



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Business Committee Conference Room-2nd Floor Norbert Hill Center
December 21, 2016 9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be approved**
 - 1. December 7, 2016 LOC Meeting Minutes
- III. Current Business**
 - 1. Community Support Fund Amendments
 - 2. Oneida Nation Seal and Flag Law
 - 3. Real Property Law Amendments
- IV. New Submissions**
 - 1. Endowment Fund Amendments
 - 2. Petition: Delgado-Panel of Educators & Retention of Kindergarteners
 - 3. Landlord-Tenant Law Emergency Amendments
- V. Additions**
- VI. Administrative Updates**
- VII. Executive Session**
- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Business Committee Conference Room-2nd Floor Norbert Hill Center

December 7, 2016 9:00 a.m.

Present: Brandon Stevens, Tehassi Hill, Jennifer Webster, David P. Jordan, Fawn Billie

Others Present: Jennifer Falck, Clorissa Santiago, Tani Thurner, Maureen Perkins, Krystal John, Jo Anne House, Rae Skenandore, Nancy Barton, Mike Debraska, Brad Graham, Bill Graham, and Tammy Skenandore.

I. Call to Order and Approval of the Agenda

Brandon Stevens called the December 7, 2016 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Tehassi Hill to adopt the agenda; seconded by Fawn Billie. Motion carried unanimously.

II. Minutes to be approved

1. November 16, 2016 LOC Meeting Minutes

Motion by Jennifer Webster to approve the November 16, 2016 LOC meeting minutes; seconded by David P. Jordan. Motion carried unanimously.

III. Current Business

1. Conflict of Interest Amendments

Motion by Jennifer Webster to approve the Conflict of Interest Amendments public meeting packet with the definition changes, and direct the LRO to hold a public meeting on January 3, 2017; seconded by Tehassi Hill. Motion carried unanimously.

2. Community Support Fund Amendments

Motion by David P. Jordan to approve the Community Support Fund Amendments public meeting memo and direct the LRO to prepare an updated analysis and an adoption packet incorporating the LOC's revisions for Oneida Business Committee adoption; seconded by Jennifer Webster. Motion carried unanimously.

IV. New Submissions

1. Police Commission New Laws Consideration

Motion by Jennifer Webster to add Tribal Criminal Code to the Active Files list as a low priority with Brandon Stevens as the sponsor, add Tribal Traffic Code to the Active Files list as a low priority with Tehassi Hill as the sponsor, and add Tribal Public Peace Law to the Active Files list with Jennifer Webster and Fawn Billie as co-sponsors; seconded by Fawn Billie. Motion carried unanimously.

V. Additions

VI. Administrative Updates

1. LOC 4th Quarterly Report

Motion by Jennifer Webster to accept the LOC FY16 4th Quarter Report and forward to the Oneida Business Committee for approval; seconded by David P. Jordan. Motion carried unanimously.

2. Legislative Analysis SOP

Motion by Tehassi Hill to accept as information the Legislative Analysis SOP; seconded by David P. Jordan. Motion carried unanimously.

3. Rulemaking Guidebook

Motion by Tehassi Hill to accept as information the Rulemaking Guidebook; seconded by David P. Jordan. Motion carried unanimously.

VII. Executive Session

VIII. Recess/Adjourn

Motion by David P. Jordan to adjourn the December 7, 2016 Legislative Operating Committee meeting at 10:43 a.m.; seconded by Fawn Billie. Motion carried unanimously.



Legislative Operating Committee
December 21, 2016

Community Support Fund

Submission Date: 7/1/15	Public Meetings: 10/29/15 and 11/3/16
LOC Sponsor: David P. Jordan	Emergency Enacted: N/A

Summary: *This item was brought forward to reconcile the Policy with language found in BC Resolution 12-11-13-D - clarifying that someone who receives assistance from the Fund program does not have to cost share if they are at or below the federal Poverty Guidelines. The Fund operators have requested additional changes.*

7/1/15 LOC: Motion by David P. Jordan to add the Community Support Fund Policy Amendments to the Active Files List with himself as the sponsor; seconded by Tehassi Hill. Motion carried unanimously.

7/22/15 OBC: Item deferred to the next regular Business Committee meeting. *No action taken; item moved to open session (XII.I.) at the adoption of the agenda.*

8/12/15 OBC: *Item sent to a Business Committee special meeting agenda at the adjournment of the meeting.*

8/17/15 OBC: Motion by Jennifer Webster to direct the requested changes to the Community Support Fund Policy to the Legislative Operating Committee and for proposed changes due back to the September 23, 2015 regular Business Committee meeting, seconded by David Jordan. Motion carried with one opposed [Tehassi Hill] and one abstention [Brandon Stevens].

For the record: Brandon Stevens stated this item went on the LOC active files list on July 1st.

For the record: Tehassi Hill stated I oppose too because it is already on the LOC's agenda and Councilman David Jordan is already the sponsor. This is already being worked on so I don't believe it's necessary to add this to the LOC's agenda twice. It's already there.

9/2/15 LOC: Motion by Jennifer Webster to forward the current draft of the Community Support Fund (Policy) for the required analyses; seconded by Fawn Billie. Motion carried unanimously.

9/16/15 LOC: Motion by David P. Jordan to accept the update on the Community Support Fund Policy Amendments and forward to the Oneida Business Committee; seconded by Fawn Billie. Motion carried unanimously.

- 9/23/15 OBC:** Motion by David Jordan to accept the update from the Legislative Operating Committee regarding the status of the Community Support Fund amendments, seconded by Brandon Stevens. Motion carried unanimously.
- 10/7/15 LOC:** Motion by Jennifer Webster to forward the Community Support Fund Policy Amendments to a public meeting to be held on October 29, 2015 at 12:15 p.m.; seconded by David P. Jordan. Motion carried unanimously.
- 10/29/15:** *Public Meeting held.*
- 11/18/15 LOC:** Motion by David P. Jordan to accept the public meeting comments regarding the Community Support Fund Policy Amendments and defer to a LOC work meeting to be held tentatively on December 4, 2015; seconded by Fawn Billie. Motion carried unanimously.
- 12/4/15:** *Work meeting held.* Attendees include David P. Jordan, Brandon Stevens, Jennifer Webster, Danelle Wilson, Rhiannon Metoxen, Nicolas Reynolds, Trina Schuyler, Nancy Barton, Bradley Graham, Bill Graham, Cathy Metoxen, Candice Skenandore, Tani Thurner, Maureen Perkins, Douglass McIntyre.
- 1/15/16:** *Work Meeting Held.* Attendees include David P. Jordan, Jennifer Webster, Fawn Billie, Tehassi Hill, Trina Schuyler, Nancy Barton, Bradley Graham, Bill Graham, Leyne Orosco, Cathy Metoxen, Douglass McIntyre.
- 2/3/16 LOC:** Motion by Fawn Billie to accept the draft of the Community Support Fund Policy Amendments, to forward to the Legislative Reference Office for an updated analysis and to the Finance Department for a fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.
- 7/6/16 LOC:** Motion by Tehassi Hill to adopt the agenda with the addition of the Membership Ordinance Emergency Amendments and the deletion of the Community Support Fund, deferring this item to the next LOC meeting; seconded by David P. Jordan. Motion carried unanimously.
- 8/2/16:** *Work Meeting Held.* Attendees include Jo Anne House, Nancy Barton, Debra Powless, Brandon Stevens, David P. Jordan, Trina Schuyler
- 8/4/16:** *Work Meeting Held.* Attendees include Jo Anne House, Nancy Barton, David P. Jordan, Debra Powless, Trina Schuyler
- 9/21/16LOC:** Motion by David Jordan to accept the draft and legislative analysis and to forward the Community Support Fund to a November 3, 2016 public meeting; seconded by Fawn Billie. Motion carried unanimously.
- 10/13/16:** *Quarterly Sponsor Update Meeting held.* Present: David Jordan, Krystal John, Leyne Orosco, Tani Thurner, Maureen Perkins, Clorissa Santiago. Public meeting scheduled for 11/3/16.
- 11/3/16** *Public Meeting Held.*

12/07/16 LOC: Motion by David P. Jordan to approve the Community Support Fund Amendments public meeting memo and direct the LRO to prepare an updated analysis and an adoption packet incorporating the LOC's revisions for Oneida Business Committee adoption; seconded by Jennifer Webster. Motion carried unanimously.

Next Steps:

- Approve the Community Support Fund adoption packet and forward to the Oneida Business Committee for consideration.

Draft #12 redline to Draft # 10– For OBC Consideration
12/28/16

Title 1. Government and Finances – Chapter 204125
Community Support Fund

COMMUNITY SUPPORT FUND
Kaya>takenh@sla tsi> niyukwana-t@y<
It is helpful where our community lays

- | | |
|--|---|
| 204125.1. Purpose and Policy | 204125.6. Items Covered by the Fund |
| 204125.2. Adoption, Amendment, Repeal | 204125.7. Items not Covered by the Fund |
| 204125.3. Definitions | 204125.8. Application Requirements |
| 204125.4. Responsibilities, Eligibility and Qualifications | 204125.9. Appeal |
| 204125.5. Priorities for Consideration | |

204

125.1. Purpose and Policy

~~204.1-125.1.-1.~~ *Purpose.* The purpose of this law is to assist the greatest number of members of the Oneida Nation who apply for assistance to the Fund in times of a catastrophic event, illness, injury or emergency event when no other resources for assistance exist.

~~204125.1-2.-~~ *Policy.* It is the policy of the Oneida Nation to assist their people in a time of need after a catastrophic event, illness, injury or emergency event, when there is no other assistance available or all other assistance has been exhausted.

204125.2. Adoption, Amendment, Repeal

~~204125.2-1.-~~ This law was adopted by the Oneida Business Committee by resolution BC-5-15-96-A and amended by resolutions BC-01-08-97-G, BC-12-1-13-D and BC-_____.

~~204125.2-2.-~~ This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

~~204125.2-3.-~~ 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.

~~204125.2-4.-~~ 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.

~~204125.2-5.-~~ This law is adopted under authority of the Constitution of the Oneida Nation.

204125.3. Definitions

~~204125.3-1.-~~ 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)– ___ “Applicant” means the subject of the application for assistance.

(b)– ___ “Business days” means Monday through Friday 8:00 a.m. to 4:30 p.m., excluding Nation holidays.

(c)– ___ “Case manager” means an employee responsible for administering Fund benefits.

(d)– ___ “Catastrophic event” means a natural or man-made incident, which results in substantial damage or loss requiring major financial resources to repair or recover (i.e. house fire, tornado, flood, or other disaster).

(e)– ___ “Catastrophic illness or injury” means a serious debilitating illness, injury,

33 impairment, or physical or mental condition that involves:

34 (1) ~~in~~ In-patient care; ~~or~~

35 (2) ~~a~~ A period of continuing treatment due to a chronic serious health condition
 36 (such as chemotherapy/radiation, dialysis, daily/weekly therapy resulting from
 37 trauma, etc.); ~~or~~

38 (3) ~~a~~ A period of illness or injury that is long-term due to a condition for which
 39 treatment may be ineffective (stroke, terminal disease, etc.); or

40 (4) ~~multiple~~ Multiple treatments either for restorative surgery after an accident
 41 or other injury, or for a chronic condition. (i.e. cancer or kidney disease) ~~);~~).

42 (f)–“Emergency event” means a situation that poses an immediate risk to health, life,
 43 safety, property or environment. Emergencies require urgent intervention to prevent
 44 further illness, injury, death, or other worsening of the situation.

45 (g)–___ “Emergency medical travel” means an unexpected serious health situation or
 46 occurrence, requiring the immediate presence of immediate family. (i.e., end of life
 47 situation, life support, etc.)

48 (h)–___ “Fund” means the Community Support Fund.

49 (i)–“Immediate family” means that group of persons who make up a family unit normally
 50 defined as husband, wife, children, sister, brother, in-laws, step family, grandparents and
 51 grandchildren, and/or a person who has legal responsibility for the applicant.

52 (j)–“Legal guardian” means a person who has the legal authority to care for the personal
 53 and property interests of another person granted through Court order.

54 (k)–___ “Legal responsibility” means specific duties imposed upon a person to care or
 55 provide for another including liability for personal obligations as granted through a
 56 Power of Attorney or Court order.

57 (l)–“Major medical surgery” means a surgical procedure that carries a degree of risk to
 58 the patient’s life, or the potential for severe disability if something goes wrong during
 59 surgery. It is a surgical procedure that usually requires a patient to be put under general
 60 anesthesia and given respiratory assistance because he or she cannot breathe
 61 independently.

62 (m)–___ “Nation” means the Oneida Nation.

63 (n)–___ “Rule” means a set of requirements enacted in accordance with the
 64 Administrative Rulemaking law.

65 (o)–___ “Tribal” means the Oneida Nation.

66
 67 **204125.4. —Responsibilities, Eligibility and Qualifications**

68 **204125.4-1.**– The Social Services Area of the Governmental Services Division shall be
 69 responsible for operation of the Fund, but may designate the operation of the Fund to a
 70 department within its control.

71 (a)–___ The operators of the Fund shall promulgate rules, for the administration of the
 72 Fund that are consistent with this law. The rules:

73 (1)–___ shall include the list of categories the Fund covers and a cap that sets the
 74 amount of assistance per event/ per household, except for funeral expenses which
 75 shall be set per event/per person.

76 (2)–___ may include additional items not listed in section 204125.6, as long as the
 77 rule does not conflict with this law.

78 | (b) The Governmental Services Division Director shall report quarterly to the Oneida
 79 | Business Committee. The report shall include, but is not limited to, the amount of funds
 80 | paid out under each category.

81 | (c) ~~___~~ The Social Services Area or designee shall ensure that the Nation’s membership is
 82 | informed of what assistance is available through the Fund, how to apply for assistance,
 83 | and ~~specify~~ who is eligible for assistance.

84 | ~~204125.4-2.~~ ~~___~~ Eligibility for assistance provided under the Fund is reserved for enrolled
 85 | members of the Nation. Applications may be made by a non-member on the behalf of an
 86 | enrolled member of the Nation, provided the requested funds will benefit the member only and
 87 | the non-member has one (1) of the following relationships to the applicant:

88 | (a) ~~is~~ ~~___~~ ~~Is~~ a parent of the applicant;
 89 | (b) ~~is~~ ~~___~~ ~~Is~~ the legal guardian of the applicant; ~~or~~
 90 | (c) ~~has~~ ~~___~~ ~~Has~~ legal responsibility for the applicant.

91 | ~~204125.4-3.~~ ~~___~~ Residency within the state of Wisconsin is not a prerequisite for assistance, except
 92 | for requests for a security deposit in accordance with section ~~204125.6-2.~~

93 | ~~204125.4-4.~~ ~~___~~ The Fund is a fund of last resort and provides assistance when there is no other
 94 | financial assistance available or all other assistance has been exhausted. Applicants shall first
 95 | seek out other resources that can meet the needs of their request. Proof of requesting assistance
 96 | from other sources shall be provided with the application.

97 | ~~204125.4-5.~~ ~~___~~ The following types of catastrophic events, illnesses or injuries qualify an
 98 | applicant for assistance:

99 | (a) ~~___~~ Terminally ill;
 100 | (b) ~~___~~ Physically challenged or incapacitated;
 101 | (c) ~~___~~ Major medical surgery;
 102 | (d) ~~___~~ Life threatening ~~-(i.e.- cancer, AIDS, stroke, disabling injuries due to motor~~
 103 | ~~vehicle accident, etc-);~~);
 104 | (e) ~~___~~ Natural disaster (i.e. -tornado, fire, flood, etc-); ~~and~~
 105 | (f) ~~Death in immediate family as identified in section 204125.6-1(mn).~~

106 | ~~204125.4-6.~~ ~~___~~ Assistance may be denied or limited for applicants who have elected not to be
 107 | covered by employer benefits such as disability or health insurance.

108 | ~~204125.4-7.~~ ~~All~~ ~~___~~ ~~Except as otherwise provided in section 125.6-4, all~~ payments shall be
 109 | provided directly to the service provider. ~~However, payments for funeral travel shall be~~
 110 | ~~reimbursed to the applicant.~~

111 | ~~204125.4-8.~~ ~~___~~ Assistance available under the Fund is subject to change according to fiscal year
 112 | funding levels.

113 | ~~204125.4-9.~~ ~~___~~ Oneida programs and enterprises are not eligible for these funds.

114 |

115 | ~~204125.5.~~ ~~___~~ **Priorities for Consideration**

116 | ~~204125.5-1.~~ ~~___~~ The case manager shall determine the level of assistance to be provided based on:

117 | (a) ~~___~~ Severity of event, illness, injury or emergency event;
 118 | (b) ~~___~~ Cost (usual and customary fees);
 119 | (c) ~~___~~ Amount of time elapsed since catastrophic event, illness, injury or emergency
 120 | event occurred; ~~and~~
 121 | (d) ~~___~~ The Fund’s appropriate promulgated rules.

122 | ~~204125.5-2.~~ ~~___~~ The case manager shall assess each individual case, prioritize and assist with

123 immediate needs. Priorities are as follows:

- 124 (a) Life-threatening emergency requests;
 125 (b) Emergency medical travel; ~~and~~
 126 (c) Other needs.

127
 128 **204125.6.– Items Covered by the Fund**

129 **204125.6-1.–** Requests for assistance from the Fund shall be tied to or be a result of a
 130 catastrophic event, illness, injury or emergency event. Upon verification of a catastrophic event,
 131 illness, injury or emergency event, the Fund may be used for the following:

- 132 (a) COBRA Insurance Payments;
 133 (b) Prescriptions not available through an Indian Health Services clinic;
 134 (c) Medical transportation/emergency medical travel including vehicle repairs;
 135 (d) Medical-related equipment, supplies, or furniture;
 136 (e) Medical bills (dental, optical, hospital) not covered by insurance;
 137 (f) Mortgage payments and rent payments (including security deposits), where no other
 138 resources exist in accordance with section 204125.6-2;
 139 (g) Utility disconnections in accordance with section 204125.6-3;
 140 (h) Inpatient Treatment (with a limit of once per lifetime);
 141 (i) Fire recovery/natural disaster assistance;
 142 (j) Home renovations required for handicap accessibility;
 143 (k) Family Medical Leave Act wage replacement;
 144 (l)– Waiting period for a Social Security Disability Determination rent and utility
 145 assistance;
 146 ~~(m)~~ (m) Appliance repair for essential appliances as defined in the rules which the Fund
 147 operator shall develop; and/or
 148 (n) Travel expenses to arrange or attend a funeral for immediate family members outside
 149 the state where an applicant resides, in accordance with section 204125.6-4.

150 **204125.6-2.– Security deposit.** The Fund shall only provide assistance for a security deposit
 151 when it is tied to or a result of a catastrophic event, illness injury or emergency event, on an
 152 emergency basis which shall include, but is not limited to, pending eviction and homelessness.
 153 Security deposit assistance is limited to Tribal members who are Wisconsin residents only.

- 154 (a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The
 155 operators of the Fund shall not co-sign any lease.
 156 (b) Security deposits are non-transferable and the amount paid for a security deposit shall
 157 be paid back to the Fund before another security deposit is issued at any time in the
 158 future.
 159 (c) Only one (1) request per household shall be considered; multiple consecutive
 160 requests may be made.

161 **204125.6-3.– Utilities.** Assistance for the payment of utilities shall only be allowed once every
 162 two (2) years by the person listed as responsible to pay with the utility company.

163 **204125.6-4.– Funeral expenses.** An applicant may ~~be reimbursed for mileage or airfare~~ receive
 164 assistance with travel expenses, up to a maximum amount of five hundred dollars (\$500) ~~for~~
 165 ~~travel expenses~~, to arrange or attend a funeral for immediate family members outside the state
 166 where the applicant resides. Unless the rules allow for direct payment to the travel provider by
 167 the Fund Operator, such assistance is required to be in the form of reimbursement, provided that

168 | mileage assistance shall always be in the form of reimbursement.

169

170 | **204125.7.– Items not Covered by the Fund**

171 | 204125.7-1.– The Fund shall not be used to cover payments that are not for a catastrophic event,
172 | illness, injury or emergency event as defined above. The following is a list of items not covered
173 | by the Fund; however, this is not an exhaustive list:

174 | (a)– Car payments;

175 | (b)– Taxes;

176 | (c)– Credit card or charge accounts;

177 | (d)– Commercial loans;

178 | (e)– Defaults/fines/bankruptcy charges;

179 | (f)– Expenses not tied to basic needs (cable, internet, memberships, etc.);

180 | (g)– Legal fees/court costs/judgments;

181 | (h)– Homeless lodging assistance;

182 | (i)– Health membership fees;

183 | (j)– Food and personal care items;

184 | 204(k) Stabilization rent assistance; and

185 | (l) Department of Corrections re-entry assistance.

186 | 125.7-2.– Benefits may be denied or limited if evidence is found regarding the applicant as to the
187 | following:

188 | (a)– The catastrophic event, illness, injury or emergency event is the result of a
189 | violation of the law as proven by a citation or criminal conviction;

190 | (b)– The applicant or others in the household benefiting from assistance from the Fund
191 | are non-compliant with the requirements of other Nation programs, policies or laws;
192 | and/or

193 | (c)– The applicant or others in the household benefiting from assistance from the Fund
194 | are non-compliant with the requirements of the Fund.

195 | 204125.7-3.– When a decision is made to approve, deny, or limit benefits, the case manager
196 | shall provide an explanation of the decision in writing to the applicant with a copy placed in the
197 | applicant’s file.

198

199 | **204125.8.– Application Requirements**

200 | 204125.8-1.–

201 | (a)– To be considered for assistance and before receiving assistance the applicant shall
202 | complete the full application process. All applicants shall cooperate with the case
203 | manager to assist the case manager in comprehensively addressing the needs of the
204 | applicant(s).

