



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA REVISED

Business Committee Conference Room - 2nd Floor Norbert Hill Center

November 5, 2025

9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. October 15, 2025 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Hunting, Fishing, and Trapping Law Amendments (pg. 4)
2. Budget and Finances Law Amendments (pg. 77)
3. Eviction and Termination Law Amendments (pg. 123)
4. Solid Waste Disposal Law Amendments (pg. 149)
5. Workplace Violence Law Amendments (pg. 168)
6. Independent Contractor Law Amendments (pg. 194)
7. Public Use of Tribal Land Law Amendments (pg. 222)

IV. New Submissions

1. Time and Attendance Law for Elected Officials (pg. 239)

V. Additions

VI. Administrative Updates

1. E-Poll Results: Approval of the LOC and LRO FY 2026 Annual Reports for GTC (pg. 241)
2. Legislative Operating Committee Fiscal Year 2025 Fourth Quarter Report (pg. 249)

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
October 15, 2025
9:00 a.m.

Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen [*Microsoft Teams*]

Excused: Jonas Hill

Unexcused: Marlon Skenandore

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

Others Present on Microsoft Teams: Ashley Blaker, David Jordan, Eric Boulanger, Janice Decorah, Kevin Rentmeester, Kristal Hill, Mark Powless, Melissa Alvarado, Rae Skenandore, Ralinda Ninham-Lamberies, Rhiannon Metoxen, Tavia James Charles, Tina Jorgensen, Fawn Cottrell, Peggy Helm-Quest, Sarah White, Jessalyn Harvath

I. Call to Order and Approval of the Agenda

Jameson Wilson called the October 15, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda; seconded Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

1. October 1, 2025 LOC Meeting Minutes

Motion by Jennifer Webster to approve the October 1, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

III. Current Business

1. Budget and Finances Law Amendments

Motion by Jennifer Webster to approve the draft of the proposed amendments to the Budget and Finances law; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Updates



VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn at 9:08 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee
November 5, 2025

Hunting, Fishing, and Trapping Law Amendments

Submission Date: 12/7/22	Public Meeting: 8/15/25
LOC Sponsor: Jonas Hill	Emergency Enacted: N/A

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

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

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

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

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

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

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

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

- 4/16/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to review and finalize the draft of the proposed amendments to the Hunting, Fishing, and Trapping law.
- 5/1/25:** *Work Meeting.* Present: Clorissa Leeman, Shad Webster. The purpose of this work meeting was to collect some of Conservation's final comments on the proposed draft of amendments to the law.
- 5/7/25 LOC:** Motion by Jennifer Webster to approve the draft of proposed amendments to the Hunting, Fishing, and Trapping law and direct that a legislative analysis be completed; seconded by Marlon Skenandore. Motion carried unanimously.
- 5/21/25 LOC:** Motion by Jennifer Webster to approve the updated draft and legislative analysis; seconded by Jonas Hill. Motion carried unanimously.
- 6/18/25 LOC:** Motion by Jennifer Webster to approve the public meeting packet for the proposed amendments to the Hunting, Fishing, and Trapping law and schedule a public meeting to be held on July 30, 2025; seconded by Jonas Hill. Motion carried unanimously.
- 6/18/25:** *E-Poll Conducted.* The e-poll was titled, Rescheduled Hunting, Fishing, and Trapping Law Public Meeting. The requested action of the e-poll was to approve the updated public meeting packet for the proposed amendments to the Hunting, Fishing, and Trapping law and reschedule the public meeting to be held on August 15, 2025. This e-poll was unanimously approved by Jonas Hill, Jennifer Webster, Marlon Skenandore, Kirby Metoxen, and Jameson Wilson.
- 7/2/25 LOC:** Motion by Jennifer Webster to enter into the record the results of the June 18, 2025 e-poll entitled, Rescheduled Hunting, Fishing, and Trapping Law Public Meeting; seconded by Jonas Hill. Motion carried unanimously.
- 8/15/25:** *Public Meeting Held.* Present: Two (2) individuals provided oral comments during the public meeting.
- 8/22/25:** *Public Comment Period Closed.* No individuals provided written comments during the public comment period.
- 9/17/25 LOC:** Motion by Jennifer Webster to accept the public comments and the public comment review memo and defer to a work meeting for further consideration; seconded by Jonas Hill. Motion carried unanimously.
- 9/17/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Rhiannon Metoxen. The purpose of this work meeting was to review and consider the public comments received.
- 10/16/25:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Shad Webster, Terry Metoxen, Kristal Hill, Rhiannon Metoxen. The purpose of this work meeting was to further discuss how to handle youth hunts and mentor hunts in the Nation.
- 10/26/25:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Rhiannon Metoxen. The purpose of this work meeting was to finalize a decision on proposed language for mentored hunts.

Next Steps:

- Approve the updated public comment review memo, draft, and legislative analysis.

- Approve the approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by November 21, 2025.

TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney
 DATE: November 5, 2025
 RE: Hunting, Fishing, and Trapping Law Amendments: Public Comment Review with Legislative Operating Consideration



On August 15, 2025, a public meeting was held regarding the proposed amendments to the Hunting, Fishing and Trapping law. Two individuals provided oral comments during the public meeting. The public comment period was then held open until August 22, 2025. No submissions of written comments were received during the public comment period.

On September 17, 2025, the Legislative Operating Committee reviewed and considered the public comments received. This memorandum is submitted as their review of the comments received during the public meeting.

Comment 1 – Attendance Composition at a Ceremony or Feast:

406.6. Licenses and Permits

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

- (a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for antlerless deer.
- (b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements:
 - (1) The designee of the group/organization is a Tribal member;
 - (2) The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and
 - (3) The hunt takes place on the reservation.
- (c) All persons participating in the ceremonial and/or feast hunt shall be:
 - (1) Named hunters on the ceremonial and/or feast permit; and
 - (2) Tribal members, descendants, or a spouse to a Tribal member.
- (d) The designee of the group ceremonial and/or feast hunt shall notify an Oneida Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.

Sidney White (oral): Hi, how are you doing today? Sidney White, and I'd like to comment on the Hunting, Fishing and Trapping law amendments. Thank you for the opportunity, Councilman Hill, I guess like the first one that I have like a little bit of concern is, is eliminating the requirement that at least eighty-five percent (85%) of the group and organization members be tribal members. I kind of look at these being like our resources for our Tribal members and I'd like to ensure that these are being utilized for Tribal members. I'm not sure like what that percent is like eighty-five

(85). I do think it should be like a significant portion of Tribal members that would benefit from a ceremonial or feast permit.

Response

The commenter expresses concern that the proposed amendments to the Law eliminate the requirement that at least eighty-five percent (85%) of the group and organization members be Tribal members for a ceremonial or feast permit, as he would like to see this benefit be utilized for Tribal members.

The current section 406.6-2 of the Law provides that Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons. Section 406.6-2(b)(1)-(4) then goes on to provide that a ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements: at least eighty-five percent (85%) of the group and/or organization members are Tribal members; the agent of the group/organization is a Tribal member; the occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and the hunt takes place on the reservation.

When the Legislative Operating Committee was developing the amendments to this Law, the type of group a ceremonial and/or feast permit was issued to was one topic that was discussed. The proposed amendments to the Law remove the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits, and instead solely requires that the designee of the group/organization is a Tribal member; the occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and the hunt takes place on the reservation. [4 O.C. 406.6-2(b)(1)-(3)]. The Legislative Operating Committee made the decision to remove this requirement based on the difficulty in actually enforcing the requirement. It is unlikely that an Oneida Police Department officer or warden would attend a ceremony or feast to check the enrollment status of those in attendance. The Legislative Operating Committee also discussed the fact that there may be instances where a ceremonial and/or feast permit is issued, such as for a funeral feast, in which it would be limiting for the purpose of the feast to put qualifications on the enrollment status of guests. The Legislative Operating feels that the other requirements in section 406.6-2(b) ensure that this permit has some connection back to the Nation and its culture and traditions. Additionally, those who are named hunters on the permit are required to be a Tribal member, descendants, or a spouse to a Tribal member. [4 O.C. 406.6-2(c)(2)].

The Legislative Operating Committee may determine whether or not to reconsider its decision to remove the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits. The Legislative Operating Committee may make one of the following decisions:

1. The proposed amendments to the Law which remove the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits should remain moving forward.
2. The proposed amendments to the Law should revert to the currently effective language and it should be required that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits.

LOC Consideration

The Legislative Operating Committee determined that the proposed amendments to the Law should remain as currently drafted and remove the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits. [4 O.C. 406.6-2(b)(1)-(3)]. The Legislative Operating Committee did want to clarify that the original requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits was in reference to the percentage of attendees at the ceremony or feast itself that were Tribal members – not a reference to the percentage of named hunters participating in the hunt for the ceremony or feast. The Law requires those who are named hunters on the permit to be a Tribal member, descendants, or a spouse to a Tribal member. [4 O.C. 406.6-2(c)(2)]. Again, the Legislative Operating Committee made the decision to remove the requirement that eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits from the Law based on the difficulty in actually enforcing this requirement, and the fact that there may be instances where a ceremonial and/or feast permit is issued in which it would be limiting for the purpose of the feast to put qualifications on the enrollment status of guests.

Comment 2 – Named Hunters for Ceremonial or Feast Permits:

406.6. Licenses and Permits

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

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

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

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

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

(3) The hunt takes place on the reservation.

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

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

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

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

Sidney White (oral): Also do have some concerns about naming the hunters on the permit, if it's going to be just like a paper permit or if they'll be like some digital means to add people to the permit. We all know that when we go hunting and we might have ten (10) guys and maybe three (3) of them drop out. If we want to add another three (3), there should be like a digital mechanism to to add those to the permit.

Response

In his discussion of the ceremonial and/or feast permits, the commenter questioned whether there was a digital mechanism for changing the named hunters on an issued permit, especially in instances in which someone may not be able to participate last minute and a group would like to use a replacement hunter.

Currently, the Law does not address the manner in which permits are issued to individuals – whether that be paper permits or digital permits, or any revisions to those named hunters on permits occurs, if it does at all. The Conservation Department is delegated the authority to develop rules to address the application requirements for obtaining any of the Nation’s licenses or permits. [4 O.C. 406.5-2(b)]. The Law does state that Tribal members may **apply** for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons. [4 O.C. 406.6-2]. All persons participating in the ceremonial and/or feast hunt are required to be named hunters on the ceremonial and/or feast permit, and the named hunters are required to be Tribal members, descendants, or a spouse to a Tribal member. [4 O.C. 406.6-2(c)]. These provisions together would lead one to the presumption that an individual would need to obtain approval to be named on a ceremonial and/or feast hunt permit, and therefore a last minute switch of the named hunter on the permit is most likely not occurring. Furthermore, the designee of the group ceremonial and/or feast hunt is required to notify an Oneida Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt, and the Oneida Police Department officer or warden has the discretion to monitor any portion, or the entirety, of the group ceremonial and/or feast hunt. [4 O.C. 406.6-2(d)].

It is recommended that the Legislative Operating Committee reach out to the Conservation Department to learn more about how handling or revising named hunters on a ceremonial and/or feast permit is currently handled, is allowed, in order to obtain more information so that the Legislative Operating Committee can make an informed decision as to whether this issue needs to be addressed in the Law.

LOC Consideration

The Legislative Operating Committee agreed that we should reach out to the Conservation Department to learn more about how they currently address the issue of the revision of named hunters on a permit, specifically those for ceremonial and/or feast permits. The Legislative Operating Committee believes this may be an issue that can be best clarified through the administrative rules developed by the Conservation Department.

Comment 3 – Data for Ceremonial and Feast Permits:

406.6. Licenses and Permits

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

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

(b) A ceremonial and/or feast permit may be issued to a group and/or organization

meeting each of the following requirements:

- (1) The designee of the group/organization is a Tribal member;**
- (2) The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and**
- (3) The hunt takes place on the reservation.**
- (c) All persons participating in the ceremonial and/or feast hunt shall be:**
 - (1) Named hunters on the ceremonial and/or feast permit; and**
 - (2) Tribal members, descendants, or a spouse to a Tribal member.**
- (d) The designee of the group ceremonial and/or feast hunt shall notify an Oneida Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.**

Sidney White (oral): I do have a couple more notes. I apologize cause I put them like further down into the document. The other, the other question or maybe like request would be when we're talking about ceremonial or feast permits is that we have you know some type of data to to identify how often this has been utilized. In the the description it it identifies, you know, a funeral feast. You know, I know there's community members that aren't aware of the ceremonial or feast permit. I've, you know, talked with a couple of them that have, you know, like men's groups or maybe do sweat or recovery groups and and I hear the comments of like boy I'd like to have, you know, like a deer to, you know, slice and, you know, make it into a traditional soup and they don't hunt and they're not really aware. So I would like to see like some data presented to the community, like how often is ceremony or feast permits use and like what context are they used for. And then maybe just like a better job of like making that aware to the people that especially like the elders that are are working with some of these groups and and ceremonial, spiritual and recovery. I think that could be something that we could do a better job at.

Response

The commenter makes a request that data be shared regarding the frequency and context in which ceremony and/or feast permits are issued, and that generally better communication regarding the existence of the ceremonial and/or feast permit be shared with the community.

The Legislative Operating Committee does not have specific data in regard to the frequency or context in which permits are issued by the Conservation Department. It is recommended that the Legislative Operating Committee reach out to the Conservation Department and ask for more information regarding the ceremonial and/or feast permits for a greater understanding of this issue, and also share the request that better communication regarding these permits be shared with the community.

There are no recommended revisions to the Law based on this comment.

LOC Consideration

The Legislative Operating Committee agrees that the best course of action is to reach out to the Conservation Department and share that we received a public comment requesting more information regarding the ceremonial and/or feast permits – such as how many are issued and for what purpose, and also share the desire for the Conservation Department communicate and share more information regarding these permits with the community moving forward.

Comment 4 – Accidental Collision with Deer:

406.7. General Requirements

406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on a roadway may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin.

Sidney White (oral): I do have some concerns where it says 4 O.C. 406.7-3 when it talks about the state of Wisconsin being the ones that would tag a deer, I guess like my concern is, does that read as exclusively to the state of Wisconsin? So, if we do have, you know, a conservation warden or one of the Oneida Police officers, would they still be able to tag a deer? Again, I'm not the content expert on that, but I would like clarification on that.

Response

The commenter shares concerns regarding the provision of the Law which addresses the accidental collision between a vehicle and a deer, and asks why the tagging of a deer in this situation is handled by the State of Wisconsin and not an Oneida Police Department officer or warden.

Currently, section 406.7-3 of the Law that is in effect provides that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the Department or the Department's designee. The proposed amendments to the Law provide that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin. [4 O.C. 406.7-3]. The proposed amendments to the Law change the responsibility for who tags the deer from the Department or its designee to the State of Wisconsin based on the recommendations from the Oneida Police Department and Conservation Department. During work meetings on the development of these amendments the Oneida Police Department and the Conservation Department provided that they do not currently respond to requests to tag any deer that a vehicle has collided with, and instead that when this occurs they refer individuals who have collided with a deer to follow the process set forth by the State of Wisconsin.

There are no recommend revisions to the Law based on this comment.

LOC Consideration

The Legislative Operating Committee agreed that no revision to the Law is necessary based on this comment because the amendment to section 406.7-3 of the Law was made at the request of

the Oneida Police Department and the Conservation Department to best reflect their current practices.

Comments 5 through 6 – Hunting Party Size:

406.9. Hunting

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

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

Sidney White (oral): I do have some concerns with increasing the hunting party from the size of ten (10) to fifteen (15). My experience is once you start getting, you know, more than one (1) hunting party in a relatively, you know, close area, that one (1) or two (2) mile area, then that can potentially go from thirty (30) people to forty-five (45) people. That's kind of in my experience out in the field, and I think safety becomes like a concern, especially when you start adding, you know, children that are in there or younger hunters too.

Jerome Webster (oral): And same, I guess I'm same thing. Well, you got me going now. So, with the ten (10) to fifteen (15) people. He's like going back to Sids, yes, I totally understand what he's talking about, but I would say keep it at ten (10). Yes, and all of us got big families and whatever and we all like to hunt together and but like you said, we don't got the room. Unless we buy some more land, but yes, I would like to try to keep it at ten (10).

Response

Overall, both commenters express safety concerns regarding the expansion of the allowable hunting party size, and instead would like to see the hunting party size limitations remain as currently provided in the Law.

Section 406.9-2(g) of the currently effective Law provides that persons may not, unless specifically authorized by a permit, hunt in a party of more than ten (10) persons. The proposed amendments to the Law expand the allowable hunting size so that persons may not, unless specifically authorized by a permit, hunt in a party of more than fifteen (15) persons. [4 O.C. 406.9-2(g)]. The Legislative Operating Committee made the decision to expand the allowable hunting party size based on concerns regarding the ability of a hunting party size to be monitored and enforced, and that the increased hunting party size might better reflect what is actually occurring in hunting parties.

The Legislative Operating Committee may determine whether or not to reconsider its decision to expand the allowable hunting party size from ten (10) to fifteen (15) persons. The Legislative Operating Committee may make one of the following decisions:

1. The proposed amendments to the Law should remain as currently drafted and allow a hunting party size up to fifteen (15) persons.
2. The proposed amendments to the Law should revert to the currently effective language and the Law should provide that a hunting party cannot exceed ten (10) persons.

LOC Consideration

The Legislative Operating Committee considered the comments received and the concerns for safety that were expressed, but ultimately decided that the proposed amendments to section 406.9-2(g) of the Law should remain as currently drafted and allow a hunting party size up to fifteen (15) persons. The Legislative Operating Committee discussed that fact that they originally made the decision to expand the allowable hunting party size based on concerns regarding the ability of a hunting party size to be monitored and enforced – these concerns were shared with the Legislative Operating Committee by the Oneida Police Department and the Conservation Department. The Legislative Operating Committee also felt that the increased hunting party size might better reflect what is actually occurring in hunting parties. The Legislative Operating Committee discussed that hunting parties may include children and elders who participate in the hunting party but are taking on a less active role. Ultimately, the Legislative Operating Committee decide that ensuring the safety of a hunting party is less dependent on the size of the party, and more dependent on the individual efforts of each hunter to ensure they are operating in a safe manner.

Comments 7 through 8 – Designated Hunters:

406.9. Hunting

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

(a) To be eligible to be named a designated hunter, the named person shall:

(1) Possess a valid hunting license;

(2) Be eligible for the permits for which the person is named the designated hunter; and

(3) Meet any other requirements of the rules created pursuant to this law.

(b) Designated hunters may hunt for an unlimited number of permittees.

(c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the original permittee's possession as soon as practicable following the taking.

Sidney White (oral): The other concern I have is on 406.9-4-(b) allowing designated hunters to hunt for an unlimited number of permittees instead of being limited to the number authorized by the rules. I could see that having like some issues as you know if somebody's you know, going hunting and you know, harvesting multiple deer for multiple people, I feel like that should be a privilege that should be reserved for Tribal members only. I also have concerns that if you're going to be harvesting an animal for, for another elder or or an elder is that that entire animal should go to the elder. It's been my experience is like where, you know, somebody harvest a deer for an elder and it's like, well, we'll just split it half. I think that's like a privilege and I think if somebody takes that on for hunting like the entire animal should you know, going to that that elder. which I think the Nation could potentially do stepping up like food sovereignty and having some type of

processing to make sure that you know an elder gets like a finished, a finished product as far as like butchering.

Sidney White (oral): And then for designated hunters, there is a comment in there under M and it says line 272 which is legally unable to take their own permit. I I would like clarification that if there are tribal members that are felons, they cannot like firearm, use a firearm to hunt. Can they obtain a permit for the gun deer season and designate someone to hunt for them? I think that needs to be clarified because there has been like some discussion of tribal members that are felons that do bow hunt only getting. maybe like one (1) or two (2) tags. If we had like a elder that is a felon and you know can't have a firearm, are they still going to get a tag to be able to use for the gun deer season?

Apologize here, I just want to go through the rest of my notes just to make sure I have everything. I believe that wraps up like my comments on there and I I appreciate the opportunity to provide the oral testimony or oral feedback on these. Those are some of the things that I feel like are important and you know, just I think maybe being able to get like some of that information. Especially like the data aspect and then making sure that we maintain our sovereignty. I I would hate to see something going over to, you know, the State of Wisconsin only. I'm sure that's not like what's going to happen. I just want to make sure that that's how it reads and and in the law. Thank you.

Response

Overall, the commenter expresses some concerns and need for clarification regarding designated hunters. The commenter expresses concern that the proposed amendments to the Law allow designated hunters to hunt for an unlimited number of permittees, and expresses that the ability to harvest multiple deer for multiple people should be a benefit reserved for Tribal members. The commenter also expresses concern that it should be ensured that a deer harvested by a designated hunter be provided in totality to the original permittee. The commenter also questions whether a Tribal member who is a felon and cannot legally use their own weapon to hunt can obtain a designated hunter.

The Law addresses designated hunters and provides that a permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event that the permittee is physically or legally unable to take pursuant to their own permit, provided that, the designated hunter shall provide their name and contact information to the Conservation Department along with a signed statement from the original permittee naming the designated hunter. [4 O.C. 406.9-4]. It appears that the statement that a person could use a designated hunter if they are “legally unable to take pursuant to their own permit” would answer the commenter’s question regarding whether this applies to those individuals who may not be able to possess a firearm due to legal reasons – unless further restrictions by the Conservation Department through the rules exists. The Law then provides that the designated hunter shall receive the Department’s approval of the designation before using the permits of the original permittee. *Id.* To be eligible to be named a designated hunter, the named person shall possess a valid hunting license; be eligible for the permits for which the person is named the designated hunter; and meet any other requirements of the rules created pursuant to this law. [4 O.C. 406.9-4(a)]. Any wildlife taken by a designated hunter remains the property of the

original permittee; the designated hunter is required to transfer any wildlife taken by designation to the original permittee's possession as soon as practicable following the taking. [4 O.C. 406.9-4(c)]. This provision of the Law addresses the commenter's concerns that a designated hunter be required to provide the entire animal to the original permittee.

Section 406.9-4(b) of the currently effective Law provides that designated hunters may hunt for the number of permittees as authorized by the rules developed pursuant to this law – which currently provides in section 4-7(a)(7) of the Rule Handbook that designated deer hunters may only take antlerless deer and, regardless of the number of tags issued to the original permittee, may fill a maximum of two (2) deer carcass tags on behalf of the original permittee. The proposed amendments to the Law provide that designated hunters may hunt for an unlimited number of permittees. [4 O.C. 406.9-4(b)]. The Legislative Operating Committee decided to remove any limitation on the number of permittees a designated hunter may hunt for in an effort to ensure that the highest number of permittees end the season obtaining animals that can be used to feed a family - no matter whether or not that animal may have been harvested through the same designated hunter.

The Legislative Operating Committee may determine whether further restrictions on designated hunters should be explored.

LOC Consideration

The Legislative Operating Committee determined that the proposed amendments to the Law in regard to designated hunters should remain as currently drafted moving forward. The Legislative Operating Committee believe that the Law's eligibility requirements for being named a designated hunter help ensure that designated hunters are primarily members of the Nation – which was a concern of the commenter. To be named a designated hunter, the named person is required to possess a valid hunting license; be eligible for the permits for which the person is named the designated hunter; and meet any other requirements of the rules created pursuant to this law. [4 O.C. 406.9-4(a)]. The Legislative Operating Committee also strongly believes that removing the limitation on the number of individuals you can be a designated hunter for will increase the number of permittees that ultimately fulfill the permitted tags that they were granted. [4 O.C. 406.9-4(b)].

Comments 9 through 10 – Youth Hunters:

406.9. Hunting

406.9-5. Age Restrictions.

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

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

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

(b) Tribal members, descendants, non-member Indians and dependents having less

than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.

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

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

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

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

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

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

Sidney White (oral): I do have like some questions or would like clarifications on the ten (10) to fourteen (14) year old. If we look at the State of Wisconsin, there is a mentor and mentee hunt for like ten (10) and eleven (11) year olds. Those don't require hunter safety. I would like clarification on this rule is if a ten (10) and eleven (11) year old can come and hunt without hunter safety and being within within arm reach. I do see that it mentioned like having all the licenses and permits. I guess like my my clarification going forward is can a ten (10) and eleven (11) year old get a mentee license and permit in the absence of completing hunter safety the similar to that the State of Wisconsin offers.

Jerome Webster (oral): Jerome Webster, I got. Yes, I agree with the just the restrictions for the younger ones, but even I would say we could even lower the age limit from below ten (10) long as you are the mentor or the responsible adult. But I just don't, like I said, I'm reading this from it says from the ages of ten (10) to fourteen (14). Don't we only got to be twelve (12) to they obtain a hunter safety? For the tribe? For the state, it is ten (10). But just reading that I'm agreement with that, allowing the younger we, like you said, we need our kids out there.

Response

The commenters both discuss how the amendments to the Law address age restrictions for youth hunters. One commenter requests clarification on whether a ten (10) and eleven (11) year old can get a mentee license and permit in the absence of completing hunter safety – while the other commenter suggests lowering the age restrictions even further as it would be beneficial for the Nation to have more youth hunters.

Section 406.9-5 of the currently effective Law addresses age restrictions through three (3) main age group designations by providing that:

- persons between the ages of twelve (12) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian or a responsible adult to which a parent or legal guardian has delegated his or her supervisory responsibilities.
- Tribal members, descendants, non-member Indians and dependents aged ten (10) or eleven (11) years old may hunt if they have a mentor present while hunting and have obtained any required licenses and permits.

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

The proposed amendments to the Law look at combining the age groups of ten (10) or eleven (11) year olds and twelve (12) and fourteen (14) year olds, and provides the following:

- Persons between the ages of ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities
- Tribal members, descendants, non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt. [4 O.C. 406.9-5].

Therefore, all youth hunters ages ten (10) through fourteen (14) would be treated the same and required to obtain the required license and permits. *Id.* Adults accompanying youth hunters aged ten (10) through fourteen (14) are required to remain within voice and sight contact of the youth hunters at all times. [4 O.C. 406.9-5(a)(2)]. For those youth hunters younger than ten (10) years of age, they can accompany a hunter during a hunt without any licenses and permits, but they may not use a weapon and have to remain within an arm's grasp of their mentor at all times. [4 O.C. 406.9-5(b)(3)].

The Legislative Operating Committee may determine whether age restrictions under the Law need any reconsideration moving forward.

LOC Consideration

The Legislative Operating Committee agreed with the commenters that more clarification should be added to the Law to address whether individuals can participate in a “mentor hunt” if they have not completed a hunter’s safety course much like what occurs in the State of Wisconsin. The Legislative Operating Committee discussed they would like to see our Law allow for a mentor hunt because it is another way to get the youth interested in and learning more about hunting. The Legislative Operating Committee directed the drafting attorney to work on language to address a mentor hunt in our Law.

Comments 11 – Disabled Hunter Permits:

406.6. Licenses and Permits

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

Jerome Webster (oral): And, well, I thought, well, I'm going to the the requirement that medical verification for disabled hunters, which I am disabled hunter and I showed all my paperwork when I got when I had to get my permit. So yes, they should, you should have to show it something from your doctor showing that you are disabled or you have mobility issues. Grim up with that.

And I think that's I'm I'm good with everything else unless I figure out something else. Thank you.

Response

The commenter expresses support that an individual who seeks a disabled hunters permit should have to provide medical verification.

A disabled hunter permit authorizes a person to hunt from a stationary vehicle within fifty (50) feet on the center of a road. [4 O.C. 406.6-6]. Section 406.6-6 of the currently effective Law provides that the Conservation Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability. The proposed amendments to the Law goes a little bit further and provides that the Conservation Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability that results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. [4 O.C. 406.6-6]. The proposed amendment attempts to build a better connection between a disability that results in mobility issues and the need for a disability permit which allows for an individual to hunt from a stationary vehicle.

There are no recommended revisions based on this comment.

LOC Consideration

The Legislative Operating Committee agreed there is no revision to the Law needed based on this comment, as the commenter was stating support for section 406.6-6 of the Law which addresses disabled hunters.

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

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

406.1. Purpose and Policy

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

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

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

406.2. Adoption, Amendment, Repeal

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

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

406.2-3. - Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

406.2-4. - In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

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

406.3. Definitions

406.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

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

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

(c) “Bodily harm” means physical pain or injury or any impairment of the physical condition.

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

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

issued by the Department to the holder of a license.

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

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

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

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

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

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

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

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

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

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

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

406.4. Jurisdiction

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

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

406.4-2. This law applies:

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

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

Wisconsin. License and permit holders may not exercise any hunting, fishing, or tapping privileges within the Reservation boundaries using a State of Wisconsin license that would amount to greater privileges than those afforded pursuant to this Law and associated rules.

406.5. Administration and Supervision

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

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

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

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

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

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

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

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

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

(1) the taking of wildlife;

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

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

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

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

(1) bait;

(2) decoys;

(3) hunting dogs;

(4) traps;

(5) firearms;

(6) ammunition;

(7) laser sights; and

(8) night vision.

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

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

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

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

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

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

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

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

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

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

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

406.6. Licenses and Permits

406.6-1. Sportsman License.

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

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

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

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

(G) beaver; and

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

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

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

(A) A person issued a “fishing only” sportsman license may not hunt or trap,

- or be eligible to hunt or trap, until the licensee provides the Department with proof of successful completion of a certified hunter safety course.
- 406.6-2. *Ceremonial and/or Feast Permit.* Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons.
- (a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for antlerless deer.
- (b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements:
- (1) The designee of the group/organization is a Tribal member;
- (2) The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and
- (3) The hunt takes place on the reservation.
- (c) All persons participating in the ceremonial and/or feast hunt shall be:
- (1) Named hunters on the ceremonial and/or feast permit; and
- (2) Tribal members, descendants, or a spouse to a Tribal member.
- (d) The designee of the group ceremonial and/or feast hunt shall notify an Oneida Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.
- 406.6-3. *Other Permits, Tags and Stamps.* In accordance with this law and corresponding rules, the Department may issue permits authorizing a person to engage in specific hunting, fishing and/or trapping activities, including nuisance animal removal permits pursuant to section 406.8-2.
- 406.6-4. It is unlawful for any person to:
- (a) Provide false information or fail to report relevant information as requested by the Department, when applying for a license or permit; or
- (b) Aid another in fraudulently securing a license or permit.
- 406.6-5. Except as provided under sections 406.9-4 and 406.9-6, licenses and/or permits are not transferable and may not be altered, defaced, or lent to or from another person, any may not be used by any person other than the person to whom the license and/or permit is issued.
- 406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability that results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. Disabled hunters shall display the disabled hunter permit sticker in a manner and location as required by the Department. A disabled hunter permit authorizes a person to hunt from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the rules developed pursuant to this law.
- 406.6-7. *Denial of a License or Permit.*
- (a) The Department may decline to issue a license and/or permit to an applicant if:
- (1) The applicant has unpaid fines, civil assessments, other fees, and/or restitution owed because of a violation of this law and/or corresponding rules.
- (2) At any time and for any reason, the Department determines that issuing the license and/or permit poses a risk to the health, safety, and/or welfare of the Nation, to natural resources on the reservation, or to any persons. There is a rebuttable presumption that an applicant poses such a risk under the following circumstances:
- (A) At the time of the request, the applicant's hunting, fishing, or trapping license, permit, or related privileges are suspended or revoked in any jurisdiction.

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

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

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

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

406.7. General Requirements

406.7-1. Persons may not:

- (a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission from the landowner, lessee, or occupant.
- (b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on the reservation's lands and waters.
- (c) Cause damage to land or property belonging to another, including but not limited to, the Department's decoys placed for law enforcement purposes by Oneida Police Department officers or wardens or other law enforcement officers, and signs that give notice of a hunting and/or trespass restriction.
- (d) Carelessly waste wildlife. Persons hunting, trapping, or fishing shall make every reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall comply with section 406.7-1(a).
- (e) Knowingly disturb any den, nest, lodge, hut, dam, or house that wildlife may build to shelter themselves and their young.
- (f) No person may take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young except as may be approved in advance by the Department for activities which may include, but are not limited to, normal agricultural or horticultural practices or wildlife research practices.
- (g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical device, or stunning substance or agent.
- (h) Take another person's wildlife or disturb another person's hunting, fishing, or trapping equipment without permission; or otherwise interfere with the lawful hunting, fishing, or trapping of another person.
- (i) Stock or possess any live wildlife on the reservation without a permit.
- (j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the reservation or into reservation waters without a permit.
- (k) Use in a reckless manner any device typically used for the harvesting of wildlife, including but not limited to, firearms, bows, traps, and knives.
- (l) Shoot firearms, or place or operate any traps, except live traps, within one hundred (100) yards of any building structure, unless the owner-occupant, lessee, or tenant has

given permission.

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

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

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

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

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

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

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

406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on a roadway may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin.

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

406.8. Wildlife Damage and Nuisance Control

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

418 406.8-6. *Officer or Warden's Access.* Any landowner or lessee pursuing the removal of a
419 nuisance animal shall grant the Oneida Police Department officers or wardens free and unrestricted
420 access to the premises on which the said removal is being conducted, is anticipated to be
421 conducted, or has been conducted. Further, the landowner or lessee, and the landowner's designee,
422 if applicable, shall promptly furnish any information requested by a Oneida Police Department
423 officer or warden relating to the said removal.

424 406.8-7. *Retaining Fur, Carcasses, and other Parts of Nuisance Animals.* The following applies
425 to nuisance animals removed in accordance with this section:

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

- 430 (1) Elders;
431 (2) Disabled persons; and
432 (3) Any other interested persons.

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

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

442 **406.9. Hunting**

443 406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

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

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

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

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

455 406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a
456 permit, if applicable, do any of the following:

- 457 (a) Hunt with the use of aircraft;
458 (b) Hunt within fifty (50) feet of the center of a paved road;
459 (c) Hunt from a vehicle;
460 (d) Hunt while under the influence of alcohol or a controlled substance;
461 (e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light

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

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

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

(h) Hunt with, or possess while hunting:

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

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

(3) A handgun with a barrel length of less than five (5) inches;

(4) A concealed handgun without a valid permit from the State of Wisconsin; and/or

(5) Any of the following without a valid federal permit:

(A) A shotgun that has a barrel length of less than eighteen (18) inches or an overall length of less than twenty-six (26) inches;

(B) A rifle that has a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches;

(C) A fully-automatic firearm;

(D) Any mechanism designed to muffle, silence, or minimize the report of any firearm.

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

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

(a) To be eligible to be named a designated hunter, the named person shall:

(1) Possess a valid hunting license;

(2) Be eligible for the permits for which the person is named the designated hunter; and

(3) Meet any other requirements of the rules created pursuant to this law.

(b) Designated hunters may hunt for an unlimited number of permittees.

(c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the original permittee's possession as soon as practicable following the taking.

406.9-5. ~~*Age Restrictions.*~~

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

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

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

~~(b)~~ 406.9-6. *Mentored Hunting.* Individuals may obtain a mentored-only hunting license and permit and hunt without first completing a hunter education course as long as they accompany a mentor while hunting.

(a) A mentee may be either a:

(1) Tribal ~~members, descendants~~ member, descendant, non-member ~~Indians and dependents~~ Indian, or dependent having less than ten (10) years of age ~~may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt; or~~

~~(2)~~ (2) Tribal member, descendant, non-member Indian, or dependent who has not completed a required hunter education course.

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

~~(A)~~ (1) Be a Tribal member;

~~(2)~~ (2) Be at least eighteen (18) years old;

~~(B)~~ (3) Have a valid license and any required permits; and

~~(C)~~ (4) Be the youth hunter's mentee's parent or legal guardian or have permission from the hunter's mentee's parent or legal guardian to be the hunter's mentor. This requirement does not apply if the mentee is age eighteen (18) or older.

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

~~(3d)~~ The mentor shall remain within an arm's grasp of each youth hunter mentee at all times; \

(e) Only one (1) weapon may be possessed jointly between the mentor and their mentee(s);

(f) A mentee may not use a weapon during the hunt.

~~406.9-7. 406.9-6.~~ *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people and may be limited in size as provided in the rules developed pursuant to this law a maximum of fifteen (15) people. Any member of a deer hunting party may harvest deer on behalf of another member of the deer hunting party under the following circumstances:

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

(b) The member of the hunting party for whom the deer was harvested shall possess a valid, license and carcass tag for the deer.

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

406.10. Enforcement and Penalties

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

information regarding violations shall keep the information confidential.

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

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

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

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

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

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

406.10-4. *Issuance of a Citation.* An individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer.

(a) A citation for a violation of this law, the corresponding rules, or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.

(b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

End.

Adopted - BC-08-31-94-C
Adopted - BC-04-24-96-A
Adopted - BC-07-22-98-A
Amended - BC-09-13-00-D
Amended - BC-06-04-03-A
Amended - BC-06-30-04-I
Amended - BC-07-13-05-E
Amended - BC-08-29-07-F
Amended - BC-06-24-09-E
Amended - BC-08-26-10-I
Emergency Amended - BC-06-22-11-H (Expired)
Amended – BC-12-14-11-E
Amended – BC-05-22-13-A
Amended – BC-01-25-17-D
Amended – BC-07-26-17-F
Amended – BC-__-__-__-__

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

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406.10. Enforcement and Penalties

406.1. Purpose and Policy

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

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

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

406.2. Adoption, Amendment, Repeal

406.2-1. - This law was adopted by the Oneida Business Committee by resolution BC-~~808~~-31-94-C, and amended by resolutions BC-~~404~~-24-96-A, BC-~~707~~-22-98-A, BC-09-13-00-D, BC-~~606~~-04-03-A, BC-~~606~~-30-04-I, BC-~~707~~-13-05-E, BC-~~808~~-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D ~~and~~, BC-07-26-17-F ~~and~~ BC- - - -.

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

406.2-3. - Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

406.2-4. — In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

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

406.3. Definitions

406.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Damage to property;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

406.4. Jurisdiction

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

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

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

406.4-2. This law applies:

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

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

406.5. Administration and Supervision

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

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

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

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

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

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

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

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

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

(1) the taking of wildlife;

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

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

(h) Regulate the operation of boats upon reservation waters and the operation of vehicles

and aircraft used while hunting, fishing, or trapping.

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

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

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

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

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

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

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

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

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

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

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

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

406.6. Licenses and Permits

406.6-1. *Sportsman License.*

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

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

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

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

(F)(G) beaver; and

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

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

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

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

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

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

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

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

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

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

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

(4) The hunt takes place on the reservation.

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

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

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

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

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

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

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

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

406.6-5. Except as provided under sections 406.~~6-1(b)(1)(A)~~, ~~406.9-4~~ and 406.9-6, licenses and/or permits are not transferable and may not be altered, defaced, or lent to or from another person, any may not be used by any person other than the person to whom the license and/or permit is issued.

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

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

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

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

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

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

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

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

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

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

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

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

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

406.7. General Requirements

406.7-1. Persons may not:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

406.8. Wildlife Damage and Nuisance Control

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

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

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

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

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

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

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

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

minimum, for the previous twelve (12) months from the date ~~he or she applies~~they apply for the permit;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Any other information as may be required by the rules established

pursuant to this law.

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

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

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

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

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

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

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

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

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

406.9. Hunting

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

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

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

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

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

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

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

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

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

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

permittee; the designated hunter shall transfer any wildlife taken by designation to the original permittee's possession as soon as practicable following the taking.

406.9-5. ~~Age Restrictions.~~

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

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

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

~~406.9-6. (b) Tribal members, descendants², non-member Indians~~ Mentored Hunting. Individuals may obtain a mentored-only hunting license and dependents aged ten (10) or eleven (11) years old may permit and hunt if without first completing a hunter education course as long as they have accompany a mentor present while hunting and have obtained any required licenses and permits.

(e) a) A mentee may be either a:

(1) Tribal members, descendants³ member, descendant, non-member Indians and dependents Indian, or dependent having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.

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

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

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

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

(e) — (2) Tribal member, descendant, non-member Indian, or dependent who has not completed a required hunter education course.

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

(1) — Be a Tribal member;

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

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

(3) — 4) Be the youth hunter's mentee's parent or legal guardian or have permission from the hunter's mentee's parent or legal guardian to be the hunter's mentor. This requirement does not apply if the mentee is age eighteen (18) or older.

(c) Mentors may mentor a maximum of two (2) mentees at the same time;

(d) The mentor shall remain within an arm's grasp of each mentee at all times; \

(e) Only one (1) weapon may be possessed jointly between the mentor and their mentee(s);

(f) A mentee may not use a weapon during the hunt.

~~406.9-7. 406.9-6.~~ Deer Hunting Parties. A deer hunting party consists of a minimum of two (2) people and ~~may be limited in size as provided in the rules developed pursuant to this law.~~ a maximum of fifteen (15) people. Any member of a deer hunting party may harvest deer on behalf

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

³See footnote 2.

of another member of the deer hunting party under the following circumstances:

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

(b) The member of the hunting party for whom the deer was harvested shall possess a valid, license and carcass tag for the deer.

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

406.10. Enforcement and Penalties

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

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

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

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

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

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

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

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

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

addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved. 4. Issuance of a Citation. An individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer.

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

(b) ~~Allocation of Citation Revenue.~~ All corresponding rules, or any orders issued pursuant to this law may include fines and other penalties issued by citations are payable to ERB or its designee, the proceeds of which ERB shall contribute to the Nation's general fund.

(c) ~~Appealing the Decision of the Judiciary.~~ , as well as conditional orders made by the Trial Court. Any person wishing to contest the determination of the Judiciary Trial Court may appeal the applicable determination to the Judiciary's Court of Appeals

(b) A citation for a violation of this law shall be processed in accordance with the Rules of Appellate Procedure.

(d) ~~Pursuing Payment of a Citation.~~ ERB may pursue payment from parties who have failed to make the required payments through the garnishment process procedure contained in the Garnishment law and/or by attaching a Tribal member's per capita payment pursuant to the Per Capita law. Nation's laws and policies governing citations.

End.

Adopted - BC-~~808~~-31-94-C
Adopted - BC-~~404~~-24-96-A
Adopted - BC-07-22-98-A
Amended - BC-09-13-00-D
Amended - BC-~~606~~-04-03-A
Amended - BC-~~606~~-30-04-I
Amended - BC-~~707~~-13-05-E
Amended - BC-~~808~~-29-07-F
Amended - BC-06-24-09-E
Amended - BC-08-26-10-I
Emergency Amended - BC-06-22-11-H (Expired)
Amended - BC-12-14-11-E
Amended - BC-05-22-13-A
Amended - BC-01-25-17-D
Amended - BC-07-26-17-F
Amended - BC- - - -

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

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

406.1. Purpose and Policy

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

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

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

406.2. Adoption, Amendment, Repeal

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

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

406.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

406.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

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

406.3. Definitions

406.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

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

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

(c) “Bodily harm” means physical pain or injury or any impairment of the physical condition.

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

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

issued by the Department to the holder of a license.

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

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

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

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

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

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

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

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

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

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

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

406.4. Jurisdiction

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

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

406.4-2. This law applies:

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

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

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

406.5. Administration and Supervision

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

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

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

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

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

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

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

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

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

(1) the taking of wildlife;

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

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

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

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

(1) bait;

(2) decoys;

(3) hunting dogs;

(4) traps;

(5) firearms;

(6) ammunition;

(7) laser sights; and

(8) night vision.

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

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

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

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

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

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

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

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

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

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

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

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

406.6. **Licenses and Permits**

406.6-1. *Sportsman License.*

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

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

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

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

(G) beaver; and

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

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

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

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

proof of successful completion of a certified hunter safety course.

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

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

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

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

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

(3) The hunt takes place on the reservation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

406.7. General Requirements

406.7-1. Persons may not:

- (a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission from the landowner, lessee, or occupant.
- (b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on the reservation's lands and waters.
- (c) Cause damage to land or property belonging to another, including but not limited to, the Department's decoys placed for law enforcement purposes by Oneida Police Department officers or wardens or other law enforcement officers, and signs that give notice of a hunting and/or trespass restriction.
- (d) Carelessly waste wildlife. Persons hunting, trapping, or fishing shall make every reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall comply with section 406.7-1(a).
- (e) Knowingly disturb any den, nest, lodge, hut, dam, or house that wildlife may build to shelter themselves and their young.
- (f) No person may take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young except as may be approved in advance by the Department for activities which may include, but are not limited to, normal agricultural or horticultural practices or wildlife research practices.
- (g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical device, or stunning substance or agent.
- (h) Take another person's wildlife or disturb another person's hunting, fishing, or trapping equipment without permission; or otherwise interfere with the lawful hunting, fishing, or trapping of another person.
- (i) Stock or possess any live wildlife on the reservation without a permit.
- (j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the reservation or into reservation waters without a permit.
- (k) Use in a reckless manner any device typically used for the harvesting of wildlife, including but not limited to, firearms, bows, traps, and knives.
- (l) Shoot firearms, or place or operate any traps, except live traps, within one hundred (100) yards of any building structure, unless the owner-occupant, lessee, or tenant has

given permission.

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

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

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

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

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

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

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

406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on a roadway may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin.

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

406.8. Wildlife Damage and Nuisance Control

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

417 406.8-6. *Officer or Warden's Access.* Any landowner or lessee pursuing the removal of a
418 nuisance animal shall grant the Oneida Police Department officers or wardens free and unrestricted
419 access to the premises on which the said removal is being conducted, is anticipated to be
420 conducted, or has been conducted. Further, the landowner or lessee, and the landowner's designee,
421 if applicable, shall promptly furnish any information requested by a Oneida Police Department
422 officer or warden relating to the said removal.

423 406.8-7. *Retaining Fur, Carcasses, and other Parts of Nuisance Animals.* The following applies
424 to nuisance animals removed in accordance with this section:

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

429 (1) Elders;

430 (2) Disabled persons; and

431 (3) Any other interested persons.

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

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

441 **406.9. Hunting**

442 406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

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

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

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

450 (2) Across any roadway; or

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

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

454 406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a
455 permit, if applicable, do any of the following:

456 (a) Hunt with the use of aircraft;

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

458 (c) Hunt from a vehicle;

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

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

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

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

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

(h) Hunt with, or possess while hunting:

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

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

(3) A handgun with a barrel length of less than five (5) inches;

(4) A concealed handgun without a valid permit from the State of Wisconsin; and/or

(5) Any of the following without a valid federal permit:

(A) A shotgun that has a barrel length of less than eighteen (18) inches or an overall length of less than twenty-six (26) inches;

(B) A rifle that has a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches;

(C) A fully-automatic firearm;

(D) Any mechanism designed to muffle, silence, or minimize the report of any firearm.

