



Legislative Operating Committee FY2023 Second Quarter Report

Legislative Operating Committee Action on Legislative Requests

During the FY23 Second Quarter the Legislative Operating Committee added nine (9) legislative items to its Active Files List. No requests were denied during the FY23 Second Quarter.

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

On January 4, 2023, the Legislative Operating Committee added the Elder Protection law to its Active Files List.

Then on January 18, 2023, the Legislative Operating Committee added the Clean Air Policy amendments to its Active Files List.

On February 1, 2023, the Legislative Operating Committee added the Oneida Election Board bylaws amendments to the Active Files List.

On February 15, 2023, the Legislative Operating Committee added the Election law emergency amendments to the Active Files List.

On March 1, 2023, the Legislative Operating Committee added the following items to the Active Files List:

- Petition: L. Dallas – Alcohol and Drug Addiction Treatment Assistance;
- Petition: L. Dallas – FY 2023 Budget;
- Petition: L. Dallas – GTC Directive for OBC to Stay Out of Day-to-Day Business; and
- Petition: L. Zeise – Uncap All Employee Wages.

On March 15, 2023, the Legislative Operating Committee added the Finance Committee bylaws amendments to the Active Files List.

FY23 Second Quarter Legislative Accomplishments

The Legislative Operating Committee brought forward the following legislation for adoption or amendment during the FY23 Second Quarter:

Emergency Amendments to the Election Law

The Oneida Business Committee adopted the emergency amendments to the Election law on March 8, 2023, through the adoption of resolution BC-03-08-23-B. The Election law governs 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 from six (6) to three (3). [1 O.C. 102.10-2].

The emergency amendments to the Election law will expire on September 8, 2023. The Legislative Procedures Act provides the possibility to extend the emergency amendments for an additional six (6) months. [1 O.C. 109.9-5(b)].

Amendments to the Emergency Management Law

The Oneida Business Committee adopted the amendments to the Emergency Management law on March 8, 2023, through the adoption of resolution BC-03-08-23-C. The Emergency Management law provides 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 amendments to the Emergency Management law:

- Eliminated the Oneida Nation Emergency Planning Committee and replace it with an Emergency Management Operations Team. [3 O.C. 302.5-1];
- Provided 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];
- Required 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];
- Allowed 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];
- Required 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];
- Extended 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].

Extension of the Emergency Adoption of the Oneida Life Insurance Plan Law

The Oneida Life Insurance Plan law was adopted by the Oneida Business Committee on an emergency basis on September 28, 2022, through the adoption of resolution BC-09-28-22-C. This Law establishes the Oneida Life Insurance Plan as an approved program of the Nation to provide a death benefit through the Oneida Life Insurance Plan 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];
- Provide 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 this Law was set to expire on March 28, 2023. The Oneida Business Committee then took action to extend the emergency adoption of the Oneida Life Insurance Plan

law for an additional six (6) month period on March 28, 2023, 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.

FY23 Second Quarter Administrative Accomplishments

The Legislative Operating Committee brought forward the following statement of effect during the FY23 Second Quarter:

Petition: L. Zeise – Uncap Employee Wages

On February 15, 2023, the Petition: L. Zeise – Uncap All Employee Wages (“the Petition”) was submitted to the Business Committee Support Office by Lloyd Zeise and has since been verified by the Oneida Trust Enrollment Department. On February 22, 2023, the Oneida Business Committee acknowledged receipt of the Petition and directed that the Legislative Reference Office complete a statement of effect for the Petition with status updates to be submitted for the March 22, 2023, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted. On March 1, 2023, the Legislative Operating Committee added the Petition to its Active Files List for a statement of effect to be completed by the Legislative Reference Office. The Oneida Business Committee accepted the statement of effect for this Petition on March 22, 2023.

FY23 Second Quarter Legislative Highlights

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

Back Pay Law Amendments

The Legislative Operating Committee held two (2) work meeting during the FY23 Second Quarter on the proposed Back Pay law amendments. On February 1, 2023, 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. The Legislative Operating Committee reviewed and considered the public comments during a work meeting on February 1, 2023. On February 15, 2023 the Legislative Operating Committee accepted the updated public comment review memorandum.

