



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 Lawn law.

8/11/25: *Work Meeting.* Kirby Metoxen, Clorissa Leeman, Rhiannon Metoxen, Eric Boulanger, Joel Maxam, Fawn Cottrell, Kristal Hill, Nicole Rommel, Krystal John. The purpose of this work meeting was to review and discuss an update draft of the proposed amendments.

8/20/25 LOC: Motion by Kirby Metoxen to approve the draft of amendments to the Public Use of Tribal Land law amendments; seconded by Marlon Skenandore. Motion carried unanimously.

9/3/25 LOC: Motion by Jonas Hill to approve the legislative analysis and the public meeting packet for the proposed amendments to the Public Use of Tribal Land law and schedule a public meeting to be held on October 15, 2025; seconded by Marlon Skenandore. Motion carried unanimously.

10/15/25: *Public Meeting Held.* Present: Jonas Hill, Clorissa Leeman, Carolyn Salutz Present on Microsoft Teams: Diane Wilson, Grace Elliott, Heidi Janowski, Joel Maxam, Michelle Braaten, Peggy Van Gheem, Tavia James Charles, Michelle Tipple, Eric Boulanger. One (1) individual provided public comments during the public meeting.

10/22/15: *Public Comment Period Closed.* No individual provided written comments during the public meeting.

11/5/25 LOC: Motion by Jonas Hill to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

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

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? Ukwehuwé·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		

1	609.1. Purpose and Policy
2	609.1-1. <i>Purpose.</i> The purpose of this law is to prevent improper access, use, and trespass to
3	Tribal lands.
4	609.1-2. <i>Policy.</i> It is the policy of the Nation to limit access to Tribal lands to protect and
5	preserve the environment and natural resources including forests, wildlife, air, and waters, through
6	appropriate uses of the land.
7	
8	609.2. Adoption, Amendment, Repeal
9	609.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-14-
10	C and amended by BC-12-10-14-A, BC-01-13-16-C, BC-07-26-17-D and BC-_____.
11	609.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the
12	General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.
13	609.2-3. Should a provision of this law or the application thereof to any person or circumstances
14	be held as invalid, such invalidity does not affect other provisions of this law which are considered
15	to have legal force without the invalid portions.
16	609.2-4. In the event of a conflict between a provision of this law and a provision of another
17	law, the provisions of this law controls.
18	609.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.
19	609.2-6. This law may not be construed to preclude the Nation from pursuing relief for criminal
20	trespass under applicable law.
21	
22	609.3. Definitions
23	609.3-1. This section governs the definitions of words and phrases used within this law. All
24	words not defined herein are to be used in their ordinary and everyday sense.
25	(a) "Designation" means the term used to describe the type of access granted to certain
26	Tribal lands.
27	(b) "Fine" means a monetary punishment issued to a person violating this law and/or the
28	rules created pursuant to this law.
29	(c) "Land Management" means the entity within the Nation responsible for entering into
30	and administering agricultural and commercial leases on behalf of the Nation, processing
31	trust transactions and land acquisition transactions, and for fulfilling other responsibilities
32	as identified within this law.
33	(d) <u>"Land Use License" means an agreement entered into by the Nation providing a tribal</u>
34	<u>member the right to have gatherings within the reservation boundaries of groups larger than</u>
35	

36 ~~seventy five (75) people and/or an agreement between the Nation and any third party~~
37 ~~granting said party the right to occupy and/or utilize a specified piece of land for a specific~~
38 ~~purpose and a specific duration.~~

39 (d) "Lease" means any lease or agreement, including business site leases, entered into by
40 the Nation and any person to allow the use of Tribal lands.

41 (e) "Nation" means the Oneida Nation.

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

44 (g) "Penalty" means a punishment, other than a fine, imposed on a person violating this
45 law and/or the rules created pursuant to this law.

46 (h) "Reservation" means all the lands and waters within the exterior boundaries of the
47 Reservation of the Oneida Nation, as created pursuant to the 1809 Treaty with the Oneida
48 7 Stat. 566, and any lands added thereto pursuant to federal law.

49 (i) "Rule" means a set of requirements, including a Land Access Map, and citation fees
50 and penalty schedules, enacted in accordance with the Administrative Rulemaking law
51 based on authority delegated in this law in order to implement, interpret and/or enforce this
52 law.

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

58 (k) ~~—~~ "Tribal member" means an enrolled member of the Nation.

59 (l) ~~"Tribal Land~~ land" means all of the Nation's trust lands, and any land or interest in land
60 held by the Nation in fee or in any other form on the Reservation.

61 (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
65 purposes of this law.

609.4-2. *Administrative Rulemaking*. Land Management shall be delegated rulemaking authority
67 in accordance with the Administrative Rulemaking law to develop rules which address:

68 (a) The development, approval, and maintenance of the Land Access Map;

69 (b) The allocation and assignment of land uses for all Tribal land;

70 (c) ~~Issuance of land-use licenses;~~

71 (d) ~~Issuance of easements;~~

72 (e) A fine and penalty schedule for violations of this law and its corresponding rules;
73 and

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

75 609.4-3. *Consultation*. Land Management shall consult with the Land Assessment Team on the
76 development of all administrative rules.

77 (a) *Land Assessment Team*. The Land Assessment Team shall be comprised of the
78 following professionals employed by the Nation:

79 (1) Land Management Senior Management;

80 (2) Planning and Development Area Manager;

81 (3) Environmental Specialist;

82 (4) Tribal Historical Preservation Officer;

83 (5) GLIS Specialist;

84 (6) Zoning Administrator;

85 (7) Other subject matter experts based on the characteristics of the parcel to

86 include:

87 (A) If there is a house, then Comprehensive Housing Division Maintenance

88 and Rehabilitation Area Manager.

89

90 **609.5. Land Access Map for Tribal Lands**

91 609.5-1. *Designation of Tribal Lands.* A Land Access Map shall be created which designates

92 Tribal land as one (1) of the following:

93 (a) *Limited Access.*

94 (1) Land Management may choose to designate a portion of land as Limited Access

95 in order to manage, preserve, and protect that land for environmental, cultural, or

96 other significance.

97 (2) Lands designated as Limited Access shall be open to all persons who are

98 granted land access permission by the Nation for specified purposes.

99 (b) *Oneida Community Access.*

100 (1) Land Management may choose to designate land as Oneida Community Access

101 in order to manage, preserve, and protect access to locations that have cultural or

102 environmental significance.

103 (2) Lands designated as "Oneida Community Access" shall be open to:

104 (A) Tribal members;

105 (B) spouses and descendants of Tribal members;

106 (C) members of other federally recognized Indian tribes, bands or

107 communities;

108 (D) members of Haudenosaunee First Nations governments or bands;

109 (E) authorized employees of the Nation; and

110 (F) persons who are accompanied at all times by a Tribal member, the

111 spouse or descendant of a Tribal member, or an authorized employee of the

112 Nation.

113 (c) *Oneida Tribal Member Access.*

114 (1) Land Management may designate land as Oneida Tribal Member Access to

115 protect the land for Tribal member use due to the historical, spiritual, cultural,

116 and/or environmental significance of the land.

117 (2) Lands designated as Oneida Tribal Member Access are open to Tribal members

118 only.

119 (d) *Open.*

120 (1) Land Management may designate land as Open Access where such designation

121 is deemed beneficial to the Nation and where such designation does not pose

122 significant risk of damage to the Nation's policies and/or the land's cultural or

123 environmental preservation.

124 (2) Lands designated as Open Access are generally open to all persons for the

125 land's designated use and enjoyment.

126 609.5-2. *General Land Designation.* Unless otherwise designated, Tribal land is designated as

127 limited access.

128 609.5-3. Notwithstanding the restrictions of section 609.5-1, nothing in this law may be

129 construed as preventing the following persons from entering Tribal land, regardless of the land

130 designation:

131 (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 *[Signature]*
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

4 **WHEREAS**, the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and

6 **WHEREAS**, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

7 **WHEREAS**, the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
8 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

9 **WHEREAS**, the Public Use of Tribal Land law ("the Law") was adopted by the Oneida Business
10 Committee through resolution BC-05-15-14-C, and then was amended through resolutions
11 BC-12-10-14-A, BC-01-13-16-C, and BC-07-26-17-D; and

12 **WHEREAS**, the purpose of this Law is to prevent improper access, use, and trespass to Tribal lands;
13 and

14 **WHEREAS**, the amendments to the Law add definitions for the following terms: Land Management,
15 rule, Trial Court, and Tribal member, and eliminate the definition for trespass; and

16 **WHEREAS**, the amendments to the Law eliminate the Environmental Resource Board from the Law
17 and delegate all their former responsibilities and duties to Land Management; and

18 **WHEREAS**, the amendments to the Law delegate administrative rulemaking authority to Land
19 Management to develop rules to: develop, approve, and maintain the Land Access Map;
20 allocate and assign land uses for all Tribal lands; develop a fine and penalty schedule for
21 violations of this Law and its corresponding rules; and develop any other rules needed to
22 implement or enforce this Law; and

23 **WHEREAS**, the amendments to the Law require that Land Management consult with the Land
24 Assessment Team on the development of all administrative rules; and

