

Title 5. Business - Chapter 506
VENDOR LICENSING
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506.1. Purpose and Policy.

506.1-1. *Purpose.* The purpose of this law is to:

- (a) regulate and license all vendors who provide a service for and do business with the Oneida Nation, and
- (b) provide revenue for the Nation by collecting fees from vendors for a license to perform a service for or do business with the Nation.

506.1-2. *Policy.* It is the policy of the Oneida Nation to establish a system to implement and enforce the issuance of vendor's licenses and collection of fees.

506.2. Adoption, Amendment Repeal.

506.2-1. This law was adopted by the Oneida Business Committee by resolution BC-02-19-92-C and amended by resolutions BC-3-5-97-E, BC-02-25-15-C and BC-10-12-16-E.

506.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

506.2-3. 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.

506.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

506.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

506.3. Definitions

506.3-1. 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) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays recognized by the Nation.
- (b) "Business entity" means that which exists as a particular and discrete unit, which may include, but is not limited to; any person, partnership, corporation, joint venture, franchise, governmental enterprise, or any other natural or artificial person or organization. The term "entity" is intended to be as broad and encompassing as possible to ensure the jurisdiction of this law.
- (c) "Department" means the Oneida Licensing Department.
- (d) "Judiciary" means the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B to administer the judicial authorities and responsibilities of the Nation.

- (e) “License fee” means that fee charged for a vendor’s license issued in accordance with this law.
- (f) “Nation” means the Oneida Nation.
- (g) “Rule” means a set of requirements enacted in accordance with the Administrative Rulemaking law.
- (h) “Vendor’s license” means a license issued by the Department to a business entity that provides a service for, or that does business with the Nation.

506.4. Scope

506.4-1. This law shall be adhered to by all business entities and shall apply to every business entity that performs services and/or does business with the Nation separate from and in addition to those requirements imposed by other laws and rules of the Nation.

506.4-2. All information given for the purpose of receiving a vendor’s license is:

- (a) subject to a request for information and available for public inspection as provided in applicable laws and rules of the Nation.
- (b) subject to internal audit of the Nation.

506.5. Application/Renewal Procedures

506.5-1. The Department shall notify all new applicants of the requirements of this law; including any applicable rules and any necessary documentation that the Department may ask the applicant to provide. All business entities shall obtain and maintain adequate insurance coverage, as determined by the Risk Management Department, in cooperation with the Department.

506.5-2. The Department shall approve or deny an application based on compliance with the criteria set in this law, other Oneida laws and applicable rules.

506.5-3. The Department shall notify the applicant of the approval or denial of the application within ten (10) business days, and:

- (a) if approved, the Department shall issue the vendor’s license to the business entity; or
- (b) if denied, the Department shall provide the reason(s) for denial of the vendor’s license; and notify the applicant of his or her right to file a complaint with the Judiciary challenging the Department’s action.

506.5-4. All applications for a vendor’s license and a copy of each vendor’s license shall be retained by the Department in accordance with applicable laws and rules of the Nation.

506.5-5. Vendor’s license renewal shall be on a yearly basis, from the date of issuance of the vendor’s license.

506.6. Fees for Licensure

506.6-1. License fees shall be determined and based upon the revenue as generated by the business entity with the Nation the year directly preceding the date upon which the business entity applies for licensure. Business entities with no revenue history shall pay a fee determined by the Department based upon a projected revenue figure. The Department may establish, by rule, any other fees that may be imposed in accordance with this law.

506.6-2. The Department shall retain not more than fifty percent (50%) of the fees collected in accordance with this law; the balance of the fees collected shall be transferred to the Trust Department to be placed in the Elderly Per Capita Fund.

506.6-3. The vendor’s license fee shall cover a twelve (12) month period, and:

- (a) The fee shall be paid annually at the time of the application. The Department shall return the fee if the application is denied.
- (b) A late fee may be added to the cost of the annual license fee.

506.7. Revocation of Vendor's License

506.7-1. A vendor's license issued by the Licensing Department may be revoked by the Department if the business entity is in non-compliance with this law, has inadequate insurance coverage, or for any other reasons related to protection of the Nation and/or public health, safety, or welfare. Prior to revoking a vendor's license, the Department shall notify the business entity of the effective date of the revocation and the reasons for the revocation, and shall allow the business entity thirty (30) days in which to rectify the non-compliance, except in the case of inadequate insurance coverage, in which case the vendor's license shall be revoked immediately upon verification of inadequate coverage.

506.8. Exemptions and Deferments

506.8-1. The following are exempt from licensure:

- (a) Services or products provided by another federally recognized tribe, subject to all the laws and rules of the Nation.
- (b) Services or products provided by another government, subject to all the laws and rules of the Nation.

506.8-2. The Department may promulgate rules that establish additional exemptions and deferments from the licensing or fee requirements of this law.

506.9. Department Decisions

506.9-1. The Judiciary is granted jurisdiction to hear complaints filed regarding actions taken by the Department pursuant to this law.

506.9-2. No administrative hearing body, including a board, committee or commission, is authorized to hear a complaint filed regarding actions taken pursuant to this law.

506.9-3. Complaints filed with the Judiciary shall name the Licensing Department as the responding party.

End.

Adopted- BC-2-19-92-C
Amended- BC-3-5-97-E
Amended- BC-02-25-15-C
Amended- BC-10-12-16-E