



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
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Oneida-nsn.gov



Legislative Operating Committee

FY19 Fourth Quarter Report: July 1, 2019- September 30, 2019

Executive Summary

The Legislative Operating Committee (LOC) focused on the following items in the fourth quarter; amendments to all the boards, committee's and commissions bylaws, adoption of a Curfew law, community outreach for the draft Sanctions & Penalties law, amendments to the Vehicle Driver and Fleet Management law, and a Citations law. A brief summary of each of these items;

- **Bylaws Amendments** The OBC adopted the Boards, Committees, and Commissions Law in September of 2018. As a result, all the Nation's boards, committees, and commissions were required to amend their bylaws to become compliant with the law. The LOC has been working with the entities to complete this project. All bylaws amendments should be approved by the OBC by the end of the first quarter of FY20.
- **Curfew law** The LOC began work on this law in December of 2018. This legislation was a recommendation from the Tribal Action Plan Policy and Law Sub-Committee. The legislation is designed to contribute to drug prevention efforts. The LOC hopes the OBC will consider its adoption on October 2019. *(Update: this law was adopted and became effective on October 23, 2019.
- **Sanctions & Penalties law** The LOC continues to provide community outreach regarding the proposed Sanctions & Penalties Law, per the General Tribal Council directive.
- **Vehicle Driver & Fleet Management Amendments** The LOC is working on simplifying this law and providing more clarity. This law applies to Oneida Nation employees, elected and appointed officials, and volunteers who drive vehicles as part of their job duties.
- **Citations law** The LOC has been working on this since May of 2019. This will set a process for how citations are processed through the Oneida Judiciary. There are several laws that allow for citations including; Domestic Animals, Oneida Food Service Code, and the Hunting, Fishing, Trapping Law. A Citations Law will streamline and clarify the citations process that the Judiciary uses.

Updates to the Active Files List

The active files list is the list of legislation that the LOC is working on. During the fourth quarter, the LOC added the Children’s Burial Fund Policy Amendments to the active files list, upon request from the Trust Enrollment Department. Work will begin on these amendments in the first quarter of FY20. Table 1. illustrates the status of each legislative item the LOC was working on as of October 15, 2019. Attachment A. 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. Current Active Files List

*Notes an item that the LOC intends to finish by July 2020 (end of the 2017-2020 term).

● This item has been completed and the LOC is no longer working on it.

Name of Legislation	Drafting	Public Meeting	BC/GTC Consideration or Adoption
Election Amendments -Rejected by GTC 7/11/19	●		
*Sanctions & Penalties -Deferred by GTC 3/17/19	●		
GTC Petition Process -Rejected by GTC 7/11/19	●		
*Child Support Amendments	●		
Domestic Animals Amendments	●		
Boards, Committees, & Commissions Bylaws (17)	●		
*Oneida Food Service Code Amendments	●		
Curfew	●		
*Industrial Hemp	●		
Taxation	●		
Wellness Court	●		
Children’s Code (Adopted)	●		
*Indian Preference in Contracting Amendments	●		
*Vehicle Driver Certification & Fleet Management	●		
*Citations Law	●		
*Recycling & Solid Waste Law Amendments	●		
*Children’s Burial Fund	●		
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	●		
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	●		

Completed Legislation in 2017-2020 Term

Chart 1. Illustrates what legislation has been completed since August 2017 and it indicates which General Tribal Council’s priorities each piece of legislation is tied to. Attachment A. provides further details of the completed legislation, as well as a brief description of the legislation.

Chart 1. Completed Legislation and GTC Priorities

Most of the adopted legislation completed so far in this term have addressed **Government Administration**, **Human Services**, and **Housing** priorities.