25 **WHEREAS**, the amendments to the Law add members of Haudenosaunee First Nations governments
26 or bands to those who can access land designated as Oneida Community Access; and

27 **WHEREAS**, the amendments to the Law require that the Land Access Map be made digitally available
28 on the Nation's website; and

29 **WHEREAS**, the amendments to the Law provide that Land Management is responsible for allocating
30 and assigning land uses to all Tribal land; and

31 **WHEREAS**, the amendments to the Law remove the provisions on amending the Land Access Map, as
32 the administrative rulemaking process shall now be followed; and

33 **WHEREAS**, the amendments to the Law remove the provisions of the Law regarding trespass; and

48 **WHEREAS**, the amendments to the Law remove much of the provisions regarding citations, and simply
49 provide that an individual who violates a provision of this law or the corresponding rules
50 may be subject to the issuance of a citation by a warden or an Oneida Police Department
51 officer in accordance with the Nation's laws and policies governing citations; and
52

53 **WHEREAS**, the amendments to the Law make other minor drafting revisions; and
54

55 **WHEREAS**, the Legislative Operating Committee developed the proposed amendments to the Law
56 through collaboration with representatives from the Oneida Police Department, Oneida
57 Law Office, Land Management, and the Environmental, Land, and Agriculture Division; and
58

59 **WHEREAS**, in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact
60 statement were completed for the proposed amendments to the Law; and
61

62 **WHEREAS**, the Legislative Operating Committee held a public meeting on the proposed amendments
63 to the Law on October 15, 2025, with one (1) individual providing oral comments, and the
64 public comment period for the amendments to this Law were held open until October 22,
65 2025, with no submission of written comments received; and
66

67 **WHEREAS**, the Legislative Operating Committee reviewed and considered all public comments
68 received on December 3, 2025; and
69

70 **NOW THEREFORE BE IT RESOLVED**, the Oneida Business Committee hereby adopts the amendments
71 to the Public Use of Tribal Land law, which shall become effective on February 25, 2026.
72

73 *Administrative Rulemaking*

74 **BE IT FURTHER RESOLVED**, Land Management shall develop all rules as deemed necessary to comply
75 with these adopted amendments to the Public Use of Tribal Land law.
76

77 *One Year Review of the Public Use of Tribal Land Law*

78 **BE IT FINALLY RESOLVED**, the Legislative Reference Office shall work with the affected entities to
79 conduct a one (1) year review of the Public Use of Tribal Land law and provide the Legislative Operating
80 Committee a report on the use and implementation of the Law.
81



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

Analysis by the Legislative Reference Office

Intent of the Proposed Amendments	<p><i>Analysis by the Legislative Reference Office</i></p> <ul style="list-style-type: none"> ▪ Add definitions for the following terms: Land Management [<i>6 O.C. 609.3-1(c)</i>], rule [<i>6 O.C. 609.3-1(c)</i>], Trial Court [<i>6 O.C. 609.3-1(j)</i>], and Tribal member [<i>6 O.C. 609.3-1(k)</i>], 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. [<i>6 O.C. 609.4, 609.7</i>]; ▪ 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. [<i>6 O.C. 609.4-2</i>]; ▪ Require that Land Management consult with the Land Assessment Team on the development of all administrative rules. [<i>6 O.C. 609.4-3</i>]; ▪ Add members of Haudenosaunee First Nations governments or bands to those who can access land designated as Oneida Community Access. [<i>6 O.C. 609.5-1(b)(2)</i>]; ▪ Require that the Land Access Map be made digitally available on the Nation's website. [<i>6 O.C. 609.5-4</i>]; ▪ Provide that Land Management is responsible for allocating and assigning land uses to all Tribal land. [<i>6 O.C. 609.6-1</i>]; ▪ 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. [<i>6 O.C. 609.7-2</i>]; and ▪ Make other minor drafting changes throughout the Law.
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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.

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

2 **A. Background.** The Public Use of Tribal Land law (“the Law”) was originally adopted by the Oneida
 3 Business Committee in 2014 through resolution BC-05-15-14-C, and then was amended through
 4 resolutions BC-12-10-14-A, BC-01-13-16-C, and BC-07-26-17-D. The purpose of the Law is to
 5 prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1]. It is the policy of the Nation
 6 to limit access to Tribal lands to protect and preserve the environment and natural resources including
 7 forests, wildlife, air, and waters, through appropriate uses of the land. [6 O.C. 609.1-2].

8 **B. Request for Amendments.** On August 10, 2022, the Oneida Business Committee adopted a motion “to
 9 direct the General Manager to complete the assessment regarding the feasibility of the Environmental,
 10 Health, Safety, Land, & Agriculture Division taking on the roles of the Environmental Resources Board
 11 and for the assessment to be submitted at the second meeting Business Committee meeting in
 12 September.” In short, the General Manager concluded that although changes were necessary to those
 13 Oneida laws that delegated the authority and responsibility to the Environmental Resources Board
 14 (ERB), those responsibilities that were jointly executed by the ERB and Environmental, Health, Safety,
 15 and Land Division (EHSLA), could be assumed by EHSLA. Additionally, for those duties that
 16 delegated ERB the power and duty to carry out the intent and purposes of the law, including
 17 enforcement, those responsibilities could be delegated to EHSLA and/or the Oneida Land Commission.
 18 On September 28, 2022, the Oneida Business Committee adopted a motion to accept the
 19 Environmental, Health, Safety, Land, and Agriculture/Environmental Resource Board assessment; to
 20 recommend the dissolution the Environment Resource Board; and to direct Chief Counsel to bring
 21 back a report in forty-five (45) days on actions that need to take place in order to complete the
 22 dissolution of the Environmental Resource Board including amendments to laws and addressing any
 23 background material. The Oneida Law Office provided this report to the Oneida Business Committee
 24 on November 29, 2022. This item was then added to the Active Files List on December 7, 2022, in an
 25 effort to make amendments to address the dissolution of the Environmental Resources Board, and
 26 transition the Board’s responsibilities to the Environmental, Health, Safety, Land and Agriculture
 27 Division and/or the Oneida Land Commission.

28 **SECTION 3. CONSULTATION AND OUTREACH**

29 **A.** Representatives from the following departments or entities participated in the development of the
 30 amendments to the Law and this legislative analysis:
 31

- 32 ▪ Oneida Police Department;
- 33 ▪ Land Management;
- 34 ▪ Oneida Law Office; and
- 35 ▪ Environmental, Land, and Agriculture Division.

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

37 ■ Legislative Procedures Act;
38 ■ Administrative Rulemaking law;
39 ■ Real Property law;
40 ■ Public Peace law; and
41 ■ Citations Law.

42 **SECTION 4. PROCESS**

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

45 ■ On October 4, 2023, the Legislative Operating Committee added the Public Use of Tribal Land
46 law amendments to its Active Files List.
47 ■ On August 20, 2025, the Legislative Operating Committee approved the draft of amendments to
48 the Public Use of Tribal Land law.
49 ■ On September 3, 2025, the Legislative Operating Committee approved the legislative analysis and
50 the public meeting packet for the proposed amendments to the Public Use of Tribal Land law and
51 scheduled a public meeting to be held on October 15, 2025.
52 ■ On October 15, 2025, the public meeting was held. One (1) individual provided public comments
53 during the public meeting.
54 ■ The public comment period then closed on October 22, 2025. No individuals provided written
55 comments during the public meeting.
56 ■ On November 5, 2025, the Legislative Operating Committee accepted the public comments and
57 the public comment review memorandum and deferred these items to a work meeting for further
58 consideration.
59 ■ On December 3, 2025, the Legislative Operating Committee reviewed and considered the public
60 comments received.
61 ■ On December 17, 2025, the Legislative Operating Committee approved the updated public
62 comment review memo, draft, and legislative analysis; and then also approved the fiscal impact
63 statement request memorandum and forward to the Finance Department directing that a fiscal
64 impact statement be prepared and submitted to the LOC by January 15, 2026.
65 ■ On January 8, 2026, the Finance Administration provided the Legislative Operating Committee the
66 fiscal impact statement.

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

69 ■ January 3, 2024: LOC work session.
70 ■ April 29, 2025: LOC work session with Oneida Law Office, Oneida Police Department, Land
71 Management, and the Environmental, Land, and Agriculture Division.
72 ■ May 20, 2025: LOC work session with Oneida Law Office, Oneida Police Department, and Land
73 Management.
74 ■ August 11, 2025: LOC work session with Oneida Law Office, Oneida Police Department, and
75 Land Management.
76 ■ December 3, 2025: LOC work session.
77 ■ December 30, 2025: LOC work session.

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

81 **A. Definitions.** The proposed amendments to the Law add definitions for the following terms: Land
82 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
83 member [*6 O.C. 609.3-1(k)*]. The definition for trespass was eliminated from the Law, as the term is
84 no longer used in the Law.

