



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
September 18, 2024  
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
  
- II. Minutes to be Approved**
  - 1. September 4, 2024 LOC Meeting Minutes (pg. 2)
  
- III. Current Business**
  - 1. Vehicle Driver Certification and Fleet Management Law Amendments (pg. 5)
  - 2. Oneida Life Insurance Plan Law Amendments (pg. 31)
  - 3. Landlord Tenant Law Amendments (pg. 37)
  
- IV. New Submissions**
  
- V. Additions**
  
- VI. Administrative Updates**
  
- VII. Executive Session**
  
- VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center  
September 4, 2024  
9:00 a.m.

**Present:** Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore

**Excused:** Jennifer Webster

**Others Present:** Clorissa N. Leeman, Carolyn Salutz

**Others Present on Microsoft Teams:** David P. Jordan, Eric Boulanger, Fawn Cottrell, Kristal Hill, Maureen Perkins, Fawn Billie, Michelle Braaten, Ralinda Ninham-Lamberies, Ronald Vanschyndel, Peggy Helm-Quest, Tavia James Charles, Todd Vanden Heuvel, Carl Artman, Rae Skenandore, Sarah White, Evan Doxtator, Lisa Moore, Eric McLester, Amber Martinez, Marie Cornelius, Kaylynn Gresham

**I. Call to Order and Approval of the Agenda**

Jameson Wilson called the September 4, 2024, Legislative Operating Committee meeting to order at 9:01 a.m.

Motion by Jonas Hill to approve the agenda; seconded by Marlon Skenandore. Motion carried unanimously.

**II. Minutes to be Approved**

**III. Current Business**

**1. Computer Resources Ordinance Amendments**

Motion by Kirby Metoxen to approve the public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Computer Resources Ordinance; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Marlon Skenandore to approve the fiscal impact statement request memorandum and forward the materials to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by September 18, 2024; seconded by Kirby Metoxen. Motion carried unanimously.

**2. Oneida Law Enforcement Ordinance Amendments**

Motion by Jonas Hill to approve the draft of the proposed amendments to the Oneida Law Enforcement Ordinance and direct that a legislative analysis be completed; seconded by Kirby Metoxen. Motion carried unanimously.



### **3. Oneida General Welfare Law Amendments**

Motion by Kirby Metoxen to accept the memorandum entitled, Removal of the Oneida General Welfare Law from the Active Files List, and remove the Oneida General Welfare law from the Active Files List; seconded by Marlon Skenandore. Motion carried unanimously.

### **4. Oneida Life Insurance Plan Law Amendments**

Motion by Kirby Metoxen to accept the memorandum entitled, One (1) Year Review of the Oneida Life Insurance Plan Law; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Marlon Skenandore to approve the draft of proposed amendments to the Oneida Life Insurance Plan law and direct that a legislative analysis be developed; seconded by Jonas Hill. Motion carried unanimously.

## **IV. New Submissions**

### **1. Workplace Violence Law Amendments**

Motion by Jonas Hill to accept the request for amendments to the Workplace Violence law as information, noting the Workplace Violence law is already on the Active Files List; seconded by Marlon Skenandore. Motion carried unanimously.

### **2. Oneida General Welfare Law Amendments**

Motion by Kirby Metoxen to deny the request to add the Oneida General Welfare law amendments to the Active Files List; seconded by Marlon Skenandore. Motion carried unanimously.

## **V. Additions**

## **VI. Administrative Items**

### **1. E-Poll Results: Approval of the Canceled July 17, 2024 LOC Meeting Materials**

Motion by Kirby Metoxen to enter into the record the results of the July 17, 2024, e-poll entitled, Approval of the Canceled July 17, 2024 LOC Meeting Materials; seconded by Jonas Hill. Marlon Skenandore abstained. Motion carried.

### **2. E-Poll Results: Approval of the Vehicle Driver Certification and Fleet Management Law Amendments Public Comment Review Memo, Draft, and Fiscal Impact Statement Request**

Motion by Jonas Hill to enter into the record the results of the July 29, 2024, e-poll entitled, Approval of the Vehicle Driver Certification and Fleet Management Law Amendments Public Comment Review Memo, Draft, and Fiscal Impact Statement Request; seconded by Kirby Metoxen. Marlon Skenandore abstained. Motion carried.

**3. E-Poll Results: Approval of the Investigative Leave Policy Amendments Public Meeting Packet**

Motion by Jonas Hill to enter into the record the results of the July 30, 2024, e-poll entitled, Approval of the Investigative Leave Policy Amendments Public Meeting Packet; seconded by Kirby Metoxen. Marlon Skenandore abstained. Motion carried.

**4. E-Poll Results: Approval of the September 4, 2024 LOC Community Meeting**

Motion by Kirby Metoxen enter into the record the results of the July 30, 2024, e-poll entitled, Approval of the September 4, 2024 LOC Community Meeting; seconded by Jonas Hill. Marlon Skenandore abstained. Motion carried.

**5. E-Poll Results: Certification of the Landlord Tenant Law Rule No. 2 Amendments**

Motion by Kirby Metoxen to enter into the record the results of the August 1, 2024, e-poll entitled, Certification of the Landlord Tenant Law Rule No. 2 Amendments; seconded by Jonas Hill. Marlon Skenandore abstained. Motion carried.

**6. E-Poll Results: Statement of Effect for the Petition: L. Blackowl – New Recreation/Community Center Build**

Motion by Kirby Metoxen to enter into the record the results of the August 1, 2024, e-poll entitled, Statement of Effect for the Petition: L. Blackowl – New Recreation/Community Center Build; seconded by Jonas Hill. Marlon Skenandore abstained. Motion carried.

**VII. Executive Session**

**VIII. Adjourn**

Motion by Jonas Hill to adjourn at 9:48 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee  
September 18, 2024

# Vehicle Driver Certification and Fleet Management Law Amendments

<b>Submission Date:</b> 5/15/24	<b>Public Meeting:</b> 7/15/24
<b>LOC Sponsor:</b> Jameson Wilson	<b>Emergency Enacted:</b> N/A

**Summary:** *This item was added to the Active Files List on May 15, 2024, at the request of Ralinda Ninham-Lamberies, the Chief Financial Officer. Amendments are being sought to remove the word "purchase" and the responsibility from the Fleet Management Department. Finance has discovered that adding the requirement for the Fleet Manager to be involved in the purchasing process has led to unintended delays that can be avoided by reverting this responsibility back to the existing cap ex purchasing process.*

**5/15/24 LOC:** Motion by Marlon Skenandore to add the Vehicle Driver Certification and Fleet Management law amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

**5/30/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jonas Hill, Jennifer Webster, Clorissa Leeman, Ralinda Ninham-Lamberies, Mark Powless, Wendy Alvarez, Shannon Stone, Chris Danforth, Fawn Cottrell, Kristal Hill, Maureen Perkins, Peggy Van Gheem. The purpose of this work meeting was to discuss the proposed amendment to section 210.6-1 of the law to remove the responsibility of the Fleet Management Department to purchase fleet vehicles in an effort to streamline the purchasing process, and to determine if any other amendments are needed to the Vehicle Driver Certification and Fleet Management law.

**6/5/24 LOC:** Motion by Kirby Metoxen to approve the Vehicle Driver Certification and Fleet Management law amendments draft, legislative analysis, and public meeting notice, and forward the Vehicle Driver Certification and Fleet Management law amendments to a public meeting to be held on July 15, 2024; seconded by Jonas Hill. Motion carried unanimously.

**7/15/24:** *Public Meeting Held.* Present: Jameson Wilson, Clorissa Leeman, Carrie Lindsey, Michelle Braaten, Grace Elliott, Rachel Fitzpatrick, Carol Stiff, Laura Laitinen-Warren, Michelle Madl, Todd VandenHeuvel, Carolyn Salutz, Rodney Hill, Nic Reynolds. Zero (0) people provided public comments during this public meeting.

**7/22/24:** *Public Comment Period Closed.* Zero (0) people provided written comments during the public comment period.

**7/29/24:** *E-Poll Conducted.* This e-poll was titled, Approval of the Vehicle Driver Certification and Fleet Management Law Amendments Public Comment Review Memo, Draft, and Fiscal Impact Statement Request. The requested action of this e-poll was to: approve the public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Vehicle Driver Certification and Fleet Management law; and approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal

impact statement be prepared and submitted to the LOC by August 28, 2024. This e-poll was approved by Jennifer Webster, Jonas Hill, Kirby Metoxen. Wilson did not provide a response. Marlon Skenandore is on a personal leave and therefore did not provide a response to the e-poll.

**9/4/24 LOC:** Motion by Jonas Hill to enter into the record the results of the July 29, 2024, e-poll entitled, Approval of the Vehicle Driver Certification and Fleet Management Law Amendments Public Comment Review Memo, Draft, and Fiscal Impact Statement Request; seconded by Kirby Metoxen. Marlon Skenandore abstained. Motion carried.

**9/5/24:** *Fiscal Impact Statement Received.* The fiscal impact statement was received from Finance.

**Next Steps:**

- Approve the adoption packet for the proposed amendments to the Vehicle Driver Certification and Fleet Management law and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee  
FROM: Jameson Wilson, LOC Chairperson   
DATE: September 18, 2024  
RE: Adoption of Amendments to the Vehicle Driver Certification and Fleet Management Law

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Please find the following attached backup documentation for your consideration of the adoption of amendments to the Vehicle Driver Certification and Fleet Management law:

1. Resolution: Amendments to the Vehicle Driver Certification and Fleet Management Law
2. Statement of Effect: Amendments to the Vehicle Driver Certification and Fleet Management Law
3. Vehicle Driver Certification and Fleet Management Law Amendments Legislative Analysis
4. Vehicle Driver Certification and Fleet Management Law Amendments Draft (Redline)
5. Vehicle Driver Certification and Fleet Management Law Amendments Draft (Clean)
6. Vehicle Driver Certification and Fleet Management Law Amendments Fiscal Impact Statement

### *Overview*

The purpose of the Vehicle Driver Certification and Fleet Management law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation. [2 O.C. 210.1-1]. Amendments to the Vehicle Driver Certification and Fleet Management law are being sought to remove the responsibility of the Fleet Management Department to purchase fleet vehicles. [2 O.C. 210.6-1].

The Legislative Operating Committee developed the proposed amendments to the Vehicle Driver Certification and Fleet Management law through collaboration with representatives from the Oneida Law Office, Human Resources Department, General Manager, Finance Administration, Public Works Division, and Automotive Department. The Legislative Operating Committee held one (1) work meeting on the development of the amendments to the Vehicle Driver Certification and Fleet Management law.

The development of the amendments to the Vehicle Driver Certification and Fleet Management law complies with all processes and procedures required by the Legislative Procedures Act, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Legislative Operating Committee held a public meeting on the proposed amendments to the Vehicle Driver Certification and Fleet Management law on July 15, 2024. No individuals provided

public comments during this public meeting. The public comment period was then held open until July 22, 2024. No written comments were received during this public comment period.

The amendments to the Vehicle Driver Certification and Fleet Management law will become effective on October 9, 2024.

**Requested Action**

Adopt the Resolution: Amendments to the Vehicle Driver Certification and Fleet Management Law

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

**BC Resolution #**  
**Amendments to the Vehicle Driver Certification and Fleet Management Law**

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**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 Vehicle Driver Certification and Fleet Management law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-06-28-17-C and then amended through resolution BC-04-08-20-H; and

**WHEREAS,** the purpose of this Law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation; and

**WHEREAS,** the amendments to the Law remove the responsibility of the Fleet Management Department to purchase fleet vehicles; and

**WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Oneida Law Office, Human Resources Department, General Manager, Finance Administration, Public Works Division, and Automotive Department; and

**WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and

**WHEREAS,** the Legislative Operating Committee held a public meeting on the proposed amendments to the Law on July 15, 2024, with no individuals providing oral comments, and the public comment period for the amendments to this Law was held open until July 22, 2024, with no submission of written comments received; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments to the Vehicle Driver Certification and Fleet Management law which shall become effective on October 9, 2024.



## **Statement of Effect**

### *Amendments to the Vehicle Driver Certification and Fleet Management Law*

#### **Summary**

This resolution adopts amendments to the Vehicle Driver Certification and Fleet Management law to remove the responsibility of the Fleet Management Department to purchase fleet vehicles.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*

*Date: September 12, 2024*

#### **Analysis by the Legislative Reference Office**

This resolution adopts amendments to the Vehicle Driver Certification and Fleet Management law. The purpose of the Vehicle Driver Certification and Fleet Management law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation. [2 O.C. 210.1-1]. Amendments to the Vehicle Driver Certification and Fleet Management law are being sought to remove the responsibility of the Fleet Management Department to purchase fleet vehicles. [2 O.C. 210.6-1].

Adoption of any legislation is required to comply with the Legislative Procedures Act (“the LPA”), which was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a standardized process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. The Vehicle Driver Certification and Fleet Management law amendments complied with all processes and procedures required by the LPA, including the development of a legislative analysis, a fiscal analysis, and the opportunity for public review during a public meeting and public comment period. [1 O.C. 109.6, 109.7, 109.8].

The Legislative Operating Committee held a public meeting on the proposed amendments to the Vehicle Driver Certification and Fleet Management law on July 15, 2024. No individuals provided public comments during this public meeting. The public comment period was then held open until July 22, 2024. No written comments were received during this public comment period.

The amendments to the Vehicle Driver Certification and Fleet Management law will become effective on October 9, 2024.

#### **Conclusion**

Adoption of this resolution would not conflict with any of the Nation’s laws.



# VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT LAW AMENDMENTS LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	Remove the responsibility of the Fleet Management Department to purchase fleet vehicles. [2 O.C. 210.6-1].
<b>Purpose</b>	The purpose of this law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation. [2 O.C. 210.1-1].
<b>Affected Entities</b>	Fleet Management Department, Finance
<b>Public Meeting</b>	A public meeting was held on July 15, 2024. The public comment period was held open until July 22, 2024. No public comments were received.
<b>Fiscal Impact</b>	A fiscal impact statement was provided by Finance on September 5, 2024.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- 1  
2 **A. Background.** The Vehicle Driver Certification and Fleet Management law was originally adopted by  
3 the Oneida Business Committee in 2017 through resolution BC-06-28-17-C, and then amended through  
4 resolution BC-04-08-20-H. The purpose of the Vehicle Driver Certification and Fleet Management law  
5 is to establish standards that certify employees, elected and appointed officials, and volunteers to drive  
6 a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and  
7 leased by the Nation. [2 O.C. 210.1-1]. It is the policy of the Nation to ensure the safety of the  
8 community and employees of the Nation; minimize the Nation’s liability when physical damage to  
9 vehicles and/or property damage occurs as a result of a motor vehicle crash; and improve the efficiency  
10 and effectiveness of the use of vehicles owned by the Nation. [2 O.C. 210.1-2].
- 11 **B. Request for Amendments.** On the April 29, 2024, the Legislative Operating Committee received a  
12 request from Ralinda Ninham-Lamberies, the Chief Financial Officer, to consider an amendment to  
13 this law to remove the word "purchase" and the responsibility to purchase from the Fleet Management  
14 Department as currently provided for in section 210.6-1 of the Vehicle Driver Certification and Fleet  
15 Management law. Finance provided that the requirement for the Fleet Manager to be involved in the  
16 purchasing process has led to unintended delays that can be avoided by reverting this responsibility  
17 back to the existing cap ex purchasing process. The Legislative Operating Committee added the Vehicle  
18 Driver Certification and Fleet Management law amendments to its Active Files List on May 15, 2024.

