



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA REVISED

Business Committee Conference Room - 2nd Floor Norbert Hill Center

December 17, 2025

9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. December 3, 2025 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Higher Education Scholarship Law (pg. 4)
2. Real Property Law Amendments (pg. 40)
3. Hunting, Fishing, and Trapping Law Amendments (pg. 95)
4. Public Use of Tribal Land Law Amendments (pg. 153)
5. Recycling and Solid Waste Disposal Law Amendments (pg. 185)
6. Independent Contractors Policy Amendments (pg. 214)
7. Workplace Violence Law Amendments (pg. 242)
8. Budget and Finances Law Amendments (pg. 276)

IV. New Submissions

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Recess/Adjourn



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
December 03, 2025
9:00 a.m.

Present: Jameson Wilson, Jonas Hill, Kirby Metoxen [*Microsoft Teams*]

Excused: Jennifer Webster

Unexcused: Marlon Skenandore

Others Present: Grace Elliott, Carolyn Salutz,

Others Present on Microsoft Teams: Clorissa Leeman, Debra Powless, Erik Boulanger, Fawn Billie, Diane Wilson, Fawn Cottrell, Grace Koehler, Janice Decorah, Jason Martinez, Jessalyn Harvath, Joshua Cornelius, Kaylynn Biely, Krystal John, Mary Graves, Melissa Alvarado, Rae Skenandore, Jo Anne House, Ronald Van Schyndel

I. Call to Order and Approval of the Agenda

Jameson Wilson called the December 03, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jonas Hill to adopt the agenda; seconded Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

1. November 5, 2025 LOC Meeting Minutes

Motion by Kirby Metoxen to approve the November 5, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

III. Current Business

1. Solid Waste Disposal Law Amendments

Motion by Jonas Hill to accept the draft and legislative analysis; and direct the Legislative Reference Office to schedule a public meeting; seconded by Kirby Metoxen. Motion carried unanimously.

2. Workplace Violence Law

Motion by Kirby Metoxen to accept the public comment memorandum with LOC consideration, updated draft, legislative analysis, and fiscal impact statement request memorandum; and direct the fiscal impact request memo signed by Chairman Wilson and submitted to Finance directing the fiscal be submitted by December 17, 2025, seconded by



Jonas Hill. Motion carried unanimously.

IV. New Submissions

1. Petition: K. Schultz- General Welfare Assistance Payment to Membership #2025-03

Motion by Kirby Metoxen to add the Petition: K. Schultz- General Welfare Assistance Payment to Membership #2025-03 to the Active Files List with Jameson Wilson as sponsor; seconded by Jonas Hill. Motion carried unanimously.

2. Plastic Free Law

Motion by Kirby Metoxen to add the Plastic Free Law to the Active Files List with Jameson Wilson as sponsor; seconded by Jonas Hill. Motion carried unanimously.

3. Oneida Language Law

Motion by Jonas Hill to accept the referendum directive as information, noting that the Oneida Language Law is already on the Active Files List; seconded by Kirby Metoxen. Motion carried unanimously.

4. Time and Attendance Law for Elected Officials

Motion by Kirby Metoxen to add the Time and Attendance Law for Elected Officials to the Active Files List with Jonas Hill as sponsor; seconded by Jonas Hill. Motion carried unanimously.

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Adjourn

Motion by Kirby Metoxen to adjourn at 9:17 a.m.; seconded by Jonas Hill. Motion carried unanimously.



Legislative Operating Committee
December 17, 2025

Higher Education Scholarship Law

Submission Date: 9/7/22	Public Meeting: N/A
LOC Sponsor: Jameson Wilson	Emergency Enacted: N/A

Summary: *This item was carried over from last term. At the August 24, 2022, Oneida Business Committee meeting the Oneida Business Committee adopted a motion to direct the Legislative Operating Committee to consider adding the Higher Education Policy to their Active Files List, and to consider adding rule making authority to said policy.*

9/7/22 LOC: Motion by Marie Summers to add the Trust Scholarship Fund Policy amendments to the Active Files List with David P. Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

12/5/22: *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Mistylee Herzog, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This meeting continued review of the Oneida Higher Education Student Handbook with discussion around parsing out criteria to include in a Law from information better suited to Rulemaking authority. Additionally, all Resolutions related to the Oneida Higher Education Scholarship were reviewed.

1/23/23: *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Laurie Laitinen-Warren, Grace Elliott. The purpose of this meeting was to review draft language for an Oneida Higher Education Scholarship Law.

1/26/23: *Work Meeting.* Present: David Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to discuss the historical legislative attempts related to an Oneida Higher Education Scholarship Law and Rulemaking Authority.

1/27/23: *Work Meeting.* Present: Mitch Metoxen, Misty Herzog, Grace Elliott. The purpose of this meeting was to listen to feedback from Oneida Higher Education on the draft Oneida Higher Education Scholarship Law.

1/30/23: *Work Meeting.* Present: David Jordan, Jennifer Webster, Marie Cornelius, Clorissa Leeman, Grace Elliott, Peggy Van Gheem, Mitch Metoxen, Misty Herzog, Jackie Smith, Laura Laitinen-Warren, Mark Powless, Kristal Hill. The purpose of this meeting was to begin review of the draft Oneida Higher Education Scholarship Law, answer questions, and provide an overview of the Oneida Higher Education Scholarship process.

2/1/23 LOC: Motion by Marie Cornelius to accept the memorandum and revise the title on the Active Files List from Trust Scholarship Fund Policy Amendments to Higher Education Scholarship Law; seconded by Daniel Guzman King Motion carried unanimously.

- 3/30/23:** *Work Meeting.* Present: David Jordan, Marie Cornelius, Daniel Guzman, Mark Powless, Mistylee Herzog, Mitch Metoxen, Peggy Van Gheem, Clorissa Leeman, Jackie Smith. The purpose of this meeting was to continue review of the draft Oneida Higher Education Scholarship law and to discuss amendments initiated at the meeting prior.
- 5/3/23 LOC:** *Work Meeting.* David Jordan, Marie Cornelius, Daniel Guzman, Kirby Metoxen, Clorissa Leeman, Kristal Hill. The purpose of this meeting was to choose a name for the Oneida Nation Higher Education Student Handbook when items currently listed in it are compiled through the Rulemaking process.
- 10/4/23 LOC:** Motion by Jonas Hill to add the Higher Education Scholarship Law to the Active Files List with Jameson Wilson as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.
- 10/10/23:** *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Mistylee Herzog, Mark Powless, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This was an introductory meeting on the origins of the Oneida Higher Education Scholarship and its evolution.
- 11/1/23 LOC:** Motion by Jonas Hill to approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on December 6, 2023; seconded by Jennifer Webster. Motion carried unanimously.
- 11/14/23:** *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Mistylee Herzog, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This meeting was to begin discussions on distinguishing criteria that would be appropriate for a Law from criteria more appropriate for Rulemaking.
- 11/20/23:** *Work Meeting.* Present: Mitch Metoxen, Mistylee Herzog, Jacqueline Smith, Ann McCotter, Grace Elliott. The purpose of this meeting was to review historical documents which provide the foundation for the implementation of the Higher Education Scholarship, and to begin review of the draft Higher Education Scholarship law.
- 11/27/23:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to review the PowerPoint presentation for the December 6th community meeting.
- 12/1/23:** *Work Meeting.* Present: Mark Powless, Jacqueline Smith, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to discuss rulemaking authority and the related processes.
- 12/4/23:** *Work Meeting.* Present: Mistylee Herzog, Jonas Hill, Jennifer Webster, Fawn Cottrell, Mitch Metoxen, Jacqueline Smith, Jameson Wilson, Fawn Billie, Kristal Hill, Ann McCotter, Clorissa Leeman, Marlon Skenandore, Grace Elliott. The purpose of this meeting was to share foundational information relative to the Oneida Higher Education Scholarship and its development over the past almost thirty (30) years.
- 12/6/23:** *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenadore, Clorissa N. Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Lori Webster, Leon Webster, Larry Barton, Nancy Barton, Daniel Leyo, John E. Powless III, Carol Silva, Jeanette Ninham, Raeann Skenandore, Giza Powless Buenrostro, Jackie Smith, Rocky Hill, Carole Liggins, Kaylee Schuyler, Trina Schuyler, Quincy Granquist, Dan Webster, Marie Cornelius, Barbara Salutz, Carol Elm, Majorie Stevens, Misty Herzog, Josh, Gerzetich, Ann McCotter, Mitchel Metoxen, Katsi Danforth, Nova Danforth, Bill Gollnick, Bonnie Pigman, Nadine Escamea, Alyssa Perkins,

Emma King, Dr. Rosa King, Margaret King, Garth Webster, Daniel Doyen, Mark W. Powless, Kanani Nunies, Ululan Ninies, Beverly DeCoteau, Lexi Sickles, Laura Manthe, Tina Jorgensen, Stephanie Miscavitch VanEvery, Mark A. Powless Sr., and others. The purpose of this meeting was to listen to questions, comments, and concerns from community members about the Higher Education Scholarship.

12/20/23: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Maureen Perkins, Fawn Cottrell, Lawrence Barton. The purpose of this meeting was to review comments from the December 6th, 2023 community meeting, and to better understand the financial foundation and implications of the Higher Education Scholarship.

1/11/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Grace Elliott, Kristal Hill, via teams Fawn Cottrell, Fawn Billie, Maureen Perkins. The purpose of this meeting was to present the legislative history and research pertinent to the development of the Higher Education Scholarship law.

2/16/24: *Work Meeting.* Present: Jacqueline Smith, Ann McCotter, Mitchel Metoxen, Mistylee Herzog, Grace Elliott. The purpose of this meeting was to review the draft law addressing the details of the appeal and exception sections.

4/3/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell, Maureen Perkins. The purpose of this work meeting was to set a priority for this legislative item. The LOC decided this should be a medium priority.

5/6/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Clorissa Leeman, Grace Elliott, Kristal Hill, Fawn Cottrell. The purpose of this meeting was to discuss next steps in gathering information related to the authority to adopt amendments to the Higher Education Scholarship Law.

7/30/24: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Mistylee Herzog, Jacqueline Smith, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Clorissa Leeman, Mark Powless, Grace Elliott. The purpose of this meeting was to strategize on how to resume work on developing the Higher Education law with new leadership in the Higher Education department.

9/10/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Mark Powless, Clorissa Leeman, Kristal Hill, Maureen Perkins, Fawn Cottrell, Grace Elliott. The purpose of this meeting was to revisit how the Higher Education law came to be on the Active Files List and to review both the distinctions and connections between the relevant resolutions and the preliminary allocation of terms included in the draft Law.

1/6/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Jenny Webster, Mark Powless, Jackie Smith, Misty Herzog, Clorissa Leeman, Carolyn Salutz, Fawn Billie, Fawn Cottrell, Grace Elliott. The purpose of this meeting was to review the draft Higher Education Rules.

1/31/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Misty Herzog, Jackie Smith, Mark Powless, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Grace Elliott. The purpose of this meeting was to organize criteria contained in the Resolutions creating the Higher Education Scholarship.

2/7/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Mistylee Herzog, Jackie Smith, Mark Powless, Maureen Perkins, Grace Elliott. The purpose of this meeting was to review the draft Higher Education Rules.

Elliott. The purpose of this meeting was to clarify and evaluate criteria for the Higher Education Grant.

- 3/4/25:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jackie Smith, Misty Lee Herzog, Grace Elliott, Kristal Hill, Fawn Billie. The purpose of this meeting was to review the probation and suspension sections of the Higher Education Handbook.
- 4/28/25:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Mark Powless, Jackie Smith, Misty Lee Herzog, Fawn Billie, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to begin review of the topics drafted as essential to the draft law and rule.
- 5/22/25:** *Work Meeting.* Present: Misty Herzog, Mark Powless, Grace Elliott. The purpose of this meeting was to discuss the details of how Higher Ed determines the amount of funding to allocate to each applicant.
- 7/1/25:** *Work Meeting.* Present: Misty Herzog, Mark Powless, Jameson Wilson, Marlon Skenandore, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to discuss what unit of measurement is most accurate and efficient for determining the length of funding available to an applicant.
- 8/15/25:** *Work Meeting.* Present: Misty Herzog, Mark Powless, Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Grace Elliott. The purpose of this meeting was to complete a read through of the draft law.
- 9/3/25 LOC:** Motion by Jonas Hill to approve the draft Higer Education Grant Law; seconded by Jennifer Webster. Motion carried unanimously.
- 9/17/25 LOC:** Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Misty Herzog, Clorissa Leeman, Grace Elliott, Carolyn Salutz. Motion by Jennifer Webster to accept the legislative analysis; seconded by Jonas Hill. Motion carried unanimously.
- 9/17/25:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Carolyn Salutz, Clorissa Leeman, Kristal Hill, R.C. Metoxen, Grace Elliott. The purpose of this meeting was to review non substantive edits to Higher Education Grant draft law to improve clarity.
- 9/17/25:** *Community Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Oneida Community Members. The purpose of this meeting was to listen to questions, comments, and concerns from community members about the Higher Education Scholarship.
- 10/1/25 LOC:** Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Grace Elliott. Motion by Jennifer Webster to approve the updated draft Higher Education Grant law and public meeting packet for the Higher Education Grant law and schedule a public meeting to be held on November 14, 2025; seconded by Jonas Hill. Motion carried unanimously.

Next Steps:

- Accept the public comment review memorandum for the proposed Higher Education Grant law and defer to a work meeting for consideration.

TO: Legislative Operating Committee (LOC)
 FROM: Grace Elliott, Legislative Reference Office, Staff Attorney *Grace Elliott*
 DATE: December 17, 2025
 RE: Higher Education Grant Law: Public Comment Review

On November 14, 2025, a public meeting was held regarding the proposed to the Oneida Higher Education Grant law. Three (3) individuals provided comments during the public meeting. The public comment period was then held open until November 21, 2025. One (1) person submitted comments during the comment period. This memorandum is submitted as a review of the comments received during the public comment period. The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

Comment 1 – Authority:

903.2. Adoption, Amendment, Repeal

903.2-1. This law was adopted by the Oneida Business Committee by resolution BC- - - .

903.2-2. 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.

903.2-3. Should a provision of this law or the application thereof to any person or circumstances be held invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

903.2-4. In the event of a conflict between this law and a provision of another law of the Nation, the provisions of this law shall control.

903.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

Gina Powless Buenrostro (oral): Higher education, OK, higher education. So getting to higher education, I want to say this as far as the funding, I know that they need more funding and I'm glad that they are developing different type of rules and such. But again, this was the higher education and the tribe having a fun higher education that was also a decision that was made by a general tribal council and so they went, they all had, they went ahead and approved that motion. But what I would like to see this also go back, this go back to GTC and even if it's for my minute things. That it should still, you should still lay it on the table for general tribal council. You guys have three people here, but in general tribal council you have over 2000. I feel more comfortable letting 2000 make that decision than I say three people or if three people didn't show. Then the subcommittee of the business committee, which is yourself and whoever that runs a LOC, then you guys make that on your own without general tribal council coming in and say, hey, no, we don't want that. We never wanted it. Who made that rule?

So the law and the rulemaking process really relies heavily on people showing up to these little meetings that you have and you guys know from in the history of having these meetings, you don't get good turnouts. You don't get a fair representation of general tribal council. If we have 17,000 members and you get 3 at this meeting tomorrow, if you had another meeting, maybe got

four, the next meeting you get 10. That still does not represent the minimal amount that we. I have showing up for GTC meetings is right around 2000. So I just feel like it's a very unfair representation and I'm not trying to offend the people that did work on this. They're employed 40 hours a week. They're doing work on these laws, changes, amendments and this, that, the other figure out a way to include our entire voting body. On these amendments, figure out a way instead of like getting the work done and presenting it to two or three people. Figure out how we can do that for general tribal council. Put that on the task list for your departments that you guys employ all year long and then they can figure out ways and strategize methods to make sure that we have like a really fair representation of general tribal council here.

Lisa Summers (oral): Let's get something for higher education.

All right. Good afternoon. I am Lisa Summers. I am here as an individual tribal member and participant, former participant of the higher education program, as well as the parent of several students who are currently in the program. So I'll be commenting on that law.

First and foremost, I just want to say that I do appreciate the effort that the Legislative Operating Committee is making towards putting something in a more solid format for the members to be able to provide information, input and guidance on. I think that the proposed changes and updates to what is currently being published is actually a step in the right direction and I think overall is good progress.

There are a few things, though, that I think need to be taken into consideration with the adoption of this law. And then mostly, even though it's not part of the actual law that's being adopted, most of my comments are going to be related to the rulemaking process and the handbook and the other things that go along with it.

Response

One commenter emphasized that decisions about higher education funding were originally approved by the General Tribal Council (GTC) and they believe any amendments or rule changes should also be presented to GTC for broader representation. They noted that low attendance at LOC meetings does not reflect the full voting body and urged the development of strategies to ensure fair participation. Conversely, another commenter appreciates the LOC's efforts to formalize the law and viewed the proposed updates as positive progress but stressed the importance of aligning the law with the rulemaking process and handbook to maintain clarity and consistency.

The Higher Education Scholarship program was established by the General Tribal Council (GTC) in 1996 through resolutions that created the program and set eligibility requirements, GPA standards, and funding limits. Over the following years, GTC adopted additional resolutions to refine funding tiers and academic requirements.

Beginning in 2001, the Oneida Business Committee (OBC) issued amendments to address specific program needs under special resolution authority, due to GTC's inability to achieve quorum.

In 2010, GTC took formal action to ratify all prior OBC amendments and explicitly delegated authority to the OBC to make future amendments to the Higher Education Scholarship program, with the condition that notice of any changes be provided to GTC at the next Annual or Semi-Annual Meetings through the adoption of GTC Resolution 01-30-10-A. This resolution represents an official delegation of authority by GTC.

This history is critical because it confirms that the OBC's authority to amend the program is explicitly granted by GTC through official resolution.

The LOC, pursuant to the Legislative Procedures Act, is now exercising its role to draft a Higher Education Grant law for adoption by the OBC, with notice to GTC as required.

This process is functioning exactly as GTC directed: the OBC has the delegated authority to amend the program, and the LOC is formalizing the program into law to improve transparency, consistency, and accountability. The proposed law will replace the current system, which is housed in a complex handbook, with a clear legal framework that reflects the program's evolution over the past 30 years.

No revisions to the proposed law are recommended based on these comments. The LOC will ensure that notice to GTC occurs as required by the resolutions granting authority.

LOC Consideration

Comment 2 – Duplicate and Lesser Degrees:

903.5. Higher Education Grant

903.5-1. *Eligibility Requirements.* To be eligible for a Higher Education Grant award, a student shall:

- (e) be pursuing a degree in a higher funding tier than any previously earned degree, unless unused credits remain within the funding cap of their current degree tier pursuant to 903.5-2.

903.5-2. *Length of Funding.* The following are the maximum credit allocations for grant funding:

- (a) ninety (90) credits for an associate degree, vocational or certificate program.
- (b) one hundred fifty (150) credits for an undergraduate degree.
- (c) sixty (60) credits for a graduate degree.
- (d) one hundred twenty (120) credits for a doctoral degree.

903.5-3. Students who have not used the maximum credit allocation under their highest degree earned tier may remain in that tier up to the credit limit.

Lisa Summers (oral): In 903.5 on the higher education grant, another piece of this that I I vehemently disagree with is the inability to pursue and be assisted with pursuing multiple

degrees. I understand why this was done in the very beginning in 1996 when this was first taking place. But over the years and different events that have happened throughout the last several decades, including the most recent one that happened with COVID, has only proven that there is times in people's lives when they need to adjust careers or they need to adjust what they're pursuing in order to be successful in another industry or things like that. So there's just things that happen in the economy. Other things that would require a person to have the ability to have that support moving forward. So I think that there's a way for the LOC to be able to figure out what that looks like. Maybe it's a partial funding, maybe it's limited funding, maybe it's something else, but I think that just strictly prohibiting.

An alternative or duplicate duplicate level degree is something that needs to be reconsidered.

Thomas Reed (written): Shekoli Oneida LOC, I would like to submit a public comment regarding the proposed amendments to the Higher Education Grant Law.

In reference to 903.5-1 Eligibility Requirements, Section e:

“be pursuing a degree in a higher funding tier than any previously earned degree, unless unused credits remain within the funding cap of their current degree tier pursuant to 903.5-2.”

I propose adding the following amendment:

“A student who has completed a doctoral degree (PhD) may be eligible to pursue a professional doctoral degree, such as a JD or MD, with up to 120 units of funding. This funding may be awarded at full-time or part-time status and shall include eligibility for Online or Hybrid JD Programs in addition to in-person residency programs.”

I believe this addition would strengthen the Oneida Nation by expanding educational opportunities for our Tribal members and supporting pathways to leadership and self-sufficiency. This aligns with the Mission Statement of Oneida Higher Education, which promotes “a goal toward self-sufficiency.”

Yawá·ko for your consideration. Please let me know if you have any questions or need further clarification.

Take care,

Dr. Thomas “TJ” Reed
Lukwe’tiyó | “He is a Good Man”
Member of the Oneida Nation, Turtle Clan

Response

The prohibition on pursuing duplicate or lesser degrees originates from the foundational resolutions adopted by the General Tribal Council (GTC) when the Higher Education Scholarship program was created in 1996. These resolutions explicitly restricted funding for

multiple degrees at the same level, and the proposed Higher Education Grant law seeks to remain aligned with those core structures and requirements.

The Legislative Operating Committee (LOC) carefully considered the need for flexibility in pursuing additional degrees, particularly in light of changing economic conditions and career shifts. While maintaining the foundational principle of avoiding unrestricted funding for duplicate degrees, the LOC has incorporated a significant modification to provide fairness and adaptability. Specifically, the proposed law transitions from a time-based funding model to a credit-based allocation system, allowing students who complete a degree using fewer credits than the maximum allocation to apply remaining credits toward a duplicate degree within the same tier.

This approach honors the original intent of the program as established by GTC while introducing flexibility for students who may need to adjust career paths. It also ensures accountability and transparency by setting clear credit limits for each degree tier rather than extending funding indefinitely. Regarding the suggestion to create an exception for professional doctoral degrees (e.g., JD or MD) after earning a PhD, while acknowledging the value such degrees can bring to the Nation, the LOC determined that maintaining consistency with the credit-based structure is the most equitable solution at this time. Students who have unused credits within the doctoral tier may apply those credits toward another doctoral program, including professional degrees, under the proposed law.

This change represents meaningful progress toward the commenters' goals by introducing flexibility where none previously existed, while preserving fairness and accountability. It provides a pathway for students to pursue additional educational opportunities without abandoning the foundational structure of the program.

No revisions to the proposed law are recommended based on this comment.

LOC Consideration

Comment 3 – Probation and Suspension:

903.3. Definitions

903.3-1. 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.

(m) “Probation” means the term during which students must improve their GPA to meet the eligibility criteria for Higher Education Grant funding, pursuant to 903.5-1(f). A student placed on probation by the Higher Education Office shall continue to receive funding for one (1) term, during which they are required to regain eligibility.

903.5. Higher Education Grant

903.5-4. Probation. Students may be placed on probation for failure to earn the required GPA if their GPA falls between:

(a) 1.0-1.9 for associate degree, vocational, certificate program, and undergraduate students.

(b) 2.0-2.9 for graduate students.

Lisa Summers (oral): So I'll try to go as quickly as I can and I will submit written comments for those things that I'm not able to get in with my 5 minutes. So the first thing I wanted to just note overall, there's a lot of conversation that happens in the handbook and a provision in the section of the law that talks about what happens if a student finds themselves on probation or suspension and it talks about paying back or how they rectify those types of things and to get reinstated into the program, which is great. There should always be that process. I think one of the things that should also be disclosed is that there's a forgiveness process on in the tribes books as well that students have the ability to use and that's not readily disclosed within this process. And I think that's something that needs to be noted probably within the handbook at some point. But one of the things that I know has taken place with several individuals and you know, I don't have the exact numbers on it, I just know from personal experience and from others that have shared their information is that once they become, once their student does what they need to do to get off suspension or probation and they do their paybacks and things like that, one of the things that still happens is that term in which caused the probation or suspension still counts towards their total number of terms.

Now it looks like according to the law that you're shifting from term specific to credit specific. So I think that would get resolved underneath there. I would just hate to see that type of penalization also take place in the handbook itself once that turnover happens. So just something to keep in mind that that inadvertently doesn't end up in a transfer of credits as well. So if a student ends up having to pay back their credits or pay back a specific set amount or whatever, that it doesn't count towards their total. And I think that's the point I'm trying to make there. The other part of this is one of the things that happens in the.

Response

The suspension provision referenced by the commenter is part of the current Higher Education Handbook, which includes detailed rules for suspension and repayment options when students fail to meet academic requirements. Under that system, students could be placed on suspension for low GPA or failure to complete funded credits, and reinstatement often required either completing credits without program funding or repaying the grant for the term in question.

The proposed Higher Education Grant law does not include a suspension provision. Instead, it establishes clear eligibility and ineligibility standards and introduces probation as the only academic warning status. Under the proposed law, students who fall below the required GPA but remain within the probation range will continue to receive funding for one term to regain eligibility. If a student becomes ineligible, they would simply need to reestablish eligibility by meeting the program's standards before receiving additional funding. There is no requirement to repay funds for failed terms under the proposed law.

However, any credits funded by the program—whether successfully completed or not—will count toward the student's total credit allocation for their degree tier. This ensures accountability

while removing punitive measures such as repayment or suspension, which were part of the previous handbook system.

This change reflects the LOC's intent to simplify the process, reduce administrative burden, and provide a fair and transparent structure for students while maintaining academic standards

No revisions to the proposed law are recommended based on this comment.

LOC Consideration

Comment 4 – General Welfare Exclusion:

Carl Artman (oral): Good afternoon, everybody. Carl Artman with the Oneida Law Office. Wanted I had a comment on the Oneida Higher Education Grant Law. I recommend that the Higher Education Grant Law include a provision stating that the Higher Education Grant is a general welfare exclusion in accordance with Title 10 of the Oneida Code of Laws, specifically Chapter 1001 or 1001. I think the section could be inserted after 903.5 in the current draft of the Higher Education Grant Law, and then of course insert requisite definitions. Make it easier. Thank you. Thank you.

Response

Commenter recommends adding a provision to the Higher Education Grant Law stating that the grant qualifies as a general welfare exclusion under Title 10 of the Oneida Code of Laws (Chapter 1001). He suggests inserting this section after 903.5 in the current draft and including the necessary definitions to support it.

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 determine that the draft law should be amended to include the following:

903.5-6. General Welfare Exclusion. The Oneida Nation Higher Education Grant meets the requirements of the General Test as defined in the Oneida General Welfare law; General Criteria as defined in I.R.S. Rev. Proc. 2014-35, section 5; and the requirements of the Tribal General Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b). The assistance provided through the Oneida Nation Higher Education Grant is:

- (a) paid on behalf of the Nation;
- (b) pursuant to an approved program of the Nation;
- (c) does not discriminate in favor of members of the governing body of the Nation;
- (d) available to any eligible member of the Nation who meets the guidelines of the approved program;

- (e) provided for the promotion of general welfare;
- (f) not lavish or extravagant;
- (g) not compensation for services; and
- (h) not a per capita payment.

LOC Consideration

Comment 5 – Appeals:

903.7. Appeals

903.7-1. Appeal Process and Requirements. An appeal is a request for review of a grant decision made by the Higher Education Office, in which the student must demonstrate that the Higher Education Office failed to comply with this law or the Higher Education Student Rulebook. A student may appeal a grant decision made by the Higher Education Office within twenty (20) calendar days of receipt of the decision the student is appealing.

Lisa Summers (oral): The other thing that I think I wanted to share with you guys is that I feel like in the appeals section right now the current appeals process is 30. The student has to file within 30 days.

In the law, it's being pared back to 20 days, and I feel like it should remain at 30 days. One of the things I know, especially for students who are not, who who decide that they're going to stay in school despite funding, maybe they're pursuing loans or they get other assistance from somewhere else. They pay out of pocket, but while they're in the appeals process. They might be actually at their institution and if the information is being communicated over their mailing information, it might take longer for that student to actually receive the information that their notice that they've been suspended or probation and the appeal back and forth and things like that. I know for myself with my students that I currently have in place. All of their information comes to our home, which is where they reside, which is rightfully so. But then it might take a week or two for them to actually get the information from get mailed to our home and then get back to them in their place of schooling. So you know, people who don't have a good support system might end up missing that 20 day window and I think the 30 days is more appropriate. And then also in general correlating between the rulemaking, the handbook and all of the information that's been provided. I think that the rulemaking here has to go hand in hand with the actual passing of the law. I think that's the other thing I'm going to encourage.

Response

Commenter recommends keeping the appeals filing deadline at 30 days instead of reducing it to 20 days. Shortening the timeframe could disadvantage students who remain enrolled without funding and rely on mail for notifications, as delays in receiving suspension or probation notices may cause them to miss the deadline. She emphasizes that 30 days is more reasonable and urges alignment between the law, rulemaking, and handbook to ensure consistency.

The Higher Education Office was consulted regarding this recommendation. They confirmed that maintaining a 30-day appeals deadline would not create an administrative burden and expressed agreement with revising the law to reflect a 30-day timeframe.

The Legislative Operating Committee may make one of the following determinations regarding this comment:

1. The Legislative Operating Committee may determine that the Law should remain as currently drafted.
2. The Legislative Operating Committee may determine that the proposed law should be amended as follows:

903.7. Appeals

903.7-1. *Appeal Process and Requirements.* An appeal is a request for review of a grant decision made by the Higher Education Office, in which the student must demonstrate that the Higher Education Office failed to comply with this law or the Higher Education Student Rulebook. A student may appeal a grant decision made by the Higher Education Office within ~~twenty (20)~~ **thirty (30)** calendar days of receipt of the decision the student is appealing.

LOC Consideration

Comment 6 – Licensing Exams:

903.5. Higher Education Grant

903.5-1. *Eligibility Requirements.* To be eligible for a Higher Education Grant award, a student shall:

- (a) be an enrolled member of the Nation.
- (b) be enrolled in an accredited postsecondary vocational program, college, or university.
- (c) complete the Higher Education Student File with the Higher Education Office.
- (d) comply with FAFSA standards.
- (e) be pursuing a degree in a higher funding tier than any previously earned degree, unless unused credits remain within the funding cap of their current degree tier pursuant to 903.5-2.
- (f) meet GPA requirements, as follows:
 - (1) associate degree, vocational or certificate program must maintain a GPA of 2.0
 - (2) undergraduate students must maintain a GPA of 2.0
 - (3) graduate students must maintain a GPA of 3.0
 - (4) doctoral must maintain a GPA of 3.0; except where:
 - (i) The school's grading policy considers professional doctoral students (MDs and JDs) to be in good academic standing even with a GPA below 3.0.

(5) apprenticeship/certificate/license students must maintain academic progress and submit scheduled/monthly progress reports.

903.5-2. Length of Funding. The following are the maximum credit allocations for grant funding:

- (a) ninety (90) credits for an associate degree, vocational or certificate program.**
- (b) one hundred fifty (150) credits for an undergraduate degree.**
- (c) sixty (60) credits for a graduate degree.**
- (d) one hundred twenty (120) credits for a doctoral degree.**

903.5-3. Students who have not used the maximum credit allocation under their highest degree earned tier may remain in that tier up to the credit limit.

Gina Powless Buenrostro (oral): OK, Gina Powless Buenrostro. So I wanted to hopefully this goes to GTC.

However, my comment was about prohibiting people that are taking testings. I don't know if higher ed covers that or not, but to prohibit more than one time. So what I'm referring to is when you have people that graduate from law school that not in Wisconsin and they're taking this law test, the state bar, and they're they're taking it multiple times and not passing. And I think some individual departments are actually paying for those tests and I think that's really unfair and I'm I'm not sure why it's not under the authority of higher Ed because it's a educational like you have to pass a test in order to be call yourself an attorney or whatever in order to practice law. And so we have several attorneys within the tribe that you know they they haven't been able to pass a stop the state bar.

But I think it's OK that the tribe pay for one test. And then after that, if you can't pass it 3-4 or five times, it's ridiculous that we're paying for that. And so I think they should only pay for one. An individual department should not be covering that expense. That's a higher Ed type of function so that we're not getting so the the manipulation is that individual departments might be paying for multiple and multiple state bar exams that individuals can't pass, and I don't think we should be doing it. I think that's a system that should be run through higher Ed. They monitor everybody's education, they pay for every everyone's education, and I think that should include those state bar exams.

Thank you.

Response

The commenter raised concerns about individuals taking professional licensing examinations, such as state bar exams, multiple times after graduating from law school. The commenter suggested limiting funding to a single attempt and recommended that oversight of these expenses be placed under Higher Education to ensure fairness and prevent departments from bearing repeated costs.

Professional licensing examinations, including state bar exams, fall outside the scope of the Higher Education Grant law. This legislation is specifically designed to support degree programs at accredited institutions, not post-graduation testing or certification expenses. Expanding the law to

include such costs would represent a significant departure from its original purpose and undermine its foundational intent.

Oversight of professional exam-related expenses has historically remained with individual departments or other designated programs, and this structure ensures that the Higher Education program remains focused on its core mission: facilitating access to higher education. Incorporating licensing exams into this framework would not only dilute the program's objectives but also create administrative and financial complexities that were never envisioned when the Higher Education scholarship program was established.

While other programs may address these costs, the Legislative Operating Committee (LOC) has expressed its commitment to preserving the integrity and clarity of the Higher Education Grant law. Maintaining its original scope ensures fairness, sustainability, and alignment with the program's intended purpose.

No revisions to the proposed law are recommended based on this comment.

LOC Consideration

Comment 7 – For-Profit Colleges:

903.5. Higher Education Grant

903.5-1. Eligibility Requirements. To be eligible for a Higher Education Grant award, a student shall:

- (a) be an enrolled member of the Nation.
- (b) be enrolled in an accredited postsecondary vocational program, college, or university.
- (c) complete the Higher Education Student File with the Higher Education Office.
- (d) comply with FAFSA standards.
- (e) be pursuing a degree in a higher funding tier than any previously earned degree, unless unused credits remain within the funding cap of their current degree tier pursuant to 903.5-2.
- (f) meet GPA requirements, as follows:
 - (1) associate degree, vocational or certificate program must maintain a GPA of 2.0
 - (2) undergraduate students must maintain a GPA of 2.0
 - (3) graduate students must maintain a GPA of 3.0
 - (4) doctoral must maintain a GPA of 3.0; except where:
 - (i) The school's grading policy considers professional doctoral students (MDs and JDs) to be in good academic standing even with a GPA below 3.0.
 - (5) apprenticeship/certificate/license students must maintain academic progress and submit scheduled/monthly progress reports.

Gina Powless Buenrostro (oral): So with that being said, I wanted to say I don't think in the future my comment for this is that we should be funding these private colleges, these online chat room colleges. I don't think that our higher Ed money should be funding that they should be going to the public, University of Wisconsin, whatever public system, but not the private colleges, the for profit. Let me let me for profit colleges. I don't think we should be putting our money there. I think that it's a waste of money. I think that they rip us off in terms of what they're charging us for all these private colleges and online chat room colleges.

They're just taking our money and giving people degrees and I don't think that's fair for how we spend our money. Like I would, I would want our membership if they're getting educated, like really be educated so you can use it and you can execute it in a way that's meaningful for yourself and for the tribe. But so I'm really against funding private colleges or for-profit colleges. And I'm also, I think anything with this also should go to General Tribal Council. Thank you. Thank you. Yep.

Response

The commenter expressed strong opposition to funding private, for-profit colleges, including online institutions, through the Higher Education Grant program. They believe funding should be limited to public institutions, such as the University of Wisconsin system, and stated concerns that for-profit colleges overcharge and provide degrees of questionable value. The commenter suggested this issue should be considered by the General Tribal Council.

The Legislative Operating Committee (LOC) discussed the issue of for-profit colleges extensively during work sessions. After reviewing research and receiving guidance, the LOC determined that the most equitable approach is to allow for-profit institutions to remain eligible if they meet all other requirements of the law, including accreditation. This decision reflects several considerations:

- There are both reputable and disreputable for-profit institutions, and differentiating between them would be administratively burdensome and difficult to enforce.
- Many Oneida students are currently enrolled in for-profit schools, and excluding them could create significant barriers to completing their education.
- Certain professions, such as cosmetology, are primarily offered through for-profit institutions; excluding these schools would effectively eliminate entire career pathways for Tribal members.

The LOC has, in work sessions, considered public concerns and the negative press surrounding some for-profit schools. However, the proposed law addresses these concerns by requiring accreditation and other eligibility standards, ensuring accountability and quality. This approach maintains flexibility for students while safeguarding program integrity through clear eligibility requirements.

No revisions to the proposed law are recommended based on this comment.

LOC Consideration

Comment 8 – Rulemaking:

903.3. Definitions

(n) “Rule” means a set of requirements, enacted by the Oneida Higher Education Office in accordance with the Administrative Rulemaking law based on authority delegated in this law to implement, interpret and enforce this law.

