



**LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA**  
Business Committee Conference Room - 2nd Floor Norbert Hill Center  
December 18, 2024  
9:00 a.m.

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

**II. Minutes to be Approved**

1. December 4, 2024 LOC Meeting Minutes (pg. 2)

**III. Current Business**

1. Oneida Life Insurance Plan Law Amendments (pg. 4)

**IV. New Submissions**

1. Petition S. Benton – Move Oneida Nation Arts Program under Tourism or Community Development (pg. 32)

**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  
December 4, 2024  
9:00 a.m.

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

**Excused:** Marlon Skenandore

**Others Present:** Clorissa N. Leeman, Grace Elliott, Carolyn Salutz

**Others Present on Microsoft Teams:** Rae Skenandore, Kaylynn Gresham, Tavia James-Charles, Ralinda Ninham-Lamberies, Fawn Billie, Kristal Hill, Fawn Cottrell, Lisa Moore, Ronald Vanschyndel, David P. Jordan, Ellie Doxtator, Mary Graves, Maureen Perkins, Michelle Braaten, Nicholas Anderson, Reynold Danforth, Brandon Yellowbird-Stevens, Mark Powless, Stephanie Muscavitch, Todd Vanden Heuvel, Barbara Webster, Sarah White,

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

Jameson Wilson called the December 4, 2024, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jonas Hill to approve the agenda; seconded by Kirby Metoxen. Motion carried unanimously.

**II. Minutes to be Approved**

**1. November 20, 2024 LOC Meeting Minutes**

Motion by Jenny Webster to approve the November 20, 2024 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Jonas Hill. Motion carried unanimously.

**III. Current Business**

**1. Oneida Life Insurance Plan Law Amendments**

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

**IV. New Submissions**

**V. Additions**

**VI. Administrative Updates**



**VII. Executive Session**

**VIII. Adjourn**

Motion by Jennifer Webster to adjourn at 9:06 a.m.; seconded by Kirby Metoxen. Motion carried unanimously.



Legislative Operating Committee  
December 18, 2024

# Oneida Life Insurance Plan Law Amendments

<b>Submission Date:</b> 6/5/24	<b>Public Meeting:</b> 11/15/24
<b>LOC Sponsor:</b> Jameson Wilson	<b>Emergency Enacted:</b> N/A

**Summary:** *This item added to the Active Files List on June 5, 2024, at the request of the Chief Financial Officer, Ralinda Ninham-Lamberies. The CFO requested the LOC 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 if this provision is removed due to limited staff availability. The LOC determined this request did not meet the standard for emergency legislation provided for in section 109.9-5 of the LPA, but decided to add this item to the Active Files List anyways due to the August 20, 2023 OBC motion which directed the LOC to bring this Law back for a one (1) year review of its adoption and implementation.*

**6/5/24 LOC:** Motion by Jonas Hill to add the Oneida Life Insurance Plan Law Amendments to the Active Files List with Jameson Wilson as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

**8/26/24:** *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Carl Artman, Ralinda Ninham-Lamberies, John Danforth, Michelle John, Heidi Janowski, Fawn Billie, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to discuss how the implementation of the Oneida Life Insurance Plan law went during its first year, and begin discussions on whether any amendments to the law are necessary at this time.

**8/29/24:** *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Fawn Cottrell, Kristal Hill, Maureen Perkins, Fawn Billie, Carolyn Salutz. The purpose of this work meeting was to determine what, if any, amendments to make to the Oneida Life Insurance Plan law based on the information received during the One Year Review work meeting held on August 26, 2024.

**9/4/24 LOC:** Motion by Kirby Metoxen to accept the memorandum entitled, One (1) Year Review of the Oneida Life Insurance Plan Law; seconded by Marlon Skenandore. Motion carried unanimously.

Motion by Marlon Skenandore to approve the draft of proposed amendments to the Oneida Life Insurance Plan law and direct that a legislative analysis be developed; seconded by Jonas Hill. Motion carried unanimously.

**9/18/24 LOC:** Motion by Jonas Hill to approve the legislative analysis for the proposed amendments to the Oneida Life Insurance Plan law; seconded by Marlon Skenandore. Motion carried unanimously.

**10/2/24:** *E-Poll Conducted.* This e-poll was titled, Approval of Canceled October 2, 2024 LOC Meeting Materials . The requested action of this e-poll was to: approve the September 18, 2024, LOC meeting minutes and forward to the Oneida Business Committee; approve the public meeting packet for the proposed amendments to the Oneida Life Insurance Plan law, and forward the Oneida Life Insurance Plan law amendments to a public meeting to be held on November 15, 2024; approve the adoption packet for the Computer Resources Ordinance amendments and forward to the Oneida Business Committee for consideration; approve the public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Investigative Leave Policy; and approve the fiscal impact statement request memorandum and forward the materials to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by October 16, 2024. The e-poll was approved by Jennifer Webster, Kirby Metoxen, Jonas Hill, Jameson Wilson, and Marlon Skenandore.

