



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA REVISED

Business Committee Conference Room - 2nd Floor Norbert Hill Center

July 2, 2025

9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
 - 1. June 18, 2025 LOC Meeting Minutes (pg. 2)
- III. Current Business**
 - 1. Sanctions and Penalties Law (pg. 4)
- IV. New Submissions**
 - 1. Budget and Finances Law Amendments (pg. 54)
- V. Additions**
- VI. Administrative Updates**
 - 1. E-Poll Results: Rescheduled Hunting, Fishing, and Trapping Law Public Meeting (pg. 67)
- VII. Executive Session**
- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
June 18, 2025
9:00 a.m.

Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Jonas Hill

Excused: Kirby Metoxen

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

Others Present on Microsoft Teams: David P. Jordan, Rae Skenandore, Eric Boulanger, Fawn Cottrell, Fawn Billie, Shannon Stone, Melissa Alvarado, Tavia James-Charles, Mark Powless, Taryn Webster, Jason Martinez, Joel Maxam, Reynold Danforth, Barbara Webster, Michelle Tipple, Mary Graves, Tina Jorgensen

I. Call to Order and Approval of the Agenda

Jameson Wilson called the June 18, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda; seconded by Marlon Skenandore. Motion carried unanimously.

II. Minutes to be Approved

1. May 21, 2025 LOC Meeting Minutes

Motion by Jennifer Webster to approve the May 21, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

III. Current Business

1. Landlord Tenant Law Amendments

Motion by Jennifer Webster to approve the adoption packet for the proposed amendments to the Landlord Tenant Law and forward to the Oneida Business Committee for consideration, with noted change to the resolution; seconded by Marlon Skenandore. Motion carried unanimously.

2. Election Law Emergency Amendments

Motion by Jonas Hill to approve the Election Law Emergency Amendments adoption packet and forward to the Oneida Business Committee for consideration; seconded by Marlon Skenandore. Motion carried unanimously.



3. Hunting, Fishing, and Trapping Law Amendments

Motion by Jennifer Webster to 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; seconded by Jonas Hill. Motion carried unanimously.

4. Petition: S. Benton - Personnel Policies and Procedures Amendments #2025-01

Motion by Jennifer Webster to accept the statement of effect for the Petition: S. Benton – Personnel Policies and Procedures Amendments and forward to the Oneida Business Committee; seconded by Marlon Skenandore. Motion carried unanimously.

5. Petition: S. Benton – Trial Court Rules Amendments #2025-02

Motion by Marlon Skenandore to accept the statement of effect for the Petition: S. Benton – Trial Court Rules Amendments and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

IV. New Submissions**V. Additions****VI. Administrative Updates****VII. Executive Session****VIII. Adjourn**

Motion by Jonas Hill to adjourn at 9:36 a.m.; seconded by Jennifer Webster. Motion carried unanimously.



Legislative Operating Committee
July 2, 2025

Sanctions and Penalties Law

Submission Date: 10/15/14	Public Meeting: 10/4/18, 1/7/20, 6/13/25
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a

Summary: *This item has been carried over from the last three (3) terms. The original proposal was to develop a new law which provides a consistent process for how members of the Oneida Business Committee and other boards, committees and commissions face sanctions for misconduct. This law would provide a process for complaints to be filed with the Judiciary against an elected member of a board, committee, or commission of the Nation – including the Oneida Business Committee.*

The development of a Sanctions and Penalties law was also addressed as a referendum. During the Special Election held on July 9, 2016, the Nation's voting membership was asked to consider a referendum question of "Should the BC develop a law which provides for sanctions and due process for elected officials?" This referendum question was approved by a vote of one hundred and seventy-eight (178) to fifty-nine (59), requiring this topic to come before the GTC for consideration and discussion.

On March 17, 2019, the Sanctions and Penalties law was presented to the General Tribal Council for consideration. The General Tribal Council adopted a motion to defer this item for at least sixty (60) days for GTC to have additional time to consider it and have input. As a result of General Tribal Council's directive, the LOC held six (6) additional community outreach events – in various locations around the Reservation as well as in Milwaukee. The LOC intended to include this item on the July 2020 Semi-Annual General Tribal Council meeting agenda before all General Tribal Council meetings were canceled due to COVID-19.

10/15/14 LOC: Motion by Tehassi Hill to add the OBC Sanctions Policy to the Active Files List; seconded by Jennifer Webster. Motion carried unanimously.

11/5/14 LOC: Motion by Jennifer Webster to forward the BC Sanctions and Penalties to an LOC work meeting, with invitations to be sent to the rest of the Oneida Business Committee; seconded by Fawn Billie. Motion carried unanimously.

1/15/15: *Work meeting held.* Attendees include: Candice Skenandore, Danelle Wilson, Tani Thurner, Fawn Billie, Fawn Cottrell, Jennifer Webster, RC Metoxen, Brandon Stevens, Tehassi Hill, Jacob Metoxen, Melinda Danforth.

10/19/16: *Quarterly Sponsor Update Meeting.* Present: Brandon Stevens, Jennifer Falck, Clorissa Santiago, Maureen Perkins, and Tani Thurner. Tehassi wants to meet with LOC Chair to discuss how this item relates to the Code of Ethics. That meeting is scheduled for 11/10/16.

11/10/16: *Work Meeting held.* Present: Tehassi Hill, Tani Thurner, Clorissa Santiago, Brandon Stevens, Jennifer Falck. Group agreed that we need a work meeting to discuss; Sanctions & Penalties, Comprehensive Policy, Removal Law(s), and Code of Ethics.

11/29/16: *Work Meeting held.* Present: Fawn Billie, Brandon Stevens, Clorissa Santiago, Tehassi Hill, Tani Thurner, Jenny Webster, David Jordan, Jo Anne House, Candice Skenandore, Lisa Liggins, Jen Falck. Meeting was facilitated by Jessica Wallenfang. This was a facilitated meeting designed to discuss; Sanctions & Penalties, Removal, Code of Ethics, and Comprehensive Policy simultaneously. The group reviewed each law or draft for similarities, and discussed shared elements. The group asked that 1) the LRO complete that work, 2) then check with Jenny Webster as the sponsor of Comprehensive Policy, and 3) schedule another work meeting.

2/15/17 LOC: Motion by Jennifer Webster to upgrade the Domestic Animals Ordinance Amendments, the Children's Code, Code of Ethics Amendments, and the Sanctions and Penalties Law from medium priority to high priority; seconded by Tehassi Hill. Motion carried unanimously.

2/17/17: *Work meeting held.* Attendees include Fawn Billie, Jennifer Falck, Leyene Orosco, Brandon Stevens, Tani Thurner, Jennifer Webster, Tehassi Hill, Candice Skenandore, Cathy Bachhuber

5/2/17: *Work meeting held.* Attendees include Fawn Billie, Jennifer Falck, Brandon Stevens, Tani Thurner, Jennifer Webster, Tehassi Hill, David P. Jordan, Danelle Wilson, Jo Anne House

5/5/17: *Work meeting held.* Attendees include Jennifer Webster, Jennifer Falck, and Tani Thurner.

6/7/17 LOC: Motion by Fawn Billie to forward the Sanctions and Penalties Law to the Legislative Reference Office for a legislative analysis to be brought back for the July 5, 2017 LOC meeting; seconded by David P. Jordan. Motion carried unanimously.

7/7/17: *Work meeting held.* Present: Steve Webster, Tani Thurner, Jen Falck, Candice Skenandore

7/19/17 LOC: Motion by Jennifer Webster to accept the memo regarding the Sanctions & Penalties Legislative Analysis and direct the LRO to bring the analysis back when it's complete; seconded by David P. Jordan. Motion carried unanimously.

Note: it is the recommendation of the Legislative Operating Committee that when this item is presented to the Business Committee, that the Business Committee then present this item to General Tribal Council.

7/26/17 OBC: Motion by Tehassi Hill to accept the legal opinion regarding development of a law which provides for sanctions and due process for elected officials, seconded by Brandon Stevens. Motion carried unanimously.

9/6/17 LOC: Motion by Ernest Stevens III to add Sanctions and Penalties Law to the active files list with Jennifer Webster as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously.

9/6/17: *Work Meeting.* Present: David P. Jordan, Jenny Webster Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Tani Thurner. Drafting attorney provided an update on the status of the Sanctions and Penalties law. Next steps will be: 1) pull the current draft back, 2) hold community meetings to understand what sanctions/penalties the community is interested in, 3) meeting with the boards/committees/commissions for input, and 4) holding work meeting with LOC to make policy decisions and choose next steps.

11/1/17 LOC: Motion by Kirby Metoxen to approve the 60 day active files list update and continue development of all the items on the active files list; seconded by Ernie Stevens III. Motion carried unanimously.

11/1/17: *Work Meeting.* Present: Carol Silva, Bonnie Pigman, Ed Delgado, Rachel Hill, Matthew Denny, Reynold Danforth, Kirby Metoxen, Rosa Laster, Clorissa Santiago, Candice Skenandore, Maureen Perkins, Jennifer Falck. Representatives from all the B/C/C's were invited to this meeting to provide input on what a Sanctions & Penalties Law might look like.

A good mind. A good heart. A strong fire.

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- 12/6/17:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Clorissa Santiago, Jennifer Falck. The LOC reviewed and considered comments from the November 1, 2017, work meeting with boards, committees, and commissions. LOC began making policy decisions. Drafter will work on draft, and policy options, and bring materials back to LOC when ready.
- 3/9/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Laura Laitinen-Warren. LOC reviewed the first draft of the law, and directed that the LRO schedule a community meeting, with a special invitation to members of boards, committees, and commissions, to discuss the proposed law.
- 3/16/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Clorissa Santiago, Brandon Wisneski, Cathy Bachhuber, Rosa Laster. The LOC reviewed the potential date for the community meeting, and directed the drafting attorney to schedule the community meeting for May 3, 2018, and to ensure the notice is published in the Kalihwisaks twice, an appointment is sent to all members of the LOC and boards, committees, and commissions, and that the Communications Department is included in the appointment so they can make efforts to communicate notice of the event.
- 4/2/18 LOC:** Motion by Jennifer Webster to accept the draft of the Sanctions and Penalties law and direct that a community meeting/potluck be held on May 3, 2018; seconded by Daniel Guzman King. Motion carried unanimously.
- 4/26/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck. This was an LRO prep meeting to prepare a plan for the upcoming community meeting.
- 4/27/18:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Rosa Laster, Cathy Bachhuber, Tani Thurner. The purpose of this work meeting was to prepare for the upcoming community meeting.
- 5/2/18:** *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Jennifer Falck, David P. Jordan, Jennifer Webster. The LOC continued to prepare and discuss the upcoming community meeting.
- 5/3/18:** *Community Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Maureen Perkins, Carol Silva, Chad Wilson, Janice McLester, Gina Buenrostro, Winnifred Thomas, Brooke Duxtator, Ed Delgado, Oyanolu Adams, Michelle Braaten, Mark Powless, Cathy L. Metoxen, Carole Liggins, Madelyn Genskow. The purpose of this community meeting was to gain input on the proposed Sanctions and Penalties law.
- 5/11/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman, Clorissa Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to review the comments received during the community meeting, and to determine if any revisions should be made to the law. The drafting attorney will update the draft of the law based on this discussion.
- 5/16/18:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Laura Laitinen-Warren. The purpose of this work meeting was to review and discuss the revisions to the draft made based on comments collected from the community meeting. Drafting attorney will update the draft.
- 6/6/18/ LOC:** Motion by Jennifer Webster to accept the draft of the Sanctions and Penalties law and direct that a legislative analysis be completed; seconded by Ernest Stevens III. Motion carried unanimously.

7/9/18: *Work Meeting.* Present: Clorissa Santiago, Brandon Wisneski, Brooke Doxtator. The purpose of this work meeting was to review the BCSO's involvement in the Sanctions and Penalties law to ensure their role can be implemented as required by law.

7/18/18 LOC: Motion by Kirby Metoxen to accept the legislative analysis for the Sanctions and Penalties Law and defer to a work meeting; seconded by Daniel Guzman King. Motion carried unanimously.

8/1/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was to review and consider the legislative analysis.

8/15/18 LOC: Motion by Jennifer Webster to approve the public meeting packet and forward the Sanctions and Penalties Law to a public meeting to be held on September 20, 2018; seconded by Kirby Metoxen. Motion carried unanimously.

Subsequent Motion by Jennifer Webster to forward the Sanctions & Penalties Law to the Finance Office for a fiscal analysis to be completed; seconded by Kirby Metoxen. Motion carried unanimously.

9/10/18: *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Jennifer Falck, Clorissa Santiago, Brandon Wisneski, Kristen Hooker, Cathy Bachhuber, Maureen Perkins. The purpose of this work meeting was to discuss the fact that the September 20, 2018 public meeting on the proposed law will have to be canceled due to the Kalihwisaks failing to publish the public meeting notice in the September 6, 2018, edition. The LOC determined the next steps for moving the public meeting forward – an e-poll of an updated public meeting notice will be completed and the appointment that was sent out changed to reflect the new date.

E-poll conducted.

9/19/18 LOC: Motion by Daniel Guzman King to enter the e-poll results into the record; seconded by Jennifer Webster. Motion carried unanimously.

10/4/18: Public Meeting Held.

10/17/18 LOC: Motion by Jennifer Webster to accept the public meeting memo comments and public meeting comment review memorandum and defer to a work meeting; seconded by Daniel Guzman King. Motion carried unanimously.

10/17/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Rosa Laster. The purpose of this work meeting was for the LOC to begin reviewing and considering the public comments that were received, and to make determinations on what revisions to the Law are necessary.

10/25/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was for the LOC to continue reviewing and considering the public comments that were received, and to make determinations on what revisions to the Law are necessary. LRO will update the draft for the next LOC packet so a fiscal analysis can be requested.

11/7/18 LOC: Motion by Jennifer Webster to accept the public comment review memorandum and the updated draft; seconded by Daniel Guzman King. Motion carried unanimously.

11/30/18: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and approve the fiscal impact statement request memorandum to the Finance Department, and begin discussing a plan for the completion of this item.

12/5/18 LOC: Motion by Jennifer Webster to accept the updated legislative analysis, including the replacement of page 159 in the packet; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Kirby Metoxen to approve the fiscal impact statement memorandum and forward to the Finance Department directing that a fiscal impact statement of the proposed Sanctions and Penalties law be prepared for inclusion on the January 2, 2019 Legislative Operating Committee meeting agenda; seconded by Daniel Guzman King. Motion carried unanimously.

12/20/18: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Randall Cornelius. The purpose of this work meeting was to discuss traditional ways Oneida has sanctioned its leaders.

1/2/19: *Work Meeting.* Present: Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the adoption packet and discuss any changes that should be made. LRO will update all adoption materials.

1/7/19 LOC: Motion by Kirby Metoxen to approve the adoption packet for the proposed Sanctions and Penalties Law and forward to the Oneida Business Committee for inclusion on the tentatively scheduled February 24, 2019 General Tribal Council meeting agenda for the General Tribal Council's consideration of adoption; seconded by Ernest Stevens III. Motion carried unanimously.

1/24/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Maureen Perkins. The purpose of this work meeting was to review and discuss an article to be included in the 2/7 Kalihwisaks edition.

1/29/19: E-Poll conducted.

2/4/19: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck, Nathan Wisneski, Xavier Horkman. The purpose of this work meeting was to discuss the creation of a promotional video for the Sanctions and Penalties law.

Work Meeting. Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and discuss the script for the Sanctions and Penalties law PowerPoint presentation. The LOC also discussed filming a promotional video for the Sanctions and Penalties law.

2/6/19 LOC: Motion by Jennifer Webster to enter the results of the January 29, 2019 e-poll entitled "E-poll Request: Sanctions and Penalties Law February 7, 2019 Kalihwisaks Article" into the record; seconded by Kirby Metoxen. Motion carried unanimously.

2/6/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Maureen Perkins. The purpose of this work meeting was to practice the PowerPoint presentation for the upcoming GTC meeting, as well as review and approve the script for the promotional video.

2/8/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Phil Wisneski. The purpose of this work meeting was to film the promotional video for the Sanctions and Penalties law.

2/14/19: *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Cathy Bachhuber. The purpose of this work meeting was to practice the PowerPoint presentation for the upcoming GTC meeting, as well as review the "FAQ" sheet.

- 2/20/19:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Ernest Stevens III, Daniel Guzman, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker. The purpose of this work meeting was to practice the PowerPoint presentation for the upcoming GTC meeting, practice responding to potential questions, and review and approve the Sanctions and Penalties law promotional video.
- 3/1/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and discuss the engagement with the informational video, practice the LOC's PowerPoint presentation, and prepare to answer potential questions that may be asked at the upcoming GTC meeting.
- 3/15/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Maureen Perkins. The purpose of this work meeting was to practice the LOC's PowerPoint presentation and prepare to answer potential questions that may be asked at the upcoming GTC meeting.
- 3/17/19 GTC:** Motion by Cathy L. Metoxen to table this item for sixty (60) days. Motion ruled out of order by Vice-Chairman Brandon Stevens; all the materials are available today in order to make a decision
- Motion by Becky Webster to adopt the resolution entitled Sanctions and Penalties Law on pages 5 and 6 of the meeting packet; with the amendment to the law to limit those who have standing to file a complaint to Tribal Members only. Seconded by Jamie Willis. Motion not voted on; item deferred, see amendment.
- Amendment to the main motion by Mike Debraska to defer item IV.A. for at least sixty (60) days for GTC to have additional time to consider it and have input. Seconded by Tina Danforth. Motion carried by show of hands.
- 3/20/19:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to debrief on the 3/17 GTC meeting, and begin discussing a plan for how to move this law forward, and the additional outreach we will conduct.
- 3/28/19:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Rosa Laster. The purpose of this work meeting was to briefly discuss potential ideas for additional outreach videos that can be made before this item is presented to the GTC again for consideration. Ernie expressed interest in taking a larger role in the creation of development of these videos.
- 5/1/19:** *Work Meeting.* Present: David P. Jordan, Ernest Stevens III, Kirby Metoxen, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss a plan for outreach events the LOC can hold, and a plan for when this item might be presented to GTC again. The LRO was directed to move forward with developing a Kalihwisaks article that discusses outreach and provides a schedule of the new outreach dates.
- 6/13/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville, Laura Laitinen-Warren. The purpose of this work meeting was to review the community outreach notice that will be published in the Kalihwisaks and discuss the outreach plan.
- 6/19/19 LOC:** Motion by Jennifer Webster to approve the community outreach notice for the Sanctions & Penalties law with one noted change, and forward to the Kalihwisaks for publication in the July 3, 2019 Kalihwisaks edition; seconded by Ernest Stevens III. Motion carried unanimously.

- 7/11/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Radisson Hotel and Conference Center. The LOC had a booth set up with a poster of information as well as a flyer, copy of the law, and FAQs. LRO staff members Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Destiny Prendiville and Maureen Perkins were available to answer questions and take comments. Although flyers and the provided information were taken from the booth or passed out to people, no input as to the law was collected.
- 7/17/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Norbert Hill Center's Business Committee Conference room. The LOC had a booth set up with a poster of information as well as a flyer, copy of the law, and FAQs. LOC member David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, and Daniel Guzman King, as well as LRO staff members Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, and Destiny Prendiville were available to answer questions and take comments. No one attended this community outreach event.
- 8/9/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Veteran's Breakfast. Staff in attendance included David P. Jordan, Kirby Metoxen, Clorissa N. Santiago, Brandon Wisneski, Maureen Perkins. Kirby gave an introduction and then held discussion with the community members in attendance at the Veteran's Breakfast.
- 8/15/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Oneida Farmer's Market. Staff in attendance included David P. Jordan, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The LOC had a booth at the farmer's market with a poster of information as well as a flyer, copy of the law, and FAQs.
- 8/21/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss the outreach efforts that have occurred, and determine whether the LOC is interested in holding more outreach events. The LOC determined that two more outreach events will be held.
- 9/4/19 LOC:** Motion by Jennifer Webster to approve the community outreach notice and article for the Sanctions and Penalties Law, and forward to the Kalihwisaks for publication in the September 19, 2019, edition; seconded by Ernest Stevens III. Motion carried unanimously.
- 9/19/19:** Article and community outreach event notice published in the Kalihwisaks.
- 10/7/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the Elder Services Congregate Meal Site over the lunch hour. Staff in attendance included: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski. Kirby gave an introduction and then opened up for discussion of any questions the community members in attendance had.
- 10/16/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to discuss the 10/18/19 outreach event in Milwaukee and begin planning for how the LOC wants to present this item to GTC again. All materials will have to be submitted to the OBC by November 18, 2019, for inclusion on the annual GTC meeting agenda.
- 10/18/19:** *Community Outreach Event.* The Legislative Operating Committee held a community outreach event at the SEOTS building in Milwaukee. Those in attendance included: David P. Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman King, Clorissa N. Santiago,

Brandon Wisneski, Mike Debraska. Kirby gave an introduction, and then the LOC and Mike Debraska reviewed the law line by line stopping for questions and discussion.

10/31/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to strategize how the LOC would like to present this law again to the GTC, and review and discuss the first draft of a memo that can be included in the GTC materials.

11/6/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Jameson Wilson. The purpose of this work meeting was to provide a brief update that the LRO will be holding a work meeting with the Communications Department on Thursday, November 7, 2019, to discuss the development of the multi-media presentation for the January 2020 GTC meeting.

11/15/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to finalize the memo that would be presented to the GTC on January 20, 2020. LRO will conduct an e-poll of the memo today so that the materials can be forwarded to the OBC.

11/15/19: *E-Poll Conducted.* E-Poll was titled "Approval of the Sanctions and Penalties Law Materials for the January 20, 2020, GTC Meeting." The requested action of this e-poll was to approve the Sanctions and Penalties law materials and forward to the Oneida Business Committee for inclusion in the January 20, 2020, General Tribal Council meeting packet materials. The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, and Daniel Guzman King. Kirby Metoxen did not provide a response to the e-poll during the e-poll time frame.

11/19/19: *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Xavier Horkman. The purpose of this work meeting was to begin collaborations between the LOC and the Communications Department on the development of a multimedia presentation for the January 2020 GTC meeting.

11/20/19 LOC: Motion by Kirby Metoxen to enter the November 15, 2019, Sanction and Penalties Law material for the January 20, 2020, GTC Meeting E-Poll results into record; seconded by Daniel Guzman King. Motion carried unanimously.

11/20/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to update the LOC on the collaboration with the Communications Department on the development of a multimedia presentation for the January 20, 2020, annual GTC meeting. LOC also discussed potential ideas for a Sanctions and Penalties law promotional video.

11/26/19 OBC: Motion by Lisa Summers to approve back to the Legislative Operating Committee, for General Tribal Council consideration, number one (1) as identified in the request [on page 90 of the meeting packet], seconded by David P. Jordan. Motion withdrawn.

Motion by Daniel Guzman King to defer the Sanctions and Penalties law materials back to the Legislative Operating Committee for consideration of today's discussion and reformatting of the request to General Tribal Council, seconded by Ernie Stevens III. Motion carried

11/26/19: *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, JoAnne House. The purpose of this work meeting was to consider the discussion that occurred at the OBC meeting and determine a new strategy for moving this item forward. The LOC directed that an updated memo, draft, legislative analysis, resolution, and statement of effect be developed for inclusion on the December 4, 2019, special OBC meeting.

A good mind. A good heart. A strong fire.



