

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
David P. Jordan, Councilmember
Jennifer Webster, Councilmember

LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

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

- I. Call To Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. August 19, 2015 LOC Meeting Minutes
- III. Current Business**
 - 1. Oneida Flag Policy
 - 2. Community Support Fund
 - 3. ONGO
- IV. New Submissions**
 - 1. Business Committee Meeting Law
- V. Additions**
- VI. Administrative Updates**
 - 1. LOC Standard Operating Procedures: Drafting
 - 2. LOC Standard Operating Procedures: General
 - 3. Quarterly Report
- VII. Executive Session**
- VIII. Recess/Adjourn**

Oneida Tribe of Indians of Wisconsin

Legislative Reference Office

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

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



Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

David P. Jordan, Councilmember

Jennifer Webster, Councilmember

LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

August 19, 2015 9:00 a.m.

PRESENT: Brandon Stevens, Tehassi Hill, David P. Jordan, Fawn Billie, Jennifer Webster

OTHERS PRESENT: Taniquelle Thurner, Candice Skenandore, Douglass McIntyre, Fawn Cottrell, Rhiannon Metoxen, Danelle Wilson, Evander Delgado.

I. Call To Order and Approval of the Agenda

Brandon Stevens called the August 19, 2015 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by David P. Jordan to adopt the agenda; seconded by Tehassi Hill. Motion carried unanimously.

II. Minutes to be approved

1. August 5, 2015 LOC Meeting Minutes

Motion by David P. Jordan to approve the August 5, 2015 LOC meeting minutes; seconded by Fawn Billie. Motion carried, with Jennifer Webster abstaining.

III. Current Business

1. Administrative Procedures Act Emergency Extensions (01:18 - 04:02)

Motion by Jennifer Webster to approve the resolution extending the Administrative Procedures Act Emergency Amendments and forward to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

2. Election Board Bylaws Amendments (04:10 - 05:50)

Motion by David P. Jordan to accept the sponsor's report and defer the Election Board Bylaws Amendments back to the sponsor until after the new Election Board officers are sworn in; seconded by Jennifer Webster. Motion carried unanimously.

3. ONGO Amendments (05:55 - 09:33)

Motion by David P. Jordan to accept the public meeting comments regarding the ONGO Amendments and defer this item to a work meeting; seconded by Fawn Billie. Motion carried unanimously.

4. Comprehensive Policy Governing Boards, Committees and Commissions Amendments (09:34 - 10:55)

Motion by Jennifer Webster to defer the Comprehensive Policy Governing Boards, Committees and Commissions Amendments to the Legislative Reference Office for legislative analysis and to the Finance Department for a fiscal impact statement; seconded by David P. Jordan. Motion carried unanimously.

5. Rulemaking Law (10:56-35:16)

Motion by Fawn Billie to defer the Rulemaking Law, with the noted changes, to the Legislative Reference Office for legislative analysis and to the Finance Department for a fiscal impact statement; and to bring an update to the September 16, 2015 LOC meeting and to bring back the legislative analysis within 60 days; seconded by Tehassi Hill. Motion carried unanimously.

6. Back Pay Policy Amendments (35:29 -38:27)

Motion by Jennifer Webster to accept the memorandum regarding the status of the Back Pay Policy Amendments as FYI; seconded by Fawn Billie. Motion carried unanimously.

7. Petition: Cornelius-4 Resolutions (Investigate 7 Gens, 7 Gens Return Money, Freedom of Press, Impose Tax on OBC) (38:28 - 52:44)

Motion by David P. Jordan to accept the four statements of effect regarding the Petition: Cornelius 4 Resolutions (Investigate 7 Gens, 7 Gens Return Money, Freedom of Press, Impose Tax on OBC) with the noted changes and forward them to the Oneida Business Committee for consideration; seconded by Fawn Billie. Motion carried unanimously.

8. Oneida Flag Code (52:53 - 58:12)

Motion by David P. Jordan to accept the legislative analysis, extend the financial impact statement, and direct the Legislative Reference Office to bring the Oneida Flag Code back to the next LOC meeting, to set a date for a Public Meeting, and to make the changes from “Oneida Nation” back to “Oneida Indian Tribe of Wisconsin”; seconded by Fawn Billie. Motion carried unanimously.

IV. New Submissions

1. Compliance and Enforcement Law (58:14 – 1:02:16)

Motion by David P. Jordan to add the Compliance and Enforcement Law to the active files list, noting that he will be the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

2. Tribal Secured Transactions Law (01:02:18 – 01:03:07)

Motion by David P. Jordan to add the Tribal Secured Transactions Law to the active files list with himself as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

V. Additions

VI. Administrative Updates

1. LOC Priority List Update (01:03:08 – 01:09:18)

Motion by David P. Jordan to update the LOC Priority List to include the Compliance and Enforcement Law and Tribal Secured Transactions Law to the LOC Priorities and forward the LOC Priority List to an Oneida Business Committee work meeting; seconded by Jennifer Webster. Motion carried unanimously.

David Jordan: I would like to make a note that I would like the Compliance and Enforcement Law and the Tribal Secured Transactions Law to be set for 2017's budget; it would be a budget change to add these two laws, for staffing; so 2017 is the target date.

VII. Executive Session

VIII. Recess/Adjourn

Motion by David P. Jordan to adjourn the August 18, 2015 Legislative Operating Committee Meeting at 10:10 a.m.; seconded by Fawn Billie. Motion carried unanimously.

Handout



Legislative Operating Committee

September 2, 2015

Oneida Flag Policy

Submission Date: April 22, 2015

☐ Public Meeting:
☐ Emergency Enacted:

LOC Sponsor: Jennifer Webster

Summary: *The OBC requested that the LOC develop a flag code policy. ONVAC received complaints from non-Tribal members about how the Tribal Flag is displayed. ONVAC's concerns are there is no protocol for those who oversee flag responsibilities to follow, no one is identified as the person that has the authority to lower the flag to half-staff, what should the height and position of the Tribal Flag be compared to the US Flag, etc.*

4/22/15 OBC: Motion by Jennifer Webster to request the Legislative Operating Committee to develop a flag code policy and consider adding it to the active files list, seconded by Lisa Summers. Motion carried unanimously.

5/6/15 LOC: Motion by Jennifer Webster to add the Tribal Flag Code to the active files list with herself as the sponsor and defer the Tribal Flag Code to a Legislative Operating Committee work meeting; seconded by Fawn Billie. Motion carried unanimously.

6/8/15: Work Meeting held. Attendees included John Breuninger, Kerry Metoxen, Lynn Franzmeier, Candice Skenandore, Brandon Stevens, Tehassi Hill, Jenny Webster, Fawn Billie, Danelle Wilson, David Jordan, Apache Danforth, RC Metoxen.

6/30/15: Work Meeting held. Attendees included John Breuninger, Douglass McIntyre, Candice Skenandore.

7/1/15 LOC: Motion by David P. Jordan to accept the memorandum regarding the Flag Code update as FYI; seconded by Tehassi Hill. Motion carried unanimously.

7/24/15: Work meeting held. Attendees included Jennifer Webster, David P. Jordan, Candice Skenandore, Douglass McIntyre.

8/5/15 LOC: Motion by Tehassi Hill to defer the Oneida Flag Policy for a legislative analysis and a fiscal impact statement and bring back in two weeks; seconded by David P. Jordan. Motion carried unanimously.

8/19/15 LOC: Motion by David P. Jordan to accept the legislative analysis, extend the financial impact statement, and direct the Legislative Reference Office to bring the Oneida Flag Code back to the next LOC meeting, to set a date for a Public Meeting, and to make the changes from "Oneida Nation" back to "Oneida Indian Tribe of Wisconsin"; seconded by Fawn Billie. Motion carried unanimously.

Next Steps:

- Review draft and analysis and consider forwarding to a October 1, 2015 public meeting.

Draft 2
08/11/2015

Oneida Flag Policy

Article I. Purpose and Policy
Article II. Adoption, Amendment, Repeal
Article III. Definitions
Article IV. General
Article V. Procedures

Article VI. Display of the Oneida Flag within the Reservation
Article VII. Respect for Flag
Article VIII. Display of the Oneida Flag off Reservation

<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Flag Policy (Policy)				
Requester	OBC/ONVAC	Drafter	Douglass McIntyre	Analyst	Candice E. Skenandore
Reason for Request	The OBC deferred the Policy to the LOC because ONVAC was receiving complaints from non-Tribal members on how the Tribal Flag is displayed. ONVAC has concerns that there is no protocol for those who oversee flag responsibilities.				
Purpose	This Policy governs the proper rules, display and customs of the Nation's flag as well as other the flags of other Sovereigns including the U.S. Flag <i>[See 1-1]</i> .				
Authorized/ Affected Entities	All Oneida entities and Oneida-owned buildings within the Reservation that currently possess or will possess flag poles, stationary flagstuffs or other means to display a flag must adhere to this Policy <i>[See 4-2]</i> .				
Due Process	An employee can grieve any disciplinary action pursuant to Oneida's personnel policies and procedures <i>[See Personnel Policies and Procedures, Section V.D.3]</i> .				
Related Legislation	Where the Policy is ambiguous or does not address a situation, the Federal Flag Code can be used as a guide <i>[See 4-1]</i> .				
Enforcement	Violating this Policy may result in discipline pursuant the Oneida Nation's personnel policies and procedures <i>[See 5-2]</i> .				

Overview

After receiving a number of complaints on how the Oneida Nation Flag (Flag) and US flag are flown, the Oneida Nation Veteran's Affairs Committee (ONVAC) requested that legislation be developed to provide for a consistent way in which the Oneida Nation displays the Flag. On April 22, 2015, the Oneida Business Committee (OBC) made a motion to "request the Legislative Operating Committee to develop a flag code policy . . ." The Federal Flag Code was used as guide in developing this Policy. In addition, collaboration with ONVAC representatives also played a role in creating this Policy. This Policy:

- Requires all current and future Oneida Nation entities and Oneida Nation-owned buildings on the Reservation that fly the Flag to do so pursuant to this Policy *[See 4-2]*.
- Identifies who is responsible for Flag duties and if an employee violates this Policy, he/she can be disciplined *[See 5-1 & 5-2]*.
- Lists the requirements for how the Flag is to be displayed *[See Article VI]*.
- Explains how the Flag is to be respected *[See Article VII]*.
- Identifies how the Flag is to be displayed outside of the Reservation *[See VIII]*.

Considerations

The Legislative Operating Committee may want to consider the following:

- The Policy states that the supervisor of each Oneida-owned building must appoint a designee that will be responsible for the duties set within this Policy *[See 5-1]*. Buildings such as the Skenandoah building, houses a number of Division

Draft #2
08/11/2015

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 portion(s).

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 the Constitution of the Oneida Nation.

Article III. Definitions

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

(a) "Half-staff" means the position of the flag when it is one-half (1/2) the distance between the top and bottom of the staff.

(b) "Nation" means the Oneida Nation.

(c) "Oneida Flag" means the flag of the Oneida Nation.

(d) "Reservation" means all the land within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat. 566, and any lands added thereto pursuant to federal law.

(e) "Sovereigns" means any other Indian Nation, State or localities

Article IV. General

4-1. Where the Policy is ambiguous or does not address a situation, the Federal Flag Code may be used as a guide.

4-2. All Oneida Nation entities and Oneida owned buildings within the Reservation that currently possess flagpoles, stationary flagstaffs or other means to display a flag and those entities and -Oneida owned buildings that later establish the means to display a flag shall adhere to this Policy.

Article V. Procedures

5-1. The supervisor of each Oneida owned building described in section 4-3 shall appoint a designee responsible for the duties under this Policy

5-2. Employees found violating this Policy may be subject to discipline in accordance with the Nation's personnel procedures and policies.

Article VI. Display of the Oneida Flag within the Reservation

6-1. *Location, time and occasions for display.* As the Oneida Flag represents the Nation's sovereignty, it should be displayed according to the following requirements:

(a) The Oneida Flag must be displayed on all days.

(b) The Oneida Flag must only be displayed from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four (24) hours a day if the Oneida Flag is an all-weather flag and the Oneida Flag is properly illuminated during the hours of darkness.

(d) The Oneida Flag shall be displayed during school days near every schoolhouse and inside each classroom.

Draft #2
08/11/2015

- (a) On the following days, the Oneida Flag shall be lowered to Half-staff:
- (i) Oneida Code Talker Day
 - (ii) Memorial Day but only until noon, which it shall be raised to top of the staff again.
- (b) As a sign of respect, when the United States flag is lowered to Half-staff, the Oneida Flag shall also be lowered.
- (c) By a directive of the Chairperson, or his or her designee if the Chairperson is not available, the Oneida Flag shall be flown at Half-staff upon the death of a tribal member and remain at Half-staff until after the funeral.
- (d) The Oneida Flag may be lowered to Half-staff by directive of the Chairperson for other reasons he or she deems needed.

Article VII. Respect for Flag

7-1. No disrespect shall be shown to the flag of the Oneida Nation, the United States flag or flags of any other Sovereigns.

- (a) During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present shall face the flag and stand at attention.
- (b) The Oneida Flag and United States flag shall not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags shall be dipped as a mark of honor.
- (c) The Oneida Flag shall never be displayed upside down.
- (d) The Oneida Flag shall never touch anything beneath it, such as the ground, the floor, or water.
- (e) The Oneida Flag shall never be carried flat or horizontally, but always aloft and free.
- (f) The Oneida Flag shall never be draped, drawn back, tied up, folded, but always allowed to fall free.
- (g) The Oneida Flag shall never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
- (h) The Oneida Flag shall never be used as a covering for a ceiling.
- (i) The Oneida Flag shall never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature besides the Oneida Flag's design.
- (j) The Oneida Flag shall never be used as a receptacle for receiving, holding, carrying, or delivering anything.
- (k) No part of the Oneida Flag shall ever be used as a costume or athletic uniform. However, an Oneida Flag patch may be affixed to the uniform of military personnel, firefighter, police officer, and members of patriotic organizations. The lapel Flag pin being a replica, shall be worn on the left lapel near the heart.
- (l) The Oneida Flag, when it is in such condition that it is no longer a fitting emblem for display, shall be destroyed in a dignified way, preferably by burning.

Article VIII. Display of the Oneida Flag off Reservation

8-1. When outside of the boundaries of the Reservation, the proper display protocol of the jurisdiction shall be followed.

End.



Onondagas 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



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: August 29, 2015

FROM: Rae Skenandore, Project Manager

TO: Legislative Operating Committee (LOC)

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

RE: **Fiscal Impact Memo on the Flag Code**

The Legislative Operating Committee (LOC) has requested a financial impact statement on the Oneida Flag Policy prior to sending the legislation for public comment. Finance recommends the policy proceed to public hearing without a fiscal impact statement due to the following;

- a. It is anticipated that the legislation may change significantly based on public comments.
- b. The policy appears unclear on a number of key factors that would impact a fiscal analysis. The policy is too broad to complete an analysis that would allow Finance to narrow the scope sufficiently to determine the actual impact.
- c. Finance feels that further organizational input is needed in order to create the framework needed to develop the fiscal impact.

Finance will complete an analysis on the impact of the Flag Policy once the organizational and public comments are addressed. Specific concerns are attached.

6. Article VI. Display of the Oneida Flag within the Reservation states the following:
 - a. The Oneida Nation Flag must be displayed on all days.
 - b. The Oneida Flag must only be displayed from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four (24) hours a day if the Oneida Flag is an all-weather flag and the Oneida Flag is properly illuminated during the hours of darkness.
 - c. It is assumed that all days include Saturdays & Sundays. In reference to comment number 4, it is unclear who will be responsible for raising and lowering the flags at sunrise & sunset for those facilities that are not open at that time. Even though the act of raising and lowering a flag does not take a great deal of time, personnel will have to be scheduled to complete these tasks at the various times as required throughout the year. If the individual raising and lowering the flags would be receiving overtime to perform this function would also need to be taken into consideration.
7. The policy states the following:
 - a. "The Oneida Flag shall be proudly displayed on or near all government owned buildings within the interior bounds of the Reservation possessing the equipment to display the flag".
 - b. Any building purchased by the Tribe could be considered a "Government owned building". However, they could be held by different areas depending on use or function. The Division of Land Management, DPW and there may be some cases where the entity occupying the building actually owns it. Is it the intent of this policy to place the Oneida Flag at every Oneida owned building regardless of function? Or, only at those buildings that perform a specific governmental function? Would that exclude Oneida Enterprises? Would it include or exclude Tribal Corporations?
8. The policy states:
 - a. The Oneida Flag shall be displayed in and near every polling place within the Reservation on election days.
 - b. Knowing SEOTS has recently moved and that DPW does not maintain the facility in Milwaukee. Who will be responsible for ensuring the flag, is displayed during elections? It could be assumed that this would be a function of the election board. If so, it is assumed that the election law would need amendments.



Legislative Operating Committee

September 2, 2015

Community Support Fund

Policy Amendments

Submission Date: 6/25/15

☐ Public Meeting:
☐ Emergency Enacted:
 Expires:

LOC Sponsor: David P. Jordan

Summary: *This item was brought forward to add language found in BC Resolution 12-11-13-D into the policy to clarify that someone who receives assistance from the Fund program does not have to cost share if they are at or below the federal Poverty Guidelines.*

- 7/1/15 LOC:** Motion by David P. Jordan to add the Community Support Fund Policy Amendments to the active files list; seconded by Tehassi Hill. Motion carried unanimously.
- 7/22/15 OBC:** Direct LOC to make requested changes to the Community Support Fund. Item deferred to the next regular Business Committee meeting.
- 8/12/15 OBC:** Direct LOC to make requested changes to the Community Support Fund. Item sent to a Business Committee special meeting agenda at the adjournment of the meeting.
- 8/17/15 OBC:** Direct LOC to make requested changes to the Community Support Fund. Motion by Jennifer Webster to direct the requested changes to the Community Support Fund Policy to the Legislative Operating Committee and for proposed changes due back to the September 23, 2015 regular Business Committee meeting, seconded by David Jordan. Motion carried with one opposed and one abstention.

Next Steps:

- Review draft and forward for a legislative analysis.

Community Support Fund Policy

Article I. Purpose and Policy

Article II. Adoption, Amendment, Repeal

Article III. Definitions

Article IV. ~~Social~~ Economic Support Services
Responsibilities; Eligibility and Qualifications

Article V. Priorities for Consideration

Article VI. Items Covered by the Fund

Article VII. Items not ~~e~~Covered by the Fund

Article VIII. Application Requirements

Article IX. Appeal

Article I. Purpose and Policy

1-1. Purpose. The purpose of this Policy is to assist the greatest number of Tribal members of the Oneida Tribe of Indians of Wisconsin who apply for assistance to the Community Support Services Fund in times of a ~~e~~Catastrophic event, illness, ~~or~~ injury or emergency event when no other resources for assistance exist.

1-2. Policy. It is the policy of the Oneida Tribe of Indians of Wisconsin to assist their people in a time of need after a ~~e~~Catastrophic event, illness, ~~or~~ injury or emergency event, when there is no other assistance available or all other assistance has been exhausted.

Article II. Adoption, Amendment, Repeal

2-1. This Policy is adopted by the Oneida Business Committee by resolution # BC-5-15-96-A, amended by resolution # BC-01-08-97-G, and amended by resolution #BC-_____.

2-2. This Policy may be amended or repealed by the Oneida Business Committee and/or the Oneida 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 portion(s).

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 article shall govern the definitions of words and phrases used within this policy. All words not herein defined shall be used in their ordinary and everyday sense.

(a) "Applicant" ~~shall~~ means the person applying for assistance for themselves is an enrolled Tribal Member or the application is on behalf of another person who is a Tribal Member otherwise unable to do so due to age or incapacity.

(b) "Business Days" ~~shall~~ means Monday through Friday 8:00 a.m. to 4:30 p.m., except for recognized holidays as listed on the official calendar of the Tribe.

(c) "Case Manager" ~~shall~~ means the employee of the Social Services Area responsible for administering Community Support Services Fund benefits according to the established guidelines set forth below.

(d) "Catastrophic event" ~~shall~~ means a natural or man-made incident, which results in substantial damage or loss requiring major financial resources to repair or recover (i.e. house fire, tornado, flood, or other disaster).

Draft 1

9/2/15

(e) “Catastrophic illness or injury” ~~shall~~means a serious debilitating illness, injury, impairment, or physical or mental condition that involves:

(1) in-patient care; or

(2) a period of continuing treatment due to a chronic serious health condition (~~such as chemotherapy/radiation, dialysis, daily/weekly therapy resulting from trauma~~asthma, diabetes, epilepsy, etc.); or

(3) a period of illness or injury that is long-term due to a condition for which treatment may be ineffective (stroke, terminal disease, etc.); or

(4) receipt of multiple treatments either for restorative surgery after an accident or other injury, or for a chronic condition. (i.e. cancer or kidney disease)

~~(f) “Cost share” shall mean the request to have the applicant agree to contribute to the cost of the assistance given.~~

~~(g)~~ (f) “Emergency event” ~~shall~~means a situation that poses an immediate risk to health, life, safety, property or environment. Emergencies require urgent intervention to prevent further illness, injury, death, or other worsening of the situation.

~~(h)~~ (g) “Emergency medical travel” ~~shall~~means an unexpected serious health situation or occurrence, requiring the immediate presence of immediate family. (i.e., end of life situation, life support, etc.)

~~(i)~~ (h) “Fund” ~~shall~~means the Community Support Services Fund.

~~(j)~~ (i) “Immediate family” ~~shall~~means that group of persons who make up a family unit normally defined as husband, wife, children, sister, brother, in-laws, step family, grandparents and grandchildren, and/or a person who has ~~Legal~~ Responsibility for a member of their immediate family.

~~(k)~~ (j) “Legal guardian” ~~shall~~means a person who has the legal authority to care for the personal and property interests of another person granted through Court order.

~~(l)~~ (k) “Legal Responsibility” ~~shall~~means specific duties imposed upon a person to care or provide for another including liability for personal obligations as granted through a Power of Attorney or Court order.

~~(m)~~ (l) “Major medical surgery” ~~shall~~means a surgical procedure that carries a degree of risk to the patient’s life, or the potential for severe disability if something goes wrong during surgery. It is a surgical procedure that usually requires a patient to be put under general anesthesia and given respiratory assistance because he or she cannot breathe independently.

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

~~(o)~~ (n) “Severity” ~~shall~~means the verified rate or level of need.

~~(p)~~ (o) “Shelter” ~~shall~~means mortgage payments or rent payments.

