



Legislative Operating Committee FY2022 Third Quarter Report

Work completed April 1, 2022 – June 30, 2022

Active Files List As of 6/30/2022

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 Language Code	●		
Oneida Nation Arts Board Bylaws Amendments	●		●
Oneida Nation Assistance Fund Law <i>Emerg. Expires 12/8/22</i>	●		●
Oneida Nation Emergency Planning Committee Bylaws	●		

Oneida Nation Gaming Ordinance Amendments	
Oneida Nation Veterans Affairs Committee Bylaws Amendments	
Oneida Personnel Policies and Procedures Amendments <i>Emerg. Expires 11/11/22</i>	
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 Third Quarter the Legislative Operating Committee added two (2) legislative items to its Active Files List. No requests were denied during the FY22 Third Quarter. One request was tabled.

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

On May 18, 2022, the Legislative Operating Committee added the Oneida Language Code to its Active Files List.

Then on June 1, 2022, the Legislative Operating Committee added the Oneida Nation Assistance Fund law to its Active Files List.

On April 6, 2022, the Legislative Operating Committee tabled the request to add the Oneida Land Claims Commission Bylaws Amendments to the Active Files List.

FY22 Third Quarter Legislative Accomplishments

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

Oneida Personnel Policies and Procedures Emergency Amendments

Emergency amendments to the Oneida Personnel Policies and were adopted by the Oneida Business Committee on November 24, 2021, through the adoption of resolution BC-11-24-21-A 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:

- Required that all applications for employment with the Nation be submitted online;
- Eliminated 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;
- Required that applicants who are enrolled members of the Oneida Nation be screened and interviewed prior to any other applicants;
- Allowed for a supervisor to choose between the next two (2) ranked applicants if the first choice refuses the position offer;
- Required 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;
- Removed the requirement that an employee completes one (1) year of service to the Nation before being eligible for a transfer;
- Clarified 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;
- Removed the provision that provided probationary employees be paid at five percent (5%) below the posted pay rate for the position; and
- Made 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.

These emergency amendments to the Oneida Personnel Policies and Procedures were set to expire on May 24, 2022.

It was determined necessary to seek additional emergency amendments to the Oneida Personnel Policies and Procedures to clarify inconsistencies that arose as a result of the last emergency amendments. The Oneida Business Committee then adopted additional emergency amendments to the Oneida Personnel Policies and Procedures on May 11, 2022, through the adoption of resolution BC-05-11-22-A which maintained the current emergency amendments and also:

- Clarified that termination of an employee for cause during their original probationary period shall not be subject to appeal; and
- Clarified that employees who are terminated during their original probation period shall not be paid for any unused accrued vacation or personal days in their final paycheck.

These emergency amendments to the Oneida Personnel Policies and Procedures will expire on November 11, 2022.

Budget Management and Control Law 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]. 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 were then set to expire on May 12, 2022.

The Oneida Business Committee then sought the adoption of permanent amendments to the Budget Management and Control law which would:

- Revise the name of this law from Budget Management and Control Law to *Budget and Finances Law*;
- Expand the purpose and policy of this Law to address other financial policies and procedures for the Nation beyond just the budget process;
- Eliminate the strategic planning provisions from this Law, instead providing simply that the Oneida Business Committee should develop and adopt a strategic plan, broad goals, or priorities for the Nation that the budget shall reflect;
- Clarify the authority and responsibilities of those individuals who play a part in the Nation's budget process;
- Simplify the budget process and procedure contained in the Law to improve the Nation's compliance with the Law and provide more flexibility to adjust the budget development and adoption procedure to meet the Nation's current circumstances;
- Include new provisions which address:
 - unbudgeted expenditures;
 - obligated future expenditures;
 - capital contributions;
 - grants;
 - debt;
 - employment and labor allocations; and
 - unbudgeted positions.

The Oneida Business Committee adopted permanent amendments to the Budget Management and Control law, now known as the Budget and Finances law, on May 11, 2022, through the adoption

of resolution BC-05-11-22-B. The amendments to the Budget Management and Control law became effective on May 12, 2022.

Oneida Nation Gaming Ordinance Amendments

The Oneida Business Committee adopted emergency amendments to the Oneida Nation Gaming Ordinance (ONGO) on May 12, 2021, through the adoption of resolution BC-05-12-21-D to protect the Nation against exposure to litigation and/or legal claims relating to ONGO's placement of the Gaming Security Department 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. These emergency amendments to the ONGO were set to expire on November 12, 2021.

The Oneida Business Committee then 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 were then set to expire on May 12, 2022.

On May 11, 2022, the Oneida Business Committee adopted permanent amendments to the ONGO through the adoption of resolution BC-05-11-22-C which removed the legal risks associated with the ONGO's placement of the Gaming Security Department under the Oneida Police Department within the Nation's organizational structure by temporarily re-assigning Security to the Oneida Business Committee while a more appropriate permanent placement is being developed and vetted; and made other non-material changes to certain language within the ONGO that brought the drafting of the ONGO up to date with the Nation's current practices.

Emergency Adoption of the Oneida Nation Assistance Fund Law

On June 8, 2022, the Oneida Business Committee adopted the Oneida Nation Assistance Fund law on an emergency basis through the adoption of resolution BC-06-08-22-A. The Oneida Nation Assistance Fund law establishes the Oneida Nation Assistance Fund to govern how the Nation provides financial assistance to its members, pursuant to the Oneida General Welfare law. [10 O.C. 1003.1-1]. The Oneida Nation Assistance Fund law will:

- Establish the Oneida Nation Assistance Fund as an approved program of the Nation in accordance with the Oneida General Welfare law;
- Provide how this program qualifies for general welfare exclusion;
- Provide the eligibility requirements for accessing assistance from the Oneida Nation Assistance Fund – which is that a person is a member of the Nation; age eighteen (18) or older; and submits a completed application during the designated submission timeframe;
- Provide the minimum requirements for the information that must be included on the application;
- Provide how and when funds from the Oneida Nation Assistance Fund are disbursed;
- Provide for the types of expenses that shall be considered qualifying expenditures for use of assistance from Oneida Nation Assistance Fund by the recipient;
- Provide information on the funding source and who determines that amount of available funding to an eligible participant; and

- Provide that the Trust Enrollment Department is the department that has the responsibilities to administer the Oneida Nation Assistance Fund.

