



Legislative Operating Committee FY2020 Fourth Quarter Report

Active Files List As of 9/30/2020

- This item was completed and the LOC is no longer working on it
- Work completed ■ Work completed July 1, 2020 – September 30, 2020

Name of Legislation	Development	Public Input	GTC/OBC Consideration or Adoption
Sanctions & Penalties Law - <i>Deferred by GTC 3/17/19</i>	●		
Industrial Hemp Law	●		
Taxation Law	●		
Wellness Court Law	●	●	
Recycling & Solid Waste Law Amendments	●	●	
Real Property Law Amends. (<i>Emerg. Expire 1/22/21</i>)	●	●	
ONEPC Bylaws Amendments	●	●	
Election Law Amendments (<i>Emerg. Expire 12/24/20</i>)	●		
GTC Meeting Stipend Payment Policy Amendments (<i>Emerg. Expire 4/8/21</i>)	●		
Emergency Management and Homeland Security Law Amendments (<i>Emerg. Expires 3/17/21</i>)	●		
Oneida General Welfare Law (<i>Emerg. Expires 2/12/21</i>)	●		
Oneida Higher Education Pandemic Relief Fund Law (<i>Emerg. Expires 2/25/21</i>)	●		
Oneida Land Commission Bylaws Amends.	●		
Oneida Trust Enrollment Committee 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	●		
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 Fourth Quarter Executive Summary- COVID-19 Pandemic Response

The COVID-19 pandemic began in early 2020. 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. The Public Health State of Emergency has since been extended until November 13, 2020, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, and BC-10-08-20-A.

As the Nation continued to respond to this public health crisis, it became clear that laws would require emergency amendments in order to protect and maintain the public's health, safety, and general welfare. The Legislative Operating Committee (LOC) brought forward the following laws for emergency action during the FY20 Fourth Quarter:

Emergency Adoption of the Oneida General Welfare Law

The purpose of the Oneida General Welfare law is to assist eligible members of the Nation on a non-taxable basis, pursuant to the principles of the General Welfare Exclusion to Indian Tribal governmental programs that provide benefits to Tribal members. Emergency adoption of the Oneida General Welfare law was sought to:

- Provide a framework and guidelines for the Nation to establish and operate approved programs which provide assistance to eligible members of the Nation to promote the general welfare of the Nation, including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment.

The Oneida Business Committee adopted this law on an emergency basis on August 12, 2020, through resolution BC-08-12-20-D. The emergency adoption of this law will expire on February 12, 2021, with an opportunity for a six (6) month extension.

Emergency Adoption of the Oneida Higher Education Pandemic Relief Fund Law

The Oneida Higher Education Pandemic Relief Fund law creates the Oneida Higher Education Pandemic Relief Fund which assists eligible members of the Nation enrolled as students in higher education institutions for the 2020 Fall Term. Emergency adoption of the Oneida Higher Education Pandemic Relief Fund law was sought to:

- Provide the guidelines and requirements for use of the Oneida Higher Education Pandemic Relief Fund;
- Describe the presumption of need and the General Test to be used to determine General Welfare Exclusion; and
- Provide that the Nation allocate funds to the Oneida Higher Education Pandemic Relief Fund only from monies it received pursuant to the Coronavirus Relief Funds (CRF), and that this program is dependent on availability of funding from the CRF.

The Oneida Business Committee adopted this law on an emergency basis on August 12, 2020, through resolution BC-08-12-20-E. The emergency adoption of this law was set to expire on February 12, 2021, with an opportunity for a six (6) month extension.

Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

After the Oneida Higher Education Pandemic Relief Fund law was adopted by the Oneida Business Committee on an emergency basis, emergency amendments to the law were sought to clarify the

intent of the law and ensure proper effectuation of the law. Emergency amendments to the Oneida Higher Education Pandemic Relief Fund law was sought to:

- Add a definition for the term “accredited;”
- Revise the definition for “higher education institution” so it is clarified that the higher education institution must be accredited;
- Include transportation costs in the definition for “room and board;” and
- Clarify that all student expenses shall be paid directly to the student, whom shall be responsible for maintaining and submitting receipts or other proof of expenditures by December 15, 2020.

The Oneida Business Committee adopted the emergency amendments on August 25, 2020, through resolution BC-08-25-20-A. The emergency amendments to this law will expire on February 25, 2021, with an opportunity for a six (6) month extension.

