



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA REVISED

Business Committee Conference Room - 2nd Floor Norbert Hill

Center January 21, 2026

9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
 - 1. January 7, 2026 LOC Meeting Minutes (pg. 2)
- III. Current Business**
 - 1. Public Use of Tribal Land Law Amendments (pg. 4)
 - 2. Independent Contractors Law Amendments (pg. 37)
- 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
January 7, 2026
9:00 a.m.

Present: Jameson Wilson, Jennifer Webster, Jonas Hill (Microsoft Teams)

Excused: Kirby Metoxen

Unexcused: Marlon Skenandore

Others Present: Grace Elliott, Carolyn Salutz

Others Present on Microsoft Teams: Clorissa Leeman, Michelle Tipple, Kristal Hill, Ronald Van Schyndel, David Jordan, Chad Fuss, Shannon Stone, Linda Dallas, Melissa Alvarado, Janice Decorah, Ashley Blaker, Peggy Helm-Quest, Trina Schuyler, Joshua Cornelius, Sarah Miller, Shad Webster, Tavia James-Charles, Rae Skenandore, Mark Powless, Rhiannon Metoxen, Fawn Billie, Fawn Cottrell, Eric Boulanger, Grace Koehler, Kaylynn Biely, Rita Reiter, Sarah White, Laura Laitinen-Warren, Diane Wilson, Katsitsiyo Danforth

I. Call to Order and Approval of the Agenda

Jameson Wilson called the January 7, 2026, Legislative Operating Committee meeting to order at 9:00 a.m.

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

II. Minutes to be Approved

1. December 17, 2025 LOC Meeting Minutes

Motion by Jennifer Webster to approve the December 17, 2025, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

III. Current Business

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

Motion by Jennifer Webster to accept the statement of effect for the Petition: K. Schultz – GWA Payment to the Membership #2025-03 and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.



IV. New Submissions**1. Petition: G. Powless-Buenrostro - Accountability Measure Options for BC and BCC's #2025-04**

Motion by Jennifer Webster to add the Petition: G. Powless-Buenrostro – Accountability Measure Options for BC and BCC's #2025-04 to the Active Files List with Jameson Wilson as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

2. Petition: G. Powless Buenrostro – Amend the Administrative Rule Making Law #2025-05

Motion by Jennifer Webster to add the Petition: G. Powless-Buenrostro – Amend the Administrative Rule Making Law #2025-05 to the Active Files List with Jameson Wilson as the sponsor; seconded by Jonas Hill. Motion carried unanimously.

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

Motion by Jennifer Webster to adjourn at 9:14 a.m.; seconded by Jonas Hill. Motion carried unanimously.



Legislative Operating Committee
January 21, 2026

Public Use of Tribal Land Law Amendments

Submission Date: 12/7/22	Public Meeting: 10/15/25
LOC Sponsor: Jonas Hill	Emergency Enacted: N/A

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

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

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

10/4/23 LOC: Motion by Marlon Skenandore to add the Public Use of Tribal Land Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

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

4/29/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Krystal John, Eric Boulanger, Joel Maxam, Eric McLester, Nicole Rommel, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to review the Public Use of Tribal Land law and begin discussing potential comprehensive amendments.

- 5/20/25:** *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Krystal John, Joel Maxam, Eric McLester, Nicole Rommel, Kristal Hill, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to review the initial draft of proposed amendments to the Public Use of Tribal Land law.
- 8/11/25:** *Work Meeting.* Kirby Metoxen, Clorissa Leeman, Rhiannon Metoxen, Eric Boulanger, Joel Maxam, Fawn Cottrell, Kristal Hill, Nicole Rommel, Krystal John. The purpose of this work meeting was to review and discuss an update draft of the proposed amendments.
- 8/20/25 LOC:** Motion by Kirby Metoxen to approve the draft of amendments to the Public Use of Tribal Land law amendments; seconded by Marlon Skenandore. Motion carried unanimously.
- 9/3/25 LOC:** Motion by Jonas Hill to approve the legislative analysis and the public meeting packet for the proposed amendments to the Public Use of Tribal Land law and schedule a public meeting to be held on October 15, 2025; seconded by Marlon Skenandore. Motion carried unanimously.
- 10/15/25:** *Public Meeting Held.* Present: Jonas Hill, Clorissa Leeman, Carolyn Salutz Present on Microsoft Teams: Diane Wilson, Grace Elliott, Heidi Janowski, Joel Maxam, Michelle Braaten, Peggy Van Gheem, Tavia James Charles, Michelle Tipple, Eric Boulanger. One (1) individual provided public comments during the public meeting.
- 10/22/25:** *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.
- 12/30/25:** *Work Meeting.* Present: Jameson Wilson, Clorissa Leeman, Grace Elliott. The purpose of this work meeting was to discuss how land use licenses and easements should be addressed – whether they should be included in the PUTL law or the Real Property law.

Next Steps:

- Approve the adoption packet for the proposed amendments to the Public Use of Tribal Land law and forward to the Oneida Business Committee.

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 Landland” 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.~~

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

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



TO: Oneida Business Committee
FROM: Jameson Wilson, LOC Chairperson 
DATE: January 21, 2026
RE: Adoption of Amendments to the Public Use of Tribal Land Law

Please find the following attached backup documentation for your consideration of the adoption of amendments to the Public Use of Tribal Land law:

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

Overview

The purpose of the Public Use of Tribal Land law is to prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1]. Amendments to the Public Use of Tribal Land law are being sought to:

- 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:
 - Develop, approve, and maintain the Land Access Map;
 - Allocate and assign land uses for all Tribal lands;
 - 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];
- 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;
- 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]; and

- Make other minor drafting changes throughout the Law.

The Legislative Operating Committee developed the proposed amendments to the Public Use of Tribal Land law through collaboration with representatives from the Oneida Police Department, Oneida Law Office, Land Management, and the Environmental, Land, Agriculture Division. The Legislative Operating Committee held six (6) work meetings on the development of the amendments to the Public Use of Tribal Land law.

The development of the amendments to the Public Use of Tribal Land 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 Public Use of Tribal Land law on October 15, 2025. One (1) individual provided oral comments during the public meeting. The public comment period for the amendments to this Law was held open until October 22, 2025. No written comments were received during this public comment period. The Legislative Operating Committee reviewed and considered all public comments received on December 3, 2025. Any changes have been incorporated into this draft.

The amendments to the Public Use of Tribal Land law will become effective on February 25, 2026.

