



## LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Microsoft Teams

August 3, 2023

9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
  1. July 18, 2023 LOC Meeting Minutes (pg. 2)
- III. Current Business**
  1. Oneida Life Insurance Plan Law (pg. 4)
- IV. New Submissions**
- V. Additions**
- VI. Administrative Updates**
  1. Legislative Operating Committee Fiscal Year 2023 Third Quarter Report (pg. 17)
- VII. Executive Session**
- VIII. Recess/Adjourn**



## LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Microsoft Teams

July 18, 2023

9:00 a.m.

**Present on Microsoft Teams:** David P. Jordan, Daniel Guzman King, Jennifer Webster

**Excused:** Kirby Metoxen

**Others Present on Microsoft Teams:** Clorissa N. Leeman, Grace Elliott, Brooke Doxtator, Keith Doxtator, Rhiannon Metoxen, Michelle Braaten, Peggy Van Gheem, Carrie Lindsey, Eric Boulanger, Laura Laitinen-Warren, Tina Jorgensen, Anna Balke, Kristine Hill, Lisa Moore, Wendy Alvarez

### I. Call to Order and Approval of the Agenda

David P. Jordan called the July 18, 2023, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda as is; seconded by Daniel Guzman King. Motion carried unanimously.

### II. Minutes to be Approved

#### 1. July 10, 2023 LOC Meeting Minutes

Motion by Jennifer Webster to approve the July 10, 2023, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

### III. Current Business

#### 1. Oneida Personnel Policies and Procedures Amendments

Motion by Jennifer Webster to accept the updated public comment review memorandum; seconded by Daniel Guzman King. Motion carried unanimously.

### IV. New Submissions

### V. Additions

### VI. Administrative Items

### VII. Executive Session



**VIII. Adjourn**

Motion by Jennifer Webster to adjourn at 9:11 a.m.; seconded by Daniel Guzman King.  
Motion carried unanimously.



Legislative Operating Committee  
August 3, 2023

# Oneida Life Insurance Plan Law

<b>Submission Date:</b> 9/7/22	<b>Public Meeting:</b> 7/13/23
<b>LOC Sponsor:</b> Kirby Metoxen	<b>Emergency Enacted:</b> 9/28/22, 3/22/23

**Summary:** *This item was added to the Active Files List on September 7, 2022, per the request of Carl Artman, attorney in the Oneida Law Office that represents the Oneida Trust Enrollment Committee. Epic currently manages the Nation's OLIPP program. The Epic contract ends on 09/30/22 and it is ending this service offering after this year. The Oneida Trust and Enrollment Committee concludes it will save \$250,000 annually by managing OLIPP itself. The proposed law would make OLIPP an approved program under the Oneida General Welfare law that is administered by the Oneida Trust Enrollment Department. The Oneida Business Committee adopted the OLIPP law on an emergency basis on September 28, 2022, through the adoption of resolution BC-09-28-22-C. The emergency amendments to the OLIPP law will expire on March 28, 2023. On March 22, 2023, the Oneida Business Committee extended the emergency adoption of the Oneida Life Insurance Plan law for an additional six (6) month period through the adoption of resolution BC-03-22-23-C. The emergency adoption of the Oneida Life Insurance Plan law will now expire on September 28, 2023.*

**8/25/22:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Summers, Daniel Guzman King, Clorissa N. Santiago, Carl Artman, Carolyn Salutz, Grace Elliot, Kristal Hill. This work meeting was held through Microsoft Teams. The purpose of this work meeting was to discuss the proposed OLIPP law, and its potential emergency adoption.

**9/7/22 LOC:** Motion by Marie Summers to add the Oneida Life Insurance Plan Plus law to the Active Files List for emergency adoption with Kirby Metoxen as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

**9/21/22:** *Work Meeting.* Present: David P. Jordan, Jennifer Webster, Marie Cornelius, Kirby Metoxen, Daniel Guzman King, Clorissa N. Santiago, Carl Artman, Carolyn Salutz, Grace Elliot, Rhiannon Metoxen. This work meeting was held through Microsoft Teams. The purpose of this work meeting was to discuss the updated OLIPP law.

