



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
March 20, 2024  
9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
  1. March 6, 2024 LOC Meeting Minutes (pg. 2)
- III. Current Business**
- IV. New Submissions**
  1. Community Support Fund Law Amendments (pg. 4)
- V. Additions**
- VI. Administrative Updates**
- VII. Executive Session**
- VIII. Recess/Adjourn**



**LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES**  
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center  
March 6, 2024  
9:00 a.m.

**Present:** Jameson Wilson, Kirby Metoxen, Jonas Hill, Jennifer Webster, Marlon Skenandore

**Others Present:** Clorissa N. Leeman, Grace Elliott, Keith Doxtator, Maureen Perkins, Fawn Cottrell

**Others Present on Microsoft Teams:** Reynold Danforth, Mary Graves, Diane Wilson, Kristal Hill, Todd Vanden Heuvel, Mark Powless, Peggy Helm-Quest, Eric McLester, Kaylynn Gresham, Carolyn Salutz, Tavia Charles, Peggy Van Gheem, Michelle Braaten, David P. Jordan, Rhiannon Metoxen, Debra Santiago, Lisa Moore, Rae Skenandore, Matt Denny, Sidney White, Michelle Tipple, Katsitsiyo Danforth

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

Jameson Wilson called the March 6, 2024, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster approve the agenda; seconded by Marlon Skenandore. Motion carried unanimously.

**II. Minutes to be Approved**

**1. February 21, 2024 LOC Meeting Minutes**

Motion by Jennifer Webster to approve the February 21, 2024, LOC meeting minutes and forward to the Oneida Business Committee; seconded by Kirby Metoxen. Motion carried unanimously.

**III. Current Business**

**1. Back Pay Law Amendments**

Motion by Jennifer Webster to approve the updated materials contained in the public meeting packet for the Back Pay Law Amendments, and forward the Back Pay Law Amendments to a public meeting to be held on April 12, 2024; seconded by Jonas Hill. Motion carried unanimously.



**IV. New Submissions****1. Conflict of Interest Law Amendments**

Motion by Jennifer Webster to add the Conflict of Interest law amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

**2. Budget and Finances Law Amendments**

Motion by Jonas Hill to add Budget and Finances law amendments to the Active Files List with Jennifer Webster as the sponsor; seconded by Jennifer Webster. Motion carried unanimously.

**V. Additions****VI. Administrative Items****1. April 2, 2024 LOC Community Work Session Notice**

Motion by Jennifer Webster to approve the Legislative Operating Committee community work session notice and schedule the community work session to take place on April 2, 2024; seconded by Jonas Hill. Motion carried unanimously.

**2. Certification of Amendments to Leasing Law Rule No. 6 – Homeownership by Independent Purchase (HIP) Program**

Motion by Jennifer Webster to certify the Leasing Law Rule No. 6 – Homeownership by Independent Purchase Program amendments, and forward to the Oneida Business Committee for consideration; seconded by Jonas Hill. Motion carried unanimously.

**VII. Executive Session****VIII. Adjourn**

Motion by Kirby Metoxen to adjourn at 9:24 a.m.; seconded by Marlon Skenandore. Motion carried unanimously.

# Legislative Operating Committee



## Agenda Request Form

- 1) Request Date: March 20, 2024
- 2) Contact Person(s): Larry Barton Dept: OBC  
 Phone Number: 920-869-4394 Email: lbarton2@oneidanation.org
- 3) Agenda Title: \_\_\_\_\_
- 4) Detailed description of the item and the reason/justification it is being brought before the Committee  
Amendment to the Community Support Fund Law Section 125.6 Items Covered by the Fund  
 \_\_\_\_\_  
 \_\_\_\_\_

List any supporting materials included and submitted with the Agenda Request Form

- 1) Memorandum
- 2) Redlined Community Support Fund Law
- 3) Support documents from 3-10-21 as reference
- 4) \_\_\_\_\_

- 5) Please List any laws, ordinances or resolution that might be affected:  
 \_\_\_\_\_
- 6) Please List all other departments or person(s) you have brought your concern to:  
 \_\_\_\_\_
- 7) Do you consider this request urgent?     Yes     No  
 If yes, please indicate why: \_\_\_\_\_

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee

Signature of Requester: Larry Barton

*Please send this form and all supporting materials to:*

**LOC@oneidanation.org**  
 or  
**Legislative Operating Committee (LOC)**  
 P.O. Box 365  
 Oneida, WI 54155  
 Phone 920-869-4376





## Memorandum

To: LOC Committee

From: Larry Barton, Treasurer

Date: March 4, 2024

Re: Proposed Change to the Community Support Fund Law

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The proposed change to the Community Support Fund Law applicable to:

Section 125.6 – Items Covered by the Fund:

125.6-1 Item H. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic event, catastrophic illness or injury, or emergency event. Upon verification of a catastrophic event, catastrophic illness or injury, or emergency event, the Fund may be used for the following:

**Current Language:**

(h). Inpatient Treatment, with a limit of once per lifetime;

**Proposed Language change:**

(h.) Inpatient Treatment, by referral of Behavioral Health Practitioner;

This proposed change accommodates access for multiple treatment referrals for addiction.

Attached:

Redline proposal  
3-10-21-C supporting documents

Thank you.



## Title 1. Government and Finances – Chapter 125

*Kayaʔtakenhásla tsiʔ niyukwanaʔtáyá.*

*It is helpful where our community lays*

### COMMUNITY SUPPORT FUND

125.1. Purpose and Policy  
 125.2. Adoption, Amendment, Repeal  
 125.3. Definitions  
 125.4. Responsibilities, Eligibility and Qualifications  
 125.5. Priorities for Consideration

125.6. Items Covered by the Fund  
 125.7. Items not Covered by the Fund  
 125.8. Application Requirements  
 125.9. Decision and Appeal

#### 125.1. Purpose and Policy

125.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist.

125.1-2. *Policy.* It is the policy of the Nation to assist its people in a time of need after a catastrophic event, catastrophic illness or injury, or emergency event, when there is no other assistance available or all other assistance has been exhausted.

#### 125.2. Adoption, Amendment, Repeal

125.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-96-A and amended by resolutions BC-01-08-97-G, BC-12-11-13-D, BC-01-11-17-B and BC-03-10-21-C.

125.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

125.2-3. 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.

125.2-4. 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.

125.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

#### 125.3. Definitions

125.3-1. 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) “Applicant” means the subject of the application for assistance.
- (b) “Business day” means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding holidays of the Nation.
- (c) “Case manager” means an employee within the Fund Operator responsible for administering Fund benefits.
- (d) “Catastrophic event” means a natural or man-made incident, which results in substantial damage or loss requiring major financial resources to repair or recover, including, but not limited to, a house fire, tornado, flood, or other disaster.
- (e) “Catastrophic illness or injury” means a serious debilitating illness, injury, impairment, or physical or mental condition that involves:
  - (1) In-patient care;
  - (2) A period of continuing treatment due to a chronic serious health condition, including, but not limited to, chemotherapy, radiation, dialysis, and daily or weekly therapy resulting from trauma;



- (3) A period of illness or injury that is long-term due to a condition for which treatment may be ineffective, including, but not limited to, stroke or terminal disease; or
- (4) Multiple treatments either for restorative surgery after an accident or other injury, or for a chronic condition, including, but not limited to, cancer or kidney disease.
- (f) “Emergency event” means a situation that poses an immediate risk to health, life, safety, property, or environment. Emergencies require urgent intervention to prevent further illness, injury, death, or other worsening of the situation.
- (g) “Emergency medical travel” means an unexpected serious health situation or occurrence, requiring the immediate presence of immediate family, including, but not limited to, end of life situation or life support.
- (h) “Fund” means the Community Support Fund.
- (i) “Fund Operator” means the Economic Support Services Department, or other department within the Governmental Services Division designated authority over the operation of the Fund.
- (j) “Immediate family” means an applicant’s husband, wife, mother, father, son, daughter, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, cousin, and any of these relations attained through marriage or legal adoption, as well as a person who has legal responsibility for the applicant, or a person the applicant has legal responsibility of.
- (k) “Legal guardian” means a person who has the legal authority to care for the personal and property interests of another person granted through Court order.
- (l) “Legal responsibility” means specific duties imposed upon a person to care or provide for another including liability for personal obligations as granted through a Power of Attorney or Court order.
- (m) “Major medical surgery” means a surgical procedure that carries a degree of risk to the patient’s life, or the potential for severe disability if something goes wrong during surgery. It is a surgical procedure that usually requires a patient to be put under general anesthesia and given respiratory assistance because he or she cannot breathe independently.
- (n) “Nation” means the Oneida Nation.
- (o) “Public health emergency” means the occurrence or imminent threat of an illness or health condition which:
- (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a biological agent; and
  - (2) poses a high probability of any of the following:
    - (A) a large number of deaths or serious or long-term disability among humans; or
    - (B) widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.
- (p) “Rule” means a set of requirements enacted in accordance with the Administrative Rulemaking law.
- (q) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

#### **125.4. Responsibilities, Eligibility and Qualifications**

125.4-1. *Responsibilities of the Fund Operator.* The Fund Operator shall have the following responsibilities in regard to the operation of the Fund:

(a) *Administrative Rulemaking.* The Fund Operator shall promulgate rules for the administration of the Fund which:

(1) shall include the list of categories the Fund covers and a cap that sets the amount of assistance per event/per household, except for funeral expenses which shall be set per event/per person; and

(2) may include additional items not listed in section 125.6, as long as the rule does not conflict with any provision of this law.

(b) *Communication and Education.* The Fund Operator shall ensure that the Nation's membership is informed of what assistance is available through the Fund, how to apply for assistance, and who is eligible for assistance.

125.4-2. *Reporting Requirements.* The Governmental Services Division Director shall report quarterly to the Oneida Business Committee. The report shall include, but is not limited to, the amount of funds paid out under each category of the Fund.

125.4-3. Eligibility for assistance provided under the Fund is reserved for enrolled members of the Nation. Applications may be made by a non-member on the behalf of an enrolled member of the Nation, provided the requested funds will benefit the member only and the non-member has one (1) of the following relationships to the applicant:

(a) Is a parent of the applicant;

(b) Is the legal guardian of the applicant; or

(c) Has legal responsibility for the applicant.

125.4-4. Residency within the state of Wisconsin is not a prerequisite for assistance from the Fund.

125.4-5. The Fund is a fund of last resort and provides assistance when there is no other financial assistance available or all other assistance has been exhausted. Applicants shall first seek out other resources that can meet the needs of their request. Proof of requesting assistance from other sources shall be provided with the application.

125.4-6. The following types of catastrophic events, and catastrophic illnesses or injuries qualify an applicant for assistance:

(a) Terminally ill;

(b) Physically challenged or incapacitated;

(c) Major medical surgery;

(d) Life threatening, including, but not limited to, cancer, AIDS, stroke, and disabling injuries due to motor vehicle accident;

(e) Natural disaster, including, but not limited to, tornado, fire, flood;

(f) Public health emergency; and

(g) Death in immediate family.

125.4-7. Assistance may be denied or limited for applicants who have elected not to be covered by employer benefits such as disability or health insurance.

125.4-8. Except as otherwise provided in section 125.6-4, all payments shall be provided directly to the service provider.

125.4-9. Assistance available under the Fund is subject to change according to fiscal year funding levels.

125.4-10. Oneida programs and enterprises are not eligible for these funds.

### **125.5. Priorities for Consideration**

125.5-1. The case manager shall determine the level of assistance to be provided based on:

- (a) Severity of the catastrophic event, catastrophic illness or injury, or emergency event;
- (b) Cost, usual and customary fees;
- (c) Amount of time elapsed since the catastrophic event, catastrophic illness or injury, or emergency event occurred; and
- (d) The Fund's appropriate promulgated rules.

125.5-2. The case manager shall assess each individual case, prioritize, and assist with immediate needs. Priorities are as follows:

- (a) Life-threatening emergency requests;
- (b) Emergency medical travel; and
- (c) Other needs.

