

ONEIDA NATION PUBLIC MEETING NOTICE

THURSDAY, JULY 13, 2023

12:15 pm

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ONEIDA LIFE INSURANCE PLAN LAW

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.

Due to the closure of the Norbert Hill Center's conference rooms for construction, an individual may attend this public meeting virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES WEDNESDAY, JULY 20, 2023

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.

For more information on the proposed Oneida Life Insurance Plan law please review the public meeting packet at oneida-nsn.gov/government/register/public-meetings.





ADOPTION OF THE ONEIDA LIFE INSURANCE PLAN LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Law	<ul style="list-style-type: none">▪ Establish 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].▪ Provide how this program qualifies for general welfare exclusion. [10 O.C. 1004.4-2].▪ Provide 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].▪ Require 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 residual benefits from the Oneida Life Insurance Plan for their beneficiary. [10 O.C. 1004.5-2].▪ Provide 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(d)].▪ Require 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].▪ Provide 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].▪ Provide rules related to the determination of death and status. [10 O.C. 1004.6-1].▪ Prohibit 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].▪ Provide how the Oneida Life Insurance Plan benefits shall be distributed. [10 O.C. 1004.6-3].▪ Provide that the Oneida Life Insurance Plan shall be contingent on funding by the Nation. [10 O.C. 1004.7-1].▪ Delegate administrative rulemaking authority in accordance with the Administrative Rulemaking law to the Oneida Trust Enrollment Committee for the purpose of promulgating rules to govern the administration of the Oneida Life Insurance Plan. [10 O.C. 1004.8-1].

Purpose	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].
Affected Entities	Oneida Trust Enrollment Department.
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.
Expiration of Emergency Legislation	Emergency adoption of the Oneida Life Insurance Plan law expires on September 28, 2023.

1 **SECTION 2. LEGISLATIVE DEVELOPMENT**

2 **A. Background.** The Oneida Life Insurance law will be a new law adopted by the Nation on for the
3 purpose of providing a death benefit of fifteen thousand dollars (\$15,000) through the Oneida Life
4 Insurance Plan (OLIPP) for all eligible enrolled Oneida Nation members, pursuant to the Oneida
5 General Welfare law. [10 O.C. 1004.1-1].

6 **B. Emergency Adoption.** On August 17, 2022, the Legislative Operating Committee received a request
7 from the Oneida Law Office and the Oneida Trust Enrollment Committee for the adoption of the Oneida
8 Life Insurance Plan law on an emergency basis. The Nation provided the Oneida Life Insurance Plan
9 Plus, otherwise known as OLIPP, which consisted of fifteen thousand dollars (\$15,000) of life
10 insurance benefits directly payable to a tribal member’s designated beneficiaries. The Nation contracted
11 with the company Epic to manage OLIPP. Epic collected relevant information regarding the decedent
12 and beneficiaries and distributed OLIPP funds. Epic planned to cease this service offering and terminate
13 its current contracts for this service, including with the Nation, on September 30, 2022. The Oneida
14 Trust and Enrollment Committee determined the Oneida Trust and Enrollment Department could
15 manage OLIPP in-house, yielding a cost savings to the Nation and expediting payments to the
16 beneficiaries. The proposed OLIPP law codified this benefit as an approved program under the Oneida
17 General Welfare law. The Oneida Trust and Enrollment Department requested this proposed law be
18 considered for emergency adoption since the Oneida Trust and Enrollment Department sought to
19 commence the in-house management and oversight of OLIPP immediately after the Epic contract
20 terminated on September 30, 2022. A smooth transition would ensure uninterrupted service the tribal
21 members participating in OLIPP and the beneficiaries that will emerge in the next fiscal year and
22 beyond. The Oneida Life Insurance Plan law (the “Law”) was adopted by the Oneida Business
23 Committee on an emergency basis on September 28, 2022, through the adoption of resolution BC-09-
24 28-22-C. The emergency adoption of this Law was set to expire on March 28, 2023. The Legislative
25 Operating Committee sought an extension of the emergency adoption of this Law. The Oneida Business
26 Committee extended the emergency adoption of this Law on March 22, 2023, through the adoption of
27 resolution BC-03-22-23-C. The emergency adoption of this law will expire on September 28, 2023.

