

Chapter 6
FORMAT FOR LAWS
Kátsa? Kayanlahslu·ní
Where the laws are made

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6.1. Purpose and Policy.

6.1-1. The purpose of this law is to standardize the format for creation of new laws and policies of the Oneida Tribe of Indians of Wisconsin and to integrate older laws and policies into this standard format in an orderly fashion.

6.1-2. It is the policy of this law to help in the creation of the clearest laws and policies. This is done through standardization, public hearing and review.

6.2. Adoption, Amendment, Repeal.

6.2-1. This law was originally adopted by the Oneida Business Committee by resolution # BC-12-21-94-A and amended by resolution # BC-7-13-05-H and is effective immediately upon the date of adoption.

6.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

6.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

6.2-4. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

6.3. Definitions.

6.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Law" means any long term regulation that is not expected to be changed within the next one or two years after adoption. It may be general in nature, and may direct authority to others to implement and monitor.

(b) "Policy" means any regulation that changes on a regular basis. Either with the creation of new technology, or with increased knowledge. It is more specific in nature and is generally developed at the direction of a law.

6.4. Format.

6.4-1. All laws and policies shall be formatted as set out herein. Provided that all aspects of the regulation making process of the Administrative Procedures Act shall be followed.

6.4-2. All laws and policies shall contain the following format. However, those laws which are in effect on the date of implementation of this law shall be exempt from the following format requirements:

- (a) "Section 1. Purpose and Policy" -- this section shall contain two sections:
- (1) The "Purpose" section to direct why this regulation is needed. What were the governing or directing reasons why it is implemented.
 - (2) The "Policy" section to indicate what is the direction the regulation is to take. The impetus or underlying goal of the regulation.
- (b) "Section 2. Adoption, Amendment, Repeal" -- this section shall contain sufficient information to indicate who may adopt, who may amend, and what, if any, prior actions are repealed by adoption of this regulation. Repeal may be specific to documents, or general to subjects. No mention of severability of sections is necessary. All laws and policies of the Oneida Tribe of Indians of Wisconsin may have the appropriate portions severed and allow the remainder of the regulations continue in effect. The following shall be the wording of Section 2, unless other sections are necessary to convey needed information on policy and law:

(1) For Policies:

- 2-1. This policy may be adopted by the Oneida Business Committee or the Oneida General Tribal Council.
- 2-2. This policy may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.
- 2-3. Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this policy which are considered to have legal force without the invalid portions.
- 2-4. Any policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this policy is hereby repealed to the extent that it is inconsistent with or is contrary to this policy. Specifically, the following are repealed:
- 2-5. This policy is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

(2) For Laws:

- 2-1. This law may be adopted by the Oneida Business Committee or the Oneida General Tribal Council.
- 2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.
- 2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.
- 2-4. Any law, policy, regulation, rule, resolution or motion, or portion thereof, which directly conflicts with the provisions of this law is hereby repealed to the extent that it is inconsistent with or is contrary to this law. Specifically, the following are repealed:
- 2-5. This law is adopted under authority of the Constitution of the Oneida Tribe of Indians of Wisconsin.

(c) Definitions. This section shall contain definitions of all words used in a technical sense throughout the regulation. All words not defined within this, or defined within any section, are to be used in their ordinary sense. The wording of the first section of this shall be as follows:

- 3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

6.4-3. All other sections within any regulation shall be in order from general to specific. General rules shall be stated first, specific rules later.

6.5. Numbering.

6.5-1. All laws and policies shall be formatted as set out herein. Provided that all aspects of the regulation making process of the Administrative Procedures Act shall be followed.

6.5-2. All laws and policies shall contain the following format, excluding those in effect as of the date of implementation of this law and not revised after implementation of this law:

(a) The outline of numbering in any regulation shall be in the following consistent manner "1-1(a)(1)(A)(i)" where:

- (1) "1-1" means the first section.
- (2) "(a)" means the first subsection
- (3) "(1)" means the second subsection
- (4) "(A)" means the third subsection
- (5) "(i)" means the fourth subsection.

(b) All other numbering after the fourth subsection shall be in a logical manner.

6.5-3. Sections shall be broken into logical areas, and paragraphs within sections shall be used where needed.

(a) General rules should be followed by specific rules or exceptions.

(b) Lists are by way of example and not exclusive unless specifically stated otherwise.

6.6. Legislative Intent.

6.6-1. Legislative intent may be indicated in a footnote or other annotation within the law or policy.

End.

Adopted - BC-12-21-94-A

Amended - BC-7-13-05-H