



Legislative Operating Committee FY2021 First Quarter Report

Active Files List As of 12/31/2021
Work completed October 1, 2021 – December 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	●		
Early Return to Work Law Emergency Amendments <i>Emerg. Expired 11/12/21</i>	●		
Election Law Emergency Amendments <i>Emerg. Expired 10/28/21</i>	●		
Elder Assistance Program Law	●		
Emergency Management and Homeland Security Law Amendments	●		
Endowments Law	●		
Environmental Review Law	●		
Fire Signs Law	●		
Furlough Law Amendments	●		
GTC Meeting Stipends Payment Policy Emergency Amendments <i>Emerg. Expired 4/8/21</i>	●		
Guardianship Law	●		
Industrial Hemp Law	●		
Investigative Leave Policy Amendments	●		
Law Enforcement Ordinance Amendments	●		
Layoff Policy Amendments	●		
Local Land Use Regulation Reimbursement Policy Repeal	●		
Marijuana Law	●		
Misappropriations of Funds Law	●		
Oneida General Welfare Law	●		
Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments <i>Emerg. Expired 8/24/21</i>	●		
Oneida Land Trust Law	●		
Oneida Nation Arts Board Bylaws Amendments	●		
Oneida Nation Emergency Planning Committee Bylaws	●		
Oneida Nation Gaming Ordinance Emergency Amendments <i>Emerg. Expires 5/12/21</i>	●		
Oneida Personnel Policies and Procedures Emergency 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. Expired 5/24/21</i>	
Pardon and Forgiveness Law Emergency Amendments <i>Emerg. Expires 4/28/22</i>	
Pardon and Forgiveness Screening Committee Bylaws Amendments	
Public Peace Law	
Real Property Law Amendments	
Recycling and Solid Waste Disposal Law Amendments	
Sanctions and Penalties Law	
Taxation Law	
Traffic Law	
Tribal Sovereignty in Data Research Law	
Wellness Court Law	
Workplace Violence Law Amendments	

Legislative Operating Committee Action on Legislative Requests

During the FY22 First Quarter the Legislative Operating Committee added three (3) legislative items to its Active Files List. No requests were denied during the FY22 First Quarter.

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

On November 3, 2021, the Legislative Operating Committee added the Elder Assistance Program law to its Active Files List.

Then on November 17, 2021, the Legislative Operating Committee added the Tribal Sovereignty in Data Research law to its Active Files List.

On December 1, 2021, the Legislative Operating Committee added Oneida Nation Arts Board bylaws amendments to its Active Files List.

FY21 First Quarter Legislative Accomplishments

The Legislative Operating Committee brought forward the following legislation for adoption or amendment during the FY22 First Quarter:

Pardon and Forgiveness Law Emergency Amendments Extension

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 were set to expire on October 28, 2021.

The Oneida Business Committee extended the emergency amendments to the Pardon and Forgiveness law for an additional six (6) month period on October 27, 2021, through the adoption of resolution BC-10-27-21-A. The emergency amendments to the Pardon and Forgiveness law will now expire on April 28, 2022.

Oneida Nation Gaming Ordinance Emergency Amendments Extension

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 ONGO on May 12, 2021, through resolution BC-05-12-21-D. The emergency amendments to the ONGO were set to expire on November 12, 2021.

The Oneida Business Committee extended the emergency amendments to ONGO for an additional six (6) month period on November 10, 2021, through the adoption of resolution BC-11-10-21-A. The emergency amendments to ONGO will now expire on May 12, 2022.

Budget Management and Control Law Emergency Amendments Extension

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]. On November 24, 2020, the Oneida Business Committee adopted emergency amendments to the Law in response to the COVID-19 pandemic to provide that in the event that the Nation proclaims an emergency, in accordance with the Emergency Management 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. 121.5-3(b)(1)]. These emergency amendments were set to expire on May 24, 2021.

The Oneida Business Committee then adopted additional emergency amendments to the Budget Management and Control law on May 12, 2021, 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 were set to expire on November 12, 2021.

The Oneida Business Committee extended the emergency amendments to the Budget Management and Control law for an additional six (6) month period on November 10, 2021, through the adoption of resolution BC-11-10-21-B. The emergency amendments to the Budget Management and Control law will now expire on May 12, 2022.

Oneida Personnel Policies and Procedures Emergency Amendments

Emergency amendments to the Oneida Personnel Policies and Procedures were sought to improve the Nation's hiring capacity and service delivery in the tight labor markets that have resulted from the COVID-19 pandemic. The emergency amendments to the Oneida Personnel Policies and Procedures made the following revisions to the law:

- Require that all applications for employment with the Nation be submitted online;
- Eliminate the requirement that a position vacancy be posted twice with the first posting open to enrolled members of the Nation only and the second posting open to the general public;
- Require that applicants who are enrolled members of the Oneida Nation be screened and interviewed prior to any other applicants;
- Allow for a supervisor to choose between the next two (2) ranked applicants if the first choice refuses the position offer;
- Require an employee who is transferred to continue serving in their present position until a replacement can be found, for a period up to thirty (30) days;
- Remove the requirement that an employee completes one (1) year of service to the Nation before being eligible for a transfer;
- Clarify that an employee shall be required to undergo an original probation period for three (3) months after being hired, transferred, or reassigned to a new position;
- Remove the provision that provided probationary employees be paid at five percent (5%) below the posted pay rate for the position; and
- Make other revisions throughout Section III of the Oneida Personnel Policies and Procedures to simplify and clarify language to make the hiring selection process more efficient.