28
29 **SECTION 3. CONSULTATION AND OUTREACH**

- 30 **A.** Representatives from the following departments or entities participated in the development of this Law
31 and legislative analysis:
- 32 ▪ Oneida Law Office;
 - 33 ▪ Oneida Trust Enrollment Department;
 - 34 ▪ Oneida Business Committee; and
 - 35 ▪ Finance Administration.

- 36 B. The following laws were reviewed in the drafting of this analysis:
37 ▪ Oneida General Welfare law; and
38 ▪ Administrative Rulemaking Law.
39

40 **SECTION 4. PROCESS**

- 41 A. The development of the proposed Oneida Life Insurance Plan law complies with the process set forth
42 in the Legislative Procedures Act (LPA).
43 ▪ On September 7, 2022, the Legislative Operating Committee added the Law to its Active Files List.
44 ▪ On September 21, 2022, the Legislative Operating Committee conducted an e-poll entitled,
45 *Emergency Adoption of the Oneida Life Insurance Plan Law*. The requested action of this e-poll
46 was to approve the Oneida Life Insurance Plan law emergency adoption packet and forward to the
47 Oneida Business Committee for consideration. This e-poll was approved by Jennifer Webster,
48 Daniel Guzman King, David P. Jordan, Kirby Metoxen, and Marie Cornelius.
49 ▪ On September 28, 2022, the Oneida Business Committee adopted the Oneida Life Insurance Plan
50 law on an emergency basis through the adoption of resolution BC-09-28-22-C.
51 ▪ On October 5, 2022, the Legislative Operating Committee entered into the record the results of the
52 September 21, 2022, e-poll entitled, *Emergency Adoption of the Oneida Life Insurance Plan Law*.
53 ▪ On March 15, 2023, the Legislative Operating Committee approved the emergency extension of
54 the Oneida Life Insurance Plan law packet and forwarded these materials to the Oneida Business
55 Committee for consideration. The Legislative Operating Committee also approved the draft of the
56 Oneida Life Insurance Plan law and directed that a legislative analysis be completed.
57 ▪ On March 22, 2023, the Oneida Business Committee extended the emergency adoption of the
58 Oneida Life Insurance Plan law for an additional six (6) month period through the adoption of
59 resolution BC-03-22-23-C.
60 B. At the time this legislative analysis was developed the following work meetings had been held
61 regarding the development of the amendments to this Law:
62 ▪ August 25, 2022. LOC work meeting with the Oneida Law Office;
63 ▪ September 21, 2022. LOC work meeting with the Oneida Law Office;
64 ▪ September 27, 2022. LOC work meeting with the Oneida Law Office and Finance Administration;
65 ▪ March 6, 2023. LOC work meeting with the Oneida Law Office, Finance Administration, and
66 Oneida Trust Enrollment Department;
67 ▪ March 28, 2023. LOC work meeting with the Oneida Law Office, Finance Administration, Oneida
68 Trust Enrollment Department, and Oneida Business Committee; and
69 ▪ May 5, 2023. LRO work meeting with Oneida Trust Enrollment Department.
70

71 **SECTION 5. CONTENTS OF THE LEGISLATION**

- 72 A. *Purpose and Policy*. The purpose of this law is to provide a death benefit through the Oneida Life
73 Insurance Plan for all eligible enrolled Oneida Nation members, pursuant to the Oneida General
74 Welfare law. [10 O.C. 1004.1-1]. The General Tribal Council, through resolution GTC-01-17-09-B,
75 approved the concept of the Oneida Life Insurance Plan Plus to replace the Oneida Burial Fund. The
76 General Tribal Council directed implementation of a benefit that pays fifteen thousand dollars
77 (\$15,000) to the designated beneficiary or beneficiaries of the deceased Oneida Nation member. The
78 payment of death benefits through OLIPP to designated beneficiaries of a deceased Oneida Nation
79 member is an exercise of self-governance crucial to the Oneida Nation’s sovereignty, and health and

80 welfare of the community. [10 O.C. 1004.1-1(a)]. It is the policy of the Nation to care for its members
81 and their families even after their death. The Nation seeks to internalize the Oneida Life Insurance Plan
82 process to ensure equitable and expedient distribution to designated beneficiaries. [10 O.C. 1004.1-2].

83 ■ **Effect.** The overall purpose of this Law is to codify the Nation’s sovereign right to provide
84 assistance to members of the Nation on a non-taxable basis through an approved program.

