



## LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA REVISED

Business Committee Conference Room - 2nd Floor Norbert Hill Center

June 18, 2025

9:00 a.m.

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

### **II. Minutes to be Approved**

1. May 21, 2025 LOC Meeting Minutes (pg. 2)

### **III. Current Business**

1. Landlord Tenants Law Amendments (pg. 4)
2. Election Law Emergency Amendments (pg. 40)
3. Hunting, Fishing, and Trapping Law Amendments (pg. 80)
4. Petition: S. Benton – Personnel Policies and Procedures Amendments #2025-01 (pg. 124)
5. Petition: S. Benton – Trial Court Rules Amendments #2025-02 (HANDOUT)

### **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  
May 21, 2025  
9:00 a.m.

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

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

**Others Present on Microsoft Teams:** David P. Jordan, Rae Skenandore, Eric Boulanger, Katsitsiyo Danforth, Kristal Hill, Fawn Cottrell, Ralinda Ninham-Lamberies, Kaylynn Gresham, Fawn Billie, Shannon Stone, Nicole Rommel, Heidi Janowski, Melissa Alvarado, Tavia James-Charles, Mark Powless, Taryn Webster, Leslie Lamberies, Daniel Habeck, Peggy Helm-Quest, Jason Martinez, Diana Taubel, Peggy Van Gheem, Candace House, Ronald Vanschyndel

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

Jameson Wilson called the May 21, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda with one addition: V.1 Rescheduled Summer LOC Community Meeting Notice; seconded by Jonas Hill. Motion carried unanimously.

**II. Minutes to be Approved**

**1. May 7, 2025 LOC Meeting Minutes**

Motion by Jennifer Webster to approve the May 7, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Marlon Skenandore. Motion carried unanimously.

**III. Current Business**

**1. Hunting, Fishing, and Trapping Law Amendments**

Motion by Jennifer Webster to approve the updated draft and legislative analysis; seconded by Jonas Hill. Motion carried unanimously.

**2. Landlord Tenant Law Amendments**

Motion by Kirby Metoxen to approve the updated public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Landlord Tenant law; seconded by Jennifer Webster. Motion carried unanimously.



Motion by Jennifer Webster 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 June 6, 2025; seconded by Marlon Skenandore. Motion carried unanimously.

### **3. Workplace Violence Law Amendments**

Motion by Jennifer Webster to accept the updated draft and legislative analysis and defer to a work meeting to address the potential conflict before a public meeting is held; seconded by Kirby Metoxen. Motion carried unanimously.

## **IV. New Submissions**

### **1. Election Law Emergency Amendments**

Motion by Jennifer Webster to approve the request to process emergency amendments to the Election Law, noting Election Law Amendments are already on the Active Files List; seconded by Jonas Hill. Motion carried unanimously.

## **V. Additions**

### **1. Rescheduled Summer LOC Community Meeting Notice**

Motion by Jennifer Webster to approve the updated LOC Summer Community Meeting Notice and reschedule the Summer LOC Community Meeting to be held on June 18, 2025; seconded by Jonas Hill. Motion carried unanimously.

## **VI. Administrative Updates**

## **VII. Executive Session**

## **VIII. Adjourn**

Motion by Jonas Hill to adjourn at 9:41 a.m.; seconded by Marlon Skenandore. Motion carried unanimously.



Legislative Operating Committee  
June 18, 2025

# Landlord-Tenant Law Amendments

|                                 |  |
|---------------------------------|--|
| <b>Submission Date:</b> 2/21/24 | <b>Public Meeting:</b> 3/14/25                       |
| <b>LOC Sponsor:</b> Jonas Hill  | <b>Emergency Enacted:</b> n/a<br><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.
- 12/18/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Kristal Hill, Fawn Billie, Fawn Cottrell, Maureen Perkins, Grace Elliott. The purpose of this meeting was to review inconsistencies in the law that were identified in the legislative analysis and gather direction on next steps.
- 2/5/25 LOC:** Motion by Jonas Hill to accept the Landlord Tenant law Amendments Legislative Analysis and approve the public meeting packet for amendments to the Landlord Tenant law and forward to a public meeting to be held on March 14, 2025; seconded by Jennifer Webster. Motion carried unanimously.
- 3/14/25:** *Public Meeting Held.* Present: Marlon Skenandore, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Jason King, Katsitsiyo Danforth, Kimberly Skenandore Goodrich, Kristal Hill, Hon. Patricia Hoeft, Shannon Stone, Stephanie Smith, Brittany Smith, Sky Gonzalez, Mary Ann Peters. No individuals provided oral comments during this public meeting.
- 3/21/25:** *Public Comment Period Closed.* One (1) person provided written comments during this public comment period.
- 5/7/25 LOC:** Motion by Jennifer Webster to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.
- 5/7/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Carolyn Salutz, Grace Elliott, Fawn Billie, Fawn Cottrell, Fawn Billie. The purpose of this meeting was for the LOC to fully consider the comments received on the proposed Landlord Tenant law amendments.
- 5/21/25 LOC:** Motion by Kirby Metoxen to approve the updated public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Landlord Tenant law; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster 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 June 6, 2025; seconded by Marlon Skenandore. Motion carried unanimously

### **Next Steps:**

- Approve the adoption packet for the proposed amendments to the Landlord Tenant Law and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee  
FROM: Jameson Wilson, LOC Chairperson  
DATE: June 25, 2025  
RE: Adoption of Amendments to the Landlord Tenant Law

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Please find the following attached backup documentation for your consideration of the adoption of amendments to the Landlord Tenant Law:

1. Resolution: Amendments to the Landlord Tenant Law
2. Statement of Effect: Amendments to the Landlord Tenant Law
3. Landlord Tenant Law Amendments Legislative Analysis
4. Landlord Tenant Law Amendments Draft (Redline)
5. Landlord Tenant Law Amendments Draft (Clean)
6. Landlord Tenant Law Amendments Fiscal Impact Statement

### Overview

The purpose of the Landlord Tenant 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. [6 O.C. 611.1-1]. Amendments to the Landlord Tenant Law are being sought to:

- Expand the scope of the law to include all land owned by the Nation or members of the Nation within the Reservation boundaries instead of only to the Nation's rental programs. [6 O.C. 611.1-1].
- Expand the Nation's policy of providing a fair process to landlords and tenants of the Nation's rental programs to include all residents of the Nation. [6 O.C. 611.1-2].
- Expand the definition of landlord to include any person or entity within the Nation's jurisdiction, instead of limiting it to the Nation acting in its capacity as the landlord. [6 O.C. 611.3-1(b)].
- Redefine "rule" to grant rulemaking authority solely to the Comprehensive Housing Division instead of jointly to the Land Commission and the Comprehensive Housing Division. [6 O.C. 611.3-1(g)]. The Land Commission's rulemaking authorities are eliminated as follows:
  - Naming programs and providing specific requirements and regulations that apply to said programs. [6 O.C. 611.10-1]
  - Disposition of personal property on Tribal land. [6 O.C. 611.5-2(c)].
  - How and when rent shall be decreased due to untenability. [6 O.C. 611.5-3(c)(2)].
  - Governing the selection of applicants for the issuance of rental agreements. [current 6 O.C. 611.4-3].
- Remove rulemaking authority over applicant selection for the issuance of rental agreements from both the Land Commission and the Comprehensive Housing Division. current 6 O.C. 611.4-3].

- Organize the law to flow from general to specific in accordance with the Legislative Procedures Act. [1 O.C. 109.11-1(d)]. The Rental Program section is limited to rental programs managed by the Comprehensive Housing Division, these programs now occupy a subset of landlord tenant relationships under the proposed amendments expanded scope of landlord tenant relationships. [6 O.C. 611.1-1]. Therefore, the Rental Program section is moved from the beginning of the law to the end. [current 6 O.C. 611.4]. [proposed 6 O.C. 611.10].
- Clarify that rental agreements shall state that nothing in the agreement may be considered a waiver of the Nation’s sovereign immunity when the Nation is acting in its capacity as a landlord. [6 O.C. 611.4-2(a)(5)].
- Clarify that all landlords or their staff must keep a written log of the date and the work time expended storing and/or removing personal property and/or removing debris left at the property after the expiration of the timeframe provided in the order to vacate. [6 O.C. 611.5-2(b)].
- Remove language applying any section of this law to leases. [6 O.C. 611.5-3].
- Clarify that a landlord may bring an action for eviction when it is authorized by the Eviction and Termination law based on contacts with an entity for law enforcement services, health services, or safety services. [6 O.C. 611.4-(b)(1)(C)].
- Provide that when the Nation is the landlord, and a property has become untenable due to damage by fire, water or other casualty, or because of any condition hazardous to health, or if there is a substantial violation of 611.5-3(a) materially affecting the health and safety of the tenant, alternative housing shall be provided if it is reasonably available. [6 O.C. 611.5-3(c)(4)].
- Expand protections provided to a child of a tenant to a child of the household when the landlord is presented with documentation of any of the following:
  - An injunction order under Wis. Stat. 813.122 protecting a child from a co-tenant;
  - An injunction order or criminal complaint filed under Wis. Stat. 813.125(4) protecting a child from a co-tenant, based on the co-tenant’s engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 and 948.025;
  - A criminal complaint filed under Wis. Stat. 940.32 alleging the co-tenant stalked the child. [6 O.C. 611.6-1(b), (c), (e), and (f)].
- Make other minor drafting changes throughout the Law.

The Legislative Operating Committee developed the proposed amendments to the Landlord Tenant Law through collaboration with representatives from the Comprehensive Housing Division, Oneida Law Office, Land Management, and General Manager. The Legislative Operating Committee held seven (7) work meetings on the development of the amendments to the Landlord Tenant Law.

The development of the amendments to the Landlord Tenant 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 Landlord Tenant Law on March 14, 2025. No individuals provided public comments during this public meeting. The public comment period was then held open until March 21, 2025. One (1) individual provided written comments during the public comment period.

The amendments to the Landlord Tenant Law will become effective immediately, June 25, 2025.

**Requested Action**

Adopt the Resolution: Amendments to the Landlord Tenant Law.



# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # Amendments to the Landlord Tenant Law

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- 4 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe  
5 recognized by the laws of the United States of America; and  
6
- 7 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and  
8
- 9 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,  
10 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and  
11
- 12 **WHEREAS,** the Landlord Tenant Law (“the Law”) was adopted by the Oneida Business Committee  
13 through resolution BC-10-12-16-C, and amended by resolution BC-12-13-17-D; and  
14
- 15 **WHEREAS,** the purpose of this Law is to provide mechanisms for protecting the rights of the landlords  
16 and tenants on all land owned by the Nation or members of the Nation within the  
17 Reservation boundaries; and  
18
- 19 **WHEREAS,** the amendments to the Law expand the scope of the law to include all land owned by the  
20 Nation or members of the Nation within the Reservation boundaries instead of only to the  
21 Nation’s rental programs; and  
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- 23 **WHEREAS,** the amendments to the Law expand the Nation’s policy of providing a fair process to  
24 landlords and tenants of the Nation’s rental programs to include all residents of the Nation;  
25 and  
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- 27 **WHEREAS,** the amendments to the Law expand the definition of landlord to include any person or  
28 entity within the Nation’s jurisdiction, instead of limiting it to the Nation acting in its  
29 capacity as the landlord; and  
30
- 31 **WHEREAS,** the amendments to the Law redefine “rule” to grant rulemaking authority solely to the  
32 Comprehensive Housing Division instead of jointly to the Land Commission and the  
33 Comprehensive Housing Division; and  
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- 35 **WHEREAS,** the amendments to the Law remove rulemaking authority over applicant selection for the  
36 issuance of rental agreements from both the Land Commission and the Comprehensive  
37 Housing Division; and  
38
- 39 **WHEREAS,** the amendments to the Law organize the law to flow from general to specific in  
40 accordance with the Legislative Procedures Act; and  
41
- 42 **WHEREAS,** the amendments to the Law clarify that rental agreements shall state that nothing in the  
43 agreement may be considered a waiver of the Nation’s sovereign immunity when the  
44 Nation is acting in its capacity as a landlord; and  
45
- 46 **WHEREAS,** the amendments to the Law clarify that all landlords or their staff must keep a written log  
47 of the date and the work time expended storing and/or removing personal property and/or

- 48 removing debris left at the property after the expiration of the timeframe provided in the  
49 order to vacate; and  
50
- 51 **WHEREAS,** the amendments to the Law remove language applying any section of this law to leases;  
52 and  
53
- 54 **WHEREAS,** the amendments to the Law clarify that a landlord may bring an action for eviction when it  
55 is authorized by the Eviction and Termination law based on contacts with an entity for law  
56 enforcement services, health services, or safety; and  
57
- 58 **WHEREAS,** the amendments to the Law provide that when the Nation is the landlord, and a property  
59 has become untenable due to damage by fire, water or other casualty, or because of any  
60 condition hazardous to health, or if there is a substantial violation of 611.5-3(a) materially  
61 affecting the health and safety of the tenant, alternative housing shall be provided if it is  
62 reasonably available; and  
63
- 64 **WHEREAS,** the amendments to the Law Expand protections provided to a child of a tenant to a child  
65 of the household when the landlord is presented with documentation of any of the  
66 following:  
67
  - 68 • An injunction order under Wis. Stat. 813.122 protecting a child from a co-tenant;
  - 69 • An injunction order or criminal complaint filed under Wis. Stat. 813.125(4) protecting  
70 a child from a co-tenant, based on the co-tenant's engaging in an act that would  
71 constitute sexual assault under Wis. Stat. 940.225, 948.02 and 948.025;
  - 72 • A criminal complaint filed under Wis. Stat. 940.32 alleging the co-tenant stalked the  
child. [6 O.C. 611.6-1(b), (c), (e), and (f)]; and
- 73 **WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law  
74 through collaboration with representatives from the Comprehensive Housing Division,  
75 Land Management, Oneida Law Office, General Manager; and  
76
- 77 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact  
78 statement were completed for the proposed amendments to the Law; and  
79
- 80 **WHEREAS,** the Legislative Operating Committee held a public meeting on the proposed amendments  
81 to the Law on March 14, 2025, with no individuals providing oral comments, and the  
82 public comment period for the amendments to this Law was held open until March 21,  
83 2025, with one (1) individual providing written comments; and  
84
- 85 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments  
86 to the Landlord Tenant Law, now known as the Landlord Tenant Law, which shall become effective on  
87 June 25, 2025.  
88  
89  
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## Statement of Effect

### *Amendments to the Landlord Tenant Law*

### Summary

This resolution adopts amendments to the Landlord Tenant Law.

*Submitted by: Grace L. Elliott, Staff Attorney, Legislative Reference Office*

*Date: June 18, 2025*

### *Analysis by the Legislative Reference Office*

This resolution adopts amendments to the Landlord Tenant Law. The purpose of the Landlord Tenant 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. [6 O.C. 611.1-1]. Amendments to the Landlord Tenant Law are being sought to:

- Expand the scope of the law to include all land owned by the Nation or members of the Nation within the Reservation boundaries instead of only to the Nation’s rental programs. [6 O.C. 611.1-1].
- Expand the Nation’s policy of providing a fair process to landlords and tenants of the Nation’s rental programs to include all residents of the Nation. [6 O.C. 611.1-2].
- Expand the definition of landlord to include any person or entity within the Nation’s jurisdiction, instead of limiting it to the Nation acting in its capacity as the landlord. [6 O.C. 611.3-1(b)].
- Redefine “rule” to grant rulemaking authority solely to the Comprehensive Housing Division instead of jointly to the Land Commission and the Comprehensive Housing Division. [6 O.C. 611.3-1(g)]. The Land Commission’s rulemaking authorities are eliminated as follows:
  - Naming programs and providing specific requirements and regulations that apply to said programs. [6 O.C. 611.10-1]
  - Disposition of personal property on Tribal land. [6 O.C. 611.5-2(c)].
  - How and when rent shall be decreased due to untenability. [6 O.C. 611.5-3(c)(2)].
  - Governing the selection of applicants for the issuance of rental agreements. [current 6 O.C. 611.4-3].
- Remove rulemaking authority over applicant selection for the issuance of rental agreements from both the Land Commission and the Comprehensive Housing Division. current 6 O.C. 611.4-3].
- Organize the law to flow from general to specific in accordance with the Legislative Procedures Act. [1 O.C. 109.11-1(d)]. The Rental Program section is limited to rental programs managed by the Comprehensive Housing Division, these programs now occupy a subset of landlord tenant relationships under the proposed amendments expanded scope of landlord tenant relationships. [6 O.C. 611.1-1]. Therefore, the Rental Program section is moved from the beginning of the law to the end. [current 6 O.C. 611.4]. [proposed 6 O.C. 611.10].

- Clarify that rental agreements shall state that nothing in the agreement may be considered a waiver of the Nation’s sovereign immunity when the Nation is acting in its capacity as a landlord. *[6 O.C. 611.4-2(a)(5)]*.
- Clarify that all landlords or their staff must keep a written log of the date and the work time expended storing and/or removing personal property and/or removing debris left at the property after the expiration of the timeframe provided in the order to vacate. *[6 O.C. 611.5-2(b)]*.
- Remove language applying any section of this law to leases. *[6 O.C. 611.5-3]*.
- Clarify that a landlord may bring an action for eviction when it is authorized by the Eviction and Termination law based on contacts with an entity for law enforcement services, health services, or safety services. *[6 O.C. 611.4-(b)(1)(C)]*.
- Provide that when the Nation is the landlord, and a property has become untenable due to damage by fire, water or other casualty, or because of any condition hazardous to health, or if there is a substantial violation of 611.5-3(a) materially affecting the health and safety of the tenant, alternative housing shall be provided if it is reasonably available. *[6 O.C. 611.5-3(c)(4)]*.
- Expand protections provided to a child of a tenant to a child of the household when the landlord is presented with documentation of any of the following:
  - An injunction order under Wis. Stat. 813.122 protecting a child from a co-tenant;
  - An injunction order or criminal complaint filed under Wis. Stat. 813.125(4) protecting a child from a co-tenant, based on the co-tenant’s engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 and 948.025;
  - A criminal complaint filed under Wis. Stat. 940.32 alleging the co-tenant stalked the child. *[6 O.C. 611.6-1(b), (c), (e), and (f)]*.

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 Landlord Tenant 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 Landlord Tenant Law on March 14, 2025. No individuals provided public comments during this public meeting. The public comment period was then held open until March 21, 2025. One (1) individual provided written comments during this public comment period.

The amendments to the Landlord Tenant Law will become effective immediately on June 25, 2025.

### **Conclusion**

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



## LANDLORD TENANT LAW AMENDMENTS LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

| <i>Analysis by the Legislative Reference Office</i> |   |
|---|---|
| <b>Intent of the Legislation or Amendments</b>      | <ul style="list-style-type: none"><li>▪ Expand the scope of the law to include all land owned by the Nation or members of the Nation within the Reservation boundaries instead of only to the Nation’s rental programs. [6 O.C. 611.1-1].</li><li>▪ Expand the Nation’s policy of providing a fair process to landlords and tenants of the Nation’s rental programs to include all residents of the Nation. [6 O.C. 611.1-2].</li><li>▪ Expand the definition of landlord to include any person or entity within the Nation’s jurisdiction, instead of limiting it to the Nation acting in its capacity as the landlord. [6 O.C. 611.3-1(b)].</li><li>▪ Redefine “rule” to grant rulemaking authority solely to the Comprehensive Housing Division instead of jointly to the Land Commission and the Comprehensive Housing Division. [6 O.C. 611.3-1(g)]. The Land Commission’s rulemaking authorities are eliminated as follows:<ul style="list-style-type: none"><li>• Naming programs and providing specific requirements and regulations that apply to said programs. [6 O.C. 611.10-1]</li><li>• Disposition of personal property on Tribal land. [6 O.C. 611.5-2(c)].</li><li>• How and when rent shall be decreased due to untenability. [6 O.C. 611.5-3(c)(2)].</li><li>• Governing the selection of applicants for the issuance of rental agreements. [current 6 O.C. 611.4-3].</li></ul></li><li>▪ Remove rulemaking authority over applicant selection for the issuance of rental agreements from both the Land Commission and the Comprehensive Housing Division. [current 6 O.C. 611.4-3].</li><li>▪ Organize the law to flow from general to specific in accordance with the Legislative Procedures Act. [1 O.C. 109.11-1(d)]. The Rental Program section is limited to rental programs managed by the Comprehensive Housing Division, these programs now occupy a subset of landlord tenant relationships under the proposed amendments expanded scope of landlord tenant relationships. [6 O.C. 611.1-1]. Therefore, the Rental Program section is moved from the beginning of the law to the end. [current 6 O.C. 611.4]. [proposed 6 O.C. 611.10].</li><li>▪ Clarify that rental agreements shall state that nothing in the agreement may be considered a waiver of the Nation’s sovereign immunity when the Nation is acting in its capacity as a landlord. [6 O.C. 611.4-2(a)(5)].</li><li>▪ Clarify that all landlords or their staff must keep a written log of the date and the work time expended storing and/or removing personal property and/or removing debris left at the property after the expiration of the timeframe provided in the order to vacate. [6 O.C. 611.5-2(b)].</li></ul> |

|                            |   |
|----------------------------|---|
|                            | <ul style="list-style-type: none"> <li>▪ Remove language applying any section of this law to leases. [6 O.C. 611.5-3].</li> <li>▪ Clarify that a landlord may bring an action for eviction when it is authorized by the Eviction and Termination law based on contacts with an entity for law enforcement services, health services, or safety services. [6 O.C. 611.4-(b)(1)(C)].</li> <li>▪ Provide that when the Nation is the landlord, and a property has become untenable due to damage by fire, water or other casualty, or because of any condition hazardous to health, or if there is a substantial violation of 611.5-3(a) materially affecting the health and safety of the tenant, alternative housing shall be provided if it is reasonably available. [6 O.C. 611.5-3(c)(4)].</li> <li>▪ Expand protections provided to a child of a tenant to a child of the household when the landlord is presented with documentation of any of the following:           <ul style="list-style-type: none"> <li>• An injunction order under Wis. Stat. 813.122 protecting a child from a co-tenant;</li> <li>• An injunction order or criminal complaint filed under Wis. Stat. 813.125(4) protecting a child from a co-tenant, based on the co-tenant’s engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 and 948.025;</li> <li>• A criminal complaint filed under Wis. Stat. 940.32 alleging the co-tenant stalked the child. [6 O.C. 611.6-1(b), (c), (e), and (f)].</li> </ul> </li> <li>▪ Make other minor drafting changes throughout the Law.</li> </ul> |
| <b>Purpose</b>             | 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. [6 O.C. 611.1-1].   |
| <b>Affected Entities</b>   | The Comprehensive Housing Division, Land Commission, Oneida Tribal members, their spouses and occupants who rent and occupy premises under this law, and all landlords leasing land from the Nation and their tenants.  |
| <b>Related Legislation</b> | Administrative Rulemaking law, Building Code, Leasing law, Eviction and Termination law, Judiciary law, Oneida Judiciary Rules of Civil Procedure, Pardon and Forgiveness law, Real Property law and Zoning and Shoreline Protection Ordinance.   |
| <b>Enforcement</b>         | The Landlord-Tenant law delegates authority to the CHD to develop rules, pursuant to the Administrative Rulemaking law, as well as citation fees and penalty schedules, for the implementation, interpretation and/or enforcement of the law. [6 O.C. 611.3-1(g)]. No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken under the law and/or rental agreement; [6 O.C. 611.9-2]. Where the Nation is the landlord, any complaint filed with the judiciary shall name the Comprehensive Housing Division and the specific program. [6 O.C. 611.9-3].  |
| <b>Due Process</b>         | A pardon or forgiveness received pursuant to the Pardon and forgiveness law may provide an exception to the condition that a rental program applicant must have no felony or drug convictions within the past two (2) years from the date of application. [6 O.C. 611.10-2(b)]. The Oneida Judiciary is granted jurisdiction to hear complaints filed under the law and/or a rental agreement. [6 O.C. 611.9-1].  |
| <b>Public Meeting</b>      | A public meeting was held on March 14, 2025. The public comment period was then held open until March 21, 2025.   |

**Fiscal Impact**

A fiscal impact statement was provided by the Finance Department on June 2, 2025.

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

- 2 A. **Background.** The Landlord Tenant law was originally adopted by the Oneida Business Committee by  
3 motion on October 12, 2016, and then through resolutions BC-10-12-16-C, and BC-12-13-17-D. The  
4 Landlord Tenant law provides mechanisms for protecting the rights of landlords and tenants on all lands  
5 owned by the Nation or members of the Nation within the Reservation boundaries. [6 O.C. 611.1-1].  
6 B. **Request for Amendments.** This item was added to the Active Files List on February 21, 2024, at the  
7 request of the Oneida Law Office for the purpose of making the Landlord Tenant law generally  
8 applicable to all landlords, not just the Nation as landlord, and assert the Nation’s jurisdiction within  
9 the Reservation boundaries. The sponsor of the Landlord Tenant law amendments is Councilman Jonas  
10 Hill.  
11

12 **SECTION 3. CONSULTATION AND OUTREACH**

- 13 ■ Representatives from the following departments or entities participated in the development of the  
14 amendments to this Law and legislative analysis:  
15 ■ Comprehensive Housing Division (CHD);  
16 ■ Oneida Law Office;  
17 ■ Land Management; and  
18 ■ General Manager.  
19 ● The following laws of the Nation were reviewed in the drafting of this analysis:  
20 ■ Eviction and Termination law;  
21 ■ Real Property law;  
22 ■ Leasing law;  
23 ■ Administrative Rulemaking law;  
24 ■ Pardon and Forgiveness law;  
25 ■ Building Code;  
26 ■ Zoning and Shoreline Protection Ordinance;  
27 ■ Judiciary law; and  
28 ■ Oneida Judiciary Rules of Civil Procedure.  
29

30 **SECTION 4. PROCESS**

- 31 A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.  
32 ■ On February 21, 2024, the Legislative Operating Committee added this Law to its Active Files  
33 List for amendments.  
34 ■ On September 18, 2024, the Legislative Operating Committee approved the draft of the  
35 Landlord Tenant law amendments and directed that a legislative analysis be developed.  
36 ■ On February 5, 2025, the Legislative Operating Committee accepted the Landlord Tenant law  
37 amendments Legislative Analysis and approved the public meeting packet for amendments to  
38 the Landlord Tenant law.

- 39           ▪ On March 14, 2025, the Legislative Operating Committee held a Public Comment Meeting. No  
40 individuals provided oral comments during the public meeting.
- 41           ▪ The public comment period was then held open until March 21, 2025. One (1) person provided  
42 written comments.
- 43           ▪ On May 7, 2025, the Legislative Operating Committee accepted the public comments and the  
44 public comment review memorandum and deferred these items to a work meeting for further  
45 consideration. The Legislative Operating Committee then reviewed and considered those  
46 comments that same day.
- 47           ▪ On May 21, 25, the Legislative Operating Committee approved the updated public comment  
48 review memorandum, draft, and legislative analysis for the proposed amendments to the Landlord  
49 Tenant law, and the fiscal impact statement request memorandum and forwarded the materials to  
50 the Finance Department directing that fiscal impact statement be prepared and submitted to the  
51 LOC by June 6, 2025.
- 52 **B.** At the time this legislative analysis was developed the following work meetings had been held  
53 regarding the development of the amendments to this law:
- 54           ▪ March 20, 2024: LOC work session;
- 55           ▪ May 28, 2024: LOC work session with the Oneida Law office;
- 56           ▪ July 11, 2024: LOC work session with the Oneida Law Office, Land Management, and the  
57 Comprehensive Housing Division;
- 58           ▪ August 1, 2024: LOC work session with the Oneida Law Office, Land Management,  
59 Comprehensive Housing Division, and the General Manager;
- 60           ▪ August 23, 2024: LOC work session;
- 61           ▪ December 18, 2024: LOC work session.
- 62           ▪ May 7, 2025: LOC work session.
- 63

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

- 65 **A. *Who the Law applies to.*** The proposed amendments to the Law expand its application to cover all land  
66 owned by the Nation or its members instead of only to the Nation’s rental programs. [6 O.C. 611.1-1].  
67 The Law currently only applies to the Nation’s rental programs. [6 O.C. 611.1-1].
- 68           ▪ *Effect.* The proposed amendments to the Law apply the Law to all land owned by the Nation or its  
69 members regardless of who the landlord is. This expands the Nation’s exercise of sovereignty  
70 within Reservation boundaries.
- 71 **B. *Redefining landlord.*** The proposed amendments to the Law define landlord to mean any person or  
72 entity within the Nation’s jurisdiction in their capacity to rent real property subject to a rental  
73 agreement. [6 O.C. 611.3-1(b)]. Currently, the definition of landlord is limited to the Nation acting in  
74 its capacity to rent real property subject to a rental agreement. [6 O.C. 611.3-1(b)].
- 75           ▪ *Effect.* The proposed amendments to the Law will apply the Law to all landlord-tenant relationships  
76 occurring on land owned by the Nation or its members regardless of whether the relationship is  
77 based on one of the Nation’s rental programs. The reach of the Law is increased to cover all land  
78 owned by the Nation or its members regardless of who the landlord is. This expands the Nation’s  
79 exercise of sovereignty within the Reservation boundaries.
- 80 **C. *Compliance with the Eviction and Termination law.*** The proposed amendments to the Law align the  
81 Landlord Tenant law with the Eviction and Termination law by clarifying that a landlord may take  
82 action to evict or threaten to evict based on a tenant’s contacts with an entity for law enforcement



83 services, health services or safety services as long as it is authorized by the Eviction and Termination  
84 law. [6 O.C. 611.4-2(b)(1)(C)]. The Law currently renders void and unenforceable any rental  
85 agreement that allows a landlord to increase rent, decrease services, evict or threaten to evict, or refuse  
86 to renew a rental agreement based on tenant contacts with an entity for law enforcement services, health  
87 services, or safety services. [6 O.C. 611.4-2(b)(1)(A), (B),(C), or (D)].

- 88 ▪ *Effect.* A landlord may act to evict a tenant based on contacts with an entity for law enforcement  
89 services, health services or safety services when it is authorized by the Eviction and Termination  
90 law.

91 **D. *Alternate housing.*** The proposed amendments to the Law provide that when the Nation is the landlord,  
92 and the property has become untenable due to damage by fire, water or other casualty, or because of  
93 any condition hazardous to health, or if there is a substantial violation of 611.5-3(a) alternate housing  
94 will be provided when it is reasonably available. [6 O.C. 611.5-3(c)(4)].

- 95 ▪ *Effect.* When the Nation is the landlord, and a property has become untenable due to due to damage  
96 by fire, water or other casualty, or because of any condition hazardous to health, or if there is a  
97 substantial violation of 611.5-3(a), the Nation will provide the tenant with alternative housing if it  
98 is reasonably available. [6 O.C. 611.5-3(c)(4)].

99 **E. *Protection of children in the household.*** The proposed amendments to the Law expand protections  
100 provided to a child of a tenant, to a child of the household, when the landlord is presented with  
101 documentation of any of the following:

- 102 ▪ An injunction order under Wis. Stat. 813.122 protecting a child from a co-tenant;
- 103 ▪ An injunction order or criminal complaint filed under Wis. Stat. 813.125(4) protecting a child from  
104 a co-tenant, based on the co-tenant's engaging in an act that would constitute sexual assault under  
105 Wis. Stat. 940.225, 948.02 and 948.025;
- 106 ▪ A criminal complaint filed under Wis. Stat. 940.32 alleging the co-tenant stalked the child. [6 O.C.  
107 611.6-1(b), (c), (e), and (f)].
- 108 ▪ *Effect.* The proposed amendments to the Law expand protections provided to children of a tenant  
109 to all children of the household. Protections apply to any child living in the household regardless  
110 of whether that child is a child of a tenant.

111 **F. *Eliminate the Land Commission's rulemaking authority.*** The proposed amendments to the Law  
112 remove the Land Commission from all rulemaking authority delegated via this Law. Specific removals  
113 include naming programs and providing specific requirements and regulations that apply to said  
114 programs; disposition of personal property on tribal land; determining how and when rent is decreased  
115 due to untenability, and the selection of applicants for the issuance of rental agreements. [6 O.C. 611-  
116 3(g); current 611.4-1; 611.5-2(c); 611.5-3; current 611.4-3]. Rulemaking authority over applicant  
117 selection and the issuance of rental agreements is also removed from both the Land Commission and  
118 the Comprehensive Housing Division. [current 6 O.C. 611.4-3].

- 119 ▪ *Effect.* The Comprehensive Housing Division will have sole authority to develop rules pursuant to  
120 this Law.

121 **G. *Eliminate all rulemaking authority over applicant selection and the issuance of rental agreements.***  
122 Rulemaking authority over applicant selection and the issuance of rental agreements is removed from  
123 both the Land Commission and the Comprehensive Housing Division. [current 6 O.C. 611.4-3].

- 124 ▪ *Effect.* Applicant selection will be determined by program criteria as applicable.

125 **H. *Other Amendments.*** Overall, a variety of other amendments and revisions were made to the Law to  
126 address formatting, drafting style, and organization that did not affect the substance of the Law.