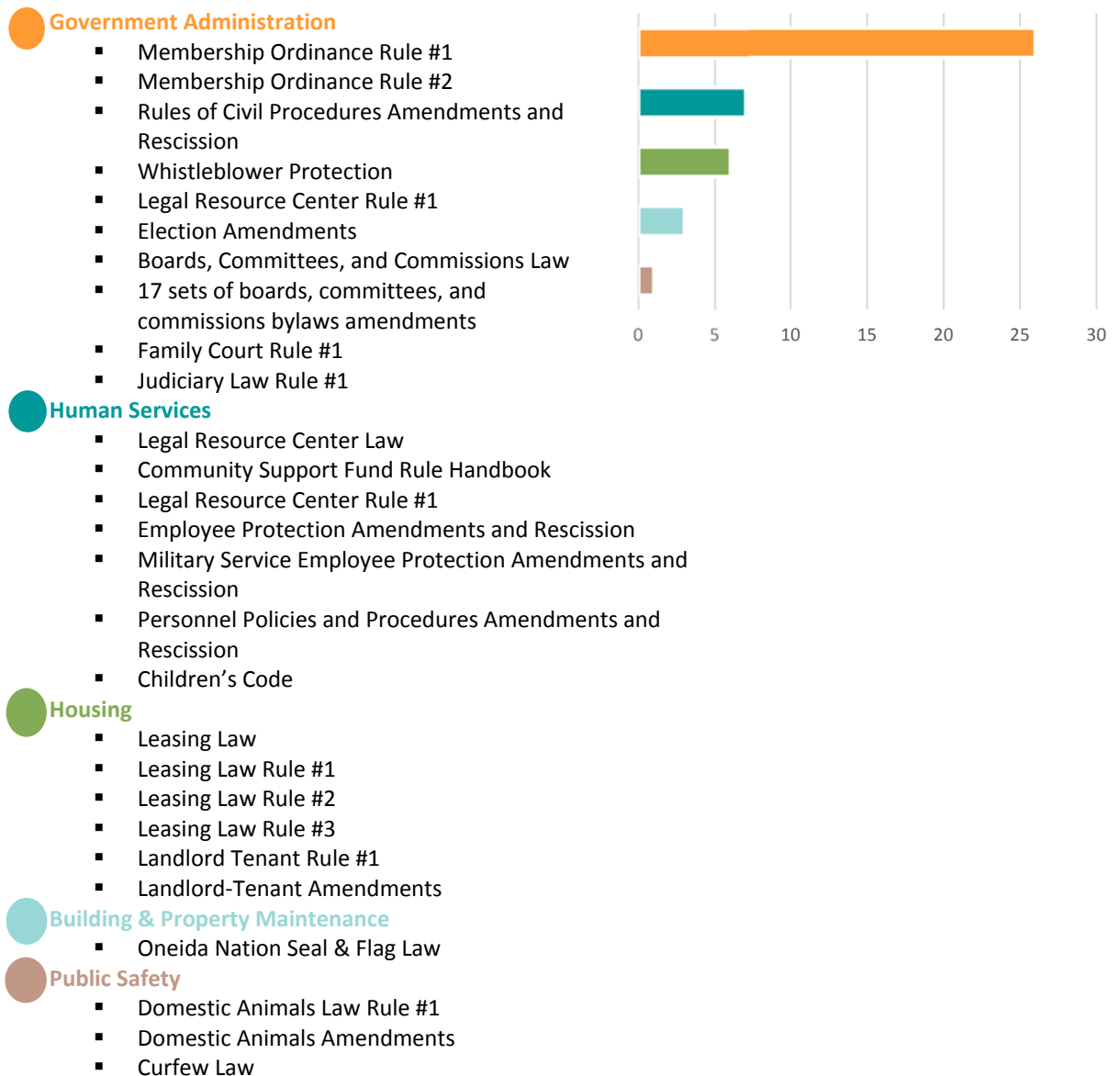


Table 2. Meetings held by the Legislative Operating Committee in Fourth Quarter

Legislative Operating Committee Meetings	
July 3, 2019	Regular LOC meeting cancelled
July 17, 2019	Regular LOC meeting
August 7, 2019	Regular LOC meeting
August 21, 2019	Regular LOC meeting cancelled
September 4, 2019	Regular LOC meeting
September 18, 2019	Regular LOC meeting

Fourth Quarter Legislative Highlights

Boards, Committees, and Commission Bylaws Amendments

All the Nation’s boards, committees, and commissions are required to amend their bylaws as a result of the adoption of the Boards, Committees, and Commissions law (formerly known as the Comprehensive Policy Governing Boards, Committees, and Commissions). The LOC has been assisting the entities with this project and the Oneida Business Committee approved six sets of bylaws amendments in the fourth quarter;

- | | |
|--------------------------|--|
| Oneida Police Commission | Anna John Resident Centered Care Community Board |
| Oneida Election Board | Oneida Community Library Board |
| Oneida Powwow Committee | Oneida Nation Veteran Affairs Committee |

Administrative Rulemaking

The LOC certified and the Oneida Business Committee subsequently approved two rules in the fourth quarter; the Judiciary Rule No. 1- Oneida Trial Court Rules and the Family Court Law Rule No. 1- Family Court Rule. The purpose of the rules is to supplement the Oneida Judiciary Rules of Civil Procedure and other laws governing the Trial Court and the Family Court.