Requested Action

Adopt the Resolution: Amendments to the Public Use of Tribal Land law

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # Amendments to the Public Use of Tribal Land 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 Public Use of Tribal Land law ("the Law") was adopted by the Oneida Business Committee 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; and
- WHEREAS,** the purpose of this Law is to prevent improper access, use, and trespass to Tribal lands; and
- WHEREAS,** the amendments to the Law add definitions for the following terms: Land Management, rule, Trial Court, and Tribal member, and eliminate the definition for trespass; and
- WHEREAS,** the amendments to the Law eliminate the Environmental Resource Board from the Law and delegate all their former responsibilities and duties to Land Management; and
- WHEREAS,** the amendments to the Law delegate administrative rulemaking authority to Land Management to develop rules to: develop, approve, and maintain the Land Access Map; allocate and assign land uses for all Tribal lands; 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; and
- WHEREAS,** the amendments to the Law require that Land Management consult with the Land Assessment Team on the development of all administrative rules; and
- WHEREAS,** the amendments to the Law add members of Haudenosaunee First Nations governments or bands to those who can access land designated as Oneida Community Access; and
- WHEREAS,** the amendments to the Law require that the Land Access Map be made digitally available on the Nation's website; and
- WHEREAS,** the amendments to the Law provide that Land Management is responsible for allocating and assigning land uses to all Tribal land; and
- WHEREAS,** the amendments to the Law remove the provisions on amending the Land Access Map, as the administrative rulemaking process shall now be followed; and
- WHEREAS,** the amendments to the Law remove the provisions of the Law regarding trespass; and

WHEREAS, the 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; 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, Land Management, and the Environmental, Land, and 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 October 15, 2025, with one (1) individual providing oral comments, and the public comment period for the amendments to this Law were held open until October 22, 2025, with no submission of written comments received; and

WHEREAS, the Legislative Operating Committee reviewed and considered all public comments received on December 3, 2025; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the amendments to the Public Use of Tribal Land law, which shall become effective on February 25, 2026.

Administrative Rulemaking

BE IT FURTHER RESOLVED, Land Management shall develop all rules as deemed necessary to comply with these adopted amendments to the Public Use of Tribal Land law.

One Year Review of the Public Use of Tribal Land Law

BE IT FINALLY RESOLVED, the Legislative Reference Office shall work with the affected entities to conduct a one (1) year review of the Public Use of Tribal Land law and provide the Legislative Operating Committee a report on the use and implementation of the Law.



Statement of Effect

Amendments to the Public Use of Tribal Land Law

Summary

This resolution adopts amendments to the Public Use of Tribal Land law.

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

Date: January 21, 2026

Analysis by the Legislative Reference Office

This resolution adopts amendments to the Public Use of Tribal Land law. The purpose of the Public Use of Tribal Land law is to prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1]. Amendments to the Public Use of Tribal Land law are being sought to:

- 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:
 - Develop, approve, and maintain the Land Access Map;
 - Allocate and assign land uses for all Tribal lands;
 - 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];
- 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;
- 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]; and
- Make other minor drafting changes throughout the Law.

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-

17. The Public Use of Tribal Land 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 Public Use of Tribal Land law on October 15, 2025. One (1) individual provided oral comments during the public meeting. The public comment period for the amendments to this Law was held open until October 22, 2025. No written comments were received during this public comment period. The Legislative Operating Committee reviewed and considered all public comments received on December 3, 2025.

The amendments to the Public Use of Tribal Land law will become effective on February 25, 2026.

This resolution also directs Land Management to develop all rules as deemed necessary to comply with these adopted amendments to the Public Use of Tribal Land 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 Public Use of Tribal Land law must comply with all processes and procedures of the Administrative Rulemaking law.

Additionally, this resolution directs the Legislative Reference Office shall conduct a one (1) year review of the Public Use of Tribal Land 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.



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)], 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; ▪ 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]; ▪ 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; ▪ 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]; and ▪ 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 was held on October 15, 2025, and the public comment period was held open until October 22, 2025.
Fiscal Impact	A fiscal impact statement was provided by the Finance Administration on January 8, 2026.

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.
- On December 17, 2025, the Legislative Operating Committee approved the updated public comment review memo, draft, and legislative analysis; and then also approved the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by January 15, 2026.
- On January 8, 2026, the Finance Administration provided the Legislative Operating Committee 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.
- 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.
- December 30, 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)], rule [6 O.C. 609.3-1(i)], 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; 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.

E. ***Oneida Community Access.*** 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 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)]. Land is designated as Oneida community access for the protection of the land due to the historical, spiritual, cultural, and/or environmental significance of the land. [6 O.C. 609.5-1(c)]. The proposed amendments to the Law 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)].

- *Effect.* The proposed amendments to the Law recognize those members of Haudenosaunee First Nations governments or bands in Canada with the same status as members of other federally recognized Indian tribes, bands or communities.

F. ***Accessibility of Land Access Map.*** The proposed amendments to the Law include a new provision which requires that Land Management ensures that the Land Access Map is made digitally available on the Nation's website. [6 O.C. 609.5-4].

- *Effect.* This proposed amendment ensures that people have access to the Land Access Map and the information contained in the map regarding the different designations of Tribal land so that they can best comply with the restrictions on the different designations of the Tribal lands.

G. ***Assigning Land Uses.*** The proposed amendments to the Law include a new provision that now provides that Land Management is responsible for allocating and assigning land uses to all Tribal land. [6 O.C. 609.6-1]. The Law goes on to provide that 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. *Id.* Land Management is also delegated administrative rulemaking authority to develop rules to address the allocation and assignment of land uses for all Tribal land. [6 O.C. 609.4-2(b)].

- *Effect.* Currently, it is the Real Property law that addresses the assignments of land uses. The Real Property law provides that the Oneida Land Commission is responsible for allocating and assigning 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. [6 O.C. 601.12-2(e)]. The Land Use Technical Unit rules have currently been replaced with Real Property Law Rule No. 1 - Land Assessments for the Nation's Decisionmakers to Build an Autonomous Community (LANDBAC). It has been determined that the allocation and assignments of land uses 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.

