



## LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Virtual Meeting held through Microsoft Teams

February 17, 2021

9:00 a.m.

*This Legislative Operating Committee meeting will be held virtually through Microsoft Teams in accordance with the Legislative Operating Committee's Virtual Meeting Standard Operating Procedure. A recording of the meeting will be made available on the Nation's website.*

### **I. Call to Order and Approval of the Agenda**

### **II. Minutes to be Approved**

1. February 3, 2021 LOC Meeting Minutes (pg. 2)

### **III. Current Business**

1. Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments (pg. 4)

### **IV. New Submissions**

### **V. Additions**

### **VI. Administrative Updates**

1. Legislative Operating Committee FY21 First Quarter Report (pg. 26)

### **VII. Executive Session**

### **VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2<sup>nd</sup> Floor Norbert Hill Center  
February 3, 2021  
9:00 a.m.

**Present:** David P. Jordan, Jennifer Webster, Marie Summers, Daniel Guzman King

**Others Present:** Clorissa N. Santiago, Aliskwet Ellis, Kristal Hill

**I. Call to Order and Approval of the Agenda**

David Jordan called the February 3, 2021, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Daniel Guzman King to adopt the agenda; seconded by Marie Summers. Motion carried unanimously.

**II. Minutes to be Approved**

**1. January 20, 2021 LOC Meeting Minutes**

Motion by Marie Summers to approve the January 20, 2021 LOC meeting minutes and forward to the Business Committee for consideration; seconded by Daniel Guzman King. Motion carried unanimously.

**III. Current Business**

**1. Community Support Fund Law Amendments**

Motion by Jennifer Webster to accept the updated public comment review memorandum, draft law and legislative analysis; seconded by Marie Summers. Motion carried unanimously.

Motion by Jennifer Webster to approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by February 17, 2021; seconded by Marie Summers. Motion carried unanimously.

**2. Emergency Management and Homeland Security Law Amendments**

Motion by Jennifer Webster to accept the updated public comment review memorandum and legislative analysis; seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to revise the definition for “Director” found in section 302.3-1(e) to change “Emergency Management and Homeland Security Agency” to “Emergency Management Department;” seconded by Daniel Guzman King. Motion carried unanimously.

Motion by Jennifer Webster to approve the fiscal impact statement request memorandum and forward to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by February 17, 2021; seconded by Marie Summers. Motion carried unanimously.



**3. Oneida General Welfare Law Emergency Amendments**

Motion by Jennifer Webster to approve the Oneida General Welfare law emergency adoption packet and forward to the Oneida Business Committee for consideration; seconded by Marie Summers. Motion carried unanimously.

**IV. New Submissions**

**1. Audit Committee Bylaws Amendments**

Motion by Jennifer Webster to add the Audit Committee bylaws to the Active Files List with David Jordan as the sponsor; seconded by Daniel Guzman King. Motion carried unanimously

**V. Additions**

**VI. Administrative Items**

**VII. Executive Session**

**VIII. Adjourn**

Motion by Marie Summers to adjourn at 9:18 a.m.; seconded by Daniel Guzman King. Motion carried unanimously.



Legislative Operating Committee  
February 17, 2021

# Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments

<b>Submission Date:</b> 8/5/20	<b>Public Meeting:</b> N/A
<b>LOC Sponsor:</b> Marie Summers	<b>Emergency Enacted:</b> 8/24/20

**Summary:** *This item was carried over from last term. As a result of the COVID-19 pandemic, emergency adoption of an Oneida Higher Education Pandemic Relief Fund law was sought to create a law that creates an Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF) in order to meet the higher education needs of its students during the COVID-19 Public Health Emergency. The Oneida Higher Education Pandemic Relief Fund law was adopted by the Oneida Business Committee on an emergency basis through the adoption of resolution BC-08-12-20-E. Emergency adoption of this Law was set to expire on February 12, 2021. Emergency amendments to this Law were sought to clarify the intent of the Law and ensure proper effectuation of the Law. The Oneida Business Committee adopted emergency amendments to this Law through the adoption of resolution BC-08-24-20-A. The emergency amendments to this Law will expire on February 24, 2021.*

**9/23/20 OBC:** Motion by Brandon Stevens to enter the e-poll results into the record regarding adopted resolution #BC-08-25-20-A Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law, seconded by Lisa Liggins. Motion carried.

**10/7/20 LOC:** Motion by Jennifer Webster to add the Oneida Higher Education Pandemic Relief Fund Law Amendments to the Active Files List with Marie Summers as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

**1/14/21:** *Work Meeting.* Present: David P. Jordan, Kirby Metoxen, Jennifer Webster, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Lawrence Barton, Rae Skenandore, Carl Artman, Susan House, Kristal Hill, James Petitjean. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to discuss the Oneida General Welfare law, the Oneida Higher Education Pandemic Relief Fund law, the Pandemic Relief Assistance law, and the FY21 Budget Directive found in resolution BC-11-24-20-F and determine a plan for meeting these directives and addressing these items on a permanent basis.

**1/28/21:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Kristal Hill, Rhiannon Metoxen. This was a work meeting held through Microsoft Teams. The purpose of this work meeting was to review the proposed emergency amendments to the Law and discuss a plan for moving this item forward.

**Next Steps:**

- Approve the Oneida Higher Education Pandemic Relief Fund law emergency adoption packet and forward to the Oneida Business Committee for consideration.



TO: Oneida Business Committee  
FROM: David P. Jordan, LOC Chairperson [Signature]  
DATE: February 24, 2021  
RE: Additional Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

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Please find the following attached backup documentation for your consideration of the emergency amendments to the Oneida Higher Education Pandemic Relief Fund law:

1. Resolution: Additional Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law
2. Statement of Effect: Additional Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law
3. Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments Legislative Analysis
4. Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments (Redline)
5. Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments (Clean)

### *Overview*

The Oneida Higher Education Pandemic Relief Fund law (the “Law”) was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-E to create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions for the 2020 Fall Term. [10 O.C. 1003.1-1]. The Oneida Higher Education Pandemic Relief Fund law was then amended by the Oneida Business Committee on an emergency basis through the adoption of resolution BC-08-24-20-A. The emergency amendments to the Law will expire on February 25, 2021.

When discussing the potential six (6) month extension of the emergency amendments to this Law the Legislative Operating Committee determined it was necessary to seek additional emergency amendments to the Law to make revisions which will allow the Oneida Higher Education Pandemic Relief Fund to continue to be utilized in the event additional Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds are received by the Nation. The emergency amendments to the Law will:

- Remove references to the 2020 Fall Term [10 O.C. 1003.1-1]; and
- Eliminate references to the December 15, 2020 deadline to provide proof of expenditures and instead provide that proof of expenditures or expenses must be provided by the appropriate deadline provided for in the Oneida Higher Education Pandemic Relief Fund standard operating procedure. [10 O.C. 1003.4-2(c), 1003.4-4(a)].

In response to the outbreak of the COVID-19 pandemic, on March 12, 2020, in accordance with the Emergency Management and Homeland Security law, 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 provided the necessary authority should action need to be taken and allowed the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. This declaration of a Public Health State of Emergency has since been extended by the Oneida Business Committee until March 13, 2021, 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, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A.

The Oneida Business Committee is delegated the authority to temporarily enact emergency legislation when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act. [1 O.C. 109.9-5]. A fiscal impact statement and public meeting are not required for emergency amendments to a law of the Nation. [1 O.C. 109.9-5(a)].

The adoption of emergency amendments to this Law is necessary for the preservation of the general welfare of the Reservation population. The Oneida Higher Education Pandemic Relief Fund was created to assist eligible Tribal members enrolled as students in higher education institutions with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF) in order to meet the higher education needs of its students during the COVID-19 Public Health Emergency. The emergency amendments to the Law are necessary to allow the Oneida Higher Education Pandemic Relief Fund to continue to be utilized in the event additional CRF are received by the Nation. The proposed emergency amendments to the Law remove references to the 2020 Fall Term and eliminate the December 15, 2020, deadline for providing proof of expenditures, instead providing that proof of expenditures shall be provided by the appropriate deadline provided for in the Oneida Higher Education Pandemic Relief Fund standard operating procedure in an effort to provide more flexibility if funding for the Fund becomes available again.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the amendments to this Law would be contrary to public interest. The Nation is currently experiencing the vast effects of the COVID-19 pandemic, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Law can be amended to best assist members of the Nation during this COVID-19 pandemic.

The emergency amendments to this Law will become effective immediately upon adoption by the Oneida Business Committee and will remain in effect for six (6) months. There will be one (1) opportunity to extend the emergency amendments to this Law for an additional six (6) month period. [1 O.C. 109.9-5(b)].

