

Oneida Tribal Law Office

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REPORT

TO: NORBERT HILL, VICE-CHAIRMAN, LAW OFFICE LIAISON

FROM: JERRY HILL, TRIBAL ATTORNEY

DATE: July 9, 1982

RE: Progress Report

The following is in response to your memo requesting an updated summary of projects and assignments:

TRIBAL COURT

The proposed schedule is presently on time. Public hearings, open only to Tribal members, are presently scheduled. One was held on May 18, 1982 and the next is scheduled for Saturday, June 19, 1982. The Project Director will, in addition to reporting at the semi-annual meeting of the Oneida General Tribal Council, have a tentative final hearing on July 24, 1982 at which adoption of the Oneida Court system will be presented to the Oneida General Tribal Council.

In addition, plans are underway to prepare a presentation of the Oneida Tribal Court system to the local law establishment after adoption. After that, general public statements on the Tribal Court will be issued.

The premise upon which this schedule was developed is that the Tribal membership should not have to learn about vitally important events of their own government in the papers or on TV.

The creation of the Tribal Court can also be viewed as a first step to include a separation of powers. This concept will be further explained in the Tribal Constitutional Revision section.

The Tribal Court Project is within the budget. And, grant applications have been made to the Campaign for Human Development (CHD) and Bureau of Indian Affairs (BIA) for next year totaling \$197,000.

REVISION OF THE TRIBAL CONSTITUTION

The sub-committee assigned to this goal has met weekly over the past half-year. The following steps have been taken to insure an orderly revision of the Tribal Constitution:

1. Review of the Present Constitution and By-Laws. This was presented to the Oneida Business Committee for their information and comments.

2. The analysis of the Constitution and By-Laws was discussed with the Oneida Business Committee on several occasions and the following general options were provided.

- a. Do nothing. Leave it as is. This would preserve the present status quo.
- b. Revise to include and incorporate the present amendments to the Constitution. This would be a minimal change.
- c. Redraft and restructure the Constitution. This would be a fundamental change to the shape and powers of the Oneida Tribal government. It would include a specific separation of powers. These would be a separate legislative body to make the laws of the Tribe, an executive branch to carry out the laws and a judicial body to interpret the laws of the Tribe.

This will be a considerable undertaking with the time frame not yet established. Since this will be a Secretarial Election, advance planning will be required to insure that the necessary minimum number of Tribal members participate.

TRIBAL ORDINANCES

The following are Tribal Ordinances that have been duly adopted by the Oneida General Tribal Council or the Oneida Business Committee.

1. Bingo Ordinance
2. Credit Committee Ordinance
3. Election Ordinance
4. Garnishment & Payroll Deduction Ordinance
5. Housing Authority Ordinance
6. Land Ordinance
7. Membership Ordinance
8. Commission on Aging Ordinance (ORCOA)
9. Removal Ordinance
10. Shoreland Ordinance
11. Tobacco Ordinance
12. Woodcutting Ordinance

Other Ordinances that are being developed are:

1. Hunting and Fishing
2. Dog Control
3. Administrative Procedure
4. General Tribal Council Procedure

Ordinances are being standardized in format and for ultimate transition into Tribal Codes upon adoption of the Tribal Court System.