- 167 **H. *Amending the Land Access Map.*** Currently, section 609.5-5 of the Law includes provisions on
168 amending the Land Access Map and addresses who may request amendments to the Land Access Map
169 as well as holding a public hearing to consider potential amendments to the Land Access Map. The
170 proposed amendments to the Law remove the provisions on amending the Land Access Map.
- 171 ▪ *Effect.* Provisions regarding the amendment of the Land Access Map were removed from the Law
172 because the Land Access Map is now required by the proposed amendments to be an administrative
173 rule. [6 O.C. 609.4-2(a)]. Therefore, the administrative rulemaking process provided for in the
174 Administrative Rulemaking law is now required to be followed if Land Management wants to
175 amend the Land Access Map. [1 O.C. 106].
- 176 **I. *Trespass.*** Currently, section 609.6 of the Law addresses trespass by providing for what constitutes
177 trespass and how to post that permission by the landowner or occupant for such person to enter such
178 land does not exist. The proposed amendments to the law remove the provisions of the Law regarding
179 trespass.
- 180 ▪ *Effect.* Provisions regarding trespass were removed from the Law in the proposed amendments in
181 an effort to avoid duplicative provisions in law due to the fact that trespass is addressed through
182 the Nation's Public Peace law. [3 O.C. 309.5-3]. It was determined that the information on how to
183 post that permission for a person to enter land does not exist currently provided for in section 609.6-
184 1(a)-(b) of the Law would be better suited in the Real Property law so that it can apply to land not
185 just owned by the Nation, but also land owned by individuals. The Real Property law is currently
186 being amended so that the posting for trespass provisions can be addressed in the Real Property
187 law instead of this Law.
- 188 **J. *Citations.*** Section 609.7 of the current Law contains a lot of provisions regarding the citation process,
189 including information on the issuance of citations and enforcement of this law, hearings and appeals of
190 citations, penalties for citations, allocation of citation revenue and pursuing the payment of citations.
191 The proposed amendments to the Law remove much of the provisions regarding citations and simply
192 provide that an individual who violates a provision of this law or the corresponding rules may be subject
193 to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the
194 Nation's laws and policies governing citations. [6 O.C. 609.7-2].
- 195 ▪ *Effect.* The proposed amendments remove bulk of the language regarding citations, because since
196 this Law was last amended a Citations law which provides a process that governs all citations that
197 fall under the jurisdiction of the Oneida Nation was adopted. [8 O.C. 807.1-1]. Referencing the
198 Citations law instead of including specific provisions within this Law ensures that all citations of
199 the Nation are handled in a consistent manner.
- 200 **K. *Other Amendments.*** Overall, a variety of other amendments and revisions were made to the Law to
201 address formatting, drafting style, and organization that did not affect the substance of the Law.
202

203 **SECTION 6. EXISTING LEGISLATION**

- 204 **A. *Other Related Laws of the Nation.*** The following laws of the Nation are related to the proposed
205 amendments to this Law.
- 206 ▪ ***Administrative Rulemaking Law.*** The Administrative Rulemaking law provides an efficient,
207 effective, and democratic process for enacting and revising administrative rules, to ensure that
208 authorized agencies act in a responsible and consistent manner when enacting and revising
209 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.
- **Citations Law.** The Citations law provides a process that governs all citations that fall under the jurisdiction of the Oneida Nation. [8 O.C. 807.1-1]. It is the policy of the Nation to provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2].
 - The Public Use of Tribal Land law provides that an individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer in accordance with the Nation's laws and policies governing citations. [4 O.C. 406.10-4].
 - Any citations issues under the Public Use of Tribal Land law must comply with the process for handling citations as provided for in the Citations law.
- **Real Property Law.** The Real Property law provides regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrates these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establishes licensing and certification requirements for the Nation's employees dealing with real property transactions. [6 O.C. 601.1-1]. It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder's rights and responsibilities. [6 O.C. 601.1-2].
 - The provisions of the current Public Use of Tribal law regarding postings for trespass will be removed from the Law, and instead placed into the Real Property law.

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 Finance Administration provided the Legislative Operating Committee a fiscal impact statement on January 8, 2026.

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)~~ “(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)~~ “(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)~~ “(e) ‘Nation’ means the Oneida Nation.

~~(e)-(f)~~ “(f) ‘Person’ means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of business organization.

~~(f)-(g)~~ “(g) ‘Penalty’ means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the confiscation of equipment, the imposition of a wildlife protection assessment (civil recovery value), and restitution.

~~(g)-(h)~~ “(h) ‘Reservation’ means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 186091809 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

~~(h)-(i)~~ “(i) ‘Trespass’ means the unauthorized use or entry on Tribal lands, including unauthorized uses under any law, rule, permit or lease of the Nation.

~~(i)-(j)~~ “(j) ‘Tribal Land Rule’ means a set of requirements, including a Land Access Map, and citation fees and penalty schedules, enacted in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law.

~~(j)-(k)~~ “(k) ‘Trial Court’ means the Trial Court of the Oneida Nation Judiciary, as identified in Article V of the Constitution and Bylaws of the Oneida Nation which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

~~(k)-(l)~~ “(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.

~~(l)-(m)~~ “(m) ‘Tribal member’ means an enrolled member of the Nation.

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 Tribal~~ The allocation and assignment of land will be posted and ensure the appropriate signs are posted uses for all Tribal land;

~~(d) Implement and (c)~~ A fine and penalty schedule for violations of this law and its corresponding rules; and

~~(d)~~ 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 and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and other such designated agencies of the Nation. The Environmental Resource Board shall adopt the initial Land Access Map.~~ Zoning and Shoreland Protection Ordinance.

~~609.5-4. General Land Designation. Unless otherwise designated, Tribal land is designated as limited access.~~

~~609.5-5. Amending the 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 for the intent and purposes of the designation.~~

~~(a) Amendments may be proposed by any person by filing an application~~(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 Environmental Resource Board in such format and accompanied by such information as required by the Board.

~~(b) Public Hearing. The Environmental Resource Board shall hold a public hearing on each application to amend the Land Access Map.~~

~~(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~~Real Property law.

609.7(A) Notice. Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, must be:

(i) published in the Nation's newspaper; and

(ii) mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.

~~(B) Any person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.~~

~~(C) In addition to accepting oral comments at the public meeting, the Environmental Resource Board shall also accept written comments, which must be submitted within five (5) business days of the date of the public meeting.~~

~~(D) The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.~~

~~(2) The Environmental Resource Board together with the Environmental Health and Safety Division shall, after holding a public hearing and reviewing any comments received, make written findings of fact and determine whether to amend the Land Access Map.~~

~~(3) The Environmental Resource Board shall make findings based upon the evidence presented to it with respect to the following matters:~~

~~(A) Existing uses of the land and buildings within the general area of the land in question.~~

~~(B) Suitability of the land in question to the uses permitted under the existing Land Access Map.~~

~~(4) The Environmental Resource Board may not amend the Land Access Map unless it finds that adopting such amendment is in the Nation's best interest and is not solely for the interest of the applicant.~~

~~(e) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments must require a two-thirds (2/3) vote of the~~

Environmental Resource Board if a written protest against any amendment is presented to the Environmental Resource Board and is signed by:

- (1) the lessees, assignees and owners of at least twenty percent (20%) of the acres of land included in such amendment; or
- (2) the lessees, assignees and owners of at least twenty percent (20%) of the land immediately adjacent to the land included in such amendment, extending in a radius of twelve hundred (1,200) feet of the outer boundaries of the land.

