



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA

Microsoft Teams
August 16, 2023
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
 1. August 3, 2023 LOC Meeting Minutes (pg. 2)
- III. Current Business**
- IV. New Submissions**
- V. Additions**
- VI. Administrative Updates**
 1. E-Poll Results: Fiscal Impact Statement Request for the Oneida Life Insurance Plan Law (pg. 4)
 2. Legislative Operating Committee 2020 - 2023 End of Term Report (pg. 24)
- VII. Executive Session**
- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES

Microsoft Teams

August 3, 2023

2:00 p.m.

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

Others Present on Microsoft Teams: Clorissa N. Leeman, Grace Elliott, Kristal Hill, Brooke Doxtator, Keith Doxtator, Michelle Braaten, Peggy Van Gheem, Eric Boulanger, Tina Jorgensen, Mark A. Powless, Mark W. Powless, Mary Graves, Kaylynn Gresham, James Poels, Lisa Moore, Jonas Hill, Jameson Wilson, Debra Powless

I. Call to Order and Approval of the Agenda

David P. Jordan called the August 3, 2023, Legislative Operating Committee meeting to order at 9:00 a.m.

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

II. Minutes to be Approved

1. July 18, 2023 LOC Meeting Minutes

Motion by Jennifer Webster to approve the July 18, 2023, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

III. Current Business

1. Oneida Life Insurance Plan Law

Motion by Jennifer Webster to accept the public comments and public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

IV. New Submissions

V. Additions



VI. Administrative Items

1. Legislative Operating Committee Fiscal Year 2023 Third Quarter Report

Motion by Jennifer Webster to approve the LOC Fiscal Year 2023 Third Quarter Report and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn at 2: 09 p.m.; seconded by Daniel Guzman King. Motion carried unanimously.

August 8, 2023 Legislative Operating Committee E-Poll

Fiscal Impact Statement Request for the Oneida Life Insurance Plan Law

E-POLL REQUEST: Fiscal Impact Statement Request for the Oneida Life Insurance Plan Law

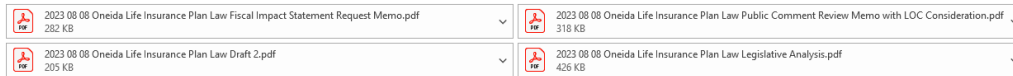


LOC

To: David P. Jordan; Daniel P. Guzman; Kirby W. Metoxen; Jennifer A. Webster

Cc: Kristal E. Hill; Rhiannon R. Metoxen; Clorissa N. Leeman

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Tue 8/8/2023 1:01 PM

Good Afternoon Legislative Operating Committee,

This e-mail serves as the e-poll for the approval of the fiscal impact statement request for the Oneida Life Insurance Plan law.

EXECUTIVE SUMMARY

The permanent adoption of the Oneida Life Insurance Plan law (the “Law”) is being sought to establish the Oneida Life Insurance Plan as an approved program of the Nation 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. [10 O.C. 1004.1-1]. The Law will:

- 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 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 though the beneficiary designation form. [10 O.C. 1004.5-2(b), 1004.5-2(e)];
- 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 through the Nation’s annual budget. [10 O.C. 1004.7-1].

The Legislative Operating Committee held a public meeting for the proposed Oneida Life Insurance Plan law virtually on Microsoft Teams on July 13, 2023. No one provide public comment during the public meeting. The public comment period was then held open until the close of business on July 20, 2023. One (1) submission of written comments was received during the public comment period. On August 3, 2023, the Legislative Operating Committee accepted, reviewed, and considered the public comments received. There are no revisions proposed to be made to the draft since the public meeting.

We are ready to move onto the next stage of the legislative process which is requesting a fiscal impact statement be developed. The Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation. [1 O.C. 109.6-1]. The fiscal impact statement is an estimate of the total fiscal year financial effects associated with the proposed legislation, and should include:

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)].

The fiscal impact statement must be completed and submitted to the LOC prior to the proposed legislation being forwarded to the Oneida Business Committee for consideration. [1 O.C. 109.6-2]. The fiscal impact statement provides the Oneida Business Committee information on what the potential adoption of the proposed legislation will cost the Nation, so that the Oneida Business Committee can determine if adoption of the proposed legislation is in the best interest of the Nation.

The Legislative Procedures Act grants the LOC the authority to direct the Finance Department or any agency who may administer a program if the legislation is enacted or may have financial information concerning the subject matter of the legislation to submit a fiscal impact statement.

Oneida Business Committee resolution BC-10-28-20-A titled, "Further Interpretation of 'Fiscal Impact Statement ' in the Legislative Procedures Act" provides further clarification on the process for directing a fiscal impact statement be completed. This resolution provides that upon final approval of draft legislation by the LOC, the LOC may direct the Finance Department to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

So, now that we have a final draft of the proposed amendments to the law, the fiscal impact request memorandum is a memorandum from the LOC to the Finance Department directing that a fiscal impact statement of the proposed law be completed and provided to the LOC by August 18, 2023.

Attached to this e-poll please find the following materials:

- Updated Public Comment Review Memorandum with LOC Consideration;
- Oneida Life Insurance Plan law;
- Legislative Analysis; and
- Fiscal Impact Statement Request Memorandum.

The LOC is now being asked to approve by e-poll the updated public comment review memorandum, draft, updated legislative analysis, and fiscal impact statement request memorandum; and forward the appropriate materials to the Finance Administration and direct that a fiscal impact statement for the proposed Oneida Life Insurance Plan law be provided to the LOC by August 18, 2023.

An e-poll is necessary for this matter because the next Legislative Operating Committee meeting is not until August 16, 2023, and the Legislative Operating Committee would have to have the adoption materials for this legislative item considered at the August 26, 2023, Oneida Business Committee meeting.

REQUESTED ACTION

- Approve the updated public comment review memorandum, draft, updated legislative analysis, and fiscal impact statement request memorandum; and
- Forward the appropriate materials to the Finance Administration and direct that a fiscal impact statement for the proposed Oneida Life Insurance Plan law be provided to the LOC by August 18, 2023.

DEADLINE FOR RESPONSE

August 8 at 6:00 p.m.

All supporting documentation has been attached to this email for your convenience.











A good mind. A good heart. A strong fire.

E-POLL RESULTS:

This e-poll was approved by David P. Jordan, Jennifer Webster, and Kirby Metoxen. Daniel Guzman King did not provide a response.

