firearm	0	1	0	0	0
Robbery-Knife	0	0	0	2	0
Robbery-other weapon	0	0	1	0	1
Robbery-Strongarm	0	0	0	1	0
Assault-Firearm	11	6	5	5	17
Assault-Knife	12	12	8	11	7
Assault-other weapon	50	31	27	21	17
Assault-Strongarm	17	12	22	25	20
Simple Assault	499	421	348	327	291
Burglary-forcible entry	34	33	28	19	21
Burglary-unlawful entry	17	25	17	21	14
Burglary-attempted forcible	2	2	3	2	4
Larceny	126	135	108	81	87
Motor Theft-autos	47	36	49	30	28
Motor Theft-trucks/buses	2	0	0	1	3
Motor Theft-other vehicles	6	3	2	1	2
<b>Total</b>	<b>830</b>	<b>724</b>	<b>621</b>	<b>548</b>	<b>516</b>

Source: Menominee Tribal Police – As reported to the Bureau of Indian Affairs and the State of Wisconsin.



Source: Menominee Tribal Police

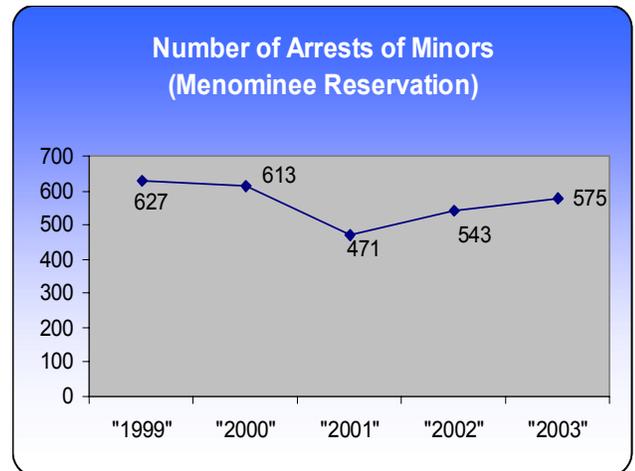
- The incidents of reported offences has decreased by 314 (38%) from 1999 to 2003. The largest decrease was in simple assaults (non-aggravated), which went from 499 in 1999 to 291 in 2003. That is a reduction of 42%.  
Source: Menominee Tribal Police
- Assaults combined made up 69% of the total reportable offenses from 1999 to 2003.  
Source: Menominee Tribal Police
- The incidents of larceny decreased from 1999 when it was 126, to 87 in 2003 or 31% fewer.  
Source: Menominee Tribal Police
- From 1999 to 2003, only two offenses have increased, they were assault with a firearm which went from 11 in 1999 to 17 in 2003 and assault with a different weapon went up from 17 in 1999 to 20 in 2003.  
Source: Menominee Tribal Police

### Arrests of Minors Menominee Reservation (17 and under)

Offense	1999	2000	2001	2002	2003
Murder/Nonnegligent Manslaughter	0	2	0	0	1
Manslaughter by Negligence	0	0	0	1	0
Forcible Rape	1	0	0	0	1
Robbery	0	0	0	0	0
Aggravated Assault	16	16	9	19	19
Burglary-Breaking or Entering	12	16	15	9	6
Larceny-Theft (Except Motor Vehicle Theft)	13	12	16	8	6
Motor Vehicle Theft	23	6	5	5	13
Other Assaults	123	106	68	83	69
Arson	0	3	0	0	2
Forgery and Counterfeiting	0	1	0	0	0
Fraud	0	0	0	1	0
Embezzlement	0	0	0	0	0
Stolen Property: Buying, Receiving, Possessing	9	3	2	1	1
Vandalism	7	13	14	15	15
Weapons: Carrying, Possessing	6	4	3	5	0
Prostitution and Commercialized Vice	0	0	1	0	0
Sex Offenses (Except Forcible Rape and Prostitution)	1	0	1	2	1
Drug Abuse Violations	13	26	25	29	16
Gambling	0	0	0	0	0
Offenses against Family and Children	0	0	0	0	0
Driving under the Influence	2	4	1	2	5
Liquor Laws	76	60	57	52	39
Drunkness	0	0	1	0	0
Disorderly Conduct	67	78	36	49	103
Vagrancy	0	0	0	0	0
All other offenses (Except Traffic)	90	72	94	82	188
Suspicion	0	0	0	0	0
Curfew and Loitering Law Violations	136	140	107	161	77
Run-aways	32	51	16	19	13
<b>Total</b>	<b>627</b>	<b>613</b>	<b>471</b>	<b>543</b>	<b>575</b>

Source: Menominee Tribal Police

- The number of juvenile crimes went down by 52 crimes from 1999 to 2003. That is a percentage of 8.3%.



Source: Menominee Tribal Police

- The average number of arrests of minors over the period of 1999-2003 was 568.
- From 1999 to 2003, larceny and burglary charges to minors dropped by 50%. Assaults have dropped steadily over the five year span from 123 in 1999 to 69 in 2003. That is a decline of 45%. Also showing a substantial decline was the number of runways with 32 occurring in 1999 and 13 in 2003.  
Source: Menominee Tribal Police
- Alcohol related offenses such as liquor law violations decreased from 1999 to 2003 by 37. Conversely, the number of minors arrested for driving under the influence increased from 2 in 1999 to 5 in 2003.  
Source: Menominee Tribal Police
- There were three arrest categories that showed a substantial increase during the five year period. They were vandalism which increased from 7 to 15 or 53%, disorderly conduct which increased from 67 to 103 or 35%, and all other offenses which went up from 90 to 188 or 52%.  
Source: Menominee Tribal Police

## XII. Alcohol and Other Drug Abuse (AODA)

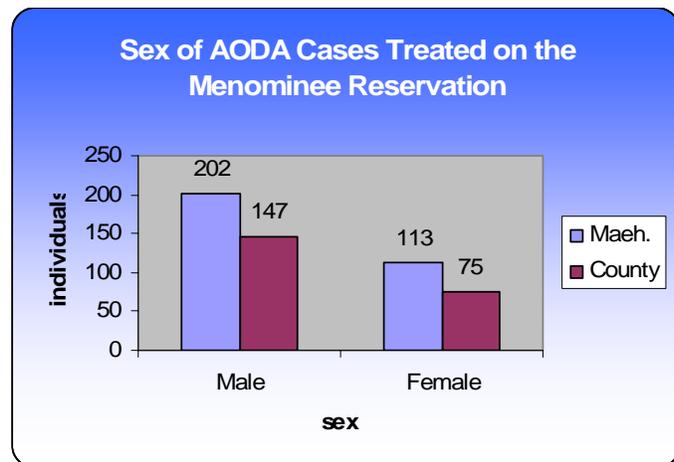
- On the Menominee Indian Reservation, there are two treatment facilities for AODA. One is the Maehnowesekiyah Wellness Center, which is a Tribally run facility located in Middle Village. The other is Menominee County Health and Human Service Department located in Keshena.
- The Maehnowesekiyah Wellness Center provides Residential AODA Treatment Services, Intensive AODA Treatment Services, AODA Aftercare Services, AODA Education Group, AODA Assessment, DV Batterer Assessment, DV Batterer Group, Mental Health Counseling, EAP Counseling, AODA Individual Counseling, Drug Testing Services, and Adolescent AODA Treatment Services.  
**Source: Maehnowesekiyah Wellness Center**
- Menominee County Health and Human Services Department provides AODA treatment to the residents of Menominee County. They provide programs in Outpatient AODA, Emergency AODA, Intoxicated Driver Program and AODA prevention. They have one Certified Clinical Supervisor/Program Manager and one full time AODA Counselor.  
**Source: Menominee County Health and Human Services Department**
- Upon entering treatment at either facility, an assessment is completed by the counselor to determine the type of treatment needed to bring the individual into compliance with the referral agency.
- Menominee County Health and Human Services is the only facility that offers assessments for the Intoxicated Driver Program for Menominee County through the State Department of Transportation.
- The Maehnowesekiyah Wellness Center conducted 177 assessments in 2003 and Menominee County Health and Human Services Department had 156 assessment sessions in 2003.  
**Source: Maehnowesekiyah Wellness Center and Menominee County Health and Human Service 2003 Annual Report.**

### Prevalence of AODA 2003

	Maeh.	County
Adult AODA	240	212
Adolescent AODA	75	10
Total	315	222

**Source: Maehnowesekiyah Wellness Center and Menominee County Health and Human Service 2003 Annual Report.**

- 452 or 84% of individuals receiving AODA treatment at Maehnowesekiyah and Menominee County were adult, and 85 or 16% were youth.



**Source: Maehnowesekiyah Wellness Center and Menominee County Health and Human Service 2003 Annual Report.**

- The total number of individuals receiving services for AODA in 2003 was 537. Of that, 65% of them were male and 35% were female.

The staff of the Maehnowesekiyah Wellness Center consists of:

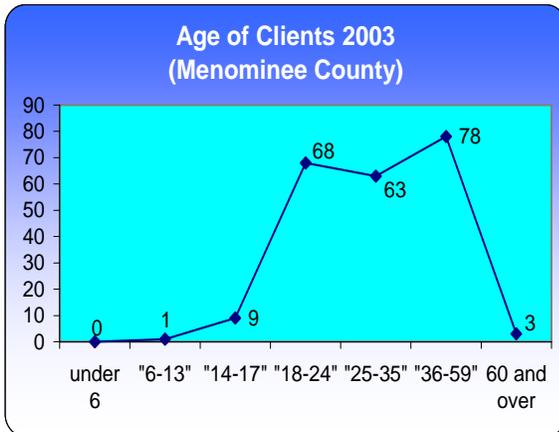
- 1 Medical Director (part-time)
- 1 Agency Director
- 1 Treatment Supervisor
- 6 AODA Counselors
- 2 Adolescent AODA Counselors
- 1 Social Worker
- 1 Prevention Specialist
- 1 Batterer's Counselor
- 1 Family Therapist (part-time)
- 3 Youth Prevention Staff
- 10 Domestic Violence Program Staff
- 5 Residential Co-ed Staff

Plus a variety of Administrative, maintenance, and kitchen staff.

### Menominee County Health and Human Service Department Referral Reasons for 2003

Referral Source	Subtotal	Total
Intoxicated Driver Program		35
-State OWI	27	
-IDP-DMV	8	
Tribal court		5
Employee Asst. Program		15
Court Order		58
Probation/Parole		70
-Tribal	58	
-State	4	
-Federal	8	
Mental Health Center		6
Social Worker		5
Other-School, Dr's, Clinic		28

Source: Menominee County Health and Human Services Department



Source: Menominee County Health and Human Services Department

- The Menominee County Health and Human Services Department has two full time employees to meet the needs of this program; a Certified Clinical Supervisor/Program Manager and an AODA Counselor.

### Maehnowesekiyah Wellness Center Fiscal Year 2004

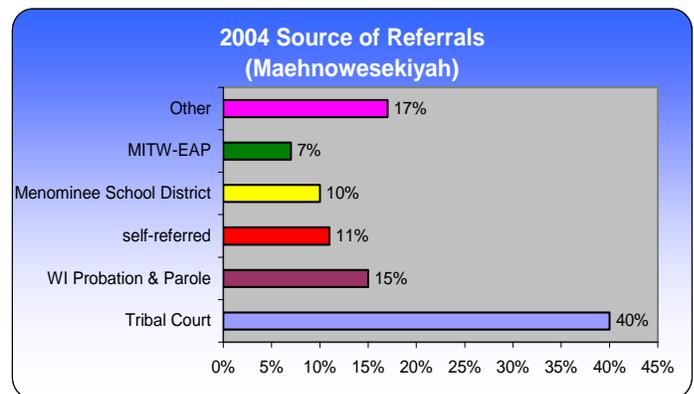
- 192 individuals received services in 2004 with 74% being adults and 26% being youth.  
Source: Maehnowesekiyah Wellness Center
- The age group with the highest incidence of treatment was 35-54 years followed by the 12-17 age group.  
Source: Maehnowesekiyah Wellness Center
- The average client has never been married and is unemployed with minimal education.  
Source: Maehnowesekiyah Wellness Center

### 2004 Assessments conducted by Maehnowesekiyah Wellness Center

Adult AODA	136
Adolescent AODA	36
AODA/DV	6
Domestic Violence	10

Source: Maehnowesekiyah Wellness Center

- The number of assessments conducted by the Maehnowesekiyah Wellness Center went up 6.2% from 2003 to 2004.



Source: Maehnowesekiyah Wellness Center

### XIII. UTILITIES

- On the Menominee Indian Reservation sanitary waste is handled using the following techniques; Keshena has an oxidation ditch system that was installed in 2002. Middle Village has a Sequencing Batch Reactor installed in 1995 and Neopit has a lagoon system. Other areas are equipped with well pumps and require individual septic tanks.

#### CUSTOMER LOCATION AND TYPE

	No. Sewers	No. Water
<b>Keshena</b>		
Residential	306	306
Commercial	55	55
<b>Subtotal</b>	<b>361</b>	<b>361</b>
<b>Neopit</b>		
Residential	210	210
Commercial	19	19
<b>Subtotal</b>	<b>229</b>	<b>229</b>
<b>Middle Village</b>		
Residential	78	78
Commercial	5	5
<b>Subtotal</b>	<b>83</b>	<b>83</b>
<b>Other</b>		
Residential	0	65
Commercial	0	0
Subtotal	0	65
<b>TOTAL</b>	<b>673</b>	<b>738</b>

Source: Menominee Tribal Utilities

- This indicates that within the utility structure of the Menominee Indian Reservation, there are 673 sewer customers and 738 water customers. The reason for the difference is some of the water customers have their own functioning septic tanks.

#### ELECTRICAL UTILITY

- The Menominee Indian Tribe is the owner of the electrical utility in the Middle Village community. As of December 2, 2004, there are a total of 58 customers with 49 of them being residential and the remainder of them being commercial.

Source: Menominee Tribal Utilities

- The remainder of the electrical utilities are provided by Alliant Energy and Oconto Electric. Oconto Electric covers the eastern part of the Reservation including the majority of the South Branch area. The rest of the Reservation is covered by Alliant Energy.

#### ALLIANT ACCOUNTS # OF ACCOUNTS

Residential	2020
Commercial	115
Industrial	3
Street lights	267
<b>TOTAL</b>	<b>2405</b>

#### OCONTO ELECTRIC ACCOUNTS # OF ACCOUNTS

Residential	64
Commercial-small	3
<b>TOTAL</b>	<b>67</b>

#### FUEL SOURCE

- At the current time the entire Reservation uses other resources than natural gas (i.e. LP, Fuel Oil, Wood) for heating homes and businesses. There is no reservation wide fuel available.

# **APPENDIX**



## TREATIES

**Treaty of Peace and Friendship** (March 30, 1817) Agreed that all hostilities between the United States and the Menominee Nation would be forgiven and forgot. There shall be perpetual peace and friendship between all the citizens of the United States and all the individuals composing the Menominee Tribe. The Menominee Nation agrees to be under the protection of the United States. All prisoners currently being held by respective parties would be delivered up.

**Treaty of Butte des Morts** (August 11, 1827) The Menominee Nation ceded one million acres of land lying between Lake Winnebago and Green Bay to the U.S. Government for \$20,000 (\$.02/ac.)

**Stanbough's Treaty** (1831-1832) The Menominee ceded an estimated 2.5 million acres to the U.S. Government for New York Indians. Lands were east of Lake Winnebago, the Fox River, and Green Bay, including adjacent lands lying between the 1827 cessions and the Wolf River. In return, the United States will erect a grist and a saw mill on the Fox River. Provide a blacksmith shop, clothing, food, and \$20,000. Five farmers were also employed to assist the Menominee Indians in the cultivation of their farms, and to instruct their children in the business and occupation of farming. Five females were employed for the purpose of teaching young Menominee women, in the business of useful housewifery.

**Treaty of the Cedars** (September 3, 1836) Approximately 4 million acres were ceded to the U.S. Government, lying along the Wisconsin River and including territories north of the Fox River for \$457,000, cattle farming equipment, two thousand pounds of tobacco, and thirty barrels of salt; also the sum of five hundred dollars, per year, during the same term for the purchase of farming utensils, cattle or implements of husbandry. The Menominee Nation had to agree to release the United States from all such provisions of the treaty of 1831 and 1832, aforesaid, as requires the payment of farmers, blacksmiths, and millers. They likewise relinquish all their right under said treaty to appropriation for education, cattle, farming utensils or other articles furnished or to be furnished to them under said treaty.

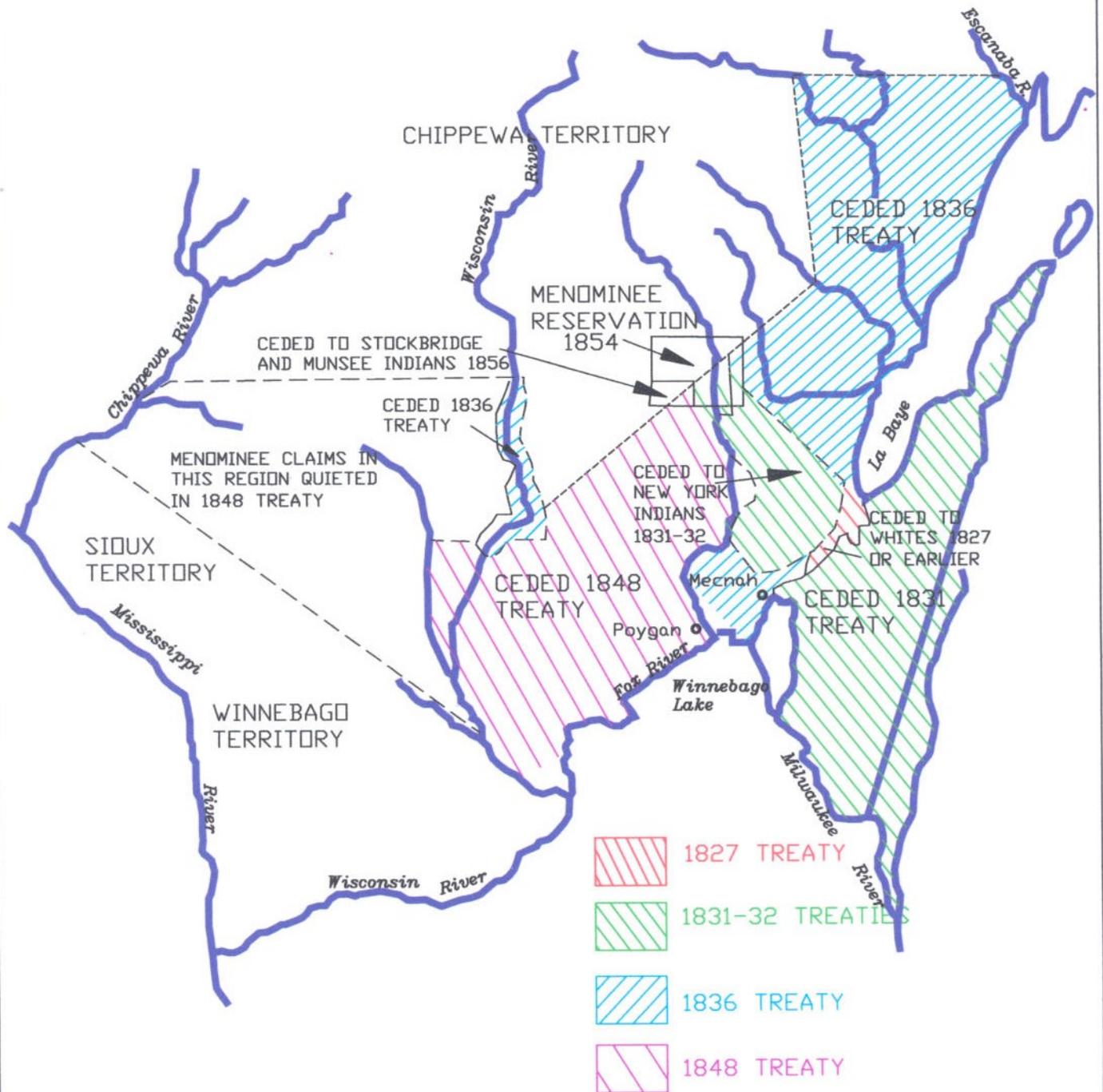
**Treaty of Lake Pow-aw-hay-kon-nay-Poygan** (October 18, 1848) The Menominee Nation ceded all their remaining lands (4.5 million acres) to the U.S. Government to be included as part of the new State of Wisconsin for 600,000 acres of Crow Wing Territory in Minnesota also known as landed ceded to the United States by the Chippewa Indians of the Mississippi and Lake Superior and the Pillager Band of Chippewa Indians and \$350,000. To enable the Menominee to examine and explore their new country and to pay necessary expenses of a suitable delegation.

**Wolf River Treaty** (May 12, 1854) Established present Menominee Indian Reservation which included 12 townships commencing at the southeast corner of township 28 north of range 16 east of the fourth principal meridian, running west twenty four miles, thence north eighteen miles, thence east twenty-four miles, thence south eighteen miles, to the place of beginning – the same being townships 28,29, and 30 of ranges 13,14,15, and 16, according to the public surveys. and reversed the terms of the 1848 Treaty. The Menominee Tribe agreed to cede and relinquish to the United States, all the land assigned to them under the Treaty of 1848. The Menominee Nation exchanged the Crow Wing land and received a school, sawmill, and \$242,686.

**Stockbridge-Munsee** (February 11, 1856) Two of the Menominee Nation townships on the western part of their reservation on its south line were ceded to the U.S. Government to be assigned to the Stockbridge-Munsee Indians. The United States agreed to pay for the said cession at the rate of sixty cents per acre and the monies are to be paid in a manner to promote the improvement of the Menominees.



(Felix Keesing, 1987)



# MENOMINEE LAND CESSIONS 1827 - 1856



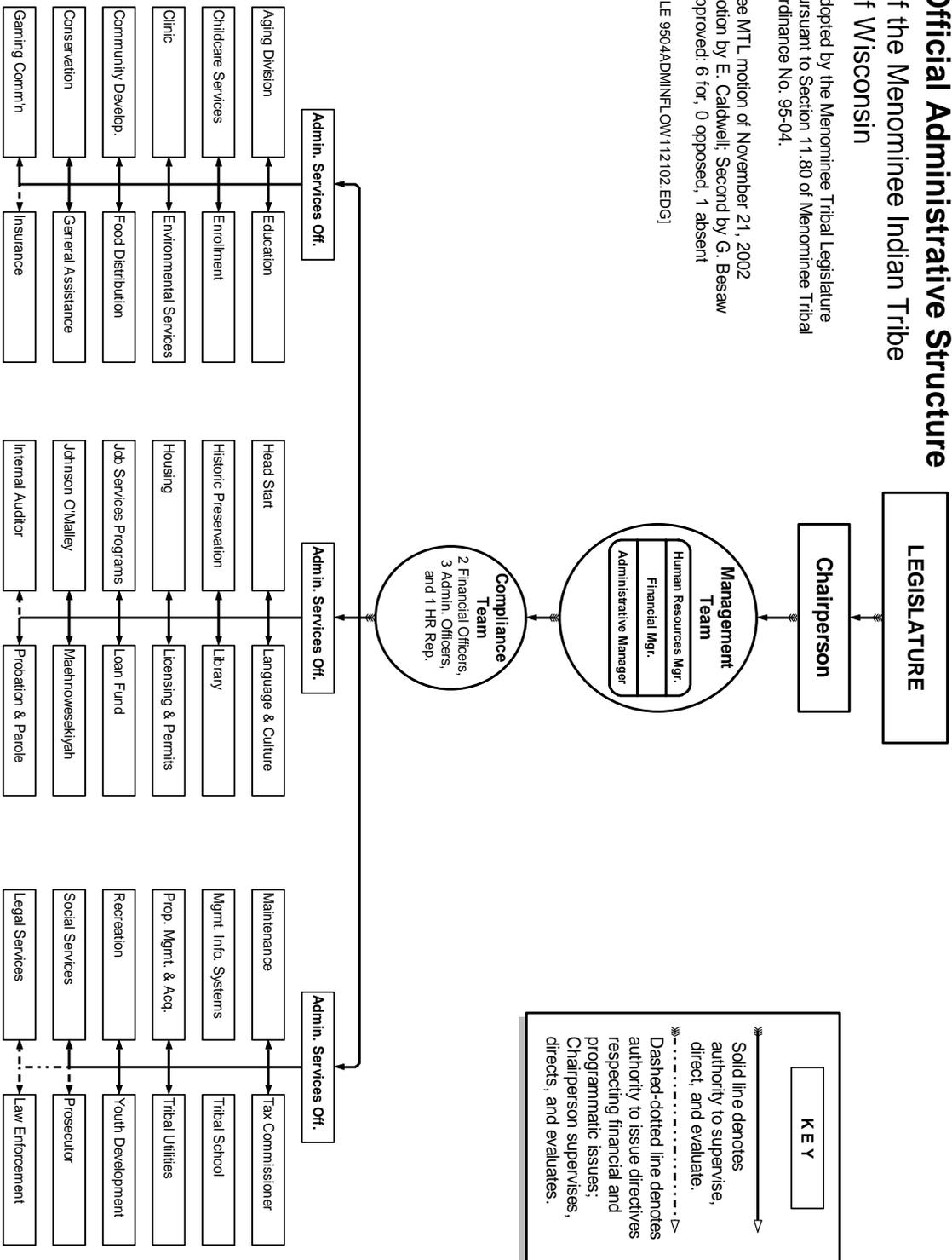
## **RESOURCES**

- The Wisconsin State Climatology Office ([www.meteor.wisc.edu](http://www.meteor.wisc.edu))
- 2000 U.S. Census Bureau ([www.census.gov](http://www.census.gov))
- Bureau of Aging & Long Term Care Resources ([www.dhfs.state.wi.us/aging/demographics](http://www.dhfs.state.wi.us/aging/demographics))
- Wisconsin Department of Workforce Development ([www.dwd.state.wi.us](http://www.dwd.state.wi.us))
- Wisconsin Department of Administration ([www.doa.state.wi.us](http://www.doa.state.wi.us))
- East Central Regional Planning Commission, CEDS Annual Report
- Menominee County Register of Deeds
- Menominee County Assessors Office
- Wisconsin Deaths 2002
- Community Health Profile: Minnesota, Wisconsin & Michigan Tribal Communities, 2003 Great Lakes Epicenter, Great Lakes Inter-Tribal Council Inc.
- Severe Injury Report from Menominee Environmental Health Department
- Bureau of Health Information, Division of Health Care Financing, Department of Health and Family Services ([www.dhfs.state.wi.us](http://www.dhfs.state.wi.us))
- [www.wisconsin.gov](http://www.wisconsin.gov)
- Wisconsin Births and Infants Deaths
- Menominee Tribal School
- Wisconsin Department of Public Instruction ([www.dpi.state.wi.us](http://www.dpi.state.wi.us))
- Menominee Indian School District
- Menominee Tribal Daycare
- College of the Menominee Nation
- Menominee Tribal Enrollment
- 2001 BIA Indian Labor Force Report
- Menominee Tribal Police
- Menominee County Land & Water Resource Management Plan
- Maehnowesekiyah Wellness Center
- Menominee County Health and Human Services
- Menominee Tribal Historic Preservation
- Menominee Tribal News
- Menominee Tribal Utilities
- Alliant Energy
- Oconto Power & Electric
- Menominee Tribal Community Development Department
- Menominee Tribal Chairman's Office
- Menominee Tribal Finance Department
- NAES College
- Tribal Program Attorney's Office

# Official Administrative Structure of the Menominee Indian Tribe of Wisconsin

Adopted by the Menominee Tribal Legislature pursuant to Section 11.80 of Menominee Tribal Ordinance No. 95-04.

