

Oneida Nation

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Oneida, WI 54155

BC Resolution # 10-27-21-A

Extension of the Emergency Amendments to the Pardon and Forgiveness 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 Pardon and Forgiveness law (“Law”) was adopted by the Oneida Business Committee through resolution BC-05-25-11-A, amended by resolution BC-01-22-14-B, and most recently amended on an emergency basis by resolution BC-04-28-21-A; and
- WHEREAS,** the purpose of the Law is to provide a fair, efficient and formal process by which: (1) a member of the Nation may receive a pardon for the conviction of a crime; (2) a member of the Nation may receive forgiveness for acts that render him or her ineligible for housing or other benefits through the Nation; and (3) a member or non-member of the Nation may receive forgiveness for acts that render him or her ineligible to be employed with the Nation, receive a Nation-issued occupational license, certification or permit, and/or obtain housing or other benefits through the Nation; and
- WHEREAS,** section 126.4-1 of the Law establishes a Pardon and Forgiveness Screening Committee (“PFSC”) to carry out various responsibilities that include, but are not limited to: processing applications for a pardon or forgiveness; conducting, as well as presiding over, hearings on the applications; and providing formal, written recommendations to the Oneida Business Committee on whether to approve or deny requests for a pardon or forgiveness; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” in response to the COVID-19 outbreak, which declared a Public Health State of Emergency for the Nation until April 12, 2020 and set into place the necessary authority for the Nation to take action, as well as seek reimbursement of emergency management actions that may result in unexpected expenses; and
- WHEREAS,** the Nation’s Public Health State of Emergency has since been extended by the Oneida Business Committee until November 25, 2021, through its adoption of resolutions: BC-03-26-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A, BC-03-10-21-D, BC-05-12-21-A, BC-06-23-21-B, BC-07-28-21-N, and BC-09-22-21-A; and

- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to the Law through resolution BC-04-28-21-A; and
- WHEREAS,** the emergency amendments to the Law added an option, along with a process, to allow for the PFSC to conduct hearings on applications for a pardon or forgiveness virtually, instead of just in-person as was previously the only option available under the Law; and
- WHEREAS,** the Oneida Business Committee determined that emergency adoption of the amendments was necessary for the preservation of the public health, safety, and general welfare of the Reservation population because it protected the Reservation population from the public health crisis that is COVID-19, by providing a virtual option that eliminates unnecessary contact between individuals who may have been exposed to or could spread the virus, while still affording individuals a fair and efficient process to seek a pardon or forgiveness, which could assist them in becoming a more productive member of society; and
- WHEREAS,** the Oneida Business Committee further determined that observance of the requirements under the Legislative Procedures Act for adoption of the emergency amendments was contrary to the public interest since the Public Health State of Emergency had yet to expire such that, with applications already pending and more submissions likely, the process and requirements of the Legislative Procedures Act could not be completed in time to ensure applicants received the fair and efficient procedure required under the Law for seeking a pardon or forgiveness without unnecessarily exposing them, as well as the public, to the risks associated with the COVID-19 virus; and
- WHEREAS,** the emergency amendments to the Law will expire on October 28, 2021, unless extended for an additional six (6) month period by the Oneida Business Committee in accordance with the Legislative Procedures Act; and
- WHEREAS,** a six (6) month extension of the emergency amendments to the Law is being requested because the Nation is still experiencing the effects of the COVID-19 pandemic; and
- WHEREAS,** in addition to the Nation extending the Public Health State of Emergency until at least November 25, 2021, the Nation recently adopted resolution BC-08-03-21-A titled, *Setting Public Gathering Guidelines During Public Health State of Emergency – COVID-19*, which prohibits indoor and outdoor public gatherings when the COVID-19 infection rates in Brown or Outagamie Counties exceed “Low” as identified by the Wisconsin Department of Health Services; and
- WHEREAS,** according to the Wisconsin Department of Health Services, as of date, the infection rates within Brown and Outagamie Counties exceed the threshold of “Low”, thereby prohibiting any indoor and outdoor public gatherings within the Reservation, and thus, precluding hearings on applications for a pardon or forgiveness for an unreasonable amount of time absent the emergency amendments that allow for such hearings to be conducted virtually, as well as in-person; and

WHEREAS, the extension of the emergency amendments to the Law will become effective on October 28, 2021, when the emergency amendments as adopted by resolution BC-04-28-21-A expire, and will remain in effect for an additional six (6) month term which will end on April 28, 2022; 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, that the emergency amendments to the Pardon and Forgiveness law are hereby extended for an additional six (6) months, effective October 28, 2021, and shall expire April 28, 2022.

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 27th day of October, 2021; 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."