

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
January 21, 2015 9:00 a.m.

- I. Call To Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. January 15, 2015 LOC Meeting Minutes
- III. Current Business**
 - 1. Marriage Law Amendments
 - 2. Motor Vehicle Law Amendments
 - 3. Vehicle Driver Certification and Fleet Management
- IV. New Submissions**
 - 1. Petition: Raise Employee Salaries 99 Cents
 - 2. Petition: Budget Cuts, Swimming Lessons, GTC Directives & Home Repairs for Elders
 - 3. Hunting, Fishing and Trapping Law Amendments
- V. Additions**
- VI. Administrative Updates**
 - 1. Furlough Policy and Rules of Appellate Procedure Amendments Public Meeting Date E-poll
- VII. Executive Session**
- VIII. Recess/Adjourn**

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LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center
January 15, 2015 9:00 a.m.

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

OTHERS PRESENT: Candice Skenandore, Danelle Wilson, Taniquelle Thurner, Matt Denny, RC Metoxen, Fawn Cottrell

I. Call To Order and Approval of the Agenda

Brandon Stevens called the January 15, 2015 Legislative Operating Committee meeting to order at 9:03 a.m.

Motion by Tehassi Hill to approve the agenda; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be approved

1. December 17, 2014 LOC Meeting Minutes

Motion by Tehassi Hill to approve the December 17, 2014 LOC Meeting Minutes; seconded by Fawn Billie. Motion carried unanimously.

III. Current Business

1. Furlough Policy (01:41-04:07)

Motion by Jennifer Webster to approve the public meeting date of January 29, 2015 regarding the Furlough Policy; seconded by Tehassi Hill. Motion carried unanimously.

2. Rules of Appellate Procedure Amendments (04:08-05:18)

Motion by Tehassi Hill to approve the public meeting date of January 29, 2015 regarding the Rules of Appellate Procedure Amendments; seconded by Fawn Billie. Motion carried unanimously.

IV. New Submissions

None

V. Additions

None

VI. Administrative Updates

1. Quarterly Report (05:24-08:05)

Legislative Operating Committee Meeting Minutes of January 15, 2015

Motion by Jennifer Webster to accept the LOC quarterly report and forward it to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

Motion by Fawn Billie to direct the Legislative Reference Office to schedule an LOC work meeting to discuss strategies regarding staffing; seconded by Jennifer Webster. Motion carried unanimously.

2. Sponsor List (08:06-08:50)

Motion by Jennifer Webster to accept the sponsor list as FYI; seconded by Fawn Billie. Motion carried unanimously.

VII. Executive Session

VIII. Recess/Adjourn

Motion by Fawn Billie to adjourn the January 15, 2015 Legislative Operating Committee meeting at 9:12 a.m.; seconded by Tehassi Hill. Motion carried unanimously.



Legislative Operating Committee

January 21, 2015

Marriage Law Amendments

Submission Date: November 11, 2014

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Fawn Billie

Summary: *Amendments to the Marriage Law were proposed after the U.S. Supreme Court denied certiorari to consider overruling the lower court's finding that Wisconsin's same-sex marriage ban is unconstitutional. Questions were raised since the Tribe's Marriage Law does not allow for same-sex marriage and would not recognize a marriage conducted legally in Wisconsin.*

11/05/14 LOC: Motion by Fawn Billie to add the Marriage Law Amendments to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

Note: Fawn Billie will be the sponsor.

Next Steps:

- LOC to review the proposed draft, consider making changes and/or forwarding for a legislative analysis and fiscal estimate.

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 resolutions BC-06-12-13-E, and

71.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Oneida Administrative Legislative 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 spouses.

(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;~~

~~(e)(b)~~ 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~~(e)(b)~~ 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 ~~(1)~~ 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.

~~(e)~~ 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~~spouses, 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 (\$500.00).
- (b) Any person who is not an officiating person who solemnizes a marriage ceremony shall be fined no less than one hundred dollars (\$100.00).
- (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 (\$100.00).
- (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 (\$500.00).
- (e) Any person who violates any other provision of this Law shall be fined no less than one hundred dollars (\$100.00).

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

185 | fine under this Law may contest the fine by filing an appeal with the Court prior to the deadline
186 | to pay the fine. The filing of an appeal shall stay the requirement to pay the fine. The notice of
187 | penalty issued shall inform the person penalized of the process to file his or her appeal.
188

189 *End.*

190

191 Adopted-BC-04-28-10-F

192 Amended-BC-06-12-13-E



Legislative Operating Committee

January 21, 2015

Motor Vehicle Law Amendments

Submission Date: November 5, 2014

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Tehassi Hill

Summary: *Amendments to the Motor Vehicle Law were proposed by the Licensing Department to remove the registration prices from the Law so they could be changed without amending the Law and to update the Law, which has not been updated since 1999.*

11/05/14 LOC: Motion by Jennifer Webster to add the Motor Vehicle Law Amendments to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Note: Tehassi Hill will be the sponsor.

Next Steps:

- LOC to review the proposed draft and analysis, consider making changes and/or forwarding for a public meeting on February 19, 2015.



Notice of

Public Meeting

to be held

February 19, 2015 at 12:15 p.m.

OBC Conference Room - 2nd Floor, Norbert Hill Center



Topic: Motor Vehicle Law Amendments

The Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal that would:

- ◆ Remove specific fees from the Law and require the Oneida Business Committee to adopt the motor vehicle registration fee schedule upon recommendation of the Licensing Department.
- ◆ Records will be retained in accordance with the Open Records and Open Meetings Law and language creating a record retention schedule will be removed from the Law.
- ◆ The Licensing Department will determine the vehicle registration period, the current law outlines different registration periods.
- ◆ Process language has been removed from the Law to streamline the Law and the Department will be responsible for determining how the Law will be carried out.

All community members are invited to attend this meeting to learn more about this proposal and/or to submit comments concerning this proposal.

Public Comment Period—Open until February 26, 2015

During the Public Comment Period, all interested persons may submit written comments regarding this legislative proposal; and/or a transcript of any testimony/spoken comments made during the Public Meeting. Written comments may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person or by U.S. mail, interoffice mail, e-mail or fax.

For more information about the public meeting process, or to obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office (LRO), which is located on the second floor of the Norbert Hill Center, Oneida WI.

**Mail: Legislative Reference Office
PO Box 365
Oneida, WI 54155**

**Phone: (920) 869-4376 or (800) 236-2214
E-Mail: LOC@oneidanation.org
Fax: (920) 869-4040**

Chapter 51
MOTOR VEHICLE REGISTRATION-ORDINANCE
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

<i>Analysis by the Legislative Reference Office</i>					
Title	Motor Vehicle Registration (Law)				
Requester	Licensing Administrator	Drafter	Lynn A. Franzmeier	Analyst	Candice E. Skenandore
Reason for Request	The Licensing Department would like to change the motor vehicle registration prices without having to amend the Law. In addition, the Law has not been updated since 1999.				
Purpose	The purpose of this Law is to create a system for Tribal members who reside on the Reservation to register their motor vehicles within the Tribe <i>[See 51.1-1]</i> .				
Authorized/ Affected Entities	Tribal members who reside on the Reservation and need to register their motor vehicles; Licensing Department or any other department of the Tribe that has the authority to implement and administer this Law (Department); Oneida Business Committee (OBC); Oneida Police Department/Law Enforcement and Tribal Judiciary				
Due Process	A person who received a fine under this Law can appeal to the Tribal Judiciary <i>[See 51.9-3]</i> .				
Related Legislation	Open Records and Open Meetings Law, Wisconsin Statutes 341.05 (22), 341.409, 110.20 (6)				
Policy Mechanism	Issuance of registration plates and renewal decals for a motor vehicle <i>[See 51.7-1 & 51.7-2]</i> .				
Enforcement	The Department has the authority to suspend registration and issue fines <i>[See 51.9-1 & 51.9-2]</i> .				

Overview

This Law was adopted by the OBC pursuant to OBC Resolution 04-08-97-D and was amended by OBC Resolution 12-07-99-E. This Law:

- Authorizes the Department to administer and implement this Law *[See 51.3-1 (b) & 51.4-1]*.
- Allows the OBC, upon recommendation of the Department, to adopt a motor vehicle registration fee schedule *[See 51.4-2]*.
- Requires the Department to maintain a list of registrations *[See 51.4-4]*.
- Allows the Tribe to enter into reciprocal agreements *[See 51.5-1]*.
- Permits Tribal members, who live on the Reservation, to have their automobiles registered with the Department *[See 51.5-2 & 51.5-9]*.
- Sets out how registrations are handled including applications renewal requests and re-registrations *[See 51.5-3 through 51.5-8]*.
- Specifies when the Department must refuse a vehicle registration *[See 51.6-1]*.
- Identifies the process in which the Department issues registration plates and registration renewal tags, decals or other identifications including the Department's authority to

determine the size, color and design of the registration plates *[See 51.7-1 through 51.7-4]*.

- Allows the Department to issue the following types of registration plates: special plates (disabled person plates, veteran plates and other special plates), antique motor vehicle plates, special interest plates and personalized plates *[See 51.7-5 through 51.7-8]*.
- Explains when the Department may issue replacement plates and the process for doing so *[See 51.7-9]*.
- Dictates the placement of the registration plates and decals on motor vehicles *[See 51.8]*.
- Specifies when the Department must suspend the registration of vehicle *[See 51.9-1]*
- Gives the Department the authority to issue a fine of no more than \$500 for any person who violates this Law unless otherwise specified within the Law *[See 51.9-2]*.

Proposed Amendments

The following are proposed amendments to the Law:

- The title of this legislation has been changed; this legislation will no longer be an ordinance but a law.
- This Law no longer states that the General Tribal Council can amend or repeal this Law *[See 51.2-2]*.
- The Department is no longer responsible for enforcing this Law *[See Redline 51.3-1 (b)]*.
- The definition section has been expanded and the definitions for “automobile”, “moped” and “motorcycle” have been amended. An automobile is, among other things, a motor vehicle that has a curb weight of at least 1500 pounds, not 1600 pounds, which is currently specified. For a bicycle-type vehicle to be considered “moped”, the engine size cannot be more than 130 centimeters which is greater than the current maximum allowed engine size of 50 cubic centimeters. In addition, this Law clearly states that a utility terrain vehicle is not considered a motorcycle *[See 51.3-1 (a) (2), 51.3-1 (f) (1) and 51.3-1 (i)]*.
- The Department will no longer have the authority to draft policies to implement this Law; however, the Department can now create rules for implementation *[See Redline 51.4-1]*.
- Specific fees (i.e. annual registration fee, application fee, personalized plates fee, etc.) are removed from the Law and language has been added to clarify that the OBC, upon recommendation of the Department, will adopt the motor vehicle registration fee schedule. This amendment will allow the fee schedule to change without having to amend the Law. *[See 51.4-2 and redline 51.10-5, 51.18-1(b), 51.11-3, 51.11-5, 51.13-1(a), 51.15-1 through 51.19-1, 51.22-1 through 51.27-1 and 51.33-1]*.
- Language has been added that states that registration fees are nonrefundable; the current Law does not address refundable fees *[See 51.4-2]*.
- The Department can recommend separate fees based on different scenarios listed within this Law *[See 54.4-2 (a-c)]*.
- The Open Records and Open Meetings Law will dictate how registration applications and renewal requests will be retained *[See 51.4-3]*. The current Law requires the Department to hold on to the applications and requests for one year before forwarding them to Records to hold for an additional seven years *[See Redline 51.4-5]*.
- The Law now specifies the types of reciprocal agreements the Tribe can enter into with the State of Wisconsin (State); they include, but are not limited to, registration and licensing of any motor vehicle like automobiles, trucks, motorcycling, busses or official vehicles with government jurisdiction pursuant to State law *[See 51.5-1 (a)]*.
- The Department will have the authority to determine the registration period. The current

65 Law requires 12 registration periods designated by a calendar month as well as special
66 registration periods of vehicles other than private automobiles [*See 51.5-2 and redline*
67 *51.20-1 & 51.21-1*].

- 68 ■ Many of the fines (i.e. failure to notify of new address, obtaining guardian consent
69 violations, operating an unregistered/improperly registered vehicle, etc.) have been removed
70 from the Law. Unless otherwise specified in this Law, the Department can now issue a
71 fine of up to \$500 for violating this Law [*See redline 51.25-1 (b), 51.7-4, 51.5-1 (a) (1) &*
72 *51.5-1 (a) (2)*].
- 73 ■ If a vehicle is registered in another jurisdiction, it does not have to be registered with the
74 Tribe. The current Law requires Tribal members that live on the Reservation to register
75 their vehicles with the Tribe [*See 51.5-9 (a) and redline 51.1-1 & 51.21-1 (b)*].
- 76 ■ Language has been added that requires a vehicle to be kept on the Reservation for six
77 months out of the year in order for it to be registered with the Department. This Law also
78 specifies that if an applicant has an unpaid citation for any nonmoving traffic violations,
79 the Department can refuse registration [*See 51.6-1 (f)*].
- 80 ■ The Department will continue to offer disabled person plates and veteran plates but the
81 Law no longer specifies that a disabled veteran, Oneida Veteran/Congressional Medal of
82 Honor or Prisoner of War plate will be available. The Department can; however, issue
83 additional special plates which may include these special plates [*See 51.7-5 (a) (3) and*
84 *redline 51.10-1 (b) through 51.10-4*].
- 85 ■ Before the Department can issue personalized registration plates the proper paperwork, as
86 determined by the Department must accompany the required fee [*See 51.7-8 (a) (1)*].
- 87 ■ A person who was issued a fine can appeal to the Tribe's judiciary [*See 51.9-3*].
- 88 ■ Process language has been removed from the Law. For example the current Law spells
89 out exactly what information needs to be on a registration application but amendments
90 remove the process and simply state that the Department will prescribe the form.
91 Similarly, the process for how the Department creates and maintains the registration list
92 was removed as well as plate designs and what happens when a person fails to appear in
93 court [*See 51.4-3 (a) & (b) and 51.5-3, redline 51.7-1, 51.11-1 and 51.32-1*].

94 95 **Considerations**

96 The LOC may want to consider the following:

- 97 ■ This Law only allows Tribal members that reside on the Reservation and customarily
98 keep their vehicles on the Reservation for at least six months out of the year to register
99 their vehicles with the Department [*See 51.6-1 (a)*]. Lac du Flambeau Band of Lake
100 Superior Chippewa Indians (Lac du Flambeau) allows non-members to register their
101 vehicles with the Tribe so long as the non-members reside on the reservation [*See Lac du*
102 *Flambeau Motor Vehicle Code, 71.103 (1)*]. By expanding those eligible to register their
103 vehicles with the Tribe may increase revenue generation.
- 104 ■ This Law does not specify how often the registration fees need to be reviewed, just that
105 the OBC, upon recommendation by the Department, must adopt a fee schedule. The
106 current Law requires the Department to submit annualized fees to the OBC for approval
107 but this language was omitted in the proposed Law [*See 51.4-2 and redline 51.33-3*].

108 109 **Miscellaneous**

110 A public meeting has not been held. Minor language and formatting changes have been
111 made in order to comply with the Legislative Procedures Act. The Oneida Licensing
112 Department supports these proposed amendments.

51.1-1. Purpose and Policy

~~51.1-1.~~ The purpose of this ~~L~~aw is to create a system for ~~enrolled Oneida Tribal~~ members who reside on the ~~Oneida Nation~~ Reservation ~~in Wisconsin~~ to register their motor vehicles ~~exclusively~~ with the ~~Oneida Nation, for the issuance of Oneida license plates to qualified applicants, and for the Oneida Nation to regulate the public roads within its sovereign jurisdiction~~ ~~Tribe~~.

51.1-2. It is the policy of this ~~L~~aw to clarify jurisdictional sovereignty and to generate revenue for the ~~Oneida Nation~~ ~~Tribe~~.

~~51.2. 51.2-1. Adoption, Amendment, Repeal, Review.~~ The Oneida Nation, a sovereign nation and federally recognized Indian tribe, has the authority to enter into reciprocal agreements regarding 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 Section 341.05 (22) and 341.409, Wis. Stats.

~~51.2-2.~~ The Oneida Nation has the power and authority to license and register motor vehicles pursuant to the sovereign jurisdiction status of the Oneida Nation and a reciprocal registration exemption agreement that has been entered into between the Oneida Nation and the State of Wisconsin with parallel laws and statutes for cross administration and enforcement purposes.

Adoption, Amendment, Repeal

~~51.2-1. 51.2-3.~~ This ~~law may be~~ Law was adopted by the ~~Oneida~~ Business Committee ~~and is effective contingent upon the reciprocal agreement by resolution BC # 3-27-96-B, entered into and signed by the State of Wisconsin and the Oneida Tribe of Indians of Wisconsin.~~

~~-04-02-97-D and 51.2-4.~~ This law may be 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 ~~Oneida Administrative~~ Legislative Procedures Act ~~by the Oneida Business Committee or the Oneida General Tribal Council.~~

~~51.2-5. 51.2-3.~~ Should a provision of this ~~L~~aw or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~L~~aw which are considered to have legal force without the invalid portions.

~~51.2-4. 51.2-6.~~ All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this policy.

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-~~75~~. This ~~L~~aw is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

51.3. Definitions

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

~~51.3-2. "Oneida Nation" means Oneida Tribe of Indians of Wisconsin.~~

~~51.3-3.~~ (a) "Automobile" means any of the following:

(a~~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.

(b~~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 ~~1,600~~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.

~~51.3-4.(b)~~ “Department” means the Licensing Department, or any other department of the ~~Oneida Nation~~Tribes, with the authority to implement, and administer ~~and enforce~~ this ~~law~~.

~~51.3-5. “Oneida member” means a member of the Oneida Nation who is on the Oneida enrollment list and has an Oneida enrollment number.~~

~~51.3-6.(c)~~ “Gross weight” means the weight of the vehicle equipped for service plus the weight which the vehicle is carrying as load.

~~51.3-7.(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.

~~51.3-8.(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 ~~d~~Department and stamped upon or affixed to a vehicle or vehicle part for the purpose of identification.

~~51.3-9. “Junked” means dismantled for parts or scrapped.~~

~~51.3-10.(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:

(a~~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 ~~50~~one hundred thirty (130) cubic centimeters or an equivalent power unit.

(b~~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.

~~51.3-12.(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.

~~51.3-11.(i)~~ “Motorcycle” means a motor vehicle, excluding a tractor ~~or an~~, 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 ~~under par. (a) or (b):~~

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

(~~1~~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.

(a)(2B) 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.

(b2) 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.

51.3-13.(k) “Nonresident” means a person who is not a resident of the Reservation.

51.3-14.(l) “Other jurisdiction” or “another jurisdiction” means territory other than the Oneida Nation Reservation, including the State of Wisconsin and any State other than Wisconsin.

51.3-15.(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.

51.3-17.(n) “Person with a disability that limits or impairs the ability to walk” means any person with a disability as defined by the federal Americans with Disabilities Act of 1990, 42 USC 12101 et. seq., so far as applicable, or any persons who meet the following conditions:

(a1) Cannot walk 200two hundred feet (200’) or more without stopping to rest.

(b2) Cannot walk without the use of, or assistance from, another person or brace, cane, crutch, prosthetic device, wheelchair or other assistive device.

(c3) Is restricted by lung disease.

(d4) Uses portable oxygen.

(e5) Has cardiac condition to the extent that functional limitations are present.

(f6) Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition.

(g7) Has a degree of disability equal to that specified in pars. (a)(1) to (f)(6) above.

51.3-16.(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) “Registrant” means a person who has applied for and received registration plates for a motor vehicle under this Law.

51.3-21.(r) “Reservation” means the Reservation of the Oneida Tribe of Indians of Wisconsin and includes all lands within the exterior boundaries and any other lands owned by the Oneida Nation 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.

(s) “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.

51.3-19. "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 vehicle except for purposes made specifically applicable by this law.

51.3-20. (t) "Tribal member" means an enrolled member of the Oneida Tribe of Indians of Wisconsin.

(u) "Tribe" means the Oneida Tribe of Indians of Wisconsin.

(v) "Truck" means every motor vehicle ten thousand (10,000) pounds or underless designed, used or maintained primarily for the transportation of property.

51.4. Department Authority and Responsibilities

51.4-41. The ~~d~~Department shall be responsible for the administration of this ~~ordinance~~Law and ~~is~~ delegated the authority to ~~draft policies~~create rules to allow for the ~~full~~ implementation of this ~~l~~Law.

51.4-32. 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 ~~, applicable fines, penalties, forfeitures and assessments shall be non-refundable and~~ shall be paid to and retained by the ~~d~~Department, ~~for the operation of such department.~~ The Department may recommend 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.

51.4-53. Records Retention. All registration applications and ~~registrations~~renewal requests shall be retained by in accordance with the ~~department for one year after the application has been submitted or registration filed, thereafter all applications~~Open Records and ~~registrations shall be retained by Oneida Records Management for seven years~~Open Meetings Law.

51.14-1. ~~Department to Compile~~4-4. Registration Lists. Maintaining of Lists.

(a) ~~At intervals selected by the department, t~~The ~~d~~Department shall ~~compile~~maintain a list of registrations ~~made during that interval pursuant to the monthly series 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 ~~d~~Department deems necessary.

(b) ~~The department shall compile a list of new automobile and motor truck registrations. Registrations for other new vehicles may be included if deemed necessary by the department. Such lists shall be compiled at such intervals during the month as is deemed necessary by the department but the final list compiled each month shall include the listing of the last day of the month. Such list shall contain only those vehicles being registered for the first time after sale by a dealer. Such list shall contain the name and address of the owner, the make, body type, identification number of the vehicle, and the date of sale.~~

~~51.14-2. Access to Lists.~~

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

(1) ~~To the Oneida Police Department, one copy of each automobile registration list under sec. 14-1.~~

(2) ~~To a~~ Any other person, agency or public officer ~~or agency~~ that provides, in writing, a reasonable requests for the lists, ~~one copy of each automobile registration list under sec. 14-1.~~

(b) ~~Except as provided in sec. 14-3(c) public officers and agencies receiving free copies of registration lists under par. (a) shall keep such lists current and open to public inspection.~~

51.14-3. Limitations in Disclosure.

(a) ~~In providing copies under this section of any written information collected or prepared under this law which consists in whole or in part of the personal identifiers of 10 or more persons, the department may not disclose~~ Any person who has received a personal identifier of any person who has made under 51.4-4(a designation that his or her) shall keep the personal identifiers identifier confidential and may not be disclosed as provided in this Article. disclose it except:

(b) Paragraph (a) does not apply to any of the following:

(1) ~~A person receiving a registration list under sec. 14-2(a-b) to~~ (1) To perform a legally authorized function;

(2) ~~A law enforcement agency~~

(3) ~~An insurer authorized to write in the State of Wisconsin or an agent of the insurer, if the insurer or agent uses the personal identifier designated for non disclosure under sec. 7-1(b) for purposes of issuing or renewing a policy and related underwriting, billing or processing or paying a claim;~~ or

(4) ~~A person obtaining registration or title information for use in the~~ (3) To conduct of a vehicle recall by the manufacturer of ~~the vehicle or an agent of the manufacturer, if the person uses the personal identifiers designated for non disclosure under sec. 7-1(b);~~ a vehicle or his or her agent.

(c) ~~Any person who has received under par. (b) a personal identifier of any person who has made a designation under sec. 7-1(b) shall keep the personal identifier confidential and may not disclose it except for a purpose applicable to that person under par. (b).~~

(1c) ~~Any person who willfully 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.

(2d) ~~Any person who wilfully requests or obtains a personal identifier from the dDepartment under this subsection under false pretenses may be required to forfeit not more than~~ five hundred dollars (\$500.00) for each violation.

51.285. Registration of Motor Vehicles

51.4-1. Reciprocal agreements. ~~The Oneida Nation may~~ Tribe has the authority to enter into a 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 agreement with the State of from Wisconsin. The reciprocal agreement may exempt state registration requirements of designated classes of motor vehicles registered by the department from the registration requirements of the State of Wisconsin Department.

347 **51.4-1. Registration of Automobiles.**

348 ~~Regular~~ 5-2. Except as provided in 51.5-9, all automobiles.

349 (a) ~~All automobiles customarily~~ owned by ~~Oneida~~ Tribal members residing on the
350 Reservation shall be registered with the ~~d~~Department in accordance with the registration
351 period determined by the Department.