127 **SECTION 6. EXISTING LEGISLATION**

128 A. *Related legislation.* The following laws of the Nation are related to the proposed amendments to this  
129 Law:

- 130     ▪ *Eviction and Termination Law.* The purpose of the Eviction and Termination Law is to provide  
131 consistent procedures for terminating contracts and evicting occupants under the Nation’s rental  
132 and/or leasing programs that include due process and protects for all parties involved. [6 O.C.  
133 610.1-1]. The law’s underlying policy is to “provide fair termination and eviction processes that  
134 preserves the peace, harmony, safety, health, general welfare and the Nation’s resources.” [6 O.C.  
135 610.1-2].
  - 136         ▪ According to the Eviction and Termination law, the Nation, as the owner or landlord, may  
137 terminate a contract prior to the contract term and evict the occupant, if the occupant:
    - 138             ▪ Violates the terms of the contract;
    - 139             ▪ Is alleged to have violated any applicable law or rule; and/or
    - 140             ▪ Is alleged to have committed one or more nuisance activities. [6 O.C. 610.5-1].
  - 141         ▪ The law defines nuisance as an occupant’s interference with another occupant’s use and  
142 enjoyment of the premises, including, but not limited to, harassment, disorderly conduct,  
143 battery, lewd and lascivious behavior, prostitution, theft, possession of stolen property,  
144 arson, illegal drug activity, gambling, animal violations, trespassing, weapons violations,  
145 habitual noise violations, execution of warrants, alcohol violations, obstruction/resisting  
146 and inspection related calls in which a law enforcement agency responds. [6 O.C. 610.3-  
147 1(e)].
- 148     ▪ *Leasing Law.* The purpose of the Leasing Law is to set forth the Nation’s authority to issue, review,  
149 approve, as well as enforce, leases and was established in accordance with the Helping Expedite  
150 and Advance Responsible Tribal Home Ownership Act of 2021 (HEARTH Act) so that the Nation  
151 can approve leases on its land without having to obtain additional approval from the Secretary of the  
152 Interior. [6 O.C. 602.1- 1]. The policy behind the law is to codify the expectations and  
153 responsibilities of the lessor and lessee when leasing Tribal land and to ensure that the leasing of  
154 Tribal land results in minimal risk to the Nation. [6 O.C. 602.1-2].
  - 155         ▪ According to the Leasing Law leases approved under the Law are subject to all of the  
156 Nation’s laws, except to the extent those laws are inconsistent with applicable federal law.  
157 [6 O.C. 602.4-3]. Any landlord leasing land from the Nation through the Leasing Law is  
158 subject to all other laws of the Nation including the Eviction and Termination Law as well  
159 as the Landlord Tenant Law.
- 160     ▪ *Judiciary Law.* The purpose of the Judiciary law is to establish a Judiciary, and to provide for the  
161 administration of law, justice, judicial procedures and practices by the Oneida Nation as a sovereign  
162 nation by exercising the inherent power to make, execute, apply and enforce its own law, and to  
163 apply its own customs and traditions in matters affecting the Oneida people. [8 O.C. 801.1-1].
  - 164         ▪ This Law provides that the Oneida Judiciary is granted jurisdiction to hear complaints filed  
165 under the law and/or a rental agreement. [6 O.C. 611.9-1].
- 166     ▪ *Real Property law.* The purpose of the Real Property law is to provide regulations and procedures  
167 for the transfer, control and management of the territory within the Reservation and all Tribal land;  
168 to integrate these regulations and procedures with the real property laws and practices of other  
169 federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish

170 licensing and certification requirements for the Nation’s employees dealing with real property  
171 transactions. [6 O.C. 601.1-1].

- 172       ▪ According to the Real Property Law the Comprehensive Housing Division oversees all  
173       residential transactions within the Reservation and shall administer such transactions using  
174       the applicable laws of the Nation including the Landlord Tenant law. [6 O.C. 601.12-1].
- 175       ▪ *Administrative Rulemaking.* The purpose of the Administrative Rulemaking law is to provide a  
176       process for the adoption of and amendments to the Nation’s administrative rules. [1 O.C. 106.1-1].  
177       Its underlying policy is to ensure there exists an efficient, effective and democratic process for  
178       enacting and revising administrative rules, and that authorized agencies act in a responsible and  
179       consistent manner when enacting and revising administrative rules. [1 O.C. 106.1-2].
  - 180               ▪ This Law delegates rulemaking authority solely to the Comprehensive Housing Division.
  - 181               ▪ Any rules promulgated by the Comprehensive Housing Division are required to be  
182               developed in accordance with the process and procedures of the Administrative  
183               Rulemaking law.
- 184       ▪ *Pardon and Forgiveness law.* The purpose of the Law is to provide a fair, efficient and formal  
185       process by which: a member of the Nation may receive a pardon for the conviction of a crime; a  
186       member of the Nation may receive forgiveness for acts that render him or her ineligible for housing  
187       or other benefits through the Nation; and a member or non-member of the Nation may receive  
188       forgiveness for acts that render him or her ineligible to be employed with the Nation; receive a  
189       Nation-issued occupational license, certification or permit; and/or obtain housing or other benefits  
190       through the Nation [1 O.C. 126.1-1(a)].
  - 191               ▪ This Law provides that in order to be eligible for a rental program an applicant must have  
192               no felony or drug convictions within the past two (2) years from the date of application,  
193               provided that a pardon or forgiveness received pursuant to the Pardon and forgiveness law  
194               may provide an exception to this condition. [6 O.C. 611.10-2(b)].

## 196 SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- 197 A. The Landlord Tenant law delegates authority to the Comprehensive Housing Division to develop rules,  
198 pursuant to the Administrative Rulemaking law, as well as citation fees and penalty schedules, for the  
199 implementation, interpretation and/or enforcement of the law. [6 O.C. 611.3-1(g)].
- 200 B. The Landlord Tenant law provides a process for grieving decisions made by the Comprehensive  
201 Housing Division under its delegation of authority, said process is as follows: [6 O.C. 611.9].
  - 202       ▪ That, the Oneida Judiciary is granted jurisdiction to hear complaints filed for actions taken under  
203       the law and/or rental agreement; [6 O.C. 611.9-1].
  - 204       ▪ That, no administrative hearing body, including a board, committee or commission, is authorized  
205       to hear a complaint regarding actions taken under the law and/or rental agreement; [6 O.C. 611.9-  
206       2].
  - 207       ▪ Where the Nation is the landlord, any complaint filed with the judiciary shall name the  
208       Comprehensive Housing Division and the specific program. [6 O.C. 611.9-3].

## 210 SECTION 8. OTHER CONSIDERATIONS

211 *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation  
212 except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A

213 titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,*” provides  
214 further clarification on who the Legislative Operating Committee may direct complete a fiscal impact  
215 statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact  
216 statement.

217       ▪ *Conclusion.* The Legislative Operating Committee received a fiscal impact statement from the  
218       Finance Department on June 2, 2025.

219

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

|                   |  |          |  |
|-------------------|--|----------|--|
| 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 Tribal members 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 resolutions BC-12-13-17-D and BC- - - - .

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,  
 43 and 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~~~~his or her~~ 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~~~~landlord or the landlord's~~ 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~~ create  
 167 rules further governing the disposition of personal property on Tribal land.

168 611.56-3. *Repairs; Untenability.* This section applies to all ~~leases~~rental agreements 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.~~89~~-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 Tribal members;
- (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  
Amended—BC- - - -

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

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|--------|--|---------|--|
| 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 Tribal members 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 resolutions BC-12-13-17-D and BC- - - .

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.,  
42 and 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.

278 611.8-2. 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 Tribal members;
- (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  
Amended—BC- - - -

# FINANCE ADMINISTRATION

## Fiscal Impact Statement



# MEMORANDUM

TO: Oneida Business Committee

FROM: RaLinda Ninham-Lamberies, Chief Financial Officer

DATE: June 2, 2025

RE: **Fiscal Impact Statement of the Proposed Amendments to the Landlord Tenant Law**

## I. Estimated Fiscal Impact Summary

|   |  |                         |
|---|--|-------------------------|
| <b>Law:</b> Amendments to the Landlord Tenant Law |  | Draft 1                 |
| <b>Implementing Agency</b>                        | The Comprehensive Housing Division<br>Oneida Judiciary |                         |
| <b>Estimated time to comply</b>                   | 10 days  |                         |
| <b>Estimated Impact</b>                           | <b>Current Fiscal Year</b>                             | <b>10 Year Estimate</b> |
| <b>Total Estimated Fiscal Impact</b>              | \$0  | \$0                     |

## II. Background

This Law was adopted by the Oneida Business Committee by motion on October 12, 2016, and then through resolutions BC-10-12-16-C, and BC-12-13-17-D .

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. The amendments to the legislation include the following:

- Expand the laws applicability to Include all land owned by the Nation or members of the Nation within the Reservation boundaries.
- Expand the processes to apply to those listed above.
- Eliminate the Land Commission’s rulemaking authority.
- Assure compliance with the Eviction and Termination Law.
- Make provisions for alternate housing when reasonable if property has become untenable.
- Expand child protections.

### **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.

### **IV. Findings**

There are no start-up costs, no increases in personnel are needed, and no increases in office or documentation costs.

### **V. Financial Impact**

There is no fiscal impact of implementing this legislation.

### **VI. Recommendation**

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



Legislative Operating Committee  
June 18, 2025

# Election Law Emergency Amendments

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Submission Date:</b> 2/19/25 | <b>Public Meeting:</b> N/A    |
| <b>LOC Sponsor:</b> Jonas Hill  | <b>Emergency Enacted:</b> N/A |

**Summary:** *This item was added to the Active Files List on February 19, 2025. Amendments to the Election law are being sought to address how referendums are handled by the Nation.*

*On May 13, 2025, the LOC received a request from Shannon Davis, GAO Recording Clerk, on behalf of the Oneida Election Board to consider emergency amendments to the Election law to lower the number of Election Board members required to sign the election totals from six (6) to three (3) members due to the lack of available Oneida Election Board members and alternates, especially in the Milwaukee polling site. On May 21, 2025, the Legislative Operating Committee decided to pursue these emergency amendments to the Election law.*

**2/19/25 LOC:** Motion by Marlon Skenandore to add the Election law amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

**4/16/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to decide on what topics will be included on the June 4, 2025, LOC Community Meeting. The LOC decided to cover the Election Law Amendments, Ten Day Notice Policy Amendments, and Renewable Energy Law.

**5/1/25:** *E-Poll Conducted.* This e-poll was titled, Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice. The requested action of this e-poll was to approve the public meeting packet for the Sanctions and Penalties law and forward the Sanctions and Penalties law to a public meeting to be held on June 13, 2025; and approve the Summer LOC Community Meeting Notice and schedule a community meeting to be held on June 4, 2025. This e-poll was approved by Jennifer Webster, Marlon Skenandore, Jonas Hill, and Kirby Metoxen.

**5/7/25 LOC:** Motion by Jennifer Webster to enter into the record the results of the May 1, 2025, e-poll entitled, Approval of the Sanctions and Penalties Law Public Meeting Packet and Summer LOC Community Meeting Notice; seconded by Marlon Skenandore. Motion carried unanimously.

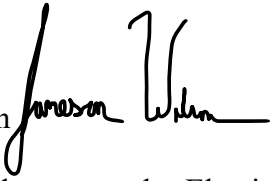
**5/21/25 LOC:** Motion by Jennifer Webster to approve the request to process emergency amendments to the Election Law, noting Election Law Amendments are already on the Active Files List; seconded by Jonas Hill. Motion carried unanimously.

**Next Steps:**

- Approve the Election Law Emergency Adoption Packet and forward to the Oneida Business Committee for consideration.





TO: Oneida Business Committee  
FROM: Jameson Wilson, LOC Chairman   
DATE: June 18, 2025  
RE: Adoption of Emergency Amendments to the Election Law for the 2025 Special Election

---

Please find the following attached backup documentation for your consideration of an emergency amendments to the Election law:

1. Resolution: Emergency Amendments to the Election Law for the 2025 Special Election
2. Statement of Effect: Emergency Amendment to the Election Law for the 2025 Special Election
3. Election law Emergency Amendments Legislative Analysis
4. Election law Emergency Amendments Draft (Redline)
5. Election law Emergency Amendments (Clean)

#### *Overview*

Emergency amendments to the Election law are being sought for the 2025 Special Election. On May 13, 2025, the Legislative Operating Committee received a request from the Oneida Election Board to consider emergency amendments to the Election law to ensure the 2025 Special Election can be conducted in an efficient and lawful manner. The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]. The emergency amendments to the Election law will reduce the number of Election Board members required to sign the election totals from six (6) to three (3). [1 O.C. 102.10-2].

The Oneida Business Committee can temporarily enact legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency legislation. [1 O.C. 109.9-5(a)].

The emergency amendments to the Election law are necessary for the preservation of the general welfare of the Reservation population to ensure that the 2025 Special Election can occur in an efficient and lawful manner. The 2025 Special Election is scheduled for July 12, 2025. The number of Election Board members required to sign the election totals is being reduced from six (6) to three (3) due to the Election Board's concern that there will not be enough Election Board members to meet the original requirement for six (6) members. The Election Board has provided that they have not been able to secure an adequate number of alternate positions for the 2025 Special Election.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the amendments to the Election law would be contrary to public interest and the process and requirements of the Legislative Procedures Act cannot be completed in time to allow the proposed emergency amendments to be adopted and implemented prior to the July 12, 2025 Special Election.

The adoption of the emergency amendments to the Election law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendments to the Election law will remain effective for six (6) months. The Legislative Procedures Act provides the possibility to extend the emergency amendment for an additional six (6) months, or until the emergency amendment expires or is permanently adopted. *[1 O.C. 109.9-5(b)]*.

**Requested Action**

Adopt the Resolution: Emergency Amendments to the Election Law for the 2025 Special Election

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution # Emergency Amendments to the Election Law for the 2025 Special Election

- 1   **WHEREAS,**   the Oneida Nation is a federally recognized Indian government and a treaty tribe  
2                   recognized by the laws of the United States of America; and  
3
- 4   **WHEREAS,**   the Oneida General Tribal Council is the governing body of the Oneida Nation; and  
5
- 6   **WHEREAS,**   the Oneida Business Committee has been delegated the authority of Article IV, Section 1,  
7                   of the Oneida Tribal Constitution by the Oneida General Tribal Council; and  
8
- 9   **WHEREAS,**   the Election law (“the Law”) was adopted by the General Tribal Council on June 19, 1993  
10                  for the purpose of governing the procedures for the conduct of orderly elections of the  
11                  Nation, and was most recently amended by the General Tribal Council through resolution  
12                  GTC-04-23-17-A; and  
13
- 14   **WHEREAS,**   the Oneida Election Board has requested emergency amendments to the Election law to  
15                  ensure the 2025 Special Election can be conducted in an efficient and lawful manner; and  
16
- 17   **WHEREAS,**   the 2025 Special Election is scheduled for July 12, 2025; and  
18
- 19   **WHEREAS,**   section 102.10-2 of the Law requires that at least six (6) Oneida Election Board members  
20                  sign the election totals of machine counted ballots, which shall include the tape signed by  
21                  the members of the Nation before the polls were opened per section 102.9-3(a); and  
22
- 23   **WHEREAS,**   the proposed emergency amendments to the Law will reduce the number of Election Board  
24                  members required to sign the election totals from six (6) to three (3); and  
25
- 26   **WHEREAS,**   reducing the number of Election Board members required to sign the election totals  
27                  addresses the Election Board’s concerns that they will not have enough Oneida Election  
28                  Board members or alternates to meet the requirement of section 102.10-2 of the Law; and  
29
- 30   **WHEREAS,**   the Legislative Procedures Act authorizes the Oneida Business Committee to enact  
31                  legislation on an emergency basis, to be in effect for a period of six (6) months, renewable  
32                  for an additional six (6) months; and  
33
- 34   **WHEREAS,**   emergency adoption of legislation is allowed when legislation is necessary for the  
35                  immediate preservation of the public health, safety, or general welfare of the Reservation  
36                  population, and the amendment of the legislation is required sooner than would be possible  
37                  under the Legislative Procedures Act; and  
38
- 39   **WHEREAS,**   the emergency adoption of the amendments to the Law are necessary for the preservation  
40                  of the general welfare of the Reservation population to ensure that the 2025 Special  
41                  Election can occur in an efficient and lawful manner in accordance with the requirements  
42                  of the Election law; and  
43

44 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of these  
45 amendments would be contrary to public interest and the process and requirements of the  
46 Legislative Procedures Act cannot be completed in time to allow the proposed  
47 amendments to be adopted and implemented prior to the July 12, 2025 Special Election;  
48 and  
49

50 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement  
51 when considering emergency legislation; and  
52

53 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the emergency  
54 amendment to the Election Law effective immediately.



## Statement of Effect

### *Emergency Amendments to the Election Law for the 2025 Special Election*

#### **Summary**

This resolution adopts emergency amendments to the Election law ensure the 2025 Special Election can be conducted in an efficient and lawful manner.

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

*Date: June 18, 2025*

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

This resolution adopts emergency amendments to the Election law. The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1]. The emergency amendments to the Election law will:

- Reduce the number of Election Board members required to sign the election totals from six (6) to three (3). [1 O.C. 102.10-2].

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA allows the Oneida Business Committee to take emergency action where it is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5]. A public meeting and fiscal impact statement are not required for emergency legislation. [1 O.C. 109.8-1(b) and 109.9-5(a)].

The 2025 Special Election is scheduled for July 12, 2025. The Oneida Election Board requested emergency amendments to the Election law to ensure that the 2025 Special Election can be conducted in an efficient and lawful manner.

Section 102.10-2 of the Law requires that at least six (6) Oneida Election Board members sign the election totals of machine counted ballots, which shall include the tape signed by the members of the Nation before the polls were opened per section 102.9-3(a). The reduction of the number of Election Board members required to sign the election totals from six (6) to three (3) was made due to the Election Board’s concern that there will not be enough eligible Election Board members or alternates to meet the original requirement for six (6) members.

The resolution provides that the emergency amendment to the Election law is necessary for the preservation of the general welfare of the Reservation population to ensure that the 2025 Special Election can occur in an efficient and lawful manner in accordance with the requirements of the Election law. Additionally, observance of the requirements under the LPA for the adoption of the amendment to the Election law would be contrary to public interest and the process and

requirements of the Legislative Procedures Act cannot be completed in time to allow the proposed amendments to be adopted and implemented prior to the July 12, 2025, Special Election.

The adoption of the emergency amendment to the Election law will take effect immediately upon adoption by the Oneida Business Committee. The emergency amendment to the Election law will remain effective for six (6) months. The LPA provides the possibility to extend the emergency amendment for an additional six (6) months, or until the emergency amendment expires or is permanently adopted. [1 O.C. 109.9-5(b)].

### ***Conclusion***

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



# ELECTION LAW EMERGENCY AMENDMENTS LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

| <i>Analysis by the Legislative Reference Office</i> |   |
|---|---|
| <b>Intent of the Proposed Amendments</b>            | Reduce the number of Election Board members required to sign the election totals of machine counted ballots from six (6) to three (3) members. [1 O.C. 102.10-2]. |
| <b>Purpose</b>                                      | To govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1] |
| <b>Affected Entities</b>                            | Oneida Nation Election Board.   |
| <b>Public Meeting</b>                               | A public meeting is not required for emergency legislation. [1 O.C. 109.8-1(b) and 109.9-5(a)].   |
| <b>Fiscal Impact</b>                                | A fiscal impact statement is not required for emergency legislation. [1 O.C. 109.9-5(a)].   |
| <b>Expiration of Emergency Legislation</b>          | Emergency legislation expires six (6) months after adoption and may be renewed for an additional six (6) month period.  |

## SECTION 2. LEGISLATIVE DEVELOPMENT

**A. Background.** The Election law was first adopted on June 19, 1993, and most recently amended by the General Tribal Council on April 23, 2017. The Law governs the procedures for the conduct of orderly elections of the Nation. [1 O.C. 102.1-1].

**B. Request for Emergency Amendments.** On May 13, 2025, the Legislative Operating Committee received a request from the Oneida Election Board to consider emergency amendments to the Election law to ensure the 2025 Special Election can be conducted in an efficient and lawful manner.

- The Nation’s 2025 Special Election is scheduled for July 12, 2025.
- Section 102.10-2 of the Election Law requires that at least six (6) Election Board members sign the election totals on machine counted ballots. The Oneida Election Board provided that they do not have enough Oneida Election Board members or alternates to meet the requirement of section 102.10-2. The Oneida Election Board therefore made the request to amend the Election law on an emergency basis to reduce the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots from six (6) to three (3).
- The Legislative Operating Committee determined these amendments should be pursued on an emergency basis for the immediate preservation of the general welfare of the Reservation population.

## SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of this Law and legislative analysis:
  - Oneida Election Board.

24 **SECTION 4. PROCESS**

- 25 **B.** These amendments are being considered on an emergency basis. The Oneida Business Committee may  
26 temporarily enact an emergency legislation where legislation is necessary for the immediate  
27 preservation of public health, safety, or general welfare of the Reservation population and enactment  
28 or amendment of legislation is required sooner than would be possible under this law. [1 O.C. 109.9-  
29 5].
- 30     ▪ The emergency adoption of amendments to this Law are necessary for the preservation of the  
31 general welfare of the Reservation population in order to ensure that the 2025 Special Election can  
32 occur in an efficient and lawful manner.
  - 33     ▪ Observance of the requirements under the Legislative Procedures Act for adoption of the  
34 emergency amendments to this Law would be contrary to public interest and the process and  
35 requirements of the Legislative Procedures Act cannot be completed in time to allow the proposed  
36 emergency amendments to be adopted and implemented prior to the July 12, 2025, Special Election.
- 37 **C.** The emergency amendments will expire six (6) months after adoption, with one (1) opportunity for a  
38 six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)].
- 39 **D.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when  
40 considering emergency legislation. [1 O.C. 109.9-5(a)]. However, a public meeting and fiscal impact  
41 statement will eventually be required when considering permanent adoption of this Law.
- 42 **E.** The Election law was already on the Active Files List for comprehensive amendments to be developed,  
43 but on May 21, 2025, the Legislative Operating Committee acknowledged that they would pursue these  
44 emergency amendments.

45  
46 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 47 **A. *Election Board Members Signature on Machine Counted Ballots.*** The proposed amendments lower  
48 the number of Oneida Election Board members that are required sign the election totals for machine  
49 counted ballots, which includes the tape signed by the members of the Nation before the polls were  
50 opened, from six (6) to three (3). [1 O.C. 102.10-2].
- 51     ▪ *Effect.* This emergency amendment was made to the Law based on the Election Board’s concern  
52 that there will not be enough Election Board members to meet the original requirement of section  
53 102.10-2 for six (6) members to sign the election totals. The Election Board has provided that they  
54 currently do not have enough eligible members or alternates to meet this requirement.

55  
56 **SECTION 6. EXISTING LEGISLATION**

- 57 **A. *Related Legislation.*** The following laws of the Nation are related to the emergency amendments to this  
58 Law:
- 59     ▪ *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal  
60 Council on January 7, 2013, for the purpose of providing a standard process for the adoption  
61 of laws of the Nation which includes taking into account comments from members of the  
62 Nation and input from agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].
    - 63         ▪ The Legislative Procedures Act provides a process for the adoption of emergency  
64 legislation when the legislation is necessary for the immediate preservation of the  
65 public health, safety, or general welfare of the Reservation population and the



66 enactment or amendment of legislation is required sooner than would be possible under  
67 this law. [1 O.C. 109.9-5].

- 68     ▪ The Legislative Operating Committee is responsible for first reviewing the  
69 emergency legislation and for forwarding the legislation to the Oneida  
70 Business Committee for consideration. [1 O.C. 109.9-5(a)].
- 71     ▪ The proposed emergency legislation is required to have a legislative analysis  
72 completed and attached prior to being sent to the Oneida Business Committee  
73 for consideration. [1 O.C. 109.9-5(a)].
  - 74         a. A legislative analysis is a plain language analysis describing the  
75 important features of the legislation being considered and factual  
76 information to enable the Legislative Operating Committee to make  
77 informed decisions regarding legislation. A legislative analysis  
78 includes a statement of the legislation’s terms and substance; intent of  
79 the legislation; a description of the subject(s) involved, including any  
80 conflicts with Oneida or other law, key issues, potential impacts of the  
81 legislation and policy considerations. [1 O.C. 109.3-1(g)].
- 82     ▪ Emergency legislation does not require a fiscal impact statement to be  
83 completed or a public comment period to be held. [1 O.C. 109.9-5(a)].
- 84     ▪ Upon the determination that an emergency exists the Oneida Business  
85 Committee can adopt emergency legislation. The emergency legislation  
86 becomes effective immediately upon its approval by the Oneida Business  
87 Committee. [1 O.C. 109.9-5(b)].
- 88     ▪ Emergency legislation remains in effect for a period of up to six (6) months,  
89 with an opportunity for a one-time emergency law extension of up to six (6)  
90 months. [1 O.C. 109.9-5(b)].
- 91     ▪ Adoption of these proposed emergency amendments would conform with the  
92 requirements of the Legislative Procedures Act.

## 93 94 **SECTION 7. OTHER CONSIDERATIONS**

95 **A. *Deadline for Permanent Adoption of Legislation.*** The adoption of emergency amendments to the Law  
96 expires six (6) months after adoption. The emergency legislation may be renewed for an additional six  
97 (6) month period.

- 98     ▪ *Conclusion:* The Legislative Operating Committee will need to determine if the adoption of these  
99 amendments is necessary on a permanent basis, and if so, develop the permanent amendments to  
100 this Law within the next six (6) to twelve (12) months.

101 **B. *Fiscal Impact.*** A fiscal impact statement is not required for emergency legislation.

- 102     ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except  
103 emergency legislation [1 O.C. 109.6-1].

104

## Title 1. Government and Finances - Chapter 102

### ELECTION

#### Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsla

*People of the Standing Stone how it is we will appoint them the kind of laws we have*

|  |  |
|--|--|
| <p>102.1. Purpose and Policy</p> <p>102.2. Adoption, Amendment, Repeal</p> <p>102.3. Definitions</p> <p>102.4. Election Board</p> <p>102.5. Candidate Eligibility</p> <p>102.6. Selection of Candidates</p> <p>102.7. Notice of Polling Places</p> | <p>102.8. Registration of Voters</p> <p>102.9. Election Process</p> <p>102.10. Tabulating and Securing Ballots</p> <p>102.11. Election Outcome and Ties</p> <p>102.12. Elections</p> <p>102.13. Oneida Nation Constitution and By-law Amendments</p> |
|--|--|

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#### 102.1. Purpose and Policy

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

#### 102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A ~~and~~, amended by resolutions GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A, ~~and~~ amended on an emergency basis by resolution BC- - - -.

102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

102.2-3. 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.

102.2-4. 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.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

#### 102.3. Definitions

102.3-1. 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.

102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising, rallying, public speaking, or other communications with members of the Nation.

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38 102.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is  
39 placed on the ballot by the Election Board after successful application.

40 102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose  
41 of determining voter eligibility.

42 102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

43 102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political  
44 or otherwise, in which a Nation elected official, employee, consultant, appointed or elected,  
45 member of any board, committee or commission, or their immediate relatives, friends or  
46 associates, or any other person with whom they have contact, that conflicts with any right of the  
47 Nation to property, information, or any other right to own and operate its enterprises, free from  
48 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in  
49 any law or policy of the Nation.

50 102.3-10. "Election" shall mean every primary and election.

51 102.3-11. "General election" shall mean the election held every three (3) years in July to elect the  
52 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the  
53 Business Committee and may include contests for elected boards, committees and commissions  
54 positions.

55 102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of  
56 discrepancies, complaints and controversy regarding voter eligibility.

57 102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal  
58 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of  
59 the Nation.

60 102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the  
61 winner of an elected position, in the case of a tie between two (2) or more candidates.

62 102.3-15. "Nation" means the Oneida Nation.

63 102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by  
64 the Nation for the benefit of transmitting news to members of the Nation, which is designated by  
65 the Election Board as a source for election related news.

66 102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a  
67 police officer on any police force.

68 102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential  
69 dwelling or a privately owned business within the boundaries of the Reservation.

70 102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill  
71 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida  
72 Community Health Center, the SEOTS building and all One-Stop locations.

73 102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18)  
74 years of age or older.

75 102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating  
76 machine.

77 102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred  
78 and is not tabulated.

79 102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

80

81

82 **102.4. Election Board**

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83 *Section A. Establishment, Composition and Election*84 102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this  
85 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.86 102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be  
87 elected to terms of three (3) years, not to exceed two (2) consecutive terms.88 102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an  
89 Election Board member in any pre-election, election day, or post-election activities while he or  
90 she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of interest.91 102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member  
92 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)  
93 years from the time he or she is removed from the Election Board.94 102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the  
95 Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed  
96 to correspond with the pre-election activities and the needs of the Election Board.

97 102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

98 102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to  
99 the Election Board, as recommended by the Election Board, to assist with election day and pre-  
100 election activities.101 102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in  
102 the By-laws of the Election Board, to preside over the meetings. This selection shall be carried  
103 out at the first meeting of the Election Board following an election. The Chairperson shall then  
104 ask the Election Board to select a Vice-Chairperson and Secretary.105  
106 *Section B. Duties of the Election Board*107 102.4-9. The Election Board shall have the following duties, along with other responsibilities listed  
108 throughout this law.

- 109 (a) The Election Board shall be in charge of all registration and election procedures; and
- 
- 110 (b) Upon completion of an election, the Election Board shall make a final report on the
- 
- 111 election results as set out in this law.

112  
113 *Section C. Specific Duties of Officers and Election Board Members*114 102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to  
115 being present at all Election Board meetings and assisting the handicapped through the voting  
116 process, are as set out herein:117 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing  
118 body for applicants found to be ineligible in accordance with 102.5-6 in the event of an  
119 appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust  
120 Enrollment Department personnel when their election day duties are complete; and shall  
121 post and report election results.

122 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

123 (c) Secretary: Shall keep a record of the meetings and make them available to the Nation's  
124 Secretary, other Election Board members and the public as required in the Open Records  
125 and Open Meetings Law.126 (d) Clerks: Shall implement the requirements of identifying and registering all voters and  
127 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment

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128 Department personnel in the registration process, and assist the Chairperson as directed in  
 129 conducting the election. Clerks cannot be currently employed by the Trust Enrollment  
 130 Department.

131 (e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as  
 132 determined by this law. Shall assist the Chairperson in conducting the election.

133 (f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted  
 134 under this law. In case of disputes among Election Board members, or between members  
 135 of the Nation and Election Board members, or any controversy regarding voter eligibility,  
 136 the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall  
 137 also ensure that all ballots of voters whose eligibility may be in question, remain  
 138 confidential.  
 139

#### 140 *Section D. Compensation Rates*

141 102.4-11. Election Board members are to be compensated at an hourly rate when conducting  
 142 elections as provided for in the Election Board's bylaws as approved by the Business Committee.  
 143 The Election Board shall have a budget, approved through the Nation's budgeting process.

144 102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be  
 145 compensated at their regular rate of pay out of their respective budgets.  
 146

### 147 **102.5. Candidate Eligibility**

#### 148 *Section A. Requirements*

149 102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-  
 150 laws or other documents, all applicants shall meet the minimum requirements set out in this section  
 151 in order to become a candidate.

152 102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

153 (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

154 (b) be a qualified voter on the day of the election.

155 (c) provide proof of physical residency as required for the position for which they have  
 156 been nominated or for which they have petitioned. Proof of residency may be through one

157 (1) or more of the following:

158 (1) a valid Wisconsin driver's license;

159 (2) a bill or pay check stub showing name and physical address of the candidate  
 160 from the prior or current month;

161 (3) another form of proof that identifies the candidate and that the candidate has  
 162 physically resided at the address and identifies that address as the primary  
 163 residence.

164 102.5-3. No applicant may have a conflict of interest with the position for which they are being  
 165 considered, provided that any conflict of interest which may be eliminated within thirty (30)  
 166 calendar days of being elected shall not be considered as a bar to nomination or election.

167 102.5-4. Applications and petitions where the applicant was not nominated during caucus shall be  
 168 filed by presenting the information to the Nation's Secretary, or designated agent, during normal  
 169 business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the caucus.  
 170 No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

171 102.5-5. The names of the candidates and the positions sought shall be a public record and made  
 172 available to the public upon the determination of eligibility by the Election Board or the Board's

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173 designated agent.

174

175 *Section B. Eligibility Review*

176 102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.  
 177 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall  
 178 select the hearing body. The hearing shall be held within two (2) business days of receipt of the  
 179 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision  
 180 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days  
 181 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the  
 182 Judiciary on an accelerated schedule.

183 102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to  
 184 verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position  
 185 shall be notified by certified mail return receipt requested. The notice shall provide the following  
 186 information:

187 (a) Position for which they were considered

188 (b) Qualification of the position and citation of the source. (Copies of source may be  
 189 attached.)

190 (c) A brief summary explaining why the applicant was found to be ineligible.

191 (d) That the applicant has two (2) business days from notification to make an appeal.  
 192 Appeals must be filed at the location designated on the notice by hand delivery. The  
 193 location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or  
 194 other delivery method will be accepted.

195

196 *Section C. Campaign Financing*

197 102.5-8. Contributions:

198 (a) Solicitation of Contributions by Candidates.

199 (1) Candidates shall only accept contributions from individuals who are members  
 200 of the Nation or individuals related by blood or marriage to the candidate.  
 201 Candidates may not accept contributions from any business, whether sole  
 202 proprietorship, partnership, corporation, or other business entity.

203 (2) Candidates shall not solicit or accept contributions in any office or  
 204 business/facility of the Nation.

205 (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the  
 206 Election Board in an amount specified in a resolution adopted by the Business Committee.

207 102.5-9. Campaign Signs and Campaigning:

208 (a) Placement of campaign signs:

209 (1) Campaign signs shall not be posted or erected on any property of the Nation  
 210 except for private property with the owner/tenant's permission.

211 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum  
 212 of seven (7) such signs may be placed on a building or on a lot.

213 (3) No campaign sign shall project beyond the property line into the public right  
 214 of way.

215 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)  
 216 business days after an election.

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217 (c) Employees of the Nation shall not engage in campaigning for offices of the Nation  
 218 during work hours. The Nation's employees shall be subject to disciplinary action under  
 219 the personnel policies and procedures for political campaigning during work hours.

220 (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign  
 221 signs that are not in compliance with this law, in accordance with the Zoning and Shoreland  
 222 Protection Law.

223 (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the  
 224 Election Board in an amount specified in a resolution adopted by the Business Committee.  
 225

226 *Section D. Candidate Withdrawal*

227 102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by  
 228 the candidate prior to submission of the ballot for printing to any Election Board member,  
 229 excluding alternates.

230 102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the  
 231 election by submitting in writing a statement indicating they are withdrawing from the election  
 232 prior to the opening of the polls to any Election Board member, excluding alternates. This  
 233 statement shall be posted alongside any sample ballot printed prior to the election in the newspaper  
 234 or any posting at the polling places.

