

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

P.O. Box 365
Oneida, WI 54155
(920) 869-4376
(800) 236-2214
<http://oneida-nsn.gov/LOC>



Committee Members

Brandon Stevens, Chairperson
Tehassi Hill, Vice Chairperson
Fawn Billie, Councilmember
Jennifer Webster, Councilmember

LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center

October 1, 2014 9:00 a.m.

- I. Call To Order and Approval of the Agenda**
- II. Minutes to be approved**
 1. July 30, 2014 Special LOC Meeting Minutes
 2. August 15, 2014 Special LOC Meeting Minutes
 3. September 17, 2014 LOC Meeting Minutes
- III. Current Business**
 1. ONGO Emergency Amendments
 2. Petition: Hold a GTC Meeting to Address Tribal Election Issues
- IV. New Submissions**
 1. Petition: Constitution Amendments: Blood Quantum
 2. Higher Education
 3. Sovereignty in Agriculture
 4. Pow-wow Committee Bylaws
 5. LLDEH Priority Legislation
- V. Additions**
- VI. Administrative Updates**
 1. Quarterly Report
- VII. Executive Session**
- VIII. Recess/Adjourn**

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Committee Members

Melinda J. Danforth
Vince DelaRosa
David P. Jordan
Paul Ninham
Brandon Stevens

LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor

Norbert Hill Center

July 30, 2014 9:00 a.m.

PRESENT: Melinda J. Danforth, David P. Jordan, Paul Ninham, Brandon Stevens (arrived at 9:10 a.m.)

OTHERS PRESENT: Lynn Franzmeier, Taniquelle Thurner, Layatalati Hill, Candice Skenandore, Lisa Summers, Ed Delgado, Mary Corelissen, Rich Van Boxtel, Leyne Orosco, Rae Skenandore, Marianne Close, Rita Reiter, Terry Hetzel, Chaz Wheelock, Michelle Mays, RC Metoxen

I. Call to Order and Approval of the Agenda

Melinda J. Danforth called the July 30, 2014 Legislative Operating Committee meeting to order at 9:03 a.m.

Motion by Paul Ninham to approve the agenda with the following changes: move Item 5. Tribal Hearing Bodies to Executive Session, add the Vehicle Driver Certification and Fleet Management under Additions, move the Fitness for Duty Policy and Audit Law Amendments to the top of the agenda; seconded by David P. Jordan. Motion carried unanimously.

II. Minutes

1. Legislative Operating Committee Meeting Minutes of July 2, 2014 (21:45-21:55)
Motion by Paul Ninham to approve the Legislative Operating Committee Meeting Minutes of July 2, 2014; seconded by David P. Jordan. Motion carried unanimously.

III. Current Business

1. Back Pay Policy Amendments (17:33-21:38)

Motion by David P. Jordan to forward the Back Pay Policy Amendments to the Oneida Business Committee for consideration with the noted change to include the Worker's Compensation language recommended by the Finance area; seconded by Paul Ninham. Motion carried unanimously.

2. Investigative Leave Policy Amendments (21:55-22:39)

Motion by Paul Ninham to forward the Investigative Leave Policy Amendments to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.

3. **Child Support Law Amendments: Published Notice and Hearing Date (22:40-23:12)**
Motion by Paul Ninham to forward the Child Support Law Amendments: Published Notice and Hearing Date to the Oneida Business Committee for consideration; seconded by David P. Jordan. Motion carried unanimously.
4. **Fitness for Duty Policy (07:09-17:30)**
Motion by Paul Ninham to defer the Fitness for Duty Policy to the next Legislative Operating Committee to consider; seconded by Brandon Stevens. Motion carried unanimously.
5. **Membership Ordinance Amendments (23:18-24:40)**
Motion by Paul Ninham to leave the Membership Ordinance Amendments on the active files list for the next Legislative Operating Committee to consider; seconded by Brandon Stevens. Motion carried unanimously.
6. **Finance Committee Bylaws Amendments (24:44-25:17)**
Motion by Paul Ninham to delete the Finance Committee Bylaws Amendments from the active files list; seconded by David P. Jordan. Motion carried unanimously.
7. **Pardon and Forgiveness Screening Committee Bylaws (25:18-27:41)**
Motion by Paul Ninham to forward the Pardon and Forgiveness Screening Committee Bylaws to the Oneida Business Committee for consideration; seconded by Brandon Stevens. Motion carried unanimously.
8. **Audit Law Amendments (01:05-06:46)**
Motion by David P. Jordan to leave the Audit Law Amendments on the active files list for the next Legislative Operating Committee to consider with the understanding that a memorandum will be forwarded to the Oneida Business Committee indicating that the Audit Law will have to go through the appropriate process set out in the Legislative Procedures Act; seconded by Paul Ninham. Motion carried unanimously.

IV. New Submissions

1. **Public Use of Tribal Land Emergency Amendments (27:43-28:36)**
Motion by Paul Ninham to retro-approve the e-poll that was sent out to approve forwarding the amendments to the Oneida Business Committee; seconded by David P. Jordan. Motion carried unanimously.
2. **Anna John Resident Centered Care Community Board Bylaws (28:37-30:52)**
Motion by Paul Ninham to defer the Anna John Resident Centered Care Community Board Bylaws request to the next Legislative Operating Committee to consider; seconded by David P. Jordan. Motion withdrawn.

Motion by Paul Ninham to add the Anna John Resident Centered Care Community Board Bylaws to the active files list with Melinda Danforth as the sponsor and forward the Anna John Resident Centered Care Community Board Bylaws to the

Oneida Business Committee for consideration; seconded by Brandon Stevens. Motion carried unanimously.

V. Additions

1. Vehicle Driver Certification and Fleet Management (30:55-36:13)

Motion by Paul Ninham to forward the Vehicle Driver Certification and Fleet Management to the next Legislative Operating Committee for their consideration to continue work, seconded by David P. Jordan. Motion carried unanimously.

VI. Administrative Update

1. Rules of Appellate Procedure (36:14-40:10)

Motion by Paul Ninham to accept the Rules of Appellate Procedures information as FYI; seconded by Brandon Stevens. Motion carried unanimously.

VII. Executive Session (40:11-41:13)

Motion by Paul Ninham to go into executive session at 9:43 a.m., seconded by David P. Jordan. Motion carried unanimously.

Motion by Paul Ninham to come out of executive session at 10:05 a.m., seconded by Brandon Stevens. Motion carried unanimously.

1. Tribal Hearing Bodies

Motion by Paul Ninham to accept the update as FYI and request that this issue be rolled into the Judiciary transition, seconded by Brandon Stevens. Motion carried with David P. Jordan abstaining.

VIII. Recess/Adjourn

Motion by Paul Ninham to adjourn the July 30, 2014 Legislative Operating Committee meeting at 10:07 a.m.; seconded by David P. Jordan. Motion carried unanimously.

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Committee Members

Fawn Billie
 Tehassi Hill
 Brandon Stevens
 Ben Vieau
 Jennifer Webster

SPECIAL LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Finance Committee Conference Room-3rd Floor Norbert Hill Center
 August 15, 2014 1:30 p.m.

PRESENT: Fawn Billie, Tehassi Hill, Brandon Stevens, Ben Vieau, Jennifer Webster

OTHERS PRESENT: Michelle Mays, Candice Skenandore, Taniquelle Thurner, Danelle Wilson, Lynn Franzmeier

I. Call To Order and Approval of the Agenda

II. Minutes to be approved

III. Current Business

1. Legislative Operating Committee Officer Selection

Ben Vieau nominated Brandon Stevens as LOC Chairperson, seconded by Jennifer Webster. Brandon Stevens accepted the nomination. Tehassi Hill motioned to close the nominations; seconded by Jennifer Webster. Brandon Stevens was unanimously accepted as the LOC Chairperson.

Jennifer Webster nominated Tehassi Hill as LOC Vice-Chairperson, seconded by Brandon Stevens. Tehassi Hill accepted the nomination. Brandon Stevens closed the nominations. Tehassi Hill was unanimously accepted as the LOC Vice-Chairperson.

2. Legislative Reference Office Staff Introductions

No action taken.

3. Determine Next Meeting Date

Motion by Tehassi Hill to accept Option B: Wednesday, September 17, 2014 as the first LOC meeting date for the 2014-2017 term; seconded by Jennifer Webster. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Update

1. LOC Orientation

No action taken.

VII. Executive Session

VIII. Recess/Adjourn

Motion by Fawn Billie to adjourn the August 15, 2014 Legislative Operating Committee Meeting at 1:49 p.m.; seconded by Jennifer Webster. Motion carried unanimously.

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Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

Jennifer Webster, Councilmember

LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor

Norbert Hill Center

September 17, 2014 9:00 a.m.

PRESENT: Brandon Stevens, Fawn Billie, Jennifer Webster, Tehassi Hill

OTHERS PRESENT: Lynn Franzmeier, Taniquelle Thurner, Layatalati Hill, Candice Skenandore, Michelle Mays, RC Metoxen, Danelle Wilson, Fawn Cottrell, Dale Wheelock, Cheryl Skolaski, Rae Skenandore, Lora Skenandore, Patricia King, Tamara Vanschyndel

I. Call to Order and Approval of the Agenda

Brandon Stevens called the September 17, 2014 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to approve the agenda with two additional items: Amendments to the Oneida Nation Gaming Ordinance; and Emergency Amendments to the Personnel Policies and Procedures Regarding Job Duties and Work Assignments; seconded by Tehassi Hill. Motion carried unanimously.

II. Minutes

None

III. Current Business

None

IV. New Submissions

1. Judiciary Law Emergency Amendments (00:55-04:08)

Motion by Tehassi Hill to approve the resolution/transition plan, as corrected, for the adoption of emergency amendments to the Judiciary Law; and forward to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor.

2. Administrative Procedures Act Repeal (04:15-06:53)

Motion by Tehassi Hill to approve forwarding the GTC Resolution to Repeal the Administrative Procedures Act to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor.

3. Petition: Hold a GTC Meeting to Address Tribal Election Issues (06:53-09:40)

Motion by Tehassi Hill to add the Petition: Hold a GTC Meeting to Address Tribal Election Issues to the Active Files List, seconded by Fawn Billie. Motion carried unanimously.

Note: Tehassi Hill will be the sponsor.

V. Additions

1. Amendments to the Oneida Nation Gaming Ordinance (09:40-18:15)

Motion by Jennifer Webster to add the Amendments to the Oneida Nation Gaming Ordinance to the Active Files List on an emergency basis; seconded by Fawn Billie. Motion carried unanimously.

Motion by Fawn Billie to direct the Legislative Reference Office to bring back an analysis, resolution and statement of effect for the October 1, 2014 LOC meeting; seconded by Tehassi Hill. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor.

2. Emergency Amendments to the Personnel Policies and Procedures regarding Job Duties and Work Assignments (18:26-39:00)

Motion by Tehassi Hill to add Emergency Amendments to the Personnel Policies and Procedures regarding Job Duties and Work Assignments to the Active Files List, seconded by Jennifer Webster. Motion carried unanimously.

Note: Tehassi Hill will be the sponsor.

Motion by Tehassi Hill to direct the Legislative Reference Office to provide a Statement of Effect and Legislative Analysis, by Monday (September 22, 2014), seconded by Fawn Billie. Motion carried unanimously.

VI. Administrative Update

1. 2011-2014 Active Files List Review

Budget Management and Control Law (39:57-40:29)

Motion by Tehassi Hill to add the Budget Management and Control Law to the Active Files List with Brandon Stevens as sponsor; seconded by Fawn Billie. Motion carried unanimously.

Audit Committee Bylaws (40:30-43:16)

Motion by Fawn Billie to add the Audit Committee Bylaws to the Active Files List with Fawn Billie as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

Audit Law Amendments (43:16-44:38)

Motion by Jennifer Webster to add the Audit Law Amendments to the Active Files List, with Jennifer Webster as sponsor; seconded by Tehassi Hill. Motion carried unanimously.

GTC Meeting Stipend Payment Policy Amendments (44:39-47:45)

Motion by Jennifer Webster to send a letter to the Oneida Business Committee to see if they want the LOC to continue working on the GTC Meeting Stipend Payment Policy Amendments; seconded by Fawn Billie. Motion carried unanimously.

Health Board Bylaws (47:48-50:22)

Motion by Tehassi Hill to not add the Health Board Bylaws to the Active Files List and to provide notice to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

Human Resources Reorganization (50:25-53:45)

Motion by Tehassi Hill to not add Human Resources Reorganization to the Active Files List, and to provide notice to the Oneida Business Committee; seconded by Fawn Billie. Motion carried unanimously.

Personnel Commission Legislation (53:56-56:11)

Motion by Jennifer Webster to send a memo to the Oneida Business Committee asking for direction; seconded by Fawn Billie. Motion carried unanimously.

Personnel Policies and Procedures: Area Manager Appeals (56:25-59:48)

Motion by Jennifer Webster to not add Personnel Policies and Procedures: Area Manager Appeals to the Active Files List and to provide notice to the Oneida Business Committee; seconded by Tehassi Hill. Motion carried unanimously.

Workplace Violence Policy (59:49-1:03:38)

Motion by Fawn Billie to not add Workplace Violence Policy to the Active Files List, and to provide notice to the Oneida Business Committee. Motion withdrawn.

Motion by Tehassi Hill to add the Workplace Violence Policy to the Active Files List with Tehassi Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Furlough Policy Emergency Adoption (1:03:38-1:06:24)

Motion by Jennifer Webster to not add the Furlough Policy Emergency Adoption to the Active Files List and to provide the Oneida Business Committee a memo stating that it is the intent of the Legislative Operating Committee to let the emergency adoption expire; seconded by Tehassi Hill. Motion carried unanimously.

Public Use of Tribal Land Emergency Amendments (1:06:24-1:09:53)

Motion by Jennifer Webster to add the Public Use of Tribal Land Emergency Amendments to the Active Files List with Tehassi Hill as sponsor; seconded by Tehassi Hill. Motion carried unanimously.

GTC Meetings Law, Petitions (1:09:54-1:14:09)

Motion by Fawn Billie to add the following five items to the Active Files List: GTC Meetings Law; Petition: Directing a “Stall Mall” be Created; Petition: Publishing Names and Addresses of Petition Signers in GTC Mailouts; Petition: Real Estate Taxes for all Tribe Owned Property to be Paid by Tribe; Petition: Responding to Questions and Comments from the Floor at GTC; seconded by Tehassi Hill. Motion carried unanimously.

Note: Fawn Billie will be the sponsor for the GTC Meetings Law, and Brandon Stevens will be the sponsor for the petitions.

Alcohol Beverage Licensing Law Amendments (1:14:16-1:23:06)

Motion by Jennifer Webster to not add the item Alcohol Beverage Licensing Law Amendments to the Active Files List, and to send notice to the Licensing Department that they would need to resubmit this item if so desired; seconded by Fawn Billie. Motion carried unanimously.

Comprehensive Policy Governing Boards, Committees and Commissions Amendments (1:23:08-1:24:40)

Motion by Jennifer Webster to add the Comprehensive Policy Governing Boards, Committees and Commissions Amendments to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Note: Jennifer Webster will be the sponsor for this item.

Election Law Amendments (1:24:40-1:26:29)

Motion by Tehassi Hill to add the Election Law Amendments to the Active Files List with Tehassi Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Family Court Amendments: Bench Warrants (1:26:29-1:28:48)

Motion by Jennifer Webster to add the Family Court Amendments: Bench Warrants to the Active Files List, and send a memo to the responsible departments, asking for their information for implementation, seconded by Fawn Billie. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor for this item.

Vehicle Driver Certification and Fleet Management (1:28:49-1:31:00)

Motion by Jennifer Webster to add Vehicle Driver Certification and Fleet Management to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously.

Note: Jennifer Webster will be the sponsor for this item.

Children’s Code (1:31:01-1:33:00)

Motion by Fawn Billie to add the Children’s Code to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

Note: Fawn Billie will be the sponsor for this item.

Code of Ethics Law Amendments (1:33:01-1:37:14)

Motion by Tehassi Hill to add the Code of Ethics Law Amendments to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

Note: Tehassi Hill will be the sponsor for this item.

Employment Law (1:37:16-1:37:55)

Motion by Jennifer Webster to add the Employment Law to the Active Files List, with Brandon Stevens as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

Employee Advocacy Law (1:37:56-1:41:20) (1:45:27-1:46:33)

Motion by Jennifer Webster to add the Employee Advocacy Law to the Active Files List, with Jennifer Webster as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

Fitness for Duty Policy (1:41:21-1:42:33)

Motion by Jennifer Webster to add the Fitness for Duty Policy to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously.

Note: Jennifer Webster will be the sponsor for this item.

Rulemaking Law (1:42:34-1:45:26)

Motion by Tehassi Hill to add the Rulemaking Law to the Active Files List with Tehassi Hill as the sponsor; seconded by Fawn Billie. Motion carried unanimously.

Tribally-Owned Business Organization Code (1:46:34-1:47:35)

Motion by Jennifer Webster to add the Tribally-Owned Business Organization Code to the Active Files List with Jennifer Webster as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

Guardianship Law (1:47:35-1:49:22)

Motion by Jennifer Webster to add the Guardianship Law to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Note: Fawn Billie will be the sponsor for this item.

Leasing Law (1:49:23-1:50:50)

Motion by Tehassi Hill to add the Leasing Law to the Active Files List with Tehassi Hill as sponsor; seconded by Fawn Billie. Motion carried unanimously.

Whistleblower Law (1:50:51-1:55:35)

Motion by Jennifer Webster to add the Whistleblower Law to the Active Files List with Jennifer Webster as sponsor; seconded by Fawn Billie. Motion carried unanimously.

Worker's Compensation Law Amendments (1:55:38-1:57:51)

Motion by Fawn Billie to not add the Worker's Compensation Law Amendments to the Active Files List and to notify the Human Resources Department and Risk Management that they will need to resubmit their request if so desired, seconded by Jennifer Webster.

Capping Damages and Awards from the Judicial System (1:59:54-2:03:32)

Motion by Jennifer Webster to add Capping Damages and Awards from the Judicial System to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Note: Jennifer Webster will be the sponsor for this item.

Emergency Management and Homeland Security Law Amendments (2:03:32-2:05:23)

Motion by Tehassi Hill to not add the Emergency Management and Homeland Security Law Amendments to the Active Files List, and to let the Emergency Management Homeland Security department know that they will need to resubmit their request if so desired; seconded by Fawn Billie. Motion carried unanimously.

Higher Education Forgiveness Policy (2:05:28-2:06:36)

Motion by Jennifer Webster to not add the item Higher Education Forgiveness Policy to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Housing Legislation (2:06:36-2:07:34)

Motion by Jennifer Webster to not add the item Housing Legislation to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously.

Law Enforcement Ordinance Amendments (2:07:34-2:08:06)

Motion by Tehassi Hill to not add the Law Enforcement Ordinance Amendments to the Active Files List, and to notify the Police Department that they can resubmit their request if so desired; seconded by Fawn Billie. Motion carried unanimously.

Law Enforcement Ordinance Amendments – Conservation Officers (2:08:07-2:11:12)

Motion by Jennifer Webster to add Law Enforcement Ordinance Amendments – Conservation Officers to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously.

Note: Tehassi Hill will be the sponsor for this item.

Membership Ordinance (2:11:13-2:11:55)

Motion by Jennifer Webster to add the Membership Ordinance to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor for this item.

Rules of Appellate Procedure (2:11:55-2:12:47)

Motion by Jennifer Webster to add the Rules of Appellate Procedure to the Active Files List with Jennifer Webster as the sponsor; seconded by Tehassi Hill. Motion

carried unanimously.

SEOTS Board Bylaws (2:12:48-2:13:46)

Motion by Tehassi Hill to not add the item SEOTS Board Bylaws to the Active Files List and to send notification to the requesting party; seconded by Fawn Billie. Motion carried unanimously.

Tribal Hearing Bodies (2:13:47-2:15:56)

Motion by Jennifer Webster to add Tribal Hearing Bodies to the Active Files List; seconded by Tehassi Hill. Motion carried unanimously.

Note: Jennifer Webster will be the sponsor for this item.

Petition: Child Care Department Consumer Complaint Policy (2:15:57-2:17:01)

Motion by Jennifer Webster to add the Child Care Department Consumer Complaint Policy to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Note: Jennifer Webster will be the sponsor for this item.

Petition: Develop a Dialysis Center to the Active Files List (2:17:02-2:18:49)

Motion by Tehassi Hill to add the Petition: Develop a Dialysis Center to the Active Files List with Brandon Stevens as sponsor; seconded by Fawn Billie. Motion carried unanimously.

VII. Executive Session (2:20:15-2:21:43)

Motion by Tehassi Hill to go into executive session at 11:21 a.m., seconded by Fawn Billie. Motion carried unanimously.

Motion by Tehassi Hill to come out of executive session at 11:42 a.m., seconded by Fawn Billie. Motion carried unanimously.

1. Legislative Reference Office – Staff Attorney Position

Motion by Jennifer Webster to forward a recommendation to extend the LTE position to executive session of the Oneida Business Committee meeting on September 23, 2014; seconded by Fawn Billie. Motion carried with Tehassi Hill abstaining.

VIII. Recess/Adjourn

Motion by Fawn Billie to adjourn the September 17, 2014 Legislative Operating Committee meeting at 11:43 a.m.; seconded by Jennifer Webster. Motion carried unanimously.



Legislative Operating Committee

October 1, 2014

ONGO Emergency Amendments

Submission Date: September 17 2014

Public Meeting:
 Emergency Enacted:
 Expires:

LOC Sponsor: Brandon Stevens

Summary: *Emergency amendments are being sought to amend the Law to ensure compliance with NIGC requirements.*

9/10/14 OBC: Motion by Jennifer Webster to add the Amendments to the Oneida Nation Gaming Ordinance to the Active Files List on an emergency basis; seconded by Fawn Billie. Motion carried unanimously.

Motion by Fawn Billie to direct the Legislative Reference Office to bring back an analysis, resolution and statement of effect for the October 1, 2014 LOC meeting; seconded by Tehassi Hill. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor.

Next Steps:

- LOC to consider forwarding the attached Resolution: Oneida Nation Gaming Ordinance Emergency Amendments to the OBC for consideration.

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Committee Members

Brandon Stevens, Chairperson
 Tehassi Hill, Vice Chairperson
 Fawn Billie, Councilmember
 Jennifer Webster, Councilmember

Memorandum

To: Oneida Business Committee
From: Brandon Stevens, LOC Chairperson
Date: October 1, 2014
Re: Oneida Nation Gaming Ordinance Emergency Amendments

Please find attached the following for your consideration:

1. Resolution: Oneida Nation Gaming Ordinance Emergency Amendments
2. Statement of Effect: Oneida Nation Gaming Ordinance Emergency Amendments
3. Oneida Nation Gaming Ordinance (redline)
4. Oneida Nation Gaming Ordinance (clean)

Overview

On September 15, 2014, the Legislative Operating Committee (LOC) received a request to process emergency amendments to the Oneida Nation Gaming Ordinance (ONGO) which would allow for compliance with National Indian Gaming Commission (NIGC) regulations.

The NIGC has made changes to its regulations which requires the identity of a person being interviewed for a background investigation to be confidential; requires all applications, background investigations, investigative reports, suitability determinations, findings and decisions of the Commission to be retained in the Oneida Gaming Commission's (Commission) files for a period of at least three years from the date the applicant's employment is terminated; and finally, if the license was suspended, conditioned or revoked based on information from the NIGC under 21.12-8(a)(1), the Commission must forward a copy of its decision to NIGC within forty-five days of receiving NIGC's notification indicating that an employee is not eligible for a license.

The attached amendments to ONGO address each of the above changes and ensure that ONGO is in compliance with the standards as set by NIGC.

Requested Action

Approve the Resolution: Oneida Nation Gaming Ordinance Emergency Amendments.

BC Resolution _____
Oneida Nation Gaming Ordinance Emergency Amendments

WHEREAS, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Oneida Nation Gaming Ordinance (ONGO) is currently in noncompliance with National Indian Gaming Commission (NIGC) regulations; and

WHEREAS, a request for emergency amendments to ONGO was received to allow ONGO to comply with NIGC regulations; and

WHEREAS, the deadline for NIGC approval of the emergency amendments to ONGO is October 21, 2014; and

WHEREAS, the Legislative Procedures Act (LPA) authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and

WHEREAS, emergency adoption of the amendments to the Law is necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population, and amendment of the Law is required sooner than would be possible under the LPA.

NOW THEREFORE BE IT RESOLVED, that the attached Oneida Nation Gaming Ordinance is adopted on an emergency basis.

BE IT FINALLY RESOLVED, that the above amendments shall be effective November 1, 2014 and remain in effect for six (6) months unless extended by the Oneida Business Committee for an additional six (6) months or replaced by permanent amendments by the Oneida Business Committee.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. ___ members were present at a meeting duly called, noticed and held on the ___ day of _____, 2014; that the foregoing resolution was duly adopted at such meeting by a vote of ___ members for; ___ members against; and ___ members not voting; and that said resolution has not been rescinded or amended in any way.

 Lisa Summers, Tribal Secretary
 Oneida Business Committee

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Lynn A. Franzmeier, Attorney
Layatalati Hill, LTE Attorney
Taniquele J. Thurner, Legislative Analyst
Candice E. Skenandore, Legislative Analyst



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Statement of Effect

Resolution: Oneida Nation Gaming Ordinance Emergency Amendments

Summary

This Resolution adopts emergency amendments to the Oneida Nation Gaming Ordinance (ONGO); The emergency amendments add requirements to keep the identity of each person interviewed in the course of a background investigation confidential; requires certain documents from the Oneida Gaming Commission (Commission) to be retained for at least three years from the date the applicant's employment was terminated; and requires that if the license was suspended, conditioned or revoked based on information from the National Indian Gaming Commission (NIGC) under 21.12-8(a)(1), the Commission must forward a copy of its decision to NIGC within forty-five days of NIGC's notification that an employee is not eligible for a License.

Submitted by: Layatalati Hill, LTE Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

This Resolution adopts amendments to ONGO on an emergency basis which will allow for compliance with NIGC regulations and become effective on November 1, 2014.

On June 25, 2014, pursuant to GTC resolution 07-01-13-A, amendments were made to ONGO which replaced references to the "Appeals Commission" with the "Judiciary." The amendments were sent to the National Indian Gaming Commission (NIGC) for approval. On September 9, 2014, NIGC sent notice to the Commission identifying discrepancies between ONGO and NIGC regulations. NIGC has provided a deadline of October 21, 2014, to submit the necessary amendments or to withdrawal the request to amend ONGO.

Section 16.9-5 of the Legislative Procedures Act (LPA) allows the Oneida Business Committee (OBC) to take emergency action to amend a law where it is "necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population" and when enactment or amendment of legislation is required sooner than would be possible under the LPA. Through the Resolution, the OBC has determined that ONGO should be amended on an emergency basis in order to comply with NIGC's regulations.

ONGO is currently in noncompliance with NIGC regulations due to the following discrepancies:

1. ONGO is missing the requirement to keep the identity of each person interviewed in the course of a background investigation confidential per 25 C.F.R. § 556.4(c).

2. ONGO retains all applications, background investigations, investigative reports, suitability determinations, findings and decisions of the Commission's files for a period of at least seven years, but currently that period begins on the date of employment and not from the date of termination per 25 C.F.R. §558.3(e).
3. ONGO is missing the requirement per 25 C.F.R. §558.4(e) that a tribe notify the NIGC of its decision to revoke or reinstate a gaming license within forty-five days of receiving notification from the Commission that a key employee or primary management official is not eligible for employment under 25 C.F.R. §556.5.

To address the discrepancies, the following emergency amendments to ONGO have been made to ensure compliance with NIGC regulations:

1. The identity of any person interviewed in order to conduct a background investigation shall be confidential [*see 21.10-2*].
2. All applications, background investigations, investigative reports, suitability determinations, findings and decisions of the Commission shall be retained in the Commission's files for a period of at least seven (7) years from the date the applicant's employment is terminated [*see 21.12-5(d)(4)*].
3. If the license was suspended, conditioned or revoked based on information from the NIGC under 21.12-8(a)(1), the Commission shall forward a copy of its decision to NIGC within forty-five (45) days of NIGC's notification that an employee shall not be eligible for a license [*see 21.12-8(e)*].

Conclusion

The adoption of this Resolution does not conflict with any current Tribal Law or Policy.

Chapter 21
Oneida Nation Gaming Ordinance
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 Matters of interest to where they make the money

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| 21.1. Purpose and Policy
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21.10. Background Investigations | 21.11. Licenses, Generally
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<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Nation Gaming Ordinance (ONGO)				
Requester	Tamara Vanschyndel (Oneida Gaming Commission)	Drafter	Lynn Franzmeier	Analyst	Taniquelle Thurner
Reason for Request	<p>On June 25, 2014, the Oneida Business Committee (OBC) adopted minor terminology amendments to ONGO, which replaced references to the Oneida Appeals Commission/Tribal Judicial System with the Tribal Judiciary, and which will go into effect on November 1, 2014.</p> <p>As required, the ONGO amendments were submitted to the National Indian Gaming Commission (NIGC) for approval. However, NIGC returned the submission after three discrepancies were found between ONGO and federal law/NIGC regulations. These amendments are being proposed to ensure that ONGO complies with NIGC requirements. These amendments will be adopted on an emergency basis and would also become effective on November 1st.</p>				
Purpose	Governs Oneida Tribal gaming				
Authorized/Affected Entities	NIGC, Oneida Gaming Commission (OGC)				
Due Process	OGC hears appeals of licensing decisions, then Judiciary				
Related Legislation	Gaming SOPs, an HRD/OGC agreement for conducting background investigations (as required by ONGO 21.10-1)				
Policy Mechanism	Licensing				
Enforcement	Licensing Suspension, Revocation				

Overview

The amendments make three changes to ONGO:

1. Clarify that the identity of any person interviewed in order to conduct a background investigation, is confidential. [21.10-2]
2. Require OGC to retain various records for seven years after a Gaming employee's employment is terminated, instead of for seven years after the employee begins employment. [21.12-5(d)(4)]
3. If OGC decides to suspend, place a condition on or revoke a license based on information provided by NIGC that an employee is not eligible for a license; OGC will now be required to forward a copy of this final decision to NIGC within 45 days of making the decision. [21.12-8(e)].

Proposed Amendments

Clarifying that the identity of any person interviewed in order to conduct a background investigation, is confidential.

Currently, ONGO does not address confidentiality; however, federal law requires Tribes and their agents to “promise to keep confidential the identity of each person interviewed in the course of” a background investigation.” [25 CFR 556.4(b)] The proposed amendments add a provision stating that the identity of any person interviewed “in order to conduct” a background investigation, shall be confidential. [21.10-2]

Retaining various records for Gaming employees for seven years after the employee’s employment is terminated.

Under 25 CFR §558.3(e), certain records must be retained by the Tribe for at least 3 years after each Gaming employee’s employment is terminated. Currently, ONGO requires such records to be retained by the OGC for at least seven years after the employee begins employment. Under the proposed amendments, the OGC must instead retain those records for at least seven years after the employee’s employment is terminated. This exceeds the Federal/NIGC requirements by four years. [21.12-5(d)(4)]

The records that the OGC is required to retain under ONGO are slightly different from the requirements under 25 CFR 558.3(e). The following chart shows the difference:

Federal law (NIGC requirement) 25 CFR 558.3(e) requires the following to be retained:	Both the current and amended ONGO [21.12-5(d)(4)] require the following to be retained:
<ul style="list-style-type: none"> • Applications for licensing • Investigative reports • Eligibility determinations 	<ul style="list-style-type: none"> • Applications • Background Investigations • Investigative reports • Suitability determinations • Findings & decisions of the OGC

Notifying NIGC of a licensing decision after receiving information from NIGC

Under federal law, if NIGC provides reliable information to the OGC that certain employees do not meet ONGO’s qualifications for licensing, then within 45 days, OGC is required to hold a hearing and notify NIGC of their licensing decision. [25 CFR §558.4]

Currently, ONGO does not require the OGC to notify NIGC whenever any licensing decisions are made following NIGC notification about any Gaming employee. Under the amendments, a new provision requires NIGC to be notified within 45 days after NIGC provides the OGC with information about the employee. [21.12-8(a)]

However there are several differences between the Federal requirements and ONGO:

Federal Regulations (25 CFR 558.4)	ONGO 21.12-8
NIGC is only required to notify the OGC when NIGC receives reliable information that a key employee or primary management official does not meet qualifications set out in ONGO.	ONGO sets out a process for suspending any gaming employee’s license - whenever reliable information is received (from NIGC <u>or any other source</u>) about the employee.

<p>Once the OGC receives such information from NIGC, it must <u>immediately suspend</u> the key employee's or primary management official's license.</p>	<p>Once the OGC receives such information from NIGC <u>or any source</u>, the OGC must <u>issue a written notice of suspension</u>, for any employee. However, ONGO does not specifically require immediate suspension - immediate suspension may only occur if OGC feels the public interest, and effective regulation and control of gaming activities requires a licensee's immediate exclusion before a hearing could be conducted.</p>
<p>The licensee must be notified of the time and place set for a <u>revocation hearing</u>.</p>	<p>The licensee must be notified of the time and place set for a <u>hearing</u>. ONGO contains additional due process requirements as to what the licensee must be notified of, including the right to review/copy their file, request a hearing, and present documents and witness testimony; the specific grounds for the licensing action, and citing any relevant laws /rules.</p>
<p>After the hearing, the tribe must decide to <u>either revoke or reinstate</u> the gaming license. These are the only two actions authorized.</p>	<p>After a hearing, the OGC must decide whether to <u>suspend, uphold an immediate suspension, revoke, or take other action</u> concerning the License.</p>
<p>No timeline for issuing a decision.</p>	<p>A final written licensing decision must be <u>issued</u> within 15 business days after the hearing.</p>
<p>The Tribe must <u>notify</u> NIGC of their decision within 45 days, and the decision can only be to either revoke or reinstate the license.</p>	<p>OGC is required to <u>forward a copy</u> of their decision to NIGC within 45 days if the license <u>is suspended, conditioned or revoked based on information from NIGC</u>. This appears to mean that OGC would not need to forward a copy of their decision to NIGC if:</p> <ul style="list-style-type: none"> • The decision is to overturn a suspension or to take any other action besides suspending, conditioning or revoking a license. • The decision to suspend, condition, or revoke is not based on information from NIGC. • The information about the employee came from another source instead of NIGC.

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Emergency Adoption of Amendments

This item was added to the Active Files List at the September 17, 2014 LOC meeting, for processing on an emergency basis. In accordance with section 16.9-5 the Legislative Procedures Act (LPA), the OBC may temporarily enact an emergency law where necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and the enactment/amendment of legislation is required sooner than would be possible under the standard legislative process. Amendments adopted on an emergency basis would be in effect for up to six months, with a one-time extension of up to six additional months.