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

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

(a) To be eligible to be named a designated hunter, the named person shall:

(1) Possess a valid hunting license;

(2) Be eligible for the permits for which the person is named the designated hunter; and

(3) Meet any other requirements of the rules created pursuant to this law.

(b) Designated hunters may hunt for an unlimited number of permittees.

(c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the original permittee's possession as soon as practicable following the taking.

406.9-5. *Youth Hunters.* Persons between the ages of ten (10) and fourteen (14) years old may hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities.

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

required permits.

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

406.9-6. *Mentored Hunting*. Individuals may obtain a mentored-only hunting license and permit and hunt without first completing a hunter education course as long as they accompany a mentor while hunting.

(a) A mentee may be either a:

(1) Tribal member, descendant, non-member Indian, or dependent having less than ten (10) years of age; or

(2) Tribal member, descendant, non-member Indian, or dependent who has not completed a required hunter education course.

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

(1) Be a Tribal member;

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

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

(4) Be the mentee's parent or legal guardian or have permission from the mentee's parent or legal guardian. This requirement does not apply if the mentee is age eighteen (18) or older.

(c) Mentors may mentor a maximum of two (2) mentees at the same time;

(d) The mentor shall remain within an arm's grasp of each mentee at all times; \

(e) Only one (1) weapon may be possessed jointly between the mentor and their mentee(s);

(f) A mentee may not use a weapon during the hunt.

406.9-7. *Deer Hunting Parties*. A deer hunting party consists of a minimum of two (2) people and a maximum of fifteen (15) people. Any member of a deer hunting party may harvest deer on behalf of another member of the deer hunting party under the following circumstances:

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

(b) The member of the hunting party for whom the deer was harvested shall possess a valid, license and carcass tag for the deer.

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

406.10. Enforcement and Penalties

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

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

(a) Has committed an act causing any of their hunting, fishing, or trapping licenses, permits or privileges to be suspended or revoked by any other jurisdiction, whether it be tribal,

state, or federal, where, for the purposes of this section, a person's right to possess firearms is considered a hunting privilege;

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

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

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

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

406.10-4. *Issuance of a Citation.* An individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer.

(a) A citation for a violation of this law, the corresponding rules, or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.

(b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.

End.

Adopted - BC-08-31-94-C
Adopted - BC-04-24-96-A
Adopted - BC-07-22-98-A
Amended - BC-09-13-00-D
Amended - BC-06-04-03-A
Amended - BC-06-30-04-I
Amended - BC-07-13-05-E
Amended - BC-08-29-07-F
Amended - BC-06-24-09-E
Amended - BC-08-26-10-I
Emergency Amended - BC-06-22-11-H (Expired)
Amended – BC-12-14-11-E
Amended – BC-05-22-13-A
Amended – BC-01-25-17-D
Amended – BC-07-26-17-F
Amended – BC-__-__-__-__



HUNTING, FISHING, AND TRAPPING LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	▪ Add a definition for descendant, great bodily harm, and warden. <i>[4 O.C. 406.3-1(g), 406.3-14(m), 406.3-1(ff)]</i>; ▪ Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law, except hearing authority, to the Conservation Department throughout the entire law.; ▪ Require the Conservation Department draft rules that identify designated seasons and/or hunting hours for elder, disabled, and youth hunts. <i>[4 O.C. 406.5-2(e)(1)]</i>; ▪ Eliminate the requirement that the Conservation Department draft rules establishing a process for retention, storage and disposal of items confiscated or turned over to the Department in accordance with this law. <i>[4 O.C. 406.5-2]</i>; ▪ Require the Conservation Department draft rules that regulate the use of recovery and retrieval services and methods. <i>[4 O.C. 406.5-2(m)]</i>; ▪ Require the Conservation Department draft rules that regulate the care and husbandry of animals used to hunt or animals used for private game hunting. <i>[4 O.C. 406.5-2(n)]</i>; ▪ Eliminate the requirement that a rule booklet be provided to each person receiving a license permit. <i>[4 O.C. 406.5-2]</i>; ▪ Recognize that wardens fall within the organization of the Oneida Police Department and not the Conservation Department and therefore prescribe all responsibilities/duties of the wardens to the Oneida Police Department officers; and eliminate the requirement that an Oneida Police Department office who observes a violation of this law report it to a warden. <i>[4 O.C. 406.5-3, eliminate 406.5-4]</i>; ▪ Adds beaver to list of animals a landowner, lessee, or designee is allowed to hunt or trap on property they own or lease year round without a sportsman license, removing beavers from the list of nuisance animals that a person is not required to get a nuisance animal removal permit to hunt or trap <i>[4 O.C. 406.6-1(a)(2)(G), eliminated 406.8-3(a)]</i>; ▪ Eliminate the provision that allowed any licensee holding a fishing only sportsman license to name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license. <i>[Eliminated 4 O.C. 406.6-1(b)(1)(B)]</i>;

	▪ Eliminate the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for groups/organizations that seek a ceremonial and/or feast permit. <i>[4 O.C. 406.6-2(b)]</i>; ▪ Require that all persons participating in the ceremonial and/or feast hunt be tribal members, descendants, or a spouse of a tribal member in addition to the requirement that they be named hunters on the permit. <i>[4 O.C. 406.6-2(c)]</i>; ▪ Require that medical verification for a disabled hunter permit show that the physical disability results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. <i>[4 O.C. 406.6-6]</i>; ▪ Provide that any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before the Trial Court instead of ERB. <i>[4 O.C. 406.6-7(b)]</i>; ▪ Provide that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin, instead of the Department. <i>[4 O.C. 406.7-3]</i>; ▪ Remove the requirement that the Department shall ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request. <i>[eliminated 4 O.C. 406.7-5]</i>; ▪ Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons. <i>[4 O.C. 406.9-2(g)]</i>; ▪ Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules. <i>[4 O.C. 406.9-4(b)]</i>; ▪ Adjust the age restrictions for minors, now allowing all persons between the ages of ten (10) and fourteen (14) years old the ability to hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities. <i>[4 O.C. 406.9-5]</i>; ▪ Allow individuals to obtain a mentored-only hunting license and permit and hunt without first completing a hunter education course as long as they accompany a mentor while hunting. <i>[4 O.C. 406.9-6]</i>; ▪ Remove much of the provisions regarding citations, and simply providing that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a
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	warden or an Oneida Police Department officer in accordance with the Nation’s laws and policies governing citations. [4 O.C. 406.10-4]; and ▪ Make other minor drafting revisions.
Purpose	The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen. [4 O.C. 406.1-1].
Affected Entities	Conservation Department, Oneida Police Department, Oneida Judiciary, all individuals who possess a sportsman license from the Nation
Public Meeting	A public meeting has been held on August 15, 2025. The public comment period was then held open until August 22, 2025.
Fiscal Impact	A fiscal impact statement has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Hunting, Fishing, and Trapping law (“the Law”) was originally adopted by the Oneida Business Committee in 1994 through resolution BC-08-31-94-C, and then amended by resolutions BC-04-24-96-A, BC-07-22-98-A, BC-09-13-00-D, BC-06-04-03-A, BC-06-30-04-I, BC-07-13-05-E, BC-08-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D and BC-07-26-17-F. The purpose of the Law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen. [4 O.C. 406.1-1]. It is the policy of the Nation provide: an adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and an enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping, and associated fines and penalties for violations of this law and the said rules. [4 O.C. 406.1-2].
- B. Request for Amendments.** A request to amend this Law originally came before the Legislative Operating Committee in December 2022. On August 10, 2022, the OBC made a motion “to direct the General Manager to complete the assessment regarding the feasibility of the Environmental, Health, Safety, Land, & Agriculture Division taking on the roles of the Environmental Resources Board and for the assessment to be submitted at the second meeting Business Committee meeting in September.” In short, the General Manager concluded that although changes were necessary to those Oneida laws that delegated the authority and responsibility to the Environmental Resources Board (ERB), those responsibilities that were jointly executed by the ERB and Environmental, Land, sand Agriculture Division (ELA), could be assumed by ELA. Additionally, for those duties that delegated ERB the power and duty to carry out the intent and purposes of the law, including enforcement, those responsibilities could be delegated to ELA and/or the Oneida Land Commission. On September 28, 2022, the Oneida Business Committee made a motion to accept the Environmental, Land, and Agriculture Division and Environmental Resource Board assessment; to recommend the dissolution the Environment Resource Board; and to direct Chief Counsel to bring back a report in forty-five (45) days on actions that need to take place in order to complete the dissolution of the Environmental Resource Board including amendments to laws and addressing any background material. The Oneida Law Office provided this report to the Oneida Business Committee on November 29, 2022. This item was then added to the Active Files List on December 7, 2022, in an effort to make amendments to address the dissolution of

the Environmental Resources Board, and transition the Board's responsibilities to the Environmental, Land and Agriculture Division and/or the Oneida Land Commission.

SECTION 3. CONSULTATION AND OUTREACH

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

- Oneida Police Department;
- Oneida Law Office;
- Conservation Department;
- Environmental, Land, Agriculture Division; and
- General Manager.

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

- Administrative Rulemaking law;
- Legislative Procedures Act;
- Citations law;
- Judiciary law; and
- Paper Reduction Policy.

SECTION 4. PROCESS

A. The development of the proposed amendments to the Law complies with the process set forth in the Legislative Procedures Act (LPA).

- On October 4, 2023, the Legislative Operating Committee added the Hunting, Fishing, and Trapping law amendments to its Active Files List for this legislative term.
- On May 7, 2025, the Legislative Operating Committee approved the draft of the proposed amendments to the Law and directed that a legislative analysis be developed.
- On May 21, 2025, the Legislative Operating Committee approved an updated draft and the legislative analysis.
- On June 18, 2025, the Legislative Operating Committee approved the public meeting packet for the proposed amendments to the Hunting, Fishing, and Trapping law and schedule a public meeting to be held on July 30, 2025. Later that same day the Legislative Operating Committee conducted an e-poll entitled, *Rescheduled Hunting, Fishing, and Trapping Law Public Meeting*. The requested action of the e-poll was to approve the updated public meeting packet for the proposed amendments to the Hunting, Fishing, and Trapping law and reschedule the public meeting to be held on August 15, 2025. This e-poll was unanimously approved by Jonas Hill, Jennifer Webster, Marlon Skenandore, Kirby Metoxen, and Jameson Wilson.
- On July 2, 2025, the Legislative Operating Committee entered into the record the results of the June 18, 2025 e-poll entitled, *Rescheduled Hunting, Fishing, and Trapping Law Public Meeting*.
- On August 15, 2025, the public meeting was held. Two (2) individuals provided oral comments during the public meeting.
- The public comment period was then held open until August 22, 2025. No individuals provided written comments during the public comment period.

- 72 ▪ On September 17, 2025, the Legislative Operating Committee accepted the public comments and
73 the public comment review memo and deferred these items to a work meeting for further
74 consideration.
- 75 B. At the time this legislative analysis was developed the following work meetings had been held
76 regarding the development of the amendments to the Law this legislative term:
- 77 ▪ January 3, 2024: LOC work session.
78 ▪ May 10, 2024: LOC work session.
79 ▪ May 30, 2024: LOC work session.
80 ▪ December 9, 2024: LOC work session with the General Manager, Environmental, Land, and
81 Agriculture Division, Conservation Department, and Oneida Police Department.
82 ▪ January 14, 2025: LOC work session with General Manager, Environmental, Land, and Agriculture
83 Division, Conservation Department, Oneida Law Office, and Oneida Police Department.
84 ▪ February 3, 2025: LOC work session.
85 ▪ February 24, 2025: LOC work session with the General Manager, Environmental, Land, and
86 Agriculture Division, Conservation Department, and Oneida Police Department.
87 ▪ March 5, 2025: LOC work session with the Environmental, Land, and Agriculture Division and
88 Conservation Department.
89 ▪ April 16, 2025: LOC work session.
90 ▪ May 1, 2025: LRO work session with the Conservation Department.
91 ▪ September 17, 2025: LOC work session.
92 ▪ October 16, 2025: LOC work session with the Conservation Department and Oneida Police
93 Department warden.
94 ▪ October 16, 2025: LOC work session.
- 95 C. *Community Outreach Events*. In addition to the public meeting required by the Legislative Procedures
96 Act, the LOC held the following community outreach events on this legislation:
- 97 ▪ June 4, 2024: Legislative Operating Committee Community Meeting held in the Norbert Hill
98 Center's cafeteria.
99 ▪ March 19, 2025: Legislative Operating Committee Community Meeting held in the Norbert Hill
100 Center's cafeteria.

SECTION 5. CONTENTS OF THE LEGISLATION

- 103 A. *Definitions*. The proposed amendments to the Law add definitions for the terms: descendant, great
104 bodily harm, and warden. [4 O.C. 406.3-1(g), 406.3-1(m), 406.3-1(ff)]. Descendant is defined in the
105 proposed amendments to the Law as a person who is registered with, and recognized by, the Oneida
106 Trust Enrollment Department as being the descendant of an enrolled member of the Nation. [4 O.C.
107 406.3-1(g)]. The term descendent is not currently defined in the Law, instead a footnote was included
108 that said, "*Requirements for descendancy are determined by the Oneida Trust Enrollment Committee.*"
109 Great bodily harm is defined in the proposed amendments to the Law as a bodily injury which creates
110 a substantial risk of death, or which causes serious permanent disfigurement, or which causes a
111 permanent or protracted loss or impairment of the function of any bodily member or organ or other
112 serious bodily injury. [4 O.C. 406.3-1(m)]. In the current Law, this term is defined within section 406.6-
113 7(a)(2)(C). The definition for great bodily harm was moved from section 406.6-7(a)(2)(C) in an effort
114 to be consistent with the placement of definitions under the definition section of the Law found at

section 406.3-14. Warden is defined in the proposed amendments to the Law as an officer of the Oneida Police Department whose duties include the protection of wildlife and natural resources. [4 O.C. 406.3-1(ff)].

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

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

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

C. *Administrative Rulemaking.* The current Law delegates joint administrative rulemaking authority to the Environmental Resource Board and the Conservation Department and provides various topics that must be addressed through rules. [4 O.C. 406.5-1, 406.5-2]. The proposed amendments to the Law eliminate the Environmental Resource Board and provide that it is a responsibility of the Conservation Department to establish and maintain rules in accordance with the Administrative Rulemaking law, and the Law still provides specific topics the Conservation Department is responsible for drafting rules about. [4 O.C. 406.5-1, 406.5-2]. The current law requires that administrative rules be drafted to fix, shorten, extend, or close seasons and hunting hours on any wildlife. [4 O.C. 406.5-2(e)]. The proposed amendments extend this requirement for administrative rules and also require that the rules identify designated seasons and/or hunting hours for elder, disabled, and youth hunts. [4 O.C. 406.5-2(e)(1)]. The requirement that there be a rule to establish a process for retention, storage, and disposal of items confiscated or turned over to the Department in accordance with this law was eliminated in the proposed amendments to the Law since the Department does not confiscate or retain any items, that would now be a responsibility of the Oneida Police Department. [4 O.C. 406.5-2]. The proposed amendments to the Law also delegate authority to the Conservation Department to develop rules to regulate the use of recovery and retrieval services and methods, and to regulate the care and husbandry of animals used to hunt or animals used for private game hunting. [4 O.C. 406.5-2(m), 406.5-2(n)]. The requirement that the Environmental Resource Board provide notice of rules on the Nation’s website and ERB and/or the Department develop a rule booklet which the Department shall provide to each person receiving a license or permit was removed from the Law. [4 O.C. 406.5-2(o)]. The Administrative Rulemaking already requires that all rules are published under the corresponding law on the Code of Laws within the Oneida Register on the Nation’s website. [1 O.C. 106.8-2(a)(1)]. A physical booklet is not being provided anymore due to the fact that the rules are available for review online on the Oneida Register,

and to fall in line with the Nation's Paper Reduction Policy. The Paper Reduction Policy provides that it is the policy of the Nation to reduce the amount of paper being used to benefit the next seven (7) generations through recycling, reduction, and environmental awareness, and that all programs of the Nation are encouraged to reduce paper usage and waste. [2 O.C. 220.1-1, 220.4-1].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

K. ***PCB Warning in Rulebook.*** The current Laws provides that the Environmental Resource Board and the Conservation Department ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese, and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request. [4 O.C. 406.7-5]. The proposed amendments to the Law eliminate this provision.

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

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

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

290 **M. Designated Hunters.** The current Law provides that a permittee may name a designated hunter to hunt,
291 fish, or trap on behalf of the permittee in the event the permittee is physically or legally unable to take
292 their own permit. [4 O.C. 406.9-4]. A designated hunter is only allowed to hunt for the number of
293 permittees as authorized by the rules developed pursuant to this Law. [4 O.C. 406.9-4(b)]. The Hunting,
294 Fishing, and Trapping Law Rule Handbook provides that designated hunters may only take antlerless
295 deer and, regardless of the number of tags issued to the original permittee, may fill a maximum of two
296 (2) deer carcass tags on behalf of the original permittee; and may fill a maximum of two (2) turkey tags
297 for the original permittee, regardless of the number of tags issued to the original permittee. [Rule 4-
298 7(a)(7), 4-9]. The proposed amendments to the Law allow a designated hunter to hunt for an unlimited
299 number of permittees. [4 O.C. 406.9-4(b)].

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

304 **N. Age Restriction of Youth Hunters.** The current Law breaks up age restrictions for hunters into different
305 categories. Persons between the age of twelve (12) and fourteen (14) years old may only hunt if they
306 have obtained the required license and permits and are under the immediate supervision of a parent,
307 legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory
308 responsibilities to. [4 O.C. 406.9-5(a)]. The parent, legal guardian, or responsible adult is required to
309 have a valid license and permits, and must remain within voice and sight contact of the youth hunters
310 at all times. Tribal members, descendants, non-member Indians, and dependents age ten (10) or eleven
311 (11) years old may hunt if they have a mentor present while hunting and have obtained any required
312 licenses and permits. [4 O.C. 406.9-5(b)]. Tribal members, descendants, non-member Indians, and
313 dependents less than ten (10) years old may accompany a mentor while hunting, provided that youth
314 under the age of ten (10) may not use a weapon during the hunt. The proposed amendments to the Law
315 combine the categories for those youth hunters age ten (10) through eleven (11) and twelve (12) through
316 fourteen (14) years of age, and provides that persons between the age of ten (10) and fourteen (14)
317 years old may only hunt if they have obtained the required license and permits and are under the
318 immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal
319 guardian has delegated their supervisory responsibilities to. [4 O.C. 406.9-5(a)].

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

323 **O. Mentored Hunting.** The proposed amendments to the Law now include a new section to specifically
324 address mentored hunting. The proposed amendments to the Law provide that individuals may obtain
325 a mentored-only hunting license and permit and hunt without first completing a hunter education course
326 as long as they accompany a mentor while hunting. [4 O.C. 409.9-6]. A mentee may be either a Tribal
327 member, descendant, non-member Indian, or dependent having less than ten (10) years of age; or a
328 Tribal member, descendant, non-member Indian, or dependent who has not completed a required hunter
329 education course. [4 O.C. 409.9-6(a)]. A mentor is required to be a Tribal member, be at least eighteen
330 (18) years old; have a valid license and any required permits; and be the mentee's parent or legal
331 guardian or have permission from the mentee's parent or legal guardian to be the hunter's mentor, if
332 the mentee is younger than age eighteen (18) years old. [4 O.C. 409.9-6(b)]. Mentors may mentor a
333 maximum of two (2) mentees at the same time. [4 O.C. 409.9-6(c)]. The mentor is required to remain

within an arm's grasp of each mentee at all times. [4 O.C. 409.9-6(d)]. Only one (1) weapon may be possessed jointly between the mentor and their mentee(s), and a mentee may not use a weapon during the hunt. [4 O.C. 409.9-6(e)-(f)].

- *Effect.* Allowing a mentored hunt for those individuals who have not completed a hunter education course provides an additional opportunity for individuals to learn more about hunting and become interested in the sport.

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

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

SECTION 6. EXISTING LEGISLATION

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

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

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

- **Administrative Rulemaking Law.** The Administrative Rulemaking law provides a process for the adoption and amendment of administrative rules. [1 O.C. 106.1-1]. It is the policy of the Nation to ensure there is an efficient, effective and democratic process for enacting and revising administrative rules, and that authorized agencies act in a responsible and consistent manner when enacting and revising administrative rules. [1 O.C. 109.1-2].

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

SECTION 7. OTHER CONSIDERATIONS

- A. **Hunting, Fishing, and Trapping Law Rules.** Currently, a Hunting, Fishing, and Trapping law rule handbook exists and was last adopted in May of 2017.
- **Conclusion.** The Hunting, Fishing, and Trapping law rules will need to be reviewed upon adoption of amendments to the Hunting, Fishing, and Trapping law to bring the rules into compliance with any amendments made to the Hunting, Fishing, and Trapping law.

- 421 **B. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all
422 legislation except emergency legislation [*1 O.C. 109.6-1*]. Oneida Business Committee resolution BC-
423 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
424 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
425 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
426 completing the fiscal impact statement.
- 427 ▪ *Conclusion.* The Legislative Operating Committee has not yet requested a fiscal impact statement
428 from the Finance Department.

429



TO: Ralinda Ninham-Lamberies, Chief Financial Officer
FROM: Jameson Wilson, Legislative Operating Committee Chairman
DATE: November 5, 2025
RE: Hunting, Fishing, and Trapping Law Amendments Fiscal Impact Statement

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

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)].

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

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

Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act*” provides further clarification on the process for directing a fiscal impact statement be completed. This resolution provides that upon final approval of draft legislation by the LOC, the LOC may direct the Finance Department to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

On November 5, 2025, the Legislative Operating Committee approved the final draft of the proposed amendments to the Hunting, Fishing, and Trapping law. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the proposed amendments to the Hunting, Fishing, and Trapping law by November 21, 2025.

A copy of the proposed amendments to the Hunting, Fishing, and Trapping law, as well as the legislative analysis, have been attached to this memorandum for your convenience.

Requested Action

Provide the LOC a fiscal impact statement of the proposed amendments to the Hunting, Fishing, and Trapping law by November 21, 2025.



Legislative Operating Committee
November 5, 2025

Budget and Finances Law Amendments

Submission Date: 3/6/24	Public Meeting: N/A
LOC Sponsor: Jennifer Webster	Emergency Enacted: N/A

Summary: *This item was added to the Active Files List on March 6, 2024. Resolution BC-05-11-22-B, Amendments to the Budget Management and Control Law, included a directive that the Legislative Reference Office collaborate with the Nation's Treasurer and Chief Financial Officer to conduct a one (1) year review of the Budget and Finances law and provide the Oneida Business Committee a report on the use and implementation of the Law. The Legislative Reference Office and Legislative Operating Committee met with the Nation's Treasurer and Chief Financial Officer on February 7, 2024, to review and discuss how the implementation and utilization of the Budget and Finance law has fared since the most recent amendments were adopted in May of 2022. Through the discussions with the Nation's Treasurer and Chief Financial Officer it was determined that there are potential amendments to the Budget and Finances law that would be beneficial to the Nation to make. The Nation's Treasurer and Chief Financial Officer recommended that the Legislative Operating Committee consider adding the Budget and Finances law to its Active Files List for amendments to be made.*

3/6/24 LOC: Motion by Jonas Hill to add Budget and Finances law amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

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

7/2/25 LOC: Motion by Jennifer Webster to accept the request for amendments to the Budget and Finances law as information, noting the Budget and Finances law is already on the Active Files List for amendments; seconded by Marlon Skenandore. Motion carried unanimously.

7/21/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Lawrence Barton, Ralinda Ninham-Lamberies, Melissa Alvarado, Fawn Billie, Fawn Cottrell, Kristal Hill. The purpose of this work meeting was to review and discuss potential amendments to the law.

8/18/25: *Work Meeting.* Present: Jonas Hill, Jameson Wilson, Clorissa Leeman, Lawrence Barton, Ralinda Ninham-Lamberies, Melissa Alvarado, Kristal Hill, Fawn Cottrell, Rhiannon Metoxen. The purpose of this work meeting was to continue the review and discussion of potential amendments to this law.

10/3/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Lawrence Barton, Ralinda Ninham-Lamberies, Melissa Alvarado, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to review the updated draft of amendments to the law.

10/15/25 LOC: Motion by Jennifer Webster to approve the draft of the proposed amendments to the Budget and Finances law; seconded by Kirby Metoxen. Motion carried unanimously.

Next Steps:

- Approve the updated draft and legislative analysis of the proposed amendments to the Budget and Finances law.

Title 1. Government and Finances – Chapter 121

Twahwistatye'nítha?

We have a certain amount of money

BUDGET AND FINANCES

121.1. Purpose and Policy
121.2. Adoption, Amendment, Repeal
121.3. Definitions
121.4. Authority and Responsibilities
121.5. Budget
121.6. Expenditures and Assets

121.7. Grants
121.8. Debts
121.9. Employment and Labor Allocations
121.10. Budget Contingency Planning
121.11. Reporting
121.12. Enforcement

121.1. Purpose and Policy

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

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

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

121.2. Adoption, Amendment, Repeal

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

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

121.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

121.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, nothing in this law amends or repeals the

requirements of resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*.

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

121.3. Definitions

121.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Balanced budget” means that the cost of current expenses and service provisions is equal to the forecasted current revenue sources.

(b) “Capital contribution” means an act of giving money or assets to a company or organization.

(c) “Capital expenditure” means any non-recurring improvement as follows:

(1) Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or

(2) Items purchased together where the total purchase price for all of the items is ten thousand dollars (\$10,000) or more.

(d) “Capital improvement” means a non-recurring expenditure for physical improvements, including costs for:

(1) acquisition of existing buildings, land, or interests in land;

(A) Acquisition of existing buildings and land completed by the Oneida Land Commission are not included in this definition.

(2) construction of new buildings or other structures, including additions and major alterations;

(3) demolition of an existing building or other structures;

(4) physical infrastructure; and

(5) similar expenditures with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more.

(e) “CFO” means the Nation’s Chief Financial Officer, or their designee at their discretion.

(f) “Debt” means the secured or unsecured obligations owed by the Nation.

(g) “Debt Service Coverage Ratio” means a measurement of creditors available cash flow to pay debt obligations. This ratio evaluates if an entity has income capacity to service debts.

(h) “Enterprise” means any area or activity of the Nation that is engaged in for the business of profit or to break even.

(i) “Executive Manager” means a position of employment within the Nation that is the highest level in the chain of command under the Oneida Business Committee who is responsible for a department or division of the Nation, as identified by the Oneida Business Committee through the adoption of a resolution.

(j) “Expenditure report” means a financial report which includes, but is not limited to, a statement of cash flows, revenues, costs and expenses, assets, liabilities, and a statement of financial position.

(k) “Finance Administration” means the department of the Nation which consists of the Chief Financial Officer, Assistant Chief Financial Officer, the executive assistant to the Chief Financial Officer, and any other designated employee.

(l) “Fiscal year” means the one (1) year period each year from October 1st to September 30th.

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

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

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

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

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

(r) “Nation” means the Oneida Nation.

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

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

121.4. Authority and Responsibilities

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

- (a) oversee the development of the Nation’s budget;
- (b) oversee the implementation of the Nation’s budget;
- (c) exercise the authority provided in Article IV, Section 1, of the Constitution and Bylaws of the Oneida Nation, as delegated to the Oneida Business Committee by the General Tribal Council.

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

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

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

- (a) report to the Oneida Business Committee and/or Executive Managers any expenditures that do not follow budget guidelines or conform to the budget;
- (b) provide managers with monthly revenue and expense reports;
- (c) assist with the submission and presentation of the Treasurer’s report to the Oneida Business Committee, which shall specifically include any monthly variances that are one hundred thousand dollars (\$100,000) or more in total;

- (d) provide the Oneida Business Committee with information and reports as requested;
- (e) present the Treasurer's report and hold financial condition meetings with the Nation's management on a minimum of a quarterly basis; and
- (f) inform the Oneida Business Committee of any Executive Managers and/or fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer.

121.4-4. *Managers*. Managers shall:

- (a) ensure that their business units operate, on a day-to-day basis, in compliance with the budget adopted pursuant to this law;
- (b) report to the CFO and their relevant Executive Manager explanations and corrective actions for any monthly variance that is one hundred thousand dollars (\$100,000) or more in total;
- (c) submit budget review reports to the CFO on a reasonable and timely basis not to exceed thirty (30) calendar days from the end of the month; and
- (d) submit a budget for their fund unit in accordance with the budget schedule and guidelines as adopted by the Oneida Business Committee.

121.5. Budget

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

- (a) The Nation's budget shall be a balanced budget and not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year.

- (1) Underwriting debt resources or the utilization of existing debt instruments shall be expressly prohibited from use to balance the Nation's annual operational budget.

- (b) The budget shall align with any priorities developed and adopted by the Oneida Business Committee on behalf of the Nation.

- (c) The Nation's corporate entities shall not be included in the Nation's budget.

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

- (a) Estimated revenues to be received from all sources; and
- (b) The individual budgets of each fund unit.

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

- (a) *General Fund*. The General Fund account is the Nation's main operating fund which is used to account for all financial resources not accounted for in other funds.

- (b) *Financial Sovereignty Fund*. The Financial Sovereignty Fund account is used by the Nation to prevent default on debt and to sustain operations and grants during times of extreme financial distress.

~~(c) *Grant Reserve Fund*. The Grant Reserve Fund account is used by the Nation to sustain grant operations during times of extreme financial distress or sustain grant operations when grant funding has ended and the Nation has not had the appropriate time to plan for the end of delivery of those grant operations.~~

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

- (a) *Budget Schedule and Guidelines*. The Treasurer shall develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets. The Treasurer

shall submit the guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution no later than March 1st of each calendar year.

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

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

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

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

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

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

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

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

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

121.5-5. *Amendments to the Nation's Budget*. After the budget is adopted, amendments of the budget shall not be permitted unless it is necessary to avoid a budget deficit. The Treasurer and CFO shall identify when forecasted revenue and forecasted expenses are impacted in a manner which creates a deficit for the current fiscal year. The CFO shall provide the Oneida Business

Committee a written fiscal analysis and any input on the potential budget amendment. The Oneida Business Committee shall be responsible for adopting an amendment to the budget through resolution of the Nation. The Oneida Business Committee shall present notification of the budget amendment at the next available General Tribal Council meeting.

121.6. Expenditures and Assets

121.6-1. *Procurement Rule Handbook*. The Purchasing Department is delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.

121.6-2. *Authority to Expend Funds*. The Oneida Business Committee shall have the authority to expend appropriated funds in accordance with the Nation's adopted budget pursuant to the Procurement Rule Handbook developed by the Purchasing Department. The authority to expend funds is then necessarily delegated to other managers, including Executive Managers of the Nation who manage budgets pursuant to their job descriptions based on the Procurement Rule Handbook.

121.6-3. *Unbudgeted Expenditures*.

(a) *Approval of Unbudgeted Expenditures*. A fund unit shall not make an unbudgeted expenditure of two hundred and fifty thousand dollars (\$250,000) or more unless approval is granted by the Oneida Business Committee. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted expenditure. The Oneida Business Committee shall approve any unbudgeted expenditure through the adoption of a resolution prior to the expenditure being made by a fund unit.

(b) *Notification of Unbudgeted Expenditures*. The Oneida Business Committee shall set through resolution a threshold amount for unbudgeted expenditures that require notification by the Oneida Business Committee to the General Tribal Council at the next available General Tribal Council meeting.

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

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

121.6-6. *Unexpended Capital Improvement Funds*. Unexpended capital improvement funds shall carry over at the end of each fiscal year and remain available for use, provided that such funds are required to remain appropriated for the same purpose as originally budgeted until the project is complete. Once a capital improvement project is complete, any remaining unexpended funds shall be returned to the General Fund.

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

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

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

121.7. Grants

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

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

(1) purchases;

(2) travel;

(3) training;

(4) hiring grant required positions; and

(5) any other requirements attached to the funds as a condition of the Nation's acceptance of the grant funds.

~~121.7-2. *Grant Reserve Fund Account.* The Oneida Business Committee shall maintain a Grant Reserve Fund account within the ownership investment report to be used to sustain grant operations during times of extreme financial distress or sustain grant operations when grant funding has ended. The Grant Reserve Fund account shall be an obligated fund, that is fully funded with separately identified cash resources.~~

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

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

~~121.7-3.~~ **121.7-2.** *Grant Funded Positions.* If the grant funding for a fully grant funded position is eliminated, then the position shall be eliminated. To transition a position from grant funding to being funded through the Nation's budget, a manager shall follow the standard procedure for seeking the development and approval of a new position in the Nation's annual budget and labor allocations.

121.8. Debts

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

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

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

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

(b) Prior to the acquisition of any debt, the Nation shall obtain an amortization schedule for the repayment of the debt.

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

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

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

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

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

121.9. Employment and Labor Allocations

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

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

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

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

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

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

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

121.10. Budget Contingency Planning

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

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

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

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

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

- (a) stabilization funds;
- (b) cost optimization;
- (c) furloughs; and
- (d) layoffs.

121.10-3. When the CFO determines that the Nation is under extreme financial distress or may face extreme financial distress in the near future, the CFO shall inform the Oneida Business Committee, and the Oneida Business Committee shall be responsible for implementing the budget contingency plan.

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

(a) The Financial Sovereignty ~~Fund account in combination with the Grant Reserve~~ Fund account shall consist of a minimum reserve of one (1) year of operating expenses to ensure continuity of business for the Nation.

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

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

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

121.11. Reporting

121.11-1. *Monthly Reporting*. The Treasurer shall provide monthly reports and quarterly operational reports from direct reports to the Oneida Business Committee in accordance with the

Secretary's Oneida Business Committee packet schedule for the Oneida Business Committee meeting held for the acceptance of such reports.

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

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

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

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

121.12. Enforcement

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

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

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

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

End.

Adopted – BC-02-08-17-C

Emergency Amended – BC-11-24-20-E

Emergency Amended – BC-05-12-21-C

Emergency Extension – BC-11-10-21-B

Amended – BC-05-11-22-B

Emergency Amended – BC-10-26-22-D (Expired)

Amended – BC-__-__-__-__

Title 1. Government and Finances – Chapter 121

Twahwistatye'nítha?

We have a certain amount of money

BUDGET AND FINANCES

121.1. Purpose and Policy
121.2. Adoption, Amendment, Repeal
121.3. Definitions
121.4. Authority and Responsibilities
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121.9. Employment and Labor Allocations
121.10. Budget Contingency Planning
121.11. Reporting
121.12. Enforcement

121.1. Purpose and Policy

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

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

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

121.2. Adoption, Amendment, Repeal

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

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

121.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

121.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, nothing in this law amends or repeals the

requirements of resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*.

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

121.3. Definitions

121.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Balanced budget” means that the cost of current expenses and service provisions is equal to the forecasted current revenue sources.

(b) “Capital contribution” means an act of giving money or assets to a company or organization.

(c) “Capital expenditure” means any non-recurring ~~and non-physical~~ improvement as follows:

(1) Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or

(2) Items purchased together where ~~none of the items individually costs more than two thousand dollars (\$2,000), but~~ the total purchase price for all of the items is ten thousand dollars (\$10,000) or more.

(d) “Capital improvement” means

(e) “CFO” means the Nation’s Chief Financial Officer, or their designee at their discretion.

(f) “Debt” means the secured or unsecured obligations owed by the Nation.

(g) “Debt Service Coverage Ratio” means a measurement of creditors available cash flow to pay debt obligations. This ratio evaluates if an entity has income capacity to service debts.

(h) “Enterprise” means any area or activity of the Nation that is engaged in for the business of profit or to break even.

(i) “Executive Manager” means a position of employment within the Nation that is the highest level in the chain of command under the Oneida Business Committee who is responsible for a department or division of the Nation, as identified by the Oneida Business Committee through the adoption of a resolution.

(j) “Expenditure report” means a financial report which includes, but is not limited to, a statement of cash flows, revenues, costs and expenses, assets, liabilities, and a statement of financial position.

(k) “Finance Administration” means the department of the Nation which consists of the Chief Financial Officer, Assistant Chief Financial Officer, the executive assistant to the Chief Financial Officer, and any other designated employee.

(l) “Fiscal year” means the one (1) year period each year from October 1st to September 30th.

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

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

- (o) "Government service" means any area or activity of the Nation that is not expected to create revenue for the Nation and not expected to make a profit at any time.
- (p) "Line item" means the specific account within a fund unit's budget or category that expenditures are charged to.
- (q) "Manager" means the person in charge of directing, controlling, and administering the activities of a fund unit.
- (r) "Nation" means the Oneida Nation.
- (s) "Secretary" means the Oneida Nation Secretary, or their designee at their discretion.
- (t) "Treasurer" means the Oneida Nation Treasurer, or their designee at their discretion.

121.4. Authority and Responsibilities

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

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

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

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

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

- ~~(a) ensure the Nation's budget is properly implemented;~~
- ~~(a) report to the Oneida Business Committee and/or Executive Managers any expenditures that do not follow budget guidelines or conform to the budget;~~
- (b) provide managers with monthly revenue and expense reports;
- (c) assist with the submission and presentation of the Treasurer's report to the Oneida Business Committee, which shall specifically include any monthly variances that are ~~either:~~
- ~~(1) a difference of three percent (3%) or more from the adopted annual budget; or~~
 - ~~(2) fiftyone hundred~~ thousand dollars (\$~~50~~100,000) or more in total;
- (d) provide the Oneida Business Committee with information and reports as requested;
- (e) present the Treasurer's report and hold financial condition meetings with the Nation's management on a minimum of a quarterly basis; and

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

121.4-4. *Managers.* Managers shall:

- (a) ensure that their business units operate, on a day-to-day basis, in compliance with the budget adopted pursuant to this law;
- (b) report to the CFO and their relevant Executive Manager explanations and corrective actions for any monthly variance that is ~~either:~~
 - ~~(1) a difference of three percent (3%) or more from the adopted annual budget; or~~
 - ~~(2) fifty~~one hundred thousand dollars (\$~~50~~100,000) or more in total;
- (c) submit budget review reports to the CFO on a reasonable and timely basis not to exceed thirty (30) calendar days from the end of the month; and
- (d) submit a budget for their fund unit in accordance with the budget schedule and guidelines as adopted by the Oneida Business Committee.

121.5. Budget

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

(a) The Nation's budget shall be a balanced budget and not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year.

(1) Underwriting debt resources or the utilization of existing debt instruments shall be expressly prohibited from use to balance the Nation's annual operational budget.

(b) The budget shall align with any ~~strategic plan, broad goals, or~~ priorities developed and adopted by the Oneida Business Committee on behalf of the Nation.

(c) The Nation's corporate entities shall not be included in the Nation's budget.

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

(a) Estimated revenues to be received from all sources; and

(b) The individual budgets of each fund unit; ~~;~~

~~(c) A description of each line item within each fund unit's budget;~~

~~(d) The estimated expenditures by each fund unit; and~~

~~(e) Summary of employment position counts including prior year, current year, and budgeted year.~~

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

(a) *General Fund.* The General Fund account is the Nation's main operating fund which is used to account for all financial resources not accounted for in other funds.

(b) ~~Permanent Executive Contingency~~Financial Sovereignty *Fund.* The ~~Permanent Executive Contingency~~Financial Sovereignty Fund account is used by the Nation to prevent default on debt and to sustain operations and grants during times of extreme financial distress.

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

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

(a) *Budget Schedule and Guidelines.* The Treasurer shall develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that

have budget responsibility in preparing and submitting proposed budgets. The Treasurer shall submit the guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution no later than March 1st of each calendar year.

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

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

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

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

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

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

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

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

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

(2) *Emergency Budget Adoption*. In the event that the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the

budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget.

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

121.6. Expenditures and Assets

121.6-1. *Procurement Rule Handbook.* ~~The Purchasing Department is delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.~~

121.6-2. *Authority to Expend Funds.* The Oneida Business Committee shall have the authority to expend appropriated funds in accordance with the Nation's adopted budget pursuant to the Procurement Rule Handbook developed by the Purchasing Department. The authority to expend funds is then necessarily delegated to other managers, including Executive Managers of the Nation who manage budgets pursuant to their job descriptions based on the Procurement Rule Handbook.

~~121.6-3. 121.6-2. Procurement Rule Handbook. The Purchasing Department is delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.~~

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

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

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

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

121.6-4. Unbudgeted Expenditures.

(a) *Approval of Unbudgeted Expenditures.* A fund unit shall not make an unbudgeted expenditure of two hundred and fifty thousand dollars (\$250,000) or more unless approval is granted by the Oneida Business Committee. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted expenditure. The Oneida Business Committee shall approve any unbudgeted expenditure through the adoption of a resolution prior to the expenditure being made by a fund unit.

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

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

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

121.6-4. *Obligated Future Expenditures.* Notwithstanding an approved multi-year contract, no fund unit shall obligate the Nation to make any future expenditures beyond the current budget year unless the fund unit identifies, and the Oneida Business Committee approves through the adoption of a resolution, the source and extent of any future funds that are recommended to be held in reserve to meet that future obligation.

~~121.6-5. *Unexpended Funds.*~~

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

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

121.6-6. *Capital Contributions.* Any capital contributions made by the Nation shall be identified in the annual budget.

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

121.6-7. Assets of the Nation shall not be divested, or borrowed against, to balance the annual budget.

~~121.6-9. *Capital Improvements.*~~

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

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

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

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

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

121.7. Grants

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

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

- (1) purchases;
- (2) travel;
- (3) training;
- (4) hiring grant required positions; and
- ~~(5) incentives and retention efforts; and~~

~~(6)~~(5) any other requirements attached to the funds as a condition of the Nation's acceptance of the grant funds.

~~(b) Grant funds may be utilized for an expenditure even when other policies of the Nation do not allow for Tribal contribution to make that same expenditure, if only grant funds are utilized for the expenditure and all requirements or obligations of the grant are met. Provided that, grant funds may be subject to the requirements of the budget contingency plan and any cost containment initiatives adopted by the Oneida Business Committee.~~

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

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

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

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

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

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

~~121.7-5.~~121.7-2. *Grant Funded Positions*. If the grant funding for a fully grant funded position is eliminated, then the position shall be eliminated. To transition a position from grant funding to being funded through the Nation's budget, a manager shall follow the standard procedure for seeking the development and approval of a new position in the Nation's annual budget and labor allocations.

121.8. Debts

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

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

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

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

(b) Prior to the acquisition of any debt, the Nation shall obtain an amortization schedule for the repayment of the debt.

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

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

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

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

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

121.9. Employment and Labor Allocations

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

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

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

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

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

(b) The Treasurer, CFO, Executive Managers, and Executive Human Resources Director shall develop a standard operating procedure which identifies a process for the consideration of requests to revise the labor allocations list. The Oneida Business

Committee shall approve this standard operating procedure, and any amendments thereto, through the adoption of a resolution.

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

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

121.10. Budget Contingency Planning

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

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

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

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

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

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

121.10-3. When the ~~Oneida Business Committee~~ CFO determines that the Nation is under extreme financial distress, or may face extreme financial distress in the near future, the CFO shall inform the Oneida Business Committee, and the Oneida Business Committee shall be responsible for implementing the budget contingency plan.

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

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

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

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

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

121.11. Reporting

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

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

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

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

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

121.12. Enforcement

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

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

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

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

End.

Adopted – BC-02-08-17-C

Emergency Amended – BC-11-24-20-E

Emergency Amended – BC-05-12-21-C

Emergency Extension – BC-11-10-21-B

Amended – BC-05-11-22-B

Emergency Amended – BC-10-26-22-D (Expired)

~~Amended – BC- - - -~~

Title 1. Government and Finances – Chapter 121

Twahwistatye'nítha?

We have a certain amount of money

BUDGET AND FINANCES

121.1. Purpose and Policy
121.2. Adoption, Amendment, Repeal
121.3. Definitions
121.4. Authority and Responsibilities
121.5. Budget
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121.7. Grants
121.8. Debts
121.9. Employment and Labor Allocations
121.10. Budget Contingency Planning
121.11. Reporting
121.12. Enforcement

121.1. Purpose and Policy

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

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

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

121.2. Adoption, Amendment, Repeal

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

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

121.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

121.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, nothing in this law amends or repeals the

requirements of resolution BC-10-08-08-A, *Adopting Expenditure Authorization and Reporting Requirements*.

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

121.3. Definitions

121.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Balanced budget” means that the cost of current expenses and service provisions is equal to the forecasted current revenue sources.

(b) “Capital contribution” means an act of giving money or assets to a company or organization.

(c) “Capital expenditure” means any non-recurring improvement as follows:

(1) Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or

(2) Items purchased together where the total purchase price for all of the items is ten thousand dollars (\$10,000) or more.

(d) “Capital improvement” means a non-recurring expenditure for physical improvements, including costs for:

(1) acquisition of existing buildings, land, or interests in land;

(A) Acquisition of existing buildings and land completed by the Oneida Land Commission are not included in this definition.

(2) construction of new buildings or other structures, including additions and major alterations;

(3) demolition of an existing building or other structures;

(4) physical infrastructure; and

(5) similar expenditures with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more.

(e) “CFO” means the Nation’s Chief Financial Officer, or their designee at their discretion.

(f) “Debt” means the secured or unsecured obligations owed by the Nation.

(g) “Debt Service Coverage Ratio” means a measurement of creditors available cash flow to pay debt obligations. This ratio evaluates if an entity has income capacity to service debts.

(h) “Enterprise” means any area or activity of the Nation that is engaged in for the business of profit or to break even.

(i) “Executive Manager” means a position of employment within the Nation that is the highest level in the chain of command under the Oneida Business Committee who is responsible for a department or division of the Nation, as identified by the Oneida Business Committee through the adoption of a resolution.

(j) “Expenditure report” means a financial report which includes, but is not limited to, a statement of cash flows, revenues, costs and expenses, assets, liabilities, and a statement of financial position.

(k) “Finance Administration” means the department of the Nation which consists of the Chief Financial Officer, Assistant Chief Financial Officer, the executive assistant to the Chief Financial Officer, and any other designated employee.

(l) “Fiscal year” means the one (1) year period each year from October 1st to September 30th.

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

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

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

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

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

(r) “Nation” means the Oneida Nation.

