

ONEIDA INDIAN NATION
LAND REGULATION ORDINANCE

ORDINANCE NO. O-96-01

Pursuant to the authority vested in the Oneida Indian Nation by virtue of its sovereignty and inherent powers of self-government, the Nation hereby establishes this Land Regulation Ordinance with respect to its Reservation lands.

ARTICLE 1

Application

This Ordinance applies to the Oneida Indian Nation's Reservation recognized by the 1794 Treaty of Canandaigua between the Nation and the United States of America.

ARTICLE 2

Other Indian Nations and Entities

1. No Indian nation, tribe, band, corporation, instrumentality, group or other Indian entity other than the Oneida Indian Nation may purchase, lease or otherwise acquire, hold or use any legal, equitable, beneficial or other interest in real property within the exterior boundaries of the Oneida Indian Nation's Reservation without first having received a license from the Oneida Indian Nation.
2. Any purchase, lease or other acquisition or use of an interest in real property within the Oneida Indian Nation's Reservation by an Indian nation, tribe, band, corporation, instrumentality, group or other Indian entity other than the Oneida Indian Nation without a valid license issued by the Oneida Indian Nation is void. Such Indian nation, tribe, band, corporation, instrumentality, group or other Indian entity shall have no legal, equitable, beneficial or other interest in such real property and no right to use such real property for any purpose. All legal, equitable, beneficial or other interest in such real property shall be and remain vested in the party to the purported purchase, lease or other acquisition who shall originally have held such interest, without any action on the part of such party, and such party shall be liable to return any consideration received from the Indian nation, tribe, band, corporation, instrumentality, group or other Indian entity.

3. The Oneida Indian Nation shall take all appropriate action against any Indian nation, tribe, band, corporation, instrumentality, group or other Indian entity purporting to purchase, lease or otherwise acquire, hold or use an interest in real property within the Oneida Indian Nation's Reservation without a valid license, including removal of the Indian nation or entity and its members, officers, employees, agents or contractors from the interest and the Reservation, the commencement of legal and equitable proceedings in courts of competent jurisdiction, including actions for injunction or declaratory relief or specific performance, and the seizure of any personal property found on the interest, which personal property shall be held as security against any damages or costs, including reasonable attorneys' fees, incurred in connection with such removal, legal proceedings, seizure, or other action.
4. Any Indian nation, tribe, band, corporation, instrumentality, group or other Indian entity other than the Oneida Indian Nation intending to purchase, lease or otherwise acquire, hold or use any interest in real property within the Oneida Indian Nation's Reservation, prior to acquiring or using such interest, shall submit an application to license said interest to the Oneida Indian Nation by submitting it to the Nation Representative(s) of the Oneida Indian Nation. The application shall be in writing on a form prescribed by the Nation. The Nation shall issue a license for said interest within 30 working days after the application is submitted, unless, prior to that time, the Nation makes a determination that the acquisition or use of said interest by the applicant could cause harm to the general welfare of the Nation. Among the elements that could constitute harm to the general welfare of the Nation are the proposed use of the land for purposes which: 1) are impermissible under the laws of the Nation; or 2) threaten the political integrity, the economic security, or the health or welfare of the Nation and its members. If the Nation makes such a determination, it shall refuse to license the real property interest that the applicant is proposing to purchase, lease or otherwise acquire or use. The Nation shall notify the applicant of its decision in writing.
5. An Indian nation, tribe, band, corporation, instrumentality, group or other Indian entity which has received a notice from the Nation that a determination has been made not to license a proposed interest in real property, may, within 10 working days after receiving the decision of the Nation, request a hearing before the government of the Oneida Indian Nation by submitting the request to the Nation Representative(s) of the Oneida Indian Nation. The request shall be in writing on a form prescribed by the Nation. The hearing shall conform with accepted standards of due process but shall be informal and shall not be bound by the rules of evidence. A party shall have the right to be represented by counsel at any hearing and to present evidence. The Nation shall provide the party with a description of the hearing procedures to be followed at least 30 days prior to any hearing.

6. During the pendency of an application for a license or a hearing subsequent to the denial of a license, the purported interest in real property proposed to be purchased, leased or otherwise acquired, held or used shall remain void and may not be used for any purpose. Upon the issuance of a license, the purported purchase, lease or other acquisition or use of an interest in real property made in violation of this Ordinance shall be valid under this Ordinance as of the date of such transaction, and any legal disability affecting such transaction under the terms of this Ordinance shall be deemed cured.

ARTICLE 3

Interpretation

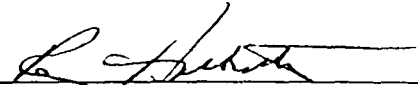
1. Sovereign Immunity. The Nation does not by enacting this Land Regulation Ordinance waive in any respect its sovereign immunity, or that of its agents or instrumentalities, in any manner, under any law, for any purpose, nor in any place.
2. No Right of Action. This Land Regulation Ordinance does not create any right, cause of action or benefit enforceable at law or in equity by any person against the Nation, its agencies or instrumentalities, its officers or employees, or any other person.

ARTICLE 4

Effective Date

This Ordinance is effective upon enactment.

Enacted this 3 day of September, 1996.



Ray Halbritter
Nation Representative