**10/16/24 LOC:** Motion by Jonas Hill to enter into the record the results of the October 2, 2024, e-poll entitled, Approval of the Canceled October 2, 2024 LOC Meeting Materials; seconded by Jennifer Webster. Motion carried unanimously.

**11/15/24:** *Public Meeting Held.* Present: Jameson Wilson, Clorissa Leeman, Gina Powless, John Danforth, Michelle John, Barbara Metoxen, Bonnie Pigman, Carolyn Salutz, Diana Hernandez, Grace Elliott, Jason Martinez, Jesse Kujawa, Justin Nishimoto, Katherine Jordan, Lee Schuyler, Mae Cornelius, Matthew Denny, Patricia Garvey, Ronald Wurth, Todd Vandenheuvel. Five (5) individuals provided comments during the public meeting.


**11/22/24:** *Public Comment Period Closed.* Two (2) individuals provided written comments during the public comment period.

**12/4/24 LOC:** Motion by Jenny Webster to accept the public comments and the public comment review memorandum and defer to a work meeting for further consideration; seconded by Kirby Metoxen. Motion carried unanimously.

**12/4/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Carolyn Salutz, Grace Elliott, Maureen Perkins. The purpose of this work meeting was to review and consider the public comments received.

### **Next Steps:**

- Approve the updated public comment review memorandum, draft, and legislative analysis for the proposed amendments to the Oneida Life Insurance Plan law.
- Approve the fiscal impact statement request memorandum and forward the materials to the Finance Department directing that a fiscal impact statement be prepared and submitted to the LOC by January 9, 2025.

TO: Legislative Operating Committee (LOC)  
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney   
 DATE: December 18, 2024  
 RE: Oneida Life Insurance Plan Law Amendments: Public Comment Review with LOC Consideration

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On November 15, 2024, a public meeting was held regarding the proposed amendments to the Oneida Life Insurance Plan law. The public comment period was then held open until November 22, 2024. The Legislative Operating Committee reviewed and considered all public comments received on December 4, 2024. This memorandum is submitted as a record of their consideration.

### Comments 1 through 4 – Timeframe for Notice of Death:

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

**1004.5-3. Notice of Death.** The Oneida Trust Enrollment Department shall be notified within three (3) years 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 three (3) years of the decedent's death shall not be processed for distribution.

**Gina Powless Buenrostro (oral):** Start over? My name is Gina Powless Buenrostro and I'm here to just make up a couple comments about the Oneida Life Insurance Plan, Chapter 1004. The specific amendment that's on line 106 and 108 - extending Oneida Trust Enrollment Department shall be notified within, and crossed out as one (1) year, and it's the proposed amendment, proposed amendment must be three (3) years of the member of the Nation's death, in order to distribute their Oneida Life Insurance Plan benefits to the beneficiary. Oneida Life insurance Plan claims made beyond the first anniversary is crossed out and inserted is three (3) years of the descendants death or decedents death shall not be processed for distribution. So, my opinion is this, I think one (1) year is generous. When someone dies they're buried probably within a week, but it shouldn't take year for the family to reach out and request funds to assist with the costs. Unless you're wealthy and don't need the money. So, I think for the period of time that is already allotted in a law, that's generous. I think when they're late, they're late. It obviously wasn't important for them to request funding if we're extending it for three (3) years.

The other thing I wanted to addresses when every department has to provide budgets, we have a time limit to get those those forecasts and dollar amounts that we're going to spend for each department. There is time limits so it's proposed to GTC. So when people get to reach out three (3) years later or, you know, within three (3) years, I think that's unreasonable for not only planning purposes for the Trust Enrollment Department to plan how much money they're going to need. I'm sure they have a general idea of how many deaths occur within the Nation on a yearly basis, probably get those numbers, but I don't think we need them. I just think for planning and for monetary reasons, for the budgeting process that I don't think we should be going back three (3) years. I think this is unreasonable.

I don't know who came up with this, but I would like to know who came up. Can I get the name of who came up with this proposal to extend it three (3) years? Was that you guys LOC is that's proposing it?

Yes, okay. So with that being said, I don't think this is in the best interest of the Nation. I don't think it's in the best interest of our budgeting processes and I don't think it's in the best interest of people that actually need the money and they request it within that year period of time. I'm not sure if there's been numerous incidents where people have reached out after a year, I'm pretty sure if there is any, it's probably very limited and restricted and I think we're looking at the betterment of the whole, the whole Nation and not one (1) person or (2) people that miss deadlines. If they miss, deadlines, move on if you already paid for the funeral expenses, move on or whatever. But I think it's unreasonable to come back and then ask for the lot to be changed to extend it for three (3) years. That's just unreasonable. And I think it's unfair, and it's not equitable for the Nation. That's all I have to say. Thank you.

