

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

April 3, 2015 9:00 a.m.

- I. Call To Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. March 18, 2015 LOC Meeting Minutes
- III. Current Business**
 - 1. GTC Meetings Law
 - 2. Motor Vehicle Law Amendments
 - 3. Investigative Leave Policy Amendments
 - 4. Removal Law Amendments
 - 5. Pow-wow Committee Bylaws
- IV. New Submissions**
 - 1. Petition: Genskow-Request Special GTC Meeting to Address 6 Resolutions
- V. Additions**
- VI. Administrative Updates**
 - 1. LOC Sponsor List
- VII. Executive Session**
- VIII. Recess/Adjourn**

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LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

March 18, 2015 10:00 a.m.

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

OTHERS PRESENT: Candice Skenandore, Danelle Wilson, Taniquelle Thurner, Fawn Cottrell, Jo Anne House, RC Metoxen, Bob Keck, Shannon Stone, Michelle Mays

I. Call To Order and Approval of the Agenda

Brandon Stevens called the March 18, 2015 Legislative Operating Committee meeting to order at 10:02 a.m.

Motion by Fawn Billie to approve the agenda; seconded by Tehassi Hill. Motion carried unanimously.

II. Minutes to be approved

1. March 4, 2015 LOC Meeting Minutes

Motion by Jennifer Webster to approve the March 4, 2015 LOC Meeting minutes; seconded by Tehassi Hill. Motion carried unanimously.

III. Current Business

1. Hunting, Fishing and Trapping Law Amendments (00:58- 02:02)

Motion by Jennifer Webster to defer the Hunting, Fishing and Trapping Law Amendments for a legislative analysis and fiscal impact statement; seconded by Fawn Billie. Motion carried unanimously.

2. Petition: Child Care Department Consumer Complaint Policy (02:02-03:46)

Motion by Fawn Billie to defer the Child Care Department Consumer Complaint Policy for a legislative analysis and fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.

3. Motor Vehicle Law Amendments (03:49-07:28)

Motion by Jennifer Webster to defer the Motor Vehicle Law Amendments back to the Legislative Reference Office to make the noted changes and prepare the item for adoption; seconded by Tehassi Hill. Motion carried unanimously.

4. Vehicle Driver Certification and Fleet Management (07:30-08:47)

Motion by Jennifer Webster to accept the Vehicle Driver Certification and Fleet Management

public meeting comments and defer those comments to an LOC work meeting to be held immediately following the completion of this LOC meeting; seconded by Fawn Billie. Motion carried unanimously.

IV. New Submissions

1. Election Board Bylaws Amendments (08:52-12:40)

Motion by Jennifer Webster to add the Election Board Bylaws Amendments to the active files list, and to defer this item to the Legislative Reference Office for processing and to bring back when ready; seconded by Tehassi Hill. Motion carried unanimously.

Note: Brandon Stevens will be the sponsor.

2. Violence Against Women Act (VAWA) (12:47-15:24)

Motion by Tehassi Hill to add the Violence Against Women Act to the active files list; second by Fawn Billie. Motion carried unanimously.

Note: Jennifer Webster will be the sponsor.

3. Industrial Hemp Law (15:30-21:06)

Motion by Jennifer Webster to add the Industrial Hemp Law to the active files list with Tehassi Hill as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

4. Personnel Commission Bylaws Amendments (21:08-23:46)

Motion by Fawn Billie to add the Personnel Commission Bylaws Amendments to the active files list; seconded by Jennifer Webster. Motion carried unanimously.

Note: Fawn Billie will be the sponsor.

V. Additions

VI. Administrative Updates

1. Kalihwisaks Article (23:48-25:05)

Motion by Jennifer Webster to accept the Kalihwisaks article as FYI; seconded by Tehassi Hill. Motion carried unanimously.

VII. Executive Session

1. Personnel Commission Complaint (25:08-25:38 & 00:04-00:57 [Part II])

Motion by Tehassi Hill to go into executive session at 10:27 a.m.; seconded by Fawn Billie. Motion carried unanimously.

Motion by Tehassi Hill to come out of executive session at 10:55 a.m.; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Tehassi Hill to accept the Personnel Commission Complaint discussion as FYI; seconded by Jennifer Webster. Motion carried unanimously.

VIII. Recess/Adjourn

Motion by Tehassi Hill to adjourn the March 18, 2015 Legislative Operating Committee Meeting at 10:56 a.m.; seconded by Fawn Billie. Motion carried unanimously.



Legislative Operating Committee

April 3, 2015

GTC Meetings Law

Submission Date: 9/17/14

☐ Public Meeting:
☐ Emergency Enacted:
 Expires:

LOC Sponsor: Fawn Billie

Summary: *This item was carried over into the current term by the LOC. This proposal is for a new law to govern the scheduling and conducting of GTC meetings, including: a standard agenda format and a code of conduct for those in attendance; outlining the duties of those preparing and assisting with GTC meetings, and establishing how petitions would be processed. The Law went through the LOC process, a public meeting was held on December 6, 2012 and this item was placed on the July 7, 2014 GTC meeting agenda; however, that GTC meeting adjourned before the Law was presented.*

9/17/14 LOC: Motion by Fawn Billie to add the following five items to the Active Files List: GTC Meetings Law; Petition: Directing a "Stall Mall" be Created; Petition: Publishing Names and Addresses of Petition Signers in GTC Mailouts; Petition: Real Estate Taxes for all Tribe Owned Property to be Paid by Tribe; Petition: Responding to Questions and Comments from the Floor at GTC; seconded by Tehassi Hill. Motion carried unanimously.

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

Next Steps:

- Review the backup that was sent to GTC on July 7, 2014 and consider forwarding a request to the Tribal Secretary's Office to place this item on the next available GTC meeting agenda.

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Committee Members

Melinda J. Danforth

Vince DelaRosa

David P. Jordan

Paul Ninham

Brandon Stevens

Executive Summary

Adoption of the General Tribal Council Meetings Law

Current Draft Summary

The Law creates a schedule of GTC meeting dates; sets a general agenda for those meetings; outlines the petition process; sets standards of conduct for meeting attendees; and outlines the duties of those who help prepare for and assist with GTC meetings. The Law requires that at least four GTC meetings be held each year (annual, semi-annual, and 2 special meetings). In addition to these four meetings, a budget meeting is also required to be held as necessary. Additional GTC meetings can be called in accordance with the Constitution – by the Tribal Chairman or through petition. The Law limits GTC meeting attendees to those individuals who are: (1) enrolled Tribal members who are eligible to vote or (2) non-enrolled individuals who have a business-related need to attend the meeting and are approved by GTC.

The Law outlines a general agenda for GTC meetings and also sets out how a petition is processed. The process includes analyses of the petition being conducted, deadlines for when a petition must be presented to the GTC, required communication between the petitioner and the Tribal Secretary's Office, and ability of petitioner to attend an OBC meeting to discuss the petition. A petition received at least sixty days before a GTC meeting will be placed on the upcoming GTC meeting agenda; the petition must be considered by GTC within six months after it is submitted. GTC meeting attendees are required to be respectful of others, be free from the influence of alcohol or illegal drugs, and remain in compliance with Tribal law – anyone violating these provisions may be removed from a GTC meeting. In addition, the OBC will designate a Sergeant of Arms to oversee the Security Department during GTC meetings.

The Law also sets out the process for when the Chairperson calls a special GTC meeting in accordance with the Constitution. Analyses are required to be conducted on items the Chairperson of the Tribe requests be placed on a GTC meeting agenda. The OBC is responsible for approving the meeting date when the Chairperson's items will be addressed.

Fiscal Impact

The Finance Department has provided a fiscal impact of the proposed law (attached) and, due to the Law requiring at least 3 GTC meetings be held each year, in addition to the Annual and Semi-Annual meetings, states the theoretical impact of the Law is approximately \$750,000. Minor changes have been made to the Law since the fiscal impact was submitted, however, those

changes should not have a fiscal impact as they do not affect the number of GTC meetings held in a year.

Legislative Analysis and Legal Opinion

The legislative analysis conducted on the Law does not raise any major issues and a legal analysis has not been conducted on this draft.

Proposed GTC Action

Approve the Resolution: Adoption of the General Tribal Council Meetings Law.

GTC Resolution _____*Adoption of the General Tribal Council Meetings Law*

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

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

WHEREAS, the Oneida Constitution requires the General Tribal Council to meet at least twice a year and allows special meetings to be called by the Chairman or fifty (50) qualified voters; and

WHEREAS, the attached General Tribal Council Meetings Law (Law) would provide a schedule of General Tribal Council meeting dates; set an agenda for General Tribal Council meetings; outline the petition process; set out a process for when the Chairperson calls a special General Tribal Council meeting; set standards of conduct for those attending General Tribal Council meetings; authorize the Oneida Business Committee to designate a Sergeant of Arms to oversee the Security Department during a General Tribal Council meeting; and outline the duties of those preparing and assisting with General Tribal Council meetings; and

WHEREAS, a public hearing on the Law was held on December 6, 2012 in accordance with Tribal law.

NOW THEREFORE BE IT RESOLVED, that the attached General Tribal Council Meetings Law is hereby adopted.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida General Tribal Council in session with a quorum of ____ members present at a meeting duly called, noticed and held on the ____ day of _____, 2013; that the foregoing resolution was duly adopted at such meeting by a majority vote of those present; and that said resolution has not been rescinded or amended in any way.

Patricia Hoeft, Tribal Secretary
Oneida Business Committee

Oneida Tribe of Indians of Wisconsin

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**Committee Members**

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

Statement of Effect*Adoption of the General Tribal Council Meetings Law***Summary**

This Resolution adopts the General Tribal Council Meetings Law which provides a schedule of General Tribal Council meeting dates; sets an agenda for General Tribal Council meetings; outlines the petition process; requires analyses of items the Chairperson requests to be placed on a General Tribal Council meeting agenda; sets standards of conduct for those attending General Tribal Council meetings; and outlines the duties of those preparing and assisting with General Tribal Council meetings

Submitted by: Lynn Franzmeier, Staff Attorney, Legislative Reference Office

Analysis by the Legislative Reference Office

Under the Oneida Constitution, General Tribal Council is required to meet at least twice a year and is able to hold special meetings when called by the Chairman or fifty (50) qualified voters. From 2008 through 2012, there was an average of just over 6 GTC meetings held each year. This Resolution adopts the General Tribal Council Meetings Law (Law) to provide a schedule of General Tribal Council meeting dates by requiring that at least 5 General Tribal Council Meetings be held or scheduled each year; this includes the annual and semi-annual meetings, a budget meeting and at least two special meetings.

The Law also sets an agenda for General Tribal Council meetings; outlines the petition process; sets out a process for when the Chairperson calls a special General Tribal Council meeting; sets standards of conduct for those attending General Tribal Council meetings; authorizes the Oneida Business Committee to designate a Sergeant of Arms to oversee the Security Department during a General Tribal Council meeting; and outlines the duties of those preparing and assisting with General Tribal Council meetings. A public hearing on the proposed law was held on December 6, 2012 in accordance with Tribal law.

Conclusion

There are no legal bars to adopting the Resolution.

Oneida Tribe of Indians of Wisconsin

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

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Oneida, WI 54155



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

DATE: July 15, 2013
FROM: Larry Barton, Chief Financial Officer
TO: Tina Danforth, Treasurer
Oneida Business Committee
RE: Financial Impact of Proposed Law – General Tribal Council Meetings

I. Background

Under consideration is a proposed law to govern General Tribal Council Meetings. The purpose statement of the proposed law is given as follows: "The purpose of this law is to create a schedule of General Tribal Council meeting dates, set a general agenda for those meetings, outline the petition process, set standards of conduct for those attending meetings and outline the duties of those preparing and assisting with the meetings."

II. Executive Summary of Findings

According to the current approved version of the Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin, the General Tribal Council is required to convene two meetings per year. In compliance with Article III section 4 of the Oneida Constitution, General Tribal Council meetings are convened on the first Monday in January and July. Section 11.4 of this proposed Law would require that there is also a Budget Meeting convened each year, as well as a minimum of two special meetings each year. We will defer to a legal opinion to answer whether it is appropriate to require additional General Tribal Council Meetings outside of a Constitutional Amendment.

In FY 2013, there have been five General Tribal Council Meetings held. Besides GTC Meeting Stipends we must also consider other costs such as printing & mailing, security, room rental, Election Board, audio/visual and Police Department. When adding all these costs, the average cost of the five meetings to date has been \$238,508. Other costs that are not in this figure include departmental expenses from Department of Public Works, Management Information Systems, Gaming Maintenance, Gaming Shuttle, Oneida Transit, Enrollments Staff and Business Committee Staff. A reasonable estimate of total costs per GTC meeting is \$250,000.

III. Financial Impact

In recent practice there is no direct Financial Impact of this proposed Law. While the Oneida Constitution requires only two meetings, we have been scheduling a special GTC meeting to adopt the budget for many years. Further, via the Petition process, we have held more than two additional special meetings each year for some time now. However, if passed, this Law would require the Tribe to convene three more meetings than specified by the Constitution. Therefore, the theoretical impact is approximately \$750,000, unless meetings become unnecessary due to a lack of pending agenda items or petitions.

RECOMMENDATION

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

Chapter 11 General Tribal Council Meetings

11.1. Purpose and Policy	9	11.6. Special General Tribal Council Meetings Called by the
11.2. Adoption, Amendment, Repeal	10	Chairperson
11.3. Definitions	11	11.7. Holding a General Tribal Council Meeting
11.4. Setting General Tribal Council Meeting Dates	12	11.8. General Tribal Council Meeting Agenda
11.5. Petitions	13	11.9. Additional Responsibilities

Analysis by the Legislative Reference Office

The proposed General Tribal Council Meetings law (the Law) is a new Tribal law that establishes standard procedures and rules to govern various aspects of General Tribal Council (GTC) meetings. The Law states that the policy of the Tribe is to hold consistent, organized GTC meetings and to enable members to participate and provide input in a respectful and meaningful way. The Law establishes rules intended to support that policy. *See 11.1-1 and 11.1-2.*

Summary of the Law

This law identifies various GTC meetings that must or may be held each year, and establishes requirements for various aspects of those meetings, including:

- Registration and attendance at GTC meetings.
- Conducting GTC meetings, including a standard meeting agenda format.
- Submitting, processing and presenting petitions.
- Identifying the process by which the Chairperson or 50 qualified voters can “call” special GTC meetings, in accordance with the Tribal Constitution.
- Identifying the meeting-related responsibilities of the Tribal Secretary and other entities, including behavior expectations for members attending meetings.
- Cancelling and re-scheduling GTC meetings.
- Establishing a new position for a Sergeant of Arms, and identifying its responsibilities.

This Law would be adopted by the GTC. Therefore, in accordance with the Ten Day Notice Policy, once it is adopted, it would require a 2/3 vote to amend or overturn.

Potential Considerations

Section 11.4 appears to identify the different types of GTC meetings. Section 11.4-3 states that special meetings shall be scheduled at least twice a year in order to address General Tribal Council business, including petitions. However, this revised draft of the Law not only identifies a process for how 50 Tribal members can petition to add an item to a GTC agenda, but it also identifies how the Tribal Chair can bring an item to the GTC (which is referred to in the Law as “calling” a meeting, but appears to actually mean the Chair’s item would be added to a GTC agenda). The language “including petitions” raises the question of whether this would also include items submitted by the Chair; or if meetings called by the Chair are a separate type of meeting.

Section 11.4 also states: “Additional special meetings may be called in accordance with the Constitution.” However, the Constitution only states that the Chair or 50 qualified voters can call meetings. If the intent of this Law is to set out the process by which the Chair or 50 qualified voters can call meetings, then that last sentence may cause confusion, because it appears to refer to a different process for calling a meeting “in accordance with the Constitution”, as opposed to the process set out in this Law.

The Law is not clear about what a Sergeant at Arms entails. The term is not defined. This position appears to be created by this Law, and has never been mentioned in previous Tribal laws. The general definition found in online dictionaries is “a person who is appointed to keep, maintain or preserve order within an organization, such as a legislative, judicial or social body.” However, the various related details vary by organization. It is recommended that, since this position only appears to apply for GTC meetings, that the provisions related to the Sergeant of

Arms be expanded to identify things related to this position, such as the term of service, the extent of the Sergeant of Arms' authority/powers, who has supervisory/oversight authority over this position, how a Sergeant of Arms could be removed from this position, and to more clearly identify how this person would be chosen – “designate” does not identify whether this is an appointment, an employee, etc.

Related Laws and Policies

The GTC has adopted other Tribal laws/policies that also contain requirements that relate to GTC meetings. Those laws/policies will remain in effect and it is not intended that they be affected by this new Law. Specifically:

	Relevant History	What the Law/Policy does
Removal Law	GTC adopted on January 9, 2006	Sets a process of petitioning for a GTC meeting to consider the removal of an elected official.
GTC Meeting Stipend Payment Policy	Created by GTC directive on August 11, 2007	Governs the process of paying stipends to GTC members who attend a GTC meeting.
GTC Ten Day Notice Policy	GTC adopted on March 4, 1991	Addresses how notice will be provided of business to be conducted or action taken at a GTC meeting.
Election Law	Originally adopted on June 19, 1993; most recent amendments adopted by GTC on January 4, 2010	Governs elections, referenda, and the petition process for being placed on a ballot for elections.

There are some overlapping or parallel provisions between those other laws/policies and this proposed Law. For example, the Ten Day Notice Policy, I.3., states that its purpose is to “Provide a clear and concise statement of procedures to be followed by the GTC and the Oneida Business Committee during conducting of GTC meetings,” which also seems to be the purpose of this Law. That policy also addresses how *resolutions* are introduced to the GTC, while this Law addresses how *petitions* are introduced to the GTC.

Meetings

The Oneida Tribal Constitution (the Constitution) requires that two GTC meetings be held each year, on the first Mondays in January and July. This Law states that annual and semi-annual GTC meetings will be held in January and July, in accordance with the Constitution. *See 11.4-1 and the Constitution, Art. III, Sec. 4.*

The Law also requires additional GTC meetings that are not mentioned in the Constitution; so in total, at least five GTC meetings would be required to be held or scheduled each year, and more meetings may be held as necessary. In addition to the semi-annual and annual meetings, this Law provides for:

- A special GTC meeting for the primary purpose of adopting the budget for the upcoming fiscal year(s). *See 11.4-2.*
- Special meetings must be scheduled at least twice a year to address GTC business, including petitions. *See 11.4-3.*
- Additional special meetings may be called in accordance with the Constitution, which provides that the Tribal chairman or 50 qualified voters may, by written notice, call special GTC meetings. *See 11.4-3 and the Constitution, Article III, section 4.*

This Law requires notice for a GTC meeting to be provided in accordance with the Ten Day Notice Policy. *See 11.7-1.*

Registration and Attendance

All individuals attending a GTC meeting are required to register with the Enrollment Department (Enrollments), which is required to verify the identity of all individuals who will

attend the meeting, even those ineligible to vote. Tribal or state-issued identification may be required to verify identity. *See 11.7-4 and 11.7-5.*

The Law only authorizes two categories of people to attend a GTC meeting. Any person who is not eligible to attend the meeting is required to be escorted out by the Sergeant of Arms or a designee. *See 11.7-3.*

Under the Law, the only people who can attend a GTC meeting are:

- Tribal members eligible to vote per the Constitution. This means all enrolled members age 21 or over. Enrolled members who are less than 21 years old would not be able to attend GTC meetings, unless their attendance is business-related.
- Other individuals who have a business-related need to attend the meeting and are approved to attend either certain parts of the meeting, or the entire meeting, by a majority vote of the GTC. *See 11.7-3.*

Conducting GTC Meetings

The Law sets out a model agenda that must be used for all GTC meetings, and makes the Tribal Secretary's Office (the Secretary) responsible for developing a process to address GTC meeting agenda development. *See 11.8-1.*

The model agenda set out in the Law includes the following requirements:

1. Before the meeting opens (with an opening prayer and/or color guard), the Chair may allow for announcements which do not directly relate to the agenda, as long as they last no more than 15 minutes and do not delay the start of the meeting. *See 11.8-2.*
2. **Opening Prayer and/or Color Guard.** *See 11.8-1(a).*
3. **Call to Order.** The Chair must call a meeting to order at the noticed meeting time or once it is confirmed that there is quorum, whichever is later. If quorum is not met within 15 minutes after the scheduled meeting start time, the meeting will not be held¹. Quorum shall be established by the Constitution, which in turn provides that 75 members constitute a quorum. *See 11.8-3, 11.7-2 and the Constitution, Art. III Sec.4.*
4. **Agenda.** Amendments may be made before the agenda is adopted. *See 11.8-4.*
5. **Unfinished Business and New Business.** Each item under each of these categories must be presented in the following order:
 - a. A brief summary. This includes the purpose of the request and the action requested. *See 11.8-5(a).*
 - b. A full presentation of the item. This includes the legal, fiscal, administrative and legislative impacts of the item. *See 11.8-5(b).*
 - c. Question-and-answer period. *See 11.8-5(c).*
 - d. Action. The Law states that GTC action taken in accordance with the Constitution and Tribal law is binding on the OBC or other appropriate Tribal program, division, department, board, committee, commission and similar business unit². *See 11.8-5(d) and 11.3-1(d).*
6. **Reports.** The Law requires each Tribal program, division, department, board, committee, commission and similar business unit; and each Tribally-chartered corporation, to file an Annual and Semi Annual report with the Secretary, to be made available to the GTC either electronically or in the meeting materials. The OBC identifies the format for such reports, as well as what information must be included. *See 11.8-6 and 11.3-1(d).*
7. **Adjourn.** Items not completed by the time a meeting adjourns will be forwarded to the OBC for action. *See 11.8-7.*

¹ This is also stated in the GTC Stipend Payment Policy.

² This is similar to language in section VI.5.a of the Ten Day Notice Policy, which states that "Resolutions that have been passed by GTC shall be implemented whole heartedly by the Business Committee or as directed by the GTC."

Code of Conduct for GTC Meetings

In line with the traditional Good Mind Principle of Kalihwi-y%, people who attend GTC meetings are expected to treat each other with respect and kindness.

The Law also specifically prohibits attendees from:

1. Using profanity, interrupting others, heckling or threatening people, disrespecting property or behaving disruptively or in a way that endangers others.
2. Being under the influence of alcohol or illegal drugs.
3. Having a weapon in violation of any applicable law. This would apply to most weapons, as OBC Resolution #10-26-11-C prohibits weapons at any Tribally-sponsored event.
4. Taking action that violates Tribal law. *See 11.9-2.*

The OBC is required to designate an individual to serve as the Sergeant of Arms at GTC meetings. The Sergeant of Arms is required to oversee the Security Department during GTC meetings. *See 11.9-1.*

Any person that violates the conduct requirements above may be prohibited from attending a GTC meeting, or may be removed from a meeting for the remainder of the meeting. Upon discovery of a violation, or if directed to do so by the Chairperson of the meeting, the Sergeant of Arms or their designee is responsible for prohibiting the person from attending the meeting or for removing the person from the meeting. *See 11.9-2(b).*

Calling a GTC Meeting – The Petition Process and Chairman Authority

Article III, section 4 of the Constitution provides that “The chairman or fifty (50) qualified voters may, by written notice, call special meetings of the General Tribal Council.” This Law sets out the processes by which the Tribal chair or 50 qualified voters can exercise that Constitutional right; but these processes don’t specifically enable the fifty qualified voters or the Chair to call a specific meeting. Instead, these processes enable the Chair or 50 qualified voters to add an item(s) to a GTC meeting agenda, and leave the OBC responsible for scheduling meetings and determining when an item will be placed on an agenda.

