



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA
Business Committee Conference Room - 2nd Floor Norbert Hill Center
February 18, 2026
9:00 a.m.

I. Call to Order and Approval of the Agenda

II. Minutes to be Approved

1. February 4, 2026 LOC Meeting Minutes (pg. 2)

III. Current Business

1. Eviction and Termination Law Amendments (pg. 4)

IV. New Submissions

1. Oneida General Welfare Law Amendments (pg. 24)
2. General Tribal Council Meeting Stipend Payment Policy Amendments (pg. 32)
3. Pardon and Forgiveness Law Amendments (pg. 36)

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

February 4, 2026
9:00 a.m.

Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill

Unexcused: Marlon Skenandore

Others Present: Grace Elliott, Carolyn Salutz, Cathy Metoxen, Nancy Barton

Others Present on Microsoft Teams: Justin Nishimoto, Joshua Cornelius, Debra Powless, David Jordan, Rhiannon Metoxen, Sarah White, Rite Reiter, Lorna Skenandore, Clorissa Leeman, Shad Webster, Kaylynn Beily, Jason Martinez, Tary Webster, Isaiah Skenandore, Tina Jorgensen, Ralinda Ninham-Lamberies, Trina Schuyler, Fawn Billie, Kristal Hill, Tavia James-Charles, Lauren Hartman, Fawn Cottrell, Peggy Helm-Quest, Melissa Alvarado, Joel Maxam, Katsitsiyo Danforth.

I. Call to Order and Approval of the Agenda

Jameson Wilson called the February 4, 2026, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda with one addition – item V.1. Legislative Operating Committee Fiscal year 2026 First Quarter Report; seconded by Kirby Metoxen. Motion carried unanimously.

II. Minutes to be Approved

1. January 21, 2026 LOC Meeting Minutes

Motion by Kirby Metoxen to approve the January 21, 2026, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jennifer Webster. Motion carried unanimously.

III. Current Business

1. Elder Protection Law

Motion by Jennifer Webster to approve the draft of the Elder Protection law with noted changes and direct that a legislative analysis be completed; seconded by Kirby Metoxen. Motion carried unanimously.

2. Uniform Commercial Code

Motion by Jennifer Webster to approve the draft of the Uniform Commercial Code and direct that a legislative analysis be completed; seconded by Kirby Metoxen. Motion carried

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

unanimously.

3. Petition: G. Powless-Buenrostro – Accountability Measure Options for BC and BCC’s #2025-04

Motion by Jennifer Webster to accept the statement of effect status update memorandum for the Petition: G. Powless-Buenrostro – Accountability Measure Options for BC and BCC’s #2025-04; seconded by Kirby Metoxen. Motion carried unanimously.

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

Motion by Jennifer Webster to accept the statement of effect status update memorandum for the Petition: G. Powless-Buenrostro – Amend the Administrative Rule Making Law #2025-05; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions

V. Additions

1. Legislative Operating Committee Fiscal Year 2026 First Quarter Report

Motion by Kirby Metoxen to approve the Legislative Operating Committee Fiscal Year 2026 First Quarter Report and forward to the Oneida Business Committee; seconded by Jennifer Webster.

VI. Administrative Updates

VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn at 9:54 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee
February 18, 2026

Eviction and Termination Law Amendments

Submission Date: 7/6/22	Public Meeting: N/A
LOC Sponsor: Jonas Hill & Marlon Skenandore	Emergency Enacted: N/A

Summary: *This item was carried over from last term. Amendments to the Eviction and Termination law are being sought for a comprehensive review to run concurrent with the development of amendments to the Real Property law. On February 25, 2024, the General Tribal Council adopted a motion to deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the LOC to remove the wording “alleged” or “allegations” in the law and to bring back to the 2024 Semi-Annual GTC meeting.*

10/4/23 LOC: Motion by Jennifer Webster to add the Eviction and Termination Law Amendments to the Active Files List with Jonas Hill and Marlon Skenandore as the sponsors; seconded by Jonas Hill. Motion carried unanimously.

11/13/23: *Work Meeting.* Present: Grace Elliott, Krystal John, Lisa Rauschenbach, Nicole Rommel, Mark Powless, Scott Denny, Michelle Hill, Clorissa Leeman. The purpose of this meeting was to renew discussion on amendments to the Eviction and Termination Law. The entire work group requested that the matter be removed from the active files list as no amendments are recommended at this time.

1/3/24: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jennifer Webster, Jonas Hill, Kirby Metoxen Clorissa Leeman, Grace Elliott, Kristal Hill, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was to share background information on the Eviction and Termination Law.

1/8/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Clorissa Leeman, Krystal John, Kristal Hill, Maureen Perkins, Fawn Cottrell, Grace Elliott, and via Teams: Jennifer Webster, Fawn Billie, Carolyn Salutz. The purpose of this meeting was to review the Eviction and Termination law and to discuss its recent applications particularly in light of currently evolving legal standards.

1/29/24: *E-Poll Conducted.* This e-poll was titled, *Approval of the March 6, 2024 LOC Community Meeting Notice.* The requested action of this e-poll was to Approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on March 6, 2024. This e-poll was unanimously approved by Jennifer Webster, Marlon Skenandore, Jonas Hill, Jameson Wilson, and Kirby Metoxen.

2/7/24 LOC: Motion by Jennifer Webster to enter into the record the results of the January 29, 2024, e-poll titled, Approval of the March 6, 2024 LOC Community Meeting Notice; seconded by Jonas Hill. Motion carried unanimously.

2/25/24 GTC: Motion by Nancy Barton that a report be brought back under the Oneida Comprehensive Housing Department regarding the General Welfare Assistance determination of counting it as yearly income for elders and low-income housing residents with the legal review from Department of Treasury mortgage relief program, a COVID program. Motion ruled out of order by Chairman Tehassi Hill; the motion is not in on topic.

Motion by Gina Powless-Buenrostro to deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the Legislative Operating Committee to remove the wording “alleged” or “allegations” in the law and to bring back to the 2024 semiannual meeting. Seconded by Shawn Skenandore. Motion carried by show of hands.

Amendment #1 to the main motion by Lori Elm to include that nobody loses their home without an agreement if they are not the ones being charged and furthermore that if Comprehensive Housing resells the home, the homes will be sold at the appraised value and that if any other homes were sold this way prior, that the money goes back to Comprehensive Housing to pay down the debt and the excess goes back to the home owner. Motion ruled out of order by Chairman Tehassi Hill; there is a Rule process in place for the motion and General Tribal Council cannot take action on past items.

3/1/24: *Work Meeting:* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Carolyn Salutz, Clorissa Leeman, Grace Elliott, Kristal Hill, Fawn Cottrell, Michelle Hill, Brandon Yellowbird-Stevens, Scott Denny, Krystal John. The purpose of this meeting was to prepare for the upcoming community meeting.

3/6/24: *Work Meeting.* Jameson Wilson, Kirby Metoxen, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work session was for the LOC to review the PowerPoint presentation for the March 6, 2024, community meeting for the Oneida Personnel Policies and Procedures Amendments, Sanctions and Penalties Law, and the Eviction and Termination law amendments.

3/6/24: *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenadore, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins, Francine Valentino, Melanie Burkhardt, Gina Buenrostro, Peggy Helm-Quest, Michelle Sawyer, Nadine Escamea, Bonnie Pigman, Olivia Pigman, Julie Denny, Michelle Hill, Vicky Matson, Greg Matson, Julie Behnke, Lynn Metoxen, Jake Doxtator, Kay Keshena, Connie Vandehei, Jen Falck, Lillian Wheelock, Dale Wheelock, Stephanie Smith, Patricia Hoeft, Scott Denny, Dana McLester, Wendy Alvarez, Dana Thyssen, Todd Vanden Heuvel, Larry Barton, Merissa Bloedorn, Lois Stevens, Mark Powless, Linda Dallas, Jake, Peggy Van Gheem, Mary Loeffler, Matthew J. Denny, Nancy Barton, Brittany Kulow, Mary Adams, Cathy Metoxen, William Gollnick. The Legislative Operating Committee held a community meeting in the NHC’s cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Oneida Personnel Policies and Procedures Amendments, the Sanctions and Penalties law, and the Eviction and Termination law amendments. The purpose of this community meeting was for the LOC to listen to community feedback.

3/20/24 *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Maureen Perkins, Fawn Cottrell, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to discuss proposed amendments to the Eviction and Termination law.

4/2/24: *Community Work Session:* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Maureen Perkins, Brandon Yellowbird Stevens, Lori Elm, Scott Denny, Michelle Hill, Krystal John, Lawrence Barton, Janice Decorah, Karen Knutson, Fred Muscavitch, Debra Powless, Marie Cornelius, Justin Nishimoto, Katherine Jordan, Kelly McAndrews, Lisa Rauschenbach, Lori Elm, A good mind. A good heart. A strong fire.

Hill, Mark W. Powless, Michelle Braaten, Nicole Rommel, Stephanie Smith, Todd Vanden Heuvel, Debra Santiago, Kristen Jorgenson-Dann, Joel Maxam, Michelle Tipple, Sidney White, Derrick King. The LOC held a community work session regarding the Eviction and Termination law in the Norbert Hill Center's Business Committee conference room and on Microsoft Teams. The purpose of the community work session was to read through the law line-by-line and collect comments, questions, or suggestions for the language included in the law.

4/16/24

Work Meeting. Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Maureen Perkins, Fawn Cottrell, Clorissa Leeman, Grace Elliott, Scott Denny, Krystal John, Mark Powless, Danielle White, Lisa Rauschenbach. The purpose of this meeting was to review proposed amendments to the Eviction and Termination law.

4/23/24:

Work Meeting. Present: Clorissa Leeman, Grace Elliott. The purpose of this work meeting was to discuss the deadline for the February 25, 2024, General Tribal Council directive to "deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the LOC to remove the wording "alleged" or "allegations" in the law and to bring back to the 2024 semiannual meeting."

Work Meeting. Present: Clorissa Leeman, Jameson Wilson, Marlon Skenandore, Jonas Hill. The purpose of this work meeting was to discuss the upcoming deadline for the February 25, 2024, General Tribal Council directive to "deny the acceptance of the memorandum regarding the Eviction & Termination law update and to defer the Eviction & Termination law back to the LOC to remove the wording "alleged" or "allegations" in the law and to bring back to the 2024 semiannual meeting" and determine our next steps for moving forward.

4/25/24:

Work Meeting. Present: Clorissa Leeman, Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Mark Powless, Michelle Hill, Lisa Rauschenbach, Scott Denny, Danielle White, Grace Elliott, Carolyn Salutz, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was to review the beginning draft of the memorandum to the GTC, and discuss what other materials would be needed to be submitted for this item, and a strategy for moving forward.

4/29/24:

Work Meeting. Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Clorissa Leeman, Fawn Cottrell, Scott Denny, Michelle Hill, Danielle White, Maureen Perkins, Kristal Hill, Grace Elliott, Carolyn Salutz. The purpose of this work meeting was to review the updated memorandum to GTC and the PowerPoint presentation.

5/1/24 LOC:

Motion by Jonas Hill to approve the memorandum entitled, *Follow up on February 25, 2024, GTC Directive for Amendments to the Eviction and Termination Law*, and corresponding materials and forward to the Oneida Business Committee; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Jennifer Webster to approve the LOC community meeting notice and schedule the community meeting to take place on June 19, 2024.; seconded by Marlon Skenandore. Motion carried unanimously.

6/10/24:

Work Meeting. Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Mark Powless, Scott Denny, Fawn Billie, Fawn Cottrell. The purpose of this work meeting was to plan and discuss the June 19th LOC community meeting regarding the Eviction and Termination law.

6/19/24:

Work Meeting. Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Fawn Billie, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Grace Elliott. The purpose of this work meeting was to review the presentation for the June 19th LOC community meeting regarding the Eviction and Termination law.

Work Meeting. Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Fawn Cottrell, Maureen Perkins, Carolyn Salutz, Mark Powless, Lisa

Rauschenbach, Scott Denny, Michelle Hill, Krystal John. The purpose of this work meeting was to practice both presentations for the June 19th LOC community meeting regarding the Eviction and Termination law and discuss logistics of this community meeting.

Community Meeting. Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Mark Powless, Lisa Rauschenbach, Scott Denny, Bonnie Pigman, Stephanie Smith, Karen Knutsen, Paulette Leecling, and others. The Legislative Operating Committee held a community meeting in the NHC's cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Eviction and Termination law amendments in collaboration with the Comprehensive Housing Division.

7/1/2024 GTC: Motion by Shawn Skenandore to accept item VII.A. *[VII.A Accept update regarding the Eviction and Termination law]* and VII.B. as information. Seconded by Marie Cornelius. Motion carried by show of hands.

7/8/25: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to review a draft of Eviction and Termination law amendments and determine next steps moving forward.

7/31/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Mark Powless, Kristal John, Eric Boulanger, Lisa Rauschenbach, Scott Denny, Fawn Cottrell, Fawn Billie, Grace Elliott, Carolyn Salutz. The purpose of this meeting was to begin review and discussions of the amended law, but based on request of Attorney Kristal John, the meeting was canceled and rescheduled to provide more time for the areas to digest the proposed amendments.

8/15/25: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jonas Hill, Jennifer Webster, Clorissa Leeman, Mark Powless, Kristal John, Joel Maxam, Lisa Rauschenbach, Scott Denny, Michelle Hill, Derrick Denny. The purpose of this work meeting was to begin the discussion and review of the proposed amendments to the law.

8/25/25: *Work Meeting.* Present: Work Meeting. Present: Jameson Wilson, Kirby Metoxen, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Mark Powless, Kelly McAndrews, Kristal John, Eric Boulanger, Joel Maxam, Lisa Rauschenbach, Scott Denny, Michelle Hill, Jenny Garcia, Nicole Rommel, Sheila Huntington, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Rhiannon Metoxen, Fawn Billie, Kristal Hill. The purpose of this work meeting was to continue the discussion and review of the proposed amendments to the law.