Consideration

Although both 25 CFR 558.4 and the amended ONGO require certain hearing decisions to be sent to NIGC within 45 days, ONGO 21.12-9 also provides that "Any person aggrieved by a licensing decision of the Commission may appeal the decision by filing a request for an original hearing" before the OGC, within 15 days after receiving OGC's decision. OGC must certify the record within 30 days, and issue a written decision within 120 days after receiving the

53 request. OGC's decision may be appealed to the Judiciary as an appeal of an original hearing
54 body. This timeline exceeds the 45 days and it is not clear whether any later decision would also
55 need to be submitted to NIGC.

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57

Miscellaneous

58 It is intended that various other (minor) revisions may be made when these proposed
59 amendments are processed for permanent adoption; however those do not require immediate,
60 emergency action, and so were not included with these amendments. Such revisions include:
61 deleting the reference to the Administrative Procedures Act [21.12-8(g)]; updating sections 21.2
62 and 21.4 for compliance with the format and language required by the LPA, and other spelling,
63 capitalization and formatting changes.

64 A public meeting has not been held.

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Chapter 21 Oneida Nation Gaming Ordinance

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21.1. Purpose and Policy

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73 21.1-1. *Purpose.* The purpose of this Ordinance is to set forth the laws of the Oneida Tribe of
74 Indians of Wisconsin regarding all Gaming Activities conducted within the jurisdiction set forth
75 in this Ordinance. It is intended to govern the Gaming Activities of all persons, Gaming
76 Employees, consultants, business entities, vendors, boards, committees, commissions and
77 hearing bodies. This Ordinance does not authorize the operation of Gaming by a private person
78 or private entity for gain. This Ordinance shall govern all Gaming Activities occurring on lands
79 under the jurisdiction set forth in this Ordinance and all individuals or entities engaged in
80 Gaming Activities, including those providing goods or services to any person or entity engaged
81 in Gaming Activities

82 21.1-2. *Policy.* It is the policy of this Ordinance to ensure that the Oneida Tribe is the primary
83 beneficiary of its Gaming Operations and has the sole proprietary interest, and that Gaming
84 Activities within the jurisdiction set forth in this Ordinance are conducted fairly and honestly,
85 and that all internal departments, enterprises, officials and employees of the Oneida Tribe work
86 cooperatively to advance the best interests of the Oneida Tribe to protect the Tribe's gaming
87 resources, protect the integrity of all gaming activities operated under the jurisdiction set forth in
88 this Ordinance and to ensure fairness of all games offered to the Tribe's gaming patrons.

89

21.2. Adoption, Amendment, Applicability, Repeal

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91 21.2-1. *Adoption.* This Ordinance is adopted under the authority of the Constitution of the
92 Oneida Tribe of Indians of Wisconsin by Oneida General Tribal Council Resolution # 7-05-04-A
93 and amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-23-09-D ~~and~~, BC-06-25-14-
94 C and.

95 21.2-2. *Amendment.* This Ordinance may be amended by the Oneida Business Committee or the
96 General Tribal Council in accordance with Tribal law.

97 21.2-3. *Severability.* Should a provision of this Ordinance or the application of this Ordinance
98 be held as invalid, the invalidity shall not effect other provisions of this Ordinance.

99 21.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other
100 similar actions which are inconsistent with this law are hereby repealed unless specifically re-
101 enacted after adoption of this law. Specifically, the following resolutions are repealed by this
102 law:

- 103 (a) BC-4-21-89-D (Adoption of the Oneida Gaming Control Ordinance);
- 104 (b) GTC-03-04-91-A (Establishing 7 elected Gaming Commissioners and Bingo
105 standards);
- 106 (c) GTC-7-6-92-A (Amendments to Gaming SOP Manual);
- 107 (d) GTC-7-6-92-B (Adoption of the Comprehensive Gaming Ordinance);
- 108 (e) BC-3-16-94-A; (Comprehensive Gaming Ordinance Interpretation); and
- 109 (f) BC-4-5-95-D (Amendments to the Comprehensive Gaming Ordinance).

110 21.2-5. *Name.* This Ordinance shall be known as the Oneida Nation Gaming Ordinance or
111 ONGO.

112 21.2-6. *Preemptive Authority.* The Gaming Commission shall be the original hearing body
113 authorized to hear licensing decisions as set forth in this Ordinance.
114

115 **21.3. Jurisdiction**

116 21.3-1. *Territorial Jurisdiction.* This Ordinance extends to all land within the exterior
117 boundaries of the Reservation of the Tribe, as established pursuant to the 1838 Treaty with the
118 Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

119 21.3-2. *Subject Matter Jurisdiction.* This Ordinance applies to all Gaming conducted within the
120 territorial jurisdiction of the Oneida Tribe as set forth in section 21.3-1.

121 21.3-3. *Personal Jurisdiction.* This Ordinance shall govern:

- 122 (a) the Tribe;
- 123 (b) tribal members; and
- 124 (c) individuals and businesses leasing, occupying, or otherwise using Tribal fee land on
125 the Reservation and all Tribal Trust Lands.
126

127 **21.4. Definitions**

128 21.4-1. This section shall govern the definitions of words and phrases used in this Ordinance.
129 Words and phrases capitalized through out this document refer to the defined words and phrases
130 in this section. All words or phrases not defined in this section shall be interpreted based on their
131 plain ordinary and everyday meaning.

132 21.4-2. *Applicant* means any person or entity who has applied for a License from the Oneida
133 Gaming Commission or the Oneida Business Committee.

134 21.4-3. *Background Investigation* means a standard and thorough investigation conducted by the
135 Oneida Tribe in compliance with this Ordinance, Commission regulations, Oneida Gaming
136 Minimum Internal Controls, the IGRA and the Compact. Such investigations may be in
137 cooperation with federal, state, or Tribal law enforcement agencies.

138 21.4-4. *Class I Gaming* means social games solely for prizes of minimal value or traditional
139 forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal
140 ceremonies or celebrations.

141 21.4-5. *Class II Gaming* means:

- 142 (a) The game of chance commonly known as bingo (whether or not electronic, computer
143 or other technological aids are used in connection therewith) in which:
 - 144 (1) The game is played for prizes, including monetary prizes, with cards bearing

- 145 numbers or other designations.
- 146 (2) The holder of the card covers such numbers or designations when objects,
147 similarly numbered or designated, are drawn or electronically determined.
- 148 (3) The game is won by the first person covering a previously designated
149 arrangement of numbers or designation on such cards, including (if played in the
150 same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other
151 games similar to bingo.
- 152 (b) Card games that:
- 153 (1) Are explicitly authorized by the laws of the State; or
- 154 (2) Are not explicitly prohibited by the laws of the State and are played at any
155 location in the State, but only if such card games are played in conformity with
156 laws and regulations (if any) of the State regarding hours or periods of operation
157 of such card games or limitations on wagers or pot sizes in such card games.
158 Class II Gaming does not include any banking card games, including baccarat,
159 chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical
160 facsimiles of any game of chance or slot machines of any kind.
- 161 21.4-6. *Class III Gaming* means all forms of Gaming that are not Class I or Class II.
- 162 21.4-7. *Commission* means the Oneida Gaming Commission as established by this Ordinance.
- 163 21.4-8. *Commissioner* means a duly elected member of the Oneida Gaming Commission.
- 164 21.4-9. *Compact* means the 1991 Tribe-State Gaming Compact between the Tribe and the State
165 of Wisconsin as amended and any future amendments or successor compact entered into by the
166 Tribe and State and approved by the Secretary of the United States Department of Interior.
- 167 21.4-10. *Compliance Certificate* means a certificate issued by an agency with the authority and
168 responsibility to enforce applicable environmental, health or safety standards, which states that a
169 Gaming Facility complies with these standards.
- 170 21.4-11. *Environmental Assessment* means a document prepared and issued in compliance with
171 the National Environmental Policy Act of 1969, 42 U.S.C. sec. 4321 et seq., and all related
172 Federal regulations.
- 173 21.4-12. *Fraud* means any act of trickery or deceit used to or intended to gain control or
174 possession of the property of another.
- 175 21.4-13. *Games, Gaming, or Gaming Activity* means all forms of any activity, operation, or
176 game of chance that is considered Class II or Class III Gaming, provided that this definition does
177 not include Class I Gaming.
- 178 21.4-14. *Gaming Employee* means any person employed by a Gaming Operation.
- 179 21.4-15. *Gaming Facility* or *Gaming Facilities* means any location or structure, stationary or
180 movable, wherein Gaming is permitted, performed, conducted, or operated. Gaming Facility
181 does not include the site of a fair, carnival, exposition, or similar occasion.
- 182 21.4-16. *Gaming Operation* means the conduct of Gaming Activities and related business
183 activities in Gaming Facilities and areas where Gaming Employees are employed or assigned.
- 184 21.4-17. *Gaming Operator* means the Tribe, an enterprise owned by the Tribe, or such other
185 entity of the Tribe as the Tribe may from time to time designate as the wholly-owned entity
186 having full authority and responsibility for the operation and management of Gaming
187 Operations.
- 188 21.4-18. *Gaming Services* means the provision of any goods and services, except legal services
189 and accounting services, to a Gaming Operation, including, but not limited to, equipment,
190 transportation, food, linens, janitorial supplies, maintenance, or security services.

- 191 21.4-19. *Indian Gaming Regulatory Act* or *IGRA* means Public Law 100-497, 102 Stat. 2426, 25
192 U.S.C. sec. 2701, *et seq.*, as amended.
- 193 21.4-20. “Judiciary” means the judicial system that was established by Oneida General Tribal
194 Council resolution GTC #1-07-13-B to administer the judicial authorities and responsibilities of
195 the Tribe.
- 196 21.4-21. *License* means a certificate or other document that represents the grant of a revocable
197 authorization to conduct the licensed activity. A license must be supported by a physical
198 document, badge, certification or other physical manifestation of the issuance of the revocable
199 authorization to conduct the licensed activity.
- 200 21.4-22. *Licensee* means a person or entity issued a valid License.
- 201 21.4-23. *NIGC* means the National Indian Gaming Commission.
- 202 21.4-24. *Oneida Business Committee* means the elected governing body of the Tribe exercising
203 authority delegated from the Oneida General Tribal Council of the Oneida Tribe of Indians of
204 Wisconsin under Article IV of the Constitution and By-laws for the Oneida Tribe of Indians of
205 Wisconsin, approved December 21, 1936, as thereafter amended.
- 206 21.4-25. *Oneida General Tribal Council* means the governing body of the Oneida Tribe of
207 Indians of Wisconsin as determined by the Tribe’s Constitution.
- 208 21.4-26. *Ordinance or ONGO* means the Oneida Nation Gaming Ordinance as it may from time
209 to time be amended.
- 210 21.4-27. *Regulatory Incident* means the occurrence of any event giving rise to a potential or
211 alleged non-compliance with a gaming regulation, ordinance, law or policy involving any person
212 or Licensee on the premises of a Gaming Facility.
- 213 21.4-28. *Remediation* means efforts taken to reduce the source and migration of environmental
214 contaminants at a site.
- 215 21.4-29. *Reservation* means all lands within the exterior boundaries of the Reservation of the
216 Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7
217 Stat. 566, and any lands added thereto pursuant to federal law.
- 218 21.4-30. *Senior Gaming Management* means the gaming general manager, assistant gaming
219 general managers, gaming directors and assistant gaming directors.
- 220 21.4-31. *State* means the State of Wisconsin, its authorized officials, agents and representatives.
- 221 21.4-32. *Tribe* means the Oneida Tribe of Indians of Wisconsin.
- 222 21.4-33. *Tribal Fee Land* means all land to which the Tribe holds title in fee simple.
- 223 21.4-34. *Tribal Trust Land* means all land to which the United States holds title for the benefit
224 of the Tribe pursuant to federal law.

225

226 **21.5. Oneida Business Committee: Powers and Duties**

227 21.5-1. The Oneida Business Committee retains the power and duty to enter into agreements or
228 compacts with the State under the Indian Gaming Regulatory Act.

229 21.5-2. The Oneida Business Committee retains the power and duty to enter into agreements
230 with local governments and other Tribal governments for services or cooperative ventures for the
231 Gaming Operations.

232 21.5-3. The Oneida Business Committee has the exclusive power and duty to enter into
233 contracts and agreements affecting the assets of the Tribe, except for those assets that were
234 placed under the responsibility of the Oneida Land Commission under Chapter 67, Real Property
235 Law.

236 21.5-4. The Oneida Business Committee delegates to the Commission, as set out in section 21.6-

237 14, certain authorities and responsibilities for the regulation of Gaming Activities, Gaming
238 Operations, Gaming Operators, Gaming Employees, Gaming Facilities, Gaming Services, and
239 enforcement of laws and regulations, as identified in this Ordinance.

240 21.5-5. The Oneida Business Committee retains the duty and responsibility to safeguard all
241 funds generated by the Gaming Operations and all other authorities and responsibilities not
242 delegated by a specific provision of this Ordinance.

243 21.5-6. The Chairperson of the Tribe shall be the designated and registered agent to receive
244 notice of violations, orders, or determinations which are issued pursuant to the Indian Gaming
245 Regulatory Act and the Compact.

246

247 **21.6. Oneida Gaming Commission**

248 21.6-1. *Establishment and Purpose.* The Oneida Business Committee has established the Oneida
249 Gaming Commission for the purpose of regulating all Gaming Activities. The Commission is an
250 elected body comprised of four (4) members, provided that, the Oneida Business Committee
251 may, upon request of the Commission, increase the number of Commissioners by resolution
252 without requiring amendment of this Ordinance.

253 21.6-2. *Location and Place of Business.* The Commission shall maintain its offices and principal
254 place of business within the Reservation.

255 21.6-3. *Duration and Attributes.* The Commission shall have perpetual existence and succession
256 in its own name, unless dissolved by Tribal law. Operations of the Commission shall be
257 conducted on behalf of the Tribe for the sole benefit of the Tribe and its members. The Tribe
258 reserves unto itself the right to bring suit against any person or entity in its own right, on behalf
259 of the Tribe, or on behalf of the Commission, whenever the Tribe considers it necessary to
260 protect the sovereignty, rights, and interests of the Tribe or the Commission.

261 21.6-4. *Sovereign Immunity of the Tribe.*

262 (a) All inherent sovereign rights of the Tribe with regard to the existence and activities of
263 the Commission are hereby expressly reserved.

264 (b) The Tribe confers upon the Commission sovereign immunity from suit as set forth in
265 the Tribe's Sovereign Immunity Ordinance.

266 (c) Nothing in this Ordinance nor any action of the Commission shall be construed to be
267 a waiver of its sovereign immunity or that of the Tribe, or consent by the Commission or
268 the Tribe to the jurisdiction of the Judiciary, the United States, any state, or any other
269 tribe, or consent by the Tribe to any suit, cause of action, case or controversy, or the levy
270 of any judgment, lien, or attachment upon any property of the Commission or the Tribe.

271 21.6-5. *Requirements of Commission Membership.*

272 (a) *Qualifications.* Candidates for election or appointment to the Commission shall be at
273 least twenty-one (21) years of age on the day of the election or on the day of
274 appointment. In addition, Candidates for election to the Commission shall meet the
275 following qualifications within five (5) business days after a caucus for elected positions
276 on the Commission. Candidates for appointment to the Commission shall meet the
277 following qualifications on the day of appointment to a vacancy on the Commission
278 under 21.6-13:

279 (1) Be an enrolled member of the Tribe;

280 (2) Have a minimum of three (3) years of education experience, employment
281 experience and/or regulatory experience in Gaming Operations related to Gaming
282 Activity, Gaming law, Gaming control or regulation, or Gaming accounting or of

- 283 any combination of the foregoing; and
284 (3) Meet all other qualifications set forth in this Ordinance.
- 285 (b) *Conflict of Interest.* No person shall be considered for election or appointment as a
286 Commissioner until the candidate has disclosed all conflicts of interest as defined by the
287 Oneida Conflict of Interest Policy.
- 288 (c) *Background Investigation.* No person shall be considered for election or appointment
289 as a Commissioner until a preliminary background investigation has been completed and
290 the person has been found to meet all qualifications.
- 291 (d) Swearing into office is subject to a Background Investigation regarding the
292 qualifications set forth in sections 21.6-5 and 21.6-6 upon being elected or appointed to
293 office.
- 294 21.6-6. Unless pardoned for activities under subsection (a) and/or (d) by the Tribe, or pardoned
295 for an activity under subsection (a) and/or (d) by another Federally-recognized Indian Tribe for
296 an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned
297 for an activity under subsection (a) and/or (d) by the State or Federal government, no individual
298 shall be eligible for election or appointment to, or to continue to serve on, the Commission, who:
299 (a) Has been convicted of, or entered a plea of guilty or no contest to, any of the
300 following:¹
- 301 (1) Any gambling-related offense;
 - 302 (2) Any offense involving Fraud or misrepresentation;
 - 303 (3) Any offense involving a violation of any provision of chs. 562 or 565, Wis.
304 Stats., any rule promulgated by the State of Wisconsin Department of
305 Administration, Division of Gaming or any rule promulgated by the Wisconsin
306 Racing Board;
 - 307 (4) A felony not addressed in paragraphs 1, 2, or 3, during the immediately
308 preceding ten (10) years; or
 - 309 (5) Any offense involving the violation of any provision of Tribal law regulating
310 the conduct of Gaming Activities, or any rule or regulation promulgated pursuant
311 thereto.
- 312 (b) Has been determined by the Tribe to be a person whose prior activities, criminal
313 record if any, or reputation, habits, and associations pose a threat to the public interest or
314 to the effective regulation and control of Gaming, or create or enhance the dangers of
315 unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming
316 or the carrying on of the business and financial arrangements incidental thereto;
- 317 (c) Possesses a financial interest in or management responsibility for any Gaming
318 Activity or Gaming Services vendor;
- 319 (d) Has been convicted of a crime involving theft, Fraud, or conversion against the
320 Tribe;
- 321 (e) Has been removed from any office pursuant to the Oneida Removal Law within the
322 past five (5) years; or
- 323 (f) Is a sitting Commissioner whose term is not concluded at the time of that election or

¹ This section taken substantially from Section IX of the Tribe-State Gaming Compact.

324 appointment action.
325 21.6-7. *Term of Office.* Commissioners shall serve five (5) year terms and shall serve until a
326 successor takes the oath of office. Terms of office shall be staggered.
327 21.6-8. *Official Oath.* Each Commissioner shall take the official oath at a regular or special
328 Oneida Business Committee meeting prior to assuming office. Upon being administered the oath
329 of office, a Commissioner shall assume the duties of office and shall be issued a security card
330 setting forth his or her title and term of office.
331 21.6-9. *Full-time Status.* The Commission shall identify the appropriate work schedule for its
332 members. Each Commissioner shall perform his or her duties and responsibilities on a full-time
333 basis and will devote his or her entire work and professional time, attention and energies to
334 Commission business, and will not, during his or her tenure in office, be engaged in any other
335 profession or business activity that may impede the Commissioner's ability to perform duties on
336 behalf of the Commission or that competes with the Tribe's interests.
337 21.6-10. *By-laws.* The Commission shall adopt bylaws subject to review and approval by the
338 Oneida Business Committee.
339 21.6-11. *Budget and Compensation.* The Commission shall function pursuant to an annual
340 budget. The Oneida Business Committee shall submit the operating budget of the Commission
341 for approval in the same fashion as all other Tribal budgets. Compensation of Commissioners
342 shall not be subject to the Tribe's Comprehensive Policy Governing Boards, Committees, and
343 Commissions, but shall be established by the Commission in a manner consistent with the
344 Commission's internal rules and by-laws. The Commission shall adopt internal rules consistent
345 with the existing Tribal accounting practices to verify its budgetary expenditures.
346 21.6-12. *Removal.* Removal of Commissioners shall be pursuant to the Oneida Removal Law.
347 21.6-13. *Vacancies.* Any vacancy in an unexpired term of office, however caused, shall be
348 filled by appointment by the Oneida Business Committee of a person qualified pursuant to
349 sections 21.6-5 and 21.6-6.
350 21.6-14. *Authority and Responsibilities.* Subject to any restrictions contained in this Ordinance
351 or other applicable law, the Commission is vested with powers including, but not limited to the
352 following:
353 (a) To exercise all power and authority necessary to effectuate the gaming regulatory
354 purposes of this Ordinance, IGRA, Oneida Gaming Minimum Internal Controls, and the
355 Compact. Unless otherwise indicated in this Ordinance or Commission regulation, or
356 authorized by majority vote of the Commission, no Commissioner shall act independently
357 of the Commission. Any such action may constitute grounds for removal.
358 (b) To promote and ensure the integrity, security, honesty, and fairness of the regulation
359 and administration of Gaming.
360 (c) To draft, and approve, subject to review and adoption by the Oneida Business
361 Committee, regulations pursuant to this Ordinance for the regulation of all Gaming
362 Activity, including processes for enforcement of such regulations consistent with Tribal
363 law.
364 (d) To draft, and approve, subject to review and adoption by the Oneida Business
365 Committee, the Rules of Play and Oneida Gaming Minimum Internal Controls; provided
366 that, Rules of Play and Oneida Gaming Minimum Internal Controls shall require review
367 and comment by the Gaming Operation prior to approval by the Commission, and those
368 comments shall be included in any submission to the Oneida Business Committee. Rules
369 of Play and Oneida Gaming Minimum Internal Controls are adopted and approved

- 370 industry standards for Gaming Operations.
- 371 (e) To prepare proposals, including budgetary and monetary proposals, which might
- 372 enable the Tribe to carry out the purpose and intent of this Ordinance, and to submit the
- 373 same for consideration by the Oneida Business Committee; provided, however, that no
- 374 such proposal shall have any force or effect unless it is approved by the Oneida Business
- 375 Committee.
- 376 (f) To monitor and enforce all laws and regulations governing the operation and conduct
- 377 of all Gaming Activities, including the ongoing monitoring of Licenses, subject to this
- 378 Ordinance and/or regulations setting forth hearing or enforcement processes.
- 379 (g) To monitor and investigate all Gaming Operators for compliance with internal audits,
- 380 and external audits.
- 381 (h) To inspect, examine, and photocopy all papers, books, and records of Gaming
- 382 Activities and any other matters necessary to carry out the duties pursuant hereto,
- 383 provided that, all photocopies of documents shall be maintained in a confidential manner
- 384 or in the same manner as the original.
- 385 (i) To grant, deny, revoke, condition, suspend or reinstate the Licenses of Gaming
- 386 Employees, Gaming Services vendors, and Gaming Operators.
- 387 (j) To conduct hearings relating to Licenses issued under this Ordinance by the
- 388 Commission.
- 389 (k) To review all vendors doing business with the Gaming Operator to verify that such
- 390 persons or entities hold a valid License, where required, to do business with a Gaming
- 391 Operator.
- 392 (l) To retain professional advisors such as attorneys, law enforcement specialists, and
- 393 Gaming professionals consistent with Tribal law and practices.
- 394 (m) To arbitrate, negotiate, or settle any dispute to which it is a party and which relates
- 395 to its authorized activities.
- 396 (n) To act as the designated agent to receive all regulatory notices not included in section
- 397 21.5-6.
- 398 (o) To investigate all Regulatory Incidents.
- 399 (p) To issue warnings or notices of violation, in accordance with regulations, to Gaming
- 400 Operators and Licensees for non-compliance with the Compact, Oneida Gaming
- 401 Minimum Internal Controls, Rules of Play, IGRA, or this Ordinance.
- 402 (q) To make determinations regarding suitability for licensing.
- 403 (r) To establish an administrative structure by regulation to carry out its authority and
- 404 responsibilities.
- 405 (s) To establish, where needed, additional processes for conducting licensing hearings by
- 406 regulation.
- 407 (t) To establish and collect fees for processing license applications by regulation.
- 408 (u) To establish and impose a point system for findings of regulatory violations by any
- 409 Gaming Employee by regulation.
- 410 (v) To establish and impose a fine system for findings of regulatory violations by any
- 411 Gaming Services vendor or permittee by regulation.
- 412 (w) To approve procedures that provide for the fair and impartial resolution of patron
- 413 complaints.
- 414 21.6-15. *Reporting Requirements.* The Commission shall adhere to the following reporting
- 415 requirements:

- 416 (a) A true, complete and accurate record of all proceedings of the Commission shall be
417 kept and maintained;
- 418 (b) Complete and accurate minutes of all Commission meetings shall be filed with the
419 Secretary of the Oneida Business Committee within thirty (30) days of their approval by
420 the Commission;
- 421 (c) Quarterly, or as may be directed by the Oneida Business Committee, reports of the
422 Commission's activities, including information regarding funding, income and expenses
423 and any other matters to which the parties may agree, shall be submitted to the Oneida
424 Business Committee.

425 21.6-16. *Oneida Gaming Commission Personnel.* The Commission shall hire an Executive
426 Director who shall be responsible for hiring and managing the personnel of the Commission. The
427 Executive Director shall hire such personnel as is necessary to assist the Commission to fulfill its
428 responsibilities under this Ordinance, the IGRA, and the Compact, and all regulations including
429 the Oneida Gaming Minimum Internal Controls. The Executive Director and personnel of the
430 Commission shall be hired through the Tribe's regular personnel procedure and shall be subject
431 to its personnel policies and salary schedules. The Executive Director and personnel shall be
432 required to meet the requirements set forth in section 21.12-3 at hiring and during employment.
433

434 **21.7. Gaming Surveillance: Powers, Duties and Limitations**

435 21.7-1. *Purpose.* The purpose of Gaming Surveillance is to observe and report Regulatory
436 Incidents to the Commission and Gaming General Manager to provide for the regulation,
437 operation, and compliance of Gaming Activities under this Ordinance. Gaming Surveillance is a
438 department within the Commission's administrative structure and supervision shall be identified
439 within the organizational chart adopted by the Commission, provided that nothing in the
440 designation of supervisory responsibility shall be deemed to prohibit the responsibility of
441 Gaming Surveillance to provide information and/or video and/or audio records to the parties
442 identified in section 21.7-3.

443 21.7-2. Gaming Surveillance shall be responsible for all Gaming surveillance activities
444 including, but not limited to, equipment and maintenance of equipment, observation and
445 reporting of all persons to include Gaming Employees, customers, consultants, and Gaming
446 Services vendors.

447 21.7-3. Surveillance personnel shall provide to Senior Gaming Management, the Commission,
448 or Gaming Security a copy of any time-recorded video and accompanying audio (if available)
449 within twenty-four (24) hours of request.

450 21.7-4. Gaming Surveillance shall:

- 451 (a) Develop, implement and maintain written policies and procedures for the conduct and
452 integrity of the Surveillance Department.
- 453 (b) Develop, implement and maintain additional procedures governing the use and
454 release of the surveillance recordings or reports.
- 455 (c) Work cooperatively with the Gaming Security Department to carry out its official
456 duties and to coordinate its activities in order to effectuate the protection of patrons and
457 the assets of the Gaming Operation.
- 458 (d) Develop, implement and maintain written policies and procedures for implementation
459 of duties and responsibilities identified with the Oneida Gaming Minimum Internal
460 Controls, subject to approval by the Commission.
461

462 **21.8. [Reserved for future use.]**

463

464 **21.9. Gaming Security Department**

465 21.9-1. *Purpose.* The Gaming Security Department is a department within the Oneida Police
466 Department. The purpose of the Gaming Security Department is to protect Gaming assets,
467 patrons and Gaming Employees from an activity, repeat activity, or ongoing activities which
468 could injure or jeopardize Gaming assets, patrons and Gaming Employees and report these
469 activities to the Oneida Police Department for further review and/or investigation. Provided that,
470 all reports of the Gaming Security Department shall be copied to the Commission.

471 21.9-2. *Reporting.* The Oneida Police Department, Gaming General Manager and the
472 Commission shall enter into an agreement, subject to ratification by the Oneida Business
473 Committee, which describes their responsibilities and reporting requirements under this law.

474 21.9-3. The Gaming Security Department shall:

475 (a) Develop, implement and maintain written policies and procedures for the conduct and
476 integrity of Gaming Security, as identified in the Oneida Gaming Minimum Internal
477 Controls and subject to approval by the Commission.

478 (b) Develop, implement and maintain additional procedures governing the use and
479 release of the investigation reports.

480 (c) Work cooperatively with Gaming Surveillance to carry out its official duties and to
481 coordinate activities between the departments.

482 21.9-4. *Investigations.* This Section is intended to authorize report gathering, information
483 gathering, and preliminary review, to be conducted by the Gaming Security Department.

484

485 **21.10. Background Investigations**

486 21.10-1. The Human Resources Department and the Commission shall enter into an agreement,
487 subject to ratification by the Oneida Business Committee, for carrying out Background
488 Investigations for employees as required under this law.

489 21.10-2. Background Investigations shall be conducted on all persons or entities as specified
490 under this law. All Background Investigations shall be conducted to ensure that the Tribe in its
491 Gaming Operations shall not employ or contract with persons whose prior activities, or
492 reputation, habits and associations pose a threat to the public interest or to the effective
493 regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices
494 and methods in the conduct of such gaming. The identity of any person interviewed in order to
495 conduct a Background Investigation shall be confidential.

496

497 **21.11. Licenses, Generally**

498 21.11-1. The Commission shall adopt procedures that ensure the efficient and orderly processing
499 of all applications for a License. All Gaming Employees, Gaming Services vendors, and
500 Gaming Operators shall apply for a License from the Commission prior to their participation in
501 any Gaming Activity. All Gaming Facilities must be licensed by the Oneida Business
502 Committee.

503 21.11-2. *Temporary License.* All Applicants, upon receipt by the Commission of a completed
504 application for a License and completion of a preliminary Background Investigation, may
505 receive a temporary license for a ninety (90) day period, unless a Background Investigation of
506 the application demonstrates grounds to disqualify the Applicant. Such temporary license, as
507 defined in this section, shall permit the Licensee to engage in such activities and pursuant to any

508 terms and conditions imposed and specified by the Commission. The temporary license shall be
509 valid until either replaced by a License, the ninety (90) day temporary license period has
510 concluded, or the temporary license is cancelled by the Commission, whichever occurs first.

511 21.11-3. *Revocable*. A License is revocable only in accordance with the procedures set forth in
512 this Ordinance. A Licensee shall have only those rights and protections regarding a License
513 granted in this Ordinance.

514 21.11-4. All Applicants:

515 (a) Consent to the release of any information relevant to the Applicant's Background
516 Investigation by any person or entity in possession of such information.

517 (b) Consent to the jurisdiction of the Tribe and are subject to all applicable Tribal,
518 Federal, and State laws, regulations, and policies.

519 21.11-5. All Licensees are subject to ongoing review at least every two (2) years by the
520 Commission.

521 21.11-6. *Status of Licenses*. The Commission shall notify the Gaming Operation of the status of
522 all Licenses, whether temporary or permanent, including all Commission action to revoke,
523 suspend, or condition a License.

524 21.11-7. *Commission Licensing Actions*. The Commission may grant, deny, revoke, condition,
525 suspend or reinstate all Licenses, except for Gaming Facilities Licenses, in accordance with this
526 Ordinance. Authority to place conditions on a license may be exercised only upon promulgation
527 of regulations.

528 21.11-8. *Noncompliance*. The Commission may issue a notice of noncompliance when the
529 Commission has developed regulations that identify procedures that notices of noncompliance
530 may be issued to Licensees and permittees which provide an opportunity to correct actions. Such
531 regulations shall include procedures for appeal of such notices. Regulations may include the
532 ability to issue fines not to exceed one thousand dollars (\$1000.00) per violation for Gaming
533 Services vendors and permittees.

534

535 **21.12. Gaming Employee License**

536 21.12-1. *Scope of Section*. This Section applies only to Gaming Employee Licenses and
537 licensing actions.

538 21.12-2. *License Application*. Every Applicant for a License shall file with the Commission a
539 written application in the form prescribed by the Commission, duly executed and verified, which
540 shall certify:

541 (a) Applicant's full name and all other names used (oral or written), Social Security
542 Number(s), place of birth, date of birth, citizenship, gender, and all languages (spoken or
543 written).

544 (b) Currently, and for the previous five (5) years: business and employment positions
545 held, ownership interests in those businesses, business and residence addresses, and
546 driver's license number(s).

547 (c) The names and current addresses, of at least three (3) personal references, including
548 one (1) personal reference, who were acquainted with the Applicant during each period of
549 residence listed in subsection (b) above.

550 (d) Current business and residence telephone numbers.

551 (e) A description of any existing and previous business relationships with Indian Tribes,
552 including ownership interest in those businesses.

553 (f) A description of any existing and previous business relationship with the Gaming

- 554 industry generally, including ownership interest in those businesses.
- 555 (g) The name and address of any licensing or regulatory agency with which the
556 Applicant has filed an application for a license or permit related to gaming, whether or
557 not such licenses or permit was granted.
- 558 (h) The name and address of any licensing or regulatory agency with which the
559 Applicant has filed an application for an occupational license or permit, whether or not
560 such licenses or permit was granted.
- 561 (i) For each felony conviction or ongoing prosecution or conviction, the charge, the
562 name and address of the court involved, and the date and disposition if any.
- 563 (j) For each misdemeanor or ongoing misdemeanor prosecution (excluding violations for
564 which jail time is not part of the potential sentence) within ten (10) years of the date of
565 the application, the name and address of the court involved, and the date and disposition.
- 566 (k) For each criminal charge (excluding charges for which jail time is not part of the
567 potential sentence) whether or not there is a conviction, if such criminal charge is within
568 ten (10) years of the date of the application and is not otherwise listed pursuant to
569 subsections (i) or (j) of this section, the criminal charge, the name and address of the
570 court involved and the date and disposition.
- 571 (l) A photograph.
- 572 (m) Fingerprints consistent with procedures adopted by the Commission which meet the
573 criteria set forth in 25 C.F.R. section 522.2(h).
- 574 (n) Any other information the Commission deems relevant for a Gaming Employee
575 License.
- 576 (o) A statement that each Applicant has read and understands notices and NIGC
577 requirements relating to:
- 578 (1) The Privacy Act of 1974;
579 (2) Fraud and False Statements Act; and
580 (3) Fair Credit Reporting Act.
- 581 21.12-3. *License Qualifications.* No License shall be granted if the Applicant:
- 582 (a) Is under the age of eighteen (18).
- 583 (b) Unless pardoned for activities under this subsection by the Tribe, or pardoned for
584 activities under this subsection by another Federally-recognized Indian Tribe for an
585 action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or
586 pardoned for activities under this subsection by the state or Federal government, has been
587 convicted of, or entered a plea of guilty or no contest to, any of the following:
- 588 (1) Any gambling-related offense;
589 (2) Any offense involving Fraud or misrepresentation;
590 (3) Any offense involving a violation of any provision of chs. 562 or 565, Wis.
591 Stats., any rule promulgated by the State of Wisconsin Department of
592 Administration, Division of Gaming or any rule promulgated by the Wisconsin
593 Racing Board;
594 (4) A felony not addressed in paragraphs (1), (2), or (3), during the immediately
595 preceding ten (10) years; or
596 (5) Any offense involving the violation of any provision of Tribal law regulating
597 the conduct of Gaming Activities, or any rule or regulation promulgated pursuant
598 thereto.
- 599 (c) Is determined to be a person whose prior activities, criminal record, reputation,

600 habits, or associations pose a threat to the public interest or to the effective regulation and
601 control of Gaming or create or enhance the dangers of unsuitable, unfair, or illegal
602 practices, methods, or activities in the operation of Gaming Activities or the carrying on
603 of the business and financial arrangements incidental thereto.

