

ONEIDA NATION PUBLIC MEETING NOTICE

FRIDAY, NOVEMBER 14, 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

REAL PROPERTY LAW AMENDMENTS

The Nation is considering updates to the Real Property law to improve land governance, and streamline operations.

Key proposed Real Property law amendments will:

- ♦ Limit the prohibition on selling Tribal land to parcels within 25 miles of the Reservation's boundaries. Exceptions include trust land consolidation, partition, and off-Reservation sales approved by resolution.
- ♦ Remove all probate-related provisions and definitions in anticipation of a standalone Probate law.
- ♦ Transfer rulemaking and operational authority from the Land Commission to Land Management, the Comprehensive Housing Division, and senior leadership. This includes lease approvals, land use licensing, and policy development.
- ♦ Reinstate trespass provisions, and expand enforcement powers to include citations, fines, and actions by Oneida police or wardens.
- ♦ Clarify the Nation's use of eminent domain as a last resort, with a process for judicial review.
- ♦ Clarify legal pathways for easements—by necessity, prescription, or written instrument. Adverse possession claims against the Nation are prohibited.
- ♦ Continue public access to land records through the Oneida Nation Register of Deeds, subject to approved fees.
- ♦ Increase Land Management staffing for real estate acquisition and clarify responsibilities for land care, leasing, and title management.



Individuals are encouraged to attend the public meeting for the proposed Real Property 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, NOVEMBER 21, 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 Real Property law amendments please review the public meeting packet at oneida-nsn.gov/government/register/public-meetings.



REAL PROPERTY LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Legislation or Amendments	<ul style="list-style-type: none"> ▪ Limit the Nation’s prohibition on the sale of Tribal land to only those parcels located within twenty-five (25) miles of the Reservation’s exterior boundaries and establish a defined process and specific circumstances under which exemptions may be granted- thereby empowering the Nation to sell Tribal land when necessary. [6 O.C. 601.4-2]. Exceptions to the general prohibition on certain land transactions are limited to the following: <ul style="list-style-type: none"> ▪ Consolidation or partition of Tribal trust land and/or individual trust land; or [6 O.C. 601.4-4(a)]. ▪ Sale of land located off the Reservation, but within twenty-five (25) miles of its exterior boundaries, provided the transaction is approved by formal resolution of the Oneida Business Committee. [6 O.C. 601.4-4(b)]. ▪ Remove the definitions for terms related to probate that are not applicable under the proposed amendments. Specifically eliminate the following definitions: <ul style="list-style-type: none"> ▪ Broker [6 O.C. 601.3-1(a)], ▪ Estate [6 O.C. 601.3-1(e)], ▪ Fiduciary [6 O.C. 601.3-1(f)], ▪ Guardian ad litem [6 O.C. 601.3-1(g)], ▪ Personal representative [6 O.C. 601.3-1(o)], and ▪ Probate [6 O.C. 601.3-1(p)]. ▪ Add or modify definitions for the following terms: Deed [6 O.C. 601.3-1(c)], Easement [6 O.C. 601.3-1(d)], Individual trust land [6 O.C. 601.3-1(f)], Land Management [6 O.C. 601.3-1(i)], Land use license [6 O.C. 601.3-1(j)], Restricted fee status [6 O.C. 601.3-1(o)], Rule [6 O.C. 601.3-1(p)], Senior management [6 O.C. 601.3-1(q)], Title status report [6 O.C. 601.3-1(s)], and Title report [6 O.C. 601.3-1(t)]. ▪ Clarify that the Nation’s exercise of eminent domain is limited to a right of last resort. [6 O.C. 601.8-3(a)(3)]. ▪ Provide that any party contesting the Nation’s authority to exercise eminent domain, or disputing the adequacy of consideration offered, may challenge the acquisition by filing a civil complaint with the Oneida Nation Trial Court. [6 O.C. 601.8-3(a)(3)]. ▪ Reinstate trespass provisions previously contained in the Public Use of Tribal Land law. [6 O.C. 601.8-10]. ▪ Add enforcement provisions similar to those contained in the Public Use of Tribal Land law. [6 O.C. 601.13]. ▪ Authorize officers of the Oneida Police Department or designated wardens to take any action necessary to prevent, mitigate, or remove violations of this Law, require proof of eligibility to access Tribal land, issue citations, and enforce any order not complied with at the expense of the owner. [6 O.C. 601.13].

	<ul style="list-style-type: none">▪ Provide that an individual who violates this law may be issued a citation; a citation may include fines, other penalties, and conditional orders as determined by the Trial Court. <i>[6 O.C. 601.13-2(a)].</i>▪ Specify that the Oneida Nation Register of Deeds shall provide public access to land records and title documents, subject to applicable fees outlined in the fee schedule established by Land Management and approved by the Land Commission. <i>[6 O.C. 601.11-3].</i>▪ Streamline authority and improve operational efficiency within Land Management and the Comprehensive Housing Division by eliminating overlapping responsibilities currently held by the Land Commission. The Land Commission will no longer:<ul style="list-style-type: none">▪ Interpret the provisions of this law by developing policies that guide Land Management in its execution. <i>[6 O.C. 601.12-2(a)].</i>▪ Approve or deny all applications for easements and land use licenses. <i>[6 O.C. 601.12-2(b)].</i>▪ Review and adopt Land Management’s standard operating procedures for agriculture and commercial leases in accordance with the Leasing law. <i>[6 O.C. 601.12-2(c)].</i>▪ Allocate and assign land uses to all Tribal land- excluding those governed by the Public Use of Tribal Land law- based on rules established by the Land Use Technical Unit. These rules shall be developed collaboratively with the Oneida Planning Department, affected Oneida divisions and departments and the Oneida Land Commission. <i>[6 O.C. 601.12-2(e)].</i>▪ Delegate exclusive rulemaking authority to the Comprehensive Housing Division for establishing process requirements- such as advertising, notice, prequalification, and selection- applicable to all residential improvements sales by the Nation. <i>[6 O.C. 601.5-1].</i>▪ Authorize the Oneida Business Committee and senior management to issue policy directives to Land Management for implementing this law, replacing the Land Commission’s role. <i>[6 O.C. 601.5-3].</i>▪ Eliminate the requirement for Land Management to forward easement and land use license requests to the Oneida Land Commission. <i>[6 O.C. 601.12-3(a)].</i>▪ Delegate rulemaking authority to Land Management under the Administrative Rulemaking law to: <i>[6 O.C. 601.5-3(b)].</i><ul style="list-style-type: none">▪ Define procedures for approving agriculture and commercial leases. <i>[6 O.C. 601.5-3(b)(1)].</i>▪ Establish a fine and penalty schedule for violations. <i>[6 O.C. 601.5-3(b)(2)].</i>▪ Create any additional rules necessary to implement or interpret this law; <i>[6 O.C. 601.5-3(b)(3)].</i>▪ Ensure all rules are approved by senior management before submission to the Legislative Operating Committee pursuant to the Administrative Rulemaking law. <i>[6 O.C. 601.5-3(b)(4)].</i>▪ Designate Land Management as the entity responsible for:<ul style="list-style-type: none">▪ Interpreting this law and developing policies as necessary to support implementation. <i>[6 O.C. 601.5-3(a)].</i>▪ Managing the Tribal land portfolio and acting as the caretaker of unassigned lands. <i>[6 O.C. 601.5-3(g)].</i>▪ Entering into and administering agricultural and commercial leases pursuant to the Leasing and Eviction and Termination laws. <i>[6 O.C. 601.5-3(h)].</i>
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	<ul style="list-style-type: none"> ▪ Processing requests for easements and land use licenses. <i>[6 O.C. 601.5-3(i)].</i> ▪ Administering internal building and land assignments to Nation entities, as approved by senior management. <i>[6 O.C. 601.5-3(j)].</i> ▪ Handling transactions that add real property to the Tribal land base. <i>[6 O.C. 601.5-3(k)].</i> ▪ Preparing and maintaining title reports and accurate land records; <i>[6 O.C. 601.5-3(l)].</i> ▪ Providing real estate services for individual trust landowners under the self-governance compact, including document submission to the Bureau of Indian Affairs. <i>[6 O.C. 601.5-3(m)].</i> ▪ Compiling, and submitting the Nation's fee-to-trust applications in accordance with the priorities set by senior management; <i>[6 O.C. 601.5-3(n)].</i> ▪ Determining which Tribal lands require posting and ensuring appropriate signage is installed. <i>[6 O.C. 601.5-3(o)].</i> ▪ Remove the provisions of the Law regarding probate. <i>[6 O.C. 601.8].</i> ▪ Establish the legal framework for granting easements in specific circumstances where access to property is restricted. Three types of easements are outlined: <ul style="list-style-type: none"> ▪ Easement by Necessity- Allows landlocked property owners to petition the Oneida Judiciary for access through adjacent land, provided they can prove the parcels were once under common ownership and the landlocked condition resulted from a severance. <i>[6 O.C. 601.8-3(d)].</i> ▪ Prescriptive Easement- Permits individuals to seek continued use of land if they've used it openly, adversely, and continuously for twenty (20) years. <i>[6 O.C. 601.8-3(e)].</i> ▪ Easement by Written instrument- Recognizes property rights acquired through uninterrupted adverse possession over seven years. <i>[6 O.C. 601.8-3(e)].</i> ▪ Additionally, it protects Tribal land from unauthorized claims, by prohibiting adverse possession claims against the Nation. <i>[6 O.C. 601.8-3(f)].</i> ▪ Increase the minimum number of Land Management employees primarily responsible for real estate acquisitions from one (1) to two (2), contingent upon budgetary resources. <i>[6 O.C. 601.12-1(b)].</i> ▪ Make other minor drafting changes throughout the Law.
Purpose	The purpose of this law is to provide regulations and procedures for the transfer, control and management of all Tribal land; and to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold concurrent jurisdiction. <i>[6 O.C. 601.1-1].</i>
Affected Entities	The Comprehensive Housing Division, Oneida Land Commission, Oneida Land Management, Oneida Police Department, Oneida Law Office.
Related Legislation	Administrative Rulemaking law, Building Code, Leasing law, Eviction and Termination law, Judiciary law, Mortgage and Foreclosure law, Oneida Judiciary Rules of Civil Procedure, Public Use of Tribal Land, and Zoning and Shoreline Protection Ordinance.
Enforcement	The Real Property law delegates authority to Land Management to develop rules, pursuant to the Administrative Rulemaking law, as well as citation fees and penalty schedules, for the implementation, interpretation and/or enforcement of the law. <i>[6 O.C. 601.5-3(b)].</i> An officer of the Oneida Police Department or a

