

Oneida Nation

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Oneida, WI 54155

BC Resolution # 08-09-17-A Administrative Rulemaking Law Amendments

- 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 Oneida Business Committee adopted the Administrative Rulemaking law (“the Law”) through resolution BC-02-24-16-C; and
- WHEREAS,** the intent of the Law was to create a standardized process for how entities of the Nation may promulgate rules in furtherance of the responsibilities delegated to them to interpret, implement and/or enforce laws and policies of the Nation; and
- WHEREAS,** the amendments to the Law clarify that a rule developed pursuant to this Law shall not conflict or supersede a law, policy, rule, or resolution of the Nation; and
- WHEREAS,** the amendments to the Law provide an exemption to the administrative rulemaking process requirements, or grandfather clause, for those current and existing standard operating procedures and policies the authorized agency wishes to continue using so long as there are no substantive changes to the content of the standard operating procedures and policies when delegated rulemaking authority and the Oneida Law Office conducts a preliminary review of the materials for potential conflicts; and
- WHEREAS,** the amendments to the Law provide a recommendation that authorized agencies provide an additional special notice to affected parties when a proposed rule or amendments to a rule modify eligibility requirements for the Nation’s programs; and
- WHEREAS,** the amendments require additional public meetings to be held on a proposed rule if substantial changes are made to the proposed rule after a public meeting, and also set a time limitation for when an authorized agency shall submit a proposed rule for certification to the Legislative Operating Committee after the public comment period has expired; and
- WHEREAS,** the amendments clarify what requirements the Legislative Operating Committee must ensure are met before certification of the proposed rule, require the Oneida Business Committee to adopt all proposed rules, and clarify that rule shall not become effective until after adoption by the Oneida Business Committee; and
- WHEREAS,** the amendments to the Law require an authorized agency to conduct a review of each adopted rule every two (2) years after the rule is adopted; and

WHEREAS, public meetings on the proposed law were held on June 26, 2017, and June 29, 2017, in accordance with the Legislative Procedures Act, and the public comments were received, reviewed and accepted by the Legislative Operating Committee on July 19, 2017; and

NOW THEREFORE BE IT RESOLVED, that the amendments to the Administrative Rulemaking law are hereby adopted and effective immediately.

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; 8 members were present at a meeting duly called, noticed and held on the 9th day of August, 2017; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.



Lisa Summers, Tribal Secretary
Oneida Business Committee

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