

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

November 5, 2014 10:30 a.m.

I. Call To Order and Approval of the Agenda**II. Minutes to be approved**

1. October 15, 2014 LOC Meeting Minutes

III. Current Business

1. BC Sanctions and Penalties
2. Petition: Judiciary Support System

IV. New Submissions

1. Marriage Law Amendments
2. Motor Vehicle Law Amendments

V. Additions**VI. Administrative Updates****VII. Executive Session****VIII. Recess/Adjourn**

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 MINUTES

Business Committee Conference Room-2nd Floor

Norbert Hill Center

October 15, 2014 9:00 a.m.

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

OTHERS PRESENT: Lynn Franzmeier, Taniquelle Thurner, Candice Skenandore, Danelle Wilson, Rae Skenandore, Cheryl Vandenberg, Laura Manthe, RC Metoxen

I. Call to Order and Approval of the Agenda

Brandon Stevens called the October 15, 2014 Legislative Operating Committee meeting to order at 9:01 a.m.

Motion by Jennifer Webster to approve the agenda; seconded by Fawn Billie. Motion carried unanimously.

II. Minutes

1. October 1, 2014 LOC Meeting Minutes

Motion by Tehassi Hill to approve the October 1, 2014 Special LOC Meeting Minutes; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Public Use of Tribal Land Amendments (0:53 – 02:18)

Motion by Tehassi Hill to forward the Public Use of Tribal Land Amendments to a November 6, 2014 public meeting; seconded by Fawn Billie. Motion carried unanimously.

2. Rules of Appellate Procedure Amendments (02:21 – 03:14)

Motion by Fawn Billie to defer this item to the Legislative Reference Office for additional changes based on comments received from the Court yesterday; seconded by Tehassi Hill. Motion carried unanimously.

3. Petition: Hold a GTC Meeting to Address Tribal Election Issues (03:22 – 04:10)

Motion by Jennifer Webster to forward the legislative analysis to the Oneida Business Committee for consideration; seconded by Tehassi Hill. Motion carried unanimously.

IV. New Submissions

1. Sanctions and Penalties for Elected and Appointed Officials (04:19 – 06:26)

Motion by Tehassi Hill to add the OBC Sanctions Policy to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor.

2. Higher Education (06:27 – 12:38)

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

Note: Fawn Billie will be the sponsor.

3. Petition: Create a Support System for Tribal Members Engaged with Oneida Judiciary (12:40 – 14:37)

Motion by Tehassi Hill to add this item to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Note: Tehassi Hill will be the sponsor.

4. Furlough Policy (14:40 – 18:53)

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

Note: Fawn Billie will be the sponsor.

V. Additions

VI. Administrative Updates (19:00 – 21:03)

1. Personnel Commission Legislation (verbal update)

Motion by Jennifer Webster to accept the verbal update on the Personnel Commission Legislation; seconded by Fawn Billie. Motion carried unanimously.

VII. Executive Session

VIII. Recess/Adjourn

Motion by Jennifer Webster to adjourn the October 15, 2014 Legislative Operating Committee meeting at 9:22 a.m.; seconded by Fawn Billie. Motion carried unanimously.



Legislative Operating Committee

November 5, 2014

BC Sanctions and Penalties

Submission Date: October 15, 2014

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Brandon Stevens

Summary: *This item will allow government officials, including the OBC, to face sanctions for misconduct; however, this item will not affect Tribal employees.*

10/15/14 LOC: Motion by Tehassi Hill to add the OBC Sanctions Policy to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor.

Next Steps:

- Review the draft and provide further direction regarding the addition of a recall provision and appeals.

Chapter XX
Sanctions and Penalties for ~~Violations of Tribal Policy or Law for~~
~~Elected or Appointed~~ Government Officials

Oneida Word – TBD

.1. Purpose and Policy
.2. Adoption, Amendment, Repeal
.3. Definitions

.4. Sanctions and Penalties
.5. Reporting

.1. Purpose and Policy

.1-1. Purpose. It is the purpose of this Law to provide sanctions and penalties for violations of Tribal law or policy by ~~Elected and Appointed~~ Government Officials; ~~no government official shall avoid a penalty or sanction where there is absence of a sanction or penalty from tribal law or policy. The law.~~ This Law is also intended to provide the scope of sanctions and penalties, as well as provide a framework for implementation. ~~Use of these sanctions and penalties are required where tribal law or policy is absent of identified minimum sanctions or penalties for elected or appointed officials.~~

.1-2. Policy. It is the policy of the Tribe to enable the Oneida Business Committee and boards, committees and commissions to sanction and/or penalize Government Officials who do not uphold Tribal law and policy and to ensure no Government Official avoids a penalty or sanction because of an absence of a sanction or penalty in a Tribal law or policy.

.2. Adoption, Amendment, Repeal

.2-1. This law was adopted by the Oneida Business Committee by resolution _____.

.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

.2-5. 2.2 Definitions. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

.3. Definitions

.3-1. This section shall govern the definitions of words or phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

~~2.2-1. Reserved.~~

~~2.2-2. (a) "Enterprise. An enterprise includes"~~ means all entities of the Oneida Tribe of Indians of Wisconsin that are engaged in a business or activity with the expectation to generate revenue or make a profit as a primary function at any time during a fiscal cycle.

~~2.2-3. Good Mind Principle Kahletsyalúsla—The heart felt encouragement of the best in each of us.~~

~~2(b) "2-4. Good Mind Principle Kanolukhwásla—Compassion, caring, identity and joy of being.~~

~~2.2-5. Good Mind Principle Ka?nikuhli yó—The openness of the good spirit and mind.~~

~~2.2-6. Good Mind Principle Ka?tshatsi?sla—The strength of belief and vision as a People.~~

~~2.2-7. Good Mind Principle Ka?nikuhli-yó—The use of the good words about ourselves, our Nation, and our future.~~

~~2.2-8. Good Mind Principle Yukwahwa-tsie?—Our Family and our Nation~~

~~2.2-9. Good Mind Principle Yukwatsistay?—Our fire, our spirit within each one of us.~~

~~2.2-10. Government Official.—A government official includes all persons who are~~ means any person elected to the Oneida Business Committee, any other person elected or appointed to a board, committee, or commission created by the Oneida Business Committee or Oneida General Tribal Council, or any person appointed to a board, committee or commission to fill a vacancy. However, “Government Official” does not mean a judge serving on the Tribe’s judicial system.

~~2.2-11.—(c) “Notice. Shall mean” means~~ written correspondence from a board, committee or commission which provides a ~~government official,~~ Government Official with the sanction(s) or penalties imposed upon ~~them~~ him or her through official board, committee or commission action.

~~2.2-12.—(d) “Official Tribal Newspaper. Shall mean” means~~ the Kalihwisaks.

~~2.2-13. Oneida.—(e) “Tribe—or—Tribe. Oneida Tribe or Tribe shall mean” means~~ the Oneida Tribe of Indians of Wisconsin.