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

87 **B. Elimination of the Environmental Resource Board.** The current Law provides that the Environmental
88 Resource Board has the duty and power to carry out the intent and purposes of this law and enforce the
89 provisions of this law. [*current 6 O.C. 609.4-1*]. Throughout the Law the Environmental Resource
90 Board is then given a variety of different responsibilities and authorities, particularly in regard to the
91 development and maintenance of the Land Access Map. The proposed amendments to the Law remove
92 all mentions of the Environmental Resource Board from the Law, and instead delegates all
93 responsibilities of the Environmental Resource Board provided in the law to Land Management. [*6
94 O.C. 609.4-1*].

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

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

- 106 ▪ *Effect.* The Administrative Rulemaking law provides that only authorized agencies may
107 promulgate rules once they are granted rulemaking authority by a law of the Nation. [*1 O.C. 106.4-
108 1*]. This proposed amendments to the Law delegates Land Management rulemaking authority in
109 accordance with the Administrative Rulemaking law. This delegation of rulemaking authority will
110 allow Land Management to develop rules to best address their responsibilities provided through
111 this Law.

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

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

127 **E. Oneida Community Access.** Currently, the Public Use of Tribal Land law designates Tribal land to
128 have one (1) of the following accesses: limited access, Oneida Community access, Oneida Tribal
129 member access, and open access. *[6 O.C. 609.5-1]*. Each access designation is open to different groups
130 of people. Lands designated as Oneida community access are open to: Tribal members; spouses and
131 descendants of Tribal members; members of other federally recognized Indian tribes, bands or
132 communities; authorized employees of the Nation; and persons who are accompanied at all times by a
133 Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation.
134 *[6 O.C. 609.5-1(b)(2)]*. Land is designated as Oneida community access for the protection of the land
135 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
136 governments or bands to those who can access land designated as Oneida Community Access. *[6 O.C.
137 609.5-1(b)(2)]*.

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

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

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

148 **G. Assigning Land Uses.** The proposed amendments to the Law include a new provision that now
149 provides that Land Management is responsible for allocating and assigning land uses to all Tribal land.
150 *[6 O.C. 609.6-1]*. The Law goes on to provide that the purpose of assigning land uses is to set consistent
151 practices and expectations for Land Management's reviewing and assigning of land uses to Tribal land
152 in a way that incorporates all approved land policies to care for the land while working towards building
153 an autonomous community. *Id.* Land Management is also delegated administrative rulemaking
154 authority to develop rules to address the allocation and assignment of land uses for all Tribal land. *[6
155 O.C. 609.4-2(b)]*.

156 ▪ *Effect.* Currently, it is the Real Property law that addresses the assignments of land uses. The Real
157 Property law provides that the Oneida Land Commission is responsible for allocating and assigning
158 land uses to all Tribal land, except those uses governed by the Public Use of Tribal Land law, based
159 on the Land Use Technical Unit rules which the Oneida Planning Department shall develop in
160 collaboration with affected Oneida divisions and departments and the Oneida Land Commission.
161 *[6 O.C. 601.12-2(e)]*. The Land Use Technical Unit rules have currently been replaced with Real
162 Property Law Rule No. 1 - Land Assessments for the Nation's Decisionmakers to Build an
163 Autonomous Community (LANDBAC). It has been determined that the allocation and assignments
164 of land uses fits better under the Public Use of Tribal Land law instead of the Real Property law.
165 The Real Property law is currently being amended to remove these provisions so they can be
166 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].

210 ▪ The Public Use of Tribal Land law delegates rulemaking authority to Land Management to
211 promulgate rules to govern a variety of topics related to the public use of Tribal land. [*6 O.C.*
212 *609.4-2*].
213 ▪ Any rules promulgated by Land Management under the Public Use of Tribal Land law will be
214 required to be developed in accordance with the process and procedures of the Administrative
215 Rulemaking law.
216 ▪ ***Legislative Procedures Act.*** The Legislative Procedures Act provides a standard process for the
217 development and adoption of laws of the Nation which includes taking into account comments
218 from members of the Nation and input from agencies within the organization of the Nation. [*1 O.C.*
219 *109.1-1, 109.1-2*].
220 ▪ The development of amendments to the Public Use of Tribal Land law complies with the
221 process and procedures of the Legislative Procedures Act.
222 ▪ ***Citations Law.*** The Citations law provides a process that governs all citations that fall under the
223 jurisdiction of the Oneida Nation. [*8 O.C. 807.1-1*]. It is the policy of the Nation to provide a
224 consistent process for handling citations of the Nation in order to ensure equal and fair treatment
225 to all persons who come before the Judiciary to have their citations resolved. [*8 O.C. 807.1-2*].
226 ▪ The Public Use of Tribal Land law provides that an individual who violates a provision of this
227 law or the corresponding rules may be subject to the issuance of a citation by a warden or an
228 Oneida Police Department officer in accordance with the Nation's laws and policies governing
229 citations. [*4 O.C. 406.10-4*].
230 ▪ Any citations issued under the Public Use of Tribal Land law must comply with the process for
231 handling citations as provided for in the Citations law.
232 ▪ ***Real Property Law.*** The Real Property law provides regulations and procedures for the transfer,
233 control and management of the territory within the Reservation and all Tribal land; to integrates
234 these regulations and procedures with the real property laws and practices of other federal and state
235 sovereigns which may hold jurisdiction within the Reservation; and to establishes licensing and
236 certification requirements for the Nation's employees dealing with real property transactions. [*6*
237 *O.C. 601.1-1*]. It is the policy of the Nation to set out the responsibilities and expectations for
238 persons purchasing and/or managing real property on behalf of the Nation and/or within the
239 Reservation and to provide real property holder's rights and responsibilities. [*6 O.C. 601.1-2*].
240 ▪ The provisions of the current Public Use of Tribal law regarding postings for trespass will be
241 removed from the Law, and instead placed into the Real Property law.

242

SECTION 7. OTHER CONSIDERATIONS

244 A. ***Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all
245 legislation except emergency legislation [*1 O.C. 109.6-1*]. Oneida Business Committee resolution BC-
246 10-28-20-A titled, "*Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures*
247 *Act,*" provides further clarification on who the Legislative Operating Committee may direct complete
248 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
249 completing the fiscal impact statement.
250 ▪ ***Conclusion.*** The Finance Administration provided the Legislative Operating Committee a fiscal
251 impact statement on January 8, 2026.

Title 6. Property and Land – Chapter 609

~~PUBLIC USE OF TRIBAL LAND~~

Tsi? yuhwatsya:té tewatenhotúkwa? Ukwehuwé: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
609.2. Adoption, Amendment, Repeal
609.3. Definitions
609.4. Responsibilities of Land Management

609.5. Land Access Map for Tribal Lands
609.6. Assignment and Use of Tribal Land
609.7. Enforcement

1 **609.1. Purpose and Policy**

2 609.1-1. *Purpose.* The purpose of this law is to prevent improper access, use, and trespass to
3 Tribal lands.

4 609.1-2. *Policy.* It is the policy of the Nation to limit access to Tribal lands to protect and
5 preserve the environment and natural resources including forests, wildlife, air, and waters, through
6 appropriate uses of the land.

9 **609.2. Adoption, Amendment, Repeal**

10 609.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-14-
11 C and amended by BC-12-10-14-A, BC-01-13-16-C ~~and~~ BC-07-26-17-D ~~and BC- - - - -~~.

12 609.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the
13 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

14 609.2-3. Should a provision of this law or the application thereof to any person or circumstances
15 be held as invalid, such invalidity does not affect other provisions of this law which are considered
16 to have legal force without the invalid portions.

17 609.2-4. In the event of a conflict between a provision of this law and a provision of another
18 law, the provisions of this law controls.

19 609.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

20 609.2-6. This law may not be construed to preclude the Nation from pursuing relief for criminal
21 trespass under applicable law.

23 **609.3. Definitions**

24 609.3-1. This section governs the definitions of words and phrases used within this law. All
25 words not defined herein are to be used in their ordinary and everyday sense.

26 (a) *“Designation”* means the term used to describe the type of access granted to certain
27 Tribal lands.

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

31 (e) (c) “Land Management” means the entity within the Nation responsible for entering
 32 into and administering agricultural and commercial leases on behalf of the Nation,
 33 processing trust transactions and land acquisition transactions, and for fulfilling other
 34 responsibilities as identified within this law.

35 (d) “Lease” means any lease or agreement, including business site leases, entered into by
 36 the Nation and any person to allow the use of Tribal lands.

37 (e) “Nation” means the Oneida Nation.

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

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

44 (h) “Reservation” means all the lands and waters within the exterior boundaries
 45 of the Reservation of the Oneida Nation, as created pursuant to the ~~18609~~1809 Treaty with
 46 the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

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

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

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

58 (l) “Tribal land” means all of the Nation’s trust lands, and any land or interest in land held
 59 by the Nation in fee or in any other form on the Reservation.