Re: E-POLL REQUEST: Fiscal Impact Statement Request for the Oneida Life Insurance Plan Law

 David P. Jordan
 To:  LOC;  Daniel P. Guzman;  Kirby W. Metoxen;  Jennifer A. Webster;  David P. Jordan
 Cc:  Kristal E. Hill;  Rhiannon R. Metoxen;  Clorissa N. Leeman

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Tue 8/8/2023 1:03 PM

RE: E-POLL REQUEST: Fiscal Impact Statement Request for the Oneida Life Insurance Plan Law



Jennifer A. Webster

To: LOC, David P. Jordan, Daniel P. Guzman, Kirby W. Metoxen
Cc: Kristal E. Hill, Rhiannon R. Metoxen, Clorissa N. Leeman

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Tue 8/8/2023 1:05 PM

Support,
Jenny

Sent from my Galaxy

Re: E-POLL REQUEST: Fiscal Impact Statement Request for the Oneida Life Insurance Plan Law



Kirby W. Metoxen

To: Jennifer A. Webster, LOC, David P. Jordan, Daniel P. Guzman
Cc: Kristal E. Hill, Rhiannon R. Metoxen, Clorissa N. Leeman

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Tue 8/8/2023 1:29 PM

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TO: Legislative Operating Committee (LOC)
FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney
DATE: August 8, 2023
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. The Legislative Operating Committee reviewed and considered the public comments on August 3, 2023.

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 though 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 provided be to the decedent's next of kin if a beneficiary is not designated.

LOC Consideration

The Legislative Operating Committee held great discussion regarding the issue of whether the proposed Oneida Life Insurance Plan law should 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 Legislative Operating Committee understands the perspective the commenter expressed, and held great discussions on how to balance the Nation's resources in best managing the Oneida Life Insurance Plan law and the need for the responsibility to lie with the tribal member to ensure that the

designated beneficiary form is submitted if an individual desires that any residual benefits be provided to their selected individual, while also addressing concerns that some individuals may not be aware of the need to submit a beneficiary designation form.

On August 8, 2023, the Legislative Operating Committee held a work meeting with the Trust Enrollment Department and the Oneida Law Office to discuss this matter in greater detail. The Trust Enrollment Department informed the Legislative Operating Committee that the Trust Enrollment Department has made efforts to inform the community of the requirement to fill out a beneficiary designation form for the Oneida Life Insurance Plan through mailers sent to the homes of all members of the Nation, information provided at General Tribal Council meetings, information published in the Kalihwisaks, and information provided through Facebook Live segments. At this point in time about sixty-five percent (65%) of adult members of the Nation have submitted a beneficiary designation form. The Legislative Operating Committee discussed the desire and need for the Trust Enrollment Committee to continue its efforts to inform the community of the requirement to submit beneficiary designation form in accordance with the Oneida Life Insurance Plan law. Efforts to specifically target individuals who have not submitted a beneficiary designation form were also greatly discussed.

Ultimately, the Legislative Operating Committee determined that the Oneida Life Insurance Plan law should remain as currently drafted so that 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.

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

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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 **1004.4. Establishment**

59 1004.4-1. *Establishment*. The Oneida Life Insurance Plan is hereby established as an approved
60 program of the Nation in accordance with the Oneida General Welfare law. The purpose of the
61 Oneida Life Insurance Plan is to provide fifteen thousand dollars (\$15,000) of financial assistance
62 to eligible members of the Nation to pay for funeral expenses, with any residual benefit amounts
63 paid thereafter to the designated beneficiary.

64 1004.4-2. *General Welfare Exclusion*. The Oneida Life Insurance Plan meets the requirements of
65 the General Test as defined in the Oneida General Welfare law; General Criteria as defined in
66 I.R.S. Rev. Proc. 2014-35. Section 5.01(1); and the requirements of the Tribal General Welfare
67 Exclusion Act of 2014, 26 U.S.C. §139E(b).

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

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

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

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

82 1004.5-1. *Eligibility*. All members of the Nation shall qualify for benefits from the Oneida Life
83 Insurance Plan to be used for funeral expenses first, with any residual benefits distributed to a
84 designated beneficiary.
85

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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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2023 08 08

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 Emergency Adopted – BC-09-28-22-C

150 Emergency Extension – BC-03-22-23-C

151 Adopted – BC- __ - __ - __ - __



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 was held on July 13, 2023. The public comment period was held open until July 20, 2023.
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 **SECTION 3. CONSULTATION AND OUTREACH**

- 29 **A.** Representatives from the following departments or entities participated in the development of this Law
30 and legislative analysis:
31
 - 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 ▪ On May 17, 2023, the Legislative Operating Committee approved the updated draft of the Oneida
61 Life Insurance Plan law, legislative analysis, and public meeting notice, and forward the Oneida
62 Life Insurance Plan law to a public meeting to be held on July 13, 2023.
63 ▪ On July 13, 2023, a public meeting for the proposed Oneida Life Insurance Plan law was held on
64 Microsoft Teams. No oral comments were made during the public meeting.
65 ▪ The public comment period was then held open until July 20, 2023. One (1) submission of written
66 comments was received during the public comment period.
67 ▪ On August 3, 2023, the Legislative Operating Committee accepted the public comments and public
68 comment review memorandum and deferred this legislative item to a work meeting for further
69 consideration. That same day the Legislative Operating Committee held a work meeting to review
70 and consider the public comments.
71 **B.** At the time this legislative analysis was developed the following work meetings had been held
72 regarding the development of the amendments to this Law:
73 ▪ August 25, 2022. LOC work meeting with the Oneida Law Office;
74 ▪ September 21, 2022. LOC work meeting with the Oneida Law Office;
75 ▪ September 27, 2022. LOC work meeting with the Oneida Law Office and Finance Administration;
76 ▪ March 6, 2023. LOC work meeting with the Oneida Law Office, Finance Administration, and
77 Oneida Trust Enrollment Department;

- 78 ▪ March 28, 2023. LOC work meeting with the Oneida Law Office, Finance Administration, Oneida
79 Trust Enrollment Department, and Oneida Business Committee; and
- 80 ▪ May 5, 2023. LRO work meeting with Oneida Trust Enrollment Department.
- 81 ▪ August 3, 2023: LOC work meeting.
- 82 ▪ August 8, 2023: LOC work meeting with the Oneida Law Office and Oneida Trust Enrollment
83 Department.