### **125.6. Items Covered by the Fund**

125.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic event, catastrophic illness or injury, or emergency event. Upon verification of a catastrophic event, catastrophic illness or injury, or emergency event, the Fund may be used for the following:

- (a) COBRA Insurance Payments;
- (b) Prescriptions not available through an Indian Health Services clinic;
- (c) Medical transportation or emergency medical travel including vehicle repairs;
- (d) Medical-related equipment, supplies, or furniture;
- (e) Medical bills, including dental, optical, and hospital, not covered by insurance;
- (f) Mortgage payments and rent payments including security deposits, where no other resources exist;
- (g) Utility disconnections;
- (h) Inpatient Treatment, with a limit of once per lifetime; by referral of Behavioral Health Practitioner
- (i) Fire recovery and natural disaster assistance;
- (j) Home renovations required for handicap accessibility;
- (k) Family Medical Leave Act wage replacement;
- (l) Waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months;
- (m) Appliance repair for essential appliances; and/or
- (n) Travel expenses to arrange or attend a funeral for immediate family members.

125.6-2. *Security Deposit.* The Fund shall only provide assistance for a security deposit when it is tied to or a result of a catastrophic event, catastrophic illness or injury, or emergency event, on an emergency basis which shall include, but is not limited to, pending eviction and homelessness.

- (a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The operators of the Fund shall not co-sign any lease.
- (b) Only one (1) request per household shall be considered.

125.6-3. *Utilities.* Assistance for the payment of utilities shall only be allowed once every two (2) years by the person listed as responsible to pay with the utility company. An applicant shall demonstrate that he or she applied to his or her local Energy Assistance Program before applying for assistance from the Fund.

125.6-4. *Funeral Travel Expenses.* An applicant may receive assistance with travel expenses, up to a maximum amount of five hundred dollars (\$500), to arrange or attend a funeral for immediate family members. Unless the rules allow for direct payment to the travel provider by the Fund Operator, such assistance is required to be in the form of reimbursement, provided that mileage assistance shall always be in the form of reimbursement.

### **125.7. Items not Covered by the Fund**

125.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event, catastrophic illness or injury, or emergency event as defined above. The following is a list of items not covered by the Fund; however, this is not an exhaustive list:

- (a) Car payments;
- (b) Taxes;
- (c) Credit card or charge accounts;
- (d) Commercial loans;
- (e) Defaults, fines, or bankruptcy charges;
- (f) Expenses not tied to basic needs such as cable, internet, memberships, etc.;
- (g) Legal fees, court costs, judgments;
- (h) Lodging assistance due to homelessness, or for any other reason not related to a catastrophic event or emergency event;
- (i) Health membership fees;
- (j) Food and personal care items;
- (k) Stabilization rent assistance;
- (l) Insurance deductibles;
- (m) Home renovations not related to handicap accessibility; and
- (n) Department of Corrections re-entry assistance.

125.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the following:

- (a) The catastrophic event, catastrophic illness or injury or emergency event is the result of a violation of the law as proven by a citation or criminal conviction;
- (b) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of other Nation programs, policies or laws; and/or
- (c) The applicant or others in the household benefiting from assistance from the Fund are non-compliant with the requirements of the Fund.

125.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall provide an explanation of the decision in writing to the applicant with a copy placed in the applicant's file.

### **125.8. Application Requirements**

125.8-1. To be considered for assistance and before receiving assistance the applicant shall complete the full application process. All applicants shall cooperate with the case manager to assist the case manager in comprehensively addressing the needs of the applicant(s). Every application shall contain a space for the applicant to identify a preferred method of contact. This shall be the primary contact method. Case managers shall follow up every contact with written correspondence, in order to make responses to the applicant in a timely manner so as to meet the applicant's needs.

125.8-2. Supporting documentation is required in all cases. The applicant is responsible to

provide all documentation requested by the case manager. No assistance may be provided without sufficient documentation of:

- (a) The catastrophic event, catastrophic illness or injury, or emergency event;
- (b) Proof that the applicant sought assistance from other agencies with an explanation of benefits received or refusal of assistance by the other agencies;
- (c) Enrollment in the Nation; and
- (d) Status of employment which shall include the following as applicable:
  - (1) Leave of absence paperwork;
  - (2) Balance of personal and vacation time accumulation; and
  - (3) Disability insurance or workmen's compensation coverage.

125.8-3. Documentation includes, but is not limited to:

- (a) Medical reports;
- (b) Bills or statements;
- (c) Estimates;
- (d) Letters;
- (e) Police or fire reports;
- (f) Obituary or formal notice of death;
- (g) Check stubs;
- (h) Pictures or photographs;
- (i) Applications for assistance from other agencies; and/or
- (j) Approval of assistance or denial of assistance letters from other agencies.

125.8-4. Requests submitted without supporting documentation shall be kept on file for thirty (30) business days.

- (a) The case manager shall request additional information be provided when an application contains insufficient information to make an informed decision.
- (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.
- (c) Failure to submit the requested information within the thirty (30) business days shall result in closing the application file, with no further action taken in regard to that application.
- (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file being closed.
- (e) After the file is closed, the applicant shall start the application process over again in order to be considered for assistance from the Fund. However, no applicant may re-apply for the same catastrophic event, catastrophic illness or injury, or emergency event more than the limit stated within this law or the Fund's rules.

125.8-5. Applications for assistance shall be made within a reasonable time period, not to exceed forty-five (45) business days of a catastrophic event, catastrophic illness or injury, or emergency event. Applications made after forty-five (45) business days shall not be considered.

**125.9. Decision and Appeal**

125.9-1. *Initial Decision.* The Fund Operator shall include in the Fund rules a timeline for which an initial decision is required following the submission of a complete application. Such timeline shall include available extensions for circumstances wherein the applicant has a determination of award or coverage pending with another support or assistance resource.

125.9-2. *Appeal to the Director of the Fund Operator.* An appeal of the case manager's decision shall be requested in writing to the director of the Fund Operator within ten (10) business days after receipt of notice of the initial decision. The director of the Fund Operator shall provide the applicant with notice of his or her decision on the matter within ten (10) business days after receiving the appeal.

125.9-3. *Appeal to the Governmental Services Division Director.* An appeal of the decision of the director of the Fund Operator shall be requested in writing to the Governmental Services Division Director within ten (10) business days after receipt of notice of the director of the Fund Operator's decision. The Governmental Services Division Director shall provide the applicant with notice of his or her decision on the matter within ten (10) business days after receiving the appeal.

125.9-4. *Oneida Judiciary Appeal.* An applicant may appeal a decision of the Governmental Services Division Director by filing a complaint with the Trial Court.

*End.*

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Adopted - BC-05-15-96-A  
Amended - BC-01-08-97-G  
Amended - BC-12-11-13-D  
Amended - BC-01-11-17-B  
Amended - BC-03-10-21-C





Oneida Nation  
Oneida Business Committee  
Legislative Operating Committee  
PO Box 365 • Oneida, WI 54155-0365  
Oneida-nsn.gov



TO: Oneida Business Committee  
FROM: Kirby Metoxen, LOC Vice-Chairperson  
DATE: March 10, 2021  
RE: Amendments to the Community Support Fund Law

*Kirby Metoxen*

Please find the following attached backup documentation for your consideration of the amendments to the Community Support Fund law:

1. Resolution: Amendments to the Community Support Fund Law
2. Statement of Effect: Amendments to the Community Support Fund Law
3. Community Support Fund Law Legislative Analysis
4. Community Support Fund Law Amendments (Redline Draft)
5. Community Support Fund Law (Clean Draft)
6. Community Support Fund Law Fiscal Impact Statement

#### *Overview*

On October 7, 2020, the Legislative Operating Committee added the Community Support Fund law amendments to its Active Files List. The purpose of the Community Support Fund law is to assist the greatest number of members of the Nation who apply for financial assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist. [1 O.C. 125.1-1].

This resolution adopts amendments to the Community Support Fund law which will:

- Include a definition for Fund Operator, which is the Economic Support Services Department, or other department within the Governmental Services Division designated authority over the operation of the Fund [1 O.C. 125.3-1(i)];
- Revise the definition of “immediate family” to better reflect Oneida families [1 O.C. 125.3-1(j)];
- Include public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund [1 O.C. 125.4-6(f)];
- Clarify that the Fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months [1 O.C. 125.6-1(l)];
- Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents [1 O.C. 125.6-2];
- Remove the requirement that the amount paid for a security deposit be paid back to the Fund before another security deposit is issued in the future [1 O.C. 125.6-2(b)];
- Clarify that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund [1 O.C. 125.6-3];



- Remove the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides [1 O.C. 125.6-1(n), 125.6-4];
- Clarify that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund [1 O.C. 125.7-1(h)(l)(m)];
- Remove the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application [1 O.C. 125.8-2];
- Expand the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days [1 O.C. 125.8-5];
- Adjust the appeal process to reflect reorganization of the Governmental Services Division [1 O.C. 125.9]; and
- Make other minor drafting changes throughout the law for clarity.

The Legislative Operating Committee developed the proposed amendments to the Community Support Fund law through collaboration with representatives from the Nation's Economic Support Services Department.

A public meeting, in accordance with the Legislative Procedures Act, was not held for the proposed amendments to the Community Support Fund law due to the COVID-19 pandemic. On March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" regarding the COVID-19 pandemic which declared a Public Health State of Emergency for the Nation until April 12, 2020, and set into place the necessary authority for action to be taken and allows the Nation to seek reimbursement of emergency management actions that may result in unexpected expenses. The Public Health State of Emergency has since been extended until March 13, 2021, by the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A.

On March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although no public meeting for the proposed amendments to the Community Support Fund law was held in person, the public comment period was still held open until January 13, 2021, for the submission of written comments. One (1) individual submitted written comments during the public comment period. All public comments received were reviewed and considered by the Legislative Operating Committee January 20, 2021.

#### **Requested Action**

Adopt the Resolution: Amendments to the Community Support Fund Law

# Oneida Nation

Post Office Box 365



Phone: (920)869-2214

Oneida, WI 54155

## BC Resolution # Amendments to the Community Support Fund Law

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- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Community Support Fund law ("the Law") was adopted by the Oneida Business Committee through BC-05-15-96-A and amended by resolutions BC-01-08-97-G, BC-12-11-13-D, BC-01-11-17-B; and
- WHEREAS,** the purpose of the Law is to assist the greatest number of members of the Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist; and
- WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the Nation's Economic Support Services Department to develop the amendments to the Law; and
- WHEREAS,** the amendments to the Law Revise the definition of "immediate family" to better reflect Oneida families; and
- WHEREAS,** the amendments to the Law include a definition for Fund Operator, which is the Economic Support Services Department, or other department within the Governmental Services Division designated authority over the operation of the Fund; and
- WHEREAS,** the amendments to the Law include a public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund; and
- WHEREAS,** the amendments to the Law clarify that the Fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months; and
- WHEREAS,** the amendments to the Law remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents; and
- WHEREAS,** the amendments to the Law remove the requirement that the amount paid for a security deposit be paid back to the Fund before another security deposit is issued in the future; and