609.6. —Trespass. 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

~~609.6 1. — A person trespasses if the person enters or otherwise occupies Tribal land and:~~

~~(a) Refuses to leave land to which the person has no reasonable claim or right of possession when requested to do so.~~

~~(b) Enters upon such land after being noticed by the landowner or occupant that permission for the person to enter such land does not exist, or has been expressly denied or revoked. A person has been noticed that permission by the landowner or occupant for such person to enter such land does not exist if he or she has been notified publicly, by publication of the Land Access Map on the Nation's website and/or in the Nation's newspaper, or if the land is posted. Land is considered to be posted if one (1) of the following requirements is met:~~

~~(1) — A sign at least eleven inches (11") square is placed in at least two (2) conspicuous places for every forty (40) acres of land to be protected. The sign shall provide an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person is the holder of legal title to the land or by the word "occupant" if the person is a lawful occupant of the land, but not the holder of legal title.~~

~~(2) — Markings at least one foot (1') long and, in a contrasting color, the phrase "private land" and the name of the owner, are made in at least two (2) conspicuous places for every forty (40) acres of land.~~

~~(c) Does any of the following without proper authorization through a lease, permit or as otherwise required under applicable law:⁺~~

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

~~(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.~~

⁺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.

- (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~~ a 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 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.~~ orders made by the Trial Court.

~~(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 citation for 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~~ be processed 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~~ procedure contained in the Garnishment law and/or by attaching the

~~judgment to Tribal member's per capita payment pursuant to the Per Capita law.~~ 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
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) “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 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.
- (l) “Tribal member” means an enrolled member of the Nation.

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) A fine and penalty schedule for violations of this law and its corresponding rules; and
- (d) 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.

609.7. 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-__-__-__-__

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: RaLinda Ninham-Lamberies, Chief Financial Officer

FROM: Rae Skenandore, Sr. Analyst

DATE: January 8, 2026

RE: **Fiscal Impact Statement of the Public Use of Tribal Land Law Amendments**

I. Estimated Fiscal Impact Summary

Law: Public Use of Tribal Land Law Amendments		Draft 3
Implementing Agency	Land Management	
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-05-15-14-C and amended through resolutions BC-12-10-14-A, BC-01-13-16-C, and BC-07-26-17-D.

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 prevent improper access, use, and trespass to Tribal lands. The amendments include the following:

- Add definitions for Land Management, rule, Trial Court, and Tribal member.
- Removes the definition for trespass.
- Eliminates the Environmental Resource Board (ERB) from the Law and delegates their former responsibilities to Land Management.
- Delegates administrative rulemaking authority to Land Management to:
 - Develop, approve, and maintain the Land Access Map.
 - Allocate and assign land uses for all Tribal lands.

- Develop a fine and penalty schedule for violations of this Law and its corresponding rules.
 - Develop any other rules needed to implement or enforce this Law.
- Requires Land Management consult with the Land Assessment Team in developing administrative rules.
- Add members of Haudenosaunee First Nations governments or bands to those who can access land designated as Oneida Community Access.
- Requires Land Management make the Land Access Map available on the Nation's website.
- Delegates the responsible for allocating and assigning land uses to Land Management
- Removes the provisions on the following;
 - amending the Land Access Map.
 - regarding trespass.
 - regarding most sections on citations and referencing the Citations Law.
- Other minor drafting 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
January 21, 2026

Independent Contractor 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 be tomorrow (Friday, 8/1/25), we can add the draft to the LOC's new meeting on 8/6.

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: *Memorandum to LOC.* On Tuesday, August 12, 2025, the LOC received a memorandum 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.* 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. 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.* Present: Jameson Wilson, Jonas Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Fawn Billie, Kristal Hill. The purpose of this work session was to review and consider the public comments received.

12/17/25 LOC: Motion by Jonas Hill seconded by Marlon Skenandore to accept the updated public comment review memorandum, draft, and legislative analysis. Motion carried unanimously. Motion by Jonas Hill seconded by Marlon Skenandore to approve the fiscal impact statement request memorandum and forward to the Finance Administration to be completed by January 5, 2026.


1/5/25: Request from the Finance Administration for additional time in which to complete the Fiscal Impact Statement.

1/8/26: Fiscal Impact Statement received from the Finance Administration.

Next Steps:

- Approve the adoption packet for the Independent Contractor amendments and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee
FROM: Jameson Wilson, LOC Chairperson 
DATE: January 21, 2026
RE: Adoption of Amendments to the Independent Contractor Policy

Please find the following attached backup documentation for your consideration of the adoption of amendments to the Independent Contractor Policy:

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

Overview

The purpose of the Independent Contractor Policy is to ensure proper classification of employees and independent contractors for federal labor and tax law purposes; ensure 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 ensure independent contractors have appropriate insurance coverages. [5 O.C. 503.1-1]. Amendments to the Independent Contractor Policy are being sought to:

- Rename the law from “Independent Contractor Policy” to “Independent Contractors.” [5 O.C. 503].
- Clarify in the definitions what it means to be an “employee” versus an “independent contractor.” [5 O.C. 503.3-1(b); 503.3-1(d)].
- Clarify in the definitions what it means to have the “scope of work”, including updated definitions of “deliverables” and “services.” [5 O.C. 503.3-1(f); 5 O.C. 503.3-1(a); 5 O.C. 503.3-1(g)].
- Add in a requirement that the Nation must categorize all workers as either an independent contractor or an employee 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. [5 O.C. 503.4].
- Clarify the approval requirements for an independent contractor; including, contract, purchase order, vendor license, and tax identification number. [5 O.C. 503.6].
- Clarify when the Nation may contract with an employee or an employee-owned business entity as an independent contractor. [5 O.C. 503.7].
- Various grammatical changes and other minor changes throughout the law.

The Legislative Operating Committee developed the proposed amendments to the Independent Contractor Policy through collaboration with representatives from the Oneida Purchasing Department, Oneida Finance Administration, Oneida Licensing Department, and the Oneida Law Office. The Legislative Operating Committee held six (6) work meetings on the development of the amendments to the Independent Contractor Policy.

The development of the amendments to the Independent Contractor Policy 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 Independent Contractor Policy 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. One (1) individual 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 December 3, 2025.