### **Requested Action**

Approve the Resolution: Additional Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## BC Resolution #

### Additional Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law

- 1 **WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe  
2 recognized by the laws of the United States of America; and  
3
- 4 **WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and  
5
- 6 **WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1,  
7 of the Oneida Tribal Constitution by the Oneida General Tribal Council; and  
8
- 9 **WHEREAS,** the Oneida Business Committee adopted the Oneida Higher Education Pandemic Relief  
10 Fund law ("the Law") on an emergency basis through the adoption of resolution BC-08-12-  
11 20-E, and then amended the Law on an emergency basis through the adoption of  
12 resolution BC-08-25-20-A; and  
13
- 14 **WHEREAS,** the purpose of the Law is to create the Oneida Higher Education Pandemic Relief Fund to  
15 assist eligible Tribal members enrolled as students in higher education institutions with  
16 funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus  
17 Relief Funds (CRF) in order to meet the higher education needs of its students during the  
18 COVID-19 Public Health Emergency; and  
19
- 20 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*  
21 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for  
22 the Nation until April 12, 2020, and set into place the necessary authority for action to be  
23 taken and allows the Nation to seek reimbursement of emergency management actions  
24 that may result in unexpected expenses; and  
25
- 26 **WHEREAS,** the Nation's Public Health State of Emergency has since been extended by the Oneida  
27 Business Committee until March 13, 2021, through the adoption of resolutions BC-03-28-  
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,  
29 BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A;  
30 and  
31
- 32 **WHEREAS,** emergency amendments to the Law are being proposed to allow the Oneida Higher  
33 Education Pandemic Relief Fund to continue to be utilized in the event additional CARES  
34 CRF are received by the Nation; and  
35
- 36 **WHEREAS,** the emergency amendments to the Law remove any reference to the 2020 Fall Term; and  
37
- 38 **WHEREAS,** the emergency amendments to the Law eliminate references to the December 15, 2020  
39 deadline to provide proof of expenditures and instead provide that proof of expenditures or  
40 expenses must be provided by the appropriate deadline provided for in the Oneida Higher  
41 Education Pandemic Relief Fund standard operating procedure; and  
42
- 43 **WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to amend  
44 legislation on an emergency basis when the legislation is necessary for the immediate



45 preservation of the public health, safety, or general welfare of the Reservation population,  
46 and the amendment of the legislation is required sooner than would be possible under the  
47 Legislative Procedures Act; and  
48

49 **WHEREAS,** the emergency amendments to this Law are necessary for the preservation of the general  
50 welfare of the Reservation population as the emergency amendments ensure that the  
51 Oneida Higher Education Pandemic Relief Fund may be utilized if additional CARES CRF  
52 are received by the Nation by providing more flexibility for the deadline for when proof of  
53 expenditures and expenses shall be submitted by the student; and  
54

55 **WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of the  
56 amendments to this Law would be contrary to public interest since the Nation is currently  
57 experiencing the vast effects of the COVID-19 pandemic, and the process and  
58 requirements of the Legislative Procedures Act cannot be completed in time to ensure that  
59 the Law can be amended to best assist members of the Nation during this COVID-19  
60 pandemic; and  
61

62 **WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement  
63 when considering the adoption of emergency amendments; and  
64

65 **WHEREAS,** the emergency amendments are effective for a period of six (6) months, renewable by the  
66 Oneida Business Committee for an additional six (6) month term; and  
67

68 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts the emergency  
69 amendments to the Oneida Higher Education Pandemic Relief Fund law effective immediately.



## Statement of Effect

### *Additional Emergency Amendments to the Oneida Higher Education Pandemic Relief Fund Law*

#### *Summary*

This resolution adopts additional emergency amendments to the Oneida Higher Education Pandemic Relief Fund law to make revisions which will allow the Oneida Higher Education Pandemic Relief Fund to continue to be utilized in the event additional Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds are received by the Nation.

*Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office*

*Date: February 11, 2021*

#### *Analysis by the Legislative Reference Office*

This resolution adopts emergency amendments to the Oneida Higher Education Pandemic Relief Fund law (“the Law”). The purpose of the Law is to create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions. [10 O.C. 1003.1-1]. Emergency amendments to the Law are being sought to make revisions which will allow the Oneida Higher Education Pandemic Relief Fund to continue to be utilized in the event additional Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds are received by the Nation. The emergency amendments to the Oneida Higher Education Pandemic Relief Fund law shall:

- Remove references to the 2020 Fall Term [10 O.C. 1003.1-1]; and
- Eliminate references to the December 15, 2020 deadline to provide proof of expenditures and instead provide that proof of expenditures or expenses must be provided by the appropriate deadline provided for in the Oneida Higher Education Pandemic Relief Fund standard operating procedure. [10 O.C. 1003.4-2(c), 1003.4-4(a)].

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA allows the Oneida Business Committee to take emergency action to adopt amendments to a law of the Nation where it is necessary for the immediate preservation of the public health, safety or general welfare of the Reservation population and when amendment of legislation is required sooner than would be possible under the LPA. [1 O.C. 109.9-5]. A public meeting and fiscal impact statement are not required for emergency legislation. [1 O.C. 109.8-1(b) and 109.9-5(a)].

In response to the outbreak of the COVID-19 pandemic, on March 12, 2020, in accordance with the Emergency Management and Homeland Security law, 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 provided the necessary authority should action need to be taken and allowed the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. [3 O.C. 302.8-1]. This

declaration of a Public Health State of Emergency has since been extended by the Oneida Business Committee until March 13, 2021, 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, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A.

On March 17, 2020, the Oneida Business Committee adopted emergency amendments to the Emergency Management and Homeland Security law to create and delegate authority to a COVID-19 Core Decision Making Team (“COVID-19 Team”). [3 O.C. 302.10]. When a public health emergency has been declared, the COVID-19 Team has the authority to declare exceptions to the Nation’s laws, policies, procedures, regulations, or standard operating procedures during the emergency period which will be of immediate impact for the purposes of protecting the health, safety, and general welfare of the Nation’s community, members, and employees. [3 O.C. 302.10-2]. These declarations remain in effect for the duration of the Public Health State of Emergency. [3 O.C. 302.10-3].

The resolution provides that the adoption of emergency amendments to this Law is necessary for the preservation of the general welfare of the Reservation population. The Oneida Higher Education Pandemic Relief Fund was created to assist eligible Tribal members enrolled as students in higher education institutions with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF) in order to meet the higher education needs of its students during the COVID-19 Public Health Emergency. The emergency amendments to the Law are necessary to allow the Oneida Higher Education Pandemic Relief Fund to continue to be utilized in the event additional CRF are received by the Nation. The proposed emergency amendments to the Law remove references to the 2020 Fall Term and eliminate the December 15, 2020, deadline for providing proof of expenditures, instead providing that proof of expenditures shall be provided by the appropriate deadline provided for in the Oneida Higher Education Pandemic Relief Fund standard operating procedure in an effort to provide more flexibility if funding for the Fund becomes available again.

Additionally, observance of the requirements under the Legislative Procedures Act for the adoption of the amendments to this Law would be contrary to public interest. The Nation is currently experiencing the vast effects of the COVID-19 pandemic, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Law can be amended to best assist members of the Nation during this COVID-19 pandemic.

The emergency amendments to this Law will become effective immediately upon adoption by the Oneida Business Committee and remain in effect for six (6) months. The LPA allows for one (1) opportunity to extend the emergency amendments to this Law for an additional six (6) month period. [1 O.C. 109.9-5(b)].

### ***Conclusion***

Adoption of this resolution would not conflict with any of the Nation’s laws.



