

# Oneida Nation

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## **BC Resolution # 09-28-22-C Emergency Adoption of the Oneida Life Insurance Plan Law**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Oneida Life Insurance Plan law (“the Law”) is being proposed for emergency adoption in an effort to establish the Oneida Life Insurance Plan (OLIPP) as an approved program of the Nation to govern how the Nation provides fifteen thousand dollars (\$15,000) of financial assistance to eligible members of the Nation to pay for funeral expenses, with any residual benefit amounts paid thereafter to the designated beneficiary; and
- WHEREAS,** the Law provides how the Oneida Life Insurance Plan qualifies for general welfare exclusion; and
- WHEREAS,** the Law provides that all members of the Nation shall qualify for benefits from the Oneida Life Insurance Plan to be used for funeral expenses first, with any residual benefits distributed to a designated beneficiary; and
- WHEREAS,** the Law requires that a member of the Nation complete the Oneida Trust Enrollment Committee approved beneficiary designation form and submit it to the Oneida Trust Enrollment Committee, either online or in person at the Oneida Trust Enrollment Office, prior to their death in order to secure benefits from the Oneida Life Insurance Plan for their beneficiary; and
- WHEREAS,** the Law provides that funeral expenses shall be paid directly to the funeral home upon submission of a valid invoice, up to the limit of the Oneida Life Insurance Plan benefits, even if a designated beneficiary has not been designated – but the Oneida Life Insurance Plan residual benefits shall not be paid or claimed if the decedent did not designate a living beneficiary though the beneficiary designation form; and
- WHEREAS,** the Law allows for a one hundred eighty (180) day grace period after the effective date of this law, where section 1004.5-2 shall not be enforced, to permit members of the Nation to complete and submit the required beneficiary forms; and
- WHEREAS,** the Law requires that the Oneida Trust Enrollment Department be notified within one (1) year of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the beneficiary; and

- WHEREAS,** the Law provides that the Trust Enrollment Department is the department that has the responsibilities to oversee and administer the Oneida Life Insurance Plan; and
- WHEREAS,** the Law provides rules related to the determination of death and status; and
- WHEREAS,** the Law prohibit a designated beneficiary who criminally and intentionally causes the death of the decedent from being entitled to any benefits passing under this law; and
- WHEREAS,** the Law provides how the Oneida Life Insurance Plan benefits shall be distributed; and
- WHEREAS,** the Law provides that the Oneida Life Insurance Plan shall be contingent on funding through the Nation's annual budget; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the adoption of the legislation is required sooner than would be possible under the Legislative Procedures Act; and
- WHEREAS,** emergency adoption of legislation is effective for a period of six (6) months, renewable by the Oneida Business Committee for an additional six (6) month term; and
- WHEREAS,** the Nation currently provides the Oneida Life Insurance Plan Plus, otherwise known as OLIPP, which consists of fifteen thousand dollars (\$15,000) of life insurance benefits directly payable to a tribal member's designated beneficiaries; and
- WHEREAS,** the Nation contracted with the company Epic to manage OLIPP, by collecting relevant information regarding the decedent and beneficiaries, and distribute OLIPP funds; and
- WHEREAS,** Epic will cease this service offering and terminate its current contracts for this service, including with the Nation, on September 30, 2022; and
- WHEREAS,** the Oneida Trust and Enrollment Committee determined the Oneida Trust and Enrollment Department could manage OLIPP in-house, yielding a cost savings to the Nation and expediting payments to the beneficiaries; and
- WHEREAS,** the emergency adoption of this Law is necessary for the preservation of the general welfare of the Reservation population, as the Law shall ensure that the Oneida Trust Enrollment Department can commence the in-house management and oversight of the Oneida Life Insurance Plan immediately after the Epic contract terminates on September 30, 2022, in order to provide a smooth transition and uninterrupted service to the members of the Nation participating in the Oneida Life Insurance Plan and the beneficiaries that will emerge in the next fiscal year and beyond; and
- WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this Law would be contrary to public interest since the Epic contract for the management of OLIPP terminates on September 30, 2022, and the process and requirements of the Legislative Procedures Act cannot be completed in time to ensure that the Law can be adopted to address the management and oversight of the Oneida Life Insurance Plan by the Oneida Trust Enrollment Department prior to the termination date.; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and

**NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee hereby adopts, on an emergency basis, the Oneida Life Insurance Plan law effective immediately.

#### **CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 28<sup>th</sup> day of September, 2022; that the forgoing resolution was duly adopted at such meeting by a vote of 4 members for, 1 member against, and 1 member not voting\*; and that said resolution has not been rescinded or amended in any way.

  
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Lisa Liggins, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."