~~2.2-14. Tribal Court. Shall mean~~ (f) “Tribe’s judicial system” means a court with the Oneida Judiciary adopted by General Tribal Council on January 7, 2013.

~~3.3. Government Officials. The Oneida Tribe’s expectation is that government officials will uphold their oaths of office and demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all activities in order to inspire public confidence and trust in themselves and in the Oneida Tribe of Indians of Wisconsin.~~

~~3.3-1. Government official(s) shall strive to:~~

~~(a) Uphold their Oath of Office,~~

~~(b) Adhere to the Code of Ethics, including the practice of identified standards and attributes in the conduct of day to day activities,~~

~~(c) Utilize and practice the good mind principles.~~

~~(e) Support, comply with and adhere to the laws, customs, and traditions of the Tribe as well as applicable state and federal law.~~

~~(f) Where there appears to be a conflict of law, seek legal advice to clarify the conflict, as well as actively pursue changes to the law to avoid future conflicts of law.~~

~~3.3-2. The Government Official shall be responsible for his or her actions.—~~

~~(a) Integrity is a personal responsibility and no one may justify an illegal act by claiming it was directed.—~~

~~(b) No one, regardless of rank, is ever authorized to direct an employee to commit an illegal or unethical act.~~

.4. Sanctions and Penalties

~~4-1.~~ Sanctions and penalties shall be utilized for Government Officials for violations of Tribal law or policy. These sanctions and penalties may be used in addition to, or in the absence of, any enforcement provisions contained within the Tribal law or policy violated. With the exception of ~~censure,~~ all sanctions and penalties shall be approved by majority vote of the ~~Business Committee or the~~ respective Government Official’s board, committee, or commission.

~~4.4-1.—4-2.~~ Each day a government official is not in compliance with an approved sanction or penalty shall constitute a new violation. Sanctions and penalties include application of a single penalty or sanction, or a combination of penalties or sanctions as identified herein:

(a) Public apology presented through the ~~Tribe's~~ official Tribal newspaper, ~~the Kalihwisaks,~~

(b) Verbal warning, including notice to the Government Official of expectations to comply with the ~~tribe's code of ethics, the tribal~~ Tribal law, ~~custom~~ or tradition ~~policy~~ violated, and written acknowledgement of those expectations.

(c) Written warning, including notice to the official of expectations to comply with the ~~tribe's code of ethics, the tribal~~ Tribal law, ~~custom~~ or tradition ~~policy~~ violated, and written acknowledgement of those expectations.

(d) Censure of published news articles, other public opinions or speaking on behalf of the Business Committee, or the board, committee or commission elected or appointed to.

(1) Censure shall not exceed a six (6) months period per violation; and

~~Must~~ (2) Censure shall be approved by a ~~two-thirds~~ (2/3) vote of the Government Official's respective board, committee or commission.

(e) Community service, not to exceed ~~ten~~ (10) hours per violation ~~and~~. Community service hours ~~must~~ shall be completed within ~~ninety~~ (90) days of issuance, or the ~~official will~~ Government Official shall be subject to additional sanctions or penalties.

(f) A ~~fine~~ monetary penalty, suspension, ~~suspension of~~ without pay or stipend forfeiture ~~as identified,~~

~~Termination of~~ (g) Initiation of proceedings to have the Government Official remove from office, if elected or have his or her appointment ~~for~~ terminated, if appointed officials.

(a) ~~Subject to removal for elected officials~~

~~4.3.~~ The administration of three (3) sanctions or penalties ~~for elected officials~~ within the same term of office for a Government Official is grounds for:

(a) a presentation to General Tribal Council to determine if removal proceeding should begin, provided that ~~the Government Official is elected. The Business Committee shall be responsible for administering the process to bring such presentation to the General Tribal Council.~~

~~the~~ (b) a presentation to Oneida Business Committee to determine if a Government Official's appointment should be terminated; provided that the Government Official is appointed. The Government Official's board, committee or commission shall be responsible for administering the process to bring such ~~reports~~ presentation to the ~~General Tribal Council~~ Oneida Business Committee.

(a) ~~the three (3) accumulated sanctions or penalties are within the same term of office for which the official engaged in the violation~~

~~4.4.3.~~ Non-Monetary Sanctions.

~~(a)~~ Within fifteen (15) days of being noticed of a non-monetary sanction or penalty, the ~~government official~~ Government Official shall comply with the sanction by completing the applicable action(s):-

(a) Submitting a written apology to the ~~tribe's~~ official Tribal newspaper.

(b) Scheduling volunteer hours with a tribal program or a non-profit organization, and providing a written notice to the Business Committee or issuing board, committee, or commission of the location and dates service hours are to be completed.

(c) Providing written acknowledgement to the Business Committee or issuing board, committee, or commission of any verbal or written warning(s).

(d) Placing public or published comments on the Business Committee or issuing board, committee, or commission agenda for approval for the duration of the censure.

~~4.4.4~~ ~~5.~~ *Monetary Penalties.* Monetary penalties may ~~only~~ be:

(a) Minimum of fifty dollars (\$50.00) and maximum of one hundred dollars (\$100.00) per violation, for the first (1st) offense.

(b) Minimum of one hundred dollars (\$100.00) and maximum of two hundred dollars (\$200.00) per violation for the second (2nd) offense.-

(c) Minimum of two hundred dollars (\$200.00) and maximum of five hundred dollars (\$500.00) per violation for the third (3rd) offense.-

~~(e) — Each day a government official is not in compliance with an approved sanction or penalty, it shall constitute a new violation.~~

~~(f) —~~ (d) One (1) day suspension without pay.

~~5.1.4-6.~~ *Implementation of Monetary Penalties.* The Oneida Police Department shall be responsible for issuing monetary penalties.

(a) The Oneida Police Department shall develop and maintain operating procedures on how issued fines shall be administered to government officials. The operating procedures shall be reviewed by the Oneida Police Department at least annually to ensure compliance with this Law.

(b) Penalties issued ~~must~~shall be issued within five (5) business days of the date approved.

(c) Penalties ~~must~~shall be paid in full within thirty (30) days of issuance and are payable to the ~~Oneida~~ Tribe.

(d) Penalties unpaid at the end of the thirty (30) days shall be garnished from the individual's pay.

(1) Full-time officials garnishment rate shall be a minimum of one hundred dollars (\$100.00) per pay check until paid in full.

(2) Part-time officials garnishment rate shall be a minimum of fifty dollars (\$50.00) per pay check until paid in full.

(3) Officials who receive stipend payments shall have stipends forfeited until paid in full.

(e) A request for an extension on a fine payment can be made by filing a request with the ~~tribal court~~Tribe's judicial system; provided that no extension shall exceed sixty (60) additional days.~~4.~~ Individuals whose fines are not paid in full within the extension period are subject to garnishment as outlined in ~~X-4-26~~(d), and ~~can~~may be subjected to applicable civil or criminal violations in accordance with Tribal law, or in the absence of Tribal law, local or state ordinances.