205 | (b)– Every application shall contain a space for the applicant to identify a preferred method of
206 | contact. This shall be the primary contact method. Case managers shall follow up every contact
207 | with written correspondence, in order to make responses to the applicant in a timely manner so
208 | as to meet the applicant’s needs.

209 | 204125.8-2.– Supporting documentation is required in all cases. The applicant is responsible to
210 | provide all documentation requested by the case manager. No assistance may be provided
211 | without sufficient documentation of:

212 | (a)– the The catastrophic event, illness, injury or emergency event;

Draft #12 redline to Draft # 10– For OBC Consideration

12/28/16

- 213 (b) ~~proof~~ Proof that the applicant sought assistance from other agencies with an
 214 explanation of benefits received or refusal of assistance by the other agencies.;
- 215 (c) ~~enrollment~~ Enrollment in the Nation.;
- 216 (d) ~~all~~ All household income the last thirty (30) business days immediately prior to the
 217 submission of the application.;
- 218 (e) ~~status~~ Status of employment which shall include the following as applicable:
 219 —(1) ~~leave~~ Leave of absence paperwork;
- 220 (2) ~~balance~~ Balance of personal and vacation time accumulation.;
- 221 (3) ~~disability~~ Disability insurance or workmen’s compensation coverage.;
- 222 204125.8-3. Documentation includes, but is not limited to:
- 223 (a) ~~Medical reports~~;
- 224 (b) ~~Bills or statements~~;
- 225 (c) ~~Estimates~~;
- 226 (d) ~~Letters~~;
- 227 (e) ~~Police or fire reports~~;
- 228 (f) ~~Obituary or formal notice of death~~;
- 229 (g) ~~Check stubs~~;
- 230 (h) ~~Pictures or photographs~~;
- 231 (i) ~~Applications for assistance from other agencies~~; and/or
- 232 (j) ~~Approval of assistance or denial of assistance letters from other agencies~~;
- 233 204125.8-4. Requests submitted without supporting documentation shall be kept on file for
 234 thirty (30) business days.
- 235 (a) ~~The case manager shall request additional information be provided when an~~
 236 application contains insufficient information to make an informed decision.
- 237 (b) ~~Applicants may deliver, scan, fax, mail, or e-mail additional requested~~
 238 information.
- 239 (c) ~~Failure to submit the requested information within the thirty (30) business days~~
 240 shall result in closing the application file, with no further action taken in regard to that
 241 application.
- 242 (d) ~~Applicants shall be sent a notice that the file has been closed and reason(s) for the~~
 243 file being closed.
- 244 (e) ~~After the file is closed, the applicant shall start the application process over again~~
 245 in order to be considered for assistance from the Fund. However, no applicant may re-
 246 apply for the same catastrophic event, illness, injury or emergency event more than the
 247 limit stated within this law or the Fund’s rules.
- 248 204125.8-5. Applications for assistance shall be made within a reasonable time period, not to
 249 exceed thirty (30) business days of a catastrophic event or illness, injury or emergency event.
 250 Applications made after thirty (30) business days shall not be considered.
- 251

252 **204125.9.- Decision and Appeal**

253 204125.9-1. Initial Decision. The Fund Operator shall include in the Fund rules a timeline for
 254 which an initial decision is required following the submission of a complete application. Such
 255 timeline shall include available extensions for circumstances wherein the applicant has a
 256 determination of award/coverage pending with another support/assistance resource.

257 125.9-2. Program Director Appeal. An appeal of the case manager's decision shall be
 258 requested in writing to the ~~Area Manager~~ Program Director within ~~forty five (45)~~ ten (10)
 259 business days after receipt of notice of the initial decision. Within ten (10) business days after
 260 receiving the appeal, the Program Director shall provide the applicant with notice of his or her
 261 decision on the matter.

262 125.9-3. Area Manager Appeal. An appeal of the Program Director's decision shall be
 263 ~~reviewed by~~ requested in writing to the Area Manager ~~to determine if the decision should be~~
 264 ~~overturned or upheld~~ within ten (10) business days after receipt of notice of the Program
 265 Director's decision. Within ten (10) business days after receiving the appeal, the Area Manager
 266 shall provide the applicant with notice of his or her decision on the matter.

267 ~~204125.9-2. If the~~ 4. Oneida Judiciary Appeal. An applicant may appeal a decision ~~is upheld~~
 268 ~~by~~ of the Area Manager, ~~the decision may be appealed as a final decision~~ to the ~~Judiciary~~ within
 269 ~~twenty (20) business days of notice of the decision~~ Oneida Court of Appeals in accordance with
 270 the Rules of Appellate Procedure.

271
 272 *End.*
 273

Adopted - BC-5-15-96-A
 Amended - BC-1-8-97-G
 Amended - BC-12-11-13-D
 Amended - BC-



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
 Oneida-nsn.gov



TO: Oneida Business Committee *BS*
 FROM: Brandon Stevens, LOC Chairperson
 DATE: December 28, 2016
 RE: Community Support Fund Law Amendments

Please find the following attached backup documentation for your consideration of the Community Support Fund Law Amendments:

1. Resolution: Community Support Fund Law Amendments
2. Statement of Effect: Community Support Fund Law Amendments
3. Community Support Fund Law Amendments Legislative Analysis
4. Community Support Fund Law (Redline)
5. Community Support Fund Law (Clean)
6. Community Support Fund Law Amendments Fiscal Impact Statement

Overview

This Resolution adopts amendments to the current Community Support Fund Policy. The amendments:

- Clarifying that the Fund is a fund of last resort.
- Requiring applicants to submit additional documentation when requesting assistance from the Fund.
- Removing provisions related to cost-sharing.
- Delegating administrative rulemaking authority to the Social Services Area (or designee), to promulgate additional rules governing the administration of the Community Support Fund.
- Revising the listed categories of things that funding can and cannot be provided for.
- Adding timelines and additional details to the appeal process.
- Requiring case managers to provide a written follow-up for all contact with an applicant.

In accordance with the Legislative Procedures Act, the first public meeting on the proposed law was held on October 29, 2015. On November 18, 2015, the LOC reviewed all comments received during the public comment period; and any changes made based on those comments have been incorporated into this draft. A second public meeting on the proposed law was held on November 3, 2016. On December 7, 2016, the LOC reviewed all comments received during the public comment period; and any changes made based on those comments have been incorporated into this draft.

Requested Action

Approve the Resolution: Community Support Fund Law Amendments.

BC Resolution _____
Adoption of Community Support Fund Amendments

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Nation Constitution by the Oneida General Tribal Council; and

WHEREAS, the Oneida Business Committee originally adopted the Community Support Fund Policy (Policy) on May 15, 1996, and made amendments on January 8, 1997 and December 11, 2013; and

WHEREAS, these amendments re-title the Fund as a law instead of a policy; and

WHEREAS, these amendments clarify that the Fund is a fund of last resort; and

WHEREAS, these amendments eliminate the cost sharing provisions; and

WHEREAS, these amendments require operators of the Fund to create rules to manage the Fund including the list of categories the fund covers and funding caps; and

WHEREAS, these amendments revise the items specifically covered and not covered by the Fund; and

WHEREAS, these amendments add timelines for decisions regarding Fund applications and strengthen the appeal process with additional timelines; and

WHEREAS, public meetings were held for these amendments on October 29, 2015 and November 3, 2016, in accordance with the Legislative Procedures Act; and

NOW THEREFORE BE IT RESOLVED, that the fund operator shall create rules in accordance with these amendments and shall have the final rule(s) prepared within 120 calendar days; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the attached amendments to the Community Support Fund are hereby adopted and shall become effective in 120 calendar days.



Statement of Effect

Adoption of Community Support Fund Amendments

Summary

This Resolution adopts amendments to the Community Support Fund which re-title the policy as a law, clarify various sections of the law, grant the Fund operator rulemaking authority and add additional items to the “items covered by the fund” and “items not covered by the fund” sections.

By: Krystal L. John, Staff Attorney

Analysis

This resolution adopts amendments to the Community Support Fund which was adopted by resolution BC-05-15-96-A and thereafter amended by resolutions BC-01-08-97-G and BC-12-11-13-D.

These amendments were initially pursued to clarify the provisions related to cost sharing. Additional revisions were also incorporated into these amendments based on requests from the fund operators and community members. These amendments clarify that the fund is a fund of last resort; eliminate cost sharing; grant the fund operators rulemaking authority; reassess the items specifically covered and not covered by the fund; and provide timelines for the appeal process.

Public meetings were held on October 29, 2015 and November 3, 2016 in accordance with the Legislative Procedures Act.

Conclusion

Adoption of these amendments does not conflict with the Nation’s laws.



Community Support Fund Amendments

<i>Analysis by the Legislative Reference Office</i>					
Title	Community Support Fund Law (currently a policy)				
Sponsor	David P. Jordan	Drafter	Doug McIntyre, Jo Anne House, Krystal John	Analyst	Tani Thurner
Requester & Reason for Request	This item was brought forward by LOC Chair Brandon Stevens, to clarify an inconsistency between the Policy and the adopting resolution. Additional changes are also made to update/streamline the draft, including re-titling it as a law.				
Purpose	The Law identifies requirements for how funds may be disbursed to Oneida members who are facing emergency situations.				
Authorized/ Affected Entities	Governmental Services Division Director, Social Services Area (or designee) administers the Fund.				
Related Legislation	There are various laws/policies which identify how Tribal funds would be disbursed; however nothing is directly related.				
Enforcement & Due Process	Eligibility requirements; case manager decisions appealable to program director, then to area manager, then to the Judiciary – Court of Appeals.				
Public Meeting Status	A public meeting was held on October 29, 2015, and any comments received during the public comment period have been reviewed and considered by the LOC.				

Overview

In December 2013, amendments were adopted to the Community Support Fund Policy. The adopting Resolution (OBC #12-11-13-D) said that the amendments specifically stated that persons who receive assistance from the Community Support Fund (the Fund) do not have to cost share if they are at or below Federal Poverty Guidelines. However, the policy, as amended, did not state this.

In order to reconcile that resolution with the Policy, the Legislative Operating Committee added this item to the Active Files List with the intent of amending the Policy to clarify that applicants do not have to cost share if they are at or below federal poverty guidelines.

However, instead of adding a provision which exempts applicants from cost-sharing if they are at or below federal poverty guidelines, other changes were made instead, based on requests from the fund administrators, and input from the community. The policy is also re-titled as a law, as part of a broader change to re-title existing Oneida policies into laws; since they are recognized as having the same legal effect. This new Law would become chapter 125 of the Oneida Code of Laws.

Cost Sharing

Instead of adding that persons are not required to cost share if they are at or below Federal Poverty Guidelines; the amendments remove nearly every provision related to cost sharing. [Current policy, 3-1(f), 4-4(a), 5-1(b), 6-3]. Only one possibly related provision remains – the Law still says that security deposits must be paid back to the fund before the applicant may receive another security deposit in the future. However, even in this provision, there is no exception for applicants who are at or under Federal Poverty Guidelines. [125.6-2(b)]

Other Changes

Rulemaking

- A definition for “Rule” is added – it means a set of requirements enacted in accordance with the Administrative Rulemaking law. [125.3-1(n)]

- 27 • The Social Services Area is responsible for the operation of the Fund but is now authorized to
 28 designate the operation of the fund to a department within its control. The Fund operator
 29 must now promulgate rules for administering the fund, instead of SOPs.
 30 ○ The rules are now required to include the list of categories the fund covers (which is
 31 set out in section 125.6-1) and to set caps (per event/household/person, depending on
 32 the category).
 33 ○ Rules may also include additional things not listed in the Law which the Fund will
 34 cover, as long as the rule does not conflict with this Law. [125.4-1]
- 35 • When determining the level of assistance that may be provided to an applicant, case
 36 managers must now consider the Fund’s “appropriate promulgated rules.” [125.5-1(d)]
- 37 • The Fund Operator is now required to establish, by Rule:
 38 ○ A “timeline for which an initial decision is required following the submission of a
 39 complete application”, which must include available extensions for when an applicant
 40 is waiting for another support/assistance resource to make a determination of an
 41 award/coverage. [125.9-1]
 42 ○ A definition for “essential appliances”. [125.6-1(m)]
- 43 • Currently, the Policy prohibits applicants from reapplying for the same catastrophic event,
 44 illness, injury or emergency event more than twice. Under the amendments, applicants are
 45 instead prohibited from reapplying for the same reason more than the limit stated within the
 46 Law or the Fund’s rules. [125.8-4(e)] There are three limits specifically identified in the Law,
 47 so unless additional limits are set out in rules, only the following will apply:
 48 ○ Inpatient treatment – a new limit is added: once per lifetime. [125.6-1(h)]
 49 ○ Security deposits – still limited one request per household, but new language adds
 50 that multiple, consecutive requests can be made. [125.6-2(c)]
 51 ○ Assistance with paying utilities – currently, assistance can only be requested once
 52 every three years; the amendments reduce it to once every two years. [125.6-3]

Fund Coverage/Application

55 Various changes were made to the lists of things that are specifically covered, or
 56 specifically not covered, by the Fund:

New Items specifically covered [125.6-1]	New Items specifically NOT covered [125.7-1]	Changes to items already covered by the Fund [125.6-1]
<ul style="list-style-type: none"> ➤ Inpatient Treatment ➤ Fire recovery/natural disaster assistance ➤ Home renovations for handicap accessibility ➤ Family Medical Leave Act wage replacement ➤ Rent and utility assistance during the waiting period for Social Security Disability Determination. ➤ Appliance repair for essential appliances as defined in the rules which the Fund operator shall develop. 	<ul style="list-style-type: none"> ➤ Homeless lodging assistance ➤ Health membership fees ➤ Food/personal care items ➤ Stabilization rent assistance ➤ Department of Corrections re-entry assistance 	<ul style="list-style-type: none"> ➤ Instead of covering all health insurance payments, the Fund only covers COBRA Insurance Payments.” ➤ The Fund may cover the <u>purchase of medical-related equipment, supplies, or furniture</u>, instead of just the rental of medical equipment. ➤ Instead of generally covering “shelter and utilities where no other resources exist”, the Law instead states that “utility disconnections” are covered.

Other Changes

- 57 • New language requires appeals of case manager’s decisions to be in writing, and timelines

60 for appeals are added. The Case Manager’s initial decision is now appealed to the Program
61 Director, instead of to the Case Manager’s supervisor. In addition to requiring the Fund
62 Operator to establish, by rule, a timeline for issuing an initial decision after an application is
63 submitted, the Law adds that:

- 64 ○ The Case Manager’s initial decision must be appealed to the Program Director within 10
65 business days after the applicant receives notice of that decision.
- 66 ○ The Program Director must notify the applicant of their decision within 10 business days.
- 67 ○ The Program Director’s decision must be appealed to the Area Manager within 10
68 business days after the applicant receives notice of that decision.
- 69 ○ The Area Manager must notify the applicant of their decision within 10 business days.
- 70 ○ Instead of stating that the Area Manager’s decision may be appealed as a final decision to
71 the Judiciary; the law states that the Area Manager’s decision may be directly appealed to
72 the Oneida Court of Appeals in accordance with the Rules of Appellate Procedure.
73 [125.9]

- 74 ● For applicants seeking assistance with travel expenses to attend a funeral for an immediate
75 family member: assistance must still be provided as reimbursement after the travel; but a new
76 exception is added – if the Fund operators establish a rule which allows for direct payment to
77 the Travel provider from the Fund operator, then those types of payments may be able to be
78 made in advance. However applicants can still only be reimbursed for mileage. [125.6-4]
- 79 ● Applicants are now all required to provide additional supporting documentation, showing
80 Tribal enrollment, and all household income for the 30 business days (*i.e.* roughly 6 weeks)
81 immediately before applying. [125.8-2(c) and (d)]
- 82 ● Funds can now benefit Tribal members only and can no longer be provided:
 - 83 ○ For minors who are eligible for enrollment but not enrolled [125.4-2], or
 - 84 ○ In situations where a non-Tribal member is applying on behalf of a Tribal member,
85 unless the funds would benefit the Tribal member only. [125.4-2] (This appears to
86 mean that funds could not be provided for things such as rent, utility bill assistance,
87 etc.; if non-Tribal members lived in the same household as the Tribal member.
88 However, this provision does not appear to prohibit funds being provided when a
89 Tribal member directly requests the funds, but the funds would benefit others,
90 including others who are not Tribal members.)
- 91 ● The Governmental Services Division Director must report quarterly to the OBC, instead of
92 semi-annually. [125.4-1(b)]
- 93 ● Currently, the only non-Oneida persons who may apply for assistance on behalf of an Oneida
94 member are the member’s parents and legal guardians. The amendments also allow non-Tribal
95 persons with “legal responsibility” for a Tribal member to apply. [125.4-2(c)]
- 96 ● Fund operators can limit (instead of just denying) benefits to applicants who have elected not
97 to be covered by employer benefits such as disability or health insurance. [125.4-6]
- 98 ● Applicants must now identify a preferred method of contact, which will be the primary
99 method used to contact that person. Case Managers are now required to follow up on every
100 contact with written correspondence. [125.8-1(b)]
- 101 ● The definition of “applicant” is changed to clarify that it means the subject of an application,
102 not a person applying on behalf of another person. [125.3-1(a)]
- 103 ● The Law lists different examples of a catastrophic illness/injury that would involve continuing
104 treatment due to a chronic serious health condition. [125.3-1(e)(2)]
- 105 ● Currently, the Fund may be used for a “catastrophic event, illness, or injury.” The amendments
106 add that assistance also covers an “emergency event.” [125.1 and 125.3-1(f)]

- 107 • A definition for “Reservation” is deleted as the term is not used in the law. Definitions for
108 “severity” and “verification” are deleted as the terms are used in their ordinary and every day
109 sense and do not require a definition. [Current policy, 3-1(n, o and r)]

110 **Other**

111 To reflect the 2015 Constitutional amendments, several references to the “Tribe” are
112 replaced with references to the “Nation,” and a definition for “Nation” is added. [125.3-1(m)]
113 Various other minor revisions were made to improve the language and organization of the
114 document, and to ensure this document complies with standard drafting and formatting practices.
115 These changes do not affect the content of the law.

116 **Considerations**

117 The Law now states that funds cannot be provided in situations where a non-Tribal
118 member is applying for assistance on behalf of a Tribal member, unless the funds would benefit
119 the Tribal member only. [125.4-2]. This appears to mean that funds could not be provided for
120 things such as rent, utility bill assistance, etc.; if non-Tribal members lived in the same
121 household as the Tribal member, because they would also benefit from the funds. However, this
122 would not prohibit funds being provided when a Tribal member directly requests the funds,
123 where the funds would benefit others, including others who are not Tribal members.) This is a
124 policy call.
125

Community Support Fund Policy

Title 1. Government and Finances – Chapter 125

COMMUNITY SUPPORT FUND

Kaya>takenh@sla tsi> niyukwana-t@y<

It is helpful where our community lays

125.1. Purpose and Policy	125.6. Items Covered by the Fund
125.2. Adoption, Amendment, Repeal	125.7. Items not Covered by the Fund
125.3. Definitions	125.8. Application Requirements
125.4. Responsibilities, Eligibility and Qualifications	125.9. Appeal
125.5. Priorities for Consideration	

Article I-

125.1. Purpose and Policy

125.1-1. Purpose. The purpose of this Policylaw is to assist the greatest number of Tribal members of the Oneida Tribe of Indians of WisconsinNation who apply for assistance to the Community Support Services Fund in times of a catastrophic event, illness ~~or,~~ injury or emergency event when no other resources for assistance exist.

125.1-2. Policy. It is the policy of the Oneida Tribe of Indians of WisconsinNation to assist their people in a time of need after a catastrophic event, illness ~~or,~~ injury or emergency event, when there is no other assistance available or all other assistance has been exhausted.

Article II-125.2. Adoption, Amendment, Repeal

125.2-1.- This Policyislaw was adopted by the Oneida Business Committee by resolution #BC-5-15-96-A; and amended by resolution #resolutions BC-01-08-97-G, and amended by resolution #BC-12-1-13-D and BC-_____.

125.2-2.- This Policylaw may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

125.2-3.- Should a provision of this Policylaw or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this Policylaw which are considered to have legal force without the invalid portion(s)-portions.

125.2-4.- In the event of a conflict between a provision of this Policylaw and a provision of another policylaw, the provisions of this Policylaw shall control.

125.2-5.- This Policylaw is adopted under authority of the Constitution of the Oneida Tribe of Indians of WisconsinNation.

Article III-125.3. Definitions

125.3-1.- This articlesection shall govern the definitions of words and phrases used within this policylaw. All words not herein-defined herein shall be used in their ordinary and everyday sense.

(a)- “Applicant” shall-meanmeans the person-applyingsubject of the application for assistance for themselves or on behalf of another person who is otherwise unable to do so due to age or incapacity.-

(b)- “Business Days” shall-mean days” means Monday through Friday 8:00 a.m. to

33 4:30 p.m., ~~except for recognized~~excluding Nation holidays ~~as listed on the official~~
34 ~~calendar of the Tribe.~~

35 (c)– ~~“Case Manager” shall mean the~~manager” means an employee ~~of the Social~~
36 ~~Services Area~~ responsible for administering ~~Community Support Services~~ Fund benefits
37 ~~according to the established guidelines set forth below.~~

38 (d)– ~~“Catastrophic event” shall mean~~means a natural or man-made incident, which
39 results in substantial damage or loss requiring major financial resources to repair or
40 recover (i.e. house fire, tornado, flood, or other disaster).

41 (e)– ~~“Catastrophic illness or injury” shall mean~~means a serious debilitating illness,
42 injury, impairment, or physical or mental condition that involves:

43 (1) ~~in~~ In-patient care; ~~or~~

44 (2) ~~a~~ A period of continuing treatment due to a chronic serious health condition
45 (~~asthma, diabetes, epilepsy~~such as chemotherapy/radiation, dialysis, daily/weekly
46 therapy resulting from trauma, etc.); ~~or~~

47 (3) ~~a~~ A period of illness or injury that is long-term due to a condition for which
48 treatment may be ineffective (stroke, terminal disease, etc.); or

49 (4) ~~receipt of multiple~~ Multiple treatments either for restorative surgery after an
50 accident or other injury, or for a chronic condition. (i.e. cancer or kidney disease)

51).

