

NOTICE OF
PUBLIC MEETING
TO BE HELD
THURSDAY, JULY 21, 2016 at 12:15 p.m.
IN THE
OBC CONFERENCE ROOM
(2nd FLOOR—NORBERT HILL CENTER)

In accordance with the Legislative Procedures Act, the Legislative Operating Committee is hosting this Public Meeting to gather feedback from the community regarding a legislative proposal.

**TOPIC: VENDOR LICENSING
AMENDMENTS**

This is a proposal for amendments to a current law which would:

- ◆ Remove references to the non-existent License Commission and instead allow Department decisions to be appealed to the Judiciary [56.9];
- ◆ Remove various procedural requirements from the law and authorize the Licensing Department to promulgate rules or SOPs instead [current law 56.5-1(a); 56.5-1(b)(4); 56.8-2; 56.5-1(b)(1); 56.5-2(d), 56.6-1(d)];
- ◆ Remove fees from the law and provide the Oneida Licensing Department rule-making authority to promulgate a fee schedule by rule [56.6-1];
- ◆ Delete the listed exemptions and deferments from the licensing/fee requirements (except for services/products provided by another federally recognized tribe or another government [56.8-1]) and allow the Department to promulgate rules that establish additional exemptions and deferments[56.8-2];

To obtain copies of the Public Meeting documents for this proposal, or to learn about the LOC public meeting process, please visit www.oneida-nsn.gov/Register/PublicMeetings or contact the Legislative Reference Office.

**PUBLIC COMMENT PERIOD
OPEN UNTIL JULY 28, 2016**

During the Public Comment Period, all interested persons may submit written comments until the close of business on the final day of the public comment period. These may be submitted to the Tribal Secretary's Office or to the Legislative Reference Office in person (Second floor, Norbert Hill Center) or by U.S. mail, interoffice mail, e-mail or fax.

Legislative Reference Office
PO Box 365 Oneida, WI 54155
LOC@oneidation.org
Phone: (920) 869-4376 or (800) 236-2214
Fax: (920) 869-4040

Vendor Licensing Law Amendments

Analysis by the Legislative Reference Office							
Title	Oneida Vendor Licensing Law (the Law)						
Requester	Tonya Webster, Licensing Dept.	Drafter	Doug McIntyre	Analyst	Tani Thurner	Sponsor	Jennifer Webster
Reason for Request	Initially, amendments were requested to include a specialized provision for SEOTS; however, that change was not made.						
Purpose	The proposed amendments update the existing law and remove references to a non-existent Licensing Commission.						
Authorized/ Affected Entities	Oneida Licensing Department, all entities seeking licensing to do business with the Oneida Nation.						
Related Legislation	ONGO, Food Service Code, Indian Preference Law, various related resolutions and policies related to contracting.						
Enforcement & Due Process	Denial/revocation of vendor licenses; Department decisions are appealable to the Judiciary.						

1
1 With the exception of technical amendments (minor language changes to reflect the
2 adoption of the Judiciary) this Law has not been amended since 1997.

1 The proposed amendments make the following changes to the Law:

- 1 • Clarification that the Licensing Department (Department) is not under the Compliance
2 Division (which does not exist). References to the Compliance Division are replaced with
3 references to the Department, which already handles the responsibilities the law currently
4 delegates to the Compliance Division.
- 1 • To reflect the recently-adopted Administrative Rulemaking Law, the amendments
2 specifically delegate authority to the Department to enact rules. A definition for “rule” is
3 added. [56.3-1(g)] The Department is now required to notify all new applicants of the
4 requirements of any applicable rules. [56.5-1]. The Law now specifically delegates authority
5 to the Department to promulgate the following rules:
 - 1 ○ **The vendor license fee schedule (by Rule).**
 - 1 ▪ Instead of requiring the fee schedule to be reviewed annually by the License
2 Commission, with recommendations from the Finance Committee and
3 approval from the OBC [current 56.6-1(a)]; the Department must establish a
4 fee schedule by rule, meaning the Department would be responsible for,
5 among other things, conducting a public meeting and receiving and reviewing
6 public comment related to the proposed rule. [56.6-1]
 - 1 ▪ A vendors licensing fee schedule for 1996, which set the licensing fee at \$100
2 per year, is deleted from the Law. [Current “Attachment A”]
 - 1 ▪ Provisions establishing a \$3/monthly late fee and requirements for prorating
2 vendor fees are deleted; these may be set by the Department’s rules. [current
3 law, 56.6-1(c)(3) and 56.5-1(b)(2)]
 - 1 ○ **Rules that establish additional exemptions and deferrals from the licensing or
2 fee requirements of the Law. [56.8-2]**
 - 1 ▪ Services/products provided by another federally-recognized tribe or by
2 another government are still exempt from the licensing requirement (*i.e.* they