352 (b) ~~The annual fee for each automobile registered in this jurisdiction and under this~~
353 ~~Article shall be \$40 for two plates~~

354 **51.4-2. Registration Periods for Private Automobiles.**

355 (a) ~~All automobiles shall be registered by the department according to a monthly series~~
356 ~~system of registrations.~~

357 (b) ~~There are established 12 registration periods, each to be designated by a calendar~~
358 ~~month and to start on the first day of such month and end on the last day of the twelfth~~
359 ~~month from the date of commencing. The department shall so administer the monthly~~
360 ~~series system of registration so as to distribute the work of registering automobiles as~~
361 ~~uniformly as practicable throughout the calendar year.~~

362 (c) ~~All automobiles subject to registration under monthly series systems shall be~~
363 ~~registered by the department for a period of twelve consecutive calendar months except~~
364 ~~as follows:~~

365 (1) ~~If the applicant holds current registration plates which were removed from an~~
366 ~~automobile which the applicant no longer owns or which has been junked, is no~~
367 ~~longer used on the highways or has been registered as a special interest vehicle or~~
368 ~~a reconstructed, replica, street modified or homemade vehicle and the plates were~~
369 ~~issued under the monthly series system, the department shall register the~~
370 ~~automobile which is the subject of the application for the remainder of the~~
371 ~~unexpired registration period.~~

372 (2) ~~If the applicant does not hold current registration plates under the~~
373 ~~circumstances described in par. (a) and the application is an original rather than~~
374 ~~renewal application, the department may register the automobile which is subject~~
375 ~~to the application for such period or part thereof as the department determines will~~
376 ~~help to equalize the registration and renewal work load of the department.~~

377 **51.7-1. Application For** ~~5-3. Registration. Applications in General.~~

378 applications and for registration renewal ~~of registration requests~~ shall be ~~made~~ submitted to the
379 ~~d~~Department upon forms prescribed by ~~it~~ the Department and shall be accompanied by the
380 required fee.

381 (b) ~~The forms for application for original registration and for renewal of registration~~
382 ~~shall be provided by the department and shall include a place for an applicant or~~
383 ~~registrant under this chapter to designate that the applicant's or registrant's name, street~~
384 ~~address, post office box number and 9-digit extended zip code may not be disclosed, a~~
385 ~~statement indicating the effect of making such a designation and a place for an applicant~~
386 ~~or registrant who made a designation under this subsection to reverse the designation.~~

387 51.2-8. (a) Applications for original (a) All information given for purposes of obtaining a
388 license obtained by the Department for purposes of registering a motor vehicle under the
389 Oneida Motor Vehicle Ordinance this Law shall may be subject to review or internal
390 audit.

391 (b)(1) ~~The application form or an accompanying document shall include a list of any~~
392 ~~unpaid citations for nonmoving traffic violations, or any violations of administrative rules~~
393 ~~of the department, or parking violations, entered against the registrant which remain~~
394 ~~unpaid.~~

(b)(2) If ~~there is a citation~~ the registrant has an unpaid citation for any non-moving traffic violation ~~entered against the registrant which is unpaid~~, he or she shall be notified that the ~~vehicle may not be registered~~ registration may not be issued or renewed until the citation is paid or the registrant appears in court to respond to the citation.

51.25-1. Notice of Change of Address. ~~Change of Address.~~

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

~~(b) Any person who fails to comply with any of the requirements of par. (a) may be required to forfeit not more than \$25.~~

51.7-25-4. Original Applications Registration.

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

~~(a)(1)~~ (1) The name of the owner.

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

~~(a)(3)~~ (3) Such further information as the ~~d~~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 ~~d~~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 ~~d~~Department is satisfied as to ownership of the vehicle. ~~The title fee shall be collected at the time of registration and retained even though certificate of title is not issued.~~

~~51.7-4. Applicants Under 18:~~ (c) Minors. If the applicant for ~~a certificate of~~ registration is under eighteen (18) years of age, the application shall be accompanied by a notarized statement made and signed by ~~either of the applicant's parents, if such parent has custody of the minor; or if neither parent has custody, then by the person having custody~~ a guardian of the applicant, stating that the applicant has the signer ~~guardian'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 of misconduct of the applicant while operating such motor vehicle on the highways. ~~Any person who violates this section may be required to forfeit not more than \$200.~~

51.7-35-5. Registration Renewal Applications.

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

~~(a)(b)~~ Applications for In order to renew a renewal of registration, the registrant shall ~~contain~~ provide the Department with any updates to the information required ~~in sec. 7-2(a) for original applications, or such parts thereof as the department deems necessary on the application for registration~~ to ~~as~~ ensure the proper registration of the motor vehicle. The Department may require that ~~applications—requests~~ for renewal of registration be accompanied by the certificate of title issued for the motor vehicle ~~only when the if~~ true

ownership or proper registration of the motor vehicle is in doubt and cannot be resolved from records maintained by the Department.

51.23-15-6. *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 which makes~~ the motor vehicle subject to a different registration fee ~~than the fee for which the vehicle currently is registered~~, the owner shall immediately ~~make application~~ apply for a new registration. The fee payable upon such re-registration shall be computed as ~~for if the a~~ motor vehicle was not previously registered ~~in this jurisdiction by the Tribe~~, but a credit shall be allowed for the unused portion of the fee paid for the previous registration ~~if so long as~~ the registration plates issued upon the previous registration are returned to the ~~d~~Department. The credit shall be computed on the basis of one-twelfth (1/12) of the annual registration fee or one twenty-fourth (1/24) 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.

51.5-17. *Operating Unregistered or Improperly Registered Motor Vehicle. ~~Penalty for Operating Unregistered or Improperly Registered Vehicle.~~*

~~(a)~~ It is unlawful for any person to operate or for an owner to consent to being operated on ~~any highway of this jurisdiction~~ the Reservation any motor vehicle, ~~mobile home, trailer, or any other vehicle~~ for which a registration fee is specifically prescribed unless at the time of operation the motor vehicle in question either is registered ~~in this jurisdiction by the Department~~, or, a complete application for registration, including evidence of any inspection required by the ~~jurisdiction~~ Department, accompanied by the required fee has been delivered to the ~~d~~Department or deposited in the mail properly addressed with postage prepaid, and if the motor vehicle is an automobile, ~~station wagon~~ or ~~motor~~ truck having a registered weight of eight thousand (8,000) pounds or less, the motor vehicle displays a temporary operation plate issued by the Department for the motor vehicle unless the operator or owner of the ~~vehicle displays a temporary operation plate issued for the 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 ~~or~~ is exempt from registration.

~~(1a)~~ A motor vehicle may be operated ~~by a private person~~ after the date of purchase of such vehicle ~~by such private person~~ or after the date ~~such person~~ the owner moved to ~~this jurisdiction~~ the Reservation if application for registration and certificate of title has been made.

~~(2b)~~ All motor vehicles subject to renewal ~~or registration~~ may be operated provided that ~~application for re-a~~ registration renewal request has been made.

~~(1c)~~ Any person who violates ~~par. (a) or (b)~~ 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).

~~(2d)~~ Any person who violates ~~par. (a) or (b)~~ 51.5-7, where the motor vehicle used is ~~vehicle~~ not enumerated under ~~sub. (1)~~ 51.5-7(c), may be required to forfeit not more than five hundred dollars (\$500.00).

~~(b)~~ 51.5-8. Unless application for re-registration has been made as required by ~~sec. 23-4~~ 51.5-6, it is unlawful for any person to operate or for the owner to consent to being operated on any highway of ~~this jurisdiction~~ 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.

51.6-15-9. Vehicles Exempt From Registration. A motor vehicle ~~even though~~ 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 ~~the provisions~~ 51.7-6 exempting ~~nonresident or foreign registered-motor~~ vehicles from registration, or

(c) Is a farm tractor used exclusively in agricultural operations, ~~including threshing~~, 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 semi-trailer used exclusively for the transportation of farm machinery, implements, produce or supplies on a farm or between farms; 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.

51.8-16. Grounds For Refusing Registration

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

(a) The ~~vehicle~~ owner applying for registration is not ~~an Oneida~~ a Tribal member, does not reside on the Reservation ~~and/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 ~~imposed by the department for a vehicle customarily kept on the Reservation and owned by an enrolled Oneida member,~~ has not been paid for the specific vehicle, ~~and the department may refuse registration of a vehicle if or~~ such fees ~~for the current period or for any previous period for which payment of a registration fee is required by law~~ have not been paid on any other vehicles owned ~~or leased~~ 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 ~~d~~Department pursuant to authority of law.

(3) Proof of Oneida membership by enrollment card or number.

(d) ~~Where t~~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 ~~or revoked~~ and such suspension ~~or revocation~~ is still ~~is~~ in effect.

(f) The applicant has an unpaid citation for any nonmoving traffic violation.

(g) The vehicle is exempt from registration ~~and voluntary registration of the vehicle is not expressly authorized.~~

51.9-17. Design, Procurement and Issuance of Registration Plates

~~51.7-1.~~ The ~~d~~Department, upon registering a motor vehicle ~~pursuant to Article IV and Article XIX,~~ shall issue to the applicant two (2) registration plates for an automobile, truck, or motor home, and one (1) plate for other motor vehicles. ~~The department upon registering a vehicle pursuant to any other section shall issue one plate unless the department determines that two (51.7-2) plates will better serve the interests of law enforcement.~~

~~51.9-4.~~ In lieu of issuing a new plate upon each renewal of registration of a motor vehicle, the ~~d~~Department may issue ~~one insert~~ a tag, decal or other identification per motor vehicle to indicate the period of registration. The tag, decal or other identification shall be ~~provided by the department and~~ used only if the outstanding plate is in suitable condition for further usage.

~~51.9-27-3.~~ The ~~d~~Department shall determine the size, color and design of registration plates with a view toward making ~~them~~ the following visible ~~evidence of:~~ the period for which the motor vehicle is registered and the fee class into which the motor vehicle falls ~~as well as making them.~~ The registration plates shall also be a ready means of identifying the specific motor vehicle or owner for which the ~~plated~~ plates were issued.

~~51.9-37-4.~~ All registration plates shall have displayed upon them the following:

- (a) The registration number assigned to the motor vehicle or owner. The registration number ~~shall~~ 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.

~~51.10-1.~~ Application For and Issuance of 7-5. Special Plates.

(a) The ~~d~~Department ~~shall~~ may issue ~~special plates as specified in this section under the following circumstances~~ special plates:

~~(a) Disabled Oneida Residents. If any Oneida member, who is a resident of the Reservation and who is registering or has registered an automobile or truck or a motor home,~~ (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 ~~resident~~ registrant is a person with a disability that limits or impairs the ability to walk, the ~~d~~Department shall ~~procure, issue and deliver to the disabled person or~~ renew plates of a special design in lieu of plates which ordinarily would be issued for the motor vehicle, ~~and shall renew the plates.~~ The plates shall be so designed as to readily ~~apprize~~ apprize law enforcement officers of the fact that the motor vehicle is owned by a ~~non-veteran~~ 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) *Disabled Oneida Veterans.* If any resident of the Reservation who is registering or has registered an automobile, truck, or a motor home submits a statement once every four (4) years, from the Oneida Nation Department of Veterans Affairs certifying to the department that the resident is, by reason of injuries sustained while in the active U.S. military service, a person with a disability that limits or impairs the ability to walk, the department shall procure, issue and deliver to the veteran, plates of a special design in lieu of the plates which ordinarily would be issued for the vehicle, and shall renew the plates. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the vehicle is owned by a disabled veteran 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.~~

~~51.10 2. *Oneida Veteran/Congressional Medal of Honor.* Upon application by any person awarded the congressional medal of honor and submission of proper proof thereof, the department shall issue special plates so designed as to indicate such award. No charge whatever shall be made for the issuance of such plates.~~

~~51.10 3. *Prisoner of War:*~~

~~(a) Upon application to register an automobile or truck by any Oneida member residing on the Reservation who was a member of any of the U.S. armed services and who was held as a prisoner of war during any of the conflicts described as World War II, Vietnam, Persian Gulf, Operation Desert (Shield) Storm, or in Grenada, Lebanon, Panama, Somalia or a Middle East crisis, and upon submission of a statement from the Oneida Nation Department of Veterans Affairs certifying that the person was a prisoner of war during one of the conflicts described, the department shall issue to the person a special plate which is colored (to be determined by the department) and which has the words "ex-prisoner of war" placed on the plate in the manner designated by the department.~~

~~(b) If a registration plate has been issued to a person under par (a), upon application by the surviving spouse of the person, the department may permit the surviving spouse to retain the plate. If the plate has been returned to the department or surrendered to another state, the department may reissue the plate to the surviving spouse. The department shall charge an additional fee of \$10 to reissue the plate.~~

~~(c) A person who maintains no more than one registration under this subsection at one time shall not be charged a fee for registration of the vehicle or issuance of plates.~~

~~(d) For each additional vehicle, a person who maintains more than one registration under this subsection at one time shall be charged a fee of \$10 for issuance of the plates in addition to the annual registration fee for the vehicle.~~

~~(e) The department shall charge a fee of \$10 for re-issuance of any plate under par. (d).~~

~~51.10 4. *Veterans Plates.* The department shall issue special veterans/military plates under this subsection for the following authorized special groups:~~

~~(a) World War II veterans~~

~~(b) Korean War veterans~~

~~(c) Vietnam War veterans~~

~~(d) Persian Gulf War veterans~~

~~(e) Air force Retired~~

~~(f) Air force Veteran~~

~~(g) Army Retired~~

~~(h) Army Veteran~~

~~(i) U.S. Coast Guard~~

~~(j) Marine Corps Retired~~

~~(k) Marine Corps Veteran~~

~~(l) Navy Retired~~

~~(m) Navy Veteran~~

~~(n) Purple Heart~~

~~(o) Medal of Honor~~

~~51.10-5. The annual registration fee shall be \$40.00. There shall be an additional fee of \$10.00 for the issuance of the initial registration of Special Veteran/Military plates. \$40.00 plus \$10.00 for the first plate. Renewal fees for these plates shall be \$40.00.~~

~~51.10-6.(b) If an individual in possession of special plates or of personalized plates under this article does not maintain membership in the applicable authorized special groups during the year which is not a plate issuance year~~no longer qualifies for the special plates,
the individual shall:

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

~~(b) In addition to the regular~~2) Submit an application and registration fee; for
plates he or she qualifies for and pay a ~~\$4~~ fee for the issuance of replacement
plates; and

~~(c) Return the certificate of title to the department for correction.~~

~~51.17-17-6. Antique Motor Vehicles; Registration, Vehicle Plates, Use. Antique Motor Vehicles.~~

~~(a) Any person who is a resident of the Reservation and the owner or subsequent transferee of a~~
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 ~~upon, application~~ register the
~~same~~vehicle as an antique motor vehicle upon payment of a fee ~~of \$5~~, and be furnished
registration plates of a distinctive design, in lieu of the usual registration plates, which shall
show, in addition to the ~~registration number~~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.

~~(b)a~~ (b)a Any person who registers an antique motor vehicle ~~under par. (a)~~ 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 ~~d~~Department are simultaneously
carried in the motor vehicle and are available for inspection.

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

~~51.18-17-7. Special Interest Vehicles: Registration, Plates, Use. Special Interest Vehicle/Collectors Special Vehicle.~~

~~(a) Any person who is the owner of who has a special interest~~motor vehicle ~~which is 20 or more~~
~~years old at the time of making application for registration or transfer of title of the vehicle and~~
~~who, has registered in Oneida~~through the Tribe and uses for regular transportation at least one
~~(1) vehicle that has regular registration plates may upon application~~apply to register ~~the~~a vehicle
~~he or she owns as a special interest vehicle upon payment of a fee under par. (b).~~if the vehicle is
at least twenty (20) years old.

~~(b) The fee to register a vehicle under par. (b) is twice the regular annual fee for this type~~
~~of vehicle, except that the fee for a vehicle that has a gross weight of more than 8,000~~
~~pounds may be no more than twice the annual fee for a similar vehicle that has a gross~~

~~weight of not more than twice the annual fee for a similar vehicle that has a gross weight of not more than 8,000 pounds.~~

(~~e~~a) The ~~d~~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.

(~~d~~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.

(~~e~~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.

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

51.~~11-17-8.~~ *Personalized LicenseRegistration Plates.* ~~In this article, "personalized registration plates" means either of the following:~~

(~~a~~) ~~A registration plate for a motor vehicle registered under this ordinance which displays a registration composed of letters or numbers, or both, requested by the applicant. Personalized registration plates under this paragraph shall be of the same color and design as regular registration plates and shall consist of numbers or letters, or both, not exceeding 5 positions and not less than one position for a plate issued for a motorcycle or not exceeding 7 positions and not less than 1 position for all other plates.~~

(~~b~~) ~~A registration plate of the same color and design as provided in Article X for (a vehicle specified under Article X which displays the applicable symbol of the authorized special group to which the person belongs and a registration number composed of letters or numbers, or both, not exceeding 6 positions and not less than 1 position, requested by the applicant.~~

~~51.11-2.)~~ The ~~d~~Department shall issue personalized registration plates only upon request and if:

(~~a~~) ~~The request and alternate thereto is received by the department in writing by mail by the 15th day of the month in which the vehicle is to be registered;~~

(~~b~~1) ~~The request is accompanied by the proper fee, an application for original or renewal vehicle registration and the proper registration fee; and paperwork as required by the Department; and~~

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

~~51.11-3. In addition to the regular application fee provided for in this ordinance, the applicant for a personalized registration plate issued on an annual basis shall pay a fee of \$15 for the issuance of the plate and \$15 in each succeeding year to maintain the plate.~~

~~51.11-5. If an individual in possession of a personalized registration plate does not maintain the personalized registration plate during a year which is not plate issuance year, the individual shall:~~

(~~a~~) ~~Dispose of the personalized plate in a manner prescribed by the department;~~

(~~b~~) ~~In addition to the regular application fee, pay a \$4 fee for the issuance of replacements plates; and~~

~~(c) Return the certificate of title to the department for correction.~~

~~51.11-6.(b)~~ The ~~d~~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 ~~d~~Department with respect to personalized registration plate applications shall be final and not subject to judicial review.

~~51.11-4.(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 ~~which are not plate issuance years~~ or if the recipient does not specifically request re-issuance of the personalized ~~license-registration~~ plate by the end of the month in which the plate expires ~~in a plate issuance year~~, the ~~d~~Department may reissue the personalized registration plate to another applicant.

~~51.11-7.(d)~~ The ~~d~~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 ~~d~~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 ~~ordinance~~ Law. A person who fails to return personalized registration plates upon request of the ~~d~~Department may be required forfeit not more than ~~two hundred dollars (\$200.00)~~.

~~51.13-1. Issuance of 7-9. Replacement Plates.~~

~~(a)~~ Lost or Destroyed Plates.

~~(a)~~ 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 ~~d~~Department for a replacement. Except as further provided in this ~~article~~ Law, upon satisfactory proof of the loss or destruction of each plate and upon payment of a fee ~~of \$2~~ for each plate, the ~~d~~Department shall issue a replacement.

~~(b) Upon satisfactory proof of the loss or destruction of a specialized plate or a personalized plate issued under sec.10, and upon payment of a fee of \$5 for each plate, the department shall issue a replacement.~~

~~51.13-2.~~ 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 ~~d~~Department for a replacement. Upon receipt of satisfactory proof of illegibility, and upon payment of a fee ~~of \$2~~ for each plate, the ~~d~~Department shall issue a replacement. Upon receipt of a replacement plate, the applicant shall return the illegible plate to the ~~d~~Department for recycling.

~~51.13-3. Replacement Plates.(c)~~ When issuing ~~a~~ replacement plates, the ~~d~~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 ~~d~~Department for recycling.

~~51.13-4. Any person issued replacement plates who fails to return the original plates to the department as required by this Article may be required to forfeit not more than \$200.~~

51.12-18. 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 dDepartment shall be placed on the rear registration plate of the vehicle in the manner directed by the dDepartment.

~~51.12-2.~~ 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 peacelaw 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.

~~51.12-3. Any of the following may be required to forfeit not more than \$200:~~

~~(a) A person who operates a vehicle for which a current registration plate or insert tag has been issued without such plate or tag being attached to the vehicle.~~

~~(b) A person who operates a vehicle with a registration plate attached in a non-rigid or non-horizontal manner or in an inconspicuous place so as to make it difficult to see and read the plate;~~

~~(c) A person who operates a vehicle with the registration plate in an illegible condition due to the accumulation of dirt or other foreign matter.~~

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.

~~51.15-1. Annual Registration Fees; Biennial Motorcycle Fees. Unless a different fee is prescribed for a particular vehicle under this ordinance, the following registration fees shall be paid to the department for the annual registration of each vehicle not exempted by Article VI of this ordinance.~~

Maximum gross weight in pounds	Annual Fee
Not more than 4,500	\$ 45
Not more than 6,000	\$ 57
Not more than 8,000	\$ 72
Not more than 10,000	\$ 111
In excess of 10,000	\$ 150

Figure 1

~~(a) For each automobile or station wagon, a fee of \$40.~~

~~(b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, which is designed for the transportation of persons rather than property, a biennial fee of \$20.~~

~~(1) Registration plates under this article expire on April 30 of even numbered years.~~

~~(2) One license plate is sent by the department of each cycle registered.~~

~~51.15-2. Calculation of Registration Fees Relating to Gross Weight: Trucks.~~

~~(a) Unless otherwise noted, for each truck under this article, a yearly registration fee is to be determined on the basis of the maximum gross weight of the vehicle. Each vehicle registered will receive one license plate. Maximum gross weight shall be determined by adding together the weight in pounds of the vehicle when equipped to carry a load as a motor truck and the maximum load in pounds which the applicant proposes to carry on the vehicle when used as a motor truck.~~

~~(b) The following schedule shall be used in determining fees based on gross weight, provided that a surcharge of \$18 shall be added to and collected with the fee for each truck as listed in Figure 1.~~

~~51.15-3. Motor Homes.~~

~~(a) For each motor home, including any vehicle which is converted to be used as a motor home, an annual fee based on gross weight as set out in Figure 2.~~

Gross weight in pounds:	Annual Fee:
Not more than 5,000	\$ 45

Not more than 8,000	\$ 51
Not more than 12,000	\$ 63
Not more than 16,000	\$ 75
Not more than 20,000	\$ 87
Not more than 26,000	\$ 99
More than 26,000	\$ 111

Figure 2

~~51.15 4. Upon payment of the fee prescribed by law, a 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.~~

~~**51.16 1. Special Registration Fees For Certain Vehicles. Oneida Government Vehicles.**~~

~~(a) A fee of \$5 shall be paid to the department for the original issuance of a registration plate for any vehicle owned by the Oneida Nation and operated exclusively in service of the public.~~

~~(b) A fee of \$5 shall be paid to the department for the original issuance of a registration plate for vehicles used by the Oneida Police Department exclusively in the performance of their duties.~~

~~**51.19 1. Part Year Fees For Private Automobiles. Calculation of Partial Fees.**~~

~~(a) The applicant for registration of an automobile under the monthly series system shall pay in full the annual registration fee prescribed by law, except as otherwise provided in this article.~~

~~(b) If the applicant for registration holds current registration plates which were removed from an automobile which the applicant no longer owns or which has been junked, is no longer being used on the highways or has been registered as a special interest vehicle the applicant is exempt from the payment of a registration fee, except in the following cases:~~

~~(1) If the annual fee prescribed for the automobile being registered is higher than the annual fee prescribed for the automobile from which the plates were removed, the applicant shall pay a fee computed on the basis of one twelfth of the difference between the two annual fees multiplied by the number of months for which the automobile which is the subject of the application is being registered. The start of the new registration, for the purpose of computing the fee, shall be determined in accordance with par. (c).~~

~~(c) For the purpose of computing the registration fee payable upon registration of an automobile under circumstances described in par. (b) & (c), the beginning of the current registration period shall be determined as follows:~~

~~(1) If the first operation of an automobile under circumstances making the owner liable for its registration by the Oneida Nation occurs on or before the 15th day of~~

a given month, the registration period commences on the first day of such month. If the first operation occurs on or after the 16th day of a given month, the registration period commences on the first day of the following month. "First operation" means operation of an automobile for the first time after it was transferred to the applicant or after it was registered in another jurisdiction or after the expiration of 12 months of non-operation since expiration of the last registration by the Oneida Nation or after it was no longer used on the highways. (2) In the case of an automobile which has not previously been registered or which has not been registered by the Oneida Nation by the present owner since the last owner last acquired ownership of the automobile, the department shall assume that the date of first operation within the meaning of sub. (1) is the date of the bill of sale evidencing the transfer of ownership to the applicant unless the applicant files with the department a statement that the automobile was not so operated until a later date, specifying the date of such first operation. In the case of at least 12 months of non-operation of an automobile previously registered by the applicant, the applicant must file with the department a statement that he or she did not operate or consent to the operation of the automobile under circumstances making it subject to registration in this state during such 12-month period and must specify the date following such period when the automobile was first so operated. The department may refuse to accept a statement which projects the date of first operation into the future.