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

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

121.4. Authority and Responsibilities

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

- (a) oversee the development of the Nation’s budget;
- (b) oversee the implementation of the Nation’s budget;
- (c) exercise the authority provided in Article IV, Section 1, of the Constitution and Bylaws of the Oneida Nation, as delegated to the Oneida Business Committee by the General Tribal Council.

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

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

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

- (a) report to the Oneida Business Committee and/or Executive Managers any expenditures that do not follow budget guidelines or conform to the budget;
- (b) provide managers with monthly revenue and expense reports;
- (c) assist with the submission and presentation of the Treasurer’s report to the Oneida Business Committee, which shall specifically include any monthly variances that are one hundred thousand dollars (\$100,000) or more in total;

- (d) provide the Oneida Business Committee with information and reports as requested;
- (e) present the Treasurer's report and hold financial condition meetings with the Nation's management on a minimum of a quarterly basis; and
- (f) inform the Oneida Business Committee of any Executive Managers and/or fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer.

121.4-4. *Managers*. Managers shall:

- (a) ensure that their business units operate, on a day-to-day basis, in compliance with the budget adopted pursuant to this law;
- (b) report to the CFO and their relevant Executive Manager explanations and corrective actions for any monthly variance that is one hundred thousand dollars (\$100,000) or more in total;
- (c) submit budget review reports to the CFO on a reasonable and timely basis not to exceed thirty (30) calendar days from the end of the month; and
- (d) submit a budget for their fund unit in accordance with the budget schedule and guidelines as adopted by the Oneida Business Committee.

121.5. Budget

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

- (a) The Nation's budget shall be a balanced budget and not propose to spend more funds than are reasonably expected to become available to the Nation during that fiscal year.

- (1) Underwriting debt resources or the utilization of existing debt instruments shall be expressly prohibited from use to balance the Nation's annual operational budget.

- (b) The budget shall align with any priorities developed and adopted by the Oneida Business Committee on behalf of the Nation.

- (c) The Nation's corporate entities shall not be included in the Nation's budget.

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

- (a) Estimated revenues to be received from all sources; and
- (b) The individual budgets of each fund unit.

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

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

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

- (a) *Budget Schedule and Guidelines*. The Treasurer shall develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets. The Treasurer shall submit the guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution no later than March 1st of each calendar year.

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

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

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

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

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

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

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

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

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

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

resolution of the Nation. The Oneida Business Committee shall present notification of the budget amendment at the next available General Tribal Council meeting.

121.6. Expenditures and Assets

121.6-1. *Procurement Rule Handbook*. The Purchasing Department is delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.

121.6-2. *Authority to Expend Funds*. The Oneida Business Committee shall have the authority to expend appropriated funds in accordance with the Nation's adopted budget pursuant to the Procurement Rule Handbook developed by the Purchasing Department. The authority to expend funds is then necessarily delegated to other managers, including Executive Managers of the Nation who manage budgets pursuant to their job descriptions based on the Procurement Rule Handbook.

121.6-3. Unbudgeted Expenditures.

(a) *Approval of Unbudgeted Expenditures*. A fund unit shall not make an unbudgeted expenditure of two hundred and fifty thousand dollars (\$250,000) or more unless approval is granted by the Oneida Business Committee. The CFO shall provide the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted expenditure. The Oneida Business Committee shall approve any unbudgeted expenditure through the adoption of a resolution prior to the expenditure being made by a fund unit.

(b) *Notification of Unbudgeted Expenditures*. The Oneida Business Committee shall set through resolution a threshold amount for unbudgeted expenditures that require notification by the Oneida Business Committee to the General Tribal Council at the next available General Tribal Council meeting.

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

121.6-4. *Obligated Future Expenditures*. Notwithstanding an approved multi-year contract, no fund unit shall obligate the Nation to make any future expenditures beyond the current budget year unless the fund unit identifies, and the Oneida Business Committee approves through the adoption of a resolution, the source and extent of any future funds that are recommended to be held in reserve to meet that future obligation.

121.6-5. *Unexpended Capital Improvement Funds*. Unexpended capital improvement funds shall carry over at the end of each fiscal year and remain available for use, provided that such funds are required to remain appropriated for the same purpose as originally budgeted until the project is complete. Once a capital improvement project is complete, any remaining unexpended funds shall be returned to the General Fund.

121.6-6. *Capital Contributions*. Any capital contributions made by the Nation shall be identified in the annual budget.

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

121.6-7. Assets of the Nation shall not be divested, or borrowed against, to balance the annual budget.

121.7. Grants

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

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

(1) purchases;

(2) travel;

(3) training;

(4) hiring grant required positions; and

(5) any other requirements attached to the funds as a condition of the Nation's acceptance of the grant funds.

121.7-2. *Grant Funded Positions.* If the grant funding for a fully grant funded position is eliminated, then the position shall be eliminated. To transition a position from grant funding to being funded through the Nation's budget, a manager shall follow the standard procedure for seeking the development and approval of a new position in the Nation's annual budget and labor allocations.

121.8. Debts

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

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

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

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

(b) Prior to the acquisition of any debt, the Nation shall obtain an amortization schedule for the repayment of the debt.

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

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

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

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

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

121.9. Employment and Labor Allocations

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

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

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

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

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

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

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

121.10. Budget Contingency Planning

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

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

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

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

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

- (a) stabilization funds;
- (b) cost optimization;
- (c) furloughs; and
- (d) layoffs.

121.10-3. When the CFO determines that the Nation is under extreme financial distress or may face extreme financial distress in the near future, the CFO shall inform the Oneida Business Committee, and the Oneida Business Committee shall be responsible for implementing the budget contingency plan.

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

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

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

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

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

121.11. Reporting

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

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

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

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

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

121.12. Enforcement

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

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

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

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

End.

Adopted – BC-02-08-17-C

Emergency Amended – BC-11-24-20-E

Emergency Amended – BC-05-12-21-C

Emergency Extension – BC-11-10-21-B

Amended – BC-05-11-22-B

Emergency Amended – BC-10-26-22-D (Expired)

Amended – BC-__-__-__-__



BUDGET AND FINANCES LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	▪ Amend the definitions for capital expenditures, capital improvements, and enterprise. [1 O.C.121.3-1]; ▪ Remove the requirement that the Oneida Business Committee develop priorities, a strategic plan, or broad goals to assist in guiding the budget. [1 O.C.121.4-1]; ▪ Remove the requirement that the Chief Financial Officer ensure the Nation's budget is properly implemented, and instead require that the Chief Financial Officer report to the Oneida Business Committee and/or Executive Managers any expenditures that do not follow budget guidelines or conform to the budget. [1 O.C.121.4-3(a)]; ▪ Require that the Chief Financial Officer assist with the submission and presentation of the Treasurer's report to the Oneida Business Committee, which shall specifically include any monthly variances that are one hundred thousand dollars (\$100,000) or more in total instead of a difference of three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-3(c)]; ▪ Require the Chief Financial Officer to inform the Oneida Business Committee of any Executive Managers and/or fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer. [1 O.C.121.4-3(f)]; ▪ Require managers to report to the CFO and their relevant Executive Manager explanations and corrective actions for any monthly variance that is one hundred thousand dollars (\$100,000) or more in total instead of a difference of three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-4(b)]; ▪ Eliminate that the contents of the budget include a description of each line item within each fund unit's budget, the estimated expenditures by each fund unit, and a summary of employment position counts including prior year, current year, and budgeted year. [1 O.C.121.5-2]; ▪ Rename the Permanent Executive Contingency Fund Account the Financial Sovereignty Fund. [1 O.C.121.5-3(b)]; ▪ Eliminate the Grant Reserve Fund Account, instead including sustaining grant operations in the purpose of the Financial Sovereignty Fund. [1 O.C.121.5-3(b)-(c)]; ▪ Require that the Treasurer submit the budget guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution no later than March 1st of each calendar year. [1 O.C.121.5-4(a)]; ▪ Provide that it is the Chief Financial Officer, and not the Treasurer, that is responsible for receiving, reviewing, and compiling the proposed

	budgets from all the fund units into the Nation’s draft budget. <i>[1 O.C.121.5-4(b)]</i>; ▪ Eliminate the section of the law that addressed fees and charges. <i>[previously 1 O.C. 121.6-3]</i>; ▪ Add a threshold of two hundred and fifty thousand dollars (\$250,000) or more for when a fund unit has to seek approval by the Oneida Business Committee, and a fiscal analysis by the Chief Financial Officer for any unbudgeted expenditure. <i>[1 O.C. 121.6-3]</i>; ▪ Clarify that for unexpended capital improvement funds they do not carry over to the next fiscal year budget, but instead carry over at the end of each fiscal year and remain available for use. <i>[1 O.C. 121.6-5]</i>; ▪ Eliminate the section on unexpended capital expenditure funds. <i>[previously 1 O.C. 121.6-4(b)]</i>; ▪ Eliminate the provisions of the Law governing capital improvements. <i>[previously 1 O.C. 121.6-9]</i>; ▪ Eliminate provisions of the Law governing how grant fund can be utilized, exhaustion of non-tribal funds, grant reporting, and the Grant Reserve Fund Account. <i>[previously 1 O.C. 121.7-1(b)-121.7-4]</i>; ▪ Require that prior to the acquisition of any debt, the Nation shall obtain an amortization schedule for the repayment of the debt. <i>[1 O.C. 121.8-2(b)]</i>; ▪ Eliminate the provisions which provides that employment positions that are fully funded through grants shall not be included in the employment cap. <i>[previously 1 O.C. 121.9-1(a)]</i>; ▪ Allow the budget contingency plan to respond to or prepare for potential extreme financial distress. <i>[1 O.C. 121.10-1]</i>; ▪ Clarify that when the Chief Financial Officer, not the Oneida Business Committee, determines that the Nation is under extreme financial distress, or may face extreme financial distress in the near future, the CFO shall inform the Oneida Business Committee, and the Oneida Business Committee shall be responsible for implementing the budget contingency plan. <i>[1 O.C. 121.10-3]</i>; and ▪ Make other minor drafting changes.
Purpose	The purpose of this law is to set forth the requirements to be followed by the Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation. <i>[1 O.C. 121.1-1]</i> .
Affected Entities	Oneida Nation Community, General Tribal Council, Oneida Business Committee, Chief Financial Officer, Executive Managers, employees of the Nation
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. Background. The Budget and Finances law (“the Law”), formerly known as the Budget Management and Control law, was first adopted by the Oneida Business Committee on February 8, 2017, through the adoption of resolution BC-02-08-17-C, and most recently amended on May 11, 2022, through the adoption of resolution BC-05-11-22-B. The Law sets forth the requirements to be followed by the

Oneida Business Committee and the Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval, and to establish financial policies and procedures for the Nation which: institutionalize best practices in financial management to guide decision makers in making informed decisions regarding the provision of services, implementation of business plans for enterprises, investments, and capital assets; provide a long term financial prospective and strategic intent, linking budget allocations to organizational goals, as well as providing fiscal controls and accountability for results and outcomes; identify and communicate to the membership of the Nation spending decisions for the government function, grant obligations, enterprises, membership mandates, capital expenditures, technology projects, and capital improvement projects; establish a framework for effective financial risk management; and encourage participation by the Nation's membership. [1 O.C. 121.1-1].

B. Request for Amendments. When the Budget and Finances law was last amended, resolution BC-05-11-22-B, *Amendments to the Budget Management and Control Law*, included a directive that the Legislative Reference Office collaborate with the Nation's Treasurer and Chief Financial Officer to conduct a one (1) year review of the Budget and Finances law and provide the Oneida Business Committee a report on the use and implementation of the Law. The Legislative Reference Office and Legislative Operating Committee met with the Nation's Treasurer and Chief Financial Officer on February 7, 2024, to review and discuss how the implementation and utilization of the Budget and Finance law has fared since the most recent amendments were adopted in May of 2022. Through the discussions with the Nation's Treasurer and Chief Financial Officer it was determined that there are potential amendments to the Budget and Finances law that would be beneficial to the Nation to make. The Nation's Treasurer and Chief Financial Officer recommended that the Legislative Operating Committee consider adding the Budget and Finances law to its Active Files List for amendments to be made. This item was added to the Active Files List on March 6, 2024. Then on July 2, 2025, the Legislative Operating Committee received an additional request from the Chief Financial Officer for amendments to be made to the Budget and Finances law and accepted the request for amendments to the Budget and Finances law as information, noting the Budget and Finances law is already on the Active Files List for amendments.

SECTION 3. CONSULTATION AND OUTREACH

A. Representatives from the following departments or entities participated in the development of the amendments to the Budget and Finances law and this legislative analysis:

- Treasurer; and
- Finance Administration.

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

- Administrative Rulemaking law;
- Oneida Personnel Policies and Procedures;
- Legislative Procedures Act;
- Internal Audit law;
- Emergency Management law;
- Furlough Law;
- Layoff Policy;
- Conflict of Interest law;
- Code of Ethics law; and

- Removal law.

SECTION 4. PROCESS

- A. The development of the proposed amendments to Budget and Finances law complies with the process set forth in the Legislative Procedures Act (LPA).
- On March 6, 2024, the Legislative Operating Committee added the Budget and Finances law to its Active Files List.
 - On July 2, 2025, the Legislative Operating Committee accepted an additional request for amendments to the Budget and Finances law as information, noting the Budget and Finances law is already on the Active Files List for amendments.
 - On October 15, 2025, the Legislative Operating Committee approved the draft of proposed amendments to the Budget and Finances law.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to the Computer Resources Ordinance:
- March 20, 2024: LOC work session.
 - July 21, 2025: LOC work session with Treasurer and Finance Administration.
 - August 18, 2025: LOC work session with Treasurer and Finance Administration.
 - October 3, 2025: LOC work session with Treasurer and Finance Administration.
- A. *Community Outreach Events*. In addition to the public meeting required by the Legislative Procedures Act, the LOC held the following community outreach events on this legislation:
- September 17, 2025: Legislative Operating Committee Community Meeting held in the Norbert Hill Center's cafeteria.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Definitions*. The proposed amendments to the Law revise the definitions for capital expenditures, capital improvements, and enterprise. [1 O.C.121.3-1]. Currently, the Law defines capital expenditures as any non-recurring and non-physical improvement as follows: Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or Items purchased together where none of the items individually costs more than two thousand dollars (\$2,000), but the total purchase price for all of the items is ten thousand dollars (\$10,000) or more. [1 O.C.121.3-1(c)]. The proposed amendments to the Law revise the definition of capital expenditures to read as means any non-recurring improvement as follows: Any item with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more; or Items purchased together where the total purchase price for all of the items is ten thousand dollars (\$10,000) or more. [1 O.C.121.3-1(c)]. Currently, the Law defines capital improvement as a non-recurring expenditure for physical improvements, including costs for: acquisition of existing buildings, land, or interests in land; construction of new buildings or other structures, including additions and major alterations; acquisition of fixed equipment; landscaping; physical infrastructure; and (6) similar expenditures with a cost of five thousand dollars (\$5,000.00) or more and a useful life of one (1) year or more. [1 O.C.121.3-1(d)]. The proposed amendments to the Law revise the definition of capital improvements to read as a non-recurring expenditure for physical improvements, including costs for: acquisition of existing buildings, land, or interests in land; construction of new buildings or other structures, including additions and major alterations; demolition of an existing building or other structures; physical infrastructure; and similar expenditures with a cost of five thousand dollars (\$5,000) or more and a useful life of one (1) year or more. [1 O.C.121.3-1(d)].

Currently, the Law defines enterprise as any area or activity of the Nation that is engaged in for the business of profit. [1 O.C.121.3-1(h)]. The proposed amendments to the Law revise the definition of enterprise to read as any area or activity of the Nation that is engaged in for the business of profit or to break even. [1 O.C.121.3-1(h)].

- *Effect.* The proposed amendments to the above mentioned definitions ensure that the definitions included in our law are consistent with regularly accepted financial and accounting standard definitions.

B. Responsibilities of the Chief Financial Officer. The proposed amendments to the Law make some adjustments to the responsibilities of the Chief Financial Officer. Currently, the Law requires that the Chief Financial Officer ensures the Nation's budget is properly implemented. Understanding that it is not reasonable to place the proper implementation of the Nation's budget onto one position, the proposed amendments to the Law instead require that the Chief Financial Officer report to the Oneida Business Committee and/or Executive Managers any expenditures that do not follow budget guidelines or conform to the budget. [1 O.C.121.4-3(a)]. Currently, the Law requires that the Chief Financial Officer assist with the submission and presentation of the Treasurer's report to the Oneida Business Committee, which shall specifically include any monthly variances that are either: a difference of three percent (3%) or more from the adopted annual budget; or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-3(c)]. The proposed amendments to the Law change how monthly variances are reported in the Treasurer's report, so that it only includes monthly variances that are one hundred thousand dollars (\$100,000) or more in total instead of a difference of three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-3(c)]. The change in what monthly variances that are required to be reported better reflects the information that accounting tracks for the Nation. And finally, the current Law requires that the Chief Financial Officer inform the appropriate Executive Manager of any fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer. [1 O.C.121.4-3(f)]. Understanding that it makes more sense from the information to come from the Executive Managers to the Chief Financial Officer since the Executive Managers should be already aware of the compliance status of the areas they manage, the proposed amendments to the Law now require that the Chief Financial Officer informs the Oneida Business Committee of any Executive Managers and/or fund unit which does not follow the budget development process guidelines or deadlines as set forth by the Treasurer. [1 O.C.121.4-3(f)].

- *Effect.* The proposed amendments to the Law provide greater clarity as to the responsibilities of the Chief Financial Officer so that the Law more realistically reflects the roles and responsibilities of this position.

C. Responsibilities of Managers. The proposed amendments to the Law require managers to report to the Chief Financial Officer and their relevant Executive Manager explanations and corrective actions for any monthly variance that is one hundred thousand dollars (\$100,000) or more in total instead of a difference of three percent (3%) or more from the adopted annual budget or fifty thousand dollars (\$50,000) or more in total. [1 O.C.121.4-4(b)].

- *Effect.* The proposed amendment to the Law addressing what monthly variances need to be reported by the managers better reflects the information that accounting tracks for the Nation.

D. Contents of the Budget. Currently, the Law requires that the Nation's budget include the following information: estimated revenues to be received from all sources; the individual budgets of each fund unit; a description of each line item within each fund unit's budget; the estimated expenditures by each

fund unit; and a summary of employment position counts including prior year, current year, and budgeted year. [1 O.C.121.5-2]. The proposed amendments to the Law eliminate the requirement that the contents of the budget include a description of each line item within each fund unit's budget, the estimated expenditures by each fund unit, and a summary of employment position counts including prior year, current year, and budgeted year. [1 O.C.121.5-2]. Therefore, the budget is only required to include the estimated revenues to be received from all sources and the individual budgets of each fund unit. *Id.*

- *Effect.* The proposed amendments to the Law eliminate requirements to the contents of the budget that appeared duplicative or were simply never actually complied with by the fund units of the Nation.

E. *Financial Sovereignty Fund.* Currently, the Law provides that in addition to the General Fund, the Nation's budget shall include a Permanent Executive Contingency Fund account to be used by the Nation to prevent default on debt and to sustain operations during times of extreme financial distress, as well as a Grant Reserve Fund, to be used by the Nation to prefund the expenditures of grants upon receipt. [1 O.C.121.5-3]. The proposed amendments to the Law combine the Permanent Executive Contingency Fund Account and the Grant Reserve Fund Account into one Fund Account to be named the Financial Sovereignty Fund which will be used by the Nation to prevent default on debt and to sustain operations and grants during times of extreme financial distress. [1 O.C.121.5-3(b)].

- *Effect.* The proposed amendments to the Law simplify the accounting of our various contingency fund accounts by combining them into one account. The change in title of the account better reflects that its purpose is to provide financial sovereignty to the Nation in times of extreme financial distress.

F. *Budget Schedule and Guidelines.* Currently, the Law requires that the Treasurer develop the necessary guidelines, including specific timelines and deadlines, to be followed by the managers that have budget responsibility in preparing and submitting proposed budgets, and that the Treasurer submit the guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution. [1 O.C.121.5-4(a)]. The Oneida Business Committee is responsible for setting a deadline through the adoption of a resolution for when the Treasurer is required to submit their budget guidelines to the Oneida Business Committee for review and approval. [1 O.C.121.5-4(a)(3)]. The proposed amendments to the Law require that the Treasurer submit the budget guidelines to the Oneida Business Committee for review and approval through the adoption of a resolution no later than March 1st of each calendar year. [1 O.C.121.5-4(a)].

- *Effect.* The proposed amendments to the Law include a deadline for when the Treasurer is required to submit budget guidelines to the Oneida Business Committee, instead of relaying on the Oneida Business Committee to set a deadline through resolution because thus far, the Oneida Business Committee has not complied with setting this deadline consistently, and the inclusion of the deadline ensures consistency in how the budget is processed.

G. *Annual Proposed Budgets.* Currently the Law requires that the Treasurer receive, review, and compile the proposed budgets from all the fund units into the Nation's draft budget, and that the Treasurer present the Nation's draft budget to the Oneida Business Committee for review each year to ensure that it is consistent with the Nation's strategic plan, broad goals, and budget strategy. [1 O.C.121.5-4(b)] The proposed amendments to the Law will now require that it is the Chief Financial Officer, and not the Treasurer, that is responsible for receiving, reviewing, and compiling the proposed budgets from

all the fund units into the Nation's draft budget, and that it is the Treasurer and Chief Financial Officer together that present the budget to the Oneida Business Committee. [1 O.C.121.5-4(b)].

- *Effect.* The proposed amendments to the Law better reflect the current practices and responsibilities of the Chief Financial officer and the Treasurer.

H. Fees and Charges. Currently, section 121.6-3 of the Law addresses fees and charges and provides that a program or service of the Nation funded through Tribal contribution may charge fees for their services to cover operational costs. The Law goes on to provide details on determining the full cost of a program, what fees and charges may cover, and fee waivers. The proposed amendments to the Law eliminate the entire section of the Law addressing fees and charges.

- *Effect.* The proposed amendments to the Law eliminated the provisions regarding fees and charges based on the recommendation from Finance due to the fact that a program or service of the Nation charging a fee rarely worth the amount of time it takes for the Finance Administration to process the fee. Instead of including this general provision in the Law, it was recommended that this language be removed and then Finance can work with areas to determine if charging a fee for a service makes financial sense.

I. Approval of Unbudgeted Expenditures. Currently, the Law provides that a fund unit shall not make an unbudgeted expenditure unless approval is granted by the Oneida Business Committee. [1 O.C.121.6-4]. The Law goes on to provide that the Chief Financial Officer is responsible for providing the Oneida Business Committee a written fiscal analysis and any input on the potential unbudgeted expenditure. *Id.* The Oneida Business Committee shall then approve any unbudgeted expenditure through the adoption of a resolution prior to the expenditure being made by a fund unit. *Id.* The proposed amendment to the Law adds a threshold of two hundred and fifty thousand dollars (\$250,000) or more for when a fund unit has to seek approval by the Oneida Business Committee, and a fiscal analysis by the Chief Financial Officer for any unbudgeted expenditure. [1 O.C. 121.6-3].

- *Effect.* The proposed amendments to the Law add the threshold for when a fund unit has to seek approval by the Oneida Business Committee, and a fiscal analysis by the Chief Financial Officer for any unbudgeted expenditure in order to provide better clarity and consistently.

J. Unexpended Capital Expenditure Funds. Currently, 121.6-6(b) of the Law provides that the Treasurer shall ensure that all unexpended capital expenditure funds are reallocated to the fiscal year budget two (2) years out from the fiscal year in which the funds were unexpended, and that such unexpended funds shall be returned to the General Fund. The proposed amendments to the Law eliminate this provision from the Law.

- *Effect.* The provision regarding how to handle unexpended capital expenditure funds was eliminated from the Law based on the recommendation from the Finance Administration due to the fact that this better reflected information that would be included in a standard operating procedure or other internal policy.

K. Capital Improvements. Currently, section 121.6-9 of the Law addresses capital improvements for both government services and enterprises. For government service, the Oneida Business Committee is responsible for developing, and the General Tribal Council approving, a capital improvement plan which covers a period of five (5) to ten (10) years and includes any risks and liabilities. The capital improvement plan for government services is required to be reassessed once every five (5) years, and the Oneida Business Committee is required to provide a status report and recommendation for any improvements that have not been completed or that have been modified at the time of the reassessment. For enterprises, capital improvement plans may be brought forward as needed, provided that the Oneida

Business Committee is required to approve all capital improvement plans for enterprises. Capital improvement plans for government services and enterprises shall be implemented, contingent on available funding capacity. The proposed amendments to the Law eliminate section 121.6-9 of the Law which addresses capital improvements for both government services and enterprises.

- *Effect.* The decision for the proposed amendments to the Law to eliminate the provisions regarding capital improvements was based on discussion regarding the fact that overall, the capital improvement process needs to be reviewed, revised, and flushed out in greater detail. The work group determined that the Budget and Finances law may not be the appropriate place for an expanded capital improvement process to exist, and it may need to be its own law or its own internal policy or standard operating procedure.

L. Grants. Section 121.7 of the Law currently provides information on grants such as how grant funding can be expended and utilized, the exhaustion of non-tribal funds, grant reporting, and the Grant Reserve Fund Account, and grant funded positions. The proposed amendments to the Law eliminate the provisions of the Law governing how grant fund can be utilized, exhaustion of non-tribal funds, grant reporting, and the Grant Reserve Fund Account. [*currently 1 O.C. 121.7-1(b)-121.7-4*].

- *Effect.* Many of the provisions in the Grants section of the Law were eliminated due to the fact that much of the language included in the Law was unnecessary, duplicative, or potentially conflicting with individual grant requirements, and it is the individual grant requirements that will ultimately control how the grant may be expended or utilized. Since it was determined it was unnecessary to maintain these provisions in the Law, it provides better clarity to just remove these provisions entirely.

M. Amortization Schedule. Section 121.8 of the current Law provides information on debt, such as the acquisition of debt, use of debt, credit ratios, and corporate debt. The proposed amendments to the Law add a new provision which requires that prior to the acquisition of any debt, the Nation shall obtain an amortization schedule for the repayment of the debt. [*1 O.C. 121.8-2(b)*].

- *Effect.* The proposed amendment to the Law ensures that if the Nation makes the decision to take out debt, the Nation is also immediately thinking about how to pay back that debt and planning for that.

N. Employment Cap. Currently, the Law provides that the Treasurer and Chief Financial Officer are required to identify a maximum number of full-time equivalent (FTE) employees to be employed by the Nation. [*1 O.C. 121.9-1*]. The Oneida Business Committee is then responsible for approving this employment cap, and any amendments thereto, through the adoption of a resolution – and then reviewing that employment cap annually. *Id.* The current Law then goes on to state that employment positions that are fully funded through grants shall not be included in the employment cap. [*currently 1 O.C. 121.9-1(a)*]. The proposed amendments to the Law eliminate the provisions which provides that employment positions that are fully funded through grants shall not be included in the employment cap. [*currently 1 O.C. 121.9-1(a)*].

- *Effect.* The provision of the Law exempting fully grant funded positions from the employment cap was eliminated from the Law based on the current economic reality of the United States, and the fact that in the future we may not be able to rely on grant funding, so we need to be prepared to address the control the economic costs of grant funded positions.

O. Budget Contingency Plan. The current law provides that the Oneida Business Committee shall work with the Chief Financial Officer, Executive Managers, and managers to create a budget contingency plan which provides a strategy for the Nation to respond to extreme financial distress that could

negatively impact the Nation. [1 O.C. 121.10-1]. Extreme financial distress includes, but is not limited to, natural or human-made disasters; United States Government shutdown; emergency proclamations; and economic downturns. The current Law provides that when the Oneida Business Committee determines that the Nation is under extreme financial distress the Oneida Business Committee shall be responsible for implementing the budget contingency plan. [1 O.C. 121.10-3]. The proposed amendments to the Law expand when the budget contingency plan can be used to allow for the Nation to respond to or prepare for potential extreme financial distress. [1 O.C. 121.10-1]. The proposed amendments then provide that when the Chief Financial Officer, not the Oneida Business Committee, determines that the Nation is under extreme financial distress, or may face extreme financial distress in the near future, the CFO shall inform the Oneida Business Committee, and the Oneida Business Committee shall be responsible for implementing the budget contingency plan. [1 O.C. 121.10-3].

- *Effect.* The proposed amendments to the Law allow for the use and implementation of the budget contingency plan when *preparing* for potential extreme financial distress, and not just when the extreme financial distress occurs. The Finance Administration expressed the fact that waiting for extreme financial distress to occur is not financially prudent and will often not provide enough time to adequately address the extreme financial distress, and that instead the Nation should be monitoring conditions so that if there is potential for extreme financial distress to occur, the Nation can take preventative action.

SECTION 6. EXISTING LEGISLATION

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

- *Administrative Rulemaking law.* The Administrative Rulemaking law provides an efficient, effective, and democratic process for enacting and revising administrative rules. [1 O.C. 106.1-2].
 - This Law delegates rulemaking authority to the Purchasing Department in accordance with the Administrative Rulemaking law to develop a Procurement Rule Handbook which provides the sign-off process and authorities required to expend funds on behalf of the Nation.. [1 O.C. 121.6-1].
- *Internal Audit Law.* The Internal Audit law creates a process by which internal audits are conducted upon the Nation's entities and to delegate responsibilities for the purposes of conducting such audits. [1 O.C. 108.1-1].
 - The Law provides that the Internal Audit Department, annually, shall conduct independent comprehensive performance audits, in accordance with the Nation's Audit law, the Financial Accounting Standards Board (FASB) and the Governmental Accounting Standards Board (GASB), of randomly selected fund units or of fund units deemed necessary by the Oneida Business Committee or Internal Audit Department. [1 O.C. 121.11-3].
 - Any internal audits conducted by the Internal Audit Department shall be made in accordance with the audit process provided in the Internal Audit law. [1 O.C. 108.6].
- *Emergency Management Law.* The purpose of the Emergency Management law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation, as well as coordinating with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System

(NIMS); and designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

- This Law provides that if the Nation proclaims an emergency, in accordance with the Emergency Management law, that stays in effect for at least one (1) month and prevents the presentation to and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget. [1 O.C. 121.5-4(e)(2)].
- Under the Emergency Management law, the Oneida Business Committee is delegated the responsibility to proclaim or ratify the existence of an emergency. [3 O.C. 302.8-1]. An emergency means a situation that poses an immediate risk to health, life, safety, property, or environment which requires urgent intervention to prevent further illness, injury, death, or other worsening of the situation. [3 O.C. 302.3-1(f)]. No proclamation of an emergency by the Oneida Business Committee may last for longer than sixty (60) days, unless renewed by the Oneida Business Committee. [3 O.C. 302.8-2].
- *Oneida Personnel Policies and Procedures.* The Oneida Personnel Policies and Procedures is the Nation's law which governs employment. The Oneida Personnel Policies and Procedures provides the process for handling complaints, disciplinary actions, and grievances. [Section V.D.].
 - The Law provides that violations of this Law shall be addressed using the applicable enforcement tools provided by the Nation's laws and policies including, but not limited to, those related to employment with the Nation, conflicts of interest, ethics, and removal from an elected position. [1 O.C. 121.12-2].
 - An employee of the Nation who violates this Law may be addressed through the disciplinary procedures found in Section V.D. of the Oneida Personnel Policies and Procedures.
- *Conflict of Interest Law.* The Conflict of Interest law ensures that all employees, contractors, elected officials, officers, political appointees, appointed and elected members and all others who may have access to information or materials that are confidential or may be used by competitors of the Nation's enterprises or interests be subject to specific limitations to which such information and materials may be used in order to protect the interests of the Nation. [2 O.C. 217.1-1].
 - The Law provides that violations of this Law shall be addressed using the applicable enforcement tools provided by the Nation's laws and policies including, but not limited to, those related to employment with the Nation, conflicts of interest, ethics, and removal from an elected position. [1 O.C. 121.12-2].
 - The Conflict of Interest law provides that if a supervisor is provided credible evidence that an employee has failed to disclose a conflict of interest, the employee shall be placed on leave pursuant to the Nation's Investigative Leave Policy, except that the duration of the investigation for an alleged conflict of interest shall be concluded within seven (7) days of the employee being placed on leave. A supervisor shall terminate an employee from his or her employment with the Nation when an investigation substantiates that the employee failed to disclose a conflict of interest. [2 O.C. 217.6-1].
 - The Conflict of Interest law provides that an Oneida Business Committee member who fails to disclose a conflict of interest may be subject to removal pursuant to the Removal Law or penalties pursuant to laws of the Nation regarding penalties. [2 O.C. 217.6-2].
 - The Conflict of Interest law provides that an elected or appointed official of the Nation who fails to disclose a conflict of interest may be subject to penalties pursuant to laws of

- the Nation regarding penalties, and subject to removal pursuant to the Removal Law for elected members, or have their appointment terminated by the Oneida Business Committee pursuant to the law governing board, committees and commissions for appointed members. [2 O.C. 217.6-3].
- *Code of Ethics.* The Code of Ethics law promotes the highest ethical conduct in all its elected and appointed officials, and employees. [1 O.C. 103.1-1].
 - The Law provides that violations of this Law shall be addressed using the applicable enforcement tools provided by the Nation's laws and policies including, but not limited to, those related to employment with the Nation, conflicts of interest, ethics, and removal from an elected position. [1 O.C. 121.12-2].
 - The Code of Ethics law provides that a government official who violates any portion of the Code of Ethics as it applies to them, may be subject to removal, if elected, or termination, if appointed. [1 O.C. 103.6-1(a)].
 - The Code of Ethics law provides that an individual from a program or enterprise of the Nation who violates any portion of the Code of Ethics as it applies to them, may be subject to the disciplinary procedures found in the Oneida Personnel Policies and Procedures. [1 O.C. 103.6-1(b)].
 - *Removal Law.* The Removal law governs the removal of persons elected to serve on boards, committees, and commissions of the Nation. [1 O.C. 104.1-1].
 - The Law provides that violations of this Law shall be addressed using the applicable enforcement tools provided by the Nation's laws and policies including, but not limited to, those related to employment with the Nation, conflicts of interest, ethics, and removal from an elected position. [1 O.C. 121.12-2].
 - An elected official of the Nation who violates this Law may be addressed through the removal procedures found the Removal law.
 - *Furlough Policy.* The Furlough Policy enables the Nation to implement a furlough as a tool to remedy an operating budget deficit. [2 O.C. 205.1-1].
 - This Law provides that as part of the budget contingency plan, the Oneida Business Committee may require the use of cost saving tools, provided that the use of such complies with all laws of the Nation. [1 O.C. 121.10-2]. Cost saving tools may include furloughs. [1 O.C. 121.10-2(c)].
 - Any furloughs made as part of the Nation's budget contingency plan shall be made in accordance with the furlough process provided in the Furlough Policy. [2 O.C. 205].
 - *Layoff Policy.* The purpose of the Layoff Policy is to establish a fair, respectful policy for employee layoff and recall which enables the Nation's programs and enterprises to operate effectively and efficiently in varying economic conditions within the parameters of Oneida Nation Seventh Generation mission, priorities, and objectives. [2 O.C. 207.1-1].
 - This Law provides that as part of the budget contingency plan, the Oneida Business Committee may require the use of cost saving tools, provided that the use of such complies with all laws of the Nation. Cost saving tools may include layoffs.
 - Any layoffs made as part of the Nation's budget contingency plan shall be made in accordance with the layoff process provided in the Layoff Policy. [2 O.C. 207].

SECTION 7. OTHER CONSIDERATIONS

- A. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,*” provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.
- *Conclusion.* The Legislative Operating Committee has not yet requested a fiscal impact statement from the Finance Administration.



Legislative Operating Committee
November 5, 2025

Eviction and Termination Law Amendments

Submission Date: 7/6/22	Public Meeting: N/A
LOC Sponsor: Jonas Hill & Marlon Skenandore	Emergency Enacted: N/A

Summary: *This item was carried over from last term. Amendments to the Eviction and Termination law are being sought for a comprehensive review to run concurrent with the development of amendments to the Real Property law. On February 25, 2024, the General Tribal Council adopted a motion to deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the LOC to remove the wording “alleged” or “allegations” in the law and to bring back to the 2024 Semi-Annual GTC meeting.*

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

11/13/23: *Work Meeting.* Present: Grace Elliott, Krystal John, Lisa Rauschenbach, Nicole Rommel, Mark Powless, Scott Denny, Michelle Hill, Clorissa Leeman. The purpose of this meeting was to renew discussion on amendments to the Eviction and Termination Law. The entire work group requested that the matter be removed from the active files list as no amendments are recommended at this time.

1/3/24: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jennifer Webster, Jonas Hill, Kirby Metoxen Clorissa Leeman, Grace Elliott, Kristal Hill, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was to share background information on the Eviction and Termination Law.

1/8/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Krystal John, Kristal Hill, Maureen Perkins, Fawn Cottrell, Grace Elliott, and via Teams: Jennifer Webster, Fawn Billie, Carolyn Salutz. The purpose of this meeting was to review the Eviction and Termination law and to discuss its recent applications particularly in light of currently evolving legal standards.

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

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

2/25/24 GTC: Motion by Nancy Barton that a report be brought back under the Oneida Comprehensive Housing Department regarding the General Welfare Assistance determination of counting it as yearly income for elders and low-income housing residents with the legal review from Department of Treasury mortgage relief program, a COVID program. Motion ruled out of order by Chairman Tehassi Hill; the motion is not in on topic.

Motion by Gina Powless-Buenrostro to deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the Legislative Operating Committee to remove the wording “alleged” or “allegations” in the law and to bring back to the 2024 semiannual meeting. Seconded by Shawn Skenandore. Motion carried by show of hands.

Amendment #1 to the main motion by Lori Elm to include that nobody loses their home without an agreement if they are not the ones being charged and furthermore that if Comprehensive Housing resells the home, the homes will be sold at the appraised value and that if any other homes were sold this way prior, that the money goes back to Comprehensive Housing to pay down the debt and the excess goes back to the home owner. Motion ruled out of order by Chairman Tehassi Hill; there is a Rule process in place for the motion and General Tribal Council cannot take action on past items.

3/1/24: *Work Meeting:* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Clorissa Leeman, Grace Elliott, Kristal Hill, Fawn Cottrell, Michelle Hill, Brandon Yellowbird-Stevens, Scott Denny, Krystal John. The purpose of this meeting was to prepare for the upcoming community meeting.

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

3/6/24: *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenadore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins, Francine Valentino, Melanie Burkhardt, Gina Buenrostro, Peggy Helm-Quest, Michelle Sawyer, Nadine Escamea, Bonnie Pigman, Olivia Pigman, Julie Denny, Michelle Hill, Vicky Matson, Greg Matson, Julie Behnke, Lynn Metoxen, Jake Doxtator, Kay Keshena, Connie Vandehei, Jen Falck, Lillian Wheelock, Dale Wheelock, Stephanie Smith, Patricia Hoeft, Scott Denny, Dana McLester, Wendy Alvarez, Dana Thyssen, Todd Vanden Heuvel, Larry Barton, Merissa Bloedorn, Lois Stevens, Mark Powless, Linda Dallas, Jake, Peggy Van Gheem, Mary Loeffler, Matthew J. Denny, Nancy Barton, Brittany Kulow, Mary Adams, Cathy Metoxen, William Gollnick. The Legislative Operating Committee held a community meeting in the NHC’s cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Oneida Personnel Policies and Procedures Amendments, the Sanctions and Penalties law, and the Eviction and Termination law amendments. The purpose of this community meeting was for the LOC to listen to community feedback.

3/20/24 *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Maureen Perkins, Fawn Cottrell, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to discuss proposed amendments to the Eviction and Termination law.

4/2/24: *Community Work Session:* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Maureen Perkins, Brandon Yellowbird Stevens, Lori Elm, Scott Denny, Michelle Hill, Krystal John, Lawrence Barton, Janice Decorah, Karen Knutson, Fred Muscavitch, Debra Powless, Marie Cornelius, Justin Nishimoto, Katherine Jordan, Kelly McAndrews, Lisa Rauschenbach, Lori

Hill, Mark W. Powless, Michelle Braaten, Nicole Rommel, Stephanie Smith, Todd Vanden Heuvel, Debra Santiago, Kristen Jorgenson-Dann, Joel Maxam, Michelle Tipple, Sidney White, Derrick King. The LOC held a community work session regarding the Eviction and Termination law in the Norbert Hill Center's Business Committee conference room and on Microsoft Teams. The purpose of the community work session was to read through the law line-by-line and collect comments, questions, or suggestions for the language included in the law.

4/16/24 *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Maureen Perkins, Fawn Cottrell, Clorissa Leeman, Grace Elliott, Scott Denny, Krystal John, Mark Powless, Danielle White, Lisa Rauschenbach. The purpose of this meeting was to review proposed amendments to the Eviction and Termination law.

4/23/24: *Work Meeting.* Present: Clorissa Leeman, Grace Elliott. The purpose of this work meeting was to discuss the deadline for the February 25, 2024, General Tribal Council directive to "deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the LOC to remove the wording "alleged" or "allegations" in the law and to bring back to the 2024 semiannual meeting."

Work Meeting. Present: Clorissa Leeman, Jameson Wilson, Marlon Skenandore, Jonas Hill. The purpose of this work meeting was to discuss the upcoming deadline for the February 25, 2024, General Tribal Council directive to "deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the LOC to remove the wording "alleged" or "allegations" in the law and to bring back to the 2024 semiannual meeting" and determine our next steps for moving forward.

4/25/24: *Work Meeting.* Present: Clorissa Leeman, Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Mark Powless, Michelle Hill, Lisa Rauschenbach, Scott Denny, Danielle White, Grace Elliott, Carolyn Salutz, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was to review the beginning draft of the memorandum to the GTC, and discuss what other materials would be needed to be submitted for this item, and a strategy for moving forward.

4/29/24: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Clorissa Leeman, Fawn Cottrell, Scott Denny, Michelle Hill, Danielle White, Maureen Perkins, Kristal Hill, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review the updated memorandum to GTC and the PowerPoint presentation.

5/1/24 LOC: Motion by Jonas Hill to approve the memorandum entitled, *Follow up on February 25, 2024, GTC Directive for Amendments to the Eviction and Termination Law*, and corresponding materials and forward to the Oneida Business Committee; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to approve the LOC community meeting notice and schedule the community meeting to take place on June 19, 2024.; seconded by Marlon Skenandore. Motion carried unanimously.

6/10/24: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Mark Powless, Scott Denny, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to plan and discuss the June 19th LOC community meeting regarding the Eviction and Termination law.

6/19/24: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Fawn Billie, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Grace Elliott. The purpose of this work meeting was to review the presentation for the June 19th LOC community meeting regarding the Eviction and Termination law.

Work Meeting. Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Mark Powless, Lisa

Rauschenbach, Scott Denny, Michelle Hill, Krystal John. The purpose of this work meeting was to practice both presentations for the June 19th LOC community meeting regarding the Eviction and Termination law and discuss logistics of this community meeting.

Community Meeting. Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Mark Powless, Lisa Rauschenbach, Scott Denny, Bonnie Pigman, Stephanie Smith, Karen Knutsen, Paulette Leecling, and others. The Legislative Operating Committee held a community meeting in the NHC's cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Eviction and Termination law amendments in collaboration with the Comprehensive Housing Division.

7/1/2024 GTC: Motion by Shawn Skenandore to accept item VII.A. [*VII.A Accept update regarding the Eviction and Termination law*] and VII.B. as information. Seconded by Marie Cornelius. Motion carried by show of hands.

7/8/25: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to review a draft of Eviction and Termination law amendments and determine next steps moving forward.

7/31/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Mark Powless, Krystal John, Eric Boulanger, Lisa Rauschenbach, Scott Denny, Fawn Cottrell, Fawn Billie, Grace Elliott, Carolyn Salutz. The purpose of this meeting was to begin review and discussions of the amended law, but based on request of Attorney Krystal John, the meeting was canceled and rescheduled to provide more time for the areas to digest the proposed amendments.

8/15/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jonas Hill, Jennifer Webster, Clorissa Leeman, Mark Powless, Krystal John, Joel Maxam, Lisa Rauschenbach, Scott Denny, Michelle Hill, Derrick Denny. The purpose of this work meeting was to begin the discussion and review of the proposed amendments to the law.

8/25/25: *Work Meeting.* Present: Work Meeting. Present: Jameson Wilson, Kirby Metoxen, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Mark Powless, Kelly McAndrews, Krystal John, Eric Boulanger, Joel Maxam, Lisa Rauschenbach, Scott Denny, Michelle Hill, Jenny Garcia, Nicole Rommel, Sheila Huntington, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Rhiannon Metoxen, Fawn Billie, Kristal Hill. The purpose of this work meeting was to continue the discussion and review of the proposed amendments to the law.

9/3/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Fawn Billie, Rhiannon Metoxen. The purpose of this work meeting was to review the comments and suggestions collected during prior work meetings and make decisions on what amendments to pursue.

10/16/25: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Rhiannon Metoxen. The purpose of this work meeting was to review the updated draft of proposed amendments to the Law.

Next Steps:

- Approve the draft of the proposed amendments to the Eviction and Termination law.

Title 6. Property and Land - Chapter 610

~~EVICTIION AND TERMINATION~~

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- 610.1. — Purpose and Policy
- 610.2. — Adoption, Amendment, Repeal
- 610.3. — Definitions
- 610.4. — Administrative Rulemaking Authority
- 610.5. — Early Contract Termination
- 610.6. — Failure to Vacate Following Notice of Eviction or
Contract Expiration
- 610.7. — Withholding From and Return of Security Deposits
- 610.8. — Eviction and Termination Actions

EVICTON AND TERMINATION

<u>610.1. Purpose and Policy</u>	<u>610.8. Eviction for Waste or Contract Breach other than Rent Payment</u>
<u>610.2. Adoption, Amendment, Repeal</u>	<u>610.9. Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant</u>
<u>610.3. Definitions</u>	<u>610.10. Failure to Vacate Following Notice of Eviction or Contract Expiration</u>
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610.1. Purpose and Policy

610.1-1. *Purpose.* The purpose of this law is to provide consistent procedures ~~relating to the Nation's rental and leasing programs~~ for terminating a contract and/or evicting an occupant which affords the ~~applicant~~occupant due process and protects all parties involved.

610.1-2. *Policy.* It is the Nation's policy to provide fair termination and eviction processes that preserves the peace, harmony, safety, health, general welfare, and the Nation's resources.

