

# Oneida Business Committee Agenda Request

1. Meeting Date Requested: 7 / 26 / 17

## 2. General Information:

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

Agenda Header:

Accept as Information only

Action - please describe:

## 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/Submitter: Jennifer Falck, LRO Director  
Your Name, Title / Dept. or Tribal Member

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

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



## FY17 3rd Quarter Report

### April 1, 2017 - June 30, 2017

### Legislative Operating Committee (LOC)

#### Executive Summary

The third quarter was successful for the Legislative Operating Committee. The Oneida Business Committee was able to adopt;

- April 12, 2017 -Endowments Law Amendments  
 -Drug & Alcohol Free Workplace Law
  
- April 23, 2017 -Election Law Amendments- adopted by General Tribal Council
  
- April 26, 2017 -Conflict of Interest Emergency Amendments
  
- May 24, 2017 -Legal Resource Center Emergency Law
  
- June 28, 2017 -Domestic Animal Amendments  
 -Vehicle Driver Certification and Fleet Management Law  
 -Conflict of Interest Amendments  
 -Workplace Violence Law

Since the 2014-2017 term began, the LOC has completed 67 legislative items. See Table 1 for a summary of the FY17 third quarter agenda items. The LOC's fourth quarter goals are to 1) forward 22 items to the Business Committee for consideration, 2) close out this term, and 3) begin orientation for the incoming LOC members. For a complete list of the LOC's work this term see Table 3.

**Table 1. Summary of Third Quarter LOC Meeting Agenda Items**

New Legislation	
Children's Code	Vehicle Driver Certification and Fleet Management Law
Employment Law	Oneida Business Committee Meetings Law
Professional Conduct for Attorneys and Advocates	Workplace Violence Law
Legal Resource Center Emergency Law	General Tribal Council Meetings Law
Sanctions & Penalties Law	Higher Education Scholarship Law
Tribal Environmental Response Law	
Amendments	
Endowment Fund Amendments	Comprehensive Policy Governing Boards, Committees, and Commissions Amendments
Drug & Alcohol Free Workplace Amendments	Water Resources Ordinance Amendments
Community Support Fund Amendments	Well Abandonment Law Amendments

Conflict of Interest Emergency Amendments	On-Site Waste Disposal Ordinance Amendments
Domestic Animal Amendments	Public Use of Tribal Land Law Amendments
Independent Contractor Policy Amendments	Election Law Emergency Amendments
Cemetery Law Amendments	Administrative Rulemaking Law Amendments
Landlord-Tenant Permanent Amendments	All-Terrain Vehicle Law Amendments
Conflict of Interest Permanent Amendments	Hunting, Fishing, Trapping Law Amendments
<b>Administrative Rulemaking</b>	
Landlord-Tenant Rule #2: Income Based Rental Program	Per Capita Rule #1: Distribution Rule Certification
Landlord-Tenant Rule #3: Elder Rental Program	Hunting, Fishing, Trapping Rule Handbook
Eviction & Termination Rule #1: Disposal of Abandoned Personal Property	Community Support Fund Effective Date Second Extension
Oneida Nation Seal & Flag Rules Extension	Oneida Housing Authority Home Ownership Rule
Real Property Rules Extension	
<b>General Tribal Council Petitions</b>	
Petition: Child Care Department Consumer Complaint Policy	Petition: Delgado Trust Land Distribution

**Table 2. Meetings Held in Third Quarter**

LOC Meetings	Public Meetings	
April 5, 2017 April 19, 2017 May 3, 2017 May 17, 2017 June 7, 2017 June 21, 2017	May 4, 2017	-Children’s Code
	May 18, 2017	-Workplace Violence -Oneida Business Committee Meetings -Conflict of Interest Amendments
	June 5, 2017	-Vehicle Driver Certification and Fleet Management -Conflict of Interest Amendments -Domestic Animals Amendments -Audit Law Amendments -Landlord-Tenant Amendments
	June 15, 2017	-Amendments to laws transferring Environmental Resources Board’s hearing authority to the Oneida Judiciary
	June 29, 2017	-Administrative Rulemaking Amendments -Child Care Department Consumer Complaint Law -GTC Meetings Law -Comprehensive Policy Governing Boards, Committees, and Commissions
	<b>UPCOMING PUBLIC MEETINGS</b>	
	July 20, 2017	-Professional Conduct for Attorneys & Advocates -Legal Resource Center

### **Featured Legislation: Children's Code**

The Children's Code (Code) is a proposed new law that allows the Nation to exercise jurisdiction over its children who are in need of protection or services. The Code ensures that certain child welfare cases involving Oneida children are heard in the Oneida Family Court (OFC) and utilize the Nation's resources, which may reduce out-of-home placements and increase reunification. Addressing these cases in the OFC will help keep children on the Reservation where more family members and Oneida foster homes are located and the traditions and culture of the Nation can be better preserved.

