



## Legislative Operating Committee FY2022 Fourth Quarter Report

Work completed July 1, 2022 – September 30, 2022

Active Files List As of 9/30/2022

Name of Legislation	Development	Public Input	GTC/OBC Consideration or Adoption
Audit Committee Bylaws Amendments			●
Back Pay Law 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	●		
Drug and Alcohol Free Workplace Law Amendments	●		
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>			●
Election Law Emergency Amendments <i>Emerg. Expires 1/13/23</i>			●
Elder Assistance Program Law			●
Emergency Management and Homeland Security Law Amendments			●
Emergency Management Law Emergency Amendments <i>Emerg. Expires 3/14/23</i>			●
Endowments Law	●		
Environmental Review Law	●		
Eviction and Termination 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 Life Insurance Plan Law <i>Emerg. Expires 3/28/23</i>	
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	
Probate Law	
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	
Trust Scholarship Fund Policy Amendments	
Wellness Court Law	
Workplace Violence Law Amendments	

### Legislative Operating Committee Action on Legislative Requests

During the FY22 Fourth Quarter the Legislative Operating Committee added eight (8) legislative items to its Active Files List. One (1) request was denied during the FY22 Fourth Quarter.

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

On July 6, 2022, the Legislative Operating Committee added the Eviction and Termination law, Emergency Management law emergency amendments, and the Election law emergency amendments to its Active Files List.

Then on July 20, 2022, the Legislative Operating Committee added the Probate law to its Active Files List.

On September 7, 2022, the Legislative Operating Committee added the Oneida Life Insurance Plan law, the Trust Scholarship Fund Policy Amendments, and the Drug and Alcohol Free Workplace Law Amendments to the Active Files List.

On September 21, 2022, the Legislative Operating Committee added the Back Pay law amendments to the Active Files List.

### ***Items Denied from the Active Files List by the Legislative Operating Committee***

On July 25, 2022, the Legislative Operating Committee opposed the adoption of an e-poll to add the General Tribal Council Ten Day Notice Policy emergency amendments to the Active Files List.

## **FY22 Fourth Quarter Legislative Accomplishments**

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

### **Elder Assistance Program Law**

The Oneida Business Committee adopted the Elder Assistance Program law on July 13, 2022, through the adoption of resolution BC-07-13-22-A. The purpose of this law is to establish the Elder Assistance Program to govern how the Nation provides financial assistance to elders, pursuant to the principles of General Welfare Exclusion. *[10 O.C. 1002.1-1]*.

The Elder Assistance Program law:

- Establishes the Elder Assistance Program as an approved program of the Nation in accordance with the Oneida General Welfare law. *[10 O.C. 1002.4-1]*;
- Provides how this program qualifies for general welfare exclusion. *[10 O.C. 1002.4-2]*;
- Provides the eligibility requirements for accessing assistance from the Elder Assistance Program – which is that a person is a member of the Nation, age sixty-five (65) or older, and submits a completed application during the designated submission timeframe. *[10 O.C. 1002.5-1]*;
- Provides the minimum requirements for the information that must be included on the application. *[10 O.C. 1002.5-3]*;
- Provides how and when funds from the Elder Assistance Program are disbursed *[10 O.C. 1002.5-2, 1002.5-4]*;
- Provides for the types of expenses that shall be considered qualifying expenditures for use of assistance from Elder Assistance Program by the recipient. *[10 O.C. 1002.5-5]*;
- Provides information on the funding source and who determines that amount of available funding to an eligible participant. *[10 O.C. 1002.6-1, 1002.6-2]*;
- Provides that the Trust Enrollment Department is the department that has the responsibilities to administer the Elder Assistance Program. *[10 O.C. 1002.5-6, 1002.5-7]*.

### **Healing to Wellness Court Law**

The Oneida Business Committee adopted the Healing to Wellness Court law on July 13, 2022, through the adoption of resolution BC-07-13-22-D. The purpose of this law is to establish the Nation's Healing to Wellness Court to:

- Offer intensive case management, treatment, and court supervision to individuals who committed an offense directly or indirectly related to a substance abuse or addiction issue;
- Provide access to holistic, structured, and phased substance abuse treatment and rehabilitation services that incorporate culture, tradition, and Tsi Niyukwaliho t<sup>^</sup> (Our Ways);
- Create intragovernmental and intergovernmental collaborative teams to interact with each participant; and
- Encourage and support each participant in the goal of recovery to lead lawful, productive lives free of substance abuse and addiction [8 O.C. 808.1-1].