610.2. Adoption, Amendment, Repeal

610.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-A, and amended by resolution BC- - - -.

610.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

610.2-3. 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.

610.2-4. 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.

610.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

610.3. Definitions

610.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m. and excludes holidays recognized by the Nation.

(ab) "Comprehensive Housing Division" means the ~~entity responsible for housing matters specifically related to contracts governed by this law as defined by division within the Oneida Business Committee Resolution.~~¹ Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential leasing programs.

¹-See BC Resolution 09-27-17-H providing that the Comprehensive Housing Division means the division within the Oneida Nation under the direction of the Comprehensive Housing Division Director which consists of all residential services offered by the Nation, including but not limited to, all rental programs, the rent-to-own program, and the residential sales and mortgages programs.

(~~b~~c) “Contract” means either a lease document pursuant to the Leasing law or a rental agreement pursuant to the Landlord-Tenant law.

(~~e~~d) “Eviction” means to expel an occupant from the premises.

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

~~(e)~~(e) “Law enforcement agency” means a governmental unit whose purpose is to prevent and detect crime and enforce laws. For the Nation, law enforcement agencies include the Oneida Police Department and the Zoning Administration.

(e) “Nation” means the Oneida Nation.

(f) “Nuisance” means an occupant’s interference with another occupant’s use and enjoyment of the premises. Nuisance activities include, but are not limited to, allegations of harassment, disorderly conduct, battery, lewd and lascivious behavior, prostitution, theft, possession of stolen property, arson, illegal drug activity, gambling, animal violations, trespassing, weapons violations, habitual noise violations ~~(as defined in the rules which the Land Commission and the Comprehensive Housing Division shall jointly establish)~~, execution of warrants, alcohol violations, obstruction/resisting, inspection related calls in which a law enforcement agency responds.

(~~f~~g) “Occupant” means ~~the~~:

(a) a person or entity who has acquired a legal right to use or occupy Tribal land by a lease under the Leasing law, or one who has the right to use or occupy a property under a lease.

(b) a person granted the right to use or occupy a premises pursuant to a ~~lease or~~ rental agreement ~~entered into~~ in accordance with the ~~Leasing law or Landlord-Tenant law~~ ~~respectively~~.

(~~g~~h) “Owner” means:

(1) the Nation when the Nation is acting in its capacity as a lessor as defined in the Leasing law or lessee; or

(2) the Nation or any person or entity within the Nation’s jurisdiction acting in its capacity as a landlord as defined in the Landlord Tenant law.

~~(h)~~(i) “Periodic tenancy” means when an occupant uses or occupies a premises without an effective and valid contract by paying rent on a periodic basis including, but not limited to, day-to-day, week-to-week, and month-to-month.

(j) “Premises” means the property covered by a contract, including not only the real property and fixtures, but also any personal property furnished by the owner pursuant to a contract.

(~~k~~) “Rent” means the sum or amount agreed in the contract to be paid by the occupant to the owner for exclusive possession of the ~~property~~premises for the period of time set by the contract.

~~(j)~~(l) “Rental value” means the amount for which the premises might reasonably have been rented, but not less than the amount actually paid or payable by the occupant for the prior rental period, and includes the money equivalent of any obligations undertaken by the occupant as part of the contract, such as regular property maintenance and repairs.

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

(~~k~~n) “Security ~~Deposit~~deposit” means a payment made to the owner by the occupant to ensure that payments will be made and other responsibilities of the contract performed.

~~(t)~~(o) “Stay of eviction” means the eviction process is temporarily halted.

(p) “Waste” means physical damage or deterioration caused to the premises, whether intentional or negligent.

610.4. Administrative Rulemaking Authority

610.4-1. *Residential Contracts.* The ~~Land Commission and the~~ Comprehensive Housing Division may ~~jointly~~ create rules to further govern the processes contained in this law related to ~~the Nation’s~~ residential contracts.

610.4-2. *Agricultural and Business Contracts.* The ~~Land Commission and the~~ Division of Land Management may ~~jointly~~ create rules to further govern the processes contained in this law related to ~~the Nation’s~~ agricultural and business contracts.

610.5. Early Contract Termination

610.5-1. *Causes for Early Contract Termination.* The owner may terminate the contract prior to the contract term and evict the occupant, if the occupant:

- (a) Violates the terms of the contract;
- (b) ~~Is alleged to have violated~~Violates any applicable law or rule; and/or
- (c) ~~Is alleged to have committed one or more~~Commits an applicable nuisance activitiesactivity.

610.5-2. *Domestic Abuse Defense to Eviction.* An occupant has a valid defense to eviction if ~~he or she alleges~~they provide that if not for the ~~alleged~~claimed domestic abuse, which is noticed to the owner with any of the following documentation, there would not be cause for eviction under section 610.5-1:

- (a) An injunction order under Wis. Stat. 813.12(4) or any other law of the Nation protecting the ~~tenant~~occupant from a co-~~tenant~~occupant;
- (b) An injunction order under Wis. Stat. 813.122 or any other law of the Nation protecting a child of the ~~tenant~~occupant from a co-~~tenant~~occupant;
- (c) An injunction order under Wis. Stat. 813.125(4) or any other law of the Nation protecting the ~~tenant~~occupant or child of the ~~tenant~~occupant from a co-~~tenant~~occupant, based on the co-~~tenant’s~~occupant’s engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under Wis. Stat. 940.32, or attempting or threatening to do the same;
- (d) A condition of release under Wis. Ch. 969 ordering the co-~~tenant~~occupant not to contact the ~~tenant~~occupant;
- (e) A criminal complaint alleging that the co-~~tenant~~occupant sexually assaulted the ~~tenant~~occupant or a child of the ~~tenant~~occupant under Wis. Stat. 940.225, 948.02 or 948.025;
- (f) A criminal complaint alleging that the co-~~tenant~~occupant stalked the ~~tenant~~occupant or a child of the ~~tenant~~occupant under Wis. Stat. 940.32; or
- (g) A criminal complaint that was filed against the co-~~tenant~~occupant as a result of the co-~~tenant~~occupant being arrested for committing a domestic abuse offense against the ~~tenant~~occupant under Wis. Stat. 968.075.

610.5-3. Contrary Provision in the Contract. Except for leases entered into pursuant to the Leasing law, any termination provisions in a contract that are contrary to those provided in this law are invalid.

610.6. General Notice Requirements for Early Contract Termination

610.6-1. Notice. This section governs the ~~amount of notice required to evict as well as the~~ manner and form of notice required.— When an owner provides notice in compliance with these requirements, the occupant is not entitled to possession or use of the premises after the date of the termination provided ~~in the notice.~~

610.6-2. Notice Content Requirements. Notices for the early termination of a contract and eviction required to be provided under this law shall include the following information:

(a) The violation of law or rule, committing of nuisance, or breach of the contract, with citations to the applicable law, rule, or contract clause;

(b) If the notice is pursuant to a failure to pay rents, the current delinquent balance due;

(c) If the notice is pursuant to waste or a breach of contract, other than the failure to pay rent:

(1) A statement that the occupant has a thirty (30) day period to cure;

(2) The date the period to cure expires and the termination becomes effective in the event occupant does not cure; and

(3) Potential consequences for failure to cure, which may include, but are not limited to eviction and the assessment of damages against the occupant.

(d) Statement that the occupant may request a hearing with the Oneida Trial Court prior to the effective date of the termination provided on the notice, and that, if the occupant timely files for a hearing, there is an automatic stay on the eviction pending the determination of the Oneida Trial Court; and

(e) The contact information for the owner or staff available to answer questions and/or hear concerns of the occupant related to the notice.

610.6-3. Notice to Individuals. When providing notice to an occupant that is an individual, the owner shall use both of the following methods:

(a) By affixing a copy of the notice on an entrance to the rented or leased premises where it can be conveniently read; and

(b) By mailing a copy of the notice by registered or certified mail to the occupant at the occupant's last-known address.

610.6-4. Notice to Corporations or Partnerships. If notice is to be given to a corporation or partnership, notice shall be given the methods provided for in section 610.6-3.

610.6-5. Notice to One (1) of Several Parties. If there are two (2) or more co-occupants of the same premises, notice given to one (1) is deemed to be given to the others also.

610.6-6. Effect of Actual Receipt of Notice. If notice is not properly given in accordance with this law, but is actually received by the other party, the notice is deemed to be properly given; but the burden is upon the owner alleging actual receipt to prove the fact by clear and convincing evidence.

610.7. Eviction for Failure to Pay Rents-

~~(1) If~~ **610.7-1.** The owner may terminate an occupant's contract if an occupant fails to pay any installment of rent when due.

610.7-2. Notice of Termination. In order to terminate the ~~occupant's contract is terminated if,~~ the owner ~~gives~~shall give the occupant written notice requiring the ~~tenant~~occupant to pay rent or vacate on or before a date at least thirty (30) calendar days after the giving of the notice, and if the occupant fails to pay the unpaid rents accordingly.

~~(2) If an~~ **610.7-3. Right to Cure.** An occupant ~~has been given~~shall have a right to cure the failure to pay rents after receiving a notice ~~under 610.5-3(a)(1) and has paid the of~~

171 termination. An occupant is deemed to be complying with the notice if promptly upon receipt of
172 such notice the occupant remedies the default by paying the unpaid rent on or before the specified
173 date, or been permitted by the owner to remain in possession contrary to such the notice, and
174 thereafter.

175 610.7-4. Subsequent Violations. If within one (1) year from the giving of any notice for the failure
176 to pay rents, the occupant again fails to pay a subsequent installment of rent on time ~~within one~~
177 ~~(1) year of said notice~~, the occupant's contract is terminated if the owner, while the occupant is in
178 default in payment of rent, gives the occupant notice to vacate on or before a date at least fourteen
179 (14) calendar days after the giving of the notice. The owner shall not be required to provide an
180 opportunity to cure for a subsequent violation of unpaid rents.

181
182 **(b) 610.8. Eviction for Waste or Contract Breach other than Rent Payment.**

183 ~~(1)~~ If an **610.8-1. The owner may terminate an occupant's contract if the** occupant
184 commits waste or breaches any covenant or condition of the occupant's contract, other than for
185 payment of rent.

186 **610.8-2. Notice of Termination.** In order to terminate the ~~occupant's tenancy is terminated~~
187 ~~if contract~~, the owner ~~gives~~ shall give the occupant ~~a~~ written notice requiring the occupant to remedy
188 the default or vacate the premises on or before a date at least thirty (30) calendar days after the
189 giving of the notice, and ~~if~~ the occupant fails to ~~comply with such~~ remedy the default.

190 **610.8-3. Right to Cure.** An occupant shall have a right to cure the waste or breach of contract after
191 receiving a notice of termination. An occupant is deemed to be complying with the notice if
192 promptly upon receipt of such notice the occupant ~~takes~~ and the owner enter into a written
193 agreement to cure that outlines the reasonable steps for the occupant to take and timelines
194 necessary to remedy the default, and ~~proceeds~~ the occupant then complies with ~~reasonable~~
195 ~~diligence~~ the agreement, or if damages are adequate protection for the owner and the occupant
196 makes a bona fide and reasonable offer to pay the owner all damages for the occupant's breach.

197 ~~(2)~~ **610.8-4. Subsequent Violations.** If within one (1) year from the giving of any
198 notice ~~under 610.5-3(b)(1)~~, for waste or breaching any covenant or condition of the occupant's
199 contract, the occupant again commits waste or breaches the same or any other covenant or
200 condition of the occupant's contract, other than for payment of rent, the occupant's contract is
201 terminated if the owner, prior to the occupant's remedying the waste or breach, gives the occupant
202 notice to vacate on or before a date at least fourteen (14) calendar days after the giving of the
203 notice. The owner shall not be required to provide an opportunity to cure for a subsequent violation
204 of waste or a breach of contract.

205 ~~(e)~~
206 **610.9. Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant**

207 **610.9-1.** The owner may terminate an occupant's contract based on ~~an alleged~~ a violation
208 of an applicable law or rule, or if the occupant commits a nuisance act.

209 ~~(1)~~ In order for the owner to terminate an occupant's contract based on this section,
210 the ~~owner must have~~ violation of law or rule, or the nuisance act shall be an activity which:

211 (a) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other
212 tenants;

213 (b) threatens the health or safety of, or right to peaceful enjoyment of their residences by,
214 persons residing in the immediate vicinity of the premises;

215 (c) threatens the health or safety of the owner or an agent or employee of the owner; or

216 (d) engages in any drug-related criminal activity on or near the premises.

610.9-2. *Notice of Violation.* In order to terminate based on this section, it is required that the owner received notice, which may be from, but is not limited to, another occupant, a law enforcement agency or a local government's office of the district attorney, which reports:

- (A) ~~_____~~ a) a violation of an applicable law or rule on behalf of the occupant or another individual in the occupant's unit, or
- (B) b) a nuisance that exists in that occupant's unit or was caused by that occupant on the owner's property premises.

610.9-3. *Notice of Termination.* In order to terminate the contract, the owner shall give the occupant written notice requiring the occupant to vacate on or before a date at least five (5) calendar days after the giving of the notice.

~~(2) — The occupant may contest a termination based on~~ 610.9-4. *No Right to Cure.* The owner shall not be required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act.

610.10. Contesting the Contract Termination

610.10-1. *Contesting the Termination.* The occupant may contest a contract termination by filing a complaint challenging the basis of the eviction with the Oneida Judiciary.

~~(3) — If the occupant contests the termination~~ Trial Court prior to the termination date provided in the notice.

(a) If the occupant contests the termination, the eviction is stayed and the contract may not be terminated without proof to the Oneida Judiciary Trial Court by the owner by the greater preponderance of the credible evidence that the termination of the allegation that a violation of law and/or rule and/or nuisance exists in that occupant's unit or contract was caused by that occupant valid under this law.

(4) ~~_____~~ b) Despite an owner's satisfaction of the proof requirements in section 610.5(e)(3), the Oneida Judiciary Trial Court may, at its discretion, stay an eviction by honoring any alternative agreement regarding pending actions entered into by the occupant and a court of competent jurisdiction pending successful completion of the alternative agreement.

~~(d) Content, Form and Manner of Giving Notice-~~

~~(1) Notice Content. Notices required to be provided under this law shall include the following:~~

~~(A) The violation of law and/or rule, committing of nuisance and/or breach of the contract, with citations to the applicable law, rule and/or contract clause;~~

~~(B) — If the notice is pursuant to section~~

~~610.5-3(a), the current delinquent balance due;~~

~~(C) If the notice is pursuant to section 610.5-3(a) or (b):~~

~~(i) A statement that the occupant has a thirty (30) day period to cure;~~

~~(ii) The date the period to cure expires and the termination becomes effective in the event occupant does not cure; and~~

~~(iii) Potential consequences for failure to cure, which may include, but are not limited to eviction and the assessment of damages against the occupant.~~

(D) If notice is pursuant to section 610.5-3(e), a statement that the occupant may request a hearing with the Oneida Judiciary prior to the effective date of the termination provided on the notice, and that, if the occupant timely files for a hearing, there is an automatic stay on the eviction pending the determination of the Oneida Judiciary;

(E) The contact information for the Comprehensive Housing Division staff available to answer questions and/or hear concerns of the occupant related to the notice.

~~(2) Notice to Individuals.~~ When providing notice to an occupant that is an individual, the owner shall use one of the following methods:

(A) Giving a copy of the notice personally to the occupant or by leaving a copy at the occupant's usual place of abode in the presence of some competent member of the occupant's family at least fourteen (14) years of age, who is informed of the contents of the notice, provided that the owner may request that the notice be personally served to the occupant by the Oneida Police Department;

(B) Leaving a copy with any competent person apparently in charge of the premises or occupying the premises or a part thereof, and by mailing a copy by first class mail to the occupant's last-known address;

(C) If notice cannot be given under subsection (A) or (B) with reasonable diligence, by affixing a copy of the notice on an entrance to the rented premises where it can be conveniently read and by mailing a copy by first class mail to the occupant's last-known address;

(D) By mailing a copy of the notice by registered or certified mail to the tenant at the tenant's last-known address;

(E) By serving the occupant as prescribed in the Rules of Civil Procedure for the service of a summons.

~~(3) Notice to Corporations or Partnerships.~~ If notice is to be given to a corporation notice may be given by any method provided in subsection (1) except that notice under subsection (1)(A) may be given only to an officer, director, registered agent or managing agent, or left with an employee in the office of such officer or agent during regular business hours. If notice is to be given to a partnership, notice may be given by any method in subsection (1) except that notice under subsection (1)(A) may be given only to a general partner or managing agent of the partnership, or left with an employee in the office of such partner or agent during regular business hours, or left at the usual place of abode of a general partner in the presence of some competent member of the general partner's family at least fourteen (14) years of age, who is informed of the contents of the notice.

~~(4) Notice to One (1) of Several Parties.~~ If there are two (2) or more co-occupants of the same premises, notice given to one (1) is deemed to be given to the others also.

~~(5) Effect of Actual Receipt of Notice.~~ If notice is not properly given by one (1) of the methods specified in this section, but is actually received by the other party, the notice is deemed to be properly given; but the burden is upon the owner alleging actual receipt to prove the fact by clear and convincing evidence.

~~(e) — Contrary Provision in the Contract. Except for leases entered into pursuant to the Leasing law, any termination provisions in a contract that are contrary to those provided in this law are invalid.~~

610.611. Failure to Vacate Following Notice of Eviction or Contract Expiration

610.11-1. Effect of Failure to Vacate. A failure to vacate following notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract does not in any circumstances, regardless of acceptance of rent payments, create a periodic tenancy.

610.11-2. Damages for Failure to Vacate. If an occupant remains in possession of the premises without consent of the owner after notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract, the owner may, at the owner's discretion, recover from the occupant damages suffered by the owner because of the failure of the occupant to vacate within the time required.

(a) In absence of proof of greater damages, the owner shall recover as minimum damages twice the rental value apportioned on a daily basis for the time the occupant remains in possession. Nothing in this section prevents the owner from seeking and recovering any other damages to which the owner may be entitled.

~~610.611. — Changing 11-3. Commencement of Locks and Removal of Occupant~~ Eviction Action. If an occupant fails to vacate the premises following notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract, the owner ~~shall secure and take~~ may file an eviction action with the Oneida Trial Court to remove the occupant from possession or occupancy of the premises once the timeframe in the notice of termination has expired.

(a) — Proper Notice for Eviction Action. The Comprehensive Housing Division owner's proof of notice terminating tenancy under this law through certified mail from the United States post office shall ~~contact~~ be sufficient to establish that proper notice has been provided for the purpose of filing a complaint or otherwise demonstrating that proper notice has been given in an eviction action, and an affidavit of service may not be requested to establish that proper notice has been provided.

(b) Acceptance of Rent or Other Payment. If an owner commences an action under this section against an occupant whose occupancy has been terminated for failure to pay rent or for any other reason, the action under this section may not be dismissed because the owner accepts past due rent or any other payment from the occupant after serving notice of default or after commencing the action.

(c) No Waiver. It shall not be a defense to an action of eviction or a claim for damages that the owner or occupant has previously waived any violation or breach of any of the terms of the contract including, but not limited to, the acceptance of rent or that a custom or practice occurred or developed between the parties in connection with the contract so as to waive or lessen the right of the owner or occupant to insist upon strict performance of the terms of the contract.

(d) Joinder of Other Claims. The owner may join with the claim for restitution of the premises any other claim against the occupant arising out of the occupant's possession or occupancy of the premises.

(e) Complaint. The complaint shall be in writing and identify the parties and the premises which is the subject of the action and state the facts which authorize the removal of the occupant. The description of real property is sufficient, whether or not it is specific, if it

reasonably identifies what is described. A description by street name and number is sufficient. If the complaint relates only to a portion of described real estate, that portion shall be identified. If a claim in addition to the claim for restitution is joined, the claim shall be separately stated. The request for relief in the complaint shall be for the removal of the occupant or the property or both and, if an additional claim is joined, for the other relief sought by the owner.

(f) *Occupant's Pleading.* The occupant may plead to the complaint orally or in writing, except that if the owner's title is put in issue by the occupant, the answer shall be in writing and subscribed in the same manner as the complaint.

(g) *Order for Judgment.* In an eviction action, if the Oneida Trial Court finds that the termination and eviction occurred in accordance with this law and the owner is entitled to possession, the Oneida Trial Court shall immediately enter an order for judgment to the owner for the removal of the occupant and their property from the premises.

(h) *Writ of Removal.* At the time of ordering judgment for the removal of the occupant and their property from the premises, the Oneida Trial Court shall immediately order that a writ of removal be issued, and the writ shall be delivered to both the Oneida Police Department ~~to request that an~~ and owner for execution. No writ shall be executed if received by the Oneida Police ~~Officer~~ ~~be~~ Department and owner more than thirty (30) days after its issuance.

(i) *Appeal.* An appeal in an eviction action shall be initiated with the Oneida Court of Appeals within fifteen (15) days of the entry of judgment or order.

(1) No appeal by an occupant for an order for judgment for restitution of the premises may stay proceedings on the judgment unless the appellant serves and files with the notice of appeal an undertaking to the owner, in an amount and with surety approved by the judge who ordered the entry of judgment.

(2) The undertaking shall provide that the appellant will pay all costs and disbursements of the appeal which may be taxed against the appellant, obey the order of the Oneida Court of Appeals upon the appeal and pay all rent and other damages accruing to the owner during the pendency of the appeal.

(3) Upon service and filing of this undertaking, all further proceedings in enforcement of the judgment appealed from are stayed pending the determination of the appeal.

(4) Upon service by the appellant of a copy of the notice and appeal and approved undertaking upon the Oneida Police Department holding an issued but unexecuted writ of restitution or of execution, the Oneida Police Department shall promptly cease all further proceedings pending the determination of the appeal.

(5) If the occupant fails to pay rent when due, or otherwise defaults in the terms of the undertaking, the payment guaranteed by the undertaking with surety shall be payable immediately to the owner and shall not be held in escrow by the court.

(6) Upon the failure of the occupant to pay rent when due, or upon other default by the occupant in the terms of the undertaking, the stay of proceedings shall be dismissed and the Oneida Police Department shall immediately execute the writ of restitution.

610.11-4. *Execution of Writ of Removal.* Upon delivery of a writ of removal to the Oneida Police Department and the owner, an Oneida Police Department officer and the owner shall execute the writ of removal within ten (10) days of the receipt of the writ.

(a) In executing the writ of removal the Oneida Police Department officer shall:

(1) Remove from the premises described in the writ the occupant and all other persons found upon the premises, using such reasonable force as is necessary.

(2) Remain on scene while the owner changes the locks ~~are being changed on the~~ premises and secures possession of the premises.

(b) ~~(b)~~ In executing the writ of removal the owner shall change the locks on the premises and secure possession of the premises.

~~610.11-5. Disposal of Personal Property.~~ In the event the occupant has left personal property in the ~~home~~ premises, the occupant may retrieve the said personal property by contacting the ~~Comprehensive Housing Division~~ owner or staff listed on the notice of termination. ~~The Comprehensive Housing Division~~ The owner shall hold personal property for a minimum of five (5) business days, ~~where a business day is Monday through Friday from 8:00 a.m. to 4:30 p.m. and excludes holidays recognized by the Nation.~~

(4.)

(a) The ~~Comprehensive Housing Division~~ owner shall keep a written log of the date and the work time the ~~Comprehensive Housing Division's~~ owner or owner's staff expends storing and/or removing personal property and/or removing/disposing of debris left at the premises after the expiration of the timeframe provided in the notice of termination.

(2b) The ~~Land Commission and the~~ Comprehensive Housing Division shall jointly create rules further governing the disposition of personal property in relation to the Nation's residential contracts and the ~~Land Commission and the~~ Division of Land Management shall jointly create rules further governing the disposition of personal property in relation to the Nation's business and agricultural ~~and business~~ contracts.

~~610.6-2. Effect of Failure to Vacate.~~ A failure to vacate following notice of termination based on eviction, occupant termination or expiration and non-renewal of a contract does not in any circumstances, regardless of acceptance of rent payments, create a periodic tenancy. For the purposes of this section, a periodic tenancy means when an occupant uses/occupies a premises without an effective and valid contract by paying rent on a periodic basis including, but not limited to, day to day, week to week and month to month.

~~610.6-3. Damages for Failure to Vacate.~~ If an occupant remains in possession of the premises without consent of the owner after notice of termination based on eviction, occupant termination or expiration and non-renewal of a contract, the owner may, at the owner's discretion, recover from the occupant damages suffered by the owner because of the failure of the occupant to vacate within the time required. In absence of proof of greater damages, the landlord shall recover as minimum damages twice the rental value apportioned on a daily basis for the time the occupant remains in possession. As used in this section, rental value means the amount for which the premises might reasonably have been rented, but not less than the amount actually paid or payable by the occupant for the prior rental period, and includes the money equivalent of any obligations undertaken by the occupant as part of the contract, such as regular property maintenance and repairs. ~~Nothing in this section prevents the owner from seeking and recovering any other damages to which the owner may be entitled.~~

(c) The owner may recover from the occupant damages suffered by the owner for the storing or removing of personal property, and the removing or disposing of debris left at the premises after the expiration of the timeframe provided in the notice of termination.

610.712. Withholding From and Return of Security Deposits

610.712-1. *Applicability.* This section applies only to contracts that require a security deposit.

610.712-2. *Standard Withholding Provisions.* When the owner returns a security deposit to an occupant after the occupant vacates the premises, the owner may withhold from the full amount of the security deposit only amounts reasonably necessary to pay for any of the following:

- (a) Occupant damage, waste, or neglect of the premises;
- (b) Unpaid rent for which the occupant is legally responsible;
- (c) Payment that the ~~tenant~~occupant owes under the contract for utility service provided by the owner but not included in the rent;
- (d) Payment that the ~~tenant~~occupant owes for direct utility service provided by a government-owned utility, to the extent that the ~~landlord~~owner becomes liable for the ~~tenant's~~occupant's nonpayment.
- (e) Unpaid monthly municipal permit fees assessed against the occupant by a local unit of government, to the extent that the owner becomes liable for the occupant's nonpayment; and
- (f) Any other payment for a reason provided in a nonstandard provision document described in 610.711-3.

610.712-3. *Nonstandard Withholding Provisions.* A contract may include one or more nonstandard withholding provisions that authorize the owner to withhold amounts from the occupant's security deposit for reasons not specified in 610.711-2(a) through (f).

- (a) The owner shall provide any such nonstandard withholding provisions to the occupant in a separate written document entitled "Nonstandard Withholding Provisions."
- (b) The owner shall specifically identify each nonstandard withholding provision with the occupant before the occupant enters into a contract with the owner.
- (c) If the occupant signs ~~his or her~~their name, or writes ~~his or her~~their initials, by a nonstandard withholding provision, it is rebuttably presumed that the owner has specifically identified the nonstandard withholding provision with the occupant and that the occupant has agreed to it.

610.712-4. *Normal Wear and Tear.* This section does not authorize the owner to withhold any amount from a security deposit for normal wear and tear, or for other damages or losses for which the occupant cannot reasonably be held responsible under the terms of the contract, and applicable laws and/or rules of the Nation.

610.712-5. *Timing for Return of the Security Deposit.* The owner shall deliver or mail to an occupant the full amount of any security deposit paid by the occupant, less any amounts that may be withheld ~~under subsections 610.7-2 and 610.7-3~~, within ~~thirty (30)~~sixty (60) calendar days after any of the following:

- (a) If the occupant vacates the premises on the original termination date of the contract, the date on which the contract terminates.
- (b) If the occupant vacates the premises or is evicted before the original termination date of the contract, the date on which the occupant's rental agreement terminates or, if the owner re-rents the premises before the occupant's rental agreement terminates, the date on which the new occupant takes occupancy/use of the premises.
- (c) If the occupant vacates the premises untimely or is removed from the premises pursuant to ~~610.6-1~~an eviction action judgment and writ of restitution, the date on which the owner learns that the occupant has vacated the premises or has been removed from the premises ~~under section 610.6-1~~.

610.813. Eviction and Termination Actions

610.813-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law.

610.813-2. No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental agreement.

~~610.8-3. The owner is the Comprehensive Housing Division in regards to taking actions authorized under this law and complaints filed with the Oneida Judiciary shall name the Comprehensive Housing Division and the specific program.~~

End.

Adopted – BC-10-12-16-A

~~Amended – BC- - - -~~

Title 6. Property and Land - Chapter 610
shakonato·líhe? okhale? washakonahtú·tha? Aolihwá·ke
they shoo them away – they vanished them – issues
EVICITION AND TERMINATION

610.1.	Purpose and Policy	610.8.	Eviction for Waste or Contract Breach other than Rent Payment
610.2.	Adoption, Amendment, Repeal	610.9.	Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant
610.3.	Definitions	610.10.	Failure to Vacate Following Notice of Eviction or Contract Expiration
610.4.	Administrative Rulemaking Authority	610.11.	Withholding From and Return of Security Deposits
610.5.	Early Contract Termination	610.12.	Eviction and Termination Actions
610.6.	General Notice Requirements for Early Contract Termination		
610.7.	Eviction for Failure to Pay Rents		

610.1. Purpose and Policy

610.1-1. *Purpose.* The purpose of this law is to provide consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant due process and protects all parties involved.

610.1-2. *Policy.* It is the Nation's policy to provide fair termination and eviction processes that preserves the peace, harmony, safety, health, general welfare, and the Nation's resources.

610.2. Adoption, Amendment, Repeal

610.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-12-16-A and amended by resolution BC-__-__-__.

610.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

610.2-3. 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.

610.2-4. 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.

610.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

610.3. Definitions

610.3-1. This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m. and excludes holidays recognized by the Nation.

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

(c) "Contract" means either a lease document pursuant to the Leasing law or a rental agreement pursuant to the Landlord-Tenant law.

(d) "Eviction" means to expel an occupant from the premises.

(e) “Law enforcement agency” means a governmental unit whose purpose is to prevent and detect crime and enforce laws. For the Nation, law enforcement agencies include the Oneida Police Department and the Zoning Administration.

(e) “Nation” means the Oneida Nation.

(f) “Nuisance” means an occupant’s interference with another occupant’s use and enjoyment of the premises. Nuisance activities include, but are not limited to, allegations of harassment, disorderly conduct, battery, lewd and lascivious behavior, prostitution, theft, possession of stolen property, arson, illegal drug activity, gambling, animal violations, trespassing, weapons violations, habitual noise violations, execution of warrants, alcohol violations, obstruction/resisting, inspection related calls in which a law enforcement agency responds.

(g) “Occupant” means:

(a) a person or entity who has acquired a legal right to use or occupy Tribal land by a lease under the Leasing law, or one who has the right to use or occupy a property under a lease.

(b) a person granted the right to use or occupy a premises pursuant to a rental agreement in accordance with the Landlord-Tenant law.

(h) “Owner” means:

(1) the Nation when the Nation is acting in its capacity as a lessor as defined in the Leasing law or lessee; or

(2) the Nation or any person or entity within the Nation’s jurisdiction acting in its capacity as a landlord as defined in the Landlord Tenant law.

(i) “Periodic tenancy” means when an occupant uses or occupies a premises without an effective and valid contract by paying rent on a periodic basis including, but not limited to, day-to-day, week-to-week, and month-to-month.

(j) “Premises” means the property covered by a contract, including not only the real property and fixtures, but also any personal property furnished by the owner pursuant to a contract.

(k) “Rent” means the sum or amount agreed in the contract to be paid by the occupant to the owner for exclusive possession of the premises for the period of time set by the contract.

(l) “Rental value” means the amount for which the premises might reasonably have been rented, but not less than the amount actually paid or payable by the occupant for the prior rental period, and includes the money equivalent of any obligations undertaken by the occupant as part of the contract, such as regular property maintenance and repairs.

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

(n) “Security deposit” means a payment made to the owner by the occupant to ensure that payments will be made and other responsibilities of the contract performed.

(o) “Stay of eviction” means the eviction process is temporarily halted.

(p) “Waste” means physical damage or deterioration caused to the premises, whether intentional or negligent.

610.4. Administrative Rulemaking Authority

610.4-1. *Residential Contracts.* The Comprehensive Housing Division may create rules to further govern the processes contained in this law related to the Nation’s residential contracts.

610.4-2. *Agricultural and Business Contracts.* The Division of Land Management may create rules to further govern the processes contained in this law related to the Nation's agricultural and business contracts.

610.5. Early Contract Termination

610.5-1. *Causes for Early Contract Termination.* The owner may terminate the contract prior to the contract term and evict the occupant, if the occupant:

- (a) Violates the terms of the contract;
- (b) Violates any applicable law or rule; and/or
- (c) Commits an applicable nuisance activity.

610.5-2. *Domestic Abuse Defense to Eviction.* An occupant has a valid defense to eviction if they provide that if not for the claimed domestic abuse, which is noticed to the owner with any of the following documentation, there would not be cause for eviction under section 610.5-1:

- (a) An injunction order under Wis. Stat. 813.12(4) or any other law of the Nation protecting the occupant from a co-occupant;
- (b) An injunction order under Wis. Stat. 813.122 or any other law of the Nation protecting a child of the occupant from a co-occupant;
- (c) An injunction order under Wis. Stat. 813.125(4) or any other law of the Nation protecting the occupant or child of the occupant from a co-occupant, based on the co-occupant's engaging in an act that would constitute sexual assault under Wis. Stat. 940.225, 948.02 or 948.025, or stalking under Wis. Stat. 940.32, or attempting or threatening to do the same;
- (d) A condition of release under Wis. Ch. 969 ordering the co-occupant not to contact the occupant;
- (e) A criminal complaint alleging that the co-occupant sexually assaulted the occupant or a child of the occupant under Wis. Stat. 940.225, 948.02 or 948.025;
- (f) A criminal complaint alleging that the co-occupant stalked the occupant or a child of the occupant under Wis. Stat. 940.32; or
- (g) A criminal complaint that was filed against the co-occupant as a result of the co-occupant being arrested for committing a domestic abuse offense against the occupant under Wis. Stat. 968.075.

610.5-3. *Contrary Provision in the Contract.* Except for leases entered into pursuant to the Leasing law, any termination provisions in a contract that are contrary to those provided in this law are invalid.

610.6. General Notice Requirements for Early Contract Termination

610.6-1. *Notice.* This section governs the manner and form of notice required. When an owner provides notice in compliance with these requirements, the occupant is not entitled to possession or use of the premises after the date of the termination provided.

610.6-2. *Notice Content Requirements.* Notices for the early termination of a contract and eviction required to be provided under this law shall include the following information:

- (a) The violation of law or rule, committing of nuisance, or breach of the contract, with citations to the applicable law, rule, or contract clause;
- (b) If the notice is pursuant to a failure to pay rents, the current delinquent balance due;
- (c) If the notice is pursuant to waste or a breach of contract, other than the failure to pay rent:

(1) A statement that the occupant has a thirty (30) day period to cure;
(2) The date the period to cure expires and the termination becomes effective in the event occupant does not cure; and

(3) Potential consequences for failure to cure, which may include, but are not limited to eviction and the assessment of damages against the occupant.

(d) Statement that the occupant may request a hearing with the Oneida Trial Court prior to the effective date of the termination provided on the notice, and that, if the occupant timely files for a hearing, there is an automatic stay on the eviction pending the determination of the Oneida Trial Court; and

(e) The contact information for the owner or staff available to answer questions and/or hear concerns of the occupant related to the notice.

610.6-3. *Notice to Individuals.* When providing notice to an occupant that is an individual, the owner shall use both of the following methods:

(a) By affixing a copy of the notice on an entrance to the rented or leased premises where it can be conveniently read; and

(b) By mailing a copy of the notice by registered or certified mail to the occupant at the occupant's last-known address.

610.6-4. *Notice to Corporations or Partnerships.* If notice is to be given to a corporation or partnership, notice shall be given the methods provided for in section 610.6-3.

610.6-5. *Notice to One (1) of Several Parties.* If there are two (2) or more co-occupants of the same premises, notice given to one (1) is deemed to be given to the others also.

610.6-6. *Effect of Actual Receipt of Notice.* If notice is not properly given in accordance with this law, but is actually received by the other party, the notice is deemed to be properly given; but the burden is upon the owner alleging actual receipt to prove the fact by clear and convincing evidence.

610.7. Eviction for Failure to Pay Rents

610.7-1. The owner may terminate an occupant's contract if an occupant fails to pay any installment of rent when due.

610.7-2. *Notice of Termination.* In order to terminate the contract, the owner shall give the occupant written notice requiring the occupant to pay rent or vacate on or before a date at least thirty (30) calendar days after the giving of the notice, and if the occupant fails to pay the unpaid rents accordingly.

610.7-3. *Right to Cure.* An occupant shall have a right to cure the failure to pay rents after receiving a notice of termination. An occupant is deemed to be complying with the notice if promptly upon receipt of such notice the occupant remedies the default by paying the unpaid rent on or before the specified date in the notice.

610.7-4. *Subsequent Violations.* If within one (1) year from the giving of any notice for the failure to pay rents, the occupant again fails to pay a subsequent installment of rent on time, the occupant's contract is terminated if the owner, while the occupant is in default in payment of rent, gives the occupant notice to vacate on or before a date at least fourteen (14) calendar days after the giving of the notice. The owner shall not be required to provide an opportunity to cure for a subsequent violation of unpaid rents.

610.8. Eviction for Waste or Contract Breach other than Rent Payment

610.8-1. The owner may terminate an occupant's contract if the occupant commits waste or breaches any covenant or condition of the occupant's contract, other than for payment of rent.

610.8-2. *Notice of Termination.* In order to terminate the contract, the owner shall give the occupant written notice requiring the occupant to remedy the default or vacate the premises on or before a date at least thirty (30) calendar days after the giving of the notice, and the occupant fails to remedy the default.

610.8-3. *Right to Cure.* An occupant shall have a right to cure the waste or breach of contract after receiving a notice of termination. An occupant is deemed to be complying with the notice if promptly upon receipt of such notice the occupant and the owner enter into a written agreement to cure that outlines the reasonable steps for the occupant to take and timelines necessary to remedy the default, and the occupant then complies with the agreement, or if damages are adequate protection for the owner and the occupant makes a bona fide and reasonable offer to pay the owner all damages for the occupant's breach.

610.8-4. *Subsequent Violations.* If within one (1) year from the giving of any notice for waste or breaching any covenant or condition of the occupant's contract, the occupant again commits waste or breaches the same or any other covenant or condition of the occupant's contract, other than for payment of rent, the occupant's contract is terminated if the owner, prior to the occupant's remedying the waste or breach, gives the occupant notice to vacate on or before a date at least fourteen (14) calendar days after the giving of the notice. The owner shall not be required to provide an opportunity to cure for a subsequent violation of waste or a breach of contract.

610.9. Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant

610.9-1. The owner may terminate an occupant's contract based on a violation of an applicable law or rule, or if the occupant commits a nuisance act. In order for the owner to terminate an occupant's contract based on this section, the violation of law or rule, or the nuisance act shall be an activity which:

- (a) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants;
- (b) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
- (c) threatens the health or safety of the owner or an agent or employee of the owner; or
- (d) engages in any drug-related criminal activity on or near the premises.

610.9-2. *Notice of Violation.* In order to terminate based on this section, it is required that the owner received notice from a law enforcement agency or a local government's office of the district attorney which reports:

- (a) a violation of an applicable law or rule on behalf of the occupant or another individual in the occupant's unit, or
- (b) a nuisance that exists in that occupant's unit or was caused by that occupant on the owner's premises.

610.9-3. *Notice of Termination.* In order to terminate the contract, the owner shall give the occupant written notice requiring the occupant to vacate on or before a date at least five (5) calendar days after the giving of the notice.

610.9-4. *No Right to Cure.* The owner shall not be required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act.

610.10. Contesting the Contract Termination

610.10-1. *Contesting the Termination.* The occupant may contest a contract termination by filing a complaint challenging the basis of the eviction with the Oneida Trial Court prior to the termination date provided in the notice.

(a) If the occupant contests the termination, the eviction is stayed and the contract may not be terminated without proof to the Oneida Trial Court by the owner by the greater preponderance of the credible evidence that the termination of the contract was valid under this law.

(b) Despite an owner's satisfaction of the proof requirements, the Oneida Trial Court may, at its discretion, stay an eviction by honoring any alternative agreement regarding pending actions entered into by the occupant and a court of competent jurisdiction pending successful completion of the alternative agreement.

610.11. Failure to Vacate Following Notice of Eviction or Contract Expiration

610.11-1. *Effect of Failure to Vacate.* A failure to vacate following notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract does not in any circumstances, regardless of acceptance of rent payments, create a periodic tenancy.

610.11-2. *Damages for Failure to Vacate.* If an occupant remains in possession of the premises without consent of the owner after notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract, the owner may, at the owner's discretion, recover from the occupant damages suffered by the owner because of the failure of the occupant to vacate within the time required.

(a) In absence of proof of greater damages, the owner shall recover as minimum damages twice the rental value apportioned on a daily basis for the time the occupant remains in possession. Nothing in this section prevents the owner from seeking and recovering any other damages to which the owner may be entitled.

610.11-3. *Commencement of Eviction Action.* If an occupant fails to vacate the premises following notice of termination based on eviction, occupant termination, or expiration and non-renewal of a contract, the owner may file an eviction action with the Oneida Trial Court to remove the occupant from possession or occupancy of the premises.

(a) *Proper Notice for Eviction Action.* The owner's proof of notice terminating tenancy under this law through certified mail from the United States post office shall be sufficient to establish that proper notice has been provided for the purpose of filing a complaint or otherwise demonstrating that proper notice has been given in an eviction action, and an affidavit of service may not be requested to establish that proper notice has been provided.

(b) *Acceptance of Rent or Other Payment.* If an owner commences an action under this section against an occupant whose occupancy has been terminated for failure to pay rent or for any other reason, the action under this section may not be dismissed because the owner accepts past due rent or any other payment from the occupant after serving notice of default or after commencing the action.

(c) *No Waiver.* It shall not be a defense to an action of eviction or a claim for damages that the owner or occupant has previously waived any violation or breach of any of the terms of the contract including, but not limited to, the acceptance of rent or that a custom or practice occurred or developed between the parties in connection with the contract so as to waive or lessen the right of the owner or occupant to insist upon strict performance of the terms of the contract.

(d) *Joinder of Other Claims.* The owner may join with the claim for restitution of the premises any other claim against the occupant arising out of the occupant's possession or occupancy of the premises.

(e) *Complaint.* The complaint shall be in writing and identify the parties and the premises which is the subject of the action and state the facts which authorize the removal of the occupant. The description of real property is sufficient, whether or not it is specific, if it reasonably identifies what is described. A description by street name and number is sufficient. If the complaint relates only to a portion of described real estate, that portion shall be identified. If a claim in addition to the claim for restitution is joined, the claim shall be separately stated. The request for relief in the complaint shall be for the removal of the occupant or the property or both and, if an additional claim is joined, for the other relief sought by the owner.

(f) *Occupant's Pleading.* The occupant may plead to the complaint orally or in writing, except that if the owner's title is put in issue by the occupant, the answer shall be in writing and subscribed in the same manner as the complaint.

(g) *Order for Judgment.* In an eviction action, if the Oneida Trial Court finds that the termination and eviction occurred in accordance with this law and the owner is entitled to possession, the Oneida Trial Court shall immediately enter an order for judgment to the owner for the removal of the occupant and their property from the premises.

(h) *Writ of Removal.* At the time of ordering judgment for the removal of the occupant and their property from the premises, the Oneida Trial Court shall immediately order that a writ of removal be issued, and the writ shall be delivered to both the Oneida Police Department and owner for execution. No writ shall be executed if received by the Oneida Police Department and owner more than thirty (30) days after its issuance.

(i) *Appeal.* An appeal in an eviction action shall be initiated with the Oneida Court of Appeals within fifteen (15) days of the entry of judgment or order.

(1) No appeal by an occupant for an order for judgment for restitution of the premises may stay proceedings on the judgment unless the appellant serves and files with the notice of appeal an undertaking to the owner, in an amount and with surety approved by the judge who ordered the entry of judgment.

(2) The undertaking shall provide that the appellant will pay all costs and disbursements of the appeal which may be taxed against the appellant, obey the order of the Oneida Court of Appeals upon the appeal and pay all rent and other damages accruing to the owner during the pendency of the appeal.

(3) Upon service and filing of this undertaking, all further proceedings in enforcement of the judgment appealed from are stayed pending the determination of the appeal.

(4) Upon service by the appellant of a copy of the notice and appeal and approved undertaking upon the Oneida Police Department holding an issued but unexecuted writ of restitution or of execution, the Oneida Police Department shall promptly cease all further proceedings pending the determination of the appeal.

(5) If the occupant fails to pay rent when due, or otherwise defaults in the terms of the undertaking, the payment guaranteed by the undertaking with surety shall be payable immediately to the owner and shall not be held in escrow by the court.

(6) Upon the failure of the occupant to pay rent when due, or upon other default by the occupant in the terms of the undertaking, the stay of proceedings shall be

dismissed and the Oneida Police Department shall immediately execute the writ of restitution.

610.11-4. *Execution of Writ of Removal*. Upon delivery of a writ of removal to the Oneida Police Department and the owner, an Oneida Police Department officer and the owner shall execute the writ of removal within ten (10) days of the receipt of the writ.

(a) In executing the writ of removal the Oneida Police Department officer shall:

(1) Remove from the premises described in the writ the occupant and all other persons found upon the premises, using such reasonable force as is necessary.

(2) Remain on scene while the owner changes the locks on the premises and secures possession of the premises.

(b) In executing the writ of removal the owner shall change the locks on the premises and secure possession of the premises.

610.11-5. *Disposal of Personal Property*. In the event the occupant has left personal property in the premises, the occupant may retrieve the said personal property by contacting the owner or staff listed on the notice of termination. The owner shall hold personal property for a minimum of five (5) business days.

(a) The owner shall keep a written log of the date and the work time the owner or owner's staff expends storing and/or removing personal property and/or removing/disposing of debris left at the premises after the expiration of the timeframe provided in the notice of termination.

(b) The Comprehensive Housing Division shall create rules further governing the disposition of personal property in relation to the Nation's residential contracts and the Division of Land Management shall create rules further governing the disposition of personal property in relation to the Nation's business and agricultural contracts.

(c) The owner may recover from the occupant damages suffered by the owner for the storing or removing of personal property, and the removing or disposing of debris left at the premises after the expiration of the timeframe provided in the notice of termination.

610.12. Withholding From and Return of Security Deposits

610.12-1. *Applicability*. This section applies only to contracts that require a security deposit.