## SECTION 3. CONSULTATION AND OUTREACH

- 21 **A.** Representatives from the following departments or entities participated in the development of the  
22 amendments to the Vehicle Driver Certification and Fleet Management law and this legislative analysis:  
23     ▪ Oneida Law Office;  
24     ▪ Human Resources Department;

- 25           ▪ General Manager;
- 26           ▪ Finance Administration;
- 27           ▪ Public Works Division; and
- 28           ▪ Automotive Department.

29 **B.** The following laws were reviewed in the drafting of this analysis:

- 30           ▪ Vehicle Driver Certification and Fleet Management law;
- 31           ▪ Oneida Personnel Policies and Procedures;
- 32           ▪ Oneida Travel and Expense Policy;
- 33           ▪ Clean Air law; and
- 34           ▪ Drug and Alcohol Free Workplace law.

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## 36 **SECTION 4. PROCESS**

37 **A.** The development of the proposed amendments to the Vehicle Driver Certification and Fleet  
38 Management law complies with the process set forth in the Legislative Procedures Act (LPA).

- 39           ▪ On May 15, 2024, the Legislative Operating Committee added the Vehicle Driver Certification  
40 and Fleet Management law amendments to the Active Files List with Jonas Hill as the sponsor.
- 41           ▪ On June 5, 2024, the Legislative Operating Committee approved the Vehicle Driver  
42 Certification and Fleet Management law amendments draft, legislative analysis, and public  
43 meeting notice, and forwarded the Vehicle Driver Certification and Fleet Management law  
44 amendments to a public meeting to be held on July 15, 2024.
- 45           ▪ On July 15, 2024, the public meeting was held for the proposed amendments to the Vehicle  
46 Driver Certification and Fleet Management law. No one provided public comments during the  
47 public meeting.
- 48           ▪ On July 22, 2024, the public comment period closed. No one provided public comments during  
49 the public comment period.
- 50           ▪ On July 29, 2024, the Legislative Operating Committee conducted an e-poll entitled, Approval  
51 of the Vehicle Driver Certification and Fleet Management Law Amendments Public Comment  
52 Review Memo, Draft, and Fiscal Impact Statement Request. The requested action of this e-poll  
53 was to: approve the public comment review memorandum, draft, and legislative analysis for  
54 the proposed amendments to the Vehicle Driver Certification and Fleet Management law; and  
55 approve the fiscal impact statement request memorandum and forward to the Finance  
56 Department directing that a fiscal impact statement be prepared and submitted to the LOC by  
57 August 28, 2024. This e-poll was approved by Jennifer Webster, Jonas Hill, Kirby Metoxen.  
58 Wilson did not provide a response. Marlon Skenandore is on a personal leave and therefore did  
59 not provide a response to the e-poll.
- 60           ▪ On September 4, 2024, the Legislative Operating Committee entered into the record the results  
61 of the July 29, 2024, e-poll entitled, Approval of the Vehicle Driver Certification and Fleet  
62 Management Law Amendments Public Comment Review Memo, Draft, and Fiscal Impact  
63 Statement Request.
- 64           ▪ On September 5, 2024, the Finance Administration provided the Legislative Operating  
65 Committee the fiscal impact statement for the proposed amendments to the Vehicle Driver  
66 Certification and Fleet Management law.

67 **B.** At the time this legislative analysis was developed the following work meetings had been held  
68 regarding the development of the amendments to this Law:

- 69       ▪ May 30, 2024: LOC work session with the Oneida Law Office, Human Resources Department,  
70       General Manager, Finance Administration. Public Works Division, and Automotive Department.  
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## 72 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 73       ▪ *Removal of the Fleet Management Department’s Responsibility to Purchase.* Currently, the  
74       Nation’s Fleet Management Department is delegated the authority and responsibility to purchase,  
75       manage, and monitor the use of the Nation’s fleet vehicles. [2 O.C. 210.6-1]. The proposed  
76       amendment to the Law would remove the word “purchase” from section 210.6-1 of the Law thus  
77       eliminating the responsibility of the Fleet Management Department to purchase all fleet vehicles.  
78       ▪ *Effect.* The inclusion of the responsibility of the Fleet Management Department to purchase all  
79       vehicles for the Nation has led to unintended delays that can be avoided by reverting this  
80       responsibility back to the existing cap expenditure purchasing process.  
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## 82 **SECTION 6. EXISTING LEGISLATION**

83 **A. *References to the Other Laws of the Nation.*** The following laws of the Nation are referenced in the  
84       Vehicle Driver Certification and Fleet Management law.

- 85       ▪ *Oneida Personnel Policies and Procedures.* The purpose of the Oneida Personnel Policies and  
86       Procedures is to provide for the Nation’s employee related policies and procedures including  
87       recruitment, selection, compensation and benefits, employee relations, safety and health, program  
88       and enterprise rules and regulations, and record keeping.  
89       ▪ The Vehicle Driver Certification and Fleet Management law provides that “In addition to  
90       the suspension of driver certification, a supervisor may take disciplinary action against an  
91       individual in accordance with the Nation’s laws and policies governing employment if an  
92       employee...” [2 O.C. 210.8-7].  
93       ▪ Any disciplinary action against an employee for a violation of the Vehicle Driver  
94       Certification and Fleet Management is required to be conducted in accordance with the  
95       Oneida Personnel Policies and Procedures.  
96       ▪ *Oneida Travel and Expense Policy.* The Oneida Travel and Expense Policy establishes policies  
97       governing the reimbursement of travel and expenses incurred during the conduct of company  
98       business. [2 O.C. 219.1-1].  
99       ▪ The Vehicle Driver Certification and Fleet Management law provides that “A vehicle shall  
100       be rented in accordance with the Nation’s laws and policies governing travel. Every vehicle  
101       rented shall include the purchase of the maximum collision damage waiver offered by the  
102       rental company.” [2 O.C 210.6-9(a)].  
103       ▪ The Oneida Travel and Expense Policy states that “insurance on all car rentals is covered  
104       by the Oneida Tribe’s insurance policy.” [2 O.C 219.8-3].  
105       ▪ Section 219.8-3 of the Oneida Travel and Expense Policy does not reflect current practice.  
106       The Travel and Expense Policy conflicts with the current Vehicle Driver Certification and  
107       Fleet Management law which requires the purchase of maximum collision damage waiver  
108       from the rental company, as this is more cost effective for the Nation.  
109       ▪ *Recommendation:* The LOC and LRO should note the discrepancy in the Travel and  
110       Expense Policy and identify that section of the Travel and Expense Policy as an area for  
111       future amendments.

112 **B. *Other Laws that Reference the Vehicle Driver Certification and Fleet Management Law.*** The  
113 following laws of the Nation reference the Vehicle Driver Certification and Fleet Management law.  
114 The proposed amendment to the Law does not conflict with any of the referenced laws.

- 115     ▪ *Drug and Alcohol Free Workplace Law.* The Drug and Alcohol Free Workplace law applies to all  
116 applicants for employment, whether external or internal, and all employees during working hours,  
117 when on-call, and when operating a vehicle owned by the Nation or a vehicle rented by the Nation.  
118 *[2 O.C. 202.4-1].* An employee is prohibited from the use of prohibited drugs and alcohol during  
119 working hours, when on-call, and when operating a vehicle owned by the Nation or a vehicle rented  
120 by the Nation. *[2 O.C. 202.4-2].*
- 121     ▪ *Clean Air Law.* The Clean Air law provides that no person may smoke in any vehicle owned or  
122 operated by the Nation.” *[4 O.C. 411.4-1(c)].*

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## 124 **SECTION 7. OTHER CONSIDERATIONS**

125 **A. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all  
126 legislation except emergency legislation *[1 O.C. 109.6-1].* Oneida Business Committee resolution BC-  
127 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*  
128 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete  
129 a fiscal impact statement at various stages of the legislative process, as well as timeframes for  
130 completing the fiscal impact statement.

- 131     ▪ *Conclusion.* The Legislative Operating Committee received a fiscal impact statement be completed  
132 from the Finance Administration on September 5, 2024.

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**Title 2. Employment - Chapter 210**

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*they're driving law and a variety of vehicles the responsibility is attached to them*

**VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT**

- 210.1. Purpose and Policy
- 210.2. Adoption, Amendment, Repeal
- 210.3. Definitions
- 210.4. Driver Certification

- 210.5. Responsibilities of a Certified Driver
- 210.6. Fleet Vehicles
- 210.7. Motor Vehicle Crashes or Damage to Vehicles
- 210.8. Suspension of Driver Certification and Other Enforcement

**210.1. Purpose and Policy**

210.1-1. *Purpose.* The purpose of this law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation.

210.1-2. *Policy.* It is the policy of the Nation to ensure the safety of the community and employees of the Nation; minimize the Nation’s liability when physical damage to vehicles and/or property damage occurs as a result of a motor vehicle crash; and improve the efficiency and effectiveness of the use of vehicles owned by the Nation.

**210.2. Adoption, Amendment, Repeal**

210.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-C, and amended by ~~resolution~~ **resolutions** BC-04-08-20-H, and BC- - - -.

210.2-2. 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.

210.2-3. 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.

210.2-4. 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.

210.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**210.3. Definitions**

210.3-1. 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) “Area manager” means an employee’s supervisor’s supervisor; or, an individual designated to be the area manager by a General Manager position.

(b) “Business day” means Monday through Friday, from 8:00 a.m. to 4:30 p.m.; excluding the Nation’s holidays.

(c) “Employee” means an individual employed by the Nation, but does not include elected or appointed officials, or employees of a chartered corporation of the Nation.

(d) “Entity” means a department, enterprise, program, board, committee or commission of the Nation.

(e) “Employee Assistance Program” means a professional counseling program staffed by clinical social workers licensed by the State of Wisconsin which offers services to the Nation’s employees and family members.

(f) “Fleet vehicle” means a vehicle owned or leased by the Nation.

(g) “Moving violation” means any violation of motor vehicle or traffic law that is committed by the driver of a vehicle while the vehicle is moving. A moving violation does

40 not include parking violations, equipment violations, or paperwork violations relating to  
41 insurance, registration or inspection.

42 (h) “Nation” means the Oneida Nation.

43 (i) “Prohibited drug” means marijuana, cocaine, opiates, amphetamines, phencyclidine  
44 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances  
45 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
46 States Code. Prohibited drugs also includes prescription medication or over-the-counter  
47 medicine when used in an unauthorized or unlawful manner.

48 (j) “Supervisor” means the direct supervisor of an employee. For volunteers, elected or  
49 appointed officials, or employees without a direct supervisor, it means the Human  
50 Resources Department or any party who has been designated by the Human Resources  
51 Department as responsible for performing a supervisor’s responsibilities under this law.

52 (k) “Weapon” means a firearm, knife, electric weapon, club, or any other object intended  
53 to cause harm to oneself or others.

54

#### 55 **210.4. Driver Certification**

56 210.4-1. An individual shall obtain driver certification from the Human Resources Department  
57 before operating a fleet vehicle or personal vehicle on official business.

58 210.4-2. *Qualifications for Certification.* In order to receive driver certification a person shall:

59 (a) Be eighteen (18) years of age or older;

60 (b) Hold a valid Wisconsin driver’s license;

61 (1) A person who holds a valid driver’s license from a state other than Wisconsin  
62 shall have thirty (30) days after his or her first day of employment or service to  
63 obtain a Wisconsin driver’s license.

64 (c) Have a driving record that does not reflect any of the following conditions:

65 (1) Three (3) or more moving violations and/or at-fault motor vehicle crashes in  
66 the past two (2) years; and/or

67 (2) An operating while intoxicated (OWI), driving under the influence (DUI), or  
68 prohibited alcohol concentration (PAC) citation within the last twelve (12) months.

69 (d) Complete all driver training requirements imposed by the Nation or any federal or state  
70 agency regulations;

71 (e) Satisfy any other requirements specific to the job description and/or vehicle that may  
72 be used by or assigned to the person; and

73 (f) Maintain one (1) of the following minimum insurance requirements for a personal  
74 vehicle if the individual may use his or her personal vehicle to conduct official business:

75 (1) the individual’s insurance covers:

76 (A) one hundred thousand dollars (\$100,000) per person;

77 (B) three hundred thousand dollars (\$300,000) per motor vehicle crash for  
78 bodily injury; and

79 (C) twenty-five thousand dollars (\$25,000) property damage; or

80 (2) the individual’s insurance covers two hundred and fifty thousand dollars  
81 (\$250,000) combined single limit.

82 210.4-3. The Nation’s Human Resources Department shall be responsible for determining whether  
83 an individual meets all the qualifications before approving or denying a driver certification.

84 (a) An individual shall provide his or her appropriate license, training certification, and  
85 insurance information to the Human Resources Department.

86 (b) The Human Resources Department shall have the authority to check the driving record  
87 of an individual at any time.

88 (c) The Human Resources Department shall maintain a current list of all certified drivers  
89 and provide the list to Fleet Management, Risk Management, and Central Accounting on a  
90 regular basis.

91 210.4-4. A supervisor shall ensure that an individual has received his or her driver certification  
92 from the Human Resources Department before allowing the individual to drive a fleet vehicle or a  
93 personal vehicle on official business.

94 210.4-5. *Exemption.* An individual whose duties with respect to the implementation of a contract,  
95 agreement, or compact of the Nation include driving may be subject to compliance with a motor  
96 vehicle operation policy as provided in the contract, agreement, or compact of the Nation when  
97 this law is less stringent than the said motor vehicle operation policy.

98

## 99 **210.5. Responsibilities of a Certified Driver**

100 210.5-1. *General Responsibilities.* While operating a fleet vehicle or a personal vehicle on official  
101 business, an individual shall:

- 102 (a) Abide by all traffic laws;
- 103 (b) Wear a seat belt and require any passengers to wear a seat belt at all times;
- 104 (c) Not drive while under the influence of prohibited drugs and/or alcohol;
- 105 (d) Not drive if impaired by a medical or physical condition or other factor that affects a  
106 driver's motor skills, reaction time, or concentration;
- 107 (e) Not carry a weapon, whether in the open or concealed;
- 108 (1) *Exemption.* An individual who is carrying a weapon in the course of performing  
109 his or her official duties, or is participating in cultural activities or ceremonies is  
110 exempt from this requirement.
- 111 (f) Not transport prohibited drugs and/or alcohol;
- 112 (1) *Exemption.* An employee of the Nation who is transporting prohibited drugs  
113 and/or alcohol in the course of performing his or her job duties is exempt from this  
114 requirement.
- 115 (g) Not deliver goods or services for personal gain, or operate private pools where the  
116 riders pay the driver; and
- 117 (h) Not use electronic devices in an unlawful manner.

118 210.5-2. *Training Responsibilities.* An individual with driver certification shall complete the  
119 driver safety training provided and monitored by the Human Resources Department every three  
120 (3) years.

121 (a) *Exemption.* An individual who is required to maintain compliance with any specialized  
122 driver safety training requirements imposed by state or federal regulatory agencies shall be  
123 exempt from the requirement to complete the driver safety training provided by the Human  
124 Resources Department.

125 210.5-3. *Fleet Vehicle Responsibilities.* When operating a fleet vehicle, an individual shall:

- 126 (a) Complete a vehicle mileage log;
- 127 (b) Not transport unauthorized passengers;
- 128 (c) Notify the Fleet Management Department immediately of any problems with a fleet  
129 vehicle that may be a safety or mechanical hazard, or of any incidents that result in the  
130 inability of a fleet vehicle to complete a trip;
- 131 (d) Be personally responsible for all traffic citation costs, parking ticket costs, or any  
132 similar expense related to vehicle use;
- 133 (e) Use Oneida Retail locations for fueling fleet vehicles, unless the fleet vehicle needs  
134 fuel before it can be taken to an Oneida Retail location;
- 135 (f) Not smoke or use electronic smoking devices or permit others to smoke or use  
136 electronic smoking devices in the fleet vehicle; and

137 (g) Ensure the interior of the vehicle is kept in good condition, clean, and free of debris.  
138 210.5-4. *Personal Vehicle Responsibilities.* When operating a personal vehicle on official  
139 business, an individual shall:

140 (a) Obtain permission from his or her supervisor to operate a personal vehicle on official  
141 business; and

142 (b) Submit all required documents for mileage reimbursement, if seeking reimbursement  
143 for miles driven while conducting official business, within thirty (30) days of driving the  
144 miles or by the end of the current fiscal year, whichever is sooner.