- 46 **WHEREAS,** the amendments to the Law clarify that an applicant must clarify that he or she applied to  
47 his or her local Emergency Assistance Program prior to applying for utility assistance from  
48 the Fund; and  
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- 50 **WHEREAS,** the amendments to the Law remove the requirement that funeral travel expenses are only  
51 provided to arrange or attend a funeral for immediate family members outside the state  
52 where the applicant resides; and  
53
- 54 **WHEREAS,** the amendments to the Law clarify that lodging assistance due to homelessness or for any  
55 other reason not related to a catastrophic event or emergency event, insurance  
56 deductibles, and home renovations not related to handicap accessibility are not covered  
57 by the Fund; and  
58
- 59 **WHEREAS,** the amendments to the Law remove the requirement that an applicant provide all  
60 household income the last thirty (30) business days immediately prior to the submission of  
61 the application; and  
62
- 63 **WHEREAS,** the amendments to the Law expand the time period for an applicant to submit an  
64 application from thirty (30) days to forty-five (45) days; and  
65
- 66 **WHEREAS,** the amendments to the Law adjust the appeal process to reflect reorganization of the  
67 Governmental Services Division; and  
68
- 69 **WHEREAS,** the amendments to the Law make other minor drafting changes throughout the law for  
70 clarity; and  
71
- 72 **WHEREAS,** in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact  
73 statement were completed for the proposed amendments to the Law; and  
74
- 75 **WHEREAS,** a public meeting on the proposed amendments to this Law was not held in accordance  
76 with the Legislative Procedures Act due to the COVID-19 pandemic; and  
77
- 78 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*  
79 *Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for  
80 the Nation until April 12, 2020, which was then subsequently extended through March 13,  
81 2021, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-  
82 A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-  
83 12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A; and  
84
- 85 **WHEREAS,** on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a  
86 "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which  
87 suspended the Legislative Procedures Act's requirement to hold a public meeting during  
88 the public comment period, but allows members of the community to still participate in the  
89 legislative process by submitting written comments, questions, data, or input on proposed  
90 legislation to the Legislative Operating Committee via e-mail during the public comment  
91 period; and  
92
- 93 **WHEREAS,** although a public meeting was not held for the proposed amendments to this Law, the  
94 public comment period for the amendments to this Law was held open until January 13,  
95 2021, and one (1) submission of written comments were received during the public  
96 comment period; and  
97
- 98 **WHEREAS,** the Legislative Operating Committee reviewed and considered all public comments  
99 received on January 20, 2021; and  
100

101 **NOW THEREFORE BE IT RESOLVED**, that the amendments to the Community Support Fund law are  
102 hereby adopted and shall become effective on March 24, 2021.  
103

104 **BE IT FURTHER RESOLVED**, that the Economics Support Services Department shall develop  
105 amendments to the Community Support Fund Law Rule Handbook in accordance with the Administrative  
106 Rulemaking law to comply with the amendments to the Community Support Fund law.  
107

108 **BE IT FINALLY RESOLVED**, that the amended Community Support Fund law hereby supersedes any  
109 conflicting language that may be found in the Community Support Fund Law Rule Handbook until such a  
110 time the Community Support Fund Law Rule Handbook is amended.  
111



**Oneida Nation**  
 Oneida Business Committee  
 Legislative Operating Committee  
 PO Box 365 • Oneida, WI 54155-0365  
 Oneida-nsn.gov



## Statement of Effect

### *Amendments to the Community Support Fund Law*

#### *Summary*

This resolution adopts amendments to the Community Support Fund law.

*Submitted by: Clorissa N. Santiago, Senior Staff Attorney, Legislative Reference Office*

*Date: February 26, 2021*

#### *Analysis by the Legislative Reference Office*

This resolution adopts amendments to the Community Support Fund law. The purpose of the Community Support Fund law is to assist the greatest number of members of the Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist. [1 O.C. 125.1-1].

This resolution seeks permanent amendments to the Community Support Fund law which will:

- Include a definition for Fund Operator, which is the Economic Support Services Department, or other department within the Governmental Services Division designated authority over the operation of the Fund [1 O.C. 125.3-1(i)];
- Revise the definition of “immediate family” to better reflect Oneida families [1 O.C. 125.3-1(j)];
- Include public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund [1 O.C. 125.4-6(f)];
- Clarify that the Fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months [1 O.C. 125.6-1(l)];
- Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents [1 O.C. 125.6-2];
- Remove the requirement that the amount paid for a security deposit be paid back to the Fund before another security deposit is issued in the future [1 O.C. 125.6-2(b)];
- Clarify that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund [1 O.C. 125.6-3];
- Remove the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides [1 O.C. 125.6-1(n), 125.6-4];
- Clarify that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund [1 O.C. 125.7-1(h)(l)(m)];
- Remove the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application [1 O.C. 125.8-2];

- Expand the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days [1 O.C. 125.8-5];
- Adjust the appeal process to reflect reorganization of the Governmental Services Division [1 O.C. 125.9]; and
- Make other minor drafting changes throughout the law for clarity.

The Legislative Procedures Act (“the LPA”) was adopted by the General Tribal Council for the purpose of providing a process for the adoption or amendment of laws of the Nation. [1 O.C. 109.1-1]. The LPA requires that for all proposed legislation both a legislative and fiscal analysis be developed. [1 O.C. 109.6 and 109.7]. The proposed amendments to the Community Support Fund law comply with these requirements.

The LPA also requires that there be an opportunity for public review during a public meeting and public comment period. [1 O.C. 109.8]. A public meeting for the proposed amendments to the Community Support Fund law was not held due to the COVID-19 pandemic. In accordance with the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. The Public Health State of Emergency for the Nation has since been extended until March 13, 2021, through the adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, and BC-02-10-21-A.

On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which suspended the Legislative Procedures Act’s requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period.

Although a public meeting for the proposed amendments to the Community Support Fund law was not held, the public comment period was still held open until January 13, 2021. The Legislative Operating Committee reviewed and considered the public comments that were received on January 20, 2021.

Adoption of this resolution complies with the process and procedures of the LPA as it has been modified by the COVID-19 Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.

This resolution provides that the amendments to the Community Support Fund law would become effective on March 24, 2021, in accordance with the LPA. [1 O.C. 109.9-3].

The resolution also contains a directive that the Economics Support Services Department develop amendments to the Community Support Fund Law Rule Handbook in accordance with the Administrative Rulemaking law to comply with the amendments to the Community Support Fund law. The resolution clarifies that the amended Community Support Fund law hereby supersedes

any conflicting language that may be found in the Community Support Fund Law Rule Handbook until such a time the Community Support Fund Law Rule Handbook is amended.

***Conclusion***

Adoption of this resolution would not conflict with any of the Nation's laws. Adoption of this resolution complies with the Legislative Procedures Act as it has been modified by the COVID-19 Core Decision Making Team's "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration.



## AMENDMENTS TO THE COMMUNITY SUPPORT FUND LAW LEGISLATIVE ANALYSIS

### SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	<ul style="list-style-type: none"> <li>▪ Include a definition for Fund Operator, which is the Economic Support Services Department, or other department within the Governmental Services Division designated authority over the operation of the Fund;</li> <li>▪ Revise the definition of “immediate family” to better reflect Oneida families;</li> <li>▪ Include public health emergency as a catastrophic event, catastrophic illness or injury, or emergency event that qualifies an applicant for assistance from the Fund;</li> <li>▪ Clarify that the Fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months;</li> <li>▪ Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents;</li> <li>▪ Remove the requirement that the amount paid for a security deposit be paid back to the Fund before another security deposit is issued in the future;</li> <li>▪ Clarify that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund;</li> <li>▪ Remove the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides;</li> <li>▪ Clarify that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund;</li> <li>▪ Remove the requirement that an applicant provide all household income the last thirty (30) business days immediately prior to the submission of the application;</li> <li>▪ Expand the time period for an applicant to submit an application from thirty (30) days to forty-five (45) days; and</li> <li>▪ Adjust the appeal process to reflect reorganization of the Governmental Services Division.</li> </ul>
<b>Purpose</b>	To assist the greatest number of members of the Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist. <i>[1 O.C. 125.1-1].</i>
<b>Affected Entities</b>	Economic Support Services Department
<b>Public Meeting</b>	A public comment period was held open until January 13, 2021. A public meeting was not held in accordance with the Nation’s COVID-19 Core Decision Making Team’s declaration titled, “ <i>Suspension of Public Meetings under the Legislative Procedures Act.</i> ”
<b>Fiscal Impact</b>	On February 23, 2021, the Finance Department provided a fiscal impact statement.



**What is the Community Support Fund?**

The Community Support Fund is a resource available to members of the Nation which provides financial assistance when a member of the Nation is experiencing a catastrophic event, catastrophic illness or injury, or emergency event. Examples of a catastrophic event, catastrophic illness or injury, or emergency event include:

- Death in the immediate family
- Major medical surgery
- Injury from motor vehicle accidents
- Fire
- Cancer
- Stroke
- Tornado
- Flood
- Public Health Emergency

Assistance from the Community Support Fund is only available when there is no other financial assistance available, or all other assistance has been exhausted. The Community Support Fund is funded through tribal contribution and has a budget of approximately \$350,000. The Community Support Fund can be used to assist with the following types of expenses:

- Rent or mortgage
- Funeral travel
- Dental related expenses
- Security deposits
- Family Medical Leave Act wage replacement
- Medical related equipment, supplies, or furniture
- Utility payments
- Prescription reimbursement
- Optical related expenses
- Automobile repairs for medical travel
- Temporary shelter due to natural disaster
- Shelter during a Social Security Disability Determination
- Medical travel
- Medical bills
- Inpatient treatment
- Utility disconnections
- Furnace & water heater repair and replacement
- COBRA insurance payments

The Community Support Fund Law Rule Handbook provides more information on how a member of the Nation may qualify for each category of assistance of the Community Support Fund and the maximum amount of assistance provided for each category of assistance. The Community Support Fund Law Rule Handbook can be found online in the Oneida Code of Laws.

**SECTION 2. LEGISLATIVE DEVELOPMENT**

- A. Background.** The Community Support Fund law (“the Law”) was first adopted by the Oneida Business Committee on May 15, 1996, for the purpose of assisting the greatest number of members of the Oneida Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness or injury, or emergency event when no other resources for assistance exist. [1 O.C. 125.1-1].
- B.** The Law was most recently amended by the Oneida Business Committee on January 11, 2017, through the adoption of resolution BC-01-11-17-B.
- C.** On September 2, 2020, the Governmental Services Division Director, on behalf of the Economic Support Services Department, submitted a request for the Legislative Operating Committee to consider amendments to the Law in an effort to expand the assistance available under the Fund to members of the Nation. The Legislative Operating Committee added the Law to its Active Files List on October 7, 2020.

**SECTION 3. CONSULTATION AND OUTREACH**

- A.** Representatives from the following departments of the Nation participated in the development of amendments to this Law and legislative analysis:

- 17           ▪ Economic Support Services Department.
- 18 **B.** The following laws were reviewed in the drafting of this analysis:
- 19           ▪ Administrative Rulemaking law; and
- 20           ▪ Rules of Appellate Procedure.
- 21

## 22 **SECTION 4. PROCESS**

- 23 **A.** The amendments to this Law have followed the process set forth in the Legislative Procedures Act.
- 24           ▪ On September 2, 2020, the Governmental Services Division Director, on behalf of the Economic
- 25           Support Services Department, submitted a request for the Legislative Operating Committee to
- 26           consider amendments to the Law.
- 27           ▪ The LOC added the amendments to the Active Files List on October 7, 2020.
- 28           ▪ A draft and legislative analysis for the Law was accepted by the LOC on December 2, 2020.
- 29           ▪ On December 16, 2020, the LOC approved the public comment period packet and forwarded the
- 30           proposed amendments to the Law to a public comment period to be held open until January 13,
- 31           2021.
- 32           ▪ The public comment period was held open until the close of business on January 13, 2021. One (1)
- 33           submission of written comments was received.
- 34           ▪ On January 20, 2021, the Legislative Operating Committee accepted the public comments and
- 35           public comment review memorandum. The Legislative Operating Committee then reviewed and
- 36           considered all the public comments that were received.
- 37           ▪ On February 3, 2021, the Legislative Operating Committee approved the updated public comment
- 38           review memorandum, final draft law and legislative analysis. The Legislative Operating Committee
- 39           also directed the Finance Department to prepare a fiscal impact statement and provide it to the
- 40           Legislative Operating Committee by February 17, 2021.
- 41           ▪ On February 23, 2021 the Finance Department provided the fiscal impact statement to the
- 42           Legislative Operating Committee.
- 43 **B.** At the time this legislative analysis was developed the following work meetings had been held
- 44           regarding the development of these amendments:
- 45           ▪ October 15, 2020: Work meeting with Economic Support Services Department.
- 46           ▪ October 21, 2020: Work meeting with LOC.
- 47           ▪ October 29, 2020: Work meeting with LOC and Economic Support Services Department.
- 48           ▪ December 2, 2020: Work meeting with LOC.
- 49           ▪ January 20, 2021: Work meeting with LOC.
- 50 **C. *COVID-19 Pandemic's Effect on the Legislative Process.*** The world is currently facing a pandemic
- 51           of the coronavirus disease 2019 (COVID-19). The COVID-19 outbreak originated in Wuhan, China
- 52           and has spread to many other countries throughout the world, including the United States. The COVID-
- 53           19 pandemic has resulted in high rates of infection and mortality, as well as vast economic impacts
- 54           including effects on the stock market and the closing of all non-essential businesses. A public meeting
- 55           for the proposed amendments to this Law will not be held due to the COVID-19 pandemic, but the
- 56           submission of written comments will still be permitted.
- 57           ▪ *Declaration of a Public Health State of Emergency.*
- 58                    ▪ On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*
- 59                    of *Emergency*” regarding the COVID-19 pandemic which declared a Public Health State
- 60                    of Emergency for the Nation until April 12, 2020, and set into place the necessary authority