51.20-1. Special Registration Period for Vehicles Other Than Private Automobiles. Special Registration Periods.

(a) The department shall require that any vehicle other than private automobiles, shall be registered according to the monthly series system of registration prescribed by this section.

(b) There are established 12 registration periods, each to be designed by a calendar month and to start on the first day of such month and end on the last day of the 12th month from the date of commencing. The department shall so administer the monthly series system of registration as to distribute the work of registration throughout the calendar year.

(c) All vehicles subject to registration under the monthly series system under this section shall be registered by the department for a period of 12 consecutive calendar months except as follows:

(1) If the applicant holds registration plates which were removed from a vehicle under section 22 and the plates were issued under the monthly series system, the department shall register a replacement vehicle of the same type and gross weight which is the subject of the application for the remainder of the unexpired registration period.

(2) If the applicant does not hold current registration plates under the circumstances described in par. (1) and the application is an original rather than renewal application, the department may register the vehicle which is the subject of the application for such period or part of a period as the department determines will help to equalized the registration and renewal workload of the department.

(d) Section 22 applies to any vehicles registered according to the monthly series system under this section.

~~51.21-1. Biennial Registration.~~ The following vehicles shall be registered on a biennial basis:

- ~~(a) A motorcycle or moped, as specified in sec. 15-1(b). The registration period for a motorcycle or moped begins on May 1 of an even-numbered year and ends on April 30 of the next even-numbered year.~~

~~51.22-1. When Part-Period Fees Payable for Vehicles Other Than Automobiles; Computation of Part-Period Fees.~~ The annual registration fee shall be paid in full on all vehicles registered pursuant to section 20, unless the vehicle comes within one of the following categories, in which event the applicant is liable for the payment of only a part-period fee to be computed in accordance with sec. 22-2(a):

- ~~(a) The vehicle has not previously been registered within this Reservation; or~~
~~(b) The vehicle previously was registered within this Reservation; but~~
~~(1) The vehicle in the meantime has been registered in another jurisdiction and such foreign registration was in effect during or subsequent to the expiration of the previous registration in this state; or~~
~~(2) The vehicle was transferred to the applicant after the expiration of the last registration in this state; or~~
~~(3) At least 12 months have elapsed since the end of the period for which the vehicle previously was registered and the applicant files with the department a statement that did not, during such 12-month period, operate or consent to the operation of the vehicle under circumstances making the vehicle subject to registration in this state; or~~
~~(4) The vehicle is a motorcycle which has been transferred to the applicant and for which current registration plates had been issued to the previous owner; or~~
~~(5) The vehicle which has been transferred to the applicant is a motor home or a truck; or~~
~~(6) The vehicle is subject to the provisions of sub. (5); or~~
~~(c) The vehicle is a replacement for a registered vehicle which has been junked or is no longer used on the highway; or~~
~~(d) The vehicle is owned by a person who has been in active military service and less than 12 months of non-operation have elapsed since the end of the period for which the vehicle was previously registered, provided the applicant files with the department a statement of such non-operation.~~

~~51.22-2.~~ Part-period registration fees shall be computed as follows:

- ~~(a) For vehicles registered under the conditions in sec. 22-2(a), (b), or (d), the fee for the current registration period 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 multiplied by the number of months of the current registration period which have not fully expired on the date the vehicle first is operated by or with the consent of the applicant under circumstances making it subject to registration by the Oneida Nation. In the case of a vehicle which has not previously been registered or which has not been registered within this Reservation by the present owner since the owner last acquired ownership of the vehicle, the department shall assume that the date of first operation bill of sales evidencing transfer of ownership to the applicant unless he or she files with the department a statement that the vehicle was not so operated until a later date, specifying the date of such first operation. The department may refuse to accept any statement which projects the date of first operation into the future.~~

~~(b) For the registration of a replacement vehicle under the conditions set forth in sec. 22-1(c), or the fee shall be computed as for a vehicle not previously registered in this state but a credit shall be allowed for the unused portion of the fee paid for the vehicle being replaced. Such 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 being replaced multiplied by the number of months of registration which have not fully expired at the time the vehicle being replaced was junked, traded, sold or removed from jurisdiction of the Oneida Nation. Except for a vehicle registered on a biennial basis, it is not necessary that the replacement vehicle be of the same type as the one being replaced in order for the applicant to take advantage of the credit but the credit may be applied toward registration of the replacement vehicle only up to the date when the registration of the vehicle being replaced would have expired.~~

~~51.22 3. Transferred Plates or Plates no Longer in Use.~~

~~(a) The transferee of a vehicle registered as provided in Article XX is not subject to the payment of any registration fee for the remainder of the period for which the vehicle is registered unless, by reason of his or her status or the use to which the vehicle is put, the fee prescribed by law is higher than that paid by the former owner. In such event, the fee shall be computed on the basis of one twelfth of the difference between the two (2) annual fees multiplied by the number of months of the current registration period which have not fully expired on the date, after the vehicle is acquired by the applicant, when such vehicle is first operated by him or her with his or her consent under circumstances making it subject to registration by the Oneida Nation.~~

~~(b) A person retaining a set of plates removed from a vehicle which was junked or transferred, is no longer used on the highways or has been registered as a special interest vehicle under sec. 18-1(b) may receive credit for the unused portion of the registration fee paid when registering a replacement vehicle of the same type and gross weight.~~

~~(c) A person retaining a set of plates removed from a motorcycle may receive credit for the unused portion of the registration fee paid when registering a replacement motorcycle.~~

~~51.22 4. This section does not apply to vehicles registered at a fee of \$5 under Article XVI. Such vehicles, whether registered for a full period or part thereof and whether or not previously registered, shall be registered at the full fee. If a person authorized to register a vehicle at a fee of \$5 under Article XVI transfers the vehicle to a person not so authorized, the fee payable by the transferee shall be computed as for a vehicle not previously registered by the Oneida Nation.~~

~~51.22 5. The credit or plate transfer provisions authorized under this section do not apply if the applicant has, within the preceding 12 months, transferred or received credit for registration plates removed from the motor vehicle which is the subject of the application.~~

~~**51.24 1. Refundable Fees. Refundable Fees.**~~

~~(a) The department shall not refund a fee paid to it except when expressly authorized or directed by this section or some other provision of this ordinance to do so.~~

~~(b) Upon request, the department shall refund 50 percent of a registration fee paid for a vehicle registered on a biennial basis if the person who registered the vehicle furnishes such proof as the department requires that the person has transferred his or her interest in the vehicle before the beginning of the second year of the period for which the vehicle is registered or that the vehicle will not be operated within the jurisdiction of the Oneida Nation after the beginning of the second year of the period for which the vehicle is~~

registered. The department may require the person to return the certificate of registration and registration plates for the vehicle to the department.

~~51.26-1. Fee to Reinstate Suspended or Revoked Registration. Reinstatement of Suspended or Revoked Registration.~~

(a) ~~Except as provided in par. (b), the department shall charge a fee of \$25 to reinstate a registration previously suspended or revoked under this law. The fee under this subsection is in addition to any other fee required to complete the registration of the vehicle.~~

(b) ~~Par. (a) does not apply to the reinstatement of a registration suspended or revoked as a result of an error by the department.~~

~~51.27-1. Exemption of Nonresidents And Foreign Registered Vehicles.~~ Any vehicle which is registered in another jurisdiction is exempt from the Oneida Nation Motor Vehicle Registration Ordinance providing for the registration of such vehicles if:

(a) ~~The vehicle carries a registration plate indicating the registration in such other jurisdiction, and~~

(b) ~~The vehicle is owned by a nonresident of the Reservation.~~

~~51.27-2. If the owner of such vehicle moves within the jurisdiction Oneida Nation or if the vehicle is purchased by an Oneida member, the vehicle immediately becomes subject to the laws of the Oneida Nation providing for registration of vehicles.~~

~~51.29-1. Penalties. Fraudulent Applications.~~ Any person who gives a false or fictitious name, address or location where a vehicle is customarily kept in an application for license or registration or who makes application for license or registration in the name of a person other than the true owner, or true owner and lessee, may be fined not more than \$200.

~~51.29-2. Improper Use of Evidence of Registration.~~ Any person who does any of the following may be subject to a fine of not more than \$500:

(a) ~~Lends to another a registration plate for display upon a vehicle for which the plate has not been issued.~~

(b) ~~Displays upon a vehicle a registration plate not issued for such vehicle or not otherwise authorized by law to be used thereon.~~

(c) ~~Willfully twists, paints, alters or adds to or cuts off any portion of a registration plate or sticker; or who places or deposits, or causes to be placed or deposited on such plate or sticker any substance to hinder the normal reading of such plate; or who defaces, disfigures, covers, obstruct, changes or attempts to change any letter or figure thereon; or who causes such plate or sticker to appear to be a different color.~~

~~51.29-3. Special Registration Plates.~~ Any person who fraudulently procures or uses special registration plates issued under Article XX of this ordinance shall forfeit not less than \$200, nor more than \$500.

~~51.30-1. When Registration Is to Be Suspended. When Suspended.~~

(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.~~

(2) ~~The required fee has not been paid and the same is not paid upon reasonable notice and demand.~~

(3) ~~Suspension of registration is specified by an authority under section 32.~~

(4) ~~The applicant fails, upon reasonable notice and demand, to furnish proof of payment, in the form prescribed by the U.S. Secretary of Treasury, that the federal heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code has been paid.~~

(5) ~~The licensee of a vehicle registered under section 14 has not been compiled with the test or inspection requirements of the State of Wisconsin under s.110.20(6)Wis. Stats.~~

(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. Any person who fails to return the plates when ordered to do so by the department may be required to forfeit not more than \$200.~~

~~51.31-1. Transfer Of Vehicle Ownership While Registration Is Suspended. Transfer of Vehicle Ownership While Registration Suspended.~~

(a) ~~No owner may transfer the ownership or registration of any vehicle whose registration is suspended under Article XXX until the registration is reinstated under sec. 30-1(b) 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 sec. 30-1(a)(3).~~

(b) ~~An person violating this section may be subject to a fine of not more than \$200.~~

(c) ~~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 sec. 30-1(a)(3).~~

~~51.32-1. Nonmoving Violations.~~

~~Non Moving Violation.~~

(a) ~~As used in this section:~~

(a)(1) ~~“Authority” means a Tribal Authority, a local authority, or a state agency.~~

(a)(2) ~~“Forfeiture” includes a fine established under this ordinances.~~

(a)(3) ~~“Nonmoving traffic violation” is any parking of a vehicle in violation of a statute, an ordinance, or a resolution of the Oneida Nation or the state of Wisconsin.~~

(b) ~~If the person does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 28 days after the citation is issued, the authority which issued the citation may issue a summons to the person and, in lieu of or in addition to issuing the summons, may proceed but, except as provided in this section, no warrant may be issued for the person. If the person appears in response to a summons for a nonmoving traffic violation, the procedures under the current Oneida Court rules and regulations shall apply.~~

(c) ~~If the person does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date specified in the citation or, if no date is specified in the citation, within 28 days after the citation is issued, the authority may notify the department in the form and manner prescribed by the department that a citation~~

has been issued to the person and the citation remains unpaid. The authority shall specify whether the department is to suspend the registration of the vehicle involved under Article XXX or refuse registration of any vehicle owned by the person.

~~51.33-1. In Reference to All License Fees of the Oneida Nation Motor Vehicle Registration Ordinance. This Article supersedes all prior references to license fee dollar amounts within the Oneida Motor Vehicle Registration Ordinance. Specifically, sections 4-1, 10-5, 10-6, 11-3, 13-1, 13-2, 15-1, 15-2, 15-3, 16-1, 17-1, 22-4, and 26-1.~~

~~51.33-2. All license fees of this Ordinance will be reviewed and set by the Department annually.~~

~~51.33-3. The Department will submit the annualized fees to the Oneida Business Committee for approval.~~

~~51.33-4. Upon approval, the fees will be placed on the policy and procedures manual of the Department.~~

~~51.33-5. The approved fees will be published on the Oneida Nation's newspaper.~~

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)

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) “Registrant” means a person who has applied for and received registration plates for a motor vehicle under this Law.

(r) “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.

(s) “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.

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

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

(v) “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 recommend 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 maintain a list of registrations. 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 to the following:

(1) The Oneida Police Department.

(2) 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; or

(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

51.5-1. The 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 non-moving 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, has a change of address or of his or her name, the person shall, within ten (10) days of such change, 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 guardian'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 of 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) In order to renew a registration, the registrant shall provide the Department with any updates to information required on the application for registration to ensure 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 which makes the motor vehicle subject to a different registration fee, the owner shall immediately apply for a new registration. The fee payable upon such re-registration shall be computed as if the motor vehicle was not previously registered by the Tribe, but a credit shall be allowed for the unused portion of the fee paid for the previous registration so long as the registration plates issued upon the previous registration are returned to the Department. The credit shall be computed on the basis of one-twelfth (1/12) of the annual registration fee or one twenty-fourth (1/24) 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 by the Department 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 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 registration renewal request has been made.

(c) 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).

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

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.

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.

(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 as required by the Department; 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)



Legislative Operating Committee

January 21, 2015

Vehicle Driver Certification and Fleet Management

Submission Date: 9/17/14

☒ Public Meeting: 4/25/14
☐ Emergency Enacted:
 Expires:

LOC Sponsor: Jennifer Webster

Summary: *To develop a new law to govern employee/Tribal official use of vehicles while on Tribal business which would replace the Vehicle Driver Certification Policy and the Fleet Management Policy.*

9/17/14 LOC: 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.

Next Steps:

- LOC to review the updated draft and analysis and determine whether (1) additional changes need to be made; (2) another public meeting should be held, in addition to the one held last term on April 25, 2014; and/or (3) this is ready to forward to the OBC for consideration of adoption.

Chapter 330

Vehicle Driver Certification and Fleet Management

330.1. Purpose and Policy	330.9. Suspension of Tribal Vehicle Driver Certification
330.2. Adoption, Amendment, Repeal	330.10. Drivers – Personal Vehicle Use on Tribal Business
330.3. Definitions	330.11. Suspension of Personal Vehicle Driver Certification
330.4. Tribal Department Responsibilities	330.12. Accidents
330.5. Tribal Vehicles - Usage	330.13. Vehicle Driver Certification Suspensions, Permanent Loss of Vehicle Driver Certification and Disciplinary Action
330.6. Rental Vehicles	330.14. Reinstatement of Vehicle Driver Certification
330.7. Tribal Vehicle Driver Certification	330.15. Supervisor Responsibilities
330.8. Driver Responsibilities – Tribal Vehicles	

<i>Analysis by the Legislative Reference Office</i>					
Title	Vehicle Driver Certification and Fleet Management (the Law)				
Requester	Bob Keck, Risk Management	Drafter	Lynn Franzmeier	Analyst	Tani Thurner
Reason for Request	Submitted on June 15, 2012, this proposal would replace the current Fleet Management Policy and Vehicle Driver Certification Policy with a single law. OBC Resolution #01-14-09-G set aside Chapters 300-399 of the Code of Laws as the Employment Relations Code, with the intent that all employment-related legislation eventually be organized and re-codified there. This is one such law.				
Purpose	Governs the management of Tribally-owned vehicles, and certification for Tribal employees, volunteers and officials to drive a Tribal Vehicle, or to drive a Personal Vehicle while conducting Tribal business.				
Authorized/ Affected Entities	Fleet Management, Risk Management, HRD, Environmental Health & Safety Division, Department of Public Works, Automotive Department, Supervisors				
Due Process	None				
Related Legislation	Fleet Management Policy; Vehicle Driver Certification Policy; Travel and Expense Policy; OBC Vehicle Policy; Drug and Alcohol Free Workplace Policy				
Policy Mechanism	Driver certification				
Enforcement	Suspending certification, loss of use of Tribal Vehicles, disciplinary action				

Overview

This Law repeals two existing Tribal policies, but incorporates most of their provisions into one new Tribal Law that governs Tribal employees, elected and appointed officials, and volunteers in the use of Tribal Vehicles, and Personal Vehicles being used by drivers conducting Tribal business. Various changes also update and streamline the existing requirements.

For the purposes of this analysis, the term “Tribal Vehicle Certification” refers to certification to drive a Tribal Vehicle, and “Personal Vehicle Certification” refers to certification to drive a Personal Vehicle while conducting Tribal business. When the term “Personal Vehicle” is used, it refers to the use of a Personal Vehicle while conducting Tribal business.

Proposed Amendments

Vehicle Driver Certification

Currently, drivers must have Tribal Vehicle certification in order to operate a Tribal Vehicle; and Personal Vehicle certification in order to drive a Personal Vehicle on Tribal business. Both certifications require the driver to have a Wisconsin driver’s license. This Law adds that drivers must have the appropriate license within 30 days after their start date; the license must not be probationary; and an occupational license qualifies if the driver’s abstract allows the driver to operate the necessary vehicle for their job with the Tribe. [330.7-1(a) and 330.10-1(a) and the Vehicle Driver Policy, I.A.1. and I.B.1.]

The Law clarifies that Personal Vehicle Drivers are subject to this Law regardless of whether they apply for mileage reimbursement. 330.10-3 (c)

Training Requirements

The Law adds a new requirement whereby drivers must attend driver safety training every three years in order to become Tribal Vehicle certified. Drivers must complete the required training within 180 days after this Law becomes effective. [330.7-1(c)]

- Training is not required for Personal Vehicle certification or for Tribal Vehicle Drivers who are already governed by – and satisfy – other federal/state agency requirements for driver safety training.
- Training is conducted by the Environmental Health and Safety Division (EHSD).
- Drivers will be paid their regular wage for all required training – this means employees would earn their regular pay and volunteers would not be compensated for attending the training. The Comprehensive Policy, 11-6(a) provides that officials are eligible for a \$100 stipend for each full day of being present at a training, when attendance is required by law, bylaw or resolution – and this training will most likely be seen as being required by law.
- A break in employment or service of 180 days or more requires retraining.
- The Law also adds that supervisors may refer Drivers to EHSD or another appropriate agency or training source for additional driver training. [330.15-3(a)]

Driving Records

Currently, for Tribal Vehicle Certification, a driver must not have been convicted, within the past three years, of various driving violations listed within the Vehicle Driver Certification Policy. This Law no longer lists specific driving violations – instead, for both Tribal and Personal Vehicle Certification, the driver must pass a driving record check by HRD to verify the Driver has not been cited for, or convicted of, a violation which would make the Driver ineligible under this Law. [330.7-1(b) and 330.10-1(b)] The Law adds that:

- **Tribal Vehicle certification only** - if a driver is at least 50% at fault in an accident involving the Tribal Vehicle - and vehicle damage, property damage or personal injury, then his or her Tribal Vehicle certification must be suspended. [330.12-7]
- **Both Tribal and Personal Vehicle certification** - Any person cited for a motor vehicle operation offense involving drugs or alcohol will be ineligible to be certified for three years after the conviction date, or until the citation is dismissed. [330.13-5]

Insurance Requirements

Currently, only Tribal Vehicle drivers are required to authorize HRD to check their driving records. This Law also requires Personal Vehicle drivers to authorize checks as well, and adds that the Tribe reserves the right to check – or allow insurance carriers to check - driving records of a Driver at any time. [330.7-1(b), 330.7-3, and 330.10-1(b)]

New Eligibility Reporting Requirements

The Law changes the current requirements relating to information a driver is required to report:

	Current Policies	Proposed Law [330.8-1, 330.9-1 and 330.11-1]

What to report:	Any <u>convictions</u> affecting their eligibility to be certified.	<ul style="list-style-type: none"> • <u>Citations</u> for driving infractions involving drugs or alcohol • Driving privileges suspended or reinstated by the state or a regulatory agency
When to report:	Within 5 working days	Immediately
Reporting to:	HRD	The driver's supervisor and HRD
This applies to:	Tribal Vehicle Drivers	Tribal and Personal Vehicle Drivers

The Law also now requires Personal Vehicle Certified drivers to immediately notify HRD if their insurance coverage is cancelled or lapses, whereby HRD must immediately remove the driver from the list of certified drivers and notify the Driver's supervisor (if an employee or volunteer) or Tribal entity (if an official). [330.10-2 (b)(1)]

Accident Reporting

	Tribal Vehicle Drivers [330.12-2]	Personal Vehicle Drivers [330.12-6]
What must be reported to law enforcement:	Accidents or damage to <u>Tribal Vehicles</u> that resulted in: <ul style="list-style-type: none"> • Death • injury requiring medical intervention • damage to property not belonging to the Driver/ Tribe • The Tribal Vehicle being disabled or towed. 	All accidents
What must be reported to the Tribe:	Must <u>immediately</u> report all accidents or damage involving the vehicle to his/her Supervisor, Fleet <u>and</u> Risk Management, <u>and</u> provide Fleet Management and Risk Management with a completed incident report within 24 hours	Must report all accidents to their Supervisor (or HRD if no Supervisor) and Risk Management within 24 hours

The Law also adds that:

- Both Tribal and Personal Vehicle Drivers must follow any additional accident reporting requirements for vehicles regulated by a state or federal agency. [330.12-3]
- If a Supervisor is aware of an accident and reporting requirements are not followed, the Supervisor's own certification may be suspended.[330.12-5]
- If the Tribe's Travel and Expense Policy has more restrictive requirements regarding accident reporting, the provisions of that Policy shall apply. [330.12-1]

Rental Vehicles

New provisions are added to address rental vehicles, which are considered Tribal Vehicles for the purpose of this Law. Drivers must be Tribal Vehicle driver certified; cars must be rented in accordance with the Tribe's Travel and Expense Policy; and the maximum collision damage waiver offered by rental companies must be purchased. [330.6]

Nonbusiness miles

Tribal Vehicles still cannot be used for personal use or non-business miles. There is no longer an exception for unexpected medical emergencies, but a new exception is added: personal/non-business use is permitted "as authorized by the Business Committee Vehicle Policy¹. [330.5-4(a)] The OBC Vehicle Policy, in turn, only permits personal use in one situation

¹ As approved on August 17, 1990 and amended by the OBC.

- the Tribal Chair may use the Tribal Vehicle for commuting to and from Tribal headquarters. [III.E. and III.F.] This provision was added to eliminate conflict between this Law and the OBC Vehicle Policy. To create more exceptions, the OBC Vehicle Policy would have to be amended.

This Law instead only permits three categories of people to be passengers in a Tribal Vehicle:

- Employees, officials and volunteers on Tribal business.
- Individuals who receive permission, through OBC motion, to travel in a Tribal Vehicle.
- Individuals being transported as part of a Tribal program or service. [330.5-3]

Drug and Alcohol Use

Currently, the policies prohibit employees from using a Tribal Vehicle while under the influence of alcohol or drugs. The Law instead prohibits use of a Tribal Vehicle by an individual under the influence of alcohol, illegal drugs, or prescription or over the counter medicine used in an unauthorized or unlawful manner. [330.5-7(a)]

Suspension of Certification

Both types of certification can be suspended for any violation of this Law. The Law adds that regardless of whether certification is suspended, drivers who violate this Law may also be subject to further disciplinary action [330.13-7, 330.9-1 and 330.11-1]

The Law adds that certification can be suspended for knowingly driving a Tribal Vehicle without being certified – this looks like it is intended to apply to persons who already have their certification suspended, but who drive anyway. [330.9-1(f)]

Length of Suspension [330.13 and 330.3-1(j)]	
*“Workday” is defined as “a regularly scheduled workday or service day for a Driver, regardless of whether the day falls on a weekday or weekend.”	
First suspension	At least 5 workdays
Second suspension	At least 10 workdays
Third Suspension	At least 15 workdays
Fourth or more	3 years

The Law also adds that a break in employment/service of 180 days or more will clear the Driver’s record of any prior suspensions. [330.13-4] This means that no matter how many prior suspensions a driver had, the next suspension would be treated as a first offense.

Reinstatement of Certification

The Law adds that when certification is suspended for 30 days or less, it is automatically reinstated when the suspension expires. Suspensions of 31 days or longer end after the suspension ends and the reason for the ineligibility expires - the individual must request reinstatement, submit written proof of insurance, and receive HRD approval in order to be reinstated. However, if it is the individual’s fourth suspension or due to a conviction of motor vehicle operation citation involving drugs or alcohol, then HRD, Fleet Management and Risk Management must give unanimous approval for reinstatement. [330.14-2]

However, notwithstanding any regular suspension or reinstatement; HRD, Fleet Management and Risk Management can unanimously agree to suspend a driver’s certification or extend a suspension based on the best interests of the Tribe. [330.13-6]

Suspended Certification Affecting Job Duties

Where an employee’s certification is suspended and it affects his/her ability to perform job duties, the supervisor no longer has sole discretion on how to address the matter – instead,

the employee is now responsible for requesting, in writing, that the supervisor and an HRD representative jointly determine available options - i.e. accommodation in the employee's home department, unpaid leave, termination, etc. The Law also adds that this is only an option if the employee's certification is suspended for more than five days. [330.9-2]

Currently, a supervisor may accommodate an employee by removing the driving requirement from the employee's job description. This language was specifically excluded from the new Law with the intent is that this would no longer be an option that could be exercised.