**9/21/22:** *E-Poll Conducted.* This e-poll was titled, "Emergency Adoption of the Oneida Life Insurance Plan Law." The requested action of this e-poll was to approve the Oneida Life Insurance Plan law emergency adoption packet and forward to the Oneida Business Committee for consideration. This e-poll was approved by Jennifer Webster, Daniel Guzman King, David P. Jordan, Kirby Metoxen, and Marie Cornelius.

**9/27/22:** *Work Meeting.* Present: David P. Jordan, Marie Cornelius, Kirby Metoxen, Daniel Guzman King, Clorissa N. Santiago, Carl Artman, Kristal Hill, Ralinda Ninham-Lamberies. This work meeting was held through Microsoft Teams. The purpose of this work meeting was to discuss Finance's concerns with the proposed OLIPP law.

**9/28/22 OBC:** Motion by Kirby Metoxen to adopt resolution entitled 09-28-22-C Emergency Adoption of the Oneida Life Insurance Plan Law, seconded by Marie Cornelius. Motion carried.

**10/5/22 LOC:** Motion by Daniel Guzman King to enter into the record the results of the September 21, 2022, e-poll entitled, *Emergency Adoption of the Oneida Life Insurance Plan Law*; seconded by Jennifer Webster. Motion carried unanimously.

**3/6/23:** *Work Meeting.* Present: Jennifer Webster, Marie Cornelius, Daniel Guzman King, Clorissa N. Leeman, Carl Artman, Kristal Hill, Ralinda Ninham-Lamberies, Keith Doxtator, John Danforth. This work meeting was held through Microsoft Teams. The purpose of this work meeting was to discuss the implementation of the OLIPP law during the first six months, review concerns and input discussed at the September 28, 2022, OBC meeting, and discuss and determine if there are any revisions needed to the Law prior to the permanent adoption of this Law.

**3/15/23 LOC:** Motion by Marie Cornelius to approve the emergency extension of the Oneida Life Insurance Plan law packet and forward to the Oneida Business Committee for consideration; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Jennifer Webster to approve the draft of the Oneida Life Insurance Plan law and direct that a legislative analysis be completed; seconded by Marie Cornelius. Motion carried unanimously.

**3/22/23 OBC:** Motion by Marie Cornelius to adopt resolution entitled 03-22-23-C Extension of the Emergency Adoption of the Oneida Life Insurance Plan Law, seconded by Jennifer Webster. Motion carried.

**3/28/23:** *Work Meeting.* Present: David P. Jordan, Marie Cornelius, Clorissa N. Leeman, Tehassi Hill, Brandon Yellowbird Stevens, Danelle Wilson, Carl Artman, Kristal Hill, Keith Doxtator, John Danforth, Kelly Danforth. This work meeting was held through Microsoft Teams. The purpose of this work meeting was to discuss with Trust Enrollment how the Oneida Life Insurance Plan law is implemented, and further discuss how “funeral expenses” is defined in the Law

**5/5/23:** *Work Meeting.* Present: Clorissa N. Leeman, John Danforth, Kelly Danforth, Venessa Cardish. This work meeting was held through Microsoft Teams. The purpose of this meeting was to discuss the legislative process for the permanent adoption of the Oneida Life Insurance Plan law, as well as a potential timeframe for completing this legislative work.

**5/17/23 LOC:** Motion by Jennifer Webster to approve the updated draft of the Oneida Life Insurance Plan law, legislative analysis, and public meeting notice, and forward the Oneida Life Insurance Plan law to a public meeting to be held on July 13, 2023; seconded by Marie Cornelius. Motion carried unanimously.