	designated warden may require any person to provide proof of eligibility to access or use any designated Tribal lands. [6 O.C. 601.13-1]. An individual who violates this law may be issued a citation; a citation may include fines, other penalties, and conditional orders as determined by the Trial Court. [6 O.C. 601.13-2(a)].
Due Process	Any party contesting the Nation's authority to exercise eminent domain, or disputing the adequacy of consideration offered, may challenge the acquisition by filing a civil complaint with the Oneida Nation Trial Court. [6 O.C. 601.8-3(a)(3)]. All citations shall be processes in accordance with the Nation's laws and policies governing citation procedures. [6 O.C. 601.13-2(b)].
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Real Property law was originally adopted by the Oneida Business Committee in 1996 by resolution BC-5-29-96-A, and then through resolutions BC-03-01-06-D, BC-04-28-10-E, BC-02-25-15-C, BC-05-13-15-B, BC-02-08-17-A and BC-05-09-18-A. The Real Property law provides regulations and procedures for the transfer, control and management of all Tribal land. [6 O.C. 601.1-1].
- B. **Request for Amendments.** The Real Property law was added to the AFL in January 2020 by request of the Oneida Law Office to emergency amend the delegation of rulemaking authority given Oneida Land Commission, Land Management & Comprehensive Housing Division. The amendments added a provision that delegates rulemaking authority to these agencies as needed to exercise their authority and manage the responsibilities bestowed upon them by law. The basis for the emergency was to give Comprehensive Housing Division, Oneida Land Commission & Land Management authority to develop rules under the law regarding land acquisitions. Rulemaking authority was sought to address such acquisitions due to the transparency and oversight that the process of the Administrative Rulemaking law provides.
- Emergency amendments to the law were sought to preserve the general welfare of the Reservation population as the amendments ensure that the homeownership and land acquisition strategies related to the Nation's HIP and THRIFTT programs were not jeopardized by allowing immediate updates to the program processing and required component that authorizes land acquisitions. Emergency amendments were adopted by the OBC through resolution BC-01-22-20-B. The amendments were set to expire on July 22, 2020. On July 22, 2020, the OBC adopted resolution BC-07-22-20-A, extending the emergency amendments to the Real Property law for an additional six (6) month timeframe – to expire on January 22, 2021.

SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of the amendments to this Law and legislative analysis:
 - Comprehensive Housing Division (CHD);
 - Oneida Law Office;
 - Land Management; and

- General Manager.
- The following laws of the Nation were reviewed in the drafting of this analysis:
 - Eviction and Termination;
 - Public Use of Tribal Land;
 - Leasing law;
 - Administrative Rulemaking law;
 - Mortgage and Foreclosure;
 - Building Code;
 - Zoning and Shoreline Protection Ordinance;
 - Judiciary law; and
 - Oneida Judiciary Rules of Civil Procedure.

SECTION 4. PROCESS

- A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
 - On October 4, 2023, the Legislative Operating Committee added this Law to its Active Files List for amendments.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to this law:
 - November 13, 2023: LOC work session with Land Management, Comprehensive Housing Division, Onieda Law Office, and General Manager.
 - February 13, 2024: LOC work session with Land Management, Comprehensive Housing Division, and Onieda Law Office.
 - March 3, 2024: LOC work session with Land Management, Comprehensive Housing Division, Onieda Law Office, and General Manager.
 - March 28, 2024: LOC work session with Land Management, Comprehensive Housing Division, and Onieda Law Office.
 - April 16, 2024: LOC work session with Land Management, Comprehensive Housing Division, Onieda Law Office, and General Manager.
 - June 11, 2024: LOC work session with Land Management, Comprehensive Housing Division, Onieda Law Office, and General Manager.
 - July 2, 2024: LOC work session with Land Management, Comprehensive Housing Division, Onieda Law Office, and General Manager.
 - July 25, 2024: LOC work session with Land Management, Comprehensive Housing Division, Onieda Law Office, and General Manager.
 - December 10, 2024: LOC work session.
 - December 18, 2024: LOC work session.
 - January 28, 2025: LOC work session.
 - June 6, 2025: LOC work session with Land Management, Comprehensive Housing Division, Onieda Law Office, and General Manager.
 - August 5, 2025: LOC work session with Land Management, Comprehensive Housing Division, and Onieda Law Office.
 - August 21, 2025: LOC work session with Land Management, Comprehensive Housing Division, and Onieda Law Office.

- August 28, 2025: LOC work session with Land Management, Comprehensive Housing Division, Onieda Law Office, and General Manager.

SECTION 5. CONTENTS OF THE LEGISLATION

- **Definitions.** The proposed amendments to the Law remove definitions for terms that are no longer used in the law, including the following: Broker [6 O.C. 601.3-1(a)], Estate [6 O.C. 601.3-1(e)], Fiduciary [6 O.C. 601.3-1(f)], Guardian Ad Litem [6 O.C. 601.3-1(g)], Personal Representative [6 O.C. 601.3-1(o)], and Probate [6 O.C. 601.3-1(p)]. Definitions are added for the following terms: Deed [6 O.C. 601.3-1(c)], Senior Management [6 O.C. 601.3-1(q)], and Title Report [6 O.C. 601.3-1(a)]. Definitions are amended for the following terms: Easement [6 O.C. 601.3-1(d)], Individual trust land [6 O.C. 601.3-1(f)], Land Management [6 O.C. 601.3-1(i)], Land use license [6 O.C. 601.3-1(j)], Restricted fee status or Restricted fee [6 O.C. 601.3-1(o)], Rule [6 O.C. 601.3-1(p)], and Title status report [6 O.C. 601.3-1(s)].
 - **Effect.** Updating the definitions to incorporate new terms, remove obsolete ones, and revise existing terms to reflect current practices enhances clarity and precision within the Law. These updates reduce ambiguity by clearly specifying the meaning of each term in context, thereby minimizing the risk of misinterpretation and legal disputes, and improving accessibility for all readers.
- **Sale of Tribal land.** The proposed amendments to the Law significantly refine the Nation's policy on the sale of Tribal land. While the Nation previously maintained a broad prohibition on such sales, the amendments now limit that restriction to parcels located within twenty-five (25) miles of the Reservation's exterior boundaries. This change empowers the Nation to engage in strategic land divestment, when necessary, while preserving protections for land closest to the Reservation. The amendments also establish a clear process and defined circumstances under which exceptions to the general prohibition may be granted. Specifically, transactions may proceed in cases involving the consolidation or partition of Tribal trust land and/or individual trust land, or the sale of land located off the Reservation but within the twenty-five-mile radius, provided the transaction receives formal approval by resolution of the Oneida Business Committee. These provisions enhance the Nation's flexibility in managing its land holdings while maintaining appropriate oversight and alignment with long-term land use priorities
 - **Effect.** The proposed amendment expands the Nation's authority to sell Tribal land located beyond the 25-mile radius of the Reservation's exterior boundaries. It also establishes a formal process for divesting land situated off-Reservation but within the 25-mile radius, contingent upon approval by the Oneida Business Committee. These changes enhance the Nation's capacity for strategic land management by enabling the divestiture of parcels that are no longer beneficial to Tribal interests or present administrative challenges. This provision balances preservation with flexibility. It maintains strong protections for land near the Reservation while allowing for controlled, purposeful transactions elsewhere. It also reinforces governance accountability through required approvals
- **Remove Probate.** The proposed amendments to the Law remove the provisions of the Law regarding probate. [6 O.C. 601.8]. Removing probate provisions from the Real Property law and consolidating them into a comprehensive probate law enhances legal clarity, administrative efficiency, jurisdictional integrity, and legislative flexibility. It reflects the Nation's maturing legal framework that treats probate as a distinct and complex area deserving its own governance

structure. Additionally, a standalone probate law can be amended independently of the Real Property law, allowing the Nation to respond more nimbly to changes in federal trust regulations, estate planning practices, or community needs.

- *Effect.* The proposed amendment to the Law allows the Nation to develop a comprehensive and independent body of probate regulations, better aligning with the Nation's values as well as external legal systems—a critical consideration when addressing trust land, federal oversight, and interjurisdictional estate matters. Establishing a standalone probate law will also streamline judicial and administrative processes by removing probate-related provisions from the Real Property law. This separation enables entities such as the Judiciary, Land Management, and the Register of Deeds to handle probate matters more efficiently through procedures, forms, and timelines specifically tailored to probate, which often differ significantly from those governing real property and land transactions.
- **Frequently Asked Questions (FAQ): Changes to the Real Property Law – Probate**
- 1. Why is the probate section being removed from the Real Property Law?
 - The Nation is developing a standalone Probate Law to better address probate matters in a comprehensive and dedicated manner. Removing the probate section from the Real Property Law is part of this transition.
- 2. Is the new Probate Law already in effect?
 - No, the standalone Probate Law is still in development and has not yet been adopted. Until it is officially enacted, the existing probate provisions in the Real Property Law will remain in effect.
- 3. What does this mean for current probate cases?
 - Current probate cases will continue to be governed by the existing probate provisions in the Real Property Law. There will be no disruption in how probate matters are handled during the transition.
- 4. How will the Real Property Law amendments address this transition?
 - The resolution adopting the amendments to the Real Property Law will include a temporary provision that keeps the probate sections active until the new Probate Law is adopted. This ensures continuity and legal clarity.
- 5. Will there be any changes to how probate is processed once the new law is adopted?
 - Yes. Once the standalone Probate Law is adopted, it will replace the probate provisions currently found in the Real Property Law. The new law is expected to provide more detailed procedures and protections specific to probate matters.
- 6. Will community members be informed when the new Probate Law is adopted?
 - Yes. The Nation will provide public notice once the new Probate Law is finalized and adopted. This may include informational sessions, printed materials, and updates on the Nation's website.
- ***Eliminate the Land Commission's rulemaking authority.*** The proposed amendments to the Law reflect a strategic shift in governance by transferring specific authority from the Land Commission to the Land Management and the Comprehensive Housing Division (CHD). Over the years, the Land Management and CHD have demonstrated institutional maturity, operational capacity, and subject-matter expertise, positioning them to effectively manage responsibilities that were previously under the Commission's purview.

This delegation is intended to streamline decision-making, reduce administrative redundancy, and improve service delivery. Commissions are typically designed to provide oversight, policy guidance, and community representation. While these functions remain vital, the day-to-day execution of complex regulatory or administrative tasks is better suited to entities with dedicated staff, established procedures, and direct accountability mechanisms.

By empowering Land Management and CHD, the Nation aligns its governance structure with best practices that prioritize efficiency, specialization, and responsiveness. Land Management and CHD’s ability to implement policies, manage resources, and enforce standards in real time ensures that decisions are made with both technical precision and operational agility.

Importantly, this shift does not diminish the role of the Land Commission. Rather, it clarifies the division of responsibilities—allowing the Land Commission to focus on strategic oversight and policy development, while Land Management and CHD handle implementation. This balance strengthens institutional integrity and supports the Nation’s long-term goals of effective, transparent, and accountable governance.

This change reflects a natural evolution in governance, where authority is placed with the entity best equipped to exercise it. It enhances operational effectiveness, strengthens accountability, and supports the Nation’s long-term goal of building capable, responsive institutions.