604 (d) Possesses a financial interest in or management responsibility for any Gaming
605 Activity or Gaming Services vendor, or he or she has any personal, business, or legal
606 relationship which places him or her in a conflict of interest as defined in this Ordinance
607 or the Conflict of Interest Policy.

608 (e) Each person Licensed as a Gaming Employee shall have a continuing obligation to
609 inform the Commission immediately upon the existence of any circumstance or the
610 occurrence of any event which may disqualify him or her from being licensed as a
611 Gaming Employee. Failure to report any such occurrence may result in suspension or
612 revocation of the Gaming Employee's License.

613 21.12-4. *Initial Eligibility Determination.*

614 (a) Based on the results of the preliminary Background Investigation, the Commission
615 shall make an initial determination regarding an Applicant's eligibility and either:

- 616 (1) Grant a temporary license, with or without conditions, to the Applicant; or
617 (2) Deny the license application and provide notice to the Applicant that he or
618 she may request a hearing regarding the decision consistent with subsection (b)
619 below.

620 (b) If the Commission determines that an Applicant is ineligible for a License, the
621 Commission shall notify the Applicant. The Commission shall set forth regulations for
622 an Applicant to review any information discovered during the preliminary Background
623 Investigation prior to scheduling a hearing under section 21.12-9. The suspension or
624 revocation hearing provisions set forth at section 21.12-8 do not apply to Initial
625 Eligibility Determinations.

626 21.12-5. *NIGC Review.* When a Gaming Employee begins employment at a Gaming Operation,
627 the Commission shall:

628 (a) Forward to the NIGC a completed application for employment that contains the
629 notices and information listed in section 21.12-2 and any other necessary reports.

630 (b) Review the Background Investigation of the Applicant. Based upon the results of the
631 Background Investigation, the Commission shall determine the eligibility of the
632 Applicant to receive a License.

633 (c) Determine eligibility for a License within sixty (60) days after an Applicant begins
634 work at a Gaming Facility under a temporary license.

635 (d) Forward, after determination of eligibility, a report to the NIGC within sixty (60)
636 days after the Applicant begins employment at a Gaming Facility.

637 (1) During a thirty (30) day period, beginning when the NIGC receives a report
638 submitted pursuant to subsection (d) above, the Chairman of the NIGC may
639 request additional information from the Commission concerning the Applicant.
640 Such a request shall suspend the thirty (30) day period until the Chairman
641 receives the additional information.

642 (2) If, within the thirty (30) day period described in subsection (1) above, the
643 NIGC notifies the Commission that it has no objection to the issuance of a
644 License, the Commission may grant the License to the Applicant.

645 (3) If, within the thirty (30) day period described in subsection (1) above, the

646 NIGC provides the Commission with a statement itemizing objections to the
647 issuance of a License, the Commission shall reconsider the application, taking
648 into account the objections itemized by the NIGC. The Commission shall make
649 the final decision whether to issue a License to the Applicant.

650 (4) All applications, Background Investigations, investigative reports, suitability
651 determinations, findings and decisions of the Commission shall be retained in the
652 Commission's files for a period of at least seven (7) years from the date the
653 Gaming Employee's employment is terminated.

654 21.12-6. *License Issuance.* Any Gaming Employee License issued under this section shall be
655 effective from the date of issuance and shall contain the Gaming Employee's photograph, the
656 Gaming Employee's name, and the date that the License became effective. If a Gaming
657 Employee is promoted, transferred, reassigned, or the position is reclassified, the Gaming
658 Employee shall notify in writing the Commission, and the Commission shall review the Gaming
659 Employee's License. The Commission retains the right to grant, deny, revoke, condition,
660 suspend, or reinstate Licenses subject to the right to appeal the decision under the processes set
661 forth in this Ordinance.

662 21.12-7. *Requirement to Wear License.* During working hours, all Licensees shall wear their
663 License in a conspicuous place that is plainly visible by all employees, the Nation's gaming
664 patrons and surveillance.

665 21.12-8. *Suspension or Revocation of Licenses.* Except as provided in section 21.12-8(c), no
666 License can be suspended or revoked except after notice and opportunity for hearing.

667 (a) *Basis for Licensing Action.* The Commission may suspend, condition, or revoke any
668 License issued under this Ordinance if:

669 (1) After the issuance of a License, the Commission receives from the NIGC or
670 other source reliable information indicating that a Gaming Employee is not
671 eligible for a License under section 21.12-3 or such information would justify the
672 denial of the renewal of any License, the Commission shall issue a written notice
673 of suspension;

674 (2) The Commission issues a written notice of suspension demonstrating that the
675 Licensee:

676 (A) Has knowingly made a materially false or misleading statement in
677 any application for a License, in any amendment thereto, or in response to
678 a request by the Commission for supplemental information or in
679 connection with any investigation of the Commission;

680 (B) Has knowingly promoted, played, or participated in any gaming
681 activity operated in violation of the Compact, Tribal or federal law, and
682 this Ordinance;

683 (C) Has bribed or attempted to bribe, or has received a bribe from, a
684 Commissioner or any other person in an attempt to avoid or circumvent
685 any applicable law;

686 (D) Has falsified any books or records relating to any transaction
687 connected with the operation of Gaming Activity;

688 (E) Has refused to comply with any lawful directive of the Tribe, the
689 Federal government, or any court of competent jurisdiction; or

690 (F) Has been convicted of, or entered a plea of guilty or no contest to, a
691 crime involving the sale of illegal narcotics or controlled substances.

692 (b) *Suspension Notice.* The Commission's notice of suspension shall be in writing and
693 shall, at a minimum, notify the Licensee of the following:

694 (1) The Licensee's right to review a file prior to any hearing regarding the notice
695 of suspension, and to make copies of any documents contained in that file;

696 (2) The Licensee's right to request a hearing on the proposed licensing action, to
697 present documents and witness testimony at that hearing to be represented by
698 counsel;

699 (3) The specific grounds upon which the proposed licensing action is based,
700 including citations to relevant sections of this Ordinance, the IGRA, any
701 applicable Regulations and/or the Compact; and

702 (4) The time and place set by the Commission for the Licensee's hearing.

703 (c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest,
704 and effective regulation and control of Gaming Activities requires the immediate
705 exclusion of a Licensee, the Commission may immediately suspend a License prior to the
706 conduct of a hearing on the matter. Such an immediate suspension may take effect upon
707 service of the notice of immediate suspension.

708 (d) Any notice of suspension or notice of immediate suspension shall set forth the times
709 and dates for when the Licensee may review their file review and the date for a hearing
710 on any proposed licensing action.

711 (e) Within fifteen (15) business days after a hearing, the Commission shall issue a final
712 written licensing decision and decide whether to suspend, uphold an immediate
713 suspension, revoke, or take other action concerning a License. If the License was
714 suspended, conditioned or revoked based on information from the NIGC under 21.12-
715 8(a)(1), the Commission shall forward a copy of its decision to NIGC within forty-five
716 (45) days of receiving NIGC's notification indicating that a Gaming Employee is not
717 eligible for a License.

718 (f) If a Licensee fails to appear for his or her hearing before the Commission, that right
719 shall be deemed to have been waived and the Commission will proceed on the proposed
720 licensing action by default.

721 (g) Unless identified in this Ordinance or regulations of the Commission, the hearing
722 processes set forth in the Oneida Administrative Procedures Act shall apply.

723 21.12-9. *Original Hearing Body.* Any person aggrieved by a licensing decision of the
724 Commission may appeal the decision by filing a request for an original hearing before the
725 Commission. The Licensee must file any such request with the Commission in writing on or
726 before the fifteenth (15th) day following receipt of the Commission's decision. The Commission
727 shall certify the record, developed in 21.12-4 or 21.12-8(a), within thirty (30) days of the date of
728 the filing of the request for an original hearing. The Commissioners serving on the original
729 hearing body shall not include the Commissioners who participated in the licensing decision
730 from which the original hearing is scheduled. The Commission may determine to review the
731 decision solely on the licensing decision record and briefs filed regarding the request for
732 reconsideration. The Commission may also, in its sole discretion, grant oral argument. The
733 Commission shall issue a written decision within one hundred twenty (120) days from receipt of
734 the request for the original hearing. The Commission's decision shall be considered an original
735 hearing decision and an appeal may be made to the Judiciary as an appeal of an original hearing
736 body.

737 21.12-10. *Notice to Oneida Business Committee.* Prior to any suspension or revocation of a

738 License of the gaming general manager, the Commission shall provide notice to the Oneida
739 Business Committee twenty-four (24) hours prior to the issuance of the suspension or revocation.

740 21.12-11. *Record of Proceedings.* The Commission shall maintain a complete and accurate
741 record of all Licensure proceedings.

742 21.12-12. Revocation of a License is solely limited to the licensing matter. Employment related
743 processes resulting from revocation of a license are determined solely through the personnel
744 processes and procedures of the Tribe and are not licensing matters governed by this Ordinance.
745

746 **21.13. Gaming Services Licensing and Non-Gaming Services Permitting**

747 21.13-1. *Scope of Section.* This section applies to all individuals and entities providing Gaming
748 Services. The requirements of this Section are in addition to, and do not alter or amend any
749 requirements imposed by the Oneida Vendor Licensing Law.²

750 21.13-2. *Gaming Services License or Non-Gaming Services Permit Required.*

751 (a) *Gaming Services License.* Any Gaming Services vendor providing gaming related
752 contract goods or services as defined under Article VII(A) of the Compact to the Gaming
753 Operation must possess a valid Gaming Services License.

754 (b) *Non-Gaming Services Permit.* Any vendor providing non-gaming related goods or
755 services to the Gaming Operation must possess a valid Non-Gaming Services permit.

756 (c) Determinations regarding the issuance of a License or permit under this section shall
757 be made by the Commission which may be subject to requests for reconsideration by the
758 Gaming Services vendor within fourteen (14) business days of receipt by the Gaming
759 Services vendor of the notice of License or permit determination.

760 21.13-3. *Approved Gaming Services Vendor List.* The Commission shall maintain an updated
761 and complete list of all Gaming Services vendors that possess current and valid Gaming Services
762 Licenses or Non-Gaming Services permits from the Commission, which shall be known as the
763 Approved License and Permit List. Gaming Operations may only do business with vendors that
764 possess valid and current Gaming Services Licenses or Non-Gaming Services permits and who
765 appear on the Approved License and Permit List.

766 21.13-4. *Gaming Services License/Permit Application.* Every Applicant for a License or permit
767 shall file with the Commission a written application in the form prescribed by the Commission,
768 duly executed and verified which shall provide and certify the following. Provided that, non-
769 gaming services vendors with less than two thousand five hundred dollars (\$2,500.00) in services
770 for the prior fiscal year shall only be required to file a notice of doing business with the
771 Commission.

772 (a) The Applicant's name and mailing address;

773 (b) The names and addresses of each officer or management official of the Applicant;

774 (c) A copy of the Applicant's articles of incorporation and by-laws, or if not a
775 corporation, the Applicant's organizational documents;

776 (d) Identification of an agent of service for the Applicant;

777 (e) The name and address of each person having a direct or indirect financial interest in
778 the Applicant;

² See also Appendix 1. Vendor Licensing/Permit.

- 779 (f) The nature of the License or permit applied for, describing the activity to be engaged
780 in under the License or permit;
- 781 (g) Explicit and detailed disclosure of any criminal record, including any delinquent
782 taxes owed to the United States, or any state, of the Applicant, any person involved in the
783 organization, and any person of interest whose name appears or is required to appear on
784 the application;
- 785 (h) Whether the Applicant is or has been licensed by the state of Wisconsin Office of
786 Indian Gaming Regulation and Compliance and, if applicable, proof of current licensure;
- 787 (i) Whether the Applicant has been licensed in the state of New Jersey, Nevada, or by
788 any other gaming jurisdiction, including any Indian Tribe or Tribal governmental
789 organization and, if so, proof of such licensure and the status of any such license;
- 790 (j) Whether the Applicant has been denied a license by any gaming jurisdiction and, if
791 so, the identity of the jurisdiction, the date of such decision and the circumstances
792 surrounding that decision;
- 793 (k) Whether any license held by the Applicant has been refused renewal, conditioned,
794 suspended or revoked by an issuing authority and, if so, the circumstances surrounding
795 that action;
- 796 (l) A statement of waiver allowing the Tribe to conduct a Background Investigation of
797 the Applicant and any person whose name appears or is required to appear on the
798 application;
- 799 (m) Whether the Applicant or any person whose name appears or is required to appear
800 on the application has or has had any business with the Tribe or any business or personal
801 relationship with any of the Tribe's officers or employees;
- 802 (n) The name and contact information for all Tribes or Tribal organizations with whom
803 the Applicant or any person whose name appears or is required to appear on the
804 application has done business;
- 805 (o) Whether the Applicant or any person whose name appears or is required to appear on
806 the application maintains any involvement in the business of wholesale distribution of
807 alcoholic beverages;
- 808 (p) A statement that the Applicant has read and understands notices and NIGC
809 requirements relating to:
- 810 (1) The Privacy Act of 1974;
- 811 (2) False statements; and
- 812 (3) The Fair Credit Reporting Act.
- 813 (q) All additional information necessary to allow the Commission to investigate the
814 Applicant and any person whose name appears or is required to appear on the application.
- 815 21.13-5. *Signature on Application.* Applications for Licenses or permits must be signed by the
816 following person:
- 817 (a) For companies and corporations (both for profit and non-profit), the highest ranking
818 official of the corporation, or another person to whom the authority to execute the
819 Application has been properly delegated.
- 820 (b) For a sole proprietorship, the principal owner.
- 821 (c) For a partnership, all partners.
- 822 (d) For a limited partnership, the general partner or partners.
- 823 21.13-6. *Incomplete Applications.* Applications that do not contain all information requested,
824 including proper signatures, will be considered incomplete. Incomplete applications will not be

825 considered by the Commission. The Commission shall notify an Applicant if an application is
826 incomplete and what additional information is necessary to complete the application. If an
827 Applicant who has submitted an incomplete application, and been notified of the deficiency in
828 that application, fails to provide the information requested by the Commission, the application
829 will be returned to the Applicant and the file closed.

830 21.13-7. *Supplemental Information.* The Commission may, in its discretion, request
831 supplemental information from the Applicant. Supplemental information requested by the
832 Commission shall be promptly submitted by the Applicant. An Applicant's failure or refusal to
833 submit supplemental information requested by the Commission may constitute grounds for the
834 denial of the application.

835 21.13-8. *Continuing Duty to Provide Information.* Applicants, permittees, and Licensees owe a
836 continuing duty to provide the Commission with information and materials relevant to the
837 Applicant's, permittee's, or Licensee's character or fitness to be licensed, including but not
838 limited to any change in the licensing or permitting status of the Applicant, permittee, or
839 Licensee in any foreign jurisdiction. An Applicant's, permittee's, or Licensee's failure to notify
840 the Commission promptly of inaccuracies on an application or new information or materials
841 relevant to the Applicant may constitute grounds to deny, suspend or revoke a License or permit.

842 21.13-9. *Background Investigations.* Background Investigations for Gaming Services vendors
843 shall be conducted as follows.

844 (a) *Gaming Related Equipment Gaming Services Vendors under Fifty Thousand Dollars*
845 *(\$50,000.00) in Goods and/or Services Annually.* The Commission shall conduct the
846 Background Investigations that are sufficient to determine the eligibility for licensing of
847 all Gaming Services vendors that provide or anticipate providing under fifty thousand
848 dollars (\$50,000.00) in goods and services annually.

849 (b) *Gaming Related Equipment Gaming Services Vendors over Fifty Thousand Dollars*
850 *(\$50,000.00) in Goods and/or Services Annually.* The Commission shall review the
851 background investigation conducted by the Wisconsin Office of Indian Gaming
852 Regulation, and shall conduct any necessary additional Background Investigation to
853 ensure that the state background investigation is complete and current.

854 (c) *Other Non-Gaming Related Goods and/or Services Gaming Services Vendors.* The
855 Commission shall conduct Background Investigations on a sufficient number of
856 randomly selected applications in order to verify the accuracy of all applications. The
857 random selection process shall be identified by regulation of the Commission.

858 21.13-10. *Licensing Action in a Foreign Jurisdiction.* If the states of Wisconsin, New Jersey,
859 Nevada or any other gaming jurisdiction refuses to renew a license or permit or conditions,
860 suspends, or revokes the license or permit of an Applicant, permittee, or Licensee, such action
861 may constitute grounds for similar action by the Commission.

862 21.13-11. *Claim of Privilege.* At any time during the licensing or permitting process, the
863 Applicant may claim any privilege afforded by law. An Applicant's claim of privilege with
864 respect to the production of requested information or documents or the provision of required
865 testimony or evidence may constitute grounds for the denial, suspension or revocation of a
866 license or permit.

867 21.13-12. *Withdrawal of an Application.* An Applicant may request to withdraw an application
868 by submitting a written request to the Commission. The Commission retains the right, in its
869 exclusive discretion, to grant or deny a request for withdrawal. An Applicant who withdraws an
870 application shall be precluded from reapplying for a Gaming Services License or Non-Gaming

871 Services permit for a period of one (1) year from the date the application was withdrawn.
872 21.13-13. *Suspension or Revocation of Gaming Services Licenses or Permits.* Except as
873 provided in section 21.13-13(c), no License or permit can be suspended or revoked except after
874 notice and opportunity for hearing.

875 (a) *Basis for Licensing or Permitting Action.* The Commission may suspend, modify, or
876 revoke any Gaming Services License or Non-Gaming Services permit issued under this
877 Ordinance if, after issuance of the License or permit, the Commission receives reliable
878 information that would justify denial of the issuance or renewal of a License or permit, or
879 if the Commission determines that the Licensee or permittee has:

880 (1) Knowingly made a materially false or misleading statement in any application
881 for a License or permit, in any amendment thereto, or in response to a request by
882 the Commission for supplemental information or in connection with any
883 investigation of the Commission;

884 (2) Knowingly promoted, played, or participated in any Gaming Activity
885 operated in violation of the Compact, or any Tribal or other applicable law;

886 (3) Bribed or attempted to bribe a Commissioner or any other person in an
887 attempt to avoid or circumvent any applicable law;

888 (4) Falsified any books or records relating to any transaction connected with
889 operation of Gaming Activity;

890 (5) Refused to comply with a lawful directive of the Tribe, the federal
891 government, or any court of competent jurisdiction; or

892 (6) Been convicted of, or entered a plea of guilty or no contest to, a crime
893 involving the sale of illegal narcotics or controlled substances.

894 (b) *Suspension Notice.* The Commission shall provide a Licensee or permittee with
895 written notice of suspension, which shall, at a minimum, notify the Licensee or permittee
896 of the following:

897 (1) The Licensee's or permittee's right to conduct a file review prior to any
898 hearing regarding the notice of suspension, and to make copies of any documents
899 in that file;

900 (2) The Licensee's or permittee's right to present documents and witness
901 testimony at the hearing and to be represented by counsel;

902 (3) The specific grounds upon which the suspension is based, including citations
903 to relevant sections of this Ordinance, the IGRA, any applicable regulations
904 and/or the Compact; and

905 (4) The time and place set by the Commission for the Licensee's or permittee's
906 file review and hearing.

907 (c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest,
908 and effective regulation and control of others require the immediate exclusion of a
909 Licensee or permittee, the Commission may immediately suspend a License or permit
910 prior to a hearing on the matter. Such an immediate suspension shall take effect upon
911 service of the notice of immediate suspension.

912 (d) *File Review and Hearing.* Any notice of suspension or notice of immediate
913 suspension shall set forth the time and date for the Licensee or permittee to conduct a file
914 review and for a hearing.

915 (e) *Final Written Decision.* Within fifteen (15) business days after a hearing, the
916 Commission shall issue a final written decision and decide whether to suspend, uphold an

917 immediate suspension, revoke, or take other action concerning a License or permit.
918 (f) *Default.* If a Licensee or permittee fails to appear for his or her hearing before the
919 Commission, that right shall be deemed to have been waived and the Commission will
920 proceed on the proposed licensing action by default.

921 (g) Unless identified in this Ordinance or regulations of the Commission, the hearing
922 processes set forth in the Oneida Administrative Procedures Act shall apply.

923 21.13-14. *Original Hearing Body.* Any person aggrieved by a licensing or permitting decision
924 of the Commission may appeal the decision by filing a request for an original hearing before the
925 Commission. The Applicant, Licensee or permittee must file such request with the Commission
926 in writing on or before the fifteenth (15th) day following the receipt of the Commission's
927 decision. The Commission shall certify the record, developed in 21.13-9 or 21.13-13(a), within
928 thirty (30) days of the date of the filing on the request for an original hearing. The
929 Commissioners participating in the initial licensing or permitting decision shall not participate in
930 the original hearing. The Commission may determine to review the decision solely on the
931 licensing or permitting decision record and briefs filed regarding the request for reconsideration.
932 The Commission may also, in its sole discretion, grant oral argument. The Commission shall
933 issue a written decision within one hundred twenty (120) days from receipt of the request for the
934 original hearing. The Commission's decision shall be considered an original hearing decision
935 and an appeal may be made to the Judiciary as an appeal of an original hearing body.

936

937 **21.14. Gaming Facility License**

938 21.14-1. The construction and maintenance of any Gaming Facility, and the operation of
939 Gaming Activities, shall be conducted in a manner which adequately protects the environment
940 and the public health and safety, and shall comply with requirements of the Compact and all
941 other applicable health, safety, and environmental standards.

942 21.14-2. The Oneida Business Committee shall receive, review and grant or deny any
943 application for licensing any Gaming Facilities located within the Reservation. Applicants shall
944 provide the Oneida Business Committee sufficient information to show the following:

945 (a) The Gaming Facility meets all applicable Federal and Tribal health and safety
946 standards.

947 (1) To show compliance with applicable health and safety standards, Gaming
948 Operator shall submit certified copies of Compliance Certificates issued by the
949 agencies responsible for the enforcement of the health and safety standards.

950 (2) If health and safety standards are not met, proof must be submitted by
951 Gaming Operator that the Gaming Facility is in the process of improvements
952 which will place the Gaming Facility in compliance with the applicable standards.

953 (b) The Gaming Facility meets applicable federal and Tribal environmental standards.

954 (1) To show compliance with applicable environmental standards, Gaming
955 Operator shall submit certified copies of an Environmental Assessment of the
956 Gaming Facility which were prepared by the agency responsible for the
957 enforcement of applicable environmental standards.

958 (2) If the applicable environmental standards are not met, proof must be
959 submitted by Gaming Operator that remediation of the Gaming Facility is being
960 actively sought which will place the Gaming Facility in compliance with the
961 applicable standards.

962 21.14-3. Upon receipt and review of the above information, the Oneida Business Committee

963 shall deliberate and either grant or deny for failure to meet the requirements of protecting the
964 health and safety of patrons, public and employees of a Gaming Facility License to the
965 Applicant. The Oneida Business Committee shall submit to the NIGC a copy of each Gaming
966 Facility License issued.

967 21.14-4. If the Oneida Environmental, Health and Safety Department notifies the Oneida
968 Business Committee that a Gaming Facility will be closed by a governmental agency with proper
969 authority due to environmental, health or safety concerns, the Oneida Business Committee shall
970 suspend the License of the Gaming Facility. The Oneida Business Committee shall re-License
971 the Gaming Facility after receiving the information required in section 21.14-2.
972

973 **21.15. Gaming Operator License**

974 21.15-1. *Consent to Jurisdiction.* The application for License and the conduct of Gaming within
975 the jurisdiction of the Tribe shall be considered consent to the jurisdiction of the Tribe in all
976 matters arising from the conduct of Gaming, and all matters arising under any of the provisions
977 of this Ordinance or other Tribal laws.

978 21.15-2. *License Required.* No Gaming Operator shall conduct Gaming Activity unless such
979 entity holds a valid and current Gaming Operator License issued by the Commission.

980 21.15-3. *Types of Licenses.* The Commission may issue each of the following types of Gaming
981 Operator Licenses:

982 (a) *Tribally-Owned or Tribally-Operated Class II.* This License shall be required of all
983 Tribally-owned or Tribally-operated Gaming Operations operating one or more Class II
984 Gaming Activities.

985 (b) *Tribally-Owned or Tribally-Operated Class III.* This License shall be required for all
986 Tribally-owned or Tribally-operated Gaming Operations operating one or more Class III
987 Gaming Activities.

988 21.15-4. *Gaming Operator License Qualifications.* The Commission shall issue a Gaming
989 Operator License to any Gaming Operation if:

990 (a) The Gaming Operation is to be located within the Reservation, or land taken into
991 trust after October 17, 1988, for Gaming purposes;

992 (b) The Gaming Activity proposed to be played at the Gaming Operation is Class II or
993 Class III Gaming as defined by this Ordinance and IGRA; and

994 (c) The proposed Gaming Operation is authorized by a resolution of the Oneida Business
995 Committee.

996 21.15-5. *Provisions of General Applicability to All Gaming Operators.*

997 (a) *Site and Gaming Operator Specified.* Each Gaming Operator License shall be
998 applicable only to one (1) Gaming Operation and the Gaming Facility named on the
999 License.

1000 (b) *License Not Assignable.* No Gaming Operator License shall be sold, lent, assigned or
1001 otherwise transferred.

1002 (c) *Regulations Posted or Available.* Each Gaming Operator shall have a copy of this
1003 Ordinance and any regulations promulgated thereunder available for inspection by any
1004 person at each Gaming Facility.

1005 (d) *Display of License.* Each Gaming Operator shall prominently display its License at
1006 each Gaming Facility.

1007 21.15-6. *Grandfathered Gaming Facilities.* All Gaming Operators operating on the effective
1008 date of July 5, 2007, are hereby granted a License under this section.

1009 21.15-7. *License Application Fees and License Taxes.* No application fees or License taxes shall
1010 be required by the Tribe for a Gaming Operator License.

1011 21.15-8. *Closure of a Gaming Operation.* If the Commission finds that any Gaming Operation
1012 is operating in violation of this Ordinance, or otherwise presents a threat to the public, the
1013 Commission shall immediately notify the Oneida Business Committee. The Oneida Business
1014 Committee may close any Gaming Operation temporarily or permanently at any time with or
1015 without cause, at its sole discretion.

1016
1017 **21.16. Games**

1018 21.16-1. Class II and Class III Games are hereby authorized by this Ordinance.

1019 21.16-2. *Gaming Procedures.* Games operated under this Ordinance shall be consistent with the
1020 Compact and any amendments thereto and the Internal Control Standards and Rules of Play of
1021 the Gaming Operation.

1022 21.16-3. *Who May Not Play.* It is the policy of the Tribe that particular Gaming Employees,
1023 employees of the Gaming Commission, particular governmental officials, and consultants who
1024 directly advise the Commission or employees at Gaming Facilities regarding gaming related
1025 activities may not participate in Gaming Activities conducted at Gaming Operations. At a
1026 minimum, members of the Oneida Business Committee, the Commission, the gaming general
1027 manager, assistant gaming general managers, directors of individual Games and assistant
1028 directors of individual Games may not participate in any Gaming Activity within the
1029 Reservation.

1030 (a) The Oneida Business Committee may identify by resolution additional positions
1031 restrictions on Gaming Activity conducted at Gaming Facilities. Such resolution shall be
1032 on file with the Commission.

1033 (b) The Commission and Senior Gaming Management shall each develop and maintain
1034 their own standard operating procedure identifying other positions and any applicable
1035 restrictions on Gaming Activity conducted at Gaming Facilities. The standard operating
1036 procedure and the list of positions shall be on file with the Commission.

1037
1038 **21.17. Allocation of Gaming Funds**

1039 21.17-1. Net Gaming revenues may only be used for the following purposes:

1040 (a) To fund Tribal government operations, programs, or services.

1041 (b) To provide for the general welfare of the Tribe and its members.

1042 (c) To promote Tribal economic development.

1043 (d) To contribute to charitable organizations.

1044 (e) To assist in funding operations of other local governments.

1045 (f) To fund programs designed to provide education, referrals, and treatment of Gaming
1046 addiction disorders.

1047 (g) Any other purpose as determined by the Oneida General Tribal Council or the
1048 Oneida Business Committee which is not inconsistent with the Constitution of the Tribe
1049 and IGRA.

1050
1051 **21.18. Audits**

1052 21.18-1. *Annual Audit.* An annual audit of each Gaming Operation shall be conducted by an
1053 independent, certified public accounting firm according to generally accepted accounting
1054 principles. Copies of the annual audit will be provided to the Oneida Business Committee, the

1055 Oneida Audit Committee, the Commission, and the NIGC by said certified public accounting
1056 firm.

1057 (a) All contracts for supplies, services, or concessions for the Gaming Operations in
1058 excess of twenty-five thousand dollars (\$25,000.00) are subject to audit as prescribed in
1059 this section. Contracts for legal services and accounting services are exempt from this
1060 requirement.

1061 21.18-2. *Other Audits.* All audits, other than the annual audit under section 21.18-1, shall be
1062 conducted pursuant to the Oneida Audit Law or any other applicable law of the Tribe, and other
1063 audits authorized under the Compact.

1064 21.18-3. *Request for Audits.* Any audit, except the annual audit which is mandated by IGRA,
1065 may be authorized at any time by the Oneida General Tribal Council, the Oneida Business
1066 Committee or the Oneida Audit Committee.

1067
1068 **21.19. Enforcement and Penalties**

1069 21.19-1. No individual or entity may own or operate a Gaming Facility unless specifically
1070 authorized to do so pursuant to this Ordinance.

1071 21.19-2. *Violations/Prosecutions.* Violators of this Ordinance may be subject to disciplinary
1072 action and civil and/or criminal prosecutions.

1073 21.19-3. *Remedies.* The Oneida Business Committee may authorize commencement of an
1074 action in any court of competent jurisdiction to recover losses, restitution, and forfeitures
1075 resulting from violations of this Ordinance.

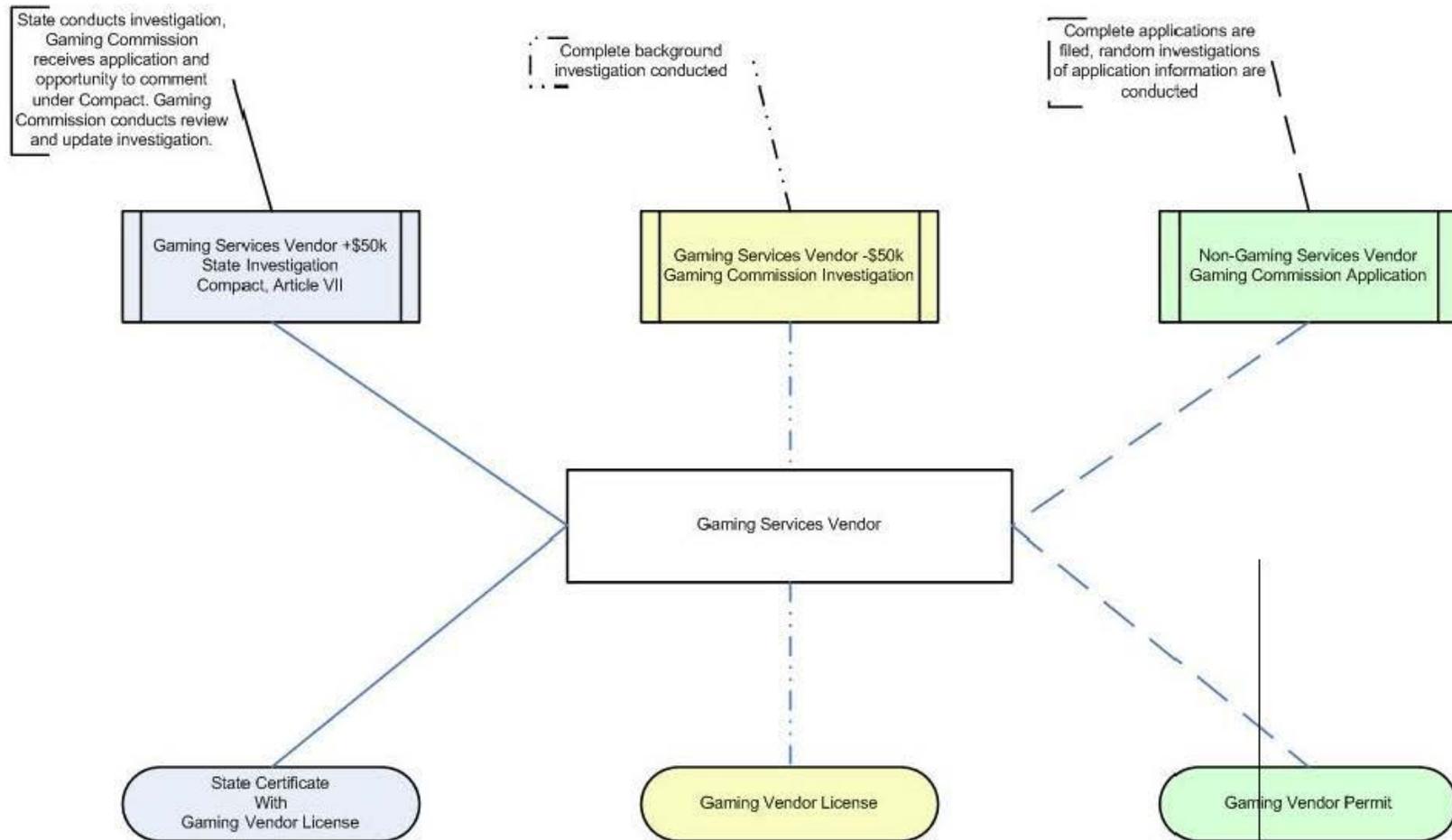
1076
1077 *End.*

1078

1080	Adopted	GTC-7-05-04-A
1081	Emergency Amendment	BC-7-14-04-A
1082	Amendment	BC-10-06-04-D
1083	Emergency Amendment	BC-11-03-04-A
1084	Permanent Adoption	BC-3-23-05-C
1085	Amended	BC-9-23-09-D
1086	Amended	BC-06-25-14-C (effective 11 01 2014)

For OBC consideration (redline)
10/08/14

Appendix 1. Vendor License/Permit



Chapter 21
Oneida Nation Gaming Ordinance
Thatiwi⇒Stunya=tha Olihwa=ke
Matters of interest to where they make the money

21.1. Purpose and Policy	21.11. Licenses, Generally
21.2. Adoption, Amendment, Applicability, Repeal	21.12. Gaming Employee License
21.3. Jurisdiction	21.13. Gaming Services Licensing and Non-Gaming Services Permitting
21.4. Definitions	21.14. Gaming Facility License
21.5. Oneida Business Committee: Powers and Duties	21.15. Gaming Operator License
21.6. Oneida Gaming Commission	21.16. Games
21.7. Gaming Surveillance: Powers, Duties and Limitations	21.17. Allocation of Gaming Funds
21.8. [Reserved for future use.]	21.18. Audits
21.9. Gaming Security Department	21.19. Enforcement and Penalties
21.10. Background Investigations	

21.1. Purpose and Policy

21.1-1. *Purpose.* The purpose of this Ordinance is to set forth the laws of the Oneida Tribe of Indians of Wisconsin regarding all Gaming Activities conducted within the jurisdiction set forth in this Ordinance. It is intended to govern the Gaming Activities of all persons, Gaming Employees, consultants, business entities, vendors, boards, committees, commissions and hearing bodies. This Ordinance does not authorize the operation of Gaming by a private person or private entity for gain. This Ordinance shall govern all Gaming Activities occurring on lands under the jurisdiction set forth in this Ordinance and all individuals or entities engaged in Gaming Activities, including those providing goods or services to any person or entity engaged in Gaming Activities

21.1-2. *Policy.* It is the policy of this Ordinance to ensure that the Oneida Tribe is the primary beneficiary of its Gaming Operations and has the sole proprietary interest, and that Gaming Activities within the jurisdiction set forth in this Ordinance are conducted fairly and honestly, and that all internal departments, enterprises, officials and employees of the Oneida Tribe work cooperatively to advance the best interests of the Oneida Tribe to protect the Tribe's gaming resources, protect the integrity of all gaming activities operated under the jurisdiction set forth in this Ordinance and to ensure fairness of all games offered to the Tribe's gaming patrons.