Community Outreach: Proposed Sanctions and Penalties Law

This law would increase accountability among elected and appointed officials of the Nation. This proposed law creates a formal complaint process and allows for corrective actions against officials who engage in misconduct. The legislation is designed to establish a consistent set of sanctions and penalties that may be imposed upon elected and appointed officials of the Nation, including members of the Oneida Business Committee, for misconduct in office; and to establish an orderly and fair process for imposing such sanctions and penalties.

The LOC hosted a community pot luck to discuss the legislation on May 3, 2018 and sixteen (16) people attended. The public meeting was held on October 10, 2018 and seven (7) people attended. Approximately 115 comments were collected for this legislation.

At the March 17, 2019 General Tribal Council Meeting, the GTC discussed the proposed Sanctions & Penalties law and took the following actions:

- *Motion by Cathy L. Metoxen to table this item for sixty (60) days. Motion ruled out of order by Vice-Chairman Brandon Stevens; all the materials are available today in order to make a decision.*
- *Motion by Becky Webster to adopt the resolution entitled Sanctions and Penalties Law on pages 5 and 6 of the meeting packet; with the amendment to the law to limit those who have standing to file a complaint to Tribal Members only. Seconded by Jamie Willis. Motion not voted on; item deferred, see amendment.*
- *Amendment to the main motion by Mike Debraska to defer item IV.A. for at least sixty (60) days for GTC to have additional time to consider it and have input. Seconded by Tina Danforth. Motion carried by show of hands.*

Since March 17, the LOC has been holding outreach events, in an effort to meet the directive that the GTC have more time to consider the legislation. These events will provide the community opportunities to learn more about the legislation and have additional input on the legislation. The dates and times of these events:

July 11, 2019, 5:00-6:00 pm, just prior to the General Tribal Council Meeting, Radisson Hotel and Conference Center

July 17, 2019, 12:00-1:00 pm, Norbert Hill Center Business Committee Conference Room

August 9, 2019, 8:00-9:00 am, Oneida Veteran’s Breakfast, Vets Office, Riverdale Dr., Oneida

August 15, 2019, 12:00-3:00 pm, Oneida Farmer’s Market, Water Circle Place, Oneida

October 7, 2019, 12:00 pm-1:00 pm, Elder Congregate Meal Site

October 18, 2019, 11:00 am-1:00 pm, SEOTS Building, Milwaukee, WI.

**LEGISLATIVE OPERATING COMMITTEE
COMMUNITY OUTREACH EVENTS**

SANCTIONS AND PENALTIES LAW

At the March 17, 2019, General Tribal Council meeting the General Tribal Council directed that the consideration of the adoption of the proposed Sanctions and Penalties Law be deferred until the General Tribal Council has additional time to consider it and have input.

Join the Legislative Operating Committee (LOC) at the following community outreach events to share ideas, ask questions, and provide input on the proposed Sanctions and Penalties Law:

DATE	TIME	LOCATION
July 11, 2019	Prior to General Tribal Council Meeting from 5:00 pm – 6:00 pm	Radisson Hotel & Conference Center
July 17, 2019	12:00pm-1:00pm	Norbert Hill Center Business Committee Conference Room
August 9, 2019	8:00am-9:00am	Oneida Veteran’s Breakfast Vets Office, Riverdale Dr, Oneida
August 15, 2019	12:00pm-3:00pm	Oneida Farmer’s Market Water Circle Place, Oneida

Additional Opportunity for Input on the Sanctions and Penalties Law

If you are unable to attend a community outreach event to provide input, the LOC is offering the additional opportunity to provide comments and input through written submissions. The LOC will be accepting written thoughts and comments from the community until August 31, 2019. Written comments can be submitted via e-mail to LOC@oneidatribal.org or in person to the Legislative Reference Office located in the Norbert Hill Center.