60 (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
 64 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
 67 in accordance with the Administrative Rulemaking law to develop rules which address:

68 (a) ~~Develop, approve~~The development, approval, and maintain~~maintenance of~~ the Land
 69 Access Map;~~;~~

70 (b) ~~Hold public hearings on proposed amendments to the Land Access Map.~~

71 (c) ~~Determine which Tribal~~ The allocation and assignment of land ~~will be posted and~~
 72 ~~ensure the appropriate signs are posted~~uses for all Tribal land;

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

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

76 (e) ~~As it deems appropriate, prescribe permissible and/or prohibited uses for Tribal land~~
 77 ~~that it designates as Oneida Community Access, Oneida Tribal Member Access or Open~~
 78 ~~Access, provided that such permissible and/or prohibited uses may not contradict with the~~

79 ~~Zoning and Shoreland Protection Ordinance. Upon establishment of permissible and/or~~
 80 ~~prohibited uses, the Environmental Resource Board shall notify the Oneida Business~~
 81 ~~Committee of the permissible and/or prohibited uses and shall post notice of such uses on~~
 82 ~~the affected Tribal Land.~~

83

84 **609.4-3. Consultation.** Land Management shall consult with the Land Assessment Team on the
 85 development of all administrative rules.

86 (a) Land Assessment Team. The Land Assessment Team shall be comprised of the
 87 following professionals employed by the Nation:

- 88 (1) Land Management Senior Management;
- 89 (2) Planning and Development Area Manager;
- 90 (3) Environmental Specialist;
- 91 (4) Tribal Historical Preservation Officer;
- 92 (5) GLIS Specialist;
- 93 (6) Zoning Administrator;
- 94 (7) Other subject matter experts based on the characteristics of the parcel to
 95 include:

96 (A) If there is a house, then Comprehensive Housing Division Maintenance
 97 and Rehabilitation Area Manager.

98

99 **609.5. Land Access Map for Tribal Lands**

100 609.5-1. Designation of Tribal Lands. A Land Access Map ~~must~~shall be created which

101 designates Tribal land as one (1) of the following:

102 (a) Limited Access: ~~Lands designated as “Limited Access” are open to all persons who are~~
 103 ~~granted land access permission by the Nation through a permit or lease for specified~~
 104 ~~purposes. The Environmental Resource Board.~~

105 (1) Land Management may choose to designate a portion of land as Limited Access
 106 in order to manage, preserve, and protect that land for environmental, cultural, or
 107 other significance.

108 (2) Lands designated as Limited Access shall be open to all persons who are
 109 granted land access permission by the Nation for specified purposes.

110 (b) Oneida Community Access:

111 (1) Land Management may choose to designate land as Oneida Community Access
 112 in order to manage, preserve, and protect access to locations that have cultural or
 113 environmental significance.

114 (2) Lands designated as “Oneida Community Access” ~~are~~shall be open to:

- 115 (A) Tribal members, and their;
- 116 (B) spouses and descendants; of Tribal members;
- 117 (C) members of other federally recognized Indian tribes, bands or
 118 communities;
- 119 (D) members of Haudenosaunee First Nations governments or bands;
- 120 (E) authorized employees of the Nation; and
- 121 (F) persons who are accompanied at all times by a Tribal member, the
 122 spouse or descendant of a Tribal member, or an authorized employee of the
 123 Nation.

124 (1) ~~A Conservation Warden or Oneida Police Officer may require a person to~~
 125 ~~provide proof of eligibility to use Oneida Community Access lands.~~

126
 127 ~~(2) The Environmental Resource Board may choose to designate land as Oneida~~
 128 ~~Community Access in order to manage, preserve and protect access to locations~~
 129 ~~that have cultural or environmental significance.~~

130 (c) *Oneida Tribal Member Access*: ~~Lands designated as “Oneida Tribal Member Access”~~
 131 are ~~open to Tribal members only. The Environmental Resource Board~~

132 ~~(1) Land Management~~ may designate land as Oneida Tribal Member Access to
 133 protect the land for Tribal member use due to the historical, spiritual, cultural,
 134 and/or environmental significance of the land.

135 ~~(d) Open:2) Lands designated as “Open Oneida Tribal Member Access” are~~
 136 ~~generally open to all persons for the land’s designated use and enjoyment. The~~
 137 ~~Environmental Resource Board~~~~Tribal members only.~~

138 (d) *Open*.

139 ~~(1) Land Management~~ may designate land as Open Access where such designation
 140 is deemed beneficial to the Nation and where such designation does not pose
 141 significant risk of damage to the Nation’s policies and/or the land’s cultural or
 142 environmental preservation.

143 ~~(2) Lands designated as Open Access are generally open to all persons for the~~
 144 ~~land’s designated use and enjoyment.~~

145 609.5-2. *General Land Designation*. Unless otherwise designated, Tribal land is designated as
 146 limited access.

147 609.5-3. Notwithstanding the restrictions of section 609.5-1, nothing in this law may be
 148 construed as preventing the following persons from entering Tribal land, regardless of the land
 149 designation:

- 150 (a) Employees of the Nation who are performing their job duties;
- 151 (b) Those persons who are performing grant or contractual obligations related to the Tribal
 152 land and on behalf of the Nation;
- 153 (c) Emergency personnel who are providing, or attempting to provide, services; and
- 154 (d) Those persons who have been granted access to the land by ~~the Environmental~~
 155 ~~Resource Board~~Land Management.

156 609.5-3. *Development* 609.5-4. *Accessibility* of ~~the~~ Land Access Map. ~~The Environmental~~
 157 ~~Resource Board~~Land Management shall ~~develop~~ensure that the Land Access Map ~~is made digitally~~
 158 available on the Nation’s website.

159 **609.6 in coordination. Assignment and Use of Tribal Land**

160 609.6-1. *Assignment of Land Uses*. Land Management shall be responsible for allocating and
 161 assigning land uses to all Tribal land. The purpose of assigning land uses is to set consistent
 162 practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal
 163 land in a way that incorporates all approved land policies to care for the land while working
 164 towards building an autonomous community.

165 609.6-2. *Permissible and Prohibited Uses for Tribal Land*. As it deems appropriate, Land
 166 Management may prescribe permissible and/or prohibited uses for Tribal land;

- 167 (a) Such permissible and/or prohibited uses may not contradict with the ~~Oneida~~
 168 ~~Environmental Health and Safety Division, the Oneida Division of Land Management,~~
 169 ~~Geographic Land Information Systems and other such designated agencies of the Nation.~~
 170 ~~The Environmental Resource Board shall adopt the initial Land Access Map~~Zoning and
 171 Shoreland Protection Ordinance.

172 ~~609.5.4. General Land Designation.~~ Unless otherwise designated, Tribal land is designated as
173 ~~limited access.~~

174 ~~609.5.5. Amending the Land Access Map.~~ The Environmental Resource Board may, from time
175 to time, in the manner hereafter set forth, amend the Land Access Map, provided that due
176 consideration must be made for the intent and purposes of the designation.

177 (a) ~~Amendments may be proposed by any person by filing an application~~
178 ~~(b) Upon establishment of permissible and/or prohibited uses, Land Management shall post notice~~
179 ~~of such uses on the affected Tribal Land.~~

180 (1) ~~Any postings of land shall be done in accordance with the Environmental Resource~~
181 ~~Board in such format and accompanied by such information as required by the Board.~~

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

184 (1) ~~The Environmental Resource Board shall set a date for the public hearing and~~
185 ~~meet the notice requirements of the public hearing as soon as possible after the~~
186 ~~filing of the application is complete~~Real Property law.

188 ~~609.7(A) Notice.~~ Not less than ten (10) business days and not more
189 than thirty (30) business days prior to the public hearing, notice, including
190 the time, place and purpose of the public hearing, must be:

191 (i) ~~published in the Nation's newspaper; and~~
192 (ii) ~~mailed to all owners of land located within twelve hundred~~
193 ~~(1,200) feet of the outer boundaries of the land that is the subject of~~
194 ~~the public hearing.~~

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

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

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

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

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

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

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

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

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

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

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

227 **609.6. Trespass. Enforcement**

228 **609.7-1. An Oneida Police Department officer or warden may require a person to provide proof**
 229 **of eligibility to use any designated Tribal lands.**

230 **609.7-2. Issuance of a Citation. An individual who violates a provision of this law may be subject**
 231 **to the issuance of a citation by an Oneida Police Department officer or warden.**

232 **(a) A citation**

233 **609.6 1. A person trespasses if the person enters or otherwise occupies Tribal land and:**

234 (a) ~~Refuses to leave land to which the person has no reasonable claim or right of possession~~
 235 ~~when requested to do so.~~
 236 (b) ~~Enters upon such land after being noticed by the landowner or occupant that permission~~
 237 ~~for the person to enter such land does not exist, or has been expressly denied or revoked.~~
 238 ~~A person has been noticed that permission by the landowner or occupant for such person~~
 239 ~~to enter such land does not exist if he or she has been notified publicly, by publication of~~
 240 ~~the Land Access Map on the Nation's website and/or in the Nation's newspaper, or if the~~
 241 ~~land is posted. Land is considered to be posted if one (1) of the following requirements is~~
 242 ~~met:~~

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

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

252 (c) ~~Does any of the following without proper authorization through a lease, permit or as~~
 253 ~~otherwise required under applicable law:¹~~

254 (1) ~~Destroys land, waters, livestock, poultry, buildings, equipment, or any property~~
 255 ~~without consent or permission.~~
 256 (2) ~~Cuts or destroys any wood, timber, plant, vegetation, or crop standing on the~~
 257 ~~land, or carries away any wood, timber, plant, vegetation or crop on the land.~~
 258 (3) ~~Engages in any act, or attempted act of hunting, trapping or fishing.~~
 259 (4) ~~Digs, takes, or carries away earth, soil, minerals, cultural resources, or any other~~
 260 ~~property.~~

¹ Current Tribal laws that authorize conduct described in 609.6 1(e): 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.