- 61 for action to be taken and allows the Nation to seek reimbursement of emergency  
62 management actions that may result in unexpected expenses.
- 63       ▪ The Public Health State of Emergency has since been extended until March 13, 2021, by  
64 the Oneida Business Committee through the adoption of resolutions BC-03-28-20-A, BC-  
65 05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-  
66 08-20-A, BC-11-10-20-A, BC-12-09-20-D, BC-01-07-21-A, BC-02-10-21-A.
- 67       ▪ *COVID-19 Core Decision Making Team Declarations: Safer at Home.*
- 68               ▪ On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer*  
69 *at Home*” declaration which ordered all individuals present within the Oneida Reservation  
70 to stay at home or at their place of residence, with certain exceptions allowed. This  
71 declaration prohibited all public gatherings of any number of people.
- 72               ▪ On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer*  
73 *at Home*” declaration which allowed for gaming and golf operations to resume.
- 74               ▪ On May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home*  
75 *Declaration, Amendment, Open for Business*” which directs that individuals within the  
76 Oneida Reservation should continue to stay at home, businesses can re-open under certain  
77 safer business practices, and social distancing should be practiced by all persons.
- 78               ▪ On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at*  
79 *Home*” declaration which lessened the restrictions of the “*Safer at Home Declaration,*  
80 *Amendment, Open for Business*” while still providing guidance and some restrictions. This  
81 declaration prohibits all public and private gatherings of more than twenty (20) people that  
82 are not part of a single household or living unit.
- 83               ▪ On July 17, 2020, the COVID-19 Team issued a “*Safe Re-Opening Governmental Offices*”  
84 which sets minimum standards for the safe re-opening of a building or recall of employees  
85 to work.
- 86       ▪ *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the*  
87 *Legislative Procedures Act.*
- 88               ▪ On March 27, 2020, the Nation’s COVID-19 Core Decision Making Team issued a  
89 “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which  
90 suspended the Legislative Procedures Act's requirement to hold a public meeting during  
91 the public comment period, but allows members of the community to still participate in the  
92 legislative process by submitting written comments, questions, data, or input on proposed  
93 legislation to the Legislative Operating Committee via e-mail during the public comment  
94 period.
- 95               ▪ Although a public meeting will not be held on the proposed amendments to the Community  
96 Support Fund law, a public comment period was still held open until January 13, 2021, in  
97 accordance with the Legislative Procedures Act and the COVID-19 Core Decision Making  
98 Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.
- 99

## 100 SECTION 5. CONTENTS OF THE LEGISLATION

- 101 A. *Definition for Immediate Family.* The proposed amendments to the Law revise the definition for  
102 “immediate family.” The Law now defines “immediate family” as an applicant’s husband, wife,  
103 mother, father, son, daughter, brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew,  
104 cousin, and any of these relations attained through marriage or legal adoption, as well as a person who

105 has legal responsibility for the applicant, or a person the applicant has legal responsibility of. [1 O.C.  
106 125.3-1(j)]. Previously, “immediate family” was defined as that group of persons who make up a  
107 family unit normally defined as husband, wife, children, sister, brother, in-laws, step family,  
108 grandparents and grandchildren, and/or a person who has legal responsibility for the applicant. The  
109 term “immediate family” is most frequently used in the Law in reference to assistance for funeral travel  
110 expenses.

111 ■ *Effect.* The proposed amendments expand the definition of immediate family to better reflect  
112 familial relationships amongst members of the Nation. The Economic Support Services Department  
113 made the recommendation to expand this definition based on requests for assistance that have been  
114 submitted, in an effort to better meet the needs of members of the Nation.

115 **B. Public Health Emergency as a Qualification for Assistance.** The proposed amendments to the Law  
116 now specify that a public health emergency is a type of catastrophic event or catastrophic illness or  
117 injury which qualifies an applicant for assistance. [1 O.C. 125.4-6(f)]. The public health emergency  
118 qualification is in addition to the following types of catastrophic events, and catastrophic illnesses or  
119 injuries that were previously specified in the Law: terminally ill, physically challenged or incapacitated,  
120 major medical surgery, life threatening, natural disaster, and death in immediate family. [1 O.C. 125.4-  
121 6].

122 ■ *Effect.* The proposed amendment to the Law provides greater clarification that a public health  
123 emergency does qualify as a type of catastrophic event or catastrophic illness or injury a person  
124 may apply for assistance for. During the COVID-19 pandemic the Economic Support Services  
125 Department did view the Nation’s declaration of a Public Health State of Emergency as an  
126 emergency event that would qualify a person for assistance, but requested that the Law be clarified  
127 to specify this.

128 **C. Utility and Rent Assistance during Waiting Period for a Social Security Disability Determination.**  
129 The proposed amendments to the Law limit rent and utility assistance from the Fund during a waiting  
130 period for a Social Security Disability Determination to a maximum period of twelve (12) months. [1  
131 O.C. 125.6-1(l)]. Previously, the Law provided no limitation on how long a person may receive rent  
132 and utility assistance during the waiting period for a Social Security Disability Determination.

133 ■ *Effect.* Due to the fact that the Fund is funded entirely by tribal contribution, the proposed  
134 amendment to the Law limits the period of time a person may receive rent and utility assistance  
135 during a waiting period for a Social Security Disability Determination in an effort to preserve the  
136 Fund so assistance can be provided to a greater number of applicants.

137 **D. Security Deposit Assistance.** The proposed amendments to the Law remove the limitation that security  
138 deposit assistance only be provided to members of the Nation who are residents of Wisconsin only. [1  
139 O.C. 125.6-2]. The proposed amendments also remove the provision which states that security deposits  
140 are non-transferable, and the requirement that the amount paid for a security deposit shall be paid back  
141 to the Fund before another security deposit is issued at any time in the future. [1 O.C. 125.6-2(b)]. The  
142 proposed amendments to the Law also remove the statement that multiple consecutive requests may be  
143 made.

144 ■ *Effect.* The removal of the requirement that security deposit assistance only be provided to  
145 members of the Nation that are residents of Wisconsin greatly expands who may be eligible to  
146 apply for security deposit assistance. It was unknown to the Economic Support Services  
147 Department why security deposit assistance was limited to residents of Wisconsin only, since that  
148 was the only type of limitation that had a residency limitation.

- 149 **E. *Utilities Assistance.*** The proposed amendments to the Law added a provision which states that an  
 150 applicant shall demonstrate that he or she applied to his or her local Energy Assistance Program before  
 151 applying for assistance from the Fund. [1 O.C. 125.6-3]. Previously, the section of the Law on utilities  
 152 assistance did not mention this requirement, although the Law generally provided that applicants shall  
 153 first seek out other resources that can meet the needs of their request. [1 O.C. 125.4-5].
- 154 ■ *Effect.* The inclusion of the statement that an applicant has to demonstrate that he or she applied to  
 155 his or her local Energy Assistance Program before applying for the Fund provides further  
 156 clarification on how an applicant can meet the Law's requirement of first seeking out other  
 157 resources that can meet the needs of their request.
- 158 **F. *Funeral Travel Expenses.*** The proposed amendments to the Law remove the requirement that  
 159 assistance to arrange or attend a funeral for immediate family members is only allowed when the travel  
 160 is outside the state where the applicant resides. [1 O.C. 125.6-1(n), 125.6-4].
- 161 ■ *Effect.* The proposed amendments to the Law expand the availability of assistance for funeral travel  
 162 expenses for members of the Nation. Instead of restricting assistance for funeral travel expenses to  
 163 outside the state where the applicant resides, the Economic Support Services Department provided  
 164 that the corresponding rule in the Community Support Fund Law Rule Handbook will include  
 165 minimum distance requirements that qualify a person for assistance. The Economic Support  
 166 Services Department made this recommendation based on the understanding that there may be great  
 167 distances within the state the applicant resides that would prevent the applicant from attending or  
 168 arranging a funeral if the applicant did not have access to assistance.
- 169 **G. *Items not Covered by the Fund.*** The proposed amendments to the Law specify additional expenses  
 170 that are not eligible for assistance from the Fund. [1 O.C. 125.7-1]. The proposed amendments to the  
 171 Law provide that lodging assistance due to homelessness or for any other reason not related to a  
 172 catastrophic event or emergency event, insurance deductibles, and home renovations not related to  
 173 handicap accessibility are not covered by the Fund. [1 O.C. 125.7-1(h)(l)(m)].
- 174 ■ *Effect.* The proposed amendments to the Law provide further clarification as to different expenses  
 175 that will not be eligible for assistance from the Fund. The Economic Support Services Department  
 176 requested that extra clarification be provided on expenses included in the proposed amendments  
 177 because they receive frequent requests for assistance for these expenses which are denied for not  
 178 meeting the qualifications for assistance from the Fund.
- 179 **H. *Verification of Household Income.*** The proposed amendments to the Law remove the requirement  
 180 that an applicant provide verification of all household income the last thirty (30) business days  
 181 immediately prior to the submission of the application. [1 O.C. 125.8-2].
- 182 ■ *Effect.* The proposed amendments to the Law remove the requirement to provide verification of all  
 183 household income because the Economic Support Services Department determined it was  
 184 unnecessary to require this information when there are no income requirements to qualify an  
 185 applicant for assistance from the Fund.
- 186 **I. *Time Period for Submission of Applications.*** The proposed amendments to the Law extend the time  
 187 period to submit an application for assistance to forty-five (45) days after a catastrophic event,  
 188 catastrophic illness or injury, or emergency event. [1 O.C. 125.8-5]. Previously, the Law required that  
 189 all applications for assistance be submitted within thirty (30) business days of a catastrophic event,  
 190 catastrophic illness or injury, or emergency event.
- 191 ■ *Effect.* The time period to submit an application for assistance from the Fund was extended an  
 192 additional fifteen (15) business days by the proposed amendments to the Law. The Legislative

193 Operating Committee proposed this amendment to the Law based on the understanding that when  
194 a person is experiencing a catastrophic event, catastrophic illness or injury, or emergency event it  
195 may be more difficult for the person to collect the necessary supporting documentation and submit  
196 an application. The Legislative Operating Committee wanted to ensure that the Law provides grace  
197 and flexibility to an applicant as they navigate through the catastrophic event, catastrophic illness  
198 or injury, or emergency event.

199 **J. Appeals.** The proposed amendments to the Law adjust the appeal process to reflect the reorganization  
200 of the Governmental Services Division. The Law provides that a person may appeal the decision of the  
201 case manager to the director of the Fund Operator. [1 O.C. 125.9-2]. A person may then appeal the  
202 decision of the Fund Operator to the Governmental Services Division Director. [1 O.C. 125.9-3]. And  
203 a person then may further appeal the decision of the Governmental Services Division Director by filing  
204 a complaint with the Trial Court. [1 O.C. 125.9-4]. Previously, the Law provided that an appeal of the  
205 case manager's decision could be made to the Program Director, which is the same at the Director of  
206 the Fund Operator. An appeal of the Program Director's decision could then be made to the Area  
207 Manager. And then an appeal of the Area Manager's decision could be made to the Oneida Court of  
208 Appeals.