FOR MORE INFORMATION
www.oneida.nm.gov, Right/Left/Forward/Backward or contact Oneida Nation Legislative Reference Office
located at the Norbert Hill Center, PO Box 216, Oneida, Wisconsin 54155
Email: LOC@oneidatribal.org Phone: 920-869-4376

Community Outreach
The Sanctions & Penalties
Outreach events were published
in the Kalihwisaks September ,
2019 issues.

Sanctions & Penalties Outreach

The LOC held 6 outreach events to discuss the proposed law.



8-9-19
Breakfast with the Vets



8-15-19
Oneida Farmer’s Market



10-7-19
Elder Services Meal Site



10-18-19
SEOTS

FY20 First Quarter Plans

Bylaws Amendments

The LOC's goal is to present the remaining bylaws to the OBC and have them approved in the first quarter. *(Update: The OBC did adopt the remaining bylaws amendments by October 23. There are two sets that will come back to the OBC in the future).

Curfew law

The LOC's goal is that the OBC consider adoption of the Curfew law and that it is implemented in the first quarter. *(Update: The OBC did adopt this law on October 9, and it became effective on October 23, 3019)

Industrial Hemp law

The LOC is waiting for the U.S Department of Agriculture (USDA) to release its hemp rules. The rules will provide the LOC with guidance on drafting an Industrial Hemp law that will provide a structure for the Oneida Nation to regulate and license hemp production on the Oneida Reservation. The goal is to regulate industrial hemp growers on the reservation as an exercise in sovereignty. The USDA has indicated that the rules will be released in the fall of 2019.

*(Update: The USDA published the Industrial Hemp Rules on October 31, 2019 and the LOC will continue to work on this item).

Child Support Amendments- The LOC will hold a public meeting in October, and the LOC hopes to present these amendments to the Oneida Business Committee in January of 2020. The purpose of this law is to establish the legal responsibility of parents to provide financially for their children's general well-being, as well as to make support payments more equitable by ensuring consistent treatment of persons in similar circumstances; make support payments based on the real earning capability of parents; and improve the efficiency of child support establishment and enforcement. Currently the draft amendments include;

- Creating a process to suspend or modify child support orders for parents incarcerated for one hundred and eighty (180) days or more.
- Updating notice requirements and timelines for initiating an action by the Agency, as well as sending appointment letters, notices of delinquency, notices of enforcement action, and income withholding orders.
- Clarifying how the Family Court may redact addresses and identifying information from court documents to ensure the safety of a party.
- Making updates to how child support obligations are calculated in certain special circumstances involving shared-placement parents, split-placement parents, and a serial family obligor.
- Repealing Child Support Rule No.1- Deviation from Child Support and Rule No. 2 - Enforcement Tools and move the contents of the rules into the body of the law itself.
- Making additional updates and clarify language throughout the law.

Legislative Reference Office Update

In addition to working on the LOC's priorities, the LRO staff attended the Haudenosaunee Nation Re-building Workshop in August. In September LRO staff attended and facilitated discussion panels at the Oneida Food Sovereignty Summit with regard to Food Code legislation. Staff completed thirty-one (31) Statements of Effect for various departments. Statements of Effect accompany resolutions adopted by the Oneida Business Committee or the General Tribal Council. They are meant to indicate if and how the resolution may conflict with tribal law. In the FY20 first quarter the LRO will also update some technology and begin working on a plan to move the office from its current location.

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Legislative Operating Committee Contact Information

Feel free to contact the LOC with questions or comments;

- David Jordan, LOC Chairperson, djordan1@oneidanation.org
- Kirby Metoxen, LOC Vice Chairperson, kmetox@oneidanation.org
- Jennifer Webster, LOC member, jwebste1@oneidanation.org
- Daniel King-Guzman, LOC Member, dguzman@oneidanation.org
- Ernest Stevens III, LOC Member, esteven4@oneidanation.org
- LOC@oneidanation.org



Attachment A. Legislative Operating Committee Summary of Work Completed in 2017-2020 Term

General Tribal Council Priorities	
	Government Administration= 26
	Human Services= 7
	Housing= 6
	Building & Property Maintenance= 1
	Public Safety= 3

Laws, Amendments, and Rules Adopted

Legal Resource Center Law

BC-09-13-17-L

On 11/14/17 the GTC directed the OBC to establish a legal office consisting of advocates and an advising attorney for the GTC. This law provides the framework for the office.

