



## Legislative Operating Committee FY2020 Second Quarter Report

Current Active Files List – As of 3/31/2020

\*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 January 1, 2020 - March 31, 2020

Name of Legislation	Development	Public Input	GTC/OBC Consideration or Adoption
*Sanctions & Penalties Law - <i>Deferred by GTC 3/17/19</i>			●
Child Support Law Amendments - <i>BC-01-08-20-C</i>			●
*Oneida Food Service Code Amendments		■	
*Industrial Hemp Law		■	
Taxation Law	■		
Wellness Court Law	■		
*Indian Preference in Contracting Law Amendments			■
*Vehicle Driver Certification & Fleet Management Law			■
*Citations Law - <i>BC-02-12-20-A</i>			●
*Recycling & Solid Waste Law Amendments		■	
*Children’s Burial Fund Policy Amendments			■
*Curfew Law Amendments		■	
*Tobacco Law Amendments ( <i>Emerg. Expire 8/26/20</i> )		■	
*Domestic Animals Law Amendments		■	
Real Property Law Amends. ( <i>Emerg. Expire 7/22/20</i> )		■	
*SEOTS Bylaws Amendments			●
ONEPC Bylaws Amendments		■	
*Boards, Committees, and Commissions Law Amendments ( <i>COVID-19 Emerg. Expire 9/17/20</i> )			●
Election Law Amendments ( <i>COVID-19 Emerg. Expire 9/17/20</i> )			●
Emergency Management and Homeland Security Law Amendments ( <i>COVID-19 Emerg. Expire 9/17/20</i> )			●
Oneida Land Commission Bylaws Amends.	■		
Public Peace Law	■		
Drug & Alcohol Free Elected/Appointed Officials Law	■		
Tribal Traffic Code	■		
Business Corporations Law	■		
Code of Ethics Law Amendments	■		
Rules of Civil Procedure Law Amendments	■		
General Welfare Exclusion- Income Exemptions Law	■		
Work Visas Law	■		
Law Enforcement Ordinance Amendments	■		
Environmental Review Law	■		
Attorney Contract Policy Amendments	■		
Tribal Institutional Review Board Law	■		
Guardianship Law	■		
Uniform Commercial Code	■		
Personnel Policies & Procedures Amendments	■		
Investigative Leave Policy Amendments	■		
Workplace Violence Law Amendments	■		

## **FY20 Second Quarter Executive Summary- COVID-19 Pandemic Response**

The COVID-19 pandemic began in Wuhan, China and quickly spread to many other countries throughout the world including the United States. On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. On March 28, 2020, the Oneida Business Committee adopted resolution BC-03-28-20-A titled, “*Extension of March 12th Declaration of Public Health State of Emergency*” which extended the Nation’s Public Health State of Emergency declaration until May 12, 2020.

As the Nation began to respond to this public health crisis, it became clear that laws would require emergency amendments in order to maintain the public’s health, safety and general welfare. The Legislative Operating Committee (LOC) assisted the Nation’s COVID-19 Core Decision Making Team and the Oneida Business Committee on the following actions:

### **Boards, Committees, and Commissions Law Emergency Amendments**

The Boards, Committees, and Commissions law governs boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions. Emergency amendments to the Boards, Committees, and Commissions law were sought to:

- Eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of the meeting or joint meeting in order to be eligible to receive a meeting stipend;
- Provide that meetings and joint meetings can occur in person, by telephone, through videoconferencing, or through other telecommunications;
- Revise how the limitation of stipend eligible meetings is calculated; and
- Eliminate the requirement for boards, committees, and commissions to audio record meetings.

The Oneida Business Committee adopted these emergency amendments on March 17, 2020, through resolution BC-03-17-20-C. The emergency amendments will expire on September 17, 2020, with an opportunity for a six (6) month extension.

### **Resolution: BC-03-17-20-D- Amending Resolution BC-05-08-19-B Boards, Committees, and Commissions Law Stipends**

As a result of the Oneida Business Committee’s emergency amendments to the Boards, Committees, and Commissions law which revised how the limitation on the number of stipend eligible meetings was calculated, this stipend resolution was updated to be consistent with the law. This resolution now provides that:

- Members of an appointed entity are now eligible to receive up to twelve (12) meeting stipends per year – previously, a member of an appointed entity was limited to receiving up to one (1) meeting stipend per month; and

- Members of an elected entity are now eligible to receive up to twenty-four (24) meeting stipends per year – previously, a member of an elected entity was limited to receiving up to two (2) meeting stipends per month.

### **Election Law Emergency Amendments**

The Election law governs the procedures for orderly elections of the Nation. Emergency amendments to the Election law were sought to:

- Eliminate the caucus from the election process;
- Require an individual to submit an application in order to have his or her name placed on a ballot for an election;
- Eliminate the requirement for an individual to obtain at least ten (10) signatures of qualified voters when submitting an application to be placed on the ballot;
- Require that all applications be submitted to the Business Committee Support Office by the close of business on April 24, 2020;
- Reduce the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots from six (6) to three (3); and
- Remove the provisions of the law regarding referendums.