See MTL motion of November 21, 2002  
 Motion by E. Caldwell; Second by G. Besaw  
 Approved: 6 for, 0 opposed, 1 absent  
 [FILE 9504ADMINFLOW112102.EDG]



## ACTIVE MENOMINEE TRIBAL ORDINANCES

<u>Ordinance #</u>	<u>Name</u>		
79-04	Cigarette Ordinance (Adopted 04/23/79) (Amended 10/05/95)	82-22	Breaking and Entering (Adopted 5/23/84)(Amended 1/8/87)
79-08	Licensing & Registration of Tribal Motor Vehicles (Adopted 6/22/79)	84-04	Charter of Menominee Tribal Community Development Corp. (Adopted 5/23/84)
79-12	Reaffirmance of Management Plan of Menominee Enterprise (Adopted 7/19/79)	85-01	Election of Tribal Police Chief (Adopted 3/7/85)(Amended 9/29/88, 11/1/90, 9/5/91)
79-13	Reaffirmance of Trust and Management Plan (Adopted 8-2-79)	85-09	Ball Park Regulations (Adopted 8/15/85)(Amended 11/21/96)
79-14	Tribal Judiciary & Interim Law & Order Code (Adopted 7-19-79)(Amended 5/23/97)	85-14	Trespass – Tribal/Private Property (Adopted 10/3/85)
79-15	Enrollment in the Menominee Indian Tribe (Adopted 8/3/79)(Amended 4/21/97)	85-21	Adoption and Incorporation of the Wisconsin Motor Vehicle Code as amended (Adopted 12/19/85)(Amended 3/6/86, 4/16/87, 6/19/87)
79-17	Amendment to "Management Plan of Menominee Enterprises"(Adopted 8/23/79)	85-22	Child Support Agency (Adopted 12/19/85)
79-20	Regular Tribal Legislature Elections(Adopted 10/4/79)(Amended 12/18/97)	85-24	Battery: Special Circumstances (Adopted 11/19/87)
79-31	Alcohol Beverage Control (Adopted 12/6/79)(Amended 6/12/93)	86-02	Sump Pump Ordinance (Adopted 5/15/86)
79-32	Operators License (Adopted 12/7/79)	86-04	Unlawful Use of Telephone (Adopted 4/9/86)
80-05	Established Regular Meeting of the Tribal Legislature(Adopted 3/20/80)(Amended 9/24/85)	86-10	Breach of Peace (Adopted 9/4/86)(Amended 1/8/87)
80-06	Established Posting Procedures(Adopted 3/20/80)(Amended 4/30/80, 1/20/83, 10/06/88)	86-11	Food Handling (Adopted 9-4-86)(Amended in its entirety 1/21/99)
80-07	Accounting System(Adopted 4/17/80)(Amended and Corrected 5/23/97)	86-16	Scavenging and Dumping (Adopted 9/4/86)
80-13	Rafting (Adopted 8/8/80)(Amended 7/7/83, 9/29/88, 5/19/89, 6/15/89)	86-26	Regulation and Control of Gravel, Sand and Fill Removal (Adopted 12/11/86)
80-28	Empowering Tribal Police to Enforce Tribal Laws (Adopted 11/21/80)	87-14	Harassment, Restraining Orders and Injunctions(Adopted 9/3/87)(Amended 10/14/93)
80-33	Credit Transaction Assignments (Adopted 12/5/80)(Amended 7/6/95)	87-15	Clarification of Law Enforcement Activities by State or County Officials Over Tribal Lands within the Menominee Indian Reservation (Adopted 9/3/87)(Amended 10/16/89)
81-03	Adopting Group Home Rule & Licensing Standards (Adopted 2/5/81)	87-17	Obstruction of Justice (Adopted 9/17/87)
81-08	Firewood (Adopted 4/3/81)(Amended 10/6/83, 7/10/97, 8/7/97)	87-19	Junk Yard Ordinance (Adopted 9/18/87)
81-09	Burning Permit (Adopted 7/12/90)	87-21	Abuse or Sexual Exploitation of Children (Adopted 10/20/87)
81-16	Dogs (Adopted 8/20/81) (Amended 5/3/84, 8/17/88)	87-25	Administrative Procedures Act (Adopted 11/6/87)
81-22	Extradition (Adopted 9/18/81)	87-26	Solid Waste Management Regulations (Adopted 2/4/88)
81-27	RNIP-Welfare Fraud (Adopted 02/04/82)(Amended 6/10/85)	87-27	Hazardous Waste Management Regulations (Adopted 2/4/88)
82-09	Assault and Battery (Adopted 8/19/82)(Amended 7/7/83, 3/18/87, 8/27/93)	87-28	Groundwater Quality Regulations (Adopted 2/4/88)
82-10	Menominee Tribal Preference (Adopted 10/21/82)(Amended 9/16/94, 5/4/95)	87-29	Surface Water Quality (Adopted 2/4/88)
82-11	Conflict of Interest (Adopted 10/7/82)	87-32	Zoning and Maps (Adopted 12/18/87)(Amended 1/9/97)
82-12	Bingo Control and Regulations (Adopted 8/19/82)(Amended 5/19/83, 9/4/87,9/17/87)	88-06	Solicitation (Adopted 7/28/88)
82-19	Use Tax on Construction Materials (Adopted 1/20/83)(Amended 7/7/83, 12/18/87, 9/20/90)	88-07	Conspiracy (Adopted 7/28/88)
83-01	Special Election (Adopted 3/3/85)	88-08	Attempt (Adopted 7/28/88)
83-02	Full Faith and Credit (Adopted 3/17/83)	88-09	Harboring Children (Adopted 7/28/88)
83-04	Tribal Rafting Operations (Adopted 4/21/83)	89-21	Detention Facility – Policies and Procedures Manual (Adopted 12/7/89)
83-05	Land Use Plan (Adopted 10/25/84)	89-26	Abuse of Vulnerable Adults (Adopted 3/1/90)
83-06	Personnel Policies & Procedures (Adopted 4/21/83)(Amended 4/87, 5/87, 9/88, 10/89, 11/89, 10/93, 2/96, 9/97, 3/98)	90-12	Compulsory School Attendance (Adopted 12/6/90)(Amended Returned to Committee 2/18/94)
83-08	Fireworks (Adopted 6/2/83)	91-15	Parties to Crime (Adopted 10/17/91)
83-11	Special Permits for Sale of any type of Alcoholic Beverage (Adopted 7/7/83)	92-09	Eviction Procedures (Adopted 6/25/92)
83-20	Commercial Traffic of Wild Game/Fish (Adopted 11/17/83)	92-10	Illegal Settling (Adopted 7/15/92)
		92-11	Solid Waste Disposal (Adopted 7/15/92)(Amended 10/14/93)

92-14	Hazardous Waste (Adopted 9/23/92)(Amended 9/16/94)	98-22	Charter of Menominee Tribal Housing Limited Partnership
92-19	Illegal Traveling on Dam No. 3 (Adopted 10/22/92)	98-23	Charter of Wolf River Development Company
93-02	College of the Menominee Nation (Adopted 9/2/93)	99-10	Leasehold Mortgage Regulations & Evictions Procedures
93-05	Conflict of Interest Amendment to the MTE Management Plan (4/24/93)	99-11	Charter of Menominee Kenosha Gaming Authority
93-08	Civil Remedial Forfeiture Code (Adopted 7/8/93)	99-12	Cultural Resource Management Plan
93-09	Hunting, Fishing and Trapping Trespass Ordinance (Adopted 7/8/93)	99-15	Child Neglect
93-11	Firearms (Adopted 7/8/93)	99-18	Physical Abuse of a Child
93-13	Expungement of Records (Adopted 7/29/93)	99-19	Sexual Abuse of a Child
93-15	Charter of the Menominee Gaming Venture Corp. (Adopted 8/10/93)(Amended 9/22/95)	99-20	Sexual Abuse
93-19	Theft of Library Materials (Adopted 10/14/93)	99-21	Charter of the Management of Tribal Forest Land by Menominee Tribal Enterprises
93-20	Resisting or Obstructing an Officer (Adopted 10/14/93)	99-27	Underground and Above Ground Storage Tank Safety
93-21	Domestic Violence (Adopted 10/14/93)	99-30	Guarantees re: Low Income Housing Tax Credit Project
93-25	Interim Class III Gaming Building Codes (Adopted 12/10/93)	99-33	Bomb Scare
93-29	Commission on Economic Affairs (Adopted 1/6/94)(Amended 6/2/94)	00-05	Uniform Property Address & Road Naming
93-30	Gaming Code (Adopted 1/20/94)(Amended 8/18/95, 11/16/95, 7/8/96)	00-07	Classification & Compensation Guidelines
94-01	Probation and Parole Regulations (Adopted 5/4/94)(Amended 9/1/94)	00-08	Storage and Handling of Liquefied Petroleum Gases
94-03	Hazardous Materials Transportation (Adopted 6/2/94)	00-14	Private Sewage Systems
94-05	Fishing Code	00-16	Smoke Prohibition in Tribal Buildings
94-08	Tribal Judge Selection Procedure (Adopted 7/7/94)(Amended 6/10/96, 6/24/97)	00-24	Tribal Regulations of Pull Tab Sales by Individuals
94-09	Veterans Leasehold Mortgages (Adopted 7/7/94)	01-03	Charter of Menominee Tribal Pharmaceutical
94-15	Hotel Room Tax (Adopted 9/16/94)	01-12	Sex Offender Registration and Notification Program
94-16	Liability of a Hotel Keeper (Adopted 9/16/94)	01-16	Boating Rules
94-17	Fraud on Hotel or Restaurant Keeper (Adopted 9/16/94)	02-09	Seasonal Permits
94-19	Limitation of Liability for Prescription of Contraceptives to Minors (Adopted 10/31/94)	02-22	Stumpage Assessment on Tribal Forest
95-04	Tribal Government Plan (Adopted 5/18/95)(Amended 4/7/97, 6/10/97)	02-25	Crimes of Theft, Embezzlement, Fraud, Forgery
95-12	Noise Abatement (Adopted 8/7/95)	02-26	Seat Belt Requirements
95-18	Charter of the Menominee Gaming Council Corporation (Adopted 10/23/95)	02-27	Dangerous Dogs
96-08	Curfew and Hitch-Hiking (Adopted 6/20/96)	02-39	Relinquishment (Tabled 10/3/02 & 10/17/02 Adopted with Amendments 11/21/02)
96-09	Increased Penalty for Gang Related Crimes (Adopted 6/20/96)	02-44	Utility Sewer Rates, Rules and Regulations
96-10	Investment Plan Authorization (Adopted 6/20/96)(Amended 4/21/97)	03-29	Charter of the Menominee Tribal Housing Limited Partnership #2
96-12	Banishment of Mark Fry (Adopted 7/8/96)	04-03	Menominee Tribal School Board of Education
96-13	Interim Menominee Juvenile Justice Code (Adopted 7/8/96)	04-05	Tribal Housing Limited Partnership #2
96-16	The Initiative: Charter of the College of the Menominee Nation		
96-22	Menominee Nation Language and Culture Code (Adopted 11/13/96)		
96-28	Tribal Utility Department (Adopted 3/7/96)		
96-29	Speedy Trial (Adopted 12/20/96)		
97-06	Menominee Indian Gaming Authority (Adopted 6/5/97)		
97-13	All Terrain Vehicle Regulations (Adopted 8/20/97)		
97-21	MTHA Transfer of Assets and Liabilities (Adopted 11/25/97)		
97-22	Dissolution of the Menominee Tribal Housing Authority (Adopted 11/25/97)		
97-25	Sulfide Metallic Mining Moratorium (Adopted 1/22/98)		

**MENOMINEE TRIBAL  
LEGISLATURE 1979-2004**

**1979 – Chair.** Gordon Dickie Sr., **Vice Chair.** Herman Fredenberg, **Secretary** Lucille Chapman, John (Manny) Boyd, Ken (Bum Bum) Fish, John Hawpetoss, Alex Askenette, Jerry Grignon, Harley Lyons Sr.

**1980 – Chair.** Lucille Chapman, **Vice Chair.** Gordon Dickie Sr., **Secretary** Barbara Frechette Kelley, John (Manny) Boyd, Alex Askenette, Jerry Grignon, Harley Lyons Sr., Ken (Paddo) Fish, Christine Webster.

**1981 - Chair.** Lucille Chapman. **Vice Chair.** Barbara Frechette Kelley, **Secretary** Christine Webster, Alex Askenette, Herman Fredenberg, Jerry Grignon, Harley Lyons Sr., Ken (Paddo) Fish, Gordon Dickie Sr.

**1982- Chair.** Lucille Chapman, **Vice Chair.** Hilary Waukau Sr., **Secretary** Barbara Frechette Kelley, Jerry Grignon, Herman Fredenberg, Ken (Paddo) Fish, Gordon Dickie Sr., Apesanahkwat, Christine Webster(resigned), Luke Beauprey(replaced C. Webster)

**1983 – Chair.** Lucille Chapman, **Vice Chair.** Apesanahkwat, **Secretary** Lynn Skenadore, Jerry Grignon, Herman Fredenberg, Barbara Frechette Kelley, Donald Latender, Hilary Waukau Sr., Gordon Dickie Sr.

**1984- Chair.** Apesanahkwat, **Vice Chair.** Hilary Waukau Sr., **Secretary** Lynn Skenadore, Jerry Grignon, Barbara Frechette Kelley, Sylvia Wilber, Joan Maskewit, Gordon Dickie Sr., Donald Latender

**1985- Chair.** Lynn Skenadore, **Vice Chair.** Hilary Waukau Sr., **Secretary** Sylvia Wilber, Glenn Miller, Barbara Frechette Kelley, Joan Maskewit, Gordon Dickie Sr., Donald Latender, Apesanahkwat (resigned), Ken (Paddo) Fish(replaced Apesanahkwat)

**1986- Chair.** Gordon Dickie Sr., **Vice Chair.** Ken (Paddo) Fish, **Secretary** James Washinawatok, Sylvia Wilber, Barbara Frechette Kelley, Joan Maskewit, Hilary Waukau Sr., Louis Dixon, Glen Miller

**1987- Chair.** Lucille Chapman, **Vice Chair.** Ken (Paddo) Fish, **Secretary** James Washinawatok, Glen Miller, Donald Latender, Hilary Waukau Sr., Louis Dixon, Anthony Dick, Barbara Frechette Kelley

**1988-Chair.** Apesanahkwat, **Vice Chair.** Gordon Dickie Sr., **Secretary** Hilary Waukau Sr., Anthony Dick, Donald Latender, James Washinawatok, Louis Dixon, Ronald Frechette, Lucille Chapman

**1989 – Chair.** Apesanahkwat, **Vice Chair.** Gordon Dickie Sr., **Secretary** Hilary Waukau Sr., Anthony Dick, Ronald Frechette, Lorena Pocan, Robert Deer, Lucille Chapman, Glen Miller

**1990 – Chair.** Gordon Dickie Sr., **Vice Chair.** Glen Miller, **Secretary** Hilary Waukau Sr., Ronald Frechette, Lorena Pocan, Robert Deer, James Kaquatosh, Apesanahkwat(resigned), Luke Beauprey(replaced Apesanahkwat), Lucille Chapman

**1991 – Chair.** Glen Miller, **Vice Chair.** Gordon Dickie Sr., **Secretary** Lucille Chapman, Lorena Pocan, Robert Deer, James Kaquatosh, Shirley Daly, Andrew Pyatskowit, Luke Beauprey

**1992 – Chair.** Glen Miller, **Vice Chair.** Shirley Daly, **Secretary** Luke Beauprey, Lorena Pocan, Robert Deer, James Kaquatosh, Andrew Pyatskowit(resigned), Hilary Waukau Sr.(replaced A. Pyatskowit), Lucille Chapman, Gordon Dickie Sr.

**1993 – Chair.** Glen Miller, **Vice Chair.** Shirley Daly, **Secretary** Lorena Pocan, Ken (Paddo) Fish, Hilary Waukau Sr., Robert Deer, Luke Beauprey, Margaret Snow, Richard Awonohopay

**1994 – Chair.** Glen Miller, **Vice Chair.** Hilary Waukau Sr., **Secretary** Margaret Snow, Louis Dixon, Lorena Pocan, Robert Deer, Richard Awonohopay(resigned), Freida Bergeon(replaced R. Awonohopay), John Teller, Leslie Penass

**1995 – Chair.** John Teller, **Vice Chair.** Louis Dixon, **Secretary** Leslie Penass, Freida Bergeon, Norman Shawanokasic, Lisa Waukau, Hilary Waukau Sr., Glen Miller(deceased), Faye Waukau-Annamita(replaced Glen Miller), Margaret Snow

**1996 – Chair.** John Teller, **Vice Chair.** Louis Dixon(resigned), Norman Shawanokasic (replaced L. Dixon as Vice Chair) **Secretary** Leslie Penass, Freida Bergeon, Norman Shawanokasic, Lisa Waukau, Llewellyn Boyd, Robert Deer, Margaret Snow,

**1997 – Chair.** Apesanahkwat **Vice Chair.** Margaret Snow, **Secretary** Wendell Askenette, Freida Bergeon, Norman Shawanokasic, Lisa Waukau, Llewellyn Boyd, Eugene Caldwell, Robert Deer

**1998 – Chair.** Apesanahkwat, **Vice Chair.** Wendell Askenette, **Secretary** Lisa Waukau, Eugene Caldwell, James Wayka, Barbara Frechette Kelley, Robert Deer, Margaret Snow, Llewellyn Boyd

**1999 – Chair.** Apesanahkwat, **Vice Chair.** Wendell Askenette, **Secretary** Lisa Waukau, Llewellyn Boyd, Eugene Caldwell, James Wayka, Wilmer Peters Jr., Barbara Frechette Kelley, Margaret Snow

**2000 – Chair.** Apesanahkwat, **Vice Chair.** Barbara Frechette Kelley, **Secretary** Lisa Waukau, Llewellyn Boyd, Eugene Caldwell, James Wayka, Wilmer Peters Jr., Sylvia Wilber, Margaret Snow

**2001 – Chair.** Apesanahkwat, **Vice Chair.** Myron Pyawasit, **Secretary** Lisa Waukau, Llewellyn Boyd, Eugene Caldwell, Wilmer Peters Jr., Sarah Skubitz, Margaret Snow, Sylvia Wilber

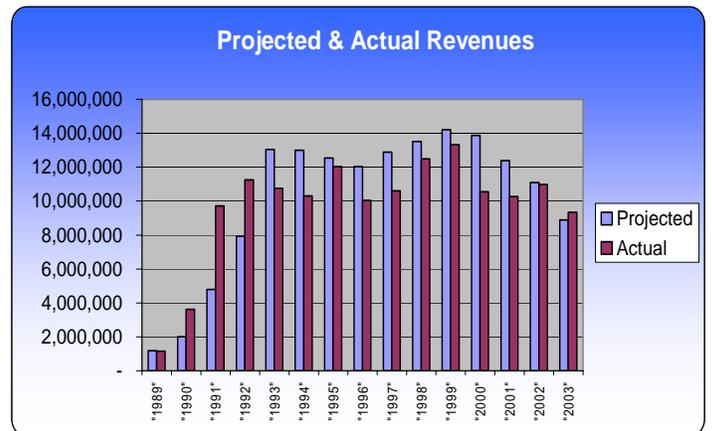
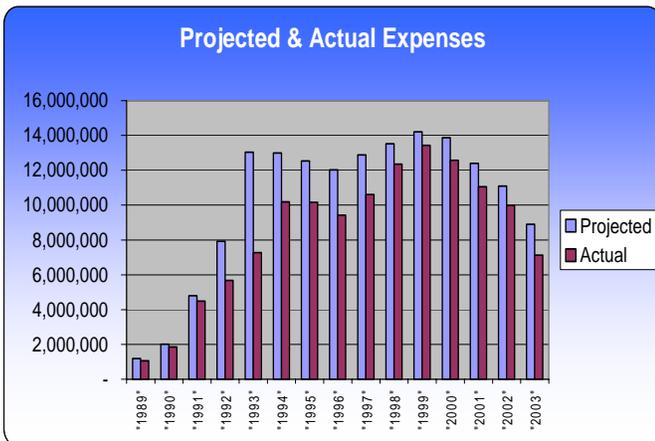
**2002 – Chair.** Lisa Waukau, **Vice Chair.** Eugene Caldwell, **Secretary** Sylvia Wilber, Sarah Skubitz, Gary Besaw, Joan Delabreau, Apesanahkwat(resigned), Myron Pyawasit, Anthony Waupochick Sr.

**2003 – Chair.** Joan Delabreau, **Vice Chair.** Gary Besaw, **Secretary** Laurie Boivin, Lisa Waukau, Sarah Skubitz, Myron Pyawasit, Anthony Waupochick Sr., Michael Chapman, Laurie Reiter

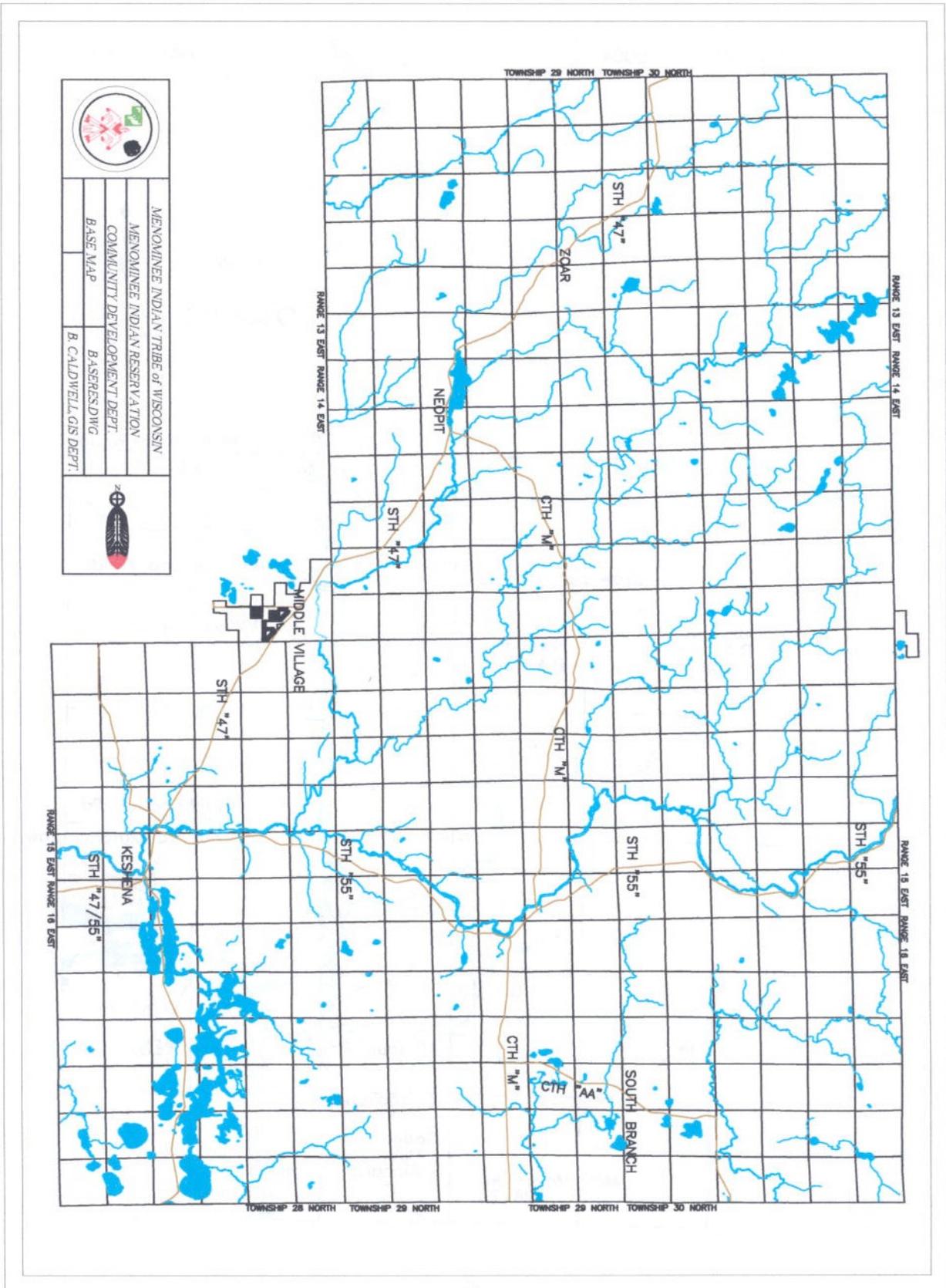
**2004 – Chair.** Joan Delabreau, **Vice Chair.** Laurie Boivin, **Secretary** Gary Besaw, Ann Marie Johnson, Laurie Reiter, Anthony Waupochick Sr., Michael Chapman, Stephanie Awonohopay, Theodore Warrington

# TRIBAL FINANCES

year	Final budgeted Expenses	Actual Expenses	(over) UNDER PROJECTION	% Difference	Final budgeted revenue	Actual Revenue	(over) UNDER PROJECTION	% Difference
1980	\$ 231,000	NA	NA	NA	\$ 231,000	NA	NA	NA
1981	352,465	NA	NA	NA	352,465	NA	NA	NA
1982	296,380	NA	NA	NA	296,380	NA	NA	NA
1983	636,083	NA	NA	NA	636,083	NA	NA	NA
1984	593,191	NA	NA	NA	593,191	NA	NA	NA
1985	740,590	NA	NA	NA	740,590	NA	NA	NA
1986	945,034	NA	NA	NA	945,034	NA	NA	NA
1987	862,308	NA	NA	NA	862,308	NA	NA	NA
1988	1,109,029	NA	NA	NA	1,109,029	NA	NA	NA
1989	1,183,946	\$ 1,057,505	\$ 126,441	10.68%	1,183,946	\$ 1,146,623	\$ 37,323	3.15%
1990	2,015,490	1,861,048	154,442	7.66%	2,015,490	3,618,082	(1,602,592)	179.51%
1991	4,791,380	4,489,471	301,909	6.30%	4,791,380	9,707,907	(4,916,527)	202.61%
1992	7,918,492	5,679,597	2,238,895	28.27%	7,918,492	11,249,499	(3,331,007)	142.06%
1993	13,039,804	7,270,051	5,769,753	44.25%	13,039,804	10,751,501	2,288,303	17.55%
1994	12,996,170	10,182,939	2,813,231	21.64%	12,996,170	10,308,212	2,687,958	20.68%
1995	12,534,696	10,163,071	2,371,625	18.92%	12,534,696	12,024,094	510,602	4.07%
1996	12,030,856	9,421,198	2,609,658	21.69%	12,030,856	10,042,727	1,988,129	16.52%
1997	12,888,273	10,610,474	2,277,799	17.67%	12,888,273	10,610,474	2,277,799	17.67%
1998	13,522,997	12,347,440	1,175,557	8.68%	13,522,997	12,488,508	1,034,489	7.64%
1999	14,209,464	13,428,430	781,034	5.49%	14,209,464	13,327,512	881,952	6.20%
2000	13,873,722	12,579,544	1,294,178	9.32%	13,873,722	10,549,101	3,324,621	23.96%
2001	12,392,529	11,053,114	1,339,415	10.80%	12,392,529	10,275,382	2,117,147	17.08%
2002	11,092,255	9,977,427	1,114,828	10.05%	11,092,255	10,986,472	105,783	0.95%
2003	8,894,889	7,125,921	1,768,968	19.88%	8,894,889	9,335,620	(440,731)	104.95%



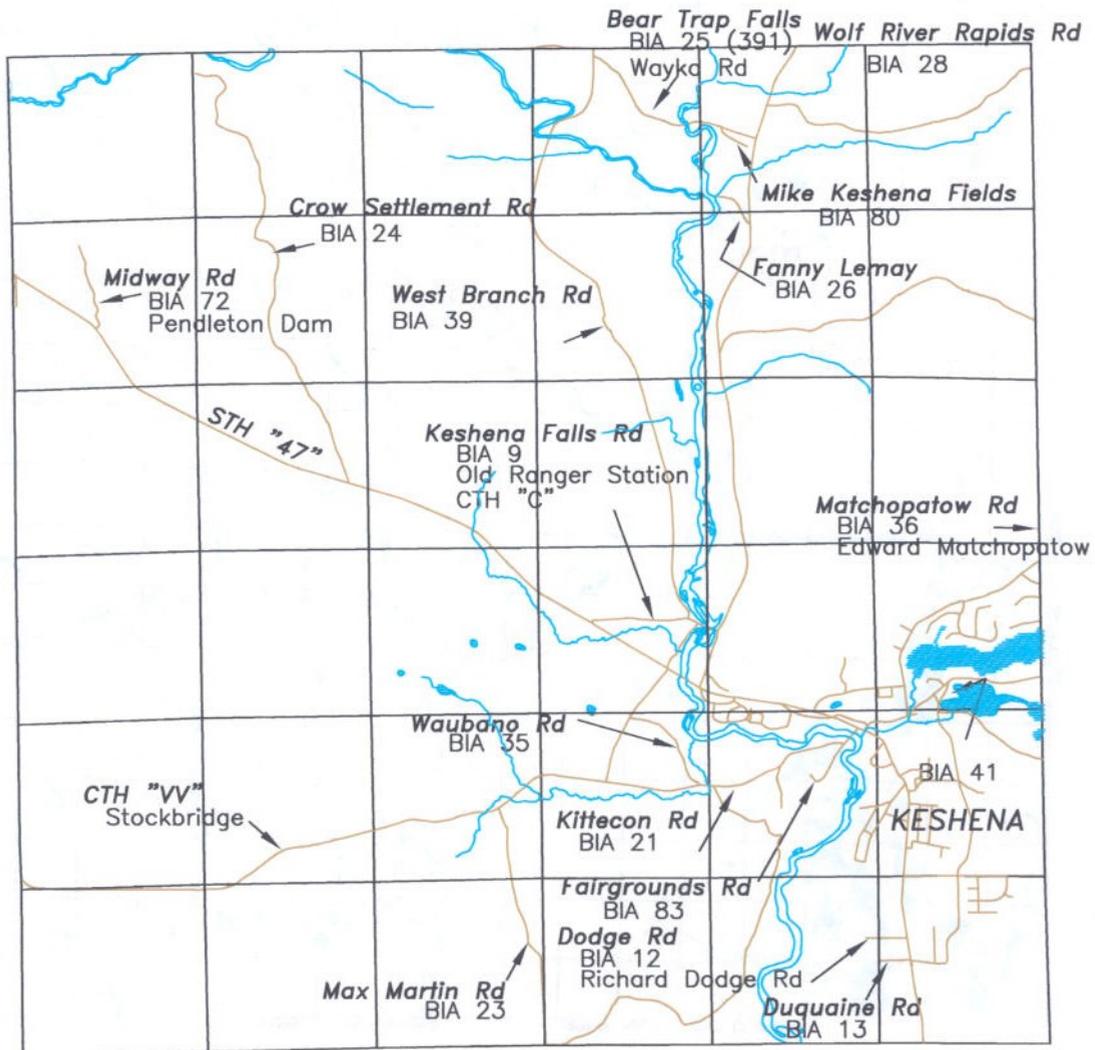




1000'



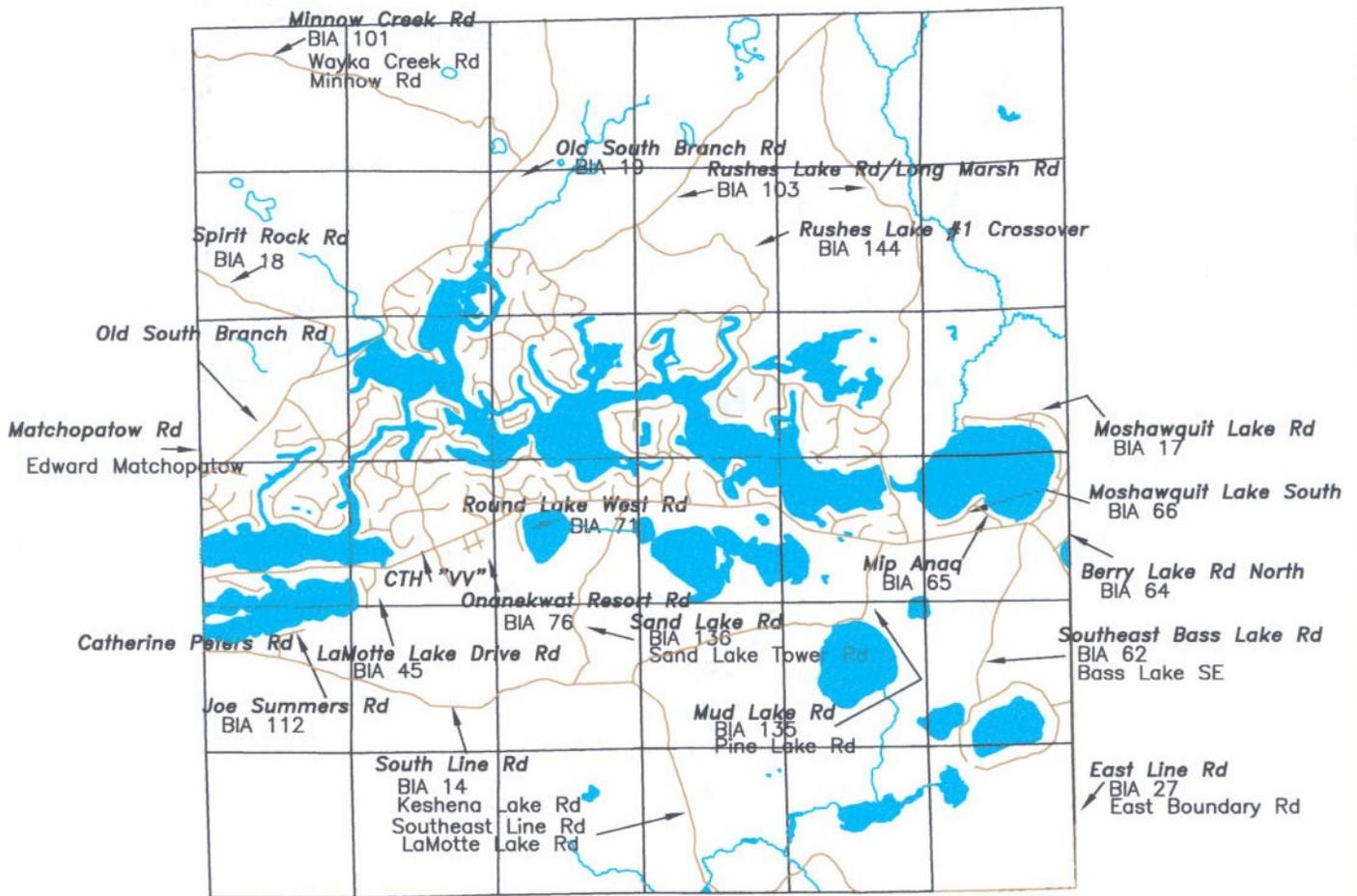
T28N R15E



1000'