52 (f)– ~~“Cost share” shall mean the request to have the applicant agree to contribute to the~~
53 ~~cost of the assistance given.~~

54 (g)– ~~“Emergency” shall mean~~ event” means a situation that poses an immediate risk to
55 health, life, safety, property or environment. Emergencies require urgent intervention to
56 prevent further illness, injury, death, or other worsening of the situation.

57 (h)– ~~g~~ “Emergency medical travel” shall mean means an unexpected serious health
58 situation or occurrence, requiring the immediate presence of immediate family. (i.e., end
59 of life situation, life support, etc.)

60 (i)– ~~h~~ “Fund” shall mean means the Community Support ~~Services~~ Fund.

61 (j)– ~~i~~ “Immediate family” shall mean means that group of persons who make up a
62 family unit normally defined as husband, wife, children, sister, brother, in-laws, step
63 family, grandparents and grandchildren, and/or a person who has legal responsibility for ~~a~~
64 ~~member of their immediate family~~ the applicant.

65 (k)– ~~j~~ “Legal guardian” shall mean means a person who has the legal authority to care
66 for the personal and property interests of another person granted through Court order.

67 (l)– ~~k~~ “Legal Responsibility” shall mean responsibility” means specific duties imposed
68 upon a person to care or provide for another including liability for personal obligations as
69 granted through a Power of Attorney or Court order.

70 (m)– ~~l~~ “Major medical surgery” shall mean means a surgical procedure that carries a
71 degree of risk to the patient’s life, or the potential for severe disability if something goes
72 wrong during surgery. It is a surgical procedure that usually requires a patient to be put
73 under general anesthesia and given respiratory assistance because he or she cannot
74 breathe independently.

75 (n)– ~~“Reservation” shall mean all the lands and waters within the exterior boundaries of~~
76 ~~the Reservation of the Oneida Tribe of Indians of Wisconsin, as created pursuant to the~~
77 ~~1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal~~

78 ~~law.~~

79 ~~(m) “Nation” means the Oneida Nation.~~

80 ~~(n) “Rule” means a set of requirements enacted in accordance with the Administrative~~
81 ~~Rulemaking law.~~

82 ~~(o) “Severity” shall mean the verified rate or level of need.~~

83 ~~(p) “Shelter” shall mean mortgage payments or rent payments.~~

84 ~~(q) “Tribal or Tribe” shall mean” means the Oneida Tribe of Indians of~~
85 ~~Wisconsin Nation.~~

86 ~~(r) “Verification” shall mean the evidence or proof that confirms the accuracy or truth of~~
87 ~~the alleged catastrophic event, illness or injury and of Tribal membership (i.e., estimates,~~
88 ~~photographs, doctor statements/report, check stubs, tribal identification card/letter, etc.).~~

89
90 ~~Article IV. Social Service~~

91 **125.4. Responsibilities, Eligibility and Qualifications**

92 ~~125.4-1. The Social Services Area of the Governmental Services Division shall create and~~
93 ~~administer be responsible for operation of the Fund, but may designate the operation of the Fund~~
94 ~~to a department within its control.~~

95 ~~(a) The Social Services Area shall create standard operating procedures operators of~~
96 ~~the Fund shall promulgate rules, for the administration of the Fund. that are consistent~~
97 ~~with this law. The standard operating procedures rules:~~

98 ~~(1) shall include the list of categories the Fund covers and a cap that sets sets the~~
99 ~~amount of assistance per event/ per household, except for funeral expenses which~~
100 ~~shall be set per event/-per person.~~

101 ~~(2) may include additional items not listed in section 125.6, as long as the rule~~
102 ~~does not conflict with this law.~~

103 ~~(b) The Governmental Services Division Director shall report semi-annually quarterly to~~
104 ~~the Oneida Business Committee. The report shall include, but is not limited to, the~~
105 ~~amount of Funds funds paid out under each category.~~

106 ~~(c) The Social Services area Area or designee shall ensure that the Tribal Nation’s~~
107 ~~membership is informed of what assistance is available through the Fund, how to apply~~
108 ~~for assistance, and specify who is eligible for assistance.~~

109 ~~125.4-2. Eligibility for assistance provided under the Fund is reserved for Tribal enrolled~~
110 ~~members. of the Nation. Applications may be made by a non-Tribal parent or legal guardian on~~
111 ~~member on the behalf of a Tribal an enrolled member, or minor eligible for enrollment of the~~
112 ~~Nation, provided Funds the requested funds will benefit the Tribal member or child of member~~
113 ~~only and the non-member has one (1) of the following relationships to the applicant.:~~

114 ~~(a) Is a parent of the applicant;~~

115 ~~(b) Is the legal guardian of the applicant; or~~

116 ~~(c) Has legal responsibility for the applicant.~~

117 ~~125.4-3. Residency within the State state of Wisconsin is not a prerequisite for assistance,~~
118 ~~except for requests for a security deposit in Section accordance with section 125.6-2.~~

119 ~~125.4-4. The Fund is a fund of last resort and provides assistance when there is no other~~
120 ~~financial assistance available.~~

121 ~~(a) Applicants will be asked to contribute a percentage of the or all other assistance being~~
122 ~~requested.~~

123 | ~~(b) has been exhausted.~~ Applicants shall first seek out other resources that can meet the needs of
124 | their request. Proof of requesting assistance from other sources shall be provided with the
125 | application.

126 | 125.4-5.– The following types of catastrophic events, illnesses or injuries qualify an applicant for
127 | assistance:

- 128 | (a)– Terminally ill;
- 129 | (b)– Physically challenged or incapacitated;
- 130 | (c)– Major medical surgery;
- 131 | (d)– Life threatening (i.e. ~~Cancer~~cancer, AIDS, ~~Stroke~~stroke, disabling injuries due to
132 | motor vehicle accident, etc.);
- 133 | (e)– Natural disaster (i.e. ~~Tornado~~tornado, fire, flood, etc.); and
- 134 | (f)– Death in immediate family as identified in section 125.6-1(n).

135 | ~~4-6. A Case Manager reserves the right to deny~~125.4-6. Assistance may be denied or limited
136 | for applicants who have elected not to be covered by employer benefits such as disability or
137 | health insurance.

138 | 125.4-7.–All Except as otherwise provided in section 125.6-4, all payments shall be provided
139 | directly to the service provider. ~~However, funeral travel shall be reimbursed to the applicant.~~

140 | 125.4-8.– Assistance available under the Fund is subject to change according to fiscal year
141 | funding levels.

142 | 125.4-9.–~~Tribal Programs~~ Oneida programs and ~~Enterprises~~enterprises are not eligible for
143 | these funds.

145 | ~~Article V.~~ 125.5. Priorities for Consideration

146 | 125.5-1.– The ~~Case Managers~~case manager shall determine the level of assistance to be provided
147 | based on:

- 148 | (a)– Severity of event, illness ~~or,~~ injury or emergency event;
- 149 | (b)– ~~Ability of applicant to cost share~~
- 150 | ~~(e)~~– Cost (usual and customary fees);
- 151 | ~~(d)~~– c) Amount of time elapsed since catastrophic event, illness ~~or,~~ injury or emergency
152 | event occurred; and
- 153 | (d) The Fund’s appropriate promulgated rules.

154 | 125.5-2.– The ~~Case Manager~~case manager shall assess each individual case, prioritize and assist
155 | with immediate needs. Priorities are as follows:

- 156 | (a) Life-threatening emergency requests;
- 157 | (b) Emergency medical travel; and
- 158 | (c) Other needs.

160 | ~~Article VI.~~ 125.6. Items Covered by the Fund

161 | 125.6-1.– Requests for assistance from the Fund ~~must~~shall be tied to or be a result of a
162 | catastrophic event, illness ~~or,~~ injury or emergency event. Upon verification of a catastrophic
163 | event, illness ~~or,~~ injury or emergency event, the Fund may be used for the following:

- 164 | (a) ~~Health insurance, including~~ COBRA Insurance Payments;
- 165 | (b) Prescriptions not available through an ~~HHS Clinic~~Indian Health Services clinic;
- 166 | (c) Medical transportation/emergency medical travel ~~(including vehicle repairs);~~
- 167 | (d) ~~Rental of medical~~Medical-related equipment, supplies, or furniture;

- 168 (e) Medical bills (dental, optical, hospital) not covered by insurance;
- 169 (f) ~~Shelter and utilities~~ Mortgage payments and rent payments (including security
 170 deposits), where no other resources exist ~~(including security deposits)~~ in accordance with
 171 section 125.6-2;
- 172 ~~6-2. Requests~~ (g) Utility disconnections in accordance with section 125.6-3;
- 173 (h) Inpatient Treatment (with a limit of once per lifetime);
- 174 (i) Fire recovery/natural disaster assistance;
- 175 (j) Home renovations required for handicap accessibility;
- 176 (k) Family Medical Leave Act wage replacement;
- 177 (l) Waiting period for a Social Security Disability Determination rent and utility
 178 assistance;
- 179 (m) Appliance repair for essential appliances as defined in the rules which the Fund
 180 operator shall develop; and/or
- 181 (n) Travel expenses to arrange or attend a funeral for immediate family members outside
 182 the state where an applicant resides, in accordance with section 125.6-4.

183 125.6-2. Security deposit. The Fund shall only provide assistance for a security deposit ~~shall~~
 184 ~~be when it is~~ tied to or ~~be~~ a result of, a catastrophic event, illness ~~or~~ injury ~~and~~ ~~are~~ emergency
 185 event, on an emergency basis which shall include, but is not limited to, pending eviction and
 186 homelessness. Security deposit assistance is limited to Tribal members who are Wisconsin
 187 residents only.

- 188 (a) The ~~Tribal member~~ applicant shall demonstrate the ability to fulfill the terms of the
 189 rental lease. The ~~operators of the~~ Fund ~~does~~ shall not co-sign any lease.
- 190 (b) Security deposits are non-transferable and the amount paid for a security deposit shall
 191 be paid back to the Fund ~~Program~~ before another security deposit is issued at any time in
 192 the future.
- 193 (c) Only one (1) request per household ~~will~~ shall be considered; multiple consecutive
 194 requests may be made.
- 195 ~~(d) Security deposits shall be issued on an emergency basis which shall include, but is~~
 196 ~~not limited to, pending eviction and homelessness.~~

197 125.6-3. Requests for assistance Utilities. Assistance for the payment of utilities shall only
 198 be allowed once every ~~three~~ ~~(3~~ two (2) years by the person listed as responsible to pay with the
 199 utility company. ~~Those who~~

200 125.6-4. Funeral expenses. An applicant may receive assistance ~~in paying their utilities~~
 201 ~~shall cost share those expenses by paying back fifty percent (50%) of the funds received within~~
 202 ~~four (4) months. If those funds are not reimbursed to the fund by the required date, the~~
 203 ~~Community Support Program may garnish the individual's per capita payments.~~

204 ~~6-4. Travel~~ with travel expenses, up to a maximum amount of five hundred dollars (\$500), to
 205 arrange or attend a funeral for immediate family members outside the ~~State of~~ state where an
 206 ~~applicant resides shall be paid by the~~ the applicant ~~first, and~~ resides. Unless the rules allow for
 207 direct payment to the travel provider by the Fund ~~shall reimburse those applicants for~~ Operator,
 208 such assistance is required to be in the form of reimbursement, provided that mileage ~~or~~ airfare
 209 expenses up to a maximum amount of five hundred dollars (\$500). assistance shall always be in
 210 the form of reimbursement.

212 ~~Article VII~~125.7. **Items not ~~covered~~Covered by the Fund**

213 125.7-1.– The Fund ~~does~~shall not be used to cover payments that are not for a catastrophic event,
214 illness ~~or~~, injury or emergency event as defined above. The following is a list of items not
215 covered by the Fund; however, this is not an exhaustive list:–

- 216 (a)– Car payments;
217 (b)– Taxes;
218 (c)– Credit card or ~~Charge~~charge accounts;
219 (d)– Commercial loans;
220 (e)– Defaults/fines/bankruptcy charges;
221 (f)– Expenses not tied to basic needs (~~Cable~~cable, internet, memberships, etc.);
222 (g)– Legal fees/court costs/judgments;
223 (h) Homeless lodging assistance;
224 (i) Health membership fees;
225 (j) Food and personal care items;
226 (k) Stabilization rent assistance; and
227 (l) Department of Corrections re-entry assistance.

228 125.7-2.– ~~The Fund reserves the right to deny~~ Benefits may be denied or limit
229 benefitslimited if evidence is found regarding the applicant as to the following:

- 230 (a)– The catastrophic event, illness ~~or~~, injury or emergency event is the result of a
231 violation of the law –as proven by a citation or criminal conviction;
232 (b)– The applicant or others in the household benefiting from assistance from the Fund
233 are non-compliant with the requirements of other ~~tribal~~Nation programs, policies or laws
234 (i.e. Zoning, etc.); and/or
235 (c)– The applicant or others in the household benefiting from assistance from the Fund
236 are non-compliant with the requirements of the Fund.

237 ~~If the Fund chooses~~125.7-3. When a decision is made to approve, deny, or limit benefits ~~under~~
238 ~~this section,~~ the case manager shall provide an explanation of the decision ~~shall be~~ in writing
239 ~~and provided~~ to the applicant with a copy placed in the Fund's applicant's file.

241 ~~Article VIII.~~ 125.8. **Application Requirements**

242 125.8-1.– To be considered for assistance and before receiving assistance the applicant ~~must~~shall
243 complete the full application process. All applicants shall cooperate with the ~~Case Manager~~case
244 manager to assist the ~~Case Manager~~case manager in comprehensively addressing the needs of the
245 applicant. ~~(s).~~ Every application shall contain a space for the applicant to identify a preferred
246 method of contact. This shall be the primary contact method. Case managers shall follow up
247 every contact with written correspondence, in order to make responses to the applicant in a
248 timely manner so as to meet the applicant's needs.

249 125.8-2.– Supporting documentation shall be required in all cases. The applicant is
250 responsible to provide all documentation requested by the ~~Case Manager.~~

- 251 ~~(a) case manager.~~ No assistance ~~shall~~may be provided without sufficient documentation of ~~the:~~
252 (a) The catastrophic event ~~or~~, illness ~~or~~, injury as requested by the Case Manager or
253 emergency event;
254 ~~(b) No assistance shall be provided without sufficient documentation~~ (b) Proof that the
255 applicant sought assistance from other agencies with an explanation of benefits received
256 or refusal of assistance by the other agencies;

- 257 (c) Enrollment in the Nation;
258 (d) All household income the last thirty (30) business days immediately prior to the
259 submission of the application; and
260 (e) Status of employment which shall include the following as applicable:
261 (1) Leave of absence paperwork;
262 (2) Balance of personal and vacation time accumulation; and
263 (3) Disability insurance or workmen’s compensation coverage.

264 125.8-3.– Documentation includes, but is not limited to:

- 265 (a)– Medical reports;
266 (b)– Bills or statements;
267 (c)– Estimates;
268 (d)– Letters;
269 (e)– Police or fire reports;
270 (f)– Obituary or formal notice of death;
271 (g)– Check stubs;
272 (h)– Pictures or photographs;
273 (i)– Applications for assistance from other agencies; and/or
274 (j)– Approval of assistance or denial of assistance letters from other agencies.

275 ~~8-4. Verification of status of employment is required and includes the following documentation:~~

- 276 ~~(a) Leave of absence paperwork~~
277 ~~(b) Balance of personal and vacation time accumulation~~
278 ~~(c) Disability insurance or workmen’s compensation coverage~~
279 ~~(d) Check stubs~~

280 ~~8-5.~~125.8-4. Requests submitted without supporting documentation shall be kept on file for
281 thirty (30) business days.

- 282 (a)– ~~A~~ The case manager shall request ~~for~~ additional information ~~by a Case Manager~~
283 ~~shall~~ be ~~made~~provided when an application contains insufficient information to make an
284 informed decision.
285 (b)– Applicants may deliver, scan, fax, mail, or e-mail additional requested
286 information.
287 (c)– Failure to submit the requested information within the thirty (30) business days
288 ~~will~~shall result in closing the application file, with no further action taken in regard to
289 that application.
290 (d)– ~~Applicant~~ Applicants shall be sent a notice that the file has been closed and reason(s)
291 for the file being closed.
292 (e)– After the file is closed, the applicant shall start the application process over again
293 in order to be considered for assistance from the Fund. However, no applicant may re-
294 apply for the same catastrophic event, illness~~or~~, injury or emergency event more than
295 ~~twice.~~the limit stated within this law or the Fund’s rules.

296 ~~8-6. Application~~125.8-5. Applications for assistance shall be made within a reasonable time
297 period, not to exceed thirty (30) business days of a catastrophic event or illness~~or~~, injury or
298 emergency event. Applications made after thirty (30) business days shall not be considered.

299

300 **Article IX. 125.9. Decision and Appeal**

301 125.9-1. Initial Decision. The Fund Operator shall include in the Fund rules a timeline for
302 which an initial decision is required following the submission of a complete application. Such
303 timeline shall include available extensions for circumstances wherein the applicant has a
304 determination of award/coverage pending with another support/assistance resource.

305 125.9-2. Program Director Appeal. An appeal of the ~~Case Manager's~~ case manager's decision
306 shall be ~~made to the Case Manager's supervisor. If the supervisor upholds the decision, it may~~
307 ~~then be appealed to the Area Manager~~ requested in writing to the Program Director within ten
308 (10) business days after receipt of notice of the Social Services Division. If initial decision.
309 Within ten (10) business days after receiving the decision is upheld by appeal, the Area
310 Manager, Program Director shall provide the applicant with notice of his or her decision may be
311 appealed as a final on the matter.

312 125.9-3. Area Manager Appeal. An appeal of the Program Director's decision ~~to the~~ shall be
313 requested in writing to the Area Manager within ten (10) business days after receipt of notice of
314 the Program Director's decision. Within ten (10) business days after receiving the appeal, the
315 Area Manager shall provide the applicant with notice of his or her decision on the matter.

316 125.9-4. Oneida Judiciary Appeal. An applicant may appeal a decision of the Area Manager to
317 the Oneida Court of Appeals in accordance with the Rules of Appellate Procedure.

318
319
320 *End.*

Adopted - BC-5-15-96-A
Amended - BC-1-8-97-G
Amended - BC-12-11-13-D
Amended - BC-

Draft #12– For OBC Consideration
12/28/16

**Title 1. Government and Finances – Chapter 125
COMMUNITY SUPPORT FUND**

Kaya>takenh@sla tsi> niyukwana=t@y<
It is helpful where our community lays

125.1. Purpose and Policy
125.2. Adoption, Amendment, Repeal
125.3. Definitions
125.4. Responsibilities, Eligibility and Qualifications
125.5. Priorities for Consideration

125.6. Items Covered by the Fund
125.7. Items not Covered by the Fund
125.8. Application Requirements
125.9. Appeal

125.1. Purpose and Policy

125.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the Oneida Nation who apply for assistance to the Fund in times of a catastrophic event, illness, injury or emergency event when no other resources for assistance exist.

125.1-2. *Policy.* It is the policy of the Oneida Nation to assist their people in a time of need after a catastrophic event, illness, injury or emergency event, when there is no other assistance available or all other assistance has been exhausted.

125.2. Adoption, Amendment, Repeal

125.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-15-96-A and amended by resolutions BC-01-08-97-G, BC-12-1-13-D and BC-_____.

125.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

125.2-3. 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.

125.2-4. 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.

125.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

125.3. Definitions

125.3-1. 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) “Applicant” means the subject of the application for assistance.

(b) “Business days” means Monday through Friday 8:00 a.m. to 4:30 p.m., excluding Nation holidays.

(c) “Case manager” means an employee responsible for administering Fund benefits.

(d) “Catastrophic event” means a natural or man-made incident, which results in substantial damage or loss requiring major financial resources to repair or recover (i.e. house fire, tornado, flood, or other disaster).

(e) “Catastrophic illness or injury” means a serious debilitating illness, injury, impairment, or physical or mental condition that involves:

(1) In-patient care;

(2) A period of continuing treatment due to a chronic serious health condition (such as chemotherapy/radiation, dialysis, daily/weekly therapy resulting from

- 37 trauma, etc.);
- 38 (3) A period of illness or injury that is long-term due to a condition for which
- 39 treatment may be ineffective (stroke, terminal disease, etc.); or
- 40 (4) Multiple treatments either for restorative surgery after an accident or other
- 41 injury, or for a chronic condition. (i.e. cancer or kidney disease).
- 42 (f) “Emergency event” means a situation that poses an immediate risk to health, life,
- 43 safety, property or environment. Emergencies require urgent intervention to prevent
- 44 further illness, injury, death, or other worsening of the situation.
- 45 (g) “Emergency medical travel” means an unexpected serious health situation or
- 46 occurrence, requiring the immediate presence of immediate family. (i.e., end of life
- 47 situation, life support, etc.)
- 48 (h) “Fund” means the Community Support Fund.
- 49 (i) “Immediate family” means that group of persons who make up a family unit normally
- 50 defined as husband, wife, children, sister, brother, in-laws, step family, grandparents and
- 51 grandchildren, and/or a person who has legal responsibility for the applicant.
- 52 (j) “Legal guardian” means a person who has the legal authority to care for the personal
- 53 and property interests of another person granted through Court order.
- 54 (k) “Legal responsibility” means specific duties imposed upon a person to care or provide
- 55 for another including liability for personal obligations as granted through a Power of
- 56 Attorney or Court order.
- 57 (l) “Major medical surgery” means a surgical procedure that carries a degree of risk to
- 58 the patient’s life, or the potential for severe disability if something goes wrong during
- 59 surgery. It is a surgical procedure that usually requires a patient to be put under general
- 60 anesthesia and given respiratory assistance because he or she cannot breathe
- 61 independently.
- 62 (m) “Nation” means the Oneida Nation.
- 63 (n) “Rule” means a set of requirements enacted in accordance with the Administrative
- 64 Rulemaking law.
- 65 (o) “Tribal” means the Oneida Nation.