The Law uses different terminology for the Chair than it does for the 50 qualified voters, and identifies slightly different requirements for each process.

50 qualified voters (section 11.5)	Chairman (section 11.6)
A Tribal member may request to place an item(s) on a GTC meeting agenda by submitting a completed petition to the Secretary’s Office. <i>11.5-1</i> If at least 50 qualified voters have signed the petition, the Secretary’s Office must: <ul style="list-style-type: none"> Place the verified petition on the next available OBC agenda for review and determination of the meeting date when the petition will be considered by GTC. <i>11.5-3(c)(1)</i> 	If the Chairperson of the Tribe calls a special GTC meeting in accordance with the Constitution, to address an item(s) the Secretary’s Office must: <ul style="list-style-type: none"> Place the item(s) on the next available OBC agenda for review and determination of the meeting date when the item(s) will be considered by the GTC. <i>11.6-1</i>
The [OBC] shall determine the meeting date when a petition will be considered. <ul style="list-style-type: none"> Petitions submitted at least 60 days before an upcoming GTC meeting must be placed on that meeting’s agenda. A petition must be considered by the GTC no more than six months after it is submitted to the Secretary. <i>11.5-4</i> 	After the Chairperson calls a special GTC meeting, the OBC shall approve the meeting date when the item(s) will be addressed. <i>11.6-2</i>
If at least 50 qualified voters have signed the petition, the Secretary’s Office shall request the petitioner attend an OBC meeting to discuss the issues raised by the petition. <i>11.5-3(c)(3)</i>	<i>No similar requirement.</i>

As the chart above shows, there are a few differences.

- Although the Constitution grants identical rights to both the 50 qualified voters and the Chairman; the Law sets out how the Chairman can “call” a meeting, and how the 50 qualified voters can “request to place an item on a GTC agenda”.
- The OBC will “determine” the meeting date when a petition will be considered, but must both “determine” and “approve” a GTC meeting date when the Chairman has submitted an item. This appears to specifically require OBC determination and approval of the date of any GTC meeting called by the Chair. The Constitution does not require OBC approval of a meeting date when the Chair calls a meeting, so this is a new requirement.
- A petition must be considered by GTC within six months after it is submitted to the Secretary, and petitions submitted at least 60 days before an upcoming GTC meeting must be placed on that meeting’s agenda. By comparison, the Law does not identify a timeline or deadlines for the Chair’s item to be considered by the GTC.
- For petitions, the Law also requires the Secretary to request the petitioner attend an OBC meeting to discuss the issues raised by the petition.

Special Provision – Cancelling a GTC Meeting

As discussed below, this Law gives the OBC authority to cancel a GTC meeting in various circumstances, including when there are no agenda items to discuss or there are so few items on the agenda that it would be fiscally irresponsible to hold the meeting. However, the Law also provides that this particular provision shall not apply to a meeting called by the Chairperson. This appears to mean that once the OBC has set a date for a GTC meeting called by the Chair, it cannot be cancelled, even if there are no agenda items to discuss or if there are so few items on the agenda that it would be fiscally irresponsible to hold the meeting. *See 11.7-6(c).*

“Calling” a GTC Meeting

In August of 2002, a job description was issued for the Tribal Chair position. One of the items identified as a responsibility of the Tribal Chair was to “Call any special meetings of the Tribal Council or General Tribal Council” – this appears to require all special GTC meetings to be called by the Chair, even when the meeting is called to address a petition submitted by 50 qualified voters. That description may conflict with this Law, and with the Tribal Constitution, because it does not address the constitutional right of 50 qualified voters to call a meeting.

Overall, there may be some difficulty with this Law, in identifying exactly what the act of calling a meeting entails – who calls it, what is the specific action done to call a meeting, etc.

Required Statement of Effect and Analyses

For both petitions and the Chairman’s items, the Law contains the same analysis requirement: The Secretary must forward a copy of the verified petition (for the 50 qualified voters) or a copy of the “item(s)” (for a meeting called by the Chair) to the appropriate individuals who directly report to the OBC. These individuals are required to prepare or have prepared any required statement of effect and legal, fiscal, administrative and legislative analyses. The Secretary must provide those individuals with a deadline for submitting those to the Secretary’s Office. The deadline has to be at least 10 business days after the petition or item(s) are forwarded to those individuals. *See 11.5-3(c)(2).*

The Secretary is required to forward a *petition* to those appropriate individuals within one business day after Enrollments verifies the petition. There is no deadline for the Secretary to forward *item(s)* when the Tribal Chair calls a meeting. *See 11.5-3(c)(2) and 11.6-1(b).*

The Law also defines what each of these items will include:

Item	Who prepares?	Description	Similar requirements in other Tribal Legislation
Statement of effect <i>11.3-1(i)</i>	<i>Not stated in the Law.</i>	An analysis to explain the effect that adopting a resolution will have on the Tribe.	This definition is similar to the language found in OBC Resolution #06-01-05-C, which requires a statement of effect for most OBC/GTC resolutions.
Administrative analysis <i>11.3-1(a)</i>	Affected Tribal divisions, departments or other areas.	<ul style="list-style-type: none"> • How that area would be affected by the changes sought by the petition – administrative processes, Tribal resources, etc. • How to implement the petition. • The benefits/risks of implementing the petition • Alternatives to any action requested in the petition. 	No similar requirements or definitions were found in other Tribal legislation.
Legislative analysis <i>11.3-1(g)</i>	Legislative Reference Office	<ul style="list-style-type: none"> • How a petition will affect current Tribal legislation, or how the petition would result in new legislation. • The petition's terms, substance, intent, key issues, potential impacts and subjects involved. • It <u>may</u> identify policy considerations and/or conflicts with other laws 	This is similar to requirements found in the Legislative Procedures Act (LPA), which requires legislative analyses for proposed laws and policies (or changes to laws and policies) that are sent to the OBC for consideration or published for public review. However, the LPA <i>requires</i> a legislative analysis to identify policy considerations and/or conflicts with other laws. <i>See the LPA, 16.3-1.</i>
Fiscal analysis <i>11.3-1(e)</i>	Finance Department	<ul style="list-style-type: none"> • Total fiscal year financial effects associated with the petition. • An estimate of the amount of time necessary for an individual or agency to comply with the proposed changes. 	This is similar to requirements found in the LPA, which requires one or more <i>fiscal impact statements</i> for nearly all proposed laws or amendments to existing laws. The LPA defines <i>fiscal impact statements</i> almost exactly like this Law defines a <i>fiscal analysis</i> , but the LPA requires fiscal impact statements to be prepared by any potentially affected Tribal department, division or other entity. Under the LPA, the Finance Department may also prepare a fiscal impact statement, but only upon request of the LOC.
Legal analysis <i>11.3-1(f)</i>	Tribe's Law Office	Discusses the ability to legally take action requested by the petition, based on parliamentary issues, including prior GTC actions, conflicts with federal law and/or the Tribal Constitution and Tribal law).	The definition is new and there are no similar requirements or definitions in other Tribal legislation.

Incomplete Analyses

For petitions, if any required analyses are not completed in time for the GTC meeting, then any completed analyses and an explanation for any incomplete analyses must still be placed on the agenda for that scheduled meeting, and then the petition and all completed analyses must also be placed on the subsequent GTC agenda. The Law does not identify a process for what

would happen if any of the analyses of an item requested by the Chair are not completed in time for the GTC meeting. *See 11.5-5.*

Additional Requirements for the Petition Process

The petition process contains additional, procedural requirements which are not addressed for the process of the Chair calling a special GTC meeting:

- Petitions must be on forms approved by the Tribal Secretary's Office. *11.5-1.*
- Upon request, the Legislative Reference Office must assist a Tribal member with drafting a petition. *11.5-1(a).*
- Completed petitions must contain the petitioner's name, address, and enrollment number; a summary of the reason for the petition and the action requested; any supporting documentation; and at least 50 original signatures from Tribal members who are qualified voters; including their printed names, addresses and enrollment numbers or birth dates. *11.5-2.*
- Within one business day after a petition is submitted, the Secretary must forward it to Enrollments, who must return the verification results to the Secretary within five business days after receiving the petition. *11.5-3.*
- The Secretary must provide various notices and information to a petitioner – including:
 - the date of the GTC meeting where the petition will be considered
 - the deadline for submitting any additional information to be included in the packet
 - the date that any analyses are due
 - copies of any analyses that are submitted to the Secretary
 - Notice when any required analyses are not completed in time. *See 11.5-5 and 5-6.*

Responsibilities of the Secretary's Office

This Law identifies GTC meeting-related responsibilities of the Secretary's Office. Although other responsibilities are listed throughout the Law, section 11.9-4 identifies five different and specific responsibilities, which are:

1. Ensuring each GTC meeting is recorded. The Secretary's Office must also make any video and audio recordings available to Tribal members within five business days after a GTC meeting.
2. Placing draft minutes from previous GTC meetings on the agenda for approval.
3. Creating an action report, transcript and draft minutes of each meeting.
 - The action report, which must contain a summary of the actions taken by GTC, must be available in accordance with the Open Records and Open Meetings law within five business days after the meeting.
 - The transcript and draft minutes must be available within 60 days after a GTC meeting. The draft minutes must contain, at a minimum, the meeting start/end times, a quorum count, actions taken, and the signature of the person submitting the minutes for approval.
4. Placing all GTC actions that require follow-up before the OBC within 30 days after a GTC meeting.
5. Scheduling and organizing GTC meetings. The Secretary's Office must create and approve standard operating procedures to determine specific roles and responsibilities to carry out and enforce this Law; including procedures involving those entities that assist with the meetings.

In August of 2002, a job description was created for the Tribal Secretary position, which identifies various responsibilities of the Tribal Secretary. The Secretary duties identified in this Law all appear to fall under that job description, either under particular identified duties, or through item #22 on that list, which makes the Secretary responsible for "All other job related

duties as assigned by the” GTC. By adopting this Law, the GTC would be assigning these duties to the Tribal Secretary.

Cancelling/Rescheduling GTC Meetings

The Law authorizes the OBC to cancel a GTC meeting in three circumstances:

1. Neither the OBC Chair, nor the Vice Chair, can be present due to circumstances beyond their control.
2. Holding the meeting would endanger attendees, due to circumstances that cannot be controlled, (i.e. weather or public health dangers).
3. There are no agenda items or there are so few items on the agenda that it would be fiscally irresponsible to hold the meeting (however, as discussed above, this would not apply to meetings called by the Chairperson.) *See 11.7-6.*

GTC meetings must be cancelled at least 24 hours before the scheduled starting time, if possible. The OBC is required to give as much advance notice of cancellations as possible through any practicable media outlet, such as newspapers, internet, mail, radio and television. *See 11.7-6.*

When a GTC meeting is canceled, the OBC is required to either reschedule the meeting as soon as practicable, or to place the items from the cancelled meeting’s agenda on to the next available GTC meeting agenda or agendas. *See 11.7-7.*

Other

A public hearing was held on December 6, 2012, and the comments received during the Public Comment Period have been incorporated into this draft.

Submitted by: Taniquelle J. Turner, Legislative Analyst
Legislative Reference Office

Chapter 11

General Tribal Council Meetings

11.1. Purpose and Policy

11.1-1. *Purpose.* The purpose of this law is to create a schedule of General Tribal Council meeting dates, set a general agenda for those meetings, outline the petition process, set standards of conduct for those attending meetings and outline the duties of those preparing and assisting with the meetings.

11.1-2. *Policy.* It is the policy of the Tribe to hold consistent, organized General Tribal Council meetings to enable General Tribal Council members to participate and provide input in a respectful and meaningful way.

11.2. Adoption, Amendment, Repeal

11.2-1. This law was adopted by the General Tribal Council by resolution _____.

11.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

11.2-3. 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.

11.2-4. 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.

11.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

11.3. Definitions

11.3-1. 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) "Administrative analysis" means an analysis prepared by the appropriate division(s), department(s) or other area(s) of the Tribe which describes the effect a petition would have on that division, department or area, the Tribe's administrative processes, and/or Tribal resources, including employees, equipment and/or finances; discusses how to implement the petition, benefits and risks of implementing the petition and alternatives to any action requested in the petition.

(b) "Chairperson" means the Chairperson of the Tribe, or in the Chairperson's absence, the Vice-Chairperson of the Tribe.

(c) "Constitution" means the Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin, as amended.

(d) "Entity" means a Tribal program, division, department, board, committee, commission or similar business unit.

(e) "Fiscal analysis" means an analysis, prepared by the Tribe's Finance Department, of the total fiscal year financial effects associated with a petition, and shall include startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an individual or agency to comply with the petition after implementation.

(f) "Legal analysis" means an analysis prepared by the Tribe's Law Office which discusses the ability to legally take action requested in a petition, based on parliamentary issues, including prior GTC actions and conflicts with federal law and/or the Constitution or Tribal law.

(g) "Legislative analysis" means an analysis prepared by the Legislative Reference Office describing how a petition will affect current Tribal laws or policies or result in new legislation being developed. A legislative analysis may also include a statement of the petition's terms and substance; intent of the petition; a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the petition and policy considerations.

(h) "Petition" means a document signed by not less than fifty (50) Tribal members who are eligible voters which requests a special General Tribal Council meeting be held, in accordance with the Constitution, to address a specific item(s).

(i) "Statement of effect" means the analysis prepared to explain the effect adopting a resolution will have on the Tribe.

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

11.4. Setting General Tribal Council Meeting Dates

11.4-1. *Annual and Semi-Annual Meetings.* Annual and semi-annual General Tribal Council meetings shall be held in January and July, in accordance with the Constitution.

11.4-2. *Budget Meeting.* A special General Tribal Council meeting shall be held as required for the primary purpose of adopting the Tribal budget for the upcoming fiscal year(s).

11.4-3. *Special Meetings.* Special meetings shall be scheduled at least twice a year in order to address General Tribal Council business, including petitions. Additional special meetings may be called in accordance with the Constitution.

11.5. Petitions

11.5-1. *Petition Requests.* A Tribal member may request to place an item(s) on a General Tribal Council meeting agenda by submitting a completed petition to the Tribal Secretary's Office.

Petitions shall be on the forms approved by the Tribal Secretary's Office.

- (a) At a Tribal member's request, the Legislative Reference Office shall assist the Tribal member with drafting a petition.

11.5-2. *Completed Petitions.* A completed petition shall contain the following:

- (a) Name, address and enrollment number of the petitioner;
- (b) A summary of the reason for the petition, including the action being requested and whether additional documents are attached;
- (c) Any additional documents, if applicable; and
- (d) At least fifty (50) original signatures from Tribal members who are qualified voters. In order for a Tribal member's signature to count towards the minimum requirement, an individual shall:

- (1) sign and print his or her name;
- (2) provide his or her address; and
- (3) provide his or her enrollment number or birth date.

11.5-3. *Processing a Petition.*

- (a) The Tribal Secretary's Office shall forward a completed petition to the Enrollment Department no later than one (1) business day after receiving the petition.
- (b) The Enrollment Department shall verify the number of qualified voters that have signed the petition and return the petition and the verification results to the Tribal Secretary's Office no later than five (5) business days after receiving the petition.
- (c) If at least fifty (50) qualified voters have signed the petition, the Tribal Secretary's Office shall:

- (1) place the verified petition on the next available Oneida Business Committee agenda for review and determination of the meeting date when the petition will be considered by the General Tribal Council; and
- (2) forward a copy of the verified petition to the appropriate individuals who directly report to the Oneida Business Committee within one (1) business day of receiving the verification results from the Enrollment Department.
 - (A) These individuals shall prepare or have prepared any required statement of effect and legal, fiscal, administrative and legislative analyses.
 - (B) The Tribal Secretary's Office shall also provide the appropriate individuals with the deadline date to submit the statement of effect and analyses to the Tribal Secretary's Office, which shall be at least ten (10) business days after the Tribal Secretary's Office forwards the petition to the appropriate individuals.
- (3) request the petitioner attend an Oneida Business Committee meeting to discuss the issues raised by the petition

11.5-4. *Placing a Petition on a General Tribal Council Meeting Agenda.* The Oneida Business Committee shall determine the meeting date when a petition will be considered.

- (a) A petition submitted at least sixty (60) days before an upcoming General Tribal Council meeting shall be placed on that meeting's agenda.
- (b) A petition shall be considered by the General Tribal Council no later than six (6) months after it is submitted to the Tribal Secretary's Office.

11.5-5. *Incomplete Analyses.* In the event that the required analyses of the petition are not completed in time for the General Tribal Council meeting the Tribal Secretary's Office shall:

- (a) notify the petitioner and place the petition, any completed analyses and the reasons for the incomplete legal, fiscal, administrative and/or legislative analyses on the General Tribal Council meeting agenda.

(b) place the petition and the required analyses on the subsequent General Tribal Council meeting agenda.

11.5-6. *Notification to the Petitioner.* The Tribal Secretary's Office shall provide the petitioner with the following information as soon as it becomes available:

- (a) the meeting date when the petition will be considered;
- (b) the date the required analyses are due to the Tribal Secretary's Office;
- (c) any analyses that are submitted to the Tribal Secretary's Office; and
- (d) the deadline date for the petitioner to provide any additional information to be included in the General Tribal Council meeting packet.

11.6. Special General Tribal Council Meetings Called by the Chairperson

11.6-1. If the Chairperson of the Tribe calls a special General Tribal Council meeting in accordance with the Constitution, to address an item(s) the Tribal Secretary's Office shall:

- (a) place the item(s) on the next available Oneida Business Committee agenda for review and determination of the meeting date when the item(s) will be considered by the General Tribal Council; and
- (b) forward a copy of the item(s) to the appropriate individuals who directly report to the Oneida Business Committee.

(1) These individuals shall prepare or have prepared any required statement of effect and legal, fiscal, administrative and legislative analyses.

(2) The Tribal Secretary's Office shall also provide the appropriate individuals with the deadline date to submit the statement of effect and analyses to the Tribal Secretary's Office, which shall be at least ten (10) business days after the Tribal Secretary's Office forwards the item(s) to the appropriate individuals.

11.6-2. *Setting a General Tribal Council Meeting Date.* After the Chairperson calls a special General Tribal Council meeting, the Oneida Business Committee shall approve the meeting date when the item(s) will be addressed.

11.7. Holding a General Tribal Council Meeting

11.7-1. *Notice.* Notice of a General Tribal Council meeting shall be provided in accordance with the Oneida General Tribal Council Ten Day Notice Policy.

11.7-2. *Quorum.* The quorum for a General Tribal Council meeting shall be established by the Constitution.

11.7-3. *Eligibility to Attend a General Tribal Council Meeting.*

- (a) The following individuals are eligible to attend a General Tribal Council meeting:

(1) Tribal members eligible to vote per the Constitution.

(2) Other individuals who have a business-related need to attend the meeting and are approved to attend the meeting by majority vote of the General Tribal Council. When an individual received General Tribal Council approval to attend the meeting, the General Tribal Council shall approve the individual to attend either all or a certain part(s) of the meeting.

- (b) Any individual who is not approved to attend the meeting in accordance with this section shall be escorted from the meeting by the Sergeant of Arms, or designee.

11.7-4. *Verifying Eligibility to Attend a General Tribal Council Meeting.* The Enrollment Department shall verify the identity of all individuals attending a General Tribal Council meeting, even those individuals who are ineligible to vote.

- (a) An Oneida Tribal Identification Card or state issued identification card may be required to verify the identity of an individual attending a General Tribal Council meeting.

11.7-5. *Registration.* All individuals who attend a General Tribal Council meeting shall be required to register with the Enrollment Department.

11.7-6. *Canceled a Meeting.* When a General Tribal Council meeting is canceled, it shall be canceled at least twenty-four (24) hours in advance of the meeting start time unless, for good cause, such notice is impossible or impractical, in which case shorter notice may be given. Notice shall be provided through any practicable media outlet, including, but not limited to: newspapers, internet, mail, radio and television. The Oneida Business Committee may cancel a meeting if one (1) of the following occurs:

(a) Neither the Chairperson nor the Vice-Chairperson of the Oneida Business Committee can be present due to circumstances beyond their control.

(b) Holding the meeting would endanger those individuals who attend the meeting, due to circumstances that cannot be controlled, such as the weather or public health dangers.

(c) There are no agenda items to discuss or there are so few items on the agenda that it would be fiscally irresponsible to hold the meeting. However, this shall not apply to a meeting called by the Chairperson in accordance with 11.6.

11.7-7. *Rescheduling a Meeting.* When a General Tribal Council meeting is canceled, the Oneida Business Committee shall:

(a) re-schedule the meeting as soon as practicable; or

(b) place the agenda items from the meeting on the next available General Tribal Council meeting agenda(s).

11.8. General Tribal Council Meeting Agenda

11.8-1. The Tribal Secretary's Office shall develop a process to address General Tribal Council meeting agenda development. The order of the agenda for each General Tribal Council meeting shall be as follows, provided when there is no business in a listed category, it shall be noted on the agenda:

(a) Opening Prayer and/or Color Guard

(b) Call to Order

(c) Approval of Agenda

(d) Approval of Minutes

(e) Unfinished Business

(f) New Business

(g) Reports

(h) Other

(i) Adjourn

11.8-2. *Announcements.* The Chairperson may allow time, prior to the opening prayer and/or color guard, for announcements to be made which do not directly relate to the agenda, provided the announcements last no more than fifteen (15) minutes and do not delay the start of the meeting.

11.8-3. *Call to Order.* The Chairperson shall call General Tribal Council meetings to order at the noticed meeting time or upon confirmation of a quorum, whichever occurs later. If a quorum has not been established within fifteen (15) minutes after the noticed meeting time, the meeting shall not be held.

11.8-4. *Approval of Agenda.* Amendments to the agenda may be made prior to the agenda being adopted.

11.8-5. *Unfinished Business and New Business.* Each item under Unfinished Business and New Business shall be presented in the following order:

(a) Summary of item being presented.

(1) Should be no longer than five (5) minutes in length.

(2) Shall include the purpose of the request and the action requested of the General Tribal Council.

(b) A presentation of the item, including, at a minimum, the legal, fiscal, administrative and legislative impacts of the item.

(c) Question and answer period.

(d) Action. General Tribal Council action taken in accordance with the Constitution and Tribal law shall be binding on the Oneida Business Committee or other appropriate entity.

11.8-6. *Reports.* Each entity and Tribally chartered corporation shall file an Annual and Semi Annual Report with the Tribal Secretary's Office to be made available to Tribal members, either electronically or through inclusion in the meeting materials provided to Tribal members. Reports shall conform to the format and contain information as required by the Oneida Business Committee.

11.8-7. *Adjourn.* Items not completed by the adjournment of a meeting shall be forwarded to the Oneida Business Committee for action.

11.9. Additional Responsibilities

11.9-1. *Sergeant of Arms.* The Oneida Business Committee shall designate an individual to serve as the Sergeant of Arms at General Tribal Council meetings. The Sergeant of Arms shall oversee the Security Department during General Tribal Council meetings.