**Bonnie Pigman (oral):** But I also don't agree that an extension should be provided and I also don't agree with running backwards or for a number of years to give people opportunities because when you open those doors up then everybody has an opportunity to say, well, you, you did it once, you should be able to do it again. And I just. I just don't. I don't agree with it. It's never really been allowed. I think there may have been a few instances where failure to comply with the rules and stuff didn't get followed, so that would be maybe the one or two instances that the Trust Enrollment committee allowed for that to occur. So just my thoughts. Thank you so much.

**John Danforth (oral):** John Danforth, Director of Trust and Enrollment. The only comments I wanted to make kind of to echo the sentiments of the last two presenters was when it comes to extending it for one (1) to three (3) years it doesn't have too much of an impact on how the department operates, but it does kind of open the door for people to not have a sense of urgency to file that claim. But for the most part, what we see in our department is the vast majority of people, 99%, are claiming within that year. We did have one (1) outlier, which I think is the root of some of these changes.

**Michelle John (oral):** Hello. I'm Michelle John. I'm the death benefits coordinator for the Oneida Nation. Regarding this, there was only one (1) instance in FY 2023 where a claim was not made in a correct timely manner. I have completed all the other claims. There was over four hundred (400) and some claims to beneficiaries and funeral homes and they were all completed in a timely manner. I don't think that adjusting the time is should be done. I used to work with the Epic insurance as well when I first started. A lot of insurance companies they also have the same time frame, one (1) year. So I don't think we need to adjust this based off of one (1) person that did not comply. That's all I have to say. Thank you.

### ***Response***

Overall, the commenters express a lack of support for expanding 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].



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 if 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 Procedures Act, but decided to add this item to the Active Files List anyways due to the August 20, 2023 Oneida Business Committee motion which directed the Legislative Operating Committee to bring this Law back for a one (1) year review of its adoption and implementation. The Legislative Operating Committee has since been working on the development of amendments to the Law.

Whether or not to 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 is a policy determination for the Legislative Operating Committee to make. The Legislative Operating Committee may make one of the following determinations:

1. The Legislative Operating Committee may determine that the proposed amendments to the Law should remain as currently drafted and require that the Oneida Trust Enrollment Department be notified within three (3) years of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the beneficiary.
2. The Legislative Operating Committee may determine that the proposed amendments to the Law should be eliminated, and the currently effective language in the Law should remain which requires that the Oneida Trust Enrollment Department be notified within one (1) year of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the beneficiary.

### ***LOC Consideration***

After hearing the insight provided by the community members and the Oneida Trust Enrollment Department employees who participated in the public meeting and comment period, The Legislative Operating Committee determined that that the proposed amendments to section 1004.5-3 of the Law should be eliminated, and the currently effective language in the Law should remain which requires that the Oneida Trust Enrollment Department be notified within one (1) year of the member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the beneficiary.

### **Comments 5 through 6 – Administration of the Oneida Life Insurance Plan:**

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

**1004.5-3. *Notice of Death.* The Oneida Trust Enrollment Department shall be notified within**



three (3) years 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 three (3) years of the decedent's death shall not be processed for distribution.

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

#### **1004.8. Administrative Rulemaking**

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

**Bonnie Pigman (oral):** Thank you, my name is Bonnie Pigman. I have enrollment number 5361. And I was just reviewing, I have been reviewing, I believe this is a revision or emergency, whatever, from the original. I know I was working with the Trust Enrollment Department when, from the inception of this when it was a life insurance plan with Epic life insurance company. Two (2) things. I was listening to the previous presenters information about statistically, how often does it occur? It was kind of rare. And I believe at that time, that the, uhh Trust Enrollment Committee was the final authority on decisions regarding any kind of special circumstances for allowing someone to give provided an extension to claim. They were pretty tough about making sure that you know that all the things were followed for the individuals. We followed the policies and the rules. So as long as all of those were complied with by the Department, no extension was ever provided.

The other thing is I don't see who your authority is for decision making on the plan, the life insurance plan. At this time, I don't see it in there. I don't know if it's someplace else. It wasn't included in the materials that were sent out or online, so I just have question because I still think that the Trust Enrollment Committee should be the authority for this. Seeing that they have the responsibility to work with the membership on these on this particular item. So I don't know that that ever was transferred to someone else, maybe the Judiciary, but I didn't see it in your documentation. Just a couple of questions or thoughts on where this is going.

**Jermaine Delgado (written):** OTEC recommends LOC consider language to establish a linear decision-making process to ensure the Oneida Business Committee does not become embroiled in future disputes regarding the distribution of benefits. OLIP is in its third year of tribal administration under this law. The Trust and Enrollment Division has encountered questions regarding timing, beneficiaries, and distribution of residuals. Most of these questions have been addressed through the administrative rulemaking process delegated to OTEC through OLIP. OTEC believes additional clarity may be gained through a defined decision appeals process. OTEC believes the Trust and Enrollment Director may promulgate a substantiated decision regarding OLIP matters. A director's decision may then be appealed to OTEC for affirmation or reconsideration. These two steps may be addressed through the administrative rulemaking process.