The amendments to the Independent Contractor Policy will become effective on February 25, 2026.

Requested Action

Adopt the Resolution: Amendments to the Independent Contractor Policy.

Oneida Nation

Post Office Box 365

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Oneida, WI 54155

BC Resolution # Amendments to the Independent Contractor Policy

- 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 Independent Contractor Policy ("the Law") was adopted by the Oneida Business Committee by motion 7-27-94, and then amended through resolutions BC-2-15-95-A, BC-7-5-95-B, BC-04-25-12-E, BC-10-10-12-B, and BC-02-27-13-A; and
- WHEREAS,** the purpose of the Law is to ensure proper classification of employees and independent contractors for federal labor and tax law purposes; ensure 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 ensure independent contractors have appropriate insurance coverages; and
- WHEREAS,** the amendments to the Law require the Nation to properly classify all individuals as either employees or independent contractors and sets standards for how an independent contractor will be approved to perform services for the Nation, the proper form of a contract for those services, and the proper classification of independent contractors to ensure the Nation remains in compliance with Federal law; and
- WHEREAS,** the amendments to the Law clarify when the Nation may contract with an employee or employee-owned business entity as an independent contractor;
- WHEREAS,** the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Oneida Purchasing Department, Oneida Finance Administration, Oneida Licensing 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 one (1) submission of written comments received; and
- WHEREAS,** the Legislative Operating Committee accepted the public comments on November 5, 2025; and

47 **WHEREAS,** the Legislative Operating Committee reviewed and considered the public comments on
48 December 3, 2025.
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51 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the amendments
52 to the Independent Contractor Policy, which shall become effective on February 25, 2026.



Statement of Effect

Amendments to the Independent Contractor Policy

Summary

This resolution adopts amendments to the Independent Contractor Policy.

Submitted by: Carolyn A. Salutz, Legislative Staff Attorney, Legislative Reference Office

Date: January 21, 2026

Analysis by the Legislative Reference Office

This resolution adopts amendments to the Independent Contractor Policy. The purpose of Independent Contractor Policy 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 ensure independent contractors have appropriate insurance coverages. [5 O.C. 503.1-1]. Amendments to the Independent Contractor Policy are being sought to:

- Rename the law from “Independent Contractor Policy” to “Independent Contractors.” [5 O.C. 503].
- Clarify that the purpose of this law is to require the Nation to properly classify its workers for compliance with tax regulations. [5 O.C. 503.1-1].
- Clarify in the definitions what it means to be an “employee” versus an “independent contractor.” [5 O.C. 503.3-1(b); 503.3-1(d)].
- Clarify in the definitions what it means to have the “scope of work”, including updated definitions of “deliverables” and “services.” [5 O.C. 503.3-1(f); 5 O.C. 503.3-1(a); 5 O.C. 503.3-1(g)].
- Add in a requirement that the Nation must categorize all workers as either an independent contractor or an employee 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. [5 O.C. 503.4].
- Clarify the approval requirements for an independent contractor; including, contract, purchase order, vendor license, and tax identification number. [5 O.C. 503.6].
- Clarify when The Nation may contract with an employee or an employee-owned business entity as an independent contractor. [5 O.C. 503.7].
- Make other minor drafting changes throughout the Law.

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 Independent Contractor Policy 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 Independent Contractor Policy 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. One (1) individual 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 December 3, 2025.

The amendments to the Independent Contractor Policy will become effective on February 25, 2026.

Conclusion

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



INDEPENDENT CONTRACTOR POLICY 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"> ▪ Rename the law from “Independent Contractor Policy” to “Independent Contractors.” [5 O.C. 503]. ▪ Clarify that the purpose of this law is to ensure proper classification of employees and independent contractors for federal labor and tax law purposes; ensure the use of contract forms approved by the Oneida Law Office and the Oneida Purchasing Department; ensure contracting with a current employee does not create a conflict of interest or unintended tax consequences; and ensure independent contractors have appropriate insurance coverages. [5 O.C. 503.1-1]. ▪ Clarify in the definitions what it means to be an “employee” versus an “independent contractor.” [5 O.C. 503.3-1(b); 503.3-1(d)]. ▪ Clarify in the definitions what it means to have the “scope of work”, including updated definitions of “deliverables” and “services.” [5 O.C. 503.3-1(f); 5 O.C. 503.3-1(a); 5 O.C. 503.3-1(g)]. ▪ Add in a requirement that the Nation must categorize all workers as either an independent contractor or an employee 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. [5 O.C. 503.4]. ▪ Clarify the approval requirements for an independent contractor; including, contract, purchase order, vendor license, and tax identification number. [5 O.C. 503.6]. ▪ Clarify when The Nation may contract with an employee or an employee-owned business entity as an independent contractor. [5 O.C. 503.7]. ▪ Make other minor drafting changes throughout the law.
Purpose	<p>The purpose of this law is to ensure proper classification of employees and independent contractors for federal labor and tax law purposes; ensure the use of contract forms approved by the Oneida Law Office and the Oneida Purchasing Department; ensure contracting with a current employee does not create a conflict of interest or unintended tax consequences; and ensure independent contractors have appropriate insurance coverages. [5 O.C. 503.1-1].</p>

Affected Entities	The Nation's Finance Administration, the Nation's Purchasing Department, the Nation's Licensing Department, the Nation's Risk Management Department, the Oneida Law Office, all Oneida Nation employees and visitors, and all current and future independent contractors for the Nation.
Related Legislation	Oneida Vendor Licensing law, Conflict of Interest, Indian Preference in Contracting law, Fair Labor Standards Act.
Enforcement	<p>The proposed amendments to the Independent Contractor Policy require the Nation to classify all workers as either an employee or an independent contractor. [5 O.C. 503.4]. The proposed amendments also require the Oneida Law Office to develop and maintain standard contract form(s) for primary use by the Nation. [5 O.C. 503.5-1]. All contracts shall be reviewed and approved by the Oneida Law Office and an approved purchase order is required prior to execution of a contract. [5 O.C. 503.5-2].</p> <p>The Oneida Law Office shall verify:</p> <ul style="list-style-type: none"> (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. [5 O.C. 503.5-3]. <p>The Oneida Purchasing Department shall verify:</p> <ul style="list-style-type: none"> (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 [5 O.C. 503.5-4]. <p>The law further specifies the approval requirements for any independent contractor in section 503.6 Approval Requirements. [5 O.C. 503.6].</p>
Due Process	The amendments to the Independent Contractor Policy require the Oneida Law Office, the Oneida Purchasing Department, and the Oneida Risk Management Department to assist an independent contractor in executing a contract, obtaining a vendor license, if necessary, verifying insurance, and submitting appropriate tax information. [5 O.C. 503.6].