9/3/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Kristal Hill, Fawn Billie, Rhiannon Metoxen. The purpose of this work meeting was to review the comments and suggestions collected during prior work meetings and make decisions on what amendments to pursue.

10/16/25: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Rhiannon Metoxen. The purpose of this work meeting was to review the updated draft of proposed amendments to the Law.

11/5/25 LOC: Motion by Jonas Hill to approve the draft of the proposed amendments to the Eviction and Termination law; seconded by Kirby Metoxen. Motion carried unanimously.

Next Steps:

- Approve the legislative analysis of the proposed amendments to the Eviction and Termination law.



EVICTION AND TERMINATION LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none">▪ Add or revise the definition for Comprehensive Housing Division, law enforcement agency, occupant, owner, periodic tenancy, rental value, and stay of eviction. [6 O.C. 610.3-1];▪ Revise the delegation of administrative rulemaking authority provided under this Law for the Nation's residential, agricultural, and business contracts. [6 O.C. 610.3-1, 610.11-4(b)];▪ Remove the terms "alleged" and "allegations" throughout the Law. [6 O.C. 610.5-1, 610.5-2];▪ Revise how notice of an early contract termination or eviction is provided to individuals and corporations or partnerships. [6 O.C. 610.6-3, 610.6-4];▪ Provide that an occupant shall have a right to cure for a failure to pay rent, but is not guaranteed that right to cure for subsequent violations. [6 O.C. 610.7-3, 610.7-4];▪ Clarify an occupant's right to cure for instances of waste or contract breach by providing steps for remedying this type of breach, and also providing that the right to cure is not guaranteed for subsequent violations. [6 O.C. 610.8-3, 610.8-4];▪ Clarify what types of offenses qualify as a violation of law or rule or nuisance activity. [6 O.C. 610.9-1];▪ Revise who is allowed to notice an owner of a violation of law or rule or nuisance activity. [6 O.C. 610.9-2];▪ Clarify that an owner is not required to provide an occupant an opportunity to cure for a violation of an applicable law or rule or nuisance act. [6 O.C. 610.9-3];▪ Clarify and expand when an individual may contest a contract termination. [6 O.C. 610.10];▪ Revise how an occupant's failure to vacate following the notice of eviction or a contract expiration is handled by an owner. [6 O.C. 610.11];▪ Expand the amount of time allowed for an owner to return a security deposit to an occupant from thirty (30) days to sixty (60) days. [6 O.C. 610.12-5];▪ Make other drafting changes and broad organizational changes.
Purpose	The purpose of this law is to provide consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant due process and protects all parties involved. [6 O.C. 610.1-1].
Affected Entities	Oneida Judiciary, Comprehensive Housing Division, Land Management, Oneida Police Department, applicable landlords, tenants, lessors, lessees
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.

1 SECTION 2. LEGISLATIVE DEVELOPMENT

2 **A. Background.** The Eviction and Termination law (“the Law”) was adopted by the Oneida Business
3 Committee on October 12, 2016, through the adoption of resolution BC-10-12-16-A. The Law provides
4 consistent procedures for terminating a contract and/or evicting an occupant which affords the occupant
5 due process and protects all parties involved. [6 O.C. 610.1-1]. It is the Nation’s policy to provide fair
6 termination and eviction processes that preserves the peace, harmony, safety, health, general welfare,
7 and the Nation’s resources. [6 O.C. 610.1-2].

8 **B. Request for Amendments.** The Legislative Operating Committee added the Eviction and Termination
9 law amendments to the Active Files List on July 6, 2022, for the purpose of a comprehensive review
10 for potential amendments to the law to occur to run concurrent with the development of amendments
11 to the Real Property law.

12 **C. Petition: L. Elm – Real Property Law Eviction and Termination.** The development of amendments
13 to the Eviction and Termination law is closely related to the General Tribal Council’s response and
14 action to the Petition: L. Elm – Real Property Law Eviction and Termination (“Petition”).

- 15 ▪ On April 7, 2021, the Petition was submitted to the Government Administrative Office by Lori Elm
16 and was verified by the Oneida Trust Enrollment Department. The purpose of this Petition is for a
17 “General Tribal Council (GTC) meeting be held by virtual or in-person, regarding the Real
18 Property Law, concerning Eviction and termination including residential leases. With our current
19 pandemic of addiction in the community, the stipulation of vacating your home in five (5) days,
20 from the time of the incident is or should be considered and Unconstitutional, furthermore we need
21 a due process to protect the heads of household leases), from losing their homes, an include
22 procedures in the case they do. Including timeframes for them to sell their homes; implementation
23 of a chart of penalties, (Drugs and type, Violence, Sexual abuse or assault, human trafficking and
24 all unlawful activities) including intent of eviction Notice with timelines, from the date of the
25 incident as well as date of Notice and including Due Process; Request an advocated board be
26 created between Oneida Land Commission, Oneida Police Commission, with representatives from
27 Behavior Health, and Comprehensive Housing Division Area; Request if the head of household is
28 not the occupant in violation, a compliance agreement be done with them, outline, behavior or
29 property for a period of time, before termination (eviction) of lessee is implemented; also
30 requesting occupant of violation must be removed from residence and if a successful treatment plan
31 and stability review is approved by advocate board, they may be able to enter into their own lease
32 or reside back at residence; Evaluation of how one can be held responsible of activities: address
33 on citation, activity at residence, accusations and/or any other ways; Timeline(s) for getting
34 another lease and how; The reasoning for this petition is to protect families from their loved one’s
35 addiction, and so they do not lose their home after all the other family suffering, they already, have
36 consumed over the addiction.”
- 37 ▪ On April 14, 2021, the Oneida Business Committee acknowledged receipt of the Petition and
38 directed the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal
39 review, fiscal impact statement and statement of effect.
- 40 ▪ On April 21, 2022, the Legislative Operating Committee added the Petition: L. Elm – Real Property
41 Law Eviction and Termination to the Active Files List.
- 42 ▪ On June 2, 2021, the Legislative Operating Committee accepted the statement of effect for the
43 Petition and forward the statement of effect to the Oneida Business Committee.
- 44 ▪ The Oneida Business Committee approved the statement of effect on June 9, 2021.

45 ▪ On January 16, 2023, the General Tribal Council considered the Petition and adopted a motion to
46 accept the petition as information and to ask the Business Committee to review the Eviction &
47 Termination Law and to bring back a report back to General Tribal Council to the 2023 semi-annual
48 meeting.

49 ▪ On May 18, 2023, the Legislative Operating Committee approved the *Review of the Eviction and*
50 *Termination Law Memorandum* and forwarded this legislative item to the Oneida Business
51 Committee for consideration. This memorandum reviewed the various provisions contained in the
52 Eviction and Termination law and concluded that the Eviction and Termination law very clearly
53 provides when a lease or rental agreement may be terminated and the occupant may be evicted,
54 how notice of the eviction is provided to the occupant, and what occurs if an occupant fails to vacate
55 the property. The Eviction and Termination law provides for the protection of due process rights
56 of the occupant, while also protecting the Nation's rights to preserves the peace, harmony, safety,
57 health, general welfare, and the Nation's resources.

58 ▪ On May 24, 2023, the Oneida Business Committee accepted as information the memorandum
59 entitled *Review of the Eviction and Termination Law*.

60 ▪ The review of the Eviction and Termination law was not addressed at the July 24, 2023, Semi-
61 Annual GTC meeting, and instead was forwarded to the 2024 Annual General Tribal Council
62 meeting.

63 ▪ At the February 25, 2024, Annual General Tribal Council meeting the Legislative Operating
64 Committee provided the memorandum entitled, *Review of the Eviction and Termination Law*.

65 ▪ In response to the memorandum from the LOC, on February 25, 2024, the General Tribal Council
66 adopted a motion to deny the acceptance of the memorandum regarding the Eviction & Termination
67 law update and to defer the Eviction & Termination law back to the Legislative Operating
68 Committee to remove the wording “alleged” or “allegations” in the law and to bring back to the
69 2024 Semi-Annual GTC meeting.

70 ▪ On May 1, 2024, the Legislative Operating Committee approved the memorandum entitled, *Follow*
71 *up on February 25, 2024, GTC Directive for Amendments to the Eviction and Termination Law*,
72 and corresponding materials and forward to the Oneida Business Committee. This memorandum
73 outlined the Legislative Operating Committee’s plan on how amendments to the Eviction and
74 Termination law would be developed to remove the words alleged and allegations. The LOC was
75 not able to bring forward an amended Eviction and Termination law to the 2024 Semi-Annual GTC
76 meeting as the directive from GTC did not provide an adequate amount of time for the LOC to
77 comply with the requirements of the Legislative Procedures Act.

78 ▪ On July 1, 2024, the General Tribal Council accepted item VII.A. [*VII.A Accept update regarding*
79 *the Eviction and Termination law*] and VII.B. as information.

80

81 **SECTION 3. CONSULTATION AND OUTREACH**

82 A. Representatives from the following departments or entities participated in the development of the
83 amendments to the Budget and Finances law and this legislative analysis:

84 ▪ Comprehensive Housing Division;
85 ▪ Land Management;
86 ▪ Oneida Police Department;
87 ▪ Oneida Law Office; and

88 ■ CEO of Nation Services.

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

90 ■ Administrative Rulemaking law;

91 ■ Legislative Procedures Act;

92 ■ Leasing law;

93 ■ Landlord Tenant law;

94 ■ Oneida Judiciary law;

95 ■ Oneida Judiciary Rules of Civil Procedure;

96 ■ Oneida Judiciary Rules of Evidence;

97 ■ Rules of Appellate Procedure; and

98 ■ Public Peace law.

99

100 **SECTION 4. PROCESS**

101 **A.** The development of the proposed amendments to Eviction and Termination law complies with the
102 process set forth in the Legislative Procedures Act (LPA).

103 ■ On July 6, 2022, the Legislative Operating Committee added the Eviction and Termination law to
104 its Active Files List.

105 ■ On October 10, 2023, the Legislative Operating Committee added the Eviction and Termination
106 law to its Active Files List.

107 ■ On January 29, 2024, the Legislative Operating Committee conducted an e-poll entitled, *Approval*
108 *of the March 6, 2024 LOC Community Meeting Notice*. The requested action of this e-poll was to
109 Approve the Legislative Operating Committee community meeting notice and schedule the
110 community meeting to take place on March 6, 2024. This e-poll was unanimously approved by
111 Jennifer Webster, Marlon Skenandore, Jonas Hill, Jameson Wilson, and Kirby Metoxen.

112 ■ On February 7, 2024, the Legislative Operating Committee entered into the record the results of
113 the March, 6, 2024, e-poll.

114 ■ On May 1, 2024, the Legislative Operating Committee approved the memorandum entitled,
115 *Follow up on February 25, 2024, GTC Directive for Amendments to the Eviction and Termination*
116 *Law*, and corresponding materials and forward to the Oneida Business Committee. The Legislative
117 Operating Committee also approved the LOC community meeting notice and scheduled the
118 community meeting to take place on June 19, 2024.

119 ■ On July 1, 2024, the General Tribal Council accepted item VII.A. [*VII.A Accept update regarding*
120 *the Eviction and Termination law*] and VII.B. as information.

121 ■ On November 5, 2025, the Legislative Operating Committee approved the draft of the proposed
122 amendments to the Eviction and Termination law.

123 **B.** At the time this legislative analysis was developed the following work meetings had been held
124 regarding the development of the amendments to the Eviction and Termination law:

125 ■ July 15, 2022: LOC work session with the Comprehensive Housing Division, Land Management,
126 Oneida Law Office, and the Oneida Land Commission.

127 ■ August 30, 2022: LOC work session with the Comprehensive Housing Division, Land
128 Management, Oneida Law Office, and the Oneida Police Department.

129 ■ September 7, 2022: LOC work session.

130 ■ September 21, 2022: LOC work session.

131 ▪ November 13, 2023: LOC work session with the Comprehensive Housing Division, Land
132 Management, Oneida Law Office, and the CEO of Nation Services.
133 ▪ January 3, 2024: LOC work session.
134 ▪ January 8, 2024: LOC work session with Oneida Law Office.
135 ▪ March 1, 2024: LOC work session with the Comprehensive Housing Division, Oneida Law Office,
136 and Oneida Business Committee Vice-Chairman.
137 ▪ March 6, 2024: LOC work session.
138 ▪ March 20, 2024: LOC work session
139 ▪ April 16, 2024: LOC work session with the Comprehensive Housing Division, Oneida Law Office,
140 and the CEO of Nation Services.
141 ▪ April 23, 2024: LOC work session.
142 ▪ April 25, 2024: LOC work session with the Comprehensive Housing Division and the CEO of
143 Nation Services.
144 ▪ April 29, 2024: LOC work session with the Comprehensive Housing Division.
145 ▪ June 10, 2024: LOC work session with the Comprehensive Housing Division and the CEO of
146 Nation Services.
147 ▪ June 19, 2024: LOC work session.
148 ▪ June 19, 2024: LOC work session with the Comprehensive Housing Division, Oneida Law Office,
149 and the CEO of Nation Services.
150 ▪ July 8, 2025: LOC work session.
151 ▪ July 31, 2025: LOC work session with the Comprehensive Housing Division, Oneida Law Office,
152 Oneida Police Department, and the CEO of Nation Services.
153 ▪ August 15, 2025: LOC work session with the Comprehensive Housing Division, Oneida Law
154 Office, Oneida Police Department, and the CEO of Nation Services.
155 ▪ August 25, 2025: LOC work session with the Comprehensive Housing Division, Oneida Law
156 Office, Oneida Police Department, Land Management, and the CEO of Nation Services.
157 ▪ September 3, 2025: LOC work session.
158 ▪ October 16, 2025: LOC work session.

