

# Oneida Tribe of Indians of Wisconsin

## Legislative Reference Office

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## Statement of Effect

### *Emergency Amendments to the Judiciary Law*

#### *Summary*

This Resolution adopts an emergency amendment to the Judiciary Law to clarify the requirements for an individual to be eligible to run for the position of Chief Judge. The proposed amendments would add specific fields of study to the Chief Judge bachelor degree requirement, as those fields of study were inadvertently left out of the law, even though it was the intent of the General Tribal Council to have those requirements.

#### *Analysis from Legislative Reference Office*

On January 7, 2013 the General Tribal Council (GTC) adopted the Judiciary Law which became effective January 1, 2014 and which will be implemented as of November 1, 2014. Based on that timeline, the Judges for the new Judiciary are to be elected during the 2014 General Election. The caucus for the 2014 General Election is scheduled for April 12, 2014. At the caucus, the Election Board is required to present to the community the qualifications required for each position that is up for election.

During meetings to discuss the transition from the Oneida Tribal Judicial System to the new Judiciary, the Judiciary transition team became aware of an unintended error in the draft of the Law. The GTC made it clear, prior to and during the GTC meeting of January 7, 2013, that if any judge only possessed a bachelor's degree that it should be within certain fields of study. The GTC approved the specific fields of study. However, upon a review of the Law, the specific fields of study are only listed in Section 150.11-1(c) under non-chief judges, but not listed in Section 150.11-1(b) for Chief Judges. Again, this error was inadvertent.

The Resolution adopts only that change to the Judiciary based on the GTC's intent. This Law specifically states that it can only be amended by the General Tribal Council. However, the Oneida Business Committee (OBC) has the authority under the Legislative Procedures Act to make emergency amendments to a Law if the amendments are necessary for the preservation of the general welfare of the reservation population. Due to the fact that the caucus is only one (1) month away, there is not enough time to take this amendment to the GTC for approval. It is imperative that the correct qualifications be set forth at the caucus to ensure only qualified candidates are running for these positions. It would be contrary to the public's interest to require this amendment to go through the potentially lengthy legislative process at this time. However, to make these amendments permanent, this will have to go to the GTC for final approval.

#### *Conclusion*

There are no legal bars to adopting the Resolution.