(f) Funds received from the issuance of sanctions or penalties shall be assigned to the Oneida Language Endowment Fund.

~~5.4-37.~~ *Implementation of Pay Suspensions.*

(a) The Human Resource and Payroll Departments shall be responsible for oversight and administration of pay suspensions.

~~The~~(1) Within sixty (60) days of this Law being passed, the Human Resources Department shall develop internal operating procedures on how the administer pay suspensions for ~~government officials within 60 days of the law being passed~~Government Officials.

(2) The internal operating procedures shall be reviewed by the Human Resources department at least annually to ensure compliance with this Law.

(b) The pay suspension ~~must~~shall be taken consecutively.

(c) Any pay suspension issued ~~must~~shall be administered within two (2) weeks of the expiration of ~~5.14-6~~(c).-

(d) Personal, vacation or flex time may not be utilized to cover the hours under suspension.

6.7. Filing 5. Reporting

5-1. Reporting a Notice of Violation-Notice. The Tribe expects individuals to report any violation of Tribal law or policy, as well as any other dishonest or illegal acts of which they become aware in the workplace. The Tribe ~~will~~shall not tolerate reprisals against any Government Official(s), Employee(s) or Community Members who, in good faith, makes such reports. Individuals may file notices of violations with the offending Government Officials' board, committee or commission Chairperson. If the notice relates to the Chairperson, the notice may be filed with the Vice-Chairperson.

~~6.7 1. Individuals may file notices~~(a) Notices of violations ~~with the respective government officials' board, committee or commission Chairperson. If the notice relates to the Chairperson, then the notice can~~shall be ~~filed with the Vice Chairperson.~~

~~(a) — notices of violations must~~ in writing and signed;;

~~(b) — within a total of~~ Within sixty (60) days ~~from~~after the receipt of notice, the board, committee, or commission shall:

- (1) Acknowledge receipt of the notice;
- (2) Hold a special meeting to address the notice;
- (3) Determine appropriate sanction or penalty to be applied;
- (4) Provide written notice to the affected government official; and
- (5) Provide written notice to the other appropriate Tribal agencies for implementation.

~~7.1.5-2. Reporting to General Tribal Council.~~ Each board, committee and commission ~~is responsible to~~shall report violations reported to them for both the Annual and Semi Annual General Tribal Council meetings. This report shall include a summary of ~~complaint(s)~~any complaints received, implemented sanctions or penalties, and the respective outcomes.-

End.



Legislative Operating Committee

November 5, 2014

Petition: Judiciary Support System

Submission Date: October 15, 2014

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Brandon Stevens

Summary: *This petition requests that the Tribe “create a support system of paralegals, advocates and attorneys to assist and advocate for Oneida Enrolled Tribal members that are engaged in any case with the Oneida Judiciary.”*

10/08/14 OBC: Motion by Lisa Summers to accept the verified petition submitted by: Gina Powless to create a support system of paralegals, advocates and attorneys to assist and advocate for Oneida enrolled Tribal Members that are engaged in any case with Oneida Judiciary, seconded by Tehassi Hill. Motion carried unanimously.

Motion by Lisa Summers to send the verified petition to the Law, Finance and Legislative Reference Offices for the Legal, Financial and legislative analyses to be completed, seconded by Trish King Motion carried unanimously.

Motion by Lisa Summers 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 Fawn Billie. Motion carried unanimously.

10/15/14 LOC: Motion by Tehassi Hill to add the OBC Sanctions Policy to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor.

Next Steps:

- Accept the progress report as FYI and forward it to the OBC.

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

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



P.O. Box 365
Oneida, WI 54155
(920) 869-4375
(800) 236-2214

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

Memorandum

TO: The Oneida Business Committee (OBC)
FROM: Taniquele Thurner, Legislative Analyst
DATE: November 5, 2014
RE: Progress report re: GTC petition seeking to create a support system of paralegals, advocates, and attorneys to assist/advocate for enrolled Tribal members before the Judiciary

This memorandum is being sent to provide a progress report on the legislative analysis for the General Tribal Council petition submitted by Gina Powless, which seeks to create a support system of paralegals, advocates and attorneys to assist and advocate for enrolled Tribal members before the Judiciary.

On October 8, 2014, the Oneida Business Committee (OBC) passed motions to send this petition to the Law, Finance and Legislative Reference Offices for legal, financial and legislative analyses to be completed, and for those offices to submit a progress report within 30 days and to submit the requested analyses within 45 days.

The Legislative Reference Office is currently working on the legislative analysis and it will be completed and submitted for LOC review/consideration for the November 19, 2014 LOC meeting, so that it can be submitted to the Tribal Secretary for the November 26, 2014 OBC meeting.

Please contact the Legislative Reference Office with any questions.

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 10/27/14
- 2) Contact Person(s): Brandon Stevens Dept: OBC
 Phone Number: 869-4378 Email: bstevens@oneidanation.org
- 3) Agenda Title: Marriage Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
With the US Supreme Court denying certiorari to consider overruling the lower court's finding
that Wisconsin's same-sex marriage ban is unconstitutional, questions have been raised since
the Tribe's Marriage Law does not allow for same-sex marriage and would not recognize a
a marriage conducted legally in Wisconsin.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Marriage Law see sections: 3) _____
- 2) 71.3-1(d); 71.4-1(b); 71.5-4; 71.6-1 4) _____
- 5) Please List any laws, ordinances or resolution that might be affected:
Marriage Law
- 6) Please List all other departments or person(s) you have brought your concern to:
The Law Office, Licensing and Finance have been involved in the initial conversations.
- 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: Brandon Stevens /laf

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

CHAPTER 71 MARRIAGE

Yeny@kta>

71.1. Purpose and Policy 71.2. Adoption, Amendment, Conflicts 71.3. Definitions 71.4. Marriages, Generally	71.5. Marriage Document and Marriage Ceremony 71.6. Marriages Conducted to Avoid the Law and Immaterial Irregularities 71.7. Penalties
---	--

71.1. Purpose and Policy

71.1-1. *Purpose.* It is the purpose of this law to exercise the sovereign right of the Oneida Tribe to regulate the rights and responsibilities relating to marriage.

71.1-2. *Policy.* Marriage is a foundation of Tribal society that stabilizes families which the Tribe acknowledges by recognizing the legal relationship of a union between two adults.

71.2. Adoption, Amendment, Conflicts

71.2-1. This law was adopted by the Oneida Business Committee by resolution BC-04-28-10-F and amended by resolution BC-06-12-13-E.

71.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

71.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

71.2-4. In the event of a conflict between a provision of this law and a provision of another law, including the Administrative Procedures Act, the provisions of this law shall control. Provided that, nothing in this law is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

71.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

71.2-6. *Rules.* If rules addressing a certain area of this law have not been enacted in accordance with Tribal law and the Court is faced with a question, the Court may, in its discretion, refer to other Indian tribal law or state law for guidance, to the extent that such law is not inconsistent with this or any other Tribal law.