**7/13/23:** *Public Meeting Held.* Present: David P. Jordan, Clorissa N. Leeman, Brooke Doxtator, Diana Hernandez, Eric Boulanger, Gerald Sexton, Grace Elliott, James Poels, John Danforth, Johnathan Piontek, Kathy Curren, Kelly Danforth, Lori Metoxen, Mary Graves, Michelle John, Monica Doxtator, Ronald Vanschyndel, Shane Archiquette, Sharon Mousseau, Patricia Garvey, Suzanna Jordan, Kristen Jorgenson-Dann, Justin Nishimoto, Wenona Welter, Karen Smith. The public meeting for the proposed Oneida Life Insurance Plan law was held on Microsoft Teams. No individuals provided public comment during the public meeting.

**7/20/23:** *Public Comment Period Closed.* One (1) submission of written comments was received during the public comment period.

**Next Steps:**

- Accept the public comments and public comment review memorandum and defer to a work meeting for further consideration.



TO: Legislative Operating Committee (LOC)  
FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney  
DATE: August 3, 2022  
RE: Oneida Life Insurance Plan Law: Public Comment Review

On July 13, 2023, a public meeting was held regarding the proposed Oneida Life Insurance Plan law (“the Law”). The public comment period was then held open until July 20, 2023. This memorandum is submitted as a review of the comments received during the public comment period.

The public meeting draft, public meeting transcript, and written comments received are attached to this memorandum for review.

### Comment 1 – No Designated Beneficiary:

#### 1004.4. Establishment

**1004.4-1. *Establishment.*** The Oneida Life Insurance Plan is hereby established as an approved program of the Nation in accordance with the Oneida General Welfare law. The purpose of the Oneida Life Insurance Plan is to provide 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.

#### 1004.5. Qualifications, Designation of Beneficiary, and Notice

**1004.5-1. *Eligibility.*** 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.

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

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

**1004.5-2. *Designation of Beneficiary.*** A member of the Nation shall 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.

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

(b) 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.

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

#### 1004.6. Beneficiary Claim Process and Distribution

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

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

**Marena Bridges (written):** I am writing to express my thoughts and concerns regarding the current Oneida Life Insurance Plan law, specifically in relation to the allocation of unassigned benefit funds following the policyholder's demise.

At present, in the event of a policyholder's passing, if no beneficiary has been explicitly named, the residual funds after memorial expenses are not allocated to the legal next of kin. Instead, these resources revert back to the Oneida Nation. This, in my view, poses a significant problem that needs to be addressed.

It is understandable that the responsibility of designating a beneficiary lies with the insured. However, it must be recognized that there could be numerous circumstances that prevent someone from fulfilling this task - a sudden and unexpected death, a lack of understanding about the importance of the beneficiary designation process, or perhaps a misunderstanding that next of kin would automatically be considered beneficiaries. Consequently, it seems unjust that the grieving next of kin, already dealing with the emotional trauma of their loss, should bear additional financial burden due to this policy. From both a humanitarian and community-centric perspective, it would seem more equitable for the legal next of kin to receive any leftover benefit monies in the absence of a named beneficiary. This would not only provide some much-needed financial relief during a difficult time but would also align with the community's values of support and solidarity.

In this context, I propose that the Oneida Life Insurance Plan law be revised to incorporate a clause to address this issue. Specifically, in cases where no beneficiary has been named, the residual benefit funds after covering memorial expenses should be awarded to the legal next of kin. This will ensure that the insured's resources remain within the family and community, providing aid where it is most needed.

I urge the Committee to consider this proposal for the benefit of our community members who may unexpectedly find themselves in such a situation. Providing clearer communication about the necessity of naming a beneficiary, and setting the legal next of kin as the default beneficiary in the absence of a named one, would undoubtedly alleviate some of the financial concerns experienced by grieving families.



I appreciate your time and consideration, and I trust in your commitment to the welfare of the Oneida community.