145 (1) Not seeking mileage reimbursement does not exempt an individual from the  
146 provisions of this law.

147 210.5-5. *Notification Requirements.* An individual shall notify his or her supervisor if he or she:

148 (a) Has his or her driver's license suspended or revoked by the State, or has his or her  
149 driver's license become invalid for any other reason;

150 (b) Meets any of the conditions for disciplinary action as provided in section 210.8-7;  
151 and/or

152 (c) Has any impairment by a medical or physical condition or other factor that affects his  
153 or her motor skills, reaction time, or concentration.  
154

## 155 **210.6. Fleet Vehicles**

156 210.6-1. *Fleet Management Department.* The Nation's Fleet Management Department shall  
157 ~~purchase, manage,~~ and monitor the use of the Nation's fleet vehicles. The Fleet Management  
158 Department's responsibilities shall include, but are not limited to:

159 (a) Maintain a list of all fleet vehicles that are available for use, including vehicles  
160 permanently assigned to specific entities of the Nation;

161 (b) Remove unsafe vehicles from the fleet;

162 (c) Obtain estimates of and schedule fleet vehicle repairs when necessary;

163 (d) Install or remove equipment on fleet vehicles;

164 (e) Ensure the Nation's logo is on all fleet vehicles; and

165 (f) Ensure that all fleet vehicles are equipped with a mileage log and an auto incident kit  
166 which contains forms and instructions for reporting any incident.

167 210.6-2. *Automotive Department.* The Automotive Department shall service and maintain fleet  
168 vehicles according to factory recommendations, or the maintenance schedule established by the  
169 Automotive Department, whichever is stricter. Any vehicle deemed unsafe by the Automotive  
170 Department shall be reported to the Fleet Management Department.

171 210.6-3. *Risk Management Department.* The Risk Management Department shall be responsible  
172 for securing and maintaining insurance coverage for all fleet vehicles. Additional responsibilities  
173 of the Risk Management Department shall include, but is not limited to:

174 (a) Providing auto insurance identification cards in every fleet vehicle;

175 (b) Processing all submitted vehicle claims and related information; and

176 (c) Submitting claims to the insurance company.

177 210.6-4. *Use of a Fleet Vehicle.* A fleet vehicle may be permanently assigned to an entity for use  
178 or requested for use on a temporary basis. A fleet vehicle shall be used for conducting official  
179 business of the Nation. When used for travel purposes, a fleet vehicle may also be used for  
180 incidental purposes such as travel to and from lodging and/or meal sites.

181 (a) *Prohibited Use of a Fleet Vehicles.* A fleet vehicle shall not be used for any of the  
182 following purposes:

183 (1) Personal use for non-business purposes;

184 (2) Towing cargo for personal reasons;

185 (3) Hauling loads that could structurally damage the vehicle; and/or

186 (4) Jump starting vehicles, other than fleet vehicles.  
187 210.6-5. *Permanently Assigned Fleet Vehicles.* The Fleet Management Department may  
188 permanently assign a fleet vehicle to an entity if the entity meets the minimum mileage criteria as  
189 established by the Fleet Management Department.

190 (a) *Exception to Minimum Mileage Criteria.* The Fleet Management Department may  
191 grant an entity an exception to the minimum mileage criteria.

192 (b) An entity who is permanently assigned a fleet vehicle shall regularly schedule  
193 maintenance work and safety checks with the Automotive Department.

194 (c) An entity that is permanently assigned a fleet vehicle is responsible for ensuring that  
195 any individual who drives the vehicle has his or her driver certification.

196 210.6-6. *Temporary Use of a Fleet Vehicle.* An individual in an entity that is not permanently  
197 assigned a fleet vehicle may request to use a fleet vehicle for the purpose of conducting official  
198 business by submitting a request to the Fleet Management Department.

199 (a) Requests for the use of a fleet vehicle shall be made at least one (1) week in advance,  
200 unless urgent circumstances arise.

201 (b) Before determining whether a fleet vehicle is available, or approving the use of a fleet  
202 vehicle, the Fleet Management Department shall confirm that:

203 (1) The individual requesting the fleet vehicle has his or her driver certification;

204 (2) The individual has authorization to use the fleet vehicle from his or her  
205 supervisor, if an employee, or by the individual's entity, if the individual is an  
206 elected or appointed official of the Nation or volunteer; and

207 (3) Any passengers are authorized to travel in a fleet vehicle.

208 (c) The Fleet Management Department may combine vehicle use for travel to the same  
209 destination.

210 (d) The Fleet Management Department may cancel reservations that are not fulfilled in a  
211 timely manner.

212 210.6-7. *Authorized Passengers.* In addition to the employees, elected or appointed officials, or  
213 volunteers who are authorized to use a fleet vehicle, the following individuals shall be authorized  
214 to be a passenger in a fleet vehicle:

215 (a) Individuals being transported as part of a program or service of the Nation;

216 (b) Individuals being transported during the normal and ordinary course of representing  
217 and/or conducting business on behalf of the Nation; and/or

218 (c) Any other individual who is authorized to be a passenger by the supervisor of the  
219 employee, elected or appointed official, or volunteer.

220 210.6-8. *Modifications to Fleet Vehicles.* Modifications to fleet vehicles for personal reasons are  
221 not permitted. Modifications to fleet vehicles for operating purposes may be allowed only with the  
222 approval of the Fleet Management Department.

223 (a) Radar detection devices shall not be installed or used in fleet vehicles.

224 210.6-9. *Rental Vehicles.* An individual shall have his or her driver certification before using a  
225 rental vehicle to conduct official business. An individual shall operate the rental vehicle with the  
226 same responsibilities and restrictions as a fleet vehicle.

227 (a) A vehicle shall be rented in accordance with the Nation's laws and policies governing  
228 travel. Every vehicle rented shall include the purchase of the maximum collision damage  
229 waiver offered by the rental company.

230

## 231 **210.7. Motor Vehicle Crashes or Damage to Vehicles**

232 210.7-1. In the event of a motor vehicle crash or damage involving the fleet vehicle or personal  
233 vehicle driven on official business, an individual shall be subject to the following reporting  
234 requirements; provided that, if an individual sustains injuries that make it impossible to meet the

235 reporting deadlines identified herein; the driver shall instead make the required reports as soon as  
236 he or she is able to do so:

237 (a) immediately report the crash or damage to local law enforcement if it results in any of  
238 the following:

239 (1) death of a person;

240 (2) an injury to the driver or another person that requires medical attention;

241 (3) damage to property that does not belong to the driver or the Nation; or

242 (4) a vehicle being disabled and/or needing to be towed.

243 (b) immediately report the motor vehicle crash or damage to his or her supervisor; and

244 (c) provide the Fleet Management Department and Risk Management Department with a  
245 completed auto incident report by the end of the next business day immediately following  
246 the motor vehicle crash or damage.

247 210.7-2. *Internal Review.* The Fleet Management Department and Risk Management Department  
248 shall coordinate and conduct an internal review of the auto incident report for a motor vehicle crash  
249 and/or damage to a vehicle.

250 (a) Fleet Management and Risk Management may recommend whether an individual  
251 should be subject to disciplinary action and/or a driver safety training requirement based  
252 on the motor vehicle crash or incident resulting in damage to a vehicle.

253 (b) The internal review shall be completed as soon as possible after a motor vehicle crash  
254 has been reported.

255 (c) Following an internal review, Fleet Management and Risk Management shall issue a  
256 report. Copies of the report shall be:

257 (1) provided to the driver, the driver's supervisor, and the driver's area manager;  
258 and

259 (2) provided to the Human Resources Department if the Fleet Management  
260 Department and Risk Management Department recommend disciplinary action.

261

## 262 **210.8. Suspension of Driver Certification and Other Enforcement**

263 210.8-1. Suspension of driver certification is the suspension of an individual's ability to drive a  
264 fleet vehicle or personal vehicle on official business and is not a leave from work. Suspension of  
265 driver certification is non-appealable.

266 210.8-2. *Qualifications for Suspension.* A supervisor shall suspend an individual's driver  
267 certification if the individual's driver's license is suspended or revoked by the State or becomes  
268 invalid for any other reason.

269 (a) A supervisor may refer drivers to the Employee Assistance Program in accordance  
270 with applicable laws and policies of the Nation.

271 210.8-3. *Length of Suspension.* The individual's driver certification shall be suspended until a  
272 time in which the individual has obtained a valid driver's license and meets the qualifications for  
273 reinstatement of driver certification.

274 210.8-4. *Notification of Suspension.* The supervisor shall notify the Human Resources  
275 Department in writing if he or she suspends the driver certification of an individual and shall  
276 provide the basis for the suspension. Once notified of a suspension of driver certification the  
277 Human Resources Department shall remove the individual from the list of current certified drivers.

278 210.8-5. *Reasonable Accommodations to Suspension.* If the suspension of an individual's driver  
279 certification affects the individual's ability to perform his or her job duties, a supervisor may take  
280 one of the following actions:

281 (a) Reassign the individual to a position which does not require driving;

282 (b) Provide non-driving accommodation within the position;

283 (c) Remove the driving requirement from the job description;

284 (d) Place the individual on unpaid leave until the individual obtains his or her driver  
285 certification; or

286 (e) Terminate the individual because a valid driver’s license is an essential requirement of  
287 the position.

288 210.8-6. *Reinstatement of Driver Certification.* An individual may have his or her driver  
289 certification reinstated upon a review by the Human Resources Department that the individual  
290 again meets all the qualifications for driver certification provided for in section 210.4-2.

291 210.8-7. *Other Enforcement Actions.* A supervisor may take disciplinary action against an  
292 individual in accordance with the Nation’s laws and policies governing employment if the  
293 individual is an employee, or in accordance with the laws and policies of the Nation governing  
294 sanctions and penalties if the individual is an elected or appointed official of the Nation, for any  
295 of the following actions:

- 296 (a) Failing to comply with any provision of this law;
- 297 (b) Failing to complete any applicable driver training requirements;
- 298 (c) Driving a fleet vehicle without being certified under the provisions of this law;
- 299 (d) Admitting to, or being determined to be, partially or entirely at fault in a motor vehicle  
300 crash involving vehicle damage, property damage, or personal injury; and
- 301 (e) Not maintaining the minimum insurance requirements for a personal vehicle.

302 210.8-8. *Additional Driver Safety Training.* A supervisor may require that an individual complete  
303 an additional applicable driver safety training, at his or her own expense, if the individual:

- 304 (a) is involved in an at-fault motor vehicle crash or damage involving the fleet vehicle or  
305 personal vehicle driven on official business;
- 306 (b) receives a moving violation while driving a fleet vehicle or personal vehicle driven on  
307 official business; and
- 308 (c) has his or her driver’s license suspended or revoked by the State or becomes invalid  
309 for any other reason.

310  
311 *End.*

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312 Adopted BC-06-28-17-C.  
313 Amended BC-04-08-20-H.  
314 Amended BC- - - - .

**Title 2. Employment - Chapter 210**

**Lotí'sles Kayanl'ásla Khale? Nya?teka?sléhtake Lonatlíhute? Kayanl'ásla**  
*they're driving law and a variety of vehicles the responsibility is attached to them*  
**VEHICLE DRIVER CERTIFICATION AND FLEET MANAGEMENT**

210.1. Purpose and Policy  
210.2. Adoption, Amendment, Repeal  
210.3. Definitions  
210.4. Driver Certification

210.5. Responsibilities of a Certified Driver  
210.6. Fleet Vehicles  
210.7. Motor Vehicle Crashes or Damage to Vehicles  
210.8. Suspension of Driver Certification and Other Enforcement

1  
2 **210.1. Purpose and Policy**  
3 210.1-1. *Purpose.* The purpose of this law is to establish standards that certify employees, elected  
4 and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official  
5 business and regulate the use of all vehicles owned and leased by the Nation.

6 210.1-2. *Policy.* It is the policy of the Nation to ensure the safety of the community and employees  
7 of the Nation; minimize the Nation's liability when physical damage to vehicles and/or property  
8 damage occurs as a result of a motor vehicle crash; and improve the efficiency and effectiveness  
9 of the use of vehicles owned by the Nation.

10  
11 **210.2. Adoption, Amendment, Repeal**  
12 210.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-C,  
13 and amended by resolutions BC-04-08-20-H and BC- - - - -.

14 210.2-2. This law may be amended or repealed by the Oneida Business Committee and/or Oneida  
15 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

16 210.2-3. Should a provision of this law or the application thereof to any person or circumstances  
17 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
18 to have legal force without the invalid portions.

19 210.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
20 the provisions of this law shall control.

21 210.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

22  
23 **210.3. Definitions**  
24 210.3-1. This section shall govern the definitions of words and phrases used within this law. All  
25 words not defined herein shall be used in their ordinary and everyday sense.

26 (a) "Area manager" means an employee's supervisor's supervisor; or, an individual  
27 designated to be the area manager by a General Manager position.

28 (b) "Business day" means Monday through Friday, from 8:00 a.m. to 4:30 p.m.; excluding  
29 the Nation's holidays.

30 (c) "Employee" means an individual employed by the Nation, but does not include elected  
31 or appointed officials, or employees of a chartered corporation of the Nation.

32 (d) "Entity" means a department, enterprise, program, board, committee or commission of  
33 the Nation.

34 (e) "Employee Assistance Program" means a professional counseling program staffed by  
35 clinical social workers licensed by the State of Wisconsin which offers services to the  
36 Nation's employees and family members.

37 (f) "Fleet vehicle" means a vehicle owned or leased by the Nation.

38 (g) "Moving violation" means any violation of motor vehicle or traffic law that is  
39 committed by the driver of a vehicle while the vehicle is moving. A moving violation does

40 not include parking violations, equipment violations, or paperwork violations relating to  
41 insurance, registration or inspection.

42 (h) “Nation” means the Oneida Nation.

43 (i) “Prohibited drug” means marijuana, cocaine, opiates, amphetamines, phencyclidine  
44 (PCP), hallucinogens, methaqualone, barbiturates, narcotics, and any other substances  
45 included in Schedules I through V, as defined by Section 812 of Title 21 of the United  
46 States Code. Prohibited drugs also includes prescription medication or over-the-counter  
47 medicine when used in an unauthorized or unlawful manner.

48 (j) “Supervisor” means the direct supervisor of an employee. For volunteers, elected or  
49 appointed officials, or employees without a direct supervisor, it means the Human  
50 Resources Department or any party who has been designated by the Human Resources  
51 Department as responsible for performing a supervisor’s responsibilities under this law.

52 (k) “Weapon” means a firearm, knife, electric weapon, club, or any other object intended  
53 to cause harm to oneself or others.

54

#### 55 **210.4. Driver Certification**

56 210.4-1. An individual shall obtain driver certification from the Human Resources Department  
57 before operating a fleet vehicle or personal vehicle on official business.

58 210.4-2. *Qualifications for Certification.* In order to receive driver certification a person shall:

59 (a) Be eighteen (18) years of age or older;

60 (b) Hold a valid Wisconsin driver’s license;

61 (1) A person who holds a valid driver’s license from a state other than Wisconsin  
62 shall have thirty (30) days after his or her first day of employment or service to  
63 obtain a Wisconsin driver’s license.

64 (c) Have a driving record that does not reflect any of the following conditions:

65 (1) Three (3) or more moving violations and/or at-fault motor vehicle crashes in  
66 the past two (2) years; and/or

67 (2) An operating while intoxicated (OWI), driving under the influence (DUI), or  
68 prohibited alcohol concentration (PAC) citation within the last twelve (12) months.

