



Legislative Operating Committee FY2021 Fourth Quarter Report

Active Files List As of 9/30/2021

Work completed July 1, 2021 – September 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	●		
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 Emergency Amendments <i>Emerg. Expires 2/10/22</i>	●		
Oneida Higher Education Pandemic Relief Fund Law Emergency Amendments <i>Emerg. Expired 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 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 10/28/21</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	
Wellness Court Law	
Workplace Violence Law Amendments	

Legislative Operating Committee Action on Legislative Requests

During the FY21 Fourth Quarter the Legislative Operating Committee added four (4) legislative items to its Active Files List and denied the request for three (3) legislative items.

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

On July 7, 2021, the Legislative Operating Committee added the Local Land Use Regulation Reimbursement Policy Repeal to its Active Files List.

Then on August 4, 2021, the Legislative Operating Committee added the Oneida Nation Emergency Planning Committee Bylaws Amendments to its Active Files List.

On August 18, 2021, the Legislative Operating Committee added the following items to its Active Files List:

- Fire Signs Law; and
- Oneida Personnel, Policies and Procedures Emergency Amendments – Selection Policy.

Items Denied by the Legislative Operating Committee

On August 18, 2021, the Legislative Operating Committee denied the request for amendments to the Workplace Violence law and the Oneida Personnel Policies and Procedures – Revision of HRD Manager Title due to the fact that these items were already on the Active Files List.

On September 15, 2021, the Legislative Operating Committee denied the request to add the Children’s Code Amendments, and the Guardianship law and Adoption law to the Active Files List noting that the Children’s Code Amendments and the Guardianship law are already currently on the Active Files List.

FY21 Fourth Quarter Legislative Accomplishments

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

Oneida General Welfare Law Emergency Amendments Extension

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 will now expire on February 10, 2022.

Public Peace Law

The purpose of the Public Peace law is to set forth community standards and expectations which preserve the peace, harmony, safety, health, and general welfare of individuals who live within the boundaries of the Reservation. [1 O.C. 309.1-1]. The Public Peace law:

- Delegates jurisdiction to the Trial Court for any action brought under this law [3 O.C. 309.4-1];
- Delegates authority to the Oneida Police Department to investigate complaints involving civil infractions under this law and issue citations for violations of this law [3 O.C. 309.4-3];
- Prohibits a person from committing a civil infraction under this law [3 O.C. 309.4-4];
- Provides the various civil infractions including:
 - Civil infractions against property [3 O.C. 309.5];
 - Civil infractions against the peace [3 O.C. 309.6];
 - Civil infractions against government [3 O.C. 309.7];
 - Civil infractions against the person [3 O.C. 309.8];
 - Civil infractions involving alcohol, tobacco, and drugs [3 O.C. 309.9]; and
 - Civil Infractions affecting health and safety [3 O.C. 309.10];
- Provides that a citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations [3 O.C. 309.11-1(b)];

- Requires that an Oneida Police Department officer provide notice to the Oneida Law Office attorney assigned to the Comprehensive Housing Division of any citation issued to an individual located at a property rented or leased through the Comprehensive Housing Division [3 O.C. 309.11-1(c)]; and
- Provides various penalties to be utilized by the Trial Court upon a finding that a violation of this law has occurred, including:
 - Fines [3 O.C. 309.11-2(a)];
 - Community service [3 O.C. 309.11-2(b)];
 - Counseling and/or other programs [3 O.C. 309.11-2(c)];
 - Restitution [3 O.C. 309.11-2(d)]; and/or
 - Any other penalty as deemed appropriate by the Trial Court [3 O.C. 309.11-2(e)].

The Oneida Business Committee adopted the Public Peace law on September 8, 2021, through resolution BC-09-08-21-A.

FY21 Fourth Quarter Administrative Accomplishments

The Legislative Operating Committee brought forward the following administrative items for adoption or approval during the FY21 Fourth 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 later repealed by the Oneida Business Committee on October 13, 2021.

Amendments to the Leasing Law Rule No. 6 -Homeownership by Independent Purchase Program (HIPP)

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. 6 – Homeownership by Independent Purchase (HIP) Program (“Rule”) was to amend the HIP Program which was originally promulgated to expand the services being offered by the Nation through a program in which the prospective lessee buyer initiates a purchase where the buyer purchases the improvements; the Nation purchases the land per the Land Management’s Land Acquisitions for Residential Leasing Standard Operating Procedure; and the buyer then enters into a HIP residential lease for the land through the Comprehensive Housing Division. Amendments to the Rule were pursued to modify the existing HIP Program process to account for the division of the Comprehensive Housing Division and Land Management; to incorporate the updated residential leasing rules which now allow parties to have more than one (1) lease at a time; and to open up the HIP Program to non-Tribal members.

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

FY21 Fourth Quarter Legislative Highlights

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

Budget Management and Control Law Amendments

The Legislative Operating Committee held one (1) work meeting during the FY21 Fourth Quarter on the development of amendments to the Budget Management and Control law. The work meeting was held in collaboration with the Treasurer, Finance Administration, and Budget Analyst.

Fire Signs Law

The Legislative Operating Committee held two (2) work meetings during the FY21 Fourth Quarter on the development of a Fire Signs law. The work meeting was held in collaboration with Intergovernmental Affairs and Communications.

Furlough Law Amendments

The Legislative Operating Committee held six (6) work meetings during the FY21 Fourth 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. On August 4, 2021, the Legislative Operating Committee approved the Furlough law amendments draft and directed that a legislative analysis be prepared for consideration at the next meeting. On August 18, 2021, the Legislative Operating Committee approved the draft amendments to the Furlough law and legislative analysis and deferred these items to a work meeting for further consideration.

