

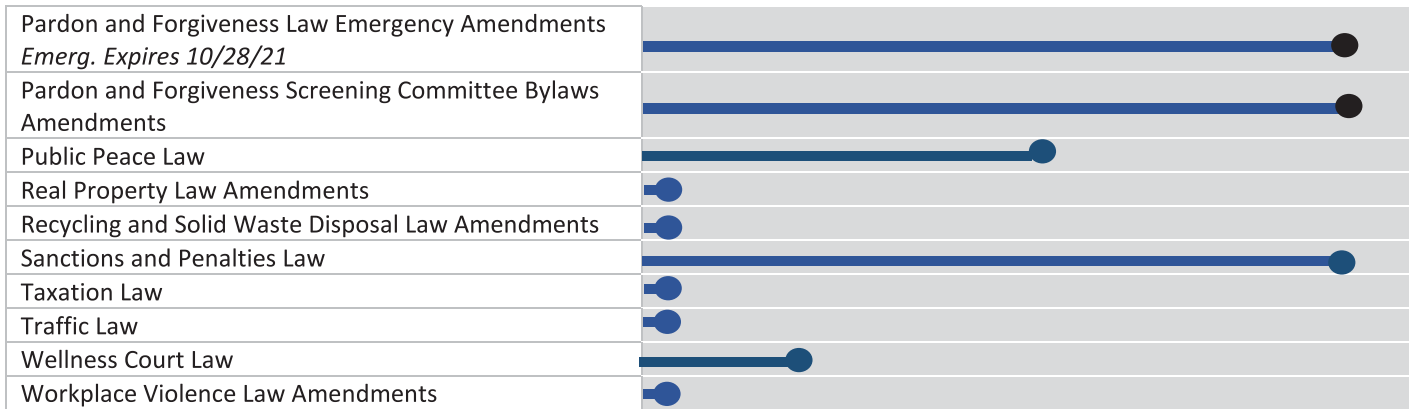


Legislative Operating Committee FY2021 Third Quarter Report

Active Files List As of 6/30/2021

Work completed April 1, 2021 – June 30, 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			
Early Return to Work Law Emergency Amendments <i>Emerg. Expires 11/12/21</i>			
Election Law Emergency Amendments <i>Emerg. Expires 10/28/21</i>			
Emergency Management and Homeland Security Law Amendments			
Endowments Law			
Environmental Review Law			
Furlough Law Amendments			
GTC Meeting Stipends Payment Policy Emergency Amendments <i>Emerg. Expires 4/8/21</i>			
Guardianship Law			
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 Emergency Amendments <i>Emerg. Expires 11/12/21</i>			
Oneida Personnel Policies and Procedures Amendments			
Oneida Worker's Compensation Law Emergency Amendments <i>Emerg. Expires 11/12/21</i>			
Oneida Trust Enrollment Committee Bylaws			
Pandemic Relief Assistance Law <i>Emerg. Expires 5/24/21</i>			



Legislative Operating Committee Action on Legislative Requests

During the FY21 Third Quarter the Legislative Operating Committee added six (6) legislative items 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 April 7, 2021, the Legislative Operating Committee added the Election law emergency amendments to its Active Files List.

Then on April 21, 2021, the Legislative Operating Committee added the following items to its Active Files List:

- Pardon and Forgiveness Law Emergency Amendments,
- Pardon and Forgiveness Screening Committee Bylaw Amendments,
- Petition: L. Elm – Real Property Law Eviction and Termination.

On May 11, 2021, the Legislative Operating Committee conducted e-polls to add the following items to its Active Files List:

- Oneida Worker’s Compensation Law Emergency Amendments; and
- Early Return to Work Law Emergency Amendments.