69 (d) Complete all driver training requirements imposed by the Nation or any federal or state  
70 agency regulations;

71 (e) Satisfy any other requirements specific to the job description and/or vehicle that may  
72 be used by or assigned to the person; and

73 (f) Maintain one (1) of the following minimum insurance requirements for a personal  
74 vehicle if the individual may use his or her personal vehicle to conduct official business:

75 (1) the individual’s insurance covers:

76 (A) one hundred thousand dollars (\$100,000) per person;

77 (B) three hundred thousand dollars (\$300,000) per motor vehicle crash for  
78 bodily injury; and

79 (C) twenty-five thousand dollars (\$25,000) property damage; or

80 (2) the individual’s insurance covers two hundred and fifty thousand dollars  
81 (\$250,000) combined single limit.

82 210.4-3. The Nation’s Human Resources Department shall be responsible for determining whether  
83 an individual meets all the qualifications before approving or denying a driver certification.

84 (a) An individual shall provide his or her appropriate license, training certification, and  
85 insurance information to the Human Resources Department.

86 (b) The Human Resources Department shall have the authority to check the driving record  
87 of an individual at any time.

88 (c) The Human Resources Department shall maintain a current list of all certified drivers  
89 and provide the list to Fleet Management, Risk Management, and Central Accounting on a  
90 regular basis.

91 210.4-4. A supervisor shall ensure that an individual has received his or her driver certification  
92 from the Human Resources Department before allowing the individual to drive a fleet vehicle or a  
93 personal vehicle on official business.

94 210.4-5. *Exemption.* An individual whose duties with respect to the implementation of a contract,  
95 agreement, or compact of the Nation include driving may be subject to compliance with a motor  
96 vehicle operation policy as provided in the contract, agreement, or compact of the Nation when  
97 this law is less stringent than the said motor vehicle operation policy.  
98

## 99 **210.5. Responsibilities of a Certified Driver**

100 210.5-1. *General Responsibilities.* While operating a fleet vehicle or a personal vehicle on official  
101 business, an individual shall:

- 102 (a) Abide by all traffic laws;
- 103 (b) Wear a seat belt and require any passengers to wear a seat belt at all times;
- 104 (c) Not drive while under the influence of prohibited drugs and/or alcohol;
- 105 (d) Not drive if impaired by a medical or physical condition or other factor that affects a  
106 driver's motor skills, reaction time, or concentration;
- 107 (e) Not carry a weapon, whether in the open or concealed;
  - 108 (1) *Exemption.* An individual who is carrying a weapon in the course of performing  
109 his or her official duties, or is participating in cultural activities or ceremonies is  
110 exempt from this requirement.
- 111 (f) Not transport prohibited drugs and/or alcohol;
  - 112 (1) *Exemption.* An employee of the Nation who is transporting prohibited drugs  
113 and/or alcohol in the course of performing his or her job duties is exempt from this  
114 requirement.
- 115 (g) Not deliver goods or services for personal gain, or operate private pools where the  
116 riders pay the driver; and
- 117 (h) Not use electronic devices in an unlawful manner.

118 210.5-2. *Training Responsibilities.* An individual with driver certification shall complete the  
119 driver safety training provided and monitored by the Human Resources Department every three  
120 (3) years.

121 (a) *Exemption.* An individual who is required to maintain compliance with any specialized  
122 driver safety training requirements imposed by state or federal regulatory agencies shall be  
123 exempt from the requirement to complete the driver safety training provided by the Human  
124 Resources Department.

125 210.5-3. *Fleet Vehicle Responsibilities.* When operating a fleet vehicle, an individual shall:

- 126 (a) Complete a vehicle mileage log;
- 127 (b) Not transport unauthorized passengers;
- 128 (c) Notify the Fleet Management Department immediately of any problems with a fleet  
129 vehicle that may be a safety or mechanical hazard, or of any incidents that result in the  
130 inability of a fleet vehicle to complete a trip;
- 131 (d) Be personally responsible for all traffic citation costs, parking ticket costs, or any  
132 similar expense related to vehicle use;
- 133 (e) Use Oneida Retail locations for fueling fleet vehicles, unless the fleet vehicle needs  
134 fuel before it can be taken to an Oneida Retail location;
- 135 (f) Not smoke or use electronic smoking devices or permit others to smoke or use  
136 electronic smoking devices in the fleet vehicle; and

137 (g) Ensure the interior of the vehicle is kept in good condition, clean, and free of debris.  
138 210.5-4. *Personal Vehicle Responsibilities.* When operating a personal vehicle on official  
139 business, an individual shall:

140 (a) Obtain permission from his or her supervisor to operate a personal vehicle on official  
141 business; and

142 (b) Submit all required documents for mileage reimbursement, if seeking reimbursement  
143 for miles driven while conducting official business, within thirty (30) days of driving the  
144 miles or by the end of the current fiscal year, whichever is sooner.

145 (1) Not seeking mileage reimbursement does not exempt an individual from the  
146 provisions of this law.

147 210.5-5. *Notification Requirements.* An individual shall notify his or her supervisor if he or she:

148 (a) Has his or her driver's license suspended or revoked by the State, or has his or her  
149 driver's license become invalid for any other reason;

150 (b) Meets any of the conditions for disciplinary action as provided in section 210.8-7;  
151 and/or

152 (c) Has any impairment by a medical or physical condition or other factor that affects his  
153 or her motor skills, reaction time, or concentration.  
154

## 155 **210.6. Fleet Vehicles**

156 210.6-1. *Fleet Management Department.* The Nation's Fleet Management Department shall  
157 manage and monitor the use of the Nation's fleet vehicles. The Fleet Management Department's  
158 responsibilities shall include, but are not limited to:

159 (a) Maintain a list of all fleet vehicles that are available for use, including vehicles  
160 permanently assigned to specific entities of the Nation;

161 (b) Remove unsafe vehicles from the fleet;

162 (c) Obtain estimates of and schedule fleet vehicle repairs when necessary;

163 (d) Install or remove equipment on fleet vehicles;

164 (e) Ensure the Nation's logo is on all fleet vehicles; and

165 (f) Ensure that all fleet vehicles are equipped with a mileage log and an auto incident kit  
166 which contains forms and instructions for reporting any incident.

167 210.6-2. *Automotive Department.* The Automotive Department shall service and maintain fleet  
168 vehicles according to factory recommendations, or the maintenance schedule established by the  
169 Automotive Department, whichever is stricter. Any vehicle deemed unsafe by the Automotive  
170 Department shall be reported to the Fleet Management Department.

171 210.6-3. *Risk Management Department.* The Risk Management Department shall be responsible  
172 for securing and maintaining insurance coverage for all fleet vehicles. Additional responsibilities  
173 of the Risk Management Department shall include, but is not limited to:

174 (a) Providing auto insurance identification cards in every fleet vehicle;

175 (b) Processing all submitted vehicle claims and related information; and

176 (c) Submitting claims to the insurance company.

177 210.6-4. *Use of a Fleet Vehicle.* A fleet vehicle may be permanently assigned to an entity for use  
178 or requested for use on a temporary basis. A fleet vehicle shall be used for conducting official  
179 business of the Nation. When used for travel purposes, a fleet vehicle may also be used for  
180 incidental purposes such as travel to and from lodging and/or meal sites.

181 (a) *Prohibited Use of a Fleet Vehicles.* A fleet vehicle shall not be used for any of the  
182 following purposes:

183 (1) Personal use for non-business purposes;

184 (2) Towing cargo for personal reasons;

185 (3) Hauling loads that could structurally damage the vehicle; and/or

186 (4) Jump starting vehicles, other than fleet vehicles.  
187 210.6-5. *Permanently Assigned Fleet Vehicles.* The Fleet Management Department may  
188 permanently assign a fleet vehicle to an entity if the entity meets the minimum mileage criteria as  
189 established by the Fleet Management Department.

190 (a) *Exception to Minimum Mileage Criteria.* The Fleet Management Department may  
191 grant an entity an exception to the minimum mileage criteria.

192 (b) An entity who is permanently assigned a fleet vehicle shall regularly schedule  
193 maintenance work and safety checks with the Automotive Department.

194 (c) An entity that is permanently assigned a fleet vehicle is responsible for ensuring that  
195 any individual who drives the vehicle has his or her driver certification.

196 210.6-6. *Temporary Use of a Fleet Vehicle.* An individual in an entity that is not permanently  
197 assigned a fleet vehicle may request to use a fleet vehicle for the purpose of conducting official  
198 business by submitting a request to the Fleet Management Department.

199 (a) Requests for the use of a fleet vehicle shall be made at least one (1) week in advance,  
200 unless urgent circumstances arise.

201 (b) Before determining whether a fleet vehicle is available, or approving the use of a fleet  
202 vehicle, the Fleet Management Department shall confirm that:

203 (1) The individual requesting the fleet vehicle has his or her driver certification;

204 (2) The individual has authorization to use the fleet vehicle from his or her  
205 supervisor, if an employee, or by the individual's entity, if the individual is an  
206 elected or appointed official of the Nation or volunteer; and

207 (3) Any passengers are authorized to travel in a fleet vehicle.

208 (c) The Fleet Management Department may combine vehicle use for travel to the same  
209 destination.

210 (d) The Fleet Management Department may cancel reservations that are not fulfilled in a  
211 timely manner.

212 210.6-7. *Authorized Passengers.* In addition to the employees, elected or appointed officials, or  
213 volunteers who are authorized to use a fleet vehicle, the following individuals shall be authorized  
214 to be a passenger in a fleet vehicle:

215 (a) Individuals being transported as part of a program or service of the Nation;

216 (b) Individuals being transported during the normal and ordinary course of representing  
217 and/or conducting business on behalf of the Nation; and/or

218 (c) Any other individual who is authorized to be a passenger by the supervisor of the  
219 employee, elected or appointed official, or volunteer.

220 210.6-8. *Modifications to Fleet Vehicles.* Modifications to fleet vehicles for personal reasons are  
221 not permitted. Modifications to fleet vehicles for operating purposes may be allowed only with the  
222 approval of the Fleet Management Department.

223 (a) Radar detection devices shall not be installed or used in fleet vehicles.

224 210.6-9. *Rental Vehicles.* An individual shall have his or her driver certification before using a  
225 rental vehicle to conduct official business. An individual shall operate the rental vehicle with the  
226 same responsibilities and restrictions as a fleet vehicle.

227 (a) A vehicle shall be rented in accordance with the Nation's laws and policies governing  
228 travel. Every vehicle rented shall include the purchase of the maximum collision damage  
229 waiver offered by the rental company.

## 230 231 **210.7. Motor Vehicle Crashes or Damage to Vehicles**

232 210.7-1. In the event of a motor vehicle crash or damage involving the fleet vehicle or personal  
233 vehicle driven on official business, an individual shall be subject to the following reporting  
234 requirements; provided that, if an individual sustains injuries that make it impossible to meet the

235 reporting deadlines identified herein; the driver shall instead make the required reports as soon as  
236 he or she is able to do so:

237 (a) immediately report the crash or damage to local law enforcement if it results in any of  
238 the following:

- 239 (1) death of a person;
- 240 (2) an injury to the driver or another person that requires medical attention;
- 241 (3) damage to property that does not belong to the driver or the Nation; or
- 242 (4) a vehicle being disabled and/or needing to be towed.

243 (b) immediately report the motor vehicle crash or damage to his or her supervisor; and

244 (c) provide the Fleet Management Department and Risk Management Department with a  
245 completed auto incident report by the end of the next business day immediately following  
246 the motor vehicle crash or damage.

247 210.7-2. *Internal Review.* The Fleet Management Department and Risk Management Department  
248 shall coordinate and conduct an internal review of the auto incident report for a motor vehicle crash  
249 and/or damage to a vehicle.

250 (a) Fleet Management and Risk Management may recommend whether an individual  
251 should be subject to disciplinary action and/or a driver safety training requirement based  
252 on the motor vehicle crash or incident resulting in damage to a vehicle.

253 (b) The internal review shall be completed as soon as possible after a motor vehicle crash  
254 has been reported.

255 (c) Following an internal review, Fleet Management and Risk Management shall issue a  
256 report. Copies of the report shall be:

- 257 (1) provided to the driver, the driver's supervisor, and the driver's area manager;  
258 and
- 259 (2) provided to the Human Resources Department if the Fleet Management  
260 Department and Risk Management Department recommend disciplinary action.

261  
262 **210.8. Suspension of Driver Certification and Other Enforcement**

263 210.8-1. Suspension of driver certification is the suspension of an individual's ability to drive a  
264 fleet vehicle or personal vehicle on official business and is not a leave from work. Suspension of  
265 driver certification is non-appealable.

266 210.8-2. *Qualifications for Suspension.* A supervisor shall suspend an individual's driver  
267 certification if the individual's driver's license is suspended or revoked by the State or becomes  
268 invalid for any other reason.

269 (a) A supervisor may refer drivers to the Employee Assistance Program in accordance  
270 with applicable laws and policies of the Nation.

271 210.8-3. *Length of Suspension.* The individual's driver certification shall be suspended until a  
272 time in which the individual has obtained a valid driver's license and meets the qualifications for  
273 reinstatement of driver certification.

274 210.8-4. *Notification of Suspension.* The supervisor shall notify the Human Resources  
275 Department in writing if he or she suspends the driver certification of an individual and shall  
276 provide the basis for the suspension. Once notified of a suspension of driver certification the  
277 Human Resources Department shall remove the individual from the list of current certified drivers.

278 210.8-5. *Reasonable Accommodations to Suspension.* If the suspension of an individual's driver  
279 certification affects the individual's ability to perform his or her job duties, a supervisor may take  
280 one of the following actions:

- 281 (a) Reassign the individual to a position which does not require driving;
- 282 (b) Provide non-driving accommodation within the position;
- 283 (c) Remove the driving requirement from the job description;

284 (d) Place the individual on unpaid leave until the individual obtains his or her driver  
285 certification; or

286 (e) Terminate the individual because a valid driver's license is an essential requirement of  
287 the position.

288 210.8-6. *Reinstatement of Driver Certification.* An individual may have his or her driver  
289 certification reinstated upon a review by the Human Resources Department that the individual  
290 again meets all the qualifications for driver certification provided for in section 210.4-2.

291 210.8-7. *Other Enforcement Actions.* A supervisor may take disciplinary action against an  
292 individual in accordance with the Nation's laws and policies governing employment if the  
293 individual is an employee, or in accordance with the laws and policies of the Nation governing  
294 sanctions and penalties if the individual is an elected or appointed official of the Nation, for any  
295 of the following actions:

- 296 (a) Failing to comply with any provision of this law;
- 297 (b) Failing to complete any applicable driver training requirements;
- 298 (c) Driving a fleet vehicle without being certified under the provisions of this law;
- 299 (d) Admitting to, or being determined to be, partially or entirely at fault in a motor vehicle  
300 crash involving vehicle damage, property damage, or personal injury; and
- 301 (e) Not maintaining the minimum insurance requirements for a personal vehicle.

302 210.8-8. *Additional Driver Safety Training.* A supervisor may require that an individual complete  
303 an additional applicable driver safety training, at his or her own expense, if the individual:

- 304 (a) is involved in an at-fault motor vehicle crash or damage involving the fleet vehicle or  
305 personal vehicle driven on official business;
- 306 (b) receives a moving violation while driving a fleet vehicle or personal vehicle driven on  
307 official business; and
- 308 (c) has his or her driver's license suspended or revoked by the State or becomes invalid  
309 for any other reason.

310  
311 *End.*

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312 Adopted – BC-06-28-17-C.