A summary of the work and collaboration that went into this effort includes;

- Approximately 32 work meetings have been held
- More meetings will occur in the fourth quarter
- 14 experts were consulted including;
  - Managing Director, ICWP at Casey Family Programs
  - Former Deputy Director, National Indian Child Welfare Association
  - Tribal Affairs Specialist, Division of Safety and Permanence, Wisconsin Department of Children and Families
  - Tribal Liaison, Wisconsin Department of Children and Families
  - Former Director of ICW & Child Support, current Vice President of Business Development, Systems & Methods, Inc.
  - Connecting Point AV & Security, Camera Corner
  - Children's Court Improvement Program Director, Director of State Courts Office
  - Policy Analyst, Children's Court Improvement Program
  - Court Administrator, Oneida Judiciary
  - Lead Administrative Social Worker, Ho Chunk Nation Child and Family Services
  - Indian Child Welfare Manager, Stockbridge-Munsee
  - Assistant Corporation Counsel, CHIPS, Brown County
  - Tribal Prosecutor, Menominee Indian Tribe of Wisconsin
  - Family Services Manager (ICW), Lac du Flambeau Band of Lake Superior Chippewa Indians
- 18 children's codes from other tribes and states were reviewed, as well as other related documents.
- A public meeting was held on May 4, 2017 and the LOC received and responded to approximately 88 comments. The LOC did make changes to the Code based on those comments.

### **Legislative Reference Office (LRO) Third Quarter Activities**

The LRO develops LOC meeting packets and public meeting packets. In addition, the LRO schedules and facilitates legislative work meetings where the LOC discusses policy and makes decisions. The LRO also maintains a legislative record of the LOC's work, including the Oneida Register. Other activities in the third quarter included;

- 2017-2020 Business Committee transition planning
- 2017-2019 budget planning
- Assisting Oneida Law Office to collect legislative documents for pending litigation
- Assisting entities with preparing rules

### **Legislative Reference Office (LRO) Fourth Quarter Plans**

- Close out the 2014-2017 Active Files List
- Send 22 items to the OBC to consider adoption
- Prepare the incoming LOC for new term

**Table 3. 2014-2017 LOC Active Files List: Status as of July 10, 2017**

<b>NEW LAWS</b>	<b>Completed</b>	<b>Outstanding</b>	<b>Anticipate Completing This Term</b>
	Administrative Rulemaking	Compliance and Enforcement Law	BC Meetings Law
	Budget Management and Control	Corporate Laws	Children’s Code
	Eviction and Termination	Criminal Code	Child Care Dept. Consumer Complaint Policy
	Furlough Policy	Drug & Alcohol Free Law for Elected & Appointed Officials	
	Landlord-Tenant Law	Employment Law	
	Legal Resource Center Emergency Law	GTC Meetings Law	
	Mortgage and Foreclosure Law	Guardianship Law	
	Oneida Seal and Flag Law	Higher Ed Scholarship	
	Workplace Violence	Industrial Hemp Law	
		Legal Resource Center law	
		Leasing Law (need Secretarial Approval)	
		Nonprofit Incorporation law	
		Professional Conduct for Attorneys and Advocates	
		Public Peace Law	
		Research Protection Act	
		Sanctions and Penalties	
		Secured Transactions Law	
		Severance Law	
		Tribal Traffic Code	
		Whistleblower Law	
<b>AMENDMENTS</b>	<b>Completed</b>	<b>Outstanding</b>	<b>Anticipate Completing This Term</b>
	Administrative Procedures Act	Code of Ethics Amendments	Administrative Rulemaking
	Back Pay	Community Support Fund	
	Conflict of Interest (2016 & 2017)	Independent Contractor Policy	ATV Law
	Domestic Animals	Law Enforcement Ordinance – Conservation Officers	Audit Law
	Drug & Alcohol Free Workplace	Removal Law	Cemetery Law
	Endowments	Rules of Civil Procedure	Comprehensive Policy
	Election Law		Hunting, Fishing Trapping
	Garnishment Law		Landlord-Tenant
	Hunting, Fishing and Trapping Law		On-Site Waste Disposal
	Investigative Leave Policy		Public Use of Tribal Land