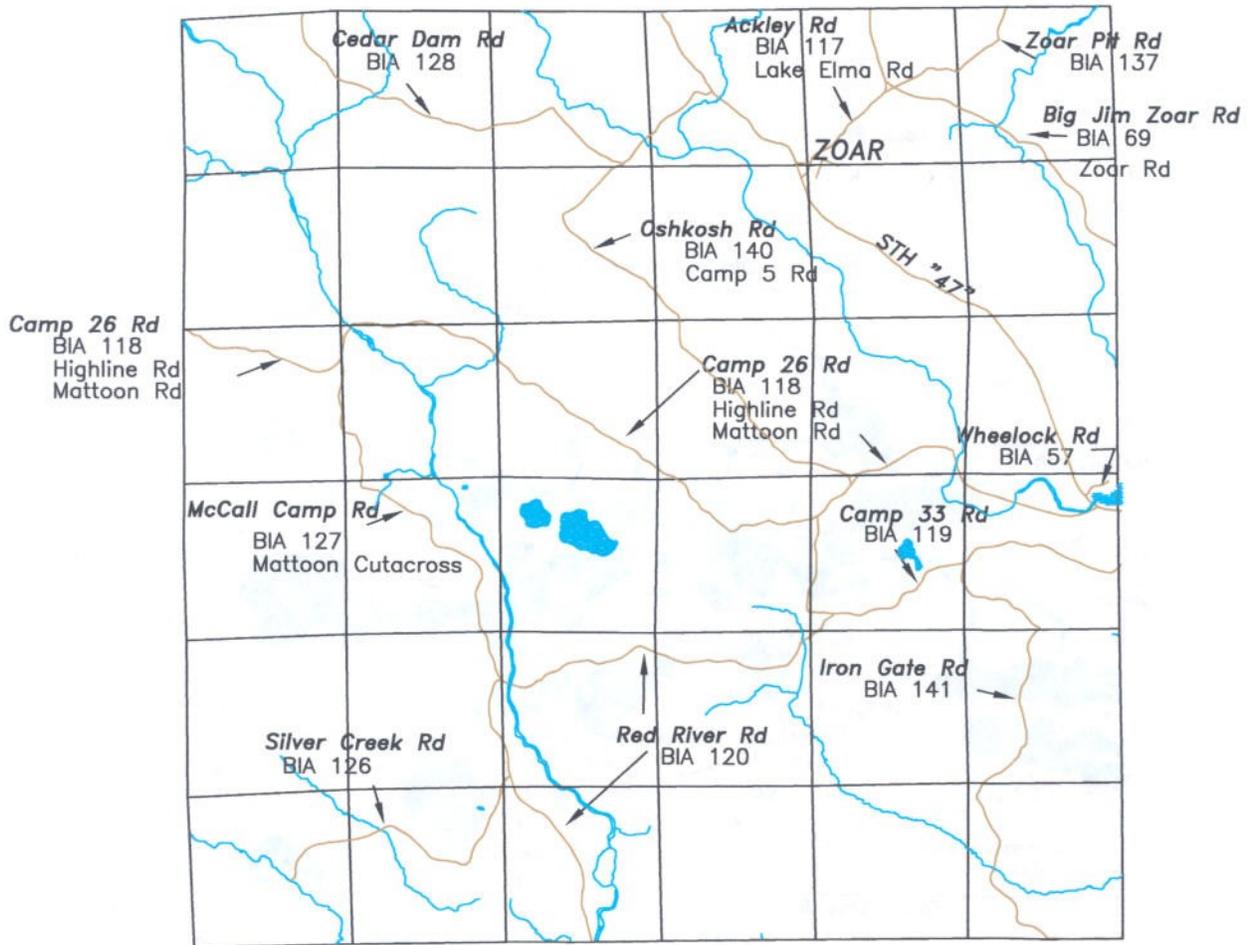
T28NR16E



1000'



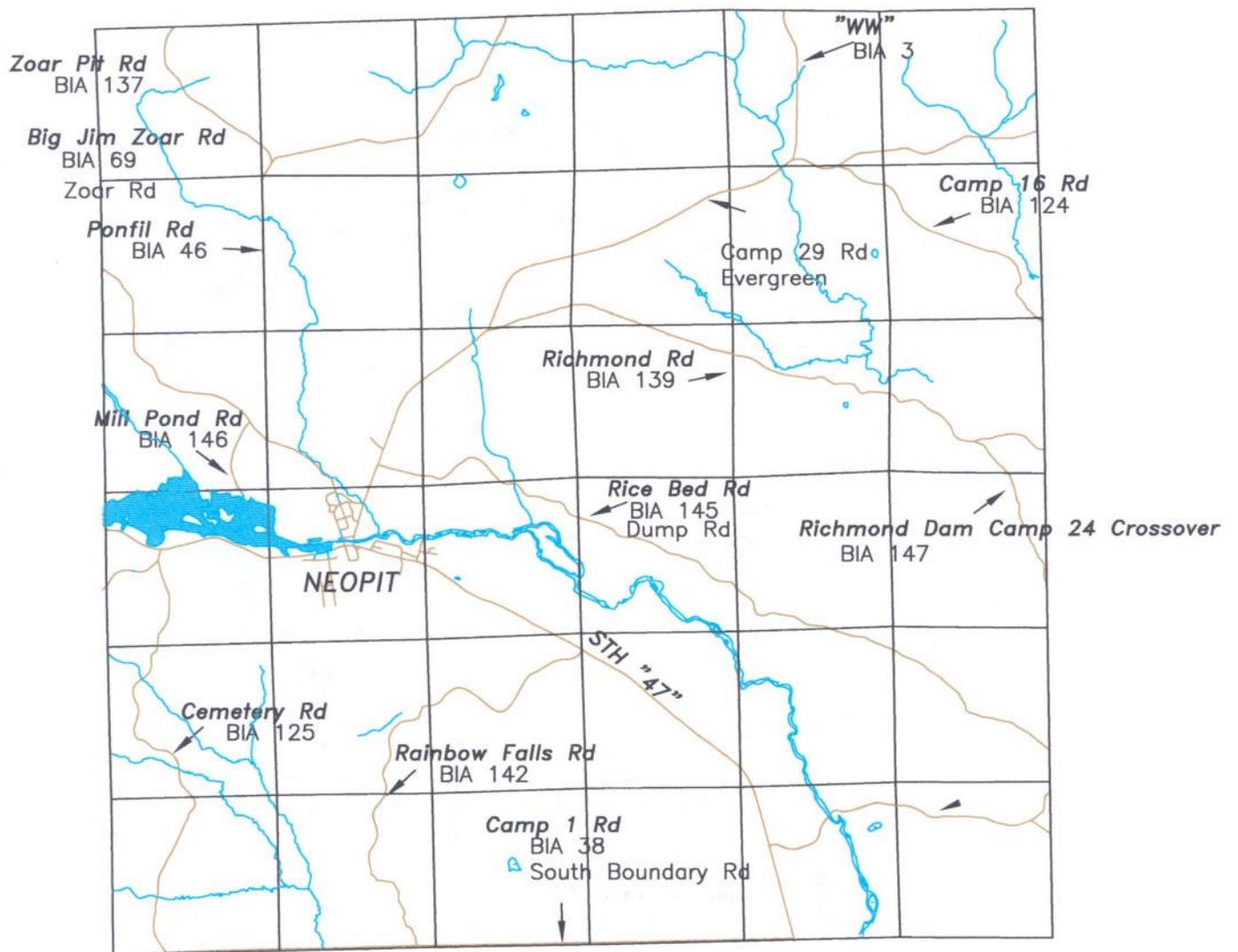
T29NR13E



1000'



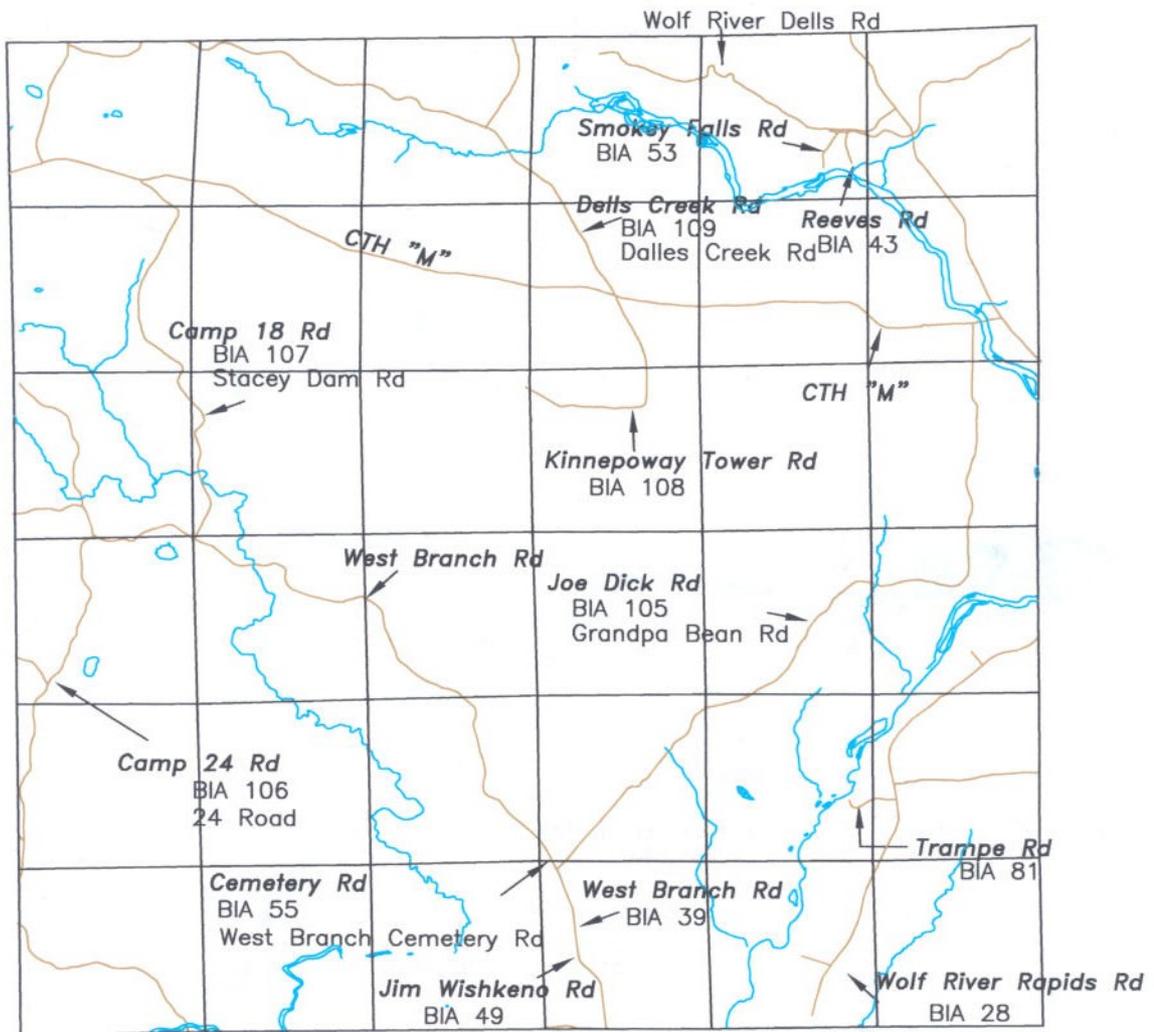
T29NR14E



1000'



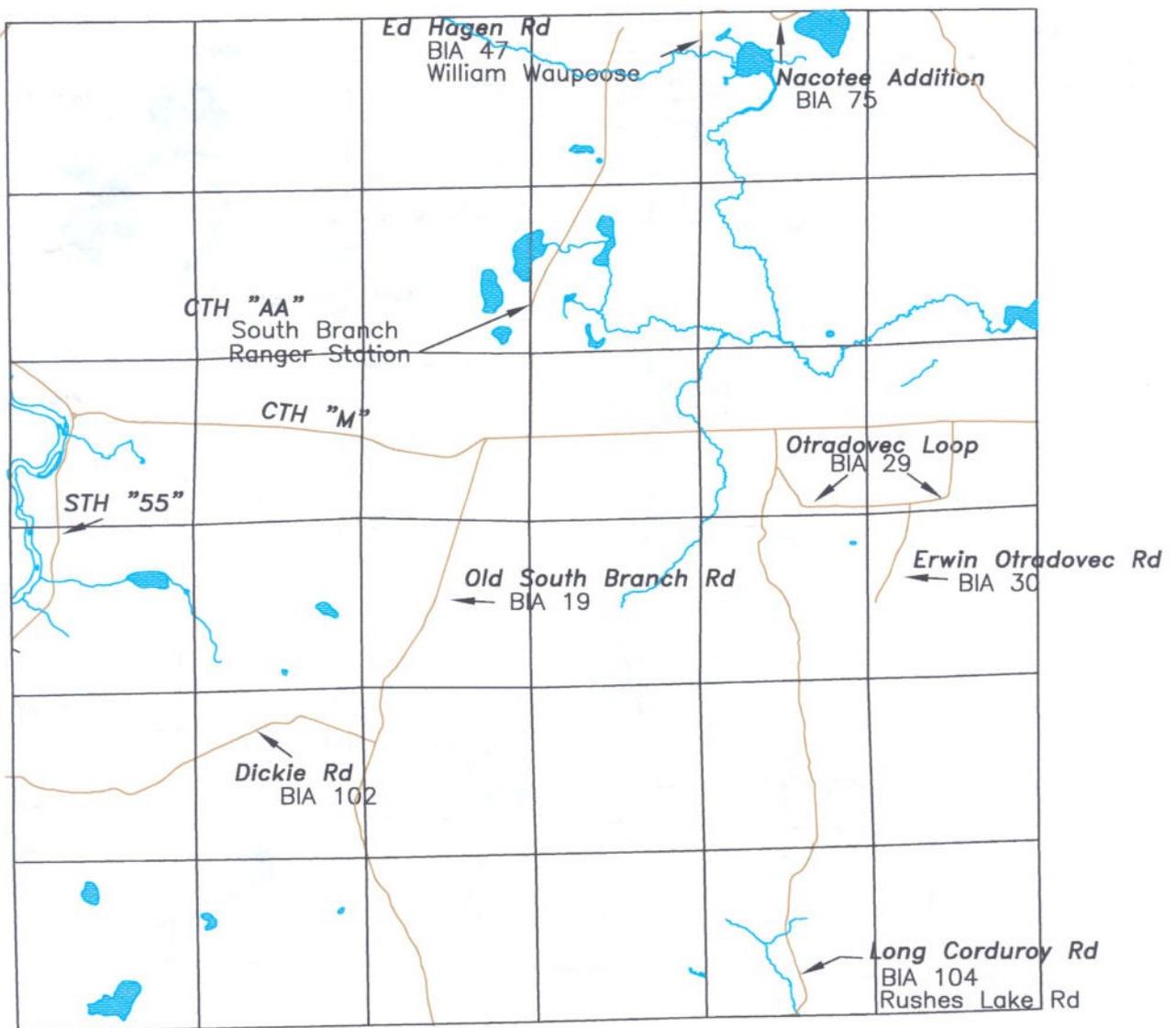
T29NR15E



1000'



T29NR16E



1000'



T30NR13E

**Mayking Rd**  
BIA 37  
Northwest Corner Rd

**Neconish Ernest Upper**  
BIA 115

**Settlement Rd**  
Neconish Rd  
Bass Lake Rd

**Elton Rd**  
BIA 149

**Pig Pen Rd**  
BIA 150

**Menominee Creek Rd**  
BIA 131

**Upper Bass Lake Rd**  
BIA 115

**Lukes Rd**  
BIA 129

**Ackley Rd**  
BIA 117  
Lake Elmo Rd

STH "47"

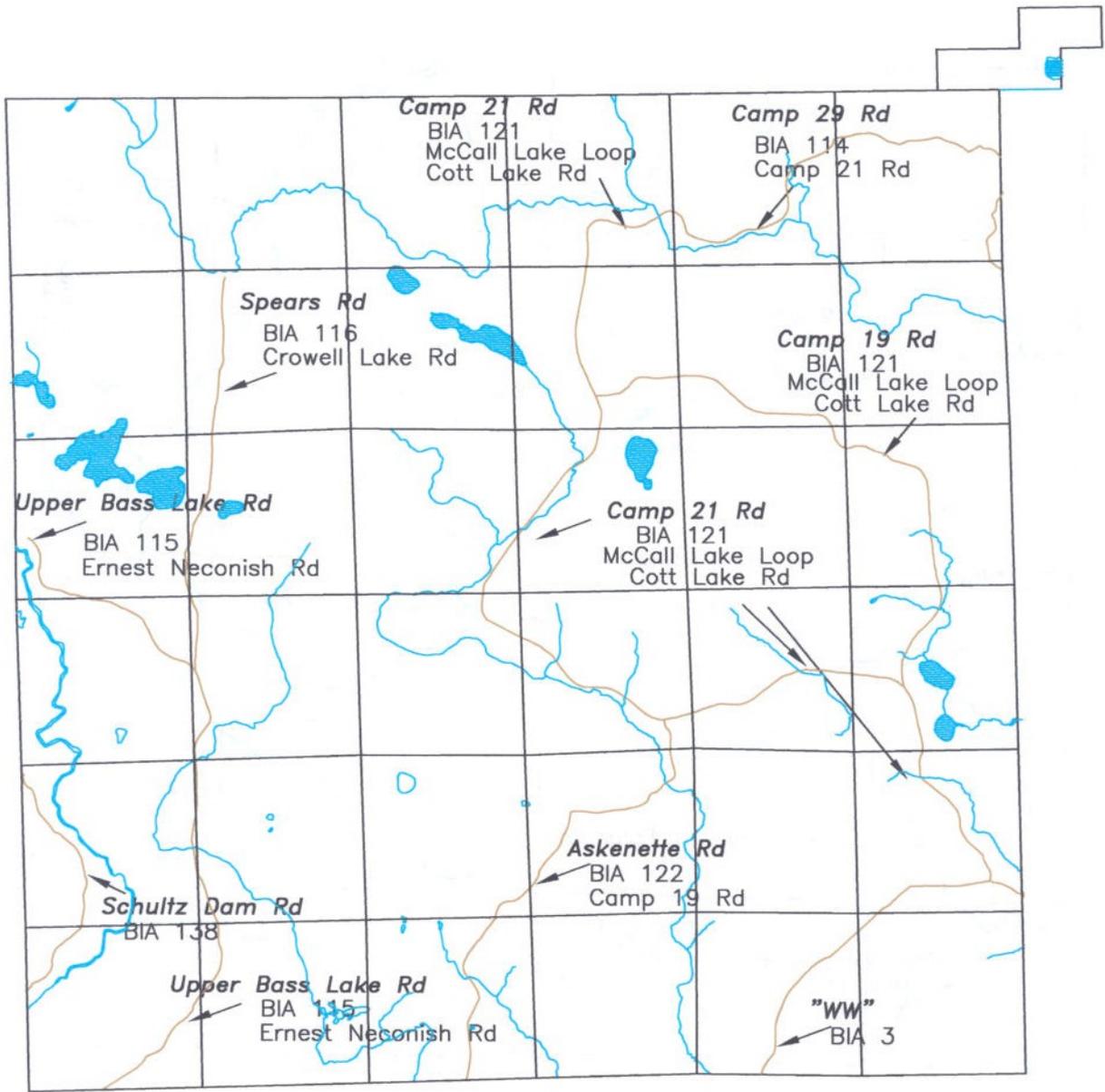
**Noseum Lake Rd**  
BIA 61

**Camp 28 Rd**  
BIA 130

1000'



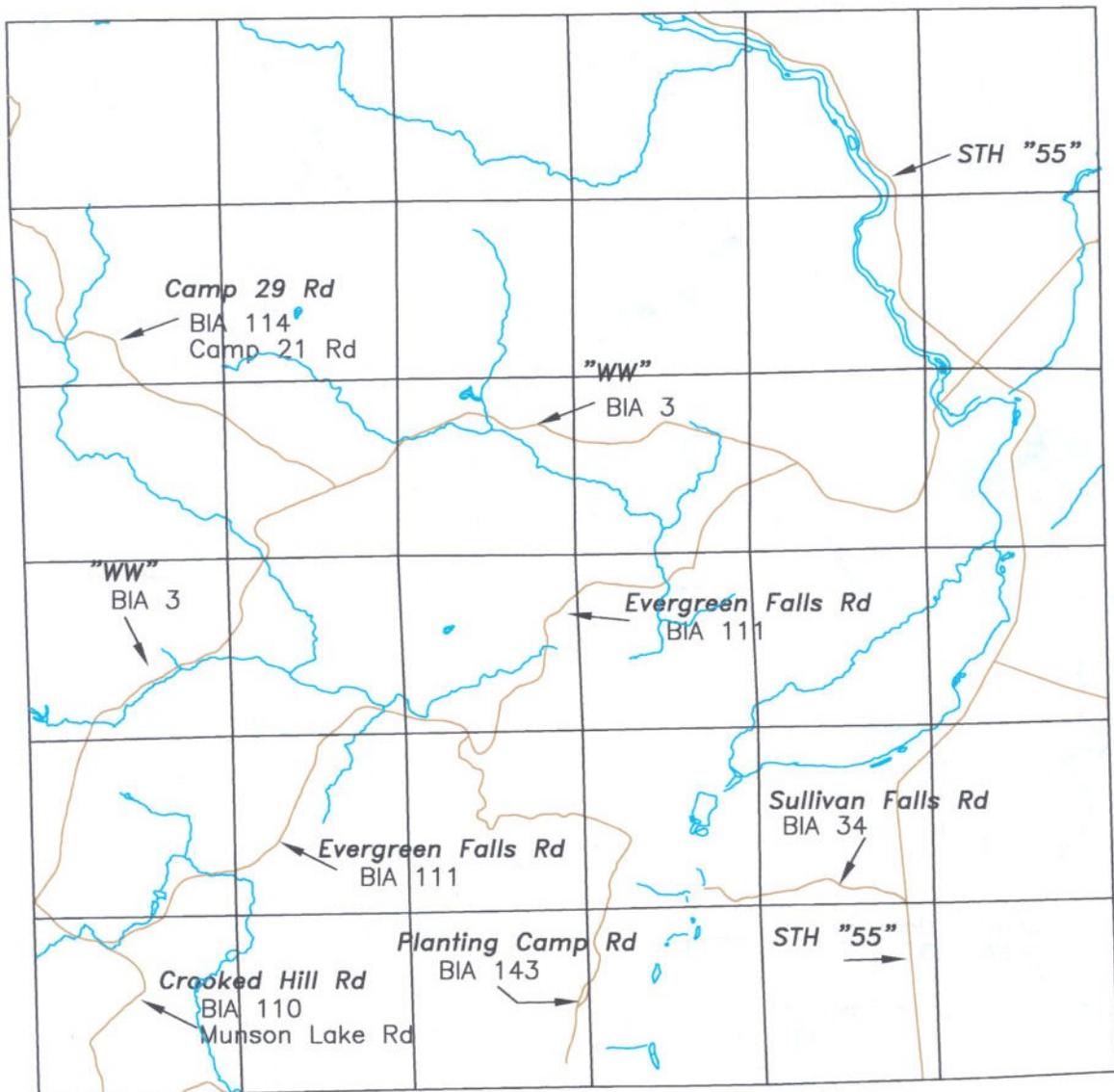
T30NR14E



1000'



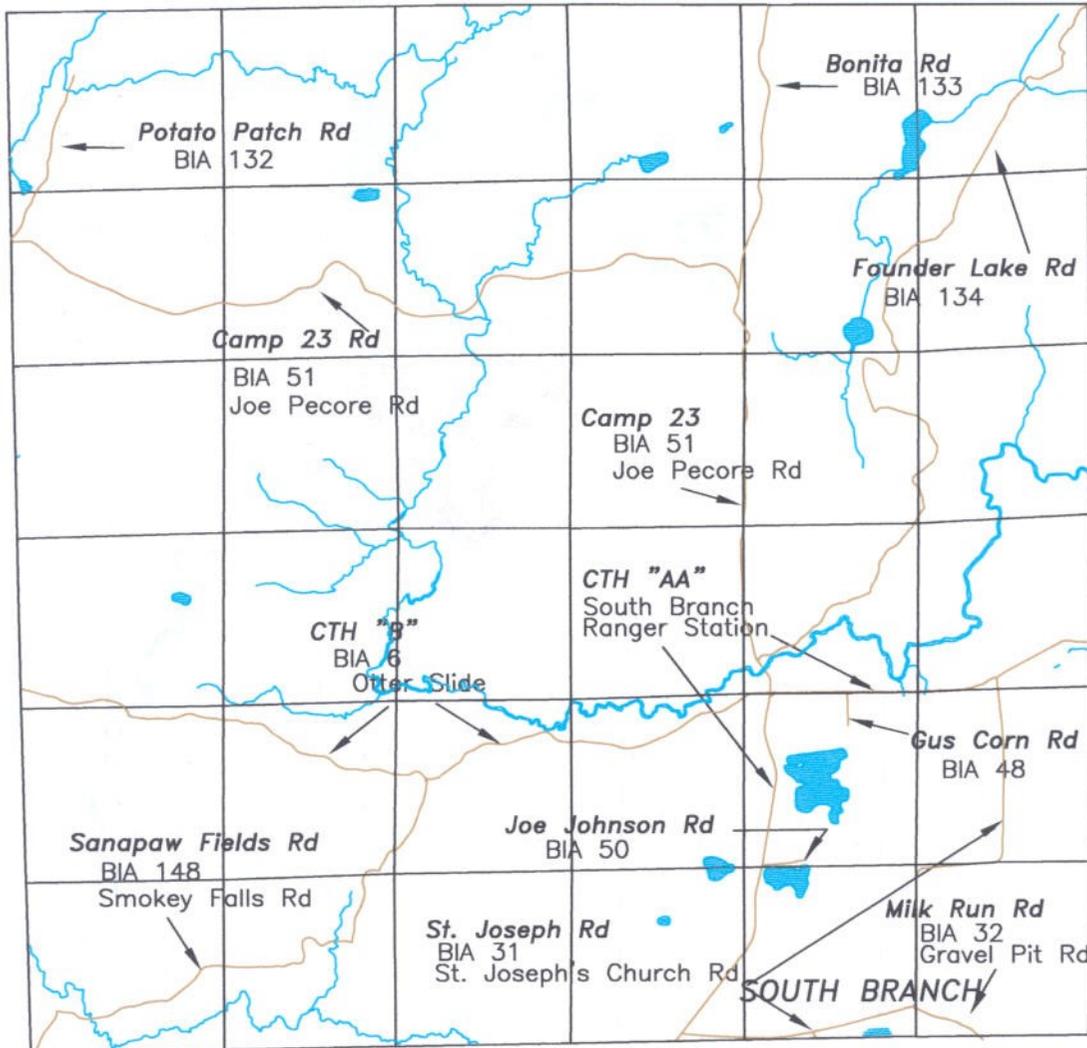
T30NR15E

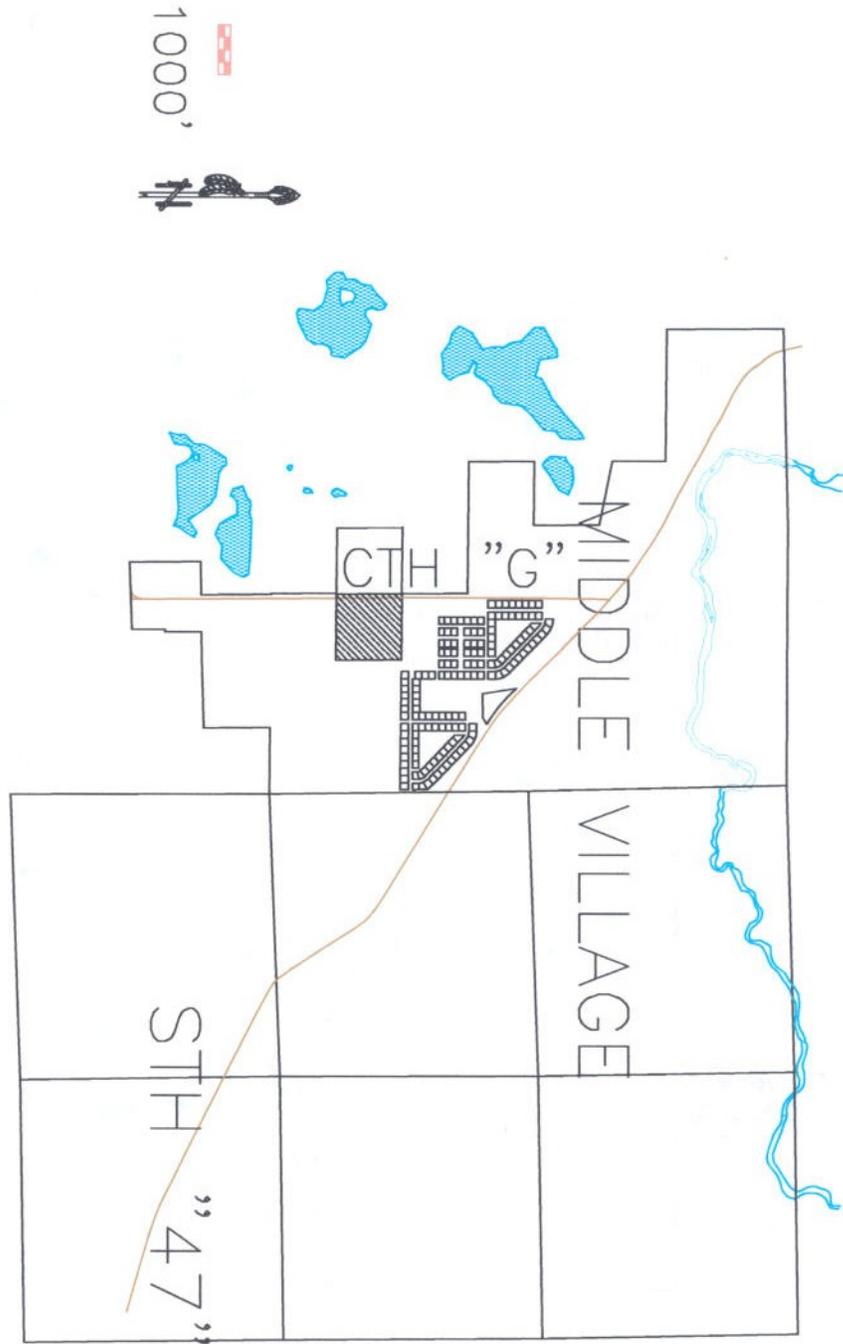


1000'



T30NR16E





## MENOMINEE TRIBE OF WISCONSIN: TERMINATION OF FEDERAL SUPERVISION

### § 891. Purpose

The purpose of section 891-902 of this title is to provide for orderly termination of Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin. June 17, 1954, c. 303 § 1, 68 Stat. 250.  
**Library reference:** Indians ☒2; C.J.S. Indians § 9 et seq.

#### Historical Note

Separability of Provisions. Section 13 of Act June 17, 1954, provided that: "If any provision of this Act [sections 891-902 of this title], or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby"

### §892. Definitions

For the purpose of section 891-902 of this title---

- (a) "Tribe" means the Menominee Indian Tribe of Wisconsin;
- (b) "Secretary" means the Secretary of the Interior. June 17, 1954, c. 303, § 2, 68 Stat. 250.

**Library reference:** Indians ☒2; C.J.S. Indians § 9 et seq.

### § 893. Membership roll; closure; applications for enrollment; approval or disapproval of application; appeal; finality of determination; final publication; certificates of beneficial interest

At midnight of June 17, 1954 the roll of the tribe maintained pursuant to the Act of June 15, 1934 (48 Stat. 965), as amended by the Act of July 14, 1939 (53 Stat. 1003), shall be closed and no child born thereafter shall be eligible for enrollment: *Provided*, That applications for enrollment in the tribe shall have three months from the date the roll is closed in which to submit applications for enrollment: *Provided further*, That the tribe shall have three months thereafter in which to approve or disapprove any application for enrollment: *Provided further*, That any applicant whose application is not approved by the tribe within six months from June 17, 1954 may, within three months thereafter, file with the Secretary an appeal from the failure of the tribe to approve his application or from the disapproval of his application, as the case may be. The decision of the Secretary on such appeal shall be final and conclusive. When the Secretary has made decisions on all appeals, he shall issue and publish in the Federal Register a Proclamation of Final Closure of the roll of the tribe and the final roll of the members. Effective upon the date of such proclamation, the rights or beneficial interests of each person whose name appears on the roll shall constitute personal property and shall be evidenced by a certificate of beneficial

interest which shall be issued by the tribe. Such interests shall be distributable in accordance with the laws of the State of Wisconsin. Such interests shall be alienable only in accordance with such regulations as may be adopted by the tribe. June 17, 1954, c. 303 § 3, 68 Stat. 250.

**Library reference:** Indians ☒2; C.J.S. Indians § 9 et seq.

#### Historical Note

Reference in Text. The Act of June 15, 1934, as amended by the Act of July 14, 1939, referred to in the text, is Act June 15, 1934, C. 510, 48 Stat. 965, which is not classified to the Code.