11.9-2. *General Tribal Council Meeting Attendees.*

(a) Keeping in line with the Oneida principle of Kalihwi=y%,³ General Tribal Council meeting attendees are expected to treat each other with respect and kindness. In addition, General Tribal Council meeting attendees shall not:

(1) Use profanity, interrupt others, heckle or threaten people, disrespect property or exhibit behavior that disrupts the meeting or endangers the safety of other attendees.

(2) Be under the influence of alcohol or illegal drugs.

(3) Have a weapon on their person in violation of any applicable law.

(4) Take action that violates Tribal law.

(b) Any individual who violates 11.9-2(a) may be prohibited from attending a General Tribal Council meeting or may be removed from a General Tribal Council meeting by the Sergeant of Arms, or designee, upon discovery of a violation or at the direction of the Chairperson of the meeting. An individual removed from a General Tribal Council meeting shall not be allowed to return for the duration of the meeting.

11.9-3. *Tribal Secretary's Office.* The Tribal Secretary's Office shall be responsible for:

(a) Scheduling and organizing General Tribal Council meetings. The Tribal Secretary's Office shall create and approve standard operating procedures to determine specific roles and responsibilities to carry out and enforce this law, including procedures involving those entities which assist with the General Tribal Council meetings.

(b) Ensuring each General Tribal Council meeting is recorded and making any video and audio recordings available to Tribal members within five (5) business days after a General Tribal Council meeting.

(c) Creating an action report, transcript and draft minutes of the General Tribal Council meeting.

(1) The action report shall be available in accordance with the Open Records and Open Meetings law within five (5) business days after a General Tribal Council

³ The use of the good words about ourselves, our Nation, and our future.

meeting and shall contain a summary of action taken by the General Tribal Council.

(2) The transcript and draft minutes shall be available in accordance with the Open Records and Open Meetings law within sixty (60) days after a General Tribal Council meeting. The draft minutes shall contain, at a minimum:

(A) The start and end time of the meeting;

(B) A quorum count from the meeting;

(C) Action taken by the General Tribal Council; and

(D) Signature of the person submitting the minutes for approval.

(d) Placing draft minutes from previous General Tribal Council meetings on the agenda for approval.

(e) Placing General Tribal Council actions which require follow-up before the Oneida Business Committee within thirty (30) days after the General Tribal Council meeting.

End.



Legislative Operating Committee

April 3, 2015

Motor Vehicle Law Amendments

Submission Date: November 5, 2014

☒ Public Meeting: 2/19/15
☐ 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.

1/21/15 LOC: Motion by Jennifer Webster to approve the public meeting date of February 19, 2015 regarding the Motor Vehicle Law Amendments; seconded by Fawn Billie. Motion carried unanimously.

2/19/15: Public meeting held.

3/18/15 LOC: Motion by Jennifer Webster to defer the Motor Vehicle Law Amendments back to the Legislative Reference Office to make the noted changes and prepare the item for adoption; seconded by Tehassi Hill. Motion carried unanimously.

Next Steps:

- Consider forwarding the Motor Vehicle Law Amendments to the OBC for consideration

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

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



Committee Members

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

Memorandum

To: Oneida Business Committee
From: Brandon Stevens, LOC Chairperson
Date: April 22, 2015
Re: Motor Vehicle Registration Law Amendments

Please find attached the following for your consideration:

1. Resolution: Motor Vehicle Registration Law Amendments
2. Statement of Effect: Motor Vehicle Registration Law Amendments
3. Fiscal Impact: Motor Vehicle Registration Law Amendments
4. Motor Vehicle Registration Law Amendments (redline)
5. Motor Vehicle Registration Law Amendments (clean)

Overview

On November 5, 2014 the Legislative Operating Committee (LOC) considered a request from the Oneida Licensing Department (Department) to amend the Motor Vehicle Registration Ordinance. The request was to remove the motor vehicle registration prices from the Motor Vehicle Registration Ordinance so that the prices could change without having to amend the Ordinance. In addition, the Department requested that this Ordinance be updated since it has not been updated since 1999.

This Ordinance will now be known as the Motor Vehicle Registration Law (Law). Other significant amendments include the following:

- The Law is now enforced through the Oneida Police Department and other law enforcement agencies through citations;
- Specific fees found within the Law have been removed and instead, the Oneida Business Committee will adopt the motor vehicle fee schedule which allows the fees to change without having to amend the Law;
- Tribal members that reside on the Reservation are no longer required to register their motor vehicles with the Tribe so long as the motor vehicles are registered in another jurisdiction; and
- Other amendments were made to update the Law, including removing process language.

A public meeting on the proposed amendments was held on February 19, 2015 in accordance with the Legislative Procedures Act.

Requested Action

Approve the Resolution: Motor Vehicle Registration Law Amendments.

BC Resolution _____*Amendments to the Motor Vehicle Registration Law – Chapter 51*

- WHEREAS,** the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Business Committee adopted the Motor Vehicle Reciprocal Agreement with the State of Wisconsin on March 27, 1996, for the exclusive registration of motor vehicles by Tribal Members who reside within the exterior boundaries of the Reservation; and
- WHEREAS,** to implement the Reciprocal Agreement, a law was needed to implement a regulatory system for those Tribal members who reside within the exterior boundaries of the Reservation to register their motor vehicles with the Tribe for issuance of Tribal license plates to qualified applicants; and
- WHEREAS,** the Oneida Business Committee originally adopted the Oneida Nation Motor Vehicle Registration Ordinance on April 2, 1997; and
- WHEREAS,** the Oneida Business Committee adopted the Oneida Reciprocal Agreement and Oneida Motor Vehicle Registration Ordinance on July 29, 1998 which was approved by the Wisconsin State Joint Committee on Finance on September 24, 1998; and
- WHEREAS,** the Oneida Business Committee amended the Oneida Motor Vehicle Registration Ordinance on January 27, 1999; and
- WHEREAS,** the Oneida Licensing Department has sought amendments to the Oneida Motor Vehicle Registration Ordinance; and
- WHEREAS,** amendments include changing name of the Oneida Motor Vehicle Registration Ordinance to the Motor Vehicle Law (Law) and;
- WHEREAS,** amendments to the Law remove specific fees and instead authorize the Oneida Business Committee to adopt the motor vehicle registration fee schedule which allows the fees to change without requiring the Law to change; and
- WHEREAS,** amendments to the Law no longer require Tribal members that live within the exterior boundaries of the Reservation to register their vehicles with the Tribe; and

WHEREAS, a public meeting on these amendments was held on February 19, 2015, in accordance with the Legislative Procedures Act

NOW THEREFORE BE IT RESOLVED, that effective June 1, 2015, the attached amendments to the Motor Vehicle Law are hereby adopted.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Oneida Licensing Department shall place a public notice in the Tribal newspaper for at least three issues identifying that amendments to the Law have been adopted and where the amended Law can be obtained.

CERTIFICATION

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

Lisa Summers, Tribal Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes “only in the case of a tie.”

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

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



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Statement of Effect

Adoption of Amendments to the Motor Vehicle Registration Law

Summary

This Resolution adopts amendments to the Motor Vehicle Registration Law (Law), effective June 1, 2015, to allow the motor vehicle registration fees to change without having to amend the Law. The Resolution also requires the Oneida Licensing Department to place a public notice in the Tribal newspaper for at least three issues identifying that amendments to the Law have been adopted and where the amended Law can be obtained.

Submitted by: Candice E. Skenandore, Legislative Analyst, Legislative Reference Office

Analysis by the Legislative Reference Office

The Oneida Licensing Department Administrator (Administrator) requested that amendments to the Motor Vehicle Registration Ordinance regarding removal of the motor vehicle registration fees be considered to allow flexibility in changing the motor vehicle registration fees without having to amend the Ordinance. The Administrator also requested that this Ordinance, adopted in 1999, be updated to reflect changes in motor vehicle registration processes and organizational change.

Amendments include changing the name of this legislation to the Motor Vehicle Registration Law (Law). In addition, the Oneida Licensing Department is no longer responsible for enforcing this Law; this has been transferred to a law enforcement responsibility. Furthermore, the specific fees found within the Law have been removed and instead the Oneida Business Committee can adopt the motor vehicle fee schedule which allows the fees to change without having to amend the Law. Additionally, Tribal members that reside on the Reservation are no longer required to register their motor vehicles with the Tribe so long as their vehicles are registered with another jurisdiction. Other amendments were also made, including removing process language from the Law.

A public meeting on the proposed amendments was held on February 19, 2015 in accordance with the Legislative Procedures Act.

Conclusion

Adoption of the amendments to this Law will not conflict with any other Tribal law or policy.



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

ONEIDA TRIBE OF INDIANS OF WISCONSIN

ONEIDA FINANCE OFFICE

Office: (920) 869-4325 • Toll Free: 1-800-236-2214
FAX # (920) 869-4024



Pa 136
UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

MEMORANDUM

DATE: March 27, 2015

FROM: Rae Skenandore, Project Manager

TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer

RE: **Fiscal Impact of Motor Vehicle Registration Amendments**

I. Background

The Motor Vehicle Registration Ordinance was adopted by BC resolution 04-02-97-D and amended by BC resolution 12-07-99-E. Under consideration are changes to the existing Motor Vehicle Registration Ordinance. The Licensing Administrator has requested the ability to adjust the fee schedule without the need to amend the law. The law has not been updated since 1999.

II. Executive Summary of Findings

It has become common practice for LOC to remove fee schedules from the laws and designate that authority to the entity responsible for administration. It appears that upon review, a number of other areas of the law were addressed to update law, allow administrative flexibility, and remove repetitive or ineffective requirements (see Legislative Analysis). Oneida Licensing does not foresee any additional startup costs to implement the amendments. No additional personnel or space is required and the amendments can be implemented immediately upon adoption.

III. Financial Impact

No fiscal impact.

RECOMMENDATION

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has sufficient information to render a decision.

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 was held on February 19, 2015. Minor language and formatting
111 changes have been made in order to comply with the Legislative Procedures Act. The Oneida
112 Licensing Department supports these proposed amendments.

51.1-1. Purpose and Policy

51.1-1. The purpose of this ~~law~~Law 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 ~~law~~Law to clarify jurisdictional sovereignty and to generate revenue for the ~~Oneida Nation~~Tribe.

~~**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. Adoption, Amendment, Repeal

~~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.~~

~~51.2-31. 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-~~53~~. Should a provision of this ~~law~~Law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~law~~Law 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 ~~law~~Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

~~51.2-8. All information given for purposes of obtaining a license under the Oneida Motor Vehicle Ordinance may be subject to review or internal audit.~~

51.3-1. Definitions

51.3-1. This ~~article~~section shall govern the definitions of words and phrases used within the ~~law~~Law. 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~~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 ~~department~~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.

~~51.3-11.(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~~-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.

~~51.3-12. “Motor home(j) “Nonmoving traffic violation” means a citation for parking a motor vehicle designed to be operated upon a highway for use as a temporary in violation of a statute, ordinance or recreational dwelling and having resolution of the same internal characteristics and equipment as a mobile home 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 ~~Law~~.

~~51.3-16. “Personal identifier” means a name, street address, post office box number or 9 digit extended zip code.~~

~~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 American~~ Americans with ~~disabilities act~~ Disabilities Act of 1990, 42 USC 12101 et. seq., so far as applicable, or any persons who meet the following conditions:

(a1) Cannot walk ~~200~~ two 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.

~~51.3-18.(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.

~~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

~~51.4-1. 3-21. "Reservation" means~~The Department shall be responsible for the ~~Reservation~~administration of this Law and is delegated the authority to create rules to allow for the implementation of this Law.

~~51.4-2. the Fees. The Oneida Tribe of Indians~~Business Committee, upon recommendation of Wisconsin and includes all lands within the exterior boundaries and any other lands owned~~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 ~~Oneida Nation~~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.

51.4.1. Registration of Automobiles.

Regular automobiles.

(a) ~~All~~ 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 customarily owned by Oneida Tribal members residing on the Reservation shall be registered with the department 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. ~~(b) The annual fee for each automobile registered in this jurisdiction and under this Article shall be \$40 for two plates.~~

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

~~51.4-2. Registration Periods for Private Automobiles.~~

~~(a) All automobiles shall be registered by the department according to a monthly series system the last-known address of registrations.~~

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

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

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

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

~~51.4-3. All registration fees, applicable fines, penalties, forfeitures and assessments shall be paid to and retained by the department, for the operation of such department.~~

~~51.4-4. The department shall be responsible for the administration of this ordinance and delegated authority to draft policies to allow for the full implementation of this law.~~

~~51.4-5. All applications and registrations shall be retained by the department for one year after the application has been submitted or registration filed, thereafter all applications and registrations shall be retained by Oneida Records Management for seven years.~~

~~51.5-1.~~ (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 Vehicle. Penalty for Operating Unregistered or Improperly Registered Vehicle.~~

~~(a) Motor Vehicle.~~ 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 ~~department~~ 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 ~~vehicle displays a temporary operation plate issued for the vehicle unless the operator or owner of 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 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-registration~~ renewal request has been made.

~~(b)(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 ~~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~~ 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.

~~(1) Any person who violates par. (a) or (b), where the vehicle used is an automobile, station wagon, or any other vehicle having a gross weight of 10,000 pounds or less, may be required to forfeit not more than \$200.~~

~~(2) Any person who violates par. (a) or (b), where the vehicle used is vehicle not enumerated under sub. (1), may be required to forfeit not more than \$500.~~

~~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.

51.7-1. Application For Registration. *Applications in General.*

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

51.7-2. *Original Applications.*

- ~~(a) Applications for original registration of a vehicle shall contain the following information:~~
- ~~(a)(1) The name of the owner.~~
- ~~(a)(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.~~
- ~~(a)(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 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. The title fee shall be collected at the time of registration and retained even though certificate of title is not issued.~~

51.7-3. *Renewal Applications*

- ~~(a) Applications for renewal of registration shall contain the information required in sec.7 2(a) for original applications, or such parts thereof as the department deems necessary to assure the proper registration of the vehicle. The department may require that applications for renewal of registration be accompanied by the certificate of title~~

issued for the vehicle only when the true ownership or proper registration of the vehicle is in doubt and cannot be resolved from records maintained by the department.

(b) ~~At least 30 days prior to the expiration of a 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 an application form for renewal of registration.~~

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

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

~~51.7-4. Applicants Under 18. If the applicant for a certificate of registration is under 18 years of age, the application shall be accompanied by a 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, stating that the applicant has the signer's consent to register the vehicle in the applicant's name. 6 ~~The signature on the statement shall not impute any liability for the negligence or misconduct of the applicant while operating such motor vehicle on the highways. Any person who violates this section may be required to forfeit not more than \$200.~~~~

~~51.8-1. Grounds For Refusing Registration~~

~~51.6-1.~~ The ~~department~~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 ifor~~ 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 ~~department~~Department pursuant to authority of law.

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

(d) ~~Where the~~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 ~~department~~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~~

~~51.7-2. In lieu of issuing a vehicle pursuant to any other section shall issue one new~~ plate ~~unless 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 department determines that two (2) plates will better serve the interests of law enforcement period of registration. The tag, decal or other identification shall be used only if the outstanding plate is in suitable condition for further usage.~~

~~51.9-27-3.~~ The ~~department~~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 platedplates 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.

~~51.9-4. In lieu of issuing a new plate upon each renewal of registration of a vehicle, the department may issue one insert tag, decal or other identification per 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.~~

~~51.10-1. Application For and Issuance of Special Plates.~~ ~~The department shall issue special plates as specified in this section under the following circumstances:~~

~~(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,~~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 residentregistrant is a person with a disability that limits or impairs the ability to walk, the ~~department~~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 apprizeapprise 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.

~~(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.(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 ~~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:

(a1) Dispose of the special plates in a manner prescribed by the department; Department; and

(b) ~~In addition to the regular~~ 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.

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.

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

five hundred (500) pounds.

(3) No special interest vehicle may be operated upon any highway 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.

51.11-17-8. Personalized ~~License~~Registration 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 ~~department~~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~~

~~(e2) 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.~~

51.11-4.(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 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 ~~department~~Department may reissue the personalized registration plate to another applicant.

~~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. 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.~~

~~51.11-7. The department~~(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~~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 ~~department~~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.

~~51.812-1.~~ **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~~Department shall be placed on the rear registration plate of the vehicle in the manner directed by the ~~department~~Department.

~~51.128-2.~~ 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 ~~peace~~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.

51.12 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.~~

51.13 1. Issuance of Replacement Plates. *Lost or Destroyed Plates.*

(a) ~~Whenever a current registration plate is lost or destroyed, the owner of the vehicle to which the plate was attached shall immediately apply to the department for replacement. Except as further provided in this article, upon satisfactory proof of the loss or destruction of each plate and upon payment of a fee of \$2 for each plate, the 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 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 of \$2 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.~~

51.13 3. ~~*Replacement Plates.* When issuing a replacement plate, 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.~~

51.13 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.~~

51.14 1. Department to Compile Registration Lists. *Maintaining of Lists.*

(a) ~~At intervals selected by the department, the department shall compile 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 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 department shall distribute free of charge registration lists compiled under this section as follows:~~

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

(2) ~~To any other public officer or agency that provides in writing 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 a personal identifier of any person who has made a designation that his or her personal identifiers may not be disclosed as provided in this Article.~~

(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 perform a legally authorized function.~~

(2) ~~A law enforcement agency~~

(3) ~~An insurer authorized to write property and casualty insurance 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.~~

(4) ~~A person obtaining registration or title information for use in the 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).~~

(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).~~

(1) ~~Any person who willfully discloses a personal identifier in violation of this section may be subject to a fine of not more than \$500 for each violation.~~

(2) ~~Any person who wilfully requests or obtains a personal identifier from the department under this subsection under false pretenses may be required to forfeit not more than \$500 for each violation.~~

~~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
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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.~~

~~51.17-1. Antique Motor Vehicles; Registration, Plates, Use. Antique Motor Vehicles.~~

~~(a) Any person who is a resident of the Reservation and the owner or subsequent transferee of 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 as an antique 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 that the vehicle is an antique. The registration shall be valid while the vehicle is owned by the applicant without payment of any additional fee. The vehicle shall only be used for special occasions such as display and parade purposes or for necessary testing, maintenance and storage purposes.~~

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

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

~~51.18-1. Special Interest Vehicles: Registration, Plates, Use. Special Interest Vehicle/Collectors Special Vehicle.~~

~~(a) Any person who is the owner of a special interest 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 and uses for regular transportation at least one vehicle that has regular registration plates may upon application register the vehicle as a special interest vehicle upon payment of a fee under par. (b).~~

~~(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.~~

~~(c) 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.~~

~~(d) 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)~~

51.9. Penalties and Appeals

51.9-1. Suspension of Registration

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

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 vehicles 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 vehicles 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.~~

~~**51.23-1. Re-registration Required For Vehicles Subject To A Different Fee.** Whenever the construction or the use of a registered vehicle is changed in a manner making the vehicle subject to a different registration fee than the fee for which the vehicle currently is registered, the owner shall immediately make application for registration. The fee payable upon such re-registration shall be computed as for a vehicle not previously registered in this jurisdiction but a credit shall be allowed for the unused portion of the fee paid for the previous registration if the registration plates issued upon the previous registration are returned to the department. The credit shall be computed on the basis of one twelfth of the annual registration fee or one twenty fourth of the biennial registration fee prescribed for the vehicle as previously registered multiplied by the number of months of registration which have not fully expired on the date the vehicle became subject to the different fee. The credit may be applied toward the re-registration of the vehicle only up to the date when the previous registration would have expired.~~

~~**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.~~

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

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

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

~~51.26-1. 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.~~

~~51.28-1. Reciprocal agreements.~~ The Oneida Nation may enter into a reciprocal exemption agreement with the State of Wisconsin. The reciprocal agreement may exempt designated classes of vehicles registered by the department from the registration requirements of the State of Wisconsin.

~~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; or

(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~~ 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~~ Department. The ~~department~~ 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~~ 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~~ Department.

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

~~(a)(d)~~ No owner may transfer the ownership or registration of any vehicle whose registration is suspended under ~~Article XXX~~ this section until the registration is reinstated ~~under sec. 30 1(b)~~ or until the ~~department~~ 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~~ 51.12-1(a)~~(3)~~.

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

~~(e)(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 ~~sec. 30~~ 51.12-1(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.~~ Any person who violates a provision of this Law, the violation of a statute, an ordinance, or a resolution of the Oneida Nation or the state of Wisconsin.

(b) ~~If the person which does not pay the forfeiture or appear in court in response to the citation for a nonmoving traffic violation on the date have a specified in the citation or, if no date is specified in the citation, within 28 days after the citation is fine may be subject to a fine 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. of not more than five hundred dollars (\$500.00).~~

~~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.~~

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)

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 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 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.

(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 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

April 1, 2015

Investigative Leave Policy Amendments

Submission Date: December 17, 2014

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Jennifer Webster

Summary: *Amendments to the Investigative Leave Policy were requested to delete a section of the Policy which prohibits the use of investigative leave when a complaint is filed. While the original intent of the section was to prohibit the use of investigative leave when one employee files a complaint against another, as defined under the Personnel Policies and Procedures, a decision by the Oneida Appeals Commission has interpreted the Policy to apply anytime the term “complaint” is used in an investigation. This could prohibit a supervisor from taking action to protect the Tribe in cases of misappropriation if inappropriate activities are identified based on a complaint arising out of a disciplinary or complaint process. The amendments would also reduce the time period of the investigation from 30 days to 15 days.*

12/17/14 LOC: Motion by Jennifer Webster to add the Investigative Leave Policy Amendments to the active files list with herself as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

02/18/15 LOC: Motion by Tehassi Hill to defer the Investigative Leave Policy Amendments for a legislative analysis and a fiscal impact statement; seconded by Fawn Billie. Motion carried unanimously.

Next Steps:

- LOC to review the proposed draft and analysis and consider forwarding to an April 30, 2015 public meeting.

NOTICE OF PUBLIC MEETING

**TO BE HELD
APRIL 30, 2015 AT 12:15 P.M.**

**OBC CONFERENCE ROOM
NORBERT HILL CENTER
ONEIDA, WI**



TOPIC: INVESTIGATIVE LEAVE POLICY AMENDMENTS

The Legislative Operating Committee is hosting this Public Meeting to gather feedback from the Oneida Community regarding a legislative proposal that would amend the Investigative Leave Policy. These amendments:

- ♦ Remove language that states that investigative leaves do not apply to investigations regarding appeals of disciplinary actions or employee complaint investigations.
- ♦ Reduce how long an employee can be placed on investigative leave, this timeframe has been reduced from 30 calendar days to 15 calendar days.
- ♦ Reduce how long an employee's investigative leave can be extended, this timeframe has been reduced from 30 calendar days to 15 calendar days.
- ♦ Require the employee's supervisor to notify the employee when to return to work and/or the disciplinary action that will be taken.
- ♦ Amend the appeal process, only allowing the employee to appeal a disciplinary action that arises from and investigation.

PUBLIC COMMENT PERIOD OPEN THROUGH MAY 7, 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, visit the Oneida Register online at: www.Oneida-nsn.gov/Register or contact the Legislative Reference Office.

Legislative Reference Office

PO Box 365

Oneida WI, 54155

LOC@Oneidanation.org

Phone: (920) 869-4376

Toll-Free: (800) 236-2214

Fax: (920) 869-4040

The LRO is located in the Norbert Hill Center, Oneida WI.

Visitors are always welcome.