3 are not required to obtain a vendor’s license) [56.8-1] but a list of
4 entities/persons that are exempt from the license fee are deleted, as is a
5 provision authorizing deferments for paying the licensing fee in emergency
6 situations. [current law, 56.10-1(a) – (e)]

- 7 • The Law no longer requires all vendor’s licenses to be conspicuously placed on or in the
8 premises of the place of business or service. It appears the Department could establish
9 requirements related to the placement of licenses, by rule. [current law 56.6-1(d)]
- 10 • Currently, the law authorizes a License Commission to hear appeals of licensing decisions,
11 but that entity was never created. The amendments instead provide that Department decisions
12 can be appealed to the Judiciary, in accordance with the applicable rules of procedure. [56.9,
13 current law 56.3-8 and 56.7]
- 14 • Specific records retention requirements are replaced with a requirement that the Department
15 retain all applications and copies of all licenses in accordance with applicable laws and rules
16 of the Nation. [56.5-4]
- 17 • Various procedural and administrative requirements are deleted, as these would be more
18 appropriate in a rule or internal operating procedure. [*see i.e.* the current law, 56.5-1(a), 56.5-
19 1(b), 56.5-2(d), 56.6-1(d), and 56.8-2]
- 20 • Currently, all information given for the purpose of receiving a vendor’s license, excluding
21 financial information, is subject to a request for information and available for public
22 inspection. The amended law no longer includes an exception for financial information, but
23 instead states that all such information is available for public inspection “as provided in
24 applicable laws and rules of the Nation.” [56.4-2(a)]

25 **Other**

26 Instead of identifying responsibilities for “licensing agents,” the Law identifies
27 responsibilities for the Department (licensing agents are employees of the Department).

28 Additional licensing requirements for specific types of vendors are deleted as these just
29 repeat requirements set out in other applicable laws and policies. [current law 56.9] Expired
30 provisions and redundant notice requirements are deleted. [current law 56.4-2 and 56.4-3]

31 “Ordinance” is changed to “law” and updates ensure the term “Nation” is used consistently
32 and reflects the 2015 Constitutional amendments. Sections 56.2 and 56.3 are revised to
33 incorporate the specific wording required by the Legislative Procedures Act, and other minor
34 language/formatting changes are made to improve the clarity of the law and to ensure
35 compliance with standard drafting practices; these changes do not affect the content of the law.

36 A public meeting has not been held.

Chapter 56
~~ONEIDA~~ VENDOR LICENSING
Lonatkehlun\$ kanakt%tha>
they are permitted to sell to one

1
2
3
4
5
6
7
8
9
10
11
16
17
18
19
20
21
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58

<u>56.1. Purpose and Policy.</u>	12	<u>56.6. Fees for Licensure</u>
<u>56.2. Adoption, Amendment Repeal.</u>	13	<u>56.7. Revocation of Vendor’s License</u>
<u>56.3. Definitions</u>	14	<u>56.8. Exemptions and Deferments</u>
<u>56.4. Scope</u>	15	<u>56.9. Appeals of Licensing Decisions</u>
<u>56.5. Application/Renewal Procedures</u>		
<u>56.1.1. Purpose and Policy</u>	22	<u>56.6.1. Fees for Licensure</u>
<u>56.2.1. Adoption, Amendment Repeal</u>	23	<u>56.7.1. Appeal of Agency and License Commission Decisions</u>
<u>56.3.1. Definitions</u>	24	<u>56.8.1. Revocation of Vendor’s License</u>
<u>56.4.1. Scope of the Requirement</u>	25	<u>56.9.1. Specific Requirements</u>
<u>56.5.1. Application/Renewal Procedures</u>	26	<u>56.10.1. Exempt Status</u>
	27	

~~56.1-~~

56.1. Purpose and Policy.

56.1-1. Purpose. The purpose of this Ordinancelaw is to:

(a) regulate and license all vendors who provide a service for and do business with the Oneida ~~Tribe of Indians of Wisconsin~~Nation, and

~~(b) 56.1-2. Furthermore, it is the purpose of this ordinance to provide regulations, criteria and procedures for the issuance of licenses to all vendors who provide a service for or do business with the Tribe.~~

~~56.1-3. It is also the purpose of this ordinance to generate revenue for the Oneida Tribe of Indians of Wisconsin~~Nation by ~~implementing and enforcing a collection of~~collecting fees from vendors for a license to perform a service for or do business with the TribeNation.