### § 894. Per capita payments to tribal members.

The Secretary is authorized and directed, as soon as practicable after June 17, 1954, to pay from such funds as are deposited to the credit of the tribe in the Treasury of the United States \$1,500 to each member of the tribe on the rolls of the tribe on June 17, 1954. Any other person whose application for enrollment on the rolls of the tribe is subsequently approved, pursuant to the terms of section 893 of this title, shall, after enrollment, be paid a like sum of \$1,500: *Provided*, That such payments shall be made first from any funds on deposit in the Treasury of the United States to the Credit of the Menominee Indian Tribe drawing interest at the rate of 5 per centum, and thereafter from the Menominee judgment fund, symbol 14X7142.

June 17, 1954, c. 303 § 5, 68 Stat. 250.

**Library reference:** Indians ☒23; C.J.S. Indians § 23 et seq.

### § 895. Management specialists; studies and reports; availability of funds; reimbursement of expenditures.

The tribe is authorized to select and retain the services of qualified management specialist, including tax consultants, for the purpose of studying industrial programs on the Menominee Reservation and making such reports or recommendations, including appraisals of Menominee tribal property, as may be desired by the tribe, and to make other studies and reports as may be deemed necessary and desirable by the tribe in connection with the termination of Federal supervision as provided for hereinafter. Such reports shall be completed not later than February 1, 1959. Such specialists are to be retained under contracts entered into between them and authorized representatives of the tribe, subject to approval by the Secretary. Such amounts of Menominee tribal funds as may be required for this purpose shall be made available by the Secretary. In order to reimburse the tribe, in part, for expenditures of such tribal funds as the Secretary deems necessary for the purposes of carrying out the requirements of this section, there is authorized to be appropriated out of any money in the Treasury not otherwise appropriated, an amount equal to all of such expenditures incurred prior to July 2, 1958, plus one-half of such expenditures incurred thereafter, or the sum of \$275,000, whichever is the lesser amount. June 17, 1954, c. 303, § 6, 68 Stat. 251; July 14, 1956, c. 601, 70 Stat. 544; July 2, 1958, Pub. L. 85-488, § 1 (a), 72 Stat. 250.

**Library reference:** Indians ☒7; 23; C.J.S. Indians §§ 22, 28 et seq.

#### Historical Note

**1958 Amendment.** Pub. L. 85-488 substituted "February 1, 1959" for "December 31, 1957", and authorized appropriations in an amount equal to all of the expenditures incurred prior to July 11, 1958, plus one-half of the expenditures incurred

thereafter, or the sum of \$275,000, which ever is the lesser amount.

**1956 Amendment.** Act July 14, 1956 authorized appropriations of sums deemed necessary to reimburse the tribe for the expenditure of tribal funds.

**§ 896. Plan for control of tribal property and service functions; termination of Federal supervision and services; approval of plan; publication in Federal Register**

The tribe shall as soon as possible and in no event later than February 1, 1959, formulate and submit to the Secretary a plan for the future control of the tribal property and service functions now conducted by or under the supervision of the United States, including but not limited to services in the fields of health, education, welfare, credit, roads, and law and order, and for all other matters involved in the withdrawal of Federal supervision. The Secretary is authorized to provide such reasonable assistance as may be requested by officials of the tribe in the formulation of the plan heretofore referred to, including necessary consultations with representatives of Federal departments and agencies, officials of the State of Wisconsin and political subdivisions thereof, and members of the tribe. The Secretary shall accept such tribal plan as the basis for the conveyance of the tribal property if he finds that it will treat with reasonable equity all members on the final roll of the tribe prepared pursuant to section 893 of this title, and that it conforms to applicable Federal and State law. In the event the tribe fails to submit a plan approvable under the terms of sections 891-902 of this title by February 1, 1959, the Secretary shall cause such a plan to be prepared and submitted to the tribe within three months thereafter. The tribe shall thereafter have three months within which to accept the plan of the Secretary or to submit to the Secretary tribal proposals for modification. If the Menominee Tribe and the Secretary cannot agree upon a plan within the aforementioned six-months period, or if they agree upon a plan within such period and the tribal corporation and voting trust contemplated by the plan are not established prior to March 1, 1961, the Secretary shall transfer the tribal property to a trustee of his choice for the management or disposition for the benefit of the Menominee Tribe. The responsibility of the United States to furnish all such supervision and services to the tribe and to the members thereof, because of their status as Indians, shall cease on April 30, 1961, or on such earlier date as may be agreed upon by the tribe and the Secretary. The plan shall contain provision for protection of the forest on a sustained yield basis and for the protection of the water, soil, fish and wildlife. To the extent necessary, the plan shall provide for such terms of transfer pursuant to section 897 of this title, by trust or otherwise, as shall insure the continued fulfillment of the plan. The Secretary, after approving the plan, shall cause the plan to be published in the Federal Register. The sustained yield management requirement contained in Section 891-902 of this title, and the possible selection of a trustee in the event of a tribal planning default, shall not be construed by any court to impose a financial liability on the United States. July 17, 1954, c. 303 § 7, 68 Stat. 251; July 14, 1956, c. 604, § 1, 70 Stat. 549; July

2, 1958, Pub.L. 85-488, § 1(b), 72 Stat. 290; Sept. 8, 1960, Pub.L. 86-733, § 1, 74 Stat. 867.

**Library reference: Indians** **§ 2, 32: C.J.S. Indians** **§§ 9 et seq., 67 et seq.**

**Historical Note**

**1960 Amendment.** Pub.L. 86-733 inserted "or if they agree upon a plan within such period and the tribal corporation and voting trust contemplated by the plan are not established prior to March 3, 1961", and changed the termination date of the United States responsibility to the tribe from Dec. 31, 1960 to Apr. 30, 1961.

**1958 Amendment.** Pub.L. 85-488 substituted "February 1, 1959" for "December 31, 1957" in the first sentence, and "December 31, 1960" for "December 31, 1958", and inserted provisions requiring the Secretary to accept the plan if he finds that it will treat with reasonable equity all members on the final roll of the tribe, and provided for the preparation of a plan if the tribe fails to submit a plan approvable under the terms of section 891-902 of this title by Feb. 1, 1959.

**1956 Amendment.** Act July 14, 1956 required submission of the plan not later than Dec. 31, 1957, provided for the inclusion of all matters involved in the withdrawal of Federal supervision for the protection of the forest on a sustained yield basis, for the protection of water, soil, fish and wildlife, and for the transfer of property, and required publication in the Federal Register.

**Legislative History:** for legislative history and purpose of Pub.L. 86-733, see 1960 U.S.Code Cong. And Adm.News. p. 3461.

**§ 897. Transfer of property**

On or before April 30, 1961, the Secretary is authorized to transfer to the tribal corporation or to a trustee of the Secretary's choice, as provided in section 896 of this title, the title to all property, real and personal, held in trust by the United States for the tribe. The Secretary is directed to begin immediate negotiations with a private trustee of his choice to perfect a trust agreement so that if by March 1, 1961, the tribal corporation is not functioning, the Secretary will be prepared to transfer title to such property to said trustee as soon after March 1, 1961, as possible, but in no event later than April 30, 1961. The Secretary is authorized, in his discretion, to transfer to the tribe or any member or group of members thereof any federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe which he deems necessary for Indian use, or to transfer to a public or nonprofit body any such property which he deems necessary for public use and from which members of the tribe will derive benefits. July 17, 1954, c. 303 § 8, 68 Stat. 252; July 14, 1956, c. 604, § 2, 70 Stat. 550; July 2, 1958, Pub.L. 85-488, § 1(c), 72 Stat. 291; Sept. 8, 1960, Pub.L. 86-733, § 2, 74 Stat. 867.

**Library reference: Indians** **§ 12, 15: C.J.S. Indians** **§§ 28 et seq., 53 et seq.**

**Historical Note**

**1960 Amendment.** Pub.L. 86-733 extended the date after which transfer is authorized from Dec. 31, 1960 to Apr. 30, 1961, permitted the Secretary to transfer property to a trustee of his choice, directed the Secretary to begin negotiations with a trustee to perfect a trust agreement so that if the tribal corporation is not functioning by Mar. 1, 1961, he could transfer title to the trustee as soon after such date as possible and no later than Apr. 30, 1961, and deleted a proviso stating that if

the tribe incorporated or otherwise organized under state or District of Columbia law, for the purpose of taking title to tribal lands, assets or enterprises, and requested such transfer to be made, the Secretary was to make such a transfer.

**1958 Amendment.** Pub.L. 85-488 substituted "December 31, 1960" for "December 31, 1958".

**1956 Amendment.** Act July 14, 1956 permitted the Secretary to transfer federally owned property acquired, withdrawn, or used for the administration of the affairs of the tribe.

**Legislative History:** For legislative history and purpose of Pub.L. 86-733, see 1960 U.S.Code Cong. And Adm.News, p. 3461

### **§ 898. Taxes; initial exemption; taxes following distribution; valuation for income tax on gains or losses**

No distribution, conveyance, or transfer of title to assets and no issuance or distribution of securities pursuant to the plan approved by the Secretary under the provisions of sections 891-902 of this title shall be subject to any Federal or State transfer, issuance, or income tax: *Provided*, That nothing contained in sections 891-902 of this title shall exempt the recipient of any cash distribution made hereunder from payment of income tax for the year in which the distribution is made on that portion of his share thereof which consists of interests on funds deposited in the Treasury of the United States pursuant to the Supplemental Appropriations Act, 1952 (65 Stat. 736, 754). Following any distribution, conveyance, transfer, or issuance as aforesaid, the assets and securities which are held by, and any income derived therefrom which is received by or payable to, any person, or any corporation or organization as provided in section 897 of this title, shall be subject to the same taxes, State and Federal, as in the case of non-Indians, except that the basis of any valuation for purposes of Federal income tax on gains or losses shall be the value of the property on the date title is transferred by the United States pursuant to section 897 of this title. June 17, 1954, c 303, § 9, 68 Stat. 252; Sept. 8, 1960, Pub.L. 86-733, § 3, 74 Stat. 867.

**Library reference:** Internal Revenue **§**305; Taxation **§**105½, 983; C.J.S. Internal Revenue **§** 101; C.J.S. Taxation **§§** 107 9 et seq., 1096

#### **Historical Note**

**1960 Amendment.** Pub.L. 86-733 exempted from transfer taxes, conveyances, transfers of title, and issuances and distributions of securities pursuant to an approved plan, from issuance and income taxes, distributions, conveyances, transfers of title, and issuances and distributions of securities pursuant to said approved plan, and subject assets and securities, and any income derived therefrom, following any conveyance, transfer or issuance to State and Federal taxes.

**Legislative History:** For legislative history and purpose of Pub.L. 86-733, see 1960 U.S.Code Cong. And Adm.News. p. 3161

### **§ 899. Publication of proclamation of transfer of property; termination of Federal services; application of Federal and State laws; citizenship status unaffected**

When title to the property of the tribe has been transferred, as provided in section 897 of this title, the Secretary shall publish in the Federal Register an appropriate proclamation of that fact. Thereafter individual members of the tribe shall not be entitled to any of the services performed by the United States for Indians because of their status as Indians, all statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of the tribe, and the laws of the several States shall apply to the tribe and its members in the same manner as they apply to other citizens or persons within their jurisdiction. Nothing in sections 891-902 of this title shall affect the status of the members of the tribe as citizens of the United States. June 17, 1954, c. 303, § 10, 68 Stat. 252.

**Library reference:** Indians **§**12, 15: C.J.S. Indians**§§** 28 et seq., 53 et seq.

### **§ 900 Protection of minors, persons non compos mentis and other members needing assistance; guardians; other adequate means**

Prior to the transfer pursuant to section 897 of this title, the Secretary shall protect the rights of members of the tribe who are less than eighteen years of age, non compos mentis, or in the opinion of the Secretary in need of assistance in conducting their affairs, by causing the appointment of guardians for such members in courts of competent jurisdiction, or by such other means as he may deem adequate. June 17, 1954, c. 303 § 11, 68 Stat. 252.

**Library reference:** Indians **§**6: C.J.S. Indians**§** 20 et seq.

### **§ 901. Rules and regulations**

The Secretary is authorized and directed to promulgate such rules and regulations as are necessary to effectuate the purposes of sections 891-902 of this title. June 17, 1954, c 303, § 12, 68 Stat. 252.

**Library reference:** Indians **§**4: C.J.S. Indians**§§** 9, 74.

### **§ 902. Contracts for completion of vocational or undergraduate college program**

Notwithstanding any other provision of section 891-902 of this title, the Secretary of the Interior is authorized to contract with the Wisconsin Department of Public Instruction, prior to the date for terminating Federal responsibilities, for the completion of a vocational or undergraduate college program of any member of the Menominee tribe who has been accepted for such program prior to the termination date. June 17, 1954, c. 303 § 4, 74 Stat. 867.

**Library reference:** Indians **§**6: C.J.S. Indians **§** 20 et seq.

#### **Historical Note**

**Legislative History:** For legislative history and purpose of Pub.L. 86-733, see 1960 U.S.Code Cong. And Adm.News. p. 3461.

**UNITED STATES CODE ANNOTATED**  
**TITLE 25. INDIANS**  
**CHAPTER 14--MISCELLANEOUS**  
**SUBCHAPTER XLI--MENOMINEE TRIBE OF WISCONSIN:**  
**RESTORATION OF FEDERAL SUPERVISION**

**§ 903. Definitions**

For the purposes of this subchapter--

- (1) The term "tribe" means the Menominee Indian Tribe of Wisconsin.
- (2) The term "Secretary" means the Secretary of the Interior.
- (3) The term "Menominee Restoration Committee" means that committee of nine Menominee Indians who shall be elected pursuant to subsections (a) and (b) of section 903b of this title.

**§ 903a. Federal Recognition**

- (a) Extension; laws applicable

Notwithstanding the provisions of subchapter XL of this chapter, or any other law, Federal recognition is hereby extended to the Menominee Indian Tribe of Wisconsin and the provisions of the sections 461, 462, 463, 464, 465, 466 to 470, 471 to 473, 474, 475, 476 to 478, and 479 of this title are made applicable to it.

- (b) Repeal of provisions terminating Federal supervision; reinstatement of tribal rights and privileges

Subchapter XL of this chapter is hereby repealed and there are hereby reinstated all rights and privileges of the tribe or its members under Federal treaty, statute, or otherwise which may have been diminished or lost pursuant to such subchapter.

- (c) Continuation of tribal rights and privileges

Nothing contained in this subchapter shall diminish any rights or privileges enjoyed by the tribe or its members now or prior to June 17, 1954, under Federal treaty, statute, or otherwise, which are not inconsistent with the provisions of this subchapter.

- (d) Continuation of property or contractual rights or obligations and tax obligations

Except as specifically provided in this subchapter, nothing contained in this subchapter shall alter any property rights or obligations, any contractual rights or obligations, including existing fishing rights, or any obligations for taxes already levied.

- (e) Grants for services entitled to upon Federal recognition; terms and conditions; power of Menominee Restoration Committee

In providing to the tribe such services to which it may be entitled upon its recognition pursuant to subsection (a) of this section, the Secretary of the Interior and the Secretary of Health and Human Services, as appropriate, are authorized

from funds appropriated pursuant to section 13 of this title, the Act of August 5, 1954 (68 Stat. 674), as amended [42 U.S.C.A. Sec. 2001 et seq.], or any other Act authorizing appropriations for the administration of Indian affairs, upon the request of the tribe and subject to such terms and conditions as may be mutually agreed to, to make grants and contract to make grants which will accomplish the general purposes for which the funds were appropriated. The Menominee Restoration Committee shall have full authority and capacity to be a party to receive such grants to make such contracts, and to bind the tribal governing body as the successor in interest to the Menominee Restoration Committee: Provided, however, That the Menominee Restoration Committee shall have no authority to bind the tribe for a period of more than six months after the date on which the tribal governing body takes office.

**§ 903b. Menominee Restoration Committee**

- (a) Nomination and election of members; time and procedure; ballot requirements; approval by Secretary; powers of Committee

Within fifteen days after December 22, 1973, the Secretary shall announce the date of a general council meeting of the tribe to nominate candidates for election to the Menominee Restoration Committee. Such general council meeting shall be held within thirty days of December 22, 1973. Within forty-five days of the general council meeting provided for herein, the Secretary shall hold an election by secret ballot, absentee balloting to be permitted, to elect the membership of the Menominee Restoration Committee from among the nominees submitted to him from the general council meeting provided for herein. The ballots shall provide for write-in votes. The Secretary shall approve the Menominee Restoration Committee elected pursuant to this section if he is satisfied that the requirements of this section relating to the nominating and election process have been met. The Menominee Restoration Committee shall represent the Menominee people in the implementation of this subchapter and shall have no powers other than those given to it in accordance with this subchapter. The Menominee Restoration Committee shall have no power or authority under this subchapter after the time which the duly-elected tribal governing body takes office: Provided, however, That this provision shall in no way invalidate or affect grants or contracts made pursuant to the provisions of section 903a(e) of this title.

- (b) Eligible voters; notice by Secretary of nominating meeting and election

In the absence of a completed tribal roll prepared pursuant to subsection (c) of this section and solely for the purposes of the general council meeting and the election provided for in subsection (a) of this section, all living persons on the final roll of the tribe published under section 893 of this title, and all descendants, who are at least eighteen years of age and who possess at least one-quarter degree of Menominee Indian

blood, of persons on such roll shall be entitled to attend, participate, and vote at such general council meeting and such election. Verification of descendancy, age, and blood quantum shall be made upon oath before the Secretary or his authorized representative and his determination thereon shall be conclusive and final. The Secretary shall assure that adequate notice of such meeting and election shall be provided eligible voters.

(c) Membership roll; opening; revision procedure; prerequisites for inclusion; possession and maintenance of enrollment records and materials; appeal; finality of determination

The membership roll of the tribe which was closed as of June 17, 1954, is hereby declared open. The Secretary, under contract with the Menominee Restoration Committee, shall proceed to make current the roll in accordance with the terms of this subchapter. The names of all enrollees who are deceased as of December 22, 1973, shall be stricken. The names of any descendants of an enrollee shall be added to the roll provided such descendant possesses at least one-quarter degree Menominee Indian blood. Upon installation of elected constitutional officers of the tribe, the Secretary and the Menominee Restoration Committee shall deliver their records, files, and any other material relating to enrollment matters to the tribal governing body. All further work in bringing and maintaining current the tribal roll shall be performed in such manner as may be prescribed in accordance with the tribal governing documents. Until responsibility for the tribal roll is assumed by the tribal governing body, appeals from the omission or inclusion of any name upon the tribal roll shall lie with the Secretary and his determination thereon shall be final. The Secretary shall make the final determination of each such appeal within ninety days after an appeal is initiated.

### § 903c. Tribal Constitution and Bylaws

(a) Election; time and procedure

Upon request from the Menominee Restoration Committee, the Secretary shall conduct an election by secret ballot, pursuant to the provisions of sections 461, 462, 463, 464, 465, 466 to 470, 471 to 473, 474, 475, 476 to 478, and 479 of this title for the purpose of determining the tribe's constitution and bylaws. The election shall be held within sixty days after final certification of the tribal roll.

(b) Distribution by Menominee Restoration Committee prior to election of proposed constitution and bylaws and brief impartial description; consultations by Committee with persons entitled to vote

The Menominee Restoration Committee shall distribute to all enrolled persons who are entitled to vote in the election, at least thirty days before the election, a copy of the constitution and bylaws as drafted by the Menominee Restoration Committee which will be presented at the election, along with a brief impartial description of the constitution and bylaws. The Menominee Restoration Committee shall freely consult with persons entitled to vote in the election concerning the text and description of the constitution and bylaws. Such consultation

shall not be carried on within fifty feet of the polling places on the date of the election.

(c) Election of tribal officers provided for in constitution and bylaws; time and procedure for initial election; subsequent elections governed by constitution, bylaws and ordinances

Within one hundred and twenty days after the tribe adopts a constitution and bylaws, the Menominee Restoration Committee shall conduct an election by secret ballot for the purpose of determining the individuals who will serve as tribal officials as provided in the tribal constitution and bylaws. For the purpose of this initial election and notwithstanding any provision in the tribal constitution and bylaws to the contrary, absentee balloting shall be permitted and all tribal members who are eighteen years of age or over shall be entitled to vote in the election. All further elections of tribal officers shall be as provided in the tribal constitution and bylaws and ordinances adopted thereunder.

(d) Majority vote necessary for passage and initial election of tribal governing body; minimum number of voters required to vote

In any election held pursuant to this section, the vote of a majority of those actually voting shall be necessary and sufficient to effectuate the adoption of a tribal constitution and bylaws and the initial election of the tribe's governing body, so long as, in each such election, the total vote cast is at least 30 per centum of those entitled to vote.

(e) Revision of time periods pursuant to agreement of Secretary and Menominee Restoration Committee

The time periods set forth in section 903b(c) of this title and subsections (a) and (c) of this section may be changed by the written agreement of the Secretary and the Menominee Restoration Committee.

### § 903d. Transfer of Assets of Menominee Enterprises, Inc.

(a) Negotiation and development of plan for assumption of assets; submittal of plan to Congress

The Secretary shall negotiate with the elected members of the Menominee Common Stock and Voting Trust and the Board of Directors of Menominee Enterprises, Incorporated, or their authorized representatives, to develop a plan for the assumption of the assets of the corporation. The Secretary shall submit such plan to the Congress within one year from December 22, 1973.

(b) Acceptance of assets by Secretary; prerequisites; preexisting rights and obligations in assets; United States as trustee for land transferred; exemption from taxation for transfer of assets and assets transferred

If neither House of Congress shall have passed a resolution of disapproval of the plan within sixty days of the date the plan is submitted to Congress, the Secretary shall, subject to the terms and conditions of the plan negotiated pursuant to subsection (a) of this section, accept the assets (excluding any real property not located in or adjacent to the territory,

constituting, on December 22, 1973, the county of Menominee, Wisconsin) of Menominee Enterprises, Incorporated, but only if transferred to him by the Board of Directors of Menominee Enterprises, Incorporated, subject to the approval of the shareholders as required by the laws of Wisconsin. Such assets shall be subject to all valid existing rights, including, but not limited to, liens, outstanding taxes (local, State, and Federal), mortgages, outstanding corporate indebtedness of all types, and any other obligation. The land and other assets transferred to the Secretary pursuant to this subsection shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this section, the land transferred shall be taken in the name of the United States in trust for the tribe and shall be their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(c) Transfer to Secretary of real property of Menominee Tribe members; necessity for transfer by Menominee owner or owners; preexisting rights and obligations in land; United States as trustee for land transferred; exemption from taxation for transfer of assets and assets transferred

The Secretary shall accept the real property (excluding any real property not located in or adjacent to the territory constituting, on December 22, 1973, the county of Menominee, Wisconsin) of members of the Menominee Tribe, but only if transferred to him by the Menominee owner or owners. Such property shall be subject to all valid existing rights including, but not limited to, liens, outstanding taxes (local, State, and Federal), mortgages, and any other obligations. The land transferred to the Secretary pursuant to this subsection shall be subject to foreclosure or sale pursuant to the terms of any valid existing obligation in accordance with the laws of the State of Wisconsin. Subject to the conditions imposed by this subsection, the land transferred shall be taken in the name of the United States in trust for the Menominee Tribe of Wisconsin and shall be part of their reservation. The transfer of assets authorized by this section shall be exempt from all local, State, and Federal taxation. All assets transferred under this section shall, as of the date of transfer, be exempt from all local, State, and Federal taxation.

(d) Consultation by Secretary and Menominee Restoration Committee with appropriate State and local government officials for non-impairment of necessary governmental services upon transfer of assets

The Secretary and the Menominee Restoration Committee shall consult with appropriate State and local government officials to assure that the provision of necessary governmental services is not impaired as a result of the transfer of assets provided for in this section.

(e) Establishment of local government bodies, etc., by Wisconsin to provide necessary governmental services in Menominee County

For the purpose of implementing subsection (d) of this section, the State of Wisconsin may establish such local government bodies, political subdivisions, and service arrangements as will best provide the State or local government services required

by the people in the territory constituting, on December 22, 1973, the county of Menominee.

### **§ 903e. Rules and Regulations**

The Secretary is hereby authorized to make such rules and regulations as are necessary to carry out the provisions of this subchapter.

### **§ 903f. Authorization of Appropriations**

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter.



A P R O C L A M A T I O N

WHEREAS, on December 22, 1973, the Menominee Restoration Act reinstated the Menominee Indians of Wisconsin to the status of a federally-recognized, sovereign Indian tribe; and

WHEREAS, the Menominee Restoration Act requires the Secretary of the Interior and the Menominee Restoration Committee to consult with appropriate state and local government officials to ensure the orderly transfer of governmental functions pursuant to restoration; and

WHEREAS, such consultation has determined that the United States with the agreement of the Menominee Tribe is now prepared to accept a retrocession of jurisdiction acquired by the state over the Menominee Reservation pursuant to Public Law 83-661, 68 Stat. 795, amending Public Law 83-280, 67 Stat. 583, as codified at 18 U.S.C. Section 1162 and 28 U.S.C. Section 1360, and The Menominee Restoration Act, 87 Stat. 770, as codified at 25 U.S.C. section 903-903f; and

WHEREAS, acceptance by the Secretary of the Interior of such retroceded jurisdiction will affect only state jurisdiction acquired pursuant to Public Law 83-661, 68 Stat. 795, amending Public Law 83-280, 67 Stat. 588, as codified at 18 U.S.C. section 1162 and 28 U.S.C. section 1360, and the Menominee Restoration Act, 87 Stat. 770, as codified at 25 U.S.C. sections 903-903f; and

WHEREAS, acceptance by the Secretary of the Interior of such retroceded jurisdiction will in no way affect the exercise of state jurisdiction before the effective date thereof;

NOW, THEREFORE, I, PATRICK J. LUCEY, Governor of the State of Wisconsin, pursuant to the authority conferred upon me by the Menominee Restoration Act and authority vested in me as Chief Executive Officer of the State of Wisconsin, do hereby retrocede jurisdiction acquired by the State of Wisconsin over the Menominee Indian Reservation in Wisconsin pursuant to Public Law 83-661, 68 Stat. 795, amending Public Law 83-280, 67 Stat. 588, as codified at 18 U.S.C. section 1162 and 28 U.S.C. section 1360, and the Menominee Restoration Act, 87 Stat. 770, as codified at 25 U.S.C. sections 903-903f; and proclaim March 1, 1976, as the effective date for the orderly transfer of such jurisdiction.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison, this \_\_\_\_\_ day of February in the year of our Lord one thousand nine hundred and seventy-six.

STATE OF WISCONSIN  
DEPARTMENT OF STATE  
RECEIVED AND FILED

FEB 19 1976

DOUGLAS LAFOLLETTE  
SECRETARY OF STATE

PATRICK J. LUCEY  
GOVERNOR

By the Governor:

DOUGLAS LA FOLLETTE  
Secretary of State

# **Menominee Indian Tribe of Wisconsin Constitution & Bylaws**

**Table of Contents**

<b>PREAMBLE</b> .....	<b>76</b>
<b>ARTICLE I - JURISDICTION</b> .....	<b>76</b>
<b>ARTICLE II - TRIBAL MEMBERSHIP</b> .....	<b>76</b>
Section 1. Requirements.....	76
Section 2. Ineligibility For Membership or Automatic Forfeiture or Membership...	76
Section 3. Enrollment Committee .....	76
Section 4. Appeal From Denial of Membership Application. ....	76
Section 5. Removal From Membership Roll by Tribal Legislature. ....	76
Section 6. Voluntary Relinquishment of Membership.....	76
Section 7. Enforcement. ....	76
<b>ARTICLE III - POWERS OF THE TRIBAL GOVERNMENT</b> .....	<b>76</b>
Section 1. Powers of the Tribal Legislature. ....	76
Section 2. Powers of the Tribal Judiciary. ....	76
Section 3. Separation of Powers.....	76
<b>ARTICLE IV - THE TRIBAL LEGISLATURE</b> .....	<b>76</b>
Section 1. Composition, Terms of Office, and Classes.....	76
Section 2. Initial Division of Tribal Legislature Into Classes. ....	76
Section 3. Election of Tribal Legislators.....	77
Section 4. Requirement for Candidates For Election To The Tribal Legislature and For Tribal Legislators. ....	77
Section 5. Consecutive and Simultaneous Terms of Office. ....	77
Section 6. Community Committees of the Tribal Legislature.....	77
Section 7. Administration of Tribal Government.....	77
Section 8. Powers and Duties. ....	77
<b>ARTICLE V - THE TRIBAL JUDICIARY</b> .....	<b>77</b>
Section 1. Structure. ....	77
Section 2. Appointment and Term of Office. ....	77
Section 3. Compensation.....	77
Section 4. Qualifications and Disqualifications. ....	77
Section 5. Removal From Office By Tribal Legislature and Automatic Vacancies. ....	77
Section 6. Rules of Tribal Courts. ....	77
Section 7. Records and Court Clerk. ....	77
Section 8. Appropriations.....	77
Section 9. Enforcement. ....	77
<b>ARTICLE VI - TRIBAL ELECTIONS</b> .....	<b>78</b>
Section 1. Voter Requirements.....	78
Section 2. Voting.....	78
Section 3. Action By The Tribe: Approval - Disapproval, Consent - Rejection. ....	78
Section 4. Regular and Special Elections.....	78
Section 5. Tribal Election Commission.....	78
Section 6. Elections Which Result In Ties.....	78
Section 7. Disputed Elections.....	78
Section 8. Duty To Enforce This Article.....	78
<b>ARTICLE VII - REMOVAL OF ELECTED OFFICIALS FROM OFFICE, AUTOMATIC VACANCY, AND THE FILLING OF VACANCIES. ....</b>	<b>78</b>
Section 1. Recall.....	78
Section 2. Expulsion and Suspension of Tribal Legislators.....	79
Section 3. Automatic Vacancies.....	79
Section 4. The Filling of Vacancies In Office.....	79
Section 5. Tribal Judiciary Excluded.....	79
<b>ARTICLE VIII - INITIATIVE AND REFERENDUM</b> .....	<b>79</b>
Section 1. General Authority.....	79
Section 2. Procedure.....	79
Section 3. Referendum Petitions: Suspension of Effects of Ordinance In Question.....	80
Section 4. Action on Petitions.....	80
Section 5. Results of Election.....	80
Section 6. Re-enactment, Amendment or Repeal.....	80
<b>ARTICLE IX - RIGHTS OF TRIBAL MEMBERS AND OTHER PERSONS SUBJECT TO TRIBAL JURISDICTION</b> .....	<b>80</b>
Section 1. Hunting, Fishing, Trapping, Gathering.....	80
Section 2. Rights of Persons Subject To Tribal Jurisdiction.....	80
<b>ARTICLE X - LIMITED POWER OF TRIBAL LEGISLATURE TO TRANSFER OWNERSHIP OF, OR TO ENCUMBER, TRIBAL, LAND OR INTERESTS THEREIN</b> .....	<b>80</b>
Section 1. Limited Power To Transfer Tribal Land Out of Tribal Ownership.....	80
Section 2. Limited Power to Encumber Tribal Land.....	80
Section 3. Limited Power To Develop Natural Resources.....	81
Section 4. Principle of Construction.....	81
<b>ARTICLE XI - USE OF TRIBAL LAND BY TRIBAL MEMBERS AND</b>	

<b>QUALIFIED NON-TRIBAL MEMBERS</b> .....	<b>81</b>
Section 1. Land Use and Natural Resources Conservation Plan. ....	81
Section 2. Use of Tribal Land By Non-Tribal Members.....	81
<b>ARTICLE XII - SUCCESSOR BUSINESSES TO MENOMINEE ENTERPRISES</b> .....	<b>81</b>
Section 1. Duty of the Tribal Legislature.....	81
Section 2. Successors to Menominee Enterprises.....	81
<b>ARTICLE XIII - TRIBAL BUSINESSES</b> .....	<b>82</b>
Section 1. Interrelationship Between Tribal Businesses And The Tribal Legislature.....	82
Section 2. Duty to Enforce.....	82
Section 3. Forestry Business Exception.....	82
Section 4. Other Powers and Rights of all Tribal Businesses, Including Kenosha Gaming Business.....	82
<b>ARTICLE XIV - TRUST AGREEMENT BETWEEN THE MENOMINEE INDIAN TRIBE AND THE UNITED STATES</b> .....	<b>83</b>
Section 1. Trust Agreement.....	83
Section 2. Negotiating Principles.....	83
Section 3. Approval by Tribe Required.....	83
<b>ARTICLE XV - TRIBAL GOVERNMENT CAREER AND MERIT SYSTEM OF EMPLOYMENT</b> .....	<b>83</b>
Section 1. Merit Principle.....	83
Section 2. Duty to Enforce.....	83
<b>ARTICLE XVI - FINANCIAL CONTROL</b> .....	<b>83</b>
Section 1. Budget and Appropriations.....	83
Section 2. Accounting System.....	83
Section 3. Fiscal Year.....	83
<b>ARTICLE XVII - CONFLICT OF INTEREST</b> .....	<b>83</b>
Section 1. Conflicting Personal Financial Interest Prohibited.....	83
Section 2. Other Conflicts of Interest.....	83
<b>ARTICLE XVIII - SOVEREIGN IMMUNITY</b> .....	<b>83</b>
Section 1. General Prohibition.....	83
Section 2. Suits Against The Tribe In Tribal Courts By Persons Subject To Tribal Jurisdiction.....	83
Section 3. Suits Against The Tribe In The Courts of The United States.....	83
<b>ARTICLE XIX - AMENDMENTS TO CONSTITUTION AND BYLAWS</b> .....	<b>83</b>
<b>ARTICLE XX - ADOPTION OF CONSTITUTION AND BYLAWS</b> .....	<b>83</b>
<b>BYLAW I - OFFICERS AND COMMITTEES OF THE TRIBAL LEGISLATURE: DUTY TO VOTE STOCK OF MENOMINEE ENTERPRISES, INC.</b> .....	<b>83</b>
Section 1. Officers of the Tribal Legislature.....	83
Section 2. Committees of the Tribal Legislature.....	84
Section 3. Duty to Vote Stock of Menominee Enterprises, Inc.....	84
<b>BYLAW II - PROCEDURE OF THE TRIBAL LEGISLATURE</b> .....	<b>84</b>
Section 1. Meetings of the Tribal Legislature.....	84
Section 2. Ordinances, Resolutions, and Motions.....	84
Section 3. Tribal Records.....	85
Section 4. Posting Procedure.....	85
<b>BYLAWS III - GENERAL COUNCIL</b> .....	<b>85</b>
Section 1. Establishment Of General Council; Response To Recommendations.....	85
Section 2. Annual General Council Meeting.....	85
Section 3. Special General Council Meeting.....	85
Section 4. Election of Enrollment Committee.....	85
<b>BYLAW IV - OATH OF OFFICE</b> .....	<b>85</b>
<b>BYLAW V - DEFINITIONS</b> .....	<b>85</b>
<b>BYLAW VI - AMENDMENTS TO BYLAWS</b> .....	<b>86</b>
<b>NOTES:</b> .....	<b>86</b>

**CONSTITUTION AND BYLAWS OF THE  
MENOMINEE INDIAN TRIBE OF WISCONSIN**

**PREAMBLE**

We, the members of the Menominee Indian Tribe of Wisconsin, being a sovereign nation, in order to organize for the common good, to govern ourselves under our own laws and customs, to maintain and foster our tribal culture, to protect our homeland and to conserve and develop its natural resources, and to insure our rights guaranteed by treaty with the Federal Government, do establish and adopt the following Articles and Bylaws of this Constitution and Bylaws for the government, protection, and common welfare of the Menominee Indian Tribe of Wisconsin and its members.