71.3. Definitions

71.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Court" means the current judicial system of the Tribe which is assigned to handle all family law matters.

(b) "Court of competent jurisdiction" means a court that has the power and authority to dissolve a marriage.

(c) "Department" means the licensing department of the Tribe that is responsible for administering and issuing licenses in accordance with Oneida laws.

(d) "Marriage" means the civil contract to which the consent of the parties capable in law of contracting is essential, and which creates the legal status of husband and wife.

(e) "Marriage document" means that document issued by the Department which includes

the marriage license as well as information concerning the marriage ceremony, the signatures of the witnesses and officiating person(s), and proof of filing.

(f) “Marriage license” means that portion of the marriage document designated as such, which is the authorization for the marriage to take place.

(g) “Officiating person” means the person or persons who perform the marriage ceremony.

(h) “Reservation” means all the land within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

(i) “Tribe” or “Tribal” means the Oneida Tribe of Indians of Wisconsin.

71.4. Marriages, Generally

71.4-1. *Who May Marry.* A marriage may be contracted under this law between two (2) adults who:

- (a) have a marriage document issued by the Department;
- (b) are of the opposite sex;
- (c) have attained the age of eighteen (18), except as provided in 71.4-3; and
- (d) meet all other provisions under this law.

71.4-2. *Who May Not Marry.* Persons may not enter into marriage if they:

- (a) are currently legally married to another person; or,
- (b) have been legally divorced for less than six (6) months with a judgment of divorce from a court of competent jurisdiction; or,
- (c) are not legally competent; or,
- (d) are closer in relationship than second cousins, except first cousins may marry if both parties are fifty-five (55) years old or older.

71.4-3. *Minors.* Individuals under the age of sixteen (16) shall not marry. Individuals who meet the above requirements, except for 71.4-1(c) and are over the age of sixteen (16) but under the age of eighteen (18) may marry if they present:

- (a) written consent by his or her parent or guardian, signed and notarized before the person issuing the marriage license; or
- (b) proof that they have been legally emancipated.

71.5. Marriage Document and Marriage Ceremony

71.5-1. *Marriage Document.* The Department shall issue a marriage document to the applicants within five (5) business days after the application is filed if, in addition to the other requirements in this law, the following conditions are met at the time a marriage license is applied for:

- (a) Either (1) or (2) applies to the applicants:
 - (1) each applicant:
 - (A) is a Tribal member; or
 - (B) resides on the Reservation and is a member of an Indian tribe, band or community which is recognized by a state or the federal government.
 - (2) one of the applicants meets the requirements of (1)(A) or (B) and the other applicant consents to the Tribe’s jurisdiction to issue the license. The completion

of an application for a marriage license represents a person's consent to the Tribe's jurisdiction to grant the license.

(b) Both applicants appear in person at the Department to complete the marriage license application.

(c) The applicants provide any information necessary to complete the application, which may include: social security numbers, birth certificates, proof of residence, proof of tribal membership, documentation of a judgment of divorce, annulment, or death certificates from most recent marriages, parents' full names, mothers' maiden names, date and place of marriage ceremony, and the name, address, and phone number of the officiating person(s).

(d) The applicants swear under oath that the information provided is true and accurate and sign the application in the presence of a notary public.

(e) The applicants pay the required fee.

71.5-2. *Objections.* Any relative of the applicants, Department official, or applicant that objects to an upcoming marriage may file a petition and sworn affidavit with the Court objecting to the marriage.

(a) The petition shall state grounds for the belief that a marriage license should not be issued to the applicants or a marriage license that has already been issued should be revoked.

(b) The Court shall approve the petition only if the marriage, if conducted, would violate this law.

(c) If the petition is approved by the Court, the applicants shall show cause why the license should be issued or why the license should not be revoked.

71.5-3. *Marriage Ceremony.*

(a) The applicants shall marry not less than six (6) days after the license is issued and not more than thirty (30) days after the license is issued. The marriage license shall contain notification of these time limits.

(b) If neither applicant resides on the Reservation, the marriage ceremony shall be held on the Reservation. If one or both of the applicants reside on the Reservation, the marriage ceremony shall be held within the State of Wisconsin.

(c) The ceremony shall be solemnized by an officiating person(s) with two (2) competent adult witnesses present.

(c) The parties shall vow by mutual declarations, before the officiating person(s) and witnesses, that they take each other in lawful matrimony.

(d) The parties, the officiating person(s), and the witnesses shall, at the conclusion of the ceremony, sign and date the marriage document.

(e) The officiating person(s) shall deliver the original completed marriage document to the Department within three (3) business days after the ceremony. The Department shall deliver the original marriage document to the Wisconsin Vital Statistics Department within ten (10) business days after it is filed. The Department shall retain a file stamped copy and provide a file stamped copy to the married couple.

(f) The Department shall keep a marriage license docket and shall enter therein a complete record of the marriage applications and issuance of marriage licenses which shall be available for public inspection during regular business hours.

71.5-4. *Officiating Persons.*

- (a) The following persons are authorized as officiating persons under this law:
 - (1) a traditional tribal practitioner or spiritual or religious leader who is commonly recognized as such by the Oneida community or other Indian community and registered with the Court as such; or
 - (2) a Judge from the Court or a tribal, federal, or state judge or commissioner authorized to solemnize marriages under tribal, federal or state law; or
 - (3) the Tribal Chairperson or a person designated by the Tribal Chairperson at the request of the persons being married; or
 - (4) any ordained clergyperson of any religious denomination, society, or sect; or
 - (5) any person licensed by a religious body or appointed by a high-ranking clergy member, if the religious denomination, society, or sect allows the person to solemnize marriages; or
 - (6) the parties themselves, by mutual declarations that they take each other as husband and wife, in accordance with the customs, rules, and regulations of any religious denomination, society, or sect to which either of the parties belongs.
- (b) Registration. The Court shall establish guidelines for registering traditional tribal practitioners or spiritual or religious leaders who qualify as “officiating persons” under this law.

71.6. **Marriages Conducted to Avoid the Law and Immaterial Irregularities**

71.6-1. If a person is prohibited from marrying another under this law and goes to another jurisdiction and there contracts a marriage that is prohibited under this law, such marriage shall not be recognized by the Tribe.

71.6-2. No marriage shall be contracted under this law by a party residing and intending to continue to reside in another jurisdiction, if such marriage would be void if contracted in such other jurisdiction. Every marriage celebrated in violation of this provision shall be void.

71.6-3. *Immaterial Irregularities.* A marriage shall be recognized as valid if the marriage is consummated with the full belief on the part of the persons so married that they have been lawfully joined in marriage, and:

- (a) the officiating person(s) did not have the authority to solemnize the marriage; or
- (b) the marriage license was issued by a department or person who did not have jurisdiction to issue the license; or
- (c) the marriage license or application for the marriage license had an informality or irregularity; or
- (d) either or both of the witnesses to the marriage were incompetent; or
- (e) the marriage ceremony was solemnized outside of the Reservation boundaries, or Brown or Outagamie County, when applicable, or outside of the required time lines listed on the marriage license.