66

67 **125.4. Responsibilities, Eligibility and Qualifications**

68 125.4-1. The Social Services Area of the Governmental Services Division shall be responsible

69 for operation of the Fund, but may designate the operation of the Fund to a department within its

70 control.

- 71 (a) The operators of the Fund shall promulgate rules, for the administration of the Fund
- 72 that are consistent with this law. The rules:
- 73 (1) shall include the list of categories the Fund covers and a cap that sets the
- 74 amount of assistance per event/ per household, except for funeral expenses which
- 75 shall be set per event/per person.
- 76 (2) may include additional items not listed in section 125.6, as long as the rule
- 77 does not conflict with this law.
- 78 (b) The Governmental Services Division Director shall report quarterly to the Oneida
- 79 Business Committee. The report shall include, but is not limited to, the amount of funds
- 80 paid out under each category.
- 81 (c) The Social Services Area or designee shall ensure that the Nation’s membership is

82 informed of what assistance is available through the Fund, how to apply for assistance,
83 and who is eligible for assistance.

84 125.4-2. Eligibility for assistance provided under the Fund is reserved for enrolled members of
85 the Nation. Applications may be made by a non-member on the behalf of an enrolled member of
86 the Nation, provided the requested funds will benefit the member only and the non-member has
87 one (1) of the following relationships to the applicant:

- 88 (a) Is a parent of the applicant;
- 89 (b) Is the legal guardian of the applicant; or
- 90 (c) Has legal responsibility for the applicant.

91 125.4-3. Residency within the state of Wisconsin is not a prerequisite for assistance, except for
92 requests for a security deposit in accordance with section 125.6-2.

93 125.4-4. The Fund is a fund of last resort and provides assistance when there is no other
94 financial assistance available or all other assistance has been exhausted. Applicants shall first
95 seek out other resources that can meet the needs of their request. Proof of requesting assistance
96 from other sources shall be provided with the application.

97 125.4-5. The following types of catastrophic events, illnesses or injuries qualify an applicant for
98 assistance:

- 99 (a) Terminally ill;
- 100 (b) Physically challenged or incapacitated;
- 101 (c) Major medical surgery;
- 102 (d) Life threatening (i.e. cancer, AIDS, stroke, disabling injuries due to motor vehicle
103 accident, etc.);
- 104 (e) Natural disaster (i.e. tornado, fire, flood, etc.); and
- 105 (f) Death in immediate family as identified in section 125.6-1(n).

106 125.4-6. Assistance may be denied or limited for applicants who have elected not to be covered
107 by employer benefits such as disability or health insurance.

108 125.4-7. Except as otherwise provided in section 125.6-4, all payments shall be provided
109 directly to the service provider.

110 125.4-8. Assistance available under the Fund is subject to change according to fiscal year
111 funding levels.

112 125.4-9. Oneida programs and enterprises are not eligible for these funds.

113

114 **125.5. Priorities for Consideration**

115 125.5-1. The case manager shall determine the level of assistance to be provided based on:

- 116 (a) Severity of event, illness, injury or emergency event;
- 117 (b) Cost (usual and customary fees);
- 118 (c) Amount of time elapsed since catastrophic event, illness, injury or emergency event
119 occurred; and
- 120 (d) The Fund's appropriate promulgated rules.

121 125.5-2. The case manager shall assess each individual case, prioritize and assist with
122 immediate needs. Priorities are as follows:

- 123 (a) Life-threatening emergency requests;
- 124 (b) Emergency medical travel; and
- 125 (c) Other needs.

126

127 **125.6. Items Covered by the Fund**

128 125.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic
129 event, illness, injury or emergency event. Upon verification of a catastrophic event, illness,
130 injury or emergency event, the Fund may be used for the following:

- 131 (a) COBRA Insurance Payments;
- 132 (b) Prescriptions not available through an Indian Health Services clinic;
- 133 (c) Medical transportation/emergency medical travel including vehicle repairs;
- 134 (d) Medical-related equipment, supplies, or furniture;
- 135 (e) Medical bills (dental, optical, hospital) not covered by insurance;
- 136 (f) Mortgage payments and rent payments (including security deposits), where no other
137 resources exist in accordance with section 125.6-2;
- 138 (g) Utility disconnections in accordance with section 125.6-3;
- 139 (h) Inpatient Treatment (with a limit of once per lifetime);
- 140 (i) Fire recovery/natural disaster assistance;
- 141 (j) Home renovations required for handicap accessibility;
- 142 (k) Family Medical Leave Act wage replacement;
- 143 (l) Waiting period for a Social Security Disability Determination rent and utility
144 assistance;
- 145 (m) Appliance repair for essential appliances as defined in the rules which the Fund
146 operator shall develop; and/or
- 147 (n) Travel expenses to arrange or attend a funeral for immediate family members outside
148 the state where an applicant resides, in accordance with section 125.6-4.

149 125.6-2. *Security deposit.* The Fund shall only provide assistance for a security deposit when it
150 is tied to or a result of a catastrophic event, illness injury or emergency event, on an emergency
151 basis which shall include, but is not limited to, pending eviction and homelessness. Security
152 deposit assistance is limited to Tribal members who are Wisconsin residents only.

- 153 (a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The
154 operators of the Fund shall not co-sign any lease.
- 155 (b) Security deposits are non-transferable and the amount paid for a security deposit shall
156 be paid back to the Fund before another security deposit is issued at any time in the
157 future.
- 158 (c) Only one (1) request per household shall be considered; multiple consecutive
159 requests may be made.

160 125.6-3. *Utilities.* Assistance for the payment of utilities shall only be allowed once every two
161 (2) years by the person listed as responsible to pay with the utility company.

162 125.6-4. *Funeral expenses.* An applicant may receive assistance with travel expenses, up to a
163 maximum amount of five hundred dollars (\$500), to arrange or attend a funeral for immediate
164 family members outside the state where the applicant resides. Unless the rules allow for direct
165 payment to the travel provider by the Fund Operator, such assistance is required to be in the form
166 of reimbursement, provided that mileage assistance shall always be in the form of
167 reimbursement.

168
169 **125.7. Items not Covered by the Fund**

170 125.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event,
171 illness, injury or emergency event as defined above. The following is a list of items not covered

172 by the Fund; however, this is not an exhaustive list:

- 173 (a) Car payments;
- 174 (b) Taxes;
- 175 (c) Credit card or charge accounts;
- 176 (d) Commercial loans;
- 177 (e) Defaults/fines/bankruptcy charges;
- 178 (f) Expenses not tied to basic needs (cable, internet, memberships, etc.);
- 179 (g) Legal fees/court costs/judgments;
- 180 (h) Homeless lodging assistance;
- 181 (i) Health membership fees;
- 182 (j) Food and personal care items;
- 183 (k) Stabilization rent assistance; and
- 184 (l) Department of Corrections re-entry assistance.

185 125.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the
186 following:

- 187 (a) The catastrophic event, illness, injury or emergency event is the result of a violation
188 of the law as proven by a citation or criminal conviction;
- 189 (b) The applicant or others in the household benefiting from assistance from the Fund are
190 non-compliant with the requirements of other Nation programs, policies or laws; and/or
- 191 (c) The applicant or others in the household benefiting from assistance from the Fund are
192 non-compliant with the requirements of the Fund.

193 125.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall
194 provide an explanation of the decision in writing to the applicant with a copy placed in the
195 applicant's file.

196

197 **125.8. Application Requirements**

198 125.8-1. To be considered for assistance and before receiving assistance the applicant shall
199 complete the full application process. All applicants shall cooperate with the case manager to
200 assist the case manager in comprehensively addressing the needs of the applicant(s). Every
201 application shall contain a space for the applicant to identify a preferred method of contact. This
202 shall be the primary contact method. Case managers shall follow up every contact with written
203 correspondence, in order to make responses to the applicant in a timely manner so as to meet the
204 applicant's needs.

205 125.8-2. Supporting documentation is required in all cases. The applicant is responsible to
206 provide all documentation requested by the case manager. No assistance may be provided
207 without sufficient documentation of:

- 208 (a) The catastrophic event, illness, injury or emergency event;
- 209 (b) Proof that the applicant sought assistance from other agencies with an explanation of
210 benefits received or refusal of assistance by the other agencies;
- 211 (c) Enrollment in the Nation;
- 212 (d) All household income the last thirty (30) business days immediately prior to the
213 submission of the application; and
- 214 (e) Status of employment which shall include the following as applicable:
 - 215 (1) Leave of absence paperwork;
 - 216 (2) Balance of personal and vacation time accumulation; and

217 (3) Disability insurance or workmen’s compensation coverage.

218 125.8-3. Documentation includes, but is not limited to:

- 219 (a) Medical reports;
- 220 (b) Bills or statements;
- 221 (c) Estimates;
- 222 (d) Letters;
- 223 (e) Police or fire reports;
- 224 (f) Obituary or formal notice of death;
- 225 (g) Check stubs;
- 226 (h) Pictures or photographs;
- 227 (i) Applications for assistance from other agencies; and/or
- 228 (j) Approval of assistance or denial of assistance letters from other agencies.

229 125.8-4. Requests submitted without supporting documentation shall be kept on file for thirty
230 (30) business days.

231 (a) The case manager shall request additional information be provided when an
232 application contains insufficient information to make an informed decision.

233 (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.

234 (c) Failure to submit the requested information within the thirty (30) business days shall
235 result in closing the application file, with no further action taken in regard to that
236 application.

237 (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file
238 being closed.

239 (e) After the file is closed, the applicant shall start the application process over again in
240 order to be considered for assistance from the Fund. However, no applicant may re-apply
241 for the same catastrophic event, illness, injury or emergency event more than the limit
242 stated within this law or the Fund’s rules.

243 125.8-5. Applications for assistance shall be made within a reasonable time period, not to
244 exceed thirty (30) business days of a catastrophic event or illness, injury or emergency event.
245 Applications made after thirty (30) business days shall not be considered.
246

247 **125.9. Decision and Appeal**

248 125.9-1. *Initial Decision.* The Fund Operator shall include in the Fund rules a timeline for
249 which an initial decision is required following the submission of a complete application. Such
250 timeline shall include available extensions for circumstances wherein the applicant has a
251 determination of award/coverage pending with another support/assistance resource.

252 125.9-2. *Program Director Appeal.* An appeal of the case manager’s decision shall be
253 requested in writing to the Program Director within ten (10) business days after receipt of notice
254 of the initial decision. Within ten (10) business days after receiving the appeal, the Program
255 Director shall provide the applicant with notice of his or her decision on the matter.

256 125.9-3. *Area Manager Appeal.* An appeal of the Program Director’s decision shall be
257 requested in writing to the Area Manager within ten (10) business days after receipt of notice of
258 the Program Director’s decision. Within ten (10) business days after receiving the appeal, the
259 Area Manager shall provide the applicant with notice of his or her decision on the matter.

260 125.9-4. *Oneida Judiciary Appeal.* An applicant may appeal a decision of the Area Manager to
261 the Oneida Court of Appeals in accordance with the Rules of Appellate Procedure.

262
263 *End.*

Adopted - BC-5-15-96-A

Amended - BC-1-8-97-G

Amended - BC-12-11-13-D

Amended - BC-

Handout

Finance



MEMORANDUM

DATE: December 19, 2016

FROM: Rae Skenandore, Project Manager

TO: Larry Barton, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Finance Officer

RE: **Financial Impact of Amendments to the Community Support Fund**

I. Background

Under consideration is a change to the existing policy concerning the Community Support Fund. Historically this funding was split into two separate programs; Catastrophic Fund and Community Support Fund. In 1996 the Community Support Program within the Governmental Services Division was delegated the responsibility to manage the funds as one Program. The Policy was first adopted by the Oneida Business Committee (OBC) Resolution 05-15-1996-A, amended by the OBC Resolution 01-08-1997-G, and BC-12-1-13-D. Public meetings were held October 29, 2015 and November 3, 2016.

The purpose of this law and the Community Support Fund is to assist the greatest number of members of the Oneida Nation who apply for assistance in a time of need after a qualified catastrophic event, illness, injury or emergency event, when there is no other assistance available or all other assistance has been exhausted.

As policies are amended, the Legislative Operating Committee (LOC) is retitling them as laws. The Legislative Procedures Act requires that all legislation, except as exempted through an emergency law, include a fiscal impact statement.

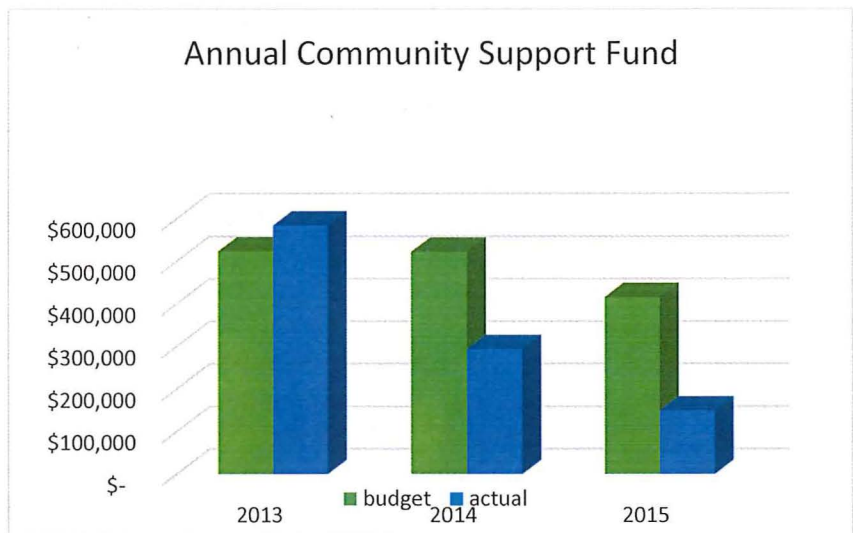
II. Executive Summary of Findings

A "Fiscal Impact Statement" means an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as

well as an estimate of the amount of time necessary for an agency to comply with the law after implementation. A fiscal impact statement identifies the estimated cost of approval of the legislation. Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

According to the Director of Community Economic Support, there are no additional startup, personnel, office, or documentation costs associated with the amendments. The amendments apply to eligibility, caps, cost sharing, and to the types of items covered. More detailed rules will be promulgated through the Administrative Rulemaking process, which also requires a fiscal analysis by the authorizing agency. The Community Support Fund budget to actual is reflected in the chart.

The proposed Amendments to the Policy provide the requirements and eligibility criteria for accessing the Program funds. The intent is to allow the existing funds to assist the greatest number of enrolled Oneida Nation members possible. Funds can be limited and prioritized based on the severity of the need. The fund is a “payer of last resort” and requires that all other financial assistance be exhausted prior to approval.



At this time, Community Economic Support does not anticipate any increase in their annual budget request. According to the Director of Community Economic Support, the funding and the program would cease serving clients if tribal contribution were depleted within the fiscal year. This coincides with the Law under 125.4-8 where it states that the assistance available under the Fund is subject to change according to fiscal year funding levels.

The estimated amount of time necessary for the agency to comply with the law and promulgate rules for the administration of the funds is 120 calendar days.

III. Financial Impact
No fiscal impact.

IV. Recommendation

The Finance Department does not make a recommendation in regards to course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of an action, so that General Tribal Council has full information with which to render a decision.



Legislative Operating Committee
December 21, 2016

Oneida Nation Seal and Flag

Submission Date: 4/22/15	Public Meeting: 10/01/2015, 12/01/16
LOC Sponsor: Jennifer Webster	Emergency Enacted: n/a Expires: n/a

Summary: *The OBC requested that the LOC develop a flag code policy. ONVAC received complaints from non-Tribal members about how the Tribal Flag is displayed. ONVAC's concerns are there is no protocol for those who oversee flag responsibilities to follow, no one is identified as the person that has the authority to lower the flag to half-staff, what should the height and position of the Tribal Flag be compared to the US Flag, etc.*

- 4/22/15 OBC:** Motion by Jennifer Webster to request the Legislative Operating Committee to develop a flag code policy and consider adding it to the active files list, seconded by Lisa Summers. Motion carried unanimously
- 5/6/15 LOC:** Motion by Jennifer Webster to add the Tribal Flag Code to the active files list with herself as the sponsor and defer the Tribal Flag Code to a Legislative Operating Committee work meeting; seconded by Fawn Billie. Motion carried unanimously.
- 6/8/15:** Work Meeting held. Attendees included John Breuninger, Kerry Metoxen, Lynn Franzmeier, Candice Skenandore, Brandon Stevens, Tehassi Hill, Jenny Webster, Fawn Billie, Danelle Wilson, David Jordan, Apache Danforth, RC Metoxen.
- 6/30/15:** Work Meeting held. Attendees included John Breuninger, Douglass McIntyre, Candice Skenandore.
- 7/1/15 LOC:** Motion by David P. Jordan to accept the memorandum regarding the Flag Code update as FYI; seconded by Tehassi Hill. Motion carried unanimously.
- 7/24/15:** Work meeting held. Attendees included Jennifer Webster, David P. Jordan, Candice Skenandore, Douglass McIntyre.
- 8/5/15 LOC:** Motion by Tehassi Hill to defer the Oneida Flag Policy for a legislative analysis and a fiscal impact statement and bring back in two weeks; seconded by David P. Jordan. Motion carried unanimously.
- 8/19/15 LOC:** Motion by David P. Jordan to accept the legislative analysis, extend the financial impact statement, and direct the Legislative Reference Office to bring the Oneida Flag Code back to the next LOC meeting, to set a date for a Public Meeting, and to make the changes from "Oneida Nation" back to "Oneida Indian Tribe of Wisconsin"; seconded by Fawn Billie. Motion carried unanimously.
- 9/2/15 LOC:** Motion by Jennifer Webster to forward the current draft and analysis of the Oneida Flag Policy for a public meeting to be held on October 1, 2015; seconded by Fawn Billie. Motion carried unanimously.
- 10/1/15:** Public meeting held.
- 11/4/15 LOC:** Motion by Jennifer Webster to accept the public meeting comments and defer review to a work meeting on November 6; seconded by Tehassi Hill. Motion carried unanimously.
- 11/6/15:** Work meeting held. Attendees include: John Breuninger, Kerry Metoxen, Douglass McIntyre, Candice Skenandore, Jennifer Webster, David P. Jordan.
- 6/1/16 LOC:** Motion by Jennifer Webster to incorporate provisions for the Tribal seal into the current draft of the Flag Law and to bring back a draft to the June 15, 2016 LOC meeting so that

the LOC can determine whether to hold a second public meeting; seconded by Fawn Billie. Motion carried unanimously.

6/8/16 OBC: Motion by Lisa Summers to accept the branding update and seal color #2597, and that the final adjustments to the bear face shading be completed through Intergovernmental Affairs & Communications, seconded by Fawn Billie. Motion carried unanimously.

6/15/16 LOC: Motion by Tehassi Hill to defer the Oneida Seal and Flag Law to the Legislative Reference Office for an updated legislative analysis and to prepare for a second public meeting; seconded by Jennifer Webster. Motion carried unanimously.

8/2/16: Update meeting held. Attorney will review draft and return to analyst.

11/2/16LOC: Motion by Jennifer Webster to approve the Oneida Nation Seal & Flag law public meeting packet, and to direct the Legislative Reference Office to hold a second public meeting on December 1, 2016; seconded by Tehassi Hill. Motion carried unanimously.

Motion by Tehassi Hill to accept the legislative analysis for the Oneida Nation Seal and Flag law; seconded by Jennifer Webster. Motion carried unanimously.

12/1/16: Public meeting held.

Next Steps:

- Review public meeting comment memo and draft.
- Direct additional changes if necessary or approve the Oneida Nation Seal and Flag law adoption packet and forward to the Oneida Business Committee for consideration.



TO: Legislative Operating Committee (LOC)
FROM: Clorissa N. Santiago, Legislative Reference Office Staff Attorney
DATE: December 21, 2016
RE: Oneida Nation Seal and Flag Law: Public Meeting Comment Review

On December 1, 2016, a public meeting was held regarding a new proposed law: the Oneida Nation Seal and Flag Law. This law would:

- Recognize the official Oneida Nation Seal and describe where the seal should be used;
- Give authority to the Oneida Nation Secretary to govern the placement, maintenance and authorized use of the Oneida Nation seal;
- Recognize the importance of publically demonstrating the sovereign authority and jurisdiction of the Nation through the proper flying of the Oneida Flag;
- Require all current and future Oneida Nation-owned buildings on the reservation that fly the Flag to do so pursuant to this law;
- Identify who is responsible for Flag duties;
- List the requirements for how the Flag is to be displayed; and
- Explain how the Flag is to be respected.

There were no oral or written comments received during the public meeting on December 1, 2016, or during the public meeting comment period ending on December 8, 2016.



**LEGISLATIVE OPERATING COMMITTEE
PUBLIC MEETING
Oneida Nation Seal and Flag Law
and
Real Property Law Amendments**

Business Committee Conference Room-2nd Floor Norbert Hill Center
December 1, 2016 12:15 p.m.

Present: Jennifer Webster, Jen Falck, Clorissa Santiago, Maureen Perkins, and Rae Skenandore.

Jennifer Webster: Greetings. The time is 12:15 p.m. and today's date is Thursday December 1, 2016. I will now call the public meeting for the Oneida Nation Seal and Flag law to order.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding these legislative proposals. All persons who wish to present oral testimony need to register on the sign in sheet at the back of the room. Written comments may be submitted to the Tribal Secretary's Office or to the LOC Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business day on Thursday December 8, 2016.