**ARTICLE I - JURISDICTION**

The governmental powers of the Menominee Indian Tribe of Wisconsin, a federally recognized sovereign Indian Tribe, shall consistent with applicable Federal law extend to all persons, and subjects, to all lands and other property including natural resources, and to all waters and air space, within the exterior boundaries of the Menominee Indian Reservation, including any land which may hereafter be added to the Reservation under any law of the United States. The governmental powers of the Menominee Indian Tribe shall, consistent with applicable Federal law, also extend outside the exterior boundaries of the Reservation to any persons, subjects, or real property which are, or may hereafter be, included within the jurisdiction of the Tribe under any law of the United States or of the Tribe.

**ARTICLE II - TRIBAL MEMBERSHIP**

**Section 1. Requirements.**

Membership in the Menominee Indian Tribe shall consist of the following persons:

- (a) Those persons of one-quarter (¼) degree Menominee Indian blood whose names appear on the tribal roll compiled pursuant to subsection 4(c) of the Menominee Restoration Act (87 Stat. 771), and
- (b) Those persons who possess at least one-quarter (¼) degree Menominee Indian blood, and who are descendants of persons enrolled on the tribal membership roll compiled pursuant to subsection 4(c) of the Menominee Restoration Act (87 Stat. 771), and who are enrolled on the official tribal membership roll in accordance with procedures established by the Tribal Legislature by ordinance.
- (c) A person shall be removed from the tribal membership roll only in accordance with the procedures set forth in Section 5 of this Article.

**Section 2. Ineligibility For Membership or Automatic Forfeiture or Membership.**

No person shall be eligible to be a member of the Menominee Indian Tribe if that person is enrolled in another Indian Tribe. Any member of the Menominee Indian Tribe who applies to be and is accepted as a member of another Indian Tribe shall thereby automatically forfeit membership in the Menominee Indian Tribe and all rights and benefits to which tribal members are entitled by virtue of their membership.

**Section 3. Enrollment Committee.**

- (a) An Enrollment Committee composed of five (5) eligible tribal voters shall be elected or appointed, beginning in 1992 and every three years thereafter, at the Annual General Council meeting in accordance with Bylaw III, Section 4, of this Constitution and Bylaws. The members of the Enrollment Committee shall be subject to the supervision of the Tribal Legislature. If the Enrollment Committee is appointed, the Tribal Legislature, by majority vote, shall have the power to terminate any such appointment for good cause, and to make a new appointment. If the Enrollment Committee is elected, the members of the committee shall be subject to the terms of Article VII of this Constitution, including the provisions of Section 2, which shall govern the manner in which the Tribal Legislature may expel or suspend a member of the Enrollment Committee from office. In the event of any vacancy, the Legislature, by majority vote, shall within sixty days appoint a replacement for the remainder of the term.
- (b) The Enrollment Committee shall have the authority and duty to maintain a current and accurate official tribal membership roll in accordance with the provisions of this Article. The Enrollment Committee shall report at least four (4) times a year to the Tribal Legislature as to the current status of the roll. The Committee shall have the authority to investigate suspected errors in the roll, and where it deems appropriate in view of evidence, shall recommend changes in the roll to the Tribal Legislature.

**Section 4. Appeal From Denial of Membership Application.**

Any person whose application for membership in the Menominee Indian Tribe is denied shall have the right to appeal such adverse decision to the Tribal Judiciary, but only after exhausting all remedies available within the Tribal Legislature.

**Section 5. Removal From Membership Roll by Tribal Legislature.**

If, upon the report and recommendations of the Enrollment Committee, the Tribal Legislature determines that any person lacks a required membership qualification, proceedings shall be instituted against such person in Tribal Court to remove such person from the tribal membership roll. Only after a final decision is rendered in favor of the Tribal Legislature shall the affected person's name be removed from the tribal membership roll.

**Section 6. Voluntary Relinquishment of Membership.**

Members of the Menominee Indian Tribe may relinquish membership in the Tribe in accordance with procedures established by the Tribal Legislature. However, any member of the tribe who relinquishes membership voluntarily, or who forfeits membership by enrolling in another Indian Tribe, shall not again be eligible to enroll as

a member of the Menominee Indian Tribe.

**Section 7. Enforcement.**

The Tribal Legislature shall enforce this article by ordinance, provided that, the Tribal Legislature shall have no power to establish substantive requirements for membership in addition to those established in Section 1 of this Article, nor to waive any of these requirements.

**ARTICLE III - POWERS OF THE TRIBAL GOVERNMENT**

**Section 1. Powers of the Tribal Legislature.**

The Tribal Legislature, as established in Article IV of this Constitution, shall be vested with all executive and legislative powers of the Tribe including the power to make and to enforce laws, and including such powers as may in the future be restored or granted to the Tribe by any law of the United States, or other authority. The powers of the Tribal Legislature shall include those powers vested in the Tribe by Section 16 of the Indian Reorganization Act (48 Stat. 987), namely, to employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior; to prevent the sale, disposition, lease or encumbrance of tribal lands, interest in lands, or other tribal assets without the consent of the Tribe; and to negotiate with the Federal, State and local governments. This Constitution and Bylaws and ordinances of the Tribal Legislature adopted pursuant to this Constitution shall be the supreme law of the Menominee Indian Tribe and all persons subject to its jurisdiction. However, the Tribal Legislature shall exercise its powers consistent with the limitations imposed by this Constitution and Bylaws.

**Section 2. Powers of the Tribal Judiciary.**

The Tribal Judiciary, as established in Article V of this Constitution, shall be vested with all judicial powers of the Tribe including the following powers: to resolve controversies between and among persons where such controversies arise under this Constitution and Bylaws, tribal ordinances, the Constitution and laws of the United States, or the Constitution and laws of any state or Indian Tribe; and to decide cases in which a person is accused by the Tribe of committing an offense against the laws of the Tribe. The powers granted to the Tribal Judiciary by this Section shall include such judicial powers as may in the future be restored or granted to the Tribe by any law of the United States, or other authority. Decisions of the Tribal Judiciary shall be binding upon all persons within the jurisdiction of the Tribe. The Supreme Court of the Tribe shall be the final and supreme interpreter of this Constitution and Bylaws, and all tribal ordinances. However, the Tribal Judiciary shall exercise its powers consistent with the limitations imposed by this Constitution and Bylaws.

**Section 3. Separation of Powers.**

The Tribal Legislature and the Tribal Judiciary shall be separate and equal branches of the Tribal Government. Neither branch shall exercise the powers of the other, nor shall either branch have authority over the other branch except as may be granted by this Constitution and Bylaws.

**ARTICLE IV - THE TRIBAL LEGISLATURE**

**Section 1. Composition, Terms of Office, and Classes.**

- (a) The Tribal Legislature of the Menominee Indian Tribe of Wisconsin shall be composed of nine (9) members of the Tribe, elected at large by the eligible voters of the Tribe. Seven (7) of the offices shall be filled by tribal members who are residents on the Reservation. There shall be no residency requirement for the remaining two (2) offices.
- (b) Tribal Legislators shall serve terms of office of three (3) years. The nine (9) Tribal Legislators shall be divided into three (3) classes for the purpose of staggering terms of office. Each class shall be composed of three (3) Legislators. The terms of office of Tribal Legislators shall be staggered as follows:
  - (1) The term of office of the first class of Legislators shall expire upon assumption of office by the newly elected Legislators three (3) years following the first election of Legislators held pursuant to Section 5(c) of the Menominee Restoration Act (37 Stat. 772), and every third year thereafter.
  - (2) The term of office of the second class of Legislators shall expire upon assumption of office by the newly elected Legislators two (2) years following the first election of Legislators held pursuant to Section 5(c) of the Menominee Restoration Act (87 Stat. 772), and every third year thereafter.
  - (3) The term of office of the third class of Legislators shall expire upon assumption of office by the newly elected Legislators one (1) year following the first election of Legislators held pursuant to Section 5(c) of the Menominee Restoration Act (87 Stat. 772), and every third year thereafter.

**Section 2. Initial Division of Tribal Legislature Into Classes.**

The Tribal Legislators elected at the first election of the Tribal Legislature, held pursuant to Section 5(c) of the Menominee Restoration Act (87 Stat. 770) shall be initially divided into the three (3) classes as follows:

The three candidates receiving the highest number of votes shall be the first class; the three candidates receiving the highest number of votes after the first class shall be the second class; and the three candidates receiving the highest number of votes after the second class shall be the third class, provided that, if more than two (2) non-resident candidates are among the nine candidates receiving the highest number of votes, only the two non-resident candidates receiving the highest number of votes of the non-

resident candidates shall take office; the other seven (7) offices shall be filled with the seven (7) resident candidates receiving the highest number of votes of the resident candidates, in accordance with Section 1 (a) of this Article.

**Section 3. Election of Tribal Legislators.**

- (a) Any tribal member who satisfies the requirements of Section 4 of this Article may become a candidate for the office of Tribal Legislator by filing a nominating petition which shall comply with requirements as established by the Tribal Legislature by ordinance, and by complying with such other procedural requirements as may be established by the Tribal Legislature by ordinance.
- (b) The Tribal Legislature shall by ordinance set the date on which elections to fill offices of the Tribal Legislature shall be held.
- (c) With candidates placed in order of number of votes received from the highest to the lowest, offices shall be filled beginning with the candidate who received the highest number of votes, and proceeding down the order, provided that, no more than two (2) offices of the Tribal Legislature shall be filled by non-resident tribal members, in accordance with Section 1(a) of this Article.
- (d) If in any election to fill an office or offices, the number of candidates running exceeds three (3) per office, the Election Commission shall hold a primary election to select those candidates who shall run for office in the main election. The number of candidates to be selected in such primary election shall be determined by multiplying the number of offices to be filled by two (2).

**Section 4. Requirement for Candidates For Election To The Tribal Legislature and For Tribal Legislators.**

- (a) To be eligible to be a candidate for election to the Tribal Legislature, a person must be a member of the Tribe, at least twenty-five years of age as of the date on which the election is held. No person shall be eligible to be a candidate for election to the Tribal Legislature who has been convicted of a major crime as defined in Bylaw V of this Constitution and Bylaws, unless the Tribal Judiciary, in accordance with such rules as it may establish, certifies that the person in question is rehabilitated. Such certificate of rehabilitation shall be based upon the person's record of behavior since the conviction.
- (b) In any election in which it is necessary to fill all open offices with residents on the Reservation in order that seven (7) offices will be filled by residents on the Reservation, in accordance with Section 1 (a) of this Article, only persons who are residents on the Reservations shall be eligible to be candidates for election to the Tribal Legislature.
- (c) Tribal Legislators while holding office shall be members of the Menominee Indian Tribe. Any Tribal Legislator elected while a resident of the Reservation shall maintain residence of the Reservation while holding office. If any Tribal Legislator ceases to be a member of the Tribe, or if any Tribal Legislator elected while a resident on the Reservation ceases to maintain residence on the Reservation, the affected Legislator shall be expelled in accordance with Section 2 of Article VII of this Constitution. In addition, if any Tribal Legislator is convicted while holding office of a major crime as defined in Bylaw V of this Constitution and Bylaws, the office of the affected Legislator shall be deemed vacant in accordance with Section 3 of Article VII of this Constitution.

**Section 5. Consecutive and Simultaneous Terms of Office.**

No person shall be eligible to be elected to more than three (3) consecutive terms of office of Tribal Legislator, nor shall any person serve more than one term of office at the same time.

**Section 6. Community Committees of the Tribal Legislature.**

The Tribal Legislature shall establish standing committees each of which shall be composed of three Legislators. Each such standing committee shall be assigned to a community on the Reservation as defined by the Tribal Legislature. It shall be the duty of each standing committee to maintain constant communication with the community to which it is assigned for the purpose of determining the needs and concerns of that community. It also shall be the duty of each community committee to hold quarterly community meetings and to inform the Tribal Legislature of any needs or concerns of that community.

**Section 7. Administration of Tribal Government.**

The Tribal Legislature shall by ordinance establish a plan for the administration of the government of the Tribe; provided that, this Section shall not be construed to include the administration of the Tribal Judiciary.

**Section 8. Powers and Duties.**

The powers and duties of the officers of the Tribal Legislature are set forth in the Bylaws of this Constitution.

**ARTICLE V - THE TRIBAL JUDICIARY**

**Section 1. Structure.**

- (a) The Tribal Judiciary shall be composed of one Supreme Court and of such lower courts as are designated to be established in this Article, and as may be established by ordinance by the Tribal Legislature as it deems appropriate to meet the needs of the Tribe.
- (b) The Supreme Court of the Tribe shall have jurisdiction over appeals from all final decisions of the lower courts of the Tribe. The Supreme Court shall be composed of three (3) Judges. Supreme Court Judges may, if necessary and if so instructed by the Tribal Legislature, also serve as Judges of the lower courts; however, in such a situation, the Supreme Court Judge shall be disqualified from participating in a review of any decision entered by him or her while sitting as a lower court judge.

- (c) The Tribal Legislature shall, promptly after the adoption of this Constitution and Bylaws, determine and establish the number of lower trial courts necessary to serve the judicial needs of the Tribe. Such trial courts shall have general and original jurisdiction over all cases and controversies of a civil or criminal nature. Each trial court shall be presided over by one Judge.
- (d) If the Tribal Legislature establishes special kinds of lower courts with original jurisdiction over specified subject areas, the Tribal Legislature shall specify whether such jurisdiction is exclusive or concurrent with the jurisdiction of the trial courts established in subsection (c) of this Section.
- (e) If the Tribal Legislature establishes an intermediate level of courts to hear appeals from all final decisions of the lower courts, the Supreme Court shall hear appeals only from decisions of the intermediate courts of appeals. In addition, the Tribal Legislature may authorize the Supreme Court to exercise its discretion in all or designated kinds of cases in deciding whether to hear an appeal in any particular case.

**Section 2. Appointment and Term of Office.**

- (a) The Tribal Legislature shall by ordinance, establish a procedure for selection of judges.
- (b) Tribal Judges shall be appointed by six (6) or more votes of the Tribal Legislature.
- (c) Lower Court Judges shall be appointed to a term of three (3) years.
- (d) Supreme Court Judges shall be appointed to a term of four (4) years.

**Section 3. Compensation.**

Tribal Judges shall receive for their services a reasonable compensation, as fixed from time to time by the Tribal Legislature. The Tribal Legislature shall not diminish the compensation of a Tribal Judge during his or her term of office.

**Section 4. Qualifications and Disqualifications.**

- (a) To hold the office of Tribal Judge, a person shall be a member of the Tribe, a resident on the Reservation during his/her term of office, at least thirty five (35) years of age, having a minimum education of a high school graduate or a General Education Diploma (G.E.D.), and shall demonstrate fitness and competency for the office by taking appropriate examinations, relevant to demonstrate competence for the office of Tribal Judge.
- (b) No person shall be eligible to be appointed to the office of Tribal Judge who has been convicted of a major crime as defined in Bylaw V of this Constitution and Bylaws, unless the Tribal Judiciary, in accordance with such rules as it may establish, certifies that the person in question is rehabilitated. Such certificate of rehabilitation shall be based upon the person's record of behavior since the conviction. No Tribal Judge who is convicted of a major crime as defined in Bylaw V of this Constitution and Bylaws shall continue to hold office.

**Section 5. Removal From Office By Tribal Legislature and Automatic Vacancies.**

- (a) Tribal Judges may be removed from office by the Tribal Legislature by the Legislature by the affirmative vote of at least seven-ninths (7/9) of the entire Legislature, but only upon grounds of inability to carry out the duties of the office; failure to carry out the duties of the office; or lack of a requisite qualification for serving as a Tribal Judge. The Tribal Legislature shall notify the Tribal Judge in question and the Supreme Court, in writing, not less than twenty (20) days prior to the meeting at which the Judge's removal is to be considered and voted upon. The notice shall specify the charge or charges and shall state the facts in support thereof. The Tribal Judge in question shall have full opportunity at the meeting at which his or her removal is to be considered and decided upon to examine all witnesses against him or her and to have his or her own witnesses to testify in his or her behalf. The decision of the Tribal Legislature shall be final and not appealable to the Tribal Judiciary. The Supreme Court, may upon receipt of notice of the removal charges, suspend the Tribal Judge in question from office with or without compensation pending final action of the Tribal Legislature at the meeting.
- (b) The office of any Tribal Judge who is convicted of a major crime as defined in Bylaw V of this Constitution and Bylaws, who dies, or who resigns shall be deemed to be automatically vacant. Resignation from office shall be written and shall be deemed to be effective as of the date tendered unless otherwise designated in the resignation document.

**Section 6. Rules of Tribal Courts.**

The Supreme Court shall by order establish written rules of procedure and ethics for all Tribal Courts. Such rules may from time to time be amended as deemed necessary or appropriate by the Supreme Court. The Supreme Court shall consult with the Judges of the lower courts in establishing rules of procedure for the lower courts.

**Section 7. Records and Court Clerk.**

The Supreme Court shall implement the system of keeping records of proceedings of the Tribal Judiciary in accordance with Section 3(b) of Bylaw II of this Constitution and Bylaws. The Supreme Court shall appoint a court clerk which shall be responsible for keeping the records of the Judiciary and generally for administering the daily business of the Judiciary.

**Section 8. Appropriations.**

The Tribal Legislature shall give priority for appropriations of such funds as may be necessary to enable the Tribal Judiciary to carry out the provisions of this Article.

**Section 9. Enforcement.**

In implementing this Article, the Tribal Legislature shall act by ordinance.

**ARTICLE VI - TRIBAL ELECTIONS****Section 1. Voter Requirements.**

Any member of the Menominee Indian Tribe who is eighteen (18) years of age or older on the date of the tribal election in question shall be eligible to vote in tribal elections.

**Section 2. Voting.**

Except as may be otherwise specified in this Constitution, voting in tribal elections shall be by secret ballot cast at polls established on the Reservation. Absentee voting and write-in voting shall be permitted in accordance with such procedures as shall be established by the Tribal Legislature. Proxy voting and cumulative voting shall not be permitted in tribal elections.

**Section 3. Action By The Tribe: Approval - Disapproval, Consent - Rejection.**

Except as may be otherwise specified in this Constitution, the vote of a majority of the eligible tribal voters voting in a tribal election shall constitute action by the Tribe, including tribal approval or disapproval, and tribal consent or rejection.

**Section 4. Regular and Special Elections.**

The Tribal Legislature shall provide for the holding of regular elections, including establishing dates, times and places for holding such elections. The Tribal Legislature shall also provide for the holding of special elections by establishing the procedure by which such elections may be called and held with adequate notice provided to Tribal voters.

**Section 5. Tribal Election Commission.**

- (a) A Tribal Election Commission composed of three (3) eligible voters of the Menominee Indian Tribe shall be appointed and supervised by the Tribal Judiciary.
- (b) The Tribal Election Commission shall be responsible for enforcing tribal election laws subject to the supervision of the Tribal Judiciary. The duties of the Tribal Election Commission shall include but not be limited to the following:
  - (1) Maintain a current list of eligible voters of the Menominee Indian Tribe.
  - (2) Conduct tribal elections; and
  - (3) Certify the results of tribal elections.
- (c) The Tribal Election Commission shall perform such other duties as may be delegated to the Commission by this Constitution, by ordinance, or by the Tribal Judiciary.
- (d) The Tribal Election Commission may be authorized to issue such rules as may be necessary to carry out tribal election ordinances.

**Section 6. Elections Which Result In Ties.**

In any tribal election which results in a tie between two or more candidates, the tie shall be broken by some means of chance agreed upon by the candidates involved. In any tribal election which results in a tie as to the approval or disapproval of an issue, the issue shall be determined defeated.

**Section 7. Disputed Elections.**

Any eligible voter or group of eligible voters of the Menominee Indian Tribe may challenge the validity of the results of any tribal election on the ground that such election was conducted in violation of this Constitution and Bylaws, or of tribal ordinance or of any provision of the Indian Civil Rights Act (25 U.S.C. §1301-1302). Such challenge shall be commenced within ten (10) days after the Tribal Election Commission certifies the results of the election by a written complaint filed in a Tribal Court of the Tribe. The complaint shall (1) specifically charge the person or persons alleged to have violated the law with having committed an offense against this Constitution and Bylaws, or tribal ordinance or a provision of the Indian Civil Rights Act (25 U.S.C. §1301 and 1302), and (2) specify the constitutional provision or provisions, or the tribal ordinance, or the provision of the Indian Civil Rights Act alleged to have been violated, and (3) state the facts alleged to have been violated, and (4) state the facts alleged to support such charge or charges. Upon filing of such complaint, the Tribal Court shall promptly hold an initial hearing at which evidence is received from the complainant or complainants in support of the charges in the complaint. Any person or persons charged in the complaint shall have full opportunity to respond at the hearing to the charges and evidence offered in support of the complaint. At the conclusion of the initial hearing the Court may make a final decision in the case either dismissing the complaint or granting the relief sought; or the Court may order interim relief pending further investigation and hearings in the case. If the disputed election involves the filling of a tribal office, and the Court decides that further investigation and hearings are necessary, the Court shall, at the conclusion of the initial hearing, specifically grant or deny permission to fill the office pursuant to the election results pending further investigation and hearing and a final decision on the charges.

The Court may at the conclusion of the initial hearing and in the interests of justice, appoint an unbiased commission to investigate the charges further and to present any evidence gathered to the Court at a hearing at which both sides in the case have opportunity to be heard, to present evidence and to question the commission. At the conclusion of all hearings, the Court shall decide whether the charges have been proven. If the Court determines one or more of the charges have been proven, the Court shall provide such relief as is appropriate, which may include invalidating the tribal election in question and ordering a new election to be held.

**Section 8. Duty To Enforce This Article.**

- (a) The Tribal Legislature shall enforce Sections 1 through 4 of this Article by ordinance, provided that, the Tribal Legislature shall not establish substantive requirements for voting eligibility in addition to those established in Section 1 of this Article.
- (b) The Supreme Court of the Tribe shall implement Sections 5 through 7 of this

Article by appropriate Court Order.

**ARTICLE VII - REMOVAL OF ELECTED OFFICIALS FROM OFFICE, AUTOMATIC VACANCY, AND THE FILLING OF VACANCIES.****Section 1. Recall.**

- (a) Any elected official of the Menominee Indian Tribe of Wisconsin be recalled from office at any time after holding office for one (1) year, by the eligible voters of the Tribe in accordance with the procedure set forth in subsection (b) of this Section; provided that, recall shall not be a remedy against alleged action by a tribal official which may constitute a crime against the ordinances of the Tribe or the laws of the United States.
- (b) The procedure by which an elected official may be recalled shall be as follows:
  - (1) Petitioners' Committee. Any one hundred (100) eligible voters of the Tribe may commence recall proceedings by filing with the Tribal Election Commission an affidavit stating their names, and addresses, the names and addresses of three (3) representatives of the petitioners' committee, and the address to which all notices, regarding the petition are to be sent; and stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form; and naming the tribal official sought to be recalled; and stating in not more than one hundred (100) words the specific reasons upon which it is alleged that the named tribal official should be recalled. If more than one official is sought to be recalled, there shall be separate affidavits of charges filed for each such official. The Tribal Election Commission shall promptly thereafter serve a copy of the affidavit of the petitioners' committee upon the named official in person or by registered mail. The named official shall have fifteen (15) days after receipt of service of the affidavit of charges to file an affidavit in defense with the Tribal Election Commission answering the charges made against him or her in not more than one hundred (100) words.
  - (2) Issuance of Petition Forms. The Tribal Election Commission shall within five (5) work days after the filing of the affidavit in defense by the named tribal official, prepare a recall petition form consisting of the affidavit of charges, the affidavit in defense, and spaces for signature and addresses. The Tribal Election Commission shall certify and issue to the petitioner's committee an appropriate number of such recall petition forms. If more than one tribal official is sought to be recalled, separate recall petition forms shall be prepared, certified and issued for each such official.
  - (3) Circulation of Petitions. The recall petition may be circulated for signature for thirty(30) days following its issuance by the Tribal Election Commission. The petition must be signed by at least twenty-five percent (25%) of the total number of voters eligible to vote in the election in which the official sought to be recalled was elected. Each recall petition shall be the responsibility of one person who shall, upon filing the completed petition, attach his or her personal affidavit to the petition stating that he or she personally witnessed the signing of each signature and corresponding address contained in the petition, and that he or she believes each signature and corresponding address to be the name and address of the person who signed them, and that each person who signed the petition read or had explained to him or her the full text of the petition and the purpose of the petition. The recall petition with the requisite number of signatures shall be filed with the Tribal Election Commission. Within five (5) work days after the filing of the recall petition, the Tribal Election Commission shall certify whether the recall petition contains the requisite number of valid signatures, and is otherwise sufficient.
  - (4) Certificate of Sufficiency.
    - (a) If the petition is certified insufficient because of a lack of the requisite number of signatures, the petitioners' committee shall be promptly notified, and they shall have ten (10) days after receipt of notification to supplement the petition with additional signatures on certified recall petitions issued by the Tribal Election Commission, and to file such supplemental petition with the Commission. The Tribal Election Commission shall within two (2) work days after the filing of the supplemental petition certify as to the sufficiency of the recall petition as supplemented. If the petition is again certified insufficient, the petitioners' committee shall be notified and may appeal such decision to the Tribal Judiciary in accordance with the rules of court procedure. Pending a final decision by the Tribal Judiciary, a new recall petition against the same official shall not be commenced for the same cause.
    - (b) If the recall petition is certified sufficient, the Tribal Election Commission shall, within ten (10) work days after it certifies the validity of the recall petition, set a date for a recall election to be held. Such recall election shall be held within thirty (30) days after the filing of the recall petition with the Commission and shall provide notice of such election date by posting notices at public places on the Reservation and in appropriate urban areas, and publishing a notice in at least one newspaper with a wide circulation among eligible tribal voters on the Reservation.
  - (5) Recall Election.
    - (a) The ballot for the recall election shall, for each official sought

to be recalled, if more than one, state the grounds set forth in the recall petition for demanding such recall as well as the answer of the official sought to be recalled in his defense; and the ballot shall set forth the following question: Shall (name of the official sought to be recalled) be recalled from the office (title of office). Following such question shall be two choices of words, "yes" or "no", on separate lines with the blank space to the right of each in which the voter shall indicate by marking a cross (X), his vote for or against recall.

- (b) The affirmative vote of sixty percent (60%) of those voting at the recall election shall be sufficient to effect a recall of the official from office, provided that, at least thirty percent (30%) of the total number of eligible voters vote in the recall election. In the event the official is recalled, the office shall be deemed vacant and shall be filled in accordance with Section 4 of this Article.

### **Section 2. Expulsion and Suspension of Tribal Legislators.**

- (a) The Tribal Legislature shall by affirmative vote of two-thirds (2/3) of the entire Legislature expel a member of the Legislature from office on grounds of failure to attend three (3) successive regular meetings of the Tribal Legislature in a given Legislative year, without good reason as determined by the Tribal Legislature, lack of a required qualification for holding office, occurrence of a disqualification for office, or misuse of funds.
- (b) The Legislator sought to be expelled shall be notified in person or by registered mail at least ten (10) days before the holding of any meeting at which the Legislator's expulsion from office is to be considered. The notice shall set forth the alleged grounds for expulsion with specificity. The Legislator in question shall be given full opportunity to be heard at such meeting and to confront any and all witnesses against him/her. If the Tribal Legislature votes to expel the Legislator in question, the grounds for removal shall be set forth with specificity in the minutes of the meeting, and the Legislature's decision shall be subject to prompt review by the Tribal Judiciary at the request of the expelled legislator.
- (c) In the event the decision of the Tribal Legislature to expel the Legislator in question is upheld by the Tribal Judiciary, the office shall be deemed vacant and shall be filled in accordance with Section 4 of this Article.
- (d) A Tribal Legislator may be suspended from office pending the appeal of the Legislator's conviction of a major crime by the vote of a majority of the total number of Tribal Legislators.

### **Section 3. Automatic Vacancies**

- (a) The office of any elected tribal official who dies or resigns, who is convicted of a major crime, as defined in Bylaw V of this Constitution and Bylaws, shall be deemed to be automatically vacant. Resignation of office shall be written and shall be deemed to be effective as of the date tendered unless otherwise designated in the resignation document.
- (b) Any vacancy in office which occurs under this section shall be filled in accordance with Section 4 of this Article.

