



MENOMINEE NATION

THE MENOMINEE TRIBAL LEGISLATURE

TRIBAL ORDINANCE NO. 23-32

AMENDMENT TO THE CODE OF THE MENOMINEE INDIAN- TRIBE OF WISCONSIN

CHAPTER 368

HEALTH AND FAMILY

FINAL APPROVAL:

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

Tribal Ordinance 23-32 is hereby enacted. Tribal Ordinance 23-32 amends Chapter 368, "Health and Family" of the Code of the Menominee Indian Tribe of Wisconsin as attached hereto and incorporated herein as if fully reproduced here.

CERTIFICATION

We, the undersigned Officers of the Menominee Tribal Legislature, do hereby certify that the foregoing Ordinance 23-32 Amendment to Chapter 368 – "Health and Family" was **duly adopted**, at a regular meeting of the Tribal Legislature held September 21, 2023, at which a quorum was present, by a vote of **6** for, **0** opposed, **1** abstention, and **1** absent.

The undersigned also certify that the foregoing amendment to Code of the Menominee Indian Tribe of Wisconsin has been posted in accordance with the Menominee Constitution and Bylaws.

A handwritten signature in blue ink, reading "Gena M. Wukharascom VC Ex.", is written over a horizontal line.

**GENA KAKKAK, CHAIRWOMAN
MENOMINEE INDIAN TRIBE OF WISCONSIN**

DATE: SEPTEMBER 21, 2023

A handwritten signature in blue ink, reading "Spencer Gauthier", is written over a horizontal line.

**SPENCER GAUTHIER, SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN**



MENOMINEE INDIAN TRIBE OF WISCONSIN
LEGAL DIVISION
MEMORANDUM

To: Menominee Tribal Legislature
From: John Wilhelmi, Tribal Attorney – Gaming Emphasis
Date: August 10, 2023
Re: Ordinance 23-32 Amendment to Chapter 368 Health and Family

Ordinance 23-32 amends Chapter 368 for the purpose of creating a requirement that businesses on the Reservation engaged in operating a casino, hotel, or bar train their employees on issues related to the prevention of sex trafficking. It does this by requiring the Tribe's Department of Advocacy and Support to create training materials regarding this issue and making them available to the types of businesses listed above. The owner of those businesses are required to use those materials to train their employees.

Because Chapter 368 is a large Chapter addressing many separate issues, and because Ordinance 23-32 acts to create a new article to Chapter 368, no red line of Chapter 368 is provided with this memorandum.

TRIBAL ORDINANCE 23-32

AMENDMENT TO CHAPTER 368 – HEALTH AND FAMILY

1. Purpose. The purpose of this Amendment is to prevent sex trafficking on the Menominee Reservation through the requirement that certain types of businesses take action to educate employees and others on the issue of sex trafficking prevention.
2. Creation of Article XIII of Chapter 368. Chapter 368 is amended to create Article XIII as follows:

Article XIII

Sex Trafficking Prevention

§ 368-64 Definitions

As used in this Article, the following terms shall have the meanings indicated:

DEPARTMENT

Menominee Indian Tribe of Wisconsin Department of Advocacy and Support.

DESIGNATED BUSINESS

Any person, firm, corporation, tribally chartered business, limited liability company, limited partnership, partnership that operates a gaming business, hotel or motel, or business that is licensed to sell beer or alcohol located on the Menominee Reservation.

SEX TRAFFICKING.

Receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual; or receiving profit or anything of value, knowing or having reason to know it is derived from an act described above.

§ 368-65 Prevention Training Required

A. Following initial approval of a training program pursuant to paragraph C, every Designated Business shall ensure that each employee who works on site, including but not limited to any owner, operator, or manager, receives the training described in paragraph C within the later of 90 days of the time of hire or 120 days of December 1, 2023, and annually thereafter. The operator of each Designated Business shall annually certify, in an employee roster or in each employee's personnel file, that each employee has received the training approved by the Department.

B. In addition to the training required under paragraph A, the operator of each Designated Business shall conduct an ongoing awareness campaign for employees that addresses the components described in paragraph C.

C. No later than December 1, 2023, the Department shall, in consultation with the Menominee Tribal Police Department, approve an educational training program that focuses on the accurate and prompt identification and reporting of, or response to, suspected sex trafficking. The Department shall allow the use of existing training modules and materials, to the extent possible. Training must include, at a minimum, instruction on:

- (1) what sex trafficking is in order to raise awareness of it;
- (2) how to recognize potential victims of sex trafficking;
- (3) how to identify activities commonly associated with sex trafficking; and
- (4) effective responses to trafficking situations including, but not limited to, how to report suspected sex trafficking to proper law enforcement officials.

D. Each operator must post and maintain a poster, written or approved by the Department and containing information described in paragraph C, in a place readily accessible to each employee who works on site. Any cost incurred for the training program shall be the responsibility of the Designated Business.

§ 368-66 Immunity

An operator or employee of a Designated Business who acts in good faith is immune from liability in any civil action for reporting suspected sex trafficking activities.

§ 368-67 Enforcement and Penalty

A. When, upon inspection, it is found that the Designated Business is not in compliance with this Article, it is the duty of the Department to notify the person in charge of the Designated Entity, or the owner or agent of the Designated Business, of the non-compliance and issue an order for correction of the violations. A reasonable time may be granted by the Department for compliance with the provisions of this Article.

B. When, after a Designated Entity has received an order pursuant to Paragraph A above, and has failed to comply with said order within the period permitted for its correction stated, any owner, operator, or manager of the Designated Business may be assessed a civil penalty of not more than \$100 for each day during which such failure or violation continues.

C. Whenever the Department has reasonable cause to believe that any person has committed an act which subjects him or her to a penalty under this section, the Department shall cause a record of such alleged violation to be prepared, a copy of which shall be referred to the Tribal Prosecutor, and

the Tribal Prosecutor shall, in writing, advise the Department of the disposition he shall make of the alleged violation.

D. If the person committing the act subject to penalty under this section is an employee of an employer, the employer shall be jointly and severally liable with that person for all penalties imposed under this chapter.

3. Effect on Remaining Provisions of Chapter. The remaining provisions of Chapter 368 are unchanged.