As OLIP ages, we may find potential beneficiaries seeking an additional "appeal" of an OTEC decision to the Business Committee or the Oneida Judiciary. We would hope the former would not be successful as this may appear as a political appeal of a lawful decision. The latter option of

appealing to the Oneida Judiciary would be a wise use of this branch's oversight and interpretive role. OTEC believes allocating an appeal role to the Oneida Judiciary may be outside the scope of its administrative rulemaking authority. The inclusion of an appeal of an OTEC decision to the Oneida Judiciary should be expressly stated by the LOC and adopted by the Business Committee. OTEC recommends LOC look to the Oneida Nation Law Enforcement law, 3 O.C. 301.9-9, for model language, if the LOC chooses an appeal process outside the scope of OTEC's administrative rulemaking authority. If LOC decides to not include this language then OTEC will remain the sole appeal step for OLIP decisions.

Thank you for your attention to this matter. Respectfully, Oneida Trust and Enrollments Committee

### ***Response***

The commenters question who has oversight and decision making authority regarding the Oneida Life Insurance Plan, and question whether it is the intention of the Law to allow decisions regarding the Oneida Life Insurance Plan to be appealable to the Oneida Business Committee or Judiciary.

The Law delegates authority to the Oneida Trust Enrollment Department for the oversight and management of the Oneida Life Insurance Plan. [10 O.C. 1004.5-4]. The Law also delegates administrative rulemaking authority to the Oneida Trust Enrollment Department to promulgate rules to govern the administration of the Oneida Life Insurance Plan. [10 O.C. 1004.8-1]. The Law is fairly straightforward, and contains little requirements or room for interpretation. But if there were any issues that arise that are not addressed through the Law, the Oneida Trust Enrollment Department has the authority to address the issue through an administrative rule developed in accordance with the Administrative Rulemaking law. It is not the intention of the Law that decisions made by the Oneida Trust Enrollment Department be appealed to the Oneida Business Committee or the Judiciary.

There is no recommended revision to the proposed amendments to the Law based on this comment.

### ***LOC Consideration***

Although the Legislative Operating Committee is confident in the Oneida Trust Enrollment Department's ability to oversee and manage the Oneida Life Insurance Plan in accordance with this law, they wanted to ensure individuals who believe they were wrongfully denied benefits have a mechanism to have that decision reviewed, and therefore directed the following be added to the Law:

#### **1004.9. Appeals**

1004.9-1. An individual designated as the beneficiary of a decedent who believes they were wrongfully denied benefits from the Oneida Life Insurance Plan by the Oneida Trust Enrollment Department may appeal the denial of benefits to the Oneida Trust Enrollment Committee. Any decision made by the Oneida Trust Enrollment Committee regarding the validity of the denial of benefits is final.

## Comments 7 through 8 – Effective Date of Potential New Amendments:

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

**1004.5-3. Notice of Death.** The Oneida Trust Enrollment Department shall be notified within three (3) years 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 three (3) years of the decedent's death shall not be processed for distribution.

**John Danforth (oral):** The one thing I will echo from, from Bonnie as well, which is an establishment of a date of the effectiveness that this law is covering, similar to the avoiding unlawful membership act where that was established, I believe on February 14th of 2018, and that law to avoid someone's membership is only applicable to anyone who was enrolled after that date. Because there shouldn't be a witch hunt backwards in that sense. Basically leaving the past in the past. So I would ask for with this law and establishment of an effective date, basically stating that any date or any death from today forward that is applicable to this law establishing that we are moving forward from today and these are the rules that we are following for, for this life insurance plan. So those are the only comments I wanted to make regarding these amendments to the law.

**Jermaine Delgado (written):** Dear Legislative Operating Committee, I write on behalf of the Oneida Trust and Enrollments Committee (OTEC) regarding proposed amendments to the Oneida Life Insurance Plan law (OLIP). The Legislative Operating Committee (LOC) proposes to extend the time to file from one year to three years.

OTEC recommends LOC include a start or effective date for the amendments. A clearly stated effective date for the OLIP amendments will: 1) eliminate confusion as to when a decedent's benefits may be applied to the funeral expenses and residuals, 2) offer guidance as to when the beneficiaries may seek OLIP assistance, and 3) clarify for the Trust and Enrollment Division when and how the amendments should commence for a decedent's benefits. The effective date for the amendments under consideration could be part of the Business Committee resolution adopting the amendments. OTEC recommends the effective date being the date of the adopting Business Committee resolution's passage, thereby establishing a clear date on and after which the timing for the benefits commence.

### *Response*

The commenters both recommend that if the proposed amendment to section 1004.5-3 of the Law which expands the period of time in which it is required to notify the Oneida Trust Enrollment Department of a decedent's death in order for the Oneida Life Insurance Plan benefits to be distributed to the beneficiary from one (1) year to three (3) years is adopted, then the adopting resolution should clearly provide a date in which that amendment becomes effective and applies. It is recommended that the adopting resolution provide that the expanded three (3) year notification timeframe would only apply to deaths occurring after the proposed amendments to the Law become effective, and would not apply to deaths occurring prior to the adoption of amendments to this Law.