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

~~(r)~~ (q) “Verification” ~~shall~~means the evidence or proof that confirms the accuracy or truth of the alleged catastrophic event, illness, ~~or~~ injury or emergency event and of Tribal membership (i.e., estimates, photographs, doctor statements/report, check stubs, tribal

Draft 1
9/2/15

identification card/letter, etc.).

Article IV. ~~Social Services~~Economic Support Services Responsibilities; Eligibility and Qualifications

4-1. The ~~Social Services Area~~Economic Support Services of the Governmental Services Division shall create and administer the Fund.

(a) The ~~Social Services Area~~Economic Support Services shall create standard operating procedures for the administration of the Fund. The standard operating procedures ~~shall~~ must include the list of categories the Fund covers and a cap that set the amount of assistance per event/ per household, except for funeral expenses which ~~shall~~ will be set per event/ per person.

(b) The Governmental Services Division Director shall report semi-annually to the Oneida Business Committee. The report ~~shall~~ must include, the amount of Funds paid out under each category.

(c) The Social Services area shall ensure that the Tribal membership is informed of what assistance is available through the Fund, how to apply for assistance, and specify who is eligible for assistance.

4-2. Eligibility for assistance provided under the Fund is reserved for enrolled Tribal members. Applications may be made by a non-Tribal parent or ~~L~~Legal ~~g~~Guardian on behalf of an enrolled Tribal member, ~~or minor eligible for enrollment,~~ provided the requested Funds will benefit the Tribal member or child of the applicant only.

4-3. Residency within the State of Wisconsin is not a prerequisite for assistance, except for requests for a security deposit in Section 6-2.

4-4. The Fund is a fund of last resort and provides assistance when there is no other financial assistance available. ~~(a) Applicants will be asked to contribute a percentage of the assistance being requested. (b)~~ Applicants shall first seek out other resources that can meet the needs of their request. Proof of requesting assistance from other sources ~~shall~~ must be provided with the application.

4-5. The following types of catastrophic events, illnesses or injuries qualify an applicant for assistance:

(a) Terminally ill

(b) Physically challenged or incapacitated

(c) Major medical surgery

(d) Life threatening (i.e. Cancer, AIDS, Stroke, disabling injuries due to motor vehicle accident, etc.)

(e) Natural disaster (i.e. Tornado, fire, flood, etc.)

(f) Death in immediate family

4-6. A Case Manager reserves the right to deny or limit benefits to applicants who have elected not to be covered by employer benefits such as disability or health insurance.

4-7. All payments ~~shall~~ must be provided directly to the service provider. However, funeral travel ~~shall~~ must be reimbursed to the applicant.

4-8. Assistance available under the Fund is subject to change according to fiscal year funding levels.

Draft 1
9/2/15

4-9. Tribal Programs and Enterprises are not eligible for these funds.

Article V. Priorities for Consideration

5-1. The Case Managers shall determine the level of assistance to be provided based on:

- (a) Severity of event, illness, ~~or~~ injury or emergency event
- ~~(b) Ability of applicant to cost share~~
- ~~(c)~~ Cost (usual and customary fees)
- ~~(d)~~ Amount of time elapsed since catastrophic event, illness, ~~or~~ injury or emergency event occurred
- (d) The Fund's appropriate standard operating procedures

5-2. The Case Manager shall assess each individual case, prioritize and assist with immediate needs. Priorities are as follows:

- (a) Life-threatening emergency requests
- (b) Emergency medical travel
- (c) Other needs

Article VI. Items Covered by the Fund

6-1. Requests for assistance from the Fund must be tied to or be a result of a catastrophic event, illness, ~~or~~ injury or emergency event that requires urgent intervention to prevent further illness, injury, death, or a worsening of the situation. Upon verification of a catastrophic event, illness, ~~or~~ injury or emergency event, the Fund may be used for the following:

- (a) ~~Health insurance, including COBRA~~ Insurance Payments
- (b) Prescriptions not available through an IHS Clinic
- (c) Medical transportation/emergency medical travel including vehicle repairs
- (d) ~~Rental of medical equipment~~ Medical-related equipment, supplies, or furniture, but must use rental equipment, supplies, or furniture when available
- (e) Medical bills (dental, optical, hospital) not covered by insurance
- (f) Shelter and utilities where no other resources exist (including security deposits)
- (g) Utility disconnections
- (h) Inpatient Treatment (with a limit of once per lifetime)
- (i) Fire recovery/natural disaster assistance
- (j) Home renovations required for handicap accessibility (if written authorization from the landlord)
- (k) Family Medical Leave Act Wage Replacement
- (l) Social Security Disability Determination rent/utility assistance (with a maximum of 12 months per lifetime)

6-2. Requests for assistance for a security deposit ~~shall~~ will be tied to or be a result of, a catastrophic event, illness ~~or~~ injury or emergency event and are limited to Tribal members who are Wisconsin residents only.

- (a) The Tribal member shall demonstrate the ability to fulfill the terms of the rental lease. The Fund does not co-sign any lease.
- (b) Security deposits are non-transferable and the amount paid for a security deposit ~~shall~~ must be paid back to the Fund Program before another security deposit is issued at any

Draft 1
9/2/15

time in the future.

(c) Only one request per household will be considered.

(d) Security deposits shall be issued on an emergency basis which shall include, but is not limited to, pending eviction and homelessness.

6-3. Requests for assistance for the payment of utilities shall only be allowed once every ~~three (3)~~two (2) years by the person listed as responsible to pay with the utility company. ~~Those who receive assistance in paying their utilities shall cost share those expenses by paying back fifty percent (50%) of the funds received within four (4) months. If those funds are not reimbursed to the fund by the required date, the Community Support Program may garnish the individual's per capita payments. Utility assistance is a one-time lifetime payment not to exceed a maximum of three hundred dollars (\$300.00) and applicant must have made payments in each of the previous three (3) months.~~

6-4. Travel expenses to arrange or attend a funeral for immediate family members outside the State of where an applicant resides ~~shall~~must be paid by the applicant first, and the Fund shall reimburse those applicants for mileage, lodging, or airfare expenses up to a maximum amount of five hundred dollars (\$500).

Article VII. Items not ~~e~~Covered by the Fund

7-1. The Fund does not cover payments that are not for a catastrophic event, illness, ~~or~~ injury or emergency event as defined above. The following is a list of items not covered by the Fund; however, this is not an exhaustive list:

- (a) Car payments
- (b) Taxes
- (c) Credit card or Charge accounts
- (d) Commercial loans
- (e) Defaults/fines/bankruptcy charges
- (f) Expenses not tied to basic needs (Cable, internet, memberships, etc.)
- (g) Legal fees/court costs/judgments
- (h) Appliance Repair/Replacement
- (i) Homeless lodging assistance
- (j) Stabilization rent assistance
- (k) Department of Correction re-entry assistance
- (l) Health membership fees
- (j) Food and personal care items

7-2. The Fund reserves the right to deny or limit benefits if evidence is found regarding the applicant as to the following:

- (a) The catastrophic event, illness, ~~or~~ injury or emergency event is the result of a violation of the law— as proven by a citation or criminal conviction.
- (b) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of other tribal programs, policies or laws (i.e. Zoning, etc.)
- (c) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of the Fund.

Draft 1
9/2/15

If the Fund chooses to approve, deny, or limit benefits under this section, an explanation of the decision ~~shall~~must be in writing and provided to the applicant with a copy placed in the Fund's file.

Article VIII. Application Requirements

8-1. To be considered for assistance and before receiving assistance the applicant must complete the full application process. All applicants shall cooperate with the Case Manager to assist the Case Manager in comprehensively addressing the needs of the applicant(s).

8-2. Supporting documentation ~~shall~~must be required in all cases. The applicant is responsible to provide all documentation requested by the Case Manager.

(a) No assistance ~~shall~~may be provided without sufficient documentation of the catastrophic event, ~~or~~ illness, ~~or~~ injury or emergency event as requested by the Case Manager.

(b) No assistance ~~shall~~may be provided without sufficient documentation that the applicant sought assistance from other agencies with an explanation of benefits received or refusal of assistance by the other agencies.

(c) No assistance will be provided without verification of enrollment in the Tribe

(d) No assistance will be provided without all household income verification for last thirty (30) days from date of submission of application

8-3. Documentation includes, but is not limited to:

- (a) Medical reports
- (b) Bills or statements
- (c) Estimates
- (d) Letters
- (e) Police or fire reports
- (f) Obituary or formal notice of death
- (g) Check stubs
- (h) Pictures or photographs
- (i) Applications for assistance from other agencies
- (j) Approval of assistance or denial of assistance letters from other agencies

8-4. Verification of status of employment is required and includes the following documentation:

- (a) Leave of absence paperwork
- (b) Balance of personal and vacation time accumulation
- (c) Disability insurance or workmen's compensation coverage
- (d) Check stubs

8-5. Requests submitted without supporting documentation ~~shall~~must be kept on file for thirty (30) ~~B~~Business ~~d~~Days.

(a) A request for additional information by a Case Manager ~~shall~~must be made when an application contains insufficient information to make an informed decision.

(b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.

(c) Failure to submit the requested information within the thirty (30) ~~B~~Business ~~d~~Days will result in closing the application file, with no further action taken in regard to that application.

Draft 1

9/2/15

(d) Applicant ~~shall~~must be sent a notice that the file has been closed and reason(s) for the file being closed.

(e) After the file is closed, the applicant ~~shall~~must start the application process over again in order to be considered for assistance from the Fund. However, no applicant may re-apply for the same catastrophic event, illness, ~~or~~injury or emergency event more than the limit stated within the Policy or the Fund's standard operating procedures. ~~twice.~~

8-6. Application for assistance ~~shall~~must be made within a reasonable time period, not to exceed thirty (30) business days of a catastrophic event or illness, ~~or~~injury or emergency event. Applications made after thirty (30) ~~b~~Business ~~d~~Days ~~shall~~will not be considered.

Article IX. Appeal

9-1. An appeal of the Case Manager's decision shall be made to the Case Manager's supervisor. If the supervisor upholds the decision, it may then be appealed to the Area Manager of the Social Services Division. If the decision is upheld by the Area Manager, the decision may be appealed as a final decision to the Judiciary.

End.

Adopted - BC-5-15-96-A

Amended - BC-1-8-97-G

Amended- BC-12-11-13-D



Legislative Operating Committee

September 2, 2015

ONGO Amendments

Submission Date: September 17, 2014

LOC Sponsor: Brandon Stevens

<input type="checkbox"/> Public Meeting: <input checked="" type="checkbox"/> Emergency Enacted: 5/1/15 Expires: 11/1/15

Summary: *Amendments are being sought to permanently amend the Law to ensure compliance with NIGC requirements as well as update the Law.*

9/17/14 LOC: Motion by Jennifer Webster to add the Amendments to the Oneida Nation Gaming Ordinance to the Active Files List on an emergency basis; seconded by Fawn Billie. Motion carried unanimously.

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

Note: Brandon Stevens will be the sponsor.

10/01/14 LOC: Motion by Tehassi Hill to approve the resolution with the change from seven years to three years, and to forward it to the Oneida Business Committee; seconded by Fawn Billie. Motion carried unanimously.

10/08/14 OBC: Motion by Tehassi Hill to adopt resolution 10-08-14-C Oneida Nation Gaming Ordinance Emergency Amendments, seconded by Fawn Billie. Motion carried unanimously.

03/25/15: Oneida Gaming Commission requests a six-month extension so that all appropriate revisions can be made prior to permanent ONGO revisions are adopted by the LOC/OBC.

04/15/15 LOC: Motion by Fawn Billie to forward the ONGO Emergency Amendments to the Oneida Business Committee for consideration; seconded by Tehassi Hill. Motion carried unanimously.

04/22/15 OBC: Motion by Brandon Stevens to adopt resolution 04-22-15-B ONGO Emergency Amendments Extension, seconded by Fawn Billie. Motion carried unanimously.

5/20/15 LOC: Motion by Fawn Billie to defer the ONGO Amendments to the Legislative Reference Office and direct that a legislative and fiscal analysis be developed once the draft is completed; seconded by Tehassi Hill. Motion carried unanimously.

7/1/15 LOC: Motion by David P. Jordan to forward the ONGO Amendments to Public Meeting date of July 30, 2015; seconded by Tehassi Hill. Motion carried unanimously.

7/30/15: Public Meeting held. Attendees include: Tehassi Hill, Jennifer Webster, Steve Hill, Tamara Van Schynder, Matt Denny, Loucinda Conway, William Cornelius, Michele Doxtator, Rae Skenandore, Mark Powless, Sr., Lora Skenandore, Krystal John, Douglass McIntyre, Candice Skenandore, Tani Thurner, Cathy Bachhuber.

8/19/15 LOC: Motion by David P. Jordan to accept the public meeting comments regarding the ONGO Amendments and defer this item to a work meeting; seconded by Fawn Billie. Motion carried unanimously.

8/24/15:

Work meeting held. Attendees include David Jordan, Tahessi Hill, Brandon Stevens, Fawn Billie, Matthew W. Denny, John Powless Sr., Tamara Vanschyndel, Michele Doxtator, Loucinda K. Conway, Rhiannon Metoxen, Taniquelle Thurner, Krystal John, Douglass McIntyre.

Next Steps:

- Consider sending the Oneida Business Committee for adoption.

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
David P. Jordan, Councilmember
Jennifer Webster, Councilmember

Memorandum

TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairperson *BS*
DATE: September 9, 2015
RE: ONGO Amendments

Please find the following attached backup documentation for your consideration of the Oneida Nation Gaming Ordinance (ONGO) Amendments:

1. Resolution: ONGO Amendments
2. Statement of Effect: ONGO Amendments
3. Fiscal Impact Statement: ONGO Amendments
4. ONGO Amendments (redline)
5. ONGO Amendments (clean)

Overview

The attached Resolution will adopt permanent amendments to ONGO that are necessary to keep it in compliance with the NIGC's requirements. Amendments to the Law were adopted on an emergency basis through Resolution BC 10-08-14-C and were extended for a period of six (6) months through Resolution BC-04-22-15-B. The said emergency amendments expire November 1, 2015 and there are no further extensions available pursuant to the Legislative Procedures Act. The Legislative Procedures Act requires that a law be permanently adopted in the emergency law's place before the emergency law expires in order for the contents of said emergency law to remain in effect.

The permanent amendments to ONGO:

- require the identity of each person interviewed in the course of a background investigation is kept confidential;
- require certain documents from the Oneida Gaming Commission to be retained for at least three years from the date of an employee's employment being terminated;
- require that if the Oneida Gaming Commission suspends, conditions or revokes a license based on information from NIGC, the Commission must forward that decision to NIGC within forty-five (45) days of NIGC's notification that an employee is not eligible for a License;
- identify the Oneida Gaming Commission as the agency that will take fingerprints;
- include the process for determining an applicant's eligibility for a license and notice to NIGC;
- clarify when an applicant may be issued a License;
- include a section that allows for NIGC review of a License and actions that will or may be taken based on that review;
- require the Oneida Gaming Commission to forward a hearing decision regarding a License to NIGC if the License was suspended, conditioned or revoked based on a notification from NIGC;

- require an approved revenue allocation plan before per capita payments are made using gaming revenues; and
- clarify how the Rules of Play and Oneida Gaming Minimum Internal Controls are adopted and when they become effective.

A public meeting was held on July 30, 2015 in accordance with the Legislative Procedures Act and the comments were received and were accepted by the Legislative Operating Committee on August 19, 2015, at which time the consideration of such comments was deferred to a work meeting. The Legislative Operating Committee considered the comments in a work meeting held on August 24, 2015. Based on the comments, minor revisions were made to ONGO. The Legislative Operating Committee determined that the content of the revisions was not significant enough to require an additional public meeting period.

Requested Action

Approve the Resolution: Oneida Nation Gaming Ordinance Amendments

BC Resolution _____
Oneida Nation Gaming Ordinance Amendments

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

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

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

WHEREAS, Resolution GTC-07-05-04-A adopted the Oneida Nation Gaming Ordinance (ONGO) and it was subsequently amended by the following Resolutions: BC-10-06-04-D, BC-03-23-05-C, BC-09-23-09-D, and BC-06-25-14-B; and

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

WHEREAS, the Oneida Business Committee adopted the latest emergency amendments to ONGO that brought it into compliance with the National Indian Gaming Commission's (NIGC) regulations through Resolution BC-10-08-14-C and extended the said emergency amendments for a six (6) month period through Resolution BC-04-22-15-B; and

WHEREAS, the said emergency amendments to ONGO expire November 1, 2015 and no further extensions are available pursuant to the LPA; and

WHEREAS, the LPA requires that a law be permanently adopted in the emergency law's place before the emergency law expires in order for the contents of said emergency law to remain in effect; and

WHEREAS, the permanent amendments to ONGO are required to keep it in compliance with the NIGC's regulations; and

WHEREAS, the permanent ONGO amendments (1) add requirements to keep the identity of each person interviewed in the course of a background investigation confidential; (2) require certain documents from the Oneida Gaming Commission to be retained for at least three years from the date of an employee's employment being terminated; (3) require that if the Oneida Gaming Commission suspends, conditions or revokes a license based on information from NIGC, the Commission must forward that decision to NIGC within forty-five (45) days of NIGC's notification that an employee is not eligible for a License; (4) identify the Oneida

47 Gaming Commission as the agency that will take fingerprints; (5) include the
48 process for determining an applicant's eligibility for a license and notice to NIGC;
49 (6) clarify when an applicant may be issued a License; (7) include a section that
50 allows for NIGC review of a License and actions that will or may be taken based
51 on that review; (8) require the Oneida Gaming Commission to forward a hearing
52 decision regarding a License to NIGC if the License was suspended, conditioned
53 or revoked based on a notification from NIGC; (9) require an approved revenue
54 allocation plan before per capita payments are made using gaming revenues; and
55 (10) clarify how the Rules of Play and Oneida Gaming Minimum Internal
56 Controls are adopted and when they become effective; and
57

58 **WHEREAS,** a public meeting on the amendments was held on July 30, 2015 in accordance
59 with the requirements of the LPA.
60

61 **NOW THEREFORE BE IT RESOLVED,** that the attached amendments to ONGO are hereby
62 adopted on a permanent basis pursuant to the LPA's requirements in order to allow the Tribe to
63 partake in gaming activities in compliance with the NIGC's regulations; and
64

65 **BE IT FINALLY RESOLVED,** that the attached amendments are effective immediately.
66

Oneida Tribe of Indians of Wisconsin Legislative Reference Office

Krystal L. John, Staff Attorney
Douglass A. McIntyre, Staff Attorney
Taniquelle J. Thurner, Legislative Analyst
Candice E. Skenandore, Legislative Analyst



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

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

Statement of Effect

Resolution: Oneida Nation Gaming Ordinance Emergency Amendments

Summary

This Resolution adopts permanent amendments to the Oneida Nation Gaming Ordinance (ONGO). The permanent amendments to ONGO:

- require the identity of each person interviewed in the course of a background investigation is kept confidential;
- require certain documents from the Oneida Gaming Commission to be retained for at least three years from the date of an employee's employment being terminated;
- require that if the Oneida Gaming Commission suspends, conditions or revokes a license based on information from the National Indian Gaming Commission (NIGC), the Commission must forward that decision to NIGC within forty-five (45) days of NIGC's notification that an employee is not eligible for a License;
- identify the Oneida Gaming Commission as the agency that will take fingerprints;
- include the process for determining an applicant's eligibility for a license and notice to NIGC;
- clarify when an applicant may be issued a License;
- include a section that allows for NIGC review of a License and actions that will or may be taken based on that review;
- require the Oneida Gaming Commission to forward a hearing decision regarding a License to NIGC if the License was suspended, conditioned or revoked based on a notification from NIGC;
- require an approved revenue allocation plan before per capita payments are made using gaming revenues; and
- clarify how the Rules of Play and Oneida Gaming Minimum Internal Controls are adopted and when they become effective.

Submitted by: Krystal L. John, Staff Attorney, Legislative Reference Office

Analysis from Legislative Reference Office

This Resolution adopts amendments to ONGO to attain compliance with the NIGC's regulations, requires an approved revenue allocation plan before per capita payments are made using gaming revenues and clarifies how the Rules of Play and Oneida Gaming Minimum Internal Controls are adopted and when they become effective. The amendments become effective immediately.

On June 25, 2014, pursuant to GTC resolution 07-01-13-A, amendments were made to ONGO which replaced references to the "Appeals Commission" with the "Judiciary." The amendments

were sent to the NIGC for approval. On September 9, 2014, NIGC sent notice to the Commission identifying discrepancies between ONGO and NIGC regulations. NIGC provided a deadline of October 21, 2014, to submit the necessary amendments or to withdraw the request to amend ONGO.

Section 16.9-5 of the Legislative Procedures Act (LPA) allows the Oneida Business Committee (OBC) to take emergency action to amend a law where it is “necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population” and when enactment or amendment of legislation is required sooner than would be possible under the LPA. Through Resolution BC-10-08-14-C, the OBC enacted emergency amendments to ONGO to obtain compliance with NIGC regulations, which were extended by Resolution BC-04-22-14-B. These emergency amendments expire November 1, 2015.

The emergency amendments brought ONGO into compliance with NIGC’s regulations by implementing the following revisions suggested by NIGC:

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

Since the emergency amendments were adopted, NIGC submitted six (6) additional recommendations for revisions to ONGO which would allow it to comply with NIGC regulations. The additional six (6) recommendations:

1. Identify the agency (the Oneida Gaming Commission) that will take fingerprints *[see ONGO § 21.12-2(m)]*;
2. Require the Oneida Gaming Commission to create and maintain an investigative report on each background investigation *[see ONGO § 21.12-5(c)]*;
3. Require the Oneida Gaming Commission to submit a notice of results of the applicant’s background investigation to the NIGC no later than sixty (60) days after the applicant begins work *[see ONGO § 21.12-5(d)]*;
4. Require the Oneida Gaming Commission to notify the NIGC of the issuance of a license to a primary management official of key employee within thirty (30) days *[see ONGO § 21.12-6]*;
5. If the Oneida Gaming Commission decides not to issue a license to an applicant, require the Oneida Gaming Commission to forward copies of its eligibility determination and notice of results to the NIGC for inclusion in the Indian Gaming Individual Record System *[see ONGO § 21.12-5(d)]*; and
6. Upon receipt of notification from NIGC that a primary management official or a key employee is not eligible for employee, require the Oneida Gaming Commission to immediately suspend the license, provide the licensee with written notification of the

suspension and proposed revocation, and provide the licensee with notice of a time and place for a hearing on the proposed revocation of the license [see *ONGO §21.12-8(d)*].