313 Amended – BC-04-08-20-H.

314 Amended – BC-\_\_-\_\_-\_\_-\_\_.

# FINANCE ADMINISTRATION Fiscal Impact Statement



## MEMORANDUM

TO: Ralinda Ninham-Lamberies, Chief Financial Officer  
 FROM: Rae Skenandore, Senior Analyst/Budget Coordinator  
 DATE: September 5, 2024  
 RE: **Fiscal Impact of the Amendments to the Vehicle Driver Certification and Fleet Management Law**

### I. Estimated Fiscal Impact Summary

<b>Law:</b> Amendments to the Vehicle Driver Certification and Fleet Management Law		Draft 1
<b>Implementing Agency</b>	Purchasing Fleet Management	
<b>Estimated time to comply</b>	10 days, in compliance with the Legislative Procedures Act	
<b>Estimated Impact</b>	<b>Current Fiscal Year</b>	<b>10 Year Estimate</b>
<b>Total Estimated Fiscal Impact</b>	<b>No Fiscal Impact</b>	<b>No Fiscal Impact</b>

### II. Background

This Law was originally adopted by the Oneida Business Committee in 2017 through resolution BC-06-28-17-C, and then amended through resolution BC-04-08-20-H.

The purpose of this law is to establish standards that certify employees, elected and appointed officials, and volunteers to drive a fleet vehicle or personal vehicle on official business and regulate the use of all vehicles owned and leased by the Nation. The amendments to the legislation are to remove the word "purchase" and the responsibility to purchase from the Fleet Management Department.

### III. Methodology and Assumptions

A "Fiscal Impact Statement" means an estimate of the total identifiable 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 agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

### **III. Findings**

As stated, this Law has been in place since 2017. There are no start-up costs, no increases in personnel are needed, and no increases in office or documentation costs. The implementing agencies are prepared to implement all changes when approved.

### **III. Financial Impact**

There is no fiscal impact of implementing this legislation.

### **IV. Recommendation**

Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of this legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.



Legislative Operating Committee  
September 18, 2024

# Oneida Life Insurance Plan Law Amendments

<b>Submission Date:</b> 6/5/24	<b>Public Meeting:</b> N/A
<b>LOC Sponsor:</b> Jameson Wilson	<b>Emergency Enacted:</b> N/A

**Summary:** *This item added to the Active Files List on June 5, 2024, at the request of the Chief Financial Officer, Ralinda Ninham-Lamberies. The CFO requested the LOC consider an emergency amendment to the Law to remove section 1004.5-3 which provides that “the Oneida Trust Enrollment Department shall be notified within one (1) year of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the beneficiary. Oneida Life Insurance Plan claims made beyond the first anniversary of the decedent’s death shall not be processed for distribution.” Finance provided that recently a member of the Nation missed the deadline by four (4) days, and there would not be an increase in liability if this provision is removed due to limited staff availability. The LOC determined this request did not meet the standard for emergency legislation provided for in section 109.9-5 of the LPA, but decided to add this item to the Active Files List anyways due to the August 20, 2023 OBC motion which directed the LOC to bring this Law back for a one (1) year review of its adoption and implementation.*

**6/5/24 LOC:** Motion by Jonas Hill to add the Oneida Life Insurance Plan Law Amendments to the Active Files List with Jameson Wilson as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

**8/26/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Carl Artman, Ralinda Ninham-Lamberies, John Danforth, Michelle John, Heidi Janowski, Fawn Billie, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to discuss how the implementation of the Oneida Life Insurance Plan law went during its first year, and begin discussions on whether any amendments to the law are necessary at this time.

**8/29/24:** *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Fawn Cottrell, Kristal Hill, Maureen Perkins, Fawn Billie, Carolyn Salutz. The purpose of this work meeting was to determine what, if any, amendments to make to the Oneida Life Insurance Plan law based on the information received during the One Year Review work meeting held on August 26, 2024.

**9/4/24 LOC:** Motion by Kirby Metoxen to accept the memorandum entitled, One (1) Year Review of the Oneida Life Insurance Plan Law; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Marlon Skenandore to approve the draft of proposed amendments to the Oneida Life Insurance Plan law and direct that a legislative analysis be developed; seconded by Jonas Hill. Motion carried unanimously.

**Next Steps:**

- Approve the legislative analysis for the proposed amendments to the Oneida Life Insurance Plan law.



# ONEIDA LIFE INSURANCE PLAN LAW AMENDMENTS LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	Expand the period of time in which it is required to notify the Oneida Trust Enrollment Department of a decedent’s death in order to distribute Oneida Life Insurance Plan benefits to the beneficiary from one (1) year to three (3) years. [10 O.C. 1004.5-3].
<b>Purpose</b>	The purpose of this law is to provide a death benefit through the Oneida Life Insurance Plan for all eligible enrolled Oneida Nation members, pursuant to the Oneida General Welfare law. [10 O.C. 1004.1-1].
<b>Affected Entities</b>	Oneida Trust Enrollment Department, Members of the Nation
<b>Public Meeting</b>	A public meeting has not yet been held.
<b>Fiscal Impact</b>	A fiscal impact statement has not yet been requested.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A. Background.** The Oneida Life Insurance Plan law was adopted by the Oneida Business Committee in
- 3 August of 2023 through resolution BC-08-23-23-G. The purpose of the Oneida Life Insurance Plan law
- 4 is to the purpose of providing a death benefit through the Oneida Life Insurance Plan for all eligible
- 5 enrolled Oneida Nation members, pursuant to the Oneida General Welfare law. [10 O.C. 1004.1-1]. It
- 6 is the policy of the Nation to care for its members and their families even after their death. [10 O.C.
- 7 1004.1-2]. The Nation seeks to internalize the Oneida Life Insurance Plan process to ensure equitable
- 8 and expedient distribution to designated beneficiaries. *Id.* The General Tribal Council, through
- 9 resolution GTC-01-17-09-B, approved the concept of the Oneida Life Insurance Plan Plus to replace
- 10 the Oneida Burial Fund. [10 O.C. 1004.1-1(a)]. The General Tribal Council directed implementation
- 11 of a benefit that pays fifteen thousand dollars (\$15,000) to the designated beneficiary or beneficiaries
- 12 of the deceased Oneida Nation member. *Id.* The payment of death benefits through OLIPP to designated
- 13 beneficiaries of a deceased Oneida Nation member is an exercise of self-governance crucial to the
- 14 Oneida Nation’s sovereignty, and health and welfare of the community. *Id.*
- 15 **B. Request for Amendments.** This item added to the Active Files List on June 5, 2024, at the request of
- 16 the Chief Financial Officer (CFO), Ralinda Ninham-Lamberies. The CFO requested the Legislative
- 17 Operating Committee consider an emergency amendment to the Law to remove section 1004.5-3 which
- 18 provides that “*the Oneida Trust Enrollment Department shall be notified within one (1) year of the*
- 19 *member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the*
- 20 *beneficiary. Oneida Life Insurance Plan claims made beyond the first anniversary of the decedent’s*
- 21 *death shall not be processed for distribution.*” Finance provided that recently a member of the Nation
- 22 missed the deadline by four (4) days, and there would not be an increase in liability is this provision is
- 23 removed due to limited staff availability. The Legislative Operating Committee determined this request
- 24 did not meet the standard for emergency legislation provided for in section 109.9-5 of the Legislative

25 Procedures Act, but decided to add this item to the Active Files List anyways due to the August 20,  
 26 2023 Oneida Business Committee motion which directed the Legislative Operating Committee to bring  
 27 this Law back for a one (1) year review of its adoption and implementation.

28 **C. One Year Review.** When the Oneida Life Insurance Plan law was adopted in August of 2023, the  
 29 Oneida Business Committee also directed that the Oneida Life Insurance Plan law be brought back to  
 30 the Legislative Operating Committee in one (1) year for review. On August 26, 2024, the Legislative  
 31 Operating Committee meet with the Trust Enrollments Department, Finance, and the Oneida Law  
 32 Office to discuss the status of implementation of the Oneida Life Insurance Plan law during its first  
 33 year, and to begin discussions on whether any amendments to the law are necessary at this time. The  
 34 Legislative Operating Committee accepted the memorandum entitled, *One (1) Year Review of the*  
 35 *Oneida Life Insurance Plan Law*, on September 4, 2024. Overall, the Trust Enrollments Department,  
 36 Finance, and the Oneida Law Office provided that the implementation of the Oneida Life Insurance  
 37 Plan law has been smooth and the law is operating as it was intended. Although the Oneida Life  
 38 Insurance Plan law is working as intended, the Legislative Operating Committee was asked by Finance  
 39 to consider two (2) areas where amendments to the Oneida Life Insurance Plan law could potentially  
 40 result in improvements in how the law is administered: (1) Section 1004.5-2(d) and 1004.6-3: regarding  
 41 the requirement that funeral expenses be paid directly to the funeral home first before any remaining  
 42 funds are paid to beneficiary; and (2) Section 1004.5-3: regarding the notice of death requirement of  
 43 one (1) year. Ultimately, the Legislative Operating Committee decided to pursue amendments to the  
 44 Oneida Life Insurance Plan law to address the length of time for the notice of death requirement. In the  
 45 one (1) year review the Oneida Trust Enrollment Department provided the following statistics that were  
 46 current as of August 29, 2024, to provide some perspective on how the Oneida Life Insurance Plan has  
 47 been administered during its first year:

<b>Oneida Life Insurance Plan Law Statistics</b>				
<i>Month</i>	<i>Deaths Reported</i>	<i>OLIP Claims</i>	<i>Claims that Provided a Beneficiary</i>	<i>Claims that Did Not Provide a Beneficiary</i>
September 2023	13	12	9	3
October 2023	12	12	11	1
November 2023	10	9	9	0
December 2023	18	16	13	3
January 2024	16	17	15	2
February 2024	22	22	19	3
March 2024	15	13	13	0
April 2024	10	10	10	0
May 2024	23	23	21	2
June 2024	13	13	10	3
July 2024	10	9	8	1
August 2024	12	2	2	0

48  
 49

50 **SECTION 3. CONSULTATION AND OUTREACH**

51 **A.** Representatives from the following departments or entities participated in the development of the  
 52 amendments to the Oneida Life Insurance Plan law and this legislative analysis:

- 53       ▪ Oneida Law Office;
- 54       ▪ Finance Administration;
- 55       ▪ Oneida Trust Enrollments Department; and
- 56       ▪ Central Accounting.
- 57 **B.** The following laws were reviewed in the drafting of this analysis:
- 58       ▪ Oneida General Welfare law; and
- 59       ▪ Administrative Rulemaking law.

60

#### 61 **SECTION 4. PROCESS**

- 62 **A.** The development of the proposed amendments to the Oneida Life Insurance Plan law complies with
- 63 the process set forth in the Legislative Procedures Act (LPA).
- 64       ▪ On June 5, 2024, the Legislative Operating Committee added the Oneida Life Insurance Plan law
- 65 to its Active Files List.
- 66       ▪ On September 4, 2024, the Legislative Operating Committee approved the draft of proposed
- 67 amendments to the Oneida Life Insurance Plan law.
- 68 **B.** At the time this legislative analysis was developed the following work meetings had been held
- 69 regarding the development of the amendments to this Law:
- 70       ▪ August 26, 2024: LOC work session with the Oneida Law Office, Finance Administration, Oneida
- 71 Trust Enrollments Department, and Central Accounting.
- 72       ▪ August 29, 2024”: LOC work session.

73

#### 74 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 75 **A. *Expansion of the Timeframe for Noticing the Death of a Decedent.*** Currently, the Oneida Life
- 76 Insurance Plan law requires that the Oneida Trust Enrollment Department be notified within one (1)
- 77 year of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits
- 78 to the beneficiary. [10 O.C. 1004.5-3]. The Oneida Life Insurance Plan law is clear that Oneida Life
- 79 Insurance Plan claims made beyond the first anniversary of the decedent’s death shall not be processed
- 80 for distribution. *Id.* The proposed amendments to the Oneida Life Insurance Plan law expand the
- 81 amount of time given to notice the Oneida Trust Enrollment Department of the death of a member from
- 82 one (1) year to three (3) years. [10 O.C. 1004.5-3].
- 83       ▪ *Effect.* The Legislative Operating Committee determined that greater flexibility and consideration
- 84 could be given to members of the Nation by increasing the notification period, but ultimately still
- 85 wanted to maintain some notice requirement to ensure that claims are not held open indefinitely.
- 86 The Legislative Operating Committee determined this is accomplished in the proposed
- 87 amendments to the Oneida Life Insurance Plan law that increase the period of time allowed to
- 88 notify the Oneida Trust Enrollment Department of a death in order to distribute Oneida Life
- 89 Insurance Plan benefits from one (1) year to three (3) years.

90

#### 91 **SECTION 6. EXISTING LEGISLATION**

- 92 **A. *Related Legislation.*** The following laws of the Nation are related to this Law:
- 93       ▪ *Oneida General Welfare Law.* The Oneida General Welfare Law governs how the Nation provides
- 94 assistance to eligible members on a non-taxable basis, pursuant to the principles of the General

95 Welfare Exclusion to Indian Tribal governmental programs that provide benefits to Tribal  
96 members. [10 O.C. 1001.1-1].

97 ■ The Oneida Life Insurance Plan is hereby established as an approved program of the Nation in  
98 accordance with the Oneida General Welfare Law. [10 O.C. 1003.4-1]. The Oneida Life  
99 Insurance Plan meets the requirements of the General Test as defined in the Oneida General  
100 Welfare Law. [10 O.C. 1003.4-2].

101 ■ *Administrative Rulemaking Law.* The Administrative Rulemaking law provides an efficient,  
102 effective, and democratic process for enacting and revising administrative rules, to ensure that  
103 authorized agencies act in a responsible and consistent manner when enacting and revising  
104 administrative rules. [1 O.C. 106.1-2].

105 ■ The Oneida Life Insurance Plan law delegates rulemaking authority to the Oneida Trust  
106 Enrollment Department to promulgate rules to govern the administration of the Oneida Life  
107 Insurance Plan. [10 O.C. 1004.8-1].

108 ■ Any rules promulgated by the Oneida Trust Enrollment Department must be done in accordance  
109 with the process and procedures of the Administrative Rulemaking law.

## 110 111 **SECTION 7. OTHER CONSIDERATIONS**

112 A. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all  
113 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-  
114 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*  
115 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete  
116 a fiscal impact statement at various stages of the legislative process, as well as timeframes for  
117 completing the fiscal impact statement.

118 ■ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact  
119 statement be completed.

120



Legislative Operating Committee  
September 18, 2024

# Landlord-Tenant law Amendments

<b>Submission Date:</b> 2/21/24	<b>Public Meeting:</b> n/a
<b>LOC Sponsor:</b> Jonas Hill	<b>Emergency Enacted:</b> n/a <b>Expires:</b> n/a

**Summary:** *This item was added to the Active Files List on February 21, 2024, per the request of the Oneida Law Office, for the purpose of making the Landlord Tenant law generally applicable to all landlords, not just the Nation as a landlord, and fully assert the Nation’s jurisdiction within the Reservation boundaries.*

**2/21/24 LOC:** Motion by Kirby Metoxen to add the Landlord Tenant law amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

**3/20/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to discuss and determine a priority for this legislative item.

**5/28/24:** *Work Meeting.* Present: Krystal John, Grace Elliott. The purpose of this meeting was to outline the main amendments being sought.

**7/11/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Krystal John, Lisa Rauschenbach, Michelle Hill, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to identify any areas of the Landlord Tenant law that may benefit from amendments.

**8/1/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Mark Powless, Derick Denny, Krystal John, Scott Denny, Grace Elliott. The purpose of this meeting was to continue reviewing the Landlord Tenant law for any recommended amendments.

**8/23/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Clorissa Leeman, Carolyn Salutz, Maureen Perkins, Fawn Billie. The purpose of this meeting was to address a final question about the proposed amendments to the Law.