84

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

- 86 **A. Purpose and Policy.** The purpose of this law is to provide a death benefit through the Oneida Life
87 Insurance Plan for all eligible enrolled Oneida Nation members, pursuant to the Oneida General
88 Welfare law. [10 O.C. 1004.1-1]. The General Tribal Council, through resolution GTC-01-17-09-B,
89 approved the concept of the Oneida Life Insurance Plan Plus to replace the Oneida Burial Fund. The
90 General Tribal Council directed implementation of a benefit that pays fifteen thousand dollars
91 (\$15,000) to the designated beneficiary or beneficiaries of the deceased Oneida Nation member. The
92 payment of death benefits through OLIPP to designated beneficiaries of a deceased Oneida Nation
93 member is an exercise of self-governance crucial to the Oneida Nation’s sovereignty, and health and
94 welfare of the community. [10 O.C. 1004.1-1(a)]. It is the policy of the Nation to care for its members
95 and their families even after their death. The Nation seeks to internalize the Oneida Life Insurance Plan
96 process to ensure equitable and expedient distribution to designated beneficiaries. [10 O.C. 1004.1-2].
- 97 ▪ **Effect.** The overall purpose of this Law is to codify the Nation’s sovereign right to provide
98 assistance to members of the Nation on a non-taxable basis through an approved program.
- 99 **B. Establishment.** This Law establishes the Oneida Life Insurance Plan as an approved program of the
100 Nation in accordance with the Oneida General Welfare law. [10 O.C. 1004.4-1]. The purpose of the
101 Oneida Life Insurance Plan is to provide fifteen thousand dollars (\$15,000) of financial assistance to
102 eligible members of the Nation to pay for funeral expenses, with any residual benefit amounts paid
103 thereafter to the designated beneficiary. *Id.* Funeral expenses include funeral planning; securing the
104 necessary permits and copies of death certificates; preparing the notices; sheltering the remains;
105 coordinating the arrangements with the cemetery, crematory or other third parties; transporting the
106 remains; embalming and other preparation; viewing, ceremony or memorial service; use of a hearse or
107 limousine; a casket, outer burial container or alternate container; monuments; and cremation or
108 interment. [10 O.C. 1004.3-1(e)]. The Oneida Life Insurance Plan meets the requirements of the
109 General Test as defined in the Oneida General Welfare law; General Criteria as defined in I.R.S. Rev.
110 Proc. 2014-35. Section 5.01(1); and the requirements of the Tribal General Welfare Exclusion Act of
111 2014, 26 U.S.C. §139E(b). [10 O.C. 1004.4-2].
- 112 **C. Eligibility.** The Law provides that all members of the Nation shall qualify for benefits from the Oneida
113 Life Insurance Plan to be used for funeral expenses first, with any residual benefits then distributed to
114 a designated beneficiary. [10 O.C. 1004.5-1].
- 115 **D. Designation of Beneficiary.** A member of the Nation is required to complete the Oneida Trust
116 Enrollment Committee approved beneficiary designation form and submit it to the Oneida Trust
117 Enrollment Committee, either online or in person at the Oneida Trust Enrollment Office, prior to their
118 death in order to secure benefits from the Oneida Life Insurance Plan for their beneficiary. [10 O.C.
119 1004.5-2]. Any Oneida Life Insurance Plan beneficiary designation form that has already been
120 submitted to the Oneida Trust Enrollment Department prior to the effective date of this law shall remain
121 valid. [10 O.C. 1004.5-2(a)]. Oneida Life Insurance Plan residual benefits shall not be paid or claimed

- 122 if the decedent did not designate a living beneficiary though the beneficiary designation form. [10 O.C.
123 1004.5-2(b)]. A parent or legal guardian shall complete and submit a beneficiary designation form on
124 behalf of their minor child or ward. [10 O.C. 1004.5-2(c)]. Funeral expenses shall be paid directly to
125 the funeral home upon submission of a valid invoice, up to the limit of the Oneida Life Insurance Plan
126 benefits, even if a designated beneficiary has not been designated. [10 O.C. 1004.5-2(d)].
- 127 **E. Notice of Death.** The Oneida Trust Enrollment Department shall be notified within one (1) year of the
128 member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the
129 beneficiary. [10 O.C. 1004.5-3]. Oneida Life Insurance Plan claims made beyond the first anniversary
130 of the decedent’s death shall not be processed for distribution. *Id.*
- 131 **F. Oversight.** The Trust Enrollment Department shall be delegated the oversight and management of the
132 Oneida Life Insurance Plan. [10 O.C. 1004.5-4].
- 133 **G. Evidence as to Passing or Status.** The Law provides the following rules relating to determination of
134 death and status are applicable: a certified or authenticated copy of a death certificate purporting to be
135 issued by an official or agency of the place where the death purportedly occurred is prima facie proof
136 of the fact, place, date and time of death, and the identity of the decedent; a certified or authenticated
137 copy of any record or report of a governmental agency, domestic or foreign, of a decedent’s death; and
138 a person who is absent for a continuous period of seven (7) years, during which they have not been
139 heard from, and whose absence is not satisfactorily explained after diligent search or inquiry is
140 presumed to be dead. Their death is presumed to have occurred at the end of the period unless there is
141 sufficient evidence for determining that death occurred earlier. [10 O.C. 1004.6-1].
- 142 **H. Effect of Homicide on Beneficiary Designation.** The Law provides that a designated beneficiary who
143 criminally and intentionally causes the death of the decedent shall not be entitled to any benefits passing
144 under this law. [10 O.C. 1004.6-2].
- 145 **I. Distribution.** The Law provides that the Oneida Life Insurance Plan benefits shall be distributed in the
146 following order: (1) Funeral expenses shall be paid to the funeral home pursuant to receipt of a valid
147 invoice therefrom; then residual benefits shall be paid to the designated beneficiary. [10 O.C. 1004.6-
148 3].
- 149 **J. Funding.** The Oneida Life Insurance Plan shall be contingent on funding by the Nation. [10 O.C.
150 1004.7-1].
- 151 **K. Delegation of Rulemaking Authority.** The Oneida Trust Enrollment Department is delegated
152 administrative rulemaking authority in accordance with the Administrative Rulemaking law to
153 promulgate rules to govern the administration of the Oneida Life Insurance Plan. [10 O.C. 1004.8-1].
154