The Oneida Business Committee adopted the emergency amendments to the Oneida Personnel Policies and Procedures on November 24, 2021, through the adoption of resolution BC-11-24-21-A. The emergency amendments to the Oneida Personnel Policies and Procedures will expire on May 24, 2022.

Adoption of the Oneida General Welfare Law

The Oneida General Welfare law was adopted by the Oneida Business Committee on an emergency basis through resolution BC-08-12-20-D for the purpose of providing assistance on a non-taxable basis, to eligible Tribal members through approved programs that promote the general

welfare of the Nation including programs designed to enhance the promotion of health, education, self-sufficiency, self-determination, and the maintenance of culture and tradition, entrepreneurship, and employment. [10 O.C. 1001.1-1, 1001.1-3, 1001.9-2]. The emergency adoption of the Oneida General Welfare law was set to expire on February 12, 2021.

Emergency amendments to the Oneida General Welfare law were then adopted by the Oneida Business Committee through resolution BC-02-10-21-B for the purpose of addressing how an approved program would be adopted by the Oneida Business Committee to allow for more flexibility and efficiency in addressing the needs of the Nation. The emergency amendment 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)]. Previously, an approved program could only be adopted by the Oneida Business Committee through a law of the Nation. These emergency amendments to the Oneida General Welfare law were set to expire on August 10, 2021.

On July 28, 2021, the Oneida Business Committee extended the emergency amendments for an additional six (6) month period through the adoption of resolution BC-07-28-21-M. A six (6) month extension of the emergency amendments to the Oneida General Welfare law was granted to provide additional time for the Legislative Operating Committee to process the adoption of permanent amendments to the Oneida General Welfare law. The emergency amendments to the Oneida General Welfare law were set to expire on February 10, 2022.

On December 8, 2021, the Oneida Business Committee adopted the Oneida General Welfare law on a permanent basis through the adoption of resolution BC-12-08-21-A.

Early Return to Work Law Emergency Amendments

The emergency amendments to the Early Return to Work law expired on November 12, 2021.

Election Law Emergency Amendments

The emergency amendments to the Election law expired on October 28, 2021.

Oneida Worker's Compensation Law Emergency Amendments

The emergency amendments to the Oneida Worker's Compensation law expired on November 12, 2021.

FY22 First Quarter Administrative Accomplishments

The Legislative Operating Committee brought forward the following administrative items for adoption or approval during the FY22 First Quarter:

Adoption of the Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)

The Leasing law was adopted for purposes of setting forth the Nation's authority to issue, review, approve, and enforce leases. [6 O.C. 602.1-1]. The Leasing law delegates authority to the Oneida Land Commission and Land Management to jointly develop rules related to obtaining residential, agricultural, or business leases. [6 O.C. 602.5-1]. Land Management is defined in the Leasing law as "the Division of Land Management or other entity responsible for entering into leases of tribal

land”. [6 O.C. 602.3-1(i)]. According to the Real Property law, the Comprehensive Housing Division is the entity responsible for processing all residential leases of Tribal land. [6 O.C. 601.9-1]. Therefore, the Comprehensive Housing Division is Land Management for purposes of the rulemaking authority delegated under the Leasing law.

The purpose of the Leasing law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (“the Rule”) is to increase the Nation’s land base while maintaining individual homeownership. Through the program, eligible homeowners can sell their land to the Nation and then enter into a residential lease with the Comprehensive Housing Division that will allow them to retain ownership of the improvements, as well as rights to the land upon which those improvements are located.

On September 1, 2021, the Legislative Operating Committee reviewed and certified the Rule, finding good cause under section 106.7-1(a) of the Administrative Rulemaking law to certify this Rule, despite being presented for certification outside of the time limits allowed by the Administrative Rulemaking law upon closure of the public comment period. This Rule was then adopted by the Oneida Business Committee on September 8, 2021. This Rule was then repealed by the Oneida Business Committee on October 13, 2021.

FY22 First Quarter Legislative Highlights

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY22 First Quarter:

Budget Management and Control Law Amendments

The Legislative Operating Committee held eight (8) work meetings during the FY22 First Quarter on the development of amendments to the Budget Management and Control law. The work meetings were held in collaboration with the Treasurer, Finance Administration, and Budget Analyst. On November 3, 2021, the Legislative Operating Committee approved the Budget Management and Control law emergency amendments extension packet and forward the materials to the Oneida Business Committee for consideration, while also approving the draft of proposed permanent amendments to the Budget Management and Control law and directing that a legislative analysis be developed. On December 15, 2021, the Legislative Operating Committee approved the updated draft, legislative analysis, and public comment period notice, and forwarded the Budget Management and Control law amendments to a public comment period to be held open until February 2, 2022.