	Marriage Law (2015 & 2016)		Tribal Environmental Response
	Motor Vehicle Registration		Water Resources
	ONGO		Well Abandonment
	Per Capita law		
	Public Use of Tribal Land (2014 & 2016)		
	Real Property Law (2015 & 2017)		
	Rules of Appellate Procedure		
	Tobacco Ordinance		
	Vehicle Driver / Fleet Management		
	Vendor Licensing Law		
<b>BYLAWS</b>	<b>Completed</b>	<b>Outstanding</b>	<b>Anticipate Completing This Term</b>
	Audit Committee	Election Board	
	Pow-wow Committee	Land Commission	
		Personnel Commission	
		Trust Enrollment	
<b>OTHER ITEMS</b>	<b>Completed</b>	<b>Outstanding</b>	<b>Anticipate Completing This Term</b>
	Personnel Policies Re: Job Duties and Work Assignments (Emergency only)		
	OAC References Removal		
	Judiciary Law/Transition Plan Emergency Amendments		
	APA Repeal		
	Code of Laws Reorganization		
	Code of Laws Reorganization		
	Election Law – Campaign Financing Research		
<b>Items LOC declined to place on active files list</b>	1. Per Capita Law Emergency Amendments		
<b>Items LOC added and later removed from the active files list</b>	1. Administrative Hearing Court 2. Agriculture Law 3. Capping Damages and Awards - Judicial System 4. Employee Advocacy Law 5. Environmental, Health and Safety Law 6. Family Court Law Amendments: Bench Warrants 7. Fitness for Duty		

	<ol style="list-style-type: none"> <li>8. Legal Resource Center Governing Documents</li> <li>9. Legislative Procedures Act Amendments</li> <li>10. Membership Ordinance Amendments</li> <li>11. Membership Ordinance Emergency Amendments</li> <li>12. Probate Law</li> <li>13. Rules of Administrative Procedure</li> <li>14. Tribally-Owned Business Organization Code</li> <li>15. Violence Against Women Act (VAWA)</li> </ol>
<b>Certified Rules</b>	<ol style="list-style-type: none"> <li>1. Eviction and Termination—#1 – Disposal of Abandoned Personal Property</li> <li>2. Hunting, Fishing Trapping—# 1-13 HFT Handbook</li> <li>3. Landlord Tenant Law Rule #1 – General Rental Program Eligibility, Selection and Other Requirements</li> <li>4. Landlord Tenant Law Rule #2 – Income Based Rental Program</li> <li>5. Landlord Tenant Law Rule #3 – Elder Rental Program</li> <li>6. Landlord Tenant Law Rule #4—Income-Based Rent to Own Program Eligibility, Selection and Other Criteria</li> <li>7. Marriage Law Rule # 1 – Marriage License Fee Schedule</li> <li>8. Marriage Law Rule #2 – Marriage Law Fine Schedule</li> <li>9. Mortgage and Foreclosure Law Rule #1 – Mortgage Programs, Guidelines and Requirements</li> <li>10. Per Capita Rule # 1 – Distribution</li> <li>11. Real Property Law #2 – Comprehensive Housing Division Residential Sites</li> </ol>
<b>Pending GTC Petitions</b>	<ol style="list-style-type: none"> <li>1. Benton- Change Pre-employment Drug Testing for Marijuana</li> <li>2. Debraska - Health Care Board</li> <li>3. Delgado – Trust Land Distribution</li> <li>4. Delgado-Panel of Educators &amp; Retention/Kindergarten Students</li> <li>5. Vandehei- BC E-Polls</li> </ol>
<b>Closed GTC Petitions</b>	<ol style="list-style-type: none"> <li>1. Barton – Emergency Food Pantry</li> <li>2. Cornelius - 4 Resolutions</li> <li>3. Dallas - Real Estate Taxes for all Tribe Owned Property Paid by Tribe</li> <li>4. Danforth - Constitution Amendments in Regards to Membership</li> <li>5. Debraska - Per Capita Distribution</li> <li>6. Dodge et. al. - Hold a GTC Meeting to Address Tribal Election Issues</li> <li>7. Genskow - 3 Resolutions</li> <li>8. Genskow - 4 Resolutions</li> <li>9. Genskow - 6 Resolutions</li> <li>10. Genskow - Publishing Names and Addresses of Petition Signers in GTC Mailouts</li> <li>11. Genskow - Responding to Questions and Comments from the Floor at GTC</li> <li>12. Genskow/Metivier: Incentive stipends for Oneida Elections</li> <li>13. Metivier - Directing a “Stall Mall” be Created</li> <li>14. Metivier - Per Capita FY17 through FY21</li> </ol>

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|  | <ol style="list-style-type: none"><li>15. Metivier - Raise Employee Salaries .99 Cents</li><li>16. Powless - Dialysis Center Development</li><li>17. Powless Jr. - Per Capita Payments</li><li>18. Powless - Judiciary Support System</li></ol> |
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