

# Oneida Business Committee Meeting Agenda Request Form

1. Meeting Date Requested: 3 / 25 / 15

## 2. Nature of request

Session: ☒ Open ☐ Executive - justification required. See instructions for the applicable laws that define what is considered "executive" information, then choose from the list:

Agenda Header (choose one): Legislative Operating Committee

Agenda item title (see instructions):

LOC Quarterly Report

Action requested (choose one)

☐ Information only

☒ Action - please describe:

Approve the LOC Quarterly Report

## 3. Justification

Why BC action is required (see instructions):

## 4. Supporting Materials

[Instructions](#)

☐ Memo of explanation with required information (see instructions)

☒ Report ☐ Resolution ☐ Contract (check the box below if signature required)

☐ Other - please list (**Note:** multi-media presentations due to Tribal Clerk 2 days prior to meeting)

1.

3.

2.

4.

☐ Business Committee signature required

## 5. Submission Authorization

Authorized sponsor (choose one): Brandon Stevens, Council Member

Requestor (if different from above):

Name, Title / Dept. or Tribal Member

Additional signature (as needed):

Name, Title / Dept.

Additional signature (as needed):

Name, Title / Dept.

1) Save a copy of this form in a pdf format.

2) Email this form and all supporting materials to: BC\_Agenda\_Requests@oneidanation.org

# 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

Jennifer Webster, Councilmember

## Quarterly Report Legislative Operating Committee January 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 there is currently one vacant seat.

### 3. Contact Information

The LOC office is located on the second floor in the Norbert Hill Center. For more information, please contact Lynn Franzmeier, Staff Attorney for the Legislative Reference Office (LRO) at (920) 869-4417 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 (October, November, and December 2014), the LOC added ten legislative items to the Active Files List and completed 3 legislative items, bringing the total number of legislative items on the Active Files List to 33. The LOC also completed processing legislative analyses for two GTC petitions, and held one Public meeting.

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

**New Legislation.** The following items were added to the AFL during this reporting period:

- **Agricultural Law** - This is a proposal for the Tribe to consider legislation that would enable the Tribe to identify agricultural products that can be grown on the Reservation, including industrial hemp, in order to exercise the Tribe's sovereignty and pursue economic diversification.
- **OBC Sanctions Policy** - This item is a proposal for a consistent process that would provide for members of the OBC to face sanctions for misconduct. Currently, the only penalty that OBC members are subject to is removal from office.
- **Environmental, Health and Safety Law** - This is a new Law that will enable the Environmental, Health and Safety Department (EHSD) to protect land, water, air, people and safety on the Reservation. The proposal also authorizes EHSD to protect the Reservation, promote public health & safety and do business on the Reservation, and to perform duties such as creating rules in implementing this Law.
- **Furlough Policy** – Last term, the OBC adopted a Furlough Policy on an emergency basis, but that emergency adoption/extension expired on October 15, 2014. On October 8, 2014, the OBC directed the LOC to continue processing a furlough policy for permanent adoption.
- **Higher Education.** The OBC directed the LOC to look at codifying the rules created by the Higher Education Office, which currently govern how Higher Ed disburses higher education funding in accordance with GTC directives.

**Amendments to Existing Legislation.** The following items are proposals to amend existing legislation, which were formally added to the AFL during this reporting period:

- **Investigative Leave Policy Amendments.** Amendments to the Investigative Leave Policy were requested to delete a section of the Policy which prohibits the use of investigative leave when a complaint is filed. While the original intent of the section was to prohibit the use of investigative leave when one employee files a complaint against another, as defined under the Personnel Policies and Procedures, a decision by the Oneida Appeals Commission has interpreted the Policy to apply anytime the term "complaint" is used in an investigation. This could prohibit a supervisor from taking action to protect the Tribe in cases of misappropriation if inappropriate activities are identified based on a complaint arising out of a disciplinary or complaint process. The amendments would also reduce the time period of the investigation from 30 days to 15 days.
- **Marriage Law Amendments.** Amendments were proposed after the U.S. Supreme Court declined to overrule a Federal court's finding that Wisconsin's same-sex marriage ban is unconstitutional. Questions were raised since the Tribe's Marriage Law does not allow for same-sex marriage and would not recognize a marriage conducted legally in Wisconsin.
- **Motor Vehicle Law Amendments.** Amendments were proposed by the Licensing Department that would remove the registration prices from the Law so they could be changed without amending the Law. Additional changes are requested that would just generally update the Law, which has not been updated since 1999.
- **Removal Law Amendments.** These amendments would enable the OBC to remove elected members of boards, committees and commissions upon petition or request by the board, committee or commission. The proposed changes would not amend the process for removing an OBC member.