The Oneida Business Committee adopted these emergency amendments on March 17, 2020, through resolution BC-03-17-20-B. The emergency amendments will expire on September 17, 2020, with an opportunity for a six (6) month extension.

### **Emergency Management and Homeland Security Law Emergency Amendments**

The Emergency Management and Homeland Security law provides for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provides for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establishes the use of the National Incident Management System (NIMS); and designates authority and responsibilities for public health preparedness. Emergency amendments to the Emergency Management and Homeland Security law were sought to:

- Create the Nation's COVID-19 Core Decision Making Team;
- Identify what positions of the Nation would serve on the COVID-19 Core Decision Making Team;
- Describe the authority delegated to the COVID-19 Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation;
- Provide for the duration of the authority for exceptions declared by the COVID-19 Core Decision Making Team; and
- Describe how the COVID-19 Core Decision Making Team will make its declarations.

The Oneida Business Committee adopted these emergency amendments on March 17, 2020, through resolution BC-03-17-20-E. The emergency amendments will expire on September 17, 2020, with an opportunity for a six (6) month extension.

### **COVID-19 Core Decision Making Team Declaration: Emergency Management and Homeland Security Law Fine and Penalty Schedule**

The Emergency Management and Homeland Security law authorizes the Oneida Nation Police Department to issue citations up to two hundred dollars (\$200.00) for violations of the law, but a detailed fine and penalty schedule is not provided.

The Legislative Reference Office provided the Nation's COVID-19 Core Decision Making Team a declaration titled, "*Emergency Management and Homeland Security Law Fine and Penalty Schedule.*" This declaration sets forth a fine and penalty schedule with specific fine amounts to be used by the Oneida Police Department when issuing citations for violations of the Emergency Management and Homeland Security law. This declaration was approved by the COVID-19 Core Decision Making Team and posted to the Nation's COVID-19 web site in accordance with the declaration requirements on March 19, 2020.

**Resolution: BC-03-17-20-A- Adoption of Tier IV Budget Contingency Plan for the Remainder of Fiscal Year 2020 as a Result of Potential COVID-19 Pandemic Financial Impacts**

Through this resolution the Oneida Business Committee adopted a Tier IV budget reductions from the Budget Contingency Plan (Tier IV 4% - Tribal Operations & OBC identify and preserve specific core services) beginning immediately in accordance with section 121.4-3 of the Budget Management and Control law and as supported by the March 12, 2020, Declaration of Public Health State of Emergency. The resolution identified budgeted actions that would be delayed until such time as the budget emergency resulting from the pandemic impacts are no longer impacting the Nation's finances. This resolution also provided that the Oneida Business Committee has determined that employees shall be compensated in the event of closures and other financial constraints as a result of the pandemic during the 30-day time period in the March 12, 2020, Declaration of Public Health Emergency, and policies or procedures will be adopted to address this effective with the pay period beginning March 22, 2020.

**COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the Legislative Procedures Act**

The Legislative Reference Office provided the Nation's COVID-19 Core Decision Making Team with a declaration titled, "*Suspension of Public Meetings under the Legislative Procedures Act.*" This declaration suspends the Legislative Procedures Act's requirement to hold a public meeting during the public comment period. Individuals may still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation during the public comment period. An individual shall submit written comments to the Legislative Operating Committee via e-mail at [LOC@oneidanation.org](mailto:LOC@oneidanation.org). This declaration was approved by the COVID-19 Core Decision Making Team and posted to the Nation's COVID-19 web site in accordance with the declaration requirements on March 27, 2020.

**Resolution BC-03-26-20-A: Extension of March 12<sup>th</sup> Declaration of Public Health Emergency**

This resolution extended the Nation's COVID-19 Public Health State of Emergency until May 12, 2020.

## **FY20 Second Quarter Executive Summary- Non-COVID-19 Pandemic Related Matters**

### **Child Support Law Amendments**

The Child Support law establishes the legal responsibility of parents to provide financially for their children's general well-being; makes support payments more equitable by ensuring consistent treatment of persons in similar circumstances; makes support payments based on the real earning capability of parents; and improves the efficiency of child support establishment and enforcement.

The proposed amendments to the Child Support law 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.

During the FY20 Second Quarter the Oneida Business Committee adopted the proposed amendments to the Child Support law on January 8, 2020, through resolution BC-01-08-20-C.

### **Real Property Law Emergency Amendments**

The Real Property law provides regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; integrates these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and establishes licensing and certification requirements for the Nation's employees dealing with real property transactions.

