

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # 10-28-20-A

Further Interpretation of "Fiscal Impact Statement" in the Legislative Procedures Act

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Legislative Procedures Act was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of ensuring there is a standard process for the development of legislation for the Nation; and
- WHEREAS,** the Legislative Procedures Act delegates authority to the Legislative Operating Committee for the development of legislation of the Nation; and
- WHEREAS,** the Legislative Operating Committee has created procedural mechanisms to implement the Legislative Procedures Act which focus on generating public and organizational input and transparency assisted by new technologies; and
- WHEREAS,** section 109.6-1 of the Legislative Procedures Act requires the development of a Fiscal Impact Statement which is an estimate of the total fiscal year financial effects associated with legislation and includes startup costs, personnel, office, documentation costs, as well as an estimate of the amount of time necessary for an individual or agency to comply with the law after implementation; and
- WHEREAS,** a Fiscal Impact Statement is required prior to legislation being forwarded to the Oneida Business Committee for consideration; and
- WHEREAS,** the Legislative Procedures Act provides that the Legislative Operating Committee may direct any affected agency who may receive funding if the legislation is enacted, may administer a program if legislation is enacted, may have financial information concerning the subject matter of the legislation, or the Finance Department to submit the Fiscal Impact Statement; and
- WHEREAS,** although not required for a public meeting, the Legislative Operating Committee has determined that having a Fiscal Impact Statement for the public meeting is important in providing transparency and understanding the full impact of a proposed law while at the

same time recognizing the limited resources and time available from the Finance Department to develop multiple Fiscal Impact Statements; and

WHEREAS, the Legislative Operating Committee had determined that Fiscal Impact Statements from affected agencies and affected individuals will be informative during the legislative development processes and public meeting discussion; and

WHEREAS, the Legislative Operating Committee identified that the provisions of the Legislative Procedures Act regarding the Fiscal Impact Statement required clarification as to which entity would be directed to complete a Fiscal Impact Statement at which stage of the legislative process, but that this issue did not rise to the level of requiring amendments to the law; and

WHEREAS, in order to provide clarification as to how Fiscal Impact Statements in the Legislative Procedures Act would be interpreted, the Oneida Business Committee adopted resolution BC-09-25-19-A titled, "*Interpreting 'Fiscal Impact Statement' in the Legislative Procedures Act*" which provided the following: "the Fiscal Impact Statement required in section 109.6-1 of the Legislative Procedures Act shall be applied as follows.

1. *Fiscal Impact Statements for use during a Public Meeting.* When developing a Fiscal Impact Statement for proposed legislation to be used in a public meeting scheduled under section 109.8-2, the Legislative Operating Committee may use any agency who:

- a. may receive funding if the legislation is enacted;
- b. may administer a program if the legislation is enacted; or
- c. may have financial information concerning the subject matter of the legislation.

2. *Fiscal Impact Statements for use during Consideration of Adoption.* When developing a Fiscal Impact Statement for proposed legislation to be used for presentation to and consideration of adoption by the Oneida Business Committee and/or General Tribal Council under section 109.9-1, the Finance Department shall, within ten (10) business days of final approval of draft legislation by the Legislative Operating Committee, send a Fiscal Impact Statement to the Legislative Operating Committee for inclusion in adoption materials.

WHEREAS, the Legislative Operating Committee determined that it is impracticable to limit the development of Fiscal Impact Statements for use during consideration of adoption to solely the Finance Department when the Legislative Procedures Act affords more flexibility; and

WHEREAS, the Legislative Operating Committee, for purposes of standardizing the interpretation of the Legislative Procedures Act and managing the agenda of the Oneida Business Committee, requests adoption of this updated interpretive resolution; and

NOW THEREFORE BE IT RESOLVED, that this resolution supersedes resolution BC-09-25-19-A titled, "*Interpreting 'Fiscal Impact Statement' in the Legislative Procedures Act*" and provides that the Financial Impact Statement required in section 109.6-1 of the Legislative Procedures Act shall be applied as follows:

1. *Fiscal Impact Statements for use during a Public Meeting.* When developing a Fiscal Impact Statement for proposed legislation to be used during a public meeting and public comment period scheduled under section 109.8:
 - a. The Legislative Operating Committee may direct that a Fiscal Impact Statement be completed by any agency who:
 - i. may receive funding if the legislation is enacted;

- ii. may administer a program if the legislation is enacted; or
 - iii. may have financial information concerning the subject matter of the legislation.
 - b. Upon approval of draft legislation for a public meeting, the Legislative Operating Committee may direct an agency to provide a neutral and unbiased Fiscal Impact Statement to the Legislative Operating Committee within ten (10) business days for inclusion in public meeting materials.
 - i. If an agency cannot complete the Fiscal Impact Statement within the ten (10) business day timeframe, the agency may request an extension of this timeframe by the Legislative Operating Committee.
- 2. *Fiscal Impact Statements for use during Consideration of Adoption.* When developing a fiscal impact statement for proposed legislation to be used for presentation to and consideration of adoption by the Oneida Business Committee and/or General Tribal Council under section 109.9-1:
 - a. The Legislative Operating Committee may direct that a Fiscal Impact Statement be completed by the Finance Department or any agency who:
 - i. may receive funding if the legislation is enacted;
 - ii. may administer a program if the legislation is enacted; or
 - iii. may have financial information concerning the subject matter of the legislation.
 - b. Upon final approval of draft legislation by the Legislative Operating Committee, the Legislative Operating Committee may direct an agency or the Finance Department to provide a neutral and unbiased Fiscal Impact Statement to the Legislative Operating Committee within ten (10) business days for inclusion in adoption materials.

If an agency or the Finance Department cannot complete the Fiscal Impact Statement within the ten (10) business day timeframe, the agency may request an extension of this timeframe by the Legislative Operating Committee.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 28th day of October, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."