**Bylaws.** During this reporting period, the LOC added one request to amend bylaws to the Active Files List - The Pow-wow Committee has requested changes to their bylaws which add qualifications for serving on the committee. First preference would be given to enrolled Oneida members, with second preference to members of any official federally recognized Tribe. The qualifications would also be revised so that Committee members must have experience coordinating events. Additional amendments require Committee members to follow the Tribe's Code of Ethics and identify meeting attendance requirements and authorize the entity to recommend termination of appointment for any member who fails to follow the attendance requirements.

### **Completed Items**

**Completed Legislative Items.** The following items were completed during the quarter and removed from the Active Files List:

- **Judiciary Law Emergency Amendments.** Emergency amendments to the Judiciary Law were requested in order to reduce the number of Trial Court Judges by one and add an additional Family Court Judge in order to reduce the current case load in the Family Court. On October 28, 2014 the OBC held a Special OBC Meeting, and adopted a Resolution amending GTC-01-07-13-B - Regarding Case Acceptance by the Oneida Appeals Commission as Authorized by the GTC, as well as three resolutions amending the implementation date set out in the adopting Resolutions for the Rules of Civil Procedure, Rules of Appellate Procedure, and Rules of Evidence.
- **Oneida Nation Gaming Ordinance Emergency Amendments.** After minor amendments were made to ONGO to replace references to the Oneida Appeals Commission with references to the Judiciary, the adopted amendments were submitted to National Indian Gaming Commission for approval. NIGC returned the proposed amendments with three additional amendments that need to be made, and set a deadline of October 21, 2014 for compliance. The OBC adopted emergency amendments incorporating those changes on October 8, 2014.
- **Public Use of Tribal Land Law Amendments.** The Public Use of Tribal Land Law was initially adopted by the OBC on May 15, 2014, but emergency amendments were adopted on July 23, 2014 in order to allow Tribal employees who are not Tribal members, and non-Tribal contractors to access some land that the Law designated as restricted to Tribal members only. The OBC adopted permanent amendments to the Law on December 10, 2014.

**Completed Administrative Items.** The following items were completed during the quarter:

- **Petition: Create a Support System for Tribal Members Engaged with Oneida Judiciary.** This is a request that the Tribe "Create a support system of paralegals, advocates, and attorneys to assist and advocate for Oneida Enrolled Tribal members that are engaged in any case with the Oneida Judiciary." The OBC accepted the legislative analysis on this item on November 26, 2014.
- **Petition: Constitution Amendments in regards to Membership.** This was a petition submitted by Michelle Danforth to change the Oneida Constitution and Bylaws in regards to membership. The OBC accepted the legislative analysis for this item on October 22, 2014.

### **Public Meetings**

The LOC held one Public Meeting this quarter. The meeting was held on November 6, 2014, for the Public Use of Tribal Land amendments.

### **Emergency Resolutions**

#### ***BC Resolution 09-24-14-P***

**Expires: 03-24-15**

#### **Extension of Emergency Amendments to the Judiciary Law/Transition Plan**

Emergency amendments to the Law and Transition plan revise the number of judges, in order to meet the staffing needs of the new Family Court.

#### ***BC Resolution 09-24-14-Q***

**Expires: 03-24-15**

#### **Emergency Amendments to the Personnel Policies and Procedures regarding Job Duties and Reassignments**

Amendments revise the current requirements relating to job duties for Tribal employees, enabling employees to be utilized to perform job duties outside of their regular assignments, with the intent that this be a short-term cost-saving measure.

#### ***BC Resolution 10-08-14-C***

**Expires: 04-08-15**

#### **Oneida Nation Gaming Ordinance Emergency Amendments**

Emergency amendments were sought to amend the Law to ensure compliance with NIGC requirements. After minor amendments were made to ONGO to replace references to the Oneida Appeals Commission with references to the Judiciary, the adopted amendments were submitted to National Indian Gaming Commission for approval. NIGC returned the proposed amendments with three additional amendments that need to be made, and set a deadline of October 21, 2014 for compliance. The emergency amendments were adopted by the OBC on October 8, 2014.

#### ***BC Resolution 12-19-14-A***

**Expires: 06-19-14**

#### **Rules of Appellate Procedure Emergency Amendments**

In accordance with a GTC directive, on April 25, 2014 the OBC adopted Rules of Appellate Procedure to be implemented for the new Judiciary. Following their adoption, the Chief Appellate Judge requested amendments to the Rules to clarify definitions and include provisions that were inadvertently omitted; and also requested that the amendments be implemented before the new Judiciary begins accepting cases on January 5, 2015 in order to allow the Judiciary to operate under consistent rules.

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