Investigative Leave Policy

Article I. Purpose and Policy
Article II. Adoption, Amendment, Repeal
Article III. Definitions
Article IV. Scope
Article V. Authorization
Article VI. Employee Notice

Article VII. Investigator(s) and Reports
Article VIII. Duration
Article IX. Employee Responsibilities
Article X. Pay and Benefits
Article XI. Appeal
Article XII. Confidentiality

Analysis by the Legislative Reference Office					
Title	Investigative Leave Policy (Policy)				
Requester	Chief Counsel	Drafter	Lynn A. Franzmeier	Analyst	Candice E. Skenandore
Reason for Request	It has recently been interpreted that this Policy cannot be utilized if a “complaint” has been filed. The intent of this Policy was to prohibit an employee complaint about another employee (i.e. personal issue between two employees or a peer level complaint affecting the work environment), not a “complaint” in an investigation. In addition, it has been requested that the investigation period be reduced to 15 days.				
Purpose	The purpose of this Policy is to address investigative leave for employees undergoing work-related investigations [See 1-1].				
Authorized/ Affected Entities	This Policy affects Tribal employees employed by any program or enterprise but does not pertain to elected or appointed officials and political appointees [See 3-1 (a)]. Other identified entities include the employee’s supervisor and/or area manager, Human Resource Department (HRD), HRD Manager, Division Directors or their equivalent and possibly the Equal Employment Opportunity Officer.				
Due Process	An employee can appeal any disciplinary action arising out of an investigation pursuant to the Tribe’s personnel policies and procedures [See 11-1].				
Related Legislation	Back Pay Policy [See 10-4], appeals and releasing confidential information will follow the processes set out in the Tribe’s personnel policies and procedures [See 11.1 & 12-1],				
Enforcement	none				

Overview

An employee will be placed on investigative leave when a situation requires an investigation and the employee’s presence can influence the outcome or if an employee allegedly commits an act which prevents the employee from meeting employment eligibility such as required licenses, Tribal fidelity bond or background investigation requirements. This Policy; however, cannot be used as a form a discipline [See 4-1 & 4-2]. The Policy will:

- Require the supervisor to obtain prior approval before placing an employee on investigative leave [See 5];
- Call for the supervisor to place an employee in an alternative work assignment during the investigation so long as alleged action does not prevent the employee from working elsewhere in the Tribe [See 5-4];
- Require the supervisor to provide written notice to the employee being place on investigative leave [See 6];
- Identify who is responsible for completing the investigation [See 7];
- Set out how long an employee can be placed in investigative leave [See 8];
- Specify the employee’s responsibilities while on investigative leave [See 9];
- Explain how pay and benefits are handled while the employee is on investigative leave including when an employee is eligible for back pay [See 10];
- Identify how appeals are conducted [See 11] and
- Require information related to the investigation to be confidential and can only be

released in accordance with relevant laws and personnel policies and procedures [See 12].

Proposed Amendments

The following are proposed amendments to the Policy:

- The term “disciplinary action” has been removed from the Policy, the definition of “employee” has been revised to be consistent with other Tribal laws and the definition for “investigative leave” has been enhanced to better reflect the intent of the Policy [See redline 3-1].
- This Policy no longer states that investigative leave does not apply to investigations regarding appeals of disciplinary actions or employee complaint investigations [See redline 4-3]. This amendment will help avoid any further confusion as to whether this Policy can be utilized when a complaint is filed.
- The timeframe for how long an employee can be placed on investigative leave has been reduced from 30 calendar days to 15 calendars days. In addition, if an extension is granted to the investigative leave, that extension can only last an additional 15 calendar days instead of 30 calendars days which is current practice [See 6-2 & 8-1]. This amendment will reduce the amount of time a supervisor and/or area manager will be required to complete an investigation; however, the amount of time an employee is subject to an investigative leave is cut in half.
- The Policy now clarifies that no matter who conducts the investigation, the employee’s supervisor is responsible for notifying the employee when to return to work and/or of what disciplinary action will be taken [See 7-3].
- An employee can only appeal a disciplinary action that arises from an investigation pursuant to the Tribe’s personnel policies and procedures [See 11-1]. The current Policy allows an employee to appeal the findings in the written report and/or a decision in accordance with the Tribe’s personnel policies and procedures; however, the Personnel Policies and Procedures only allow employees to appeal disciplinary actions [See Personnel Policies and Procedures Section V.D.3].

Considerations

The Legislative Operating Committee may want to consider the following:

- There are inconsistencies with how the Tribe views political appointees. There are times when Tribal legislation includes political appointees in the definition for “employee” and other times political appointees are excluded from the “employee” definition. This Policy does not apply to political appointees but the proposed Furlough Policy will apply to political appointees [See 3-1 (a) and proposed Furlough Policy draft 3, 3-1 (a)].
- A supervisor can request the HRD Manager and the Division Director or his/her equivalent to approve placing an employee on investigative leave. This approval must be made within 48 hours of receiving the request [See 5-1 & 5-3]. The Policy does not identify who has the authority to approve investigative leave requests when the HRD Manager is out of the office.
- Section 5-4 of this Policy requires the employee’s supervisor to authorize an alternative work assignment for an employee placed on investigative leave so long as the alleged action does not prevent the employee from working elsewhere in the Tribe [See 5-4]. However, the Policy does not require the employee to be qualified for the alternative job

assignment. In addition, section 10-3 of the Policy says that if an alternative work assignment is not available, the employee can use accrued vacation and/or personal time while on investigative leave [See 10-3]. Section 5-4 says the supervisor must assign an alternative work assignment. . . then section 10-3 says but if an alternative work assignment is not available then . . . The LOC many want combine these sections and consider incorporating the following language to section 5-4 “. . .the employee’s supervisor shall authorize an alternative work assignment if 1) the alleged action does not preclude the employee from working elsewhere in the Tribe; 2) an alternative work assignment is available and 3) the employee meets the minimum job requirements of the alternative assignment.”

- This Policy says that the employee’s supervisor and/or area manager is responsible for completing the investigation [See 7-1]. The Policy then says that if the allegation includes criminal actions or actions that may affect licensing, that the investigation may be completed by an appropriate agency [See 7-2]. This could be interpreted that if allegations involve criminal or licensing issues that two investigations are conducted, one by the supervisor and/or area manager and one by an appropriate agency. The LOC may want to consider clarifying whether or not two investigations will occur when an allegation involves criminal or licensing issues.
- There are no enforcement provisions within this Policy. For example, the Policy requires employees placed on investigative leave to: 1) not report to work or the worksite without prior supervisory approval, 2) abide by all Tribal laws and policies and 3) fully cooperate with the investigation but the Policy is silent on what happens if the employee does not follow these responsibilities [See 9-1].

Miscellaneous

A public meeting has not been held. Minor language changes have been made to provide more clarity to the Policy.

Article I. Purpose and Policy

1-1. The purpose of this Policy is to address investigative leave for employees undergoing work-related investigations.

1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to maintain confidentiality and avoid undue influence when conducting an investigation into an employee’s alleged wrong doings.

Article II. Adoption, Amendment, Repeal

2-1. This Policy was adopted by the Oneida Business Committee by resolution BC-04-07-99-A, and amended by resolution BC-08-13-14-D- ~~and~~.

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

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

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

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

Article III. Definitions

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

~~(a) “Disciplinary action” shall mean the process as set forth in the Tribe’s personnel policies for dealing with job related behavior that does not meet expected and communicated performance standards.~~

~~(b)(a)~~ “Employee” shall mean any 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, but does not include elected or appointed officials or ~~individuals employed by a Tribally Chartered Corporation, and~~ political appointees. ~~For purposes of this Policy, individuals employed under an employment contract as a limited term employee are employees of the Tribe, not consultants.~~

~~(c)(b)~~ “Investigative leave” shall mean a temporary absence ~~without from~~ regular job duties ~~and without pay~~ for the purpose of ~~determining~~ conducting an investigation to determine whether conduct or ~~not~~ alleged conduct by an employee should result in disciplinary action ~~needs to be taken~~ and/or termination of employment.

~~(d)(c)~~ “Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.

Article IV. Scope

4-1. An employee shall be placed on investigative leave when one (1) of the following occurs:

(a) ~~An A situation requires an~~ investigation ~~needs to be~~ conducted and ~~an the~~ employee’s presence ~~would~~ may influence the outcome.

(b) An employee allegedly commits an act which would preclude ~~them~~ the employee from meeting employment eligibility including required Licenses, the Tribal Fidelity Bond, or Background Investigation requirements.

4-2. This Policy shall not be used as a form of discipline.

~~4-3. Investigative leave shall not apply to investigations regarding appeals of disciplinary actions or employee complaint investigations.~~

Article V. Authorization

5-1. This leave, or an extension of this leave, shall only be used when an employee’s supervisor receives prior approval from the Human Resources Department Manager and:

(a) their Division Director; or

(b) if there is no Division Director, the person at the highest level of the chain of command.

5-2. If the Human Resources Department Manager and the Division Director or his or her equivalent do not agree with placing the employee on investigative leave, then the final decision shall rest with the Human Resources Department Manager.

5-3. The prior approval requested in 5-1 shall be granted or denied within forty-eight (48) hours of receiving the request.

5-4. During the investigative leave, the employee's supervisor shall authorize an alternative work assignment if the alleged action does not preclude the employee from working elsewhere in the organization. An alternative work assignment authorized under this section shall be considered a part of the investigative leave and the employee shall continue to receive their same rate of pay.

Article VI. Employee Notice

6-1. When the employee is placed on investigative leave, the employee shall immediately receive a written notice from the employee's supervisor; the notice shall contain the following:

- (a) The specific allegation(s) being investigated;
- (b) The employee shall be on unpaid status, unless he or she is placed in an alternative work assignment;
- (c) The alternative work assignment, if appropriate;
- (d) The expected length of the investigation;
- (e) Whether or not the investigation is being forwarded to an outside agency;
- (f) The telephone number and name of person to contact in case of questions;
- (g) The procedures to return to work upon completion of the investigation; and
- (h) That the employee still remains as an employee with the Tribe.

6-2. If the employee's investigative leave is extended past the original ~~thirty (30)~~fifteen (15) calendar days pursuant to section 8-1, the supervisor shall immediately notice the employee in writing of this extension and the reason for the extension.

Article VII. Investigator(s) and Reports

7-1. The employee's supervisor and/or area manager shall be responsible for completing the investigation. If the employee ~~is one who reports~~ directly ~~reports~~ to the Oneida Business Committee, the Tribal Equal Employment Opportunity Officer shall conduct the investigation.

7-2. If the allegations against the employee include criminal actions, or actions that may affect licensing, the investigations may be completed by an appropriate agency, ~~including but not limited to: Police Departments, District Attorneys, Oneida Security, the Oneida Gaming Commission, and Social Services.~~

7-3. The person(s) conducting an investigation shall prepare a written report that shall include the findings of the investigation, and provide a copy of the written report to the employee and, if ~~necessary someone other than the employee's supervisor conducts the investigation, a copy of the written report shall be provided to~~ the employee's supervisor.

~~(a) 7-4. Within~~ If the employee's supervisor conducts the investigation, the written report shall inform the employee when to return to work and/or of what disciplinary action will be taken against the employee based on the report.

~~(a)(b) If someone other than the employee's supervisor conducts the investigation, within~~ forty-eight (48) hours of ~~creating or~~ receiving the written ~~reports~~ report, the supervisor shall ~~be responsible for informing~~ inform the employee in writing when to return to work, and/or ~~deciding the discipline which may~~ inform the employee of what disciplinary action will be ~~appropriate~~ taken against the employee based on the report.

Article VIII. Duration

8-1. An investigative leave shall be no longer than ~~thirty (30)~~fifteen (15) calendar days, with the ability to extend one (1) time for an additional ~~thirty (30)~~fifteen (15) calendar days with a valid

205 explanation of the reason for the extension. The extension shall be determined by the same
206 individuals who placed the employee on investigative leave in section 5-1. However, if the
207 investigation is forwarded to an outside agency, these timelines shall not apply.

208 8-2. Investigative leave shall end upon any of the following occurrences:

- 209 (a) the expiration of the ~~thirty (30)~~fifteen (15) calendar day time limit, if applicable;
- 210 (b) the expiration of the ~~thirty (30)~~fifteen (15) calendar day extension if granted;
- 211 (c) termination of the employee's employment based on the investigation;
- 212 (d) the employee's return to work ~~when the~~based on the written report submitted to the
213 employee after an investigation is completed ~~prior to the expiration of the time limits~~
214 ~~given in (a) and/or (b) as officially documented by whomever is designated as the official~~
215 ~~investigative body~~; or
- 216 (e) the employee chooses to resign or retire.

217 **Article IX. Employee Responsibilities**

218 9-1. An employee placed on investigative leave shall:

- 219 (a) ~~Not~~ report to work or the worksite without prior supervisory approval;
- 220 (b) Abide by all Tribal laws and policies, ~~including prohibited gaming activities~~; and
- 221 (c) Fully cooperate with the investigation as requested by those conducting the
222 investigation.

223 **Article X. Pay and Benefits**

224 10-1. Paid leave shall not be authorized ~~in accordance with the Tribe's personnel policies and~~
225 ~~procedures and the Oneida Nation Gaming Ordinance.~~

226 10-2. An employee placed on investigative leave shall not receive any wages or benefits unless
227 placed in an alternative work assignment. If the employee refuses the alternative work
228 assignment and is returned to work, the employee shall not receive any back pay or benefits.

229 10-3. If an alternative work assignment is not available, the employee may use his or her
230 accrued vacation and/or personal time while on investigative leave.

231 10-4. An employee shall receive back pay and benefits for the time the employee was on
232 investigative leave, ~~including prorated credit for vacation/personal time~~ pursuant to ~~Section 4-4~~
233 ~~of the Back Pay Policy~~ if all of the following occur:

- 234 (a) The employee was not offered an alternative work assignment when placed on
235 investigative leave; and
- 236 (b) The employee is returned to his or her position; and
- 237 (c) The employee is not disciplined ~~or terminated~~ based on the investigation.

238 **Article XI. Appeal**

239 11-1. ~~In~~ An employee may appeal any disciplinary action arising out of an investigation in
240 accordance with the Tribe's personnel policies and procedures ~~of the Tribe, an employee can~~
241 ~~appeal the findings in the written report and/or the decision arising out of the investigation within~~
242 ~~ten (10) business days of receiving the written report required in 7-3.~~

243 **Article XII. Confidentiality**

244 12-1. Information related to an investigation is confidential. ~~Access or sharing of this~~
245 ~~information shall and may only~~ be ~~limited to those who have a legitimate "need to~~
246 ~~know"~~ released in compliance accordance with relevant laws and personnel policies and

251 procedures.
252 12-2. All investigation materials shall be maintained in the ~~employees~~employee's personnel file
253 with the Human Resources Department.

254
255 *End.*

256
257 OBC Approved 4-07-99-A
258 Amended- 08-13-14-D

Investigative Leave Policy

Article I. Purpose and Policy
Article II. Adoption, Amendment, Repeal
Article III. Definitions
Article IV. Scope
Article V. Authorization
Article VI. Employee Notice

Article VII. Investigator(s) and Reports
Article VIII. Duration
Article IX. Employee Responsibilities
Article X. Pay and Benefits
Article XI. Appeal
Article XII. Confidentiality

Article I. Purpose and Policy

1-1. The purpose of this Policy is to address investigative leave for employees undergoing work-related investigations.

1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to maintain confidentiality and avoid undue influence when conducting an investigation into an employee's alleged wrong doings.

Article II. Adoption, Amendment, Repeal

2-1. This Policy was adopted by the Oneida Business Committee by resolution BC-04-07-99-A, and amended by resolution BC-08-13-14-D and _____.

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

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

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

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

Article III. Definitions

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

(a) "Employee" shall mean any 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, but does not include elected or appointed officials or political appointees.

(b) "Investigative leave" shall mean a temporary absence from regular job duties for the purpose of conducting an investigation to determine whether conduct or alleged conduct by an employee should result in disciplinary action and/or termination of employment.

(c) "Tribal" or "Tribe" shall mean the Oneida Tribe of Indians of Wisconsin.

Article IV. Scope

4-1. An employee shall be placed on investigative leave when one (1) of the following occurs:

(a) A situation requires an investigation be conducted and the employee's presence may influence the outcome.

(b) An employee allegedly commits an act which would preclude the employee from

meeting employment eligibility including required Licenses, the Tribal Fidelity Bond, or Background Investigation requirements.
4-2. This Policy shall not be used as a form of discipline.

Article V. Authorization

5-1. This leave, or an extension of this leave, shall only be used when an employee's supervisor receives prior approval from the Human Resources Department Manager and:

(a) their Division Director; or

(b) if there is no Division Director, the person at the highest level of the chain of command.

5-2. If the Human Resources Department Manager and the Division Director or his or her equivalent do not agree with placing the employee on investigative leave, then the final decision shall rest with the Human Resources Department Manager.

5-3. The prior approval requested in 5-1 shall be granted or denied within forty-eight (48) hours of receiving the request.

5-4. During the investigative leave, the employee's supervisor shall authorize an alternative work assignment if the alleged action does not preclude the employee from working elsewhere in the organization. An alternative work assignment authorized under this section shall be considered a part of the investigative leave and the employee shall continue to receive their same rate of pay.

Article VI. Employee Notice

6-1. When the employee is placed on investigative leave, the employee shall immediately receive a written notice from the employee's supervisor; the notice shall contain the following:

(a) The specific allegation(s) being investigated;

(b) The employee shall be on unpaid status, unless he or she is placed in an alternative work assignment;

(c) The alternative work assignment, if appropriate;

(d) The expected length of the investigation;

(e) Whether or not the investigation is being forwarded to an outside agency;

(f) The telephone number and name of person to contact in case of questions;

(g) The procedures to return to work upon completion of the investigation; and

(h) That the employee still remains as an employee with the Tribe.

6-2. If the employee's investigative leave is extended past the original fifteen (15) calendar days pursuant to section 8-1, the supervisor shall immediately notice the employee in writing of this extension and the reason for the extension.

Article VII. Investigator(s) and Reports

7-1. The employee's supervisor and/or area manager shall be responsible for completing the investigation. If the employee reports directly to the Oneida Business Committee, the Tribal Equal Employment Opportunity Officer shall conduct the investigation.

7-2. If the allegations against the employee include criminal actions, or actions that may affect licensing, the investigations may be completed by an appropriate agency.

7-3. The person(s) conducting an investigation shall prepare a written report that shall include the findings of the investigation, and provide a copy of the written report to the employee and, if someone other than the employee's supervisor conducts the investigation, a copy of the written

report shall be provided to the employee's supervisor.

(a) If the employee's supervisor conducts the investigation, the written report shall inform the employee when to return to work and/or of what disciplinary action will be taken against the employee based on the report.

(b) If someone other than the employee's supervisor conducts the investigation, within forty-eight (48) hours of receiving the written report, the supervisor shall inform the employee in writing when to return to work, and/or inform the employee of what disciplinary action will be taken against the employee based on the report.

Article VIII. Duration

8-1. An investigative leave shall be no longer than fifteen (15) calendar days, with the ability to extend one (1) time for an additional fifteen (15) calendar days with a valid explanation of the reason for the extension. The extension shall be determined by the same individuals who placed the employee on investigative leave in section 5-1. However, if the investigation is forwarded to an outside agency, these timelines shall not apply.

8-2. Investigative leave shall end upon any of the following occurrences:

(a) the expiration of the fifteen (15) calendar day time limit, if applicable;

(b) the expiration of the fifteen (15) calendar day extension if granted;

(c) termination of the employee's employment based on the investigation;

(d) the employee's return to work based on the written report submitted to the employee after an investigation is completed; or

(e) the employee chooses to resign or retire.

Article IX. Employee Responsibilities

9-1. An employee placed on investigative leave shall:

(a) Not report to work or the worksite without prior supervisory approval;

(b) Abide by all Tribal laws and policies; and

(c) Fully cooperate with the investigation as requested by those conducting the investigation.

Article X. Pay and Benefits

10-1. Paid leave shall not be authorized.

10-2. An employee placed on investigative leave shall not receive any wages or benefits unless placed in an alternative work assignment. If the employee refuses the alternative work assignment and is returned to work, the employee shall not receive any back pay or benefits.

10-3. If an alternative work assignment is not available, the employee may use his or her accrued vacation and/or personal time while on investigative leave.

10-4. An employee shall receive back pay and benefits for the time the employee was on investigative leave pursuant to the Back Pay Policy if all of the following occur:

(a) The employee was not offered an alternative work assignment when placed on investigative leave; and

(b) The employee is returned to his or her position; and

(c) The employee is not disciplined based on the investigation.

Article XI. Appeal

11-1. An employee may appeal any disciplinary action arising out of an investigation in

accordance with the Tribe's personnel policies and procedures.

Article XII. Confidentiality

12-1. Information related to an investigation is confidential and may only be released in accordance with relevant laws and personnel policies and procedures.

12-2. All investigation materials shall be maintained in the employee's personnel file with the Human Resources Department.

End.

OBC Approved 4-07-99-A

Amended- 08-13-14-D



Legislative Operating Committee

April 1, 2015

Removal Law Amendments

Submission Date: December 17, 2014

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Fawn Billie

Summary: *These amendments will give the OBC the ability to remove elected members of boards, committees and commissions upon petition or request by the board, committee or commission. The OBC removal process will not be amended.*

12/17/14 LOC: Motion by Fawn Billie to add the Removal Law Amendments to the active files list with herself as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

02/18/15 LOC: Motion by Fawn Billie defer the Removal Law Amendments for a legislative analysis and a fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.

Next Steps:

- LOC to review the proposed draft and analysis and consider forwarding to an April 30, 2015 public meeting.

NOTICE OF PUBLIC MEETING

**TO BE HELD
APRIL 30, 2015 AT 12:15 P.M.**

**OBC CONFERENCE ROOM
NORBERT HILL CENTER
ONEIDA, WI**



TOPIC: PROPOSED AMENDMENTS TO THE REMOVAL LAW

The Legislative Operating Committee is hosting this Public Meeting to gather feedback from the Oneida Community regarding a legislative proposal that would amend the Removal Law. The changes establish two separate processes for removing an elected official from office: one process for Oneida Business Committee members and one for all other elected officials. The separate processes differentiate between boards, committees and commissions created by Tribal law; and the OBC—which was created by the Tribal Constitution.

- ♦ As the final step in the removal process, General Tribal Council would still vote on the removal of an OBC member, but for all other elected officials, the OBC would make the final decision, and the official would be removed from office if six OBC members voted in favor of removal.
- ♦ The amendments enable Tribal boards, committees, and commissions to submit a formal removal request for one of their elected members, without having to collect signatures for a petition. In order to submit a removal request, the entity would only need to approve, by majority vote, of taking such action.
- ♦ A new provision adds that if elected officials of a board, committee or commission violate their entity's bylaws, operating agreements, laws, regulations or SOPs; it is grounds for removal.

PUBLIC COMMENT PERIOD OPEN THROUGH MAY 7, 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, visit the Oneida Register online at: www.Oneida.nsn.gov/Register or contact the Legislative Reference Office.

Legislative Reference Office

PO Box 365
Oneida WI, 54155
LOC@Oneidanation.org

Phone: (920) 869-4376
Toll-Free: (800) 236-2214
Fax: (920) 869-4040

The LRO is located in the Norbert Hill Center, Oneida WI.
Visitors are always welcome.