The Legislative Operating Committee may determine whether or not to address the application of the proposed amendment to section 1004.5-3 of the Law in the adopting resolution.

### ***LOC Consideration***

The Legislative Operating Committee determined that setting an effective date in the adopting resolution to address the application of proposed amendments would no longer be necessary since section 1004.5-3 of the Law would no longer be amended, and instead will remain as provided in the currently effective law, in which the Oneida Trust Enrollment Department must be notified of a decedent's death in order for the Oneida Life Insurance Plan benefits to be distributed to the beneficiary within one (1) year.

### **Comments 9 through 10 – Employee Benefit Confusion:**

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

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

**Matthew J. Denny (oral):** Yeah, Matt Denny, 8245 enrollment number. You know something's happened. I you know, I know there was an individual down the road from me that passed away and they had no idea who the beneficiaries were and come to find out if their beneficiaries were in some different state. It took longer than a year, you know, and that was. You know, that's without, that's just finding out who the beneficiaries were. I mean, things happen. I mean the one (1) year deadline, this is something that the employees, you know the deceased employee paid into. So I just don't know why we wouldn't just continue the payment understanding that. Like I get people have may have to do a little more work, but you know it's their, it's their benefit. I don't. I don't know why we would take it away. It's all I got.

**Matthew J. Denny (written):** #8245, Waiting to request their benefits does not have to do with how much money someone has. Unfortunate things happen that could result in not requesting benefits that the employee paid for. Its their money. I support the one (1) to three (3) years.

### ***Response***

The commenter appears to have confused the Oneida Life Insurance plan with a life insurance benefit that is provided to employees. The Oneida Life Insurance Plan benefits is not an employee benefit. The Oneida Life Insurance Plan is a benefit provided to all members of the Nation to be used for funeral expenses first, with any residual benefits distributed to a designated beneficiary. [10 O.C. 1004.5-1]. This is not a benefit that an individual paid into or contributed to in order to receive. Benefits from the Oneida Life Insurance Plan are contingent on funding by the Nation. [10 O.C. 1004.7-1]. It is unclear whether the commenter would support the expansion of the notification timeframe in regard to the Oneida Life Insurance Plan and not an employee life insurance benefit.

There is no revision to the proposed draft of amendments to the Law based on this comment.

### *LOC Consideration*

The Legislative Operating Committee agreed that no revision was needed to the proposed draft of amendments to the Law based on this comment.

### **Comment 11 – Notification and Identification of Beneficiaries:**

#### **1004.8. Administrative Rulemaking**

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

**Matthew J. Denny (written):** Sometimes the beneficiaries don't know they are beneficiaries. Will the Trust and Enrollment Department reach out to the beneficiaries?

#### *Response*

The commenter questions if beneficiaries are notified by the Oneida Trust Enrollment Department when they are listed as a beneficiary for a member of a Nation. Currently, the Law does not address if beneficiaries are notified upon being listed as a beneficiary of a member of the Nation, nor does the Law address a process in which people can check who is listed as the beneficiary of an individual. The Law delegates authority to the Oneida Trust Enrollment Department for the oversight and management of the Oneida Life Insurance Plan. [10 O.C. 1004.5-4]. The Law also delegates administrative rulemaking authority to the Oneida Trust Enrollment Department to promulgate rules to govern the administration of the Oneida Life Insurance Plan. [10 O.C. 1004.8-1].

It is recommended that the Oneida Trust Enrollment Department consider the development of administrative rules which address such topics as the notification or identification of beneficiaries.

### *LOC Consideration*

The Legislative Operating Committee determined that based on section 1004.8-1 of the Law that delegates administrative rulemaking authority to the Oneida Trust Enrollment Department, it would be most appropriate for the Oneida Trust Enrollment Department consider the development of administrative rules which address such topics as the notification or identification of beneficiaries.

**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~~

~~1004.4. Establishment~~

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

~~1004.6. Beneficiary Claim Process and Distribution~~

~~1004.7. Funding~~

~~1004.8. Administrative Rulemaking~~

~~1004.9. Appeals~~

~~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~~

~~1004.2. Adoption, Amendment, Repeal~~

~~1004.3. Definitions~~

**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.

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(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

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38 (c) “Decedent” means the deceased person.

39 (d) “Designated Beneficiary” means any person(s) designated by the enrolled member of  
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41 of the decedent’s Oneida Life Insurance Plan benefit.

42 (e) “Funeral Expenses” means the cost of the funeral of the decedent accrued and invoiced  
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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  
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67 I.R.S. Rev. Proc. 2014-35. Section 5.01(1); and the requirements of the Tribal General Welfare  
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75 (5) provided for the promotion of general welfare;

76 (6) not lavish or extravagant;

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

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

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

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

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

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

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

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

1004.5-3. *Notice of Death.* The Oneida Trust Enrollment Department shall be notified within ~~three (3) years~~ **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 ~~three (3) years~~ **the first anniversary** of the decedent's death shall not be processed for distribution.

