

ONEIDA NATION PUBLIC MEETING NOTICE

FRIDAY, NOVEMBER 15, 2024, 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at
[Oneida-nsn.gov/government/register/public-meetings](https://oneida-nsn.gov/government/register/public-meetings)



Send Public Comments to

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

ONEIDA LIFE INSURANCE PLAN LAW AMENDMENTS

The purpose of the Oneida Life Insurance Plan law is to provide a death benefit through the Oneida Life Insurance Plan for all eligible enrolled Oneida Nation members, pursuant to the Oneida General Welfare law.

The Oneida Life Insurance Plan law amendments will:

- ◆ Expand the period of time in which it is required to notify the Oneida Trust Enrollment Department of a decedent's death in order to distribute Oneida Life Insurance Plan benefits to the beneficiary from one (1) year to three (3) years .

Individuals may attend the public meeting for the proposed Oneida Life Insurance Plan law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSSES FRIDAY, NOVEMBER 22, 2024

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



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



ONEIDA LIFE INSURANCE PLAN LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	Expand the period of time in which it is required to notify the Oneida Trust Enrollment Department of a decedent’s death in order to distribute Oneida Life Insurance Plan benefits to the beneficiary from one (1) year to three (3) years. [10 O.C. 1004.5-3].
Purpose	The purpose of this law is to provide a death benefit through the Oneida Life Insurance Plan for all eligible enrolled Oneida Nation members, pursuant to the Oneida General Welfare law. [10 O.C. 1004.1-1].
Affected Entities	Oneida Trust Enrollment Department, Members of the Nation
Public Meeting	A public meeting will be scheduled for November 15, 2024.
Fiscal Impact	A fiscal impact statement has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

A. Background. The Oneida Life Insurance Plan law was adopted by the Oneida Business Committee in August of 2023 through resolution BC-08-23-23-G. The purpose of the Oneida Life Insurance Plan law is to the purpose of providing a death benefit through the Oneida Life Insurance Plan for all eligible enrolled Oneida Nation members, pursuant to the Oneida General Welfare law. [10 O.C. 1004.1-1]. It is the policy of the Nation to care for its members and their families even after their death. [10 O.C. 1004.1-2]. The Nation seeks to internalize the Oneida Life Insurance Plan process to ensure equitable and expedient distribution to designated beneficiaries. *Id.* The General Tribal Council, through resolution GTC-01-17-09-B, approved the concept of the Oneida Life Insurance Plan Plus to replace the Oneida Burial Fund. [10 O.C. 1004.1-1(a)]. The General Tribal Council directed implementation of a benefit that pays fifteen thousand dollars (\$15,000) to the designated beneficiary or beneficiaries of the deceased Oneida Nation member. *Id.* The payment of death benefits through OLIPP to designated beneficiaries of a deceased Oneida Nation member is an exercise of self-governance crucial to the Oneida Nation’s sovereignty, and health and welfare of the community. *Id.*

B. Request for Amendments. This item added to the Active Files List on June 5, 2024, at the request of the Chief Financial Officer (CFO), Ralinda Ninham-Lamberies. The CFO requested the Legislative Operating Committee consider an emergency amendment to the Law to remove section 1004.5-3 which provides that “the Oneida Trust Enrollment Department shall be notified within one (1) year of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the beneficiary. Oneida Life Insurance Plan claims made beyond the first anniversary of the decedent’s death shall not be processed for distribution.” Finance provided that recently a member of the Nation missed the deadline by four (4) days, and there would not be an increase in liability is this provision is removed due to limited staff availability. The Legislative Operating Committee determined this request did not meet the standard for emergency legislation provided for in section 109.9-5 of the Legislative

25 Procedures Act, but decided to add this item to the Active Files List anyways due to the August 20,
26 2023 Oneida Business Committee motion which directed the Legislative Operating Committee to bring
27 this Law back for a one (1) year review of its adoption and implementation.

28 **C. One Year Review.** When the Oneida Life Insurance Plan law was adopted in August of 2023, the
29 Oneida Business Committee also directed that the Oneida Life Insurance Plan law be brought back to
30 the Legislative Operating Committee in one (1) year for review. On August 26, 2024, the Legislative
31 Operating Committee meet with the Trust Enrollments Department, Finance, and the Oneida Law
32 Office to discuss the status of implementation of the Oneida Life Insurance Plan law during its first
33 year, and to begin discussions on whether any amendments to the law are necessary at this time. The
34 Legislative Operating Committee accepted the memorandum entitled, *One (1) Year Review of the*
35 *Oneida Life Insurance Plan Law*, on September 4, 2024. Overall, the Trust Enrollments Department,
36 Finance, and the Oneida Law Office provided that the implementation of the Oneida Life Insurance
37 Plan law has been smooth and the law is operating as it was intended. Although the Oneida Life
38 Insurance Plan law is working as intended, the Legislative Operating Committee was asked by Finance
39 to consider two (2) areas where amendments to the Oneida Life Insurance Plan law could potentially
40 result in improvements in how the law is administered: (1) Section 1004.5-2(d) and 1004.6-3: regarding
41 the requirement that funeral expenses be paid directly to the funeral home first before any remaining
42 funds are paid to beneficiary; and (2) Section 1004.5-3: regarding the notice of death requirement of
43 one (1) year. Ultimately, the Legislative Operating Committee decided to pursue amendments to the
44 Oneida Life Insurance Plan law to address the length of time for the notice of death requirement. In the
45 one (1) year review the Oneida Trust Enrollment Department provided the following statistics that were
46 current as of August 29, 2024, to provide some perspective on how the Oneida Life Insurance Plan has
47 been administered during its first year:

Oneida Life Insurance Plan Law Statistics				
<i>Month</i>	<i>Deaths Reported</i>	<i>OLIP Claims</i>	<i>Claims that Provided a Beneficiary</i>	<i>Claims that Did Not Provide a Beneficiary</i>
September 2023	13	12	9	3
October 2023	12	12	11	1
November 2023	10	9	9	0
December 2023	18	16	13	3
January 2024	16	17	15	2
February 2024	22	22	19	3
March 2024	15	13	13	0
April 2024	10	10	10	0
May 2024	23	23	21	2
June 2024	13	13	10	3
July 2024	10	9	8	1
August 2024	12	2	2	0

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49
50 **SECTION 3. CONSULTATION AND OUTREACH**
51 **A.** Representatives from the following departments or entities participated in the development of the
52 amendments to the Oneida Life Insurance Plan law and this legislative analysis:

- 53 ▪ Oneida Law Office;
- 54 ▪ Finance Administration;
- 55 ▪ Oneida Trust Enrollments Department; and
- 56 ▪ Central Accounting.
- 57 **B.** The following laws were reviewed in the drafting of this analysis:
- 58 ▪ Oneida General Welfare law; and
- 59 ▪ Administrative Rulemaking law.

60

61 **SECTION 4. PROCESS**

- 62 **A.** The development of the proposed amendments to the Oneida Life Insurance Plan law complies with
- 63 the process set forth in the Legislative Procedures Act (LPA).
- 64 ▪ On June 5, 2024, the Legislative Operating Committee added the Oneida Life Insurance Plan law
- 65 to its Active Files List.
- 66 ▪ On September 4, 2024, the Legislative Operating Committee approved the draft of proposed
- 67 amendments to the Oneida Life Insurance Plan law.
- 68 ▪ On September 18, 2024, the Legislative Operating Committee approved the legislative analysis for
- 69 the proposed amendments to the Oneida Life Insurance Plan law.
- 70 **B.** At the time this legislative analysis was developed the following work meetings had been held
- 71 regarding the development of the amendments to this Law:
- 72 ▪ August 26, 2024: LOC work session with the Oneida Law Office, Finance Administration, Oneida
- 73 Trust Enrollments Department, and Central Accounting.
- 74 ▪ August 29, 2024: LOC work session.

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

- 77 **A.** *Expansion of the Timeframe for Noticing the Death of a Decedent.* Currently, the Oneida Life
- 78 Insurance Plan law requires that the Oneida Trust Enrollment Department be notified within one (1)
- 79 year of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits
- 80 to the beneficiary. [10 O.C. 1004.5-3]. The Oneida Life Insurance Plan law is clear that Oneida Life
- 81 Insurance Plan claims made beyond the first anniversary of the decedent’s death shall not be processed
- 82 for distribution. *Id.* The proposed amendments to the Oneida Life Insurance Plan law expand the
- 83 amount of time given to notice the Oneida Trust Enrollment Department of the death of a member from
- 84 one (1) year to three (3) years. [10 O.C. 1004.5-3].
- 85 ▪ *Effect.* The Legislative Operating Committee determined that greater flexibility and consideration
- 86 could be given to members of the Nation by increasing the notification period, but ultimately still
- 87 wanted to maintain some notice requirement to ensure that claims are not held open indefinitely.
- 88 The Legislative Operating Committee determined this is accomplished in the proposed
- 89 amendments to the Oneida Life Insurance Plan law that increase the period of time allowed to
- 90 notify the Oneida Trust Enrollment Department of a death in order to distribute Oneida Life
- 91 Insurance Plan benefits from one (1) year to three (3) years.

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93 **SECTION 6. EXISTING LEGISLATION**

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

- 95 ▪ *Oneida General Welfare Law.* The Oneida General Welfare Law governs how the Nation provides
96 assistance to eligible members on a non-taxable basis, pursuant to the principles of the General
97 Welfare Exclusion to Indian Tribal governmental programs that provide benefits to Tribal
98 members. [10 O.C. 1001.1-1].
- 99 ▪ The Oneida Life Insurance Plan is hereby established as an approved program of the Nation in
100 accordance with the Oneida General Welfare Law. [10 O.C. 1003.4-1]. The Oneida Life
101 Insurance Plan meets the requirements of the General Test as defined in the Oneida General
102 Welfare Law. [10 O.C. 1003.4-2].
- 103 ▪ *Administrative Rulemaking Law.* The Administrative Rulemaking law provides an efficient,
104 effective, and democratic process for enacting and revising administrative rules, to ensure that
105 authorized agencies act in a responsible and consistent manner when enacting and revising
106 administrative rules. [1 O.C. 106.1-2].
- 107 ▪ The Oneida Life Insurance Plan law delegates rulemaking authority to the Oneida Trust
108 Enrollment Department to promulgate rules to govern the administration of the Oneida Life
109 Insurance Plan. [10 O.C. 1004.8-1].
- 110 ▪ Any rules promulgated by the Oneida Trust Enrollment Department must be done in accordance
111 with the process and procedures of the Administrative Rulemaking law.