Oneida Nation Seal & Flag Rule #1- Placement, Maintenance, & Authorized Use

Approved by the OBC 09-13-17

This rule governs the placement, maintenance, and authorized use of the official Oneida Nation Seal under the Oneida Nation Seal & Flag Law.

Landlord-Tenant Law Amendments

BC-12-13-17-D

Extended the length of a rental agreement for tenants in the rent to own program.

Membership Ordinance Rule #1- Enrollment Rule

Approved by OBC 01-10-18

This rule creates enrollment procedures for carrying out the responsibility delegated to the Oneida Trust Enrollment Committee by the Membership Ordinance.

Community Support Fund-Rule Handbook

Approved by OBC-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.

Membership Ordinance Rule #2-Voiding Unlawful Membership

Approved by OBC 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.

Domestic Animals law Rule #1- Licensing, Fees, & Penalties Emergency Adoption

Approved by OBC 04-25-18

This rule sets the licensing, fees, and penalties for the Domestic Animals law.

Leasing Law Rule #2- Agriculture Leases

Approved by OBC 05-16-18

This rule codifies the existing standard operating procedure regarding agricultural leases, allowing the Nation to lease agricultural land in the best interest of the Nation.

Leasing Law

Adopted BC-10-26-16-C

Became Effective BC-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 a tribal leasing regulations that are approved by the Secretary of the Interior. This law was adopted on 10/26/16 and became effective on 5/19/18.

● **Leasing Law Rule #3- Commercial Leases**

Approved by OBC 06-16-18

This rule codifies the existing standard operating procedures 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.

● **Legal Resource Center Rule #1- Application for Services**

Approved by OBC on 07-25-18

This rule created a procedure for individuals to apply for services from the Legal Resource Center.

● **Leasing Law Rule #1-Residential Leasing-Emergency Adoption**

Approved by OBC on 08-22-18

This rule expands upon information provided in the Leasing Law regarding eligibility, administration, inheritability, and enforcement related to residential leases.

● **Boards, Committees, and Commissions Law** *BC-09-26-18-C*

The Comprehensive Policy Governing Boards, Committees, and Commissions was updated regarding; creation of an entity, application, vacancies, appointments, oaths, reporting, stipends, dissolution, and enforcement. It was also renamed.

● **Employee Protection Emergency Amendments and Rescission**

BC-09-26-18-F (Rescission)

The OBC dissolved the Oneida Personnel Commission by Resolution BC-04-11-18-A and directed the LOC to identify which laws would need emergency amendments in response to the dissolution. The Employee Protection Policy included responsibilities that would be completed by the Oneida Personnel Commission. These amendments removed that responsibility.

Then, on August 27, 2018 the GTC motioned to rescind the OBC's actions as they related to the Oneida Personnel Commission. The OBC then adopted resolution BC09-26-18-F which formally repealed the emergency amendments to the Employee Protection Policy.

**Note:* this law was on the active files list prior to the dissolution of the Oneida Personnel Commission. After the rescissions, it remained on the active files list and was amended in February 2019. See Whistleblower Law on page 2.

● **Landlord-Tenant Rule #1- General Renter Program Eligibility, Selection, and other Requirements**

Approved by OBC 10-24-18

These amendments provide eligibility requirements, selection procedures, & general requirements that govern the Comprehensive Housing Division's general rental programs that are not reserved for elders or low-income tribal members.

● **Military Service Protection Emergency Amendments**

BC-09-26-18-F (Rescission)

See Employee Protection Emergency Amendments and Rescission explanation above.

● **Personnel, Policies, & Procedures Emergency Amendments & Rescission**

BC-09-26-18-F (Rescission)

See Employee Protection Emergency Amendments and Rescission explanation above.

● **Rules of Civil Procedure Emergency Amendments and Rescission**

BC-09-26-18-F (Rescission)

See Employee Protection Emergency Amendments and Rescission explanation above.