21.2. Adoption, Amendment, Applicability, Repeal

21.2-1. *Adoption.* This Ordinance is adopted under the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin by Oneida General Tribal Council Resolution # 7-05-04-A and amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-23-09-D, BC-06-25-14-C and _____.

21.2-2. *Amendment.* This Ordinance may be amended by the Oneida Business Committee or the General Tribal Council in accordance with Tribal law.

21.2-3. *Severability.* Should a provision of this Ordinance or the application of this Ordinance be held as invalid, the invalidity shall not effect other provisions of this Ordinance.

21.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this law are hereby repealed unless specifically re-enacted after adoption of this law. Specifically, the following resolutions are repealed by this law:

- (a) BC-4-21-89-D (Adoption of the Oneida Gaming Control Ordinance);
- (b) GTC-03-04-91-A (Establishing 7 elected Gaming Commissioners and Bingo standards);

- 36 (c) GTC-7-6-92-A (Amendments to Gaming SOP Manual);
- 37 (d) GTC-7-6-92-B (Adoption of the Comprehensive Gaming Ordinance);
- 38 (e) BC-3-16-94-A; (Comprehensive Gaming Ordinance Interpretation); and
- 39 (f) BC-4-5-95-D (Amendments to the Comprehensive Gaming Ordinance).

40 21.2-5. *Name.* This Ordinance shall be known as the Oneida Nation Gaming Ordinance or
41 ONGO.

42 21.2-6. *Preemptive Authority.* The Gaming Commission shall be the original hearing body
43 authorized to hear licensing decisions as set forth in this Ordinance.

44
45 **21.3. Jurisdiction**

46 21.3-1. *Territorial Jurisdiction.* This Ordinance extends to all land within the exterior
47 boundaries of the Reservation of the Tribe, as established pursuant to the 1838 Treaty with the
48 Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

49 21.3-2. *Subject Matter Jurisdiction.* This Ordinance applies to all Gaming conducted within the
50 territorial jurisdiction of the Oneida Tribe as set forth in section 21.3-1.

51 21.3-3. *Personal Jurisdiction.* This Ordinance shall govern:
52 (a) the Tribe;
53 (b) tribal members; and
54 (c) individuals and businesses leasing, occupying, or otherwise using Tribal fee land on
55 the Reservation and all Tribal Trust Lands.

56
57 **21.4. Definitions**

58 21.4-1. This section shall govern the definitions of words and phrases used in this Ordinance.
59 Words and phrases capitalized through out this document refer to the defined words and phrases
60 in this section. All words or phrases not defined in this section shall be interpreted based on their
61 plain ordinary and everyday meaning.

62 21.4-2. *Applicant* means any person or entity who has applied for a License from the Oneida
63 Gaming Commission or the Oneida Business Committee.

64 21.4-3. *Background Investigation* means a standard and thorough investigation conducted by the
65 Oneida Tribe in compliance with this Ordinance, Commission regulations, Oneida Gaming
66 Minimum Internal Controls, the IGRA and the Compact. Such investigations may be in
67 cooperation with federal, state, or Tribal law enforcement agencies.

68 21.4-4. *Class I Gaming* means social games solely for prizes of minimal value or traditional
69 forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal
70 ceremonies or celebrations.

71 21.4-5. *Class II Gaming* means:
72 (a) The game of chance commonly known as bingo (whether or not electronic, computer
73 or other technologic aids are used in connection therewith) in which:
74 (1) The game is played for prizes, including monetary prizes, with cards bearing
75 numbers or other designations.
76 (2) The holder of the card covers such numbers or designations when objects,
77 similarly numbered or designated, are drawn or electronically determined.
78 (3) The game is won by the first person covering a previously designated
79 arrangement of numbers or designation on such cards, including (if played in the
80 same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other
81 games similar to bingo.

- 82 (b) Card games that:
83 (1) Are explicitly authorized by the laws of the State; or
84 (2) Are not explicitly prohibited by the laws of the State and are played at any
85 location in the State, but only if such card games are played in conformity with
86 laws and regulations (if any) of the State regarding hours or periods of operation
87 of such card games or limitations on wagers or pot sizes in such card games.
88 Class II Gaming does not include any banking card games, including baccarat,
89 chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical
90 facsimiles of any game of chance or slot machines of any kind.
- 91 21.4-6. *Class III Gaming* means all forms of Gaming that are not Class I or Class II.
92 21.4-7. *Commission* means the Oneida Gaming Commission as established by this Ordinance.
93 21.4-8. *Commissioner* means a duly elected member of the Oneida Gaming Commission.
94 21.4-9. *Compact* means the 1991 Tribe-State Gaming Compact between the Tribe and the State
95 of Wisconsin as amended and any future amendments or successor compact entered into by the
96 Tribe and State and approved by the Secretary of the United States Department of Interior.
97 21.4-10. *Compliance Certificate* means a certificate issued by an agency with the authority and
98 responsibility to enforce applicable environmental, health or safety standards, which states that a
99 Gaming Facility complies with these standards.
- 100 21.4-11. *Environmental Assessment* means a document prepared and issued in compliance with
101 the National Environmental Policy Act of 1969, 42 U.S.C. sec. 4321 et seq., and all related
102 Federal regulations.
- 103 21.4-12. *Fraud* means any act of trickery or deceit used to or intended to gain control or
104 possession of the property of another.
- 105 21.4-13. *Games, Gaming, or Gaming Activity* means all forms of any activity, operation, or
106 game of chance that is considered Class II or Class III Gaming, provided that this definition does
107 not include Class I Gaming.
- 108 21.4-14. *Gaming Employee* means any person employed by a Gaming Operation.
- 109 21.4-15. *Gaming Facility* or *Gaming Facilities* means any location or structure, stationary or
110 movable, wherein Gaming is permitted, performed, conducted, or operated. Gaming Facility
111 does not include the site of a fair, carnival, exposition, or similar occasion.
- 112 21.4-16. *Gaming Operation* means the conduct of Gaming Activities and related business
113 activities in Gaming Facilities and areas where Gaming Employees are employed or assigned.
- 114 21.4-17. *Gaming Operator* means the Tribe, an enterprise owned by the Tribe, or such other
115 entity of the Tribe as the Tribe may from time to time designate as the wholly-owned entity
116 having full authority and responsibility for the operation and management of Gaming
117 Operations.
- 118 21.4-18. *Gaming Services* means the provision of any goods and services, except legal services
119 and accounting services, to a Gaming Operation, including, but not limited to, equipment,
120 transportation, food, linens, janitorial supplies, maintenance, or security services.
- 121 21.4-19. *Indian Gaming Regulatory Act* or *IGRA* means Public Law 100-497, 102 Stat. 2426, 25
122 U.S.C. sec. 2701, et seq., as amended.
- 123 21.4-20. "Judiciary" means the judicial system that was established by Oneida General Tribal
124 Council resolution GTC #1-07-13-B to administer the judicial authorities and responsibilities of
125 the Tribe.
- 126 21.4-21. *License* means a certificate or other document that represents the grant of a revocable
127 authorization to conduct the licensed activity. A license must be supported by a physical

128 document, badge, certification or other physical manifestation of the issuance of the revocable
129 authorization to conduct the licensed activity.

130 21.4-22. *Licensee* means a person or entity issued a valid License.

131 21.4-23. *NIGC* means the National Indian Gaming Commission.

132 21.4-24. *Oneida Business Committee* means the elected governing body of the Tribe exercising
133 authority delegated from the Oneida General Tribal Council of the Oneida Tribe of Indians of
134 Wisconsin under Article IV of the Constitution and By-laws for the Oneida Tribe of Indians of
135 Wisconsin, approved December 21, 1936, as thereafter amended.

136 21.4-25. *Oneida General Tribal Council* means the governing body of the Oneida Tribe of
137 Indians of Wisconsin as determined by the Tribe's Constitution.

138 21.4-26. *Ordinance or ONGO* means the Oneida Nation Gaming Ordinance as it may from time
139 to time be amended.

140 21.4-27. *Regulatory Incident* means the occurrence of any event giving rise to a potential or
141 alleged non-compliance with a gaming regulation, ordinance, law or policy involving any person
142 or Licensee on the premises of a Gaming Facility.

143 21.4-28. *Remediation* means efforts taken to reduce the source and migration of environmental
144 contaminants at a site.

145 21.4-29. *Reservation* means all lands within the exterior boundaries of the Reservation of the
146 Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7
147 Stat. 566, and any lands added thereto pursuant to federal law.

148 21.4-30. *Senior Gaming Management* means the gaming general manager, assistant gaming
149 general managers, gaming directors and assistant gaming directors.

150 21.4-31. *State* means the State of Wisconsin, its authorized officials, agents and representatives.

151 21.4-32. *Tribe* means the Oneida Tribe of Indians of Wisconsin.

152 21.4-33. *Tribal Fee Land* means all land to which the Tribe holds title in fee simple.

153 21.4-34. *Tribal Trust Land* means all land to which the United States holds title for the benefit
154 of the Tribe pursuant to federal law.

155

156 **21.5. Oneida Business Committee: Powers and Duties**

157 21.5-1. The Oneida Business Committee retains the power and duty to enter into agreements or
158 compacts with the State under the Indian Gaming Regulatory Act.

159 21.5-2. The Oneida Business Committee retains the power and duty to enter into agreements
160 with local governments and other Tribal governments for services or cooperative ventures for the
161 Gaming Operations.

162 21.5-3. The Oneida Business Committee has the exclusive power and duty to enter into
163 contracts and agreements affecting the assets of the Tribe, except for those assets that were
164 placed under the responsibility of the Oneida Land Commission under Chapter 67, Real Property
165 Law.

166 21.5-4. The Oneida Business Committee delegates to the Commission, as set out in section 21.6-
167 14, certain authorities and responsibilities for the regulation of Gaming Activities, Gaming
168 Operations, Gaming Operators, Gaming Employees, Gaming Facilities, Gaming Services, and
169 enforcement of laws and regulations, as identified in this Ordinance.

170 21.5-5. The Oneida Business Committee retains the duty and responsibility to safeguard all
171 funds generated by the Gaming Operations and all other authorities and responsibilities not
172 delegated by a specific provision of this Ordinance.

173 21.5-6. The Chairperson of the Tribe shall be the designated and registered agent to receive

174 notice of violations, orders, or determinations which are issued pursuant to the Indian Gaming
175 Regulatory Act and the Compact.

176

177 **21.6. Oneida Gaming Commission**

178 21.6-1. *Establishment and Purpose.* The Oneida Business Committee has established the Oneida
179 Gaming Commission for the purpose of regulating all Gaming Activities. The Commission is an
180 elected body comprised of four (4) members, provided that, the Oneida Business Committee
181 may, upon request of the Commission, increase the number of Commissioners by resolution
182 without requiring amendment of this Ordinance.

183 21.6-2. *Location and Place of Business.* The Commission shall maintain its offices and principal
184 place of business within the Reservation.

185 21.6-3. *Duration and Attributes.* The Commission shall have perpetual existence and succession
186 in its own name, unless dissolved by Tribal law. Operations of the Commission shall be
187 conducted on behalf of the Tribe for the sole benefit of the Tribe and its members. The Tribe
188 reserves unto itself the right to bring suit against any person or entity in its own right, on behalf
189 of the Tribe, or on behalf of the Commission, whenever the Tribe considers it necessary to
190 protect the sovereignty, rights, and interests of the Tribe or the Commission.

191 21.6-4. *Sovereign Immunity of the Tribe.*

192 (a) All inherent sovereign rights of the Tribe with regard to the existence and activities of
193 the Commission are hereby expressly reserved.

194 (b) The Tribe confers upon the Commission sovereign immunity from suit as set forth in
195 the Tribe's Sovereign Immunity Ordinance.

196 (c) Nothing in this Ordinance nor any action of the Commission shall be construed to be
197 a waiver of its sovereign immunity or that of the Tribe, or consent by the Commission or
198 the Tribe to the jurisdiction of the Judiciary, the United States, any state, or any other
199 tribe, or consent by the Tribe to any suit, cause of action, case or controversy, or the levy
200 of any judgment, lien, or attachment upon any property of the Commission or the Tribe.

201 21.6-5. *Requirements of Commission Membership.*

202 (a) *Qualifications.* Candidates for election or appointment to the Commission shall be at
203 least twenty-one (21) years of age on the day of the election or on the day of
204 appointment. In addition, Candidates for election to the Commission shall meet the
205 following qualifications within five (5) business days after a caucus for elected positions
206 on the Commission. Candidates for appointment to the Commission shall meet the
207 following qualifications on the day of appointment to a vacancy on the Commission
208 under 21.6-13:

209 (1) Be an enrolled member of the Tribe;

210 (2) Have a minimum of three (3) years of education experience, employment
211 experience and/or regulatory experience in Gaming Operations related to Gaming
212 Activity, Gaming law, Gaming control or regulation, or Gaming accounting or of
213 any combination of the foregoing; and

214 (3) Meet all other qualifications set forth in this Ordinance.

215 (b) *Conflict of Interest.* No person shall be considered for election or appointment as a
216 Commissioner until the candidate has disclosed all conflicts of interest as defined by the
217 Oneida Conflict of Interest Policy.

218 (c) *Background Investigation.* No person shall be considered for election or appointment
219 as a Commissioner until a preliminary background investigation has been completed and

220 the person has been found to meet all qualifications.
221 (d) Swearing into office is subject to a Background Investigation regarding the
222 qualifications set forth in sections 21.6-5 and 21.6-6 upon being elected or appointed to
223 office.

224 21.6-6. Unless pardoned for activities under subsection (a) and/or (d) by the Tribe, or pardoned
225 for an activity under subsection (a) and/or (d) by another Federally-recognized Indian Tribe for
226 an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned
227 for an activity under subsection (a) and/or (d) by the State or Federal government, no individual
228 shall be eligible for election or appointment to, or to continue to serve on, the Commission, who:

229 (a) Has been convicted of, or entered a plea of guilty or no contest to, any of the
230 following:¹

- 231 (1) Any gambling-related offense;
- 232 (2) Any offense involving Fraud or misrepresentation;
- 233 (3) Any offense involving a violation of any provision of chs. 562 or 565, Wis.
234 Stats., any rule promulgated by the State of Wisconsin Department of
235 Administration, Division of Gaming or any rule promulgated by the Wisconsin
236 Racing Board;
- 237 (4) A felony not addressed in paragraphs 1, 2, or 3, during the immediately
238 preceding ten (10) years; or
- 239 (5) Any offense involving the violation of any provision of Tribal law regulating
240 the conduct of Gaming Activities, or any rule or regulation promulgated pursuant
241 thereto.

242 (b) Has been determined by the Tribe to be a person whose prior activities, criminal
243 record if any, or reputation, habits, and associations pose a threat to the public interest or
244 to the effective regulation and control of Gaming, or create or enhance the dangers of
245 unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming
246 or the carrying on of the business and financial arrangements incidental thereto;

247 (c) Possesses a financial interest in or management responsibility for any Gaming
248 Activity or Gaming Services vendor;

249 (d) Has been convicted of a crime involving theft, Fraud, or conversion against the
250 Tribe;

251 (e) Has been removed from any office pursuant to the Oneida Removal Law within the
252 past five (5) years; or

253 (f) Is a sitting Commissioner whose term is not concluded at the time of that election or
254 appointment action.

255 21.6-7. *Term of Office.* Commissioners shall serve five (5) year terms and shall serve until a
256 successor takes the oath of office. Terms of office shall be staggered.

257 21.6-8. *Official Oath.* Each Commissioner shall take the official oath at a regular or special
258 Oneida Business Committee meeting prior to assuming office. Upon being administered the oath
259 of office, a Commissioner shall assume the duties of office and shall be issued a security card
260 setting forth his or her title and term of office.

¹ This section taken substantially from Section IX of the Tribe-State Gaming Compact.

261 21.6-9. *Full-time Status.* The Commission shall identify the appropriate work schedule for its
262 members. Each Commissioner shall perform his or her duties and responsibilities on a full-time
263 basis and will devote his or her entire work and professional time, attention and energies to
264 Commission business, and will not, during his or her tenure in office, be engaged in any other
265 profession or business activity that may impede the Commissioner's ability to perform duties on
266 behalf of the Commission or that competes with the Tribe's interests.

267 21.6-10. *By-laws.* The Commission shall adopt bylaws subject to review and approval by the
268 Oneida Business Committee.

269 21.6-11. *Budget and Compensation.* The Commission shall function pursuant to an annual
270 budget. The Oneida Business Committee shall submit the operating budget of the Commission
271 for approval in the same fashion as all other Tribal budgets. Compensation of Commissioners
272 shall not be subject to the Tribe's Comprehensive Policy Governing Boards, Committees, and
273 Commissions, but shall be established by the Commission in a manner consistent with the
274 Commission's internal rules and by-laws. The Commission shall adopt internal rules consistent
275 with the existing Tribal accounting practices to verify its budgetary expenditures.

276 21.6-12. *Removal.* Removal of Commissioners shall be pursuant to the Oneida Removal Law.

277 21.6-13. *Vacancies.* Any vacancy in an unexpired term of office, however caused, shall be
278 filled by appointment by the Oneida Business Committee of a person qualified pursuant to
279 sections 21.6-5 and 21.6-6.

280 21.6-14. *Authority and Responsibilities.* Subject to any restrictions contained in this Ordinance
281 or other applicable law, the Commission is vested with powers including, but not limited to the
282 following:

283 (a) To exercise all power and authority necessary to effectuate the gaming regulatory
284 purposes of this Ordinance, IGRA, Oneida Gaming Minimum Internal Controls, and the
285 Compact. Unless otherwise indicated in this Ordinance or Commission regulation, or
286 authorized by majority vote of the Commission, no Commissioner shall act independently
287 of the Commission. Any such action may constitute grounds for removal.

288 (b) To promote and ensure the integrity, security, honesty, and fairness of the regulation
289 and administration of Gaming.

290 (c) To draft, and approve, subject to review and adoption by the Oneida Business
291 Committee, regulations pursuant to this Ordinance for the regulation of all Gaming
292 Activity, including processes for enforcement of such regulations consistent with Tribal
293 law.

294 (d) To draft, and approve, subject to review and adoption by the Oneida Business
295 Committee, the Rules of Play and Oneida Gaming Minimum Internal Controls; provided
296 that, Rules of Play and Oneida Gaming Minimum Internal Controls shall require review
297 and comment by the Gaming Operation prior to approval by the Commission, and those
298 comments shall be included in any submission to the Oneida Business Committee. Rules
299 of Play and Oneida Gaming Minimum Internal Controls are adopted and approved
300 industry standards for Gaming Operations.

301 (e) To prepare proposals, including budgetary and monetary proposals, which might
302 enable the Tribe to carry out the purpose and intent of this Ordinance, and to submit the
303 same for consideration by the Oneida Business Committee; provided, however, that no
304 such proposal shall have any force or effect unless it is approved by the Oneida Business
305 Committee.

306 (f) To monitor and enforce all laws and regulations governing the operation and conduct

- 307 of all Gaming Activities, including the ongoing monitoring of Licenses, subject to this
308 Ordinance and/or regulations setting forth hearing or enforcement processes.
- 309 (g) To monitor and investigate all Gaming Operators for compliance with internal audits,
310 and external audits.
- 311 (h) To inspect, examine, and photocopy all papers, books, and records of Gaming
312 Activities and any other matters necessary to carry out the duties pursuant hereto,
313 provided that, all photocopies of documents shall be maintained in a confidential manner
314 or in the same manner as the original.
- 315 (i) To grant, deny, revoke, condition, suspend or reinstate the Licenses of Gaming
316 Employees, Gaming Services vendors, and Gaming Operators.
- 317 (j) To conduct hearings relating to Licenses issued under this Ordinance by the
318 Commission.
- 319 (k) To review all vendors doing business with the Gaming Operator to verify that such
320 persons or entities hold a valid License, where required, to do business with a Gaming
321 Operator.
- 322 (l) To retain professional advisors such as attorneys, law enforcement specialists, and
323 Gaming professionals consistent with Tribal law and practices.
- 324 (m) To arbitrate, negotiate, or settle any dispute to which it is a party and which relates
325 to its authorized activities.
- 326 (n) To act as the designated agent to receive all regulatory notices not included in section
327 21.5-6.
- 328 (o) To investigate all Regulatory Incidents.
- 329 (p) To issue warnings or notices of violation, in accordance with regulations, to Gaming
330 Operators and Licensees for non-compliance with the Compact, Oneida Gaming
331 Minimum Internal Controls, Rules of Play, IGRA, or this Ordinance.
- 332 (q) To make determinations regarding suitability for licensing.
- 333 (r) To establish an administrative structure by regulation to carry out its authority and
334 responsibilities.
- 335 (s) To establish, where needed, additional processes for conducting licensing hearings by
336 regulation.
- 337 (t) To establish and collect fees for processing license applications by regulation.
- 338 (u) To establish and impose a point system for findings of regulatory violations by any
339 Gaming Employee by regulation.
- 340 (v) To establish and impose a fine system for findings of regulatory violations by any
341 Gaming Services vendor or permittee by regulation.
- 342 (w) To approve procedures that provide for the fair and impartial resolution of patron
343 complaints.
- 344 21.6-15. *Reporting Requirements.* The Commission shall adhere to the following reporting
345 requirements:
- 346 (a) A true, complete and accurate record of all proceedings of the Commission shall be
347 kept and maintained;
- 348 (b) Complete and accurate minutes of all Commission meetings shall be filed with the
349 Secretary of the Oneida Business Committee within thirty (30) days of their approval by
350 the Commission;
- 351 (c) Quarterly, or as may be directed by the Oneida Business Committee, reports of the
352 Commission's activities, including information regarding funding, income and expenses

353 and any other matters to which the parties may agree, shall be submitted to the Oneida
354 Business Committee.

355 21.6-16. *Oneida Gaming Commission Personnel.* The Commission shall hire an Executive
356 Director who shall be responsible for hiring and managing the personnel of the Commission. The
357 Executive Director shall hire such personnel as is necessary to assist the Commission to fulfill its
358 responsibilities under this Ordinance, the IGRA, and the Compact, and all regulations including
359 the Oneida Gaming Minimum Internal Controls. The Executive Director and personnel of the
360 Commission shall be hired through the Tribe's regular personnel procedure and shall be subject
361 to its personnel policies and salary schedules. The Executive Director and personnel shall be
362 required to meet the requirements set forth in section 21.12-3 at hiring and during employment.
363

364 **21.7. Gaming Surveillance: Powers, Duties and Limitations**

365 21.7-1. *Purpose.* The purpose of Gaming Surveillance is to observe and report Regulatory
366 Incidents to the Commission and Gaming General Manager to provide for the regulation,
367 operation, and compliance of Gaming Activities under this Ordinance. Gaming Surveillance is a
368 department within the Commission's administrative structure and supervision shall be identified
369 within the organizational chart adopted by the Commission, provided that nothing in the
370 designation of supervisory responsibility shall be deemed to prohibit the responsibility of
371 Gaming Surveillance to provide information and/or video and/or audio records to the parties
372 identified in section 21.7-3.

373 21.7-2. Gaming Surveillance shall be responsible for all Gaming surveillance activities
374 including, but not limited to, equipment and maintenance of equipment, observation and
375 reporting of all persons to include Gaming Employees, customers, consultants, and Gaming
376 Services vendors.

377 21.7-3. Surveillance personnel shall provide to Senior Gaming Management, the Commission,
378 or Gaming Security a copy of any time-recorded video and accompanying audio (if available)
379 within twenty-four (24) hours of request.

380 21.7-4. Gaming Surveillance shall:

381 (a) Develop, implement and maintain written policies and procedures for the conduct and
382 integrity of the Surveillance Department.

383 (b) Develop, implement and maintain additional procedures governing the use and
384 release of the surveillance recordings or reports.

385 (c) Work cooperatively with the Gaming Security Department to carry out its official
386 duties and to coordinate its activities in order to effectuate the protection of patrons and
387 the assets of the Gaming Operation.

388 (d) Develop, implement and maintain written policies and procedures for implementation
389 of duties and responsibilities identified with the Oneida Gaming Minimum Internal
390 Controls, subject to approval by the Commission.

391

392 **21.8. [Reserved for future use.]**

393

394 **21.9. Gaming Security Department**

395 21.9-1. *Purpose.* The Gaming Security Department is a department within the Oneida Police
396 Department. The purpose of the Gaming Security Department is to protect Gaming assets,
397 patrons and Gaming Employees from an activity, repeat activity, or ongoing activities which
398 could injure or jeopardize Gaming assets, patrons and Gaming Employees and report these

399 activities to the Oneida Police Department for further review and/or investigation. Provided that,
400 all reports of the Gaming Security Department shall be copied to the Commission.

401 21.9-2. *Reporting.* The Oneida Police Department, Gaming General Manager and the
402 Commission shall enter into an agreement, subject to ratification by the Oneida Business
403 Committee, which describes their responsibilities and reporting requirements under this law.

404 21.9-3. The Gaming Security Department shall:

405 (a) Develop, implement and maintain written policies and procedures for the conduct and
406 integrity of Gaming Security, as identified in the Oneida Gaming Minimum Internal
407 Controls and subject to approval by the Commission.

408 (b) Develop, implement and maintain additional procedures governing the use and
409 release of the investigation reports.

410 (c) Work cooperatively with Gaming Surveillance to carry out its official duties and to
411 coordinate activities between the departments.

412 21.9-4. *Investigations.* This Section is intended to authorize report gathering, information
413 gathering, and preliminary review, to be conducted by the Gaming Security Department.

414

415 **21.10. Background Investigations**

416 21.10-1. The Human Resources Department and the Commission shall enter into an agreement,
417 subject to ratification by the Oneida Business Committee, for carrying out Background
418 Investigations for employees as required under this law.

419 21.10-2. Background Investigations shall be conducted on all persons or entities as specified
420 under this law. All Background Investigations shall be conducted to ensure that the Tribe in its
421 Gaming Operations shall not employ or contract with persons whose prior activities, or
422 reputation, habits and associations pose a threat to the public interest or to the effective
423 regulation of gaming, or create or enhance the dangers of unsuitable, unfair or illegal practices
424 and methods in the conduct of such gaming. The identity of any person interviewed in order to
425 conduct a Background Investigation shall be confidential.

426

427 **21.11. Licenses, Generally**

428 21.11-1. The Commission shall adopt procedures that ensure the efficient and orderly processing
429 of all applications for a License. All Gaming Employees, Gaming Services vendors, and
430 Gaming Operators shall apply for a License from the Commission prior to their participation in
431 any Gaming Activity. All Gaming Facilities must be licensed by the Oneida Business
432 Committee.

433 21.11-2. *Temporary License.* All Applicants, upon receipt by the Commission of a completed
434 application for a License and completion of a preliminary Background Investigation, may
435 receive a temporary license for a ninety (90) day period, unless a Background Investigation of
436 the application demonstrates grounds to disqualify the Applicant. Such temporary license, as
437 defined in this section, shall permit the Licensee to engage in such activities and pursuant to any
438 terms and conditions imposed and specified by the Commission. The temporary license shall be
439 valid until either replaced by a License, the ninety (90) day temporary license period has
440 concluded, or the temporary license is cancelled by the Commission, whichever occurs first.

441 21.11-3. *Revocable.* A License is revocable only in accordance with the procedures set forth in
442 this Ordinance. A Licensee shall have only those rights and protections regarding a License
443 granted in this Ordinance.

444 21.11-4. All Applicants:

445 (a) Consent to the release of any information relevant to the Applicant's Background
446 Investigation by any person or entity in possession of such information.

447 (b) Consent to the jurisdiction of the Tribe and are subject to all applicable Tribal,
448 Federal, and State laws, regulations, and policies.

449 21.11-5. All Licensees are subject to ongoing review at least every two (2) years by the
450 Commission.

451 21.11-6. *Status of Licenses.* The Commission shall notify the Gaming Operation of the status of
452 all Licenses, whether temporary or permanent, including all Commission action to revoke,
453 suspend, or condition a License.

454 21.11-7. *Commission Licensing Actions.* The Commission may grant, deny, revoke, condition,
455 suspend or reinstate all Licenses, except for Gaming Facilities Licenses, in accordance with this
456 Ordinance. Authority to place conditions on a license may be exercised only upon promulgation
457 of regulations.

458 21.11-8. *Noncompliance.* The Commission may issue a notice of noncompliance when the
459 Commission has developed regulations that identify procedures that notices of noncompliance
460 may be issued to Licensees and permittees which provide an opportunity to correct actions. Such
461 regulations shall include procedures for appeal of such notices. Regulations may include the
462 ability to issue fines not to exceed one thousand dollars (\$1000.00) per violation for Gaming
463 Services vendors and permittees.

464

465 **21.12. Gaming Employee License**

466 21.12-1. *Scope of Section.* This Section applies only to Gaming Employee Licenses and
467 licensing actions.

468 21.12-2. *License Application.* Every Applicant for a License shall file with the Commission a
469 written application in the form prescribed by the Commission, duly executed and verified, which
470 shall certify:

471 (a) Applicant's full name and all other names used (oral or written), Social Security
472 Number(s), place of birth, date of birth, citizenship, gender, and all languages (spoken or
473 written).

474 (b) Currently, and for the previous five (5) years: business and employment positions
475 held, ownership interests in those businesses, business and residence addresses, and
476 driver's license number(s).

477 (c) The names and current addresses, of at least three (3) personal references, including
478 one (1) personal reference, who were acquainted with the Applicant during each period of
479 residence listed in subsection (b) above.

480 (d) Current business and residence telephone numbers.

481 (e) A description of any existing and previous business relationships with Indian Tribes,
482 including ownership interest in those businesses.

483 (f) A description of any existing and previous business relationship with the Gaming
484 industry generally, including ownership interest in those businesses.

485 (g) The name and address of any licensing or regulatory agency with which the
486 Applicant has filed an application for a license or permit related to gaming, whether or
487 not such licenses or permit was granted.

488 (h) The name and address of any licensing or regulatory agency with which the
489 Applicant has filed an application for an occupational license or permit, whether or not
490 such licenses or permit was granted.

- 491 (i) For each felony conviction or ongoing prosecution or conviction, the charge, the
492 name and address of the court involved, and the date and disposition if any.
- 493 (j) For each misdemeanor or ongoing misdemeanor prosecution (excluding violations for
494 which jail time is not part of the potential sentence) within ten (10) years of the date of
495 the application, the name and address of the court involved, and the date and disposition.
- 496 (k) For each criminal charge (excluding charges for which jail time is not part of the
497 potential sentence) whether or not there is a conviction, if such criminal charge is within
498 ten (10) years of the date of the application and is not otherwise listed pursuant to
499 subsections (i) or (j) of this section, the criminal charge, the name and address of the
500 court involved and the date and disposition.
- 501 (l) A photograph.
- 502 (m) Fingerprints consistent with procedures adopted by the Commission which meet the
503 criteria set forth in 25 C.F.R. section 522.2(h).
- 504 (n) Any other information the Commission deems relevant for a Gaming Employee
505 License.
- 506 (o) A statement that each Applicant has read and understands notices and NIGC
507 requirements relating to:
- 508 (1) The Privacy Act of 1974;
509 (2) Fraud and False Statements Act; and
510 (3) Fair Credit Reporting Act.
- 511 21.12-3. *License Qualifications.* No License shall be granted if the Applicant:
- 512 (a) Is under the age of eighteen (18).
- 513 (b) Unless pardoned for activities under this subsection by the Tribe, or pardoned for
514 activities under this subsection by another Federally-recognized Indian Tribe for an
515 action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or
516 pardoned for activities under this subsection by the state or Federal government, has been
517 convicted of, or entered a plea of guilty or no contest to, any of the following:
- 518 (1) Any gambling-related offense;
519 (2) Any offense involving Fraud or misrepresentation;
520 (3) Any offense involving a violation of any provision of chs. 562 or 565, Wis.
521 Stats., any rule promulgated by the State of Wisconsin Department of
522 Administration, Division of Gaming or any rule promulgated by the Wisconsin
523 Racing Board;
524 (4) A felony not addressed in paragraphs (1), (2), or (3), during the immediately
525 preceding ten (10) years; or
526 (5) Any offense involving the violation of any provision of Tribal law regulating
527 the conduct of Gaming Activities, or any rule or regulation promulgated pursuant
528 thereto.
- 529 (c) Is determined to be a person whose prior activities, criminal record, reputation,
530 habits, or associations pose a threat to the public interest or to the effective regulation and
531 control of Gaming or create or enhance the dangers of unsuitable, unfair, or illegal
532 practices, methods, or activities in the operation of Gaming Activities or the carrying on
533 of the business and financial arrangements incidental thereto.
- 534 (d) Possesses a financial interest in or management responsibility for any Gaming
535 Activity or Gaming Services vendor, or he or she has any personal, business, or legal
536 relationship which places him or her in a conflict of interest as defined in this Ordinance

537 or the Conflict of Interest Policy.
538 (e) Each person Licensed as a Gaming Employee shall have a continuing obligation to
539 inform the Commission immediately upon the existence of any circumstance or the
540 occurrence of any event which may disqualify him or her from being licensed as a
541 Gaming Employee. Failure to report any such occurrence may result in suspension or
542 revocation of the Gaming Employee's License.