Thank you.

### ***Response***

The commenter proposes that the Oneida Life Insurance Plan law be amended to allow for any residual benefits to be provided to the decedent's next of kin if a beneficiary is not designated.

The Oneida Life Insurance Plan law is very clear that the intent of the Oneida Life Insurance Plan is to provide 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. [10 O.C. 1004.4-1, 1004.6-3]. A member of the Nation is required to 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]. Any Oneida Life Insurance Plan beneficiary designation form that has already been submitted to the Oneida Trust Enrollment Department prior to the effective date of this law remains valid. [10 O.C. 1004.5-2(a)]. Oneida Life Insurance Plan residual benefits are not paid or claimed if the decedent did not designate a living beneficiary through the beneficiary designation form. [10 O.C. 1004.5-2(b)]. A parent or legal guardian is required to complete and submit a beneficiary designation form on behalf of their minor child or ward. [10 O.C. 1004.5-2(c)]. Funeral expenses are 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. [10 O.C. 1004.5-2(d)].

Previously, the Nation contracted with the company Epic to manage the Oneida Life Insurance Plan. Epic collected relevant information regarding the decedent and beneficiaries and distributed funds from the Oneida Life Insurance Plan. The contract between the Nation and Epic was terminated on September 30, 2022. The Oneida Trust and Enrollment Committee determined the Oneida Trust and Enrollment Department could manage the Oneida Life Insurance Plan in-house, yielding a cost savings to the Nation and expediting payments to the beneficiaries. It was determined that the Nation did not currently have the resources to track down and determine a decedent's next of kin if no beneficiary was designated, and therefore it should be the responsibility of the individual to ensure that they submit a beneficiary designation form.

The Legislative Operating Committee may consider whether the Oneida Life Insurance Plan law be amended to allow for any residual benefits to be provided to the decedent's next of kin if a beneficiary is not designated.

### ***LOC Consideration***

**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

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**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

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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.

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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.

111

## 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:

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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

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148  
149 Emergency Adopted – BC-09-28-22-C  
150 Emergency Extension – BC-03-22-23-C  
151 Adopted – BC- \_\_ - \_\_ - \_\_ - \_\_

**From:** [Marena Bridges](#)  
**To:** [LOC](#)  
**Subject:** Public Comment on Oneida Life Insurance Plan Law  
**Date:** Wednesday, June 28, 2023 5:18:52 PM

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**I am writing to express my thoughts and concerns regarding the current Oneida Life Insurance Plan law, specifically in relation to the allocation of unassigned benefit funds following the policyholder's demise.**

**At present, in the event of a policyholder's passing, if no beneficiary has been explicitly named, the residual funds after memorial expenses are not allocated to the legal next of kin. Instead, these resources revert back to the Oneida Nation. This, in my view, poses a significant problem that needs to be addressed.**

**It is understandable that the responsibility of designating a beneficiary lies with the insured. However, it must be recognized that there could be numerous circumstances that prevent someone from fulfilling this task - a sudden and unexpected death, a lack of understanding about the importance of the beneficiary designation process, or perhaps a misunderstanding that next of kin would automatically be considered beneficiaries. Consequently, it seems unjust that the grieving next of kin, already dealing with the emotional trauma of their loss, should bear additional financial burden due to this policy.**

**From both a humanitarian and community-centric perspective, it would seem more equitable for the legal next of kin to receive any leftover benefit monies in the absence of a named beneficiary. This would not only provide some much-needed financial relief during a difficult time but would also align with the community's values of support and solidarity.**

**In this context, I propose that the Oneida Life Insurance Plan law be revised to incorporate a clause to address this issue. Specifically, in cases where no beneficiary has been named, the residual benefit funds after covering memorial expenses should be awarded to the legal next of kin. This will ensure that the insured's resources remain within the family and community, providing aid where it is most needed.**