209 **Effect.** The proposed amendments to the Law amend the appeal process in two (2) ways. First, an  
210 appeal of the Director of the Fund Operator's decision can now be made to the Governmental  
211 Services Division Director instead of the Area Manager as formally drafted because the  
212 Governmental Services Division has been reorganized since the onset of the COVID-19 pandemic  
213 and no longer has Area Managers. Second, an appeal of the Governmental Services Division  
214 Director's decision can be made by filing a complaint with the Trial Court. Previously, appeals  
215 were made directly to the Oneida Court of Appeals. The Rules of Appellate Procedure provide that  
216 any party to a civil action, who is aggrieved by a final judgment or order of the Trial Court or  
217 original hearing body, may appeal to the Court of Appeals. [8 O.C. 805.5-1]. An original hearing  
218 body is defined as the administrative agency decision-making panel which heard a contested case  
219 under the Administrative Procedures Act, or similar law, and from which appeal is permitted by  
220 law. [8 O.C. 805.3-1(s)]. Although the Law previously permitted appeals of the Area Manager to  
221 be made directly to the Court of Appeals, the Area Manager was not an administrative agency  
222 decision making panel which heard contested cases under the Administrative Procedures Act or  
223 similar law, and therefore it is more appropriate for the appeal to be filed as a complaint with the  
224 Trial Court instead of directly to the Court of Appeals.

225 **K. Minor Drafting Changes.** Minor drafting and formatting changes have been made throughout the  
226 Law for clarity.

227

## 228 SECTION 6. EXISTING LEGISLATION

229 **A. References to other Laws of the Nation.** The following laws of the Nation are referenced in this Law:

230 **Administrative Rulemaking law.** The Administrative Rulemaking law provides a process for the  
231 adoption and amendments of administrative rules. [1 O.C. 106.1-1].

232 **This Law provides that the Fund Operator shall promulgate rules for the administration of**  
233 **the Fund which shall include the list of categories the Fund covers and a cap that sets the**  
234 **amount of assistance per event/per household, except for funeral expenses which shall be set**  
235 **per event/per person. [1 O.C. 125.4-1(a)(1)].**

- 236                   ▪ This Law provides that the rules promulgated by the Fund Operator may include additional  
237 items not listed in section 125.6 of the Law, as long as the rule does not conflict with any  
238 provision of the Law. [1 O.C. 125.4-1(a)(2)].  
239

## 240 SECTION 7. OTHER CONSIDERATIONS

241 **A. Community Support Fund Law Rule Handbook.** The Law requires that the Fund Operator promulgate  
242 rules for the administration of the Fund which shall include the list of categories the Fund covers and a  
243 cap that sets the amount of assistance. [1 O.C. 125.4-1]. After amendments to the Law were adopted  
244 by the Oneida Business Committee through resolution BC-01-11-17-B, the Community Support Fund  
245 Law Rule Handbook was then adopted by the Oneida Business Committee on January 24, 2018. Upon  
246 the adoption of the proposed amendments to the Law the Economic Support Services Department will  
247 need to make amendments to the Community Support Fund Law Rule Handbook in accordance with  
248 the Administrative Rulemaking law. The amendments to the Community Support Fund Law Rule  
249 Handbook would make revisions necessary to comply with the Law and addresses additional revisions  
250 desired by the Economic Support Services Department.

- 251                   ▪ *Conclusion.* It would be best practice for the Legislative Operating Committee to communicate  
252 and work with the Economic Support Services Department to ensure the certification and adoption  
253 of the Community Support Fund Law Rule Handbook amendments can coincide as closely as  
254 possible with the adoption of the amendments to the Community Support Fund law.

255 **B. Use of the Community Support Fund.** In an effort to provide a better understanding on how the  
256 Community Support Fund is utilized by the membership, the following information was provided by  
257 the Economic Support Services Department which demonstrates how many times a year the category  
258 of the Fund was utilized, as well as the total benefit amount provided for each category of the Fund  
259 from January 1, 2020 until November 1, 2020.

Category of Assistance from Community Support Fund	Times Fund Utilized in 2018	Times Fund Utilized in 2019	Times Fund Utilized in 2020	Total Benefit Amount Provided
Appliance Repair/Replacement	6	9	11	\$37,851.63
Auto Repairs	30	8	14	\$23,285.29
Catastrophic Rent	210	88	133	\$194,499.62
COBRA Insurance Payments	0	0	1	\$391.38
Dental Expenses	7	3	6	\$6,965.00
Fire Recovery/Natural Disaster	5	6	0	\$1,811.64
Funeral Travel	30	6	11	\$15,254.49
Home Renovations	1	0	0	\$200.00
Inpatient Treatment	1	2	3	\$15,735.80
Medical Bill Payments	47	25	20	\$115,864.17
Medical Travel	155	68	18	\$19,046.61
Medical Related Equipment/Service	10	2	16	\$21,539.77
Optical Expenses	9	2	3	\$2,084.50
Prescriptions	5	2	0	\$1,375.60
Security Deposit	19	9	9	\$16,630.00
SSD Determination Rent	88	63	18	\$68,283.36
SSD Determination Utility	27	25	4	\$5,643.56
Utilities	82	31	18	\$21,434.57

FMLA Wage Replacement	21	15	5	\$14,700.00
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260 \*Data provided by the Economic Support Services Department on November 24, 2020.

261 C. **Fiscal Impact.** Under the Legislative Procedures Act, a fiscal impact statement is required for all  
 262 legislation except emergency legislation. [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-  
 263 10-28-20-A titled, “Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures  
 264 Act,” provides further clarification on who the Legislative Operating Committee may direct complete  
 265 a fiscal impact statement at various stages of the legislative process, as well as timeframes for  
 266 completing the fiscal impact statement. On February 3, 2021, the LOC directed that a fiscal impact  
 267 statement of the proposed amendments to the Law be completed by the Finance Department by  
 268 February 17, 2021.

- 269 ■ **Conclusion.** On February 23, 2021, the Finance Department provided a fiscal impact statement of  
 270 the proposed amendments to the Law.

271  
272



**Title 1. Government and Finances – Chapter 125**

~~COMMUNITY SUPPORT FUND~~

**Kaya'takenhásla tsi' niyukwana'táya**

*It is helpful where our community lays*

- ~~125.1. Purpose and Policy~~
- ~~125.2. Adoption, Amendment, Repeal~~
- ~~125.3. Definitions~~
- ~~125.4. Responsibilities, Eligibility and Qualifications~~
- ~~125.5. Priorities for Consideration~~

- ~~125.6. Items Covered by the Fund~~
- ~~125.7. Items not Covered by the Fund~~
- ~~125.8. Application Requirements~~
- ~~125.9. Appeal~~

**COMMUNITY SUPPORT FUND**

- 125.1. Purpose and Policy
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- 125.3. Definitions
- 125.4. Responsibilities, Eligibility and Qualifications
- 125.5. Priorities for Consideration

- 125.6. Items Covered by the Fund
- 125.7. Items not Covered by the Fund
- 125.8. Application Requirements
- 125.9. Decision and Appeal

**1 125.1. Purpose and Policy**

2 125.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the  
3 Oneida Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic  
4 illness, or injury, or emergency event when no other resources for assistance exist.

5 125.1-2. *Policy.* It is the policy of the Oneida Nation to assist ~~their~~ its people in a time of need  
6 after a catastrophic event, catastrophic illness, or injury, or emergency event, when there is no  
7 other assistance available or all other assistance has been exhausted.

8  
9 **125.2. Adoption, Amendment, Repeal**

10 125.2-1. This law was adopted by the Oneida Business Committee by resolution BC-~~505-15-96-~~  
11 A and amended by resolutions BC-01-08-97-G, BC-12-~~111-13-D~~ and BC-01-11-17-B, and BC-  
12 ~~- - -~~.

13 125.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the  
14 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures  
15 Act.

16 125.2-3. Should a provision of this law or the application thereof to any person or circumstances  
17 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
18 to have legal force without the invalid portions.

19 125.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
20 the provisions of this law shall control.

21 125.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

22  
23 **125.3. Definitions**

24 125.3-1. This section shall govern the definitions of words and phrases used within this law. All  
25 words not defined herein shall be used in their ordinary and everyday sense.

- 26 (a) "Applicant" means the subject of the application for assistance.
- 27 (b) "Business ~~days~~ day" means Monday through Friday from 8:00 a.m. to 4:30 p.m.,  
28 excluding Nation holidays of the Nation.
- 29 (c) "Case manager" means an employee within the Fund Operator responsible for  
30 administering Fund benefits.
- 31 (d) "Catastrophic event" means a natural or man-made incident, which results in  
32 substantial damage or loss requiring major financial resources to repair or recover ~~(i.e.,~~  
33 including, but not limited to, a house fire, tornado, flood, or other disaster).

34 (e) "Catastrophic illness or injury" means a serious debilitating illness, injury, impairment,  
35 or physical or mental condition that involves:

36 (1) In-patient care;

37 (2) A period of continuing treatment due to a chronic serious health condition ~~(such~~  
38 ~~as, including, but not limited to, chemotherapy,~~ radiation, dialysis, ~~and daily/~~ or  
39 weekly therapy resulting from trauma, ~~etc.);~~;

40 (3) A period of illness or injury that is long-term due to a condition for which  
41 treatment may be ineffective ~~(, including, but not limited to, stroke, or terminal~~  
42 ~~disease, etc.);~~ or

43 (4) Multiple treatments either for restorative surgery after an accident or other  
44 injury, or for a chronic condition. ~~(i.e., including, but not limited to, cancer or~~  
45 ~~kidney disease).~~;

46 (f) "Emergency event" means a situation that poses an immediate risk to health, life,  
47 safety, property, or environment. Emergencies require urgent intervention to prevent  
48 further illness, injury, death, or other worsening of the situation.

49 (g) "Emergency medical travel" means an unexpected serious health situation or  
50 occurrence, requiring the immediate presence of immediate family. ~~(i.e., including, but~~  
51 ~~not limited to, end of life situation, or life support, etc.);~~;

52 (h) "Fund" means the Community Support Fund.

53 (i) "Fund Operator" means the Economic Support Services Department, or other  
54 department within the Governmental Services Division designated authority over the  
55 operation of the Fund.

56 (j) "Immediate family" means ~~that group of persons who make up a family unit normally~~  
57 ~~defined as an applicant's husband, wife, children, sister, mother, father, son, daughter,~~  
58 ~~brother, in-laws, step family, grandparents~~ sister, grandparent, grandchild, aunt, uncle,  
59 niece, nephew, cousin, and grandchildren, and/or a person any of these relations attained  
60 through marriage or legal adoption, as well as a person who has legal responsibility for the  
61 applicant, or a person the applicant has legal responsibility of.

62 (k) "Legal guardian" means a person who has the legal authority to care for the personal  
63 and property interests of another person granted through Court order.

64 (l) "Legal responsibility" means specific duties imposed upon a person to care or provide  
65 for another including liability for personal obligations as granted through a Power of  
66 Attorney or Court order.

67 (m) "Major medical surgery" means a surgical procedure that carries a degree of risk to  
68 the patient's life, or the potential for severe disability if something goes wrong during  
69 surgery. It is a surgical procedure that usually requires a patient to be put under general  
70 anesthesia and given respiratory assistance because he or she cannot breathe independently.

71 (n) "Nation" means the Oneida Nation.

72 (o) "Public health emergency" means the occurrence or imminent threat of an illness or  
73 health condition which:

74 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a  
75 biological agent; and

76 (2) poses a high probability of any of the following:

77 (A) a large number of deaths or serious or long-term disability among  
78 humans; or

79 (B) widespread exposure to a biological, chemical, or radiological agent

80 that creates a significant risk of substantial future harm to a large number  
81 of people.

82 (p) "Rule" means a set of requirements enacted in accordance with the Administrative  
83 Rulemaking law.

84 (o) "Tribal" means the Oneida Nation.