#### The Healing to Wellness Court law:

- Establishes the Healing to Wellness Court as a division of the Trial Court and delegate jurisdiction to the Healing to Wellness Court for matters related to substance abuse and addiction, and any matter arising under this law [8 O.C. 808.4-1, 808.4-2];
- Delegates authority to the Healing to Wellness Court to collaborate and enter into intergovernmental agreements with other courts of competent jurisdiction that exercise concurrent jurisdiction [8 O.C. 808.4-2];
- Establishes the Healing to Wellness Court team, comprised of a Trial Court Judge, Court Coordinator, Oneida Police Department Officer, representative from Probation, Substance Abuse Treatment provider, representative of Oneida culture and heritage, and any other member as determined by the Team, and provide how any revisions to the composition of the Healing to Wellness Court team are made [8 O.C. 808.4-3];
- Delegates authority to the Healing to Wellness Court to establish policies and procedures governing the operation and implementation of the Healing to Wellness Court program [8 O.C. 808.5-1];
- Provides that all Healing to Wellness Court Team meetings and hearings are closed to the public, and held in accordance with the policies and procedures created by the Court [8 O.C. 808.5-2, 808.5-3]; an
- Provides that the Healing to Wellness Court is a non-adversarial forum, not a court of record, where the Oneida Judiciary Rules of Evidence and Civil Procedure do not apply [8 O.C. 808.5-4, 808.5-6, 808.5-7].

#### **Election Law Emergency Amendments**

The Oneida Business Committee adopted emergency amendments to the Election law on July 13, 2022, through the adoption of resolution BC-07-13-22-E. The purpose of the Election law is to govern the procedures for the conduct of orderly elections of the Nation, including pre-election activities such as caucuses and nominations. [1 O.C. 102.1-1].

The emergency amendments to the Election law reduced the number of Election Board members required to sign the election totals of machine counted ballots from six (6) to three (3) members. [1 O.C. 102.10-2].

The emergency adoption of amendments to the Election law was necessary for the preservation of the general welfare of the Reservation population in order to ensure that the 2022 Special Election could occur in accordance with the requirements of the Election law. Observance of the requirements under the Legislative Procedures Act for adoption of these emergency amendments

was contrary to public interest since the process and requirements of the Legislative Procedures Act could not be completed in time to allow the Nation to hold the 2022 Special Election on July 16, 2022.’

The emergency amendments to the Election law will expire on January 13, 2023.

### **Children’s Code Amendments**

The Oneida Business Committee adopted amendments to the Children’s Code on September 14, 2022, through the adoption of resolution BC-09-14-22-A. The purpose of this law is to provide for the welfare, care, and protection of Oneida children through the preservation of the family unit, while recognizing that in some circumstances it may be in the child’s best interest to not be reunited with his or her family. Furthermore, this law strengthens family life by assisting parents in fulfilling their responsibilities as well as facilitating the return of Oneida children to the jurisdiction of the Nation and acknowledging the customs and traditions of the Nation when raising an Oneida child. [7 O.C. 708.1-1].

The Children’s Code amendments:

- Provide that any orders made by the Court under this law, or any orders made by a court of competent jurisdiction regarding child welfare matters, shall supersede any other order made by this Court or a court of competent jurisdiction regarding custody or placement of a child until the Children’s Code or other child welfare orders are dismissed [7 O.C. 708.5-6];
- Provide that the Department may enter into a protective plan with a family [7 O.C. 708.7-1(f)];
- Update the general notice provisions in the Children’s Code, as well as notice provisions throughout the Children’s Code to provide greater clarification on providing notice in child welfare matters [7 O.C. 708.12];
- Allow the Department to withhold the placement provider’s identifying information from the child’s parent, guardian, or legal custodian if there are reasonable grounds to believe that disclosure would result in imminent danger to the child or anyone else, but that a parent, guardian, or legal custodian may request judicial review of the decision to withhold the identifying information [7 O.C. 708.12-4];
- Provide clarification on how a matter is referred to the Oneida Nation Child Support Agency for initiating a paternity action, and allow the Department may sign documents required by the Oneida Nation Child Support Agency on behalf of the family for the limited purpose of initiating a paternity action [7 O.C. 708.13-3];
- Provide that the Department shall make available for inspection or disclosure the contents of any record kept, regardless of the originating source, to a guardian ad litem appointed in a Children’s Code or family law case when that access is granted by order of the Court. [7 O.C. 708.14-2];
- Allow the Department to make an ex parte request to the Court to conduct an in-camera review to determine what information should and should not be released to the parties and their counsel [7 O.C. 708.14-7];
- Allow a child to be held in custody in a hospital or other medical or mental health facility [7 O.C. 708.15-6(f)];