**I urge the Committee to consider this proposal for the benefit of our community members who may unexpectedly find themselves in such a situation. Providing clearer communication about the necessity of naming a beneficiary, and setting the legal next of kin as the default beneficiary in the absence of a named one, would undoubtedly alleviate some of the financial concerns experienced by grieving families.**

**I appreciate your time and consideration, and I trust in your commitment to the welfare of the Oneida community.**

**Thank you.**

**Best,**

**Marena Bridges (she/her)  
marena.bridges@gmail.com  
(920) 371-3718**



**LEGISLATIVE OPERATING COMMITTEE  
PUBLIC MEETING**

**Oneida Life Insurance Plan Law**

Microsoft Teams

July 13, 2023 12:15 p.m.

**Present:** David P. Jordan, Clorissa N. Leeman, Brooke Doxtator, Diana Hernandez, Eric Boulanger, Gerald Sexton, Grace Elliott, James Poels, John Danforth, Johnathan Piontek, Kathy Curren, Kelly Danforth, Lori Metoxen, Mary Graves, Michelle John, Monica Doxtator, Ronald Vanschyndel, Shane Archiquette, Sharon Mousseau, Patricia Garvey, Suzanna Jordan, Kristen Jorgenson-Dann, Justin Nishimoto, Wenona Welter, Karen Smith

**David P. Jordan:** Good Afternoon. The time is 12:15 p.m. and today's date is Thursday, July 13, 2023. I will now call to order the public meeting for the proposed Oneida Life Insurance Plan law.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding these legislative proposals. The public meeting is not a question and answer period. The LOC will review and consider all comments received during the public comment period. The LOC will respond to all comments received in a memorandum, which will be submitted in the meeting materials of a future LOC meeting.

Individuals who wish to present oral testimony on Microsoft Teams, please raise your hand and you will be called on. If you leave an email address in the chat with your name, we can ensure you receive a copy of the public comment review memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Thursday, July 20, 2023.

In attendance from the LOC is myself David Jordan, LOC Chairman.

The LOC may impose a time limit for all speakers pursuant to section 109.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a time limit of five (5) minutes per person. This time limit shall be applied equally to all persons.

We will now begin today's public meeting for the proposed 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 for all eligible enrolled Oneida Nation members, pursuant to the Oneida General Welfare law.

Are there any, is there anyone interested in giving testimony? Please raise your hand.

With there being no speakers, the public meeting for the proposed Oneida Life Insurance Plan law is now closed at 12:25 p.m. Written comments may be submitted until close of business on Thursday, July 20, 2023. Thank you.

Thanks everyone for calling in.

**-End of Meeting-**





## Legislative Operating Committee FY2023 Third Quarter Report April 2023 – June 2023

### Legislative Operating Committee Action on Legislative Requests

During the FY23 Third Quarter the Legislative Operating Committee added twenty-eight (28) legislative items to its Active Files List. No requests were denied during the FY23 Third Quarter.

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

On April 7, 2023, the Legislative Operating Committee added the following twenty-four (24) General Tribal Council petitions to its Active Files List:

- Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council;
- Petition: L. Dallas – Community Improvement Projects (CIP) and Funding;
- Petition: L. Dallas – Contract of Chief Counsel JoAnne House;
- Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting;
- Petition: L. Dallas – Direct that the Oneida Nation Organizational Structure Return to the Previous State it was Prior to March 2020;
- Petition: L. Dallas – Direct Transportation be Made Available by the Oneida Nation to Areas with Large Populations of Oneida Enrolled Members to and from General Tribal Council Meetings;
- Petition: L. Dallas – Directives for Oneida Nation Chief Counsel Position;
- Petition: L. Dallas – Disclosure of Funds, Expenditures, and Organizational Changes from March 2020-Present;
- Petition: L. Dallas – Disclosure of FY- 2020 Budget;
- Petition: L. Dallas – Disclosure of FY- 2021 Budget;
- Petition: L. Dallas – Disclosure of FY- 2022 Budget;
- Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present;
- Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game;
- Petition: L. Dallas – Donations - Internal and External;
- Petition: L. Dallas – General Tribal Council Directive Regarding Advocacy Training;
- Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members;
- Petition: L. Dallas – Oneida Nation Disability Fund;
- Petition: L. Dallas – Repeal and Replace Current Removal Law;