85 -

86 (q) "Trial Court" means the Trial Court of the Oneida Nation Judiciary, which is the  
87 judicial system that was established by Oneida General Tribal Council resolution GTC-01-  
88 07-13-B, and then later authorized to administer the judicial authorities and responsibilities  
89 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

90

91 **125.4. Responsibilities, Eligibility and Qualifications**

92 125.4-1. ~~The Social Services Area of the Governmental Services Division shall be responsible~~  
93 ~~for operation~~Responsibilities of the Fund, but may designate Operator. The Fund Operator shall  
94 have the following responsibilities in regard to the operation of the Fund to:

95 ~~(a department within its control.~~

96 (a) Administrative Rulemaking. ~~The operators of the Fund Operator shall promulgate~~  
97 ~~rules, for the administration of the Fund that are consistent with this law. The rules which:~~

98 (1) ~~shall include the list of categories the Fund covers and a cap that sets the~~  
99 ~~amount of assistance per event/per household, except for funeral expenses which~~  
100 ~~shall be set per event/per person,; and~~

101 (2) ~~may include additional items not listed in section 125.6, as long as the rule does~~  
102 ~~not conflict with any provision of this law.~~

103 (b) ~~Communication and Education.~~ The Fund Operator shall ensure that the  
104 Nation's membership is informed of what assistance is available through the Fund, how to  
105 apply for assistance, and who is eligible for assistance.

106 125.4-2. Reporting Requirements. ~~The Governmental Services Division Director shall report~~  
107 ~~quarterly to the Oneida Business Committee. The report shall include, but is not limited to, the~~  
108 ~~amount of funds paid out under each category of the Fund.~~

109 ~~(e) The Social Services Area or designee shall ensure that the Nation's membership is~~  
110 ~~informed of what assistance is available through the Fund, how to apply for assistance, and~~  
111 ~~who is eligible for assistance.~~

112 125.4-23. Eligibility for assistance provided under the Fund is reserved for enrolled members of  
113 the Nation. Applications may be made by a non-member on the behalf of an enrolled member of  
114 the Nation, provided the requested funds will benefit the member only and the non-member has  
115 one (1) of the following relationships to the applicant:

116 (a) Is a parent of the applicant;

117 (b) Is the legal guardian of the applicant; or

118 (c) Has legal responsibility for the applicant.

119 125.4-34. ~~Residency within the state of Wisconsin is not a prerequisite for assistance, except for~~  
120 ~~requests for a security deposit in accordance with section 125.6-2 from the Fund.~~

121 125.4-45. The Fund is a fund of last resort and provides assistance when there is no other financial  
122 assistance available or all other assistance has been exhausted. Applicants shall first seek out other  
123 resources that can meet the needs of their request. ~~Proof of requesting assistance from other~~  
124 ~~sources shall be provided with the application.~~

125 125.4-56. The following types of catastrophic events, and catastrophic illnesses or injuries qualify

126 an applicant for assistance:

- 127 (a) Terminally ill;
- 128 (b) Physically challenged or incapacitated;
- 129 (c) Major medical surgery;
- 130 (d) Life threatening-~~(i.e., including, but not limited to,~~ cancer, AIDS, stroke, and disabling
- 131 injuries due to motor vehicle accident, ~~etc.);~~;
- 132 (e) ~~—~~ Natural disaster-~~(i.e., including, but not limited to,~~ tornado, fire, flood, ~~etc.);~~;
- 133 (f) Public health emergency; and
- 134 (g) ~~Death in immediate family as identified in section 125.6-1(n).~~

135 125.4-67. Assistance may be denied or limited for applicants who have elected not to be covered

136 by employer benefits such as disability or health insurance.

137 125.4-78. Except as otherwise provided in section 125.6-4, all payments shall be provided directly

138 to the service provider.

139 125.4-89. Assistance available under the Fund is subject to change according to fiscal year funding

140 levels.

141 125.4-910. Oneida programs and enterprises are not eligible for these funds.

142

### 143 **125.5. Priorities for Consideration**

144 125.5-1. The case manager shall determine the level of assistance to be provided based on:

- 145 (a) Severity of the catastrophic event, catastrophic illness, or injury, or emergency event;
- 146 (b) Cost-~~(, usual and customary fees);~~;
- 147 (c) Amount of time elapsed since the catastrophic event, catastrophic illness, or injury, or
- 148 emergency event occurred; and
- 149 (d) The Fund's appropriate promulgated rules.

150 125.5-2. The case manager shall assess each individual case, prioritize, and assist with immediate

151 needs. Priorities are as follows:

- 152 (a) Life-threatening emergency requests;
- 153 (b) Emergency medical travel; and
- 154 (c) Other needs.

155

### 156 **125.6. Items Covered by the Fund**

157 125.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic

158 event, catastrophic illness, or injury, or emergency event. Upon verification of a catastrophic

159 event, catastrophic illness, or injury, or emergency event, the Fund may be used for the following:

- 160 (a) COBRA Insurance Payments;
- 161 (b) Prescriptions not available through an Indian Health Services clinic;
- 162 (c) Medical transportation/ or emergency medical travel including vehicle repairs;
- 163 (d) Medical-related equipment, supplies, or furniture;
- 164 (e) Medical bills-~~(, including dental, optical, and hospital),~~ not covered by insurance;
- 165 (f) Mortgage payments and rent payments ~~(including security deposits),~~ where no other
- 166 resources exist ~~in accordance with section 125.6-2;~~
- 167 (g) Utility disconnections ~~in accordance with section 125.6-3;~~
- 168 (h) Inpatient Treatment-~~(, with a limit of once per lifetime);~~;
- 169 (i) Fire recovery/ and natural disaster assistance;
- 170 (j) Home renovations required for handicap accessibility;
- 171 (k) Family Medical Leave Act wage replacement;

172 (l) Waiting period for a Social Security Disability Determination rent and utility assistance  
 173 up to a maximum of twelve (12) months;

174 (m) ~~Appliance repair for essential appliances as defined in the rules which the Fund~~  
 175 ~~operator shall develop; and/or~~

176 (n) ~~Travel expenses to arrange or attend a funeral for immediate family members outside~~  
 177 ~~the state where an applicant resides, in accordance with section 125.6-4.~~

178 125.6-2. ~~Security deposit~~Deposit. The Fund shall only provide assistance for a security deposit  
 179 when it is tied to or a result of a catastrophic event, catastrophic illness or injury, or emergency  
 180 event, on an emergency basis which shall include, but is not limited to, pending eviction and  
 181 homelessness. ~~Security deposit assistance is limited to Tribal members who are Wisconsin~~  
 182 ~~residents only.~~

183 (a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The  
 184 operators of the Fund shall not co-sign any lease.

185 (b) ~~Security deposits are non-transferable and the amount paid for a security deposit shall~~  
 186 ~~be paid back to the Fund before another security deposit is issued at any time in the future.~~

187 (e)(b) Only one (1) request per household shall be considered; ~~multiple consecutive~~  
 188 ~~requests may be made.~~

189 125.6-3. *Utilities*. Assistance for the payment of utilities shall only be allowed once every two  
 190 (2) years by the person listed as responsible to pay with the utility company. ~~An applicant shall~~  
 191 demonstrate that he or she applied to his or her local Energy Assistance Program before applying  
 192 for assistance from the Fund.

193 125.6-4. ~~Funeral expenses~~Travel Expenses. An applicant may receive assistance with travel  
 194 expenses, up to a maximum amount of five hundred dollars (\$500), to arrange or attend a funeral  
 195 for immediate family members ~~outside the state where the applicant resides.~~ Unless the rules  
 196 allow for direct payment to the travel provider by the Fund Operator, such assistance is required  
 197 to be in the form of reimbursement, provided that mileage assistance shall always be in the form  
 198 of reimbursement.

## 200 125.7. Items not Covered by the Fund

201 125.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event,  
 202 catastrophic illness, or injury, or emergency event as defined above. The following is a list of items  
 203 not covered by the Fund; however, this is not an exhaustive list:

204 (a) Car payments;

205 (b) Taxes;

206 (c) Credit card or charge accounts;

207 (d) Commercial loans;

208 (e) Defaults, fines, or bankruptcy charges;

209 (f) Expenses not tied to basic needs (such as cable, internet, memberships, etc.);;

210 (g) Legal fees, court costs, judgments;

211 (h) Homeless lodging assistance;

212 (h) Lodging assistance due to homelessness, or for any other reason not related to a  
 213 catastrophic event or emergency event;

214 (i) Health membership fees;

215 (j) Food and personal care items;

216 (k) Stabilization rent assistance;

217 (l) Insurance deductibles;

218 (m) Home renovations not related to handicap accessibility; and  
219 (ln) Department of Corrections re-entry assistance.

220 125.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the  
221 following:

- 222 (a) The catastrophic event, catastrophic illness, or injury or emergency event is the result
- 223 of a violation of the law as proven by a citation or criminal conviction;
- 224 (b) The applicant or others in the household benefiting from assistance from the Fund are
- 225 non-compliant with the requirements of other Nation programs, policies or laws; and/or
- 226 (c) The applicant or others in the household benefiting from assistance from the Fund are
- 227 non-compliant with the requirements of the Fund.

228 125.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall  
229 provide an explanation of the decision in writing to the applicant with a copy placed in the  
230 applicant's file.

231  
232 **125.8. Application Requirements**

233 125.8-1. To be considered for assistance and before receiving assistance the applicant shall  
234 complete the full application process. All applicants shall cooperate with the case manager to  
235 assist the case manager in comprehensively addressing the needs of the applicant(s). Every  
236 application shall contain a space for the applicant to identify a preferred method of contact. This  
237 shall be the primary contact method. Case managers shall follow up every contact with written  
238 correspondence, in order to make responses to the applicant in a timely manner so as to meet the  
239 applicant's needs.

240 125.8-2. Supporting documentation is required in all cases. The applicant is responsible to  
241 provide all documentation requested by the case manager. No assistance may be provided without  
242 sufficient documentation of:

- 243 (a) The catastrophic event, catastrophic illness, or injury, or emergency event;
- 244 (b) Proof that the applicant sought assistance from other agencies with an explanation of
- 245 benefits received or refusal of assistance by the other agencies;
- 246 (c) Enrollment in the Nation; and
- 247 ~~(d) All household income the last thirty (30) business days immediately prior to the~~
- 248 ~~submission of the application; and~~
- 249 ~~(e)~~(d) Status of employment which shall include the following as applicable:
  - 250 (1) Leave of absence paperwork;
  - 251 (2) Balance of personal and vacation time accumulation; and
  - 252 (3) Disability insurance or workmen's compensation coverage.

253 125.8-3. Documentation includes, but is not limited to:

- 254 (a) Medical reports;
- 255 (b) Bills or statements;
- 256 (c) Estimates;
- 257 (d) Letters;
- 258 (e) Police or fire reports;
- 259 (f) Obituary or formal notice of death;
- 260 (g) Check stubs;
- 261 (h) Pictures or photographs;
- 262 (i) Applications for assistance from other agencies; and/or
- 263 (j) Approval of assistance or denial of assistance letters from other agencies.

264 125.8-4. Requests submitted without supporting documentation shall be kept on file for thirty  
265 (30) business days.

266 (a) The case manager shall request additional information be provided when an application  
267 contains insufficient information to make an informed decision.

268 (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.

269 (c) Failure to submit the requested information within the thirty (30) business days shall  
270 result in closing the application file, with no further action taken in regard to that  
271 application.

272 (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file  
273 being closed.

274 (e) After the file is closed, the applicant shall start the application process over again in  
275 order to be considered for assistance from the Fund. However, no applicant may re-apply  
276 for the same catastrophic event, catastrophic illness, or injury, or emergency event more  
277 than the limit stated within this law or the Fund's rules.

278 125.8-5. Applications for assistance shall be made within a reasonable time period, not to exceed  
279 ~~thirty (30)~~ forty-five (45) business days of a catastrophic event ~~or, catastrophic illness, or injury,~~ or  
280 emergency event. Applications made after ~~thirty (30)~~ forty-five (45) business days shall not be  
281 considered.