Items Denied by the Legislative Operating Committee

On May 5, 2021, the Legislative Operating Committee denied a request for the emergency repeal of the Budget Management and Control law. The Legislative Operating Committee denied this request due to the fact that on April 28, 2021, the Oneida Business Committee had considered whether emergency amendments or an emergency repeal of the Budget Management and Control law should be pursued and adopted a motion to “*direct the LOC to have emergency amendments to the Budget Management and Control law to remove much of the budget process/deadlines and leave it simply at a budget should be adopted by September 30, 2021.*”

FY21 Third Quarter Legislative Accomplishments

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

Audit Committee Bylaws Amendments

The Legislative Operating Committee assisted the Audit Committee in updating its bylaws. On April 14, 2021, the Oneida Business Committee adopted amendments to the Audit Committee bylaws.

Pardon and Forgiveness Law Emergency Amendments

The purpose of the Pardon and Forgiveness law is to provide a fair, efficient, and formal process by which an individual may receive a pardon or forgiveness from the Nation, as well as define the duties and responsibilities of the Oneida Pardon and Forgiveness Screening Committee (“PFSC”), Oneida Business Committee, Secretary’s Office, and other persons involved in the granting or denial of pardons and forgiveness. [1 O.C. 126.1-1]. Emergency amendments to the Pardon and Forgiveness law were sought to address the impact that the COVID-19 pandemic has had on the ability of the PFSC to process, as well as conduct hearings, on applications for a pardon or forgiveness in a fair and efficient manner as is required under the Pardon and Forgiveness law. Prior to the emergency amendments, the Pardon and Forgiveness law only allowed for hearings on an application for a pardon or forgiveness to be conducted in-person, at a location to be determined by the PFSC. [1 O.C. 126.8-1]. The emergency amendments to the Pardon and Forgiveness law added an option for the PFSC to conduct its hearings virtually when it deems necessary. [1 O.C. 126.8-1(a)]. The Oneida Business Committee adopted the emergency amendments to the Pardon and Forgiveness law on April 28, 2021, through resolution BC-04-28-21-A. The emergency amendments to the Pardon and Forgiveness law will expire on October 28, 2021.

Election Law Emergency Amendments

The Election law governs the procedures for the conduct of orderly elections of the Nation, including pre-election activities. [1 O.C. 102.1-1]. Emergency amendments to the Election law were sought to address the impact of the COVID-19 pandemic on the Nation’s 2021 Special Election. The emergency amendments to the law:

- Eliminated the caucus from the election process [1 O.C. 102.6-1];
- Required an individual to submit an application in order to have his or her name placed on a ballot for an election [1 O.C. 102.6-1];
- Eliminated the requirement for an individual to obtain at least ten (10) signatures of qualified voters when submitting an application to be placed on the ballot [1 O.C. 102.6-1];
- Required that all applications be submitted to the Business Committee Support Office by the close of business on the application deadline established by the Oneida Election Board [1 O.C. 102.6-1(c)];
- Reduced the number of Oneida Election Board members who are required to sign the election totals on machine counted ballots from six (6) to three (3) [1 O.C. 102.10-2];
- Clarified that elections shall be held at an Oneida Nation facility instead of just in an Oneida Nation facility [1 O.C. 102.9-2]; and
- Eliminated the requirement that referendum questions be submitted in writing at the caucus, and instead allows for referendum questions to be submitted in writing to the Business Committee Support Office by the deadline established by the Oneida Election Board [1 O.C. 102.12-9(c)].

The Oneida Business Committee adopted the emergency amendments to the Election law on April

28, 2021, through resolution BC-04-28-21-B. The emergency amendments to the Election law will expire on October 28, 2021.

Pardon and Forgiveness Screening Committee Bylaws Amendments

On April 28, 2021, the Oneida Business Committee adopted amendments to the Pardon and Forgiveness Screening Committee bylaws.