- 12/2/19:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to review the updated draft and memo and determine if there were any other considerations that needed to be made by the LOC before this item moves forward.
- 12/4/19 LOC:** Motion by Jennifer Webster to approve the January 20, 2020 General Tribal Council Meeting materials with one change and forward to the Oneida Business Committee; seconded by Ernest Stevens III. Motion carried unanimously.
- 12/4/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to discuss the community comments that were made during today's LOC meeting, and discuss a strategy for moving this item forward. LOC directed that an e-poll be conducted to rescind the earlier Sanctions and Penalties law motion, so that the materials are not sent to the December 4, 2019, special OBC meeting for inclusion in the January 20, 2020, General Tribal Council meeting. Instead, the LOC wants to bring the proposed changes to a public meeting, finalize a draft, and request an updated fiscal impact statement, and bring an updated packet to the tentative March 2020 special GTC meeting.
- 12/4/19:** *E-Poll Conducted.* E-Poll was titled "Rescission of the December 4, 2019, LOC Motion Regarding the Sanctions and Penalties Law." The requested action of this e-poll was to Rescind the December 4, 2019, Legislative Operating Committee motion to "Approve the January 20, 2020, General Tribal Council meeting materials and forward to the Oneida Business Committee." The e-poll was approved by Ernest Stevens III, Kirby Metoxen, Jennifer Webster, David P. Jordan. Daniel Guzman King did not provide a response to the e-poll during the e-poll time frame.
- 12/4/19 OBC:** Motion by David P. Jordan to adopt with two (2) changes [1) delete item IV.A.1. Accept the Sanctions and Penalties law materials and add to the tentatively scheduled 2020 annual General Tribal Council meeting agenda; and 2) under New Business header, item A. Cancel the December 26 and 27, 2019, Oneida Business Committee meetings), seconded by Jennifer Webster. Motion carried.
- 12/9/19:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Daniel Guzman King, Clorissa N. Santiago, Brandon Wisneski, Jennifer Falck. The purpose of this work meeting was to confirm what the LOC wants to see in the proposed Sanctions and Penalties for Elected Officials law draft that will be sent to a public meeting. LRO will prepare an e-poll for the PM materials to be completed before December 12, 2019.
- 12/10/19:** *E-Poll Conducted.* E-Poll was titled "Approval of January 7, 2020, Public Meeting for the Sanctions and Penalties for Elected Officials Law." The requested action of this e-poll was to approve the public meeting packet and forward the Sanctions and Penalties for Elected Officials law to a public meeting to be held on January 7, 2020. The e-poll was approved by Kirby Metoxen, Jennifer Webster, David P. Jordan, and Daniel Guzman King. Ernest Stevens III did not provide a response.
- 12/18/19 LOC:** Motion by Jennifer Webster to enter into the record the December 4, 2019, E-poll results for the Sanctions and Penalties law – rescission of the December 4, 2019, LOC action; seconded by Kirby Metoxen. Motion carried unanimously.
- Motion by Ernest Stevens III to enter into the record the December 10, 2019, E-poll results for the Sanctions and Penalties law – approval of a public meeting; seconded by Jennifer Webster. Motion carried unanimously.
- 1/7/20:** *Public Meeting Held.* Present: David P. Jordan, Jennifer Webster, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski, Kristen Hooker, Maureen Perkins, Lee Cornelius, Bonnie Pigman, Ralinda Ninham-Lamberies, Kermit Valentino, Debra Valentino. One (1) person provided oral comments during the public meeting.

- 1/8/20:** *Work Meeting.* Present: Clorissa N. Santiago, Brandon Wisneski, Xavier Horkman. The purpose of this work meeting was to discuss and plan for the development of the Sanctions and Penalties Law for Elected Officials law video presentation for the March 16, 2020, General Tribal Council meeting.
- 1/14/20:** *OBC Work Session.* The purpose of attending this Oneida Business Committee work session was to provide the Oneida Business Committee an update on why the Sanctions and Penalties law materials would be a handout at the January 22, 2020, Oneida Business Committee meeting.
- 1/14/20:** *Public Comment Period Closed.* Two (2) submissions of written comments were received during the public comment period.
- 1/14/20:** *OBC Work Meeting.* Present: David P. Jordan, Daniel Guzman King, Jennifer Webster, Ernest Stevens III, Brandon Stevens, Patricia King, Lisa Liggins, JoAnne House, Jennifer Falck, Clorissa N. Santiago, Laura Laitinen-Warren. The purpose of this work meeting was to provide the Oneida Business Committee an update on why the Sanctions and Penalties law materials would be a handout at the January 22, 2020, Oneida Business Committee meeting.
- 1/15/20 LOC:** Motion by Ernest Stevens III to accept the public comments and public comment review memorandum and defer to a work meeting for further consideration; seconded by Daniel Guzman King. Motion carried unanimously.
- 1/15/20:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King, Jennifer Falck, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review and consider all the public comments that were received. The LOC also discussed the plan for e-polls and approving the materials.
- 1/15/20:** *E-Poll Conducted.* E-Poll was titled “Approval of the Sanctions and Penalties for Elected Officials Law Updated Materials and Fiscal Impact Statement Request Memorandum.” The requested action of this e-poll was to Approve the updated public comment review memorandum, draft, legislative analysis, and fiscal impact statement request memorandum, and forward the fiscal impact statement request memorandum, with accompanying draft and legislative analysis, to the Finance Department directing that a fiscal impact statement of the proposed Sanctions and Penalties for Elected Officials law be prepared and submitted to the Legislative Operating Committee by January 20, 2020.. The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen. Daniel Guzman King did not provide a response.
- 1/20/20:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Ernest Stevens III, Daniel Guzman King, Clorissa N. Santiago, Brandon Wisneski. The purpose of this work meeting was to review the adoption memo, resolution, and statement of effect for the Sanctions and Penalties for Elected Officials law.
- 1/21/20:** *E-Poll Conducted.* E-Poll was titled “Approval of the Sanctions and Penalties for Elected Officials Law Adoption Packet.” The requested action of this e-poll was to “Approve the adoption packet for the Sanctions and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion on the tentative March 2020 Special General Tribal Council meeting agenda.” The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen, and Daniel Guzman King.
- 1/21/20:** *E-Poll Conducted.* E-Poll was titled “Rescission of the January 21, 2020, LOC Motion Approving the Sanctions and Penalties for Elected Officials Law Adoption Packet.” The requested action of this e-poll was to “Rescind the January 21, 2020, Legislative Operating Committee motion to ‘Approve the adoption packet for the Sanctions and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion on the tentative March 2020 Special General Tribal Council meeting agenda.’” The e-poll was

approved by David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King.

1/22/20 OBC: Motion by Ernie Stevens III to adopt the agenda with two (2) changes [1) add item IV.C. Adopt resolution entitled Energy Infrastructure Deployment on Tribal Lands – 2020 Grant Proposal # DEFOA-0002168; and 2) delete item VIII.B.2. Accept the Sanctions and Penalties for Elected Officials law materials and add to the tentatively scheduled March 16, 2020, special General Tribal Council meeting agenda], seconded by Jennifer Webster. Motion carried.

2/5/20 LOC: Motion by Jennifer Webster to enter into record the e-poll results: Sanctions and Penalties for Elected Officials Law – Approve Updated Materials and Fiscal Impact Statement Request; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to Ratify the January 21, 2020, e-poll results into record; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to enter into the record the January 21, 2020, e-poll results for the rescission of the January 21, 2020, LOC motion approving the Sanctions and Penalties for elected Officials Law adoption packet and forward to the OBC for inclusion on the tentative March 2020 GTC meeting agenda; seconded Daniel Guzman King. Motion carried unanimously.

10/4/23 LOC: Motion by Marlon Skenandore to add the Sanctions and Penalties Law to the Active Files List with Jennifer Webster as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

12/6/23: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Grace Elliott, Maureen Perkins, Fawn Cottrell, Kristal Hill. The purpose of this work meeting was to review the draft of the Sanctions and Penalties law.

1/29/24: *E-Poll Conducted.* This e-poll was titled, *Approval of the March 6, 2024 LOC Community Meeting Notice*. The requested action of this e-poll was to Approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on March 6, 2024. This e-poll was unanimously approved by Jennifer Webster, Marlon Skenandore, Jonas Hill, Jameson Wilson, and Kirby Metoxen.

2/7/24 LOC: Motion by Jennifer Webster to enter into the record the results of the January 29, 2024, e-poll titled, *Approval of the March 6, 2024 LOC Community Meeting Notice*; seconded by Jonas Hill. Motion carried unanimously.

3/6/24: *Work Meeting.* Jameson Wilson, Kirby Metoxen, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to practice the PowerPoint presentation for the March 6, 2024, community meeting for the Oneida Personnel Policies and Procedures Amendments, Sanctions and Penalties Law, and the Eviction and Termination law amendments.

3/6/24: *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins, Francine Valentino, Melanie Burkhart, Gina Buenrostro, Peggy Helm-Quest, Michelle Sawyer, Nadine Escamea, Bonnie Pigman, Olivia Pigman, Julie Denny, Michelle Hill, Vicky Matson, Greg Matson, Julie Behnke, Lynn Metoxen, Jake Doxtator, Kay Keshena, Connie Vandehei, Jen Falck, Lillian Wheelock, Dale Wheelock, Stephanie Smith, Patricia Hoeft, Scott Denny, Dana McLester, Wendy Alvarez, Dana Thyssen, Todd Vanden Heuvel, Larry Barton, Merissa Bloedorn, Lois Stevens, Mark Powless, Linda Dallas, Jake, Peggy Van Gheem, Mary Loeffler, Matthew J. Denny, Nancy Barton, Brittany Kulow, Mary Adams, Cathy Metoxen, William Gollnick, 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 Oneida Personnel Policies and Procedures Amendments, the Sanctions and Penalties law, and the Eviction and Termination law amendments.

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 debrief the March 6, 2024, community meeting and determine the next steps to move these legislative items forward.

1/10/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Lisa Liggins, Lawrence Barton, Tehassi Hill, Fawn Cottrell, Fawn Billie, Maureen Perkins. The purpose of this work meeting was to review the draft of the Law and determine next steps for moving this item forward.

2/19/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Fawn Cottrell, Kristal Hill, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review the updated draft of the Law and finalize next steps for moving this item forward.

3/5/25 LOC: Motion by Jennifer Wester to approve the updated draft and legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Jonas Hill to approve the Legislative Operating Committee Sanctions and Penalties law community work session notice, and schedule a community work session to occur on April 2, 2025; seconded by Kirby Metoxen. Motion carried unanimously.

4/2/25: *Community Work Session.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Grace Elliott, Fawn Cottrell, Kristal Hill, Janice Decorah, Bonnie Pigman, Cathy Metoxen, Ethel Marie Cornelius, Heidi Janowski, Eric Boulanger, Yasiman Metoxen, Blake Whitney, Michelle Tipple, Melinda J. Danforth, Mary C. Graves, Derrick King, Hon. Patricia Hoeft, Lloyd Ninham, Connor Kestell, Kimberly Skenandore. A community work session was held in the NHC BC Conference Room and on Microsoft Teams. The purpose of this community work session was to read through the Sanctions and Penalties law line-by-line and allow the community the opportunity to ask questions and provide input on this proposed law.

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 discuss the community work session and determine next steps for moving this item forward.

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.

6/13/25: *Public Meeting Held.* Present: Jonas Hill, Clorissa Leeman, Carolyn Salutz, Jameson Wilson, Ralinda Ninham-Lambert, Daniel Habeck, Courtney Georgia, Jameson Wilson, Peggy Helm-Quest, Shannon Mousseau, Michelle Tipple, Fawn Billie, Marlon Skenandore, Joel Maxam, Rae Skenandore. No individuals provided oral comments during the public meeting.

6/20/25: *Public Comment Period* Closed. No individuals provided written comments during the public comment period.

Next Steps:

- Approve the public comment review memorandum, draft, and legislative analysis.
- Approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by July 30, 2025.



TO: Legislative Operating Committee (LOC)
FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney
DATE: July 2, 2025
RE: Sanctions and Penalties Law: Public Comment Review

On June 13, 2025, a public meeting was held regarding the proposed Sanctions and Penalties law. No individuals provided oral comments during the public meeting. The public comment period was then held open until June 20, 2025. No individuals provided written comment during the public comment period. The public meeting draft and public meeting transcript are attached to this memorandum for review.



LEGISLATIVE OPERATING COMMITTEE PUBLIC MEETING

Sanctions and Penalties Law

Business Committee Conference Room-2nd Floor Norbert Hill Center
June 13, 2025 12:15 p.m.

Present: Jonas Hill, Clorissa Leeman, Carolyn Salutz, Jameson Wilson, Ralinda Ninham-Lamberies, Daniel Habeck, Courtney Georgia, Jameson Wilson, Peggy Helm-Quest, Shannon Mousseau, Michelle Tipple, Fawn Billie, Marlon Skenandore, Joel Maxam, Rae Skenandore.

Jonas Hill: Good Afternoon, the time is 12:15 p.m. and today's date is Friday, June 13, 2025. I will now call to order the public meeting for the proposed Sanctions and Penalties law.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding these legislative proposals. The public meeting is not a question and answer period. The LOC will review and consider all comments received during the public comment period. The LOC will respond to all comments received in a memorandum, which will be submitted in the meeting materials of a future LOC meeting.

All persons who wish to present oral testimony in person need to register on the sign in sheet. Individuals who wish to present oral testimony on Microsoft Teams, please raise your hand and you will be called on. If you leave an email address on the sign in sheet we can ensure you receive a copy of the public comment review memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Friday, June 20, 2025.

In attendance from the LOC is Chairman Wilson on Microsoft Teams, Councilman Skenandore on Microsoft Teams, and myself, Jonas Hill in person.

The LOC may impose a time limit for all speakers pursuant to section 109.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a time limit of five (5) minutes per person. This time limit shall be applied equally to all persons.

We will now begin today's public meeting for the proposed Sanctions and Penalties law.

The purpose of the Sanctions and Penalties law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation, including members of the Oneida Business Committee, for misconduct in office; and to establish an orderly and fair process for imposing such sanctions and penalties.

The Sanctions and Penalties law will:

- Provide what behaviors constitutes misconduct;
- Describe how an individual can file a complaint against an elected official;
- Provide that complaints against an elected official shall be handled by the Judiciary Trial Court; and
- Describe the potential sanctions and penalties that can be imposed upon elected officials found to have engaged in misconduct, and the factors that will be utilized to determine an appropriate sanction or penalty.

Those who wish to speak please raise your hand. Please state your name when making a comment, and which law you are commenting on. First up to speak, do we have any volunteers? For those of you online, there isn't anybody in person. So if anybody online would like to make a comment, please raise your hand.

With there being no more speakers, the public meeting for the proposed Sanctions and Penalties law is now closed at 12:25 p.m.

Written comments may be submitted until close of business on Friday, June 20, 2025.

Thank you everybody for participating and have a great day.

-End of Meeting-

Title 1. Government and Finances - Chapter 120
Kalihwahníla'tú Okhale? Atatlihwá?thlewáhtu Kayanlása
Giving strength to the issues and Forgiving oneself for the issue at hand Laws
SANCTIONS AND PENALTIES

120.1. Purpose and Policy
120.2. Adoption, Amendment, Repeal
120.3. Definitions
120.4. Misconduct
120.5. Filing of a Complaint

120.6. Complaint Procedure
120.7. Sanctions and Penalties
120.8. Effect of Resignation by an Official
120.9. Record of Conduct

120.1. Purpose and Policy

120.1-1. *Purpose.* The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office in order to provide an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

(a) *Exclusion.* This law does not apply to judges of the Oneida Nation Judiciary or members of corporate entities of the Nation.

120.1-2. *Policy.* It is the policy of the Nation to ensure that elected officials who commit misconduct while in office be subject to appropriate sanctions and penalties; and to ensure that there is a fair process in place that enables officials to fairly respond to allegations of misconduct.

120.1-3. It is the intent of the Nation that all elected officials strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by Onayote'a'ka, which includes:

- (a) Kahletsyalása. The heart felt encouragement of the best in each of us.
- (b) Kanolukhwása. Compassion, caring, identity, and joy of being.
- (c) Ka'nikuhli'yó. The openness of the good spirit and mind.
- (d) Ka'tshatstása. The strength of belief and vision as a People.
- (e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.
- (f) TwahwahtsíláyΛ. All of us are family.
- (g) YukwatsístayΛ. Our fire, our spirit within each one of us.

120.2. Adoption, Amendment, Repeal

120.2-1. This law was adopted by the General Tribal Council by resolution GTC-__-__-__.

120.2-2. This law may be amended or repealed by the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

120.2-3. 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.

120.2-4. 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.

120.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

120.3. Definitions

120.3-1. 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) “Business day” means Monday through Friday 8:00 a.m. – 4:30 p.m., excluding holidays recognized by the Nation.
- (b) “Clear and convincing evidence” means evidence that demonstrates it is substantially more likely than not that the facts presented are true.
- (c) “Complainant” means an individual who has made a complaint.
- (d) “Constitution” means the Constitution and By-Laws of the Oneida Nation.
- (e) “Court of Appeals” means the Court of Appeals of the Oneida Nation Judiciary.
- (f) “Entity” means a board, committee, commission, office, or other group of the Nation an individual may be elected to serve a position on, including the Oneida Business Committee.
- (g) “Government Administrative Office” means the office that provides administrative support for the Oneida Business Committee and various other governmental operations.
- (h) “Misconduct” means wrongful, improper, or unlawful conduct or behavior.
- (i) “Nation” means the Oneida Nation.
- (j) “Official” means any person who is elected to serve a position for the Nation, including, but not limited to, a position on a board, committee, commission, or office of the Nation, including the Oneida Business Committee.
- (k) “Restitution” means compensation to an individual or entity for an injury, damage, or loss.
- (l) “Stipend” means the amount paid by the Oneida Nation to elected individuals serving on boards, committees and commissions of the Nation to offset the expenses of being a member on the board, committee or commission.
- (m) “Substantiate” means to find that the complaint or allegation in the complaint is valid because there is clear and convincing evidence.
- (n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

120.4. Misconduct

120.4-1. It shall be the obligation of every official to behave in a manner that promotes high standards of conduct. High standards of conduct amongst officials of the Nation are essential to the conduct of government.

120.4-2. An official may be subject to sanctions and penalties for behaving in a manner which constitutes misconduct. Misconduct includes:

- (a) a violation of the Constitution or any of the Nation’s laws, policies, or rules;
- (b) a violation of the bylaws, standard operating procedures, or other internal operating documents that govern the entity upon which the official serves; and
- (c) a conviction of a felony, or any crime in any jurisdiction that would be classified as a felony under federal law or Wisconsin law.

120.5. Filing of a Complaint

120.5-1. *Who May File.* Any individual at least eighteen (18) years of age or older who is an enrolled member of the Nation or an employee of the Nation, or an entity, who in good faith, has knowledge or reason to believe that an official has committed misconduct, may file a written complaint.

120.5-2. *When to File.* A complaint may be filed as long as the alleged misconduct has occurred, or was discovered to have occurred, within the previous sixty (60) days.

120.5-3. *Contents of the Complaint.* The complaint alleging misconduct by an official shall include the following information:

- (a) The name(s) of the official alleged to have committed the misconduct;
- (b) The entity or entities upon which the official serves;
- (c) The specific date(s), time(s), and location(s) of the alleged misconduct;
- (d) The specific details of the official's misconduct;
- (e) The specific provision of law, policy, rule, or bylaw of the Nation allegedly violated by the official;
- (f) Names of any witnesses of the alleged misconduct, or individuals who may have knowledge pertinent to the alleged misconduct;
- (g) The contact information for the person filing the complaint, which at minimum shall include the person's name, address, and telephone number;
- (h) A notarized sworn statement attesting that the information provided in and with the complaint is true, accurate, and complete to the best of the complainant's knowledge;
- (i) Any supporting documentation; and
- (j) Any other information required by the Nation's Rules of Civil Procedure.

120.5-4. *Where to File.* Complaints against an official shall be filed with the Nation's Trial Court pursuant to the Nation's Rules of Civil Procedure.

120.5-5. *Retaliation Prohibited.* Retaliation against any individual who makes a complaint or party or witness to a complaint is prohibited. This protection shall also be afforded to any person offering testimony or evidence or complying with directives authorized under this law. Retaliation shall include any form of adverse or punitive action by, or caused by, any official.

- (a) If an individual alleges that retaliatory action has been threatened or taken based on the individual's complaint, or cooperation with directives authorized under this law, the individual may file a complaint for the retaliatory action in accordance with section 120.5 of this law.

120.6. Complaint Procedure

120.6-1. *Jurisdiction of the Trial Court.* The Trial Court shall have jurisdiction to hear complaints of alleged misconduct of officials.

120.6-2. Any official who is the subject of a complaint has the right to be represented by an attorney or advocate, at their own expense, for any actions or proceedings related to the complaint.

120.6-3. *Burden of Proof.* In a civil action against an official for misconduct, the complainant has the burden of proving by clear and convincing evidence that the official engaged in misconduct.

120.6-4. *Confidentiality.* All complaints alleged against an official of the Nation shall be handled in a confidential manner.

- (a) All hearings and/or proceedings related to a complaint shall be closed to the general public.
- (b) All records of hearings and/or proceedings shall not be subject to public review or inspection except that a decision of the Judiciary regarding a complaint alleged against an official, and any sanctions and/or penalties that are imposed against an official, shall be public information.

120.6-5. *Determination of the Trial Court.* In making a final determination, the Trial Court shall determine if there is enough evidence to substantiate the allegations of misconduct by the official by clear and convincing evidence.

(a) If the Trial Court finds that there is clear and convincing evidence that the official engaged in misconduct, the Trial Court shall determine and impose any sanctions and/or penalties deemed appropriate in accordance with this law.

(b) If the Trial Court does not find that there is clear and convincing evidence to support the allegations that the official engaged in misconduct, the complaint shall be dismissed.

120.6-6. *Appeal.* The complainant and the official who is the subject of the complaint shall both have the right to appeal the Trial Court's decision to the Court of Appeals pursuant to the Nation's Rules of Appellate Procedure. The appeal shall be limited to review of the record, and the Trial Court's decision may only be overturned if the Court of Appeals determines that:

(a) The findings or penalties imposed were clearly erroneous, unsupported by the record, or made on unreasonable grounds or without any proper consideration of circumstances;

or
(b) Procedural irregularities occurred which prevented a fair and impartial hearing.

120.7. Sanctions and Penalties

120.7-1. A sanction or penalty, or any combination of sanctions and/or penalties, may be imposed upon the Nation's officials for misconduct in office, in accordance with this law.

120.7-2. Sanctions and penalties may include:

(a) *Verbal Reprimand.* A verbal reprimand may be imposed on the official.

(1) The Trial Court shall submit written notices to both the official and to the Government Administrative Office of the specific date, time, and location of the verbal reprimand. The verbal reprimand shall occur at an Oneida Business Committee meeting and/or a General Tribal Council meeting.

(2) To impose the verbal reprimand, the presiding Oneida Business Committee Chairperson, or another Oneida Business Committee member if the verbal reprimand is imposed against the presiding Oneida Business Committee Chairperson, shall read the following statement:

(A) *[Insert name of official] who serves on [Insert name of entity] is receiving this reprimand because they have been found by the Nation's Judiciary to have engaged in misconduct. High standards of conduct amongst officials of the Nation are essential to the conduct of government. [Insert name of official's] behavior did not rise to the high standards of conduct that is expected of the Nation's elected officials. The following are the findings from the Trial Court regarding [Insert name of official's] misconduct: [identify the judicial findings regarding the misconduct.] Any future misconduct may result in the imposition of additional sanctions or penalties.*

(b) *Public Apology.* The official may be ordered to make a public apology.