85 **B. Establishment.** This Law establishes the Oneida Life Insurance Plan as an approved program of the
86 Nation in accordance with the Oneida General Welfare law. [10 O.C. 1004.4-1]. The purpose of the
87 Oneida Life Insurance Plan is to provide fifteen thousand dollars (\$15,000) of financial assistance to
88 eligible members of the Nation to pay for funeral expenses, with any residual benefit amounts paid
89 thereafter to the designated beneficiary. *Id.* Funeral expenses include funeral planning; securing the
90 necessary permits and copies of death certificates; preparing the notices; sheltering the remains;
91 coordinating the arrangements with the cemetery, crematory or other third parties; transporting the
92 remains; embalming and other preparation; viewing, ceremony or memorial service; use of a hearse or
93 limousine; a casket, outer burial container or alternate container; monuments; and cremation or
94 interment. [10 O.C. 1004.3-1(e)]. The Oneida Life Insurance Plan meets the requirements of the
95 General Test as defined in the Oneida General Welfare law; General Criteria as defined in I.R.S. Rev.
96 Proc. 2014-35. Section 5.01(1); and the requirements of the Tribal General Welfare Exclusion Act of
97 2014, 26 U.S.C. §139E(b). [10 O.C. 1004.4-2].

98 **C. Eligibility.** The Law provides that all members of the Nation shall qualify for benefits from the Oneida
99 Life Insurance Plan to be used for funeral expenses first, with any residual benefits then distributed to
100 a designated beneficiary. [10 O.C. 1004.5-1].

101 **D. Designation of Beneficiary.** A member of the Nation is required to complete the Oneida Trust
102 Enrollment Committee approved beneficiary designation form and submit it to the Oneida Trust
103 Enrollment Committee, either online or in person at the Oneida Trust Enrollment Office, prior to their
104 death in order to secure benefits from the Oneida Life Insurance Plan for their beneficiary. [10 O.C.
105 1004.5-2]. Any Oneida Life Insurance Plan beneficiary designation form that has already been
106 submitted to the Oneida Trust Enrollment Department prior to the effective date of this law shall remain
107 valid. [10 O.C. 1004.5-2(a)]. Oneida Life Insurance Plan residual benefits shall not be paid or claimed
108 if the decedent did not designate a living beneficiary though the beneficiary designation form. [10 O.C.
109 1004.5-2(b)]. A parent or legal guardian shall complete and submit a beneficiary designation form on
110 behalf of their minor child or ward. [10 O.C. 1004.5-2(c)]. Funeral expenses shall be paid directly to
111 the funeral home upon submission of a valid invoice, up to the limit of the Oneida Life Insurance Plan
112 benefits, even if a designated beneficiary has not been designated. [10 O.C. 1004.5-2(d)].

113 **E. Notice of Death.** The Oneida Trust Enrollment Department shall be notified within one (1) year of the
114 member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the
115 beneficiary. [10 O.C. 1004.5-3]. Oneida Life Insurance Plan claims made beyond the first anniversary
116 of the decedent’s death shall not be processed for distribution. *Id.*

117 **F. Oversight.** The Trust Enrollment Department shall be delegated the oversight and management of the
118 Oneida Life Insurance Plan. [10 O.C. 1004.5-4].

119 **G. Evidence as to Passing or Status.** The Law provides the following rules relating to determination of
120 death and status are applicable: a certified or authenticated copy of a death certificate purporting to be
121 issued by an official or agency of the place where the death purportedly occurred is prima facie proof
122 of the fact, place, date and time of death, and the identity of the decedent; a certified or authenticated
123 copy of any record or report of a governmental agency, domestic or foreign, of a decedent’s death; and

124 a person who is absent for a continuous period of seven (7) years, during which they have not been
125 heard from, and whose absence is not satisfactorily explained after diligent search or inquiry is
126 presumed to be dead. Their death is presumed to have occurred at the end of the period unless there is
127 sufficient evidence for determining that death occurred earlier. [10 O.C. 1004.6-1].

128 **H. *Effect of Homicide on Beneficiary Designation.*** The Law provides that a designated beneficiary who
129 criminally and intentionally causes the death of the decedent shall not be entitled to any benefits passing
130 under this law. [10 O.C. 1004.6-2].

131 **I. *Distribution.*** The Law provides that the Oneida Life Insurance Plan benefits shall be distributed in the
132 following order: (1) Funeral expenses shall be paid to the funeral home pursuant to receipt of a valid
133 invoice therefrom; then residual benefits shall be paid to the designated beneficiary. [10 O.C. 1004.6-
134 3].