New Authorities, Responsibilities, Requirements

The Law also adds new authorities and responsibilities for various parties:

- **Personal Vehicle drivers** must maintain and provide updated proof of insurance; and immediately notify HRD if their insurance is cancelled/lapses. [330.10-2(b)]
- **Tribal Vehicle drivers** are now responsible for:
 - Ensuring Tribal Vehicle use rules are followed when the vehicle is under his/her control, following all traffic laws, respecting property, being courteous, using good judgment, and keeping the interior of the vehicle in good/clean condition. [330.5-7 and 330.5-10]
 - Safely stopping the vehicle when using various electronic devices and reading materials, except for for authorized emergency vehicle communication and on-board computers used for navigation/communication. [330.8-2(d)]
 - Providing proof to Fleet Management of any necessary consent to use a non-permanently-assigned Tribal Vehicle. [330.5-1(c) and (d)]
 - Complying with any alcohol and drug testing requirements under the Tribe's Drug and Alcohol-Free Workplace Policy. [330.12-2(c)]
- **Supervisors:**
 - must ensure that drivers have the appropriate training; and that their insurance information is on file with HRD; and
 - must investigate all infractions of this Law of which they become aware; and implement disciplinary action against employees who violate this Law. [330.15-1]
 - may refer drivers to the Employee Assistance Program in accordance with "applicable" Tribal policies/procedures. [330.15-3(b).]
- **HRD:** The Law codifies duties already being performed by HRD; including:
 - performing driving record checks/reviews and approving certifications.
 - notifying supervisors or Tribal entities of the certification status of their employees and volunteers. [330.4-5]
 - The Law now also requires HRD to notify individuals during the hiring process, in writing, if they are ineligible to become vehicle driver certified. [330.10-4]
- Before issuing a Tribal Vehicle, **Fleet Management** must now confirm that the driver is properly certified and has consent; and must require proof that any other individuals are eligible to ride in a Tribal Vehicle. [330.5-1]
- **Risk Management** must provide insurance cards in Tribal Vehicles. [330.4-4(b)]
- **Fleet Management and Risk Management** are jointly responsible for accident investigations, determining fault in an accident if law enforcement hasn't done so; making recommendations as to when certification should be suspended; and participating in situations related to approval of driver certifications. [330.4-2, 330.4-4(e) and 330.12-4]

Specific Certification/Driving/Training/Licensing Requirements

Rules governing more specific licensing requirements were deleted, as these are addressed in other Tribal driving policies. The Law adds that Tribal Vehicle drivers are subject to all specialized requirements necessary to comply with the rules of specific departments and/or state or federal regulatory agencies. [330.5-12]

Departments are no longer required to create SOPs to minimize risk exposure, but may still require stricter driving and certification requirements. These must now be approved by both Fleet Management and HRD. [330.7-2] The Law adds that those with a Commercial Driver License may be restricted to only operating Tribal Vehicles within the state of Wisconsin. [330.7-1(a)(1)]

Other Changes

- Tribal Vehicles may be equipped with GPS systems to monitor vehicle use. Fleet Management is responsible for installation/removal. [330.4-2(e) and 330.5-11]
- Currently, all drivers and passengers in Tribal Vehicles must comply with the Wisconsin seat belt law. The Law instead requires all drivers and passengers in both Tribal and Personal Vehicles to wear seat belts at all times. [330.10-5 and 330.5-7(d)]
- One Stop, instead of DPW fuel pumps, must generally be used for Tribal Vehicles. [330.5-7(c)]
- New provisions address Personal Vehicle mileage reimbursement. [330.10-3]
- Hitchhikers are still not permitted in Tribal Vehicles, but there is no longer an emergency exception for assisting disabled motorists. The Law is still silent as to Personal Vehicles. Trailer hitches are no longer specifically prohibited on Tribal Vehicles. Tribal logos are now required to be placed on all Tribal Vehicles. Tribal entities can no longer request an exception. Personal Vehicle Drivers are prohibited from using their vehicles for personal gain of any kind, just as Tribal Vehicle Drivers are. [330.10-3(b) and 330.5-5]
- Tribal entities are no longer required to drive at least 14,000 miles/year in order to have their own designated vehicle. Instead, Fleet Management determines the minimum mileage necessary for a designated vehicle. [330.5-2]

Miscellaneous

The definition of employee is updated to reflect a standardized definition used in other recent legislation. [330.3-1(c)] Minor changes bring the Law into compliance with the Drug and Alcohol Free Workplace Policy. [330.5-8(a)] Section 330.2 was added and revised to ensure the new Law complies with the Legislative Procedures Act (LPA); and this Law can only be amended by the OBC pursuant to the LPA. [330.2-2]

A public meeting was held on April 25, 2014. The comments received during the public meeting and public comment period have been reviewed and any changes based on those comments have been incorporated into this draft.

Considerations

- The Law does not identify whether or how any disciplinary or suspension actions could be appealed.
- The Law is intended to apply not only to employees, but also to elected and appointed officials and volunteers, but some provisions do not consistently reflect this:
 - 330.10-4 states that “During the hiring process, individuals who are ineligible to be vehicle driver certified shall be notified of their ineligibility in writing by [HRD]. Drivers who become ineligible to be vehicle driver certified after being hired shall be notified of their ineligibility by their Supervisor and in writing by [HRD].” There is no hiring process for officials or volunteers, and they do not have supervisors.

- 330.9-2 sets out how an employee whose vehicle driver certification is suspended can request a meeting with HRD and their supervisor to determine what options are available to them if the suspension affects their ability to perform their duties, but there is no similar provision for officials and volunteers.
- 330.15-1(i) requires supervisors to implement disciplinary action against Drivers who violate this Law, in accordance with the Personnel Policies. However, those do not apply to officials or volunteers, and again, they may not have supervisors.
- 330.12-2(c) requires Tribal Vehicle drivers to comply with any alcohol/drug testing requirements under the Tribe's Drug and Alcohol Free Workplace Policy (DAFWP). However, that Policy specifically only applies to employees, and not to officials, and it appears it would not apply for volunteers. Under the DAFWP [section 8-3], employees involved in a work-related accident are required to immediately undergo drug and alcohol testing and cannot refuse to submit to any post-accident testing requested by certified drug and alcohol technicians, police, or Employee Health Nursing. In short, this requirement would not extend to officials or volunteers.
- 330.5-7(a) strictly prohibits Tribal Vehicle Drivers from being under the influence of alcohol, illegal drugs, or prescription or over-the-counter medicine used in an unauthorized or unlawful manner. 330.5-3 authorizes some persons who are not employees, officials or volunteers, to ride in Tribal Vehicles, in some situations. However, are no similar provisions governing Personal Vehicles. This is a policy call.

Chapter 330

Vehicle Driver Certification and Fleet Management

330.1. Purpose and Policy

330.1-1. The purposes of this Law are to:

- (a) establish standards that certify employees, officials and volunteers to drive a Tribal vehicle or drive a personal vehicle on Tribal business; and
- (b) control the use of all Tribal vehicles.

330.1-2. It is the policy of the Tribe to:

- (a) minimize the Tribe's liability when physical damage to vehicles and/or property damage occurs as a result of vehicle accidents; and
- (b) improve the efficiency and effectiveness of the use of Tribal vehicles.

330.2. Adoption, Amendment, Repeal

330.2-1. This Law was adopted by the Oneida Business Committee by Resolution _____.

330.2-2. This Law may be amended by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

330.2-3. 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.

330.2-4. 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. Provided that, this Law repeals the following:

- (a) BC-09-09-98-A (Resolution Adopting Amended Vehicle Driver Certification Policy)
- (b) BC-09-24-97-E (Resolution Adopting Vehicle Fleet Management Policy)

330.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

330.3. Definitions

330.3-1. 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) "Business miles" means miles driven in a vehicle by an individual in order to conduct Tribal business.

(b) "Drivers" means employees, officials and volunteers who are vehicle driver certified to operate a Tribal vehicle or a personal vehicle on Tribal business.

(c) "Employee" means an individual who is employed by the Tribe and is subject to the direction and control of the Tribe with respect to the material details of the work performed, or who has the status of an employee under the usual common law rules applicable to determining the employer-employee relationship. "Employee" includes, but is not limited to, an individual employed by any program or enterprise of the Tribe and political appointees, but does not include elected or appointed officials, or individuals employed by a Tribally Chartered Corporation. For purposes of this Law, individuals employed under an employment contract as a limited term employee are employees of the Tribe, not consultants.

(d) "Non-business miles" means miles driven in a Tribal vehicle that are not business-related, including commuting.

(e) "Official" means anyone who is serving on the Oneida Business Committee or the Tribe's Judiciary, and any other person who is elected or appointed to a Tribal board, committee or commission created by the Oneida Business Committee or Oneida General Tribal Council.

(f) "Tribal" or "Tribe" means the Oneida Tribe of Indians of Wisconsin.

(g) "Tribal entity" means a Tribal department, enterprise, program, board, committee or commission.

(h) "Tribal vehicle" means all vehicles owned or leased by the Tribe.

(i) "Volunteer" means a person who provides a service to the Tribe without receiving pay.

(j) "Workday" means a regularly scheduled workday or service day for a Driver, regardless of whether the day falls on a weekday or weekend.

330.4. Tribal Department Responsibilities

330.4-1. *Department of Public Works.* The Department of Public Works shall maintain a Fleet Management and an Automotive Department to assist with the implementation of the provisions of this Law.

330.4-2. *Fleet Management.* Fleet Management shall:

(a) Purchase, manage and monitor the use of Tribal vehicles including the removal of unsafe vehicles from the fleet;

(b) Obtain estimates of and schedule Tribal vehicle repairs when necessary;

(c) Participate in accident investigations;

(d) Participate in situations requiring approval of Driver certifications; and

(e) Install or remove global positioning system monitors on Tribal vehicles.

330.4-3. *Automotive Department.* The Automotive Department shall service and maintain Tribal vehicles according to factory recommendations, or the maintenance schedule established by the Automotive Department, whichever is stricter. Any vehicle deemed unsafe by the Automotive Department shall be reported to Fleet Management.

330.4-4. *Risk Management.* Risk Management shall:

- (a) Secure and maintain insurance coverage for all Tribal vehicles;
- (b) Provide auto insurance identification cards in every Tribal vehicle;
- (c) Process all vehicle claims and information submitted to them;
- (d) Submit claims to the insurance company;
- (e) Participate in accident investigations; and
- (f) Participate in situations requiring approval of Driver certifications.

330.4-5. *Human Resources Department.* The Human Resources Department shall:

- (a) Maintain the list of Drivers and provide the list to Fleet Management and the Central Accounting Department on a regular basis;
- (b) Perform driving record checks and approve or deny vehicle driver certification based on the review of an individual's driving record;
- (c) Notify supervisors of the vehicle driver certification status of his or her employees or volunteers;
- (d) Assist supervisors with the administration of vehicle driver certification suspensions;
- (e) Request proof of insurance on personal vehicles driven on Tribal business;
- (f) Participate in accident investigations;
- (g) Approve vehicle driver certifications; and
- (h) Maintain documentation of all required driver training and regulatory compliance.

330.4-6 *Environmental Health & Safety Division.* The Environmental Health & Safety Division shall provide Driver safety training as included herein, and provide the Human Resources Department with the names of Drivers who have completed training after each training session.

330.5. Tribal Vehicles - Usage

330.5-1. Drivers that do not have access to a permanently assigned Tribal vehicle may request to use a Tribal vehicle to conduct Tribal business by submitting a request to Fleet Management.

- (a) Whenever possible, requests shall be made to Fleet Management at least one (1) week in advance. Fleet Management may cancel reservations that are not fulfilled in a timely manner and may combine vehicle use for travel to the same destination.
- (b) Fleet Management shall confirm a Driver is vehicle driver certified before approving the use of a Tribal vehicle.
- (c) An official or volunteer shall provide proof to Fleet Management that he or she has the consent of his or her Tribal entity to use a Tribal vehicle.
- (d) An employee shall provide proof to Fleet Management that he or she has the consent of his or her Supervisor before using a Tribal vehicle.
- (e) Upon receiving proof that a Driver has the required consent to use a Tribal vehicle and any other individuals are eligible to travel in a Tribal vehicle, Fleet Management shall determine whether a Tribal vehicle is available.

330.5-2. In order to have a Tribal vehicle permanently assigned to a Tribal entity, the entity shall drive a minimum number of miles annually, as determined by Fleet Management. Exceptions to the mileage criteria may be granted upon request by a Tribal entity and with written approval from Fleet Management.

330.5-3. The following individuals may travel in a Tribal vehicle:

- (a) Employees, officials or volunteers who are on Tribal business.
- (b) Individuals who receive permission, through Oneida Business Committee motion, to travel in a Tribal vehicle. The Oneida Business Committee may request input from Fleet Management before making a determination on these requests.
- (c) Individuals being transported as part of a Tribal program or service.

330.5-4. Tribal vehicles shall be used for business miles. When away from the work site, a Tribal vehicle may also be used for incidental purposes, such as travel to and from lodging and meal sites. Tribal vehicles shall not be used for any of the following:

(a) Personal use or non-business miles, except as authorized under the Business Committee Vehicle Policy, as approved on August 17, 1990 and amended by the Oneida Business Committee.

(b) Vacation.

(c) Towing cargo for personal reasons.

(d) Hauling loads that could structurally damage the vehicle.

(e) Delivering goods or services for personal gain, or operating private pools where the riders pay the driver.

(f) Transporting hitchhikers.

(g) Jump starting vehicles, other than Tribal vehicles.

330.5-5. Tribal logos shall be placed on all Tribal vehicles.

330.5-6. A radar detection device shall not be installed or used in a Tribal vehicle.

330.5-7. *General.* A Driver of a Tribal vehicle shall ensure the following rules regarding the use of a Tribal vehicle are followed when the Tribal vehicle is under his or her control.

(a) A Driver of a Tribal vehicle shall not be under the influence of alcohol; illegal drugs; or prescription or over-the-counter medicine used in an unauthorized or unlawful manner.

(b) There is no smoking allowed in Tribal vehicles.

(c) Oneida One Stops shall be used for fueling Tribal vehicles, unless the Tribal vehicle needs fuel before it can be taken to an Oneida One Stop.

(d) All Drivers of and passengers in Tribal vehicles shall wear seat belts at all times.

330.5-8. Modifications to Tribal vehicles for personal reasons shall not be permitted. Modifications to Tribal vehicles for operating purposes may be allowed only with the approval of Fleet Management.

330.5-9. A Tribal entity shall regularly schedule service work, maintenance work and safety checks with the Automotive Department for any Tribal vehicle assigned to the entity.

330.5-10. A Driver of a Tribal vehicle shall follow all traffic laws, respect property, be courteous and use good judgment. Vehicle interiors should be kept in good condition, clean and free of debris.

330.5-11. The Tribe may equip Tribal vehicles with Global Positioning Systems (GPS) to monitor vehicle usage.

330.5-12. *Specialized Requirements.* Drivers of Tribal vehicles are subject to all specialized requirements necessary to comply with specific departmental rules regarding age, experience, training, licensing, additional provisions and/or specialized requirements and rules imposed by state or federal regulatory agencies.

330.6. Rental Vehicles

330.6-1. Rental vehicles are considered Tribal vehicles for the purpose of this Law. All provisions of this Law apply to rental vehicle usage. Cars shall be rented in accordance with the Tribe's Travel and Expense Policy and Drivers of rental vehicles shall be vehicle driver certified according to the terms and conditions of this Law.

330.6-2. Every vehicle rental shall include the purchase of the maximum collision damage waiver offered by rental companies.

330.7. Tribal Vehicle Driver Certification

330.7-1. Drivers shall be vehicle driver certified by the Human Resources Department before operating a Tribal vehicle. In order to be vehicle driver certified to operate a Tribal vehicle, Drivers shall:

(a) Hold a valid, non-probationary Wisconsin driver license and provide proof of such license, including any commercial endorsement(s), to the Human Resources Department.

(1) Drivers with commercial driver licenses may be restricted to only operating Tribal vehicles within the state of Wisconsin.

(2) An occupational license is a valid, non-probationary driver license if the driver's abstract for the occupational license allows the Driver to operate Tribal vehicles for his or her job with the Tribe.

(3) Individuals with a driver license from a state other than Wisconsin shall obtain a Wisconsin driver license within thirty (30) days after their first day of actual employment or service and provide a copy to the Human Resources Department.

(b) Pass a driving record check to verify the Driver has not received a citation or been convicted of a violation which would make the Driver ineligible under this Law.

(1) The individual shall have his or her driving record checked by the Human Resources Department prior to his or her hire date. An individual with a driver license from a state other than Wisconsin shall have his or her driving record checked based on that state's license.

(2) The individual shall authorize the Human Resources Department to check his or her driving record. Any individual who refuses to allow his or her driving record to be checked shall not be vehicle driver certified to operate a Tribal vehicle.

(3) State Department of Motor Vehicle reports shall be used to determine whether an individual passes the driving record check.

(4) Tribal insurance carriers or agents may check an individual's driving record. This review shall be deemed to be a review by the Tribe.

(c) Complete all driver training requirements imposed by the Tribe or an individual Tribal entity or by any federal or state agency regulations.

(1) Drivers of Tribal vehicles who are not governed by federal or state agency regulations for driver safety training shall complete driver safety training, as required by the Environmental Health & Safety Division, every three (3) years.

(A) The training program shall be administered, scheduled, rescheduled and documented by the Environmental Health & Safety Division.

(B) A Driver who has not completed the required training requirements within (180) days of the effective date of this Law shall be prohibited from driving a Tribal vehicle until he or she completes the required training.

(C) A break in employment or service of one hundred eighty (180) days or greater requires retraining. Drivers shall be paid their regular wage by their home department for all required training.

(2) Drivers of Tribal vehicles who are governed by federal or state agency regulations or requirements shall:

(A) complete all required driver safety training according to the applicable regulations before being certified to operate a Tribal vehicle to which the regulations apply.

(B) be in compliance with all regulatory requirements pertaining to drugs and alcohol.

330.7-2. A Tribal entity may require stricter driving certification procedures that do not conflict with these standards. Such procedures shall be submitted to Fleet Management and the Human Resources Department for review and approval.

330.7-3. The Tribe reserves the right to check driving records of a Driver at any time. The Tribe also reserves the right to allow insurance carriers to check driving records at any time.

330.8. Driver Responsibilities – Tribal Vehicles

330.8-1. Drivers shall notify the Human Resources Department, in writing, immediately upon:

- (a) Issuance of a driving citation involving drugs or alcohol.
- (b) Any suspension of driving privileges by any State or regulatory agency.
- (c) Reinstatement of driving privileges by any State or regulatory agency, if applicable.

330.8-2. When a Driver uses a Tribal vehicle, he or she shall:

- (a) Complete a vehicle mileage log. Vehicle mileage logs are found in each Tribal vehicle.
- (b) Notify Fleet Management immediately of any problem(s) with a Tribal vehicle that may be a safety or mechanical hazard, or of any incidents that result in the inability of a Tribal vehicle to complete a trip.
- (c) Be personally responsible for all traffic citation costs, parking ticket costs or any similar expense related to vehicle use.
- (d) Safely stop the vehicle when using devices such as cell phones, whether for talking or texting; notebook or laptop computers; books or book applications; newspapers or magazines; and two-way radios. This does not include authorized emergency vehicle communication equipment or on-board computers used for communication or navigation.
- (e) Abide by all provisions contained in this Law.

330.9. Suspension of Tribal Vehicle Driver Certification

330.9-1. A Driver shall have his or her Tribal vehicle driver certification suspended and shall be prohibited from driving a Tribal vehicle upon any of the following:

- (a) Refusing to allow the Tribe or an insurance carrier check his or her driving record.
- (b) Failing to advise his or her Supervisor, or the Human Resources Department if the Driver does not have a Supervisor, of a driver license suspension or of receiving a motor vehicle operation citation involving drugs or alcohol.
- (c) Failing to complete any applicable driver training requirements.
- (d) Receiving a motor vehicle operation citation for an offense involving drugs or alcohol.
- (e) Having his or her driver license suspended by the State.
- (f) Knowingly driving a Tribal vehicle without being certified under the provisions of this Law.
- (g) Violating any other provision of this Law.

330.9-2. *Vehicle Driver Certification Suspensions Affecting Employment Status.* Individuals who have their vehicle driver certification suspended for more than five (5) days and their ability to perform their duties as an employee affected by that suspension may request, in writing, that their Supervisor and a Human Resources Department representative determine what, if any, options may be available to them. Options may include, but are not limited to: non-driving accommodation within the home department; reassignment to a position which does not require driving; a leave of absence without pay; or termination of employment.

330.10. Drivers – Personal Vehicle Use on Tribal Business

330.10-1. *Certification.* Drivers of personal vehicles on Tribal business shall be vehicle driver certified by the Human Resources Department to operate a personal vehicle on Tribal business. In order to be vehicle driver certified to operate a personal vehicle on Tribal business, a Driver shall:

(a) Hold a valid, non-probationary Wisconsin driver license within thirty (30) days after his or her start of employment or time of election, appointment or volunteer service.

(1) Drivers with a driver license from a state other than Wisconsin shall have their driving record checked based on that state's license.

(2) An occupational license is a valid, non-probationary driver license if the driver's abstract for the occupational license allows the Driver to operate vehicles owned by the Driver for his or her job with the Tribe.

(b) Pass a driving record check by the Human Resources Department to verify the Driver has not received a citation or been convicted of a violation which would make the Driver ineligible under this Law. Any individual who refuses to allow his or her driving record to be checked shall not be vehicle driver certified to operate a personal vehicle on Tribal business.

330.10-2. *Insurance.* Drivers shall provide proof of the minimum insurance required by this Law to the Human Resources Department.

(a) The minimum insurance requirements on a personal vehicle are:

(1) \$100,000 Per Person;

(2) \$300,000 Per Accident for Bodily Injury; and

(3) \$25,000 Property Damage.

(b) Drivers are responsible for maintaining updated proof of vehicle insurance and providing copies to the Human Resources Department.

(1) A Driver shall immediately notify the Human Resources Department of any cancelation or lapse in his or her insurance coverage.

(2) A Driver is prohibited from driving a personal vehicle on Tribal business during the time he or she does not have the required minimum personal auto insurance coverage. The Human Resources Department shall remove the Driver from the list of certified drivers immediately upon notification by the Driver and shall notify the Driver's Supervisor or Tribal entity.

(c) The Human Resources Department shall maintain proof of insurance on personal vehicles of Drivers and may request proof of insurance from Drivers at any time.

330.10-3. *Mileage Reimbursement.*

(a) A Driver who operates a personal vehicle on Tribal business shall be reimbursed for any business miles driven in his or her personal vehicle if he or she:

(1) Was vehicle driver certified at the time and had proof of required insurance on file with the Human Resources Department.

(2) Had prior consent from his or her Supervisor, if an employee or volunteer.

(3) Had prior consent from the applicable board, committee or commission, if an official.

(b) Drivers of personal vehicles while on Tribal business are prohibited from using their vehicle for personal gain of any kind.

(c) All provisions of this Law apply to Drivers of personal vehicles on Tribal business regardless of whether or not vehicle mileage reimbursement is submitted.

330.10-4. During the hiring process, individuals who are ineligible to be vehicle driver certified shall be notified of their ineligibility in writing by the Human Resources Department. Drivers

who become ineligible to be vehicle driver certified after being hired shall be notified of their ineligibility by their Supervisor and in writing by the Human Resources Department.

330.10-5. *Seat Belts.* All Drivers of and passengers in a personal vehicle on Tribal business shall wear seat belts at all times.

330.11. Suspension of Personal Vehicle Driver Certification

330.11-1. A Driver shall have his or her personal vehicle driver certification suspended and shall be prohibited from driving a personal vehicle on Tribal business upon any of the following:

- (a) Refusing to allow the Tribe or an insurance carrier check his or her driving record.
- (b) Not maintaining the minimum insurance requirements on his or her personal vehicle.
- (c) Failing to advise his or her Supervisor, or the Human Resources Department if the Driver does not have a Supervisor, of a driver license suspension or of receiving a motor vehicle operation citation involving drugs or alcohol.
- (d) Receiving a motor vehicle operation citation for an offense involving drugs or alcohol.
- (e) Having his or her driver license suspended by the State.
- (f) Violating any other provision of this Law.