~~56.1-4. 56.1-2. Policy.~~ It is the policy of the Oneida ~~Tribe of Indians of Wisconsin~~Nation to ~~utilize the Oneida Compliance Division as the authority~~establish a system to implement and enforce the issuance of vendor’s licenses and ~~for the~~collection of fees.

56.2-1. Adoption, Amendment Repeal.

56.2-1. This ~~ordinance is~~law was adopted by the Oneida Business Committee by resolution # ~~BC-3-5-97-E~~02-19-92-C and amended by ~~resolution~~resolutions BC-3-5-97-E, BC-02-25-15-C: and.

56.2-2. This ordinancelaw may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the ~~Oneida Administrative~~Legislative Procedures Act ~~by the Oneida Business Committee or the Oneida General Tribal Council.~~

56.2-3. Should a provision of this ordinancelaw or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ordinancelaw which are considered to have legal force without the invalid portions.

~~56.2.4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this ordinance as related to the licensing of vendors~~

59 | ~~by the Compliance Division are hereby repealed unless specifically re-enacted after adoption of~~
60 | ~~this ordinance.~~

61 | 56.2-4. In the event of a conflict between a provision of this law and a provision of another law,
62 | the provisions of this law shall control.

63 | 56.2-5. This law is adopted under ~~the~~ authority of the Constitution of the Oneida ~~Tribe of~~
64 | Indians of Wisconsin Nation.

65 |
66 | **56.3-1. Definitions**

67 | 56.3-1. This ~~Article~~section shall govern the definitions of words ~~or~~and phrases ~~as~~
68 | ~~herein.~~within this law. All words not defined herein shall be used in their ordinary and everyday
69 | sense.

70 | ~~56.3-2. “Emergency Situation” means an unforeseen occurrence that requires immediate attention,~~
71 | ~~the absence of which would endanger the health or safety of others, cause the loss of perishable~~
72 | ~~goods, or create an economic hardship due to the unavoidable imminent nature of the~~
73 | ~~circumstance.~~

74 | 56.3-3.(a) “Business Day” means Monday through Friday from 8:00 a.m. to 4:30 p.m.,
75 | excluding holidays recognized by the Nation.

76 | (b) “Business entity” means that which exists as a particular and discrete unit, but not
77 | limited to, any person, partnership, corporation, joint venture, franchise, governmental
78 | enterprise, or any other natural or artificial person or organization. The term “entity” is
79 | intended to be as broad and encompassing as possible to ensure the jurisdiction of the
80 | Oneida Vendor’s Licensing Ordinancethis law.

81 | ~~56.3-4. “Vendor’s License”~~(c) “Department” means ~~a permit granted by an appropriate~~
82 | ~~governmental body to a person, business, or corporation to pursue some occupation or to carry~~
83 | ~~on some business or service, and which is subject to regulations of the Oneida Nation.~~

84 | ~~56.3-5. “License Fee” means that fee imposed upon all vendors who apply to perform a service~~
85 | ~~for or do business with the Oneida Tribe of Indians of Wisconsin as established and calculated~~
86 | ~~by the Compliance Division pursuant to the regulatory grant of power afforded them by this~~
87 | ~~ordinance.~~

88 | ~~56.3-6. “Licensing Agent” means an employee of the Oneida Licensing Department of the~~
89 | ~~Oneida Compliance Division with the delegated authority and responsibility to implement and~~
90 | ~~enforce this ordinance.~~

91 | ~~56.3-7. “Oneida Compliance Division” means that division within the Oneida administration~~
92 | ~~with the purpose and authority to oversee adherence to laws, ordinances, policies and procedures~~
93 | ~~of the Oneida Tribe.~~

94 | ~~56.3-8. “Oneida License Commission” means the regulatory entity formed to conduct hearings~~
95 | ~~and decide cases of licensing disputes as they relate to those licenses, certificates or permits~~
96 | ~~issued by the Compliance Division.~~