- *Effect.* Rulemaking authority would be distributed as reflected in **Table 1**.

Table 1. Comparison: Rulemaking Authority in the Real Property law

Agency	CURRENT Rulemaking Authority under Real Property Law	PROPOSED Rulemaking Authority under Real Property Law
<i>Comprehensive Housing Division</i>	Rules regarding: <ul style="list-style-type: none"> Selling a Residential Property [6 O.C. 601.12-1]. 	“selling a residential improvement” [6 O.C. 601.5-1].
<i>Oneida Land Management</i>	Rules regarding: <ul style="list-style-type: none"> Probate [6 O.C. 601.8-1]. Easements for Landlocked Properties [6 O.C. 601.7-3(e)]. Easement and Land Use Licenses [6 O.C. 601.12-3]. 	“describe the process and procedure for approving agriculture and commercial leases” [6 O.C. 601.5-3(b)(1)]. “Create a fine and penalty schedule for violations of [the Real Property] law” [6 O.C. 601.5-3(b)(2)]. “Any other rule needed to implement or interpret the provisions of this law” [6 O.C. 601.5-3(b)(3)].
<i>Oneida Land Commission</i>	Rules regarding: <ul style="list-style-type: none"> Probate [6 O.C. 601.8-1]. Selling a Residential Property [6 O.C. 601.12-1]. Easements for Landlocked Properties [6 O.C. 601.7-3(e)]. 	

	<ul style="list-style-type: none"> • Easement and Land Use Licenses [6 O.C. 601.12-3]. 	
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- **Trespass.** The proposed amendments to the Law provide that a person commits trespass when they enter or occupy Tribal land, or land owned by a Tribal member within the Reservation boundaries, without proper authorization and either refuse to leave when requested, despite having no legal claim or right to possession, or ignore notice that entry is prohibited. [6 O.C. 601.10-1]. Such notice may be given publicly through the Nation’s website or newspaper or physically posted on the land using signs or markings that meet specific requirements. [6 O.C. 601.10-1(b)]. Certain actions require proper authorization through a lease, permit, or other legal means. [6 O.C. 601.10-1(c)].
 - **Effect.** Trespass is clearly defined and broadened to include land owned by Tribal Members within Reservation boundaries, reducing legal ambiguity. Enforcement mechanisms are strengthened, ensuring the protection of Tribal lands and resources.
- **Enforcement.** The proposed amendments to the Law provide that officers of the Oneida Police Department or designated wardens may require individuals to show proof of eligibility to access or use designated Tribal lands. [6 O.C. 601.13-1]. If a person violates any provision of the law, they may be issued a citation, with each day of continued violation considered a separate offense. [6 O.C. 601.13-2]. Citations may include fines, penalties, or conditional orders as determined by the Trial Court and must follow the Nation’s established citation procedures. [6 O.C. 601.13-2(a)]. If a person fails to comply with an order, enforcement actions may be taken by law enforcement at the violator’s expense. [6 O.C. 601.13-2(c)]. Additionally, the Oneida Police Department is authorized to take any lawful and necessary action to prevent, mitigate, or remove violations of the law. [6 O.C. 601.13-2(d)].
 - **Effect.** The proposed amendments to the Law empower the Oneida Police Department and designated wardens to actively monitor and regulate access to Tribal lands. Clear procedures are established for issuing citations and penalties for violations, with each day of noncompliance treated as a separate offense. This framework strengthens accountability, ensures consistent enforcement, and protects Tribal property and land use rights.
- **Increase Land Management real estate acquisition employee allocation.** The proposed amendments to the Law increase the minimum number of Land Management employees primarily responsible for real estate acquisitions from one (1) to two (2), contingent upon budgetary resources. [6 O.C. 601.12-1(b)].
 - **Effect.** Increasing the minimum number of Land Management employees primarily responsible for real estate acquisitions from one to two—contingent upon budgetary resources—can significantly enhance the Nation’s ability to achieve the critical goal of reacquiring property within the original Reservation boundaries. With additional staffing, the department can more effectively identify, evaluate, and pursue acquisition opportunities, respond to time-sensitive transactions, and manage complex negotiations. This expansion also allows for greater strategic planning and community engagement, ultimately accelerating the pace of reacquisition and strengthening Tribal sovereignty over ancestral lands.
- **Other amendments.** Overall, a variety of other amendments and revisions were made to the Law to address formatting, drafting style, and organization that did not affect the substance of the Law.

SECTION 6. EXISTING LEGISLATION

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

- **Eviction and Termination Law.** The purpose of the Eviction and Termination Law is to provide consistent procedures for terminating contracts and evicting occupants under the Nation's rental and/or leasing programs that include due process and protects for all parties involved. [6 O.C. 610.1-1]. The law's underlying policy is to "provide fair termination and eviction processes that preserves the peace, harmony, safety, health, general welfare and the Nation's resources." [6 O.C. 610.1-2].
 - According to the Real Property Law the Comprehensive Housing Division oversees all residential transactions within the Reservation and shall administer such transactions using the applicable laws of the Nation including the applicable sections of the Landlord Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law. [6 O.C. 601.5-1].
 - Under the Real Property law, and in alignment with the Leasing law, the Division of Land Management is responsible for administering all agricultural leases on Tribal land, while the Comprehensive Housing Division oversees all residential leases. Although the Leasing law's definition of Tribal land excludes Tribal fee land, the Real Property law mandates that all Tribal land—regardless of ownership status—be administered in accordance with the Leasing law and the Eviction and Termination law. [6 O.C. 601.9-1].
- **Leasing Law.** The purpose of the Leasing Law is to set forth the Nation's authority to issue, review, approve, as well as enforce, leases and was established in accordance with the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2021 (HEARTH Act) so that the Nation can approve leases on its land without having to obtain additional approval from the Secretary of the Interior. [6 O.C. 602.1- 1]. The policy behind the law is to codify the expectations and responsibilities of the lessor and lessee when leasing Tribal land and to ensure that the leasing of Tribal land results in minimal risk to the Nation. [6 O.C. 602.1-2].
 - According to the Leasing Law leases approved under the Law are subject to all of the Nation's laws, except to the extent those laws are inconsistent with applicable federal law. [6 O.C. 602.4-3].
 - According to the Real Property Law the Comprehensive Housing Division oversees all residential transactions within the Reservation and shall administer such transactions using the applicable laws of the Nation including the applicable sections of the Landlord Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law. [6 O.C. 601.5-1].
 - Under the Real Property law, and in alignment with the Leasing law, the Division of Land Management is responsible for administering all agricultural leases on Tribal land, while the Comprehensive Housing Division oversees all residential leases. Although the Leasing law's definition of Tribal land excludes Tribal fee land, the Real Property law mandates that all Tribal land—regardless of ownership status—be administered in accordance with the Leasing law and the Eviction and Termination law. [6 O.C. 601.9-1].
- **Citation 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 Real Property law provides that an individual who violates a provision of the law or the corresponding rules may be subject to the issuance of citation by an officer of the Oneida Police Department or designated warden in accordance with the Nation's laws and policies governing citations. [6 O.C. 601.13-2].
- **Landlord Tenant Law.** The purpose of the Landlord Tenant law is to provide regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions.
 - According to the Real Property Law the Comprehensive Housing Division oversees all residential transactions within the Reservation and shall administer such transactions using the applicable laws of the Nation including the applicable sections of the Landlord Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law. [6 O.C. 601.5-1].
- **Administrative Rulemaking.** The purpose of the Administrative Rulemaking law is to provide a process for the adoption of and amendments to the Nation's administrative rules. [1 O.C. 106.1-1]. Its underlying policy is to ensure there exists 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. 106.1-2].
 - This Law delegates rulemaking authority to Land Management and the Comprehensive Housing Division. [6 O.C. 601.5].
 - Any rules promulgated by the Comprehensive Housing Division or Land Management are required to be developed in accordance with the process and procedures of the Administrative Rulemaking law. [6 O.C. 601.3-1(o)].
- **Mortgage and Foreclosure Law.** The purpose of the Mortgage and Foreclosure law is to set the standards and requirements for participation in the mortgage programs and to prescribe the foreclosure process required to be used in the event of a default of a mortgage. [6 O.C. 612.1-1]. It is the policy of this law to administer mortgage programs aimed at maintaining and improving the standard of living for Tribal members, while protecting the Nation's assets and expanding the Tribal land base. [6 O.C. 612.1-2].
 - The Real Property law provides that an involuntary transfer of real property may occur by foreclosure, subject to the Mortgage and Foreclosure law when a Tribal member ceases payment on a mortgage. [6 O.C. 601.8-3(b)].
 - According to the Real Property Law the Comprehensive Housing Division oversees all residential transactions within the Reservation and shall administer such transactions using the applicable laws of the Nation including the applicable sections of the Landlord Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law. [6 O.C. 601.5-1].
- **Public Use of Tribal Land Law.** The purpose of the Public Use of Tribal Land law is to prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1]. It is the policy of the Nation

to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air and waters, through appropriate uses of the land. [6 O.C. 609.1-2].

- The Public Use of Tribal Land law is being amended to remove provisions regarding trespass, as the proposed amendments to the Real Property will now address trespass and expand its application to cover Tribal member land within the Reservation boundaries. [6 O.C. 601.10-1].

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The Real Property law delegates authority to Land Management to develop rules, pursuant to the Administrative Rulemaking law, as well as citation fees and penalty schedules, for the implementation, interpretation and/or enforcement of the law. [6 O.C. 601.5-3(d)].
- B. The Real Property law delegates authority to the Comprehensive Housing Division to develop rules, pursuant to the Administrative Rulemaking law to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential improvement. [6 O.C. 601.5-1].
- C. The Real Property law provides that an officer of the Oneida Police Department or a designated warden may require any person to provide proof of eligibility to access or use any designated Tribal lands. [6 O.C. 601.13-1]. An individual who violates a provision of this law may be issued a citation by an officer of the Oneida Police Department or a designated warden. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. [6 O.C. 601.5-2].
 - A citation issued under this law, or pursuant to any order authorized by this law, may include fines, other penalties, and conditional orders as determined by the Trial Court. [6 O.C. 601.5-2(a)].
 - All citations shall be processed in accordance with the Nation's laws, rules, and policies governing citation procedures. [6 O.C. 601.5-2(b)].
 - Any order that is not complied with may be enforced by an officer of the Oneida Police Department or a designated warden. Enforcement actions may be taken at the expense of the owner. [6 O.C. 601.5-2(c)].
 - The Oneida Police Department is authorized to take any lawful and necessary action to prevent, mitigate, or remove violations of this Law. [6 O.C. 601.5-2(d)].

SECTION 8. OTHER CONSIDERATIONS

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 directed that a fiscal impact be completed.

Probate. The Legislative Operating Committee is working to improve how probate matters are handled by developing a dedicated Probate Law. As part of this effort, the probate section currently found in the

Real Property Law is planned to be removed. However, the new standalone Probate Law has not yet been officially adopted.