### **Section 4. The Filling of Vacancies In Office.**

- (a) Any vacancy in the office of an elected tribal official shall be filled as follows:
- (1) If the term of the office in question has more than one (1) year to run from the date of vacancy, the Tribal Legislature shall appoint within sixty (60) days an eligible Tribal member to fill such vacancy until the next tribal election; provided that, the Tribal Legislature shall exercise this right of appointment only once in any Legislative year. If any additional vacancies occur in the same year, they shall be filled by a special election.
  - (2) If the term of the office in question has one (1) year to run, the Tribal Legislature shall within two (2) months appoint by a majority vote of the total number of Legislators, an eligible tribal member to fill the office; provided that, if a special election is required to fill one or more other vacancies pursuant to subsection (a) (1) of this Section. The Tribal Legislature shall submit all vacancies to election.
- (b) Any special election required to be held under this Article shall be conducted in accordance with applicable provisions of this Constitution and Bylaws and with applicable tribal ordinance. If a regular election is scheduled to be held within the time permitted to hold a special election, all issues shall be submitted to vote at the regular election.
- (c) Any tribal official who, by operation of this Article, vacates his office shall not be eligible to succeed himself in that office.
- (d) If, by reason of vacancies in office, the remaining members of the Tribal Legislature constitute less than five (5), the Election Commission shall cause all vacant offices to be filled by special election held in accordance with applicable provisions of this Constitution and Bylaws and applicable tribal ordinance.
- (e) Any tribal member appointed to office under the provisions of this section shall be deemed to be subject to all provisions of this Article, and other Articles and Bylaws of this Constitution and Bylaws, and to other tribal ordinances generally applicable to elected tribal officials, and to his or her particular office.

### **Section 5. Tribal Judiciary Excluded.**

This Article shall not be applicable to the removal of Tribal Judges, nor to the filling of any vacancies in the office of Tribal Judge.

## **ARTICLE VIII - INITIATIVE AND REFERENDUM**

### **Section 1. General Authority**

- (a) Initiative. Eligible voters of the Tribe may propose any ordinance to the Tribal Legislature for consideration, in accordance with the procedures set forth in this Article, except ordinances concerning the budget of the tribal government, appropriations of funds, levy of taxes, salaries of tribal officials, employees or appointees, or ordinances establishing tribal businesses. If the Tribal Legislature votes not to enact the proposed ordinance, or if the Tribal Legislature votes to enact the proposed ordinance with substantive amendments, the proposed ordinance, in the original form and in the amended form if any, shall be submitted to the eligible voters of the Tribe at a tribal election for their approval or rejection in accordance with Section 5 of this Article.
- (b) Referendum.
- (1) By action of eligible voters. Eligible voters of the Tribe may require the Tribal Legislature to consider the repeal of any ordinance, in accordance with the procedure set forth in this Article, except ordinances concerning the budget of the tribal government, appropriations of funds, levy of taxes, salaries of tribal officials and employees or appointees, emergency ordinances, or ordinances establishing tribal businesses. And, if the Tribal Legislature fails to repeal such ordinance, the ordinances shall be submitted to the eligible voters of the Tribe at a tribal election for their approval or repeal in accordance with Section 5 of this Article.
  - (2) By action of the Tribal Legislature. The Tribal Legislature, on its own motion, may submit at a tribal election any proposed ordinance or other proposed action of the Legislature to a vote of the eligible voters of the Tribe for their approval or rejection.

### **Section 2. Procedure.**

- (a) Petitioners' Committee. Any twenty-five (25) eligible voters of the Tribe may commence initiative or referendum proceedings by filing with the Tribal Election Commission an affidavit (1) stating their names, addresses and the address to which all notices regarding the petition are to be sent, and (2) that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form and (3) if an initiative petition is involved, setting forth in full the proposed ordinance to be subject to this initiative proceeding; provided that, referendum proceedings shall be commenced no later than thirty (30) days after the Tribal Legislature enacts the ordinance.
- (b) Issuance of Petition Forms. Promptly upon filing the affidavit of the petitioners' committee, the Tribal Election Commission shall prepare and issue an appropriate number of certified petition forms to the Committee.
- (c) Petitions.
- (1) Form and Content. Each petition form issued to the committee shall contain the full text of the ordinance in question. Every petition form issued shall be numbered and recorded. Every page of each petition form shall be attached as one instrument, shall be numbered as part of the whole, i.e., page 1 of 10 pages, and shall be certified as a page of the petition by the Tribal Election Commission. Every signature on the petition shall be followed by the address of the person who signed.
  - (2) Number of signatures. Both initiative and referendum petitions must be signed by at least fifteen percent (15%) of the total number of eligible tribal voters.
  - (3) Affidavit of Circulator. Each petition shall be circulated by one person and upon filing a completed petition, that person shall attach his or her personal affidavit to the petition stating that he or she personally witnessed the signing of each signature and corresponding address contained in the petition, and that he or she believes each signature and corresponding address to be the name and address of the person who signed them, and that each person who signed the petition read or had explained to him or her the full text of the ordinance in question, and the purpose of the petition.
- (d) Time for Filing Petitions. Initiative or referendum petitions must be circulated and filed within thirty (30) days after issuance by the Tribal Election Commission.
- (e) Certificate of Sufficiency. Within five (5) work days after a petition is filed, the Tribal Election Commission shall certify as to its sufficiency.
- (1) If Certified Insufficient. If the petition is certified insufficient, the Tribal Election Commission shall state in the certificate with particularity the reasons it is insufficient. A copy of the certificate of insufficiency shall be promptly sent to the petitioners' committee by registered mail, or served personally upon the committee. A petition certified insufficient for lack of required number of valid signatures may be supplemented once, and for this purpose an appropriate number of petition forms shall be mailed or given personally to the petitioners' committee along with the certificate of insufficiency. Such supplemental petition shall comply with the requirements of this section. Petitioners' committee shall have fifteen (15) days after receipt of the certificate of insufficiency to file a supplemental petition with the Tribal Election Commission. Within five (5) days after the filing of the supplemental petition, the Tribal Election Commission shall certify as to the sufficiency of the petition as supplemented and promptly send a copy of such certificate to the petitioners' committee by registered mail, or shall serve a copy personally upon a member of the committee.
  - (2) If Certified Sufficient. If an original petition or a petition as supplemented in accordance with Section 2(e) (1) of this Article is certified as sufficient by the Tribal Election Commission, a copy of the certificate of sufficiency shall promptly be sent by registered mail to or served personally upon the

petitioners' committee, and the certificate of sufficiency shall promptly be presented to the Tribal Legislature.

- (f) Review of Determination of Sufficiency. The final determination of the Tribal Election Commission in accordance with the procedure in Section 2(e) (1) of this Article that an initiative or a referendum petition is insufficient shall be reviewable as follows: The petitioners committee must file a request for review with the Tribal Chairperson within ten (10) days after receipt of the final certificate notifying them of the insufficiency of their petition. Review shall first be made by the Tribal Legislature at its next meeting following the filing of the request for review. If the Tribal Legislature affirms the finding of the Tribal Election Commission, that decision may be appealed to the Tribal Judiciary in accordance with the rules of court procedure. Pending a final decision by the Tribal Judiciary, a new petition concerning the same matter may not be commenced.
- (g) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the final certification of sufficiency by filing with the Tribal Election Commission a request for withdrawal signed by majority of the petitioners' committee. The petition shall have no further force or effect and all proceedings thereon shall be terminated.

### **Section 3. Referendum Petitions; Suspension of Effects of Ordinance In Question.**

When a referendum petition is certified as sufficient by the Tribal Election Commission in accordance with the procedure set forth in Section 2 of this Article, the ordinance in question shall be suspended, if in effect, or from taking effect, if not in effect. Such suspension shall terminate if the petitioners' committee withdraws its petition or if a majority of eligible voters on submission of the ordinance in question to them for vote, vote to retain the ordinance.

### **Section 4. Action on Petitions.**

- (a) Action by Tribal Legislature. When an initiative or referendum petition has been determined sufficient, the Tribal Legislature shall:
- (1) Enact the ordinance as submitted by an initiative petition; or
  - (2) Repeal the ordinance, or part thereof, referred by a referendum petition; or
  - (3) Decide to submit the proposal in a petition to the eligible voters of the Tribe; provided, however, that, the Tribal Legislature may change detailed language of any proposed initiative ordinance and may affix title thereto, so long as the general character of the measure will not substantially altered.

Appropriate action by the Tribal Legislature shall be taken under this subsection within fifteen (15) days after a referendum petition is certified sufficient, and within thirty (30) days after an initiative petition is certified sufficient.

- (b) Submission to Voters. The election on an initiated or referred ordinance shall be held within thirty (30) days after the date of the final Tribal Legislature vote thereon. Copies of the initiated or referred ordinance shall be made available to eligible voters not less than ten (10) days before the election and also at the polls at the time of the election.

### **Section 5. Results of Election.**

- (a) Initiative. If a majority of the eligible tribal voters voting on a proposed initiated ordinance vote in its favor, it shall be considered effective upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greater number of affirmative votes shall prevail.
- (b) Referendum. If a majority of the eligible tribal voters voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results. If a majority of the eligible tribal voters voting on a referred ordinance vote to approve such ordinance, it shall be considered approved upon certification of the election results.
- (c) Voting Percentage Requirements. No initiative or referendum election shall be effective unless at least fifteen percent (15%) of the total number of eligible voters vote in that election.

### **Section 6. Re-enactment, Amendment or Repeal.**

An ordinance initiated and adopted by the tribal voters may not be amended or repealed by the Tribal Legislature for a period of six (6) months after the date of the election at which it was adopted, and an ordinance referred and repealed by the tribal voters may not be re-enacted by the Tribal Legislature for a period of six (6) months after the date of the election at which it was repealed; provided, however, that, any such ordinances may be amended or repealed at any time by compliance with the provisions of this Article.

## **ARTICLE IX - RIGHTS OF TRIBAL MEMBERS AND OTHER PERSONS SUBJECT TO TRIBAL JURISDICTION**

### **Section 1. Hunting, Fishing, Trapping, Gathering.**

In addition to such other rights as are guaranteed by this Constitution and Bylaws, members of the Menominee Indian Tribe of Wisconsin shall have the right to hunt, fish, trap, and gather food from plants subject only to those tribal laws which are necessary to conserve these natural resources of the Tribe; provided that, this right shall not include the right to engage in commercial uses of such tribal resources; such right is reserved to the Tribe acting through its Tribal Legislature in accordance with Section 2 of Article X of this Constitution. Non-tribal members shall have no right to hunt, fish, trap, and gather foods from plants except as may be permitted by tribal ordinance approved by the Tribe in accordance with Section 3 of Article VI of this Constitution.

### **Section 2. Rights of Persons Subject To Tribal Jurisdiction.**

The Menominee Indian Tribe and its officers and agencies in exercising the powers of

self-government over persons subject to tribal jurisdiction shall not:

- (a) Establish an official government religion;
- (b) Make or enforce any law (1) prohibiting the free exercise of religion or of the dictates of conscience, or (2) abridging the freedom of speech or of the press, or of peaceful assembly or association, or the right to petition for a redress of grievances;
- (c) Violate a person's right to be safe against unreasonable searches and seizures of person and property;
- (d) Permit searches and seizures unless a Tribal Court issues a warrant upon a sworn statement presented to the Tribal Court showing reasonable grounds to believe that an offense against the tribal law has been committed and that the person or place to be searched holds evidence of the offense or that the persons to be seized committed the offense; or that the thing to be seized is evidence of the offense, and describing specifically the person or place to be searched or the person or thing to be seized; provided that, searches and seizures may be permitted without a warrant where justified by compelling circumstances as shall be defined by ordinance.
- (e) Subject any person for the same offense to be put in jeopardy of loss of liberty more than once;
- (f) In any criminal proceeding against any person:
  - (1) Compel such person to be a witness against the person's own interest including any instance where the person's testimony reasonably might lead to the institution of criminal proceedings against that person;
  - (2) Deny such person the right to:
    - (a) a speedy and public trial;
    - (b) to be informed of the nature and cause of the accusation;
    - (c) to confront adverse witnesses;
    - (d) to have witnesses in such person's favor compelled to appear to testify; and
    - (e) to have, at such person's own expense, the assistance of counsel in defending against the accusation.
  - (3) Deny to any person who is accused of a major offense as defined in Bylaw V of this Constitution & Bylaws, the right to a trial by jury of not less than six (6) persons, provided that, such person affirmatively requests such right and further provided that any person accused of an offense not punishable by imprisonment, shall have such right only at such person's own expense.
  - (4) Require excessive bail, impose excessive fines, or inflict cruel and unusual punishments.
- (g) Deny to any person the equal protection of tribal laws, provided that, this clause shall not be interpreted to grant to non-tribal members those rights and benefits to which the tribal members are entitled by virtue of their membership in the Tribe.
- (h) Deprive any person of liberty or property (1) without fully complying with procedural processes of tribal law, or (2) application of tribal laws which have no reasonable relation to the purpose for which they were enacted; and
- (i) Enact any law imposing punishment on one person, or enact any law which makes an action a crime which was not a crime when such action was committed, or which increases punishment for a crime committed before the effective date of the law, or which deprives a person in any accusatory proceeding of any substantial right or immunity to which the person was entitled before the effective date of the law.

## **ARTICLE X - LIMITED POWER OF TRIBAL LEGISLATURE TO TRANSFER OWNERSHIP OF, OR TO ENCUMBER, TRIBAL, LAND OR INTERESTS THEREIN**

### **Section 1. Limited Power To Transfer Tribal Land Out of Tribal Ownership.**

The Tribal Legislature shall not transfer land or interests therein out of tribal ownership by any means unless, prior to any such proposed transfer taking effect, such proposed transfer is approved by a vote of two-thirds (2/3) of the total number of eligible voters of the Tribe, by the Secretary of the Interior, and by an Act of Congress; however, the Tribal Legislature may exchange tribal land for land of equal value, but any such proposed exchange, prior to becoming effective, shall be approved by a vote of the Tribe in accordance with Section 3 of Article VI of this Constitution.

### **Section 2. Limited Power to Encumber Tribal Land**

- (a) Except as permitted in subsection (b) of this Section, the Tribal Legislature shall not pledge, mortgage, lease, grant licenses to use land, whether revocable or irrevocable, or otherwise encumber tribal land or interests therein, unless, prior to any such proposed encumbrance taking effect, such proposed encumbrance is approved by the Secretary of the Interior, and by a vote of a majority of the eligible tribal voters voting on the question, provided that, the total vote cast is at least fifteen percent (15%) of those entitled to vote.
- (b) The Tribal Legislature may authorize the following encumbrances by a vote of a majority of the entire Tribal Legislature:
  - (1) Grants of permission to members of the Tribe and to qualified non-members, in accordance with Article XI of this Constitution, to use specified portions of tribal land for residential, agricultural, commercial, recreational, or industrial purposes.
  - (2) Leases to members of the Tribe of specified portions of tribal land for residential, agricultural, commercial, recreational, or industrial purposes.
  - (3) Grants of rights-of-way over tribal land or interests therein, for the purpose of providing municipal services, such as water, sewage disposal, electricity, telephone, and roads, to and for the benefit of tribal members, or the heirs and descendants of tribal members who hold a land use assignment pursuant to Section 2 of Article XI of this Constitution, or a

lease.

- (4) Leases to United States or its agencies for the purposes of meeting eligibility requirements for federal housing programs; provided that, the term of such a lease shall be for the minimal period of time.

**Section 3. Limited Power To Develop Natural Resources.**

The Tribal Legislature shall not develop on a commercial or industrial basis any natural resources of the Tribe without the consent of a majority of the total number of eligible voters of the Tribe, except as otherwise specified in Article XI, Section 2 (d).

**Section 4. Principle of Construction.**

Section 2 of this Article shall not be construed to deny to the Tribal Legislature its governmental power and authority to regulate activities of tribal land for the Tribe's general welfare, including but not limited to, zoning, the regulation of commercial ventures, fishing, hunting, and other sports activities, and regulations for the purpose of promoting health, safety, welfare, and conservation.

**ARTICLE XI - USE OF TRIBAL LAND BY TRIBAL MEMBERS AND QUALIFIED NON-TRIBAL MEMBERS**

**Section 1. Land Use and Natural Resources Conservation Plan.**

- (a) Land Use and Natural Resources Conservation Plan.  
The Tribal Legislature shall by ordinance establish a comprehensive land use and natural resources conservation plan, for lands and natural resources subject to tribal jurisdiction. Such plan shall include rules and procedures by which tribal members, and non-tribal members who qualify under Section 2 of this Article, may obtain permission to use a specified parcel of tribal land for residential, agricultural, commercial, recreational, or industrial purposes, however, such permission shall not include any subsurface rights except as specifically authorized by the plan. Such plan shall also include rules and procedures by which tribal members may use the natural resources of the Tribe consistent with principles of conservation.
- (b) Land Use Assignments.  
Permission to use tribal land for the purposes specified in subsection (a) of this Section shall be evidenced by a land use assignment issued to persons who qualify under Section 2 of this Article, in accordance with the land use plan. Copies of such assignments shall be filed and recorded by the Appropriate Tribal Official.
- (c) Land Use Assignments Not Transferable.  
Permission to use tribal land shall be a right granted only to the person designated in the land use assignment. Such permission shall not be transferable by the permittee during his or her lifetime, and shall pass upon the death of the permittee in accordance with regulations and procedures established by the Tribal Legislature by ordinance.

**Section 2. Use of Tribal Land By Non-Tribal Members.**

- (a) General Prohibition.  
Except as otherwise specified in this section persons who are not members of the Menominee Indian Tribe shall not be permitted to use tribal land for any purpose.
- (b) Heir or Descendant Exception.  
A non-member who is an heir or descendant of a member of the Menominee Indian Tribe shall for purposes of determining inheritance of any land use assignment, have the same status as heirs or descendants who are members of the Tribe, provided that, where a non-member inherits the land use assignment, and notwithstanding any provision to the contrary in the land use assignment issued to the deceased tribal member, the term of such use assignment shall be deemed to be for twenty-five (25) years. The Tribal Legislature may renew such assignment for subsequent terms, each not to exceed twenty-five (25) years.
- (c) Consent to Abide by Tribal Law.  
Any non-member who inherits a land use assignment from a tribal member shall thereby be deemed to have consented to abide by all laws of the Menominee Indian Tribe which would have been applicable to such land had the land use assignment in question been inherited by a tribal member, and, further such non-member shall be deemed to have consented to the jurisdiction of the Tribe for purposes of enforcing such laws.
- (d) Leases to Non-Tribal Members, Corporations or Businesses.  
Leases of land located outside the geographical boundaries of the Menominee Reservation as defined by the 1854 Treaty held in trust by the United States for the Menominee Indian Tribe of Wisconsin, the Menominee Indian Tribe of Wisconsin may grant to non-tribal members, corporations, or businesses for any legally permissible purpose pursuant to Tribal Law by majority vote of the Tribal Legislature acting through the Tribal Ordinance process in accordance with applicable provision under Bylaw II, Section 2, of this Constitution and Bylaws. The Tribal Legislature shall set forth the length of time of such leases, the fee, and such other provisions as the Tribal Legislature deems necessary.

**ARTICLE XII - SUCCESSOR BUSINESSES TO MENOMINEE ENTERPRISES**

**Section 1. Duty of the Tribal Legislature.**

The Tribal Legislature shall reaffirm by resolution the "Management Plan of Menominee Enterprises, a Tribal Enterprise of the Menominee Indian Tribe of Wisconsin," (hereinafter referred to as the "Menominee Enterprises Plan") approved by Congress on March 14, 1975 pursuant to Section 6 of the Menominee Restoration Act (87 Stat. 770), in accordance with Section 14(d) of the "Menominee Enterprises Plan." The Tribal Legislature shall amend the "Menominee Enterprises Plan" so that the provisions of that document are consistent with the provisions of Section 2 of this

Article. Amendments to the "Menominee Enterprises Plan" shall not be inconsistent with any provision of Section 2 of this Article.

**Section 2. Successors to Menominee Enterprises.**

Before the Tribal Legislature takes any action terminating the "Menominee Enterprises Plan" pursuant to Section 14(d) of that document, or before the Tribal Legislature takes any action terminating any successor to Menominee Enterprises established pursuant to this Article, the Tribal Legislature shall establish a successor tribal business (hereinafter "Successor Business") which shall assure control of the management responsibilities, and all books and records of the predecessor business. The Successor Business shall be the principle business arm of the Tribe and shall be established by means of a written charter issued by the Tribal Legislature by ordinance. The charter shall not be inconsistent with this Constitution and Bylaws and shall include, be consistent with, and be based upon the following principles:

- (a) Management Policy.  
The Tribal Legislature in providing for the management of the tribal forest lands by the Successor Business shall follow the policy of promoting maximum self-determination of the Menominee Indian Tribe. The Tribal Legislature in dealing with the United States in the management of tribal land and interests therein shall seek federal protection of the right of the Tribe to self determination and shall avoid federal domination. All tribal forest lands shall be managed on a sustained yield basis according to the provisions of the Forest Management Plan: Menominee Enterprises, Inc. 1968-1982 (1973 Revision) including any revisions which may in the future be made in that document.
- (b) Scope of Authority of the Successor Business to Menominee Enterprises.  
The scope of authority of the Successor Business shall be to manage and operate the property designated in this subsection (hereinafter referred to as the "subject property") in order to conduct the business operations of the Tribe which will best promote the interests of the Tribe and of the Tribal members. Accordingly, the primary duties of the Successor Business shall be to log, manage, and reforest the tribal forest land, and to manufacture, market, sell and distribute timber, forest products, and related products. The Successor Business shall be granted all powers necessary to manage and operate the subject property in order properly to perform its duties as set forth herein. The Successor Business shall also have the power to operate subsidiary businesses which come within its scope of authority in order to further the business and economic needs of the Tribe insofar as the management and operation of the subject property is concerned. The property subject to the control of the Successor Business shall be that property formerly managed and controlled by Menominee Enterprises and any other predecessor business, including the tribal mill, the tribal forest land, the personal property of the predecessor business, and such additional property as may be acquired by the Successor Business in the future. The Successor Business shall have no interests therein, except the right to manage such property in accordance with the principles set forth in this section and in its tribal charter. Tribal land and interests therein shall not be an asset of the Successor Business for any purpose. No tribal property, real or personal, or interests therein, shall be subject to the management and control of the Successor Business unless such property shall have been expressly stated in this subsection to be subject to the management and control of the Successor Business. The Successor Business shall not be authorized to pledge, mortgage, lease, or otherwise encumber tribal land or interests therein except as may be authorized by the Tribal Legislature acting in accordance with applicable Federal law, tribal ordinances, and this Constitution and BYLAWS. The Successor Business shall be authorized to acquire and own land or interests therein in its own name. The Successor Business shall be authorized to sell for business purposes any property owned by it in its own name and shall also be authorized to pledge, mortgage or otherwise encumber its own property as security for debts. The Tribal Legislature shall have no authority over the operations of the Successor Business except as specifically set forth in this section. However, the Tribal Legislature shall retain all authority and power to exercise all proper governmental and sovereign functions over the property managed or owned by the Successor Business.
- (c) Sovereign Immunity.  
The Menominee Indian Tribe in authorizing the establishment by charter of the Successor Business does not waive, nor authorize its Tribal Legislature to waive, or limit the right of the Tribe or the Successor Business to sovereign immunity from suit, except as specifically provided in this subsection; nor does it waive or limit, or authorize its Tribal Legislature to waive or limit any exceptions and immunities from taxation to which the Successor Business is or may in the future be entitled, and to which the Tribe, its members, and its businesses are entitled by law. For the purpose of enabling the Successor Business to enter into business agreements either to secure debts or to provide services or products, the Successor Business shall be authorized to agree by specific written agreement with any party to sue and be sued in its capacity as a tribal business upon any contract, claim, or obligation arising out of its authorized activities. For the same purpose, the Successor Business shall be authorized to agree by specific written agreement with any party to waive any immunity from suit it might otherwise have.
- (d) Distribution of Profits of the Successor Business.  
The profits of the Successor Business shall allocated in the manner set forth in this subsection.  
(1) The Successor Business shall, as soon as practicable, make a

determination of the net profits of the Successor Business for each fiscal year. That profit shall be determined from revenues; cost of sales; operating expenses; general income and expenses; taxes, if any; and interest payments on the outstanding bonds administered in accordance with the bond indenture dated April 30, 1961, First Wisconsin Trust Company as trustee, and on any outstanding supplemental bond indentures.

- (2) Excess profits shall then be determined by subtracting from net profits such amounts as are deemed appropriate by the Board of Directors for expansion, for asset replacement, and for sinking fund or a reserve to retire the principal obligation on the bond indentures named in subsection (d) (1) of this section.
  - (3) Excess profits shall then be divided by the Board of Directors on an equitable basis between an amount to be retained by the Successor Business (hereafter "retained share") and an amount to be paid over by the Successor Business to the Tribal Legislature, representing the Tribe (hereafter "tribal share"). In making the division between the retained share and the tribal share, the Board of Directors shall consult extensively with the Tribal Legislature and shall be guided by industry standards.
  - (4) The Tribal Legislature shall then determine whether the tribal share shall be utilized for tribal operations, distributed to tribal members, or divided and used for both purposes. In making its determination as to the distribution of the tribal share, the Tribal Legislature shall use its best judgement and shall carefully consider both the need for effective tribal operations and the individual financial needs of tribal members.
- (e) Authority, Duties, and Rights of the Board of Directors of the Successor Business.
- In addition to such other authority granted by this section and to such other authority as may be granted by the Successor Business charter, not inconsistent with this Constitution and Bylaws, the Board of Directors of the Successor Business shall be granted the following authority and rights and shall be directed as follows:
- (1) The Board of Directors of the Successor Business shall be authorized to vote themselves a reasonable compensation for services; but any increase in compensation shall not take effect during the term of office of any Director serving at the time the increase was voted upon.
  - (2) Directors shall be subject to recall on grounds of dishonesty, incompetency, nonparticipation in Board matters, or other conduct detrimental to the interests of the Tribe or the Successor Business.
  - (3) The Board of Directors of the Successor Business shall be authorized to elect and remove officers of the Board and officers of the Successor Business, and to fill vacancies in such offices, in accordance with the procedure set forth in subsection 2 (e) (4) of this Section
  - (4) The Board of Directors shall be authorized to appoint a tribal member to fill the vacant office until the next annual election when a tribal member shall be elected to complete the term of office in question.
  - (5) The Board of Directors shall be authorized to determine the amount of excess profits of the Successor Business to be retained by the Successor Business (retained share), and the amount to be paid over to the Tribal Legislature on behalf of the Tribe (tribal share) in accordance with the formula set forth in subsection (d) of this Section.
  - (6) The Board of Directors shall be authorized to amend the following parts of the charter of the Successor Business: the part which concerns the internal rules and regulations of the Board of Directors, that part which concerns the meetings of the Board of Directors and voting at such meetings, that part which concerns the officers of the Board of Directors, and that part which concerns the location of the principle place of business of the Successor Business.
  - (7) The Board of Directors, its officers, and the officers of the Successor Business, shall be indemnified from any court awarded damages that might result from the performance of the duties of office.
  - (8) The Board of Directors shall meet at least four (4) times a year to transact the business of the Successor Business.
- (f) Rights of the Tribal Members.
- (1) There shall be twelve (12) members of the Board of Directors. All Directors of the Board of Directors of the Successor Business shall be tribal members with at least one-fourth (1/4) degree Menominee Indian blood elected at large for three (3) year terms of office. The terms of office shall be staggered such that four (4) of the twelve (12) Directors are elected annually.
  - (2) Eligible voters of the Tribe shall have the right to vote for members of the Board of Directors of the Successor Business, as well as on other matters submitted to the tribal voters for a vote at regular and special business meetings of the Successor Business. Write-in voting, and absentee voting shall be permitted, but voting by proxy, and cumulative voting shall not be permitted.
  - (3) Eligible tribal voters shall have the right to recall members of the Board of Directors in accordance with the following procedure: upon receipt of a petition signed by two hundred (200) eligible voters, setting forth the alleged misconduct with specificity, the Secretary or other appropriate officer of the Successor Business shall call and give notice of a special meeting of the tribal members. Such meeting shall be held in not less than ten (10) nor more than thirty (30) days after receipt of such petition. At such meeting, eligible tribal voters shall vote on the question of

whether the Director in question shall be removed from office on the basis of one or more of the grounds set forth in the petition. No Director shall be removed from office unless (a) at least thirty percent (30%) of all eligible voters participate in the recall election and (b) at least two-thirds (2/3) of the eligible voters participating in the recall election vote in favor of removal.

- (4) The tribal members shall have the right to have an annual business meeting of tribal members held to receive reports on business operations, to elect directors, and to transact other business.
- (5) Eligible tribal voters shall have the right to petition for special business meetings of the tribal members in accordance with the following procedure:  
The Secretary of the Successor Business shall call such a meeting upon receipt of a written petition which is signed by not less than two hundred (200) eligible voters and which sets forth with specificity the business to be transacted at the special meeting. The Secretary shall notify eligible voters of the meeting by posting notice in accordance with Bylaw II, Section 4, of this Constitution and Bylaws. Such notice shall state the place, day, hour and the purpose or purposes for which the meeting is called. Such notice shall be posted not less than ten (10) nor more than fifty (50) days before the date of the meeting. If the place of meeting is not designated in the notice, the place of meeting shall be the office of the Successor Business, but any such meeting may be adjourned to reconvene at any place designated by a vote of a majority of eligible voters who are present at the meeting. No business shall be transacted at any special meeting except as designated in the notice of the meeting.
- (6) There shall be at least one hundred and twenty-five (125) eligible tribal voters present at business meetings of the tribal members before business can be conducted at such meetings.
- (7) To be included on the ballot for election to the Board of Directors, a candidate must be named in a nominating petition which is signed by at least seventy-five (75) eligible voters and filed, with the appropriate officer of the Successor Business at least thirty (30) days before the annual business meeting to elect the Board members,
- (g) Involvement of the United States.  
The United States Government shall not be granted any authority in regard to the operation of the Successor Business, except as specifically negotiated and agreed upon in a written trust agreement between the United States and the Menominee Indian Tribe.

## ARTICLE XIII - TRIBAL BUSINESSES

### *Section 1. Interrelationship Between Tribal Businesses And The Tribal Legislature.*

All business ventures of the Tribe shall be conducted by tribal businesses established by written charters issued by the Tribal Legislature by ordinance. Such tribal businesses shall be established for purposes of management only and no tribal assets shall be transferred to the ownership of such business; however, such business may be authorized to acquire property in its own name. Such tribal businesses shall not be authorized to pledge, mortgage, lease, or otherwise encumber tribal lands or interests therein subject to their management. However, such tribal business may, consistent with Federal law, be authorized to pledge, mortgage, lease, and otherwise encumber land or interest therein held in its own name as security for debts, and to acquire, sell, lease, exchange, transfer, or assign personal property or interests therein. Each tribal business shall be subject to the authority and control of a Board of Directors, or such other form of management as the Tribal Legislature designates in the charter. The Tribal Legislature shall not interfere with the business decisions of the management of the business; however, the Tribal Legislature shall retain all authority and power to exercise all proper governmental and sovereign functions over the tribal business and over property managed or owned by the tribal business. Profits of such tribal businesses shall be shared with the Tribe on an equitable basis. Regular reports on the financial status of such tribal businesses shall be made to the Tribal Legislature and to the tribal members.

### *Section 2. Duty to Enforce.*

The Tribal Legislature shall enforce this Article by a code of laws establishing, insofar as practicable, uniform rules governing the establishment and operation of tribal businesses.

### *Section 3. Forestry Business Exception.*

This Article shall not be applicable to the forestry business of the Tribe which is covered by Article XII of this Constitution.