The permanent amendments to ONGO include all nine (9) revisions suggested by the NIGC to attain compliance with their regulations. In addition, the amendments also (1) require that an approved revenue allocation plan is in place before per capita payments are made using gaming revenues [see *ONGO §21.12-8(d)*] and (2) clarify how the Rules of Play and Oneida Gaming Minimum Internal Controls are adopted and when they become effective [see *ONGO §21.6-14(d)*].

Conclusion

The adoption of this Resolution does not conflict with any current law or policy of the Tribe.



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

REVISED Page 114



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: August 27, 2015

FROM: Rae Skenandore, Project Manager

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

RE: **Fiscal Impact of the Oneida Nation Gaming Ordinance (ONGO) Amendments**

I. Background

The Oneida Tribal Judicial System was created by GTC Resolution # 01-07-13-B. Transitioning from the Appeals Commission to the Judiciary required changes to the terminology in ONGO. Amendments to ONGO were submitted to the National Indian Gaming Commission (NIGC) for approval and discrepancies between ONGO, Federal Law and NIGC regulations were brought to Oneida's attention. Emergency amendments were adopted on October 8, 2014 and extended on April 22, 2015. The amendments will expire on November 1st, 2015.

The amendments to ONGO are;

1. To comply with Federal law and NIGC regulations.
2. Requested by the Gaming Commission to clarify existing processes.

II. Executive Summary of Findings

The amendments appear to simply reinforce and clarify existing practices, correct terminology and identify appropriate authorities for reviews and approvals. According to the Gaming Commission Chairman, there are no financial effects associated with implementing the amendments. There are no startup costs, additional personnel needed, office space added or expenses needed for documentation. The legislation can be implemented immediately upon approval utilizing existing in-house resources.

III. Financial Impact

No fiscal impact

IV. 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 21
Oneida Nation Gaming Ordinance
Thatiwi·ʔStunya·tha Olihwa·ke
Matters of interest to where they make the money

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

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

1

<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Nation Gaming Ordinance (ONGO)				
Requester	Tamara Vanschyndel (Oneida Gaming Commission)	Drafter	Lynn Franzmeier, Krystal John	Analyst	Taniquele Thurner
Reason for Request	<p>On June 25, 2014, the Oneida Business Committee (OBC) adopted minor terminology amendments to ONGO, which replaced references to the Oneida Appeals Commission/Tribal Judicial System with the Tribal Judiciary. Those amendments were then submitted to the National Indian Gaming Commission (NIGC) for approval, as required. However, NIGC returned the submission after three discrepancies were found between ONGO and federal law/NIGC regulations. To address those discrepancies, the OBC adopted emergency amendments to ONGO on October 8, 2014, and extended the emergency adoption on April 22, 2015. The emergency amendments are set to expire on November 1st, 2015.</p> <p>Now, this draft is being presented for permanent adoption. The amendments include the changes adopted on an emergency basis, as well as additional changes made based on a request from the Oneida Gaming Commission and based on public meeting comments.</p>				
Purpose	Governs Oneida Tribal gaming				
Authorized/ Affected Entities	NIGC, Oneida Gaming Commission, the Oneida Tribal Judiciary				
Due Process	The Gaming Commission hears appeals of licensing decisions, then Judiciary				
Related Legislation	Gaming SOPs, an agreement between HRD and the Gaming Commission for conducting background investigations (as required by ONGO 21.10-1)				
Policy Mechanism	Licensing				
Enforcement	Licensing Suspension, Revocation				

2

Overview

The proposed amendments make permanent the changes that were adopted on an emergency basis in 2014 in order to comply with NIGC requirements. Additional changes are made to one of those proposed amendments, and to:

- Clarify that the Oneida Gaming Commission (the Commission) may issue a Gaming License (hereinafter: license) to new employees after they have notified the National Indian Gaming Commission (NIGC) of the determination of eligibility, without needing to wait for approval, objections, or any other a response from NIGC.
- Clarify requirements pertaining to Rules of Play and Oneida Gaming Minimum Internal Controls (Minimum Internal Controls), and how they are reviewed and adopted. The main change in this section is that the OBC will no longer adopt the Rules of Play and Minimum Internal Controls; instead the Commission would have authority to adopt those, subject to a newly-added review process for the OBC.
- Add detail, and improve clarity and consistency throughout the Law.

Emergency Amendments

The proposed amendments permanently adopt the changes adopted on an emergency basis on October 8, 2014, which were extended on April 22, 2015; which made in order to comply with federal law and NIGC requirements. These changes include:

1. Clarifying that the identity of any person interviewed in order to conduct a background investigation, is confidential. [21.10-2]
2. Requiring the Commission to retain various records for three years after a Gaming Employee's (hereinafter: employee) employment is terminated, instead of for seven years after the employee begins employment. [21.12-5(e)]
3. Adding that when the Commission makes a final decision to suspend, place a condition on or revoke a license based on information from NIGC that the employee is not eligible; the Commission must forward a copy of the decision to NIGC within 45 days. [21.12-9(e)]. These proposed permanent amendments also require the Commission to forward a copy of a final decision to suspend, place a condition on, or revoke a license when that action was taken based on information from another source besides NIGC. This additional change to ONGO is being made to reflect the Commission's current practice of doing so. [21.12-9(e)]

Eligibility Determinations and Notifying NIGC

When a new employee begins working at a Gaming Operation, his or her employment application, along with specific other information listed in the Law, must be submitted by the employee to the Commission, instead of from the Commission to the NIGC. [21.12-5(a)]

Within 60 days after a new employee starts, the Commission is still required to review the employee's background investigation, make a determination of whether the employee is eligible for a license, and to provide this information and determination to NIGC. However, the amendments add more detail - instead of just requiring the Commission to submit a "report" to NIGC, the amended Law requires the Commission to create an Investigative Report based on the employee's background investigation, and then, to submit to NIGC a Notice of Results of Background Investigation (Notice of Results). The amendments also identify the purpose for submitting this notice/information to NIGC: it is submitted for inclusion in the Indian Gaming Individual Record System. [21.12-5(b) and (c)]

New language identifies specific information that must be included in the Investigative

Report and/or Notice of Results:

- The Investigative Report must identify the steps taken in conducting the employee's background investigation, the results obtained, the conclusions reached and the basis for those conclusions. It must also identify:
 - License(s) that have previously been denied;
 - Gaming licenses that have been revoked, even if subsequently reinstated;
 - Every known criminal charge brought against the employee within the 10 years before the application;
 - Every felony conviction or any ongoing prosecution. [21.12-5(c) and (d)(3)]
- The Notice of Results must include a copy of the Commission's eligibility determination for that employee, a summary of the Investigative Report, and the employee's name, date of birth, social security number, and start date. The amendments also add that additional or alternate information will be forwarded as directed in NIGC regulations or rules. [21.12-5(d)]

Issuing a License to New Employees

Amendments clarify that the Commission does not need to wait for a response from NIGC before issuing a license to the employee – after submitting the Notice of Results to NIGC, the Commission may issue the license at any time. [21.12-6] To support this, new language is added to clarify that the Commission not only makes the final decision on whether to issue a license, but also on whether to suspend or revoke a license, if one has already been issued. [21.12-8]

New requirements are added to reflect this change:

- Now, whenever the Commission issues or denies the issuance of a license to an employee, the Commission must notify NIGC within 30 days. [21.12-6]
- Any employee who does not have a license 90 days after the start of employment shall have his or her employment terminated. [21.12-6]
- If the NIGC notifies the Commission that an employee is not eligible for employment, the Commission must immediately suspend the employee's license and provide the employee with written notice of the suspension and revocation, and notice of a time and place for a hearing on the proposed revocation. [21.12-8(d).]

Rules of Play and Oneida Gaming Minimum Internal Controls

The amendments change some of the requirements relating to Rules of Play and Oneida Gaming Minimum Internal Controls (Minimum Internal Controls), as follows:

- Rules of Play and Minimum Internal Controls are adopted by the Commission, instead of by the OBC; and still become effective upon adoption. The amendments add that the Rules of Play and Minimum Internal Controls adopted by the Commission are subject to review by the OBC. [21.6-14(d)] Provisions are added to the law to set out a process for that OBC review, as follows:
 - After the Commission adopts the Rules of Play/Minimum Internal Controls, the Commission must provide notice of the adoption to the OBC at the next available regularly scheduled OBC meeting. [21.6-14(d)(3)]
 - After reviewing the Rules of Play/Minimum Internal Controls, if the OBC has any concerns/requested revisions, the Commission is required to "work with" the OBC to address them. While doing so, the Rules of Play and Minimum Internal

Controls adopted by the Commission remain in effect, unless the OBC repeals them - in which case, the Rules/Minimum Internal Controls that were previously in effect immediately before those that were repealed, will be automatically reinstated and effective. [21.6-14(d)(3)(A)]

- Within 30 days after the notice of adoption is provided to the OBC, if the Commission does not receive written notice that the OBC intends to repeal or amend the Rules of Play/ Minimum Internal Controls, then they will remain in effect as adopted by the Commission. [21.6-14(d)(3)(A)]
- If the OBC pursues amendments to the Rules of Play and Minimum Internal Controls, there are three possible outcomes:
 - If the Commission and OBC agree upon the amendments, the Commission must adopt revised Rules of Play/Minimum Internal Controls as discussed/agreed upon by the OBC.
 - If the Commission and OBC do not agree on what amendments to make, the OBC may adopt revised Rules of Play/Minimum Internal Controls that incorporate the amendments the OBC deems necessary.
 - After six months have passed since the OBC initiates amendments, if neither the Commission nor the OBC has adopted revised Rules of Play/Minimum Internal Controls, the Rules of Play and Minimum Internal Controls adopted by the Commission remain in effect. [21.6-14(d)(3)(C)]
- To clarify responsibilities, the amended Law makes Senior Gaming Management, instead of Gaming Operations, responsible for reviewing and providing comments on any proposed Rules of Play or Minimum Internal Controls.
- The amendments change the explanation of what Rules of Play and Minimum Internal Controls are. Instead of “adopted and approved industry standards,” they are identified as “minimum standards.” And instead of stating that these standards are “for Gaming Operations,” the amendments identify them as standards “with which the Gaming Operations are required to comply and are audited against.” [21.6-14]

Other

Additional changes made to the Law include:

- Adding that when the OBC makes an appointment to fill a vacancy on the Commission for an unexpired term of office, it must be done pursuant to the Comprehensive Policy Governing Boards, Committees and Commissions. [21.6-13]
- Deleting a reference to the Administrative Procedures Act (APA) and replacing it with a reference to the Tribe’s “administrative procedures law.” This would resolve potential conflict with future changes to (or repeal of) the APA. [21.12-9(g)]
- Clarifying responsibilities by identifying the Commission as responsible for taking the fingerprints required for a license application. [21.12-2(m)]
- Specifically identifying what must be included in the Commission’s written decision when a licensing decision is appealed: a determination of whether to uphold their original licensing decision, including whether to revoke or reinstate a license. [21.12-10]
- Adding that per capita payments can only be made pursuant to an approved revenue allocation plan. [21.17-1(b)]

Miscellaneous

Sections 21.2 and 21.4 were updated to comply with the requirements of the Legislative Procedures Act. Various other minor amendments were made to ensure compliance with tribal drafting and formatting standards. These changes did not affect the content of the Law.

A public meeting has not been held.

Considerations

1. Although both Federal Law [25 CFR 558.4] and this Law [21.12-9(e)] require certain licensing/hearing decisions to be sent to NIGC within 45 days, 21.12-10 also provides that any person aggrieved by a licensing decision of the Commission may appeal the decision by filing a request for an original hearing before the Commission, within 15 days after receiving the decision. The Commission must certify the record within 30 days, and issue a written decision within 120 days after receiving the request, and then that decision may be appealed to the Judiciary on another timeline. These timelines exceed the 45 day-requirement and the Law does not identify whether any later decision would also need to be submitted to NIGC.

Recommendation: The LOC may want to consider identifying a timeline for notifying NIGC of any later decisions, and/or a requirement for notifying NIGC when any decisions that are submitted to NIGC are appealed.

2. Currently, the after the Commission determines that an applicant is eligible to be licensed, they notify NIGC, and then wait for a response from NIGC before issuing licenses. The Law sets out a 30-day period for NIGC to respond after receiving notification. The current requirements are that, within 30 days after receiving notice from the Commission about a new employee:

- The NIGC Chairman may request additional information from the Commission concerning the employee, and such a request suspends the 30-day period until the NIGC Chairman receives the additional information.
- If NIGC notifies the Commission that it has no objection to issuing the license, the Commission may grant the license to the employee.
- If the NIGC objects to issuing a license to the employee, the Commission must reconsider, but still makes the final decision.

By comparison, under the amendments, the Commission may issue or suspend a license without waiting for NIGC approval. However, the proposed amended Law still identifies this 30-day period for NIGC to respond after being notified of the Commission's determination of eligibility for an employee to be licensed – specifically, it now says that if NIGC notifies the Commission that it has no objection, the Commission may grant the license if it hasn't already done so. And if NIGC objects to the issuance of a license to the employee, the Commission still makes the final decision as to whether to issue a license, or if a license has already been issued, whether to suspend/revoke the license.

Now that the Commission does not have to wait for a response from NIGC before issuing a license, this 30-day deadline does not serve a purpose. It was identified in the current law so that there would be direction on what happens if NIGC does not respond in a timely manner. As written, this amended section may be confusing - for example, the Chairman of NIGC may request more information about an applicant during that 30 day period – but what happens if they request that information after the 30 day period? This could be interpreted as meaning that the Commission does not need to comply with a request from the NIGC chair for more information, after those 30 days. Also, a request from the Chairman “tolls” (pauses) the 30 day period, and

there does not seem to be a reason to toll a 30-day period since the Commission no longer has to wait for a response from NIGC before making a licensing decision.

Recommendation: The LOC may want to consider deleting the 30-day requirement or more clearly identifying when or how it is still necessary.

3. It may be beneficial to review the language regarding amendments to the Rules of Play and Minimum Internal Controls, for consistency and clarity:

- Since this Law requires the Rules/Controls to be adopted by the Commission instead of the OBC, it means the existing Rules/Controls are not adopted in accordance with this Law. It is not clear if the intent is for the Commission to immediately adopt Rules of Play or Minimum Internal Controls following adoption of these amendments; or how the existing documents would be affected if they are not.
- [21.6-14(d)(3)(B)]- “within thirty (30) days of the date the Oneida Business Committee is provided notice of the Rules of Play and Oneida Gaming Minimum Internal Controls adopted by the Commission.” – to ensure there is no confusion, and so that readers don’t have to refer to other sections to find out when this date might be, it may be beneficial to revise that to clarify that it means within 30 days after the OBC meeting at which the Commission provided such notice, or within 30 days after the Commission submits notice of adoption.
- [21.6-14(d)(3)(C)] “the date the amendments are initiated by the Oneida Business Committee” may not be sufficiently clear, because the Law does not identify specifically how the OBC initiates amendments (*i.e.* does it mean the date the OBC gives a directive to the LOC to process amendments, the date the OBC submits notice to the Commission of intent to amend/repeal; or the date the item is added to the Legislative Operating Committee’s Active Files List?) To ensure clarity, it is recommended that this provision be revised to refer to the date the Commission receives notice from the OBC of intent to repeal; or any other date that might be intended.

Chapter 21

Oneida Nation Gaming Ordinance

21.1. Purpose and Policy

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

21.1-2. *Policy.* It is the policy of this Ordinance to ensure that the Oneida Tribe is the primary beneficiary of its Gaming Operations and has the sole proprietary interest, and that Gaming Activities within the jurisdiction set forth in this Ordinance are conducted fairly and honestly,

and that all internal departments, enterprises, officials and employees of the Oneida Tribe work cooperatively to advance the best interests of the Oneida Tribe to protect the Tribe's gaming resources, protect the integrity of all ~~gaming activities~~ Gaming Activities operated under the jurisdiction set forth in this Ordinance and to ensure fairness of all games offered to the Tribe's gaming patrons.

21.2. Adoption, Amendment, ~~Applicability~~, Repeal

21.2-1. *Adoption.* This Ordinance ~~is~~was adopted ~~under the authority of the Constitution of by~~ the Oneida ~~Tribe of Indians of Wisconsin by Oneida~~ General Tribal Council ~~Resolution # 7~~by resolution GTC-07-05-04-A and amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-23-09-D ~~and~~, BC-06-25-14-B, and.

21.2-2. *Amendment.* This Ordinance may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in ~~accordance with Tribal law~~the Legislative Procedures Act.

21.2-3. *Severability.* Should a provision of this Ordinance or the application ~~of this Ordinance~~ thereof to any person or circumstances be held as invalid, ~~the~~such invalidity shall not ~~effect~~affect other provisions of this Ordinance.

~~21.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions~~ which are considered to have legal force without the invalid portions.

~~21.2-4. inconsistent with~~In the event of a conflict between a provision of this Ordinance and a provision of another law, the provisions of this law. Specifically, Ordinance shall control. Provided that, this Ordinance repeals the following ~~resolutions are repealed by this law:~~

- (a) BC-~~404~~-21-89-D (Adoption of the Oneida Gaming Control Ordinance);
- (b) GTC-03-04-91-A (Establishing 7 elected Gaming Commissioners and Bingo standards);
- (c) GTC-~~7-6~~07-06-92-A (Amendments to Gaming SOP Manual);
- (d) GTC-~~7-6~~07-06-92-B (Adoption of the Comprehensive Gaming Ordinance);
- (e) BC-~~303~~-16-94-A; (Comprehensive Gaming Ordinance Interpretation); and
- (f) BC-~~404~~-5-95-D (Amendments to the Comprehensive Gaming Ordinance).

21.2-5. ~~Name.~~ This Ordinance is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

~~21.2-6. Name.~~ shallThis Ordinance is to be known as the Oneida Nation Gaming Ordinance or ONGO.

21.2-~~67~~. *Preemptive Authority.* The Gaming Commission shall be the original hearing body authorized to hear licensing decisions as set forth in this Ordinance.

21.3. Jurisdiction

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

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

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

- (a) the Tribe;
- (b) tribal members; and

(c) individuals and businesses leasing, occupying, or otherwise using Tribal ~~fee land~~Fee Land on the Reservation and all Tribal Trust ~~Lands~~Land.

21.4. Definitions

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

~~21.4.2.~~ (a) *Applicant* means any person or entity who has applied for a License from the Oneida Gaming Commission or the Oneida Business Committee.

~~21.4.3.~~ (b) *Background Investigation* means a standard and thorough investigation conducted by the Oneida Tribe in compliance with this Ordinance, Commission regulations, Oneida Gaming Minimum Internal Controls, the IGRA and the Compact. Such investigations may be in cooperation with federal, state, or Tribal law enforcement agencies.

~~21.4.4.~~ (c) *Class I Gaming* means social games solely for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, Tribal ceremonies or celebrations.

~~21.4.5.~~ (d) *Class II Gaming* means:

~~(a)~~ (1) The game of chance commonly known as bingo (whether or not electronic, computer or other technologic aids are used in connection therewith) in which:

~~(1A)~~ (1A) The game is played for prizes, including monetary prizes, with cards bearing numbers or other designations.

~~(2B)~~ (2B) The holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined.

~~(3C)~~ (3C) The game is won by the first person covering a previously designated arrangement of numbers or designation on such cards, including (if played in the same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.

~~(b)~~ (2) Card games that:

~~(1A)~~ (1A) Are explicitly authorized by the laws of the State; or

~~(2B)~~ (2B) Are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games. Class II Gaming does not include any banking card games, including baccarat, chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical facsimiles of any game of chance or slot machines of any kind.

~~21.4.6.~~ (e) *Class III Gaming* means all forms of Gaming that are not Class I or Class

II.

~~21.4.7.~~ (f) *Commission* means the Oneida Gaming Commission as established by this Ordinance.

~~21.4.8.~~ (g) *Commissioner* means a duly elected member of the Oneida Gaming Commission.

~~21.4.9. (h)~~ *Compact* means the 1991 Tribe-State Gaming Compact between the Tribe and the State of Wisconsin as amended and any future amendments or successor compact entered into by the Tribe and State and approved by the Secretary of the United States Department of Interior.

~~21.4.10. (i)~~ *Compliance Certificate* means a certificate issued by an agency with the authority and responsibility to enforce applicable environmental, health or safety standards, which states that a Gaming Facility complies with these standards.

~~21.4.11. (j)~~ *Environmental Assessment* means a document prepared and issued in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. sec. 4321 et seq., and all related Federal regulations.

~~21.4.12. (k)~~ *Fraud* means any act of trickery or deceit used to or intended to gain control or possession of the property of another.

~~21.4.13. (l)~~ *Games, Gaming, or Gaming Activity* means all forms of any activity, operation, or game of chance that is considered Class II or Class III Gaming, provided that this definition does not include Class I Gaming.

~~21.4.14. (m)~~ *Gaming Employee* means any person employed by a Gaming Operation.

~~21.4.15. (n)~~ *Gaming Facility* or *Gaming Facilities* means any location or structure, stationary or movable, wherein Gaming is permitted, performed, conducted, or operated. Gaming Facility does not include the site of a fair, carnival, exposition, or similar occasion.

~~21.4.16. (o)~~ *Gaming Operation* means the conduct of Gaming Activities and related business activities in Gaming Facilities and areas where Gaming Employees are employed or assigned.

~~21.4.17. (p)~~ *Gaming Operator* means the Tribe, an enterprise owned by the Tribe, or such other entity of the Tribe as the Tribe may from time to time designate as the wholly-owned entity having full authority and responsibility for the operation and management of Gaming Operations.

~~21.4.18. (q)~~ *Gaming Services* means the provision of any goods and services, except legal services and accounting services, to a Gaming Operation, including, but not limited to, equipment, transportation, food, linens, janitorial supplies, maintenance, or security services.

~~21.4.19. (r)~~ *Indian Gaming Regulatory Act* or *IGRA* means Public Law 100-497, 102 Stat. 2426, 25 U.S.C. sec. 2701, et seq., as amended.

~~21.4.20. (s)~~ *Judiciary* means the judicial system that was established by Oneida General Tribal Council resolution GTC #1-07-13-B to administer the judicial authorities and responsibilities of the Tribe.

~~21.4.21. (t)~~ *License* means a certificate or other document that represents the grant of a revocable authorization to conduct the licensed activity. A ~~license~~License must be supported by a physical document, badge, certification or other physical manifestation of the issuance of the revocable authorization to conduct the licensed activity.

~~21.4.22. (u)~~ *Licensee* means a person or entity issued a valid License.

~~21.4.23. (v)~~ *NIGC* means the National Indian Gaming Commission.

