



Legislative Operating Committee FY2021 Second Quarter Report

Active Files List As of 3/31/2021

Work completed January 1, 2021 – March 31, 2021

Name of Legislation	Development	Public Input	GTC/OBC Consideration or Adoption
Audit Committee Bylaws Amendments	●		
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 Emergency Amendments <i>Emerg. Expires 8/10/21</i>	●		●
Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments <i>Emerg. Expires 8/24/21</i>	●		●
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 <i>Emerg. Expires 5/24/21</i>	●		
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 Second Quarter the Legislative Operating Committee added one (1) legislative item to its Active Files List and denied the request for one (1) legislative item.

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

On February 3, 2021, the Legislative Operating Committee added the Audit Committee bylaws amendments to its Active Files List.

Items Denied by the Legislative Operating Committee

On March 3, 2021, the Legislative Operating Committee denied a request for emergency amendments to be made to the Children's Code due to the standard for emergency legislation provided by the Legislative Procedures Act not being met.

FY21 Second Quarter Legislative Accomplishments

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

Oneida General Welfare Law Emergency Amendments

The purpose of the Oneida General Welfare law is to provide assistance on a non-taxable basis, to eligible Tribal members through approved programs that promote the general welfare of the Nation. [10 O.C. 1001.1-1, 1001.1-3]. Emergency amendments to the Oneida General Welfare law were sought to better address how an approved program is adopted by the Oneida Business Committee in an effort to allow for more flexibility and efficiency in addressing the needs of the Nation. The emergency amendments to the Oneida General Welfare law:

- Revised the definition of approved program to allow an approved program to be adopted by the Oneida Business Committee through resolution or law of the Nation. [10 O.C. 1001.3-1(a)].

The Oneida Business Committee adopted the emergency amendments to this law on February 10, 2021, through resolution BC-02-10-21-B. The adoption of emergency amendments to this law will expire on August 10, 2021, with one (1) opportunity for a six (6) month extension.

Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments

The purpose of the Oneida General Welfare 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. [10 O.C. 1003.1-1]. Emergency amendments to the Oneida Higher Education Pandemic Relief Fund were sought to 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 were received by the Nation. The emergency amendments to the Oneida Higher Education Pandemic Relief law:

- Removed references to the 2020 Fall Term [10 O.C. 1003.1-1]; and
- Eliminated 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 Oneida Business Committee adopted the emergency amendments to this law on February 24, 2021, through resolution BC-02-24-21-B. The adoption of emergency amendments to this law will expire on August 24, 2021, with one (1) opportunity for a six (6) month extension.

Emergency Management and Homeland Security Law Amendments

The purpose of the Emergency Management law, formally known as the Emergency Management and Homeland Security law, is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; provide for the direction of emergency management, response, and recovery on the Reservation, as well as coordination with other agencies, victims, businesses, and organizations; establish the use of the National Incident Management System; and designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1]. The amendments to the Emergency Management law:

- Amended the title from Emergency Management and Homeland Security law to the Emergency Management law;
- Revised references to Oneida Community Health Services to Comprehensive Health Division [3 O.C. 302.3-1(d)];
- Revised the title of the Emergency Management and Homeland Security Agency to Emergency Management Department [3 O.C. 302.4];
- Removed a provision regarding the Public Safety Officers' Benefits Program from the law because it is provided for in federal law;
- Clarified that the Nation may implement more strict policies or requirements than those issued by the Community/Public Health Officer [3 O.C. 302.6-2];
- Clarified that it is within the authority of the Community/Public Health Officer to issue any mandate, order, and/or require restrictions which may limit the spread of any communicable disease to any individual, business, or the general population of the Reservation [3 O.C. 302.7-4(c)];
- Removed a provision that required the Oneida Community Health Services to be responsible for certain expenses of an infected individual;
- Addressed the authority of the Community/Public Health Officer to organize the vaccinations of individuals during the Public Health Emergency [3 O.C. 302.7-6(a)];
- Clarified exemptions to the requirements for vaccines [3 O.C. 302.7-6(a)(1)(A)-(B)];
- Extended the time period for a proclamation of an emergency from thirty (30) days to sixty (60) days [3 O.C. 302.8-2];
- Clarified that the Conservation Department may contract with an agency to cover their responsibility for the care, disposal, and sheltering of all abandoned domestic animals and livestock during a proclaimed emergency [3 O.C. 302.8-5];
- Delegated authority to the Oneida Business Committee to establish an Emergency Core Decision Making Team upon the declaration of an emergency and determine which positions of the Nation will compose the Emergency Core Decision Making Team [3 O.C. 302.9-1];
- Delegated authority to the Emergency Core Decision Making Team to declare exceptions to any law, policy, procedure, regulation, or standard operating procedure of the Nation [3 O.C. 302.9-2];
- Provided how the Emergency Core Decision Making Team will make declarations, and the duration of authority for those declarations [3 O.C. 302.9-3, 302.9-4];

