

Title 1. Government and Finances - Chapter 109
LEGISLATIVE PROCEDURES ACT

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109.1. Purpose and Policy

109.1-1. *Purpose.* The purpose of this law is to provide a process for the adoption of Oneida Tribal laws.

(a) The lawmaking requirements as set forth under this law shall apply to all legislation considered by the Oneida Business Committee or forwarded for consideration to the General Tribal Council.

109.1-2. *Policy.* It is the policy of the Tribe to ensure that there is a standard process for developing legislation which includes taking into account comments from Tribal members and input from Tribal agencies.

109.1-3. This law shall not be construed to impede the constitutional right of a Tribal member under Article III, Section 4 of the Tribal Constitution to petition for a special meeting of the General Tribal Council upon obtaining the required signatures.

109.2. Adoption, Amendment, Repeal

109.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC #01-07-13-A.

109.2-2. This law may be amended or repealed only by the Oneida General Tribal Council pursuant to the procedures set out in Tribal law.

109.2-3. 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.

109.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, this law repeals the following:

(a) BC-12-21-94-A (Adoption of the Format for Laws)

(b) BC-7-13-05-H (Amendments to the Format for Laws)

109.2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

109.3. Definitions

109.3-1. 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) “Agency” means any Tribal board, committee, commission, department, division or officer.

(b) “Day(s)” means calendar day(s), unless otherwise specifically stated.

(c) “Fiscal impact statement” means an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation

costs, as well as an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation.

(d) “Manager or Director” means a Tribal Gaming General Manager, Chief Financial Officer, Chief Legal Counsel, Division Director or similar employee who is a direct report to the Oneida Business Committee.

(e) “Law” means an adopted Tribal code, act, statute or ordinance.

(f) “Legislation” means a proposed law or proposed amendment to an existing law.

(g) “Legislative analysis” means a plain language analysis describing the important features of the legislation being considered and factual information to enable the Legislative Operating Committee to make informed decisions regarding legislation. A legislative analysis shall include a statement of the legislation’s terms and substance; intent of the legislation; a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the legislation and policy considerations; and shall be in a consistent format as determined by the Legislative Operating Committee.

(h) “Legislative Operating Committee” means the legislative committee comprised of the five (5) council members of the Oneida Business Committee.

(i) “Legislative Reference Office” means the support office under the direction and supervision of the Legislative Operating Committee.

(j) “Oneida Code of Laws” means the unified collection of current adopted Tribal laws considered the official version of Oneida law.

(k) “Oneida Register” means the free legal periodical published on the Tribal website by the Legislative Operating Committee which contains at a minimum, agency regulations, proposed legislation and notices, and either the Oneida Code of Laws or directions to obtain free access to the Oneida Code of Laws.

(l) “Resolution” means the document approved by the Oneida General Tribal Council or Oneida Business Committee which formally resolves to adopt, amend or repeal a law.

(m) “Tribal” or “Tribe” means the Oneida Tribe of Indians of Wisconsin.

(n) “Tribal website” means the official Oneida Tribe of Indians of Wisconsin website and shall include either the section available to the public at large or member’s only section.

109.3-2. The titles to sections and subsections of laws are descriptions of the text of a law, are not part of the law and cannot alter the meaning of the text of a law. Legislative analyses and resolutions are not part of the law, but may be used to aid in the interpretation of ambiguous text of a law.

109.4. Legislative Operating Committee

109.4-1. *Creation.* There is hereby created a legislative committee known as the Legislative Operating Committee.

109.4-2. *Duties.* The Legislative Operating Committee shall be responsible for the development of Tribal law in accordance with this law, other such duties as provided by Tribal law and the development and maintenance of the Oneida Register.

109.5. Legislation Request

109.5-1. *Request for Development of Laws.* Any interested person may submit a written request to the Legislative Reference Office for legislation.