- Petition: L. Dallas – Repeal GTC Resolution # 01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council;
- Petition: L. Dallas – Repeal the Budget and Finances Law;
- Petition: L. Dallas – Review and Discuss General Tribal Council's Delegation of Power and Authority to all Entities;
- Petition: L. Dallas – Term Limits for 2023;
- Petition: L. Dallas – Transitional Housing; and
- Petition: L. Dallas – Void the November 15, 2022, Virtual Semi-Annual General Tribal Council Meeting.

Then on May 3, 2023, the Legislative Operating Committee added the General Tribal Council petition, Petition: L. Dallas – Emergency Amendments to the Election Law for 2023 General Election, to its Active Files List.

On June 7, 2023, the Legislative Operating Committee added the following three (3) General Tribal Council petitions to its Active Files List:

- Petition: L. Dallas - Allow the General Tribal Council Full Informational Access to the Oneida Nation's Revenue;
- Petition: L. Dallas - Direct the Oneida Business Committee to Plan for and Construct a General Tribal Council Meeting Facility; and
- Petition: R. Skenandore - Make the Tribal Minimum Wage \$15.00/hour Mean \$15.00/hour with No Exceptions or Loopholes.

### **FY23 Third Quarter Administrative Accomplishments**

The Legislative Operating Committee focused its efforts during the FY23 Third Quarter on developing statements of effect for the numerous General Tribal Council petitions. The Legislative Operating Committee brought forward statements of effect for the following petitions during the FY23 Third Quarter:

- Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance;
- Petition: L. Dallas– Allow the General Tribal Council Full Informational Access to the Oneida Nation's Revenue;
- Petition: L. Dallas – Budgets for the Oneida Nation be Brought Before the General Tribal Council;
- Petition: L. Dallas – Community Improvement Projects (CIP) and Funding;
- Petition: L. Dallas – Contract of Chief Counsel JoAnne House;
- Petition: L. Dallas – Direct a Certified Parliamentarian be Appointed by General Tribal Council Prior to Each General Tribal Council Meeting;
- Petition: L. Dallas – Direct that the Oneida Nation Organizational Structure Return to the Previous State it was Prior to March 2020;
- Petition: L. Dallas – Direct Transportation be Made Available by the Oneida Nation to Areas with Large Populations of Oneida Enrolled Members to and from General Tribal Council Meetings;

- Petition: L. Dallas– Direct the Oneida Business Committee to Plan for and Construct a General Tribal Council Meeting Facility;
- Petition: L. Dallas – Directives for Oneida Nation Chief Counsel Position;
- Petition: L. Dallas – Disclosure of Funds, Expenditures, and Organizational Changes from March 2020-Present;
- Petition: L. Dallas – Disclosure of FY- 2020 Budget;
- Petition: L. Dallas – Disclosure of FY- 2021 Budget;
- Petition: L. Dallas – Disclosure of FY- 2022 Budget;
- Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures from January 1, 2020 – Present;
- Petition: L. Dallas – Disclosure of Oneida Nation Travel Expenditures to England for the October 9, 2022, Green Bay Packer Game;
- Petition: L. Dallas – Donations - Internal and External;
- Petition: L. Dallas– Emergency Amendments to the Election Law for the 2023 General Election;
- Petition: L. Dallas – FY 2023 Budget;
- Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business;
- Petition: L. Dallas – General Tribal Council Directive Regarding Advocacy Training;
- Petition: L. Dallas – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members;
- Petition: L. Dallas – Oneida Nation Disability Fund;
- Petition: L. Dallas – Repeal and Replace Current Removal Law;
- Petition: L. Dallas – Repeal GTC Resolution # 01-21-19-A Amending the 120-Day Petition Timeline Adopted by General Tribal Council;
- Petition: L. Dallas – Repeal the Budget and Finances Law;
- Petition: L. Dallas – Review and Discuss General Tribal Council's Delegation of Power and Authority to all Entities;
- Petition: L. Dallas – Term Limits for 2023;
- Petition: L. Dallas – Transitional Housing;
- Petition: L. Dallas – Void the November 15, 2022, Virtual Semi-Annual General Tribal Council Meeting; and
- Petition: R. Skenandore - Make the Tribal Minimum Wage \$15.00/hour Mean \$15.00/hour with No Exceptions or Loopholes.