EXAMPLES

155 **Example 1.** John Doe is an enrolled member of the Nation who designated his wife Jane Doe as his
156 beneficiary on the Oneida Nation Life Insurance Plan beneficiary designation form. John unfortunately
157 passes away. The funeral of John Doe will cost \$12,000. Jane Doe can provide the Oneida Trust Enrollment
158 Department the invoice from the funeral home, and the \$12,000 will be paid through the Oneida Life
159 Insurance Plan directly to the funeral home. After the funeral is paid, there is \$3,000 remaining of the
160 original \$15,000 Oneida Life Insurance Plan benefit. Since Jane is listed as John’s beneficiary, the
161 remaining \$3,000 of benefits will then be given to Jane Doe.
162

163 **Example 2.** John Doe is an enrolled member of the Nation who never found the time to fill out and submit
164 the Oneida Nation Life Insurance Plan beneficiary designation form. John unfortunately passes away. The
165

166 funeral of John Doe will cost \$12,000. Anyone can provide the Oneida Trust Enrollment Department the
167 invoice from the funeral home, and the \$12,000 will be paid through the Oneida Life Insurance Plan directly
168 to the funeral home. Since there is no beneficiary designated, the remaining \$3,000 of the original \$15,000
169 Oneida Life Insurance Plan benefit remains with the Nation.

170

171 **SECTION 6. EXISTING LEGISLATION**

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

- 173 ▪ *Oneida General Welfare Law.* The Oneida General Welfare Law governs how the Nation
174 provides assistance to eligible members on a non-taxable basis, pursuant to the principles of
175 the General Welfare Exclusion to Indian Tribal governmental programs that provide benefits
176 to Tribal members. [10 O.C. 1001.1-1].
 - 177 ▪ The Oneida Life Insurance Plan is hereby established as an approved program of the
178 Nation in accordance with the Oneida General Welfare Law. [10 O.C. 1003.4-1]. The
179 Oneida Life Insurance Plan meets the requirements of the General Test as defined in
180 the Oneida General Welfare Law. [10 O.C. 1003.4-2].
- 181 ▪ *Administrative Rulemaking Law.* The Administrative Rulemaking law provides an efficient,
182 effective, and democratic process for enacting and revising administrative rules, to ensure that
183 authorized agencies act in a responsible and consistent manner when enacting and revising
184 administrative rules. [1 O.C. 106.1-2].
 - 185 ▪ The Oneida Life Insurance Plan law delegates rulemaking authority to the Oneida Trust
186 Enrollment Department to promulgate rules to govern the administration of the Oneida
187 Life Insurance Plan. [10 O.C. 1004.8-1].
 - 188 ▪ Any rules promulgated by the Oneida Trust Enrollment Department must be done in
189 accordance with the process and procedures of the Administrative Rulemaking law.

190

191 **SECTION 7. OTHER CONSIDERATIONS**

192 **A. *Deadline for Permanent Adoption of Legislation.*** The emergency adoption of this Law will expire on
193 September 28, 2023.

- 194 ▪ *Conclusion:* The Legislative Operating Committee will need to consider the development and
195 adoption of this Law on a permanent basis within the next four (4) months.

196 **B. *Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all
197 legislation except emergency legislation. [1 O.C. 109.6-1] . Oneida Business Committee resolution
198 BC-10-28-20-A, *Further Interpretation of 'Fiscal Impact Statement' in the Legislative Procedures Act,*
199 provides further clarification on who the Legislative Operating Committee may direct complete a fiscal
200 impact statement at various stages of the legislative process, as well as timeframes for completing the
201 fiscal impact statement.

- 202 ▪ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact
203 statement be completed.

204



TO: Keith Doxtator, Chief Financial Officer
Ralinda Ninham-Lamberies, Assistant Chief Financial Officer
FROM: David P. Jordan, Legislative Operating Committee Chairman DJ
DATE: August 8, 2023
RE: Oneida Life Insurance Plan Law Fiscal Impact Statement

The Legislative Operating Committee (LOC) is currently developing the Oneida Life Insurance Plan law. The Legislative Procedures Act requires that a fiscal impact statement be provided for all proposed legislation of the Nation. [1 O.C. 109.6-1]. The fiscal impact statement is an estimate of the total fiscal year financial effects associated with the proposed legislation, and should include:

- startup costs;
- personnel;
- office costs;
- documentation costs; and
- an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation. [1 O.C. 109.3-1(c)].

The fiscal impact statement must be completed and submitted to the LOC prior to the proposed legislation being forwarded to the Oneida Business Committee for consideration. [1 O.C. 109.6-2]. The fiscal impact statement provides the Oneida Business Committee information on what the potential adoption of the proposed legislation will cost the Nation, so that the Oneida Business Committee can determine if adoption of the proposed legislation is in the best interest of the Nation.

The Legislative Procedures Act grants the LOC the authority to direct the Finance Department or any agency who may administer a program if the legislation is enacted or may have financial information concerning the subject matter of the legislation to submit a fiscal impact statement. [1 O.C. 109.6-1].

Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act*” provides further clarification on the process for directing a fiscal impact statement be completed. This resolution provides that upon final approval of draft legislation by the LOC, the LOC may direct the Finance Department to provide a neutral and unbiased fiscal impact statement to the LOC within ten (10) business days for inclusion in adoption materials.

On August 8, 2023, the Legislative Operating Committee approved the final draft of the proposed Oneida Life Insurance Plan law. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the proposed Oneida Life Insurance Plan law by August 18, 2023.

A copy of the proposed Oneida Life Insurance Plan law, as well as the legislative analysis, have been attached to this memorandum for your convenience.

Requested Action

Provide the LOC a fiscal impact statement of the proposed Oneida Life Insurance Plan law by August 18, 2023.