(1) The Trial Court shall submit written notices to both the official and to the Government Administrative Office of the specific date, time, and location of the public apology. The public apology shall occur at an Oneida Business Committee meeting and/or a General Tribal Council meeting.

- 175 (2) The public apology made by the official shall identify the judicial findings
176 regarding the official's misconduct and include a clear and unambiguous apology
177 from the official for the misconduct.
- 178 (c) *Written Reprimand.* A written reprimand may be imposed on the official by
179 publication on the Nation's official media outlets, as determined by the Oneida Business
180 Committee.
- 181 (1) The Trial Court may publish a written reprimand which includes the same
182 statement as required for the verbal reprimand as stated in section 120.7-
183 2(a)(2)(A).
- 184 (d) *Suspension.* An official may be suspended from performing their duties as an official
185 for a period of time not to exceed two (2) regular meetings, or fifteen (15) business days
186 if the official serves in a full-time capacity.
- 187 (1) During a suspension, the official shall not:
- 188 (A) attend meetings, trainings or any other event as part of the entity;
189 (B) attend conferences or other events on behalf of, or as a representative
190 of, the entity;
191 (C) vote or participate in any activities of the entity;
192 (D) perform work on behalf of the entity; or
193 (E) be eligible for any compensation, including regular pay, stipends, or
194 mileage reimbursement.
- 195 (2) When an official is suspended, the Trial Court shall submit written notices to
196 the official, the Government Administrative Office, Finance Administration, and
197 the Human Resources Department, when applicable, of the specific start and end
198 date of the suspension.
- 199 (3) If a suspension is imposed on multiple officials of the same entity at one time,
200 the Trial Court may impose the suspensions of the officials on a staggered basis to
201 avoid an interruption of the official business and function of the entity.
- 202 (e) *Restitution.* An official may be ordered to pay restitution, which may include the
203 repayment of any improperly received benefit, or any other payment which is intended to
204 make another individual or entity whole after suffering losses as a result of the official's
205 misconduct.
- 206 (f) *Fines.* An official may be ordered to pay a fine not to exceed two thousand and five
207 hundred dollars (\$2,500).
- 208 (1) Fines shall be paid to the Trial Court.
- 209 (2) Community service may be substituted for part or all of any fine at the
210 minimum wage rate of the Nation for each hour of community service. The use of
211 community service as a substitution for a fine shall be approved and monitored by
212 the Trial Court.
- 213 (3) Fines shall be paid within ninety (90) days after the order is issued or upheld
214 on final appeal, whichever is later. If the fine is not paid by this deadline, the Trial
215 Court may seek to collect the money owed through garnishment either through the
216 procedures provided in the Nation's Garnishment law or through garnishment
217 procedures of other jurisdictions, and/or per capita attachment in accordance with
218 the Per Capita law.
- 219 (g) *Loss of Stipend.* An official may be ordered to forfeit a stipend for their service on an
220 entity not to exceed two (2) meetings.

- (1) When an official is ordered to forfeit a stipend, the Trial Court shall submit written notices to the official and the Government Administrative Office.
- (h) *Mandatory Participation in Training.* An official may be ordered to participate in and complete a training class or program at their own expense that will assist the official in addressing and improving their behaviors and/or actions.
- (1) The mandated training class or program may address a variety of topics including, but not limited to, anger management, sexual harassment, or other sensitivity training.
- (i) *Removal.* The Trial Court may recommend that the process for removing an elected official as contained in the Nation's laws and/or policies governing removal be initiated.
- 120.7-3. *Factors in Determining an Appropriate Sanction and/or Penalty.* When determining the appropriate sanction or sanctions to impose, the Trial Court may consider all factors it deems relevant, including but not limited to:
- (a) the seriousness or severity of the misconduct;
 - (b) whether the conduct was intentional or not;
 - (c) the likelihood of repetition;
 - (d) the extent of probable damage to the finances or reputation of the Nation, the complainant, the entity, or to any other person or organization;
 - (e) whether the official or their family personally profited, financially or otherwise, from the prohibited conduct;
 - (f) the official's remorse, or
 - (g) the official's willingness and ability to take steps to mitigate the harm caused by the violation, and
 - (h) the record of conduct of an official.
- 120.7-4. The Trial Court may impose a sanction and/or penalty on a conditional basis, whereas compliance with a specific sanction and/or penalty shall prevent the imposition of a more stringent or burdensome sanction and/or penalty.
- 120.7-5. The imposition of sanctions and/or penalties in accordance with this law does not exempt an official from individual liability for the underlying misconduct, and does not limit any penalties that may be imposed in accordance with other applicable laws. In addition to any sanctions and penalties that may be imposed in accordance with this law, officials who commit misconduct in office may be subject to other consequences; including but not limited to:
- (a) removal in accordance with the Nation's laws and/or policies governing removal;
 - (b) criminal prosecution, for misconduct that also violates applicable criminal law;
 - (c) civil liability, in accordance with the applicable law of any jurisdiction; and/or
 - (d) penalties for specific misconduct as authorized by any other law of the Nation.
- 120.7-6. An official who does not comply with a sanction and/or penalty that has been imposed against him or her by the Trial Court may be subject to the following:
- (a) additional sanctions and/or penalties that result from a complaint of misconduct filed in accordance with this Law based on the non-compliance;
 - (b) removal in accordance with the Nation's laws and policies governing removal.
- 120.8. Effect of Resignation by an Official**
- 120.8-1. The resignation of an official after a complaint has been filed against the official shall not affect the status of the hearing and determination by the Trial Court.
- 120.8-2. An official who resigns may still be subject to sanctions and/or penalties at the discretion of the Trial Court.

120.9. Record of Conduct

120.9-1. The Judiciary shall maintain a record of conduct for each official. An official's record of conduct shall only be made available for review by the Judiciary.

120.9-2. The record of conduct maintained for each official shall include, at a minimum:

- (a) a copy of each complaint filed against the official;
- (b) recording and/or transcript from any hearings and/or proceedings;
- (c) the outcome of the complaint, and
- (d) any sanctions or penalties imposed upon an official.

120.9-3. The record of conduct for each official shall be maintained for a period of no less than seven (7) years.

End.

Adopted – GTC- __ - __ - __ - __

Title 1. Government and Finances - Chapter 120
Kalihwahníla'tú· Okhale? Atatlihwá?thlewáhtu Kayanlása
Giving strength to the issues and Forgiving oneself for the issue at hand Laws
SANCTIONS AND PENALTIES

120.1. Purpose and Policy
120.2. Adoption, Amendment, Repeal
120.3. Definitions
120.4. Misconduct
120.5. Filing of a Complaint

120.6. Complaint Procedure
120.7. Sanctions and Penalties
120.8. Effect of Resignation by an Official
120.9. Record of Conduct

120.1. Purpose and Policy

120.1-1. *Purpose.* The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office in order to provide an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official.

(a) *Exclusion.* This law does not apply to judges of the Oneida Nation Judiciary or members of corporate entities of the Nation.

120.1-2. *Policy.* It is the policy of the Nation to ensure that elected officials who commit misconduct while in office be subject to appropriate sanctions and penalties; and to ensure that there is a fair process in place that enables officials to fairly respond to allegations of misconduct.

120.1-3. It is the intent of the Nation that all elected officials strive to exhibit and uphold the Nation's core values of The Good Mind as expressed by Onayote'a'ka, which includes:

(a) Kahletsyalása. The heart felt encouragement of the best in each of us.

(b) Kanolukhwása. Compassion, caring, identity, and joy of being.

(c) Ka'nikuhli'yó. The openness of the good spirit and mind.

(d) Ka'tshatstása. The strength of belief and vision as a People.

(e) Kalihwi'yó. The use of the good words about ourselves, our Nation, and our future.

(f) TwahwahtsíláyΛ. All of us are family.

(g) YukwatsístayΛ. Our fire, our spirit within each one of us.

120.2. Adoption, Amendment, Repeal

120.2-1. This law was adopted by the General Tribal Council by resolution GTC-__-__-__.

120.2-2. This law may be amended or repealed by the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

120.2-3. 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.

120.2-4. 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.

120.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

120.3. Definitions

120.3-1. 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) “Business day” means Monday through Friday 8:00 a.m. – 4:30 p.m., excluding holidays recognized by the Nation.
- (b) “Clear and convincing evidence” means evidence that demonstrates it is substantially more likely than not that the facts presented are true.
- (c) “Complainant” means an individual who has made a complaint.
- (d) “Constitution” means the Constitution and By-Laws of the Oneida Nation.
- (e) “Court of Appeals” means the Court of Appeals of the Oneida Nation Judiciary.
- (f) “Entity” means a board, committee, commission, office, or other group of the Nation an individual may be elected to serve a position on, including the Oneida Business Committee.
- (g) “Government Administrative Office” means the office that provides administrative support for the Oneida Business Committee and various other governmental operations.
- (h) “Misconduct” means wrongful, improper, or unlawful conduct or behavior.
- (i) “Nation” means the Oneida Nation.
- (j) “Official” means any person who is elected to serve a position for the Nation, including, but not limited to, a position on a board, committee, commission, or office of the Nation, including the Oneida Business Committee.
- (k) “Restitution” means compensation to an individual or entity for an injury, damage, or loss.
- (l) “Stipend” means the amount paid by the Oneida Nation to elected individuals serving on boards, committees and commissions of the Nation to offset the expenses of being a member on the board, committee or commission.
- (m) “Substantiate” means to find that the complaint or allegation in the complaint is valid because there is clear and convincing evidence.
- (n) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

120.4. Misconduct

120.4-1. It shall be the obligation of every official to behave in a manner that promotes high standards of conduct. High standards of conduct amongst officials of the Nation are essential to the conduct of government.

120.4-2. An official may be subject to sanctions and penalties for behaving in a manner which constitutes misconduct. Misconduct includes:

- (a) a violation of the Constitution or any of the Nation’s laws, policies, or rules;
- (b) a violation of the bylaws, standard operating procedures, or other internal operating documents that govern the entity upon which the official serves; and
- (c) a conviction of a felony, or any crime in any jurisdiction that would be classified as a felony under federal law or Wisconsin law.

120.5. Filing of a Complaint

120.5-1. *Who May File.* Any individual at least eighteen (18) years of age or older who is an enrolled member of the Nation or an employee of the Nation, or an entity, who in good faith, has knowledge or reason to believe that an official has committed misconduct, may file a written complaint.

120.5-2. *When to File.* A complaint may be filed as long as the alleged misconduct has occurred, or was discovered to have occurred, within the previous sixty (60) days.

120.5-3. *Contents of the Complaint.* The complaint alleging misconduct by an official shall include the following information:

- (a) The name(s) of the official alleged to have committed the misconduct;
- (b) The entity or entities upon which the official serves;
- (c) The specific date(s), time(s), and location(s) of the alleged misconduct;
- (d) The specific details of the official's misconduct;
- (e) The specific provision of law, policy, rule, or bylaw of the Nation allegedly violated by the official;
- (f) Names of any witnesses of the alleged misconduct, or individuals who may have knowledge pertinent to the alleged misconduct;
- (g) The contact information for the person filing the complaint, which at minimum shall include the person's name, address, and telephone number;
- (h) A notarized sworn statement attesting that the information provided in and with the complaint is true, accurate, and complete to the best of the complainant's knowledge;
- (i) Any supporting documentation; and
- (j) Any other information required by the Nation's Rules of Civil Procedure.

120.5-4. *Where to File.* Complaints against an official shall be filed with the Nation's Trial Court pursuant to the Nation's Rules of Civil Procedure.

120.5-5. *Retaliation Prohibited.* Retaliation against any individual who makes a complaint or party or witness to a complaint is prohibited. This protection shall also be afforded to any person offering testimony or evidence or complying with directives authorized under this law. Retaliation shall include any form of adverse or punitive action by, or caused by, any official.

- (a) If an individual alleges that retaliatory action has been threatened or taken based on the individual's complaint, or cooperation with directives authorized under this law, the individual may file a complaint for the retaliatory action in accordance with section 120.5 of this law.

120.6. Complaint Procedure

120.6-1. *Jurisdiction of the Trial Court.* The Trial Court shall have jurisdiction to hear complaints of alleged misconduct of officials.

120.6-2. Any official who is the subject of a complaint has the right to be represented by an attorney or advocate, at their own expense, for any actions or proceedings related to the complaint.

120.6-3. *Burden of Proof.* In a civil action against an official for misconduct, the complainant has the burden of proving by clear and convincing evidence that the official engaged in misconduct.

120.6-4. *Confidentiality.* All complaints alleged against an official of the Nation shall be handled in a confidential manner.

- (a) All hearings and/or proceedings related to a complaint shall be closed to the general public.
- (b) All records of hearings and/or proceedings shall not be subject to public review or inspection except that a decision of the Judiciary regarding a complaint alleged against an official, and any sanctions and/or penalties that are imposed against an official, shall be public information.

120.6-5. *Determination of the Trial Court.* In making a final determination, the Trial Court shall determine if there is enough evidence to substantiate the allegations of misconduct by the official by clear and convincing evidence.

(a) If the Trial Court finds that there is clear and convincing evidence that the official engaged in misconduct, the Trial Court shall determine and impose any sanctions and/or penalties deemed appropriate in accordance with this law.

(b) If the Trial Court does not find that there is clear and convincing evidence to support the allegations that the official engaged in misconduct, the complaint shall be dismissed.

120.6-6. *Appeal.* The complainant and the official who is the subject of the complaint shall both have the right to appeal the Trial Court's decision to the Court of Appeals pursuant to the Nation's Rules of Appellate Procedure. The appeal shall be limited to review of the record, and the Trial Court's decision may only be overturned if the Court of Appeals determines that:

(a) The findings or penalties imposed were clearly erroneous, unsupported by the record, or made on unreasonable grounds or without any proper consideration of circumstances;

or
(b) Procedural irregularities occurred which prevented a fair and impartial hearing.

120.7. Sanctions and Penalties

120.7-1. A sanction or penalty, or any combination of sanctions and/or penalties, may be imposed upon the Nation's officials for misconduct in office, in accordance with this law.

120.7-2. Sanctions and penalties may include:

(a) *Verbal Reprimand.* A verbal reprimand may be imposed on the official.

(1) The Trial Court shall submit written notices to both the official and to the Government Administrative Office of the specific date, time, and location of the verbal reprimand. The verbal reprimand shall occur at an Oneida Business Committee meeting and/or a General Tribal Council meeting.

(2) To impose the verbal reprimand, the presiding Oneida Business Committee Chairperson, or another Oneida Business Committee member if the verbal reprimand is imposed against the presiding Oneida Business Committee Chairperson, shall read the following statement:

(A) *[Insert name of official] who serves on [Insert name of entity] is receiving this reprimand because they have been found by the Nation's Judiciary to have engaged in misconduct. High standards of conduct amongst officials of the Nation are essential to the conduct of government. [Insert name of official's] behavior did not rise to the high standards of conduct that is expected of the Nation's elected officials. The following are the findings from the Trial Court regarding [Insert name of official's] misconduct: [identify the judicial findings regarding the misconduct.] Any future misconduct may result in the imposition of additional sanctions or penalties.*

(b) *Public Apology.* The official may be ordered to make a public apology.

(1) The Trial Court shall submit written notices to both the official and to the Government Administrative Office of the specific date, time, and location of the public apology. The public apology shall occur at an Oneida Business Committee meeting and/or a General Tribal Council meeting.

- 175 (2) The public apology made by the official shall identify the judicial findings
176 regarding the official's misconduct and include a clear and unambiguous apology
177 from the official for the misconduct.
- 178 (c) *Written Reprimand.* A written reprimand may be imposed on the official by
179 publication on the Nation's official media outlets, as determined by the Oneida Business
180 Committee.
- 181 (1) The Trial Court may publish a written reprimand which includes the same
182 statement as required for the verbal reprimand as stated in section 120.7-
183 2(a)(2)(A).
- 184 (d) *Suspension.* An official may be suspended from performing their duties as an official
185 for a period of time not to exceed two (2) regular meetings, or fifteen (15) business days
186 if the official serves in a full-time capacity.
- 187 (1) During a suspension, the official shall not:
- 188 (A) attend meetings, trainings or any other event as part of the entity;
189 (B) attend conferences or other events on behalf of, or as a representative
190 of, the entity;
191 (C) vote or participate in any activities of the entity;
192 (D) perform work on behalf of the entity; or
193 (E) be eligible for any compensation, including regular pay, stipends, or
194 mileage reimbursement.
- 195 (2) When an official is suspended, the Trial Court shall submit written notices to
196 the official, the Government Administrative Office, Finance Administration, and
197 the Human Resources Department, when applicable, of the specific start and end
198 date of the suspension.
- 199 (3) If a suspension is imposed on multiple officials of the same entity at one time,
200 the Trial Court may impose the suspensions of the officials on a staggered basis to
201 avoid an interruption of the official business and function of the entity.
- 202 (e) *Restitution.* An official may be ordered to pay restitution, which may include the
203 repayment of any improperly received benefit, or any other payment which is intended to
204 make another individual or entity whole after suffering losses as a result of the official's
205 misconduct.
- 206 (f) *Fines.* An official may be ordered to pay a fine not to exceed two thousand and five
207 hundred dollars (\$2,500).
- 208 (1) Fines shall be paid to the Trial Court.
- 209 (2) Community service may be substituted for part or all of any fine at the
210 minimum wage rate of the Nation for each hour of community service. The use of
211 community service as a substitution for a fine shall be approved and monitored by
212 the Trial Court.
- 213 (3) Fines shall be paid within ninety (90) days after the order is issued or upheld
214 on final appeal, whichever is later. If the fine is not paid by this deadline, the Trial
215 Court may seek to collect the money owed through garnishment either through the
216 procedures provided in the Nation's Garnishment law or through garnishment
217 procedures of other jurisdictions, and/or per capita attachment in accordance with
218 the Per Capita law.
- 219 (g) *Loss of Stipend.* An official may be ordered to forfeit a stipend for their service on an
220 entity not to exceed two (2) meetings.

- (1) When an official is ordered to forfeit a stipend, the Trial Court shall submit written notices to the official and the Government Administrative Office.
- (h) *Mandatory Participation in Training.* An official may be ordered to participate in and complete a training class or program at their own expense that will assist the official in addressing and improving their behaviors and/or actions.
- (1) The mandated training class or program may address a variety of topics including, but not limited to, anger management, sexual harassment, or other sensitivity training.
- (i) *Removal.* The Trial Court may recommend that the process for removing an elected official as contained in the Nation's laws and/or policies governing removal be initiated.
- 120.7-3. *Factors in Determining an Appropriate Sanction and/or Penalty.* When determining the appropriate sanction or sanctions to impose, the Trial Court may consider all factors it deems relevant, including but not limited to:
- (a) the seriousness or severity of the misconduct;
 - (b) whether the conduct was intentional or not;
 - (c) the likelihood of repetition;
 - (d) the extent of probable damage to the finances or reputation of the Nation, the complainant, the entity, or to any other person or organization;
 - (e) whether the official or their family personally profited, financially or otherwise, from the prohibited conduct;
 - (f) the official's remorse, or
 - (g) the official's willingness and ability to take steps to mitigate the harm caused by the violation, and
 - (h) the record of conduct of an official.
- 120.7-4. The Trial Court may impose a sanction and/or penalty on a conditional basis, whereas compliance with a specific sanction and/or penalty shall prevent the imposition of a more stringent or burdensome sanction and/or penalty.
- 120.7-5. The imposition of sanctions and/or penalties in accordance with this law does not exempt an official from individual liability for the underlying misconduct, and does not limit any penalties that may be imposed in accordance with other applicable laws. In addition to any sanctions and penalties that may be imposed in accordance with this law, officials who commit misconduct in office may be subject to other consequences; including but not limited to:
- (a) removal in accordance with the Nation's laws and/or policies governing removal;
 - (b) criminal prosecution, for misconduct that also violates applicable criminal law;
 - (c) civil liability, in accordance with the applicable law of any jurisdiction; and/or
 - (d) penalties for specific misconduct as authorized by any other law of the Nation.
- 120.7-6. An official who does not comply with a sanction and/or penalty that has been imposed against him or her by the Trial Court may be subject to the following:
- (a) additional sanctions and/or penalties that result from a complaint of misconduct filed in accordance with this Law based on the non-compliance;
 - (b) removal in accordance with the Nation's laws and policies governing removal.
- 120.8. Effect of Resignation by an Official**
- 120.8-1. The resignation of an official after a complaint has been filed against the official shall not affect the status of the hearing and determination by the Trial Court.
- 120.8-2. An official who resigns may still be subject to sanctions and/or penalties at the discretion of the Trial Court.

120.9. Record of Conduct

120.9-1. The Judiciary shall maintain a record of conduct for each official. An official's record of conduct shall only be made available for review by the Judiciary.

120.9-2. The record of conduct maintained for each official shall include, at a minimum:

- (a) a copy of each complaint filed against the official;
- (b) recording and/or transcript from any hearings and/or proceedings;
- (c) the outcome of the complaint, and
- (d) any sanctions or penalties imposed upon an official.

120.9-3. The record of conduct for each official shall be maintained for a period of no less than seven (7) years.

End.

Adopted – GTC- __ - __ - __ - __



Kalihwahníla·tú· Okhale? Atatlihwa?thlewáhtu KayanlÁsla
Giving strength to the issues and Forgiving oneself for the issue at hand Laws

SANCTIONS AND PENALTIES LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Law	<ul style="list-style-type: none">▪ Increase accountability among elected officials of the Nation.▪ Create a formal complaint process that allows for corrective actions against elected officials who engage in misconduct.
Purpose	The purpose of this law is to establish a consistent set of sanctions and penalties that may be imposed upon elected officials of the Nation for misconduct in office in order to provide an opportunity for the official to take corrective action to address the misconduct and promote accountability and improved performance of the official [1 O.C. 120.1-1].
Affected Entities	All elected officials of the Nation; Any enrolled member of the Nation or employee age eighteen (18) years and older who has knowledge that an official committed misconduct; Oneida Business Committee; Judiciary Trial Court; Judiciary Court of Appeals; Government Administrative Office.
Related Legislation	Oneida Judiciary Rules of Civil Procedure; Rules of Appellate Procedure; Code of Ethics; Boards, Committees and Commissions law; Garnishment law; Per Capita law; and any of the Nation's laws and bylaws that may be violated by an official.
Enforcement/Due Process	Sanctions and penalties against elected officials will be imposed by the Trial Court. Officials accused of misconduct have the right to be represented by an attorney or advocate. Officials also have the right to submit a written response to the complaint, and an opportunity to appear at the hearing to answer the allegations and provide evidence on their behalf. Complaints against officials must be proven by clear and convincing evidence.
Public Meeting	A public meeting for an earlier draft of this law was held on October 4, 2018. A second public meeting for an updated draft was held on January 7, 2020. A third public meeting for an updated draft was held on June 13, 2025.
Fiscal Impact	A fiscal impact statement for an earlier draft of this law was prepared by the Finance Department on December 27, 2018. An updated fiscal analysis was prepared on January 20, 2020.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. Request for Amendments. The request to develop a sanctions and penalties law was originally added to the Legislative Operating Committee's Active Files List in October of 2014, and has been carried over for the last three legislative terms. When an elected official of the Nation commits misconduct while in office, there are few remedies available for the Nation to discipline that official. Currently, elected officials may be removed in accordance with the Removal Law. However, there may be instances of misconduct that do not rise to the level of removal. In these cases, other remedies such as verbal reprimands, fines, or suspensions may be more appropriate. This Law creates a formal complaint process that gives members of the Nation, employees and entities an opportunity to file complaints

against elected officials while ensuring that due process rights for those accused are protected. This Law also creates a range of potential sanctions and penalties for officials who violate the laws of the Nation or commit other forms of misconduct.