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

**1004.6. Beneficiary Claim Process and Distribution**

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

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

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

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

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125 1004.6-2. *Effect of Homicide on Beneficiary Designation.* A designated beneficiary who  
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137 1004.7-1. *Funding Source.* The Oneida Life Insurance Plan shall be contingent on funding by the  
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141 1004.8-1. *Delegation of Administrative Rulemaking Authority.* The Oneida Trust Enrollment  
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153 *End.*  
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156 Emergency Adopted – BC-09-28-22-C

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

158 Adopted – BC-08-23-23-G

159 Amended – BC-\_\_-\_\_-\_\_-\_\_

**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~~

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**1004.1. Purpose and Policy**

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

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

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

**1004.2. Adoption, Amendment, Repeal**

1004.2-1. This law was adopted by the Oneida Business Committee by resolution BC-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.

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**Title 10. General Welfare Exclusion - Chapter 1004  
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158 Adopted – BC-08-23-23-G  
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# ONEIDA LIFE INSURANCE PLAN LAW AMENDMENTS LEGISLATIVE ANALYSIS

## SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
<b>Intent of the Proposed Amendments</b>	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].
<b>Purpose</b>	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].
<b>Affected Entities</b>	Oneida Trust Enrollment Department, Members of the Nation
<b>Public Meeting</b>	A public meeting was held on November 15, 2024. Five (5) individuals provided comments during the public meeting. The public comment period was then held open until November 22, 2024. Two (2) individuals provided written comments during the public comment period.
<b>Fiscal Impact</b>	A fiscal impact statement will be requested on December 18, 2024.

## SECTION 2. LEGISLATIVE DEVELOPMENT

- 1 **SECTION 2. LEGISLATIVE DEVELOPMENT**
- 2 **A. Background.** The Oneida Life Insurance Plan law was adopted by the Oneida Business Committee in
- 3 August of 2023 through resolution BC-08-23-23-G. The purpose of the Oneida Life Insurance Plan law
- 4 is to the purpose of providing a death benefit through the Oneida Life Insurance Plan for all eligible
- 5 enrolled Oneida Nation members, pursuant to the Oneida General Welfare law. [10 O.C. 1004.1-1]. It
- 6 is the policy of the Nation to care for its members and their families even after their death. [10 O.C.
- 7 1004.1-2]. The Nation seeks to internalize the Oneida Life Insurance Plan process to ensure equitable
- 8 and expedient distribution to designated beneficiaries. *Id.* The General Tribal Council, through
- 9 resolution GTC-01-17-09-B, approved the concept of the Oneida Life Insurance Plan Plus to replace
- 10 the Oneida Burial Fund. [10 O.C. 1004.1-1(a)]. The General Tribal Council directed implementation
- 11 of a benefit that pays fifteen thousand dollars (\$15,000) to the designated beneficiary or beneficiaries
- 12 of the deceased Oneida Nation member. *Id.* The payment of death benefits through OLIPP to designated
- 13 beneficiaries of a deceased Oneida Nation member is an exercise of self-governance crucial to the
- 14 Oneida Nation’s sovereignty, and health and welfare of the community. *Id.*
- 15 **B. Request for Amendments.** This item added to the Active Files List on June 5, 2024, at the request of
- 16 the Chief Financial Officer (CFO), Ralinda Ninham-Lamberies. The CFO requested the Legislative
- 17 Operating Committee consider an emergency amendment to the Law to remove section 1004.5-3 which
- 18 provides that “*the Oneida Trust Enrollment Department shall be notified within one (1) year of the*
- 19 *member of the Nation’s death in order to distribute the Oneida Life Insurance Plan benefits to the*
- 20 *beneficiary. Oneida Life Insurance Plan claims made beyond the first anniversary of the decedent’s*
- 21 *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 Procedures Act, but decided to add this item to the Active Files List anyways due to the August 20, 2023 Oneida Business Committee motion which directed the Legislative Operating Committee to bring this Law back for a one (1) year review of its adoption and implementation.

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

<b>Oneida Life Insurance Plan Law Statistics</b>				
<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