261 (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.~~

262 (6) ~~Parks or drives any vehicle on the land.~~

263 (7) ~~Permits or allows livestock or any domesticated animal to enter upon or remain upon the land.~~

264 (8) ~~Uses or possesses leased or sub leased lands beyond the possessory rights granted by such lease or sub lease.~~

265 (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.~~

272 **609.7. Violations, Enforcement and Appeals**

273 609.7.1. *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.~~

280 (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.~~

281 (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.~~

286 609.7.2. *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.

296 (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.

299 (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.

302 (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.

305 (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 processprocedure contained in the Garnishment law and/or by attaching the

308 ~~judgment to Tribal member's per capita payment pursuant to the Per Capita law. Nation's~~
309 ~~laws and policies governing citations.~~

310
311 *End.*

312
313 Adopted – BC-05-15-14-C
314 Emergency Amended – BC-07-23-14-C
315 Amended – BC-12-10-14-A
316 Emergency Amended – BC 07-08-15-C
317 Amended – BC-01-13-16-C
318 Amended – BC-07-26-17-D
319 Amended – BC- - - -

Title 6. Property and Land – Chapter 609
Tsi? yuhwatsya'té tewatenhotúkwa? Ukwehuwé·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		

1

609.1. Purpose and Policy

2 609.1-1. *Purpose.* The purpose of this law is to prevent improper access, use, and trespass to
3 Tribal lands.

5 609.1-2. *Policy.* It is the policy of the Nation to limit access to Tribal lands to protect and
6 preserve the environment and natural resources including forests, wildlife, air, and waters, through
7 appropriate uses of the land.

8
9 **609.2. Adoption, Amendment, Repeal**

10 609.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-14-
11 C and amended by BC-12-10-14-A, BC-01-13-16-C, BC-07-26-17-D and BC-_____.

12 609.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the
13 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

14 609.2-3. Should a provision of this law or the application thereof to any person or circumstances
15 be held as invalid, such invalidity does not affect other provisions of this law which are considered
16 to have legal force without the invalid portions.

17 609.2-4. In the event of a conflict between a provision of this law and a provision of another
18 law, the provisions of this law controls.

19 609.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

20 609.2-6. This law may not be construed to preclude the Nation from pursuing relief for criminal
21 trespass under applicable law.

22
23 **609.3. Definitions**

24 609.3-1. This section governs the definitions of words and phrases used within this law. All
25 words not defined herein are to be used in their ordinary and everyday sense.

26 (a) "Designation" means the term used to describe the type of access granted to certain
27 Tribal lands.

28 (b) "Fine" means a monetary punishment issued to a person violating this law and/or the
29 rules created pursuant to this law.

30 (c) "Land Management" means the entity within the Nation responsible for entering into
31 and administering agricultural and commercial leases on behalf of the Nation, processing
32 trust transactions and land acquisition transactions, and for fulfilling other responsibilities
33 as identified within this law.

34 (d) "Lease" means any lease or agreement, including business site leases, entered into by
35 the Nation and any person to allow the use of Tribal lands.

36 (e) "Nation" means the Oneida Nation.

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

39 (g) "Penalty" means a punishment, other than a fine, imposed on a person violating this
40 law and/or the rules created pursuant to this law.

41 (h) "Reservation" means all the lands and waters within the exterior boundaries of the
42 Reservation of the Oneida Nation, as created pursuant to the 1809 Treaty with the Oneida
43 7 Stat. 566, and any lands added thereto pursuant to federal law.

44 (i) "Rule" means a set of requirements, including a Land Access Map, and citation fees
45 and penalty schedules, enacted in accordance with the Administrative Rulemaking law
46 based on authority delegated in this law in order to implement, interpret and/or enforce this
47 law.

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

53 (k) "Tribal land" means all of the Nation's trust lands, and any land or interest in land held
54 by the Nation in fee or in any other form on the Reservation.

55 (l) "Tribal member" means an enrolled member of the Nation.

56 **609.4. Responsibilities of Land Management**

57 609.4-1. Land Management shall be delegated the duty and power to carry out the intent and
58 purposes of this law.

59 609.4-2. *Administrative Rulemaking*. Land Management shall be delegated rulemaking authority
60 in accordance with the Administrative Rulemaking law to develop rules which address:

61 (a) The development, approval, and maintenance of the Land Access Map;
62 (b) The allocation and assignment of land uses for all Tribal land;
63 (c) A fine and penalty schedule for violations of this law and its corresponding rules; and
64 (d) Any other rule needed to implement or interpret the provisions of this law.

65 609.4-3. *Consultation*. Land Management shall consult with the Land Assessment Team on the
66 development of all administrative rules.

67 (a) *Land Assessment Team*. The Land Assessment Team shall be comprised of the
68 following professionals employed by the Nation:

69 (1) Land Management Senior Management;
70 (2) Planning and Development Area Manager;
71 (3) Environmental Specialist;
72 (4) Tribal Historical Preservation Officer;
73 (5) GLIS Specialist;
74 (6) Zoning Administrator;
75 (7) Other subject matter experts based on the characteristics of the parcel to
76 include:

77 (A) If there is a house, then Comprehensive Housing Division Maintenance
78 and Rehabilitation Area Manager.

79 **609.5. Land Access Map for Tribal Lands**

80 609.5-1. *Designation of Tribal Lands*. A Land Access Map shall be created which designates
81 Tribal land as one (1) of the following:

82 (a) *Limited Access*.

85 (1) Land Management may choose to designate a portion of land as Limited Access
86 in order to manage, preserve, and protect that land for environmental, cultural, or
87 other significance.

88 (2) Lands designated as Limited Access shall be open to all persons who are
89 granted land access permission by the Nation for specified purposes.

90 (b) *Oneida Community Access.*

91 (1) Land Management may choose to designate land as Oneida Community Access
92 in order to manage, preserve, and protect access to locations that have cultural or
93 environmental significance.

94 (2) Lands designated as “Oneida Community Access” shall be open to:

- 95 (A) Tribal members;
- 96 (B) spouses and descendants of Tribal members;
- 97 (C) members of other federally recognized Indian tribes, bands or
98 communities;
- 99 (D) members of Haudenosaunee First Nations governments or bands;
- 100 (E) authorized employees of the Nation; and
- 101 (F) persons who are accompanied at all times by a Tribal member, the
102 spouse or descendant of a Tribal member, or an authorized employee of the
103 Nation.

104 (c) *Oneida Tribal Member Access.*

105 (1) Land Management may designate land as Oneida Tribal Member Access to
106 protect the land for Tribal member use due to the historical, spiritual, cultural,
107 and/or environmental significance of the land.

108 (2) Lands designated as Oneida Tribal Member Access are open to Tribal members
109 only.

110 (d) *Open.*

111 (1) Land Management may designate land as Open Access where such designation
112 is deemed beneficial to the Nation and where such designation does not pose
113 significant risk of damage to the Nation’s policies and/or the land’s cultural or
114 environmental preservation.

115 (2) Lands designated as Open Access are generally open to all persons for the
116 land’s designated use and enjoyment.

117 609.5-2. *General Land Designation.* Unless otherwise designated, Tribal land is designated as
118 limited access.

119 609.5-3. Notwithstanding the restrictions of section 609.5-1, nothing in this law may be
120 construed as preventing the following persons from entering Tribal land, regardless of the land
121 designation:

- 122 (a) Employees of the Nation who are performing their job duties;
- 123 (b) Those persons who are performing grant or contractual obligations related to the Tribal
124 land and on behalf of the Nation;
- 125 (c) Emergency personnel who are providing, or attempting to provide, services; and
- 126 (d) Those persons who have been granted access to the land by Land Management.

127 609.5-4. *Accessibility of Land Access Map.* Land Management shall ensure that the Land Access
128 Map is made digitally available on the Nation’s website.

130 **609.6. Assignment and Use of Tribal Land**

131 609.6-1. *Assignment of Land Uses.* Land Management shall be responsible for allocating and
132 assigning land uses to all Tribal land. The purpose of assigning land uses is to set consistent

133 practices and expectations for Land Management's reviewing and assigning of land uses to Tribal
134 land in a way that incorporates all approved land policies to care for the land while working
135 towards building an autonomous community.

136 609.6-2. *Permissible and Prohibited Uses for Tribal Land.* As it deems appropriate, Land
137 Management may prescribe permissible and/or prohibited uses for Tribal land;

138 (a) Such permissible and/or prohibited uses may not contradict with the Zoning and
139 Shoreland Protection Ordinance.

140 (b) Upon establishment of permissible and/or prohibited uses, Land Management shall
141 post notice of such uses on the affected Tribal Land.

142 (1) Any postings of land shall be done in accordance with the requirements of the
143 Real Property law.

144

145 **609.7. Enforcement**

146 609.7-1. An Oneida Police Department officer or warden may require a person to provide proof
147 of eligibility to use any designated Tribal lands.