B. 2016 Special Election Referendum. During the Special Election held on July 9, 2016, the following referendum question was approved by a vote of 178 to 59: “*Should the BC develop a law which provides for sanctions and due process for elected officials?*” The Election Law requires the Oneida Business Committee to present referendum questions that receive a majority vote to the General Tribal Council (GTC) for discussion and action [1 O.C. 102.12-9(c)].

C. Presentation to General Tribal Council. On March 17, 2019, this Law was presented to the General Tribal Council for consideration. The General Tribal Council adopted a motion to defer this item for at least sixty (60) days for GTC to have additional time to consider it and have input. As a result of General Tribal Council’s directive, the LOC held six (6) additional community outreach events – in various locations around the Reservation as well as in Milwaukee. Based on input received from community members during the various outreach efforts, as well as the discussion during the March 17, 2019, GTC Meeting, the LOC determined that the draft should be revised. The LOC intended to include this revised Law on the July 2020 Semi-Annual General Tribal Council meeting agenda before all General Tribal Council meetings were canceled due to COVID-19.

D. Elected Officials. This Law will apply to elected officials of the Nation, including members of the following entities:

Chart 1. Elected Boards, Committees, and Commissions

ELECTED BOARDS, COMMITTEES, AND COMMISSIONS
<ul style="list-style-type: none">▪ Oneida Business Committee▪ Oneida Election Board▪ Oneida Gaming Commission▪ Oneida Land Claims Commission▪ Oneida Land Commission▪ Oneida Nation Commission on Aging (ONCOA)▪ Oneida Nation School Board▪ Oneida Trust Enrollment Committee▪ GTC Legal Resource Center Advocates and Attorney

**This law does not apply to members of appointed boards, members of the Judiciary or corporate entities of the Nation.*

SECTION 3. CONSULTATION AND OUTREACH

A. Representatives from the following departments or entities participated in the development of this Law and this legislative analysis:

- Oneida Business Committee;
- Government Administrative Office;
- Records Management Department;
- Human Resources Department;
- Intergovernmental Affairs and Communications Department;
- Cultural Heritage Department;
- Anna John Resident Centered Care Community Board (AJRCCC);

- Oneida Election Board;
- Oneida Environmental Resource Board (ERB);
- Oneida Gaming Commission;
- Oneida Land Commission;
- Oneida Police Commission;
- Oneida Pow-wow Committee;
- Oneida Trust Enrollment Committee, and
- Oneida Nation Veterans Affairs Committee (ONVAC).

B. The following laws of the Nation were reviewed in the drafting of this legislative analysis:

- Oneida Judiciary law;
- Oneida Tribal Judiciary Canons of Judicial Conduct;
- Oneida Judiciary Rules of Civil Procedure;
- Oneida Judiciary Rules of Appellate Procedure;
- Removal law;
- Code of Ethics;
- Legal Resource Center law;
- Open Meetings and Open Records law;
- Boards, Committees and Commissions law;
- Garnishment law; and
- Per Capita law.

C. In addition, the following other laws were reviewed in drafting this analysis:

- Ho Chunk Nation Code of Ethics 2 HCC 1;
- Oglala Sioux Tribe Code of Ethics Ordinance No. 08-11;
- Pokagon Band of Potawatomi Indians Ethics Code;
- Rosebud Sioux Tribal Code of Ethics Ordinance 86-04;
- Siletz Tribal Council Ethics Ordinance –Siletz Tribal Code 2.200;
- Skokomish Code of Ethics S.T.C. 1.05; and
- Pit River Tribal Government Code of Conduct Section 80.

D. *Community Outreach Events.* In addition to the public meeting(s) required by the Legislative Procedures Act held on October 4, 2018, and January 7, 2020, the LOC held the following outreach events on this legislation:

- May 3, 2018: Community pot-luck meeting at Norbert Hill Center to gather community input.
- July 11, 2019: Community outreach event held prior to GTC meeting at Radisson Conference Center.
- July 17, 2019: Community outreach held at Norbert Hill Center in Oneida.
- August 9, 2019: Community outreach held at Veteran’s Breakfast in Oneida.
- August 15, 2019: Community outreach held at Farmer’s Market in Oneida.
- October 7, 2019: Community outreach held at Elder Congregate Meal site in Oneida.
- October 16, 2019: Community outreach held at SEOTS Building in Milwaukee.
- March 6, 2024: Community pot-luck meeting at the Norbert Hill Center to gather community input.
- April 2, 2025: Community work session at the Norbert Hill Center to read the law line-by-line and gather community input.

SECTION 4. PROCESS

- A. **Compliance with LPA.** The development of the proposed Law complies with the process set forth in the Legislative Procedures Act (LPA).
- The law was originally added to the Active Files List on October 15, 2014.
 - On September 6, 2017, this Law was readded to the Active Files List for the 2017-2020 legislative term.
 - On April 2, 2018, the Legislative Operating Committee accepted the draft of this Law and direct that a community meeting/potluck be held on May 3, 2018.
 - On June 6, 2018, the Legislative Operating Committee accepted the draft of this Law and directed that a legislative analysis be completed.
 - On July 18, 2018, the Legislative Operating Committee accepted the legislative analysis for this Law and deferred this item to a work meeting.
 - On August 15, 2018, the Legislative Operating Committee approved the public meeting packet and forwarded this Law to a public meeting to be held on September 20, 2018; and forwarded this Law to the Finance Office for a fiscal analysis to be completed.
 - On September 10, 2018, the Legislative Operating Committee conducted an e-poll entitled, *Approval of the Sanctions and Penalties Law Public Meeting Packet*. The requested action of this e-poll was to approve the public meeting packet and forward the proposed Sanctions and Penalties law to a public meeting to be held on October 4, 2018 – since the September 20, 2018, public meeting on the proposed Law needed to be canceled due to the Kalihwisaks failing to publish the public meeting notice in the September 6, 2018, edition. The e-poll was approved by David P. Jordan, Jennifer Webster, Kirby Metoxen, and Ernest Stevens III. Daniel Guzman King did not provide a response to the e-poll.
 - On September 19, 2018, the Legislative Operating Committee entered the e-poll results into the record.
 - On October 4, 2018, a public meeting on the proposed law was held. Six (6) members of the community attended the public meeting with three (3) people providing oral comments.
 - The public comment period was then held open until October 11, 2018. Four (4) submissions of written comments were received during the public comment period.
 - On October 17, 2018, the Legislative Operating Committee accepted the public meeting comments and public meeting comment review memorandum and deferred this item to a work meeting.
 - On November 7, 2018, the Legislative Operating Committee accepted the public comment review memorandum and the updated draft.
 - On December 5, 2018, the Legislative Operating Committee accepted the updated legislative analysis, including the replacement of page 159 in the packet; and approved the fiscal impact statement memorandum and forwarded the items to the Finance Department directing that a fiscal impact statement of the proposed Law be prepared for inclusion on the January 2, 2019 Legislative Operating Committee meeting agenda.
 - On January 7, 2019, the Legislative Operating Committee approved the adoption packet for the proposed Law and forwarded to the Oneida Business Committee for inclusion on the tentatively

scheduled February 24, 2019, General Tribal Council meeting agenda for the General Tribal Council's consideration of adoption.

- On January 18, 2019, the Oneida Business Committee approved the adoption packet for the Law for consideration at the February 24, 2019, special GTC meeting.
- On January 29, 2019, the Legislative Operating Committee conducted an e-poll entitled, *Approval of the Sanctions and Penalties Law Kalihwisaks Article*. The requested action of this e-poll was to approve the article titled, "*Sanctions and Penalties Law: GTC to Consider in February*" and forward the article to the Kalihwisaks for inclusion in the February 7, 2019, Kalihwisaks edition. The e-poll was approved by David P. Jordan, Jennifer Webster, Daniel Guzman King and Kirby Metoxen. Ernest Stevens III did not provide a response to the e-poll.
- On February 6, 2019, the Legislative Operating Committee entered the results of the January 29, 2019, e-poll into the record.
- On March 17, 2019, the proposed Law was presented to the General Tribal Council, and the General Tribal Council decided to defer this Law for consideration for at least sixty (60) days for GTC to have additional time to consider it and have input.
- On June 19, 19, the Legislative Operating Committee approved the community outreach notice for this Law with one noted change, and forwarded to the Kalihwisaks for publication in the July 3, 2019 Kalihwisaks edition.
- On September 4, 2019, the Legislative Operating Committee approved the community outreach notice and article for this Law, and forwarded to the Kalihwisaks for publication in the September 19, 2019, edition.
- On November 15, 2019, the Legislative Operating Committee conducted an e-poll entitled, *Approval of the Sanctions and Penalties Law Materials for the January 20, 2020, GTC Meeting*. The requested action of this e-poll was to approve the Sanctions and Penalties law materials and forward to the Oneida Business Committee for inclusion in the January 20, 2020, General Tribal Council meeting packet materials. The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, and Daniel Guzman King. Kirby Metoxen did not provide a response to the e-poll during the e-poll time frame.
- On November 20, 2019, the Legislative Operating Committee entered the November 15, 2019, *Sanction and Penalties Law material for the January 20, 2020, GTC Meeting* E-Poll results into record.
- On November 26, 2019, the Oneida Business Committee deferred the Sanctions and Penalties law materials back to the Legislative Operating Committee for consideration of today's discussion and reformatting of the request to General Tribal Council.
- On December 4, 2019, the Legislative Operating Committee approved the January 20, 2020 General Tribal Council Meeting materials with one change and forwarded to the Oneida Business Committee.
- On December 4, 2019, the Legislative Operating Committee conducted an e-poll entitled, *Rescission of the December 4, 2019, LOC Motion Regarding the Sanctions and Penalties Law*. The requested action of this e-poll was to Rescind the December 4, 2019, Legislative Operating Committee motion to "Approve the January 20, 2020, General Tribal Council meeting materials and forward to the Oneida Business Committee." The e-poll was approved by Ernest Stevens III, Kirby Metoxen, Jennifer Webster, David P. Jordan. Daniel Guzman King did not provide a response to the e-poll during the e-poll time frame.

- On December 4, 2019, the Oneida Business Committee adopted the agenda with two (2) changes [1] delete item IV.A.1. Accept the Sanctions and Penalties law materials and add to the tentatively scheduled 2020 annual General Tribal Council meeting agenda; and 2) under New Business header, item A. Cancel the December 26 and 27, 2019, Oneida Business Committee meetings).
- On December 10, 2019, the Legislative Operating Committee conducted an e-poll entitled, *Approval of January 7, 2020, Public Meeting for the Sanctions and Penalties for Elected Officials Law*. The requested action of this e-poll was to approve the public meeting packet and forward the Sanctions and Penalties for Elected Officials law to a public meeting to be held on January 7, 2020. The e-poll was approved by Kirby Metoxen, Jennifer Webster, David P. Jordan, and Daniel Guzman King. Ernest Stevens III did not provide a response.
- On December 18, 2019, the Legislative Operating Committee entered into the record the December 4, 2019, E-poll results for the Sanctions and Penalties law – rescission of the December 4, 2019, LOC action; and entered into the record the December 10, 2019, E-poll results for the Sanctions and Penalties law – approval of a public meeting.
- On January 7, 2020, the Legislative Operating Committee held a public meeting on the proposed Law. One (1) person provided oral comments during the public meeting.
- The public comment period was held open until January 14, 2020. Two (2) submissions of written comments were received during the public comment period.
- On January 15, 2020, the Legislative Operating Committee accepted the public comments and public comment review memorandum and deferred these items to a work meeting for further consideration.
- On January 15, 2020, the Legislative Operating Committee also conducted an e-poll entitled, *Approval of the Sanctions and Penalties for Elected Officials Law Updated Materials and Fiscal Impact Statement Request Memorandum*. The requested action of this e-poll was to Approve the updated public comment review memorandum, draft, legislative analysis, and fiscal impact statement request memorandum, and forward the fiscal impact statement request memorandum, with accompanying draft and legislative analysis, to the Finance Department directing that a fiscal impact statement of the proposed Sanctions and Penalties for Elected Officials law be prepared and submitted to the Legislative Operating Committee by January 20, 2020. The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen. Daniel Guzman King did not provide a response.
- On January 21, 2020, the Legislative Operating Committee conducted an e-poll entitled, *Approval of the Sanctions and Penalties for Elected Officials Law Adoption Packet*. The requested action of this e-poll was to “Approve the adoption packet for the Sanctions and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion on the tentative March 2020 Special General Tribal Council meeting agenda.” The e-poll was approved by David P. Jordan, Jennifer Webster, Ernest Stevens III, Kirby Metoxen, and Daniel Guzman King.
- On January 21, 2020, the Legislative Operating Committee conducted an additional e-poll entitled, *Rescission of the January 21, 2020, LOC Motion Approving the Sanctions and Penalties for Elected Officials Law Adoption Packet*. The requested action of this e-poll was to “Rescind the January 21, 2020, Legislative Operating Committee motion to ‘Approve the adoption packet for the Sanctions and Penalties for Elected Officials law and forward to the Oneida Business Committee for inclusion on the tentative March 2020 Special General Tribal Council meeting agenda.’” The e-poll was

approved by David P. Jordan, Jennifer Webster, Kirby Metoxen, Ernest Stevens III, Daniel Guzman King.

- On January 22, 2020, the Oneida Business Committee adopted the agenda with two (2) changes [1) add item IV.C. Adopt resolution entitled Energy Infrastructure Deployment on Tribal Lands – 2020 Grant Proposal # DEFOA-0002168; and 2) delete item VIII.B.2. Accept the Sanctions and Penalties for Elected Officials law materials and add to the tentatively scheduled March 16, 2020, special General Tribal Council meeting agenda].
- On February 5, 2020, the Legislative Operating Committee entered into record the e-poll results: Sanctions and Penalties for Elected Officials Law – Approve Updated Materials and Fiscal Impact Statement Request; ratified the January 21, 2020, e-poll results into record; and enter into the record the January 21, 2020, e-poll results for the rescission of the January 21, 2020, LOC motion approving the Sanctions and Penalties for elected Officials Law adoption packet and forward to the OBC for inclusion on the tentative March 2020 GTC meeting agenda.
- On October 7, 2020, this Law was readed to the Active Files List for the 2020-2023 legislative term.
- On October 4, 2023, the Legislative Operating Committee added this Law its Active Files List for the 2023-2026 legislative term.
- On January 29, 2024, the Legislative Operating Committee conducted an e-poll titled, *Approval of the March 6, 2024 LOC Community Meeting Notice*. The requested action of this e-poll was to Approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on March 6, 2024. The Sanctions and Penalties law was a topic for discussion included on this e-poll. This e-poll was unanimously approved.
- On February 7, 2024, the Legislative Operating Committee to entered into the record the results of the January 29, 2024, e-poll titled, *Approval of the March 6, 2024, LOC Community Meeting Notice*.
- On March 6, 2024, the Legislative Operating Committee held a community meeting in the Norbert Hill Center Cafeteria in which the Sanctions and Penalties law was a topic of discussion.
- On March 5, 2025, the Legislative Operating Committee approved the updated draft and legislative analysis for the Sanctions and Penalties law. The Legislative Operating Committee also approved the Legislative Operating Committee Sanctions and Penalties law community work session notice, and scheduled a community work session to occur on April 2, 2025.
- On April 2, 2025, the Legislative Operating Committee held a community work session in the Norbert Hill Center’s Business Committee Conference Room and on Microsoft Teams for the purpose of reading the Sanctions and Penalties law line-by-line and collecting input and suggestions from the community.
- On May 7, 2025, the Legislative Operating Committee entered 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*.
- On June 13, 2025, a public meeting was held for the proposed Sanctions and Penalties law. No individuals provided oral comment during the public meeting.
- On June 20, 2025, the public comment period for the submission of written comments closed. No individuals provided written comments during the public comment period.

B. Work Meetings. At the time this legislative analysis was developed, the following work meetings had been held regarding the development of this Law and legislative analysis:

- 260 ▪ September 6, 2017: LOC work meeting.
- 261 ▪ November 1, 2017: LOC work meeting with representatives from the following boards, committees
- 262 and commissions: Police Commission, Trust Enrollment Committee, Election Board, Land
- 263 Commission, Oneida Gaming Commission, Pow-wow Committee. All boards, committees and
- 264 committees were invited to attend this work meeting.
- 265 ▪ December 6, 2017: LOC work meeting.
- 266 ▪ March 9, 2018: LOC work meeting.
- 267 ▪ March 16, 2018: LOC work meeting.
- 268 ▪ May 2, 2018: LRO work meeting.
- 269 ▪ May 3, 2018: Community pot-luck meeting with LOC, Oneida community members, Government
- 270 Administrative Office, and representatives from the following boards, committees and
- 271 commissions: Oneida Police Commission, Oneida Nation Veterans Affair Committee,
- 272 Environmental Resource Board, Anna John Resident Centered Care Community Board, and
- 273 Gaming Commission. All boards, committees and commissions were invited to attend this meeting.
- 274 ▪ May 11, 2018: LOC work meeting.
- 275 ▪ May 16, 2018: LOC work meeting.
- 276 ▪ July 9, 2018: Work meeting with Government Administrative Office.
- 277 ▪ August 1, 2018: LOC work meeting.
- 278 ▪ September 10, 2018: LOC work meeting.
- 279 ▪ October 17, 2018: LOC work meeting.
- 280 ▪ October 25, 2018: LOC work meeting.
- 281 ▪ November 30, 2018: LOC work meeting.
- 282 ▪ December 20, 2018: Work meeting with Cultural Heritage.
- 283 ▪ January 2, 2019: LOC Work meeting.
- 284 ▪ January 24, 2019: LOC Work meeting.
- 285 ▪ February 4, 2019: LOC Work meeting.
- 286 ▪ February 6, 2019: LOC work meeting.
- 287 ▪ February 8, 2019: LOC work meeting.
- 288 ▪ February 14, 2019: LOC work meeting.
- 289 ▪ February 20, 2019: LOC work meeting.
- 290 ▪ March 1, 2019: LOC work meeting.
- 291 ▪ March 15, 2019: LOC work meeting.
- 292 ▪ March 20, 2019: LOC work meeting
- 293 ▪ March 28, 2019: LOC work meeting.
- 294 ▪ May 1, 2019: LOC work meeting.
- 295 ▪ June 13, 2019: LOC work meeting.
- 296 ▪ July 11, 2019: LOC community outreach event at the Radisson Hotel and Conference Center prior
- 297 to a GTC meeting.
- 298 ▪ July 17, 2019: LOC community outreach event at the Norbert Hill Center's Business Committee
- 299 Conference room.
- 300 ▪ August 9, 2019: LOC community outreach event at the Veteran's Breakfast.
- 301 ▪ August 15, 2019: LOC community outreach event at the Oneida Farmer's Market.
- 302 ▪ August 21, 2019: LOC work meeting.
- 303 ▪ October 7, 2019: LOC community outreach event at the Elder Services Congregate Meal Site.

- October 16, 2019: LOC work meeting.
- October 18, 2019: LOC community outreach event at the SEOTS building in Milwaukee.
- October 31, 2019: LOC work meeting.
- November 6, 2019: LOC work meeting.
- November 15, 2019: LOC work meeting.
- November 19, 2019: LOC work meeting.
- November 20, 2019: LOC work meeting.
- November 26, 2019: LOC work meeting.
- December 2, 2019: LOC work meeting.
- December 4, 2019: LOC work meeting.
- December 9, 2019: LOC work meeting.
- January 8, 2020: LOC work meeting with the Communications Department.
- January 14, 2020: OBC work meeting.
- January 15, 2020: LOC work meeting.
- January 20, 2020: LOC work meeting.
- December 6, 2023: LOC work meeting.
- March 6, 2024: LOC work meeting.
- March 6, 2024: LOC community outreach event at the Norbert Hill Center's cafeteria.
- March 20, 2024: LOC work session.
- January 10, 2025: LOC work session with Oneida Business Committee.
- February 19, 2025: LOC work session.
- April 16, 2025: LOC work session.

SECTION 5. CONTENTS OF THE LEGISLATION.

- A. ***What Qualifies as Misconduct.*** The Oneida Nation expects elected officials to uphold high standards of conduct. [1 O.C. 120.4-1]. Officials who engage in misconduct may be subject to sanctions and penalties. [1 O.C. 120.4-2]. Under this Law, the definition of misconduct is very broad and includes any of the following:
- Violating the Oneida Constitution or any law, policy or rule of the Oneida Nation. [1 O.C. 120.4-2(a)].
 - Examples include the Code of Ethics and Conflict of Interest law.
 - Violating the bylaws or standard operating procedures of the entity the official serves on. [1 O.C. 120.4-2(b)].
 - Being convicted of a felony under federal or Wisconsin law, or being convicted of a crime elsewhere that would be considered a felony in the state of Wisconsin or the United States. [1 O.C. 120.4-2(c)].
- B. ***Filing a Complaint.***
- ***Who Can File a Complaint?*** Under this Law, any enrolled member of the Nation or employee of the Nation age eighteen (18) years or older can file a complaint, so long as they have knowledge or reason to believe that an official has committed misconduct. [1 O.C. 120.5-1]. Entities of the Nation, such as a board, committee or commission, can also file complaints against elected officials. *Id.*
 - ***When to File Complaint?*** The complaint must be filed within sixty (60) days of when the alleged misconduct occurred or was discovered [1 O.C. 120.5-2].

- 348 ▪ *Contents of the Complaint.* Complaints must include the following information [1 O.C. 120.5-3]:
 - 349 ▪ Information about the official, including the official's name and the entity they serve on.
 - 350 ▪ Information about the alleged misconduct, including date, time, location and specific
 - 351 details.
 - 352 ▪ The specific law, policy, rule or bylaw that the official violated.
 - 353 ▪ Information about any witnesses or others with knowledge of the violation.
 - 354 ▪ Contact information of the individual filing the complaint.
 - 355 ▪ Supporting documents and any other information required by the Oneida Judiciary Rules
 - 356 of Civil Procedure. [8 O.C. 803.5-1].
- 357 ▪ *Where to File Complaints?* Complaints against elected officials are filed with the Trial Court, with
- 358 is located within the Oneida Judiciary. [1 O.C. 120.5-4].
- 359 ▪ *Retaliation.* Retaliation against someone who files a complaint or cooperates with a misconduct
- 360 investigation is not allowed. [1 O.C. 120.5-5].

361 **C. *Complaint Procedure.*** Complaints against elected officials will be heard by the Nation's Trial Court.

362 [1 O.C. 120.6-1]. The law outlines the process for how the Judiciary will hear the complaint:

- 363 ▪ *Right to an Attorney or Advocate.* Any official who has been accused of misconduct has the right
- 364 to be represented by an attorney or an advocate, at their own expense. [1 O.C. 120.6-2].
 - 365 ▪ *Legal Resource Center.* The Legal Resource Center law established an office, the Legal
 - 366 Resource Center, to provide legal advice and representation to Tribal members and
 - 367 employees in cases before the Judiciary. [8 O.C. 811.1-1].
- 368 ▪ *Burden of Proof.* The burden of proof for allegations made under this law is "clear and convincing
- 369 evidence." [1 O.C. 120.6-3]. This is the same standard the Nation uses in misconduct cases against
- 370 judges in the Oneida Judiciary. [8 O.C. 801.12-6(c)].
 - 371 ▪ This means that the person filing the complaint must provide evidence "indicating that the
 - 372 [allegation] to be proved is highly probably or reasonably certain" [Black's Law
 - 373 Dictionary]. This is a greater burden than "preponderance of the evidence," the standard
 - 374 in most civil trials, but less than evidence "beyond a reasonable doubt," which is used for
 - 375 criminal trials.
- 376 ▪ *Confidentiality.* All complaints against officials of the nation will be handled confidentially, with
- 377 hearings and proceedings regarding the complaint closed to the public. [1 O.C. 120.6-4]. Records
- 378 of the hearings will be kept confidential. [120.6-4(b)]. However, the final decision of the Judiciary
- 379 and any sanctions and penalties imposed against an official will be public information. *Id.*
 - 380 ▪ *Judiciary Law.* The Judiciary law states that proceedings of the court are open to the public
 - 381 except for peacemaking, mediation, proceedings where the judge has safety or
 - 382 confidentiality concerns, or "if expressly prohibited by law." [8 O.C. 801.4-4].