# EMERGENCY AMENDMENTS TO THE ONEIDA HIGHER EDUCATION PANDEMIC RELIEF FUND LAW LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	<ul style="list-style-type: none"> <li>▪ Remove references to the 2020 Fall Term [10 O.C. 1003.1-1].</li> <li>▪ Eliminate references to the December 15, 2020 deadline to provide proof of expenditures and instead provide that proof of expenditures or expenses must be provided by the appropriate deadline provided for in the Oneida Higher Education Pandemic Relief Fund standard operating procedure. [10 O.C. 1003.4-2(c), 1003.4-4(a)].</li> </ul>
<b>Purpose</b>	Create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions. [10 O.C. 1003.1-1].
<b>Affected Entities</b>	Oneida Business Committee, Oneida Higher Education Department, Oneida Accounting Department, Oneida Economic Services
<b>Public Meeting</b>	A public meeting is not required for emergency amendments [1 O.C. 109.8-1(b) and 109.9-5(a)].
<b>Fiscal Impact</b>	A fiscal impact statement is not required for emergency amendments [1 O.C. 109.9-5(a)].
<b>Expiration of Emergency Amendments</b>	Emergency amendments expire six (6) months after adoption and may be renewed for an additional six (6) month period.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- 1 **A. Background.** The Oneida Higher Education Pandemic Relief Fund law (“the Law”) was adopted by  
 2 the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-E for the  
 3 purpose of creating the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal  
 4 members enrolled as students in higher education institutions for the 2020 Fall Term. [10 O.C. 1003.1-  
 5 1]. The Oneida Business Committee then adopted emergency amendments to the Law through  
 6 resolution BC-08-25-20-A for the purpose of clarifying the intent of the Law and ensuring proper  
 7 effectuation of the Law. The emergency amendments to the Law will expire on February 25, 2021.  
 8
- 9 **B. Request for Emergency Amendments.** Originally, the Legislative Operating Committee planned to  
 10 seek a six (6) month extension of the emergency amendments to the Law which occurred through  
 11 resolution BC-08-25-20-A. The Legislative Operating Committee is now seeking emergency  
 12 amendments to the Law to make revisions which will allow the Oneida Higher Education Pandemic  
 13 Relief Fund to continue to be utilized in the event additional Coronavirus Aid, Relief, and Economic  
 14 Security (CARES) Act Coronavirus Relief Funds are received by the Nation.
- 15 **C. COVID-19 Pandemic.** The world is currently facing a pandemic of the coronavirus disease 2019  
 16 (COVID-19). The COVID-19 outbreak originated in Wuhan, China and has spread to many other  
 17 countries throughout the world, including the United States. The COVID-19 pandemic has resulted in  
 18 high rates of infection and mortality, as well as vast economic impacts including effects on the stock  
 19 market and the closing of all non-essential businesses.

- 20       ▪ *Declaration of a Public Health State of Emergency.*
- 21               ▪ On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*
- 22               *of Emergency*” regarding COVID-19 which declared the Public Health State of Emergency
- 23               for the Nation until April 12, 2020, and set into place the necessary authority should action
- 24               need to be taken and allowed the Nation to seek reimbursement of emergency management
- 25               actions that may result in unexpected expenses.
- 26               ▪ The Public Health State of Emergency has since been extended until March 13, 2021, by
- 27               the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-
- 28               05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-
- 29               08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A.
- 30       ▪ *COVID-19 Core Decision Making Team.*
- 31               ▪ On March 17, 2020, the Oneida Business Committee adopted emergency amendments to
- 32               the Emergency Management and Homeland Security law to create and delegate authority
- 33               to a COVID-19 Core Decision Making Team (“COVID-19 Team”). [3 O.C. 302.10].
- 34                       ▪ When a public health emergency has been declared, the COVID-19 Team has the
- 35                       authority to declare exceptions to the Nation’s laws, policies, procedures,
- 36                       regulations, or standard operating procedures during the emergency period which
- 37                       will be of immediate impact for the purposes of protecting the health, safety, and
- 38                       general welfare of the Nation’s community, members, and employees. [3 O.C.
- 39                       302.10-2].
- 40                       ▪ These declarations remain in effect for the duration of the Public Health State of
- 41                       Emergency. [3 O.C. 302.10-3].
- 42       ▪ *COVID-19 Core Decision Making Team Declarations: Safer at Home.*
- 43               ▪ On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer*
- 44               *at Home*” declaration which ordered all individuals present within the Oneida Reservation
- 45               to stay at home or at their place of residence, with certain exceptions allowed. This
- 46               declaration prohibited all public gatherings of any number of people.
- 47               ▪ On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer*
- 48               *at Home*” declaration which allowed for gaming and golf operations to resume.
- 49               ▪ On May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home*
- 50               *Declaration, Amendment, Open for Business*” which directs that individuals within the
- 51               Oneida Reservation should continue to stay at home, businesses can re-open under certain
- 52               safer business practices, and social distancing should be practiced by all persons.
- 53               ▪ On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at*
- 54               *Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration,*
- 55               *Amendment, Open for Business*” while still providing guidance and some restrictions. This
- 56               declaration prohibits all public and private gatherings of more than twenty (20) people that
- 57               are not part of a single household or living unit.
- 58               ▪ On July 17, 2020, the COVID-19 Team issued a “*Safe Re-Opening Governmental Offices*”
- 59               which sets minimum standards for the safe re-opening of a building or recall of employees
- 60               to work.
- 61       ▪ *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the*
- 62       *Legislative Procedures Act.*

- 63           ▪ On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a  
64           “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which  
65           suspended the Legislative Procedures Act's requirement to hold a public meeting during  
66           the public comment period, but allows members of the community to still participate in the  
67           legislative process by submitting written comments, questions, data, or input on proposed  
68           legislation to the Legislative Operating Committee via e-mail during the public comment  
69           period.  
70

71 **SECTION 3. CONSULTATION AND OUTREACH**

- 72 A. Representatives from the following departments or entities participated in the development of the  
73 emergency amendments to this Law and legislative analysis:  
74           ▪ Oneida Law Office;  
75           ▪ Finance Department;  
76           ▪ Strategic Planner;  
77           ▪ Budget Analyst; and  
78           ▪ Governmental Services Division.  
79 B. The following laws were reviewed in the drafting of this analysis:  
80           ▪ Oneida General Welfare Law;  
81           ▪ Trust Scholarship Fund Policy; and  
82           ▪ Legislative Procedures Act.  
83

84 **SECTION 4. PROCESS**

- 85 A. These amendments are being considered on an emergency basis. The Oneida Business Committee may  
86 temporarily enact emergency legislation where legislation is necessary for the immediate preservation  
87 of public health, safety, or general welfare of the Reservation population and the enactment or  
88 amendment of the legislation is required sooner than would be possible under the Legislative  
89 Procedures Act. [1 O.C. 109.9-5].  
90           ▪ Emergency amendments to this Law are being pursued for the preservation of the general welfare  
91 of the Reservation population. The Oneida Higher Education Pandemic Relief Fund was created to  
92 assist eligible Tribal members enrolled as students in higher education institutions with funding  
93 from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds  
94 (CRF) in order to meet the higher education needs of its students during the COVID-19 Public  
95 Health Emergency. The emergency amendments to the Law are necessary to allow the Oneida  
96 Higher Education Pandemic Relief Fund to continue to be utilized in the event additional CRF are  
97 received by the Nation. The proposed emergency amendments to the Law remove references to the  
98 2020 Fall Term and eliminate the December 15, 2020, deadline for providing proof of expenditures,  
99 instead providing that proof of expenditures shall be provided by the appropriate deadline provided  
100 for in the Oneida Higher Education Pandemic Relief Fund standard operating procedure in an effort  
101 to provide more flexibility if funding for the Fund becomes available again.  
102           ▪ Observance of the requirements under the Legislative Procedures Act for the adoption of the  
103 emergency amendments to this Law would be contrary to public interest. The Nation is currently  
104 experiencing the vast effects of the COVID-19 pandemic, and the process and requirements of the

- 105 Legislative Procedures Act cannot be completed in time to ensure that the Law can be amended to  
106 best assist members of the Nation during this COVID-19 pandemic.
- 107 **B.** Emergency amendments typically expires six (6) months after adoption, with one (1) opportunity for a  
108 six (6) month extension of the emergency amendments. [1 O.C. 109.9-5(b)].
- 109 **C.** The Legislative Procedures Act does not require a public meeting or fiscal impact statement when  
110 considering the adoption of emergency amendments. [1 O.C. 109.9-5(a)]. However, a public meeting  
111 and fiscal impact statement will eventually be required when considering permanent adoption of the  
112 emergency amendments to this Law.
- 113 **D.** The following work meetings were held regarding the development of the emergency amendments to  
114 this Law:
- 115 ■ January 14, 2021: LOC work meeting with the Oneida Law Office, Finance Department, Strategic  
116 Planner, Budget Analyst, and Governmental Services Division.
  - 117 ■ January 28, 2021: LOC work meeting.
- 118

## 119 SECTION 5. CONTENTS OF THE LEGISLATION

- 120 **A. *Removal of Reference to 2020 Fall Term.*** The proposed emergency amendments to the Law remove  
121 the reference to the 2020 Fall Term from the purpose statement which provides that the purpose of this  
122 Law is to create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members  
123 enrolled as students in higher education institutions. [10 O.C. 1003.1-1].
- 124 ■ *Effect.* The reference to the 2020 Fall Term was removed from the Law because the 2020 Fall  
125 Term has already concluded and if additional CARES Act Coronavirus Relief Funds (CRF) are  
126 made available and allocated to the Oneida Higher Education Pandemic Relief Fund then those  
127 monies would be used to provide assistance for a different term.
- 128 **B. *Guidelines and Requirements.*** The emergency amendments to the Law provide that students shall be  
129 responsible for maintaining and submitting receipts or other proof of expenditures or expenses by the  
130 appropriate deadline provided for in the Oneida Higher Education Pandemic Relief Fund standard  
131 operating procedure. [10 O.C. 1003.4-2(c), 1003.4-4(a)]. Previously, the Law required that proof of  
132 expenditures or receipts be submitted by December 15, 2020. *Id.*
- 133 ■ *Effect.* The emergency amendments to the Law allow proof of expenses to be submitted by the  
134 student by the appropriate deadline provided for in the Oneida Higher Education Pandemic Relief  
135 Fund standard operating procedure, instead of the December 15, 2020, deadline previously  
136 provided by the Law. This is a necessary revision due to the fact that December 15, 2020, deadline  
137 has already passed. Therefore, if additional CARES Act Coronavirus Relief Funds (CRF) are made  
138 available and allocated to the Oneida Higher Education Pandemic Relief Fund then an appropriate  
139 deadline would need to be determined and provided for in the Oneida Higher Education Pandemic  
140 Relief Fund standard operating procedure.
- 141