148 609.7-2. *Issuance of a Citation.* An individual who violates a provision of this law may be subject
149 to the issuance of a citation by an Oneida Police Department officer or warden.

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

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

154

155 *End.*

156

157 Adopted – BC-05-15-14-C

158 Emergency Amended – BC-07-23-14-C

159 Amended – BC-12-10-14-A

160 Emergency Amended – BC 07-08-15-C

161 Amended – BC-01-13-16-C

162 Amended – BC-07-26-17-D

163 Amended – BC-__-__-__-

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



Phone: (920)869-2214

Oneida, WI 54155

BC Resolution #
Amendments to the Independent Contractor Policy

4 **WHEREAS**, the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and

6 **WHEREAS**, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

7 **WHEREAS**, the Oneida Business Committee has been delegated the authority of Article IV, Section 1,
8 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

9 **WHEREAS**, the Independent Contractor Policy ("the Law") was adopted by the Oneida Business
10 Committee by motion 7-27-94, and then amended through resolutions BC-2-15-95-A, BC-
11 7-5-95-B, BC-04-25-12-E, BC-10-10-12-B, and BC-02-27-13-A; and

12 **WHEREAS**, the purpose of the Law is to ensure proper classification of employees and independent
13 contractors for federal labor and tax law purposes; ensure the use of contract forms
14 approved by the Oneida Law Office and Purchasing; ensure contracting with a current
15 employee does not create a conflict of interest or unintended tax consequences; and
16 ensure independent contractors have appropriate insurance coverages; and

17 **WHEREAS**, the amendments to the Law require the Nation to properly classify all individuals as either
18 employees or independent contractors and sets standards for how an independent
19 contractor will be approved to perform services for the Nation, the proper form of a contract
20 for those services, and the proper classification of independent contractors to ensure the
21 Nation remains in compliance with Federal law; and

22 **WHEREAS**, the amendments to the Law clarify when the Nation may contract with an employee or
23 employee-owned business entity as an independent contractor;

24 **WHEREAS**, the Legislative Operating Committee developed the proposed amendments to the Law
25 through collaboration with representatives from the Oneida Purchasing Department,
26 Oneida Finance Administration, Oneida Licensing Department, and the Oneida Law Office;
27 and

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

30 **WHEREAS**, the Legislative Operating Committee held a public meeting on the proposed amendments
31 to the Law on October 15, 2025, with no individuals providing oral comments, and the
32 public comment period for the amendments to this Law was held open until October 22,
33 2025, with one (1) submission of written comments received; and

34 **WHEREAS**, the Legislative Operating Committee accepted the public comments on November 5, 2025;
35 and

36 **WHEREAS**, the Oneida General Tribal Council approved the proposed amendments to the Law on
37 November 5, 2025; and

38 **WHEREAS**, the Oneida General Tribal Council will consider the proposed amendments to the Law
39 at its regular meeting on December 10, 2025; and

40 **WHEREAS**, the Oneida General Tribal Council will consider the proposed amendments to the Law
41 at its regular meeting on December 10, 2025; and

42 **WHEREAS**, the Oneida General Tribal Council will consider the proposed amendments to the Law
43 at its regular meeting on December 10, 2025; and

44 **WHEREAS**, the Oneida General Tribal Council will consider the proposed amendments to the Law
45 at its regular meeting on December 10, 2025; and

46 **WHEREAS**, the Oneida General Tribal Council will consider the proposed amendments to the Law
47 at its regular meeting on December 10, 2025; and

47 **WHEREAS**, the Legislative Operating Committee reviewed and considered the public comments on
48 December 3, 2025.

49

50

51

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

Analysis by the Legislative Reference Office

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. <i>[5 O.C. 503.4]</i>. The proposed amendments also require the Oneida Law Office to develop and maintain standard contract form(s) for primary use by the Nation. <i>[5 O.C. 503.5-1]</i>. 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. <i>[5 O.C. 503.5-2]</i>.</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. <i>[5 O.C. 503.5-3]</i>. <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 <i>[5 O.C. 503.5-4]</i>. <p>The law further specifies the approval requirements for any independent contractor in section 503.6 Approval Requirements. <i>[5 O.C. 503.6]</i>.</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. <i>[5 O.C. 503.6]</i> .

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.

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

2 A. **Background.** The Independent Contractor Policy was originally adopted on July 27, 1994, by motion
3 7-27-94. The Oneida Business Committee adopted amendments on February 15, 1995, through
4 resolution BC-2-15-95-A; on July 5, 1995, through resolution BC-7-5-95-B; on April 25, 2012, through
5 emergency resolution BC-04-25-12-E and extended those emergency amendments on October 10,
6 2012, through resolution BC-10-10-12-B. The Oneida Business Committee adopted amendments on
7 February 27, 2013, through resolution BC-02-27-13-A.

8 B. **Request for Amendments.** This item was added to the Active Files List on June 19, 2024, at the request
9 of RaLinda Ninham-Lamberies, the Nation's Chief Financial Officer, to update sections 503.5-1 and
10 503.5-2 to ensure the Nation is adequately reporting to the IRS any independent contractor
11 relationships. The sponsor of the Independent Contractor Policy amendments is Councilman Jonas Hill.

13 **SECTION 3. CONSULTATION AND OUTREACH**

14 ▪ Representatives from the following departments participated in the development of the amendments to
15 this Law:

16 ▪ Finance Administration;
17 ▪ Purchasing Department;
18 ▪ Licensing Department;
19 ▪ Risk Management Department; and
20 ▪ Oneida Law Office.

21 • The following laws and policies of the Nation were reviewed in the drafting of this analysis:
22 ▪ Vendor Licensing law [5 O.C. 506];
23 ▪ Indian Preference in Contracting [5 O.C. 502]; and
24 ▪ Conflict of Interest law [2 O.C. 217].

25 • The following laws and policies of the United States were reviewed in the drafting of this analysis:
26 ▪ Fair Labor Standards Act [29 U.S.C §201-219];
27 ▪ United States Department of Labor guidance, "Employee or Independent Contractor
28 Classification Under the Fair Labor Standards Act" [29 C.F.R 795].

30 **SECTION 4. PROCESS**

31 A. The amendments to this Law comply with the process set forth in the Legislative Procedures Act.

32 ▪ On June 19, 2024, the Legislative Operating Committee added this Law to its Active Files List
33 for amendments this legislative term an appointed Councilman Jonas Hill as the sponsor.

34 ▪ On August 6, 2025, the Legislative Operating Committee approved the draft of the Independent
35 Contractor Policy amendments and directed that a legislative analysis be developed.

36 ▪ On August 20, 2025, the Legislative Operating Committee approved the Legislative Analysis
37 and directed a public meeting be scheduled.
38 ▪ On September 3, 2025, the Legislative Operating Committee approved the public meeting
39 packet for the proposed amendments to the Independent Contractor Policy to be held on October
40 15, 2025.
41 ▪ On October 15, 2025, the public meeting was held. No individuals provided oral comment
42 during the public meeting.
43 ▪ The public comment period was then held open until October 22, 2025. One (1) individual
44 provided written comments during the public comment period.
45 ▪ On November 5, 2025, the Legislative Operating Committee accepted the public comments and
46 the public comment review memorandum and deferred these items to a work meeting for further
47 consideration.
48 ▪ On December 3, 2025, the Legislative Operating Committee reviewed and considered the public
49 comments.
50 ▪ On December 17, 2025, the Legislative Operating Committee approved the updated public
51 comment review memorandum, draft, and legislative analysis; and approved the fiscal impact
52 statement request memorandum and forwarded these materials to the Finance Administration
53 directing that a fiscal impact statement be prepared and submitted to the Legislative Operating
54 Committee by January 5, 2026.
55 ▪ On January 5, 2026, the Finance Administration requested additional time to complete the Fiscal
56 Impact Statement.
57 ▪ On January 8, 2026, the Finance Administration provided the Legislative Operating Committee
58 with the fiscal impact statement.

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

61 ▪ September 16, 2024: LOC work meeting with the Finance Administration, Indian Preference
62 Department, Purchasing Department, and Licensing Department.
63 ▪ November 8, 2024: LOC work meeting with the Finance Administration and Purchasing
64 Department.
65 ▪ January 23, 2025: LOC work meeting with the Finance Administration, Purchasing
66 Department, and Licensing Department.
67 ▪ April 29, 2025: LOC work meeting with the Finance Administration, Indian Preference
68 Department, Purchasing Department, and Licensing Department.
69 ▪ June 20, 2025: LOC work meeting with the Finance Administration, Indian Preference
70 Department, Purchasing Department, and Licensing Department.
71 ▪ July 31, 2025: LOC work meeting with the Finance Administration and Purchasing Department
72 where the LOC informally approved the final draft.

