

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 9 / 23 / 15

## 2. General Information:

Session:  Open  Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept the LOC quarterly report.

## 3. Supporting Materials

Report  Resolution  Contract

Other:

1.

3.

2.

4.

Business Committee signature required

## 4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

## 5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Douglass McIntyre, Staff Attorney/Legislative Reference Office  
Your Name, Title / Dept. or Tribal Member

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

Additional Requestor: \_\_\_\_\_  
Name, Title / Dept.

# Oneida Tribe of Indians of Wisconsin

## Legislative Reference Office

P.O. Box 365

Oneida, WI 54155

(920) 869-4376

(800) 236-2214

<http://oneida-nsn.gov/LOC>



## Committee Members

Brandon Stevens, Chairperson

Tehassi Hill, Vice Chairperson

Fawn Billie, Councilmember

David P. Jordan, Councilmember

Jennifer Webster, Councilmember

## Quarterly Report Legislative Operating Committee April - June 2015

### 1. Purpose and Mission

The purpose and mission of the Legislative Operating Committee (LOC) is to enhance the policymaking capability of the Oneida Business Committee (OBC) and the General Tribal Council (GTC) by drafting laws and policies and reviewing past and current laws, policies and regulations of the Oneida Tribe.

A legislative analysis is completed for proposed laws, policies, regulations, bylaws and amendments. Public meetings are facilitated by the LOC in accordance with the Legislative Procedures Act (LPA). A Resolution and Statement of Effect are prepared for all legislation that is presented for final adoption which is submitted to the OBC and/or GTC for approval.

### 2. Members

The LOC is comprised of the five council members of the OBC: Brandon Stevens (Chair), Tehassi Hill (Vice-Chair), Jennifer Webster, Fawn Billie, and David P. Jordan.

### 3. Contact Information

The LOC office is located on the second floor in the Norbert Hill Center. For more information, please contact the Legislative Reference Office (LRO) at (920) 869-4376 or e-mail [LOC@oneidanation.org](mailto:LOC@oneidanation.org).

### 4. Meetings

The LOC meets on the first and third Wednesday of every month. The LOC meetings are held in the Norbert Hill Center-2<sup>nd</sup> Floor, Business Committee Conference Room and begin at 9:00 a.m.

### 5. Prioritization

The LOC continuously reviews the proposals on our Active Files List (AFL). Priorities will be identified based on GTC Directive, OBC Directive and by LOC agreement/consensus.

### 6. Summary

During this reporting period (April, May and June 2015):

- Two legislative items were added to the Active Files List and the LOC completed processing six legislative items, bringing the total number of legislative items on the Active Files List to 37, as of July 1, 2015.

- The LOC completed processing legislative analyses for two GTC petitions
- Five public meetings were held.
- The LOC processed amendments to two Tribal laws, which were then adopted by the Oneida Business Committee on an emergency basis.

#### **Items Added to the Active Files List**

Of the two legislative items added to the Active Files List during this reporting period, one is a proposal for a new Tribal law, and one is a proposal to amend an existing Tribal policy:

- **Tribal Flag Code** - 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. (Added to the AFL on 5/6/15)
- **Back Pay Policy Amendments.** This request was submitted to clarify two conflicting provisions related to whether health insurance coverage continues during involuntary separation/terminations, and to require reinstated employees to reimburse CHS dollars used if an employee claims medical treatment from CHS prior to reinstatement. (Added to the AFL on 6/17/15)

#### **Completed Items**

**Completed Legislative Items.** Six legislative items were completed during this reporting period and removed from the Active Files List. Completion of these items resulted in the adoption of one new Tribal law; permanent amendments to three Tribal laws and one Tribal policy; and the approval of amended bylaws for one Tribal Committee:

- **New: Leasing Law.** This is a new law that, once approved by the Secretary of the Interior, enables the Tribe to exercise discretion to approve surface leases of Tribal trust land without needing to obtain approval from the Secretary of the Interior for each separate lease. The Law also governs the leasing of Tribal fee land, although that was not subject to the same requirements. The OBC adopted the new Leasing Law on May 13, 2015, and it was submitted to the Department of the Interior for consideration on May 18, 2015.
- **Marriage Law Amendments.** After the U.S. Supreme Court denied certiorari after a lower court found that Wisconsin's same-sex marriage ban is unconstitutional, amendments to the Tribe's Marriage law were adopted that would allow for same-sex marriage and that would recognize a same-sex marriage conducted legally in Wisconsin. The amendments were adopted by the OBC on May 27, 2015.
- **Motor Vehicle Registration Law Amendments.** Amendments to the Motor Vehicle Registration Law were proposed by the Licensing Department to remove the registration prices from the Law so they could be changed without amending the Law; and to update the Law, which has not been updated since 1999. On April 22, 2015, the OBC adopted amendments to the Motor Vehicle Registration law, as well as a separate Motor Vehicle Registration Fee Schedule.
- **Real Property Law Amendments.** The leasing section of the Real Property Law was amended to ensure consistency with the new Tribal Leasing Law. The Oneida Business Committee adopted these amendments on May 13, 2015.

- **Investigative Leave Policy Amendments.** The Policy was amended to delete a provision which prohibited the use of investigative leave when a complaint is filed; after a decision by the Oneida Appeals Commission interpreted the Policy to apply anytime the term “complaint” is used in an investigation – this had prevented supervisors from being able to take action to protect the Tribe in cases of misappropriation if inappropriate activities were identified based on a complaint arising out of a disciplinary or complaint process. The amendments also reduce the time period of an investigation from 30 days to 15 days. The Oneida Business Committee adopted the amendments on June 24, 2015.
- **Pow-Wow Committee Bylaws** – The Pow-wow Committee requested changes to their bylaws to add new qualifications for serving on the committee – first preference is now given to enrolled Oneida Tribal members, with second preference to enrolled members of any federally-recognized tribe. Additional requirements were also added for Committee members, relating to attendance and following the Code of Ethics. On April 22, 2015, the OBC approved changes to the Pow-Wow Committee Bylaws.

### **Emergency Actions Taken.**

During this quarter, the OBC adopted the following on an emergency basis:

- **Election Law Emergency Amendments.** On June 28, 2015, the OBC adopted amendments to the Election Law on an emergency basis in order to comply with the Constitutional Amendments recently adopted by the Oneida Tribe and approved by the Secretary of the US Department of Interior. Specifically, the Constitutional amendments lowered the voting age to 18, but still require members to be at least 21 years old before they are eligible to serve on the OBC.
- **ONGO Emergency Amendments.** On June 25, 2014, the OBC adopted minor terminology amendments to the Oneida Nation Gaming Ordinance (ONGO) which replaced references to the Oneida Appeals Commission/Tribal Judicial System with the Tribal Judiciary. Those amendments were submitted to the National Indian Gaming Commission (NIGC) for required approval, but NIGC returned the submission after discrepancies were found between ONGO and federal law/NIGC regulations. The OBC adopted emergency amendments to ONGO to address those discrepancies on October 8, 2014, the emergency amendments were extended on April 22, 2015. *Note: the LOC is also processing these changes and additional amendments for permanent adoption.*

### **Added/Processed Administrative Items.**

During this quarter, three GTC petitions were added to the Active Files List; and the OBC accepted/approved legislative analyses for two of those petitions:

- **Petition: Genskow-Request Special GTC Meeting to Address 6 Resolutions.** This item was added to the Active Files List on April 3, 2015, and the OBC accepted the legislative analysis for this item on April 22, 2015.
- **Petition: Genskow-OBC Accountability, Repeal Judiciary & Open Records Law.** This item was added to the Active Files List on May 6, 2015, and the OBC accepted the legislative analyses for this item on June 24, 2015.
- **Petition: Cornelius-Special GTC meeting to address 4 Resolutions.** The LOC added this item to the Active Files List on May 20, 2015.

### **Public Meetings**

The LOC held five Public Meetings this quarter:

- April 2, 2015: Public Meeting for proposed new Tribal Leasing Law.
- April 2, 2015: Public Meeting for amendments to the Marriage Law.
- April 2, 2015: Public Meeting for amendments to the Real Property Law.
- April 30, 2015: Public Meeting for amendments to the Investigative Leave Policy.
- April 30, 2015: Public Meeting for amendments to the Removal Law.

**Person responsible for this report and contact information:** Brandon Stevens,  
Legislative Operating Committee Chair. Phone: (920) 869-4378.