



Legislative Operating Committee FY2020 First Quarter Report

Current Active Files List – As of 2/12/2020

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

● This item was completed and the LOC is no longer working on it

■ Work completed

■ Work completed October 1, 2019- February 12, 2020

Name of Legislation	Development	Public Input	GTC/OBC Consideration or Adoption
*Sanctions & Penalties - <i>Deferred by GTC 3/17/19</i>	■		
Child Support Amendments <i>BC-01-08-20-C</i>	■ ●		
Boards, Committees, & Commissions Bylaws (15 sets)	■ ●		
Curfew <i>BC-10-09-19-F</i>	■ ●		
*Oneida Food Service Code Amendments	■ ●		
*Industrial Hemp	■ ●		
Taxation	■ ●		
Wellness Court	■ ●		
*Indian Preference in Contracting Amendments	■ ●		
*Vehicle Driver Certification & Fleet Management	■ ●		
*Citations Law- <i>BC adopted on 2/12/20</i>	■ ●		
*Recycling & Solid Waste Law Amendments	■ ●		
*Children's Burial Fund	■ ●		
*Curfew Amendments	■ ●		
*Tobacco Emergency Amendments	■ ●		
*Domestic Animals Amendments	■ ●		
Real Property Amends. (<i>Emerg. Expire 7/22/20</i>)	■ ●		
*SEOTS Bylaws Amendments	■ ●		
*NEPC Bylaws Amendments	■ ●		
*Land Commission Bylaws Amends.	■ ●		
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	■ ●		

FY20 First Quarter Executive Summary

Children's Burial Fund Policy Amendments

This law is being updated to remove outdated restrictions and to create more flexibility in using the funds. Potential amendments include; updating qualifications, clarify caskets or coffin costs are payable if identified with an invoice, expressly prohibit travel costs, remove limitations on the use of the fund to pay food expenses.

Vehicle Driver Certification and Fleet Management Amendments

Potential amendments for this law include; revise the qualifications to become a certified driver of the Nation, revise and simplify the process for suspending a person's driver certification, clarify that other violations of this law that do not result in the suspension or revocation of a driver's license will be handled by disciplinary action instead of suspension of driver certification, revise the restriction on driving while using prescription or over the counter medications, require mileage reimbursement requests to be submitted within (30) days of driving the miles or by the end of the fiscal year, whichever is sooner, ban the use of e-cigarettes in fleet vehicles, and clarify that weapons are banned in fleet vehicles and personal vehicles used for official business.

Child Support Amendments

(Update: This was adopted by the Oneida Business Committee- BC-01-08-20-C)

Amendments include; create a process to suspend or modify child support orders for parents incarcerated for one hundred and eighty (180) days or more, update notice requirements and timelines for initiating an action by the Child Support Department as well as sending appointment letters, notices of delinquency, notices of enforcement action, and income withholding orders, clarify how the Family Court may redact addresses and identifying information from court documents to ensure the safety of a party, make updates to how child support obligations are calculated in certain special circumstances involving shared-placement parents, split-placement parents, and a serial family obligor, repeal 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, and, make additional updates and clarify language throughout the law.

Oneida Food Service Code Amendments

Potential amendments include; include mobile food trucks within the category of permanent food service establishments, add a notice and other procedural requirements to the processing of applications for licensure to operate a food service business, create exemptions for cottage food sales and prepackaged restaurants, afford licensing fee waivers to protect food service businesses or prepackaged restaurants from duplicative payments that would be caused by overlapping jurisdictions, and, allow the area manager the final determination on appeals of non-citation issued decisions unless one (1) of the three (3) express grounds exist to further appeal the decision. The public meeting was held on February 6, 2020 and the amendments will be sent to the Oneida Business Committee for consideration in the second quarter.

Committee Conference Room

Indian Preference in Contracting Policy Amendments

Proposed amendments include; update the definition of tribal corporation to include any corporation chartered and/or wholly owned by the Nation, raise the threshold for when Indian Preference applies to contracts from \$1,500 to \$3,000, redefine joint ventures and permit joint ventures to qualify for Indian Preference on a project-specific basis, set a new timeline for Indian Preference Office to review contracts, and, clarify the Indian Preference Office’s authority to develop a fine and penalty schedule for violations of this law, to be approved by the Oneida Business Committee by resolution. A public meeting was held on December 19, 2019 and the amendments will be sent to the Business Committee for consideration in the second quarter.

