



## Legislative Operating Committee FY19 Second Quarter Report: January 1, 2019- March 31, 2019

### Executive Summary

The Legislative Operating Committee (LOC) focused on three specific items in the second quarter; amendments to all the boards, committees, and commissions bylaws, the Election law Amendments, and the Sanctions and Penalties law. As of March 31, the bylaws amendments were a high priority, and the Election Amendments and Sanctions and Penalties law had both been discussed by the General Tribal Council (GTC). Each of these laws are now expected to come back to the GTC for consideration. The LOC hopes this will happen by the end of this year.

### Updates to the Active Files List

The LOC added five (5) items to the active files list and worked on two General Tribal Council Petitions. At the end of the quarter, the LOC was considering whether to add amendments to the Children's Code and the Boards, Committees, and Commissions law to the active files list. Meetings were scheduled to discuss these two requests in the third quarter.

#### Legislation added to the active files list;

1. General Welfare Exclusion Act- Income Exemptions
2. Attorney Contract Policy Amendments
3. Taxation
4. Environmental Review Law
5. Tribal Institutional Review Board Law

#### General Tribal Council Petitions added to the active files list;

1. Petition: Scott Kosbab- Creating Term Limits Law
2. Petition: G. Powless- Rescinding the Removal Law

### Status of Active and Completed Legislation for the 2017-2020 Term

Table 1. of this report illustrates the status of each legislative item the LOC was working on as of April 12, 2019. Table 2. includes a list of the legislation that has been completed in the 2017-2020 term (Since August 2017), along with a brief description of the legislation.

**Table 1. Status of Active Legislative Items as of April 12, 2019**



	Research	Outreach Work Meetings Drafting	Analysis Public Meeting	Comment Review LOC approval	Ready for Adoption
<b>High Priorities-LOC is focusing most on on this legislation</b>					
Election Amendments					●
Sanctions & Penalties					●
Child Support Amendments		●			
Domestic Animals Amendments				●	
Boards, Committees, & Commissions Bylaws				●	
Oneida Food Service Code Amendments		●			
Curfew		●			
Industrial Hemp	●				
Taxation	●				
Wellness Court	●				
Children’s Code (Adopted)					●
<b>Medium Priorities- LOC is working on this legislation and these items will likely become high priorities</b>					
Recycling & Solid Waste Law Amendments		●			
Public Peace	●				
Drug & Alcohol Free Elected/Appointed Officials	●				
Tribal Traffic Code	●				
Business Corporations	●				
Code of Ethics Amendments	●				
Rules of Civil Procedure Amendments	●				
General Welfare Exclusion- Income Exemptions	●				
<b>Low Priorities- LOC is not currently working on this legislation, but plans to in the future</b>					
Work Visas	●				
Law Enforce. Ord. Amendments- Con. Wardens	●				
Environmental Review Law	●				
Attorney Contract Policy Amendments	●				
Tribal Institutional Review Board	●				
Guardianship	●				
Uniform Commercial Code	●				
Personnel Policies & Procedures Amendments	●				
Investigative Leave Policy Amendments	●				
Workplace Violence Amendments	●				

At the September 24, 2018 Special GTC Meeting, the GTC was asked to prioritize the Nation’s Service Groups by order of importance. Table 2. lists the completed legislation for the 2017-2020 term, includes a brief description of the legislation, and indicates which service group applies to the completed legislation.

**Service Group Priorities as Identified by the General Tribal Council on September 24, 2018**

- |                                       |                               |  |
|---------------------------------------|-------------------------------|--|
| 1. Health Care                        | 6. Human Services             | 11. Utilities, Wells, Wastewater, Septic |
| 2. Education & Culture                | 7. Economic Enterprises       | 12. Building & Property Maintenance      |
| 3. Housing                            | 8. Government Administration  | 13. Planning, Zoning, & Development      |
| 4. Preservation of Culture & Literacy | 9. Public Safety              |  |
| 5. Preservation of Natural Resources  | 10. Membership Administration |  |

