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LEGISLATIVE OPERATING COMMITTEE

Public Meeting on the Comprehensive Policy Governing Boards Committees and Commissions
Amendments, the Administrative Rulemaking Law, and the Administrative Procedures Act Amendments
Business Committee Conference Room-2nd Floor
Norbert Hill Center
January 7, 2016 12:15 p.m.

PRESENT: Brandon Stevens, Jennifer Webster, Rae Skenandore, Matt Denny, Rhiannon Metoxen, Maureen Perkins, Tani Thurner, Douglass McIntyre and Krystal John.

Administrative Rulemaking

Brandon Stevens: So does anyone have any questions? There may be, but we will move on to the APA.

Matt Denny: I have a question, um, is the date on here correct, does the date follow the same date as the other two for the public comment period?

Brandon Stevens: Oh, you are talking about the 3rd, December 3rd is on the top?

Krystal John: Oh...I printed the wrong packet for this one.

Brandon Stevens: Ok, yea you still have the five days, is it five days?

Krystal John: You have until the 14th.

Brandon Stevens: Yea so five days or no until the 14th. Ok yea, good catch. I did see it to, I just... Ok yea so, APA.

Rae Skenandore: So as the Mortgage Law, the Leasing Law, the Foreclosure Law and the Landlord-Tenant Law move forward and are approved, then you need the rules under all of those laws prior to the hearing being transferred over to the Judiciary? Is that correct?

Brandon Stevens: I would assume yea, it's kind of like a parallel thing, so it's we'll probably be in communication with those moving forward, yea.

Rae Skenandore: So once Rulemaking is approved we need to take all the laws that we are actually working on and, in conjunction with that, develop the Rules? Okay. Umm, it also states that when a new Rule is brought forward that there would be a financial analysis, now there is a

financial analysis that is done with the law, so this financial analysis, if I am understanding correctly is required by the agency that is developing the Rule, is that correct?

Brandon Stevens: Yea, yep.

Jennifer Webster: Where are you?

Rae Skenandore: I am on 54 of Rulemaking, in the, I am in the, um actually the analysis, not the actual law, apologize, so...

Krystal John: Line 328 gives the definition of financial analysis.

Rae Skenandore: I am just wondering if you have the internal expertise within all of these agencies to bring forward their own analysis.

Brandon Stevens: I would think so...they are dealing with the Rule, so if it's a fee schedule or whatnot, I think they would just know the change of what that would do. So, I don't think it's anything like anything that you guys really do as far as being broader, they are more central as far as what goes on, it's almost like budgeting.

Rae Skenandore: But the Land Commission is the authorized agency and the Division of Land Management would be your subject matter experts, so who is responsible for preparing and submitting the analysis, the Commission?

Brandon Stevens: The Commission would be, it would seem like Land Management would be because they're the ones who process it.

Krystal John: It depends on who is named as the authorized agency in the law, if it's Land Management's rules, then Land Management would do it; if it's the Land Commission's rules, the Commission would do it.

Brandon Stevens: Okay.

Rae Skenandore: But would the Commission be the authorizing agency over all of the laws?

Krystal John: It depends on how the law is written. If the law gives the authority to the Land Commission, then the Land Commission becomes the authorized agency.

Rae Skenandore: Okay, I guess we will see as we move forward. Thank you.

Brandon Stevens: Yep.