Public Meeting	A public meeting was held on October 15, 2025. The public comment period was then held open until October 22, 2025.
Fiscal Impact	A fiscal impact statement was provided by the Finance Administration on January 8, 2026.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** The Independent Contractor Policy was originally adopted on July 27, 1994, by motion 7-27-94. The Oneida Business Committee adopted amendments on February 15, 1995, through resolution BC-2-15-95-A; on July 5, 1995, through resolution BC-7-5-95-B; on April 25, 2012, through emergency resolution BC-04-25-12-E and extended those emergency amendments on October 10, 2012, through resolution BC-10-10-12-B. The Oneida Business Committee adopted amendments on February 27, 2013, through resolution BC-02-27-13-A.
- B. **Request for Amendments.** This item was added to the Active Files List on June 19, 2024, at the request of RaLinda Ninham-Lamberies, the Nation's Chief Financial Officer, to update sections 503.5-1 and 503.5-2 to ensure the Nation is adequately reporting to the IRS any independent contractor relationships. The sponsor of the Independent Contractor Policy amendments is Councilman Jonas Hill.

SECTION 3. CONSULTATION AND OUTREACH

- Representatives from the following departments participated in the development of the amendments to this Law:
 - Finance Administration;
 - Purchasing Department;
 - Licensing Department;
 - Risk Management Department; and
 - Oneida Law Office.
- The following laws and policies of the Nation were reviewed in the drafting of this analysis:
 - Vendor Licensing law [5 O.C. 506];
 - Indian Preference in Contracting [5 O.C. 502]; and
 - Conflict of Interest law [2 O.C. 217].
- The following laws and policies of the United States were reviewed in the drafting of this analysis:
 - Fair Labor Standards Act [29 U.S.C §201-219];
 - United States Department of Labor guidance, "Employee or Independent Contractor Classification Under the Fair Labor Standards Act" [29 C.F.R 795].

SECTION 4. PROCESS

- A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.
- On June 19, 2024, the Legislative Operating Committee added this Law to its Active Files List for amendments this legislative term an appointed Councilman Jonas Hill as the sponsor.
 - On August 6, 2025, the Legislative Operating Committee approved the draft of the Independent Contractor Policy amendments and directed that a legislative analysis be developed.

- On August 20, 2025, the Legislative Operating Committee approved the Legislative Analysis and directed a public meeting be scheduled.
 - On September 3, 2025, the Legislative Operating Committee approved the public meeting packet for the proposed amendments to the Independent Contractor Policy to be held on October 15, 2025.
 - On October 15, 2025, the public meeting was held. No individuals provided oral comment during the public meeting.
 - The public comment period was then held open until October 22, 2025. One (1) individual 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 reviewed and considered the public comments.
 - On December 17, 2025, the Legislative Operating Committee approved the updated public comment review memorandum, draft, and legislative analysis; and approved the fiscal impact statement request memorandum and forwarded these materials to the Finance Administration directing that a fiscal impact statement be prepared and submitted to the Legislative Operating Committee by January 5, 2026.
 - On January 5, 2026, the Finance Administration requested additional time to complete the Fiscal Impact Statement.
 - On January 8, 2026, 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:
- September 16, 2024: LOC work meeting with the Finance Administration, Indian Preference Department, Purchasing Department, and Licensing Department.
 - November 8, 2024: LOC work meeting with the Finance Administration and Purchasing Department.
 - January 23, 2025: LOC work meeting with the Finance Administration, Purchasing Department, and Licensing Department.
 - April 29, 2025: LOC work meeting with the Finance Administration, Indian Preference Department, Purchasing Department, and Licensing Department.
 - June 20, 2025: LOC work meeting with the Finance Administration, Indian Preference Department, Purchasing Department, and Licensing Department.
 - July 31, 2025: LOC work meeting with the Finance Administration and Purchasing Department where the LOC informally approved the final draft.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. *Purpose of the Law.*** The purpose of this law is to ensure proper classification of employees and independent contractors for federal labor and tax law purposes; ensure the use of contract forms approved by the Oneida Law Office and the Oneida Purchasing Department; ensure contracting with a current employee does not create a conflict of interest or unintended tax consequences; and ensure independent contractors have appropriate insurance coverages. [5 O.C. 503.1-1].

- *Effect.* The proposed amendments clarify that the Nation will classify all workers as either employees or independent contractors for compliance with Federal law and tax regulations and provides an overview of why the law is needed and the governing and directing reasons why it is being implemented.

B. Redefining “employee” and “independent contractor” and clarifying “Worker Classification.” The proposed amendments require the Nation to follow Federal law and guidance issued from Federal agencies when classifying a worker as either an employee or an independent contractor. [5 O.C. 503.3-1(b); 503-1(d); 503.4].

- *Effect.* The proposed amendments make clear which Federal laws, codes, regulations, and guidance the Nation is required to follow when classifying an individual as an employee or an independent contractor.

C. Clarifying the “Form of Contract.” The proposed amendments clarify that the Oneida Law Office shall develop and maintain standard contract forms for primary use by the Nation. [5 O.C. 503.5-1]. All contracts shall be reviewed and approved by the Oneida Law Office and the Oneida Purchasing Department. [5 O.C. 503.5-2]. An approved purchase order is required prior to execution of a contract. [5 O.C. 503.5-3]. At a minimum, the Oneida Law Office shall verify:

- appropriate approvals are required for waivers of the Nation’s sovereign immunity;
- worker classification, according to the requirements of section 503.4 of this law, is accurate; and
- the terms of the contract protect the Nation’s legal rights and assets and satisfy the requirements for formation of a valid contract. [5 O.C. 503.5-3].

At a minimum, the Purchasing Department shall verify:

- the contractor holds a current vendor license;
- tax forms and federal contractor status;
- the content of the contract related to scope of work;
- contract payments are accurately calculated and described; and
- whether use of a master contract and task orders would be more efficient. [5 O.C. 503.5-4].

D. Redefining approval requirements. The proposed amendments clarify the approval requirements between the Nation and an independent contractor. [5 O.C. 503.6].

- *Effect.* These proposed amendments clarify what is needed in order for the Nation to approve the work of an independent contractor; making it easier for the Nation and all independent contractors to identify what is needed.

E. Clarifying Dual Capacity. The proposed amendments clarify that the Nation may contract with an employee or an employee-owned business entity as an independent contractor if that employee or employee-owned business entity has satisfied the Approval Requirements in section 503.6 of the law, and the work performed by the individual as an employee or the work performed by an employee-owned business entity is not related to the scope of work to be provided as an independent contractor. [5 O.C. 503.7].