330.12. Accidents

330.12-1. This section shall apply in the event a Driver is involved in an accident while driving a Tribal vehicle or a personal vehicle on Tribal business, provided that if the Tribe's Travel and Expense Policy has more restrictive requirements regarding accident reporting, the provisions of that Policy shall apply.

330.12-2. Drivers operating a Tribal vehicle shall:

- (a) report all accidents or damage involving the vehicle immediately to his or her Supervisor, Fleet Management and Risk Management.
- (b) provide Fleet Management and Risk Management with a completed incident report within twenty-four (24) hours after the accident or damage occurs.
 - (1) All Tribal vehicles shall have an Auto Incident Kit which contains forms and instructions for reporting any incident.
- (c) comply with any alcohol and drug testing requirements under the Tribe's Drug and Alcohol Free Workplace Policy.
- (d) report the accident or damage to local law enforcement if the accident or damage:
 - (1) results in an injury to the Driver or another person and requires medical intervention by a police officer or emergency medical technician, or treatment at a medical facility; or
 - (2) results in death of a person; or
 - (3) involves damage to property that does not belong to the Driver or the Tribe; or
 - (4) results in the Tribal vehicle being disabled and/or requires the Tribal vehicle to be towed.

330.12-3. Drivers shall follow any additional accident reporting requirements for vehicles regulated by a state or federal agency.

330.12-4. All accidents involving Tribal vehicles shall be internally investigated by the Tribe. These investigations shall be coordinated and completed as necessary by Fleet Management and Risk Management, and other personnel as deemed appropriate by Fleet Management and Risk Management. Investigations shall be completed as soon as practicable after an accident has been reported.

- (a) Investigative authority includes:

(1) determination of fault if not determined by law enforcement.

(2) recommendation of whether a Driver's vehicle driver certification should be suspended.

(b) Investigation reports shall be provided to the Driver and the Driver's Supervisor, or the Human Resources Department if the Driver does not have a Supervisor, with copies retained in Fleet Management and Risk Management for a minimum of three (3) years.

330.12-5. Non-compliance with accident reporting requirements shall result in a vehicle driver certification suspension for the employee(s) involved who failed to comply. If a Supervisor is aware of an accident and reporting requirements are not followed, the Supervisor is also subject to a vehicle driver certification suspension.

330.12-6. Drivers driving a personal vehicle while on Tribal business shall report all accidents to local law enforcement at the time of the accident, and to their Supervisor, or the Human Resources Department if the Driver does not have a Supervisor, and Risk Management within twenty-four (24) hours after the accident or damage.

330.12-7. If, while driving a Tribal vehicle, a Driver is determined to be, or admitted to be, more than fifty percent (50%) at fault in an accident involving vehicle damage, property damage or personal injury, the Driver shall have his or her vehicle driver certification suspended.

330.13. Vehicle Driver Certification Suspensions, Permanent Loss of Vehicle Driver Certification and Disciplinary Action

330.13-1. The first time a Driver has his or her vehicle driver certification suspended, the suspension shall last no less than five (5) workdays.

330.13-2. The second time a Driver has his or her vehicle driver certification suspended, the suspension shall last no less than ten (10) workdays.

330.13-3. The third time a Driver has his or her vehicle driver certification suspended, the suspension shall last no less than fifteen (15) workdays.

330.13-4. Drivers who incur more than three (3) vehicle driver certification suspensions under this Law shall lose their vehicle driver certification for three (3) years, beginning with the date of the incident that resulted in the most recent suspension. A break in employment or service of one hundred eighty (180) days or greater shall clear the Driver's record of any vehicle driver certification suspensions.

330.13-5. Due to the seriousness of a citation for the operation of motor vehicles involving drugs or alcohol, this Law requires suspension of vehicle driver certification upon the issuance of a driving citation involving drugs or alcohol and will only allow reinstatement of vehicle driver certification upon the dismissal of the citation or upon three (3) years passing from the date of conviction.

330.13-6. Notwithstanding sections 330.13-1 through 330.13-5, the Tribe reserves the right to suspend a vehicle driver certification or extend a vehicle driver certification suspension upon unanimous agreement between the Human Resources Department, Fleet Management and Risk Management and based on the best interests of the Tribe.

330.13-7. Drivers who violate this Law may be subject to disciplinary action, in accordance with Tribal policies and procedures, whether or not the violation results in the suspension of their vehicle driver certification.

330.14. Reinstatement of Vehicle Driver Certification

330.14-1. Vehicle driver certifications that are suspended for thirty (30) days or less shall be automatically reinstated upon expiration of the suspension. Vehicle driver certifications that are suspended for thirty-one (31) days or more shall be reinstated in accordance with 330.14-2.

330.14-2. An individual whose vehicle driver certification is suspended for thirty-one (31) days or more may have his or her vehicle driver certification reinstated after the following.

(a) The individual requests re-instatement of his or her vehicle driver certification after:

(1) A vehicle driver certification suspension has concluded or any citation(s) are dismissed or the individual is cleared of any charges alleged in a citation that resulted in a driving certification suspension; and

(2) Three (3) years have passed since the individual was convicted of a motor vehicle operation citation involving drugs or alcohol; and

(3) The state removes a driver license suspension; and

(4) Written proof has been submitted to the Human Resources Department that the individual has any required insurance coverage; and

(b) Upon request from an individual to re-instate his or her vehicle driver certification, the Human Resources Department shall:

(1) check the individual's driving record to ensure the individual has no violations on his or her driving record preventing re-instatement; and

(2) approve the proof of insurance submitted by the individual, provided it meets the requirements of this Law.

(c) If the individual passes the driving record check and his or her proof of insurance is approved, the individual's vehicle driver certification shall be reinstated upon:

(1) unanimous approval of the Human Resources Department, Fleet Management and Risk Management, if this was the individual's fourth (4th) suspension or the suspension was due to a conviction of motor vehicle operation citation involving drugs or alcohol; or

(2) approval of the Human Resources Department, in all other cases.

330.15. Supervisor Responsibilities

330.15-1. Supervisors of Drivers who drive a Tribal vehicle or a personal vehicle on Tribal business shall:

(a) Ensure those Drivers who report to them are vehicle driver certified before allowing them to drive a Tribal vehicle or a personal vehicle on Tribal business.

(b) Ensure Drivers have the appropriate license and training certification for driving vehicles.

(c) Ensure that Drivers have the appropriate insurance information on file with the Human Resources Department.

(d) Ensure all accidents and damages are reported in accordance with the provisions of this Law.

(e) Ensure that all Tribal vehicle mileage is recorded and submitted to Fleet Management in accordance with Fleet Management's requirements. Non-compliance with turning in mileage reports shall result in revoking department vehicles.

(f) Approve expense reports submitted for personal vehicle mileage reimbursement.

(g) Promptly investigate all infractions of this Law which they become aware of.

(h) Ensure that all direct reports abide by all provisions of this Law.

(i) Implement disciplinary action against Drivers who violate this Law, in accordance with the Tribe's personnel policies and procedures.

330.15-2. It is the responsibility of Supervisors to uphold and enforce all provisions of this Law. Supervisors who fail to uphold this Law may face suspension of vehicle driver certification, disciplinary action and/or loss of Department vehicles.

330.15-3. *Referrals.* Supervisors may refer Drivers to:

727 (a) the Environmental Health & Safety Division or an appropriate agency or training
728 source for additional driver training; and/or
729 (b) the Employee Assistance Program in accordance with applicable Tribal policies and
730 procedures.

731
732 *End.*

733



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 Business Committee Meeting Agenda Request Form

1. Meeting Date Requested: 12 / 10 / 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:

Agenda Header (choose one): General Tribal Council

Agenda item title (see instructions):

Petitioner Yvonne Metivier: Raise employee salaries 99 cents for those under \$65,000 and no layoffs

Action requested (choose one)

☐ Information only

☒ Action - please describe:

To acknowledge receipt of the petition and direct the appropriate analyses be completed.

3. Justification

Why BC action is required (see instructions):

The attached petition was submitted to the Tribal Secretary's Office on November 17, 2014. The Enrollment Department verified all enrollment numbers on the petition. There are 78 signatures. The BC needs to verify receipt of the verified petition and direct the appropriate analyses be completed.

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. redacted, verified petition

3.

2.

4.

☐ Business Committee signature required

5. Submission Authorization

Authorized sponsor (choose one): Lisa Summers, Tribal Secretary

Requestor (if different from above):

Name, Title / Dept. or Tribal Member

Additional signature (as needed):

Name, Title / Dept.

Additional signature (as needed):

Name, Title / Dept.

1) Save a copy of this form in a pdf format.

2) Email this form and all supporting materials to: BC_Agenda_Requests@oneidation.org

Memo

To: Oneida Business Committee

From: Lisa Summers, Tribal Secretary *LS*

Date: November 18, 2014

Re: Petition to raise employee salaries 99 cents per hour for those under \$65,000 and no lay offs

The memorandum serves as a request for the Oneida Business Committee (OBC) to formally acknowledge receipt of a verified petition, and to send this petition to the Law, Finance and Legislative Reference Office for analyses.

Background

On November 17, 2014, the Tribal Secretary's office received a petition which states the following:

GTC directs OBC to raise employee salaries hourly .99 cents – all employees under \$65,000 and no layoffs.

The petition was submitted to the Enrollment Department for verification Article III, Section 4 of Oneida's Constitution requirement for requesting a Special General Tribal Council (GTC) meeting were met. The Enrollment Department completed and submitted the required verification.

The next step is for the OBC to acknowledge receipt of the verified petition and then send the petition to the Law, Finance, and Legislative Reference Offices for all appropriate analyses to be completed.

Once the analyses are complete, they will be submitted to the OBC agenda for acceptance. The final step will be for the OBC to determine an available date GTC meeting date where the identified petition issues can be addressed.

Requested OBC Action

1. Accept the verified petition submitted by Yvonne Metivier.
2. Send the verified petition to the Law, Finance and Legislative Reference offices for the Legal, Financial and legislative analyses to be completed.
3. Direct the Law, Finance and Legislative Reference offices submit the analyses to the Tribal Secretary's office within 45 days, and that a progress report be submitted in 30 days.

c: JoAnne House, Chief Counsel
Larry Barton, Chief Financial Officer
GTC Petitions File



Oneida Tribe of Indians of Wisconsin

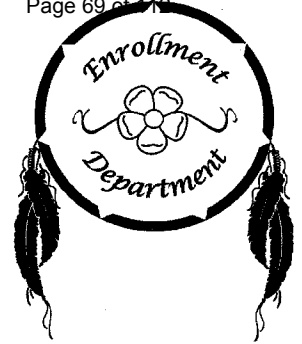
ENROLLMENT DEPARTMENT

P.O. BOX 365, ONEIDA, WI 54155-0365

PHONE: (920) 869-6200 * 1-800-571-9902 FAX: (920) 869-2995

www.oneidation.org/enrollment

Page 69 of 119



TO: Oneida Business Committee

FROM: Cheryl Skolaski, Enrollment Director

DATE: November 19, 2014

SUBJECT: Yvonne Metivier Petition Verification re: Pay Raise for Employees

Received Petition on 11/17/2014. Verified signatures on petition.

79 signatures were submitted,

78 signatures were verified as valid,

1 signature – Not verified member name & roll# did not match birthdate

Verified by:

Cheryl Skolaski

Enrollment Director

11/19/2014

Signature/Title

Date

If you have any questions, please feel free to contact me.

RECEIVED BY THE OFFICE
OF TRIBAL SECRETARY
ONEIDA BUSINESS COMMITTEE
NOV 17 2014
ONEIDA TRIBE OF
INDIANS OF WISCONSIN
INITIALS

Signature Not Verified
DOB does not match Name
(78/79) Signature Verified
Mumil 11/7/14

NAME OF PETITIONER:

YVONNE METIVIER

PURPOSE:

GTC directs OBC to raise employee salary
hourly .99¢ (ninety-nine cents) - all employees
under \$65,000... and no layoffs.

DATE SUBMITTED TO THE ONEIDA TRIBAL SECRETARY:

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
			7802 ✓	
			10252 ✓	
			4024 ✓	
			309 ✓	
			5529 ✓	
			2729 ✓	
			924 ✓	
			2832 ✓	
			1002 ✓	
			12313 ✓	
			13078 ✓	
			20648 ✓	
			20623 ✓	
			20669 ✓	
			20624 ✓	
			210434 ✗	

NOV 17 2014
Oneida RECEIVED

(14) Verified
CJP

Roll # on
Name.
CJP

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Lynn A. Franzmeier, Attorney
Taniquelle 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: Taniquelle Thurner, Legislative Analyst, Legislative Reference Office
DATE: January 7, 2015
RE: Petition: Raise employee salaries 99 cents (Yvonne Metivier)

A petition was submitted by Yvonne Metivier to the Tribal Secretary's Office on November 17, 2014. On November 19, 2014, the Enrollments Department verified the petition met the required number of signatures and on December 10, 2014, the Oneida Business Committee (OBC) accepted the petition and forwarded it for analysis, directing that a progress report be submitted in thirty days.

The petition seeks to **“raise employee salaries hourly .99 (ninety nine) cents – all employees under \$65,000 ... and no layoffs.”**

This would not affect existing Tribal legislation; and would not require Tribal legislation to be enacted or repealed, so a legislative review is not necessary. This analysis will instead provide background information, and will note specific issues for consideration.

This proposal calls for a \$0.99 cent raise for all employees earning less than \$65,000 per year. Assuming 52 weeks in a year and 40 hours in a week, this means that any employee earning less than \$31.25/hour would receive this raise.

The following chart gives examples of how much each employee's paycheck would increase, depending on their current hourly wage:

Current hourly wage	A \$0.99 hourly raise means an increase of:
\$7.25 (<i>min. wage</i>)	13.66%
\$9.00	11%
\$11.00	9%
\$13.00	7.62%
\$15.00	6.6%
\$17.00	5.82%
\$19.00	5.21%

Current hourly wage	A \$0.99 hourly raise means an increase of:
\$21.00	4.71%
\$23.00	4.3%
\$25.00	3.96%
\$27.00	3.67%
\$29.00	3.41%
\$31.00	3.19%
\$31.24 (<i>maximum</i>)	3.17%

Background Information

As of December 16th, 2750 people were employed by the Tribe. Of those, 1589 (57.78%) were enrolled Oneida Tribal members and 174 were enrolled members of other tribes.

This petition would only provide the \$0.99 increase to those earning less than \$65,000. The most recent information available shows that 153 employees earn more than \$65,000 annually. That means 2591 employees would be eligible for this raise.

GTC Pay Raises

Since 2009, budget freezes have eliminated regular pay raises and cost-of-living increases for Tribal employees. However, since 2009, GTC has passed two raises for employees:

- July 14, 2011 - GTC passed a \$0.75 hourly raise for all employees earning less than \$60,000 per year, beginning in 2012.
- September 21, 2013 - GTC passed a \$0.44 hourly raise for all employees. GTC also directed that the raise must not result in layoffs for any Tribal member employee or reduce current Tribal member services/benefits.

Flat-Amount vs Percentage Raises, Inflation Considerations

There are two types of raises an employee can generally earn: flat-amount raises, and percentage raises. A flat-amount raise increases all employee's hourly rate by the same dollar amount, whereas a percentage raise is different for each employee, depending on what the employee already earns—for example, a 2% raise would mean an employee earning \$10/hour would then be paid \$10.20/hour—an extra \$416 per year. By comparison, an employee earning \$20/hour would instead earn \$20.40/hour—an extra \$832 per year.

On a sliding scale: the lower an employee's hourly wage, the more they benefit from flat-amount raises; and the higher a person's wage; the more they benefit from percentage raises. For example, Tribal employees who were earning \$11/hour or less in 2009 benefited the most from the two raises approved by GTC - they earn more now than they would have if they were just given raises to cover inflation over the past six years. However, those earning more than \$11/hour in 2009 have seen their paychecks shrink – they may earn more, but the increase has not kept up with inflation.

Inflation affects an employee's income because it reduces buying power—as prices increase over time, the same amount of money won't go as far. The cumulative rate of US inflation since 2009 is 10.07%² - this means that for every \$100 an employee earned in 2009, they must earn \$110.07 today to be able to afford the same things.

As the following chart shows: If the 99 cent flat-amount raise is approved, then those earning less than roughly \$21/hour would be earning enough to at least cover the inflation since 2009. Those earning more than \$21/hour would still not have a paycheck that went as far as it

Comparison

The \$.44 and \$.75 flat-amount raises affected each employee differently:

- Employees earning \$7.25/hour in 2009 still have the same buying power with their paycheck today as they did in 2009, plus an extra 5.76% in addition to keeping up with inflation.
- Employees who earned \$27/hour in 2009 now earn \$28.19/hour, which is short of the \$29.72/hour needed to keep up with inflation – their paychecks today are worth 5.15% less than they were worth in 2009.

¹ According to the January 2015 HRD Communicator newsletter.

² According to the US Inflation Calculator - <http://www.usinflationcalculator.com/>

did in 2009.

		Current Situation		If the 99 cent raise is approved:	
Hourly wage earned in 2009	<i>Hourly wage the employee would need to make today to adjust for inflation since 2009</i>	The wage that employees are actually paid, after the 2 raises GTC has passed since 2009:	After adjusting for inflation, how far does a paycheck go today compared to 2009?	Hourly wage the employee will receive if GTC approves the 99 cent raise	After adjusting for inflation, how far would a paycheck go, compared to 2009?
\$7.25	\$7.98	\$8.44	+5.76%	\$9.43	+18.17%
\$9.00	\$9.91	\$10.19	+2.83%	\$11.18	+12.82%
\$11.00	\$12.11	\$12.19	+0.66%	\$13.18	+8.84%
\$13.00	\$14.31	\$14.19	-0.84%	\$15.18	+6.08%
\$15.00	\$16.51	\$16.19	-1.94%	\$17.18	+4.06%
\$17.00	\$18.71	\$18.19	-2.78%	\$19.18	+2.51%
\$19.00	\$20.91	\$20.19	-3.44%	\$21.18	+1.29%
\$21.00	\$23.11	\$22.19	-3.98%	\$23.18	+0.30%
\$23.00	\$25.32	\$24.19	-4.46%	\$25.18	-0.55%
\$25.00	\$27.52	\$26.19	-4.83%	\$27.18	-1.23%
\$27.00	\$29.72	\$28.19	-5.15%	\$29.18	-1.82%
\$29.00	\$31.92	\$29.44³	-7.76%	\$30.43	-4.67%
\$31.00	\$34.12	\$31.44⁴	-7.85%	\$31.44⁵	-7.85%

Considerations

As written, this petition statement raises a few issues, leaves several questions unanswered, and calls for a change that would have an undetermined financial impact on the Tribe. Clarification may be necessary and it may be helpful to have a more specific financial analysis created once some of the remaining questions are answered. The following are issues the GTC may want to consider before taking action on this proposal:

1. More than 1/5 of all Tribal employees are already being paid at an hourly rate that exceeds the wage scale for their job. All employees' wages are set based on a wage scale which ranges from the minimum to the maximum amount an employee will be paid to perform those duties, based on market standards for the specific job requirements. According to HRD; 574 employees are already earning a wage that exceeds the maximum wage scale for their job. This proposed raise will also increase some current employees to a salary that exceeds their current wage scale.
 - Increasing wages for employees who are already earning more than the maximum wage scale for their job may not be the best use of money if the Tribe is facing budget concerns.
 - According to the HRD Compensation and Employment Director, "Many of these employee's wages are at or over the starting wages for supervisors and the employees remain stagnant or comfortable in their positions and do not seek a supervisory position because they may not receive an increase in wage because

³ The employee's salary would have been over \$60,000 annually, so they did not receive the \$.75 raise; only the \$.44 raise.

⁴ The employee's salary would have been over \$60,000 annually, so they did not receive the \$.75 raise; only the \$.44 raise.

⁵ The employee's salary would exceed \$65,000 annually, so they would not receive the 99 cent raise.

they are already paid at a supervisory level.” In other words, overpaying employees limits the incentive for employees to be promoted in the workplace, and it does not create an incentive for employees to seek out additional education or training in order to advance their skills and qualifications.

2. This raise would help to cover the cost of inflation, but for a large number of employees, it would not result in any sort of actual pay raise. As shown above, even with this 99-cent pay raise, those earning more than \$23/hour would still be taking home paychecks that are worth less than they were six years ago. Employees who earn higher wages generally have additional education and highly necessary technical skills – for example, doctors. If wages do not even cover the cost of inflation, it will limit the ability of the Tribe to attract and keep the best and most talented employees for these positions.
3. For at least the past six years, there have been no merit-based raises. This eliminates incentive for employees to work hard, or to go above and beyond their basic requirements, because there is no reward for extra effort. This also means that employees who are performing poorly will still receive the same raise as everyone else.
4. This petition also directs that there must be no layoffs. This is similar to the directive passed with the \$0.44/hour raise approved by GTC in 2013, except that it would protect all employees, not just Tribal member employees. However, the petition does not identify where the money to pay for this raise should come from, or for how long the Tribe would be prohibited from laying people off, or whether this is intended to prohibit all layoffs or just those directly resulting from the raise. The petition also does not explain whether employees who are already laid off should be affected.
5. The OBC adopted a furlough policy on an emergency basis on October 15, 2013, which remained in effect for one year before expiring. At the beginning of this term, the Legislative Operating Committee (LOC) notified the OBC that they did not intend to process that policy for permanent adoption, but the OBC determined the policy is necessary and directed the LOC to continue processing it. It is anticipated that the Furlough Policy will be presented for adoption in the near future. This petition seeks to prohibit layoffs; but is silent on furloughs, which are similar to layoffs. Even though there is no current furlough policy, it seems likely that one will be adopted soon, and it may be beneficial to at least consider how this should affect furloughs, rather than needing to go back and change GTC directives later, after they have passed.
6. This petition calls to raise “employee salaries” but there are a few categories of people that may or may not fall under this broad term, and it may help to clarify intent. For example, should the following persons be given the raise?
 - Employees who are currently laid off.
 - Employees currently on a leave of absence.
 - Elected officials and political appointees, including the judges of the Judiciary - GTC established specific pay scales for the judges of the Judiciary; and HRD has already set specific pay rates for these Judges.
 - Employees who earn in excess of \$65,000 annually from the Tribe, but from more than one job – for example, a full-time employee whose salary is \$50,000 annually but who also earns \$20,000 annually from a second part-time job and/or from stipends, or from contracting with the Tribe to perform other services.
 - Should the 99 cent raise be included in any back pay awards earned during that period, if the employee does not return to work?

Conclusion

If the petition is approved, all employees earning less than \$65,000 would receive a 99 cent hourly raise – even the 20% of employees who are already earning a wage that exceeds the maximum wage scale for their position; and even the employees who have been performing poorly. Those at the higher end of the wage scale would still earn paychecks that had decreased in value since 2009, and this may limit the ability of the Tribe to attract the most qualified and talented candidates to fill more advanced and skilled positions, such as medical professionals.

In order to ensure that limited Tribal funds are spent most effectively, it may be beneficial to consider structuring a pay raise in a way that is more fiscally responsible. This could mean things like approving a percentage raise instead of a flat-amount raise; and/or capping a raise at the maximum wage scale for the employee – for example, if the employee is earning \$14/hour and the wage scale for that position is \$10.25-\$14.39/hour, then the employee would only receive a 39 cent raise, so that they were earning the maximum wage scale; and employees who are already earning more than the maximum wage scale would not receive a raise. Alternately, this raise could be revised to be merit-based, creating motivation for employees for the future.

There are many different options for ways to award a raise to Tribal employees, but ultimately, this comes down to a policy call, depending on what GTC feels is best for the Tribe.



Legislative Operating Committee AGENDA REFERRAL FORM



- 1) Today's Date: 01 / 15 / 2015 Date of Referral Action: 12 / 10 / 2014
- 2) Entity that referred this item to LOC: Oneida Business Committee
- 3) Individuals or Entities to contact regarding this item: Tribal Secretary's Office
- 4) Item referred: Petition: Budget Cuts, Swimming Lessons, GTC Directives & Home Repairs for Elders
- 5) Background information, including applicable actions and dates: A petition was submitted to the Tribal Secretary's Office on November 17, 2014, to "request a special GTC meeting to review and consider the attached resolutions, in the event a public hearing is required, the OBC must hold the public hearing and bring these resolutions to the GTC in tact". On December 10, 2014, the OBC deferred the verified petition to the LRO for a legislative analysis.
- 6) Due date: Update due 1/28/15, Analysis due 2/11/15

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 Business Committee Meeting Agenda Request Form

1. Meeting Date Requested: 12 / 10 / 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:

Agenda Header (choose one): General Tribal Council

Agenda item title (see instructions):

Petitioner Madelyn Genskow: Request Saturday meeting to address 5 resolutions

Action requested (choose one)

☐ Information only

☒ Action - please describe:

To acknowledge receipt of the petition and direct the appropriate analyses be completed.