HANDOUT

TO: Oneida Business Committee
 FROM: David P. Jordan, LOC Chairperson DJ
 DATE: August 16, 2023
 RE: 2020-2023 Legislative Operating Committee End of Term Report

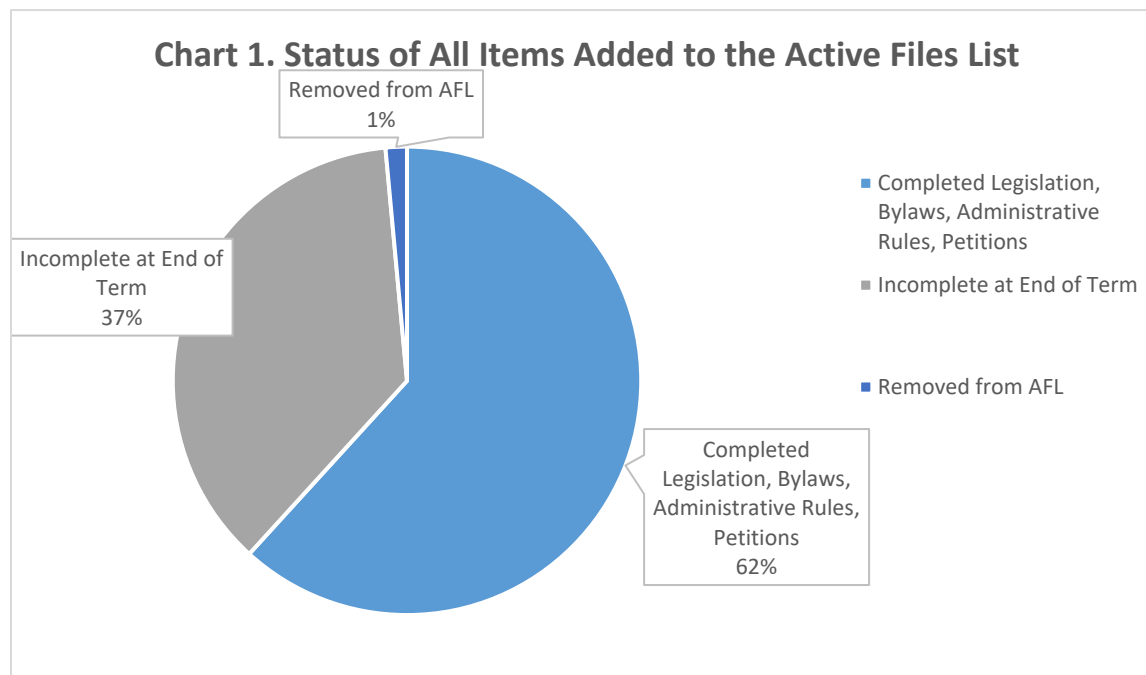
The Legislative Operating Committee is the legislative body of the Oneida Nation and is comprised of the five (5) non-officer members of the Oneida Business Committee. During the 2020-2023 legislative term the Legislative Operating Committee was comprised of David P. Jordan (chairman), Kirby Metoxen (vice-chairman), Jennifer Webster, Daniel Guzman King, and Marie Summers.

This report details the Legislative Operating Committee’s accomplishments during the 2020-2023 legislative term and is based on information from the Legislative Operating Committee’s Active Files List (“AFL”), which is used to track the work of the Legislative Operating Committee.

Table 1. below provides a summary of the Legislative Operating Committee’s work during the 2020-2023 Legislative Term. The remainder of the report provides more in-depth detail on the accomplishments of the Legislative Operating Committee.

Table 1.	
Summary of the Legislative Operating Committee 2020-2023 Term	
LEGISLATION	
New Laws	
New Laws Adopted	10
New Laws Added to AFL and Incomplete at End of Term	19
Amendments	
Amendments Adopted	29
Amendments Added to AFL and Incomplete at End of Term	25
<i>Total Legislative Items Added to AFL</i>	
83	
NON-LEGISLATIVE ITEMS	
Bylaws Amendments	
Bylaws Amendments Adopted	5
Bylaws Amendments Added to AFL and Incomplete at End of Term	6
Administrative Rules	
Administrative Rules Certified and Adopted	5
Administrative Rules Incomplete at End of Term	0
General Tribal Council Petitions	
GTC Petitions Processed	35
GTC Petitions Placed onto AFL and Incomplete at End of Term	0
<i>Total Non-Legislative Items Added to AFL</i>	
51	
<i>Total Legislative and Non-Legislative Items Added to AFL During Term</i>	
134	

Chart 1. below looks at the status of all items added to the Active Files List at the end of the 2020-2023 term.



Overall, the Legislative Operating Committee completed eighty-four (84) items during the 2020-2023 legislative term, which included work on laws of the Nation – including both new laws and amendments, bylaws, administrative rules and General Tribal Council petitions. Fifty (50) items remain incomplete at the end of the legislative term. Two (2) items were removed from the Active Files List. While working on all of these items the Legislative Operating Committee held nine (9) public meetings, held open fifteen (15) public comment periods, and held over three hundred (300) work meetings.

The Legislative Operating Committee completed approximately **sixty-two percent (62%)** of all work that was placed on the Active Files List during the 2020-2023 term.

LEGISLATION

The main responsibility of the Legislative Operating Committee is the drafting of legislation – including both new laws and amendments to laws. Drafting legislation allows the Nation to exercise its inherent sovereignty. Legislation of the Nation effects every facet of the Nation:

- Legislation assists in creating strong economic systems and ensuring the long-term stability of the Nation;
- Legislation promotes social changes and public safety;
- Legislation provides effective guidance for every area and department of the Nation; and
- Legislation promotes good governance.

The drafting and development of legislation helps build a responsible Nation which advances Onʼyote?a.ka principles. The Legislative Operating Committee adopted thirty-nine (39) pieces of legislation this term.

Once the Legislative Operating Committee decides to add a legislative request to its Active Files List the development of proposed legislation begins with conducting research on the topic of the legislation. The Legislative Operating Committee organizes and conducts collaborative work meetings with affected entities to develop the proposed legislation. Once a draft of the proposed legislation is developed and a legislative analysis is completed, the Legislative Operating Committee holds a public meeting and public comment period for the proposed legislation for the purpose of collecting input from the community. Once the Legislative Operating Committee considers all public comments that were received and finalizes the draft, a fiscal impact statement is requested. The proposed legislation is then presented to the Oneida Business Committee or General Tribal Council for adoption.

