



## 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:

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