Table 2. Legislative Operating Committee Meetings in First Quarter

All LOC meetings are open to the public and are the first and third Wednesday of each month, 9:00am, at the Norbert Hill Center, in Business Committee Conference Room.

Legislative Operating Committee Meetings	
October 2, 2019	Regular LOC meeting
October 16, 2019	Regular LOC meeting
November 6, 2019	Regular LOC meeting
November 20, 2019	Regular LOC meeting
December 4, 2019	Regular LOC meeting
December 18, 2019	Regular LOC meeting cancelled

First Quarter Legislative Highlights

Completed: 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 assisted the entities with this project and the Oneida Business Committee approved all but two sets of bylaws in the first quarter.

Adopted: Curfew law

This law was the result of a recommendation from the Tribal Action Plan Policy Sub-Committee. The LOC agreed to work on this legislation in an effort to support all drug use prevention initiatives. The purpose of this law is to protect the health, safety, and welfare of minors. The Oneida Business Committee adopted this law on October 9, 2019, and it became effective on October 23, 2019.

The Curfew law requires that people age sixteen (16) and under not be on any public space between 10:00pm and 6:00am. The curfew hours are similar to neighboring communities. The law provides for several exemptions including; traveling to and from work, educational or

cultural activities, extracurricular activities, travel to and from movie theatres, etc. Penalties can apply to minors, parents, guardians, or legal custodians. Penalties for breaking curfew include; family counseling, parenting programs, community service including cultural activities, and monetary fines.

LOC Plans for Second Quarter

In the second quarter the LOC will focus on;

1. Child Support Amendments
2. Indian Preference in Contracting Amendments
3. Citations Law
4. Vehicle Driver Certification & Fleet Management Amendments
5. Children's Burial Fund Amendments
6. Real Property Emergency Amendments
7. Curfew Amendments
8. Domestic Animals Amendments
9. Oneida Food Service Code Amendments
10. Tobacco Emergency Amendments

Legislative Reference Office Update

The LRO will focus on the LOC's second quarter legislative priorities. In addition, the LRO is working on;

- Moving the Nation's legislative history to a digital and searchable format.
- Planning community outreach events for the LOC to discuss the community's ideas regarding the development of a Wellness Court.
- Preparing for the 2020 General Election and subsequent transition.

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.

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.

Government Administration (25)

- Membership Ordinance Rule #1
- Membership Ordinance Rule #2
- Rules of Civil Procedures Amendments and Rescission
- Whistleblower Protection
- Legal Resource Center Rule #1
- Election Amendments
- Boards, Committees, and Commissions Law
- 15 sets of boards, committees, and commissions bylaws amendments
- Family Court Rule #1
- Judiciary Law Rule #1
- Citations law

Human Services (8)

- Legal Resource Center Law
- Community Support Fund Rule Handbook
- Legal Resource Center Rule #1
- Employee Protection Amendments and Rescission
- Military Service Employee Protection Amendments and Rescission
- Personnel Policies and Procedures Amendments and Rescission
- Children’s Code
- Child Support Amendments

Housing (6)

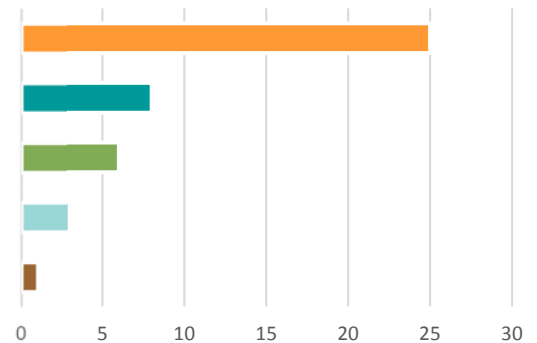
- Leasing Law
- Leasing Law Rule #1
- Leasing Law Rule #2
- Leasing Law Rule #3
- Landlord Tenant Rule #1
- Landlord-Tenant Amendments

Public Safety (3)

- Domestic Animals Law Rule #1
- Domestic Animals Amendments
- Curfew Law

Building & Property Maintenance (1)

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



Legislative Operating Committee Contact Information

Feel free to contact the LOC with questions or comments;

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Legislative Operating Committee meetings are the first and third Wednesday of each month, at 9:00am, in the Norbert Hill Center. Meeting agendas and other materials are available at <https://oneida-nsn.gov/government/business-committee/standing-committees/legislative-operating-committee/>

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