Budget Management and Control Law Emergency Amendments

The Budget Management and Control law sets 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]. Emergency amendments to the Budget Management and Control law were sought to address the Nation's non-compliance with the budget development process and deadlines contained in the law. The emergency amendments to the Budget Management and Control law removed much of the details of the budget process, requirements, and deadlines, and instead provided that the Treasurer shall develop the necessary guidelines and procedures, including specific deadlines, for the Nation's budget development process, to be reviewed and approved by the Oneida Business Committee. The Oneida Business Committee adopted the emergency amendments to the law on May 12, 2021, through resolution BC-05-12-21-C. The emergency amendments to the Budget Management and Control law will expire on November 12, 2021.

Oneida Nation Gaming Ordinance Emergency Amendments

Emergency amendments to the Oneida Nation Gaming Ordinance ("ONGO") were sought to protect the Nation against exposure to litigation and/or legal claims relating to ONGO's placement of the Gaming Security Department ("Security") within the Nation's organizational structure. Specifically, the emergency amendments removed an avenue for potential liability that has been raised with respect to Security being placed within the Oneida Police Department under section 501.9-1 of the law. [5 O.C. 501.9-1]. The emergency amendments to ONGO re-assigned Security to the Oneida Business Committee to expeditiously dispose of any legal risks associated with its current placement. The Oneida Business Committee adopted the emergency amendments to the ONGO on May 12, 2021, through resolution BC-05-12-21-D. The emergency amendments to the ONGO will expire on November 12, 2021.

Oneida Worker's Compensation Law Emergency Amendments

The Oneida Worker's Compensation law sets up a system of compensation and medical benefits for employees of the Oneida Nation who suffer compensable injuries in the employment of the Oneida Nation. [2 O.C. 203.1-1]. Emergency amendments to the Oneida Worker's Compensation law were sought to address the effects of the May 1, 2021 shooting incident at the Radisson on employees of the Nation by ensuring that employees of the Nation on duty at or around the main Oneida Casino, the Irene Moore Activity Center (IMAC), or on the grounds encompassing the Oneida Casino, IMAC, and the Radisson Hotel and Conference Center (Radisson) on the evening of May 1, 2021 had access to the necessary resources to address their mental health needs as a result of the May 1, 2021, shooting incident. The emergency amendments to the Oneida Worker's Compensation law:

- Revised the definition for "Injury or Personal Injury" to include mental harm to an

employee caused by the May 1, 2021 shooting incident at the Radisson [2 O.C. 203.3-1(d)];

- Revised the definition for “Covered Injury/Accidents” to include mental harm to an employee caused by the May 1, 2021 shooting incident at the Radisson [2 O.C. 203.3-1(k)]; and
- Extended the timeframe for reporting an injury sustained on the evening of May 1, 2021 during the shooting incident at the Radisson for consideration for compensation under the law from forty-eight (48) hours to one hundred and eight (180) days after the incident for mental harm, and from forty-eight (48) hours to thirty (30) days after the incident for physical harm. [2 O.C. 203.9-4].

The Oneida Business Committee adopted the emergency amendments to the Oneida Worker’s Compensation law on May 12, 2021, through resolution BC-05-12-21-H. The emergency amendments to the Oneida Worker’s Compensation law will expire on November 12, 2021.

Early Return to Work Law Emergency Amendments

The purpose of the Early Return to Work law is to accommodate employees of the Nation who are placed on restrictions by their healthcare provider, for a specific period of time, due to an injury, illness, or pregnancy that renders them unable to perform one or more of their essential functions or work the full shift they would have otherwise been scheduled to work. [2 O.C. 209.3-1(h)]. Emergency amendments to the Early Return to Work law were sought to address the effects the May 1, 2021 shooting incident at the Radisson may have had on the mental health of those employees of the Nation who were on duty at or around the main Oneida Casino (“Casino”), Irene Moore Activity Center (“IMAC”), or on the grounds encompassing the Casino, IMAC, and Radisson on May 1, 2021, during the time of the shooting incident. The emergency amendments to the Early Return to Work law created an exception to section 209.4-4 of the law that allowed for employees of the Nation, who were on duty during the shooting incident of May 1, 2021 and diagnosed with a mental health injury as a result thereof, the opportunity to participate in the Early Return to Work Program and be considered for modified duty work, subject to the approval of the Employee Health Nursing Department. Prior to this emergency amendment, the Early Return to Work law provided, without exception, that a mental/behavioral health condition does not fall within the type of condition that allows an employee, with a mental health injury, to be considered for modified duty work in accordance with the Early Return to Work Program. [2 O.C. 209.4-4]. The Oneida Business Committee adopted the emergency amendments to the Early Return to Work law on May 12, 2021, through resolution BC-05-12-21-I. The emergency amendments to the Oneida Worker’s Compensation law will expire on November 12, 2021.