## 142 SECTION 6. EXISTING LEGISLATION

- 143 **A. *Related Legislation.*** The following laws of the Nation are related to this Law:
- 144 ■ *Oneida General Welfare Law.* The Oneida General Welfare law was adopted by the Oneida  
145 Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose  
146 of providing assistance, on a non-taxable basis, to eligible Tribal members through approved  
147 programs that promote the general welfare of the Nation. [10 O.C. 1001.1-1, 1001.1-3]. The

148 Oneida Business Committee then adopted emergency amendments to the Oneida General  
149 Welfare law through resolution BC-02-10-21-B to better address how the Oneida Business  
150 Committee may adopt an approved program under the law. The Oneida General Welfare law  
151 sets a framework and provides guidelines for the Nation to establish and operate approved  
152 programs which provide assistance to eligible Tribal members to promote the general welfare  
153 of the Nation, including programs designed to enhance the promotion of health, education, self-  
154 sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship,  
155 and employment. [10 O.C. 1001.9-2].

- 156     ▪ The Oneida General Welfare law sets forth the framework and guidelines for the  
157       Oneida Higher Education Pandemic Relief Fund to be created and operated under.
- 158     ▪ Adoption of the emergency amendments to this Law conform with the requirements of  
159       the Oneida General Welfare law.

- 160     ▪ *Trust Scholarship Fund Policy.* The Trust Scholarship Fund Policy was adopted by the Oneida  
161       Business Committee for the purpose of establishing a trust resource for providing financial aid  
162       scholarships to assist eligible enrolled Oneida Tribal members in securing higher educational  
163       opportunities based on established criteria. [9 O.C. 901.1-1].

- 164       ▪ This Law provides that the Oneida Higher Education Pandemic Relief Fund is a unique  
165       program not associated with the Oneida Trust Scholarship Fund and this Law does not  
166       amend or override the Trust Scholarship Fund Policy. [10 O.C. 1003.1-5].

- 167     ▪ *Legislative Procedures Act.* The Legislative Procedures Act was adopted by the General Tribal  
168       Council for the purpose of providing a standard process for the adoption of laws of the Nation  
169       which includes taking into account comments from members of the Nation and input from  
170       agencies of the Nation. [1 O.C. 109.1-1, 109.1-2].

- 171       ▪ The Legislative Procedures Act provides a process for the adoption of emergency  
172       amendments when the legislation is necessary for the immediate preservation of the  
173       public health, safety, or general welfare of the Reservation population and the  
174       enactment or amendment of legislation is required sooner than would be possible under  
175       this law. [1 O.C. 109.9-5].

- 176       ▪ The Legislative Operating Committee is responsible for first reviewing the  
177       emergency legislation and for forwarding the legislation to the Oneida  
178       Business Committee for consideration. [1 O.C. 109.9-5(a)].

- 179       ▪ The proposed emergency amendments are required to have a legislative  
180       analysis completed and attached prior to being sent to the Oneida Business  
181       Committee for consideration. [1 O.C. 109.9-5(a)].

- 182       a. A legislative analysis is a plain language analysis describing the  
183       important features of the legislation being considered and factual  
184       information to enable the Legislative Operating Committee to make  
185       informed decisions regarding legislation. A legislative analysis  
186       includes a statement of the legislation's terms and substance; intent of  
187       the legislation; a description of the subject(s) involved, including any  
188       conflicts with Oneida or other law, key issues, potential impacts of the  
189       legislation and policy considerations. [1 O.C. 109.3-1(g)].

- 190       ▪ Emergency amendments do not require a fiscal impact statement to be  
191       completed or a public comment period to be held. [1 O.C. 109.9-5(a)].



- 192                   ▪ Upon the determination that an emergency exists, the Oneida Business  
193                   Committee can adopt emergency amendments. The emergency amendments  
194                   become effective immediately upon its approval by the Oneida Business  
195                   Committee. [1 O.C. 109.9-5(b)].
- 196                   ▪ Emergency amendments remains in effect for a period of up to six (6) months,  
197                   with an opportunity for a one-time emergency law extension of up to six (6)  
198                   months. [1 O.C. 109.9-5(b)].
- 199                   ▪ Adoption of the emergency amendments to this Law would conform with the  
200                   requirements of the Legislative Procedures Act.

201  
202 **SECTION 7. OTHER CONSIDERATIONS**

203 **A. *Deadline for Permanent Adoption of Legislation.*** The emergency amendments to this Law will expire  
204 six (6) months after adoption. The emergency amendments may be renewed for an additional six (6)  
205 month period.

- 206                   ▪ *Conclusion:* The Legislative Operating Committee will need to consider the development and  
207                   adoption of the emergency amendments to this Law on a permanent basis within the next six (6) to  
208                   twelve (12) months.

209 **B. *Fiscal Impact.*** A fiscal impact statement is not required for emergency legislation.

- 210                   ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except  
211                   emergency legislation [1 O.C. 109.6-1].

212

**Title 10. General Welfare Exclusion - Chapter 1003**  
**ONEIDA HIGHER EDUCATION PANDEMIC RELIEF FUND**

1003.1. Purpose and Policy  
 1003.2. Adoption, Amendment, Repeal  
 1003.3. Definitions  
 1003.4. Guidelines and Requirements

1003.5. Presumption of Need; General Test for General Welfare  
 Exclusion  
 1003.6. Budget

**1003.1. Purpose and Policy**

1003.1-1. *Purpose.* The purpose of this law is to create the Oneida Higher Education Pandemic Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions ~~for the 2020 Fall Term.~~

1003.1-2. The Oneida Higher Education Pandemic Relief Fund shall assist students to meet the needs created by the Public Health Emergency which caused grants, scholarships, and loans to be forsaken by the granting institutions or banks during the novel coronavirus pandemic, and personal and family funds redirected to other needs during the ongoing Public Health Emergency, including medical expenses and losses due to unemployment within the family.

1003.1-3. *Policy.* It is the policy of the Nation to prioritize the education of its members young and old. The Nation provides a path and a platform for its Tribal members to excel in their education from Head Start through college and post-graduate studies. The Nation's future business and government leaders, caregivers, nourishers, managers, thought leaders, and teachers shall be better prepared to lead and navigate the local challenges in a global economy when they participate in the academics and accreditation that permits access to areas our Nation requires to remain viable and vital over the next seven generations.

1003.1-4. The Oneida Higher Education Pandemic Relief Fund shall be funded only through monies allocated to the Nation pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF), codified at Section 601(d) of the Social Security Act, for the purpose of addressing their higher education needs created by the Public Health Emergency in the wake of the COVID-19 pandemic.

1003.1-5. The Oneida Higher Education Pandemic Relief Fund is a unique program not associated with the Oneida Trust Scholarship Fund and this law does not amend or override the Trust Scholarship Fund Policy at 9 O.C. 901 et seq.

1003.1-6. The Oneida Business Committee intends the Oneida Higher Education Pandemic Relief Fund to adhere to the mandates of the Oneida General Welfare law, 10 O.C. 1001, the Tribal General Welfare Exclusion Act codified at 26 U.S.C. §139E, I.R.S Rev. Proc. 2014-35, the general criterial defined therein at 5.01(1), and the Safe Harbor – Education Programs listed and defined therein at 5.01(2)(b), and CRF.

**1003.2. Adoption, Amendment, Repeal**

1003.2-1. This law was adopted by the Oneida Business Committee on an emergency basis by resolution BC-08-12-20-E, and emergency amended by resolutions BC-08-25-20-A- and BC- - - -.

1003.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1003.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

1003.2-4. In the event of a conflict between a provision of this law and a provision of another law,

41 the provisions of this law shall control.

42 1003.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

43

44 **1003.3. Definitions**

45 1003.3-1. This section shall govern the definitions of words and phrases used within this law. All  
46 words not defined herein shall be used in their ordinary and everyday sense.