**Next Steps:**

- Approve the draft of the proposed amendments to the Landlord Tenant law and direct that a legislative analysis be completed.

**Title 6. Property and Land- Chapter 611**  
**LANDLORD-TENANT**  
**Tsi? Yuhwatsyawáku Aolihwá'ke**  
*where it bound to the earth - issues*

611.1.	Purpose and Policy	611.67.	Domestic Abuse Protections
611.2.	Adoption, Amendment, Repeal	611.78.	Sex Offender Registry
611.3.	Definitions	611.89.	Termination of Tenancy at Death of Tenant
<del>611.4.</del>	<del>Rental Programs</del>	611.940.	Landlord or Tenant Actions
611.45.	Rental Agreement Documents	611.10	<a href="#">Comprehensive Housing Division Rental Programs</a>
611.56.	Rights and Duties of Landlords and Tenants		

**611.1. Purpose and Policy**

611.1-1. *Purpose.* The purpose of this law is to provide mechanisms for protecting the rights of the landlords and tenants on all land owned by the Nation or members of the Nation within the Reservation boundaries~~of the Nation's rental programs.~~

611.1-2. *Policy.* It is the Nation's policy to provide a fair process to all landlords and tenants ~~of the Nation's rental programs~~ that preserves the peace, harmony, safety, health, and general welfare ~~of and~~ the Nation's residents~~resources.~~

**611.2. Adoption, Amendment, Repeal**

611.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-C and thereafter amended by resolution BC-12-13-17-D.

611.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

611.2-3. 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.

611.2-4. 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.

611.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

**611.3. Definitions**

611.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Comprehensive Housing Division" ~~is~~ the division within the Oneida Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales and mortgages programs.

(b) "Landlord" means any person or entity within the Nation's jurisdiction in ~~their~~ capacity to rent real property subject to a rental agreement.

(c) "Nation" means the Oneida Nation.

(d) "Premises" means the property covered by a rental agreement, including not only the real property and fixtures, but also any personal property furnished by the landlord pursuant to a rental agreement.

37 (e) “Rental Agreement” means a written contract between a landlord and a tenant, whereby  
38 the tenant is granted the right to use or occupy the premises for a residential purpose for  
39 one (1) year or less, provided that the term may be longer than one (1) year in circumstances  
40 where the contract is on a rent-to-own basis.

41 (f) “Reservation” means all property within the exterior boundaries of the reservation of  
42 the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and  
43 any lands added thereto pursuant to federal law.

44 (g) “Rule” means a set of requirements, including citation fees and penalty schedules,  
45 enacted ~~jointly by the Land Commission and by~~ the Comprehensive Housing Division in  
46 accordance with the Administrative Rulemaking law based on authority delegated in this  
47 law in order to implement, interpret and/or enforce this law, ~~provided that where such~~  
48 ~~requirements relate solely to premises administered pursuant to federal funding, the~~  
49 ~~Comprehensive Housing Division has sole authority.~~

50 (h) “Tenant” means the person granted the right to use or occupy a premises pursuant to a  
51 rental agreement.

52 (i) “Tribal member” means an individual who is an enrolled member of the Nation.

53 (j) “Security Deposit” means a payment made to the landlord by the tenant to ensure that  
54 rent will be paid and other responsibilities of the rental agreement performed.  
55

#### 56 **611.4. — Rental Programs**

57 ~~611.4 1. Available Rental Programs. Consistent with available funds, the Comprehensive~~  
58 ~~Housing Division shall provide residential rental programs for providing housing to the following~~  
59 ~~types of tenants and the Oneida Land Commission and the Comprehensive Housing Division shall~~  
60 ~~jointly establish rules naming said programs and providing the specific requirements and~~  
61 ~~regulations that apply to each program:~~

62 (a) ~~Elder tribal members;~~

63 (b) ~~Low income Oneida tribal members and families; and~~

64 (c) ~~Tribal members in general.~~

65 ~~611.4 2. Minimum Rental Eligibility Requirements. In order to be eligible for a rental~~  
66 ~~agreement, applicants shall meet the following conditions:~~

67 (a) ~~Be eighteen (18) years of age at the time of the application;~~

68 (b) ~~Have no felony or drug convictions within the past two (2) years from the date of~~  
69 ~~application, provided that a pardon or forgiveness received pursuant to the Pardon and~~  
70 ~~Forgiveness law may provide an exception to this condition;~~

71 (c) ~~Meet the local governments’ laws’ requirements regarding residency restrictions for~~  
72 ~~convicted sex offenders;~~

73 (d) ~~Meet the income requirements for entering the rental agreement as determined by the~~  
74 ~~rental program’s governing rules;~~

75 (e) ~~Not hold a residential lease with the Nation; and~~

76 (f) ~~Meet any other eligibility requirements set by the rental program’s rules, which may~~  
77 ~~not be less strict than this law, but may be stricter than this law, provided that rules~~  
78 ~~developed for low income Tribal members and families:~~

79 (1) ~~May not contain eligibility requirements that consider debt owed or evictions~~  
80 ~~from entities other than the Comprehensive Housing Division; but~~

81 (2) ~~May contain eligibility requirements that consider debt owed to utility~~  
82 ~~providers, provided that eligibility may not be denied for any debt owed to a~~  
83 ~~utility provider with a past due balance of less than two hundred dollars (\$200).~~

84 ~~611.4 3. *Tenant Selection.* The Land Commission and the Comprehensive Housing Division~~  
85 ~~shall jointly develop rules governing the selection of applicants for the issuance of rental~~  
86 ~~agreements.~~

87  
88 **611.45. Rental Agreement Documents**

89 611.45-1. *Severability of Rental Agreement Provisions.* The provisions of a rental agreement are  
90 severable. If any provision of a rental agreement is void or unenforceable by reason of any law,  
91 rule, regulation, or judicial order, the invalidity or unenforceability of that provision does not affect  
92 other provisions of the rental agreement that can be given effect without the invalid or  
93 unenforceable provision.

94 611.45-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or  
95 termination of a rental agreement is not enforceable unless it meets the requirements of this law  
96 and is in writing.

97 (a) All rental agreements shall:

98 (1) Set forth the amount of rent or other consideration provided in exchange for the  
99 ability to use/occupy the premises;

100 (2) Set forth the required amount of security deposit and require payment of the  
101 security deposit prior to the tenant(s) taking use/occupancy of the premises, if  
102 applicable;

103 (3) Set the time of commencement and expiration of the rental agreement;

104 (4) Provide a reasonably definite description of the premises;

105 (5) If the Nation is the landlord, sState that nothing in the agreement may be  
106 considered a waiver of the Nation's sovereign immunity, provided that tenants may  
107 seek enforcement of a rental agreement or dispute an action taken pursuant to a  
108 rental agreement with the Oneida Judiciary; and

109 (6) Be signed by both the landlord and the tenant(s) prior to the tenant(s) taking  
110 use/occupancy of the premises;

111 (A) The rental agreement is not required to be signed by all adults  
112 using/occupying the premises, provided that the rights and responsibilities  
113 contained in the rental agreement do not extend to persons that are not  
114 named as tenants in the rental agreement.

115 (B) Unless legally separated, if a tenant(s) is married, the landlord shall  
116 require that each spouse sign the rental agreement.

117 (b) Any provision of a rental agreement that does any of the following is void and  
118 unenforceable.

119 (1) Allows a landlord to do or threaten to do any of the following because a tenant  
120 has contacted an entity for law enforcement services, health services or safety  
121 services:

122 (A) Increase rent;

123 (B) Decrease services;

124 (C) Bring an action for eviction unless authorized by ~~pursuant to~~ the  
125 Eviction and Termination law; and/or

126 (D) Refuse to renew a rental agreement.

127 (2) Except as otherwise provided in this law in regards to domestic abuse,  
128 authorizes the eviction or exclusion of a tenant from the premises other than through  
129 the process described in the Eviction and Termination law.

130 (3) Requires the tenant to pay attorney's fees or costs incurred by the landlord in  
 131 any legal action or dispute arising under the rental agreement except as supported  
 132 by a court order.

133 (4) States that the landlord is not liable for property damage or personal injury  
 134 caused by negligent acts or omissions of the landlord. This subsection does not  
 135 affect ordinary maintenance obligations of a tenant under 611.56-3(b) or assumed  
 136 by a tenant under a rental agreement or other written agreement between the  
 137 landlord and the tenant.

138 (5) Imposes liability on the tenant for any of the following:

139 (A) Personal injury arising from causes clearly beyond the tenant's control.

140 (B) Property damage caused by natural disasters or by persons other than  
 141 the tenant or the tenant's guests or invitees. This subsection does not affect  
 142 ordinary maintenance obligations of a tenant under 611.56-3(b) or assumed  
 143 by a tenant under a rental agreement or other written agreement between the  
 144 landlord and the tenant.

145 (6) Waives any obligation on the part of the landlord to deliver the premises in a fit  
 146 and habitable condition or to maintain the premises during the tenant's tenancy.

147 (7) Allows for periodic tenancy, which for the purposes of this section means when  
 148 a tenant uses/occupies a premises without an effective and valid rental agreement  
 149 by paying rent on a periodic basis including, but not limited to, day-to-day, week-  
 150 to-week and month-to-month.

151 611.45-3. *Assignment of Rental Agreements Not Permitted.* Assignments of rental agreements  
 152 are not permitted under any circumstances.

## 153 611.56. Rights and Duties of Landlords and Tenants

154 611.56-1. This section governs the rights and duties of the landlord and tenant in the absence of  
 155 any inconsistent provision found in a valid rental agreement.

156 611.56-2. *Disposition of Personal Property Left by the Tenant.* If the tenant moves from or is  
 157 evicted from the premises and leaves personal property, the landlord may presume that the tenant  
 158 has abandoned the personal property and may dispose of said property in any manner that the  
 159 landlord, in ~~their~~<sup>his or her</sup> sole discretion, determines is appropriate, provided that:

160 (a) The landlord shall hold personal property for a minimum of five (5) business days and  
 161 the tenant may retrieve said personal property by contacting the landlord.

162 (b) The landlord shall keep a written log of the date and the work time that the  
 163 ~~Nation's~~<sup>landlord or the landlord's</sup> staff expends storing and/or removing personal property  
 164 and/or removing/disposing of debris left at the property after the expiration of the  
 165 timeframe provided in the order to vacate.

166 (c) The ~~Land Commission and the~~ Comprehensive Housing Division shall ~~jointly~~<sup>jointly</sup> create  
 167 rules further governing the disposition of personal property ~~on Tribal land.~~

168 611.56-3. *Repairs; Untenability.* This section applies to all ~~rental agreements~~<sup>leases</sup> if there is no  
 169 contrary provision in writing signed by both parties.

170 (a) *Duties of the Landlord.*

171 (1) Except for repairs made necessary by the negligence of, or improper use of the  
 172 premises by the tenant, the landlord has a duty to do all of the following:

173 (A) Keep in a reasonable state of repair portions of the premises over  
 174 which the landlord maintains control.  
 175

176 (B) Keep in a reasonable state of repair all equipment under the landlord's  
177 control necessary to supply services that the landlord has expressly or  
178 impliedly agreed to furnish to the tenant, such as heat, water, elevator, or  
179 air conditioning.

180 (C) Make all necessary structural repairs.

181 (D) Except as provided in section 611.56-3(b)(2), repair or replace any  
182 plumbing, electrical wiring, machinery, or equipment furnished with the  
183 premises and no longer in reasonable working condition.

184 (E) Comply with any laws or rules of the Nation that are applicable to the  
185 premises.

186 (2) If the premises are part of a building where other parts are occupied by one (1)  
187 or more other tenants, negligence or improper use by one (1) tenant does not  
188 relieve the landlord from the landlord's duty to make repairs as provided  
189 in 611.56-3(a)(1), provided that the landlord may require the responsible tenant to  
190 pay for such repairs.

191 (3) A landlord shall disclose to a prospective tenant, before entering into a rental  
192 agreement with or accepting any earnest money or security deposit from the  
193 prospective tenant, any violation of either the Building Code of the Oneida Nation  
194 or the Zoning and Shoreland Protection Ordinance if all of the following apply:

195 (A) The landlord has actual knowledge of the violation;

196 (B) The violation affects the dwelling unit that is the subject of the  
197 prospective rental agreement or a common area of the premises;

198 (C) The violation presents a significant threat to the prospective tenant's  
199 health or safety; and

200 (D) The violation has not yet been corrected but the landlord shall correct  
201 the violation prior to the tenant taking occupancy of the premises.

202 (4) If the premises are damaged by fire, water or other casualty, not the result of  
203 the negligence or intentional act of the landlord, this subsection is inapplicable  
204 and either section 611.56-3(b) or (c) governs.

205 (5) The landlord is responsible for all required pest control to keep the premises in  
206 a safe and healthy condition, provided that where an infestation has occurred due  
207 to the acts or inaction of the tenant the pest control costs may be assessed against  
208 the tenant.

209 (b) *Duties of the Tenant.*

210 (1) If the premises are damaged, including by an infestation of insects or other  
211 pests, due to the acts or inaction of the tenant, the landlord may elect to allow the  
212 tenant to remediate or repair the damage and restore the appearance of the  
213 premises by redecorating. However, the landlord may elect to undertake the  
214 remediation, repair, or redecoration, and in such case the tenant shall reimburse  
215 the landlord for the reasonable cost thereof; the cost to the landlord is presumed  
216 reasonable unless proven otherwise by the tenant.

217 (2) The tenant shall keep plumbing, electrical wiring, machinery and equipment  
218 furnished with the premises in reasonable working order.

219 (3) Tenants shall comply with all laws and rules of the Nation.

220 (c) *Untenability.* If the premises become untenable because of damage by fire, water or  
221 other casualty or because of any condition hazardous to health, or if there is a substantial  
222 violation of section 611.56-3(a) materially affecting the health or safety of the tenant, the

223 tenant may move from the premises unless the landlord promptly repairs, rebuilds or  
224 eliminates the health hazard or the substantial violation of 611.56-3(a) materially  
225 affecting the health or safety of the tenant.

226 (1) The tenant may also move and terminate the rental agreement if the  
227 inconvenience to the tenant by reason of the nature and period of repair,  
228 rebuilding or elimination would impose undue hardship on the tenant.

229 (2) If the tenant remains in possession, the landlord shall decrease rent for each  
230 month to the extent the tenant is deprived of the full normal use of the premises.

231 ~~The Land Commission and the Comprehensive Housing Division shall jointly~~  
232 ~~develop rules governing how and when rent is decreased pursuant to this section.~~

233 This subsection does not authorize rent to be withheld in full, if the tenant remains  
234 in possession.

235 (3) If the tenant justifiably moves out under this subsection, the tenant is not  
236 liable for rent after the premises become untenable and the landlord shall repay  
237 any rent paid in advance apportioned to the period after the premises become  
238 untenable. This subsection is inapplicable if the damage or condition is caused by  
239 negligence or improper use by the tenant.

240 (4) If the Nation is the landlord, alternative housing shall be provided to the extent  
241 that it is reasonably available.

242 (d) *Check-in sheet.* Landlords shall provide all new tenants with a check-in sheet when  
243 the tenant commences ~~his or her~~ their occupancy of the premises that the tenant may use  
244 to make comments, if any, about the condition of the premises. The landlord shall  
245 provide the tenant with seven (7) days from the date the tenant commences ~~his or her~~  
246 their occupancy to complete the check-in sheet and return it to the landlord. The landlord  
247 is not required to provide the check-in sheet to a tenant upon renewal of a rental  
248 agreement.