903.4. Higher Education Office

903.4-1. The Higher Education Office shall award grants in accordance with the provisions of this law.

903.4-2. Administrative Rulemaking. The Oneida Higher Education Office shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern the administration of the Higher Education Grant program and shall make such rules and regulations available in the Higher Education Student Rulebook. The rules promulgated by the Higher Education Office shall at a minimum address:

- (1) The Higher Education Student File clearly describing the documents required to complete the Higher Education Student File.
- (2) Funding
 - (a) how funding periods are calculated.
 - (b) cap amounts for the following tiers:
 - (i) associate degree, vocational or certificate program.
 - (ii) undergraduate degree.
 - (iii) graduate degree.
 - (iv) doctoral degree.
- (3) Clearly describe application requirements and process.
- (4) Clearly describe the appeals process.
- (5) Additional rules may be promulgated, provided they do not conflict with any provision of this law.

Lisa Summers (oral): Let's get something for higher education. All right. Good afternoon. I am Lisa Summers. I am here as an individual tribal member and participant, former participant of the higher education program, as well as the parent of several students who are currently in the program. So I'll be commenting on that law.

First and foremost, I just want to say that I do appreciate the effort that the Legislative Operating Committee is making towards putting something in a more solid format for the members to be able to provide information, input and guidance on. I think that the proposed changes and updates to what is currently being published is actually a step in the right direction and I think overall is good progress.

There are a few things, though, that I think need to be taken into consideration with the adoption of this law. And then mostly, even though it's not part of the actual law that's being adopted, most of my comments are going to be related to the rulemaking process and the handbook and the other things that go along with it.

So I'll try to go as quickly as I can and I will submit written comments for those things that I'm not able to get in with my 5 minutes. So the first thing I wanted to just note overall, there's a lot of conversation that happens in the handbook and a provision in the section of the law that talks about what happens if a student finds themselves on probation or suspension and it talks about paying back or how they rectify those types of things and to get reinstated into the program, which is great. There should always be that process. I think one of the things that should also be disclosed is that there's a forgiveness process on in the tribes books as well that students have the ability to use and that's not readily disclosed within this process. And I think that's something that needs to be noted probably within the handbook at some point. But one of the things that I know has taken place with several individuals and you know, I don't have the exact numbers on it, I just know from personal experience and from others that have shared their information is that once they become, once their student does what they need to do to get off suspension or probation and they do their paybacks and things like that, one of the things that still happens is that term in which caused the probation or suspension still counts towards their total number of terms.

Now it looks like according to the law that you're shifting from term specific to credit specific. So I think that would get resolved underneath there. I would just hate to see that type of penalization also take place in the handbook itself once that turnover happens. So just something to keep in mind that that inadvertently doesn't. Doesn't end up in a transfer of credits as well. So if a student ends up having to pay back their credits or pay back a specific set amount or whatever, that it doesn't count towards their total. And I think that's the point I'm trying to make there. The other part of this is one of the things that happens in the in 903.5 on the higher education grant, another piece of this that I vehemently disagree with is the inability to pursue and be assisted with pursuing multiple degrees. I understand why this was done in the very beginning in 1996 when this was first taking place.

But over the years and different events that have happened throughout the last several decades, including the most recent one that happened with COVID, has only proven that there is times in people's lives when they need to adjust careers or they need to adjust what they're pursuing in order to be successful in another industry or things like that. So there's just things that happen in the economy. Other things that would require a person to have the ability to have that support moving forward. So I think that there's a way for the LOC to be able to figure out what that looks like. Maybe it's a partial funding, maybe it's limited funding, maybe it's something else, but I think that just strictly prohibiting an alternative or duplicate duplicate level degree is something that needs to be reconsidered.

The other thing that I think I wanted to share with you guys is that I feel like in the appeals section right now the current appeals process is 30. The student has to file within 30 days. In the law, it's being pared back to 20 days, and I feel like it should remain at 30 days. One of the things I know, especially for students who are not, who who decide that they're going to stay in

school despite funding, maybe they're pursuing loans or they get other assistance from somewhere else. They pay out of pocket, but while they're in the appeals process they might be actually at their institution and if the information is being communicated over their mailing information, it might take longer for that student to actually receive the information that their notice that they've been suspended or probation and the appeal back and forth and things like that. I know for myself with my students that I currently have in place all of their information comes to our home, which is where they reside, which is rightfully so. But then it might take a week or two for them to actually get the information from get mailed to our home and then get back to them in their place of schooling. So you know, people who don't have a good support system might end up missing that 20 day window and I think the 30 days is more appropriate.

And then also in general correlating between the rulemaking, the handbook and all of the information that's been provided. I think that the rulemaking here has to go hand in hand with the actual passing of the law. I think that's the other thing I'm going to encourage.

Gina Powless Buenrostro (oral): Higher education, OK, higher education. So getting to higher education, I want to say this as far as the funding, I know that they need more funding and I'm glad that they are developing different type of rules and such. But again, this was the higher education and the tribe having a fun higher education that was also a decision that was made by a general tribal council and so they went, they all had, they went ahead and approved that motion. But what I would like to see this also go back, this go back to GTC and even if it's for my minute things. That it should still, you should still lay it on the table for general tribal council. You guys have three people here, but in general tribal council you have over 2000. I feel more comfortable letting 2000 make that decision than I say three people or if three people didn't show. Then the subcommittee of the business committee, which is yourself and whoever that runs a LOC, then you guys make that on your own without general tribal council coming in and say, hey, no, we don't want that. We never wanted it. Who made that rule?

Response

One Commenter expressed appreciation for the LOC's efforts to formalize the Higher Education Grant law but emphasized the importance of aligning the law with the rulemaking process and handbook. Commenter noted concerns about how probation, suspension, and repayment provisions will transition from the handbook to the new law, and encouraged transparency regarding processes such as forgiveness. Commenter also highlighted the need to ensure that credit-based funding does not inadvertently penalize students who repay funds or correct deficiencies. Finally, commenter stressed that rulemaking should occur promptly and consistently alongside the law's adoption.

The Legislative Operating Committee (LOC) has, during work sessions, discussed the need for consistency between the law and the rules governing program administration as critical. Rulemaking has been carefully considered in tandem with the development of this law. The proposed law includes provisions delegating rulemaking authority to the Higher Education Office in accordance with the Administrative Rulemaking law (see Section 903.4-2). This delegation is intended to ensure that detailed processes, including appeals, application

requirements, and funding calculations, are addressed in rules that complement the law and provide clarity for students and administrators.

The LOC has expressed the intention to support the Higher Education Office in implementing these rules as soon as possible following adoption of the law, so that the transition from the current handbook to a formal rulebook is smooth and consistent. This approach will maintain transparency, uphold accountability, and ensure that operational details are properly documented without overloading the law with administrative procedures.

One commenter raises concerns about decision-making authority and the role of the General Tribal Council (GTC). The Higher Education Grant Law explicitly delegates rulemaking authority to the Higher Education Office under Section 903.4-2. This delegation is not arbitrary; it is grounded in the Administrative Rulemaking Law, Title 1, Chapter 106, which establishes a transparent, democratic process for creating administrative rules. Under this law:

- Rulemaking authority must be granted by a law of the Nation [*1 O.C. 106.4-1*]. The Higher Education Grant Law is that law.
- Rules developed under this process have the same force and effect as the law which delegated the authority [*1 O.C. 106.4-1(a)*].
- The process includes public comment periods, public meetings, and certification by the Legislative Operating Committee, followed by adoption by the Oneida Business Committee (Sections 106.6–106.8).
- Rules cannot conflict with any law, policy, or resolution of the Nation, nor exceed the authority granted by the law [*1 O.C. 106.4-1(b), 106.7-2(c)*].

This framework ensures that rulemaking is not done by a few people or in isolation. Instead, it follows a structured process with checks and balances, including public input and oversight by both the Legislative Operating Committee and the Business Committee. While GTC retains ultimate legislative authority, the delegation of administrative rulemaking is a recognized and lawful mechanism to allow programs to function efficiently without requiring GTC action on operational details.

No revisions to the proposed law are recommended based on these comments.

LOC Consideration



LEGISLATIVE OPERATING COMMITTEE

PUBLIC MEETING

Real Property Law Amendments

Higher Education Grant Law

Norbert Hill Business Committee Conference Room and Microsoft Teams

November 14, 2025

12:15 p.m.

Present: Jonas Hill, Grace Elliott, Lisa Summers, Gina Powless-Buenrostro, Fred Muscavitch, Patricia Cornelieus, Tiana Silva, Misty Lee Herzog, Carolyn Salutz

Present on Microsoft Teams: Carl Artman

Jonas Hill: All right. Good Afternoon. Time is 12:15 p.m. and today's date is Friday, November 14, 2025. I will now call to order the public meeting for the following two pieces of proposed legislation: the proposed amendments to the REAL PROPERTY LAW and the proposed HIGHER EDUCATION GRANT LAW.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding the 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 following 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 or in the chat on Microsoft Teams with your name, we can ensure you receive a copy of the public comment review memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Friday, November 21, 2025.

In attendance from the LOC is myself, Councilman Jonas Hill

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 minutes per person. This time limit shall be applied equally to all persons.

We will now begin today's public meeting for the two proposed legislative items. We will be accepting comments on the proposed amendments to the Real Property Law.

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

The Real Property Law amendments will:

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

We will also be accepting comments on the proposed Higher Education Grant Law.

The purpose of this law is to implement the Higher Education Grant program; and set forth the funding requirements and procedural controls for awarding Higher Education grants.

The Higher Education Grant Law will:

- Outline the parameters of the Higher Education Grant, including eligibility requirements, duration of funding, tiered funding system, and the methodology for calculating awards under various circumstances.
- Provide predictability and equity in funding; need-based flexibility; clear guidelines for students; and administrative efficiency and accountability.
- Create a balanced, need-sensitive and goal oriented framework that supports students in achieving higher education while maintaining fiscal responsibility and academic accountability.
- Provide clear guidance and defined boundaries for administering the Higher Education Grant.

- Delegate rulemaking authority, empowering the Higher Education Office to promulgate rules consistent with the Law to address practical and evolving implementation needs.
- Provide that the duration of funding available is determined by both the students assigned funding tier and the number of credits allocated to each tier.

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 that, with that, I will open the floor up for comments. First up to speak is...we'll go in person first and then online, so raise your hand if you would like to speak. All right, Gina. Yeah, so if you could just please come up to here, umthere's a center button and then speak into the microphone, please.

Gina Powless-Buenrostro: Am I able to speak to both or at the same time or how's that working? Are you taking one first or in this?

Jonas Hill: You can speak to separate. Yeah. So speak to one law and then

Gina Powless-Buenrostro: Which one are you talking about?

Jonas Hill: Whichever one you want to talk about.

Gina Powless-Buenrostro: OK, I'll start with the, I'll start with the real property amendments that law. I do want to note for the staff here, I'm not sure if anyone does spell checks, but they're spelling Oneida completely wrong and on at least on page 5, the whole page. When they say Oneida, they're spelling it wrong. Just that's just a small thing that you guys probably just need to clean up.

OK, so we talked about this amongst our Commission, but I'm here as my own sovereign person, if you will. And so I'm going to say, first of all, that there's a ton of amendments to this proposed, the proposed changes. And so I really am going to stand on this is that when we're using this administrative rulemaking, OK, they started doing that I think in 2017, eighteen, whatever year it was. It eliminates general tribal council from having any involvement. So I think when it pertains to any type of a agency, department, whatever is created by general tribal council, then that needs to go back to them when you're making all these so-called administrative rule making, ah, using that in terms of how we're going to change law, because a lot of times when the laws change and we have a finalized version of the law, nobody knows what it is. And I'll give you a good example, like the termination and eviction law, the word nuisance is in the definitions. In the definitions, that word gives the whatever, Housing Authority, whoever is doing the evictions, it gives them the right to throw people off the land. And see, I wasn't clear about that. And that's why I wanted clarity. Like, how does the Housing Authority or whoever have the authority to

regulate who's on land and who's not on land? That's not their authority. I think that's the Land Commission and the land management.

OK. So with that being said, I don't think it ever changed. And that went through rulemaking. And so that's how people were getting thrown out of their houses. They weren't saying, well, I'm taking your house away. They're saying get off the land. And I think that's very misleading for folks in their homes, and I don't know where that's at as far as how many have been evicted and and kicked out of their houses and not, I want, I don't want to say kicked out, say kicked off the land. So, so that's an inconsistency I think in that law because it's defined by a definition. However in this one...

Jonas Hill: I think you're speaking to eviction and termination, and this is the Real Property law.

Gina Powless Buenrostro: Okay, I was just using that as an example.

Jonas Hill: Okay.

Gina Powless-Buenrostro: That's what I was using it as, and I still think it's ineffectively written in that law per se. No one changed it. It wasn't done, but whatever. I'm going to get back to the real property laws.

So just based on the fundamental values of the tribe and how we communicate this process of the LOCLRO, I'm not sure what title it goes by, but the way we're doing this administrative rulemaking, it really interferes with our true governing body, which is General Tribal Council. And if we go further back, that was clan mothers and the elders. Everybody in the tribe in the community had a say. They had a say. Laws just weren't being passed without our knowledge. Laws, you know, I know and I get that you guys hold these meetings. You have how many people here like actually here from the community, not workers, not people that you employ, but people that are interested. You have four or five of us and that's it.

You have department people, but they're here probably because it affects their job, their departments, but actual community members, maybe 3 here. So when I say and speak to that, that's the kind of, three people cannot control 17,000 members and laws that are being made. I really believe that using administrative rulemaking is a hindrance. It's its colonization to its finest form because we're making laws without everybody having that input. And as we talked earlier, the conversation went like this- Well, they know that it's posted. They could get here.- Maybe they can't get here. Maybe they can't be here. Oh, well, they could write a letter. Maybe

they don't even know what's happening. That gully only comes out once a month. So if you get it, or if you haven't read it then you're kind of like you're out of the loop, so to speak. I'm going to say that in a real nice way. You're out of the loop.

So, I think that I'm really against this rulemaking. I wanted to. I want laws to go back to the general tribal council where it should go. They have the ultimate authority. They created the Land Commission, and so if they want the rules and they want to start eradicating our authority, let it be them, but not the business committee or a subcommittee of the business committee. Let it be General Tribal Council. They're the ones who created the Land Commission in 1941. And if they feel that we're not doing our job or if they feel, that, it's easier in the process flows easier if it's delegated to all the separate departments and let them be like rulemaking in their departments, then so be it.

But I think ultimately all these changes that you have in here and I'm not going to go down one by one, but all the changes that you have in here I believe are under the authority of general tribal council to make and say no, we don't want that in there, yes we do, because I would suggest more public meetings until we can address this in general tribal council or I would probably end up filing a petition to redact rulemaking so that especially for entities that are govern and were created by general tribal council. I think this process interferes with that authority and I feel that the process also obstructs the authority of general tribal council and leaves general tribal council out of any decision making. So I like we're bullying them into accepting these laws through rule making. And that's how it feels. And I'm just giving you my perspective. I also think that shift...

Jonas Hill: Your time is up, by the way. So...

Gina Powless-Buenrostro: How much time did I have?

Jonas Hill: 5 minutes. But I will extend...

Gina Powless-Buenrostro: For that topic?

Jonas Hill: For that topic. Yeah.

Gina Powless-Buenrostro: Okay. Then I'll start on this one.

Jonas Hill: Okay. Higher Education.

Gina Powless-Buenrostro: Okay, higher education. So getting to higher education, um, I want to say this as far as the funding, I know that they need more funding and I'm glad that they are developing different type of rules and such.

But again, this was the higher education and the tribe having a fund higher education that was also a decision that was made by a general tribal council and so they went, they went ahead and approved that motion. But what I would like to see this also go back, this go back to GTC and even if it's for my minute things. That it should still, you should still lay it on the table for general tribal council.

You guys have three people here, but in general tribal council you have over 2000. I feel more comfortable letting 2000 make that decision than I say three people or if three people didn't show. Then the subcommittee of the business committee, which is yourself and whoever that runs a LOC, then you guys make that on your own without general tribal council coming in and say, hey, no, we don't want that. We never wanted it. Who made that rule?

So the law and the rulemaking process really relies heavily on people showing up to these little meetings that you have and you guys know from in the history of having these meetings, you don't get good turnouts. You don't get a fair representation of general tribal council. If we have 17,000 members and you get 3 at this meeting tomorrow, if you had another meeting, maybe got four, the next meeting you get 10. That still does not represent the minimal amount that we have showing up for GTC meetings is right around 2000.

So I just feel like it's a very unfair representation and I'm not trying to offend the people that did work on this. They're employed 40 hours a week. They're doing work on these laws, changes, amendments and this, that, the other figure out a way to include our entire voting body on these amendments, figure out a way instead of like getting the work done and presenting it to two or three people. Figure out how we can do that for general tribal council. Put that on the task list for your departments that you guys employ all year long and then they can figure out ways and strategize methods to make sure that we have like a really fair representation of general tribal council here.

So with that being said, I wanted to say I don't think in the future my comment for this is that we should be funding these private colleges, these online chat room colleges. I don't think that our higher ed money should be funding that. They should be going to the public's, you know public University of Wisconsin, whatever public system, but not the private colleges, the for profit. Let me let me for profit colleges. I don't think we should be putting our money there. I think that it's

a waste of money. I think that they rip us off in terms of what they're charging us for all these private colleges and online chat room colleges. Its, they're just taking our money and giving people degrees and I don't think that's fair for how we spend our money. Like I would, I would want our membership if they're getting educated, like really be educated so you can use it and you can execute it in a way that's meaningful for yourself and for the tribe. But, um, so I'm really against funding private colleges or for-profit colleges. And I'm also, I think anything with this also should go to General Tribal Council. Thank you.

Jonas Hill: Thank you.

Gina Powless-Buenrostro: Yep.

Jonas Hill: Who's... Alright, Pat. Alright. And just please state your name.

Fred Muscavitch: I am. I'm Doctor Frederick Muskovich and I'm here along with Gina and Pat Cornelius, and we were voted to by the Land Commission to represent the Land Commission at our Monday night meeting this week. That's my name. SO, you're going to start the 5 minutes? All right. And I'm here to talk about the proposed amendments to the real property law.

Um, major concern is the Business Committee um, talks of transparency and ah laying things on the table, and the Land Commission is concerned that the real property law amendments have come out in the Land Commission has not been able to have any input on to this. Um, none of us recall ever being invited to a meeting or asked for any kinds of input or consultation? Um.

So our timeline kind of was you, you've been working on this for a year or more, and the first land Commission knows about it is that it was sent a letter dated October 1st was sent to the Land Commission. And the Land Commission received it on November 10th. So on November 10th we received it, um did not have a lot of time to review it. And then we were told if you have any concerns, you can come to a tentative hearing. Which is to what we're at today at at 12:15 on November 14th. So we had four days.

Um, one of the things that Land Commission and action they took was to request our our attorney to come up with a response to the amendments from the Land Commission's perspective. And ah again, we had our meeting Monday night. A letter was developed on Tuesday, was sent to the attorney, possibly Tuesday, maybe Wednesday morning. And here we are two days later. So we do not see that as being transparent or giving anybody an opportunity.

Um, first, I'd like to start with that what Gina was saying, the Land Commission supports the idea that perhaps rule making, the rule making law is used to avoid consultation. So if you're writing about the land Commission or if you're like writing about um other committees or commissions boards, they should be involved. It shouldn't be a last minute informational here- here's what we're giving you- this is what we're we're doing to you. And Land Commission was concerned by that.

We see that using the rulemaking rule is to avoid consultation and we're we're all the seven member board, we're all happy to work together. If we would have known about it. Also, we see that using the rulemaking law also ignores the GTC actions. GTC is what established us in the 1940s. GTC has let us for the last 80 years, um giving us advice and counsel all along the way, we've reported to GTC and so we see an action taken by the business committee to ah change our policies without our direct input is contrary to the GTC functions, and those were things that Gina was bringing up.

Also as part of the planning that you were doing, you know your committee was doing was looking at community building, nation building and the idea that a major part of the nation building idea is to take authority away from a bureaucracy and give it to the community, give it to authority back to the people. And what we see in this latest action, the amendments here, is to take the authority away from the community who votes for us and hears from us several times a year and works with us monthly. You're taking the authority away from those people and you're handing them that authority to staff.

Um, and the staff is not community to staff or the people that work for the community. Certainly there are, you know, there are members of staff who are part of the community, but in many of the different areas of the tribe, there are staff members who are not tribal members or descendants. So by taking it away from the actual authority of the Land Commission, supported by the GTC, you're you're giving the power to the staff and that is um giving decisions away from the community and and taking away nation building.

In a letter from, dated October 1st, we have from ah Jameson Wilson six different areas that this is supposed to um work on. The first area is called to probe improved efficiency and responsiveness and...

Jonas Hill: Your time's up.

Fred Muscavitch: Oh my gosh. Um I'm about half done. Could you extend my time?

Jonas Hill: I'm going to let everybody else speak and then we'll come back. Unless you've got something for higher education?

Lisa Summers: All right. Good afternoon. I am Lisa Summers. I am here as an individual tribal member and participant, former participant of the higher education program, as well as the parent of several students who are currently in the program so I'll be commenting on that law.

First and foremost, I just want to say that I do appreciate the effort that the Legislative Operating Committee is making towards putting something in a more solid format for the members to be able to provide um information, input and guidance on. I think that the proposed changes and updates to what is currently being published is actually a step in the right direction and I think overall is good progress.

There are a few things, though, that I think need to be taken into consideration with the adoption of this law. And then mostly, even though it's not part of the actual law that's being adopted, most of my comments are going to be related to the rulemaking process and the handbook and the other things that go along with it so I'll I'll try to go as quickly as I can and I will submit written comments for those things that I'm not able to get in with my 5 minutes.

So the first thing I wanted to just note overall, there's a there's a lot of conversation that happens in the handbook and a provision in the section of the law that talks about what happens if a student finds themselves on probation or suspension and it talks about paying back um or how they rectify those types of things and to get reinstated into the program, which is great, there should always be that process.

I think one of the things that should also be disclosed is that there's a forgiveness process on in the tribes books as well that students have the ability to use and that's not readily disclosed within this process. And I think that's something that needs to be noted probably within the handbook at some point.

But one of the things that I know has taken place with several individuals and you know, I don't have the exact numbers on it, I just know from personal experience and from others that have shared their information is that once they become, once their student does what they need to do to get off suspension or probation and they do their paybacks and things like that, one of the things that still happens is that term in which caused the probation or suspension still counts

towards their total number of terms.

Now it looks like according to the law that you're shifting from term specific to credit specific. So I think that would get resolved underneath there. I would just hate to see that type of penalization also take place in the handbook itself um once that turnover happens. So just something to keep in mind that that inadvertently doesn't end up in a transfer of credits as well. So if a student ends up having to pay back their credits or pay back a specific set amount or whatever, that it doesn't count towards their total. And I think that's the point I'm trying to make there.

The other part of this is one of the things that happens in the, in 903.5 on the higher education grant, another piece of this that I vehemently disagree with is the inability to pursue and be assisted with pursuing multiple degrees. I understand why this was done in the very beginning in 1996 when this was first taking place. But over the years and different events that have happened throughout the last several decades, including the most recent one that happened with COVID, has only proven that there is times in people's lives when they need to adjust careers or they need to adjust um what they're pursuing in order to be successful in another industry or things like that. So there's just things that happen in the economy and other things that would require a person to have the ability to have that support moving forward. So I think that there's a way for the LOC to be able to figure out what that looks like. Maybe it's a partial funding, maybe it's limited funding, maybe it's something else, but I think that just strictly prohibiting an alternative or duplicate duplicate level degree is something that needs to be reconsidered.

Um, the other thing that I think I wanted to share with you guys is that I feel like in the appeals section right now the current appeals process is 30. The student has to file within 30 days. In the law, it's being pared back to 20 days, and I feel like it should remain at 30 days. One of the things I know, especially for students who are not, who who decide that they're going to stay in school despite funding, maybe they're pursuing loans or they get other assistance from somewhere else. They pay out of pocket, but while they're in the appeals process. They might be actually at their institution and if the information is being communicated over their mailing information, it might take longer for that student to actually receive the information that their notice that they've been suspended or probation and the appeal back and forth and things like that.

I know for myself with my students um that I currently have in place. All of their information comes to our home, which is where they reside, which is rightfully so. But then it might take a week or two for them to actually get the information from get mailed to our home and then get

back to them in their place of schooling. So you know, people who don't have a good support system might end up missing that 20 day window and I think the 30 days is more appropriate.

And then also in general correlating between the rulemaking, the handbook and all of the information that's been provided. I think that the rulemaking here has to go hand in hand with the actual passing of the law. I think that's the other thing I'm going to encourage. Um, with the rulemaking going...

Jonas Hill: Your time's up.

Lisa Summers: OK. I'll submit the rest of my comments written. Thank you.

Jonas Hill: All right. Thank you. Does anybody online have a comment? If so, please raise your hand. Uh Carl Artman.

Carl Artman: Good afternoon, everybody. Uh Carl Artman with the Oneida Law Office. Wanted I had a comment on the Oneida Higher Education Grant Law. I recommend that the Higher Education Grant Law include a uh provision stating that the Higher Education Grant is a general welfare exclusion in accordance with uh Title 10 of the Oneida Code of Laws, specifically Chapter 1001 or 1001.

I think the section could be inserted after 903.5 in the ah current draft of the Higher Education Grant Law, and then of course insert requisite definitions to go along with that. I will submit some written comments to the LOC and the LRO specifying that and the language that can hopefully just be copied and pasted to make it easier. Thank you.

Jonas Hill: Thank you. Does anybody else online have a comment? You have 5 minutes and then just reminder that you have seven days to submit written comments to the LRO and um the LRO staff can assist you with how to handle that.

Fred Muscavitch: Thank you. So going back to the proposed amendments, the real property law and the letter from Jameson Wilson to the Land Commission, he lists 6 areas which are a rationale for the proposed amendments. He says that it's going to improve efficiency and responsiveness and we on the Land Commission feel that this is inaccurate, and we wonder where that came from as most of the things um that the Land Commission works on is handled very quickly uh and many times things that come forward are emergencies and must be done and many the office, the land office has brought forward issues that need to be settled like a week

ago and things have to be addressed and the Land Commission, um, looks over that information and and makes decisions and is very efficient and responsive.

The idea of professionalization's is #2 of functions says that there's a feeling from LOC that delegating this authority is going to ensure that decisions are made by professionals with subject matter expertise, and, we we question the uh veracity of that as well to know exactly what you're thinking is a professional with subject matter expertise. We have um a division director who's over many different areas with land being just one of them. Uh, time is divided between all these areas. Uh, his background is divided into different areas. Uh, he has been on board for less than two years. I don't think there are any staff who have been in their current position in land for more than two years or so. Uh, many people are just there for six months now, so we're we're not seeing where you see this, this expertise and um professionalism.

Um, clear accountability um agencies, a bureaucracy does respond up the chain of the command, whereas the Land Commission is um responsible to the GTC, to the General Tribal Council, and we've been very responsive to them and we do report to them often and we do have um bimonthly meetings where the community does come in recently within the last two months we've had a large group of people attend for a specific purpose and we had, you know, two days notice that was going to happen. So we're very accountable and we don't see that turning it over to bureaucracy is going to help in that area.

Strategic alignment- certainly you can say that there's internal planning tools and performance metrics, but we don't understand how that applies to the Land Commission and the people that we not exactly supervise, but we people that we work with. Um reduced administrative overlap. That does not make sense in the preservation of oversight, again that diminishes instead of being general tribal council to elected officials who are watching over um what's going on day by day.

And some examples of this. I have a list here.

Some things that were going on and um followed the bureaucracy.

Jonas Hill: Please refrain from any names or titles, please.

Fred Muscavitch: I was. I was gonna name them all.

So, um different areas are probate and that's come up a couple of times. And probate the Land Commission has worked with the law office and has made substantial changes to that area,

whereas prior to the past two years there were a lot of um questions about that and in the past land office wanted to turn that over to the law office and now perhaps land Land Commission wants to retain those powers because finally it is it's working in a way that is um defensible.

We have a lot of leases that the that we are a watchdog over and when the chain of command, the system that you're looking for to empower even with greater power um some of those leases are 3-4 years without a renewal, and they've just been running along with nobody looking after them, and the Land Commission found out about that and took steps quickly to address it.

The fee to trust um issue is federal government. Again, who's going to have the professional background and the um oversight on this other than people who have been on the land Commission and one Pat Cornelius is here and she's been on the Pat on the Commission on and off for over 30 years and has background. And the land Commission found errors that needed to be corrected and we worked on those and that would not happen in...

Jonas Hill: Alright, your time's up.

Fred Muscavitch: and then delinquent deaths is the last one.

So I'd like to thank you for giving me this opportunity to address some of these, again, we feel Land Commission feels very short notice to go over this huge document. That's why I personally feel that document should be denied and that should not be voted on. Um, it should be withdrawn. And possibly the new business committee coming in in July might want to go back and look at it, but this is a huge document, many, many changes and we don't know who had the opportunity to consult on that. Again, thank you for giving me that time.

Jonas Hill: And then just a reminder too, you can submit all written comments and those will be reviewed. Alright. Alright, and then just please say your name.

Gina Powless Buenrostro: OK, Gina Powless Buenrostro. So I wanted to um hopefully this goes to GTC.

However, my comment was about um prohibiting people that are taking testings. I don't know if higher ed covers that or not, but to prohibit more than one time. So what I'm referring to is when you have people that graduate from law school that not in Wisconsin and they're taking this law test, the state bar, and they're they're taking it multiple times and not passing. And I think some individual departments are actually paying for those tests and I think that's really unfair and I'm

not sure why it's not under the authority of higher Ed because it's a educational like you have to pass a test in order to be call yourself an attorney or whatever in order to practice law.

And so we have several attorneys within the tribe that you know they they haven't been able to pass a stop the state bar. But I think it's OK that the tribe pay for one test. And then after that, if you can't pass it 3-4 or five times, it's ridiculous that we're paying for that. And so I think they should only pay for one. An individual department should not be covering that expense. That's a higher ed type of function so that we're not getting so the the manipulation is that individual departments might be paying for multiple and multiple state bar exams that ah individuals can't pass, and I don't think we should be doing it. I think that's a system that should be run through higher Ed. They monitor everybody's education, they pay for every everyone's education, and I think that should include those state bar exams.

Thank you.

Jonas Hill: Thank you. Are there any more comments? Any more speakers? Last call. All right, with there being no more speakers the public meeting for the proposed amendments to the Real Property Law and proposed Higher Education Grant Law is now closed at 12:53 PM. Written comments may be submitted until close of business on Friday, November 21st, 2025. Thank you everyone.

-End of Meeting-



LEGISLATIVE OPERATING COMMITTEE
PUBLIC MEETING
Higher Education Grant Law
November 21, 2025
Written Comments

From: Thomas Reed <thomas.reed714@gmail.com>

Sent: Friday, November 21, 2025 2:10 PM

To: LOC <LOC@oneidanation.org>

Subject: Public Comment by End of Day 11/21/25 for Higher Ed Amendment Public Comments

Shekoli Oneida LOC,

I would like to submit a public comment regarding the proposed amendments to the Higher Education Grant Law.

In reference to 903.5-1 Eligibility Requirements, Section e:

“be pursuing a degree in a higher funding tier than any previously earned degree, unless unused credits remain within the funding cap of their current degree tier pursuant to 903.5-2.”

I propose adding the following amendment:

“A student who has completed a doctoral degree (PhD) may be eligible to pursue a professional doctoral degree, such as a JD or MD, with up to 120 units of funding. This funding may be awarded at full-time or part-time status and shall include eligibility for Online or Hybrid JD Programs in addition to in-person residency programs.”

I believe this addition would strengthen the Oneida Nation by expanding educational opportunities for our Tribal members and supporting pathways to leadership and self-sufficiency. This aligns with the Mission Statement of Oneida Higher Education, which promotes “a goal toward self-sufficiency.”

Yawá·ko for your consideration. Please let me know if you have any questions or need further clarification.

Take care,

Dr. Thomas “TJ” Reed
Lukwe’tiyó | “He is a Good Man”
Member of the Oneida Nation, Turtle Clan

Assistant Professor in American Indian Studies
California State University of Long Beach (CSULB)

Adjunct Professor in Restorative Justice in Indigenous Communities
Vermont Law and Graduate School (VLGS)
Trainer at the National Center on Restorative Justice
University of San Diego (USD)
Consultant and Practitioner of Community Peacemaking
Ph. D. in Leadership and Organizational Consulting
University of San Diego, April 2021



Legislative Operating Committee
December 17, 2025

Real Property Law Amendments

Submission Date: 1/22/20	Public Meeting: N/A
LOC Sponsor: Jameson Wilson	Emergency Enacted: N/A

Summary: *This item was carried over from the last two (2) terms. It was added to the AFL in January 2020 by request of the Oneida Law Office to emergency amend the delegation of rulemaking authority given Oneida Land Commission, Land Management & Comprehensive Housing Division. The amendments added a provision that delegates rulemaking authority to these agencies as needed to exercise their authority and manage the responsibilities bestowed upon them by law. The basis for the emergency was to give Comprehensive Housing Division, Oneida Land Commission & Land Management authority to develop rules under the law regarding land acquisitions. Rulemaking authority was sought to address such acquisitions due to the transparency and oversight that the process of the Administrative Rulemaking law provides.*

Emergency amendments to the law were sought to preserve the general welfare of the Reservation population as the amendments ensure that the homeownership and land acquisition strategies related to the Nation's HIP and THRIFTT programs were not jeopardized by allowing immediate updates to the program processing and required component that authorizes land acquisitions.

Emergency amendments were adopted by the OBC through resolution BC-01-22-20-B. The amendments were set to expire on July 22, 2020. On July 22, 2020, the OBC adopted resolution BC-07-22-20-A, extending the emergency amendments to the Real Property law for an additional six (6) month timeframe – to expire on January 22, 2021.

10/4/23 LOC: Motion by Jennifer Webster to add the Real Property Law Amendments to the Active Files List with Jameson Wilson as the sponsor; seconded by Marlon Skenandore. 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 Real Property Law. Significant amendments were recommended by the work group. Next steps are to incorporate the amendments requested thus far and pick up at §601.7-3.

2/13/24: *Work Meeting.* Present: Kristal Hill, Lisa Rauschenbach, Nicole Rommel, Michelle Hill, Grace Elliott. The purpose of this meeting was to complete the first review of the entire Real Property law. Significant amendments were suggested. Next steps are to incorporate the amendments requested and then have the team examine the amendments for accuracy.

3/22/24: *Work Meeting.* Present: Grace Elliott, Michelle Hill, Mark Powless, Danielle White, Lisa Rauschenbach, Nicole Rommel. The purpose of this meeting was to review proposed amendments to the Real Property law.

- 3/28/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Grace Elliott, Kristal Hill, Scott Denny, Maureen Perkins, Danielle White, Fawn Cottrell, Lisa Rauschenbach, Nicole Rommel, Krystal John. The purpose of this meeting was to review proposed amendments to the Real Property law.
- 4/16/24:** *Work Meeting.* Present: Marlon Skenandore, Jameson Wilson, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Grace Elliott, Kristal Hill, Scott Denny, Maureen Perkins, Mark Powless, Danielle White, Fawn Cottrell, Lisa Rauschenbach, Nicole Rommel, Eric McLester, Krystal John. The purpose of this meeting was to review proposed amendments to the Real Property law.
- 6/11/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Fawn Cottrell, Mark Powless, Maureen Perkins. Kristal Hill, Eric McLester, Clorissa Leeman, Nicole Rommel, Grace Elliott. The purpose of this meeting was to review proposed amendments to the Real Property Law.
- 7/2/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Krystal John, Michelle Hill, Eric McLester, Nicole Rommel, Clorissa Leeman, Kristal Hill, Maureen Perkins, Mark Powless, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to review various methods of holding ownership including tenants in common and joint tenancy with the right of survivorship.
- 7/25/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Krystal John, Michelle Hill, Eric McLester, Nicole Rommel, Clorissa Leeman, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Mark Powless, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to proofread the draft amendments to the Real Property law.
- 12/10/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Grace Elliott. The purpose of this meeting was to review the draft Real Property law as it relates to the development of the probate law.
- 12/18/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Kristal Hill, Fawn Billie, Fawn Cottrell, Maureen Perkins, Grace Elliott. The purpose of this meeting was to review the draft amendments to the Real Property law. The LOC identified several areas to be researched and reconsidered.
- 1/28/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Fawn Cottrell, Kristal Hill, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to review the delegation of rulemaking authority within the Real Property law.
- 6/6/25:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Marlon Skenandore, Kristal Hill, Krystal John, Michelle Hill, Mark Powless, Eric McLester, Grace Elliott. The purpose of this meeting was to review the entire Real Property law with a focus on the delegations of rulemaking authority.
- 8/5/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Eric McLester, Nicole Rommel, Krystal John, Michelle Hill, Kristal Hill, RC Metoxen, Grace Elliott. The purpose of this meeting was to finish the review of the draft starting on line 282.