159 C. *Community Outreach Events.* In addition to the public meeting required by the Legislative Procedures
160 Act, the LOC held the following community outreach events on the proposed amendments to the
161 Eviction and Termination law:

162 ▪ March 6, 2025: Legislative Operating Committee Community Meeting held in the Norbert Hill
163 Center's cafeteria. The Legislative Operating Committee held a community meeting regarding the
164 Oneida Personnel Policies and Procedures Amendments, the Sanctions and Penalties law, and the
165 Eviction and Termination law amendments. The purpose of this community meeting was for the
166 LOC to listen to community feedback on the proposed legislative items.
167 ▪ April 2, 2024: Legislative Operating Committee Community Work Session held in the Norbert Hill
168 Center Business Committee Conference Room and on Microsoft Teams. The purpose of the
169 community work session was to read through the law line-by-line and collect comments, questions,
170 or suggestions for the language included in the law.
171 ▪ June 19, 2024: Legislative Operating Committee and Comprehensive Housing Division
172 Community Meeting held in the Norbert Hill Center cafeteria. The Legislative Operating
173 Committee held a community meeting to specifically discuss the Eviction and Termination law
174 amendments in collaboration with the Comprehensive Housing Division.

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What is an eviction?

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An eviction is the legal process an owner uses to remove an occupant from a rented or leased property, typically due to a contract violation like nonpayment of rent, illegal activity, or unauthorized occupants.

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Eviction and Termination Law Enforcement Data

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Currently, the Eviction and Termination law only applies to the Nation in its capacity as a lessor as defined in the Leasing law or as a landlord as defined in the Landlord Tenant law. Enforcement data provided by the Nation's entities can provide insight into the application of the Eviction and Termination law.

In regard to the rental programs, the Comprehensive Housing Division provided the following data as of October 2025:

CHD Rental Program Move Out Review				
Year	Unit Transfer	Voluntary	Involuntary	Annual Total
2023	16	14	18	48
2024	6	14	22	42
2025	5	19	15	39
Total	27	47	55*	120

*15 of the 55 were Involuntary based on death.

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The involuntary designation included reasons such as criminal convictions, illegal drug activity, program ineligibility, non-renewal, and unhealthy/unsafe living conditions.

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The Comprehensive Housing Division also identified that in regard to residential leasing, in 2025 there were two (2) lease termination cases being handled by the Comprehensive Housing Division. The Comprehensive Housing Divisions posts information regarding contract terminations and evictions made in accordance with the Eviction and Termination law for violations of law or rule or nuisance activity on the Nation's website at the following location:

https://oneida-nsn.gov/wp-content/uploads/2024/04/CHD-Eviction-and-Termination-Spreadsheet_OLO_Final_1.pdf

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Land Management provided that in regard to agricultural and business leases, there were no contract terminations or evictions in recent years.

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SECTION 5. CONTENTS OF THE LEGISLATION

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A. *Expansion of Who Qualifies as an Owner.* The proposed amendments to the Law expand who qualifies as an owner. Currently, the Law defines "owner" as the Nation in its capacity as a lessor as defined in the Leasing law or as a landlord as defined in the Landlord Tenant law. [6 O.C.610.3-1(g)]. Section 610.8-3 of the currently effective Law further provides that the owner is the Comprehensive Housing Division in regard to taking actions authorized under this law and complaints filed with the Oneida Judiciary shall name the Comprehensive Housing Division and the specific program. The proposed amendments to the Law now define "owner" as the Nation when the Nation is acting in its capacity as a lessor as defined in the Leasing law or lessee; or the Nation or any person or entity within

212 the Nation's jurisdiction acting in its capacity as a landlord as defined in the Landlord Tenant law. [6
213 O.C.610.3-1(h)]. The provision providing that the owner is the Comprehensive Housing Division in
214 regard to taking actions authorized under this Law is eliminated in the proposed amendments.

215 ▪ *Effect.* The proposed amendments to the Law expand who qualifies as an owner under the Eviction
216 and Termination law. This amendment to the Law is made to be consistent with amendments made
217 to the Landlord Tenant law. The Landlord Tenant law was amended by the Oneida Business
218 Committee on June 25, 2025, through the adoption of resolution BC-06-25-25-C to expand the
219 definition of landlord to mean any person or entity within the Nation's jurisdiction in their capacity
220 to rent real property subject to a rental agreement. [6 O.C. 611.3-1(b)]. The expanded definition of
221 owner in the Eviction and Termination law and landlord in the Landlord Tenant law means that
222 both laws are applied all landlord-tenant relationships occurring on land owned by the Nation or its
223 members regardless of whether the relationship is based on one of the Nation's rental programs.
224 This expands the Nation's exercise of sovereignty within the Reservation boundaries.

225 **B. *Administrative Rulemaking Authority.*** The proposed amendments to the Law revise the delegation of
226 administrative rulemaking authority for residential, agricultural, and business contracts. [6 O.C.610.4-
227 1]. Currently, section 610.4-1 of the Law provides that the Land Commission and the Comprehensive
228 Housing Division may jointly create rules to further govern the processes contained in this law related
229 to residential contracts. The proposed amendments to the Law provide that it is the Comprehensive
230 Housing Division that is solely delegated administrative rulemaking authority to create rules to govern
231 the Nation's residential contracts. [6 O.C.610.4-1]. The Law then provides in section 610.4-2 that the
232 Land Commission and the Division of Land Management may jointly create rules to further govern the
233 processes contained in this law related to agricultural and business contracts. The proposed amendments
234 to the Law provide that it is Land Management that is solely delegated administrative rulemaking
235 authority to create rules to govern the Nation's agricultural and business contracts. [6 O.C.610.4-1].
236 Another instance where administrative rulemaking authority is revised is in regard to the disposition of
237 personal property. Section 610.6-1(a)(2) of the current Law provides that the Land Commission and
238 the Comprehensive Housing Division shall jointly create rules further governing the disposition of
239 personal property in relation to residential contracts and the Land Commission and the Division of Land
240 Management shall jointly create rules further governing the disposition of personal property in relation
241 to agricultural and business contracts. The proposed amendments to the Law provide that it is the
242 Comprehensive Housing Division that is solely delegated administrative rulemaking authority to create
243 rules further governing the disposition of personal property in relation to the Nation's residential
244 contracts, and Land Management that is solely delegated administrative rulemaking authority to create
245 rules further governing the disposition of personal property in relation to the Nation's business and
246 agricultural and business contracts. [6 O.C. 610.11-4(b)].

247 ▪ *Effect.* The proposed amendments to the Law simplify the delegation of administrative rulemaking
248 authority. Administrative rulemaking authority is now delegated solely to the entity that is
249 responsible for handling evictions and terminations on behalf of the Nation for residential,
250 agricultural, and business contracts.

251 **C. *Removal of Alleged and Allegations.*** The proposed amendments to the Law remove the terms alleged
252 and allegations from the Law. Currently, section 610.5-1 addresses causes for early contract termination
253 and provides that the owner may terminate the contract prior to the contract term and evict the occupant,
254 if the occupant violates the terms of the contract; is alleged to have violated any applicable law or rule;
255 and/or is alleged to have committed one or more nuisance activities. The proposed amendments to the

256 Law instead focus on ensuring that violations of any applicable law or rule or nuisance activity has
257 occurred and is not just alleged to have occurred. *[6 O.C.610.5-1]*. Furthermore, currently the Law
258 provides that an occupant has a valid defense to eviction if he or she alleges that if not for the alleged
259 domestic abuse, which is noticed to the owner with any of the following documentation, there would
260 not be cause for eviction under section 610.5-1. *[6 O.C.610.5-2]*. The proposed amendments to the Law
261 again remove the terms alleges and alleged. *Id.*

- *Effect.* The proposed amendments to the Law comply with the February 25, 2024, General Tribal
263 Council directive to defer the Eviction & Termination law back to the Legislative Operating
264 Committee to remove the wording “alleged” or “allegations” in the law.

265 **D. *Notice to Individuals.*** The proposed amendments to the Law revise how notice of an early contract
266 termination or eviction is provided to individuals. Currently, section 610.5-3(d)(2) of the Law provides
267 that when providing notice to an occupant that is an individual, the owner shall use one of the following
268 methods: giving a copy of the notice personally to the occupant or by leaving a copy at the occupant’s
269 usual place of abode in the presence of some competent member of the occupant’s family at least
270 fourteen (14) years of age, who is informed of the contents of the notice, provided that the owner may
271 request that the notice be personally served to the occupant by the Oneida Police Department; leaving
272 a copy with any competent person apparently in charge of the premises or occupying the premises or a
273 part thereof, and by mailing a copy by first class mail to the occupant’s last-known address; if notice
274 cannot be given under subsection (A) or (B) with reasonable diligence, by affixing a copy of the notice
275 on an entrance to the rented premises where it can be conveniently read and by mailing a copy by first
276 class mail to the occupant’s last-known address; by mailing a copy of the notice by registered or
277 certified mail to the tenant at the tenant’s last-known address; by serving the occupant as prescribed in
278 the Rules of Civil Procedure for the service of a summons. The proposed amendments to the Law now
279 provide that when providing notice to an occupant that is an individual, the owner shall use both of the
280 following methods: by affixing a copy of the notice on an entrance to the rented or leased premises
281 where it can be conveniently read; and by mailing a copy of the notice by registered or certified mail
282 to the occupant at the occupant’s last-known address. *[6 O.C.610.6-3]*.

- *Effect.* The proposed amendments to the Law clarify and simplify how notice is provided to
284 occupants. The currently effective Law includes multiple ways to provide notice and is unclear
285 whether certain options for notice must be attempted first before others can be used. The proposed
286 amendments to the Law simply how notice is handled, and require that a copy of the notice is
287 affixed on an entrance to the rented or leased premises where it can be conveniently read in the
288 most efficient manner by the occupant, and by mailing a copy of the notice by registered or certified
289 mail to the occupant at the occupant’s last know address to provide a method of notice that is
290 efficient to prove occurred.

291 **E. *Notice to Corporations or Partnerships.*** The proposed amendments to the Law revise how notice of
292 an early contract termination or eviction is provided to individuals. Currently, section 610.5-3(d)(3) of
293 the Law provides that if notice is to be given to a corporation notice may be given by any method
294 provided in subsection (1) except that notice under subsection (1)(A) may be given only to an officer,
295 director, registered agent or managing agent, or left with an employee in the office of such officer or
296 agent during regular business hours. The Law then goes on to state that if notice is to be given to a
297 partnership, notice may be given by any method in subsection (1) except that notice under subsection
298 (1)(A) may be given only to a general partner or managing agent of the partnership, or left with an
299 employee in the office of such partner or agent during regular business hours, or left at the usual place

300 of abode of a general partner in the presence of some competent member of the general partner's family
301 at least fourteen (14) years of age, who is informed of the contents of the notice. The proposed
302 amendments to the Law provide that if notice is to be given to a corporation or partnership, notice shall
303 be given the methods provided for in section 610.6-3, which provides how notice is given to individuals.
304 [6 O.C.610.6-4].

- 305 ▪ *Effect.* The proposed amendments to the Law clarify and simplify how notice is provided to
306 occupants that are corporations or partnerships by mirroring how notice is provided to individual
307 occupants.

308 **F. Right to Cure for a Failure to Pay Rent.** The proposed amendments to the Law now include a right
309 to cure for the failure to pay rent. Currently, section 610.5-3(a) of the Law provides that if an occupant
310 fails to pay any installment of rent when due, the occupant's contract is terminated if the owner gives
311 the occupant notice requiring the tenant to pay rent or vacate on or before a date at least thirty (30)
312 calendar days after the giving of the notice and if the occupant fails to pay accordingly. The proposed
313 amendments add a new provision which provides that an occupant shall have a right to cure the failure
314 to pay rents after receiving a notice of termination, and that an occupant is deemed to be complying
315 with the notice if promptly upon receipt of such notice the occupant remedies the default by paying the
316 unpaid rent on or before the specified in the notice. [6 O.C.610.7-3]. The owner is not required to
317 provide an opportunity to cure for a subsequent violation of unpaid rents that occurs within one (1) year
318 from the giving of any notice for the failure to pay rents. [6 O.C.610.7-4].

- 319 ▪ *Effect.* The proposed amendments to the Law mandate that an occupant be given an opportunity to
320 cure their failure to pay rent before they may face the early termination of their contract and
321 eviction. This essentially creates a mandated warning by the owner and allows the occupant an
322 opportunity to correct their lease or rental agreement violation and prevent eviction and legal action.
323 This proposed amendment to the Law ensures that occupants are not immediately evicted for a
324 fixable mistake, such as a late rent payment, and provides an opportunity to maintain housing
325 stability for the occupants.

326 **G. Right to Cure for Waste of Contract Breach.** The proposed amendments to the Law further clarify the
327 right to cure for instances of waste or contract breach. Currently, section 610.5-3(b) provides that if an
328 occupant commits waste or breaches any covenant or condition of the occupant's contract, other than
329 for payment of rent, the occupant's tenancy is terminated if the owner gives the occupant a notice
330 requiring the occupant to remedy the default or vacate the premises on or before a date at least thirty
331 (30) calendar days after the giving of the notice, and if the occupant fails to comply with such notice.
332 The Law then further provides that an occupant is deemed to be complying with the notice if promptly
333 upon receipt of such notice the occupant takes reasonable steps to remedy the default and proceeds with
334 reasonable diligence, or if damages are adequate protection for the owner and the occupant makes a
335 bona fide and reasonable offer to pay the owner all damages for the occupant's breach. The proposed
336 amendments to the Law provide further clarification by providing that an occupant shall have a right to
337 cure the waste or breach of contract after receiving a notice. of termination, and that the occupant is
338 deemed to be complying with the notice if promptly upon receipt of such notice the occupant and the
339 owner enter into a written agreement to cure that outlines the reasonable steps for the occupant to take
340 and timelines necessary to remedy the default, and the occupant then complies with reasonable the
341 agreement, or if damages are adequate protection for the owner and the occupant makes a bona fide
342 and reasonable offer to pay the owner all damages for the occupant's breach. [6 O.C.610.8-3]. The
343 proposed amendments to the Law also clarify that the owner is not required to provide an opportunity

344 to cure for a subsequent violation of a waste or a breach of contract that occurs within one (1) year from
345 the giving of any notice for waste or a breach of contract. [6 O.C.610.8-4].