383 **D. *Hearings Under Oneida Judiciary Rules of Civil Procedure.*** All hearings under this law must follow

384 the Oneida Judiciary Rules of Civil Procedure. [8 O.C. 803]. The following is a brief overview of how

385 a civil case is processed by the Trial Court using the Oneida Judiciary Rules of Civil Procedure. For

386 more detailed information regarding the trial court process, see the Oneida Judiciary Rules of Civil

387 Procedure in the Nation's Code of Laws.

- 388 ▪ *Petitioner Files a Complaint with the Trial Court and Pays Filing Fee.* The Trial Court has a
- 389 standard complaint form with instructions to fill out the complaint.
 - 390 ▪ *Complaint.* At the time this analysis was drafted, the Oneida Judiciary Rules of Civil
 - 391 Procedure require the complaint to include the full name and address of the plaintiff and

defendant, why the defendant is being sued, facts supporting each claim, why the trial court has jurisdiction, specifically what relief is sought from the defendant, and a summons. [8 O.C. 803.5-1].

- *Filing Fee.* The Oneida Judiciary Trial Court currently charges a fifty dollar (\$50) filing fee to file a general civil case. However, individuals may request a fee waiver from the court for the following reasons: unemployed, health/medical, or below poverty level.

- *Summons.* A summons is a document ordering a defendant to appear before a judge. The Trial Court has a standard summons form. [8 O.C. 803.3-1(oo), 803.5-2].

- *Complaint and Summons are served on Official.* The complaint and summons must be delivered to the elected official within thirty (30) days after the complaint is filed. [8 O.C. 803.5-3]. In addition, for complaints against officials, notice must also be served to the Secretary's office. *Id.* The petitioner must provide proof to the Court that the complaint and summons were delivered to the defendant within ten (10) days of delivery. [8 O.C. 803.5-3(b)]. If proof of service is not completed, then the case will be dismissed. [8 O.C. 803.5-3(c)].

- *Official Files an Answer.* The official responds to the complaint by filing an answer. [8 O.C. 803.7-2(b)]. The official can either admit to or deny the allegations made in the complaint and provide defenses to each claim made in the complaint [8 O.C. 803.7].

- *Pre-Trial Meeting.* A pre-trial meeting may be scheduled between the judge, petitioner and defendant. [8 O.C. 803.12-1]. The purpose for this meeting could include preparing for the trial, creating a plan regarding discovery, or facilitating a settlement, such as peacemaking [8 O.C. 803.12].

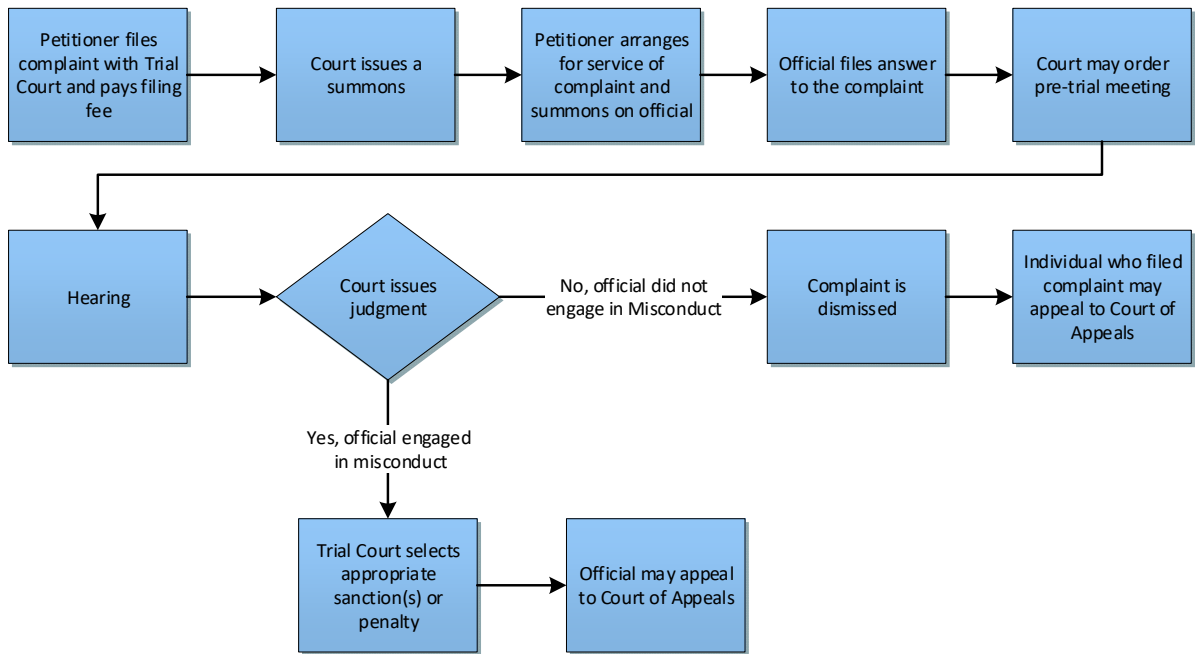
- *Hearing.* Hearings are conducted in accordance with the Oneida Judiciary Rules of Civil Procedure, which may include opening statements, presentation of the parties' cases, rebuttals and closing statements [8 O.C. 803.38].

- *Judgment.* If the Trial Court determines, by clear and convincing evidence, that there is enough evidence to substantiate the allegations of misconduct by the official, then the Trial Court will impose any sanctions and penalties that they deem appropriate. [1 O.C. 120.6-5]. If the Trial Court does not find there is clear and convincing evidence to support the allegations, the complaint will be dismissed. *Id.*

- *Appeals.* Both the official accused of misconduct and the individual who filed the complaint have the right to appeal the decision of the Trial Court to the Court of Appeals. [1 O.C. 120.6-6; 8 O.C. 803.39-1]. The appeal must be filed with the Court of Appeals in accordance with the Oneida Judiciary Rules of Appellate Procedure. *Id.*

- *Timeline for Appeal.* Appeals of judgments of the Trial Court must be filed with the Court of Appeals within thirty (30) days after the judgment was rendered. [8 O.C. 805.5-2(a)].

Chart 2. Complaint Process Against Elected Officials – Overview of Oneida Judiciary Rules of Civil Procedure.



E. Sanctions and Penalties. This Law includes a list of sanctions and penalties that may be imposed on an official for misconduct in office. [1 O.C. 120.4-1, 120.7-2]. The Trial Court is responsible for imposing sanctions and penalties on an elected official. [1 O.C. 120.7-3].

- **Conditional Penalties.** Sanctions and penalties may be imposed on a conditional basis. [1 O.C.120.7-4]. For example, an official could be ordered to make a public apology and attend mandatory training, or otherwise face suspension.
- **Failure to Comply.** If an official fails to comply with a sanction or penalty imposed against them, that official can face additional sanctions as a result of additional misconduct complaints under this Law. [1 O.C. 120.7-6]. An example would be an official failing to pay a fine, failing to attend mandatory training or violating the terms of their suspension .

Chart 3. List of Potential Sanctions and Penalties for Elected Officials.

Potential Sanctions and Penalties:
<ul style="list-style-type: none"> ▪ Verbal Reprimand ▪ Public Apology ▪ Written Reprimand ▪ Suspension ▪ Restitution ▪ Fines

- Loss of Stipend
- Mandatory Training
- Removal, in accordance with Removal Law

- **Verbal Reprimand.** During an Oneida Business Committee or General Tribal Council meeting, the Nation’s chairperson will read the following statement: *[Insert name of official] who serves on [Insert name of entity] is receiving this reprimand because they have been found by the Nation’s Judiciary to have engaged in misconduct. High standards of conduct amongst officials of the Nation are essential to the conduct of government. [Insert name of official’s] behavior did not rise to the high standards of conduct that is expected of the Nation’s elected officials. The following are the findings from the Trial Court regarding [Insert name of official’s] misconduct: [identify the judicial findings regarding the misconduct.] Any future misconduct may result in the imposition of additional sanctions or penalties. [1 O.C. 120.7-2(a)].*
- **Public Apology.** An official may be ordered to make a public apology at an Oneida Business Committee or General Tribal Council meeting. *[1 O.C. 120.7-2(b)].* The apology is required to identify the judicial findings regarding the official’s misconduct and include a “clear and unambiguous” apology. *Id.*
- **Written Reprimand.** The Judiciary Trial Court may publish a written reprimand in the Nation’s official media outlets. *[1 O.C. 120.7-2(c)].* Resolution BC-02-22-17-B, *Identifying Official Oneida Media Outlets*, identifies the Nation’s official media outlets as the Oneida Nation website and the Kalihwisaks newspaper. The written reprimand will include the same information as a verbal reprimand. *[1 O.C. 120.7-2(c)(1)].*
- **Suspension.** The Trial Court may suspend part-time officials for up to two (2) meetings. *[1 O.C. 120.7-2(d)].* Full-time officials, such as members of the Oneida Business Committee or Oneida Gaming Commission, may be suspended for up to fifteen (15) business days. *Id.* During a suspension, the official cannot attend meetings, trainings, or conferences. *[1 O.C. 120.7-2(d)(1)(A)-(B)].* The official also cannot vote or perform work for the entity. *[1 O.C. 120.7-2(d)(1)(C)-(D)].* In addition, the official cannot earn any stipends, salary, or mileage during the suspension. *[1 O.C. 120.7-2(d)(1)(E)].*
 - **Multiple Suspensions on One Entity.** If multiple officials on the same entity are suspended at the same time, the suspensions may be imposed on a staggered basis so that the business of the Nation is not interrupted. *[1 O.C. 120.7-2(d)(3)].* For example, if multiple members of the Oneida Business Committee are suspended, each member could be suspended one at a time on a staggered basis.
- **Restitution.** An official can be ordered to pay restitution, which means paying back any improperly received benefit, such as returning funds or paying to replace damaged property. *[1 O.C. 120.7-2(e)].* The point of restitution is to make someone whole.
- **Fines.** An official can be ordered to pay a fine for each act of misconduct. *[1 O.C. 120.7-2(f)].* Unlike restitution, a fine is a punishment. The maximum amount of each fine is two thousand five hundred dollars (\$2,500). *Id.*
 - **Fine Process.** All fines are paid to the Trial Court and deposited into the Nation’s General Fund. *[120.7-2(f)(1)].* Officials must pay their fine within ninety (90) days after the fine is issued or upheld on final appeal. *[1 O.C. 120.7-2(f)(3)].* If the fine is not paid on time, the

Nation may collect the money through garnishment or attachment of the official's per capita payment. *Id.*

- **Community Service Alternative.** An official can complete community service to make up all or part of their fine. [1 O.C. 120.7-2(f)(2)]. The rate earned for community service is the Nation's minimum wage rate. The Nation currently allows community service for fines issued in the Hunting, Fishing and Trapping law and Curfew law for examples. [4 O.C. 406.10-5(a), 3 O.C. 308.7-1(b)].

- **Loss of Stipend.** An official may lose their stipend for up to two (2) meetings. [1 O.C. 120.7-2(g)]. Members of elected boards may receive up to twenty-four (24) meeting stipends per year, so this could amount to the loss of approximately one (1) month's stipends for a member of a board that meets twice monthly [1 O.C. 105.13-3(b)].

- **Mandatory Training.** An official can be ordered to complete a mandatory training program to address their behavior. [1 O.C. 120.7-2(h)]. Examples include anger management or sexual harassment training.

- **Removal.** The Trial Court can recommend that the removal process be initiated for an official in accordance with the Removal Law. [1 O.C. 120.7-2(i)]. However, this would only be a recommendation and identification that the standards for removal have been met. The Removal Law provides a strict process that must be followed to remove elected officials. [1 O.C. 104].

- **Removal Law Process.** In order to remove an elected official, an eligible voter must file a petition with the Secretary signed by at least fifty eligible voters or thirty percent (30%) of the vote cast in the previous general election, whichever is greater. [1 O.C. 104.5-1]. For example, the number of votes cast in the 2017 general election was one thousand six hundred and twelve (1,612), so the number of signatures needed to initiate removal is approximately four hundred and eighty-four (484). Then, the Judiciary conducts a preliminary review to determine whether there are sufficient grounds for removal. [1 O.C. 104.6-1]. If sufficient grounds exist, the Judiciary holds a hearing. [1 O.C. 104.7]. If the Judiciary determines that sufficient grounds for removal has been proven by clear and convincing evidence, the findings are forwarded to the Nation's Chairperson, who schedules a General Tribal Council meeting. [1 O.C. 104.7-3, 104.8-1]. At the General Tribal Council meeting, an elected official may be removed from office after a two-thirds (2/3) majority vote. [1 O.C. 104.8-3].

F. Factors in Determining Appropriate Sanction and/or Penalty. The Trial Court may consider the following when deciding which sanction or penalty to impose:

- How severe the misconduct was, whether it was intentional, and how likely the official is to repeat the misconduct.
- The damage to the finances or reputation of the Nation, the entity, or any person or organization.
- Whether the official has expressed remorse and is willing to take steps to correct the harm done.
- Whether any prior complaints have been filed against the official. For example, whether this is the first complaint against the official or represents a pattern of behavior. [1 O.C. 120.7-3].

G. Civil Liability and Criminal Prosecution. In addition to the sanctions and penalties in this law, an official who commits misconduct may also experience other consequences. [1 O.C. 120.7-5]. These include:

- Removal from office in accordance with the Removal law. [1 O.C. 120.7-5(a)].

- Criminal prosecution, if the official violated a criminal law. [1 O.C. 120.7-5(b)]. For example, criminal charges for theft or violent acts.
- Civil liability, in accordance with any applicable law of any jurisdiction. [1 O.C. 120.7-5(c)]. For example, a lawsuit for damages.
- Any other penalties listed in another law of the Oneida Nation. [1 O.C. 120.7-5(d)].
 - For example, a violation of the Technology Resources law may result in loss of access to the Nation's computer resources. [2 O.C. 215.10-1].

H. **Effect of Resignation by an Official.** If an official resigns from office after a complaint has been filed, that complaint will still be investigated, and sanctions and penalties may still be pursued. [1 O.C. 120.8]. Resigning from office does not end or prevent an investigation.

I. **Record of Conduct.** A record of conduct for each official will be maintained by the Judiciary. [1 O.C. 120.9-1]. The record of conduct maintained for each official will include copies of complaints filed against the official, recordings and transcripts from any hearings or proceedings, outcomes of the complaints, and any sanctions and penalties the official received. [1 O.C. 120.9-2]. This record is required to be maintained for at least seven (7) years. [1 O.C. 120.9-3].

- **Public Access to Record of Conduct.** The record of conduct maintained by the Judiciary will only be made available for review to the Judiciary. [1 O.C. 120.9-1]. The purpose of the record of conduct is so that the Trial Court can review previous complaints against the official when determining a potential sanction or penalty. [1 O.C. 120.7-3(h)].
- **Public Access to Judiciary Decisions.** However, the decisions of the Judiciary regarding a complaint against an elected official and any sanctions and penalties imposed against an official will be public information. [1 O.C. 120.6-4(b)].

SECTION 6. EFFECT ON EXISTING LEGISLATION

A. **References to the Other Laws of the Nation:** The following laws of the Nation are referenced in this law. This law does not conflict with any of the referenced laws.

- **Oneida Judiciary Rules of Civil Procedure.** The Oneida Judiciary Rules of Civil Procedure governs all civil actions that fall under the jurisdiction of the Nation. [8 O.C. 803.1-1]. The Oneida Judiciary Rules of Civil Procedure provides a consistent set of rules governing the process for civil claims, in order to ensure equal and fair treatment to all persons who come before the Trial Court to have their disputes resolved. [8 O.C. 803.1-2].
 - Complaints against an official shall be filed with the Nation's Trial Court in accordance with the Oneida Judiciary Rules of Civil Procedure. [1 O.C. 120.5-4].
- **Rules of Appellate Procedure.** The Rules of Appellate Procedure govern the procedure in all actions and proceedings in the divisions that make up the Court of Appeals within the Judiciary that fall under the jurisdiction of the Nation. [8 O.C. 805.1-1]. The Rules of Appellate Procedure are to be liberally construed to ensure a speedy, fair, and inexpensive determination of every appeal. [8 O.C. 805.1-2].
 - Appeals of the Trial Court's decision shall be filed pursuant to the Nation's Rules of Appellate Procedure. [1 O.C. 120.6-6].
- **Garnishment Law.** The Garnishment law exercises the authority of the Nation to provide an effective mechanism for creditors to access an employee's income for reduction of personal debt. [2 O.C. 2010.1-1]. It is the policy of the Garnishment law to afford all individuals due process. [2 O.C. 2010.1-2].

- If an official is ordered to pay a fine in accordance with this law and does not pay according to the deadline, the Trial Court may seek to collect that fine through the Nation's garnishment process [120.7-2(f)(3)].
- *Per Capita Law.* The purpose of the Per Capita law is to specify the procedure to be followed in the event that per capita payments are distributed by the Nation; and to clearly state the responsibilities of the various Oneida entities in the distribution or maintenance of any such per capita payment. [1 O.C. 123.1-1].
 - If an official is ordered to pay a fine in accordance with this law and does not pay according to the deadline, the Trial Court may seek to collect that fine through the Nation's per capita attachment process [1 O.C. 120.7-2(f)(3)].
- *Removal Law.* The purpose of the Removal law is to govern the removal of persons elected to serve on boards, committees and commissions of the Nation. [1 O.C. 104.1-1]. It is the policy of the Removal law to provide an orderly and fair process for the removal of persons elected to serve on boards, committees and commissions. [1 O.C. 104.1-2].
 - The Trial Court may recommend that the process for removing an elected official as contained in the Nation's laws and/or policies governing removal be initiated as a sanction for misconduct. [1 O.C. 120.7-2(i)].
 - The imposition of sanctions and/or penalties in accordance with this law does not exempt an official from individual liability for the underlying misconduct, and does not limit any penalties that may be imposed in accordance with other applicable laws, such as removal in accordance with the Nation's laws and/or policies governing removal. [1 O.C. 120.7-5].

SECTION 7. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR OBLIGATIONS

A. *Due Process.* Officials accused of misconduct have the right to be represented by an attorney or advocate. [1 O.C. 120.6-2]. Officials also have the right to submit a written response to the complaint, and an opportunity to appear at the investigatory hearing to answer the allegations, provide witness testimony, documents and evidence on their behalf. [8 O.C. 803]. Complaints against officials must be proven by clear and convincing evidence. [1 O.C. 120.6-3].

SECTION 8. OTHER CONSIDERATIONS

A. *Complaints against Judiciary.* The Judiciary law already contains a process for the reprimand, suspension, and removal of judges for willful misconduct in office, including a hearing and complaint procedure. [8 O.C. 801.12]. Therefore, this law does not apply to members of the Judiciary. [1 O.C. 120.1-1(a)].

B. *Judiciary Conflicts of Interest.* The Oneida Tribal Judiciary Canons of Judicial Conduct requires a Judge to withdraw from any matter where the Judge has or could be perceived to have a conflict of interest. [8 O.C. 802.2-2]. Violating the Oneida Tribal Judiciary Canons of Judicial Conduct would be grounds for reprimand under the Nation's Judiciary law

C. *Complaints Against Appointed Officials.* This law applies to elected officials only. Appointed officials are appointed by the Oneida Business Committee in accordance with the Boards, Committees and Commissions law and serve at the Oneida Business Committee's discretion. [1 O.C. 105.7]. If an appointed official commits misconduct in office, termination of appointment may be recommended by

a member of the Oneida Business Committee, or by the entity the official serves on. [1 O.C. 105.7-4]. An appointed official may have their appointment terminated by a two-thirds (2/3) majority vote of the Oneida Business Committee [1 O.C. 105.7-4(a)].

D. Code of Ethics. Most other tribal, municipal, and state governments place sanctions and penalties within their Code of Ethics law. This makes sense, as the Code of Ethics and Sanctions and Penalties are closely related. The Code of Ethics is currently on the LOC's Active Files List for potential amendments. Updating the Code of Ethics would provide additional guidance to elected officials, individuals filing complaints, and the Judiciary when they begin hearing complaints under this law.

E. Comparison to Other Nations. Research of other tribal nations indicate that there are many different processes for sanctions and penalties of public officials. There is no uniform standard used by all tribal governments. Examples of other sanctions and penalties processes are provided for information:

Chart 4. Sanctions and Penalties Process of other Tribal Nations

Tribe	Where Complaints Are Filed	Who Investigates or Hears the Complaint	Who Decides the Sanction or Penalty
Oneida Nation (proposed)	Judiciary	Judiciary	Judiciary
Siletz	Tribal Council*	Ad Hoc Committee or Special Advisor appointed by Tribal Council*	Tribal Council*
Ho Chunk	Judiciary	Judiciary	President
Rosebud Sioux	Ethics Commission, appointed by Tribal Council*	Ethics Commission, appointed by Tribal Council*	Tribal Council*
Skokomish	Ethics Officer, appointed by Tribal Council*	Ethics Officer, appointed by Tribal Council*	Chairman

*Note that "Tribal Council" refers to an elected body similar to the Oneida Business Committee.

F. Number of Potential Complaints. Since the Nation currently has no formal sanctions and penalties process, it is not possible to predict the number of complaints that may be filed against elected officials.

- **Conclusion:** Given the uncertainty regarding the number of potential complaints, the Judiciary should be prepared to possibly process a large number of complaints upon passage of this law.

G. Impact of Suspension on Full-Time Officials. Members of the Oneida Business Committee and Oneida Gaming Commission are full-time elected officials. Therefore, suspension of these officials would impact salaries, benefits such as health insurance, and access to workplaces. The Human Resources Department reports that they have a suspension procedure in place for employees of the Nation, and that this procedure could be applied or modified for suspension of full-time officials.

- **Conclusion:** Since notifications of suspension go to the Human Resources Department, it is suggested that the Human Resources Department develop a process should suspensions of full-time Oneida Business Committee members or Oneida Gaming Commissioners occur.

H. Fiscal Impact. Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, "Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures

658 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
659 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
660 completing the fiscal impact statement.

- 661 ▪ *Conclusion.* A fiscal impact statement for an earlier draft of this law was prepared by the Finance
662 Department on December 27, 2018. An updated fiscal analysis was prepared on January 20, 2020.
663 Please see the fiscal impact statements for further information.

664



TO: Ralinda Ninham-Lamberies, Chief Financial Officer
FROM: Jameson Wilson, Legislative Operating Committee Chairman
DATE: July 2, 2025
RE: Sanctions and Penalties Law Fiscal Impact Statement

The Legislative Operating Committee (LOC) is currently developing a Sanctions and Penalties law. The Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation. [1 O.C. 109.6-1]. The fiscal impact statement is an estimate of the total fiscal year financial effects associated with the proposed legislation, and should include:

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- 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 fiscal impact statement must be completed and submitted to the LOC prior to the proposed legislation being forwarded to the Oneida Business Committee for consideration. [1 O.C. 109.6-2]. The fiscal impact statement provides the Oneida Business Committee information on what the potential adoption of the proposed legislation will cost the Nation, so that the Oneida Business Committee can determine if adoption of the proposed legislation is in the best interest of the Nation.