235 102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the  
 236 Election Board members in charge of the polling place, to be removed from the ballot. The written  
 237 statement shall be posted next to any posted sample ballot.

238 102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from  
 239 which they have withdrawn regardless of the number of votes cast for that candidate. A written  
 240 statement shall be considered the only necessary evidence of withdrawal and acceptance of denial  
 241 of any position withdrawn from.

242 102.5-14. *Candidate Withdrawal After Winning an Election.*

243 (a) In the event a candidate declines an office after winning an election, the Election Board  
 244 shall declare the next highest vote recipient the winner. This procedure shall be repeated  
 245 as necessary until a winner is declared.

246 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a  
 247 Special Election shall be held.  
 248

249 **2.6. Selection of Candidates**

250 *Section A. Setting of Caucus*

251 102.6-1. The Election Board shall be responsible for calling a caucus before any election is held.  
 252 The caucus for the general election shall be held at least ninety (90) calendar days prior to the  
 253 election date. Caucuses for other elections shall be held at least forty-five (45) calendar days prior  
 254 to the election date. In a general election year, caucuses shall be combined so that candidates for  
 255 the Business Committee and elected boards, committees and commissions are nominated at the  
 256 same caucus.

257 102.6-2. The procedures for the caucus shall be as follows:

258 (a) Candidates shall be nominated from the floor.

259 (b) Candidates present at the caucus will accept/decline their nomination at the caucus.  
 260 Candidates nominated at the caucus, but not present to accept the nomination, shall be  
 261 required to follow the petition process.

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262 (c) Nominations shall consist of the following positions: Chairperson, Vice-Chairperson,  
 263 Treasurer, Secretary, Council Member and other elected positions as required by by-laws  
 264 or creating documents of a board, committee, or commission.  
 265

*Section B. Petition*

266  
 267 102.6-3. Any eligible member of the Nation may petition to be placed on a ballot according to the  
 268 following procedures:

269 (a) Each petitioner, not nominated at caucus, shall file a petition containing endorsee's  
 270 original signatures; photocopies shall not be accepted.

271 (b) Petitioners shall use an official petition form as designated by this law which may  
 272 be obtained in the Office of the Nation's Secretary or from the mailing for that caucus.

273 (c) The petition form shall consist of each endorsee's:

274 (1) printed name and address;

275 (2) date of birth;

276 (3) Oneida Nation Enrollment Number; and

277 (4) signature.

278 (d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as  
 279 defined under this law.

280 (e) Petitions shall be presented to the Nation's Secretary, or designated agent, during  
 281 normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to  
 282 close of business five (5) business days after the caucus. The location to drop-off  
 283 petitions shall be identified in the mailing identifying the caucus date.

284 (f) The Nation's Secretary shall forward all petitions to the Election Board Chairperson  
 285 the next business day following the close of petition submissions.

286 (g) The Election Board shall have the Trust Enrollment Department verify all  
 287 signatures contained on the petition.

288 102.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a  
 289 judicial court or commission, shall not run for more than one (1) elective office or seat per election.  
 290

**102.7. Notice of Polling Places**

291  
 292 102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of  
 293 the polling places and the time the polls will be open. This notice shall also be posted in an easily  
 294 visible position, close to the entrance of the Nation's businesses/facilities.

295 102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the  
 296 election, and shall remain posted until the poll closes on the day of the election.

297 102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation  
 298 members, stating the time and place of the election and a sample of the ballot, no less than ten (10)  
 299 calendar days prior to the election, through a mass mailing. The Trust Enrollment Department  
 300 shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior  
 301 to the requested mailing.

302 102.7-4. Notice of the election shall be placed in the Nation's newspaper.  
 303

**102.8. Registration of Voters***Section A. Requirements*

304  
 305 102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years  
 306



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307 of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the  
 308 Oneida Nation Constitution.

309

310 *Section B. Identification of Voters*

311 102.8-2. All voters must present one of the following picture identifications in order to be able to  
 312 vote:

- 313 (a) Oneida Nation I.D.
- 314 (b) Drivers License.
- 315 (c) Other I.D. with name and photo.

316

317 *Section C. Registration Procedures*

318 102.8-3. Voters shall physically register, on the day of the election, at the polls.

319 102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment  
 320 with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election  
 321 Officials during the voting period.

322 102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration  
 323 Form containing the voter's following information:

- 324 (a) name and maiden name (if any);
- 325 (b) current address;
- 326 (c) date of birth; and
- 327 (d) enrollment number.

328

329 *Section D. Qualification/Verification of Voter Eligibility*

330 102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,  
 331 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with  
 332 the Trust Enrollment Department personnel who are registering voters, to decide the voting  
 333 member's eligibility currently being questioned and shall make such decisions from the facts  
 334 available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation  
 335 Constitution, Article III Section 2, to vote in the Nation's elections.

336 102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be  
 337 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of  
 338 the voter shall be written next to a numbered list which corresponds to the numbered and sealed  
 339 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box  
 340 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they  
 341 desire to challenge the decision made by the Election Officials. The Election Board shall make a  
 342 final decision, within five (5) business days of receiving the appeal and shall report this decision  
 343 in the final report sent to the Oneida Business Committee.

344

345 **102.9. Election Process**346 *Section A. Polling Places and Times*

347 102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections  
 348 shall be held in the month of July on a date set by the General Tribal Council. The General Tribal  
 349 Council shall set the election date at the January annual meeting, or at the first GTC meeting held  
 350 during a given year. Special Elections shall be set in accordance with 102.12-6.

351 102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election

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352 Board.

353 102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line  
354 to vote at 7:00 p.m. shall be allowed to vote.

355 (a) If a ballot counting machine is used, the ballot counting machine shall be prepared  
356 prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four

357 (4) members of the Nation verify, through signature on the tape, the ballot box is empty  
358 and the ballot counting machine printer tape has a zero (0) total count.

359 102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,  
360 and until the counting of ballots is completed, and tentative results posted.

361 102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such  
362 that there is an area with at least two sides and a back enclosure.

363 102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of  
364 the voting area, excluding private property.

365 102.9-7. No one causing a disturbance shall be allowed in the voting area.

366 102.9-8. Election Board members may restrict the voting area to qualified voters only. This  
367 restriction is in the interest of maintaining security of the ballots and voting process.

368

369 *Section B. Ballot Box*

370 102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and  
371 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,  
372 the ballots may be placed within the ballot counting machine as they are received.

373

374 *Section C. Spoiled Ballots*

375 102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

376 102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials  
377 and placed in an envelope marked as "Spoiled Ballots."

378 102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)  
379 calendar days following finalization of any challenge of the election, at the Records Management  
380 Department.

381

382 *Section D. Rejected Ballots*

383 102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

384 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the  
385 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final  
386 computer total, provided that, a new ballot was not received as set out in sections 102.9-10  
387 through 102.9-12.

388 (b) Ballots rejected, either during the computer process or during a manual counting, shall  
389 be reviewed by the Election Officials to verify that they are authentic. If the Election  
390 Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the  
391 ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

392

393 **102.10. Tabulating and Securing Ballots**

394 *Section A. Machine Counted Ballots*

395 102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate  
396 from the ballot counting machine copies of the election totals from the votes cast.

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§97 102.10-2. At least ~~six (6)~~three (3) Election Board members shall sign the election totals, which  
 398 shall include the tape signed by the members of the Nation before the polls were opened per section  
 399 102.9-3(a).

400  
 401 *Section B. Manually Counted Ballots*  
 402 102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the  
 403 ballot box and remove the ballots.

404 102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall  
 405 be secured in a sealed container for transportation to the ballot counting location. The sealed  
 406 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election  
 407 Officials for counting/tallying of ballots.

408 102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and  
 409 witnessed/monitored by an Oneida Police Officer.

410 102.10-6. Ballots must be counted by two different Election Officials until two final tallies are  
 411 equal in back to back counting. Final tallies shall be verified by the Election Judges.

412  
 413 *Section C. Securing Ballots*

414 102.10-7. The Judges shall place together all ballots counted and secure them together so that they  
 415 cannot be untied or tampered with without breaking the seal. The secured ballots, and the election  
 416 totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container  
 417 in such a manner that the container cannot be opened without breaking the seals or locks, or  
 418 destroying the container. The Oneida Police Officer shall then deliver, on the day of the election,  
 419 the sealed container to the Records Management Department for retaining.

420  
 421 **102.11. Election Outcome and Ties**

422 *Section A. Election Results Announcement*

423 102.11-1. The tentative results of an election shall be announced and posted by the Election Board  
 424 within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain  
 425 the following statement:

426 *"The election results posted here are tentative results. Final election results are forwarded*  
 427 *by the Oneida Election Board to the Oneida Business Committee via a Final Report after*  
 428 *time has lapsed for recount requests, or challenges or after all recounts or challenges*  
 429 *have been completed, whichever is longer"*

430 102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation's  
 431 newspaper, the tentative results of an election.

432  
 433 *Section B. Tie*

434 102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to  
 435 determine the outcome of an election, the Election Board shall conduct an automatic recount of  
 436 the votes for each candidate receiving the same number of votes. Any recount conducted shall be  
 437 the only recount allowed for the tied candidates.

438 102.11-4. For Business Committee positions, a run-off election between the candidates with the  
 439 same number of votes shall be held if there remains a tie after the recount. Said run-off election  
 440 shall be held within twenty one (21) calendar days after the recount. For all other positions, if  
 441 there remains a tie after the recount, the Election Board shall decide the winner of the tied positions

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442 at least two (2) business days after, but no more than five (5) business days after the recount  
443 through a lot drawing, which shall be open to the public.

444 (a) The Election Board shall notify each of the tied candidates and the public of the date,  
445 time, and place of the drawing at least one (1) business day before the drawing. Notice to  
446 the tied candidates shall be in writing. Notice to the public shall be posted by the Election  
447 Board in the prominent locations.

448 (b) On the date and at the time and place the drawing was noticed, the Election Board  
449 Chairperson shall clearly write the name of each tied candidate on separate pieces of paper  
450 in front of any witnesses present. The pieces of paper shall be the same, or approximately  
451 the same, color, size, and type. The papers shall be folded in half and placed in a container  
452 selected by the Election Board Chairperson.

453 (c) The Election Board Chairperson shall designate an uninterested party to draw a name  
454 from the container. The candidate whose name is drawn from the container first shall be  
455 declared the winner. An Election Board member other than the Chairperson shall remove  
456 the remaining pieces of paper from the container and show them to the witnesses present.  
457

458 *Section C. Recount Procedures*

459 102.11-5. A candidate may request the Election Board to complete a recount, provided the margin  
460 between the requesting candidate's vote total and vote total for the unofficial winner was within  
461 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is  
462 greater. A candidate requests a recount by hand delivering a written request to the office of the  
463 Nation's Secretary, or noticed designated agent, within five (5) business days after the election.  
464 Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact  
465 the Election Board Chairperson by the next business day after the request for recounts.

466 102.11-6. The Election Board shall respond by the close of business on the fifth (5<sup>th</sup>) day after the  
467 request regarding the results of the recount. Provided that, no recount request need be honored  
468 where there have been two (2) recounts completed as a result of a request either as a recount of the  
469 whole election results, or of that sub-section.

470 102.11-7. All recounts shall be conducted manually with, if possible, the original Election  
471 Officials and Oneida Police Officer present, regardless of the original type of counting process.  
472 Manual recounts may, at the discretion of the Election Officials, be of the total election results, or  
473 of the challenged sub-section of the election results.

474 102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed  
475 container with the ballots from the Records Management Department and transporting it to the  
476 ballot recounting location.

477 102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three  
478 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election  
479 Board Chairperson and an Oneida Police Officer shall witness the recount.

480 102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be  
481 counted until two (2) final tallies are equal in back to back counting and the total count of ballots  
482 reconciles with the total count from the ballot counting machine. Sub-sections of candidates may  
483 be recounted in lieu of a full recount.

484 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be  
485 counted twice by different persons and certified by the Judges.

486 (b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior

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487 to using an electronic ballot counting device, it shall be certified as correct either by the  
 488 maker, lessor of the machine, or Election Board.  
 489

490 *Section D. Challenges and Declaration of Results*

491 102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a  
 492 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall  
 493 hear and decide a challenge to any election within two (2) business days after the challenge is filed.  
 494 Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after  
 495 the issuance of the lower body's decision and decided within two (2) business days after the appeal  
 496 is filed.

497 (a) The person challenging the election results shall prove by clear and convincing  
 498 evidence that the Election Law was violated or an unfair election was conducted, and that  
 499 the outcome of the election would have been different but for the violation.

500 (b) If the Judiciary invalidates the election results, a Special Election shall be ordered by  
 501 the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon  
 502 as the Election Law allows for a Special Election.

503 102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's  
 504 Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges  
 505 have been completed, whichever is longer. The Final Report shall consist of the following  
 506 information:

507 (a) Total number of persons voting.

508 (b) Total votes cast for each candidate by subsection of the ballot.

509 (c) List of any ties and final results of those ties, including the method of resolution.

510 (d) List of candidates elected and position elected to.

511 (e) Number of spoiled ballots.

512 (f) Cost of the election, including the compensation paid to each Election Board member.

513 102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of  
 514 the election and send notices regarding when the swearing in of newly elected officials shall take  
 515 place within ten (10) business days after receipt of the Final Report.

516 102.11-14. Candidates elected to the Business Committee shall resign from any salaried position  
 517 effective prior to taking a Business Committee oath of office

518 102.11-15. Except in the event of an emergency, as determined by the Business Committee,  
 519 newly elected officials shall be sworn into office no later than thirty (30) calendar days after the  
 520 official results of an election are declared by the Business Committee.

521 (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall  
 522 be considered vacant and the Election Board shall declare the next highest vote recipient  
 523 the winner. This procedure shall be repeated as necessary until a winner is declared.

524 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a  
 525 Special Election shall be held.

526 102.11-16. The Election Board shall send notice to the Records Management Department to  
 527 destroy the ballots thirty (30) calendar days after the election or after the final declaration of official  
 528 election results occurs, whichever is longer.  
 529

530 **102.12. Elections**

531 *Section A. Primary Elections; Business Committee*

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532 102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty  
533 (60) calendar days prior to the election.

534 102.12-2. There shall be a primary election for Business Committee positions whenever there are  
535 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-  
536 large council member positions.

537 (a) The two (2) candidates receiving the highest number of votes cast for each officer  
538 position shall be placed on the ballot.

539 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large  
540 council member positions shall be placed on the ballot.

541 (c) Any position where a tie exists to determine the candidates to be placed on the ballot  
542 shall include all candidates where the tie exists.

543 102.12-3. The Election Board shall cancel the primary election if the Business Committee  
544 positions did not draw the requisite number of candidates for a primary by the petitioning deadline  
545 set for the primary.

546 102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a  
547 winner in the primary, the Election Board shall declare the next highest primary vote recipient the  
548 primary winner. This procedure shall be repeated as necessary until the ballot is full or until there  
549 are no available candidates. If the ballot has already been printed, the procedures for notifying the  
550 Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to  
551 print a notice in the Nation's newspaper if time lines allow.

552

553 *Section B. Special Elections*

554 102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as  
555 defined in this law, may be placed on the same ballot as the subject matter of an election.

556 102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business  
557 Committee as recommended by the Election Board or as ordered by the Judiciary in connection  
558 with an election challenge.

559 102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent  
560 locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the  
561 Special Election.

562 102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided  
563 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the  
564 voters, by posting notices in the prominent locations.

565

566 *Section C. Referendums*

567 102.12-9. Registered voters may indicate opinions on any development, law or resolution,  
568 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special  
569 referendum election.

570 (a) Referendum elections in which a majority of the qualified voters who cast votes shall  
571 be binding on the Business Committee to present the issue for action/decision at General  
572 Tribal Council.

573 (b) Referendum requests may appear on the next called for election.

574 (c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the  
575 caucus prior to election, regarding issues directly affecting the Nation or general  
576 membership.

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577

578 *Section D. Initiation of Special Elections*579 102.12-10. Special Elections may be initiated by a request or directive of the General Tribal  
580 Council or the Oneida Business Committee.581 102.12-11. Special Election may be requested by a member of the Nation to the Business  
582 Committee or General Tribal Council.583 102.12-12. All Special Elections shall follow rules established for all other elections. This includes  
584 positions for all Boards, Committees and Commissions.

585

586 **102.13. Oneida Nation Constitution and By-law Amendments**587 102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida  
588 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition  
589 of qualified voters. The requirements for the Oneida Business Committee's initiation of  
590 Constitutional amendments are as provided in the Constitution and as further detailed in the  
591 supporting standard operating procedures which the Oneida Business Committee shall adopt.  
592 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting  
593 a petition to the Office of the Nation's Secretary which includes the full text of the proposed  
594 amendments and signatures that are equal in number to at least ten percent (10%) of all members  
595 qualified to vote.

596 (a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

597 (b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall  
598 direct the Trust Enrollment Department to calculate the number of signatures currently  
599 required for a petition submittal, which shall be ten percent (10%) of all members qualified  
600 to vote on the date the petition form is requested from the Office of the Nation's Secretary.  
601 When the Nation's Secretary receives the calculation from the Trust Enrollment  
602 Department, the Nation's Secretary shall provide the requester with the petition form and  
603 the number of signatures that are currently required.604 (c) Such petitions shall be circulated with all supporting materials and submitted a  
605 minimum of ninety (90) days prior to the election at which the proposed amendment is to  
606 be voted upon. If a petition includes supporting materials in addition to the petition form,  
607 each qualified voter signing the petition shall also acknowledge that the supporting  
608 materials were available for review at the time he or she signed the petition by initialing  
609 where required on the petition form.610 (d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment  
611 Department for verification of signatures and to the Election Board to provide notice that  
612 the petition may need to be placed on an upcoming ballot.613 (e) If the petition is verified by the Trust Enrollment Department to contain signatures from  
614 at least ten percent (10%) of all qualified voters, the Election Board shall make an official  
615 announcement of the proposed amendments to the Oneida Nation Constitution at least sixty  
616 (60) days prior to the election at which the proposed amendments are to be voted on.617 102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation  
618 Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general  
619 election. Provided that, the Oneida Business Committee or General Tribal Council may order a  
620 special election be held to consider the proposed amendments. In such circumstances, the Election  
621 Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the

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622 next special election.

623 102.13-3. The Election Board shall publish any proposed amendments by publishing a sample  
624 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust  
625 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty  
626 (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently  
627 posted in each polling place and at administrative offices of the Nation and shall also be published  
628 in official Oneida media outlets, which the Oneida Business Committee shall identify by  
629 resolution. For the purposes of this section, Oneida administrative offices means the location  
630 where the Oneida Business Committee conducts business.

631 102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of  
632 the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall  
633 ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a  
634 true and impartial statement and is written in such a manner that does not create prejudice for or  
635 against the proposed amendment.

636 102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed  
637 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that  
638 amendment shall become part of the Constitution and By-laws, and shall abrogate or amend  
639 existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission  
640 of the final election report.

641 102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the  
642 amendment receiving the highest affirmation vote prevails.

643  
644 *End.*

~~645~~

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647 Adopted - June 19, 1993

648 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

649 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

650 Amended- October 11, 2008 (General Tribal Council Meeting)

651 Amended-GTC-01-04-10-A

652 Amended – BC-02-25-15-C

653 Amended – GTC-04-23-17-A

654 Emergency Amended – BC-03-17-20-B (Expired)

655 Emergency Amended – BC-05-13-20-H (Expired)

656 Emergency Amended – BC-06-24-20-B (Expired at Conclusion of 2020 General Election)

657 Emergency Amended – BC-04-28-21-B (Expired)

658 Emergency Amended – BC-07-13-22-E (Expired)

659 Emergency Amended – BC-12-28-22-B (Expired)

660 Emergency Amended – BC-03-08-23-B (Expired)

661 Emergency Amended – BC- - - -



## Title 1. Government and Finances - Chapter 102

### ELECTION

#### Onayote'a'ká· Tho Ni· Yót Tsi? Ayethiyataláko Tsi? Kayanl'hsla

*People of the Standing Stone how it is we will appoint them the kind of laws we have*

|  |  |
|--|--|
| <p>102.1. Purpose and Policy</p> <p>102.2. Adoption, Amendment, Repeal</p> <p>102.3. Definitions</p> <p>102.4. Election Board</p> <p>102.5. Candidate Eligibility</p> <p>102.6. Selection of Candidates</p> <p>102.7. Notice of Polling Places</p> | <p>102.8. Registration of Voters</p> <p>102.9. Election Process</p> <p>102.10. Tabulating and Securing Ballots</p> <p>102.11. Election Outcome and Ties</p> <p>102.12. Elections</p> <p>102.13. Oneida Nation Constitution and By-law Amendments</p> |
|--|--|

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#### 102.1. Purpose and Policy

102.1-1. It is the policy of the Nation that this law shall govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. Because of the desire for orderly and easily understood elections, there has not been an allowance made for write-in candidates on ballots.

102.1-2. This law defines the duties and responsibilities of the Election Board members and other persons employed by the Oneida Nation in the conduct of elections. It is intended to govern all procedures used in the election process.

#### 102.2. Adoption, Amendment, Repeal

102.2-1. This law was adopted by the Oneida General Tribal Council by resolution GTC 07-06-98-A, amended by resolutions GTC-01-04-10-A, BC-02-25-15-C and GTC-04-23-17-A, and amended on an emergency basis by resolution BC-\_\_-\_\_-\_\_.

102.2-2. This law may be amended or repealed by the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act. Actions of the Election Board regarding amendments to this law and policies adopted regarding implementation of this law are to be presented to the Business Committee who shall then adopt or forward action(s) to the General Tribal Council for adoption.

102.2-3. 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.

102.2-4. 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.

102.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

#### 102.3. Definitions

102.3-1. 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.

102.3-2. "Alternate" shall mean an individual appointed by the Business Committee to serve on the Election Board during an election and until election results have been certified.

102.3-3. "Applicant" shall mean a potential candidate who has not yet been officially approved for acceptance on a ballot.

102.3-4. "Business day" shall mean Monday through Friday, 8:00 a.m. – 4:30 p.m., excluding holidays of the Nation.

102.3-5. "Campaigning" shall mean all efforts designed to influence members of the Nation to support or reject a particular candidate of the Nation including, without limitation, advertising, rallying, public speaking, or other communications with members of the Nation.

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38 102.3-6. "Candidate" shall mean a petitioner or nominee for an elected position whose name is  
39 placed on the ballot by the Election Board after successful application.

40 102.3-7. "Clerk" shall mean the election official who identifies proper registration for the purpose  
41 of determining voter eligibility.

42 102.3-8. "Close of business" shall mean 4:30 p.m. Monday through Friday.

43 102.3-9. "Conflict of Interest" shall mean any interest, whether it be personal, financial, political  
44 or otherwise, in which a Nation elected official, employee, consultant, appointed or elected,  
45 member of any board, committee or commission, or their immediate relatives, friends or  
46 associates, or any other person with whom they have contact, that conflicts with any right of the  
47 Nation to property, information, or any other right to own and operate its enterprises, free from  
48 undisclosed competition or other violation of such rights of the Oneida Nation, or as defined in  
49 any law or policy of the Nation.

50 102.3-10. "Election" shall mean every primary and election.

51 102.3-11. "General election" shall mean the election held every three (3) years in July to elect the  
52 Chairperson, Vice-Chairperson, Secretary, Treasurer, and the five Council Members of the  
53 Business Committee and may include contests for elected boards, committees and commissions  
54 positions.

55 102.3-12. "Judge" shall mean the election official who informs and advises the Chairperson of  
56 discrepancies, complaints and controversy regarding voter eligibility.

57 102.3-13. "Judiciary" means the judicial system that was established by Oneida General Tribal  
58 Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of  
59 the Nation.

60 102.3-14. "Lot drawing" shall mean the equal chance method used to select a candidate as the  
61 winner of an elected position, in the case of a tie between two (2) or more candidates.

62 102.3-15. "Nation" means the Oneida Nation.

63 102.3-16. "Nation's newspaper" shall mean the Kalihwisaks, or any other newspaper operated by  
64 the Nation for the benefit of transmitting news to members of the Nation, which is designated by  
65 the Election Board as a source for election related news.

66 102.3-17. "Oneida Police Officer" shall mean an enrolled member of the Oneida Nation who is a  
67 police officer on any police force.

68 102.3-18. "Private property" shall mean any lot of land not owned by the Nation, a residential  
69 dwelling or a privately owned business within the boundaries of the Reservation.

70 102.3-19. "Prominent locations" shall mean the polling places, main doors of the Norbert Hill  
71 Center, main doors of the Oneida Community Library, Tsyunhehkwa Retail Store, the Oneida  
72 Community Health Center, the SEOTS building and all One-Stop locations.

73 102.3-20. "Qualified voter" shall mean an enrolled member of the Nation who is eighteen (18)  
74 years of age or older.

75 102.3-21. "Rejected Ballots" shall mean those ballots which are rejected by the vote tabulating  
76 machine.

77 102.3-22. "Spoiled Ballot" shall mean a ballot which contains a voter error or is otherwise marred  
78 and is not tabulated.

79 102.3-23. "Teller" shall mean the election official in charge of collecting and storing of all ballots.

80

81

82 **102.4. Election Board**

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83 *Section A. Establishment, Composition and Election*84 102.4-1. An Election Board is hereby created for the purpose of carrying out the provisions of this  
85 law and Article III, Sections 2 and 3 of the Oneida Nation Constitution.86 102.4-2. The Election Board shall consist of nine (9) elected members. All members shall be  
87 elected to terms of three (3) years, not to exceed two (2) consecutive terms.88 102.4-3. *Recusal.* An Election Board member shall recuse himself/herself from participating as an  
89 Election Board member in any pre-election, election day, or post-election activities while he or  
90 she is a petitioner, applicant or candidate in any election or there is otherwise a conflict of interest.91 102.4-4. *Removal.* Removal of members shall be pursuant to the Oneida Removal Law. A member  
92 who is removed from the Election Board shall be ineligible to serve on the Board for three (3)  
93 years from the time he or she is removed from the Election Board.94 102.4-5. *Vacancies.* Any vacancy in an unexpired term shall be filled by appointment by the  
95 Business Committee for the balance of the unexpired term. The filling of a vacancy may be timed  
96 to correspond with the pre-election activities and the needs of the Election Board.

97 102.4-6. The Election Board shall identify tellers, judges and clerks in advance of an election.

98 102.4-7 The Business Committee may appoint or reappoint a sufficient number of alternates to  
99 the Election Board, as recommended by the Election Board, to assist with election day and pre-  
100 election activities.101 102.4-8. The Election Board shall choose a Chairperson from amongst themselves as set out in  
102 the By-laws of the Election Board, to preside over the meetings. This selection shall be carried  
103 out at the first meeting of the Election Board following an election. The Chairperson shall then  
104 ask the Election Board to select a Vice-Chairperson and Secretary.105  
106 *Section B. Duties of the Election Board*107 102.4-9. The Election Board shall have the following duties, along with other responsibilities listed  
108 throughout this law.

- 109 (a) The Election Board shall be in charge of all registration and election procedures; and
- 
- 110 (b) Upon completion of an election, the Election Board shall make a final report on the
- 
- 111 election results as set out in this law.

112  
113 *Section C. Specific Duties of Officers and Election Board Members*114 102.4-10. Specific duties of the Chairperson and other Election Board members, in addition to  
115 being present at all Election Board meetings and assisting the handicapped through the voting  
116 process, are as set out herein:117 (a) Chairperson: Shall preside over meetings of the Election Board; shall select the hearing  
118 body for applicants found to be ineligible in accordance with 102.5-6 in the event of an  
119 appeal; shall oversee the conduct of the election; shall dismiss the alternates and Trust  
120 Enrollment Department personnel when their election day duties are complete; and shall  
121 post and report election results.

122 (b) Vice-Chairperson: Shall preside over all meetings in the absence of the Chairperson.

123 (c) Secretary: Shall keep a record of the meetings and make them available to the Nation's  
124 Secretary, other Election Board members and the public as required in the Open Records  
125 and Open Meetings Law.126 (d) Clerks: Shall implement the requirements of identifying and registering all voters and  
127 determining voter eligibility. Clerks shall work in conjunction with the Trust Enrollment

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128 Department personnel in the registration process, and assist the Chairperson as directed in  
 129 conducting the election. Clerks cannot be currently employed by the Trust Enrollment  
 130 Department.

131 (e) Tellers: Shall collect and keep safe all ballots, until the election is complete, as  
 132 determined by this law. Shall assist the Chairperson in conducting the election.

133 (f) Judges: Shall inform and advise the Chairperson of all aspects of the election conducted  
 134 under this law. In case of disputes among Election Board members, or between members  
 135 of the Nation and Election Board members, or any controversy regarding voter eligibility,  
 136 the Judge(s) shall assist the Chairperson in making a determination. The Judge(s) shall  
 137 also ensure that all ballots of voters whose eligibility may be in question, remain  
 138 confidential.  
 139

#### 140 *Section D. Compensation Rates*

141 102.4-11. Election Board members are to be compensated at an hourly rate when conducting  
 142 elections as provided for in the Election Board's bylaws as approved by the Business Committee.  
 143 The Election Board shall have a budget, approved through the Nation's budgeting process.

144 102.4-12. The Trust Enrollment Department personnel and Oneida Police Officer(s) shall be  
 145 compensated at their regular rate of pay out of their respective budgets.  
 146

### 147 **102.5. Candidate Eligibility**

#### 148 *Section A. Requirements*

149 102.5-1. In addition to any specific requirements and/or exceptions set out in duly adopted by-  
 150 laws or other documents, all applicants shall meet the minimum requirements set out in this section  
 151 in order to become a candidate.

152 102.5-2. Minimum Requirements. In order to be eligible to be a candidate, applicants shall:

153 (a) be an enrolled member of the Nation, as verified by membership rolls of the Nation.

154 (b) be a qualified voter on the day of the election.

155 (c) provide proof of physical residency as required for the position for which they have  
 156 been nominated or for which they have petitioned. Proof of residency may be through one

157 (1) or more of the following:

158 (1) a valid Wisconsin driver's license;

159 (2) a bill or pay check stub showing name and physical address of the candidate  
 160 from the prior or current month;

161 (3) another form of proof that identifies the candidate and that the candidate has  
 162 physically resided at the address and identifies that address as the primary  
 163 residence.

164 102.5-3. No applicant may have a conflict of interest with the position for which they are being  
 165 considered, provided that any conflict of interest which may be eliminated within thirty (30)  
 166 calendar days of being elected shall not be considered as a bar to nomination or election.

167 102.5-4. Applications and petitions where the applicant was not nominated during caucus shall be  
 168 filed by presenting the information to the Nation's Secretary, or designated agent, during normal  
 169 business hours, 8:00 to 4:30 Monday through Friday, within five (5) business days after the caucus.  
 170 No mailed, internal Nation mail delivery, faxed or other delivery method shall be accepted.

171 102.5-5. The names of the candidates and the positions sought shall be a public record and made  
 172 available to the public upon the determination of eligibility by the Election Board or the Board's

173 designated agent.

174

175 *Section B. Eligibility Review*

176 102.5-6. Applicants found to be ineligible shall have two (2) business days to request an appeal.  
177 At least four (4) Election Board members shall constitute a hearing body. The Chairperson shall  
178 select the hearing body. The hearing shall be held within two (2) business days of receipt of the  
179 appeal. The applicant shall be notified by phone of time and place of the hearing. The decision  
180 of the hearing body shall be sent via certified mail or hand delivery within two (2) business days  
181 of the hearing. Any appeal from a decision of the Election Board hearing body shall be to the  
182 Judiciary on an accelerated schedule.

183 102.5-7. The Election Board shall be responsible for reviewing the qualifications of applicants to  
184 verify eligibility. Any applicant found to be ineligible for a nominated or petitioned for position  
185 shall be notified by certified mail return receipt requested. The notice shall provide the following  
186 information:

187 (a) Position for which they were considered

188 (b) Qualification of the position and citation of the source. (Copies of source may be  
189 attached.)

190 (c) A brief summary explaining why the applicant was found to be ineligible.

191 (d) That the applicant has two (2) business days from notification to make an appeal.  
192 Appeals must be filed at the location designated on the notice by hand delivery. The  
193 location designated shall be on the Reservation. No mailed, internal Nation mail, faxed or  
194 other delivery method will be accepted.

195

196 *Section C. Campaign Financing*

197 102.5-8. Contributions:

198 (a) Solicitation of Contributions by Candidates.

199 (1) Candidates shall only accept contributions from individuals who are members  
200 of the Nation or individuals related by blood or marriage to the candidate.  
201 Candidates may not accept contributions from any business, whether sole  
202 proprietorship, partnership, corporation, or other business entity.

203 (2) Candidates shall not solicit or accept contributions in any office or  
204 business/facility of the Nation.

205 (b) Fines. Violation of the contribution restrictions shall result in a fine imposed by the  
206 Election Board in an amount specified in a resolution adopted by the Business Committee.

207 102.5-9. Campaign Signs and Campaigning:

208 (a) Placement of campaign signs:

209 (1) Campaign signs shall not be posted or erected on any property of the Nation  
210 except for private property with the owner/tenant's permission.

211 (2) No campaign sign shall exceed sixteen (16) square feet in area. A maximum  
212 of seven (7) such signs may be placed on a building or on a lot.

213 (3) No campaign sign shall project beyond the property line into the public right  
214 of way.

215 (b) Removal of campaign signs. All campaign signs shall be removed within five (5)  
216 business days after an election.

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217 (c) Employees of the Nation shall not engage in campaigning for offices of the Nation  
 218 during work hours. The Nation's employees shall be subject to disciplinary action under  
 219 the personnel policies and procedures for political campaigning during work hours.

220 (d) Enforcement. The Zoning Administrator shall cause to be removed any campaign  
 221 signs that are not in compliance with this law, in accordance with the Zoning and Shoreland  
 222 Protection Law.

223 (e) Fines. Violation of the campaign sign restrictions shall result in a fine imposed by the  
 224 Election Board in an amount specified in a resolution adopted by the Business Committee.  
 225

226 *Section D. Candidate Withdrawal*

227 102.5-10 Any candidate may withdraw his or her name from a ballot if submitted in writing by  
 228 the candidate prior to submission of the ballot for printing to any Election Board member,  
 229 excluding alternates.