8/21/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Krystal John, Mark Powless, Michelle Hill, Nicole Rommel, Lisa Rauschenbach, Eric McLester, Fawn Billie, Fawn Cottrell, Grace Elliott. The purpose of this meeting was to review the changes related to the draft amendments to the Public Use of Tribal Land Law.

8/28/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Krystal John, Nicole Rommel, Lisa Rauschenbach, Eric McLester, Gregory Matson, Mark Powless, Fawn Billie, Fawn Cottrell, Rhiannon Metoxen, Grace Elliott. The purpose of this meeting was to complete a full read through of the draft.

9/3/25 LOC: Motion by Jennifer Webster to approve the draft amendments to the Real Property Law and direct that a legislative analysis be completed; seconded by Jonas Hill. Motion carried unanimously.

10/1/25 LOC: Motion by Jennifer Webster to accept the legislative analysis and public meeting packet for the proposed amendments to the Real Property Law and schedule a public meeting to be held on November 14, 2025; seconded by Kirby Metoxen. Motion carried unanimously.

Next Steps:

- Accept the public comment review memorandum for the proposed amendments to the Real Property Law and defer to a work meeting for consideration.



TO: Legislative Operating Committee (LOC)
 FROM: Grace Elliott, Legislative Reference Office, Staff Attorney *Grace Elliott*
 DATE: December 17, 2025
 RE: Real Property Law Amendments: Public Comment Review

On November 14, 2025, a public meeting was held regarding the proposed amendments to the Oneida Real Property law. Two (2) individuals provided comments during the public meeting. The public comment period was then held open until November 21, 2025. Four (4) individuals submitted comments during the comment period. This memorandum is submitted as a review of the comments received during the public comment period. The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

Comment 1 – Governance and GTC Authority:

601.2. Adoption, Amendment, Repeal

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

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

601.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

601.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control. Provided that, the Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016 and is hereby repealed upon the expiration of the last existing land assignment.

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

Gina Powless Buenrostro (oral): OK, so we talked about this amongst our Commission, but I'm here as my own sovereign person, if you will. And so I'm going to say, first of all, that there's a ton of amendments to this proposed, the proposed changes. And so I really am going to stand on this is that when we're using this administrative rulemaking, OK, they started doing that I think in 2017, eighteen, whatever year it was. It eliminates general tribal council from having any involvement.

So I think when it pertains to any type of an agency, department, whatever is created by general tribal council, then that needs to go back to them when you're making all these so-called administrative rule making. Using that in terms of how we're going to change law, because a lot of times when the laws change and we have a finalized version of the law, nobody knows what it is. And I'll give you a good example, like the termination and eviction law, the word nuisance is in the definitions. In the definitions, that word gives the whatever, Housing Authority, whoever is doing the evictions, it gives them the right to throw people off the land. And see, I wasn't clear

about that. And that's why I wanted clarity. Like, how does the Housing Authority or whoever have the authority to regulate who's on land and who's not on land? That's not their authority. I think that's the Land Commission and the Land Management.

OK. So with that being said, I don't think it ever changed. And that went through rulemaking. And so that's how people were getting thrown out of their houses. They weren't saying, well, I'm taking your house away. They're saying get off the land. And I think that's very misleading for folks in their homes. And. And I don't know where that's at as far as how many have been evicted and and kicked out of their houses and not, I want, I don't want to say kicked out, say kicked off the land. So, so that's an inconsistency I think in that law because it's defined by a definition.

I was using that as an example. That's what I was using it as, and I still think it's ineffectively written in that law per se. No one changed it. It wasn't done, but whatever. I'm going to get back to the real property laws.

So just based on the fundamental values of the tribe and how we communicate this process. Of the LOCLRO, I'm not sure what title it goes by, but the way we're doing this administrative rulemaking, it really interferes with our true governing body, which is General Tribal Council. And if we go further back, that was clan mothers and the elders. Everybody in the tribe in the community had a say. Say laws just weren't being passed without our knowledge. Laws, you know, I know and I get that you guys hold these meetings. You have how many people here like actually here from the community, not workers, not people that you employ, but people that are interested. You have four or five of us and that's it. You have department people, but they're here probably because it affects their job. Departments, but actual community members, maybe 3 here.

So when I say and speak to that, that's the kind of three people cannot control 17,000 members and laws that are being made. I really believe that using administrative rulemaking is a hindrance. It's its colonization to its finest form because we're making laws without everybody having that input. And as we talked earlier, the conversation went like this. Well, they know that it's posted. They could get here. Maybe they can't get here. Maybe they can't be here. Oh, well, they could write a letter. Maybe they don't even know what's happening. That gully only comes out once a month. So if you get it, or if you haven't read it. Then you're kind of like you're out of the loop, so to speak. I'm going to say that in a real nice way. You're out of the loop.

So I think that I'm really against this rulemaking. I wanted to. I want laws to go back to the general tribal council where it should go. They have the ultimate authority. They created the land Commission, and so if they want the rules and they want to start eradicating our authority, let it be them, but not the Business Committee or a Subcommittee of the Business Committee. Let it be General Tribal Council. They're the ones who created the Land Commission in 1941. And if they feel that we're not doing our job or if they feel, that, it's easier in the process flows easier if it's delegated to all the separate departments and let them be like rulemaking in their departments, then so be it.

But I think ultimately all these changes that you have in here and I'm not going to go down one by one, but all the changes that you have in here I believe are under the authority of general tribal council to make and say no, we don't want that in there, yes we do, because I would suggest more public meetings until we can address this in general tribal council or I would probably end up filing a petition to redact rulemaking so that especially for entities that govern and were created by general tribal council. I think this process interferes with that authority and I feel that the process also obstructs the authority of general tribal council and leaves general tribal council out of any decision making. So I like we're bullying them into accepting these laws through rule making. And that's how it feels. And I'm just giving you my perspective. I also think that shift... So how much time did I have?

Fred Muscavitch (oral): I am. I'm Doctor Frederick Muskovich and I'm here along with Gina and Pat Cornelius, and we were voted to by the Land Commission to represent the Land Commission at our Monday night meeting this week. That's my name. O You're going to start the 5 minutes. All right. And I'm here to talk about the proposed amendments to the real property law.

Major concern is the Business Committee talks of transparency and laying things on the table, and the Land Commission is concerned that the real property law amendments have come out in the Land Commission has not been able to have any input on to this. None of us recall ever being invited to a meeting or asked for any kinds of input or consultation? Um.

So our timeline kind of was you. You've been working on this for a year or more, and the first land Commission knows about it is that it was sent. A letter dated October 1st was sent to the Land Commission. And the Land Commission received it on November 10th. So on November 10th we received it, did not have a lot of time to review it. And then we were told if you have any concerns, you can come to a tentative hearing. Which is to what we're at today at at 12:15 on November 14th. So we had four days.

One of the things that Land Commission and action they took was to request our our attorney to come up with a response to the amendments from the Land Commission's perspective. And again, we had our meeting Monday night. A letter was developed on Tuesday, was sent to the attorney, possibly Tuesday, maybe Wednesday morning. And here we are two days later. So we do not see that as being transparent or giving anybody an opportunity.

First, I'd like to start with that what Gina was saying, the Land Commission supports the idea that perhaps rule making, the rule making law is used to avoid consultation. So if you're writing about the land Commission or if you're like writing about other committees or commissions boards, they should be involved. It shouldn't be a last minute informational here. Here's what we're giving you. This is what we're we're doing to you. And Planning Commission was concerned by that.

We see that using the rulemaking rule is to avoid consultation and we're we're all the seven member board, we're all happy to work together. If we would have known about it also, we see that using the rulemaking law also ignores the GTC actions. GCGTC is what established us in the 1940s. GTC has let us for the last 80 years, giving us advice and counsel all along the way, we've reported to GTC and so we see an action taken by the business committee to change our

policies without our direct input is contrary to the GTC functions, and those were things that Gina was bringing up.

Also as part of the planning that you were doing, you know your committee was doing was looking at community building, nation building and the idea that a major part of the nation building idea is to take authority away from a bureaucracy and give it to the community, give it to authority back to the people. And what we see in this latest action, the amendments here, is to take the authority away from the community who votes for us, and hears from us several times a year and works with us monthly. You're taking the authority away from those people and you're handing them that authority to staff. And the staff is not community to staff or the people that work for the community.

Certainly there are, you know, there are members of staff who are part of the community, but in many of the different areas of the tribe, there are staff members who are not tribal members or descendants. So by taking it away from the actual authority of the Land Commission, supported by the GTC, you're giving the power to the staff and that is giving decisions away from the community and taking away nation building.

In her letter from, dated October 1st, we have from Jameson Wilson six different areas that this is supposed to work on. The first area is called to probe improved efficiency and responsiveness.

Stephanie Wephenie (written): I have many concerns. Here are just 5 from the overview.

1. Change the ability to sell tribal land
2. Remove probate issues from the Land Commission before an alternative is established
3. Take rule making and authority away from the GTC elected Land Commission and allow staff to assume them
4. Limit our Nation's eminent domain
5. And they want to include "increase Land management staffing" in the law. This doesn't belong in a law.

So, I recommend writing to LOC at the above address to oppose the amendments and ask to defer the amendments to the new LOC which is elected next July.

Lisa Albright (written): Dear members of the LOC:

I am concerned about the bad revisions being made:

1. Selling tribal land.
2. Taking probate away from the land commission without having somewhere to put it.
3. Taking rule making and authority away from the elected Land Commission!
4. Limit the tribes use of eminent domain
5. Increasing land management staff

I am requesting the amendments be denied and forwarded to the new business committee, who will be elected next July. You must stop this egregious use of power; taking authority away from the elected Land Commission!

Response

Summary of Public Comments:

Several commenters, including representatives of the Oneida Land Commission, expressed strong concerns that the proposed amendments and reliance on administrative rulemaking diminish the authority of both the General Tribal Council (GTC) and the elected Land Commission. Key themes include:

- *Historical Role of GTC and Land Commission:* Commenters emphasized that GTC originally created the Land Commission in 1941 and has provided oversight for decades. Commenters view any transfer of authority away from this body as inconsistent with GTC's foundational role and tribal governance principles.
- *Decision-Making Authority:* Many believe major changes to the Real Property Law should be decided by GTC, rather than by the Business Committee or its subcommittees.
- *Transparency and Consultation:* Commenters noted a lack of meaningful consultation with the Land Commission and insufficient transparency.
- *Shift of Authority:* Concerns were raised about moving probate and rulemaking authority from the Land Commission to administrative staff. Commenters believe this change removes decision-making from elected bodies accountable to the community and places it in the hands of employees, some of whom may not be tribal members.
- *Impact on Nation-Building:* This shift was described as undermining community representation and long-term governance goals.
- *Recommended Action by Commenters:* Several urged that amendments be deferred to the next administration or brought before GTC for approval.

Background:

To address these concerns, the Nation's governance structure provides clarity on roles and responsibilities:

- *Constitutional Framework:*
 - GTC is the supreme governing body. [Art. IV, Sec 3].
 - The Oneida Business Committee (OBC) exercises legislative and executive authority under the Legislative Procedures Act [1 O.C. 109].
 - The LOC manages legislative development, including drafting, analysis, public review, and forwarding legislation for adoption [1 O.C. 109.4-2].
 - Administrative agencies implement laws through rulemaking under delegated authority [1 O.C. 106].
 - The Judiciary ensures fairness and legality through interpretation and review [Art. V; 1 O.C. 106.13].
- *Land Commission History:*
 - 1941: GTC established the Land Committee via Ordinance No. 1 – Lands.
 - 1996: Real Property Law adopted by OBC (BC-05-29-96-A), reestablished the Land Commission with authority to set professional standards, grant licenses, investigate complaints, hear contested cases, and implement the law.
 - 2017: Amendments (BC-02-08-17-A) transferred hearing authority to the Judiciary, narrowed scope, and retained rulemaking and administrative roles for the

Land Commission—enhancing due-process protections, not diminishing GTC’s role. (Implementation challenges caused the transition to be postponed.)

- Today: the Land Commission’s authority derives from laws adopted by OBC, reflecting GTC’s governance model where GTC sets the framework and authorizes a legislative process requiring public review and formal adoption procedures. This does not negate GTC’s foundational role; it reflects its chosen governance model.
- *Delegation of Authority:*
 - The Land Commission’s authority is derived from the OBC through laws of the Nation—not directly from GTC.
 - Its bylaws confirm that authority is delegated under specific laws, including the Real Property Law, Leasing Law, Zoning and Shoreland Protection Law, and others.

Public Review Process:

These comments are part of the public review process required by the Legislative Procedures Act (LPA), Title 1, Chapter 109, adopted by GTC through Resolution GTC #01-07-13-A. This process ensures transparency, public input, and consistency in legislative development. Key requirements include:

- *Advance Notice:* At least ten (10) business days prior to the public meeting and comment period, published in the Oneida Register and Tribal publications, and distributed electronically to managers [1 O.C. 109.8-2].
- *Public Meeting:* Held during the comment period to solicit oral testimony, presided over by an LOC member [1 O.C. 109.8-3].
- *Comment Period:* Open for at least five (5) business days after the meeting, allowing members to submit written comments by mail, email, fax, or in person [1 O.C. 109.8-1; 109.8-4].
- *Full Consideration:* All comments and testimony must be reviewed by the LOC before forwarding legislation [1 O.C. 109.8-4].

The proposed amendments remain under review, and these comments form part of the official record guiding that review. The system is functioning as intended—openly, inclusively, and under GTC authority.

Analysis:

The proposed amendments do not exceed LOC’s delegated authority under the LPA. LOC’s role is procedural: facilitating legislative development, ensuring public review, and forwarding legislation for adoption by OBC or GTC. LOC does not adopt laws; it ensures transparency and consistency in the process.

The LPA, adopted by GTC through Resolution GTC #01-07-13-A, expressly delegates to the LOC the responsibility to manage legislative development, including drafting, analysis, public review, and forwarding legislation for adoption by the Oneida Business Committee or GTC [1 O.C. 109.4; 109.5–109.9].

The proposed amendments remain within the scope of LOC's delegated authority. They do not alter the constitutional hierarchy or exceed the powers granted under the LPA. Instead, they reflect procedural adjustments designed to improve clarity and efficiency in administering the Real Property Law.

The Land Commission's authority continues to derive from delegation by OBC through substantive laws of the Nation. Amendments that refine administrative processes or reassign procedural duties do not diminish GTC's role. LOC has met all requirements under Section 109.8, including advance notice, public meeting, open comment period, and full consideration of testimony. These comments are part of the official record guiding LOC's review, and their inclusion affirms compliance with the LPA.

No revisions to the Law are recommended based on these comments.

LOC Consideration

Comment 2 – Land Commission Authority:

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

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

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

- ~~(a) Forward requests for easements and land use licenses to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Land Commission;~~
- (a) Interpret the provisions of this law and create policy as needed;
- (b) Exercise rulemaking authority pursuant to the Administrative Rulemaking Law to;

- (1) Clearly describe the process and procedure for approving agriculture and commercial leases.
- (2) Create a fine and penalty schedule for violations of this law and its corresponding rules; and
- (3) Any other rule needed to implement or interpret the provisions of this law.
- (4) Provided that, such rules shall be approved by senior management prior to their submission to the Legislative Operating Committee pursuant to the Administrative Rulemaking Law.
- (c) Administer and oversee the Oneida Nation Register of Deeds and any other trust title responsibilities;**
- (d) Enter into and administer agricultural and commercial leases pursuant to the Leasing law and the Eviction and Termination law and any corresponding rules;**
- (e) Prepare title reports and process trust transactions; and**
- (f) Process land acquisition transactions as approved by the Oneida Land Commission.**
- (g) Manage the Tribal land portfolio and act as the caretaker of all unassigned lands.**
- (h) Process requests for easements and land use licenses.**
- (i) Administer all internal building and land assignments to internal entities of the Nation as approved by senior management ~~the Oneida Land Commission.~~**
- (j) Administer all transactions which add real property to the Tribal land base under the provisions of this law.**
- (k) Prepare and maintain title reports and accurate land records.**
- (l) Perform real estate services for individual trust landowners in accordance with the self-governance compact to include collection and submittal of required documents for the Bureau of Indian Affairs to review and approve easements, conveyances and other real estate transactions.**
- (m) Process compile and submit the Nation's fee to trust applications in accordance with the priorities approved by senior management ~~the Oneida Land Commission.~~**
- (n) Determine which Tribal land will be posted and ensure the appropriate signs are posted.**

Gina Powless Buenrostro (oral): OK, so we talked about this amongst our Commission, but I'm here as my own sovereign person, if you will. And so I'm going to say, first of all, that there's a ton of amendments to this proposed, the proposed changes. And so I really am going to stand on this is that when we're using this administrative rulemaking, OK, they started doing that I think in 2017, eighteen, whatever year it was. It eliminates general tribal council from having any involvement.

So I think when it pertains to any type of an agency, department, whatever is created by general tribal council, then that needs to go back to them when you're making all these so-called administrative rule making. Using that in terms of how we're going to change law, because a lot of times when the laws change and we have a finalized version of the law, nobody knows what it is. And I'll give you a good example, like the termination and eviction law, the word nuisance is in the definitions. In the definitions, that word gives the whatever, Housing Authority, whoever is doing the evictions, it gives them the right to throw people off the land. And see, I wasn't clear about that. And that's why I wanted clarity. Like, how does the Housing Authority or whoever

have the authority to regulate who's on land and who's not on land? That's not their authority. I think that's the Land Commission and the Land Management.

OK. So with that being said, I don't think it ever changed. And that went through rulemaking. And so that's how people were getting thrown out of their houses. They weren't saying, well, I'm taking your house away. They're saying get off the land. And I think that's very misleading for folks in their homes. And. And I don't know where that's at as far as how many have been evicted and and kicked out of their houses and not, I want, I don't want to say kicked out, say kicked off the land. So, so that's an inconsistency I think in that law because it's defined by a definition.

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Of the LOCLRO, I'm not sure what title it goes by, but the way we're doing this administrative rulemaking, it really interferes with our true governing body, which is General Tribal Council. And if we go further back, that was clan mothers and the elders. Everybody in the tribe in the community had a say. Say laws just weren't being passed without our knowledge. Laws, you know, I know and I get that you guys hold these meetings. You have how many people here like actually here from the community, not workers, not people that you employ, but people that are interested. You have four or five of us and that's it. You have department people, but they're here probably because it affects their job. Departments, but actual community members, maybe 3 here.

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So I think that I'm really against this rulemaking. I wanted to. I want laws to go back to the general tribal council where it should go. They have the ultimate authority. They created the land Commission, and so if they want the rules and they want to start eradicating our authority, let it be them, but not the Business Committee or a Subcommittee of the Business Committee. Let it be General Tribal Council. They're the ones who created the Land Commission in 1941. And if they feel that we're not doing our job or if they feel, that, it's easier in the process flows easier if it's delegated to all the separate departments and let them be like rulemaking in their departments, then so be it.

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Fred Muscavitch (oral): I am. I'm Doctor Frederick Muskovich and I'm here along with Gina and Pat Cornelius, and we were voted to by the Land Commission to represent the Land Commission at our Monday night meeting this week. That's my name. O You're going to start the 5 minutes. All right. And I'm here to talk about the proposed amendments to the real property law.

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policies without our direct input is contrary to the GTC functions, and those were things that Gina was bringing up.

Also as part of the planning that you were doing, you know your committee was doing was looking at community building, nation building and the idea that a major part of the nation building idea is to take authority away from a bureaucracy and give it to the community, give it to authority back to the people. And what we see in this latest action, the amendments here, is to take the authority away from the community who votes for us, and hears from us several times a year and works with us monthly. You're taking the authority away from those people and you're handing them that authority to staff. And the staff is not community to staff or the people that work for the community.

Certainly there are, you know, there are members of staff who are part of the community, but in many of the different areas of the tribe, there are staff members who are not tribal members or descendants. So by taking it away from the actual authority of the Land Commission, supported by the GTC, you're giving the power to the staff and that is giving decisions away from the community and taking away nation building.

In her letter from, dated October 1st, we have from Jameson Wilson six different areas that this is supposed to work on. The first area is called to probe improved efficiency and responsiveness. So going back to the proposed amendments, the real property law and the letter from Jameson Wilson to the Land Commission, he lists 6 areas which are a rationale for the proposed amendments. He says that it's going to improve efficiency and responsiveness and we on the Land Commission feel that this is inaccurate and we wonder where that came from as most of the things that the Land Commission works on is handled very quickly and many times things that come forward are emergencies and must be done. Many the office land office has brought forward issues that need to be settled like a week ago and things have to be addressed and the Land Commission, um, looks over that information and makes decisions and is very efficient and responsive.

The idea of professionalizations is #2 of functions says that there's a feeling from LOC that delegating this authority is going to ensure that decisions are made by professionals with subject matter expertise, and, we we question the veracity of that as well to know exactly what you're thinking is a professional with subject matter expertise.

We have a division director who's over many different areas with land being just one of them, time is divided between all these areas. His background is divided into different areas. He has been on board for less than two years. I don't think there are any staff who have been in there. Current position in land for more than two years or so. Many people are just there for six months now, so we're not seeing where you see this, this expertise and professionalism. Oh. Clear accountability agencies, a bureaucracy does respond up the chain of the command, whereas the Land Commission is responsible to the GTC, to the General Tribal Council, and we've been very responsive to them and we do report to them often and we do have. Bimonthly meetings where the community does come in recently. Within the last two months we've had a large group of people attend for a specific purpose and we had, you know, two days notice that was going to happen.

So we're very accountable and we don't see that turning it over to bureaucracy is going to help in that area. Strategic alignment. Certainly you can say that there's internal planning tools and performance metrics, but we don't understand how that applies to the Land Commission and the people that we not exactly supervise vise, but we people that we work with reduced administrative overlap. That does not make sense in the preservation of oversight. Again, that diminishes instead of being general tribal council to elected officials who are watching over what's going on day by day.

And some examples of this. I have a list here. Some things that were going on and followed. Different areas are probate and that's come up a couple of times and probate. The Land Commission has worked with the law office and has made substantial changes to that area, whereas prior to the past two years there were a lot of. Questions about that and in the past land office wanted to turn that over to the law office and now perhaps land Land Commission wants to retain those powers because finally it is it's working in a way that is. Defensible.

We have a lot of leases that the that we are a watchdog over and when the chain of command, the system that you're looking for to empower even with greater power. Some of those leases are 3-4 years without a renewal, and they've just been running along with nobody looking after them, and the Land Commission found out about that and took steps quickly to address it. The fee to trust issue is federal government. Again, who's going to have the professional background and the oversight on this other than people who have been on the land Commission and one Pat Cornelius is here and she's been on the Pat on the Commission on and off for over 30 years and has background and the land Commission found errors that needed to be corrected and we worked on those and that would not happen in what it and then delinquent deaths is the last one. So I'd like to thank you for giving me this opportunity.

To address some of these, again, we feel Land Commission feels very short notice to go over this huge document. That's why I personally feel that document should be denied and that should not be voted on. It should be withdrawn.

And possibly the new business committee coming in in July might want to go back and look at it, but this is a huge document, many, many changes and we don't know who had the opportunity to consult on that.

Jen Falck (written): Good Morning-

Please find my public comments for the Real Property law amendments:

I am concerned about the amendment that removes the LC role in interpreting provisions or approving/denying easements.

The LOC's web page indicates that it is interested in community engagement and participation. This is a primary role for the LC. I have worked with the LC three times since 2019. Twice, because the DOLM was restricting the community's efforts to expand our food sovereignty efforts. The LC was able to step in and remind DOLM what the larger goals are, and helping community members to achieve their land use goals, while being compliant with current law.

Unfortunately, in my experience, I can't agree "*Land Management and CHD have demonstrated institutional maturity, operational capacity, and subject matter expertise, positioning them to effectively manage responsibilities...*" [Pg. 7 Public Meeting packet]. I have seen the DOLM make recommendations that do not demonstrate expertise or knowledge of the Nation's land use goals.

1. I am a member of Ohelaku. We have received a \$900,000 grant to build a facility for our activities. In 2024 we went round and round with DOLM to identify a parcel for lease. Eventually, the LC had to direct DOLM to work with us to identify some options. We were offered several options, and after consideration we chose the parcel adjacent to the Turtle School. We attended the LC meeting to get final approvals and sign leases. A LC member stopped the discussion to ask if this was the same parcel that the Tribe intends to use to build a new high school. Yes. It was. We had to choose another parcel. I hate to think what would've happened if we had started construction on the site. The LC's intervention and institutional knowledge is what prevented this disaster.
2. This summer, tribal ag. lease holders received letters from DOLM indicating that their leases would be terminated on December 31, 2024. Several farmers and food producers attended the next LC meeting to discuss the issue. The letter directed the farmers to clear their land prior to the lease terminations. A few of these leases were for livestock production, and were grazing several hundred head of beef cattle. DOLM doesn't seem to understand or appreciate the consequences of these decisions. Most of that livestock was bound for the Tribal Elder Food Box Program. The LC intervened and proposed an extension of the leases, that would allow for the farmers to continue production, and allow for the DOLM to achieve their procedural changes. A farmer can't simply clear the land of their livestock herd on a dime. Institutional knowledge, understanding agriculture, and farmer needs were critical to addressing this situation.

Without the LC's ability to interpret or to step in on behalf of the land users, our land use goals, specifically our agriculture and food production goals may not be achieved.

Lisa Albright (written): Dear members of the LOC:

I am concerned about the bad revisions being made:

1. Selling tribal land.
2. Taking probate away from the land commission without having somewhere to put it.
3. Taking rule making and authority away from the elected Land Commission!
4. Limit the tribes use of eminent domain
5. Increasing land management staff

I am requesting the amendments be denied and forwarded to the new business committee, who will be elected next July. You must stop this egregious use of power; taking authority away from the elected Land Commission!

Stephenie Wephenie (written): I have many concerns. Here are just 5 from the overview.

1. Change the ability to sell tribal land
2. Remove probate issues from the Land Commission before an alternative is established
3. Take rule making and authority away from the GTC elected Land Commission and allow staff to assume them
4. Limit our Nation's eminent domain
5. And they want to include "increase Land management staffing" in the law. This doesn't belong in a law.

So, I recommend writing to LOC at the above address to oppose the amendments and ask to defer the amendments to the new LOC which is elected next July.

Response

Overview of Public Concerns: Several commenters emphasized the Land Commission's critical role as a governance body with deep institutional knowledge and direct accountability to the community. They expressed strong concern that proposed amendments would remove or limit key responsibilities, including its authority to interpret provisions of the Real Property Law, approve or deny easements, and exercise rulemaking powers. Commenters believe these changes could weaken community representation and reduce oversight in land-related decisions.

They stressed that the Land Commission's involvement is essential to ensuring land use decisions align with the Nation's broader goals, such as food sovereignty and agricultural sustainability. Removing these responsibilities, they argued, risks undermining strategic objectives and diminishing the community's voice in decisions affecting land use and development.

Interpretation of Real Property Law: Commenters highlighted that the Land Commission's interpretive authority is vital for maintaining alignment between land use decisions and the Nation's long-term goals. They cited examples where this role prevented significant conflicts:

- *Community Project Conflict:* In 2024, a community group secured a \$900,000 grant for a facility. During lease negotiations, the Land Commission identified that the proposed parcel was earmarked for a future high school. Without this intervention, construction could have begun on land critical for tribal infrastructure.
- *Agricultural Lease Extensions:* When lease termination notices were issued to farmers, including those raising livestock for the Tribal Elder Food Box Program, the Land Commission intervened to extend leases. This action prevented disruption to food production and supported agricultural continuity.

Commenters believe that these examples demonstrate that the Land Commission's interpretive role is not merely procedural—it safeguards strategic priorities and prevents costly mistakes.

Approval or Denial of Easements: Commenters also expressed concern about removing the Land Commission's authority to approve or deny easements. They argued that this responsibility ensures community engagement and accountability in decisions that affect land access and development. Easement approvals often involve balancing competing interests—such as infrastructure needs and

agricultural sustainability—and require a body with both technical understanding and community trust.

By shifting this authority to administrative staff, commenters fear decisions will lack the transparency and institutional knowledge necessary to protect the Nation’s long-term interests. They emphasized that elected bodies, not employees, should make decisions with such lasting impact.

Commenters concluded that limiting the Land Commission’s authority could jeopardize food sovereignty initiatives, agricultural production goals, and community representation in land governance. They urged that these responsibilities remain with the Land Commission to preserve accountability, prevent conflicts, and uphold the Nation’s strategic vision for land use.

The LOC proposed these amendments to streamline decision-making, reduce administrative redundancy, and improve service delivery. Commissions traditionally serve as oversight bodies, ensuring policy alignment and community representation. While these roles remain essential, the day-to-day execution of technical and regulatory tasks—such as drafting rules, processing leases, and managing compliance—is better suited to professional staff with established procedures and direct accountability mechanisms.

The Legislative Operating Committee may make one of the following considerations regarding these comments:

1. The LOC may determine that Section 601.5-2 and 601.5-3 should remain as currently drafted.
2. The LOC may determine that Section 601.5-2 should be revised to reinstate the Land Commission’s authority to: 601.5-2(a) *Interpret the provisions of this law and create policy as needed to guide Land Management in implementing the same*;

If the LOC chooses this course of action, then following changes are also recommended:

601.5-3. “Land Management shall implement this law in accordance with the policy directives provided by the Oneida *Land Commission*. ~~Business Committee and senior management.~~

~~601.5-3(a) Land Management shall: Interpret the provision of this law and create policy as needed.~~

3. The LOC may determine that Section 601.5-3 should be revised to read:
“Land Management shall implement *its duties this law* in accordance with *this law the policy directives provided by the Oneida Business Committee and senior management.*”
4. The LOC may revisit the allocation of duties and determine if adjustments are warranted.

LOC Consideration

Comment 3 – Land Commission - Consultation:

Gina Powless Buenrostro (oral): OK, so we talked about this amongst our Commission, but I'm here as my own sovereign person, if you will. And so I'm going to say, first of all, that there's a ton of amendments to this proposed, the proposed changes. And so I really am going to stand on this is that when we're using this administrative rulemaking, OK, they started doing that I think in 2017, eighteen, whatever year it was. It eliminates general tribal council from having any involvement.

So I think when it pertains to any type of an agency, department, whatever is created by general tribal council, then that needs to go back to them when you're making all these so-called administrative rule making. Using that in terms of how we're going to change law, because a lot of times when the laws change and we have a finalized version of the law, nobody knows what it is. And I'll give you a good example, like the termination and eviction law, the word nuisance is in the definitions. In the definitions, that word gives the whatever, Housing Authority, whoever is doing the evictions, it gives them the right to throw people off the land. And see, I wasn't clear about that. And that's why I wanted clarity. Like, how does the Housing Authority or whoever have the authority to regulate who's on land and who's not on land? That's not their authority. I think that's the Land Commission and the Land Management.

OK. So with that being said, I don't think it ever changed. And that went through rulemaking. And so that's how people were getting thrown out of their houses. They weren't saying, well, I'm taking your house away. They're saying get off the land. And I think that's very misleading for folks in their homes. And. And I don't know where that's at as far as how many have been evicted and and kicked out of their houses and not, I want, I don't want to say kicked out, say kicked off the land. So, so that's an inconsistency I think in that law because it's defined by a definition.

I was using that as an example. That's what I was using it as, and I still think it's ineffectively written in that law per se. No one changed it. It wasn't done, but whatever. I'm going to get back to the real property laws. So just based on the fundamental values of the tribe and how we communicate this process of the LOCLRO, I'm not sure what title it goes by, but the way we're doing this administrative rulemaking, it really interferes with our true governing body, which is General Tribal Council. And if we go further back, that was clan mothers and the elders. Everybody in the tribe in the community had a say. Say laws just weren't being passed without our knowledge.

Laws, you know, I know and I get that you guys hold these meetings. You have how many people here like actually here from the community, not workers, not people that you employ, but people that are interested. You have four or five of us and that's it. You have department people, but they're here probably because it affects their job. Departments, but actual community members, maybe 3 here.

So when I say and speak to that, that's the kind of three people cannot control 17,000 members and laws that are being made. I really believe that using administrative rulemaking is a hindrance. It's its colonization to its finest form because we're making laws without everybody having that input. And as we talked earlier, the conversation went like this. Well, they know that it's posted. They could get here. Maybe they can't get here. Maybe they can't be here. Oh, well, they could write a letter. Maybe they don't even know what's happening. That gully only comes out once a month. So if you get it, or if you haven't read it. Then you're kind of like you're out of the loop, so to speak. I'm going to say that in a real nice way. You're out of the loop.

So I think that I'm really against this rulemaking. I wanted to. I want laws to go back to the general tribal council where it should go. They have the ultimate authority. They created the Land Commission, and so if they want the rules and they want to start eradicating our authority, let it be them, but not the Business Committee or a Subcommittee of the Business Committee. Let it be General Tribal Council. They're the ones who created the Land Commission in 1941. And if they feel that we're not doing our job or if they feel, that, it's easier in the process flows easier if it's delegated to all the separate departments and let them be like rulemaking in their departments, then so be it.

But I think ultimately all these changes that you have in here and I'm not going to go down one by one, but all the changes that you have in here I believe are under the authority of general tribal council to make and say no, we don't want that in there, yes we do, because I would suggest more public meetings until we can address this in general tribal council or I would probably end up filing a petition to redact rulemaking so that especially for entities that govern and were created by general tribal council. I think this process interferes with that authority and I feel that the process also obstructs the authority of general tribal council and leaves general tribal council out of any decision making. So I like we're bullying them into accepting these laws through rule making. And that's how it feels. And I'm just giving you my perspective. I also think that shift... So how much time did I have?

Fred Muscavitch (oral): I am. I'm Doctor Frederick Muskovich and I'm here along with Gina and Pat Cornelius, and we were voted to by the Land Commission to represent the Land Commission at our Monday night meeting this week. That's my name. O You're going to start the 5 minutes. All right. And I'm here to talk about the proposed amendments to the real property law.

Major concern is the Business Committee talks of transparency and laying things on the table, and the Land Commission is concerned that the real property law amendments have come out in the Land Commission has not been able to have any input on to this. None of us recall ever being invited to a meeting or asked for any kinds of input or consultation? Um.

So our timeline kind of was you. You've been working on this for a year or more, and the first land Commission knows about it is that it was sent. A letter dated October 1st was sent to the Land Commission. And the Land Commission received it on November 10th. So on November 10th we received it, did not have a lot of time to review it. And then we were told if you have any concerns, you can come to a tentative hearing. Which is to what we're at today at at 12:15 on November 14th. So we had four days.

One of the things that Land Commission and action they took was to request our attorney to come up with a response to the amendments from the Land Commission's perspective. And again, we had our meeting Monday night. A letter was developed on Tuesday, was sent to the attorney, possibly Tuesday, maybe Wednesday morning. And here we are two days later. So we do not see that as being transparent or giving anybody an opportunity.

First, I'd like to start with that what Gina was saying, the Land Commission supports the idea that perhaps rule making, the rule making law is used to avoid consultation. So if you're writing about the land Commission or if you're like writing about other committees or commissions boards, they should be involved. It shouldn't be a last minute informational here. Here's what we're giving you. This is what we're we're doing to you. And Planning Commission was concerned by that.

We see that using the rulemaking rule is to avoid consultation and we're we're all the seven member board, we're all happy to work together. If we would have known about it also, we see that using the rulemaking law also ignores the GTC actions. GCGTC is what established us in the 1940s. GTC has let us for the last 80 years, giving us advice and counsel all along the way, we've reported to GTC and so we see an action taken by the business committee to change our policies without our direct input is contrary to the GTC functions, and those were things that Gina was bringing up.

Also as part of the planning that you were doing, you know your committee was doing was looking at community building, nation building and the idea that a major part of the nation building idea is to take authority away from a bureaucracy and give it to the community, give it to authority back to the people. And what we see in this latest action, the amendments here, is to take the authority away from the community who votes for us, and hears from us several times a year and works with us monthly. You're taking the authority away from those people and you're handing them that authority to staff. And the staff is not community to staff or the people that work for the community.

Certainly there are, you know, there are members of staff who are part of the community, but in many of the different areas of the tribe, there are staff members who are not tribal members or descendants. So by taking it away from the actual authority of the Land Commission, supported by the GTC, you're you're giving the power to the staff and that is giving decisions away from the community and and taking away nation building. In her letter from, dated October 1st, we have from Jameson Wilson six different areas that this is supposed to work on. The first area is called to probe improved efficiency and responsiveness.

Response

Commenters expressed significant frustration over what they perceive as a lack of meaningful consultation during the development of the proposed amendments. They emphasized that the Land Commission, originally established by the General Tribal Council (GTC), should have been engaged early and consistently in the process. Instead, they reported learning of the amendments

only days before the public hearing, leaving little time for review or substantive input. This was described as inconsistent with principles of transparency and collaboration.