48

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     ▪ On October 2, 2024, the Legislative Operating Committee conducted an e-poll entitled, *Approval*  
71 *of Canceled October 2, 2024 LOC Meeting Materials*, which included a requested action of approve  
72 the public meeting packet for the proposed amendments to the Oneida Life Insurance Plan law, and  
73 forward the Oneida Life Insurance Plan law amendments to a public meeting to be held on  
74 November 15, 2024. This e-poll was approved by Jennifer Webster, Kirby Metoxen, Jonas Hill,  
75 Jameson Wilson, and Marlon Skenandore.
  - 76     ▪ On October 16, 2024, the Legislative Operating Committee entered into the record the results of  
77 the October 2, 2024, e-poll entitled, *Approval of the Canceled October 2, 2024 LOC Meeting*  
78 *Materials*.
  - 79     ▪ On November 15, 2024, a public meeting on the proposed amendments to the Law was held. Five  
80 (5) individuals provided comments during the public meeting.
  - 81     ▪ The public comment period was then held open until November 22, 2024. Two (2) individuals  
82 provided written comments during the public comment period.
  - 83     ▪ On December 4, 2024, the Legislative Operating Committee accepted the public comments and the  
84 public comment review memorandum and deferred these items to a work meeting for further  
85 consideration. The Legislative Operating Committee reviewed and considered the public comments  
86 received that same day.
- 87 B. At the time this legislative analysis was developed the following work meetings had been held  
88 regarding the development of the amendments to this Law:
- 89     ▪ August 26, 2024: LOC work session with the Oneida Law Office, Finance Administration, Oneida  
90 Trust Enrollments Department, and Central Accounting.
  - 91     ▪ August 29, 2024: LOC work session.
  - 92     ▪ December 4, 2024: LOC work session.
- 93

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

95 A. *Appeals.* The proposed amendments to the Law add in a new section that addresses appeals. The Law  
96 now provides that an individual designated as the beneficiary of a decedent who believes they were  
97 wrongfully denied benefits from the Oneida Life Insurance Plan by the Oneida Trust Enrollment  
98 Department may appeal the denial of benefits to the Oneida Trust Enrollment Committee, and  
99 subsequently any decision made by the Oneida Trust Enrollment Committee regarding the validity of  
100 the denial of benefits is final. [10 O.C. 1004.9-1].

- 101 ▪ *Effect.* Although the Legislative Operating Committee is confident in the Oneida Trust Enrollment  
102 Department’s ability to oversee and manage the Oneida Life Insurance Plan in accordance with this  
103 law, they wanted to ensure individuals who believe they were wrongfully denied benefits have a  
104 mechanism to have that decision reviewed.

105  
106 **SECTION 6. EXISTING LEGISLATION**

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

- 108 ▪ *Oneida General Welfare Law.* The Oneida General Welfare Law governs how the Nation provides  
109 assistance to eligible members on a non-taxable basis, pursuant to the principles of the General  
110 Welfare Exclusion to Indian Tribal governmental programs that provide benefits to Tribal  
111 members. [10 O.C. 1001.1-1].

- 112 ▪ The Oneida Life Insurance Plan is hereby established as an approved program of the Nation in  
113 accordance with the Oneida General Welfare Law. [10 O.C. 1003.4-1]. The Oneida Life  
114 Insurance Plan meets the requirements of the General Test as defined in the Oneida General  
115 Welfare Law. [10 O.C. 1003.4-2].

- 116 ▪ *Administrative Rulemaking Law.* The Administrative Rulemaking law provides an efficient,  
117 effective, and democratic process for enacting and revising administrative rules, to ensure that  
118 authorized agencies act in a responsible and consistent manner when enacting and revising  
119 administrative rules. [1 O.C. 106.1-2].

- 120 ▪ The Oneida Life Insurance Plan law delegates rulemaking authority to the Oneida Trust  
121 Enrollment Department to promulgate rules to govern the administration of the Oneida Life  
122 Insurance Plan. [10 O.C. 1004.8-1].

- 123 ▪ Any rules promulgated by the Oneida Trust Enrollment Department must be done in accordance  
124 with the process and procedures of the Administrative Rulemaking law.

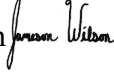
125  
126 **SECTION 7. OTHER CONSIDERATIONS**

127 A. *Fiscal Impact.* Under the Legislative Procedures Act, a fiscal impact statement is required for all  
128 legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-  
129 10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures*  
130 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete  
131 a fiscal impact statement at various stages of the legislative process, as well as timeframes for  
132 completing the fiscal impact statement.

- 133 ▪ *Conclusion.* On December 18, 2024, the Legislative Operating Committee will be directing that a  
134 fiscal impact statement be completed.





TO: Ralinda Ninham-Lamberies, Chief Financial Officer  
Lawrence Barton, Oneida Business Committee Treasurer  
FROM: Jameson Wilson, Legislative Operating Committee Chairman   
DATE: December 18, 2024  
RE: Oneida Life Insurance Plan Law Amendments Fiscal Impact Statement

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

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

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

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

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

On December 18, 2024, the Legislative Operating Committee approved the final draft of the proposed amendments to the Oneida Life Insurance Plan law. Therefore, the LOC is directing the Finance Department to provide a fiscal impact statement on the proposed amendments to the Oneida Life Insurance Plan law by January 9, 2025.

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

**Requested Action**

Provide the LOC a fiscal impact statement of the proposed amendments to the Oneida Life Insurance Plan law by January 9, 2025.