230 102.5-11 After printing of the ballot, any candidate may withdraw his or her name from the  
 231 election by submitting in writing a statement indicating they are withdrawing from the election  
 232 prior to the opening of the polls to any Election Board member, excluding alternates. This  
 233 statement shall be posted alongside any sample ballot printed prior to the election in the newspaper  
 234 or any posting at the polling places.

235 102.5-12. Candidates withdrawing after opening of the polls shall request, in writing to the  
 236 Election Board members in charge of the polling place, to be removed from the ballot. The written  
 237 statement shall be posted next to any posted sample ballot.

238 102.5-13. Candidates withdrawing by any method listed herein shall be denied any position from  
 239 which they have withdrawn regardless of the number of votes cast for that candidate. A written  
 240 statement shall be considered the only necessary evidence of withdrawal and acceptance of denial  
 241 of any position withdrawn from.

242 102.5-14. *Candidate Withdrawal After Winning an Election.*

243 (a) In the event a candidate declines an office after winning an election, the Election Board  
 244 shall declare the next highest vote recipient the winner. This procedure shall be repeated  
 245 as necessary until a winner is declared.

246 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a  
 247 Special Election shall be held.  
 248

249 **2.6. Selection of Candidates**

250 *Section A. Setting of Caucus*

251 102.6-1. The Election Board shall be responsible for calling a caucus before any election is held.  
 252 The caucus for the general election shall be held at least ninety (90) calendar days prior to the  
 253 election date. Caucuses for other elections shall be held at least forty-five (45) calendar days prior  
 254 to the election date. In a general election year, caucuses shall be combined so that candidates for  
 255 the Business Committee and elected boards, committees and commissions are nominated at the  
 256 same caucus.

257 102.6-2. The procedures for the caucus shall be as follows:

258 (a) Candidates shall be nominated from the floor.

259 (b) Candidates present at the caucus will accept/decline their nomination at the caucus.  
 260 Candidates nominated at the caucus, but not present to accept the nomination, shall be  
 261 required to follow the petition process.

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262 (c) Nominations shall consist of the following positions: Chairperson, Vice-Chairperson,  
 263 Treasurer, Secretary, Council Member and other elected positions as required by by-laws  
 264 or creating documents of a board, committee, or commission.  
 265

*Section B. Petition*

266  
 267 102.6-3. Any eligible member of the Nation may petition to be placed on a ballot according to the  
 268 following procedures:

269 (a) Each petitioner, not nominated at caucus, shall file a petition containing endorsee's  
 270 original signatures; photocopies shall not be accepted.

271 (b) Petitioners shall use an official petition form as designated by this law which may  
 272 be obtained in the Office of the Nation's Secretary or from the mailing for that caucus.

273 (c) The petition form shall consist of each endorsee's:

274 (1) printed name and address;

275 (2) date of birth;

276 (3) Oneida Nation Enrollment Number; and

277 (4) signature.

278 (d) Petitioners shall obtain not less than ten (10) signatures of qualified voters as  
 279 defined under this law.

280 (e) Petitions shall be presented to the Nation's Secretary, or designated agent, during  
 281 normal business hours, 8:00 to 4:30 Monday through Friday, but no later than prior to  
 282 close of business five (5) business days after the caucus. The location to drop-off  
 283 petitions shall be identified in the mailing identifying the caucus date.

284 (f) The Nation's Secretary shall forward all petitions to the Election Board Chairperson  
 285 the next business day following the close of petition submissions.

286 (g) The Election Board shall have the Trust Enrollment Department verify all  
 287 signatures contained on the petition.

288 102.6-4. A person who runs for a position on the Oneida Business Committee, or a position on a  
 289 judicial court or commission, shall not run for more than one (1) elective office or seat per election.  
 290

**102.7. Notice of Polling Places**

291  
 292 102.7-1. The Election Board shall post a notice in the prominent locations, stating the location of  
 293 the polling places and the time the polls will be open. This notice shall also be posted in an easily  
 294 visible position, close to the entrance of the Nation's businesses/facilities.

295 102.7-2. Polling information shall be posted no less than ten (10) calendar days prior to the  
 296 election, and shall remain posted until the poll closes on the day of the election.

297 102.7-3. Except for a Special Election, notice for the election shall be mailed to all Nation  
 298 members, stating the time and place of the election and a sample of the ballot, no less than ten (10)  
 299 calendar days prior to the election, through a mass mailing. The Trust Enrollment Department  
 300 shall be notified, by the Election Board Chairperson, no less than twenty (20) calendar days prior  
 301 to the requested mailing.

302 102.7-4. Notice of the election shall be placed in the Nation's newspaper.  
 303

**102.8. Registration of Voters***Section A. Requirements*

304  
 305  
 306 102.8-1. *Registration of Voters.* All enrolled members of the Nation, who are eighteen (18) years

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307 of age or over, are qualified voters of such election(s) as defined in Article III, Section 2 of the  
 308 Oneida Nation Constitution.

309

310 *Section B. Identification of Voters*

311 102.8-2. All voters must present one of the following picture identifications in order to be able to  
 312 vote:

- 313 (a) Oneida Nation I.D.
- 314 (b) Drivers License.
- 315 (c) Other I.D. with name and photo.

316

317 *Section C. Registration Procedures*

318 102.8-3. Voters shall physically register, on the day of the election, at the polls.

319 102.8-4. Trust Enrollment Department personnel shall be responsible for verifying enrollment  
 320 with the Nation. Conduct of Trust Enrollment Department personnel is governed by the Election  
 321 Officials during the voting period.

322 102.8-5. Every person who intends to vote must sign his/her name on an official Voter Registration  
 323 Form containing the voter's following information:

- 324 (a) name and maiden name (if any);
- 325 (b) current address;
- 326 (c) date of birth; and
- 327 (d) enrollment number.

328

329 *Section D. Qualification/Verification of Voter Eligibility*

330 102.8-6. Should a question or dispute arise as to the eligibility of a voter being qualified to vote,  
 331 the Judges of the Election Officials appointed by the Election Board Chairperson shall meet with  
 332 the Trust Enrollment Department personnel who are registering voters, to decide the voting  
 333 member's eligibility currently being questioned and shall make such decisions from the facts  
 334 available, whether the applicant is, in fact, qualified/verifiable under the Oneida Nation  
 335 Constitution, Article III Section 2, to vote in the Nation's elections.

336 102.8-7. Any voter denied eligibility shall be allowed to vote, provided that the ballot shall be  
 337 placed in an envelope, initialed by two (2) Election Officials, sealed and numbered. The name of  
 338 the voter shall be written next to a numbered list which corresponds to the numbered and sealed  
 339 envelope. The voter shall be required to mail a written appeal to the Election Board at P.O. Box  
 340 413, Oneida, Wisconsin, 54155, postmarked within two (2) business days of the election if they  
 341 desire to challenge the decision made by the Election Officials. The Election Board shall make a  
 342 final decision, within five (5) business days of receiving the appeal and shall report this decision  
 343 in the final report sent to the Oneida Business Committee.

344

345 **102.9. Election Process**346 *Section A. Polling Places and Times*

347 102.9-1. In accordance with Article III, Section 5 of the Oneida Nation Constitution, elections  
 348 shall be held in the month of July on a date set by the General Tribal Council. The General Tribal  
 349 Council shall set the election date at the January annual meeting, or at the first GTC meeting held  
 350 during a given year. Special Elections shall be set in accordance with 102.12-6.

351 102.9-2. Elections shall be held in an Oneida Nation facility(s) as determined by the Election



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352 Board.

353 102.9-3. Voting for elections shall begin at 7:00 a.m. and shall end at 7:00 p.m. All voters in line  
354 to vote at 7:00 p.m. shall be allowed to vote.

355 (a) If a ballot counting machine is used, the ballot counting machine shall be prepared  
356 prior to 7:00 a.m. on the day of the election. The Judges shall open the polls only after four  
357 (4) members of the Nation verify, through signature on the tape, the ballot box is empty  
358 and the ballot counting machine printer tape has a zero (0) total count.

359 102.9-4. At least one (1) Oneida Police Officer shall be present during the time the polls are open,  
360 and until the counting of ballots is completed, and tentative results posted.

361 102.9-5. The Election Board shall provide a voting area sufficiently isolated for each voter such  
362 that there is an area with at least two sides and a back enclosure.

363 102.9-6. No campaigning of any type shall be conducted within two hundred eighty (280) feet of  
364 the voting area, excluding private property.

365 102.9-7. No one causing a disturbance shall be allowed in the voting area.

366 102.9-8. Election Board members may restrict the voting area to qualified voters only. This  
367 restriction is in the interest of maintaining security of the ballots and voting process.

368

369 *Section B. Ballot Box*

370 102.9-9. All ballots being votes, shall be placed in a receptacle clearly marked "Ballot Box" and  
371 shall be locked until counting at the close of polls. Provided that, with electronic ballot counting,  
372 the ballots may be placed within the ballot counting machine as they are received.

373

374 *Section C. Spoiled Ballots*

375 102.9-10. If a voter spoils his/her ballot, he/she shall be given a new ballot.

376 102.9-11. The spoiled ballot shall be marked "VOID" and initialed by two (2) Election Officials  
377 and placed in an envelope marked as "Spoiled Ballots."

378 102.9-12. The Spoiled Ballot envelopes shall be retained and secured for no less than fifteen (15)  
379 calendar days following finalization of any challenge of the election, at the Records Management  
380 Department.

381

382 *Section D. Rejected Ballots*

383 102.9-13. Rejected Ballots are to be placed in a specially marked container and sealed.

384 (a) Computer rejected ballots shall be reviewed by the Election Officials to verify the  
385 authenticity of the ballot. Ballots rejected because of mutilation shall be added to the final  
386 computer total, provided that, a new ballot was not received as set out in sections 102.9-10  
387 through 102.9-12.

388 (b) Ballots rejected, either during the computer process or during a manual counting, shall  
389 be reviewed by the Election Officials to verify that they are authentic. If the Election  
390 Officials determine that the ballot is not an official ballot, or that it is an illegal ballot, the  
391 ballot shall be designated 'void,' and placed in a sealed container marked "Void Ballots."

392

393 **102.10. Tabulating and Securing Ballots**

394 *Section A. Machine Counted Ballots*

395 102.10-1. When ballots are counted by machine, at the close of polls the Judges shall generate  
396 from the ballot counting machine copies of the election totals from the votes cast.

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397 102.10-2. At least three (3) Election Board members shall sign the election totals, which shall  
 398 include the tape signed by the members of the Nation before the polls were opened per section  
 399 102.9-3(a).

400

401 *Section B. Manually Counted Ballots*

402 102.10-3. When ballots are manually counted, at the close of polls the Judges shall unlock the  
 403 ballot box and remove the ballots.

404 102.10-4. If the ballots need to be counted at a location other than the polling site, the ballots shall  
 405 be secured in a sealed container for transportation to the ballot counting location. The sealed  
 406 ballots shall be transported by an Oneida Police Officer with at least three (3) of the Election  
 407 Officials for counting/tallying of ballots.

408 102.10-5. The sealed ballots shall be opened at the time of counting by the Election Officials and  
 409 witnessed/monitored by an Oneida Police Officer.

410 102.10-6. Ballots must be counted by two different Election Officials until two final tallies are  
 411 equal in back to back counting. Final tallies shall be verified by the Election Judges.

412

413 *Section C. Securing Ballots*

414 102.10-7. The Judges shall place together all ballots counted and secure them together so that they  
 415 cannot be untied or tampered with without breaking the seal. The secured ballots, and the election  
 416 totals with the signed tape, if applicable, shall then be secured by the Judges in a sealed container  
 417 in such a manner that the container cannot be opened without breaking the seals or locks, or  
 418 destroying the container. The Oneida Police Officer shall then deliver, on the day of the election,  
 419 the sealed container to the Records Management Department for retaining.

420

421 **102.11. Election Outcome and Ties**422 *Section A. Election Results Announcement*

423 102.11-1. The tentative results of an election shall be announced and posted by the Election Board  
 424 within twenty-four (24) hours after the closing of the polls. Notices of election results shall contain  
 425 the following statement:

426 *"The election results posted here are tentative results. Final election results are forwarded*  
 427 *by the Oneida Election Board to the Oneida Business Committee via a Final Report after*  
 428 *time has lapsed for recount requests, or challenges or after all recounts or challenges*  
 429 *have been completed, whichever is longer"*

430 102.11-2. The Election Board shall post, in the prominent locations, and publish in the Nation's  
 431 newspaper, the tentative results of an election.

432

433 *Section B. Tie*

434 102.11-3. In the event of a tie for any office, and where the breaking of a tie is necessary to  
 435 determine the outcome of an election, the Election Board shall conduct an automatic recount of  
 436 the votes for each candidate receiving the same number of votes. Any recount conducted shall be  
 437 the only recount allowed for the tied candidates.

438 102.11-4. For Business Committee positions, a run-off election between the candidates with the  
 439 same number of votes shall be held if there remains a tie after the recount. Said run-off election  
 440 shall be held within twenty one (21) calendar days after the recount. For all other positions, if  
 441 there remains a tie after the recount, the Election Board shall decide the winner of the tied positions

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442 at least two (2) business days after, but no more than five (5) business days after the recount  
443 through a lot drawing, which shall be open to the public.

444 (a) The Election Board shall notify each of the tied candidates and the public of the date,  
445 time, and place of the drawing at least one (1) business day before the drawing. Notice to  
446 the tied candidates shall be in writing. Notice to the public shall be posted by the Election  
447 Board in the prominent locations.

448 (b) On the date and at the time and place the drawing was noticed, the Election Board  
449 Chairperson shall clearly write the name of each tied candidate on separate pieces of paper  
450 in front of any witnesses present. The pieces of paper shall be the same, or approximately  
451 the same, color, size, and type. The papers shall be folded in half and placed in a container  
452 selected by the Election Board Chairperson.

453 (c) The Election Board Chairperson shall designate an uninterested party to draw a name  
454 from the container. The candidate whose name is drawn from the container first shall be  
455 declared the winner. An Election Board member other than the Chairperson shall remove  
456 the remaining pieces of paper from the container and show them to the witnesses present.  
457

458 *Section C. Recount Procedures*

459 102.11-5. A candidate may request the Election Board to complete a recount, provided the margin  
460 between the requesting candidate's vote total and vote total for the unofficial winner was within  
461 two percent (2%) of the total votes for the office being sought or twenty (20) votes, whichever is  
462 greater. A candidate requests a recount by hand delivering a written request to the office of the  
463 Nation's Secretary, or noticed designated agent, within five (5) business days after the election.  
464 Requests shall be limited to one (1) request per candidate. The Nation's Secretary shall contact  
465 the Election Board Chairperson by the next business day after the request for recounts.

466 102.11-6. The Election Board shall respond by the close of business on the fifth (5<sup>th</sup>) day after the  
467 request regarding the results of the recount. Provided that, no recount request need be honored  
468 where there have been two (2) recounts completed as a result of a request either as a recount of the  
469 whole election results, or of that sub-section.

470 102.11-7. All recounts shall be conducted manually with, if possible, the original Election  
471 Officials and Oneida Police Officer present, regardless of the original type of counting process.  
472 Manual recounts may, at the discretion of the Election Officials, be of the total election results, or  
473 of the challenged sub-section of the election results.

474 102.11-8. The Oneida Police Officer shall be responsible for picking up the locked, sealed  
475 container with the ballots from the Records Management Department and transporting it to the  
476 ballot recounting location.

477 102.11-9. A recount shall be conducted by a quorum of the Election Board, including at least three  
478 (3) of the original Election Officials. The locked, sealed ballots shall be opened by the Election  
479 Board Chairperson and an Oneida Police Officer shall witness the recount.

480 102.11-10. Recounting of ballots may be performed manually or by computer. All ballots shall be  
481 counted until two (2) final tallies are equal in back to back counting and the total count of ballots  
482 reconciles with the total count from the ballot counting machine. Sub-sections of candidates may  
483 be recounted in lieu of a full recount.

484 (a) Manually counted ballots shall be recounted by the Election Board. Ballots shall be  
485 counted twice by different persons and certified by the Judges.

486 (b) Computer counted ballots shall be recounted twice and certified by the Judges. Prior

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487 to using an electronic ballot counting device, it shall be certified as correct either by the  
488 maker, lessor of the machine, or Election Board.  
489

490 *Section D. Challenges and Declaration of Results*

491 102.11-11. *Challenges.* Any qualified voter may challenge the results of an election by filing a  
492 complaint with the Judiciary within ten (10) calendar days after the election. The Judiciary shall  
493 hear and decide a challenge to any election within two (2) business days after the challenge is filed.  
494 Any appeal to the appellate body of the Judiciary shall be filed within one (1) business day after  
495 the issuance of the lower body's decision and decided within two (2) business days after the appeal  
496 is filed.

497 (a) The person challenging the election results shall prove by clear and convincing  
498 evidence that the Election Law was violated or an unfair election was conducted, and that  
499 the outcome of the election would have been different but for the violation.

500 (b) If the Judiciary invalidates the election results, a Special Election shall be ordered by  
501 the Judiciary for the office(s) affected to be held on a date set by the Judiciary for as soon  
502 as the Election Law allows for a Special Election.

503 102.11-12. *The Final Report.* The Election Board shall forward a Final Report to the Nation's  
504 Secretary after time has lapsed for recount requests, or challenges or after all recounts or challenges  
505 have been completed, whichever is longer. The Final Report shall consist of the following  
506 information:

507 (a) Total number of persons voting.

508 (b) Total votes cast for each candidate by subsection of the ballot.

509 (c) List of any ties and final results of those ties, including the method of resolution.

510 (d) List of candidates elected and position elected to.

511 (e) Number of spoiled ballots.

512 (f) Cost of the election, including the compensation paid to each Election Board member.

513 102.11-13. *Declaration of Results.* The Business Committee shall declare the official results of  
514 the election and send notices regarding when the swearing in of newly elected officials shall take  
515 place within ten (10) business days after receipt of the Final Report.

516 102.11-14. Candidates elected to the Business Committee shall resign from any salaried position  
517 effective prior to taking a Business Committee oath of office

518 102.11-15. Except in the event of an emergency, as determined by the Business Committee,  
519 newly elected officials shall be sworn into office no later than thirty (30) calendar days after the  
520 official results of an election are declared by the Business Committee.

521 (a) If a newly elected official is not sworn in within thirty (30) calendar days, the seat shall  
522 be considered vacant and the Election Board shall declare the next highest vote recipient  
523 the winner. This procedure shall be repeated as necessary until a winner is declared.

524 (b) If all vote recipients decline or are otherwise unable to be declared the winner, then a  
525 Special Election shall be held.

526 102.11-16. The Election Board shall send notice to the Records Management Department to  
527 destroy the ballots thirty (30) calendar days after the election or after the final declaration of official  
528 election results occurs, whichever is longer.  
529

530 **102.12. Elections**

531 *Section A. Primary Elections; Business Committee*

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532 102.12-1. When a primary is required under 102.12-2, it shall be held on a Saturday at least sixty  
533 (60) calendar days prior to the election.

534 102.12-2. There shall be a primary election for Business Committee positions whenever there are  
535 three (3) or more candidates for any officer positions or sixteen (16) or more candidates for the at-  
536 large council member positions.

537 (a) The two (2) candidates receiving the highest number of votes cast for each officer  
538 position shall be placed on the ballot.

539 (b) The fifteen (15) candidates receiving the highest number of votes cast for the at-large  
540 council member positions shall be placed on the ballot.

541 (c) Any position where a tie exists to determine the candidates to be placed on the ballot  
542 shall include all candidates where the tie exists.

543 102.12-3. The Election Board shall cancel the primary election if the Business Committee  
544 positions did not draw the requisite number of candidates for a primary by the petitioning deadline  
545 set for the primary.

546 102.12-4. In the event a candidate withdraws or is unable to run for office after being declared a  
547 winner in the primary, the Election Board shall declare the next highest primary vote recipient the  
548 primary winner. This procedure shall be repeated as necessary until the ballot is full or until there  
549 are no available candidates. If the ballot has already been printed, the procedures for notifying the  
550 Oneida public in section 102.5-11 and 102.5-12 shall be followed, including the requirement to  
551 print a notice in the Nation's newspaper if time lines allow.

552

553 *Section B. Special Elections*

554 102.12-5. Matters subject to a Special Election, i.e., referendum, vacancies, petitions, etc., as  
555 defined in this law, may be placed on the same ballot as the subject matter of an election.

556 102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business  
557 Committee as recommended by the Election Board or as ordered by the Judiciary in connection  
558 with an election challenge.

559 102.12-7. Notice of said Special Election shall be posted by the Election Board in the prominent  
560 locations, and placed in the Nation's newspaper not less than ten (10) calendar days prior to the  
561 Special Election.

562 102.12-8. In the event of an emergency, the Election Board may reschedule the election, provided  
563 that no less than twenty-four (24) hours notice of the rescheduled election date is given to the  
564 voters, by posting notices in the prominent locations.

565

566 *Section C. Referendums*

567 102.12-9. Registered voters may indicate opinions on any development, law or resolution,  
568 proposed, enacted, or directed by the Business Committee, or General Tribal Council, in a special  
569 referendum election.

570 (a) Referendum elections in which a majority of the qualified voters who cast votes shall  
571 be binding on the Business Committee to present the issue for action/decision at General  
572 Tribal Council.

573 (b) Referendum requests may appear on the next called for election.

574 (c) Referendum questions are to be presented to the Nation's Secretary, in writing, at the  
575 caucus prior to election, regarding issues directly affecting the Nation or general  
576 membership.

577  
578 *Section D. Initiation of Special Elections*  
579 102.12-10. Special Elections may be initiated by a request or directive of the General Tribal  
580 Council or the Oneida Business Committee.  
581 102.12-11. Special Election may be requested by a member of the Nation to the Business  
582 Committee or General Tribal Council.  
583 102.12-12. All Special Elections shall follow rules established for all other elections. This includes  
584 positions for all Boards, Committees and Commissions.  
585

586 **102.13. Oneida Nation Constitution and By-law Amendments**

587 102.13-1. Pursuant to Article VI of the Oneida Nation Constitution, amendments to the Oneida  
588 Nation Constitution and By-laws may be initiated by the Oneida Business Committee or a petition  
589 of qualified voters. The requirements for the Oneida Business Committee's initiation of  
590 Constitutional amendments are as provided in the Constitution and as further detailed in the  
591 supporting standard operating procedures which the Oneida Business Committee shall adopt.  
592 Qualified voters may petition to amend the Oneida Nation Constitution and By-laws by submitting  
593 a petition to the Office of the Nation's Secretary which includes the full text of the proposed  
594 amendments and signatures that are equal in number to at least ten percent (10%) of all members  
595 qualified to vote.

596 (a) Qualified voters may request a petition form from the Office of the Nation's Secretary.

597 (b) When a petition form is requested, the Nation's Secretary, or his or her designee, shall  
598 direct the Trust Enrollment Department to calculate the number of signatures currently  
599 required for a petition submittal, which shall be ten percent (10%) of all members qualified  
600 to vote on the date the petition form is requested from the Office of the Nation's Secretary.  
601 When the Nation's Secretary receives the calculation from the Trust Enrollment  
602 Department, the Nation's Secretary shall provide the requester with the petition form and  
603 the number of signatures that are currently required.

604 (c) Such petitions shall be circulated with all supporting materials and submitted a  
605 minimum of ninety (90) days prior to the election at which the proposed amendment is to  
606 be voted upon. If a petition includes supporting materials in addition to the petition form,  
607 each qualified voter signing the petition shall also acknowledge that the supporting  
608 materials were available for review at the time he or she signed the petition by initialing  
609 where required on the petition form.

610 (d) The Nation's Secretary shall forward submitted petitions to the Trust Enrollment  
611 Department for verification of signatures and to the Election Board to provide notice that  
612 the petition may need to be placed on an upcoming ballot.

613 (e) If the petition is verified by the Trust Enrollment Department to contain signatures from  
614 at least ten percent (10%) of all qualified voters, the Election Board shall make an official  
615 announcement of the proposed amendments to the Oneida Nation Constitution at least sixty  
616 (60) days prior to the election at which the proposed amendments are to be voted on.

617 102.13-2. The Election Board shall place any proposed amendments to the Oneida Nation  
618 Constitution that meet the requirements contained in 102.13-1 on the ballot at the next general  
619 election. Provided that, the Oneida Business Committee or General Tribal Council may order a  
620 special election be held to consider the proposed amendments. In such circumstances, the Election  
621 Board shall place any proposed amendments to the Oneida Nation Constitution on the ballot at the

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622 next special election.

623 102.13-3. The Election Board shall publish any proposed amendments by publishing a sample  
624 ballot no less than ten (10) calendar days prior to the election, through a mass mailing. The Trust  
625 Enrollment Department shall be notified, by the Election Board Chairperson, no less than twenty  
626 (20) calendar days prior to the requested mailing. Copies of such publications shall be prominently  
627 posted in each polling place and at administrative offices of the Nation and shall also be published  
628 in official Oneida media outlets, which the Oneida Business Committee shall identify by  
629 resolution. For the purposes of this section, Oneida administrative offices means the location  
630 where the Oneida Business Committee conducts business.

631 102.13-4. The Election Board shall ensure that the ballot contains a statement of the purpose of  
632 the proposed amendments prepared by the Oneida Law Office. The Oneida Law Office shall  
633 ensure that the statement of purpose is one hundred (100) words or less exclusive of caption, is a  
634 true and impartial statement and is written in such a manner that does not create prejudice for or  
635 against the proposed amendment.

636 102.13-5. Pursuant to Article VI, Section 3 of the Oneida Nation Constitution, proposed  
637 amendments that are approved by sixty-five percent (65%) of the qualified voters that vote on that  
638 amendment shall become part of the Constitution and By-laws, and shall abrogate or amend  
639 existing provisions of the Constitution and By-laws at the end of thirty (30) days after submission  
640 of the final election report.

641 102.13-6. If two (2) or more amendments approved by the voters at the same election conflict, the  
642 amendment receiving the highest affirmation vote prevails.

643  
644 *End.*

~~645~~

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647 Adopted - June 19, 1993

648 Amended - June 28, 1995 (Adopted by BC on Behalf of GTC, Completion of Agenda)

649 Presented for Adoption of 1997 Revisions - GTC-7-6-98-A

650 Amended- October 11, 2008 (General Tribal Council Meeting)

651 Amended-GTC-01-04-10-A

652 Amended – BC-02-25-15-C

653 Amended – GTC-04-23-17-A

654 Emergency Amended – BC-03-17-20-B (Expired)

655 Emergency Amended – BC-05-13-20-H (Expired)

656 Emergency Amended – BC-06-24-20-B (Expired at Conclusion of 2020 General Election)

657 Emergency Amended – BC-04-28-21-B (Expired)

658 Emergency Amended – BC-07-13-22-E (Expired)

659 Emergency Amended – BC-12-28-22-B (Expired)

660 Emergency Amended – BC-03-08-23-B (Expired)

661 Emergency Amended – BC-\_\_-\_\_-\_\_-\_\_



Legislative Operating Committee  
June 18, 2025

# Hunting, Fishing, and Trapping Law Amendments

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Submission Date:</b> 12/7/22 | <b>Public Meeting:</b> N/A    |
| <b>LOC Sponsor:</b> Jonas Hill  | <b>Emergency Enacted:</b> N/A |

**Summary:** *This item was carried over from last term. On August 10, 2022, the OBC made a motion “to direct the General Manager to complete the assessment regarding the feasibility of the Environmental, Health, Safety, Land, & Agriculture Division taking on the roles of the Environmental Resources Board and for the assessment to be submitted at the second meeting Business Committee meeting in September”. In short, the GM concluded that although changes were necessary to those Oneida laws that delegated the authority and responsibility to the Environmental Resources Board (ERB), those responsibilities that were jointly executed by the ERB and Environmental, Health, Safety, and Land Division (EHSLA), could be assumed by EHSLA. Additionally, for those duties that delegated ERB the power and duty to carry out the intent and purposes of the law, including enforcement, those responsibilities could be delegated to EHSLA and/or the Land Commission.*

*On September 28, 2022, the OBC made a motion to accept the Environmental, Health, Safety, Land, and Agriculture Environmental Resource Board assessment; to recommend the dissolution the Environment Resource Board; and to direct Chief Counsel to bring back a report in 45 days on actions that need to take place in order to complete the dissolution of the Environmental Resource Board including amendments to laws and addressing any background material. The Oneida Law Office provided this report to the Oneida Business Committee on November 29, 2022.*

*This item was then added to the Active Files List on December 7, 2022, in an effort to make amendments to address the dissolution of the Environmental Resources Board, and transition the Board’s responsibilities to the Environmental, Health, Safety, Land and Agriculture Division and/or the Oneida Land Commission.*

**12/7/22 LOC:** Motion by Jennifer Webster to add the Hunting, Fishing, and Trapping law amendments to the Active Files List with Kirby Metoxen as the sponsor; seconded by Marie Cornelius. Kirby Metoxen abstained. Motion carried.

**10/4/23 LOC:** Motion by Jennifer Webster to add the Hunting, Fishing, and Trapping Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

**1/3/24:** *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jennifer Webster, Jonas Hill, Kirby Metoxen Clorissa Leeman, Grace Elliott, Kristal Hill, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was for Jonas Hill to provide an update on a meeting he had with EDSLAD Division Director regarding the division taking on the responsibilities of ERB.



- 4/3/24 LOC:** Motion by Jennifer Webster to approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on June 5, 2024; seconded by Jonas Hill. Motion carried unanimously.
- 5/1/24 LOC:** Motion by Jennifer Webster to approve the revised LOC community meeting notice and reschedule the community meeting to take place on June 4, 2024.; seconded by Kirby Metoxen. Motion carried unanimously.
- 5/10/24:** *Work Meeting.* Present: Jameson Wilson. Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Carolyn Salutz, Grace Elliott, Maureen Perkins, Fawn Cottrell, Kristal Hill. The purpose of this meeting was to discuss the fact that the June 4<sup>th</sup> community meeting and the fact that there is a budget meeting scheduled the same day and determine whether we want to continue with holding this community meeting. The LOC decided to proceed with the community meeting as scheduled.
- 5/30/24:** *Work Meeting.* Present: Jameson Wilson. Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to prepare for the June 4, 2024, LOC community meeting and come up with potential discussion questions.
- 6/4/24:** *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Marena Bridges, Ike Jordan, Jurt Jordan, Carl Jordan, Bonnie Pigman, Margaret King, Denise Johnson, Jeff Jordan, Francis Cornelius, Duane Skenandore Jr., Sidney White, Louis Clark, Tsyoshaat Delgado, Kristin Skenandore, Shad Webster, Chris Jordan, Lois Strong, Xavier Horkman, Lisa Summers, and others. The Legislative Operating Committee held a community meeting in the NHC's cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Hunting, Fishing, and Trapping law amendments and a new Guardianship law.
- 12/9/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Mark Powless, Eric McLester, Shad Webster, Terry Metoxen, Eric Boulanger, Joel Maxam, Ronald King Jr., Nicole Rommel, Maureen Perkins, Kristal Hill, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to read through the law and begin discussions on potential amendments to be made to the law.
- 1/14/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Eric McLester, Shad Webster, Terry Metoxen, Joel Maxam, Ronald King Jr., Kelly McAndrews, Maureen Perkins, Kristal Hill, Fawn Cottrell,. The purpose of this work meeting was to read through the proposed amendments to the law discussed during the last work meeting, and continue discussions on potential amendments to be made to the law.
- 2/3/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Kristal Hill, Maureen Perkins, Grace Elliott, Carolyn Salutz, Fawn Billie. The purpose of this work meeting was to select the topics for the March 5<sup>th</sup> LOC community meeting. The LOC decided the topics to be discussed should include: Elder Protection law, Indian Preference in Contracting law amendments, and Hunting, Fishing, and Trapping law amendments.
- 2/24/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Mark Powless, Eric McLester, Shad Webster, Terry Metoxen, Eric Boulanger, Joel Maxam, Ronald King Jr., Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to continue reading through the proposed amendments to the law and continue discussions on potential amendments to be made to the law.
- 3/5/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Metoxen, Clorissa Leeman, Shad Webster, Nicole Rommel, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to review the PowerPoint presentation for the

March 19<sup>th</sup> LOC community meeting. Shad also went over some ideas for how the Department can better handle licensing in the future.

**4/16/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to review and finalize the draft of the proposed amendments to the Hunting, Fishing, and Trapping law.

**5/1/25:** *Work Meeting.* Present: Clorissa Leeman, Shad Webster. The purpose of this work meeting was to collect some of Conservation's final comments on the proposed draft of amendments to the law.

**5/7/25 LOC:** Motion by Jennifer Webster to approve the draft of proposed amendments to the Hunting, Fishing, and Trapping law and direct that a legislative analysis be completed; seconded by Marlon Skenandore. Motion carried unanimously.

**5/21/25 LOC:** Motion by Jennifer Webster to approve the updated draft and legislative analysis; seconded by Jonas Hill. Motion carried unanimously.

**Next Steps:**

- Approve the public meeting packet for the proposed amendments to the Hunting, Fishing, and Trapping law and schedule a public meeting to be held on July 30, 2025.

**ONEIDA NATION PUBLIC MEETING NOTICE****WEDNESDAY, JULY 30, 2025, 12:15 pm**Norbert Hill Center-Business Committee Conference Room  
N7210 Seminary Rd., Oneida, Wisconsin**Find Public Meeting Materials at**

Oneida-nsn.gov/government/register/public meetings

**Send Public Comments to**

LOC@oneidanation.org

**Ask Questions here**

LOC@oneidanation.org

920-869-4417

**HUNTING, FISHING, AND TRAPPING LAW AMENDMENTS**

The purpose of the Hunting, Fishing, and Trapping law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen.