Emergency amendments to the Real Property law were sought to address the delegation of rulemaking authority to the Oneida Land Commission, Land Management, and Comprehensive Housing Division. The emergency amendments to the Real Property law ensured that the homeownership and land acquisition strategies related to the HIP and THRIFTT programs were not jeopardized by allowing immediate updates to the program processing and required component that authorizes land acquisitions to be made via administrative rulemaking.

During the FY20 Second Quarter the Legislative Operating Committee decided to pursue emergency amendments to the Real Property law on January 15, 2020.

The Oneida Business Committee adopted the emergency amendments to the Real Property law on January 22, 2020, through the adoption of resolution BC-01-22-20-B. The emergency amendments to the Real Property law will expire on July 22, 2020, with one opportunity for a six (6) month extension.

The Legislative Operating Committee began the development of permanent amendments to the Real Property law in February 2020.

### **Citations Law**

The Citations law was developed to provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved.

During the FY20 Second Quarter the Legislative Operating Committee finalized the draft of the proposed Citations law and requested a fiscal impact statement to be completed on January 15, 2020. The Oneida Business Committee then adopted the proposed Citations law on February 12, 2020, through the adoption of resolution BC-02-12-20-A.

### **Tobacco Law Emergency Amendments**

The Tobacco law regulates the sale, possession, and distribution of cigarettes within the Reservation. Emergency amendments to the Tobacco law were sought to increase the minimum age for sales of cigarettes and electronic cigarettes from eighteen (18) to twenty-one (21) years old in response to a change in the federal law.

During the FY20 Second Quarter the Legislative Operating Committee decided to pursue emergency amendments to the Tobacco law on February 5, 2020.

The Oneida Business Committee adopted the emergency amendments to the Tobacco law on February 26, 2020, through the adoption of resolution BC-02-26-20-A. The emergency amendments to the Tobacco law will expire on August 26, 2020, with one opportunity for a six (6) month extension.

The Legislative Operating Committee began the development of permanent amendments to the Real Property law in March 2020.

### **Boards, Committees, and Commissions Law Emergency Amendments**

The Boards, Committees, and Commissions law governs boards, committees, and commissions of the Nation, including the procedures regarding the appointment and election of persons to boards, committees and commissions, creation of bylaws, maintenance of official records, compensation, and other items related to boards, committees and commissions.

An emergency amendment to the Boards, Committees, and Commissions law was sought to restrict employees of the Nation's Internal Audit Department, Finance Administration Office, and Oneida Law Office from serving on a board, committee or commission of the Nation due to the potential for a real or perceived conflict of interest to exist.

During the FY20 Second Quarter the Legislative Operating Committee decided to pursue emergency amendments to the Boards, Committees, and Commissions law on February 19, 2020.

The Oneida Business Committee adopted the emergency amendments to the Boards, Committees, and Commissions on March 11, 2020, through the adoption of resolution BC-03-11-20-B. These emergency

amendments were then superseded by the adoption of additional emergency amendments through BC-03-17-20-C.

### **Children’s Burial Fund Policy Amendments**

The Children’s Burial Fund Policy provides financial assistance towards the funeral costs of children of a certain age who are not enrolled, but are eligible for enrollment, in the Nation. The Children’s Burial Fund Policy is being amended to remove outdated restrictions and to create more flexibility in using the funds. Potential amendments include: updating qualifications for the use of the Fund, clarifying caskets or coffin costs are payable if identified with an invoice, expressly prohibiting travel costs, and removing limitations on the use of the Fund to pay food expenses.

During the FY20 Second Quarter a public meeting on the Children’s Burial Policy was held on February 13, 2020. Three (3) individuals provided oral comments during this public meeting. The public comment period was held open until February 20, 2020. Two (2) people submitted written comments during the public comment period. The Legislative Operating Committee reviewed and considered all public comments on March 4, 2020.

The Legislative Operating Committee then finalized the draft of proposed amendments to the Children’s Burial Fund Policy and requested a fiscal impact statement be completed on March 18, 2020. The Legislative Operating Committee intends to bring Children’s Burial Fund Policy amendments to the Oneida Business Committee for consideration on April 22, 2020.

### **Vehicle Driver Certification and Fleet Management Law Amendments**

The Vehicle Driver Certification and Fleet Management law establishes standards that certify employees, officials and volunteers to drive a fleet vehicle of the Nation or drive a personal vehicle on official business, and regulates the use of all vehicles owned and leased by the Nation. The Vehicle Driver Certification and Fleet Management law is being amended to: 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 thirty (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.

During the FY20 Second Quarter a public meeting on the proposed amendments to the Vehicle Driver Certification and Fleet Management law was held on January 23, 2020. Two (2) individuals provided oral comments during the public meeting. The public comment period was then held open until January 30, 2020. Two (2) individuals submitted written comments during the public comment period. The Legislative Operating Committee reviewed and considered all public comments on February 19, 2020.