~~21.4.24. (w)~~ *Oneida Business Committee* means the elected governing body of the Tribe exercising authority delegated from the Oneida General Tribal Council of the Oneida Tribe of Indians of Wisconsin under Article IV of the Constitution and By-laws for the Oneida Tribe of Indians of Wisconsin, approved December 21, 1936, as thereafter

amended.

~~21.4-25. (x)~~ *Oneida General Tribal Council* means the governing body of the Oneida Tribe of Indians of Wisconsin as determined by the Tribe's Constitution.

~~21.4-26. (y)~~ *Ordinance or ONGO* means the Oneida Nation Gaming Ordinance as it may from time to time be amended.

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

~~21.4-28. (aa)~~ *Remediation* means efforts taken to reduce the source and migration of environmental contaminants at a site.

~~21.4-29. (bb)~~ *Reservation* means all lands 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.

~~21.4-30. (cc)~~ *Senior Gaming Management* means the gaming general manager, assistant gaming general managers, gaming directors and assistant gaming directors.

~~21.4-31. (dd)~~ *State* means the State of Wisconsin, its authorized officials, agents and representatives.

~~21.4-32. (ee)~~ *Tribe* means the Oneida Tribe of Indians of Wisconsin.

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

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

21.5. Oneida Business Committee: Powers and Duties

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

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

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

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

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

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

21.6. Oneida Gaming Commission

21.6-1. *Establishment and Purpose.* The Oneida Business Committee has established the

Oneida Gaming Commission for the purpose of regulating all Gaming Activities. The Commission is an elected body comprised of four (4) members, provided that, the Oneida Business Committee may, upon request of the Commission, increase the number of Commissioners by resolution without requiring amendment of this Ordinance.

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

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

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

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

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

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

21.6-5. *Requirements of Commission Membership.*

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

(1) Be an enrolled member of the Tribe;

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

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

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

(c) *Background Investigation.* No person ~~shall~~may be considered for election or appointment as a Commissioner until a preliminary ~~background investigation~~Background Investigation has been completed and the person has been found to meet all qualifications.

(d) Swearing into office is subject to a Background Investigation regarding the qualifications set forth in sections 21.6-5 and 21.6-6 upon being elected or appointed to

office.

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

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

(1) Any gambling-related offense;

(2) Any offense involving Fraud or misrepresentation;

(3) Any offense involving a violation of any provision of chs. 562 or 565, Wis. Stats., any rule promulgated by the State of Wisconsin Department of Administration, Division of Gaming or any rule promulgated by the Wisconsin Racing Board;

(4) A felony not addressed in paragraphs 1, 2, or 3, during the immediately preceding ten (10) years; or

(5) Any offense involving the violation of any provision of Tribal law regulating the conduct of Gaming Activities, or any rule or regulation promulgated pursuant thereto.

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

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

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

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

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

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

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

21.6-9. *Full-time Status.* The Commission shall identify the appropriate work schedule for its members. Each Commissioner shall perform his or her duties and responsibilities on a full-time

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

basis and ~~will~~shall devote his or her entire work and professional time, attention and energies to Commission business, and ~~will~~may not, during his or her tenure in office, be engaged in any other profession or business activity that may impede the Commissioner's ability to perform duties on behalf of the Commission or that competes with the Tribe's interests.

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

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

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

21.6-13. *Vacancies*. Any vacancy in an unexpired term of office, however caused, ~~shall~~must be filled by appointment by the Oneida Business Committee of a person qualified pursuant to sections 21.6-5 and 21.6-6 pursuant to the Comprehensive Policy Governing Boards, Committees and Commissions.

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

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

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

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

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

(1) Rules of Play and Oneida Gaming Minimum Internal Controls are minimum standards with which the Gaming Operations are required to comply and are audited against.

(2) Comments received from Senior Gaming Management must be included in any submission to the Oneida Business Committee.

(3) Rules of Play and Oneida Gaming Minimum Internal Controls are effective

upon adoption by the Commission. The Commission shall provide notice of adoption of the Rules of Play and/or Oneida Gaming Minimum Internal Controls to the Oneida Business Committee at the next available regularly scheduled Oneida Business Committee meeting following such adoption. If the Oneida Business Committee has any concerns and/or requested revisions upon review of the Rules of Play and Oneida Gaming Minimum Internal Controls, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions.

(A) Unless the Oneida Business Committee repeals the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, they will remain in effect while the Commission and the Oneida Business Committee jointly work to amend the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission.

(i) Should the Oneida Business Committee repeal the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, the Rules of Play and/or the Oneida Gaming Minimum Internal Controls that were in effect immediately previous to those repealed will be automatically reinstated and effective immediately upon the repeal of the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission.

(B) If the Commission does not receive written notice from the Oneida Business Committee of intent to repeal or amend the Rules of Play and/or the Oneida Gaming Minimum Internal Controls within thirty (30) days of the date the Oneida Business Committee is provided notice of the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, they will remain in effect as adopted by the Commission.

(C) Should the Oneida Business Committee pursue amendments to the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, the amendments must be completed through one (1) of the following actions within six (6) months from the date the amendments are initiated by the Oneida Business Committee:

(i) if the Commission and the Oneida Business Committee reach an agreement as to the content of the amendments, the Commission must adopt revised Rules of Play and/or the Oneida Gaming Minimum Internal Controls that have been discussed with and agreed upon by the Oneida Business Committee; or

(ii) if the Commission and the Oneida Business Committee do not reach an agreement as to the content of the amendments, the Oneida Business Committee may adopt revised Rules of Play and/or the Oneida Gaming Minimum Internal Controls that incorporate the amendments it deems necessary.

(D) If revised Rules of Play and/or Oneida Gaming Minimum Internal Controls are not adopted by either the Commission or the Oneida Business Committee within six (6) months from the date the amendments are

initiated by the Oneida Business Committee, the Rules of Play and/or the Oneida Gaming Minimum Internal Controls originally adopted by the Commission will remain in effect.

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

(f) To monitor and enforce all laws and regulations governing the operation and conduct of all Gaming Activities, including the ongoing monitoring of Licenses, subject to this Ordinance and/or regulations setting forth hearing or enforcement processes.

(g) To monitor and investigate all Gaming Operators for compliance with internal audits, and external audits.

(h) To inspect, examine, and photocopy all papers, books, and records of Gaming Activities and any other matters necessary to carry out the duties pursuant hereto, provided that, all photocopies of documents ~~shall~~must be maintained in a confidential manner or in the same manner as the original.

(i) To grant, deny, revoke, condition, suspend or reinstate the Licenses of Gaming Employees, Gaming Services vendors, and Gaming Operators.

(j) To conduct hearings relating to Licenses issued under this Ordinance by the Commission.

(k) To review all vendors doing business with the Gaming Operator to verify that such persons or entities hold a valid License, where required, to do business with a Gaming Operator.

(l) To retain professional advisors such as attorneys, law enforcement specialists, and Gaming professionals consistent with Tribal law and practices.

(m) To arbitrate, negotiate, or settle any dispute to which it is a party and which relates to its authorized activities.

(n) To act as the designated agent to receive all regulatory notices not included in section 21.5-6.

(o) To investigate all Regulatory Incidents.

(p) To issue warnings or notices of violation, in accordance with regulations, to Gaming Operators and Licensees for non-compliance with the Compact, Oneida Gaming Minimum Internal Controls, Rules of Play, IGRA, or this Ordinance.

(q) To make determinations regarding suitability for licensing.

(r) To establish an administrative structure by regulation to carry out its authority and responsibilities.

(s) To establish, where needed, additional processes for conducting licensing hearings by regulation.

(t) To establish and collect fees for processing ~~license~~License applications by regulation.

(u) To establish and impose a point system for findings of regulatory violations by any Gaming Employee by regulation.

(v) To establish and impose a fine system for findings of regulatory violations by any Gaming Services vendor or permittee by regulation.

(w) To approve procedures that provide for the fair and impartial resolution of patron complaints.

21.6-15. *Reporting Requirements.* The Commission shall adhere to the following reporting requirements:

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

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

21.7. Gaming Surveillance: Powers, Duties and Limitations

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

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

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

21.7-4. Gaming Surveillance shall:

- (a) Develop, implement and maintain written policies and procedures for the conduct and integrity of the Surveillance Department.
- (b) Develop, implement and maintain additional procedures governing the use and release of the surveillance recordings or reports.
- (c) Work cooperatively with the Gaming Security Department to carry out its official duties and to coordinate its activities in order to effectuate the protection of patrons and the assets of the Gaming Operation.
- (d) Develop, implement and maintain written policies and procedures for implementation

of duties and responsibilities identified with the Oneida Gaming Minimum Internal Controls, subject to approval by the Commission.

21.8. [Reserved for future use.]

21.9. Gaming Security Department

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

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

21.9-3. The Gaming Security Department shall:

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

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

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

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

21.10. Background Investigations

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

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

21.11. Licenses, Generally

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

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

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

21.11-4. All Applicants:

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

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

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

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

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

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

21.12. Gaming Employee License

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

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

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

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

(c) The names and current addresses, of at least three (3) personal references, including one (1) personal reference, who were acquainted with the Applicant during each period of

residence listed in subsection (b) above.

(d) Current business and residence telephone numbers.

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

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

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

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

(i) For each felony conviction or ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition if any.

(j) For each misdemeanor or ongoing misdemeanor prosecution (excluding violations for which jail time is not part of the potential sentence) within ten (10) years of the date of the application, the name and address of the court involved, and the date and disposition.

(k) For each criminal charge (excluding charges for which jail time is not part of the potential sentence) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to subsections (i) or (j) of this section, the criminal charge, the name and address of the court involved and the date and disposition.

(l) A photograph.

(m) Fingerprints consistent with procedures adopted by the Commission which meet the criteria set forth in 25 C.F.R. section 522.2(h). The Commission is the agency that takes the fingerprints.

(n) Any other information the Commission deems relevant for a Gaming Employee License.

(o) A statement that each Applicant has read and understands notices and NIGC requirements relating to:

(1) The Privacy Act of 1974;

(2) Fraud and False Statements Act; and

(3) Fair Credit Reporting Act.

21.12-3. *License Qualifications.* No License ~~shall~~may be granted if the Applicant:

(a) Is under the age of eighteen (18).

(b) Unless pardoned for activities under this subsection by the Tribe, or pardoned for activities under this subsection by another Federally-recognized Indian Tribe for an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned for activities under this subsection by the state or Federal government, has been convicted of, or entered a plea of guilty or no contest to, any of the following:

(1) Any gambling-related offense;

(2) Any offense involving Fraud or misrepresentation;

(3) Any offense involving a violation of any provision of chs. 562 or 565, Wis. Stats., any rule promulgated by the State of Wisconsin Department of Administration, Division of Gaming or any rule promulgated by the Wisconsin Racing Board;

(4) A felony not addressed in paragraphs (1), (2), or (3), during the immediately preceding ten (10) years; or

(5) Any offense involving the violation of any provision of Tribal law regulating the conduct of Gaming Activities, or any rule or regulation promulgated pursuant thereto.

(c) Is determined to be a person whose prior activities, criminal record, reputation, habits, or associations pose a threat to the public interest or to the effective regulation and control of Gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming Activities or the carrying on of the business and financial arrangements incidental thereto.

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

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

21.12-4. *Initial Eligibility Determination.*

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

(1) Grant a temporary license, with or without conditions, to the Applicant; or

(2) Deny the ~~license~~License application and provide notice to the Applicant that he or she may request a hearing regarding the decision consistent with subsection (b) below.

(b) If the Commission determines that an Applicant is ineligible for a License, the Commission shall notify the Applicant. The Commission shall set forth regulations for an Applicant to review any information discovered during the preliminary Background Investigation prior to scheduling a hearing under section 21.12-~~9~~10. The suspension or revocation hearing provisions set forth at section 21.12-~~89~~ do not apply to Initial Eligibility Determinations.

21.12-5. *Eligibility Determination and Notification to NIGC*~~Review~~. When a Gaming Employee begins employment at a Gaming Operation, the Commission shall:

(a) ~~Forward~~Require the Gaming Employee to the NIGC submit a completed application for employment that contains the notices and information listed in section 21.12-2~~and any other necessary reports.~~

(b) Review the Background Investigation of the ~~Applicant.~~Based Gaming Employee. Within sixty (60) days after a Gaming Employee begins employment at a Gaming Facility under a temporary license, the Commission shall make an eligibility determination regarding whether the Gaming Employee may receive a License based upon the results of the Background Investigation, the Commission shall determine the eligibility of the Applicant to receive a License.

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

~~(d) Forward, after determination of eligibility, a report to the NIGC~~ (c) Create an

investigative report based on each Background Investigation performed. The investigative report must include the steps in conducting the Background Investigation, results obtained, conclusions reached and the basis for those conclusions.

(d) Prior to issuing a License to a Gaming Employee and within sixty (60) days after the Applicant Gaming Employee begins employment at a Gaming Facility:

(1) During a thirty (30) day period, beginning when the NIGC receives a report submitted pursuant to subsection (d) above, the Chairman, submit a notice of results of the Background Investigation to the NIGC for inclusion in the Indian Gaming Individual Record System. The notice of the NIGC may request results must include the following, provided that any additional or alternate information from the Commission concerning the Applicant. Such a request shall suspend the thirty (30) day period until the Chairman receives the additional information, must be forwarded as directed in regulations or rules adopted by NIGC:

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

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

(4)(1) The Gaming Employee's name, date of birth and social security number.

(2) The date on which the Gaming Employee began employment.

(3) A summary of the information presented in the investigative report, including:

(A) License(s) that have previously been denied;

(B) Gaming licenses that have been revoked, even if subsequently reinstated;

(C) Every known criminal charge brought against the Gaming Employee within the last ten (10) years of the date of the application;

(D) Every felony of which the Gaming Employee has been convicted or any ongoing prosecution.

(4) a copy of the eligibility determination made under section 21.12-5(b).

(e) All applications, Background Investigations, investigative reports, suitability determinations, findings and decisions of the Commission shall must be retained in the Commission's files for a period of at least seven (7) three (3) years from the date the Gaming Employee's employment is terminated.

21.12-6. License Issuance. The Commission may issue a License to a Gaming Employee at any time after providing NIGC with a notice of results as required under section 21.12-5(d); however, a Gaming Employee who does not have a License ninety (90) days after the start of employment must have his or her employment terminated. The Commission shall notify the NIGC of the issuance or denial of a License to a Gaming Employee within thirty (30) days after the License is issued or denied.

(a) Any Gaming Employee License issued under this section shall be is effective from the date of issuance and shall must contain the Gaming Employee's photograph, the Gaming Employee's name, and the date that the License became effective. If a Gaming

Employee is promoted, transferred, reassigned, or the position is reclassified, the Gaming Employee shall notify in writing the Commission, and the Commission shall review the Gaming Employee's License. The Commission retains the right to grant, deny, revoke, condition, suspend, or reinstate Licenses subject to the right to appeal the decision under the processes set forth in this Ordinance.

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

21.12-8. NIGC Review.

(a) During a thirty (30) day period, beginning when the NIGC receives a notice of results submitted pursuant to section 21.12-5(d) above, the Chairman of the NIGC may request additional information from the Commission concerning the Gaming Employee. Such a request suspends the thirty (30) day period until the Chairman receives the additional information.

(b) If, within the thirty (30) day period after NIGC receives the notice of results, the NIGC notifies the Commission that it has no objection to the issuance of a License, and the Commission has not yet issued a License to the Gaming Employee, the Commission may grant the License to the Gaming Employee.

(c) If, within the thirty (30) day period after NIGC receives the notice of results, the NIGC provides the Commission with a statement itemizing objections to the issuance of a License, the Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Commission shall make the final decision whether to issue a License to the Gaming Employee, or if the Gaming Employee has already been licensed, whether to suspend or revoke the License in accordance with section 21.12-9.

(d) Upon receipt of notification from the NIGC that a Gaming Employee who has already been licensed is not eligible for employment, the Commission shall immediately suspend the License in accordance with section 21.12-9.

21.12-9. Suspension or Revocation of Licenses. Except as provided in section 21.12-8(d) or 21.12-9(c), no License ~~can~~may be suspended or revoked except after notice and opportunity for hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Within fifteen (15) business days after a hearing, the Commission shall issue a final written licensing decision and decide whether to suspend, uphold an immediate suspension, revoke, or take other action concerning a License. If the License was suspended, conditioned or revoked based on information from the NIGC or other source under section 21.12-8(d) or 21.12-9(a)(1), the Commission shall forward a copy of its decision to NIGC within forty-five (45) days of receiving NIGC's or the other source's notification indicating that a Gaming Employee is not eligible for a License.

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

(g) Unless identified in this Ordinance or regulations of the Commission, the hearing processes set forth in the ~~Oneida Administrative Procedures Act~~ shall ~~Tribe's administrative procedures law~~ apply.

21.12-~~9~~10. *Original Hearing Body.* Any person aggrieved by a licensing decision of the Commission may appeal the decision by filing a request for an original hearing before the Commission. The Licensee ~~must~~may file any such request with the Commission in writing on or before the fifteenth (15th) day following receipt of the Commission's decision. The Commission shall certify the record, developed in section 21.12-4 or 21.12-~~8~~9(a), within thirty (30) days of

the date of the filing of the request for an original hearing. The Commissioners serving on the original hearing body ~~shall~~may not include the Commissioners who participated in the licensing decision from which the original hearing is scheduled. The Commission may determine to review the decision solely on the licensing decision record and briefs filed regarding the request for reconsideration. The Commission may also, in its sole discretion, grant oral argument. The Commission shall issue a written decision determining whether to uphold the Commission's licensing decision, including whether to revoke or reinstate a License, within one hundred twenty (120) days from receipt of the request for the original hearing. The Commission's decision ~~shall~~beis considered an original hearing decision and an appeal may be made to the Judiciary as an appeal of an original hearing body.

21.12-~~10~~11. *Notice to Oneida Business Committee.* Prior to any suspension or revocation of a License of the gaming general manager, the Commission shall provide notice to the Oneida Business Committee twenty-four (24) hours prior to the issuance of the suspension or revocation.

21.12-~~11~~12. *Record of Proceedings.* The Commission shall maintain a complete and accurate record of all ~~Licensure~~licensure proceedings.

21.12-~~12~~13. Revocation of a License is solely limited to the licensing matter. Employment related processes resulting from revocation of a ~~license~~License are determined solely through the personnel processes and procedures of the Tribe and are not licensing matters governed by this Ordinance.

21.13. Gaming Services Licensing and Non-Gaming Services Permitting

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

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

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

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

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

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

21.13-4. *Gaming Services License/Permit Application.* Every Applicant for a License or permit

² See also Appendix 1. Vendor Licensing/Permit.

shall file with the Commission a written application in the form prescribed by the Commission, duly executed and verified which ~~shall~~must provide and certify the following. Provided that, ~~non-gaming services~~Non-Gaming Services vendors with less than two thousand five hundred dollars (\$2,500.00) in services for the prior fiscal year ~~shall~~are only ~~be~~ required to file a notice of doing business with the Commission.

- (a) The Applicant's name and mailing address;
- (b) The names and addresses of each officer or management official of the Applicant;
- (c) A copy of the Applicant's articles of incorporation and by-laws, or if not a corporation, the Applicant's organizational documents;
- (d) Identification of an agent of service for the Applicant;
- (e) The name and address of each person having a direct or indirect financial interest in the Applicant;
- (f) The nature of the License or permit applied for, describing the activity to be engaged in under the License or permit;
- (g) Explicit and detailed disclosure of any criminal record, including any delinquent taxes owed to the United States, or any state, of the Applicant, any person involved in the organization, and any person of interest whose name appears or is required to appear on the application;
- (h) Whether the Applicant is or has been licensed by the state of Wisconsin Office of Indian Gaming Regulation and Compliance and, if applicable, proof of current licensure;
- (i) Whether the Applicant has been licensed in the state of New Jersey, Nevada, or by any other gaming jurisdiction, including any Indian Tribe or Tribal governmental organization and, if so, proof of such licensure and the status of any such ~~license~~License;
- (j) Whether the Applicant has been denied a ~~license~~License by any gaming jurisdiction and, if so, the identity of the jurisdiction, the date of such decision and the circumstances surrounding that decision;
- (k) Whether any ~~license~~License held by the Applicant has been refused renewal, conditioned, suspended or revoked by an issuing authority and, if so, the circumstances surrounding that action;
- (l) A statement of waiver allowing the Tribe to conduct a Background Investigation of the Applicant and any person whose name appears or is required to appear on the application;
- (m) Whether the Applicant or any person whose name appears or is required to appear on the application has or has had any business with the Tribe or any business or personal relationship with any of the Tribe's officers or employees;
- (n) The name and contact information for all Tribes or Tribal organizations with whom the Applicant or any person whose name appears or is required to appear on the application has done business;
- (o) Whether the Applicant or any person whose name appears or is required to appear on the application maintains any involvement in the business of wholesale distribution of alcoholic beverages;
- (p) A statement that the Applicant has read and understands notices and NIGC requirements relating to:
 - (1) The Privacy Act of 1974;
 - (2) False statements; and
 - (3) The Fair Credit Reporting Act.

(q) All additional information necessary to allow the Commission to investigate the Applicant and any person whose name appears or is required to appear on the application.

21.13-5. *Signature on Application.* Applications for Licenses or permits must be signed by the following person:

(a) For companies and corporations (both for profit and non-profit), the highest ranking official of the corporation, or another person to whom the authority to execute the Application has been properly delegated.

(b) For a sole proprietorship, the principal owner.

(c) For a partnership, all partners.

(d) For a limited partnership, the general partner or partners.

21.13-6. *Incomplete Applications.* Applications that do not contain all information requested, including proper signatures, will be considered incomplete. Incomplete applications will not be considered by the Commission. The Commission shall notify an Applicant if an application is incomplete and what additional information is necessary to complete the application. If an Applicant who has submitted an incomplete application, and been notified of the deficiency in that application, fails to provide the information requested by the Commission, the application will be returned to the Applicant and the file closed.