**The Hunting, Fishing, and Trapping law amendments will:**

- ◆ Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law to the Conservation Department, except hearing authority, which is delegated to the Oneida Nation Judiciary.
- ◆ Revise what topics the Conservation Department is to draft rules for, including, but not limited to adding rules to identify designated seasons and/or hunting hours for elder, disabled, and youth hunts; regulate the use of recovery and retrieval services and methods; regulate the care and husbandry of animals used to hunt or animals used for private game hunting.
- ◆ Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons.
- ◆ Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules.
- ◆ And make other drafting changes to the law.

Individuals may attend the public meeting for the proposed Hunting, Fishing, and Trapping law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact [LOC@oneidanation.org](mailto:LOC@oneidanation.org).

**PUBLIC COMMENT PERIOD CLOSES WEDNESDAY, AUGUST 13, 2025**

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.



For more information on the proposed Hunting, Fishing, and Trapping law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](http://oneida-nsn.gov/government/register/public%20meetings).



# HUNTING, FISHING, AND TRAPPING LAW AMENDMENTS LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

| <i>Analysis by the Legislative Reference Office</i> |  |
|---|--|
| <b>Intent of the Proposed Amendments</b>            | <ul style="list-style-type: none"> <li>▪ Add a definition for descendant, great bodily harm, and warden. <i>[4 O.C. 406.3-1(g), 406.3-14(m), 406.3-1(ff)];</i></li> <li>▪ Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law, except hearing authority, to the Conservation Department throughout the entire law.;</li> <li>▪ Require the Conservation Department draft rules that identify designated seasons and/or hunting hours for elder, disabled, and youth hunts. <i>[4 O.C. 406.5-2(e)(1)];</i></li> <li>▪ Eliminate the requirement that the Conservation Department draft rules establishing a process for retention, storage and disposal of items confiscated or turned over to the Department in accordance with this law. <i>[4 O.C. 406.5-2];</i></li> <li>▪ Require the Conservation Department draft rules that regulate the use of recovery and retrieval services and methods. <i>[4 O.C. 406.5-2(m)];</i></li> <li>▪ Require the Conservation Department draft rules that regulate the care and husbandry of animals used to hunt or animals used for private game hunting. <i>[4 O.C. 406.5-2(n)];</i></li> <li>▪ Eliminate the requirement that a rule booklet be provided to each person receiving a license permit. <i>[4 O.C. 406.5-2];</i></li> <li>▪ Recognize that wardens fall within the organization of the Oneida Police Department and not the Conservation Department, and therefore prescribe all responsibilities/duties of the wardens to the Oneida Police Department officers; and eliminate the requirement that an Oneida Police Department office who observes a violation of this law report it to a warden. <i>[4 O.C. 406.5-3, eliminate 406.5-4];</i></li> <li>▪ Adds beaver to list of animals a landowner, lessee, or designee is allowed to hunt or trap on property they own or lease year round without a sportsman license, removing beavers from the list of nuisance animals that a person is not required to get a nuisance animal removal permit to hunt or trap <i>[4 O.C. 406.6-1(a)(2)(G), eliminated 406.8-3(a)];</i></li> <li>▪ Eliminate the provision that allowed any licensee holding a fishing only sportsman license to name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license. <i>[Eliminated 4 O.C. 406.6-1(b)(1)(B)];</i></li> </ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"><li>▪ Eliminate the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for groups/organizations that seek a ceremonial and/or feast permit. [4 O.C. 406.6-2(b)];</li><li>▪ Require that all persons participating in the ceremonial and/or feast hunt be tribal members, descendants, or a spouse of a tribal member in addition to the requirement that they be named hunters on the permit. [4 O.C. 406.6-2(c)];</li><li>▪ Require that medical verification for a disabled hunter permit show that the physical disability results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. [4 O.C. 406.6-6];</li><li>▪ Provide that any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department’s decision by requesting a hearing before the Trial Court instead of ERB. [4 O.C. 406.6-7(b)];</li><li>▪ Provide that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin, instead of the Department. [4 O.C. 406.7-3];</li><li>▪ Remove the requirement that the Department shall ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request. [eliminated 4 O.C. 406.7-5];</li><li>▪ Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons. [4 O.C. 406.9-2(g)];</li><li>▪ Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules. [4 O.C. 406.9-4(b)];</li><li>▪ Adjust the age restrictions for minors, now allowing all persons between the ages of ten (10) and fourteen (14) years old the ability to hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities. [4 O.C. 406.9-5];</li><li>▪ Remove much of the provisions regarding citations, and simply providing that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation’s laws and policies governing citations. [4 O.C. 406.10-4]; and</li><li>▪ Make other minor drafting revisions.</li></ul> |
|--|--|

|                          |   |
|--------------------------|---|
| <b>Purpose</b>           | The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen. [4 O.C. 406.1-1]. |
| <b>Affected Entities</b> | Conservation Department, Oneida Police Department, Oneida Judiciary, all individuals who possess a sportsman license from 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**

**A. Background.** The Hunting, Fishing, and Trapping law (“the Law”) was originally adopted by the Oneida Business Committee in 1994 through resolution BC-08-31-94-C, and then amended by resolutions BC-04-24-96-A, BC-07-22-98-A, BC-09-13-00-D, BC-06-04-03-A, BC-06-30-04-I, BC-07-13-05-E, BC-08-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D and BC-07-26-17-F. The purpose of the Law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen. [4 O.C. 406.1-1]. It is the policy of the Nation provide: an adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and an enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping, and associated fines and penalties for violations of this law and the said rules. [4 O.C. 406.1-2].

**B. Request for Amendments.** A request to amend this Law originally came before the Legislative Operating Committee in December 2022. On August 10, 2022, the OBC made a motion “to direct the General Manager to complete the assessment regarding the feasibility of the Environmental, Health, Safety, Land, & Agriculture Division taking on the roles of the Environmental Resources Board and for the assessment to be submitted at the second meeting Business Committee meeting in September.” In short, the General Manager concluded that although changes were necessary to those Oneida laws that delegated the authority and responsibility to the Environmental Resources Board (ERB), those responsibilities that were jointly executed by the ERB and Environmental, Land, sand Agriculture Division (ELA), could be assumed by ELA. Additionally, for those duties that delegated ERB the power and duty to carry out the intent and purposes of the law, including enforcement, those responsibilities could be delegated to ELA and/or the Oneida Land Commission. On September 28, 2022, the Oneida Business Committee made a motion to accept the Environmental, Land, and Agriculture Division and Environmental Resource Board assessment; to recommend the dissolution the Environment Resource Board; and to direct Chief Counsel to bring back a report in forty-five (45) days on actions that need to take place in order to complete the dissolution of the Environmental Resource Board including amendments to laws and addressing any background material. The Oneida Law Office provided this report to the Oneida Business Committee on November 29, 2022. This item was then added to the Active Files List on December 7, 2022, in an effort to make amendments to address the dissolution of the Environmental Resources Board, and transition the Board’s responsibilities to the Environmental, Land and Agriculture Division and/or the Oneida Land Commission.

36 **SECTION 3. CONSULTATION AND OUTREACH**

- 37 A. Representatives from the following departments or entities participated in the development of the  
38 amendments to the Law and this legislative analysis:
- 39     ▪ Oneida Police Department;
  - 40     ▪ Oneida Law Office;
  - 41     ▪ Conservation Department;
  - 42     ▪ Environmental, Land, Agriculture Division; and
  - 43     ▪ General Manager.
- 44 B. The following laws were reviewed in the drafting of this analysis:
- 45     ▪ Administrative Rulemaking law;
  - 46     ▪ Legislative Procedures Act;
  - 47     ▪ Citations law;
  - 48     ▪ Judiciary law; and
  - 49     ▪ Paper Reduction Policy.
- 50

51 **SECTION 4. PROCESS**

- 52 A. The development of the proposed amendments to the Law complies with the process set forth in the  
53 Legislative Procedures Act (LPA).
- 54     ▪ On October 4, 2023, the Legislative Operating Committee added the Hunting, Fishing, and  
55 Trapping law amendments to its Active Files List for this legislative term.
  - 56     ▪ On May 7, 2025, the Legislative Operating Committee approved the draft of the proposed  
57 amendments to the Law and directed that a legislative analysis be developed.
  - 58     ▪ On May 21, 2025, the Legislative Operating Committee approved an updated draft and the  
59 legislative analysis.
- 60 B. At the time this legislative analysis was developed the following work meetings had been held  
61 regarding the development of the amendments to the Law this legislative term:
- 62     ▪ January 3, 2024: LOC work session.
  - 63     ▪ May 10, 2024: LOC work session.
  - 64     ▪ May 30, 2024: LOC work session.
  - 65     ▪ December 9, 2024: LOC work session with the General Manager, Environmental, Land, and  
66 Agriculture Division, Conservation Department, and Oneida Police Department.
  - 67     ▪ January 14, 2025: LOC work session with General Manager, Environmental, Land, and Agriculture  
68 Division, Conservation Department, Oneida Law Office, and Oneida Police Department.
  - 69     ▪ February 3, 2025: LOC work session.
  - 70     ▪ February 24, 2025: LOC work session with the General Manager, Environmental, Land, and  
71 Agriculture Division, Conservation Department, and Oneida Police Department.
  - 72     ▪ March 5, 2025: LOC work session with the Environmental, Land, and Agriculture Division and  
73 Conservation Department.
  - 74     ▪ April 16, 2025: LOC work session.
  - 75     ▪ May 1, 2025: LRO work session with Conservation Department.
- 76 C. *Community Outreach Events*. In addition to the public meeting required by the Legislative Procedures  
77 Act, the LOC held the following community outreach events on this legislation:
- 78     ▪ June 4, 2024: Legislative Operating Committee Community Meeting held in the Norbert Hill  
79 Center’s cafeteria.

- 80       ▪ March 19, 2025: Legislative Operating Committee Community Meeting held in the Norbert Hill  
81       Center’s cafeteria.

82

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

84 **A. Definitions.** The proposed amendments to the Law add definitions for the terms: descendant, great  
85 bodily harm, and warden. [4 O.C. 406.3-1(g), 406.3-1(m), 406.3-1(ff)]. Descendant is defined in the  
86 proposed amendments to the Law as a person who is registered with, and recognized by, the Oneida  
87 Trust Enrollment Department as being the descendant of an enrolled member of the Nation. [4 O.C.  
88 406.3-1(g)]. The term descendent is not currently defined in the Law, instead a footnote was included  
89 that said, “Requirements for descendency are determined by the Oneida Trust Enrollment Committee.”  
90 Great bodily harm is defined in the proposed amendments to the Law as a bodily injury which creates  
91 a substantial risk of death, or which causes serious permanent disfigurement, or which causes a  
92 permanent or protracted loss or impairment of the function of any bodily member or organ or other  
93 serious bodily injury. [4 O.C. 406.3-1(m)]. In the current Law, this term is defined within section 406.6-  
94 7(a)(2)(C). The definition for great bodily harm was moved from section 406.6-7(a)(2)(C) in an effort  
95 to be consistent with the placement of definitions under the definition section of the Law found at  
96 section 406.3-14. Warden is defined in the proposed amendments to the Law as an officer of the Oneida  
97 Police Department whose duties include the protection of wildlife and natural resources. [4 O.C. 406.3-  
98 1(ff)].

- 99       ▪ *Effect.* The proposed amendments to the Law ensure that proper definitions are included for terms  
100 utilized within the Law, and that all definitions are organized in a consistent manner. The Legislative  
101 Procedures Act provides that all laws published in the Oneida Code of Laws shall be in a consistent  
102 format and that every law should have “Section 3 – Definitions” which contains definitions of all  
103 words used in a technical sense throughout the law. All words not defined within this section are to  
104 be used in their ordinary sense. [1 O.C.11-1(c)].

105 **B. Elimination of the Environmental Resource Board.** The current Law provides that the Environmental  
106 Resource Board and the Department are responsible to protect, manage, supervise, conserve, and  
107 enhance all wildlife within the reservation. [4 O.C. 406.5-1]. Throughout the Law the Environmental  
108 Resource Board is given a variety of different responsibilities and authorities. The proposed  
109 amendments remove all mentions of the the Environmental Resource Board from the Law, and instead  
110 delegates all responsibilities of the Environmental Resource Board provided in the law to the  
111 Conservation Department, except for hearing authority which is delegated to the Judiciary Trial Court.

- 112       ▪ *Effect.* The removal of the Environmental Resource Board through the proposed amendments to  
113 the Law aligns with the September 28, 2022, Oneida Business Committee directive to dissolve the  
114 Environment Resource Board. The Environmental Resource Board has to be eliminated from all  
115 laws of the Nation, and their responsibilities delegated to another entity before the board can be  
116 officially dissolved.

117 **C. Administrative Rulemaking.** The current Law delegates joint administrative rulemaking authority to  
118 the Environmental Resource Board and the Conservation Department and provides various topics that  
119 must be addressed through rules. [4 O.C. 406.5-1, 406.5-2]. The proposed amendments to the Law  
120 eliminate the Environmental Resource Board and provide that it is a responsibility of the Conservation  
121 Department to establish and maintain rules in accordance with the Administrative Rulemaking law, and  
122 the Law still provides specific topics the Conservation Department is responsible for drafting rules



123 about. [4 O.C. 406.5-1, 406.5-2]. The current law requires that administrative rules be drafted to fix,  
124 shorten, extend, or close seasons and hunting hours on any wildlife. [4 O.C. 406.5-2(e)]. The proposed  
125 amendments extend this requirement for administrative rules and also require that the rules identify  
126 designated seasons and/or hunting hours for elder, disabled, and youth hunts. [4 O.C. 406.5-2(e)(1)].  
127 The requirement that there be a rule to establish a process for retention, storage, and disposal of items  
128 confiscated or turned over to the Department in accordance with this law was eliminated in the proposed  
129 amendments to the Law since the Department does not confiscate or retain any items, that would now  
130 be a responsibility of the Oneida Police Department. [4 O.C. 406.5-2]. The proposed amendments to  
131 the Law also delegate authority to the Conservation Department to develop rules to regulate the use of  
132 recovery and retrieval services and methods, and to regulate the care and husbandry of animals used to  
133 hunt or animals used for private game hunting. [4 O.C. 406.5-2(m), 406.5-2(n)]. The requirement that  
134 the Environmental Resource Board provide notice of rules on the Nation’s website and ERB and/or the  
135 Department develop a rule booklet which the Department shall provide to each person receiving a  
136 license or permit was removed from the Law. [4 O.C. 406.5-2(o)]. The Administrative Rulemaking  
137 already requires that all rules are published under the corresponding law on the Code of Laws within  
138 the Oneida Register on the Nation’s website. [1 O.C. 106.8-2(a)(1)]. A physical booklet is not being  
139 provided anymore due to the fact that the rules are available for review online on the Oneida Register,  
140 and to fall in line with the Nation’s Paper Reduction Policy. The Paper Reduction Policy provides that  
141 it is the policy of the Nation to reduce the amount of paper being used to benefit the next seven (7)  
142 generations through recycling, reduction, and environmental awareness, and that all programs of the  
143 Nation are encouraged to reduce paper usage and waste. [2 O.C. 220.1-1, 220.4-1].

- 144 ▪ *Effect.* The proposed amendments to the Law update the requirements for the administrative rules  
145 developed by the Conservation Department – eliminating rules for responsibilities the Conservation  
146 Department no longer handles, and adding the development of rules for topics the Conservation  
147 determined need to be addressed.

148 **D. *Organization of the Wardens.*** Currently the Law provides that Conservation Department wardens  
149 shall enforce this Law and corresponding rules on the reservation and provides a variety of  
150 responsibilities of the wardens such as observe persons engaged in hunting, fishing, and trapping in  
151 order to ensure that the methods and equipment used are lawful, investigate reports of violations of this  
152 law and corresponding rules, and issues warnings and citations for violations. [4 O.C. 406.5-3]. The  
153 current Law then provides that any Oneida Police Department officer who observes a violation of this  
154 law or the rule shall report the violation to the Conservation Department or the Conservation  
155 Department warden, unless immediate action is necessary to prevent imminent danger to life or serious  
156 damage to property in which they can then issue a warning or citation. [4 O.C. 406.5-4]. Since this Law  
157 was last amended, the organization of the warden positions has changed. The warden position is no  
158 longer found within the Conservation Department and instead is found within the Oneida Police  
159 Department. The proposed amendments to the Law therefore prescribe all responsibilities and duties of  
160 the warden to Oneida Police Department officers – treating wardens and Oneida Police Department  
161 officers the same throughout the Law. [4 O.C. 406.5-3]. The section requiring that Oneida Police  
162 Department officers notify the Conservation Department or the wardens of any violations, unless in  
163 emergency situations, was also eliminated from the Law since Oneida Police Department officers and  
164 the warden are within the same department and have the same authorities and responsibilities.  
165 [eliminated 4 O.C. 406.5-4].

166       ▪ *Effect.* The proposed amendments to the Law recognize the reorganization of the warden position  
167       within the Oneida Police Department and prescribe all responsibilities and duties of the warden to  
168       Oneida Police Department officers throughout the Law.

169 **E. *Hunting and Trapping of Beavers.*** The current Law provides that landowners, lessees, and designees  
170       with the permission of the landowners or lessees, may hunt and trap the following species on the  
171       property they own or lease, year-round without a sportsman license: coyote, fox, raccoon, woodchuck,  
172       rabbit, squirrel, and any nuisance animal that is not an endangered or threatened species and is also not  
173       a regulated or protected species. [4 O.C. 406.6-1(a)(2)]. The current Law provides that landowners and  
174       lessees may remove wildlife considered a nuisance animal from land under their control and their  
175       associated structures, provided that they obtain a nuisance animal removal permit. [4 O.C. 406.8-1,  
176       406.8-2]. The current Law also provides that a nuisance animal permit is not needed for landowners,  
177       lessees, or designee to hunt or trap beavers that are nuisance animals or to remove a beaver dam. [4  
178       O.C. 406.8-3(a)]. The current Law then clarifies that only the landowner or the Department may set  
179       traps on a beaver dam on Tribal land, and this privilege may not be transferred to a designee. *Id.* The  
180       proposed amendments to the Law simply add beavers to the list of animals that landowners, lessees,  
181       and designees may hunt or trap on the property they own or lease, year-round, without a sportsman  
182       license. [4 O.C. 406.6-1(a)(2)].

183       ▪ *Effect.* The proposed amendments allow for beavers to be hunted or trapped by landowner, lessee,  
184       or designee on the property they own or lease, year-round, without a sportsman license. The  
185       proposed amendments also eliminate the prohibition against designees setting traps on beaver dams  
186       on Tribal land.

187 **F. *Fishing Only Sportsman License.*** The current Law provides that a sportsman license may be issued  
188       which permits fishing only. [4 O.C. 406.6-1(b)(1)]. In those circumstances, successful completion of a  
189       certified hunter safety course is not required and the Department shall internally record such licenses as  
190       permitting fishing only. *Id.* A person issued a fishing only sportsman license is not allowed to hunt or  
191       trap until the licensee provides the Department with proof of successful completion of a hunter safety  
192       course. [4 O.C. 406.6-1(b)(1)(A)]. The current Law then allows any licensee holding a fishing only  
193       sportsman license to name a designated hunter to fill the hunting or trapping permits that regularly  
194       accompany a sportsman license. [4 O.C. 406.6-1(b)(1)(B)]. The proposed amendments to the Law  
195       eliminate the provision that allowed for any licensee holding a fishing only sportsman license to name  
196       a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license.  
197       *Id.*

198       ▪ *Effect.* The proposed amendments no longer allow a licensee holding a fishing only sportsman  
199       license to name a designated hunter to fill the hunting or trapping permits that regularly accompany  
200       a sportsman license.

201 **G. *Ceremonial and/or Feast Permit.*** The current Law allows for Tribal members to apply for a  
202       ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons. [4 O.C.  
203       406.6-2]. The current Law allows a ceremonial and/or feast permit to be issued to a group or  
204       organization that meets each of the following requirements: at least eighty-five percent (85%) of the  
205       group or organization members are Tribal members, the designee of the group is a Tribal member, and  
206       the hunt takes place on the reservation. [4 O.C. 406.6-2(b)]. The proposed amendments to the Law  
207       eliminate the requirement that at least eighty-five percent (85%) of the group or organization members  
208       be Tribal members. The current Law provides that all persons participating in the ceremonial or feast  
209       hunt shall be named hunters on the ceremonial or feast permit. [4 O.C. 406.6-2(c)]. The proposed

210 amendments to the Law maintain that requirement, which also adding the requirement that those  
211 participating in the hunt be tribal members, descendants, or a spouse to a Tribal member. [4 O.C. 406.6-  
212 2(c)(2)].

213     ▪ *Effect.* The proposed amendments to the Law eliminate the requirement that at least eighty-five  
214 percent (85%) of the group or organization members be Tribal members for ceremonial or feast  
215 permits in recognition that this requirement would be hard to monitor and enforce, and in  
216 recognition that there may be ceremonial or feast occasions recognized by the Oneida community  
217 in which it would be common to have a mixture of Tribal members and non-Tribal members, such  
218 as a funeral feast. Descendants and spouses of Tribal members are added to Tribal members that  
219 are allowed to hunt for ceremonial or feast permits in recognition of mixed Tribal status family  
220 structures.

221 **H. Disabled Hunter Permit.** The current Law provides that the Conservation Department may issue a  
222 disabled hunter permit to any person who is physically disabled, upon a showing of medical verification  
223 of a physical disability. [4 O.C. 406.6-6]. A disabled hunter permit allows a person to hunt from a  
224 stationary vehicle within fifty (50) feet on the center of the road. *Id.* The proposed amendments to the  
225 Law clarify that the medical verification has to show that the physical disability results in mobility  
226 issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. *Id.*

227     ▪ *Effect.* The proposed amendments to the Law draw a greater connection between the verification of  
228 a physical disability and the need to hunt from a stationary vehicle. The Conservation Department  
229 requested additional clarification be added to this section of the Law to make it easier to determine  
230 when a disabled hunter permit should be issued.

231 **I. Appeal of License or Permit Decision.** The current Law provides that any person who has had a license  
232 or permit denied in accordance with section 406.6-7(a) of the Law may appeal the Department’s  
233 decision by requesting a hearing before the Environmental Resource Board. [4 O.C. 406.6-7(b)]. Then  
234 later the current Law provides that any person wishing to contest a decision of the Department related  
235 to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court  
236 naming the Department. [4 O.C. 406.10-4]. The proposed amendments to the Law provide in all places  
237 throughout the Law that any person who has had a license or permit denied in accordance with section  
238 406.6-7(a) of the Law or wish to contest any other decision of the Conservation Department in regard  
239 to permits or licenses may appeal the Department’s decision by requesting a hearing before the Trial  
240 Court.

241     ▪ *Effect.* Currently, sections 406.6-7(b) and 406.10-4 of the Law appear to be conflicting and are not  
242 clear on where someone should contest a decision of the Department in regard to permits or  
243 licenses. The proposed amendments recognize the removal of the Environmental Resource Board  
244 from this Law, and transfer the Environmental Resource Board’s hearing authority to the Trial  
245 Court in all instances throughout the Law.

246 **J. Accidental Collision and Killing of Deer.** The current Law provides that any person who accidentally  
247 collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said  
248 deer, provided that the person shall have the deer tagged by the Conservation Department or the  
249 Department’s designee. [4 O.C. 406.7-3]. The proposed amendments to the Law eliminate the  
250 requirement to have the deer tagged by the Conservation Department or its designee, and instead  
251 requires that you have the deer tagged by the State of Wisconsin. *Id.*

- 252       ▪ *Effect.* The proposed amendments to the Law change the responsibility of tagging a deer accidentally  
253       collided with from the Conservation Department to the State of Wisconsin to reflect current  
254       practice.
- 255 **K. *PCB Warning in Rulebook.*** The current Laws provides that the Environmental Resource Board and  
256       the Conservation Department ensure that all hunting and fishing rule booklets contain a warning stating  
257       that fish caught in Duck Creek, as well as ducks, geese, and other wildlife may contain Polychlorinated  
258       Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and  
259       children, and that detailed information about PCBs is available from the Department upon request. [4  
260       *O.C. 406.7-5*]. The proposed amendments to the Law eliminate this provision.
- 261       ▪ *Effect.* The proposed amendments to the Law eliminate the requirement that the Conservation  
262       Department include in its rule booklet a warning about potential PCBs in Duck Creek based upon  
263       a request from the Conservation Department. Rule booklets are updated at most once a year – and  
264       therefore the Conservation Department believes there are better ways to share safety concerns and  
265       warnings with the community to ensure that the best and most accurate information is shared.
- 266 **L. *Allowable Hunting Party Size.*** The current Law provides that persons may not hunt in a party of more  
267       than ten (10) persons. [4 *O.C. 406.9-2(g)*]. The proposed amendments to the Law increase the allowable  
268       hunting party size from ten (10) to fifteen (15) persons.
- 269       ▪ *Effect.* The proposed amendments to the Law increase the allowable hunting party size to allow  
270       greater flexibility to hunters.
- 271 **M. *Designated Hunters.*** The current Law provides that a permittee may name a designated hunter to hunt,  
272       fish, or trap on behalf of the permittee in the event the permittee is physically or legally unable to take  
273       their own permit. [4 *O.C. 406.9-4*]. A designated hunter is only allowed to hunt for the number of  
274       permittees as authorized by the rules developed pursuant to this Law. [4 *O.C. 406.9-4(b)*]. The Hunting,  
275       Fishing, and Trapping Law Rule Handbook provides that designated hunters may only take antlerless  
276       deer and, regardless of the number of tags issued to the original permittee, may fill a maximum of two  
277       (2) deer carcass tags on behalf of the original permittee; and may fill a maximum of two (2) turkey tags  
278       for the original permittee, regardless of the number of tags issued to the original permittee. [Rule 4-  
279       7(a)(7), 4-9]. The proposed amendments to the Law allow a designated hunter to hunt for an unlimited  
280       number of permittees. [4 *O.C. 406.9-4(b)*].
- 281       ▪ *Effect.* The proposed amendments to the Law remove any limitations on how many permittees a  
282       designated hunter may hunt for, in an effort to increase the number of physically or legally disabled  
283       permittees that ultimately end up with hunted animals that can then provide food for themselves  
284       and family.
- 285 **N. *Age Restriction of Youth Hunters.*** The current Law breaks up age restrictions for hunters into different  
286       categories. Persons between the age of twelve (12) and fourteen (14) years old may only hunt if they  
287       have obtained the required license and permits and are under the immediate supervision of a parent,  
288       legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory  
289       responsibilities to. [4 *O.C. 406.9-5(a)*]. The parent, legal guardian, or responsible adult is required to  
290       have a valid license and permits, and must remain within voice and sight contact of the youth hunters  
291       at all times. Tribal members, descendants, non-member Indians, and dependents age ten (10) or eleven  
292       (11) years old may hunt if they have a mentor present while hunting and have obtained any required  
293       licenses and permits. [4 *O.C. 406.9-5(b)*]. Tribal members, descendants, non-member Indians, and  
294       dependents less than ten (10) years old may accompany a mentor while hunting, provided that youth  
295       under the age of ten (10) may not use a weapon during the hunt. The proposed amendments to the Law

296 combine the categories for those youth hunters age ten (10) through eleven (11) and twelve (12) through  
297 fourteen (14) years of age, and provides that persons between the age of ten (10) and fourteen (14)  
298 years old may only hunt if they have obtained the required license and permits and are under the  
299 immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal  
300 guardian has delegated their supervisory responsibilities to. [4 O.C. 406.9-5(a)].

301 ▪ *Effect.* The proposed amendments to the Law allow youth hunters age ten (10) and eleven (11) to  
302 be treated the same as youth hunters age twelve (12) through fourteen (14) in an effort to get more  
303 youth interested in and involved in hunting at an earlier age.

304 **O. Citations.** The current contains a lot of provisions regarding the citation process. The current Law  
305 provides that Department wardens may issue verbal or written warnings or citations to any person found  
306 to be in violation of this law or the rules. The current Law then goes on to provide that all citations,  
307 orders and declarations issued pursuant to this law include a pre-hearing date with the Judiciary Trial  
308 Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days  
309 after the citation was issued. [4 O.C. 406.10-5]. Persons wishing to contest a citation are required to  
310 appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest  
311 or admit committing the act for which the citation was issued. *Id.* The Judiciary is then responsible for  
312 scheduling a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90)  
313 days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed  
314 the act for which a citation was issued. *Id.* In addition to scheduling requested hearings, the Judiciary  
315 may also make conditional orders at the prehearing which are effective until the matter is resolved. The  
316 current Law then addresses community service, allocation of citation revenue, appealing a decision of  
317 the Judiciary Trial Court, and pursuing payment of a citation. [4 O.C. 406.10-5(a)-(d)]. The proposed  
318 amendments to the Law much of the provisions regarding citations, and simply providing that an  
319 individual who violates a provision of this law or the corresponding rules may be subject to the issuance  
320 of a citation by a warden or an Oneida Police Department officer in accordance with the Nation’s laws  
321 and policies governing citations. [4 O.C. 406.10-4].

322 ▪ *Effect.* The proposed amendments remove bulk of the language regarding citations, because since  
323 this Law was last amended a Citations law which provides a process that governs all citations that  
324 fall under the jurisdiction of the Oneida Nation was adopted. [8 O.C. 807.1-1]. Referencing the  
325 Citations law instead of including specific provisions within this Law ensures that all citations of  
326 the Nation are handled in a consistent manner.

327

## 328 **SECTION 6. EXISTING LEGISLATION**

329 **A. Other Related Laws of the Nation.** The following laws of the Nation are related to the proposed  
330 amendments to this Law.

331 ▪ **Legislative Procedures Act.** The Legislative Procedures Act provides a standard process for the  
332 development and adoption of laws of the Nation which includes taking into account comments  
333 from members of the Nation and input from agencies within the organization of the Nation. [1 O.C.  
334 109.1-1, 109.1-2].

335 ▪ The development of amendments to the Hunting, Fishing, and Trapping law complies with the  
336 process and procedures of the Legislative Procedures Act.

337 ▪ **Administrative Rulemaking Law.** The Administrative Rulemaking law provides a process for the  
338 adoption and amendment of administrative rules. [1 O.C. 106.1-1]. It is the policy of the Nation to  
339 ensure there is an efficient, effective and democratic process for enacting and revising

340 administrative rules, and that authorized agencies act in a responsible and consistent manner when  
341 enacting and revising administrative rules. [1 O.C. 109.1-2].

- 342     ▪ The Hunting, Fishing, and Trapping law provides that it is a responsibility of the Conservation  
343         Department to establish and maintain rules in accordance with the Administrative Rulemaking  
344         law, and the Law provides specific topics the Conservation Department is responsible for  
345         drafting rules about. [4 O.C. 406.5-1, 406.5-2].
- 346     ▪ Any rules developed in accordance with this Hunting, Fishing, and Trapping law must comply  
347         with all processes and procedures of the Administrative Rulemaking law.
- 348     ▪ **Citations Law.** The Citations law provides a process that governs all citations that fall under the  
349         jurisdiction of the Oneida Nation. [8 O.C. 807.1-1]. It is the policy of the Nation to provide a  
350         consistent process for handling citations of the Nation in order to ensure equal and fair treatment  
351         to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2].
  - 352         ▪ The Hunting, Fishing, and Trapping law provides that an individual who violates a provision  
353             of this law or the corresponding rules may be subject to the issuance of a citation by a warden  
354             or an Oneida Police Department officer in accordance with the Nation’s laws and policies  
355             governing citations. [4 O.C. 406.10-4].
  - 356         ▪ Any citations issues under the Hunting, Fishing, and Trapping law must comply with the  
357             process for handling citations as provided for in the Citations law.
- 358     ▪ **Paper Reduction Policy.** The Paper Reduction Policy provides that it is the policy of the Nation  
359         to reduce the amount of paper being used to benefit the next seven generations through recycling,  
360         reduction, and environmental awareness. [2 O.C. 220.1-1]. All enterprises and programs of the  
361         Nation are encouraged to reduce paper usage and waste as quickly as possible. [2 O.C. 220.4-1].
  - 362         ▪ The proposed amendments to the Hunting, Fishing, and Trapping law remove the requirement  
363             that the Conservation Department shall a rule booklet to each person receiving a license or  
364             permit. [4 O.C. 406.5-2(o)]. The Administrative Rulemaking law already requires that all rules  
365             are published under the corresponding law on the Code of Laws within the Oneida Register on  
366             the Nation’s website. [1 O.C. 106.8-2(a)(1)]. The elimination of a physical booklet falls in line  
367             with the Nation’s Paper Reduction Policy.
- 368     ▪ **Judiciary Law.** The Judiciary law establishes a Judiciary, and provides for the administration of  
369         law, justice, judicial procedures and practices by the Nation as a sovereign nation by exercising the  
370         inherent power to make, execute, apply and enforce its own law, and to apply its own customs and  
371         traditions in matters affecting the Oneida people. [8 O.C. 801.1-1]. It is the policy of the Nation to  
372         provide a fair and impartial forum for the resolution of all matters that come before it pursuant to a  
373         grant of authorization by law. The Judiciary law provides that the Trial Court shall have subject  
374         mater jurisdiction over cases and controversies arising under laws of the Nation that specifically  
375         authorize the Trial Court to exercise jurisdiction. [8 O.C. 801.5-2(a)].
  - 376         ▪ The Hunting, Fishing, and Trapping law authorizes the Trial Court to exercise jurisdiction over  
377             permit and license issues. [4 O.C. 406.6-7(b), 406.10-4].

378  
379 **SECTION 7. OTHER CONSIDERATIONS**  
380 **A. *Hunting, Fishing, and Trapping Law Rules.*** Currently, a Hunting, Fishing, and Trapping law rule  
381 handbook exists and was last adopted in May of 2017.

382       ▪ *Conclusion.* The Hunting, Fishing, and Trapping law rules will need to be reviewed upon adoption  
383       of amendments to the Hunting, Fishing, and Trapping law to bring the rules into compliance with  
384       any amendments made to the Hunting, Fishing, and Trapping law.

385 **B. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all  
386       legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-  
387       10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*  
388       *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete  
389       a fiscal impact statement at various stages of the legislative process, as well as timeframes for  
390       completing the fiscal impact statement.

391       ▪ *Conclusion.* The Legislative Operating Committee has not yet requested a fiscal impact statement  
392       from the Finance Department.