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113 **SECTION 7. OTHER CONSIDERATIONS**

- 114 A. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all
115 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-
116 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*
117 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
118 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
119 completing the fiscal impact statement.
- 120 ▪ *Conclusion.* The Legislative Operating Committee has not yet directed that a fiscal impact
121 statement be completed.

122

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

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

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

1004.1. Purpose and Policy

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

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

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

1004.2. Adoption, Amendment, Repeal

1004.2-1. This law was adopted by the Oneida Business Committee by resolution BC-08-23-23-G, and amended by resolution BC- - - -.

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

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

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

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

1004.3. Definitions

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

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

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

(c) "Decedent" means the deceased person.

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

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

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

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

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

58
59 **1004.4. Establishment**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

111 **1004.6. Beneficiary Claim Process and Distribution**

112 1004.6-1. *Evidence as to Passing or Status.* In proceedings under this law, the following rules
113 relating to determination of death and status are applicable:

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

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

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

124 1004.6-2. *Effect of Homicide on Beneficiary Designation.* A designated beneficiary who
125 criminally and intentionally causes the death of the decedent shall not be entitled to any benefits
126 passing under this law.

127 1004.6-3. *Distribution.* Oneida Life Insurance Plan benefits shall be distributed in the following
128 order:
129

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

136 **1004.7. Funding**

137 1004.7-1. *Funding Source.* The Oneida Life Insurance Plan shall be contingent on funding by the
138 Nation.
139

140 **1004.8. Administrative Rulemaking**

141 1004.8-1. *Delegation of Administrative Rulemaking Authority.* The Oneida Trust Enrollment
142 Department shall be delegated administrative rulemaking authority in accordance with the
143 Administrative Rulemaking law to promulgate rules to govern the administration of the Oneida
144 Life Insurance Plan.
145

146 *End.*
147

148
149 Emergency Adopted – BC-09-28-22-C
150 Emergency Extension – BC-03-22-23-C
151 Adopted – BC-08-23-23-G
152 Amended – BC- - - -

Title 10. General Welfare Exclusion - Chapter 1004
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1004.2-1. This law was adopted by the Oneida Business Committee by resolution BC-08-23-23-G and amended by resolution BC-__-__-__.

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

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

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

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43 by the funeral home including, but not limited to, the following:

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- 46 (3) preparing the notices;
- 47 (4) sheltering the remains;
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49 parties;
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63 to eligible members of the Nation to pay for funeral expenses, with any residual benefit amounts
64 paid thereafter to the designated beneficiary.

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

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74 approved program;
- 75 (5) provided for the promotion of general welfare;
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79 (b) . I.R.S. Rev. Proc. 2014-35, section 5.02(2)(e)(iv) lists funeral, burial, and expenses
80 related to a death as Safe Harbor program for which need is presumed.

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84 Insurance Plan to be used for funeral expenses first, with any residual benefits distributed to a
85 designated beneficiary.

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87 application is approved by Oneida Trust Enrollment Committee and Oneida Business
88 Committee.

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90 from the date their relinquishment request is approved by the Oneida Trust Enrollment
91 Committee and Oneida Business Committee.

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

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

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

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

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

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

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

111 **1004.6. Beneficiary Claim Process and Distribution**

112 1004.6-1. *Evidence as to Passing or Status.* In proceedings under this law, the following rules
113 relating to determination of death and status are applicable:

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

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

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

124 1004.6-2. *Effect of Homicide on Beneficiary Designation.* A designated beneficiary who
125 criminally and intentionally causes the death of the decedent shall not be entitled to any benefits
126 passing under this law.

127 1004.6-3. *Distribution.* Oneida Life Insurance Plan benefits shall be distributed in the following
128 order:
129

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

136 **1004.7. Funding**

137 1004.7-1. *Funding Source.* The Oneida Life Insurance Plan shall be contingent on funding by the
138 Nation.
139

140 **1004.8. Administrative Rulemaking**

141 1004.8-1. *Delegation of Administrative Rulemaking Authority.* The Oneida Trust Enrollment
142 Department shall be delegated administrative rulemaking authority in accordance with the
143 Administrative Rulemaking law to promulgate rules to govern the administration of the Oneida
144 Life Insurance Plan.
145

146 *End.*
147

149 Emergency Adopted – BC-09-28-22-C
150 Emergency Extension – BC-03-22-23-C
151 Adopted – BC-08-23-23-G
152 Amended – BC- _ - _ - _ - _