Local Land Use Regulation Reimbursement Policy Repeal

The Legislative Operating Committee held one (1) work meetings during the FY21 Fourth Quarter on the proposed repeal of the Local Land Use Regulation Reimbursement Policy. The work meeting was held in collaboration with the Intergovernmental Affairs and Communications Department. On August 18, 2021, the Legislative Operating Committee approved the Local Land Use Regulation Reimbursement Policy Repeal legislative analysis and public meeting notice, and tentatively scheduled a public meeting for the repeal of the Local Land Use Regulation Reimbursement Policy to be held on September 9, 2021.

The September 9, 2021, public meeting for the repeal of the Local Land Use Regulation Reimbursement Policy was canceled in accordance with Oneida Business Committee resolution BC-08-03-21-A, *Setting Public Gathering Guidelines during Public Health State of Emergency—COVID-19*, which prohibits public gatherings when the COVID-19 infection rates within Brown or Outagamie Counties exceed “Low” as identified by the Wisconsin Department of Health Services. The Wisconsin Department of Health Services reported the infections rates within Brown and Outagamie Counties as “Very High” during this time frame. The public comment period remained open in accordance with the Nation’s COVID-19 Team’s March 27, 2020, declaration, *Suspension of Public Meetings under the Legislative Procedures Act*, which suspends the Legislative Procedures Act’s requirement to hold a public meeting during the public comment period due to the COVID-19 public health emergency. Although there was no public meeting, the public comment period was held open for written comments to be submitted until the close of business on September 16, 2021. No public comments were received during this timeframe.

Oneida General Welfare Law

The Legislative Operating Committee held one (1) work meeting during the FY21 Fourth Quarter on the permanent adoption of the Oneida General Welfare law. On July 7, 2021, the Legislative Operating Committee accepted the public comments that were received for the Oneida General Welfare law amendments question: “*Should assistance provided by an approved program under the Oneida General Welfare law be subject to attachment or garnishment?*” Then on July 21, 2021, the Legislative Operating Committee approved the Oneida General Welfare law emergency amendments extension packet and forwarded the materials to the Oneida Business Committee for consideration . The emergency amendments to the Oneida General Welfare law were extended by the Oneida Business Committee on July 28, 2021. On September 1, 2021 the Legislative Operating Committee approved the draft of the Oneida General Welfare law and directed that a legislative analysis be completed. On September 15, 2021, the Legislative Operating Committee approved the legislative analysis and the Oneida General Welfare law public comment period notice and

forwarded the Oneida General Welfare law to a public comment period to be held open until October 13, 2021.

Oneida Nation Gaming Ordinance Amendments

The Legislative Operating Committee held one (1) work meeting during the FY21 Fourth Quarter on the amendments to the Oneida Nation Gaming Ordinance.

Oneida Personnel Policies and Procedures Emergency Amendments

The Legislative Operating Committee held two (2) work meetings during the FY21 Fourth Quarter on the emergency amendments to the Oneida Personnel Policies and Procedures. The work meetings were held in collaboration with the Human Resources Department.

Real Property Law Amendments

The Legislative Operating Committee held two (2) work meetings during the FY21 Fourth Quarter on the Real Property law amendments. The work meetings were held in collaboration with the Comprehensive Housing Division, Oneida Law Office, Department of Public Works, and the Environmental, Safety, Health, Land and Agriculture Division.

Public Peace Law

The Legislative Operating Committee held seven (7) work meetings during the FY21 Fourth Quarter on the development a Public Peace law and its accompanying Citations Schedule Resolution. The work meeting was held in collaboration with the Oneida Law Office and the Oneida Police Department. On July 7, 2021, the Legislative Operating Committee accepted the public comments that were received and the public comment review memorandum, and forwarded these items to a work session for further consideration. On July 21, 2021, the Legislative Operating Committee accepted the updated public comment review memorandum and directed the drafting attorney to prepare the final draft of the proposed Public Peace law. On August 4, 2021, the Legislative Operating Committee approved the draft of the Public Peace law and the fiscal impact statement request memorandum and forwarded these items to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by August 18, 2021. The fiscal impact statement was received from the Finance Department on August 17, 2021. On September 1, 2021 the Legislative Operating Committee approved the Public Peace law adoption packet, with updated materials, and forwarded to the Oneida Business Committee for consideration. The Public Peace law was then adopted by the Oneida Business Committee on September 8, 2021.

FY21 Fourth 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 Fourth Quarter. Oneida Business Committee resolution BC-08-03-21-A, *Setting 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 infection rates within Brown or Outagamie Counties exceed a “Low” designation by the Wisconsin Department of Health Services.

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 FY21 Fourth Quarter:

- July 7, 2021 – Regular meeting;
- July 21, 2021 – Regular meeting;
- August 4, 2021 – Regular meeting;
- August 18, 2021 – Regular meeting;
- September 1, 2021 – Regular meeting;
- September 15, 2021 – Regular meeting.

Goals for FY22 First Quarter

During the FY22 First 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 Oneida General Welfare law;
3. Adoption of the Furlough law;
4. Public meeting for the amendments to the Budget Management and Control law;
5. Development of amendments to the Children’s Code;
6. Development of permanent amendments to the Oneida Nation Gaming Ordinance; and
7. Development of amendments to the Real Property 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.
 - Carmen was welcomed to the Legislative Reference Office in August 2021.

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:

- David Jordan, LOC Chairman
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