610.12-2. *Standard Withholding Provisions*. When the owner returns a security deposit to an occupant after the occupant vacates the premises, the owner may withhold from the full amount of the security deposit only amounts reasonably necessary to pay for any of the following:

(a) Occupant damage, waste, or neglect of the premises;

(b) Unpaid rent for which the occupant is legally responsible;

(c) Payment that the occupant owes under the contract for utility service provided by the owner but not included in the rent;

(d) Payment that the occupant owes for direct utility service provided by a government-owned utility, to the extent that the owner becomes liable for the occupant's nonpayment.

(e) Unpaid monthly municipal permit fees assessed against the occupant by a local unit of government, to the extent that the owner becomes liable for the occupant's nonpayment; and

(f) Any other payment for a reason provided in a nonstandard provision document described in 610.11-3.

610.12-3. *Nonstandard Withholding Provisions.* A contract may include one or more nonstandard withholding provisions that authorize the owner to withhold amounts from the occupant's security deposit for reasons not specified in 610.11-2(a) through (f).

(a) The owner shall provide any such nonstandard withholding provisions to the occupant in a separate written document entitled "Nonstandard Withholding Provisions."

(b) The owner shall specifically identify each nonstandard withholding provision with the occupant before the occupant enters into a contract with the owner.

(c) If the occupant signs their name, or writes their initials, by a nonstandard withholding provision, it is rebuttably presumed that the owner has specifically identified the nonstandard withholding provision with the occupant and that the occupant has agreed to it.

610.12-4. *Normal Wear and Tear.* This section does not authorize the owner to withhold any amount from a security deposit for normal wear and tear, or for other damages or losses for which the occupant cannot reasonably be held responsible under the terms of the contract, and applicable laws and/or rules of the Nation.

610.12-5. *Timing for Return of the Security Deposit.* The owner shall deliver or mail to an occupant the full amount of any security deposit paid by the occupant, less any amounts that may be withheld, within sixty (60) calendar days after any of the following:

(a) If the occupant vacates the premises on the original termination date of the contract, the date on which the contract terminates.

(b) If the occupant vacates the premises or is evicted before the original termination date of the contract, the date on which the occupant's rental agreement terminates or, if the owner re-rents the premises before the occupant's rental agreement terminates, the date on which the new occupant takes occupancy/use of the premises.

(c) If the occupant vacates the premises untimely or is removed from the premises pursuant to an eviction action judgment and writ of restitution, the date on which the owner learns that the occupant has vacated the premises or has been removed from the premises.

610.13. Eviction and Termination Actions

610.13-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions taken pursuant to this law.

610.13-2. No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint regarding actions taken pursuant to this law and/or a rental agreement.

End.

Adopted – BC-10-12-16-A

Amended – BC-__-__-__-__



Legislative Operating Committee
November 5, 2025

Solid Waste Disposal

Submission Date: 11/12/18	Public Meeting: N/A
LOC Sponsors: Kirby Metoxen and Jonas Hill	Emergency Enacted: N/A

Summary: *This item was carried over from the last two (2) terms. In November 2018, the Environmental, Health, Safety and Land Division requested that amendments be made to the Recycling and Solid Waste Disposal law to address current matters such as curbside recycling, illegal dumping, due process, and enforcement.*

10/4/23 LOC: Motion by Jennifer Webster to add the Recycling and Solid Waste Disposal Law Amendments to the Active Files List with Kirby Metoxen and Jonas Hill as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

08/12/24: *Work Meeting.* Present: Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Jameson Wilson, Carolyn Salutz, Fawn Billie, Maureen Perkins, Ronald Vanschyndel, Shannon Stone, Eric McLester, Mark Powless, Eric Boulanger. The purpose of this work meeting was to pick up reviewing potential amendments since the last time the LRO worked on this (June 2024). We were able to review the entire law, but Carolyn will need to schedule another work meeting with just the LOC to review the old drafts and the work that has been done.

The meeting discussed: EHSLD's name is soon changing to Environmental Land and Agriculture, DPW and zoning enforce some provisions of this law, law should allow investigations without the need to get a warrant (when they get a call for possible violation and need to immediately investigate), waste streams are still a huge issue, there needs to be a distinction between minor violations and major dumping (something that could be handled in a fine and penalty schedule), a fine and penalty schedule has never been presented to the BC for adoption through resolution, illegal dumping is still a big concern, the right to cure should be first a notice, no collection, then a fine, trash at parks is an issue often because dumpsters aren't possible, deer carcasses aren't a huge issue, special dumpsters are put out during hunting season, if carcasses become an issue zoning will issue a citation, don't really need a separate section of the law for deer carcasses (something that could be put under "Prohibitions"), "Burning and Demolition Projects" doesn't really need its own section, this comes up when construction projects need to recycle, more of a zoning issue, if needed can be handled by Disposition law (Disposition of Excess Tribal

Property)), sometimes enforcement occurs outside Reservation, not always applicable to say “within exterior boundaries of the Reservation”, might need to work with Intergovernmental Affairs to sort out how enforcement should be conducted, people that violate this law (illegal dumping is main concern) can only really be cited for trespass, or given a fine under Public Use of Tribal Lands citation schedule. Maybe violations, citations, fines (enforcement provisions) could be included in the law instead of the law directing EHSLD to develop a fine and penalty schedule.

08/22/24: *Work Meeting.* Present: Jonas Hill, Marlon Skenandore, Jameson Wilson, Fawn Billie, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Shannon Stone, Ronald Vanschyndel, Bridget John, Eric McLester, Nicole Rommel, Victoria Flowers. The purpose of this work meeting was for representatives from DPW and the Environmental Division to provide their comments and input on potential amendments. Shannon Stone led the meeting. Shannon started a line-by-line review, ending at Section 405.6, Collection and Disposal of Recyclable Materials. Most of the conversation focused on policy, definitions, enforcement, implementation, and policy.

08/23/24: *Work Meeting.* Present: Shannon Stone and Carolyn Salutz. The purpose of this work meeting was to review Carolyn’s notes, for Shannon to answer follow-up questions, and make sure Carolyn is clear on requested edits so far.

09/05/24: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Shannon Stone, Ronald Vanschyndel, Bridget John, Victoria Flowers. The purpose of this work meeting was to finish reviewing the law line by line from where the last work meeting ended, section 405.6. We did get through the entire law, now drafting attorney will summarize notes, start making edits, and schedule the next work meeting.

10/24/24: *Work Meeting.* Present: Shannon Stone, Ronald Vanschyndel, Eric McLester, Victoria Flowers, Jameson Wilson, Jonas Hill, Marlon Skenandore, Maureen Perkins, Kristal Hill, Clorissa Leeman, Carolyn Salutz. The purpose of this meeting was to review the current draft. We got through section 405.6 and should probably pick up the next review at line 248, section 405.7, Collection and Disposal of Solid Waste. One major issue that was brought up was the fact we don’t really have ability to enforce recycling and it could just be removed from the law. Another major issue was the fine and penalty schedule; at the 9/5 work meeting it was discussed that it could be included right in the law; Clorissa said it should actually probably not go in the law and instead the law should delegate rule making authority and a fine and penalty scheduled should be developed by the involved departments.

12/4/24: *Work Meeting.* Present: Jonas Hill, Jameson Wilson, Jennifer Webster, Kirby Metoxen, Marlon Skenandore, Fawn Cottrell, Kristal Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review the draft of a combined recycling and solid waste into just solid waste and get LOC consensus on the combination. LOC agreed to move forward with combining.

1/28/25: *Work Meeting.* Present: Shannon Stone, Ronald Vanschyndel, Eric McLester, Bridget John, Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Kirby

Metoxen, Maureen Perkins, Kristal Hill, Carolyn Salutz. The purpose of this work meeting was to review the newest amendments. We did a line-by-line of the entire law; skipping some sections that had no edits, but mostly the entire draft. We spent the most time discussing animal carcasses. How they are handled seems to be through service agreements/MOUs/MOAs between the counties, DNR, DOT. This is still an issue we need to pick apart. The other issue to more strongly address is illegal dumping, trespassing, non-collections, commercial properties. Consensus was that current draft too strongly identified issues with residential collections, illegal dumping and non-collections at commercial properties still a concern.

3/5/25:

Work Session. Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Kristal Hill, Fawn Cottrell, Fawn Billie, Clorissa Leeman, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review animal carcass/roadkill provisions. LOC decided they do not want provisions that require someone to take a large animal to the dump. LOC is okay leaving roadkill provisions as responsibility of State/County/municipality as handled through service agreements/MOAs. Jonas did mention he would like more information on how it is handled by State/County/municipality.

3/31/25:

Work Meeting. Present: Shannon Stone, Victoria Flowers, Eric McLester, Nicole Rommel, Bridget John, Jameson Wilson, Jonas Hill, Kristal Hill, Fawn Cottrell, Carolyn Salutz. The purpose of this work meeting is to review the newest amendments. Because we are so close to finalizing amendments Carolyn suggested we do an entire read-through. A few comments and suggestions came up, mostly regarding definitions and making sure some sections are clear (like if we need to say and define “illegal” dumping vs. dumping, and definition of “reservation” and referencing service agreements for roadkill) – suggestions that can easily be addressed by the LOC – the LOC is ready to review and approve the draft and send it to public meeting.

4/21/25:

Work Meeting. Present: Ronald Vanschyndel, Jonas Hill, Kirby Metoxen, Kristal Hill, Carolyn Salutz. The purpose of this meeting was for Ron to share his insights and experiences related to how we are amending the law; things he believes we need to consider and hasn’t been able to share in the larger work meetings. Some topics included: we do actually need regulations on recycling (maybe a separate law but it is still needed), how to manage goods from “cradle to grave,” how we can ensure purchasing is aware of waste handling when they purchase. These suggestions might totally change the draft, Carolyn will need to review suggestions, review the documents Ron provided, and come up with some options for the LOC. We may need to make more changes and hold more work meetings.

7/7/25:

Work Meeting. Present: Ronald Vanschyndel, Jonas Hill, Kristal Hill, Jennifer Webster, Marlon Skenandore. The purpose of this work meeting was to discuss why it is important to keep “recycling” in “recycling and solid waste.” The LOC members present decided to keep it.

9/12/25:

Work Meeting. Present: Ronald Van Schyndel, Eric McLester, Nicole Rommel, Victoria Flowers, Shannon Stone, Jennifer Webster, Kirby Metoxen, Fawn Billie,

Fawn Cottrell, Rhiannon Metoxen, Carolyn Salutz. The purpose of this work meeting was to update the group on the LOC's decision to keep recycling. The group, Victoria Flowers, especially was opposed to keeping it. Ultimately, Jenny and Kirby made the policy decision on behalf of the LOC to remove it. The other point mentioned was that now the RCRA, Resource Conservation and Recovery Act, is mentioned. It is okay to mention the entire act and not just the specific sections that apply.

10/16/25:

Work Meeting. Present: Ronald Van Schyndel, Eric McLester, Victoria Flowers, Shannon Stone, Bridget John, Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Fawn Cottrell, Carolyn Salutz. The purpose of this meeting was to review two changes Carolyn made and then to do a read-through to approve a final draft. Group did a read through and did approve a final draft.

Next Steps:

- Accept the updated draft, legislative analysis, and direct the Legislative Reference Office to schedule a public meeting.

Title 4. Environment and Natural Resources - Chapter 405

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where the things are used over and where the garbage is kept

~~RECYCLING AND~~ SOLID WASTE DISPOSAL

405.1	Purpose and Policy	405.78	Non-collectable Solid Waste
405.2	Adoption and Amendment	405.89	Non-residential facilities and Properties and Multi-family Dwellings
405.3	Definitions	405.910	Prohibitions
405.4	Application	405.101	Right to Refuse Collection
405.5	Authority		
405.6	Collection and Disposal of Solid Waste		
405.7	Separation of Recyclable Materials		

405.1. Purpose and Policy

405.1-1. *Purpose.* The purpose of this law is to set forth the process by which the Oneida Nation will reduce, manage, and dispose of recyclable materials and solid waste within the jurisdictional boundaries of the Nation.

405.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by prohibiting methods of ~~recycling and~~ solid waste disposal that could have an adverse impact on members of the community or the environment and by implementing a ~~recycling and~~ solid waste management program that emphasizes reducing, reusing, and recycling the majority of ~~recyclable materials and~~ waste within the Reservation.

405.2. Adoption and Amendment

405.2-1. This law was adopted by the Oneida Business Committee by resolution BC-12-14-94-A and amended by resolutions BC-2-15-95-K, BC-11-9-98-A and BC-__-__-__.

405.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

405.2-3. 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.

405.2-4. 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.

405.2-5. This law was adopted under the authority of the Constitution of the Oneida Nation.

405.3. Definitions

405.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

~~(a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.~~

~~(b) "Container board" means a type of packaging material used in shipping containers and related products.~~

~~(ae)~~ "Customer" mean all residential and commercial properties within the Reservation who use the Nation's service provider and dumpsters and bins, authorized by the Nation or its service provider to collect solid waste.

~~(b)~~ "Designated Agent" means the person responsible for coordinating the collection ~~and separation of recyclable materials and~~ solid waste at a non-residential facility or property.

~~(cd)~~ "DPW" means the Oneida Nation Division of Public Works.

~~(de)~~ "ELA" means the Oneida Nation Environmental, Land & Agriculture Division.

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(~~e~~f) “Explosive Material” means any material, mixture, or compound with explosive or flammable properties such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, fireworks, gasoline, or certain chemicals.

(~~f~~g) “E-waste” means a type of solid waste which contains large electronics and other hazardous waste including lead, mercury, cadmium, chromium, and other heavy metals and chemical flame retardants.

(~~h~~)(g) “Hazardous Waste” means any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976 as amended.

(h) “Major appliances” means non-portable or semi-portable machines used for housekeeping tasks and maintenance like temperature control, cooking, food preparation and storage, and cleaning and include items such as a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

(i) “Medical waste” means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure could cause the human or animal exposed to contract an infectious disease; or any waste generated in the diagnosis, treatment, or immunization of humans or animals.

(j) “Multi-family dwelling” means a property containing five (5) or more residential units, including those which are occupied seasonally.

(k) “Nation” means the Oneida Nation.

(l) “Non-residential facilities and properties” means commercial, retail, industrial, institutional, and governmental facilities, or properties. This term does not include multi-family dwellings.

(m) “Nuisance” means a thing, condition, or use of property which continues for such length of time as to:

(1) substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

(2) in any way render the public insecure in life or in the use of property; or greatly offend the public morals or decency; or

(3) unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable waters or other public way, or the use of public property.

(n) “Person” means a natural person, as well as a business entity, corporation, partnership, association, governmental unit, or agency of any governmental unit.

~~(p) “Plastic container” means an individual, separate, rigid plastic bottle, can, jar or carton, that is used to contain a product that is the subject of a retail sale.~~

(~~o~~q) “Recyclable materials” means materials resulting from residential or commercial activities that can be recovered through processes to regain that material for human or animal use.

(p) “Reservation” means all 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 all lands added thereto pursuant to federal law.

(q) “Service provider” means the company contracted with the Nation to provide collection services for solid waste collected within the Reservation.

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(r) “Sewage” means water-carried solid waste created in and to be conducted away from residences, industrial establishments, and public buildings.

(s) “Sharps” means an object with sharp points or edges that can puncture or cut skin.

(t) “Sludge” means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

(u) “SMMP” means the Sustainable Materials Management Plan developed and maintained by DPW and ELA to outline how the Nation will reduce, manage, and dispose of all ~~recyclable materials and~~ solid waste generated within the Reservation.

(v) “Solid waste” means solid, semi-solid, liquid, discarded, salvageable, and recyclable material. Solid waste may consist of the following categories:

(a) garbage, which is waste resulting from the handling, cooking, processing, preparing, serving, storing, and consuming food, including fish, fowl, fruits, vegetables, or other matter which is subject to decomposition and decay;

(b) waste material resulting from typical residential activity, public service activities, and manufacturing;

(c) construction or demolition waste, which is waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as windows, doors, drywall, framing and roofing material, flooring, cabinets and counter tops, concrete, stone, asphalt, sod, earth, dirt, and brick;

(d) refuse, which is all nonrecyclable waste resulting from industrial or commercial operations including but not limited to cans, bottles, plastic, paper, ashes, glass, lawn and garden waste, metal, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard; and

(e) recyclable materials, which are waste materials that can be recovered through processes to regain that material for human or animal use.

(w*) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include trees, stumps, roots, or shrubs with intact root balls.

405.4. Application

405.4-1. This law governs the management of ~~recyclable materials and~~ solid waste within the Reservation.

(a) ~~Recyclable materials and~~ Solid waste shall be handled, stored, collected, transported, transferred, processed, recycled, and disposed of in accordance with the provisions of this law, ~~and~~ the most current version of the SMMP, and the applicable provisions of the Resource Conservation and Recovery Act as amended.

(b) The SMMP shall be interpreted in a manner consistent with this law to the greatest extent possible.

(1) In the event there is an irreconcilable conflict between a provision of this law and a provision of the SMMP, the provision of this law shall govern.

405.5 Authority

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405.5-1. DPW and ELA shall be delegated the authority to administer the provisions of this law, which shall include, but not be limited to:

(a) overseeing the implementation and enforcement of this law and the SMMP, including the authority to delegate certain of those duties to other agencies of the Nation or to third-party service providers for implementation;

(b) following the Nation's RFP process for the procurement of third-party service providers;

(1) all third-party service providers shall be State licensed solid waste transporters.

(c) developing and amending the SMMP to be consistent with this law and at least once every five years and subject to approval by the Oneida Business Committee through resolution;

(d) developing a fine and penalty schedule, subject to approval by the Oneida Business Committee through resolution;

(e) DPW, ELA, and the service provider shall take reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP which may include sending new customers collection requirements, notifying the public through publication and making information available to the public for inspection at the offices of DPW or ELA during normal business hours.

(1) Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste should contact DPW, ELA, or the service provider for instruction.

(f) conducting inspections, as well as investigating complaints, to ensure that ~~recyclable materials and~~ solid wastes are managed in accordance with this law and the SMMP;

(1) no person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials;

(g) determining if the storage or disposal of solid waste has created a nuisance;

(h) issuing a citation to persons found in violation ~~of any provision~~ of this law in an amount set forth in ~~the~~ fine and penalty schedule adopted by resolution of the Oneida Business Committee and pursuant to the Nation's Citation Law;

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation;

(i) making referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law.

~~(g) taking reasonable measures to ensure that the public is aware and properly informed of the requirements of this law and the SMMP, which includes, but is not limited to, that such requirements be provided to the public through publication and made available to the public for inspection at the offices of ELA.~~

~~(1) Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste should contact ELA for instruction.~~

(j) notifying all customers of the Nation of the terms and conditions for collection; and
~~ELA or its designated collection and transportation service reserve the right to refuse to collect any recyclable materials or solid waste that is not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.~~

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(k) making reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation.

405.5-2. The Oneida Police Department ~~and wardens from the Oneida Conservation Department~~ shall be delegated the authority to enforce the provisions of this law, which shall include, but not be limited to:

(a) investigate complaints and referrals from DPW or ELA for suspected violations of this law;

(b) obtain a search warrant and conduct inspections if necessary to enforce the provisions of this law;

(1) No person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials; and

(c) issue citations consistent with the fine and penalty schedule developed by DPW and ELA and approved by the Oneida Business Committee;

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation.

405.6 Collection and Disposal of Recyclable Materials

~~405.6 1. Mandatory Curbside Collection. All recyclable materials shall be collected from all properties within the Reservation provided such materials are properly handled, prepared, contained, stored, and located.~~

~~405.6 2. Public Notice. DPW and ELA shall take reasonable measures to ensure that the public is aware and properly informed of the requirements of this section of the law and the SMMP, which may include notifying the public through publication or making information available to the public for inspection at the offices of DPW or ELA during normal business hours.~~

~~(a) Any person in doubt as to the proper preparation, handling, and disposal of any type of recyclable materials should contact the service provider, DPW or ELA for instruction.~~

~~405.6 3. Collection Preparation and storage requirements. Regardless of service provider, persons located within the Reservation must adhere to the following:~~

~~(a) only approved bins provided by the Nation or its service provider are acceptable for collection;~~

~~(b) all recyclable materials shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety;~~

~~(c) all recyclable materials shall be stored out of view from the roadway;~~

~~(d) when placed for curbside collection, containers shall not be placed in a manner that obstructs driveways, legally parked vehicles, and snow removal efforts;~~

~~(e) to the greatest extent practicable, recyclable materials shall be clean and kept free of hazardous waste or medical waste;—~~

~~(f) recyclable materials shall be stored in such a manner that protects it from—
—wind, rain, and other inclement weather conditions.~~

~~405.6 4. Collection Requirements. DPW shall provide a curbside collection service within the Reservation that includes, at a minimum:~~

~~(a) weekly collection of recyclable materials provided such materials are properly handled, prepared, contained, and stored in accordance with this law and the SMMP;~~

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~~(b) the issuance of containers that are adequate for the storage of recyclable materials.~~

405.6. Collection and Disposal of Solid Waste

405.6-1. *Mandatory Curbside Collection.* All approved solid waste shall be collected from ~~all customers properties~~ provided such materials are properly handled, prepared, contained, stored, and located. Curbside collection is generally for residential customers.

405.6-2. *Collection Preparation and Storage Requirements.* ~~Regardless of service provider, persons~~ Customers located within the Reservation must adhere to the following:

(a) only approved bins provided by the Nation or its service provider are acceptable for collection;

(b) all solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety;

~~(c) all solid waste shall be stored out of view from the roadway;~~

~~(cd)~~ (d) when placed for curbside collection, containers shall not be placed in a manner that obstructs driveways, legally parked vehicles, and snow removal efforts;

~~(de)~~ (e) to the greatest extent practicable, solid waste should be clean and kept free of hazardous waste or medical waste; and

~~(ef)~~ (f) solid waste shall be stored in ~~such~~ a manner that protects it from wind, rain, and other inclement weather conditions.

405.6-3. *Collection Requirements.* DPW shall provide a ~~curbside~~ collection service within the Reservation that includes, at a minimum:

(a) ~~weekly periodic~~ collection of solid waste, ~~including yard waste~~; provided, such waste is properly handled, prepared, contained, and stored in accordance with this law and the SMMP; and

(b) the issuance of containers that are adequate for the storage of collectable solid waste.

405.6-4. The following shall apply to the collection and disposal of all solid waste within the Reservation, regardless of the curbside service provider:

(a) All solid waste shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.

(b) No commercial solid waste transporter shall operate or conduct business within the Reservation without a solid waste transport license issued from the State of Wisconsin. ~~the Oneida Nation Conservation Department.~~

405.6-5. *Separation.* Occupants of single and two-to-four-unit residences, multi-family dwellings, and the designated agent at non-residential facilities and properties shall separate certain items from solid waste in accordance with the terms and conditions of collection as provided by the service provider. Some items that must be separated from solid waste are likely not collectable and some are likely collectable only during a special collection.

405.6-6. *Right to Reject.* ELA or its designated collection and transportation service reserve the right to refuse to collect any solid wastes that are not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.

405.6-7. *Special Collections.* The collection of some items will be scheduled annually and posted on the Nation's website.

405.7 Non-Collectable Solid Waste

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405.7-1. No person may place for curbside collection or deposit at any location within the Reservation any of the following types of ~~recyclable materials or~~ solid waste:

- (a) hazardous waste;
- (b) pesticides;
- (c) medical waste;
- (d) asbestos;
- (e) sludge;
- (f) industrial or commercial waste from any industrial or commercial facility or operation;
- (g) residue or debris from the clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural, or industrial process;
- (~~h~~i) medical waste;
- (~~i~~j) sewage;
- (~~j~~k) ~~dead animal or~~ deer carcasses or other large animal carcasses weighing over one hundred (100) pounds; collection of which is subject to the terms and conditions of service agreements between the Nation, surrounding Counties and municipalities, and the State;
- (~~k~~l) trees or any other material that does not meet the definition of yard waste;
- (~~l~~m) wood treated with chemical preservatives;
- (~~m~~n) explosive material;
- (~~n~~o) material that would otherwise be recyclable material but is contaminated by hazardous or medical waste;
- (~~o~~p) e-waste;
- (~~p~~q) any other material expressly prohibited by the SMMP if DPW has provided adequate, advanced notice to the public; and
- (~~q~~r) any item expressly prohibited by the service provider.

405.89. Non-Residential Facilities and Properties and Multi-Family Dwelling Families Dwellings

405.89-1. Owners of non-residential facilities and properties and multi-family dwellings or their designated agents shall do the following:

- (a) provide adequate, separate containers for ~~recyclable materials and~~ solid waste and provide a collection and delivery service of those ~~recyclable materials and~~ solid wastes to a processing facility;
- (b) notify, in writing, at the time of signing the lease and annually thereafter, all users, tenants, and occupants of the property about this law and the SMMP; and
- (c) notify users, tenants, and occupants of which materials are collected, how to prepare the materials in order to meet the collection and processing requirements of this law and the SMMP, the collection methods, or sites, including address and hours of operation, and the contact person or company, including name, address, and telephone number.

~~405.9 2. Right to Reject. ELA or its designated collection and transportation service reserve the right to refuse to collect any recyclable materials or solid wastes that are not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.~~

405.911. Prohibitions

405.911-1. Unless authorized, no person shall:

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(a) burn solid waste;

~~(a) dump, deposit, or leave recyclable materials or solid waste in a location or in a manner not authorized by this law or the SMMP;~~

(b) dump, deposit, or throw ~~recyclable materials or~~ solid waste from a stopped or moving vehicle upon a highway, road, or right of way within the Reservation;

~~(c) burn recyclable materials or solid waste;~~

~~(d) neglect or refuse to clean up and remove from the premises any recyclable materials or solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, the Oneida Police Department, Oneida Conservation Department, or the Nation's Zoning Department.~~

~~(ce)~~ dump, dispose, throw, or leave ~~of recyclable materials or~~ solid waste in any waterway located within the Reservation, at any time of the year; ~~or~~

~~(df)~~ ~~dispose or~~ dump, dispose, or leave ~~recyclable materials or~~ solid waste within the Reservation in a dumpster or waste bin that does not belong to that customer and is not authorized for that customer's use;

~~a way that would violate this law or any other law of the Nation.~~

(e) store, handle, dump, deposit, leave, or throw solid waste in any way reasonably likely to cause a nuisance;

(f) neglect or refuse to clean up and remove from the premises any solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, the Oneida Police Department, or the Nation's Zoning Department; and

(g) dump, dispose, or leave solid waste within the Reservation in a location or manner not authorized by the SMMP or that would violate this law, the Public Peace law, or any other law of the Nation.

405.102. ~~Right to Cure~~ Right to Refuse Collection

405.102-1. If ~~recyclable materials or~~ solid wastes s are not properly handled, prepared, contained, stored, or located, the service provider may not collect.

(a) Instead of collecting, the service provider may leave a notice explaining the reason for non-collection and allowing the ~~person~~ customer time to correct, typically until the next collection.

(b) If the ~~person~~ customer has not corrected by the next collection, the service provider will notify DPW ~~or ELA~~ for enforcement under this law.

End.

Adopted – BC-12-14-94-A

Amended – BC-2-15-95-K

Amended – BC-11-9-98-A (Emergency amendments – expired)

Title 4. Environment and Natural Resources - Chapter 405

Tsi> Tetwatlahtste Kahle Tsi> Yeyakotyeh@khwa>
where the things are used over and where the garbage is kept

SOLID WASTE DISPOSAL

405.1 Purpose and Policy
405.2 Adoption and Amendment
405.3 Definitions
405.4 Application
405.5 Authority
405.6 Collection and Disposal of Solid Waste

405.7 Non-collectable Solid Waste
405.8 Non-residential facilities and Properties and
Multifamily Dwellings
405.9 Prohibitions
405.10 Right to Refuse Collection

405.1. Purpose and Policy

405.1-1. *Purpose.* The purpose of this law is to set forth the process by which the Oneida Nation will reduce, manage, and dispose of recyclable materials and solid waste within the jurisdictional boundaries of the Nation.

405.1-2. *Policy.* It is the policy of the Nation to protect the health, safety, and welfare of the community by prohibiting methods of solid waste disposal that could have an adverse impact on members of the community or the environment and by implementing a solid waste management program that emphasizes reducing, reusing, and recycling the majority of waste within the Reservation.

405.2. Adoption and Amendment

405.2-1. This law was adopted by the Oneida Business Committee by resolution BC-12-14-94-A and amended by resolutions BC-2-15-95-K, BC-11-9-98-A and BC-__-__-__-__.

405.2-2. This law may be amended or repealed by the Oneida Business Committee or General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

405.2-3. 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.

405.2-4. 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.

405.2-5. This law was adopted under the authority of the Constitution of the Oneida Nation.

405.3. Definitions

405.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Customer” means all residential and commercial properties within the Reservation who use the Nation’s service provider and dumpsters and bins, authorized by the Nation or its service provider to collect solid waste.

(b) “Designated Agent” means the person responsible for coordinating the collection of solid waste at a non-residential facility or property.

(c) “DPW” means the Oneida Nation Division of Public Works.

(d) “ELA” means the Oneida Nation Environmental, Land & Agriculture Division.

(e) “Explosive Material” means any material, mixture, or compound with explosive or flammable properties such as dynamite, dynamite caps, shotgun shells, rifle cartridges, gunpowder, fireworks, gasoline, or certain chemicals.

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(f) “E-waste” means a type of solid waste which contains large electronics and other hazardous waste including lead, mercury, cadmium, chromium, and other heavy metals and chemical flame retardants.

(g) “Hazardous Waste” means any solid waste defined as hazardous waste by the U.S. Environmental Protection Agency under the provisions of the Resource Conservation and Recovery Act of 1976 as amended.

(h) “Major appliances” means non-portable or semi-portable machines used for housekeeping tasks and maintenance like temperature control, cooking, food preparation and storage, and cleaning and include items such as a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

(i) “Medical waste” means solid waste that contains pathogens with sufficient virulence and in sufficient quantity that exposure could cause the human or animal exposed to contract an infectious disease; or any waste generated in the diagnosis, treatment, or immunization of humans or animals.

(j) “Multi-family dwelling” means a property containing five (5) or more residential units, including those which are occupied seasonally.

(k) “Nation” means the Oneida Nation.

(l) “Non-residential facilities and properties” means commercial, retail, industrial, institutional, and governmental facilities, or properties. This term does not include multi-family dwellings.

(m) “Nuisance” means a thing, condition, or use of property which continues for such length of time as to:

(1) substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;

(2) in any way render the public insecure in life or in the use of property; or greatly offend the public morals or decency; or

(3) unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable waters or other public way, or the use of public property.

(n) “Person” means a natural person, as well as a business entity, corporation, partnership, association, governmental unit, or agency of any governmental unit.

(o) “Recyclable materials” means materials resulting from residential or commercial activities that can be recovered through processes to regain that material for human or animal use.

(p) “Reservation” means all 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 all lands added thereto pursuant to federal law.

(q) “Service provider” means the company contracted with the Nation to provide collection services for solid waste collected within the Reservation.

(r) “Sewage” means water-carried solid waste created in and to be conducted away from residences, industrial establishments, and public buildings.

(s) “Sharps” means an object with sharp points or edges that can puncture or cut skin.

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(t) “Sludge” means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility.

(u) “SMMP” means the Sustainable Materials Management Plan developed and maintained by DPW and ELA to outline how the Nation will reduce, manage, and dispose of all solid waste generated within the Reservation.

(v) “Solid waste” means solid, semi-solid, liquid, discarded, salvageable, and recyclable material. Solid waste may consist of the following categories:

(a) garbage, which is waste resulting from the handling, cooking, processing, preparing, serving, storing, and consuming food, including fish, fowl, fruits, vegetables, or other matter which is subject to decomposition and decay;

(b) waste material resulting from typical residential activity, public service activities, and manufacturing;

(c) construction or demolition waste, which is waste resulting from building construction or demolition, alteration, or repair, including excavated material, remodeling, and other waste such as windows, doors, drywall, framing and roofing material, flooring, cabinets and counter tops, concrete, stone, asphalt, sod, earth, dirt, and brick;

(d) refuse, which is all nonrecyclable waste resulting from industrial or commercial operations including but not limited to cans, bottles, plastic, paper, ashes, glass, lawn and garden waste, metal, rubber, street waste, wood, cloth, litter, leaves, shrubbery, brush, and cardboard; and

(e) recyclable materials, which are waste materials that can be recovered through processes to regain that material for human or animal use.

(w) “Yard waste” means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six (6) inches in diameter. This term does not include trees, stumps, roots, or shrubs with intact root balls.

405.4. Application

405.4-1. This law governs the management of solid waste within the Reservation.

(a) Solid waste shall be handled, stored, collected, transported, transferred, processed, recycled, and disposed of in accordance with the provisions of this law, the most current version of the SMMP, and the applicable provisions of the Resource Conservation and Recovery Act as amended.

(b) The SMMP shall be interpreted in a manner consistent with this law to the greatest extent possible.

(1) In the event there is an irreconcilable conflict between a provision of this law and a provision of the SMMP, the provision of this law shall govern.

405.5 Authority

405.5-1. DPW and ELA shall be delegated the authority to administer the provisions of this law, which shall include, but not be limited to:

(a) overseeing the implementation and enforcement of this law and the SMMP, including the authority to delegate certain of those duties to other agencies of the Nation or to third-party service providers for implementation;

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(b) following the Nation's RFP process for the procurement of third-party service providers;

(1) all third-party service providers shall be State licensed solid waste transporters.
(c) developing and amending the SMMP to be consistent with this law and at least once every five years and subject to approval by the Oneida Business Committee through resolution;

(d) developing a fine and penalty schedule, subject to approval by the Oneida Business Committee through resolution;

(e) DPW, ELA, and the service provider shall take reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP which may include sending new customers collection requirements, notifying the public through publication and making information available to the public for inspection at the offices of DPW or ELA during normal business hours.

(1) Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste should contact DPW, ELA, or the service provider for instruction.

(f) conducting inspections, as well as investigating complaints, to ensure that solid wastes are managed in accordance with this law and the SMMP;

(1) no person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials;

(g) determining if the storage or disposal of solid waste has created a nuisance;

(h) issuing a citation to persons found in violation of this law in an amount set forth in the fine and penalty schedule adopted by resolution of the Oneida Business Committee and pursuant to the Nation's Citation Law;

(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation;

(i) making referrals to the Oneida Police Department, the Oneida Conservation Department, or the Zoning Department, when deemed necessary, for further investigation or enforcement consistent with this law.

(j) notifying all customers of the Nation of the terms and conditions for collection; and

(k) making reasonable rules for the regulation and administration of this law as may be necessary for the proper storage, collection, removal, and disposal of solid waste within the Reservation.

405.5-2. The Oneida Police Department shall be delegated the authority to enforce the provisions of this law, which shall include, but not be limited to:

(a) investigate complaints and referrals from DPW or ELA for suspected violations of this law;

(b) obtain a search warrant and conduct inspections if necessary to enforce the provisions of this law;

(1) No person may refuse access to any person authorized in this section who requests access for purposes of inspecting an alleged violation based on probable cause and who presents appropriate credentials; and

(c) issue citations consistent with the fine and penalty schedule developed by DPW and ELA and approved by the Oneida Business Committee;

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(1) each day of a continuing violation may be charged as a separate violation and the officer may issue a separate citation.

405.6. Collection and Disposal of Solid Waste

405.6-1. *Mandatory Curbside Collection.* All approved solid waste shall be collected from customers provided such materials are properly handled, prepared, contained, stored, and located. Curbside collection is generally for residential customers.

405.6-2. *Collection Preparation and Storage Requirements.* Customers located within the Reservation must adhere to the following:

- (a) only approved bins provided by the Nation or its service provider are acceptable for collection;
- (b) all solid waste shall be maintained in such a manner as to prevent the creation of a nuisance to public health and safety;
- (c) when placed for curbside collection, containers shall not be placed in a manner that obstructs driveways, legally parked vehicles, and snow removal efforts;
- (d) to the greatest extent practicable, solid waste should be clean and kept free of hazardous waste or medical waste; and
- (e) solid waste shall be stored in a manner that protects it from wind, rain, and other inclement weather conditions.

405.6-3. *Collection Requirements.* DPW shall provide a collection service within the Reservation that includes, at a minimum:

- (a) periodic collection of solid waste; provided, such waste is properly handled, prepared, contained, and stored in accordance with this law and the SMMP; and
- (b) the issuance of containers that are adequate for the storage of collectable solid waste.

405.6-4. The following shall apply to the collection and disposal of all solid waste within the Reservation, regardless of the curbside service provider:

- (a) All solid waste shall be collected and transported in a manner that prevents the waste from leaking, blowing off, or falling from the transport vehicle.
- (b) No commercial solid waste transporter shall operate or conduct business within the Reservation without a solid waste transport license issued from the State of Wisconsin.

405.6-5. *Separation.* Occupants of single and two-to-four-unit residences, multi-family dwellings, and the designated agent at non-residential facilities and properties shall separate certain items from solid waste in accordance with the terms and conditions of collection as provided by the service provider. Some items that must be separated from solid waste are likely not collectable and some are likely collectable only during a special collection.

405.6-6. *Right to Reject.* ELA or its designated collection and transportation service reserve the right to refuse to collect any solid wastes that are not handled, prepared, contained, stored, or located in accordance with this law or the SMMP.

405.6-7. *Special Collections.* The collection of some items will be scheduled annually and posted on the Nation's website.

405.7 Non-Collectable Solid Waste

405.7-1. No person may place for curbside collection or deposit at any location within the Reservation any of the following types of solid waste:

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- (a) hazardous waste;
- (b) pesticides;
- (c) medical waste;
- (d) asbestos;
- (e) sludge;
- (f) industrial or commercial waste from any industrial or commercial facility or operation;
- (g) residue or debris from the clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural, or industrial process;
- (h) medical waste;
- (i) sewage;
- (j) deer carcasses or other large animal carcasses weighing over one hundred (100) pounds; collection of which is subject to the terms and conditions of service agreements between the Nation, surrounding Counties and municipalities, and the State;
- (k) trees or any other material that does not meet the definition of yard waste;
- (l) wood treated with chemical preservatives;
- (m) explosive material;
- (n) material that would otherwise be recyclable material but is contaminated by hazardous or medical waste;
- (o) e-waste;
- (p) any other material expressly prohibited by the SMMP if DPW has provided adequate, advanced notice to the public; and
- (q) any item expressly prohibited by the service provider.

405.8. Non-Residential Facilities and Properties and Multi-Family Dwellings

405.8-1. Owners of non-residential facilities and properties and multi-family dwellings or their designated agents shall do the following:

- (a) provide adequate, separate containers for solid waste and provide a collection and delivery service of those solid wastes to a processing facility;
- (b) notify, in writing, at the time of signing the lease and annually thereafter, all users, tenants, and occupants of the property about this law and the SMMP; and
- (c) notify users, tenants, and occupants of which materials are collected, how to prepare the materials in order to meet the collection and processing requirements of this law and the SMMP, the collection methods, or sites, including address and hours of operation, and the contact person or company, including name, address, and telephone number.

405.9. Prohibitions

405.9-1. Unless authorized, no person shall:

- (a) burn solid waste;
- (b) dump, deposit, or throw solid waste from a stopped or moving vehicle upon a highway, road, or right of way within the Reservation;
- (c) dump, dispose, throw, or leave solid waste in any waterway located within the Reservation, at any time of the year;
- (d) dump, dispose, or leave solid waste within the Reservation in a dumpster or waste bin that does not belong to that customer and is not authorized for that customer's use;

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(e) store, handle, dump, deposit, leave, or throw solid waste in any way reasonably likely to cause a nuisance;

(f) neglect or refuse to clean up and remove from the premises any solid wastes that are stored in violation of this law and when ordered to do so by DPW, ELA, the Oneida Police Department, or the Nation's Zoning Department; and

(g) dump, dispose, or leave solid waste within the Reservation in a location or manner not authorized by the SMMP or that would violate this law, the Public Peace law, or any other law of the Nation.

405.10. Right to Refuse Collection

405.10-1. If solid wastes are not properly handled, prepared, contained, stored, or located, the service provider may not collect.

(a) Instead of collecting, the service provider may leave a notice explaining the reason for non-collection and allowing the customer time to correct, typically until the next collection.

(b) If the customer has not corrected by the next collection, the service provider will notify DPW for enforcement under this law.

End.

Adopted – BC-12-14-94-A

Amended – BC-2-15-95-K

Amended – BC-11-9-98-A (Emergency amendments – expired)



Legislative Operating Committee
November 5, 2025

Workplace Violence Law

Submission Date: 2/6/19	Public Meeting: 10/15/2025
LOC Sponsor: Jennifer Webster	Emergency Enacted: N/A

Summary: *This item was carried over from the last two (2) terms. This request for amendments to the Workplace Violence law was added to the Active Files List in February 2019 upon request of the Nation's Human Resources Department. The Nation's Human Resources Department requested amendments to the Workplace Violence law to address investigative enforcement. Amendments are being sought to delegate authority to investigators to put employees on investigative leave, and discipline employees. An amendment was also sought so that if terminated, an employee would be ineligible for employment with the Nation but may request forgiveness after five (5) years. This item was added to the Active Files List in conjunctions with a request for amendments to the Oneida Personnel Policies and Procedures and the Investigative Leave Policy.*

2/6/19 LOC: Motion by Jennifer Webster to add the Workplace Violence law, Investigative Leave Policy, and Oneida Personnel Policies and Procedures to the active files list and assign David P. Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

10/7/20 LOC: Motion by Jennifer Webster to add the Workplace Violence Law Amendments to the Active Files List with Marie Summers as the sponsor; seconded by Marie Summers. Motion carried unanimously.

8/18/21 LOC: Motion by Kirby Metoxen to accept the information provided in the request [for amendments to the Workplace Violence law to address employment eligibility after termination due to workplace violence] as FYI; seconded by Marie Summers. Motion carried unanimously.

8/29/22: *Work Meeting.* Present: Todd Vanden Heuvel, Matthew Denny, Nicolas Reynolds, Wendy Alvarez, Whitney Wheelock, Clorissa Santiago, Carolyn Salutz, David Jordan, Jennifer Webster, Kirby Metoxen, Kristal Hill, Rhiannon Metoxen. The purpose of this work meeting was to review the law line-by-line and collect input from LOC and HRD. 9/07/22: *Work Meeting.* Present: David Jordan, Kirby Metoxen, Marie Summers, Clorissa Santiago, Carolyn Salutz, Grace Elliott, Rhiannon Metoxen, Kristal Hill. The purpose of this work meeting was to gather LOC input on HRD's suggested amendments.

9/21/22: *Work Meeting.* Present: David Jordan, Kirby Metoxen, Marie Summers, Jennifer Webster, Daniel Guzman, Clorissa Santiago, Carolyn Salutz, Grace Elliott. The purpose of this work meeting was to review proposed line edits to the law. The LOC made several suggestions,

including adding in “social media”; clarifying Section 223.4 Applicability; making sure the supervisor will be notified throughout the process of reporting and investigation. Overall, the law is still wordy and could be simplified and reduced.

1/6/23: *Work Meeting.* Present: David Jordan, Kirby Metoxen, Marie Cornelius, Jennifer Webster, Daniel Guzman, Todd Vanden Heuvel, Matthew Denny, Nicholas Reynolds, Rita Reiter, Carolyn Salutz, Grace Elliott. The purpose of this work meeting was to review the procedures of investigative leave, and employment ineligibility. During the meeting it was discussed if the procedures of investigation and follow-up would be better placed within the Investigative Leave policy.

1/31/23: *Work Meeting.* Present: David Jordan, Kirby Metoxen, Marie Cornelius, Jennifer Webster, Daniel Guzman, Todd Vanden Heuvel, Matthew Denny, Nicholas Reynolds, Rita Reiter, Joshua Cottrell, Peggy Van Gheem, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Rhiannon Metoxen. The purpose of this work meeting was to review final changes and receive final guidance from HRD on all changes – and changes relating to investigations, the scope and coverage of the law, employment eligibility, and next steps. Clarity needed on extending this law to adequately cover incidents of violence that occur outside work hours, the scope of EEO responsibilities related to investigations that don’t lead to investigative leave, employment eligibility.

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

7/29/24: *Work Meeting.* Present: Jameson Wilson, Carolyn Salutz, Clorissa Leeman (Microsoft Teams), Jennifer Webster (Microsoft Teams), Maureen Perkins (Microsoft Teams), Kristal Hill (Microsoft Teams), Todd Vanden Heuvel (Microsoft Teams), Rita Reiter (Microsoft Teams), Laura Laitinen-Warren (Microsoft Teams). The purpose of this work meeting was to review the draft, we did a line-by-line review of the entire draft. One issue left to consider: how involved do we want supervisors to be in determining the final resolution? Should supervisors be involved in deciding the final resolution with EEO/HRD or not involved but able to dispute the final resolution or not involved or able to dispute. A suggestion was to invite managers, supervisors, etc., to next work meeting to discuss.

9/4/24 LOC: Motion by Jonas Hill to accept the request for amendments to the Workplace Violence law as information, noting the Workplace Violence law is already on the Active Files List; seconded by Marlon Skenandore. Motion carried unanimously.

10/18/24: *Work Meeting.* Present: Matthew Denny, Todd Vanden Heuvel, Laura Laiten-Warren, Peggy Van Gheem, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Maureen Perkins, Jameson Wilson, Kirby Metoxen, Marlon Skenandore. The purpose of this work meeting was to review the draft, we did a line-by-line edit. No major suggestions for edits were brought up, the work group was satisfied with the current amendments; there were minor suggestions for changes; wording, more inclusion of the law office in workplace violence investigations. There was a lot of discussion on the supervisor’s role in the investigation and discipline.