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

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

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

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

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

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

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

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

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

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

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

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

(b) ~~—~~Suspension Notice. The Commission shall provide a Licensee or ~~permitee~~permittee with written notice of suspension, which ~~shall~~must, at a minimum, notify the Licensee or ~~permitee~~permittee of the following:

- (1) The Licensee's or ~~permitee's~~permittee's right to conduct a file review prior to any hearing regarding the notice of suspension, and to make copies of any documents in that file;
- (2) The Licensee's or ~~permitee's~~permittee's right to present documents and witness testimony at the hearing and to be represented by counsel;
- (3) The specific grounds upon which the suspension is based, including citations

to relevant sections of this Ordinance, the IGRA, any applicable regulations and/or the Compact; and

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

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

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

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

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

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

21.13-14. *Original Hearing Body.* Any person aggrieved by a licensing or permitting decision of the Commission may appeal the decision by filing a request for an original hearing before the Commission. The Applicant, Licensee or permittee ~~must~~may file such request with the Commission in writing on or before the fifteenth (15th) day following the receipt of the Commission's decision. The Commission shall certify the record, developed in section 21.13-9 or 21. 13 -13(a), within thirty (30) days of the date of the filing on the request for an original hearing. The Commissioners participating in the initial licensing or permitting decision ~~shall~~may not participate in the original hearing. The Commission may determine to review the decision solely on the licensing or permitting decision record and briefs filed regarding the request for reconsideration. The Commission may also, in its sole discretion, grant oral argument. The Commission shall issue a written decision within one hundred twenty (120) days from receipt of the request for the original hearing. The Commission's decision ~~shall be~~is considered an original hearing decision and an appeal may be made to the Judiciary as an appeal of an original hearing body.

21.14. Gaming Facility License

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

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

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

(1) To show compliance with applicable health and safety standards, Gaming

Operator shall submit certified copies of Compliance Certificates issued by the agencies responsible for the enforcement of the health and safety standards.

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

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

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

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

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

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

21.15. Gaming Operator License

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21.16. Games

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

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

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

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

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

21.17. Allocation of Gaming Funds

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

- (a) To fund Tribal government operations, programs, or services.
- (b) To provide for the general welfare of the Tribe and its members; provided that per capita payments may only be made pursuant to an approved revenue allocation plan.
- (c) To promote Tribal economic development.
- (d) To contribute to charitable organizations.
- (e) To assist in funding operations of other local governments.
- (f) To fund programs designed to provide education, referrals, and treatment of Gaming addiction disorders.
- (g) Any other purpose as determined by the Oneida General Tribal Council or the Oneida Business Committee which is not inconsistent with the Constitution of the Tribe and IGRA.

21.18. Audits

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

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

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

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

21.19. Enforcement and Penalties

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

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

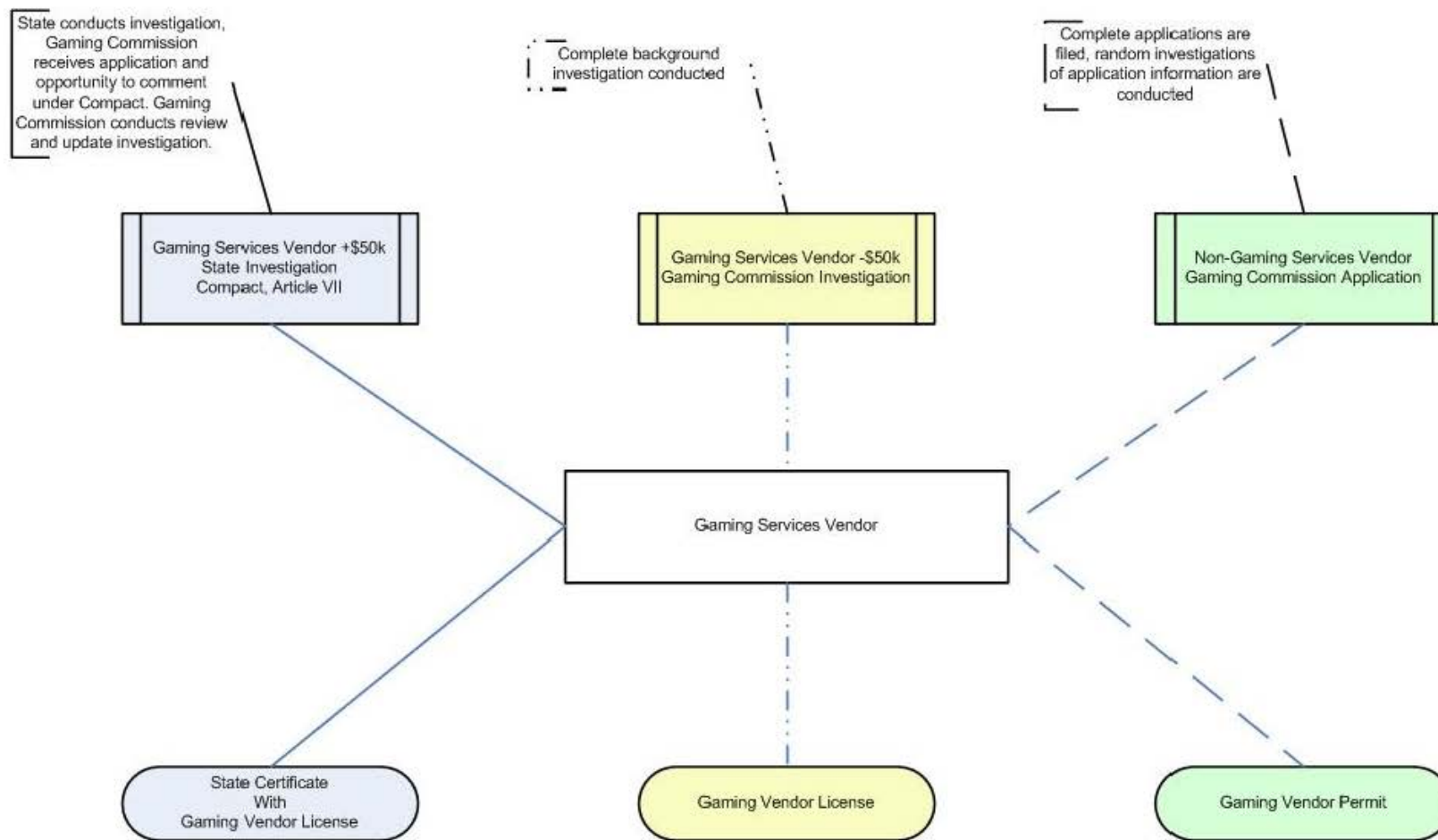
21.19-3. *Remedies.* The Oneida Business Committee may authorize commencement of an action in any court of competent jurisdiction to recover losses, restitution, and forfeitures resulting from violations of this Ordinance.

End.

Adopted	GTC-7-05-04-A
Emergency Amendment <u>Amended</u>	BC-7-14-04-A
Amendment	BC-10-06-04-D
Emergency Amendment <u>Amended</u>	BC-11-03-04-A
Permanent Adoption	BC-3-23-05-C
Amended	BC-9-23-09-D
Amended	BC-06-25-14- BC <u>BC</u> (effective 11 01 2014)
<u>Emergency Amended</u>	<u>BC-10-08-14-C</u> (effective 11 01 2014)

For OBC Consideration – Redline to Current
09/02/15

Appendix 1. Vendor License/Permit



Chapter 21
Oneida Nation Gaming Ordinance
Thatiwi·ʔStunya·tha Olihwa·ke
Matters of interest to where they make the money

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

21.1. Purpose and Policy

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

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

21.2. Adoption, Amendment, Repeal

21.2-1. *Adoption.* This Ordinance was adopted by the Oneida General Tribal Council by resolution GTC-07-05-04-A and amended by resolutions BC-10-06-04-D, BC-3-23-05-C, BC-9-23-09-D, BC-06-25-14-B and _____.

21.2-2. *Amendment.* This Ordinance may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

21.2-3 *Severability.* Should a provision of this Ordinance or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Ordinance which are considered to have legal force without the invalid portions.

21.2-4. In the event of a conflict between a provision of this Ordinance and a provision of another law, the provisions of this Ordinance shall control. Provided that, this Ordinance repeals the following:

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

- (c) GTC-07-06-92-A (Amendments to Gaming SOP Manual);
- (d) GTC-07-06-92-B (Adoption of the Comprehensive Gaming Ordinance);
- (e) BC-03-16-94-A; (Comprehensive Gaming Ordinance Interpretation); and
- (f) BC-04-5-95-D (Amendments to the Comprehensive Gaming Ordinance).

21.2-5. This Ordinance is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

21.2-6. *Name.* This Ordinance is to be known as the Oneida Nation Gaming Ordinance or ONGO.

21.2-7. *Preemptive Authority.* The Gaming Commission shall be the original hearing body authorized to hear licensing decisions as set forth in this Ordinance.

21.3. Jurisdiction

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

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

21.3-3. *Personal Jurisdiction.* This Ordinance governs:

- (a) the Tribe;
- (b) tribal members; and
- (c) individuals and businesses leasing, occupying, or otherwise using Tribal Fee Land on the Reservation and all Tribal Trust Land.

21.4. Definitions

21.4-1. This section shall govern the definitions of words and phrases used within this Ordinance. Words and phrases capitalized throughout this document refer to the defined words and phrases in this section. All words or phrases not defined herein shall be used in their ordinary and everyday sense.

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

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

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

21.4-5. *Class II Gaming* means:

- (a) The game of chance commonly known as bingo (whether or not electronic, computer or other technologic aids are used in connection therewith) in which:
 - (1) The game is played for prizes, including monetary prizes, with cards bearing numbers or other designations.
 - (2) The holder of the card covers such numbers or designations when objects, similarly numbered or designated, are drawn or electronically determined.
 - (3) The game is won by the first person covering a previously designated arrangement of numbers or designation on such cards, including (if played in the

same location) pull-tabs, lotto, punch boards, tip jars, instant bingo and other games similar to bingo.

(b) Card games that:

(1) Are explicitly authorized by the laws of the State; or

(2) Are not explicitly prohibited by the laws of the State and are played at any location in the State, but only if such card games are played in conformity with laws and regulations (if any) of the State regarding hours or periods of operation of such card games or limitations on wagers or pot sizes in such card games. Class II Gaming does not include any banking card games, including baccarat, chemin de fer, or blackjack (twenty-one), or electronic or electro-mechanical facsimiles of any game of chance or slot machines of any kind.

21.4-6. *Class III Gaming* means all forms of Gaming that are not Class I or Class II.

21.4-7. *Commission* means the Oneida Gaming Commission as established by this Ordinance.

21.4-8. *Commissioner* means a duly elected member of the Oneida Gaming Commission.

21.4-9. *Compact* means the 1991 Tribe-State Gaming Compact between the Tribe and the State of Wisconsin as amended and any future amendments or successor compact entered into by the Tribe and State and approved by the Secretary of the United States Department of Interior.

21.4-10. *Compliance Certificate* means a certificate issued by an agency with the authority and responsibility to enforce applicable environmental, health or safety standards, which states that a Gaming Facility complies with these standards.

21.4-11. *Environmental Assessment* means a document prepared and issued in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. sec. 4321 et seq., and all related Federal regulations.

21.4-12. *Fraud* means any act of trickery or deceit used to or intended to gain control or possession of the property of another.

21.4-13. *Games, Gaming, or Gaming Activity* means all forms of any activity, operation, or game of chance that is considered Class II or Class III Gaming, provided that this definition does not include Class I Gaming.

21.4-14. *Gaming Employee* means any person employed by a Gaming Operation.

21.4-15. *Gaming Facility* or *Gaming Facilities* means any location or structure, stationary or movable, wherein Gaming is permitted, performed, conducted, or operated. Gaming Facility does not include the site of a fair, carnival, exposition, or similar occasion.

21.4-16. *Gaming Operation* means the conduct of Gaming Activities and related business activities in Gaming Facilities and areas where Gaming Employees are employed or assigned.

21.4-17. *Gaming Operator* means the Tribe, an enterprise owned by the Tribe, or such other entity of the Tribe as the Tribe may from time to time designate as the wholly-owned entity having full authority and responsibility for the operation and management of Gaming Operations.

21.4-18. *Gaming Services* means the provision of any goods and services, except legal services and accounting services, to a Gaming Operation, including, but not limited to, equipment, transportation, food, linens, janitorial supplies, maintenance, or security services.

21.4-19. *Indian Gaming Regulatory Act* or *IGRA* means Public Law 100-497, 102 Stat. 2426, 25 U.S.C. sec. 2701, et seq., as amended.

21.4-20. *Judiciary* means the judicial system that was established by Oneida General Tribal Council resolution GTC #1-07-13-B to administer the judicial authorities and responsibilities of the Tribe.

21.4-21. *License* means a certificate or other document that represents the grant of a revocable authorization to conduct the licensed activity. A License must be supported by a physical document, badge, certification or other physical manifestation of the issuance of the revocable authorization to conduct the licensed activity.

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

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

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

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

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

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

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

21.4-29. *Reservation* means all lands 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.

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

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

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

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

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

21.5. Oneida Business Committee: Powers and Duties

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

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

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

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

21.5-5. The Oneida Business Committee retains the duty and responsibility to safeguard all funds generated by the Gaming Operations and all other authorities and responsibilities not

delegated by a specific provision of this Ordinance.

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

21.6. Oneida Gaming Commission

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

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

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

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

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

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

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

21.6-5. *Requirements of Commission Membership.*

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

(1) Be an enrolled member of the Tribe;

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

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

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

(c) *Background Investigation.* No person may be considered for election or appointment as a Commissioner until a preliminary Background Investigation has been completed and the person has been found to meet all qualifications.

(d) Swearing into office is subject to a Background Investigation regarding the qualifications set forth in sections 21.6-5 and 21.6-6 upon being elected or appointed to office.

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

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

(1) Any gambling-related offense;

(2) Any offense involving Fraud or misrepresentation;

(3) Any offense involving a violation of any provision of chs. 562 or 565, Wis. Stats., any rule promulgated by the State of Wisconsin Department of Administration, Division of Gaming or any rule promulgated by the Wisconsin Racing Board;

(4) A felony not addressed in paragraphs 1, 2, or 3, during the immediately preceding ten (10) years; or

(5) Any offense involving the violation of any provision of Tribal law regulating the conduct of Gaming Activities, or any rule or regulation promulgated pursuant thereto.

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

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

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

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

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

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

21.6-8. *Official Oath.* Each Commissioner shall take the official oath at a regular or special Oneida Business Committee meeting prior to assuming office. Upon being administered the oath

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

of office, a Commissioner shall assume the duties of office and must be issued a security card setting forth his or her title and term of office.

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

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

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

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

21.6-13. *Vacancies.* Any vacancy in an unexpired term of office, however caused, must be filled by appointment by the Oneida Business Committee of a person qualified pursuant to sections 21.6-5 and 21.6-6 pursuant to the Comprehensive Policy Governing Boards, Committees and Commissions.

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

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

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

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

(d) To draft and approve the Rules of Play and Oneida Gaming Minimum Internal Controls; provided that, Rules of Play and Oneida Gaming Minimum Internal Controls require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.

(1) Rules of Play and Oneida Gaming Minimum Internal Controls are minimum standards with which the Gaming Operations are required to comply and are audited against.

(2) Comments received from Senior Gaming Management must be included in any submission to the Oneida Business Committee.

(3) Rules of Play and Oneida Gaming Minimum Internal Controls are effective

upon adoption by the Commission. The Commission shall provide notice of adoption of the Rules of Play and/or Oneida Gaming Minimum Internal Controls to the Oneida Business Committee at the next available regularly scheduled Oneida Business Committee meeting following such adoption. If the Oneida Business Committee has any concerns and/or requested revisions upon review of the Rules of Play and Oneida Gaming Minimum Internal Controls, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions.

(A) Unless the Oneida Business Committee repeals the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, they will remain in effect while the Commission and the Oneida Business Committee jointly work to amend the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission.

(i) Should the Oneida Business Committee repeal the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, the Rules of Play and/or the Oneida Gaming Minimum Internal Controls that were in effect immediately previous to those repealed will be automatically reinstated and effective immediately upon the repeal of the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission.

(B) If the Commission does not receive written notice from the Oneida Business Committee of intent to repeal or amend the Rules of Play and/or the Oneida Gaming Minimum Internal Controls within thirty (30) days of the date the Oneida Business Committee is provided notice of the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, they will remain in effect as adopted by the Commission.

(C) Should the Oneida Business Committee pursue amendments to the Rules of Play and/or the Oneida Gaming Minimum Internal Controls adopted by the Commission, the amendments must be completed through one (1) of the following actions within six (6) months from the date the amendments are initiated by the Oneida Business Committee:

(i) if the Commission and the Oneida Business Committee reach an agreement as to the content of the amendments, the Commission must adopt revised Rules of Play and/or the Oneida Gaming Minimum Internal Controls that have been discussed with and agreed upon by the Oneida Business Committee; or

(ii) if the Commission and the Oneida Business Committee do not reach an agreement as to the content of the amendments, the Oneida Business Committee may adopt revised Rules of Play and/or the Oneida Gaming Minimum Internal Controls that incorporate the amendments it deems necessary.

(D) If revised Rules of Play and/or Oneida Gaming Minimum Internal Controls are not adopted by either the Commission or the Oneida Business Committee within six (6) months from the date the amendments are

initiated by the Oneida Business Committee, the Rules of Play and/or the Oneida Gaming Minimum Internal Controls originally adopted by the Commission will remain in effect.

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

(f) To monitor and enforce all laws and regulations governing the operation and conduct of all Gaming Activities, including the ongoing monitoring of Licenses, subject to this Ordinance and/or regulations setting forth hearing or enforcement processes.

(g) To monitor and investigate all Gaming Operators for compliance with internal audits, and external audits.

(h) To inspect, examine, and photocopy all papers, books, and records of Gaming Activities and any other matters necessary to carry out the duties pursuant hereto, provided that, all photocopies of documents must be maintained in a confidential manner or in the same manner as the original.

(i) To grant, deny, revoke, condition, suspend or reinstate the Licenses of Gaming Employees, Gaming Services vendors, and Gaming Operators.

(j) To conduct hearings relating to Licenses issued under this Ordinance by the Commission.

(k) To review all vendors doing business with the Gaming Operator to verify that such persons or entities hold a valid License, where required, to do business with a Gaming Operator.

(l) To retain professional advisors such as attorneys, law enforcement specialists, and Gaming professionals consistent with Tribal law and practices.

(m) To arbitrate, negotiate, or settle any dispute to which it is a party and which relates to its authorized activities.

(n) To act as the designated agent to receive all regulatory notices not included in section 21.5-6.

(o) To investigate all Regulatory Incidents.

(p) To issue warnings or notices of violation, in accordance with regulations, to Gaming Operators and Licensees for non-compliance with the Compact, Oneida Gaming Minimum Internal Controls, Rules of Play, IGRA, or this Ordinance.

(q) To make determinations regarding suitability for licensing.

(r) To establish an administrative structure by regulation to carry out its authority and responsibilities.

(s) To establish, where needed, additional processes for conducting licensing hearings by regulation.

(t) To establish and collect fees for processing License applications by regulation.

(u) To establish and impose a point system for findings of regulatory violations by any Gaming Employee by regulation.

(v) To establish and impose a fine system for findings of regulatory violations by any Gaming Services vendor or permittee by regulation.

(w) To approve procedures that provide for the fair and impartial resolution of patron complaints.

21.6-15. *Reporting Requirements.* The Commission shall adhere to the following reporting requirements:

(a) A true, complete and accurate record of all proceedings of the Commission must be kept and maintained;

(b) Complete and accurate minutes of all Commission meetings must be filed with the Secretary of the Oneida Business Committee within thirty (30) days of their approval by the Commission;

(c) Quarterly, or as may be directed by the Oneida Business Committee, reports of the Commission's activities, including information regarding funding, income and expenses and any other matters to which the parties may agree, must be submitted to the Oneida Business Committee.

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

21.7. Gaming Surveillance: Powers, Duties and Limitations

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

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

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

21.7-4. Gaming Surveillance shall:

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

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

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

(d) Develop, implement and maintain written policies and procedures for implementation of duties and responsibilities identified with the Oneida Gaming Minimum Internal

Controls, subject to approval by the Commission.

21.8. [Reserved for future use.]

21.9. Gaming Security Department

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

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

21.9-3. The Gaming Security Department shall:

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

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

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

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

21.10. Background Investigations

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

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

21.11. Licenses, Generally

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

21.11-2. *Temporary License.* All Applicants, upon receipt by the Commission of a completed application for a License and completion of a preliminary Background Investigation, may

receive a temporary license for a ninety (90) day period, unless a Background Investigation of the application demonstrates grounds to disqualify the Applicant. Such temporary license, as defined in this section, permits the Licensee to engage in such activities and pursuant to any terms and conditions imposed and specified by the Commission. The temporary license is valid until either replaced by a License, the ninety (90) day temporary license period has concluded, or the temporary license is cancelled by the Commission, whichever occurs first.

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

21.11-4. All Applicants:

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

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

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

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

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

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

21.12. Gaming Employee License

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

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

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

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

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

(d) Current business and residence telephone numbers.

- (e) A description of any existing and previous business relationships with Indian Tribes, including ownership interest in those businesses.
- (f) A description of any existing and previous business relationship with the Gaming industry generally, including ownership interest in those businesses.
- (g) The name and address of any licensing or regulatory agency with which the Applicant has filed an application for a license or permit related to Gaming, whether or not such license or permit was granted.
- (h) The name and address of any licensing or regulatory agency with which the Applicant has filed an application for an occupational license or permit, whether or not such license or permit was granted.
- (i) For each felony conviction or ongoing prosecution or conviction, the charge, the name and address of the court involved, and the date and disposition if any.
- (j) For each misdemeanor or ongoing misdemeanor prosecution (excluding violations for which jail time is not part of the potential sentence) within ten (10) years of the date of the application, the name and address of the court involved, and the date and disposition.
- (k) For each criminal charge (excluding charges for which jail time is not part of the potential sentence) whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application and is not otherwise listed pursuant to subsections (i) or (j) of this section, the criminal charge, the name and address of the court involved and the date and disposition.
- (l) A photograph.
- (m) Fingerprints consistent with procedures adopted by the Commission which meet the criteria set forth in 25 C.F.R. section 522.2(h). The Commission is the agency that takes the fingerprints.
- (n) Any other information the Commission deems relevant for a Gaming Employee License.
- (o) A statement that each Applicant has read and understands notices and NIGC requirements relating to:
- (1) The Privacy Act of 1974;
 - (2) Fraud and False Statements Act; and
 - (3) Fair Credit Reporting Act.

21.12-3. *License Qualifications.* No License may be granted if the Applicant:

- (a) Is under the age of eighteen (18).
- (b) Unless pardoned for activities under this subsection by the Tribe, or pardoned for activities under this subsection by another Federally-recognized Indian Tribe for an action occurring within the jurisdiction of the Federally-recognized Indian Tribe, or pardoned for activities under this subsection by the state or Federal government, has been convicted of, or entered a plea of guilty or no contest to, any of the following:
 - (1) Any gambling-related offense;
 - (2) Any offense involving Fraud or misrepresentation;
 - (3) Any offense involving a violation of any provision of chs. 562 or 565, Wis. Stats., any rule promulgated by the State of Wisconsin Department of Administration, Division of Gaming or any rule promulgated by the Wisconsin Racing Board;
 - (4) A felony not addressed in paragraphs (1), (2), or (3), during the immediately preceding ten (10) years; or

(5) Any offense involving the violation of any provision of Tribal law regulating the conduct of Gaming Activities, or any rule or regulation promulgated pursuant thereto.