135 **J. *Funding.*** The Oneida Life Insurance Plan shall be contingent on funding by the Nation. [10 O.C.
136 1004.7-1].

137 **K. *Delegation of Rulemaking Authority.*** The Oneida Trust Enrollment Department is delegated
138 administrative rulemaking authority in accordance with the Administrative Rulemaking law to
139 promulgate rules to govern the administration of the Oneida Life Insurance Plan. [10 O.C. 1004.8-1].
140

EXAMPLES

141 **Example 1.** John Doe is an enrolled member of the Nation who designated his wife Jane Doe as his
142 beneficiary on the Oneida Nation Life Insurance Plan beneficiary designation form. John unfortunately
143 passes away. The funeral of John Doe will cost \$12,000. Jane Doe can provide the Oneida Trust Enrollment
144 Department the invoice from the funeral home, and the \$12,000 will be paid through the Oneida Life
145 Insurance Plan directly to the funeral home. After the funeral is paid, there is \$3,000 remaining of the
146 original \$15,000 Oneida Life Insurance Plan benefit. Since Jane is listed as John’s beneficiary, the
147 remaining \$3,000 of benefits will then be given to Jane Doe.
148

149 **Example 2.** John Doe is an enrolled member of the Nation who never found the time to fill out and submit
150 the Oneida Nation Life Insurance Plan beneficiary designation form. John unfortunately passes away. The
151 funeral of John Doe will cost \$12,000. Anyone can provide the Oneida Trust Enrollment Department the
152 invoice from the funeral home, and the \$12,000 will be paid through the Oneida Life Insurance Plan directly
153 to the funeral home. Since there is no beneficiary designated, the remaining \$3,000 of the original \$15,000
154 Oneida Life Insurance Plan benefit remains with the Nation.
155

SECTION 6. EXISTING LEGISLATION

156 **A. *Related Legislation.*** The following laws of the Nation are related to this Law:

- 157 **1. *Oneida General Welfare Law.*** The Oneida General Welfare Law governs how the Nation
158 provides assistance to eligible members on a non-taxable basis, pursuant to the principles of
159 the General Welfare Exclusion to Indian Tribal governmental programs that provide benefits
160 to Tribal members. [10 O.C. 1001.1-1].
- 161 **2. *Oneida Life Insurance Plan.*** The Oneida Life Insurance Plan is hereby established as an approved program of the
162 Nation in accordance with the Oneida General Welfare Law. [10 O.C. 1003.4-1]. The
163 Oneida Life Insurance Plan meets the requirements of the General Test as defined in
164 the Oneida General Welfare Law. [10 O.C. 1003.4-2].

- 167 ▪ *Administrative Rulemaking Law.* The Administrative Rulemaking law provides an efficient,
168 effective, and democratic process for enacting and revising administrative rules, to ensure that
169 authorized agencies act in a responsible and consistent manner when enacting and revising
170 administrative rules. [1 O.C. 106.1-2].
 - 171 ▪ The Oneida Life Insurance Plan law delegates rulemaking authority to the Oneida Trust
172 Enrollment Department to promulgate rules to govern the administration of the Oneida
173 Life Insurance Plan. [10 O.C. 1004.8-1].
 - 174 ▪ Any rules promulgated by the Oneida Trust Enrollment Department must be done in
175 accordance with the process and procedures of the Administrative Rulemaking law.

177 **SECTION 7. OTHER CONSIDERATIONS**

- 178 A. *Deadline for Permanent Adoption of Legislation.* The emergency adoption of this Law will expire on
179 September 28, 2023.
 - 180 ▪ *Conclusion:* The Legislative Operating Committee will need to consider the development and
181 adoption of this Law on a permanent basis within the next four (4) months.
- 182 B. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all
183 legislation except emergency legislation. [1 O.C. 109.6-1] . Oneida Business Committee resolution
184 BC-10-28-20-A, *Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,*
185 provides further clarification on who the Legislative Operating Committee may direct complete a fiscal
186 impact statement at various stages of the legislative process, as well as timeframes for completing the
187 fiscal impact statement.
 - 188 ▪ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact
189 statement be completed.