393

**Title 4. Environment and Natural Resources – Chapter 406**  
**HUNTING, FISHING AND TRAPPING**  
**Lutolátha?, Latsywáaha? O?khále Atlistáya Tsi? Kayanláhsla**  
*Our laws concerning hunting, fishing and trapping*  
**HUNTING, FISHING, AND TRAPPING**

|        |                                |         |                                      |
|--------|--------------------------------|---------|--------------------------------------|
| 406.1. | Purpose and Policy             | 406.6.  | Licenses and Permits                 |
| 406.2. | Adoption, Amendment, Repeal    | 406.7.  | General Regulations                  |
| 406.3. | Definitions                    | 406.8.  | Wildlife Damage and Nuisance Control |
| 406.4. | Jurisdiction                   | 406.9.  | Hunting                              |
| 406.5. | Administration and Supervision | 406.10. | Enforcement and Penalties            |

**406.1. Purpose and Policy**

406.1-1. *Purpose.* The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, ~~respect for~~ both the environment and fellow sportsmen.

406.1-2. *Policy.* It is the policy of ~~this law~~ the Nation to provide:

- (a) An adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and
- (b) An enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping, and associated fines and penalties for violations of this law and the said rules.

**406.2. Adoption, Amendment, Repeal**

406.2-1. This law was adopted by the Oneida Business Committee by resolution BC-~~08~~-31-94-C, and amended by resolutions BC-~~04~~-24-96-A, BC-~~07~~-22-98-A, BC-09-13-00-D, BC-~~06~~-04-03-A, BC-~~06~~-30-04-I, BC-~~07~~-13-05-E, BC-~~08~~-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D ~~and~~, BC-07-26-17-F ~~, and BC- - - - -~~.

406.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

406.2-3. 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.

406.2-4. 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.

406.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**406.3. Definitions**

406.3-1. 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) “Aircraft” means a conveyance that can travel through the air and that is supported either by its own lightness or by the action of the air against its surfaces. The term includes hovercraft and both manned aircraft such as airplanes and helicopters and unmanned aircraft such as drones.

(b) “Barrel ~~Length~~ length” means the length of a gun’s barrel as measured from the muzzle to the firing pin with the action closed, or from the muzzle to the breech face.

(c) ~~“ERB”~~ “Bodily harm” means physical pain or injury or any impairment of the Environmental Resources Board physical condition.

(d) “Daily ~~Bag Limit~~ bag limit” means the maximum number of a species of wildlife that



38 a person may take during a twenty-four (24) hour period measured from midnight to  
39 midnight.

40 (e) “Department” means the Oneida Conservation Department.

41 (f) “Dependent” means a person under the age of eighteen (18) who is the child or step-  
42 child of a Tribal member or who lives with a Tribal member for more than half of the year.

43 ~~(g) “Designated Hunter”~~ (g) “Descendant” means a person who is registered with, and  
44 recognized by, the Oneida Trust Enrollment Department as being the descendant of an  
45 enrolled member of the Nation.

46 (h) “Designated hunter” means the person named by a permittee as authorized to harvest  
47 wildlife on behalf of the permittee pursuant to the permit held by the permittee.

48 ~~(hi)~~ “Elder” means any person fifty-five (55) years of age or older.

49 ~~(ij)~~ “Endangered or ~~Threatened~~ threatened” means any species of wildlife within the  
50 reservation in danger of extinction or likely to become in danger of distinction as  
51 recognized by ~~ERB and~~ the Department and under federal law.

52 ~~(jk)~~ “Fine” means a monetary punishment issued to a person violating this law and/or the  
53 rules created pursuant to this law, ~~which is payable to ERB or the Department within the~~  
54 ~~amount of time designated by the rules.~~

55 ~~(kl)~~ “Fishing” means the taking, capturing, harvesting, or attempting to take, capture or  
56 harvest fish of any variety in any manner.

57 ~~(m)~~ “Great bodily harm” means bodily injury which creates a substantial risk of death,  
58 or which causes serious permanent disfigurement, or which causes a permanent or  
59 protracted loss or impairment of the function of any bodily member or organ or other  
60 serious bodily injury.

61 ~~(n)~~ “Hunt” or “Hunting” means shooting, shooting at, pursuing, taking, attempting to  
62 take, catch, harvest or attempting to harvest any wildlife.

63 ~~(oo)~~ “License” means a written document issued by the Department granting authority  
64 to engage in specific activities covered under this law and the rules created pursuant to this  
65 law.

66 ~~(pp)~~ “Loaded” means any firearm containing a cartridge in the chamber or any firearm  
67 containing a cartridge or cartridges in the attached cylinder, magazine, or clip.

68 (1) Muzzleloading firearms may not be considered loaded if a percussion cap is not  
69 covering the percussion nipple or .209 primers are not in the receiver.

70 (2) Flint lock muzzleloading firearms may not be considered loaded if the flash pan  
71 is cleaned of powder.

72 ~~(qq)~~ “Nation” means the Oneida Nation.

73 ~~(pr)~~ “Non-Indian” means a person who is not a member of any federally recognized  
74 Indian tribe, band, or community.

75 ~~(qs)~~ “Non-Member Indian” means a person who is a member of a federally recognized  
76 Indian tribe, band, or community other than this Nation.

77 ~~(rt)~~ “Nuisance Animal” means any wildlife causing and one (1) or combination of the  
78 following:

79 (1) Damage to property;

80 (2) Damage to or endangered or threatened species of wildlife and/or plants;

81 (3) Depredation of crops and/or livestock; or

82 (4) Health and/or safety risks posed to persons.

83 ~~(su)~~ “Penalty” means a punishment, other than a fine, imposed on a person violating this  
84 law and/or the rules created pursuant to this law and may include, but is not limited to, the

85 confiscation of equipment and/or wildlife ~~with return of the same at the discretion of ERB,~~  
86 the imposition of a wildlife protection assessment (civil recovery value), revocation and/or  
87 ineligibility for licenses and/or permits for a specified period of time, and restitution.

88 (tv) “Permit” means a document, stamp or tag authorizing a specific activity which is  
89 issued by the Department to the holder of a license.

90 (uw) “Protected ~~Species~~species” means any species of wildlife that is not endangered or  
91 threatened, but for ~~which ERB~~the Department has established seasons, daily bag limits, or  
92 otherwise restricted the taking of.

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

96 (wy) “Rule” means a set of requirements, including citation fees and penalty schedules,  
97 enacted by ~~ERB and/or~~ the Department in accordance with the Administrative Rulemaking  
98 law based on authority delegated in this law in order to implement, interpret and/or enforce  
99 this law.

100 (xz) “Take” or “Taking” means pursuing, shooting, hunting, fishing, netting (including  
101 placing or setting any net or other capturing device), capturing, harvesting, snaring or  
102 trapping any wildlife, or attempting any of the foregoing.

103 (yaa) “Transport” means to bring or move from one place to another by means of carrying,  
104 dragging, pushing, towing, or storing in or on a vehicle, aircraft or boat.

105 (zbb) “Trapping” means the taking of, or attempting to take, any wildlife by means of  
106 setting or operating any device or mechanism that is designed, built, or made to close upon,  
107 hold fast, snare or otherwise capture wildlife.

108 (aac) “Tribal ~~Land~~land” means any land within the reservation that is held in fee or in  
109 trust and is owned by the Nation, a Tribal member, or a non-member Indian.

110 (bdd) “Tribal ~~Member~~member” means an enrolled member of the Nation.

111 (eee) “Vehicle” means any self-propelled conveyance that derives power from a motor  
112 and is used to transport persons or objects over land, including but not limited to, an  
113 automobile, truck, sport utility vehicle, snowmobile, motorcycle, all-terrain vehicle, moped  
114 or similar conveyance.

115 ~~(dd)~~(ff) “Warden” means an officer of the Oneida Police Department whose duties include  
116 the protection of wildlife and natural resources.

117 (gg) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian, or  
118 any part or carcass of the same. <sup>+</sup>

#### 120 406.4. Jurisdiction

121 406.4-1. This law applies to the following persons:

- 122 (a) All Tribal members,
- 123 (b) All non-member Indians,
- 124 (c) All non-Indians who:
  - 125 (1) apply for and receive a license and/or permit, and/or
  - 126 (2) enter Tribal land,
- 127 (d) All persons as otherwise permitted under federal law.

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<sup>+</sup>For additional information, please reference the definition of “domestic animal” in the Nation’s Domestic Animal law; any animal that does not fall into the “domestic animal” classification is considered “wildlife” for the purpose of this law.

128 406.4-2. This law applies:  
129 (a) within the boundaries of the ~~reservation~~Reservation, and  
130 (b) on lands held in trust for the Nation outside the boundaries of the reservation.

131 406.4-3. *Jurisdiction.* The Nation has jurisdiction over the management and regulation of the  
132 Nation’s natural resources. ~~However,~~ this law shall not negate the jurisdiction of the State of  
133 Wisconsin in certain instances involving non-member Indians and non-Indians. ~~Thus,~~ to hunt,  
134 fish, or trap on tribal land, non-member Indians and non-Indians shall adhere to the Nation’s  
135 license, permit, and tag requirements and may also be subject to the requirements of the State of  
136 Wisconsin. ~~License and permit holders may not exercise any hunting, fishing, or tapping~~  
137 ~~privileges within the Reservation boundaries using a State of Wisconsin license that would amount~~  
138 ~~to greater privileges than those~~ ~~afford~~afforded pursuant to this Law and associated rules.

139  
140 **406.5. Administration and Supervision**

141 406.5-1. ~~ERB and the~~The Department, shall protect, manage, supervise, conserve, and enhance  
142 all wildlife within the reservation. ~~ERB and the~~The Department shall ~~jointly~~-establish and maintain  
143 the rules in accordance with the Administrative Rulemaking law that are required to implement  
144 this law. ~~The Department shall administer and enforce this law and -the rules created pursuant to~~  
145 ~~this law.~~

146 406.5-2. ~~-~~ Administrative Rulemaking Authority. In addition to any other duties delegated to  
147 ~~ERB and the~~ Department under this law, ~~jointly, ERB and the~~ Department ~~are~~is hereby ~~jointly~~  
148 delegated ~~the~~ rulemaking authority in accordance with the Administrative Rulemaking law to:

149 (a) Determine the types and number of licenses and permits that may be issued by the  
150 Department, including how many licenses and permits that may be issued to non-Indian  
151 hunters.

152 (b) Establish a fee schedule and application requirements and deadlines for obtaining  
153 licenses and/or permits.

154 (c) Establish or amend daily bag limits and possession limits based on the supply of  
155 wildlife, the needs of conservation, and the objective of achieving a fair allocation of the  
156 harvest. ~~Restrictions in such rules may include, but are not limited to, limits related to~~  
157 ~~gender, species, size, age, and maturity.~~

158 (d) Based on the monitoring and supervision of all wildlife, when necessary, declare any  
159 species in need of protection a protected species or an endangered or threatened species,  
160 and thereafter modify or revoke such declarations as may be appropriate.

161 (e) Fix, shorten, extend, or close seasons and hunting hours on any wildlife. ~~Provided that~~  
162 ~~ERB and the Department~~

163 (1) ~~The rules~~ shall ~~base the open season for the~~identify designated seasons and/or  
164 ~~hunting of migratory birds on the Nation’s agreement with the U.S. Fish~~hours for  
165 ~~elder, disabled, and Wildlife Service~~youth hunts.

166 (f) Establish and/or modify areas’ territorial limits, including bodies of water or parts  
167 thereof, for any of the following, as may be necessary:

168 (1) the taking of wildlife;

169 (2) other specified areas, pursuant to the rules ~~jointly~~-developed by ~~ERB and the~~  
170 Department.

171 (g) Establish methods for checking persons into and out of areas specified under subsection  
172 (f) above.

173 (h) Regulate the operation of boats upon reservation waters and the operation of vehicles  
174 and aircraft used while hunting, fishing, or trapping.

175 (i) Regulate and prescribe the means and methods by which wildlife may be taken,  
176 including, but not limited to, the use of:

- 177 (1) bait;
- 178 (2) decoys;
- 179 (3) hunting dogs;
- 180 (4) traps;
- 181 (5) firearms;
- 182 (6) ammunition;
- 183 (7) laser sights; and
- 184 (8) night vision.

185 (j) Regulate the transportation, registration, tagging, and storage of all wildlife within the  
186 reservation and the shipment or transportation of wildlife off the reservation.

187 (k) Prescribe safety and fire control measures and other rules as may be necessary for  
188 range, forest, or wildlife management, and/or for the safety and welfare of outdoor  
189 recreationists, landowners, lessees, occupants, and the Nation.

190 ~~(l) Establish a process for retention, storage and disposal of items confiscated or turned~~  
191 ~~over to the Department in accordance with this law and the rules established pursuant to~~  
192 ~~this law.~~

193 ~~(m)~~(l) Establish a citation schedule that sets the monetary fines and penalties for violations  
194 of this law and/or the rules established pursuant to this law.

195 ~~(n)~~(m) Regulate use of recovery and retrieval services and methods.

196 (n) Regulate the care and husbandry of animals used to hunt or animals used for private  
197 game hunting.

198 (o) Create other rules as specifically directed throughout this law or as may be necessary  
199 to implement this law. ~~ERB shall provide notice of said rules on the Nation's website and~~  
200 ~~ERB and/or the Department shall develop a rule booklet, which the Department shall~~  
201 ~~provide to each person receiving a license or permit pursuant to this law.~~

202 406.5-3. Oneida Police Department Officers and Wardens. Oneida Police Department officers  
203 and/or wardens shall enforce this law and corresponding rules on the reservation, and, accordingly  
204 shall:

- 205 (a) Observe persons engaged in hunting, fishing and/or trapping in order to ensure that the  
206 methods and equipment utilized are lawful.
- 207 (b) Investigate reports of violations of wildlife and environmental laws, including, but not  
208 limited to, this law and corresponding rules.
- 209 (c) Work to prevent persons from violating this law and/or the corresponding rules.
- 210 (d) Issue warnings and/or citations, which may include fines and/or penalties, for violations  
211 of this law and/or the corresponding rules.

212 ~~406.5-4. Oneida Police Department. Any Oneida Police Department officer, who observes a~~  
213 ~~violation of this law and/or corresponding rules, shall report such violation to the Department~~  
214 ~~and/or a Department warden. However, if immediate action is necessary to prevent imminent~~  
215 ~~danger to life or serious damage to property, the Oneida Police Department officer may issue a~~  
216 ~~warning or citation for the said violation(s) and/or prevent persons from committing the said~~  
217 ~~violation(s).~~

## 219 406.6. Licenses and Permits

220 406.6-1. *Sportsman License.*

- 221 (a) A sportsman license is required for all persons hunting, fishing, or trapping on Tribal

222 land, except:

223 (1) Fishing is permitted without a sportsman license for Tribal members,  
224 dependents, and non-member Indians whom are sixteen (16) years of age or  
225 younger.

226 (2) Landowners~~and~~, lessees, and guests/designees with the permission of the  
227 landowners or lessees, may hunt and trap the following species on the property they  
228 own or lease, year-round, without a sportsman license:

229 (A) coyote;

230 (B) fox;

231 (C) raccoon;

232 (D) woodchuck;

233 (E) rabbit;

234 (F) squirrel;

235 ~~(F)~~(G) beaver; and

236 ~~(G)~~(H) any nuisance animal that is not an endangered or threaten species  
237 and is also not a regulated or protected species.

238 ~~(b)~~ Anyone born on or after January 1, 1973, shall successfully complete a state-certified  
239 hunter safety course to be eligible for a sportsman license, except that:

240 (1) *Fishing Only Sportsman License*. A sportsman license may be issued which  
241 permits fishing only. ~~In such circumstances, successful completion of a state-~~  
242 ~~certified hunter safety course is not required and the Department shall internally~~  
243 ~~record such licenses as permitting fishing only.~~

244 (A) A person issued a “fishing only” sportsman license may not hunt or trap,  
245 or be eligible to hunt or trap, until the licensee provides the Department with  
246 proof of successful completion of a state-certified hunter safety course.

247 ~~(B) Any licensee holding a fishing only sportsman license may name a~~  
248 ~~designated hunter to fill the hunting or trapping permits that regularly~~  
249 ~~accompany a sportsman license based on the rules established pursuant to~~  
250 ~~this Law. For the requirements related to naming a designated hunter, refer~~  
251 ~~to section 406.9-4.~~

252 406.6-2. *Ceremonial and/or Feast Permit*. Tribal members may apply for a ceremonial and/or  
253 feast permit to group hunt wildlife outside of the regular applicable seasons.

254 (a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for  
255 antlerless deer.

256 (b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting  
257 each of the following requirements:

258 (1) ~~At least eighty five percent (85%) of the group and/or organization members~~  
259 ~~are Tribal members;~~

260 ~~(2)~~ The agent/designee of the group/organization is a Tribal member;

261 ~~(3)~~ The occasion for the ceremonial and/or feast requiring the hunt out of  
262 season is recognized by the Oneida community; and

263 ~~(4)~~ The hunt takes place on the reservation.

264 (c) All persons participating in the ceremonial and/or feast hunt shall be ~~named hunters on~~  
265 ~~the ceremonial and/or feast permit.;~~

266 (1) Named hunters on the ceremonial and/or feast permit; and

267 (2) Tribal members, descendants, or a spouse to a Tribal member.

268 (d) The agent/designee of the group ceremonial and/or feast hunt shall notify ~~the~~an Oneida

269 Police Department officer or warden of the time and place where the hunt will take place  
270 no later than twenty-four (24) hours prior to the hunt. -The Oneida Police Department  
271 officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or  
272 feast hunt.

273 406.6-3. *Other Permits, Tags and Stamps.* In accordance with this law and corresponding rules,  
274 the Department may issue permits authorizing a person to engage in specific hunting, fishing  
275 and/or trapping activities, including nuisance animal removal permits pursuant to section 406.8-2.

276 406.6-4.—It is unlawful for any person to:

277 (a) Provide false information or fail to report relevant information as requested by the  
278 Department, when applying for a license or permit; or

279 (b) Aid another in fraudulently securing a license or permit.

280 406.6-5. Except as provided under sections 406.6-1(b)(1)(A), ~~406.9-4~~ and 406.9-6, licenses  
281 and/or permits are not transferable and may not be altered, defaced, or lent to or from another  
282 person, any may not be used by any person other than the person to whom the license and/or permit  
283 is issued.

284 406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any  
285 person who is physically disabled, upon a showing of medical verification of a physical disability-  
286 that results in mobility issues that makes it necessary for the disabled hunter to hunt from a  
287 stationary vehicle. Disabled hunters shall display the disabled hunter permit sticker in a manner  
288 and location as required by the Department. -A disabled hunter permit authorizes a person to hunt  
289 from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the  
290 rules developed pursuant to this law.

291 406.6-7. *Denial of a License or Permit.*

292 (a) The Department may decline to issue a license and/or permit to an applicant if:

293 (1) The applicant has unpaid fines, civil assessments, other fees, and/or restitution  
294 owed because of a violation of this law and/or corresponding rules.

295 (2) At any time and for any reason, the Department determines that issuing the  
296 license and/or permit poses a risk to the health, safety, and/or welfare of the Nation,  
297 to natural resources on the reservation, or to any persons. -There is a rebuttable  
298 presumption that an applicant poses such a risk under the following circumstances:

299 (A) At the time of the request, the applicant's hunting, fishing, or trapping  
300 license, permit, or related privileges are suspended or revoked in any  
301 jurisdiction.

302 (B) Within three (3) years of the request, the applicant has repeatedly and/or  
303 egregiously done any one (1) or more of the following:

304 (i) violated this law and/or corresponding rules and/or the hunting,  
305 fishing, or trapping laws and regulations of other jurisdictions;

306 (ii) violated other laws or rules of the Nation while engaged in  
307 hunting, fishing, or trapping activities; or

308 (iii) demonstrated poor judgment, disregard for safety or  
309 unsportsmanlike behavior while hunting, fishing, or trapping;  
310 including while interacting with other sportsmen or with wardens,  
311 of this jurisdiction or any other.

312 (C) At any time, the applicant has been found guilty of imposing or  
313 threatening to impose great bodily harm on another. ~~For the purposes of~~  
314 ~~this section, great bodily harm means bodily injury which creates a~~  
315 ~~substantial risk of death, or which causes serious permanent disfigurement,~~

~~or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.~~

(b) Any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before ~~ERB~~the Trial Court pursuant to section 406.10-4.

#### 406.7. General Requirements

##### 406.7-1. Persons may not:

(a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission from the landowner, lessee, or occupant.

(b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on the reservation's lands and waters.

(c) Cause damage to land or property belonging to another, including but not limited to, the Department's decoys placed for law enforcement purposes by Oneida Police Department ~~officers or~~ wardens or other law enforcement officers, and signs that give notice of a hunting and/or trespass restriction.

(d) Carelessly waste wildlife. ~~Persons~~ hunting, trapping, or fishing shall make every reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall comply with section 406.7-1(a).

(e) Knowingly disturb any den, nest, lodge, hut, dam, or house that wildlife may build to shelter themselves and their young.

(f) No person may take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young except as may be approved in advance by the ~~Environmental Resource Board~~Department for activities which may include, but are not limited to, normal agricultural or horticultural practices or wildlife research practices.

(g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical device, or ~~stupefying~~stunning substance or agent.

(h) Take another person's wildlife or disturb another person's hunting, fishing, or trapping equipment without permission; or otherwise interfere with the lawful hunting, fishing, or trapping of another person.

(i) Stock or possess any live wildlife on the reservation without a permit.

(j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the reservation or into reservation waters without a permit.

(k) Use in a reckless manner any device typically used for the harvesting of wildlife, including but not limited to, firearms, bows, traps, and knives.

(l) Shoot firearms, or place or operate any traps, except live traps, within one hundred (100) yards of any building structure, unless the owner-occupant, lessee, or tenant has given permission.

(m) Use a gas-powered motorboat on the Nation's waters, except for the Department's use for law enforcement and conservation purposes.

(n) Hunt, trap, or possess any hunting, or trapping equipment while on Tribal land where hunting or trapping is expressly prohibited by the Nation's laws or rules.

(o) Sell or purchase wildlife that was harvested on the reservation, except as may be expressly allowed by this law and corresponding rules.

(1) Under no circumstances may trading, gifting, or sharing of wildlife for traditional or ceremonial purposes be considered a violation of this section.

(p) Refuse to obey ~~an~~ Oneida Police Department ~~officer or~~ warden's lawful order.

363 (q) Inflict or threaten to inflict bodily harm upon ~~an Oneida Police~~ Department ~~officer or~~  
364 warden. ~~For the purposes of this law, “bodily harm” means physical pain or injury or any~~  
365 ~~impairment of the physical condition.~~

366 406.7-2. *Possession, Registration, and Transportation of Carcasses.* No person may hunt, trap,  
367 possess, or transport any wildlife unless ~~he or she possesses~~they possess the appropriate license  
368 and any required permit, including tags, for harvesting and/or possessing such wildlife.

369 406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on  
370 a roadway, may retain possession of the said deer, provided that the person shall have the deer  
371 tagged by the ~~Department or the Department’s designee~~State of Wisconsin.

372 406.7-4. *Carcass Tags.* Except as otherwise provided in this law and corresponding rules, any  
373 person hunting a species of wildlife which is required to be tagged, shall possess a valid carcass  
374 tag, and, upon harvest, shall immediately validate and attach the tag to the carcass in such manner  
375 as ~~ERB and~~ the Department shall ~~jointly~~ establish in its ~~the~~ rules. ~~No person may possess or~~  
376 transport harvested wildlife that is not properly tagged in accordance with this law and  
377 corresponding rules.

378 ~~406.7-5. Health Advisory. ERB and the Department shall ensure that all hunting and fishing rule~~  
379 ~~booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and~~  
380 ~~other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health~~  
381 ~~defects, that such risks are greatest for women and children, and that detailed information about~~  
382 ~~PCBs is available from the Department upon request.~~

#### 383 384 **406.8. Wildlife Damage and Nuisance Control**

385 406.8-1. Landowners and lessees may remove wildlife considered a nuisance animal from land  
386 under their control and their associated structures, provided that landowners and lessees shall  
387 satisfy all requirements of this law and corresponding rules, including, but not limited to the  
388 permitted methods of taking and hunting hours. ~~Further, live-captured nuisance animals may not~~  
389 be relocated to Tribal lands without express written authorization from the Department, and,  
390 similarly, may not be relocated to private property without express written authorization from the  
391 landowner.

392 406.8-2. *Nuisance Animal Removal Permit.* A nuisance animal removal permit is required to  
393 hunt, trap, or live-capture and relocate any endangered or threatened and protected species.

394 (a) In order to be eligible for a nuisance animal removal permit, the applicant shall  
395 demonstrate that:

396 (1) ~~He or she has~~They have the authority to control hunting and trapping access to  
397 the lands subject to the nuisance or being damaged as well as any contiguous lands.

398 In circumstances where the contiguous lands are not owned or leased by the  
399 applicant, the applicant shall demonstrate authority to control hunting and trapping  
400 access to the contiguous lands by providing the Department with the property  
401 owner’s or lessor’s written consent;

402 (2) ~~He or she~~They are either ~~is~~ employing or ~~agrees~~agree to employ, reasonable  
403 alternative abatement methods to removal;

404 (3) The wildlife sought to be removed is a nuisance animal and reasonable  
405 alternative abatement methods either have been or are reasonably likely to be  
406 unsuccessful;

407 (4) ~~He or she has~~They have complied with this law and corresponding rules and the  
408 conditions of any previously- issued nuisance animal removal permit, at a  
409 minimum, for the previous twelve (12) months from the date ~~he or she applies~~they



410 apply for the permit;  
411 (5) The nuisance animal removal permit applied for does not conflict with any  
412 provisions of the Nation’s agreement with the United States Fish and Wildlife  
413 Service regarding the taking of birds classified as migratory under 50 CFR 10.13.

414 (b) Each permittee shall keep a record of all permit activities and shall provide the said  
415 permit record to the Department within ten (10) days of the permit’s expiration. ~~At a~~  
416 ~~minimum, the permittee shall include in the record any agentsdesignees assigned under~~  
417 ~~section 406.8-4 and the total number of nuisance animals removed pursuant to the permit,~~  
418 ~~provided that, the Department may name additional items required to be included in the~~  
419 ~~record. All permit records may be inspected by the Department at any time.~~

420 (c) The permittee shall return all unused permits, including carcass tags, to the Department  
421 within ten (10) days of the permit’s expiration.

422 406.8-3. *Nuisance Animal Removal Permit Not Required.* A nuisance animal removal permit is  
423 not required if the nuisance animal would otherwise be exempt from the license and permit  
424 requirements under section 406.6-1(a)(2). Also, a nuisance animal removal permit is specifically  
425 not required in following circumstances:

426 ~~(a) *Beaver.* A nuisance animal removal permit is not needed for a landowner, lessee, or~~  
427 ~~an authorized agent to hunt or trap beaver(s) that are nuisance animals, or to remove a~~  
428 ~~beaver dam. However, only the landowner and the Department may set traps on a beaver~~  
429 ~~dam on Tribal land; this privilege may not be transferred to an agent.~~

430 ~~(b)~~(a) *Emergencies.* Nuisance animals for which a nuisance animal removal permit is  
431 otherwise required, may be removed without the required permit if such removal is  
432 necessary to maintain a person’s immediate health and safety.

433 (1) Persons taking a nuisance animal under emergency circumstances shall report  
434 the emergency taking to the Department on the required form available with the  
435 Department.

436 (2) The Department shall conduct an investigation into the validity of the alleged  
437 emergency circumstance. ~~If the investigation provides clear and convincing~~  
438 ~~evidence that the taking was not in fact required due to a legitimate threat to a~~  
439 ~~person’s immediate health and safety, the Department shall classify the taking an~~  
440 ~~unlawful taking without a permit and shall take the appropriate corrective measures.~~

441 406.8-4. *Designated Agents: Nuisance Animal Removal Designees.* A landowner may utilize ~~an~~  
442 ~~agent~~as designee to remove a nuisance animal pursuant to the provisions of this law. ~~If the~~  
443 ~~requirements of this law and corresponding rules are satisfied, the landowner’s nuisance animal~~  
444 ~~removal permit and associated carcass tags, if applicable, may be utilized by the landowner’s~~  
445 ~~assigned agentdesignee.~~

446 (a) In order for ~~an~~agentdesignee to be assigned to remove a nuisance animal, the  
447 landowner shall ensure that the following conditions are met:

448 (1) The agentdesignee shall have a valid license for hunting or trapping that  
449 nuisance animal’s species;

450 (2) The landowner shall grant written permission to the agentdesignee specifically  
451 identifying the following:

452 (A) The location of the nuisance animal where the removal activities are  
453 sought to occur;

454 (B) An authorized time period for the removal of the nuisance animal; and

455 (C) Any other information as may be required by the rules established  
456 pursuant to this law.

457 (b) The Department may limit the number of persons permitted to assist in a removal.

458 ~~(e)~~(b) The landowner or lessee permittee may ~~not~~ charge any assigned agentdesignee any  
459 form of fee.

460 406.8-5. *Annual Migratory Bird Report.* Persons killing crows, cowbirds, grackles, and red-  
461 winged blackbirds shall provide an annual report to the U.S. Fish and Wildlife Service Region 3  
462 Migratory Bird Permit Office by January 31st of each year for all such takings occurring within  
463 the previous January to December.

464 406.8-6. *Department Officer or Warden's Access.* Any landowner or lessee pursuing the removal  
465 of a nuisance animal shall grant the Oneida Police Department officers or wardens free and  
466 unrestricted access to the premises on which the said removal is being conducted, is anticipated to  
467 be conducted, or has been conducted. ~~Further,~~ the landowner or lessee, and the landowner's  
468 agentdesignee, if applicable, shall promptly furnish any information requested by a Oneida Police  
469 Department officer or warden relating to the said removal.

470 406.8-7. *Retaining Fur, Carcasses, and other Parts of Nuisance Animals.* The following applies  
471 to nuisance animals removed in accordance with this section:

472 (a) The permittee and each agentdesignee assigned under section 406.8-4 may retain no  
473 more than one (1) deer removed pursuant to a nuisance animal removal permit. ~~The~~  
474 Department shall distribute or dispose of any deer that are not so retained by offering them  
475 to Tribal members in the following order:

- 476 (1) Elders;
- 477 (2) Disabled persons; and
- 478 (3) Any other interested persons.

479 (b) In order to keep, either for oneself or for sale, the furs of a nuisance animal taken  
480 pursuant to a nuisance animal removal permit, the permittee shall be explicitly and  
481 separately authorized by the permit to retain the wildlife and to sell the wildlife.

482 (c) Furs from nuisance animals which did not require a nuisance animal removal permit in  
483 order to be removed, may be retained by a landowner, lessee, or assigned agentdesignee  
484 without a permit. ~~Provided that~~ the landowner, lessee, or assigned agentdesignee shall  
485 have a valid license and/or permit in order to commercialize in, sell, trade, ship, or transport  
486 any wildlife, except that any squirrels' parts retained may be sold during the closed season.  
487

#### 488 **406.9. Hunting**

489 406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

490 (a) Hunt using any weapon other than a firearm, air rifle, bow, or crossbow that is  
491 authorized under this law and corresponding rules for the taking of a particular species.

492 (b) Discharge a firearm, air rifle, bow, or crossbow:

- 493 (1) Into reservation lakes, reservoirs, or any area designated for public use pursuant  
494 to the Public Use of Tribal Land law, except for the purpose of hunting migratory  
495 birds during established seasons, in accordance with the rules created pursuant to  
496 this law;
- 497 (2) Across any roadway; or
- 498 (3) Within one hundred (100) yards of any structure, unless the owner-occupant,  
499 lessee, or tenant has granted express permission.

500 (c) Transport any loaded firearm, air rifle, or cocked bow or crossbow in a vehicle.

501 406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a  
502 permit, if applicable, do any of the following:

503 (a) Hunt with the use of aircraft;

- 504 (b) Hunt within fifty (50) feet of the center of a paved road;  
505 (c) Hunt from a vehicle;  
506 (d) Hunt while under the influence of alcohol or a controlled substance;  
507 (e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light  
508 to find one’s way and while hunting on foot, at the point of harvest of coyote, raccoon, fox,  
509 or any other authorized unprotected species;  
510 (f) Shine between the hours of 10:00 p.m. and sunrise during the months of September,  
511 October, November, and December; during all other months, shining is allowed at any  
512 hour;  
513 (g) Hunt in a party of more than ~~ten~~ fifteen (15) persons;  
514 (h) Hunt with, or possess while hunting:  
515 (1) Any firearm for which the possession is unlawful under Wisconsin or Federal  
516 law;  
517 (2) Slugs, except that a person may possess slugs during deer firearm season if ~~he~~  
518 ~~or she~~ they also ~~possesses~~ possess the required associated permit;  
519 (3) A handgun with a barrel length of less than five (5) inches;  
520 (4) A concealed handgun without a valid permit from the State of Wisconsin;  
521 and/or  
522 (5) Any of the following without a valid federal permit:  
523 (A) A shotgun that has a barrel length of less than eighteen (18) inches or  
524 an overall length of less than twenty-six (26) inches;  
525 (B) A rifle that has a barrel length of less than sixteen (16) inches or an  
526 overall length of less than twenty-six (26) inches;  
527 (C) A fully-automatic firearm;  
528 (D) Any mechanism designed to muffle, silence, or minimize the report of  
529 any firearm.

530 406.9-3. ~~Accidents~~ Injury Causing Incidents. Any person, who discharges a firearm, bow, or  
531 crossbow while hunting and injures another person, shall render or attempt to obtain necessary  
532 medical assistance, provide the injured person with ~~his or her~~ their name and contact information  
533 including address, and report the ~~accident~~ injury causing incident to either the Department or the  
534 Oneida Police Department as soon as possible.

535 406.9-4. *Designated Hunters*. A permittee may name a designated hunter to hunt, fish, or trap  
536 on behalf of the permittee in the event that the permittee is physically or legally unable to take  
537 pursuant to ~~his or her~~ their own permit, provided that, the designated hunter shall provide ~~his or~~  
538 ~~her~~ their name and contact information to the Department along with a signed statement from the  
539 original permittee naming the designated hunter. ~~–~~The designated hunter shall receive the  
540 Department’s approval of the designation before using the permits of the original permittee.