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



### AGENDA REQUEST FORM


- 1) Request Date: December 18, 2024
- 2) Contact Person(s): Clorissa N. Leeman  
Dept: Legislative Reference Office  
Phone Number: (920) 869-4417 Email: clorissaleeman@gmail.com
- 3) Agenda Title: Petition S. Benton: Move the Oneida Nation Arts Program under Tourism or Community Development
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:  
On 12/11/24 the OBC acknowledged receipt of this petition and directed the LRO to complete a SOE with status updates to be submitted for the January 22, 2025 regular OBC meeting.

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

- 1) Excerpt from draft 12/11/24 OBC Meeting Minutes
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

- 5) Please list any laws, policies or resolutions 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:  
Status update due at January 22, 2025 OBC meeting.

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

Signature of Requester: 

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

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

**DRAFT**

- 4. Accept the Oneida Youth Leadership Institute FY-2024 4th quarter report (00:43:55)**  
Sponsor: Marlon Skenandore, Councilman

Motion by Marlon Skenandore to accept the Oneida Youth Leadership Institute FY-2024 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Kirby Metoxen, Marlon Skenandore,  
Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens  
Not Present: Lisa Liggins

**XIII. GENERAL TRIBAL COUNCIL****A. PETITIONER SHERROLE BENTON - Move Oneida Nation Arts Program under Tourism or Community Development - petition # 2024-03**

- 1. Approve three (3) requested actions regarding petition # 2024-03 (00:44:33)**  
Sponsor: Lisa Liggins, Secretary

*Secretary Lisa Liggins arrived at 9:24 a.m.*

Motion by Lawrence Barton to acknowledge receipt of the petition from Sherrole Benton regarding Move Oneida Nation Arts Program under Tourism or Community Development; to direct the BC Direct Report Offices to complete and submit their administrative impact statements of the petition to the Tribal Secretary mailbox by Thursday, January 2, 2025; and to direct the Law, Finance, and Legislative Reference Offices to complete, respectively, the legal review, fiscal impact statement, and statement of effect with status updates to be submitted for the January 22, 2025, regular Business Committee meeting agenda and the first Business Committee meeting of the month thereafter or until the final documents are submitted, seconded by Kirby Metoxen. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Kirby Metoxen, Marlon Skenandore,  
Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens  
Not Present: Lisa Liggins

**B. Accept the draft November 18, 2024, special General Tribal Council meeting minutes and review requested action (00:53:27)**  
Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to accept the draft November 18, 2024, special General Tribal Council meeting minutes; to direct CIP # 16-011 to be revised to focus on current Recreation needs with options for future growth; to direct CIP # 16-011 Project Team to present a proposed budget estimate to the Oneida Business Committee at the first meeting in March 2025; to direct the Treasurer to assign appropriate personnel to be assigned to the Project Team for CIP # 16-011 to provide financial guidance, seconded by Jonas Hill. Motion carried:

Ayes: Lawrence Barton, Jonas Hill, Lisa Liggins, Kirby Metoxen, Marlon Skenandore, Jennifer Webster, Jameson Wilson, Brandon Yellowbird-Stevens

# December 2024

December 2024

Su	Mo	Tu	We	Th	Fr	Sa
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15	16	17	18	19	20	21
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29	30	31				

January 2025

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26	27	28	29	30	31	

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
<p><b>Dec 2</b></p> <p>1:30pm UCC Law (Microsoft Teams Meeting; BC_Exec_Conf_Room) -</p> <p>2:30pm Oneida Personnel Policies and Procedures Amendments Work</p>	<p><b>3</b></p> <p>11:00am Elder Protection Law (Microsoft Teams Meeting) - Grace L. Elliott</p>	<p><b>4</b></p> <p>8:30am LOC Prep Meeting (Microsoft Teams Meeting) - Clorissa N.</p> <p>9:00am Legislative Operating Committee Meeting (Microsoft</p> <p>5:30pm LOC Community Meeting: Marijuana</p>	<p><b>5</b></p>	<p><b>6</b></p>
<p><b>9</b></p>	<p><b>10</b></p> <p>2:30pm Real Property Holding of Ownership Review (Microsoft Teams Meeting;</p> <p>2:30pm Business Corporations Limited Liability Company Forms (Microsoft</p>	<p><b>11</b></p>	<p><b>12</b></p>	<p><b>13</b></p>
<p><b>16</b></p>	<p><b>17</b></p> <p>10:00am Canceled: Real Property Read Through (Microsoft Teams Meeting) - Grace L. Elliott</p>	<p><b>18</b></p> <p>8:30am LOC Prep Meeting (Microsoft Teams Meeting;</p> <p>9:00am Legislative Operating Committee Meeting (Microsoft</p> <p>1:30pm LOC Work Session</p>	<p><b>19</b></p>	<p><b>20</b></p>
<p><b>23</b></p>	<p><b>24</b></p> <p>12:00pm Holiday - Christmas Eve</p>	<p><b>25</b></p> <p>8:00am Holiday - Christmas</p>	<p><b>26</b></p>	<p><b>27</b></p>
<p><b>30</b></p>	<p><b>31</b></p>	<p><b>Jan 1, 25</b></p>	<p><b>2</b></p>	<p><b>3</b></p>