190

Title 10. General Welfare Exclusion - Chapter 1004
ONEIDA LIFE INSURANCE PLAN

1004.1. Purpose and Policy
1004.2. Adoption, Amendment, Repeal
1004.3. Definitions
1004.4. Establishment

1004.5. Qualifications, Designation of Beneficiary, and Notice
1004.6. Beneficiary Claim Process and Distribution
1004.7. Funding
1004.8. Administrative Rulemaking

1004.1. Purpose and Policy

1004.1-1. *Purpose.* The purpose of this law is to provide a death benefit through the Oneida Life Insurance Plan (OLIPP) for all eligible enrolled Oneida Nation members, pursuant to the Oneida General Welfare law.

(a) The General Tribal Council, through resolution GTC-01-17-09-B, approved the concept of the Oneida Life Insurance Plan Plus to replace the Oneida Burial Fund. The General Tribal Council directed implementation of a benefit that pays fifteen thousand dollars (\$15,000) to the designated beneficiary or beneficiaries of the deceased Oneida Nation member. The payment of death benefits through OLIPP to designated beneficiaries of a deceased Oneida Nation member is an exercise of self-governance crucial to the Oneida Nation’s sovereignty, and health and welfare of the community.

1004.1-2. *Policy.* It is the policy of the Nation to care for its members and their families even after their death. The Nation seeks to internalize the Oneida Life Insurance Plan process to ensure equitable and expedient distribution to designated beneficiaries.

1004.2. Adoption, Amendment, Repeal

1004.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-__.

1004.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

1004.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

1004.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

1004.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

1004.3. Definitions

1004.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) "Approved program" means any program(s) to provide general welfare assistance that is intended to qualify as a General Welfare Exclusion, administered under specific guidelines, and is adopted by the Oneida Business Committee through resolution or law of the Nation in accordance with the Oneida General Welfare law.

(b) "Benefit" means the fifteen thousand dollars provided (\$15,000) to pay for funeral expenses of an enrolled member of the Nation, with any residual amounts paid thereafter to the designated beneficiary.

(c) "Decedent" means the deceased person.

(d) "Designated Beneficiary" means any person(s) designated by the enrolled member of the Nation, through the approved beneficiary designation form, to receive all or a portion

41 of the decedent’s Oneida Life Insurance Plan benefit.

42 (e) “Funeral Expenses” means the cost of the funeral of the decedent accrued and invoiced
43 by the funeral home including, but not limited to, the following:

- 44 (1) funeral planning;
- 45 (2) securing the necessary permits and copies of death certificates;
- 46 (3) preparing the notices;
- 47 (4) sheltering the remains;
- 48 (5) coordinating the arrangements with the cemetery, crematory or other third
49 parties;
- 50 (6) transporting the remains;
- 51 (7) embalming and other preparation;
- 52 (8) viewing, ceremony, or memorial services;
- 53 (9) use of a hearse or limousine;
- 54 (11) a casket, outer burial container or alternate container;
- 55 (11) monuments; and
- 56 (12) cremation or interment.

57 (f) “Nation” means the Oneida Nation.

58 59 **1004.4. Establishment**

60 1004.4-1. *Establishment.* The Oneida Life Insurance Plan is hereby established as an approved
61 program of the Nation in accordance with the Oneida General Welfare law. The purpose of the
62 Oneida Life Insurance Plan is to provide fifteen thousand dollars (\$15,000) of financial assistance
63 to eligible members of the Nation to pay for funeral expenses, with any residual benefit amounts
64 paid thereafter to the designated beneficiary.

65 1004.4-2. *General Welfare Exclusion.* The Oneida Life Insurance Plan meets the requirements of
66 the General Test as defined in the Oneida General Welfare law; General Criteria as defined in
67 I.R.S. Rev. Proc. 2014-35. Section 5.01(1); and the requirements of the Tribal General Welfare
68 Exclusion Act of 2014, 26 U.S.C. §139E(b).

69 (a) The assistance provided through the Oneida Life Insurance Plan is:

- 70 (1) paid on behalf of the Nation;
- 71 (2) pursuant to an approved program of the Nation;
- 72 (3) does not discriminate in favor of members of the governing body of the Nation;
- 73 (4) available to any eligible member of the Nation who meets the guidelines of the
74 approved program;
- 75 (5) provided for the promotion of general welfare;
- 76 (6) not lavish or extravagant;
- 77 (7) not compensation for services; and
- 78 (8) not a per capita payment.

79 (b) . I.R.S. Rev. Proc. 2014-35, section 5.02(2)(e)(iv) lists funeral, burial, and expenses
80 related to a death as Safe Harbor program for which need is presumed.