282

283 **125.9. Decision and Appeal**

284 125.9-1. *Initial Decision.* The Fund Operator shall include in the Fund rules a timeline for which  
285 an initial decision is required following the submission of a complete application. Such timeline  
286 shall include available extensions for circumstances wherein the applicant has a determination of  
287 award/ ~~or coverage pending with another support/~~ or assistance resource.

288 125.9-2. ~~Program Appeal to the Director~~ Appeal of the Fund Operator. An appeal of the case  
289 manager's decision shall be requested in writing to the ~~Program Director~~ director of the Fund  
290 Operator within ten (10) business days after receipt of notice of the initial decision. ~~Within ten~~  
291 ~~(10) business days after receiving the appeal, the Program Director~~ The director of the Fund  
292 Operator shall provide the applicant with notice of his or her decision on the matter ~~within ten~~  
293 ~~(10) business days after receiving the appeal.~~

294 125.9-3. ~~Area Manager Appeal~~ Appeal to the Governmental Services Division Director. An  
295 appeal of the ~~Program Director's~~ director of the Fund Operator shall be requested  
296 in writing to the ~~Area Manager~~ Governmental Services Division Director within ten (10) business  
297 days after receipt of notice of the ~~Program Director's~~ director of the Fund Operator's decision.  
298 ~~Within ten (10) business days after receiving the appeal, the Area Manager~~ The Governmental  
299 Services Division Director shall provide the applicant with notice of his or her decision on the  
300 matter ~~within ten (10) business days after receiving the appeal.~~

301 125.9-4. *Oneida Judiciary Appeal.* An applicant may appeal a decision of the Area Manager ~~to~~  
302 ~~the Oneida Court of Appeals in accordance~~ Governmental Services Division Director by filing a  
303 complaint with the Rules of Appellate Procedure Trial Court.

304

305 *End.*

- 
- Adopted - BC-505-15-96-A
  - Amended - BC-1-801-08-97-G
  - Amended - BC-12-11-13-D
  - Amended - BC-01-11-17-B
  - Amended - BC- - - -

**Title 1. Government and Finances – Chapter 125**

***Kaya'takenhásla tsi' niyukwana'táya***

*It is helpful where our community lays*

**COMMUNITY SUPPORT FUND**

125.1. Purpose and Policy

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125.7. Items not Covered by the Fund

125.8. Application Requirements

125.9. Decision and Appeal

**1 125.1. Purpose and Policy**

2 125.1-1. *Purpose.* The purpose of this law is to assist the greatest number of members of the  
3 Nation who apply for assistance to the Fund in times of a catastrophic event, catastrophic illness  
4 or injury, or emergency event when no other resources for assistance exist.

5 125.1-2. *Policy.* It is the policy of the Nation to assist its people in a time of need after a  
6 catastrophic event, catastrophic illness or injury, or emergency event, when there is no other  
7 assistance available or all other assistance has been exhausted.

**8 125.2. Adoption, Amendment, Repeal**

9 125.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-96-  
10 A and amended by resolutions BC-01-08-97-G, BC-12-11-13-D, BC-01-11-17-B and BC-\_\_-\_\_-  
11 \_\_-\_\_-  
12 \_\_-\_\_-.

13 125.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the  
14 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures  
15 Act.

16 125.2-3. Should a provision of this law or the application thereof to any person or circumstances  
17 be held as invalid, such invalidity shall not affect other provisions of this law which are considered  
18 to have legal force without the invalid portions.

19 125.2-4. In the event of a conflict between a provision of this law and a provision of another law,  
20 the provisions of this law shall control.

21 125.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

**22 125.3. Definitions**

23 125.3-1. This section shall govern the definitions of words and phrases used within this law. All  
24 words not defined herein shall be used in their ordinary and everyday sense.

25 (a) "Applicant" means the subject of the application for assistance.

26 (b) "Business day" means Monday through Friday from 8:00 a.m. to 4:30 p.m., excluding  
27 holidays of the Nation.

28 (c) "Case manager" means an employee within the Fund Operator responsible for  
29 administering Fund benefits.

30 (d) "Catastrophic event" means a natural or man-made incident, which results in  
31 substantial damage or loss requiring major financial resources to repair or recover,  
32 including, but not limited to, a house fire, tornado, flood, or other disaster.

33 (e) "Catastrophic illness or injury" means a serious debilitating illness, injury, impairment,  
34 or physical or mental condition that involves:

35 (1) In-patient care;

36 (2) A period of continuing treatment due to a chronic serious health condition,  
37 including, but not limited to, chemotherapy, radiation, dialysis, and daily or weekly  
38



- 39 therapy resulting from trauma;
- 40 (3) A period of illness or injury that is long-term due to a condition for which
- 41 treatment may be ineffective, including, but not limited to, stroke or terminal
- 42 disease; or
- 43 (4) Multiple treatments either for restorative surgery after an accident or other
- 44 injury, or for a chronic condition, including, but not limited to, cancer or kidney
- 45 disease.
- 46 (f) "Emergency event" means a situation that poses an immediate risk to health, life,
- 47 safety, property, or environment. Emergencies require urgent intervention to prevent
- 48 further illness, injury, death, or other worsening of the situation.
- 49 (g) "Emergency medical travel" means an unexpected serious health situation or
- 50 occurrence, requiring the immediate presence of immediate family, including, but not
- 51 limited to, end of life situation or life support.
- 52 (h) "Fund" means the Community Support Fund.
- 53 (i) "Fund Operator" means the Economic Support Services Department, or other
- 54 department within the Governmental Services Division designated authority over the
- 55 operation of the Fund.
- 56 (j) "Immediate family" means an applicant's husband, wife, mother, father, son, daughter,
- 57 brother, sister, grandparent, grandchild, aunt, uncle, niece, nephew, cousin, and any of
- 58 these relations attained through marriage or legal adoption, as well as a person who has
- 59 legal responsibility for the applicant, or a person the applicant has legal responsibility of.
- 60 (k) "Legal guardian" means a person who has the legal authority to care for the personal
- 61 and property interests of another person granted through Court order.
- 62 (l) "Legal responsibility" means specific duties imposed upon a person to care or provide
- 63 for another including liability for personal obligations as granted through a Power of
- 64 Attorney or Court order.
- 65 (m) "Major medical surgery" means a surgical procedure that carries a degree of risk to the
- 66 patient's life, or the potential for severe disability if something goes wrong during surgery.
- 67 It is a surgical procedure that usually requires a patient to be put under general anesthesia
- 68 and given respiratory assistance because he or she cannot breathe independently.
- 69 (n) "Nation" means the Oneida Nation.
- 70 (o) "Public health emergency" means the occurrence or imminent threat of an illness or
- 71 health condition which:
  - 72 (1) is a quarantinable disease, or is believed to be caused by bioterrorism or a
  - 73 biological agent; and
  - 74 (2) poses a high probability of any of the following:
    - 75 (A) a large number of deaths or serious or long-term disability among
    - 76 humans; or
    - 77 (B) widespread exposure to a biological, chemical, or radiological agent
    - 78 that creates a significant risk of substantial future harm to a large number
    - 79 of people.
- 80 (p) "Rule" means a set of requirements enacted in accordance with the Administrative
- 81 Rulemaking law.
- 82 (q) "Trial Court" means the Trial Court of the Oneida Nation Judiciary, which is the
- 83 judicial system that was established by Oneida General Tribal Council resolution GTC-01-
- 84 07-13-B, and then later authorized to administer the judicial authorities and responsibilities

85 of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.

86

87 **125.4. Responsibilities, Eligibility and Qualifications**

88 125.4-1. *Responsibilities of the Fund Operator.* The Fund Operator shall have the following  
89 responsibilities in regard to the operation of the Fund:

90 (a) *Administrative Rulemaking.* The Fund Operator shall promulgate rules for the  
91 administration of the Fund which:

92 (1) shall include the list of categories the Fund covers and a cap that sets the amount  
93 of assistance per event/per household, except for funeral expenses which shall be  
94 set per event/per person; and

95 (2) may include additional items not listed in section 125.6, as long as the rule does  
96 not conflict with any provision of this law.

97 (b) *Communication and Education.* The Fund Operator shall ensure that the Nation's  
98 membership is informed of what assistance is available through the Fund, how to apply for  
99 assistance, and who is eligible for assistance.

100 125.4-2. *Reporting Requirements.* The Governmental Services Division Director shall report  
101 quarterly to the Oneida Business Committee. The report shall include, but is not limited to, the  
102 amount of funds paid out under each category of the Fund.

103 125.4-3. Eligibility for assistance provided under the Fund is reserved for enrolled members of  
104 the Nation. Applications may be made by a non-member on the behalf of an enrolled member of  
105 the Nation, provided the requested funds will benefit the member only and the non-member has  
106 one (1) of the following relationships to the applicant:

107 (a) Is a parent of the applicant;

108 (b) Is the legal guardian of the applicant; or

109 (c) Has legal responsibility for the applicant.

110 125.4-4. Residency within the state of Wisconsin is not a prerequisite for assistance from the  
111 Fund.

112 125.4-5. The Fund is a fund of last resort and provides assistance when there is no other financial  
113 assistance available or all other assistance has been exhausted. Applicants shall first seek out other  
114 resources that can meet the needs of their request. Proof of requesting assistance from other sources  
115 shall be provided with the application.

116 125.4-6. The following types of catastrophic events, and catastrophic illnesses or injuries qualify  
117 an applicant for assistance:

118 (a) Terminally ill;

119 (b) Physically challenged or incapacitated;

120 (c) Major medical surgery;

121 (d) Life threatening, including, but not limited to, cancer, AIDS, stroke, and disabling  
122 injuries due to motor vehicle accident;

123 (e) Natural disaster, including, but not limited to, tornado, fire, flood;

124 (f) Public health emergency; and

125 (g) Death in immediate family.

126 125.4-7. Assistance may be denied or limited for applicants who have elected not to be covered  
127 by employer benefits such as disability or health insurance.

128 125.4-8. Except as otherwise provided in section 125.6-4, all payments shall be provided directly  
129 to the service provider.

130 125.4-9. Assistance available under the Fund is subject to change according to fiscal year funding

131 levels.

132 125.4-10. Oneida programs and enterprises are not eligible for these funds.

133

134 **125.5. Priorities for Consideration**

135 125.5-1. The case manager shall determine the level of assistance to be provided based on:

136 (a) Severity of the catastrophic event, catastrophic illness or injury, or emergency event;

137 (b) Cost, usual and customary fees;

138 (c) Amount of time elapsed since the catastrophic event, catastrophic illness or injury, or  
139 emergency event occurred; and

140 (d) The Fund's appropriate promulgated rules.

141 125.5-2. The case manager shall assess each individual case, prioritize, and assist with immediate  
142 needs. Priorities are as follows:

143 (a) Life-threatening emergency requests;

144 (b) Emergency medical travel; and

145 (c) Other needs.

146

147 **125.6. Items Covered by the Fund**

148 125.6-1. Requests for assistance from the Fund shall be tied to or be a result of a catastrophic  
149 event, catastrophic illness or injury, or emergency event. Upon verification of a catastrophic event,  
150 catastrophic illness or injury, or emergency event, the Fund may be used for the following:

151 (a) COBRA Insurance Payments;

152 (b) Prescriptions not available through an Indian Health Services clinic;

153 (c) Medical transportation or emergency medical travel including vehicle repairs;

154 (d) Medical-related equipment, supplies, or furniture;

155 (e) Medical bills, including dental, optical, and hospital, not covered by insurance;

156 (f) Mortgage payments and rent payments including security deposits, where no other  
157 resources exist;

158 (g) Utility disconnections;

159 (h) Inpatient Treatment, with a limit of once per lifetime;

160 (i) Fire recovery and natural disaster assistance;

161 (j) Home renovations required for handicap accessibility;

162 (k) Family Medical Leave Act wage replacement;

163 (l) Waiting period for a Social Security Disability Determination rent and utility assistance  
164 up to a maximum of twelve (12) months;

165 (m) Appliance repair for essential appliances; and/or

166 (n) Travel expenses to arrange or attend a funeral for immediate family members.