- 346 ▪ *Effect.* The proposed amendments to the Law clarify an occupant's right to cure for waste or
347 contract breach, other than a failure to pay rent. The current Law already required that a notice be
348 given to the occupant for the waste or a contract breach requiring the occupant to remedy the default
349 or vacate the premises on or before a date at least thirty (30) calendar days after the giving of the
350 notice, but the current Law was not specific as to what remedying the default actually could mean,
351 which could lead to confusion or disagreements amongst the owners and occupants. The proposed
352 amendments to the Law now require the occupant and the owner to enter into a written agreement
353 to cure that outlines the reasonable steps for the occupant to take and timelines necessary to remedy
354 the default so that it is clear what needs to occur to avoid the early contract termination and eviction.

355 **H. Eviction for Violation of Applicable Law or Rule or Nuisance by Occupant.** The proposed
356 amendments to the Law further clarify when a termination of a contract or eviction can occur for a
357 violation of an applicable law or rule or nuisance. Currently, section 610.5-3(c) of the Law provides
358 that the owner may terminate an occupant's contract based on an alleged violation of an applicable law
359 or rule or if the occupant commits a nuisance act. A nuisance is currently defined in the Law in section
360 610.3-1(e) to mean an occupant's interference with another occupant's use and enjoyment of the
361 premises. The current Law then provides that nuisance activities include, but are not limited to,
362 allegations of harassment, disorderly conduct, battery, lewd and lascivious behavior, prostitution, theft,
363 possession of stolen property, arson, illegal drug activity, gambling, animal violations, trespassing,
364 weapons violations, habitual noise violations, execution of warrants, alcohol violations,
365 obstruction/resisting, inspection related calls in which a law enforcement agency responds. The
366 proposed amendments to the Law provide that in order for the owner to terminate an occupant's contract
367 based on a violation of law, rule, or nuisance, the violation of law or rule, or the nuisance act shall be
368 an activity which: threatens the health or safety of, or right to peaceful enjoyment of the premises by,
369 other tenants; threatens the health or safety of, or right to peaceful enjoyment of their residences by,
370 persons residing in the immediate vicinity of the premises; threatens the health or safety of the owner
371 or an agent or employee of the owner; or engages in any drug-related criminal activity on or near the
372 premises. [6 O.C.610.9-1].

- 373 ▪ *Effect.* The proposed amendments to the Law clarify what type of nuisance or violation of law or
374 rule can lead to an early contract termination or eviction. There is a wide range of activities that
375 could constitute a nuisance or a violation of law or rule - ranging from very minor offenses to very
376 serious offenses. The proposed amendments to the Law were put in place to set a threshold for
377 nuisance activities or violations of law or rule so that only serious violations would apply – that is
378 why it is now required that the nuisance activity or violation of law or rule threaten the health or
379 safety of, or right to peaceful enjoyment of the premises by, other occupants; threaten the health or
380 safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate
381 vicinity of the premises; threatens the health or safety of the owner or an agent or employee of the
382 owner; or engages in any drug-related criminal activity on or near the premises.

383 **I. Notice of Violation of a Law, Rule, or Notice.** Section 610.5-3(c) of the Law requires that in order to
384 termination a contract for a violation of an applicable law, rule, or nuisance the owner must have
385 received notice, which may be from, but is not limited to, another occupant, law enforcement agency
386 or a local government's office of the district attorney, which reports: a violation of an applicable law
387 or rule on behalf of the occupant or in the occupant's unit, or a nuisance that exists in that occupant's

388 unit or was caused by that occupant on the owner's property. The proposed amendments to the Law
389 provide that in order to terminate for the violation of an applicable law, rule, or nuisance, the owner
390 has to receive notice from a law enforcement agency or a local government's office of the district
391 attorney, which reports a violation of an applicable law or rule on behalf of the occupant or another
392 individual in the occupant's unit, or a nuisance that exists in that occupant's unit or was caused by that
393 occupant on the owner's premises. [6 O.C.610.9-2].

- *Effect.* The proposed amendments to the Law require that notification of a violation of law, rule,
395 or nuisance come from a law enforcement agency or a local government's office of the district
396 attorney – no longer allowing notification to come from another occupant. This ensures that any
397 notification of a violation comes from a reputable source.

398 **J. No Right to Cure for a Violation of Law, Rule, or Nuisance.** The proposed amendments provide that
399 the owner shall not be required to provide an occupant an opportunity to cure for a violation of an
400 applicable law or rule or nuisance act. [6 O.C.610.9-3].

- *Effect.* The proposed amendments to the Law clarify that an owner is not required to provide an
402 occupant an opportunity to cure for a violation of an applicable law, rule, or nuisance act – as an
403 early contract termination or eviction for these violations are intended to only apply when the
404 offenses are serious.

405 **K. Contesting the Contract Termination.** The proposed amendments to the Law provide greater clarity
406 and expand when an individual may contest a contract termination. Section 610.8-1 of the current Law
407 provides that the Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions
408 taken pursuant to this law. Section 610.5-3(c)(2) of the Law regarding evictions for a violation of an
409 applicable law, rule, or nuisance, is currently the only section that address contesting a contract
410 termination, and provides that the occupant may contest a termination based on a violation of applicable
411 law or rule or nuisance by filing a complaint challenging the basis of the eviction with the Oneida
412 Judiciary. Section 610.5-3(c)(3) of the current Law then goes on to provide that if the occupant contests
413 the termination prior to the termination date provided in the notice, the eviction is stayed and the
414 contract may not be terminated without proof to the Oneida Judiciary by the owner by the greater
415 preponderance of the credible evidence of the allegation that a violation of law and/or rule and/or
416 nuisance exists in that occupant's unit or was caused by that occupant. The proposed amendments to
417 the Law move the provision about contesting a termination out from solely under the eviction for a
418 violation of an applicable law, rule, or nuisance section, and instead creates a whole new section of the
419 Law focused on contesting the contract termination. [6 O.C. 610.10]. The proposed amendments now
420 more generally provide that the occupant may contest a contract termination by filing a complaint
421 challenging the basis of the eviction with the Oneida Trial Court prior to the termination date provided
422 in the notice. [6 O.C. 610.10-1]. If the occupant contests the termination, the eviction is stayed and the
423 contract may not be terminated without proof to the Trial Court by the owner by the greater
424 preponderance of the credible evidence that the termination of contract was valid under this law. [6
425 O.C. 610.10-1(a)].

- *Effect.* The proposed amendments to the Law clarify that the Law does not limit contesting a
427 contract termination or eviction to just one cause for eviction. The current Law only addresses
428 contesting a contract termination or eviction in regard to evictions for a violation of an applicable
429 law, rule, or nuisance. The proposed amendments to the Law reframe the provisions of the Law
430 addressing contesting a contract termination or eviction so it is clear that it applies to all causes for
431 early contract termination or eviction. The proposed amendments also provide greater clarity to the

432 owner on what proof needs to be presented to the Trial Court to combat the contestation of the
433 contract termination or eviction.

434 **L. *Failure to Vacate Following Notice of Eviction or Contract Expiration.*** The proposed amendments
435 to the Law vastly change what occurs if an occupant fails to vacate following the notice of eviction or
436 a contract expiration. In the currently effective law, section 610.6-1 provides that if an occupant fails
437 to vacate the premises following notice of termination based on eviction, occupant termination or
438 expiration and non-renewal of a contract, the owner shall secure and take possession of the premises
439 once the timeframe in the notice of termination has expired. The Law goes on to provide that the
440 Comprehensive Housing Division is required to contact the Oneida Police Department to request that
441 an Oneida Police Officer be on the scene while the locks are being changed. In the event the occupant
442 has left personal property in the home, the occupant may retrieve the said personal property by
443 contacting the Comprehensive Housing Division staff listed on the notice of termination. The
444 Comprehensive Housing Division is required to hold personal property for a minimum of five (5)
445 business days, where a business day is Monday through Friday from 8:00 a.m. to 4:30 p.m. and excludes
446 holidays recognized by the Nation. The Comprehensive Housing Division is required to keep a written
447 log of the date and the work time the Comprehensive Housing Division's staff expends storing and/or
448 removing personal property and/or removing/disposing of debris left at the premises after the expiration
449 of the timeframe provided in the notice of termination. The proposed amendments to the Law provide
450 that if an occupant fails to vacate the premises following notice of termination based on eviction,
451 occupant termination, or expiration and non-renewal of a contract, the owner may file an eviction action
452 with the Oneida Trial Court to remove the occupant from possession or occupancy of the premises. *[6*
453 *O.C. 610.11-3]*. The Law requires that the complaint be in writing and identify the parties and the
454 premises which is the subject of the action and state the facts which authorize the removal of the
455 occupant. *[6 O.C. 610.11-3(e)]*. The request for relief in the complaint shall be for the removal of the
456 occupant or the property or both and, if an additional claim is joined, for the other relief sought by the
457 owner. *Id.* The occupant can then plead to the complaint orally or in writing, except that if the owner's
458 title is put in issue by the occupant, the answer shall be in writing and subscribed in the same manner
459 as the complaint. *[6 O.C. 610.11-3(f)]*. The proposed amendments to the Law also address such topics
460 related to the eviction action such as proper notice *[6 O.C. 610.11-3(a)]*, acceptance of rent or other
461 payments *[6 O.C. 610.11-3(b)]*, waiver *[6 O.C. 610.11-3(c)]*, joinder of other claims *[6 O.C. 610.11-*
462 *3(d)]*. If the Oneida Trial Court finds that the termination and eviction occurred in accordance with this
463 law and the owner is entitled to possession, the Oneida Trial Court is then required to immediately enter
464 an order for judgment to the owner for the removal of the occupant and their property from the premises.
465 *[6 O.C. 610.11-3(g)]*. At the time of ordering judgment for the removal of the occupant and their
466 property from the premises, the Oneida Trial Court shall immediately order that a writ of removal be
467 issued, and the writ shall be delivered to both the Oneida Police Department and owner for execution.
468 *[6 O.C. 610.11-3(h)]*. No writ is to be executed if received by the Oneida Police Officer Department
469 and owner more than thirty (30) days after its issuance. *Id.* Upon delivery of a writ of removal to the
470 Oneida Police Department and the owner, an Oneida Police Department officer and the owner shall
471 execute the writ of removal within ten (10) days of the receipt of the writ. *[6 O.C. 610.11-4]*. No writ
472 is to be executed if received by the Oneida Police Officer Department and owner more than thirty (30)
473 days after its issuance. *[6 O.C. 610.11-3(h)]*. In executing the writ of removal the owner is responsible
474 for changing the locks on the premises and securing possession of the premises. *[6 O.C. 610.11-*
475 *4(b)]*. The Oneida Police Department officer is responsible for removing from the premises described

476 in the writ the occupant and all other persons found upon the premises, using such reasonable force as
477 is necessary, and remaining on scene while the owner changes the locks on the premises and secures
478 possession of the premises. [6 O.C. 610.11-4(a)]. The Law then addresses appeals of the Oneida Trial
479 Court's decision and provides that an appeal in an eviction action shall be initiated with the Oneida
480 Court of Appeals within fifteen (15) days of the entry of judgment or order. [6 O.C. 610.11-3(i)]. The
481 Law then provides additional details on how matters are handled while the appeal is in progress.

482 **M. Timing for the Return of the Security Department.** The proposed amendments to the Law expand the
483 time allowed for returning the security deposit. Currently, section 610.7-5 of the Law provides that the
484 owner shall deliver or mail to an occupant the full amount of any security deposit paid by the occupant,
485 less any amounts that may be withheld within thirty (30) calendar days after any of the following: if
486 the occupant vacates the premises on the original termination date of the contract, the date on which
487 the contract terminates; if the occupant vacates the premises or is evicted before the original termination
488 date of the contract, the date on which the occupant's rental agreement terminates or, if the owner re-
489 rents the premises before the occupant's rental agreement terminates, the date on which the new
490 occupant takes occupancy/use of the premises; or if the occupant vacates the premises untimely or is
491 removed from the premises pursuant to an eviction action judgment and writ of restitution, the date on
492 which the owner learns that the occupant has vacated the premises or has been removed from the
493 premises. The proposed amendments to the Law expand the time allotted to return the security deposit
494 from thirty (30) calendar days to sixty (60) calendar days. [6 O.C. 610.12-5].

- 495 ▪ *Effect.* The proposed amendments to the Law expand the amount of time allowed to return the
496 security deposit from thirty (30) calendar days to sixty (60) calendar days in an effort to provide
497 owners greater time to determine what, if any, damages need to be withheld from the security
498 deposit.

499 **N. Other Drafting Changes.** The proposed amendments to the Law also make other drafting changes and
500 broad organizational changes.