The General Tribal Council (GTC) remains the supreme governing body under the Oneida Constitution, retaining inherent sovereignty and all powers not specifically delegated (Art. IV). To ensure transparency, consistency, and public participation in legislative development, GTC adopted the Legislative Procedures Act (LPA) through Resolution GTC #01-07-13-A. The LPA establishes a clear process for drafting, reviewing, and adopting laws, and delegates to the Legislative Operating Committee (LOC) the responsibility to manage this process—not to adopt laws. Adoption authority rests exclusively with the Oneida Business Committee (OBC) or GTC itself [*1 O.C. 109.4; 109.5–109.9*].

In this matter, the LOC has fully complied with the LPA’s requirements under Section 109.8. This includes providing advance public notice, conducting a public meeting presided over by an LOC member, maintaining a comment period open for at least five business days after the meeting, and considering all comments before forwarding legislation for adoption. These steps demonstrate that the legislative system is functioning as intended—openly, inclusively, and under GTC authority—ensuring that community input is part of the official record guiding the review process.

Under the LPA, the Legislative Operating Committee (LOC) is required to provide advance public notice, hold a public meeting, and maintain an open comment period for written submissions before any legislation moves forward. This process serves as a safeguard to ensure that all interested parties have ample time and opportunity to review, comment on, and influence proposed changes. All oral and written comments submitted during this period are being fully considered by the LOC prior to any recommendation or action.

While it may have been beneficial for the LOC to meet individually with certain entities, such as the Land Commission, the LPA does not require consultation with any specific body. Instead, it establishes a structured public review process designed to provide equal opportunity for all stakeholders to participate. This approach reflects the governance framework approved by GTC and ensures that the process remains open, inclusive, and accountable.

The comments underscore the importance of consultation; however, they rest on the incorrect premise that administrative rulemaking “eliminates” GTC involvement or allows staff to change law. Under our Constitution and laws, GTC authority is intact; elected bodies adopt laws; LOC has complied with the LPA; and rulemaking implements—not changes—law. After full consideration of the record and consistent with the legal framework, no revisions to the proposed amendments are recommended based on these comments.

There is no revision to the Law recommended based on these comments.

LOC Consideration

Comment 4 – Rule Making:

601.3. Definitions

[p] “Rule” means a set of requirements, including fee schedules, enacted by the Tribal entities in accordance with this law and the Administrative Rulemaking law, based on authority delegated in this law in order to implement, interpret and/or enforce this law.

Gina Powless Buenrostro (oral): OK, so we talked about this amongst our Commission, but I'm here as my own sovereign person, if you will. And so I'm going to say, first of all, that there's a ton of amendments to this proposed, the proposed changes. And so I really am going to stand on this is that when we're using this administrative rulemaking, OK, they started doing that I think in 2017, eighteen, whatever year it was. It eliminates general tribal council from having any involvement.

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Stephenie Wephenie (written): I have many concerns. Here are just 5 from the overview.

1. Change the ability to sell tribal land
2. Remove probate issues from the Land Commission before an alternative is established
3. Take rule making and authority away from the GTC elected Land Commission and allow staff to assume them
4. Limit our Nation's eminent domain

5. And they want to include "increase Land management staffing" in the law. This doesn't belong in a law.

So, I recommend writing to LOC at the above address to oppose the amendments and ask to defer the amendments to the new LOC which is elected next July.

Lisa Albright (written): Dear members of the LOC:

I am concerned about the bad revisions being made:

1. Selling tribal land.
2. Taking probate away from the land commission without having somewhere to put it.
3. Taking rule making and authority away from the elected Land Commission!
4. Limit the tribes use of eminent domain
5. Increasing land management staff

I am requesting the amendments be denied and forwarded to the new business committee, who will be elected next July. You must stop this egregious use of power; taking authority away from the elected Land Commission!

Response

Commenters express strong opposition to the use of administrative rulemaking, asserting that it diminishes the role of the General Tribal Council (GTC) and elected bodies such as the Land Commission. They argue that rulemaking allows agencies and staff to make significant changes without adequate community involvement, citing past experiences where definitions in other laws (e.g., eviction and termination) were interpreted through rules in ways that impacted individuals' rights. Commenters believe that any changes affecting entities created by GTC should return to GTC for approval rather than being implemented through administrative rulemaking. They also raised concerns about limited public participation, noting that few community members attend meetings and that notices may not reach all members in time.

It is important to clarify that administrative rulemaking is not a substitute for lawmaking by GTC. The authority for rulemaking is delegated by law and governed by the Administrative Rulemaking Law, 1 O.C. 106, adopted by the Oneida Business Committee in 2016. This law establishes a transparent, democratic process for creating rules that interpret and implement laws already adopted by GTC or the Business Committee. Rules cannot exceed the authority granted in the underlying law [1 O.C. 106.4-1] and have the same force and effect as that law [1 O.C. 106.4-1(b)].

The comments call for authority to remain close to the people and express concern that staff may "replace" elected decision-makers. Under the LPA and administrative rulemaking law, staff do not adopt laws; they draft and administer within delegation. Elected bodies (OBC/GTC) adopt laws; LOC manages the process; Judiciary provides independent review. This separation of powers enhances accountability and due process, which are core to Nation-building [1 O.C. 109; 1 O.C. 106; BC-02-08-17-A].

The Administrative Rulemaking Law requires public notice and comment before any rule is adopted [1 O.C. 106.6]. This includes:

- Publishing notice at least 10 business days before the meeting in the Oneida Register and Tribal publications [1 O.C. 106.6-2(a)].
- Holding a public meeting where the proposed rule is explained and oral comments are recorded [1 O.C. 106.6-2(c)-(f)].
- Keeping the record open for written comments for at least five business days after the meeting [1 O.C. 106.6-2(g)].
- Fully considering all comments before finalizing the rule [1 O.C. 106.6-3].

After the comment period, the Legislative Operating Committee (LOC) certifies compliance with these procedures, and the Oneida Business Committee reviews the rule, the comments, and agency responses before the rule becomes effective [1 O.C. 106.7]. This process ensures accountability and prevents unilateral action by staff.

In short, rules do not change laws; they provide detailed procedures to implement laws that GTC or the Oneida Business Committee has already adopted. The current amendments to the Real Property Law continue to delegate rulemaking authority in accordance with this established process, which includes multiple safeguards for transparency and community input. While concerns about participation are valid, the system provides opportunities for involvement through public meetings, written comments, and publication of notices. The LOC remains committed to improving outreach and accessibility to ensure that all members have a fair chance to engage. Rulemaking authority is properly delegated and regulated under Oneida law. It does not bypass GTC authority but supports effective implementation of laws through a structured, participatory process. No revision to the proposed amendments is recommended based on these comments.

LOC Consideration

Comment 5 – Disposition of Tribal Land:

601.4. General Provisions

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

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

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

[a] The transaction is intended to ~~the consolidation~~ consolidate or partition of Tribal trust land and/or individual trust land.

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

Charlene Smith (written): As an Enrolled Oneida Nation Tribal Member, I oppose the proposed amendments regarding Tribal Property Law. DO NOT SELL TRIBAL LANDS. The LAW changes should be denied at this time!

Proposed changes and reviews should be carried over to the next administration. Let the new Business Committee work on it. They will be elected in July 2026. DO NOT APPROVE THE REVISIONS AT THIS TIME.

Stephenie Wephenie (written): I have many concerns. Here are just 5 from the overview.

1. Change the ability to sell tribal land
2. Remove probate issues from the Land Commission before an alternative is established
3. Take rule making and authority away from the GTC elected Land Commission and allow staff to assume them
4. Limit our Nation's eminent domain
5. And they want to include "increase Land management staffing" in the law. This doesn't belong in a law.

So, I recommend writing to LOC at the above address to oppose the amendments and ask to defer the amendments to the new LOC which is elected next July.

Lisa Albright (written): Dear members of the LOC:

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1. Selling tribal land.
2. Taking probate away from the land commission without having somewhere to put it.
3. Taking rule making and authority away from the elected Land Commission!
4. Limit the tribes use of eminent domain
5. Increasing land management staff

I am requesting the amendments be denied and forwarded to the new business committee, who will be elected next July. You must stop this egregious use of power; taking authority away from the elected Land Commission!

Response

Commenters strongly oppose any changes that would permit the sale of tribal land. They recommend rejecting the proposed amendments and deferring consideration to the next elected administration in mid-2026.

It is important to clarify what the amendments actually do. Core land base protection remains intact, preserving a strong protection zone—sales within the Reservation boundaries are strictly prohibited. The amendments allow only narrow, process-controlled exceptions for land located off the Reservation (within 25 miles), and only under two conditions: formal approval by Oneida Business Committee (OBC) resolution and for consolidation or partition cases involving trust lands. This does not authorize indiscriminate sales; rather, it introduces structured flexibility to address parcels that no longer serve the Nation's interests or impose administrative burdens.

These changes enhance the Nation's capacity for strategic land management by enabling the divestiture of parcels that are no longer beneficial or present administrative challenges. This provision balances preservation with flexibility, maintaining strong protections for land near the

Reservation while allowing for controlled, purposeful transactions elsewhere. It also reinforces governance accountability through required approvals.

From a legal and governance perspective, oversight is preserved through mandatory OBC resolution requirements, ensuring accountability while enabling strategic land management. The amendment aligns with long-term portfolio stewardship by balancing preservation near the Reservation with limited divestiture elsewhere when beneficial to the Nation.

The LOC may make one of the following determinations:

1. Consider a sunset or review clause (e.g., 24–36 months) requiring a status report on any sales authorized under the new framework.
2. Consider adding an administrative step requiring the Land Commission to approve a sale of Tribal land before the resolution moves to the OBC .
3. Consider removing the exception.
4. Make no change.

LOC Consideration

Comment 6 – Eminent Domaine:

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

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

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

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

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

Stephenie Wephenie (written): I have many concerns. Here are just 5 from the overview.

1. Change the ability to sell tribal land
2. Remove probate issues from the Land Commission before an alternative is established

3. Take rule making and authority away from the GTC elected Land Commission and allow staff to assume them
4. Limit our Nation's eminent domain
5. And they want to include "increase Land management staffing" in the law. This doesn't belong in a law.

So, I recommend writing to LOC at the above address to oppose the amendments and ask to defer the amendments to the new LOC which is elected next July.

Lisa Albright (written): Dear members of the LOC:

I am concerned about the bad revisions being made:

1. Selling tribal land.
2. Taking probate away from the land commission without having somewhere to put it.
3. Taking rule making and authority away from the elected Land Commission!
4. Limit the tribes use of eminent domain
5. Increasing land management staff

I am requesting the amendments be denied and forwarded to the new business committee, who will be elected next July. You must stop this egregious use of power; taking authority away from the elected Land Commission!

Response

Several commenters expressed strong opposition to any amendment they believe would restrict the Nation's ability to exercise eminent domain. They view such changes as a potential reduction of tribal sovereignty and authority and recommend rejecting the proposed revisions or deferring them to the next administration.

It is important to clarify that the proposed amendments do not eliminate eminent domain authority. Instead, they codify its use as a last resort and establish clear due process protections, including the right to challenge the Nation's authority or the adequacy of compensation in the Oneida Nation Trial Court [6 O.C. 601.8-3(a)(3)]. These changes strengthen the legal defensibility of eminent domain actions and enhance transparency without diminishing the Nation's sovereign power.

The inclusion of "last resort" language reduces litigation risk and ensures proportionality in governmental actions. Judicial review provides an internal check that protects individual rights and demonstrates procedural fairness, reinforcing- not weakening- tribal sovereignty. Eminent domain authority is fully retained under the proposed amendments; it is simply framed with procedural safeguards to ensure fairness and accountability. Based on these comments, no revision to the law is recommended.

LOC Consideration

Comment 7 – Probate Authority:

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

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

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

Fred Muscavitch (oral): So going back to the proposed amendments, the real property law and the letter from Jameson Wilson to the Land Commission, he lists 6 areas which are a rationale for the proposed amendments. He says that it's going to improve efficiency and responsiveness and we on the Land Commission feel that this is inaccurate and we wonder where that came from as most of the things that the Land Commission works on is handled very quickly and many times things that come forward are emergencies and must be done. Many the office land office has brought forward issues that need to be settled like a week ago and things have to be addressed and the Land Commission, um, looks over that information and and makes decisions and is very efficient and responsive.

The idea of professionalizations is #2 of functions says that there's a feeling from LOC that delegating this authority is going to ensure that decisions are made by professionals with subject matter expertise, and, we we question the veracity of that as well to know exactly what you're thinking is a professional with subject matter expertise.

We have a division director who's over many different areas with land being just one of them, time is divided between all these areas. His background is divided into different areas. He has been on board for less than two years. I don't think there are any staff who have been in there. Current position in land for more than two years or so. Many people are just there for six months

now, so we're we're not seeing where you see this, this expertise and professionalism.

Oh. Clear accountability agencies, a bureaucracy does respond up the chain of the command, whereas the Land Commission is responsible to the GTC, to the General Tribal Council, and we've been very responsive to them and we do report to them often and we do have.

Bimonthly meetings where the community does come in recently. Within the last two months we've had a large group of people attend for a specific purpose and we had, you know, two days notice that was going to happen.

So we're very accountable and we don't see that turning it over to bureaucracy is going to help in that area. Strategic alignment. Certainly you can say that there's internal planning tools and performance metrics, but we don't understand how that applies to the Land Commission and the people that we not exactly supervise vise, but we people that we work with reduced administrative overlap. That does not make sense in the preservation of oversight. Again, that diminishes instead of being general tribal council to elected officials who are watching over what's going on day by day. And some examples of this. I have a list here.

Some things that were going on and followed.

Different areas are probate and that's come up a couple of times and probate. The Land Commission has worked with the law office and has made substantial changes to that area, whereas prior to the past two years there were a lot of.

Questions about that and in the past land office wanted to turn that over to the law office and now perhaps land Land Commission wants to retain those powers because finally it is it's working in a way that is. Defensible.

We have a lot of leases that the that we are a watchdog over and when the chain of command, the system that you're looking for to empower even with greater power.

Some of those leases are 3-4 years without a renewal, and they've just been running along with nobody looking after them, and the Land Commission found out about that and took steps quickly to address it. The feat of trust.

Issue is federal government. Again, who's going to have the professional background and the oversight on this other than people who have been on the land Commission and one Pat Cornelius is here and she's been on the Pat on the Commission on and off for over 30 years and has background and the land Commission found errors that needed to be corrected and we worked on those and that would not happen in what it and then delinquent deaths is the last one. So I'd like to thank you for giving me this opportunity.

To address some of these, again, we feel Land Commission feels very short notice to go over this huge document. That's why I personally feel that document should be denied and that should not be voted on. It should be withdrawn.

And possibly the new business committee coming in in July might want to go back and look at it, but this is a huge document, many, many changes and we don't know who had the opportunity to consult on that.

Stephenie Wephenie (written): I have many concerns. Here are just 5 from the overview.

1. Change the ability to sell tribal land
2. Remove probate issues from the Land Commission before an alternative is established
3. Take rule making and authority away from the GTC elected Land Commission and allow staff to assume them
4. Limit our Nation's eminent domain

5. And they want to include "increase Land management staffing" in the law. This doesn't belong in a law.

So, I recommend writing to LOC at the above address to oppose the amendments and ask to defer the amendments to the new LOC which is elected next July.

Lisa Albright (written): Dear members of the LOC:

I am concerned about the bad revisions being made:

1. Selling tribal land.
2. Taking probate away from the land commission without having somewhere to put it.
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4. Limit the tribes use of eminent domain
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I am requesting the amendments be denied and forwarded to the new business committee, who will be elected next July. You must stop this egregious use of power; taking authority away from the elected Land Commission!

Response

Overall, commenters expressed a strong desire to preserve the Land Commission's role in probate until a clearer governance structure is in place. They emphasized the importance of maintaining public accountability and continuity in probate matters. Concerns were raised that shifting probate responsibilities to staff would not necessarily improve efficiency or responsiveness, as the Land Commission already handles urgent matters promptly and effectively.

Commenters questioned the assumption that delegation to staff ensures professional expertise, noting that many staff members have limited tenure and experience in land-related issues. They stressed that the Land Commission brings decades of institutional knowledge and continuity, which they believe is critical for sound decision-making. Moving probate authority away from the Commission was viewed as reducing accountability to the General Tribal Council (GTC) and diminishing elected oversight. Commenters also highlighted recent improvements to probate processes achieved through collaboration between the Land Commission and the Law Office, resulting in a more defensible framework. Based on these improvements, they expressed a preference for retaining the Commission's authority and requested that the amendments be denied or withdrawn due to their scope, short notice, and lack of consultation.

The proposed amendments do not eliminate probate processes or create an operational gap. Instead, they transition probate provisions out of the Real Property Law into a forthcoming standalone Probate Law. The amendment resolution includes a safeguard to keep current probate sections active until the new Probate Law is formally adopted, preventing any operational gap. This staged transition ensures continuity while allowing the Nation to develop a dedicated Probate Law that will improve clarity, streamline procedures, and tailor processes to the unique requirements of probate, including coordination with federal trust regulations.

This transition reflects a long-standing governance plan. In 2017, the Oneida Business Committee adopted significant amendments to the Real Property Law through Resolution BC-06-14-17-A, which explicitly stated the intent to transfer the Land Commission's original hearing authority for probate matters to the Oneida Judiciary and delegate joint administrative rulemaking authority to the Division of Land Management and the Land Commission. The 2017 resolution recognized that probate hearings should ultimately be handled by the Judiciary to strengthen due process and judicial oversight. The current amendments continue that plan by removing probate provisions from the Real Property Law and preparing for a comprehensive Probate Law framework.

To address concerns about accountability and expertise, rulemaking and implementation under the new framework will remain subject to the Administrative Rulemaking Law and established approval pathways, including oversight by the Oneida Business Committee, public notice, comment periods, and Judiciary review where applicable. The Legislative Operating Committee is committed to an inclusive drafting process for the standalone Probate Law, which may include formal work sessions with the Land Commission, Law Office, Judiciary, and community stakeholders.

No revision to the proposed amendments is recommended.

LOC Consideration

Comment 8 – Land Management Staff Increase:

601.12. Real Estate Education Requirements and Certifications

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

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

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

Stephenie Wephenie (written): I have many concerns. Here are just 5 from the overview.

1. Change the ability to sell tribal land
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Lisa Albright (written): Dear members of the LOC:

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Response

Commenters express concern about a proposed amendment that would increase Land Management staffing. They questioned why employee allocations should be included in the law and suggested that such provisions do not belong in legislation.

The Real Property Law has historically included provisions related to staffing allocations. The proposed amendment does not introduce a new concept but updates the minimum number of Land Management employees primarily responsible for real estate acquisitions from one to two, contingent upon available budgetary resources. This adjustment is intended to strengthen the Nation's ability to achieve a critical strategic goal: reacquiring property within the original Reservation boundaries.

Increasing staffing capacity enhances operational effectiveness by allowing the department to identify, evaluate, and pursue acquisition opportunities more efficiently, respond to time-sensitive

transactions, and manage complex negotiations. Additional personnel also support long-term planning and community engagement, ultimately accelerating the pace of reacquisition and reinforcing Tribal sovereignty over ancestral lands. Including this provision in the law ensures transparency and accountability for resource allocation tied to essential land management functions.

There is no revision to the Law recommended based on these comments.

LOC Consideration

Comment 9 – General Opposition to Amendments:

Michael Anderson (written): LOC, I do not like the proposed amendments to real property law. Please defer them to next summer to the new Business Committee after the July 2026 elections, for revisions and reconsideration with Land Commission input.

Charlene Smith (written): As an Enrolled Oneida Nation Tribal Member, I oppose the proposed amendments regarding Tribal Property Law. DO NOT SELL TRIBAL LANDS. The LAW changes should be denied at this time! Proposed changes and reviews should be carried over to the next administration. Let the new Business Committee work on it. They will be elected in July 2026. DO NOT APPROVE THE REVISIONS AT THIS TIME.

Stephenie Wephenie (written): I have many concerns. Here are just 5 from the overview.

1. Change the ability to sell tribal land
2. Remove probate issues from the Land Commission before an alternative is established
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Lisa Albright (written): Dear members of the LOC:
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Response

Several commenters expressed broad opposition to the proposed amendments, recommending that they be deferred until after the July 2026 elections for reconsideration by a new administration. These objections did not raise new substantive issues beyond those already addressed individually in prior responses regarding land sales, probate, eminent domain, rulemaking authority, and staffing provisions.

It is essential to clarify that the LOC is not acting outside its authority or bypassing elected governance. The LOC is carrying out its lawful duty under the Legislative Procedures Act (LPA), which was adopted by the General Tribal Council (GTC) through Resolution GTC #01-07-13-A. The LPA was designed by GTC to create a transparent, consistent, and community-driven legislative process. Public comment is a cornerstone of that process and reflects GTC's intent that members have a meaningful voice in shaping legislation before adoption.

Under the LPA, the Legislative Operating Committee is responsible for drafting, analyzing, and managing public review of proposed laws before forwarding them for adoption by the Oneida Business Committee (OBC) or GTC. This structure ensures that legislation is carefully vetted and informed by community input, while final adoption authority remains with elected governing bodies.

The LOC has fully complied with the LPA's requirements, including:

- Publishing advance notice of the public meeting and comment period;
- Holding a public meeting presided over by an LOC member;
- Keeping the comment period open for at least five business days after the meeting; and
- Considering all comments before forwarding legislation for adoption [1 O.C. 109.8].

These steps demonstrate that the process is functioning exactly as GTC intended—openly, inclusively, and under its authority. Every comment, including these general objections, becomes part of the official record guiding LOC's review. Because these objections do not identify new issues beyond those already addressed, no revisions to the proposed amendments are recommended based on these comments.

LOC Consideration

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





LEGISLATIVE OPERATING COMMITTEE

PUBLIC MEETING

Real Property Law Amendments

Higher Education Grant Law

Norbert Hill Business Committee Conference Room and Microsoft Teams

November 14, 2025

12:15 p.m.

Present: Jonas Hill, Grace Elliott, Lisa Summers, Gina Powless-Buenrostro, Fred Muscavitch, Patricia Cornelieus, Tiana Silva, Misty Lee Herzog, Carolyn Salutz

Present on Microsoft Teams: Carl Artman

Jonas Hill: All right. Good Afternoon. Time is 12:15 p.m. and today's date is Friday, November 14, 2025. I will now call to order the public meeting for the following two pieces of proposed legislation: the proposed amendments to the REAL PROPERTY LAW and the proposed HIGHER EDUCATION GRANT LAW.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding the 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 following 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 or in the chat on Microsoft Teams with your name, we can ensure you receive a copy of the public comment review memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Friday, November 21, 2025.

In attendance from the LOC is myself, Councilman Jonas Hill

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 minutes per person. This time limit shall be applied equally to all persons.

We will now begin today's public meeting for the two proposed legislative items. We will be accepting comments on the proposed amendments to the Real Property Law.

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

The Real Property Law amendments will:

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

We will also be accepting comments on the proposed Higher Education Grant Law.

The purpose of this law is to implement the Higher Education Grant program; and set forth the funding requirements and procedural controls for awarding Higher Education grants.

The Higher Education Grant Law will:

- Outline the parameters of the Higher Education Grant, including eligibility requirements, duration of funding, tiered funding system, and the methodology for calculating awards under various circumstances.
- Provide predictability and equity in funding; need-based flexibility; clear guidelines for students; and administrative efficiency and accountability.
- Create a balanced, need-sensitive and goal oriented framework that supports students in achieving higher education while maintaining fiscal responsibility and academic accountability.
- Provide clear guidance and defined boundaries for administering the Higher Education Grant.

- Delegate rulemaking authority, empowering the Higher Education Office to promulgate rules consistent with the Law to address practical and evolving implementation needs.
- Provide that the duration of funding available is determined by both the students assigned funding tier and the number of credits allocated to each tier.

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 that, with that, I will open the floor up for comments. First up to speak is...we'll go in person first and then online, so raise your hand if you would like to speak. All right, Gina. Yeah, so if you could just please come up to here, umthere's a center button and then speak into the microphone, please.

Gina Powless-Buenrostro: Am I able to speak to both or at the same time or how's that working? Are you taking one first or in this?

Jonas Hill: You can speak to separate. Yeah. So speak to one law and then

Gina Powless-Buenrostro: Which one are you talking about?

Jonas Hill: Whichever one you want to talk about.

Gina Powless-Buenrostro: OK, I'll start with the, I'll start with the real property amendments that law. I do want to note for the staff here, I'm not sure if anyone does spell checks, but they're spelling Oneida completely wrong and on at least on page 5, the whole page. When they say Oneida, they're spelling it wrong. Just that's just a small thing that you guys probably just need to clean up.

OK, so we talked about this amongst our Commission, but I'm here as my own sovereign person, if you will. And so I'm going to say, first of all, that there's a ton of amendments to this proposed, the proposed changes. And so I really am going to stand on this is that when we're using this administrative rulemaking, OK, they started doing that I think in 2017, eighteen, whatever year it was. It eliminates general tribal council from having any involvement. So I think when it pertains to any type of a agency, department, whatever is created by general tribal council, then that needs to go back to them when you're making all these so-called administrative rule making, ah, using that in terms of how we're going to change law, because a lot of times when the laws change and we have a finalized version of the law, nobody knows what it is. And I'll give you a good example, like the termination and eviction law, the word nuisance is in the definitions. In the definitions, that word gives the whatever, Housing Authority, whoever is doing the evictions, it gives them the right to throw people off the land. And see, I wasn't clear about that. And that's why I wanted clarity. Like, how does the Housing Authority or whoever have the authority to

regulate who's on land and who's not on land? That's not their authority. I think that's the Land Commission and the land management.

OK. So with that being said, I don't think it ever changed. And that went through rulemaking. And so that's how people were getting thrown out of their houses. They weren't saying, well, I'm taking your house away. They're saying get off the land. And I think that's very misleading for folks in their homes, and I don't know where that's at as far as how many have been evicted and and kicked out of their houses and not, I want, I don't want to say kicked out, say kicked off the land. So, so that's an inconsistency I think in that law because it's defined by a definition. However in this one...

Jonas Hill: I think you're speaking to eviction and termination, and this is the Real Property law.

Gina Powless Buenrostro: Okay, I was just using that as an example.

Jonas Hill: Okay.

Gina Powless-Buenrostro: That's what I was using it as, and I still think it's ineffectively written in that law per se. No one changed it. It wasn't done, but whatever. I'm going to get back to the real property laws.

So just based on the fundamental values of the tribe and how we communicate this process of the LOCLRO, I'm not sure what title it goes by, but the way we're doing this administrative rulemaking, it really interferes with our true governing body, which is General Tribal Council. And if we go further back, that was clan mothers and the elders. Everybody in the tribe in the community had a say. They had a say. Laws just weren't being passed without our knowledge. Laws, you know, I know and I get that you guys hold these meetings. You have how many people here like actually here from the community, not workers, not people that you employ, but people that are interested. You have four or five of us and that's it.

You have department people, but they're here probably because it affects their job, their departments, but actual community members, maybe 3 here. So when I say and speak to that, that's the kind of, three people cannot control 17,000 members and laws that are being made. I really believe that using administrative rulemaking is a hindrance. It's its colonization to its finest form because we're making laws without everybody having that input. And as we talked earlier, the conversation went like this- Well, they know that it's posted. They could get here.- Maybe they can't get here. Maybe they can't be here. Oh, well, they could write a letter. Maybe

they don't even know what's happening. That gully only comes out once a month. So if you get it, or if you haven't read it then you're kind of like you're out of the loop, so to speak. I'm going to say that in a real nice way. You're out of the loop.

So, I think that I'm really against this rulemaking. I wanted to. I want laws to go back to the general tribal council where it should go. They have the ultimate authority. They created the Land Commission, and so if they want the rules and they want to start eradicating our authority, let it be them, but not the business committee or a subcommittee of the business committee. Let it be General Tribal Council. They're the ones who created the Land Commission in 1941. And if they feel that we're not doing our job or if they feel, that, it's easier in the process flows easier if it's delegated to all the separate departments and let them be like rulemaking in their departments, then so be it.

But I think ultimately all these changes that you have in here and I'm not going to go down one by one, but all the changes that you have in here I believe are under the authority of general tribal council to make and say no, we don't want that in there, yes we do, because I would suggest more public meetings until we can address this in general tribal council or I would probably end up filing a petition to redact rulemaking so that especially for entities that are govern and were created by general tribal council. I think this process interferes with that authority and I feel that the process also obstructs the authority of general tribal council and leaves general tribal council out of any decision making. So I like we're bullying them into accepting these laws through rule making. And that's how it feels. And I'm just giving you my perspective. I also think that shift...

Jonas Hill: Your time is up, by the way. So...

Gina Powless-Buenrostro: How much time did I have?

Jonas Hill: 5 minutes. But I will extend...

Gina Powless-Buenrostro: For that topic?

Jonas Hill: For that topic. Yeah.

Gina Powless-Buenrostro: Okay. Then I'll start on this one.

Jonas Hill: Okay. Higher Education.

Gina Powless-Buenrostro: Okay, higher education. So getting to higher education, um, I want to say this as far as the funding, I know that they need more funding and I'm glad that they are developing different type of rules and such.

But again, this was the higher education and the tribe having a fund higher education that was also a decision that was made by a general tribal council and so they went, they went ahead and approved that motion. But what I would like to see this also go back, this go back to GTC and even if it's for my minute things. That it should still, you should still lay it on the table for general tribal council.

You guys have three people here, but in general tribal council you have over 2000. I feel more comfortable letting 2000 make that decision than I say three people or if three people didn't show. Then the subcommittee of the business committee, which is yourself and whoever that runs a LOC, then you guys make that on your own without general tribal council coming in and say, hey, no, we don't want that. We never wanted it. Who made that rule?

So the law and the rulemaking process really relies heavily on people showing up to these little meetings that you have and you guys know from in the history of having these meetings, you don't get good turnouts. You don't get a fair representation of general tribal council. If we have 17,000 members and you get 3 at this meeting tomorrow, if you had another meeting, maybe got four, the next meeting you get 10. That still does not represent the minimal amount that we have showing up for GTC meetings is right around 2000.

So I just feel like it's a very unfair representation and I'm not trying to offend the people that did work on this. They're employed 40 hours a week. They're doing work on these laws, changes, amendments and this, that, the other figure out a way to include our entire voting body on these amendments, figure out a way instead of like getting the work done and presenting it to two or three people. Figure out how we can do that for general tribal council. Put that on the task list for your departments that you guys employ all year long and then they can figure out ways and strategize methods to make sure that we have like a really fair representation of general tribal council here.

So with that being said, I wanted to say I don't think in the future my comment for this is that we should be funding these private colleges, these online chat room colleges. I don't think that our higher ed money should be funding that. They should be going to the public's, you know public University of Wisconsin, whatever public system, but not the private colleges, the for profit. Let me let me for profit colleges. I don't think we should be putting our money there. I think that it's

a waste of money. I think that they rip us off in terms of what they're charging us for all these private colleges and online chat room colleges. Its, they're just taking our money and giving people degrees and I don't think that's fair for how we spend our money. Like I would, I would want our membership if they're getting educated, like really be educated so you can use it and you can execute it in a way that's meaningful for yourself and for the tribe. But, um, so I'm really against funding private colleges or for-profit colleges. And I'm also, I think anything with this also should go to General Tribal Council. Thank you.

Jonas Hill: Thank you.

Gina Powless-Buenrostro: Yep.

Jonas Hill: Who's... Alright, Pat. Alright. And just please state your name.

Fred Muscavitch: I am. I'm Doctor Frederick Muskovich and I'm here along with Gina and Pat Cornelius, and we were voted to by the Land Commission to represent the Land Commission at our Monday night meeting this week. That's my name. SO, you're going to start the 5 minutes? All right. And I'm here to talk about the proposed amendments to the real property law.

Um, major concern is the Business Committee um, talks of transparency and ah laying things on the table, and the Land Commission is concerned that the real property law amendments have come out in the Land Commission has not been able to have any input on to this. Um, none of us recall ever being invited to a meeting or asked for any kinds of input or consultation? Um.

So our timeline kind of was you, you've been working on this for a year or more, and the first land Commission knows about it is that it was sent a letter dated October 1st was sent to the Land Commission. And the Land Commission received it on November 10th. So on November 10th we received it, um did not have a lot of time to review it. And then we were told if you have any concerns, you can come to a tentative hearing. Which is to what we're at today at at 12:15 on November 14th. So we had four days.

Um, one of the things that Land Commission and action they took was to request our our attorney to come up with a response to the amendments from the Land Commission's perspective. And ah again, we had our meeting Monday night. A letter was developed on Tuesday, was sent to the attorney, possibly Tuesday, maybe Wednesday morning. And here we are two days later. So we do not see that as being transparent or giving anybody an opportunity.

Um, first, I'd like to start with that what Gina was saying, the Land Commission supports the idea that perhaps rule making, the rule making law is used to avoid consultation. So if you're writing about the land Commission or if you're like writing about um other committees or commissions boards, they should be involved. It shouldn't be a last minute informational here- here's what we're giving you- this is what we're we're doing to you. And Land Commission was concerned by that.

We see that using the rulemaking rule is to avoid consultation and we're we're all the seven member board, we're all happy to work together. If we would have known about it. Also, we see that using the rulemaking law also ignores the GTC actions. GTC is what established us in the 1940s. GTC has let us for the last 80 years, um giving us advice and counsel all along the way, we've reported to GTC and so we see an action taken by the business committee to ah change our policies without our direct input is contrary to the GTC functions, and those were things that Gina was bringing up.

Also as part of the planning that you were doing, you know your committee was doing was looking at community building, nation building and the idea that a major part of the nation building idea is to take authority away from a bureaucracy and give it to the community, give it to authority back to the people. And what we see in this latest action, the amendments here, is to take the authority away from the community who votes for us and hears from us several times a year and works with us monthly. You're taking the authority away from those people and you're handing them that authority to staff.

Um, and the staff is not community to staff or the people that work for the community. Certainly there are, you know, there are members of staff who are part of the community, but in many of the different areas of the tribe, there are staff members who are not tribal members or descendants. So by taking it away from the actual authority of the Land Commission, supported by the GTC, you're you're giving the power to the staff and that is um giving decisions away from the community and and taking away nation building.

In a letter from, dated October 1st, we have from ah Jameson Wilson six different areas that this is supposed to um work on. The first area is called to probe improved efficiency and responsiveness and...

Jonas Hill: Your time's up.

Fred Muscavitch: Oh my gosh. Um I'm about half done. Could you extend my time?

Jonas Hill: I'm going to let everybody else speak and then we'll come back. Unless you've got something for higher education?

Lisa Summers: All right. Good afternoon. I am Lisa Summers. I am here as an individual tribal member and participant, former participant of the higher education program, as well as the parent of several students who are currently in the program so I'll be commenting on that law.

First and foremost, I just want to say that I do appreciate the effort that the Legislative Operating Committee is making towards putting something in a more solid format for the members to be able to provide um information, input and guidance on. I think that the proposed changes and updates to what is currently being published is actually a step in the right direction and I think overall is good progress.

There are a few things, though, that I think need to be taken into consideration with the adoption of this law. And then mostly, even though it's not part of the actual law that's being adopted, most of my comments are going to be related to the rulemaking process and the handbook and the other things that go along with it so I'll I'll try to go as quickly as I can and I will submit written comments for those things that I'm not able to get in with my 5 minutes.

So the first thing I wanted to just note overall, there's a there's a lot of conversation that happens in the handbook and a provision in the section of the law that talks about what happens if a student finds themselves on probation or suspension and it talks about paying back um or how they rectify those types of things and to get reinstated into the program, which is great, there should always be that process.

I think one of the things that should also be disclosed is that there's a forgiveness process on in the tribes books as well that students have the ability to use and that's not readily disclosed within this process. And I think that's something that needs to be noted probably within the handbook at some point.

But one of the things that I know has taken place with several individuals and you know, I don't have the exact numbers on it, I just know from personal experience and from others that have shared their information is that once they become, once their student does what they need to do to get off suspension or probation and they do their paybacks and things like that, one of the things that still happens is that term in which caused the probation or suspension still counts

towards their total number of terms.

Now it looks like according to the law that you're shifting from term specific to credit specific. So I think that would get resolved underneath there. I would just hate to see that type of penalization also take place in the handbook itself um once that turnover happens. So just something to keep in mind that that inadvertently doesn't end up in a transfer of credits as well. So if a student ends up having to pay back their credits or pay back a specific set amount or whatever, that it doesn't count towards their total. And I think that's the point I'm trying to make there.

The other part of this is one of the things that happens in the, in 903.5 on the higher education grant, another piece of this that I vehemently disagree with is the inability to pursue and be assisted with pursuing multiple degrees. I understand why this was done in the very beginning in 1996 when this was first taking place. But over the years and different events that have happened throughout the last several decades, including the most recent one that happened with COVID, has only proven that there is times in people's lives when they need to adjust careers or they need to adjust um what they're pursuing in order to be successful in another industry or things like that. So there's just things that happen in the economy and other things that would require a person to have the ability to have that support moving forward. So I think that there's a way for the LOC to be able to figure out what that looks like. Maybe it's a partial funding, maybe it's limited funding, maybe it's something else, but I think that just strictly prohibiting an alternative or duplicate duplicate level degree is something that needs to be reconsidered.