3. Justification

Why BC action is required (see instructions):

The attached petition with 5 resolutions was submitted to the Tribal Secretary's Office on November 17, 2014. The Enrollment Department verified all enrollment numbers on the petition. There are 63 signatures. The BC needs to verify receipt of the verified petition and direct the appropriate analyses be completed.

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. redacted, verified petition

3.

2.

4.

☐ Business Committee signature required

5. Submission Authorization

Authorized sponsor (choose one): Lisa Summers, Tribal Secretary

Requestor (if different from above):

Name, Title / Dept. or Tribal Member

Additional signature (as needed):

Name, Title / Dept.

Additional signature (as needed):


Name, Title / Dept.

1) Save a copy of this form in a pdf format.

2) Email this form and all supporting materials to: BC_Agenda_Requests@oneidanation.org

Memo

To: Oneida Business Committee

From: Lisa Summers, Tribal Secretary 

Date: November 18, 2014

Re: Petition to request Special GTC meeting to review and consider 5 resolutions

The memorandum serves as a request for the Oneida Business Committee (OBC) to formally acknowledge receipt of a verified petition, and to send this petition to the Law, Finance and Legislative Reference Office for analyses.

Background

On November 17, 2014, the Tribal Secretary's office received a petition which states the following:

We the undersigned General Tribal Council members request a special gtc meeting to review and consider the attached resolutions. In the event that public hearings are required we direct the Business Committee to hold the required public hearings and bring these resolutions to the GTC in tact.

The petition was submitted to the Enrollment Department for verification Article III, Section 4 of Oneida's Constitution requirement for requesting a Special General Tribal Council (GTC) meeting were met. The Enrollment Department completed and submitted the required verification.

The next step is for the OBC to acknowledge receipt of the verified petition and then send the petition to the Law, Finance, and Legislative Reference Offices for all appropriate analyses to be completed.

Once the analyses are complete, they will be submitted to the OBC agenda for acceptance. The final step will be for the OBC to determine an available date GTC meeting date where the identified petition issues can be addressed.

Requested OBC Action

1. Accept the verified petition submitted by Madelyn Genskow.
2. Send the verified petition to the Law, Finance and Legislative Reference offices for the Legal, Financial and legislative analyses to be completed.
3. Direct the Law, Finance and Legislative Reference offices submit the analyses to the Tribal Secretary's office within 45 days, and that a progress report be submitted in 30 days.

c: JoAnne House, Chief Counsel
Larry Barton, Chief Financial Officer
GTC Petitions File

*Oneida Tribe of Indians of Wisconsin***ENROLLMENT DEPARTMENT**

P.O. BOX 365, ONEIDA, WI 54155-0365

PHONE: (920) 869-6200 * 1-800-571-9902 FAX: (920) 869-2995

www.oneidanation.org/enrollment

TO: Oneida Business Committee

FROM: Cheryl Skolaski, Enrollment Director

DATE: November 19, 2014

SUBJECT: Madelyn Genskow Petition Verification re: 4 Resolutions

Received Petition on 11/17/2014. Verified signatures on petition.

66 signatures were submitted,

63 signatures were verified as valid

2 signatures were duplicates

1 signature – Not valid, member has been deemed incompetent – see legal opinion

Verified by:

Enrollment Director

11/19/2014

Signature/Title

Date

If you have any questions, please feel free to contact me.

(7)

Whereas on October 14, 2014, the Oneida Tribal Treasurer and the Oneida Business Committee ordered the upper management of the Oneida Tribe to cut their budgets by 12% across board and

Whereas they ordered an ongoing Comprehensive Hiring Freeze and

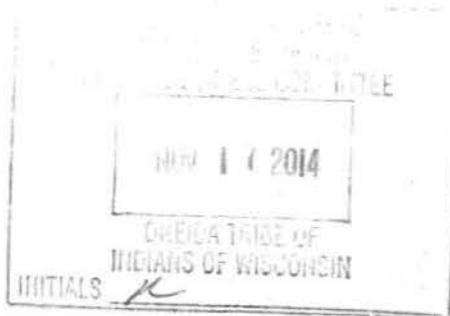
Whereas this action has had a negative impact on health and safety issues for Oneida Children and

Whereas this action has a negative affect on the education of the Oneida People

NOW THEREFORE BE IT RESOLVED THAT THE ONEIDA BUSINESS COMMITTEE MAY NOT SIMPLY MAKE ACROSS THE BOARD PERCENTAGE CUTS.

NOW THEREFORE BE IT RESOLVED THAT THE ONEIDA BUSINESS COMMITTEE AND UPPER MANAGEMENT MAY NOT MAKE BUDGET CUTS THAT AFFECT THE HEALTH, SAFETY AND EDUCATION OF THE ONEIDA PEOPLE WITHOUT THE EXPRESSED APPROVAL OF THE ONEIDA GENERAL TRIBAL COUNCIL.

HCC LED
NOV 27 2014
Oneida Enrollment Dept.



2

(8)

Whereas the Oneida Business Committee and upper management has taken steps which have blocked the availability for Oneida Children to receive affordable swimming lessons at the Oneida Fitness Center and

Whereas the ability to swim is a health and safety issue and

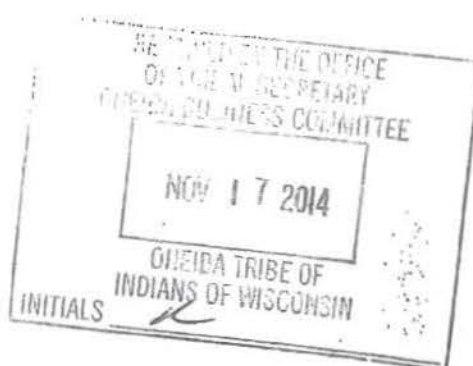
Whereas the Business Committee is always talking about taking care of the next Seven Generations and they are NOT properly taking care of this one and
Whereas we should be concerned with the health and safety of the children now.

Now therefore be it resolved that affordable swimming lesson will be provided at the Oneida Fitness Center by order of the Oneida General Tribal Council.

RECEIVED

NOV 17 2014

Oneida Enrollment Dept.



3

9

Whereas the Oneida General Tribal Council is the Supreme Power of the Oneida Tribe .

NOW THEREFORE BE IT RESOLVED THAT ALL BOARDS, COMMITTEE AND COMMISSIONS OF THE ONEIDA TRIBE MUST CARRY OUT DIRECTIVES GIVEN BY the Oneida General Tribal Council unless it conflicts with Federal or State Laws.

RE

NOV 17 2014

CHIEF



4

(W)

Whereas the Oneida Tribe is always saying they care for the Elderly and

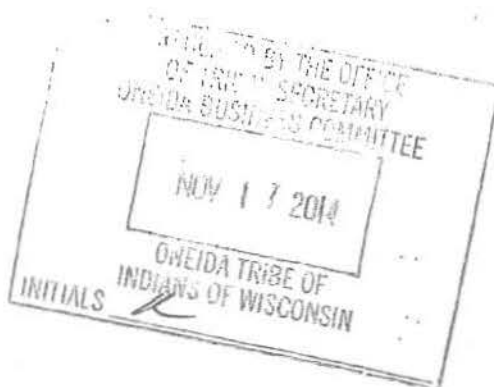
Whereas there are Oneida Elders living on the reservation who live in older homes that they own and want to continue living in

NOW THEREFORE BE IT RESOLVED THAT THE ONEIDA BUSINESS COMMITTEE AND MANAGEMENT MAY NOT REFUSE TO HELP WITH HOME REPAIR ASSISTANCE TO ONEIDA ELDERS WHO LIVE IN THE RESERVATION BOUNDARIES EVEN IF THEIR HOME IS OLD AND MANAGEMENT FEELS IT IS NOT WORTH IT.

BE IT FURTHER RESOLVED THAT IF THEY DO SO THEY MUST PROVIDE FREE HOMES FOR LOW INCOME ONEIDA ELDERS IN THE RESERVATION BOUNDARIES

NOV 17 2014

Oneida Enrollment



(11)

JO ANNE HOUSE, PhD
CHIEF COUNSEL
JAMES R. BITTORF
DEPUTY CHIEF COUNSEL
REBECCA M. WEBSTER, PhD
SENIOR STAFF ATTORNEY

ONEIDA LAW OFFICE

N7210 SEMINARY ROAD
P.O. BOX 109
ONEIDA, WISCONSIN 54155

(920) 869-4327

FAX (920) 869-4065

PATRICIA M. STEVENS GARVEY
CAROYL J. LONG
KELLY M. MCANDREWS
MICHELLE L. MAYS

MEMORANDUM

TO: Cheryl Skolaski, Enrollment Director

FROM: Michelle L. Mays, Staff Attorney *MM*

DATE: September 4, 2014

SUBJECT: Legal Opinion: Validity of signature of member who is legally incompetent

You have asked for a legal opinion as to whether or not the signature of a Tribal member on a petition should be deemed invalid if they have been found by a court to be legally incompetent.

Currently we do not have a Tribal Law that governs guardianships or findings of incompetency. Therefore, any finding of incompetency would be done in the state court system. In order for a court to deem someone incompetent, the court must make a series of findings. These findings must all be based on convincing evidence that is presented to the court and is placed on the record. The findings are as follows:

- 1) The individual is at least 17 years and 9 months old;
- 2) There is the presence of an impairment that fits into one of four categories:
 - a) developmental disability;
 - b) serious and persistent mental illness;
 - c) degenerative brain disorder; or
 - d) other like incapacities
- 3) Lack of evaluative capacity;
- 4) Risk of harm; and
- 5) No less restrictive alternative under the individual circumstances then to grant a guardianship to allow another person to make decisions for that individual.

Whatever the impairment is, it must be one that results in a long-term disability. Whether or not an impairment exists is provided to the court as an opinion by a doctor or psychologist after a thorough evaluation is completed of that individual. And, it is not the existence of the impairment that makes the individual incompetent. Rather, the court must decide from the evidence presented whether or not the individual's functional ability to make decisions that are important to his or her health and safety are impacted by the impairment.

The functional test for lack of evaluative capacity is not based on the quality of the decisions the individual makes, but looks at the process by which that individual makes and communicates the decision. The individual could have the inability to understand essential information, inability to use information to make decisions, and/or the inability to communicate decisions. Then the

(12)

court must decide that the individual's inability to make or communicate decisions causes a serious risk of harm to that individual. For guardianship of a person, the court has to decide that the individual is unable to meet the essential requirements for his or physical health and safety. For guardianship of the estate, the court must find that property will be lost or wasted because of the inability to make decisions.

When a guardianship is granted, the court can appoint the guardian of a person, estate, or both. A person appointed as guardian of the estate is given the right to make decisions related to the legally incompetent individual's property or money; such as signing contracts, investing money, or selling property. The court must determine that the individual subject to guardianship has property that will be lost or wasted or that the person is unable to protect himself or herself from being a victim of financial exploitation because of his or her inability to make decisions.

A guardian of the person is given the right to make all decisions regarding personal matters; such as medical care, support services, or where to live. The court, for this type of guardianship, must determine that the individual subject to guardianship is unable to meet the essential requirement for his or her physical health and safety due to his or her inability to make decisions. It requires a showing that serious physical injury or illness is likely to occur due to the individual's inability to make or communicate decisions.

For both types of guardianships, the guardianship papers list out the different rights and powers and whether or not the individual has lost those rights because they are unable to effectively receive and evaluate information or make or communicate a decision with respect to the exercise of that right or power.

If a court has found an individual to be legally incompetent, then the court has found that the individual is unable to make decisions that are important to that individual's health and safety due to his or her impairment. Someone found incompetent by a court should not be signing a petition for a specific cause. Those persons could be easily influenced by others and may not fully understand the purpose of, or the reasoning behind the petition.

Therefore, if the Enrollment Department has record of a court's determination that the individual is legally incompetent and is under a guardianship, then when verifying signatures on petitions that have been filed with the Tribal Secretary's office, the Enrollment Department should invalidate those individual's signatures. If the Enrollment Department does not have a copy of the court order granting guardianship and deeming the individual legally incompetent, they cannot invalidate that individual's signature. Please note that this legal opinion should be attached to each petition that is invalidated to back up your decision to invalidate a signature.

Reference: State of Wisconsin, Department of Health Services, Division of Long Term Care
Publication 20460: Guardianship of Adults

*2 Dupl signature
1 Member is Incompetent
Signature is Invalid*

63/100

*Signatures Verified
Cheryl Sholstice
11/17/14*

PETITION FORM

NAME OF PETITIONER: MADELYN GENSKOW

PURPOSE: We the under signed General Tribal Council members request a special GTC
meeting to review and consider the attached resolutions. In the event that Public hearings are required we
direct the Business Committee to hold the required Public Hearings and bring these resolutions to the GTC in

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: _____

WE REQUEST A SAT. MEETING.

Please Print Clearly - Use Full Given Name

Printed Name	Address	D.O.B.	Enrollment #	Signature
			999 ✓	
			5076 ✓	
			5320 ✓	
			7017 ✓	
			1999 ✓	
			5798 ✓	
			1913 ✓	
			16349 ✓	
			4149 ✓	
			191610 ✓	
			1210 ✓	
			5082 ✓	

12 *Verified up*

Oneida Enrollment Dept.

NOV 17 2014

RECEIVED

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: January 28, 2015
RE: Petition: GTC Meeting to Address Resolutions Regarding Budget Cuts, Swimming Lessons, GTC Directives & Home Repair for Elders Update

On December 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 four resolutions that pertain to budget cuts; swimming lessons; boards, committees and commissions following GTC directives and home repair assistance for Oneida Elders. The OBC further directed that a progress report be submitted to the Tribal Secretary's office within 30 days.

This memorandum is to inform the OBC that the Legislative Operating Committee is working on completing these analyses and will be bringing them to the February 11, 2015 OBC meeting.

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 1/21/15 LOC meeting
- 2) Contact Person(s): Laura Manthe Dept: ERB
 Phone Number: 496-5362 Email: lmanthe@oneidanation.org
- 3) Agenda Title: Hunting, Fishing, and Trapping Laws
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
Updates to streamline the law and to separate policy making and management decisions from the law to avoid yearly/bi-yearly updates to the law.

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

- 1) Draft Law
 - 2) _____
 - 3) _____
 - 4) _____
- 5) Please List any laws, ordinances or resolution that might be affected:
N/A
 - 6) Please List all other departments or person(s) you have brought your concern to:
ERB, Conservation, and LRO have collaborated and consulted frequently on the proposed changes.
 - 7) Do you consider this request urgent? ☒ Yes ☐ No
 If yes, please indicate why: Implementation ASAP for July printing of the 2015/2016 booklet would be excellent.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: Laura Manthe 1/5/15

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 45
HUNTING, FISHING AND TRAPPING LAW
 Lutol@tha>, Latsyw@aha> O>kh@le Atlist@y< Tsi> Kayanl^hsla
 Our laws concerning hunting, fishing and trapping

45.1. Purpose and Policy
 45.2. Adoption, Amendment, Repeal
 45.3. Definitions
 45.4. Jurisdiction
 45.5. Administration and Supervision
 45.6. Conservation Wardens
 45.7. Licenses and Permits
 45.8. Hunting, Fishing and Trapping Restrictions

45.9. Protected and Unprotected Species
 45.10. Hunter Cautions and Miscellaneous
 45.11. Deer Harvest Laws
 45.12. Small Game
 45.13. Furbearers
 45.14. Migratory Birds
 45.15. Fishing
 45.16. Enforcement and Penalties

45.1. Purpose and Policy

45.1-1. *Purpose.* Indian nations possess the inherent right of self-government, which includes the right to manage their natural resources and take wildlife. These rights have existed since time immemorial, and continue to be exercised today. The Oneida Tribe of Indians of Wisconsin recognizes its sovereign right and responsibility to regulate hunting, fishing and trapping on the Oneida Reservation and promulgates the following Hunting, Fishing and Trapping Law to further this purpose. The purposes of this Law are also to protect and conserve wildlife on the Oneida Reservation and to promote respect among sportsmen.

45.1-2. *Policy.* It is the policy of this Law to provide:

- (a) an adequate and flexible system for the protection and conservation of all wildlife and natural resources on the Oneida Reservation.
- (b) for the general management and supervision of all wildlife on the Oneida Reservation.
- (c) for the establishment of enforcement systems, license requirements, and prohibited acts and penalties related to hunting, fishing and trapping on the Oneida Reservation.

45.2. Adoption, Amendment, Repeal

45.2-1. This Law was adopted by the Oneida Business Committee by resolution BC-7-22-98-A and amended by resolutions BC-09-13-00-D, BC-6-04-03-A, BC- 6-30-04-I, BC-7-13-05-E, BC-8-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A and _____.

45.2-2. This Law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

45.2-3. 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.

45.2-4. 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. Provided that, nothing in this Law is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

45.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

45.2-6. The sovereignty of the Oneida Tribe of Indians of Wisconsin is not waived by this Law. Where state law is referred to it is solely for the express purpose of providing minimal guidelines.

45.3. Definitions

45.3-1. 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) "Bag limit" or "Daily bag" shall mean the maximum number of an animal or fish that a person may take from midnight to midnight, except no person may possess more than one (1) day's limit of fish with head, skin and fins attached while on the water, ice or actively engaged in fishing.

(b) "Board" shall mean the Environmental Resources Board.

(c) "Conservation Warden" shall mean an employee of the Oneida Conservation Department empowered by the Tribe to enforce the provisions of this Law.

(d) "Deer hunting party" shall mean at least two (2), but not more than ten (10), persons lawfully hunting deer in a group.

(e) "Department" shall mean the Oneida Conservation Department.

(f) "Dependent" shall mean a person under the age of eighteen (18) who is the child or step-child of a Tribal member or who lives with a Tribal member for more than half the year.

(g) "Elder" shall mean any person fifty-five (55) years of age or older.

(h) "Endangered or threatened" shall mean any species of wildlife or wild plant within the Reservation listed in 50 CFR 17.11 and 17.12, or any species classified pursuant to the Endangered Species Act of 1973, 16 U.S.C. 1531-1544, as may be amended from time to time, or any species which the Tribe may declare as endangered or threatened.

(i) "Fishing" shall mean the taking, capturing, harvesting or attempting to take, capture or harvest fish of any variety in any manner. When the word "fish" is used as a verb it shall have the same meaning as the word "fishing."

(j) "Fully-automatic firearm" shall mean any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one (1) shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapons, any combination of parts designed for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(k) "Furbearers" shall mean the wild animals taken primarily for the sale of their pelts and shall include, but not be limited to mink, muskrat, beaver, weasel, fox, coyote, bobcat, badger and raccoon.

(l) "Game fish" shall mean all species belonging to the trout, pike, catfish, bullhead, sunfish (including blue gill and crappie), bass and perch families of fish.

(m) "Guardian" shall mean any person designated by a parent or legal guardian to monitor youth activities.

(n) "Harass" shall mean to shoot at, disturb, worry, rally, concentrate, harry, chase, drive, herd or torment.

(o) "Hunt" or "Hunting" shall mean shooting, shooting at, pursuing, taking, attempting to take, catch, harvest or attempting to harvest any wild animal or animals, except that "hunt" or "hunting" does not include the recovery of any wild animal which has already been lawfully reduced to possession.

(p) "Ice fishing shelter" means any building, tent, vehicle, shanty or similar enclosure used for the purpose of fishing.

(q) "License" shall mean a written document issued by the Department granting authority to engage in specific activities covered in this Law.

(r) "Loaded" shall mean any firearm containing a cartridge in the chamber or any firearm containing a cartridge or cartridges in the attached cylinder, or magazine or clip. Muzzleloading firearms shall not be considered loaded if a percussion cap is not covering the percussion nipple or .209 primers are not in the receiver, and flint lock muzzleloading firearms shall not be considered loaded if the flash pan is cleaned of powder.

(s) "Migratory birds" shall include, but not be limited to, the following:

(1) All species of ducks, geese, and swans (Order *Anseriformes*).

(2) All shorebirds, wading birds, and seabirds (Orders *Gaviiformes*, *Podicipediformes*, *Pelicaniformes*, *Ciconiiformes*, *Gruiformes*).

(t) "Non-Indian" shall mean a person who is not a member of any federally recognized Indian tribe, band, or community and is not the spouse or the dependent of a Tribal member.

(u) "Open water" shall mean any water beyond a natural growth of vegetation rooted to the bottom and extending above the water surface of such height as to offer whole or partial concealment of the hunter.

(v) "Permanent tree stand" shall mean any manufactured or constructed platform fastened by nails, screws, or other means deemed permanently fixed, for the purpose of allowing a person to view, observe or hunt wild animals.

(w) "Permit" shall mean a document, stamp or tag authorizing a specific activity of this Law, issued by the Department to the holder of a license.

(x) "Person(s) affiliated with another tribe" shall mean a person who is a member of a federally recognized Indian tribe, band or community, other than the Oneida Tribe.

(y) "Possession limit" shall mean the maximum number of a particular wildlife species that may be in the possession of a person who has hunted, fished or trapped two (2) days or more.

(z) "Protected species" shall mean all species of birds, mammals, fish, reptiles, amphibians, and plants for which this Law does not expressly authorize the taking, hunting, or possession of and thus are protected at all times unless otherwise provided for within the provisions of this Law.

(aa) "Raptors" shall mean migratory birds of Order *Falconiformes* or the Order *Strigiformes*. For simplification, bald eagles and golden eagles are part of this definition. "Raptors" generally means all hawks, owls, eagles and falcons.

(bb) "Reservation" shall mean all the lands and waters 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.

(cc) "Rifle" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(dd) "Semi-permanent tree stand" shall mean any manufactured or constructed platform fastened, strapped, chained, or otherwise attached to a tree, for the purpose of allowing a person to view, observe or hunt wild animals.

(ee) "Shotgun" shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore

either a number of projectiles (ball shot) or a single projectile for each pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(ff) "Size limit" shall mean the specific minimum length and/or maximum length in inches of a species of fish that may be possessed legally.

(gg) "Small game" shall mean, but shall not be limited to the following: Family *Anatidae*, limited to geese, brants, dabbling ducks, diving ducks, tree ducks, sea ducks, and mergansers; *Rallidae*, commonly known as rails, coots, mud hens, and gallinule; *Limicolae*, commonly known as snipe and woodcock; *Phasianidae*, commonly known as grouse, pheasants, partridges, and quail; cottontail rabbit, and gray and fox squirrel.

(hh) "Specified areas" shall mean areas where the taking of fish and wildlife is restricted to the specifications set forth by regulations set forth by the Board.

(ii) "Take" or "Taking" shall mean pursuing, shooting, shooting at, hunting, fishing, netting (including placing or setting any net or other capturing device), capturing, harvesting, snaring or trapping any fish, wildlife or plant or attempting any of the foregoing.

(jj) "Trapping" shall mean the taking of, or attempting to take, any wild animal(s) or fish by means of setting or operating any device, mechanism, or contraption that is designed, built, or made to close upon, hold fast, or otherwise capture wild animal(s) or fish.

(kk) "Tribal land" shall mean any land within the Reservation that is held in fee or in trust and is owned by the Oneida Tribe, a member of the Oneida Tribe or a person affiliated with another Indian tribe.

(ll) "Tribal member" shall mean any person whose name appears on the official rolls of the Oneida Tribe of Indians of Wisconsin.

(mm) "Tribe" shall mean the Oneida Tribe of Indians of Wisconsin.

(nn) "Unprotected species" shall mean species which can be hunted year round without limit and includes: opossum, skunk, weasel and all other animals not mentioned in the hunting and trapping regulations.

(oo) "Waterfowl" shall mean any wild species of geese, brants or ducks.

(pp) "Wet set" or "Water set" shall mean a trap which is staked in such a manner as to permit the trap or trapped animal to reach water at any point.

(qq) "Wild animal" or "Wildlife" shall mean any mammal, bird, fish, reptile, amphibian or other creature of a wild nature endowed with sensation and the power to voluntary motion, including their eggs, nests, and spawn.

45.4. Jurisdiction

45.4-1. This Law shall be considered civil in nature, rather than criminal and shall apply to:

(a) all Tribal members or person(s) affiliated with another tribe hunting, fishing or trapping on the Reservation; and

(b) non-member spouses of Tribal members, dependents of Tribal members, and non-Indians hunting, fishing or trapping on Tribal land.

45.5. Administration and Supervision

45.5-1. The Board with the Department shall have the power and be jointly charged with the duty to protect, conserve, enhance and manage all wildlife within the Reservation. The Board shall be primarily responsible for the establishment of the regulations required under this Law, and the Department shall have the responsibility for the enforcement of this Law.