The Legislative Procedures Act grants the LOC the authority to direct the Finance Department or any agency who may administer a program if the legislation is enacted or may have financial information concerning the subject matter of the legislation to submit a fiscal impact statement. [1 O.C. 109.6-1].

Oneida Business Committee resolution BC-10-28-20-A titled, “*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 LOC, the LOC may direct the Finance Department to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

On July 2, 2025, the Legislative Operating Committee approved the final draft of the proposed Sanctions and Penalties law. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the proposed Sanctions and Penalties law by July 30, 2025.

A copy of the proposed Sanctions and Penalties law, as well as the legislative analysis, have been attached to this memorandum for your convenience.

Requested Action

Provide the LOC a fiscal impact statement of the proposed Sanctions and Penalties law by July 30, 2025.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: 6-23-25
- 2) Contact Person(s): RaLinda Ninham-Lamberies
 Dept: Finance
 Phone Number: 869-2214 ext. 4242 Email: rlamberi@oneidanation.org
- 3) Agenda Title: Amendments to the Budget and Finance Law
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
Amend the Law for the purpose of clarity and to make corrections.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Marked up copy of the Law
- 2) _____
- 3) _____
- 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Budget and Finance Law
- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? ☒ Yes ☐ No
 If yes, please indicate why:
To ensure compliance and clarify requirements.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376

Title 1. Government and Finances – Chapter 121

Twahwistatye'nítha?

We have a certain amount of money

BUDGET AND FINANCES

121.1. Purpose and Policy

121.2. Adoption, Amendment, Repeal

121.3. Definitions

121.4. Authority and Responsibilities

121.5. Budget

121.6. Expenditures and Assets

121.7. Grants

121.8. Debts

121.9. Employment and Labor Allocations

121.10. Budget Contingency Planning

121.11. Reporting

121.12. Enforcement

121.1. Purpose and Policy

121.1-1. *Purpose.* The purpose of this law is to set forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation which:

- (a) institutionalize best practices in financial management to guide decision makers in making informed decisions regarding the provision of services, implementation of business plans for enterprises, investments, and capital assets;
- (b) provide a long term financial prospective and strategic intent, linking budget allocations to organizational goals, as well as providing fiscal controls and accountability for results and outcomes;
- (c) identify and communicate to the membership of the Nation spending decisions for the government function, grant obligations, enterprises, membership mandates, capital expenditures, technology projects, and capital improvement projects;
- (d) establish a framework for effective financial risk management; and
- (e) encourage participation by the Nation's membership.

121.1-2. *Policy.* It is the policy of the Nation to rely on balanced-based budgeting strategies, identifying proper authorities and ensuring compliance and enforcement. The Nation shall use Generally Accepted Accounting Principles (GAAP), established by the Financial Accounting Standards Board, and the Governmental Accounting Standards Board (GASB) in accounting and reporting for the financial activities of the various entities of the Nation, unless they conflict with applicable legal requirements.

121.2. Adoption, Amendment, Repeal

121.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-08-17-C, and amended by resolution BC-05-11-22-B.

121.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

121.2-3. 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.

121.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, nothing in this law amends or repeals the requirements of resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*.

121.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

121.3. Definitions

121.3-1. 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) “Balanced budget” means that the cost of current expenses and service provisions is equal to the forecasted current revenue sources.
- (b) “Capital contribution” means an act of giving money or assets to a company or organization.
- (c) “Capital expenditure” means any non-recurring and non-physical improvement as follows:
 - (1) Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or
 - (2) Items purchased together where none of the items individually costs more than ~~two thousand dollars (\$2,000)~~, but the total purchase price for all of the items is ten thousand dollars (\$10,000) or more.
- (d) “Capital improvement” means a non-recurring expenditure for physical improvements, including costs for:
 - (1) acquisition of existing buildings, land, or interests in land;
 - (A) Acquisition of existing buildings and land completed by the Oneida Land Commission are not included in this definition.
 - (2) construction of new buildings or other structures, including additions and major alterations;
 - ~~(3) acquisition of fixed equipment;~~
 - (4) landscaping;
 - (5) physical infrastructure; and
 - (6) similar expenditures with a cost of five thousand dollars (\$5,000.00) or more and a useful life of one (1) year or more.
- (e) “CFO” means the Nation’s Chief Financial Officer, or their designee at their discretion.
- (f) “Debt” means the secured or unsecured obligations owed by the Nation.
- (g) “Debt Service Coverage Ratio” means a measurement of creditors available cash flow to pay debt obligations. This ratio evaluates if an entity has income capacity to service debts.
- (h) “Enterprise” means any area or activity of the Nation that is engaged in for the business of profit.
- (i) “Executive Manager” means a position of employment within the Nation that is the highest level in the chain of command under the Oneida Business Committee who is responsible for a department or division of the Nation, as identified by the Oneida Business Committee through the adoption of a resolution.
- (j) “Expenditure report” means a financial report which includes, but is not limited to, a statement of cash flows, revenues, costs and expenses, assets, liabilities, and a statement of financial position.
- (k) “Finance Administration” means the department of the Nation which consists of the Chief Financial Officer, Assistant Chief Financial Officer, the executive assistant to the Chief Financial Officer, and any other designated employee.
- (l) “Fiscal year” means the one (1) year period each year from October 1st to September

30th.

(m) “Fixed Charge Coverage Ratio” means a measurement of a creditors capacity of earnings level or ability to cover its fixed charges such as debt payments, interest expenses, and leases expenses. Financial institutions will evaluate this ratio for purposes of credit risk.

(n) “Fund unit” means any board, committee, commission, service, program, enterprise, department, office, or any other division or non-division of the Nation which receives an appropriation approved by the Nation.

(o) “Government service” means any area or activity of the Nation that is not expected to create revenue for the Nation and not expected to make a profit at any time.

(p) “Line item” means the specific account within a fund unit’s budget or category that expenditures are charged to.

(q) “Manager” means the person in charge of directing, controlling, and administering the activities of a fund unit.

(r) “Nation” means the Oneida Nation.

(s) “Secretary” means the Oneida Nation Secretary, or their designee at their discretion.

(t) “Treasurer” means the Oneida Nation Treasurer, or their designee at their discretion.

121.4. Authority and Responsibilities

121.4-1. *Oneida Business Committee*. The Oneida Business Committee shall:

- (a) oversee the development of the Nation’s budget;
- (b) oversee the implementation of the Nation’s budget;
- (c) develop priorities, a strategic plan, or broad goals to assist in guiding the budget; and
- (d) exercise the authority provided in Article IV, Section 1, of the Constitution and Bylaws of the Oneida Nation, as delegated to the Oneida Business Committee by the General Tribal Council.

121.4-2. *Treasurer*. In accordance with the Constitution and Bylaws of the Oneida Nation, the Nation’s Treasurer shall:

- (a) accept, receive, receipt for, preserve and safeguard all funds in the custody of the Nation, whether they be funds of the Nation or special funds for which the Nation is acting as trustee or custodian;
- (b) deposit all funds in such depository as the Nation shall direct and shall make and preserve a faithful record of such funds;
- (c) submit expenditure reports and other financial reports as deemed necessary by the Oneida Business Committee or the General Tribal Council at:
 - (1) the annual General Tribal Council meeting;
 - (2) the semi-annual General Tribal Council meeting; and
 - (3) other such times as may be directed by the Oneida Business Committee or the General Tribal Council; and
- (d) present the proposed draft budget to the General Tribal Council at the annual budget meeting.

121.4-3. *Chief Financial Officer*. The CFO shall:

- (a) ensure the Nation’s budget is properly implemented;
- (b) provide managers with monthly revenue and expense reports;

(c) assist with the submission and presentation of the Treasurer's report to the Oneida Business Committee, which shall specifically include any monthly variances that are either:

- (1) a difference of three percent (3%) or more from the adopted annual budget; or
- (2) fifty thousand dollars (\$50,000) or more in total;

(d) provide the Oneida Business Committee with information and reports as requested;

(e) present the Treasurer's report and hold financial condition meetings with the Nation's management on a minimum of a quarterly basis; and

(f) inform the appropriate Executive Manager of any fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer.

121.4-4. Managers. Managers shall:

- (a) ensure that their business units operate, on a day-to-day basis, in compliance with the budget adopted pursuant to this law;
- (b) report to the CFO and their relevant Executive Manager explanations and corrective actions for any monthly variance that is either:
 - (1) a difference of three percent (3%) or more from the adopted annual budget; or
 - (2) fifty thousand dollars (\$50,000) or more in total;
- (c) submit budget review reports to the CFO on a reasonable and timely basis not to exceed thirty (30) calendar days from the end of the month; and
- (d) submit a budget for their fund unit in accordance with the budget schedule and guidelines as adopted by the Oneida Business Committee.

121.5. Budget

121.5-1. The Nation shall develop, adopt, and manage an annual budget. All revenues and expenditures of the Nation shall be in accordance with the annual budget.

- (a) The Nation's budget shall be a balanced budget and not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year.
 - (1) Underwriting debt resources or the utilization of existing debt instruments shall be expressly prohibited from use to balance the Nation's annual budget.
- (b) The budget shall align with any strategic plan, broad goals, or priorities developed and adopted by the Oneida Business Committee on behalf of the Nation.
- (c) The Nation's corporate entities shall not be included in the Nation's budget.

121.5-2. Content of the Budget. The Nation's budget shall include the following information:

- (a) Estimated revenues to be received from all sources;
- (b) The individual budgets of each fund unit;
- (c) A description of each line item within each fund unit's budget;
- (d) The estimated expenditures by each fund unit; and
- (e) Summary of employment position counts including prior year, current year, and budgeted year.

121.5-3. Fund Categories. The Nation's budget shall include, but not be limited to, the following categories of fund accounts:

- (a) *General Fund.* The General Fund account is the Nation's main operating fund which is used to account for all financial resources not accounted for in other funds.
- (b) *Permanent Executive Contingency Fund.* The Permanent Executive Contingency Fund account is used by the Nation to prevent default on debt and to sustain operations during times of extreme financial distress.

(c) *Grant Reserve Fund.* The Grant Reserve Fund account is used by the Nation to pre-fund the expenditures of grants upon receipt.

121.5-4. *Budget Adoption Procedure.* The Nation shall develop and adopt its budget according to the following procedures:

(a) *Budget Schedule and Guidelines.* The Treasurer shall develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets. The Treasurer shall submit the guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution.

(1) The budget schedule and guidelines shall include at least one (1) opportunity for community input from the Nation's membership on what should be included in the upcoming fiscal year budget.

(2) Each fund unit shall be responsible for complying with the budget schedule and guidelines to submit a proposed budget to the Treasurer. The Finance Administration shall not submit any budget on behalf of a fund unit unless granted express permission from the Oneida Business Committee.

(3) The Oneida Business Committee shall set a deadline through the adoption of a resolution for when the Treasurer shall submit their budget guidelines to the Oneida Business Committee for review and approval.

(b) *Annual Proposed Budgets.* The Treasurer shall receive, review, and compile the proposed budgets from all the fund units into the Nation's draft budget. The Treasurer shall present the Nation's draft budget to the Oneida Business Committee for review each year to ensure that it is consistent with the Nation's strategic plan, broad goals, and budget strategy.

(1) *Notification of Budget Increase or Decrease.* The Treasurer shall identify in the budget guidelines a percentage of an increase or decrease in a fund unit's budget from the prior year budget that is required to be noticed to the Oneida Business Committee. The Treasurer shall notify the Oneida Business Committee of any fund units whose proposed budget increased or decreased by this percentage.

(c) *Final Draft Budget.* The Oneida Business Committee shall work with the Treasurer, CFO, and managers to compile a final draft budget to be presented to the General Tribal Council. The Oneida Business Committee shall approve, by resolution, the final draft budget to be presented to the General Tribal Council.

(d) *Community Meetings.* Once the Oneida Business Committee has approved the final draft budget, the Treasurer shall hold, at a minimum, two (2) community informational meetings to present the contents of the final draft budget that will be presented to the General Tribal Council.

(e) *Budget Adoption.* The Oneida Business Committee shall present the budget to the General Tribal Council with a request for adoption by resolution no later than September 30th of each year. The General Tribal Council shall be responsible for adopting the Nation's budget.

(1) *Continuing Budget Resolution.* In the event that the General Tribal Council does not adopt a budget by September 30th, the Oneida Business Committee may adopt a continuing budget resolution for a period of time not to exceed three (3) months, until such time as a budget is adopted by the General Tribal Council. If the General Tribal Council does not adopt a budget within three (3) months of the

adoption of the continuing budget resolution, then the Oneida Business Committee shall adopt the Nation's budget.

(2) *Emergency Budget Adoption.* In the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget.

121.5-5. *Amendments to the Nation's Budget.* After the budget is adopted, amendments of the budget shall not be permitted unless it is necessary to avoid a budget deficit. The Treasurer and CFO shall identify when forecasted revenue and forecasted expenses are impacted in a manner which creates a deficit for the current fiscal year. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential budget amendment. The Oneida Business Committee shall be responsible for adopting an amendment to the budget through resolution of the Nation. The Oneida Business Committee shall present notification of the budget amendment at the next available General Tribal Council meeting.

121.6. Expenditures and Assets

121.6-1. *Authority to Expend Funds.* The Oneida Business Committee shall have the authority to expend appropriated funds in accordance with the Nation's adopted budget pursuant to the Procurement Rule Handbook developed by the Purchasing Department. The authority to expend funds is then necessarily delegated to other managers, including Executive Managers of the Nation who manage budgets pursuant to their job descriptions based on the Procurement Rule Handbook.

121.6-2. *Procurement Rule Handbook.* The Purchasing Department is delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.

121.6-3. *Fees and Charges.* A program or service of the Nation funded through Tribal contribution may charge fees for their services to cover operational costs.

(a) Before charging fees for services, a program or service shall first determine the full cost of providing the program or service. The full cost of providing a program or service includes all costs including operation costs, overhead such as direct and indirect costs, and depreciation.

(b) Fees and charges may cover the full cost of service or goods whenever such fee or charge would not present an undue financial burden to the recipient.

(c) Programs and services charging fees may offer fee waivers, provided that the program or service has developed a standard operating procedure which outlines fee waiver eligibility and requirements.

121.6-4. *Unbudgeted Expenditures.*

(a) *Approval of Unbudgeted Expenditures.* A fund unit shall not make an unbudgeted expenditure unless approval is granted by the Oneida Business Committee. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted expenditure. The Oneida Business Committee shall approve any unbudgeted expenditure through the adoption of a resolution prior to the expenditure being made by a fund unit.

(b) *Notification of Unbudgeted Expenditures.* The Oneida Business Committee shall set through resolution a threshold amount for unbudgeted expenditures that require

notification by the Oneida Business Committee to the General Tribal Council at the next available General Tribal Council meeting.

(c) *Unbudgeted Supplemental Funding.* In the event that the Nation receives any supplemental or emergency funding of two hundred and fifty thousand dollars (\$250,000) or more, the Oneida Business Committee shall develop and adopt, through resolution, a spending plan to guide expenditures of the supplemental funding in accordance with any provided guidance for the supplemental funding and audit compliance.

121.6-5. *Obligated Future Expenditures.* Notwithstanding an approved multi-year contract, no fund unit shall obligate the Nation to make any future expenditures beyond the current budget year unless the fund unit identifies, and the Oneida Business Committee approves through the adoption of a resolution, the source and extent of any future funds that are recommended to be held in reserve to meet that future obligation.

121.6-6. *Unexpended Funds.*

(a) *Unexpended Capital Improvement Funds.* Unexpended capital improvement funds shall carry over to the next fiscal year's budget, provided that such funds are required to remain appropriated for the same purpose as originally budgeted until the project is complete. Once a capital improvement project is complete, any remaining unexpended funds shall be returned to the General Fund.

(b) *Unexpended Capital Expenditure Funds.* The Treasurer shall ensure that all unexpended capital expenditure funds are reallocated to the fiscal year budget two (2) years out from the fiscal year in which the funds were unexpended. Such unexpended funds shall be returned to the General Fund.

121.6-7. *Capital Contributions.* Any capital contributions made by the Nation shall be identified in the annual budget.

(a) Any reassignment of a loan provided by the Nation into a capital contribution shall be noticed to the General Tribal Council.

121.6-8. Assets of the Nation shall not be divested, or borrowed against, to balance the annual budget.

121.6-9. *Capital Improvements.*

(a) *Capital Improvement Plan for Government Services.* The Oneida Business Committee shall develop, and the General Tribal Council shall approve, a capital improvement plan for government services.

(1) The capital improvement plan for government services shall cover a period of five (5) to ten (10) years and shall include any risks and liabilities.

(2) The capital improvement plan for government services shall be reassessed once every five (5) years. The Oneida Business Committee shall provide a status report and recommendation for any improvements that have not been completed or that have been modified at the time of the reassessment.

(b) *Capital Improvement Plan for Enterprises.* Capital improvement plans for enterprises may be brought forward as needed, provided that the Oneida Business Committee shall approve all capital improvement plans for enterprises.

(c) *Capital Improvement Plan Implementation.* Capital improvement plans for government services and enterprises shall be implemented, contingent on available funding capacity.

121.7. Grants

121.7-1. *Expending Grant Funds.* Grant funds shall be expended according to any non-negotiable grant requirements and guidelines of the granting agency.

(a) Grant funds may be utilized for, but not limited to, the following:

- (1) purchases;
- (2) travel;
- (3) training;
- (4) hiring grant required positions;
- (5) incentives and retention efforts; and
- (6) any other requirements attached to the funds as a condition of the Nation's acceptance of the grant funds.

(b) Grant funds may be utilized for an expenditure even when other policies of the Nation do not allow for Tribal contribution to make that same expenditure, if only grant funds are utilized for the expenditure and all requirements or obligations of the grant are met.

Provided that, grant funds may be subject to the requirements of the budget contingency plan and any cost containment initiatives adopted by the Oneida Business Committee.

121.7-2. *Exhaustion of Non-Tribal Funds.* When grant funds provide for forward funding as applicable to a function for which the Nation's funds have also been appropriated, those grant funds shall be used before appropriating the Nation's funds unless the Nation's funds are needed to make up an otherwise shortfall in the overall fund unit budget or there is a restriction on the grant funds that provide otherwise.

121.7-3. *Grant Reporting.* At the time of submission of proposed annual budgets, any fund unit which receives grant funding shall submit a status report of the grant funding received to the Oneida Business Committee. The status report shall include, but not be limited to:

- (a) information on the progress of the utilization of the grant funds;
- (b) the number of employees the grant funding supports fully or partially; and
- (c) compliance with obligations of the grant funding.

121.7-4. *Grant Reserve Fund Account.* The Oneida Business Committee shall maintain a Grant Reserve Fund account within the ownership investment report to be used to pre-fund the expenditures of grants upon receipt. The Grant Reserve Fund account shall be an obligated fund, that is fully funded with separately identified cash resources.

(a) The Treasurer, in consultation with the CFO, shall establish, and the Oneida Business Committee shall approve, the level of funds required in the Grant Reserve Fund account relative to the scale of grant dollars we receive on an annual basis.

(b) The Treasurer shall set aside funds within the budget in the Grant Reserve Fund account until the established level has been achieved.

121.7-5. *Grant Funded Positions.* If the grant funding for a fully grant funded position is eliminated, then the position shall be eliminated. To transition a position from grant funding to being funded through the Nation's budget, a manager shall follow the standard procedure for seeking the development and approval of a new position in the Nation's annual budget and labor allocations.

121.8. Debts

121.8-1. *General.* The acquisition of debt by the Nation shall be processed in accordance with sound fiscal diligence. The Nation shall comply with all relevant federal and state banking laws, rules, and policies applicable to the credit agreement.

- (a) Any debt instrument utilized by the Nation shall not exceed the life of what is being encumbered.

121.8-2. *Acquisition of Debt.* Any debt underwritten by the Nation for ten million dollars (\$10,000,000) or more shall be noticed to the General Tribal Council at the next available meeting prior to the execution of the credit agreement encumbering all pledges of repayment.

- (a) If emergency circumstances exist which prevents the notice of the acquisition of debt to the General Tribal Council, the Oneida Business Committee may proceed with the acquisition of debt.

121.8-3. *Use of Debt.* Credit proceeds may be utilized for project capital, general use, financing of equity, and all unspecified uses. Compliance with debt covenants is required to avoid credit default.

121.8-4. *Credit Ratios.* Maintaining fiscally responsible prudent credit ratios is consistent with effective budget management and financial control.

- (a) *Debt Service Coverage Ratio.* The Debt Service Coverage Ratio shall not exceed the acceptable range as defined by low-risk debt financing options at the specific financial institution.

- (b) *Fixed Charge Coverage Ratio.* The Fixed Charge Coverage Ratio shall be maintained at the acceptable range as defined by low-risk debt financing options at the specific financial institution.

121.8-5. *Corporate Debt.* The Nation shall not be obligated to any debt obligations of its corporate entities.

121.9. Employment and Labor Allocations

121.9-1. *Employment Cap.* The Treasurer and CFO shall identify a maximum number of full-time equivalent (FTE) employees to be employed by the Nation. The Oneida Business Committee shall have the authority to approve this employment cap, and any amendments thereto, through the adoption of a resolution. The employment cap shall be reviewed annually by the Oneida Business Committee.

- (a) Employment positions that are fully funded through grants shall not be included in the employment cap.

- (b) The Nation shall not exceed the number of FTE employees identified in the employment cap.

121.9-2. *Labor Allocations List.* The Treasurer, CFO, Executive Managers, and the Executive Human Resources Director shall utilize the Nation's employment cap to develop a labor allocations list. The labor allocations list shall identify the number of FTE employees each employment area of the Nation is allocated. The Oneida Business Committee shall have the authority to adopt the labor allocation list, and any amendments thereto, through the adoption of a resolution. The Oneida Business Committee shall review the labor allocations list on an annual basis.

- (a) The total number of FTE employees identified in the labor allocations list shall not exceed the Nation's employment cap.

- (b) The Treasurer, CFO, Executive Managers, and Executive Human Resources Director shall develop a standard operating procedure which identifies a process for the consideration of requests to revise the labor allocations list. The Oneida Business Committee shall approve this standard operating procedure, and any amendments thereto, through the adoption of a resolution.

121.9-3. *Unbudgeted Positions.* Any position which has not been specifically budgeted for and included in the labor allocation list shall be prohibited. Budgeted labor dollars and approved positions shall not be transferrable in any form.

(a) *Exception.* The Oneida Business Committee may authorize an unbudgeted position for a fund unit. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted position. The Oneida Business Committee shall authorize the unbudgeted position through the adoption of a resolution.

121.10. Budget Contingency Planning

121.10-1. *Budget Contingency Plan.* The Oneida Business Committee shall work with the CFO, Executive Managers, and managers to create a budget contingency plan which provides a strategy for the Nation to respond to extreme financial distress that could negatively impact the Nation.

(a) Extreme financial distress includes, but is not limited to:

- (1) natural or human-made disasters;
- (2) United States Government shutdown;
- (3) emergency proclamations; and
- (4) economic downturns.

(b) The Oneida Business Committee shall approve the budget contingency plan, and any amendments thereto, through the adoption of a resolution.

121.10-2. *Cost Saving Tools.* As part of the budget contingency plan, the Oneida Business Committee may require the use of cost saving tools, provided that the use of such complies with all laws of the Nation. Cost saving tools may include, but are not limited to, the use of the following:

- (a) stabilization funds;
- (b) reductions of expenditures;
- (c) furloughs; and
- (d) layoffs.