97 | ~~56.3-9. “Oneida Licensing Department” means that department located within the~~
98 | ~~organizational structure of the Compliance Division of the Oneida Tribe which is~~
99 | ~~responsible for administering licensing programs on behalf of the Tribe, hereafter~~
100 | ~~referred to as department.~~

101 | ~~56.3-10. “Oneida Nation” means the Oneida Tribe of Indians of Wisconsin.~~

102 | ~~56.3-11. “Training Session” means an educational experience contracted wholly for the~~
103 | ~~education of tribal members or employees.~~

104 ~~56.3-12. “Tribal Members” means persons who are enrolled with the Oneida Tribe of Indians of~~
105 ~~Wisconsin.~~

106 ~~56.3-13.(d)~~ “Judiciary” means the judicial system that was established by Oneida
107 General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities
108 and responsibilities of the ~~Tribe~~Nation.

109 ~~(e) “License fee” means that fee charged for a vendor’s license issued in accordance with~~
110 ~~this law.~~

111 ~~(f) “Nation” means the Oneida Nation.~~

112 ~~(g) “Rule” means a set~~ ~~56.4-1. Scope~~ of ~~the Requirement.~~ The provisions and
113 requirements ~~enacted in accordance with the Administrative Rulemaking law.~~

114 ~~(h) “Vendor’s license” means a license issued by the Department to a business entity~~
115 ~~that provides a service for, or that does business with the Nation.~~

116 ~~56.4. Scope~~

117 ~~56.4-1. of these regulations~~This law shall be adhered to by all business entities and shall apply
118 to every ~~one and every~~ business entity that performs services and/or does business with the
119 ~~Oneida~~ Nation separate from and in addition to those requirements imposed by other ~~Tribal~~
120 ~~entities, such as, the Oneida Gaming Commission and the Division of Land Management~~laws
121 ~~and rules of the Nation.~~

122 ~~56.4-2. A grace period of sixty (60) days from the date of the original passage of the Oneida~~
123 ~~Vendor’s Licensing Ordinance shall be granted in order that all business entities may be brought~~
124 ~~into compliance with this Ordinance.~~

125 ~~56.4-3. Notice shall be given for implementation of the Oneida Vendor’s Licensing Ordinance~~
126 ~~pursuant to the requirements of the Administrative Procedures Act adopted by resolution GTC-8-~~
127 ~~19-91-A.~~

128 ~~56.4-4. All information given~~ ~~information given for purposes of receiving a vendor’s license for~~
129 ~~doing business with the Oneida Nation, excluding financial information, is considered~~the
130 ~~purpose of receiving a vendor’s license is:~~

131 ~~(a) subject to a request for information and available for public inspection.~~ ~~Provided~~
132 ~~further, that all information given for purposes of receiving a vendor’s license for doing~~
133 ~~business with the Oneida Nation, including financial information, is~~ as provided in
134 applicable laws and rules of the Nation.

135 ~~(b) subject to internal audit of the Oneida Nation.~~

136 ~~56.5-1.~~ ~~56.5. Application/Renewal Procedures~~

137 ~~(a) 56.5-1. The Department shall notify all new applicants of the Oneida Vendor’s Licensing~~
138 ~~Ordinance requirements and procedures for application. Upon request of the licensing agent, the~~
139 ~~applicant shall be required to provide the~~requirements of this law; including any applicable rules
140 and any necessary documentation ~~to verify the following information;~~that the Department may
141 ask the applicant to provide.

142 ~~(1) The name of the~~a) All business entity, with proof of identification

143 ~~(2) The type of business;~~

144 ~~(3) The business address~~entities shall obtain and ~~the name of the agent for service~~
145 ~~of process;~~

146 ~~(4) Verification of required~~maintain adequate, insurance coverage ~~or bonding;~~

147 ~~(5) Federal I.D. number or Social Security number.~~

150 ~~(6) Accounts Payable Vendor Number, this information may be provided, as determined~~
151 ~~by the licensing agent, Department.~~

152 ~~56.5-2. (7) Food vendor~~

153 ~~(8) Name of buyer, buyer's address, items sold or services offered~~

154 ~~(9) Signature of applicant and date of application~~

155 ~~(b) The licensing agent Department shall deny, or approve the or deny an~~ application based on
156 ~~compliance with the criteria set in this ordinance, verification of the requested information, and;~~
157 ~~whether or not the following exist: law, other Oneida and applicable rules.~~