249 (e) *Notice to Enter Required.* The landlord shall provide twenty-four (24) hour written  
250 notice prior to entering the tenant's premises where notice is required to either be  
251 personally served to the tenant or posted on the premises. A landlord is exempt from this  
252 notice requirement in the case of an emergency welfare check. The basis of a welfare check  
253 may include, but is not limited to the following:

254 (1) The landlord believes the tenant's or a child's wellbeing may be in jeopardy  
255 based on reports of child abuse or neglect, medical concerns, suspicious activity or  
256 other reported information;

257 (2) The landlord suspects the tenant has abandoned the premises; and/or

258 (3) The landlord receives notice that the premise's utilities have been disconnected.

259 (f) *Acts of tenant not to affect rights of landlord.* No act of a tenant in acknowledging as  
260 landlord a person other than the tenant's original landlord can prejudice the right of the  
261 original landlord to possession of the premises.

262 (g) *Annual Inspection Required.* In the event the tenant renews the rental agreement for  
263 additional terms, the landlord shall, at a minimum, inspect the premises once annually.

## 265 **611.67. Domestic Abuse Protections**

266 611.67-1. If a tenant notices the landlord of domestic abuse with of any of the following  
267 documentation, regardless of marital status, the landlord shall change the locks to the premises  
268 and, if the tenant is unmarried, allow the tenant to modify the rental agreement to remove the  
269 domestic abuser:

- 270 (a) An injunction order under Wis. Stat. 813.12(4) protecting the tenant from a co-tenant;  
 271 (b) An injunction order under Wis. Stat. 813.122 protecting a child of the household~~tenant~~  
 272 from a co-tenant;  
 273 (c) An injunction order under Wis. Stat. 813.125(4) protecting the tenant or ~~child~~ of the  
 274 household~~tenant~~ from a co-tenant, based on the co-tenant's engaging in an act that would  
 275 constitute sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under  
 276 Wis. Stat. 940.32, or attempting or threatening to do the same;  
 277 (d) A condition of release under Wis. Ch. 969 ordering the co-tenant not to contact the  
 278 tenant;  
 279 (e) A criminal complaint alleging that the co-tenant sexually assaulted the tenant or a child  
 280 of the household~~tenant~~ under Wis. Stat. 940.225, 948.02 or 948.025;  
 281 (f) A criminal complaint alleging that the co-tenant stalked the tenant or a child of the  
 282 household~~tenant~~ under Wis. Stat. 940.32; or  
 283 (g) A criminal complaint that was filed against the co-tenant as a result of the co-tenant  
 284 being arrested for committing a domestic abuse offense against the tenant under Wis. Stat.  
 285 968.075.

286 611.~~67~~-2. If a tenant is no longer eligible to maintain the rental agreement upon removing a co-  
 287 tenant domestic abuser from the rental agreement, the landlord shall permit the tenant to remain  
 288 on the premises for the longer of either the duration of the rental agreement or ninety (90) days  
 289 from the date the rental agreement is modified. If the latter applies, in addition to removing the  
 290 co-tenant that is the domestic abuser, the landlord shall also revise the rental agreement to extend  
 291 its duration.

292 611.~~67~~-3. The Eviction and Termination law provides tenants that are victims of domestic abuse  
 293 with a defense to eviction should the abusers actions be the cause for eviction.

### 295 **611.78. Sex Offender Registry**

296 611.~~78~~-1. Should a tenant request information about whether any other tenants are required to  
 297 register as a sex offender, the landlord shall provide the tenant with written notice that they ~~he or~~  
 298 ~~she~~ may obtain information about the sex offender registry and persons registered within the  
 299 registry by contacting the department of corrections. The landlord shall include in such notice the  
 300 appropriate telephone number and internet site of the department of corrections.

### 302 **611.89. Termination of Tenancy at Death of Tenant**

303 611.~~89~~-1. If a tenant dies, ~~his or her~~their tenancy is terminated as follows:

- 304 (a) If the deceased tenant was the only household member listed in the rental agreement,  
 305 immediately upon the death of the tenant;  
 306 (b) If there were additional adult household members aside from the deceased tenant listed  
 307 in the household within the rental agreement, then the later of the following, provided that  
 308 an adult household member remaining in the unit shall assume the tenancy responsibilities  
 309 under the rental agreement:  
 310 (1) Six (6) months after the landlord receives notice, is advised, or otherwise  
 311 becomes aware of the tenant's death, provided that any extension beyond the  
 312 original term of the agreement requires an amendment or limited term rental  
 313 agreement which covers the term of the extension; or  
 314 (2) The expiration of the term of the rental agreement.

315 611.9-2. The deceased tenant or ~~his or her~~their estate is not liable for any rent after the  
 316 termination of ~~his or her~~their tenancy. A landlord may not contact or communicate with a member

317 of the deceased tenant's family for the purpose of obtaining from the family member rent for which  
 318 the family member has no liability except that if adult household members remain in the rental  
 319 unit following the deceased tenant's death in accordance with section 611.89-1 or 611.89-4, an  
 320 adult household member shall assume the tenancy responsibilities pursuant to the rental agreement.  
 321 611.89-3. Nothing in this section relieves another adult tenant of the deceased tenant's premises  
 322 from any obligation under a rental agreement or any other liability to the landlord.

323 611.89-4. Where the Nation is the landlord, and if the deceased tenant is a Tribal member whose  
 324 death renders a co-tenant no longer eligible for a rental agreement based on Tribal member status,  
 325 the non-Tribal member tenant may remain in the premises as follows:

326 (a) If subject to a standard rental agreement (i.e. not on a rent-to-own basis), see section  
 327 611.89-1(b) above.

328 (b) If the rental agreement was on a rent-to-own basis, the remaining non-Tribal member  
 329 tenant may remain in the premises for a maximum of six (6) months from the date of the  
 330 Tribal member tenant's death unless the non-Tribal member tenant has a child that is a  
 331 Tribal member. In the event the original tenants have a Tribal member child, the non-  
 332 Tribal member tenant may remain in the premises under the rent-to-own agreement so long  
 333 as the non-Tribal member tenant either:

334 (1) Transfers the premises and the rent-to-own agreement to a child of one (1) or  
 335 both of the original tenants who is a Tribal member, eighteen years or older, and  
 336 agrees to live in the premises; or

337 (2) Signs an agreement indicating that the premises and the rent-to-own agreement  
 338 shall be transferred to a minor Tribal member child when the child is eighteen (18)  
 339 years old.

340 (c) Should the non-Tribal member tenant satisfy the payment requirements of the rent-to-  
 341 own agreement prior to the Tribal member child's eighteenth (18<sup>th</sup>) birthday, the rent-to-  
 342 own agreement shall be extended at no additional cost to the tenant and conveyance  
 343 postponed until the Tribal member child reaches eighteen (18) years of age and the rent-  
 344 to-own agreement is transferred to the child.

345 (d) In the event the non-Tribal member tenant either has no children living in the premises  
 346 that are Tribal members or declines to enter the agreement transferring the rent-to-own  
 347 agreement to a Tribal member child, the rent-to-own agreement shall be terminated upon  
 348 the tenant's ineligibility to remain in the rent-to-own program and a limited term rental  
 349 agreement shall be executed.

350 ~~611.9-5.~~ 611.8-5. Where a landlord is terminating a rental agreement entered on a rent-to-own  
 351 basis based on death of a Tribal member tenant, the landlord shall pay the remaining co-tenant  
 352 all equity the tenants may have accrued in accordance with the rental agreement.

353

### 354 ~~611.9-10.~~ **611.9-10. Landlord or Tenant Actions**

355 611.9-10-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions  
 356 taken pursuant to this law and/or a rental agreement.

357 611.9-10-2. No administrative hearing body, including a board, committee or commission, is  
 358 authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental  
 359 agreement.

360 611.9-10-3. Where the Nation is the landlord any complaint filed with the judiciary ~~The landlord is~~  
 361 ~~the Comprehensive Housing Division in regards to taking actions authorized under this law and~~  
 362 ~~complaints filed with the Oneida Judiciary~~ shall name the Comprehensive Housing Division and  
 363 the specific program.

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**611.10. Comprehensive Housing Division Rental Programs**

611.10-1. Available Rental Programs. Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants. The Comprehensive Housing Division shall establish rules naming said programs and providing the specific requirements and regulations that apply to each program:

- (a) Elder members of the Nation;
- (b) Low-income Oneida tribal members and families; and
- (c) Tribal members in general.

611.10-2. Minimum Rental Eligibility Requirements. In order to be eligible for a rental agreement with CHD, applicants shall meet the following conditions:

- (a) Be eighteen (18) years of age at the time of the application;
- (b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;
- (c) Meet the local governments' laws' requirements regarding residency restrictions for convicted sex offenders;
- (d) Meet the income requirements for entering the rental agreement as determined by the rental program's governing rules;
- (e) Not hold a residential lease with the Nation; and
- (f) Meet any other eligibility requirements set by the rental program's rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low-income Tribal members and families:
  - (1) May not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; but
  - (2) May contain eligibility requirements that consider debt owed to utility providers, provided that eligibility may not be denied for any debt owed to a utility provider with a past due balance of less than two hundred dollars (\$200).

*End.*

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Adopted – BC-10-12-16-C  
Emergency Amended – BC-01-25-17-C  
Emergency Extension – BC-07-26-17-I  
Amended—BC-12-13-17-D

**Title 6. Property and Land- Chapter 611**  
**LANDLORD-TENANT**  
**Tsi> Yuhw<tsyaw@ku Aolihw@ke**  
*where it bound to the earth - issues*

611.1.	Purpose and Policy	611.6.	Domestic Abuse Protections
611.2.	Adoption, Amendment, Repeal	611.7.	Sex Offender Registry
611.3.	Definitions	611.8.	Termination of Tenancy at Death of Tenant
611.4.	Rental Agreement Documents	611.9.	Landlord or Tenant Actions
611.5.	Rights and Duties of Landlords and Tenants	611.10.	Comprehensive Housing Division Rental Programs

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**611.1. Purpose and Policy**

611.1-1. *Purpose.* The purpose of this law is to provide mechanisms for protecting the rights of the landlords and tenants on all land owned by the Nation or members of the Nation within the Reservation boundaries.

611.1-2. *Policy.* It is the Nation’s policy to provide a fair process to all landlords and tenants that preserves the peace, harmony, safety, health, and general welfare of the Nation’s residents.

**611.2. Adoption, Amendment, Repeal**

611.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-C and thereafter amended by resolution BC-12-13-17-D.

611.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

611.2-3. 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.

611.2-4. 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.

611.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

**611.3. Definitions**

611.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Comprehensive Housing Division” is the division within the Oneida Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales and mortgages programs.

(b) “Landlord” means any person or entity within the Nation’s jurisdiction in their capacity to rent real property subject to a rental agreement.

(c) “Nation” means the Oneida Nation.

(d) “Premises” means the property covered by a rental agreement, including not only the real property and fixtures, but also any personal property furnished by the landlord pursuant to a rental agreement.

36 (e) “Rental Agreement” means a written contract between a landlord and a tenant, whereby  
37 the tenant is granted the right to use or occupy the premises for a residential purpose for  
38 one (1) year or less, provided that the term may be longer than one (1) year in circumstances  
39 where the contract is on a rent-to-own basis.

40 (f) “Reservation” means all property within the exterior boundaries of the reservation of  
41 the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and  
42 any lands added thereto pursuant to federal law.

43 (g) “Rule” means a set of requirements, including citation fees and penalty schedules,  
44 enacted by the Comprehensive Housing Division in accordance with the Administrative  
45 Rulemaking law based on authority delegated in this law in order to implement, interpret  
46 and/or enforce this law

47 (h) “Tenant” means the person granted the right to use or occupy a premises pursuant to a  
48 rental agreement.

49 (i) “Tribal member” means an individual who is an enrolled member of the Nation.

50 (j) “Security Deposit” means a payment made to the landlord by the tenant to ensure that  
51 rent will be paid and other responsibilities of the rental agreement performed.

#### 54 **611.4. Rental Agreement Documents**

55 611.4-1. *Severability of Rental Agreement Provisions.* The provisions of a rental agreement are  
56 severable. If any provision of a rental agreement is void or unenforceable by reason of any law,  
57 rule, regulation, or judicial order, the invalidity or unenforceability of that provision does not affect  
58 other provisions of the rental agreement that can be given effect without the invalid or  
59 unenforceable provision.

60 611.4-2. *Requirements of Rental Agreements and Terminations.* A rental agreement or  
61 termination of a rental agreement is not enforceable unless it meets the requirements of this law  
62 and is in writing.

63 (a) All rental agreements shall:

64 (1) Set forth the amount of rent or other consideration provided in exchange for the  
65 ability to use/occupy the premises;

66 (2) Set forth the required amount of security deposit and require payment of the  
67 security deposit prior to the tenant(s) taking use/occupancy of the premises, if  
68 applicable;

69 (3) Set the time of commencement and expiration of the rental agreement;

70 (4) Provide a reasonably definite description of the premises;

71 (5) If the Nation is the landlord, state that nothing in the agreement may be  
72 considered a waiver of the Nation’s sovereign immunity, provided that tenants may  
73 seek enforcement of a rental agreement or dispute an action taken pursuant to a  
74 rental agreement with the Oneida Judiciary; and

75 (6) Be signed by both the landlord and the tenant(s) prior to the tenant(s) taking  
76 use/occupancy of the premises;

77 (A) The rental agreement is not required to be signed by all adults  
78 using/occupying the premises, provided that the rights and responsibilities  
79 contained in the rental agreement do not extend to persons that are not  
80 named as tenants in the rental agreement.

81 (B) Unless legally separated, if a tenant(s) is married, the landlord shall  
82 require that each spouse sign the rental agreement.

83 (b) Any provision of a rental agreement that does any of the following is void and  
84 unenforceable.

85 (1) Allows a landlord to do or threaten to do any of the following because a tenant  
86 has contacted an entity for law enforcement services, health services or safety  
87 services:

88 (A) Increase rent;

89 (B) Decrease services;

90 (C) Bring an action for eviction unless authorized by the Eviction and  
91 Termination law; and/or

92 (D) Refuse to renew a rental agreement.

93 (2) Except as otherwise provided in this law in regard to domestic abuse, authorizes  
94 the eviction or exclusion of a tenant from the premises other than through the  
95 process described in the Eviction and Termination law.

96 (3) Requires the tenant to pay attorney's fees or costs incurred by the landlord in  
97 any legal action or dispute arising under the rental agreement except as supported  
98 by a court order.

99 (4) States that the landlord is not liable for property damage or personal injury  
100 caused by negligent acts or omissions of the landlord. This subsection does not  
101 affect ordinary maintenance obligations of a tenant under 611.5-3(b) or assumed by  
102 a tenant under a rental agreement or other written agreement between the landlord  
103 and the tenant.

104 (5) Imposes liability on the tenant for any of the following:

105 (A) Personal injury arising from causes clearly beyond the tenant's control.

106 (B) Property damage caused by natural disasters or by persons other than  
107 the tenant or the tenant's guests or invitees. This subsection does not affect  
108 ordinary maintenance obligations of a tenant under 611.5-3(b) or assumed  
109 by a tenant under a rental agreement or other written agreement between the  
110 landlord and the tenant.

111 (6) Waives any obligation on the part of the landlord to deliver the premises in a fit  
112 and habitable condition or to maintain the premises during the tenant's tenancy.

113 (7) Allows for periodic tenancy, which for the purposes of this section means when  
114 a tenant uses/occupies a premises without an effective and valid rental agreement  
115 by paying rent on a periodic basis including, but not limited to, day-to-day, week-  
116 to-week and month-to-month.

117 611.4-3. *Assignment of Rental Agreements Not Permitted.* Assignments of rental agreements  
118 are not permitted under any circumstances.

119  
120 **611.5. Rights and Duties of Landlords and Tenants**

121 611.5-1. This section governs the rights and duties of the landlord and tenant in the absence of  
122 any inconsistent provision found in a valid rental agreement.