Chapter 4
REMOVAL LAW
Kwah On^ <luwalihut^kwas Kayanl^hsla
Just when they will remove him our kind of laws

- | | |
|---|---|
| <ul style="list-style-type: none"> 4.1. Purpose and Policy 4.2. Adoption, Amendment, Repeal 4.3. Definitions 4.4. Grounds for Removal 4.5. Petition – Oneida Business Committee 4.6. Preliminary Review – Oneida Business Committee 4.7. Hearing – Oneida Business Committee | <ul style="list-style-type: none"> 4.8. General Tribal Council Meeting – Oneida Business Committee 4.9. Removal – Elected Official 4.10. Preliminary Review – Elected Official 4.11. Hearing – Elected Official 4.12. Oneida Business Committee Meeting – Elected Official |
|---|---|

<i>Analysis by the Legislative Reference Office</i>					
Title	The Removal Law (the Law)				
Requester	Oneida Law Office; Trust/Enrollment Committee	Drafter	Lynn Franzmeier	Analyst	Tani Thurner
Reason for Request	Stating that the current removal process is too costly, the Trust & Enrollment Committee has requested changes to the Removal Law that would enable Tribal boards, committees and commissions (entities) to remove elected members who fail to attend meetings or violate the entity's bylaws.				
Purpose	These proposed amendments do not enable an entity to directly remove its' own elected officials; but do enable those entities avoid the current petition process by directly filing a formal request seeking removal of an elected member. Also: the process is changed so that for all elected officials <u>except</u> Oneida Business Committee members; the Oneida Business Committee would have the final vote on whether to remove the member, instead of the General Tribal Council.				
Authorized/ Affected Entities	Judiciary, OBC, elected officials and the entities on which they serve.				
Due Process	Elected officials can request that the Judiciary review the validity of removal petition signatures or the action taken for a removal request. The official is also entitled to both a preliminary and a formal hearing before the Judiciary; and then the GTC (for OBC members) or OBC (for all other elected officials) would vote on whether to remove the elected official.				
Related Legislation	Comprehensive Policy Governing Boards, Committees and Commissions				
Policy Mechanism	Removal process				
Enforcement	Dismissal of the removal request/petition.				

Overview

The proposed amendments to the Removal Law (the Law) change the current process for removing elected officials from office. Instead of one single removal process for all elected officials, the amendments split this Law into two separate parts – one sets out the process for removing Oneida Business Committee (OBC) members from office, and the other sets out the process for removing all other elected officials. The proposed amendments distinguish the OBC,

which was established by the Tribal Constitution; from other boards, committees and commissions, which were created by Tribal law.

Removal of an OBC Member

OBC members would still be subject to the same removal process established under the current Removal law - *i.e.* a signed petition is submitted; a preliminary and then formal hearing are held before the Judiciary; and if the petitioner proves with clear and convincing evidence that grounds for removal exist, then a GTC meeting must be called within 45 days for GTC to vote on whether to remove the elected official. The only noticeable difference is that the Law no longer specifically requires the Tribal Chair to call a GTC meeting within 45 days of receiving the Judiciary's findings; instead it states that a GTC meeting shall be held within 45 days after receiving the findings. [4.5 to 4.8]

Removal of all other elected Officials

All other elected Officials would still be subject to the same removal process established under the current Law, with three main differences:

- There are now two ways (instead of one) to begin the removal process:
 - 1) **Petition.** The current petition process would continue to be available.
 - 2) **Removal Request.** The amendments allow a Tribal board, committee or commission (entity) to seek removal of one of its elected Officials by submitting a removal request to the Tribal Secretary's Office. In order to submit a formal removal request; the entity must approve, by majority vote, of taking such action. [4.9-4] The Official may request that the Judiciary review the validity of the action taken by the entity. [4.10-3] For the preliminary and formal hearings before the Judiciary; the entity is deemed to be the other party to the action, and is responsible for proving the allegations against the elected Official at the formal hearing. [4.11-2 and 4.11-3]
- The final vote on whether to remove an elected Official would be made by the OBC, instead of the GTC. A special OBC meeting must be called for that purpose, and if six members of the OBC vote for removal, then the official is removed from office. The OBC meeting must be held within 45 days after receiving the Judiciary's findings; and the removal request/petition must be dismissed if the OBC fails to obtain quorum at the special meeting. [4.12]
- Currently, the Law lists various grounds for which an elected Official can be removed from office. The amendments add a new grounds for removal, which applies to all elected officials except OBC members: an Official can be removed from office for violating the entity's bylaws, operating agreements, laws, regulations or Standard Operating Procedures. [4.4-1(c)]

Miscellaneous

Various language and formatting changes are made to reflect the fact that the OBC officials are subject to different removal requirements; and the Adoption; Amendment; Repeal language (Section 2) was revised to comply with the Legislative Procedures Act. Except as described above; these changes do not affect the content of the Law.

A public meeting has not been held.

Chapter 4 REMOVAL LAW

4.1. Purpose and Policy

4.1-1. The purpose of this ~~L~~aw is to govern the removal of persons elected to serve on the Oneida Business Committee and on boards, committees and commissions of the Oneida Tribe of Indians of Wisconsin.

4.1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to provide an orderly and fair process for the removal of persons elected to serve on the Oneida Business Committee and on boards, committees and commissions.

4.2. Adoption, Amendment, Repeal

4.2-1. This ~~L~~aw is adopted by the General Tribal Council by ~~GTC~~ Resolution ~~#1~~GTC-01-09-06-A and amended by Resolution BC-05-28-14-B; and by Resolution GTC.

4.2-2. This ~~L~~aw may be amended or repealed by the General Tribal Council only pursuant to the procedures set out in the Legislative Procedures Act.

4.2-3. 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 law which are considered to have legal force without the invalid portions.

4.2-4. ~~All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this law are hereby repealed unless specifically re-enacted after adoption of this law. Specifically, the following resolutions are repealed by this law~~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) GTC-6-13-79 (Adoption of Ordinance for the Removal of Oneida Tribal Business Committee Members)
- (b) BC-3-8-85-A (Adoption of Legislatively Appointed Committee Removal Ordinance)
- (c) BC-1-03-96-B (BC Adoption of Removal Law)
- (d) GTC-1-17-98-A (GTC Adoption of Removal Law)

4.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

4.3. Definitions

4.3-1. This section shall govern the definitions of words or phrases ~~as~~ used ~~herein~~within this Law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Counsel" means an attorney or advocate.

~~(b)~~(b) "Elected official" means any person elected to a position on a board, committee or commission of the Oneida Tribe of Indians of Wisconsin and does not include the Oneida Business Committee.

~~(c)~~(c) "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-#1-01-07-13-B to administer the judicial authorities and responsibilities of the Tribe.

~~(d)~~(d) "Tribe" means the Oneida Tribe of Indians of Wisconsin.

4.4. Grounds for Removal

~~4.4-1.~~ 4.4-1. Oneida Business Committee. A member of the Oneida Business Committee may be removed from office for any of the following reasons:

- (a) failure to attend four (4) regularly scheduled meetings without a written explanation;
- (b) intentional mis-use of Tribal funds;
- (c) alcohol use while performing official responsibilities or use of illegal drugs at any time;
- (d) if he or she no longer meets the qualifications for office;
- (e) violating a Tribal law which specifies removal as a penalty; or
- (f) felony conviction while in office.

4.4-2. Elected Official. An elected official may be removed from office for any of the following reasons:

- (a) failure to attend four (4) regularly scheduled meetings without a written explanation;
- (b) failure to attend fifty percent (50%) of an entity's regular scheduled meetings within a twelve (12) month period for any reason ~~provided that this subsection shall not apply to the Oneida Business Committee;~~
- (c) violation of the by-laws, operating agreements, laws, regulations or Standard Operating Procedures of the board, committee or commission;
- (d) intentional mis-use of Tribal funds;
- (~~e~~) alcohol use while performing official responsibilities or use of illegal drugs at any time;
- (~~e~~f) if he or she no longer meets the qualifications for office;
- (~~f~~g) violating a Tribal law which specifies removal as a penalty; or
- (~~g~~h) felony conviction while in office.

4.5. Petition – Oneida Business Committee

4.5-1. Any eligible voter may file a petition with the Tribal Secretary seeking the removal of an ~~elected official~~ Oneida Business Committee member. No petition shall request the removal of more than one (1) ~~elected official~~ Oneida Business Committee member. The petition shall state with particularity the facts upon which it is based and the specific grounds for removal, in not more than two hundred (200) words, and must be signed by fifty (50) or more eligible voters or a number equal to at least thirty (30) percent of the votes cast in the previous general election, whichever is greater. A petition may not be amended after it is filed with the Tribal Secretary.

4.5-2. The petition shall be filed within thirty (30) days after the date the first signature is obtained on the petition.

4.5-3. The petition shall contain, in ink:

- (a) The appropriate lines for the eligible voter's:
 - (1) Printed name;
 - (2) Signature;
 - (3) Street address; and
 - (4) Enrollment number.
- (b) An oath verifying the fact that:
 - (1) The circulator witnessed each person sign the petition;
 - (2) Each signature appearing thereon is the genuine signature of the person it purports to be; and
 - (3) The petition was signed in the presence of the witness on the date indicated.

- 144 4.5-4. Upon receipt of a petition, the Tribal Secretary shall promptly:
145 (a) Submit such petition to the Oneida Tribal Enrollment Department which shall, within
146 five (5) business days, determine whether the petition contains the requisite number of
147 signatures of eligible voters; and
148 (b) Notify the ~~elected official~~Oneida Business Committee member sought to be removed
149 that a petition has been filed seeking his or her removal by providing a copy of the
150 uncertified petition.
- 151 4.5-5. If the Enrollment Department determines that the petition does not contain the requisite
152 number of signatures, the Tribal Secretary shall so certify to the Oneida Business Committee and
153 file the petition without taking further action, and the matter shall be at an end. No additional
154 names may be added to the petition, and the petition shall not be used in any other proceeding.
- 155 4.5-6. If the Enrollment Department determines that the petition contains the requisite number of
156 signatures, then the Tribal Secretary shall promptly cause a certified copy of the petition to be
157 served upon the ~~elected official~~Oneida Business Committee member sought to be removed and
158 forward a copy of the same to the Judiciary.
- 159 4.5-7. In the event the removal of the Tribal Secretary is sought, the Tribal Vice Chairperson
160 shall perform the duties assigned to the Secretary under this ~~Law~~Law.

162 **4.6. Preliminary Review – Oneida Business Committee**

- 163 4.6-1. The Judiciary, upon receipt of the petition shall schedule a preliminary review, to take
164 place within twenty (20) calendar days, to determine whether the allegations set forth in the
165 petition would constitute sufficient grounds for removal. The Judiciary may request that the
166 parties submit arguments in writing, and the parties may be represented by counsel.
- 167 4.6-2. If the Judiciary determines that a petition does not allege sufficient grounds for removal,
168 the petition shall be dismissed. If the Judiciary determines that the petition alleges sufficient
169 grounds for removal, the Judiciary shall conduct a hearing under 4.7.
- 170 4.6-3. The Tribal Secretary's certification of the sufficiency of the number of signatures on the
171 petition may be reviewed by the Judiciary upon motion of the ~~elected official~~Oneida Business
172 Committee member whose removal is sought. The motion shall be filed within twenty (20)
173 calendar days of service of the certified copy of the petition upon the ~~elected official~~Oneida
174 Business Committee member sought to be removed. The motion shall be in writing and the
175 grounds limited to:
176 (a) the authenticity of the signatures; and
177 (b) whether the signature is that of an eligible voter.
- 178 4.6-4. The Judiciary review shall be conducted in the presence of the parties, who may be
179 represented by counsel during the ~~inspection~~review. Opportunity to present evidence and
180 testimony shall be provided. If the Judiciary determines that a petition contains less than the
181 required number of valid signatures, the petition shall be dismissed.
- 182 ~~4.6-5. In the event the removal of a member of the Judiciary is sought, the Clerk of Courts shall~~
183 ~~convene a panel of three (3) judges who are members of the Wisconsin Tribal Judges~~
184 ~~Association to carry out the Judiciary's responsibilities under this law.~~

186 **4.7. Hearing – Oneida Business Committee**

- 187 4.7-1. *Rights of ~~Elected Official~~Oneida Business Committee Member at Hearing.* An ~~elected~~
188 ~~official~~Oneida Business Committee member whose removal is sought shall have the right to

present witnesses on his or her behalf; to cross-examine adverse witnesses; and to, at his or her expense, be represented by counsel of his or her choice.

4.7-2. *Burden of Proof.* A person seeking the removal of an ~~elected official~~ Oneida Business Committee member shall have the burden of proving by clear and convincing evidence that ground(s) for removal exist.

4.7-3. *Findings.* The Judiciary shall, within twenty (20) calendar days after the preliminary review has been completed, determine whether each allegation of the petition has been proven by clear and convincing evidence, and whether such allegations constitute sufficient grounds for removal under 4.4-1. If the Judiciary determines that sufficient grounds have not been proven the Judiciary shall dismiss the petition. If the Judiciary determines that the sufficient grounds have been proven, the Judiciary shall forward the written findings to the Tribal Chair.

4.8. General Tribal Council Meeting – Oneida Business Committee

4.8-1. *Special Meeting.* ~~Upon receipt of~~ Within forty-five (45) calendar days of receiving the findings from the Judiciary, ~~the Tribal Chair shall call~~ a special General Tribal Council meeting shall be held to consider the findings ~~to be held within forty five (45) calendar days after receipt of the Judiciary findings.~~

4.8-2. *Right to address the Council.* An ~~elected official~~ Oneida Business Committee member whose removal is sought shall have the right to address the General Tribal Council personally.

4.8-3. *Determination.* ~~An elected official~~ An Oneida Business Committee member may only be removed from office upon the affirmative vote of a two-thirds (2/3) majority of the General Tribal Council at a meeting called for the purpose of considering the removal.

4.8-4. *Quorum.* If the meeting of the General Tribal Council fails to obtain a quorum, the removal petition shall be dismissed.

4.9. Removal – Elected Official

4.9-1. An elected official may be subject to removal either by petition or by request of the board, committee or commission, which shall be filed within thirty (30) days after:

(a) the date the first signature is obtained on the petition; or

(b) the board, committee or commission adopts the removal request.

4.9-2. Upon receipt of a petition or removal request, the Tribal Secretary shall promptly notify the elected official sought to be removed that a petition or removal request has been filed seeking his or her removal by providing a copy of the uncertified petition or removal request.

4.9-3. *Petitions.* Any eligible voter may file a petition with the Tribal Secretary seeking the removal of an elected official. No petition shall request the removal of more than one (1) elected official. The petition shall state with particularity the facts upon which it is based and the specific grounds for removal, in not more than two hundred (200) words, and must be signed by fifty (50) or more eligible voters or a number equal to at least thirty (30) percent of the vote cast in the previous general election, whichever is greater. A petition may not be amended after it is filed with the Tribal Secretary.

(a) The petition shall contain, in ink:

(1) The appropriate lines for the eligible voter's:

(A) Printed name;

(B) Signature;

(C) Street address; and

(D) Enrollment number.

(2) An oath verifying the fact that:

(A) The circulator witnessed each person sign the petition;

(B) Each signature appearing thereon is the genuine signature of the person it purports to be; and

(C) The petition was signed in the presence of the witness on the date indicated.

(b) The Tribal Secretary shall promptly submit such petition to the Oneida Tribal Enrollment Department which shall, within five (5) business days, determine whether the petition contains the requisite number of signatures of eligible voters.

(1) If the Enrollment Department determines that a petition does not contain the requisite number of signatures, the Tribal Secretary shall so certify to the Oneida Business Committee and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.

(2) If the Enrollment Department determines that a petition contains the requisite number of signatures, the Tribal Secretary shall promptly cause a certified copy of the petition to be served upon the elected official sought to be removed and forward a copy of the same to the Judiciary.

4.9-4. Removal Requests. A board, committee, or commission may file a removal request with the Tribal Secretary for one of its members after adoption of a majority vote of the board, committee or commission regarding the removal request. No removal request shall request the removal of more than one (1) elected official. The removal request shall state with particularity the facts upon which it is based and the specific grounds for removal, in not more than two hundred (200) words. A removal request may not be amended after it is filed with the Tribal Secretary.

(a) Upon verification by the Tribal Secretary of the action the board, committee or commission adopting the removal request, the Tribal Secretary shall promptly cause a certified copy of the removal request to be served upon the elected official sought to be removed and forward a copy of the same to the Judiciary.

(b) If the Tribal Secretary determines that a removal request does not meet the requirements of 4.9-4, the Tribal Secretary shall so certify to the Oneida Business Committee and file the removal request without taking further action, and the matter shall be at an end.

4.10. Preliminary Review – Elected Official

4.10-1. The Judiciary, upon receipt of the petition or removal request shall schedule a preliminary review, to take place within twenty (20) calendar days, to determine whether the allegations set forth in the petition or removal request would constitute sufficient grounds for removal. The Judiciary may request that the parties submit arguments in writing, and the parties may be represented by counsel.

4.10-2. If the Judiciary determines that a petition or removal request does not allege sufficient grounds for removal, the petition or removal request shall be dismissed. If the Judiciary determines that the petition or removal request alleges sufficient grounds for removal, the Judiciary shall conduct a hearing under 4.11.

4.10-3. The Tribal Secretary's certification of the sufficiency of the number of signatures on the petition or the validity of the action of the board, committee or commission adopting a removal

request may be reviewed by the Judiciary upon motion of the elected official whose removal is sought. The motion shall be filed within twenty (20) calendar days of service of the certified copy of the petition or removal request upon the elected official sought to be removed. The motion shall be in writing and the grounds limited to one (1) or more of the following:

- (a) the authenticity of the signatures on a petition;
- (b) whether the signature on the petition is that of an eligible voter; or
- (c) the validity of the action taken by a board, committee or commission in approving a removal request.

4.10-4. The Judiciary review shall be conducted in the presence of the parties, who may be represented by counsel during the review. Opportunity to present evidence and testimony shall be provided. If the Judiciary determines that a petition contains less than the required number of valid signatures, the petition shall be dismissed. If the Judiciary determines that a removal request does not contain valid action by the board, committee or commission the removal request shall be dismissed.

4.11. Hearing – Elected Official

4.11-1. *Rights of Elected Official at Hearing.* An elected official whose removal is sought shall have the right to present witnesses on his or her behalf; to cross-examine adverse witnesses; and to, at his or her expense, be represented by counsel of his or her choice.

4.11-2. *Burden of Proof.* A person seeking the removal of an elected official shall have the burden of proving by clear and convincing evidence that ground(s) for removal exist.

4.11-3. *Findings.* The Judiciary shall, within twenty (20) calendar days after the preliminary review has been completed, determine whether each allegation of the petition or removal request has been proven by clear and convincing evidence, and whether such allegations constitute sufficient grounds for removal under 4.4-2. If the Judiciary determines that sufficient grounds have not been proven the Judiciary shall dismiss the petition or removal request. If the Judiciary determines that the sufficient grounds have been proven, the Judiciary shall forward the written findings to the Tribal Chair.

4.12. Oneida Business Committee Meeting – Elected Official

4.12-1. *Special Meeting.* Within forty-five (45) calendar days of receiving the findings from the Judiciary, a special Oneida Business Committee meeting shall be held to consider the findings.

4.12-2. *Right to address the Oneida Business Committee.* An elected official whose removal is sought shall have the right to address the Oneida Business Committee personally.

4.12-3. *Determination.* An elected official may only be removed from office upon the affirmative vote of six (6) members of the Oneida Business Committee at a meeting called for the purpose of considering the removal.

4.12-4. *Quorum.* If the meeting of the Oneida Business Committee fails to obtain a quorum, the removal request shall be dismissed.

End.

Adopted GTC-01-09-06-A
Amended – BC-05-28-14-B

Chapter 4 REMOVAL LAW

Kwah On^ <luwalihut@kwas Kayanl^hsla
Just when they will remove him our kind of laws

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|---|---|
| 4.1. Purpose and Policy | 4.8. General Tribal Council Meeting – Oneida Business Committee |
| 4.2. Adoption, Amendment, Repeal | 4.9. Removal – Elected Official |
| 4.3. Definitions | 4.10. Preliminary Review – Elected Official |
| 4.4. Grounds for Removal | 4.11. Hearing – Elected Official |
| 4.5. Petition – Oneida Business Committee | 4.12. Oneida Business Committee Meeting – Elected Official |
| 4.6. Preliminary Review – Oneida Business Committee | |
| 4.7. Hearing – Oneida Business Committee | |

4.1. Purpose and Policy

4.1-1. The purpose of this Law is to govern the removal of persons elected to serve on the Oneida Business Committee and on boards, committees and commissions of the Oneida Tribe of Indians of Wisconsin.

4.1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to provide an orderly and fair process for the removal of persons elected to serve on the Oneida Business Committee and on boards, committees and commissions.

4.2. Adoption, Amendment, Repeal

4.2-1. This Law is adopted by the General Tribal Council by Resolution GTC-01-09-06-A and amended by Resolution BC-05-28-14-B and by Resolution GTC_____.

4.2-2. This Law may be amended or repealed by the General Tribal Council only pursuant to the procedures set out in the Legislative Procedures Act.

4.2-3. 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.

4.2-4. 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) GTC-6-13-79 (Adoption of Ordinance for the Removal of Oneida Tribal Business Committee Members)

(b) BC-3-8-85-A (Adoption of Legislatively Appointed Committee Removal Ordinance)

(c) BC-1-03-96-B (BC Adoption of Removal Law)

(d) GTC-1-17-98-A (GTC Adoption of Removal Law)

4.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

4.3. Definitions

4.3-1. This section shall govern the definitions of words or phrases used within this Law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Counsel” means an attorney or advocate.

(b) “Elected official” means any person elected to a position on a board, committee or commission of the Oneida Tribe of Indians of Wisconsin and does not include the Oneida Business Committee.

(c) “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Tribe.

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

4.4. Grounds for Removal

4.4-1. *Oneida Business Committee*. A member of the Oneida Business Committee may be removed from office for any of the following reasons:

- (a) failure to attend four (4) regularly scheduled meetings without a written explanation;
- (b) intentional mis-use of Tribal funds;
- (c) alcohol use while performing official responsibilities or use of illegal drugs at any time;
- (d) if he or she no longer meets the qualifications for office;
- (e) violating a Tribal law which specifies removal as a penalty; or
- (f) felony conviction while in office.

4.4-2. *Elected Official*. An elected official may be removed from office for any of the following reasons:

- (a) failure to attend four (4) regularly scheduled meetings without a written explanation;
- (b) failure to attend fifty percent (50%) of an entity’s regular scheduled meetings within a twelve (12) month period for any reason;
- (c) violation of the by-laws, operating agreements, laws, regulations or Standard Operating Procedures of the board, committee or commission;
- (d) intentional mis-use of Tribal funds;
- (e) alcohol use while performing official responsibilities or use of illegal drugs at any time;
- (f) if he or she no longer meets the qualifications for office;
- (g) violating a Tribal law which specifies removal as a penalty; or
- (h) felony conviction while in office.