The emergency adoption of the Oneida Nation Assistance Fund law will expire on December 8, 2022.

FY22 Third Quarter Legislative Highlights

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

Business Corporations Law

The Legislative Operating Committee held three (3) work meetings during the FY22 Third Quarter on the proposed Business Corporations law.

Children’s Code Amendments

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the proposed amendments to the Children’s Code. The work meeting was held in collaboration with the Oneida Law Office, Indian Child Welfare Department, and the Oneida Family Court. On April 20, 2022, the Legislative Operating Committee approve the draft of the Children’s Code amendments and direct that a legislative analysis be developed. Then on May 4, 2022, the Legislative Operating Committee approved the updated draft and the legislative analysis for Children’s Code amendments. On May 18, 2022, the Legislative Operating Committee approved the public meeting packet and forwarded the Children’s Code amendments to a public meeting to be held on June 15, 2022. No individuals provided public comment during the public meeting. The public comment period was then held open until June 22, 2022. One (1) submission of written comments were received during the public comment period.

Elder Assistance Program Law

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the proposed Elder Assistance Program law. On April 20, 2022, the Legislative Operating Committee approved the legislative analysis and public meeting packet and forwarded the Elder Assistance Program law to a public meeting to be held on May 18, 2022. Three (3) individuals provided public comment during the public meeting. The public comment period was then held open until May 25, 2022. Three (3) submissions of written comments were received during the public comment period. On June 1, 2022, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred these items to a work meeting for further consideration. On June 15, 2022, the Legislative Operating Committee approved the updated public comment review memorandum [with noted change], draft, legislative analysis, and fiscal impact statement request memorandum, and forwarded these items to the Finance Department directing that a fiscal impact statement be prepared and submitted by July 14, 2022.

Healing to Wellness Court Law

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the Healing to Wellness Court law. On May 4, 2022, the Legislative Operating Committee held a public meeting on the proposed Healing to Wellness Court law. Two (2) individuals provided

public comment during the public meeting. The public comment period was then held open until May 11, 2022. One (1) submission of written comments was received during the public comment period. On May 18, 2022, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and deferred these items to a work meeting for further consideration. On June 1, 2022, the Legislative Operating Committee approved the updated public comment review memorandum, draft, and updated legislative analysis; and approved 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 June 15, 2022. The Legislative Operating Committee then subsequently agreed to amend the due date of this fiscal impact statement for the Healing to Wellness Court law to June 29, 2022, at the request of Finance. The fiscal impact statement was received from the Finance Administration on June 29, 2022.

Law Enforcement Ordinance Amendments

The Legislative Operating Committee held one (1) work meetings during the FY22 Third Quarter on the proposed amendments to the Law Enforcement Ordinance.

Marijuana Law

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the proposed Marijuana law.

Real Property Law Amendments

The Legislative Operating Committee held two (2) work meetings during the FY22 Third Quarter on the proposed amendments to the Real Property law.

Traffic Law

The Legislative Operating Committee held three (3) work meetings during the FY22 Third Quarter on the proposed Traffic law.

FY22 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.

The Legislative Operating Committee held the following meetings during the FY22 Third Quarter:

- April 6, 2022 – Regular meeting;
- April 20, 2022 – Regular meeting;
- May 4, 2022 – Regular meeting;
- May 18, 2022 – Regular meeting;
- June 1, 2022 – Regular meeting; and
- June 15, 2022 – Regular meeting.

In addition to attending the Legislative Operating Committee meetings in person, employees of the Nation are provided the opportunity to attend the Legislative Operating Committee meeting through Microsoft Teams. Additionally, 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. For those who may be unable to attend the Legislative Operating Committee meeting either in person or on Microsoft Teams, an audio recording of the Legislative Operating Committee meeting is made available on the Nation's website after the meeting concludes.

Goals for FY22 Fourth Quarter

During the FY22 Fourth Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

1. Adoption of the Elder Assistance Program law;
2. Adoption of the Healing to Wellness Court law;
3. Development of permanent amendments to the Oneida Personnel Policies and Procedures;
4. Public meeting for the permanent adoption of the Oneida Nation Assistance Fund law;
5. Development of amendments to the Real Property law;
6. Development of the Marijuana law;
7. Development of the Traffic law;
8. Development of the Business Corporations law; and
9. Development of the Oneida Language Code.

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. During the FY22 Third Quarter the Legislative Reference Office was staffed by the following individuals:

- Clorissa N. Santiago, Senior Legislative Staff Attorney.
 - Contact: csantia1@oneidanation.org or (920) 869-4417
- Carolyn Salutz, Legislative Staff Attorney.
 - Carolyn was welcomed to the Legislative Reference Office on June 6, 2022.
 - Contact: csalutz@oneidanation.org or (920) 869-4422
- Grace Elliot, Legislative Staff Attorney.
 - Grace was welcomed to the Legislative Reference Office on June 6, 2022.
 - Contact: gelliott@oneidanation.org or (920) 869-4320
- Carmen Vanlanen, Legislative Analyst.
 - Carmen ended her employment with the Legislative Reference Office on April 20, 2022.

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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