- *Conclusion.* The resolution to amend the Real Property Law will include a provision that keeps the existing probate sections in effect temporarily. This ensures that there is no gap in legal coverage and that probate matters can continue to be addressed until the new law is in place.

Title 6. Property and Land – Chapter 601**REAL PROPERTY****Tokʼske Kayanʼkhsa Tsiʼ Niʼyohuntsya-té***The real/certain laws of the territory of the nation***REAL PROPERTY**

601.1. Purpose and Policy
 601.2. Adoption, Amendment, Repeal
 601.3. Definitions
 601.4. General Provisions
~~601.5. Holding of Ownership~~ Organization
~~601.6. Legal Descriptions~~ Holding of Ownership
~~601.7. Legal Descriptions~~

~~601.78. Title Transfer~~ Title Transfer
~~601.89. Probate~~ Leasing of Real Property
~~601.910. Leasing of Real Property~~ Trespass
~~601.10.11. Records~~
~~601.121. Real Estate Education Requirements and Certifications~~
~~601.1213. Organization~~ Enforcement

601.1. Purpose and Policy

601.1-1. *Purpose.* The purpose of this law is to provide regulations and procedures for the transfer, control and management of ~~the territory within the Reservation and~~ all Tribal land; and to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold concurrent jurisdiction. ~~within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions.~~

601.1-2. *Policy.* It is the policy of the Nation to set out the responsibilities and expectations for ~~persons~~ purchasing and ~~or~~ managing real property on behalf of the Nation ~~and/or within the Reservation~~ and to provide real property holder's rights and responsibilities. ~~In addition, it is the Nation's policy that probated estates shall be settled expeditiously and without undue delay.~~

601.2. Adoption, Amendment, Repeal

601.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-29-96-A and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C, BC-05-13-15-B and BC-02-08-17-A, ~~and~~ BC-05-09-18-A and BC-xx-xx-xx-x.

601.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

601.2-3. 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.

601.2-4. 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, the Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016 and is hereby repealed upon the expiration of the last existing land assignment.

601.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

601.3. Definitions

601.3-1. 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, subject to 601.4-5.

~~(a) "Broker" means a person who acts as an agent and negotiates the sale, purchase or rental of real property on behalf of others for a fee.~~

(~~a~~b) “Certified survey map” means a map which provides the legal description of real property and is officially filed and approved by the county, Tribal or municipal governments.

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

(c) “Deed” means the formal document used to transfer title from one (1) party to another.

(d) “Easement” means a real property right to cross or otherwise utilize the land of another for a specified purpose and duration with just compensation.

~~(e) “Estate” means a person’s interest in real property or other property.~~

~~(f) “Fiduciary” means a person required to act for the benefit of another person on all matters within the scope of their relationship and by such a relationship owes another duties of good faith, trust, confidence and candor. For the purposes of this law, both brokers and salespersons are “fiduciaries.”~~

~~(g) “Guardian ad litem” means a guardian appointed by the Judiciary on behalf of an incompetent or minor party.~~

(~~e~~h) “Individual fee land” means real property held in fee status by an individual or group of individuals.

(~~f~~i) “Individual trust land” means ~~individual Tribal land~~ real property held in trust status by the United States of America for the benefit of a ~~Tribal~~ member of a federally recognized Indian tribe.

~~wherein w and~~

(~~g~~j) “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

(~~h~~k) “Land Management” means the entity within the Nation ~~responsible for maintaining the Oneida Nation Register of Deeds, entering into and administering agricultural and commercial leases on behalf of the Nation, processing trust transactions and land acquisition transactions, and for fulfilling other responsibilities as identified within this law. Is the custodian of land records manages that is the caretaker and manager of the Nation’s agricultural, land’s commercial and leasing portfolios, responsible for entering into leases~~ and performs all ~~land~~ acquisitions on behalf of the Nation. Land Management reports to the Division Director of the Environmental, Land and Agricultural Division.

(~~i~~l) “Land use license” means an agreement entered into by the Nation providing a party the right to occupy and/or utilize a specified piece of ~~Tribal~~ land for a specific purpose and a temporary ~~specific~~ duration, which may require the Nation to be compensated for such use.

(~~j~~m) “Leasehold mortgage” means a mortgage, deed of trust, or other instrument that pledges a lessee’s leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.

(~~k~~n) “Nation” means the Oneida Nation.

~~(o) “Personal representative” means a person to whom authority to administer a decedent’s estate have been granted by Land Management or the Judiciary.~~

~~(p) “Probate” or “Administration” means any proceeding relating to a decedent’s estate, whether there is or is not a will.~~

(~~l~~q) “Real property” means land and anything growing on, attached to, or erected on the land, excluding anything that may be severed without injury to the land.

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

(n) “Restricted fee status” or “Restricted fee” means ~~an interest in real property which includes a provision in the deed or will that, upon the happening or failure to happen of a certain event, the title of the purchaser or devisee shall be limited, enlarged, changed or terminated.~~ title to the land is held by an individual Indian person or a tribe and can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior because of limitations imposed under federal law.

(o) “Rule” means a set of requirements, including fee schedules, enacted by the ~~Comprehensive Housing Division, Land Management, Oneida Planning Department and/or the Oneida Land Commission~~ Tribal entities in accordance with this law and the Administrative Rulemaking law, based on authority delegated in this law in order to implement, interpret and/or enforce this law.

(p) “Senior management” means the highest level positions employed by the Nation in the non-enterprise chain of command under the Oneida Business Committee.

(q) “TAAMS” (Trust Asset and Accounting Management System) means the Bureau of Indian Affairs system for maintaining and tracking land title documents and all legal documents relating to land transactions.

(r) “Title status report” means a report issued ~~by the Bureau of Indian Affairs~~ after a title examination of trust land which shows the proper legal description of a tract of Tribal land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on records; and whether the land is in unrestricted, restricted, trust, or other status generated in TAAMS. ~~as indicated by the records in a Land Titles and Records Office.~~

(s) “Title report” means a report issued after a title examination of the Nation’s and applicable counties land records which shows the proper legal description and includes any applicable conditions, exceptions, restrictions or encumbrances.

(t) “Tribal fee land” means land held in fee status by the Nation.

(u) “Tribal land” means Tribal fee land and/or Tribal trust land.

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

(w) “Tribal trust land” means the surface estate of land or any interest therein held by the United States in trust for the Nation; land held by the Nation subject to federal restrictions against alienation or encumbrance; land reserved for federal purposes; and/or land held by the United States in trust for the Nation under Section 17 of the Indian Reorganization Act, 25 U.S.C §477, et. seq.

601.4. General Provisions

601.4-1. *Applicable Real Property.* The provisions of this law extend to all Tribal member’s individual fee land and individual trust land within the Reservation boundaries and all Tribal land.

~~601.4-2. Tribal Land Base. Land Management shall administer all transactions which add real property to the Tribal land base under the provisions of this law.~~

601.4-23. *Sale of Tribal Land Prohibited.* The sale of Tribal land located within twenty-five (25) miles of the exterior boundaries of the Reservation is ~~specifically expressly~~ prohibited, ~~by this law,~~ unless the intent of ~~except under the following circumstances:~~

(a) ~~The~~ transaction is intended to ~~the~~ consolidation or partition ~~of~~ Tribal trust land and/or individual trust land.

(b) The land is located off the Reservation but within twenty-five (25) miles of the exterior boundaries of the Reservation, and the sale is approved by formal resolution of the Oneida Business Committee.

601.4-~~34~~. *New Land Assignments Prohibited.* The Nation may not acknowledge any new land assignments. Further, in order to be eligible for a Tribal loan issued against a real property interest held as a land assignment, the land assignment shall first be converted to a residential lease.

~~601.4-5. Wisconsin Probate Code and its Related Chapters. In instances where the Nation lacks definition, procedure, or legal precedent in a probate matter, the Nation shall use Wisconsin's Probate Code and its related chapters for guidance.~~

~~601.4-56. Wisconsin Real Property Law. The Nation shall follow all applicable portions of the Wisconsin Real Property law when acquiring individual fee land.~~

601.4-~~47~~. *No Waiver of Sovereign Immunity.* Nothing in this law may be construed as a waiver of the Nation's sovereign immunity.

601.5. Organization

601.5-1. Comprehensive Housing Division. The Comprehensive Housing Division shall oversee all residential transactions on Tribal Land within the Reservation and shall process and administer such transactions using the applicable sections of the Landlord-Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law; including any corresponding rules. In addition, ~~the Oneida Land Commission and~~ the Comprehensive Housing Division shall exercise ~~joint~~ rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property improvement.

601.5-2. Oneida Land Commission. The Oneida Land Commission is comprised of seven (7) elected Tribal members and shall:

~~(a) Interpret the provisions of this law and create policy as needed to guide Land Management in implementing the same;~~

~~(b) Approve or deny all easements and land use licenses;~~

(a) approve or deny all acquisition of Tribal land provided that the Land Commission may delegate acquisition sign-off authority to the Environmental, Land and Agricultural Division Director pursuant to Land Commission resolution; and

(b) name all buildings, roads, parks and the like on Tribal land.

~~(c) Review and adopt Land Management's standard operating procedures for entering into agriculture and commercial leases pursuant to the Leasing law;~~

~~—— (d) Approve or deny all acquisition of Tribal land;~~

~~(e) Allocate and assign land uses to all Tribal land, except those uses governed by the Public Use of Tribal Land law, based on the Land Use Technical Unit rules which the Oneida Planning Department shall develop in collaboration with affected Oneida divisions and departments and the Oneida Land Commission; and~~

~~(f) Name all buildings, roads, parks and the like on Tribal land.~~

601.~~512~~-3. *Land Management.* Land Management shall implement this law in accordance with the policy directives provided by the Oneida Business Committee and senior management ~~Oneida Land Commission~~. Land Management shall:

~~(a) Forward requests for easements and land use licenses to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission;~~

(a) Interpret the provisions of this law and create policy as needed;

(b) Exercise rulemaking authority pursuant to the Administrative Rulemaking Law to:

(1) Clearly describe the process and procedure for approving agriculture and commercial leases.

(2) Create a fine and penalty schedule for violations of this law and its corresponding rules; and

(3) Any other rule needed to implement or interpret the provisions of this law.

(4) Provided that, such rules shall be approved by senior management prior to their submission to the Legislative Operating Committee pursuant to the Administrative Rulemaking Law.

(c**b**) Administer and oversee the Oneida Nation Register of Deeds and any other trust title responsibilities;

(d**e**) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules;

(e**d**) Prepare title reports and process trust transactions; and

(f**e**) Process land acquisition transactions as approved by the Oneida Land Commission.

(g) Manage the Tribal land portfolio and act as the caretaker of all unassigned lands.

(h) Process requests for easements and land use licenses.

(i) Administer all internal building and land assignments to internal entities of the Nation as approved by senior management~~the Oneida Land Commission.~~;

(j) Administer all transactions which add real property to the Tribal land base under the provisions of this law.;

~~Prepare and disseminate information related to probate administration to the community;~~

(k) Prepare and maintain title reports and accurate land records.