Um, the other thing that I think I wanted to share with you guys is that I feel like in the appeals section right now the current appeals process is 30. The student has to file within 30 days. In the law, it's being pared back to 20 days, and I feel like it should remain at 30 days. One of the things I know, especially for students who are not, who who decide that they're going to stay in school despite funding, maybe they're pursuing loans or they get other assistance from somewhere else. They pay out of pocket, but while they're in the appeals process. They might be actually at their institution and if the information is being communicated over their mailing information, it might take longer for that student to actually receive the information that their notice that they've been suspended or probation and the appeal back and forth and things like that.

I know for myself with my students um that I currently have in place. All of their information comes to our home, which is where they reside, which is rightfully so. But then it might take a week or two for them to actually get the information from get mailed to our home and then get

back to them in their place of schooling. So you know, people who don't have a good support system might end up missing that 20 day window and I think the 30 days is more appropriate.

And then also in general correlating between the rulemaking, the handbook and all of the information that's been provided. I think that the rulemaking here has to go hand in hand with the actual passing of the law. I think that's the other thing I'm going to encourage. Um, with the rulemaking going...

Jonas Hill: Your time's up.

Lisa Summers: OK. I'll submit the rest of my comments written. Thank you.

Jonas Hill: All right. Thank you. Does anybody online have a comment? If so, please raise your hand. Uh Carl Artman.

Carl Artman: Good afternoon, everybody. Uh Carl Artman with the Oneida Law Office. Wanted I had a comment on the Oneida Higher Education Grant Law. I recommend that the Higher Education Grant Law include a uh provision stating that the Higher Education Grant is a general welfare exclusion in accordance with uh Title 10 of the Oneida Code of Laws, specifically Chapter 1001 or 1001.

I think the section could be inserted after 903.5 in the ah current draft of the Higher Education Grant Law, and then of course insert requisite definitions to go along with that. I will submit some written comments to the LOC and the LRO specifying that and the language that can hopefully just be copied and pasted to make it easier. Thank you.

Jonas Hill: Thank you. Does anybody else online have a comment? You have 5 minutes and then just reminder that you have seven days to submit written comments to the LRO and um the LRO staff can assist you with how to handle that.

Fred Muscavitch: Thank you. So going back to the proposed amendments, the real property law and the letter from Jameson Wilson to the Land Commission, he lists 6 areas which are a rationale for the proposed amendments. He says that it's going to improve efficiency and responsiveness and we on the Land Commission feel that this is inaccurate, and we wonder where that came from as most of the things um that the Land Commission works on is handled very quickly uh and many times things that come forward are emergencies and must be done and many the office, the land office has brought forward issues that need to be settled like a week

ago and things have to be addressed and the Land Commission, um, looks over that information and and makes decisions and is very efficient and responsive.

The idea of professionalization's is #2 of functions says that there's a feeling from LOC that delegating this authority is going to ensure that decisions are made by professionals with subject matter expertise, and, we we question the uh veracity of that as well to know exactly what you're thinking is a professional with subject matter expertise. We have um a division director who's over many different areas with land being just one of them. Uh, time is divided between all these areas. Uh, his background is divided into different areas. Uh, he has been on board for less than two years. I don't think there are any staff who have been in their current position in land for more than two years or so. Uh, many people are just there for six months now, so we're we're not seeing where you see this, this expertise and um professionalism.

Um, clear accountability um agencies, a bureaucracy does respond up the chain of the command, whereas the Land Commission is um responsible to the GTC, to the General Tribal Council, and we've been very responsive to them and we do report to them often and we do have um bimonthly meetings where the community does come in recently within the last two months we've had a large group of people attend for a specific purpose and we had, you know, two days notice that was going to happen. So we're very accountable and we don't see that turning it over to bureaucracy is going to help in that area.

Strategic alignment- certainly you can say that there's internal planning tools and performance metrics, but we don't understand how that applies to the Land Commission and the people that we not exactly supervise, but we people that we work with. Um reduced administrative overlap. That does not make sense in the preservation of oversight, again that diminishes instead of being general tribal council to elected officials who are watching over um what's going on day by day.

And some examples of this. I have a list here.

Some things that were going on and um followed the bureaucracy.

Jonas Hill: Please refrain from any names or titles, please.

Fred Muscavitch: I was. I was gonna name them all.

So, um different areas are probate and that's come up a couple of times. And probate the Land Commission has worked with the law office and has made substantial changes to that area,

whereas prior to the past two years there were a lot of um questions about that and in the past land office wanted to turn that over to the law office and now perhaps land Land Commission wants to retain those powers because finally it is it's working in a way that is um defensible.

We have a lot of leases that the that we are a watchdog over and when the chain of command, the system that you're looking for to empower even with greater power um some of those leases are 3-4 years without a renewal, and they've just been running along with nobody looking after them, and the Land Commission found out about that and took steps quickly to address it.

The fee to trust um issue is federal government. Again, who's going to have the professional background and the um oversight on this other than people who have been on the land Commission and one Pat Cornelius is here and she's been on the Pat on the Commission on and off for over 30 years and has background. And the land Commission found errors that needed to be corrected and we worked on those and that would not happen in...

Jonas Hill: Alright, your time's up.

Fred Muscavitch: and then delinquent deaths is the last one.

So I'd like to thank you for giving me this opportunity to address some of these, again, we feel Land Commission feels very short notice to go over this huge document. That's why I personally feel that document should be denied and that should not be voted on. Um, it should be withdrawn. And possibly the new business committee coming in in July might want to go back and look at it, but this is a huge document, many, many changes and we don't know who had the opportunity to consult on that. Again, thank you for giving me that time.

Jonas Hill: And then just a reminder too, you can submit all written comments and those will be reviewed. Alright. Alright, and then just please say your name.

Gina Powless Buenrostro: OK, Gina Powless Buenrostro. So I wanted to um hopefully this goes to GTC.

However, my comment was about um prohibiting people that are taking testings. I don't know if higher ed covers that or not, but to prohibit more than one time. So what I'm referring to is when you have people that graduate from law school that not in Wisconsin and they're taking this law test, the state bar, and they're they're taking it multiple times and not passing. And I think some individual departments are actually paying for those tests and I think that's really unfair and I'm

not sure why it's not under the authority of higher Ed because it's a educational like you have to pass a test in order to be call yourself an attorney or whatever in order to practice law.

And so we have several attorneys within the tribe that you know they they haven't been able to pass a stop the state bar. But I think it's OK that the tribe pay for one test. And then after that, if you can't pass it 3-4 or five times, it's ridiculous that we're paying for that. And so I think they should only pay for one. An individual department should not be covering that expense. That's a higher ed type of function so that we're not getting so the the manipulation is that individual departments might be paying for multiple and multiple state bar exams that ah individuals can't pass, and I don't think we should be doing it. I think that's a system that should be run through higher Ed. They monitor everybody's education, they pay for every everyone's education, and I think that should include those state bar exams.

Thank you.

Jonas Hill: Thank you. Are there any more comments? Any more speakers? Last call. All right, with there being no more speakers the public meeting for the proposed amendments to the Real Property Law and proposed Higher Education Grant Law is now closed at 12:53 PM. Written comments may be submitted until close of business on Friday, November 21st, 2025. Thank you everyone.

-End of Meeting-



**LEGISLATIVE OPERATING COMMITTEE
PUBLIC MEETING
Real Property Law Amendments
November 21, 2025
Written Comments**

From: Charlene Smith <charndnma137@gmail.com>
Sent: Thursday, November 20, 2025 9:13 PM
To: LOC <LOC@oneidanation.org>
Subject: OPPOSE AMENDMENTS

As an Enrolled Oneida Nation Tribal Member, I oppose the proposed amendments regarding Tribal Property Law. DO NOT SELL TRIBAL LANDS. The LAW changes should be denied at this time!

Proposed changes and reviews should be carried over to the next administration. Let the new Business Committee work on it. They will be elected in July 2026. DO NOT APPROVE THE REVISIONS AT THIS TIME.

Thank you,
Charlene H. Smith
charndnma137@gmail.com

From: Stephenie Wephenie <swephenie@yahoo.com>
Sent: Tuesday, November 18, 2025 1:08 PM
To: LOC <LOC@oneidanation.org>
Subject: LOC amendments.

I have many concerns. Here are just 5 from the overview. 1. Change the ability to sell tribal land 2. Remove probate issues from the Land Commission before an alternative is established 3. Take rule making and authority away from the GTC elected Land Commission and allow staff to assume them 4. Limit our Nation's eminent domain 5. And they want to include "increase Land management staffing" in the law. This doesn't belong in a law.

So, I recommend writing to LOC at the above address to oppose the amendments and ask to defer the amendments to the new LOC which is elected next July.

From: Tracy Anderson <tracyander17@gmail.com>
Sent: Tuesday, November 18, 2025 7:35 PM
To: LOC <LOC@oneidanation.org>
Subject:

LOC, I do not like the proposed amendments to real property law. Please defer them to next summer to the new Business Committee after the July 2026 elections, for revisions and reconsideration with Land Commission input.

Michael D. Anderson

Tribal ID # 12104

From: Jennifer A. Falck <jfalck@mitw.org>

Sent: Thursday, November 20, 2025 9:28 AM

To: LOC <LOC@oneidanation.org>

Subject: Real Property Law Amendments- Public Comments

Good Morning-

Please find my public comments for the Real Property law amendments:

I am concerned about the amendment that removes the LC role in interpreting provisions or approving/denying easements.

The LOC's web page indicates that it is interested in community engagement and participation. This is a primary role for the LC. I have worked with the LC three times since 2019. Twice, because the DOLM was restricting the community's efforts to expand our food sovereignty efforts. The LC was able to step in and remind DOLM what the larger goals are, and helping community members to achieve their land use goals, while being compliant with current law.

Unfortunately, in my experience, I can't agree "*Land Management and CHD have demonstrated institutional maturity, operational capacity, and subject matter expertise, positioning them to effectively manage responsibilities...*" (Pg. 7 Public Meeting packet). I have seen the DOLM make recommendations that do not demonstrate expertise or knowledge of the Nation's land use goals.

1. I am a member of Ohelaku. We have received a \$900,000 grant to build a facility for our activities. In 2024 we went round and round with DOLM to identify a parcel for lease. Eventually, the LC had to direct DOLM to work with us to identify some options. We were offered several options, and after consideration we chose the parcel adjacent to the Turtle School. We attended the LC meeting to get final approvals and sign leases. A LC member stopped the discussion to ask if this was the same parcel that the Tribe intends to use to build a new high school. Yes. It was. We had to choose another parcel. I hate to think what would've happened if we had started construction on the site. The LC's intervention and institutional knowledge is what prevented this disaster.
2. This summer, tribal ag. lease holders received letters from DOLM indicating that their leases would be terminated on December 31, 2024. Several farmers and food producers attended the next LC meeting to discuss the issue. The letter directed the farmers to clear their land prior to the lease terminations. A few of these leases were for livestock production, and were grazing several hundred head of beef cattle. DOLM doesn't seem to understand or appreciate the consequences of these decisions. Most of that livestock was bound for the Tribal Elder Food Box Program. The LC intervened and proposed an extension of the leases, that would allow for the farmers to continue production, and allow for the DOLM to achieve their procedural changes. A

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



farmer can't simply clear the land of their livestock herd on a dime. Institutional knowledge, understanding agriculture, and farmer needs were critical to addressing this situation.

Without the LC's ability to interpret or to step in on behalf of the land users, our land use goals, specifically our agriculture and food production goals may not be achieved.

Thank You-

Jen Falck (Oneida Nation)

Kayukwalote, Smoke Going Straight Up

-Great Lakes Intertribal Food Coalition

-Menominee Tribal Department of Agriculture & Food Systems

-Kahulahele Farmstead

Cell: 920-606-6214

From: Lisa Albright <lisa.anderson53214@gmail.com>

Sent: Thursday, November 20, 2025 2:10 PM

To: LOC <LOC@oneidanation.org>

Subject: Amending the Real Property Law

Dear members of the LOC:

I am concerned about the bad revisions being made:

1. Selling tribal land.
2. Taking probate away from the land commission without having somewhere to put it.
3. Taking rule making and authority away from the elected Land Commission!
4. Limit the tribes use of eminent domain
5. Increasing land management staff

I am requesting the amendments be denied and forwarded to the new business committee, who will be elected next July. You must stop this egregious use of power; taking authority away from the elected Land Commission!

Respectfully,

Lisa Albright, Oneida Tribal enrollment # 12103

From: Richard Baird <richard.baird48@icloud.com>

Sent: Friday, November 21, 2025 11:14 AM

To: LOC <LOC@oneidanation.org>

Subject: Real property law

Where do I find this law? What is the conflict with present law and why is it being changed now?



Legislative Operating Committee
December 17, 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.
- 11/5/25 LOC:** Motion by Jonas Hill to approve the updated public comment review memo, draft, and legislative analysis; seconded by Kirby Metoxen. Motion carried unanimously.

Motion by Jonas Hill to 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; seconded by Kirby Metoxen. Motion carried unanimously.

11/20/25: *Fiscal Impact Statement Received.* Finance provided the fiscal impact statement.

12/3/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill. The purpose of this work meeting was to review and discuss the resolution for these amendments.

Next Steps:

- Approve the adoption packet for the Hunting, Fishing, and Trapping law amendments and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee
FROM: Jameson Wilson, LOC Chairperson
DATE: December 17, 2025
RE: Adoption of Amendments to the Hunting, Fishing, and Trapping Law

Please find the following attached backup documentation for your consideration of the adoption of amendments to the Hunting, Fishing, and Trapping law:

1. Resolution: Amendments to the Hunting, Fishing, and Trapping Law
2. Statement of Effect: Amendments to the Hunting, Fishing, and Trapping Law
3. Hunting, Fishing, and Trapping Law Amendments Legislative Analysis
4. Hunting, Fishing, and Trapping Law Amendments Draft (Redline)
5. Hunting, Fishing, and Trapping Law Amendments Draft (Clean)
6. Hunting, Fishing, and Trapping Law Amendments Fiscal Impact Statement

Overview

The purpose of the Hunting, Fishing, and Trapping law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen. [4 O.C. 406.1-1]. Amendments to the Hunting, Fishing, and Trapping law are being sought to:

- Add a definition for descendant, great bodily harm, and warden. [4 O.C. 406.3-1(g), 406.3-14(m), 406.3-1(ff)];
- 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. [4 O.C. 406.5-2(e)(1)];
- 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. [4 O.C. 406.5-2];
- Require the Conservation Department draft rules that regulate the use of recovery and retrieval services and methods. [4 O.C. 406.5-2(m)];
- Require the Conservation Department draft rules that regulate the care and husbandry of animals used to hunt or animals used for private game hunting. [4 O.C. 406.5-2(n)];
- Eliminate the requirement that a rule booklet be provided to each person receiving a license permit. [4 O.C. 406.5-2];
- 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 officer who observes a violation of this law report it to a warden. *[4 O.C. 406.5-3, eliminate 406.5-4];*

- 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 *[4 O.C. 406.6-1(a)(2)(G), eliminated 406.8-3(a)];*
- 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. *[Eliminated 4 O.C. 406.6-1(b)(1)(B)];*
- Eliminate the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for groups/organizations that seek a ceremonial and/or feast permit. *[4 O.C. 406.6-2(b)];*
- Require that all persons participating in the ceremonial and/or feast hunt be tribal members, descendants, or a spouse of a tribal member in addition to the requirement that they be named hunters on the permit. *[4 O.C. 406.6-2(c)];*
- Require that medical verification for a disabled hunter permit show that the physical disability results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. *[4 O.C. 406.6-6];*
- Provide that any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before the Trial Court instead of ERB. *[4 O.C. 406.6-7(b)];*
- Provide that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin, instead of the Department. *[4 O.C. 406.7-3];*
- Remove the requirement that the Department shall ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request. *[eliminated 4 O.C. 406.7-5];*
- Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons. *[4 O.C. 406.9-2(g)];*
- Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules. *[4 O.C. 406.9-4(b)];*
- Adjust the age restrictions for minors, now allowing all persons between the ages of ten (10) and fourteen (14) years old the ability to hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities. *[4 O.C. 406.9-5];*

- 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. *[4 O.C. 406.9-6]*;
- Remove much of the provisions regarding citations, and simply providing that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation's laws and policies governing citations. *[4 O.C. 406.10-4]*; and
- Make other minor drafting revisions.

The Legislative Operating Committee developed the proposed amendments to the Hunting, Fishing, and Trapping law through collaboration with representatives from the Oneida Police Department, Oneida Law Office, Conservation Department, CEO of Nation Services, and the Environmental, Land, Agriculture Division. The Legislative Operating Committee held fourteen (14) work meetings on the development of the amendments to the Hunting, Fishing, and Trapping law.

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

The Legislative Operating Committee held a public meeting on the proposed amendments to the Hunting, Fishing, and Trapping law on August 15, 2025. Two (2) individuals providing oral comments during the public meeting. The public comment period for the amendments to this Law was held open until August 22, 2025. No written comments were received during this public comment period. The Legislative Operating Committee reviewed and considered all public comments received on September 17, 2025. Any changes have been incorporated into this draft.

The amendments to the Hunting, Fishing, and Trapping law will become effective on February 25, 2026.

Requested Action

Adopt the Resolution: Amendments to the Hunting, Fishing, and Trapping law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Amendments to the Hunting, Fishing, and Trapping Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Hunting, Fishing, and Trapping law ("the Law") was adopted by the Oneida Business Committee through resolution BC-08-31-94-C, and then amended through resolutions BC-04-24-96-A, BC-07-22-98-A, BC-09-13-00-D, BC-06-04-03-A, BC-06-30-04-I, BC-07-13-05-E, BC-08-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D, and BC-07-26-17-F; and
- WHEREAS,** 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; and
- WHEREAS,** the amendments to the Law add a definition for descendant, great bodily harm, and warden; and
- WHEREAS,** the amendments to the Law 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; and
- WHEREAS,** the amendments to the Law require the Conservation Department draft rules that identify designated seasons and/or hunting hours for elder, disabled, and youth hunts; and
- WHEREAS,** the amendments to the Law 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; and
- WHEREAS,** the amendments to the Law require the Conservation Department draft rules that regulate the use of recovery and retrieval services and methods; and
- WHEREAS,** the amendments to the Law require the Conservation Department draft rules that regulate the care and husbandry of animals used to hunt or animals used for private game hunting; and
- WHEREAS,** the amendments to the Law eliminate the requirement that a rule booklet be provided to each person receiving a license permit; and
- WHEREAS,** the amendments to the Law 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; and

WHEREAS, the amendments to the Law 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; and

WHEREAS, the amendments to the Law 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; and

WHEREAS, the amendments to the Law 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; and

WHEREAS, the amendments to the Law 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; and

WHEREAS, the amendments to the Law 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; and

WHEREAS, the amendments to the Law 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; and

WHEREAS, the 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, instead of the Department; and

WHEREAS, the amendments to the Law increase the allowable size of a hunting party from ten (10) to fifteen (15) persons; and

WHEREAS, the amendments to the Law allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules; and

WHEREAS, the amendments to the Law 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; and

WHEREAS, the amendments to the Law 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; and

WHEREAS, the amendments to the Law remove much of the provisions regarding citations, and simply providing that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation's laws and policies governing citations; and

WHEREAS, the amendments to the Law make other minor drafting revisions; and

WHEREAS, the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Oneida Police Department, Oneida Law Office, Conservation Department, CEO of Nation Services, and the Environmental, Land, Agriculture Division; and

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

WHEREAS, the Legislative Operating Committee held a public meeting on the proposed amendments to the Law on August 15, 2025, with two (2) individuals providing oral comments, and the public comment period for the amendments to this Law was held open until August 22, 2025, with no submission of written comments received; and

WHEREAS, the Legislative Operating Committee reviewed and considered all public comments received on September 17, 2025; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the amendments to the Hunting, Fishing, and Trapping law, which shall become effective on February 25, 2026.

Administrative Rulemaking

BE IT FURTHER RESOLVED, the Conservation Department shall review the Hunting, Fishing, and Trapping Law Rule Handbook and make revisions to the Rule Handbook as deemed necessary to comply with these adopted amendments to the Hunting, Fishing, and Trapping law.

BE IT FURTHER RESOLVED, the Conservation Department shall report to the Legislative Operating Committee on a quarterly basis regarding the progress of the Hunting, Fishing, and Trapping law Rule Handbook amendments until amendments are formally adopted by the Oneida Business Committee.

One Year Review of the Hunting, Fishing, and Trapping Law

BE IT FINALLY RESOLVED, the Legislative Reference Office shall conduct a one (1) year review of the Hunting, Fishing, and Trapping law and provide the Legislative Operating Committee a report on the use and implementation of the Law.



Statement of Effect
Amendments to the Hunting, Fishing, and Trapping law

Summary

This resolution adopts amendments to the Hunting, Fishing, and Trapping law.

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

Date: September 20, 2024 December 17, 2025

Analysis by the Legislative Reference Office

This resolution adopts amendments to the Hunting, Fishing, and Trapping law. The purpose of the Hunting, Fishing, and Trapping law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen. [4 O.C. 406.1-1]. Amendments to the Hunting, Fishing, and Trapping law are being sought to:

- Add a definition for descendant, great bodily harm, and warden. [4 O.C. 406.3-1(g), 406.3-14(m), 406.3-1(ff)];
- 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. [4 O.C. 406.5-2(e)(1)];
- 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. [4 O.C. 406.5-2];
- Require the Conservation Department draft rules that regulate the use of recovery and retrieval services and methods. [4 O.C. 406.5-2(m)];
- Require the Conservation Department draft rules that regulate the care and husbandry of animals used to hunt or animals used for private game hunting. [4 O.C. 406.5-2(n)];
- Eliminate the requirement that a rule booklet be provided to each person receiving a license permit. [4 O.C. 406.5-2];
- 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. [4 O.C. 406.5-3, eliminate 406.5-4];
- 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 [4 O.C. 406.6-1(a)(2)(G), eliminated 406.8-3(a)];

- 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. *[Eliminated 4 O.C. 406.6-1(b)(1)(B)]*;
- Eliminate the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for groups/organizations that seek a ceremonial and/or feast permit. *[4 O.C. 406.6-2(b)]*;
- Require that all persons participating in the ceremonial and/or feast hunt be tribal members, descendants, or a spouse of a tribal member in addition to the requirement that they be named hunters on the permit. *[4 O.C. 406.6-2(c)]*;
- Require that medical verification for a disabled hunter permit show that the physical disability results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. *[4 O.C. 406.6-6]*;
- Provide that any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before the Trial Court instead of ERB. *[4 O.C. 406.6-7(b)]*;
- Provide that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin, instead of the Department. *[4 O.C. 406.7-3]*;
- Remove the requirement that the Department shall ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request. *[eliminated 4 O.C. 406.7-5]*;
- Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons. *[4 O.C. 406.9-2(g)]*;
- Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules. *[4 O.C. 406.9-4(b)]*;
- Adjust the age restrictions for minors, now allowing all persons between the ages of ten (10) and fourteen (14) years old the ability to hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities. *[4 O.C. 406.9-5]*;
- 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. *[4 O.C. 406.9-6]*;
- Remove much of the provisions regarding citations, and simply providing that an individual who violates a provision of this law or the corresponding rules may be subject

to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation's laws and policies governing citations. [4 O.C. 406.10-4]; and

- Make other minor drafting revisions.

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

The Legislative Operating Committee held a public meeting on the proposed amendments to the Hunting, Fishing, and Trapping law on August 15, 2025. Two (2) individuals providing oral comments during the public meeting. The public comment period for the amendments to this Law was held open until August 22, 2025. No written comments were received during this public comment period. The Legislative Operating Committee reviewed and considered all public comments received on September 17, 2025.

The amendments to the Hunting, Fishing, and Trapping law will become effective on February 25, 2026.

This resolution also directs the Conservation Department to review the Hunting, Fishing, and Trapping Law Rule Handbook and make revisions to the Rule Handbook as deemed necessary to comply with these adopted amendments to the Hunting, Fishing, and Trapping 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]. Any rules developed or amended in accordance with this Hunting, Fishing, and Trapping law must comply with all processes and procedures of the Administrative Rulemaking law. In regard to Administration Rulemaking, this resolution further directs that the Conservation Department shall report to the Legislative Operating Committee on a quarterly basis regarding the progress of the Hunting, Fishing, and Trapping law Rule Handbook amendments until amendments are formally adopted by the Oneida Business Committee.

Additionally, this resolution directs the Legislative Reference Office shall conduct a one (1) year review of the Hunting, Fishing, and Trapping law and provide the Legislative Operating Committee a report on the use and implementation of the Law.

Conclusion

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



HUNTING, FISHING, AND TRAPPING LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

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

	<ul style="list-style-type: none"> ▪ Eliminate the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for groups/organizations that seek a ceremonial and/or feast permit. <i>[4 O.C. 406.6-2(b)]</i>; ▪ Require that all persons participating in the ceremonial and/or feast hunt be tribal members, descendants, or a spouse of a tribal member in addition to the requirement that they be named hunters on the permit. <i>[4 O.C. 406.6-2(c)]</i>; ▪ Require that medical verification for a disabled hunter permit show that the physical disability results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. <i>[4 O.C. 406.6-6]</i>; ▪ Provide that any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before the Trial Court instead of ERB. <i>[4 O.C. 406.6-7(b)]</i>; ▪ Provide that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin, instead of the Department. <i>[4 O.C. 406.7-3]</i>; ▪ Remove the requirement that the Department shall ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request. <i>[eliminated 4 O.C. 406.7-5]</i>; ▪ Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons. <i>[4 O.C. 406.9-2(g)]</i>; ▪ Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules. <i>[4 O.C. 406.9-4(b)]</i>; ▪ Adjust the age restrictions for minors, now allowing all persons between the ages of ten (10) and fourteen (14) years old the ability to hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities. <i>[4 O.C. 406.9-5]</i>; ▪ 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 was provided by the Finance Administration on November 20, 2025.

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, now known as the CEO of Nation Services, 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
- CEO of Nation Services.

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.
- 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. The Legislative Operating Committee reviewed and considered the public comments that same day.

- On November 5, 2025, the Legislative Operating Committee approved the updated public comment review memo, draft, and legislative analysis; and approved the fiscal impact statement request memorandum and forwarded these materials to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by November 21, 2025.
- On November 20, 2025, the Finance Administration provided the Legislative Operating Committee with the fiscal impact statement.

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

- January 3, 2024: LOC work session.
- May 10, 2024: LOC work session.
- May 30, 2024: LOC work session.
- December 9, 2024: LOC work session with the General Manager, Environmental, Land, and Agriculture Division, Conservation Department, and Oneida Police Department.
- January 14, 2025: LOC work session with General Manager, Environmental, Land, and Agriculture Division, Conservation Department, Oneida Law Office, and Oneida Police Department.
- February 3, 2025: LOC work session.
- February 24, 2025: LOC work session with the General Manager, Environmental, Land, and Agriculture Division, Conservation Department, and Oneida Police Department.
- March 5, 2025: LOC work session with the Environmental, Land, and Agriculture Division and Conservation Department.
- April 16, 2025: LOC work session.
- May 1, 2025: LRO work session with the Conservation Department.
- September 17, 2025: LOC work session.
- October 16, 2025: LOC work session with the Conservation Department and Oneida Police Department warden.
- October 16, 2025: LOC work session.
- October 26, 2025: LOC work session.
- December 3, 2025: LOC work session.

C. *Community Outreach Events*. In addition to the public meeting required by the Legislative Procedures Act, the LOC held the following community outreach events on this legislation:

- June 4, 2024: Legislative Operating Committee Community Meeting held in the Norbert Hill Center's cafeteria.
- March 19, 2025: Legislative Operating Committee Community Meeting held in the Norbert Hill Center's cafeteria.

SECTION 5. CONTENTS OF THE LEGISLATION

A. *Definitions*. The proposed amendments to the Law add definitions for the terms: descendant, great bodily harm, and warden. [4 O.C. 406.3-1(g), 406.3-1(m), 406.3-1(ff)]. Descendant is defined in the proposed amendments to the Law as a person who is registered with, and recognized by, the Oneida Trust Enrollment Department as being the descendant of an enrolled member of the Nation. [4 O.C. 406.3-1(g)]. The term descendent is not currently defined in the Law, instead a footnote was included

that said, “*Requirements for descendancy are determined by the Oneida Trust Enrollment Committee.*” Great bodily harm is defined in the proposed amendments to the Law as a bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury. [4 O.C. 406.3-1(m)]. In the current Law, this term is defined within section 406.6-7(a)(2)(C). The definition for great bodily harm was moved from section 406.6-7(a)(2)(C) in an effort to be consistent with the placement of definitions under the definition section of the Law found at section 406.3-14. Warden is defined in the proposed amendments to the Law as an officer of the Oneida Police Department whose duties include the protection of wildlife and natural resources. [4 O.C. 406.3-1(ff)].

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

B. *Elimination of the Environmental Resource Board.* The current Law provides that the Environmental Resource Board and the Department are responsible to protect, manage, supervise, conserve, and enhance all wildlife within the reservation. [4 O.C. 406.5-1]. Throughout the Law the Environmental Resource Board is given a variety of different responsibilities and authorities. The proposed amendments remove all mentions of the 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

162 hunt or animals used for private game hunting. [4 O.C. 406.5-2(m), 406.5-2(n)]. The requirement that
163 the Environmental Resource Board provide notice of rules on the Nation's website and ERB and/or the
164 Department develop a rule booklet which the Department shall provide to each person receiving a
165 license or permit was removed from the Law. [4 O.C. 406.5-2(o)]. The Administrative Rulemaking
166 already requires that all rules are published under the corresponding law on the Code of Laws within
167 the Oneida Register on the Nation's website. [1 O.C. 106.8-2(a)(1)]. A physical booklet is not being
168 provided anymore due to the fact that the rules are available for review online on the Oneida Register,
169 and to fall in line with the Nation's Paper Reduction Policy. The Paper Reduction Policy provides that
170 it is the policy of the Nation to reduce the amount of paper being used to benefit the next seven (7)
171 generations through recycling, reduction, and environmental awareness, and that all programs of the
172 Nation are encouraged to reduce paper usage and waste. [2 O.C. 220.1-1, 220.4-1].

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

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

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

198 **E. *Hunting and Trapping of Beavers.*** The current Law provides that landowners, lessees, and designees
199 with the permission of the landowners or lessees, may hunt and trap the following species on the
200 property they own or lease, year-round without a sportsman license: coyote, fox, raccoon, woodchuck,
201 rabbit, squirrel, and any nuisance animal that is not an endangered or threatened species and is also not
202 a regulated or protected species. [4 O.C. 406.6-1(a)(2)]. The current Law provides that landowners and
203 lessees may remove wildlife considered a nuisance animal from land under their control and their
204 associated structures, provided that they obtain a nuisance animal removal permit. [4 O.C. 406.8-1,
205 406.8-2]. 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.

- 250 **H. *Disabled Hunter Permit.*** The current Law provides that the Conservation Department may issue a
251 disabled hunter permit to any person who is physically disabled, upon a showing of medical verification
252 of a physical disability. [4 O.C. 406.6-6]. A disabled hunter permit allows a person to hunt from a
253 stationary vehicle within fifty (50) feet on the center of the road. *Id.* The proposed amendments to the
254 Law clarify that the medical verification has to show that the physical disability results in mobility
255 issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. *Id.*
- 256 ▪ *Effect.* The proposed amendments to the Law draw a greater connection between the verification of
257 a physical disability and the need to hunt from a stationary vehicle. The Conservation Department
258 requested additional clarification be added to this section of the Law to make it easier to determine
259 when a disabled hunter permit should be issued.
- 260 **I. *Appeal of License or Permit Decision.*** The current Law provides that any person who has had a license
261 or permit denied in accordance with section 406.6-7(a) of the Law may appeal the Department's
262 decision by requesting a hearing before the Environmental Resource Board. [4 O.C. 406.6-7(b)]. Then
263 later the current Law provides that any person wishing to contest a decision of the Department related
264 to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court
265 naming the Department. [4 O.C. 406.10-4]. The proposed amendments to the Law provide in all places
266 throughout the Law that any person who has had a license or permit denied in accordance with section
267 406.6-7(a) of the Law or wish to contest any other decision of the Conservation Department in regard
268 to permits or licenses may appeal the Department's decision by requesting a hearing before the Trial
269 Court.
- 270 ▪ *Effect.* Currently, sections 406.6-7(b) and 406.10-4 of the Law appear to be conflicting and are not
271 clear on where someone should contest a decision of the Department in regard to permits or
272 licenses. The proposed amendments recognize the removal of the Environmental Resource Board
273 from this Law, and transfer the Environmental Resource Board's hearing authority to the Trial
274 Court in all instances throughout the Law.
- 275 **J. *Accidental Collision and Killing of Deer.*** The current Law provides that any person who accidentally
276 collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said
277 deer, provided that the person shall have the deer tagged by the Conservation Department or the
278 Department's designee. [4 O.C. 406.7-3]. The proposed amendments to the Law eliminate the
279 requirement to have the deer tagged by the Conservation Department or its designee, and instead
280 requires that you have the deer tagged by the State of Wisconsin. *Id.*
- 281 ▪ *Effect.* The proposed amendments to the Law change the responsibility of tagging a deer accidently
282 collided with from the Conservation Department to the State of Wisconsin to reflect current
283 practice.
- 284 **K. *PCB Warning in Rulebook.*** The current Laws provides that the Environmental Resource Board and
285 the Conservation Department ensure that all hunting and fishing rule booklets contain a warning stating
286 that fish caught in Duck Creek, as well as ducks, geese, and other wildlife may contain Polychlorinated
287 Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and
288 children, and that detailed information about PCBs is available from the Department upon request. [4
289 O.C. 406.7-5]. The proposed amendments to the Law eliminate this provision.
- 290 ▪ *Effect.* The proposed amendments to the Law eliminate the requirement that the Conservation
291 Department include in its rule booklet a warning about potential PCBs in Duck Creek based upon
292 a request from the Conservation Department. Rule booklets are updated at most once a year – and

- therefore the Conservation Department believes there are better ways to share safety concerns and warnings with the community to ensure that the best and most accurate information is shared.
- L. ***Allowable Hunting Party Size.*** The current Law provides that persons may not hunt in a party of more than ten (10) persons. [4 O.C. 406.9-2(g)]. The proposed amendments to the Law increase the allowable hunting party size from ten (10) to fifteen (15) persons.
- *Effect.* The proposed amendments to the Law increase the allowable hunting party size to allow greater flexibility to hunters.
- M. ***Designated Hunters.*** The current Law provides that a permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event the permittee is physically or legally unable to take their own permit. [4 O.C. 406.9-4]. A designated hunter is only allowed to hunt for the number of permittees as authorized by the rules developed pursuant to this Law. [4 O.C. 406.9-4(b)]. The Hunting, Fishing, and Trapping Law Rule Handbook provides that designated hunters may only take antlerless deer and, regardless of the number of tags issued to the original permittee, may fill a maximum of two (2) deer carcass tags on behalf of the original permittee; and may fill a maximum of two (2) turkey tags for the original permittee, regardless of the number of tags issued to the original permittee. [Rule 4-7(a)(7), 4-9]. The proposed amendments to the Law allow a designated hunter to hunt for an unlimited number of permittees. [4 O.C. 406.9-4(b)].
- *Effect.* The proposed amendments to the Law remove any limitations on how many permittees a designated hunter may hunt for, in an effort to increase the number of physically or legally disabled permittees that ultimately end up with hunted animals that can then provide food for themselves and family.
- N. ***Age Restriction of Youth Hunters.*** The current Law breaks up age restrictions for hunters into different categories. Persons between the age of twelve (12) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities to. [4 O.C. 406.9-5(a)]. The parent, legal guardian, or responsible adult is required to have a valid license and permits, and must remain within voice and sight contact of the youth hunters at all times. Tribal members, descendants, non-member Indians, and dependents age ten (10) or eleven (11) years old may hunt if they have a mentor present while hunting and have obtained any required licenses and permits. [4 O.C. 406.9-5(b)]. Tribal members, descendants, non-member Indians, and dependents less than ten (10) years old may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt. The proposed amendments to the Law combine the categories for those youth hunters age ten (10) through eleven (11) and twelve (12) through fourteen (14) years of age, and provides that persons between the age of ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities to. [4 O.C. 406.9-5(a)].
- *Effect.* The proposed amendments to the Law allow youth hunters age ten (10) and eleven (11) to be treated the same as youth hunters age twelve (12) through fourteen (14) in an effort to get more youth interested in and involved in hunting at an earlier age.
- O. ***Mentored Hunting.*** The proposed amendments to the Law now include a new section to specifically address mentored hunting. The proposed amendments to the Law provide that 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. [4 O.C. 409.9-6]. A mentee may be either a Tribal

member, descendant, non-member Indian, or dependent having less than ten (10) years of age; or a Tribal member, descendant, non-member Indian, or dependent who has not completed a required hunter education course. [4 O.C. 409.9-6(a)]. A mentor is required to be a Tribal member, be at least eighteen (18) years old; have a valid license and any required permits; and be the mentee's parent or legal guardian or have permission from the mentee's parent or legal guardian to be the hunter's mentor, if the mentee is younger than age eighteen (18) years old. [4 O.C. 409.9-6(b)]. Mentors may mentor a 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].