71.7. **Penalties**

71.7-1. A person who knowingly violates this law may be penalized as follows:

- (a) Any person who swears to a false statement to obtain a marriage license or to help another obtain a marriage license shall be fined no less than five hundred dollars (\$500).

(b) Any person who is not an officiating person who solemnizes a marriage ceremony shall be fined no less than one hundred dollars (\$100).

(c) The parties to a marriage and/or the officiating person(s) of a marriage conducted without a valid marriage license or without the presence of two (2) competent adult witnesses shall be fined no less than one hundred dollars (\$100).

(d) Any person who goes to another jurisdiction to avoid this law and contracts a marriage prohibited under this law shall be fined no less than five hundred dollars (\$500).

(e) Any person who violates any other provision of this law shall be fined no less than one hundred dollars (\$100).

71.7-2. The Department shall be the responsible entity for the enforcement of this section. All fines issued shall be paid within thirty (30) days of the issuance of the fine. Any person issued a fine under this law may contest the fine by filing an appeal with the Court prior to the deadline to pay the fine. The filing of an appeal shall stay the requirement to pay the fine. The notice of penalty issued shall inform the person penalized of the process to file his or her appeal.

End.

Adopted-BC-04-28-10-F
Amended-BC-06-12-13-E

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 10/21/14
- 2) Contact Person(s): Tonya Webster Dept: Licensing
Phone Number: 920-496-5311 Email: twebster@oneidanation.org
- 3) Agenda Title: Motor Vehicle Registration
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
We wanted to be able to change our registration prices without amending the entire law. We
also wanted update the law as it has not been updated since 1999.

I will not be able to be at the November 5th meeting because I will be out of town.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Revised Law
- 2) _____
- 3) _____
- 4) _____

- 5) Please List any laws, ordinances or resolution that might be affected:
Reciprocal Agreement with WI DOT, BC-1-27-99-D
- 6) Please List all other departments or person(s) you have brought your concern to:
Oneida Police Department
- 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: _____

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

Chapter 51
MOTOR VEHICLE REGISTRATION
Tehalaht@tst k@-sleht olihw@-ke
matters concerning operating a vehicle

51.1. Purpose and Policy
51.2. Adoption, Amendment, Repeal
51.3. Definitions
51.4. Department Authority and Responsibilities
51.5. Registration of Motor Vehicles

51.6. Grounds For Refusing Registration
51.7. Design, Procurement and Issuance of Registration Plates
51.8. Display of Registration Plates
51.9. Penalties and Appeals

51.1. Purpose and Policy

51.1-1. The purpose of this Law is to create a system for Tribal members who reside on the Reservation to register their motor vehicles with the Tribe.

51.1-2. It is the policy of this law to clarify jurisdictional sovereignty and to generate revenue for the Tribe.

51.2. Adoption, Amendment, Repeal

51.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-04-02-97-D and amended by resolutions BC-12-07-99-E and _____.

51.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

51.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Law which are considered to have legal force without the invalid portions.

51.2-4. In the event of a conflict between a provision of this Law and a provision of another Tribal law, the provisions of this Law shall control. Provided that, nothing in this law is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

51.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

51.3. Definitions

51.3-1. This section shall govern the definitions of words and phrases used within the law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Automobile" means any of the following:

(1) A motor vehicle designed and used primarily for carrying persons but which does not come within the definition of a motor bus, motorcycle, or moped.

(2) A motor vehicle capable of speeds in excess of thirty (30) miles per hour on a dry, level, hard surface with no wind, designed and built to have at least three

(3) wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least one thousand, five hundred (1,500) pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.

(b) "Department" means the Licensing Department, or any other department of the Tribe, with the authority to implement and administer this Law.

(c) "Gross weight" means the weight of the vehicle equipped for service plus the weight which the vehicle is carrying as load.

(d) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel.

(e) "Identification number" means the numbers, letters or combination of numbers and letters assigned by the manufacturer of a vehicle or vehicle part or by the Department and stamped upon or affixed to a vehicle or vehicle part for the purpose of identification.

(f) "Moped" means any of the following motor vehicles capable of speeds of not more than thirty (30) miles per hour with a one hundred fifty (150) pound rider on a dry, level hard surface with no wind, excluding a tractor, a power source as an integral part of the vehicle and a seat for the operator:

(1) A bicycle-type vehicle with fully operative pedals for propulsion by human power and an engine certified by the manufacturer at not more than one hundred thirty (130) cubic centimeters or an equivalent power unit.

(2) A Type 1 motorcycle with an automatic transmission and an engine certified by the manufacturer at not more than fifty (50) cubic centimeters or an equivalent power unit.

(g) "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

(h) "Motor vehicle" means every device in, upon or which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile shall not be considered a motor vehicle.

(i) "Motorcycle" means a motor vehicle, excluding a tractor, all-terrain vehicle or a utility terrain vehicle, which is capable of speeds in excess of thirty (30) miles per hour with a one hundred fifty (150) pound rider on a dry, level, hard surface with no wind, with a power source as an integral part of the vehicle, and which meets any of the following conditions:

(1) Type 1 is a motor vehicle which meets either of the following conditions:

(A) Is designed and built with two (2) wheels in tandem and a seat for the operator, and may be modified to have no more than three (3) wheels by attaching a sidecar to one of the side the wheels in tandem without changing the location of the power source.

(B) Is designed and built to have no more than three (3) wheels, seating for the operator and no more than three (3) passengers, and does not have the operator area enclosed.

(2) Type 2 is a motor vehicle designed and built to have at least three (3) wheels in contact with the ground, a curb weight of less than one thousand five hundred (1,500) pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top which may be convertible.

(j) "Nonmoving traffic violation" means a citation for parking a motor vehicle in violation of a statute, ordinance or resolution of the Tribe or the state of Wisconsin.

(k) "Nonresident" means a person who is not a resident of the Reservation.

(l) "Other jurisdiction" or "another jurisdiction" means territory other than the Reservation, including the State of Wisconsin and any State other than Wisconsin.

(m) "Owner" means a person who holds the legal title of a motor vehicle, except that if legal title is held by a secured party with the immediate right of possession of the motor vehicle vested in the debtor, the debtor is the owner for the purposes of this Law.

(n) “Person with a disability that limits or impairs the ability to walk” means any person with a disability as defined by the Americans with Disabilities Act of 1990, 42 USC 12101 et. seq., so far as applicable, or any persons who meet the following conditions:

- (1) Cannot walk two hundred feet (200’) or more without stopping to rest.
- (2) Cannot walk without the use of, or assistance from, another person or brace, cane, crutch, prosthetic device, wheelchair or other assistive device.
- (3) Is restricted by lung disease.
- (4) Uses portable oxygen.
- (5) Has cardiac condition to the extent that functional limitations are present.
- (6) Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition.
- (7) Has a degree of disability equal to that specified in (1) to (6) above.