543 21.12-4. *Initial Eligibility Determination.*

544 (a) Based on the results of the preliminary Background Investigation, the Commission
545 shall make an initial determination regarding an Applicant's eligibility and either:

- 546 (1) Grant a temporary license, with or without conditions, to the Applicant; or
547 (2) Deny the license application and provide notice to the Applicant that he or
548 she may request a hearing regarding the decision consistent with subsection (b)
549 below.

550 (b) If the Commission determines that an Applicant is ineligible for a License, the
551 Commission shall notify the Applicant. The Commission shall set forth regulations for
552 an Applicant to review any information discovered during the preliminary Background
553 Investigation prior to scheduling a hearing under section 21.12-9. The suspension or
554 revocation hearing provisions set forth at section 21.12-8 do not apply to Initial
555 Eligibility Determinations.

556 21.12-5. *NIGC Review.* When a Gaming Employee begins employment at a Gaming Operation,
557 the Commission shall:

558 (a) Forward to the NIGC a completed application for employment that contains the
559 notices and information listed in section 21.12-2 and any other necessary reports.

560 (b) Review the Background Investigation of the Applicant. Based upon the results of the
561 Background Investigation, the Commission shall determine the eligibility of the
562 Applicant to receive a License.

563 (c) Determine eligibility for a License within sixty (60) days after an Applicant begins
564 work at a Gaming Facility under a temporary license.

565 (d) Forward, after determination of eligibility, a report to the NIGC within sixty (60)
566 days after the Applicant begins employment at a Gaming Facility.

567 (1) During a thirty (30) day period, beginning when the NIGC receives a report
568 submitted pursuant to subsection (d) above, the Chairman of the NIGC may
569 request additional information from the Commission concerning the Applicant.
570 Such a request shall suspend the thirty (30) day period until the Chairman
571 receives the additional information.

572 (2) If, within the thirty (30) day period described in subsection (1) above, the
573 NIGC notifies the Commission that it has no objection to the issuance of a
574 License, the Commission may grant the License to the Applicant.

575 (3) If, within the thirty (30) day period described in subsection (1) above, the
576 NIGC provides the Commission with a statement itemizing objections to the
577 issuance of a License, the Commission shall reconsider the application, taking
578 into account the objections itemized by the NIGC. The Commission shall make
579 the final decision whether to issue a License to the Applicant.

580 (4) All applications, Background Investigations, investigative reports, suitability
581 determinations, findings and decisions of the Commission shall be retained in the
582 Commission's files for a period of at least seven (7) years from the date the

583 Gaming Employee's employment is terminated.
584 21.12-6. *License Issuance.* Any Gaming Employee License issued under this section shall be
585 effective from the date of issuance and shall contain the Gaming Employee's photograph, the
586 Gaming Employee's name, and the date that the License became effective. If a Gaming
587 Employee is promoted, transferred, reassigned, or the position is reclassified, the Gaming
588 Employee shall notify in writing the Commission, and the Commission shall review the Gaming
589 Employee's License. The Commission retains the right to grant, deny, revoke, condition,
590 suspend, or reinstate Licenses subject to the right to appeal the decision under the processes set
591 forth in this Ordinance.

592 21.12-7. *Requirement to Wear License.* During working hours, all Licensees shall wear their
593 License in a conspicuous place that is plainly visible by all employees, the Nation's gaming
594 patrons and surveillance.

595 21.12-8. *Suspension or Revocation of Licenses.* Except as provided in section 21.12-8(c), no
596 License can be suspended or revoked except after notice and opportunity for hearing.

597 (a) *Basis for Licensing Action.* The Commission may suspend, condition, or revoke any
598 License issued under this Ordinance if:

599 (1) After the issuance of a License, the Commission receives from the NIGC or
600 other source reliable information indicating that a Gaming Employee is not
601 eligible for a License under section 21.12-3 or such information would justify the
602 denial of the renewal of any License, the Commission shall issue a written notice
603 of suspension;

604 (2) The Commission issues a written notice of suspension demonstrating that the
605 Licensee:

606 (A) Has knowingly made a materially false or misleading statement in
607 any application for a License, in any amendment thereto, or in response to
608 a request by the Commission for supplemental information or in
609 connection with any investigation of the Commission;

610 (B) Has knowingly promoted, played, or participated in any gaming
611 activity operated in violation of the Compact, Tribal or federal law, and
612 this Ordinance;

613 (C) Has bribed or attempted to bribe, or has received a bribe from, a
614 Commissioner or any other person in an attempt to avoid or circumvent
615 any applicable law;

616 (D) Has falsified any books or records relating to any transaction
617 connected with the operation of Gaming Activity;

618 (E) Has refused to comply with any lawful directive of the Tribe, the
619 Federal government, or any court of competent jurisdiction; or

620 (F) Has been convicted of, or entered a plea of guilty or no contest to, a
621 crime involving the sale of illegal narcotics or controlled substances.

622 (b) *Suspension Notice.* The Commission's notice of suspension shall be in writing and
623 shall, at a minimum, notify the Licensee of the following:

624 (1) The Licensee's right to review a file prior to any hearing regarding the notice
625 of suspension, and to make copies of any documents contained in that file;

626 (2) The Licensee's right to request a hearing on the proposed licensing action, to
627 present documents and witness testimony at that hearing to be represented by
628 counsel;

629 (3) The specific grounds upon which the proposed licensing action is based,
630 including citations to relevant sections of this Ordinance, the IGRA, any
631 applicable Regulations and/or the Compact; and

632 (4) The time and place set by the Commission for the Licensee's hearing.

633 (c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest,
634 and effective regulation and control of Gaming Activities requires the immediate
635 exclusion of a Licensee, the Commission may immediately suspend a License prior to the
636 conduct of a hearing on the matter. Such an immediate suspension may take effect upon
637 service of the notice of immediate suspension.

638 (d) Any notice of suspension or notice of immediate suspension shall set forth the times
639 and dates for when the Licensee may review their file review and the date for a hearing
640 on any proposed licensing action.

641 (e) Within fifteen (15) business days after a hearing, the Commission shall issue a final
642 written licensing decision and decide whether to suspend, uphold an immediate
643 suspension, revoke, or take other action concerning a License. If the License was
644 suspended, conditioned or revoked based on information from the NIGC under 21.12-
645 8(a)(1), the Commission shall forward a copy of its decision to NIGC within forty-five
646 (45) days of receiving NIGC's notification indicating that a Gaming Employee is not
647 eligible for a License.

648 (f) If a Licensee fails to appear for his or her hearing before the Commission, that right
649 shall be deemed to have been waived and the Commission will proceed on the proposed
650 licensing action by default.

651 (g) Unless identified in this Ordinance or regulations of the Commission, the hearing
652 processes set forth in the Oneida Administrative Procedures Act shall apply.

653 21.12-9. *Original Hearing Body.* Any person aggrieved by a licensing decision of the
654 Commission may appeal the decision by filing a request for an original hearing before the
655 Commission. The Licensee must file any such request with the Commission in writing on or
656 before the fifteenth (15th) day following receipt of the Commission's decision. The Commission
657 shall certify the record, developed in 21.12-4 or 21.12-8(a), within thirty (30) days of the date of
658 the filing of the request for an original hearing. The Commissioners serving on the original
659 hearing body shall not include the Commissioners who participated in the licensing decision
660 from which the original hearing is scheduled. The Commission may determine to review the
661 decision solely on the licensing decision record and briefs filed regarding the request for
662 reconsideration. The Commission may also, in its sole discretion, grant oral argument. The
663 Commission shall issue a written decision within one hundred twenty (120) days from receipt of
664 the request for the original hearing. The Commission's decision shall be considered an original
665 hearing decision and an appeal may be made to the Judiciary as an appeal of an original hearing
666 body.

667 21.12-10. *Notice to Oneida Business Committee.* Prior to any suspension or revocation of a
668 License of the gaming general manager, the Commission shall provide notice to the Oneida
669 Business Committee twenty-four (24) hours prior to the issuance of the suspension or revocation.

670 21.12-11. *Record of Proceedings.* The Commission shall maintain a complete and accurate
671 record of all Licensure proceedings.

672 21.12-12. Revocation of a License is solely limited to the licensing matter. Employment related
673 processes resulting from revocation of a license are determined solely through the personnel
674 processes and procedures of the Tribe and are not licensing matters governed by this Ordinance.

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21.13. Gaming Services Licensing and Non-Gaming Services Permitting

21.13-1. *Scope of Section.* This section applies to all individuals and entities providing Gaming Services. The requirements of this Section are in addition to, and do not alter or amend any requirements imposed by the Oneida Vendor Licensing Law.²

21.13-2. *Gaming Services License or Non-Gaming Services Permit Required.*

(a) *Gaming Services License.* Any Gaming Services vendor providing gaming related contract goods or services as defined under Article VII(A) of the Compact to the Gaming Operation must possess a valid Gaming Services License.

(b) *Non-Gaming Services Permit.* Any vendor providing non-gaming related goods or services to the Gaming Operation must possess a valid Non-Gaming Services permit.

(c) Determinations regarding the issuance of a License or permit under this section shall be made by the Commission which may be subject to requests for reconsideration by the Gaming Services vendor within fourteen (14) business days of receipt by the Gaming Services vendor of the notice of License or permit determination.

21.13-3. *Approved Gaming Services Vendor List.* The Commission shall maintain an updated and complete list of all Gaming Services vendors that possess current and valid Gaming Services Licenses or Non-Gaming Services permits from the Commission, which shall be known as the Approved License and Permit List. Gaming Operations may only do business with vendors that possess valid and current Gaming Services Licenses or Non-Gaming Services permits and who appear on the Approved License and Permit List.

21.13-4. *Gaming Services License/Permit Application.* Every Applicant for a License or permit shall file with the Commission a written application in the form prescribed by the Commission, duly executed and verified which shall provide and certify the following. Provided that, non-gaming services vendors with less than two thousand five hundred dollars (\$2,500.00) in services for the prior fiscal year shall only be required to file a notice of doing business with the Commission.

- (a) The Applicant's name and mailing address;
- (b) The names and addresses of each officer or management official of the Applicant;
- (c) A copy of the Applicant's articles of incorporation and by-laws, or if not a corporation, the Applicant's organizational documents;
- (d) Identification of an agent of service for the Applicant;
- (e) The name and address of each person having a direct or indirect financial interest in the Applicant;
- (f) The nature of the License or permit applied for, describing the activity to be engaged in under the License or permit;
- (g) Explicit and detailed disclosure of any criminal record, including any delinquent taxes owed to the United States, or any state, of the Applicant, any person involved in the organization, and any person of interest whose name appears or is required to appear on the application;
- (h) Whether the Applicant is or has been licensed by the state of Wisconsin Office of

² See also Appendix 1. Vendor Licensing/Permit.

- 716 Indian Gaming Regulation and Compliance and, if applicable, proof of current licensure;
717 (i) Whether the Applicant has been licensed in the state of New Jersey, Nevada, or by
718 any other gaming jurisdiction, including any Indian Tribe or Tribal governmental
719 organization and, if so, proof of such licensure and the status of any such license;
720 (j) Whether the Applicant has been denied a license by any gaming jurisdiction and, if
721 so, the identity of the jurisdiction, the date of such decision and the circumstances
722 surrounding that decision;
723 (k) Whether any license held by the Applicant has been refused renewal, conditioned,
724 suspended or revoked by an issuing authority and, if so, the circumstances surrounding
725 that action;
726 (l) A statement of waiver allowing the Tribe to conduct a Background Investigation of
727 the Applicant and any person whose name appears or is required to appear on the
728 application;
729 (m) Whether the Applicant or any person whose name appears or is required to appear
730 on the application has or has had any business with the Tribe or any business or personal
731 relationship with any of the Tribe's officers or employees;
732 (n) The name and contact information for all Tribes or Tribal organizations with whom
733 the Applicant or any person whose name appears or is required to appear on the
734 application has done business;
735 (o) Whether the Applicant or any person whose name appears or is required to appear on
736 the application maintains any involvement in the business of wholesale distribution of
737 alcoholic beverages;
738 (p) A statement that the Applicant has read and understands notices and NIGC
739 requirements relating to:
740 (1) The Privacy Act of 1974;
741 (2) False statements; and
742 (3) The Fair Credit Reporting Act.
743 (q) All additional information necessary to allow the Commission to investigate the
744 Applicant and any person whose name appears or is required to appear on the application.
- 745 21.13-5. *Signature on Application.* Applications for Licenses or permits must be signed by the
746 following person:
747 (a) For companies and corporations (both for profit and non-profit), the highest ranking
748 official of the corporation, or another person to whom the authority to execute the
749 Application has been properly delegated.
750 (b) For a sole proprietorship, the principal owner.
751 (c) For a partnership, all partners.
752 (d) For a limited partnership, the general partner or partners.
- 753 21.13-6. *Incomplete Applications.* Applications that do not contain all information requested,
754 including proper signatures, will be considered incomplete. Incomplete applications will not be
755 considered by the Commission. The Commission shall notify an Applicant if an application is
756 incomplete and what additional information is necessary to complete the application. If an
757 Applicant who has submitted an incomplete application, and been notified of the deficiency in
758 that application, fails to provide the information requested by the Commission, the application
759 will be returned to the Applicant and the file closed.
- 760 21.13-7. *Supplemental Information.* The Commission may, in its discretion, request
761 supplemental information from the Applicant. Supplemental information requested by the

762 Commission shall be promptly submitted by the Applicant. An Applicant's failure or refusal to
763 submit supplemental information requested by the Commission may constitute grounds for the
764 denial of the application.

765 21.13-8. *Continuing Duty to Provide Information.* Applicants, permittees, and Licensees owe a
766 continuing duty to provide the Commission with information and materials relevant to the
767 Applicant's, permittee's, or Licensee's character or fitness to be licensed, including but not
768 limited to any change in the licensing or permitting status of the Applicant, permittee, or
769 Licensee in any foreign jurisdiction. An Applicant's, permittee's, or Licensee's failure to notify
770 the Commission promptly of inaccuracies on an application or new information or materials
771 relevant to the Applicant may constitute grounds to deny, suspend or revoke a License or permit.

772 21.13-9. *Background Investigations.* Background Investigations for Gaming Services vendors
773 shall be conducted as follows.

774 (a) *Gaming Related Equipment Gaming Services Vendors under Fifty Thousand Dollars*
775 *(\$50,000.00) in Goods and/or Services Annually.* The Commission shall conduct the
776 Background Investigations that are sufficient to determine the eligibility for licensing of
777 all Gaming Services vendors that provide or anticipate providing under fifty thousand
778 dollars (\$50,000.00) in goods and services annually.

779 (b) *Gaming Related Equipment Gaming Services Vendors over Fifty Thousand Dollars*
780 *(\$50,000.00) in Goods and/or Services Annually.* The Commission shall review the
781 background investigation conducted by the Wisconsin Office of Indian Gaming
782 Regulation, and shall conduct any necessary additional Background Investigation to
783 ensure that the state background investigation is complete and current.

784 (c) *Other Non-Gaming Related Goods and/or Services Gaming Services Vendors.* The
785 Commission shall conduct Background Investigations on a sufficient number of
786 randomly selected applications in order to verify the accuracy of all applications. The
787 random selection process shall be identified by regulation of the Commission.

788 21.13-10. *Licensing Action in a Foreign Jurisdiction.* If the states of Wisconsin, New Jersey,
789 Nevada or any other gaming jurisdiction refuses to renew a license or permit or conditions,
790 suspends, or revokes the license or permit of an Applicant, permittee, or Licensee, such action
791 may constitute grounds for similar action by the Commission.

792 21.13-11. *Claim of Privilege.* At any time during the licensing or permitting process, the
793 Applicant may claim any privilege afforded by law. An Applicant's claim of privilege with
794 respect to the production of requested information or documents or the provision of required
795 testimony or evidence may constitute grounds for the denial, suspension or revocation of a
796 license or permit.

797 21.13-12. *Withdrawal of an Application.* An Applicant may request to withdraw an application
798 by submitting a written request to the Commission. The Commission retains the right, in its
799 exclusive discretion, to grant or deny a request for withdrawal. An Applicant who withdraws an
800 application shall be precluded from reapplying for a Gaming Services License or Non-Gaming
801 Services permit for a period of one (1) year from the date the application was withdrawn.

802 21.13-13. *Suspension or Revocation of Gaming Services Licenses or Permits.* Except as
803 provided in section 21.13-13(c), no License or permit can be suspended or revoked except after
804 notice and opportunity for hearing.

805 (a) *Basis for Licensing or Permitting Action.* The Commission may suspend, modify, or
806 revoke any Gaming Services License or Non-Gaming Services permit issued under this
807 Ordinance if, after issuance of the License or permit, the Commission receives reliable

808 information that would justify denial of the issuance or renewal of a License or permit, or
809 if the Commission determines that the Licensee or permittee has:

- 810 (1) Knowingly made a materially false or misleading statement in any application
811 for a License or permit, in any amendment thereto, or in response to a request by
812 the Commission for supplemental information or in connection with any
813 investigation of the Commission;
814 (2) Knowingly promoted, played, or participated in any Gaming Activity
815 operated in violation of the Compact, or any Tribal or other applicable law;
816 (3) Bribed or attempted to bribe a Commissioner or any other person in an
817 attempt to avoid or circumvent any applicable law;
818 (4) Falsified any books or records relating to any transaction connected with
819 operation of Gaming Activity;
820 (5) Refused to comply with a lawful directive of the Tribe, the federal
821 government, or any court of competent jurisdiction; or
822 (6) Been convicted of, or entered a plea of guilty or no contest to, a crime
823 involving the sale of illegal narcotics or controlled substances.

824 (b) *Suspension Notice.* The Commission shall provide a Licensee or permittee with
825 written notice of suspension, which shall, at a minimum, notify the Licensee or permittee
826 of the following:

- 827 (1) The Licensee's or permittee's right to conduct a file review prior to any
828 hearing regarding the notice of suspension, and to make copies of any documents
829 in that file;
830 (2) The Licensee's or permittee's right to present documents and witness
831 testimony at the hearing and to be represented by counsel;
832 (3) The specific grounds upon which the suspension is based, including citations
833 to relevant sections of this Ordinance, the IGRA, any applicable regulations
834 and/or the Compact; and
835 (4) The time and place set by the Commission for the Licensee's or permittee's
836 file review and hearing.

837 (c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest,
838 and effective regulation and control of others require the immediate exclusion of a
839 Licensee or permittee, the Commission may immediately suspend a License or permit
840 prior to a hearing on the matter. Such an immediate suspension shall take effect upon
841 service of the notice of immediate suspension.

842 (d) *File Review and Hearing.* Any notice of suspension or notice of immediate
843 suspension shall set forth the time and date for the Licensee or permittee to conduct a file
844 review and for a hearing.

845 (e) *Final Written Decision.* Within fifteen (15) business days after a hearing, the
846 Commission shall issue a final written decision and decide whether to suspend, uphold an
847 immediate suspension, revoke, or take other action concerning a License or permit.

848 (f) *Default.* If a Licensee or permittee fails to appear for his or her hearing before the
849 Commission, that right shall be deemed to have been waived and the Commission will
850 proceed on the proposed licensing action by default.

851 (g) Unless identified in this Ordinance or regulations of the Commission, the hearing
852 processes set forth in the Oneida Administrative Procedures Act shall apply.

853 21.13-14. *Original Hearing Body.* Any person aggrieved by a licensing or permitting decision

854 of the Commission may appeal the decision by filing a request for an original hearing before the
855 Commission. The Applicant, Licensee or permittee must file such request with the Commission
856 in writing on or before the fifteenth (15th) day following the receipt of the Commission's
857 decision. The Commission shall certify the record, developed in 21.13-9 or 21. 13 -13(a), within
858 thirty (30) days of the date of the filing on the request for an original hearing. The
859 Commissioners participating in the initial licensing or permitting decision shall not participate in
860 the original hearing. The Commission may determine to review the decision solely on the
861 licensing or permitting decision record and briefs filed regarding the request for reconsideration.
862 The Commission may also, in its sole discretion, grant oral argument. The Commission shall
863 issue a written decision within one hundred twenty (120) days from receipt of the request for the
864 original hearing. The Commission's decision shall be considered an original hearing decision
865 and an appeal may be made to the Judiciary as an appeal of an original hearing body.
866

867 **21.14. Gaming Facility License**

868 21.14-1. The construction and maintenance of any Gaming Facility, and the operation of
869 Gaming Activities, shall be conducted in a manner which adequately protects the environment
870 and the public health and safety, and shall comply with requirements of the Compact and all
871 other applicable health, safety, and environmental standards.

872 21.14-2. The Oneida Business Committee shall receive, review and grant or deny any
873 application for licensing any Gaming Facilities located within the Reservation. Applicants shall
874 provide the Oneida Business Committee sufficient information to show the following:

875 (a) The Gaming Facility meets all applicable Federal and Tribal health and safety
876 standards.

877 (1) To show compliance with applicable health and safety standards, Gaming
878 Operator shall submit certified copies of Compliance Certificates issued by the
879 agencies responsible for the enforcement of the health and safety standards.

880 (2) If health and safety standards are not met, proof must be submitted by
881 Gaming Operator that the Gaming Facility is in the process of improvements
882 which will place the Gaming Facility in compliance with the applicable standards.

883 (b) The Gaming Facility meets applicable federal and Tribal environmental standards.

884 (1) To show compliance with applicable environmental standards, Gaming
885 Operator shall submit certified copies of an Environmental Assessment of the
886 Gaming Facility which were prepared by the agency responsible for the
887 enforcement of applicable environmental standards.

888 (2) If the applicable environmental standards are not met, proof must be
889 submitted by Gaming Operator that remediation of the Gaming Facility is being
890 actively sought which will place the Gaming Facility in compliance with the
891 applicable standards.

892 21.14-3. Upon receipt and review of the above information, the Oneida Business Committee
893 shall deliberate and either grant or deny for failure to meet the requirements of protecting the
894 health and safety of patrons, public and employees of a Gaming Facility License to the
895 Applicant. The Oneida Business Committee shall submit to the NIGC a copy of each Gaming
896 Facility License issued.

897 21.14-4. If the Oneida Environmental, Health and Safety Department notifies the Oneida
898 Business Committee that a Gaming Facility will be closed by a governmental agency with proper
899 authority due to environmental, health or safety concerns, the Oneida Business Committee shall

900 suspend the License of the Gaming Facility. The Oneida Business Committee shall re-License
901 the Gaming Facility after receiving the information required in section 21.14-2.

902

903 **21.15. Gaming Operator License**

904 21.15-1. *Consent to Jurisdiction.* The application for License and the conduct of Gaming within
905 the jurisdiction of the Tribe shall be considered consent to the jurisdiction of the Tribe in all
906 matters arising from the conduct of Gaming, and all matters arising under any of the provisions
907 of this Ordinance or other Tribal laws.

908 21.15-2. *License Required.* No Gaming Operator shall conduct Gaming Activity unless such
909 entity holds a valid and current Gaming Operator License issued by the Commission.

910 21.15-3. *Types of Licenses.* The Commission may issue each of the following types of Gaming
911 Operator Licenses:

912 (a) *Tribally-Owned or Tribally-Operated Class II.* This License shall be required of all
913 Tribally-owned or Tribally-operated Gaming Operations operating one or more Class II
914 Gaming Activities.

915 (b) *Tribally-Owned or Tribally-Operated Class III.* This License shall be required for all
916 Tribally-owned or Tribally-operated Gaming Operations operating one or more Class III
917 Gaming Activities.

918 21.15-4. *Gaming Operator License Qualifications.* The Commission shall issue a Gaming
919 Operator License to any Gaming Operation if:

920 (a) The Gaming Operation is to be located within the Reservation, or land taken into
921 trust after October 17, 1988, for Gaming purposes;

922 (b) The Gaming Activity proposed to be played at the Gaming Operation is Class II or
923 Class III Gaming as defined by this Ordinance and IGRA; and

924 (c) The proposed Gaming Operation is authorized by a resolution of the Oneida Business
925 Committee.

926 21.15-5. *Provisions of General Applicability to All Gaming Operators.*

927 (a) *Site and Gaming Operator Specified.* Each Gaming Operator License shall be
928 applicable only to one (1) Gaming Operation and the Gaming Facility named on the
929 License.

930 (b) *License Not Assignable.* No Gaming Operator License shall be sold, lent, assigned or
931 otherwise transferred.

932 (c) *Regulations Posted or Available.* Each Gaming Operator shall have a copy of this
933 Ordinance and any regulations promulgated thereunder available for inspection by any
934 person at each Gaming Facility.

935 (d) *Display of License.* Each Gaming Operator shall prominently display its License at
936 each Gaming Facility.

937 21.15-6. *Grandfathered Gaming Facilities.* All Gaming Operators operating on the effective
938 date of July 5, 2007, are hereby granted a License under this section.

939 21.15-7. *License Application Fees and License Taxes.* No application fees or License taxes shall
940 be required by the Tribe for a Gaming Operator License.

941 21.15-8. *Closure of a Gaming Operation.* If the Commission finds that any Gaming Operation
942 is operating in violation of this Ordinance, or otherwise presents a threat to the public, the
943 Commission shall immediately notify the Oneida Business Committee. The Oneida Business
944 Committee may close any Gaming Operation temporarily or permanently at any time with or
945 without cause, at its sole discretion.

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21.16. Games

21.16-1. Class II and Class III Games are hereby authorized by this Ordinance.
21.16-2. *Gaming Procedures*. Games operated under this Ordinance shall be consistent with the Compact and any amendments thereto and the Internal Control Standards and Rules of Play of the Gaming Operation.
21.16-3. *Who May Not Play*. It is the policy of the Tribe that particular Gaming Employees, employees of the Gaming Commission, particular governmental officials, and consultants who directly advise the Commission or employees at Gaming Facilities regarding gaming related activities may not participate in Gaming Activities conducted at Gaming Operations. At a minimum, members of the Oneida Business Committee, the Commission, the gaming general manager, assistant gaming general managers, directors of individual Games and assistant directors of individual Games may not participate in any Gaming Activity within the Reservation.

- (a) The Oneida Business Committee may identify by resolution additional positions restrictions on Gaming Activity conducted at Gaming Facilities. Such resolution shall be on file with the Commission.
- (b) The Commission and Senior Gaming Management shall each develop and maintain their own standard operating procedure identifying other positions and any applicable restrictions on Gaming Activity conducted at Gaming Facilities. The standard operating procedure and the list of positions shall be on file with the Commission.

21.17. Allocation of Gaming Funds

21.17-1. Net Gaming revenues may only be used for the following purposes:
(a) To fund Tribal government operations, programs, or services.
(b) To provide for the general welfare of the Tribe and its members.
(c) To promote Tribal economic development.
(d) To contribute to charitable organizations.
(e) To assist in funding operations of other local governments.
(f) To fund programs designed to provide education, referrals, and treatment of Gaming addiction disorders.
(g) Any other purpose as determined by the Oneida General Tribal Council or the Oneida Business Committee which is not inconsistent with the Constitution of the Tribe and IGRA.

21.18. Audits

21.18-1. *Annual Audit*. An annual audit of each Gaming Operation shall be conducted by an independent, certified public accounting firm according to generally accepted accounting principles. Copies of the annual audit will be provided to the Oneida Business Committee, the Oneida Audit Committee, the Commission, and the NIGC by said certified public accounting firm.
(a) All contracts for supplies, services, or concessions for the Gaming Operations in excess of twenty-five thousand dollars (\$25,000.00) are subject to audit as prescribed in this section. Contracts for legal services and accounting services are exempt from this requirement.
21.18-2. *Other Audits*. All audits, other than the annual audit under section 21.18-1, shall be

992 conducted pursuant to the Oneida Audit Law or any other applicable law of the Tribe, and other
993 audits authorized under the Compact.

994 21.18-3. *Request for Audits.* Any audit, except the annual audit which is mandated by IGRA,
995 may be authorized at any time by the Oneida General Tribal Council, the Oneida Business
996 Committee or the Oneida Audit Committee.

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998 **21.19. Enforcement and Penalties**

999 21.19-1. No individual or entity may own or operate a Gaming Facility unless specifically
1000 authorized to do so pursuant to this Ordinance.

1001 21.19-2. *Violations/Prosecutions.* Violators of this Ordinance may be subject to disciplinary
1002 action and civil and/or criminal prosecutions.

1003 21.19-3. *Remedies.* The Oneida Business Committee may authorize commencement of an
1004 action in any court of competent jurisdiction to recover losses, restitution, and forfeitures
1005 resulting from violations of this Ordinance.

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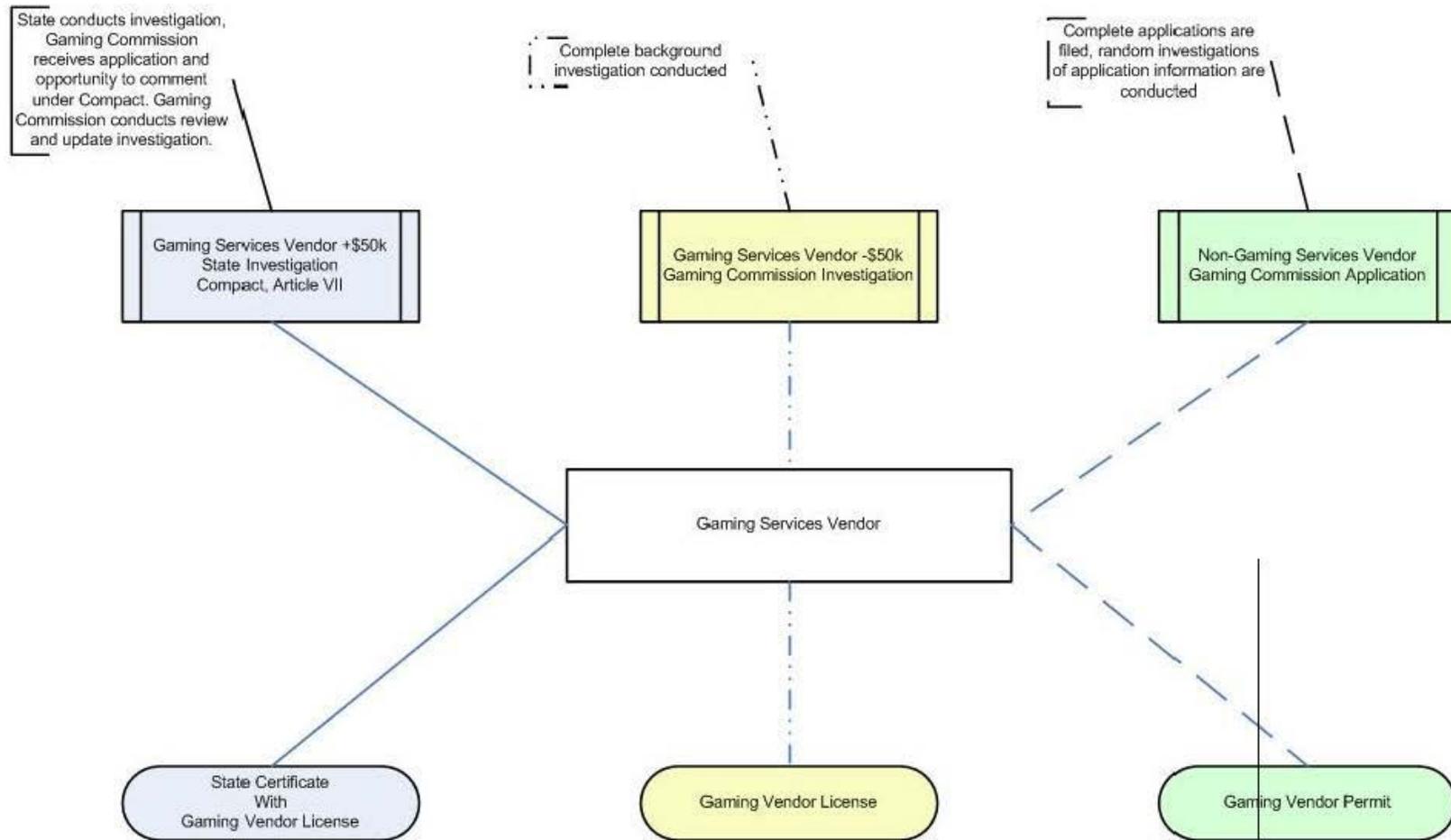
1007 *End.*

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1010	Adopted	GTC-7-05-04-A
1011	Emergency Amendment	BC-7-14-04-A
1012	Amendment	BC-10-06-04-D
1013	Emergency Amendment	BC-11-03-04-A
1014	Permanent Adoption	BC-3-23-05-C
1015	Amended	BC-9-23-09-D
1016	Amended	BC-06-25-14-C (effective 11 01 2014)

For OBC consideration (clean)
10/08/14

Appendix 1. Vendor License/Permit





Legislative Operating Committee

October 1, 2014

Petition: Hold a GTC Meeting to Address Tribal Election Issues

Submission Date: September 10, 2014

Public Meeting:
 Emergency Enacted:
 Expires:

LOC Sponsor: Tehassi Hill

Summary: *This petition requests a GTC vote on “whether: (1) Tribal elections include the SEOTS polling site, including the inaugural Judiciary Election as was GTC's intent by voting to include the Judiciary in the 2014 General Election; (2) to nullify any Judiciary Election that excludes the SEOTS polling site that may have occurred before the requested meeting is held; (3) a new Judiciary Caucus be held & that due notices be made in Kalihwisaks & prominent places 10 days prior to that Caucus & the inaugural Judiciary Election; (4) to address other Tribal election issues.*

9/10/14 OBC: Motion by Melinda J. Danforth to direct the Law, Finance and Legislative Reference offices submit the requested analyses to the Tribal Secretary's office within 45 days, and that a progress report be submitted in 30 days, seconded by Lisa Summers. Motion carried unanimously.

9/17/14 LOC: Motion by Tehassi Hill to add the Petition: Hold a GTC Meeting to Address Tribal Election Issues to the Active Files List, seconded by Fawn Billie. Motion carried unanimously.

Note: Tehassi Hill will be the sponsor.

Next Steps:

- LOC to consider forwarding the attached analysis regarding the Petition: Hold a GTC Meeting to Address Tribal Election Issues to the OBC for consideration.

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

<http://oneida-nsn.gov/LOC>



Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

Jennifer Webster, Councilmember

Memorandum

TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairperson
DATE: October 8, 2014
RE: Petition: GTC Meeting to Address Tribal Election Issues Update

On September 10, 2014, the Oneida Business Committee (OBC) directed that the Legislative Reference Office complete a legislative analysis on a petition which requests that a General Tribal Council (GTC) meeting be held to address Tribal election issues. The OBC further directed that the legislative analysis be submitted to the Tribal Secretary's office within 45 days and that a progress report be submitted in 30 days.

This memorandum is to inform the OBC that the Legislative Operating Committee is working on completing this analysis and will be bringing it to the October 22, 2014 OBC meeting as directed.