In attendance from the LOC is, Jenny Webster. We will begin today's public meeting for the Oneida Nation Seal and Flag Law. This is a proposal that would; Recognize the official Oneida Nation Seal and describe where the seal should be used, Give authority to the Oneida Nation Secretary to govern the placement, maintenance and authorized use of the Oneida Nation Seal, Recognize the importance of publically demonstrating the sovereign authority and jurisdiction of the Nation through the proper flying of the Oneida Flag, Require all current and future Oneida Nation-owned buildings on the reservation that fly the Flag to do so pursuant to this law, Identify who is responsible for Flag duties, List the requirements for how the Flag is to be displayed, and Explain how the Flag is to be respected.

Is anybody here to speak on this first issue? –No Speakers-

12:20 Moving on to Real Property Law

The time is 12:20 p.m. and today's date is Thursday December 1, 2016. I will now call the public meeting for the Real Property Law amendments to order.

The LOC is hosting this public meeting to gather feedback from the community regarding these legislative proposals. All persons who wish to present oral testimony need to register and sign in the back of the room. Written comments may be submitted to the Tribal

Secretary's Office or to the LRO Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business day on Thursday December 8, 2016.

In attendance from the LOC is, Jenny Webster. We will begin today's public meeting for the Real Property Law Amendments. This is a proposal that would; remove hearing body authority from the Oneida Land Commission and transfer it to the Judiciary, Update the Probate Process, add Wisconsin state real estate education requirements for persons purchasing property on behalf of the nation, Provisions related to rental housing opportunities provided by the nation are moved to the Landlord Tenant law, Provisions related to mortgages and foreclosures within the nations programs are moved to the Mortgage and Foreclosure Law, Provisions related to termination or eviction from the nations leasing or rental programs are moved to the Evictions and Terminations Law.

Is there anyone here to speak on the Real Property Law Amendments? -No Speakers-


With nobody signed in and nobody here to speak on these issues we will close. The public meeting for the Real Property Law Amendments is now closed at 12:23 pm, written comments may be submitted until close of business day Thursday December 8th, 2016. The public meeting for the Oneida Nation Seal and Flag Law are now closed at 12:23 pm written comments may be submitted until close of business day Thursday December 8th, 2016. Thank you.

-End of Meeting-



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
 Oneida-nsn.gov



TO: Oneida Business Committee
 FROM: Brandon Stevens, LOC Chairperson 
 DATE: December 28, 2016
 RE: Oneida Nation Seal and Flag Law

Please find the following attached backup documentation for your consideration of the Oneida Nation Seal and Flag Law:

1. Resolution: Oneida Nation Seal and Flag Law
2. Statement of Effect: Oneida Nation Seal and Flag Law
3. Oneida Nation Seal and Flag Law Legislative Analysis
4. Oneida Nation Seal and Flag Law
5. Oneida Nation Seal and Flag Law Fiscal Impact Statement

Overview

This Resolution adopts the proposed Oneida Nation Seal and Flag Law. The proposed law:

- Recognizes the official Oneida Nation Seal and describe where the seal should be used *[see 116.4]*.
- Provides the Oneida Nation brand logo for use on all documents not authorized to use the Oneida Nation Seal *[see 116.4-3]*.
- Delegates rulemaking authority to the Oneida Nation Secretary to govern the placement, maintenance and authorized use of the Oneida Nation Seal *[see 116.4-4]*.
- Recognizes the importance of publically demonstrating the sovereign authority and jurisdiction of the Nation through the proper flying of the Oneida flag.
- Requires all current and future Oneida Nation owned buildings on the Reservation that fly the flag to do so pursuant to this law *[see 116.5-2]*.
- Identifies who is responsible for Flag duties *[see 116.5-2(a)]*.
- Provides the requirements for how the flag is to be displayed *[see 116.6]*.
- Provides for how the flag is to be respected *[see 116.7]*.
- Enforces provisions of the Oneida Nation Seal and Flag Law by stating that employees found violating this law may be subject to discipline in accordance with the Nation's laws, rules and policies governing employment *[see 116.8]*.

In accordance with the Legislative Procedures Act, the first public meeting on the proposed law was held on October 1, 2015. On November 4, 2015, the LOC reviewed all comments received during the public comment period; and any changes made based on those comments have been incorporated into this draft. A second public meeting on the proposed law was held on December

1, 2016. No comments were received during the second public meeting comment period ending on December 8, 2016.

Requested Action

Approve the Resolution: Oneida Nation Seal and Flag Law.

Oneida Nation

HANDOUT

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____
Oneida Nation Seal and Flag Law

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Nation Seal and Flag Law (the "Law") recognizes the authority of the Oneida Nation to exercise the fundamental right of sovereignty and self-determination by setting forth the official governmental Seal and Flag for the Oneida Nation, its use and who shall be responsible for safekeeping and authorizing its use; and
- WHEREAS,** the Oneida Nation Seal is a unique symbol reserved for official government use which signifies the Nation's culture and sovereignty; and
- WHEREAS,** the Law sets forth which official government documents can use the seal, and provides the Oneida Nation brand logo for use on all other documents by all other Nation entities not authorized to use the seal; and
- WHEREAS,** the Law delegates rulemaking authority to the Oneida Nation Secretary to create rules that govern the placement, maintenance and authorized use of the seal; and
- WHEREAS,** the Oneida flag shall represent the jurisdiction and sovereignty of the Oneida Nation when flown; and
- WHEREAS,** the Law provides that all Oneida-owned buildings within the Reservation that currently possess flagpoles, stationary flagstuffs or other means to display a flag and those entities and Oneida-owned buildings that later establish the means to display a flag shall adhere to this law; and
- WHEREAS,** the Law provides details on how to properly display the flag, including details regarding location, time and occasions for display, conduct during hoisting, lowering or passing of the Oneida flag, position of the flag, manner of display, display of respect, and display off the Reservation; and
- WHEREAS,** the Law provides that no disrespect shall be shown to the Oneida flag, the United States flag, or the flags of any other country, Indian Tribe, state or locality, and then provides further standards on how to respect the flag ; and
- WHEREAS,** the Law states that employees found violating this law may be subject to discipline in accordance with the Nation's laws, rules and policies governing employment; and

WHEREAS, a first public meeting on the proposed law was held on October 1, 2015, in accordance with the Legislative Procedures Act, and comments received were reviewed and accepted by the Legislative Operating Committee on November 4, 2015.

WHEREAS, a second public meeting on the proposed law was held on December 1, 2016, in accordance with the Legislative Procedures Act, and no written or oral comments were received by the Legislative Operating Committee during the public comment period ending on December 8, 2016.

NOW THEREFORE BE IT RESOLVED, that the Oneida Nation Secretary shall create rules in accordance with these amendments and shall have the final rule(s) prepared within 60 calendar days; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the attached proposed Oneida Nation Seal and Flag Law is hereby adopted and shall become effective in 60 calendar days.



Statement of Effect

Oneida Nation Seal and Flag Law

Summary

This Resolution adopts the proposed Oneida Nation Seal and Flag Law (the “Law”).

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Analysis by the Legislative Reference Office

This resolution adopts a new Oneida Nation Seal and Flag law. This Law recognizes the authority of the Oneida Nation to exercise the fundamental right of sovereignty and self-determination by setting forth the official governmental seal and flag for the Nation, its use and who shall be responsible for safe keeping and authorizing its use.

This proposed law sets forth the official Oneida Nation Seal, a unique symbol reserved for official government use which signifies the Nation’s culture and sovereignty. The Law sets forth which official government documents can use the seal. For documents not qualified to use the seal, the Law also provides the Oneida Nation brand logo for use by all other entities of the Nation. The Law also delegates rulemaking authority to the Oneida Nation Secretary to create rules that govern the placement, maintenance and authorized use of the official Oneida Nation Seal.

The Law sets forth that the Oneida Flag shall represent the jurisdiction and sovereignty of the Oneida Nation when flown. The Law states that all Oneida-owned buildings within the Reservation that currently possess flagpoles, stationary flagstaffs or other means to display a flag and those entities and Oneida-owned buildings that later establish the means to display a flag shall adhere to this law. The Law provides for who shall be responsible for duties relating to the flag, and then goes on to provide details on how to properly display the Oneida Nation Flag. Details on how to properly display the flag include location, time and occasions for display, the position of the flag, conduct during hoisting, lowering or passing of the Oneida flag, manner of display, display of respect, and display off the Reservation.

The Law states that no disrespect shall be shown to the Oneida flag, the United States flag, or the flags of any other country, Indian Tribe, state or locality. The Law then further sets standards for respecting the flag.

Additionally, the Law discusses enforcement and provides that employees found violating this law may be subject to discipline in accordance with the Nation’s laws, rules and policies governing employment.

The first public meeting on the proposed law was held on October 1, 2015, in accordance with the Legislative Procedures Act. On November 4, 2015, the LOC reviewed all comments received

during the public comment period; and any changes made based on those comments have been incorporated into this draft. A second public meeting on the proposed law was held on December 1, 2016. No comments were received during the second public meeting comment period ending on December 8, 2016.

Conclusion

Adoption of this Resolution would not conflict with any of the Nation's laws.



Oneida Nation Seal and Flag

5

<i>Analysis by the Legislative Reference Office</i>					
Title	Oneida Nation Seal and Flag				
Sponsor	Jennifer Webster	Drafter	Clorissa N. Santiago	Analyst	Maureen Perkins
Requester & Reason for Request	Oneida Business Committee The OBC deferred the law to the LOC because ONVAC was receiving complaints from non-Tribal members on how the Nation's Flag is displayed. ONVAC has concerns that there is no protocol for those who oversee flag responsibilities. The official Oneida Nation seal was added to this law once it was developed.				
Purpose	The purpose of this law is for the Oneida Nation to exercise the fundamental right of sovereignty and self-determination by setting forth the official governmental Seal and Flag for the Oneida Nation, its use and who shall be responsible for safekeeping and authorizing its use [see 116.1-1].				
Authorized/ Affected Entities	All of the Nation's entities and Oneida-owned buildings within the reservation that currently possess or will possess flag poles, stationary flagstuffs or other means to display a flag must adhere to this law [see 116.5-2]. Oneida owned enterprises are exempt from this law [see 116.3-1(d)].				
Related Legislation	Where the law is ambiguous or does not address a situation, the Federal Flag Code can be used as a guide [see 116.4-1]. Personal Policies and Procedures, Administrative Rulemaking				
Enforcement & Due Process	Where the law is ambiguous or does not address a situation, the Federal Flag Code can be used as a guide [see 116.4-1]. An employee can grieve any disciplinary action pursuant to the Nation's laws, rules and policies governing employment [see <i>Personnel Policies and Procedures, Section V.D.3</i>].				
Public Meeting Status	A public meeting was held on October 1, 2015, and public comments submitted during the public meeting and ensuing public comment period have been considered in the preparation of this draft. A second public meeting was held December 1, 2016.				

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Overview

After receiving a number of complaints on how the Oneida Flag (Flag) and US flag are flown within the Reservation, the Oneida Nation Veteran's Affairs Committee (ONVAC) requested that legislation be developed to provide for a consistent way in which the Oneida Nation displays the Flag. On April 22, 2015, the Oneida Business Committee (OBC) made a motion to "request the Legislative Operating Committee to develop a flag code policy . . ." The Federal Flag Code was used as guide in developing this law. In addition, collaboration with ONVAC representatives also participated in creating this law. The Oneida Nation Seal was added to this law to regulate the use of the official Oneida Nation Seal and logo. This law:

- Recognizes the importance of exercising the fundamental right of sovereignty and self-

- 18 determination of the Oneida Nation by setting forth the official governmental seal and
19 flag [see 116.1-1].
- 20 ▪ Reserves use of the Oneida Nation Seal to authenticate official government minutes,
21 resolutions, publications, correspondence, documents, and contracts [see 116.4-2]. All
22 other documents are to use the Oneida logo [see 116.4-3].
 - 23 ▪ Grants the Oneida Secretary rulemaking authority to create rules to govern the placement,
24 maintenance and authorized use of the official Oneida Nation Seal [see 116.3-1(g) and
25 116.4-4].
 - 26 ▪ Requires all current and future Oneida entities and Oneida Nation-owned buildings on the
27 reservation that fly the Oneida Flag to do so pursuant to this law; excluding Oneida
28 enterprises [see 116.5-2 and 116.3-1(d)].
 - 29 ▪ Identifies who is responsible for Oneida Flag duties and if an employee violates this law,
30 he/she can be disciplined [116.5-2(a) and 116.8].
 - 31 ▪ Explains how the Flag is to be respected [see 116.6-5].
 - 32 ▪ Lists the requirements for how the Flag is to be displayed [see 116.6].
 - 33 ▪ Identifies how the Flag is to be displayed outside of the reservation [see 116.6-6].
 - 34 ▪ Employees who violate this law may be subject to discipline according to the Nation’s
35 laws, rules and policies governing employment [see 116.8]. Currently this refers to the
36 Personnel Policies and Procedures.

37 38 **Oneida Nation Seal**

- 39 ▪ The current version of the Real Property Law names the Land Commission as the
40 authorized entity to have made and provided to the Division of Land Management the
41 seal of the Oneida Tribe [see 67.12-6]. The Real Property Law Amendments currently
42 under consideration remove this provision and instead name the Nation’s Secretary as
43 providing the Division of Land Management with the Nation’s Seal [see 601.10-5 of
44 current Real Property Law Amendments].

45 46 **Considerations**

47 The Legislative Operating Committee may want to consider the following:

- 48 ▪ There are several versions of the Oneida Flag currently being flown. The LOC may want
49 to consider a resolution recognizing an official Oneida Flag.
- 50 ▪ The law requires that every classroom display the Flag [see 116.6-1(d)]. The Oneida
51 Nation High School will need to approximately 20 Flags in order to comply with this law.
52 It is unknown how many, if any, Flags are needed for the Elementary School or Head
53 Start.
- 54 ▪ The enforcement mechanism for this law only covers employees [see 116.8]. The LOC
55 may want to consider a penalty for Tribal Members who are not employees of the Nation
56 and elected or appointed officials who violate this law.

1 **Title 1. Government and Finances – Chapter 116**
2 **ONEIDA NATION SEAL AND FLAG**
3 **On<yote>a-k@ Kak^hote> Kayani^hsla>**
4 *People of the standing stone – cloth standing up – laws*
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6 116.1. Purpose and Policy
7 116.2. Adoption, Amendment, Repeal
8 116.3. Definitions
9 116.4. Oneida Nation Seal

10 116.5. Oneida Nation Flag
11 116.6. Display of the Oneida Flag
12 116.7. Respect for Flag
13 116.8. Enforcement

14
15 **116.1. Purpose and Policy**

16 116.1-1. *Purpose.* The purpose of this law is for the Oneida Nation to exercise the fundamental
17 right of sovereignty and self-determination by setting forth the official governmental Seal and
18 Flag for the Oneida Nation, its use and who shall be responsible for safekeeping and authorizing
19 its use.

20 116.1-2. *Policy.* The Oneida Nation Seal is a unique symbol reserved for official government
21 use which signifies the Nation’s culture and sovereignty. The Oneida Flag shall represent the
22 jurisdiction and sovereignty of the Oneida Nation when flown.
23

24 **116.2. Adoption, Amendment, Repeal**

25 116.2-1. This law was adopted by the Oneida Business Committee by resolution _____.

26 116.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the
27 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures
28 Act.

29 116.2-3. Should a provision of this law or the application thereof to any person or circumstances
30 be held as invalid, such invalidity shall not affect other provisions of this law which are
31 considered to have legal force without the invalid portions.

32 116.2-4. In the event of a conflict between a provision of this law and a provision of another
33 law, the provisions of this law shall control.

34 116.2-5 This law is adopted under authority of the Constitution of the Oneida Nation.
35

36 **116.3. Definitions**

37 116.3-1. This section shall govern the definitions of words or phrases used within this law. All
38 words not defined herein shall be used in their ordinary and everyday sense.

39 (a) “Half-staff” means the position of the flag when it is one-half (1/2) the distance
40 between the top and bottom of the staff.

41 (b) “Nation” means the Oneida Nation.

42 (c) “Oneida Flag” means the official flag of the Oneida Nation.

43 (d) “Oneida-owned building” means a building owned by the Nation within the
44 boundaries of the reservation, but excludes Oneida enterprises.

45 (e) “Proper illumination” means a light specifically placed to illuminate the flag or
46 having a light source sufficient to illuminate the flag so it is recognizable by the
47 casual observer.

48 (f) “Reservation” means all the land within the exterior boundaries of the reservation
49 of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida, 7 Stat.
50 566, and any lands added thereto pursuant to federal law.

51 (g) “Rule” means a set of requirements, including citation fees and penalty

52 schedules, enacted by the Oneida Nation Secretary in accordance with the
53 Administrative Rulemaking law based on authority delegated in this law in order to
54 implement, interpret and enforce this law.

55 (h) “Seal” means the governmental seal of the Oneida Nation used to authenticate
56 governmental documents and actions.
57

58 **116.4. Oneida Nation Seal**

59 116.4-1. The Oneida Nation Seal shall be as set forth in the following graphic:



60
61 116.4-2. The Seal shall appear on the following documents:

- 62 (a) at the top of all minutes and resolutions of the Oneida Business Committee, Oneida
- 63 Business Committee Standing Committees and General Tribal Council;
- 64 (b) on all publications authorized by the Oneida Nation;
- 65 (c) on all official correspondence of the Oneida Nation;
- 66 (d) on all official documents of the Oneida Nation; and
- 67 (e) on all official contracts of the Oneida Nation.

68 116.4-3. The Oneida Nation Seal shall be reserved specifically for all official government
69 documents described in 116.4-2. All other documents are to use the Oneida logo. All Oneida
70 Nation entities shall use the brand logo in any place that our historic logo/seal or other
71 departmental logo were located and utilized. The Oneida logo shall be set forth in the following
72 graphic:



73
74 116.4-4. *Oneida Nation Secretary Rulemaking Authority.* The Oneida Nation Secretary shall
75 create rules to govern the placement, maintenance and authorized use of the official Oneida
76 Nation Seal.
77

78 **116.5. Oneida Nation Flag**

79 116.5-1. Where this law is ambiguous or does not address a situation, the Federal Flag Code
80 may be used as a guide.

81 116.5-2. All Oneida-owned buildings within the Reservation that currently possess flagpoles,
82 stationary flagstaffs or other means to display a flag and those entities and Oneida-owned
83 buildings that later establish the means to display a flag shall adhere to this law.

84 (a) The building manager or their equivalent of each Oneida-owned building shall
85 appoint a designee to perform the duties set within this law.
86

87 **116.6. Display of the Oneida Flag**

88 116.6-1. *Location, time and occasions for display.* As the Oneida Flag represents the Nation’s
89 sovereignty, it shall be displayed according to the following requirements:

90 (a) The Oneida Flag may be displayed on all days.

91 (b) The Oneida Flag may only be displayed from sunrise to sunset on buildings and on
92 stationary flagstaffs in the open. However, the flag may be displayed twenty-four (24)
93 hours a day if the Oneida Flag is an all-weather flag and is properly illuminated during
94 the hours of darkness.

95 (d) The Oneida Flag shall be displayed during school days near each of the Nation's
96 schools and inside each classroom.

97 (e) The Oneida Flag shall be displayed in and near every polling place within the
98 reservation on the Nation's election days.

99 (f) The Oneida Flag may be mandated to be displayed through resolution of the Oneida
100 Business Committee.

101 116.6-2. *Conduct during hoisting, lowering or passing of the Oneida Flag.* The Oneida Flag
102 shall be hoisted briskly and lowered ceremoniously.

103 116.6-3. *Position of the Flag.* The position of a flag is an important symbol of prominence and
104 sovereignty, therefore the following requirements shall be adhered to:

105 (a) When flags of two or more countries or Indian Tribes are displayed, the flags are to
106 be flown from separate flagstaffs or flag poles that are displayed at the same height and
107 shall be approximately of equal size.

108 (i) The Oneida Nation has a number of buildings with uneven flag poles. Until it
109 is financially feasible to change the existing flag poles to allow the Oneida Flag
110 and United States flag to fly at the same height, the United States flag shall fly
111 from the highest flag pole, when appropriate, and the Oneida Flag shall fly from
112 the flag pole furthest to the right to show prominence. Additionally, any future
113 flag poles shall be constructed in such a way that complies with this law.

114 (b) The Oneida Flag shall be displayed to the furthest right in the position of superior
115 prominence.

116 (c) When other flags are flown from adjacent staffs, the Oneida Flag shall be hoisted first
117 and lowered last.

118 (d) When flags of other states, localities or pennants of societies are flown on the same
119 halyard with the Oneida Flag, the Oneida Flag shall always be at the top.

120 116.6-4. *Manner of Display.* The Oneida Flag shall be displayed as follows:

121 (a) When carried in a procession with another flag or flags, the Oneida Flag shall be
122 either on the marching right; that is, the Flag's own right, or, if there is a line of other
123 flags, in front of the center of that line.

124 (b) When the Oneida Flag is displayed with another flag against a wall from crossed
125 staffs, the Oneida Flag shall be on the right, the Flag's own right, and its staff shall be in
126 front of the staff of the other flag.

127 (c) The Oneida Flag shall only be displayed horizontally against a wall, the Oneida Flag
128 shall be placed in the upright position. When displayed in a window, the flag shall be
129 displayed in the upright position facing the appropriate way to an observer outside the
130 building.

131 (d) When the Oneida Flag is displayed over the middle of the street, the Oneida Flag
132 shall be suspended horizontally and shall be placed in the upright position.

133 (e) When used on a speaker's platform, the flag, if displayed flat, shall be displayed
134 above and behind the speaker. When displayed from a staff in a church or public
135 auditorium, the Oneida Flag shall hold the position of superior prominence, in advance of

136 the audience, and in the position of honor at the clergy's or speaker's right as he or she
137 faces the audience. Any other flag so displayed shall be placed on the left of the
138 clergyman or speaker or to the right of the audience.