### **FY23 Third Quarter Legislative Highlights**

The Legislative Operating Committee would like to highlight its work on the following legislative items during the FY23 Third Quarter:

#### **Higher Education Scholarship Law**

The Legislative Operating Committee held five (1) work meetings during the FY23 Third Quarter on the proposed Higher Education Scholarship law.

### **Investigative Leave Policy Amendments**

The Legislative Operating Committee held two (2) work meetings during the FY23 Third Quarter on the proposed Investigative Leave Policy amendments.

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

The Legislative Operating Committee held one (1) work meeting during the FY23 Third Quarter on the proposed Oneida Language Code. On May 17, 2023, the Legislative Operating Committee approved the updated draft of the Oneida Life Insurance Plan law, legislative analysis, and public meeting notice, and forwarded the Oneida Life Insurance Plan law to a public meeting to be held on July 13, 2023.

### **FY23 Third Quarter Legislative Operating Committee Meetings**

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 FY23 Third Quarter:

- April 7, 2023 – Regular meeting;
- April 19, 2023 – Regular meeting;
- May 3, 2023 – Regular meeting;
- May 17, 2023 – Regular meeting;
- June 7, 2023 – Regular meeting; and
- June 21, 2023 – 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](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 Fourth Quarter**

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

1. Transition into the 2023-2026 legislative term.

## 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 FY23 Third Quarter the Legislative Reference Office was staffed by the following individuals:

- Clorissa N. Leeman, Senior Legislative Staff Attorney.
  - Contact: [cleeman@oneidanation.org](mailto:cleeman@oneidanation.org) or (920) 869-4417
- Carolyn Salutz, Legislative Staff Attorney.
  - Contact: [csalutz@oneidanation.org](mailto:csalutz@oneidanation.org) or (920) 869-4422
- Grace Elliott, 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 P. Jordan, LOC Chairman  
[djordan1@oneidanation.org](mailto:djordan1@oneidanation.org)  
(920) 869-4483
- Kirby Metoxen, LOC Vice-Chairman  
[kmetox@oneidanation.org](mailto:kmetox@oneidanation.org)  
(920) 869-4441
- Jennifer Webster, LOC Member  
[jwebstel@oneidanation.org](mailto:jwebstel@oneidanation.org)  
(920) 869-4457
- Daniel Guzman King, LOC Member  
[dguzman@oneidanation.org](mailto:dguzman@oneidanation.org)  
(920) 869-4366



# August 2023

August 2023

Su	Mo	Tu	We	Th	Fr	Sa
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September 2023

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Jul 31	Aug 1	2	3 1:30pm LOC Prep (Microsoft Teams Meeting) - Clorissa N. Leeman 2:00pm Legislative Operating Committee Meeting (Microsoft Teams Meeting;	4
7	8	9	10	11
14	15	16 8:30am LOC Prep (Microsoft Teams Meeting; BC_Conf_Room) - 9:00am Legislative Operating Committee Meeting (Microsoft Teams Meeting;	17	18
21	22	23	24	25
28	29	30	31	Sep 1