47 (a) "Accredited" means qualified and approved by a United States Department of  
48 Education recognized accrediting body, state-approved accrediting body, or recognized  
49 through a professional affiliation.

50 (b) "Benefits" means any approved program assistance, including payments, which is  
51 provided pursuant to this law.

52 (c) "Classroom requirement" means books, subscriptions, access to internet-based  
53 programs, or any items required by the higher education institution, professor, or teacher  
54 of the course in which the student is enrolled.

55 (d) "General Test" means the criteria used to determine if any assistance or benefits  
56 provided through an approved program to a recipient shall be treated as a General Welfare  
57 Exclusion. The criteria of the General Test include the following:

58 (1) Paid on behalf of the Nation;

59 (2) Pursuant to an approved program;

60 (3) Does not discriminate in favor of members of the governing body of the Nation;

61 (4) Are available to any Tribal member who meets the guidelines of the approved  
62 program;

63 (5) Are for the promotion of general welfare;

64 (6) Are not lavish or extravagant;

65 (7) Are not compensation for services; and

66 (8) Are not per capita payments.

67 (e) "Higher education institution" means an accredited university, college, vocational  
68 college, community college, liberal arts college, postgraduate school, institute of  
69 technology or other collegiate level institution.

70 (f) "Higher Education Pandemic Relief Counselor" means the person hired and assigned  
71 by the Oneida Higher Education Division to assist Oneida Economic Support Services in  
72 the review and processing of the Oneida Higher Education Pandemic Relief Fund.

73 (g) "Nation" means the Oneida Nation.

74 (h) "Public Health Emergency" means the economic, governmental, and medical crises  
75 caused by COVID-19 and the novel coronavirus pandemic.

76 (i) "Room and board" means on or off campus housing, transportation, and food  
77 requirements adjusted to meet the unique lodging and food provision requirements or  
78 governmental mandates during the Public Health Emergency.

79 (j) "Student" means a Tribal member, age eighteen (18) and older, enrolled in a higher  
80 education institution during the operative period of this law.

81 (k) "Technology requirements" means computers, internet access fees, VPN subscriptions,  
82 computer-based or cloud-based subscriptions required to function within a contemporary  
83 academic setting such as Office 365, Adobe-based programs, other required licenses, and  
84 electric or telecommunications costs.

85 (l) "Tuition" means the price or payment for instruction at a higher education institution.

86 (m) "Tribal member" means an individual who is an enrolled member of the Nation.

87

88 **1003.4. Guidelines and Requirements**89 1003.4-1. The Oneida Higher Education Pandemic Relief Fund is established to meet the higher  
90 education needs of its students during the COVID-19 Public Health Emergency.

91 1003.4-2. The Oneida Higher Education Pandemic Relief Fund shall provide students:

92 (a) Up to twenty thousand dollars (\$20,000) towards tuition, room and board, technology  
93 requirements, and classroom requirements assistance.94 (b) Tuition shall be paid directly to the higher education institution upon submission of an  
95 invoice for tuition created by the higher education institution.96 (c) Student expenses, such as room and board and other expenses, shall be paid directly to  
97 the student, whom shall be responsible for maintaining and submitting receipts or other  
98 proof of expenditures by ~~December 15, 2020~~the appropriate deadline provided for in the  
99 Oneida Higher Education Pandemic Relief Fund standard operating procedure.100 (d) All funds shall be requested pursuant to the Oneida Higher Education Pandemic Relief  
101 Fund standard operating procedure.102 (e) Laptop computers may be supplied to the student upon a written request by the student  
103 to the Nation's Higher Education Pandemic Relief Counselor and in accordance with the  
104 Nation's interpretation of CRF and any applicable standard operating procedure.105 1003.4-3. Oneida Higher Education Department shall oversee distribution of the Oneida Higher  
106 Education Pandemic Relief Fund in accordance with this law, CRF, and the Nation's interpretation  
107 thereof. The Oneida Higher Education Department shall hire the Higher Education Pandemic  
108 Relief Counselor whom shall be assigned to work in the office of Oneida Economic Support  
109 Services. Oneida Higher Education shall be responsible for the maintenance of records along with  
110 the Oneida Accounting Department.111 1003.4-4. *Maintenance of Records.*112 (a) *Nation.* The Nation requires students to submit tuition invoices, leases, room and board  
113 expenses, and any other proof of expenses or receipts to substantiate the request for  
114 payments from the Oneida Higher Education Pandemic Relief Fund by ~~December 15,~~  
115 ~~2020~~appropriate deadline provided for in the Oneida Higher Education Pandemic Relief  
116 Fund standard operating procedure. The Nation shall maintain these records for the  
117 required period of time by the CARES Act, CRF, and Internal Revenue Service mandates.118 (b) *Student.* The student shall maintain accurate records of the above listed items for  
119 review by the Internal Revenue Service upon request.

120

121 **1003.5. Presumption of Need; General Test for General Welfare Exclusion**122 1003.5-1. I.R.S. Rev. Proc. 2014-35, section 5.02(2)(B) lists education programs that assist tribal  
123 members with tuition, housing, room and board, technology requirements and laptop computers  
124 as a Safe Harbor program for which need is presumed.125 1003.5-2. The Oneida Higher Education Pandemic Relief Fund meets the requirements of the  
126 General Test as defined in the Oneida General Welfare law, 10 O.C. 1001; General Criteria as  
127 defined in I.R.S. Rev. Proc. 2014-35, section 5.01(1); and the requirements of the Tribal General  
128 Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b).129 (a) The benefits are provided to the students pursuant to this law, as approved by the  
130 Oneida Business Committee, and in accordance with Oneida General Welfare law.131 (b) The Oneida Higher Education Pandemic Relief Fund has guidelines specifying how  
132 Students qualify for the benefit in section 1003.4 of this law.

133 (c) The program is available to any student as defined in Section 1003.3-1(i) of this law.  
 134 (d) The distribution of benefits does not discriminate in favor of members of the governing  
 135 body of the Nation, are not compensation, and are not lavish or extravagant under the facts  
 136 and circumstances of the Public Health Emergency.

137  
 138 **1003.6. Budget**

139 1003.6-1. The Nation shall allocate funds to the Oneida Higher Education Pandemic Relief Fund  
 140 only from monies it received pursuant to the CRF. This program is dependent on availability of  
 141 funding from the CRF.

142  
 143 *End.*



144  
 146  
 147 Emergency Adopted - BC-08-12-20-E  
 148 Emergency Amended – BC-08-25-20-A  
 149 Emergency Amended – BC- - - -

150  
 151

**Title 10. General Welfare Exclusion - Chapter 1003**  
**ONEIDA HIGHER EDUCATION PANDEMIC RELIEF FUND**

1003.1. Purpose and Policy  
 1003.2. Adoption, Amendment, Repeal  
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 3 Relief Fund to assist eligible Tribal members enrolled as students in higher education institutions.

4 1003.1-2. The Oneida Higher Education Pandemic Relief Fund shall assist students to meet the  
 5 needs created by the Public Health Emergency which caused grants, scholarships, and loans to be  
 6 forsaken by the granting institutions or banks during the novel coronavirus pandemic, and personal  
 7 and family funds redirected to other needs during the ongoing Public Health Emergency, including  
 8 medical expenses and losses due to unemployment within the family.

9 1003.1-3. *Policy.* It is the policy of the Nation to prioritize the education of its members young  
 10 and old. The Nation provides a path and a platform for its Tribal members to excel in their  
 11 education from Head Start through college and post-graduate studies. The Nation's future business  
 12 and government leaders, caregivers, nourishers, managers, thought leaders, and teachers shall be  
 13 better prepared to lead and navigate the local challenges in a global economy when they participate  
 14 in the academics and accreditation that permits access to areas our Nation requires to remain viable  
 15 and vital over the next seven generations.

16 1003.1-4. The Oneida Higher Education Pandemic Relief Fund shall be funded only through  
 17 monies allocated to the Nation pursuant to the Coronavirus Aid, Relief, and Economic Security  
 18 (CARES) Act Coronavirus Relief Funds (CRF), codified at Section 601(d) of the Social Security  
 19 Act, for the purpose of addressing their higher education needs created by the Public Health  
 20 Emergency in the wake of the COVID-19 pandemic.

21 1003.1-5. The Oneida Higher Education Pandemic Relief Fund is a unique program not associated  
 22 with the Oneida Trust Scholarship Fund and this law does not amend or override the Trust  
 23 Scholarship Fund Policy at 9 O.C. 901 et seq.

24 1003.1-6. The Oneida Business Committee intends the Oneida Higher Education Pandemic Relief  
 25 Fund to adhere to the mandates of the Oneida General Welfare law, 10 O.C. 1001, the Tribal  
 26 General Welfare Exclusion Act codified at 26 U.S.C. §139E, I.R.S Rev. Proc. 2014-35, the general  
 27 criterial defined therein at 5.01(1), and the Safe Harbor – Education Programs listed and defined  
 28 therein at 5.01(2)(b), and CRF.