158 ~~(1) payment of the fee paid at the time of application; if the fee is not paid the~~
159 ~~vendor's license will not be issued. If a business entity is doing business with the~~
160 ~~Oneida Nation without a vendor's license 56.5-3. The Department shall notify the~~
161 ~~Accounting Department to recover the fee by retaining the amount from~~
162 ~~compensation for the product or services rendered by the vendor;~~

163 ~~(2) first time vendor fees may be prorated per licensing agent's guidelines;~~

164 ~~(3) any outstanding fees owed to the Oneida Nation, all outstanding fees must be~~
165 ~~paid before a vendor's license will be issued;~~

166 ~~(4) inadequate insurance coverage; insurance verification must be provided to the~~
167 ~~agent before the vendor's license is issued, the licensing agent will forward the~~
168 ~~information to Oneida Risk Management for applicant of the approval; if the~~
169 ~~applicant/entity has inadequate insurance coverage, the vendor's license will not~~
170 ~~be issued;~~

171 ~~(5) other factors which relate to the protection of Tribal and/or public health,~~
172 ~~safety, or welfare.~~

173 ~~(c) The licensing agent shall notify the applicant of the approval, or denial of the application~~
174 ~~within ten (10) working business days, and:~~

175 ~~(1a) if approved, the licensing agent Department shall issue the vendor's license to the~~
176 ~~business entity; and or~~

177 ~~(2b) if the vendor's license is denied, the reasons Department shall provide the~~
178 ~~reason(s) for denial of the vendor's license; and~~

179 ~~(3) notification of a notify the applicant of his or her~~ right to ~~request an appeal to the~~
180 ~~decision.~~

181 ~~(d) A number shall be assigned to each vendor's license by the licensing agent for~~
182 ~~identification.~~

183 ~~(e) 56.5-4. All applications for a vendor's license and a copy of each certificate of vendor's~~
184 ~~license shall be retained by the licensing agent for one (1) year from date of application;~~
185 ~~thereafter, said documents shall be retained by Oneida Records Management for seven~~
186 ~~years. Department in accordance with applicable laws and rules of the Nation.~~

187 ~~56.5-5. 56.5-2. Renewal procedures shall be as follows:~~

188 ~~(a) The vendor's license shall be applied for annually.~~

189 ~~(b) Vendor's license renewal shall be on a yearly basis, from the date of issuance of the vendor's~~
190 ~~license.~~

191
192 **56.6-1. Fees for Licensure**

193 ~~(a) The fee for a vendor's license shall be pursuant to an equitable fee schedule as~~
194 ~~established initially by the department, and as reviewed annually by the License~~

195 ~~Commission, with recommendations from the Oneida Finance Committee and approval~~
196 ~~of the Oneida Business Committee.~~

197 ~~(b) The department shall retain not more than 50% of the vendor's license fees collected;~~
198 ~~the balance of the fees collected will be transferred to the Trust Department to be placed~~
199 ~~in the Elderly Per Capita Fund.~~

200 ~~(c) The vendor's license fee shall cover a twelve (12) month period, and~~

201 ~~(1) The fee shall be paid annually at the time of the application. The fee shall be~~
202 ~~returned if application is denied.~~

203 ~~(2) The licensing agent shall keep fee records.~~

204 ~~(3) Late fee payment may be added to cost of annual license fee. If fee is due, the~~
205 ~~applicant/entity may be charged \$3 per month, see sec. 5-1(b)(1-3).~~

206 ~~(d) The vendor's license shall be prepared and sent out by the licensing agent. All~~
207 ~~vendor's licenses shall be conspicuously placed on or in the premises of the place of~~
208 ~~business or service.~~

209 ~~(e) The fee~~56.6-1. License fees shall be determined and based upon the revenue as generated by
210 the business entity with the ~~Oneida~~Nation the year directly preceding ~~that year and~~the date
211 ~~in~~upon which the business entity applies for licensure. ~~Business'~~Business entities with no
212 revenue history shall pay a fee determined by the Department based upon a projected revenue
213 figure. The Department may establish, by rule, any other fees that may be imposed in accordance
214 with this law.