121.10-3. When the Oneida Business Committee determines that the Nation is under extreme financial distress, the Oneida Business Committee shall be responsible for implementing the budget contingency plan.

121.10-4. *Permanent Executive Contingency Fund Account.* The Oneida Business Committee shall maintain a Permanent Executive Contingency Fund account within the ownership investment report to be used to prevent default on debt and to sustain operations during times of extreme financial distress. The Permanent Executive Contingency Fund account shall be a restricted fund.

(a) The Permanent Executive Contingency Fund account shall consist of a minimum reserve of one (1) year of operating expenses to ensure continuity of business for the Nation.

(b) The Treasurer, in consultation with the CFO, shall establish, and the Oneida Business Committee shall approve through the adoption of a resolution, the percentage of the annual budget that shall be set aside in the Permanent Executive Contingency Fund account until the established level has been achieved.

(c) Funds in the Permanent Executive Contingency Fund account may only be used when the Oneida Business Committee has determined that the Nation is under extreme financial distress for the following purposes and only to the extent that alternative funding sources are unavailable:

- (1) payments to notes payable to debt service, both principal and interest, and applicable service fees;
- (2) employee payroll, including all applicable taxes;
- (3) payments to vendors for gaming and retail;
- (4) payments to vendors for governmental operations;
- (5) payments to any other debt; and
- (6) to sustain any of the Nation's other operations during implementation of the budget contingency plan.

121.11. Reporting

121.11-1. *Monthly Reporting.* The Treasurer shall provide monthly reports and quarterly operational reports from direct reports to the Oneida Business Committee in accordance with the Secretary's Oneida Business Committee packet schedule for the Oneida Business Committee meeting held for the acceptance of such reports.

- (a) The Treasurer's monthly reports shall include revenue and expense summaries.

121.11-2. *Annual and Semi-Annual Reporting to the General Tribal Council.* The Treasurer shall report on all receipts and expenditures and the amount and nature of all funds in their possession and custody, at the annual and semi-annual General Tribal Council meetings, and at such other times as requested by the General Tribal Council or the Oneida Business Committee.

- (a) The Treasurer reports shall include an independently audited annual financial statement that provides the status or conclusion of all the receipts and debts in possession of the Treasurer including, but not limited to, all corporations owned in full or in part by the Nation.

121.11-3. *Audits.* The Internal Audit Department, annually, shall conduct independent comprehensive performance audits, in accordance with the Nation's Audit law, the Financial Accounting Standards Board (FASB) and the Governmental Accounting Standards Board (GASB), of randomly selected fund units or of fund units deemed necessary by the Oneida Business Committee or Internal Audit Department. Each fund unit shall offer its complete cooperation to the Internal Audit Department. The Oneida Business Committee may, as it deems necessary, contract with an independent audit firm to conduct such audits.

121.12. Enforcement

121.12-1. *Compliance and Enforcement.* All employees and officials of the Nation shall comply with and enforce this law to the greatest extent possible.

- (a) The Executive Managers shall notify the Oneida Business Committee of any fund unit which does not comply with the budget schedule or guidelines. A list of any fund units of an elected entity which did not comply with the budget schedule or guidelines shall be included in the annual report to the General Tribal Council.

121.12-2. *Violations.* Violations of this law shall be addressed using the applicable enforcement tools provided by the Nation's laws and policies including, but not limited to, those related to employment with the Nation, conflicts of interest, ethics, and removal from an elected position.

121.12-3. *Civil or Criminal Charges.* This law shall not be construed to preclude the Nation from pursuing civil or criminal charges under applicable law. Violations of applicable federal or state civil or criminal laws, or any laws of the Nation, may be pursued in a court having jurisdiction over any such matter.






End.

Adopted – BC-02-08-17-C
Emergency Amended – BC-11-24-20-E
Emergency Amended – BC-05-12-21-C
Emergency Extension – BC-11-10-21-B
Amended – BC-05-11-22-B
Emergency Amended – BC-10-26-22-D (Expired)


June 18, 2025 Legislative Operating Committee E-Poll Rescheduled Hunting, Fishing, and Trapping Law Public Meeting


E-POLL REQUEST: Rescheduled Hunting, Fishing, and Trapping Law Public Meeting

LOC
To: Jameson J. Wilson; Jennifer A. Webster; Jonas G. Hill; Kirby W. Metoxen; Marion G. Skenandore
Cc: Fawn J. Billie; Fawn L. Cottrell; Kristal E. Hill; Clorissa N. Leeman


 Reply
  Reply All
  Forward
 


Wed 6/18/2025 3:29 PM

 Vote by clicking Vote in the Respond group above.
This message was sent with High importance.

 2025 08 15 HFT Law Amendments PM Packet.pdf
759 KB

Good Afternoon Legislative Operating Committee,

This e-mail serves as the e-poll for the approval of an updated Hunting, Fishing, and Trapping Law Amendments public meeting notice and rescheduled public meeting.

EXECUTIVE SUMMARY

On June 18, 2025, the Legislative Operating Committee took action to 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.

Once the meeting concluded the public meeting notice was:

- sent to the Kalihwisaks for publication;
- the public meeting page on the Oneida Register was updated with information on the public meeting and included a link to the public meeting packet; and
- an appointment for the public meeting was electronically provided to all managers or directors with a public meeting packet attached.

Later that afternoon it was discovered that the scheduled public meeting date of July 30, 2025, did not comply with the Legislative Procedures Act's requirement that a public meeting notice be published in the Kalihwisaks for at least ten (10) business days prior to the public meeting. The August Kalihwisaks edition will not be published until July 29, 2025.

Therefore, in order to comply with the Legislative Procedures Act the public meeting for the Hunting, Fishing, and Trapping law needs to be rescheduled. Attached to this e-poll is an updated public meeting packet including:

- Public Meeting Notice – showing the public meeting will be held on Friday, August 15, 2025, and the public comment period will be held open until Friday, August 22, 2025.
- Legislative Analysis;
- PM Draft (Redline to Current); and
- PM Draft (Clean).

An e-poll is necessary to approve the updated Hunting, Fishing, and Trapping Law Amendments public meeting notice and reschedule the public meeting because the next Legislative Operating Committee meeting is not until July 2, 2025, and it would be prudent to correct the information that has already been put out there regarding the Hunting, Fishing, and Trapping Law Amendments public meeting as soon as possible to try and avoid any confusion by the community.

REQUESTED ACTION

- Approve the updated public meeting packet for the proposed amendments to the Hunting, Fishing, and Trapping law and reschedule the public meeting to be held on August 15, 2025.

DEADLINE FOR RESPONSE

June 19, 2025 at 3:00 p.m.

All supporting documentation has been attached to this email for your convenience.



A good mind. A good heart. A strong fire.

E-POLL RESULTS:

This e-poll was approved by Jonas Hill, Jennifer Webster, Marlon Skenandore, Kirby Metoxen, and Jameson Wilson.

Re: E-POLL REQUEST: Rescheduled Hunting, Fishing, and Trapping Law Public Meeting



Jonas G. Hill

To: LOC; Jameson J. Wilson; Jennifer A. Webster; Kirby W. Metoxen; Marlon G. Skenandore
Cc: Fawn J. Billie; Fawn L. Cottrell; Kristal E. Hill; Clorissa N. Leeman

If there are problems with how this message is displayed, click here to view it in a web browser.

Reply Reply All Forward

Wed 6/18/2025 3:31 PM

Approve

RE: E-POLL REQUEST: Rescheduled Hunting, Fishing, and Trapping Law Public Meeting



Jennifer A. Webster

To: LOC; Jameson J. Wilson; Jonas G. Hill; Kirby W. Metoxen; Marlon G. Skenandore
Cc: Fawn J. Billie; Fawn L. Cottrell; Kristal E. Hill; Clorissa N. Leeman

Reply Reply All Forward

Wed 6/18/2025 3:37 PM

Approve,
Jenny

RE: E-POLL REQUEST: Rescheduled Hunting, Fishing, and Trapping Law Public Meeting



Marlon G. Skenandore

To: Jennifer A. Webster; LOC; Jameson J. Wilson; Jonas G. Hill; Kirby W. Metoxen
Cc: Fawn J. Billie; Fawn L. Cottrell; Kristal E. Hill; Clorissa N. Leeman

Reply Reply All Forward

Wed 6/18/2025 3:46 PM

Approve

Marlon

Re: E-POLL REQUEST: Rescheduled Hunting, Fishing, and Trapping Law Public Meeting



Kirby W. Metoxen

To: Jennifer A. Webster; LOC; Jameson J. Wilson; Jonas G. Hill; Marlon G. Skenandore
Cc: Fawn J. Billie; Fawn L. Cottrell; Kristal E. Hill; Clorissa N. Leeman

If there are problems with how this message is displayed, click here to view it in a web browser.

Reply Reply All Forward

Wed 6/18/2025 4:07 PM

Approve

Approve: E-POLL REQUEST: Rescheduled Hunting, Fishing, and Trapping Law Public Meeting



Jameson J. Wilson
To: ○ LOC

The sender responded: Approve.

Reply

Reply All

Forward

Wed 6/18/2025 5:08 PM

ONEIDA NATION PUBLIC MEETING NOTICE**FRIDAY, AUGUST 15, 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](https://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.

PUBLIC COMMENT PERIOD CLOSES FRIDAY, AUGUST 22, 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.



HUNTING, FISHING, AND TRAPPING LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ 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> ▪ 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.; ▪ 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> ▪ 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> ▪ 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> ▪ 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> ▪ Eliminate the requirement that a rule booklet be provided to each person receiving a license permit. <i>[4 O.C. 406.5-2];</i> ▪ 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> ▪ 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> ▪ 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>

	<ul style="list-style-type: none"> ▪ 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. <i>[4 O.C. 406.6-2(b)]</i>; ▪ 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. <i>[4 O.C. 406.6-2(c)]</i>; ▪ 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. <i>[4 O.C. 406.6-6]</i>; ▪ 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. <i>[4 O.C. 406.6-7(b)]</i>; ▪ 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. <i>[4 O.C. 406.7-3]</i>; ▪ 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. <i>[eliminated 4 O.C. 406.7-5]</i>; ▪ Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons. <i>[4 O.C. 406.9-2(g)]</i>; ▪ Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules. <i>[4 O.C. 406.9-4(b)]</i>; ▪ 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. <i>[4 O.C. 406.9-5]</i>; ▪ 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. <i>[4 O.C. 406.10-4]</i>; and ▪ Make other minor drafting revisions.
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Purpose	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].
Affected Entities	Conservation Department, Oneida Police Department, Oneida Judiciary, all individuals who possess a sportsman license from the Nation
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	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.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of the amendments to the Law and this legislative analysis:
- Oneida Police Department;
 - Oneida Law Office;
 - Conservation Department;
 - Environmental, Land, Agriculture Division; and
 - General Manager.
- B. The following laws were reviewed in the drafting of this analysis:
- Administrative Rulemaking law;
 - Legislative Procedures Act;
 - Citations law;
 - Judiciary law; and
 - Paper Reduction Policy.

SECTION 4. PROCESS

- A. The development of the proposed amendments to the Law complies with the process set forth in the Legislative Procedures Act (LPA).
- On October 4, 2023, the Legislative Operating Committee added the Hunting, Fishing, and Trapping law amendments to its Active Files List for this legislative term.
 - On May 7, 2025, the Legislative Operating Committee approved the draft of the proposed amendments to the Law and directed that a legislative analysis be developed.
 - On May 21, 2025, the Legislative Operating Committee approved an updated draft and the legislative analysis.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to the Law this legislative term:
- January 3, 2024: LOC work session.
 - May 10, 2024: LOC work session.
 - May 30, 2024: LOC work session.
 - December 9, 2024: LOC work session with the General Manager, Environmental, Land, and Agriculture Division, Conservation Department, and Oneida Police Department.
 - January 14, 2025: LOC work session with General Manager, Environmental, Land, and Agriculture Division, Conservation Department, Oneida Law Office, and Oneida Police Department.
 - February 3, 2025: LOC work session.
 - February 24, 2025: LOC work session with the General Manager, Environmental, Land, and Agriculture Division, Conservation Department, and Oneida Police Department.
 - March 5, 2025: LOC work session with the Environmental, Land, and Agriculture Division and Conservation Department.
 - April 16, 2025: LOC work session.
 - May 1, 2025: LRO work session with Conservation Department.
- C. *Community Outreach Events.* In addition to the public meeting required by the Legislative Procedures Act, the LOC held the following community outreach events on this legislation:
- June 4, 2024: Legislative Operating Committee Community Meeting held in the Norbert Hill Center's cafeteria.

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

SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Definitions.*** The proposed amendments to the Law add definitions for the terms: descendant, great bodily harm, and warden. [4 O.C. 406.3-1(g), 406.3-1(m), 406.3-1(ff)]. Descendant is defined in the proposed amendments to the Law as a person who is registered with, and recognized by, the Oneida Trust Enrollment Department as being the descendant of an enrolled member of the Nation. [4 O.C. 406.3-1(g)]. The term descendent is not currently defined in the Law, instead a footnote was included that said, “*Requirements for descendancy are determined by the Oneida Trust Enrollment Committee.*” Great bodily harm is defined in the proposed amendments to the Law as a bodily injury which creates a 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. [4 O.C. 406.3-1(m)]. In the current Law, this term is defined within section 406.6-7(a)(2)(C). The definition for great bodily harm was moved from section 406.6-7(a)(2)(C) in an effort to be consistent with the placement of definitions under the definition section of the Law found at section 406.3-14. Warden is defined in the proposed amendments to the Law as an officer of the Oneida Police Department whose duties include the protection of wildlife and natural resources. [4 O.C. 406.3-1(ff)].
- *Effect.* The proposed amendments to the Law ensure that proper definitions are included for terms utilized within the Law, and that all definitions are organized in a consistent manner. The Legislative Procedures Act provides that all laws published in the Oneida Code of Laws shall be in a consistent format and that every law should have “Section 3 – Definitions” which contains definitions of all words used in a technical sense throughout the law. All words not defined within this section are to be used in their ordinary sense. [1 O.C.11-1(c)].
- B. *Elimination of the Environmental Resource Board.*** The current Law provides that the Environmental Resource Board and the Department are responsible to protect, manage, supervise, conserve, and enhance all wildlife within the reservation. [4 O.C. 406.5-1]. Throughout the Law the Environmental Resource Board is given a variety of different responsibilities and authorities. The proposed amendments remove all mentions of the the Environmental Resource Board from the Law, and instead delegates all responsibilities of the Environmental Resource Board provided in the law to the Conservation Department, except for hearing authority which is delegated to the Judiciary Trial Court.
- *Effect.* The removal of the Environmental Resource Board through the proposed amendments to the Law aligns with the September 28, 2022, Oneida Business Committee directive to dissolve the Environment Resource Board. The Environmental Resource Board has to be eliminated from all laws of the Nation, and their responsibilities delegated to another entity before the board can be officially dissolved.
- C. *Administrative Rulemaking.*** The current Law delegates joint administrative rulemaking authority to the Environmental Resource Board and the Conservation Department and provides various topics that must be addressed through rules. [4 O.C. 406.5-1, 406.5-2]. The proposed amendments to the Law eliminate the Environmental Resource Board and provide that it is a responsibility of the Conservation Department to establish and maintain rules in accordance with the Administrative Rulemaking law, and the Law still provides specific topics the Conservation Department is responsible for drafting rules

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

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

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

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

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

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

F. ***Fishing Only Sportsman License.*** The current Law provides that a sportsman license may be issued which permits fishing only. [4 O.C. 406.6-1(b)(1)]. In those circumstances, successful completion of a certified hunter safety course is not required and the Department shall internally record such licenses as permitting fishing only. *Id.* A person issued a fishing only sportsman license is not allowed to hunt or trap until the licensee provides the Department with proof of successful completion of a hunter safety course. [4 O.C. 406.6-1(b)(1)(A)]. The current Law then allows 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. [4 O.C. 406.6-1(b)(1)(B)]. The proposed amendments to the Law eliminate the provision that allowed for 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. *Id.*

- *Effect.* The proposed amendments no longer allow a 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.

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

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

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

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

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

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

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

J. Accidental Collision and Killing of Deer. The current Law provides 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 Conservation Department or the Department's designee. [4 O.C. 406.7-3]. The proposed amendments to the Law eliminate the requirement to have the deer tagged by the Conservation Department or its designee, and instead requires that you have the deer tagged by the State of Wisconsin. *Id.*

- *Effect.* The proposed amendments to the Law change the responsibility of tagging a deer accidentally collided with from the Conservation Department to the State of Wisconsin to reflect current practice.

K. *PCB Warning in Rulebook.* The current Laws provides that the Environmental Resource Board and the Conservation Department 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. [4 O.C. 406.7-5]. The proposed amendments to the Law eliminate this provision.

- *Effect.* The proposed amendments to the Law eliminate the requirement that the Conservation Department include in its rule booklet a warning about potential PCBs in Duck Creek based upon a request from the Conservation Department. Rule booklets are updated at most once a year – and therefore the Conservation Department believes there are better ways to share safety concerns and warnings with the community to ensure that the best and most accurate information is shared.

L. *Allowable Hunting Party Size.* The current Law provides that persons may not hunt in a party of more than ten (10) persons. [4 O.C. 406.9-2(g)]. The proposed amendments to the Law increase the allowable hunting party size from ten (10) to fifteen (15) persons.

- *Effect.* The proposed amendments to the Law increase the allowable hunting party size to allow greater flexibility to hunters.

M. *Designated Hunters.* The current Law provides that a permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event the permittee is physically or legally unable to take their own permit. [4 O.C. 406.9-4]. A designated hunter is only allowed to hunt for the number of permittees as authorized by the rules developed pursuant to this Law. [4 O.C. 406.9-4(b)]. The Hunting, Fishing, and Trapping Law Rule Handbook provides that designated hunters may only take antlerless deer and, regardless of the number of tags issued to the original permittee, may fill a maximum of two (2) deer carcass tags on behalf of the original permittee; and may fill a maximum of two (2) turkey tags for the original permittee, regardless of the number of tags issued to the original permittee. [Rule 4-7(a)(7), 4-9]. The proposed amendments to the Law allow a designated hunter to hunt for an unlimited number of permittees. [4 O.C. 406.9-4(b)].

- *Effect.* The proposed amendments to the Law remove any limitations on how many permittees a designated hunter may hunt for, in an effort to increase the number of physically or legally disabled permittees that ultimately end up with hunted animals that can then provide food for themselves and family.

N. *Age Restriction of Youth Hunters.* The current Law breaks up age restrictions for hunters into different categories. Persons between the age of twelve (12) and fourteen (14) years old may only 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 to. [4 O.C. 406.9-5(a)]. The parent, legal guardian, or responsible adult is required to have a valid license and permits, and must remain within voice and sight contact of the youth hunters at all times. Tribal members, descendants, non-member Indians, and dependents age ten (10) or eleven (11) years old may hunt if they have a mentor present while hunting and have obtained any required licenses and permits. [4 O.C. 406.9-5(b)]. Tribal members, descendants, non-member Indians, and dependents less than ten (10) years old may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt. The proposed amendments to the Law

combine the categories for those youth hunters age ten (10) through eleven (11) and twelve (12) through fourteen (14) years of age, and provides that persons between the age of ten (10) and fourteen (14) years old may only 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 to. [4 O.C. 406.9-5(a)].

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

O. **Citations.** The current contains a lot of provisions regarding the citation process. The current Law provides that Department wardens may issue verbal or written warnings or citations to any person found to be in violation of this law or the rules. The current Law then goes on to provide that all citations, orders and declarations issued pursuant to this law include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued. [4 O.C. 406.10-5]. Persons wishing to contest a citation are required to appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. *Id.* The Judiciary is then responsible for scheduling a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. *Id.* In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved. The current Law then addresses community service, allocation of citation revenue, appealing a decision of the Judiciary Trial Court, and pursuing payment of a citation. [4 O.C. 406.10-5(a)-(d)]. The proposed amendments to the Law 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].

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

SECTION 6. EXISTING LEGISLATION

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

- **Legislative Procedures Act.** The Legislative Procedures Act provides a standard process for the development and adoption of laws of the Nation which includes taking into account comments from members of the Nation and input from agencies within the organization of the Nation. [1 O.C. 109.1-1, 109.1-2].
 - The development of amendments to the Hunting, Fishing, and Trapping law complies with the process and procedures of the Legislative Procedures Act.
- **Administrative Rulemaking Law.** The Administrative Rulemaking law provides a process for the adoption and amendment of administrative rules. [1 O.C. 106.1-1]. It is the policy of the Nation to ensure there is an efficient, effective and democratic process for enacting and revising

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

- The Hunting, Fishing, and Trapping law provides that it is a responsibility of the Conservation Department to establish and maintain rules in accordance with the Administrative Rulemaking law, and the Law provides specific topics the Conservation Department is responsible for drafting rules about. [4 O.C. 406.5-1, 406.5-2].
- Any rules developed in accordance with this Hunting, Fishing, and Trapping law must comply with all processes and procedures of the Administrative Rulemaking law.
- **Citations Law.** The Citations law provides a process that governs all citations that fall under the jurisdiction of the Oneida Nation. [8 O.C. 807.1-1]. It is the policy of the Nation to provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2].
 - The Hunting, Fishing, and Trapping law provides 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].
 - Any citations issues under the Hunting, Fishing, and Trapping law must comply with the process for handling citations as provided for in the Citations law.
- **Paper Reduction Policy.** The Paper Reduction Policy provides that it is the policy of the Nation to reduce the amount of paper being used to benefit the next seven generations through recycling, reduction, and environmental awareness. [2 O.C. 220.1-1]. All enterprises and programs of the Nation are encouraged to reduce paper usage and waste as quickly as possible. [2 O.C. 220.4-1].
 - The proposed amendments to the Hunting, Fishing, and Trapping law remove the requirement that the Conservation Department shall a rule booklet to each person receiving a license or permit. [4 O.C. 406.5-2(o)]. The Administrative Rulemaking law already requires that all rules are published under the corresponding law on the Code of Laws within the Oneida Register on the Nation’s website. [1 O.C. 106.8-2(a)(1)]. The elimination of a physical booklet falls in line with the Nation’s Paper Reduction Policy.
- **Judiciary Law.** The Judiciary law establishes a Judiciary, and provides for the administration of law, justice, judicial procedures and practices by the Nation as a sovereign nation by exercising the inherent power to make, execute, apply and enforce its own law, and to apply its own customs and traditions in matters affecting the Oneida people. [8 O.C. 801.1-1]. It is the policy of the Nation to provide a fair and impartial forum for the resolution of all matters that come before it pursuant to a grant of authorization by law. The Judiciary law provides that the Trial Court shall have subject mater jurisdiction over cases and controversies arising under laws of the Nation that specifically authorize the Trial Court to exercise jurisdiction. [8 O.C. 801.5-2(a)].
 - The Hunting, Fishing, and Trapping law authorizes the Trial Court to exercise jurisdiction over permit and license issues. [4 O.C. 406.6-7(b), 406.10-4].

SECTION 7. OTHER CONSIDERATIONS

- A. **Hunting, Fishing, and Trapping Law Rules.** Currently, a Hunting, Fishing, and Trapping law rule handbook exists and was last adopted in May of 2017.

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

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

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

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
406.2. Adoption, Amendment, Repeal
406.3. Definitions
406.4. Jurisdiction
406.5. Administration and Supervision

406.6. Licenses and Permits
406.7. General Regulations
406.8. Wildlife Damage and Nuisance Control
406.9. Hunting
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

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

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

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

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

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

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

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

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

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

~~(l)~~ (m) “Great bodily harm” means bodily injury which creates a 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.

