

Oneida Nation

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Oneida, WI 54155

BC Resolution # 10-26-16-C Leasing Law Amendments

- WHEREAS,** the Oneida Nation 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 Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act of 2012 created a voluntary, alternative land leasing process available to Indian tribes by amending the Indian Long-Term Leasing Act of 1955; and
- WHEREAS,** under the HEARTH Act, once the governing Tribal leasing regulations have been submitted to, and approved by the Secretary of Interior, Indian tribes are authorized to negotiate and enter into leases without further approvals by the Secretary; and
- WHEREAS,** the Nation's Leasing Law, which established a process under which the Nation would be able to approve leases on Tribal trust land without additional approval of the Secretary of Interior, was adopted by resolution BC-05-13-15-C pending approval of the law from the Secretary of the Interior; and
- WHEREAS,** the Bureau of Indian Affairs (BIA) responded to the submission of our adopted law with required revisions in order to attain compliance with the HEARTH Act; and
- WHEREAS,** these amendments include those revisions identified by the BIA and also incorporated a delegation of rulemaking authority and created a provision permitting leases be entered by a guardian on behalf of a ward;
- WHEREAS,** on October 5, 2016, the BIA sent an e-mail indicating that the latest draft submitted met their requirements and that we should proceed by providing a copy of the amendments that have been adopted into in the law; and
- WHEREAS,** a public meeting for the Leasing Law amendments was held on May 19, 2016, in accordance with the Legislative Procedures Act; and
- WHEREAS,** the most recent amendment to the Real Property Law, adopted by resolution BC-05-13-15-B and also contingent on BIA approval of the Leasing Law, deleted all leasing provisions and deferred to the Leasing Law, however, based on the revisions to the Leasing Law, a plain deferral to the Leasing Law would no longer adequately encompass all leasing situations the Nation encounters; and
- NOW THEREFORE BE IT RESOLVED,** that the most recent amendments to the Real Property Law, adopted by resolution BC-05-13-15-B, are hereby repealed.

NOW THEREFORE BE IT FURTHER RESOLVED, that the amendments to the Leasing Law are hereby adopted.

NOW THEREFORE BE IT FINALLY RESOLVED, that the Leasing Law shall be effective thirty (30) days after approval by the Secretary of Interior.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 26th day of October, 2016; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.


Lisa Summers, Tribal Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."