- Required that notification of any declaration be provided to the Oneida Business Committee within twenty-four (24) hours of a declaration being made [3 O.C. 302.9-5];
- Clarified the authority of the Oneida Business Committee to modify, extend, or repeal any declaration or emergency action taken by the Emergency Core Decision Making Team [3 O.C. 302.9-6];
- Provided that citations issued for violations of this Law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations [3 O.C. 302.10-2(a)];
- Provided that the Oneida Business Committee shall adopt through resolution a citation schedule which sets forth specific fine amounts for violations of this Law [3 O.C. 302.10-2(b)]; and
- Made other minor drafting changes throughout the law for clarity.

The Oneida Business Committee adopted the amendments to the Emergency Management law on March 10, 2021, through resolution BC-03-10-21-A.

Community Support Fund Law Amendments

The purpose of the Community Support Fund law is to assist the greatest number of members of the Nation who apply for financial assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist. [1 O.C. 125.1-1]. The amendments to the Community Support Fund law:

- Included a definition for Fund Operator, which is the Economic Support Services Department, or other department within the Governmental Services Division designated authority over the operation of the Fund [1 O.C. 125.3-1(i)];
- Revised the definition of "immediate family" to better reflect Oneida families [1 O.C. 125.3-1(j)];
- Included public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund [1 O.C. 125.4-6(f)];
- Clarified that the Fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months [1 O.C. 125.6-1(l)];
- Removed the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents [1 O.C. 125.6-2];
- Removed the requirement that the amount paid for a security deposit be paid back to the Fund before another security deposit is issued in the future [1 O.C. 125.6-2(b)];
- Clarified that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund [1 O.C. 125.6-3];
- Removed the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides [1 O.C. 125.6-1(n), 125.6-4];
- Clarified that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund [1 O.C. 125.7-1(h)(l)(m)];

- Removed the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application [*1 O.C. 125.8-2*];
- Expanded the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days [*1 O.C. 125.8-5*];
- Adjusted the appeal process to reflect reorganization of the Governmental Services Division [*1 O.C. 125.9*]; and
- Made other minor drafting changes throughout the law for clarity.

The Oneida Business Committee adopted the amendments to the Community Support Fund law on March 10, 2021, through resolution BC-03-10-21-C.

Oneida Nation Emergency Planning Committee Bylaws Amendments

The Legislative Operating Committee worked with the Oneida Nation Emergency Planning Committee (ONEPC) on the development and adoption of amendments to the Oneida Nation Emergency Planning Committee bylaws. The amendments to the Oneida Nation Emergency Planning Committee bylaws addressed:

- The process for filling vacancies on the Oneida Nation Emergency Planning Committee;
- The qualifications necessary for membership on the ONEPC;
- The Officer positions on the ONEPC, as well as the process for selecting those Officers and the duties assigned to each specific Officer position;
- The behavioral expectations of those serving on the ONEPC;
- The process for calling, noticing, conducting and recording meetings of the ONEPC;
- The process for terminating the appointment of ONEPC members;
- The requisite training/conferences for members of the ONEPC;
- Stipend eligibility; and
- The process for further amendments to the ONEPC's bylaws.

