

Oneida Tribe of Indians of Wisconsin

BUSINESS COMMITTEE



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

P.O. Box 365 • Oneida, WI 54155
Telephone: 920-869-4364 • Fax: 920-869-4040

BC Resolution # 6-25-03-G

Emergency Adoption of Amendments to the Per Capita Ordinance

- WHEREAS,** the Oneida General Tribal Council is the duly recognized governing body of the Oneida Tribe of Indians of the Wisconsin; and
- WHEREAS,** the General Tribal Council has been delegated the authority of the Constitution of the Oneida Tribe of Indians of Wisconsin; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Per Capita Ordinance was adopted by the Oneida Business Committee by passage of BC-7-12-00-B; and
- WHEREAS,** section 4-6(a) of the Per Capita Ordinance provides that per capita can be garnished for (1) Debts owed to the Tribe and (2) child support payments; and
- WHEREAS,** the Oneida Appeals Commission interprets section 4-6(a) of the Per Capita Ordinance as placing debts owed to the Tribe ahead of child support payments; and
- WHEREAS,** the Oneida Business Committee strongly believes that the well-being of children should be placed ahead of debt owed to the Tribe when garnishments to per capita are ordered; and
- WHEREAS,** the Administrative Procedures Act (APA) requires public hearings for amendments to Ordinances; and
- WHEREAS,** there is not enough time to hold public hearings so that amendments to the Per Capita Ordinance can be adopted on a permanent basis in time for the 2003 per capita payments; and
- WHEREAS,** Article VI of the Administrative Procedure Act authorizes the Business Committee to enact legislation on an emergency basis, to be in effect for a period of six months, renewable for an additional six months; and
- WHEREAS,** the Oneida Business Committee finds that garnishing per capita payments for child support ahead of Tribal debt is an emergency situation which requires the immediate adoption of amendments to the Per Capita Ordinance; and

WHEREAS, amending the Per Capita Ordinance to place garnishment for child support in first position is necessary for the preservation of the public health, safety, or general welfare of the reservation population, and that observance of the regular APA adoption requirements for passage of laws would be contrary to public interest.

NOW THEREFORE BE IT RESOLVED, that the Oneida Business Committee hereby adopts the following amendment to the Per Capita Ordinance (as indicated in ~~highlight~~ for addition and ~~strikeout~~ for deletion):

9.4-6. *Per Capita Payments.* Per capita payments are considered benefits offered by the Oneida Tribe to the membership.

(a) Per capita benefits can be garnished only for the following purposes:

- (1) ~~Child support payments; Debts owed to the Oneida Tribe;~~ and
- (2) ~~Debts owed to the Oneida Tribe~~ Child support payments.

(b) All requests for garnishment must be submitted by the claimant to the Oneida Appeals Commission ~~no later than before July 31st~~ June 30th. Determinations by the Oneida Appeals Commission received ~~on or before~~ August 30th shall be forwarded to the Oneida Trust Committee ~~for~~ action in the next processed per capita payment. Garnishment determinations may be in the form of a percentage or for a specific dollar amount.

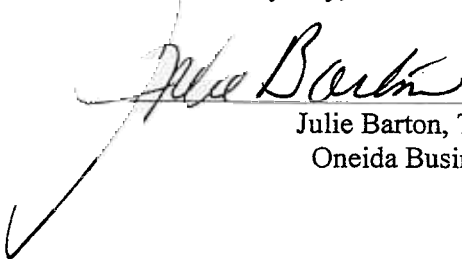
~~(c) Requests for garnishment of per capita for child support payments shall receive priority over requests for garnishment of per capita for debts owed to the Oneida Tribe.~~

BE IT FURTHER RESOLVED, that these amendments shall be effective immediately and remain in effect for six (6) months unless extended by the Oneida Business Committee for an additional six (6) months.

BE IT FINALLY RESOLVED, that the Legislative Operating Committee is hereby directed to immediately place a notice in the Kalihwisaks which notifies the public of the new garnishment priority order and extended deadlines.

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 25th day of June, 2003; that the foregoing 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 be rescinded or ~~amended~~ in any way,


Julie Barton, Tribal Secretary
Oneida Business Committee