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

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

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

84 **B. Redefining “employee” and “independent contractor” and clarifying “Worker Classification.”** The
85 proposed amendments require the Nation to follow Federal law and guidance issued from Federal
86 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].*

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

91 **C. Clarifying the “Form of Contract.”** The proposed amendments clarify that the Oneida Law Office
92 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
93 Purchasing Department. *[5 O.C. 503.5-2].* An approved purchase order is required prior to execution
94 of a contract. *[5 O.C. 503.5-3].* At a minimum, the Oneida Law Office shall verify:

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

101 At a minimum, the Purchasing Department shall verify:

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

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

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

112 **E. Clarifying Dual Capacity.** The proposed amendments clarify that the Nation may contract with an
113 employee or an employee-owned business entity as an independent contractor if that employee or
114 employee-owned business entity has satisfied the Approval Requirements in section 503.6 of the law,
115 and the work performed by the individual as an employee or the work performed by an employee-
116 owned business entity is not related to the scope of work to be provided as an independent contractor.
117 *[5 O.C. 503.7].*

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

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

125 **SECTION 6. EXISTING LEGISLATION**

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

- 128 ▪ ***Vendor Licensing.*** The Vendor Licensing law is currently being amended. One proposed
129 amendment is to change the purpose of the Vendor Licensing law. Currently the purpose of the
130 Vendor Licensing law is to regulate and license all vendors who provide a service for and do
131 business with the Oneida Nation and provide revenue for the Nation by collecting fees from
132 vendors for a license to perform a service for or do business with the Nation. *[5 O.C. 506.1-1]*.
133 The proposed amendments change the purpose of the Vendor Licensing law to regulate and
134 license vendors who provide deliverables or services for and do business with the Oneida
135 Nation and ensure the Nation's safety, regulate compliance, minimize risk, and protect the
136 Nation's assets. *[5 O.C. 506.1-1]*.
137 ▪ According to the Vendor Licensing law, any vendor that is not exempt from
138 obtaining a vendor license must follow certain procedures.
139 ▪ To obtain a new vendor license a vendor must demonstrate adequate insurance
140 coverage, must complete a CSRA and technology assessment.
141 ▪ The proposed amendments to the Vendor Licensing law would no longer require
142 a vendor to pay a licensing fee. Currently, the law requires a fee for new vendor
143 license applications and renewal applications.
144 ▪ The proposed amendments to the Independent Contractors law align with the
145 proposed amendments and the current version of the Vendor Licensing law by
146 incorporating the requirements of obtaining a vendor license into the requirements
147 of being contracted as an independent contractor for the Nation.
148 ▪ ***Indian Preference in Contracting.*** The purpose of this law is to establish an Indian Preference
149 Office and increase economic benefits for the Nation and members of the Nation by providing
150 for the maximum utilization of Indian workers and businesses on projects of the Nation which
151 occur on or near the Reservation. *[5 O.C. 502.1]*.
152 ▪ This law expects the Nation to apply Indian preference fairly in all situations and
153 to ensure that all entities that enter into contracts with the Nation utilize a labor
154 force of Indian workers and businesses. *[5 O.C. 502.1-2]*.
155 ▪ The proposed amendments to the Independent Contractor Policy align with the
156 Indian Preference in Contracting law by requiring the Nation to utilize Indian
157 preference in contracting with independent contractors but clarifying that even if
158 the employee or employee-owned business entity qualifies for Indian preference
159 as an independent contractor; and even if the employee or employee-owned
160 business entity were the only independent contractor who does qualify for Indian
161 preference, the Nation is still prohibited from hiring an employee or employee-
162 owned business entity as an independent contractor if the work to be performed as
163 an independent contractor is in anyway related to the work performed by the
164 individual as an employee or by an employee-owned business entity. *[5 O.C.
165 503.7-1(b)(1)]*.

166 ▪ *Conflict of Interest.* The purpose of this law is for the Nation to ensure that all employees,
167 contractors, elected officials, political appointees, appointed and elected members and all
168 others who may have access to information or materials that are confidential or may be used
169 by competitors of the Nation's enterprises or interests be subject to specific limitations to
170 which such information and materials may be used in order to protect the interests of the
171 Nation. [2 O.C. 217.1-1].
172 • According to the Conflict of Interest law there is a presumed conflict of interest
173 any time an employee of the Nation seeks to contract with the Nation. [2 O.C.
174 217.5-1].
175 • The Conflict of Interest law prohibits an employee from contracting with the
176 Nation as an independent contractor within the same scope for which they are
177 employed by the Nation. [2 O.C. 217.5-4(a)].
178 • The Conflict of Interest law further prohibits an employee from contracting with
179 the Nation as an independent contractor within the same divisional budget for
180 which the employee is employed by the Nation. [2 O.C. 217.5-4(b)].
181 • The proposed amendments to the Independent Contractor Policy align with the
182 proposed amendments to the Conflict of Interest law and reflect the Nation's
183 desire to allow employees and employee-owned business entities to work for the
184 Nation as independent contractors but only if certain requirements are met. [2
185 O.C. 217.5-4].

187 **SECTION 7. ENFORCEMENT AND ACCOUNTABILITY**

188 A. The proposed amendments make it clearer the Nation is responsible for properly classifying its workers.
189 [5 O.C. 503.4].
190 B. The proposed amendments clarify all information the Nation must obtain in order to properly hire an
191 independent contractor. [5 O.C. 503.6].
192 C. The proposed amendments require the Nation to properly classify an independent contractor, properly
193 execute a contract, and meet all approval requirements before an independent begins working for the
194 Nation. [5 O.C. 503.5; 503.5-6].
195 D. The proposed amendments require all independent contractors to demonstrate appropriate and adequate
196 insurance coverage. [5 O.C. 503.6-4].
197 E. The proposed amendments require all independent contractors to submit tax identification to the Nation.
198 [5 O.C. 503.6-5].
199 F. The proposed amendments clarify an independent contractor may not begin work until a contract is
200 executed according to the requirements of section 503.5 of the law and all other approval requirements
201 of section 503.6 of the law are met. [5 O.C. 503.6].

202 **SECTION 8. OTHER CONSIDERATIONS**

203 *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation
204 except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A
205 titled, "Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures Act," provides
206 further clarification on who the Legislative Operating Committee may direct to complete a fiscal impact
207

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

210 **A. Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all
211 legislation except emergency legislation [*1 O.C. 109.6-1*]. Oneida Business Committee resolution BC-
212 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
213 *Act*,” provides further clarification on who the Legislative Operating Committee may direct complete
214 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
215 completing the fiscal impact statement.

- 216 **Conclusion.** The Finance Administration provided the Legislative Operating Committee a fiscal
217 impact statement from the Finance Department on January 8, 2026.

218

219

Title 5. Business – Chapter 503 INDEPENDENT CONTRACTORS POLICY

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

503.45. Worker Classification
503.56 Form of Contract
503.67 Approval Requirements
503.7 Conflict of Interest

1 **503.1. Purpose and Policy**

2 503.1-1. *Purpose.* The purpose of this law is to ensure proper classification of employees and
3 independent contractors for federal labor and tax law purposes; ensure the use of contract forms
4 approved by the Oneida Law Office and the Oneida Purchasing Department; ensure contracting
5 with a current employee does not create a conflict of interest or unintended tax consequences; and
6 ensure independent contractors have appropriate insurance coverages. ~~The purpose of this~~
7 ~~Independent Contractor Policy is to regulate the hiring of persons to complete work in order to~~
8 ~~minimize the costs of Independent Contractors.~~

9
10 503.1-2. *Policy.*

11 (a) It is the policy of the ~~Tribe~~Nation to utilize Native American businesses to complete
12 work that the ~~Tribe~~Nation is unable to complete through use of its own employees. All
13 programs, enterprises, and government agencies are encouraged to seek within their own
14 employees those with expertise in any matter before going to independent contractors.
15 (b) It is further the policy of the ~~Tribe~~Nation that the order of preference, as set out in the
16 ~~Tribe's~~Nation's Indian Preference Law, be used in the selection of independent contractors
17 and in accordance with this law.

18 **503.2. Adoption, Amendment, Repeal**

19 503.2-1. This ~~policy~~law was adopted by ~~motion of~~ the Oneida Business Committee by motion on
20 July 27, 1994, and ~~was~~ amended by resolution BC-02-27-13-A.

21 503.2-2. This ~~policy~~law may be amended ~~pursuant to the procedures set out in Tribal law or~~
22 ~~repealed~~ by the Oneida Business Committee or the Oneida General Tribal Council pursuant to the
23 ~~procedures set out in the Legislative Procedures Act.~~

24 503.2-3. Should a provision of this ~~policy~~law or the application thereof to any person or
25 circumstances be held as invalid, such invalidity shall not affect other provisions of this ~~policy~~law
26 which are considered to have legal force without the invalid portions.

27 503.2-4. In the event of a conflict between a provision of this ~~policy~~law and a provision of another
28 ~~policy~~law, the provisions of this ~~policy~~law shall control.

29 503.2-5. This ~~policy~~law is adopted under authority of the Constitution of the Oneida ~~Tribe of~~
30 ~~Indians of Wisconsin~~Nation.

31 **503.3. Definitions**

32 503.3-1. This section shall govern the definitions of words and phrases used within this law. All
33 words not defined herein shall be used in their ordinary and everyday sense.

34 (a) “Deliverable” means quantifiable goods and tangible or intangible products to be
35 provided by the independent contractor.
36 quantifiable goods and tangible or intangible products to be provided upon the completion
37 of a project. an object with specified content and format and must be adequately described
38 as to final content.

