

# Oneida Nation

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## **BC Resolution # 04-22-26-E Emergency Adoption of the Probate Law**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the determination of how property is disposed of upon a person's death is an exercise of self-governance that is fundamental to the Oneida Nation's sovereignty; and
- WHEREAS,** the Probate Law is intended to ensure that the property of decedents passes to their rightful heirs or beneficiaries, to honor the decedent's wishes to the greatest extent possible, to comply with tribal custom and tradition, to provide a simple, efficient, and inexpensive probate process, and to protect the rights of heirs, beneficiaries, and creditors in a fair and practicable manner; and
- WHEREAS,** the Probate Law establishes a single, comprehensive probate system applicable to covered decedents, whether or not a will exists, clarifies jurisdiction over trust and non-trust property located within Reservation boundaries, and prioritizes keeping land under the control of Tribal members or the Nation to the extent permitted by law; and
- WHEREAS,** without immediate implementation of the Probate Law, estates of recently deceased and imminently deceased members may be administered under inconsistent legal frameworks, resulting in confusion, delay, increased costs, potential loss of property interests, and unnecessary hardship to surviving family members; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis when such legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and when enactment is required sooner than would otherwise be possible under the Legislative Procedures Act; and
- WHEREAS,** emergency adoption of legislation is effective for a period of six (6) months and may be renewed by the Oneida Business Committee for an additional six (6) month term; and

**WHEREAS,** the emergency adoption of the Probate Law is necessary for the immediate preservation of the general welfare of the Reservation population by ensuring continuity of tribal authority over inheritance and estate administration, preventing irreparable loss of tribal land and property interests, and protecting heirs and families from uncertainty and legal disruption; and

**WHEREAS,** the Legislative Operating Committee developed the Law through collaboration with representatives from the Oneida Law Office, and the Land, Environmental, Agriculture, and Food Department; and

**WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this Law would be contrary to public interest and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Law can be adopted and implemented in time to best protect the safety and general welfare of the reservation population; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and

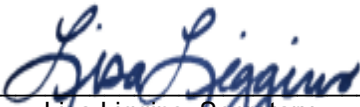
**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts, on an emergency basis, the Probate law effective immediately.

**BE IT FURTHER RESOLVED,** that the emergency adoption of the Probate Law shall remain in effect for a period of six (6) months, unless earlier repealed or permanently adopted, and may be extended by the Oneida Business Committee for an additional six (6) month period in accordance with the Legislative Procedures Act.

**BE IT FINALLY RESOLVED,** that this resolution shall be interpreted consistent with the Oneida Nation's inherent sovereign authority over probate, inheritance, and land tenure, and shall not be construed to conflict with any existing laws of the Nation.

#### CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 6 members were present at a meeting duly called, noticed and held on the 22nd day of April, 2026; that the forgoing resolution was duly adopted at such meeting by a vote of 5 members for, 0 members against, and 0 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
\_\_\_\_\_  
Lisa Liggins, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."