

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

Krystal L. John, Staff Attorney
Douglass A. McIntyre, Staff Attorney
Taniquelle J. Thurner, Legislative Analyst
Maureen Perkins, LTE Legislative Analyst



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

Memorandum

TO: Legislative Operating Committee
FROM: Douglass A. McIntyre, Staff Attorney
DATE: February 3, 2016
RE: Administrative Procedures Act: Public Meeting Comment Review

On January 7, 2016, a public meeting was held regarding a new proposed policy: the Administrative Procedures Act. This Policy would:

- Require hearing bodies to follow the Law when conducting hearings;
- Allow hearing bodies to develop additional hearing body procedures so long as those procedures do not conflict with the APA and are noticed to the public;
- Establishing procedural requirements for hearings, including:
 - Specifying requirements for a complaint;
 - Identifying how a complaint and summons can be served;
 - Authorizing hearing bodies to establish a regular time to hold pre-hearings and hearings;
 - Authorizing hearing bodies to designate officer and alternates to serve on the hearing body;
 - Restricting hearing officers and parties from engaging in ex parte communications;
 - Specifying when evidence is used and how it can be obtained and presented, or objected to;
 - Require a pre-hearing to be conducted, in part, to allow determine dispositive motions, identify the need for witnesses and/or evidence;
 - Implement a scheduling order and address matters that will clarify, simplify or settle the case or facilitate a just, speedy and inexpensive disposition;
 - Specifying time requirements for setting hearing dates.
- Authorize the hearing bodies to issue fines, orders and/or penalties; that comply with the Indian Civil Rights Act.
- Allow a party to appeal the hearing body's decision to the Tribe's Court of Appeals.

No public meeting comments were received on the Administrative Procedures Act Amendments and no further amendments to the Law are recommended at this time.

Conclusion

No public meeting comments were received on this item and it is recommended the Act be prepared to forward to the Oneida Business Committee for consideration of adoption.