(l) Perform real estate services for individual trust landowners in accordance with the self-governance compact to include collection and submittal of required documents for the Bureau of Indian Affairs to review and approve easements, conveyances and other real estate transactions.;

(m) Process compile and submit the Nation's fee to trust applications in accordance with the priorities approved by senior management~~the Oneida Land Commission.~~

(n) Determine which Tribal land will be posted and ensure the appropriate signs are posted.

601.65. Holding of Ownership

601.65-1. Interests in real property by more than one (1) person may be held in the following ways:

(a) *Joint Tenancy with the Right of Survivorship*. Pursuant to this ownership mechanism each owner has an equal, undivided interest in the real property. When an owner dies, ~~their~~his/her share is divided among the remaining owners; the last living owner owns the entire property.

(1) Real property owned by married persons is held under this mechanism unless they have executed a valid marital property agreement specifically stating that the real property in question is held as tenants in common.

(b) *Tenancy in Common*. Pursuant to this ownership mechanism each owner has a percentage of divided interest in the real property. When an owner dies, ~~their~~his/her interest is divided among ~~their~~his/her devisees or heirs.

(1) Real property owned by more than one (1) person, other than married persons, is owned under this mechanism unless a deed or transfer document specifically states the real property is held as joint tenants with rights of survivorship.

601.76. Legal Descriptions

601.76-1. Legal descriptions defining land boundaries shall be complete, providing unequivocal identification of line or boundaries.

601.7-2 The legal description for any real property transferred under this law shall be derived from a certified survey map or survey completed by a registered land surveyor according to currently accepted minimum industry standards for property surveys. If the plat of survey changes the legal description of the certified survey map for the same piece of property, the certified survey map's legal description shall be used on transfer documents along with the survey description, which shall be designated as "Also Known As ..." Section, township, range and fourth principal meridian shall be included in all legal descriptions.

601.76-32. Every land survey shall be made in accordance with the Oneida Nation Register of Deeds' recording standards for Tribal trust or restricted fee lands and individual trust lands, ~~with the county register of deeds' records for fee land, and in accordance with the Bureau of Indian Affairs Land Titles and Records Office recording standards. Oneida Nation Register of Deeds' records for Tribal trust lands and individual trust lands.~~ The surveyor shall acquire data necessary to retrace record title boundaries such as deeds, maps, certificates of title, title status reports, Tribal leases, Tribal home purchase agreements, center line and other boundary line locations.

~~601.6-3. Legal descriptions defining land boundaries shall be complete, providing unequivocal identification of line or boundaries.~~

601.76-4. All surveys prepared for the Nation shall comply with survey requirements outlined in the Wisconsin Administrative Code, Chapter A-E7 and indicate setbacks, building locations and encroachments, as applicable.

601.76-5. Legal descriptions shall be used on transfer documents formalizing all acquisitions of land, purchase, real estate sale, lease, foreclosure, probate transfer, trust or restricted fee acquisitions, ~~and Tribal resolutions.~~

~~601.6-6. When real estate is listed, noticed and/or advertised as available for sale, rent or lease to Tribal members, the address is an adequate legal description of the real property.~~

601.87. Title Transfer

601.87-1. *Trust Acquisition.* Land Management shall use title companies duly registered with the Department of Interior ~~and approved by the Land Management~~ to update abstracts or provide title insurance on real property scheduled for trust or restricted fee acquisition.

~~(a) (a) Title companies shall follow general guidelines provided by the federal government in terms of form, content, period of search, destroyed or lost records and abstractor's certificate.~~ Land Management applications to convert Tribal fee land into trust land or restricted fee land shall comply with all applicable federal requirements. —

~~(b) When researching land title for real property within the Reservation which is being considered for trust acquisition, Land Management shall request the title company to search the title back to the original allottee, in order to ensure that patents or Indian deeds were legally issued.~~

~~(c) Any valid liens or encumbrances shown by the commitment for title insurance shall be eliminated before the title is transferred into trust.~~

~~(d) After land is in trust~~ or restricted fee status Land Management shall request a both a title search of county records and a title status report and title report requested by Land Management from the Bureau of Indian Affairs shall verify all valid encumbrances, if any, on the title. For the purposes of this section, a valid encumbrance is one that has been preapproved, in writing, by the Nation in accordance with applicable requirements. ~~Land~~

~~Management based on a standard operating procedure that is effective upon approval by the Oneida Land Commission.~~

~~(e) Land Management applications to convert Tribal fee land into Tribal trust land require an Oneida Land Commission resolution approving the conversion. Land management shall comply with all applicable requirements for converting fee land to trust land.~~

601.87-2. *Deeds.* ~~A deed is the formal document used by the Land Management to transfer title from one (1) party to another.~~ Valid deeds shall:

(a) ~~A valid deed shall~~ Fee Deeds:

- (1) Be in writing;
- (2) Identify the grantor (seller) and grantee (buyer);
- (3) Provide the legal description of the real property;
- (4) Identify the interest conveyed, as well as any conditions, reservations, exceptions, or rights of way attached to the interest;
- (5) Be signed by or on behalf of each of the grantors (sellers);
- (6) Be signed by or on behalf of each spouse of each of the grantors (sellers), if applicable; and
- (7) Be delivered to the grantee (buyer).

(b) Trust Deeds and/or Restricted fee Deeds. In addition to the requirements listed in section 601.7-2(a), a deed prepared for trust or restricted fee acquisition shall ~~include:~~ comply with all applicable federal laws and guidelines.

- ~~(1) The federal authority for trust acquisition;~~
- ~~(2) Any exceptions or exclusions from the State of Wisconsin's fees or other transfer requirements;~~
- ~~(3) The approximate acreage of the real property being transferred to trust; and~~
- ~~(4) The authority and signature of the appropriate Department of Interior official who accepts the real property into trust.~~

(c) Requirement to record. A deed transferring ~~fee simple~~ title ~~shall be recorded in the appropriate register of deeds office, provided that, once the real property is in trust, the title shall be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles and Records Office.~~ provided that any trust or restricted fee deeds shall comply with any additional federal recording requirements.

601.87-3. *Involuntary Transfer of Title.* All involuntary transfers of title ~~require a hearing and order from the Judiciary, and~~ may occur in the following ways:

(a) *Eminent Domain.* Eminent domain is the right of the Nation's government to acquire Tribal member individual fee land within the Reservation for public uses without the consent of private owners.

(1) For the purposes of this section, public uses include, but are not limited to, environmental protection, streets, highways, sanitary sewers, public utility/sites, waste treatment facilities and public housing.

(2) Prior to exercising eminent domain, the Nation shall first attempt to negotiate an agreeable taking by making an offer to purchase based on an appraisal of the real property. The appraisal amount may be based on an appraisal provided by the Nation. In the event the property owner objects to the Nation's appraisal, they may obtain an independent appraisal at their own cost. For the purposes of this section, an appraisal means process for estimating a piece of real property's value.

(3) The Nation's exercise of eminent domain shall be limited to a right of last resort. Parties contesting authority or consideration as related to the Nation's exercise of

eminent domain may contest the acquisition by filing a complaint with the Oneida Judiciary and may be appealed to the Judiciary.

(b) *Foreclosure.* Foreclosures may occur subject to the Mortgage and Foreclosure law when a Tribal member ceases payment on a ~~leasehold~~ mortgage.

(c) *Tribal Land Consolidation.* The Nation may acquire land in compliance with Section 207 of the Indian Land Consolidation Act. (Pub.L. No. 97-459, 96 Stat. 2515, and amended on October 30, 1984 by Pub.L. No. 98-608, 98 Stat. 3171) is incorporated into this law, which provides a mechanism for real property within the Reservation to escheat, or pass, to the Nation.

~~(1) Pursuant to section 207 of the Indian Land Consolidation Act, an ownership interest in real property escheats, or passes, to the Nation under the following circumstances, provided that the Nation shall provide just compensation for the interest:~~

~~(A) The real property is within the Reservation boundaries;~~

~~(B) The decedent's ownership in the given parcel of land is two percent (2%) or less of the total acreage; and~~

~~(C) The interest is incapable of earning one hundred dollars (\$100) in any one (1) of the five (5) years immediately following the decedent's death.~~

~~(2) A decedent's heirs may appeal a land consolidation under this section to the Judiciary.~~

~~(3) Land consolidation is subject to the probate requirements, as included in this law and accompanying rules.~~

~~(d) *Transferring Interests Inherited by Non Tribal Members.* If the owner of an interest of real property which is held in trust or restricted fee status located within the Reservation devises such interest to a non Tribal member, the Nation may acquire the interest by paying the fair market value of the interest determined as of the date of the decedent's death. Such transfer is effective upon receipt of an order transferring inherited interests from the Judiciary pursuant to section 205 of the Indian Land Consolidation Act.~~

~~(1) An order transferring inherited interests may not be granted if:~~

~~(A) While the decedent's estate is pending, the non Indian devisee denounces his or her interest in favor of a Tribal member person;~~

~~(B) The interest is part of a family farm that is devised to a member of the immediate family of the decedent, provided that such a restriction shall be recorded as part of the deed relating to the interest involved; or~~

~~(C) The devisee agrees in writing that the Nation may acquire the interest for fair market value only if the interest is offered for sale to a person or entity that is not a member of the immediate family of the owner of the interest.~~

~~(ed)~~ *Easements for Landlocked Properties* Easement by Necessity. Land Management and the Oneida Land Commission shall jointly develop rules regarding requests for easements for landlocked properties. An owner of a landlocked parcel may seek nondiscretionary easement by filing a complaint with the Oneida Judiciary alleging a nondiscretionary easement is needed as against the named property owner by the filing party because the filing party has no other reasonable means to access their real estate but for the issuance of an easement by necessity granted by the Court. An easement by necessity is created when a grantor conveys lands that have no outlet to a public road except over the grantor's remaining lands. The easement by necessity arises in favor of a property owner if the owner can prove common ownership of the proposed servient and dominant estates at the time of

the severance that created the landlocked condition that the landlocked parcel had no access to a public roadway after it was severed, and such lack of access continues. In such a case, an easement by necessity is created over the grantor's remaining lands to allow the grantee access to the public road. Common ownership of the benefited and burdened parcels before the conveyance occurred is a necessary precondition for establishing a way of necessity. Easements by necessity may be created even if separation of two parcels under common ownership results from an involuntary transfer, such as a tax sale.

(e) *Prescriptive Easement.* A prescriptive easement is an easement acquired through open and notorious use of an owner's land which is adverse to the owner's rights for a continuous and uninterrupted period of twenty (20) years. An action to establish a prescriptive easement granting the right to continue to use the property in that manner may be commenced by filing a complaint with the Oneida Judiciary.

(f) *Easement by Written Instrument.* An action for the recovery or possession of real estate and a defense or counterclaim based upon title to real estate are barred by uninterrupted adverse possession of seven (7) years.