- Provide information that may be, but is not required to be, included in the Court’s order to hold a child in custody [7 O.C. 7008.16-6(b)];
- Allow the Department to request the placement of the child outside of the child’s home at the plea hearing [7 O.C. 708.19-5];
- Allow for the suspension of parental rights in addition to the termination of parental rights [7 O.C. 708.32];
- Update the continuing need of protection or services ground for involuntary suspension or termination of parental rights to be consistent with recent revisions to State statute [7 O.C. 708.34-1(c)];
- Provide information that may be, but is not required to be, included in the Court’s order of disposition for the suspension or termination of parental rights [7 O.C. 708.40-4(c)];
- Clarify that an adoption under this law shall take the form of customary adoption when the Court has granted a petition to suspend parental rights, and take the form of a closed adoption when the Court has granted a petition to terminate parental rights [7 O.C. 708.41-1];
- Allow the Department to contract with a third-party agency to conduct an adoption investigation that may have been ordered by the Court [7 O.C. 708.43-3(b)]; and
- Make other minor drafting revisions throughout the Children’s Code.

### **Emergency Management Law Emergency Amendments**

The Oneida Business Committee adopted emergency amendments to the Emergency Management law on September 14, 2022, through the adoption of resolution BC-09-14-22-B. The purpose of the Emergency Management law is to provide for the development and execution of plans for the protection of residents, property, and the environment in an emergency or disaster; to provide for the direction of emergency management, response, and recovery on the Reservation; as well as coordination with other agencies, victims, businesses, and organizations; to establish the use of the National Incident Management System (NIMS); and to designate authority and responsibilities for public health preparedness. [3 O.C. 302.1-1].

The emergency amendments to the Emergency Management law:

- Eliminate the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team. [3 O.C. 302.5-1];
- Provide that members of the Emergency Management Operations Team shall attend meetings, or send a designee in their absence, and comply with any training requirements set forth by the Emergency Management Director. [3 O.C. 302.5-3];
- Require that within forty-eight (48) hours of an emergency, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, an emergency briefing to be presented to the Oneida Business Committee regarding the status of the emergency, actions taken to address the emergency, and the activation of the Emergency Response Plan. [3 O.C. 302.8-4];
- Allow the Oneida Business Committee to direct the Emergency Management Director to provide additional emergency briefings to the Oneida Business Committee. [3 O.C. 302.8-4];
- Require that within thirty (30) days of an emergency subsiding, unless additional time is granted by the Oneida Business Committee, the Emergency Management Director shall prepare, or shall work in conjunction with the appropriate entity to prepare, a preliminary

emergency assessment report to be presented to the Oneida Business Committee, any interested entity, and the public. [3 O.C. 302.8-5]; and

- Extend the amount of time for the Emergency Management Director to prepare and present an after-action report to the Oneida Business Committee, any interested entity, and the public, from sixty (60) days to ninety (90) days. [3 O.C. 302.8-6].

The emergency amendments to the Emergency Management law will expire on March 14, 2023.

### **Oneida Life Insurance Plan Law**

The Oneida Business Committee adopted the Oneida Life Insurance Plan law on an emergency basis on September 28, 2022, through the adoption of resolution BC-09-28-22-C. The purpose of the Oneida Life Insurance Plan law is to provide a death benefit of fifteen thousand dollars (\$15,000) through the Oneida Life Insurance Plan (OLIPP) for all eligible enrolled Oneida Nation members, pursuant to the Oneida General Welfare law. [10 O.C. 1004.1-1].

The Oneida Life Insurance Plan law:

- Establishes the Oneida Life Insurance Plan as an approved program of the Nation in accordance with the Oneida General Welfare law. [10 O.C. 1004.4-1];
- Provides how this program qualifies for general welfare exclusion. [10 O.C. 1004.4-2];
- 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. [10 O.C. 1004.5-1];
- 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. [10 O.C. 1004.5-2];
- 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 through the beneficiary designation form. [10 O.C. 1004.5-2(b), 1004.5-2(e)];
- 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. [10 O.C. 1004.5-2(c)];
- 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. [10 O.C. 1004.5-3];
- Provides that the Trust Enrollment Department is the department that has the responsibilities to oversee and administer the Oneida Life Insurance Plan. [10 O.C. 1004.5-4];
- Provides rules related to the determination of death and status. [10 O.C. 1004.6-1];
- Prohibits a designated beneficiary who criminally and intentionally causes the death of the decedent from being entitled to any benefits passing under this law. [10 O.C. 1004.6-2];
- Provides how the Oneida Life Insurance Plan benefits shall be distributed. [10 O.C. 1004.6-3]; and

- Provides that the Oneida Life Insurance Plan shall be contingent on funding through the Nation's annual budget. [10 O.C. 1004.7-1].