4.5. Petition – Oneida Business Committee

4.5-1. Any eligible voter may file a petition with the Tribal Secretary seeking the removal of an Oneida Business Committee member. No petition shall request the removal of more than one (1) Oneida Business Committee member. The petition shall state with particularity the facts upon which it is based and the specific grounds for removal, in not more than two hundred (200) words, and must be signed by fifty (50) or more eligible voters or a number equal to at least thirty (30) percent of the votes cast in the previous general election, whichever is greater. A petition may not be amended after it is filed with the Tribal Secretary.

4.5-2. The petition shall be filed within thirty (30) days after the date the first signature is obtained on the petition.

4.5-3. The petition shall contain, in ink:

- (a) The appropriate lines for the eligible voter’s:

- (1) Printed name;
- (2) Signature;
- (3) Street address; and
- (4) Enrollment number.

- (b) An oath verifying the fact that:

- (1) The circulator witnessed each person sign the petition;
(2) Each signature appearing thereon is the genuine signature of the person it purports to be; and
(3) The petition was signed in the presence of the witness on the date indicated.

4.5-4. Upon receipt of a petition, the Tribal Secretary shall promptly:

- (a) Submit such petition to the Oneida Tribal Enrollment Department which shall, within five (5) business days, determine whether the petition contains the requisite number of signatures of eligible voters; and
(b) Notify the Oneida Business Committee member sought to be removed that a petition has been filed seeking his or her removal by providing a copy of the uncertified petition.

4.5-5. If the Enrollment Department determines that the petition does not contain the requisite number of signatures, the Tribal Secretary shall so certify to the Oneida Business Committee and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.

4.5-6. If the Enrollment Department determines that the petition contains the requisite number of signatures, then the Tribal Secretary shall promptly cause a certified copy of the petition to be served upon the Oneida Business Committee member sought to be removed and forward a copy of the same to the Judiciary.

4.5-7. In the event the removal of the Tribal Secretary is sought, the Tribal Vice Chairperson shall perform the duties assigned to the Secretary under this Law.

4.6. Preliminary Review – Oneida Business Committee

4.6-1. The Judiciary, upon receipt of the petition shall schedule a preliminary review, to take place within twenty (20) calendar days, to determine whether the allegations set forth in the petition would constitute sufficient grounds for removal. The Judiciary may request that the parties submit arguments in writing, and the parties may be represented by counsel.

4.6-2. If the Judiciary determines that a petition does not allege sufficient grounds for removal, the petition shall be dismissed. If the Judiciary determines that the petition alleges sufficient grounds for removal, the Judiciary shall conduct a hearing under 4.7.

4.6-3. The Tribal Secretary's certification of the sufficiency of the number of signatures on the petition may be reviewed by the Judiciary upon motion of the Oneida Business Committee member whose removal is sought. The motion shall be filed within twenty (20) calendar days of service of the certified copy of the petition upon the Oneida Business Committee member sought to be removed. The motion shall be in writing and the grounds limited to:

- (a) the authenticity of the signatures; and
(b) whether the signature is that of an eligible voter.

4.6-4. The Judiciary review shall be conducted in the presence of the parties, who may be represented by counsel during the review. Opportunity to present evidence and testimony shall be provided. If the Judiciary determines that a petition contains less than the required number of valid signatures, the petition shall be dismissed.

4.7. Hearing – Oneida Business Committee

4.7-1. *Rights of Oneida Business Committee Member at Hearing.* An Oneida Business Committee member whose removal is sought shall have the right to present witnesses on his or her behalf; to cross-examine adverse witnesses; and to, at his or her expense, be represented by counsel of his or her choice.

4.7-2. *Burden of Proof.* A person seeking the removal of an Oneida Business Committee member shall have the burden of proving by clear and convincing evidence that ground(s) for removal exist.

4.7-3. *Findings.* The Judiciary shall, within twenty (20) calendar days after the preliminary review has been completed, determine whether each allegation of the petition has been proven by clear and convincing evidence, and whether such allegations constitute sufficient grounds for removal under 4.4-1. If the Judiciary determines that sufficient grounds have not been proven the Judiciary shall dismiss the petition. If the Judiciary determines that the sufficient grounds have been proven, the Judiciary shall forward the written findings to the Tribal Chair.

4.8. General Tribal Council Meeting – Oneida Business Committee

4.8-1. *Special Meeting.* Within forty-five (45) calendar days of receiving the findings from the Judiciary, a special General Tribal Council meeting shall be held to consider the findings.

4.8-2. *Right to address the Council.* An Oneida Business Committee member whose removal is sought shall have the right to address the General Tribal Council personally.

4.8-3. *Determination.* An Oneida Business Committee member may only be removed from office upon the affirmative vote of a two-thirds (2/3) majority of the General Tribal Council at a meeting called for the purpose of considering the removal.

4.8-4. *Quorum.* If the meeting of the General Tribal Council fails to obtain a quorum, the removal petition shall be dismissed.

4.9. Removal – Elected Official

4.9-1. An elected official may be subject to removal either by petition or by request of the board, committee or commission, which shall be filed within thirty (30) days after:

- (a) the date the first signature is obtained on the petition; or
- (b) the board, committee or commission adopts the removal request.

4.9-2. Upon receipt of a petition or removal request, the Tribal Secretary shall promptly notify the elected official sought to be removed that a petition or removal request has been filed seeking his or her removal by providing a copy of the uncertified petition or removal request.

4.9-3. *Petitions.* Any eligible voter may file a petition with the Tribal Secretary seeking the removal of an elected official. No petition shall request the removal of more than one (1) elected official. The petition shall state with particularity the facts upon which it is based and the specific grounds for removal, in not more than two hundred (200) words, and must be signed by fifty (50) or more eligible voters or a number equal to at least thirty (30) percent of the vote cast in the previous general election, whichever is greater. A petition may not be amended after it is filed with the Tribal Secretary.

- (a) The petition shall contain, in ink:

- (1) The appropriate lines for the eligible voter's:

- (A) Printed name;
 - (B) Signature;
 - (C) Street address; and
 - (D) Enrollment number.

- (2) An oath verifying the fact that:

- (A) The circulator witnessed each person sign the petition;
 - (B) Each signature appearing thereon is the genuine signature of the person it purports to be; and

(C) The petition was signed in the presence of the witness on the date indicated.

(b) The Tribal Secretary shall promptly submit such petition to the Oneida Tribal Enrollment Department which shall, within five (5) business days, determine whether the petition contains the requisite number of signatures of eligible voters.

(1) If the Enrollment Department determines that a petition does not contain the requisite number of signatures, the Tribal Secretary shall so certify to the Oneida Business Committee and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.

(2) If the Enrollment Department determines that a petition contains the requisite number of signatures, the Tribal Secretary shall promptly cause a certified copy of the petition to be served upon the elected official sought to be removed and forward a copy of the same to the Judiciary.

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(a) Upon verification by the Tribal Secretary of the action the board, committee or commission adopting the removal request, the Tribal Secretary shall promptly cause a certified copy of the removal request to be served upon the elected official sought to be removed and forward a copy of the same to the Judiciary.

(b) If the Tribal Secretary determines that a removal request does not meet the requirements of 4.9-4, the Tribal Secretary shall so certify to the Oneida Business Committee and file the removal request without taking further action, and the matter shall be at an end.

4.10. Preliminary Review – Elected Official

4.10-1. The Judiciary, upon receipt of the petition or removal request shall schedule a preliminary review, to take place within twenty (20) calendar days, to determine whether the allegations set forth in the petition or removal request would constitute sufficient grounds for removal. The Judiciary may request that the parties submit arguments in writing, and the parties may be represented by counsel.

4.10-2. If the Judiciary determines that a petition or removal request does not allege sufficient grounds for removal, the petition or removal request shall be dismissed. If the Judiciary determines that the petition or removal request alleges sufficient grounds for removal, the Judiciary shall conduct a hearing under 4.11.

4.10-3. The Tribal Secretary's certification of the sufficiency of the number of signatures on the petition or the validity of the action of the board, committee or commission adopting a removal request may be reviewed by the Judiciary upon motion of the elected official whose removal is sought. The motion shall be filed within twenty (20) calendar days of service of the certified copy of the petition or removal request upon the elected official sought to be removed. The motion shall be in writing and the grounds limited to one (1) or more of the following:

- (a) the authenticity of the signatures on a petition;
- (b) whether the signature on the petition is that of an eligible voter; or
- (c) the validity of the action taken by a board, committee or commission in approving a removal request.

4.10-4. The Judiciary review shall be conducted in the presence of the parties, who may be represented by counsel during the review. Opportunity to present evidence and testimony shall be provided. If the Judiciary determines that a petition contains less than the required number of valid signatures, the petition shall be dismissed. If the Judiciary determines that a removal request does not contain valid action by the board, committee or commission the removal request shall be dismissed.

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4.11-1. *Rights of Elected Official at Hearing.* An elected official whose removal is sought shall have the right to present witnesses on his or her behalf; to cross-examine adverse witnesses; and to, at his or her expense, be represented by counsel of his or her choice.

4.11-2. *Burden of Proof.* A person seeking the removal of an elected official shall have the burden of proving by clear and convincing evidence that ground(s) for removal exist.

4.11-3. *Findings.* The Judiciary shall, within twenty (20) calendar days after the preliminary review has been completed, determine whether each allegation of the petition or removal request has been proven by clear and convincing evidence, and whether such allegations constitute sufficient grounds for removal under 4.4-2. If the Judiciary determines that sufficient grounds have not been proven the Judiciary shall dismiss the petition or removal request. If the Judiciary determines that the sufficient grounds have been proven, the Judiciary shall forward the written findings to the Tribal Chair.

4.12. Oneida Business Committee Meeting – Elected Official

4.12-1. *Special Meeting.* Within forty-five (45) calendar days of receiving the findings from the Judiciary, a special Oneida Business Committee meeting shall be held to consider the findings.

4.12-2. *Right to address the Oneida Business Committee.* An elected official whose removal is sought shall have the right to address the Oneida Business Committee personally.

4.12-3. *Determination.* An elected official may only be removed from office upon the affirmative vote of six (6) members of the Oneida Business Committee at a meeting called for the purpose of considering the removal.

4.12-4. *Quorum.* If the meeting of the Oneida Business Committee fails to obtain a quorum, the removal request shall be dismissed.

End.

Adopted GTC-01-09-06-A
Amended – BC-05-28-14-B



Legislative Operating Committee

April 1, 2015

Pow-wow Committee Bylaws

Submission Date: October 1, 2014

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Fawn Billie

Summary: *The Pow-wow Committee has requested additions to the Committee bylaws which address qualifications for serving on the committee. First preference would be given to any citizen who appears on the official roll of the Tribe, with second preference to any citizen who appears to any official federally recognized Native American rolls. The qualifications would also be revised so that Committee members must have experience coordinating events. Additional amendments require Committee members to follow the Tribe's Code of Ethics and add that failure to attend 3 consecutive meetings with unexcused absences, or 5 total unexcused absences within a term are grounds for removal.*

10/01/14 LOC: Motion by Jennifer Webster to add Pow-wow Committee Bylaws to the Active Files List; seconded by Fawn Billie. Motion carried unanimously.

Note: Fawn Billie will be the sponsor.

12/17/14 LOC: Motion by Jennifer Webster to send a memorandum to the Pow-wow Committee asking for clarification on the noted issues and approval of the amended Pow-wow Committee Bylaws; seconded by Fawn Billie. Motion carried unanimously.

Next Steps:

- Review analysis and amendments to the Pow-wow Committee Bylaws and forward to the OBC for consideration.

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

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



Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

Jennifer Webster, Councilmember

Memorandum

TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chair
DATE: April 22, 2015
RE: REQUEST FOR ACTION: Adoption of Amendments to the Oneida Pow-wow Committee Bylaws

Please find the attached for your consideration:

1. Oneida Pow-wow Committee Bylaws (redline)
2. Oneida Pow-wow Committee Bylaws (clean)

Overview

On October 1, 2014, the Legislative Operating Committee (LOC) approved a request from the Oneida Pow-wow Committee (Committee) for the LOC to review the revised Committee Bylaws. The Committee approved the attached Bylaws on March 17, 2015. These Bylaws include the amendments recommended by the Committee as well as additional amendments which were made in accordance the Comprehensive Policy Governing Boards, Committees and Commissions. The main amendments:

- Require a Committee member to be a member of a federally-recognized Indian tribe and have Pow-wow knowledge through experience coordinating or participating in a Pow-wow or experience coordinating a community event.
- Require qualified Tribal members to be appointed over other qualified applicants.
- Allow the Committee to recommend the Tribal Chairperson terminate a Committee member's appointment if the Committee member fails to adhere to his/her Oath of Office or receives unexcused absences for three consecutive meetings or receives five unexcused absences within his/her term.

The LOC approved forwarding the attached Bylaws to the Oneida Business Committee on April 3, 2015.

Requested Action

Approve amendments to the Oneida Pow-wow Committee Bylaws.

Oneida Pow-wow Committee Bylaws

<i>Analysis by the Legislative Reference Office</i>					
Entity	Pow-wow Committee ("the Committee")				
Requestor	Rosa Laster	Drafter	Lynn Franzmeier	Analyst	Taniquelle J. Thurner
Reason for Request	The Pow-wow Committee requested amendments to the bylaws that would add qualifications and expectations for membership.				
Members	9	Stipends	\$50 for 1 meeting/month	Elected/ Appointed	Appointed
Authority	Established/officially recognized as an entity by OBC Resolution 04-13-90-B, and through amending the bylaws in 1997, 1999, 2005, and 2010. The Committee has the authority to hire personnel to conduct a pow-wow, such as emcees, arena directors, tabulators, and judges for drum and dance.				
Hearing Authority	None				

Overview

These proposed amendments to the Pow-wow Committee Bylaws, were approved by the Pow-Wow Committee on March 17, 2015. In accordance with section 8-4(e) of the Comprehensive Policy Governing Boards, Committees and Commissions (Comprehensive Policy); bylaws for Tribal Boards, Committees and Commissions are required to be approved by the Oneida Business Committee [OBC] prior to implementation. These bylaws also provide that "Amendments are effective upon adoption of the Committee and approval by the Oneida Business Committee." [5-1]

Proposed Amendments

Added Qualifications

The amendments add that in order to be appointed to serve on the Committee, a person must:

- Be a member of a federally-recognized Indian Tribe; and qualified Oneida applicants will be appointed over other qualified applicants.
- Have Pow-wow knowledge or experience in coordinating a community event. Pow-wow knowledge is demonstrated through experience coordinating a Pow-wow or participating in a Pow-wow. [1-4(b) and (c)]

Recommending Termination of Appointment

A new provision requires the Committee to recommend to the Tribal Chair that a member's appointment be terminated in two situations:

- Failure to adhere to the oath of office, including the duty to uphold the Tribe's laws.
- Three unexcused absences for three consecutive meetings; or five unexcused absences in a term - an absence is unexcused if the member does not attend the meeting and does not notify the Committee Chair before the start of the meeting that s/he will be absent. [1-4(e)]

However, a member's appointment will not necessarily be terminated just because the Committee makes this recommendation. The Comprehensive Policy provides that appointed members of boards, committees and commissions serve at the discretion of the OBC; and an appointed official's appointment can only be terminated if the Tribal Chair makes a recommendation to terminate that appointment; and if a 2/3 vote of the entire OBC then approves terminating the appointment. [Comprehensive Policy, 6-5]

Setting terms for officers

Currently, officers are appointed for a term "as determined by the Committee" but the amendments change that to a three-year term. [2-6]

Currently, the bylaws state that each officer holds their office until a successor is appointed, or until the member resigns, or is removed per the Removal Law. Under the amendments, an officer holds their office until s/he resigns or his/her appointment is terminated. Replacing references to the Removal Law with references to termination of appointment reflects the fact that Committee members are appointed, not elected. However, by deleting the provision stating that an officer holds office until their successor is appointed; there may be confusion over when an officer's duties are complete at the end of a term. [2-6(a)]

Other Changes

Various other changes were made to the bylaws to ensure compliance with the Comprehensive Policy, to improve clarity, and to make these bylaws more consistent with standardized drafting practices. These changes resulted in various additions and clarifications:

New Additions:

- A "Purpose" statement - the purpose of the Committee is to coordinate and manage annual Pow-wows in order to encourage people to enjoy and participate in social activities, including dancing, singing, visiting, renewing old friendships and making new ones. [1-6]
- How subcommittees are created - the Chair may create subcommittees when necessary, with Committee approval. A subcommittee serves until its assigned duties are discharged or a final report is given. [2-7]
- Meeting preparation - For regular meetings, the notice, meeting agenda and materials are forwarded by the Chair with the assistance of the Committee's Secretary. [3-1]

Clarifications:

- The Committee's Chair, Vice-Chair and Treasurer are authorized to sign and execute contracts or other instruments, "as needed" - they are not all required to sign every instrument. [2-2(c), 2-3(b) and 2-4(b)].
- Committee members are compensated \$25/hour for services they provide during the pow-wow; instead of \$25/hour "during" a pow-wow. [1-7]
- Meeting stipends are capped at \$50 per month, not \$50 per meeting, and can only be received if the meeting establishes quorum for at least one hour and the member was present for at least one hour of the established quorum. [1-5]
- The Committee Chair only votes in case of a tie. [3-6]
- The Committee can hire personnel "to conduct a pow-wow," instead of hiring personnel "for the benefit of the Committee." [2-8]

Miscellaneous

In 2010, the bylaws were amended to reflect that appointed members are subject to termination of appointment, not removal. However one reference to the Removal Law appears to have been overlooked. The amendments update that one provision. [2-6(b)]

Various other minor changes have been made to improve consistency and flow of the document. These minor changes do not affect the content of the bylaws.

A public meeting is not required for bylaws.

Oneida Pow-~~W~~wow Committee By-laws

Article I. Authority

- 1-1. *Name.* The name of this committee shall be the Oneida Pow-~~W~~wow Committee, hereinafter referred to as "Committee."

1-2. *Authority.* This Committee was ~~created~~officially recognized by ~~the~~ Oneida Business Committee through adoption of resolution #BC-04-13-90-B and ~~By~~by-laws were approved by the Oneida Business Committee on October 15, 1997, and amended on February 3, 1999, February 23, 2005~~and~~, June 23, 2010~~and~~.

1-3. *Office.*—

The official mailing address of ~~this entity~~the Committee shall be:

Oneida Pow-~~W~~wow Committee

P.O. Box 365

Oneida, WI 54155

The physical meeting place shall be determined at the first meeting of the Committee and may change from time to time as determined by the Committee but shall be within the Reservation boundaries.

1-4. *Membership.*

(a) *Number of Members.* The Committee shall be made up of nine (9) members with voting powers.

(1) The Committee shall in no event be comprised of less than five (5) members.

(2) Each member shall hold office until his or her term expires, until his or her resignation, or until his or her appointment is terminated in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.

~~(b)~~ (b) *Qualifications.* In order to be appointed to the Committee, an individual shall:

(1) Be a member of a federally-recognized Indian tribe; and

(2) Have Pow-wow knowledge, as demonstrated through experience coordinating a Pow-wow or participating in a Pow-wow; or have experience in coordinating a community event.

~~(b)(c)~~ (c) *How Elected or Appointed.* Each Committee member shall be appointed in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions to serve a three (3) year term. Qualified applicants who are members of the Oneida Tribe of Indians of Wisconsin shall be appointed to the Committee over other qualified applicants. Committee members shall not be limited in the number of terms that can be served consecutively or otherwise.

~~(c)(d)~~ (d) *Vacancies.*

(1) *Filling of Vacancies, Generally.* If a vacancy occurs on the Committee, ~~and based on the needs of the Committee, the Committee may~~ shall provide written notice to the Oneida Tribal Secretary so that the Oneida Business Committee may fill the vacancy; however, the ~~Committee is allowed to~~ filling of a vacancy may be timed to correspond with the activities and the needs of the Committee. The Committee may make recommendations as to possible candidates.

(2) *Resignation.* A member may resign at any time verbally or by delivering written notice to the Committee.

(A) *Effective Date of Resignation.* A resignation is effective upon acceptance by motion or delivery of notice.

(B) *Filling of Vacancies if Resignation is Deferred.* A vacancy that may occur at a specific later date by reason of resignation may be filled before the vacancy occurs, but the new member cannot take office until the vacancy occurs.

~~(2)(3)~~ (3) *Terms of Replacement Member.* A replacement member shall hold office

through the unexpired portion of the term of the member whom he or she has replaced or until his or her earlier exit.

~~(3)~~(4) *Termination of Appointment.* A member's appointment may be terminated in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.

(e) Recommendation for Termination of Appointment. Upon approval from the Committee, the Chairperson shall forward a recommendation to the Chairperson of the Tribe that a member's appointment be terminated. The Committee shall recommend a member's appointment be terminated upon any of the following:

(1) A member's failure to adhere to his or her Oath of Office, including the duty to uphold the laws of the Tribe.

(2) A member receives unexcused absences for three (3) consecutive meetings or receives five (5) unexcused absences within his or her term. An absence is considered unexcused if the member does not attend the meeting and does not notify the Chairperson of the Committee before the start of the meeting that he or she will be absent.

~~(4) Resignation.~~ A member may resign at any time by delivering written notice to the Committee or upon the acceptance by motion of the Committee of a verbal resignation. A resignation is effective upon delivery of notice unless a later effective date is specified.

1-5. Meeting Stipends. Dependent upon available budgeted funds, ~~the~~each Committee member shall be compensated at a rate of \$no more than fifty dollars (\$50.00) per ~~meeting~~month when ~~a quorum is~~ at least one (1) meeting is conducted, provided that the meeting has established a quorum for a minimum of one (1) hour and the Committee member collecting the stipend was present for at least one (1) hour of the established quorum, in accordance with ~~these By-laws and~~ the Comprehensive Policy Governing Boards, Committees and Commissions.-

~~1-6. Pow Wow Activities.~~ 1-6. Purpose. The purpose of the Committee is to coordinate and manage annual Pow-wows in order to encourage people to enjoy and participate in social activities, including dancing, singing, visiting, renewing old friendships and making new ones.

1-7. Pow-wow Activities. The Committee shall, at a duly called meeting by motion and recorded within the minutes, identify each member, the services he or she shall provide during each Pow-~~W~~wow and the specific dates and times during which the member shall perform such services. A member shall be compensated twenty-five dollars (\$25.00) per hour for services he or she provides during each Pow-wow, not to exceed two hundred dollars (\$200.00) per day, contingent upon available budgeted funds.

Article II. Officers.

2-1. *Officers.* The officers of the Committee shall consist of a Chairperson, Vice-Chairperson, Treasurer and Secretary, ~~each of whom shall be elected by Committee members at a duly called meeting.~~ The Committee may ~~appoint~~elect such other officers and assistant officers as it deems necessary.

2-2. *Chairperson Duties.* The responsibility, duties and powers of the Chairperson of the Committee are as follows:

(a) Preside at all meetings of the Committee.