Extension of the Emergency Amendments to the Emergency Management and Homeland Security Law

Emergency amendments to the Emergency Management and Homeland Security law were adopted by the Oneida Business Committee through resolution BC-03-17-20-E for the purpose of creating and delegating authority to a COVID-19 Core Decision Making Team (COVID-19 Team). The emergency amendments to the law:

- Created the COVID-19 Team;
- Identified what positions of the Nation would serve on the COVID-19 Team;
- Described the authority delegated to the COVID-19 Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation;
- Provided for the duration of authority for exceptions declared by the COVID-19 Team; and
- Described how the COVID-19 Team will make its declarations.

The Oneida Business Committee extended the emergency amendments to the Emergency Management and Homeland Security law on August 26, 2020, through resolution BC-08-26-20-A. A six (6) month extension of the emergency amendments to the law were adopted because the Nation is still experiencing the effects of the Public Health State of Emergency due to the COVID-19 pandemic, and this provided the LOC additional time to process emergency amendments to the law. The emergency amendments will expire on March 17, 2021.

Extension of the Emergency Amendments to the General Tribal Council Meeting Stipend Payment Policy

Emergency amendments to the General Tribal Council Meeting Stipend Payment Policy were adopted by the Oneida Business Committee through resolution BC-04-08-20-A. The emergency amendments to the law:

- Provided the Oneida Business Committee with authority to decide, through adoption of a resolution, to halt the payment of General Tribal Council meeting stipends to all eligible members for a period of time that the Oneida Business Committee deems necessary to protect and safeguard the resources and general welfare of the Nation.

The Oneida Business Committee extended the emergency amendments to the General Tribal Council Meeting Stipend Payment Policy on September 23, 2020, through resolution BC-09-23-20-B. A six (6) month extension of the emergency amendments to the law were adopted because the Nation is still experiencing the effects of the Public Health State of Emergency due to the COVID-19 pandemic, and the emergency amendments are consistent with resolution BC-04-08-

20-F, which halts GTC meeting stipend payments for FY2020 and FY2021 based on the finding that the financial status of the Nation will continue to be under extreme stress such that, when GTC meetings are scheduled, it will not be possible to make \$180,000 to \$200,000 in stipend payments in the near future and still maintain governmental services. The emergency amendments will expire on April 8, 2021.

FY20 Fourth Quarter Executive Summary- Non-COVID-19 Pandemic Related Matters

The LOC brought forward the following laws for action during the FY20 Fourth Quarter:

Extension of the Real Property Law Emergency Amendments

Emergency amendments to the Real Property law were adopted by the Oneida Business Committee through resolution BC-01-22-20-B to allow the Comprehensive Housing Division, Oneida Land Commission, and Land Management the ability to develop a rule under the Law to address the acquisition of land. The delegation of rulemaking authority was sought to address land acquisitions due to the transparency and oversight the process of the Administrative Rulemaking law provides. The emergency amendments to the law:

- Added a provision which provides that the Comprehensive Housing Division, Oneida Land Commission, and Land Management are delegated rulemaking authority as needed to exercise the authority granted and manage the responsibilities bestowed upon each area as identified in this law.

The Oneida Business Committee extended the emergency amendments to the Real Property law on July 22, 2020, through resolution BC-07-22-20-A. A six (6) month extension of the emergency amendments to the Law was adopted to allow the Comprehensive Housing Division, Oneida Land Commission, and Land Management additional time to adopt a land acquisition rule, as well as additional time for the LOC to process the permanent amendments to the Law. The emergency amendments will expire on January 22, 2021.

Boards, Committees, and Commissions Law Amendments

The purpose of the Boards, Committees, and Commissions law is to govern 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. The Boards, Committees, and Commissions law was amended to:

- Allow the Business Committee Support Office to repost a vacancy for an additional time period if insufficient applications are received, as long as notification is provided to the Oneida Business Committee;
- Allow the Business Committee Support Office to request additional time from the Oneida Business Committee in compiling the applications, summary of qualifications, or results of any investigation;
- Clarify a deadline for when a Chairperson of an entity may submit a recommendation for an appointment to the entity for the Oneida Business Committee's consideration;
- Allow for the oath of office to be taken at an alternative time and location other than during a regular or special Oneida Business Committee meeting as determined by the Secretary, as long as a quorum of the Oneida Business Committee is present to witness the oath;
- Require that the entity's bylaws provide how the entity shall approve purchases or travel

on behalf of the entity, but clarify the Business Committee Support Office has budgetary sign off authority on behalf of the entity;

- Reinstate the requirement that an entity audio record all meetings;
- Clarify that only a member of an entity shall respond to e-polls;
- Eliminate the requirement that a member of a board, committee, or commission be physically present during the entirety of a meeting or joint meeting in order to be eligible to receive a meeting stipend, but still require the member to be present and participate for the entire meeting through some means;
- Address how technological issues during a meeting held through telecommunications is addressed and how it may affect a member's eligibility for 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;
- Clarify how eligibility for a conference or training stipend is calculated;
- Provide a deadline for a member to activate his or her e-mail address, and clarify when an ad hoc or alternate member of an entity must have an official e-mail address; and
- Specify that certain positions within the Nation are ineligible to serve on a board, committee, or commission of the Nation due to the potential for a real or perceived conflict of interest to exist.