(c) Is determined to be a person whose prior activities, criminal record, reputation, habits, or associations pose a threat to the public interest or to the effective regulation and control of Gaming or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the operation of Gaming Activities or the carrying on of the business and financial arrangements incidental thereto.

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

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

21.12-4. *Initial Eligibility Determination.*

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

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

(b) If the Commission determines that an Applicant is ineligible for a License, the Commission shall notify the Applicant. The Commission shall set forth regulations for an Applicant to review any information discovered during the preliminary Background Investigation prior to scheduling a hearing under section 21.12-10. The suspension or revocation hearing provisions set forth at section 21.12-9 do not apply to Initial Eligibility Determinations.

21.12-5. *Eligibility Determination and Notification to NIGC.* When a Gaming Employee begins employment at a Gaming Operation, the Commission shall:

(a) Require the Gaming Employee to submit a completed application for employment that contains the notices and information listed in section 21.12-2;

(b) Review the Background Investigation of the Gaming Employee. Within sixty (60) days after a Gaming Employee begins employment at a Gaming Facility under a temporary license, the Commission shall make an eligibility determination regarding whether the Gaming Employee may receive a License based upon the results of the Background Investigation.

(c) Create an investigative report based on each Background Investigation performed. The investigative report must include the steps in conducting the Background Investigation, results obtained, conclusions reached and the basis for those conclusions.

(d) Prior to issuing a License to a Gaming Employee and within sixty (60) days after the Gaming Employee begins employment at a Gaming Facility, submit a notice of results of the Background Investigation to the NIGC for inclusion in the Indian Gaming Individual Record System. The notice of results must include the following, provided that any

additional or alternate information must be forwarded as directed in regulations or rules adopted by NIGC:

- (1) The Gaming Employee's name, date of birth and social security number.
- (2) The date on which the Gaming Employee began employment.
- (3) A summary of the information presented in the investigative report, including:
 - (A) License(s) that have previously been denied;
 - (B) Gaming licenses that have been revoked, even if subsequently reinstated;
 - (C) Every known criminal charge brought against the Gaming Employee within the last ten (10) years of the date of the application;
 - (D) Every felony of which the Gaming Employee has been convicted or any ongoing prosecution.

(4) a copy of the eligibility determination made under section 21.12-5(b).

(e) All applications, Background Investigations, investigative reports, suitability determinations, findings and decisions of the Commission must be retained in the Commission's files for a period of at least three (3) years from the date the Gaming Employee's employment is terminated.

21.12-6. *License Issuance.* The Commission may issue a License to a Gaming Employee at any time after providing NIGC with a notice of results as required under section 21.12-5(d); however, a Gaming Employee who does not have a License ninety (90) days after the start of employment must have his or her employment terminated. The Commission shall notify the NIGC of the issuance or denial of a License to a Gaming Employee within thirty (30) days after the License is issued or denied.

(a) Any Gaming Employee License issued under this section is effective from the date of issuance and must contain the Gaming Employee's photograph, the Gaming Employee's name, and the date that the License became effective. If a Gaming Employee is promoted, transferred, reassigned, or the position is reclassified, the Gaming Employee shall notify in writing the Commission, and the Commission shall review the Gaming Employee's License. The Commission retains the right to grant, deny, revoke, condition, suspend, or reinstate Licenses subject to the right to appeal the decision under the processes set forth in this Ordinance.

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

21.12-8. *NIGC Review.*

(a) During a thirty (30) day period, beginning when the NIGC receives a notice of results submitted pursuant to section 21.12-5(d) above, the Chairman of the NIGC may request additional information from the Commission concerning the Gaming Employee. Such a request suspends the thirty (30) day period until the Chairman receives the additional information.

(b) If, within the thirty (30) day period after NIGC receives the notice of results, the NIGC notifies the Commission that it has no objection to the issuance of a License, and the Commission has not yet issued a License to the Gaming Employee, the Commission may grant the License to the Gaming Employee.

(c) If, within the thirty (30) day period after NIGC receives the notice of results, the

NIGC provides the Commission with a statement itemizing objections to the issuance of a License, the Commission shall reconsider the application, taking into account the objections itemized by the NIGC. The Commission shall make the final decision whether to issue a License to the Gaming Employee, or if the Gaming Employee has already been licensed, whether to suspend or revoke the License in accordance with section 21.12-9.

(d) Upon receipt of notification from the NIGC that a Gaming Employee who has already been licensed is not eligible for employment, the Commission shall immediately suspend the License in accordance with section 21.12-9.

21.12-9. *Suspension or Revocation of Licenses.* Except as provided in section 21.12-8(d) or 21.12-9(c), no License may be suspended or revoked except after notice and opportunity for hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

- (4) The time and place set by the Commission for the Licensee's hearing.
- (c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest, and effective regulation and control of Gaming Activities requires the immediate exclusion of a Licensee, the Commission may immediately suspend a License prior to the conduct of a hearing on the matter. Such an immediate suspension may take effect upon service of the notice of immediate suspension.
- (d) Any notice of suspension or notice of immediate suspension must set forth the times and dates for when the Licensee may review his or her file and the date for a hearing on any proposed licensing action.
- (e) Within fifteen (15) business days after a hearing, the Commission shall issue a final written licensing decision and decide whether to suspend, uphold an immediate suspension, revoke, or take other action concerning a License. If the License was suspended, conditioned or revoked based on information from the NIGC or other source under section 21.12-8(d) or 21.12-9(a)(1), the Commission shall forward a copy of its decision to NIGC within forty-five (45) days of receiving NIGC's or the other source's notification indicating that a Gaming Employee is not eligible for a License.
- (f) If a Licensee fails to appear for his or her hearing before the Commission, that right is deemed to have been waived and the Commission will proceed on the proposed licensing action by default.
- (g) Unless identified in this Ordinance or regulations of the Commission, the hearing processes set forth in the Tribe's administrative procedures law apply.
- 21.12-10. *Original Hearing Body.* Any person aggrieved by a licensing decision of the Commission may appeal the decision by filing a request for an original hearing before the Commission. The Licensee may file any such request with the Commission in writing on or before the fifteenth (15th) day following receipt of the Commission's decision. The Commission shall certify the record, developed in section 21.12-4 or 21.12-9(a), within thirty (30) days of the date of the filing of the request for an original hearing. The Commissioners serving on the original hearing body may not include the Commissioners who participated in the licensing decision from which the original hearing is scheduled. The Commission may determine to review the decision solely on the licensing decision record and briefs filed regarding the request for reconsideration. The Commission may also, in its sole discretion, grant oral argument. The Commission shall issue a written decision determining whether to uphold the Commission's licensing decision, including whether to revoke or reinstate a License, within one hundred twenty (120) days from receipt of the request for the original hearing. The Commission's decision is considered an original hearing decision and an appeal may be made to the Judiciary as an appeal of an original hearing body.
- 21.12-11. *Notice to Oneida Business Committee.* Prior to any suspension or revocation of a License of the gaming general manager, the Commission shall provide notice to the Oneida Business Committee twenty-four (24) hours prior to the issuance of the suspension or revocation.
- 21.12-12. *Record of Proceedings.* The Commission shall maintain a complete and accurate record of all licensure proceedings.
- 21.12-13. Revocation of a License is solely limited to the licensing matter. Employment related processes resulting from revocation of a License are determined solely through the personnel processes and procedures of the Tribe and are not licensing matters governed by this Ordinance.

21.13. Gaming Services Licensing and Non-Gaming Services Permitting

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

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

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

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

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

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

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

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

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

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

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

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

(f) The nature of the License or permit applied for, describing the activity to be engaged in under the License or permit;

(g) Explicit and detailed disclosure of any criminal record, including any delinquent taxes owed to the United States, or any state, of the Applicant, any person involved in the organization, and any person of interest whose name appears or is required to appear on the application;

(h) Whether the Applicant is or has been licensed by the state of Wisconsin Office of Indian Gaming Regulation and Compliance and, if applicable, proof of current licensure;

² See also Appendix 1. Vendor Licensing/Permit.

- (i) Whether the Applicant has been licensed in the state of New Jersey, Nevada, or by any other gaming jurisdiction, including any Indian Tribe or Tribal governmental organization and, if so, proof of such licensure and the status of any such License;
- (j) Whether the Applicant has been denied a License by any gaming jurisdiction and, if so, the identity of the jurisdiction, the date of such decision and the circumstances surrounding that decision;
- (k) Whether any License held by the Applicant has been refused renewal, conditioned, suspended or revoked by an issuing authority and, if so, the circumstances surrounding that action;
- (l) A statement of waiver allowing the Tribe to conduct a Background Investigation of the Applicant and any person whose name appears or is required to appear on the application;
- (m) Whether the Applicant or any person whose name appears or is required to appear on the application has or has had any business with the Tribe or any business or personal relationship with any of the Tribe's officers or employees;
- (n) The name and contact information for all Tribes or Tribal organizations with whom the Applicant or any person whose name appears or is required to appear on the application has done business;
- (o) Whether the Applicant or any person whose name appears or is required to appear on the application maintains any involvement in the business of wholesale distribution of alcoholic beverages;
- (p) A statement that the Applicant has read and understands notices and NIGC requirements relating to:
- (1) The Privacy Act of 1974;
 - (2) False statements; and
 - (3) The Fair Credit Reporting Act.
- (q) All additional information necessary to allow the Commission to investigate the Applicant and any person whose name appears or is required to appear on the application.
- 21.13-5. *Signature on Application.* Applications for Licenses or permits must be signed by the following person:
- (a) For companies and corporations (both for profit and non-profit), the highest ranking official of the corporation, or another person to whom the authority to execute the Application has been properly delegated.
 - (b) For a sole proprietorship, the principal owner.
 - (c) For a partnership, all partners.
 - (d) For a limited partnership, the general partner or partners.
- 21.13-6. *Incomplete Applications.* Applications that do not contain all information requested, including proper signatures, will be considered incomplete. Incomplete applications will not be considered by the Commission. The Commission shall notify an Applicant if an application is incomplete and what additional information is necessary to complete the application. If an Applicant who has submitted an incomplete application, and been notified of the deficiency in that application, fails to provide the information requested by the Commission, the application will be returned to the Applicant and the file closed.
- 21.13-7. *Supplemental Information.* The Commission may, in its discretion, request supplemental information from the Applicant. Supplemental information requested by the Commission must be promptly submitted by the Applicant. An Applicant's failure or refusal to

submit supplemental information requested by the Commission may constitute grounds for the denial of the application.

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

21.13-9. *Background Investigations.* Background Investigations for Gaming Services vendors must be conducted as follows.

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

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

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

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

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

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

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

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

899 if the Commission determines that the Licensee or permittee has:

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

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

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

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

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

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

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

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

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

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

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

927 (c) *Immediate Suspension.* If, in the judgment of the Commission, the public interest,
928 and effective regulation and control of others require the immediate exclusion of a
929 Licensee or permittee, the Commission may immediately suspend a License or permit
930 prior to a hearing on the matter. Such an immediate suspension takes effect upon service
931 of the notice of immediate suspension.

932 (d) *File Review and Hearing.* Any notice of suspension or notice of immediate
933 suspension must set forth the time and date for the Licensee or permittee to conduct a file
934 review and for a hearing.

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

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

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

943 21.13-14. *Original Hearing Body.* Any person aggrieved by a licensing or permitting decision
944 of the Commission may appeal the decision by filing a request for an original hearing before the

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

21.14. Gaming Facility License

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

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

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

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

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

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

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

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

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

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

the Gaming Facility after receiving the information required in section 21.14-2.

21.15. Gaming Operator License

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21.16. Games

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

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

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

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

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

21.17. Allocation of Gaming Funds

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

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

(b) To provide for the general welfare of the Tribe and its members; provided that per capita payments may only be made pursuant to an approved revenue allocation plan.

(c) To promote Tribal economic development.

(d) To contribute to charitable organizations.

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

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

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

21.18. Audits

21.18-1. *Annual Audit*. An annual audit of each Gaming Operation must be conducted by an independent, certified public accounting firm according to generally accepted accounting principles. Copies of the annual audit must be provided to the Oneida Business Committee, the Oneida Audit Committee, the Commission, and the NIGC by said certified public accounting firm.

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

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

audits authorized under the Compact.

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

21.19. Enforcement and Penalties

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

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

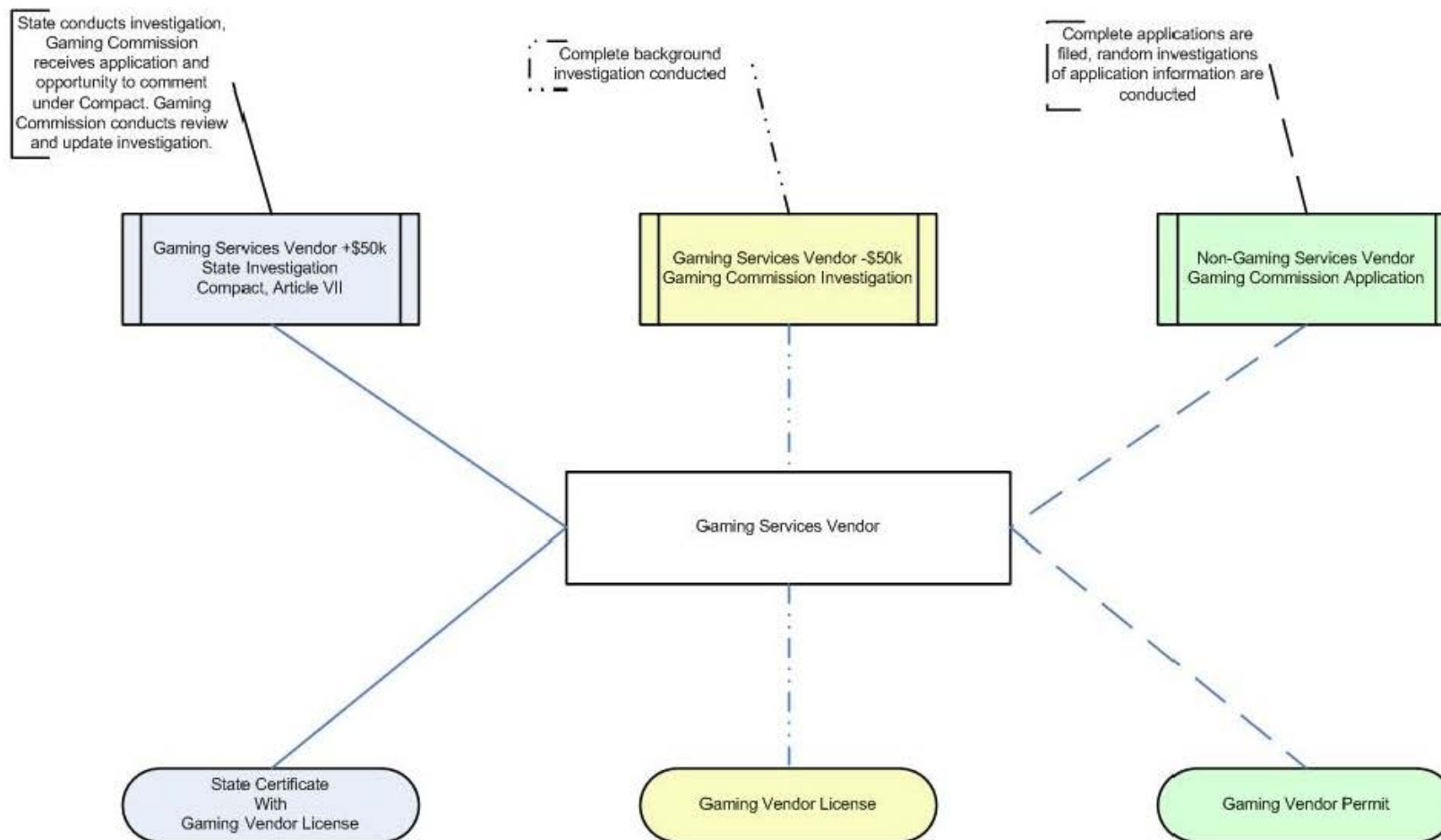
21.19-3. *Remedies.* The Oneida Business Committee may authorize commencement of an action in any court of competent jurisdiction to recover losses, restitution, and forfeitures resulting from violations of this Ordinance.

End.

Adopted	GTC-7-05-04-A
Emergency Amended	BC-7-14-04-A
Amendment	BC-10-06-04-D
Emergency Amended	BC-11-03-04-A
Permanent Adoption	BC-3-23-05-C
Amended	BC-9-23-09-D
Amended	BC-06-25-14-C (effective 11 01 2014)
Emergency Amended	BC-10-08-14-C (effective 11 01 2014)

For OBC Consideration – Clean Version
09/02/15

Appendix 1. Vendor License/Permit



Handout

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: 8/27/2015
- 2) Contact Person(s): Brandon Stevens Dept: OBC
Phone Number: _____ Email: _____
- 3) Agenda Title: Business Committee Meeting Law
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
A law to govern the structure of Oneida Business Committee Meetings with the goal to
create a process in which the Tribe can conduct its business in a more efficient
manner.

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

- 1) _____ 3) _____
- 2) _____ 4) _____
- 5) Please List any laws, ordinances or resolution that might be affected:

- 6) Please List all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? ☐ Yes ☒ No
If yes, please indicate why: _____

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

Signature of Requester: _____

Please send this form and all supporting materials to:

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

ONEIDA TRIBE OF <u>INDIANS</u> WISCONSIN	TITLE: Law <u>Legislative</u> Drafting SOP	SOP NO. ORIGINATION DATE: December 19, 2005
DIVISION: n/a		
AUTHOR: Legislative Reference Office	APPROVED BY THE LOC: <u>Brandon Stevens, LOC Chairperson</u>	DATE: <u>09/02/2015</u>

1.0 PURPOSE. To govern the process for ~~law~~ legislative drafting.

~~2.0 DEFINITIONS.~~

~~2.1 "LRO" means the Oneida Legislative Reference Office.~~

~~2.2 "LOC" means the Legislative Operating Committee.~~

3.0 SPONSORSHIP OF PROPOSALS

3.1 Legislative Operating Committee (LOC) Council Members ~~members~~ are responsible for the proposals he or she sponsors; ~~—~~

3.1.1 Such responsibilities which include, but are not limited to, providing policy guidance; when required, approving LRO drafts before they are submitted to the LOC; and presenting on the draft when before the LOC.s:

3.2 In addition to the LOC members' responsibilities for sponsored items, a member may direct the LRO as appropriate.

3.1.2 Examples of appropriate directions include, but are not limited to, requesting revisions be made to draft before the draft is presented to the LOC, requesting feedback from the affected parties if it has not already been done by the LRO Attorneys, and directing the LRO to place an item on the LOC agenda.

~~— Providing policy guidance;~~

~~— Placing the draft on the LOC agenda at the various stages of the process, and~~

~~— Presenting the proposal to the LOC when ready.~~

4.0 DRAFTING OF LEGISLATION

4.1 The ~~LOC~~ LRO Attorney shall have the primary responsibility for drafting ~~Priority~~ legislation ~~unless the Priority legislation is sponsored by a LOC member(s).~~

4.1.1 Unless expressly approved by the LOC Chairperson, the LRO attorneys are the only LRO staff members authorized to draft laws, ordinances, policies, procedures, and statements of effect on behalf of the LOC. The LOC may utilize any of the LRO staff as needed in the drafting process when LRO time and resources permit.

4.2 The drafting of legislative priorities assigned to the LRO shall take precedence over other proposals and drafts submitted to the LRO for consideration.

5.0 INPUT AND COMMENTS

- 5.1 Unless specifically directed otherwise, the drafter may use his or her discretion in contacting individuals and entities affected by a proposed law.
- 5.2 ~~When time permits,~~ Whenever possible, the ~~LOC LRO~~ Attorney ~~may~~ shall forward any ~~draft work that interprets legislation and all statements of effect~~ to the Chief Counsel for comments; ~~it is understood that deadlines for,~~ This shall be done whenever possible, excepting for times when deadlines, i.e., emergency actions, may make consultation impractical or impossible.
- 5.2.1 Unless a longer time frame is arranged by the Chief Counsel and the ~~LOC LRO~~ Attorney, the ~~Chief Counsel~~ LRO attorney shall ~~have~~ provide the Chief Counsel a two (2) ~~weeks~~ week period to provide written comments back to the ~~LOC LRO~~ Attorney.
- 5.2.2 ~~Where~~ If the Chief Counsel does not respond within the designated time period, the ~~LOC LRO~~ Attorney may assume that the Chief Counsel has no current input ~~with the draft~~ to provide.
- 5.3 Proposals requiring emergency adoption may be subject to less time for outside review.
- 5.4 Draft language may be suggested by Council Members at meetings. However, actual drafting during an LOC meeting is discouraged.
- ~~5.5 Comments, suggestions and recommendations on a proposed draft should be submitted in writing to the LRO. Groupwise is the preferred method for receiving written comments.~~

6.0 GENERAL RULES FOR DRAFTING

- 6.1 *Present Tense.* A law is regarded as speaking in the present, as of the time it is read or applied.
- 6.2 *Permissive or Mandatory Actions.* A duty or obligation is best expressed by "shall," a requirement by "must" and a power or privilege by "may."
- 6.2.1 ~~Do not use~~ Use the word "shall" ~~to direct the wrong entity when the subject is a personal pronoun; do not use the word "shall" when the subject is an object.~~ For example, ~~"the clerk shall receive a salary of \$30,000 per year~~ Proposals shall be accompanied by an Agenda Request Form" is incorrect because ~~it makes no sense to direct someone to receive a salary~~ an object cannot have a duty or an obligation. It would be ~~better appropriate to write something like~~ either replace the word "shall" with "must" or rephrase to include a personal pronoun, for example, "The requestor shall submit an Agenda Request Form with his or her proposal." ~~board shall pay the clerk a salary of \$30,000 per year."~~
- 6.2.2 If expressing a requirement, but not a duty or obligation, the word "must" is to be used.
- 6.2.2.3 Use "may" not ~~Do not use~~ "can" to grant permission; "can" means "able to" and imparts no legal authority. Use "may" instead.
- 6.3 *Negations.* Use "no person may" or "a person may not" to forbid behavior. "No person shall" could be interpreted to mean "no person is required to."
- 6.4 Do not use "different than." Instead, use "different from."
- 6.5 *Directness.* If you can express a concept positively or negatively, express it

positively:

INCORRECT: This section does not apply to a person who is under 60 years of age.