123 611.5-2. *Disposition of Personal Property Left by the Tenant.* If the tenant moves from or is  
124 evicted from the premises and leaves personal property, the landlord may presume that the tenant  
125 has abandoned the personal property and may dispose of said property in any manner that the  
126 landlord, in their sole discretion, determines is appropriate, provided that:

127 (a) The landlord shall hold personal property for a minimum of five (5) business days and  
128 the tenant may retrieve said personal property by contacting the landlord.

129 (b) The landlord shall keep a written log of the date and the work time that the landlord or  
130 the landlord's staff expends storing and/or removing personal property and/or  
131 removing/disposing of debris left at the property after the expiration of the timeframe  
132 provided in the order to vacate.

133 (c) The Comprehensive Housing Division shall create rules further governing the  
134 disposition of personal property on Tribal land.

135 611.5-3. *Repairs; Untenability.* This section applies to all rental agreements if there is no contrary  
136 provision in writing signed by both parties.

137 (a) *Duties of the Landlord.*

138 (1) Except for repairs made necessary by the negligence of, or improper use of the  
139 premises by the tenant, the landlord has a duty to do all of the following:

140 (A) Keep in a reasonable state of repair portions of the premises over  
141 which the landlord maintains control.

142 (B) Keep in a reasonable state of repair all equipment under the landlord's  
143 control necessary to supply services that the landlord has expressly or  
144 impliedly agreed to furnish to the tenant, such as heat, water, elevator, or  
145 air conditioning.

146 (C) Make all necessary structural repairs.

147 (D) Except as provided in section 611.5-3(b)(2), repair or replace any  
148 plumbing, electrical wiring, machinery, or equipment furnished with the  
149 premises and no longer in reasonable working condition.

150 (E) Comply with any laws or rules of the Nation that are applicable to the  
151 premises.

152 (2) If the premises are part of a building where other parts are occupied by one (1)  
153 or more other tenants, negligence or improper use by one (1) tenant does not  
154 relieve the landlord from the landlord's duty to make repairs as provided in 611.5-  
155 3(a)(1), provided that the landlord may require the responsible tenant to pay for  
156 such repairs.

157 (3) A landlord shall disclose to a prospective tenant, before entering into a rental  
158 agreement with or accepting any earnest money or security deposit from the  
159 prospective tenant, any violation of either the Building Code of the Oneida Nation  
160 or the Zoning and Shoreland Protection Ordinance if all of the following apply:

161 (A) The landlord has actual knowledge of the violation;

162 (B) The violation affects the dwelling unit that is the subject of the  
163 prospective rental agreement or a common area of the premises;

164 (C) The violation presents a significant threat to the prospective tenant's  
165 health or safety; and

166 (D) The violation has not yet been corrected but the landlord shall correct  
167 the violation prior to the tenant taking occupancy of the premises.

168 (4) If the premises are damaged by fire, water or other casualty, not the result of  
169 the negligence or intentional act of the landlord, this subsection is inapplicable  
170 and either section 611.5-3(b) or (c) governs.

171 (5) The landlord is responsible for all required pest control to keep the premises in  
172 a safe and healthy condition, provided that where an infestation has occurred due  
173 to the acts or inaction of the tenant the pest control costs may be assessed against  
174 the tenant.

175 (b) *Duties of the Tenant.*

176 (1) If the premises are damaged, including by an infestation of insects or other  
177 pests, due to the acts or inaction of the tenant, the landlord may elect to allow the  
178 tenant to remediate or repair the damage and restore the appearance of the  
179 premises by redecorating. However, the landlord may elect to undertake the  
180 remediation, repair, or redecoration, and in such case the tenant shall reimburse  
181 the landlord for the reasonable cost thereof; the cost to the landlord is presumed  
182 reasonable unless proven otherwise by the tenant.

183 (2) The tenant shall keep plumbing, electrical wiring, machinery and equipment  
184 furnished with the premises in reasonable working order.

185 (3) Tenants shall comply with all laws and rules of the Nation.

186 (c) *Untenability.* If the premises become untenable because of damage by fire, water or  
187 other casualty or because of any condition hazardous to health, or if there is a substantial  
188 violation of section 611.5-3(a) materially affecting the health or safety of the tenant, the  
189 tenant may move from the premises unless the landlord promptly repairs, rebuilds or  
190 eliminates the health hazard or the substantial violation of 611.5-3(a) materially affecting  
191 the health or safety of the tenant.

192 (1) The tenant may also move and terminate the rental agreement if the  
193 inconvenience to the tenant by reason of the nature and period of repair,  
194 rebuilding or elimination would impose undue hardship on the tenant.

195 (2) If the tenant remains in possession, the landlord shall decrease rent for each  
196 month to the extent the tenant is deprived of the full normal use of the premises.  
197 This subsection does not authorize rent to be withheld in full, if the tenant remains  
198 in possession.

199 (3) If the tenant justifiably moves out under this subsection, the tenant is not  
200 liable for rent after the premises become untenable and the landlord shall repay  
201 any rent paid in advance apportioned to the period after the premises become  
202 untenable. This subsection is inapplicable if the damage or condition is caused by  
203 negligence or improper use by the tenant.

204 (4) If the Nation is the landlord, alternative housing shall be provided to the extent  
205 that it is reasonably available.

206 (d) *Check-in sheet.* Landlords shall provide all new tenants with a check-in sheet when  
207 the tenant commences their occupancy of the premises that the tenant may use to make  
208 comments, if any, about the condition of the premises. The landlord shall provide the  
209 tenant with seven (7) days from the date the tenant commences their occupancy to  
210 complete the check-in sheet and return it to the landlord. The landlord is not required to  
211 provide the check-in sheet to a tenant upon renewal of a rental agreement.

212 (e) *Notice to Enter Required.* The landlord shall provide twenty-four (24) hour written  
213 notice prior to entering the tenant's premises where notice is required to either be  
214 personally served to the tenant or posted on the premises. A landlord is exempt from this  
215 notice requirement in the case of an emergency welfare check. The basis of a welfare check  
216 may include, but is not limited to the following:

217 (1) The landlord believes the tenant's or a child's wellbeing may be in jeopardy  
218 based on reports of child abuse or neglect, medical concerns, suspicious activity or  
219 other reported information;

220 (2) The landlord suspects the tenant has abandoned the premises; and/or

221 (3) The landlord receives notice that the premise's utilities have been disconnected.

222 (f) *Acts of tenant not to affect rights of landlord.* No act of a tenant in acknowledging as  
223 landlord a person other than the tenant's original landlord can prejudice the right of the  
224 original landlord to possession of the premises.

225 (g) *Annual Inspection Required.* In the event the tenant renews the rental agreement for  
226 additional terms, the landlord shall, at a minimum, inspect the premises once annually.  
227

#### 228 **611.6. Domestic Abuse Protections**

229 611.6-1. If a tenant notices the landlord of domestic abuse with of any of the following  
230 documentation, regardless of marital status, the landlord shall change the locks to the premises  
231 and, if the tenant is unmarried, allow the tenant to modify the rental agreement to remove the  
232 domestic abuser:

233 (a) An injunction order under Wis. Stat. 813.12(4) protecting the tenant from a co-tenant;

234 (b) An injunction order under Wis. Stat. 813.122 protecting a child of the household from  
235 a co-tenant;

236 (c) An injunction order under Wis. Stat. 813.125(4) protecting the tenant or child of the  
237 household from a co-tenant, based on the co-tenant's engaging in an act that would  
238 constitute sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under  
239 Wis. Stat. 940.32, or attempting or threatening to do the same;

240 (d) A condition of release under Wis. Ch. 969 ordering the co-tenant not to contact the  
241 tenant;

242 (e) A criminal complaint alleging that the co-tenant sexually assaulted the tenant or a child  
243 of the household under Wis. Stat. 940.225, 948.02 or 948.025;

244 (f) A criminal complaint alleging that the co-tenant stalked the tenant or a child of the  
245 household under Wis. Stat. 940.32; or

246 (g) A criminal complaint that was filed against the co-tenant as a result of the co-tenant  
247 being arrested for committing a domestic abuse offense against the tenant under Wis. Stat.  
248 968.075.

249 611.6-2. If a tenant is no longer eligible to maintain the rental agreement upon removing a co-  
250 tenant domestic abuser from the rental agreement, the landlord shall permit the tenant to remain  
251 on the premises for the longer of either the duration of the rental agreement or ninety (90) days  
252 from the date the rental agreement is modified. If the latter applies, in addition to removing the  
253 co-tenant that is the domestic abuser, the landlord shall also revise the rental agreement to extend  
254 its duration.

255 611.6-3. The Eviction and Termination law provides tenants that are victims of domestic abuse  
256 with a defense to eviction should the abusers actions be the cause for eviction.  
257

#### 258 **611.7. Sex Offender Registry**

259 611.7-1. Should a tenant request information about whether any other tenants are required to  
260 register as a sex offender, the landlord shall provide the tenant with written notice that they may  
261 obtain information about the sex offender registry and persons registered within the registry by  
262 contacting the department of corrections. The landlord shall include in such notice the appropriate  
263 telephone number and internet site of the department of corrections.  
264

#### 265 **611.8. Termination of Tenancy at Death of Tenant**

266 611.8-1. If a tenant dies, their tenancy is terminated as follows:

267 (a) If the deceased tenant was the only household member listed in the rental agreement,  
268 immediately upon the death of the tenant;

269 (b) If there were additional adult household members aside from the deceased tenant listed  
270 in the household within the rental agreement, then the later of the following, provided that  
271 an adult household member remaining in the unit shall assume the tenancy responsibilities  
272 under the rental agreement:

273 (1) Six (6) months after the landlord receives notice, is advised, or otherwise  
274 becomes aware of the tenant's death, provided that any extension beyond the  
275 original term of the agreement requires an amendment or limited term rental  
276 agreement which covers the term of the extension; or

277 (2) The expiration of the term of the rental agreement.

278 611.9-2. The deceased tenant or their estate is not liable for any rent after the termination of their  
279 tenancy. A landlord may not contact or communicate with a member of the deceased tenant's  
280 family for the purpose of obtaining from the family member rent for which the family member has  
281 no liability except that if adult household members remain in the rental unit following the deceased  
282 tenant's death in accordance with section 611.8-1 or 611.8-4, an adult household member shall  
283 assume the tenancy responsibilities pursuant to the rental agreement.

284 611.8-3. Nothing in this section relieves another adult tenant of the deceased tenant's premises  
285 from any obligation under a rental agreement or any other liability to the landlord.

286 611.8-4. Where the Nation is the landlord, and if the deceased tenant is a Tribal member whose  
287 death renders a co-tenant no longer eligible for a rental agreement based on Tribal member status,  
288 the non-Tribal member tenant may remain in the premises as follows:

289 (a) If subject to a standard rental agreement (i.e. not on a rent-to-own basis), see section  
290 611.8-1(b) above.

291 (b) If the rental agreement was on a rent-to-own basis, the remaining non-Tribal member  
292 tenant may remain in the premises for a maximum of six (6) months from the date of the  
293 Tribal member tenant's death unless the non-Tribal member tenant has a child that is a  
294 Tribal member. In the event the original tenants have a Tribal member child, the non-  
295 Tribal member tenant may remain in the premises under the rent-to-own agreement so long  
296 as the non-Tribal member tenant either:

297 (1) Transfers the premises and the rent-to-own agreement to a child of one (1) or  
298 both of the original tenants who is a Tribal member, eighteen years or older, and  
299 agrees to live in the premises; or

300 (2) Signs an agreement indicating that the premises and the rent-to-own agreement  
301 shall be transferred to a minor Tribal member child when the child is eighteen (18)  
302 years old.

303 (c) Should the non-Tribal member tenant satisfy the payment requirements of the rent-to-  
304 own agreement prior to the Tribal member child's eighteenth (18<sup>th</sup>) birthday, the rent-to-  
305 own agreement shall be extended at no additional cost to the tenant and conveyance  
306 postponed until the Tribal member child reaches eighteen (18) years of age and the rent-  
307 to-own agreement is transferred to the child.

308 (d) In the event the non-Tribal member tenant either has no children living in the premises  
309 that are Tribal members or declines to enter the agreement transferring the rent-to-own  
310 agreement to a Tribal member child, the rent-to-own agreement shall be terminated upon  
311 the tenant's ineligibility to remain in the rent-to-own program and a limited term rental  
312 agreement shall be executed.

313 611.8-5. Where a landlord is terminating a rental agreement entered on a rent-to-own basis  
314 based on death of a Tribal member tenant, the landlord shall pay the remaining co-tenant all  
315 equity the tenants may have accrued in accordance with the rental agreement.

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**611.9. Landlord or Tenant Actions**

611.9-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law and/or a rental agreement.

611.9-2. No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental agreement.

611.9-3. Where the Nation is the landlord, any complaint filed with the judiciary shall name the Comprehensive Housing Division and the specific program.

**611.10. Comprehensive Housing Division Rental Programs**

611.10-1. *Available Rental Programs.* Consistent with available funds, the Comprehensive Housing Division shall provide residential rental programs for providing housing to the following types of tenants. The Comprehensive Housing Division shall establish rules naming said programs and providing the specific requirements and regulations that apply to each program:

- (a) Elder members of the Nation;
- (b) Low-income Oneida tribal members and families; and
- (c) Tribal members in general.

611.10-2. *Minimum Rental Eligibility Requirements.* In order to be eligible for a rental agreement with CHD, applicants shall meet the following conditions:

- (a) Be eighteen (18) years of age at the time of the application;
- (b) Have no felony or drug convictions within the past two (2) years from the date of application, provided that a pardon or forgiveness received pursuant to the Pardon and Forgiveness law may provide an exception to this condition;
- (c) Meet the local governments' laws' requirements regarding residency restrictions for convicted sex offenders;
- (d) Meet the income requirements for entering the rental agreement as determined by the rental program's governing rules;
- (e) Not hold a residential lease with the Nation; and
- (f) Meet any other eligibility requirements set by the rental program's rules, which may not be less strict than this law, but may be stricter than this law, provided that rules developed for low-income Tribal members and families:
  - (1) May not contain eligibility requirements that consider debt owed or evictions from entities other than the Comprehensive Housing Division; but
  - (2) May contain eligibility requirements that consider debt owed to utility providers, provided that eligibility may not be denied for any debt owed to a utility provider with a past due balance of less than two hundred dollars (\$200).

*End.*

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Adopted – BC-10-12-16-C  
Emergency Amended – BC-01-25-17-C  
Emergency Extension – BC-07-26-17-I  
Amended—BC-12-13-17-D

# September 2024

September 2024

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October 2024

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Sep 2	3	4 8:30am LOC Prep Meeting (Microsoft) 9:00am Legislative Operating Committee 1:30pm LOC Work Session (Microsoft) 5:30pm LOC Community Meeting: Limited	5	6
9 2:00pm Recycling and Solid Waste - work meeting, LOC only (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Carolyn A. Salutz	10 2:00pm Higher Education Mapping Session (BC_Exec_Conf_Room) - Grace L. Elliott	11	12 1:00pm Draft Probate law (Microsoft Teams Meeting; LBD_ConferenceRoom) - Grace L. Elliott	13 12:15pm PUBLIC MEETING: Investigative Leave Policy Amendments 12:15pm PUBLIC MEETING: Investigative Leave Policy Amendments
16	17	18 8:30am LOC Prep Meeting (Microsoft Teams Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm LOC Work Session	19 1:30pm Tax Discussion (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Grace L. Elliott	20
23	24	25	26 10:00am LOC Work Session (Microsoft Teams Meeting; BC_Exec_Conf_Room) - 1:00pm Two-spirit Inclusion law - focus group (Microsoft Teams Meeting;	27 1:00pm Furlough Law (and Layoff Policy) - work meeting (Microsoft Teams Meeting; BC_Conf_Room) - Carolyn A. Salutz
30	Oct 1	2	3	4