501

502 **SECTION 6. EXISTING LEGISLATION**

503 **A. Related Legislation.** The following laws of the Nation are related to this Law:

- 504 ▪ *Administrative Rulemaking Law.* The Administrative Rulemaking law provides an efficient,
505 effective, and democratic process for enacting and revising administrative rules. [1 O.C. 106.1-2].
 - 506 ▪ This Law delegates rulemaking authority to the Comprehensive Housing Division in
507 accordance with the Administrative Rulemaking law to develop create rules to further
508 govern the processes contained in this law related to the Nation's residential contracts. [6
509 O.C. 610.4-1].
 - 510 ▪ This Law delegates rulemaking authority to Land Management in accordance with the
511 Administrative Rulemaking law to develop rules to further govern the processes contained
512 in this law related to the Nation's agricultural and business contracts. [6 O.C. 610.4-1].
 - 513 ▪ The Law delegates administrative rulemaking authority to the Comprehensive Housing
514 Division to develop rules to further govern the disposition of personal property in relation
515 to the Nation's residential contracts. [6 O.C. 610.11-4(b)].
 - 516 ▪ The Law delegates administrative rulemaking authority to Land Management to develop
517 rules to further govern the disposition of personal property in relation to the Nation's
518 business and agricultural and business contracts. [6 O.C. 610.11-4(b)].

519 ■ Any rules made in accordance with the Law will have to follow the process and procedures
520 provided in the Administrative Rulemaking law.

521 ■ **Landlord Tenant Law.** The Landlord Tenant law provides mechanisms for protecting the rights of
522 the landlords and tenants on all land owned by the Nation or Tribal members within the Reservation
523 boundaries. *[6 O.C. 611.1-1]*.
524 ■ The Eviction and Termination law defines occupant as a person or entity who has acquired
525 a legal right to use or occupy Tribal land by a lease under the Leasing law, or one who has
526 the right to use or occupy a property under a lease; or a person granted the right to use or
527 occupy a premises pursuant to a rental agreement in accordance with the Landlord Tenant
528 law. *[6 O.C. 610.3-1(g)]*.
529 ■ The Eviction and Termination law defines owner to mean the Nation when the Nation is
530 acting in its capacity as a lessor as defined in the Leasing law or lessee; or the Nation or
531 any person or entity within the Nation's jurisdiction acting in its capacity as a landlord as
532 defined in the Landlord Tenant law. *[6 O.C. 610.3-1(h)]*.
533 ■ The Eviction and Termination law defines contract to mean either a lease document
534 pursuant to the Leasing law or a rental agreement pursuant to the Landlord Tenant law. *[6*
535 *O.C. 610.3-1(c)]*.
536 ■ A landlord subject to the Landlord Tenant law would be required to follow the procedures
537 of the Eviction and Termination law to terminate a contract and evict an occupant.

538 ■ **Leasing Law.** The Leasing law sets out the Nation's authority to issue, review, approve and enforce
539 leases. *[6 O.C. 602.1-1]*. In addition, the purpose of this law is to meet the requirements of the
540 Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act)
541 by establishing a process under which the Nation will be able to approve leases on tribal land
542 without additional approval of the Secretary of the Interior. *Id.*
543 ■ The Eviction and Termination law defines owner to mean the Nation when the Nation is
544 acting in its capacity as a lessor as defined in the Leasing law or lessee; or the Nation or
545 any person or entity within the Nation's jurisdiction acting in its capacity as a landlord as
546 defined in the Landlord Tenant law. *[6 O.C. 610.3-1(h)]*.
547 ■ The Eviction and Termination law defines contract to mean either a lease document
548 pursuant to the Leasing law or a rental agreement pursuant to the Landlord Tenant law. *[6*
549 *O.C. 610.3-1(c)]*.
550 ■ The Eviction and Termination law defines occupant as a person or entity who has acquired
551 a legal right to use or occupy Tribal land by a lease under the Leasing law, or one who has
552 the right to use or occupy a property under a lease; or a person granted the right to use or
553 occupy a premises pursuant to a rental agreement in accordance with the Landlord Tenant
554 law. *[6 O.C. 610.3-1(g)]*.
555 ■ The Eviction and Termination law provides that except for leases entered into pursuant to
556 the Leasing law, any termination provisions in a contract that are contrary to those provided
557 in this law are invalid. *[6 O.C. 610.5-3]*.
558 ■ A lessor subject to the Leasing law would be required to follow the procedures of the
559 Eviction and Termination law to terminate a contract and evict a lessee.

560 ■ **Judiciary Law.** The Judiciary law establishes a Judiciary, and provides for the administration of
561 law, justice, judicial procedures and practices by the Nation as a sovereign nation by exercising the
562 inherent power to make, execute, apply and enforce its own law, and to apply its own customs and

563 traditions in matters affecting the Oneida people. *[8 O.C. 801.1-1]*. It is the policy of the Nation to
564 provide a fair and impartial forum for the resolution of all matters that come before it pursuant to a
565 grant of authorization by law. The Judiciary law provides that the Trial Court shall have subject
566 mater jurisdiction over cases and controversies arising under laws of the Nation that specifically
567 authorize the Trial Court to exercise jurisdiction. *[8 O.C. 801.5-2(a)]*.

- 568 ▪ The Eviction and Termination law authorizes the Oneida Judiciary to exercise jurisdiction
569 to hear complaints filed regarding actions taken pursuant to this law. *[6 O.C. 610.13-1]*.
- 570 ▪ **Oneida Judiciary Rules of Civil Procedure.** The Oneida Judiciary Rules of Civil Procedure
571 governs all civil actions that fall under the jurisdiction of the Nation to ensure that there is a
572 consistent set of rules governing the process for civil claims, in order to ensure equal and fair
573 treatment to all persons who come before the Tribal Courts to have their disputes resolved. *[8 O.C.*
574 *803.1-1, 803.1-2]*. The Oneida Judiciary Rules of Civil Procedure is followed by the Court, except
575 where other Court rules are more specific, then those laws shall supersede. *[8 O.C. 803.4-6]*.
 - 576 ▪ Actions before the Oneida Judiciary shall comply with the Oneida Judiciary Rules of Civil
577 Procedure, except where the Eviction and Termination law is more specific.
- 578 ▪ **Oneida Judiciary Rules of Evidence.** The Oneida Judiciary Rules of Evidence establishes rules of
579 evidence to apply in proceedings held in the Trial court and Family Court of the Oneida Judiciary
580 administer Court proceedings fairly, eliminate unjustifiable expense and delay, and promote the
581 development of evidence law, by obtaining the truth and securing a just determination. *[8 O.C.*
582 *804.1-1, 804.1-2]*.
 - 583 ▪ Actions before the Oneida Judiciary shall comply with the Oneida Judiciary Rules of
584 Evidence.
- 585 ▪ **Rules of Appellate Procedure.** The Rules of Appellate Procedure govern the procedure in all
586 actions and proceedings in the divisions that make up the Court of Appeals within the Judiciary
587 that fall under the jurisdiction of the Nation *[8 O.C. 805.1-1]*. It is the policy of the Nation that
588 these rules are to be liberally construed to ensure a speedy, fair, and inexpensive determination of
589 every appeal. *[8 O.C. 805.1-2]*. Any party to a civil action, who is aggrieved by a final judgment
590 or order of the Trial Court or original hearing body, may appeal to the Court of Appeals. *[8 O.C.*
591 *805.5-1]*.
 - 592 ▪ The Eviction and Termination law provides that an appeal in an eviction action shall be
593 initiated with the Oneida Court of Appeals within fifteen (15) days of the entry of judgment
594 or order. *[6 O.C. 610.11-3(i)]*.
 - 595 ▪ Actions before the Oneida Judiciary shall comply with the Rules of Appellate Procedure,
596 except where the Eviction and Termination law is more specific.
 - 597 ▪ An example of this is the Rules of Appellate Procedure provides that such party shall
598 file with the Clerk a Notice of Appeal from such judgment or order, together with a
599 filing fee, as set by the Court, within thirty (30) days after the day such judgment or
600 order was rendered. *[8 O.C. 805.5-2(a)]*. The Eviction and Termination law provides
601 that an appeal in an eviction action shall be initiated with the Oneida Court of Appeals
602 within fifteen (15) days of the entry of judgment or order. *[6 O.C. 610.11-3(i)]*.

603 **SECTION 7. OTHER CONSIDERATIONS**

604 A. **Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all
605 legislation except emergency legislation *[1 O.C. 109.6-1]*. Oneida Business Committee resolution BC-

607 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures
608 Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
609 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
610 completing the fiscal impact statement.

611 ▪ *Conclusion.* The Legislative Operating Committee has not yet requested a fiscal impact statement
612 from the Finance Administration.

613



AGENDA REQUEST FORM

- 1) Request Date: February 18, 2026
- 2) Contact Person(s): Clorissa N. Leeman
 Dept: Legislative Reference Office
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Oneida General Welfare Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
On 12/15/25 the Department of Treasure and the IRS issued final regulations implementing the Tribal General Welfare Exclusion Act. We should review our Oneida General Welfare law to determine what, if any, amendments should be made in regard to the updated regulations.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Tribal General Welfare Exclusion Act - Final Regulations Fact Sheet 3) _____
- 2) Oneida General Welfare Law 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Other GEW program laws could potentially be impacted.
- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? Yes No
 If yes, please indicate why:
Not an emergency action.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:

Clorissa N. Leeman

 Digitally signed by Clorissa N. Leeman

Date: 2026.02.13 15:52:24 -06'00'

Please send this form and all supporting materials to:

LOC@oneidanation.org
 or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376



Fact Sheet: Tribal General Welfare Exclusion Act—Final Regulations

December 15, 2025

Overview: In 2014, Congress enacted the Tribal General Welfare Exclusion Act (Act), which excludes the value of any Tribal general welfare benefit from a recipient's gross income for Federal income tax purposes. The Act enables Tribes to provide a variety of assistance to their citizens to support their well-being. The Act contains two categories of requirements for Tribal programs:

- The program is administered under specific guidelines and does not discriminate in favor of members of the governing body of the Tribe; and
- The benefits provided under the program are:
 - available to any Tribal member (or other eligible individual) who meets the guidelines;
 - for the promotion of general welfare;
 - not lavish and extravagant; and
 - not compensation for services.

Treasury Tribal Advisory Committee (TTAC): The Act established the [TTAC](#) to advise the Secretary of the U.S. Department of the Treasury on Tribal tax matters, advise on the Act's implementation, and consult with the Internal Revenue Service (IRS) on the training of IRS field agents and Tribal financial officers. The Act suspends Tribal general welfare audits and examinations until this training is complete.

Final Regulations: On December 15, 2025, the Department of Treasury and the Internal Revenue Service (collectively Department) issued [final regulations](#) implementing the Act. Based on substantial Tribal and TTAC consultation, the final regulations reflect a historic incorporation of support for Tribal sovereignty and self-determination in tax regulations. To review this feedback and how it was utilized, see the [Tribal Consultation and Federal Feedback Summary](#). To support Tribal leaders in understanding these rules, below are key flexibilities in the regulations.¹

A. Key Policy Highlights:

1. **Tribal Deference:** The final regulations incorporate deference to Tribal government decision-making expressly into regulatory provisions. The Act's deference provision, that ambiguities should be resolved in favor of a Tribe, is also incorporated into a stand-alone regulatory clause.
2. **Expanded Definition of Eligible Individuals:** The final regulations incorporate respect for Tribal law and broadly define "Tribal program participant"—the category of individuals eligible to receive Tribal general welfare benefits that are not subject to tax. This term includes a Tribal Member, their dependent, and their spouse under Tribal or state law. It also covers a Tribal member's ancestor, descendant, former spouse, widow or widower, legally recognized domestic partner or former domestic partner, or an individual for whom a Tribal member is a caregiver authorized under Tribal or State law.

1. The descriptions provided in this document summarize key provisions of the final regulations but are non-exhaustive and do not describe all requirements that may apply. Please see the final regulations.

3. **Use of Any Revenue:** The final regulations provide that General Welfare Exclusion benefits under a Tribe's program may be funded by any source of revenue or funds, including net gaming revenues.
4. **Deference to Tribal Classification of Revenue:** The final regulations defer to Tribes in their classification of net gaming revenues as general welfare versus per capita payments. This includes recognition that a Tribe may choose to modify a Revenue Allocation Plan to provide general welfare benefits instead of per capita payments.
5. **Allowance of Uniform Payments and No Need Requirement:** The final regulations recognize that Tribes may use any revenue—including net gaming revenues—to provide eligible benefits, including uniform payments. The final regulations also do not impose a need requirement.
6. **General Welfare includes Grantor Trusts:** The final regulations confirm that a Tribe may provide a general welfare benefit through a grantor's trust. A Tribe may also choose to modify an existing IGRA trust to provide general welfare benefits.
7. **Economic Development as General Welfare:** The final regulations confirm that a Tribe's program may provide benefits directly to a Tribal program participant to support, develop, operate, expand, or start trades or businesses.
8. **Alaska Native Corporation Reliance:** The final regulations provide that Alaska Native regional and village corporations may choose to apply this rule until proposed regulations that specifically address general welfare benefits by Alaska Native regional and village corporations are published.

B. Key Regulatory Flexibilities:

1. **Program Establishment and Non-Discrimination:**
 - a. **Program Establishment:**
 - Recognition of Tribal Law: A program may be established by Tribal custom, government practice, or formal action of the Tribe under applicable Tribal law.
 - Delegation: If permitted under Tribal law, a Tribe may delegate authority to establish a GWE program to a designated individual or the Tribe's entity.
 - Writing Not Required: If a Tribe's law does not require formal actions to be in writing, a program does not need to be in writing to be established.
 - b. **Non-Discrimination:** In recognition that some Tribes have a governing body that consists of the entire adult membership of the Tribe, the final regulations clarify that their operation of a general welfare program is compliant with the statutory non-discrimination requirement.
2. **Benefit Requirements:**
 - a. **Promoting General Welfare:** Provides deference to Tribes to determine, at the time their program is established, whether a benefit is for the promotion of general welfare.
 - b. **Lavish or Extravagant:**
 - Recognition of Tribal Sovereignty: The final regulations recognize that each Tribe is unique and applies a facts and circumstances test to evaluate whether a benefit is lavish or extravagant. This test includes a Tribe's culture and cultural practices, history, geographic area, traditions, resources, and economic conditions or factors.