29

30 **1003.2. Adoption, Amendment, Repeal**

31 1003.2-1. This law was adopted by the Oneida Business Committee on an emergency basis by  
 32 resolution BC-08-12-20-E, and emergency amended by resolutions BC-08-25-20-A and BC-\_\_-  
 33 \_\_-\_\_-\_\_.

34 1003.2-2. This law may be amended or repealed by the Oneida Business Committee or the General  
 35 Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

36 1003.2-3. Should a provision of this law or the application thereof to any person or circumstances  
 37 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
 38 to have legal force without the invalid portions.

39 1003.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
 40 the provisions of this law shall control.

41 1003.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.  
42

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50 provided pursuant to this law.

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52 programs, or any items required by the higher education institution, professor, or teacher  
53 of the course in which the student is enrolled.

54 (d) "General Test" means the criteria used to determine if any assistance or benefits  
55 provided through an approved program to a recipient shall be treated as a General Welfare  
56 Exclusion. The criteria of the General Test include the following:

- 57 (1) Paid on behalf of the Nation;  
58 (2) Pursuant to an approved program;  
59 (3) Does not discriminate in favor of members of the governing body of the Nation;  
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61 program;  
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67 college, community college, liberal arts college, postgraduate school, institute of  
68 technology or other collegiate level institution.

69 (f) "Higher Education Pandemic Relief Counselor" means the person hired and assigned  
70 by the Oneida Higher Education Division to assist Oneida Economic Support Services in  
71 the review and processing of the Oneida Higher Education Pandemic Relief Fund.

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74 caused by COVID-19 and the novel coronavirus pandemic.

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77 governmental mandates during the Public Health Emergency.

78 (j) "Student" means a Tribal member, age eighteen (18) and older, enrolled in a higher  
79 education institution during the operative period of this law.

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81 computer-based or cloud-based subscriptions required to function within a contemporary  
82 academic setting such as Office 365, Adobe-based programs, other required licenses, and  
83 electric or telecommunications costs.

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92 requirements, and classroom requirements assistance.

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94 invoice for tuition created by the higher education institution.

95 (c) Student expenses, such as room and board and other expenses, shall be paid directly to  
96 the student, whom shall be responsible for maintaining and submitting receipts or other  
97 proof of expenditures by the appropriate deadline provided for in the Oneida Higher  
98 Education Pandemic Relief Fund standard operating procedure.

99 (d) All funds shall be requested pursuant to the Oneida Higher Education Pandemic Relief  
100 Fund standard operating procedure.

101 (e) Laptop computers may be supplied to the student upon a written request by the student  
102 to the Nation's Higher Education Pandemic Relief Counselor and in accordance with the  
103 Nation's interpretation of CRF and any applicable standard operating procedure.

104 1003.4-3. Oneida Higher Education Department shall oversee distribution of the Oneida Higher  
105 Education Pandemic Relief Fund in accordance with this law, CRF, and the Nation's interpretation  
106 thereof. The Oneida Higher Education Department shall hire the Higher Education Pandemic  
107 Relief Counselor whom shall be assigned to work in the office of Oneida Economic Support  
108 Services. Oneida Higher Education shall be responsible for the maintenance of records along with  
109 the Oneida Accounting Department.

110 1003.4-4. *Maintenance of Records.*

111 (a) *Nation.* The Nation requires students to submit tuition invoices, leases, room and board  
112 expenses, and any other proof of expenses or receipts to substantiate the request for  
113 payments from the Oneida Higher Education Pandemic Relief Fund by appropriate  
114 deadline provided for in the Oneida Higher Education Pandemic Relief Fund standard  
115 operating procedure. The Nation shall maintain these records for the required period of  
116 time by the CARES Act, CRF, and Internal Revenue Service mandates.

117 (b) *Student.* The student shall maintain accurate records of the above listed items for  
118 review by the Internal Revenue Service upon request.

119

120 **1003.5. Presumption of Need; General Test for General Welfare Exclusion**

121 1003.5-1. I.R.S. Rev. Proc. 2014-35, section 5.02(2)(B) lists education programs that assist tribal  
122 members with tuition, housing, room and board, technology requirements and laptop computers  
123 as a Safe Harbor program for which need is presumed.

124 1003.5-2. The Oneida Higher Education Pandemic Relief Fund meets the requirements of the  
125 General Test as defined in the Oneida General Welfare law, 10 O.C. 1001; General Criteria as  
126 defined in I.R.S. Rev. Proc. 2014-35, section 5.01(1); and the requirements of the Tribal General  
127 Welfare Exclusion Act of 2014, 26 U.S.C. §139E(b).

128 (a) The benefits are provided to the students pursuant to this law, as approved by the  
129 Oneida Business Committee, and in accordance with Oneida General Welfare law.

130 (b) The Oneida Higher Education Pandemic Relief Fund has guidelines specifying how  
131 Students qualify for the benefit in section 1003.4 of this law.

132 (c) The program is available to any student as defined in Section 1003.3-1(i) of this law.



133 (d) The distribution of benefits does not discriminate in favor of members of the governing  
134 body of the Nation, are not compensation, and are not lavish or extravagant under the facts  
135 and circumstances of the Public Health Emergency.  
136

137 **1003.6. Budget**

138 1003.6-1. The Nation shall allocate funds to the Oneida Higher Education Pandemic Relief Fund  
139 only from monies it received pursuant to the CRF. This program is dependent on availability of  
140 funding from the CRF.

141  
142 *End.*

~~143~~

145

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146 Emergency Adopted - BC-08-12-20-E  
147 Emergency Amended – BC-08-25-20-A  
148 Emergency Amended – BC-\_\_-\_\_-\_\_-\_\_

149

150



## Legislative Operating Committee FY2021 First Quarter Report

Active Files List As of 12/31/2020  
 Work completed October 1, 2020 – December 31, 2020

Name of Legislation	Development	Public Input	GTC/OBC Consideration or Adoption
Budget Management and Control Law Amendments	●		
Business Corporations Law	●		
Children’s Code Amendments	●		
Code of Ethics Law Amendments	●		
Community Support Fund Law Amendments	●	●	
Credit Collections Law Amendments	●		
Drug and Alcohol Free Law for Elected and Appointed Officials	●		
Emergency Management and Homeland Security Law Amendments	●	●	
Endowments Law	●		
Environmental Review Law	●		
Furlough Law Amendments	●		
GTC Meeting Stipends Payment Policy Amendments	●		
Industrial Hemp Law	●	●	●
Investigative Leave Policy Amendments	●		
Law Enforcement Ordinance Amendments	●		
Layoff Policy Amendments	●		
Marijuana Law	●		
Misappropriations of Funds Law	●		
Oneida General Welfare Law	●		
Oneida Higher Education Pandemic Relief Fund Law	●		
Oneida Land Trust Law	●		
Oneida Nation Emergency Planning Committee Bylaws	●		
Oneida Nation Gaming Ordinance Amendments	●		
Oneida Personnel Policies and Procedures Amendments	●		
Oneida Trust Enrollment Committee Bylaws	●		
Pandemic Relief Assistance Law	●		
Public Peace Law	●		
Real Property Law Amendments	●		
Recycling and Solid Waste Disposal Law Amendments	●		
Sanctions and Penalties Law	●	●	●
Taxation Law	●		
Traffic Law	●		
Wellness Court Law	●		
Workplace Violence Law Amendments	●		

## Legislative Operating Committee Action on Legislative Requests

During the FY21 First Quarter the Legislative Operating Committee added thirty-four (34) legislative items to its Active Files List and denied the requests for two (2) legislative items.