CORRECT: This section applies to a person only if the person is at least 60 years of age.

6.6 Avoid the double negative.

INCORRECT: A person not ineligible to be certified may...

CORRECT: A person eligible to be certified may...

7.0 FORMAT CHECKLIST

7.1 Legislative drafters shall use ~~The the~~ following checklist ~~shall be utilized~~ to ensure consistency in drafting legislation:

- ☐ Line numbering in left margin.
- ☐ Compliance with ~~Chapter 6 Format for Laws~~ Legislative Procedures Act section 16.11-2 regarding formatting.
- ☐ Legislative Analysis at the beginning of the draft.
- ☐ ~~Drafts shall be marked "Confidential draft" and include the date.~~
- ☐ Document Formatting:
 - ☐ Full Justification
 - ☐ Times New Roman regular 12 point font
 - ☐ Margins: 1" for top and sides. Bottom Margin = .813"
 - ☐ ~~Add watermarks for all drafts and update watermarks with new draft number as needed~~ Include the draft number and date in the header and update as necessary.
 - ☐ Add footer: Insert page numbering at center bottom using Chapter number - page number. Example: for page 1 of chapter 7 use: 7-1
- ☐ Title:
 - ☐ Chapter title and Chapter number in Times New Roman Bold
 - ☐ English title: Bold. Do not use "Oneida" in title if possible because the law will be codified in the Oneida Code of Laws so ~~it's~~ is not needed.
 - ☐ Add Oneida Language and translation when possible. Use 12 font bold for Oneida words and regular 12 font for translation (~~don't~~ do not bold translation).
- ☐ Index/Table of Contents:
 - ☐ 8 point font Times New Roman
 - ☐ Use 2 columns and format as balanced newspaper
- ☐ Drafting:
 - ☐ Only use Chapter number and section number in the titles
Use: **16.6. Definitions**
16.3-1. This section...
 - ☐ Use the term "sections" for laws and the term "articles" for policies ~~instead of "articles"~~
 - ☐ Don't use "section 16.2-2" when making a reference within the same document.
Use: "under 16.2-2".
 - ☐ All numbers should be spelled out with Arabic numbers included in parenthesis both ways (for example "fifty (50)").
 - ☐ Two spaces after a period. One line space after complete section. No line space between subsections.
 - ☐ Delete extra lines/insert lines as needs.
 - ☐ Ensure entire document is indented or not indented consistently.
 - ☐ End of document in 10 point font:
<space>
End.

<space>
Adopted BC#

8.0 OPEN RECORDS

8.1 Any draft legislation submitted for a vote of approval or disapproval must be public information as defined in the Open Records and Open Meetings Law. Except that draft legislation which has not been approved for a public hearing is not required to be made available as an open record. The Open Records and Open Meetings Law provides as follows:

7.4-1. Limitations Upon Access and Exceptions. The following shall be exempt from inspection and copying:

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated. The exemption provided in this paragraph extends to all those records of officers and agencies of the Business Committee that pertain to the preparation of legislative documents.
(Highlight added)

ONEIDA TRIBE OF INDIANS WISCONSIN	TITLE: Legislative Drafting SOP	SOP NO. ORIGINATION DATE: December 19, 2005
DIVISION: n/a		
AUTHOR: Legislative Reference Office	APPROVED BY THE LOC: Brandon Stevens, LOC Chairperson	DATE: 09/02/2015

1.0 PURPOSE. To govern the process for legislative drafting.

3.0 SPONSORSHIP OF PROPOSALS

- 3.1 Legislative Operating Committee (LOC) members are responsible for the proposals he or she sponsors.
 - 3.1.1 Such responsibilities include, but are not limited to, providing policy guidance; when required, approving LRO drafts before they are submitted to the LOC; and presenting on the draft when before the LOC.:
- 3.2 In addition to the LOC members' responsibilities for sponsored items, a member may direct the LRO as appropriate.
 - 3.1.2 Examples of appropriate directions include, but are not limited to, requesting revisions be made to draft before the draft is presented to the LOC, requesting feedback from the affected parties if it has not already been done by the LRO Attorneys, and directing the LRO to place an item on the LOC agenda.

4.0 DRAFTING OF LEGISLATION

- 4.1 The LRO Attorney shall have the primary responsibility for drafting legislation.
 - 4.1.1 Unless expressly approved by the LOC Chairperson, the LRO attorneys are the only LRO staff members authorized to draft laws, ordinances, policies, procedures, and statements of effect on behalf of the LOC.
- 4.2 The drafting of legislative priorities assigned to the LRO shall take precedence over other proposals and drafts submitted to the LRO for consideration.

5.0 INPUT AND COMMENTS

- 5.1 Unless specifically directed otherwise, the drafter may use his or her discretion in contacting individuals and entities affected by a proposed law.
- 5.2 Whenever possible, the LRO Attorney shall forward any work that interprets legislation and all statements of effect to the Chief Counsel for comments; it is understood that deadlines for emergency actions may make consultation impractical or impossible.
 - 5.2.1 Unless a longer time frame is arranged by the Chief Counsel and the LRO Attorney, the LRO attorney shall provide the Chief Counsel a two (2) week period to provide written comments back to the LRO Attorney.

- 5.2.2 If the Chief Counsel does not respond within the designated time period, the LRO Attorney may assume that the Chief Counsel has no current input to provide.
- 5.3 Proposals requiring emergency adoption may be subject to less time for outside review.
- 5.4 Draft language may be suggested by Council Members at meetings. However, actual drafting during an LOC meeting is discouraged.

6.0 GENERAL RULES FOR DRAFTING

- 6.1 *Present Tense.* A law is regarded as speaking in the present, as of the time it is read or applied.
- 6.2 *Permissive or Mandatory Actions.* A duty or obligation is best expressed by "shall," a requirement by "must" and a power or privilege by "may."
 - 6.2.1 Use the word "shall" when the subject is a personal pronoun; do not use the word "shall" when the subject is an object. For example, "Proposals shall be accompanied by an Agenda Request Form" is incorrect because an object cannot have a duty or an obligation. It would be appropriate to either replace the word "shall" with "must" or rephrase to include a personal pronoun, for example, "The requestor shall submit an Agenda Request Form with his or her proposal."
 - 6.2.2 If expressing a requirement, but not a duty or obligation, the word "must" is to be used.
 - 6.2.3 Use "may" not "can" to grant permission; "can" means "able to" and imparts no legal authority.
- 6.3 *Negations.* Use "no person may" or "a person may not" to forbid behavior. "No person shall" could be interpreted to mean "no person is required to."
- 6.4 Do not use "different than." Instead, use "different from."
- 6.5 *Directness.* If you can express a concept positively or negatively, express it positively:
 - INCORRECT: This section does not apply to a person who is under 60 years of age.
 - CORRECT: This section applies to a person only if the person is at least 60 years of age.
- 6.6 Avoid the double negative.
 - INCORRECT: A person not ineligible to be certified may...
 - CORRECT: A person eligible to be certified may...

7.0 FORMAT CHECKLIST

- 7.1 Legislative drafters shall use the following checklist to ensure consistency in drafting legislation:
 - ☐ Line numbering in left margin.
 - ☐ Compliance with Legislative Procedures Act section 16.11-2 regarding formatting.
 - ☐ Legislative Analysis at the beginning of the draft.
 - ☐ Document Formatting:

- ☐ Full Justification
- ☐ Times New Roman regular 12 point font
- ☐ Margins: 1" for top and sides. Bottom Margin = .813"
- ☐ Include the draft number and date in the header and update as necessary..
- ☐ Add footer: Insert page numbering at center bottom using Chapter number - page number. Example: for page 1 of chapter 7 use: 7-1
- ☐ Title:
 - ☐ Chapter title and Chapter number in Times New Roman Bold
 - ☐ English title: Bold. Do not use "Oneida" in title if possible because the law will be codified in the Oneida Code of Laws so it is not needed.
 - ☐ Add Oneida Language and translation when possible. Use 12 font bold for Oneida words and regular 12 font for translation (do not bold translation).
- ☐ Index/Table of Contents:
 - ☐ 8 point font Times New Roman
 - ☐ Use 2 columns and format as balanced newspaper
- ☐ Drafting:
 - ☐ Only use Chapter number and section number in the titles
 - Use: **16.6. Definitions**
 - 16.3-1. This section...
 - ☐ Use the term "sections" for laws and the term "articles" for policies
 - ☐ Don't use "section 16.2-2" when making a reference within the same document.
 - Use: "under 16.2-2".
 - ☐ All numbers should be spelled out with Arabic numbers included in parenthesis (for example "fifty (50)").
 - ☐ Two spaces after a period. One line space after complete section. No line space between subsections.
 - ☐ Delete extra lines/insert lines as needs.
 - ☐ Ensure entire document is indented or not indented consistently.
 - ☐ End of document in 10 point font:
 - <space>
 - End.*
 - <space>
 - Adopted BC#

8.0 OPEN RECORDS

- 8.1 Any draft legislation submitted for a vote of approval or disapproval must be public information as defined in the Open Records and Open Meetings Law. Except that draft legislation which has not been approved for a public hearing is not required to be made available as an open record. The Open Records and Open Meetings Law provides as follows:

7.4-1. Limitations Upon Access and Exceptions. The following shall be exempt from inspection and copying:

- (f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated. The exemption provided in this paragraph extends to all those records of officers and agencies of the Business Committee that pertain to the preparation of legislative documents. (Highlight added)

ONEIDA TRIBE OF INDIANS OF WISCONSIN.	TITLE: Legislative Operating Committee SOP	ORIGINATION DATE: November 4, 2002
DIVISION: n/a	APPROVED BY THE LOC: Patricia King <u>Brandon Stevens,</u> LOC Chair <u>Chairperson</u>	
AUTHOR: Legislative Reference Office		DATE: 05/04/11 <u>09/02/15</u>

1.0 Purpose

- 1.1 The purpose of this ~~standard operating procedure~~ Standard Operating Procedure is to provide the process and procedures for items which are referred or submitted to the ~~LOC~~ Legislative Operating Committee (LOC) for consideration and processing.

This Standard Operating Procedure was approved by the ~~Legislative Operating Committee (LOC)~~ LOC on November 4, 2002 and amended November 4, 2005, October 17, 2008 ~~and~~, May 4, 2011 and August 19, 2015.

2.0 LOC Agenda Posting

- 2.1 The Legislative Reference Office (LRO)⁺ ~~Paralegal~~ shall post the LOC Agenda for the upcoming LOC meeting on the Nation's website no less than:
- 2.1.1 three (3) business days prior to a regular scheduled meeting;
 - 2.1.2 twenty-four (24) hours before a special meeting; or
 - 2.1.3 as soon as possible for an emergency meeting.
- ~~2.2 The Agenda shall be posted on the Tribe's intra and inter nets and the Tribe's website.~~

3.0 Submission Procedures

- 3.1 Proposal submissions.
- 3.1.1 Proposals ~~shall~~ must be submitted to ~~either the Tribal Secretary (per Section 16.5-1-7-1 of the Administrative Procedures Act) or the LRO.~~ either the Tribal Secretary (per Section 16.5-1-7-1 of the Legislative Procedures Act) or the LRO.
- ~~1. Submitted proposals shall be date stamped upon receipt, scanned, saved in the appropriate file and forwarded to the LRO Paralegal to be included on the next LOC agenda.~~
 - ~~2. The deadline for a proposal to be eligible for placement on a meeting's agenda shall be three (3) business days prior to the meeting.~~
 - 1. In order to guarantee that an item is placed on the upcoming LOC meeting agenda, the proposal must be received by 12:00 p.m. on the Friday before a LOC meeting; it is possible that proposals received after this deadline will

⁺ ~~"LRO" means the Legislative Reference Office and is the support staff to the Legislative Operating Committee.~~

not be placed on the LOC agenda until the following LOC meeting packet is developed.

- 3.1.2 Proposals ~~shall~~must be accompanied by the following:
 1. A completed Agenda ~~Item~~-Request ~~form~~Form (available in the ~~Secretary's Office~~, LRO and on the ~~Tribe's~~Nation's website).
 2. Electronic draft, if available, sent via e-mail to the LRO c/o ~~tboucher@oneidanation.org~~loc@oneidanation.org.
 3. Hard Copy, if available.
- 3.2 Amendments to existing ~~laws, ordinances and policies~~legislation.
 - 3.2.1 Proposed amendments ~~shall~~must conform to the following:
 1. Deletions must be in ~~strikeout~~ format (~~strikeout~~) ~~and reason(s) provided for each deletion.~~
 2. Additions must be underlined.
 - 3.2.2 The submitter shall provide appropriate back-up material at the time of submission ~~and which~~ may include, but is not limited to the following:
 1. General Tribal Council directives (and accompanying minutes)
 2. Business Committee Follow-up directive (and accompanying materials)
 3. ~~Existing~~A list of existing laws, ~~ordinances~~ and/or policies ~~affecting~~that may be affected by the submission
 4. ~~Other~~Any other appropriate items.
- 3.3 Compliance.
 - 3.3.1 Non-Compliance with Proposal Submission Requirements.
 1. The LRO ~~Paralegal~~ shall contact the submitter, in writing, notifying the submitter which item(s) are required for proper submission to the LRO and have not yet been received.
 - 3.3.2 Compliance with Proposal Submission Requirements
 1. Submitted proposals that are in compliance with the Proposal Submission Requirements ~~shall~~must be placed on the next LOC Agenda by the LRO ~~Paralegal~~.
- 4.0 Placement on LOC Agenda**
 - 4.1 New submissions and referrals
 - 4.1.1 LRO ~~Paralegal~~ shall place new submissions and referrals on the next agenda as New Submissions.
 1. Compliant submissions ~~will~~must be placed on the LOC Agenda in accordance with all existing applicable laws, ~~ordinances~~policies and LOC ~~policies~~standard operating procedures.
 - 4.1.2 Back-up materials from the LRO may include, but ~~is~~are not limited to:
 1. Completed Agenda ~~Item~~ Request Form.
 2. Business Committee Follow-up directive (and accompanying materials).
 3. Draft proposal.
 4. Other appropriate items.
 - 4.2 LOC Accept or Return Proposal.
 - 4.2.1 The LOC shall approve a motion which either accepts the proposal by adding it to the Active Files List or which ~~returns~~rejects the proposal by declining to add it to the

Active Files List and returning the proposal to submitter. If the LOC accepts the proposal, a sponsor ~~shall~~must be assigned in accordance with 4.3. If the LOC decides to not develop the proposal because of other priorities or other ~~reason~~reasons, the LOC ~~Chair~~Chairperson shall send a correspondence to the submitter informing the submitter of that action. The LOC shall also send a copy of the correspondence to the ~~Business Committee, General Managers, Chief of Staff and Chief Financial Officer~~LOC meeting packet (e-mail) group.

4.3 LOC Sponsor.

4.3.1 ~~If~~When the LOC adds a proposal to the Active Files List, ~~at the~~ sponsor(s) shall be ~~assigned who shall be~~ responsible for overseeing drafting and other follow-up requirements related to the proposal.

4.4 Active Files List.

4.4.1 The LRO ~~Paralegal~~ shall maintain an Active Files List to track legislative priorities and other items the LOC is working on. The Active Files List shall be formatted in an alphabetical order and for each item on the list must include the date the item was added to the Active Files List, a chronological ~~order, to show of~~ action taken ~~on each specific~~to date, the item's LOC ~~sponsor and the parties interested in the~~ item.

4.4.2 The LRO ~~Paralegal~~ shall post the Active Files List on the ~~Tribe's~~Nation's website and shall update the ~~List on a weekly basis~~list periodically when the LOC and ~~OBC~~Business Committee are in session.

4.4.3 The LRO ~~Staff~~ shall ~~forward~~log all ~~memos and~~ work meeting dates ~~to the LRO Paralegal, who shall log these actions and their attendees~~ in the Active Files List and place a hard copy of all memos in the applicable file.

4.5 Follow-up Agenda Placement.

4.5.1 Within sixty (60) days after ~~submission of a proposal~~an item is added to the Active Files List, the LRO ~~Paralegal~~ shall place the proposal on the LOC agenda for an update. The LOC shall adopt a motion to either:

1. Continue developing the proposal; or
2. Not continue developing the proposal.

4.5.2 ~~After a determination is made by~~If the LOC, in accordance with the above, makes a determination to discontinue work on a proposal, the LOC ~~Chair~~Chairperson shall ~~notify~~send a correspondence to the submitter ~~in writing~~informing the submitter of the that action. The LOC ~~decisions~~shall also send a copy of the correspondence to the LOC meeting packet (e-mail) group.

5.0 Submission Prioritization

5.1 Prioritization. Discussion on items ~~shall~~must include the following considerations:

5.1.1 Directives of the General Tribal Council.

5.1.2 Emergency legislation.

5.1.3 Requests by the Oneida Business Committee which are specifically identified by the ~~OBC~~Business Committee as a priority.

5.1.4 Individual Council Member legislation.

5.1.5 Other.

5.2 Considerations for Determining Action.

- 5.2.1 Legislation requires attorney review.
1. Conflicts with other ~~Tribal~~ laws or policies of the Nation.
 2. Federal legal issues.
 3. State legal issues.
 4. Effects of passage.
- 5.2.2 The LOC may set target dates for the completion of drafting where necessary. In setting target dates, the following ~~shall~~may be considered:
1. General Tribal Council deadline.
 2. Business Committee deadline.
 3. Emergency action required.
 4. State deadlines.
 5. Federal deadlines.
 6. LOC/LRO workload
 7. Other deadlines or schedules.
- 5.3 Communication. ~~Correspondence from the~~The LRO ~~Paralegal~~ shall ~~be sent~~send correspondence to the proposing agency/submitter indicating receipt of proposal and preliminary status of future action.
1. The LRO ~~Paralegal~~ shall notify the Agency/submitter of each action as it relates to their proposal:
 - A. LOC Agenda Dates
 - B. Public ~~Hearing~~Meeting Date(s)
 - ~~C. BC/GTC Agenda Dates~~
- 6.0 Public ~~Hearings~~Meetings**
- 6.1 Public ~~Hearings~~Public hearings are neededMeetings. The LOC shall conduct public meetings for all proposed laws, ~~ordinances~~rules and/or policies of the ~~Tribe~~Nation.
- 6.1.1 A tentative date is set for a hearing~~meeting~~:
1. ~~APALPA~~ requirement that thirty (30) day notice be published in the Kalihwisaks;
 - ~~1A.~~ Consult Kalihwisaks deadline schedule.
- 6.1.2 A public hearing~~meeting~~ notice is drafted.
1. The tentative date and draft hearing~~meeting~~ notice is forwarded to LOC for approval and action.
 - ~~2. LOC forwards the date to the Oneida Business Committee for final approval.~~
- ~~6.1.3 The Oneida Business Committee either approves or disapproves the tentative date for public hearing.~~
- ~~6.2 Disapproval of Proposed Date.~~
- ~~6.2.1 If disapproved, the reason is noted, and further direction is provided by the Business Committee.~~
- ~~1. Notice is sent to the submitter regarding disapproval.~~
- 6.3 Approval of Proposed Date.
- 6.3.1 Notification and posting:
1. The LRO ~~Paralegal~~ shall be responsible for the following:

- ~~1A.~~ Forwarding the Public HearingMeeting Notice to the Kalihwisaks so that it may be published no less than ~~thirty (30)~~ten (10) days prior to the scheduled public hearingmeeting date.
- ~~2.~~ ~~Forwarding B.~~ Provide adequate notice to the appropriate party to have the Public HearingMeeting Notice ~~to the Tribal Secretary's Office with the request that the Notice be posted~~placed on the outdoor Norbert Hill Center message sign no less than ~~thirty (30)~~ten (10) days prior to the scheduled public hearingmeeting date.
- 3C. Sending the Public HearingMeeting Notice and a copy of the proposal to the ~~General Managers, Chief of Staff and Chief Financial Officer~~LOC meeting packet group via ~~GroupWise~~within three (3) business~~email no less than ten (10) days after~~prior to the Business Committee approves as scheduled public hearingmeeting date. ~~Correspondence shall be included with the notice and proposal which~~The Notice must specifies that Tribal all appropriate managers or directors shall direct comments to be provided during the public comment period or at a public meeting by those employees of the Nation who have special knowledge or expertise on the subject of the ~~hearing shall be directed to provide written or oral statements at the hearingmeeting.~~ in accordance with the ~~Administrative~~Legislative Procedures Act.
- 4D. Posting the Public HearingMeeting Notice and the proposal on the ~~Tribe's~~Nation's website and the intranet.
- ~~5.~~ ~~Sending a reminder to the submitter and the General Managers, the Chief of Staff and the Chief Financial Officer via GroupWise~~ ten (10) calendar no less than ten (10) days prior to the scheduled public hearingmeeting date. ~~The reminder shall specify that the General Managers, the Chief of Staff and the Chief Financial Officer should forward the reminder to the Tribal employees who have special knowledge or expertise, if applicable.~~

6.4 Testimony. All persons participating at the hearingmeeting shall register by signing the sign-in sheet provided by the LRO.

6.4.1. Oral Testimony.

1. ~~Persons desiring to~~ The LOC shall provide any persons that have pre-register ~~for~~registered to provide oral testimony at the public ~~hearing shall do so a minimum of three (3) business days prior to meeting~~ the hearing.
- ~~1.~~ Pre-registered participants will be allowed opportunity to provide testimony, in the order the pre-registrations were received, before any persons whom have not pre-registered.
2. Persons who have not pre-registered may give testimony after all ~~the~~ pre-registered participants have given testimony.
3. All oral testimony ~~is~~may be limited ~~to,~~ but may not be limited to less than five (5) minutes per person and any such limitations must be applied to all person equally.

6.4.2. Written testimony.

1. Must be submitted within ~~ten (10)~~the comment period, which must remain open for no less than five (5) business days from the date of public ~~hearing~~meeting.
2. Submissions can be made to the LRO or the ~~Tribal~~ Secretary's Office.

6.4.3. After the ~~10 business day expiration~~comment period expired, all oral and written comments shall be compiled, transcribed and placed into the public ~~hearing~~meeting draft by the LRO ~~Paralegal~~.

1. The public ~~hearing~~meeting draft with comments included and a review cover from the LRO ~~shall~~must be placed on the LOC Agenda within ~~thirty (30)~~ days after the expiration of the written comment period, unless otherwise directed.