### *Section 4. Other Powers and Rights of all Tribal Businesses, Including Kenosha Gaming Business.*

- (a) Any tribal gaming conducted in Kenosha, Wisconsin, shall be conducted through a tribal gaming business chartered by the Tribal Legislature which shall have all the powers of a tribal business under Section 1 of this Article. The Tribal Legislature may delegate such governmental powers as it deems necessary or convenient to the tribal gaming business or any other tribal business chartered under this Article. The Tribal Legislature may lease land in Kenosha to the tribal gaming business and may lease other tribal land on or off the reservation to any other tribal business chartered under this Article.
- (b) Any charter issued under this article may authorize the tribal gaming business or other tribal business to consent in writing to be sued in any court of competent jurisdiction, and/or to consent to arbitration or mediation of disputes. The Tribe

may guarantee contracts entered into by the Tribal gaming business, and may consent to be sued in any court of competent jurisdiction, and/or to arbitration or mediation, to enforce any such guarantees. Exhaustion of tribal remedies shall not be required in any such suit, arbitration, or mediation, by or against the tribal gaming business or the Tribe. This Section 4 constitutes authority to grant a limited waiver of immunity.

- (c) In any suit for monetary damages against the Tribe or the tribal gaming business authorized by this Section 4, recovery of such monetary damages shall be limited to the undistributed or future net revenues or other assets of the tribal gaming business.
- (d) In the event of any conflict between this Section 4 and any other provision of this Constitution and ByLaws, this Section shall govern; provided, however, the Tribal Legislature shall not waive or limit the right of the Menominee Indian Tribe to be immune from suit, except as authorized by this Article, Article XII, and Article XVIII of this Constitution.

#### ARTICLE XIV - TRUST AGREEMENT BETWEEN THE MENOMINEE INDIAN TRIBE AND THE UNITED STATES

##### *Section 1. Trust Agreement.*

Upon taking office, the Tribal Legislature shall enter into negotiations with the United States for the purpose of executing the kind of trust agreement between the Tribe and United States as is contemplated in Section 4 of the "Trust and Management Agreement between the Menominee Indian Tribe of Wisconsin and the Secretary of the Interior of the United States of America" (hereinafter "Trust and Management Agreement"). Such agreement shall provide the Menominee Indian Tribe with maximum control over its own property and its own affairs and shall define accordingly the long-term, ongoing trust relationship between the Tribe and the United States.

The Tribal Legislature shall make every effort to execute such a long-term trust agreement prior to the expiration of the "Trust and Management Agreement," now in effect and scheduled to expire six (6) months after the date on which the Tribal Legislature takes office. If the long-term agreement cannot be executed prior to the expiration of the "Trust and Management Agreement," the Tribal Legislature shall reaffirm the "Trust and Management Agreement" pursuant to Section 3 of that Agreement until such date as a new long-term agreement is executed.

##### *Section 2. Negotiating Principles.*

The Tribal Legislature in negotiating a long-term trust and management agreement with the United States shall be bound by the following principles which the Menominee Indian Tribe considers fundamentally important parts of such an agreement:

- (a) The United States should expressly acknowledge that the Menominee Indian Tribe has the right to be self-determining to the maximum possible extent while still preserving the integrity of the trust responsibility of the United States to the Tribe. This includes the right to manage and control all tribal businesses, and the right to tax all assets within the Tribe's jurisdiction, including tribal assets held in trust.
- (b) The powers and responsibilities of the United States as trustee should be expressly and specifically set forth in the agreement.
- (c) The United States should expressly agree that the tribal forest land shall be managed on a sustained yield basis.
- (d) The United States should expressly acknowledge that all tribal assets transferred to the United States in trust for the Tribe shall, as of the date of this transfer, be exempt from all local, state and federal taxation; and that the Tribe, the tribal assets, the tribal members, and the tribal businesses shall be entitled to all immunities from taxation to which American Indian Tribes, their members, and their businesses are entitled by the laws of the United States.
- (e) The United States should expressly agree to provide business advice and other advice and assistance to the Tribe on request of the Tribe.
- (f) The United States should expressly acknowledge the Tribe's right to exercise all sovereign and governmental powers within the boundaries of the Menominee Indian Reservation except those which the United States Congress has expressly and specifically denied the Tribe the right to exercise.

##### *Section 3. Approval by Tribe Required.*

Any long-term agreement negotiated pursuant to Section 1 of this Article between the Menominee Indian Tribe and the United States shall be effective only if such agreement is approved by vote of a majority of tribal voters voting, so long as the total vote cast is at least fifteen percent (15%) of those entitled to vote. Amendments to such agreement shall be effective only if approved in the same manner as the agreement.

#### ARTICLE XV - TRIBAL GOVERNMENT CAREER AND MERIT SYSTEM OF EMPLOYMENT

##### *Section 1. Merit Principle.*

All employment and promotions of employees or the tribal government shall be made solely on the basis of merit and fitness as demonstrated by examinations or other evidence relevant to show competence for the particular employment in question. All termination of employment with the tribal government shall be made solely on the basis of incompetence, or any other reason which results in failure to perform employment duties satisfactorily. Tribal employees shall adhere to the personnel policies and procedures. This section shall apply to appointed tribal officials, but not to elected tribal officials or tribal judges.

##### *Section 2. Duty to Enforce.*

The Tribal Legislature shall enforce this Article by ordinance.

#### ARTICLE XVI - FINANCIAL CONTROL

##### *Section 1. Budget and Appropriations.*

All appropriations by the Tribal Legislature of tribal funds shall be in accordance with an annual budget established by ordinance.

##### *Section 2. Accounting System.*

The Tribal Legislature shall by ordinance establish an accounting system, approved by an independent certified public accounting firm, and shall cause an audit of the tribal accounts to be conducted annually.

##### *Section 3. Fiscal Year.*

The Tribal Legislature shall by ordinance establish a fiscal year for the tribal government.

#### ARTICLE XVII - CONFLICT OF INTEREST

##### *Section 1. Conflicting Personal Financial Interest Prohibited.*

In carrying out the duties of tribal office, no tribal official, elected or appointed, shall make or participate in making decisions which involve balancing a substantial personal financial interest, other than interests held in common by all tribal members, against the best interests of the Tribe.

##### *Section 2. Other Conflicts of Interest.*

The Tribal Legislature may by ordinance prohibit other kinds of conflicts of interest.

#### ARTICLE XVIII - SOVEREIGN IMMUNITY

##### *Section 1. General Prohibition.*

The Tribal Legislature shall not waive or limit the right of the Menominee Indian Tribe to be immune from suit, except as authorized by this Article and by Article XII of this Constitution.

##### *Section 2. Suits Against The Tribe In Tribal Courts By Persons Subject To Tribal Jurisdiction.*

The Menominee Indian Tribe shall be subject to suit in Tribal Courts by persons subject to tribal jurisdiction for the purpose of enforcing rights and duties established by this Constitution and Bylaws, by the ordinances of the Tribe, and by the Indian Civil Rights Act, (25 U.S.C. §1301 and 1302). The Tribe does not, however, waive or limit any rights which it may have to be immune from suit in the courts of the United States or State.

##### *Section 3. Suits Against The Tribe In The Courts of The United States.*

In seeking redress of grievances against the Tribe, persons subject to tribal jurisdiction shall exhaust all remedies available to them under this Constitution and Bylaws and the ordinances of the Tribe before seeking redress of grievances against the Tribe in the courts of the United States under any law of the United States granting those persons such rights.

#### ARTICLE XIX - AMENDMENTS TO CONSTITUTION AND BYLAWS

This Constitution and Bylaws is adopted pursuant to Section 16 of the Indian Reorganization Act (25 U.S.C. §476, 48 Stat. 987) and may be amended in accordance with the rules and regulations adopted by the Secretary of the Interior pursuant to that section. The Secretary of the Interior shall hold an election on the adoption of an amendment or amendments to this Constitution and Bylaws when requested by a vote of two-thirds (2/3) of the entire Tribal Legislature or by a petition signed by at least three hundred (300) eligible tribal voters and validated in accordance with applicable rules of the Secretary, or if none, with applicable tribal ordinance. The Secretary of the Interior shall not propose amendments to this Constitution and Bylaws.

#### ARTICLE XX - ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and Bylaws, when adopted by a majority vote of the eligible voters of the Menominee Indian Tribe of Wisconsin, voting in an election called for that purpose by the Secretary of the Interior, in which at least thirty percent (30%) of those entitled to vote shall cast their ballots, and submitted to the Secretary of the Interior for his approval, shall be effective from the date of approval.

##### BYLAWS

#### BYLAW I - OFFICERS AND COMMITTEES OF THE TRIBAL LEGISLATURE: DUTY TO VOTE STOCK OF MENOMINEE ENTERPRISES, INC.

##### *Section 1. Officers of the Tribal Legislature.*

- (a) Number. There shall be three officers of the Tribal Legislature. A Chairperson, a Vice-Chairperson, and a Secretary. No legislator shall hold more than one (1) of these offices simultaneously.
- (b) Election and Terms of Office. The Chairperson, the Vice - Chairperson and the Secretary shall be elected by the Tribal Legislature in accordance with rules and procedures established by the Legislature.
- (c) Qualifications. The Chairperson shall be a resident on the Menominee Indian Reservation.
- (d) Removal. A Legislator may be removed from the office of Chairperson, Vice-Chairperson or Secretary by the Tribal Legislature on grounds of failure to perform adequately the duties of the office in question, or non-participation in business of the Legislature.
- (e) Vacancies. A vacancy in the office of Chairperson or Vice-Chairperson, or Secretary shall be filed by the Tribal Legislature for the unexpired portion of the term.

(f) Chairperson of the Tribal Legislature. The Chairperson shall receive a reasonable compensation for services. Such compensation shall not be increased or decreased during a Chairperson's term in office. The Tribal Legislature may authorize the Chairperson to serve full time in the office.

The duties and powers of the Chairperson shall include but not be limited to the following:

- (1) Preside at all meetings of the Tribal Legislature and at any other meeting called by the Tribal Legislature at which the Chairperson may be designated to preside.
  - (2) Represent the Tribal Legislature in its relations with other governments, but only where the Tribal Legislature has specifically and expressly authorized the Chairperson to do so provided that, the Tribal Legislature shall not authorize the Chairperson to take any action which under this Constitution and Bylaws must be taken by the Legislature.
  - (3) Appoint members of all committees of the Tribal Legislature subject to the approval of the Legislature and in accordance with rules of procedure of the Legislature.
  - (4) Serve as an ex officio member of all committees of the Tribal Legislature.
  - (5) Call special meetings when appropriate of the Legislature and of any committee of the Legislature, in accordance with this Constitution and Bylaws, laws of the Tribe, and rules of procedure of the Legislature.
  - (6) Receive reports of all committees of the Legislature and deliver such reports or cause such reports to be delivered to the Legislature.
  - (7) Exercise supervision over all committees of the Legislature and recommend to the Legislature the establishment, consolidation, or abolition of Legislative committees.
  - (8) Be responsible for the administrative details of calling and holding meetings of the Legislature and of the tribal members.
  - (9) Perform such other duties as may be prescribed by this Constitution and Bylaws, by ordinance, or as required by the Tribal Legislature.
- (g) Vice-Chairperson of the Tribal Legislature. The Vice-Chairperson of the Tribal Legislature shall perform the duties of the Chairperson when the Chairperson is absent or unable to perform his duties, or as long as the office is vacant. In addition, the Vice-Chairperson shall perform such other duties as may be prescribed by this Constitution, by ordinance, or as required by the Tribal Legislature.
- (h) Secretary of the Tribal Legislature. The Secretary of the Tribal Legislature shall perform the duties of the Chairperson when the Chairperson and the Vice - Chairperson are absent or unable to perform such duties. The Secretary shall also perform such other duties as may be required by the Tribal Legislature.

### **Section 2. Committees of the Tribal Legislature.**

The Tribal Legislature shall establish such committees as it deems appropriate to provide research, investigating and advisory assistance to the Legislature in the exercise of its powers, provided that, each committee shall be headed by a Tribal Legislator.

### **Section 3. Duty to Vote Stock of Menominee Enterprises, Inc.**

The stock of Menominee Enterprises, Inc., which was transferred to the Tribe by the document entitled, "Transfer, Assignment and Special Endorsement of Security" made pursuant to the Menominee Transfer Plan submitted and approved by the Congress of the United States pursuant to Section 6 of the Menominee Restoration Act (87 Stat. 772) shall be voted by the Tribal Legislature. The Tribal Legislature shall also exercise all other rights in regard to such stock.

## **BYLAW II - PROCEDURE OF THE TRIBAL LEGISLATURE**

### **Section 1. Meetings of the Tribal Legislature.**

- (a) Regular Meetings.  
The Tribal Legislature shall meet in official session at least four (4) times a year at such time and place as shall be established by ordinance. The order of business for any such meeting shall be posted in accordance with Section 4 of this Bylaw; however, other business may also be transacted at such meeting if the Tribal Legislature votes to consider such other business.
- (b) Special Meetings.
- (1) Calling and Notice.  
Special meetings of the Tribal Legislature shall be called by the Chairperson of the Legislature or upon the written request of any two (2) Legislators, provided that, at least seventy-two (72) hours written notice of such meeting shall be given to each Legislator, by personal service or by registered mail sent to the Legislator's usual place of residence, or left at the Legislator's usual place of residence with some person of suitable age and discretion residing there; however, notice may be waived by attendance at the meeting. Notice to tribal members shall be posted as provided in Section 4 of this Bylaw promptly after such meeting is called. Special meetings of the Tribal Legislature shall be called by the Chairperson upon the petition of three hundred (300) eligible tribal voters, provided that, not less than five (5) nor more than thirty (30) days notice of such meeting is given to tribal members.
  - (2) Business.  
No business shall be transacted at any special meeting of the Tribal Legislature unless such business has been stated in the notice of such meeting. However, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Legislature consent in writing.
  - (3) Emergencies.

A special meeting of the Tribal Legislature may be called upon less than seventy-two (72) hours written notice if such meeting is necessary for the preservation or protection of the health, welfare, peace, safety, or property of the Tribe. Efforts shall be made to give maximum practical notice to each Tribal Legislator. Maximum practical notice shall be given to such meeting, and such notice shall be posted as provided in Section 4 of this Bylaw, promptly after such meeting is called. No business other than that stated in the notice shall be transacted.

- (c) Open Meetings and Executive Sessions.  
All meetings of the Tribal Legislature called pursuant to this Bylaw shall be open to tribal members; and tribal members shall have a reasonable opportunity to be heard under such rules and regulations as the Legislature may prescribe, provided, however, that the Legislature may meet in executive session for the following purposes:
- (1) Personnel matters.
  - (2) Claims against the Tribe or the Tribal Legislature, whether in litigation or otherwise.
  - (3) Legal consultation and advice.
  - (4) Matters involved in litigation concerning the Tribe or the Tribal Legislature.
  - (5) Deliberation and/or review of any matter heard by the Legislature in a quasi-judicial capacity.
  - (6) Negotiations concerning the purchase, sale, lease or other acquisition of real or personal property, or interests therein, or concerning any contracts except those required to be the subject of competitive bidding.
- The Tribal Legislature may determine not to keep a record of all or any part of the discussion in executive session; however, the general reason for such determination shall be recorded, and a record shall be kept of any action taken in executive session. Such record may be withheld from inspection by tribal members pending final disposition of the matter of the matter concerned.
- (d) Organization and Rules of the Tribal Legislature.  
The Tribal Legislature shall adopt by motion written rules governing its own organization and procedure. Such rules shall be open and available to review by tribal members in accordance with Section 3 of this Bylaw.

### **Section 2. Ordinances, Resolutions, and Motions.**

- (a) Kinds of Action by Tribal Legislature.  
The Tribal Legislature shall act only by ordinance, resolution or motion. All acts of a general and permanent nature or those affecting compelling interests of the Tribe or tribal members shall be by ordinance. All other actions shall be in the form of resolutions or in the form of motions. Action by resolution shall be the form of action in which the purpose or policy underlying the action is expressly set forth. Action by motion shall be the form of action in which only the action taken is expressly set forth without an accompanying statement of purpose of policy. Ordinances making appropriations shall be confined to the subject of appropriations, but may include more than one appropriation.
- (b) Action by Ordinance Required.  
In addition to such acts of the Legislature as are required by other provisions of this Constitution to be by ordinance, the following acts shall be by ordinance: an appropriation, creating an indebtedness, authorizing the borrowing of money, levying a tax, establishing criminal or civil penalties, and any act which places any burden upon or limits the use of private property without the consent of the owner, or which limits the freedom of tribal members to exercise rights to which they are entitled by virtue of their membership in the Tribe, or which limits any right granted by this Constitution and Bylaws to any person.
- (c) Form of Ordinances.  
Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN.
- (d) Procedure For Passing Ordinances.  
Except for emergency ordinances and ordinances organizing into codes other related and existing ordinances, the following procedure for enactment of ordinances shall be followed:
- (1) The ordinance shall be introduced at either a regular or special meeting of the Legislature by any Legislator or Legislators, and
  - (2) The ordinance shall be read in full, and copies of the ordinance shall be made available to the Tribal Legislature and to tribal members at or before the meeting at which the ordinance is introduced.
  - (3) After the first reading of the ordinance, in accordance with (2) above, it shall be approved with or without amendment, rejected, or tabled by vote of the Tribal Legislature.
  - (4) If the ordinance is approved on the first reading, it shall promptly be posted in full in accordance with Section 4 of this Bylaw, unless otherwise provided in this Constitution. The Legislature shall hold a tribal hearing on the ordinance not earlier than four (4) days nor later than fourteen (14) days after posting, and notice of the tribal hearing, specifying the day, hour, and place of the same, shall be included in the posting.
  - (5) If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment, or rejected, by vote of the Legislature.
  - (6) The ordinance shall be read in full a second time at the tribal hearing for adoption, rejection, or other action as may be taken by vote of the Tribal Legislature.
  - (7) Except as otherwise provided in this Constitution and Bylaws after

adoption, an ordinance shall be posted by title only, stating that complete copies of the ordinance are available at the offices of the Tribal Legislature, and if the ordinance was amended subsequent to its last previous posting, the posting shall state that it has been amended and shall contain a summary of the subject matter of all amendments.

- (8) All ordinances shall take effect five (5) calendar days after posting following final passage, except as otherwise provided in this Constitution and Bylaws, or as specified in the ordinance itself.
- (e) **Voting By The Legislature**
- (1) **Ordinances.**  
Except as provided in subsection (g) of this section, and except as may otherwise be provided in this Constitution and Bylaws, every ordinance shall be adopted at a regular meeting of the Tribal Legislature by the affirmative vote of at least a majority of the entire Tribal Legislators, provided that, the quorum for such meetings shall be five (5) Legislators.
- (2) **Resolutions and Motions.**  
Every resolution and motion shall be adopted by the affirmative vote of at least a majority of the Tribal Legislators present at a regular or special meeting of the Tribal Legislature; provided that, the quorum for such meetings shall be five (5) Legislators.
- (f) **Review of Ordinances By Tribal Judiciary.**  
If in reviewing an ordinance, a Tribal court finds a part or parts of the ordinance to be invalid, the Court shall determine whether the remaining parts of the ordinance are rendered inoperable as a result of the invalidity of the part or parts in question. If the Court determines that the ordinance is not rendered inoperable, such ordinance shall, without the invalid part or parts, continue in effect.
- (g) **Emergency Ordinances.**  
Emergency ordinances for the immediate preservation of public health, welfare, peace, safety, or property may be adopted by the Tribal Legislature at any meeting at which the emergency ordinance is introduced. The facts showing such urgency and need shall be specifically stated in the ordinance itself. No ordinance making a grant of any special privilege shall ever be passed as an emergency ordinance. No action required by this Constitution and Bylaws to be taken by ordinance shall be taken by emergency ordinance. All emergency ordinance shall take effect immediately upon passage and, for information purposes, shall be posted or published in full promptly after passage. An emergency ordinance shall not be in effect longer than sixty (60) days after passage, and shall not again be passed as an emergency ordinance.
- (h) **Codification.**  
The Legislature shall, where appropriate, organize ordinances into codes and maintain such codes in current form. The Legislature shall periodically review the codes and ordinances and examine them for current need.
- (i) **Technical Codes.**  
Standard technical codes, including amendments and revisions, promulgated by the Federal Government, or by any state, or by another Indian Tribe or by recognized trade or professional organizations may be adopted, in whole or in part, by reference in an adopting ordinance without reading or posting such codes in full. Such adopting ordinance shall also be deemed to adopt by reference, in whole or in part, any other codes incorporated in the adopted code. The enactment of ordinances adopting any such code or codes shall be as provided in subsection (f) of this section, and the posting thereof shall state that copies of the code or codes proposed to be adopted are available for inspection at the office of the Tribal Chairperson. Any penalty clause in said code or codes may be adopted only if set forth in full in the adopting ordinance.
- (j) **Amendment or Repeal.**  
No ordinance or section or subsection of an ordinance shall be amended, superseded, or repealed except by an ordinance regularly adopted, provided that, repeal may be by reference to the title of the ordinance or any part thereof.
- (k) **Authentication of Ordinances.**  
An ordinance as finally enacted shall be authenticated by the signature of the Chairperson of the Legislature or other person authorized by the Tribal Legislature. A true copy of every such authenticated ordinance shall be numbered and recorded in the official records of the Tribe. Attached to each ordinance and made a part thereof, shall be a certification by the Chairperson of the Tribe or other person authorized by the Legislature, that the same has been posted in accordance with this Constitution and Bylaws and any applicable tribal ordinance.

### **Section 3. Tribal Records.**

- (a) Tribal records shall include documents of all kinds and any other form of record keeping which result from the operation of both branches of the tribal government. Except as otherwise specifically provided by tribal ordinance, tribal records shall include, but not necessarily be limited to the following: records of meetings of the Legislature or of the General Council and any action taken therein; records of court proceedings and any court decisions or orders; all correspondence, memoranda, and any other documents or other form of records produced by tribal officials or their agents while holding tribal office and during the performance of the duties of tribal office.
- (b) The Tribal Legislature may designate the form in which tribal records shall be kept. The Tribal Legislature shall keep records of all actions taken by the Tribal Legislature and its departments and other agencies. The Tribal Legislature, shall, if feasible, keep records of all debate and discussion underlying such actions. It shall also, if feasible, keep records of all action, debate and discussion at General council meetings. The Tribal Legislature, in consultation

with the Supreme Court of the Tribal Judiciary, shall provide for the keeping of all records of proceedings, decisions, and orders of the Tribal Judiciary. The Supreme Court of the Tribal Judiciary shall be responsible for implementing the record keeping system so established.

- (c) All tribal records shall be the exclusive property of the Menominee Indian Tribe, and shall be transferred by tribal officials leaving office to the appropriate tribal officials in office.
- (d) Tribal records shall be preserved in the files of the Tribal Legislature or, where appropriate, in the files of the Tribal Judiciary. Except as provided in subsection (a) of this Section, all tribal records shall be fully accessible for review by any tribal member or his or her authorized representative, provided that, such review shall be conducted during normal office hours of the Legislature. The Tribal Legislature shall establish rules and procedures so that such review will be conducted in a reasonable manner so as to avoid undue disturbance of the daily operation of the tribal government.

### **Section 4. Posting Procedure.**

The following shall be the procedure of the Legislature in posting any notice, ordinance, or other document as required by this Constitution and Bylaws or by tribal ordinance.

- (1) The Legislature shall designate by ordinance no fewer than four (4) public places within the reservation and an appropriate number of places in appropriate urban areas where such posting shall be done. If any posting place is to be changed, the Legislature shall make such change by ordinance.
- (2) Posting shall take place as soon as practicable.

## **BYLAWS III - GENERAL COUNCIL**

### **Section 1. Establishment Of General Council; Response To Recommendations.**

- (a) There is hereby established a General Council which shall be a meeting called at least once a year by the Tribal Legislature and open to all tribal members. The purpose of the General Council shall be to discuss problems and issues concerning tribal affairs; to review the policies, goals, and priorities of the Tribal Legislature; to review the functioning of tribal programs and to make recommendations for change.
- (b) The Tribal Legislature shall respond to any recommendations of the General Council in writing and shall post such response in accordance with Bylaw II, Section 4 of the Bylaws of this Constitution.

### **Section 2. Annual General Council Meeting.**

The Tribal Legislature shall set the time, date, and place for the annual meeting of the General Council, and shall provide reasonable notice to tribal voters of such meeting by posting such notice in accordance with Bylaw II, Section 4 of the Bylaws of this Constitution. The first item of business at the annual meeting of the General Council shall be an election to determine whether the Chairperson of the Legislature shall chair such meeting or whether a tribal voter in attendance shall be elected from the floor to chair such meeting. The last item of business shall be a vote as to whether the meeting shall be adjourned or recessed; provided that, at least fifty (50) voters shall be required to recess a meeting.

### **Section 3. Special General Council Meeting.**

- (a) The Tribal Legislature may call special General Council meetings when it deems appropriate. Tribal members may require the Tribal Legislature to call a General Council meeting for a specified purpose or purposes by presenting to the Tribal Legislature a petition with two hundred (200) signatures of eligible tribal voters, which petition shall specify the purpose or purposes for calling the meeting. The General Council meeting called pursuant to a petition shall be convened no later than thirty (30) days following the presentation of a valid petition.

### **Section 4. Election of Enrollment Committee.**

The Enrollment Committee established by Article II, Section 3, of this Constitution may be elected at the annual General Council meeting; provided that, the quorum for the holding of such election shall be one hundred fifty (150) tribal voters. If a quorum is not present, the Tribal Legislature shall within two (2) months appoint the Enrollment Committee from applications submitted by tribal voters. The annual General Council meeting shall not be subject to recess insofar as the election of an Enrollment Committee is concerned. To be included on the ballot for election to the Enrollment Committee, a candidate must be named in a nominating petition which is signed by at least seventy-five (75) eligible tribal voters and filed with the Tribal Legislature at least thirty (30) days before the annual General Council meeting. Absentee voting shall be permitted at such election.

## **BYLAW IV - OATH OF OFFICE**

Every tribal official shall, prior to assuming the duties of the office take the following oath of office:

I, \_\_\_\_\_, do hereby solemnly swear that I will support and defend the Constitution and Bylaws of the Menominee Indian Tribe of Wisconsin, that I will carry out faithfully and impartially the duties of my office to the best of my ability; and that I will promote and protect the best interests of the people of the Menominee Indian Tribe of Wisconsin.

## **BYLAW V - DEFINITIONS**

As used in this Constitution and Bylaws, except as otherwise specifically provided or indicated by the context:

- (a) "Major Crime" means any crime included in 18 U.S.C. §1153 and any equivalent crime defined under any state law.
- (b) "Convicted of a major crime" means conviction of a crime, as defined in paragraph (a) of this Bylaw, where no further appeal is possible.
- (c) "Tribal Official" means any person who is elected or appointed to office by the Tribal Legislature, including appointees to boards and commissions; however, this term shall not include members of the Board of Directors of Menominee Enterprises or any equivalent body of any successor business to Menominee Enterprises, or any person or persons appointed to manage a tribal business.
- (d) "Tribal Funds" means all funds of the Menominee Indian Tribe, except funds derived from appropriations of the United States or the State of Wisconsin.
- (e) "Tribal Law" means an ordinance or ordinances adopted by the Tribal Legislature.
- (f) "Tribal Employees" means all persons regularly employed by the tribal government who receive monetary compensation for their services.
- (g) "Resident on the Reservation", "residence on the Reservation", or "reside on the Reservation" means physically residing within the exterior boundaries of the Menominee Indian Reservation as established by the Treaty of the Wolf River of 1854 (10 Stat. 1064).
- (h) "Shall" in the context of provisions establishing the duties of the tribal government, means that compliance with the provision in question is mandatory, and may be compelled by order of the tribal court, after all administrative remedies have been exhausted.
- (i) "May", in the context of provisions establishing the duties of the tribal government, means that compliance with the provision in question is left to the discretion of the tribal government or its agents and may not be compelled by order of the tribal court, unless there is an abuse of discretion.

#### BYLAW VI - AMENDMENTS TO BYLAWS

These Bylaws are an integral part of this Constitution; therefore, these Bylaws shall be subject to amendment in the same manner as the Constitution, in accordance with Article XIX of the Constitution.

#### NOTES:

Pursuant to ss5(b) of the Menominee Restoration Act (P.L. 93-197; 87 Stat. 770), the Menominee Constitution and Bylaws was developed by the Menominee Restoration Committee and ratified on November 12, 1977.

- 1) Amendments to the Menominee Constitution and Bylaws (of 1977), were introduced and approved by a vote of Menominee people May 21, 1990 through May 24, 1990.  
(The four amendments are on record in the Office of the Menominee Tribal Chairperson)
- 2) A revision of the Menominee Constitution and Bylaws (of 1977), were introduced and approved by a vote of the Menominee people January 29, 1991 through January 30, 1991.  
(The sixteen amendments are on record in the Office of the Menominee Tribal Chairperson)

## DEFINITIONS USED IN THIS PUBLICATION

**Average**-The number found by dividing the sum of all quantities by the total number of quantities. (U.S. Census)

**Crude estimates/rate**-Is the number of events of a given type that occur in a year divided by the midyear population (U.S. Census)

**Household**-Includes all the people who occupy a housing unit as their usual place of residence. (U.S. Census)

**Householder**-The person, or one of the people, in whose name the home is owned, being bought, or rented.

**Housing Unit**-A house, an apartment, a mobile home or trailer, a group of rooms, or a single room occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters. (U.S. Census)

**Labor Force**-Those individuals that make up the working population for a given area (U.S. Census)

**Median**-Something that lies half way between two extremes(U.S. Census)

**Median Income**-The median divides the income distribution into two equal parts, one having incomes above the median and the other having incomes below the median. (U.S. Census)

**Per Capita Income**-Is the mean income computed for every man, woman and child in a particular group. It is derived by dividing the total income of a particular group by the total population in that group. (U.S. Census)

**Poverty status**-Determined by the Department of Agriculture. "It was determined from the Agriculture Department's 1955 survey of food consumption that families of 3 or more persons spend approximately 1/3 of their income on food; hence the poverty level for these families was set at 3 times the cost of the economic food plan. (U.S. Census)

**Tenure**-Refers to the distinction between owner occupied and renter occupied housing units. (U.S. Census)

**Fee Simple Land**-An estate under which the owner is entitled to unrestricted powers to dispose of the property, and which can be left by will or inherited. Commonly, a synonym for ownership.

**Trust** – A fiduciary relationship under which one holds property(real or personal) for the benefit of another.



# **Menominee Indian Tribe of Wisconsin**



## **2008 Demographic Supplement to the Facts & Figures Handbook**

Prepared by:

Jeremy C. Weso, Administrative Manager  
Department of Administration  
Menominee Indian Tribe of Wisconsin

and

Brian Kowalkowski, Assistant Director  
Education Outreach-Training Office  
College of Menominee Nation

June 2008

## POPULATION/HOUSING

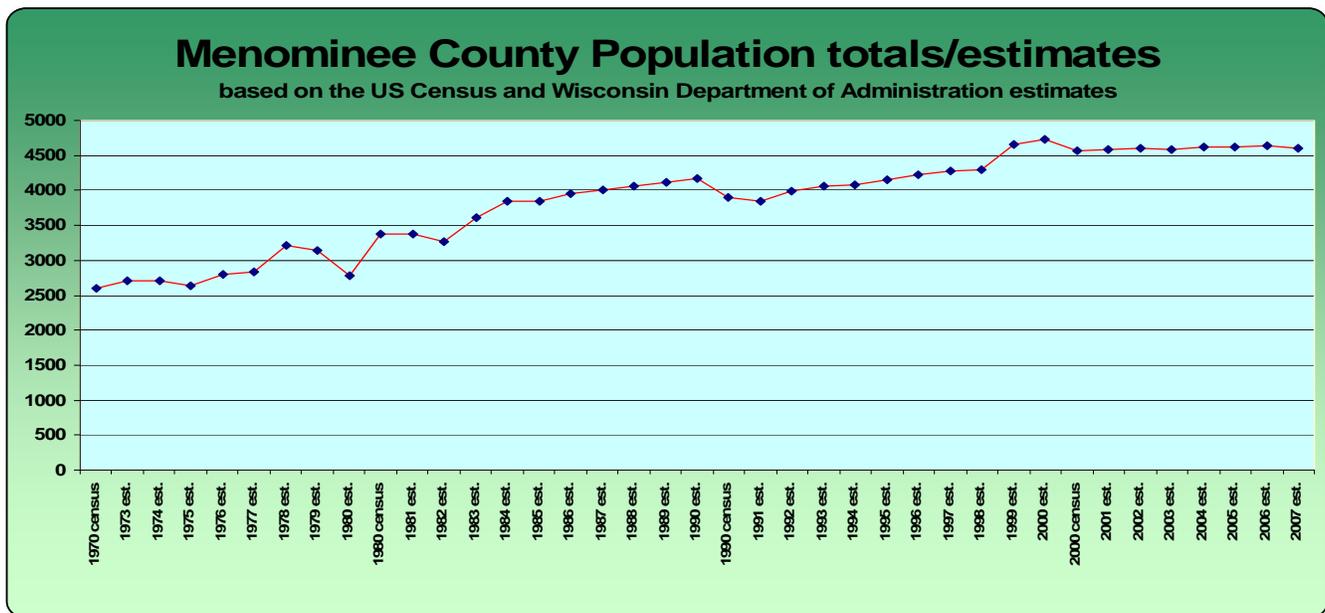
- According to the 2000 Census there were a total of 2,216 housing units on the Menominee Reservation/County.
- From 1970 to the present there has been a slow but steady increase in the population of the Reservation.
- The East Central Regional Planning Commission (ECWRPC) estimates that from 2000 to 2030 the population of Menominee County will grow by 15%.