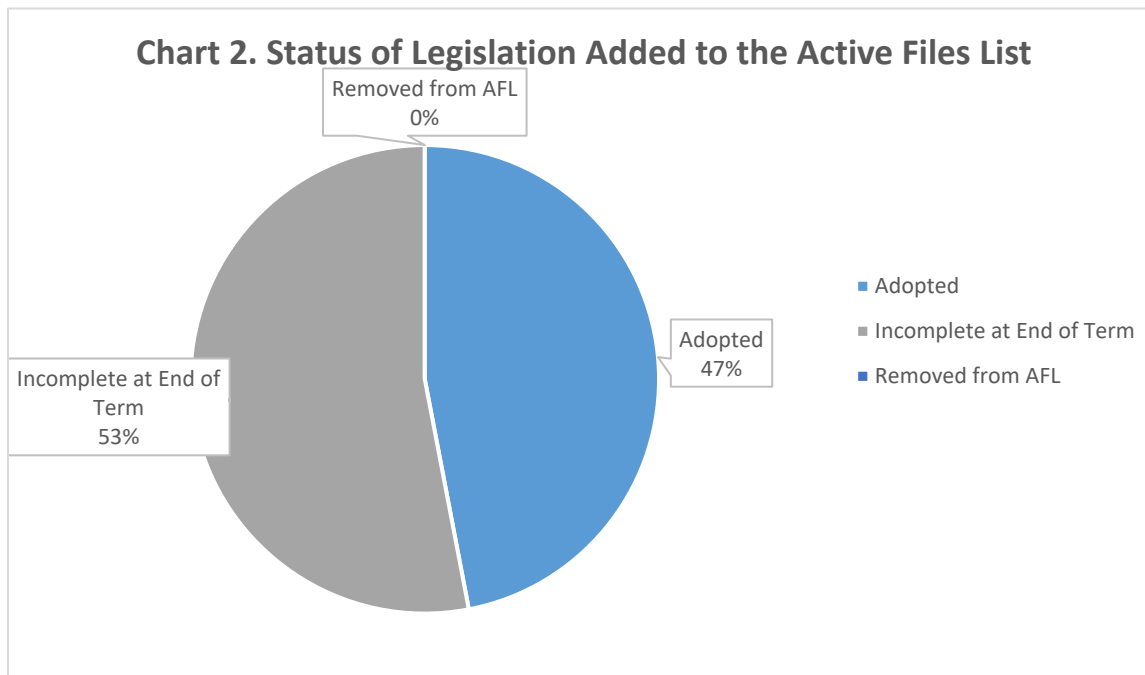
Table 2. below provides more details on the status of the Legislative Operating Committee’s legislative accomplishments and work during the 2017-2020 term.

Table 2.	
Legislation During the 2020-2023 Term	
ADOPTED LEGISLATION	
New Laws Adopted	10
Pandemic Relief Assistance Law <i>[Emergency Adoption]</i>	BC-11-24-20-D
Industrial Hemp Law	BC-12-09-20-A
Public Peace Law	BC-09-08-21-A
Oneida General Welfare Law	BC-12-08-21-A
Oneida Nation Assistance Fund Law <i>[Emergency Adoption]</i>	BC-06-08-22-A
Elder Assistance Program Law	BC-07-13-22-A
Healing to Wellness Court Law	BC-07-13-22-D
Oneida Life Insurance Plan Law <i>[Emergency Adoption]</i>	BC-09-28-22-C
Oneida Nation Assistance Fund Law	BC-11-30-22-E
Oneida Life Insurance Plan Law <i>[Extension of Emergency Adoption]</i>	BC-03-22-23-C
Oneida Life Insurance Plan Law	Tentative 8/23/23*
Amendments Adopted	29
General Tribal Council Meeting Stipend Payment Policy Amendments <i>[Emergency Amendments Extension]</i>	BC-09-23-20-B
Budget Management and Control Law Amendments <i>[Emergency Amendments]</i>	BC-11-24-20-E
Oneida General Welfare Law Amendments <i>[Emergency Amendments]</i>	BC-02-10-21-B
Oneida Higher Education Pandemic Relief Fund Law Amendments <i>[Emergency Amendments]</i>	BC-02-24-21-A

Emergency Management and Homeland Security Law Amendments	BC-03-10-21-A
Community Support Fund Law Amendments	BC-03-10-21-C
Pardon and Forgiveness Law Amendments [<i>Emergency Amendments</i>]	BC-04-28-21-A
Election Law Amendments [<i>Emergency Amendments</i>]	BC-04-28-21-B
Budget Management and Control Law Amendments [<i>Emergency Amendments</i>]	BC-05-12-21-C
Oneida Nation Gaming Ordinance Amendments [<i>Emergency Amendments</i>]	BC-05-12-21-D
Oneida Worker's Compensation Law Amendments [<i>Emergency Amendments</i>]	BC-05-12-21-H
Early Return to Work Law Amendments [<i>Emergency Amendments</i>]	BC-05-12-21-I
Oneida General Welfare Law Amendments [<i>Extension of Emergency Amendments</i>]	BC-07-28-21-M
Pardon and Forgiveness Law Amendments [<i>Extension of Emergency Amendments</i>]	BC-10-27-21-A
Oneida Nation Gaming Ordinance Amendments [<i>Extension of Emergency Amendments</i>]	BC-11-10-21-A
Budget Management and Control Law Amendments [<i>Extension of Emergency Amendments</i>]	BC-11-10-21-B
Oneida Personnel Policies and Procedures Amendments [<i>Emergency Amendments</i>]	BC-11-24-21-A
Furlough Law Amendments	BC-02-09-22-A
Oneida Personnel Policies and Procedures Amendments [<i>Emergency Amendments</i>]	BC-05-11-22-A
Budget Management and Control Law Amendments	BC-05-11-22-B
Oneida Nation Gaming Ordinance Amendments	BC-05-11-22-C
Election Law Amendments [<i>Emergency Amendments</i>]	BC-07-13-22-E
Children's Code Amendments	BC-09-14-22-A
Emergency Management Law Amendments [<i>Emergency Amendments</i>]	BC-09-14-22-B
Budget and Finances Law Amendments [<i>Emergency Amendments</i>]	BC-10-26-22-D
Oneida Personnel Policies and Procedures Amendments [<i>Extension of Emergency Amendments</i>]	BC11-07-22-A
Election Law Amendments [<i>Emergency Amendments</i>]	BC-12-28-22-B
Election Law Amendments [<i>Emergency Amendments</i>]	BC-03-08-23-B
Emergency Management Law Amendments	BC-03-08-23-C
Total Laws Adopted	39
LEGISLATION ADDED TO AFL BUT INCOMPLETE AT END OF TERM	
New Laws Added to AFL But Incomplete at End of Term	19
Business Corporations Law	
Credit Collections Law	
Drug and Alcohol Free Law for Elected and Appointed Officials	
Elder Protection Law	
Emergency Gift Card Law	