45.5-2. The Board with the Department shall from time to time recommend to the Oneida Business Committee or General Tribal Council amendment of this Law as is consistent with the purpose and policy of this Law and which it may deem necessary or desirable in the public interest in carrying out this Law.

45.5-3. *Authority of the Board and the Department to Conserve Wildlife and Recreation Resources.* In addition to any additional duties delegated to the Board under this Law, the Board shall have the power, after consultation with the Department, and pursuant to the terms of this Law:

- (a) To determine the types and number of licenses and permits that will be issued by the Department.
- (b) To establish a fee schedule and application deadlines for licenses and permits for hunting, fishing and trapping seasons, general, special or otherwise.
- (c) To fix seasons and shorten, extend or close seasons and hunting hours on any wildlife if found, after an investigation, such action is necessary either to assure maintenance or an adequate supply thereof, to regulate taking, or to effectuate proper management and control.
- (d) To close or open lakes, streams, and refuges, or parts thereof, to hunting, fishing or trapping, and to regulate and prescribe the means and methods by which wildlife may be taken and to regulate the transportation, tagging and storage of all wildlife or parts thereof within the Reservation and the shipment or transportation off the Reservation.
- (e) To establish or change bag limits, possession limits and legal sexes. The bag and possession limits shall be based on the supply of wildlife, the needs of conservation, and the objective of achieving a fair allocation of the harvest.
- (f) To establish and change territorial limits for the taking of wildlife.
- (g) To establish wildlife refuges, production areas, demonstration areas and research areas.
- (h) To establish methods for checking hunters, anglers or trappers into and out of specified areas, to prescribe safety and fire control measures and other regulations as may be deemed necessary in the interest of range, forest or wildlife management, and to provide for the safety and welfare of hunters, trappers, anglers, boaters, other outdoor recreationists, landowners, lessees, occupants and the Tribe.
- (i) To establish regulations governing the operation of boats upon Reservation waters.
- (j) To create additional regulations as authorized throughout this Law.

45.6 Conservation Wardens

45.6-1. *Qualifications and Requirements.* To serve as a Conservation Warden, a person shall:

- (a) Possess an Associate Degree in Police Science or closely related field from an accredited college or university or a minimum of sixty (60) fully accredited college level credits in Police Science or closely related field by the fifth (5th) year of employment.
- (b) Pass a background investigation.
- (c) Pass a physical examination prior to start of employment.
- (d) Pass a psychological examination prior to start of employment.
- (e) Obtain State of Wisconsin Law Enforcement Certification within six (6) months of employment and maintain certification during employment.
- (f) Reside within a twenty (20) mile radius of the Reservation within three (3) months of employment.

45.6-2. Conservation Wardens shall be subject to the Tribe's personnel laws and policies.

45.6-3. *Duties and Responsibilities.* Conservation Wardens are authorized to enforce this Law on the Reservation and may:

- (a) Observe persons engaged in hunting, fishing and/or trapping and ensure methods and equipment are lawful.
- (b) Investigate reports of wildlife and environmental law violations.
- (c) Prevent persons from violating this Law.
- (d) Issue warnings and/or citations for violations of this Law.

45.6-4. Officers of the Oneida Police Department who observe a violation of this Law shall contact the Department or a Conservation Warden and report such violation, provided that if immediate action is necessary to prevent imminent danger to life or serious damage to property, the Oneida Police Department officer shall be authorized to issue a warning or citation for violation of this Law and/or prevent persons from violating this Law.

45.7. Licenses and Permits

45.7-1. The following persons shall have in his/her possession, while hunting, fishing or trapping on the Reservation, a valid license and/or permit issued by the Department allowing him/her to hunt, fish, or trap on the Reservation:

- (a) Tribal members and persons affiliated with another Tribe who are hunting, fishing or trapping anywhere on the Reservation.
- (b) Non-member spouses of Tribal members, dependents of Tribal members and non-Indians, who are hunting, fishing or trapping on Tribal land.

45.7-2. A person may be denied a license or permit if the Department determines the person has had his/her hunting, fishing or trapping privileges revoked by any federal, Tribal or state agency less than one (1) year prior to the request for the license or permit. License and/or permit materials are not transferable and may not be altered, defaced or lent to or from another person.

45.7-3. All hunters applying for a license or permit born on or after January 1, 1973 shall complete the State of Wisconsin hunter safety course in order to be eligible for a license or permit. A hunter's education certification shall be presented prior to issuance of any license or permit to persons who wish to hunt who were born on or after January 1, 1973. Persons who obtain a license or permit issued by the Department shall agree to be bound by Tribal law while utilizing the license or permit.

45.7-4. *Permits.* The Department shall issue permits for various wildlife hunting seasons during those years that the wildlife populations are large enough to support a harvest of the wildlife. Additional permits include the following:

(a) *Disabled Permit.* Any person who is physically disabled shall be eligible for a disabled hunting permit and shall have a disabled license plate or sticker in the window of the motor vehicle he or she is hunting from. A medical verification of a physical disability is required for a person to receive a disabled hunting permit. After proof of disability is confirmed, a person may:

- (1) Hunt within fifty (50) feet of the center of a road.
- (2) Hunt from a motor vehicle, provided that the motor vehicle is not moving and the engine of the motor vehicle is not running.

(b) *Sustenance Permit.* Tribal members who are in need of nourishment may receive one (1) sustenance permit per household and may use the permit themselves or designate a sportsman to harvest one (1) deer for them. The designated sportsman shall:

- (1) Be identified at the time of permit issuance.
- (2) Have a valid license or permit to hunt.

(3) Only harvest one (1) antlerless deer with a sustenance permit once a year during an established bow, gun or muzzleloading season.

(4) Possess the permit; hunt and harvest the deer; and transport, register and deliver the carcass to the applicant.

(c) *Ceremonial/Feast Permit.*

(1) Tribal members may apply for a ceremonial/feast permit to hunt deer outside the regular hunting season.

(2) A ceremonial/feast permit may be issued to a group and/or organization that meets all of the following requirements:

(A) Consists of at least eighty-five percent (85%) Tribal members, including the agent of the group/organization, who shall be a Tribal member;

(B) Is customarily recognized by the Oneida community; and

(C) Is located on the Reservation.

(3) The following shall apply to all issued ceremonial/feast permits:

(A) Only named hunters shall be allowed to use the ceremonial/feast permit.

(B) Permit shall last no longer than ten (10) days.

(C) All deer are to be tagged immediately upon harvest.

(D) Number of deer shall be specified on permit.

(E) All such group hunts shall be monitored by the Conservation Wardens and the group shall contact the Conservation Warden twenty-four (24) hours prior to the hunt.

(F) Hunting shall be in specified areas only.

(G) At least fifty percent (50%) blaze orange shall be worn while hunting.

(H) Permits are issued for antlerless deer only. Any antlered deer harvested will be confiscated.

(I) All deer shall be registered with the Department within twenty-four (24) hours after the harvest.

(4) A permit may be denied if the Department determines that:

(A) Conservation of deer will be impaired.

(B) A safety or health hazard exists.

(C) A person of the hunting party has had his/her hunting, fishing, or trapping privileges revoked less than one (1) year prior to application for permit.

(5) No ceremonial/feast permits shall be issued between the last day of December and the 3rd Saturday of September of any given year.

(d) *Deer Gun Season Hunter's Choice Permit.* Hunter's Choice permits are issued for antlerless deer only.

(1) *Elder Tribal Members or Disabled Tribal Members.* Elder Tribal members or disabled Tribal members shall have the first choice to accept a Hunter's Choice permit.

(2) *Drawing.* A drawing for Hunter's Choice permits for those hunters who are not elders or disabled shall be held.

(3) *Ineligibility.* A person receiving a Hunter's Choice permit in the previous year is not eligible to receive a Hunter's Choice permit in the current year.

(4) *Hunter Safety Graduates.* Persons who graduate from a Hunter Safety Course

shall receive a Hunter's Choice permit within one (1) year of passing the Hunter Safety Course.

(e) *Turkey Permits.* Tribal members, spouses of Tribal members and dependents of Tribal members who possess a valid license may purchase a turkey permit, which authorizes a person to hunt during the fall and spring seasons, from the Department. Hunting dogs may be used during the Fall turkey season.

(f) *Dog Training Permits.* The Department shall issue dog training permits to those persons who wish to possess and release small game birds for dog training purposes. The permit shall contain requirements such as the location where the birds will be released and as to the manner in which a bird shall be marked or identified before being released. The Board, upon recommendation of the Department, shall create a list of small game birds that may or may not be possessed and released for dog training purposes.

45.7-5. *Wildlife Damage and Nuisance Control.* Landowners, lessees or occupants may remove from Tribal land under their control wild animals and their associated structures causing damage or constituting a nuisance in accordance with this section. Wild animals removed according to this section, whether trapped for relocation or destroyed, shall be treated and disposed of in a manner consistent with this Law.

(a) *Written Application and Approval Required.*

(1) *General Prohibitions.* Unless otherwise approved by the Department, a landowner, lessee or occupant shall not engage in the following without applying in writing and receiving written approval from the Department to:

(A) Destroy, live capture and/or relocate any wild animal classified as:

(i) a protected species under 45.9-1 of this Law; or

(ii) endangered or threatened under federal, state, Tribal, or other applicable law,

(B) Live capture and/or relocate deer.

(2) *Exemptions.* Written authorization is not required to:

(A) Destroy by shooting or trapping:

(i) Any unprotected species under 45.9-2 of this Law; or

(ii) The following birds, when causing damage or about to cause damage to trees, crops, livestock or wildlife or when concentrated in large numbers that may constitute a nuisance: Crows, grackles, red-winged blackbirds, and cowbirds.

(B) Live-trap and relocate any wild animal, except deer or any protected, endangered or threatened species may only be live-trapped or relocated in accordance with 45.7-5(a)(1).

(3) *Application Deadline.* The Department may not consider any application to shoot deer causing damage to crops filed after October 1st of each year, unless the Department finds that extraordinary conditions exist. Extraordinary conditions include, but are not limited to, ongoing, severe damage to crops occurring after October 1st which will cause extensive yield reductions or winter losses.

(b) *Approval Criteria.* Prior to authorizing the removal of wild animals causing damage, the Department shall find that:

(1) *Abatement Attempt.* The applicant is employing or has agreed to employ alternative abatement methods deemed reasonable by the Department.

(2) *Damage Extent.*

(A) Damage to applicant's property in the current calendar year exceeds

or is likely to exceed one thousand dollars (\$1,000.00); or

(B) Deer are causing damage on Tribal land closed by a permanent deer fence that has been certified to be in proper working order by the Department; or

(C) Damage will result in a loss of plants or animals listed as endangered or threatened under applicable law; or

(D) Other extraordinary damage is occurring or is likely to occur.

(3) *Access Control.* The applicant has the authority to control access for purposes of hunting and trapping on the lands being damaged and any contiguous lands under the same ownership that are suitable for hunting or trapping.

(4) *Previous Performance.* The applicant has complied with the conditions of any previous department authorizations to remove wild animals causing damage or nuisance issued within the preceding twelve (12) months.

(5) *Migratory Birds.* In the case of any proposed removal of birds classified as migratory by the United States Fish and Wildlife Service (USFWS) under 50 CFR 10.13, the USFWS has authorized the Department to remove or authorize the removal of such birds.

(c) *Participation by Others.* Persons other than the landowner, lessee or occupant, may assist in the removal of wild animals causing damage or nuisance in accordance with this section.

(1) *Number and Selection of Participants.* The Department may limit the number of persons assisting in a removal. All participants and persons assisting participants shall possess written approval from the permittee and a valid license or permit from the Department when carrying out removal activities. Written approval shall be signed and dated by the permittee and shall include the name, address and phone number of the permittee; name address and phone number of the person removing the wild animals; property location; removal activities; authorized period of removal; and species of animals authorized for removal.

(2) *No Fee.* The permittee may not charge any form of fee to a participant.

(d) *Reporting.* The Department shall provide an annual report to the Board detailing the number of permits issued and the number of wildlife taken under this section.

45.7-6. *Conditions of Permits to Shoot or Trap Wild Animals Causing Damage.* The following general conditions apply to all permits to remove wild animals causing damage.

(a) *Public Use During Open Seasons.* All lands described on the application and any contiguous lands under the same ownership suitable for hunting or trapping shall be open to public hunting or trapping of the species causing the damage for a period of one (1) year from the effective date of the permit. These lands may be posted to indicate that hunting permission is required from the permittee.

(b) *User Refusal.* Permittees may refuse access to hunters or trappers for reasonable cause. The presence of at least two (2) hunters or active trapping or at least one (1) trapper per each forty (40) acres suitable for hunting or trapping, respectively, shall constitute a reasonable cause for refusal.

(c) *Regulation Compliance.* The permittee and all participants shall comply with all applicable hunting and trapping regulations unless otherwise provided under this section. Permittees and participants who fail to comply shall be subject to the penalty applicable to the appropriate violation.

(d) *Carcass Tag Distribution.* The permittee may retain the carcass tags provided to him

or her for personal use or may distribute the carcass tags to the person(s) they have authorized to participate.

(e) *Reporting*. Each permittee shall keep a record of all participants and permit activities as required by the Department on forms furnished by the Department. Permit records may be inspected by the Department at any time. Copies of records shall be provided to the Department upon request, who shall submit copies of the records to the Board on a regular basis. The permittee shall report the total number of wild animals or structures removed and return all unused permit materials and any participant authorizations issued to the Department within ten (10) days after the permit expiration date.

(f) *Carcass Care and Disposition*. Unless otherwise directed by the Department, each harvested wild animal shall be:

(1) Tagged with a carcass tag provided by the Department immediately upon harvesting;

(2) Field dressed and stored in a cool location; and

(3) As soon as practical, turned over to the Department designee authorized to receive the carcass.

(g) *Department Assistance*. The Department shall not assist the permittee in shooting or trapping unless:

(1) Extraordinary damage is occurring; or

(2) The permittee has demonstrated an inability to harvest an adequate number of wild animals and damage to the permittee's property in the current calendar year exceeds or is likely to exceed five thousand dollars (\$5,000.00).

45.7-7. *Conditions of Permits to Shoot Deer Causing Damage*. In addition to the conditions listed in 45.7-6, the following conditions shall apply to all shooting permits for deer causing damage.

(a) *Shooting Hours*. Permittees and participants may hunt deer only during the period from thirty (30) minutes before sunrise to thirty (30) minutes after sunset during the closed deer gun season. During the deer gun season participants shall comply with any restrictions regarding shooting hours.

(b) *Harvest Objective*. The permittee and participants, unless granted an exemption by the Department due to a lack of deer, shall harvest at least eighty percent (80%) of the number of deer authorized for harvest on the permit and shall harvest at least fifty percent (50%) of this number during the first forty-five (45) days after the permit is issued, in order to retain eligibility for future deer shooting permits.

(c) *Carcass Tag Distribution*. The number of carcass tags provided to the permittee shall be based upon the harvest objective specified under 45.7-7(b) and the expected harvest rate. The permittee may distribute the carcass tags provided to the permittee to the persons he or she has authorized to participate or retain the carcass tags for his or her use.

(d) *Effective Dates*. Authorization to harvest deer commences the date the permittee receives the permit and continues through the open season, except that no deer may be harvested during the twenty-four (24) hour period prior to the opening of gun deer season.

(e) *Carcass Distribution*. The Department shall offer the permittee and each participant the opportunity to retain one (1) deer harvested under the shooting permit for deer causing damage. All deer not retained shall be disposed of by the Department by offering them first to elder Tribal members, then to disabled Tribal members, then to any interested person.

(f) *Deer Type.* Unless exempted by the Department, only deer without antlers or with antlers less than three (3) inches in length may be harvested.

(g) *Weapon and Clothing Requirements.* Permittees, all participants and persons assisting participants, shall comply with the firearm type and blaze/hunter orange clothing requirements of this Law unless exempted by the Department.

45.7-8. *Conditions of Permits to Shoot Canada Geese Causing Damage.* In addition to the conditions listed in 45.7-6, the following conditions shall apply to all participants who are issued shooting permits for Canada geese causing damage:

(a) *Goose Hunting Permit Required.* All participants other than the permittee shall have been issued a permit to hunt Canada geese that is valid for the current license year.

(b) *Use of Other Permits.* All participants shall have used any other goose hunting permit and carcass tags issued to them which are valid for the locations and effective dates specified in the permit prior to using the carcass tags issued for Canada geese causing damage.

(c) *Reporting.* Any participant shall report the harvest of a Canada goose to the permittee and mail a completed goose harvest report card to the Department within forty-eight (48) hours of the time of harvest.

45.8. Hunting, Fishing and Trapping Restrictions

45.8-1. *General Restrictions Regarding Hunting, Fishing and Trapping.* It is unlawful for a person to:

(a) Hunt, fish or trap any wildlife on Tribal land or enter upon Tribal lands and waters for the purpose of hunting, fishing or trapping without:

(1) a valid license or permit issued by the Department; and

(2) permission to hunt on the Tribal land.

(b) Hunt, fish or trap anywhere on the Reservation without a valid license or permit issued by the Department if he or she is a Tribal member or person affiliated with another Tribe.

(c) Carelessly waste wildlife. Every reasonable effort shall be made to retrieve all wildlife killed or crippled. Provided that, this does not permit entrance on private property without permission of the landowner, lessee or occupant.

(d) Transport, deliver, receive, or offer to deliver or receive for transporting any wildlife or part thereof at any time other than during the open season and three (3) days after.

(e) Sell, purchase or trade wildlife. There shall be an exception to this prohibition for the trading of the skins, heads, meats, or tails of lawfully harvested animals between Tribal members and/or special permit holders.

(f) Take another person's wildlife without his consent.

(g) Exceed daily bag or possession limits, or possess wildlife above or below the size limits established by the Board.

(h) Possess any live wildlife unless authorized by the Department.

(i) Hunt, fish or trap during closed seasons.

(j) Have a valid license or permit and, while hunting, be accompanied by a non-licensee or non-permittee who is twelve (12) years of age or older.

45.8-2. *Licensing and Hunting Prohibitions.* It is unlawful to:

(a) Hunt if between the ages of twelve (12) and fourteen (14) without:

(1) Completion of an approved Hunter Safety Course;

(2) Possession of a valid license or permit; and

- 506 (3) Accompaniment by a parent or guardian.
- 507 (b) Hunt if born on or after January 1, 1973 without completion of an approved Hunter
- 508 Safety Course.
- 509 (c) Except as provided for under 45.8-3, hunt if under the age of twelve (12).
- 510 (d) Possess or use a firearm while hunting after having been convicted of, or entered a
- 511 plea of guilty or nolo contendere to a felony offense if the conviction has not been
- 512 removed from the record by executive pardon or state court order.
- 513 (e) Hunt with a handgun if under twenty-one (21) years of age unless under the
- 514 immediate supervision of a parent or a responsible adult.
- 515 (f) Hunt while under the influence of alcohol or a controlled substance.
- 516 (g) Hunt any species more than thirty (30) minutes after sunset or more than thirty (30)
- 517 minutes before sunrise during the gun deer season.
- 518 (h) Hunt small game with any permitted weapon and deer with a bow more than thirty
- 519 (30) minutes after sunset or more than thirty (30) minutes before sunrise. Coyote, fox,
- 520 raccoon and unprotected species may be hunted without hunting hour restrictions except
- 521 during the gun deer season.
- 522 (i) Hunt or possess a firearm, bow and arrow or animal trap within the boundaries of any
- 523 wildlife refuge.
- 524 45.8-3. *Ten (10) and Eleven(11) Year-Old Hunters.* Those persons age ten (10) or eleven (11)
- 525 may obtain a license or permit to hunt after completing an approved Hunter Safety Course if he
- 526 or she meets the following requirements:
- 527 (a) While hunting, the ten (10) or eleven (11) year old hunter shall:
- 528 (1) have a mentor present; and
- 529 (2) obey all applicable hunting laws and regulations; and
- 530 (3) possess all required licenses, permits and/or tags.
- 531 (b) Only one (1) weapon, such as a firearm or bow, may be possessed jointly between
- 532 the hunter and his or her mentor.
- 533 (c) In order to be a mentor, a person shall:
- 534 (1) be at least eighteen (18) years old; and
- 535 (2) have a valid license or permit; and
- 536 (3) have completed an approved Hunter Safety Course; and
- 537 (4) be the hunter's parent or legal guardian, or have permission from the hunter's
- 538 parent or legal guardian to be the hunter's mentor; and
- 539 (5) remain within arm's grasp of the hunter; and
- 540 (6) mentor no more than two (2) hunters at a time.
- 541 45.8-4. *Hunting Aids and Safety.* It is unlawful to:
- 542 (a) Hunt from a motor vehicle unless specifically authorized to do so by permit or license
- 543 issued by the Department, provided that the motor vehicle is not moving and the engine
- 544 of the motor vehicle is not running.
- 545 (b) Hunt with the use of aircraft, without authorization from the Department under
- 546 45.13-8.
- 547 (c) Shoot across any road(s).
- 548 (d) Shoot firearms within one hundred (100) yards of human occupancy without
- 549 permission.
- 550 (e) Hunt within fifty (50) feet of the center of a road, unless specifically authorized to do
- 551 so by permit or license issued by the Department. Anyone hunting small game or
- 552 waterfowl with a muzzleloader or shotgun loaded with shot size BB or smaller is exempt

from this prohibition if the road is unpaved.

45.8-5. *Firearms, Traps and Bows.* It is unlawful to:

- (a) Use any device, means or method other than legal firearms, bows, or traps as prescribed by the Board to take wild animals.
- (b) Transport any firearm in a motor vehicle, unless it is unloaded. A muzzleloader is considered unloaded when the cap, primer (flint), is not in place.
- (c) Possess a rifle larger than .22 rimfire during the gun deer season unless it is unloaded.
- (d) Transport an air rifle unless it is unloaded.
- (e) Possess a concealed handgun without a permit from the State of Wisconsin.
- (f) Possess slugs while hunting, except during the deer gun season.
- (g) Hunt waterfowl while in possession or control of any type of lead shot.
- (h) Harvest wildlife with the aid of an explosive, poison, exploding point, electrical device or stupefying substance, agent or drug.
- (i) Possess or hunt with a shotgun having a barrel less than eighteen (18) inches in length or having an overall length of less than twenty-six (26) inches.
- (j) Possess or hunt with a rifle having a barrel less than sixteen (16) inches in length or having an overall length of less than twenty-six (26) inches.
- (k) Possess or hunt with a fully-automatic firearm.
- (l) Possess or hunt with any mechanism designed to muffle, silence or minimize the report of any firearm.
- (m) Use a firearm or bow and arrow in a reckless manner.

45.8-6. *Interfere with Wildlife.* It is unlawful to:

- (a) Disturb or destroy any den, lodge, hut, dam or house, including a squirrel nest or den, raccoon den, mink den, muskrat house, beaver dam or beaver house.
- (b) Shine after 10:00 p.m. on September 1st through, and including, December 31st. Beginning January 1st through, and including, August 31st, shining is allowed twenty-four (24) hours a day.
- (c) Hunt with the aid of artificial light. A light may be used while hunting coyote, raccoon, fox, or unprotected species at the point of harvest, while hunting on foot and to find one's way.
- (d) Harass wildlife with or from a motor vehicle.
- (e) Take, pursue, injure, or harass small game, furbearers or migratory birds while on or in its nest or den, or remove any eggs or young except as may occur in normal agricultural, horticultural, or wildlife research practices and as may be authorized by the Department and in accordance with applicable federal regulations.

45.8-7. *Tree Stands.*

- (a) It is unlawful to erect permanent tree stands on land owned by the Tribe.
- (b) Semi-permanent tree stands may be put up two (2) weeks before the bow season opens and shall be removed by April 1st.
- (c) All tree stands shall be marked with the owner's enrollment number and/or name, address and phone number, in lettering one-inch (1") square or larger, for identification.

45.8-8. *Licenses, Permits, and Tag Restrictions.* It is unlawful to:

- (a) Disturb any hunting, fishing, or trapping equipment used, set or placed by another person without his or her permission.
- (b) Intentionally damage property or land owned by the Tribe, including trees, agricultural crops or restoration areas on land owned by the Tribe.
- (c) Stock any wildlife on the Reservation without a permit.

(d) Interfere with lawful hunting, fishing, or trapping with the intent to prevent the taking of a wild animal.

(e) Discharge a firearm or arrow from a bow at a replica of a wild animal placed for law enforcement purposes by Conservation Wardens or other law enforcement officers.

(f) Refuse to obey a Conservation Warden's lawful request.

(g) Destroy any sign which gives notice of a hunting and/or trespass restriction.