(g) *Adverse Possession Prohibited.* Adverse possession can never be used against the Nation.

601.8-4. Land Management shall work with the Oneida Law Office ~~in order~~ to pursue an involuntary transfer of title on behalf of the Nation.

601.8. — Probate

~~601.8-1. Land Management shall process and administer probate estates and, where necessary, shall refer probate estates to the Oneida Judiciary for formal administration. Land Management and the Oneida Land Commission shall jointly create any rules necessary to administer probate estates. Land Management shall:~~

- ~~(a) Process applications for probate administration;~~
- ~~(b) Receive proof of heirship demonstrating a party is entitled to receive an intestate decedent's property pursuant to applicable laws and rules;~~
- ~~— (c) Receive consent to serve forms and in undisputed matters, issue domiciliary letters;~~
- ~~(d) Require and receive affidavits of service;~~
- ~~(e) Receive waiver and consent to probate administration forms and any related affidavits;~~
- ~~(f) Issue notice to creditors of the probate's administration, receive creditor claims for consideration and settlement, and issue discharge of creditors when appropriate;~~
- ~~(g) Receive and process all estate inventories;~~
- ~~— (h) Receive and process, when possible, land transactions in accordance with this law and receive proof of recording documents;~~
- ~~(i) Receive estate receipts;~~
- ~~(j) In undisputed matters, receive and process statement of personal representative to close estate and issue discharge of personal representative; and~~
- ~~(k) Refer disputed matters to the Judiciary, transfer probate and related documents, and participate in the Judiciary's proceedings as necessary.~~

~~601.8-2. The Judiciary shall hear and administer disputed probate estates or matters requiring appointment of a guardian ad litem and shall have all the above powers conferred upon Land Management in such cases. In addition, the Judiciary shall hear and administer probate estates in which Land Management seeks appointment as a personal representative.~~

601.9. Leasing of Real Property

601.9-1. In accordance with the Leasing law, Land Management shall administer and process all leasing of Tribal land for agricultural and commercial purposes and the Comprehensive Housing Division shall administer and process all leasing of Tribal land for residential purposes. The Leasing law definition of Tribal land does not include Tribal fee land; however, pursuant to this law, the responsible parties designated herein shall administer and process leases of all Tribal land~~both Tribal fee land and Tribal trust land~~ in accordance with the Leasing law, and the Eviction and Termination law.

601.10. Trespass

601.10-1. A person commits trespass if they enter or occupy Tribal land, or land owned by a Tribal member located within the boundaries of the Reservation, without proper authorization and:

(a) Refuse to leave land to which they have no reasonable claim or right of possession when requested to do so.

(b) After being notified by the landowner or lawful occupant that permission to enter has been denied, revoked, or does not exist. Notification may be provided in the following ways:

(1) Public notice through publication of the Land Access Map on the Nation's website and/or in the Nation's newspaper.

(2) Physical posting of the land, which shall be deemed sufficient if one (1) of the following conditions is met:

(i) A sign at least eleven inches (11") square is placed in at least two (2) conspicuous locations for every forty (40) acres of land. The sign must include appropriate notice and the name of the person giving notice, followed by "owner" if the person holds legal title, or "occupant" if the person is a lawful occupant without legal title.

(2) Markings at least one foot (1') long, in a contrasting color, bearing the phrase "Private Land" and the name of the owner, are placed in at least two (2) conspicuous locations for every forty (40) acres.

(c) Engage in any of the following activities without proper authorization through a lease, permit, or as otherwise required under applicable law:

(1) Destroy or damage land, waters, livestock, poultry, buildings, equipment, or other property.

(2) Cut, destroy, or remove any wood, timber, plant, vegetation, or crop.

(3) Hunt, trap or fish, or attempt to do so.

(4) Dig, extract, or remove earth, soil, minerals, cultural resources, or other property.

(5) Post, paint, or affix notices, advertisements, signs, or other public communications on another's property.

(6) Parks or operate a vehicle on the land.

(7) Permit or allow livestock or any domestic animal to enter or remain on the land.

(8) Uses or occupies leased or subleased lands in a manner that exceeds the possessory rights granted under the terms of the lease or sublease.

(9) Dumps, deposits, places, throws, burns, emits or leaves any rubbish, refuse, debris, substances, or object on any highway, road, air, waterway or land without lawful authority or permission.

601.110. Records

601.110-1. *Purpose.* Land Management shall oversee the administration of the Oneida Nation Register of Deeds which shall accept and record documents related to real property located within the Reservation, as well as documents related to all Tribal fee land, regardless of where it is located.

601.110-2. *Types of Records.* The Oneida Nation Register of Deeds may only accept documents that provide evidence of activities affecting real property title, preserve the record of a title document and give constructive notice of changes to a title document. Further, such documents shall be originals, signed duplicates or certified copies. ~~The following documents may be accepted by the~~ The Oneida Nation Register of Deeds may accept documents, including but not limited to:

- (a) Deeds;
- (b) Probate orders;
- (c) Mortgages and other valid liens;
- (d) Easements, covenants, and restrictions;
- (e) Certified survey maps and plats of survey;
- (f) Patents;
- (g) Declarations of involuntary transfer or taking;
- (h) Satisfactions;
- (i) Leases ~~made pursuant to the Leasing law;~~
- (j) Home ownership agreements made pursuant to the Landlord-Tenant law;
- (k) Marriage agreements; and
- (l) Correction of title defects.

601.110-3. *Accessibility.* The Oneida Nation Register of Deeds shall provide ~~open~~ access to land records and title documents subject to fees detailed in the fee schedule created by Land Management and approved by the Land Commission.

601.110-4. *Trust Land.* All documents pertaining to Tribal trust land and individual trust land shall be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles and Records Office.

601.110-5. *Tribal Seal.* The Nation's Secretary shall provide Land Management with the Nation's seal to be used to authenticate documents which are certified by the Oneida Nation Register of Deeds.

601.121. Real Estate Education Requirements and Certifications

601.121-1. *Wisconsin Real Estate Education and Exam Required.* ~~All~~ Land Management employees ~~persons~~ engaging in the acquisition of Tribal fee land on behalf of the Nation, specifically those performing real estate closings, shall pass the Wisconsin Real Estate License Exam. Such persons are not required to obtain a Wisconsin Real Estate License, but shall fulfill the pre-license education requirement, pass the licensing exam and fulfill a minimum of twelve (12) hours or four (4) courses of continuing education requirements as required of Wisconsin real estate licensees. The Oneida Law Office ~~Land Management director~~ shall select which continuing education courses are required. ~~and the Oneida Law Office shall provide the director with a recommendation.~~ In addition to Wisconsin's minimum education requirements as applied to the Nation's real estate employees in this law, Land Management shall require such employees to attend real estate training specific to the Nation's goals and unique positions as the Oneida Law Office shall offer on an as-needed basis.

- (a) While Wisconsin real estate law allows persons engaged in the sale of real estate to earn a commission, persons acquiring Tribal ~~fee~~ land on behalf of the Nation are regular

employees of the Nation and, therefore, shall waive any commission for which they might otherwise be eligible.

(b) It is critical to the Oneida Nation's goal to reacquire property within the original Reservation boundaries to have employees educated and experienced in executing real estate transactions. Accordingly, Land Management shall, subject to budgetary constraints, employ at least minimum of one (1) two (2) employees whose primary responsibility focus is real estate acquisitions and shall ensure that a minimum of two (2) one (1) employees is are adequately educated and trained to serve as a backups to the primary personnel.

601.12-2. TAAMS Certification Required. All persons responsible for encoding Tribal Trust land information ~~leasing~~ information shall obtain a TAAMS certification, ~~which includes, but is not limited to, the following positions:~~

- ~~(a) Residential and Commercial Leasing Specialists;~~
- ~~(b) Land Title and Trust Manager; and~~
- ~~(c) Title Examiner.~~

601.12-3. *Fiduciary Responsibility.* All ~~persons~~ employees of the Nation engaged in the buying ~~or selling~~ of Tribal land shall, at all times, act as a fiduciary to the Nation. Further, all such persons shall comply with all applicable Tribal and federal laws.

~~601.12. Organization~~

~~601.12-1. Comprehensive Housing Division. The Comprehensive Housing Division shall oversee all residential transactions within the Reservation and shall process and administer such transactions using the applicable of the Landlord-Tenant law, the Mortgage and Foreclosure law, the Leasing law and/or the Eviction and Termination law; including any corresponding rules. In addition, the Oneida Land Commission and the Comprehensive Housing Division shall exercise joint rulemaking authority to provide process requirements, including but not limited to advertising, notice, prequalification, and selection, that apply in all circumstances when the Nation is selling a residential property.~~

~~601.12-2. Oneida Land Commission. The Oneida Land Commission is comprised of seven (7) elected Tribal members and shall:~~

- ~~(a) Interpret the provisions of this law and create policy to guide Land Management in implementing the same;~~
- ~~(b) Approve or deny all easements and land use licenses;~~
- ~~(c) Review and adopt Land Management's standard operating procedures for entering into agriculture and commercial leases pursuant to the Leasing law;~~
- ~~(d) Approve or deny all acquisition of Tribal land;~~
- ~~(e) Allocate and assign land uses to all Tribal land, except those uses governed by the Public Use of Tribal Land law, based on the Land Use Technical Unit rules which the Oneida Planning Department shall develop in collaboration with affected Oneida divisions and departments and the Oneida Land Commission; and~~
- ~~(f) Name all buildings, roads, parks and the like on Tribal land.~~

~~601.12-3. Land Management. Land Management shall implement this law in accordance with the policy directives provided by the Oneida Land Commission. Land Management shall:~~

- ~~(a) Forward requests for easements and land use licenses to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission;~~
- ~~(b) Administer and oversee the Oneida Nation Register of Deeds;~~

- ~~(c) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules;~~
~~(d) Prepare title reports and process trust transactions; and~~
~~(e) Process land acquisition transactions as approved by the Oneida Land Commission.~~

601.13. Enforcement

601.13-1. Proof of Eligibility. An officer of the Oneida Police Department or a designated warden may require any person to provide proof of eligibility to access or use any designated Tribal lands.

601.13-2. Issuance of Citation. An individual who violates a provision of this law may be issued a citation by an officer of the Oneida Police Department or a designated warden. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(a) A citation issued under this law, or pursuant to any order authorized by this law, may include fines, other penalties, and conditional orders as determined by the Trial Court.

(b) All citations shall be processed in accordance with the Nation's laws, rules, and policies governing citation procedures.

(c) Any order that is not complied with may be enforced by an officer of the Oneida Police Department or a designated warden. Enforcement actions may be taken at the expense of the owner.

(d) The Oneida Police Department is authorized to take any lawful and necessary action to prevent, mitigate, or remove violations of this Law.

End.