(o) “Personal identifier” means a name, street address, post office box number or nine (9) digit extended zip code.

(p) “Personalized registration plates” means registration plates for a motor vehicle registered under this Law which display a registration composed of letters or numbers, or both, requested by the applicant.

(q) “Reservation” means all land within the exterior boundaries of the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

(r) “Special interest vehicle” means a motor vehicle of any age which has not been altered or modified from original manufacturing specifications and, because of its historic interest, is being preserved by hobbyists.

(s) “Tribal member” means an enrolled member of the Oneida Tribe of Indians of Wisconsin.

(t) “Tribe” means the Oneida Tribe of Indians of Wisconsin.

(u) “Truck” means every motor vehicle ten thousand (10,000) pounds or less designed, used or maintained primarily for the transportation of property.

51.4. Department Authority and Responsibilities

51.4-1. The Department shall be responsible for the administration of this Law and is delegated the authority to create rules to allow for the implementation of this Law.

51.4-2. *Fees.* The Oneida Business Committee, upon recommendation of the Department, shall adopt a motor vehicle registration fee schedule. The fee schedule shall be published in the Kalihwisaks upon adoption and whenever fees are changed. All registration fees shall be non-refundable and shall be paid to and retained by the Department. The Department may establish separate fees based on any combination of the following:

- (a) The type of motor vehicle being registered.
- (b) The maximum gross weight of the motor vehicle. Upon payment of the fee, a motor vehicle subject to registration on the basis of gross weight may be registered at a weight in excess of the manufacturer’s maximum gross weight rating, but such registration does not exempt such vehicle from compliance with weight limitations imposed by law or by state, local or tribal authorities pursuant to authority of law.
- (c) Whether the motor vehicle’s registration was previously suspended under this Law.

51.4-3. *Records Retention.* All registration applications and renewal requests shall be retained in accordance with the Open Records and Open Meetings Law.

51.4-4. *Registration Lists.* The Department shall periodically compile a list of registrations made during that interval pursuant to the system of registering automobiles. The list shall give the name and address of each registrant, the registration number assigned, and other identifying information as the Department deems necessary.

(a) Upon request, the Department shall distribute free of charge registration lists compiled under this section as follows:

(1) To the Oneida Police Department.

(2) To any other person, agency or public officer that provides, in writing, a reasonable request for the lists.

(b) Any person who has received a personal identifier of any person under 51.4-4(a) shall keep the personal identifier confidential and may not disclose it except:

(1) To perform a legally authorized function

(2) To issue or renew a property and/or casualty insurance policy and related underwriting, billing, processing or paying a claim.

(3) To conduct a vehicle recall by the manufacturer of a vehicle or his or her agent

(c) Any person who discloses a personal identifier in violation of this section may be subject to a fine of not more than five hundred dollars (\$500.00) for each violation.

(d) Any person who requests or obtains a personal identifier from the Department under false pretenses may be required to forfeit not more than five hundred dollars (\$500.00) for each violation.

51.5. Registration of Motor Vehicles

54.5-1. The Tribe, a sovereign nation and federally recognized Indian tribe, has the authority to enter into reciprocal agreements regarding:

(a) the registration and licensing of any motor vehicle, including but not limited to, automobiles, trucks, motorcycles, buses or official vehicles with any governmental jurisdiction and pursuant to Sections 341.05 (22) and 341.409, Wis. Stats; and

(b) the exemption from Wisconsin state registration requirements of designated classes of motor vehicles registered by the Department.

51.5-2. Except as provided in 51.5-9, all automobiles owned by Tribal members residing on the Reservation shall be registered with the Department in accordance with the registration period determined by the Department.

51.5-3. Registration applications and registration renewal requests shall be submitted to the Department upon forms prescribed by the Department and shall be accompanied by the required fee.

(a) All information obtained by the Department for purposes of registering a motor vehicle under this Law shall be subject to review or internal audit.

(b) If the registrant has an unpaid citation for any nonmoving traffic violation, he or she shall be notified that the registration may not be issued or renewed until the citation is paid or the registrant appears in court to respond to the citation.

(c) Whenever any person, after applying for and receiving registration plates, moves from the address named in the application for the registration plates or when the name of the licensee is changed by marriage or otherwise, the person shall, within ten (10) days, notify the Department in writing of the old and new address or of such former and new names and of all registration plate numbers held.

51.5-4. *Original Registration.*

(a) Applications for original registration of a motor vehicle shall contain the following information:

(1) The name of the owner.

(2) A description of the vehicle, including make, model, identification number and any other information which the Department may reasonably require for proper identification of the vehicle.

(3) Such further information as the Department may reasonably require to enable it to determine whether the vehicle is by law entitled to registration or to enable it to determine the proper registration fee for the vehicle.

(b) The Department may accept an application and complete registration of a motor vehicle when the evidence of ownership is held by a nonresident lien holder or for other reasons not immediately available if the Department is satisfied as to ownership of the vehicle.

(c) *Minors.* If the applicant for registration is under eighteen (18) years of age, the application shall be accompanied by a notarized statement made and signed by a guardian of the applicant, stating that the applicant has the signer's consent to register the motor vehicle in the applicant's name. The signature on the statement shall not impute any liability for the negligence or misconduct of the applicant while operating such motor vehicle on the highways.

51.5-5. *Registration Renewal.*

(a) At least thirty (30) days prior to the expiration of a motor vehicle's registration, the Department shall mail to the last-known address of the registrant a notice of the date upon which the registration must be renewed and instructions for renewal of registration.

(b) Requests for registration renewal shall contain any updates to information required on the application for registration to assure the proper registration of the motor vehicle. The Department may require that requests for renewal of registration be accompanied by the certificate of title issued for the motor vehicle if true ownership or proper registration of the motor vehicle is in doubt and cannot be resolved from records maintained by the Department.

51.5-6. *Re-registration Required For Motor Vehicles Subject To A Different Fee.* Whenever the construction or the use of a registered motor vehicle is changed in a manner making the motor vehicle subject to a different registration fee than the fee for which the motor vehicle currently is registered, the owner shall immediately make application for registration. The fee payable upon such re-registration shall be computed as for a motor vehicle not previously registered by the Tribe, but a credit shall be allowed for the unused portion of the fee paid for the previous registration if the registration plates issued upon the previous registration are returned to the Department. The credit shall be computed on the basis of one-twelfth of the annual registration fee or one twenty-fourth of the biennial registration fee prescribed for the vehicle as previously registered multiplied by the number of months of registration which have not fully expired on the date the motor vehicle became subject to the different fee. The credit may be applied toward the re-registration of the motor vehicle only up to the date when the previous registration would have expired.