167 125.6-2. *Security Deposit.* The Fund shall only provide assistance for a security deposit when it  
168 is tied to or a result of a catastrophic event, catastrophic illness or injury, or emergency event, on  
169 an emergency basis which shall include, but is not limited to, pending eviction and homelessness.

170 (a) The applicant shall demonstrate the ability to fulfill the terms of the rental lease. The  
171 operators of the Fund shall not co-sign any lease.

172 (b) Only one (1) request per household shall be considered.

173 125.6-3. *Utilities.* Assistance for the payment of utilities shall only be allowed once every two  
174 (2) years by the person listed as responsible to pay with the utility company. An applicant shall  
175 demonstrate that he or she applied to his or her local Energy Assistance Program before applying  
176 for assistance from the Fund.

177 125.6-4. *Funeral Travel Expenses.* An applicant may receive assistance with travel expenses, up  
178 to a maximum amount of five hundred dollars (\$500), to arrange or attend a funeral for immediate  
179 family members. Unless the rules allow for direct payment to the travel provider by the Fund  
180 Operator, such assistance is required to be in the form of reimbursement, provided that mileage  
181 assistance shall always be in the form of reimbursement.  
182

183 **125.7. Items not Covered by the Fund**

184 125.7-1. The Fund shall not be used to cover payments that are not for a catastrophic event,  
185 catastrophic illness or injury, or emergency event as defined above. The following is a list of items  
186 not covered by the Fund; however, this is not an exhaustive list:

- 187 (a) Car payments;  
188 (b) Taxes;  
189 (c) Credit card or charge accounts;  
190 (d) Commercial loans;  
191 (e) Defaults, fines, or bankruptcy charges;  
192 (f) Expenses not tied to basic needs such as cable, internet, memberships, etc.;  
193 (g) Legal fees, court costs, judgments;  
194 (h) Lodging assistance due to homelessness, or for any other reason not related to a  
195 catastrophic event or emergency event;  
196 (i) Health membership fees;  
197 (j) Food and personal care items;  
198 (k) Stabilization rent assistance;  
199 (l) Insurance deductibles;  
200 (m) Home renovations not related to handicap accessibility; and  
201 (n) Department of Corrections re-entry assistance.

202 125.7-2. Benefits may be denied or limited if evidence is found regarding the applicant as to the  
203 following:

- 204 (a) The catastrophic event, catastrophic illness or injury or emergency event is the result  
205 of a violation of the law as proven by a citation or criminal conviction;  
206 (b) The applicant or others in the household benefiting from assistance from the Fund are  
207 non-compliant with the requirements of other Nation programs, policies or laws; and/or  
208 (c) The applicant or others in the household benefiting from assistance from the Fund are  
209 non-compliant with the requirements of the Fund.

210 125.7-3. When a decision is made to approve, deny, or limit benefits, the case manager shall  
211 provide an explanation of the decision in writing to the applicant with a copy placed in the  
212 applicant's file.  
213

214 **125.8. Application Requirements**

215 125.8-1. To be considered for assistance and before receiving assistance the applicant shall  
216 complete the full application process. All applicants shall cooperate with the case manager to  
217 assist the case manager in comprehensively addressing the needs of the applicant(s). Every  
218 application shall contain a space for the applicant to identify a preferred method of contact. This  
219 shall be the primary contact method. Case managers shall follow up every contact with written  
220 correspondence, in order to make responses to the applicant in a timely manner so as to meet the  
221 applicant's needs.

222 125.8-2. Supporting documentation is required in all cases. The applicant is responsible to

- 223 provide all documentation requested by the case manager. No assistance may be provided without  
224 sufficient documentation of:
- 225 (a) The catastrophic event, catastrophic illness or injury, or emergency event;
  - 226 (b) Proof that the applicant sought assistance from other agencies with an explanation of  
227 benefits received or refusal of assistance by the other agencies;
  - 228 (c) Enrollment in the Nation; and
  - 229 (d) Status of employment which shall include the following as applicable:
    - 230 (1) Leave of absence paperwork;
    - 231 (2) Balance of personal and vacation time accumulation; and
    - 232 (3) Disability insurance or workmen's compensation coverage.
- 233 125.8-3. Documentation includes, but is not limited to:
- 234 (a) Medical reports;
  - 235 (b) Bills or statements;
  - 236 (c) Estimates;
  - 237 (d) Letters;
  - 238 (e) Police or fire reports;
  - 239 (f) Obituary or formal notice of death;
  - 240 (g) Check stubs;
  - 241 (h) Pictures or photographs;
  - 242 (i) Applications for assistance from other agencies; and/or
  - 243 (j) Approval of assistance or denial of assistance letters from other agencies.
- 244 125.8-4. Requests submitted without supporting documentation shall be kept on file for thirty  
245 (30) business days.
- 246 (a) The case manager shall request additional information be provided when an application  
247 contains insufficient information to make an informed decision.
  - 248 (b) Applicants may deliver, scan, fax, mail, or e-mail additional requested information.
  - 249 (c) Failure to submit the requested information within the thirty (30) business days shall  
250 result in closing the application file, with no further action taken in regard to that  
251 application.
  - 252 (d) Applicants shall be sent a notice that the file has been closed and reason(s) for the file  
253 being closed.
  - 254 (e) After the file is closed, the applicant shall start the application process over again in  
255 order to be considered for assistance from the Fund. However, no applicant may re-apply  
256 for the same catastrophic event, catastrophic illness or injury, or emergency event more  
257 than the limit stated within this law or the Fund's rules.
- 258 125.8-5. Applications for assistance shall be made within a reasonable time period, not to exceed  
259 forty-five (45) business days of a catastrophic event, catastrophic illness or injury, or emergency  
260 event. Applications made after forty-five (45) business days shall not be considered.  
261

262 **125.9. Decision and Appeal**

263 125.9-1. *Initial Decision.* The Fund Operator shall include in the Fund rules a timeline for which  
264 an initial decision is required following the submission of a complete application. Such timeline  
265 shall include available extensions for circumstances wherein the applicant has a determination of  
266 award or coverage pending with another support or assistance resource.

267 125.9-2. *Appeal to the Director of the Fund Operator.* An appeal of the case manager's decision  
268 shall be requested in writing to the director of the Fund Operator within ten (10) business days  
269 after receipt of notice of the initial decision. The director of the Fund Operator shall provide the  
270 applicant with notice of his or her decision on the matter within ten (10) business days after  
271 receiving the appeal.

272 125.9-3. *Appeal to the Governmental Services Division Director.* An appeal of the decision of  
273 the director of the Fund Operator shall be requested in writing to the Governmental Services  
274 Division Director within ten (10) business days after receipt of notice of the director of the Fund  
275 Operator's decision. The Governmental Services Division Director shall provide the applicant  
276 with notice of his or her decision on the matter within ten (10) business days after receiving the  
277 appeal.

278 125.9-4. *Oneida Judiciary Appeal.* An applicant may appeal a decision of the Governmental  
279 Services Division Director by filing a complaint with the Trial Court.

280  
281 *End.*

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Adopted - BC-05-15-96-A  
Amended - BC-01-08-97-G  
Amended - BC-12-11-13-D  
Amended - BC-01-11-17-B  
Amended - BC-\_\_-\_\_-\_\_

FINANCE ADMINISTRATION  
Fiscal Impact Statement



MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer  
 FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer  
 DATE: February 23, 2021  
 RE: **Fiscal Impact of the Community Support Law**

**I. Estimated Fiscal Impact Summary**

Law: Boards, Committees, and Commissions Law Amendments		Draft 2
Implementing Agency	Economic Support Services Department	
Estimated time to comply	10 days, in compliance with the Legislative Procedures Act	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$298,252- \$630,378	\$2,982,520 - \$6,303,780

**II. Background**

**A. Legislative History**

This law was adopted by the Oneida Business Committee by resolution BC 05-15-96 A and amended by resolutions BC-01-08-97-G, BC-12-11-13D, and BC-01-11-17-B.

**B. Summary of Content**

The amendment to the Community Support Law proposed changes include:

- Providing a definition for Fund Operator;
- Revise the definition of “immediate family” to better reflect Oneida families;
- Include public health emergency as a catastrophic event;
- Clarify the fund may only be used for the waiting period for a Social Security Disability Determination rent and utility assistance up to a maximum of twelve (12) months;

- Remove the requirement that security deposit assistance only be available to those members of the Nation who are Wisconsin residents;
- Remove the requirement that the amount paid for a security deposit be paid back to the fund before another security deposit is issued in the future;
- Clarify that an applicant must clarify that he or she applied to his or her local Emergency Assistance Program prior to applying for utility assistance from the Fund;
- Remove the requirement that funeral travel expenses are only provided to arrange or attend a funeral for immediate family members outside the state where the applicant resides;
- Clarify that lodging assistance due to homelessness or for any other reason not related to a catastrophic event or emergency event, insurance deductibles, and home renovations not related to handicap accessibility are not covered by the Fund;
- Remove the requirement that an applicant provide all household income the last thirty (30) business days;
- Expand the time-period for an applicant to submit an application to forty-five (45) day; and
- Adjust the appeal process to align with the Governmental Services Division process.

### III. Methodology and Assumptions

A "Fiscal Impact Statement" means an estimate of the total identifiable fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an agency to comply with the Law after implementation.

Finance does NOT identify the source of funding for the estimated cost or allocate any funds to the legislation.

The analysis was completed based on the information provided as of the date of this memo.

### IV. Agency

There are no startup, personnel, office or documentation costs associated with this legislation. The amendments will become effective 10 days from adoption.



**V. Financial Impact**

The amendments to the law expand upon the services currently provided within the Community Support Law. The services provided by the Community Support Law are catastrophic or emergency in nature making it difficult to estimate or use trending to determine potential future impacts.

The Economic Support Department identified the ten-year historical trending for the Community Support Law services to range between \$137,541 at the low end to \$630,376 at the high end. The level of demand in each year is independent of the law and is dependent on external factors the Nation is unable to control.

Utilizing the historical trending as a basis for a fiscal impact, we can extrapolate the impact to be at a the low-end an amount greater than \$137,541 and at the high-end an amount greater than \$630,376. Utilizing the mid-point of the range, the estimated annual impact of the law is an amount somewhere between \$298,252 and \$630,376 per year. The ten-year impact would be an amount estimated within the range of \$2,982,520 and \$6,303,760.

**VI. Recommendation**

Finance Department does not make a recommendation regarding course of action in this matter. Rather, it is the purpose of this report to disclose potential financial impact of this legislation, so that the Oneida Business Committee and General Tribal Council has the information with which to render a decision.

# March 2024

March 2024							April 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
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31													

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Feb 26	27	28	29	Mar 1 3:00pm LOC Community Meeting Prep (Microsoft Teams Meeting; BC_Exec_Conf_Room) - Clorissa N. Leeman
4 1:30pm Investigative Leave Law Amendments (Microsoft Teams Meeting) - Grace L. Elliott	5 1:00pm Oneida Language Law Work Meeting (Microsoft Teams Meeting) - Clorissa N. Leeman	6 8:30am LOC Prep Meeting (Microsoft 9:00am Legislative Operating Committee 1:30pm LOC Work Session (Microsoft 5:30pm LOC Community Meeting (Norbert Hill	7	8
11	12	13	14	15
18	19	20 8:30am LOC Prep Meeting (Microsoft Teams Meeting; 9:00am Legislative Operating Committee Meeting (Microsoft 1:30pm LOC Work Session (Microsoft	21	22 9:00am Real Property Law Amendments (Microsoft Teams Meeting) - Grace L. Elliott
25	26 2:00pm Guardianship Law Review (Microsoft Teams Meeting) - Grace L. Elliott	27	28 10:00am Draft Real Property law amendments (Microsoft Teams 1:30pm LOC Work Session (Microsoft Teams Meeting) - Clorissa N. Leeman	29