CONSTITUTION & BYLAWS

OF THE

MENOMINEE INDIAN TRIBE

OF WISCONSIN

CERTIFIED
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8/8/91

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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 (1/4) 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 (1/4) 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.

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The Menominee Tribal Legislature on this 8th day of August, 8th, 1991 hereby certifies this page (*pn) of the Menominee Constitution & Bylaws as a True & Correct page of the Document.

Chairman, Glen T. Miller — Date: 8-8-91

Seal

Secretary, Lucille B. Chapman — Date: 8-8-91

Section 2. Ineligibility For Membership or Automatic Forfeiture of 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.

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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.

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Chairman, Glen T. Miller — *Date*

Seal

Lucille B. Chapman — 8-8-91

Date

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 (87 Stat. 772), and every third year thereafter.

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Secretary, Lucille B. Chapman — Date

(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.

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(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. Requirements 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 on the Reservation shall maintain residence on 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.

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Lucille B. Chapman — 8-8-91

Secretary, Lucille B. Chapman — Date

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 for 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.

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(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.

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Chairman, Glen T. Miller — Date

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Lucille B. Chapman — 8-8-91

Secretary, Lucille B. Chapman — Date

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.

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Secretary, Lucille B. Chapman — 8-8-91 Date

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.

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Lucille B. Chapman — 8-8-91

Secretary, Lucille B. Chapman — Date

(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. s.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 Trial 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. s.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 Trial 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.

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Lucille B. Chapman — 8-8-91

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 may 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 petitioner's 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

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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 petitioners' 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 petitioncertify 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 the 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.

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(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.

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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:

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(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. TheTribal 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.

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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 petitioner's 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.

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(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

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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 a 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 Effect 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.

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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 the detailed language of any proposed initiative ordinance and may affix the title thereto, so long as the general character of the measure will not be 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.

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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;

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(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.

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(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.

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(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.

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(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 Descendent Exception.

A non-member who is an heir or descendent 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 descendents 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

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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 assume 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.

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(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.

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(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 be 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.

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(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.

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(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.

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(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.

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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.

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AMENDMENT
TO ARTICLE XIII OF
MENOMINEE CONSTITUTION AND BYLAWS

ARTICLE XIII

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.

CERTIFICATE OF APPROVAL

I, LARRY MORRIN, Area Director, Minneapolis Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984), as amended, and further delegated to me by 10 BIAM Bulletin 13, as extended by Bulletin 9901, do hereby approve Amendment A, now designated as Amendment Number I, to the Constitution and Bylaws of the Menominee Indian Tribe of Wisconsin. This amendment is effective as of this date: PROVIDED, that nothing in this approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

Area Director

Date: [illegible]

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.

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(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 of 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.

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Seal

Lucille B. Chairman — 8-8-91

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 interests.

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. s1301 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 of any State.

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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. s476, 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.

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Chairman, Glen T. Miller — Date

Seal

Lucien B. Chapman — 8-8-91

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 filled 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.

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(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.

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Chairman, Glen T. Miller — 8-8-91 Date

Seal

Lucille B. Chapman — 8-8-91

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.

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(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.

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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 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.

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(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.

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(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. An 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.

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(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.

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(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.

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Secretary, Lucille B. Chapman — 8-8-91 Date

BYLAW 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.

(b) 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.

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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.

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Seal

Louise B. Chapman — 8-8-91

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. s1153 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.

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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:

1) 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.

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

3) A revision of the Menominee Constitution and Bylaws (of 1977), was 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)

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