**Table 2. Completed Legislation for 2017-2020 Term as of April 12, 2019**

Name of Legislation	Adopting Resolution or Date Adopted	Summary of Legislation	*Priorities as Identified by GTC- September 2018
<b>Oneida Nation Seal and Flag Rule #1- Placement, Maintenance, and Authorized Use</b>	09-13-17	This rule governs the placement, maintenance, and authorized use of the official Oneida Nation Seal under the Oneida Nation Seal and Flag law.	8-Government Administration
<b>Legal Resource Center</b>	BC-09-13-17-L	On 11/14/17 GTC directed the OBC to establish a legal office consisting of advocates and an advising attorney for GTC. This law provides the framework for the office.	6-Human Services
<b>Landlord-Tenant Law Amendments</b>	BC-12-13-17-D	Extended the length of a rental agreement for tenants in the rent to own program.	3-Housing
<b>Membership Ordinance Rule #1- Enrollment Rule</b>	01-10-18	This rule creates enrollment procedures for carrying out the responsibility delegated to the Oneida Trust Enrollment Committee in the Membership Ordinance.	10-Membership Administration
<b>Community Support Fund- Rule Handbook</b>	01-24-18	This Rule Handbook provides guidance on how the Community Support Fund is used so that the Nation can assist the greatest number of members of the 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.	6-Human Services
<b>Membership Ordinance Rule #2- Voiding Unlawful Membership</b>	02-14-18	This rule creates a process by which the Oneida Nation may void the membership of a tribal member who no longer qualifies for enrollment pursuant to the Membership Ordinance under limited circumstances.	10-Membership Administration
<b>Domestic Animals Law Rule #1- Licensing, Fees, and Penalties</b>	04-25-18	This rule sets the licensing, fees, and penalties for the Domestic Animal Law.	9-Public Safety
<b>Leasing Law</b>	Adopted pending BIA approval – BC-10-26-16-C Became effective 05-19-18	The federal HEARTH Act enables tribes to approve individual surface leases for their own trust lands-provided that the tribe has adopted tribal leasing regulations that are approved by the Secretary of the Interior. This law was adopted on 10/26/16 and became effective on 05/19/18.	3-Housing
<b>Leasing Law Rule #2- Agriculture Leases</b>	5/16/18	This rule codified the existing standard operating procedure regarding agriculture leases, allowing	

		the Nation to lease agricultural land in the best interest of the Nation.	3-Housing
<b>Leasing Law Rule #3- Commercial Leases</b>	06/16/18	This rule codified the existing standard operating procedure regarding commercial leases, allowing the Nation to lease in a manner that is fair and equitable for tribal fee and trust lands that are used for commercial purposes.	3-Housing
<b>Legal Resource Center Rule #1- Application for Services</b>	07-25-18	This rule created a procedure for individuals to apply for services from the Legal Resource Center.	6-Human Services
<b>Leasing Law Rule #1- Residential Leasing- Emergency Adoption</b>	08-22-18	This rule expands upon the information provided on the Leasing Law regarding eligibility, administration, inheritability, and enforcement related to residential leases.	3-Housing
<b>Boards, Committees, and Commissions Law</b>	BC-9-26-18-C	The Comprehensive Policy Governing Boards, Committees, and Commissions was updated regarding; creation, application, vacancies, appointments, oaths, reporting, stipends, dissolution, enforcement, and was retitled.	8-Government Administration
<b>Employee Protection Emergency Amendments and Rescission</b>	BC-09-26-18-F (Rescission)	The amendments were revised to be an emergency due to action taken through resolution BC-04-11-18-A by the Oneida Business Committee (OBC) which dissolved the Personnel Commission and directed the Legislative Operating Committee (LOC) to develop and present emergency legislative amendments to fully address the impact of this resolution by the April 25, 2018, Oneida Business Committee meeting for consideration. On August 27, 2018, the GTC motioned to rescind the actions of the Oneida Business Committee related to the dissolution of the Oneida Personnel Commission, and to rescind the amendments related to the Blue Book from April 11, 2018 to today. Oneida Business Committee then adopted resolution BC-09-26-18-F which formally repealed the emergency amendments to the Employee Protection Policy.	6-Human Services
<b>Military Service Employee Protection Emergency Amendments and Rescission</b>	BC-09-26-18-F (Rescission)	See Employee Protection Emergency Amendments and Rescission explanation above.	6-Human Services
<b>Rules of Civil Procedure Emergency Amendments and Rescission</b>	BC-09-26-18-F (Rescission)	See explanation above.	8-Government Administration
<b>Personnel Policies and Procedures Emergency Amendments and Rescission</b>	BC-09-26-18-F (Rescission)	See Employee Protection Emergency Amendments and Rescission explanation above.	6-Human Services
<b>Landlord Tenant Rule #1- General Renter Program Eligibility, Selection, and</b>	10-24-18	These are amendments to Landlord Tenant Law Rule No. 1 which provide additional eligibility requirements, selection procedures, and general	