215 ~~56.7-1. Appeal of Agency and License Commission Decisions~~

216 ~~Oneida License Commission Hearings.~~

217 ~~(a) Parties who disagree with the decisions of the licensing agent on matters of dispute~~
218 ~~regarding issues of licensing, certification or permits issued by the Compliance Division,~~
219 ~~may request a hearing before the License Commission.~~

220 ~~(b) Hearings before the License Commission will be pursuant to the original hearing~~
221 ~~procedures as set out in the Administrative Procedures Act.~~

222 ~~56.7-2. Appeal of License Commission Decisions. A party may appeal to the Judiciary for an~~
223 ~~appellate review and final determination of the License Commission decision.~~

224
225 ~~56.8-1~~56.6-2. The Department shall retain not more than fifty percent (50%) of the fees
226 collected in accordance with this law; the balance of the fees collected shall be transferred to the
227 Trust Department to be placed in the Elderly Per Capita Fund.

228 56.6-3. The vendor's license fee shall cover a twelve (12) month period, and:

229 (a) The fee shall be paid annually at the time of the application. The Department shall
230 return the fee if the application is denied.

231 (b) A late fee payment may be added to the cost of the annual license fee.

232 233 **56.7. Revocation of Vendor's License**

234 56.7-1. A vendor's license issued by the Licensing Department may be revoked by the licensing
235 agent~~Department~~ if the business entity is in non-compliance with this ordinance, law, has
236 inadequate insurance coverage, or for any other reasons related to protection of Tribal~~the Nation~~
237 and/or public health, safety, or welfare, pursuant to the following procedures:

238 ~~(~~Prior to revoking a vendor's license, the Department shall notify the business entity is
239 notifiedof the effective date of the revocation by the licensing agent and the reasons for
240 the revocation; and

241 | ~~(b) shall allow~~ the business entity ~~is given~~ thirty (30) days in which to rectify the non-
242 compliance, except in the case of inadequate insurance coverage, in which case the vendor's
243 license ~~will~~shall be revoked ~~when the information~~immediately upon verification of inadequate
244 coverage ~~is verified; and~~.

245 | ~~(c) should the business entity come into compliance or secure adequate insurance~~
246 ~~coverage, the vendor's license shall be reinstated;~~

247 | ~~(d) if compliance is unattainable, the business entity is notified of his/her right to appeal~~
248 ~~the licensing agent's decision to revoke the vendor's license.~~

249 | ~~56.8-2. Procedures for non-compliance and revocation of a vendor's license after thirty (30)~~
250 ~~days shall be as follows:~~

251 | ~~(a) Notice will be given to the Oneida Accounting Department that vendor's license has~~
252 ~~been revoked, whereupon the Accounting Department shall suspend all future payment to~~
253 ~~said vendor for all services or goods.~~

254 | ~~(b) Upon revocation of the vendor's license, the business entity shall be prevented from~~
255 ~~doing business with the Oneida Nation until such time the former licensee is able to~~
256 ~~comply with the Ordinance and submits a new application.~~

257 | ~~(1) Any fees owed shall be deducted from any potential compensation due to the~~
258 ~~provider.~~

259 | ~~(2) Verification and approval of required insurance coverage shall be provided by~~
260 ~~the Oneida Risk Management Department.~~

261 |
262 |

263 | **56.8. Exemptions and Deferments**

264 | **56.9-1. Specific Requirements**

265 | ~~Applicants subject to approval must be in compliance with requirements as set forth in all related~~
266 ~~Tribal ordinances, including but not limited to, Oneida Indian Preference laws, Oneida Food~~
267 ~~Vendors Ordinance, Real Property Law, and Oneida gaming laws.~~

268 | ~~56.9-2. A food vendor shall be issued a vendor's license contingent upon the requirements of the~~
269 ~~Oneida Environmental Health Department which includes a certificate of training and written~~
270 ~~notice to the department. A certificate from the Oneida Environmental Health Department~~
271 ~~certifying completion of necessary requirements and instructions for safe food handling must be~~
272 ~~presented at time of application.~~

273 | ~~56.9-3 Applicants who are contracting for construction work must have their bid awarded by the~~
274 ~~Oneida Tribe in accordance with the Construction Improvement Process Policy.~~

275 | ~~56.9-4. Applicants who are selling, brokering, or leasing real estate must have approved real~~
276 ~~estate licenses as required by the Real Property Law.~~