FY21 Third Quarter Administrative Accomplishments

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

Petition: L. Elm Real Property Law Eviction and Termination

This petition called a “General Tribal Council (GTC) meeting be held by virtual or in-person, regarding the Real Property Law, concerning Eviction and termination including residential leases. With our current pandemic of addiction in the community, the stipulation of vacating your home in five (5) days, from the time of the incident is or should be considered and Unconstitutional, furthermore we need a due process to protect the heads of household leases), from losing their

homes, an include procedures in the case they do. Including timeframes for them to sell their homes; implementation of a chart of penalties, (Drugs and type, Violence, Sexual abuse or assault, human trafficking and all unlawful activities) including intent of eviction Notice with timelines, from the date of the incident as well as date of Notice and including Due Process; Request an advocated board be created between Oneida Land Commission, Oneida Police Commission, with representatives from Behavior Health, and Comprehensive Housing Division Area; Request if the head of household is not the occupant in violation, a compliance agreement be done with them, outline, behavior or property for a period of time, before termination (eviction) of lessee is implemented; also requesting occupant of violation must be removed from residence and if a successful treatment plan and stability review is approved by advocate board, they may be able to enter into their own lease or reside back at residence; Evaluation of how one can be held responsible of activities: address on citation, activity at residence, accusations and/or any other ways; Timeline(s) for getting another lease and how; The reasoning for this petition is to protect families from their loved one's addiction, and so they do not lose their home after all the other family suffering, they already, have consumed over the addiction.”. The Oneida Business Committee acknowledged receipt of the petition on April 14, 2021, assigned the petition to the next available General Tribal Council meeting agenda, and directed that the Law, Finance, and Legislative Reference Offices complete and submit the legal review, fiscal impact statement, and statement of effect, respectively, to the Secretary by June 9, 2021. On June 2, 2021, the Legislative Operating Committee approved the statement of effect for the Petition: L. Elm Real Property Law Eviction and Termination drafted by the Legislative Reference Office. On June 9, 2021, the Oneida Business Committee accepted the statement of effect.

Community Support Fund Law Rule Handbook Amendments

The Community Support Fund law delegates administrative rulemaking authority to the Fund Operator, which has been identified as the Economic Support Services Department, to promulgate rules for the administration of the Community Support Fund. [1 O.C. 124. 4-1 (a), 121.3-1 (i)]. The Rule Handbook provides guidance on how the Community Support Fund is utilized so that the Nation can assist the greatest number of members of the Nation who apply for assistance to the Community Support Fund in times of a catastrophic event, illness, injury or emergency event when no other resources for assistance exist. Amendments to the Rule Handbook were sought to bring the Rule Handbook into compliance with the Community Support Fund law as amended by the Oneida Business Committee on March 10, 2021, through the adoption of resolution BC-03-10-21-C. The Oneida Business Committee adopted the amendments to the Community Support Fund Law Rule Handbook on June 9, 2021.

FY21 Third Quarter Legislative Highlights

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

Budget Management and Control Law Amendments

The Legislative Operating Committee held four (4) work meetings during the FY21 Third 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, and Budget Analyst.

Children's Code Amendments

The Legislative Operating Committee held four (4) work meetings during the FY21 Third Quarter on the development of amendments to the Children's Code. The work meetings were held in collaboration with the Indian Child Welfare Department, Oneida Family Court, and Oneida Law Office.