- 1/13/25:** *Work Meeting.* Present: Laura Laiten-Warren, Marie Cornelius, Peggy Van Gheem, Grace Elliott, Carolyn Salutz, Maureen Perkins, Fawn Billie, Jameson Wilson, Marlon Skenandore, Jonas Hill, Jennifer Webster, Kirby Metoxen. The purpose of this work meeting was to continue to review edits. We did a line-by-line review of the entire draft. The group was still satisfied with the amendments and no major suggestions were made; most suggestions were to clarify processes or definitions. Carolyn will summarize notes and send to attendees, work on newest amendments, and then schedule the next work meeting.
- 2/14/25:** *Work Meeting.* Present: Laura Laiten-Warren, Matthew Denny, Peggy Van Gheem, Kristal Hill, Fawn Cottrell, Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster. The purpose of this meeting was to review the latest amendments. There was a brief back-and-forth between Matt Denny and Peggy about when the EEO Office should notify the law office – Peggy said immediately when an investigation is started, Matt said EEO should be required to notify them immediately. This is an issue the LOC will decide and consider. Other issues involved clarifying some language and making sure all reporting goes to EEO, but that EEO will communicate with HRD and vice versa if needed – but not many other issues.
- 2/19/25:** *Work Session.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Jennifer Webster, Kristal Hill, Fawn Cottrell, Carolyn Salutz, Clorissa Leeman, Grace Elliott. The purpose of this work meeting is to review and decide on an issue that came up during the work meeting on 2/14/25: should the law require EEO to report to the law office at the start of every investigation. By majority, LOC decided they do want to require EEO to report to the law office at the start of every investigation.
- 3/5/25:** *Work Session.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Grace Elliott, Kristal Hill, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was for Carolyn to review her reasoning on why it may not be necessary for the law to require EEO to report to the law office at the start of each investigation. Jenny was, at first, still in favor of requiring reporting but eventually LOC did arrive at a consensus to not require it but instead allow it. So, EEO reporting to the law office at the start of each investigation will not be required.
- 5/2/25:** *Work Meeting.* Present: Matthew Denny, Ria Reiter, Whitney Wheelock, Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Fawn Billie, Fawn Cottrell, Kristal Hill, Clorissa Leeman, Carolyn Salutz. The purpose of this work meeting is to review the newest edits to the draft. The work group reviewed the entire draft, no discussion was needed, the group was satisfied with the amendments.
- 5/7/25 LOC:** Motion by Jennifer Webster to approve the draft of proposed amendments to the Workplace Violence Law and direct that a legislative analysis be completed; seconded by Marlon Skenandore. Motion carried unanimously.
- 5/21/25 LOC:** Motion by Jennifer Webster to accept the updated draft and legislative analysis and defer to a work meeting to address the potential conflict before a public meeting is held; seconded by Kirby Metoxen. Motion carried unanimously.

7/25/25: *Work Meeting.* Present: Rita Reiter, Whitney Wheelock, Marlon Skenandore, Fawn Billie, Kristal Hill, Carolyn Salutz. The purpose of this work meeting is to discuss the discrepancy between the proposed amendments and the Oneida Nation Personnel Policies and Procedures; where the proposed amendments require all complaints and investigations of alleged workplace violence be made to and handled by the Equal Employment Opportunity Department but the Personnel Policies and Procedures require all complaints and investigations, except sexual harassment, be made to and handled by the employee's immediate supervisor. The work group agreed that they like the proposed amendments, and the Equal Employment Opportunity department is best suited to manage complaints and investigations. Work group suggested adding in the ability to appeal; and look at Section VI Health and Safety of Personnel Policies and Procedures – it may be what would allow this law to supersede.

8/6/25: *Work Session.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster. The purpose of this work session is to review the changes made to the draft after meeting with EEO/HRD on 7/25/25. It is likely all changes align the amendments with the Oneida Personnel Policies and Procedures and there is no longer a conflict between the two. The LOC informally approved the changes and approved the draft to continue through the legislative process.

8/20/25 LOC: Motion by Kirby Metoxen to approve the updated draft, approve the legislative analysis, and direct the Legislative Reference Office to schedule a public meeting; seconded by Marlon Skenandore. Motion carried unanimously.

9/3/25 LOC: Motion by Jennifer Webster to accept the public meeting packet and schedule a public meeting on October 15, 2025; seconded by Jonas Hill. Motion carried unanimously.

Next Steps:

- Accept the public meeting memorandum and defer to a work meeting for further consideration.

TO: Legislative Operating Committee (LOC)
 FROM: Carolyn Salutz, Legislative Reference Office, Staff Attorney
 DATE: November 5, 2025
 RE: Workplace Violence Law Amendments: Public Comment Review

On October 15, 2025, a public meeting was held regarding the proposed amendments to the Oneida Landlord Tenant law. No comments were made during the public meeting. The public comment period was then held open until October 22, 2025. Two people submitted comments during the comment period. This memorandum is submitted as a review of the comments received during the public meeting and public comment period. The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

Comment 1 – Definition Clarification

“Workplace violence” means any intentional act committed by an employee in a workplace or in a setting or circumstance otherwise reasonably related to employment with the Nation that:

- (1) inflicts, attempts to inflict, or threatens to inflict emotional or physical harm on another person; or**
- (2) inflicts, attempts to inflict, or threatens to inflict damage to property of the Nation or property of another.**

Mark Powless (written): There is no definition of emotional harm within the law. Without a definition it expands the subjective application of what constitutes emotional harm.

Response

The commenter suggests the definition of workplace violence is not clear enough because the definition uses “emotional harm” but does not define emotional harm.

In each law the Nation codifies the definition section clarifies: “All words not defined herein shall be used in their ordinary and everyday sense.”

A Google search of “emotional abuse” is used to most often used to find the definition of a word not defined in the law and as the word would be used in its ordinary and everyday sense. A Google search of “emotional abuse” produces many results. Here are two:

“Emotional harm, often referred to as emotional abuse or psychological abuse, involves non-physical acts that cause significant psychological distress and can have long-lasting effects on an individual's mental well-being.”

“Emotional harm encompasses a range of behaviors that inflict psychological pain or distress. This can include manipulation, intimidation, constant criticism, and other forms of non-

physical abuse. Unlike physical abuse, emotional harm often leaves no visible scars, making it harder to identify and address.”

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the proposed amendments to the Law should remain as currently drafted.
2. The Legislative Operating Committee may determine that the proposed amendments to the Law should define “emotional harm.”

LOC Consideration

Comment 2 – Application Clarification

223.4. Application

223.4-1. This law applies to all employees in any of the Nation’s workplaces and covers workplace violence whether the employee commits workplace violence during or outside the employee’s normal work hours as long as the incident of workplace violence is reasonably connected to the workplace.

Mark Powless (written): Not sure what is meant by ‘reasonably connected to the workplace’. It seems to introduce a gray area that will be open to much interpretation. The definition of ‘workplace’ is clearly defined but the use of language of being ‘reasonably connected’ almost introduces a contradiction. With the additional language, it brings in undefined application of the term ‘workplace’.

Response

The commenter suggests requiring workplace violence to be reasonably connected to the workplace is too vague and possibly contradictory.

Although requiring workplace violence to be reasonably connected to the workplace may seem vague to the average employee, the law needs to connect acts of violence to the workplace, even if those acts of violence do not occur during normal work hours or at the workplace. It is not likely that all acts that could be workplace violence, will be committed between two employees, in the office or in the workplace, during work hours. It is likely that possible workplace violence can occur outside of normal work hours, not in the office or workplace, or between an employee and a non-employee, customer, or independent contractor, but in a way that is still connected to that employee’s workplace.

In the law, use of the word “reasonable” is often the best option. The Oneida Law Office attorneys are very familiar with the term “reasonable” and should be comfortable arguing in favor of an action being “reasonably connected to the workplace.” To address any confusion, the Oneida Law Office might consider working with the Human Resources Department to develop a training on

workplace violence and what kinds of behaviors the Nation will not allow; both during and outside of normal work hours.

There is no recommended revision to the proposed amendments to the Law based on this comment.

LOC Consideration

Comment 3: Social Media Platforms

223.5. Prohibited Behavior

223.5-1. *Prohibited Behaviors.* Examples of workplace violence include, but are not limited to, the following prohibited behaviors:

- (a) intentionally causing physical injury to another person; which can include;
 - (1) hitting or shoving, or
 - (2) throwing an object at an individual;
- (b) fighting or roughhousing that may be dangerous to others;
- (c) direct threats or intimidation;
- (d) implications or suggestions of violence;
- (e) stalking;
- (f) possessing, carrying, or using a weapon of any kind, whether in the open or concealed, on property of the Nation, including parking lots, in fleet vehicles, on other exterior premises, or while engaged in activities for the Nation;
- (g) physical restraint or confinement;
- (h) an established pattern of loud, disruptive, angry, or abusive language or behavior;
- (i) sending a threatening, harassing, or abusive message by e-mail, letter, fax, phone call, text message or any other form of electronic media, including all social media platforms;
- (j) using the workplace to violate restraining orders;
- (k) intentionally damaging property of the Nation or property of another; and
- (l) any other act that a reasonable person would perceive as constituting a threat of violence or actual violence.

Mark Powless (written): This is the only reference to social media platforms in the document and lacks any context. Departments have struggled with how to address social media posts that occur while employees are not working but are making comments that are ‘reasonably connected to the workplace’. Adding more context will help employees understand if off the clock behaviors on social media that are ‘reasonably connected to the workplace’ fall under the Workplace Violence Law.

Response

The commenter recommends that the law include more context regarding an employee’s use of social media outside normal work hours and how that use of social media can be reasonably connected to the workplace.

More context of behaviors that occur outside of normal work hours, on a social media platform, that would constitute workplace violence may be beyond the necessary scope of this law and may be better addressed by the Human Resources Department or an SOP. It isn't practical for the law to give context on all behaviors it is trying to regulate; by requiring all employees to be accountable for their behavior outside of normal work hours, on social media platforms, for any behavior that can be reasonably connected to the workplace, the Nation is protecting all employees and visitors.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the proposed amendments to the Law should remain as currently drafted.
2. The Legislative Operating Committee may determine the prohibited behavior of "sending a threatening, harassing, or abusive messages by e-mail, letter, fax, phone call, text message or any other form of electronic media, including all social media platforms" may stay the same but the law could include another section addressing social media platforms and how use of those social media platforms outside of normal work hours, in a way reasonably related to the workplace, could constitute workplace violence.

The LRO does not recommend revision to the proposed amendments to the Law based on this comment. The law should not provide too much context; context would be more appropriate for Departments to create through SOPs or rule making authority. Laws are too difficult to change and only need to provide the parameters of behaviors that are being regulated and controlled; anything more specific should come from the Departments.

LOC Consideration

Comment 4 – Emergency Reporting

223.6. Reporting Workplace Violence

...

223.6-4. *Mandatory Reporting by an Employee.* Any employee shall promptly report workplace violence to EEO where the employee witnesses a threat or an incident of workplace violence or is informed by a non-employee of a threat or an incident of workplace violence.

(a) *Emergency Situation.* If an emergency exists or the situation is one of immediate danger to the life and safety of a person, the employee shall, if possible, without causing themselves to be in danger, contact the Oneida Police Department or local law enforcement, and facility security, if appropriate, and take whatever emergency steps are available and appropriate to protect themselves from immediate harm. The employee shall report the incident to EEO as soon as possible.

Mark Powless (written): While it may be common sense, an employee should report any emergency situation in the workplace to their supervisor. Additionally, in my experience, more often than not, a call to the EEO office is answered by voicemail. There will also be instances where workplace violence occurs during hours outside of first shift as well.

Response

The commenter suggests all reporting of emergency situations should be made to the employee's supervisor. The proposed amendments require an employee to report an emergency situation to the Oneida Police Department, local law enforcement, and facility security, if appropriate. The proposed amendments for the reporting of emergency situations of workplace violence do not discuss reporting to EEO. The proposed amendments do require the employee to report the incident to EEO as soon as possible.

The law says, "If an emergency exists or the situation is one of immediate danger to the life and safety of a person . . ." [2 O.C. 223.6-4(a)]. This change would not align with the rest of the proposed amendments and may be contrary to the intent of requiring emergency reporting to police or security.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may change the amendments and require reports of emergency situations be made to the employee's supervisor.

LOC Consideration

Comment 5 – Reporting to Supervisor

223.8. Future Workplace Violence

223.8-1. Where an employee has reason to believe that another employee may be victimized sometime in the future, either at the workplace or as a direct result of their employment with the Nation, the employee is encouraged to provide this information to EEO as soon as possible for an initial assessment pursuant to section 223.9. EEO shall inform the Oneida Police Department, local law enforcement, or facility security if appropriate.

223.8-2. Anonymous threats. If an employee learns of an anonymous threat, the employee shall immediately forward the information in a confidential manner to the Chief of the Oneida Police Department in accordance with the Nation's laws, policies, and rules governing anonymous letters. The employee shall also immediately notify EEO.

Mark Powless (written): Similarly, any concerns of future workplace violence should be reported to the supervisor.

Response

The commenter would like to see the law require all reporting of future workplace violence to the employee's supervisor. This change could require a review of all suggested amendments, especially the change in responsibilities of reporting and investigating, changing from the employee's supervisor to EEO.

The LRO does not recommend revision to the proposed amendments to the Law based on this comment.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may require that all reporting of future workplace violence be made to the employee's supervisor.

LOC Consideration

Comment 6 – Not Workplace Violence

223.9-8. Final decision. The EEO Officer shall meet with the Nation's Human Resources Executive Director and the employee's supervisor to mutually determine an appropriate final decision.

Mark Powless (written): If there is a determination that the complaint is not a case of workplace violence, does it follow the Employee Policies and Procedures, requiring the supervisor to "investigate the complaint and attempt to resolve the disagreement"

Response

If there is a determination the complaint is not workplace violence, the complaint will be dismissed. If the complaint that led to the investigation was made in bad faith the employee that complained will be disciplined according to the Nation's laws, policies, and rules governing employment, up to and including termination. [2 O.C. 223.11]. If the investigation uncovers other information and finds a different allegation, investigation, or procedure is more appropriate the Oneida Personnel Policies and Procedures will govern and the complaint will likely be handled by the employee's supervisor or the Human Resources Department.

There is no recommended revision to the proposed amendments to the Law based on this comment.

LOC Consideration

Comment 7 – Lack of supervisor agreement on final decision and lack of consensus

223.9-8. Final decision. The EEO Officer shall meet with the Nation’s Human Resources Executive Director and the employee’s supervisor to mutually determine an appropriate final decision.

(a) Format. The final decision shall be in writing, contain justification, and be signed by the EEO Officer, the Nation’s Human Resources Executive Director, and the employee’s supervisor.

Mark Powless (written): What if the supervisor does not agree with the final decision or the group cannot reach consensus?

Response

Commenter questions what will happen if employee’s supervisor does not agree with the final decision or what will happen if the supervisor, the EEO Officer, and the Nation Human Resources Executive Director cannot all agree on the appropriate final decision.

The proposed amendments to the Workplace Violence law do not address what will happen if the EEO Officer, the Nation’s Human Resource Executive Director, and the employee’s supervisor cannot reach a consensus and all agree on a final decision. This issue was discussed during two work meetings on 10/18/2024, and 1/13/2025, and it was decided by the work group to require consensus in an effort to force, promote, and require cooperation. This means, the only option under the proposed amendments is for the EEO Officer, the Nation’s Human Resources Executive Director, and the employee’s supervisor to all agree and work together to determine the outcome and disciplinary actions, if any.

The Oneida Personnel Policies and Procedures also contains a grievance process for EEO violations. An employee may appeal a final decision that resulted from an EEO violation or other illegal activity to the Oneida Nation judiciary within ten days of receipt of the final decision. This means the employee can still appeal a final decision under the Oneida Personnel Policies and Procedures even if that right is not explicitly referenced in this law.

The LRO does not recommended revision to the proposed amendments to the Law based on this comment for two reasons; first the issue of lack of consensus has been discussed with advice from the Human Resources Department, and second, all employees already have the right to appeal to the Oneida Nation judiciary.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may add another subsection addressing a lack of consensus and appeal rights.

LOC Consideration

Comment 8 – Final Decision

223.9-8. Final decision. The EEO Officer shall meet with the Nation’s Human Resources Executive Director and the employee’s supervisor to mutually determine an appropriate final decision.

...

(b) Application. If appropriate, the employee’s supervisor will be responsible for initiating the final decision.

Mark Powless (written): What is meant by initiating the final decision? It seems this should be in alignment with a sexual harassment claim that is investigated by the Human Resources Department. The investigator then provides the results of the investigation to the supervisor and outlines options for disciplinary actions (if warranted). It is then the supervisor who determines the appropriate action and initiates within 5 working days. Any appeal would then go to the Area Manager or Judiciary. The revised amendment almost reads as though the final decision includes the decision for disciplinary action. If that is the case, and an appeal goes to the Judiciary, will the Human Resources Department and the Supervisor jointly participate at the Judiciary.

Response

First, the commenter questions what is meant by initiating the final decision. To initiate the final decision means the supervisor is responsible for carrying out the disciplinary decisions, if any.

Second, the commenter notes “the amendment almost reads as though the final decision includes the decision for disciplinary action.” It is the intent of the amendments to have the disciplinary decision be known as the final decision.”

Third, the commenter also suggests the workplace violence law should align with the sexual harassment policy which requires the Human Resources Department investigate, then provide the results of the investigation to the employee’s supervisor with suggested discipline. Then it is the supervisor’s duty to determine the discipline and then carry it out. Because of the serious nature of workplace violence, the LOC decided, with advice from the Human Resources Department to move all reporting and investigating to the EEO Department. Even though the amendments move the reporting and investigating to the EEO Department, the Nation’s Human Resources Executive Director and the employee’s supervisor will be mutually responsible for reviewing the investigative file and determining disciplinary actions, if any.

Finally, the commenter suggests that if the intent of the amendments is to have the disciplinary decision contained in the final decision, where would an appeal go? All appeals will go to the Oneida Nation judiciary within ten days of receipt of the final decision.

There are no recommended revisions to the proposed amendments to the Law based on this comment.

LOC Consideration

Comment 9 – Enforcement

223.9-8. Final decision. The EEO Officer shall meet with the Nation’s Human Resources Executive Director and the employee’s supervisor to mutually determine an appropriate final decision.

(a) Format. The final decision shall be in writing, contain justification, and be signed by the EEO Officer, the Nation’s Human Resources Executive Director, and the employee’s supervisor.

(b) Application. If appropriate, the employee’s supervisor will be responsible for initiating the final decision.

(c) Record keeping. The final decision and all supporting documentation, included in the Investigative file, shall be filed with EEO for reporting purposes.

(d) Investigative file. Three business days before the EEO Officer, the Nation’s Human Resources Executive Director, and the employee’s supervisor meet to determine the final decision, the EEO Officer should share the investigative file with the employee’s supervisor.

Ronald Van Schyndel (written):

Hello,

I would like to see after the investigation and EEO returning the responsibility back over to the supervisor that all documentation gathered by EEO to justify the result being returned also be given to the supervisor at that time.

One question I have, what are the consequences to HRD when HR fails to implement the workplace violence law?

Thank you for your attention to these comments.

Response

Commenter would like to see the EEO department give information concerning the investigation to the employee’s supervisor when EEO has concluded the investigation, including all documentation gathered to justify the result of the EEO investigation.

After EEO concludes the investigation, EEO will consult with the Nation’s Human Resources Executive Director and the employee’s supervisor to mutually determine an appropriate disciplinary action, the final decision. [2 O.C. 223.9-8]. This final decision will be in writing and contain justification. [2 O.C. 223.9-8(a)]. The EEO Officer is also responsible for sharing the investigative file with the Nation’s Human Resources Executive Director and the employee’s supervisor three days before they meet to determine the final decision. [2 O.C. 223.9-8(d)].

Commenter also questions the consequences on the Human Resources Department if this law is not followed?

This law does not address the consequences to the Human Resources Department if it is not followed. However, this law does include a general enforcement provision that says, “[a]ny employee who violates this law may be subject to disciplinary action under the Nation’s laws, policies, and rules governing employment, up to and including termination.” [2 O.C. 223.13-1].

There are no recommended revisions to the proposed amendments to the Law based on these comments.

LOC Consideration



HANDOUT

Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
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LEGISLATIVE OPERATING COMMITTEE PUBLIC MEETING

Public Use of Tribal Land Law Amendments Workplace Violence Law Amendments Independent Contractors Law Amendments

Norbert Hill Center Business Committee Conference Room and Microsoft Teams

October 15, 2025

12:15 p.m.

Present: Jonas Hill, Clorissa Leeman, Carolyn Salutz

Present on Microsoft Teams: Diane Wilson, Grace Elliott, Heidi Janowski, Joel Maxam, Michelle Braaten, Peggy Van Gheem, Tavia James Charles, Michelle Tipple, Eric Boulanger

Jonas Hill: Good Afternoon, the time is 12:15 p.m. and today's date is Wednesday, October 15, 2025. I will now call to order the public meeting for the following three pieces of proposed legislation: Public Use of Tribal Land Law Amendments. Workplace Violence Law Amendments, and Independent Contractors Law Amendments.

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

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

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Wednesday, October 22, 2025.

In attendance from the LOC is myself, Jonas Hill, Staff Attorney Carolyn Salutz, and Senior Staff Attorney Clorissa Leeman.

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

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

We will now begin today's public meeting for the three proposed legislative items.

We will be accepting comments on the Public Use of Tribal Land law amendments. The purpose of the Public Use of Tribal Land law is to prevent improper access, use, and trespass to Tribal lands. The Public Use of Tribal Land law amendments will:

- Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law to Land Management.
- Delegate administrative rulemaking authority to Land Management for the development of rules regarding the Land Access Map and other topics.
- Provide that Land Management is responsible for allocating and assigning land uses to all Tribal land.
- Provide that Land Management is responsible for issuing land use licenses and easements.
- And make other drafting changes to the law.

We will also be accepting comments on the Workplace Violence law amendments. The purpose of the Workplace Violence law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence. The Workplace Violence law amendments will:

- Clarify this law applies to all employees, during or outside of any employee's normal work hours and as long as the alleged incident of workplace violence occurs in a setting reasonable connected to the workplace.
- Clarify what constitutes "prohibited behaviors" and the exceptions to prohibited behaviors.
- Require that all complaints and investigations of alleged workplace violence be directed to and handled by the Equal Employment Opportunity Department ("EEO Department") within the Oneida Nation Human Resources Department ("HRD").
- Clarify the responsibilities of the EEO Department. The EEO Department will be responsible for assigning an EEO Officer who will investigate the complaint and be responsible for determining the final decision along with the Nation's Human Resources Executive Director and the employee's supervisor.
- Clarify that even though the EEO Officer will be primarily responsible for investigating the allegation, the EEO Officer is required to inform the employee's supervisor of any complaint and any pending investigation and notify the employee's supervisor they are able, at anytime, to participate in the investigation.
- Clarify that there will be a "final decision" which is the ultimate decision issued from the EEO Department, the Nation's Human Resources Executive Director, and the employee's supervisor regarding the allegation and investigation of the incident of workplace violence.

- Clarify that verbal complaints are acceptable but whichever department, EEO or HRD, receives a verbal complaint should direct that employee to submit a written complaint to the EEO Department.
- Clarify the reporting of restraining orders and injunctions – when reporting is mandatory and when it is discretionary.
- Clarify employment eligibility for employees who resign during a workplace violence investigation or are terminated as a result of a workplace violence investigation.

And finally, we will be accepting comments today on the Independent Contractors law amendments. The purpose of the Independent Contractors law is to require proper worker classification to ensure the Nation's compliance with tax regulations. The Independent Contractors law amendments will:

- Clarify in the definitions what it means to qualify as an “employee” versus an “independent contractor.”
- Clarify in the definitions what it means to have the “scope of work,” including updated definitions of “deliverables” and “services.”
- Require the Nation to categorize all workers as either an “employee” or “independent contractor” according to guidance issued from the U.S. Department of Labor, the U.S. Internal Revenue Service and according to the Fair Labor Standards Act. Clarify the approval requirements for an independent contractor, including the contract, purchase order, vendor license, and tax identification number.
- Clarify “conflict of interest.” It will no longer be a conflict of interest for the Nation to hire an employee as an independent contractor if it is within a different division than the division in which the employee works, even if the work the employee would be providing as an independent contractor is substantially similar to the work they do as an employee.

Those who wish to speak please raise your hand. Please state your name when making a comment, and which law you are commenting on. So with that, I will open up the floor to public comments. If you have anything, please raise a hand. Diane Wilson.

Diane Wilson: Hello, this is Diane Wilson. I am commenting on the Public Use of Tribal Land law amendments. Um. at 609.6-2(b)(1) it says any postings of land shall be done in accordance with the requirements of Real Property law. I don't see um requirements for posting land in Real Property law.

The other item was, kind of the recognition, I guess, of um, other groups of Oneidas, the New York and the Canada Oneida. The Canada aren't considered a federally recognized Nation. So, they're kind of put off into the non-tribal designation and I was wondering if there's any possibility we could incorporate those two (2) groups as being Oneida. So those are my comments. Thank you.

Jonas Hill: Thank you, Diane. With there being no more speakers, the public meeting for the proposed Public Use of Tribal Land Law Amendments, Workplace Violence Law Amendments and Independent Contractors Law Amendments is now closed at 12:30 p.m.

Written comments may be submitted until close of business on Wednesday, October 22, 2025. Thank you everyone and have a wonderful day.

-End of Meeting-

To: Legislative Reference Office

From: Mark W. Powless, CEO – Nation Services

Date: October 21, 2025

Re: Workplace Violence Law: Written Comments

The purpose of this memorandum is to provide comments regarding the proposed Workplace Violence Law amendments. The comments and associated line numbering reference Draft 2 (Clean) – PM Draft.

- Line 60: There is no definition of emotional harm within the law. Without a definition it expands the subjective application of what constitutes emotional harm.
- Line 68: Not sure what is meant by ‘reasonably connected to the workplace’. It seems to introduce a gray area that will be open to much interpretation. The definition of ‘workplace’ is clearly defined but the use of language of being ‘reasonably connected’ almost introduces a contradiction. With the additional language, it brings in undefined application of the term ‘workplace’.
- Line 87: This is the only reference to social media platforms in the document and lacks any context. Departments have struggled with how to address social media posts that occur while employees are not working but are making comments that are ‘reasonably connected to the workplace’. Adding more context will help employees understand if off the clock behaviors on social media that are ‘reasonably connected to the workplace’ fall under the Workplace Violence Law.
- Line 119: While it may be common sense, an employee should report any emergency situation in the workplace to their supervisor. Additionally, in my experience, more often than not, a call to the EEO office is answered by voicemail. There will also be instances where workplace violence occurs during hours outside of first shift as well.
- Line 151: Similarly, any concerns of future workplace violence should be reported to the supervisor.
- Line 201: If there is a determination that the complaint is not a case of workplace violence, does it follow the Employee Policies and Procedures, requiring the supervisor to “investigate the complaint and attempt to resolve the disagreement”?

- Line 206: What if the supervisor does not agree with the final decision or the group cannot reach consensus?
- Line 208: What is meant by initiating the final decision? It seems this should be in alignment with a sexual harassment claim that is investigated by the Human Resources Department. The investigator then provides the results of the investigation to the supervisor and outlines options for disciplinary actions (if warranted). It is then the supervisor who determines the appropriate action and initiates within 5 working days. Any appeal would then go to the Area Manager or Judiciary. The revised amendment almost reads as though the final decision includes the decision for disciplinary action. If that is the case, and an appeal goes to the Judiciary, will the Human Resources Department and the Supervisor jointly participate at the Judiciary?

Title 2. Employment – Chapter 223

WORKPLACE VIOLENCE

223.1. Purpose and Policy
223.2. Adoption, Amendment, Appeal
223.3. Definitions
223.4. Application
223.5. Prohibited Behavior
223.6. Reporting Workplace Violence
223.7. Reporting Restraining Orders and Injunctions
223.8. Future Workplace Violence

223.9. EEO ("Equal Employment Opportunity Department")
Responsibilities
223.10. Employment Eligibility
223.11. Fraudulent Report
223.12. Confidentiality
223.13. Enforcement

223.1. Purpose and Policy

223.1-1. *Purpose.* The purpose of this law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence.

223.1-2. *Policy.* It is the policy of the Nation to provide a safe and secure environment for employees to work and conduct business by establishing the procedures by which incidents of workplace violence shall be addressed.

223.2. Adoption, Amendment, Repeal

223.2-1. This law was adopted by the Oneida Business Committee by resolution BC-06-28-17-E.

223.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

223.2-3. 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.

223.2-4. In the event of a conflict between a provision of this law and a provision of another law, rule, or policy the provisions of this law shall control.

223.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

223.3. Definitions

223.3-1. This section shall govern the definitions of words and phrases as used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "EEO" means the Equal Employment Opportunity Department within the Nation's Human Resources Department.

(b) "EEO Officer" means the employee from within the EEO Department, or the employee the EEO Department assigns as designee, responsible for completing the requirements of section 223.9 of this law.

(c) "Employee" means any person employed by the Nation in one of the following capacities: full-time, part-time, emergency temporary, limited term, or on a contractual basis.

(d) "Final decision" means the ultimate decision issued from the EEO Department, the Nation's Human Resources Executive Director, and the employee's supervisor regarding the allegation and investigation of the incident of workplace violence.

(e) "Harassing" means a pattern of conduct composed of a series of acts over a period of time evidencing a continuity of purpose; the purpose being intimidation, or creating a threat, and which serves no legitimate purpose.

[Type here]

(f) “Intimidation” means making others feel afraid or fearful through threatening behavior.

(g) “Nation” means the Oneida Nation.

(h) “Official duties” mean the duties of any employee of the Nation when that employee is actively performing their job requirements.

(i) “Roughhousing” means wildly playful, rough, noisy, or mischievous behavior.

(j) “Stalking” means unwanted or obsessive attention by an individual or group toward a specific person or more than one person. Stalking involves repeated visual or physical proximity, nonconsensual communication, or verbal, written, or implied threats, or a combination thereof, that would cause a reasonable person to feel unsafe.

(k) “Supervisor” means the person or entity responsible for overseeing the employee.

(l) “Threat” means the implication or expression of intent to inflict serious physical or emotional harm or actions that a reasonable person would interpret as a threat to their safety, the safety of a member of their family, or their property.

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

(n) “Workplace” means any location owned and operated by the Nation, any location or event where an employee represents the Nation, including over-the-road travel in the Nation’s owned or rented vehicles, circumstances where the employee is being reimbursed for expenses for attending, participating, or the time and manner the employee spends traveling to and from the event.

(o) “Workplace violence” means any intentional act committed by an employee in a workplace or in a setting or circumstance otherwise reasonably related to employment with the Nation that:

(1) inflicts, attempts to inflict, or threatens to inflict emotional or physical harm on another person; or

(2) inflicts, attempts to inflict, or threatens to inflict damage to property of the Nation or property of another.

223.4. Application

223.4-1. This law applies to all employees in any of the Nation’s workplaces and covers workplace violence whether the employee commits workplace violence during or outside the employee’s normal work hours as long as the incident of workplace violence is reasonably connected to the workplace.

223.5. Prohibited Behavior

223.5-1. *Prohibited Behaviors.* Examples of workplace violence include, but are not limited to, the following prohibited behaviors:

(a) intentionally causing physical injury to another person; which can include;

(1) hitting or shoving, or

(2) throwing an object at an individual;

(b) fighting or roughhousing that may be dangerous to others;

(c) direct threats or intimidation;

(d) implications or suggestions of violence;

(e) stalking;

[Type here]

- (f) possessing, carrying, or using a weapon of any kind, whether in the open or concealed, on property of the Nation, including parking lots, in fleet vehicles, on other exterior premises, or while engaged in activities for the Nation;
- (g) physical restraint or confinement;
- (h) an established pattern of loud, disruptive, angry, or abusive language or behavior;
- (i) sending a threatening, harassing, or abusive message by e-mail, letter, fax, phone call, text message or any other form of electronic media, including all social media platforms;
- (j) using the workplace to violate restraining orders;
- (k) intentionally damaging property of the Nation or property of another; and
- (l) any other act that a reasonable person would perceive as constituting a threat of violence or actual violence.

223.5-2. *Exceptions to Prohibited Behavior.* An employee shall not be considered to have committed the prohibited behavior of possessing, carrying, or using a weapon under section 223.5-1(f) if the employee is actively:

- (a) performing official duties which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of those official duties;
- (b) participating in cultural activities or ceremonies on property of the Nation which require a weapon to be possessed, carried, or used and the weapon is possessed, carried, or used within the normal scope of the cultural activities or ceremonies;
- (c) hunting, fishing, or trapping on property of the Nation in accordance with the Nation's laws and rules governing hunting, fishing, and trapping and the weapon is possessed, carried, or used within the normal scope of hunting, fishing, or trapping; or
- (d) any other action that is consistent with laws of the Nation.

223.6. Reporting Workplace Violence

223.6-1. EEO is responsible for investigating complaints, issuing the final decision, and all other duties and responsibilities detailed in section 223.9.

223.6-2. *Reporting by a non-employee.* Any non-employee is encouraged to report threats or observed workplace violence that occurs in the Nation's facilities and workplaces. A report of workplace violence given to an employee from a non-employee shall be promptly reported by the employee to EEO.

223.6-3. *Permissive Reporting by an Employee.* Any employee may report workplace violence to EEO where the employee:

- (a) is the victim of workplace violence; or
- (b) has been threatened with workplace violence.

223.6-4. *Mandatory Reporting by an Employee.* Any employee shall promptly report workplace violence to EEO where the employee witnesses a threat or an incident of workplace violence or is informed by a non-employee of a threat or an incident of workplace violence.

- (a) *Emergency Situation.* If an emergency exists or the situation is one of immediate danger to the life and safety of a person, the employee shall, if possible, without causing themselves to be in danger, contact the Oneida Police Department or local law enforcement, and facility security, if appropriate, and take whatever emergency steps are available and appropriate to protect themselves from immediate harm. The employee shall report the incident to EEO as soon as possible.

[Type here]

(b) *Non-Emergency Situation.* If a non-emergency exists or the situation is not one of immediate danger to the life and safety of a person, the employee shall report the incident to EEO as soon as possible.

223.6-5. EEO and the Nation's Human Resources Department are responsible for communicating and sharing information with each other to ensure that all complaints and investigations are properly and timely handled.

223.6-6. Any employee can be in compliance with this law if the employee contacts or communicates, either verbally or in writing, with either EEO or the Nation's Human Resources Department to report an alleged incident of workplace violence.

(a) If an employee verbally reports an incident of workplace violence to either EEO or the Nation's Human Resources Department, whichever department receives the report should instruct that employee to submit a written report to EEO.

223.7. Reporting Restraining Orders and Injunctions.

223.7-1. *Voluntary reporting.* Any employee who obtains a restraining order or injunction against another employee may provide EEO a copy of the signed order.

223.7-2. *Mandatory reporting.* Any employee who is issued a restraining order or injunction regarding another employee, shall immediately, upon receipt of the signed order against them, give a copy of the signed order to EEO.

(a) Any employee who does not immediately, upon receipt of a restraining order or injunction against them, provide a copy of the restraining order or injunction to EEO may be subject to disciplinary action under the Nation's laws, policies, and rules governing employment, up to and including termination.

223.7-3. EEO shall immediately provide copies of the restraining order or injunction to the employee's supervisor and the Nation's Human Resources Executive Director.

223.8. Future Workplace Violence

223.8-1. Where an employee has reason to believe that another employee may be victimized sometime in the future, either at the workplace or as a direct result of their employment with the Nation, the employee is encouraged to provide this information to EEO as soon as possible for an initial assessment pursuant to section 223.9. EEO shall inform the Oneida Police Department, local law enforcement, or facility security if appropriate.

223.8-2. *Anonymous threats.* If an employee learns of an anonymous threat, the employee shall immediately forward the information in a confidential manner to the Chief of the Oneida Police Department in accordance with the Nation's laws, policies, and rules governing anonymous letters. The employee shall also immediately notify EEO

223.9. EEO ("Equal Employment Opportunity Department") Responsibilities

223.9-1. EEO is responsible for investigating complaints of workplace violence and will delegate such responsibilities to one employee from within EEO, who shall be known as the EEO Officer.

223.9-2. When EEO receives a complaint of workplace violence, whether verbal or in writing, the EEO Officer shall promptly notify in writing the supervisor of the employee being complained about so the supervisor:

(a) is aware that the EEO Officer will be investigating the employee;

[Type here]

- (b) knows they may assist the EEO Officer in any portion of the investigation;
- (c) knows the EEO Officer may place the employee on investigative leave if they determine investigative leave to be necessary; and
- (d) knows they will be responsible, along with the EEO Officer and the Nation's Human Resources Executive Director, for implementing the final decision.

223.9-3. The EEO Officer shall promptly conduct a thorough investigation which may include the following duties:

- (a) coordinate with all involved agencies or departments;
- (b) meet with the employee filing the complaint;
- (c) visit the scene of the incident as soon as possible;
- (d) interview employees and other witnesses;
- (e) contact the Oneida Police Department or any other appropriate law enforcement agency when necessary;
- (f) send weekly updates to the employee's supervisor;
- (g) review relevant video surveillance footage if available, in accordance with standard operating procedures on the subject; and
- (h) conduct any other investigative methods necessary for a thorough investigation.

223.9-4. In performing these investigative duties, the EEO Officer shall not interfere in the investigation of any law enforcement agencies. If, at any time, criminal charges are brought against an employee as a result of an incident of workplace violence, the employee shall be placed on investigative leave in accordance with the Nation's laws, policies, and rules governing investigative leave.

223.9-5. The EEO Officer shall conclude the investigation when the EEO Officer obtains enough verifiable facts and information regarding the incident under investigation in order to make a safe and equitable final decision.

223.9-6. *Mitigation*. During the investigation, the EEO Officer and the Nation's Human Resources Executive Director are encouraged to examine the workplace for security risk factors and record any mitigating actions that could be implemented to prevent a similar occurrence of workplace violence.

223.9-7. *Investigative Leave*. The EEO Officer may place an employee alleged to be involved in an incident of workplace violence on investigative leave in accordance with the Nation's laws, policies, and rules governing investigative leave.

223.9-8. *Final decision*. The EEO Officer shall meet with the Nation's Human Resources Executive Director and the employee's supervisor to mutually determine an appropriate final decision.

(a) *Format*. The final decision shall be in writing, contain justification, and be signed by the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor.

(b) *Application*. If appropriate, the employee's supervisor will be responsible for initiating the final decision.

(c) *Record keeping*. The final decision and all supporting documentation, included in the Investigative file, shall be filed with EEO for reporting purposes.

(d) *Investigative file*. Three business days before the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor meet to determine the final

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decision, the EEO Officer should share the investigative file with the employee's supervisor.

223.10. Employment Eligibility

223.10-1. *Employee Resignation.* An employee who resigns from their position when there is an ongoing workplace violence investigation or in lieu of termination shall not be eligible for hiring consideration in any position with the Nation. The employee may be eligible for employment in a different position with the Nation three (3) years from the date of resignation if the employee receives a pardon from the Nation's Pardon and Forgiveness Committee. The EEO Officer shall remain responsible for completing the investigation in the event an employee resigns during an investigation.

223.10-2. *Employee Termination.* If, as a result of the completed workplace violence investigation, the employee is terminated, the employee shall not be eligible for hiring consideration in any position with the Nation. The employee may be eligible for employment in a different position with the Nation five (5) years from the date of termination if the employee receives a pardon from the Nation's Pardon and Forgiveness Committee.

223.10-3. *Immediate eligibility.* If, as the result of a completed investigation, the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor mutually determine in the final decision that no incident of workplace violence occurred, a copy of the final decision shall be included in the employee's file and, if the employee resigned as a direct result of the workplace violence investigation, the employee shall be immediately eligible for re-hiring consideration with the Nation.

223.11. Fraudulent Report

223.11-1. If at any time EEO is made aware that an employee made a report of workplace violence other than in good faith, the employee may be disciplined according to the Nation's laws, policies, and rules governing employment, up to and including termination.

223.12. Confidentiality

223.12-1. To the greatest extent possible, the Nation shall maintain the confidentiality of employees and the investigation. However, the Nation may need to disclose results in appropriate circumstances; for example, in order to protect individual safety.

223.12-2. Information related to the application of this law is strictly confidential. Information shall not be disclosed to third parties unless:

- (a) the prior written consent of the alleged victim is obtained;
- (b) the release of information complies with a court order; or
- (c) the release of information is pursuant to applicable laws or policies.

223.13. Enforcement

223.13-1. Any employee who violates this law may be subject to disciplinary action under the Nation's laws, policies, and rules governing employment, up to and including termination.

End



Legislative Operating Committee
November 5, 2025

Independent Contractors

Submission Date: 6/19/24	Public Meeting: 10/15/2025
LOC Sponsor: Jonas Hill	Emergency Enacted: N/A

Summary: *This item was added to the Active Files List on June 19, 2024, at the request of Ralinda Ninham-Lamberies, the Nation's Chief Financial Officer. Amendments are being sought to update the law, specifically sections 503.5-1 and 503.5-2 to ensure the Nation is adequately reporting any independent contractor relationships to the IRS.*

6/19/24 LOC: Motion by Kirby Metoxen to add the Independent Contractor Policy Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

9/16/24: *Work Meeting.* Present: Jonas Hill, Kirby Metoxen, Fawn Cottrell, Fawn Billie, Kristal Hill, Stephanie Metoxen, Sarah White, Ralinda Ninham-Lamberies, Tonya Webster, Marque Smith, Thomas Eggert, Carolyn Salutz, Clorissa Leeman. The purpose of this work meeting was to review the changes to the law the LRO currently has; it's been since 2017 that our office has worked on amendments. Carolyn specifically wanted to review section 503.5. Most concerns focused on establishing requirements for independent contractors to correctly report/license/contract and how to ensure and require proper classification for the Nation to reduce liability and tax penalties.

11/08/24: *Work Meeting.* Present: Stephanie Metoxen, Sarah White, Ralinda Ninham-Lamberies, Heidi Janowski, Marques Smith, Thomas Eggert, Jameson Wilson, Jennifer Webster, Marlon Skenandore, Kristal Hill, Maureen Perkins, Carolyn Salutz. The purpose of this work meeting was to continue reviewing the draft. We did a line-by-line review of the entire draft. Ralinda mentioned that the IRS just came out with guidance about independent contractor classification and about board members no longer being classified/considered employees and now being independent contractors. It was mentioned that this change might warrant its own meeting to discuss implications. Mentioned that some independent contractors do use their individual SSN, like doctors. (Carolyn will have to research that) Other than that, minor changes were discussed, like wording and numbering.

1/23/25: *Work Meeting.* Present: Stephanie Metoxen, Sarah White, Ralinda Ninham-Lamberies, Heidi Janowski, Tonya Webster, Alexandria Powless, Marques Smith, Kong Meng Moa, Thomas Eggert, Beth Schirck Smith, Jameson Wilson, Jennifer

Webster, Kristal Hill, Maureen Perkins, Fawn Billie, Carolyn Salutz. The purpose of this meeting was to review the newest amendments; the law is short; we did a line-by-line review. Sarah and Ralinda gave the most suggestions, and mentioned they will send written suggestions. Once Carolyn gets those written suggestions, she'll make those changes and then schedule the next work meeting.

4/29/25: *Work Meeting.* Present: Stephani Metoxen, Sarah White, Ralinda Ninham-Lamberies, Heidi Janowski, Tonya Webster, Marque Smith, Kong Meng Moa, Thomas Eggert, Beth Schirck Smith, Jameson Wilson, Jennifer Webster, Kristal Hill, Carolyn Salutz, Clorissa Leeman. The purpose of this meeting is to review the latest draft. We did a line-by-line review and then discussed some sections. Most discussion was around conflict of interest and when an employee may not be hired as an independent contractor.

6/20/25: *Work Meeting.* Present: Stephanie Metoxen, Sarah White, Ralinda Ninham-Lamberies, Tonya Webster, Marques Smith, Kong Meng Moa, Thomas Eggert, Beth Schirck Smith, Jameson Wilson, Kirby Metoxen, Marlon Skenandore, Kristal Hill, Carolyn Salutz. The purpose of this work meeting was to review the latest draft. We did a read-through, noting the only change that was made since the last work meeting, which starts on line 145. It was mentioned that the order of approval needs to be changed. Right now, under section 503.7, the law has: insurance, contract, purchase order, tax ID, vendor license. The correct order should be license, insurance, tax ID, purchase order, contract. There was brief discussion about insurance approval requirements, but nothing that needs to be or should be addressed in this law. In lines 145-150 "department" should be changed to "division." No other suggestions were made.

7/31/25: *Work Meeting.* Present: Sarah White, Marques Smith, Kong Meng Moa, Thomas Eggert, Sarah Miller Jessica King, Alexandria Powless, Heidi Janowski, Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Fawn Cottrell, Carolyn Salutz. The purpose of this work meeting was for the LOC to do one final read-through with the group and approve a final draft. Group did complete a read-through. Carolyn needs to make a few grammatical changes and correct section numbers. Sarah White also had a suggestion on line 121-122 and will send Carolyn suggested language. Once Carolyn can make these final changes, ideally be tomorrow (Friday, 8/1/25), we can add the draft to the LOC's next meeting on 8/6/26.

8/12/25: Memo to LOC. On Tuesday, August 12, 2025, the LOC received a memo from Law Office attorney Peggy Van Gheem with some suggestions for edits to the draft. On August 13, 2025, the drafting attorney, Carolyn Salutz, incorporated those edits.

8/20/25 LOC: Motion by Marlon Skenandore to approve and accept the updated draft, approve and accept the legislative analysis, and direct the Legislative Reference Office to schedule a public meeting; seconded by Kirby Metoxen. Motion carried unanimously.

9/3/25 LOC: Motion by Jonas Hill to accept the updated legislative analysis, public meeting packet, and schedule a public meeting on October 15, 2025; seconded by Jennifer Webster. Motion carried unanimously

Next Steps:

- Accept the public meeting memorandum and defer to a work meeting for further consideration.

TO: Legislative Operating Committee (LOC)
 FROM: Carolyn Salutz, Legislative Reference Office, Staff Attorney
 DATE: November 5, 2025
 RE: Independent Contractor Policy Amendments: Public Comment Review

On October 15, 2025, a public meeting was held regarding the proposed amendments to the Independent Contractor Policy. No comments were made during the public meeting. The public comment period was then held open until October 22, 2025. One person submitted comments during the comment period. This memorandum is submitted as a review of the comments received during the public meeting and public comment period. The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

Comment 1 – Purpose

503.1. Purpose and Policy

503.1-1. Purpose. The purpose of this law is to require proper worker classification to ensure the Nation’s compliance with tax regulations.

Peggy Van Gheem (written): 503.1-1. Purpose – lines 3 to 41 – The purpose section should capture all topics covered by the law rather than just focusing on classification of individuals as either employees or independent contractors. That may have been the focus of the amendments but is not the sole focus of the law.