The Oneida Business Committee adopted the proposed amendments to the Boards, Committees, and Commissions law on August 12, 2020, through resolution BC-08-12-20-B. The amendments to the Boards, Committees, and Commissions law became effective on August 26, 2020.

The Oneida Business Committee also adopted resolution BC-08-12-20-C titled, "*Amended Boards, Committees, and Commissions Law Stipends*" which set forth the specific stipend amounts that are allowed to be paid to a member of a board, committee, or commission. This resolution became effective on August 26, 2020.

FY20 Fourth Quarter LOC Meetings

Typically, 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.

Due to the COVID-19 pandemic and the Nation's Public Health State of Emergency only one (1) LOC meeting was held during the FY20 Fourth Quarter. On August 19, 2020, the LOC held a meeting that was closed to the public. An audio recording of this meeting was posted on the Nation's website.

Instead of holding meetings in person during the Public Health State of Emergency, the LOC conducted its business through the use of telecommunications and the approval of e-polls.

End of 2017-2020 Legislative Term and Transition to 2020-2023 Legislative Term

The 2020 General Election was held on July 25, 2020. David P. Jordan, Kirby Metoxen, Jennifer Webster, and Daniel Guzman King were reelected to their positions as councilmembers of the Oneida Business Committee. Marie Summers was elected and replaced Ernest Stevens III. On August 24, 2020, the 2020-2023 Oneida Business Committee began its transition and orientation.

On August 27, 2020, the 2020-2023 Oneida Business Committee was sworn into office. The LOC bylaws require that the LOC meet within twenty-four (24) hours of taking the Oath of Office for the Oneida Business Committee to elect officer positions. On August 28, 2020, the LOC held its officer selection meeting. David P. Jordan was selected to serve as LOC Chairperson and Kirby Metoxen was selected to serve as LOC Vice-Chairperson.

On August 31, 2020, the LOC held its orientation presented by the Legislative Reference Office where the following topics were discussed:

- History of the LOC;
- Structure of the LOC and LRO;
- Background on the LRO;
- Explanation of the legislative process;
- Information on LOC meetings; and
- Discussion of the LOC's next steps.

The LOC bylaws required that the LOC consider any outstanding legislation at the end of term from the previous LOC within sixty (60) days of taking office. On September 24, 2020, the LOC held a work meeting to consider the twenty-eight (28) outstanding items of the 2017-2020 legislative term and determine what, if any, items would be added to the 2020-2023 Active Files List. The LOC intended to take formal action on this matter at the October 7, 2020, LOC meeting.

LOC Plans for FY2021 First Quarter

During the FY21 First Quarter the LOC will focus its legislative efforts on the following matters:

1. Continued response to the COVID-19 pandemic;
2. Development of the Active Files List; and
3. Adoption of the Industrial Hemp law.

Legislative Reference Office Update

In addition to assisting the LOC with its legislative actions throughout the FY20 Fourth Quarter, the Legislative Reference Office prepared for the orientation of the 2020-2023 LOC and development of the Active Files List.

During the FY20 Fourth Quarter the Legislative Reference Office has operated with a Senior Legislative Staff Attorney and a Legislative Staff Attorney. On March 20, 2020, Legislative Reference Office staff began working from home and telecommuting. The Senior Legislative Staff Attorney and Legislative Staff Attorney returned to working at the Norbert Hill Center on August 31, 2020. Two (2) legislative analyst positions remain vacant. The Director of the Legislative Reference Office has been in furlough status since April 12, 2020.

During the FY21 First Quarter the Legislative Reference Office will focus on the LOC's legislative priorities. In addition, the Legislative Reference Office will focus on:

- Moving the Nation's legislative history to a digital and searchable format; and
- Continued preparation of a recovery plan and staffing model for the Legislative Reference Office.

Legislative Operating Committee Contact Information

Feel free to contact the LOC at LOC@oneidanation.org with any questions or comments, or individual LOC members at the following:

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