<b>Other Requirements Amendments</b>		requirements that govern the Comprehensive Housing Division’s general rental programs that are not reserved for elders or low-income tribal members.	3-Housing
<b>Whistleblower Protection Law</b>	BC-02-12-19-B	The Employee Protection Policy was amended for reasons other than the dissolution of the Oneida Personnel Commission. The law was retitled the Whistleblower Protection law and is designed to give protection to employees who give information that is intended to protect the Nation from fraud, theft, and other detrimental effects.	8-Government Administration
<b>General Tribal Council Petitions- each petition must have a Statement of Effect developed. The SOE indicates whether the proposed petition would conflict with existing laws.</b>	<ol style="list-style-type: none"> <li>1. Petition: Delgado- Trust Land Distribution</li> <li>2. Petition: Dodge- Law Firm for GTC</li> <li>3. Petition: G. Dallas- \$5,000 Payment Within 90 Days</li> <li>4. Petition: Gladys Dallas- Special Per Capita Payment and/or Options Payment</li> <li>5. Petition: G. Dallas- \$5k Per Capita</li> <li>6. Petition: Graham- 2017 General Election</li> <li>7. Petition: G. Powless- Banishment Law Resolution</li> <li>8. Petition: G. Powless- Oneida Personnel Commission Dissolution</li> <li>9. Petition: G. Powless- Rescinding the Removal Law</li> <li>10. Petition: Linda Dallas- Medicare Part B Premium Payment</li> <li>11. Petition: Metivier- Treatment Center</li> <li>12. Petition: Powless, Debra- 2017 Tri-Annual General Election</li> <li>13. Petition: Scott Kosbab- Creating a Term Limits Law</li> <li>14. Petition: Vandehei- E-poll Process</li> <li>15. Petition: C. Metoxen- Oneida Youth Leadership Institute</li> </ol>		8-Government Administration and 10-Membership Administration

**Table 3. Meetings held by the Legislative Operating Committee in Second Quarter**

<b>Legislative Operating Committee Meetings</b>	
January 2, 2019	Regular LOC meeting
January 7, 2019	Special LOC meeting
January 16, 2019	Regular LOC meeting
February 6, 2019	Regular LOC meeting
February 20, 2019	Regular LOC meeting
March 4, 2019	Regular LOC meeting (Rescheduled from March 6)
March 20, 2019	Regular LOC meeting
<b>Public Meetings and Outreach Events</b>	
March 11, 2019	Domestic Animals Amendments (Comment period ended 3/18/19)
March 21, 2019	Curfew Law Community Pot Luck

## Legislative Operating Committee Second Quarter Highlights

### **Sanctions & Penalties Law Outreach- Video**

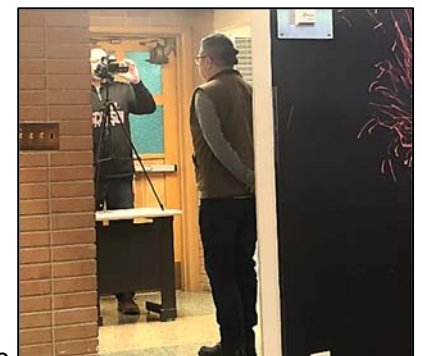
This law would provide a process to sanction or penalize appointed and elected officials, including the Oneida Business Committee. Currently, the only way to hold an official accountable is by removal or termination of appointment. Not all misconduct warrants removal or termination. Sanctions and penalties could include public apology, suspension, loss of stipends, monetary fines, etc.

The LOC produced a video to be posted on Facebook leading up to the February 24, 2019 General Tribal Council Meeting. That meeting was cancelled due to inclement weather and rescheduled for March 17, 2019. As of March 27, 2019, the video was viewed 3,917 times.

At the March 17, 2019 GTC meeting, the GTC voted to *“defer this Item for at least sixty (60) days for the GTC to have additional time to consider it and have input”*. The LOC is planning more outreach opportunities for this legislation and will bring it back to a GTC meeting as soon as there is an opportunity. The LOC has held a Community Pot Luck and a public meeting for this legislation already. We hope that more people will participate before it comes back to the GTC.



February 8, 2019  
The LOC produced a video regarding the Sanctions and Penalties Law, leading up to the GTC meeting. Councilwoman Webster runs through her lines for the video. The video was viewed 3,917 times.



February 8, 2019  
The Communications Department helped the LOC produce the Sanctions and Penalties video. Councilman Metoxen practicing his lines.