- **Deference on Attestations:** The final regulations provide that the IRS will defer to a Tribe's attestations of facts and circumstances, regardless of whether the program is in writing, at the time the benefit is provided to the Tribal program participant.
- **Compliance Presumption:** A benefit will be presumed to not be lavish or extravagant if it is described in, and provided in accordance with, the written specified guidelines of a Tribe's program.
- c. **Benefits and Compensation for Services:** The final regulations recognize that a Tribe has sole discretion to determine whether an item is of cultural significance and whether an activity is a cultural or ceremonial activity, and that the IRS will defer to these determinations. This includes recognition that community service, job, training, and prizes for participation in cultural activities may all constitute general welfare.
 - **Members of Other Tribes:** The final regulations also provide that, relating to cultural or ceremonial activities, the definition of "Tribal program participant" includes citizens of other Tribes and the individuals in the Tribal program participant category affiliated with them.

C. Administrative Highlights:

1. **Examples are Illustrative & Non-Exhaustive:** The final regulations provide that examples are illustrative and non-exhaustive. It also broadens existing examples and adds a new one on economic development to support Tribes.
2. **Substantiation Clarification:** The final regulations do not limit the types of documentation a Tribe can provide its recipients to substantiate a general welfare payment. The final regulations also confirm that individuals are not required to maintain personal receipts for benefits received.
3. **One Year Transition Period and Prior Reliance:** The final regulations generally are effective January 1, 2027, which provides Tribes a one-year transition period. Tribes are also permitted to apply the final regulations to prior taxable years.
4. **Prospective Enforcement:** The final regulations provide that the Department agrees with the TTAC and Tribal leaders that it would be counterproductive for IRS audit and examinations of issues under section 139E and these final regulations to apply to taxable years for which there was no guidance interpreting section 139E.
5. **Maintenance of the Audit and Examination Suspension:** The final regulations confirm that the Act's audit suspension will not be lifted until after final regulations are issued and the Act's required training is completed in consultation with Tribal governments and the TTAC.
6. **Inclusion of Tribal Program Participant's in Audit Suspension:** The final regulations confirm that the audit and examination suspension will apply to all Tribal Program Participants.

Title 10. General Welfare Exclusion - Chapter 1001

ONEIDA GENERAL WELFARE

1001.1. Purpose and Policy
 1001.2. Adoption, Amendment, Repeal
 1001.3. Definitions
 1001.4. General Welfare Assistance
 1001.5. Approved Program Guidelines

1001.6. Non-Recourse Designation
 1001.7. Governing Law; Sovereignty
 1001.8. Federal Trust Obligations

1001.1. Purpose and Policy

1001.1-1. *Purpose.* The purpose of this law is to govern how the Nation provides assistance to eligible members on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion.

(a) The federal government through the Tribal General Welfare Exclusion Act of 2014, codified at 26 U.S.C §139E and the Internal Revenue Service, through its traditional application of the general welfare doctrine and subsequent guidance, has recognized the sovereign right of Indian tribal governments to provide financial assistance to its members under certain circumstances on a non-taxable basis.

1001.1-2. *Policy.* It is the policy of the Nation to provide assistance to members through approved programs that promote the general welfare of the Nation. This law provides a framework for approved programs to follow to ensure compliance with the General Welfare Exclusion, 26 U.S.C. §139E, and applicable Internal Revenue Service regulations or revenue procedures including I.R.S. Rev. Proc. 2014-35. Further, it is the intent of the Oneida Business Committee that all assistance provided under this law:

- (a) is available to any recipients who satisfy the program policies, subject to budgetary restraints;
- (b) is made under an approved program that does not discriminate in favor of members of the Nation's governing body;
- (c) is not provided as compensation for goods or services; and
- (d) is not lavish or extravagant under the facts and circumstances, as determined by the Oneida Business Committee.

1001.2. Adoption, Amendment, Repeal

1001.2-1. This law was adopted by the Oneida Business Committee by resolution BC-12-08-21-A.

1001.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1001.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

1001.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

1001.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1001.3. Definitions

1001.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Approved program" means any program(s) to provide general welfare assistance that is intended to qualify as non-taxable as a General Welfare Exclusion, administered under specific guidelines, and is adopted by the Oneida Business Committee through resolution

or law of the Nation.

(b) "Assistance" means benefits or payments under an approved program, which are paid to or on behalf of a recipient pursuant to this law. Assistance provided under an approved program shall not be considered income of the recipient.

(c) "Lavish" or "Extravagant" shall have the meaning determined by the Oneida Business Committee in its discretion and based on the circumstances, taking into account needs unique to the Nation as well as the social purpose being served by the particular assistance at hand, except as otherwise may be required for compliance with final guidance issued under 26 U.S.C. §139E following consultation between the Nation and the federal government.

(d) "Limited term" means a defined start and end date, or utilizes third-party funding and is not intended to be permanent.

(e) "Member" means an individual who is an enrolled member of the Nation.

(f) "Nation" means the Oneida Nation.

(g) "Recipient" means any member entitled to receive assistance in accordance with approved program requirements.

1001.4. General Welfare Assistance

1001.4-1. *General.* The Nation may provide general welfare assistance to eligible members on a non-taxable basis pursuant to the principles of General Welfare Exclusion. The federal government recognizes that benefits to recipients under an approved program for the promotion of the general welfare of the Nation is excludable from the gross income of those recipients. General Welfare Exclusion provides that any assistance shall be treated as non-taxable under federal law so long as it:

- (a) satisfies the requirements for exclusion under 26 U.S.C. §139E;
- (b) is provided under a Safe Harbor Program listed and detailed in I.R.S. Rev. Proc. 2014-35 or subsequent Internal Revenue Service procedures or regulations; or
- (c) meets the criteria of the General Test under the I.R.S. General Criteria of General Welfare exclusion listed in I.R.S. Rev. Proc. 2014-35, section 5.02(1).

1001.4-2. *General Test.* The General Test provides criteria used to determine if any assistance provided through an approved program to a recipient shall be treated as a General Welfare Exclusion. The criteria of the General Test include the following:

- (a) The assistance is paid on behalf of the Nation;
- (b) The assistance was provided pursuant to an approved program;
- (c) The assistance does not discriminate in favor of members of the governing body of the Nation;
- (d) The assistance is available to any member who meets the guidelines of the approved program;
- (e) The assistance is provided for the promotion of general welfare;
- (f) The assistance is not lavish or extravagant;
- (g) The assistance is not compensation for services; and
- (h) The assistance is not a per capita payment.

1001.4-3. *Approved Programs.* Any assistance provided by the Nation under the General Welfare Exclusion shall occur through an approved program and qualify as non-taxable under the principles of the General Welfare Exclusion to the fullest extent permitted at law.

- (a) An approved program shall be established and operated to promote the general welfare

of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment.

- (b) Each approved program shall be limited to purposes consistent with treatment under the General Welfare Exclusion as to purpose, eligibility, and funding.
- (d) An approved program shall meet all criteria of the General Test.
- (d) Assistance provided through an approved program is not subject to information reporting by the Nation to the Internal Revenue Service.

1001.4-4. *Ratification of Prior Acts.* This law shall not be construed as creating new general welfare assistance rights which are an inherent right of Nation. Rather, this law is intended to codify existing procedures used by the Nation to administer its general welfare assistance. Assistance provided prior to the enactment of this law is hereby ratified and confirmed as general welfare assistance provided pursuant to the exercise by the Nation of its inherent tribal sovereignty.

1001.5. Approved Program Guidelines

1001.5-1. *Creation of an Approved Program.* An approved program shall be adopted by the Oneida Business Committee through a resolution or law of the Nation. Approved programs adopted by the Oneida Business Committee are considered in force and effect and in accordance with this law

- (a) *Law.* An approved program shall be adopted by the Oneida Business Committee through a law if the approved program will function on a permanent basis.
 - (1) Adoption of an approved program by the Oneida Business Committee through a law of the Nation shall comply with the process and procedures of the Legislative Procedures Act.
- (b) *Resolution.* An approved program shall be adopted by the Oneida Business Committee through a resolution if the approved program will function for a limited term.
 - (1) An approved program to be considered for adoption through resolution by the Oneida Business Committee shall be accompanied by a statement of effect and submitted in accordance with the Oneida Business Committee's submission procedure and deadlines.
- (c) *Contents of Proposed Approved Programs.* The law or resolution establishing an approved program shall contain the following information:
 - (1) Name of the approved program;
 - (2) Purpose of the approved program;
 - (3) Eligibility rules and limitations for approved program;
 - (4) Funding source for approved program;
 - (5) How the approved program qualifies for General Welfare Exclusion; and
 - (6) Start and end date of approved program, if applicable.

1001.5-2. *Eligibility.* Assistance provided by an approved program shall be limited to members of the Nation. Each approved program shall set forth any specific eligibility rules and limitations applied to that program.

1001.5-3. *Funding of Approved Programs.* Assistance authorized by this law shall be limited to funds appropriated, at the discretion of the Oneida Business Committee and no matter the source of the funds. All amounts budgeted by the Nation for assistance shall remain general assets of the Nation until payments are disbursed. The Oneida Business Committee shall designate approved programs for which funds shall be budgeted each fiscal year, consistent with the purposes of this

law. Approved programs may also be funded through third-party funding if available.

1001.5-4. *Use of Assistance.* All assistance provided through an approved program shall be used for the purpose stated in the approved program description. If assistance is used or pledged for a purpose inconsistent with the purpose set forth in an approved program the payment shall be deemed forfeited. The Nation may secure repayment from any recipient who forfeited their assistance.

1001.5-5. *Anti-Alienation.* Assistance provided to a member through an approved program shall not be subject to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, attachment or garnishment by creditors of the member.

1001.6. Non-Recourse Designation

1001.6-1. The Nation does not guarantee assistance under this law. Assistance shall not be treated as a resource or asset of a recipient for any purpose; and no recipient shall have an interest in or right to any funds budgeted for, or set aside for, approved programs until paid.

1001.6-2. The Oneida Business Committee reserves the right to cancel, adjust, modify or revoke any benefit.

1001.6-3. Approved programs shall be administered at all times to avoid triggering of the doctrines of “constructive receipt” or “economic benefit.”

1001.7. Governing Law; Sovereignty

1001.7-1. All the rights and liabilities associated with the enactment of this law, or the assistance made hereunder, shall be construed and enforced according to the Nation’s laws and applicable federal law. Nothing in this law or the related laws, policies, or procedures adopted for its implementation, if any, shall be construed to make applicable to the Nation any laws or regulations which are otherwise inapplicable to the Nation, or from which the Nation is entitled to exemption because of its sovereign status.

1001.8. Federal Trust Obligations

1001.8-1. The Nation reserves the right to provide assistance in circumstances where federal funding is insufficient to operate federal programs designed to benefit applicants and when federal funding is insufficient to adequately and consistently fulfill federal trust obligations. The Nation’s adoption of its approved programs is not intended to relieve or diminish the federal government of its funding and trust responsibilities. Nothing herein shall waive the Nation’s right to seek funding shortfalls or to enforce the trust rights of the Nation and its members. The Nation shall be entitled to government-to-government consultation and coordination with the federal government regarding these obligations.

End.

Emergency Adopted – BC-08-12-20-D

Emergency Amended – BC-02-10-21-B

Emergency Extended – BC-07-28-21-M

Adopted – BC-12-08-21-A



AGENDA REQUEST FORM

- 1) Request Date: February 18, 2026
- 2) Contact Person(s): Clorissa N. Leeman
 Dept: Legislative Reference Office
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: General Tribal Council Meeting Stipend Payment Policy Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
At the 2/5/26 OBC work session it was determined that the Legislative Operating Committee should review and consider amendments to the GTC Meeting Stipend Payment Policy to address decorum, stipend policy alignment, checkout procedures, and enforcement authority.

List any supporting materials included and submitted with the Agenda Request Form

- 1) General Tribal Council Meeting Stipend Payment Policy Amendments
- 2) _____
- 3) _____
- 4) _____

5) Please list any laws, policies or resolutions that might be affected:

6) Please list all other departments or person(s) you have brought your concern to:

7) Do you consider this request urgent? Yes No

If yes, please indicate why:

Not an emergency action.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:

Clorissa N. Leeman

 Digitally signed by Clorissa N. Leeman
 Date: 2026.02.13 15:52:24 -06'00'

Please send this form and all supporting materials to:

LOC@oneidanation.org
 or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376

Title 1. Government and Finances – Chapter 111

GENERAL TRIBAL COUNCIL MEETING STIPEND PAYMENT POLICY

111.1. Purpose and Policy
 111.2. Adoption, Amendment, Repeal
111.3. Definitions

111.4. Stipends
 111.5. General Tribal Council Meetings
 111.6. Appeals

111.1. Purpose and Policy

111.1-1. The purpose of this policy is to govern the payment of stipends for attendance at General Tribal Council meetings.

111.1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to pay eligible General Tribal Council members a stipend for attending a General Tribal Council meeting at which a quorum is established and maintained and where official Tribal business is conducted.¹

111.2. Adoption, Amendment, Repeal

111.2-1. This policy was adopted by the Oneida Business Committee by Resolution BC-12-10-08-K and amended by BC-02-13-13-E.

111.2-2. This policy may be amended pursuant to Tribal law by the Oneida General Tribal Council.

111.2-3. Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.