(b) Shall be an ex officio member of all subcommittees of the Committee, may call

- 175 | emergency and special meetings, and keep the Committee informed as to the
176 | business of the Committee and Pow-~~W~~wows.
- 177 | (c) Sign and execute all contracts or other instruments which the Committee has
178 | authorized, as needed.
- 179 | (d) The Chairperson and the Secretary shall submit reports to the Oneida Business
180 | Committee for publication in the General Tribal Council annual and semi-annual
181 | reports, and shall submit quarterly reports to the Oneida Business Committee.
- 182 | 2-3. *Vice-Chairperson Duties.* The Vice-Chairperson shall:
- 183 | (a) In the absence of the Chairperson, ~~shall~~ conduct meetings of the Committee.
- 184 | (b) Sign and execute all contracts or other instruments which the Committee has
185 | authorized, as needed.
- 186 | 2-4. *Treasurer Duties.* The responsibilities, duties and powers of the Treasurer are as follows:
- 187 | (a) Be aware of and have primary knowledge of all funds and securities of the
188 | Committee and deposit of such funds.
- 189 | (b) Sign and execute all contracts or other instruments which the Committee has
190 | authorized, as needed.
- 191 | (c) Report on the condition of the finances of the Committee at each regular meeting
192 | and at other times as required or requested.
- 193 | 2-5. *Secretary Duties.* The responsibilities, duties and powers of the Secretary are as follows:
- 194 | (a) Keep minutes of the Committee meetings in an appropriate format.
- 195 | (b) ~~Providing~~Provide notice of regular, emergency and special meetings of the
196 | Committee.
- 197 | (c) Act as custodian of the records.
- 198 | (d) Attest to the execution of instruments on behalf of the Committee by the proper
199 | officer.
- 200 | (e) Attend to all correspondence and present to the Committee all official
201 | communications received by the ~~Secretary~~Committee.
- 202 | (f) Along with the Chairperson, submit reports to the Oneida Business Committee for
203 | publication in the General Tribal Council annual and semi-annual reports, and
204 | ~~shall~~ submit quarterly reports to the Oneida Business Committee.
- 205 | 2-6. *How Chosen and Length of Term.* The officers of the Committee shall be appointed by
206 | the Committee for a ~~term as determined by the Committee.~~ three (3) year term.
- 207 | (a) If no term is specified, they ~~Each officer~~ shall hold his or her office until ~~their term~~
208 | as Committee:
- 209 | (1) the member expires; resigns; or
- 210 | (2) the member has his or her appointment terminated in the manner set out in
211 | the Comprehensive Policy Governing Boards, Committees and
212 | Commissions.
- 213 | ~~(a)(b)~~ A vacancy of any officer shall be filled by the Committee for the unexpired term.
- 214 | ~~(b) Each officer shall hold their office until a successor has been appointed, or until~~
215 | ~~the member resigns, or is removed in the manner set out in the Oneida Removal~~
216 | ~~Law.~~
- 217 | (c) The designation of a term shall not grant to the officer any vested or contractual
218 | rights in serving the term.
- 219 | 2-7. Subcommittees. Subcommittees shall be created when necessary by the Chairperson with
220 | the approval of the Committee. A subcommittee shall serve until the duties it has been
221 | assigned are discharged or a final report is given.
- 222 | 2-8. *Personnel.* The Committee has the authority, dependent upon budgeted funds, to hire

personnel ~~for the benefit of the Committee~~to conduct a Pow-wow, such as: emcees, arena directors, tabulators, and judges for drum and dance.

Article III. Meetings

- 3-1. *Regular Meetings.* Regular meetings shall be determined by the Committee. The regular meeting time, place and agenda shall be determined at a regular meeting. If no alternate designation is made by the Committee, the regular meetings shall be the last Tuesday of every month. Notice of meeting location, agenda and materials shall be forwarded by the Chairperson with the assistance of the Secretary. Meetings shall be run in accordance with Robert's Rules of Order.
~~Meetings shall be run in accordance with Robert's Rules of Order.~~
- 3-2. *Emergency and Special Meetings.* ~~Special~~Emergency or special meetings of the Committee may be called by the Chairperson or upon written request of any two (2) members. The Chairperson ~~may~~shall designate a time and place for holding ~~an~~emergency or special meeting.
- 3-3. *Notice of Emergency or Special Meeting.* Notice of ~~an~~emergency or special meeting shall be given at least forty-eight (48) hours prior to the date set for any such meeting. Notice may be communicated in person, by facsimile or other wire or wireless communication, or by mail.
- 3-4. *Quorum.* Five (5) of the Committee members shall constitute a quorum for transaction of business, which shall include the Chairperson or Vice-Chairperson.
- 3-5. *Order of Business.* The regular meetings of the Committee shall follow the order of business at set out herein:
- (a) Call to Order
 - (b) Roll Call
 - (c) Approving of Previous Meeting Minutes
 - (d) ~~Standing and Special Committee~~Subcommittee Reports
 - (e) Old Business
 - (f) New Business
 - (g) Adjournment
- 3-6. *Voting.* ~~The affirmative~~Voting shall be in accordance with the simple majority vote of the ~~majority of the Committee~~Board members present at a duly called meeting ~~at which a quorum is present when the~~. The Chairperson shall vote ~~is taken shall be the act of the Committee~~only in case of a tie.

Article IV Reporting.

- 4-1. *Format.* Agenda items shall be in an identified format.
- 4-2. *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Committee.
- 4-3. *Attachments.* Handouts, reports, memoranda, and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented.
- 4-4. *Reporting.* The Chairperson shall report to the Oneida Business Committee Liaison, if one ~~(1)~~ is designated.

Article V. Amendments.

- 5-1. *Amendments to By-laws.* Amendments shall be made to these By-laws at a regular

meeting of the Committee provided that written notice of the proposed amendments was made at a prior regular meeting. The Committee may amend ~~or repeal~~ the By-laws by the affirmative vote of the majority of the members. Amendments are effective upon adoption of the Committee and approval by the Oneida Business Committee.

Article VI. Contracting and Accounting

- 6-1. *Budgets.* The Chairman and Treasurer of the Committee shall oversee the Pow-~~W~~wow budgets and have sign-off authority according to the accounting procedures of the Tribe.
- 6-2. *Contracts.* The Committee may authorize the Chairperson, Vice-Chairperson or Treasurer to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Committee, and such authority may be general to specific instances within the purpose for which this Committee is formed. Any contract over ten thousand dollars (\$10,000) ~~must~~00 ~~shall~~ be approved by vote of the Committee.
- 6-3. *Checks, Appropriations and Other Orders of Payment.* All checks and other order of payment shall follow the accounting procedures designated by the Tribe. All appropriation requests shall be prepared by the Treasurer of the Committee.
- 6-4. *Deposits.* All funds of the Committee not otherwise obligated, shall be deposited back into the Pow-~~W~~wow budget. The Committee shall adopt policies and procedures for handling cash, accounting and record keeping for and during all Pow-~~W~~wows.
- 6-5. *Books and Records.* The Committee-s books and records shall be maintained by the Chairman and Treasurer of the Committee and shall be available for examination by any Committee member, ~~officer~~ or any member of the Oneida Business Committee.

These Bylaws, as amended and revised, are hereby attested to as adopted by the Pow-wow Committee at a duly called meeting held on the _____ day of _____, 2015.

Lloyd E. Powless, Jr. Chairperson
Oneida Pow-wow Committee

and approved by the Oneida Business Committee at a duly called meeting held on the _____ day of _____, 2015.

Lisa Summers, Tribal Secretary
Oneida Business Committee

Oneida Pow-wow Committee Bylaws

Article I. Authority

- 1-1. *Name.* The name of this committee shall be the Oneida Pow-wow Committee, hereinafter referred to as "Committee."
- 1-2. *Authority.* This Committee was officially recognized by the Oneida Business Committee through adoption of resolution BC-04-13-90-B and bylaws were approved by the Oneida Business Committee on October 15, 1997, and amended on February 3, 1999, February 23, 2005, June 23, 2010 and _____.
- 1-3. *Office.*
The official mailing address of the Committee shall be:
Oneida Pow-wow Committee
P.O. Box 365
Oneida, WI 54155
The physical meeting place shall be determined at the first meeting of the Committee and may change from time to time as determined by the Committee but shall be within the Reservation boundaries.
- 1-4. *Membership.*
(a) *Number of Members.* The Committee shall be made up of nine (9) members with voting powers.
(1) The Committee shall in no event be comprised of less than five (5) members.
(2) Each member shall hold office until his or her term expires, until his or her resignation, or until his or her appointment is terminated in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.
(b) *Qualifications.* In order to be appointed to the Committee, an individual shall:
(1) Be a member of a federally-recognized Indian tribe; and
(2) Have Pow-wow knowledge, as demonstrated through experience coordinating a Pow-wow or participating in a Pow-wow; or have experience in coordinating a community event.
(c) *How Appointed.* Each Committee member shall be appointed in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions to serve a three (3) year term. Qualified applicants who are members of the Oneida Tribe of Indians of Wisconsin shall be appointed to the Committee over other qualified applicants. Committee members shall not be limited in the number of terms that can be served consecutively or otherwise.
(d) *Vacancies.*
(1) *Filling of Vacancies, Generally.* If a vacancy occurs on the Committee, the Committee shall provide written notice to the Oneida Tribal Secretary so that the Oneida Business Committee may fill the vacancy; however, the filling of a vacancy may be timed to correspond with the activities and the needs of the Committee. The Committee may make recommendations as to possible candidates.
(2) *Resignation.* A member may resign at any time verbally or by delivering written notice to the Committee.
(A) *Effective Date of Resignation.* A resignation is effective upon acceptance by motion or delivery of notice.

- (B) *Filling of Vacancies if Resignation is Deferred.* A vacancy that may occur at a specific later date by reason of resignation may be filled before the vacancy occurs, but the new member cannot take office until the vacancy occurs.
- (3) *Terms of Replacement Member.* A replacement member shall hold office through the unexpired portion of the term of the member whom he or she has replaced or until his or her earlier exit.
- (4) *Termination of Appointment.* A member's appointment may be terminated in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.
- (e) *Recommendation for Termination of Appointment.* Upon approval from the Committee, the Chairperson shall forward a recommendation to the Chairperson of the Tribe that a member's appointment be terminated. The Committee shall recommend a member's appointment be terminated upon any of the following:
- (1) A member's failure to adhere to his or her Oath of Office, including the duty to uphold the laws of the Tribe.
- (2) A member receives unexcused absences for three (3) consecutive meetings or receives five (5) unexcused absences within his or her term. An absence is considered unexcused if the member does not attend the meeting and does not notify the Chairperson of the Committee before the start of the meeting that he or she will be absent.
- 1-5. *Meeting Stipends.* Dependent upon available budgeted funds, each Committee member shall be compensated at a rate of no more than fifty dollars (\$50.00) per month when at least one (1) meeting is conducted, provided that the meeting has established a quorum for a minimum of one (1) hour and the Committee member collecting the stipend was present for at least one (1) hour of the established quorum, in accordance with the Comprehensive Policy Governing Boards, Committees and Commissions.
- 1-6. *Purpose.* The purpose of the Committee is to coordinate and manage annual Pow-wows in order to encourage people to enjoy and participate in social activities, including dancing, singing, visiting, renewing old friendships and making new ones.
- 1-7. *Pow-wow Activities.* The Committee shall, at a duly called meeting by motion and recorded within the minutes, identify each member, the services he or she shall provide during each Pow-wow and the specific dates and times during which the member shall perform such services. A member shall be compensated twenty-five dollars (\$25.00) per hour for services he or she provides during each Pow-wow, not to exceed two hundred dollars (\$200.00) per day, contingent upon available budgeted funds.

Article II. Officers.

- 2-1. *Officers.* The officers of the Committee shall consist of a Chairperson, Vice-Chairperson, Treasurer and Secretary. The Committee may elect such other officers and assistant officers as it deems necessary.
- 2-2. *Chairperson Duties.* The responsibility, duties and powers of the Chairperson of the Committee are as follows:
- (a) Preside at all meetings of the Committee.
- (b) Shall be an ex officio member of all subcommittees of the Committee, may call emergency and special meetings, and keep the Committee informed as to the business of the Committee and Pow-wows.
- (c) Sign and execute all contracts or other instruments which the Committee has

- authorized, as needed.
- (d) The Chairperson and the Secretary shall submit reports to the Oneida Business Committee for publication in the General Tribal Council annual and semi-annual reports, and shall submit quarterly reports to the Oneida Business Committee.
- 2-3. *Vice-Chairperson Duties.* The Vice-Chairperson shall:
- (a) In the absence of the Chairperson, conduct meetings of the Committee.
- (b) Sign and execute all contracts or other instruments which the Committee has authorized, as needed.
- 2-4. *Treasurer Duties.* The responsibilities, duties and powers of the Treasurer are as follows:
- (a) Be aware of and have primary knowledge of all funds and securities of the Committee and deposit of such funds.
- (b) Sign and execute all contracts or other instruments which the Committee has authorized, as needed.
- (c) Report on the condition of the finances of the Committee at each regular meeting and at other times as required or requested.
- 2-5. *Secretary Duties.* The responsibilities, duties and powers of the Secretary are as follows:
- (a) Keep minutes of the Committee meetings in an appropriate format.
- (b) Provide notice of regular, emergency and special meetings of the Committee.
- (c) Act as custodian of the records.
- (d) Attest to the execution of instruments on behalf of the Committee by the proper officer.
- (e) Attend to all correspondence and present to the Committee all official communications received by the Committee.
- (f) Along with the Chairperson, submit reports to the Oneida Business Committee for publication in the General Tribal Council annual and semi-annual reports, and submit quarterly reports to the Oneida Business Committee.
- 2-6. *How Chosen and Length of Term.* The officers of the Committee shall be appointed by the Committee for a three (3) year term.
- (a) Each officer shall hold his or her office until:
- (1) the member resigns; or
- (2) the member has his or her appointment terminated in the manner set out in the Comprehensive Policy Governing Boards, Committees and Commissions.
- (b) A vacancy of any officer shall be filled by the Committee for the unexpired term.
- (c) The designation of a term shall not grant to the officer any vested or contractual rights in serving the term.
- 2-7. *Subcommittees.* Subcommittees shall be created when necessary by the Chairperson with the approval of the Committee. A subcommittee shall serve until the duties it has been assigned are discharged or a final report is given.
- 2-8. *Personnel.* The Committee has the authority, dependent upon budgeted funds, to hire personnel to conduct a Pow-wow, such as: emcees, arena directors, tabulators, and judges for drum and dance.

Article III. Meetings

- 3-1. *Regular Meetings.* Regular meetings shall be determined by the Committee. The regular meeting time, place and agenda shall be determined at a regular meeting. If no alternate designation is made by the Committee, the regular meetings shall be the last Tuesday of every month. Notice of meeting location, agenda and materials shall be forwarded by the

Chairperson with the assistance of the Secretary. Meetings shall be run in accordance with Robert's Rules of Order.

3-2. *Emergency and Special Meetings.* Emergency or special meetings of the Committee may be called by the Chairperson or upon written request of any two (2) members. The Chairperson shall designate a time and place for holding an emergency or special meeting.

3-3. *Notice of Emergency or Special Meeting.* Notice of an emergency or special meeting shall be given at least forty-eight (48) hours prior to the date set for any such meeting. Notice may be communicated in person, by facsimile or other wire or wireless communication, or by mail.

3-4. *Quorum.* Five (5) of the Committee members shall constitute a quorum for transaction of business, which shall include the Chairperson or Vice-Chairperson.

3-5. *Order of Business.* The regular meetings of the Committee shall follow the order of business at set out herein:

- (a) Call to Order
- (b) Roll Call
- (c) Approving of Previous Meeting Minutes
- (d) Subcommittee Reports
- (e) Old Business
- (f) New Business
- (g) Adjournment

3-6. *Voting.* Voting shall be in accordance with the simple majority vote of the Board members present at a duly called meeting. The Chairperson shall vote only in case of a tie.

Article IV Reporting.

4-1. *Format.* Agenda items shall be in an identified format.

4-2. *Minutes.* Minutes shall be typed and in a consistent format designed to generate the most informative record of the meetings of the Committee.

4-3. *Attachments.* Handouts, reports, memoranda, and the like may be attached to the minutes and agenda, or may be kept separately, provided that all materials can be identified to the meeting in which they were presented.

4-4. *Reporting.* The Chairperson shall report to the Oneida Business Committee Liaison, if one is designated.

Article V. Amendments.

5-1. *Amendments to Bylaws.* Amendments shall be made to these Bylaws at a regular meeting of the Committee provided that written notice of the proposed amendments was made at a prior regular meeting. The Committee may amend the Bylaws by the affirmative vote of the majority of the members. Amendments are effective upon adoption of the Committee and approval by the Oneida Business Committee.

Article VI. Contracting and Accounting

6-1. *Budgets.* The Chairman and Treasurer of the Committee shall oversee the Pow-wow budgets and have sign-off authority according to the accounting procedures of the Tribe.

6-2. *Contracts.* The Committee may authorize the Chairperson, Vice-Chairperson or Treasurer to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Committee, and such authority may be general to specific instances

within the purpose for which this Committee is formed. Any contract over ten thousand dollars (\$10,000.00) shall be approved by vote of the Committee.

6-3. *Checks, Appropriations and Other Orders of Payment.* All checks and other order of payment shall follow the accounting procedures designated by the Tribe. All appropriation requests shall be prepared by the Treasurer of the Committee.

6-4. *Deposits.* All funds of the Committee not otherwise obligated, shall be deposited back into the Pow-wow budget. The Committee shall adopt policies and procedures for handling cash, accounting and record keeping for and during all Pow-wows.

6-5. *Books and Records.* The Committee's books and records shall be maintained by the Chairman and Treasurer of the Committee and shall be available for examination by any Committee member or any member of the Oneida Business Committee.

These Bylaws, as amended and revised, are hereby attested to as adopted by the Pow-wow Committee at a duly called meeting held on the _____ day of _____, 2015.

Lloyd E. Powless, Jr. Chairperson
Oneida Pow-wow Committee

and approved by the Oneida Business Committee at a duly called meeting held on the _____ day of _____, 2015.

Lisa Summers, Tribal Secretary
Oneida Business Committee



Legislative Operating Committee AGENDA REFERRAL FORM



1) Today's Date: 3 / 19 / 2015 Date of Referral Action: 2 / 25 / 2015

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: Genskow- Request Special GTC meeting to address 6 Resolutions

5) Background information, including applicable actions and dates: A petition was submitted to the Tribal Secretary's Office on February 10, 2015 to "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"
On February 25, 2015, the OBC deferred the verified petition to the LRO for a legislative analysis.

6) Due date: Update due 4/8/15, analysis due 4/22/15

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: 02 / 25 / 15

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 Special GTC meeting to address 6 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 6 resolutions was submitted to the Tribal Secretary's Office on February 10, 2015. The Enrollment Department verified all enrollment numbers on the petition. There are 68 signatures. The OBC 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: February 16, 2015

Re: Petition to request Special GTC meeting to review and consider 6 resolutions

This 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, Legislative Reference and Direct Report Office for analyses.

Background

On February 10, 2015, 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 intact.

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, Legislative Reference and Direct Report 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 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, Legislative Reference and Direct Report Offices for the legal, financial, legislative and administrative analyses to be completed.
3. Direct the Law, Finance and Legislative Reference Offices to submit the analyses to the Tribal Secretary's office within 60 days, and that a progress report be submitted in 45 days.
4. Direct the Direct Report Offices to submit the appropriate administrative analyses to the Tribal Secretary's office within 30 days.

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

PETITION FORM

Page 101 of 154
 Page 114 of 136
RECEIVED
 FEB 10 2015
 Oneida Enrollment Dept.
 68/108 Signature Verified Cheryl D. [unclear] 2/11/15

NAME OF PETITIONER: MADELYN GENSLOW

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
tact.

DATE SUBMITTED TO ONEIDA TRIBAL SECRETARY: _____

WE REQUEST A SAT. MEETING.

Please Print Clearly - Use Full Given Name

10-02-15P02:10 RCVD

Printed Name	Address	D.O.B.	Enrollment #	Signature
			6287 ✓	
			20623 ✓	
			1893 ✓	
			7495 ✓	
			6392 ✓	
			6824 ✓	
			5640 ✓	
			2114 ✓	
			67 ✓	
			6114 ✓	
			6110 ✓	
			2187 ✓	

(15) Verified / as

Resolution 1

Whereas the General Tribal Council meeting held on January 19, 2015 to approve the Oneida Tribal budget did not end until 12:00-midnight. and

Whereas the GTC may place the whole blame for such a long meeting on how the meeting was conducted by the Chair. and

Whereas the entire Oneida Business Committee, who should know better, set up an agenda that placed "old Business"- The Oneida One stop on Hwy 54 on the Agenda, BEFORE the \$409, 579, 723 Budget for 2015 and

Whereas the GTC had no idea what would all be involved in addressing the "old Business" regarding the Hwy 54 gas station, and voted to approve the Agenda as presented by the entire Business Committee. and

Whereas GTC meetings allow the Oneida people to be the supreme power of the Oneida Tribe

Now Therefore be it resolved that meetings to approve the yearly Tribal Budget must be held on a Saturday starting at 10:00 am.

Be it resolved that the only item that can be offered at the Annual GTC Budget meeting after the Adoption of the Agenda is the Annual Oneida Tribal Budget.

Be it further resolved that Annual Tribal Budgets must be presented to the GTC in September before the spending of the Budget starts on the first of October.

Be it further resolved that there will be to acceptable excuse for not presenting an annual budget on time.

Be it further resolved the GTC meetings must be held on a Saturday except for the Constitutionally required (at this time) annual and Semi-annual meetings and also Emergency meetings.

Be it resolved that Monday night GTC meetings cannot go past 10:00 p.m.

Be it further resolved that the Business Committee may not remove items from an agenda that the GTC approved but was not completed but must schedule a GTC meeting to complete the agenda.

Be it further resolved that The Business Committee may not limit the number of GTC meetings per year, which causes over packed agenda which cause GTC meetings that challenge the endurance of GTC members who are disabled.

RECEIVED

FEB 10 2015

Oneida Enrollment Dept.

10-02-15 P02:10 RCVD



Resolution 2

Whereas the Village of Hobart brags that there were a total of 13 Litigations between Hobart and the Oneida Tribe between 2008 and 2013 and that Hobart won 11 and Oneida only one two. and

Whereas Hobart claimed the Oneida Tribe of Wisconsin entered into a Consortium with Tribe Shakopee, Mille Lacs and Ho Chunk with each tribe paying \$215,000 to the Regional BIA office to hire staff to fast track, fee to trust land applications. And

There is no indication the Oneida Tribal attorneys warned the Oneida Business Committee to so may lead to an appearance of bias for the BIA to receive money from the tribe. And

Whereas there is a Government Court call the 'Interior Board of Indian Appeals' that the Village of Hobart appealed to, claiming an appearance of bias on the part of the Regional BIA office who had received money from the tribes. And

Whereas the Court called the "Interior Board of Indian Appeals" ruled (The applications from the Tribe were incomplete) and sent cases back to the BIA and to the Oneida Tribe. And

Whereas in getting land into trust is very exact. And

Now therefore be it resolved that the Land Department must hire a certified Land Surveyor to survey all land that will be purchased prior to the land purchase. The Surveyor shall be an employee of the Oneida Tribe.

Be it further resolved that all land descriptions must be read and certified by a licensed attorney who is an employee of the Oneida Tribe.

Be it further resolved when fee to trust application fail because of bad advice given to the Oneida Business Committee or the Land Department by Oneida Tribal attorney, the attorney's employment with the Oneida Tribe must be terminated.

Be it further resolved that fee to trust applications that fail due to the Oneida Tribal Attorney failing to read the land descriptions, the Attorney must be terminated.