109.5-2. *Introduction of Legislation.* The Legislative Reference Office shall place the request for legislation on the agenda of the next duly called Legislative Operating Committee meeting. The Legislative Operating Committee shall:

- (a) Accept the request and direct it be developed in accordance with this law; or
- (b) Deny the request in writing to include the reason for denial, except that the Legislative Operating Committee shall not deny a request for legislation directed by a General Tribal Council law, resolution or motion.

109.6. Fiscal Impact Statement

109.6-1. A fiscal impact statement shall be required for all legislation, except as exempted in 109.9-5(a). A fiscal impact statement shall be submitted by all agencies as directed by the Legislative Operating Committee and may be prepared by:

- (a) Any agency who:
 - (1) may receive funding if the legislation is enacted;
 - (2) may administer a program if the legislation is enacted; or
 - (3) may have financial information concerning the subject matter of the legislation.
- (b) The Finance Office, upon request of the Legislative Operating Committee.

109.6-2. Legislation may be introduced to the Legislative Operating Committee without a fiscal impact statement, however a fiscal impact statement shall be completed and submitted to the Legislative Operating Committee prior to legislation being forwarded to the Oneida Business Committee under 109.9-1.

109.7. Legislative Analysis

109.7-1. The Legislative Reference Office shall complete and attach a legislative analysis to legislation prior to the Legislative Operating Committee forwarding the legislation:

- (a) for public review in accordance with 109.8; and
- (b) to the Oneida Business Committee for consideration in accordance with 109.9-1.

109.8. Public Review

109.8-1. *Public Comment Period.* The Legislative Operating Committee shall approve and provide a public comment period prior to forwarding the legislation for consideration in accordance with 109.9-1.

- (a) The public comment period shall remain open for no less than five (5) business days after the public meeting is held.
- (b) A public comment period shall not be required when legislation is being considered as an emergency in accordance with 109.9-5.
- (c) The public comment period shall be noticed in accordance with 109.8-2 and shall provide interested persons a reasonable opportunity to submit data, views or arguments on the legislation.

109.8-2. *Notice.* A notice shall state the name, address, phone number, and other appropriate information to submit comments on the legislation, as well as the date, time and place of the

public meeting and the time period in which comments must be received. A minimum of ten (10) business days before a public meeting is held, the notice, legislation, legislative analysis and fiscal impact statement, if a fiscal impact statement is available, shall be:

- (a) made publicly available in the Oneida Register;
- (b) electronically provided to all managers or directors; and
- (c) published in the Kalihwisaks or other Tribal publication of similar distribution, provided that only notice of a public meeting and how to receive the public meeting documents shall be required to be posted in the Kalihwisaks.

109.8-3. *Public Meeting.* The Legislative Operating Committee shall hold a public meeting during the public comment period to solicit oral comments. Nothing in this section shall prohibit or restrict the holding of any other type of community meeting which may be used to gather input on legislation.

- (a) A public meeting shall be presided over by at least one (1) Legislative Operating Committee member.
- (b) All persons who present oral testimony at a public meeting shall register.
- (c) The presiding Legislative Operating Committee member(s) may impose a time limit for all oral testimony; any time limit imposed shall not be less than five (5) minutes and shall be applied to all persons equally.

109.8-4. *Comments and Testimony.* The Legislative Operating Committee shall consider fully, all written comments and oral testimony received during the public comment period and any public meeting on the legislation.

- (a) All appropriate managers or directors shall direct comments to be provided during the comment period or at a public meeting by those Tribal employees who have special knowledge or expertise on the legislation.
- (b) Written comments may be submitted to the Oneida Business Committee Tribal Secretary or the Legislative Reference Office in person or through U.S. mail, interoffice mail, e-mail or fax.

109.9. Adoption, Amendment or Repeal

109.9-1. *Consideration.* The Legislative Operating Committee shall forward the legislation, legislative analysis and fiscal impact statement to the Oneida Business Committee when legislation is ready for consideration provided that the public review requirements in 109.8 have been met. The Oneida Business Committee shall:

- (a) consider the legislation; or
- (b) forward the legislation to the Oneida General Tribal Council for consideration.