277 | ~~56.9-5. Applicants who are contracting for electrical, plumbing, /air conditioning or building~~
278 ~~work must be licensed by the Oneida Zoning Department as required by the Building Code of the~~
279 ~~Oneida Reservation.~~

280 |
281 | **56.10-1. Exempt Status**

282 | ~~The following must be licensed but are exempt from the required fee:~~

283 | ~~(a) Those individuals who receive stipend revenue for Oneida Nation as members of~~
284 ~~entities of the Oneida Nation.~~

285 | ~~(b) Vendors whose revenue from Tribe is less than \$1,000 per year.~~

286 ~~(c) Consultants, means all individuals, businesses or corporations who have a consultant~~
287 ~~relationship with the Oneida Nation for the purpose of providing professional advice,~~
288 ~~training or any other service for profit and whose revenue from the Oneida Nation is less~~
289 ~~than \$500 per year.~~

290 ~~(d) Training sessions where the focus is wholly upon the education and/or training of~~
291 ~~Tribal members or employees and where the amount contracted for does not exceed~~
292 ~~\$2,000. Those training sessions that exceed the \$2,000 limit will be subject to the usual~~
293 ~~fees assessed for licensure.~~

294 ~~(e) One time deferment for payment of vendor's license fees of up to thirty (30) days for~~
295 ~~emergency situations may be granted. Application for fee deferment must be made at the~~
296 ~~time of application with specific explanation of the emergency situation filed in writing~~
297 ~~by the applicant.~~

298 ~~(f) A failure to pay or payment after the deferment date has expired, may be grounds for~~
299 ~~denial of a vendor's license or assessment of late fee penalties.~~

300 ~~56.10-2~~ from Licensure. The following are exempt from licensure:

301 (a) Services or products provided by another federally recognized tribe, subject to all the
302 laws and ~~the Ordinances~~ rules of the ~~Oneida Tribe~~ Nation.

303 (b) Services or products provided by another government, subject to all the laws and
304 ~~ordinances~~ rules of the ~~Oneida Tribe~~ Nation.

305

ATTACHMENT A
VENDORS LICENSING FEE SCHEDULE FOR 1996
FLAT FEE AMOUNT

306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336

Yearly Oneida Vendors Fee \$100.00

Approved by:

ONEIDA BUSINESS COMMITTEE:

Signature: _____ Date: _____
_____ Debra Doxtator, Chairwoman

Signature: _____ Date: _____
_____ Julie Barton, Secretary

56.8-2. The Department may promulgate rules that establish additional exemptions and
deferments from the licensing or fee requirements of this law.

56.9. Appeals of Licensing Decisions

56.9-1. Decisions of the Department may be appealed to the Judiciary in accordance with
applicable rules of procedure.

End.

Adopted- BC-2-~~47~~19-92-C
~~Adopted~~Amended- BC-3-5-97-E
Amended- BC-02-25-15-C

Chapter 56
VENDOR LICENSING
Lonatkehlun\$ kanakt%tha>
they are permitted to sell to one

1
2
3
4
5
6
7
8
9
10
11
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

56.1. Purpose and Policy.	12	56.6. Fees for Licensure
56.2. Adoption, Amendment Repeal.	13	56.7. Revocation of Vendor’s License
56.3. Definitions	14	56.8. Exemptions and Deferments
56.4. Scope	15	56.9. Appeals of Licensing Decisions
56.5. Application/Renewal Procedures		

56.1. Purpose and Policy.

56.1-1. *Purpose.* The purpose of this law is to:

- (a) regulate and license all vendors who provide a service for and do business with the Oneida Nation, and
- (b) provide revenue for the Nation by collecting fees from vendors for a license to perform a service for or do business with the Nation.

56.1-2. *Policy.* It is the policy of the Oneida Nation to establish a system to implement and enforce the issuance of vendor’s licenses and collection of fees.

56.2. Adoption, Amendment Repeal.

56.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-19-92-C and amended by resolutions BC-3-5-97-E, BC-02-25-15-C and _____.