● **Whistleblower Protection Law**

BC-02-12-19-B

This law, formerly known as the Employee Protection Policy was eventually amended for reason not related to the dissolution of the Oneida Personnel Commission. The law was renamed the Whistleblower Protection Law.

● **Domestic Animals Amendments**

BC-05-08-19-C

These amendments eliminated rulemaking authority, reduced the space requirements for dog kennels, provided guidelines for tethering animals, reduced the number of pets allowed in residential homes, and simplified the dangerous animal declaration process.

● **Election Amendments**

Rejected by General Tribal Council 07-11-19

On November 12, 2017, the General Tribal Council (GTC) directed the OBC to identify amendments for the Election Law. The LOC drafted amendments and brought the item back to the GTC on 10/28/18, where it was deferred. The amendments came back to the GTC on 1/21/19 and they were tabled. Finally, on 7/11/19, the GTC voted to reject the amendments.

● **Children's Code**

BC-07-26-17-J

This purpose of this law is to provide for the welfare, care, and protection of Oneida children through the preservation of the family unit, while recognizing that in some cases it may be in a child's best interest not to be reunited with his or her family. This law was adopted 7/26/17, and included a 15 month implementation plan. Resolution BC-10-24-18-A delayed implementation until October 1, 2019. The Children's Code has been effective since that date.

● **Family Court Rule #1- Family Court Rules**

Approved by OBC 9-11-19

The amendments to this Rule supplement the Oneida Judiciary Rules of Civil Procedure and other laws governing the Family Court.

● **Judiciary Law Rule #1-Oneida Trial Court Rules**

Approved by OBC 9-25-19

This rule supplements the Oneida Judiciary Rules of Civil Procedure and other laws governing the Trial Court.

● **Curfew Law**

BC-10-09-19-G

The purpose of this new law is to protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors during certain hours. The curfew hours are similar to other local curfews-10:00 pm- 6:00 am, and there are many exemptions to the curfew including school events, athletics, travelling to and from a job, cultural events, etc.

● **Boards, Committees, and Commissions Bylaws Amendments- 17 sets**

The OBC adopted the Boards, Committees, and Commissions Law on 09-26-18. That law

resulted in all the Nations boards, committees, and commissions having to amend their bylaws in order to be compliant with the law. The LOC assisted all seventeen entities, and the process took approximately one year.

- Environmental Resources Board
- Oneida Nation Commission on Aging
- Oneida Gaming Commission
- Oneida Land Claims Commission
- Oneida Land Commission
- Oneida Nation Arts Board
- Oneida Personnel Commission
- Pardon & Forgiveness Screening Committee
- Southeastern Wisconsin Oneida Tribal Services
- Trust Enrollment Committee
- Anna John Resident Centered Care Center
- Oneida Community Library
- Oneida Election Board
- Oneida Police Commission
- Oneida Powwow Committee
- Oneida Nation Veterans Affairs Committee
- Oneida Nation School Board

- Petition: Gladys Dallas- Special Per Capita Payment and/or Options Payment
- Petition: G. Dallas- \$5k Per Capita
- Petition: Graham- 2017 General Election
- Petition: G. Powless- Banishment Law Resolution
- Petition: G. Powless- Oneida Personnel Commission Dissolution
- Petition: G. Powless- Rescinding the Removal Law
- Petition: Linda Dallas- Medicare Part B Premium Payment
- Petition: Metivier- Treatment Center
- Petition: Powless, Debra- 2017 Tri-Annual General Election
- Petition: Scott Kosbab- Creating a Term Limits Law
- Petition: Vandehei- E-poll Process
- Petition: C. Metoxen- Oneida Youth Leadership Institute

Other Projects Completed

There were other projects that the LOC worked on that were not legislation per se but took a significant amount of time.

General Tribal Council Petitions Statements of Effect

A statement of effect is an analysis of whether a General Tribal Council Petition or any resolution conflict with existing laws. Since August of 2017, the LOC has developed one hundred fifty two (152) statements of effect. The GTC Petition statements of effect are listed below;

- Petition: Delgado- Trust Land Distribution
- Petition: Dodge- Law Firm for GTC
- Petition: G. Dallas- \$5,000 Payment Within 90 Days