The Oneida Business Committee adopted the amendments to the Oneida Nation Emergency Planning Committee bylaws on January 27, 2021.

Landlord-Tenant Law Rule No. 2 – Income Based Rental Program Eligibility, Selection, and Other Requirements

The Comprehensive Housing Division sought emergency amendments to the Landlord Tenant Law Rule No. 2 - Income Based Rental Program Eligibility, Selection and Other Requirements ("the Rule") to temporarily suspend eligibility requirements related to income and debt in response to the COVID-19 pandemic. The emergency amendments to the Rule

- temporarily suspended the requirement that an individual meet a minimum household income of seven thousand and eight hundred dollars (\$7,800) per year in recognition of the community hardships brought on by the COVID-19 pandemic [*Rule 2.4-3*]; and
- temporarily suspended the requirement that an individual not have a past due balance greater than two hundred dollars (\$200) owed to any utility provider or any prior debt owed to the Comprehensive Housing Division, provided that the health and safety safeguards will continue to require applicants to be eligible to have utilities turned on in their rental units. [*Rule 2.4-4*].

On January 20, 2021, the Legislative Operating Committee reviewed the proposed emergency amendments to the Rule as required by the Administrative Rulemaking law. [*1 O.C. 106.10-2*]. The Legislative Operating Committee certified that there is a valid basis for an emergency and

forwarded the emergency amendments to the Rule to the Oneida Business Committee for consideration. The Oneida Business Committee adopted the emergency amendments to the Rule on January 27, 2021. The emergency amendments to this Rule will expire on July 27, 2021.

FY21 First Quarter Legislative Highlights

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

Budget Management and Control Law Amendments

The Legislative Operating Committee held four (4) work meetings during the FY21 Second Quarter on the development of amendments to the Budget Management and Control law. Some of the work meetings were held in collaboration with the Treasurer, Finance Administration, Budget Analyst, and Strategic Planner.

Furlough Law Amendments

The Legislative Operating Committee held four (4) work meetings during the FY21 Second Quarter on the development of proposed amendments to the Furlough law. Some of the work meetings were held in collaboration with representatives from the Human Resources Department and Retail.

Oneida Nation Gaming Ordinance Emergency Amendments

The Legislative Operating Committee held five (5) work meetings during the FY21 Second Quarter on the development of emergency amendments to the Oneida Nation Gaming Ordinance. Some of the work meetings were held in collaboration with the Oneida Law Office, Oneida Gaming Commission, Oneida Police Department, Oneida Internal Security Department, Oneida Police Commission, and Gaming.

Public Peace Law

The Legislative Operating Committee held four (4) work meetings during the FY21 Second Quarter on the development a Public Peace law. Some of the work meetings were held in collaboration with the Oneida Business Committee, Oneida Law Office, Oneida Police Department, Tribal Action Plan (TAP), and the Comprehensive Housing Division.

Wellness Court Law

The Legislative Operating Committee held six (6) work meetings during the FY21 Second Quarter on the development of a Wellness Court law and its corresponding policies and procedures. Some of the work meetings were held in collaboration with the Oneida Judiciary, Wellness Court Coordinator, Oneida Police Department, General Manager, Oneida Behavioral Health, Legal Resource Center, Tribal Action Plan (TAP), and the Wisconsin Department of Corrections.

FY21 Second 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 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:

- January 20, 2021 – Regular meeting;
- February 3, 2021 – Regular meeting;
- February 17, 2021 – Regular meeting; and
- March 3, 2021 – Regular meeting.

Goals for FY21 Third 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 Audit Committee Bylaws;
3. Adopt emergency amendments to the Oneida Nation Gaming Ordinance;
4. Hold open a public comment period for the Public Peace law;
5. Develop a draft for the proposed amendments to the Furlough law; and
6. Develop a draft for the proposed amendments to the Budget Management and Control law.

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 with any questions or comments, or individual LOC members at the following:

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