Legislative Operating Committee AGENDA REFERRAL FORM

1) Today's Date: _____/_____/_____ Date of Referral Action: _____/_____/_____

2) Entity that referred this item to LOC: _____

3) Individuals or Entities to contact regarding this item: _____

4) Item referred: _____

5) Background information, including applicable actions and dates: _____

6) Due date: _____

Please send this form and all supporting materials to:

LOC@oneidanation.org

or

Legislative Operating Committee (LOC)

P.O. Box 365

Oneida, WI 54155

Phone 920-869-4376

**Oneida Tribe of Indians of Wisconsin
Legislative Reference Office**

Lynn A. Franzmeier, Attorney
Layatalati Hill, LTE Attorney
Taniquele J. Thurner, Legislative Analyst
Candice E. Skenandore, Legislative Analyst



P.O. Box 365
Oneida, WI 54155
(920) 869-4376
(800) 236-2214

<https://oneida-nsn.gov/Laws>

Memorandum

TO: Oneida Business Committee
FROM: Lynn A. Franzmeier, Staff Attorney *LA*
DATE: September 23, 2014
RE: Petition: Amend Oneida Constitution and Bylaws with regards to Membership

Overview

A petition was submitted to the Tribal Secretary's Office on June 27, 2014 requesting the Oneida Constitution and Bylaws (Constitution) be amended to alter the blood quantum calculations for Tribal members. Attached to the petition is a statement containing proposed amendments to the Constitution for consideration by General Tribal Council (GTC). On June 30, 2014, the Enrollments Department verified the petition met the required number of signatures and on August 13, 2014, the Oneida Business Committee (OBC) accepted the petition and forwarded it for analysis, to be completed within thirty days.

The petition contains a letter requesting a GTC meeting to:

change the current Constitution Article II-Membership section to bring together the 3 Oneida tribes and recognize blood quantum when one parent is from one of the other Oneida communities. This change will not change the rolls by thousands of people, only a few hundred, but will strengthen our blood quantum levels a small fraction. Maybe not in our lifetime but if we have no more blood quantum levels, it is the end of our existence.

The petition is suggesting amendments be made to Article II, Section 1 of the Constitution, which currently reads as follows:

Section 1. The membership of the Oneida Tribe of Wisconsin shall consist of:

- (a) All persons of Indian blood whose names appear on the membership roll of the Oneida Tribe of Indians of Wisconsin in accordance with the Act of September 27, 1967 (81 Stat. 229), Public Law 90-93.
- (b) Any child of a member of the Tribe born between September 28, 1967, and the effective date of this amendment, who is of at least one-fourth degree Indian blood, provided, that, such member is a resident of the Reservation at the time of the birth of said child.
- (c) All children who possess at least one-fourth degree Oneida Blood are born after the effective date of this amendment to members of the tribe who are residents of the reservation at the time of said children's birth.

The petition proposes that Section 1(b) and (c) of the Constitution be deleted and the following be added as Section 1(b):

(b) In the event, that one parent is from the Oneida Tribe of Indians of Wisconsin by section (a) and the other parent is from the Oneida Tribe of the Thames Canada or Oneida of New York, then calculation for blood quantum will include all Oneida Tribes. Persons seeking membership must provide documentation from the Oneida Tribe of the Thames Canada or Oneida of New York Enrollment Departments showing blood quantum from direct relatives to be included into the overall calculation for enrollment.

According to the petition, "...most tribal members that have children are born outside of the reservation boundaries" and "[i]t is not fair to penalize our unborn Oneida children because our current tribal members have to live elsewhere for work or housing." However, Section 1(b) and (c) of the Constitution do not require a child to be born on the Reservation in order to be a member of the Tribe; the child's Tribal member parent is required be a resident of the Reservation at the time of the child's birth in order for the child to be a member of the Tribe.

Amending the Tribal Constitution

In order to amend the Constitution, an election must be called by the Secretary of the Interior and at least thirty (30) percent of those entitled to vote must vote in the election, as required in Article V of the Constitution. The Secretary of the Interior is not required to call an election unless one-third (1/3) of the qualified voters of the Tribe sign a petition requesting the election or, under 25 CFR §81.5(e), upon a request from the OBC, the Secretary of the Interior may authorize an election if the amendment provisions of the Constitution have become outdated and an amendment cannot be effected pursuant to them. The Secretary of the Interior must also approve the amendment before it would become effective.

The proposed amendments would apply only to the children of anyone on the Oneida membership roll on September 27, 1967. These children would have Oneida Tribe of Indians of Wisconsin blood, however, not enough to meet the current minimum requirements to be enrolled in the Tribe. When calculating the blood quantum of these children, any documented Oneida Tribe of the Thames Canada or Oneida of New York blood would be included. Anyone born after September 27, 1967 would not be on the membership roll under Section 1(a) of the Constitution and these amendments would not apply to their children. These individuals could still be eligible for enrollment in the Tribe if they meet the membership requirements of the Membership Ordinance. Under the Membership Ordinance, only Oneida Tribe of Indians of Wisconsin blood counts when calculating an individual's blood quantum. The amendments would not allow all Oneida Tribe of Indians of Wisconsin descendants to include blood of the Oneida Tribe of the Thames Canada or Oneida of New York blood in their blood quantum calculations.

The proposed amendment to the Constitution states calculation for blood quantum will include all Oneida Tribes; however, a minimum blood quantum would no longer be established in the Constitution. The proposed amendments remove all references to the one-fourth degree Oneida blood quantum requirement from the Constitution, which are currently under Article II, Section 1(b) and (c). In addition, although the Membership Ordinance prohibits dual enrollments, the Constitution makes no reference to dual enrollments.

Membership Ordinance

Section 2 of Article II of the Constitution further sets out how individuals can become members of the Tribe:

The General Tribal Council shall have the power to promulgate ordinances subject to review by the Secretary of the Interior covering future membership and the adoption of new members.

In addition to the Constitution, the Membership Ordinance sets out further eligibility standards for Tribal enrollment. These qualifications include:

- 10.4-1(b)(1) Descendants of members of the Oneida Tribe who are of at least one-quarter (1/4) degree Oneida Indian blood and whose parents are not residents of the reservation at the time of birth of said applicants may be enrolled as members of the Tribe upon the approval of the Oneida Trust Committee and the Oneida Business Committee, by submitting to the Tribal Enrollment Officers a certified birth certificate and/or other authenticating documents.
- (2) Children whose eligibility requirements for enrollment is made pursuant to a paternity action or by acknowledgment of paternity may be enrolled provided that they meet all other qualifications for enrollment and upon specific approval of the Oneida Trust Committee and the Oneida Business Committee.
- (3) Descendants of members of the Oneida Tribe of Indians of Wisconsin not born in hospitals may be enrolled, providing that certification according to procedures adopted and approved by the Oneida Trust Committee and Oneida Business Committee of the birth are followed.
- (4) Under no circumstances are the one-quarter (1/4) blood quantum requirements of the Oneida Tribal Constitution to be diminished.

If the proposed amendments are adopted, the Membership Ordinance would continue to establish a blood quantum of one-quarter (1/4) degree Oneida Indian blood; however, the Ordinance does not include Oneida Tribe of the Thames Canada or Oneida of New York blood in this calculation. This petition is not requesting changes to the Membership Ordinance; but, in order to be consistent, if GTC approves the requested amendments to the Constitution, amendments to the Membership Ordinance should also be considered. Amendments to the Membership Ordinance would be subject to the process established in the Legislative Procedures Act and would need to be approved by GTC.

Sustain Oneida Initiative

During the 2011 – 2014 Legislative Operating Committee (LOC) term, the LOC considered a request to make amendments to the Membership Ordinance to include the Oneida Tribe of the Thames Canada and/or the Oneida of New York blood when determining an individual's blood quantum. However, in 2012, the Trust/Enrollment Committee launched the Sustain Oneida initiative to help Oneida determine their future citizenship and belonging to on'lyote'aká. Upon request from the Trust/Enrollment Committee, the LOC put the Membership Ordinance amendments on hold until additional information was gathered through the Sustain Oneida initiative and a joint meeting on this topic was held with the OBC.

As part of the Sustain Oneida initiative, multiple articles were published in the Kalihwisaks discussing the initiative, which focuses on what it means to belong to a Tribe and the responsibilities tied with belonging to a Tribe. A discussion of blood quantum and alternative ways to identify Tribal members was also included in the articles. Blood quantum laws began in the 1700's during the slave trade and, a hundred years later, during the Civil War, one-fourth or more Indian blood was used to determine whether an individual was considered "Indian." Tribes began creating their own rules and used blood quantum based on its use in the Dawes Act of 1887. The Dawes Act was an attempt to assimilate Indians into white American society by breaking up tribal lands into individual plots. Although the traditional Oneida governing system followed a clan system to identify Oneida members, after the Tribe adopted an Indian Reorganization Act government, blood quantum was used to determine if someone was Oneida.

The Sustain Oneida article discussions on alternative ways of identifying Tribal members included using language, land and legal battles. These alternative ways are being used by native people in New Zealand, Australia and Hawaii.

In addition, a Summit was held in September 2013 as part of the Sustain Oneida initiative to discuss Oneida identity, values, language and culture. The Summit was also used to inform Oneida citizens about Tribal enrollment issues and explore potential solutions for citizenship and belonging. The feedback received from the Summit participants is being used to plan for future discussions on Oneida citizenship and belonging. The Trust/Enrollment Committee estimates that it may take up to five years before an acceptable solution to the dwindling blood quantum issue is reached.

Conclusion

If the petition is approved, amendments to the Constitution and Membership Ordinance will need to be considered. The Secretary of Interior will need to approve any Constitutional amendments before the amendments are valid. The Trust/Enrollment Committee is currently seeking community input and an alternative(s) to identifying Tribal members in some way other than by blood quantum, but it may take years before a consensus is made on the best way to identify Tribal members in a way that will ensure the existence of the Oneida Tribe.



Legislative Operating Committee AGENDA REFERRAL FORM



1) Today's Date: 09 / 23 / 14 Date of Referral Action: 08 / 13 / 14

2) Entity that referred this item to LOC: OBC

3) Individuals or Entities to contact regarding this item: Higher Education

4) Item referred: Higher Education funding changes for Fall 2014-2015

5) Background information, including applicable actions and dates: On 8/13/14, the OBC deferred proposed Higher Education funding changes to the LOC for a legislative analysis. The proposed changes would have made changes to the Oneida Higher Education Handbook and include: (1) no longer funding certificates that are ineligible for Title IV funding; (2) requiring all eligible degrees/programs to be Title IV eligible; (3) no longer extending terms of funding, but grandfathering in students who previously received extensions; and (4) allowing students taking between 1-5 credits per semester/term to be eligible for tuition and books, regardless of degree level.

6) Due date: N/A

Please send this form and all supporting materials to:

LOC@oneidation.org
or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

<http://oneida-nsn.gov/LOC>



Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

Jennifer Webster, Councilmember

Memorandum

TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairperson
DATE: October 1, 2014
RE: Request for a Legislative Analysis on changes proposed by Higher Education

On August 13, 2014, the Oneida Business Committee deferred proposed changes to Higher Education funding for a legislative analysis. The changes being proposed by Higher Education would have been made to the Higher Education Student Handbook (Handbook), which is maintained by the Oneida Higher Education Program. The Handbook has never been approved through the process outlined in the Legislative Procedures Act and amendments to the Handbook are not reviewed or approved by the Legislative Operating Committee. Because the Handbook is not codified through the established legislative processes of the Tribe, a legislative analysis of any changes to the Handbook does not seem to be necessary at this time.

Requested Action

Motion to approve the memo regarding a legislative analysis on the Higher Education Student Handbook changes as FYI.

3. Higher Education funding changes for fall 2014-2015

Sponsor: Vince DelaRosa

Motion by Vince Delarosa request the BC to direct the proposed Higher Education changes be put on hold until 1) A legal review and legislative analysis are completed and 2) A notice of the amendments and the effects of the amendments are provided to the GTC at an Annual or Semi-Annual meeting, seconded by Brandon Stevens.

Motion carried unanimously:

Ayes: Melinda J. Danforth, Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Paul Ninham, Brandon Stevens

Not present: Greg Matson

Motion by David Jordan to direct Higher Education and Governmental Division to send out a notification in the next Kaliwisaks and to include all the students that are within their database who are applying for financial assistance in that notification, saying that the new proposed changes are being put on hold, seconded by Vince Delarosa. Motion carried unanimously:

Ayes: Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Brandon Stevens

Not present: Melinda, J. Danforth, Greg Matson, Paul Ninham

4. Approve USDA Forest Service to enter property for timber survey information

Sponsor: Pat Pelky

Motion by Vince DelaRosa to approve USDA Forest Service to enter property for timber survey information, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Brandon Stevens

Not present: Melinda, J. Danforth, Greg Matson, Paul Ninham

5. Approve Wisconsin Public Service Distribution Facilities Installation Agreement

Sponsor: Jo Anne House

Motion by Vince DelaRosa to approve the limited waiver of sovereign immunity for Wisconsin Public Service Distribution Facilities Installation Agreement, seconded by Patty Hoeft. Motion carried with one abstention:

Ayes: Tina Danforth, Vince DelaRosa, Patty Hoeft, Brandon Stevens

Abstained: David Jordan

Not present: Melinda, J. Danforth, Greg Matson, Paul Ninham

6. Approve procedural exception to cost containment \$1,620 to provide NNI Leadership online training course for new BC members

Sponsor: Patty Hoeft

Motion by Patty Hoeft to approve the procedural exception to cost containment \$1,620 to provide NNI Leadership online training course for new BC members, seconded by Brandon Stevens. Motion carried with one abstention:

Ayes: Vince DelaRosa, Patty Hoeft, David Jordan, Brandon Stevens

Abstained: Tina Danforth

Not present: Melinda, J. Danforth, Greg Matson, Paul Ninham

7. Approve pursuing BIA funding to improve Ridgeview Plaza entrance

Sponsor: Susan White

Motion by David to delete this item from the agenda, seconded by Patty Hoeft. Motion carried unanimously:

Ayes: Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Brandon Stevens

Not present: Melinda, J. Danforth, Greg Matson, Paul Ninham

XIII. Travel**A. Travel Reports****1. Alliance for the Great Lakes board meeting, June 19-21, Chicago, IL**

Sponsor: Patty Hoeft

Motion by David Jordan to approve Alliance for the Great Lakes board meeting, June 19-21, 2014, Chicago, IL travel report, seconded by Vince DelaRosa. Motion carried unanimously:

Ayes: Tina Danforth, Vince DelaRosa, Patty Hoeft, David Jordan, Brandon Stevens

Not present: Melinda J. Danforth, Greg Matson, Paul Ninham

B. Travel Requests**1. Global Gaming Expo (G2E), Sept. 30 – Oct. 2, 2014, Las Vegas, NV**

Sponsor: Tina Danforth

Motion by Vince DelaRosa to approve travel requests 1 through 6, seconded by Tina Danforth. Motion failed with the Chairman voting in opposition breaking the tie:

Ayes: Tina Danforth, Vince DelaRosa, David Jordan

Opposed: Patty Hoeft, Paul Ninham, Brandon Stevens

Opposed tie breaker: Chairman Ed Delgado voted in opposition of the motion to break the tie

Not present: Melinda J. Danforth, Greg Matson

Oneida Business Committee Meeting Agenda Request Form

Deadlines

Instructions

1. Meeting Date Requested: 07 / 23 / 14

2. Nature of request

Session: Open Executive - justification required. See instructions for the applicable laws that define what is considered "executive" information, then choose from the list below:

[Empty box for session list]

Agenda Header (choose one): New Business/Request

Agenda item title (see instructions):

Higher Education Funding Changes for Fall 2014-2015

Action requested (choose one)

Information only

Action - please describe:

Request the BC to direct the proposed Higher Education changes be put on hold until 1) a legal review and legislative analysis are completed and 2) a notice of the amendments and the affects of the amendments are provided to the GTC at an Annual or Semi-Annual meeting.

3. Justification

Why BC action is required (see instructions):

GTC-7-24-02-A final resolve assigns the OBC the responsibility "for enacting future amendments relating to the scholarships, with notification provided to the General Tribal Council, at the first opportunity, either at the Annual or Semi-Annual Meeting, whichever is sooner."

4. Supporting Materials

Instructions

Memo of explanation with required information (see instructions)

Report Resolution Contract (check the box below if signature required)

Other - please list (**Note:** multi-media presentations due to Tribal Clerk 2 days prior to meeting)

- 1. GTC-7-24-02-A
- 2. Higher Education Summer 2014 Newsletter
- 3. Higher Education Student Handbook
- 4. [Empty box]

Business Committee signature required

5. Submission Authorization

Authorized sponsor (choose one): Vince Dela Rosa, Council Member David Jordan, Council Member

Requestor (if different from above): Cathy Bachhuber, Executive Assistant
Name, Title / Dept. or Tribal Member

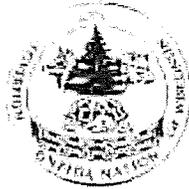
Additional signature (as needed): _____
Name, Title / Dept.

Additional signature (as needed): _____
Name, Title / Dept.

Oneida Tribe of Indians of Wisconsin
BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040

SPECIAL RESOLUTION # 7-24-02-A
Amendment to the Education Resolution #8-12-96-A

- WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of Wisconsin,
- WHEREAS,** the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and
- WHEREAS,** the Oneida General Tribal Council has responsibility for the health, education, and welfare of the Oneida people, and
- WHEREAS,** the Oneida General Tribal Council has expressed concern for the well being of the Oneida people to the Seventh Generation, and
- WHEREAS,** the United States government continues to abrogate the Oneida Treaty of 1838, and continues to breach its trust responsibility to the Oneida Tribe, and
- WHEREAS,** the U.S. Congress has severely cut educational programs for American Indians and tribal governments in its attempt to balance the federal budget, and
- WHEREAS,** the State of Wisconsin does not provide adequate funding to Indian tribes for educational purposes, and
- WHEREAS,** Oneida students are required to apply for Pell Grants as part of their financial aid request in order to determine eligibility for scholarship assistance from the Bureau of Indian Affairs and the Oneida Tribe, and
- WHEREAS,** numerous students have been denied full scholarships or no scholarship at all because of family income, and
- WHEREAS,** the income guidelines of the federal government, which have been adopted by the Oneida Tribe, place an undue burden and hardship on Oneida students and families, and

Special Resolution # 7-24-02-A
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WHEREAS, the education of Oneida members is a top priority of the Oneida people, and mandates that the Oneida people invest in the future well being of the Oneida Tribe, and the Oneida Tribe wishes to encourage its youth to be successful in high school in anticipation of going on to colleges and vocational schools, and

WHEREAS, there are professional doctoral students who are currently in good academic standing but are on probation with the Higher Education Office because their grade point averages are below 3.0 and stand to lose their scholarship, and

WHEREAS, the investment in our members is an investment in the future of the Oneida Tribe;

NOW THEREFORE BE IT RESOLVED: that the Oneida General Tribal Council hereby directs the Oneida Business Committee to provide scholarships to Oneida students who are enrolled tribal members, and who are enrolled in a full or part time accredited vocational program, college or university up to a maximum amount of \$20,000 per year because not all schools require the same amount, and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Oneida General Tribal Council hereby directs the Oneida Business Committee to provide said scholarships commencing in the fall semester of 1996, and

NOW THEREFORE BE IT FURTHER RESOLVED, that Oneida students who are enrolled tribal members will be awarded scholarships regardless of their family income, and provided that they are accepted into a post secondary education program, and

NOW THEREFORE, BE IT FURTHER RESOLVED, that Oneida students enrolled in a vocational or undergraduate program will be required to maintain at least a 2.0 grade point average in order to maintain the scholarship, and students enrolled in a graduate program will be required to maintain at least a 3.0 grade point average in order to maintain the scholarship, however, the Higher Education Office is allowed to utilize a school's grading policies for those professional doctoral degrees where a grade point average below 3.0 is an acceptable average to remain in good standing, and

NOW THEREFORE, BE IT FURTHER RESOLVED, that Oneida students are required to fill out a higher education application and go through the Pell Grant process, and

NOW THEREFORE, BE IT FURTHER RESOLVED, that Oneida students are required to submit a progress report to the Tribe either on a quarterly basis or on a semester basis depending upon what system the institution uses.

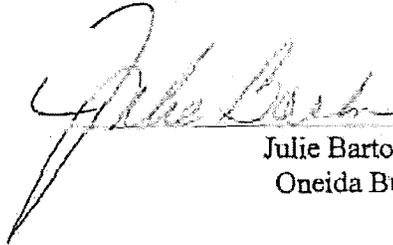
Special Resolution #7-24-02-A

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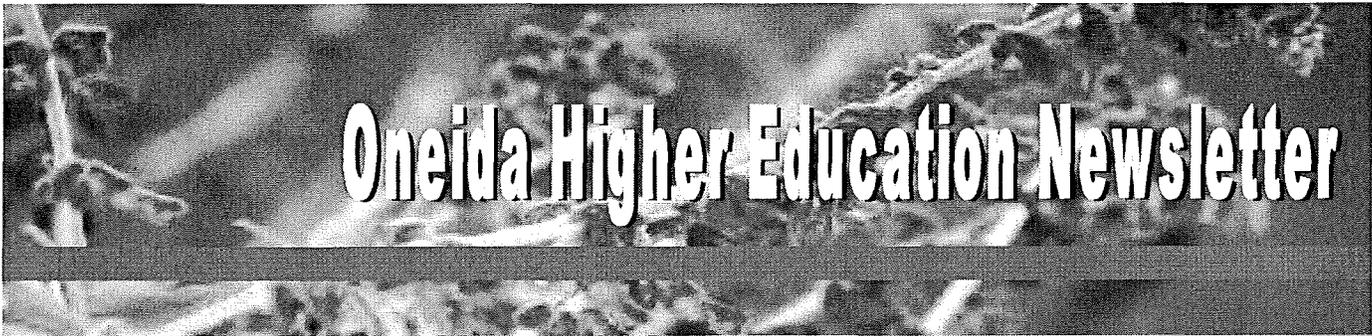
NOW THEREFORE, BE IT FINALLY RESOLVED, that the Oneida Business Committee is hereby responsible for enacting future amendments relating to the scholarships, with notification provided to the General Tribal Council, at the first opportunity, either at the Annual or Semi-Annual Meeting, whichever is sooner.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 5 members were present at a meeting duly called, noticed and held on the 24th day of July, 2002; that the foregoing resolution was duly adopted at such meeting by a vote of 4 members for; 0 members against; 0 member not voting; and that said resolution has not been rescinded or amended in any way.



Julie Barton, Tribal Secretary
Oneida Business Committee



Oneida Higher Education Newsletter

Summer 2014

www.oneida-nsn.gov/highered

WELCOME NEW STUDENTS AND CONTINUING STUDENTS

The Oneida Higher Education would like to welcome all our new students and continuing students. Please take the time to read our Oneida Higher Education Newsletter to keep yourself informed with the program requirements and any new notifications. We wish all our students success in reaching their educational goals.

Did You Remember to Re-apply?

If you will be a continuing student for the upcoming 2014-2015 school year then now is the time to complete your Oneida Higher Education Forms and FAFSA. (www.fafsa.gov)

It's important to have your file complete as early as possible to ensure funding is received in a timely manner. A complete Higher Education file includes:

- Oneida Application
- Oneida Participation Agreement Form
- Oneida Academic Plan (with all signatures)
- Official transcripts with grades at the end of the semester/term
- Oneida Financial Need Analysis (FNA) (this form is sent to your school's financial office to complete.)

Forms can be found and printed from our website at www.oneida-nsn.gov/highered

STAFF

Cheryl Van Den Berg, *Manager*
cvanden2@oneidanation.org

Mitchel Metoxen, *Assistant Manager*
mmetoxe3@oneidanation.org

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mherzog@oneidanation.org

Sherry King, *Higher Ed Advisor*
sking5@oneidanation.org

Jessica Last, *Higher Ed Advisor*
jlast@oneidanation.org

Wendy Cornelius, *Admin. Asst II*
wcornel4@oneidanation.org

DEPARTMENT CONTACT

Mailing Address: P.O. Box 365 - Oneida, WI 54155

Location: Norbert Hill Center (North Wing)

N7210 Seminary Rd - Oneida, WI

Telephone: 920-869-4033 or 1-800-236-2214, ext. 4033

Fax: 920-869-4039

E-mail: highered@oneidanation.org

Webpage: oneida-nsn.gov/highered

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HOURS

8:00 a.m. - 4:30 p.m.

Monday through Friday

(Closed on Friday from 12:00 p.m. - 1:00 p.m.)

What's New - Starting Fall 2014/2015

- 1. Will no longer offer funding for certificates that are ineligible for Title IV funding.
- 2. All eligible degrees/programs must be Title IV eligible.
- 3. Extended terms of funding is no longer applicable. (Any current students previously granted extended terms will be grandfathered in until graduation or they stop attending.)
- 4. Students taking between 1-5 credits per semester/term will be eligible for tuition and books, regardless of degree level.

****The new Oneida Higher Education Handbook can be found on our website.**

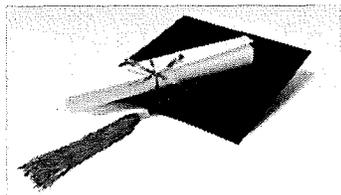
Summer Funding

Summer funding is considered part of the Oneida Higher Education 2013-2014 academic school year. Some important steps to follow:

- Check with the school's financial aid office regarding summer requirements.
- Submit the Oneida Academic Plan (with all signatures)
- Request an **official** transcripts of grades form the previous funded term.

Celebrating Success

Be sure to continue sending in pictures, copies of your diplomas and any other recognitions we can display on our department's "Student Achievement Board."



ONEIDA TRUST SCHOLARSHIP

The purpose of the Oneida Trust Scholarship is to establish a trust resource that provides financial aid scholarships to assist with higher education financial needs not being met by tribal contribution, and to assist eligible enrolled Oneida Tribal members in securing higher educational opportunities based on established criteria. (*Oneida Trust Scholarship Fund Policy Amendment –BC-12-11-13-E*)

The Scholarship is being provided by the Oneida Trust/ Enrollment Committee with the specific policy and procedures separate from the Oneida Higher Education Scholarship program. The Trust Scholarship fund is to provide assistance to eligible enrolled Oneida tribal members in securing higher educational opportunities in the following areas with a lifetime scholarship amount of \$3,000.

- Required post-secondary pre-requisite credited classes
- Post-graduate preparation and admission exams (e.g., GRE, LSAT, MCAT, GMAT...)
- Post-secondary preparatory program/course

Applicants must complete the Trust Scholarship Application with required documents. The applicant must be in good standing with the Oneida Higher Education Office.

The Oneida Trust/Enrollment Committee respectfully requests that all recipients keep in mind the prospect of returning to the Oneida Tribe to share their acquired knowledge, experience and education.

For more information and eligibility requirements visit our www.oneida-nsn.gov/highered or contact us at (920) 869-4033.

ATTENTION ALL GRADUATING STUDENTS

If you are graduating/graduated between the dates of August 1, 2013 and July 31, 2014 please call our office (1-800-236-2214 ext. 4436), email us at highered@oneidanation.org or visit our website (www.oneida-nsn.gov/highered) and complete the "Student Graduation Questionnaire." Upon graduating please send official transcript of grades.

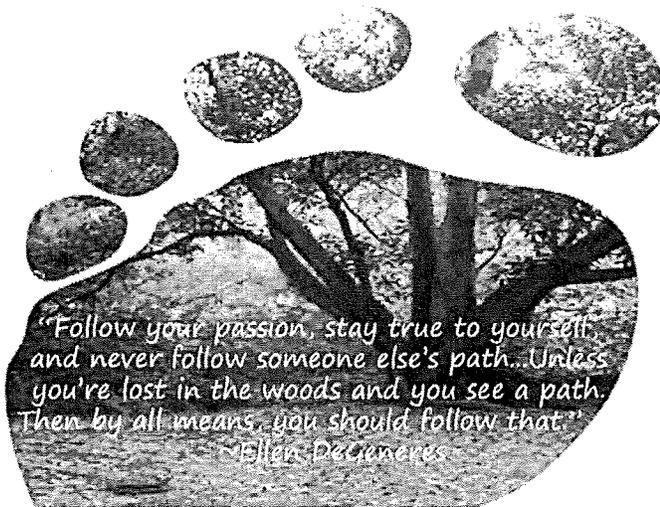


1-800-236-2214

www.oneida-nsn.gov/highered

Upcoming Events: Oneida Higher Education will be sponsoring our 10th Annual High School College Fair on Thursday, October 16th

Inspiration Corner



Keep us Updated:

Contact Higher Education if:

- You change your credit load;
- You are changing schools;
- You have a different mailing address, e-mail address or phone number;
- You have changed your name.

Whatever the reason, remember to stay in touch!

Join us on Facebook:

Oneida Higher Education Department of Wisconsin

We share and post relevant Higher Education articles, updates, and information as well as department information and reminders.



Higher Education Lingo:

Public College/University –

This type of college is supported by state money, and therefore may be less expensive to attend if you live in the state where the college is located. They grant Bachelor's degrees and sometimes also Masters and Doctoral Degrees. Examples include: University of Wisconsin-Green Bay, University of Minnesota-Twin Cities or University of Michigan.

Private College/University-

This type of college relies on tuition and fees and contributions of private donors, and therefore may be more expensive than state-supported public colleges/universities. However, they are not geared to make a profit, but rather reinvest funds into the education system. They grant Bachelor's degrees and sometimes also Masters and Doctoral degrees. Examples include: St. Norbert College and Harvard.

For-Profit College/University-

This type of college is owned and run by a private organization or corporation. Their primary objective is to make a profit, and they usually have to answer to their stock holders rather than consumers. Tuition rates are usually a lot higher and credit transferability can sometimes be an issue. They can grant degrees ranging from Technical diplomas to Doctoral Degrees. Examples include: University of Phoenix, Universal Technical Institute, ITT, and Rasmussen.

Vocational School/Technical College/Community College -

This type of college emphasizes preparation for specific careers. In a lot of cases, these are supported by state money as well. They grant technical diplomas and Associate Degrees. A community college offers two years of studies similar to those in the first two years of a four-year college. An example of this is: Milwaukee Area Technical College, Northeast Wisconsin Technical College, and Scottsdale Community College.

1-800-236-2214

www.oneida-nsn.gov/highered



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Government	Our Ways	Resources	Community	Business	Visit Us	I want to...
Higher Education	How to Apply	About Us	Forms	Student Opportunities	Satisfaction Survey	

VISIT OUR NEW WEBSITE

www.oneida-nsn.gov/highered

Our new website features easy to navigate tabs.

How To Apply - Requirements, timelines, and forms

About Us - Department and Staff Info

Forms - Oneida Scholarship Forms and Department Documents

Student Opportunities- Grants, Scholarships and Job Opportunities.

Satisfaction Survey - Complete a brief online survey and tell us how we are doing.



HOW ARE WE DOING?

The Oneida Higher Education Office
would like to hear from you!!

Please tell us about your most recent contact or visit. Your
feedback will be used to help improve our services.



Go to: www.oneida-nsn.gov/highered
to complete a brief online survey.

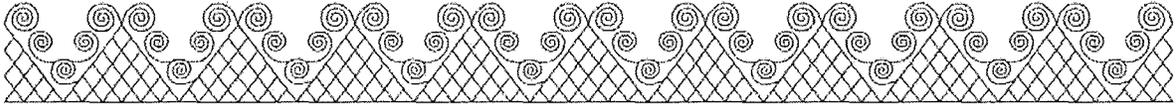
Thank You



Mission Statement:

The Higher Education program of the Oneida Tribe of Indians of Wisconsin promotes higher education to eligible Tribal members by providing guidance, support, and financial assistance to those attending accredited institutions of higher learning with a goal toward self-sufficiency.





Higher Education Student Handbook



*Oneida Tribe
of Indians of Wisconsin*



Oneida Higher Education Scholarship

Mission Statement

The Oneida Higher Education program is to promote higher education to eligible Tribal members by providing guidance, support, and financial assistance to those attending accredited institutions of higher learning with a goal toward self-sufficiency.

If you have any questions or concerns, please contact our office. We welcome the opportunity to assist you as you pursue and earn your degree.

Office Hours

Monday through Friday
8:00 a.m. – 4:30 p.m.

Telephone

920-869-4033
1-800-236-2214 ext. 4033

Fax

920-869-4039

Office Email

highered@oneidanation.org

Web Page

www.oneida-nsn.gov/highered

Mailing Address

Oneida Higher Education Office
P O Box 365
Oneida, WI 54155

Location

Norbert Hill Center (North wing)
N7210 Seminary Rd
Oneida WI 54155



The Oneida Higher Education Applications and forms can be found on our web page,
www.oneida-nsn.gov/highered

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The material contained in this handbook is presented for information. It is a summary of the minimum requirements. The scholarship or other benefits may have additional requirements not listed here.

Article 1: INTRODUCTION

The Oneida Higher Education (OHE) office acts as a financial aid office, processing the Oneida Higher Education scholarship and assisting clients in completing the Free Application for Federal Student Aid (FAFSA). The Oneida Higher Education office provides career/college advising, career assessments, area high school visits, community financial aid workshops and annual college fairs to promote higher education awareness.

The Oneida Tribe of Indians of Wisconsin Higher Education scholarship consists of a tiered funding system (*General Tribal Council Resolution 1-30-10-A*). Funding will be based on the academic school year of August 1 to July 31.

The scholarship is determined by the school's financial aid office standard cost of attendance and on the Oneida Higher Education funding guidelines. The scholarship is not intended to replace annual income or meet total personal or household expenses.

- Vocational or undergraduate degree up to \$20,000 per year
- Master's degree up to \$25,000 per year
- Doctorate degree up to \$30,000 per year

Article 2: FERPA – CONSENT TO RELEASE STUDENT INFORMATION

The Oneida Higher Education Office (OHE) requires the student's written authorization to release their confidential information. This requirement is in compliance with the Privacy Act of 1974 (Public Law 93-579) the Family Educational Rights and Privacy Act (FERPA) which is designed to protect the privacy of the student's educational records. The Act does not allow any person(s) to have access to an individuals' information without consent.

College students are considered responsible adults and are allowed to determine who will receive information about them. While parents (or spouses) understandably have an interest in a student's academic progress, they are not automatically granted access.

Students must complete the "FERPA" form in order for another individual to access their OHE records.

Article 3: SCHOLARSHIP ELIGIBILITY REQUIREMENTS

1. Must be an enrolled member of the Oneida Tribe of Indians of Wisconsin.
2. Must have a High School diploma or equivalent.
3. Must be accepted into a degree seeking program at an accredited college/university within the United States.
4. Must be in good standing with the Oneida Higher Education Office.
5. Must be in good standing with the academic institution.