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

53 (c) "Employee-owned business entity" means a for profit business which is majority
 54 owned and managed by an individual who is employed as an employee by the Tribe.
 55 Nation. An employee-owned business entity includes, but is not limited to, a partnership,
 56 corporation, or limited liability company.

57 (d) "Independent contractor" means an individual who qualifies as an independent
 58 contractor using relevant tests established by applicable Federal law and guidance issued
 59 from Federal agencies. receives payments for services or deliverables, and who receives
 60 any tax reporting form other than a W-2 at the end of a taxable year.

61 (e) "Nation" means the Oneida Nation.

62 (f) "Scope of work" means the total deliverables or services to be performed by an
 63 independent contractor upon completion of the work the independent contractor was hired
 64 to complete.

65 (g) "Service" means an action performed by an independent contractor on behalf of the
 66 Nation, and must be adequately described as to the actions that will be taken and final result
 67 of the actions taken.

68 (f) "Tribal" or "Tribe" means the Oneida Tribe of Indians of Wisconsin.

70 503.4 Worker Classification

71 503.4-1. The Nation shall classify an individual as either an employee or an independent
 72 contractor according to the Fair Labor Standards Act, Department of Labor regulations, the
 73 Internal Revenue Code, Treasury regulations, and the most current guidance from the
 74 Department of Labor and the Internal Revenue Service.

75 503.56. Form of Contract

76 503.5-1. The Oneida Law Office shall develop and maintain standard contract form(s) for primary
 77 use by the Nation. 503.6-1. All contracts with the Tribe shall be in the format approved by the
 78 Oneida Law Office. All departments, programs, enterprises, and other agencies of the Tribe shall
 79 use Oneida Law Office approved contracts.

80 503.56-2. All contracts shall be reviewed and approved by the Oneida Law Office and the Oneida
 81 Purchasing Department. An approved purchase order is required prior to execution of a contract.
 82 before being executed.

83 503.5-3. At a minimum, the Oneida Law Office shall verify:

- 84 (a) appropriate approvals are required for waivers of the Nation's sovereign immunity;
- 85 (b) worker classification, according to the requirements of section 503.4 of this law, is
 86 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 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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133 (b) the work services performed by the individual as an employee or by an employee-
 134 owned business entity of the Tribe are not related to the services is not related to the scope
 135 of work to be provided by the individual as an independent contractor;

136 (1) even if the employee or employee-owned business entity qualifies for Indian
 137 preference as an independent contractor; and even if the employee or employee-
 138 owned business entity were the only independent contractor who would qualify for
 139 Indian preference, this requirement still applies;

140 (c) there is no relation between the wages paid to the individual as an employee or to an
 141 employee-owned business entity of the Tribe and the compensation received by the
 142 individual for the scope of work services to be provided as an independent contractor;

143 (d) the individual is engaged in an independent trade, business, or profession that is
 144 traditionally pursued by an independent contractor and the scope of work services to be
 145 provided by the individual as an independent contractor relatess to such trade, business, or
 146 profession, and the Nation has no significant investment in that business entity; and (d) the
 147 individual offers services as an Independent Contractor in such trade, business or
 148 profession to the general public.

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

151 503.7.6. The Tribe may engage an employee owned business entity as an independent contractor
 152 if the following conditions are met:

153 (a) the employee owned business entity has a valid Tax Identification Number which is
 154 different than the employee's Social Security number;

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

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

159 *End.*

160 Adopted - 7-27-94, motion

161 Adopted - BC-2-15-95-A, Emergency Action [Article VII \(503.7-\)](#)

162 Adopted - BC-7-5-95-B, Emergency Action [Article VII \(503.7-\)](#)

163 Emergency Amended – BC-04-25-12-E-

164 Emergency Extension Amended – BC-10-10-12-B-

165 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

1 **503.1. Purpose and Policy**

2 503.1-1. *Purpose.* The purpose of this law is to ensure proper classification of employees and
 3 independent contractors for federal labor and tax law purposes; ensure the use of contract forms
 4 approved by the Oneida Law Office and the Oneida Purchasing Department; ensure contracting
 5 with a current employee does not create a conflict of interest or unintended tax consequences; and
 6 ensure independent contractors have appropriate insurance coverages

7 503.1-2. *Policy.*

8 (a) It is the policy of the Nation to utilize Native American businesses to complete work
 9 that the Nation is unable to complete through use of its own employees. All programs,
 10 enterprises, and government agencies are encouraged to seek within their own employees
 11 those with expertise in any matter before going to independent contractors.

12 (b) It is further the policy of the Nation that the order of preference, as set out in the
 13 Nation's Indian Preference Law, be used in the selection of independent contractors and in
 14 accordance with this law.

15 **503.2. Adoption, Amendment, Repeal**

16 503.2-1. This law was adopted by the Oneida Business Committee by motion on July 27, 1994,
 17 and amended by resolution BC-02-27-13-A.

18 503.2-2. This law may be amended or repealed by the Oneida Business Committee or the Oneida
 19 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

20 503.2-3. Should a provision of this law or the application thereof to any person or circumstances
 21 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
 22 to have legal force without the invalid portions.

23 503.2-4. In the event of a conflict between a provision of this law and a provision of another law,
 24 the provisions of this law shall control.

25 503.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

26 **503.3. Definitions**

27 503.3-1. This section shall govern the definitions of words and phrases used within this law. All
 28 words not defined herein shall be used in their ordinary and everyday sense.

29 (a) "Deliverable" means quantifiable goods and tangible or intangible products to be
 30 provided by the independent contractor.

31 quantifiable goods and tangible or intangible products to be provided upon the completion
 32 of a project.

33 (b) "Employee" means an individual who qualifies as an employee of the Nation using
 34 relevant tests established by applicable Federal law and guidance issued from Federal
 35 agencies. "Employee" does not include elected or appointed officials. For purposes of this
 36 law, individuals employed by the Nation through an employment agreement or
 37 employment contract are employees of the Nation, not independent contractors.

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41 (c) "Employee-owned business entity" means a business which is majority owned and
42 managed by an individual who is employed as an employee by the Nation. An employee-
43 owned business entity includes, but is not limited to, a partnership, corporation, or limited
44 liability company.

45 (d) "Independent contractor" means an individual who qualifies as an independent
46 contractor using relevant tests established by applicable Federal law and guidance issued
47 from Federal agencies.

48 (e) "Nation" means the Oneida Nation.

49 (f) "Scope of work" means the total deliverables or services to be performed by an
50 independent contractor upon completion of the work the independent contractor was hired
51 to complete.

52 (g) "Service" means an action performed by an independent contractor on behalf of the
53 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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2026 01 21

87 Unless an independent contractor is exempted from the requirements of obtaining a vendor license,
88 the independent contractor will be issued a vendor license, subject to any other requirements of
89 the Nation's Vendor Licensing law.

90 503.6-4. *Insurance.* Before the independent contractor performs any work, the independent
91 contractor must demonstrate proof of appropriate and adequate insurance coverage.

92 (a) The Nation's Risk Management Department is delegated rule making authority to
93 determine what constitutes appropriate and adequate insurance coverage.

94 503.6-5. *Tax Identification.* Before an independent contractor begins work, they are required to
95 submit tax identification information to the Nation through one of following:

96 (a) Employer Identification Number.

97 (b) Social Security Number. If an independent contractor operates a sole proprietorship,
98 their default tax identification number may be their social security number.

99 (c) Individual Taxpayer Identification Number. If an independent contractor operates a sole
100 proprietorship and is not eligible for a social security number.

101 503.6-6. An independent contractor may not begin work until a contract is executed according to
102 the requirements of section 503.5 of this law and all other approval requirements of section 503.6
103 are met. If an independent contractor begins work before the requirements of section 503.5 and
104 503.6 of this law are met, the Nation is released of potential liability.

105 **503.7. Dual Capacity**

106 503.7-1. The Nation may contract with an employee or an employee-owned business entity as an
107 independent contractor if:

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

109 (b) the work performed by the individual as an employee or by an employee-owned
110 business entity is not related to the scope of work to be provided as an independent
111 contractor;

112 (1) even if the employee or employee-owned business entity qualifies for Indian
113 preference as an independent contractor; and even if the employee or employee-
114 owned business entity were the only independent contractor who would qualify for
115 Indian preference, this requirement still applies;

116 (c) there is no relation between the wages paid to the individual as an employee or to an
117 employee-owned business entity and the compensation received by the individual for the
118 scope of work to be provided as an independent contractor;

119 (d) the individual is engaged in an independent trade, business, or profession that is
120 traditionally pursued by an independent contractor, the scope of work to be provided by
121 the individual as an independent contractor relates to such trade, business, or profession,
122 and the Nation has no significant investment in that business entity; and

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

125 *End.*

126
127 Adopted - 7-27-94, motion

128 Adopted - BC-2-15-95-A, Emergency Action Article VII (503.7)

129 Adopted - BC-7-5-95-B, Emergency Action Article VII (503.7)

130 Emergency Amended - BC-04-25-12-E

131 Emergency Extension Amended - BC-10-10-12-B

132 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					February 2026								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7
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	25	26	27	28	29	30	31	28	29	30	31		

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