139 (f) When the Oneida Flag is suspended across a corridor or lobby, it shall be suspended
140 in the upright position facing the main entrance.

141 (g) The Oneida Flag shall form a distinctive feature of the ceremony of unveiling a statue
142 or monument, but it shall never be used as the covering for the statue or monument.

143 116.6-5. *Display of Respect.* At certain times, the Oneida Flag shall be lowered to half-staff as a
144 sign of respect. In doing so, the Flag shall be first hoisted to the peak for an instant and then
145 lowered to the half-staff position. The Oneida Flag shall be again raised to the peak before it is
146 lowered for the day.

147 (a) On or prior to the following days, the Oneida Flag shall be lowered to half-staff:

148 (i) Oneida Code Talker Day

149 (ii) Memorial Day

150 (iii) Flag Day

151 (iv) Veteran's Day

152 (b) As a sign of respect, when the United States flag is lowered to half-staff, the Oneida
153 Flag shall also be lowered.

154 (c) By a directive of the Oneida Business Committee Chairperson, or his or her designee
155 if the Oneida Business Committee Chairperson is not available, the Oneida Flag shall be
156 flown at half-staff upon the death of a member of the Nation and remain at half-staff until
157 after the funeral.

158 (d) The Oneida Flag shall be lowered to half-staff by directive of the Oneida Business
159 Committee Chairperson for other reasons he or she deems appropriate.

160 116.6-6. *Display Off Reservation.* When outside of the boundaries of the Reservation, the
161 proper display protocol of the jurisdiction shall be followed.

162 **116.7. Respect for Flag**

163 116.7-1. No disrespect shall be shown to the Oneida flag, the United States flag or the flags of
164 any other country, Indian Tribe, state or locality.

165 (a) During the ceremony of hoisting or lowering the Oneida Flag or when the Oneida
166 Flag is passing in a parade or in review, all persons present shall face the flag and stand at
167 attention.

168 (b) The Oneida Flag and United States flag shall not be dipped to any person or thing.
169 Regimental colors, state flags, and organization or institutional flags shall be dipped as a
170 mark of honor.

171 (c) The Oneida Flag shall never be displayed upside down.

172 (d) The Oneida Flag shall never touch anything beneath it, such as the ground, the floor,
173 or water.

174 (e) The Oneida Flag shall never be carried flat or horizontally, but always aloft and free.

175 (f) The Oneida Flag shall never be draped, drawn back, tied up, folded, but always
176 allowed to fall free.

177 (g) The Oneida Flag shall never be fastened, displayed, used, or stored in such a manner
178 as to permit it to be easily torn, soiled, or damaged in any way.

179 (h) The Oneida Flag shall never be used as a covering for a ceiling.

181 (i) The Oneida Flag shall never have placed upon it, nor on any part of it, nor attached to
182 it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature
183 besides the Oneida Flag's design.

184 (j) The Oneida Flag shall never be used as a receptacle for receiving, holding, carrying,
185 or delivering anything.

186 (k) The Oneida Flag, when it is in such condition that it is no longer a fitting emblem for
187 display, shall be destroyed in a dignified way, preferably by burning.

188

189 **116.8. Enforcement**

190 116.8-1. Employees found violating this law may be subject to discipline in accordance with the
191 Nation's laws, rules and policies governing employment.

192

193 *End.*

194

195

196



Legislative Operating Committee
December 21, 2016

Real Property Law Amendments

Submission Date: 10/07/15	Public Meeting: 10/20/16
LOC Sponsor: David P. Jordan	Emergency Enacted: n/a Expires: n/a

Summary: *These amendments will transfer all Land Commission hearing responsibilities to the Judiciary.*

10/7/15 LOC: Motion by David P. Jordan to add the Real Property Law Amendments, Probate Law, Mortgage Law, Landlord-Tenant Law and Land Commission Bylaws Amendments to the Active Files List with himself as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

12/11/15: Work meeting held. Attendees include: David P. Jordan, Brandon Stevens, Rae Skenandore, Nicole Rommel, Rebecca Webster, Maureen Perkins and Krystal John.

12/16/15 LOC: Motion by Jennifer Webster to accept the memorandum update as FYI and to defer the Real Property Law Amendments back to the sponsor and to bring back when ready; seconded by Tehassi Hill. Motion carried unanimously.

12/16/15: Work meeting held. Attendees include: David P. Jordan, Rae Skenandore, Rebecca Webster, Krystal John, Maureen Perkins and Nicole Rommel.

1/20/16 LOC: Motion by David P. Jordan to defer the Real Property Law Amendments to the Legislative Reference Office for legislative analysis and to the Finance Department for a fiscal impact statement; seconded by Tehassi Hill. Motion carried unanimously.

8/2/16: Update meeting held.

9/21/16 LOC: Motion by Davis Jordan to accept the legislative analysis and the public meeting and direct the LOC to hold a public meeting on October 20, 2016; seconded by Fawn Billie. Motion carried unanimously.

10/13/16: Quarterly Sponsor Update Meeting held. Present: David Jordan, Krystal John, Leyne Orosco, Tani Thurner, Maurenn Perkins, Clorissa Santiago. Public meeting will be on 10/20/16. Then a work meeting is scheduled for 10/27/16 with the Land Commission to discuss Realtor licensing.

10/20/16: Public meeting held.

10/27/16: Work meeting held. Attendees include: Tehassi Hill, Jennifer Webster, Leyne Oroscso, Cathy Bachuber, Rhiannon Metoxen, Jay Rasmussen, Don McLester, Krystal John and Maureen Perkins.

11/02/16 LOC: Motion by Fawn Billie to accept the public meeting comments for the Real Property Law Amendments, and make the changes recommended in the public comment review memo, and to change the wording in section 601.5 from “mechanism” to “method”; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Fawn Billie to forward the Real Property Law Amendments to a public meeting to be held on December 1, 2016 and to authorize an e-poll for approval of the public meeting packet; seconded by Tehassi Hill. Motion carried unanimously.

12/01/16: Public meeting held.

Next Steps:

- Accept and review the public meeting comments;
- Provided that an additional public meeting is not required, direct the LRO to prepare an adoption packet for the Real Property law amendments including the updated draft and analysis.



TO: Legislative Operating Committee (LOC)
FROM: Krystal L. John, Oneida Law Office
DATE: December 7, 2016
RE: Real Property Law Amendments: Public Meeting Comment Review

On December 1, 2016, a second public meeting was held regarding amendments to the Real Property law. This memorandum is submitted as a review of the written comments received within the public comment period; no oral comments were presented at the public meeting. The public meeting draft with comments is attached for review.

Comment 1. Purpose Statement

601.1-1. Purpose. The purpose of this law is to provide regulations and procedures for the transfer, control and management of the territory within the Reservation; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions.

Comment

Rae Skenandore – written comment: The reason the amendments were requested by the Land Commission was to transfer hearing body authority from the land Commission to the Judiciary.

LOC believed that the law required extensive updating to **provide greater clarity** as to the intent of the law. Additionally, content was pulled from this law and created into other laws.

The Oneida Land Commission is charged with interpreting the provisions of this law and create policy to guide the Division of Land Management in implementing the same. Based on the previous language, LC has interpreted that they and DOLM have the responsibility for policy and management of the properties in New York. From my perspective, the change in the language between an earlier version of the law and the one presented for public comment impacts my interpretation and calls into question the authority of DOLM in managing the property in New York. Please review the comparisons below;

Previous Purpose

The purpose of this Law is to provide regulations and procedures for **the transfer, control and management of the territory within the exterior boundaries of the Reservation of The Oneida Tribe of Indians of Wisconsin and such other lands as may be added within or without said boundary line**; and to integrate these regulations and procedures with the present real property laws and practices of other federal and state sovereigns which may hold applicable jurisdiction within the reservation.

Current Purpose

The purpose of this law is to provide regulations and procedures for the transfer, control and management of the **territory within the reservation**; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction **within the reservation**; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions.

Knowing that the properties in New York are going to be the topic of discussion with BC, LC, and Land Claims in the near future, I feel it would be prudent to actually solidify that language in the law. Not create more ambiguity.

Response

The purpose behind the phrase “**within the exterior boundaries of the Reservation of The Oneida Tribe of Indians of Wisconsin and such other lands as may be added within or without said boundary line**” was to incorporate any lands that added as trust lands. That is now covered in the definition of “reservation.” That being said, the commenter is correct that Tribal fee land outside of the Reservation would be left out under this current purpose statement. I recommend revising to read as follows:

601.1-1. Purpose. The purpose of this law is to provide regulations and procedures for the transfer, control and management of the territory within the Reservation **and all tribal land**; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions.

Comment 2. Policy Statement

601.1-2. Policy. It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder's rights and responsibilities. In addition, it is the Nation's policy that probated estates shall be settled expeditiously and without undue delay.

Comment

Rae Skenandore – written comment: The reason the amendments were requested by the Land Commission was to transfer hearing body authority from the land Commission to the Judiciary. LOC believed that the law required extensive updating to **provide greater clarity** as to the intent of the law. Additionally, content was pulled from this law and created into other laws.

The Oneida Land Commission is charged with interpreting the provisions of this law and create policy to guide the Division of Land Management in implementing the same. Based on the previous language, LC has interpreted that they and DOLM have the responsibility for policy and management of the properties in New York. From my perspective, the change in the language between an earlier version of the law and the one presented for public comment impacts my interpretation and calls into question the authority of DOLM in managing the property in New York. Please review the comparisons below;

Previous Policy

The provisions of this Law shall extend to **all tribal lands and waters** held in trust, all tribal lands and waters held in fee status, all fee status lands under the control of individual Oneida members, all heirship lands and waters and all individual and tribal trust lands and waters, all within the exterior boundaries of the Oneida Tribe of Indians of Wisconsin Reservation; and to such other lands as may be hereafter added, **both within and without the exterior boundaries of the Oneida Reservation**, under any law of the United States, except as otherwise provided by law.

Current Policy

It is the policy of the Nation to set out the responsibilities and expectations for persons **purchasing and/or managing real property on behalf of the Nation and/or within the Reservation** and to provide real property holder's rights and responsibilities. In addition, it is the Nation's policy that probated estates shall be settled expeditiously and without undue delay.

Response

Nothing in this policy statement would limit the Land Commission's ability to set policy relating to the New York Lands. Further, the policy statement is not really the appropriate place to delegate something to detail specific. If the commenter is looking for a clear delegation of authority to the Land Commission to set policy related to the New York lands and this Committee agrees with her request, I would recommend the following revision in section 601.12-2:

601.12-2. Oneida Land Commission. The Oneida Land Commission is comprised of seven (7) elected Tribal members and shall: ... (e) Allocate and assign land uses to all Tribal land, including Tribal land located out of the state of Wisconsin, but excluding, except those uses Tribal land governed by the Public Use of Tribal Land law, based on rules which the Oneida Land Commission shall develop; and ...

Comment 3. Applicable Real Property

601.4-1. Applicable Real Property. The provisions of this law extend to all Tribal land, Tribal member's individual fee land, and individual trust land within the Reservation boundaries and all Tribal trust land.

Comment

The reason the amendments were requested by the Land Commission was to transfer hearing body authority from the land Commission to the Judiciary.

LOC believed that the law required extensive updating to **provide greater clarity** as to the intent of the law. Additionally, content was pulled from this law and created into other laws.

The Oneida Land Commission is charged with interpreting the provisions of this law and create policy to guide the Division of Land Management in implementing the same. Based on the previous language, LC has interpreted that they and DOLM have the responsibility for policy and management of the properties in New York. From my perspective, the change in the language between an earlier version of the law and the one presented for public comment

impacts my interpretation and calls into question the authority of DOLM in managing the property in New York. Please review the comparisons below;

Current Applicable Real Property. The provisions of this law extend to all Tribal land, Tribal member’s individual fee land, and individual trust land **within the Reservation boundaries** and all Tribal trust land.

Summary

Knowing that the properties in New York are going to be the topic of discussion with BC, LC, and Land Claims in the near future, I feel it would be prudent to actually solidify that language in the law. Not create more ambiguity.

Response

The commenter is correct that as drafted it may be read that the phrase “within the Reservation boundaries” applies to each “Tribal land Tribal member’s individual fee land, and individual trust land.” In order to provide better clarity, I recommend revising as follows:

601.4-1. *Applicable Real Property.* The provisions of this law extend to all ~~Tribal land,~~ Tribal member’s individual fee land, and Tribal member’s individual trust land within the Reservation boundaries and all Tribal ~~trust~~ land.

Title 6. Property and Land – Chapter 601
REAL PROPERTY
Tok^ske Kayanl^hsla Tsi> Ni>yohuntsya=#
The real/certain laws of the territory of the nation

601.1. Purpose and Policy	601.7. Title Transfer
601.2. Adoption, Amendment, Repeal	601.8. Probate
601.3. Definitions	601.9. Leasing of Real Property
601.4. General Provisions	601.10. Records
601.5. Holding of Ownership	601.11. Real Estate Education Requirements and Certifications
601.6. Legal Descriptions	601.12. Organization

1 **601.1. Purpose and Policy**
2 601.1-1. *Purpose.* The purpose of this law is to provide regulations and procedures for the
3 | transfer, control and management of the territory within the ~~reservation~~Reservation; to integrate
4 | these regulations and procedures with the real property laws and practices of other federal and
5 | state sovereigns which may hold jurisdiction within the ~~reservation~~Reservation; and to establish
6 | licensing and certification requirements for the Nation’s employees dealing with real property
7 | transactions.
8 601.1-2. *Policy.* It is the policy of the Nation to set out the responsibilities and expectations for
9 | persons purchasing and/or managing real property on behalf of the Nation and/or within the
10 | ~~reservation~~Reservation and to provide real property holder’s rights and responsibilities. In
11 | addition, it is the Nation’s policy that probated estates shall be settled expeditiously and without
12 | undue delay.¹

¹ The reason the amendments were requested by the Land Commission was to transfer hearing body authority from the land Commission to the Judiciary. LOC believed that the law required extensive updating to **provide greater clarity** as to the intent of the law. Additionally, content was pulled from this law and created into other laws. The Oneida Land Commission is charged with interpreting the provisions of this law and create policy to guide the Division of Land Management in implementing the same. Based on the previous language, LC has interpreted that they and DOLM have the responsibility for policy and management of the properties in New York. From my perspective, the change in the language between an earlier version of the law and the one presented for public comment impacts my interpretation and calls into question the authority of DOLM in managing the property in New York. Please review the comparisons below;

Previous Purpose
The purpose of this Law is to provide regulations and procedures for **the transfer, control and management of the territory within the exterior boundaries of the Reservation of The Oneida Tribe of Indians of Wisconsin and such other lands as may be added within or without said boundary line**; and to integrate these regulations and procedures with the present real property laws and practices of other federal and state sovereigns which may hold applicable jurisdiction within the reservation.

Current Purpose
The purpose of this law is to provide regulations and procedures for the transfer, control and management of the **territory within the reservation**; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction **within the reservation**; and to establish licensing and certification requirements for the Nation’s employees dealing with real property transactions.

Previous Policy
The provisions of this Law shall extend to **all tribal lands and waters** held in trust, all tribal lands and waters held in fee status, all fee status lands under the control of individual Oneida members, all heirship lands and waters and all individual and tribal trust lands and waters, all within the exterior boundaries of the Oneida Tribe of Indians of

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601.2. Adoption, Amendment, Repeal

601.2-1. This law was adopted by the Oneida Business Committee by resolution BC-5-29-96-A and amended by resolutions BC-3-01-06-D, BC-04-28-10-E, BC-02-25-15-C and BC-05-13-15-B.

601.2-2. This law may be amended or repealed by the Oneida Business Committee pursuant to the procedures set out in the Legislative Procedures Act.

601.2-3. 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.

601.2-4. 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, provided that:

~~(a)~~ The, the Land Ordinance is applicable only to valid land assignments existing as of January 1, 2016 and is hereby repealed upon the expiration of the last existing land assignment.

601.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

601.3. Definitions

601.3-1. 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, subject to 601.4-5.

~~(a)~~ “Broker” means a person who acts as an agent and negotiates the sale, purchase or rental of real property on behalf of others for a fee.

(b) “Certified Survey Map” means a map which provides the legal description of real property and is officially filed and approved by the county, Tribal or municipal governments.

(c) “Comprehensive Housing Division” means the entity responsible for housing matters as defined by Oneida Business Committee Resolution.²

~~(e)~~ “Easement” means a real property right to cross or otherwise utilize the land of another for a specified purpose.

~~(d)~~ “Estate” means a person’s interest in real property or other property.

Wisconsin Reservation; and to such other lands as may be hereafter added, **both within and without the exterior boundaries of the Oneida Reservation**, under any law of the United States, except as otherwise provided by law.

Current Policy

It is the policy of the Nation to set out the responsibilities and expectations for persons **purchasing and/or managing real property on behalf of the Nation and/or within the Reservation** and to provide real property holder’s rights and responsibilities. In addition, it is the Nation’s policy that probated estates shall be settled expeditiously and without undue delay.

Current Applicable Real Property. The provisions of this law extend to all Tribal land, Tribal member’s individual fee land, and individual trust land **within the Reservation boundaries** and all Tribal trust land.

Summary

Knowing that the properties in New York are going to be the topic of discussion with BC, LC, and Land Claims in the near future, I feel it would be prudent to actually solidify that language in the law. Not create more ambiguity.

² See BC Resolutions 08-10-16-L, 10-12-16-B and 10-12-16-D defining the Comprehensive Housing Division for purposes of the Mortgage and Foreclosure law, Eviction and Termination law and Landlord-Tenant law respectively.

43 | (ef) “Fiduciary” means a person required to act for the benefit of another person on all
44 | matters within the scope of their relationship and by such a relationship owes another
45 | duties of good faith, trust, confidence and candor. For the purposes of this law, both
46 | brokers and salespersons are “fiduciaries.”

47 | (fg) “Guardian Ad Litem” means a guardian appointed by the Judiciary on behalf of an
48 | incompetent or minor party.

49 | ~~(gh)~~ “Individual Fee Land” means real property held in fee status by an individual or
50 | group of individuals.

51 | (hi) “Individual Trust Land” means individual Tribal land held in trust by the United
52 | States of America for the benefit of a Tribal member.

53 | (ij) “Judiciary” means the judicial system that was established by Oneida General Tribal
54 | Council resolution GTC-01-07-13-B to administer the judicial authorities and
55 | responsibilities of the Nation.

56 | (jk) “Land Use License” means an agreement entered into by the Nation providing a party
57 | the right to occupy and/or utilize a specified piece of Tribal land for a specific purpose
58 | and a specific duration, which may require the Nation to be compensated for such use.

59 | (kl) “Leasehold Mortgage” means a mortgage, deed of trust, or other instrument that
60 | pledges a lessee’s leasehold interest as security for a debt or other obligation owed by the
61 | lessee to a lender or other mortgagee.

62 | (lm) “Nation” means the Oneida Nation.

63 | (mn) “Personal Representative” means a person to whom authority to administer a
64 | decedent’s estate have been granted by the Division of Land Management or the
65 | Judiciary.

66 | (no) “Probate” or “Administration” means any proceeding relating to a decedent’s estate,
67 | whether there is or is not a will.

68 | (op) “Real Property” means land and anything growing on, attached to, or erected on the
69 | land, excluding anything that may be severed without injury to the land.

70 | (pq) “Reservation” means all the property within the exterior boundaries of the
71 | Reservation of the Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida
72 | 7 Stat. 566, and any lands added thereto pursuant to federal law.

73 | (qr) “Restricted Fee Status” means an interest in real property which includes a provision
74 | in the deed or will that, upon the happening or failure to happen of a certain event, the
75 | title of the purchaser or devisee will be limited, enlarged, changed or terminated.

76 | (rs) “Rule” means a set of requirements, including fee schedules, enacted by the
77 | Comprehensive Housing Division, Division of Land Management and/or the Oneida
78 | Land Commission in accordance with the Administrative Rulemaking law based on
79 | authority delegated in this law in order to implement, interpret and/or enforce this law.

80 | (st) “TAAMS” (Trust Asset and Accounting Management System) means the Bureau of
81 | Indian Affairs system for maintaining and tracking land title documents and all legal
82 | documents relating to land transactions.

83 | (tu) “Title Status Report” means a report issued by the Bureau of Indian Affairs after a
84 | title examination which shows the proper legal description of a tract of Tribal land;
85 | current ownership, including any applicable conditions, exceptions, restrictions or
86 | encumbrances on records; and whether the land is in unrestricted, restricted, trust, or
87 | other status as indicated by the records in a Land Titles and Records Office. (v) “Tribal
88 | Fee Land” means Tribal land held in fee status by the Nation within the

89 | ~~reservation~~Reservation.

90 | (~~wv~~) “Tribal Land” means Tribal fee land and Tribal trust land.

91 | (~~xw~~) “Tribal Member” means an individual who is an enrolled member of the Nation.

92 | (~~yx~~) “Tribal Trust Land” means the surface estate of land or any interest therein held by
93 | the United States in trust for the Nation; land held by the Nation subject to federal
94 | restrictions against alienation or encumbrance; land reserved for federal purposes; and/or
95 | land held by the United States in trust for the Nation under Section 17 of the Indian
96 | Reorganization Act, 25 U.S.C §477, et. seq.

99 | **601.4. General Provisions**

100 | 601.4-1. *Applicable Real Property.* The provisions of this law extend to all Tribal land, Tribal
101 | member’s individual fee land, and individual trust land within the ~~reservation~~Reservation
102 | boundaries and all Tribal trust land.

103 | 601.4-2. *Tribal Land Base.* ~~Any transaction~~The Division of Land Management shall administer
104 | all transactions which ~~adds~~add real property to the Tribal land base ~~must be administered through~~
105 | ~~the Division of Land Management~~ under the provisions of this law.

106 | 601.4-3. *Sale of Tribal Land Prohibited.* The sale of Tribal land is specifically prohibited by
107 | this law, unless the intent of the transaction is the consolidation or partition of Tribal trust land
108 | and/or individual trust land.