Response

The commenter recommends the purpose section should be broader and cover all topics addressed in the law – not just worker classification.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the proposed amendments to the Law should remain as currently drafted.
2. The Legislative Operating Committee may decide to expand the purpose section.
 - a. Current language:
 - i. 503.1-1. *Purpose.* The purpose of this Independent Contractor Policy is to regulate the hiring of persons to complete work in order to minimize the costs of Independent Contractors.
 - b. Possible revision:
 - i. 503.1-1. *Purpose.* The purpose of this law is to protect the Nation by requiring procedures or the hiring and classification of independent contractors.

- ii. 503.1-1. *Purpose.* The purpose of this law is to ensure the Nation's compliance with tax regulations and protect the Nation by requiring procedures or the hiring and classification of independent contractors.
- iii. 503.1-1. *Purpose.* The purpose of this law is to ensure proper classification of employees and independent contractors for federal labor law and tax law purposes; the use of contract forms approved by the Oneida Law Office and Purchasing; ensure contracting with a current employee does not create a conflict of interest or unintended tax consequences; and independent contractors have appropriate insurance coverages.

LOC Consideration

Comment 2 – Policy

503.1-2. *Policy.*

(a) It is the policy of the Nation to utilize Native American businesses to complete work that the Nation is unable to complete through use of its own employees. All programs, enterprises, and government agencies are encouraged to seek within their own employees those with expertise in any matter before going to independent contractors.

(b) It is further the policy of the Nation that the order of preference, as set out in the Nation's Indian Preference Law, be used in the selection of independent contractors and in accordance with this law.

Peggy Van Gheem (written): 503.1-2. Policy – lines 5 to 12 – The policy of this law appears broader than just complying with Indian Preference, as it seems to include the following: (1) proper classification of employees and independent contractors for federal labor law and tax law purposes; (2) the use of contract forms approved by the Law Office and Purchasing; (3) ensuring that contracting with a current employee does not create a conflict of interest or unintended tax consequences; and, (4) ensuring independent contractors have appropriate insurance coverages. The Policy section should be redrafted to capture all topics covered by the law.

Response

The Policy section is intended to be broad. The suggestions commenter makes may be better suited to the Purpose section. See 2(b)(iii) above.

There is no recommended revision to the proposed amendments to the Law based on this comment.

LOC Consideration

Comment 3: Other laws

503.2-4. 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.

Peggy Van Gheem (written): 03.2-4. – lines 22 to 23 – This law refers to compliance with other laws (e.g. Fair Labor Standards Act, Vendor Licensing law, etc.) and policies, so it is not clear why this law would take precedence over all other laws in the event of a conflict. Do other Oneida laws include this language? If so, how would one determine which law takes ultimate precedence? Also, “law” is not defined. Does this section mean that “Independent Contractors” takes precedence over applicable federal law? This section should be redrafted to avoid confusion.

Response

This is stock language found in every law of the Nation.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the proposed amendments to the Law should remain as currently drafted.
2. The Legislative Operating Committee may decide to change the language of this section. Because this language is stock language, found in every law the Nation codifies, the LRO would not normally recommend revision; however, this law does reference Federal law, and will need to defer to Federal law, if there is a conflict between this law and Federal law, Federal law needs to control.

Possible revision:

503.2-4. In the event of a conflict between a provision of this law and a provision of another law of the Nation, the provisions of this law shall control.

LOC Consideration

Comment 4 – Definitions

503.3. Definitions

503.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Deliverable” means quantifiable goods and tangible or intangible products to be provided upon the completion of a project.
- (b) “Employee” means any individual who would qualify as an ‘employee’ of the Nation according to the Fair Labor Standards Act and the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service. “Employee”

does not include elected or appointed officials. For purposes of this law, individuals employed under an employment contract as a limited term employee are employees of the Nation, not consulted independent contractors.

...

- (d) “Independent contractor” means an individual who would qualify as an ‘independent contractor’ for the Nation according to the Fair Labor Standards Act and the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service.**

...

- (g) “Service” means an action performed by an independent contractor and must be adequately described as to the actions that will be taken and the final result of those actions.**

Peggy Van Gheem (written): 503.3. Definitions

(a) Deliverable – lines 29 to 30 – Deliverables are often provided throughout the course of a contractual relationship, not just “upon the completion of a project.” This definition should be changed to something like, “quantifiable goods and tangible or intangible products to be provided by the independent contractor.”

(b) Employee – lines 34 to 36 – This definition should refer to all applicable sources of guidance for determining whether an individual is an employee or an independent contractor and should be written as follows: “Employee” means an individual who qualifies as a Nation employee using relevant tests established by the U.S. Department of Labor and the Internal Revenue Service. In addition, regarding the last sentence of this definition, employment contracts are used for a variety of Nation employees, not just limited term employees. The last sentence should be rewritten as follows: “Individuals employed by the Nation through an employment agreement or employment contract are employees of the Nation, not independent contractors.”

(d) Independent Contractor – lines 41 to 43 – For the reasons identified above related to the definition of “employee,” this definition should be rewritten as follows: “‘Independent contractor’ means an individual who qualifies as an independent contractor using relevant tests established by the U. S. Department of Labor and the Internal Revenue Service.”

(g) Service – lines 48 to 49 – This definition should be deleted from the law because this is the standard definition of the term. If the LOC decides to keep “service” as a defined term, the definition should be reworded. Whether the actions of an independent contractor are adequately described is a contract requirement, not necessary for definition of the term. The current wording should be replaced with the following: “‘Service’” means an action performed by an independent contractor on behalf of the Nation.”

Response

Commenter makes suggestions to edit several of the definitions and provides suggested language. The suggested edits do strengthen the definitions. The commenter also suggests deleting the definition of “service” but if the LOC decides to keep it, change the language to the suggested revision.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may accept the commenter's suggested revisions of deliverable, employee, and independent contractor and delete or revise the definition of service.

LOC Consideration

Comment 5 – Worker Classification

503.4 Worker Classification

503.4-1. The Nation must classify a worker as either an employee or an independent contractor according to the Fair Labor Standards Act and should use the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service.

Peggy Van Gheem (written): 503.4. Worker Classification – lines 52 to 54 – This section should refer to all applicable sources of guidance for determining whether an individual is an employee or an independent contractor and should be written as follows: The Nation must classify an individual as either an employee or an independent contractor according to the Fair Labor Standards Act, Department of Labor regulations, the Internal Revenue Code, Treasury regulations, and the most current guidance from the Department of Labor and the Internal Revenue Service.

Response

The commenter suggests the scope of worker classification should be expanded to refer to all applicable sources of guidance for classifying an employee as an independent contractor and offers suggested language.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may change the amendments and accept the suggested edit.
 - a. Suggested revision:

503.4 Worker Classification

503.4-1. The Nation must classify an individual as either an employee or an independent contractor according to the Fair Labor Standards Act, Department of Labor regulations, the Internal Revenue Code, Treasury regulations, and the most current guidance from the Department of Labor and the Internal Revenue Service.

LOC Consideration

Comment 6 – Form of Contract

503.5. Form of Contract

503.5-1. All contracts with the Nation shall be in a format approved by the Oneida Law Office. All departments, programs, enterprises, and other agencies of the Nation shall use Oneida Law Office-approved contracts.

Peggy Van Gheem (written): 503.5-1. – lines 57 to 59 – This section requires all contracts to be in a format or on a form approved by the Law Office. However, some vendors will not agree to use the Nation’s standard contract form and insist on the use of their form. Therefore, replace this section with the following: The Law Office shall develop and maintain standard contract form(s) for primary use by the Nation.

Response

The commenter suggests language to amend section 503.5 Form of Contract because some vendors insist on using their own contract language. Commenter notes the important requirement to maintain is that the Oneida Law Office will approve all contracts.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may change the amendments and accept the suggested edit.
 - a. Suggested revision:

503.5 Form of Contract

503.5-1. The Oneida Law Office shall develop and maintain standard contract form(s) for primary use by the Nation.

LOC Consideration

Comment 7 – Elements of Contract: Oneida Law Office and Purchasing Department Approval

503.5. Form of Contract

503.5-1. All contracts with the Nation shall be in a format approved by the Oneida Law Office. All departments, programs, enterprises, and other agencies of the Nation shall use Oneida Law Office-approved contracts.

503.5-2. All contracts shall be reviewed and approved by the Oneida Law Office and the Oneida Purchasing Department. An approved purchase order is required prior to execution of a contract.

503.5-3. At a minimum, the Oneida Law Office shall verify:

- (a) sovereign immunity has not been waived;**
- (b) worker classification, according to the most recent guidance from the U.S. Department of Labor and the U.S. Internal Revenue Service, is accurate; and**
- (c) the content of the contract meets the legal needs for the protection of the Nation’s assets and adequately describes the scope of work, payment, and other similar items.**

Peggy Van Gheem (written): 503.5-3. – lines 62 to 67 – The elements of Law Office contract reviews are not germane to the other topics included in this law and are an internal matter for the Law Office to decide. Section 503.5-3 should be deleted from the law. If this section is not deleted, then 503.5-3(a) should be rewritten to recognize that waivers of sovereign immunity are included in some contracts but must receive appropriate approvals prior to execution. Subsection (a) should be rewritten as follows: (a) appropriate approvals are required for waivers of the Nation’s sovereign immunity. Further, if 503.5-3 remains in the law, then 503.5-3(c) is problematic because only the department or area overseeing the work can verify that the contract “adequately describes the scope of work, payment, and other similar items.” The Law Office does not have enough information to verify those elements of the contract. The language in 503.5-3(c) should be redrafted as follows: (c) the terms of the contract protect the Nation’s legal rights and assets and satisfy the requirements for formation of a valid contract. In addition, if the requirements for Law Office review remain in the law, then elements of Purchasing Department review should be added. Both 503.5-2 and 503.6-1 require Purchasing Department review and approval of contracts “according to the requirements of section 503.5 of this law.” Requirements for Purchasing Department review and approval could include the following: 503.5-4. At a minimum, the Purchasing Department shall verify: (a) that the contractor holds a current vendor license; (b) tax forms and federal contractor status; (c) the content of the contract related to scope of work; (d) contract payments are accurately calculated and described; and (e) whether use of a master contract and task orders would be more efficient.

Response

Commenter provides suggested amendments to section 503.5-3 and suggests the law include an additional subsection, 503.5-4, to address the requirements of the Purchasing Department to review and approve an independent contractor.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may change the amendments and accept the suggested revisions.
 - a. Suggested revisions:

503.5-3. At a minimum, the Oneida Law Office shall verify:

- a. appropriate approvals are required for waivers of the Nation's sovereign immunity;
- b. worker classification, according to the most recent guidance from the U.S. Department of Labor and the U.S. Internal Revenue Service, is accurate; and
- c. the terms of the contract protect the Nation's legal rights and assets and satisfy the requirements for formation of a valid contract.

503.5-4. At a minimum, the Purchasing Department shall verify:

- a. the contractor holds a current vendor license;
- b. tax forms and federal contractor status;
- c. the content of the contract related to scope of work;
- d. contract payments are accurately calculated and described; and
- e. whether use of a master contract and task orders would be more efficient.

LOC Consideration

Comment 8 – Vendor License

503.6-3. Vendor License. Unless an independent contractor is exempted from the requirements of obtaining a vendor license, the independent contractor will be issued a vendor license, subject to any other requirements of the Nation's Vendor Licensing law.

Peggy Van Gheem (written): 503.6-3. Vendor License – lines 74 to 76 – Prior to a purchase order being issued, a contractor should have a vendor license or be exempted from the licensing requirement. Therefore, this section should be redrafted as follows: 503.6-3. Vendor License. Unless an independent contractor is exempted from the requirement to obtain a vendor license, the independent contractor shall have a vendor license in accordance with the Nation's Vendor Licensing law prior to issuance of a purchase order.

Response

The commenter notes that prior to a purchase order being issued, the contractor will need a vendor license if the vendor is not exempt. The commenter offers suggested language.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.

2. The Legislative Operating Committee may change the amendments and accept the suggested revision.
 - a. Suggested revision:

503.6-3. *Vendor License*. Unless an independent contractor is exempted from the requirement to obtain a vendor license, the independent contractor shall have a vendor license in accordance with the Nation's Vendor Licensing law prior to issuance of a purchase order.

LOC Consideration

Comment 9 – Insurance

503.6-4. Insurance. Before the independent contractor performs any work, the independent contractor must demonstrate proof of appropriate and adequate insurance coverage.

(a) What constitutes appropriate and adequate insurance coverage will be determined by the Nation's Risk Management Department and will be based upon the scope of work.

Peggy Van Gheem (written): 503.6-4(a) Insurance – lines 79 to 80 – The law should delegate rulemaking authority to set standards or minimums for insurance requirements. Through the rulemaking process, Risk Management can clarify and make public these insurance requirements, which will make it easier for potential vendors to access them.

Response

The commenter suggests section 503.6-4(a) of the law which requires independent contractors to demonstrate appropriate and adequate insurance coverage should be amended to instead delegate rulemaking authority to the Nation's Risk Management Department. Commenter believes the Nation's Risk Management Department will make it easier for potential vendors to access insurance requirements.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may accept the suggested revision and delegate to the Nation's Risk Management Department rule making authority regarding insurance coverage for independent contractors.
 - a. Suggested revision:

503.6-4. *Insurance*. Before the independent contractor performs any work, the independent contractor must demonstrate proof of appropriate and adequate insurance coverage.

- (a) The Nation's Risk Management Department is delegated rule making authority to determine what constitutes appropriate and adequate insurance coverage.

LOC Consideration

Comment 10 – Tax Identification

503.6-5. Tax Identification. Before an independent contractor begins work, they are required to submit tax identification information to the Nation through one of following:

- (a) **Employer Identification Number.**
- (b) **Social Security Number.** If an independent contractor operates a sole proprietorship, their default tax identification number may be their social security number.
- (c) **Taxpayer Identification Number.** If an independent contractor operates a sole proprietorship and is not eligible for a social security number.

Peggy Van Gheem (written): 503.6-5. Tax Identification – lines 81 to 87 – The IRS lists the types of identification numbers as: Employer Identification Number, Social Security Number, and Individual Taxpayer Identification Number. The list provided in the law should reflect the IRS types.

Response

Commenter notes there is one correction to the tax identification numbers. The change is the addition of the word “individual” in 503.6-5(c) to make the category “Individual Taxpayer Identification Number.”

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may accept the suggested revision.
 - a. Suggested revision:

503.6-5. Tax Identification. Before an independent contractor begins work, they are required to submit tax identification information to the Nation through one of following:

- (a) **Employer Identification Number.**
- (b) **Social Security Number.** If an independent contractor operates a sole proprietorship, their default tax identification number may be their social security number.
- (c) **Individual Taxpayer Identification Number.** If an independent contractor operates a sole proprietorship and is not eligible for a social security number.

LOC Consideration

Comment 11 – Release of liability

503.6-6. Release of liability. An independent contractor may not begin work until a contract is executed according to the requirements of section 503.5 of this law and all other approval requirements of section 503.6 are met. If an independent contractor begins work before the requirements of section 503.5 and 503.6 are met, the Nation is released of potential liability.

Peggy Van Gheem (written): 503.6-6. Release of Liability – lines 88 to 91 – A release of liability is a contract whereby one party agrees not to hold another party liable for injuries, losses, or damages. This section uses the title “Release of Liability,” but the purpose of the section is different from how that legal phrase is generally understood. The purpose appears to be to specify that the Nation is not subject to the terms of a contract and is not obligated to compensate the contractor unless the requirements of 503.5 and 503.6 are satisfied. This section should be retitled.

Response

Commenter suggests a new title because a release of liability does not address the intent of this section and is more generally a contract. Commenter suggests that a different title would more appropriately reflect the intent of this section which is to release the Nation of any obligations to an independent contractor unless the requirements of sections 503.5 and 503.6 are satisfied.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may accept the suggested revision and delete the subsection title.
 - a. Suggested revision:

503.6-6. An independent contractor may not begin work until a contract is executed according to the requirements of section 503.5 of this law and all other approval requirements of section 503.6 are met. If an independent contractor begins work before the requirements of section 503.5 and 503.6 are met, the Nation is released of potential liability.

LOC Consideration

Comment 12 – Conflict of Interest

503.7. Conflict of Interest

503.7-1. The Nation may contract with an employee or an employee-owned business entity as an independent contractor if

- (a) all requirements of section 503.6 of this law are met;**
- (b) the work performed by the individual as an employee is not related to the scope of work to be provided as an independent contractor;**
 - (1) even if the employee qualifies for Indian preference as an independent contractor; and even if the employee were the only independent contractor who would qualify for Indian preference, this requirement still applies;**
 - (2) if the work performed by the employee does relate to the scope of work the employee or the employee-owned business entity would provide the Nation as an independent contractor, the Nation may still contract with that employee or employee-owned business entity as long as the Nation contracts with that employee or employee-owned business entity as an independent contractor in a different division than the division in which the employee works;**
- (c) there is no relation between the wages paid to the individual as an employee and the compensation received by the individual for the scope of work to be provided as an independent contractor;**
- (d) the individual is engaged in an independent trade, business, or profession that is traditionally pursued by an independent contractor, the scope of work to be provided by the individual as an independent contractor relates to such trade, business, or profession, and the Nation has no significant investment in that business entity; and**
- (e) the individual offers services or deliverables as an independent contractor in such trade, business, or profession to the public.**

Peggy Van Gheem (written): 503.7. Conflict of Interest – lines 93 to 116 – This section also uses a title that is confusing. The Nation requires contractors to sign conflict of interest forms but that is not what this section describes. This section could be retitled as “dual capacity,” the term used by the IRS to refer to an individual who provides services to an entity as both an employee and an independent contractor.

Response

Commenter suggests the title of this section is confusing and possibly incorrect because this section does not actually address conflicts of interest in this way. The Nation requires contractors to sign conflict of interest forms, but this section does not appropriately address that issue. Commenter notes a better title for this section would be “Dual Capacity.” This title is used by the IRS and more appropriately describes what we are intending to accomplish in this section; which is, an individual may provide services to the Nation as both an employee and an independent contractor.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may accept the suggested revision.
 - a. Suggested revision:

503.7. Dual Capacity

503.7-1. The Nation may contract with an employee or an employee-owned business entity as an independent contractor if

- (a) all requirements of section 503.6 of this law are met;
- (b) the work performed by the individual as an employee is not related to the scope of work to be provided as an independent contractor;
 - (1) even if the employee qualifies for Indian preference as an independent contractor; and even if the employee were the only independent contractor who would qualify for Indian preference, this requirement still applies;
 - (2) if the work performed by the employee does relate to the scope of work the employee or the employee-owned business entity would provide the Nation as an independent contractor, the Nation may still contract with that employee or employee-owned business entity as long as the Nation contracts with that employee or employee-owned business entity as an independent contractor in a different division than the division in which the employee works;
- (c) there is no relation between the wages paid to the individual as an employee and the compensation received by the individual for the scope of work to be provided as an independent contractor;
- (d) the individual is engaged in an independent trade, business, or profession that is traditionally pursued by an independent contractor, the scope of work to be provided by the individual as an independent contractor relates to such trade, business, or profession, and the Nation has no significant investment in that business entity; and
- (e) the individual offers services or deliverables as an independent contractor in such trade, business, or profession to the public.

LOC Consideration

Comment 13 – Conflict of Interest

503.7. Conflict of Interest

503.7-1. The Nation may contract with an employee or an employee-owned business entity as an independent contractor if

- (a) all requirements of section 503.6 of this law are met;
- (b) the work performed by the individual as an employee is not related to the scope of work to be provided as an independent contractor;
 - (1) even if the employee qualifies for Indian preference as an independent contractor; and even if the employee were the only independent contractor who would qualify for Indian preference, this requirement still applies;
 - (2) if the work performed by the employee does relate to the scope of work the employee or the employee-owned business entity would provide the Nation as an independent contractor, the Nation may still contract with that employee or employee-owned business entity as long as the Nation contracts with that

employee or employee-owned business entity as an independent contractor in a different division than the division in which the employee works

Peggy Van Gheem (written): 503.7-1(b)(2) – lines 106 to 107 – Whether an employee provides the same services as an independent contractor to a “different division than the division in which the employee works” is not relevant to the determination of whether the individual can be classified as an independent contractor. Including this language in the law may lead to misclassification of individuals, which can have significant consequences, including potential back pay, unpaid employment taxes, and possible penalties. The IRS likely would not agree with 503.7-1(b)(2) and this section should be deleted.

Response

Commenter notes the language requiring an employee to provide services as an independent contractor in a different division from the division in which the employee works is not pertinent to whether that employee can be hired as an independent contractor. Commenter suggests this language may lead to misclassification and serious consequences. Commenter also suggests the IRS would not agree with this section and it should be deleted.

The Legislative Operating Committee may make one of the following determinations regarding these comments:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may accept the suggested revision.
 - a. Suggested revision:

503.7. Conflict of Interest

503.7-1. The Nation may contract with an employee or an employee-owned business entity as an independent contractor if

- (a) all requirements of section 503.6 of this law are met;
- (b) the work performed by the individual as an employee is not related to the scope of work to be provided as an independent contractor;
 - (1) even if the employee qualifies for Indian preference as an independent contractor; and even if the employee were the only independent contractor who would qualify for Indian preference, this requirement still applies.
 - (2) ~~if the work performed by the employee does relate to the scope of work the employee or the employee-owned business entity would provide the Nation as an independent contractor, the Nation may still contract with that employee or employee-owned business entity as long as the Nation contracts with that employee or employee-owned business entity as an independent contractor in a different division than the division in which the employee works~~

LOC Consideration



HANDOUT

Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
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LEGISLATIVE OPERATING COMMITTEE PUBLIC MEETING

Public Use of Tribal Land Law Amendments Workplace Violence Law Amendments Independent Contractors Law Amendments

Norbert Hill Center Business Committee Conference Room and Microsoft Teams

October 15, 2025

12:15 p.m.

Present: Jonas Hill, Clorissa Leeman, Carolyn Salutz

Present on Microsoft Teams: Diane Wilson, Grace Elliott, Heidi Janowski, Joel Maxam, Michelle Braaten, Peggy Van Gheem, Tavia James Charles, Michelle Tipple, Eric Boulanger

Jonas Hill: Good Afternoon, the time is 12:15 p.m. and today's date is Wednesday, October 15, 2025. I will now call to order the public meeting for the following three pieces of proposed legislation: Public Use of Tribal Land Law Amendments. Workplace Violence Law Amendments, and Independent Contractors Law Amendments.

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

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

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Wednesday, October 22, 2025.

In attendance from the LOC is myself, Jonas Hill, Staff Attorney Carolyn Salutz, and Senior Staff Attorney Clorissa Leeman.

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

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

We will now begin today's public meeting for the three proposed legislative items.

We will be accepting comments on the Public Use of Tribal Land law amendments. The purpose of the Public Use of Tribal Land law is to prevent improper access, use, and trespass to Tribal lands. The Public Use of Tribal Land law amendments will:

- Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law to Land Management.
- Delegate administrative rulemaking authority to Land Management for the development of rules regarding the Land Access Map and other topics.
- Provide that Land Management is responsible for allocating and assigning land uses to all Tribal land.
- Provide that Land Management is responsible for issuing land use licenses and easements.
- And make other drafting changes to the law.

We will also be accepting comments on the Workplace Violence law amendments. The purpose of the Workplace Violence law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence. The Workplace Violence law amendments will:

- Clarify this law applies to all employees, during or outside of any employee's normal work hours and as long as the alleged incident of workplace violence occurs in a setting reasonable connected to the workplace.
- Clarify what constitutes "prohibited behaviors" and the exceptions to prohibited behaviors.
- Require that all complaints and investigations of alleged workplace violence be directed to and handled by the Equal Employment Opportunity Department ("EEO Department") within the Oneida Nation Human Resources Department ("HRD").
- Clarify the responsibilities of the EEO Department. The EEO Department will be responsible for assigning an EEO Officer who will investigate the complaint and be responsible for determining the final decision along with the Nation's Human Resources Executive Director and the employee's supervisor.
- Clarify that even though the EEO Officer will be primarily responsible for investigating the allegation, the EEO Officer is required to inform the employee's supervisor of any complaint and any pending investigation and notify the employee's supervisor they are able, at anytime, to participate in the investigation.
- Clarify that there will be a "final decision" which is the ultimate decision issued from the EEO Department, the Nation's Human Resources Executive Director, and the employee's supervisor regarding the allegation and investigation of the incident of workplace violence.

- Clarify that verbal complaints are acceptable but whichever department, EEO or HRD, receives a verbal complaint should direct that employee to submit a written complaint to the EEO Department.
- Clarify the reporting of restraining orders and injunctions – when reporting is mandatory and when it is discretionary.
- Clarify employment eligibility for employees who resign during a workplace violence investigation or are terminated as a result of a workplace violence investigation.

And finally, we will be accepting comments today on the Independent Contractors law amendments. The purpose of the Independent Contractors law is to require proper worker classification to ensure the Nation's compliance with tax regulations. The Independent Contractors law amendments will:

- Clarify in the definitions what it means to qualify as an "employee" versus an "independent contractor."
- Clarify in the definitions what it means to have the "scope of work," including updated definitions of "deliverables" and "services."
- Require the Nation to categorize all workers as either an "employee" or "independent contractor" according to guidance issued from the U.S. Department of Labor, the U.S. Internal Revenue Service and according to the Fair Labor Standards Act. Clarify the approval requirements for an independent contractor, including the contract, purchase order, vendor license, and tax identification number.
- Clarify "conflict of interest." It will no longer be a conflict of interest for the Nation to hire an employee as an independent contractor if it is within a different division than the division in which the employee works, even if the work the employee would be providing as an independent contractor is substantially similar to the work they do as an employee.

Those who wish to speak please raise your hand. Please state your name when making a comment, and which law you are commenting on. So with that, I will open up the floor to public comments. If you have anything, please raise a hand. Diane Wilson.

Diane Wilson: Hello, this is Diane Wilson. I am commenting on the Public Use of Tribal Land law amendments. Um. at 609.6-2(b)(1) it says any postings of land shall be done in accordance with the requirements of Real Property law. I don't see um requirements for posting land in Real Property law.

The other item was, kind of the recognition, I guess, of um, other groups of Oneidas, the New York and the Canada Oneida. The Canada aren't considered a federally recognized Nation. So, they're kind of put off into the non-tribal designation and I was wondering if there's any possibility we could incorporate those two (2) groups as being Oneida. So those are my comments. Thank you.

Jonas Hill: Thank you, Diane. With there being no more speakers, the public meeting for the proposed Public Use of Tribal Land Law Amendments, Workplace Violence Law Amendments and Independent Contractors Law Amendments is now closed at 12:30 p.m.

Written comments may be submitted until close of business on Wednesday, October 22, 2025. Thank you everyone and have a wonderful day.

-End of Meeting-



MEMORANDUM

TO: Legislative Operating Committee

FROM: Peggy A. Van Gheem, Staff Attorney

DATE: October 22, 2025

SUBJECT: Comments on proposed amendments to “Independent Contractors”

The purpose of this memo is to provide the Oneida Law Office’s public comments on proposed amendments to the Independent Contractors law. The Law Office was not invited to participate in work meetings for these proposed amendments.

- 503.1-1. Purpose – lines 3 to 4¹ – The purpose section should capture all topics covered by the law rather than just focusing on classification of individuals as either employees or independent contractors. That may have been the focus of the amendments but is not the sole focus of the law.
- 503.1-2. Policy – lines 5 to 12 – The policy of this law appears broader than just complying with Indian Preference, as it seems to include the following:
 - (1) proper classification of employees and independent contractors for federal labor law and tax law purposes;
 - (2) the use of contract forms approved by the Law Office and Purchasing;
 - (3) ensuring that contracting with a current employee does not create a conflict of interest or unintended tax consequences; and,
 - (4) ensuring independent contractors have appropriate insurance coverages.The Policy section should be redrafted to capture all topics covered by the law.
- 503.2-4. – lines 22 to 23 – This law refers to compliance with other laws (e.g. Fair Labor Standards Act, Vendor Licensing law, etc.) and policies, so it is not clear why this law would take precedence over all other laws in the event of a conflict. Do other Oneida laws include this language? If so, how would one determine which law takes ultimate precedence? Also, “law” is not defined. Does this section mean that “Independent Contractors” takes precedence over applicable federal law? This section should be redrafted to avoid confusion.

¹ All references to line numbers are to the clean draft named “PM Draft 2025 09 03” and attached to the October 15, 2025, Public Meeting Notice.

- 503.3. Definitions

- (a) Deliverable – lines 29 to 30 – Deliverables are often provided throughout the course of a contractual relationship, not just “upon the completion of a project.” This definition should be changed to something like, “quantifiable goods and tangible or intangible products to be provided by the independent contractor.”
- (b) Employee – lines 34 to 36 – This definition should refer to all applicable sources of guidance for determining whether an individual is an employee or an independent contractor and should be written as follows:
 “Employee” means an individual who qualifies as a Nation employee using relevant tests established by the U.S. Department of Labor and the Internal Revenue Service.

In addition, regarding the last sentence of this definition, employment contracts are used for a variety of Nation employees, not just limited term employees. The last sentence should be rewritten as follows:

Individuals employed by the Nation through an employment agreement or employment contract are employees of the Nation, not independent contractors.

- (d) Independent Contractor – lines 41 to 43 – For the reasons identified above related to the definition of “employee,” this definition should be rewritten as follows:
 “Independent contractor” means an individual who qualifies as an independent contractor using relevant tests established by the U. S. Department of Labor and the Internal Revenue Service.
- (g) Service – lines 48 to 49 – This definition should be deleted from the law because this is the standard definition of the term.

If the LOC decides to keep “service” as a defined term, the definition should be reworded. Whether the actions of an independent contractor are adequately described is a contract requirement, not necessary for definition of the term. The current wording should be replaced with the following:

“Service” means an action performed by an independent contractor on behalf of the Nation.

- 503.4. Worker Classification – lines 52 to 54 – This section should refer to all applicable sources of guidance for determining whether an individual is an employee or an independent contractor and should be written as follows:
 The Nation must classify an individual as either an employee or an independent contractor according to the Fair Labor Standards Act, Department of Labor regulations, the Internal Revenue Code, Treasury regulations, and the most current guidance from the Department of Labor and the Internal Revenue Service.

- 503.5-1. – lines 57 to 59 – This section requires all contracts to be in a format or on a form approved by the Law Office. However, some vendors will not agree to use the Nation’s standard contract form and insist on the use of their form. Therefore, replace this section with the following:
The Law Office shall develop and maintain standard contract form(s) for primary use by the Nation.
- 503.5-3. – lines 62 to 67 – The elements of Law Office contract reviews are not germane to the other topics included in this law and are an internal matter for the Law Office to decide. Section 503.5-3 should be deleted from the law.

If this section is not deleted, then 503.5-3(a) should be rewritten to recognize that waivers of sovereign immunity are included in some contracts but must receive appropriate approvals prior to execution. Subsection (a) should be rewritten as follows:

- (a) appropriate approvals are required for waivers of the Nation’s sovereign immunity.

Further, if 503.5-3 remains in the law, then 503.5-3(c) is problematic because only the department or area overseeing the work can verify that the contract “adequately describes the scope of work, payment, and other similar items.” The Law Office does not have enough information to verify those elements of the contract. The language in 503.5-3(c) should be redrafted as follows:

- (c) the terms of the contract protect the Nation’s legal rights and assets and satisfy the requirements for formation of a valid contract.

In addition, if the requirements for Law Office review remain in the law, then elements of Purchasing Department review should be added. Both 503.5-2 and 503.6-1 require Purchasing Department review and approval of contracts “according to the requirements of section 503.5 of this law.” Requirements for Purchasing Department review and approval could include the following:

503.5-4. At a minimum, the Purchasing Department shall verify:

- (a) that the contractor holds a current vendor license;
- (b) tax forms and federal contractor status;
- (c) the content of the contract related to scope of work;
- (d) contract payments are accurately calculated and described; and
- (e) whether use of a master contract and task orders would be more efficient.

- 503.6-3. *Vendor License* – lines 74 to 76 – Prior to a purchase order being issued, a contractor should have a vendor license or be exempted from the licensing requirement. Therefore, this section should be redrafted as follows:
503.6-3. *Vendor License*. Unless an independent contractor is exempted from the requirement to obtain a vendor license, the independent contractor shall have a vendor license in accordance with the Nation’s Vendor Licensing law prior to issuance of a purchase order.

- 503.6-4(a) *Insurance* – lines 79 to 80 – The law should delegate rulemaking authority to set standards or minimums for insurance requirements. Through the rulemaking process, Risk Management can clarify and make public these insurance requirements, which will make it easier for potential vendors to access them.
- 503.6-5. *Tax Identification* – lines 81 to 87 – The IRS lists the types of identification numbers as: Employer Identification Number, Social Security Number, and Individual Taxpayer Identification Number. The list provided in the law should reflect the IRS types.
- 503.6-6. *Release of Liability* – lines 88 to 91 – A release of liability is a contract whereby one party agrees not to hold another party liable for injuries, losses, or damages. This section uses the title “Release of Liability,” but the purpose of the section is different from how that legal phrase is generally understood. The purpose appears to be to specify that the Nation is not subject to the terms of a contract and is not obligated to compensate the contractor unless the requirements of 503.5 and 503.6 are satisfied. This section should be retitled.
- 503.7. *Conflict of Interest* – lines 93 to 116 – This section also uses a title that is confusing. The Nation requires contractors to sign conflict of interest forms but that is not what this section describes. This section could be retitled as “dual capacity,” the term used by the IRS to refer to an individual who provides services to an entity as both an employee and an independent contractor.
- 503.7-1(b)(2) – lines 106 to 107 – Whether an employee provides the same services as an independent contractor to a “different division than the division in which the employee works” is not relevant to the determination of whether the individual can be classified as an independent contractor. Including this language in the law may lead to misclassification of individuals, which can have significant consequences, including potential back pay, unpaid employment taxes, and possible penalties. The IRS likely would not agree with 503.7-1(b)(2) and this section should be deleted.

Title 5. Business – Chapter 503 INDEPENDENT CONTRACTORS

503.1. Purpose and Policy
503.2. Adoption, Amendment, Repeal
503.3. Definitions
503.4. Worker Classification

503.5 Form of Contract
503.6 Approval Requirements
503.7 Conflict of Interest

503.1. Purpose and Policy

503.1-1. *Purpose.* The purpose of this law is to require proper worker classification to ensure the Nation's compliance with tax regulations.

503.1-2. *Policy.*

(a) It is the policy of the Nation to utilize Native American businesses to complete work that the Nation is unable to complete through use of its own employees. All programs, enterprises, and government agencies are encouraged to seek within their own employees those with expertise in any matter before going to independent contractors.

(b) It is further the policy of the Nation that the order of preference, as set out in the Nation's Indian Preference Law, be used in the selection of independent contractors and in accordance with this law.

503.2. Adoption, Amendment, Repeal

503.2-1. This law was adopted by the Oneida Business Committee by motion on July 27, 1994, and amended by resolution BC-02-27-13-A.

503.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

503.2-3. 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.

503.2-4. 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.

503.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

503.3. Definitions

503.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Deliverable" means quantifiable goods and tangible or intangible products to be provided upon the completion of a project.

(b) "Employee" means any individual who would qualify as an 'employee' of the Nation according to the Fair Labor Standards Act and the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service. "Employee" does not include elected or appointed officials. For purposes of this law, individuals employed under an employment contract as a limited term employee are employees of the Nation, not consulted independent contractors.

(c) "Employee-owned business entity" means a business which is majority owned and managed by an individual who is employed as an employee by the Nation. An employee-owned business entity includes, but is not limited to, a partnership, corporation, or limited liability company.

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(d) “Independent contractor” means an individual who would qualify as an ‘independent contractor’ for the Nation according to the Fair Labor Standards Act and the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service.

(e) “Nation” means the Oneida Nation.

(f) “Scope of work” means the total deliverables or services to be performed by an independent contractor upon completion of the work the independent contractor was hired to complete.

(g) “Service” means an action performed by an independent contractor and must be adequately described as to the actions that will be taken and the final result of those actions.

503.4 Worker Classification

503.4-1. The Nation must classify a worker as either an employee or an independent contractor according to the Fair Labor Standards Act and should use the most current guidance issued from the U.S. Department of Labor and the U.S. Internal Revenue Service.

503.5. Form of Contract

503.5-1. All contracts with the Nation shall be in a format approved by the Oneida Law Office. All departments, programs, enterprises, and other agencies of the Nation shall use Oneida Law Office-approved contracts.

503.5-2. All contracts shall be reviewed and approved by the Oneida Law Office and the Oneida Purchasing Department. An approved purchase order is required prior to execution of a contract.

503.5-3. At a minimum, the Oneida Law Office shall verify:

(a) sovereign immunity has not been waived;

(b) worker classification, according to the most recent guidance from the U.S Department of Labor and the U.S. Internal Revenue Service, is accurate; and

(c) the content of the contract meets the legal needs for the protection of the Nation’s assets and adequately describes the scope of work, payment, and other similar items.

503.6. Approval Requirements

503.6-1. *Contract*. The Oneida Law Office and the Oneida Purchasing Department must review and approve a contract according to the requirements of section 503.5 of this law.

503.6-2. *Purchase Order*. The Oneida Purchasing Department issues a purchase order based on the approved contract in accordance with the Oneida Nation procurement sign-off authority.

503.6-3. *Vendor License*. Unless an independent contractor is exempted from the requirements of obtaining a vendor license, the independent contractor will be issued a vendor license, subject to any other requirements of the Nation’s Vendor Licensing law.

503.6-4. *Insurance*. Before the independent contractor performs any work, the independent contractor must demonstrate proof of appropriate and adequate insurance coverage.

(a) What constitutes appropriate and adequate insurance coverage will be determined by the Nation’s Risk Management Department and will be based upon the scope of work.

503.6-5. *Tax Identification*. Before an independent contractor begins work, they are required to submit tax identification information to the Nation through one of following:

(a) Employer Identification Number.

(b) Social Security Number. If an independent contractor operates a sole proprietorship, their default tax identification number may be their social security number.

(c) Taxpayer Identification Number. If an independent contractor operates a sole proprietorship and is not eligible for a social security number.

503.6-6. *Release of liability*. An independent contractor may not begin work until a contract is executed according to the requirements of section 503.5 of this law and all other approval requirements of section 503.6 are met. If an independent contractor begins work before the requirements of section 503.5 and 503.6 are met, the Nation is released of potential liability.

503.7. Conflict of Interest

503.7-1. The Nation may contract with an employee or an employee-owned business entity as an independent contractor if

- (a) all requirements of section 503.6 of this law are met;
- (b) the work performed by the individual as an employee is not related to the scope of work to be provided as an independent contractor;
 - (1) even if the employee qualifies for Indian preference as an independent contractor; and even if the employee were the only independent contractor who would qualify for Indian preference, this requirement still applies;
 - (2) if the work performed by the employee does relate to the scope of work the employee or the employee-owned business entity would provide the Nation as an independent contractor, the Nation may still contract with that employee or employee-owned business entity as long as the Nation contracts with that employee or employee-owned business entity as an independent contractor in a different division than the division in which the employee works;
- (c) there is no relation between the wages paid to the individual as an employee and the compensation received by the individual for the scope of work to be provided as an independent contractor;
- (d) the individual is engaged in an independent trade, business, or profession that is traditionally pursued by an independent contractor, the scope of work to be provided by the individual as an independent contractor relates to such trade, business, or profession, and the Nation has no significant investment in that business entity; and
- (e) the individual offers services or deliverables as an independent contractor in such trade, business, or profession to the public.

End.

Adopted - 7-27-94, motion
Adopted - BC-2-15-95-A, Emergency Action Article VII (503.7)
Adopted - BC-7-5-95-B, Emergency Action Article VII (503.7)
Emergency Amended – BC-04-25-12-E
Emergency Extension Amended – BC-10-10-12-B
Amended – BC-02-27-13-A



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Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
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Legislative Operating Committee
November 5, 2025

Public Use of Tribal Land Law Amendments

Submission Date: 12/7/22	Public Meeting: 10/15/25
LOC Sponsor: Jonas Hill	Emergency Enacted: N/A

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

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

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

10/4/23 LOC: Motion by Marlon Skenandore to add the Public Use of Tribal Land Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

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

4/29/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Krystal John, Eric Boulanger, Joel Maxam, Eric McLester, Nicole Rommel, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to review the Public Use of Tribal Land law and begin discussing potential comprehensive amendments.

- 5/20/25:** *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Krystal John, Joel Maxam, Eric McLester, Nicole Rommel, Kristal Hill, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to review the initial draft of proposed amendments to the Public Use of Tribal Land law.
- 8/11/25:** *Work Meeting.* Kirby Metoxen, Clorissa Leeman, Rhiannon Metoxen, Eric Boulanger, Joel Maxam, Fawn Cottrell, Kristal Hill, Nicole Rommel, Krystal John. The purpose of this work meeting was to review and discuss an update draft of the proposed amendments.
- 8/20/25 LOC:** Motion by Kirby Metoxen to approve the draft of amendments to the Public Use of Tribal Land law amendments; seconded by Marlon Skenandore. Motion carried unanimously.
- 9/3/25 LOC:** Motion by Jonas Hill to approve the legislative analysis and the public meeting packet for the proposed amendments to the Public Use of Tribal Land law and schedule a public meeting to be held on October 15, 2025; seconded by Marlon Skenandore. Motion carried unanimously.
- 10/15/25:** *Public Meeting Held.* Present: Jonas Hill, Clorissa Leeman, Carolyn Salutz Present on Microsoft Teams: Diane Wilson, Grace Elliott, Heidi Janowski, Joel Maxam, Michelle Braaten, Peggy Van Gheem, Tavia James Charles, Michelle Tipple, Eric Boulanger. One (1) individual provided public comments during the public meeting.
- 10/22/15:** *Public Comment Period Closed.* No individual provided written comments during the public meeting.

Next Steps:

- Accept the public comments received and the public comment review memo, and defer to a work meeting for further consideration.

TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney
 DATE: November 5, 2025
 RE: Public Use of Tribal Land Law Amendments: Public Comment Review



On October 15, 2025, a public meeting was held regarding the proposed amendments to the Public Use of Tribal Land law. One (1) individual provided oral comments during the public meeting. The public comment period was then held open until October 22, 2025. No submissions of written comments were received during the public comment period. This memorandum is submitted as a review of the comments received during the public meeting. The public meeting draft and public meeting transcript are attached to this memorandum for review.

Comment 1 – Requirements for Posting Land in the Real Property Law:

609.6. Assignment and Use of Tribal Land

609.6-2. *Permissible and Prohibited Uses for Tribal Land.* As it deems appropriate, Land Management may prescribe permissible and/or prohibited uses for Tribal land;

(a) Such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance.

(b) Upon establishment of permissible and/or prohibited uses, Land Management shall post notice of such uses on the affected Tribal Land.

(1) Any postings of land shall be done in accordance with the requirements of the Real Property law.

Diane Wilson (oral): Hello, this is Diane Wilson. I am commenting on the Public Use of Tribal Land law amendments. Um. at 609.6-2(b)(1) it says any postings of land shall be done in accordance with the requirements of Real Property law. I don't see um requirements for posting land in Real Property law.

Response

The commenter expresses concern that section 609.6-2(b)(1) of the proposed amendments to the Public Use of Tribal Land law provides that any postings of land shall be done in accordance with the requirements of the Real Property law, but this issue is not addressed in the Real Property law.

The commenter is correct that the current Real Property law does not address how the postings of land shall occur. This information is provided for in the currently effective Public Use of Tribal Land law in what is currently section 609.6-1(b). When the Legislative Operating Committee was amending the Public Use of Tribal Land law it was determined that the provisions on how to post land would be better suited in the Real Property law instead of the Public Use of Tribal Land law so that they apply more generally to all land, and not just land owned by the Nation. The Legislative Operating Committee is also currently working on amending the Real Property law – so this change is included in the proposed amendments to the Real Property law. The proposed

amendments to the Real Property law will be going to a public meeting on November 14, 2025, with a public comment period being held open until November 21, 2025.

There is no revision to the Law recommended based on this comment.

LOC Consideration

Comment 2 – Inclusion of Canadian Oneidas:

609.5. Land Access Map for Tribal Lands

609.5-1. *Designation of Tribal Lands.* A Land Access Map shall be created which designates Tribal land as one (1) of the following:

(a) *Limited Access.*

(1) Land Management may choose to designate a portion of land as Limited Access in order to manage, preserve, and protect that land for environmental, cultural, or other significance.

(2) Lands designated as Limited Access shall be open to all persons who are granted land access permission by the Nation for specified purposes.

(b) *Oneida Community Access.*

(1) Land Management may choose to designate land as Oneida Community Access in order to manage, preserve, and protect access to locations that have cultural or environmental significance.

(2) Lands designated as “Oneida Community Access” shall be open to:

(A) Tribal members;

(B) spouses and descendants of Tribal members;

(C) members of other federally recognized Indian tribes, bands or communities;

(D) authorized employees of the Nation; and

(E) persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation.

(c) *Oneida Tribal Member Access.*

(1) Land Management may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural, and/or environmental significance of the land.

(2) Lands designated as Oneida Tribal Member Access are open to Tribal members only.

(d) *Open.*

(1) Land Management may designate land as Open Access where such designation is deemed beneficial to the Nation and where such designation does not pose significant risk of damage to the Nation’s policies and/or the land’s cultural or environmental preservation.

(2) Lands designated as Open Access are generally open to all persons for the land's designated use and enjoyment.

Diane Wilson (oral): The other item was, kind of the recognition, I guess, of um, other groups of Oneidas, the New York and the Canada Oneida. The Canada aren't considered a federally recognized Nation. So, they're kind of put off into the non-tribal designation and I was wondering if there's any possibility we could incorporate those two (2) groups as being Oneida. So those are my comments. Thank you.

Response

The commenter suggests that the Public Use of Tribal Land law should recognize any Oneidas from New York and Canada as a “Tribal member” for access to various land designations.