The Legislative Operating Committee then finalized the draft of proposed amendments to the Vehicle Driver Certification and Fleet Management law and requested a fiscal impact statement be completed on March 4, 2020. The Legislative Operating Committee intends to bring Vehicle

Driver Certification and Fleet Management law amendments to the Oneida Business Committee for consideration on April 8, 2020.

### **Indian Preference in Contracting Law Amendments**

The Indian Preference in Contracting law establishes an Indian Preference Office and increases economic benefits for the Nation and members of the Nation by providing for the maximum utilization of Indian workers and businesses on projects of the Nation which occur on or near the Reservation. Proposed amendments to the Indian Preference in Contracting law include: updates to the definition of tribal corporation to include any corporation chartered and/or wholly owned by the Nation; an increase to the threshold for when Indian Preference applies to contracts; redefine joint ventures and permit joint ventures to qualify for Indian Preference on a project specific basis; set a new timeline for the 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.

During the FY20 Second Quarter the Legislative Operating Committee reviewed and considered all public comments that were received regarding the proposed amendments to the Indian Preference in Contracting law on February 19, 2020.

The Legislative Operating Committee then finalized the draft of proposed amendments to the Indian Preference in Contracting law and requested a fiscal impact statement be completed on March 18, 2020. The Legislative Operating Committee intends to bring the Indian Preference in Contracting law amendments to the Oneida Business Committee for consideration on April 8, 2020.

### **Oneida Food Service Code Amendments**

The Oneida Food Service Code ensures the safe food handling and sales by food vendors who sell their products for profit on property within the exterior boundaries of the Oneida Nation in Wisconsin through licensing, regulation, control and supervision of those vendors. Potential amendments to the Oneida Food Service Code include: add 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.

During the FY20 Second Quarter a public meeting on the proposed amendments to the Oneida Food Service Code was held on February 6, 2020. No one present at the public meeting provided oral comments during the public meeting. The public comment period was then held open until February 13, 2020. One (1) individual submitted written comments during the public comment period. The Legislative Operating Committee reviewed and considered all public comments on March 4, 2020.

The Legislative Operating Committee then finalized the draft of proposed amendments to the



Oneida Food Service Code and requested a fiscal impact statement be completed on March 18, 2020. The Legislative Operating Committee intends to bring the Oneida Food Service Code amendments to the Oneida Business Committee for consideration during the FY20 Third Quarter.

### **FY20 Second Quarter LOC Meetings**

All LOC meetings are open to the public and held on the first and third Wednesday of each month, at 9:00 a.m. in the Norbert Hill Center’s Business Committee Conference Room. Table 2 illustrates the LOC meetings that occurred during the FY20 Second Quarter.

**Table 2. Legislative Operating Committee Meetings in First Quarter**

<b>Legislative Operating Committee Meetings</b>	
January 1, 2020	Regular LOC meeting cancelled
January 15, 2020	Regular LOC meeting
January 23, 2020	Regular LOC meeting
February 5, 2020	Regular LOC meeting
February 19, 2020	Regular LOC meeting
March 4, 2020	Regular LOC meeting
March 18, 2020	Regular LOC meeting

### **LOC Plans for Third Quarter**

During the FY20 Third Quarter the LOC will focus its legislative efforts on the following matters:

1. COVID-19 Pandemic response activities;
2. Adoption of the Indian Preference in Contracting Law Amendments;
3. Adoption of the Vehicle Driver Certification & Fleet Management Law Amendments;
4. Adoption of the Children’s Burial Fund Policy Amendments;
5. Development of the Real Property Law Amendments;
6. Adoption of the Curfew Law Amendments;
7. Adoption of the Domestic Animals Law Amendments;
8. Adoption of the Oneida Food Service Code Amendments;
9. Development of the Tobacco Emergency Amendments;
10. Development of the Industrial Hemp law; and
11. Development of the Recycling and Solid Waste Disposal Amendments.

### **Legislative Reference Office Update**

The Legislative Reference Office will focus on the LOC’s FY20 Third Quarter legislative priorities. In addition, the Legislative Reference Office is working on:

- COVID-19 pandemic response activities;
- Moving the Nation’s legislative history to a digital and searchable format; and
- Preparing for the 2020 General Election and subsequent transition.

The Legislative Reference Office currently has two (2) vacant legislative analyst positions. The onset of the COVID-19 pandemic has had extensive impacts to the Nation. The Legislative Reference Office will work diligently to keep the legislative timelines on track. As a result of the

COVID-19 pandemic, the Legislative Reference Office Director was placed on furlough as of April 12, 2020.

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

Feel free to contact the LOC with any 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](mailto:LOC@oneidanation.org)



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://oneidanation.gov/government/business-committee/standing-committees/legislative-operating-committee/>

**Yaw^ko**