### *Items Added to the Active Files List by the Legislative Operating Committee*

On September 24, 2020, the Legislative Operating Committee held a work meeting to consider the twenty-eight (28) outstanding items from the 2017-2020 legislative term and determine what, if any, items would be added to the 2020-2023 Active Files List. At the October 7, 2020, Legislative Operating Committee meeting, the Legislative Operating Committee took formal action to add the following twenty-nine (29) legislative items to its Active Files List:

- Budget Management and Control Law Amendments
- Business Corporations Law
- Code of Ethics Law Amendments
- Community Support Fund Law Amendments
- Children’s Code Amendments
- Drug and Alcohol Free Law for Elected and Appointed Officials
- Emergency Management and Homeland Security Law Amendments
- Environmental Review Law
- Furlough Law Amendments
- Guardianship Law
- Industrial Hemp Law
- Investigative Leave Policy Amendments
- Law Enforcement Ordinance Amendments
- Layoff Policy Amendments
- Misappropriation of Funds Law
- Oneida General Welfare Law
- Oneida Higher Education Pandemic Relief Fund Law Amendments
- Oneida Nation Emergency Planning Committee Bylaws Amendments
- Oneida Personnel Policies and Procedures Amendments
- Oneida Trust Enrollment Committee Bylaws Amendments
- Petition: M. Debraska – Increase GTC Stipend
- Public Peace Law
- Real Property Law Amendments
- Recycling and Solid Waste Disposal Law Amendments
- Sanctions and Penalties Law
- Taxation Law
- Traffic Law
- Wellness Court Law
- Workplace Violence Law Amendments

Then at the October 21, 2020, Legislative Operating Committee Meeting the Legislative Operating Committee added the following four (4) legislative items to its Active Files List:

- Credit Collections Law
- Endowments Law Amendments
- Oneida Land Trust Law
- Medical Marijuana Law

At the December 2, 2020, Legislative Operating Committee meeting the Legislative Operating Committee added the following item to its Active Files List:

- Oneida Nation Gaming Ordinance Amendments

### *Items Denied by the Legislative Operating Committee*

During the FY21 First Quarter the Legislative Operating Committee denied adding the following items to its Active Files List:

- *Child Support Law Amendments.* The Legislative Operating Committee denied the request to amend the Child Support law because the Child Support law was recently amended in January 2020, and the Legislative Operating Committee decided to prioritize other legislative efforts at this time.
- *Nuisance Law.* The Legislative Operating Committee denied the request to develop a Nuisance law because the Legislative Operating Committee already had the development of a Public Peace law on its Active Files List, and the Public Peace law would address the social issues the request for a Nuisance law identified.

## **FY21 First Quarter Legislative Accomplishments**

The Legislative Operating Committee brought forward the following legislation for adoption or amendment during the FY21 First Quarter:

### **Emergency Adoption of the Pandemic Relief Assistance Law**

The purpose of the Pandemic Relief Assistance law is to create the Pandemic Relief Assistance Program for the purpose of assisting eligible members with payments for limited and specific needs created by the COVID-19 Public Health Emergency. [10 O.C. 1004.1-1]. The Pandemic Relief Assistance law:

- Provides the guidelines and requirements for use of the Pandemic Relief Assistance Program [10 O.C. 1004.4];
- Describes the presumption of need and the General Test to be used to determine General Welfare Exclusion [10 O.C. 1004.5];
- Provides that the Nation allocate funds to the Pandemic Relief Assistance Program only from monies it received pursuant to the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF), and that this program is dependent on availability of funding from the CARES Act CRF. [10 O.C. 1004.6].

The Oneida Business Committee adopted this law on an emergency basis on November 24, 2020, through resolution BC-11-24-20-D. The emergency adoption of this law will expire on May 24, 2021, with one (1) opportunity for a six (6) month extension.

### **Emergency Amendments to the Budget Management and Control Law**

The purpose of the Budget Management and Control law is to set forth the requirements to be followed by the Oneida Business Committee and Oneida fund units when preparing the budget to be presented to the General Tribal Council for approval and to establish a triennial strategy planning process for the Nation's budget. [1 O.C. 121.1-1]. The emergency amendments to the Budget Management and Control law:

- Provide that in the event that the Nation proclaims an emergency, in accordance with the Emergency Management and Homeland Security law, which prevents presentation and adoption of the budget by the General Tribal Council, the Oneida Business Committee shall adopt the Nation's budget. [1 O.C. 121.5-9(a)].

The Oneida Business Committee adopted the emergency amendments to this law on November 24, 2020, through resolution BC-11-24-20-E. The emergency amendments to this law will expire on May 24, 2021, with one (1) opportunity for a six (6) month extension.

### **Adoption of the Industrial Hemp Law**

The purpose of the Industrial Hemp law is to authorize the production of hemp within the boundaries of the Reservation; grant the Nation primary regulatory authority over the production of hemp within its jurisdiction; assert the Nation’s inherent sovereign authority by creating a hemp production plan that regulates hemp as an agricultural commodity consistent with the Nation’s laws; and promote the Nation’s hemp industry to the greatest extent permitted by the 2018 Farm Bill and IFR. [5 O.C. 508.1-1]. The Industrial Hemp law will:

- Require any person, defined to include businesses and other entities, under the jurisdiction of the Nation, who wants to produce hemp, to obtain, as well as maintain, a valid license through the Environmental, Health, Safety, Land and Agriculture Division [5 O.C. 508.6];
- Provide the process and eligibility requirements for persons to obtain and maintain a license to produce hemp pursuant to the Nation’s regulatory plan [5 O.C. 508.6];
- Define what constitutes an “acceptable hemp THC level” for purposes of producing hemp plants in compliance with the Law, and provide the requisite sampling/testing methods by which to accurately determine whether a hemp crop exceeds the acceptable hemp THC level [5 O.C. 508.3-1, 508.8];
- Mandate the disposal and destruction of any hemp plant that exceeds the acceptable hemp THC level and provide the requisite process for its disposal/destruction [5 O.C. 508.8-1];
- Set forth certain reporting and record-keeping requirements on the part of the producer and the Division that will allow the Nation to track hemp production within the Reservation and ensure compliance with the Law [5 O.C. 508.7]; and
- Provide enforcement mechanisms for the Division to detect and respond to instances of non-compliance with the Law that include due process protections for the licensee. [5 O.C. 508.11].

The Oneida Business Committee adopted the Industrial Hemp law on December 9, 2020, through resolution BC-12-09-20-A.

### **FY21 First Quarter Administrative Accomplishments**

The Legislative Operating Committee brought forward the following administrative items for adoption or approval during the FY21 First Quarter:

#### **Virtual Meeting Standard Operating Procedure**

Due to the uncertainty of the COVID-19 pandemic and the Nation’s Public Health State of Emergency, the Legislative Operating Committee developed a standard operating procedure (SOP) that would permit and provide guidance as to how the Legislative Operating Committee would hold meetings virtually through Microsoft Teams. The Legislative Operating Committee’s Virtual Meeting SOP provides guidance as to:

- When a virtual LOC meeting may be held – which is only during times of emergency.
- How notice of a virtual meeting shall be provided;
- The requirements of conducting a virtual meeting;
- Voting during a virtual meeting; and
- And the record of a virtual meeting.

The Virtual Meeting SOP was adopted by the Legislative Operating Committee on November 4, 2020, in an effort to provide the Legislative Operating Committee with flexibility in utilizing virtual meetings – especially in instances where the gathering of people in a meeting may be unsafe.

**Petition: M. Debraska – Increase GTC Stipends**

This petition called for the General Tribal Council meeting stipends to be increased from one hundred dollars (\$100) to two hundred dollars (\$200). The Oneida Business Committee acknowledged receipt of the petition on February 12, 2020. On February 26, 2020, the Oneida Business Committee assigned the petition to the semi-annual GTC meeting agenda tentatively scheduled on July 27, 2020, and directed that the Law, Finance, and Legislative Reference Offices to complete and submit the legal review, fiscal impact statement, and statement of effect, respectively, to the Secretary by May 19, 2020. Due to the COVID-19 pandemic the July Semi-Annual GTC meeting was canceled. On October 7, 2020, the Legislative Operating Committee approved the statement of effect for the Petition: M. Debraska – Increase GTC Stipends drafted by the Legislative Reference Office. On October 14, 2020, the Oneida Business Committee accepted the statement of effect.

**Curfew Law: One Year Review**

On October 9, 2019, the Oneida Business Committee adopted a Curfew law through resolution BC-10-09-19-F to protect the health, safety, and welfare of persons and property within the Reservation by regulating the activities of minors on the Reservation during certain hours, while imposing certain obligations and responsibilities on the parents, guardians, and/or legal custodians of a minor for the control and supervision of that minor. [3 O.C. 308.1-1]. Resolution BC-10-09-19-F directed that the Legislative Reference Office conduct a one (1) year review of the Curfew law and provide the Oneida Business Committee a report which details the number of citations issued by the Oneida Police Department, frequency and types of penalties issued by the Oneida Family Court, and any other relevant information. On October 21, 2020, the Legislative Operating Committee approved the Curfew Law: One Year Review report which provided that the Legislative Reference Office communicated with the Oneida Police Department and the Oneida Family Court on the status of the Curfew law during its first year of implementation and there were zero (0) Curfew law citations issued since the Curfew law became effective on October 23, 2019. The Oneida Business Committee accepted this report on October 28, 2020.