51.5-7. *Operating Unregistered or Improperly Registered Motor Vehicle.* It is unlawful for any person to operate or for an owner to consent to being operated on the Reservation any motor vehicle, for which a registration fee is specifically prescribed unless at the time of operation the motor vehicle in question either is registered by the Department, or, a complete application for registration, including evidence of any inspection required by the Department, accompanied by the required fee has been delivered to the Department or deposited in the mail properly addressed

with postage prepaid, and if the motor vehicle is an automobile or truck having a registered weight of eight thousand (8,000) pounds or less, the motor vehicle displays a temporary operation plate issued for the motor vehicle unless the operator or owner of the motor vehicle produces proof that operation of the motor vehicle is within two (2) business days of the motor vehicle's sale or transfer, or the motor vehicle in question is exempt from registration.

(a) A motor vehicle may be operated by the owner after the date of purchase of such vehicle or after the date the owner moved to the Reservation if application for registration and certificate of title has been made.

(b) All motor vehicles subject to renewal may be operated provided that application for re-registration has been made.

51.5-8. Unless application for re-registration has been made as required by 51.5-6, it is unlawful for any person to operate or for the owner to consent to being operated on any highway of the Reservation any registered motor vehicle the construction or use of which has been changed so as to make the vehicle subject to a higher fee than the fee at which it currently is registered or which is carrying a greater load than that permitted under the current registration.

(a) Any person who violates 51.5-7, where the motor vehicle used is an automobile, station wagon, or any other motor vehicle having a gross weight of ten thousand (10,000) pounds or less, may be required to forfeit not more than two hundred dollars (\$200.00).

(b) Any person who violates 51.5-7, where the motor vehicle used is not enumerated under 51.5-8(a), may be required to forfeit not more than five hundred dollars (\$500.00).

51.5-9. *Vehicles Exempt From Registration.* A motor vehicle operated on a highway of the Reservation, is exempt from registration when such vehicle:

(a) Is registered in another jurisdiction and the vehicle has a registration plate indicating it is validly registration in such other jurisdiction.

(b) Is operated in accordance with 51.7-6 exempting motor vehicles from registration, or

(c) Is a farm tractor used exclusively in agricultural operations or used exclusively to provide power to drive other machinery, or to transport from job to job machinery driven by such tractor; or

(d) Is a trailer or semi-trailer used exclusively for the transportation of farm machinery, implements, produce or supplies on a farm or between farms; or

(e) Is a fork-lift truck, a specially constructed road or truck tractor used for shunting trailers; or

(f) Is a trailer or camping trailer having a gross weight of three thousand (3,000) pounds or less and not used for hire or rental; or

(g) Is a trailer not operated in conjunction with a motor vehicle; or

(h) Is a new motor vehicle being operated only across a highway from point of manufacture or assembly; or

(i) Is a piece of road machinery.

51.6. Grounds For Refusing Registration

51.6-1. The Department shall refuse registration of a vehicle under any of the following circumstances:

(a) The owner applying for registration is not a Tribal member, does not reside on the Reservation or the motor vehicle is not customarily kept on the Reservation for at least six (6) months out of the year.

(b) The required motor vehicle registration fee has not been paid for the specific vehicle, or such fees have not been paid on any other vehicles owned by the applicant for registration.

- (c) The applicant has failed to furnish any of the following:
- (1) Unless exempted by rule of the document, the mileage disclosure from the most recent titled owner and of all subsequent non-titled owners of the motor vehicle.
 - (2) Other information or documents required by law or by the Department pursuant to authority of law.
 - (3) Proof of Oneida membership by enrollment card or number.
- (d) The applicant does not hold a valid certificate of title and is not entitled to the issuance of a certificate of title.
- (e) The applicant's registration has been suspended and such suspension is still in effect.
- (f) The applicant has an unpaid citation for any nonmoving traffic violation.
- (g) The vehicle is exempt from registration.

51.7. Design, Procurement and Issuance of Registration Plates

51.7-1. The Department, upon registering a motor vehicle, shall issue to the applicant two (2) registration plates for an automobile, truck, or motor home, and one (1) plate for other motor vehicles.

51.7-2. In lieu of issuing a new plate upon each renewal of registration of a motor vehicle, the Department may issue a tag, decal or other identification per motor vehicle to indicate the period of registration. The tag, decal or other identification shall be used only if the outstanding plate is in suitable condition for further usage.

51.7-3. The Department shall determine the size, color and design of registration plates with a view toward making the following visible: the period for which the motor vehicle is registered and the fee class into which the motor vehicle falls. The registration plates shall also be a ready means of identifying the specific motor vehicle or owner for which the plates were issued.

51.7-4. All registration plates shall have displayed upon them the following:

- (a) The registration number assigned to the motor vehicle or owner. The registration number may be composed of numbers or letters or both.
- (b) The name "Oneida Nation"
- (c) An indication of the period for which the specific plate is issued or the date of expiration of registration.

51.7-5. *Special Plates.*

(a) The Department may issue the following special plates:

(1) *Disabled Person Plates.* If a registrant submits a statement once every four (4) years, from a physician licensed to practice medicine in any state, or from a chiropractor licensed to practice chiropractic in any state, that the registrant is a person with a disability that limits or impairs the ability to walk, the Department shall issue or renew plates of a special design in lieu of plates which ordinarily would be issued for the motor vehicle. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the motor vehicle is owned by a disabled person and is entitled to parking privileges specified in other laws. No charge in addition to the registration fee shall be made for the issuance or renewal of such plates.

(2) *Veterans Plates.* The Department shall issue special veteran plates for veterans of the various branches of the military, specific wars or military conflicts.

(3) *Other Special Plates.* The Department may issue additional special plates if the Department determines the demand for such special plates would justify the

issuance of such plates and the Department has the ability to determine who is qualified to receive the plates.

(b) If an individual in possession of special plates no longer qualifies for the special plates, the individual shall:

(1) Dispose of the special plates in a manner prescribed by the Department; and

(2) Submit an application and registration fee for plates he or she qualifies for and pay a fee for the issuance of replacement plates.

51.7-6. *Antique Motor Vehicle Plates.* A motor vehicle which has a model year of 1945 or earlier and which has not been altered or modified from the original manufacturers' specifications may register the vehicle as an antique motor vehicle upon payment of a fee, and be furnished registration plates of a distinctive design, in lieu of the usual registration plates, which shall show, in addition to the requirements of 51.7-4, that the motor vehicle is an antique. The registration shall be valid while the motor vehicle is owned by the applicant without payment of any additional fee. The motor vehicle shall only be used for special occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes.

(a) Any person who registers an antique motor vehicle may furnish and display on the motor vehicle a historical plate from or representing the model year of the motor vehicle if the registration and plates issued by the Department are simultaneously carried in the motor vehicle and are available for inspection.

(b) Unless inconsistent with this section, the provisions applicable to other motor vehicles apply to antique motor vehicles.

51.7-7. *Special Interest Vehicles.* Any owner who has a motor vehicle registered through the Tribe and uses for regular transportation at least one (1) vehicle that has regular registration plates may apply to register a vehicle he or she owns as a special interest vehicle if the vehicle is at least twenty (20) years old.