Adopted-BC-05-29-96-A
 Amended-BC-03-01-06-D
 Amended-BC-04-28-10-E
 Amended-BC-02-25-15-C
 Amended-BC-05-13-15-B
 Amended-BC-02-08-17-A
 Emergency Amendment-BC-06-14-17-A
 Amended-BC-05-09-18-A
 Emergency Amended – BC-01-22-20-B
 Extension of Emergency – BC-07-22-20-A (Expired)

Title 6. Property and Land – Chapter 601
Tokáske Kayan/hsła Tsi? Ni?yohuntsya-té
The real/certain laws of the territory of the nation
REAL PROPERTY

601.1.	Purpose and Policy	601.8.	Title Transfer
601.2.	Adoption, Amendment, Repeal	601.9.	Leasing of Real Property
601.3.	Definitions	601.10.	Trespass
601.4.	General Provisions	601.11.	Records
601.5.	Organization	601.12.	Real Estate Education Requirements and Certifications
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601.7.	Legal Descriptions		

601.1. Purpose and Policy

601.1-1. *Purpose.* The purpose of this law is to provide regulations and procedures for the transfer, control and management of all Tribal land; and to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold concurrent jurisdiction.

601.1-2. *Policy.* It is the policy of the Nation to set out the responsibilities and expectations for purchasing and managing real property on behalf of the Nation and to provide real property holder's rights and responsibilities.

601.2. Adoption, Amendment, Repeal

601.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-29-96-A and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C, BC-05-13-15-B and BC-02-08-17-A, BC-05-09-18-A and BC-xx-xx-xx-x.

601.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

601.2-3. 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.

601.2-4. 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, the Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016 and is hereby repealed upon the expiration of the last existing land assignment.

601.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

601.3. Definitions

601.3-1. 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, subject to 601.4-5.

(a) "Certified survey map" means a map which provides the legal description of real property and is officially filed and approved by the county, Tribal or municipal governments.

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

(c) "Deed" means the formal document used to transfer title from one (1) party to another.

- (d) “Easement” means a real property right to cross or otherwise utilize the land of another for a specified purpose and duration with just compensation.
- (e) “Individual fee land” means real property held in fee status by an individual or group of individuals.
- (f) “Individual trust land” means real property held in trust status by the United States of America for the benefit of a member of a federally recognized Indian tribe.
- (g) “Judiciary” means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.
- (h) “Land Management” means the entity within the Nation that is the caretaker and manager of the Nation’s agricultural, commercial and leasing portfolios and performs all acquisitions on behalf of the Nation. Land Management reports to the Division Director of the Environmental, Land and Agricultural Division.
- (i) “Land use license” means an agreement entered into by the Nation providing a party the right to occupy and/or utilize a specified piece of land for a specific purpose and a temporary duration, which may require the Nation to be compensated for such use.
- (j) “Leasehold mortgage” means a mortgage, deed of trust, or other instrument that pledges a lessee’s leasehold interest as security for a debt or other obligation owed by the lessee to a lender or other mortgagee.
- (k) “Nation” means the Oneida Nation.
- (l) “Real property” means land, and anything growing on, attached to, or erected on the land, excluding anything that may be severed without injury to the land.
- (m) “Reservation” means all the property within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1838, Treaty with the Oneida, 7 Stat., 566, and any lands added thereto pursuant to federal law.
- (n) “Restricted fee status” or “Restricted fee” means title to the land is held by an individual Indian person or a tribe and can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior because of limitations imposed under federal law.
- (o) “Rule” means a set of requirements, including fee schedules, enacted by the Tribal entities in accordance with this law and the Administrative Rulemaking law, based on authority delegated in this law in order to implement, interpret and/or enforce this law.
- (p) “Senior management” means the highest level positions employed by the Nation in the non-enterprise chain of command under the Oneida Business Committee.
- (q) “TAAMS” (Trust Asset and Accounting Management System) means the Bureau of Indian Affairs system for maintaining and tracking land title documents and all legal documents relating to land transactions.
- (r) “Title status report” means a report issued after a title examination of trust land which shows the proper legal description of a tract of Tribal land; current ownership, including any applicable conditions, exceptions, restrictions or encumbrances on records; and whether the land is in unrestricted, restricted, trust, or other status generated in TAAMS.
- (s) “Title report” means a report issued after a title examination of the Nation’s and applicable counties land records which shows the proper legal description and includes any applicable conditions, exceptions, restrictions or encumbrances.
- (t) “Tribal fee land” means land held in fee status by the Nation.
- (u) “Tribal land” means Tribal fee land and/or Tribal trust land.
- (v) “Tribal member” means an individual who is an enrolled member of the Nation.
- (w) “Tribal trust land” means the surface estate of land or any interest therein held by the United States in trust for the Nation; land held by the Nation subject to federal restrictions

84 against alienation or encumbrance; land reserved for federal purposes; and/or land held by
85 the United States in trust for the Nation under Section 17 of the Indian Reorganization Act,
86 25 U.S.C §477, et. seq.
87

88 **601.4. General Provisions**

89 601.4-1. *Applicable Real Property*. The provisions of this law extend to all Tribal member's
90 individual fee land and individual trust land within the Reservation boundaries and all Tribal land.

91 601.4-2. *Sale of Tribal Land Prohibited*. The sale of Tribal land located within twenty-five (25)
92 miles of the exterior boundaries of the Reservation is expressly prohibited, except under the
93 following circumstances:

94 (a) The transaction is intended to consolidate or partition Tribal trust land and/or individual
95 trust land.

96 (b) The land is located off the Reservation but within twenty-five (25) miles of the exterior
97 boundaries of the Reservation, and the sale is approved by formal resolution of the Oneida
98 Business Committee.

99 601.4-3. *New Land Assignments Prohibited*. The Nation may not acknowledge any new land
100 assignments. Further, in order to be eligible for a Tribal loan issued against a real property interest
101 held as a land assignment, the land assignment shall first be converted to a residential lease.

102 601.4-4. *No Waiver of Sovereign Immunity*. Nothing in this law may be construed as a waiver of
103 the Nation's sovereign immunity.
104

105 **601.5. Organization**

106 601.5-1. *Comprehensive Housing Division*. The Comprehensive Housing Division shall oversee
107 all residential transactions on Tribal Land within the Reservation and shall process and administer
108 such transactions using the applicable sections of the Landlord-Tenant law, the Mortgage and
109 Foreclosure law, the Leasing law and/or the Eviction and Termination law; including any
110 corresponding rules. In addition, the Comprehensive Housing Division shall exercise rulemaking
111 authority to provide process requirements, including but not limited to advertising, notice,
112 prequalification, and selection, that apply in all circumstances when the Nation is selling a
113 residential improvement.

114 601.5-2. *Oneida Land Commission*. The Oneida Land Commission is comprised of seven (7)
115 elected Tribal members and shall:

116 (a) approve or deny all acquisition of Tribal land provided that the Land Commission may
117 delegate acquisition sign-off authority to the Environmental, Land and Agricultural
118 Division Director pursuant to Land Commission resolution; and

119 (b) name all buildings, roads, parks and the like on Tribal land.

120 601.5-3. *Land Management*. Land Management shall implement this law in accordance with the
121 policy directives provided by the Oneida Business Committee and senior management. Land
122 Management shall:

123 (a) Interpret the provisions of this law and create policy as needed;

124 (b) Exercise rulemaking authority pursuant to the Administrative Rulemaking Law to:

125 (1) Clearly describe the process and procedure for approving agriculture and
126 commercial leases.

127 (2) Create a fine and penalty schedule for violations of this law and its
128 corresponding rules; and

129 (3) Any other rule needed to implement or interpret the provisions of this law.

(4) Provided that, such rules shall be approved by senior management prior to their submission to the Legislative Operating Committee pursuant to the Administrative Rulemaking Law.

(c) Administer and oversee the Oneida Nation Register of Deeds and any other trust title responsibilities;

(d) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules;

(e) Prepare title reports and process trust transactions; and

(f) Process land acquisition transactions as approved by the Oneida Land Commission.

(g) Manage the Tribal land portfolio and act as the caretaker of all unassigned lands.

(h) Process requests for easements and land use licenses.

(i) Administer all internal building and land assignments to internal entities of the Nation as approved by senior management.

(j) Administer all transactions which add real property to the Tribal land base under the provisions of this law.

(k) Prepare and maintain title reports and accurate land records.

(l) Perform real estate services for individual trust landowners in accordance with the self-governance compact to include collection and submittal of required documents for the Bureau of Indian Affairs to review and approve easements, conveyances and other real estate transactions.

(m) Process compile and submit the Nation's fee to trust applications in accordance with the priorities approved by senior management.

(n) Determine which Tribal land will be posted and ensure the appropriate signs are posted.

601.6. Holding of Ownership

601.6-1. Interests in real property by more than one (1) person may be held in the following ways:

(a) *Joint Tenancy with the Right of Survivorship*. Pursuant to this ownership mechanism each owner has an equal, undivided interest in the real property. When an owner dies, their share is divided among the remaining owners; the last living owner owns the entire property.

(1) Real property owned by married persons is held under this mechanism unless they have executed a valid marital property agreement specifically stating that the real property in question is held as tenants in common.

(b) *Tenancy in Common*. Pursuant to this ownership mechanism each owner has a percentage of divided interest in the real property. When an owner dies, their interest is divided among their devisees or heirs.

(1) Real property owned by more than one (1) person, other than married persons, is owned under this mechanism unless a deed or transfer document specifically states the real property is held as joint tenants with rights of survivorship.

601.7. Legal Descriptions

601.7-1. Legal descriptions defining land boundaries shall be complete, providing unequivocal identification of line or boundaries.

601.7-2 The legal description for any real property transferred under this law shall be derived from a certified survey map or survey completed by a registered land surveyor according to currently accepted minimum industry standards for property surveys. If the plat of survey changes the legal description of the certified survey map for the same piece of property, the certified survey map's legal description shall be used on transfer documents along with the survey description,

which shall be designated as “Also Known As ...” Section, township, range and fourth principal meridian shall be included in all legal descriptions.

601.7-3. Every land survey shall be made in accordance with the Oneida Nation Register of Deeds’ recording standards for Tribal trust or restricted fee lands and individual trust lands , the county register of deeds’ records for fee land, and the Bureau of Indian Affairs Land Titles and Records Office recording standards.

601.7-4. All surveys prepared for the Nation shall comply with survey requirements outlined in the Wisconsin Administrative Code, Chapter A-E7 and indicate setbacks, building locations and encroachments, as applicable.

601.7-5. Legal descriptions shall be used on transfer documents formalizing all acquisitions of land, trust or restricted fee acquisitions.

601.8. Title Transfer

601.8-1. *Trust Acquisition.* Land Management shall use title companies duly registered with the Department of Interior to update abstracts or provide title insurance on real property scheduled for trust or restricted fee acquisition.

(a) Land Management applications to convert Tribal fee land into trust land or restricted fee land shall comply with all applicable federal requirements.