Article 4: APPLICATION REQUIREMENTS

1. Submit a copy of the college/university letter of acceptance/admission for new, re-entry and transfer students. (*Students who have not attended school for one or more semesters will need to submit a current letter of admissions*).
2. Complete the Free Application for Federal Student Aid (FAFSA) as soon after January 1st of each year at www.fafsa.gov.
3. Comply with the school's financial aid process and requirements.
4. Complete the following Oneida Higher Education Application/Forms:
 - a. Oneida Higher Education Application each academic year.
Application (priority) dates: March 1 (Fall semester/term), October 1 (Spring semester/term), April 1 (Summer semester/term).
 - b. Oneida Participant Acknowledgment and Agreement form each academic year.
 - c. Oneida Higher Education Academic Plan each semester/term. Meet with a school counselor/advisor regarding your class schedule and academic planning. The Oneida academic plan must be signed by the student and counselor/advisor.

Article 5: STUDENT RESPONSIBILITIES

1. Expenses required prior to attending school will be the student's responsibility. Expenses may include: Admission fees, housing deposits, transportation to the school, and other related fees.
2. Abide and comply with the policies and procedures and eligibility requirements of the Oneida Higher Education Scholarship Program.
3. Periodically check with the Oneida Higher Education office and the school's financial aid office ensuring all required documents are completed and/or received.
4. Complete the total number of credits within the semester/term for which the Oneida Higher Education scholarship was provided (includes video and on-line courses).
5. Submit a copy of an approved consortium agreement if attending more than one institution during the same academic semester/term.
6. Request an "Official Transcript" of grades be sent to Oneida Higher Education after each semester/term of funding to close out the funded term. Any applicable transcript fees will be the student's responsibility.
7. Submit a copy of diploma and complete the "Student Graduation Questionnaire" upon graduation and have a final official transcript sent to OHE to finalize the students file.
8. Notify the Oneida Higher Education office of any changes, e.g., a change in schools, mailing address, phone number, email address, degree programs, a change in the number of college credits, financial aid, etc.

Article 6: FUNDING PROCESS

1. Students are advised not to start school/classes until they receive the Oneida Higher Education Scholarship Award Letter. Students who choose to start prior to the receipt of the Oneida award letter are responsible for any incurred costs.
2. Oneida Higher Education funding will be based on an August 1 - July 31 academic school year.

3. To be considered for the Oneida Higher Education scholarship students must have a complete file prior to the end of semester/term. A complete file consists of:
 - a. Oneida Higher Education Application
 - b. Oneida Higher Education Academic Plan
 - c. Participant Acknowledgment and Agreement Form
 - d. A Letter of Acceptance/Admission
 - e. Financial Need Analysis (FNA) Form (*Oneida H.E. sends this form directly to the school's financial aid office for completion*)
 - f. Official Transcript of grades (*after each semester/term of funding to close out the prior funded term; the transcript is also used to determined academic eligibility for continued funding*).
4. Student files will be reviewed and awarded in order of completion. It is important to have files completed as early as possible to ensure funding is received in a timely manner.
5. An Oneida Higher Education award letter listing the Oneida scholarship amount(s) will be mailed to the student, with a copy sent to the school's financial aid office.
6. The Oneida Higher Education scholarship will be sent directly to the school for disbursement. Each school has their own policy regarding the release of financial aid funds in which the student must abide.
7. Incomplete files will not be considered for funding. The OHE office cannot retroactively award funding for a semester/term that is no longer in session.

Article 7: SCHOLARSHIP AWARD DETERMINATION

Table 1: Scholarship Funding

Student Status "Traditionally"	Credits Per Term	Oneida Scholarship Funding
Full-Time: Vocational/Undergraduate Graduate/Post-graduate	12 credits 9 credits	Tuition/fees, required books and room/board: Other costs of attendance will be based on the student's individual financial need as determined by the FAFSA and the school's Financial Aid Office.
Part-Time: Vocational/Undergraduate Graduate/Post-graduate	6-11 credits 6- 8 credits	Tuition/fees and required books: Other costs of attendance will be based on the student's individual financial need as determined by the FAFSA and the school's Financial Aid Office
Less than Part-time:	1-5 credits	Tuition/fees and required books:
Cosmetology:	Required hours per student contract	Tuition/fees and required books/supplies: Other costs of attendance will be based on the student's individual financial need as determined by the FAFSA and the school's Financial Aid Office.

1. Higher education programs or degrees must be eligible for federal financial aid (Title IV).
Oneida students are required to apply for Pell Grants as part of their financial aid request in order to determine eligibility... (GTC Resolution 8-12-96-A). The Pell Grant is currently referred to as Title IV funding and eligibility is determined by completing the Free Application for Federal Student Aid (FAFSA).
2. Funding for study abroad which is a requirement to graduate will be coordinated with the school's financial aid office to include the cost of tuition, room & board and transportation. Personal and misc. expenses will be the student's responsibility. Funding for non-required study abroad college credit(s) will consist of tuition/fees and required books.
3. Students taking classes 100% on-line will be eligible for tuition/fees and required books. Other cost of attendance items will be based on the standard online budget developed by the OHE office.
4. Schools that do not offer standard semesters/terms will be created by OHE similar to traditional schools to determine the appropriate Oneida scholarship amount (e.g., accelerated, year around, online, etc.).
5. Final determination of funding will be determined by the Oneida Higher Education Office based on current program guidelines which are subject to change.
6. Funding cannot be awarded for a semesters/term that is no longer in session.

Article 8: FUNDING COLLEGE CREDIT FOR PRIOR LEARNING/EXPERIENCE

1. Students have the opportunity to earn academic credit for previous education or life experience for which credit has not already been earned. These types of credit opportunities are coordinated through the student's individual school.
2. To apply for tuition reimbursement, students must submit their original receipts and documentation of their successful credit approval/completion.

Article 9: LENGTH OF FUNDING ELIGIBILITY

1. Students are eligible to receive a specific number of years of funding to obtain their degree.

Academic Degrees	Length of Eligibility	Oneida Scholarship Limits Per Academic Year
Vocational/Associate	2.5 years or equivalent	\$20,000
Undergraduate (Bachelor's)	5 years or equivalent	\$20,000
Graduate (Master's)	3 years or equivalent	\$25,000
Doctoral (Doctorate)	5 years or equivalent	\$30,000

Per Resolution #GTC 12-7-96-C (Amendment to Resolution 8-12-96A)

2. Applicants are eligible to pursue degrees in a consecutive order (as listed in #1).
3. Summer school funding will be pro-rated and counted as a term when the total number of full-time credits is reached.
4. Students funded for 1 to 5 credits per semester/term are not subject to the above length of eligibility.
5. For other post-graduate degree resources contact the American Indian Graduate Center www.aigcs.org.

Article 10: INELIGIBLE FACTORS

1. Pursuing a duplicate or a lesser degree.
2. Seeking the Oneida Higher Education Scholarship after the semester/term has ended.
3. Suspension from Oneida Higher Education Scholarship.
4. Courses required to update/maintain a license.
5. Post-degree certificates, workshops, seminars, conferences, continuing education credits/units.
6. Programs/degrees ineligible for student federal financial aid (Title IV), e.g., apprenticeships, certificates, etc.
7. Federal student loan default
8. Not meeting the school's Satisfactory Academic Progress (SAP)

Article 11: GRADING REQUIREMENTS

1. Students are required to "successfully complete" all the credits/courses they were funded for within the semester/term. The semester/term grade point average (g.p.a.) is based on a 4.0 grading scale. Students must meet and abide by the college/university g.p.a. requirements.

Table 2: Grade Point Averages

Degree	Academic Requirements
Vocational/Associate	2.0 g.p.a.
Undergraduate (Bachelors)	2.0 g.p.a.
Graduate (Masters/Law)	3.0 g.p.a.
Doctoral	3.0 g.p.a. *
Cosmetology (Technical Diploma)	(Monthly requirement) Attendance = minimum 90% Written portion = minimum 80% Skills/Practical portion = minimum 80%

**Higher Education Office can utilize a school's grading policies for those professional doctoral students where a g.p.a. below 3.0 is acceptable and in good academic standing (Per Special Resolution 7-24-02-A).*

2. Courses that do not have associated grades or grade points averages (g.p.a.) such as, incompletes, withdrawals, in progress, unsatisfactory, failing, etc., will be considered as non-passing.
 - a. The semester/term g.p.a. will then be recalculated based on the number of actual credits funded.

Article 12: PROBATION AND SUSPENSION GUIDELINES:

The following will be used to determine the continuation of funding under the Oneida Higher Education Scholarship Program.

1. Students shall be placed on either probation or suspension for failure to earn the required semester/term grade point average (g.p.a.).
 - a. Undergraduate/technical students with a semester/term g.p.a. of 1.0 up to and including 1.9 will be placed on probation. Graduate students with a semester/term g.p.a. of 2.0 up to and including 2.9 will be placed on probation.
Cosmetology students with a monthly progress report that falls below the academic requirements in one of the areas: (attendance 90%, written 80%, practical 80%) will be placed on probation.
 - b. Undergraduate/technical students with a semester/term g.p.a. that falls below 1.0 will be suspended. Graduate students with a semester/term g.p.a. that falls below 2.0 will be suspended.
Cosmetology students with a monthly progress report that falls below the academic requirements in two or more of the following areas: (attendance 90%, written 80%, practical 80%) will be suspended.
2. Students shall be placed on either probation or suspension for failure to successfully complete all of the credits for which Oneida Higher Education has provided a scholarship award.
 - a. Students who do not complete all of the credits for which they were funded will be placed on probation.
 - b. Students who do not complete at least half of the credits for which they were funded will be suspended.
3. Students may be placed on either probation or suspension for combinations of #1 a-b and #2 a-b.
 - a. If students complete at least half of the credits for which they were funded with a semester/term g.p.a. of 1.0 or better for undergraduate/technical and 2.0 or better for graduate they will be placed on probation.
 - b. If students complete at least half of the credits for which they were funded but their semester/term g.p.a. is below 1.0 for undergraduate/technical or 2.0 for graduate they will be suspended.

Probation Status:

Students on probation will continue to receive the Oneida Higher Education scholarship for their next semester/term. They are strongly encouraged to meet with their school's advisors to develop a plan for academic improvement.

- a. During the probation period the student must complete all the credits for which they received an Oneida scholarship, with a g.p.a of a 2.0 or better as an undergraduate/technical school student or a 3.0 or better for a graduate student.
- b. Students are required to have an "official" transcript of grades sent to the Higher Education Office to determine if they met the program requirements.
- c. Students who do not meet the probation requirements will be suspended.

Suspension Status:

Students will be denied the Oneida Higher Education scholarship while on suspension. It is the student's responsibility to seek alternative funding during the suspension period. To be reinstated, students have the following options:

- a. Complete the same number of credits that were funded during the term of academic suspension at an accredited post-secondary Institution.
- b. An undergraduate student must earn a g.p.a of 2.0 or better; *whereas, master and doctorate level students must make-up credits at the same academic level in which they were funded earning a 3.0 g.p.a.*
- c. Repay the entire Oneida Higher Education scholarship that was awarded to them for the semester/term in which they were placed on suspension.

Article 13: STUDENT LOAN DEFAULT OPTIONS

1. Students who are in student loan default "may" have options available to be reconsidered for federal financial aid. (Student should contact the loan lender to discuss options).
2. For addition information go to www.ed.gov or call the ED's Servicing Center at 1-800-621-3115 regarding loan repayment, consolidation, default, disputes, etc.

Article 14: APPEAL PROCESS

1. To ensure equitable treatment for all students, an applicant who has been placed on suspension or denied funding from the Oneida Higher Education Scholarship program may file an Appeal.
2. After the student receives written documentation from the Oneida Higher Education Office informing them they are not eligible for funding and the specific reason; the student may contact the Oneida Higher Education Office for an appeal form/directions.
3. The student will be given (30) calendar days as listed in the appeal letter to complete all steps of the appeal process with supporting documentation to the Oneida Higher Education Office. Upon receipt of the student's appeal application, the Higher Education Review Team has (10) business working days from the date the appeal was received to review and respond in writing.
4. If the student's appeal is denied, the student may submit a second appeal in writing to the Higher Education Manager with attached supporting documents within (30) calendar days from the date of their initial denial letter. The Higher Education Manager, has (10) business working days from the date the appeal was received to review and respond in writing.
5. If the student is denied by the Higher Education Manager, the student may submit a final appeal in writing with supporting documents within (10) business working days from the second denial letter to the Education and Training Area Manager, P.O. Box 365, Oneida, WI 54155. The Education and Training Area Manager has (10) working days from the date the appeal was received to review and respond in writing with a copy to the Higher Education Office for the student file.
 - a. Upon receipt of the appeal the Area Manager will verify the applicant followed the proper appeal process (Article 15, number 1 to 4).

- b. Should the Education and Training Area Manager receive a student appeal that did not follow OHE appeal process; the Area Manger will advise the student to utilize the appeal process as outlined.
- c. The Education and Training Area Manager will request the student to provide a "written consent" authorizing the Area Manager to access their Oneida Higher Education records/file.
- d. The decision of the Education and Training Area Manager is final.

Article 15: ONEIDA TRUST SCHOLARSHIP

1. This scholarship is being provided by the Oneida Enrollment/Trust Committee with specific policy and procedures separate from the Oneida Higher Education Scholarship program. The Trust Scholarship fund isto providescholarships assistance to eligible enrolled Oneida tribal members in seuring higher educational opportunities in the following areas with a fetime scholarship amount of \$3,000.
 - a. Post-secondary required pre-requisite credited classes
 - b. Post-graduate preparation and admission exams (e.g., GRE, LSAT, MCAT, GMAT...)
 - c. Post-secondary preparatory program/course
2. Applicants must complete the Trust Scholarship Application with required documents. The applicant must be in good standing with the Oneida Higher Education Office.
3. The Oneida Trust/Enrollment Committee respectfully requests that all recipients keep in mind the prospect of returning to the Oneida Tribe to share theiracquired knowledge, experience and education.

*The material contained in this booklet is presented for information only.
There may be additional requirements or policies not listed.
The Higher Education Student Handbook is subject to change.
Revised July 2014*

References:

GTC Resolution 8-12-016-A
GTC Resolution 12-8-06-C (Amendment to Resolution 8-12-96-A)
Special Resolution 7-24-02-A (Amendment to Resolution 8-12-96-A)
GTC 1-30-10-A (Oneida Higher Education Scholarship and Tiered Funding)
Trust Scholarship Policy and Procedure (Amended-BC 12-11-13E)

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 08/26/2014
- 2) Contact Person(s): Bill Ver Voort Dept: Community Development/OCIFS
 Phone Number: 496-7423 Email: Wvervoor@oneidanation.org
- 3) Agenda Title: Sovereignty in Agriculture
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
With food and health being such important topics around the globe, the Oneida Tribe of
Indians of Wisconsin wish to make control of our food and agriculture a priority and right
of the Oneida Tribe. With our community's quality of life at stake, we feel that we must
take care of our people's health and the land that our food is grown upon.
- 5) Action Requested: Discussion Information/Update Action/Decision by LOC
Creating a law that would give the Oneida Tribe the right to identify agricultural products
to exercise our sovereignty and to look at economic diversification.
- 6) Supporting Materials: Memo of Explanation Draft law, ordinance or resolution
(please provide a copy with changes if available)
 Drafter(s) Name: Bill Ver Voort Phone: 497-7423 Email: Wvervoor@oneidanation.org

List any supporting materials included and submitted with the Agenda Request Form

- | | |
|--|----------|
| 1) <u>Facts & Fiction of Industrial Hemp</u> | 3) _____ |
| 2) _____ | 4) _____ |

- 7) Please List any laws, ordinances or resolution that might be affected:

- 8) Please List all other departments or person(s) you have brought your concern to:
Environmental Dept, Legal Dept, Internal Services Division, Legislative Affairs & CFO
- 9) Do you consider this request urgent? Yes No
 If yes, please indicate why: Each year our community's health gets worse and our land polluted

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: _____

Please e-mail this form and all supporting materials to mmays@oneidanation.org

Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4375

SUBMIT

PRINT

Memorandum

To: Legislative Operating Committee
From: Bill Ver Voort
Date: 8/26/2014
Re: Sovereignty in Agriculture

It is also curious to note, that Native American Tribes that have retained or are reclaiming their indigenous diets, do not suffer from the high rates of diabetes, heart disease, stroke and other such food related illnesses at such an elevated rate. The catalyst of this initiative is the alarming health facts in our country.

The Center for Disease Control and Prevention estimates that **one-third of all American children, and one out of two minority children, born in the year 2000 will develop diabetes as a result of poor diet and lack of exercise.** This is the key reason for re-introducing indigenous foods into the Oneida schools and community. This Team has an integrated holistic view of health and wellness that incorporates traditional Oneida Cultural views into its programs.

Here are some additional facts:

- 🍏 It takes the typical food item 1,500 to 2,400 miles to travel from farm to plate. A head of California lettuce shipped to Wisconsin requires 36 times more fuel energy just to transport than the caloric food energy it provides.
- 🍏 Due to the distance our food travels, each person consumes about 1 gallon of gasoline every day, simply by eating.
- 🍏 Less petroleum used for shipping and reduced CO2 emissions.
- 🍏 \$1 invested locally creates a \$4 multiplier for the local economy, and in these times of economic turmoil, it is even more important!
- 🍏 By buying locally you get competitive prices while helping to create new jobs.

August 26, 2014

- 🍏 Increased demand for local fruit and produce helps to preserve valuable farmland.
- 🍏 Of every \$100 spent on locally owned business, \$45 makes it back into the community, compared to \$14 back into the community from every \$100 spent at big-box stores.

This Law request would not only address the health and food needs of the Oneida Nation, but also the economic impact that diversified agricultural crops could bring into the Oneida Tribe. There are numerous other crops that would increase our investment on return more than the industrial food systems corn, soybean and wheat.

One of those diversified crop products is Industrial Hemp. This crop is becoming legal as Research and Development in every State and we feel it won't be long before it will be legal to grow. We would like to see Oneida be ahead of the curve to take the utmost advantage of this excellent crop that not only generates revenue, but also is excellent at rebuilding damaged soils and stopping pollution and run off issues.

Industrial Hemp and Marijuana

FACTS and FICTION

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Hemp Facts

- * Grown pesticide/herbicide free ¹
- * Taproots 9 to 14 feet long, bringing subsoil nutrients to the surface and protecting from erosion ²
- * Hemp fabric has four times the tensile strength and twice the abrasion resistance of cotton
- * Hemp uses half the amount of water than cotton does
- * One and one-half acres of rainforest are lost every second due to timber value and short-sightedness.
- * Farming only 6% of the U.S. with hemp could produce enough energy to end America's dependence on fossil fuels ³
- * Farmers could gross in excess of \$400 per acre, compared with \$135 for corn ⁴
- * Hemp can yield 3 - 8 dry tons of fiber per acre. This is four times what an average forest can yield.
- * While most trees take 50 - 500 years to grow, hemp takes a mere 100 days.
- * Anything that can be made out of wood or plastic can be made from hemp ⁵
- * The first paper was made of hemp as well as the first draft of the Declaration of Independence, the U. S. Constitution, and the Gutenberg Bibles
- * Hemp paper is acid-free, which can last 1,500 years. Wood based papers shelf life is 25 - 100 years.
- * At a volume level of 81%, hemp oil is the richest known source of polyunsaturated essential fatty acids (the 'good' fats). It is quite high in some essential amino acids, including gamma linoleic acid (GLA), a very rare nutrient also found in mother's milk.
- * Henry Ford made a car body out of hemp and even took a sledge hammer to it to show it was better material for a car body than steel
- * Hemp processing and manufacturing steps are less environmentally taxing than those of many other fibers (notably cotton), requiring less toxic chemicals and dyes to create finished fabric ⁶
- * No one would want to smoke industrial hemp. To receive a standard psychoactive dose would require a person to power-smoke 10-12 hemp cigarettes over a very short period of time. The large volume, high temperature of vapor, gas and smoke would make it difficult to withstand, much less enjoy ⁷
- * Anyone who ate hemp hoping to get "high" would be consuming the fiber equivalent of several doses of a high-fiber laxative. In other words, the very unpleasant side effects would dissuade anyone from trying to use industrial hemp as a drug.
- * No marijuana grower would hide marijuana plants in a hemp field. Marijuana is grown widely spaced to maximize leaves; hemp is grown tightly-spaced to maximize stalk. Finally, cross-pollination between hemp and marijuana plants would significantly reduce the potency of the marijuana plants.
- * The ditchweed version of hemp is the only germplasm remaining from the hemp bred over decades in this country to achieve high yields and other important performance characteristics. This breeding was done by the United States Department of Agriculture in a program directed by Dr. Lyster Dewey from 1912 to 1933. These plants represent a unique and invaluable genetic resource that should be preserved.
- * Hemp is legally grown in 34 countries. Over the past two years there are 28 States that have signed bills and resolutions supporting hemp production in the U.S.

Foot Notes

1. Cotton crops use 53 million pounds of pesticides and 1.6 billion pounds of synthetic fertilizers each year. These toxic chemicals are destroying farmland and finding their way into food and water.
2. American cropland, 85 percent of which is stuck on a soil-depleting, chemical-dependent treadmill of corn, wheat and soybean production, could be released and renewed if hemp were used in rotation.
3. Hemp contains 5 times the cellulose value. Lance Winslow, www.WorldThinkTank.net/wttbbs/
4. Douglas Campbell, General Manager of Consolidated Growers and Processors of Canada Ltd. 1998
5. Hemp can be used to produce more than 25,000 products and could positively impact these major worldwide industries: agriculture, automotive, fuel, body care, construction materials, food, furniture, industrial resins, paper, plastics, retailing and textiles.
6. Hemp paper is naturally bright, but wood-based paper pulp turns brown during the cooking process. The pulp is then bleached with chlorine, which, when released into the environment, produces dioxin and other horrible poisons.
7. Pierce, W.M. Jr., Ph.D., Professor Pharmacology, University of Kentucky-Louisville, Kentucky Hemp Growers' Cooperative Association, January 24, 1997.

Hemp and Marijuana

Myths & Realities

DIFFERENCES OF HEMP AND MARIJUANA

Hemp. Has there ever been a plant so fraught with confusion and controversy? “Hemp” was for medieval Europeans a generic term used to describe any fiber.¹ The differences between Hemp and marihuana (now commonly written “marijuana”) can be compared to the difference between field corn and sweet corn. Dr Andrew Wright, an agronomist with the University of Wisconsin’s Agriculture Experiment Station and steward of the Wisconsin hemp industry, wrote in 1918, “There are three fairly distinct types of hemp: that grown for fiber, that for birdseed and oil and that for drugs”.²

Cannabis is the only plant genus in which can be found the unique class of molecules known as cannabinoids. Cannabis produces two major cannabinoids - THC (delta-9 tetrahydrocannabinol) and CBD (cannabidiol), and several other minor cannabinoid compounds. THC is responsible for the psychoactive effect. ³ That was demonstrated conclusively in the 1960s. CBD, on the other hand, has recently been shown to block the effect of THC in the nervous system.

Cannabis strains of the type used for industrial hemp purposes have relatively high levels of CBD versus THC. Drug strains are high in THC and low to intermediate in CBD.⁴ Smoking hemp, high in CBD and very low in THC, actually has the effect of preventing the marijuana high.⁵ Even when the amount of THC in a sample is as high as 2 percent, the psychological high is blocked by as little as 2 percent CBD.⁶

Hemp typically contains less than 1 percent of the narcotic THC. Marijuana plants contain 10 percent to 20 percent THC, which makes pot smokers high. Cannabis with THC below 1.0 percent and a CBD/THC ratio greater than one is therefore not capable of inducing a psychoactive effect. Hemp, it turns out, is not only not marijuana, it could be call ‘antimarijuana.’

U.S. HISTORICAL PERSPECTIVE

Once a staple of the American colonies, hemp production was banned by the 1937 Marijuana Tax Act.⁷ In support of the bill, Assistant General Council Clinton Hester testified: “The form of the bill is such ... as not to interfere materially with any industrial, medical or scientific uses which the plant may have. Since hemp fiber and articles manufactured therefrom are obtained from the harmless mature stalk of the plant, all such products have been completely eliminated from the purview of the bill by defining the term “marijuana” in the bill, so as to exclude from its provisions the mature stalk and its compounds or manufacturers.”

After the passage of the Marihuana Tax Act, during World War II, the federal government launched an aggressive “Hemp for Victory” campaign. U.S. armed forces had relied on Manila hemp, imported from the Philippines, for rope, canvas, uniforms, and other products. After the Philippines fell to Japanese forces in 1942, the Department of Agriculture and the U.S. Army urged farmers to grow hemp. Without any change in federal law, more than 400,000 acres of hemp were cultivated in the United States between 1942 and 1945, aided by the War Hemp Industries Corporation, which built 42 hemp mills in the Midwest.⁸ The last commercial hemp fields were planted in Wisconsin in 1957.

In 1970, the Comprehensive Drug Abuse Prevention and Control Act repealed the Marihuana Tax but incorporated verbatim that Act's definition of "marihuana".

"The term 'marihuana' means all parts of the plant *Cannabis sativa*, whether growing or not, the seeds thereof, the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin;....."

The key difference was that, while the 1937 Act used a system of taxation and disclosure that allowed the government to penalize marijuana growers without punishing industrial hemp growers, the 1970 Act abolished the taxation approach and effectively made all *Cannabis* cultivation illegal, except where the DEA issued a limited-use permit, by setting zero tolerance for THC.

There is no indication that, in the debate about the 1970 law, the implications of its passage on the future of industrial hemp were ever considered. By that time the domestic industrial hemp industry had disappeared, and there were no farmers to argue its case.

Despite the 1970 narcotics act, which resulted in the lumping together of marijuana and hemp, the federal government continues to make a distinction between the two plants. For example, in 1994, by Executive Order, the President of the United States designated hemp as a strategic crop of importance to national security.

Hemp is legally grown by 34 countries around the world, with almost half of these having made hemp cultivation legal only in the last few years. Each year the U.S. government identifies those countries that it considers to be drug-exporting nations. None of the major hemp-growing and exporting nations has ever been listed.¹⁰

The legal history is clear. The distinction between hemp and marijuana is codified in numerous domestic laws and statutes and in international treaties to which we are a party. The DEA has it in its authority to recognize this history and to drop hemp from its narcotics schedule. Instead the DEA, unlike its predecessor, the Bureau of Narcotics, is aggressively trying to persuade Americans that hemp and marijuana are identical plants. The reasons are unclear, but the results are widespread confusion and the inability of American's farmers and manufacturers to take part in the worldwide resurgence of hemp cultivation and use.

MYTH AND REALITY

Myth: *Smoking industrial hemp can get someone high.*

Reality: Although hemp does contain the psychoactive substance, tetrahydrocannabinol (THC), the THC levels are so low that no one can get high from smoking it. Moreover, industrial hemp, while low in THC, is high in another kind of cannabinoid, CBD, which counteracts THC's psychoactivity.¹⁰

When industrial hemp is grown legally and where federal authorities do not call it marijuana, people do not smoke it. Industrial hemp is a crop that no informed person would smoke, and if the naive do, they do not remain naive. If they think they got "high," they are confusing the experience with anoxia or hyperventilation.

Myth: *Hemp fields would be used to hide marijuana plants.*

Reality: Hemp is grown quite differently from marijuana. Moreover, it is harvested at a different time than marijuana. Finally, cross-pollination between hemp and marijuana plants would significantly reduce the potency of the marijuana plants.

Hemp grown for fiber is planted in narrow row spacing (4 inches apart), branching is discouraged, and plants are not allowed to flower. The stems are kept small by the high density and foliage develops only on the top. Hemp plants crowd out weeds and other hemp plants not equal to the competition. Marijuana plants, on the contrary, are spaced widely to encourage branching and flowering. It branches thickly like a Christmas tree.¹¹

Hemp fields, in fact, could be a deterrent to marijuana growers. A strong case can be made that the best way to reduce the THC level of marijuana grown outdoors would be to grow industrial hemp near it. An experiment in Russia found that hemp pollen could travel 12 kilometers (7.5 miles). This would mean that a hemp field would create a zone with a 7.5 mile radius within which no marijuana grower would want to establish a crop.

Myth: *Legalizing hemp while continuing the prohibition on marijuana would burden local police.*

Reality: The police in countries where hemp is grown as an agricultural crop have experienced no such burdens. In countries that have recently legalized industrial hemp, individual farmers and manufacturers are licensed and registered. Field locations are recorded with local authorities. Only when there is probable cause does law enforcement need to concern itself with individual farmers.¹²

Myth: *Feral hemp (wild industrial hemp) must be eradicated because it can be sold as marijuana.*

Reality: Feral hemp, or ditchweed, is a remnant of the hemp once grown by U.S. farmers. A study by the Vermont state legislature revealed that more than 99% of the “marijuana” located and destroyed by the DEA (at an annual cost of \$500 million) is actually feral industrial hemp having extremely low levels of THC and no psychoactive potential.¹³

Feral hemp, like oregano, parsley, and kenaf, has been used to dilute marijuana. That is no reason to outlaw hemp nor to burn down oregano and parsley patches. We don’t make sugar illegal because it is used to cut cocaine. That kids may try smoking hemp or ditchweed is to be expected. Where hemp is grown as a common agricultural crop, it is not bothered once the introductory period is over and the inquisitive have learned their lesson.¹⁴ Where hemp is legal and marijuana is illegal, hemp does not suffer from misidentification or attempted misuse. This is true today in other countries, as it was once true in our own nation.

Myth: *Hemp is not economically viable, and should therefore be outlawed.*

Reality: The market for hemp products is growing rapidly. But even if it were not, when has a crop ever been outlawed simply because it was thought to be unprofitable to raise?

Retired General Barry McCaffrey of the White House Office of National Drug Control Policy has said that one reason that he continues to support the criminalization of hemp cultivation is because hemp is not an economical crop. There is no record in U.S. history of a crop being outlawed because it was uneconomical.

Hemp is a multipurpose crop. New markets for its oils, protein, long fibers, and inner hurds are constantly growing. Hemp production is increasing worldwide, as are hemp sales. Innovations in processing and in cultivation promise to lower costs and open up still more markets.

REASONS NOT TO ERADICATE HEMP

The evidence shows that there are no good reasons for authorities to be eradicating ditchweed, while there are at least two good reasons for them **not** to do so. The ditchweed that these agencies are pulling up represents the only germplasm remaining from the hemp bred over decades in this country to achieve high yields and other important performance characteristics. This breeding was done by the United States Department of Agriculture in a program directed by Dr. Lyster Dewey from 1912 to 1933. These plants represent a unique and invaluable genetic resource that should be preserved.

Another reason to reconsider our efforts to eradicate feral hemp is that hemp plays a role in supporting gamebird populations. According to Dr. Bob Robinson, who experimented with hemp at the University of Minnesota, hemp was good for wildlife because its seed was held just above the snowline.¹⁵ The National Wildlife Federation has determined that, of 28 native bird species studied from 1966 – 1995, half are in decline, including Henslow's sparrow (down 93 percent), the bobolink (down 37 percent), and the Eastern meadowlark (down 53 percent). Yet feral hemp, which contains the wildbird food seed of choice, a seed that is sold (imported and sterilized) in pet stores as high-priced parrot feed, is branded a drug plant and a noxious weed.

One may wonder why, given the uselessness of feral/industrial hemp as a drug and its important benefits, drug enforcement authorities are spending so much money to eradicate it. It is likely that drug authorities continue to miseducate the public about the relationship of industrial hemp to drugs because of a natural bureaucratic desire to maintain their large and growing eradication budgets.¹⁶

"Carbon Neutral" Hemp Buildings

According to the 'Vote Hemp website' in March of 2007' the Hemcore Ltd, a UK company, is investing £4 million to build the world's largest hemp production factory and ramp up production of hemp fiber for a revolutionary building material.

The hemp-based material is considered "carbon neutral." Industrial hemp takes CO₂ out of the atmosphere while it grows, and it can be grown organically, without agrochemicals. The end product is thermally efficient and has phenomenal energy-saving properties.

Hemcore's material was recently used to build a new warehouse in Southwold for Adnams, a brewer, pictured above. It is touted as the greenest warehouse in the UK.

Snug And Warm Thanks To Hemp

Insulation made from hemp has definite advantages: its production requires relatively little energy, it's not harmful to health, and it can be disposed of by composting or carbon-neutral incineration. In addition, it is light, has low heat conductivity and meets fire safety regulations. On top of that, it easily absorbs and releases moisture, helping to prevent damage to the building.

Hemp insulation is manufactured by several companies, including the Fraunhofer Institute for Chemical Technology (Germany) which uses a biopolymer extracted from corn instead of polyester to hold the hemp fibers together, creating an insulating material made entirely of natural products that is completely biodegradable.

Hemp Core Fibres

The hurds are the short fibred inner woody core of the hemp plant which comprises 70-80% of the stalk. They are composed of libriform fibers which are high in lignin. The core fibres are a co-product of the process of extracting bast fiber from the hemp stalks. This core material can be used to produce a wide range of products including animal bedding, fibre board and other materials.

Hemp Seeds

Hemp seeds (grains) are also a potentially valuable commodity. The seeds have exceptional nutritional and therapeutic value. They are second only to soybeans as a source of complete vegetable protein and hemp seeds contain all 8 essential amino acids in the correct proportions humans require. Hemp seeds also contain 30-35% oil by weight.

Hemp seed oil is approximately 80% polyunsaturated essential fatty acids. Furthermore, the proportion of these oils (specifically omega-6 and omega-3) in hemp seeds most closely match the ratios which have been determined to be most beneficial to human nutrition. In addition, hemp seed oil is the only edible oil which contains therapeutically valuable GLA (gamma-linoleic acid). The left over seed cake is a rich source of protein which can be ground into flour.