Environmental Review Law	
Fire Signs Law	
Guardianship Law	
Higher Education Scholarship Law	
Marijuana Law	
Misappropriation of Funds Law	
Oneida Land Trust Law	
Oneida Language Code	
Probate Law	
Sanctions and Penalties Law	
Taxation Law	
Traffic Law	
Tribal Sovereignty in Data Research Law	
Two Spirit Inclusion Law	
Amendments Added to AFL But Incomplete at End of Term	25
All Terrain Vehicle Amendments	
Back Pay Law Amendments	
Cemetery Law Amendments	
Clear Air Policy Amendments	
Code of Ethics Amendments	
Domestic Animals Law Amendments	
Drug and Alcohol Free Workplace Law Amendments	
Endowments Law Amendments	
Eviction and Termination Law Amendments	
Furlough Law Amendments	
Hunting, Fishing, and Trapping Law Amendments	
Investigative Leave Policy Amendments	
Law Enforcement Ordinance Amendments	
Layoff Policy Amendments	
Local Land Use Regulation Reimbursement Policy Repeal	
Oneida Personnel Policies and Procedures Amendments	
On-Site Waste Disposal Law Amendments	
Public Use of Tribal Land Law Amendments	
Real Property Law Amendments	
Recycling and Solid Waste Disposal Law Amendments	
Tribal Environmental Response Law Amendments	
Tribal Environmental Quality Review Law Amendments	
Water Resources Law Amendments	
Well Abandonment Law Amendments	
Workplace Violence Law Amendments	
Total Laws Remaining on AFL	44
LEGISLATION REMOVED FROM AFL	
Laws Removed from AFL	0

Chart 2. below looks at the status of all legislative items – meaning new laws and amendments to laws - added to the Active Files List at the end of the 2020-2023 term.



Looking specifically at legislation of the Nation, thirty-nine (39) legislative items, including new laws and amendments to laws, were adopted into law during the 2020-2023 legislative term. Forty-four (44) legislative items remain incomplete on the Active Files List at the end of term. Zero (0) legislative items were removed from the Active Files List during the 2020-2023 term. Six (6) laws were denied being added to the Active Files List during the 2020-2023 legislative term.

The Legislative Operating Committee completed approximately forty-seven percent (47%) of legislative items that were placed on the Active Files List during the 2020-2023 term. In comparison to prior terms, the completion rate for the 2008-2011 term was fifty-eight percent (58%), for the 2011-2014 term it was fifty-four percent (54%), for 2014-2017 term it was fifty-three percent (53%), and for the 2017-2020 term it was fifty-six percent (56%).

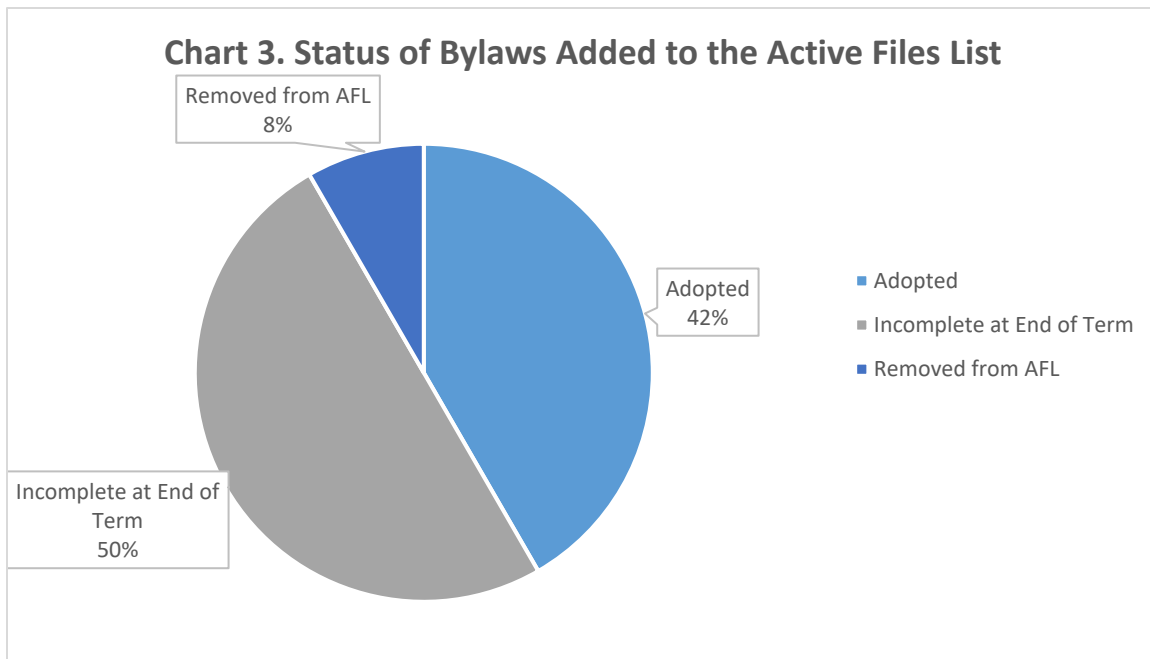
BYLAWS AMENDMENTS

The Legislative Operating Committee assists boards, committees, and commissions with the drafting of their bylaws, and also provides a legislative analysis of all bylaws which provided a plain English explanation of the changes and also ensured the bylaws were in compliance with the amended Boards, Committees, and Commissions law as well as any other law of the Nation.

Table 3. below demonstrates the status of all bylaws that were added to the Active Files List during the 2020-2023 legislative term.

Table 3. Bylaws During the 2017-2020 Term	
ADOPTED BYLAWS	
Oneida Nation Emergency Planning Committee Bylaws Amendments	01/27/21
Audit Committee Bylaws Amendments	04/14/21
Pardon and Forgiveness Screening Committee Bylaws Amendments	04/28/21
Oneida Nation Arts Board Bylaws Amendments	01/26/22
Audit Committee Bylaws Amendments	12/14/22
Total Bylaws Adopted	5
BYLAWS ADDED TO AFL BUT INCOMPLETE AT END OF TERM	
Finance Committee Bylaws Amendments	
Oneida Election Board Bylaws Amendments	
Oneida Nation Emergency Planning Committee Bylaws Amendments	
Oneida Nation Veterans Affairs Committee Bylaws Amendments	
Oneida Personnel Commission Bylaws Amendments	
Oneida Trust Enrollment Committee Bylaws Amendments	
Total Bylaws Remaining on AFL	6
BYLAWS REMOVED FROM AFL	
Oneida Nation Emergency Planning Committee Bylaws Amendments	
Total Bylaws Removed from AFL	1

Chart 3. below looks at the status of all bylaws added to the Active Files List at the end of the 2020-2023 term.