(a) The Department shall furnish the owner of the vehicle with registrations plates of a distinctive design in lieu of the usual registration plates, and those shall show that the vehicle is a special interest vehicle owned by a collector. Upon application, the owner may re-register the vehicle without the payment of any additional fee.

(b) Each collector applying for special interest vehicle registration plates will be issued a collector's identification number which will appear on each plate. Second and all subsequent registrations under this section by the same collector will bear the same collector's identification number followed by a suffix letter for vehicle identification.

(c) The vehicle may be used as are other vehicles of the same type except:

(1) Motor vehicles may not transport passengers for hire.

(2) Trucks may not haul material weighing more than five hundred (500) pounds.

(3) No special interest vehicle may be operated upon any highway within the Reservation during the month of January unless the owner of the vehicle re-registers the vehicle with regular registration plates or transfers regular registration plates to the vehicle.

(d) Unless inconsistent with this section, the provisions applicable to other vehicles shall apply to special interest vehicles.

51.7-8. *Personalized Registration Plates.* Personalized registration plates shall be of the same color and design as regular registration plates and shall consist of numbers or letters, or both.

(a) The Department shall issue personalized registration plates only upon request and if:

(1) The request is accompanied by the proper fee and paperwork; and

(2) The requested combination of numbers or letters has not already been issued.

(b) The Department may refuse to issue any combination of letters or numbers, or both, which carry connotations offensive to Oneida heritage or traditions, to good taste or decency, or which would be misleading or in conflict with the issuance of any other registration plates. All decisions of the Department with respect to personalized registration plate applications shall be final and not subject to judicial review.

(c) Each personalized registration plate issued shall be reserved for the recipient in succeeding registration periods and shall not be duplicated for issuance to any other person if the recipient maintains the plate, unless the recipient authorizes the issuance of the plate to another person. If the recipient does not maintain the plate for two (2) successive years or if the recipient does not specifically request re-issuance of the personalized registration plate by the end of the month in which the plate expires, the Department may reissue the personalized registration plate to another applicant.

(d) The Department may cancel and order the return of any personalized registration plates issued which contain any combination of letters or numbers, or both, which the Department determines may carry connotations that are offensive to the Oneida heritage or traditions, good taste and decency or which may be misleading. Any person ordered to return such plate shall either be reimbursed for any additional fees they paid for the plates for the registration year in which they are recalled, or be given at no additional cost replacement personalized registration plates, the issuance of which is in compliance with this Law. A person who fails to return personalized registration plates upon request of the Department may be required forfeit not more than two hundred dollars (\$200.00).

51.7-9. *Replacement Plates.*

(a) Lost or Destroyed Plates. Whenever a current registration plate is lost or destroyed, the owner of the motor vehicle to which the plate was attached shall immediately apply to the Department for a replacement. Except as further provided in this Law, upon satisfactory proof of the loss or destruction of each plate and upon payment of a fee for each plate, the Department shall issue a replacement.

(b) Illegible Plates. Whenever a current registration plate becomes illegible, the owner of the motor vehicle to which the plate is attached shall apply to the Department for a replacement. Upon receipt of satisfactory proof of illegibility, and upon payment of a fee for each plate, the Department shall issue a replacement. Upon receipt of a replacement plate, the applicant shall return the illegible plate to the Department for recycling.

(c) When issuing replacement plates, the Department may assign a new number and issue a new plate rather than a duplicate of the original if in its judgment that is in the best interests of economy or prevention of fraud. Upon receipt of a replacement plate, the applicant shall return the illegible plate to the Department for recycling.

51.8. **Display of Registration Plates**

51.8-1. *Placement of Plates or Decals on Motor Vehicles.*

(a) Whenever two (2) registration plates are licensed for a motor vehicle, one (1) plate shall be attached to the front and one (1) to the rear of the motor vehicle. Whenever only one (1) registration plate is issued for a motor vehicle, the plate shall be attached to the rear of the motor vehicle.

(b) Any registration decal or tag issued by the Department shall be placed on the rear registration plate of the vehicle in the manner directed by the Department.

51.8-2. Registration plates shall be attached firmly and rigidly in a horizontal position and conspicuous place. The plates shall at all times be maintained in a legible condition and shall be

so displayed that they can be readily and distinctly read. Any law enforcement officer may require the operator of any vehicle on which plates are not properly displayed to display such plates as required by this section.

51.9. Penalties and Appeals

51.9-1. *Suspension of Registration*

(a) The Department shall suspend the registration of a vehicle when:

(1) The registration was completed through fraud or error and the person who registered the vehicle does not or cannot register the vehicle properly; or

(2) Any applicable test or inspection requirements of the State of Wisconsin under s.110.20(6)Wis. Stats have not been met.

(b) Any registration suspended pursuant to this section continues to be suspended until reinstated by the Department. The Department shall reinstate the registration when the reason for the suspension has been removed.

(c) Whenever the registration of a vehicle is suspended under this section, the Department may order the owner or person in possession of the registration plates to return them to the Department.

(d) No owner may transfer the ownership or registration of any vehicle whose registration is suspended under this section until the registration is reinstated or until the Department is satisfied that such transfer is proposed in good faith and not for the purpose or with the effect of defeating the purposes of 51.12-1(a).

(f) This section does not apply to or affect the registration of any vehicle sold by a person who, pursuant to the terms or conditions of any written instrument giving a right of repossession, has exercised such right and has repossessed such vehicle from a person who registration has been suspended under 51.12-1(a).

51.9-2. Any person who violates a provision of this Law, the violation of which does not have a specified fine may be subject to a fine issued by the Department of not more than five hundred dollars (\$500.00).

51.9-3. *Appeals.* A person issued a fine under this Law may appeal such fine to the Tribe's Judiciary in accordance with applicable rules of appellate procedure.

End.

Permanent Adoption - BC-4-2-97-D
Reciprocal Agreement with WI DOT: - BC-07-29-98-C
Amendment - BC-1-27-99-E
Related Resolutions - BC-1-27-99-D (Fee Schedule)

November 2014							December 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30	31		27
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				10:30am 2:00pm LOC Meeting (BCCR)	10:00am 12:00pm Child Care Dept Consumer Complaint Policy Wo 12:15pm 1:00pm Public Use of Tribal Land La		
	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 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							

December 2014

December 2014						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2015						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Nov 30 - Dec 6	Nov 30	Dec 1	2	3 9:00am 2:00pm LOC Meeting (BCCR)	4	5	6
Dec 7 - 13	7	8	9	10 BC Meeting (BCCR)	11	12	13
Dec 14 - 20	14	15	16	17 9:00am 2:00pm LOC Meeting (BCCR)	18	19	20
Dec 21 - 27	21	22	23	24 BC Meeting (BCCR)	25	26	27
Dec 28 - Jan 3	28	29	30	31	Jan 1, 15	2	3