- *Effect.* This proposed amendment allows the Nation to contract with employees and employee-owned business entities but still protects the Nation by requiring any employee or employee-owned business entity that may be hired as an independent contractor, to be hired if the work performed by the individual as an employee or by an employee owned business entity is not related to the scope of work to be provided as an independent contractor.

F. *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:

- *Vendor Licensing.* The Vendor Licensing law is currently being amended. One proposed amendment is to change the purpose of the Vendor Licensing law. Currently the purpose of the Vendor Licensing law is to regulate and license all vendors who provide a service for and do business with the Oneida Nation and provide revenue for the Nation by collecting fees from vendors for a license to perform a service for or do business with the Nation. [5 O.C. 506.1-1]. The proposed amendments change the purpose of the Vendor Licensing law to regulate and license vendors who provide deliverables or services for and do business with the Oneida Nation and ensure the Nation's safety, regulate compliance, minimize risk, and protect the Nation's assets. [5 O.C. 506.1-1].
 - According to the Vendor Licensing law, any vendor that is not exempt from obtaining a vendor license must follow certain procedures.
 - To obtain a new vendor license a vendor must demonstrate adequate insurance coverage, must complete a CSRA and technology assessment.
 - The proposed amendments to the Vendor Licensing law would no longer require a vendor to pay a licensing fee. Currently, the law requires a fee for new vendor license applications and renewal applications.
 - The proposed amendments to the Independent Contractors law align with the proposed amendments and the current version of the Vendor Licensing law by incorporating the requirements of obtaining a vendor license into the requirements of being contracted as an independent contractor for the Nation.
- *Indian Preference in Contracting.* The purpose of this law is to establish an Indian Preference Office and increase economic benefits for the Nation and members of the Nation by providing for the maximum utilization of Indian workers and businesses on projects of the Nation which occur on or near the Reservation. [5 O.C. 502.1].
 - This law expects the Nation to apply Indian preference fairly in all situations and to ensure that all entities that enter into contracts with the Nation utilize a labor force of Indian workers and businesses. [5 O.C. 502.1-2].
 - The proposed amendments to the Independent Contractor Policy align with the Indian Preference in Contracting law by requiring the Nation to utilize Indian preference in contracting with independent contractors but clarifying that even if the employee or employee-owned business entity qualifies for Indian preference as an independent contractor; and even if the employee or employee-owned business entity were the only independent contractor who does qualify for Indian preference, the Nation is still prohibited from hiring an employee or employee-owned business entity as an independent contractor if the work to be performed as an independent contractor is in anyway related to the work performed by the individual as an employee or by an employee-owned business entity. [5 O.C. 503.7-1(b)(1)].

- *Conflict of Interest.* The purpose of this law is for the Nation to ensure that all employees, contractors, elected officials, 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].
 - According to the Conflict of Interest law there is a presumed conflict of interest any time an employee of the Nation seeks to contract with the Nation. [2 O.C. 217.5-1].
 - The Conflict of Interest law prohibits an employee from contracting with the Nation as an independent contractor within the same scope for which they are employed by the Nation. [2 O.C. 217.5-4(a)].
 - The Conflict of Interest law further prohibits an employee from contracting with the Nation as an independent contractor within the same divisional budget for which the employee is employed by the Nation. [2 O.C. 217.5-4(b)].
 - The proposed amendments to the Independent Contractor Policy align with the proposed amendments to the Conflict of Interest law and reflect the Nation's desire to allow employees and employee-owned business entities to work for the Nation as independent contractors but only if certain requirements are met. [2 O.C. 217.5-4].

SECTION 7. ENFORCEMENT AND ACCOUNTABILITY

- A. The proposed amendments make it clearer the Nation is responsible for properly classifying its workers. [5 O.C. 503.4].
- B. The proposed amendments clarify all information the Nation must obtain in order to properly hire an independent contractor. [5 O.C. 503.6].
- C. The proposed amendments require the Nation to properly classify an independent contractor, properly execute a contract, and meet all approval requirements before an independent begins working for the Nation. [5 O.C. 503.5; 503.5-6].
- D. The proposed amendments require all independent contractors to demonstrate appropriate and adequate insurance coverage. [5 O.C. 503.6-4].
- E. The proposed amendments require all independent contractors to submit tax identification to the Nation. [5 O.C. 503.6-5].
- F. The proposed amendments clarify an independent contractor may not begin work until a contract is executed according to the requirements of section 503.5 of the law and all other approval requirements of section 503.6 of the law are met. [5 O.C. 503.6].

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 to complete a fiscal impact

statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.

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 Finance Administration provided the Legislative Operating Committee a fiscal impact statement from the Finance Department on January 8, 2026.

Title 5. Business – Chapter 503- INDEPENDENT CONTRACTORS POLICY

503.1. Purpose and Policy
503.2. Adoption, Amendment, Repeal
503.3. Definitions
~~503.4. Application~~

503.~~4~~5. Worker Classification
503.~~5~~6 Form of Contract
503.~~6~~7 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 and tax law purposes; ensure the use of contract forms approved by the Oneida Law Office and the Oneida Purchasing Department; ensure contracting with a current employee does not create a conflict of interest or unintended tax consequences; and ensure independent contractors have appropriate insurance coverages ~~The purpose of this Independent Contractor Policy is to regulate the hiring of persons to complete work in order to minimize the costs of Independent Contractors.~~

503.1-2. *Policy.*

(a) It is the policy of the TribeNation to utilize Native American businesses to complete work that the TribeNation 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 TribeNation that the order of preference, as set out in the Tribe'sNation'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 ~~policy~~law was adopted by ~~motion of~~ the Oneida Business Committee by motion on July 27, 1994, and ~~was~~ amended by resolution BC-02-27-13-A.

503.2-2. This ~~policy~~law may be amended ~~pursuant to the procedures set out in Tribal law 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 ~~policy~~law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~policy~~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 ~~policy~~law and a provision of another ~~policy~~law, the provisions of this ~~policy~~law shall control.