45.8-9. *Baiting*. The Board shall establish regulations regarding using or hunting over bait, including the types and amount of bait material that may be used to attract wild animals.

45.9. Protected and Unprotected Species

45.9-1. *Protected Species*. The following wildlife shall not be hunted, trapped or possessed without Department and Board approval:

(a) *Mammals*. Marten, fisher, wolverine, badger, flying squirrel, timber wolf, Canada lynx, cougar, endangered or threatened species, and all albino wildlife. Woodchucks are protected species, except landowners, lessees or occupants may hunt them on their own property, except during the twenty-four (24) hour period prior to the opening of gun deer season.

(b) *Birds*. Prairie chicken, Canada spruce grouse (Spruce hen), swan, crane, kingfisher, cormorant, great blue heron, bitterns, plovers, sandpipers, loons, all eagles, hawks, falcons, owls, all species of grebes, and endangered or threatened species. All other wild birds not specifically mentioned here, including songbirds, are protected species. Crows, grackles, red-winged blackbirds, and cowbirds may be killed at any time without permit in accordance with 45.7-5(a)(2).

45.9-2. *Unprotected Species*. Mammals and birds which may be hunted year-round without limit are feral pigeons, starlings, English (house) sparrows, chukar partridge, coturnix quail, opossums, skunks, weasels, and all other wild mammals not specifically mentioned in this Law.

45.10. Hunter Cautions and Miscellaneous

45.10-1. *Accidents*. Any person who discharges a firearm or arrow while hunting and injures a person, shall give their name and address to such person and render or obtain necessary medical assistance, and report the accident to a Conservation Warden or the Oneida Police Department as soon as possible.

45.11. Deer Harvest Laws

45.11-1. *Deer Permits/Tags*.

(a) Any person hunting deer shall possess a valid carcass tag, unless hunting deer for another person in accordance with 45.11-7.

(b) No person shall fail to register or tag a deer. Failure to register or tag a deer will result in forfeiture of the carcass. Except as provided under 45.11-7, deer hunting parties, any person who harvests a deer shall immediately validate his carcass tag and attach it to the ear or antler of the deer. See 45.11-11 for registration time limits.

(c) No person designated to harvest deer for an elder, disabled person or person in need of nourishment shall fail to deliver the validly tagged carcass to such elder, disabled person or person in need of nourishment.

(d) Any person who, while operating a motor vehicle on a highway, accidentally collides with and kills a deer may retain possession of such animal if the person has it tagged by the Department, or by any law enforcement officer designated by the Department. No fee

shall be charged for any such tag.

(e) No person shall possess a deer to which a deer carcass tag has not been attached and validated, except as provided by the Department or any other law enforcement agency.

45.11-2. *Accompaniment of Deer.* It shall be unlawful to transport any deer prior to registration without being present with the carcass. Nor shall anyone knowingly accept for and transport another's deer without the valid license holder present. This shall not apply to any authorized law enforcement persons who, in the course of their duties, transport any such seized deer.

45.11-3. *Elder and Disabled Permits.*

(a) No person other than a designated hunter approved by the Department, elder or disabled person may hunt, harvest, transport or possess any deer with a Tribally issued elder or disabled person deer permit. Refer to 45.7-4(a). Designated hunters shall be limited to hunt for one (1) elder or disabled person and may fill up to two (2) tags for that person.

(b) Elder or disabled person deer permits will be considered, provided the applicant:

(1) Meets the age and/or disability requirements established by the Department.

(2) Completes and submits the appropriate application.

(3) Designates one (1) person who will possess the permit, hunt and harvest, transport and deliver the carcass to the elder or disabled person.

(c) An elder Tribal member or disabled Tribal member shall have the first choice to accept a Hunter's Choice permit.

45.11-4. *Muzzleloading Season.* Back tags not filled during the bow or gun season may be used for the muzzleloading season.

45.11-5. *Firearms Restrictions.* No person shall hunt deer:

(a) With a rifle, with a shotgun smaller than twenty (20) gauge or larger than ten (10) gauge, or with a muzzleloader smaller than .40 caliber.

(b) With any handgun which is loaded with caliber chambered for commercially manufactured center fire cartridge which produce a muzzle velocity of nine hundred fifty (950) feet per second and no more than two thousand two hundred (2,200) feet per second and has a barrel length of five (5) inches measured from the muzzle to the firing pin with the action closed. Hunters using handguns for deer hunting may possess other firearms legal for hunting deer.

45.11-6. *Bow Hunting.*

(a) No person shall hunt deer:

(1) With a bow having a pull strength less than thirty-five (35) pounds or using an arrow that does not have a broadhead.

(2) With a crossbow, unless the crossbow:

(A) Is fired from the shoulder.

(B) Has a minimum draw weight of one hundred (100) pounds.

(C) Has stock of not less than thirty (30) inches in length.

(D) Is used with arrows or bolts of not less than fourteen (14) inches in length with a broadhead.

(E) Has a working safety.

(b) No person shall possess a deer harvested with a firearm during a bow deer hunting season.

45.11-7. *Deer Hunting Parties.*

(a) "Contact," as used in this section, means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid. Hand radios are

694 allowed as an aid while deer hunting.

695 (b) Any person of a deer hunting party may harvest deer for another person of the party
696 if the following conditions exist:

697 (1) At the time and place of the harvest, the person who harvests the deer shall be
698 in contact with the person for whom the deer was harvested.

699 (2) The person for whom the deer is harvested possesses a valid license or permit
700 and carcass tag.

701 (3) The person who harvests the deer shall ensure that a person of his/her deer
702 hunting party without delay attaches and validates a carcass tag prior to field
703 dressing and moving the deer. No person harvesting a deer under this provision
704 shall leave the animal unattended until after it is properly tagged.

705 45.11-8. *Transportation*. No person shall transport any deer in or on a motor vehicle unless it is
706 properly tagged.

707 45.11-9. *Removal and Retention of Tags*. No person who harvests a deer shall:

708 (a) remove a carcass or registration tag from the deer until such time as the carcass is
709 butchered or processed for consumption; or

710 (b) dispose of the registration tag until all the meat in his or her possession is consumed.

711 45.11-10. *Minimum Antler Size*. In order to be considered an antlered deer, a deer shall have at
712 least one (1) antler which is three (3) or more inches in length and one (1) of the following:

713 (a) two (2) antlers with two (2) or more points on each antler; or

714 (b) one (1) antler with four (4) or more points.

715 45.11-11. *Deer Registration*. The Department shall adopt regulations establishing the method
716 by which deer shall be registered.

717 (a) No person shall fail to register a harvested deer in accordance with the regulations
718 adopted by the Department.

719 (b) All deer harvested by a firearm under the authority of a ceremonial/feast permit shall
720 be registered no later than twenty-four (24) hours after the harvest.

721 (c) Deer killed by a firearm during the gun deer season shall be registered no later than
722 5:00 p.m. the day after the close of the gun deer season.

723 (d) All deer harvested by a bow and arrow, cross bow or muzzleloader shall be registered
724 by 5:00 p.m. on the third (3rd) day after the deer was harvested.

725 45.11-12. *Hunting Deer with Dogs Prohibited*. No person shall hunt deer with the aid of a dog
726 or dogs.

727 45.11-13. *Back Tag*. It shall be unlawful for any Tribal member to wear a State of Wisconsin
728 back tag while deer hunting on the Reservation.¹

729 45.11-14. *Blaze/Hunter Orange Required*. During the gun deer season and muzzleloading
730 season, no person shall:

731 (a) hunt any wildlife, except waterfowl, unless at least fifty percent (50%) of the
732 person's outer clothing above the waist is colored blaze/hunter orange. A hat, if worn,
733 shall be at least fifty percent (50%) blaze/hunter orange; or

734 (b) occupy a blind unless there is three hundred sixty degrees (360°) of visible

¹ Tribal members cannot fill/utilize state back tags on the Reservation because they are regulated by the Tribe. The Tribe does not recognize the state as having the right to manage or regulate the Tribe's natural resources or membership.

blaze/hunter orange on the blind.

45.12. Small Game

45.12-1. *Open and Closed Seasons; Bag Limits.* Hunting for small game shall not begin before September 1st or close later than March 31st. Daily bag and possession limits may vary by species and shall not exceed a harvest of ten (10) animals/birds of each species daily.

45.12-2. *Accompaniment of Small Game.* It shall be unlawful for a hunter to transport any harvested small game without being present with the carcass until such time as the carcass reaches the hunter's residence. Nor shall any person knowingly accept for transport another's small game without the valid license holder present.

45.12-3. *Firearm Restrictions.* No person shall hunt small game:

(a) With a shotgun larger than ten (10) gauge.

(b) With a rifle or handgun larger than .22 caliber, including both rim fire and center-fire cartridges. Rifles or handguns may not be used for hunting birds.

(c) With a handgun with a barrel less than five (5) inches in length as measured from the muzzle to the firing pin with the action closed.

(d) While possessing shot shells larger than two (2) shot or while possessing slugs, except that slugs may be possessed if the person holds a license or permit and a firearm season for deer exists at the time the person is hunting small game.

(e) With any type of shell, cartridge or altered projectile or device which is not considered a factory load, copy or style.

45.12-4. *Bow and Arrow Restrictions.* No person shall hunt small game:

(a) With a bow having a pull or draw strength less than thirty-five (35) pounds.

(b) With arrows less than twenty-four (24) inches in length or without at least three (3) untrimmed feathers or five (5) trimmed feathers.

45.12-5. *Transportation.* No person shall transport any harvested small game in or on any motor vehicle without:

(a) Possessing the appropriate permit or required license; or

(b) Leaving at least the fully feathered head or one (1) fully feathered wing attached to each bird.

45.13. Furbearers

45.13-1. *Open and Closed Seasons.* The open season for furbearers shall not begin before October 1st or close later than April 1st.

45.13-2. No person shall:

(a) Possess any trap or snare for the purpose of taking furbearers other than a trap or snare approved under regulations adopted by the Board.

(b) Trap within twenty-five (25) feet of any bait.

(c) Set any trap or snare unless a metal tag is attached, stamped, or engraved legibly with the enrollment number and/or the name, address, and phone number of the owner.

(d) Take mink or muskrat by means other than trapping or snaring.

(e) Use any traps to take any wildlife not specified as furbearers.

45.13-3. *Number of Traps or Snares.* Tribal members may operate an unlimited number of traps or snares in any combination. Spouses or dependents of Tribal members, not enrolled, may operate no more than one hundred and fifty (150) traps or snares in any combination.

45.13-4. *Set and Placement Restrictions.* No person trapping furbearers shall:

(a) Operate trap sets which permit the trapped animal to reach water, except during the

operation of a wet set or colony trap for muskrat, beaver and raccoon trapping seasons.

(b) Set any trap on any perch more than three (3) feet above the ground.

(c) Set, place or operate any killer trap of the conibear type greater than seven inch by seven inch (7" x 7") or any snare regardless of the size of the noose within one hundred (100) yards of any building devoted to human occupancy without the owner's consent.

45.13-5. *Trapping Hours*. No person shall fail to check all dry land sets and remove animals therein at least once every twenty-four (24) hours. Water sets shall be checked within four (4) days of last trap tending.

45.13-6. *Use of Dogs*. Dogs may be used while hunting small game, raccoon, coyote and fox.

45.13-7. *Harvest of Depredating Animals*. With the approval of the Department, any landowner, lessee or occupant may destroy any furbearer which has been identified as depredating any livestock, poultry or crops. He/she shall not commercialize in, sell, trade, or ship any pelt or parts thereof without possessing a valid license or permit.

45.13-8. *Aerial Hunting*. No person shall take any furbearer using aircraft without authorization from the Department. The following information shall be provided by any person seeking authorization:

(a) The name and address of each person who will be hunting.

(b) A description of the furbearers authorized to be taken, the number of furbearers to be taken and the specified areas for the harvest.

(c) The reason for requesting the permit.

(d) Description of the aircraft and pilot's name.

45.13-9. *Shot and Rifle Sizes*. Buckshot, shot shell and rifle sizes up to .223 caliber may be used for fox and coyote hunting.

45.14. Migratory Birds

45.14-1. *Open and Closed Seasons*. The open season for the hunting of migratory birds shall be based on agreement with the U.S. Fish and Wildlife Service. The waterfowl hunting season shall not open prior to September 1st or close later than December 31st. Opening hours shall not begin until thirty (30) minutes before sunrise and closing hours shall not extend beyond fifteen (15) minutes after sunset.

45.14-2. *Migratory Bird Calls*. No person shall use electronic calls of any type to hunt migratory birds.

45.14-3. *Hazing*. No person shall drive, rally or chase birds with any motorized conveyance to put them in the range of hunters.

45.14-4. *Live Decoys*. No person shall hunt migratory birds with the aid of live decoys. All live, tame or captive ducks and geese shall be removed for a period of ten (10) consecutive days prior to hunting and confined within an enclosure which substantially reduces the audibility of their calls and totally conceals such birds from the sight of migratory birds.

45.14-5. *Carcass Tags and Registration*. Any person who harvests a goose shall attach the carcass tag to the leg of the goose. All geese harvested shall be registered with the Department within seven (7) days after harvest.

45.14-6. *Raptors, Other Protected Species*.

(a) It shall be unlawful for any person to take, kill, sell, purchase, possess, disturb, or destroy any raptor or other species of protected migratory birds or its nest or eggs thereof on the Reservation without any required permit.

(b) Any Tribal member requesting or desiring any eagle or parts thereof, shall make or properly complete an application for submission to the U.S. Fish and Wildlife Service,

Law Enforcement Division. Interested Tribal members may contact the Department for application forms.

45.14-7. *Transportation.*

(a) The fully feathered head or fully feathered wing shall remain naturally attached to all migratory birds being transported from the field to the person's permanent abode or a preservation facility.

(b) Any person transporting a raptor or protected migratory bird, excluding all eagles, found out of season shall obtain a permit from the Department.

45.14-8. *Live Birds.* It shall be unlawful to possess a live migratory bird or birds at any time. All migratory birds shall be immediately killed once possession is gained. Persons who raise migratory birds may maintain these birds by permit issued through the Department, a hatchery, game farm or state and/or federal agency.

45.14-9. *Open Water Hunting.* A person may hunt in open water where he or she can stand on the bottom without the aid of a blind and, in this circumstance, may hunt with the aid of a securely anchored boat, canoe, raft or similar device.

45.14-10. *Moving Boats.*

(a) No person shall hunt migratory birds from any moving boat unless it is propelled by paddle, oars or pole.

(b) A hunter who cripples a bird which falls or moves into open water may pursue the bird into open water and shoot from a boat propelled by paddle, oars or pole.

(c) If a motorboat is used to pursue a crippled migratory bird into open water, the motor shall be shut off and all forward movement of the boat shall cease before loading and shooting at the crippled migratory bird.

45.14-11. *Motor Vehicle Use.* No person shall take migratory birds from, or with the aid or use of, a motor vehicle except for qualified disabled persons issued a permit by the Department. Refer to 45.7-4(a).

45.14-12. *Decoys.* No person hunting migratory birds shall:

(a) Place decoys beyond two hundred (200) feet from the cover in which the person is located.

(b) Place decoys in the water prior to one (1) hour before opening of waterfowl hunting time.

(c) Leave decoys in the water more than thirty (30) minutes after the close of waterfowl hunting time.

45.14-13. *Shot Restrictions.* No person shall hunt waterfowl, coots or gallinules while in possession or control of any type of lead shot.

45.14-14. *Blind Restrictions.* No person hunting waterfowl or coots on land owned by the Tribe shall:

(a) Establish a waterfowl hunting blind on such property, including the bed of any navigable lake, reservoir, pond or stream, prior to seven (7) days before the waterfowl hunting season or leave it established beyond seven (7) days after the close of the waterfowl hunting season.

(b) Establish a waterfowl hunting blind of wooden or partially wooden construction unless the blind bears the name, in lettering one-inch (1") square or larger, of the person who constructed the blind.

45.15. Fishing

45.15-1. *General Provision.* No person shall take or injure any fish in any waters, upon its nest,

or remove any eggs, except as may occur in normal recreational or fisheries research practices, and with the authorization by the Department.

45.15-2. *Licenses.* Except as provided in 45.15-2(a) below, no person shall take any fish pursuant to this Law without possessing a valid license or permit.

(a) A license or permit to fish shall not be required for the following individuals who are less than sixteen (16) years old:

- (1) Tribal members;
- (2) dependents of Tribal members; and
- (3) persons affiliated with another tribe.

(b) The Department shall not issue more than one (1) license to one (1) person at a time.

45.15-3. *Firearm Restrictions in Fishing Areas.* No person shall discharge a firearm into Reservation lakes, reservoirs, or public use areas, except for the purpose of hunting migratory birds during established seasons.

45.15-4. *Trespass.* No person may fish on private waters without permission from the landowner, lessee or occupant.

45.15-5. *Trading of Fish.* All fish may be traded. However, such trading may only occur between Tribal members on the lands and waters of the Tribe.

45.15-6. *Ice Fishing.*

(a) Ice fishing holes shall be no larger than ten inches (10") in diameter.

(b) A person shall use no more than four (4) fishing lines at one (1) time.

(c) Ice fishing shelters may be placed on the ice of any waters of the Reservation, but the shelter shall be removed from the ice at least once during a twenty-four (24) hour period and when not in use.

45.15-7. *Night Fishing.* Night fishing is permitted.

45.15-8. *Motorboats.* Motorboat use is prohibited on Tribal waters, except for law enforcement and conservation purposes by the Department. Motors shall be limited to electric motors.

45.15-9. *Transportation.*

(a) No person shall transport dressed fish from the waters of the Reservation to his or her residence unless those fish can be readily counted.

(b) A person may carry or transport only his or her own lawfully possessed fish.

(c) No person may possess a fish carcass or a fish fillet while fishing or prior to returning to his or her permanent residence unless at least one (1) square inch of skin with scales intact is attached naturally to the fish carcass or to each fish fillet.

45.15-10. *Restrictions.* No person shall:

(a) Leave, deposit, place or throw on the waters, ice, shores of water or upon Tribal land, any cans, bottles, debris, refuse, fish offal, fish carcasses, fish parts or solid waste material.

(b) Empty receptacles containing bait into Reservation waters.

(c) Transport or introduce fish or fish eggs into Reservation waters.

(d) Release fish, reptiles, amphibians or crustaceans into Reservation waters without written authorization from the Board and the Department.

(e) Aid someone in securing a license fraudulently.

(f) Shoot fish, frogs or turtles with a firearm.

45.15-11. *Health Advisory.* The following warning shall be placed in all hunting and fishing regulation information booklets:

*** WARNING ***

Fish caught in Duck Creek, ducks, geese, and other wildlife may

contain PCB's. Women and children are most at risk for health defects. Detailed information is available from the Oneida Conservation Department.

45.16. Enforcement and Penalties

45.16-1. *Reporting Violations.* All persons are encouraged to report violations of this Law to the Conservation Department or Oneida Police Department. Any information received regarding violations shall be kept confidential by both Departments.

45.16-2. *Approval of Fines and Penalties.* A schedule setting the fines for violation of this Law, and additional penalties for violation of this Law, including confiscation of equipment and/or wild animals, wild animal protection assessment (civil recovery value), and/or property damage restoration shall be created by the Board and approved by the Oneida Business Committee.

45.16-3. *Citation and Notification of Violation.* The Conservation Warden shall issue a citation for a violation of this Law and/or regulations to an alleged violator when the Conservation Warden becomes aware of a violation or when all evidence is processed.

(a) The citation shall include:

(1) the violation;

(2) the fines and/or penalties; and

(3) the date, time, and place of the hearing. The hearing shall take place no sooner than five (5) days after the citation is issued.

(b) If the person does not wish to contest the citation, he or she shall pay any fine to the Department by the hearing date specified on the citation.

45.16-4. *Hearings.* The Board shall hold any and all hearings on alleged violations of this Law in accordance with the bylaws of the Board.

45.16-5 After the hearing, the Board shall determine whether the person is subject to the penalties and responsible for the fine, as issued by the Conservation Warden, and may set a new date for when any fines shall be paid.

(a) *Community Service.* Community service may be substituted for fines for any of the above violations at the discretion of the Board at the rate of one (1) hour per ten dollars (\$10.00) of the fine.

45.16-6. Failure to pay a fine or meet other penalty requirements shall make a person ineligible for a license or permit under this Law.

45.16-7. *Appeals.* Any person issued a citation under this Law may appeal a decision of the Board to the Tribe's judicial system.

End.

Adopted - BC-8-31-94-C

Adopted - BC-4-24-96-A

Adopted - BC-07-22-98-A

Amended - BC-09-13-00-D

Amended - BC-6-04-03-A

Amended - BC-6-30-04-I

Amended - BC-7-13-05-E

Amended - BC-8-29-07-F

Amended - BC-06-24-09-E

Amended - BC-08-26-10-I

Emergency Amended - BC-06-22-11-H (Expired)

Amended - BC-12-14-11-E

974 Amended - BC-05-22-13-A

From: Jennifer A. Webster
Sent: Thursday, January 15, 2015 5:03 PM
To: Candice E. Skenandore; Brandon L. Yellowbird-Stevens; Fawn J. Billie; Ronald W. Hill; Danelle A. Wilson; Fawn L. Cottrell; Rhiannon R. Metoxen
Cc: Lynn A. Franzmeier; Taniquelle J. Thurner
Subject: RE: E-Poll New Public Meeting Date for Fulough and Rules of Appellate

Approve

On behalf of Councilman Hill:

Support

Danelle Wilson

From: Brandon L. Yellowbird-Stevens
Sent: Thursday, January 15, 2015 4:24 PM
To: Candice E. Skenandore; Fawn J. Billie; Jennifer A. Webster; Ronald W. Hill; Danelle A. Wilson; Fawn L. Cottrell; Rhiannon R. Metoxen
Cc: Lynn A. Franzmeier; Taniquelle J. Thurner
Subject: RE: E-Poll New Public Meeting Date for Fulough and Rules of Appellate

support

From: Fawn J. Billie
Sent: Thursday, January 15, 2015 4:24 PM
To: Candice E. Skenandore; Brandon L. Yellowbird-Stevens; Jennifer A. Webster; Ronald W. Hill; Danelle A. Wilson; Fawn L. Cottrell; Rhiannon R. Metoxen
Cc: Lynn A. Franzmeier; Taniquelle J. Thurner
Subject: RE: E-Poll New Public Meeting Date for Fulough and Rules of Appellate

Support

Fawn

Subject: E-Poll New Public Meeting Date for Fulough and Rules of Appellate
Importance: High

Good Afternoon,

At today's meeting the LOC made a motion to approve the public meeting date of January 29, 2015 for the Furlough Policy and Rules of Appellate Procedure Amendments; however, the Legislative Procedures Act (LPA) requires a notice of at least 10 business days prior to holding a public meeting. In order to comply with the LPA, I am asking that you approve this e-poll to change the public meeting date to **Thursday, February 5, 2015** at 12:15 PM in the BCCR. The Kalihwisaks deadline for submissions to be published on January 22, 2015 is tonight so your response is needed as soon as possible.

Let me know if you have any questions.

Candice E. Skenandore

January 2015

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

February 2015						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Dec 28 - Jan 3	Dec 28	29	30	31	Jan 1, 15	2	3
					New Year's		
Jan 4 - 10	4	5	6	7	8	9	10
		6:00pm 9:00pm Annual GTC Meeting (Radisson)		9:00am 2:00pm LOC Meeting (BCCR)			
Jan 11 - 17	11	12	13	14	15	16	17
				BC Meeting (BCCR)	10:00am 11:00am LOC Work Meeting to discuss BC Sanctions and Penalties (BCCR) - LOC_Calendar		
Jan 18 - 24	18	19	20	21	22	23	24
		6:00pm 9:00pm GTC Meeting-Budget (Radisson)		9:00am 2:00pm LOC Meeting (BCCR)			
Jan 25 - 31	25	26	27	28	29	30	31
		3:00pm 4:00pm LOC Work Meeting-Discuss LRO Staffing (BC_Exec_Conf_Roo m) - LOC_Calendar		BC Meeting (BCCR)			

February 2015

February 2015						
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March 2015						
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22	23	24	25	26	27	28
29	30	31				

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb 1 - 7	Feb 1	2	3	4	5	6	7
				9:00am 2:00pm LOC Meeting (BCCR)	11:30am 1:30pm Public Meeting-Furlough Policy and Rules of Appellate Procedure Amendments (BC_Conf_Room) - LOC_Calendar		
Feb 8 - 14	8	9	10	11	12	13	14
				BC Meeting (BCCR)			
Feb 15 - 21	15	16	17	18	19	20	21
				9:00am 2:00pm LOC Meeting (BCCR)			
Feb 22 - 28	22	23	24	25	26	27	28
				BC Meeting (BCCR)			