56.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

56.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

56.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

56.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

56.3. Definitions

56.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Business Day” means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.
- (b) “Business entity” means that which exists as a particular and discrete unit, but not limited to, any person, partnership, corporation, joint venture, franchise, governmental enterprise, or any other natural or artificial person or organization. The term “entity” is intended to be as broad and encompassing as possible to ensure the jurisdiction of this law.
- (c) “Department” means the Oneida Licensing Department.
- (d) “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

- 53 (e) “License fee” means that fee charged for a vendor’s license issued in accordance with
54 this law.
55 (f) “Nation” means the Oneida Nation.
56 (g) “Rule” means a set of requirements enacted in accordance with the Administrative
57 Rulemaking law.
58 (h) “Vendor’s license” means a license issued by the Department to a business entity
59 that provides a service for, or that does business with the Nation.
60

61 **56.4. Scope**

- 62 56.4-1. This law shall be adhered to by all business entities and shall apply to every business
63 entity that performs services and/or does business with the Nation separate from and in addition
64 to those requirements imposed by other laws and rules of the Nation.
65 56.4-2. All information given for the purpose of receiving a vendor’s license is:
66 (a) subject to a request for information and available for public inspection as provided in
67 applicable laws and rules of the Nation.
68 (b) subject to internal audit of the Nation.
69

70 **56.5. Application/Renewal Procedures**

- 71 56.5-1. The Department shall notify all new applicants of the requirements of this law; including
72 any applicable rules and any necessary documentation that the Department may ask the applicant
73 to provide.
74 (a) All business entities shall obtain and maintain adequate insurance coverage, as
75 determined by the Department.
76 56.5-2. The Department shall approve or deny an application based on compliance with the
77 criteria set in this law, other Oneida and applicable rules.
78 56.5-3. The Department shall notify the applicant of the approval or denial of the application
79 within ten (10) business days, and:
80 (a) if approved, the Department shall issue the vendor’s license to the business entity; or
81 (b) if denied, the Department shall provide the reason(s) for denial of the vendor’s
82 license; and notify the applicant of his or her right to appeal the decision.
83 56.5-4. All applications for a vendor’s license and a copy of each vendor’s license shall be
84 retained by the Department in accordance with applicable laws and rules of the Nation.
85 56.5-5. Vendor’s license renewal shall be on a yearly basis, from the date of issuance of the
86 vendor’s license.
87

88 **56.6. Fees for Licensure**

- 89 56.6-1. License fees shall be determined and based upon the revenue as generated by the
90 business entity with the Nation the year directly preceding the date upon which the business
91 entity applies for licensure. Business entities with no revenue history shall pay a fee determined
92 by the Department based upon a projected revenue figure. The Department may establish, by
93 rule, any other fees that may be imposed in accordance with this law.
94 56.6-2. The Department shall retain not more than fifty percent (50%) of the fees collected in
95 accordance with this law; the balance of the fees collected shall be transferred to the Trust
96 Department to be placed in the Elderly Per Capita Fund.
97 56.6-3. The vendor’s license fee shall cover a twelve (12) month period, and:

98 (a) The fee shall be paid annually at the time of the application. The Department shall
99 return the fee if the application is denied.

100 (b) A late fee payment may be added to the cost of the annual license fee.
101

102 **56.7. Revocation of Vendor's License**

103 56.7-1. A vendor's license issued by the Licensing Department may be revoked by the
104 Department if the business entity is in non-compliance with this law, has inadequate insurance
105 coverage, or for any other reasons related to protection of the Nation and/or public health, safety,
106 or welfare. Prior to revoking a vendor's license, the Department shall notify the business entity
107 of the effective date of the revocation and the reasons for the revocation, and shall allow the
108 business entity thirty (30) days in which to rectify the non-compliance, except in the case of
109 inadequate insurance coverage, in which case the vendor's license shall be revoked immediately
110 upon verification of inadequate coverage.
111

112 **56.8. Exemptions and Deferments**

113 56.8-1. *Exempt from Licensure.* The following are exempt from licensure:

114 (a) Services or products provided by another federally recognized tribe, subject to all the
115 laws and rules of the Nation.

116 (b) Services or products provided by another government, subject to all the laws and
117 rules of the Nation.

118 56.8-2. The Department may promulgate rules that establish additional exemptions and
119 deferments from the licensing or fee requirements of this law.
120

121 **56.9. Appeals of Licensing Decisions**

122 56.9-1. Decisions of the Department may be appealed to the Judiciary in accordance with
123 applicable rules of procedure.
124

125 *End.*
126

127 Adopted- BC-2-19-92-C

128 Amended- BC-3-5-97-E

129 Amended- BC-02-25-15-C