### **Curfew Law Outreach- Oneida Nation High School and Community Pot Luck**

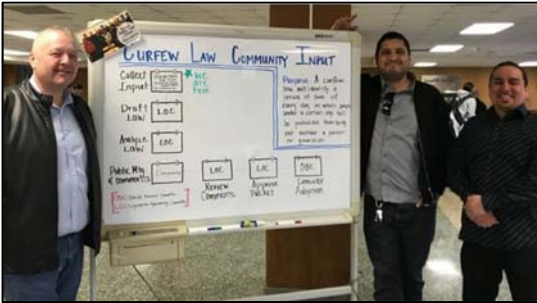
The LOC is working on a Curfew Law for Oneida. This effort is a result of the LOC’s work with the Tribal Action Plan Team. Curfew laws can be used to protect youth from victimization and prevent juvenile crimes and delinquency by reducing or preventing exposure of youth to negative situations by restricting their access to public places at night.

The LOC is taking this opportunity to collaborate with the Oneida Nation High School (ONHS) students. On March 13, 2019 staff from the



March 13, 2019  
Oneida Nation High School Clan Council collaborated with the LOC on a potential Curfew Law.

Legislative Reference Office met with the ONHS Clan Council to discuss their thoughts and ideas regarding a Curfew law. The Clan Council is supportive of the idea and shared several ideas with the work team. The LOC will consider the student's ideas in upcoming work meetings. The Clan Council will be invited to participate in the entire legislative process, until the Curfew Law is ready to be considered for adoption by the OBC.



March 21, 2019

The LOC hosted a community pot luck to discuss a Curfew Law. While the community expressed interest in the event, no one attended the meeting. This highlights how collecting public comment is difficult.

The LOC hosted a community pot luck to discuss a Curfew law on March 21, 2019. Unfortunately, no one attended the meeting, so there was no discussion. This is the first of four community pot lucks that the LOC has held, without attendance. The average number of people that attend these events is 14. The LOC will continue to explore new ways for the community to participate in the legislative process. If you have comments regarding a Curfew Law, please contact a member of the LOC to share your thoughts.

### Legislative Operating Committee's FY19 Third Quarter Plans

1. Bylaws Amendments- The newly amended Boards, Committees, and Commissions law requires all the Nation's seventeen boards, committees, and commissions to amend their bylaws to comply with the law. This project began in October 2018 and the LOC is focused on completing it as soon as possible.
2. Election law Amendments- In 2018, the GTC directed that the Election law come back to the GTC with suggested amendments. In January 2019, this item was deferred to a future GTC Meeting. The LOC hopes to place these amendments on an upcoming GTC agenda so that the GTC can consider their adoption.
3. Sanctions & Penalties law- This law is designed to provide a process for members of the Business Committee, and other boards, committees, and commissions to face sanctions or penalties for misconduct. Currently, the only penalty for misconduct is removal or termination from office. On March 17, 2019 at a special GTC Meeting, the GTC adopted a motion to defer the item *"for at least sixty (60) days for the GTC to have additional time to consider it and have input"*. Based on this action, the LOC will be host and provide additional community outreach efforts once this item is assigned to a GTC agenda.
4. Domestic Animals Law Amendments- The LOC will forward these amendments to the Oneida Business Committee for consideration in the third quarter. Amendments include updating the law with regard to violations, enforcement, appeals, hearing procedures, citations, and dangerous dogs.

5. **Legislative Strategy for Remainder of the 2017-2020 Term-** On April 11, 2019, the LOC will review all the items on the active files list and decide what the most important priorities are, and the LOC will continue discussing a strategy for finishing them before July 2020.
6. **Public Meeting Format-** So far this term, the public meeting attendance rates have not increased from the 2014-2017 term. The LOC will be trying new strategies including; changing the time of day the meetings are held and redesigning the public meeting notices. The LOC is also considering producing another video encouraging community members to participate in the legislative process.

### **Legislative Reference Office Update**

The LRO is the support office for the LOC. The LRO drafts law, analyzes law, holds public meetings, collects public comment, and involves various departments on legislative work teams where the LOC discusses policy and makes decisions.

In the second quarter, the LRO focused on preparing for General Tribal Council meetings to discuss the Election law amendments and a Sanctions & Penalties law. In addition, the LRO focused on assisting boards, committees, and commissions with updating their bylaws. The original deadline for this project was March 26, 2019. On March 27, 2019, the Oneida Business Committee granted an extension for this deadline. In the third quarter, the LRO will; continue to work with entities to complete their bylaws amendments, focus on the Oneida Food Service Code amendments, the Domestic Animals law amendments, the Recycling and Solid Waste Disposal law amendments, and the Child Support law Amendments.

### **Legislative Operating Committee Contact Information**

Feel free to contact the LOC with questions or comments;

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