Furlough Law Amendments

The Legislative Operating Committee held two (2) work meetings during the FY22 First Quarter on the development of proposed amendments to the Furlough law. On October 6, 2021, the Legislative Operating Committee approved the Furlough law amendments public comment period notice and forwarded the Furlough law amendments to a public comment period to be held open until November 11, 2021. The public comments were received during the public comment period. On November 17, 2021, the Legislative Operating Committee accepted the public comment period review memorandum which identified no public comments were received. On December 1, 2021, the Legislative Operating Committee approved the updated draft, legislative analysis, and the fiscal impact statement request memorandum and forwarded the materials to the Finance Department

directing that a fiscal impact statement be prepared and submitted to the LOC by December 15, 2021. On December 14, 2021, the Finance Department provided the fiscal impact statement for the proposed amendments to the Furlough law, with the impact being found to be “indeterminate,” and requested additional time to provide a fiscal impact statement that provides a fiscal impact other than indeterminate. The Legislative Operating Committee then extended the Finance Department’s deadline to provide a fiscal impact statement to January 26, 2022.

Law Enforcement Ordinance Amendments

The Legislative Operating Committee held three (3) work meetings during the FY22 First Quarter on the proposed amendments to the Law Enforcement Ordinance.

Layoff Policy Amendments

The Legislative Operating Committee held one (1) work meeting during the FY22 First Quarter on the proposed amendments to the Layoff Policy.

Local Land Use Regulation Reimbursement Policy Repeal

On October 6, 2021, the Legislative Operating Committee accept the public comment review memorandum which identified that there were no written comments received during the public comment period that was held open from August 18, 2021, until September 16, 2021.

Oneida Nation Gaming Ordinance Amendments

The Legislative Operating Committee held five (5) work meetings during the FY22 First Quarter on the amendments to the Oneida Nation Gaming Ordinance. The work meetings were held in collaboration with the Oneida Gaming Commission, Oneida Police Department, Oneida Police Commission, Conservation Department, and the Environmental, Health, Safety, Land and Agriculture Division.

Oneida Personnel Policies and Procedures Emergency Amendments

The Legislative Operating Committee held eight (8) work meetings during the FY22 First Quarter on the emergency amendments to the Oneida Personnel Policies and Procedures. The work meetings were held in collaboration with the Human Resources Department and the Oneida Business Committee.

Pardon and Forgiveness Law Emergency Amendments

The Legislative Operating Committee held one (1) work meeting during the FY22 First Quarter on the extension of the emergency amendments to the Pardon and Forgiveness law.

Tribal Sovereignty in Data Research Law

The Legislative Operating Committee held three (3) work meetings during the FY22 First Quarter on the Tribal Sovereignty in Data Research law.

FY22 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 were closed to the public during the FY22 First Quarter. Oneida Business Committee resolution BC-12-08-21-B, *Updating Public Gathering Guidelines during Public Health State of Emergency - COVID-19*, requires that Legislative Operating Committee meetings be closed to the public due to the Nation's Public Health State of Emergency when the following conditions cannot be met:

- When COVID-19 Case Activity rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.
- When COVID-19 Percent Positive rates are at or below low in Brown and Outagamie Counties, or the county in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.
- When COVID-19 Community Transmission Rates by ZIP Code Tabulation Area are at or below low in ZIP Codes 54155, 54301, 54302 and 54303, or the ZIP Code in which the activity is being held, as identified on the Wisconsin Department of Health Services website for the most recent period.

Employees of the Nation are 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 non-employee who would like to access the Legislative Operating Committee meeting through Microsoft Teams can provide their name, phone number or e-mail address to LOC@oneidanation.org by the close of business the day before a meeting of the Legislative Operating Committee to receive the link to the Microsoft Teams meeting. Additionally, 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 FY22 First Quarter:

- October 6, 2021 – Regular meeting;
- October 20, 2021 – Regular meeting;
- November 3, 2021 – Regular meeting;
- November 17, 2021 – Regular meeting;
- December 1, 2021 – Regular meeting;
- December 15, 2021 – Regular meeting.

Goals for FY22 First Quarter

During the FY22 Second 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 Budget Management and Control law;
3. Adoption of the Furlough law;
4. Development of permanent amendments to the Oneida Nation Gaming Ordinance;
5. Development of the Wellness Court law; and

6. Development of the Oneida Elder Assistance Program 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 the following individuals:

- Clorissa N. Santiago, Senior Legislative Staff Attorney;
- Kristen Hooker, Legislative Staff Attorney; and
- Carmen Vanlanen, Legislative Analyst.

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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