Clean Air Policy Amendments

The Legislative Operating Committee held three (3) work meeting during the FY23 Second Quarter on the proposed Clean Air Policy amendments. On February 1, 2023, the Legislative Operating Committee approved the draft of the Clean Air policy amendments and directed that a legislative analysis be completed.

Drug and Alcohol Free Workplace Law Amendments

The Legislative Operating Committee held two (2) work meetings during the FY23 Second Quarter on the proposed Drug and Alcohol Free Workplace law amendments. On January 4, 2023, the Legislative Operating Committee approved the public meeting packet for the proposed amendments to the Drug and Alcohol Free Workplace law and scheduled a public meeting to be held on February 15, 2022. This public meeting was held in person in the Norbert Hill Center's Business Committee Conference Room as well as on Microsoft Teams. Six (6) individuals provided oral comments during this public meeting. The public comment period was then held open until February 22, 2023. Four (4) individuals provided written comments during the public comment period.

Emergency Gift Card Law

The Legislative Operating Committee held two (2) work meetings during the FY23 Second Quarter on the proposed Emergency Gift Card law.

Higher Education Scholarship Law

The Legislative Operating Committee held five (5) work meetings during the FY23 Second Quarter on the proposed Higher Education Scholarship law.

Investigative Leave Policy Amendments

The Legislative Operating Committee held seven (7) work meetings during the FY23 Second Quarter on the proposed Investigative Leave Policy amendments.

Oneida Language Code

The Legislative Operating Committee held two (2) work meeting during the FY23 Second Quarter on the proposed Oneida Language Code.

Oneida Life Insurance Plan Law

The Legislative Operating Committee held two (2) work meeting during the FY23 Second Quarter on the Oneida Life Insurance Plan Law.

Oneida Personnel Commission Bylaws Amendments

The Legislative Operating Committee held one (1) work meeting during the FY23 Second Quarter on the Oneida Personnel Commission bylaws amendments.

Oneida Personnel Policies and Procedures Amendments

The Legislative Operating Committee held five (5) work meetings during the FY23 Second Quarter on the proposed amendments to the Oneida Personnel Policies and Procedures. On January 12, 2023, the Legislative Operating Committee held a public meeting on the proposed amendments to the Oneida Personnel Policies and Procedures. The public meeting for the proposed amendments to the Oneida Personnel Policies and Procedures was held in person in the Norbert Hill Center and on Microsoft Teams. Seven (7) individuals provided public comment during the public meeting.

The public comment period was then held open until January 19, 2023. Fourteen (14) submissions of written comments were received during the public comment period. On March 1, 2023, the Legislative Operating Committee accepted the public comments and the public comment review memorandum and defer to a work meeting for further consideration. The Legislative Operating Committee reviewed and considered the public comments received during work meetings held on March 1, March 9, March 15, March 23, and March 30.

Probate Law

The Legislative Operating Committee held one (1) work meeting during the FY23 Second Quarter on the proposed Probate law.

Workplace Violence Law Amendments

The Legislative Operating Committee held two (2) work meeting during the FY23 Second Quarter on the proposed amendments to the Workplace Violence law.

Overall, the Legislative Operating Committee held over thirty-six (36) work meetings during the FY23 Second Quarter.

FY23 Second 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 Second Quarter:

- January 4, 2023 – Regular meeting;
- January 18, 2023 – Regular meeting;
- February 1 2, 2023 – Regular meeting;
- February 15, 2023 – Regular meeting;
- March 1, 2023 – Regular meeting; and
- March 15, 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 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 Third Quarter

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

1. Development of statements of effect for the twenty-four (24) General Tribal Council petitions received and assigned to the Legislative Reference Office.
2. Adoption of the amendments to the Back Pay law.
3. Adoption of the amendments to the Drug and Alcohol Free Workplace Law.

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 Second Quarter the Legislative Reference Office was staffed by the following individuals:

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

Legislative Operating Committee Contact Information

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

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