- 381 ▪ The development of amendments to the Hunting, Fishing, and Trapping law complies with the
382 process and procedures of the Legislative Procedures Act.
- 383 ▪ **Administrative Rulemaking Law.** The Administrative Rulemaking law provides a process for the
384 adoption and amendment of administrative rules. [1 O.C. 106.1-1]. It is the policy of the Nation to
385 ensure there is an efficient, effective and democratic process for enacting and revising
386 administrative rules, and that authorized agencies act in a responsible and consistent manner when
387 enacting and revising administrative rules. [1 O.C. 109.1-2].
- 388 ▪ The Hunting, Fishing, and Trapping law provides that it is a responsibility of the Conservation
389 Department to establish and maintain rules in accordance with the Administrative Rulemaking
390 law, and the Law provides specific topics the Conservation Department is responsible for
391 drafting rules about. [4 O.C. 406.5-1, 406.5-2].
- 392 ▪ Any rules developed in accordance with this Hunting, Fishing, and Trapping law must comply
393 with all processes and procedures of the Administrative Rulemaking law.
- 394 ▪ **Citations Law.** The Citations law provides a process that governs all citations that fall under the
395 jurisdiction of the Oneida Nation. [8 O.C. 807.1-1]. It is the policy of the Nation to provide a
396 consistent process for handling citations of the Nation in order to ensure equal and fair treatment
397 to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2].
- 398 ▪ The Hunting, Fishing, and Trapping law provides that an individual who violates a provision
399 of this law or the corresponding rules may be subject to the issuance of a citation by a warden
400 or an Oneida Police Department officer in accordance with the Nation's laws and policies
401 governing citations. [4 O.C. 406.10-4].
- 402 ▪ Any citations issues under the Hunting, Fishing, and Trapping law must comply with the
403 process for handling citations as provided for in the Citations law.
- 404 ▪ **Paper Reduction Policy.** The Paper Reduction Policy provides that it is the policy of the Nation
405 to reduce the amount of paper being used to benefit the next seven generations through recycling,
406 reduction, and environmental awareness. [2 O.C. 220.1-1]. All enterprises and programs of the
407 Nation are encouraged to reduce paper usage and waste as quickly as possible. [2 O.C. 220.4-1].
- 408 ▪ The proposed amendments to the Hunting, Fishing, and Trapping law remove the requirement
409 that the Conservation Department shall a rule booklet to each person receiving a license or
410 permit. [4 O.C. 406.5-2(o)]. The Administrative Rulemaking law already requires that all rules
411 are published under the corresponding law on the Code of Laws within the Oneida Register on
412 the Nation's website. [1 O.C. 106.8-2(a)(1)]. The elimination of a physical booklet falls in line
413 with the Nation's Paper Reduction Policy.
- 414 ▪ **Judiciary Law.** The Judiciary law establishes a Judiciary, and provides for the administration of
415 law, justice, judicial procedures and practices by the Nation as a sovereign nation by exercising the
416 inherent power to make, execute, apply and enforce its own law, and to apply its own customs and
417 traditions in matters affecting the Oneida people. [8 O.C. 801.1-1]. It is the policy of the Nation to
418 provide a fair and impartial forum for the resolution of all matters that come before it pursuant to a
419 grant of authorization by law. The Judiciary law provides that the Trial Court shall have subject
420 mater jurisdiction over cases and controversies arising under laws of the Nation that specifically
421 authorize the Trial Court to exercise jurisdiction. [8 O.C. 801.5-2(a)].
- 422 ▪ The Hunting, Fishing, and Trapping law authorizes the Trial Court to exercise jurisdiction over
423 permit and license issues. [4 O.C. 406.6-7(b), 406.10-4].
- 424

SECTION 7. OTHER CONSIDERATIONS

- A. *Hunting, Fishing, and Trapping Law Rules.* Currently, a Hunting, Fishing, and Trapping law rule handbook exists and was last adopted in May of 2017.
- *Conclusion.* The Hunting, Fishing, and Trapping law rules will need to be reviewed upon adoption of amendments to the Hunting, Fishing, and Trapping law to bring the rules into compliance with any amendments made to the Hunting, Fishing, and Trapping law.
- B. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act*,” provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.
- *Conclusion.* The Legislative Operating Committee received a fiscal impact statement from the Finance Department on November 20, 2025.

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

406.1. Purpose and Policy
406.2. Adoption, Amendment, Repeal
406.3. Definitions
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406.6. Licenses and Permits
406.7. General Regulations
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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.

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

~~(ij)~~ “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.

~~(jk)~~ “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.~~

~~(kl)~~ “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.

~~(no)~~ “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.

~~(np)~~ “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.

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

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

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

~~(rt)~~ “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.

~~(su)~~ “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.

~~(c)~~(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~~es ~~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-__-__-__-__

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: RaLinda Ninham-Lamberies, Chief Financial Officer

FROM: Rae Skenandore, Sr. Analyst

DATE: November 18, 2025

RE: **Fiscal Impact Statement of the Hunting, Fishing, and Trapping Law Amendments**

I. Estimated Fiscal Impact Summary

Law: Hunting, Fishing, and Trapping Law Amendments		Draft 3
Implementing Agency	Conservation Department Oneida Police Department Oneida Judiciary	
Estimated time to comply	10 days	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$0	\$0

II. Background

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

In December of 2022 this law was added to the Active Files List 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.

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. The amendments to the legislation include the following:

- Add a definition for descendant, great bodily harm, and warden.
- 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.
- 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.
- Require the Conservation Department draft rules that regulate the use of recovery and retrieval services and methods.
- Require the Conservation Department draft rules that regulate the care and husbandry of animals used to hunt or animals used for private game hunting.
- Eliminate the requirement that a rule booklet be provided to each person receiving a license permit.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons.
- Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules.
- 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.
- 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.
- Remove much of the provisions regarding citations, and simply providing that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation's laws and policies governing citations.
- Other minor drafting revisions.

III. Methodology and Assumptions

A "Fiscal Impact Statement" means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

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

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

IV. Findings

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

V. Financial Impact

There is no fiscal impact of implementing this legislation.

VI. Recommendation

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



Legislative Operating Committee
December 17, 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 Law 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.
- 11/5/25 LOC:** Motion by Jonas Hill to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.
- 12/3/25:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill. The purpose of this work meeting was to review and consider the public comments received.

Next Steps:

- Approve the updated public comment review memo, draft, and legislative analysis.
- Approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by January 15, 2026.



TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney
 DATE: December 17, 2025
 RE: Public Use of Tribal Land Law Amendments: Public Comment Review with
 Legislative Operating Committee Consideration

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. The Legislative Operating Committee reviewed and considered the public comments received on December 3, 2025. This memorandum is submitted as a review of the comments received during the public meeting.

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

The Legislative Operating Committee agrees the response explains why references to the Real Property law addressing the posting of land is referenced, and therefore there is no revision to the Law needed based on this comment.

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

The Legislative Operating Committee discussed whether Oneidas from New York or Canada should have the same access to land on the Reservation as enrolled Oneida members here in Wisconsin. Ultimately, the Legislative Operating Committee determined that the Law should designate and protect some land for enrolled members of the Nation only. The Law provides protection for the land designated for Tribal member use only due to the historical, spiritual, cultural, and/or environmental significance of the land. [6 O.C. 609.5-1(c)].

The Legislative Operating Committee discussed the fact that members of the Oneida Indian Nation in New York are already recognized under this Law and provided access to lands designated as

Oneida Community Access – which is land that is designated to manage, preserve, and protect access to locations that have cultural or environmental significance. [6 O.C. 609.5-1(b)(1)]. 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)(1)].

Therefore, the only group of individuals discussed by the commenter that is not already provided for in the Law are those Oneidas from Canada. The Legislative Operating Committee discussed the fact that they would like to see those individuals treated under this Law much like how members of other federally recognized Indian tribes, bands or communities are currently treated.

The Legislative Operating Committee directed that the following revision be made to the proposed amendments to this Law:

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:

(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) members of Haudenosaunee First Nations governments or bands;

~~(E)~~ authorized employees of the Nation; and

~~(F)~~ 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.

Title 6. Property and Land – Chapter 609
Tsi' yuhwatsya'té tewatenhotúkwa' Ukwéhuwé'ne
That of the earth one opens it up Oneida Nation

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 to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air, and waters, through appropriate uses of the land.

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, 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.

(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.

(e) “Nation” means the Oneida Nation.

(f) “Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of organization.

(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.

(h) “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1809 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

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

(l) “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. Responsibilities of Land Management

609.4-1. Land Management shall be delegated the duty and power to carry out the intent and purposes of this law.

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) The development, approval, and maintenance of the Land Access Map;
- (b) The allocation and assignment of land uses for all Tribal land;
- (c) Issuance of land use licenses;
- (d) 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.

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 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) members of Haudenosaunee First Nations governments or bands;

(E) authorized employees of the Nation; and

(F) 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.

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 Land Management.
609.5-4. *Accessibility of Land Access Map*. Land Management shall ensure that the Land Access Map is made digitally available on the Nation’s website.

609.6. 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 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.

609.6-3. *Land Use License*. Land Management shall be responsible for creating a process for accepting, reviewing, and approving or denying land use license application requests.

609.6-4. *Easements*. Land Management shall be responsible for creating a 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 provide proof of eligibility to use any designated Tribal lands.

609.7-2. *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 violation of this law 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-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-__-__-__-__

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 to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air, and waters, through appropriate uses of the land.

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.~~

~~(e)-(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.

~~(fg)~~ “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.~~

~~(gh)~~ “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)~~ “Trespass” means the unauthorized use or entry on Tribal lands, including unauthorized uses under any law, rule, permit or lease of the Nation.

~~(i)~~ ~~(f)~~ “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)~~ “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)~~ “Tribal member” means an enrolled member of the Nation.

~~(l)~~ “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) members of Haudenosaunee First Nations governments or bands;
 - (E) authorized employees of the Nation; and

(F) 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.

609.6 in 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.~~

(c) ~~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. Trespass~~ 609.7-2. 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:[†]~~

[†]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.

- (1) Destroys land, waters, livestock, poultry, buildings, equipment, or any property without consent or permission.
- (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- - - -

Title 6. Property and Land – Chapter 609
Tsi' yuhwatsya'té tewatenhotúkwa' Ukwéhuwé'ne
That of the earth one opens it up Oneida Nation

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 to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air, and waters, through appropriate uses of the land.

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, 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.

(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.

(e) “Nation” means the Oneida Nation.

(f) “Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of organization.

(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.

(h) “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1809 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

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

(l) “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. Responsibilities of Land Management

609.4-1. Land Management shall be delegated the duty and power to carry out the intent and purposes of this law.

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) The development, approval, and maintenance of the Land Access Map;
- (b) The allocation and assignment of land uses for all Tribal land;
- (c) Issuance of land use licenses;
- (d) 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.

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 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) members of Haudenosaunee First Nations governments or bands;
- (E) authorized employees of the Nation; and
- (F) 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.

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 Land Management.
609.5-4. *Accessibility of Land Access Map*. Land Management shall ensure that the Land Access Map is made digitally available on the Nation's website.

609.6. 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 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.

609.6-3. *Land Use License*. Land Management shall be responsible for creating a process for accepting, reviewing, and approving or denying land use license application requests.

609.6-4. *Easements*. Land Management shall be responsible for creating a 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 provide proof of eligibility to use any designated Tribal lands.

609.7-2. *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 violation of this law 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-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-__-__-__-__



PUBLIC USE OF TRIBAL LAND LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> ▪ Add definitions for the following terms: Land Management [6 O.C. 609.3-1(c)], land use license [6 O.C. 609.3-1(d)], rule [6 O.C. 609.3-1(c)], Trial Court [6 O.C. 609.3-1(j)], and Tribal member [6 O.C. 609.3-1(k)], and eliminate the definition for trespass; ▪ Eliminate the Environmental Resource Board from the Law and delegate all their former responsibilities and duties to Land Management. [6 O.C. 609.4, 609.7]; ▪ Delegate administrative rulemaking authority to Land Management to develop rules to: <ul style="list-style-type: none"> ▪ Develop, approve, and maintain the Land Access Map; ▪ Allocate and assign land uses for all Tribal lands; ▪ Issue land use licenses; ▪ Issue easements; ▪ Develop a fine and penalty schedule for violations of this Law and its corresponding rules; and ▪ Develop any other rules needed to implement or enforce this Law. [6 O.C. 609.4-2]; ▪ Require that Land Management consult with the Land Assessment Team on the development of all administrative rules. [6 O.C. 609.4-3]; ▪ Add members of Haudenosaunee First Nations governments or bands to those who can access land designated as Oneida Community Access. [6 O.C. 609.5-1(b)(2)]; ▪ Require that the Land Access Map be made digitally available on the Nation's website. [6 O.C. 609.5-4]; ▪ Provide that Land Management is responsible for allocating and assigning land uses to all Tribal land. [6 O.C. 609.6-1]; ▪ Provide that Land Management is responsible for issuing land use licenses. [6 O.C. 609.6-3]; ▪ Provide that Land Management is responsible for issuing easements. [6 O.C. 609.6-4]; ▪ Remove the provisions on amending the Land Access Map, as the administrative rulemaking process shall now be followed.; ▪ Remove the provisions of the Law regarding trespass.;

	<ul style="list-style-type: none"> Remove much of the provisions regarding citations, and simply providing that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation's laws and policies governing citations. [6 O.C. 609.7-2]; Make other minor drafting changes throughout the Law.
Purpose	The purpose of this law is to prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1].
Affected Entities	Land Management, Oneida Police Department
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 Public Use of Tribal Land law (“the Law”) was originally adopted by the Oneida Business Committee in 2014 through resolution BC-05-15-14-C, and then was amended through resolutions BC-12-10-14-A, BC-01-13-16-C, and BC-07-26-17-D. The purpose of the Law is to prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1]. It is the policy of the Nation to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air, and waters, through appropriate uses of the land. [6 O.C. 609.1-2].
- B. Request for Amendments.** On August 10, 2022, the Oneida Business Committee adopted 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, 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 Oneida Land Commission. On September 28, 2022, the Oneida Business Committee adopted 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 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, Health, Safety, 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;
- Land Management;
- Oneida Law Office; and
- Environmental, Land, and Agriculture Division.

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

- Legislative Procedures Act;
- Administrative Rulemaking law;
- Real Property law;
- Public Peace law; and
- Citations Law.

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 Public Use of Tribal Land law amendments to its Active Files List.
- 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.
- On October 15, 2025, the public meeting was held. One (1) individual provided public comments during the public meeting.
- The public comment period then closed on October 22, 2025. No individuals provided written comments during the public meeting.
- On November 5, 2025, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred these items to a work meeting for further consideration.
- On December 3, 2025, the Legislative Operating Committee reviewed and considered the public comments received.

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

- January 3, 2024: LOC work session.
- April 29, 2025: LOC work session with Oneida Law Office, Oneida Police Department, Land Management, and the Environmental, Land, and Agriculture Division.
- May 20, 2025: LOC work session with Oneida Law Office, Oneida Police Department, and Land Management.
- August 11, 2025: LOC work session with Oneida Law Office, Oneida Police Department, and Land Management.
- December 3, 2025: LOC work session.

SECTION 5. CONTENTS OF THE LEGISLATION

A. **Definitions.** The proposed amendments to the Law add definitions for the following terms: Land Management [6 O.C. 609.3-1(c)], land use license [6 O.C. 609.3-1(d)], rule [6 O.C. 609.3-1(c)], Trial

Court [6 O.C. 609.3-1(j)], and Tribal member [6 O.C. 609.3-1(k)]. The definition for trespass was eliminated from the Law, as the term is no longer used in the Law.

- *Effect.* Updating the definitions to include new terms that are used in the Law, and eliminate terms that are no longer used in the Law provides greater clarification for those who read the Law.

B. *Elimination of the Environmental Resource Board.* The current Law provides that the Environmental Resource Board has the duty and power to carry out the intent and purposes of this law and enforce the provisions of this law. [current 6 O.C. 609.4-1]. Throughout the Law the Environmental Resource Board is then given a variety of different responsibilities and authorities, particularly in regard to the development and maintenance of the Land Access Map. The proposed amendments to the Law 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 Land Management. [6 O.C. 609.4-1].

- *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. *Delegation of Administrative Rulemaking.* The proposed amendments to the Law delegate rulemaking authority in accordance with the Administrative Rulemaking law to Land Management to develop rules to address: the development, approval, and maintenance of the Land Access Map; the allocation and assignment of land uses for all Tribal land; issuance of land use licenses; issuance of easements; a fine and penalty schedule for violations of this law and its corresponding rules; and any other rule needed to implement or interpret the provisions of this law. [6 O.C. 609.4-2].

- *Effect.* The Administrative Rulemaking law provides that only authorized agencies may promulgate rules once they are granted rulemaking authority by a law of the Nation. [1 O.C. 106.4-1]. This proposed amendments to the Law delegates Land Management rulemaking authority in accordance with the Administrative Rulemaking law. This delegation of rulemaking authority will allow Land Management to develop rules to best address their responsibilities provided through this Law.

D. *Consultation with the Land Assessment Team.* The proposed amendments to the Law include a new provision which requires that Land Management consult with the Land Assessment Team on the development of all administrative rules. [6 O.C. 609.4-3]. The Land Assessment Team is comprised of the following professionals employed by the Nation: Land Management Senior Management; Planning and Development Area Manager; Environmental Specialist; Tribal Historical Preservation Officer; GLIS Specialist; Zoning Administrator; and other subject matter experts based on the characteristics of the parcel to include: if there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager. [6 O.C. 609.4-3(a)]. Section 609.5-3 of the current Law does require the Environmental Resource Board to develop the Land Access Map in coordination with the Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and other such designated agencies of the Nation.

- *Effect.* The requirement that Land Management consults with the Land Assessment Team on the development of administrative rules ensures that Land Management is collecting input from some of the Nation's subject matter experts on land. This is similar to current collaboration requirements for the development of the Land Access Map included in the Law.

- 120 **E. *Oneida Community Access.*** Currently, the Public Use of Tribal Land law designates Tribal land to
121 have one (1) of the following accesses: limited access, Oneida Community access, Oneida Tribal
122 member access, and open access. [6 O.C. 609.5-1]. Each access designation is open to different groups
123 of people. Lands designated as Oneida community access are open to: Tribal members; spouses and
124 descendants of Tribal members; members of other federally recognized Indian tribes, bands or
125 communities; authorized employees of the Nation; and persons who are accompanied at all times by a
126 Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation.
127 [6 O.C. 609.5-1(b)(2)]. Land is designated as Oneida community access for the protection of the land
128 due to the historical, spiritual, cultural, and/or environmental significance of the land. [6 O.C. 609.5-
129 1(c)]. The proposed amendments to the Law add members of Haudenosaunee First Nations
130 governments or bands to those who can access land designated as Oneida Community Access. [6 O.C.
131 609.5-1(b)(2)].
- 132 ■ *Effect.* The proposed amendments to the Law recognize those members of Haudenosaunee First
133 Nations governments or bands in Canada with the same status as members of other federally
134 recognized Indian tribes, bands or communities.
- 135 **F. *Accessibility of Land Access Map.*** The proposed amendments to the Law include a new provision
136 which requires that Land Management ensures that the Land Access Map is made digitally available
137 on the Nation's website. [6 O.C. 609.5-4].
- 138 ■ *Effect.* This proposed amendment ensures that people have access to the Land Access Map and the
139 information contained in the map regarding the different designations of Tribal land so that they
140 can best comply with the restrictions on the different designations of the Tribal lands.
- 141 **G. *Assigning Land Uses.*** The proposed amendments to the Law include a new provision that now
142 provides that Land Management is responsible for allocating and assigning land uses to all Tribal land.
143 [6 O.C. 609.6-1]. The Law goes on to provide that the purpose of assigning land uses is to set consistent
144 practices and expectations for Land Management's reviewing and assigning of land uses to Tribal land
145 in a way that incorporates all approved land policies to care for the land while working towards building
146 an autonomous community. *Id.* Land Management is also delegated administrative rulemaking
147 authority to develop rules to address the allocation and assignment of land uses for all Tribal land. [6
148 O.C. 609.4-2(b)].
- 149 ■ *Effect.* Currently, it is the Real Property law that addresses the assignments of land uses. The Real
150 Property law provides that the Oneida Land Commission is responsible for allocating and assigning
151 land uses to all Tribal land, except those uses governed by the Public Use of Tribal Land law, based
152 on the Land Use Technical Unit rules which the Oneida Planning Department shall develop in
153 collaboration with affected Oneida divisions and departments and the Oneida Land Commission.
154 [6 O.C. 601.12-2(e)]. The Land Use Technical Unit rules have currently been replaced with Real
155 Property Law Rule No. 1 - Land Assessments for the Nation's Decisionmakers to Build an
156 Autonomous Community (LANDBAC). It has been determined that the allocation and assignments
157 of land uses fits better under the Public Use of Tribal Land law instead of the Real Property law.
158 The Real Property law is currently being amended to remove these provisions so they can be
159 addressed in this Law instead.
- 160 **H. *Land Use Licenses.*** The proposed amendments to the Law include a new provision that provides that
161 Land Management is responsible for creating a process for accepting, reviewing, and approving or
162 denying land use license application requests. [6 O.C. 609.6-3]. Land Management is also delegated

administrative rulemaking authority to develop rules to address the issuance of land use licenses. [6 O.C. 609.4-2(c)]. Land use licenses were previously not addressed by this Law.

- *Effect.* Currently, it is the Real Property law that addresses the issuance of land use licenses. The Real Property law provides that the Oneida Land Commission is responsible for approving or denying all land use licenses. [6 O.C. 601.12-2(b)]. The Real Property law provides that Land Management is responsible for forwarding requests for land use licenses to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission. [6 O.C. 601.12-3(a)]. Real Property Law Rule No. 2 – Land Use Licenses creates processes for accepting, reviewing, and approving or denying land use license application requests where the Oneida Land Commission is the decision maker and the Land Management staff are the application processors. It has been determined that addressing land use licenses fits better under the Public Use of Tribal Land law instead of the Real Property law. The Real Property law is currently being amended to remove these provisions so they can be addressed in this Law instead.

I. **Easements.** The proposed amendments to the Law include a new provision that provides that Land Management is responsible for creating a process for accepting, reviewing, and approving or denying easement application requests. [6 O.C. 609.6-4]. Land Management is also delegated administrative rulemaking authority to develop rules to address the issuance of easements. [6 O.C. 609.4-2(d)]. Easements were previously not addressed by this Law.

- *Effect.* Currently, it is the Real Property law that addresses the issuance of easements. The Real Property law provides that the Oneida Land Commission is responsible for approving or denying all easements. [6 O.C. 601.12-2(b)]. The Real Property law provides that Land Management is responsible for forwarding requests for easements to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission. [6 O.C. 601.12-3(a)]. Land Management and the Oneida Land Commission are delegated joint administrative rulemaking authority to develop rules regarding requests for easements for landlocked properties. [6 O.C. 601.7-3(e)]. Real Property Law Rule No. 3 - Easements provides procedures for granting easements over, under and across Tribal lands in order to best protect the interests of the Oneida Nation. It has been determined that addressing easements fits better under the Public Use of Tribal Land law instead of the Real Property law. The Real Property law is currently being amended to remove these provisions so they can be addressed in this Law instead.

J. **Amending the Land Access Map.** Currently, section 609.5-5 of the Law includes provisions on amending the Land Access Map and addresses who may request amendments to the Land Access Map as well as holding a public hearing to consider potential amendments to the Land Access Map. The proposed amendments to the Law remove the provisions on amending the Land Access Map.

- *Effect.* Provisions regarding the amendment of the Land Access Map were removed from the Law because the Land Access Map is now required by the proposed amendments to be an administrative rule. [6 O.C. 609.4-2(a)]. Therefore, the administrative rulemaking process provided for in the Administrative Rulemaking law is now required to be followed if Land Management wants to amend the Land Access Map. [1 O.C. 106].

K. **Trespass.** Currently, section 609.6 of the Law addresses trespass by providing for what constitutes trespass and how to post that permission by the landowner or occupant for such person to enter such

land does not exist. The proposed amendments to the law remove the provisions of the Law regarding trespass.

- *Effect.* Provisions regarding trespass were removed from the Law in the proposed amendments in an effort to avoid duplicative provisions in law due to the fact that trespass is addressed through the Nation's Public Peace law. [3 O.C. 309.5-3]. It was determined that the information on how to post that permission for a person to enter land does not exist currently provided for in section 609.6-1(a)-(b) of the Law would be better suited in the Real Property law so that it can apply to land not just owned by the Nation, but also land owned by individuals. The Real Property law is currently being amended so that the posting for trespass provisions can be addressed in the Real Property law instead of this Law.

L. Citations. Section 609.7 of the current Law contains a lot of provisions regarding the citation process, including information on the issuance of citations and enforcement of this law, hearings and appeals of citations, penalties for citations, allocation of citation revenue and pursuing the payment of citations. The proposed amendments to the Law remove much of the provisions regarding citations and simply provide 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. [6 O.C. 609.7-2].

- *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.

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

SECTION 6. EXISTING LEGISLATION

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

- **Administrative Rulemaking Law.** The Administrative Rulemaking law provides an efficient, effective, and democratic process for enacting and revising administrative rules, to ensure that authorized agencies act in a responsible and consistent manner when enacting and revising administrative rules. [1 O.C. 106.1-2].
 - The Public Use of Tribal Land law delegates rulemaking authority to Land Management to promulgate rules to govern a variety of topics related to the public use of Tribal land. [6 O.C. 609.4-2].
 - Any rules promulgated by Land Management under the Public Use of Tribal Land law will be required to be developed in accordance with the process and procedures of the Administrative Rulemaking 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 Public Use of Tribal Land law complies with the process and procedures of the Legislative Procedures Act.

- 250 ▪ **Citations Law.** The Citations law provides a process that governs all citations that fall under the
251 jurisdiction of the Oneida Nation. [8 O.C. 807.1-1]. It is the policy of the Nation to provide a
252 consistent process for handling citations of the Nation in order to ensure equal and fair treatment
253 to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2].
 - 254 ▪ The Public Use of Tribal Land law provides that an individual who violates a provision of this
255 law or the corresponding rules may be subject to the issuance of a citation by a warden or an
256 Oneida Police Department officer in accordance with the Nation’s laws and policies governing
257 citations. [4 O.C. 406.10-4].
 - 258 ▪ Any citations issues under the Public Use of Tribal Land law must comply with the process for
259 handling citations as provided for in the Citations law.
- 260 ▪ **Real Property Law.** The Real Property law provides regulations and procedures for the transfer,
261 control and management of the territory within the Reservation and all Tribal land; to integrates
262 these regulations and procedures with the real property laws and practices of other federal and state
263 sovereigns which may hold jurisdiction within the Reservation; and to establishes licensing and
264 certification requirements for the Nation’s employees dealing with real property transactions. [6
265 O.C. 601.1-1]. It is the policy of the Nation to set out the responsibilities and expectations for
266 persons purchasing and/or managing real property on behalf of the Nation and/or within the
267 Reservation and to provide real property holder’s rights and responsibilities. [6 O.C. 601.1-2].
 - 268 ▪ The Real Property law and its corresponding rules currently address assigning land uses, land
269 use licenses, and easements. [6 O.C. 601.7-3(a), 601.12-2(b), 601.12-2(e), 601.12-3(a)].
 - 270 ▪ The Real Property law is being amended to remove the provisions regarding assigning land
271 uses, land use licenses, and easement, as the proposed amendments to the Public Use of Tribal
272 Land law will now address these topics. [6 O.C. 609.4-2(b)-(d), 609.6-1, 609.6-3, 609.6-4].
 - 273 ▪ The provisions of the current Public Use of Tribal law regarding postings for trespass will be
274 removed from the Law, and instead placed into the Real Property law.

275 **SECTION 7. OTHER CONSIDERATIONS**

- 276
- 277 A. **Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all
278 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-
279 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
280 *Act*,” provides further clarification on who the Legislative Operating Committee may direct complete
281 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
282 completing the fiscal impact statement.
- 283 ▪ **Conclusion.** The Legislative Operating Committee has not yet requested that a fiscal impact
284 statement be developed.



TO: Ralinda Ninham-Lamberies, Chief Financial Officer
FROM: Jameson Wilson, Legislative Operating Committee Chairman
DATE: December 17, 2025
RE: Public Use of Tribal Land Law Amendments Fiscal Impact Statement

The Legislative Operating Committee (LOC) is currently developing amendments to the Public Use of Tribal Land 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 December 17, 2025, the Legislative Operating Committee approved the final draft of the proposed amendments to the Public Use of Tribal Land law. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the proposed amendments to the Public Use of Tribal Land law by January 15, 2026.

A copy of the proposed amendments to the Public Use of Tribal Land 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 Public Use of Tribal Land law by January 15, 2026.



Legislative Operating Committee
December 17, 2025

Recycling and Solid Waste Disposal Law Amendments

Submission Date: 11/12/2018	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.

11/5/25 LOC: Motion by Jonas Hill to approve the draft of the Solid Waste Disposal Law Amendments and direct the Legislative Reference Office to complete a Legislative Analysis; seconded by Kirby Metoxen. Motion carried unanimously.

Next Steps:

- Accept the public meeting packet and schedule a public meeting to be held on _____.

ONEIDA NATION PUBLIC MEETING NOTICE**FEBRUARY 12 2026 AT 12:15 pm**

Norbert Hill Center-Business Committee Conference Room
 N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at
[Oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public-meetings)

**Send Public Comments to**

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

SOLID WASTE DISPOSAL LAW AMENDMENTS

The purpose of the Solid Waste Disposal 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.

The Solid Waste Disposal law amendments will:

- ◆ Rename the law from “Recycling and Solid Waste Disposal” to “Solid Waste Disposal.” [4 O.C. 405].
- ◆ Remove the separation of “recycling” and “solid waste” and instead redefine solid waste to include recyclable materials. [4 O.C. 3-1(v); 4 O.C. 405.6].
- ◆ Clarify in the definitions the following terms: “customers,” “e-waste,” “major appliances,” “reservation,” “service provider,” and “sharps.” [4 O.C. 405.1-1(a); (f); (p); (h); (p); (q); (s)].
- ◆ Clarify the management of solid waste within the Reservation will be governed by this law, the Nation’s Sustainable Materials Management Plan, and applicable provisions of the Resource Conservation and Recovery Act. [4 O.C. 405.4].
- ◆ Clarify the Division of Public Works (“DPW”) and Environmental Land and Agriculture (“ELA”) have the authority to administer certain provisions of this law, including informing the public of certain requirements, determining nuisances, procuring service providers, and making rules for the regulation and administration of this law. [4 O.C. 405.5].
- ◆ Clarify certain items need to be separated; ELA or the service provider may refuse pick up; and there will be a special collection of some items which will be scheduled annually and posted on the Nation’s website. [4 O.C. 405.6-7]; [4 O.C. 405.7]; [4 O.C. 405.10].
- ◆ Clarify that deer carcasses and other large animal carcasses are not collectable and may be placed for curbside collection. [4 O.C. 405.7-1(j)].
- ◆ Clarify it is prohibited to burn solid waste, dump, throw, or leave solid waste in unauthorized areas, in any way that creates a nuisance, or in any way that violates the Sustainable Materials Management Plan, other provisions of the Solid Waste Disposal law, the Public Peace law, or any other law of the Nation. [4 O.C. 405.9].
- ◆ Various grammatical changes and other minor changes throughout the law.



Individuals may attend the public meeting for the proposed Solid Waste Disposal law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES FEBRUARY 19, 2026

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

For more information on the proposed Solid Waste Disposal law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public-meetings).



SOLID WASTE DISPOSAL LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

Analysis by the Legislative Reference Office	
Intent of the Legislation or Amendments	<ul style="list-style-type: none"> ▪ Rename the law from “Recycling and Solid Waste Disposal” to “Solid Waste Disposal.” [4 O.C. 405]. ▪ Remove the separation of “recycling” and “solid waste” and instead redefine solid waste to include recyclable materials. [4 O.C. 405.3-1(v); 4 O.C. 405.6]. ▪ Clarify in the definitions the following terms: “customers,” “e-waste,” “major appliances,” “reservation,” “service provider,” and “sharps.” [4 O.C. 405.1-1(a); (f); (p); (h); (p); (q); (s)]. ▪ Clarify the management of solid waste within the Reservation will be governed by this law, the Nation’s Sustainable Materials Management Plan, and applicable provisions of the Resource Conservation and Recovery Act. [4 O.C. 405.4]. ▪ Clarify that Division of Public Works (“DPW”) and Environmental Land and Agriculture (“ELA”) have the authority to administer certain provisions of this law, including informing the public of certain requirements, determining nuisances, procuring service providers, and making rules for the regulation and administration of this law. [4 O.C. 405.5]. ▪ Clarify there will be a fine and penalty schedule developed by DPW and ELA and approved by the Oneida Business Committee. [4 O.C. 405.5-1(h)]. ▪ Clarify certain items need to be separated; ELA, or the service provider may refuse pick up; and there will be a special collection of some items which will be scheduled annually and posted on the Nation’s website. [4 O.C. 405.6.7]; [4 O.C. 405.7]; [405 O.C. 405.10]. ▪ Clarify that deer carcasses and other large animal carcasses are not collectable and may not be place for curbside collection. [4 O.C. 405.7-1(j)]. ▪ Clarify it is prohibited to burn solid waste, dump, throw, or leave solid waste in unauthorized areas, in any way that creates a nuisance, or in any way that violates the Sustainable Materials Management Plan, other provisions of the Solid Waste Disposal law, the Public Peace law, or any other law of the Nation. [4 O.C. 405.9]. ▪ Various grammatical changes and other minor changes throughout the law.
Purpose	<p>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. [4 O.C. 405.1-1].</p>

Affected Entities	The Oneida Nation Division of Public Works (“DPW”), the Oneida Nation Environmental, Land & Agriculture Division (“ELA”), the Oneida Police Department, the Oneida Nation Zoning Department, any present or future service provider, all residential and commercial properties within the Reservation who use the Nation’s contracted service provider.
Enforcement	<p>The Solid Waste Disposal law delegates authority to DPW and ELA to administer certain provisions of the law. <i>[4 O.C. 405.5-1]</i>. This authority includes:</p> <ul style="list-style-type: none"> • Overseeing the implementation and enforcement of this law and the Sustainable Materials Management Plan “(SMMP)”. <i>[4 O.C. 405.5-1(a)]</i>. • Hiring third-party service providers. <i>[4 O.C. 405.5-1(b)]</i>. • Developing and amending the SMMP to be consistent with the Solid Waste Disposal law and at least once every five years. <i>[4 O.C. 405.5-1(c)]</i>. • Developing a fine and penalty schedule. <i>[4 O.C. 405.5-1(d)]</i>. • Taking reasonable measures to ensure that the public is aware and informed of the requirements of this law and the SMMP. <i>[4 O.C. 405.5-1(e)]</i>. • (f) conducting inspections and investigating complaints. <i>[4 O.C. 405.5-1(f)]</i>. • Determining if the storage or disposal of solid waste has created a nuisance. <i>[4 O.C. 405.5-1(g)]</i>. • Issuing a citation to persons found in violation of this law. <i>[4 O.C. 405.5-1(h)]</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. <i>[4 O.C. 405.5-1(i)]</i>. • Notifying all customers of the Nation of the terms and conditions for collection. <i>[4 O.C. 405.5-1(j)]</i>. • 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. <i>[4 O.C. 405.5-1(k)]</i>.
Due Process	<p>DPW, ELA, and the service provider are required to take reasonable measures to notify the public of the requirements of this law and the SMMP. <i>[4 O.C. 405.5-1(e)]</i>.</p> <p>Any person in doubt as to the proper preparation, handling, and disposal of any type of solid waste can contact DPW, ELA, or the service provider for instruction. <i>[4 O.C. 405.5-1(e)(1)]</i>.</p> <p>If solid wastes are not properly handled, prepared, contained, stored, or located, and the service provider does not collect, the service provider may leave notice</p>

	explaining the reason for non-collection and allowing the customer time to correct, typically until the next collection. [4 O.C. 405.5.10].
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Recycling and Solid Waste Disposal law was originally adopted by the Oneida Business Committee on December 14, 1994, through resolution BC-12-14-94-A. The law was subsequently amended by the Oneida Business Committee on February 15, 1995, through resolution BC-2-15-95-K and emergency amended by the Oneida Business Committee through on November 11, 1998, through resolution BC-11-9-98-A. The Solid Waste Disposal law provides guidelines for the proper management of solid wastes within the Reservation. [4 O.C. 405.4; 405.5; 405.6; 405.7].
- B. **Request for Amendments.** This item was originally added to the Active Files List on November 12, 2018, at the request of the Environmental, Health, Safety and Land Division, now named the Environmental Land & Agriculture Division, to address matters such as curbside recycling, illegal dumping, due process, and enforcement. This item was added to the Active Files list for a second time on October 7, 2020. This item was added to the Active Files list for a third time on October 4, 2023. The sponsors of the Solid Waste Disposal law amendments are Councilman Kirby Metoxen and Councilman Jonas Hill.

SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of the amendments to this Law and legislative analysis:
 - Oneida Nation Division of Public Works (“DPW”);
 - Oneida Nation Environmental, Land & Agriculture Division (“ELA”); and
 - Oneida Police Department.
- The following laws and policies of the Nation were reviewed in the drafting of this analysis:
 - Sustainable Materials Management Plan (“SMMP”);
 - Zoning and Shoreland Protection law [6 O.C. 605]; and
 - Public Peace law [3 O.C. 309].

SECTION 4. PROCESS

- A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
- On October 4, 2023, the Legislative Operating Committee added this Law to its Active Files List for amendments this legislative term.
 - On November 5, 2025, the Legislative Operating Committee approved the draft of the Solid Waste Disposal Law Amendments and directed the Legislative Reference Office to complete a Legislative Analysis.

- 34 **B.** At the time this legislative analysis was developed the following work meetings had been held
35 regarding the development of the amendments to this law:
- 36 ▪ August 12, 2024: LOC work meeting with DPW, ELA, and the Oneida Police Department.
 - 37 ▪ August 22, 2024: LOC work meeting with DPW and ELA.
 - 38 ▪ August 23, 2024: LOC work meeting with LRO and Shannon Stone of DPW.
 - 39 ▪ September 5, 2024: LOC work meeting with DPW and ELA.
 - 40 ▪ October 24, 2024: LOC work meeting with DPW and ELA.
 - 41 ▪ December 4, 2024: LOC work meeting.
 - 42 ▪ January 28, 2025: LOC work meeting with DPW and ELA.
 - 43 ▪ March 5, 2025: LOC work meeting.
 - 44 ▪ March 31, 2025: LOC work meeting with DPW and ELA.
 - 45 ▪ April 21, 2025: LOC meeting with Ronald Vanschyndel of DPW.
 - 46 ▪ July 7, 2025: LOC work meeting with Ronald Vanschyndel of DPW.
 - 47 ▪ September 12, 2025: LOC work meeting with DPW and ELA.
 - 48 ▪ October 16, 2025: LOC work meeting with DPW and ELA where the LOC informally
49 approved the final draft.
- 50

51 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 52 **A. *Application of the Law.*** The proposed amendments improve the management of solid waste within
53 the Reservation. [4 O.C. 405.4] The management of solid waste within the Reservation is clarified by
54 defining “Customer” and “Service provider.” [4 O.C 405.3-1(a); (q)].
- 55 ▪ *Effect.* The proposed amendments clarify that this law covers all residential and commercial
56 properties within the Reservation who use the Nation’s service provider. The Nation’s service
57 provide is defined as the company with whom the Nation contracts to provide collection
58 services for the solid waste to be collected within the Reservation. These proposed amendments
59 clarify the scope of the Nation’s ability to regulate the management of solid waste within the
60 Reservation which has a direct impact on the health, safety, and welfare of the community.
- 61 **B. *Defining “solid waste.”*** The proposed amendments expand the definition of solid waste to include
62 various categories of materials. [4 O.C. 405.3-1(v)(a)-(e)].
- 63 ▪ *Effect.* The proposed amendments expand the definition of solid waste by including five
64 separate categories. Rather than distinguishing solid waste and recyclable materials, the
65 proposed definition includes recyclable materials as one category of solid waste. By expanding
66 the definition of solid waste to include various and specific categories of waste materials,
67 including recyclable materials which has previously been distinguished, the proposed
68 amendments expand and clarify the application of this law and make it easier for the Nation,
69 the service provider, and customers to identify its scope and application.
- 70 **C. *Applicable laws and policies.*** The proposed amendments clarify the proper handling, storage,
71 collection, transportation, processing, recycling, and disposal of solid waste within the Reservation will
72 be governed by this law, the Sustainable Materials Management Plan, and the applicable provision of
73 the Resource Conservation and Recovery Act. [4 O.C. 405.4].
- 74 ▪ *Effect.* The proposed amendments clarify which laws and policies will govern, which expands
75 the Nation’s ability to self-govern.
- 76 **D. *Duty to notify.*** The proposed amendments require DPW, ELA, and the service provider to take
77 reasonable measures to notify the public about the requirements of the law and the SMMP. [4 O.C.

405.5(e)]. In order to make the public aware of the requirements of this law DPW, ELA, and the service provider may send new customers the collection requirements, notify the public through publication, and make materials available at the offices of DPW and ELA. *Id.*

- *Effect.* The proposed amendments clarify the Nation must notify all customers within the Reservation of the requirements of this law and the SMMP. This requirement will make it easier for the Nation and the service provider to identify and enforce and easier for customers to identify what is required of them.

E. *Special Collections.* The proposed amendments require the Nation to schedule special collections and post the schedule on the Nation's website. [4 O.C. 405.6-7].

- *Effect.* The proposed amendments clarify that although some items are considered non-collectable, the Nation will schedule and post on the Nation's website the collection of certain items.

F. *Deer and large animal carcasses.* The proposed amendments clarify the kinds of animal carcasses that are considered non-collectable. [4 O.C. 405.7(j)]. Rather than disallowing all dead animal carcasses the proposed amendment clarifies that deer carcasses and large animal carcasses weighing over one hundred (100) pounds would be considered non-collectable. *Id.*

- *Effect.* The proposed amendment clarifies the scope of dead animal carcasses that the Nation and its service provider will not accept as part of regular collections; allowing the Nation and its service provider more control over the types of materials it is required to collect and manage.

G. *Prohibitions.* The proposed amendments clarify prohibitions and what is not allowed by any person, not only customers of the Nation's service provider. [4 O.C. 405.9] It will be prohibited to:

- the burn solid waste [4 O.C. 405.9(a)];
- dump, dispose, throw, or leave solid waste
 - i. in any waterway [4 O.C. 405.9(c)];
 - ii. from a stopped or moving vehicle upon a highway, road, or right of way with the Reservation [4 O.C. 405.9(b)];
 - iii. in any dumpster or waste bin that does not belong to that customer and not authorized for that customer's use [4 O.C. 405.9(d)];
 - iv. 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 [4 O.C. 405.9(g)];
- store, handle, dump, deposit, leave, or throws solid waste in any way reasonably likely to cause a nuisance [4 O.C. 405.9(e)];
- 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, and the Oneida Police Department, or the Nation's Zoning Department. [4 O.C. 405.9(f)].
- *Effect.* The proposed amendments allow the Nation to further ensure the health and safety of the Nation and the Reservation by disallowing certain activities of all people, not only the customers of the Nation's service provider.

H. *Right to Refuse Collection and Right to Reject.* The proposed amendments include a new section allowing the Nation's service provider to refuse collection if solid waste is not properly handled, prepared, contained, stored, or located. [4 O.C. 405.10]. The proposed amendment further clarifies that the service provider may leave notice explaining the reason for not collecting and allowing the person time to correct. [4 O.C. 405.10-1(a)]. If the person has not corrected by the next collection cycle, the

proposed amendment authorizes the service provider to notify DPW for enforcement under the law. [4 O.C. 405.10-1(b)].

- *Effect.* The proposed amendment strengthens the Nation’s ability to enforce the collection and management of solid waste within the Reservation. The proposed amendments also require the Nation to notify all persons who use the Nation’s service provider of the requirements of collections. This proposed amendment then allows the Nation’s to enforce the requirements of collections.

I. **Other amendments.** Overall, a variety of other amendments and revisions were made to the law to address formatting, drafting style, and organization that did not affect the substance of the law.

SECTION 6. EXISTING LEGISLATION

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

- *Zoning and Shoreland Protection.* The purpose of the Zoning and Shoreland Protection law is to establish a zoning plan for tribal lands held in trust and fee, heirship lands, and individual trust and fee lands within the Reservation by dividing the Reservation into districts, regulate the use of land and buildings on lots and the density of the population, and provide for the administration and enforcement of this law, assist in guiding the future development of the Reservation and protect the character and stability of residential, commercial, industrial, agricultural, and other districts within the Reservation, and assure the orderly and beneficial development of such areas. [6 O.C. 605.1-1].
 - The Zoning and Shoreland Protection law defines “Public nuisance” as “a thing, act, occupation, condition, or use of property which continues for such length of time as to: (1) substantially annoy, injured, or endanger the comfort, health, repose, or safety of the public; (2) [i]n any way render the public insecure in life or in the use of property; or (3) [g]reatly offend the public morals or decency; or (4) [u]nlawfully 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.” [6 O.C. 605.3-1(iiii)].
 - According to the Zoning and Shoreland Protection law a person commits a public nuisance “by using or maintaining their property in any manner which endangers the public’s health, safety[,] or welfare, limits the use or enjoyment of neighboring property, or causes or tends to cause diminution of the value of the property of others in the are in which such property is located.” [6 O.C. 605.6-12].
 - According to the Zoning and Shoreland Protection law the Zoning Administrator is responsible for the administration and enforcement of this law and responsible for determining whether a public nuisance exists. [6 O.C. 605.3-1(yyyyy); 605.6-12(a)].
 - The Zoning and Shoreland Protection law categorizes public nuisances into the following categories:
 - Storage of Chemicals;
 - Outdoor Storage and Waste Disposal;
 - Noise;

- Emission Smoke;
 - Emission of Particulate Matter, Heat and Glare;
 - Toxic and Noxious Matter;
 - Radioactivity or Electrical Disturbance;
 - Vibration;
 - Storage of Vehicles;
 - Other Public Nuisances;
 - Weeds and Rank Growth;
 - Exterior Storage of Supplies;
 - Building Exteriors; and
 - Other Public Nuisances. [6 O.C. 605.6-12(b)-(p)].
- The proposed amendments align with the Zoning and Shoreland Protection law by strengthening the Nation's ability to monitor and enforce any activity identified as a nuisance; either through the Zoning and Shoreland Protection law or the proposed amendments to the Solid Waste Disposal law. [6 O.C. 605.6-12; 4 O.C. 405.5-1(g)].
 - *Public Peace Law.* The purpose of the Public Peace law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [3 O.C. 309.1-1]. The Public Peace law's underlying policy is to promote peace and order within the boundaries of the Reservation while also providing an orderly process for addressing civil infractions that occur. [3 O.C. 309.1-2].
 - According to the Public Peace law, a person commits the civil infraction of nuisance whenever they engage in a thing, act, occupation, condition, or use of property which continues for such length of time as to:
 - substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;
 - in any way render the public insecure in life or in the use of property; or
 - greatly offend the public morals or decency. [3 O.C. 309.6-6].
 - According to the Public Peace law a person commits the civil infraction of maintaining a chronic nuisance house if they have three (3) or more police contacts during a twelve (12) month period at the premises they own or occupy through a lease or rental agreement. [3 O.C. 309.6-7].
 - According to the Public Peace law a person can commit the following infractions against health and safety:
 - Littering: the depositing, throwing, dumping, discarding, and abandoning of litter.
 - Litter is defined as all rubbish, waste materials, refuse, garbage, trash debris, or other foreign substances, solid, liquid, or every form, size, and kind. [3 O.C. 309.10-1].
 - **Unsanitary** area: allowing any scrap, refuse, junk, salvage, rubbish or property within the exterior boundaries of the Reservation that created

unsightly areas or contributes to health and safety hazards. [3 O.C. 309.10-2].

- If the Oneida Police Department determines an individual has violated a provision of the Public Peace law, the individual may be subject to a citation, including fines and other penalties. [3 O.C. 309.11].
- The proposed amendments align with the Public Peace law by strengthening the Nation's ability to monitor and enforce any activity identified as a nuisance; either through the Public Peace law or the proposed amendments to the Solid Waste Disposal law. [6 O.C. 605.6-12; 4 O.C. 405.5-1(g)].
 - The proposed amendments align with the Public Peace law by prohibiting nuisance activities and requiring DPW and ELA to determine if the storage or disposal of solid waste has created a nuisance. [4 O.C. 405.1-1(g)].
 - The proposed amendments further align with the Public Peace law because like the Public Peace law, the Oneida Police Department and the Oneida Zoning Department to have the authority to investigate complaints and referrals, obtain search warrants and conduct inspections and issue citations. [4 O.C. 405.5-2].
- *Citations Law.* The purpose of the Citations law is to provide a process that governs all citations that fall under the jurisdiction of the Oneida Nation. [8 O.C. 708.1-1].
 - According to the Citations law an officer may issue a citation to any person they have reasonable grounds to believe has committed a violation of a law of the Nation that expressly permits the issuance of a citation. [8 O.C. 807.4-2].
 - When an officer issues a citation a civil action in the Oneida judiciary is commenced for the purposes of collecting a fine or penalty. [8 O.C. 807.4-1].
 - The Citations law requires the citation contain specific information, be served on the defendant, and be filed with the Oneida judiciary. [8 O.C. 807.4-3; 807.4-4; 807.4-5].
 - The Citations law contains the requirements of hearing procedures [8 O.C. 807.6].
 - The proposed amendments align with Citations law by enhancing the Nation's ability to monitor, investigate, and enforce violations of the Nation's law, especially violations that may impact the health, safety, and welfare of the Reservation. [8 O.C. 807.1-1].
- **Sustainable Materials Management Plan.** The purpose of this policy is to:
 - implement effective materials management practice, including source-reduction and recycling programs and planning and developing future materials management activities; and
 - describe the community and service areas, including demographic, geographic, and waste generation characteristics; and
 - describe the Nation's administrative structure, including its framework for implementing waste and recycling services and programs; and
 - document existing materials management programs and conditions; and

- present proposed materials management practice and alternatives to improve the performance of the Nation's materials management system; and
- identify the preferred short-term and long-term actions by the Nation to implement responsible and sustainable materials management practices, including strategies to address persistent materials management challenges; and
- guide planning decisions that improve the performance of the Nation's materials management system; and
- describe the Nation's process of adopting the plan. [cite?]
- This policy provide detailed information on how the Nation will manage all solid waste generated and collected within the Reservation. [cite?]
- The proposed amendments align with the Sustainable Materials Management Plan by creating an overarching framework for the management and collection of solid waste generated within the Reservation. The policy provides detailed information and guidance on how the Nation will manage and collect solid waste; the proposed amendments provide the larger framework of requirements. The proposed amendments require the SMMP to be amended at least once every five years and in a manner consistent with the Solid Waste Disposal Law. [cite?]

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The Solid Waste Disposal law gives authority to the Nation's Department of Public Works and the Nation's Environmental Land & Agriculture Department to administer the provisions of the law, including the authority to make referrals to the Oneida Police Department and the Nation's Zoning Department for further investigation and enforcement. [4 O.C. 405.5].
- B. The Solid Waste Disposal law clarifies and enumerates the authority of DPW and ELA. [4 O.C. 405.5-1]. DPW and ELA shall be delegated the authority to administer the provisions of the law, including the authority to:
- oversee 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;
 - follow the Nation's RFP process for the procurement of third-party service providers;
 - develop and amend 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;
 - develop a fine and penalty schedule;
 - 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;
 - conduct inspections and investigate complaints, to ensure that solid wastes are managed in accordance with this law and the SMMP;
 - determine if the storage or disposal of solid waste has created a nuisance;
 - issue 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;

- make 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.
 - notify all customers of the Nation of the terms and conditions for collection
 - make 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.
- C. The Solid Waste Disposal law requires the Nation to handle, store, collect, transport, transfer, process, recycle, and dispose of solid waste generated and collected within the Reservation in accordance with the provisions of the law, the most current version of the SMMP, and applicable provisions of the Resource Conservation and Recovery Act, a Federal law. [4 O.C. 405.4].
- D. The Solid Waste Disposal law requires the SMMP to be interpreted in a manner consistent with the law to the greatest extent possible. [4 O.C. 405.4-1(b)].
- E. The Solid Waste Disposal law clarifies it will supersede the SMMP if there is an irreconcilable conflict between a provision of the Solid Waste Disposal law and the SMMP. [4 O.C. 405.4-1(b)(1)].
- F. The Solid Waste Disposal law delegates authority to the Oneida Police Department to enforce the provisions of the law, including:
- investigating complaints and referrals from DPW or ELA for suspected violations of this law;
 - obtaining a search warrant and conducting inspections if necessary to enforce the provisions of this law;
 - issuing citations consistent with the fine and penalty schedule developed by DPW and ELA. [4 O.C 405.5-2].
- G. The Solid Waste Disposal law authorizes the service provider to refuse collection if solid wastes are not properly handled, prepared, contained, stored, or located. [4 O.C. 405.10].
- H. If the service provider determines solid wastes have not been properly handled, prepared, contained, stored, or located and does not collect, the law requires the service provider to leave notice explaining the reason for non-collection and allowing the customer time to correct. [4 O.C. 405.10-1(a)].
- I. If the customer has not corrected, the law authorizes the service provider to notify DPW for further enforcement under the law. [4 O.C. 405.10-1(b)].

SECTION 8. OTHER CONSIDERATIONS

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

- **Conclusion.** The Legislative Operating Committee has not yet directed that a fiscal impact be completed.

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	405.7	Non-collectable Solid Waste
405.2	Adoption and Amendment	405.8	Non-residential facilities and Properties and Multi-family Dwellings
405.3	Definitions	405.9	Prohibitions
405.4	Application	405.10	Right to Refuse Collection
405.5	Authority		
405.6	Collection and Disposal of Solid Waste		

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.

(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.

(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;

(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;

(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:

- (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;
- (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)

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	405.7	Non-collectable Solid Waste
405.2	Adoption and Amendment	405.8	Non-residential facilities and Properties and Multi-family Dwellings
405.3	Definitions	405.9	Prohibitions
405.4	Application	405.10	Right to Refuse Collection
405.5	Authority		
405.6	Collection and Disposal of Solid Waste		

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

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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:

(a) hazardous waste;

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- (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
December 17, 2025

Independent Contractors Policy Amendments

Submission Date: 6/19/24	Public Meeting: 10/15/25
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 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: Stephanie 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 by tomorrow (Friday, 8/1/25), we can add the draft to the LOC's next meeting on 8/6/25.

8/6/25 LOC: Motion by Jonas Hill to approve the draft of the Independent Contractors Law Amendments and direct the Legislative Reference Office to complete a Legislative Analysis; seconded by Jennifer Webster. Motion carried unanimously.

8/12/25: *Memo to LOC.* On Tuesday, August 12, 2025, the LOC received a memo from the 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.

10/15/25: *Public Meeting Held.* No individuals provided oral comments during the public meeting.

10/22/25: *Public Comment Period Closed.* One (1) individual provided written comments during the public comment period.

11/5/25 LOC: Motion by Jonas Hill to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

12/3/25:

Work Meeting. The purpose of this work meeting was to review and consider the public comment received.

Next Steps:

- Accept the public comment memorandum with the LOC consideration, updated draft, legislative analysis, and fiscal impact statement request memorandum.

TO: Legislative Operating Committee (LOC)
 FROM: Carolyn Salutz, Legislative Reference Office, Staff Attorney
 DATE: December 17, 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 (1) 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 to ensure the Nation’s compliance with tax regulations.”

The Legislative Procedures Act requires all laws codified by the Nation to contain a Purpose section and that Purpose section must direct why the law is needed and should indicate the governing or directing reasons why it is being implemented. *[1 O.C. 109.11-1(a)(1)]*.

According to the Legislative Procedures Act, commenter’s suggestion, that the purpose statement should cover all topics addressed in the law, is not necessarily true. The purpose section does not need to identify all topics covered by the law but rather, only, the topics which indicate why the law is needed and why it is being implemented.

The Purpose section, in the suggested amendments, does direct and indicate why the law is needed and being implemented.

Even so, the Legislative Procedures Act does not limit what the law can present in its Purpose section, and the suggestions by the commenter do relate to the purposes of an Independent Contractors Policy.

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 – in d:
 - i. 503.1-1. *Purpose.* The purpose of this law is to require proper worker classification to ensure the Nation’s compliance with tax regulations.
 - 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

The LOC acknowledges the suggestion from commenter but notes the Purpose section does not require further amendments to comply with the Legislative Procedures Act. Even so, the LOC believes the suggested revision may help clarify the overall purpose of the law. The LOC decided to amend the Purpose section in 503.1-1 to read:

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.

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

Commenter suggests the policy of this law appears broader than complying with Indian Preference and should actually include four topics that commenter provided. Commenter suggests the entire Policy section should be redrafted to capture all topics covered by the law.

According to the Legislative Procedures Act, “The ‘Policy’ section [is] to indicate the direction the law is to take, including impetus or underlying goal of the regulation.” [1 O.C. 109.11-1(a)(2)].

The current amendments say it is the policy of the Nation to utilize Nation American business; the Nation is encouraged to use its own employees rather than seek to contract with independent contractors; and the Nation is encouraged to hire and utilize independent contractors in accordance with the requirements of the Indian Preference Law. [5 O.C. 503.1-2(a); (b)].

These statements do indicate the direction the law is to take. The Policy section, as the amendments are currently drafted, contains sufficient information to comply with the Legislative Procedures Act because the current amendments indicate the direction the law is to take, including the underlying goal of the policy.

The suggestions commenter makes are better suited to the Purpose section. Refer to the first comment, response, and LOC consideration.

There is no recommended revision to the proposed amendments to the Law based on this comment.

LOC Consideration

The LOC acknowledges the suggestion from commenter but decided the Policy section does not need to be amended because, in response to the commenter’s first suggestion, the LOC decided to amend the language of the Purpose section.

The LOC decided to incorporate these suggestions into the Purpose section and make no further amendments to the Policy section.

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

Commenter notes it is not clear why this law would take precedence over all other laws in the event of a conflict. Commenter questions if all other Oneida laws include the language of section 503.2-4. Commenter notes “law” is not defined. Finally, commenter questions if this statement is intended to allow the Independent Contractors law to surpass federal law and, in sum, believes this section should be redrafted.

The LOC must draft and pass legislation in accordance with the requirements of the Legislative Procedures Act. All legislation of the Nation must be in a consistent format and must contain “Section 2 – Adoption, Amendment, Repeal,” with the exact language required by section 109.11-1(b) of that law. That exact language is: “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. . . .” [*1 O.C. 109.11-1(b)*].

The language should be taken literally, “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.” This means, if there is a conflict between the provisions of the Independent Contractors law and a provision of another law, the provisions of the Independent Contractors law shall control.

Every law codified by the Nation contains this section.

This section does not and cannot imply that this law (and every law of the Nation since every law of the Nation contains this language) supersedes Federal law.

The Independent Contractors law does not need to define “law” because “law is defined in the Legislative Procedures Act and “means an adopted Tribal code, act, statute or ordinance.” [*1 O.C. 109.3-1(e)*].

Section 503.2-4 may not be redrafted because it contains the exact language as required by section 109.11-1(b) of the Legislative Procedures Act.

The Legislative Operating Committee may not, and does not need to, make any changes to the law based on this comment.

LOC Consideration

The Legislative Operating Committee decided not to amend the law based on this comment.

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 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

The Legislative Operating Committee recognizes the suggested language may help strengthen and clarify the law.

The Legislative Operating Committee decided to adopt the commenter’s suggested language and revise four of the definitions. The Legislative Operating Committee decided to keep the definition of “service” and amend with the suggested language.

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

The Legislative Operating Committee recognizes the commenter's knowledge regarding proper worker classification and which agencies the Nation may use as guidance. The Legislative Operating Committee decided to adopt the suggested language; now, Section 503.4 Worker Classification will read:

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.

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

The Legislative Operating Committee recognizes the commenter's knowledge regarding contracts with the Nation. The Legislative Operating Committee decided to adopt the suggested language. **Section 503.5-1** will now read:

503.5-1. The Oneida Law Office shall develop and maintain standard contract form(s) for primary use by the Nation.

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

The Legislative Operating Committee recognizes the commenter's knowledge regarding contracts with the Nation and decided to accept the suggested edits to section 503.5-3 and accept the suggested language to include a new section, section 503.5-4. The following will now be the exact language for suggested amendments to Section 503.5-3 and the new Section 503.5-4:

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;
- d. 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
- e. 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.

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 independent contractor will need a vendor license if the vendor is not exempt from the licensing requirement. 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

The Legislative Operating Committee decided this section should be redrafted as suggested. The suggestion makes a minor change to the provision but a minor change that will solidify the requirement for a vendor to obtain, and the Nation to issue, a vendor licenses before a purchase order is issued. The amendment to Section 503.6-3. Vendor License will now say:

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.

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 delegation of rulemaking authority to the Nation's Risk Management Department will make it easier for potential vendors to access insurance requirements and ultimately the insurance requirements will be more public.

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

The Legislative Operating Committee agrees that delegating to the Nation's Risk Management Department the authority of rulemaking for what will constitute "appropriate and adequate insurance coverage" will make the requirements of insurance coverage more transparent, public, and accessible. Section 503.6-4. Insurance Requirements will be amended to say:

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.

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 should be one correction to the tax identification categories. The correction 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

The Legislative Operating Committee accepts the commenter suggestion to add the word “individual” to section 503.6-5(c); clarifying that the three methods of tax identification as required by section 503.6-5 are (a) Employer Identification number; (b) Social Security Number; and (c) Individual Taxpayer Identification Number. Section 503.6-5 will be amended to say:

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.

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 actually a type of 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. **New title.** 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 independent contractors to sign conflict of interest forms but believes 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

The Legislative Operating Committee accepts the commenter's suggestion and will amend the section title from "Conflict of Interest" to "Dual Capacity."

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

The Legislative Operating Committee decided to accept the commenter's suggestion and delete section 503.7-1(b)(2) from the amendments.

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Title 5. Business – Chapter 503

INDEPENDENT CONTRACTORS POLICY

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 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

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 by the independent contractor.

quantifiable goods and tangible or intangible products to be provided upon the completion of a project.

(b) "Employee" means an individual who qualifies as an employee of the Nation using relevant tests established by the U.S. Department of Labor and the Internal Revenue Service. "Employee" does not include elected or appointed officials. For purposes of this law, individuals employed by the Nation through an employment agreement or employment contract are employees of the Nation, not independent contractors. (c)

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“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.

(d) “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.

(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 on behalf of the Nation. .

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.

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. 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) 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.

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 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.

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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) The Nation's Risk Management Department is delegated rule making authority to determine what constitutes appropriate and adequate insurance coverage.

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.

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.

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;

(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 general 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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Title 5. Business – Chapter 503

INDEPENDENT CONTRACTORS POLICY

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 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

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 by the independent contractor.

(b) "Employee" means an individual who qualifies as an employee of the Nation using relevant tests established by the U.S. Department of Labor and the Internal Revenue Service. "Employee" does not include elected or appointed officials. For purposes of this law, individuals employed by the Nation through an employment agreement or employment contract are employees of the Nation, not 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-

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owned business entity includes, but is not limited to, a partnership, corporation, or limited liability company.

(d) “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.

(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 on behalf of the Nation.

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.

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.

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) 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.

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 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.

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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) The Nation's Risk Management Department is delegated rule making authority to determine what constitutes appropriate and adequate insurance coverage.

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.

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.

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;

(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 general 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



TO: Ralinda Ninham-Lamberies, Chief Financial Officer
Lawrence Barton, Oneida Business Committee Treasurer
FROM: Jameson Wilson, Legislative Operating Committee Chairman
DATE: December 17, 2025
RE: Independent Contractors Policy Amendments Fiscal Impact Statement

The Legislative Operating Committee (LOC) is currently developing amendments to the Independent Contractors Policy. 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 December 17, 2025, the Legislative Operating Committee approved the final draft of the proposed amendments to the Independent Contractors Policy. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the proposed amendments to the Independent Contractors Policy by January 5, 2026.

A copy of the proposed amendments to the Independent Contractors Policy, 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 Independent Contractors Policy by Monday, January 5, 2026.



Legislative Operating Committee
December 17, 2025

Workplace Violence Law Amendments

Submission Date: 2/6/19	Public Meeting: 10/15/25
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 AFL 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 AFL in conjunctions with a request for amendments to the Oneida Personnel Policies and Procedures and the Investigative Leave Policy.*

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 shouldn't 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 is not necessary for the law to require the 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 (shall report) but allowed (may report).

5/2/25: *Work Meeting.* Present: Laura Laiten-Warren, Matthew Denny, Rita Reiter, Whitney Wheelock, Jameson Wilson, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Carolyn Salutz, Kristal Hill, Fawn Billie, Fawn Cottrell. During this work meeting the group did a read through of the entire law. Carolyn briefly mentioned recent edits. There was no discussion on additional edits needed; the draft was approved.

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 prepare a public meeting packet; 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.

10/15/25: *Public Meeting Held.* No individuals provided oral comments during the public meeting.

10/22/25: *Public Comment Period Closed.* Two (2) individuals provided written comments during the public comment period.

11/5/25 LOC: Motion by Jonas Hill to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

11/14/25: *Work Meeting.* The purpose of this work meeting was to review and consider the public comment received. In attendance from the LOC was Jameson Wilson, Jonas Hill, Kirby Metoxen, and Jennifer Webster.

12/3/25 LOC: Motion by Jonas Hill, seconded by Kirby Metoxen, to accept the public comment memorandum with the LOC considerations, the updated and final draft and the Fiscal Impact Statement Request memorandum to be submitted to the Finance Department and due by December 17th, 2025.

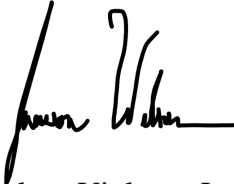
12/11/25: Fiscal Impact Statement received from the Finance Department.

Next Steps:

- Approve the adoption packet for the Workplace Violence Law amendments and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee
FROM: Jameson Wilson, LOC Chairperson
DATE: December 17, 2025
RE: Adoption of Amendments to the Workplace Violence Law



Please find the following attached backup documentation for your consideration of the adoption of amendments to the Workplace Violence law:

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

Overview

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. [2 O.C. 223.1-1]. The Nation's Human Resources Department requested amendments to the Workplace Violence law to address investigative enforcement. Amendments are also being sought to delegate authority to investigators to put employees on investigative leave, discipline employees, and address employment eligibility and ineligibility.

The Legislative Operating Committee developed the proposed amendments to the Workplace Violence law through collaboration with representatives from the Oneida Human Resources Department and the Oneida Law Office. The Legislative Operating Committee held nine (9) work meetings on the development of the amendments to the Workplace Violence law.

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

The Legislative Operating Committee held a public meeting on the proposed amendments to the Workplace Violence law on October 15, 2025, with no individuals providing oral comments. The public comment period for the amendments to this Workplace Violence law was held open until October 22, 2025, with two (2) submissions of written comments received. The Legislative Operating Committee accepted the public comments on November 5, 2025. The Legislative Operating Committee reviewed and considered the public comments on November 14, 2025.

The amendments to the Workplace Violence law will become effective on January 28, 2026.

Requested Action

Adopt the Resolution: Amendments to the Workplace Violence Law.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Amendments to the Workplace Violence Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Workplace Violence law ("the Law") was adopted by the Oneida Business Committee through resolution BC-06-28-17-E; and
- WHEREAS,** 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 Nation's Human Resources Department requested amendments to the Workplace Violence law to address investigative enforcement. Amendments are also being sought to delegate authority to investigators to put employees on investigative leave, discipline employees, and address employment eligibility and ineligibility; and
- WHEREAS,** the amendments to the Law require that the reporting and investigating of workplace violence be primarily handled by the Nation Equal Employment Opportunity Department, rather than the employee's supervisor; and
- WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Oneida Human Resources Department and the Oneida Law Office; and
- WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and
- WHEREAS,** the Legislative Operating Committee held a public meeting on the proposed amendments to the Law on October 15, 2025, with no individuals providing oral comments, and the public comment period for the amendments to this Law was held open until October 22, 2025, with two (2) submissions of written comments received; and
- WHEREAS,** the Legislative Operating Committee accepted the public comments on November 5, 2025; and
- WHEREAS,** the Legislative Operating Committee reviewed and considered the public comments on November 14, 2025.
- NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments to the Workplace Violence law, which shall become effective on January 28, 2026.



Statement of Effect
Amendments to the Workplace Violence Law

Summary

This resolution adopts amendments to the Workplace Violence law.

Submitted by: Carolyn A. Salutz, Legislative Staff Attorney, Legislative Reference Office

Date: December 17, 2025

Analysis by the Legislative Reference Office

This resolution adopts amendments to the Workplace Violence law. The purpose of Workplace Violence law is to provide all Oneida Nation employees and visitors an environment that is free of violence and the threat of violence. [2 O.C. 223.1-1]. The Nation's Human Resources Department requested amendments to the Workplace Violence law to address investigative enforcement. [2 O.C. 223.9]. Amendments are also being sought to delegate authority to investigators to put employees on investigative leave, discipline employees, and address employment eligibility and ineligibility. [2 O.C. 223.9; 223.10].

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

The Legislative Operating Committee held a public meeting on the proposed amendments to the Workplace Violence law on October 15, 2025. No individuals provided public comments during this public meeting. The public comment period was then held open until October 22, 2025. Two (2) individuals submitted written comments during this public comment period. The Legislative Operating Committee accepted the public comments on November 5, 2025. The Legislative Operating Committee reviewed and considered the public comments on November 14, 2025.

The amendments to the Workplace Violence law will become effective on January 28, 2026.

Conclusion

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



WORKPLACE VIOLENCE LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Legislation or Amendments	<ul style="list-style-type: none"> ▪ Clarify that 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." ▪ Clarify 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") within the Oneida Nation Human Resources Department ("HRD"). ▪ 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 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 the EEO Department and the Nation's Human Resources Department are responsible for communicating and sharing information with each other to ensure all complaints and investigations are properly and timely handled. ▪ Clarify that verbal complaints are acceptable but whichever department receives the 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. ▪ Various grammatical changes and other minor changes throughout the law.
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. [2 O.C. 223.1-1].

Affected Entities	The Nation's Human Resources Department, the Nation's Equal Employment Opportunity Office, the Oneida Law Office, and all Oneida Nation employees and visitors.
Related Legislation	Investigative Leave law, Code of Ethics, Anonymous Letters Policy, Pardon and Forgiveness law, and Public Peace law
Enforcement	<p>The Workplace Violence law directs the EEO department, specifically the designated EEO Officer, to investigate all allegations of workplace violence. [2 <i>O.C. 223.6-1</i>]. The EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor are responsible for determining the final decision, which is the ultimate conclusion of the investigation and the decision to take disciplinary actions, if any. [2 <i>O.C.223.9-8</i>]. The EEO Officer may place an employee alleged to be involved in an incident of workplace violence on investigative leave pursuant to the Nation's law and policies governing investigative leave. [2 <i>O.C. 223.9-7</i>].</p> <p>Any employee who violates the Workplace Violence law may be subject to disciplinary action under the Nation's laws, policies, and rules governing employment, up to and including termination. [2 <i>O.C 223.13</i>].</p>
Due Process	<p>The Workplace Violence law directs the EEO Officer to promptly conduct a thorough investigation into allegations of workplace violence. [2 <i>O.C. 223.9-3</i>]. The law requires that when the EEO Department receives an allegation of workplace violence and assigns an EEO Officer to investigate, the assigned EEO Officer is required to notify the employee's immediate supervisor, so the immediate supervisor is aware that:</p> <ul style="list-style-type: none"> ▪ the EEO Officer will be investigating the employee; ▪ the EEO Officer may place the employee on investigative leave; and ▪ they will be responsible, along with the EEO Officer and the Nation's Human Resources Executive Director for determining and implementing the final decision. [2 <i>O.C. 223.9-2</i>]. <p>The law requires the EEO Officer to conclude the investigation when they obtain enough verifiable facts and information regarding the incident under investigation to make a safe and equitable final decision. [2 <i>O.C. 223.9-5</i>]. The EEO Officer may to share the investigative file with the employee's supervisor and the Nation's Human Resources Executive Director, three days before they meet to determine the final decision. [2 <i>O.C. 223.9-8(c)</i>]. The EEO Officer is required to meet with the Nation's Human Resources Executive Director and the employee's supervisor to mutually determine a final decision. [2 <i>O.C. 223.9-8</i>].</p> <p>The employee may be eligible for rehiring consideration with the Nation if they receive a pardon from the Nation's Pardon and Forgiveness Committee. [2 <i>O.C. 223.10</i>]. Any employee who resigns while an investigation of workplace violence</p>

	<p>is pending or who is terminated as a result of the findings of a workplace violence investigation is eligible to re-apply for employment with the Nation, but only after a certain amount of time has passed and only if that employee receives a pardon from the Nation’s Pardon and Forgiveness Committee. [2 <i>O.C. 223.10-1</i>; 2 <i>O.C. 223.10-2</i>].</p> <p>If an employee resigned while an investigation of workplace violence was pending and the results of the investigation determine that no incident of workplace violence occurred, the employee shall be immediately eligible for re-hiring. [2 <i>O.C. 223.10-3</i>].</p>
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Workplace Violence law was originally adopted by the Oneida Business Committee on June 28, 2017, through resolution BC-06-28-17-E. The Workplace Violence law provides mechanisms for ensuring the safety of all employees and visitors to the Nation’s workplaces by ensuring all allegations and subsequent investigations of alleged workplace violence are handled by the Equal Employment Opportunity Department of the Nation but that the Equal Employment Opportunity Department and the Nation’s Human Resources Department are responsible for sharing information with each other to ensure all complaints and investigations are properly and timely handled. [2 *O.C. 223.6-5*].
- B. **Request for Amendments.** This item was originally added to the Active Files List on February 6, 2019, at the request of the Nation’s Human Resources Department to address investigative enforcement and employee ineligibility. This item was readdded to the Active Files list on October 7, 2020. This item was added to the Active Files list for a third time on October 4, 2023. The sponsor of the Workplace Violence law amendments is Councilwoman Jennifer Webster.

SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments or entities participated in the development of the amendments to this Law and legislative analysis:
 - the Equal Employment Opportunity Department, (“EEO”);
 - the Nation’s Human Resources Department (“HRD”); and
 - Oneida Law Office;
- The following laws and policies of the Nation were reviewed in the drafting of this analysis:
 - Investigative Leave law [2 *O.C 208*];
 - Whistleblower Protection law [2 *O.C. 211*];
 - Public Peace law [3 *O.C. 309*];
 - Anonymous Letter Policy [3 *O.C. 307*];
 - Pardon and Forgiveness law [1 *O.C. 126*]; and

- Oneida Personnel Policies and Procedures.

SECTION 4. PROCESS

A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.

- On October 4, 2023, the Legislative Operating Committee added this Law to its Active Files List for amendments this legislative term.
- On September 4, 2024, the Legislative Operating Committee accepted HRD's request to amend the Workplace Violence law as information since the law was already on the Active Files List for amendments to be made.
- On May 7, 2025, the Legislative Operating Committee approved the draft of the Workplace Violence law amendments and directed that a legislative analysis be developed.
- On May 21, 2025, the Legislative Operating Committee accepted an updated draft and legislative analysis and deferred the draft to another work meeting to address the conflict between the proposed amendments and the Oneida Personnel Policies and Procedures.
- On August 20, 2025, the Legislative Operating Committee accepted the updated draft, Legislative Analysis, and directed the LRO to prepare a public meeting packet.
- On September 3, 2025, the Legislative Operating Committee accepted the public meeting packet and directed a public meeting be held on October 15, 2025.
- On October 15, 2025, a public meeting on the proposed amendments to the Law was held. No individuals provided comments during the public meeting.
- The public comment period was then held open until October 22, 2025. Two (2) individuals provided written comments during the public comment period.
- On November 5, 2025, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred these items to a work meeting for further consideration.
- On December 3, 2025, the Legislative Operating Committee approved the updated public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Workplace Violence law, and approved the fiscal impact statement request memorandum and forwarded the materials to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by December 17, 2025.
- On December 11, 2025, the Finance Administration provided the Legislative Operating Committee with the fiscal impact statement.

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

- August 29, 2021: LOC work meeting with EEO and HRD.
- September 7, 2022: LOC work session.
- September 21, 2022: LOC work session.
- January 6, 2023: LOC work meeting with EEO and HRD.
- January 31, 2023: LOC work meeting with EEO and HRD.
- July 29, 2024: LOC meeting with EEO and HRD.
- October 18, 2024: LOC work meeting with EEO, HRD, and the law office.
- January 13, 2025: LOC work meeting with HRD and the law office.
- February 14, 2025: LOC work meeting with EEO, HRD, and the law office.
- February 19, 2025: LOC work session.

- March 5, 2025: LOC work session.
- May 2, 2025: LOC work meeting with EEO and HRD where the LOC informally approved the final draft.
- July 25, 2025: LOC work meeting with EEO and HRD to discuss and resolve the discrepancies between the proposed amendments and the Oneida Personnel Policies and Procedures.
- August 6, 2025: LOC work session to discuss the proposed changes to the draft to align the proposed amendments with the Oneida Personnel Policies and Procedures. LOC approved the changes.
- November 14, 2025, LOC work session to review and consider the public comments.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Application of the Law.*** The proposed amendments to the Law expand its application to cover all incidents of workplace violence that occur in any of the Nation’s workplaces whether the employee commits workplace violence during or outside of the employee’s normal work hours and as long as the incident of workplace violence is reasonably connected to the workplace. [2 O.C. 223.4-1.]
- *Effect.* The proposed amendments clarify that this Law covers all employees of the Nation, even if an incident occurs outside of normal work hours. The proposed amendments further clarify that a prohibited behavior can be considered workplace violence as long as the incident is reasonably connected to the workplace. This proposed amendment clarifies and expands the scope of this Law and extends the Nation’s jurisdiction and the Nation’s ability to protect its employees.
- B. *Defining the “final decision.”*** The proposed amendments require the EEO Officer, the Nation’s Human Resources Executive Director, and the employee’s supervisor to mutually determine a final decision. [2 O.C. 223.9-8].
- *Effect.* The proposed amendments make clear that there will be one (1), final decision regarding the alleged incident of workplace violence. That one (1), final decision will be mutually decided by the EEO Officer, Nation’s Human Resources Executive Director, and the employee’s supervisor. This ensures greater accountability for the Nation and ensures the process for deciding disciplinary measures is standardized.
- C. *Expanding the definitions of “workplace” and “workplace violence.”*** The proposed amendments clarify and expand the definitions of “workplace” and “workplace violence” to include any setting or circumstance, including traveling to or from a work-related event, and any setting or circumstance that is reasonably related to that employee’s employment with the Nation. [2 O.C. 223.3(n); 2 O.C. 223.3(o).].
- *Effect.* The proposed amendments to the definitions expand and clarify the application of this law, which expands the Nation’s ability to protect its employees.
- D. *Redefining prohibited behaviors.*** The proposed amendments clarify specific examples of behaviors that can constitute workplace violence. [2 O.C. 223.5]. Currently, prohibited behaviors do not include social media platforms and the proposed amendments also clarify what it can mean to “intentionally caus[e] physical injury” and redefining “horseplay” to mean “fighting or roughhousing that may be dangerous to others” and require “an established pattern of loud, disruptive, angry, or abusive language or behavior.” [2 O.C. 223.5-1.].
- *Effect.* These proposed amendments clarify the types of behaviors the Nation will not tolerate from its employees and will make it easier for the Nation to identify and enforce.

- 116 **E. *Redefining the exceptions to prohibited behaviors.*** The law prohibits possessing, carrying, or using a
 117 weapon. [2 O.C. 223.5-1]. However, the law has identified three exceptions to the prohibition of
 118 possessing, carrying, or using a weapon. [2 O.C. 223.5-2]. The proposed amendments clarify the
 119 exception applies to any employee of the Nation who is required to possess, carry, or use a weapon as
 120 part of their official duties. [2 O.C. 223.5-2(a)]. The proposed amendments make an exception for any
 121 employee actively engaged in cultural activities or ceremonies. [2 O.C. 223.5-2(b)]. The proposed
 122 amendments also make an exception for any employee actively hunting, fishing, or trapping. [2 O.C.
 123 223.5-2(c)]. The proposed amendments allow these three exceptions as long as the employee is required
 124 to possess, use, or carry a weapon as part of their employment with the Nation, as part of cultural
 125 activities or ceremonies in which they are actively participating, or if the employee is actively hunting,
 126 fishing, or trapping according to the Nation's laws and rules on hunting, fishing, or trapping and the
 127 employee possess, uses, or carries the weapon within the normal scope of those activities. [2 O.C.
 128 223.5-2].
- 129 ▪ *Effect.* This proposed amendment allows the Nation to continue to prohibit an employee from
 130 possessing, carrying, or using a weapon but it allows the Nation to make an exception for
 131 specific jobs and job-related duties, cultural activities, and hunting, fishing, and trapping.
- 132 **F. *Redefining the reporting, investigation, and disciplinary procedures.*** The proposed amendments
 133 clarify the duties of the EEO Department in conducting the investigation into allegations of workplace
 134 violence. [2 O.C. 223.9]. The proposed amendments clarify that when the EEO Department receives a
 135 complaint of workplace violence, the EEO Department will delegate the responsibility to investigate to
 136 one employee from within the EEO Department who will be known as the EEO Officer. [2 O.C. 223.9-
 137 1]. The proposed amendments clarify that all reports of workplace violence must be given to the EEO
 138 Department rather than the employee's supervisor. [2 O.C. 223.6-4]. The proposed amendments allow
 139 the EEO Officer, instead of the employee's supervisor, to place the employee on investigative leave
 140 pursuant to the Nation's Investigative Leave law, policies, and rules if the EEO Officer determines it
 141 will be necessary. [2 O.C. 223.9-7]. The proposed amendments clarify that the EEO Department and
 142 the Nation's Human Resources Department will communicate and share information with each other
 143 to ensure all complaints and investigations are properly and timely handled. [2 O.C. 223.6-5]. The
 144 proposed amendments clarify that the EEO Officer will conclude the investigation when they have
 145 obtained enough verifiable facts and information to make a safe and equitable decision. [2 O.C. 223.9-
 146 5]. The proposed amendments clarify the EEO Officer is responsible for meeting with the Nation's
 147 Human Resources Executive Director and the employee's supervisor to mutually determine a final
 148 decision. [2 O.C. 223.9-8]. The final decision shall be in writing, contain justification, and be signed
 149 by the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor.
 150 [2 O.C. 223.9-8(a)]. The EEO Department is responsible for keeping record of all supporting
 151 documentation included in the investigative file. [2 O.C. 223.9-8(b)]. The EEO Officer should share
 152 the investigative file with the Nation's Human Resources Executive Director and the employee's
 153 supervisor three business days before they meet to determine the final decision. [2 O.C. 223.9-8(c)].
- 154 ▪ *Effect.* The proposed amendments simplify the process for the Nation and its employees to
 155 report an incident of workplace violence and then to have that incident be investigated and
 156 managed by standardizing the requirement that all complaints and investigations are handled
 157 by the EEO Department, specifically the EEO Officer. The proposed amendments also make
 158 determining any disciplinary procedures, if any, more equitable by requiring the EEO Officer,
 159 the Nation's Human Resources Executive Director, and the employee's supervisor to meet and

- mutually determine disciplinary procedures, if any, and requiring the EEO Officer to share the investigative file with the Nation's Human Resources Executive Director and the employee's supervisor before they meet to determine the final decision.
- G. *Redefining employment eligibility.*** The proposed amendments clarify that if an employee resigns during a workplace violence investigation that employee is not eligible for rehiring consideration with the Nation. [2 O.C. 223.10-1]. That employee may be eligible for rehiring consideration, in a different position, three (3) years from the date of resigning, if that employee receives a pardon from the Nation's Pardon and Forgiveness Committee. [2 O.C. 223.10-1]. The proposed amendments clarify that if an employee is terminated as the result of a workplace violence investigation, that employee is not eligible for rehiring consideration with the Nation but may be eligible for rehiring consideration, in a different position, five (5) years after the date of termination if that employee receives a pardon from the Nation's Pardon and Forgiveness Committee [2 O.C. 223.10-2]. The proposed amendments clarify that if an employee resigns during a workplace violence investigation but upon concluding the investigation, the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor mutually determine that no incident of workplace violence occurred, that employee will be immediately eligible for rehiring consideration. [2 O.C. 223.10-3].
- ***Effect.*** The proposed amendments allow the Nation to further ensure the safety of its employees by making certain employees ineligible for employment with the Nation and requiring any employee subject to this law to receive a pardon from the Nation's Pardon and Forgiveness Committee before that employee may work for the Nation, even in a different position.
- H. *Other amendments.*** Overall, a variety of other amendments and revisions were made to the law to address formatting, drafting style, and organization that did not affect the substance of the law.

SECTION 6. EXISTING LEGISLATION

- A. *Related legislation.*** The following laws and policy of the Nation are related to the proposed amendments to this law:
- ***Investigative Leave Law.*** The purpose of the Investigative Leave law is to set forth a process to address investigative leave for employees undergoing work-related investigations. [2 O.C. 208.1-1]. The law's underlying policy is to conduct objective, confidential investigations into alleged employee misconduct. [2 O.C. 208.1-2].
 - According to the Investigative Leave law, the Nation may place an employee on investigative leave when a situation requires an investigation and one of the following occurs:
 - The nature and severity of the alleged violation or alleged illegal activity is significant and can include workplace violence, sexual harassment, theft, arson, bribery, or perjury, or obstruction or interference with an investigation authorized by the Nation. [2 O.C. 208.4-1(a)].
 - The employee's presence in the workplace may result in the destruction of evidence relevant to the investigation, loss or damage to property of the Nation, or otherwise damage a legitimate interest of the Nation. [2 O.C. 208.4-1(b)].

- The employee's presence in the workplace may pose an unacceptable risk to the life, safety, health, or personal property of other employees, contractors, vendors or visitors. [2 O.C. 208.4-1(c)].
 - The employee allegedly commits an act which would preclude the employee from meeting employment eligibility. [2 O.C. 208.4-1(d)].
- The law defines workplace to mean any location owned and operated by the Nation, any location where employees are staffing an event sponsored by the Nation, and any location where an employee represents the Nation, including over-the-road travel in vehicles owned or rented by the Nation and any circumstances where an employee is being reimbursed for expenses. [2 O.C. 208.3].
- The law does not define workplace violence but does identify workplace violence as one reason to place an employee on investigative leave. [2 O.C. 208.4-1(a)].
- The proposed amendments align with the Investigative Leave law by requiring the EEO Officer to defer to the procedures of investigative leave if the EEO Officer determines investigative leave is necessary. [2 O.C. 223.9-7]. The EEO Officer is responsible for investigating allegations of workplace violence pursuant to the procedures required in the Workplace Violence law; however, the EEO Officer may place an employee on investigative leave pursuant to the Nation's Investigative Leave law.
- *Code of Ethics.* The purpose of this law is to promote the highest ethical conduct in all of its elected and appointed officials and employees. [1 O.C. 103.1].
 - This law expects an employee to report any violation of the Code of Ethics, as well as any other dishonest or illegal acts of which they become aware in the workplace. [1 O.C. 103.5-3(c)(1)].
 - This law also protects any employees who, in good faith, makes reports of any dishonest or illegal act in the workplace. [1 O.C. 103.5-3(c)(1)].
 - This law also prohibits fighting on the job or premises and possession of unauthorized firearms. [1 O.C. 103.5-3(c)(4)].
 - The proposed amendments align with the Code of Ethics law which expects an employee to report any violation of the Code of Ethics, as well as any other dishonest or illegal acts of which they become aware in the workplace, which would include instances of workplace violence. [1 O.C. 103.5-3(c)(1)].
- *Anonymous Letters Policy.* The purpose of this law is to set in place a system where anonymous information is forwarded to a location best able to verify its reliability and to act on the source or the accusation. [3 O.C. 307.1-1].
 - This law requires that any employee who receives anonymous information will forward a summary of that information in a confidential manner to the Chief of the Oneida Police Department. [3 O.C. 307.4-1]. This law also requires that all information forwarded will contain information identifying who received it, the day, date, and time received. [3 O.C. 307.4-2]. This law makes the Chief of the Oneida Police Department responsible to maintain the files on anonymous

information and to take appropriate action consistent with police investigatory procedures. [3 O.C. 307.4-3].

- The proposed amendments align with the Anonymous Letters Policy by requiring that if an employee learns of an anonymous threat, the employee shall immediately forward that information to the Chief of the Oneida Police Department in accordance with the Nation's laws, policies, and rules governing anonymous letters; meaning if an employee learns of an anonymous threat they are required to report under the Anonymous Letters Policy and under the proposed amendments to the Workplace Violence law. [2 O.C. 223.8-2].

- *Pardon and Forgiveness Law.* The purpose of the Law is to provide a fair, efficient and formal process by which a member of the Nation may receive a pardon for the conviction of a crime; a member of the Nation may receive forgiveness for acts that render him or her ineligible for housing or other benefits through the Nation; and a member or non-member of the Nation may receive forgiveness for acts that render him or her ineligible to be employed with the Nation; receive a Nation-issued occupational license, certification or permit; and/or obtain housing or other benefits through the Nation [1 O.C. 126.1-1(a)].

- This law allows a tribal member to apply for a pardon one (1) year after an act is committed. [1 O.C. 126-1(b)].
- This law allows a tribal member to apply for a pardon or a forgiveness for an act that rendered the Tribal member ineligible for Tribal employment or an occupational license, certification, or permit issued by the Tribe. [1 O.C. 126-1].
- The proposed amendments align with the Pardon and Forgiveness law by requiring the any employee that resigns or is terminated during, or as the result of, a workplace violence investigation must receive a pardon from the Pardon and Forgiveness Committee before the employee is eligible for re-hiring consideration. [1 O.C. 126-1].

- *Public Peace Law.* The purpose of this law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [3 O.C. 309.1-1]. It is further the policy of the Nation to promote peace and order within the boundaries of the Reservation while also providing an orderly process for addressing civil infractions. [3 O.C. 309.1-2].

- This law makes certain actions civil infractions subject to a citation, which can include fines or other penalties, by the Oneida Police Department. [3 O.C 309.11].
- This law provides protections within the Reservation boundaries. [3 O.C. 309.1]. It would not apply to all instances of workplace violence, unless the workplace violence occurred within the Reservation boundaries.
- This law applies when “[a] person commits” a civil infraction identified in the law; it does not define or require that a “person” be a tribal member. [3 O.C. 309].

- This law gives the Oneida Trial Court and the Oneida Police Department the jurisdiction and authority to hear, investigate, and issues citations for any action under this law. [3 O.C. 309.4].
- The proposed amendments align with the Public Peace law by setting standards and protections for all persons within the Reservation boundaries. [3 O.C. 309.1-1]. The Public Peace law makes certain actions civil infractions subject to a citation, which can include fines or other penalties, by the Oneida Police Department similar to how the proposed amendments make certain actions and behaviors punishable as workplace violence. [3 O.C. 309.11]. This law's enforcement mechanisms do not conflict with the Workplace Violence law and both laws set similar standards and protections for persons located within the Reservation and all employees and visitors of the Nation.
- *Oneida Personnel Policies and Procedures.* The purpose of this policy is to provide for the Nation's employee related policies and procedures including recruitment, selection, compensation and benefits, employee relations, safety and health, program and enterprise rules and regulations, and record keeping.
 - This policy has procedures for handling an employee who has a disagreement or complaint with another employee.
 - For employee disagreements with another employee, the employee's supervisor will investigate and resolve.
 - Any disciplinary actions will be initiated by an immediate supervisor.
 - The actions of threatening, attempting, or doing bodily harm to another person is subject to termination.
 - The actions of intimidating, interfering with or using abusive language towards customers, clients, co-workers, or others is subject to suspension or termination.
 - A variety of other behaviors are subject to disciplinary procedures ranging from a written warning, suspension, or termination, including any violation of an adopted Oneida Nation ordinance.
 - The proposed amendments do not conflict with the Oneida Personnel Policies and Procedures. Even though the proposed amendments require all complaints and investigations be made to and handled by the EEO Officer, the proposed amendments make clear the supervisor may still be involved in any portion of the investigation and will be responsible, along with the EEO Officer and the Nation's Human Resources Executive Director, for implementing the final decision. [2 O.C. 223.9-2(b); 223.9-2(d)].

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The Workplace Violence law gives authority to the EEO Department, specifically the EEO Officer, to investigate all complaints of alleged workplace violence. [2 O.C. 223.9-1].
- B. The Workplace Violence law requires that when the EEO Department receives a complaint of workplace violence, the EEO Department will delegate the investigative responsibilities to the EEO

Officer who shall promptly inform the immediate supervisor of the employee being complained about so the immediate supervisor is aware:

- the EEO Officer will be investigating the employee;
- knows the EEO Officer may place the employee on investigative leave; and
- knows they will be responsible, along with the EEO Officer and the Nation's Human Resources Director for deciding and implementing the final decision. [2 O.C. 223.9-1; 2 O.C. 223.9-2].

- C. The Workplace Violence law requires that the EEO Officer, the Nation's Human Resources Executive Director and the employee's supervisor mutually determine an appropriate final decision. [2 O.C. 223.9-8].
- D. The Workplace Violence law requires that the final decision be in writing, contain justification, and be signed by the EEO Officer, the Nation's Human Resources Executive Director, and the employee's supervisor. [2 O.C. 223.9-8(a)].
- E. The Workplace Violence law requires that the final decision and all supporting documentation included in the investigative file be filed with the EEO Department for reporting purposes. [2 O.C. 223.9-8(b)].
- F. The Workplace Violence law requires that three (3) business days prior to meeting to mutually determine the final decision, the EEO Officer should share the investigative file with the Nation's Human Resources Executive Director and the employee's supervisor. [2 O.C. 223.9-8(c)].
- G. If the EEO Department is made aware that an employee made a report of workplace violence other than in good faith, that employee may be disciplined according to the Nation's laws, policies, and rules governing employment, up to and including termination. [2 O.C. 223.11].
- H. To the greatest extent possible, the Nation shall maintain the confidentiality of employees and the investigation. [2 O.C. 223.12-1].
- I. Any employee who violates the Workplace Violence 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].
- I. Any employee who violates the Workplace Violence law may be subject to removal from a workplace of the Nation. [2 O.C. 223.13-2].

SECTION 8. OTHER CONSIDERATIONS

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

- *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact be completed.

Title 2. Employment – Chapter 223
WORKPLACE VIOLENCE
ONEIDA
TRANSLATION

223.1.	Purpose and Policy		Responsibilities
223.2.	Adoption, Amendment, Appeal	223.10.	Employment Eligibility
223.3.	Definitions	223.11.	Fraudulent Report
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223.6.	Reporting Workplace Violence		
223.7.	Reporting Restraining Orders and Injunctions		
223.8.	Future Workplace Violence		
223.9.	EEO ("Equal Employment Opportunity Department")		

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) "Emotional harm" means a range of behaviors that inflict psychological pain or distress. This can include manipulation, intimidation, constant criticism, and other forms of physical abuse. Unlike physical abuse, emotional harm often leaves no visible scars.

~~(e)~~(d) "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.

[Type here]

(e~~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.

(f~~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.

(g~~f~~) “Intimidation” means making others feel afraid or fearful through threatening behavior.

(h~~g~~) “Nation” means the Oneida Nation.

(i~~h~~) “Official duties” mean the duties of any employee of the Nation when that employee is actively performing their job requirements.

(j~~i~~) “Roughhousing” means wildly playful, rough, noisy, or mischievous behavior.

(k~~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.

(l~~k~~) “Supervisor” means the person or entity responsible for overseeing the employee.

(m~~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.

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

(o~~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.

(p~~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:

[Type here]

- (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) sending a threatening, harassing, or abusive message using any social media platform;
- ~~(k)~~ (k) using the workplace to violate restraining orders;
- ~~(l)~~ (l) intentionally damaging property of the Nation or property of another; and
- ~~(m)~~ (m) 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.

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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.

(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 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 and their immediate supervisor as soon as possible for an initial assessment pursuant to section 223.9. EEO or the immediate supervisor 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

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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;

(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;

(b) visit the scene of the incident as soon as possible;

(c) interview employees and other witnesses;

(d) contact the Oneida Police Department or any other appropriate law enforcement agency when necessary;

(e) send weekly updates to the employee's supervisor;

(f) review relevant video surveillance footage if available, in accordance with standard operating procedures on the subject; and

(g) 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.

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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.

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.

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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

Adopted – BC-06-28-17-E

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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) "Emotional harm" means a range of behaviors that inflict psychological pain or distress. This can include manipulation, intimidation, constant criticism, and other forms of physical abuse. Unlike physical abuse, emotional harm often leaves no visible scars.

(d) "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.

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(e) “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.

(f) “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.

(g) “Intimidation” means making others feel afraid or fearful through threatening behavior.

(h) “Nation” means the Oneida Nation.

(i) “Official duties” mean the duties of any employee of the Nation when that employee is actively performing their job requirements.

(j) “Roughhousing” means wildly playful, rough, noisy, or mischievous behavior.

(k) “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.

(l) “Supervisor” means the person or entity responsible for overseeing the employee.

(m) “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.

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

(o) “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.

(p) “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;

[Type here]

- (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;
- (j) sending a threatening, harassing, or abusive message using any social media platform;
- (k) using the workplace to violate restraining orders;
- (l) intentionally damaging property of the Nation or property of another; and
- (m) 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.

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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.

(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 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 and their immediate supervisor as soon as possible for an initial assessment pursuant to section 223.9. EEO or the immediate supervisor 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

[Type here]

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;

(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;

(b) visit the scene of the incident as soon as possible;

(c) interview employees and other witnesses;

(d) contact the Oneida Police Department or any other appropriate law enforcement agency when necessary;

(e) send weekly updates to the employee's supervisor;

(f) review relevant video surveillance footage if available, in accordance with standard operating procedures on the subject; and

(g) 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.

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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.

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.

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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

Adopted – BC-06-28-17-E

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: RaLinda Ninham-Lamberies, Chief Financial Officer

FROM: Rae Skenandore, Sr. Analyst

DATE: December 10, 2025

RE: **Fiscal Impact Statement of the Workplace Violence Law Amendments**

I. Estimated Fiscal Impact Summary

Law: Workplace Violence Law Amendments		Draft 3
Implementing Agency	Equal Employment Opportunity Department ("EEO") Oneida Nation Human Resources Department	
Estimated time to comply	10 days	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$0	\$0

II. Background

This Law was adopted by the Oneida Business Committee by resolution BC-06-28-17-E on June 28, 2017.

This law was added to the Active Files List on February 6, 2019, at the request of the Nation's Human Resources Department to address investigative enforcement and employee ineligibility. It was read to the Active Files list on October 7, 2020, and for a third time on October 4, 2023.

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. The amendments to the Law include clarifying and requiring the following:

- The Law applies to all employees, during or outside of normal work hours and if the alleged incident occurs in a setting reasonable connected to the workplace.
- What constitutes "prohibited behaviors."
- Exceptions to "prohibited behaviors."
- All complaints and investigations be directed to and managed by the Equal Employment Opportunity Department (EEO).

- A “final decision” is jointly issued from the EEO Department, the Nation’s Human Resources Executive Director, and the employee’s supervisor.
- The responsibilities of the EEO Department include assigning an EEO Officer to investigate and be responsible for determining the final decision with the Nation’s Human Resources Executive Director and the employee’s supervisor.
- The EEO Department and the Nation’s Human Resources Department are responsible for communicating and sharing information with each other to ensure all complaints and investigations are properly and timely handled.
- Verbal complaints are acceptable, and employees are directed to submit a written complaint to the EEO Department.
- Reporting of restraining orders and injunctions shall include when the reporting is mandatory and when it is discretionary.
- Employment eligibility for employees who resign during a workplace violence investigation or are terminated because of a workplace violence investigation.
- Grammatical and other minor changes

III. Methodology and Assumptions

A “Fiscal Impact Statement” means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

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

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

IV. Findings

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

V. Financial Impact

There is no fiscal impact of implementing this legislation.

VI. Recommendation

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



Legislative Operating Committee
December 17, 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.

11/5/25 LOC: Motion by Jonas Hill to approve the updated draft and legislative analysis of the proposed amendments to the Budget and Finances law; seconded by Kirby Metoxen. Motion carried unanimously.

Next Steps:

- Approve the public meeting packet for the proposed amendments to the Budget and Finances law and schedule a public meeting to be held on February 12, 2026.

ONEIDA NATION PUBLIC MEETING NOTICE**THURSDAY, FEBRUARY 12, 2026, 12:15 pm**

Norbert Hill Center-Business Committee Conference Room
 N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at
[Oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings)

**Send Public Comments to**

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

BUDGET AND FINANCES LAW AMENDMENTS

The purpose of the Budget and Finances 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.

The Budget and Finances law amendments will:

- ♦ Clarify the responsibilities of the Oneida Business Committee, Treasurer, Chief Financial Officer, Executive Managers, and Fund Units.
- ♦ Clarify steps of the budget adoption process—such as deadlines for budget guidelines, and proposed budget compilations.
- ♦ Address what information is required to be provided for in the Nation's budget.
- ♦ Eliminate provisions of the law regarding unexpended capital expenditure funds and capital improvement project funds.
- ♦ Add a threshold for when unbudgeted expenditures require approval by the Oneida Business Committee.
- ♦ Combine the Permanent Executive Contingency Fund Account and the Grant Reserve Fund Account into one Fund Account to be named the Financial Sovereignty Fund.
- ♦ And make other drafting changes to the law.

Individuals may attend the public meeting for the proposed Budget and Finances law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES THURSDAY, FEBRUARY 19, 2026

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



For more information on the proposed Budget and Finances law amendments please review the public meeting packet at [oneida-nsn.gov/government/register/public meetings](https://oneida-nsn.gov/government/register/public%20meetings).



BUDGET AND FINANCES LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none"> 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

	<p>budgets from all the fund units into the Nation’s draft budget. <i>[1 O.C.121.5-4(b)]</i>;</p> <ul style="list-style-type: none"> ▪ 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.
 - On November 5, 2025, the Legislative Operating Committee approved the updated draft and legislative analysis of the 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.

- 137 **D. *Contents of the Budget.*** Currently, the Law requires that the Nation’s budget include the following
138 information: estimated revenues to be received from all sources; the individual budgets of each fund
139 unit; a description of each line item within each fund unit’s budget; the estimated expenditures by each
140 fund unit; and a summary of employment position counts including prior year, current year, and
141 budgeted year. [1 O.C.121.5-2]. The proposed amendments to the Law eliminate the requirement that
142 the contents of the budget include a description of each line item within each fund unit’s budget, the
143 estimated expenditures by each fund unit, and a summary of employment position counts including
144 prior year, current year, and budgeted year. [1 O.C.121.5-2]. Therefore, the budget is only required to
145 include the estimated revenues to be received from all sources and the individual budgets of each fund
146 unit. *Id.*
- 147 ▪ *Effect.* The proposed amendments to the Law eliminate requirements to the contents of the budget
148 that appeared duplicative or were simply never actually complied with by the fund units of the
149 Nation.
- 150 **E. *Financial Sovereignty Fund.*** Currently, the Law provides that in addition to the General Fund, the
151 Nation’s budget shall include a Permanent Executive Contingency Fund account to be used by the
152 Nation to prevent default on debt and to sustain operations during times of extreme financial distress,
153 as well as a Grant Reserve Fund, to be used by the Nation to prefund the expenditures of grants upon
154 receipt. [1 O.C.121.5-3]. The proposed amendments to the Law combine the Permanent Executive
155 Contingency Fund Account and the Grant Reserve Fund Account into one Fund Account to be named
156 the Financial Sovereignty Fund which will be used by the Nation to prevent default on debt and to
157 sustain operations and grants during times of extreme financial distress. [1 O.C.121.5-3(b)].
- 158 ▪ *Effect.* The proposed amendments to the Law simplify the accounting of our various contingency
159 fund accounts by combining them into one account. The change in title of the account better reflects
160 that its purpose is to provide financial sovereignty to the Nation in times of extreme financial
161 distress.
- 162 **F. *Budget Schedule and Guidelines.*** Currently, the Law requires that the Treasurer develop the necessary
163 guidelines, including specific timelines and deadlines, to be followed by the managers that have budget
164 responsibility in preparing and submitting proposed budgets, and that the Treasurer submit the
165 guidelines to the Oneida Business Committee for review and approval through the adoption of a
166 resolution. [1 O.C.121.5-4(a)]. The Oneida Business Committee is responsible for setting a deadline
167 through the adoption of a resolution for when the Treasurer is required to submit their budget guidelines
168 to the Oneida Business Committee for review and approval. [1 O.C.121.5-4(a)(3)]. The proposed
169 amendments to the Law require that the Treasurer submit the budget guidelines to the Oneida Business
170 Committee for review and approval through the adoption of a resolution no later than March 1st of each
171 calendar year. [1 O.C.121.5-4(a)].
- 172 ▪ *Effect.* The proposed amendments to the Law include a deadline for when the Treasurer is required
173 to submit budget guidelines to the Oneida Business Committee, instead of relaying on the Oneida
174 Business Committee to set a deadline through resolution because thus far, the Oneida Business
175 Committee has not complied with setting this deadline consistently, and the inclusion of the
176 deadline ensures consistency in how the budget is processed.
- 177 **G. *Annual Proposed Budgets.*** Currently the Law requires that the Treasurer receive, review, and compile
178 the proposed budgets from all the fund units into the Nation’s draft budget, and that the Treasurer
179 present the Nation’s draft budget to the Oneida Business Committee for review each year to ensure that
180 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].

- 356 ▪ The Conflict of Interest law provides that an elected or appointed official of the Nation
357 who fails to disclose a conflict of interest may be subject to penalties pursuant to laws of
358 the Nation regarding penalties, and subject to removal pursuant to the Removal Law for
359 elected members, or have their appointment terminated by the Oneida Business Committee
360 pursuant to the law governing board, committees and commissions for appointed
361 members. [2 O.C. 217.6-3].
- 362 ▪ *Code of Ethics.* The Code of Ethics law promotes the highest ethical conduct in all its elected and
363 appointed officials, and employees. [1 O.C. 103.1-1].
 - 364 ▪ The Law provides that violations of this Law shall be addressed using the applicable
365 enforcement tools provided by the Nation's laws and policies including, but not limited to,
366 those related to employment with the Nation, conflicts of interest, ethics, and removal from
367 an elected position. [1 O.C. 121.12-2].
 - 368 ▪ The Code of Ethics law provides that a government official who violates any portion of the
369 Code of Ethics as it applies to them, may be subject to removal, if elected, or termination,
370 if appointed. [1 O.C. 103.6-1(a)].
 - 371 ▪ The Code of Ethics law provides that an individual from a program or enterprise of the
372 Nation who violates any portion of the Code of Ethics as it applies to them, may be subject
373 to the disciplinary procedures found in the Oneida Personnel Policies and Procedures. [1
374 O.C. 103.6-1(b)].
- 375 ▪ *Removal Law.* The Removal law governs the removal of persons elected to serve on boards,
376 committees, and commissions of the Nation. [1 O.C. 104.1-1].
 - 377 ▪ The Law provides that violations of this Law shall be addressed using the applicable
378 enforcement tools provided by the Nation's laws and policies including, but not limited to,
379 those related to employment with the Nation, conflicts of interest, ethics, and removal from
380 an elected position. [1 O.C. 121.12-2].
 - 381 ▪ An elected official of the Nation who violates this Law may be addressed through the
382 removal procedures found the Removal law.
- 383 ▪ *Furlough Policy.* The Furlough Policy enables the Nation to implement a furlough as a tool to
384 remedy an operating budget deficit. [2 O.C. 205.1-1].
 - 385 ▪ This Law provides that as part of the budget contingency plan, the Oneida Business
386 Committee may require the use of cost saving tools, provided that the use of such complies
387 with all laws of the Nation. [1 O.C. 121.10-2]. Cost saving tools may include furloughs.
388 [1 O.C. 121.10-2(c)].
 - 389 ▪ Any furloughs made as part of the Nation's budget contingency plan shall be made in
390 accordance with the furlough process provided in the Furlough Policy. [2 O.C. 205].
- 391 ▪ *Layoff Policy.* The purpose of the Layoff Policy is to establish a fair, respectful policy for
392 employee layoff and recall which enables the Nation's programs and enterprises to operate
393 effectively and efficiently in varying economic conditions within the parameters of Oneida Nation
394 Seventh Generation mission, priorities, and objectives. [2 O.C. 207.1-1].
 - 395 ▪ This Law provides that as part of the budget contingency plan, the Oneida Business
396 Committee may require the use of cost saving tools, provided that the use of such complies
397 with all laws of the Nation. Cost saving tools may include layoffs.
 - 398 ▪ Any layoffs made as part of the Nation's budget contingency plan shall be made in
399 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.

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
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121.4. Authority and Responsibilities
121.5. Budget
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121.7. Grants
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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
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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-__-__-__-__

December 2025

December 2025						
Su	Mo	Tu	We	Th	Fr	Sa
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January 2026						
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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Dec 1 1:00pm Elder Protection Law (Microsoft Teams Meeting) - Grace L. Elliott 3:00pm UCC/Secured Transactions (Microsoft Teams Meeting) - Grace L. Elliott	2	3 8:30am LOC Prep Meeting (Microsoft Teams Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm Canceled: LOC Work Session	4	5 8:00am Safe Ally Training (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Carolyn A. Salutz
8	9	10	11	12
15 9:00am Conflict of Interest amendments - work meeting (Microsoft Teams Meeting; BC_Conf_Room) - Carolyn A. Salutz	16	17 8:30am LOC Prep Meeting (Microsoft Teams Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm LOC Work Session (Microsoft	18	19
22 3:00pm UCC/Secured Transactions (Microsoft Teams Meeting) - Grace L. Elliott	23	24 12:00pm Holiday - Christmas Eve Half Day	25 8:00am Holiday - Christmas	26
29	30	31	Jan 1, 26	2