109 | 601.4-4. *New Land Assignments Prohibited.* The Nation may not acknowledge any new land
110 | assignments. Further, in order to be eligible for a Tribal loan issued against a real property
111 | interest held as a land assignment, the land assignment ~~must~~shall first be converted to a
112 | residential lease.

113 | 601.4-5 *Wisconsin Probate Code and its Related Chapters.* In instances where the Nation
114 | lacks definition, procedure, or legal precedent in a probate matter, the Nation shall use
115 | Wisconsin’s Probate Code and its related chapters for guidance.

116 | 601.4-6. *Wisconsin Real Property Law.* The Nation shall follow all applicable portions of the
117 | Wisconsin Real Property Law when acquiring individual fee land.

118 | 601.4-7. *No Waiver of Sovereign Immunity.* Nothing in this law may be construed as a waiver
119 | of the Nation’s sovereign immunity.

121 | **601.5. Holding of Ownership**

122 | 601.5-1. Interests in real property by more than one (1) person may be held in the following
123 | ways:

124 | (a) *Joint Tenancy with the Right of Survivorship.* Pursuant to this ownership ~~mechanism~~
125 | method each owner has an equal, undivided interest in the real property. When an owner
126 | dies, his/her share is divided among the remaining owners; the last living owner owns the
127 | entire property.

128 | (1) Real property owned by married persons is held under this mechanism unless
129 | they have executed a valid marital property agreement specifically stating that the
130 | real property in question is held as tenants in common.

131 | (b) *Tenancy in Common.* Pursuant to this ownership ~~mechanism~~method each owner has
132 | a percentage of divided interest in the real property. When an owner dies, his/her interest
133 | is divided among his/her devisees or heirs.

134 | (1) Real property owned by more than one (1) person, other than married persons,
135 | is owned under this mechanism unless a deed, ~~or~~ transfer document specifically
136 | states the real property is held as joint tenants with rights of survivorship.

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601.6. Legal Descriptions

601.6-1. The legal description for any real property transferred under this law ~~must~~shall be derived from a certified survey map or survey completed by a registered land surveyor according to currently accepted minimum industry standards for property surveys. If the plat of survey changes the legal description of the certified survey map for the same piece of property, the certified survey map’s legal description ~~will~~shall be used on transfer documents along with the survey description, which ~~must~~shall be designated as “Also Known As ...” Section, township, range and fourth principal meridian shall be included in all legal descriptions.

601.6-2. Every land survey ~~must~~shall be made in accordance with the county register of deeds’ records for fee land, and in accordance with the Oneida Nation Register of Deed’s records for Tribal Trust Lands and Individual Trust Lands. The surveyor shall acquire data necessary to retrace record title boundaries such as deeds, maps, certificates of title, title status reports, Tribal leases, Tribal home purchase agreements, center line and other boundary line locations.

601.6-3. Legal descriptions defining land boundaries ~~must~~shall be complete, providing unequivocal identification of line or boundaries.

601.6-4. All surveys prepared for the Nation ~~must~~shall comply with survey requirements outlined in the Wisconsin Administrative Code, Chapter A-E7 and indicate setbacks, building locations and encroachments, as applicable.

601.6-5. Legal descriptions ~~must~~shall be used on transfer documents formalizing a purchase, real estate sale, lease, foreclosure, probate transfer, trust acquisition and Tribal resolutions.

601.6-6. When real estate is listed, noticed and/or advertised as available for sale, rent or lease to Tribal members, the address is an adequate legal description of the real property.

601.7. Title Transfer

601.7-1. *Trust Acquisition.* The Division of Land Management shall use title companies duly registered with the Department of Interior and approved by the Division of Land Management to update abstracts or provide title insurance on real property scheduled for trust acquisition.

(a) ~~The Division of Land Management shall ensure that~~ Title-title companies ~~shall~~ follow general guidelines provided by the federal government in terms of form, content, period of search, destroyed or lost records and abstracter’s certificate.

(b) When researching land title for real property within the ~~reservation~~Reservation which is being considered for trust acquisition, the Division of Land Management staff shall request the title company to search the title back to the original allottee, in order to assure that patents or Indian deeds were legally issued.

(c) Any valid liens or encumbrances shown by the commitment for title insurance shall be eliminated before the title is transferred into trust.

(d) After land is in trust both a title search of county records and a title status report requested by the Division of Land Management from the Bureau of Indian Affairs shall verify all valid encumbrances, if any, on the title. For the purposes of this section, a valid encumbrance is one that has been preapproved, in writing, by the Division of Land Management based on a standard operating procedure that is effective upon approval by the Oneida Land Commission.

(e) Division of Land Management applications to convert Tribal fee land into Tribal trust land require an Oneida Land Commission resolution approving the said conversion.

601.7-2. *Deeds.* A deed is the formal document used by the Division of Land Management to transfer title from one party to another.

- 184 (a) A valid deed shall:
185 (1) Be in writing;
186 (2) Identify the grantor (seller) and grantee (buyer);
187 (3) Provide the legal description of the real property;
188 (4) Identify the interest conveyed, as well as any conditions, reservations,
189 exceptions, or rights of way attached to the interest;
190 (5) Be signed by or on behalf of each of the grantors (sellers);
191 (6) Be signed by or on behalf of each spouse of each of the grantors (sellers), if
192 applicable; and
193 (7) Be delivered to the grantee (buyer).

- 194 (b) In addition to the requirements listed in section 601.7-3(a), a deed prepared for trust
195 acquisition shall include:
196 (1) The federal authority for trust acquisition;
197 (2) Any exceptions or exclusions from the State of Wisconsin's fees or other
198 transfer requirements;
199 (3) The approximate acreage of the real property being transferred to trust; and
200 (4) The authority and signature of the appropriate Department of Interior official
201 who accepts the real property into trust.

- 202 (c) A deed transferring fee simple title ~~must~~shall be recorded in the appropriate register of
203 deeds office, provided that, once the real property is in trust, the title ~~must~~shall be
204 recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs
205 Land Titles and Records Office.

206 601.7-3. *Involuntary Transfer of Title.* All involuntary transfers of title require a hearing and
207 order from the Judiciary, and may occur in the following ways:

- 208 (a) Eminent Domain. Eminent domain is the right of the Nation's government to acquire
209 private land for public uses without the consent of private owners.

210 (1) For the purposes of this section, public uses include, but are not limited to,
211 environmental protection, streets, highways, sanitary sewers, public utility/sites,
212 waste treatment facilities and public housing.

213 (2) Prior to exercising eminent domain, the Nation ~~must~~shall first attempt to
214 negotiate an agreeable taking by making an offer to purchase based on an
215 appraisal of the real property. The appraisal amount may be based on an appraisal
216 provided by the Nation. In the event the property owner objects to the Nation's
217 appraisal, they may obtain an independent appraisal at their own cost. For the
218 purposes of this section, an appraisal means process for estimating a piece of real
219 property's value.

220 (3) The Nation's exercise of eminent domain may be appealed to the Judiciary.

- 221 (b) Foreclosure. Foreclosures may occur subject to the Mortgage and Foreclosure law
222 when a Tribal member ceases payment on a leasehold mortgage.

223 (c) Tribal Land Consolidation. Section 207 of the Indian Land Consolidation Act
224 (Pub.L. No. 97-459, 96 Stat. 2515, and amended on October 30, 1984 by Pub.L. No. 98-
225 608, 98 Stat. 3171) is incorporated into this law, which provides a mechanism for real
226 property within the ~~reservation~~Reservation to escheat, or pass, to the Nation.

227 (1) Pursuant to section 207 of the Indian Land Consolidation Act, an ownership
228 interest in real property escheats, or passes, to the Nation under the following
229 circumstances, provided that the Nation shall provide just compensation for the
230 interest:

- 231 | (A) The real property is within the ~~reservation~~Reservation boundaries;
232 | (B) The decedent's ownership in the given parcel of land is two percent
233 | (2%) or less of the total acreage; and
234 | (C) The interest is incapable of earning one hundred dollars (\$100.00) in
235 | any one (1) of the five (5) years immediately following the decedent's
236 | death.

237 | (2) A decedent's heirs may appeal a land consolidation under this section to the
238 | Judiciary.

239 | (3) Land consolidation is subject to the probate requirements, as included in this
240 | law and accompanying rules.

241 | (d) Transferring Interests Inherited by Non-Tribal Members. If the owner of an interest
242 | of real property which is held in trust or restricted fee status located within the
243 | ~~reservation~~Reservation devises such interest to a non-Tribal member, the Nation may
244 | acquire the said interest by paying the fair market value of the interest determined as of
245 | the date of the decedent's death. Such transfer is effective upon receipt of an order
246 | transferring inherited interests from the Judiciary pursuant to section 205 of the Indian
247 | Land Consolidation Act.

248 | (1) An order transferring inherited interests may not be granted if:

249 | (A) While the decedent's estate is pending, the non-Indian devisee
250 | denounces his or her interest in favor of a Tribal member person;

251 | (B) The interest is part of a family farm that is devised to a member of the
252 | immediate family of the decedent, provided that such a restriction
253 | ~~must~~shall be recorded as part of the deed relating to the interest involved;
254 | or

255 | (C) The devisee agrees in writing that the Nation may acquire the interest
256 | for fair market value only if the interest is offered for sale to a person or
257 | entity that is not a member of the immediate family of the owner of the
258 | interest.

259 | (e) Easements for Landlocked Properties. The Division of Land Management and the
260 | Oneida Land Commission shall jointly develop rules regarding requests for easements for
261 | landlocked properties.

262 | 601.7-4. Division of Land Management shall work with the Oneida Law Office in order to
263 | pursue an involuntary transfer of title.
264 |

265 | **601.8. Probate**

266 | 601.8-1. The Division of Land Management shall process and administer probate estates and,
267 | where necessary, shall refer probate estates to the Oneida Judiciary for formal administration.
268 | The Division of Land Management and the Oneida Land Commission shall jointly create any
269 | rules necessary to administer probate estates. The Division of Land Management shall:

270 | (a) Process applications for probate administration;

271 | (b) Receive proof of heirship demonstrating a party is entitled to receive an intestate
272 | decedent's property pursuant to applicable laws and rules;

273 | (c) Receive consent to serve forms and in undisputed matters, issue domiciliary letters;

274 | (d) Require and receive affidavits of service;

275 | (e) Receive waiver and consent to probate administration forms and any related
276 | affidavits;

- 277 (f) Issue notice to creditors of the probate’s administration, receive creditor claims for
278 consideration and settlement, and issue discharge of creditors when appropriate;
279 (g) Receive and process all estate inventories;
280 (h) Receive and process, when possible, land transactions in accordance with this law and
281 receive proof of recording documents;
282 (i) Receive estate receipts;
283 (j) In undisputed matters, receive and process statement of personal representative to
284 close estate and issue discharge of personal representative; and
285 (k) Refer disputed matters to the Judiciary, transfer probate and related documents, and
286 participate in the Judiciary’s proceedings as necessary.

287 601.8-2. The Judiciary shall hear and administer disputed probate estates or matters requiring
288 appointment of a guardian ad litem and shall have all the above powers conferred upon the
289 Division of Land Management in such cases. In addition, the Judiciary shall hear and administer
290 probate estates in which the Division of Land Management seeks appointment as a personal
291 representative.
292

293 **601.9. Leasing of Real Property**

294 601.9-1. The ~~Comprehensive Housing Division shall administer and process all leasing of~~
295 ~~Tribal land for residential purposes. The~~ Division of Land Management shall administer and
296 process all leasing of Tribal land for residential, agricultural and commercial purposes-

297 ~~(a) For the purposes of this law, leasing refers to all leases made pursuant to in~~
298 ~~accordance with the Leasing law and all rental agreements made pursuant to the~~
299 ~~Landlord-Tenant law.~~

300 ~~(b) ———.~~ The Leasing law definition of Tribal land does not include Tribal fee land, ~~however;~~
301 pursuant to this law, the Division of Land Management shall administer and process all leases of
302 Tribal fee land lasting longer than one (1) year that are not made as part of the homeownership
303 program ~~which uses~~using federal funding ~~must be administered and processed using~~in
304 accordance with the Leasing law.

305 **601.10. Records**

306 601.10-1. *Purpose.* The Division of Land Management shall oversee the administration of the
307 Oneida Nation Register of Deeds which shall accept and record documents related to real
308 property located within the ~~reservation~~Reservation.

309 601.10-2. *Types of Records.* The Oneida Nation Register of Deeds may only accept documents
310 that provide evidence of activities affecting real property title, preserve the record of a title
311 document and give constructive notice of changes to a title document. Further, said documents
312 ~~must~~shall be originals, signed duplicates or certified copies. The following documents may be
313 accepted by the Oneida Nation Register of Deeds.
314

- 315 (a) Deeds;
316 (b) Probate orders;
317 (c) Mortgages and other valid liens;
318 (d) Easements, covenants, and restrictions;
319 (e) Certified survey maps and plats of survey;
320 (f) Patents;
321 (g) Declarations of involuntary transfer or taking;
322 (h) Satisfactions;
323 (i) Leases made pursuant to the Leasing law;

- 324 (j) Home ownership agreements made pursuant to the Landlord-Tenant law;
325 (k) Marriage agreements; and
326 (l) Correction of title defects.

327 601.10-3. *Accessibility*. The Oneida Nation Register of Deeds shall provide open access to land
328 records and title documents.

329 601.10-4. *Trust Land*. All documents pertaining to Tribal trust land and Individual trust land
330 shall be recorded with the Oneida Nation Register of Deeds and the Bureau of Indian Affairs
331 Land Titles and Records Office.

332 601.10-5. *Tribal Seal*. The Nation's Secretary shall provide the Division of Land Management
333 with the Nation's seal to be used to authenticate documents which are certified by the Oneida
334 Nation Register of Deeds.

335

336 **601.11. Real Estate ~~Licensing and Certification~~ Education Requirements and**
337 **Certifications**

338 601.11-1. *Wisconsin Real Estate ~~License Education and Exam~~ Required*. All persons engaging
339 in the acquisition of Tribal fee land on behalf of the Nation, specifically those performing real
340 estate closings, shall ~~have and maintain a valid pass the~~ Wisconsin ~~real estate~~ Real Estate License
341 Exam. Such persons are not required to obtain a Wisconsin Real Estate License, but are required
342 to fulfill the pre-license-

343 ~~(a) ——— education requirement, pass the licensing exam and fulfill a minimum of twelve (12)~~
344 ~~hours or four (4) courses of continuing education requirements as required of Wisconsin real~~
345 ~~estate licensees. The Division of Land Management Director shall select which continuing~~
346 ~~education courses are required and the Oneida Law Office shall provide the Director with a~~
347 ~~recommendation. In addition to Wisconsin's minimum education requirements as applied to the~~
348 ~~Nation's real estate employees in this law, the Division of Land Management shall require such~~
349 ~~employees to attend real estate training specific to the Nation's goals and unique positions as the~~
350 ~~Oneida Law Office shall offer on an as-needed basis.~~

351 (a) While Wisconsin real estate law allows ~~brokers~~ persons engaged in the sale of real
352 estate to earn a commission ~~based on real property transactions~~, persons acquiring Tribal
353 fee land on behalf of the Nation are regular employees of the Nation and, therefore, shall
354 waive any commission for which they might otherwise be eligible.

355 ~~(b) All persons engaging in the acquisition of Tribal land shall comply with the~~
356 ~~requirements and conduct standards applicable to the maintenance of a Wisconsin real~~
357 ~~estate license.~~

358 (b) It is critical to the Oneida Nation's goal to reacquire property within the original
359 Reservation boundaries to have employees educated and experienced in executing real
360 estate transactions. Accordingly, the Division of Land Management shall employ a
361 minimum of one (1) employee whose primary focus is real estate acquisitions and shall
362 ensure that a minimum of two (2) employees are educated and trained as backups to the
363 primary.

364 601.11-2. *TAAMS Certification Required*. All persons responsible for encoding leasing
365 information shall obtain a TAAMS certification, which includes, but is not limited to, the
366 following positions:

- 367 (a) Residential and Commercial Leasing Specialists;
368 (b) Land Title and Trust Manager; and
369 (c) Title Examiner.

370 601.11-3. *Fiduciary Responsibility*. All persons engaged in the buying or selling of Tribal land
371 shall, at all times, act as a fiduciary to the Nation. Further, all such persons shall comply with all
372 applicable Tribal and federal laws.
373

374 **601.12. Organization**

375 601.12-1. *Comprehensive Housing Division*. The Comprehensive Housing Division shall
376 oversee all residential transactions, excluding residential leases, within the
377 reservation Reservation and shall process and administer said transactions using the applicable of
378 the Landlord-Tenant law, the Mortgage and Foreclosure law and/or the Eviction and Termination
379 law. In addition, the Oneida Land Commission and the Comprehensive Housing Division shall
380 exercise joint rulemaking authority to provide process requirements, including but not limited to
381 advertising, notice, prequalification, and selection, that apply in all circumstances when the
382 Nation is selling a residential property.

383 601.12-2. *Oneida Land Commission*. The Oneida Land Commission is comprised of seven (7)
384 elected Tribal members and shall:

- 385 (a) Interpret the provisions of this law and create policy to guide the Division of Land
386 Management in implementing the same;
387 (b) Approve or deny all easements and land use licenses;
388 (c) Review and adopt the Division of Land Management’s standard operating procedures
389 for entering into agriculture and commercial leases pursuant to the Leasing law;
390 (d) Approve or deny all acquisition of Tribal land;
391 (e) Allocate and assign land uses to all Tribal land, except those uses governed by the
392 Public Use of Tribal Land law, based on rules which the Oneida Land Commission shall
393 develop; and
394 (f) Name all buildings, roads, parks and the like on Tribal land.

395 601.12-3. *Division of Land Management*. The Division of Land Management shall implement
396 this law in accordance with the policy directives provided by the Oneida Land Commission. The
397 Division of Land Management shall:

- 398 (a) Forward requests for easements and land use licenses to the Oneida Land
399 Commission based on the easement and land use license rules jointly developed by the
400 Division of Land Management and the Oneida Land Commission;
401 (b) Administer and oversee the Oneida Nation Register of Deeds;
402 (c) Enter into and administer residential, agricultural and commercial leases pursuant to
403 the Leasing law and the Eviction and Termination law and any corresponding rules;
404 (d) Prepare title reports and process trust transactions; and
405 (e) Process land acquisition transactions as approved by the Oneida Land Commission.
406

407 *End.*

~~408~~

410

411 Adopted - BC-5-29-96-A
412 Amended-BC-3-01-06-D
413 Amended-BC-04-28-10-E
414 Amended – BC-02-25-15-C
415 Amended-BC-05-13-15-B



**LEGISLATIVE OPERATING COMMITTEE
PUBLIC MEETING**

Oneida Nation Seal and Flag Law and Real Property Law Amendments
Business Committee Conference Room-2nd Floor Norbert Hill Center
December 1, 2016 12:15 p.m.

Present: Jennifer Webster, Jen Falck, Clorissa Santiago, Maureen Perkins, and Rae Skenandore.

Jennifer Webster: Greetings. The time is 12:15 p.m. and today's date is Thursday December 1, 2016. I will now call the public meeting for the Oneida Nation Seal and Flag law to order.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding these legislative proposals. All persons who wish to present oral testimony need to register on the sign in sheet at the back of the room. Written comments may be submitted to the Tribal Secretary's Office or to the LOC Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business day on Thursday December 8, 2016.

In attendance from the LOC is, Jenny Webster. We will begin today's public meeting for the Oneida Nation Seal and Flag Law. This is a proposal that would; Recognize the official Oneida Nation Seal and describe where the seal should be used, Give authority to the Oneida Nation Secretary to govern the placement, maintenance and authorized use of the Oneida Nation Seal, Recognize the importance of publically demonstrating the sovereign authority and jurisdiction of the Nation through the proper flying of the Oneida Flag, Require all current and future Oneida Nation-owned buildings on the reservation that fly the Flag to do so pursuant to this law, Identify who is responsible for Flag duties, List the requirements for how the Flag is to be displayed, and Explain how the Flag is to be respected.

Is anybody here to speak on this first issue? –No Speakers-

12:20 Moving on to Real Property Law

The time is 12:20 p.m. and today's date is Thursday December 1, 2016. I will now call the public meeting for the Real Property Law amendments to order.

The LOC is hosting this public meeting to gather feedback from the community regarding these legislative proposals. All persons who wish to present oral testimony need to register and sign in the back of the room. Written comments may be submitted to the Tribal Secretary's Office or to the LRO Office in person, by U.S. mail, interoffice mail, e-mail or fax

as provided on the public meeting notice. These comments must be received by close of business day on Thursday December 8, 2016.

In attendance from the LOC is, Jenny Webster. We will begin today's public meeting for the Real Property Law Amendments. This is a proposal that would; remove hearing body authority from the Oneida Land Commission and transfer it to the Judiciary, Update the Probate Process, add Wisconsin state real estate education requirements for persons purchasing property on behalf of the nation, Provisions related to rental housing opportunities provided by the nation are moved to the Landlord Tenant law, Provisions related to mortgages and foreclosures within the nations programs are moved to the Mortgage and Foreclosure Law, Provisions related to termination or eviction from the nations leasing or rental programs are moved to the Evictions and Terminations Law.

Is there anyone here to speak on the Real Property Law Amendments? -No Speakers-

With nobody signed in and nobody here to speak on these issues we will close. The public meeting for the Real Property Law Amendments is now closed at 12:23 pm, written comments may be submitted until close of business day Thursday December 8th, 2016. The public meeting for the Oneida Nation Seal and Flag Law are now closed at 12:23 pm written comments may be submitted until close of business day Thursday December 8th, 2016. Thank you.

-End of Meeting-

Public Meeting Comments on the Real Property Law Amendments

Submitted by Rae Skenandore 12-8-16

The reason the amendments were requested by the Land Commission was to transfer hearing body authority from the land Commission to the Judiciary.