- 541 (a) To be eligible to be named a ~~Designated Hunter~~ designated hunter, the named person  
542 shall:  
543 (1) Possess a valid hunting license;  
544 (2) Be eligible for the permits for which the person is named the designated hunter;  
545 and  
546 (3) Meet any other requirements of the rules created pursuant to this law.  
547 (b) Designated hunters may hunt for ~~the~~ an unlimited number of permittees ~~as authorized~~  
548 ~~by the rules developed pursuant to this law.~~  
549 (c) Any wildlife taken by a designated hunter remains the property of the original  
550 permittee; the designated hunter shall transfer any wildlife taken by designation to the

551 original permittee’s possession as soon as practicable following the taking.

552 406.9-5. *Age Restrictions.*

553 (a) Persons between the ages of ~~twelve (12)~~ten (10) and fourteen (14) years old may only  
554 hunt if they have obtained the required license and permits and are under the immediate  
555 supervision of a parent, legal guardian, or a responsible adult to which a parent or legal  
556 guardian has delegated ~~his or her~~their supervisory responsibilities.

557 (1) The parent, legal guardian, or responsible adult shall have a valid license and  
558 any required permits.

559 (2) Adults accompanying youth hunters pursuant to this section shall remain within  
560 voice and sight contact of the youth hunters at all times.

561 (b) Tribal members, descendants<sup>2</sup>, ~~non-member Indians and dependents aged ten (10) or~~  
562 ~~eleven (11) years old may hunt if they have a mentor present while hunting and have~~  
563 ~~obtained any required licenses and permits.~~

564 ~~(c) Tribal members, descendants<sup>3</sup>, non-member Indians and dependents having less than~~  
565 ~~ten (10) years of age may accompany a mentor while hunting, provided that youth under~~  
566 ~~the age of ten (10) may not use a weapon during the hunt.~~

567 ~~(d) The following limitations apply to youth hunters and their mentors hunting pursuant to~~  
568 ~~this section:~~

569 ~~(1) Only one (1) weapon may be possessed jointly between the mentor and his or~~  
570 ~~her mentee(s);~~

571 (1) In order to be eligible to be a mentor, the person shall:

572 (A) Be at least eighteen (18) years old;

573 (B) Have a valid license and any required permits; and

574 (C) Be the youth hunter’s parent or legal guardian or have permission from  
575 the hunter’s parent or legal guardian to be the hunter’s mentor

576 (2) Mentors may mentor a maximum of two (2) youth hunters at the same time;  
577 and

578 (3) The mentor shall remain within an arm’s grasp of each youth hunter at all times.

579 ~~(e) In order to be eligible to be a mentor, the person shall:~~

580 ~~(1) Be at least eighteen (18) years old;~~

581 ~~(2) Have a valid license and any required permits; and~~

582 ~~(3) Be the youth hunter’s parent or legal guardian or have permission from the~~  
583 ~~hunter’s parent or legal guardian to be the hunter’s mentor.~~

584 406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people  
585 and may be limited in size as provided in the rules developed pursuant to this law. ~~Any member~~  
586 ~~of a deer hunting party may harvest deer on behalf of another member of the deer hunting party~~  
587 ~~under the following circumstances:~~

588 (a) At the time and place of the harvest, the member of the hunting party who harvests the  
589 deer shall be in contact with the member of the hunting party on whose behalf the deer was  
590 harvested. For the purpose of this section, contact means visual or voice contact without  
591 the aid of any mechanical or electronic amplifying device other than a hearing aid. ~~Hand~~  
592 ~~radios are permitted, however may not be used as an acceptable means of contact as~~  
593 ~~required in this section.~~

594 (b) The member of the hunting party for whom the deer was harvested shall possess a valid,

<sup>2</sup>~~Requirements for descendancy are determined by the Oneida Trust Enrollment Committee.~~

<sup>3</sup>~~See footnote 2.~~

595 license and carcass tag for the deer.

596 (c) The member of the hunting party who harvests the deer shall ensure that a valid carcass  
597 tag is attached to the deer by a member of the hunting party prior to field dressing and  
598 moving the deer; the member of the hunting party that harvests the deer may not leave said  
599 deer unattended until it has been properly tagged.

600  
601 **406.10. Enforcement and Penalties**

602 406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the  
603 corresponding rules to the Department or the Oneida Police Department. The department receiving  
604 information regarding violations shall keep the information confidential.

605 406.10-2. *Licenses/Permits Suspension, Revocation, and/or Ineligibility.* The Department may  
606 suspend, revoke, or deem a party ineligible for a license or permit as a penalty for committing any  
607 ~~one (1)~~ of the following acts or any combination thereof:

608 (a) Has committed an act causing any of ~~his or her~~their hunting, fishing, or trapping  
609 licenses, permits or privileges to be suspended or revoked by any other jurisdiction,  
610 whether it be tribal, state, or federal, where, for the purposes of this section, a person's right  
611 to possess firearms is considered a hunting privilege;

612 (b) Provides false information, or assists other in providing false information, when  
613 applying for a license or permit;

614 (c) Fails to timely pay a fine or abide by a penalty assessed against ~~him or her~~them as a  
615 consequence for violating the provisions of this law and/or the corresponding rules; and/or

616 (d) Violates this law and/or the corresponding rules and the violation is one for which the  
617 citation schedule identifies suspension, revocation, or ineligibility of a license or permit as  
618 an available penalty.

619 ~~406.10-3. *Warning and Citations.* Department wardens may issue verbal and/or written warnings  
620 and/or citations to any person found to be in violation of this law and/or the corresponding rules.  
621 The Department shall ensure that all warning and citations identify the relevant violation and, if  
622 applicable, the fine and/or penalties imposed as a consequence of the violation.~~

623 ~~406.10-4~~406.10-3. *Appeal of License and/or Permit Decision.* Any person wishing to contest  
624 a decision of the Department related to a license and/or permit may appeal such action by filing a  
625 complaint with the Judiciary Trial Court naming the Department.

626 ~~406.10-5. *Contested Action Hearings.* All citations, orders and declarations issued pursuant to this  
627 law shall include a pre-hearing date with the Judiciary Trial Court which shall be set for the next  
628 scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued.  
629 Persons wishing to contest a citation shall appear at the prehearing, at which time the Judiciary  
630 Trial Court shall accept pleas which either contest or admit committing the act for which the  
631 citation was issued. The Judiciary shall schedule a hearing as expeditiously as possible, provided  
632 that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons  
633 entering a plea contesting the fact that they committed the act for which a citation was issued. In  
634 addition to scheduling requested hearings, the Judiciary may also make conditional orders at the  
635 prehearing which are effective until the matter is resolved.~~

636 4. *Issuance of a Citation.* An individual  
637 who violates a provision of this law or the corresponding rules may be subject to the issuance of a  
638 citation by a warden or an Oneida Police Department officer.

639 (a) ~~Community Service.~~ Community service may be substituted A citation for ~~fin~~es at a  
640 violation of this law, the Judiciary's discretion, provided that, if so substituted, the  
641 Judiciary shall use the rate of one (1) hour per ten dollars (\$10.00) of the fine.

641 (b) ~~Allocation of Citation Revenue.~~ All corresponding rules, or any orders issued pursuant

642 ~~to this law may include~~ fines and ~~other~~ penalties ~~issued by citations are payable to ERB or~~  
643 ~~its designee, the proceeds of which ERB shall contribute to the Nation's general fund.~~  
644 ~~(e) Appealing the Decision of the Judiciary, as well as conditional orders made by the~~ Trial  
645 Court. ~~Any person wishing to contest the determination of the Judiciary Trial Court may~~  
646 ~~appeal the applicable determination to the Judiciary's Court of Appeals~~  
647 (b) A citation for a violation of this law shall be processed in accordance with the Rules of  
648 Appellate Procedure.  
649 ~~(d) Pursuing Payment of a Citation. ERB may pursue payment from parties who have~~  
650 ~~failed to make the required payments through the garnishment process~~ procedure contained  
651 in the Garnishment law and/or by attaching a Tribal member's per capita payment pursuant  
652 to the Per Capita law. Nation's laws and policies governing citations.

653  
654 *End.*

~~655~~

---

Adopted - BC-~~0~~8-31-94-C  
Adopted - BC-~~0~~4-24-96-A  
Adopted - BC-07-22-98-A  
Amended - BC-09-13-00-D  
Amended - BC-~~0~~6-04-03-A  
Amended - BC-~~0~~6-30-04-I  
Amended - BC-~~0~~7-13-05-E  
Amended - BC-~~0~~8-29-07-F  
Amended - BC-06-24-09-E  
Amended - BC-08-26-10-I  
Emergency Amended - BC-06-22-11-H (Expired)  
Amended – BC-12-14-11-E  
Amended – BC-05-22-13-A  
Amended – BC-01-25-17-D  
Amended – BC-07-26-17-F  
Amended – BC- - - -

**Title 4. Environment and Natural Resources – Chapter 406**  
**Lutolátha?, Latsywáaha? O?khále Atlistáyá Tsi? Kayanlǎhsla**  
*Our laws concerning hunting, fishing and trapping*  
**HUNTING, FISHING, AND TRAPPING**

|        |                                |         |                                      |
|--------|--------------------------------|---------|--------------------------------------|
| 406.1. | Purpose and Policy             | 406.6.  | Licenses and Permits                 |
| 406.2. | Adoption, Amendment, Repeal    | 406.7.  | General Regulations                  |
| 406.3. | Definitions                    | 406.8.  | Wildlife Damage and Nuisance Control |
| 406.4. | Jurisdiction                   | 406.9.  | Hunting                              |
| 406.5. | Administration and Supervision | 406.10. | Enforcement and Penalties            |

1  
2 **406.1. Purpose and Policy**  
3 406.1-1. *Purpose.* The purpose of this law is to protect and conserve wildlife on the reservation  
4 and to promote respect among sportsmen for both the environment and fellow sportsmen.  
5 406.1-2. *Policy.* It is the policy of the Nation to provide:  
6 (a) An adequate and flexible system for the protection, management, supervision,  
7 conservation, and enhancement of all wildlife and natural resources on the reservation; and  
8 (b) An enforceable system of licensing and permitting which establishes clear rules  
9 pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping,  
10 and associated fines and penalties for violations of this law and the said rules.  
11  
12 **406.2. Adoption, Amendment, Repeal**  
13 406.2-1. This law was adopted by the Oneida Business Committee by resolution BC-08-31-94-  
14 C, and amended by resolutions BC-04-24-96-A, BC-07-22-98-A, BC-09-13-00-D, BC-06-04-03-  
15 A, BC-06-30-04-I, BC-07-13-05-E, BC-08-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-  
16 11-E, BC-05-22-13-A, BC-01-25-17-D, BC-07-26-17-F, and BC-\_\_-\_\_-\_\_-\_\_\_.  
17 406.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the  
18 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.  
19 406.2-3. Should a provision of this law or the application thereof to any person or circumstances  
20 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
21 to have legal force without the invalid portions.  
22 406.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
23 the provisions of this law shall control.  
24 406.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
25  
26 **406.3. Definitions**  
27 406.3-1. This section shall govern the definitions of words and phrases used within this law. All  
28 words not defined herein shall be used in their ordinary and everyday sense.  
29 (a) “Aircraft” means a conveyance that can travel through the air and that is supported  
30 either by its own lightness or by the action of the air against its surfaces. The term includes  
31 hovercraft and both manned aircraft such as airplanes and helicopters and unmanned  
32 aircraft such as drones.  
33 (b) “Barrel length” means the length of a gun’s barrel as measured from the muzzle to  
34 the firing pin with the action closed, or from the muzzle to the breech face.  
35 (c) “Bodily harm” means physical pain or injury or any impairment of the physical  
36 condition.  
37 (d) “Daily bag limit” means the maximum number of a species of wildlife that a person  
38 may take during a twenty-four (24) hour period measured from midnight to midnight.

- 39 (e) “Department” means the Oneida Conservation Department.  
40 (f) “Dependent” means a person under the age of eighteen (18) who is the child or step-  
41 child of a Tribal member or who lives with a Tribal member for more than half of the year.  
42 (g) “Descendant” means a person who is registered with, and recognized by, the Oneida  
43 Trust Enrollment Department as being the descendant of an enrolled member of the Nation.  
44 (h) “Designated hunter” means the person named by a permittee as authorized to harvest  
45 wildlife on behalf of the permittee pursuant to the permit held by the permittee.  
46 (i) “Elder” means any person fifty-five (55) years of age or older.  
47 (j) “Endangered or threatened” means any species of wildlife within the reservation in  
48 danger of extinction or likely to become in danger of distinction as recognized by the  
49 Department and under federal law.  
50 (k) “Fine” means a monetary punishment issued to a person violating this law and/or the  
51 rules created pursuant to this law.  
52 (l) “Fishing” means the taking, capturing, harvesting, or attempting to take, capture or  
53 harvest fish of any variety in any manner.  
54 (m) “Great bodily harm” means bodily injury which creates a substantial risk of death, or  
55 which causes serious permanent disfigurement, or which causes a permanent or protracted  
56 loss or impairment of the function of any bodily member or organ or other serious bodily  
57 injury.  
58 (n) “Hunt” or “Hunting” means shooting, shooting at, pursuing, taking, attempting to  
59 take, catch, harvest or attempting to harvest any wildlife.  
60 (o) “License” means a written document issued by the Department granting authority to  
61 engage in specific activities covered under this law and the rules created pursuant to this  
62 law.  
63 (p) “Loaded” means any firearm containing a cartridge in the chamber or any firearm  
64 containing a cartridge or cartridges in the attached cylinder, magazine, or clip.  
65 (1) Muzzleloading firearms may not be considered loaded if a percussion cap is not  
66 covering the percussion nipple or .209 primers are not in the receiver.  
67 (2) Flint lock muzzleloading firearms may not be considered loaded if the flash pan  
68 is cleaned of powder.  
69 (q) “Nation” means the Oneida Nation.  
70 (r) “Non-Indian” means a person who is not a member of any federally recognized  
71 Indian tribe, band, or community.  
72 (s) “Non-Member Indian” means a person who is a member of a federally recognized  
73 Indian tribe, band, or community other than this Nation.  
74 (t) “Nuisance Animal” means any wildlife causing and one (1) or combination of the  
75 following:  
76 (1) Damage to property;  
77 (2) Damage to or endangered or threatened species of wildlife and/or plants;  
78 (3) Depredation of crops and/or livestock; or  
79 (4) Health and/or safety risks posed to persons.  
80 (u) “Penalty” means a punishment, other than a fine, imposed on a person violating this  
81 law and/or the rules created pursuant to this law and may include, but is not limited to, the  
82 confiscation of equipment and/or wildlife, the imposition of a wildlife protection  
83 assessment (civil recovery value), revocation and/or ineligibility for licenses and/or  
84 permits for a specified period of time, and restitution.  
85 (v) “Permit” means a document, stamp or tag authorizing a specific activity which is



86 issued by the Department to the holder of a license.

87 (w) “Protected species” means any species of wildlife that is not endangered or  
88 threatened, but for the Department has established seasons, daily bag limits, or otherwise  
89 restricted the taking of.

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

93 (y) “Rule” means a set of requirements, including citation fees and penalty schedules,  
94 enacted by the Department in accordance with the Administrative Rulemaking law based  
95 on authority delegated in this law in order to implement, interpret and/or enforce this law.

96 (z) “Take” or “Taking” means pursuing, shooting, hunting, fishing, netting (including  
97 placing or setting any net or other capturing device), capturing, harvesting, snaring or  
98 trapping any wildlife, or attempting any of the foregoing.

99 (aa) “Transport” means to bring or move from one place to another by means of carrying,  
100 dragging, pushing, towing, or storing in or on a vehicle, aircraft or boat.

101 (bb) “Trapping” means the taking of, or attempting to take, any wildlife by means of  
102 setting or operating any device or mechanism that is designed, built, or made to close upon,  
103 hold fast, snare or otherwise capture wildlife.

104 (cc) “Tribal land” means any land within the reservation that is held in fee or in trust and  
105 is owned by the Nation, a Tribal member, or a non-member Indian.

106 (dd) “Tribal member” means an enrolled member of the Nation.

107 (ee) “Vehicle” means any self-propelled conveyance that derives power from a motor  
108 and is used to transport persons or objects over land, including but not limited to, an  
109 automobile, truck, sport utility vehicle, snowmobile, motorcycle, all-terrain vehicle, moped  
110 or similar conveyance.

111 (ff) “Warden” means an officer of the Oneida Police Department whose duties include the  
112 protection of wildlife and natural resources.

113 (gg) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian, or  
114 any part or carcass of the same.

115  
116 **406.4. Jurisdiction**

117 406.4-1. This law applies to the following persons:

118 (a) All Tribal members,

119 (b) All non-member Indians,

120 (c) All non-Indians who:

121 (1) apply for and receive a license and/or permit, and/or

122 (2) enter Tribal land,

123 (d) All persons as otherwise permitted under federal law.

124 406.4-2. This law applies:

125 (a) within the boundaries of the Reservation, and

126 (b) on lands held in trust for the Nation outside the boundaries of the reservation.

127 406.4-3. *Jurisdiction.* The Nation has jurisdiction over the management and regulation of the  
128 Nation’s natural resources. However, this law shall not negate the jurisdiction of the State of  
129 Wisconsin in certain instances involving non-member Indians and non-Indians. Thus, to hunt, fish,  
130 or trap on tribal land, non-member Indians and non-Indians shall adhere to the Nation’s license,  
131 permit, and tag requirements and may also be subject to the requirements of the State of  
132 Wisconsin. License and permit holders may not exercise any hunting, fishing, or tapping privileges

133 within the Reservation boundaries using a State of Wisconsin license that would amount to greater  
134 privileges than those afforded pursuant to this Law and associated rules.

135

136 **406.5. Administration and Supervision**

137 406.5-1. The Department shall protect, manage, supervise, conserve, and enhance all wildlife  
138 within the reservation. The Department shall establish and maintain the rules in accordance with  
139 the Administrative Rulemaking law that are required to implement this law. The Department shall  
140 administer and enforce this law and the rules created pursuant to this law.

141 406.5-2. *Administrative Rulemaking Authority.* In addition to any other duties delegated to the  
142 Department under this law, the Department is hereby delegated rulemaking authority in accordance  
143 with the Administrative Rulemaking law to:

144 (a) Determine the types and number of licenses and permits that may be issued by the  
145 Department, including how many licenses and permits that may be issued to non-Indian  
146 hunters.

147 (b) Establish a fee schedule and application requirements and deadlines for obtaining  
148 licenses and/or permits.

149 (c) Establish or amend daily bag limits and possession limits based on the supply of  
150 wildlife, the needs of conservation, and the objective of achieving a fair allocation of the  
151 harvest. Restrictions in such rules may include, but are not limited to, limits related to  
152 gender, species, size, age, and maturity.

153 (d) Based on the monitoring and supervision of all wildlife, when necessary, declare any  
154 species in need of protection a protected species or an endangered or threatened species,  
155 and thereafter modify or revoke such declarations as may be appropriate.

156 (e) Fix, shorten, extend, or close seasons and hunting hours on any wildlife.

157 (1) The rules shall identify designated seasons and/or hunting hours for elder,  
158 disabled, and youth hunts.

159 (f) Establish and/or modify areas' territorial limits, including bodies of water or parts  
160 thereof, for any of the following, as may be necessary:

161 (1) the taking of wildlife;

162 (2) other specified areas, pursuant to the rules developed by the Department.

163 (g) Establish methods for checking persons into and out of areas specified under subsection  
164 (f) above.

165 (h) Regulate the operation of boats upon reservation waters and the operation of vehicles  
166 and aircraft used while hunting, fishing, or trapping.

167 (i) Regulate and prescribe the means and methods by which wildlife may be taken,  
168 including, but not limited to, the use of:

169 (1) bait;

170 (2) decoys;

171 (3) hunting dogs;

172 (4) traps;

173 (5) firearms;

174 (6) ammunition;

175 (7) laser sights; and

176 (8) night vision.

177 (j) Regulate the transportation, registration, tagging, and storage of all wildlife within the  
178 reservation and the shipment or transportation of wildlife off the reservation.

179 (k) Prescribe safety and fire control measures and other rules as may be necessary for

180 range, forest; or wildlife management, and/or for the safety and welfare of outdoor  
181 recreationists, landowners, lessees, occupants, and the Nation.

182 (l) Establish a citation schedule that sets the monetary fines and penalties for violations of  
183 this law and/or the rules established pursuant to this law.

184 (m) Regulate use of recovery and retrieval services and methods.

185 (n) Regulate the care and husbandry of animals used to hunt or animals used for private  
186 game hunting.

187 (o) Create other rules as specifically directed throughout this law or as may be necessary  
188 to implement this law.

189 406.5-3. *Oneida Police Department Officers and Wardens.* Oneida Police Department officers  
190 and/or wardens shall enforce this law and corresponding rules on the reservation, and accordingly  
191 shall:

192 (a) Observe persons engaged in hunting, fishing and/or trapping in order to ensure that the  
193 methods and equipment utilized are lawful.

194 (b) Investigate reports of violations of wildlife and environmental laws, including, but not  
195 limited to, this law and corresponding rules.

196 (c) Work to prevent persons from violating this law and/or the corresponding rules.

197 (d) Issue warnings and/or citations, which may include fines and/or penalties, for violations  
198 of this law and/or the corresponding rules.

199

## 200 **406.6. Licenses and Permits**

201 406.6-1. *Sportsman License.*

202 (a) A sportsman license is required for all persons hunting, fishing, or trapping on Tribal  
203 land, except:

204 (1) Fishing is permitted without a sportsman license for Tribal members,  
205 dependents, and non-member Indians whom are sixteen (16) years of age or  
206 younger.

207 (2) Landowners, lessees, and designees with the permission of the landowners or  
208 lessees, may hunt and trap the following species on the property they own or lease,  
209 year-round, without a sportsman license:

210 (A) coyote;

211 (B) fox;

212 (C) raccoon;

213 (D) woodchuck;

214 (E) rabbit;

215 (F) squirrel;

216 (G) beaver; and

217 (H) any nuisance animal that is not an endangered or threaten species and  
218 is also not a regulated or protected species.

219 (b) Anyone born on or after January 1, 1973, shall successfully complete a certified hunter  
220 safety course to be eligible for a sportsman license, except that:

221 (1) *Fishing Only Sportsman License.* A sportsman license may be issued which  
222 permits fishing only. In such circumstances, successful completion of a certified  
223 hunter safety course is not required and the Department shall internally record such  
224 licenses as permitting fishing only.

225 (A) A person issued a “fishing only” sportsman license may not hunt or trap,  
226 or be eligible to hunt or trap, until the licensee provides the Department with

- 227 proof of successful completion of a certified hunter safety course.
- 228 406.6-2. *Ceremonial and/or Feast Permit.* Tribal members may apply for a ceremonial and/or  
229 feast permit to group hunt wildlife outside of the regular applicable seasons.
- 230 (a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for  
231 antlerless deer.
- 232 (b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting  
233 each of the following requirements:
- 234 (1) The designee of the group/organization is a Tribal member;
- 235 (2) The occasion for the ceremonial and/or feast requiring the hunt out of season is  
236 recognized by the Oneida community; and
- 237 (3) The hunt takes place on the reservation.
- 238 (c) All persons participating in the ceremonial and/or feast hunt shall be:
- 239 (1) Named hunters on the ceremonial and/or feast permit; and
- 240 (2) Tribal members, descendants, or a spouse to a Tribal member.
- 241 (d) The designee of the group ceremonial and/or feast hunt shall notify an Oneida Police  
242 Department officer or warden of the time and place where the hunt will take place no later  
243 than twenty-four (24) hours prior to the hunt. The Oneida Police Department officer or  
244 warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.
- 245 406.6-3. *Other Permits, Tags and Stamps.* In accordance with this law and corresponding rules,  
246 the Department may issue permits authorizing a person to engage in specific hunting, fishing  
247 and/or trapping activities, including nuisance animal removal permits pursuant to section 406.8-2.
- 248 406.6-4. It is unlawful for any person to:
- 249 (a) Provide false information or fail to report relevant information as requested by the  
250 Department, when applying for a license or permit; or
- 251 (b) Aid another in fraudulently securing a license or permit.
- 252 406.6-5. Except as provided under sections 406.9-4 and 406.9-6, licenses and/or permits are not  
253 transferable and may not be altered, defaced, or lent to or from another person, any may not be  
254 used by any person other than the person to whom the license and/or permit is issued.
- 255 406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any  
256 person who is physically disabled, upon a showing of medical verification of a physical disability  
257 that results in mobility issues that makes it necessary for the disabled hunter to hunt from a  
258 stationary vehicle. Disabled hunters shall display the disabled hunter permit sticker in a manner  
259 and location as required by the Department. A disabled hunter permit authorizes a person to hunt  
260 from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the  
261 rules developed pursuant to this law.
- 262 406.6-7. *Denial of a License or Permit.*
- 263 (a) The Department may decline to issue a license and/or permit to an applicant if:
- 264 (1) The applicant has unpaid fines, civil assessments, other fees, and/or restitution  
265 owed because of a violation of this law and/or corresponding rules.
- 266 (2) At any time and for any reason, the Department determines that issuing the  
267 license and/or permit poses a risk to the health, safety, and/or welfare of the Nation,  
268 to natural resources on the reservation, or to any persons. There is a rebuttable  
269 presumption that an applicant poses such a risk under the following circumstances:
- 270 (A) At the time of the request, the applicant's hunting, fishing, or trapping  
271 license, permit, or related privileges are suspended or revoked in any  
272 jurisdiction.

273 (B) Within three (3) years of the request, the applicant has repeatedly and/or  
274 egregiously done any one (1) or more of the following:

- 275 (i) violated this law and/or corresponding rules and/or the hunting,  
276 fishing, or trapping laws and regulations of other jurisdictions;
- 277 (ii) violated other laws or rules of the Nation while engaged in  
278 hunting, fishing, or trapping activities; or
- 279 (iii) demonstrated poor judgment, disregard for safety or  
280 unsportsmanlike behavior while hunting, fishing, or trapping;  
281 including while interacting with other sportsmen or with wardens,  
282 of this jurisdiction or any other.

283 (C) At any time, the applicant has been found guilty of imposing or  
284 threatening to impose great bodily harm on another.

285 (b) Any person who has had a license or permit denied in accordance with section 406.6-  
286 7(a) may appeal the Department’s decision by requesting a hearing before the Trial Court  
287 pursuant to section 406.10-4.  
288

289 **406.7. General Requirements**

290 406.7-1. Persons may not:

- 291 (a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission  
292 from the landowner, lessee, or occupant.
- 293 (b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on  
294 the reservation’s lands and waters.
- 295 (c) Cause damage to land or property belonging to another, including but not limited to,  
296 the Department’s decoys placed for law enforcement purposes by Oneida Police  
297 Department officers or wardens or other law enforcement officers, and signs that give  
298 notice of a hunting and/or trespass restriction.
- 299 (d) Carelessly waste wildlife. Persons hunting, trapping, or fishing shall make every  
300 reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall  
301 comply with section 406.7-1(a).
- 302 (e) Knowingly disturb any den, nest, lodge, hut, dam, or house that wildlife may build to  
303 shelter themselves and their young.
- 304 (f) No person may take, pursue, injure, or harass small game while on or in its nest or den,  
305 or remove any eggs or young except as may be approved in advance by the Department for  
306 activities which may include, but are not limited to, normal agricultural or horticultural  
307 practices or wildlife research practices.
- 308 (g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical  
309 device, or stunning substance or agent.
- 310 (h) Take another person’s wildlife or disturb another person’s hunting, fishing, or trapping  
311 equipment without permission; or otherwise interfere with the lawful hunting, fishing, or  
312 trapping of another person.
- 313 (i) Stock or possess any live wildlife on the reservation without a permit.
- 314 (j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the  
315 reservation or into reservation waters without a permit.
- 316 (k) Use in a reckless manner any device typically used for the harvesting of wildlife,  
317 including but not limited to, firearms, bows, traps, and knives.
- 318 (l) Shoot firearms, or place or operate any traps, except live traps, within one hundred  
319 (100) yards of any building structure, unless the owner-occupant, lessee, or tenant has

- 320 given permission.
- 321 (m) Use a gas-powered motorboat on the Nation’s waters, except for the Department’s use
- 322 for law enforcement and conservation purposes.
- 323 (n) Hunt, trap, or possess any hunting, or trapping equipment while on Tribal land where
- 324 hunting or trapping is expressly prohibited by the Nation’s laws or rules.
- 325 (o) Sell or purchase wildlife that was harvested on the reservation, except as may be
- 326 expressly allowed by this law and corresponding rules.
- 327 (1) Under no circumstances may trading, gifting, or sharing of wildlife for
- 328 traditional or ceremonial purposes be considered a violation of this section.
- 329 (p) Refuse to obey an Oneida Police Department officer or warden’s lawful order.
- 330 (q) Inflict or threaten to inflict bodily harm upon an Oneida Police Department officer or
- 331 warden.

332 406.7-2. *Possession, Registration, and Transportation of Carcasses.* No person may hunt, trap,

333 possess, or transport any wildlife unless they possess the appropriate license and any required

334 permit, including tags, for harvesting and/or possessing such wildlife.

335 406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on

336 a roadway may retain possession of the said deer, provided that the person shall have the deer

337 tagged by the State of Wisconsin.

338 406.7-4. *Carcass Tags.* Except as otherwise provided in this law and corresponding rules, any

339 person hunting a species of wildlife which is required to be tagged, shall possess a valid carcass

340 tag, and, upon harvest, shall immediately validate and attach the tag to the carcass in such manner

341 as the Department shall establish in its rules. No person may possess or transport harvested wildlife

342 that is not properly tagged in accordance with this law and corresponding rules.

343

344 **406.8. Wildlife Damage and Nuisance Control**

345 406.8-1. Landowners and lessees may remove wildlife considered a nuisance animal from land

346 under their control and their associated structures, provided that landowners and lessees shall

347 satisfy all requirements of this law and corresponding rules, including, but not limited to the

348 permitted methods of taking and hunting hours. Further, live-captured nuisance animals may not

349 be relocated to Tribal lands without express written authorization from the Department, and,

350 similarly, may not be relocated to private property without express written authorization from the

351 landowner.

352 406.8-2. *Nuisance Animal Removal Permit.* A nuisance animal removal permit is required to

353 hunt, trap, or live-capture and relocate any endangered or threatened and protected species.

354 (a) In order to be eligible for a nuisance animal removal permit, the applicant shall

355 demonstrate that:

356 (1) They have the authority to control hunting and trapping access to the lands

357 subject to the nuisance or being damaged as well as any contiguous lands. In

358 circumstances where the contiguous lands are not owned or leased by the applicant,

359 the applicant shall demonstrate authority to control hunting and trapping access to

360 the contiguous lands by providing the Department with the property owner’s or

361 lessor’s written consent;

362 (2) They are either employing or agree to employ, reasonable alternative abatement

363 methods to removal;

364 (3) The wildlife sought to be removed is a nuisance animal and reasonable

365 alternative abatement methods either have been or are reasonably likely to be

366 unsuccessful;

367 (4) They have complied with this law and corresponding rules and the conditions  
368 of any previously issued nuisance animal removal permit, at a minimum, for the  
369 previous twelve (12) months from the date they apply for the permit;

370 (5) The nuisance animal removal permit applied for does not conflict with any  
371 provisions of the Nation’s agreement with the United States Fish and Wildlife  
372 Service regarding the taking of birds classified as migratory under 50 CFR 10.13.

373 (b) Each permittee shall keep a record of all permit activities and shall provide the said  
374 permit record to the Department within ten (10) days of the permit’s expiration. At a  
375 minimum, the permittee shall include in the record any designees assigned under section  
376 406.8-4 and the total number of nuisance animals removed pursuant to the permit, provided  
377 that, the Department may name additional items required to be included in the record. All  
378 permit records may be inspected by the Department at any time.

379 (c) The permittee shall return all unused permits, including carcass tags, to the Department  
380 within ten (10) days of the permit’s expiration.

381 406.8-3. *Nuisance Animal Removal Permit Not Required.* A nuisance animal removal permit is  
382 not required if the nuisance animal would otherwise be exempt from the license and permit  
383 requirements under section 406.6-1(a)(2). Also, a nuisance animal removal permit is specifically  
384 not required in following circumstances:

385 (a) *Emergencies.* Nuisance animals for which a nuisance animal removal permit is  
386 otherwise required, may be removed without the required permit if such removal is  
387 necessary to maintain a person’s immediate health and safety.

388 (1) Persons taking a nuisance animal under emergency circumstances shall report  
389 the emergency taking to the Department on the required form available with the  
390 Department.

391 (2) The Department shall conduct an investigation into the validity of the alleged  
392 emergency circumstance. If the investigation provides clear and convincing  
393 evidence that the taking was not in fact required due to a legitimate threat to a  
394 person’s immediate health and safety, the Department shall classify the taking an  
395 unlawful taking without a permit and shall take the appropriate corrective measures.

396 406.8-4. *Nuisance Animal Removal Designees.* A landowner may utilize as designee to remove  
397 a nuisance animal pursuant to the provisions of this law. If the requirements of this law and  
398 corresponding rules are satisfied, the landowner’s nuisance animal removal permit and associated  
399 carcass tags, if applicable, may be utilized by the landowner’s assigned designee.

400 (a) In order for a designee to be assigned to remove a nuisance animal, the landowner shall  
401 ensure that the following conditions are met:

402 (1) The designee shall have a valid license for hunting or trapping that nuisance  
403 animal’s species;

404 (2) The landowner shall grant written permission to the designee specifically  
405 identifying the following:

406 (A) The location of the nuisance animal where the removal activities are  
407 sought to occur;

408 (B) An authorized time period for the removal of the nuisance animal; and

409 (C) Any other information as may be required by the rules established  
410 pursuant to this law.

411 (b) The Department may limit the number of persons permitted to assist in a removal.