Currently, the Public Use of Tribal Land law designates Tribal land to have one (1) of the following accesses: limited access, Oneida Community access, Oneida Tribal member access, and open access. [6 O.C. 609.5-1]. Each access designation is open to different groups of people. Lands designated as limited access are open to all persons who are granted land access permission by the Nation for specified purposes. [6 O.C. 609.5-1(a)(2)]. Lands designated as Oneida community access are open to: Tribal members; spouses and descendants of Tribal members; members of other federally recognized Indian tribes, bands or communities; authorized employees of the Nation; and persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation. [6 O.C. 609.5-1(b)(2)]. Lands designated as Oneida Tribal member access are open to Tribal members only. [6 O.C. 609.5-1(c)(2)]. Lands designated as open access are generally open to all persons for the land's designated use and enjoyment. . [6 O.C. 609.5-1(d)(2)]. The Public Use of Tribal Land law defines a Tribal member as an enrolled member of the Nation. [6 O.C. 609.3-1(k)].

The Legislative Operating Committee may consider whether amendments to the Public Use of Tribal Land law are necessary to provide the same land access designation to Oneidas from New York or Canada as those enrolled members of the Nation, or whether the Public Use of Tribal Land law should provide a separate designation for these individuals.

LOC Consideration



**LEGISLATIVE OPERATING COMMITTEE
PUBLIC MEETING**

**Public Use of Tribal Land Law Amendments
Workplace Violence Law Amendments
Independent Contractors Law Amendments**

Norbert Hill Center Business Committee Conference Room and Microsoft Teams

October 15, 2025

12:15 p.m.

Present: Jonas Hill, Clorissa Leeman, Carolyn Salutz

Present on Microsoft Teams: Diane Wilson, Grace Elliott, Heidi Janowski, Joel Maxam, Michelle Braaten, Peggy Van Gheem, Tavia James Charles, Michelle Tipple, Eric Boulanger

Jonas Hill: Good Afternoon, the time is 12:15 p.m. and today's date is Wednesday, October 15, 2025. I will now call to order the public meeting for the following three pieces of proposed legislation: Public Use of Tribal Land Law Amendments. Workplace Violence Law Amendments, and Independent Contractors Law Amendments.

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

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

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Wednesday, October 22, 2025.

In attendance from the LOC is myself, Jonas Hill, Staff Attorney Carolyn Salutz, and Senior Staff Attorney Clorissa Leeman.

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

We will now begin today's public meeting for the three proposed legislative items.

We will be accepting comments on the Public Use of Tribal Land law amendments. The purpose of the Public Use of Tribal Land law is to prevent improper access, use, and trespass to Tribal lands. The Public Use of Tribal Land law amendments will:

- Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law to Land Management.
- Delegate administrative rulemaking authority to Land Management for the development of rules regarding the Land Access Map and other topics.
- Provide that Land Management is responsible for allocating and assigning land uses to all Tribal land.
- Provide that Land Management is responsible for issuing land use licenses and easements.
- And make other drafting changes to the law.

We will also be accepting comments on the Workplace Violence law amendments. The purpose of the Workplace Violence law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence. The Workplace Violence law amendments will:

- Clarify this law applies to all employees, during or outside of any employee's normal work hours and as long as the alleged incident of workplace violence occurs in a setting reasonable connected to the workplace.
- Clarify what constitutes "prohibited behaviors" and the exceptions to prohibited behaviors.
- Require that all complaints and investigations of alleged workplace violence be directed to and handled by the Equal Employment Opportunity Department ("EEO Department") within the Oneida Nation Human Resources Department ("HRD").
- Clarify the responsibilities of the EEO Department. The EEO Department will be responsible for assigning an EEO Officer who will investigate the complaint and be responsible for determining the final decision along with the Nation's Human Resources Executive Director and the employee's supervisor.
- Clarify that even though the EEO Officer will be primarily responsible for investigating the allegation, the EEO Officer is required to inform the employee's supervisor of any complaint and any pending investigation and notify the employee's supervisor they are able, at anytime, to participate in the investigation.
- Clarify that there will be a "final decision" which is the ultimate decision issued from the EEO Department, the Nation's Human Resources Executive Director, and the employee's supervisor regarding the allegation and investigation of the incident of workplace violence.

- Clarify that verbal complaints are acceptable but whichever department, EEO or HRD, receives a verbal complaint should direct that employee to submit a written complaint to the EEO Department.
- Clarify the reporting of restraining orders and injunctions – when reporting is mandatory and when it is discretionary.
- Clarify employment eligibility for employees who resign during a workplace violence investigation or are terminated as a result of a workplace violence investigation.

And finally, we will be accepting comments today on the Independent Contractors law amendments. The purpose of the Independent Contractors law is to require proper worker classification to ensure the Nation's compliance with tax regulations. The Independent Contractors law amendments will:

- Clarify in the definitions what it means to qualify as an “employee” versus an “independent contractor.”
- Clarify in the definitions what it means to have the “scope of work,” including updated definitions of “deliverables” and “services.”
- Require the Nation to categorize all workers as either an “employee” or “independent contractor” according to guidance issued from the U.S. Department of Labor, the U.S. Internal Revenue Service and according to the Fair Labor Standards Act. Clarify the approval requirements for an independent contractor, including the contract, purchase order, vendor license, and tax identification number.
- Clarify “conflict of interest.” It will no longer be a conflict of interest for the Nation to hire an employee as an independent contractor if it is within a different division than the division in which the employee works, even if the work the employee would be providing as an independent contractor is substantially similar to the work they do as an employee.

Those who wish to speak please raise your hand. Please state your name when making a comment, and which law you are commenting on. So with that, I will open up the floor to public comments. If you have anything, please raise a hand. Diane Wilson.

Diane Wilson: Hello, this is Diane Wilson. I am commenting on the Public Use of Tribal Land law amendments. Um. at 609.6-2(b)(1) it says any postings of land shall be done in accordance with the requirements of Real Property law. I don't see um requirements for posting land in Real Property law.

The other item was, kind of the recognition, I guess, of um, other groups of Oneidas, the New York and the Canada Oneida. The Canada aren't considered a federally recognized Nation. So, they're kind of put off into the non-tribal designation and I was wondering if there's any possibility we could incorporate those two (2) groups as being Oneida. So those are my comments. Thank you.

Jonas Hill: Thank you, Diane. With there being no more speakers, the public meeting for the proposed Public Use of Tribal Land Law Amendments, Workplace Violence Law Amendments and Independent Contractors Law Amendments is now closed at 12:30 p.m.

Written comments may be submitted until close of business on Wednesday, October 22, 2025. Thank you everyone and have a wonderful day.

-End of Meeting-

Title 6. Property and Land – Chapter 609
PUBLIC USE OF TRIBAL LAND

Tsi? yuhwatsya'té tewatenhotúkwa? Ukwéhuwé'ne
That of the earth one opens it up Oneida Nation

609.1. Purpose and Policy
609.2. Adoption, Amendment, Repeal
609.3. Definitions
609.4. Environmental Resource Board
609.5. Land Access Map
609.6. Trespass
609.7. Violations and Appeals

PUBLIC USE OF TRIBAL LAND

609.1.	Purpose and Policy	609.5.	Land Access Map for Tribal Lands
609.2.	Adoption, Amendment, Repeal	609.6.	Assignment and Use of Tribal Land
609.3.	Definitions	609.7.	Enforcement
609.4.	Responsibilities of Land Management		

609.1. Purpose and Policy

609.1-1. *Purpose.* The purpose of this law is to prevent improper access, use, and trespass to Tribal lands.

609.1-2. *Policy.* It is the policy of the Nation

609.2. Adoption, Amendment, Repeal

609.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by BC-12-10-14-A, BC-01-13-16-C and BC-07-26-17-D, and BC- - - - .

609.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

609.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

609.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law controls.

609.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

609.2-6. This law may not be construed to preclude the Nation from pursuing relief for criminal trespass under applicable law.

609.3. Definitions

609.3-1. This section governs the definitions of words and phrases used within this law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Designation” means the term used to describe the type of access granted to certain Tribal lands.

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

(c) “Land Management” means the entity within the Nation responsible for 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.

(d) “Land Use License” means an agreement entered into by the Nation providing a tribal member the right to have gatherings within the reservation boundaries of groups larger than seventy-five (75) people and/or an agreement between the Nation and any third-party granting said party the right to occupy and/or utilize a specified piece of land for a specific purpose and a specific duration.

(d) “Lease” means any lease or agreement, including business site leases, entered into by the Nation and any person to allow the use of Tribal lands.

~~(d)~~ ~~(e)~~ “Nation” means the Oneida Nation.

~~(e)~~ ~~(f)~~ “Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of business organization.

~~(f)~~ ~~(g)~~ “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law ~~and may include, but is not limited to, the confiscation of equipment, the imposition of a wildlife protection assessment (civil recovery value), and restitution.~~

~~(g)~~ ~~(h)~~ “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the ~~18609~~ 1809 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

~~(h)~~ ~~(i)~~ “Trespass” means the unauthorized use or entry on Tribal lands, including unauthorized uses under any law, rule, permit or lease of the Nation.

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

~~(j)~~ ~~(k)~~ “Trial Court” means the Trial Court of the Oneida Nation Judiciary, as identified in Article V of the Constitution and Bylaws of the Oneida Nation which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

~~(k)~~ ~~(l)~~ “Tribal member” means an enrolled member of the Nation.

~~(l)~~ ~~(m)~~ “Tribal Land” means all of the Nation’s trust lands, and any land or interest in land held by the Nation in fee or in any other form on the Reservation.

609.4. —Environmental Resource Board —Responsibilities of Land Management

609.4-1. ~~—The Environmental Resource Board has~~ Land Management shall be delegated the duty and power to carry out the intent and purposes of this law ~~and enforce the provisions of this law. The Environmental Resource Board, or designated staff, shall:~~

609.4-2. Administrative Rulemaking. Land Management shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop rules which address:

(a) ~~Develop, approve~~ The development, approval, and maintain maintenance of the Land Access Map;

(b) ~~Hold public hearings on proposed amendments to the Land Access Map.~~

~~(c) Determine which~~ The allocation and assignment of land uses for all Tribal land ~~will be posted and ensure the appropriate signs are posted;~~

(c) Issuance of land use licenses;

(d) Implement and Issuance of easements;

(e) A fine and penalty schedule for violations of this law and its corresponding rules; and

(f) Any other rule needed to implement or interpret the provisions of this law.
~~(e) As it deems appropriate, prescribe permissible and/or prohibited uses for Tribal land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance. Upon establishment of permissible and/or prohibited uses, the Environmental Resource Board shall notify the Oneida Business Committee of the permissible and/or prohibited uses and shall post notice of such uses on the affected Tribal Land.~~

609.4-3. Consultation. Land Management shall consult with the Land Assessment Team on the development of all administrative rules.

(a) Land Assessment Team. The Land Assessment Team shall be comprised of the following professionals employed by the Nation:

- (1) Land Management Senior Management;
- (2) Planning and Development Area Manager;
- (3) Environmental Specialist;
- (4) Tribal Historical Preservation Officer;
- (5) GLIS Specialist;
- (6) Zoning Administrator;
- (7) Other subject matter experts based on the characteristics of the parcel to include:

(A) If there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager.

609.5. Land Access Map for Tribal Lands

609.5-1. *Designation of Tribal Lands.* A Land Access Map ~~must~~shall be created which designates Tribal land as one (1) of the following:

~~(a) Limited Access: Lands designated as “Limited Access” are open to all persons who are granted land access permission by the Nation through a permit or lease for specified purposes. The Environmental Resource Board.~~

(1) Land Management may choose to designate a portion of land as Limited Access in order to manage, preserve, and protect that land for environmental, cultural, or other significance.

(2) Lands designated as Limited Access shall be open to all persons who are granted land access permission by the Nation for specified purposes.

~~(b) Oneida Community Access.~~

(1) Land Management may choose to designate land as Oneida Community Access in order to manage, preserve, and protect access to locations that have cultural or environmental significance.

(2) Lands designated as “Oneida Community Access” ~~are~~shall be open to:

- (A) Tribal members, ~~and their~~
- (B) spouses and descendants; ~~of Tribal members;~~
- (C) members of other federally recognized Indian tribes, bands or communities;
- (D) authorized employees of the Nation; and
- (E) persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation.

~~(1) A Conservation Warden or Oneida Police Officer may require a person to provide proof of eligibility to use Oneida Community Access lands.~~

~~(2) The Environmental Resource Board may choose to designate land as Oneida Community Access in order to manage, preserve and protect access to locations that have cultural or environmental significance.~~

~~(c) Oneida Tribal Member Access: Lands designated as “Oneida Tribal Member Access” are open to Tribal members only. The Environmental Resource Board.~~

~~(1) Land Management~~ may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural, and/or environmental significance of the land.

~~(d) Open:2)~~ Lands designated as “~~Open~~Oneida Tribal Member Access” are generally open to ~~all persons for the land’s designated use and enjoyment. The Environmental Resource Board~~Tribal members only.

~~(d) Open.~~

~~(1) Land Management~~ may designate land as Open Access where such designation is deemed beneficial to the Nation and where such designation does not pose significant risk of damage to the Nation’s policies and/or the land’s cultural or environmental preservation.

~~(2) Lands designated as Open Access are generally open to all persons for the land’s designated use and enjoyment.~~

609.5-2. General Land Designation. Unless otherwise designated, Tribal land is designated as limited access.

609.5-3. Notwithstanding the restrictions of section 609.5-1, nothing in this law may be construed as preventing the following persons from entering Tribal land, regardless of the land designation:

- (a) Employees of the Nation who are performing their job duties;
- (b) Those persons who are performing grant or contractual obligations related to the Tribal land and on behalf of the Nation;
- (c) Emergency personnel who are providing, or attempting to provide, services; and
- (d) Those persons who have been granted access to the land by ~~the Environmental Resource Board~~Land Management.

~~609.5-3. Development~~609.5-4. Accessibility of ~~the~~Land Access Map. ~~The Environmental Resource Board~~Land Management shall ~~develop~~ensure that the Land Access Map is made digitally available on the Nation’s website.

609.6in coordination. Assignment and Use of Tribal Land

609.6-1. Assignment of Land Uses. Land Management shall be responsible for allocating and assigning land uses to all Tribal land. The purpose of assigning land uses is to set consistent practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community.

609.6-2. Permissible and Prohibited Uses for Tribal Land. As it deems appropriate, Land Management may prescribe permissible and/or prohibited uses for Tribal land;

- (a) Such permissible and/or prohibited uses may not contradict with the ~~Oneida Environmental Health~~Zoning and ~~Safety Division, the Oneida Division~~Shoreland Protection Ordinance.

(b) Upon establishment of permissible and/or prohibited uses, Land Management, Geographic Land Information Systems and other shall post notice of such designated agencies of the Nation. The Environmental Resource Board shall adopt the initial Land Access Map uses on the affected Tribal Land.

~~609.5-4. General~~ (1) Any postings of land shall be done in accordance with the requirements of the Real Property law.

~~609.6-3. Land Designation. Unless otherwise designated, Tribal land is designated as limited access.~~

~~609.5-5. Amending the Use License. Land Access Map. The Environmental Resource Board may, from time to time, in the manner hereafter set forth, amend the Land Access Map, provided that due consideration must be made~~ Management shall be responsible for the intent creating a process for accepting, reviewing, and purposes of the designation.

(a) Amendments may be proposed by any person by filing an approving or denying land use license application with the Environmental Resource Board in such format and accompanied by such information as required by the Board requests.

(b) Public Hearing. The Environmental Resource Board ~~609.6-4. Easements. Land Management shall hold~~ be responsible for creating a public hearing on each process for accepting, reviewing, and approving or denying easement application requests.

609.7. Enforcement

~~609.7-1. An Oneida Police Department officer or warden may require a person to amend the Land Access Map~~ provide proof of eligibility to use any designated Tribal lands.

(1) The Environmental Resource Board shall set a date for the public hearing and meet the notice requirements of the public hearing as soon as possible after the filing of the application is complete.

(A) Notice. Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, must be:

(i) published in the Nation's newspaper; and

(ii) mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.

(B) Any person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.

(C) In addition to accepting oral comments at the public meeting, the Environmental Resource Board shall also accept written comments, which must be submitted within five (5) business days of the date of the public meeting.

(D) The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.

(2) The Environmental Resource Board together with the Environmental Health and Safety Division shall, after holding a public hearing and reviewing any comments received, make written findings of fact and determine whether to amend the Land Access Map.

(3) The Environmental Resource Board shall make findings based upon the evidence presented to it with respect to the following matters:

(A) Existing uses of the land and buildings within the general area of the land in question.

(B) Suitability of the land in question to the uses permitted under the existing Land Access Map.

(4) The Environmental Resource Board may not amend the Land Access Map unless it finds that adopting such amendment is in the Nation's best interest and is not solely for the interest of the applicant.

(e) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments must require a two thirds (2/3) vote of the Environmental Resource Board if a written protest against any amendment is presented to the Environmental Resource Board and is signed by:

(1) the lessees, assignees and owners of at least twenty percent (20%) of the acres of land included in such amendment; or

(2) the lessees, assignees and owners of at least twenty percent (20%) of the land immediately adjacent to the land included in such amendment, extending in a radius of twelve hundred (1,200) feet of the outer boundaries of the land.

609.6. — Trespass609.7-2. Issuance of a Citation. An individual who violates a provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer or warden.

(a) A citation for a

609.6-1. — A person trespasses if the person enters or otherwise occupies Tribal land and:

(a) Refuses to leave land to which the person has no reasonable claim or right of possession when requested to do so.

(b) Enters upon such land after being noticed by the landowner or occupant that permission for the person to enter such land does not exist, or has been expressly denied or revoked. A person has been noticed that permission by the landowner or occupant for such person to enter such land does not exist if he or she has been notified publicly, by publication of the Land Access Map on the Nation's website and/or in the Nation's newspaper, or if the land is posted. Land is considered to be posted if one (1) of the following requirements is met:

(1) A sign at least eleven inches (11") square is placed in at least two (2) conspicuous places for every forty (40) acres of land to be protected. The sign shall provide an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person is the holder of legal title to the land or by the word "occupant" if the person is a lawful occupant of the land, but not the holder of legal title.

(2) Markings at least one foot (1') long and, in a contrasting color, the phrase "private land" and the name of the owner, are made in at least two (2) conspicuous places for every forty (40) acres of land.

(c) Does any of the following without proper authorization through a lease, permit or as otherwise required under applicable law:[†]

(1) Destroys land, waters, livestock, poultry, buildings, equipment, or any property without consent or permission.

[†]-Current Tribal laws that authorize conduct described in 609.6-1(c): Protection and Management of Archeological and Historical Resources; Oneida Tribal Regulation of Domestic Animals Ordinance; Tribal Environmental Response Law; Wood Cutting Ordinance; Recycling and Solid Waste Disposal; Hunting, Fishing and Trapping Law; All Terrain Vehicle Law; Zoning and Shoreland Protection Law.

- (2) ~~Cuts or destroys any wood, timber, plant, vegetation, or crop standing on the land, or carries away any wood, timber, plant, vegetation or crop on the land.~~
- (3) ~~Engages in any act, or attempted act of hunting, trapping or fishing.~~
- (4) ~~Digs, takes, or carries away earth, soil, minerals, cultural resources, or any other property.~~
- (5) ~~Erects, puts up, fastens, prints, or paints upon another's property, notices, advertisements, signs or other writing designed to communicate to the general public.~~
- (6) ~~Parks or drives any vehicle on the land.~~
- (7) ~~Permits or allows livestock or any domesticated animal to enter upon or remain upon the land.~~
- (8) ~~Uses or possesses leased or sub-leased lands beyond the possessory rights granted by such lease or sub-lease.~~
- (9) ~~Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land.~~

~~609.7. — Violations, Enforcement and Appeals~~

~~609.7 1. — Citations. Citations for the violation of this law and/or any orders issued pursuant to this law may include fines, and other penalties and, as well as conditional and other orders in accordance with the citation schedule applicable to this law. A separate offense shall be deemed committed on each day during or on which made by the Trial Court.~~

~~(b) A citation for a violation occurs or continues. The issuance of a citation or fine under any other law relating to the same or any other matter does not preclude the issuance of a citation under this law of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.~~

~~(a) Any order issued pursuant to this law that is not complied with may be physically enforced by Oneida Police Officers or Oneida Conservation Wardens at the Owner's expense.~~

~~(b) The Oneida Police Department, by means of Oneida Police Officers and Oneida Conservation Wardens, is authorized to take any appropriate action to prevent or remove a violation of this Law.~~

~~609.7 2. — Hearing and Appeals of Contested Actions. All citations, orders and declarations issued pursuant to this law shall include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation shall appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. The Judiciary shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved.~~

~~(a) Community Service. Community service may be substituted for monetary fines at the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10) of the fine.~~

~~(b) Allocation of Citation Revenue. All citations shall be paid to the Environmental Resource Board or its designee, the proceeds of which shall be contributed to General Fund.~~

~~(c) *Appealing the Decision of the Judiciary Trial Court.* Any person wishing to contest the determination of the Judiciary Trial Court may appeal to the Judiciary Court of Appeals in accordance with the Rules of Appellate Procedure.~~

~~(d) *Pursuing Payment of a Citation.* The Environmental Resource Board may pursue payment from parties who have failed to make the required payments through the garnishment process contained in the Garnishment law and/or by attaching the judgment to Tribal member's per capita payment pursuant to the Per Capita law.~~

End.

Adopted – BC-05-15-14-C
 Emergency Amended – BC-07-23-14-C
 Amended – BC-12-10-14-A
 Emergency Amended – BC 07-08-15-C
 Amended – BC-01-13-16-C
 Amended – BC-07-26-17-D
Amended – BC- - - -

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: October 21, 2025
- 2) Contact Person(s): Larry Barton Dept: OBC
 Phone Number: 920-869-4394 Email: lbarton2@oneidanation.org
- 3) Agenda Title: Time and Attendance Law for Elected Officials
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
Development of a Time & Attendance Law applicable to Elected Officials

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

- | | |
|----------------------|----------|
| 1) <u>Memorandum</u> | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please List any laws, ordinances or resolution that might be affected:

- 6) Please List all other departments or person(s) you have brought your concern to:

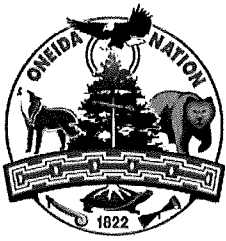
- 7) Do you consider this request urgent? ☐ Yes ☒ No
 If yes, please indicate why: _____

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

Signature of Requester: 

Please send this form and all supporting materials to:

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



Memorandum

To: Legislative Operating Committee
From: Larry Barton, Treasurer
Date: October 21, 2025
Re: Time and Attendance Law for Elected Officials

I would like LOC to develop a Time & Attendance Law applicable to elected officials.

Thank you.

October 23, 2025 Legislative Operating Committee E-Poll Approval of the LOC and LRO FY 2026 Annual Reports for GTC

E-POLL REQUEST: Approval of the LOC and LRO FY 2026 Annual Reports for GTC



LOC

To: Jameson J. Wilson; Jennifer A. Webster; Jonas G. Hill; Kirby W. Metoxen;

Marlon G. Skenandore

Cc: Fawn J. Billie; Fawn L. Cottrell; Kristal E. Hill; Rhiannon R. Metoxen; David P. Jordan;

Clorissa N. Leeman



Reply

Reply All

Forward



Thu 10/23/2025 10:10 AM

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



Legislative Operating Committee 2026 Annual Report for GTC.pdf
978 KB



Legislative Reference Office 2026 Annual Report.pdf
1 MB

Good Morning Legislative Operating Committee,

This e-mail serves as the e-poll for the approval of the Fiscal Year 2026 Legislative Operating Committee and Legislative Reference Office Annual Reports to the General Tribal Council.

EXECUTIVE SUMMARY

Oneida's Constitution requires the Oneida Business Committee to report to the General Tribal Council twice per year - during the Annual and Semi-Annual meetings. The intent of these reports is to provide members of the Nation with information about the Nation's achievements and how these achievements relate to the dollars spent in each area. The Legislative Operating Committee and the Legislative Reference Office are required to provide annual reports to the Oneida Business Committee to be included in the presentation to the General Tribal Council.

Attached to this e-mail are both the Fiscal Year 2026 Legislative Operating Committee and Legislative Reference Office Annual Reports to the General Tribal Council.

An e-poll is necessary to approve the Fiscal Year 2026 Legislative Operating Committee and Legislative Reference Office Annual Reports to the General Tribal Council because the next Legislative Operating Committee meeting is not until November 5, 2025, and the annual reports are due to the Nation's Secretary by the close of business on October 27, 2025.

REQUESTED ACTION

- Approve the Fiscal Year 2026 Legislative Operating Committee and Legislative Reference Office Annual Reports to the General Tribal Council and forward to the Nation's Secretary.

DEADLINE FOR RESPONSE

October 24, 2025 at 10:00 a.m.

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



A good mind. A good heart. A strong fire.

E-POLL RESULTS:

This e-poll was approved by Jameson Wilson, Jonas Hill, Jennifer Webster, and Kirby Metoxen. Marlon Skenandore did not provide a response.

Approve: E-POLL REQUEST: Approval of the LOC and LRO FY 2026 Annual Reports for GTC



Jameson J. Wilson
To ○ LOC

Reply
 Reply All
 Forward

Thu 10/23/2025 10:15 AM

Approve: E-POLL REQUEST: Approval of the LOC and LRO FY 2026 Annual Reports for GTC



Jonas G. Hill
To ○ LOC

Reply
 Reply All
 Forward

Thu 10/23/2025 10:15 AM

The sender responded: Approve.

RE: E-POLL REQUEST: Approval of the LOC and LRO FY 2026 Annual Reports for GTC



Jennifer A. Webster

To ○ LOC; ● Jameson J. Wilson; ● Jonas G. Hill; ● Kirby W. Metoxen; ○ Marlon G. Skenandore
Cc ● Fawn J. Billie; ● Fawn L. Cottrell; ● Kristal E. Hill; ● Rhiannon R. Metoxen; ● David P. Jordan;
● Clorissa N. Leeman

Reply
 Reply All
 Forward

Thu 10/23/2025 11:15 AM

Approve reports,
Thanks,
Jenny

Approve: E-POLL REQUEST: Approval of the LOC and LRO FY 2026 Annual Reports for GTC



Kirby W. Metoxen
To ○ LOC

Reply
 Reply All
 Forward

Thu 10/23/2025 11:06 AM

The sender responded: Approve.

2026 Annual Report

Legislative Operating Committee

Purpose:

The Legislative Operating Committee's mission is to enhance the capability of the Oneida Nation to fulfill its sovereign authority to review and enact its laws in a planned and orderly manner. The Legislative Operating Committee is supported by the Legislative Reference Office.

LOC Members

Jameson Wilson, Chairman, 2023-2026 – jwilson@oneidanation.org

Kirby Metoxen, Vice-Chairman, 2023-2026 – kmetox@oneidanation.org

Jennifer Webster, Member, 2023-2026 – jwebste1@oneidanation.org

Marlon Skenandore, Member, 2023-2026 – mskenan1@oneidanation.org

Jonas Hill, Member, 2023-2026 – jhill1@oneidanation.org

Budget

Funding Sources for FY-2025

TRIBAL CONTRIBUTION: 0%

GRANTS: 0%

OTHER SOURCES:

N/A

Total Budget

TOTAL BUDGET FOR FY-2025: \$0

TOTAL EXPENDITURES FOR FY-2025: \$0

VARIANCE: 0

VARIANCE EXPLANATION: N/A

Employees, if any

NUMBER OF EMPLOYEES TOTAL:

THE LEGISLATIVE REFERENCE OFFICE IS THE SUPPORT STAFF OF THE LEGISLATIVE OPERATING COMMITTEE AND HAVE 3 EMPLOYEES. THE LEGISLATIVE OPERATING COMMITTEE ALSO HAS 5 POLITICAL APPOINTEES.

NUMBER OF EMPLOYEES WHO ARE ENROLLED ONEIDA:

THE LEGISLATIVE REFERENCE OFFICE HAS 1 ENROLLED AND 1 DESCENDENT EMPLOYEE. ALL POLITICAL APPOINTEES OF THE LEGISLATIVE OPERATING COMMITTEE ARE ENROLLED MEMBERS.

Stipends

Regular Stipend Amount: \$0 per meeting

	TOTAL DOLLAR amount paid	NUMBER of meetings, of each type.		
		Regular	Special/Emergency	Hearings/Other
<i>October 2024</i>	\$0	1	0	0
<i>November 2024</i>	\$0	2	0	0
<i>December 2024</i>	\$0	2	0	0
<i>January 2025</i>	\$0	1	0	0
<i>February 2025</i>	\$0	2	0	0
<i>March 2025</i>	\$0	2	0	0
<i>April 2025</i>	\$0	2	0	0
<i>May 2025</i>	\$0	2	0	0
<i>June 2025</i>	\$0	1	0	0
<i>July 2025</i>	\$0	1	0	0
<i>August 2025</i>	\$0	2	0	0
<i>September 2025</i>	\$0	2	0	0

Accomplishments for FY-2025**ACCOMPLISHMENT #1**

Improved relationships through communication in an effort to promote positive community relations.

When developing legislation, the LOC prioritizes collaboration with the departments or entities that have subject matter expertise on the subject of the proposed legislation. LOC has spent time evaluating how it collaborates and communicates with

other departments in an effort to improve those efforts and the relationships. The LOC also holds a variety of community meetings and community work sessions to obtain community input.

ACCOMPLISHMENT #2

Improved internal processes and strategy in an effort to improve organizational changes.

The LOC completed a strategic planning session to develop a legislative strategy and measurable goals on how to implement the legislative strategy for the remainder of the term and in future terms. As part of the strategic plan, the LOC is reviewing all of its standard operating procedures to update the documents based on current and improved practices.

ACCOMPLISHMENT #3

Educated and engaged stakeholders, including youth, in an effort to promote positive community relations.

LOC prioritized holding community outreach events at a minimum of a quarterly basis. LOC has held four community meetings in which various legislative topics were opened for discussion to gather input and questions from the community. These events were held on 12/4/24, 3/19/25, 6/1/25, and 9/17/25. The LOC also held a community work session on 4/2/25 to review a law line-by-line and collect input. The LOC also had a booth at the Oneida Farmers Market on 8/14/25, 8/28/25, 9/11/25, and 9/25/25 for the purpose of sharing information on the LOC, the legislative process, and legislative items currently being worked on. LOC also visited civic classes at the Oneida Nation high school to share information on the legislative process.

ACCOMPLISHMENT #4

Implemented efficient use of technology in an effort to improve organizational changes.

As part of its strategic plan, the LOC is continuing to review ways in which they can better incorporate the use of technology into their legislative efforts. During Fiscal Year 2026 LOC plans to purchase equipment that would allow community meetings to be live streamed in an effort to better use technology to connect with the community and provide an additional opportunity for participation. LOC also began working with DTS to discuss other ways we can better incorporate technology into the work that we do, and ways to improve our webpages.

Goals for FY-2026

GOAL 1

Educate and engage the community on the legislative process and Legislative Operating Committee's legislative work through community outreach.

GOAL 2

Review and implement the Legislative Operating Committee's strategic plan.

GOAL 3

Adopt or amend the legislation identified as a high priority on the Legislative Operating Committee's Active Files List prior to the end of the 2023-2026 legislative term.

Eviction and Termination Law Amendments Update

The LOC is currently still developing comprehensive amendments to the Eviction and Termination law. The LOC tentatively plans to approve a draft of proposed amendments to the law in November 2025, and then bring the proposed Eviction and Termination law amendments to a public meeting and public comment period early in 2026 and encourages the community to participate in the public meeting and comment period to provide input and questions.

Meetings

Held every first and third Wednesday of the month.

Meeting Location: Norbert Hill Center, N7210 Seminary Road, Oneida, WI – Business Committee Conference Room & Microsoft Teams

Meeting Time: 9:00 a.m.

Contact

MAIN CONTACT: Jameson Wilson

MAIN CONTACT TITLE: Legislative Operating Committee Chairman

MAIN PHONE: (920) 869-4385

MAIN EMAIL: LOC@oneidanation.org

MAIN WEBSITE: www.oneida-nsn.gov/LOC and www.oneida-nsn.gov/Register

Pictures



2026 Annual Report

Legislative Operating Committee

Legislative Reference Office

Purpose: Provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects On'áyo'te'a'ka values, builds upon the Nation's strong foundation, and reaffirms our inherent sovereignty.

Who we serve

The Legislative Reference Office serves and supports the Legislative Operating Committee, who then serve any area within the Nation's organization and the Oneida community at-large.

Budget

Funding Sources for FY-2025

TRIBAL CONTRIBUTION:	100%
GRANTS:	0%
OTHER SOURCES:	
N/A	0%

Total Budget

TOTAL BUDGET FOR FY-2025:	\$590,772
TOTAL EXPENDITURES FOR FY-2025:	\$570,466
VARIANCE:	\$20,306

VARIANCE EXPLANATION: The positive variance is due to the limitation in discretionary spending [supplies, equipment, travel, training, etc.] in accordance with resolution BC-03-26-25-E Fiscal Year 2025 Cost Savings Tools – Budget Contingency Tier 1 .

Employees

NUMBER OF EMPLOYEES TOTAL:

3

NUMBER OF EMPLOYEES WHO ARE ENROLLED ONEIDA:

1 ENROLLED — 1 DESCENDENT

Contact

MAIN CONTACT: Clorissa N. Leeman

MAIN CONTACT TITLE: Senior Legislative Staff Attorney

MAIN PHONE: (920) 869-4417

MAIN EMAIL: cleeman@oneidanation.org or LOC@oneidanation.org

MAIN WEBSITE: www.oneida-nsn.gov/LOC and www.oneida-nsn.gov/Register



Legislative Operating Committee Fiscal Year 2025 Fourth Quarter Report July 2025 – September 2025

Legislative Operating Committee Strategic Directions

The Legislative Operating Committee completed strategic planning and set forth the following strategic directions to provide clarity and direction on the Legislative Operating Committee's legislative efforts during the 2023-2026 legislative term:

- Improving relationships through communication;
- Improving internal processes and strategy;
- Educating and engaging stakeholders, including youth; and
- Implementing efficient use of technology.

Legislative Operating Committee Action on Legislative Requests

During the FY25 Fourth Quarter the Legislative Operating Committee added three (3) legislative items to its Active Files List. The Legislative Operating Committee recognized one (1) additional request and accepted them as information as the law was already on the Active Files List. The Legislative Operating Committee denied two (2) legislative item during the FY25 Fourth Quarter.

On July 2, 2025, the Legislative Operating Committee accepted the request to add the Budget and Finances law amendments to its Active Files List as information, noting the Budget and Finances law is already on the Active Files List for amendments.

On August 6, 2025, the Legislative Operating Committee added the Marriage law amendments to its Active Files List.

On August 20, 2025, the Legislative Operating Committee added the Disposition of Excess Tribal Property Policy amendments or repeal, and the Child Custody, Placement, and Visitation law amendments to the Active Files List.

On September 3, 2025, the Legislative Operating Committee denied the request to add the Business Committee Employment Restriction Non-Compete Policy and Agreement to the Active Files List.

On September 17, the Legislative Operating Committee denied the request to add the Oneida Food Service law amendments to the Active Files List.

FY25 Fourth Quarter Legislative Accomplishments

During the FY25 Fourth Quarter the Legislative Operating Committee did not bring forward any legislative items for amendment or adoption.

FY25 Fourth Quarter Administrative Accomplishments

During the FY25 Fourth Quarter the Legislative Operating Committee did not bring forward any administrative accomplishments.

FY25 Fourth Quarter Community Outreach Efforts

Focusing on its efforts to enhance community involvement through outreach and communication, during the FY25 Fourth Quarter the Legislative Operating Committee held five (5) community outreach events.

On September 17, 2025, from 5:30 p.m. through 7:30 p.m. the Legislative Operating Committee held a community meeting in the Norbert Hill Center's cafeteria. Topics discussed during the community meeting included a discussion of the development of the following legislation for the Nation: Budget and Finances law amendments, Higher Education Scholarship law, and the Elder Protection law. The purpose of this community meeting was to provide an opportunity for open discussion in which people could share comments, questions, or suggestions on potential issues that should be addressed regarding the topics discussed.

The Legislative Operating Committee also had a booth at the Oneida Farmers Market on the following dates for the purpose of sharing information on the Legislative Operating Committee, the legislative process, and legislative items currently being worked on:

- August 14, 2025;
- August 28, 2025;
- September 11, 2025, and
- September 25, 2025.

The Legislative Operating Committee intends to hold community outreach events on a quarterly basis and encourages everyone to attend and participate in future community outreach events.

FY25 Fourth Quarter Legislative Highlights

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY25 Fourth Quarter:

Boards, Committees, and Commissions Law Amendments

This item is sponsored by Kirby Metoxen. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Budget and Finances Law Amendments

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held two (2) work meetings during the FY25 Fourth Quarter regarding this legislative matter.

Code of Ethics Amendments

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Conflict of Interest Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held two (2) work meetings during the FY25 Fourth Quarter regarding this legislative matter.

Data Sovereignty Law

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Domestic Animals Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Elder Protection Law

This item is sponsored by Jennifer Webster and Marlon Skenandore. The Legislative Operating Committee held one (1) work meetings during the FY25 Fourth Quarter regarding this legislative matter. The Elder Protection law was included as a topic for discussion during the September 17, 2025, Legislative Operating Committee community meeting.

Election Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held two (2) work meetings during the FY25 Fourth Quarter regarding this legislative matter.

Eviction and Termination Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held five (5) work meetings during the FY25 Fourth Quarter regarding this legislative matter.

Furlough Law Amendments

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Higher Education Scholarship Law

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held three (3) work meetings during the FY25 Fourth Quarter regarding this legislative matter. On September 3, 2025, the Legislative Operating Committee approved the draft Higher Education Scholarship law. On September 17, 2025, the Legislative Operating Committee accepted the legislative analysis. This Law was included as a topic for discussion during the September 17, 2025, Legislative Operating Committee community meeting.

Hunting, Fishing, and Trapping Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held two (2) work meetings during the FY25 Fourth Quarter regarding this legislative matter. On July 2, 2025, the

Legislative Operating Committee entered into the record the results of the June 18, 2025 e-poll entitled, Rescheduled Hunting, Fishing, and Trapping Law Public Meeting. On August 15, 2025, a public meeting was held for the Hunting, Fishing, and Trapping law amendments. Two (2) individuals provided oral comments during the public meeting. The public comment period was held open until August 22, 2025. No individuals provided written comments during the public comment period. On September 17, 2025, the Legislative Operating Committee accepted the public comments and the public comment review memo and deferred these items to a work meeting for further consideration.

Independent Contractor Policy Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter. On August 6, 2025, the Legislative Operating Committee approved the draft of the Independent Contractors law amendments and directed the Legislative Reference Office to complete a legislative analysis. On August 20, 2025, the Legislative Operating Committee approved and accepted the updated draft, and the legislative analysis, and directed the Legislative Reference Office to schedule a public meeting. On September 3, 2025, the Legislative Operating Committee accepted the updated legislative analysis, public meeting packet, and scheduled a public meeting to be held on October 15, 2025.

Indian Preference in Contracting Law Amendments

This item is sponsored by Jonas Hill and Marlon Skenandore. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Marriage Law Amendments

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Oneida Personnel Policies and Procedures Amendments

This item is sponsored by all members of the Legislative Operating Committee. On September 3, 2025, the Legislative Operating Committee approved the memorandum entitled, *Intent to Amend the Oneida Personnel Policies and Procedures*, and forward this memorandum to the Oneida Business Committee for inclusion on an upcoming General Tribal Council meeting agenda for consideration.

Oneida Worker's Compensation Law Amendments

This item is sponsored by Marlon Skenandore. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Public Use of Tribal Land Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter. On August 20, 2025, the Legislative Operating Committee approved the draft of amendments to the Public Use of Tribal Land law. On September 3, 2025, the Legislative Operating Committee approved the legislative

analysis and the public meeting packet for the proposed amendments to the Public Use of Tribal Land law and scheduled a public meeting to be held on October 15, 2025.

Real Property Law Amendments

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held three (3) work meeting during the FY25 Fourth Quarter regarding this legislative matter. On September 3, 2025, the Legislative Operating Committee to approved the draft amendments to the Real Property law and directed that a legislative analysis be completed.

Recycling and Solid Waste Disposal Law Amendments

This item is sponsored by Kirby Metoxen and Jonas Hill. The Legislative Operating Committee held two (2) work meetings during the FY25 Fourth Quarter regarding this legislative matter.

Renewable Energy Law

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held one (1) work meetings during the FY25 Fourth Quarter regarding this legislative matter.

Sanctions and Penalties Law

This item is sponsored by Jennifer Webster. On July 2, 2025, the Legislative Operating Committee approved the public comment review memorandum, draft, and legislative analysis; and approved the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by July 30, 2025. The Finance Department provided the fiscal impact statement to the LOC on July 15, 2025. On September 3, 2025, the Legislative Operating Committee approved the adoption packet for the proposed Sanctions and Penalties law and forwarded the adoption packet to the Oneida Business Committee for inclusion on an upcoming General Tribal Council meeting agenda for consideration.

Ten Day Notice Policy Amendments

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held one (1) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Tribal Sovereignty in Data Research Law

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held two (2) work meetings during the FY25 Fourth Quarter regarding this legislative matter.

Uniform Commercial Code

This item is sponsored by Jameson Wilson. The Legislative Operating Committee held four (4) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Vendor Licensing Law Amendments

This item is sponsored by Jonas Hill. The Legislative Operating Committee held four (4) work meeting during the FY25 Fourth Quarter regarding this legislative matter.

Workplace Violence Law Amendments

This item is sponsored by Jennifer Webster. The Legislative Operating Committee held two (2) work meeting during the FY25 Fourth Quarter regarding this legislative matter. On August 20,

2025, the Legislative Operating Committee approved the updated draft, approve the legislative analysis, and directed the Legislative Reference Office to schedule a public meeting. On September 3, 2025, the Legislative Operating Committee accepted the public meeting packet and schedule a public meeting to be held on October 15, 2025.

FY25 Fourth Quarter Legislative Operating Committee Meetings

All Legislative Operating Committee meetings are open to the public and held on the first and First Wednesday of each month, at 9:00 a.m. in the Norbert Hill Center's Business Committee Conference Room and on Microsoft Teams.

The Legislative Operating Committee held the following meetings during the FY25 Fourth Quarter:

- July 2, 2025 – Regular meeting;
- August 6, 2025 – Regular meeting;
- August 20, 2025 – Regular meeting;
- September 3, 2025 – Regular meeting; and
- September 17, 2025 – Regular meeting.

The July 16, 2025, Legislative Operating Committee meeting was canceled.

In addition to attending the Legislative Operating Committee meetings in person, individuals provided the opportunity to attend the Legislative Operating Committee meeting through Microsoft Teams. Anyone who would like to access the Legislative Operating Committee meeting through Microsoft Teams can provide their name, phone number or e-mail address to LOC@oneidanation.org by the close of business the day before a meeting of the Legislative Operating Committee to receive the link to the Microsoft Teams meeting.

For those who may be unable to attend the Legislative Operating Committee meeting either in person or on Microsoft Teams, an audio recording of the Legislative Operating Committee meeting is made available on the Nation's website after the meeting concludes.

Goals for FY26 First Quarter

During the FY25 Fourth Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

- Adoption of the Hunting, Fishing, and Trapping Law Amendments.
- Adoption of the Workplace Violence Law Amendments.
- Adoption of the Sanctions and Penalties Law.
- Adoption of the Independent Contractor Law Amendments.

Legislative Reference Office

The Legislative Reference Office's mission is to provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects the Nation's values, builds upon the Nation's strong foundation, and reaffirms our inherent sovereignty.

In addition to the assisting the Legislative Operating Committee with the development of legislation, the Legislative Reference Office also:

- Drafts statements of effect for Oneida Business Committee and General Tribal Council resolutions;
- Drafts statements of effect for General Tribal Council resolutions petitions;
- Drafts and provides other assistance to various department and entities of the Nation with administrative rulemaking;
- Manages all other administrative duties and recordkeeping for the Legislative Operating Committee.

During the FY25 Fourth Quarter the Legislative Reference Office was staffed by the following individuals:

- Clorissa N. Leeman, Senior Legislative Staff Attorney.
 - Contact: cleeman@oneidanation.org
- Carolyn Salutz, Legislative Staff Attorney.
 - Contact: csalutz@oneidanation.org
- Grace Elliott, Legislative Staff Attorney.
 - Contact: gelliott@oneidanation.org

Legislative Operating Committee Contact Information

Feel free to contact the LOC at LOC@oneidanation.org with any questions or comments, or individual LOC members at the following:

- | | |
|--|---|
| ▪ Jameson Wilson, LOC Chairman
jwilson@oneidanation.org | ▪ Jonas Hill, LOC Member
jhill1@oneidanation.org |
| ▪ Kirby Metoxen, LOC Vice-Chairman
kmetox@oneidanation.org | ▪ Marlon Skenandore, LOC Member
mskenan1@oneidanation.org |
| ▪ Jennifer Webster, LOC Member
jwebstel@oneidanation.org | |

*The Legislative Operating Committee
from left to right: Kirby Metoxen,
Jameson Wilson, Jennifer Webster,
Marlon Skenandore, Jonas Hill.*



November 2025

November 2025

Su	Mo	Tu	We	Th	Fr	Sa
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30						

December 2025

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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Nov 3 	4 3:00pm UCC/Secured Transactions (Microsoft Teams Meeting) - Grace L. Elliott	5 8:30am LOC Prep Meeting (Microsoft Teams Meeting); 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting); 1:30pm LOC Work Session (Microsoft Teams Meeting); 3:30pm Elder Protection Law Development	6 	7 1:30pm Law/Legislative Update Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman
10 11:00am Conflict of Interest amendments - work meeting (Microsoft Teams Meeting; BC_Conf_Room) - Carolyn A. Salutz	11 8:00am Veterans' Day	12 	13 	14 10:00am Review of Draft Amendments to the Code of Ethics Law (Microsoft Teams Meeting) - Grace L. Elliott 12:15pm PUBLIC MEETING: Higher Education Grant Law and Real Property Law Amendments
17 	18 	19 8:30am LOC Prep Meeting (Microsoft Teams Meeting; BC_Conf_Room) - Clorissa N. Leeman 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting; BC_Conf_Room) - LOC	20 11:00am Vendor Licensing - work meeting with LOC (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Carolyn A. Salutz	21
24 9:30am Ten Day Notice Policy - amendments (Microsoft Teams Meeting; BC_Conf_Room) - Carolyn A. Salutz	25 	26 	27 8:00am HOLIDAY - Thanksgiving	28 8:00am HOLIDAY - Indian Day