LOC believed that the law required extensive updating to **provide greater clarity** as to the intent of the law. Additionally, content was pulled from this law and created into other laws.

The Oneida Land Commission is charged with interpreting the provisions of this law and create policy to guide the Division of Land Management in implementing the same. Based on the previous language, LC has interpreted that they and DOLM have the responsibility for policy and management of the properties in New York. From my perspective, the change in the language between an earlier version of the law and the one presented for public comment impacts my interpretation and calls into question the authority of DOLM in managing the property in New York. Please review the comparisons below;

Previous Purpose

The purpose of this Law is to provide regulations and procedures for **the transfer, control and management of the territory within the exterior boundaries of the Reservation of The Oneida Tribe of Indians of Wisconsin and such other lands as may be added within or without said boundary line**; and to integrate these regulations and procedures with the present real property laws and practices of other federal and state sovereigns which may hold applicable jurisdiction within the reservation.

Current Purpose

The purpose of this law is to provide regulations and procedures for the transfer, control and management of the **territory within the reservation**; to integrate these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction **within the reservation**; and to establish licensing and certification requirements for the Nation's employees dealing with real property transactions.

Previous Policy

The provisions of this Law shall extend to **all tribal lands and waters** held in trust, all tribal lands and waters held in fee status, all fee status lands under the control of individual Oneida members, all heirship lands and waters and all individual and tribal trust lands and waters, all within the exterior boundaries of the Oneida Tribe of Indians of Wisconsin Reservation; and to such other lands as may be hereafter added, **both within and without the exterior boundaries of the Oneida Reservation**, under any law of the United States, except as otherwise provided by law.

Current Policy

It is the policy of the Nation to set out the responsibilities and expectations for persons **purchasing and/or managing real property on behalf of the Nation and/or within the Reservation** and to provide real property holder's rights and responsibilities. In addition, it is the Nation's policy that probated estates shall be settled expeditiously and without undue delay.

Current Applicable Real Property. The provisions of this law extend to all Tribal land, Tribal member's individual fee land, and individual trust land **within the Reservation boundaries** and all Tribal trust land.

Summary

Knowing that the properties in New York are going to be the topic of discussion with BC, LC, and Land Claims in the near future, I feel it would be prudent to actually solidify that language in the law. Not create more ambiguity.

Legislative Operating Committee



Agenda Request Form

- 1) Request Date: December 7, 2016
- 2) Contact Person(s): Jo Anne House Dept: Law
 Phone Number: 920-869-4449 Email: jhosue1@oneidanation.org
- 3) Agenda Title: Amendment to Endowments Law
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
Requesting amendment to identify that authorization in a resolution creating an endowment is
the equivalent of authority delegated by "law" as identified in the Administrative Rulemaking
law for the purposes of developing rules. See attached memo for further information.

List any supporting materials included and submitted with the Agenda Request Form

- | | |
|----------------|----------|
| 1) <u>Memo</u> | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please List any laws, ordinances or resolution that might be affected:
Endowments law; Administrative Rulemaking law
- 6) Please List all other departments or person(s) you have brought your concern to:
In coordination with the Treasurer's office
- 7) Do you consider this request urgent? Yes No
 If yes, please indicate why: _____

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester: _____

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
 P.O. Box 365
 Oneida, WI 54155
 Phone 920-869-4376

Jo Anne House, PhD | Chief Counsel
James R. Bittorf | Deputy Chief Counsel

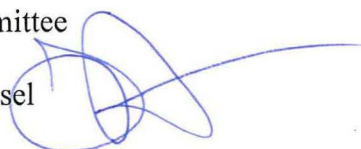
Patricia M. Stevens Garvey
Kelly M. McAndrews
Michelle L. Gordon
Krystal L. John

Law Office



MEMORANDUM

TO: Legislative Operating Committee

FROM: Jo Anne House, Chief Counsel 

DATE: December 7, 2016

SUBJECT: Request for Consideration of Amendment to Endowments Law

The Treasurer is presenting the creation of endowments under the Endowments law. The proposed resolutions creating the endowments will delegate rulemaking to programs in order to access funding derived from endowment investments. An endowment is created after presentation for public comment by the Finance Committee and, in this case, adoption of the resolution by the Oneida Business Committee.

The Endowments law was adopted in 2005 under the Administrative Procedures Act. The General Tribal Council adopted the Legislative Procedures Act in 2013 replacing the Administrative Procedures Act. The Oneida Business Committee adopted the Administrative Rulemaking law which limited adoption of rules to authority granted by law and consolidated rules, regulations, policies and other similar terms to a consistent term – rules.

The Treasurer has recommended disbursement from endowments be allocated under rules created adopted under the Administrative Rulemaking law. The purpose of this requirement is to bring greater stability to the proposed programs being developed, require public comment periods, require analysis by the Legislative Operating Committee, and review by the Oneida Business Committee. This will require the rules be made public and to take into consideration other alternatives or options for use of the funds to meet the identified priority.

However, the Endowments law was adopted before the Administrative Rulemaking law. As a result, developing the proposed endowments, the Treasurer has identified a gap between the two laws which would not allow rules to be developed in accordance with a resolution. The following amendment to the Endowments law is proposed to fill this gap.

84.11-1. Rules Adopted Under Endowments Created by Resolution. An endowment created by a resolution may incorporate rulemaking authority under the Administrative Rulemaking law. A resolution which includes such authority shall be construed as authority granted by law.

If you have further questions, please contact me.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

Resolution # BC-_____

Creation of Acheson Education Endowment in Accordance with the Endowments Law

- WHEREAS**, the Oneida General Tribal Council is the duly recognized governing body of the Oneida Nation, and
- WHEREAS**, the General Tribal Council has been delegated the authority of Article IV, Section I of the Constitution of the Oneida Nation, and
- WHEREAS**, the Oneida Business Committee may be delegated duties and responsibilities by the Oneida General Tribal Council and is at all times subject to the review powers of the Oneida General Tribal Council, and

Endowments Law

- WHEREAS**, the Oneida Business Committee adopted the Endowments law in February 2005 by resolution # BC-02-23-05-G which sets forth how endowments are created and managed endowment fund accounts which “are intended as a perpetual source of funding for specific purposes[, and] endowment fund accounts could be used to provide funding for areas such as health, education and support for Tribal members for burial and housing” Whereas # 6 and 7; and
- WHEREAS**, the Trust Enrollment Committee, which has been delegated by the General Tribal Council to manage the trust funds of the Tribe and has been given specific responsibilities under tribal laws such as the Per Capita law and the Endowments law, has identified that it is now time to begin formally creating the endowments under the Endowments law and as has been previously directed by General Tribal Council by actions such as resolution # GTC-06-30-90-A and addendum; and

Floyd Acheson Bequest

- WHEREAS**, in 1980 Floyd Acheson bequeathed his estate to the “Floyd Acheson Oneida Indian Foundation;” and
- WHEREAS**, the will was contested and all parties settled with the Oneida Nation receiving approximately \$155,000 in mortgage notes; and
- WHEREAS**, Floyd Acheson desired the funds to be used for “loans and scholarships for enrolled Oneida Indians and the general welfare and benefit of the Oneida Tribe

of Indians of Wisconsin, Inc.” *Oneida Business Committee minutes, July 3, 1980, p. 3*; and

WHEREAS, the Oneida Business Committee had authorized some uses of the funds in the intervening years and investment of the funds such that there is now approximately \$1.05 million accrued; and

Education and Scholarships

WHEREAS, the Oneida Nation has committed to education as a method of creating long term improvements for individuals, families and the community; and

WHEREAS, the General Tribal Council had directed the development of an independent K-12 school system which is currently in place and operations exceed current standards for Bureau of Indian Education school systems with greater numbers of students graduating and attending higher education schools; and

WHEREAS, the General Tribal Council has created the Oneida Higher Education Scholarship which provides non-needs based scholarships for members attending secondary and graduate level schools; and

WHEREAS, the Higher Education Department has created programs to assist members in obtaining technical certificates and degrees; and

WHEREAS, the Higher Education Department has identified that more members in high school are taking advance placement and college level courses who are not eligible for the Oneida Higher Education Scholarship or the departmental program but who require financial assistance to offset the costs of advanced placement and college level courses; and

Purpose of Acheson Education Fund

WHEREAS, the Education and Training Department has requested the development of an endowment utilizing the Floyd Acheson bequest for the purposes of assisting members in creating opportunities in the vocational and trades area of study; and

WHEREAS, the Treasurer has identified a need to assist high school students in paying for advanced placement and college level courses while in high school; and

WHEREAS, the Oneida Business Committee has determined that long term strategic stewardship of the funds would allow all educational goals of the Nation to be met; and

WHEREAS, the Oneida Business Committee has recommended that the Acheson Education Endowment be created to fund educational opportunities beginning with funding educational opportunities for high school juniors and seniors pursuing vocation and trade careers, and high school juniors and seniors pursuing advanced placement and college level courses for high school students, assisting with

expenses related to professional exams and licensing, funding higher education scholarships and eventually all education needs; and

Creating Endowments

WHEREAS, the Endowments law directs that the Oneida Business Committee shall approve or disapprove an endowment recommendation made by the Finance Committee (84.4-1(a)); and

WHEREAS, the Oneida Business Committee believes that the funds set aside for the creation of an education trust from the Acheson bequest should be formally developed into an endowment and that additional funds should be identified for allocation to that fund; and

WHEREAS, the Endowments law identifies that “the establishment of endowment fund accounts from private donors shall take no more than 120 calendar days from the date of notification from the Finance Committee of the donation received for the purpose of establishing an endowment fund account. These endowment fund accounts shall be exempt from the community meeting requirements” (84.5-1(b)); and

WHEREAS, the Finance Committee, at a meeting on _____, adopted a motion recommending the creation of the Acheson Education Endowment;

Endowment Created

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee does hereby establish, in accordance with section 84.4-1(a) of the Endowments law, the Acheson Education Endowment, and directs that such funds held and invested from the Floyd Acheson bequest, approximately \$1.05 million, be placed in the Acheson Education Endowment.

Purpose of Endowment

BE IT FURTHER RESOLVED, the Oneida Business Committee does hereby further direct that the Acheson Education Endowment shall be used for the purposes of creating programs and activities which shall support –

- Priority 1: costs associated with vocational and technical trades *for members who are adults or high school students*, and advanced placement and college level courses for member’s who are high school students; and
- Priority 2: upon generating sufficient income to pay for Priority 1 expenses, excess disbursements shall be allocated for costs associated with professional exams and licensing; and
- Priority 3: upon generating sufficient income to fund Priority 1 and Priority 2 expenses, excess disbursements shall be allocated to fund the higher education scholarship program; and
- Priority 4: upon generating sufficient income to fund Priority 1, Priority 2, and Priority 3 expenses, excess disbursements shall be allocated to fund expenses related to all educational needs.

The Trust Enrollment Committee, in accordance with sections 84.6 and section 84.8-1 of the Endowments law, shall develop the appropriate Standard Operating Procedures and necessary endowment documentation to fully implement the investment goals to fund the priorities set forth in this resolution.

Disbursements of Endowment Income

BE IT FURTHER RESOLVED, the Oneida Business Committee directs that disbursements from the Acheson Education Endowment shall be made as follows. The Chief Financial Officer may approve more specific Standard Operating Procedures so as to implement the general rules outlined in this Resolve.

1. On or before January 31st of each year the Trust Enrollment Department shall forward to the Treasurer and Chief Financial Officer an estimated disbursement from the endowment.
2. Programs shall forward a list of adopted rules and the priority addressed to the Treasurer and Chief Financial Officer on or before November 1st of each year.
3. The Treasurer and Chief Financial Officer shall notify programs which have rules adopted under the Administrative Rulemaking law in accordance with the purpose of the Acheson Education Endowment Fund of the availability of funds.
4. Programs with adopted rules under the Administrative Rulemaking law shall cooperatively identify how such funds shall be allocated within the proposed budget and forward the allocation determinations to the Chief Financial Officer on or before January 31st of each year. Failure to submit a cooperatively developed allocation by the deadline shall result in the funds being returned to the endowment as principle.
5. The Trust Enrollment Department shall provide an update on the estimated disbursement on or before July 1st of each year to the Treasurer and Chief Financial Officer, who shall notify programs with adopted rules under the Administrative Rulemaking law of the updated estimated disbursement amount.
6. The Trust Enrollment Department shall make the authorized disbursement to the Nation's banking account(s) as identified by the Chief Financial Officer during the month of October.
7. Funds disbursed from an endowment shall not displace tribal contribution from the Nation's general fund until such time as the fund disbursements reach Priority #3. Provided that, reductions to programs based on budgeting processes shall not be prohibited.

BE IT FURTHER RESOLVED, that rules developed by programs shall specifically identify this resolution number, title of the resolution, and the specific priority being addressed by the rule.

BE IT FURTHER RESOLVED, that in any year in which there are no programming rules approved under the Administrative Rulemaking law or in which there are insufficient specific requests based on existing programming rules approved under the Administrative Rulemaking law, or the program fails to fully utilize the funds for the purpose for which the funds were disbursed in the fiscal year the funds were disbursed, excess funds shall be returned to the endowment as principle.

Endowment Reporting

BE IT FURTHER RESOLVED, that the Trust Enrollment Committee shall report to the General Tribal Council, in the Annual meeting materials, the status of the endowment with the following minimum information.

1. *Principle*. Current principle and history of the growth of the principle in reasonable increments from the establishment of the endowment.
2. *Investment Income*. Current investment income and history of investment income in reasonable increments from the establishment of the endowment.
3. *Disbursements*. Current disbursement and history of disbursement in reasonable increments from the establishment of the endowment.
4. *Future/Trends*. Projects of estimated future growth of the principle and investment income in reasonable increments for a minimum of 20 years.
5. *Investment policy*. The investment policy and types of investments made regarding the endowment.

BE IT FURTHER RESOLVED, that the Treasurer shall include in the Annual Report a list of endowments and how disbursements were allocated in the budget, including a list of Rules regarding the use of the funds.

Funding Endowment

BE IT FINALLY RESOLVED, that the Oneida Business Committee does hereby request the Treasurer to identify funds to be budgeted to the Acheson Education Endowment each fiscal year until such time as the principle of the endowment reaches \$10,000,000 and that disbursements from the fund not be made until a disbursement, in accordance with the Endowments law, section 84.8-2, is equal to or greater than \$12,500.

Endowment Created (Resolve #1)		
Delegated Responsibilities in Resolution		
Trust Enrollment Committee	Treasurer & Chief Financial Officer	Program(s)
· Invests funds. <i>Endowments law; Resolve #1.</i>		· Begins drafting rules identifying the resolution and the priority being met. <i>Resolve #3(4).</i>
		· Notices the Treasurer and Chief Financial Officer annually on or before November 1st of the current year of accepted rules and the priority(-ies) addressed in each rule. <i>Resolve #3(2).</i>
· Annually on January 31st provides notice to the Treasurer and CFO of the estimated disbursement for the next fiscal year. <i>Resolve #3(1).</i>		
	· Provides notice to program(s) of the estimated disbursement to be allocated for the next fiscal year. <i>Resolve #3(3).</i>	
		· Program(s) negotiate allocation of estimated disbursement for budget allocations. <i>Resolve #3(4).</i>
		· Program(s) presents notice to Treasurer and Chief Financial Officer of how disbursement will be allocated and what priorities are funded on or before January 31st. <i>Resolve #3(4).</i>
· Provides update on estimated disbursement on or before July 1st to the Treasurer and Chief Financial Officer. <i>Resolve #3(5).</i>	· Provides update on estimated disbursement to program(s). <i>Resolve #3(5).</i>	
	· Budgets disbursement as noticed. If no negotiated allocation is received, the disbursement is returned to the endowment fund as principle. <i>Resolve 3(4).</i>	

·Disburses funds to accounts as identified by the Chief Financial Officer. <i>Resolve #3(6).</i>		
	· Identifies unspent funds at the conclusion of the Fiscal Year and returns them to the endowment as principle. <i>Resolve #5.</i>	

Reporting Requirements	
Trust Enrollment Committee	Reports on the principle and growth of fund, investment income, amount of disbursements, future trends, and the investment policy. Submitted at Annual meeting. <i>Resolve #6.</i>
Treasurer	Reports a list of the endowments and how disbursements were allocated in the budget and the rules regarding each endowment. Submitted at the Annual meeting. <i>Resolve #7.</i>
Program(s)	Although there is no requirement in the resolution, it is presumed that this will be included in the Annual and Semi-Annual reports as well as the quarterly reports to the Oneida Business Committee.

Oversight within Endowment Actions	
Identified within other directives or actions of the organization.	
Annual Audits	Endowment fund
	Allocations within budget
Internal Audits	Endowment fund
	Endowment investment policies
	Endowment disbursements
	Program uses
	Unspent funds
Legislative Operating Committee	Endowment resolution
	Program rules through Administrative Rulemaking law
Oneida Business Committee	Endowment fund development and priorities in creating resolution
	Allocations within budget
	Semi-/Annual to GTC and Quarterly reports to Oneida Business Committee
	Acceptance of endowment rules through the Administrative Rulemaking law



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



AGENDA REFERRAL FORM

- 1) Today's Date: December 15, 2016 Date of Referral Action: October 26, 2016
- 2) Entity that referred this item to the LOC: Oneida Business Committee
- 3) Individuals or Entities to contact regarding this item: Tribal Secretary

- 4) Item referred:
Verified petition submitted by Edward Delgado regarding Oneida panel of
educators and retention of kindergarten students; and request
appropriate analyses.

- 5) Background information, including applicable actions and dates: The OBC accepted the
petition regarding the Oneida panel of educators and retention of kindergarten
students and requested the Legislative Reference Office complete a legislative
analysis within 60 days and bring back a progress report within 45 days.

Backup materials for this item can be obtained in the 10-26-2016
members only OBC meeting packet.

- 6) Due Date: Update 12/28/2016, Due 1/11/2017

Please send this form and all supporting materials to:

LOC@oneidation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376



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TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairperson *BS*
DATE: December 21, 2016
RE: Petition: Delgado- Oneida Panel of Educators & Retention of Kindergartners 45-Day Progress Report

On October 26, 2016, the OBC accepted the verified petition submitted by Edward Delgado regarding Oneida panel of educators and retention of kindergarten students and requested that the Legislative Reference Office (LRO) complete a legislative analysis within sixty (60) days and that a progress report be submitted within forty-five (45) days. This memorandum serves as the requested progress report.

The LRO has completed research regarding the Petition and will present the completed legislative analysis to the OBC within the sixty (60) day timeframe as directed.



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AGENDA REQUEST FORM

- 1) Request Date: 12/16/16
- 2) Contact Person(s): Krystal John
Dept: Oneida Law Office
Phone Number: x 4375 Email: kjohn4@oneidanation.org
- 3) Agenda Title: Landlord-Tenant Emergency Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee
See Attached Memo.

List any supporting materials included and submitted with the Agenda Request Form

- 1) Memo
- 2) _____
- 3) _____
- 4) _____

5) Please List any laws, ordinances or resolution that might be affected:

6) Please List all other departments or person(s) you have brought your concern to:

Oneida Housing Authority

7) Do you consider this request urgent? Yes No

If yes, please indicate why:

see attached memo.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester:

Krystal John

Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376



MEMORANDUM

TO: Legislative Operating Committee

FROM: Krystal L. John, Staff Attorney

DATE: December 21, 2016

SUBJECT: Landlord-Tenant Emergency Amendments

As I have been working with the Oneida Housing Authority in developing their rules to accompany the recently adopted Landlord-Tenant law, it has come to my attention that emergency amendments to the Landlord-Tenant law are required so that OHA's Rent-to-Own program fits within the confines of the law.

The current draft of the law applies to rental agreements where rental agreements are defined as "a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less." The rent-to own program does not fall into this definition because the rental agreement for that program generally has a fifteen (15) year term with conveyance of the home at the satisfaction of the rental agreement.

The rental agreements were limited to one (1) year terms to fortify the policy requiring annual renewals and avoiding month-to-month tenancies. We could maintain that policy and include the rent-to-own program under the Landlord-Tenant law's coverage by revising the definition of "Rental Agreement" as follows:

"Rental Agreement" means a written contract between a landlord and a tenant, whereby the tenant is granted the right to use or occupy the premises for a residential purpose for one (1) year or less, provided that the term may be longer than one (1) year in circumstances where the contract is on a rent to own basis.

The amendments are required to be on an emergency basis so that when the law becomes effective on February 9, 2016 it does not prohibit OHA from entering into rent-to-own agreements.

December 2016

December 2016							January 2017						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	1	2	3	4	5	6	7
4	5	6	7	8	9	10	8	9	10	11	12	13	14
11	12	13	14	15	16	17	15	16	17	18	19	20	21
18	19	20	21	22	23	24	22	23	24	25	26	27	28
25	26	27	28	29	30	31	29	30	31				

	Monday	Tuesday	Wednesday	Thursday	Friday
	Nov 28	29	30	Dec 1	2
Nov 28 - Dec 2					
	5	6	7	8	9
Dec 5 - 9			9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar		
	12	13	14	15	16
Dec 12 - 16			BC Meeting (BCCR)		
	19	20	21	22	23
Dec 19 - 23			9:00am 2:00pm LOC Meeting (BC_Conf_Room) - LOC_Calendar		12:00pm 4:30pm Christmas Eve Holiday
	26	27	28	29	30
Dec 26 - 30	Christmas Holiday		BC Meeting (BCCR)		

January 2017

January 2017

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2017

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

	Monday	Tuesday	Wednesday	Thursday	Friday
Jan 2 - 6	Jan 2	3	4	5	6
Jan 9 - 13	9	10	11 BC Meeting (BCCR)	12	13
Jan 16 - 20	16	17	18	19	20
Jan 23 - 27	23	24	25 BC Meeting (BCCR)	26	27
Jan 30 - Feb 3	30	31	Feb 1	2	3