**Children's Code: Additional Six-Month Review**

On July 26, 2017, the Oneida Business Committee (OBC) adopted the Children's Code through resolution BC-07-26-17-J for the purpose of providing for the welfare, care, and protection of Oneida children. On July 26, 2017, the OBC also directed that a full implementation plan be submitted to the OBC, with quarterly reports submitted thereafter, and a one (1) year review of the Children's Code itself as it relates to the full implementation. On May 8, 2019, the Oneida Business Committee approved an amendment to the July 26, 2017, directive to complete a one (1) year review of the Children's Code to instead require that a review of the implementation of the Children's Code be conducted six (6) months after the Children's Code takes effect. Eight (8) quarterly reports were presented to the OBC on the progress of the implementation of the Children's Code from December 27, 2017, until October 23, 2019. On April 22, 2020, a six (6) month review of the implementation of the Children's Code since it became effective on October 1, 2019, was presented to the OBC. During that meeting the Oneida Business Committee directed that an additional six (6) month review of the Children's Code be completed based on the fact that there were still goals and concerns related to the implementation of the Children's Code that need to be addressed, as well the need to review the potential impacts of the COVID-19 pandemic on

the Children’s Code. On October 21, 2020, the Legislative Operating Committee approved the Children’s Code: Additional Six Month Review which provided updates on the implementation progress of the Oneida Indian Child Welfare Department and the Oneida Family Court. The Oneida Business Committee accepted this report on October 28, 2020.

### **Discretion Regarding the Transfer of Cases under the Children’s Code Resolution**

On October 14, 2020, the Legislative Operating Committee brought forward and approved a resolution titled, “*Discretion Regarding the Transfer of Cases under the Children’s Code*” which provided that the Nation’s Indian Child Welfare Department and Child Welfare attorney shall begin all new Children in Need of Protection and Services cases occurring in Brown and Outagamie County in the Oneida Family Court or seek the transfer of the case to the Oneida Family Court under the Children’s Code unless such commencement or transfer would be impracticable under the circumstances of the case as decided by the Nation’s Indian Child Welfare Department and the Nation’s Child Welfare attorney. This resolution was adopted by the Oneida Business Committee on October 28, 2020, through resolution BC-10-28-20-B.

### **Further Interpretation of “Fiscal Impact Statement” in the Legislative Procedures Act**

On October 14, 2020, the Legislative Operating Committee brought forward and approved a resolution titled, “*Further Interpretation of “Fiscal Impact Statement” in the Legislative Procedures Act*” which superseded resolution BC-09-25-19-A titled, “*Interpreting ‘Fiscal Impact Statement’ in the Legislative Procedures Act*” and provides further clarification on how the financial impact statement required in section 109.6-1 of the Legislative Procedures Act shall be requested and developed. This resolution was adopted by the Oneida Business Committee on October 28, 2020, through resolution BC-10-28-20-A.

### **Active Files List Sixty Day Review**

The “Legislative Operating Committee Meetings” standard operating procedure requires that within sixty (60) days after an item is added to the Active Files List, the Legislative Reference Office shall place the item on a Legislative Operating Committee meeting agenda for an update. The Legislative Operating Committee is then required to adopt a motion to either continue developing the proposal or discontinue developing the proposal. On December 2, 2020, the Legislative Operating Committee accepted the Active Files List Sixty Day Review memorandum which provided a status update on all items currently on the Active Files List, and the Legislative Operating Committee then adopted a motion to continue the development of the thirty-four (34) legislative items currently on the Active Files List identified in this memo.

## **FY21 First Quarter Legislative Highlights**

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY21 First Quarter:

### **Community Support Fund Law Amendments**

The Legislative Operating Committee has held five (5) work meetings on the proposed amendments to the Community Support Fund law – some of which were held in collaboration with representatives of the Economic Support Services Department. On December 2, 2020, the Legislative Operating Committee approved the proposed draft and legislative analysis. On December 16, 2020, the Legislative Operating Committee forwarded the Community Support



Fund law amendments to a public comment period to be held open until January 13, 2021. A public meeting was not scheduled for the proposed amendments to this law due to the COVID-19 pandemic and the Nation's Public Health State of Emergency. The Nation's COVID-19 Core Decision Making Team made a March 27, 2020, declaration titled "*Suspension of Public Meetings under the Legislative Procedures Act*". This declaration suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

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

The Legislative Operating Committee has held four (4) work meetings on the proposed amendments to the Emergency Management and Homeland Security law – some of which were held in collaboration with representatives from the following areas: Oneida Business Committee, Oneida Law Office, Emergency Management Department, Comprehensive Health Division, Risk Management Department, Intergovernmental Affairs, General Manager, and Strategic Planner. On December 16, 2020, the Legislative Operating Committee approved the proposed draft and legislative analysis, and forwarded the Emergency Management and Homeland Security law amendments to a public comment period to be held open until January 13, 2021.

### **Wellness Court Law**

From November 18, 2020, through November 20, 2020, the Legislative Operating Committee participated in the Tribal Healing to Wellness Court Planning Initiative Training provided by the National Association of Drug Court Professionals, National Drug Court Institute, and the Tribal Law and Policy Institute. Representatives from the Oneida Judiciary, Oneida Behavioral Health, Oneida Police Department, Legal Resource Center, General Manager, Wisconsin Department of Corrections Probation and Parole, and the Wisconsin Statewide Treatment Court participated in this training alongside the Legislative Operating Committee. The Tribal Healing to Wellness Court Planning Initiative Training was a foundational training program for jurisdictions interested in the implementation of a tribal healing to wellness court, which was designed to educate participants on the research and science supporting the drug court model and facilitate the creation of a program plan supporting fidelity to the model and proven best practice standards.

### **FY21 First Quarter Legislative Operating Committee Meetings**

Typically, all Legislative Operating Committee 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 the Legislative Operating Committee meetings have been closed to the public. An audio recording of the Legislative Operating Committee meeting is made available on the Nation's website after the meeting concludes. Any individual who has comments or questions regarding open session items on a Legislative Operating Committee meeting agenda may submit the comments or questions to [LOC@oneidanation.org](mailto:LOC@oneidanation.org) no later than the close of business the day prior to an Legislative Operating Committee meeting. Any comments received are noticed to the Legislative Operating Committee.



The Legislative Operating Committee held the following meetings during the FY21 First Quarter:

- October 7, 2020 – Regular meeting;
- October 21, 2020 – Regular meeting;
- November 4, 2020 – Regular meeting;
- December 2, 2020 – Regular meeting; and
- December 16, 2020 – Regular meeting.

## Goals for FY21 Second Quarter

During the FY21 Second Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

1. Continued response to the COVID-19 pandemic;
2. Adopt amendments to the Community Support Fund law;
3. Adopt amendments to the Emergency Management and Homeland Security law;
4. Adopt emergency amendments to the Oneida General Welfare law; and
5. Comply with the directive of Resolution BC-11-24-20-F titled, “*Approval of Final Draft Fiscal Year 2021 Budget and Budget Directives*” that the \$15,589,776 is set aside for development of programming for members which may be utilized to fund a General Welfare payment in accordance with Title 10, General Welfare Exclusion, Chapter 1001 that will focus on the specific needs of two groups of members – those age 62 and over, and all membership. In the event the General Welfare programs are unable to be developed on or before March 15, 2021, the programming funding shall be allocated in a per capita payment based on the needs of the two groups of members age 62 and over, and all members.

## Legislative Reference Office

The Legislative Reference Office’s mission is to provide support for the Legislative Operating Committee in developing clear and consistent legislation that reflects the Nation’s values, builds upon the Nation’s strong foundation, and reaffirms our inherent sovereignty. The Legislative Reference Office is currently staffed by a Senior Legislative Staff Attorney, Clorissa N. Santiago, and a Legislative Staff Attorney, Kristen Hooker.

## Legislative Operating Committee Contact Information

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

- David Jordan, LOC Chairman  
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# February 2021

February 2021							March 2021						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6		1	2	3	4	5	6
7	8	9	10	11	12	13	7	8	9	10	11	12	13
14	15	16	17	18	19	20	14	15	16	17	18	19	20
21	22	23	24	25	26	27	21	22	23	24	25	26	27
28							28	29	30	31			

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 31	Feb 1	2	3 8:30am LOC Prep (BC_Conf_Room) - Clorissa N. Santiago 9:00am LOC Meeting (BC_Conf_Room) - LOC	4	5 10:00am Wellness Court Law Work Meeting (Microsoft Teams Meeting) - Clorissa N.	6
7	8	9 10:00am General Welfare Exclusion - FY21 Budget Directive Work Meeting (Microsoft Teams)	10	11 2:00pm LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Santiago	12	13
14	15	16	17 8:30am LOC Prep (Microsoft Teams) 9:00am LOC Meeting (Microsoft Teams) 1:00pm Furlough Law	18	19 11:00am Amendments to the Oneida Nation Gaming Ordinance (Microsoft Teams)	20
21	22	23	24	25 1:30pm LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Santiago	26	27
28	Mar 1	2	3	4	5	6