503.2-5. This ~~policy~~law is adopted under authority of the Constitution of the Oneida ~~Tribe of Indians of Wisconsin~~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. ~~an object with specified content and format and must be adequately described as to final content.~~

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(b) “Employee” means an individual who qualifies as an employee of the Nation using relevant tests established by applicable Federal law and guidance issued from Federal agencies. ~~any individual who is employed by the Tribe and is subject to the direction and control of the Tribe with respect to the material details of the work performed, or who has the status of an employee under the usual common law rules applicable to determining the employer-employee relationship.~~ “Employee” includes, ~~but is not limited to, individuals employed by any program or enterprise of the Tribe, but~~ does not include elected or appointed officials ~~or individuals employed by a Tribally Chartered Corporation.~~ For purposes of this ~~policy law,~~ individuals employed by the Nation through an employment agreement or employment contract are employees of the Nation, not independent contractors. ~~employed under an employment contract as a limited term employee are employees of the Tribe, not consultants.~~

(c) “Employee-owned business entity” means a ~~for-profit~~ business which is majority owned and managed by an individual who is employed as an employee by the ~~Tribe.~~ Nation. ~~An e~~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 applicable Federal law and guidance issued from Federal agencies. ~~receives payments for services or deliverables, and who receives any tax reporting form other than a W-2 at the end of a taxable year.~~

(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. ~~and must be adequately described as to the actions that will be taken and final result of the actions taken.~~

~~(f) “Tribal” or “Tribe” means the Oneida Tribe of Indians of Wisconsin.~~

503.4 Worker Classification

503.4-1. The Nation shall 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.

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503.56. Form of Contract

503.5-1. The Oneida Law Office shall develop and maintain standard contract form(s) for primary use by the Nation. ~~503.6-1. All contracts with the Tribe shall be in the format approved by the Oneida Law Office. All departments, programs, enterprises, and other agencies of the Tribe shall use Oneida Law Office-approved contracts.~~

503.56-2. 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. ~~before being executed.~~

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 requirements of section 503.4 of this law, is accurate; and

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(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 Oneida 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.

~~503.6-3. At a minimum, the Oneida Law Office review shall consist of the following: (a) verification that: sovereign immunity has not been waived; verification that Independent Contractor status has not been violated; and verification that the content of the contract meets the legal needs for the protection of Tribal assets, description of services, payment, and other similar items.~~

503.67. 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.

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 ~~Tribe~~Nation may ~~hire an individual who is also~~contract with an employee or an employee-owned business entity ~~of the Tribe~~ as an independent contractor; if:

(a) all requirements of section 503.6 of this law are met;

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(b) the work services performed by the individual as an employee or by an employee-owned business entity of the Tribe ~~are not related to the services~~ is not related to the scope of work to be provided ~~by the individual~~ as an independent contractor;

(1) even if the employee or employee-owned business entity qualifies for Indian preference as an independent contractor; and even if the employee or employee-owned business entity 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 or to an employee-owned business entity of the Tribe and the compensation received by the individual for the scope of work services 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, and the scope of work services 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 ~~(d) the individual offers services as an Independent Contractor in such trade, business or profession to the general public.~~

(e) the individual offers services or deliverables as an independent contractor in such trade, business, or profession to the general public.

~~503.7-6. The Tribe may engage an employee-owned business entity as an independent contractor if the following conditions are met:~~

~~(a) the employee-owned business entity has a valid Tax Identification Number which is different than the employee's Social Security number.~~

~~(b) the Tribe has no right to direct or control the employees of the employee-owned business entity; and~~

~~(c) all payments for independent contractor services are made directly to the employee-owned business entity, not to an individual.~~

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

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 and tax law purposes; ensure the use of contract forms approved by the Oneida Law Office and the Oneida Purchasing Department; ensure contracting with a current employee does not create a conflict of interest or unintended tax consequences; and ensure 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 applicable Federal law and guidance issued from Federal agencies. "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-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 applicable Federal law and guidance issued from Federal agencies.

(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 shall 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 requirements of section 503.4 of this law, 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 Oneida 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 of this law 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 or by an employee-owned business entity is not related to the scope of work to be provided as an independent contractor;

(1) even if the employee or employee-owned business entity qualifies for Indian preference as an independent contractor; and even if the employee or employee-owned business entity 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 or to an employee-owned business entity 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

FINANCE ADMINISTRATION

Fiscal Impact Statement



MEMORANDUM

TO: RaLinda Ninham-Lamberies, Chief Financial Officer

FROM: Rae Skenandore, Sr. Analyst

DATE: January 7, 2026

RE: **Fiscal Impact Statement of the Independent Contractor Policy Amendments**

I. Estimated Fiscal Impact Summary

Law: Independent Contractor Policy Amendments		Draft 11
Implementing Agency	Oneida Law Office Oneida Purchasing Department Oneida Risk Management	
Estimated time to comply	10 days	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$0	\$0

II. Background

This Policy was adopted by motion by the Oneida Business Committee Oneida on July 27, 1994. The most recent amendments were adopted by resolution BC-02-27-13-A. This item was added to the Active Files List on June 19, 2024, at the request of the Chief Financial Officer to ensure the Nation is adequately reporting to the IRS any independent contractor relationships.

The proposed amendments clarify the purpose of this law is to require the Nation to properly classify its workers for compliance with tax regulations. The amendments include the following:

- Renaming the law to “Independent Contractors.”
- Clarifying the purpose to require the Nation to properly classify its workers for compliance with tax regulations.
- Clarify in the definitions of an employee, an independent contractor, scope of work, deliverables, and services.
- Add a requirement to categorize all workers as either an independent contractor or an employee according to Federal guidance.

- Clarify the approval requirements for an independent contractor.
- Clarify when dual capacity as an employee and an independent contractor for the Nation is allowable.
- Various grammatical changes 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.

January 2026

January 2026						
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February 2026						
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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Dec 29	30	31	Jan 1, 26 8:00am Holiday - New Year's Day	2
5 10:00am Invitation to First Group Review of Research Law Draft (Microsoft Teams Meeting) - Grace L. Elliott	6	7 8:30am LOC Prep Meeting (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting;	8	9 9:00am Oneida Code of Ethics Amendments (Microsoft Teams Meeting) - Grace L. Elliott
12	13	14	15 11:00am UCC/Secured Transactions (Microsoft Teams Meeting) - Grace L. Elliott 4:00pm Follow-Up Meeting on Code of Ethics Scope Employees Entities	16
19	20 11:00am Conflict of Interest amendments - work meeting (Microsoft Teams Meeting; BC_Conf_Room) - Carolyn A. Salutz	21 8:30am LOC Prep Meeting (Microsoft Teams Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm LOC Work Session (Microsoft	22 11:00am Vendor Licensing - work meeting with LOC (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Carolyn A. Salutz	23
26 11:00am Ten Day Notice Policy - amendments (Microsoft Teams Meeting; 2:00pm Elder Protection (Microsoft Teams Meeting; BC_Exec_Conf_Room) -	27	28	29	30