() After land is in trust or restricted fee status Land Management shall request a a title status report and title report. For the purposes of this section, a valid encumbrance is one that has been preapproved, in writing, by the Nation in accordance with applicable requirements.

601.8-2. *Deeds.* Valid deeds shall:

(a) *Fee Deeds:*

(1) Be in writing;

(2) Identify the grantor (seller) and grantee (buyer);

(3) Provide the legal description of the real property;

(4) Identify the interest conveyed, as well as any conditions, reservations, exceptions, or rights of way attached to the interest;

(5) Be signed by or on behalf of each of the grantors (sellers);

(6) Be signed by or on behalf of each spouse of each of the grantors (sellers), if applicable; and

(7) Be delivered to the grantee (buyer).

(b) *Trust Deeds and/or Restricted fee Deeds.* In addition to the requirements listed in section 601.7-2(a), a deed prepared for trust or restricted fee acquisition shall comply with all applicable federal laws and guidelines.

(c) *Requirement to record.* A deed transferring title shall be recorded with the Oneida Nation Register of Deeds provided that any trust or restricted fee deeds shall comply with any additional federal recording requirements.

601.8-3. *Involuntary Transfer of Title.* All involuntary transfers of title may occur in the following ways:

(a) *Eminent Domain.* Eminent domain is the right of the Nation’s government to acquire Tribal member individual fee land within the Reservation for public uses without the consent of private owners.

(1) For the purposes of this section, public uses include, but are not limited to, environmental protection, streets, highways, sanitary sewers, public utility/sites, waste treatment facilities and public housing.

(2) Prior to exercising eminent domain, the Nation shall first attempt to negotiate an agreeable taking by making an offer to purchase based on an appraisal of the

real property. The appraisal amount may be based on an appraisal provided by the Nation. In the event the property owner objects to the Nation's appraisal, they may obtain an independent appraisal at their own cost. For the purposes of this section, an appraisal means process for estimating a piece of real property's value.

(3) The Nation's exercise of eminent domain shall be limited to a right of last resort. Parties contesting authority or consideration as related to the Nation's exercise of eminent domain may contest the acquisition by filing a complaint with the Oneida Judiciary.

(b) *Foreclosure*. Foreclosures may occur subject to the Mortgage and Foreclosure law when a Tribal member ceases payment on a mortgage.

(c) *Tribal Land Consolidation*. The Nation may acquire land in compliance with the Indian Land Consolidation Act

(d) *Easement by Necessity*. An owner of a landlocked parcel may seek nondiscretionary easement by filing a complaint with the Oneida Judiciary alleging a nondiscretionary easement is needed as against the named property owner by the filing party because the filing party has no other reasonable means to access their real estate but for the issuance of an easement by necessity granted by the Court. An easement by necessity is created when a grantor conveys lands that have no outlet to a public road except over the grantor's remaining lands. The easement by necessity arises in favor of a property owner if the owner can prove common ownership of the proposed servient and dominant estates at the time of the severance that created the landlocked condition that the landlocked parcel had no access to a public roadway after it was severed, and such lack of access continues. In such a case, an easement by necessity is created over the grantor's remaining lands to allow the grantee access to the public road. Common ownership of the benefited and burdened parcels before the conveyance occurred is a necessary precondition for establishing a way of necessity. Easements by necessity may be created even if separation of two parcels under common ownership results from an involuntary transfer, such as a tax sale.

(e) *Prescriptive Easement*. A prescriptive easement is an easement acquired through open and notorious use of an owner's land which is adverse to the owner's rights for a continuous and uninterrupted period of twenty (20) years. An action to establish a prescriptive easement granting the right to continue to use the property in that manner may be commenced by filing a complaint with the Oneida Judiciary.

(f) *Easement by Written Instrument*. An action for the recovery or possession of real estate and a defense or counterclaim based upon title to real estate are barred by uninterrupted adverse possession of seven (7) years.

(g) *Adverse Possession Prohibited*. Adverse possession can never be used against the Nation.

601.8-4. Land Management shall work with the Oneida Law Office to pursue an involuntary transfer of title on behalf of the Nation.

601.9. Leasing of Real Property

601.9-1. In accordance with the Leasing law, Land Management shall administer and process all leasing of Tribal land for agricultural and commercial purposes and the Comprehensive Housing Division shall administer and process all leasing of Tribal land for residential purposes. The Leasing law definition of Tribal land does not include Tribal fee land; however, pursuant to this law, the responsible parties designated herein shall administer and process leases of all Tribal land in accordance with the Leasing law, and the Eviction and Termination law.

601.10. Trespass

601.10-1. A person commits trespass if they enter or occupy Tribal land, or land owned by a Tribal member located within the boundaries of the Reservation, without proper authorization and:

(a) Refuse to leave land to which they have no reasonable claim or right of possession when requested to do so.

(b) After being notified by the landowner or lawful occupant that permission to enter has been denied, revoked, or does not exist. Notification may be provided in the following ways:

(1) Public notice through publication of the Land Access Map on the Nation's website and/or in the Nation's newspaper.

(2) Physical posting of the land, which shall be deemed sufficient if one (1) of the following conditions is met:

(i) A sign at least eleven inches (11") square is placed in at least two (2) conspicuous locations for every forty (40) acres of land. The sign must include appropriate notice and the name of the person giving notice, followed by "owner" if the person holds legal title, or "occupant" if the person is a lawful occupant without legal title.

(ii) Markings at least one foot (1') long, in a contrasting color, bearing the phrase "Private Land" and the name of the owner, are placed in at least two (2) conspicuous locations for every forty (40) acres.

(c) Engage in any of the following activities without proper authorization through a lease, permit, or as otherwise required under applicable law:

(1) Destroy or damage land, waters, livestock, poultry, buildings, equipment, or other property.

(2) Cut, destroy, or remove any wood, timber, plant, vegetation, or crop.

(3) Hunt, trap or fish, or attempt to do so.

(4) Dig, extract, or remove earth, soil, minerals, cultural resources, or other property.

(5) Post, paint, or affix notices, advertisements, signs, or other public communications on another's property.

(6) Parks or operate a vehicle on the land.

(7) Permit or allow livestock or any domestic animal to enter or remain on the land.

(8) Uses or occupies leased or subleased lands in a manner that exceeds the possessory rights granted under the terms of the lease or sublease.

(9) Dumps, deposits, places, throws, burns, emits or leaves any rubbish, refuse, debris, substances, or object on any highway, road, air, waterway or land without lawful authority or permission.

601.11. Records

601.11-1. *Purpose.* Land Management shall oversee the administration of the Oneida Nation Register of Deeds which shall accept and record documents related to real property located within the Reservation, as well as documents related to all Tribal fee land, regardless of where it is located.

601.11-2. *Types of Records.* The Oneida Nation Register of Deeds may only accept documents that provide evidence of activities affecting real property title, preserve the record of a title document and give constructive notice of changes to a title document. Further, such documents shall be originals, signed duplicates or certified copies. The Oneida Nation Register of Deeds may accept documents, including but not limited to:

(a) Deeds;

- (b) Probate orders;
- (c) Mortgages and other valid liens;
- (d) Easements, covenants, and restrictions;
- (e) Certified survey maps and plats of survey;
- (f) Patents;
- (g) Declarations of involuntary transfer or taking;
- (h) Satisfactions;
- (i) Leases;
- (j) Home ownership agreements made pursuant to the Landlord-Tenant law;
- (k) Marriage agreements; and
- (l) Correction of title defects.

601.11-3. *Accessibility*. The Oneida Nation Register of Deeds shall provide access to land records and title documents subject to fees detailed in the fee schedule created by Land Management and approved by the Land Commission.

601.11-4. *Trust Land*. All documents pertaining to Tribal trust land and individual trust land shall be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs Land Titles and Records Office.

601.11-5. *Tribal Seal*. The Nation's Secretary shall provide Land Management with the Nation's seal to be used to authenticate documents which are certified by the Oneida Nation Register of Deeds.

601.12. Real Estate Education Requirements and Certifications

601.12-1. *Wisconsin Real Estate Education and Exam Required*. Land Management employees engaging in the acquisition of Tribal fee land on behalf of the Nation, specifically those performing real estate closings, shall pass the Wisconsin Real Estate License Exam. Such persons are not required to obtain a Wisconsin Real Estate License, but shall fulfill the pre-license education requirement, pass the licensing exam and fulfill a minimum of twelve (12) hours or four (4) courses of continuing education requirements as required of Wisconsin real estate licensees. The Oneida Law Office shall select which continuing education courses are required. In addition to Wisconsin's minimum education requirements as applied to the Nation's real estate employees in this law, Land Management shall require such employees to attend real estate training specific to the Nation's goals and unique positions as the Oneida Law Office shall offer on an as-needed basis.

(a) While Wisconsin real estate law allows persons engaged in the sale of real estate to earn a commission, persons acquiring Tribal land on behalf of the Nation are regular employees of the Nation and, therefore, shall waive any commission for which they might otherwise be eligible.

(b) It is critical to the Oneida Nation's goal to reacquire property within the original Reservation boundaries to have employees educated and experienced in executing real estate transactions. Accordingly, Land Management shall, subject to budgetary constraints, employ at least two (2) employees whose primary responsibility is real estate acquisitions and shall ensure that a minimum of one (1) employee is adequately educated and trained to serve as a backup to the primary personnel.

601.12-2. *TAAMS Certification Required*. All persons responsible for encoding Tribal Trust land information shall obtain a TAAMS certification.

601.12-3. *Fiduciary Responsibility*. All employees of the Nation engaged in the buying of Tribal land shall, at all times, act as a fiduciary to the Nation. Further, all such persons shall comply with all applicable Tribal and federal laws.

601.13. Enforcement

601.13-1. *Proof of Eligibility.* An officer of the Oneida Police Department or a designated warden may require any person to provide proof of eligibility to access or use any designated Tribal lands.

601.13-2. *Issuance of Citation.* An individual who violates a provision of this law may be issued a citation by an officer of the Oneida Police Department or a designated warden. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(a) A citation issued under this law, or pursuant to any order authorized by this law, may include fines, other penalties, and conditional orders as determined by the Trial Court.

(b) All citations shall be processed in accordance with the Nation's laws, rules, and policies governing citation procedures.

(c) Any order that is not complied with may be enforced by an officer of the Oneida Police Department or a designated warden. Enforcement actions may be taken at the expense of the owner.

(d) The Oneida Police Department is authorized to take any lawful and necessary action to prevent, mitigate, or remove violations of this Law.

End.

Adopted-BC-05-29-96-A

Amended-BC-03-01-06-D

Amended-BC-04-28-10-E

Amended-BC-02-25-15-C

Amended-BC-05-13-15-B

Amended-BC-02-08-17-A

Emergency Amendment-BC-06-14-17-A

Amended-BC-05-09-18-A

Emergency Amended – BC-01-22-20-B

Extension of Emergency – BC-07-22-20-A (Expired)

Amended-BC-xx-xx-xx-X