412 (b) The landowner or lessee permittee may charge any assigned designee any form of fee.

413 406.8-5. *Annual Migratory Bird Report.* Persons killing crows, cowbirds, grackles, and red-

414 winged blackbirds shall provide an annual report to the U.S. Fish and Wildlife Service Region 3  
415 Migratory Bird Permit Office by January 31st of each year for all such takings occurring within  
416 the previous January to December.

417 406.8-6. *Officer or Warden's Access.* Any landowner or lessee pursuing the removal of a  
418 nuisance animal shall grant the Oneida Police Department officers or wardens free and unrestricted  
419 access to the premises on which the said removal is being conducted, is anticipated to be  
420 conducted, or has been conducted. Further, the landowner or lessee, and the landowner's designee,  
421 if applicable, shall promptly furnish any information requested by a Oneida Police Department  
422 officer or warden relating to the said removal.

423 406.8-7. *Retaining Fur, Carcasses, and other Parts of Nuisance Animals.* The following applies  
424 to nuisance animals removed in accordance with this section:

425 (a) The permittee and each designee assigned under section 406.8-4 may retain no more  
426 than one (1) deer removed pursuant to a nuisance animal removal permit. The Department  
427 shall distribute or dispose of any deer that are not so retained by offering them to Tribal  
428 members in the following order:

- 429 (1) Elders;
- 430 (2) Disabled persons; and
- 431 (3) Any other interested persons.

432 (b) In order to keep, either for oneself or for sale, the furs of a nuisance animal taken  
433 pursuant to a nuisance animal removal permit, the permittee shall be explicitly and  
434 separately authorized by the permit to retain the wildlife and to sell the wildlife.

435 (c) Furs from nuisance animals which did not require a nuisance animal removal permit in  
436 order to be removed, may be retained by a landowner, lessee, or assigned designee without  
437 a permit. Provided that the landowner, lessee, or assigned designee shall have a valid  
438 license and/or permit in order to commercialize in, sell, trade, ship, or transport any  
439 wildlife, except that any squirrels' parts retained may be sold during the closed season.

#### 440 441 **406.9. Hunting**

442 406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

443 (a) Hunt using any weapon other than a firearm, air rifle, bow, or crossbow that is  
444 authorized under this law and corresponding rules for the taking of a particular species.

445 (b) Discharge a firearm, air rifle, bow, or crossbow:

446 (1) Into reservation lakes, reservoirs, or any area designated for public use pursuant  
447 to the Public Use of Tribal Land law, except for the purpose of hunting migratory  
448 birds during established seasons, in accordance with the rules created pursuant to  
449 this law;

450 (2) Across any roadway; or

451 (3) Within one hundred (100) yards of any structure, unless the owner-occupant,  
452 lessee, or tenant has granted express permission.

453 (c) Transport any loaded firearm, air rifle, or cocked bow or crossbow in a vehicle.

454 406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a  
455 permit, if applicable, do any of the following:

456 (a) Hunt with the use of aircraft;

457 (b) Hunt within fifty (50) feet of the center of a paved road;

458 (c) Hunt from a vehicle;

459 (d) Hunt while under the influence of alcohol or a controlled substance;

460 (e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light



461 to find one’s way and while hunting on foot, at the point of harvest of coyote, raccoon, fox,  
462 or any other authorized unprotected species;

463 (f) Shine between the hours of 10:00 p.m. and sunrise during the months of September,  
464 October, November, and December; during all other months, shining is allowed at any  
465 hour;

466 (g) Hunt in a party of more than fifteen (15) persons;

467 (h) Hunt with, or possess while hunting:

468 (1) Any firearm for which the possession is unlawful under Wisconsin or Federal  
469 law;

470 (2) Slugs, except that a person may possess slugs during deer firearm season if they  
471 also possess the required associated permit;

472 (3) A handgun with a barrel length of less than five (5) inches;

473 (4) A concealed handgun without a valid permit from the State of Wisconsin;  
474 and/or

475 (5) Any of the following without a valid federal permit:

476 (A) A shotgun that has a barrel length of less than eighteen (18) inches or  
477 an overall length of less than twenty-six (26) inches;

478 (B) A rifle that has a barrel length of less than sixteen (16) inches or an  
479 overall length of less than twenty-six (26) inches;

480 (C) A fully-automatic firearm;

481 (D) Any mechanism designed to muffle, silence, or minimize the report of  
482 any firearm.

483 406.9-3. *Injury Causing Incidents.* Any person, who discharges a firearm, bow, or crossbow  
484 while hunting and injures another person, shall render or attempt to obtain necessary medical  
485 assistance, provide the injured person with their name and contact information including address,  
486 and report the injury causing incident to either the Department or the Oneida Police Department  
487 as soon as possible.

488 406.9-4. *Designated Hunters.* A permittee may name a designated hunter to hunt, fish, or trap  
489 on behalf of the permittee in the event that the permittee is physically or legally unable to take  
490 pursuant to their own permit, provided that, the designated hunter shall provide their name and  
491 contact information to the Department along with a signed statement from the original permittee  
492 naming the designated hunter. The designated hunter shall receive the Department’s approval of  
493 the designation before using the permits of the original permittee.

494 (a) To be eligible to be named a designated hunter, the named person shall:

495 (1) Possess a valid hunting license;

496 (2) Be eligible for the permits for which the person is named the designated hunter;  
497 and

498 (3) Meet any other requirements of the rules created pursuant to this law.

499 (b) Designated hunters may hunt for an unlimited number of permittees.

500 (c) Any wildlife taken by a designated hunter remains the property of the original  
501 permittee; the designated hunter shall transfer any wildlife taken by designation to the  
502 original permittee’s possession as soon as practicable following the taking.

503 406.9-5. *Age Restrictions.*

504 (a) Persons between the ages of ten (10) and fourteen (14) years old may only hunt if they  
505 have obtained the required license and permits and are under the immediate supervision of  
506 a parent, legal guardian, or a responsible adult to which a parent or legal guardian has  
507 delegated their supervisory responsibilities.

508 (1) The parent, legal guardian, or responsible adult shall have a valid license and  
509 any required permits.

510 (2) Adults accompanying youth hunters pursuant to this section shall remain within  
511 voice and sight contact of the youth hunters at all times.

512 (b) Tribal members, descendants, non-member Indians and dependents having less than  
513 ten (10) years of age may accompany a mentor while hunting, provided that youth under  
514 the age of ten (10) may not use a weapon during the hunt.

515 (1) In order to be eligible to be a mentor, the person shall:

516 (A) Be at least eighteen (18) years old;

517 (B) Have a valid license and any required permits; and

518 (C) Be the youth hunter's parent or legal guardian or have permission from  
519 the hunter's parent or legal guardian to be the hunter's mentor

520 (2) Mentors may mentor a maximum of two (2) youth hunters at the same time;  
521 and

522 (3) The mentor shall remain within an arm's grasp of each youth hunter at all times.

523 406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people  
524 and may be limited in size as provided in the rules developed pursuant to this law. Any member  
525 of a deer hunting party may harvest deer on behalf of another member of the deer hunting party  
526 under the following circumstances:

527 (a) At the time and place of the harvest, the member of the hunting party who harvests the  
528 deer shall be in contact with the member of the hunting party on whose behalf the deer was  
529 harvested. For the purpose of this section, contact means visual or voice contact without  
530 the aid of any mechanical or electronic amplifying device other than a hearing aid. Hand  
531 radios are permitted, however may not be used as an acceptable means of contact as  
532 required in this section.

533 (b) The member of the hunting party for whom the deer was harvested shall possess a valid,  
534 license and carcass tag for the deer.

535 (c) The member of the hunting party who harvests the deer shall ensure that a valid carcass  
536 tag is attached to the deer by a member of the hunting party prior to field dressing and  
537 moving the deer; the member of the hunting party that harvests the deer may not leave said  
538 deer unattended until it has been properly tagged.

539

#### 540 **406.10. Enforcement and Penalties**

541 406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the  
542 corresponding rules to the Department or the Oneida Police Department. The department receiving  
543 information regarding violations shall keep the information confidential.

544 406.10-2. *Licenses/Permits Suspension, Revocation, and/or Ineligibility.* The Department may  
545 suspend, revoke, or deem a party ineligible for a license or permit as a penalty for committing any  
546 of the following acts or any combination thereof:

547 (a) Has committed an act causing any of their hunting, fishing, or trapping licenses, permits  
548 or privileges to be suspended or revoked by any other jurisdiction, whether it be tribal,  
549 state, or federal, where, for the purposes of this section, a person's right to possess firearms  
550 is considered a hunting privilege;

551 (b) Provides false information, or assists other in providing false information, when  
552 applying for a license or permit;

553 (c) Fails to timely pay a fine or abide by a penalty assessed against them as a consequence  
554 for violating the provisions of this law and/or the corresponding rules; and/or

555 (d) Violates this law and/or the corresponding rules and the violation is one for which the  
556 citation schedule identifies suspension, revocation, or ineligibility of a license or permit as  
557 an available penalty.

558 406.10-3. *Appeal of License and/or Permit Decision.* Any person wishing to contest a decision of  
559 the Department related to a license and/or permit may appeal such action by filing a complaint  
560 with the Judiciary Trial Court naming the Department.

561 406.10-4. *Issuance of a Citation.* An individual who violates a provision of this law or the  
562 corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police  
563 Department officer.

564 (a) A citation for a violation of this law, the corresponding rules, or any orders issued  
565 pursuant to this law may include fines and other penalties, as well as conditional orders  
566 made by the Trial Court.

567 (b) A citation for a violation of this law shall be processed in accordance with the procedure  
568 contained in the Nation’s laws and policies governing citations.

569  
570 *End.*

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Adopted - BC-04-24-96-A  
Adopted - BC-07-22-98-A  
Amended - BC-09-13-00-D  
Amended - BC-06-04-03-A  
Amended - BC-06-30-04-I  
Amended - BC-07-13-05-E  
Amended - BC-08-29-07-F  
Amended - BC-06-24-09-E  
Amended - BC-08-26-10-I  
Emergency Amended - BC-06-22-11-H (Expired)  
Amended – BC-12-14-11-E  
Amended – BC-05-22-13-A  
Amended – BC-01-25-17-D  
Amended – BC-07-26-17-F  
Amended – BC- \_ - \_ - \_



Legislative Operating Committee  
June 18, 2025

# Petition: S. Benton - Personnel Policies and Procedures Amendments #2025-01

Submission Date: 5/7/25

LOC Sponsor: Jameson Wilson

**Summary:** *On March 17, 2025, the Petition S. Benton – Personnel Policies and Procedures Amendments was submitted. On March 24, 2025, the Oneida Trust Enrollment Department verified the signatures for the Petition. The Oneida Business Committee acknowledged receipt of this Petition on April 14, 2025.*

*This petition calls for a special General Tribal Council (GTC) meeting to be called to consider the following: Proposed amendments to Personnel Policies and Procedures Including Code of Conduct, HR Orientation, and other policies relating to employee conduct:*

- 1. Incorporate de-escalation training for employees to manage conflicts with difficult customers and high-stress situations. Include guidelines for co-workers to assist in de-escalation rather than being bystanders. Include or clarify employee's rights to refuse service to abusive or threatening customers.*
- 2. Ensure employees are not penalized for identifying complainants against them, as this could be construed as retaliation and grounds for appeal.*
- 3. Update job descriptions and SOPs to state: "Demonstrate a commitment to effective, professional communication with all stakeholders." Remove "ability to communicate with all..."*
- 4. Prohibit undisclosed audio and visual recording during investigations of employees. Require investigators to provide un-edited copies of all recordings and notes to employees before any disciplinary actions.*

**4/14/25 OBC:** Motion by Lisa Liggins to acknowledge receipt of petition # 2025-01 from Sherrole Benton regarding Amendments to the Personnel Policy and Procedures; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the Tribal Secretary mail box by April 30, 2025; and to direct the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal review, fiscal impact statement, and statement of effect with status updates submitted to the May 14, 2025, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter until the final documents are submitted, seconded by Jennifer Webster. Motion carried.

**5/7/25 LOC:** Motion by Kirby Metoxen to add the Petition: S. Benton – Personnel Policies and Procedures Amendments to the Active Files List with Jameson Wilson as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to accept the Petition: S. Benton – Personnel Policies and Procedures Amendments status update memorandum and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

**5/14/25 OBC:** Motion by Lisa Liggins to accept the statement of effect regarding petition # 2025-01, to accept the legal review status update regarding petition # 2025-01, and to accept the fiscal impact statement status update regarding petition # 2025-01, seconded by Jennifer Webster. Motion carried.

**6/11/25 OBC:** Motion by Lisa Liggins to accept the statement of effect status update regarding petition # 2025-01, Liggins to accept the legal review status update regarding petition # 2025-01, and to accept the fiscal impact statement status update regarding petition # 2025-01, seconded by Jonas Hill. Motion carried.

**Next Steps:**

- Accept the statement of effect for the Petition: S. Benton – Personnel Policies and Procedures Amendments and forward to the Oneida Business Committee.



## Statement of Effect

*Petition: S. Benton – Personnel Policies and Procedures Amendments #2025-01*

### Summary

This petition requests the General Tribal Council to consider amending the Oneida Personnel Policies and Procedures.

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

*Date: June 13, 2025*

### *Analysis by the Legislative Reference Office*

On March 17, 2025, the Petition: S. Benton – Personnel Policies and Procedures Amendments (“the Petition”) was submitted to the Government Administrative Office by Sherrole Benton and has since been verified by the Oneida Trust Enrollment Department on March 24, 2025. On April 14, 2025, the Oneida Business Committee acknowledged receipt of the Petition and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the May 14, 2025, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted. On May 7, 2025, the Legislative Operating Committee added the Petition to the Active Files List to be worked on by the Legislative Reference Office.

The purpose of this Petition is to call a special meeting of the General Tribal Council to consider the following:

*Proposed amendments to Personnel Policies and Procedures Including Code of Conduct, HR Orientation, and other policies relating to employee conduct:*

- 1. Incorporate de-escalation training for employees to manage conflicts with difficult customers and high-stress situations. Include guidelines for co-workers to assist in de-escalation rather than being bystanders. Include or clarify employee’s rights to refuse service to abusive or threatening customers.*
- 2. Ensure employees are not penalized for identifying complainants against them, as this could be construed as retaliation and grounds for appeal.*
- 3. Update job descriptions and SOPs to state: “Demonstrate a commitment to effective, professional communication with all stakeholders.” Remove “ability to communicate with all...”*
- 4. Prohibit undisclosed audio and visual recording during investigations of employees. Require investigators to provide un-edited copies of all recordings and notes to employees before any disciplinary actions.*

All applicable laws and policies of the Nation were reviewed in developing this statement of effect for the Petition.

### *The Legislative Process*

Ultimately, this Petition is asking that the Oneida Personnel Policies and Procedures and other employment policies be amended to address a variety of concerns. The process for amending a law of the Nation is governed by the Legislative Procedures Act. The General Tribal Council adopted the Legislative Procedures Act in 2013 to set forth the process for the development and adoption of laws of the Nation by the Oneida Business Committee and General Tribal Council. [1 O.C. 109.1-1]. The Legislative Procedures Act intends to ensure that there is a standard process for developing legislation for the Nation. [1 O.C. 109.1-2]. Although the Legislative Procedures Act is not construed to impede the constitutional right of a member of the Nation under Article III, Section 4 of the Oneida Nation Constitution and Bylaws to petition for a special meeting of the General Tribal Council, the lawmaking requirements provided by the Legislative Procedures Act do apply to all legislation considered by the Oneida Business Committee or the General Tribal Council. [1 O.C. 109.1-3, 109.1-1].

The legislative process begins when any person who is interested in pursuing the development of or amendment to a law of the Nation submits a written request for legislation to the Legislative Reference Office, who then is responsible for placing the request for legislation on the agenda of the next duly called Legislative Operating Committee meeting. [1 O.C. 109.5-1, 109.5-2]. General Tribal Council delegated the Legislative Operating Committee the responsibility for the development of legislation of the Nation. [1 O.C. 109.4-2]. The Legislative Operating Committee is comprised of the five (5) Oneida Business Committee members who do not hold officer positions. [1 O.C. 110.4-1(b)]. Once the Legislative Operating Committee receives a request for legislation, the Legislative Operating Committee then either accepts or denies the request, except that the Legislative Operating Committee is not allowed to deny a request for legislation directed by a General Tribal Council law, resolution, or motion. [1 O.C. 109.5-2(a)-(b)].

Once the Legislative Operating Committee accepts a request for legislation and directs that legislation be developed in accordance with the Legislative Procedures Act, a draft of the legislation is created through research, review of other similar laws, collaboration with affected entities, and community engagement efforts. The Legislative Procedures Act provides guidance on how a law should be organized, such as different sections that need to be included in a law and what information needs to be addressed in each section, to ensure there is a consistent format amongst all laws of the Nation. [1 O.C. 109.11]. Once a draft of the proposed legislation is approved by the Legislative Operating Committee, a legislative analysis of the draft legislation is completed. [1 O.C. 109.7-1]. The purpose of the legislative analysis is to describe the important

features of the legislation being considered and factual information to enable the Legislative Operating Committee to make informed decisions regarding legislation. [1 O.C. 109.3-1(g)]. A legislative analysis includes a statement of the legislation's terms and substance; intent of the legislation; a description of the subject(s) involved, including any conflicts with Oneida or other law, key issues, potential impacts of the legislation and policy considerations. *Id.*

Once a draft and legislative analysis are completed for proposed legislation, the Legislative Operating Committee moves forward with obtaining public review of the proposed legislation. The Legislative Operating Committee determines a public meeting date and then a public meeting notice is created that contains the date, time and place of the public meeting, the time period for the public comment period, and the name, address, phone number, and other appropriate information on where to submit comments on the proposed legislation. [1 O.C. 109.8-2]. At least ten (10) business days before the public meeting is held, the public meeting notice is published in the Kalihwisaks, while the public meeting notice, proposed draft of the legislation, legislative analysis, and fiscal impact statement if available, are published on the Oneida Register on the Nation's webpage found at the following location: <https://oneida-nsn.gov/government/register/>, and electronically noticed to all managers and directors. [1 O.C. 109.8-2]. The managers and directors who receive the public meeting materials are then required by the Legislative Procedures Act to direct employees of the Nation who have special knowledge or expertise on the proposed legislation to provide public comments. [1 O.C. 109.8-4(a)].

The public meeting on the proposed legislation is required to be presided over by at least one (1) member of the Legislative Operating Committee. [1 O.C. 109.8-3(a)]. The purpose of the public meeting is to solicit oral comments from members of the community on the proposed legislation. [1 O.C. 109.8-3]. After the public meeting concludes, the Legislative Operating Committee holds open a public comment period for at least five (5) business days. [1 O.C. 109.8-1(a)]. During the public comment period individuals may submit written comments including data, views, arguments, or concerns to the Oneida Business Committee Secretary or the Legislative Reference Office in person or through United States mail, interoffice mail, e-mail, or fax. [1 O.C. 109.8-1(c), 109.4-4(b)].

Once the public comment period has concluded, the Legislative Operating Committee is required by the Legislative Procedures Act to fully consider all written comments and oral testimony received during the public comment period and any public meeting on the proposed legislation. [1 O.C. 109.8-4]. The Legislative Operating Committee accomplishes this responsibility through the development of a public comment review memorandum that provides the Legislative Operating Committee's consideration of every comment received, and demonstrates any changes made to the proposed legislation based on the public comments.



A fiscal impact statement is also required for all proposed legislation. [1 O.C. 109.6-1]. A fiscal impact statement provides an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)]. The Legislative Operating Committee may direct that a fiscal impact statement be submitted by any agency who may receive funding if the legislation is enacted, may administer a program if the legislation is enacted, may have financial information concerning the subject matter of the legislation, or the Finance Department. [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A, *Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures Act*, provides further clarification on the process for directing a fiscal impact statement be completed. This resolution provides that upon final approval of draft legislation by the Legislative Operating Committee, the Legislative Operating Committee may direct the Finance Department or any agency who may receive funding if the legislation is enacted, may administer a program if the legislation is enacted, may have financial information concerning the subject matter of the legislation to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

After all the requirements of the Legislative Procedures Act are met and the Legislative Operating Committee is satisfied with proposed legislation, the Legislative Operating Committee then forwards an adoption packet comprised of the proposed legislation, legislative analysis, fiscal impact statement, resolution, statement of effect, and an adoption memorandum to the Oneida Business Committee for consideration. [1 O.C. 109.9-1]. The Oneida Business Committee then either considers whether to approve or deny the adoption of the legislation or forwards the legislation to the General Tribal Council for consideration of adoption. [1 O.C. 109.9-1(a)-(b)]. A law is adopted, amended, or repealed upon the adoption of a resolution. [1 O.C. 109.9-2]. For those laws considered by the Oneida Business Committee a majority vote is required for the adoption of the law, while amendments and repeals of a law are handled in accordance with the laws governing Oneida Business Committee action. [1 O.C. 109.9-2(a)]. The Oneida Business Committee utilizes Robert's Rules of Order, current edition, for the procedural rules of its meetings except as specifically modified by the Constitution and Bylaws of the Oneida Nation. [1 O.C. 117.4-1]. For those laws considered by the General Tribal Council, adoption, amendment, and repeal of laws are done in accordance with the laws governing General Tribal Council action. [1 O.C. 109.9-2(b)]. Any action by the General Tribal Council to overrule previous passed motions or resolution requires a two-thirds (2/3) vote. [1 O.C. 113.3-1(a)(3)].

Once legislation is adopted through resolution by either the Oneida Business Committee or the General Tribal Council the law shall become effective ten (10) business days after the date of adoption unless a different effective date is specified. [1 O.C. 109.9-3]. The Legislative Operating Committee is then responsible for publishing the law in the Oneida Code of laws by the effective date. [1 O.C. 109.9-4]. The Oneida Code of Laws can be found on the Oneida Register on the

Nation's website at the following location: <https://oneida-nsn.gov/government/register/laws/>. Any law adopted in substantial compliance with the Legislative Procedures Act is considered valid. [1 O.C. 109.10-1]. No law can be contested based on non-compliance with the procedural requirements of the Legislative Procedures Act after one (1) year from the effective date of the law. [1 O.C. 109.10-2].

### *Oneida Personnel Policies and Procedures*

The Oneida Personnel Policies and Procedures is the law of the Nation which provides for the Nation's employee related policies and procedures including topics such as recruitment, selection, compensation and benefits, employee relations, safety and health, program and enterprise rules and regulations, and record keeping. This Petition brings forward a variety of issues that the Petitioner believes should be addressed through amendments to the Oneida Personnel Policies and Procedures.

The Petition requests that the Oneida Personnel Policies and Procedures be amended to, *"Incorporate de-escalation training for employees to manage conflicts with difficult customers and high-stress situations. Include guidelines for co-workers to assist in de-escalation rather than being bystanders. Include or clarify employee's rights to refuse service to abusive or threatening customers."* In regard to training, Section V of the Oneida Personnel Policies and Procedures addresses the training of new employees of the Nation and requires that the Nation provide an orientation program designed to ease a new employee's transition into a job and enable the new employee to become effective and productive as quickly as possible. [OPPP Section V.A.]. The Human Resources Department is responsible for administering the general orientation program. [OPPP Section V.A.2.a]. The orientation provided by the Human Resources Department is required to include topics such as an overview; Tribal government and procedures; key policies and procedures; benefits; safety, health and security; and departmental orientation. [OPPP Section V.A.1.a-f]. The Human Resources Department is required to assist divisions of the Nation in administering departmental specific orientation programs. [OPPP Section V.A.2.a.1]. The Human Resources Department is required to annually review the general orientation program and each departmental orientation program to evaluate the effectiveness of each program and modify programs as necessary. [OPPP Section V.A.2.c.1-2]. The Oneida Personnel Policies and Procedures does not specifically address ongoing training requirements of current employees of the Nation. The Oneida Personnel Policies and Procedures also does not specifically address de-escalation training or provide information on an employee's rights to refuse service. Amendments to the Oneida Personnel Policies and Procedures would be necessary to address the training concerns brought forward by the Petitioner.

The Petition requests that the Oneida Personnel Policies and Procedures be amended to, *"Update job descriptions and SOPs to state: "Demonstrate a commitment to effective, professional*

*communication with all stakeholders.*” Remove “*ability to communicate with all...*” The Oneida Personnel Policies and Procedures does address job descriptions of employees. Section III of the Oneida Personnel Policies and Procedures provides that for existing positions, the Human Resources Department Manager or designee, the supervisor, and the Area Manager at their discretion, will review the job description to ensure compliance with the Nation’s job structure and the needs and requirements of the job. [OPPP Section III.B.2.c.2]. For new positions, the Human Resources Department Manager, the appropriate Area Manager, and the supervisor will develop the job description, ensuring that the new job description conforms to the Nation’s job structure, and that the new job description is reviewed by the General Manager. [OPPP Section III.B.2.c.3]. All job descriptions of the Nation are required to contain the following information: job title, division/department, location, supervisor’s title; posting date, application deadline, preferred starting date, date of job, description review; pay level (grade, step, hourly rate); a brief job summary; duties and responsibilities; qualifications; inquiry address; and statement of compliance with EEO and Indian Preference policies. [OPPP Section III.B.2.c.4.a-h]. The Oneida Personnel Policies and Procedures does not specifically address or require specific language that has to be included in all job descriptions regarding communication. Amendments to the Oneida Personnel Policies and Procedures would be necessary to address the concerns regarding revising communication requirements found in job descriptions brought forward by the Petitioner.

The Petition also requests that the Oneida Personnel Policies and Procedures be amended to, “*Ensure employees are not penalized for identifying complainants against them, as this could be construed as retaliation and grounds for appeal.*” The Oneida Personnel Policies and Procedures does address complaints made against an employee and provides that should an employee have a disagreement with another employee, they may lodge an informal (verbal) or formal (written) complaint with the employee’s supervisor. [OPPP Section V.D.1.a]. The supervisor is then responsible for investigating the complaint and attempting to resolve the disagreement. [OPPP Section V.D.1.b]. If the employee lodging the complaint is dissatisfied with the attempted resolution, they may ask the Area Manager to attempt a resolution. [OPPP Section V.D.1.c]. The Oneida Personnel Policies and Procedures allows for no further appeal of the complaint process. [OPPP Section V.D.1.d]. The Oneida Personnel Policies and Procedures does not address whether there is an expectation that the complainant remain anonymous, or what occurs if the employee for which the complaint is lodged against identifies the complainant. Amendments to the Oneida Personnel Policies and Procedures would be necessary to address the concerns regarding confidentiality expectations of complainants during the employee complaint process as brought forward by the Petitioner.

Finally, the Petition also requests that the Oneida Personnel Policies and Procedures be amended to, “*Prohibit undisclosed audio and visual recording during investigations of employees. Require investigators to provide un-edited copies of all recordings and notes to employees before any disciplinary actions.*” As provided above, the Oneida Personnel Policies and Procedures only

addresses the investigation of complaints to provide that the supervisor is responsible for investigating a complaint and attempting to resolve the disagreement. [OPPP Section V.D.1.b]. The Oneida Personnel Policies and Procedures then goes on to provide that when a supervisor becomes aware of unsatisfactory work performance or a violation, whether that comes from a complaint or not, the supervisor investigates through a meeting with the employees and determines whether disciplinary action is warranted. [OPPP Section V.D.5.a]. Disciplinary actions are always initiated by an immediate supervisor for the purpose of correcting unacceptable work performance, and the supervisor discusses the disciplinary action with the employee being disciplined to ensure that the employee understands the reason for the disciplinary action; understands the expected work performance in light of the disciplinary action; and understands the consequences of continued unacceptable behavior. [OPPP Section V.D.2.a]. The Oneida Personnel Policies and Procedures provides further detail on how disciplinary actions are processed. [OPPP Section V.D.5]. An employee who receives a disciplinary action that they believe is unfair is allowed to grieve the action, and the Oneida Personnel Policies and Procedures provides the process for how grievances are handled. [OPPP Section V.D.6]. The Oneida Personnel Policies and Procedures does not address how audio or video recording is handled during an investigation or what information is shared with employees prior to any disciplinary action being taken. Amendments to the Oneida Personnel Policies and Procedures would be necessary to address the concerns regarding audio and video recordings and general disclosure of evidence or information collected during an employee investigation as brought forward by the Petitioner.

Overall, the Petition is requesting that the Oneida Personnel Policies and Procedures be amended to address a variety of concerns as discussed above. The Oneida Personnel Policies and Procedures does not specifically address the concerns brought forward by the Petitioner, so amendments to the law would be necessary. Any amendments made to the Oneida Personnel Policies and Procedures would be required to comply with the process provided in the Legislative Procedures Act.

#### *Other Employment Policies Relating to Employee Conduct*

In addition to amending the Oneida Personnel Policies and Procedures, the Petition also requests amendments to the “Code of Conduct, HR Orientation, and other policies relating to employee conduct” to address its provided concerns. It is unclear what the Petitioner specifically means by “Code of Conduct” or “other policies relating to employee conduct,” and without further clarification, a proper review of other policies that may be impacted by this request cannot be completed. But any amendments to other legislation of the Nation would still be required to comply with the process provided in the Legislative Procedures Act.

### **Conclusion**

After a review of all applicable laws and policies of the Nation, it has been determined that the adoption of the Petition: S. Benton – Personnel Policies and Procedures Amendments would have the following legislative effect:

1. The Petition is requesting that amendments be made to the Oneida Personnel Policies and Procedures to address a variety of issues. Any amendments made to the Oneida Personnel Policies and Procedures would be required to comply with the process and procedures for amending legislation of the Nation as provided in the Legislative Procedures Act.
2. The Petition also requests amendments to the “*Code of Conduct, HR Orientation, and other policies relating to employee conduct*” to address its provided concerns. It is unclear what the Petitioner specifically means by “*Code of Conduct*” or “*other policies relating to employee conduct,*” and without further clarification, a proper review of other policies that may be impacted by this request cannot be completed. But any amendments to other legislation of the Nation would still be required to comply with the process provided in the Legislative Procedures Act.

#### **Requested Action**

Accept the statement of effect for the Petition: S. Benton – Personnel Policies and Procedures Amendments.



Legislative Operating Committee  
June 18, 2025

# Petition: S. Benton – Trial Court Rules Amendments #2025-02

**Submission Date: 5/7/25**

**LOC Sponsor: Jameson Wilson**

**Summary:** *On March 17, 2025, the Petition S. Benton – Trial Court Rules Amendments was submitted. On March 24, 2025, the Oneida Trust Enrollment Department verified the signatures for the Petition. The Oneida Business Committee acknowledged receipt of this Petition on April 14, 2025.*

*This petition calls for a special General Tribal Council (GTC) meeting to be called to consider the following: Amend Oneida Trial Court Rules to ensure fair treatment of employee cases. The Oneida Trial Court has issued inconsistent rulings on granting hearings for similar employee cases. This inconsistency undermines judicial integrity and creates uncertainty for affected parties. We propose:*

*1. Amend court rules to guarantee hearings for all Oneida Nation employee cases as its low bar for hearings should recognize “loss of income” and “harm to employee reputation” as definitions or criteria for how employees were harmed by disciplinary actions.*

*2. Require the Clerk of Court to:*

*a) Publicly display an updated list of attorneys and advocates admitted to practice before the Oneida Judiciary.*

*b) Provide a copy of the list of attorneys and advocates to employees filing for hearings.*

*These changes will ensure fair treatment and transparency in the judicial process.*

**4/14/25 OBC:** Motion by Lisa Liggins to acknowledge receipt of the petition # 2025-02 from Sherrole Benton regarding Tribal Court Rules Amendments; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the Tribal Secretary mail box by April 30, 2025; and to direct the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal review, fiscal impact statement, and statement of effect with status updates submitted to the May 14, 2025, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter until the final documents are submitted, seconded by Jennifer Webster. Motion carried.

**5/7/25 LOC:** Motion by Jennifer Webster to add the Petition: S. Benton – Trial Court Rules Amendments with Jameson Wilson as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Jennifer Webster to accept the Petition: S. Benton – Trial Court Rules Amendments status update memorandum and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

**5/14/25 OBC:** Motion by Lisa Liggins to accept the statement of effect regarding petition # 2025-02, to accept the legal review status update regarding petition # 2025-02, and to accept the fiscal impact statement status update regarding petition # 2025-02, seconded by Jennifer Webster. Motion carried.

**6/11/25 OBC:** Motion by Lisa Liggins to accept the statement of effect status update regarding petition # 2025-02, Liggins to accept the legal review status update regarding petition # 2025-02, and to accept the fiscal impact statement status update regarding petition # 2025-02, seconded by Jonas Hill. Motion carried.

**Next Steps:**

- Accept the statement of effect for the Petition: S. Benton – Trial Court Rules Amendments and forward to the Oneida Business Committee.

# June 2025

June 2025

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July 2025

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| MONDAY   | TUESDAY | WEDNESDAY   | THURSDAY  | FRIDAY   |
|--|---------|---|---|--|
| Jun 2  | 3       | 4   | 5   | 6<br>10:00am Elder Protection/Research Review Law Discussion<br>11:00am Code of Ethics (Microsoft Teams Meeting) - Grace L.<br>3:00pm UCC Secured Transaction Draft Code |
| 9  | 10      | 11  | 12<br>10:00am Elder Protection Law - Investigation Section Discussion (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Grace L. Elliott | 13<br>12:15pm PUBLIC MEETING: Sanctions and Penalties Law (Microsoft Teams<br>1:30pm Oneida Worker's Compensation Law amendments - work meeting (Microsoft               |
| 16   | 17      | 18<br>8:30am LOC Prep Meeting (Microsoft Teams<br>9:00am Legislative Operating Committee<br>1:30pm LOC Work Session (Microsoft<br>5:30pm LOC Community Meeting: Ten Day | 19  | 20<br>10:00am Independent Contractor Policy amendments -work meeting (Microsoft Teams Meeting) - Carolyn A. Salutz   |
| 23<br>10:00am Conflict of Interest amendments - work meeting (Microsoft Teams Meeting) - Carolyn A. Salutz | 24      | 25  | 26  | 27   |
| 30   | Jul 1   | 2   | 3   | 4  |