Furlough Law Amendments

The Legislative Operating Committee held three (3) work meetings during the FY21 Third 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.

Marijuana Law

The Legislative Operating Committee participated in two (2) work meetings during the FY21 Third Quarter on the development of Marijuana law and the legalization of marijuana. Some of the work meetings were held in collaboration with representatives from the Oneida Law Office, Oneida Police Department, Intergovernmental Affairs and Communications, General Manager, Oneida Business Committee, and Department of Public Works, and the Environmental, Health, Safety, Land, and Agriculture Division.

Oneida General Welfare Law

The Legislative Operating Committee held three (3) work meetings during the FY21 Third Quarter on the permanent adoption of the Oneida General Welfare law. The Legislative Operating Committee also held open a public comment period during the FY21 Third quarter on the Oneida General Welfare law to gain input from the community on the following question: Should assistance provided by an approved program under the Oneida General Welfare law be subject to attachment or garnishment? Six individuals submitted written comments during the public comment period.

Public Peace Law

The Legislative Operating Committee held one (1) work meetings during the FY21 Third Quarter on the development a Public Peace law. The work meeting was held in collaboration with the Oneida Business Committee, Oneida Law Office, Oneida Police Department, Tribal Action Plan (TAP), and the Comprehensive Housing Division. The Legislative Operating Committee also held open a public comment period during the FY21 Third quarter on the proposed Public Peace law. Six individuals submitted written comments during the public comment period.

Wellness Court Law

The Legislative Operating Committee held one (1) work meeting during the FY21 Third 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 Behavioral Health, Tribal Action Plan (TAP), and the Cultural Heritage Department.

Pandemic Relief Assistance Law

The emergency adoption of the Pandemic Relief Assistance law expired on May 24, 2021. The emergency adoption of the Pandemic Relief Assistance law was sought 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 with funding from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Coronavirus Relief Funds (CRF). The Pandemic Relief Assistance law was allowed to expire due to the face that the Nation exhausted its CARES Act CRF.

General Tribal Council Meeting Stipend Payment Policy

The emergency amendments to the General Tribal Council (GTC) Meeting Stipend Payment Policy expired on April 8, 2021. The emergency amendments to the GTC Meeting Stipend Payment Policy allowed for GTC meeting stipends to be discontinued when the Oneida Business Committee finds, through adoption of a resolution, that it is necessary to protect the resources and general welfare of the Nation. This emergency amendment was adopted through resolution BC-04-08-20-A. The BC then adopted resolution BC-04-08-20-F, halting payment of GTC meeting stipends for FY2020 & FY2021. The emergency amendments to the GTC Meeting Stipend Payment Policy were extended by the Oneida Business Committee for an additional six (6) month term through the adoption of resolution BC-09-23-20-B. The Legislative Procedures Act allows for an emergency amendment to be in place for a period of up to six (6) months, with an opportunity for a one-time emergency law extension of up to six (6) months. [1 O.C. 109.9-5(b)].

FY21 Third 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 were closed to the public during the FY21 Third Quarter. Employees of the Nation were provided the opportunity to attend the Legislative Operating Committee meeting through Microsoft Teams. 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 any 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 Third Quarter:

- April 7, 2021 – Regular meeting;
- April 21, 2021 – Regular meeting;
- May 5, 2021 – Regular meeting;
- May 19, 2021 – Regular meeting; and
- June 2, 2021 – Regular meeting.

The June 16, 2021, Legislative Operating Committee meeting was canceled due to a lack of quorum.

Goals for FY21 Fourth Quarter

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

1. Continued response to the COVID-19 pandemic;
2. Adoption of the Public Peace law;
3. Public meeting for the permanent adoption of the Oneida General Welfare law;
4. Development of amendments to the Budget Management and Control law;
5. Public meeting for the amendments to the Furlough law; and
6. Hire a legislative analyst for the Legislative Reference Office.

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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