The emergency adoption of the Oneida Life Insurance Plan law will expire on March 28, 2022.

## **FY22 Fourth Quarter Legislative Highlights**

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

### **Back Pay Law Amendments**

The Legislative Operating Committee held one (1) work meeting during the FY22 Fourth Quarter on the proposed Back Pay law amendments.

### **Business Corporations Law**

The Legislative Operating Committee held two (2) work meetings during the FY22 Fourth Quarter on the proposed Business Corporations law.

### **Emergency Management Law Amendments**

The Legislative Operating Committee held five (5) work meetings during the FY22 Fourth Quarter on the proposed Emergency Management law amendments.

### **Eviction and Termination Law Amendments**

The Legislative Operating Committee held four (4) work meetings during the FY22 Fourth Quarter on the proposed Eviction and Termination law amendments.

### **Law Enforcement Ordinance Amendments**

The Legislative Operating Committee held four (4) work meetings during the FY22 Fourth Quarter on the proposed amendments to the Law Enforcement Ordinance.

### **Marijuana Law**

The Legislative Operating Committee held four (4) work meetings during the FY22 Fourth Quarter on the proposed Marijuana law.

### **Oneida Nation Assistance Fund Law**

The Legislative Operating Committee held three (3) work meetings during the FY22 Fourth Quarter on the proposed permanent adoption of the Oneida Nation Assistance Fund law. On July 20, 2022, the Legislative Operating Committee approved the draft and legislative analysis for the permanent adoption of the Oneida Nation Assistance Fund law. On August 3, 2022, the Legislative Operating Committee approved the public meeting packet, with updated public meeting notice, and forwarded the Oneida Nation Assistance Fund law to a public meeting to be held on September 2, 2022. On September 2, 2022, the public meeting was held. No individuals provided public comment during the public meeting. The public comment period was then held open until September 12, 2022. One (1) submission of written comments was received during the public comment period. On September 21, 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.



**Oneida Nation Emergency Planning Committee Bylaws Amendments**

The Legislative Operating Committee held one (1) work meeting during the FY22 Fourth Quarter on the proposed Oneida Nation Emergency Planning Committee bylaws amendments.

**Oneida Personnel Policies and Procedures Amendments**

The Legislative Operating Committee held two (2) work meetings during the FY22 Fourth Quarter on the proposed amendments to the Oneida Personnel Policies and Procedures.

**Real Property Law Amendments**

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

**Traffic Law**

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

**Workplace Violence Law Amendments**

The Legislative Operating Committee held three (3) work meetings during the FY22 Fourth Quarter on the proposed amendments to the Workplace Violence law.

**FY22 Fourth Quarter Legislative Operating Committee Meetings**

Typically, all Legislative Operating Committee meetings are open to the public and held on the first and Fourth 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 Fourth Quarter:

- July 6, 2022 – Regular meeting;
- July 20, 2022 – Regular meeting;
- August 3, 2022 – Regular meeting;
- September 7, 2022 – Regular meeting; and
- September 21, 2022 – Regular meeting.

The August 17, 2022, Legislative Operating Committee meeting was canceled.

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](mailto: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 FY23 First Quarter

During the FY23 First Quarter the Legislative Operating Committee will focus its legislative efforts on the following matters:

1. Adoption of the Oneida Nation Assistance law;
2. Adoption of the amendments to the Emergency Management law;
3. Development of permanent amendments to the Oneida Personnel Policies and Procedures;
4. Development of amendments to the Workplace Violence law;
5. Development of amendments to the Investigative Leave Policy;
6. 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 Fourth Quarter the Legislative Reference Office was staffed by the following individuals:

- Clorissa N. Leeman, Senior Legislative Staff Attorney.
  - Contact: [csantial@oneidanation.org](mailto:csantial@oneidanation.org) or (920) 869-4417
- Carolyn Salutz, Legislative Staff Attorney.
  - Contact: [csalutz@oneidanation.org](mailto:csalutz@oneidanation.org) or (920) 869-4422
- Grace Elliot, Legislative Staff Attorney.
  - Contact: [gelliott@oneidanation.org](mailto:gelliott@oneidanation.org) or (920) 869-4320

## Legislative Operating Committee Contact Information

Feel free to contact the LOC at [LOC@oneidanation.org](mailto:LOC@oneidanation.org) with any questions or comments, or individual LOC members at the following:

- David Jordan, LOC Chairman  
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