Be it further resolved that when the Oneida Tribe hires a Land Surveyor as an employee, if the Fee to trust application fails due to the survey not being accurate, the surveyors employment shall be terminated.

Be it finally resolved that this Resolutions as it applies to the Attorneys is retroactive and the Oneida Business Committee must see this process through.

RECEIVED

FEB 10 2015

Oneida Enrollment Dept.

10-02-15 P02:10 RCVD



Resolution 3

Whereas on January 11, 1994, the Oneida Commission on Aging (ONCOA) took action to establish priority of serving older and/or handicapped elders, older elders are identified as age 70 and over. and

Whereas there are no income guidelines or mean testing connected to the 70 year old Priority and the ONCOA Board may not have realized the effect this would have.

Whereas there are Oneida Elders living in the reservation boundaries age 70 and over who are prioritized because of their age, who have good incomes and/or land holdings and/or own more than one home. And

Whereas there is no consideration given as to the combined income of the persons living in the home, or whether the people living in the home are capable of doing the work being requested, the priority is till 70 years old. And

Whereas the services being offered are Emergency response system-lifeline, snow removal and plowing, minor home repair, Benefits specialist assistance, Home Chore, major home repair (roofs), lawn care, furnace repair and replacement, Elder Abuse Services and Assessment. and

Whereas there are Oneida Elders age 55 up to 70 who live in the reservation boundaries who are poor and/or not in good health who may not get any help from the Oneida Elder Services program if there is not any money left after the age 70 year olds request have been met.

Now therefore be it resolved that there shall be income and means testing of all Oneida Elders living in the reservation boundaries who apply for services from the Elder Services Program and an analysis as to whether there are able bodies people living in the house who can do the work.

Be it further resolved the Emergence response system-lifeline, Benefits Specialist Assistance and the Elder Abuse Services and Assessments must be provided to all Oneida Elders upon request who live in the reservation, regardless of income.

Be it further resolved that roof repair or replacement shall be available to Oneida Elders living in the reservation boundaries who meet the income guidelines and means testing of the household.

Be it further resolved that a generalist employee shall be hired to fill in when a regular staff member is ill or on vacation in the Elderly Services Program.

Be it finally resolved the Oneida GTC shall vote to determine the Income Guidelines in cases where there are several people living in the same house, the entire income of the household must meet the income guidelines. The Economic Support Program shall recommend options regarding income guidelines for the GTC to vote on.

RECEIVED

FEB 10 2015

Oneida Enrollment Dept.

10-02-15P02:10 RCVD



Resolution 4

Whereas the Business Committee in 2014/2015 has started allowing meetings where just the Officers-Chair, Vice-Chair, Treasurer and Secretary meet to discuss topics. And

Whereas these meetings have not been recorded which has caused confusion. And

Whereas in 2008, two Officers signed a contract for \$575,500 without the consent of the full Business Committee and when it was discovered the Full Business Committee decided to cancel the Contract.

Now therefore be it resolved any sub Committee of the Business Committee must be voice recorded and the recordings kept in records management.

10-02-15 P02:10 RCVD

RECEIVED

FEB 10 2015

Oneida Enrollment Dept.

Resolution 5

Whereas in December of 2014 after all the departments of the Tribe had turned in their budgets with the 12% cuts required by the Tribal Treasurer, there was \$800,000 remaining to be spent. The Treasurer sent out a memo informing the departments could request more funds by a certain date. And

Whereas because of the Oneida Chain of Command System required that the request for more funds needed to go from the Elder Director to the Area Manager then to the Governmental Services Division Director then to the Oneida Business Committee. And

Whereas the system is not set up set to make sure that request sent up the Chain of Command are documented that the request was received at the next stop and forward on to the next stop of the chain of command until it reaches the Business Committee.

Now therefore be it resolved that when important items are sent from a Program Director to the next stop on the chain of command it must be emailed by 9:00 a.m. An email that it has been received must be sent to the sender in two hours and so it must go at each stop including the Business Committee.

Be it further resolved that the person in charge must see to it, that if they are ill or on vacation a line of responsibility in their office must be established to make the return email to the sender which confirms that the email was received.

Be it resolved that if the item that was emailed is time sensitive. A line of responsibility must be established in each office of the person in charge so that if the person in charge is not there everything does not stop.

Be it further resolved the Governmental Services Division Directions office which is located in a cottage behind the Fitness Center and where only three people work must be moved to the Little Bear or Norbert Hill Center or Skenandoah Complex where Tribal members can find it if they have concerns about issues in Governmental Services Division Director.

Be it further resolved the Governmental Services Division Director must return phone call to Tribal members who have issues about Governmental Services.

Be it further resolved, the Governmental Division Services must see to it that there is someone to handle issues if each one of the three of them who are that cottage are ill.

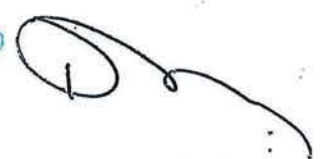
Be it finally resolved, if this ever happens again, the chain of command system must be stopped.

RECEIVED

FEB 10 2015

Oneida Enrollment Dept.

10-02-15 P02:10 RCVD



Resolution 6

Whereas sufficient numbers of home sites for Oneida Tribal members which are located on water and sewer lines have not been provided by the Tribe.

Now therefore be it resolved that unclaimed funds from per capita payments shall go into a fund to provide more sewer and water home sites for Oneida Tribal members who do not qualify for HUD. Tribal members who can get their own funding can build their own homes.

10-02-15 P02:10 RCVD

**RECEIVED**

FEB 10 2015

Oneida Enrollment Dept.

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.oneidationation.org/enrollment

TO: Oneida Business Committee

FROM: Cheryl Skolaski, Enrollment Director

DATE: February 11, 2015

SUBJECT: Madelyn Genskow Petition Verification re: 6 resolutions

Received Petition on 2/10/2015. Verified signatures on petition.

68 signatures were submitted,

68 signatures were verified as valid,

Verified by:

Cheryl Skolaski

Enrollment Director

2/11/2015

Signature/Title

Date

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

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

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



P.O. Box 365
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(920) 869-4376
(800) 236-2214

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

Statement of Effect

Petition Resolution 1: GTC Meetings

Summary

On February 10, 2015, the Tribal Secretary's Office received a petition which states "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 intact."

The Petition was verified by the Enrollment Director on February 11, 2015, and on February 25, 2015, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 1, pertaining to the budget meeting and how other General Tribal Council (GTC) meetings should be held.

Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

Legislative Analysis

According to the Resolution, the GTC meeting held on January 19, 2015 to approve the budget did not end until after midnight due to how the meeting was conducted by the Chair and because old business regarding the Highway 54 One Stop was placed on the agenda before the budget. In addition, the Resolution states GTC did not know what would be involved in addressing the old business when they approved the agenda as presented.

The Resolution directs a variety of action be taken upon its adoption. With regards to future budget meetings and the annual budget, the Resolution states:

1. The budget meeting must be held on a Saturday, starting at 10:00 a.m.
2. Only the budget can be on the agenda.
3. The budget must be presented to GTC in September before spending begins in October.
4. There are no acceptable excuses for not presenting the budget on time.

As to other GTC meetings, the Resolution directs the following:

1. Except for meetings required to be held on a Monday by the Constitution or emergency meetings, GTC meetings must be held on a Saturday.
2. Monday night GTC meetings cannot go past 10:00 p.m.
3. If an item is on a GTC approved agenda, but that item is not completed, the OBC may not remove the item from the agenda, but must schedule a GTC meeting to complete the agenda.

4. The OBC cannot limit the number of GTC meetings held in a year because this causes an over packed agenda and results in GTC meetings that challenge the endurance of disabled GTC members.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

Conclusion

Adoption of this Resolution would not affect any current Tribal legislation.

Page 124 of 136

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

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



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Statement of Effect

Petition Resolution 2: Fee to Trust Applications

Summary

On February 10, 2015, the Tribal Secretary's Office received a petition which states "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 intact."

The petition was verified by the Enrollment Director on February 11, 2015, and on February 25, 2015, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 2, pertaining to fee-to-trust applications and the hiring and termination of a land surveyor and terminating the employment of attorneys.

Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

Legislative Analysis

According to the Resolution, the Tribe entered into a consortium with other Tribes to fund staff for the Regional Bureau of Indian Affairs (BIA) Office to process fee-to-trust land applications. The Resolution also states the Interior Board of Indian Appeals ruled the Tribe's fee-to-trust applications incomplete and sent them back to the BIA and the Tribe.

The Resolution directs various action be taken upon its adoption. The Land Department is directed to hire a certified land surveyor as an employee of the Tribe to survey all land that will be purchased. If a fee-to-trust application fails due to a survey not being accurate, the Resolution directs the land surveyor's employment to be terminated. In addition, the Resolution directs that all land descriptions must be read and certified by a licensed attorney who is employed by the Tribe and if a fee-to-trust application fails because of bad advice given to the Oneida Business Committee or Land Department by the attorney, or due to the attorney failing to read the land descriptions, the attorney's employment must be terminated. The Resolution does not take into consideration the termination provisions of the Tribe's personnel policies and procedures or any termination provisions contained within any applicable attorney contracts, which should be adhered to when an individual's employment with the Tribe is terminated.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

Conclusion

Adoption of this Resolution would not affect any current Tribal legislation.

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

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



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Statement of Effect

Petition Resolution 3: Elder Services Program

Summary

On February 10, 2015, the Tribal Secretary's Office received a petition which states "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 intact."

The petition was verified by the Enrollment Director on February 11, 2015 and on February 25, 2015, the Oneida Business Committee directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 3, pertaining to the services offered by the Oneida Elder Services program.

Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

Legislative Analysis

According to the Resolution, the Oneida Commission on Aging (ONCOA) has established a priority of serving elders age 70 and older and handicapped elders before other elders. The Resolution states income guidelines or means testing is not used and some elders age 70 and older have good income, land holdings and/or own their own home. In addition, ONCOA's priority list does not take into consideration the combined income of persons living in the home or whether the elder is capable of doing the work being requested from the Oneida Elder Services program. The Resolution lists various services being offered by the Oneida Elder Services program and states that elders age 55 to 70 who live on the Reservation and are poor or not in good health may not get any help from the program if no money is available after the 70 and older elders receive services.

The Resolution directs the following upon its adoption:

1. All Oneida elders who live on the Reservation and apply for elder services will be subject to income and means testing and an analysis as to whether there are people living in the house who can do the work.
2. All Oneida elders who live on the Reservation must be provided with emergency response system-lifeline, Benefits Specialist Assistance and Elder Abuse Services and Assessments upon request and regardless of income.
3. Oneida elders who live on the Reservation and meet the income guidelines and means testing will be eligible for roof repair or replacement.
4. A generalist employee will be hired to fill in when a regular staff member is ill or on vacation in the Elderly Services Program.

5. The Economic Support Program will be responsible for recommending options regarding income guidelines to General Tribal Council. General Tribal Council will determine the income guidelines and when several people live in the same house, the entire income of the household must meet the income guidelines.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

Conclusion

Adoption of this Resolution would not affect any current Tribal legislation.

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

Page 127 of 136

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



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Statement of Effect

*Petition Resolution 4: Recording Sub-Committee Meetings of the Oneida Business
Committee*

Summary

On February 10, 2015, the Tribal Secretary's Office received a petition which states "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 intact."

The petition was verified by the Enrollment Director on February 11, 2015 and on February 25, 2015, the Oneida Business Committee directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 4, pertaining to the recording of sub-committee meetings of the Oneida Business Committee.

Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

Legislative Analysis

According to the Resolution, the Oneida Business Committee (OBC) has been holding Officer meetings in 2014 and 2015 and there has been confusion after these meetings because they are not recorded. In addition, the Resolution states that in 2008, two Officers signed a contract for \$575,500 without the consent of the full OBC and, after discovering the contract, it was canceled by the full OBC.

Based on these statements, the Resolution directs any sub-committee of the OBC be voice recorded and Records Management keep the recordings. Under the Open Records and Open Meetings law, the Tribal Secretary is named as the legal custodian of all records of the Oneida Business Committee. The Records Management Office, an area under the Tribal Secretary's Office, has been delegated this responsibility and the Resolution is in line with how records of the Oneida Business Committee are currently being stored.

Although the Resolution would now require sub-committee meetings to be recorded, the Open Records and Open Meetings law sets out the rights of requesters to inspect any record, including voice recordings, and would continue to govern the limitations that apply to the release of those records. There are currently four standing committees of the OBC that meet regularly – Audit Committee, Community Development Planning Committee, Finance Committee and Legislative Operating Committee. Out of these four, two of the Committees record their meetings. The Resolution does not define "sub-committee of the OBC" and it may be beneficial to define this term as the Resolution implies that a contract signed by two members of the OBC could constitute a sub-committee of the OBC.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

Conclusion

Adoption of this Resolution would not affect any current Tribal legislation.

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

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



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Statement of Effect

Petition Resolution 5: Chain of Command System

Summary

On February 10, 2015, the Tribal Secretary's Office received a petition which states "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 intact."

The petition was verified by the Enrollment Director on February 11, 2015, and on February 25, 2015, the Oneida Business Committee directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 5, pertaining to the Chain of Command System.

Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

Legislative Analysis

According to the Resolution, in December of 2014 after all the departments of the Tribe had turned in their budgets with the cuts required, there was \$800,000 remaining to be spent. The Treasurer sent out a memo informing departments they could request more funds by a certain date. The Resolution states the Oneida Chain of Command System required that the request for more funds go from the Elder Director to the Area Manager, Governmental Services Division Director, then the Oneida Business Committee. The Resolution further states this system is not set up to make sure that a request sent up the Chain of Command is documented as received at the next stop and forwarded on to the next stop of the chain of command, until it reaches the Business Committee.

The Resolution directs various action be taken upon its adoption, including:

1. Important items sent from a Program Director to the next stop on the chain of command must be emailed by 9:00 a.m. and an email that it has been received must be sent to the sender in two hours and so it must go at each stop including the Business Committee.
2. If a person in charge is ill or on vacation, he or she must ensure a line of responsibility in their office is established to make the return email to the sender which confirms that the email was received.
3. If the item that was emailed is time sensitive, a line of responsibility must be established in each office of the person in charge so that if the person in charge is not there everything does not stop.
4. The Governmental Services Division office, which has three employees, must be moved from the cottage behind the Fitness Center to Little Bear, Norbert Hill Center or Skenandoah Complex where Tribal members can find it if they have concerns about issues in Governmental Services Division Director.

5. The Governmental Services Division Director must return phone calls to Tribal members who have issues about Governmental Services.
6. The Governmental Division Services must ensure someone handles issues if all of it's employees are ill.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

Conclusion

Adoption of this Resolution would not affect any current Tribal legislation.

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

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



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Statement of Effect

Petition Resolution 6: Allocation of Unclaimed Per Capita Payment Funds

Summary

On February 10, 2015, the Tribal Secretary's Office received a petition which and states "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 intact."

The Petition was verified by the Enrollment Director on February 11, 2015, and on February 25, 2015, the Oneida Business Committee (OBC) directed the Legislative Reference Office to complete a legislative analysis on the petition. This Statement of Effect focuses on Resolution 6, pertaining to the allocation of unclaimed per capita payment funds.

Submitted by: Lynn A Franzmeier, Staff Attorney, Legislative Reference Office

Legislative Analysis

According to the Resolution, sufficient numbers of home sites for Oneida Tribal members which are located on water and sewer lines have not been provided by the Tribe. The Resolution directs unclaimed funds from per capita payments be placed into a fund to provide more sewer and water home sites for Oneida Tribal members who do not qualify for US Department of Housing and Urban Development services (HUD). In addition, the Resolution states that Tribal members who can get their own funding can build their own homes.

According to section 9.5-6 of the Per Capita law, any unclaimed funds from per capita payments will be "deposited in a pooled account to be used for a purpose designated by the General Tribal Council." At the July 2003 Semi-annual meeting, the Trust Committee requested direction from General Tribal Council (GTC) on how to allocate unallocated and unclaimed per capita funds. GTC directed the Oneida Business Committee (OBC) to investigate the question and bring back a recommendation to the 2004 GTC Annual meeting. A resolution directing the unclaimed or unallocated per capita funds be used to fund the Oneida Language Revitalization was included in the materials for the 2004 GTC Annual meeting. Although the meeting was not held due to a lack of quorum, the OBC held a special meeting on January 28, 2004 and adopted the resolution. The Resolution contained within the current petition would overturn the previously adopted resolution.

This Resolution has no legislative impact. Please consult the legal and fiscal analyses to determine if this Resolution has any legal or fiscal impacts.

Conclusion

Adoption of this Resolution would not affect any current Tribal legislation.

LOC Active Files List – Sponsor Breakdown

	Brandon Stevens	Tehassi Hill	Jennifer Webster	Fawn Billie	No Sponsor	LOC Total
Total Active Items	6	12	12	10	1	41
New Laws/Policies	3	6	7	5		21
Amendments	2	6	3	2		13
Bylaws	1			3		4
Other			2		1	3

Active Items

(Note: “Days on AFL” is effective as of April 3, 2015)

Item	Type	Added to AFL	Days on AFL
Brandon Stevens			
Budget Management and Control Law	New	9/17/14	199
Employment Law	New	9/17/14	199
Family Court Amendments: Bench Warrants	Amendments	9/17/14	199
Membership Ordinance	Amendments	9/17/14	199
Sanctions and Penalties Law	New	10/15/14	171
Election Board Bylaws Amendments	Bylaws	3/18/15	17
Tehassi Hill			
Leasing Law	New	9/17/14	199
Rulemaking Law	New	9/17/14	199
Workplace Violence Policy	New	9/17/14	199
Code of Ethics Law Amendments	Amendments	9/17/14	199
Election Law Amendments	Amendments	9/17/14	199
Law Enforcement Ordinance – Conservation Officers	Amendments	9/17/14	199
Agricultural Law	New	10/1/14	185
Motor Vehicle Registration Law Amendments	Amendments	11/5/14	150
Environmental, Health and Safety Law	New	12/17/14	108
Hunting, Fishing, Trapping Law Amendments	Amendments	1/21/15	73
Real Property Law Amendments	Amendments	3/4/15	31
Industrial Hemp Law	New	3/18/15	17
Jennifer Webster			
Capping Damages and Awards from the Judicial System	New	9/17/14	199
Employee Advocacy Law	New	9/17/14	199
Fitness for Duty Policy	New	9/17/14	199
Tribally-Owned Business Organization Code	New	9/17/14	199
Vehicle Driver Certification and Fleet Management	New	9/17/14	199
Whistleblower Law	New	9/17/14	199
Audit Law Amendments	Amendments	9/17/14	199
Comprehensive Policy Governing BCCs Amendments	Amendments	9/17/14	199
Petition: Child Care Dep’t Consumer Complaint Policy	Other	9/17/14	199

Tribal Hearing Bodies	Other	9/17/14	199
Investigative Leave Policy Amendments	Amendments	12/17/14	108
Violence Against Women Act (VAWA)	New	3/18/15	17
Fawn Billie			
Children's Code	New	9/17/14	199
GTC Meetings Law	New	9/17/14	199
Guardianship Law	New	9/17/14	199
Audit Committee Bylaws	Bylaws	9/17/14	199
Pow-wow Committee Bylaws	Bylaws	10/1/14	185
Furlough Policy	New	10/15/14	171
Higher Education	New	10/15/14	171
Marriage Law Amendments	Amendments	11/5/14	150
Removal Law Amendments	Amendments	12/17/14	108
Personnel Commission Bylaws	Bylaws	3/18/15	17
No Sponsor			
Personnel Commission Complaint	Other	2/25/15	38

Completed Items - Overall

	Brandon Stevens	Tehassi Hill	Jennifer Webster	Fawn Billie	No Sponsor	LOC Total
Completed Items	3	2	1	0	2	8
New Laws/Policies						
Amendments	3	2	1		2	8
Bylaws						
Other						

Item	Type	Added to AFL	Date Completed	# of Days
Brandon Stevens				
Administrative Procedures Act Repeal	Amendments	9/17/14	9/24/14	7
Judiciary/Transition Plan Emerg. Amendments	Amendments	9/17/14	9/25/14	7
ONGO Emergency Amendments	Amendments	9/17/14	10/1/14	14
Tehassi Hill				
Personnel Policies: Job Duties/Work Assignments (Emergency Amendments)	Amendments	9/17/14	9/25/14	7
Public Use of Tribal Land Amendments	Amendments	9/17/14	12/3/14	78
Jennifer Webster				
Rules of Appellate Procedure	Amendments	9/17/14	3/4/15	169
Fawn Billie				
No Sponsor				
APA Emergency Amendments	Amendments	2/18/15	2/25/15	7
Oneida Appeals Commission References Removal	Amendments	2/18/15	2/18/15	1

Petitions

Petitions are calculated/processed differently from all other items, for various reasons. For the purposes of this report, petitions are only treated as an active/completed item if the petition resulted in additional processing beyond the typical legislative analysis. All other petitions are below.

	Petitions added to the AFL or deferred to LOC for legislative analysis:	Completed Petitions (presented to GTC)
Brandon Stevens	<ul style="list-style-type: none"> Petition: Develop a Dialysis Center Petition: Budget Cuts, Swimming Lessons, GTC Directives & Home Repairs for Elders 	<ul style="list-style-type: none"> Petition: Publishing Names/ Addresses of Petition Signers in GTC Mailouts Petition: Real Estate Taxes for all Tribe Owned Property to be Paid by Tribe Petition: Responding to Questions/Comments from Floor at GTC Petition: Directing a “Stall Mall” be Created
Tehassi Hill	<ul style="list-style-type: none"> Petition: GTC Meeting to Address Tribal Election Issues Petition: Judiciary Support System 	
Jennifer Webster		
Fawn Billie		
No Sponsor	<ul style="list-style-type: none"> Petition: Genskow – GTC Meeting for 6 Resolutions Petition: Constitution Amendments re: Membership Petition: Raise Employee Salaries 99 cents 	

April 2015

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

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

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Mar 29 - Apr 4	Mar 29	30	31	Apr 1	2	3	4
				9:00am 2:00pm LOC Meeting (BCCR)	12:15pm Public Meeting-Leasing Law, Real Property Law Amendments & Marriage Law Amendments (BC_C	9:00am 12:00pm LOC Meeting-Rescheduled (BCCR) - LOC_Calendar 12:00pm 4:30pm Good Friday-Offices Close	
Apr 5 - 11	5	6	7	8	9	10	11
				BC Meeting (BCCR)			7:00am 7:00pm Election
Apr 12 - 18	12	13	14	15	16	17	18
				9:00am 2:00pm LOC Meeting (BCCR)			
Apr 19 - 25	19	20	21	22	23	24	25
				BC Meeting (BCCR)			
Apr 26 - May 2	26	27	28	29	30	May 1	2

May 2015

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

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Apr 26	27	28	29	30	May 1	2
4/26 - 5/1							
	3	4	5	6	7	8	9
5/3 - 8				9:00am 2:00pm LOC Meeting (BCCR)			
	10	11	12	13	14	15	16
5/10 - 15				BC Meeting (BCCR)			
	17	18	19	20	21	22	23
5/17 - 22				9:00am 2:00pm LOC Meeting (BCCR)		Oneida Code Talkers E	
	24	25	26	27	28	29	30
5/24 - 29		Memorial Day Holiday		BC Meeting (BCCR)			
	31	Jun 1	2	3	4	5	6
5/31 - 6/5							