Foot Notes

1. Montgomery, B. 1954. The Bast Fibers. In H.R. Mauersberger (ed.), *Matthews' Textile Fibers*.
2. Wright, Andrew. 1918. *Wisconsin's Hemp Industry*. Wisconsin Agricultural Experiment Station Bulletin #293. p.5.
3. Mechoulam R., 1970. *Marijuana Chemistry*. Science 168: 1159-1166.
4. Fournier, Gilbert. 1981. Les Chimioypes du Chanvre (*Cannabis sativa L.*) Interet pour un Programme de selection. Agronomie 1:679-88.
5. Musty, R.E., Karniol, I.G., Shirakawa, I., Takahashi, R.n., and Knoebel, E. *Pharmacology of Marijuana*. New Your: Raven Press, 1976, 559-564

6. Musty, R.E. Marijuana is not simply delta-9 tetrahydrocannabinol. Technical report submitted to the National Academy of Sciences, Institute of Medicine, 1997.
7. The 1937 Marijuana Tax Act defined marijuana as: "All parts of the plant *Cannabis sativa* L., wether growing or not; the seeds thereof; the resin extracted from any such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such lat, and other compound, manufacture salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination
8. Thomas Ballanco, *The Colorado hemp Production Act of 1995: Farms and Forests Without Marijuana*, 66 University of Colorado Law Review, 101, 107 (1996)
9. Controlled Substances Act, Food & Drug Admin. (1970) Chapt. 22, Sec. 802-15. Custom Regulations of the United States, Official U.S. Custom House Guide, 1987. Sec. 302.58-CR-360.
10. According to William Pierce Jr., Ph.D., Associate Professor of Pharmacology and Toxicology at the University of Louisville School of Medicine, to obtain a psychoactive effect with hemp, would require the user to smoke 10 12 cigarettes containing hemp in a 'very short period of time' The large volume (and) high temperature inhalation of vapor, gas, and smoke would be difficult for a person to withstand, much less enjoy. Professor Pierce goes on to note that anyone who ate hemp hoping to get "high" would be consuming the fiber equivalent of several doses of a high-fiber laxative. In other words, the very unpleasant side effects would dissuade anyone from trying to use industrial hemp as a drug.
11. Bocsa, I. And M. Karus. 1998. *The Cultivation of Hemp*. HEMPTECH, Inc. Sebastopol, California.
12. The current regulations in the United States require all live hemp seed be stored in a locked safe, and that fields be surrounded with a 6 foot high, barbed wire topped fencing, illuminated 24 hours a day and guarded.* And even with these draconian regulations, no permit to grow hemp has been issued by the DEA. * (Drug Enforcement Administration 21 CFR Ch. II (4-1-92 ed.) 1301.71 Security.)
13. "The mere fact that hemp is growing wild is an inescapable reminder that industrial hemp was once a cornerstone of agriculture in American," said Thomas Ballanco, a West Point graduate and attorney who drafted the Sioux Nation ordinance. He also commented that, "Asking the DEA for advice about industrial hemp is like asking Donald Trump for advice about Indian gaming issues."
14. Low, Ian. Hemcore, Ltd., UK, speaking to the Third Annual Conference of the North American Industrial Hemp Council, St. Louis, Missouri, Nov 6, 1997.
15. Vance, Joel M. 1971. *Marijuana is for the Birds*. Outdoor Life. June: p. 53.
16. David West, Ph.D. 1998. *Hemp & Marijuana: Myths and Realities*. North American Industrial Hemp Council. Madison, Wisconsin.

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 08/01/2014
- 2) Contact Person(s): Rosa Laster Dept Pow-wow Committee
 Phone Number: 920-548-0122 Email: rlaster@oneidanation.org
- 3) Agenda Title: Additions to Oneida Pow-wow Committee By-Laws
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
Would Like to add qualifications and expectations for membership to the Oneida Pow-wow Committee By-Laws

- 5) Action Requested: Discussion Information/Update Action/Decision by LOC
Please see attached

- 6) Supporting Materials: Memo of Explanation Draft law, ordinance or resolution
 (please provide a copy with changes if available)

Drafter(s) Name: _____ Phone: _____ Email: _____

List any supporting materials included and submitted with the Agenda Request Form

- | | |
|-------------------|----------|
| 1) <u>Minutes</u> | 3) _____ |
| 2) <u>Memo</u> | 4) _____ |

- 7) Please List any laws, ordinances or resolution that might be affected:
Oneida Pow-wow Committee By-Laws
- 8) Please List all other departments or person(s) you have brought your concern to:
Pow-wow Committee
- 9) Do you consider this request urgent? Yes No
 If yes, please indicate why: _____

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester:

Please e-mail this form and all supporting materials to mmays@oneidanation.org

Legislative Operating Committee (LOC)

P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4240

Submit



P.O. Box 365 • Oneida, WI 54155

To: Legislative Operating Committee

FROM: Rosa Laster, Oneida Pow-wow Committee

DATE: August 1, 2014

Subject: Additions to the Oneida Pow-wow Committee By-Laws

The Oneida Pow-wow Committee would like the following to be added to the By-Laws:

Membership

- General Pow-wow Knowledge.
- Failure to attend 3 consecutive meetings with unexcused absences or 5 total unexcused absences within a term are grounds for removal. Members shall be notified in writing of any "Removal Action."
- First Preference - any Citizen who appears on the official roll of the Oneida Nation of Indians in Wisconsin. Second preference - any citizen who appears to any official federally recognized Native American rolls.
- Citizen must be eligible to vote to serve on this body.
- All pow-wow committee members must follow the Oneida Tribes "code of Ethics" policy.
- Must be legally competent

Thank you for your time and attention

ONEIDA POW-WOW COMMITTEE

Agenda

August 19th, 2014

- I. Called to order by Vice-Chairman @ 4:30 p.m.
- II. **PRESENT:** Tonya Webster, Vice-Chair/Treasurer, Rosa Laster, Recording Secretary, Edwin Wallenfang, Jeremy King, Wayne Silas Jr, Yasiman Metoxen,
- III. **EXCUSED:** Lloyd E. Powless Jr., Chairman, Melanie Mahkimetas, Bill King.
- IV. **UNEXCUSED:**

Yasiman Metoxen made a motion to Accept Agenda with no additions, Jeremy King 2nd, No opposed, No Abstentions, Motion carries.

V. NEW BUSINESS

a. Three Sister's Budget (attached)

- Need change the "Giveaway" to \$600, Change "security" to \$400, and remove "Raffle items".
- Suggestions for specials: clown dance (all ages), Surprise Special. Will bring back more ideas at the next meeting.

Jeremy King made a motion to Accept Agenda Three Sisters Budget with above changes, Wayne Silas Jr. 2nd, No opposed, No Abstentions, Motion carries.

b. Three Sister's Head Staff Positions

Head Staff Selections

Head Dancer Women-Connie Danforth

Head Dancer Men-Al King Jr.

Emcee-Artley Skenandore

Head Vet-John Teller

- Jeremy and Wayne Silas Jr. will get in touch with the selected staff to ask if they are available.

c. Honor the Youth New Date - 1/31/2015

- Just an FYI we change the date for Honor the Youth to 1-31-15 on a Saturdays because we had a Friday reserved before by mistake.

d. Additions to Pow-wow Committee By-Laws

- Please see attached
- Everyone agrees to addition to Pow-wow Committee By-Laws

Jeremy King made a motion to Accept Agenda the additions to the Pow-wow Committees By-Laws, Wayne Silas Jr. 2nd, No opposed, No Abstentions, Motion carries.

e. Liaison

- Please see attached

f. Eating Contest complaint

- Please See attached
- This was only a onetime event and the special does change every year.

VI. OLD BUSINESS

a.

b.

VII. OTHER CONCERNS ANNOUNCEMENTS

VIII. NEXT MEETING & ADJOURNMENT

- Next meet will be on September 2nd, 2014.

Yasiman Metoxen made a motion to adjourn @ 5:30pm, Wayne Silas Jr. 2nd, No Opposed, No Abstentions, Motion Carries.

Respectfully submitted by Rosa Laster, Recording Secretary

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 09/23/14
- 2) Contact Person(s): Lynn Franzmeier Dept: LRO
 Phone Number: 869-4417 Email: lfranzme@oneidanation.org
- 3) Agenda Title: LLDEH Legislation Request
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
See attached memo.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Memo
- 2) _____
- 3) _____
- 4) _____

- 5) Please List any laws, ordinances or resolution that might be affected:

- 6) Please List all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? Yes No
 If yes, please indicate why: _____

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: *Lynn Franzmeier*

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376

To: Legislative Operating Committee

From: LLDEH Team

Date: September 12, 2014

Re: Proposed Priorities for Land Use Related Legislation

Staff representatives from the Division of Land Management, Law Office, Development Division, Environmental Health and Safety Division, Legislative Affairs, Legislative Reference Office and Oneida Housing Authority meet to discuss land use related issues in an effort to: 1) enforce, develop and improve internal tribal land use processes; and 2) increase internal communication concerning our relationships with surrounding governments as it relates to land use. This group is the Land, Legal, Development, Environmental, Housing (LLDEH) Team and meets once per month.

The LLDEH regularly discusses the need for the development and improvement of various tribal land use related laws and policies. LLDEH has compiled suggestions from its staff representatives and developed a list of proposed priorities for the Legislative Operating Committee to consider. The list of existing laws and proposed priorities for land use legislation, with brief highlights of LLDEH's main concerns/comments, is as follows:

LLDEH Team Top Recommended Priorities

- 1. Oneida Nation Environmental, Health & Safety Protection Law (formerly called Oneida Nation Environmental Protection Law) –** To establish the framework for further program development and clarifying roles, responsibilities and authority for the Environmental, Health & Safety Division and its Departments while strengthen sovereignty and streamline our review processes.
- 2. CIP Process –** The BC established this process in through BC Resolution 2-9-94-A and amended the process through BC Resolution 3-1-95-B. This process needs to be updated to reflect current practices.
- 3. On-Site Waste Disposal Ordinance –** To update this law to align with the updated building codes and zoning laws. It is also to align the Zoning Department as having enforcement authority to carry out the purpose because they have the credentials and requirements of the ordinance. They have been carrying out this function since the early 1990s.
- 4. Tree Protection –** The draft law is to update the wood cutting ordinance to improve the protection, maintenance, removal, and planting of trees along public streets, parks, or other public places, and tree protection zones on designated public and/or private property under development; establishing a tree board and establishing the office of conservation as the agencies prescribing regulations relating to the protection, maintenance, removal, and planting of trees in the above-mentioned places; providing for the maintenance or removal of trees on private

property when the public safety is endangered or to prevent damage to public property or to guard all trees and shrubs both public and private against the spread of disease, insects, or pests; and prescribing penalties for violations of its provisions.

5. Recycling & Solid Waste Law – Update this law to improve the due process sections for improve enforcement and current recycling laws. Also, to evaluate adding burning of garbage and other home waste.

6. Leasing Ordinance – The extent of tribal law addressing leasing is a paragraph within Oneida Real Property Law. Land Management currently uses the terms of its leases and Standard Operating Procedures to “fill in the blanks” where other tribes and jurisdictions generally legislate.

7. Mortgage Ordinance – The extent of tribal law addressing mortgages is a paragraph within Oneida Real Property Law. Land Management currently uses the terms of its mortgages and Standard Operating Procedures to “fill in the blanks” where other tribes and jurisdictions generally legislate.

8. Landlord Tenant Ordinance – The Tribe does not currently have any laws specifically addressing landlord tenant issues such as evictions from rental units. Land Management currently uses the terms of its leases and Standard Operating Procedures to “fill in the blanks” where other tribes and jurisdictions generally legislate.

9. Housing Ordinance – The Business Committee repealed the previous Housing Ordinance and did not place a new Housing Ordinance into place. If the LOC pursues a Landlord Tenant Ordinance, the LOC can consider whether or not there is a need for a Housing Ordinance.

10. Condominium Ordinance – The BC adopted the Condominium Ordinance in 1997. This law could benefit from updates consistent with the new Zoning Ordinance and Building Code.

LLDEH Team Long Term Recommendations

11. Oneida Probate Code – The BC prescribed the rules for inheritance when it adopted Real Property Law in 1996. While the BC intended this law guide inheritance of trust assets as well as non-trust assets, the Secretary of the Interior rejected the law’s application to trust assets. The federal law guiding inheritance of trust assets has since been amended and the Tribe has a new opportunity to develop a probate code that would allow the Tribe to decide for itself (within the limits of federal law) how trust assets of deceased tribal members will be handled.

12. Stormwater Protection Ordinance – To meet the requirements of the Environmental Protection Agencies MS4 Stormwater Permit.

13. Oneida Safety Law – Update law to protect the health and safety of workers and minimize liability of the Tribe. A safety law will establish the jurisdiction of the Oneida Tribe. The current law is written more as a company policy and needs to be reformatted into appropriate Oneida law format.

14. Hunting, Fishing and Trapping Law – To update the present regulations from joint recommendation from the Conservation Department and the Environmental Resources Board based of a series of Community meetings held after each hunting seasons assessing, prioritizing and reviewing what is needed to improve protecting of the wildlife, fish and the natural resources.

15. Well Abandonment Law – Update the existing law meet new standards and requirements. Also to add a section to include well drilling permits consistent with NR812 private wells.

16. Game Farm Ordinance – Create an ordinance to protect the health of the wildlife population and health of the captive population for Game Farms. This will regulate the captive wildlife for possessing, releasing, researching and release into a control or natural environment. This also would include dog training and fencing.

17. Domestic Animal Ordinance – To update this law to include animal welfare and community safety.

18. CH. 12 - Protection and Management of Archaeological & Historical Resources – Update this law to strengthen requirements for clearing demolitions and to update the role of the Tribal Historic Preservation Office. Analyze the need of the “Advisory Board” as identified in the law.

Existing Environmental & Land Use Related Laws & Policies that Do Not Require Updates

19. Non-Metallic Mine Reclamation

20. Sanitation Ordinance

21. Water Resource Ordinance

22. Local Land Use Regulation Reimbursement Policy (LLURRP)

23. Building Code

24. Zoning Law

25. Public Use of Tribal Land Law

26. Tribal Environmental Response Law

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

<http://oneida-nsn.gov/LOC>



Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

Jennifer Webster, Councilmember

Memorandum

TO: The Legislative Operating Committee
FROM: Taniquelle Thurner, Legislative Analyst
DATE: October 1, 2014
RE: Administrative Procedures Act - Background

This memorandum is being submitted to provide background on the Administrative Procedures Act (APA), following a recent proposal to repeal the APA.

Current Status:

On January 7, 2013, the GTC took two actions affecting the same law:

- **GTC Resolution #1-7-13-A.** The GTC adopted amendments to the APA, which went into effect 60 days later (approximately March 8, 2013).
- **GTC Resolution # 1-7-13-B.** This resolution repealed several sections of the APA and also repealed the addendum to the APA, which established the Oneida Appeals Commission – this action is to take effect March 1, 2015.

GTC#1-7-13-A removed sections 1.5-1 to 1.8-1 from the APA, added a new section 1.3-1 (Adoption, Amendment, Repeal) and made other minor changes. These amendments removed legislative provisions from the APA: notice requirements for proposed new laws or changes to existing Tribal laws, Public Hearing requirements, provisions governing how emergency legislation can be passed, how to request legislative changes, and the format that must be followed for laws. These provisions were removed because they were addressed in the new Legislative Procedures Act.

GTC#1-7-13-B repealed sections 1.9 - 1.17 from the APA. However, the new APA that was adopted by **GTC#1-7-13-A** only contains sections 1.1 to 1.13. It appears that the intent of the GTC at that meeting was to repeal 1.9 to 1.17 from the APA as it existed at that time. This would mean the sections that would be deleted are the ones governing:

- Declaratory Rulings and Judgments (where a hearing body determines whether an ordinance/rule is valid or should be struck down);
- Procedures for original hearing body contested cases and for appeals;
- Responsibilities and authorities for hearing bodies;
- Contempt proceedings;
- Licensing/Permitting and emergency actions;
- Miscellaneous administrative rules, and
- A section that included provisions similar to the standard Adoption, Amendment, Repeal section.

If both actions are read together, this would leave only a few sections left in the APA: 1.1 (Authority), 1.2 (Purpose), 1.3 (Adoption, Amendment, Repeal), 1.4 (Definitions), and 1.5 (Inspection of Agency Orders, Decisions and Opinions).

The Authority and Purpose sections generally set out the goals behind/reasons for the legislation, and the Adoption, Amendment, Repeal section and the Definitions Section set out boilerplate language that is required by the LPA to be included in legislation. Thus, the only actual requirements remaining in the APA after the repeal is 1.5-1: This is a single provision that requires each agency to keep final orders, decisions and opinions on file for public inspection, along with an index, except where federal or Tribal law limits public inspection. Each agency must also forward these records to the Tribal Secretary, who must keep them in one centralized area. These are requirements that would more generally be found in the Open Records and Open Meetings Law, and are similar to provisions found in that Law, so repealing this provision would not have any great impact on Tribal law.

History of the Administrative Procedures Act

The APA was established to govern two different types of activity:

1. Rules governing how Tribal laws and policies were created and changed (Rulemaking.)
2. Standard requirements for all Tribal hearing bodies, including appeals (Hearing Bodies.)

Legislative History - Rulemaking

February 2, 1988 - the OBC first adopted various rulemaking requirements via Resolution 2-2-88, finding that it was in the interest of the Tribe that Tribal laws and Policies be developed with the “fullest possible consultation” with the “membership of the” GTC. This Resolution set out public hearing requirements for legislative proposals that were very similar to the requirements later included in the APA; including notice requirements and rules for conducting public hearings, and establishing a 10-day public comment period following public hearings.

May 2, 1990 - The APA was first adopted by OBC Resolution, which found that the sovereignty and self-government of the Tribe would be enhanced by a law that would provide for consistent procedures of lawmaking and rulemaking, and for the community to be provided notice as to how laws and rules are brought forward and adopted. The APA defined various legislative terms for consistency, set out a public hearing process, identified some basic requirements for the content of laws, and set out processes for proposing legislation, and for challenging legislation.

August 19, 1991 – The GTC ratified the APA adopted by the OBC, by adopting a similar version, and adding the GTC Resolution# 8-19-91-A addendum, which formally created the Oneida Appeals Commission.

December 21, 1994 - the OBC adopted a new Tribal law, the Format for Laws, which set out consistent requirements for how all tribal laws would be formatted and standards for what each law should include¹. This law filled in gaps, as the APA did not contain great detail about the actual content of legislation.

July 5, 1995 - The APA was amended by the OBC². The changes established the Legislative Operating Committee’s role in the legislative process, and made a few other updates:

- The LOC (with OBC approval) was now responsible for publishing notice of a legislative public hearing, instead of the Tribal Secretary and Sponsoring Agency.
- Notice was to be published in the Kalihwisaks at least 30 days in advance of a legislative public hearing, instead of 10 days.
- The LOC was given authority to determine the place and manner for posting notice of public meetings in tribal premises.

1 The Format for Laws was amended in 2005 to update a boilerplate provision addressing what would happen when other legislation is inconsistent with/contrary to a newly-adopted law or policy.

2 This Resolution states that the OBC “hereby adopts the amended APA to be ratified by the GTC at the next available meeting to which the appropriate notice can be made” However, it is not known if or when this ratification occurred.

- The LOC, instead of the OBC and Sponsoring Agency, was now responsible for fully considering all comments concerning proposed legislative actions, after the public hearing and before a final OBC vote.

January 7, 2013 – The GTC adopted the revised APA and the new LPA, and the lawmaking provisions were deleted from the APA and established in the LPA. The LPA provides for a less formal “public meeting” instead of an official public hearing. The intent was to make these meetings more interactive. The LPA also defines the role of the LOC in more detail, shortens the public comment period to “no less than” five business days after a public meeting, and changes the notice requirements to ten business days, which is longer than the 10 days required previously for posting notice, but shorter than the 30 days required for publishing notice in the Kalihwisaks.

Public Hearing Requirements

In the original OBC Resolution adopted in 1988, public hearings were to be presided over by the Tribal Chair or another person designated by the OBC. When the APA was adopted by the OBC in 1990, it required at least three OBC members to be present at a public hearing as part of the “legislative subcommittee.” In 1995, when the APA was amended, the adopting resolution stated that the Public Hearing Process is amended so that only one OBC member needs to be in attendance (i.e. to preside over the meeting) but the actual draft attached to that Resolution does not reflect that change – it just replaces the OBC and Sponsoring Agency duties with the LOC duties. When the LPA was adopted in 2013, the change was formally made, so that only one LOC member was required to host a public meeting, instead of three OBC members.

Legislative History – Hearing Bodies

When the APA was adopted by the OBC in 1990, the intent was to establish a consistent means of providing due process throughout the Tribe, its entities and organization. The adopting resolution affirms that the Tribe seeks to ensure that individual rights are protected and that people have a right “to petition for redress of grievances.” The Resolution also states that, in order to receive funding, loans, or grants, recent federal and local government regulations require tribes to have internal procedures and an internal governmental structure that provide fairness and notice.

The adopting resolution also states another main purpose behind the APA: separation of powers. The resolution states that a separation of the legislative, executive and judicial powers would greatly enhance the exercise of self-government and self-determination of the Tribe, and would diminish the political pressure on the OBC. Judicial decision making would be removed from the OBC’s responsibility, creating a need to establish an independent body that is capable/authorized to make judicial decisions.

The OBC brought this item to the GTC for reauthorization, and it was ratified by GTC on August 19, 1991. GTC Resolution 8-19-91 made many of the same findings as the OBC’s original resolution adopting the APA, but added that the Appeals Commission will maintain the integrity of an Oneida traditional system of decision making by insuring that there is more than one decisionmaker for any issue.

On January 7, 2013, the GTC adopted the Judiciary Law, which replaces the Appeals Commission as the tribal judicial body. However, there are other tribal hearing bodies which were not affected by the adoption of the Judiciary. The rules governing hearing bodies, which are set out in the current APA, govern those hearing bodies. If those sections of the APA are repealed, there would not be any consistent law establishing various due process protections for Tribal members or entities who appear before those other bodies – the Judiciary Law and supporting rules such as the Rules of Evidence, etc., only appear to apply to the new Judiciary, and this may cause inconsistency among other tribal hearing bodies.

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

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Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

Jennifer Webster, Councilmember

Quarterly Report Legislative Operating Committee October 2014

1. Purpose and Mission

The purpose and mission of the Legislative Operating Committee (LOC) is to enhance the policymaking capability of the Oneida Business Committee (OBC) and the General Tribal Council (GTC) by drafting laws and policies and reviewing past and current laws, policies and regulations of the Oneida Tribe.

A legislative analysis is completed for proposed laws, policies, regulations, bylaws and amendments. Public meetings are facilitated by the LOC in accordance with the Legislative Procedures Act (LPA). A Resolution and Statement of Effect are prepared for all legislation that is presented for final adoption which is submitted to the OBC and/or GTC for approval.

2. Members

The LOC is comprised of the five council members of the OBC: Brandon Stevens (Chair), Tehassi Hill (Vice-Chair), Jennifer Webster, Fawn Billie, and there is currently one vacant seat.

3. Contact Information

The LOC office is located on the second floor in the Norbert Hill Center. For more information, please contact Lynn Franzmeier, Staff Attorney for the Legislative Reference Office (LRO) at (920) 869-4417 or e-mail LOC@oneidanation.org.

4. Meetings

The LOC meets on the first and third Wednesday of every month. The LOC meetings are held in the Norbert Hill Center-2nd Floor, Business Committee Conference Room and begin at 9:00 a.m.

5. Prioritization

The LOC continuously reviews the proposals on our Active Files List (AFL). Priorities will be identified based on GTC Directive, OBC Directive and by LOC agreement/consensus.

6. Summary

During this reporting period (July, August and September 2014), the LOC has been in a transitioning phase. The previous LOC held their last meeting on July 30, 2014. At the end of

the 2011-2014 term, there were 37 items remaining on the AFL which had not been completed. At the September 17, 2014 LOC meeting, the newly-elected LOC reviewed those items and carried over 24 of those legislative items, adding them to the 2014-2017 AFL along with four new legislative items considered at that meeting.

Six petitions and one administrative item (Tribal Hearing Bodies research) were also carried over from last term and added to the 2014-2017 AFL. In addition, one new petition has been deferred to the LOC and added to the AFL.

During this reporting period, the LOC completed seven items, including the adoption of permanent amendments to four Tribal laws, emergency amendments to two Tribal laws, and the processing of a proposal to repeal one Tribal law.

New Items

A total of four new submissions have been added to the AFL this term. Two of those resulted in emergency adoption of amendments (see below, Emergency Resolutions) and one has been completed (see below, Completed Items). The fourth new item seeks emergency amendments to the **Oneida Nation Gaming Ordinance**, in order to comply with National Indian Gaming Commission requirements. Currently, this item is pending OBC approval.

Items Carried Over from the Previous LOC Term

New Laws and Policies. The following proposals for new laws and policies were carried over from last term and added to the 2014-2017 AFL during this reporting period:

- **Budget Management and Control Law** - This item was deferred to the OBC by the GTC on May 23, 2011. The request was to develop a law to provide a consistent manner to govern the Tribal budget process, establish a procedural framework, and oversee Tribal expenditures.
- **Capping Damages and Awards from the Judicial System** - This item was deferred to the LOC by the OBC on March 12, 2014. The directive was to develop legislation that would cap damages and awards that can be rendered by the Judicial System.
- **Children's Code** - This proposal seeks to develop a Children's Code which would establish a Child Welfare Office and the Oneida Child Protective Board; and which would provide for various child welfare proceedings.
- **Employee Advocacy Law** – This law would formally codify the rules and requirements for Tribal employees who wish to serve as an advocate for other Tribal employees who are challenging disciplinary action.
- **Employment Law** – This is a proposal for the development of an employment law to replace the current Personnel Policies and Procedures.
- **Fitness For Duty Policy** - Employees who are not fit for duty may present a health and/or safety hazard to themselves, to other employees, to the Tribe and to the general public. Since no policy currently exists, supervisors either do nothing and let the issues continue; force an employee on a leave of absence, adversely modify job duties, and/or terminate the employee. This policy is requested in order to ensure consistent resolution in these situations, and to give supervisors additional options.
- **GTC Meetings Law** - This proposal is for a new law to govern the scheduling and conducting of GTC meetings, including: a standard agenda format and a code of conduct; outlining the duties of those preparing and assisting with GTC meetings, and establishing how petitions would be processed.

- **Guardianship Law** - The Child Custody, Placement and Visitation Law permits a third party (i.e. a non-parent) to petition for custody of a minor child, but does not address third-party guardianships. This proposal seeks a new law for such situations.
- **Leasing Law** - Development of a new law would allow the Tribe to approve surface leases at their discretion, instead of the Secretary of Interior, so long as the Secretary of Interior has approved Tribal surface lease regulations.
- **Rulemaking Law** - This proposal seeks a consistent process for the adoption of administrative rules by Tribal agencies that have been granted rulemaking authority under other Tribal laws.
- **Tribally-Owned Business Organization Code** - This proposal seeks the adoption of a Tribal corporations code, because the Tribe has several Tribally-owned entities.
- **Vehicle Driver Certification and Fleet Management** - The proposal is for a new law to govern employee/Tribal official use of vehicles while on Tribal business; and it would replace the current Vehicle Driver Certification Policy and the Fleet Management Policy.
- **Whistleblower Law** - The request seeks to replace the Employee Protection Law with a new Whistleblower Law which would provide a more comprehensive avenue for complaints to be processed in a confidential manner.

Amendments to Current Laws and Policies. The following items are proposals to amend current laws and policies, which were formally added to the AFL during this reporting period:

- **Audit Law Amendments** - This item was deferred to the LOC by the OBC on May 8, 2013. The Audit Committee requested standardized requirements for correcting high-risk findings and asked that the OBC clarify roles and responsibilities related to Audit issue interpretations and resolutions. The Audit Committee presented additional proposed amendments to the Audit Law to the OBC on July 23, 2014, which were deferred to the LOC and will be processed as well.
- **Code of Ethics Law Amendments** - Amendments are proposed to strengthen accountability of employees, elected officials and appointed officials. Among other things, a new enforcement process would be added, including a panel to hear ethical complaints and recommend penalties.
- **Comprehensive Policy Governing Boards, Committees and Commissions Amendments** – Amendments were requested to: prohibit individuals from serving on multiple boards, committees and commissions at one time; set term limits; and prohibit Tribal employees from serving on tribal boards, committees and commissions.
- **Election Law Amendments** - Amendments are requested to prohibit Tribal members from running for more than one seat per election; from serving on more than one board, committee or commission at a time. Additional amendments include enforcement provisions for campaign violations; streamline the role of the Election Board; require a Milwaukee polling site; provide for election observers; and clarify the referendum process. Additional changes have been made based on the public meeting feedback and on GTC action, including removing proposed term limits and a proposed prohibition on Tribal employees from serving as elected or appointed officials.
- **Family Court Amendments: Bench Warrants** - Amendments to the Family Court Law would expressly grant the Family Court the authority to issue bench warrants.
- **Law Enforcement Ordinance Amendments – Conservation Officers** - The Oneida Police Department and the Law Office are recommending amendments to clarify that

Conservation wardens are not sworn police officers, so there is no conflict when it comes to the issuance of fines.

- **Membership Ordinance** - Amendments were requested to include an individual's New York Oneida blood and Oneida of the Thames blood when determining blood quantum for membership in the Oneida Tribe of Wisconsin.
- **Rules of Appellate Procedure Amendments** – The Family Court has submitted a request to make various amendments to improve the appeals process.
- **Workplace Violence Policy Amendments** - The proposed amendments provide rules to help maintain an environment at and within the Tribe's property and events that is free of violence and the threat of violence.

Bylaws

Audit Committee Bylaws - This item was deferred to the LOC by the OBC on April 27, 2011. The Audit Committee is a standing committee of the OBC currently operating under a charter. Originally, the OBC deferred the Audit Committee Charter to the LOC for review of authority and review under the context as bylaws. The Audit Committee's last action on this item occurred on May 3, 2013 and was to "defer until after the GTC Meeting regarding enforcement authority," which refers to amendments to the Audit Law that were anticipated would be sent to GTC for review.

Petitions and other Administrative Items

Eight administrative items which have been added to the Active Files List during this quarter – six GTC petitions were carried over from last term and are in various stages of processing, and one petition has been deferred to the LOC. An additional item, "Tribal Hearing Bodies" has been carried over from last term's AFL.

- Deferred to the LOC during this Reporting Period:
 - Petition: Hold a GTC Meeting to Address Tribal Election Issues
- Carried over from last term:
 - Petition: Child Care Department Consumer Complaint Policy
 - Petition: Develop A Dialysis Center
 - Petition: Directing a "Stall Mall" be Created
 - Petition: Publishing Names and Addresses of Petition Signers in GTC Mailouts
 - Petition: Real Estate Taxes for all Tribe Owned Property to be Paid by Tribe
 - Petition: Responding to Questions and Comments from the Floor at GTC
 - Research: Tribal Hearing Bodies

Public Meetings

No public meetings were held during this quarter.

Completed Items

The LOC has completed the following items since reporting out last quarter:

- **Cemetery Law Amendments (Permanent Adoption)** – amendments allow all descendants of Tribal members (not just their children) to be eligible for burial in the Tribal cemetery; expand provisions addressing the purchase, re-sale and ownership rights of a cemetery plot, add new provisions addressing disinterment; remove the plot fees from the Law so they can be set by OBC Resolution; delete specific requirements relating to cemetery maintenance and management, expand the enforcement provisions, and establish the Enrollments

Department as responsible for the maintenance of Tribal cemeteries, approving all interments, and establishing rules governing Tribal cemeteries. *The amendments were adopted by OBC Resolution # 7-23-14-B.*

- **Back Pay Policy Amendments** - amendments ensure Tribal employees who are removed from employment by any means other than by a layoff, will now be eligible for back pay. The amendments also identify how back pay is calculated; require the party to provide the Oneida Law Office with the judgment ordering back pay and require the Oneida Law Office to make a reasonable effort to complete the back pay agreement within 30 days; and allow employees to enforce the back pay agreement by appealing to the Tribal judicial system. *The amendments were adopted by OBC Resolution #08-13-14-C.*
- **Investigative Leave Policy Amendments** - Amendments clarify that after an investigation is complete, if a Tribal employee is not disciplined or terminated and did not refuse an alternative work assignment, then that employee is entitled to back pay. Additional amendments set deadlines for investigations, require supervisors to place employees in an alternative work assignment during investigative leave, if available, and clarify that employees waive their right to back pay if they refuse an offered alternative work assignment. Employees may use accrued vacation/personal time if alternative work assignments are not available. *The amendments were adopted by OBC Resolution #08-13-14-D.*
- **Child Support Law Amendments** (BC# 08-13-14-E) – the Law was amended to remove the time frame required for the Family Court to hold a hearing after a petition is filed, giving the Court more flexibility in scheduling hearings and the ability to better manage its calendar for efficiency. *The amendments were adopted by OBC Resolution #08-13-14-E.*
- **GTC Resolution: Repeal of Administrative Procedures Act (APA).** When GTC approved amendments to the APA and adopted the Legislative Procedures Act on January 7, 2013, part of the APA was repealed. When the Judiciary was adopted by GTC on that same day, the intent was to repeal the rest of the APA when the Appeals Commission ceased to exist on March 1, 2015. However, portions of the APA were inadvertently left out of the repeal language. The intent of this item is to repeal the APA in its entirety, effective March 1, 2015. *On September 24, 2014, the OBC approved forwarding this Resolution to the GTC for consideration.*

Emergency Resolutions

BC Resolution 04-09-14-D

Expires: 10-9-14

Extension of Emergency Adoption of Furlough Policy

The Policy was adopted on an emergency basis to allow the Tribe to manage their annual budget by implementing an employee furlough plan when a reduction in Federal funding or other loss of revenue causes a significant operating budget deficit. The Policy was extended for an additional six months on April 9, 2014.

BC Resolution 07-23-14-C

Expires: 01-23-15

Public Use of Tribal Land Emergency Amendments

The Public Use of Tribal Land Law was initially adopted by the OBC on May 15, 2014, but emergency amendments were adopted on July 30, 2014 in order to address an oversight,

thereby allowing Tribal employees who are not Tribal members, and non-Tribal contractors to access some land that the Law designated as restricted to Tribal members only.

BC Resolution 09-24-14-P

Expires: 03-24-15

Extension of Emergency Amendments to the Judiciary Law/Transition Plan

Emergency amendments to the Law and Transition plan revise the number of judges, in order to meet the staffing needs of the new Family Court.

BC Resolution 09-24-14-Q

Expires: 03-24-15

Emergency Amendments to the Personnel Policies and Procedures regarding Job Duties and Reassignments

Amendments revise the current requirements relating to job duties for Tribal employees, enabling employees to be utilized to perform job duties outside of their regular assignments, with the intent that this be a short-term cost-saving measure.

Person responsible for this report and contact information: Brandon Stevens, Legislative Operating Committee Chair. Phone: (920) 869-4378.

October 2014

October 2014							November 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	1	2	3	4	2	3	4	5	6	7	8
12	13	14	8	9	10	11	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Sep 28	29	30	Oct 1	2	3	4
Sep 28 - Oct 4				9:00am 2:00pm LOC Regular Meeting (BCCR)			
	5	6	7	8	9	10	11
Oct 5 - 11				BC Meeting (BCCR)			
	12	13	14	15	16	17	18
Oct 12 - 18				9:00am 2:00pm LOC Regular Meeting (BCCR)			
	19	20	21	22	23	24	25
Oct 19 - 25				BC Meeting (BCCR)			
	26	27	28	29	30	31	Nov 1
Oct 26 - Nov 1							

November 2014

November 2014							December 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Oct 26	27	28	29	30	31	Nov 1
10/26 - 31							
	2	3	4	5	6	7	8
11/2 - 7				9:00am 2:00pm LOC Regular Meeting (BCCR)			
	9	10	11	12	13	14	15
11/9 - 14			Veterans Day	BC Meeting (BCCR)			
	16	17	18	19	20	21	22
11/16 - 21				9:00am 2:00pm LOC Regular Meeting (BCCR)			
	23	24	25	26	27	28	29
11/23 - 28				BC Meeting (BCCR)	Thanksgiving	Indian Day	
	30	Dec 1	2	3	4	5	6
11/30 - 12/5							