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

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

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

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

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

~~(q)~~ (q) “Nation” means the Oneida Nation.

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

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

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

(1) Damage to property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(~~gg~~) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian, or any part or carcass of the same.⁺

406.4. Jurisdiction

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

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

⁺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.

406.4-2. This law applies:

- (a) within the boundaries of the ~~reservation~~Reservation, and
- (b) on lands held in trust for the Nation outside the boundaries of the reservation.

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

406.5. Administration and Supervision

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

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

- (a) Determine the types and number of licenses and permits that may be issued by the Department, including how many licenses and permits that may be issued to non-Indian hunters.
- (b) Establish a fee schedule and application requirements and deadlines for obtaining licenses and/or permits.
- (c) Establish or amend daily bag limits and possession limits based on the supply of wildlife, the needs of conservation, and the objective of achieving a fair allocation of the harvest. ~~Restrictions in such rules may include, but are not limited to, limits related to gender, species, size, age, and maturity.~~
- (d) Based on the monitoring and supervision of all wildlife, when necessary, declare any species in need of protection a protected species or an endangered or threatened species, and thereafter modify or revoke such declarations as may be appropriate.
- (e) Fix, shorten, extend, or close seasons and hunting hours on any wildlife. ~~Provided that ERB and the Department~~
 - (1) ~~The rules~~ shall ~~base the open season for the~~ identify designated seasons and/or hunting of migratory birds on the Nation's agreement with the U.S. Fish hours for elder, disabled, and Wildlife Service youth hunts.
- (f) Establish and/or modify areas' territorial limits, including bodies of water or parts thereof, for any of the following, as may be necessary:
 - (1) the taking of wildlife;
 - (2) other specified areas, pursuant to the rules ~~jointly~~ developed by ~~ERB and the~~ Department.
- (g) Establish methods for checking persons into and out of areas specified under subsection (f) above.
- (h) Regulate the operation of boats upon reservation waters and the operation of vehicles and aircraft used while hunting, fishing, or trapping.

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

- (1) bait;
- (2) decoys;
- (3) hunting dogs;
- (4) traps;
- (5) firearms;
- (6) ammunition;
- (7) laser sights; and
- (8) night vision.

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

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

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

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

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

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

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

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

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

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

406.6. Licenses and Permits

406.6-1. *Sportsman License.*

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

land, except:

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

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

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

(F)(G) beaver; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) At any time, the applicant has been found guilty of imposing or threatening to impose great bodily harm on another. ~~For the purposes of this section, great bodily harm means bodily injury which creates a 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.

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

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

406.7-3. 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 ~~Department or the Department’s designee~~ State of Wisconsin.

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

~~406.7-5. *Health Advisory.* ERB and 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.~~

406.8. Wildlife Damage and Nuisance Control

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

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

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

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

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

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

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

(4) ~~He or she has~~ They have complied with this law and corresponding rules and the conditions of any previously-issued nuisance animal removal permit, at a 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 ~~agents~~designees 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 ~~agent~~designee.

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

448 (1) The ~~agent~~designee 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 ~~agent~~designee 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.

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

~~(e)(b)~~ The landowner or lessee permittee may ~~not~~ charge any assigned ~~agent~~designee any form of fee.

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

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

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

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

(1) Elders;

(2) Disabled persons; and

(3) Any other interested persons.

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

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

406.9. Hunting

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

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

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

(1) Into reservation lakes, reservoirs, or any area designated for public use pursuant to the Public Use of Tribal Land law, except for the purpose of hunting migratory birds during established seasons, in accordance with the rules created pursuant to this law;

(2) Across any roadway; or

(3) Within one hundred (100) yards of any structure, unless the owner-occupant, lessee, or tenant has granted express permission.

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

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

(a) Hunt with the use of aircraft;

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

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

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

- (a) To be eligible to be named a ~~Designated Hunter~~ designated hunter, the named person shall:

- (1) Possess a valid hunting license;
- (2) Be eligible for the permits for which the person is named the designated hunter; and
- (3) Meet any other requirements of the rules created pursuant to this law.

(b) Designated hunters may hunt for ~~the~~ an unlimited number of permittees ~~as authorized by the rules developed pursuant to this law.~~

(c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the

original permittee's possession as soon as practicable following the taking.

406.9-5. *Age Restrictions.*

(a) Persons between the ages of ~~twelve (12)~~ten (10) and fourteen (14) years old may only 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 ~~his or her~~their supervisory responsibilities.

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

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

(b) Tribal members, descendants², ~~non-member Indians and dependents aged ten (10) or eleven (11) years old may hunt if they have a mentor present while hunting and have obtained any required licenses and permits.~~

~~(c) Tribal members, descendants², non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.~~

~~(d) The following limitations apply to youth hunters and their mentors hunting pursuant to this section:~~

~~(1) Only one (1) weapon may be possessed jointly between the mentor and his or her mentee(s);~~

(1) In order to be eligible to be a mentor, the person shall:

(A) Be at least eighteen (18) years old;

(B) Have a valid license and any required permits; and

(C) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor

(2) Mentors may mentor a maximum of two (2) youth hunters at the same time; and

(3) The mentor shall remain within an arm's grasp of each youth hunter at all times.

~~(e) In order to be eligible to be a mentor, the person shall:~~

~~(1) Be at least eighteen (18) years old;~~

~~(2) Have a valid license and any required permits; and~~

~~(3) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor.~~

406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people and may be limited in size as provided in the rules developed pursuant to this law. ~~Any member of a deer hunting party may harvest deer on behalf of another member of the deer hunting party under the following circumstances:~~

(a) At the time and place of the harvest, the member of the hunting party who harvests the deer shall be in contact with the member of the hunting party on whose behalf the deer was harvested. For the purpose of this section, contact means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid. ~~Hand radios are permitted, however may not be used as an acceptable means of contact as required in this section.~~

(b) The member of the hunting party for whom the deer was harvested shall possess a valid,

²Requirements for descendancy are determined by the Oneida Trust Enrollment Committee.

³See footnote 2.

license and carcass tag for the deer.

(c) The member of the hunting party who harvests the deer shall ensure that a valid carcass tag is attached to the deer by a member of the hunting party prior to field dressing and moving the deer; the member of the hunting party that harvests the deer may not leave said deer unattended until it has been properly tagged.

406.10. Enforcement and Penalties

406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the corresponding rules to the Department or the Oneida Police Department. The department receiving information regarding violations shall keep the information confidential.

406.10-2. *Licenses/Permits Suspension, Revocation, and/or Ineligibility.* The Department may suspend, revoke, or deem a party ineligible for a license or permit as a penalty for committing any ~~one (1)~~ of the following acts or any combination thereof:

(a) Has committed an act causing any of ~~his or hers~~their hunting, fishing, or trapping licenses, permits or privileges to be suspended or revoked by any other jurisdiction, whether it be tribal, state, or federal, where, for the purposes of this section, a person's right to possess firearms is considered a hunting privilege;

(b) Provides false information, or assists other in providing false information, when applying for a license or permit;

(c) Fails to timely pay a fine or abide by a penalty assessed against ~~him or her~~them as a consequence for violating the provisions of this law and/or the corresponding rules; and/or

(d) Violates this law and/or the corresponding rules and the violation is one for which the citation schedule identifies suspension, revocation, or ineligibility of a license or permit as an available penalty.

~~406.10-3. *Warning and Citations.* Department wardens may issue verbal and/or written warnings and/or citations to any person found to be in violation of this law and/or the corresponding rules. The Department shall ensure that all warning and citations identify the relevant violation and, if applicable, the fine and/or penalties imposed as a consequence of the violation.~~

~~406.10-4~~406.10-3. *Appeal of License and/or Permit Decision.* Any person wishing to contest a decision of the Department related to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court naming the Department.

~~406.10-5. *Contested Action Hearings.* All citations, orders and declarations issued pursuant to this law shall include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation shall appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. The Judiciary shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved.~~4. *Issuance of a Citation.* 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.

~~(a) *Community Service.* Community service may be substituted~~ A citation ~~for fines at a violation of this law, the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10.00) of the fine.~~

~~(b) *Allocation of Citation Revenue.* All~~ corresponding rules, or any orders issued pursuant

to this law may include fines and other penalties ~~issued by citations are payable to ERB or its designee, the proceeds of which ERB shall contribute to the Nation's general fund.~~
(e) ~~Appealing the Decision of the Judiciary~~, as well as conditional orders made by the Trial Court. ~~Any person wishing to contest the determination of the Judiciary Trial Court may appeal the applicable determination to the Judiciary's Court of Appeals~~
(b) A citation for a violation of this law shall be processed in accordance with the Rules of Appellate Procedure.
(d) ~~Pursuing Payment of a Citation.~~ ERB may pursue payment from parties who have failed to make the required payments through the garnishment process procedure contained in the Garnishment law and/or by attaching a Tribal member's per capita payment pursuant to the Per Capita law. Nation's laws and policies governing citations.

End.

Adopted - BC-08-31-94-C
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- - - -

Title 4. Environment and Natural Resources – Chapter 406
Lutolátha?, Latsywáaha? O?khále Atlistáya Tsi? Kayanl?hsla
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 for both the environment and fellow sportsmen.

406.1-2. *Policy.* It is the policy of 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, 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” 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) “Bodily harm” means physical pain or injury or any impairment of the physical condition.

(d) “Daily bag limit” means the maximum number of a species of wildlife that a person may take during a twenty-four (24) hour period measured from midnight to midnight.

- (e) “Department” means the Oneida Conservation Department.
- (f) “Dependent” means a person under the age of eighteen (18) who is the child or step-child of a Tribal member or who lives with a Tribal member for more than half of the year.
- (g) “Descendant” means a person who is registered with, and recognized by, the Oneida Trust Enrollment Department as being the descendant of an enrolled member of the Nation.
- (h) “Designated hunter” means the person named by a permittee as authorized to harvest wildlife on behalf of the permittee pursuant to the permit held by the permittee.
- (i) “Elder” means any person fifty-five (55) years of age or older.
- (j) “Endangered or threatened” means any species of wildlife within the reservation in danger of extinction or likely to become in danger of distinction as recognized by the Department and under federal law.
- (k) “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law.
- (l) “Fishing” means the taking, capturing, harvesting, or attempting to take, capture or harvest fish of any variety in any manner.
- (m) “Great bodily harm” means bodily injury which creates a 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.
- (n) “Hunt” or “Hunting” means shooting, shooting at, pursuing, taking, attempting to take, catch, harvest or attempting to harvest any wildlife.
- (o) “License” means a written document issued by the Department granting authority to engage in specific activities covered under this law and the rules created pursuant to this law.
- (p) “Loaded” means any firearm containing a cartridge in the chamber or any firearm containing a cartridge or cartridges in the attached cylinder, magazine, or clip.
- (1) Muzzleloading firearms may not be considered loaded if a percussion cap is not covering the percussion nipple or .209 primers are not in the receiver.
- (2) Flint lock muzzleloading firearms may not be considered loaded if the flash pan is cleaned of powder.
- (q) “Nation” means the Oneida Nation.
- (r) “Non-Indian” means a person who is not a member of any federally recognized Indian tribe, band, or community.
- (s) “Non-Member Indian” means a person who is a member of a federally recognized Indian tribe, band, or community other than this Nation.
- (t) “Nuisance Animal” means any wildlife causing and one (1) or combination of the following:
- (1) Damage to property;
- (2) Damage to or endangered or threatened species of wildlife and/or plants;
- (3) Depredation of crops and/or livestock; or
- (4) Health and/or safety risks posed to persons.
- (u) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the confiscation of equipment and/or wildlife, the imposition of a wildlife protection assessment (civil recovery value), revocation and/or ineligibility for licenses and/or permits for a specified period of time, and restitution.
- (v) “Permit” means a document, stamp or tag authorizing a specific activity which is

issued by the Department to the holder of a license.

(w) “Protected species” means any species of wildlife that is not endangered or threatened, but for the Department has established seasons, daily bag limits, or otherwise restricted the taking of.

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

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

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

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

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

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

(dd) “Tribal member” means an enrolled member of the Nation.

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

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

(gg) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian, or any part or carcass of the same.

406.4. Jurisdiction

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

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

406.4-2. This law applies:

- (a) within the boundaries of the Reservation, and
- (b) on lands held in trust for the Nation outside the boundaries of the reservation.

406.4-3. *Jurisdiction.* The Nation has jurisdiction over the management and regulation of the Nation’s natural resources. However, this law shall not negate the jurisdiction of the State of Wisconsin in certain instances involving non-member Indians and non-Indians. Thus, to hunt, fish, or trap on tribal land, non-member Indians and non-Indians shall adhere to the Nation’s license, permit, and tag requirements and may also be subject to the requirements of the State of Wisconsin. License and permit holders may not exercise any hunting, fishing, or tapping privileges

within the Reservation boundaries using a State of Wisconsin license that would amount to greater privileges than those afforded pursuant to this Law and associated rules.

406.5. Administration and Supervision

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

406.5-2. *Administrative Rulemaking Authority.* In addition to any other duties delegated to the Department under this law, the Department is hereby delegated rulemaking authority in accordance with the Administrative Rulemaking law to:

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

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

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

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

(e) Fix, shorten, extend, or close seasons and hunting hours on any wildlife.

(1) The rules shall identify designated seasons and/or hunting hours for elder, disabled, and youth hunts.

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

(1) the taking of wildlife;

(2) other specified areas, pursuant to the rules developed by the Department.

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

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

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

(1) bait;

(2) decoys;

(3) hunting dogs;

(4) traps;

(5) firearms;

(6) ammunition;

(7) laser sights; and

(8) night vision.

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

(k) Prescribe safety and fire control measures and other rules as may be necessary for

range, forest; or wildlife management, and/or for the safety and welfare of outdoor recreationists, landowners, lessees, occupants, and the Nation.

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

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

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

(o) Create other rules as specifically directed throughout this law or as may be necessary to implement this law.

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

(a) Observe persons engaged in hunting, fishing and/or trapping in order to ensure that the methods and equipment utilized are lawful.

(b) Investigate reports of violations of wildlife and environmental laws, including, but not limited to, this law and corresponding rules.

(c) Work to prevent persons from violating this law and/or the corresponding rules.

(d) Issue warnings and/or citations, which may include fines and/or penalties, for violations of this law and/or the corresponding rules.

406.6. Licenses and Permits

406.6-1. *Sportsman License.*

(a) A sportsman license is required for all persons hunting, fishing, or trapping on Tribal land, except:

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

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

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

(G) beaver; and

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

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

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

(A) A person issued a “fishing only” sportsman license may not hunt or trap, or be eligible to hunt or trap, until the licensee provides the Department with

proof of successful completion of a certified hunter safety course.

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

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

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

(1) The designee of the group/organization is a Tribal member;

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

(3) The hunt takes place on the reservation.

(c) All persons participating in the ceremonial and/or feast hunt shall be:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) violated this law and/or corresponding rules and/or the hunting, fishing, or trapping laws and regulations of other jurisdictions;
- (ii) violated other laws or rules of the Nation while engaged in hunting, fishing, or trapping activities; or
- (iii) demonstrated poor judgment, disregard for safety or unsportsmanlike behavior while hunting, fishing, or trapping; including while interacting with other sportsmen or with wardens, of this jurisdiction or any other.

(C) At any time, the applicant has been found guilty of imposing or threatening to impose great bodily harm on another.

(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 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 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 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.

(q) Inflict or threaten to inflict bodily harm upon an Oneida Police Department officer or warden.

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

406.7-3. 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.

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

406.8. Wildlife Damage and Nuisance Control

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

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

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

(1) They have the authority to control hunting and trapping access to the lands subject to the nuisance or being damaged as well as any contiguous lands. In circumstances where the contiguous lands are not owned or leased by the applicant, the applicant shall demonstrate authority to control hunting and trapping access to the contiguous lands by providing the Department with the property owner's or lessor's written consent;

(2) They are either employing or agree to employ, reasonable alternative abatement methods to removal;

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

(4) They have complied with this law and corresponding rules and the conditions of any previously issued nuisance animal removal permit, at a minimum, for the previous twelve (12) months from the date they apply for the permit;

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

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

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

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

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

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

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

406.8-4. *Nuisance Animal Removal Designees.* A landowner may utilize as designee to remove a nuisance animal pursuant to the provisions of this law. If the requirements of this law and corresponding rules are satisfied, the landowner's nuisance animal removal permit and associated carcass tags, if applicable, may be utilized by the landowner's assigned designee.

(a) In order for a designee to be assigned to remove a nuisance animal, the landowner shall ensure that the following conditions are met:

(1) The designee shall have a valid license for hunting or trapping that nuisance animal's species;

(2) The landowner shall grant written permission to the designee specifically identifying the following:

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

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

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

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

(b) The landowner or lessee permittee may charge any assigned designee any form of fee.

406.8-5. *Annual Migratory Bird Report.* Persons killing crows, cowbirds, grackles, and red-

winged blackbirds shall provide an annual report to the U.S. Fish and Wildlife Service Region 3 Migratory Bird Permit Office by January 31st of each year for all such takings occurring within the previous January to December.

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

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

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

(1) Elders;

(2) Disabled persons; and

(3) Any other interested persons.

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

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

406.9. Hunting

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

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

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

(1) Into reservation lakes, reservoirs, or any area designated for public use pursuant to the Public Use of Tribal Land law, except for the purpose of hunting migratory birds during established seasons, in accordance with the rules created pursuant to this law;

(2) Across any roadway; or

(3) Within one hundred (100) yards of any structure, unless the owner-occupant, lessee, or tenant has granted express permission.

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

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

(a) Hunt with the use of aircraft;

(b) Hunt within fifty (50) feet of the center of a paved road;

(c) Hunt from a vehicle;

(d) Hunt while under the influence of alcohol or a controlled substance;

(e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light

to find one's way and while hunting on foot, at the point of harvest of coyote, raccoon, fox, or any other authorized unprotected species;

(f) Shine between the hours of 10:00 p.m. and sunrise during the months of September, October, November, and December; during all other months, shining is allowed at any hour;

(g) Hunt in a party of more than fifteen (15) persons;

(h) Hunt with, or possess while hunting:

(1) Any firearm for which the possession is unlawful under Wisconsin or Federal law;

(2) Slugs, except that a person may possess slugs during deer firearm season if they also possess the required associated permit;

(3) A handgun with a barrel length of less than five (5) inches;

(4) A concealed handgun without a valid permit from the State of Wisconsin; and/or

(5) Any of the following without a valid federal permit:

(A) A shotgun that has a barrel length of less than eighteen (18) inches or an overall length of less than twenty-six (26) inches;

(B) A rifle that has a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches;

(C) A fully-automatic firearm;

(D) Any mechanism designed to muffle, silence, or minimize the report of any firearm.

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

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

(a) To be eligible to be named a designated hunter, the named person shall:

(1) Possess a valid hunting license;

(2) Be eligible for the permits for which the person is named the designated hunter; and

(3) Meet any other requirements of the rules created pursuant to this law.

(b) Designated hunters may hunt for an unlimited number of permittees.

(c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the original permittee's possession as soon as practicable following the taking.

406.9-5. *Age Restrictions.*

(a) Persons between the ages of ten (10) and fourteen (14) years old may only 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.

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

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

(b) Tribal members, descendants, non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.

(1) In order to be eligible to be a mentor, the person shall:

(A) Be at least eighteen (18) years old;

(B) Have a valid license and any required permits; and

(C) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor

(2) Mentors may mentor a maximum of two (2) youth hunters at the same time; and

(3) The mentor shall remain within an arm's grasp of each youth hunter at all times.

406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people and may be limited in size as provided in the rules developed pursuant to this law. Any member of a deer hunting party may harvest deer on behalf of another member of the deer hunting party under the following circumstances:

(a) At the time and place of the harvest, the member of the hunting party who harvests the deer shall be in contact with the member of the hunting party on whose behalf the deer was harvested. For the purpose of this section, contact means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid. Hand radios are permitted, however may not be used as an acceptable means of contact as required in this section.

(b) The member of the hunting party for whom the deer was harvested shall possess a valid, license and carcass tag for the deer.

(c) The member of the hunting party who harvests the deer shall ensure that a valid carcass tag is attached to the deer by a member of the hunting party prior to field dressing and moving the deer; the member of the hunting party that harvests the deer may not leave said deer unattended until it has been properly tagged.

406.10. Enforcement and Penalties

406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the corresponding rules to the Department or the Oneida Police Department. The department receiving information regarding violations shall keep the information confidential.

406.10-2. *Licenses/Permits Suspension, Revocation, and/or Ineligibility.* The Department may suspend, revoke, or deem a party ineligible for a license or permit as a penalty for committing any of the following acts or any combination thereof:

(a) Has committed an act causing any of their hunting, fishing, or trapping licenses, permits or privileges to be suspended or revoked by any other jurisdiction, whether it be tribal, state, or federal, where, for the purposes of this section, a person's right to possess firearms is considered a hunting privilege;

(b) Provides false information, or assists other in providing false information, when applying for a license or permit;

(c) Fails to timely pay a fine or abide by a penalty assessed against them as a consequence for violating the provisions of this law and/or the corresponding rules; and/or

(d) Violates this law and/or the corresponding rules and the violation is one for which the citation schedule identifies suspension, revocation, or ineligibility of a license or permit as an available penalty.

406.10-3. *Appeal of License and/or Permit Decision.* Any person wishing to contest a decision of the Department related to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court naming the Department.

406.10-4. *Issuance of a Citation.* 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.

(a) A citation for a violation of this law, the corresponding rules, or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.

(b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

End.

Adopted - BC-08-31-94-C
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-__-__-__-__

July 2025

July 2025							August 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4	5					1	2
6	7	8	9	10	11	12		3	4	5	6	7	8
13	14	15	16	17	18	19		10	11	12	13	14	15
20	21	22	23	24	25	26		17	18	19	20	21	22
27	28	29	30	31				24	25	26	27	28	29
								31					

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Jun 30 	Jul 1 10:00am Ten Day Notice Policy amendments - work meeting (Microsoft Teams) 3:00pm Higher Education (Microsoft Teams Meeting) - Grace L. Elliott	2 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting); 1:30pm LOC Work Session (Microsoft Teams Meeting; BC_Exec_Conf_Room) -	3 	4
7 11:00am Recycling and Solid Waste - work meeting, recycling specific (Microsoft 1:30pm Probate Law Work Meeting (Microsoft Teams Meeting) - Clorissa N.	8 	9 	10 10:30am Secured Transactions/UCC (Microsoft Teams Meeting) - Grace L. Elliott	11 1:30pm Oneida Worker's Compensation Law amendments - work meeting (Microsoft Teams Meeting) - Carolyn A. Salutz
14 9:30am Indian Preference Law Amendments (Microsoft Teams Meeting) - Grace L. 11:00am Vendor Licensing - work meeting (Microsoft Teams Meeting) -	15 	16 8:30am LOC Prep Meeting (Microsoft Teams Meeting); 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm LOC Work Session (Microsoft	17 9:00am LOC Strategic Planning (BC_Conf_Room) - Clorissa N. Leeman	18
21 10:00am Oneida Personnel Policies and Procedures Amendments Work Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman	22 	23 	24 	25 10:00am Workplace Violence (Microsoft Teams Meeting) - Carolyn A. Salutz
28 1:30pm Code of Ethics (Microsoft Teams Meeting) - Grace L. Elliott	29 9:30am Elder Protection Law - Interdisciplinary Team Review (Microsoft Teams Meeting) - Grace L. Elliott	30 11:00am Conflict of Interest amendments - work meeting #3 (Microsoft Teams Meeting) - Carolyn A. Salutz	31 	Aug 1