**Menominee County Population Estimates, 1970 to 2030**

Census 1970	Census 1980	Census 1990	Census 2000	DOA 2004	ECWRPC 2005	ECWRPC 2010	ECWRPC 2015	ECWRPC 2020	ECWRPC 2025	ECWRPC 2030
2,607	3,373	3,890	4,562	4,616	4,637	4,852	5,090	5,247	5,290	5,243

Source: 2005-2030 Population Projections for Communities in East Central Wisconsin, October 2004

- East Central Wisconsin Regional Planning Commission uses a ratio method know as share-of-the-county. This is based on the previous three census numbers for the county as well as the most recent estimate of population as reported by the Wisconsin Department of Administration (DOA).



Source: Wisconsin Department of Administration

- The Wisconsin Department of Administration (DOA) underestimated the growth of Menominee County in 1980. They estimated the total population to be at 2,779 and the 1980 census indicated the actual population to be at 3,373.
- In 1990, the DOA overestimated the increase with an estimate of 4,169. This was compared to an actual population of 3,890 according to the US Census.
- In 2000, the DOA again overestimated the growth by estimating the population to be at 4,737. This was higher than the actual number of 4,562 according to the US Census.
- The DOA has also reported that from 2000-2007 the area code of “54135” had an estimated increase of 343(4.8%) in population. The area code of “54150” was estimated at 9(0.9%) over that same time period.
- It must be noted that all of these figures and estimates are solely for Menominee County and do not include any homes or population located in Middle Village.

**TRIBAL HOUSING**

- According to the Menominee Tribal Housing a total of 358 housing units were built between 1969 and 2007.

<b>Year</b>	<b>1969</b>	<b>1974</b>	<b>1981</b>	<b>1984</b>	<b>1990</b>	<b>1990</b>	<b>1991</b>	<b>1994</b>
# of Units	45	60	20	147	12	2	1	1
<b>Year</b>	<b>1995</b>	<b>1996</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2002</b>
# of Units	1	14	1	8	2	3	29	12

Source: Menominee Tribal Housing

- With the construction of housing projects it is unclear as to whether or not an impact occurred immediately on the population when you look at the DOA population estimates. There seems to have been a slight increase in the population estimates roughly 2-3 years following the construction.
- From 1981 to 1983 it was estimated that the population increased from 3,373 to 3,611. That is a 7% increase in a two year time frame.
- From 1980 to 1990 the actual population of the County increased from 3,373 to 3,890 or 517. During this time period, a total of 167 housing units were built.
- Menominee Tribal Housing currently has a waiting list for individuals and families looking to lease a home. There are a number of different waiting lists with different programs. These include: rental assistance, homeownership, 202 (elderly), 515 Apts, elderly low rent, and low rent.
- According to the Wisconsin Population 2030 reported by the Demographic Service Center of the Division of Intergovernmental Relation (DOA), Menominee County had the highest average household size in 2000 at 3.35 persons per household.

**Menominee Tribal Housing Waiting List Breakdown**

<b>Program</b>	<b>Age</b>				<b>Enrollment</b>		
	# of Families on List	Total # of Individuals	# of Adults	# of Juveniles	# of Enrolled Families	# of Enrolled Members	# of Non-Enrolled
Rental Assistance	29	78	41	37	27	53	25
Homeownership	34	123	52	71	33	85	38
202 (Elderly)	7	9	9	0	6	4	5
515 Apts	13	25	19	6	12	18	7
Elderly Low Rent	9	11	11	0	8	6	5
Low Rent (all sizes)	55	148	76	72	53	105	43
	147	394	208	186	139	271	123

No grand totals were calculated since families can be on more than one waiting list at a time.

Source: Menominee Tribal Housing

- The Community Development Department has indicated that it currently has two lots open and ready to be leased for residential construction. There are also an estimated ten lots available in the Middle Village community that can be leased for trailer homes or double wide trailers. Currently it takes an estimated one and a half years for an individual tribal member to go through the entire leasing process.
- Individuals looking to purchase property and have it placed into trust status are also subject to extensive waiting periods as it currently takes an estimated ten years from the time a lot is requested to be placed into trust up until the time that the Bureau of Indian Affairs signs off.

**Final Population Projections for Wisconsin Counties by  
Age and Sex: 2000 - 2030  
MENOMINEE COUNTY**

Age Group	Males						
	2000 Census	2005	2010	2015	2020	2025	2030
0-4	223	235	238	244	228	200	174
5-9	258	202	212	220	227	212	186
10-14	287	243	190	197	201	207	194
15-19	206	242	204	158	161	164	169
20-24	119	153	179	149	113	115	117
25-29	124	118	151	175	144	109	111
30-34	126	126	120	152	174	143	108
35-39	152	128	128	121	151	173	142
40-44	146	148	124	123	115	143	164
45-49	111	154	158	132	130	122	151
50-54	116	127	182	187	157	156	148
55-59	94	130	143	205	210	179	180
60-64	101	99	139	152	217	224	194
65-69	76	91	92	130	141	202	210
70-74	54	60	73	74	104	113	163
75-79	34	36	40	49	49	69	75
80-84	19	19	20	22	27	27	38
85-89	2	6	6	6	7	9	9
90-94	2	1	3	3	3	4	5
95-99	0	0	0	0	0	0	1
100 & Over	0	0	0	0	0	0	0
<b>Totals</b>	<b>2,250</b>	<b>2,318</b>	<b>2,402</b>	<b>2,499</b>	<b>2,559</b>	<b>2,571</b>	<b>2,539</b>

Age Group	Females						
	2000 Census	2005	2010	2015	2020	2025	2030
0-4	211	224	226	233	217	192	166
5-9	259	192	202	209	217	201	179
10-14	258	246	181	189	192	199	185
15-19	203	230	218	159	163	165	172
20-24	133	157	177	166	119	121	123
25-29	107	141	165	185	171	122	125
30-34	147	110	145	167	184	169	121
35-39	169	149	112	146	166	182	168
40-44	157	171	151	113	145	164	181
45-49	123	170	186	164	121	155	175
50-54	114	139	196	214	189	139	180
55-59	119	140	174	242	263	236	175
60-64	113	134	161	198	272	295	270
65-69	85	104	125	150	182	249	272
70-74	60	67	82	98	116	140	193
75-79	35	39	44	54	64	76	93
80-84	10	18	20	22	27	32	39
85-89	9	5	9	10	11	14	17
90-94	0	2	1	2	2	2	3
95-99	0	0	1	1	2	2	2
100 & Over	0	0	0	0	0	0	0
<b>Totals</b>	<b>2,312</b>	<b>2,438</b>	<b>2,576</b>	<b>2,722</b>	<b>2,823</b>	<b>2,855</b>	<b>2,839</b>

**2008 Demographic Supplement to the Facts & Figures Handbook**

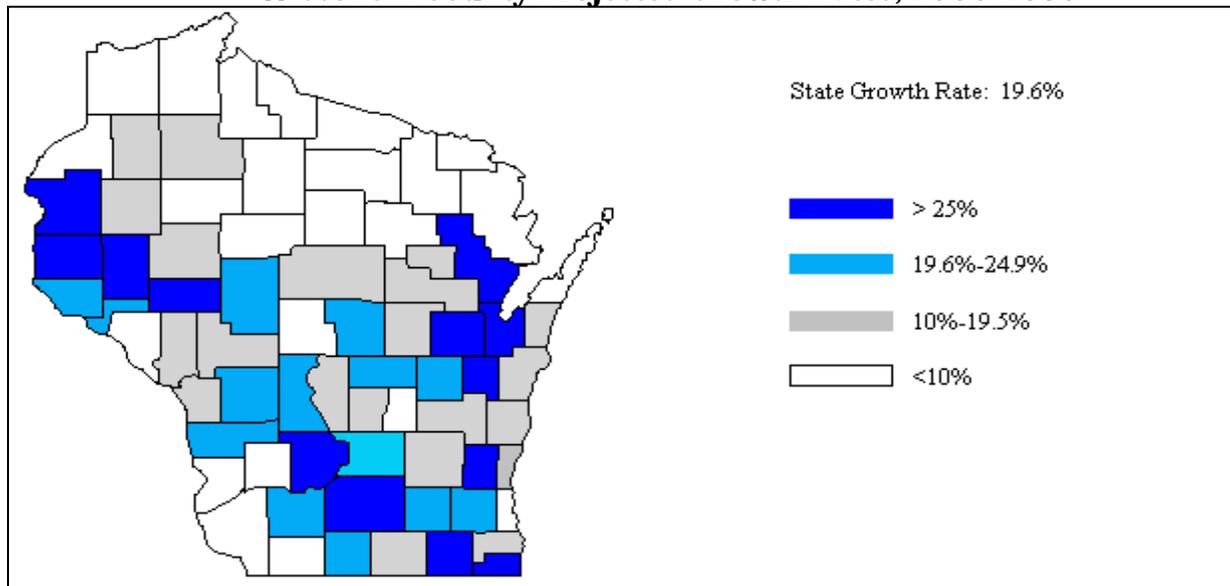
Age Group	Total						
	2000 Census	2005	2010	2015	2020	2025	2030
0-4	434	459	464	477	445	392	340
5-9	517	394	414	429	444	413	365
10-14	545	489	371	386	393	406	379
15-19	409	472	422	317	324	329	341
20-24	252	310	356	315	232	236	240
25-29	231	259	316	360	315	231	236
30-34	273	236	265	319	358	312	229
35-39	321	277	240	267	317	355	310
40-44	303	319	275	236	260	307	345
45-49	234	324	344	296	251	277	326
50-54	230	266	378	401	346	295	328
55-59	213	270	317	447	473	415	355
60-64	214	233	300	350	489	519	464
65-69	161	195	217	280	323	451	482
70-74	114	127	155	172	220	253	356
75-79	69	75	84	103	113	145	168
80-84	29	37	40	44	54	59	77
85-89	11	11	15	16	18	23	26
90-94	2	3	4	5	5	6	8
95-99	0	0	1	1	2	2	3
100 & Over	0	0	0	0	0	0	0
<b>Totals</b>	<b>4,562</b>	<b>4,756</b>	<b>4,978</b>	<b>5,221</b>	<b>5,382</b>	<b>5,426</b>	<b>5,378</b>

COMPONENTS OF POPULATION CHANGE BY FIVE YEAR TIME PERIODS						
Component	2000-2005	2005-2010	2010-2015	2015-2020	2020-2025	2025-2030
County Births	492	498	499	465	411	356
County Deaths	230	254	285	319	357	393
Natural Increase	262	244	214	146	54	-37
County Net Migration	-68	-22	29	15	-10	-11
<b>County Total Change</b>	<b>194</b>	<b>222</b>	<b>243</b>	<b>161</b>	<b>44</b>	<b>-48</b>

Source: Wisconsin Department of Administration

- According to the DOA population projections, it is estimated that by 2030, Menominee County will have an overall increase of 816. That would be an increase of 17.9%.
- The Wisconsin Demographic Service Center estimates that the State of Wisconsin will increase by 19.6% by the year 2030.
- The ten fastest growing counties projected over the next 30 year period will be (St. Croix, Calumet, Dane, Outagamie, Kenosha, Brown, Washington, Walworth, Dunn, and Sauk) according to the Demographic Service Center.

**Wisconsin County Projected Growth Rates, 2000-2030**



Source: Wisconsin Population 2030, March 2004 Demographic Service Center, Wisconsin DOA

**Number of Households by Age of Householder**

Age of Householder	Census	Projected					
	2000	2005	2010	2015	2020	2025	2030
Age 15 to 24 years	58	69	68	56	49	50	51
Age 25 to 34 years	200	196	231	270	267	215	185
Age 35 to 44 years	299	286	247	241	276	317	314
Age 45 to 54 years	276	351	430	415	355	341	389
Age 55 to 64 years	246	290	356	459	554	538	472
Age 65 to 74 years	183	214	248	301	361	469	558
Age 75 to 84 years	75	86	95	113	128	156	188
Age 85 years and over	8	9	12	14	15	19	23
<b>Total Households</b>	<b>1,345</b>	<b>1,501</b>	<b>1,687</b>	<b>1,869</b>	<b>2,005</b>	<b>2,105</b>	<b>2,180</b>

Source: Wisconsin Department of Administration

Note: These numbers do not take into consideration households located in Middle village.

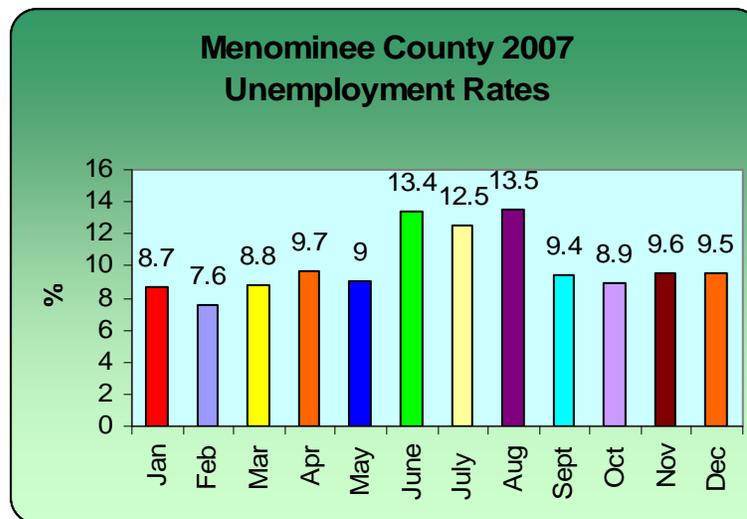
## UNEMPLOYMENT

- The unemployment rate for April of 2008 for Menominee County was 10.0%. The average unemployment rate for the State of Wisconsin in April of 2008 was 4.4%. Nationally, the average unemployment rate was 4.8%.

<b>Unemployment for April 2008</b>	
County Civilian Labor Force	1,690
# Employed	1,521
# Unemployed	169

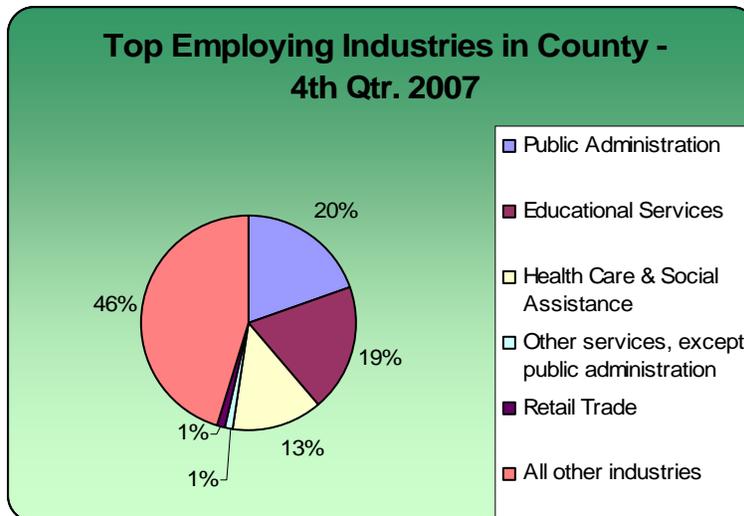
Source: Wisconsin Department of Workforce Development

- According to the Wisconsin Department of Workforce Development, Bureau of Workforce Training - Labor Market Information Section, in April of 2008, Menominee County had the highest unemployment rate among all 72 counties in the State of Wisconsin.
- The unemployment rate for March of 2008 was 10.2%; Menominee County's rank remained the same.
- The number unemployed only takes into consideration those individuals receiving unemployment, those waiting to report to a new job, those waiting to be called back after layoff within the past 6 months, and those no longer eligible for unemployment but still actively seeking employment for a total of 4 weeks.
- Not included in the unemployment rate are individuals who are not in the labor force (i.e. those who are "marginally attached" to the labor force but have stopped looking and "discouraged workers").

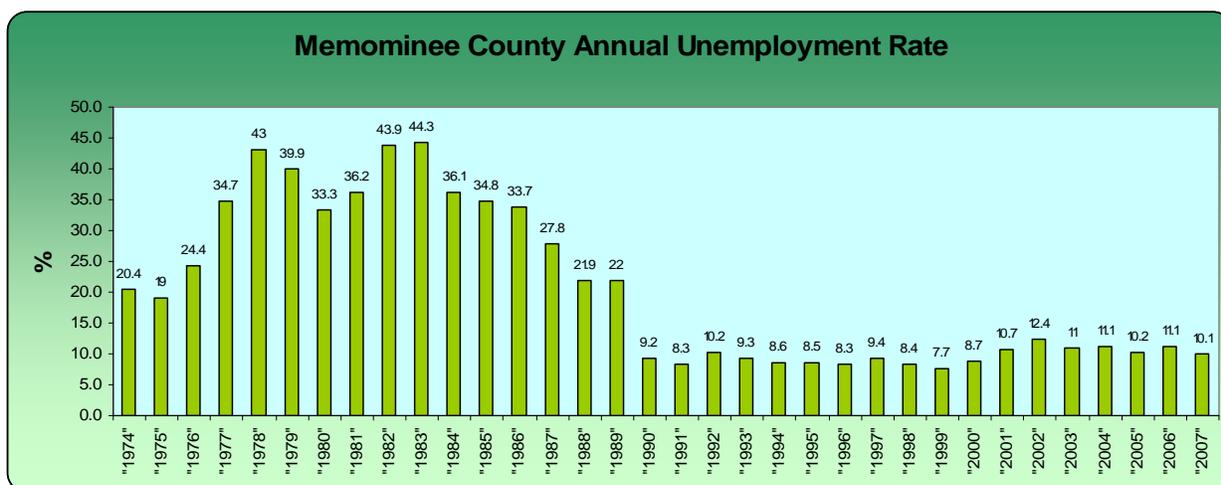


Source: Wisconsin Department of Workforce Development

- The top three employing industries for the county according to the Department of Workforce Development continue to be public administration, education, and health care and social services.



Source: Wisconsin Department of Workforce Development



Source: Wisconsin Department of Workforce Development Local Area Unemployment Statistics.

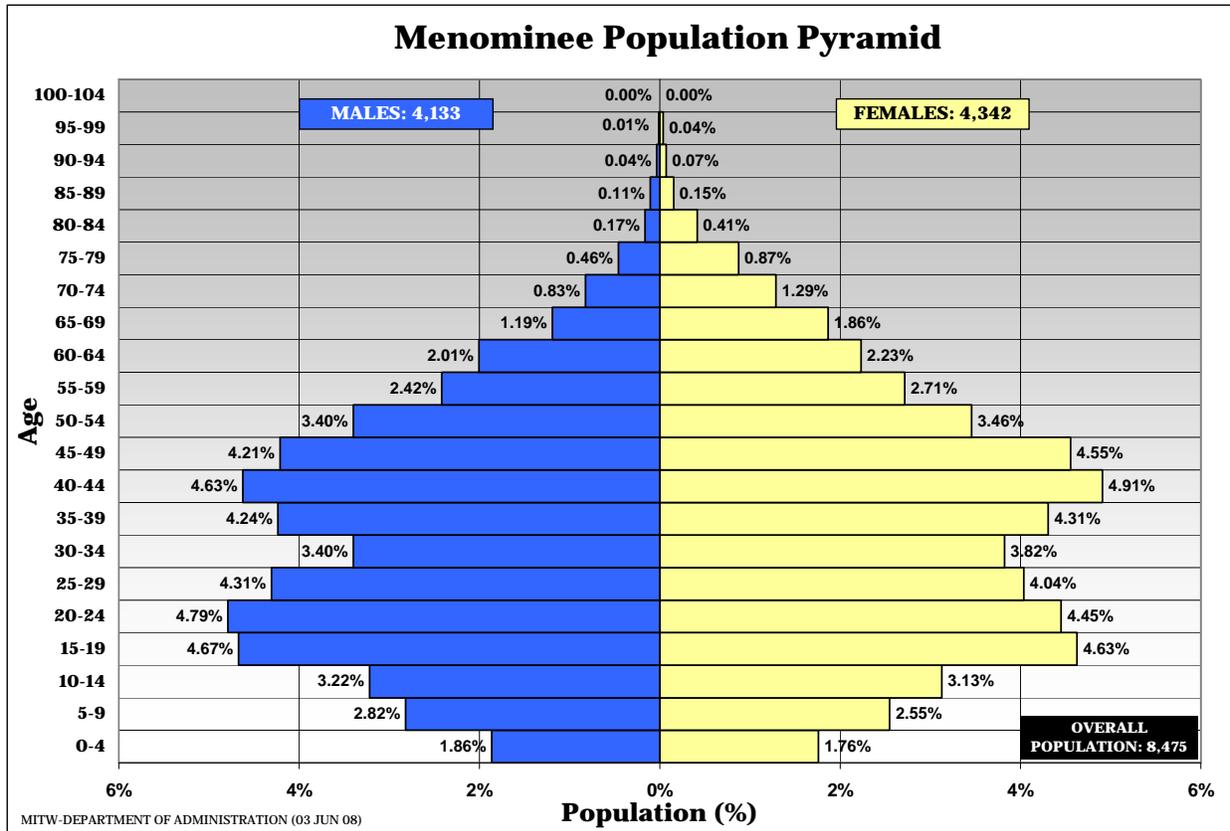
Short Disclaimer: Substate data for any area prior to 1990 use different census inputs (different methodologies) and could have different geographic boundaries, which could affect the estimates and create a break in the series.

## ENROLLMENT

- As of June 30, 2008, the Tribe had 8,475 Tribal members.

#	Description	Males			Females		
		No.	% of Males	% of Total Population	No.	% of Females	% of Total Population
1.	Minors (<18 years)	913	22.09%	10.77%	852	19.62%	10.05%
2.	Adults (18+)	3,220	77.91	37.99%	3,490	80.38%	41.17%
3.	Total	4,133	100.00%	48.77%	4,342	100.00%	51.23%

- As of June 30, 2008, the Tribe had 3,000 registered descendants (i.e. persons who are first or second generation descendants of enrolled Tribal members).



- The Tribe’s population in the 40-44 year old bracket is the largest age group with 9.54% (809) of the Tribe’s overall population.
  - Elder services are available to Tribal members who are age 55 years and older. These services include congregate and home delivered meals, benefit specialist services, community based residential care services, limited lawn maintenance, snow removal, transportation, and respite care services.
  - 1,429 Tribal members are currently 55 years of age or older.
  - In the next ten years, the Tribe’s elder population is expected to increase by as much as 92.65%.
- The Tribe’s population in the 15 to 19 year old bracket is the second largest bracket with 9.30% (788) of the Tribe’s overall population.
  - Most direct services provided by the Tribe are only available to individuals 18 years of age or older.
  - Persons in this age bracket will soon, if not already, place an additional demand on direct services provided by the Tribe.
- Tribal population growth has largely mirrored Wisconsin population trends up until the year 2000. Tribal population growth has significantly slowed over the last eight years.

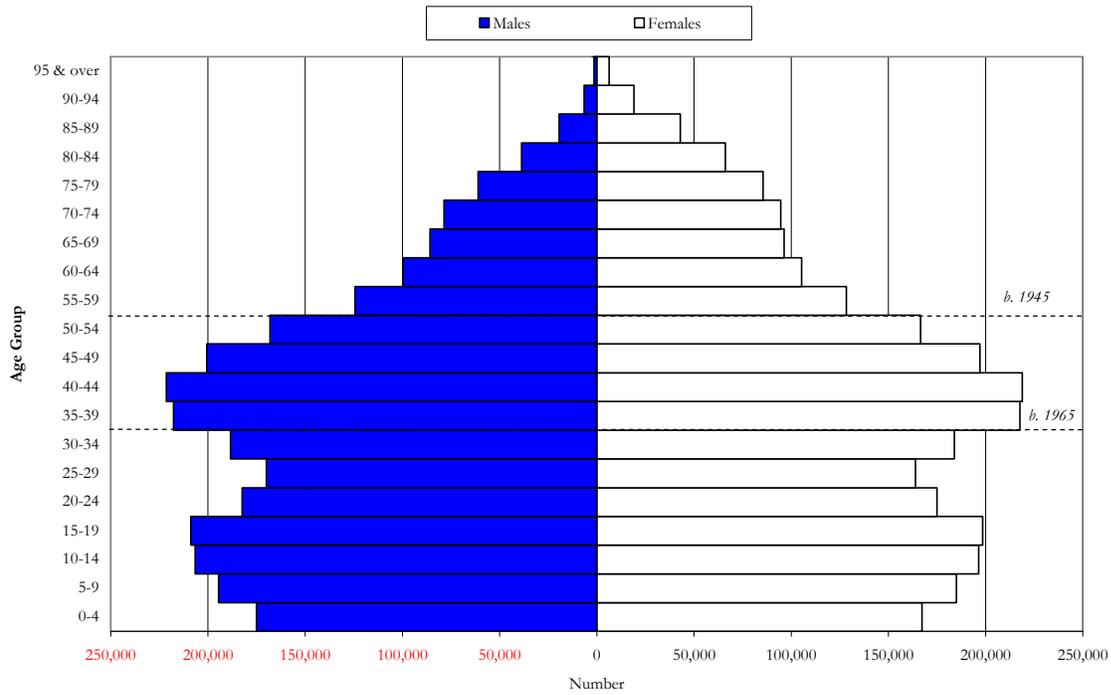
### 5-Year Age Group Pyramid by Sex, Wisconsin, 2000 Census

Wisconsin Population 2030, March 2004

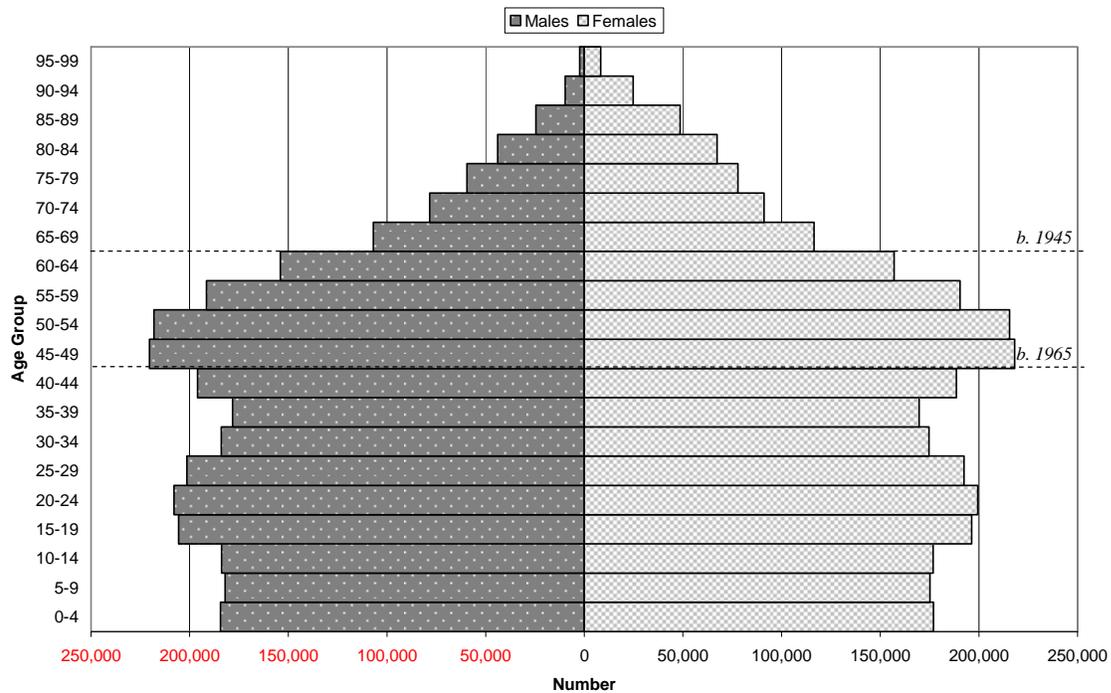
Demographic Service Center

Division of Intergovernmental Relations

Wisconsin Department of Administration



### 5-Year Age Group Pyramid by Sex, Wisconsin, 2010 Projection



**Tribal Population – Proximity to the Reservation**

- 3,927 (46.33%) of the Tribe’s membership resides on the Reservation.
- 807 (9.52%) of the Tribe’s membership resides in Shawano, Wisconsin, directly adjacent to the Reservation.
- 5,079 (59.92%) of the Tribe’s membership resides on or within 30 miles of the Reservation, 6,115 (72.15%) reside on or within 60 miles of the Reservation, and 6,329 (74.67%) reside on or within 90 miles of the Reservation.
- 7,189 (84.82%) of the Tribe’s population resides in the State of Wisconsin.

State/ County	Menominee Tribal Members Residing in Given Distance from Menominee Indian Reservation									Totals
	0 - 30 Miles			31-60 Miles			61 - 90 Miles			
	<16 Yrs	16 - 17	=>18	<16 Yrs	16 - 17	=>18	<16 Yrs	16 - 17	=>18	
<b>Wisconsin</b>										
Adams									1	1
Brown				116	27	562				705
Calumet								1	4	5
Clark									1	1
Door									6	6
Fond du lac							3	1	13	17
Forest					1	16				17
Green Lake									1	1
Kewaunee							1		6	7
Langlade	1		20							21
Lincoln						2				2
Manitowoc							6	1	25	32
Marathon				5		42				47
Marquette					2	14				16
Marquette							2		2	4
Menominee	872	205	2,850							3,927
Oconto	56	11	257							324
Oneida									13	13
Outagamie				17		175				192
Portage				2		12				14
Shawano	179	29	599							807
Sheboygan									1	1
Taylor									1	1
Vilas							2	3	11	16
Waupaca				5		38				43
Waushara									1	1
Winnebago							5	1	69	75
Wood								7	15	22
<b>Totals</b>	<b>1,108</b>	<b>245</b>	<b>3,726</b>	<b>145</b>	<b>30</b>	<b>861</b>	<b>19</b>	<b>14</b>	<b>170</b>	<b>6,318</b>
<b>Michigan</b>										
Delta	-	-	-	-	-	-	-	-	1	1
Dickinson	-	-	-	-	-	-	-	-	3	3
Iron	-	-	-	-	-	-	-	-	1	1
Menominee	-	-	-	-	-	-	2	1	4	7
<b>Totals</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>1</b>	<b>8</b>	<b>11</b>
<b>GRAND TOTALS</b>	<b>1,108</b>	<b>245</b>	<b>3,726</b>	<b>145</b>	<b>30</b>	<b>861</b>	<b>21</b>	<b>15</b>	<b>178</b>	<b>6,329</b>
Total w/in 30 mi.			5079							
Total w/in 30-60 mi.						1036				
Total w/in 60-90 mi.									214	
% 18+ w/in 30 mi.			73.36%							
% 18+ w/in 30-60 mi.						83.11%				
% 18+ w/in 60-90 mi.									83.18%	
Total 18+										4765
% 18+										75.29%