109.9-2. *Resolution.* A law shall be adopted, amended or repealed upon adoption of a resolution.

- (a) A majority vote is required for the adoption of a law by the Oneida Business Committee. The Oneida Business Committee shall amend and repeal laws in accordance with the laws governing Oneida Business Committee action.
- (b) The General Tribal Council shall adopt, amend and repeal laws in accordance with the laws governing General Tribal Council action.

109.9-3. *Effective Date.* Unless specified otherwise in the adopting resolution or the law, the effective date of a law, amendment or repeal shall be ten (10) business days after the date of adoption of the resolution.

109.9-4. *Publication.* The Legislative Operating Committee shall be responsible for publishing the law in the Oneida Code of Laws by the effective date. Failure to publish the law by the required date does not change the effective date of the law.

109.9-5. *Emergency Law.* The Oneida Business Committee may temporarily enact an emergency law where legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population and the enactment or amendment of legislation is required sooner than would be possible under this law.

(a) The Legislative Operating Committee shall be responsible for first reviewing emergency legislation and for forwarding to the Oneida Business Committee for consideration. A legislative analysis of the legislation shall be completed and attached to the legislation, however, the fiscal impact statement and public comment period are not required prior to emergency legislation being considered.

(b) An emergency law shall become effective immediately upon its approval by the Oneida Business Committee and shall be in effect for a period of up to six (6) months, with an opportunity for a one-time emergency law extension of up to six (6) months. An emergency law shall:

(1) expire when six (6) months have passed since the emergency law went into effect and an emergency law extension has not been approved; or

(2) expire when six (6) months have passed since the emergency law extension went into effect; or

(3) no longer be in effect when a law is permanently adopted in the emergency law's place before the emergency law expires under (1) or (2).

109.10. Validity and Statute of Limitations

109.10-1. *Substantial Compliance.* Any law hereafter adopted is valid only if adopted in substantial compliance with this law.

109.10-2. *Statute of Limitations.* No law can be contested based on non-compliance with the procedural requirements of this law after one (1) year has elapsed from the effective date of the law.

109.11. Oneida Code of Laws

109.11-1. All laws published in the Oneida Code of Laws shall be in a consistent format and contain the following sections:

(a) Section 1 - "Purpose and Policy". This section shall contain two sections:

(1) The "Purpose" section to direct why the law is needed. The purpose should indicate governing or directing reasons why it is being implemented.

(2) The "Policy" section to indicate the direction the law is to take, including impetus or underlying goal of the regulation.

(b) Section 2 - "Adoption, Amendment, Repeal". This section shall contain sufficient information to indicate who may adopt and amend, and what, if any, prior actions are repealed by adoption of this regulation. A repeal may be specific to documents, or general to subjects. No mention of severability of sections is necessary. All laws of the Tribe may have the appropriate portions severed and allow the remainder of the law to continue in effect. The following shall be the wording of Section 2, unless other sections are necessary to convey needed information on law:

2-1. This law was adopted by the [Oneida Business Committee or Oneida General Tribal Council] by resolution _____.

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

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.

2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, this law repeals the following:

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

(c) Section 3 – “Definitions”. This section shall contain definitions of all words used in a technical sense throughout the law. All words not defined within this section, or defined within any section, are to be used in their ordinary sense. The section wording shall be as follows:

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.

(d) All other sections within any law shall be in order from general to specific. General provisions shall be stated first, specific provisions later. Sections shall be broken into logical areas, and paragraphs within sections shall be used where needed. Lists are by way of example and are not exclusive unless specifically stated otherwise.

109.11-2. All laws shall be numbered in the following consistent manner “1-1(a)(1)(A)(i)” where:

- (a) “1-1” means the first section.
- (b) “(a)” means the first subsection
- (c) “(1)” means the second subsection
- (d) “(A)” means the third subsection
- (e) “(i)” means the fourth subsection.
- (f) All other numbering after the fourth subsection shall be in a logical manner.

End.

Adopted - GTC-01-07-13-A