Looking specifically at bylaws of the Nation, five (5) bylaws were amended during the 2020-2023 legislative term. Six (6) bylaws remain incomplete on the Active Files List at the end of term. One (1) set of bylaws was removed from the Active Files List during the 2020-2023 term.

The Legislative Operating Committee completed approximately forty-two percent (42%) of bylaws that were placed on the Active Files List during the 2020-2023 term.

GENERAL TRIBAL COUNCIL PETITIONS

The Constitution and Bylaws of the Oneida Nation provides that fifty (50) qualified voters may, by written notice, call special meetings of the General Tribal Council. *[Article III Section 6 of the Constitution]*. The Oneida Business Committee requires that when a petition for a special General Tribal Council meeting is submitted a statement of effect, legal, and financial opinion are developed regarding the petition so that the information can be shared with the General Tribal Council in order to assist in creating informed discussion and improved decision-making. The Legislative Reference Office provides a statement of effect for all petitions. The statement of effect for petitions explains the legislative impact adopting the requested action of a petition would have on the laws and policies of the Nation.

Table 4. below provides the number of General Tribal Council petitions a statement of effect was provided for during the 2020-2023 term:

Table 4.
General Tribal Council Petitions during the 2020-2023 Term
GENERAL TRIBAL COUNCIL PETITIONS COMPLETED
Petition: M. Debraska – Increase GTC Stipend
Petition: L. Elm – Real Property Law Eviction and Termination
Petition: N. Barton – \$2,500 GWA Payment for Three Years
Petition: L. Zeise: Uncap All Employee Wages
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
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 – Implement Payments of Medicare Plan B Premium Payments to all Eligible Oneida Enrolled Members
Petition: L. Dallas – Term Limits for 2023
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 – 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 – 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 – 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– Emergency Amendments to the Election Law for the 2023 General Election	
Petition: L. Dallas – General Tribal Council Directive Regarding Advocacy Training	
Petition: L. Dallas – Oneida Nation Disability Fund	
Petition: L. Dallas – Repeal and Replace Current Removal Law	
Petition: L. Dallas – Review and Discuss General Tribal Council's Delegation of Power and Authority to all Entities	
Petition: L. Dallas – Transitional Housing	
Petition: L. Dallas – Void the November 15, 2022, Virtual Semi-Annual General Tribal Council Meeting	
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	
Petition: R. Skenandore - Make the Tribal Minimum Wage \$15.00/hour Mean \$15.00/hour with No Exceptions or Loopholes	
<i>Total GTC Petitions Completed</i>	35
GENERAL TRIBAL COUNCIL PETITIONS INCOMPLETE AT END OF TERM	
<i>Total GTC Petitions Incomplete at End of Term</i>	0
GENERAL TRIBAL COUNCIL PETITIONS REMOVED FROM AFL	
Petition: M. Cornelius – Chief Financial Officer Position	
<i>Total GTC Petitions Removed from AFL</i>	1

Looking specifically at General Tribal Council petitions for the Nation, thirty-five (55) General Tribal Council petitions were completed during the 2020-2023 legislative term. Zero (0) General Tribal Council petitions remain incomplete on the Active Files List at the end of term. One (1)

General Tribal Council petition was removed from the Active Files List during the 2020-2023 term.

The Legislative Operating Committee completed work on one hundred percent (100%) of bylaws that were placed on the Active Files List during the 2020-2023 term.

ADMINISTRATIVE RULES

The Legislative Operating Committee assists in the development of rules under the Administrative Rulemaking law. Upon request the Legislative Operating Committee will provide guidance and drafting assistance to any entity of the Nation that has been delegated administrative rulemaking authority and tasked with the development of a rule. Once a rule has been drafted by an entity, the Legislative Reference Office provides the entity with a statement of effect for the proposed rule. The statement of effect explains the impact adopting a rule would have on the laws and policies of the Nation and provides whether the rule exceeds the delegated rulemaking authority.

The Legislative Operating Committee is then tasked with certifying a rule before it is presented to the Oneida Business Committee for consideration. The Legislative Operating Committee reviews the proposed rule and accompanying administrative record to ensure that the promulgation of the rule complies with the procedural requirements contained in this law; that the administrative record is complete; and that the rule does not exceed its rulemaking authority or conflict with any other law, policy, rule or resolution of the Nation.

Table 5. below demonstrates the administrative rules that have been certified by the Legislative Operating Committee and adopted, amended, or repealed by the Oneida Business Committee during the 2020-2023 term.

Table 5.	
Administrative Rules During the 2020-2023 Term	
COMPLETED ADMINISTRATIVE RULES	
Landlord-Tenant Law Rule No. 2 - Income Based Rental Program Eligibility, Selection and Other Requirements Amendments [Emergency Amendments]	01/27/21
Community Support Fund Law Rule Handbook Amendments	06/9/21
Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT)	09/8/21
Leasing Law Rule No. 6 -Homeownership by Independent Purchase Program (HIPP) Amendments	09/8/21
Leasing Law Rule No. 5 – Tribal Housing Reacquisition of Individual Fee and Trust Title (THRIFTT) Repeal	10/13/21
Total Completed Administrative Rules	5
INCOMPLETE ADMINISTRATIVE RULES REMAINING ON AFL	
Total Incomplete Administrative Rules on the AFL	0

Looking specifically at administrative rules for the Nation, five (5) administrative rules were completed during the 2020-2023 legislative term. Zero (0) administrative rules remain incomplete on the Active Files List at the end of term. Zero (0) administrative rules were removed from the Active Files List during the 2020-2023 term.

The Legislative Operating Committee completed work on one hundred percent (100%) of administrative rules that were placed on the Active Files List during the 2020-2023 term.

CONCLUSION

The Legislative Operating Committee's 2020-2023 legislative term was successful. Important legislative work was completed that aligns with the Oneida Nation's vision, *A Nation of strong families built on Tsi ʔNiyukwaliho TÁ and a strong economy.*

The Legislative Operating Committee hopes that the 2023-2026 legislative term will continue to focus on improving public participation and the development of important legislative efforts.

Yawáko.



The 2020-2023 Legislative Operating Committee

From left to right:

Jennifer Webster, Kirby Metoxen, David P. Jordan, Marie Summers, Daniel Guzman King

August 2023

August 2023

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2023

Su	Mo	Tu	We	Th	Fr	Sa
						1 2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

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