6.4.4. The LOC directs further development of the proposed document where necessary:

1. ~~2nd~~Second public ~~hearing~~meeting if determined by the LOC to be necessary; ~~and/or~~
2. ~~legal~~Legal review addressing special concerns; ~~and/or~~
3. Other continued development of the proposal.

7.0 Resolution, Legislative Analysis and Statement of Effect

7.1 When forwarded to the Business Committee or General Tribal Council for consideration, the proposed ~~law, ordinance or policy~~shall legislation must be accompanied by an overview with legislative intent, legislative analysis, an adopting resolution, a statement of effect and ~~an estimated~~a financial impact ~~statement~~.

7.1.1 The ~~LOC~~LRO attorney ensures that the resolution is adequate for action

1. Addresses the purpose of the ~~law, ordinance or policy~~legislation
2. Resolution is in appropriate format

7.1.2 The Statement of Effect addresses the following:

1. Intent of the Resolution.
2. Constitutional issues.
3. Overall effects of the resolution.
- ~~14.~~ How other ~~tribal laws, ordinances~~ and/or policies ~~will~~of the Nation may be affected by the proposed resolution.
- ~~25.~~ Financial effects, if applicable and ascertainable.
- ~~46.~~ Any issues which should be brought to the attention of the Oneida Business Committee or General Tribal Council (such as a substantial unresolved issue which was raised in a legislative analysis).

~~note: also~~ Note: see Legislative Analysis SOP for how legislative analysis analyses are addressed.

8.0 Forwarding Proposal to the ~~OBC~~Business Committee or ~~GTC~~General Tribal Council

8.1 Proposals forwarded to the ~~OBC~~Business Committee or ~~GTC~~General Tribal Council must include the following:

8.1.1 Cover letter explaining the legislative intent and the action being requested

~~7.0-18.1.2~~ Adopting Resolution

~~7.0-18.1.3~~ Statement of Effect

8.1.4 Fiscal Impact Statement

8.1.5 Strikeout/redline of the proposal (when amendments are being proposed) with analysis

7.0.18.1.6 Clean version of the proposal

5. Strikeout/redline of the proposal (when amendments are being proposed)

9.0 End of LOC Term

9.1 At the end of an LOC term:

9.1.1. Except for GTC directives, items on the Active Files List that have not been completed during an LOC term will expire at the end of the term- if not assumed for sponsorship by an incoming member of the LOC. GTC directives will carry over onto the Active Files List for the next LOC term. Once an item has expired, no further action will be taken on the item unless it is re-introduced in a later term of the LOC.

9.1.2. ~~The~~ Any outstanding legislation at the end of a term shall be presented for consideration to the newly elected LOC Chair within sixty (60) days after the new LOC takes office.

9.1.3. The incoming LOC Chairperson shall send a correspondence to all submitters whose items ~~where not completed~~ have expired, informing the submitter that the item ~~will was~~ not ~~be~~ finished during the LOC's assumed for sponsorship by a current term LOC member and that he or she may re-submit the item to the ~~next~~ LOC for re-consideration at a later time.

ONEIDA TRIBE OF INDIANS OF WISCONSIN	TITLE: Legislative Operating Committee SOP	ORIGINATION DATE: November 4, 2002
DIVISION: n/a	APPROVED BY THE LOC: Brandon Stevens, LOC Chairperson	
AUTHOR: Legislative Reference Office		DATE: 09/02/15

1.0 Purpose

- 1.1 The purpose of this Standard Operating Procedure is to provide the process and procedures for items which are referred or submitted to the Legislative Operating Committee (LOC) for consideration and processing.

This Standard Operating Procedure was approved by the LOC on November 4, 2002 and amended November 4, 2005, October 17, 2008, May 4, 2011 and August 19, 2015.

2.0 LOC Agenda Posting

- 2.1 The Legislative Reference Office (LRO) shall post the LOC Agenda for the upcoming LOC meeting on the Nation's website no less than:
- 2.1.1 three (3) business days prior to a regular scheduled meeting;
 - 2.1.2 twenty-four (24) hours before a special meeting; or
 - 2.1.3 as soon as possible for an emergency meeting.

3.0 Submission Procedures

- 3.1 Proposal submissions.
- 3.1.1 Proposals must be submitted to the LRO pursuant to section 16.5-1 of the Legislative Procedures Act.
 - 1. In order to guarantee that an item is placed on the upcoming LOC meeting agenda, the proposal must be received by 12:00 p.m. on the Friday before a LOC meeting; it is possible that proposals received after this deadline will not be placed on the LOC agenda until the following LOC meeting packet is developed.
 - 3.1.2 Proposals must be accompanied by the following:
 - 1. A completed Agenda Request Form (available in the LRO and on the Nation's website).
 - 2. Electronic draft, if available, sent via e-mail to the LRO c/o loc@oneidanation.org.
 - 3. Hard Copy, if available.
 - 3.2 Amendments to existing legislation.
 - 3.2.1 Proposed amendments must conform to the following:
 - 1. Deletions must be in strikeout format (~~strikeout~~).
 - 2. Additions must be underlined.
 - 3.2.2 The submitter shall provide appropriate back-up material at the time of submission

which may include, but is not limited to the following:

1. General Tribal Council directives (and accompanying minutes)
2. Business Committee Follow-up directive (and accompanying materials)
3. A list of existing laws and/or policies that may be affected by the submission
4. Any other appropriate items.

3.3 Compliance.

3.3.1 Non-Compliance with Proposal Submission Requirements.

1. The LRO shall contact the submitter, in writing, notifying the submitter which item(s) are required for proper submission to the LRO and have not yet been received.

3.3.2 Compliance with Proposal Submission Requirements

1. Submitted proposals that are in compliance with the Proposal Submission Requirements must be placed on the next LOC Agenda by the LRO.

4.0 Placement on LOC Agenda

4.1 New submissions and referrals

4.1.1 LRO shall place new submissions and referrals on the next agenda as New Submissions.

1. Compliant submissions must be placed on the LOC Agenda in accordance with all existing applicable laws, policies and LOC standard operating procedures.

4.1.2 Back-up materials from the LRO may include, but are not limited to:

1. Completed Agenda Request Form.
2. Business Committee Follow-up directive (and accompanying materials).
3. Draft proposal.
4. Other appropriate items.

4.2 LOC Accept or Return Proposal.

4.2.1 The LOC shall approve a motion which either accepts the proposal by adding it to the Active Files List or which rejects the proposal by declining to add it to the Active Files List and returning the proposal to submitter. If the LOC accepts the proposal, a sponsor must be assigned in accordance with 4.3. If the LOC decides to not develop the proposal because of other priorities or other reasons, the LOC Chairperson shall send a correspondence to the submitter informing the submitter of that action. The LOC shall also send a copy of the correspondence to the LOC meeting packet (e-mail) group.

4.3 LOC Sponsor.

4.3.1 When the LOC adds a proposal to the Active Files List, the sponsor(s) shall be responsible for overseeing drafting and other follow-up requirements related to the proposal.

4.4 Active Files List.

4.4.1 The LRO shall maintain an Active Files List to track legislative priorities and other items the LOC is working on. The Active Files List shall be formatted in an alphabetical order and for each item on the list must include the date the item was added to the Active Files List, a chronological of action taken to date, the item's LOC sponsor and the parties interested in the item.

4.4.2 The LRO shall post the Active Files List on the Nation's website and shall update the

list periodically when the LOC and Business Committee are in session.

- 4.4.3 The LRO shall log all work meeting dates and their attendees in the Active Files List and place a hard copy of all memos in the applicable file.
- 4.5 Follow-up Agenda Placement.
 - 4.5.1 Within sixty (60) days after an item is added to the Active Files List, the LRO shall place the proposal on the LOC agenda for an update. The LOC shall adopt a motion to either:
 - 1. Continue developing the proposal; or
 - 2. Not continue developing the proposal.
 - 4.5.2 If the LOC, in accordance with the above, makes a determination to discontinue work on a proposal, the LOC Chairperson shall send a correspondence to the submitter informing the submitter of that action. The LOC shall also send a copy of the correspondence to the LOC meeting packet (e-mail) group.

5.0 Submission Prioritization

- 5.1 Prioritization. Discussion on items must include the following considerations:
 - 5.1.1 Directives of the General Tribal Council.
 - 5.1.2 Emergency legislation.
 - 5.1.3 Requests by the Oneida Business Committee which are specifically identified by the Business Committee as a priority.
 - 5.1.4 Individual Council Member legislation.
 - 5.1.5 Other.
- 5.2 Considerations for Determining Action.
 - 5.2.1 Legislation requires attorney review.
 - 1. Conflicts with other laws or policies of the Nation.
 - 2. Federal legal issues.
 - 3. State legal issues.
 - 4. Effects of passage.
 - 5.2.2 The LOC may set target dates for the completion of drafting where necessary. In setting target dates, the following may be considered:
 - 1. General Tribal Council deadline.
 - 2. Business Committee deadline.
 - 3. Emergency action required.
 - 4. State deadlines.
 - 5. Federal deadlines.
 - 6. LOC/LRO workload
 - 7. Other deadlines or schedules.
- 5.3 Communication. The LRO shall send correspondence to the proposing agency/submitter indicating receipt of proposal and preliminary status of future action.
 - 1. The LRO shall notify the Agency/submitter of each action as it relates to their proposal:
 - A. LOC Agenda Dates
 - B. Public Meeting Date(s)

6.0 Public Meetings

- 6.1 Public Meetings. The LOC shall conduct public meetings for all proposed laws, rules and/or policies of the Nation.
- 6.1.1 A tentative date is set for a meeting:
1. LPA requirement that thirty (30) day notice be published in the Kalihwisaks;
 - A. Consult Kalihwisaks deadline schedule.
- 6.1.2 A public meeting notice is drafted.
1. The tentative date and draft meeting notice is forwarded to LOC for approval and action.
- 6.3 Approval of Proposed Date.
- 6.3.1 Notification and posting:
1. The LRO shall be responsible for the following:
 - A. Forwarding the Public Meeting Notice to the Kalihwisaks so that it may be published no less than ten (10) days prior to the scheduled public meeting date.
 - B. Provide adequate notice to the appropriate party to have the Public Meeting Notice placed on the outdoor Norbert Hill Center message sign no less than ten (10) days prior to the scheduled public meeting date.
 - C. Sending the Public Meeting Notice and a copy of the proposal to the LOC meeting packet group via email no less than ten (10) days prior to the scheduled public meeting date. The Notice must specifies that all appropriate managers or directors shall direct comments to be provided during the public comment period or at a public meeting by those employees of the Nation who have special knowledge or expertise on the subject of the meeting, in accordance with the Legislative Procedures Act.
 - D. Posting the Public Meeting Notice and the proposal on the Nation's website and the intranet no less than ten (10) days prior to the scheduled public meeting date.
- 6.4 Testimony. All persons participating at the meeting shall register by signing the sign-in sheet provided by the LRO.
- 6.4.1. Oral Testimony.
1. The LOC shall provide any persons that have pre-registered to provide oral testimony at the public meeting the opportunity to provide testimony, in the order the pre-registrations were received, before any persons whom have not pre-registered.
 2. Persons who have not pre-registered may give testimony after all pre-registered participants have given testimony.
 3. All oral testimony may be limited, but may not be limited to less than five (5) minutes per person and any such limitations must be applied to all person equally.
- 6.4.2. Written testimony.
1. Must be submitted within the comment period, which must remain open for no less than five (5) business days from the date of public meeting.
 2. Submissions can be made to the LRO or the Secretary's Office.

- 6.4.3. After the comment period expired, all oral and written comments shall be compiled, transcribed and placed into the public meeting draft by the LRO.
 - 1. The public meeting draft with comments included and a review cover from the LRO must be placed on the LOC Agenda within thirty (30) days after the expiration of the written comment period, unless otherwise directed.
- 6.4.4. The LOC directs further development of the proposed document where necessary:
 - 1. Second public meeting if determined by the LOC to be necessary;
 - 2. Legal review addressing special concerns; and/or
 - 3. Other continued development of the proposal.

7.0 Resolution, Legislative Analysis and Statement of Effect

- 7.1 When forwarded to the Business Committee or General Tribal Council for consideration, the proposed legislation must be accompanied by an overview with legislative intent, legislative analysis, an adopting resolution, a statement of effect and a financial impact statement.
 - 7.1.1 The LRO attorney ensures that the resolution is adequate for action
 - 1. Addresses the purpose of the legislation
 - 2. Resolution is in appropriate format
 - 7.1.2 The Statement of Effect addresses the following:
 - 1. Intent of the Resolution.
 - 2. Constitutional issues.
 - 3. Overall effects of the resolution.
 - 4. How other laws and/or policies of the Nation may be affected by the proposed resolution.
 - 5. Financial effects, if applicable and ascertainable.
 - 6. Any issues which should be brought to the attention of the Oneida Business Committee or General Tribal Council (such as a substantial unresolved issue which was raised in a legislative analysis).

Note: see Legislative Analysis SOP for how legislative analyses are addressed.

8.0 Forwarding Proposal to the Business Committee or General Tribal Council

- 8.1 Proposals forwarded to the Business Committee or General Tribal Council must include the following:
 - 8.1.1 Cover letter explaining the legislative intent and the action being requested
 - 8.1.2 Adopting Resolution
 - 8.1.3 Statement of Effect
 - 8.1.4 Fiscal Impact Statement
 - 8.1.5 Strikeout/redline of the proposal (when amendments are being proposed) with analysis
 - 8.1.6 Clean version of the proposal

9.0 End of LOC Term

- 9.1 At the end of an LOC term:
 - 9.1.1. Except for GTC directives, items on the Active Files List that have not been completed during an LOC term will expire at the end of the term if not assumed for sponsorship by an incoming member of the LOC. GTC directives will carry over onto the

Active Files List for the next LOC term. Once an item has expired, no further action will be taken on the item unless it is re-introduced in a later term of the LOC.

9.1.2. Any outstanding legislation at the end of a term shall be presented for consideration to the newly elected LOC within sixty (60) days after the new LOC takes office.

9.1.3. The incoming LOC Chairperson shall send a correspondence to all submitters whose items have expired, informing the submitter that the item was not assumed for sponsorship by a current LOC member and that he or she may re-submit the item to the LOC for re-consideration at a later time.

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

David P. Jordan, Councilmember

Jennifer Webster, Councilmember

Quarterly Report Legislative Operating Committee April - June 2015

1. Purpose and Mission

The purpose and mission of the Legislative Operating Committee (LOC) is to enhance the policymaking capability of the Oneida Business Committee (OBC) and the General Tribal Council (GTC) by drafting laws and policies and reviewing past and current laws, policies and regulations of the Oneida Tribe.

A legislative analysis is completed for proposed laws, policies, regulations, bylaws and amendments. Public meetings are facilitated by the LOC in accordance with the Legislative Procedures Act (LPA). A Resolution and Statement of Effect are prepared for all legislation that is presented for final adoption which is submitted to the OBC and/or GTC for approval.

2. Members

The LOC is comprised of the five council members of the OBC: Brandon Stevens (Chair), Tehassi Hill (Vice-Chair), Jennifer Webster, Fawn Billie, and David P. Jordan.

3. Contact Information

The LOC office is located on the second floor in the Norbert Hill Center. For more information, please contact the Legislative Reference Office (LRO) at (920) 869-4376 or e-mail LOC@oneidanation.org.

4. Meetings

The LOC meets on the first and third Wednesday of every month. The LOC meetings are held in the Norbert Hill Center-2nd Floor, Business Committee Conference Room and begin at 9:00 a.m.

5. Prioritization

The LOC continuously reviews the proposals on our Active Files List (AFL). Priorities will be identified based on GTC Directive, OBC Directive and by LOC agreement/consensus.

6. Summary

During this reporting period (April, May and June 2015):

- Two legislative items were added to the Active Files List and the LOC completed processing six legislative items, bringing the total number of legislative items on the Active Files List to 37, as of July 1, 2015.

- The LOC completed processing legislative analyses for two GTC petitions
- Five public meetings were held.
- The LOC processed amendments to two Tribal laws, which were then adopted by the Oneida Business Committee on an emergency basis.

Items Added to the Active Files List

Of the two legislative items added to the Active Files List during this reporting period, one is a proposal for a new Tribal law, and one is a proposal to amend an existing Tribal policy:

- **Tribal Flag Code** - The OBC requested that the LOC develop a flag code policy. ONVAC received complaints from non-Tribal members about how the Tribal Flag is displayed. ONVAC's concerns are there is no protocol for those who oversee flag responsibilities to follow, no one is identified as the person that has the authority to lower the flag to half-staff, what should the height and position of the Tribal Flag be compared to the US Flag, etc. (Added to the AFL on 5/6/15)
- **Back Pay Policy Amendments.** This request was submitted to clarify two conflicting provisions related to whether health insurance coverage continues during involuntary separation/terminations, and to require reinstated employees to reimburse CHS dollars used if an employee claims medical treatment from CHS prior to reinstatement. (Added to the AFL on 6/17/15)

Completed Items

Completed Legislative Items. Six legislative items were completed during this reporting period and removed from the Active Files List. Completion of these items resulted in the adoption of one new Tribal law; permanent amendments to three Tribal laws and one Tribal policy; and the approval of amended bylaws for one Tribal Committee:

- **New: Leasing Law.** This is a new law that, once approved by the Secretary of the Interior, enables the Tribe to exercise discretion to approve surface leases of Tribal trust land without needing to obtain approval from the Secretary of the Interior for each separate lease. The Law also governs the leasing of Tribal fee land, although that was not subject to the same requirements. The OBC adopted the new Leasing Law on May 13, 2015, and it was submitted to the Department of the Interior for consideration on May 18, 2015.
- **Marriage Law Amendments.** After the U.S. Supreme Court denied certiorari after a lower court found that Wisconsin's same-sex marriage ban is unconstitutional, amendments to the Tribe's Marriage law were adopted that would allow for same-sex marriage and that would recognize a same-sex marriage conducted legally in Wisconsin. The amendments were adopted by the OBC on May 27, 2015.
- **Motor Vehicle Registration Law Amendments.** Amendments to the Motor Vehicle Registration 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. On April 22, 2015, the OBC adopted amendments to the Motor Vehicle Registration law, as well as a separate Motor Vehicle Registration Fee Schedule.
- **Real Property Law Amendments.** The leasing section of the Real Property Law was amended to ensure consistency with the new Tribal Leasing Law. The Oneida Business Committee adopted these amendments on May 13, 2015.

- **Investigative Leave Policy Amendments.** The Policy was amended to delete a provision which prohibited the use of investigative leave when a complaint is filed; after a decision by the Oneida Appeals Commission interpreted the Policy to apply anytime the term “complaint” is used in an investigation – this had prevented supervisors from being able to take action to protect the Tribe in cases of misappropriation if inappropriate activities were identified based on a complaint arising out of a disciplinary or complaint process. The amendments also reduce the time period of an investigation from 30 days to 15 days. The Oneida Business Committee adopted the amendments on June 24, 2015.
- **Pow-Wow Committee Bylaws** – The Pow-wow Committee requested changes to their bylaws to add new qualifications for serving on the committee – first preference is now given to enrolled Oneida Tribal members, with second preference to enrolled members of any federally-recognized tribe. Additional requirements were also added for Committee members, relating to attendance and following the Code of Ethics. On April 22, 2015, the OBC approved changes to the Pow-Wow Committee Bylaws.

Emergency Actions Taken.

During this quarter, the OBC adopted the following on an emergency basis:

- **Election Law Emergency Amendments.** On June 28, 2015, the OBC adopted amendments to the Election Law on an emergency basis in order to comply with the Constitutional Amendments recently adopted by the Oneida Tribe and approved by the Secretary of the US Department of Interior. Specifically, the Constitutional amendments lowered the voting age to 18, but still require members to be at least 21 years old before they are eligible to serve on the OBC.
- **ONGO Emergency Amendments.** On June 25, 2014, the OBC adopted minor terminology amendments to the Oneida Nation Gaming Ordinance (ONGO) which replaced references to the Oneida Appeals Commission/Tribal Judicial System with the Tribal Judiciary. Those amendments were submitted to the National Indian Gaming Commission (NIGC) for required approval, but NIGC returned the submission after discrepancies were found between ONGO and federal law/NIGC regulations. The OBC adopted emergency amendments to ONGO to address those discrepancies on October 8, 2014, the emergency amendments were extended on April 22, 2015. *Note: the LOC is also processing these changes and additional amendments for permanent adoption.*

Added/Processed Administrative Items.

During this quarter, three GTC petitions were added to the Active Files List; and the OBC accepted/approved legislative analyses for two of those petitions:

- **Petition: Genskow-Request Special GTC Meeting to Address 6 Resolutions.** This item was added to the Active Files List on April 3, 2015, and the OBC accepted the legislative analysis for this item on April 22, 2015.
- **Petition: Genskow-OBC Accountability, Repeal Judiciary & Open Records Law.** This item was added to the Active Files List on May 6, 2015, and the OBC accepted the legislative analyses for this item on June 24, 2015.
- **Petition: Cornelius-Special GTC meeting to address 4 Resolutions.** The LOC added this item to the Active Files List on May 20, 2015.

Public Meetings

The LOC held five Public Meetings this quarter:

- April 2, 2015: Public Meeting for proposed new Tribal Leasing Law.
- April 2, 2015: Public Meeting for amendments to the Marriage Law.
- April 2, 2015: Public Meeting for amendments to the Real Property Law.
- April 30, 2015: Public Meeting for amendments to the Investigative Leave Policy.
- April 30, 2015: Public Meeting for amendments to the Removal Law.

Person responsible for this report and contact information: Brandon Stevens,
Legislative Operating Committee Chair. Phone: (920) 869-4378.

September 2015

September 2015

October 2015

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

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

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug 30	31	Sep 1	2	3	4	5
			9:00am 2:00pm LOC Meeting (BCCR) - LOC_Calendar			
6	7	8	9	10	11	12
	Labor Day Holiday		BC Meeting (BCCR)			GTC Meeting (Radisson)
13	14	15	16	17	18	19
			9:00am 2:00pm LOC Meeting (BCCR) - LOC_Calendar			
20	21	22	23	24	25	26
	6:00pm 10:00pm GTC Budget Mtg (Radisson)		BC Meeting (BCCR)			
27	28	29	30	Oct 1	2	3

Aug 30 - Sep 5

Sep 6 - 12

Sep 13 - 19

Sep 20 - 26

Sep 27 - Oct 3

October 2015

October 2015

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

November 2015

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

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

Sep 27 - Oct 3

Oct 4 - 10

Oct 11 - 17

Oct 18 - 24

Oct 25 - 31