81 82 **1004.5. Qualifications, Designation of Beneficiary, and Notice**

83 1004.5-1. *Eligibility.* All members of the Nation shall qualify for benefits from the Oneida Life
84 Insurance Plan to be used for funeral expenses first, with any residual benefits distributed to a
85 designated beneficiary.

86 (a) Newly enrolled members of the Nation shall be covered the date their enrollment
87 application is approved by Oneida Trust Enrollment Committee and Oneida Business
88 Committee.

89 (b) Members of the Nation that have relinquished their membership shall not be covered
90 from the date their relinquishment request is approved by the Oneida Trust Enrollment
91 Committee and Oneida Business Committee.

92 1004.5-2. *Designation of Beneficiary.* A member of the Nation shall complete the Oneida Trust
93 Enrollment Committee approved beneficiary designation form and submit it to the Oneida Trust
94 Enrollment Committee, either online or in person at the Oneida Trust Enrollment Office, prior to
95 their death in order to secure benefits from the Oneida Life Insurance Plan for their beneficiary.

96 (a) Any Oneida Life Insurance Plan beneficiary designation forms submitted prior to the
97 effective date of this law shall remain valid.

98 (b) Oneida Life Insurance Plan residual benefits shall not be paid or claimed if the decedent
99 did not designate a living beneficiary though the beneficiary designation form.

100 (c) A parent or legal guardian shall complete and submit a beneficiary designation form
101 on behalf of their minor child or ward.

102 (d) Funeral expenses shall be paid directly to the funeral home upon submission of a valid
103 invoice, up to the limit of the Oneida Life Insurance Plan benefits, even if a designated
104 beneficiary has not been designated.

105 1004.5-3. *Notice of Death.* The Oneida Trust Enrollment Department shall be notified within one
106 (1) year of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan
107 benefits to the beneficiary. Oneida Life Insurance Plan claims made beyond the first anniversary
108 of the decedent’s death shall not be processed for distribution.

109 1004.5-4. *Oversight.* The Oneida Trust Enrollment Department shall be delegated the oversight
110 and management of the Oneida Life Insurance Plan.

112 **1004.6. Beneficiary Claim Process and Distribution**

113 1004.6-1. *Evidence as to Passing or Status.* In proceedings under this law, the following rules
114 relating to determination of death and status are applicable:

115 (a) A certified or authenticated copy of a death certificate purporting to be issued by an
116 official or agency of the place where the death purportedly occurred is prima facie proof
117 of the fact, place, date and time of death, and the identity of the decedent;

118 (b) A certified or authenticated copy of any record or report of a governmental agency,
119 domestic or foreign, of a decedent’s death; and

120 (c) A person who is absent for a continuous period of seven (7) years, during which they
121 have not been heard from, and whose absence is not satisfactorily explained after diligent
122 search or inquiry is presumed to be dead. Their death is presumed to have occurred at the
123 end of the period unless there is sufficient evidence for determining that death occurred
124 earlier.

125 1004.6-2. *Effect of Homicide on Beneficiary Designation.* A designated beneficiary who
126 criminally and intentionally causes the death of the decedent shall not be entitled to any benefits
127 passing under this law.

128 1004.6-3. *Distribution.* Oneida Life Insurance Plan benefits shall be distributed in the following
129 order:

- 130 (a) Funeral expenses shall be paid to the funeral home pursuant to receipt of a valid
131 invoice therefrom;
132 (1) Any expenses beyond the funeral expenses shall be the responsibility of the
133 beneficiary, family of the decedent, or any other responsible parties.
134 (b) Residual benefits shall be paid to the designated beneficiary.
135

136 **1004.7. Funding**

137 1004.7-1. *Funding Source.* The Oneida Life Insurance Plan shall be contingent on funding by the
138 Nation's.

139
140 **1004.8. Administrative Rulemaking**

141 1004.8-1. *Delegation of Administrative Rulemaking Authority.* The Oneida Trust Enrollment
142 Department shall be delegated administrative rulemaking authority in accordance with the
143 Administrative Rulemaking law to promulgate rules to govern the administration of the Oneida
144 Life Insurance Plan.

145
146 *End.*

147
148
149 _____
150 Emergency Adopted – BC-09-28-22-C
151 Emergency Extension – BC-03-22-23-C
Adopted – BC- __ - __ - __ - __