111.2-4. In the event of a conflict between a provision of this policy and a provision of another law, ordinance, policy, regulation, rule, resolution or motion, the provisions of this policy shall control. Provided that, nothing in this policy is intended to repeal or modify any existing law, ordinance, policy, regulation, rule, resolution or motion.

111.2-5. This policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

111.3. Definitions

111.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “General Tribal Council” means the governing body of the Oneida Tribe of Indians of Wisconsin, which is composed of the qualified voters of the Tribe, as determined by the Constitution of the Oneida Tribe of Indians of Wisconsin.

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

111.4. Stipends

111.4-1. Any Tribal member who meets the requirements of 111.4-2 shall receive a stipend in an amount determined by General Tribal Council for attending a General Tribal Council meeting, if a quorum is established.

(a) If a quorum has not been established within fifteen (15) minutes after the published starting time, the meeting shall not be held and no stipend shall be paid.

111.4-2. In order to receive a stipend for attending a General Tribal Council meeting, a person shall:

(a) be a qualified voter, in accordance with the Oneida Constitution;

¹January 16, 2023 GTC Directive: “Motion by Nancy Barton to accept the petition and to increase the General Tribal Council stipend to \$200 effective January 30, 2023. Seconded by Michael Debraska. Motion carried 2/3 majority vote requirement by show of hands.”

(b) except as provided under (1), register no later than fifteen (15) minutes after the published starting time of the meeting by checking in at a registration table, filling out any required forms, and providing a valid Tribal or state issued picture identification;

(1) A person who is physically in line to register for a General Tribal Council meeting within fifteen (15) minutes after the published starting time of the meeting, may receive a stipend for attending a General Tribal Council meeting if he or she registers and meets the other requirements under this section.

(c) be present for the entire meeting, from the time the meeting is called to order until the meeting is adjourned; and

(1) For purposes of this policy, a Tribal member who leaves the meeting area and any related bathroom facilities, as identified by the Tribal Secretary's Office, is not considered present for the entire meeting.

(d) check out and provide a valid Tribal or state issued picture identification card after the meeting ends.

(1) For the purposes of this policy, a meeting ends when the meeting is adjourned, the meeting is recessed to a later date, or a quorum is lost.

111.4-3. *Payment.* The stipend payment shall be made by an acceptable distribution process approved by the Accounting Department. Any fees associated with reissuing a payment shall be deducted from a reissued payment.

(a) The Accounting Department shall distribute stipend payments no later than fifteen (15) business days after a General Tribal Council meeting is held.

(b) If a Tribal member does not receive a stipend payment after meeting the requirements of 111.4-2, he or she may contact the Enrollment Department to verify his or her eligibility to receive the stipend payment.

111.5. General Tribal Council Meetings

111.5-1. Enrollment Department.

(a) The Enrollment Department shall be responsible for the following at each General Tribal Council meeting:

(1) Conducting check in/out of Tribal members and verifying voter eligibility.
 (2) Verifying mailing address of each Tribal member.

(3) Providing eligible Tribal members with a hand stamp, bracelet or other identifier that can be displayed upon request to prove they are eligible to attend the meeting and/or vote during the meeting.

(b) Enrollment Department officials shall be responsible for verifying the information provided by Tribal members while checking in and out. A Tribal or state issued picture identification card shall be required to verify the identity of the person registering.

(c) The Enrollment Department shall send the relevant information regarding Tribal members who are eligible to receive a stipend to the Accounting Department as soon as possible after the meeting.

111.5-2. If the facility where the meeting is held does not seat at least twenty-five hundred (2,500) people, the Oneida Business Committee shall have the Security Department or other applicable individuals limit meeting attendees to those Tribal members who are eligible to vote.

111.6. Appeals

111.6-1. Any Tribal member denied a stipend payment may file an appeal with the Enrollment Department within forty-five (45) days after the meeting for which the meeting stipend was denied. The review shall be conducted by the Enrollment Director or his/her designee. A determination as to

whether the Tribal member was eligible for the stipend shall be made within five (5) business days of receipt of the appeal.

- (a) The determination shall be sent by registered mail (return receipt requested) or delivered in person to the Tribal member.
- (b) In the event a stipend payment is denied, the determination shall include a statement notifying the Tribal member that he or she has fourteen (14) calendar days to file an appeal with the Oneida Trust/Enrollment Committee.
- (c) In the event a stipend payment is granted, the determination shall include a statement notifying the Tribal member that the Enrollment Department will forward his or her relevant information to the Accounting Department to process the payment.

111.6-2. Any Tribal member denied a stipend payment after an appeal to the Enrollment Director may appeal the Director's determination to the Oneida Trust/Enrollment Committee. The appeal shall be filed within fourteen (14) calendar days of receipt of the determination. An appeal shall be filed with the Oneida Trust/Enrollment Committee in care of the Enrollment Department. The Enrollment Department shall forward the appeal to the Oneida Trust/Enrollment Committee no later than the next business day.

111.6-3. A quorum of the Oneida Trust/Enrollment Committee shall conduct a hearing of the appeal and issue a determination within forty-five (45) days of the receipt of the Tribal member=s request for review.

- (a) The Oneida Trust/Enrollment Committee determination shall be sent by registered mail (return receipt requested) or delivered in person to the Tribal member.

111.6-4. *Payments after an Appeal.*

- (a) Within five (5) business days after the Enrollment Director or the Oneida Trust/Enrollment Committee determines that a stipend should have been granted, the Enrollment Department shall notify the Accounting Department of the determination, the name of the Tribal member and any additional relevant information needed by the Accounting Department to make the payment.
- (b) The Accounting Department shall distribute a stipend payment to the Tribal member within fifteen (15) business days from the notification.

111.6-5. The determination of the Oneida Trust/Enrollment Committee shall be final.

End.

GTC Directive – 8/11/07
 Emergency Adoption – BC-12-07-07-A
 Emergency Extension – BC-05-28-08-C
 Permanent Adoption – BC-12-10-08-K
 GTC Directive – GTC-11-21-11-A
 Emergency Adoption – BC-05-09-12-A
 Emergency Extension – BC-10-14-12-B
 Adopted – BC-02-13-13-E
 Emergency Amended – BC-04-08-20-A
 Emergency Extension – BC-09-23-20-B (Expired)



AGENDA REQUEST FORM

- 1) Request Date: February 18, 2026
- 2) Contact Person(s): Clorissa N. Leeman
 Dept: Legislative Reference Office
 Phone Number: (920) 869-4417 Email: cleeman@oneidanation.org
- 3) Agenda Title: Pardon and Forgiveness Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
At the 2/5/26 OBC work session it was determined that the Legislative Operating Committee should review and consider amendments to the Pardon and Forgiveness law to allow flexibility in pardon eligibility when fines prevent payment.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Pardon and Forgiveness law _____
- 2) _____
- 3) _____
- 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:

- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? Yes No

If yes, please indicate why:

Not an emergency action.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:

Clorissa N. Leeman

 Digitally signed by Clorissa N. Leeman
 Date: 2026.02.13 15:52:24 -06'00'

Please send this form and all supporting materials to:

LOC@oneidanation.org
 or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376

Title 1. Government and Finances - Chapter 126

PARDON AND FORGIVENESS

Tsi?náhte Ahutawani·yóne Olihwá·ke

of what they will be free of matter

126.1. Purpose and Policy	126.6. Pardon and Forgiveness Eligibility and Application
126.2. Adoption, Amendment, Conflicts	126.7. Fees
126.3. Definitions	126.8. Hearings
126.4. Pardon and Forgiveness Screening Committee Responsibilities	126.9. Conditions and Restrictions
126.5. Tribal Secretary's Office Responsibilities	126.10. Oneida Business Committee

126.1. Purpose and Policy

126.1-1. Purpose.

- (a) The purpose of this Law is to provide a fair, efficient and formal process by which:
 - (1) a Tribal member may receive a pardon for the conviction of a crime(s); or
 - (2) a Tribal member may receive forgiveness for acts that render him or her ineligible for housing with the Tribe or other Tribal benefits.
 - (3) a Tribal member or non-Tribal member may receive forgiveness for acts that render him or her ineligible for Tribal employment; an occupational license, certification or permit issued by the Tribe; housing through the Tribe; or other Tribal benefit.
- (b) This Law defines the duties and responsibilities of the Oneida Pardon and Forgiveness Screening Committee, Oneida Business Committee, Oneida Tribal Secretary's Office, and other persons involved in the granting or denial of pardons and forgiveness.

126.1-2. Policy. It is the policy of the Oneida Tribe of Indians of Wisconsin to grant pardons or forgiveness to individuals upon demonstration of full rehabilitation, trustworthiness and/or commitment to lawful behavior. Nothing contained herein shall be construed as permitting the employment of individuals who are otherwise disqualified for employment from certain occupations under Tribal, State or Federal Law. Receipt of a pardon or forgiveness does not affect obligations imposed as part of a sentence or conviction in another jurisdiction.

126.2. Adoption, Amendment, Conflicts

126.2-1. This Law was adopted by the Oneida Business Committee by Resolution BC-05-25-11-A and amended by Resolution BC-01-22-14-B.

126.2-2. This Law may be amended pursuant to the procedures set out in Tribal law by the Oneida Business Committee or the Oneida General Tribal Council.

126.2-3. Should a provision of this Law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Law which are considered to have legal force without the invalid portions.

126.2-4. In the event of a conflict between a provision of this Law and a provision of another law, ordinance, policy, regulation, rule, resolution, or motion, the provisions of this Law shall control. Provided that, this Law repeals Resolution BC-7-31-02-A: Resolution Adopting a New Oneida Pardon Ordinance.

126.2-5. This Law is adopted under authority of the Constitution of the Oneida Tribe of Indians

of Wisconsin.

126.3. Definitions

126.3-1. This section shall govern the definitions of words and phrases used within this Law. All words not defined herein shall be used in their ordinary and everyday sense.

- (a) “Applicant” shall mean an individual who is applying for a pardon or forgiveness from the Tribe.
- (b) “Certified mail” shall mean mail sent through either the United States Postal Service or the Tribal Inter-Office Certified system that provides proof of delivery and receipt.
- (c) “Committee” shall mean the Pardon and Forgiveness Screening Committee.
- (d) “Conditions” shall mean a requirement or prerequisite event or activity.
- (e) “Conflict of interest” shall mean a conflict between the private interests and the official responsibilities of the committee member.
- (f) “Conviction” shall mean an individual was either found guilty or entered a plea of guilty or no contest to charges of a crime in any court of competent jurisdiction.
- (g) “Court of competent jurisdiction” shall mean any court or forum that has the power and authority to properly exercise jurisdiction over a dispute or interpret and/or enforce laws.
- (h) “Crime” shall mean any act, default, or conduct punishable as a felony or a misdemeanor.
- (i) “Forgiveness” shall mean the formal and public act of acknowledging or excusing an individual’s actions or behavior that makes him or her ineligible for Tribal employment, an occupational license, certification or permit issued by the Tribe, housing through the Tribe or other Tribal benefit
- (j) “Hearing” shall mean a public hearing, a noticed public forum in which an applicant has an opportunity to present a case for obtaining a pardon or forgiveness from the Tribe.
- (k) “Individual” shall mean a Tribal member seeking a pardon for a conviction of a crime, a Tribal member seeking forgiveness for an act(s) that makes him or her ineligible for housing with the Tribe or other Tribal benefit(s) or anyone seeking forgiveness for an act(s) that renders him or her ineligible for employment, an occupational license, certification or permit issued by the Tribe.
- (l) “Family member” shall mean a spouse, child sibling, parent, grandparent, grandchild, step-parent, step-child, in-law or legal guardian.
- (m) “Pardon” shall mean the formal and public act of acknowledging or excusing a Tribal member’s criminal conviction that makes him or her ineligible for Tribal employment, an occupational license, a certification or permit issued by the Tribe, housing through the Tribe, or other Tribal benefit.
- (n) “Prominent locations” shall include, but not be limited to, the following: the Tribal newspaper; at least one (1) local newspaper with regular distribution within the Reservation boundaries; one (1) regional Indian newspaper; and the Tribe’s official website.
- (o) “Restriction” shall mean a limitation or constraint imposed.
- (p) “Tribal” or “Tribe” shall mean the Oneida Tribe of Indians of Wisconsin.
- (q) “Victim” shall mean a person or entity against whom an offense, either civil or criminal, has been committed.

126.4. Pardon and Forgiveness Screening Committee Responsibilities

126.4-1. A Committee is hereby created for the purpose of carrying out the provisions of this Law.

126.4-2. *Authority.* The Committee shall:

- (a) promulgate internal standard operating procedures necessary to govern its proceedings;
- (b) review and process applications for a pardon or forgiveness in an orderly and expeditious manner;
- (c) review an applicant's background investigation report received from the Oneida Human Resources Department;
- (d) conduct and preside over hearings;
- (e) provide formal, written recommendations to the Oneida Business Committee to approve or deny a pardon or forgiveness application; and
- (f) take other actions reasonably related to the purpose of the Committee.

126.5. Tribal Secretary's Office Responsibilities

126.5-1. The Tribal Secretary's Office shall assist the Committee with carrying out the provisions of this Law and assist individuals in applying for a pardon or forgiveness. The Tribal Secretary's Office shall:

- (a) create and implement procedures necessary to process pardon and forgiveness applications.
- (b) accept pardon and forgiveness applications.
- (c) submit and track requests for a background investigation.
- (d) forward pardon and forgiveness applications to the Committee when the background investigations are complete.
- (e) maintain a record of all pardon and forgiveness applications filed, every pardon and forgiveness request granted or denied, and the reasons for each action.
- (f) maintain a complete and accurate record of all proceedings, including all correspondence, transcripts, documents, evidence, and appearances made in connection with the applications.
- (g) perform other duties in connection with matters under this Law as may be requested by the Committee.

126.6. Pardon and Forgiveness Eligibility and Application

126.6-1. *Eligibility.* A Tribal member may receive a pardon for any criminal conviction(s), or a forgiveness for an act(s) that renders the Tribal member ineligible for housing with the Tribe or other Tribal benefit(s); and any individual may receive forgiveness for an act(s) that renders the individual ineligible for Tribal employment, an occupational license, certification or permit issued by the Tribe.

- (a) Upon completion of incarceration, parole, probation and/or deferred prosecution, Tribal members shall be eligible to apply for a pardon.
- (b) One (1) year after an act is committed, or affirmed through the conclusion of any appeal process, an individual shall be eligible to apply for pardon or forgiveness.

126.6-2. *Ineligibility.* An individual is ineligible for a pardon or forgiveness if he or she is:

- (a) being investigated for an act and if found to have committed such act, would be ineligible for the benefit he or she is seeking; or
- (b) appealing a termination and the termination makes him or her ineligible for the benefit he or she is seeking; or
- (c) currently incarcerated, on parole, probation, and/or under a deferred prosecution agreement; or
- (d) has any outstanding penalties or fines.

126.6-3. *Initiating an Application.* Applications for a pardon or forgiveness may be obtained from the Tribal Secretary's Office or on the Tribal website. Completed applications shall be filed with

the Tribal Secretary's Office in person, during normal Tribal business hours, or sent by certified mail to the Tribal Secretary at P.O. Box 365, Oneida, WI 54155.

126.6-4. *Required Application Information.* Each applicant is responsible for submitting all required materials and authorizations.

- (a) A completed pardon application shall include the following:
 - (1) a copy of the applicant's Tribal enrollment card.
 - (2) a copy or copies of any discharge papers from incarceration or jail.
 - (3) official verification of any successful completion date of the probation, parole or deferred prosecution.
 - (4) any necessary releases for investigations and/or background checks.
 - (5) any authorizations from a probation officer to release information.
 - (6) the required non-refundable fee as specified under 126.6.
 - (7) a personal written statement, including the reason(s) for requesting a pardon and a description and documentation of the applicant's efforts towards self-improvement.
 - (8) information regarding the conviction(s) for which the applicant is seeking a pardon, including:
 - (A) date(s) upon which the crime(s) occurred;
 - (B) location(s) where the crime(s) occurred;
 - (C) date(s) of conviction(s); and
 - (D) jurisdiction(s) which imposed the sentence(s).
 - (9) verification of attendance or successful completion of any counseling, therapy, or rehabilitative programs such as anger management or coping skills classes.
 - (10) letters of reference or support from people well-regarded in the community. Such letters shall detail the applicant's accomplishments or contributions to the community or attest to the applicant's rehabilitation and trustworthiness. These may include, but are not limited to:
 - (A) clergy or other spiritual leaders.
 - (B) employers and/or community members.
 - (C) teachers.
 - (D) organizers of support groups the applicant attends or has attended.
 - (11) any other information relevant to the applicant's conviction(s) or rehabilitation efforts.
 - (12) proof of payment of all penalties and fines.
- (b) A completed forgiveness application shall include the following:
 - (1) a copy of the applicant's Tribal enrollment card, if applicable.
 - (2) the applicant's employment record prior to the act, if applicable.
 - (3) the applicant's background records.
 - (4) the act that triggered the applicant's ineligibility.
 - (5) the impact of the act on the Tribe.
 - (6) the length of time since the act.
 - (7) a written statement from the applicant demonstrating remorse for the violation.
 - (8) two (2) letters of recommendation, with no more than one (1) recommendation coming from a person who is a family member of the applicant.
 - (9) the required non-refundable fee as specified under 126.6.
 - (10) any additional credible and relevant information.
 - (11) proof of payment of all penalties and fines.

126.6-5. Failure of the applicant to provide a complete application, or any of the required

information and/or materials may result in:

- (a) the application being returned with a request for more information; or
- (b) the application being removed from consideration; or
- (c) denial of a pardon or forgiveness.

126.6-6. *Applicant Misrepresentations.* Any applicant who misrepresents, omits, or falsifies any information on the application or during the pardon process shall be denied a pardon. If a pardon is granted and it is later determined that there is misrepresented or false information, or pertinent information was purposefully omitted, the Oneida Business Committee shall have the right to rescind the pardon.

126.7. Fees

126.7-1. Each application shall be accompanied by a non-refundable fee as set by the Oneida Business Committee in a resolution. Said payment shall be made payable to the Oneida Tribe in the form of a:

- (a) money order; or
- (b) cashier's check; or
- (c) intra-tribal purchase document, if a Tribal department or program, such as Social Services, will be providing the funds for the application fee.

126.8. Hearings

126.8-1. *Notice of the Hearing.* The Committee shall conduct quarterly hearings and provide official notice to the applicant by certified mail, including the date, time and location of the hearing, at least thirty (30) calendar days prior to the hearing. Notice shall also be posted in prominent locations at least thirty (30) calendar days prior to the hearing. If alternate arrangements have been made under 126.8-2, notice shall be posted in prominent locations with as much advance notice as possible and as time permits.

- (a) Notice of the hearings scheduled for the year shall be posted on the Tribal website and periodically in the Tribal newspaper.
- (b) Hearings shall take place at a regularly scheduled time and location to be determined by the Committee and shall be open to the public.

126.8-2. *Alternate Hearing Arrangements.* Applicants who reside out of the State of Wisconsin who are unable to attend a hearing may submit a written request by certified mail to the Tribal Secretary's Office for alternate arrangements to appear by video conference and/or to reschedule the hearing date. If alternate arrangements are unavailable, the applicant may withdraw the application up to three (3) business days prior to the hearing without penalty, and may re-apply for a pardon at any time.

126.8-3. *Failure of Applicant to Attend Hearing.* Failure of the applicant to appear at the hearing may result in the Committee postponing making a determination on the application or recommending the Oneida Business Committee deny the application.

- (a) Applicants with a legitimate reason for failing to appear for a hearing shall have ten (10) calendar days from the date of the missed hearing to provide documentation to the Committee. Such documentation may include, but is not limited to; a Doctor's excuse, accident/police report, or funeral notice.

126.8-4. *Testimony and Notarized Statements.* The Committee shall obtain oral testimony at the hearing from the applicant, and any victims, witnesses or other persons supporting or opposing the pardon or forgiveness.

- (a) Victims, witnesses, and other persons unavailable for a scheduled hearing may submit a notarized statement for consideration.

- (b) The Committee may institute recesses and postponements as they see fit.
- (c) The Committee may ask questions at any time during the hearing.
- (d) The Committee may require the applicant to provide further documentation.
 - (1) Within five (5) business days of the hearing, the Committee shall send a written request by certified mail to the applicant for the additional documentation.
 - (2) The applicant shall submit the documentation to the Tribal Secretary's Office within thirty (30) calendar days after receiving the request for the documentation. Failure of the applicant to provide any of the required documentation may result in:
 - (A) the application being removed from consideration; or
 - (B) denial of the application.

126.8-5. *Deliberations and Recommendation.* After the hearing, the Committee shall go into executive session for deliberations.

- (a) The Committee shall consider all information gathered from the hearing, the application, the background investigation, and any testimony or notarized statements when determining whether to recommend that the application be approved or denied.
 - (1) The Committee shall be responsible for weighing the appropriateness of granting a pardon or forgiveness.
- (b) *Recommendation.* After considering the factors provided, the Committee shall make a decision and compose a formal, written recommendation for each application, including reasons to approve or deny the application within sixty (60) days after the pardon or forgiveness hearing. The recommendation, including any dissenting opinions issued by the Committee shall be forwarded to the Oneida Business Committee within thirty (30) calendar days after making a decision, along with the following materials for review:
 - (1) All information from the application and the background investigation;
 - (2) Any notarized statements submitted;
 - (3) A proposed draft resolution; and
 - (4) An audio recording of the hearing, upon request by an Oneida Business Committee member.

126.9. Conditions and Restrictions

126.9-1. *Pardons.* Certain convictions may affect a Tribal member's rights under state or federal law, or result in restrictions being placed on a Tribal member, regardless of whether a Tribal pardon has been granted.

- (a) *Civil Rights.* A pardon by the Tribe does not guarantee the restoration of all civil rights, and each recipient of a Tribal pardon is responsible for determining whether the pardon affects any non-Tribal restrictions or limitations that may be applicable pursuant to the conviction.
- (b) *Employment.* Individuals convicted of a crime that is "substantially related" to the care of another person or animal may be subject to extended or permanent restrictions on licensing or professional credentials in fields relating to such caretaking. A Tribal pardon shall not affect these restrictions.
- (c) *Sex Offender Registry.* Receipt of a Tribal pardon shall in no way affect registration, tracking or other restrictions or obligations imposed upon sex offenders.
- (d) *Voting Rights.* Each state, and the federal government are empowered to determine whether felons may vote in elections, caucuses, referendums or any other venue dependent on the votes of citizenry. The granting of a Tribal pardon shall not supersede the rights of these jurisdictions to determine the eligibility of voters.

126.9-2. *Other Restrictions.* The Committee's written recommendation to the Oneida Business

Committee to approve an applicant's request for a pardon or forgiveness may also recommend the Oneida Business Committee impose restrictions on the applicant. If the Committee does not recommend a restriction, the Oneida Business Committee shall have the authority to place restrictions on the applicant before approving the pardon or forgiveness request. Restrictions shall specify the time lines attached to them, which may expand over a period of months, years, or indefinitely.

(a) Restrictions shall be clearly defined and may include the following:

- (1) The applicant is ineligible for a transfer, promotion or job reassignment.
- (2) The applicant may be prohibited from:
 - (A) Handling cash and/or merchandise.
 - (B) Having Tribal property sign-off authority.
 - (C) Supervising staff.
 - (D) Supervising or caring for children or the elderly.
 - (E) Any other restrictions the Oneida Business Committee determines as appropriate.

(b) When restrictions are imposed for a period of greater than five (5) years, the applicant may, after five (5) years, apply to have the restrictions modified or lifted. The request to modify or lift restrictions will follow the same process required to request a pardon.

(c) The applicant shall sign a written statement describing each restriction, and time period of such restriction prior to becoming employed by the Tribe.

126.9-3. *Conditions.* The Committee may also recommend that an applicant requesting a pardon or forgiveness be required to complete conditions before the applicant is granted the pardon or forgiveness. If the Committee does not recommend a condition, the Oneida Business Committee shall have the authority to place conditions on the applicant before approving the pardon or forgiveness request.

(a) Conditions shall be clearly defined and may include the following:

- (1) perform community service hours within a Tribal Department.
- (2) payment of restitution to the Tribe.
- (3) any other conditions the Oneida Business Committee determines as appropriate.

126.10. Oneida Business Committee

126.10-1. The Oneida Business Committee shall consider all of the information received by the Committee prior to making a determination on whether to issue or deny a pardon or forgiveness application. The Oneida Business Committee may accept, reject or modify the Committee's recommendation.

126.10-2. *Deliberations.* Deliberations by the Oneida Business Committee shall take place in executive session. The Oneida Business Committee may request, by written notice, that the applicant be present during the deliberations to provide oral testimony or to answer questions. The notice shall be provided to the applicant thirty (30) days prior to the deliberations and shall contain the time, place and date of the deliberations.

126.10-3. *Final Decision.* The Oneida Business Committee shall issue or deny the pardon or forgiveness in open session, by resolution, including the reasons therefor and shall include for the record a clear indication of any decision and shall list the specific crimes to be pardoned or acts to be forgiven. This decision is final and cannot be appealed. Applicants may be eligible to re-apply for a pardon or forgiveness one (1) year from the date of the most recent denial of a pardon or forgiveness.

126.10-4. *Notification.* Notification of the final decision shall be sent to the applicant from the

Tribal Secretary's office by certified mail or personally served within ten (10) business days following the decision. Applicants have a right to documentation of the final decision along with the resolution, and the reason(s) for the final decision.

126.10-5. *Resolution.* To grant or deny a pardon or forgiveness, a majority vote of the Oneida Business Committee is required.

126.10-6. *Eligibilities.* Unless otherwise directed by the Oneida Business Committee, a pardon or forgiveness may fully or partially restore some Tribal eligibilities lost as a result of a conviction or act including:

- (a) employment; and/or
- (b) an occupational license, certificate or permit; and/or
- (c) housing; and/or
- (d) other Tribal benefit.

End.

Adopted – BC-2-19-93-I

Adopted – BC-11-13-93-B (Oneida Pardon Procedures Policy)

Adopted – BC-11-24-93-B (Temporary Pardons)

Adopted – BC-7-31-02-A

Adopted – BC-05-25-11-A

Adopted – BC-01-22-14-B

Emergency Adoption – BC-04-28-21-A

Emergency Extended – BC-10-27-21-A (Emergency Expired)

February 2026

February 2026

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March 2026

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Feb 2	3 9:30am Boards, Committees, Commissions amendments - work meeting with LOC (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Carolyn A. Salutz	4 8:30am LOC Prep Meeting (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting); 1:30pm Canceled: LOC Work Session (Microsoft Teams	5	6
9	10	11	12 12:15pm PUBLIC MEETING: Budget and Finances Law Amendments and Recycling and Solid Waste Disposal Law Amendments (Microsoft Teams Meeting; BC_Conf_Room) - LOC	13
16 10:30am Code of Ethics Amendments (Microsoft Teams Meeting) - Grace L. Elliott	17	18 8:30am LOC Prep Meeting (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting); 1:30pm LOC Work Session (Microsoft Teams Meeting);	19	20
23	24	25	26 1:30pm Boards, Committee, Commissions amendments - work meeting with LOC (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Carolyn A. Salutz	27 1:30pm Ten Day Notice Policy amendments - work meeting with LOC (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Carolyn A. Salutz