

# Oneida Tribe of Indians of Wisconsin

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Oneida, WI 54155



Oneidas bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.



UGWA DEMOLUM YATEHE  
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

## RESOLUTION # 7-16-03-A

### *Resolution Adopting Amendments to the Alcoholic Beverage Licensing Law*

**WHEREAS,** The Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a Treaty Tribe recognized by the laws of the United States, and

**WHEREAS,** the Oneida General Tribal Council is the governmental body of the Oneida Tribe of Indians of Wisconsin, and

**WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section I of the Oneida Tribal Constitution by the Oneida General Tribal Council, and

**WHEREAS,** the Alcoholic Beverage Licensing Law (the Licensing Law) was adopted by BC Resolution 3-5-97-D; and

**WHEREAS,** section 5-1 of the Licensing Law currently requires that businesses demonstrate that without an alcohol license the business would “not be profitable in a reasonable time frame within the business community” and “that all attempts must be made to locate business plans that do not require the use of a license;” and

**WHEREAS,** representatives from the Tribe’s Retail operations assert that in order to be more competitive and profitable, the Tribe’s restrictions on the sale of alcohol need to be eased; and

**WHEREAS,** it is asserted that the sale of alcohol at the Oneida One Stop Convenience Stores will positively bolster the Tribe’s economic stability and growth; and

**WHEREAS,** passage of amendments to the Alcoholic Beverage Licensing Law is in no way intended to condone the consumption of alcohol.

**NOW THEREFORE BE IT RESOLVED:** the Oneida Business Committee hereby adopts the attached amendments to the Alcoholic Beverage Licensing Law.

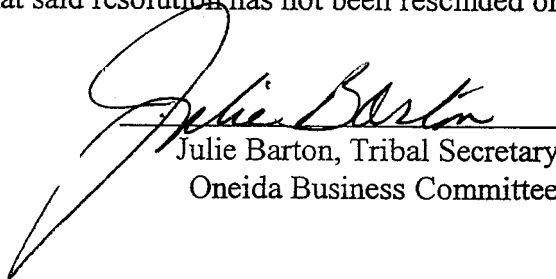
**Resolution # 7-16-03-A**

**BE IT FURTHER RESOLVED:** that half of the fees collected for the issuance of Tribal Licenses be applied toward administrative fees of the License Department and the other half be applied toward programs within the Oneida Tribe for alcohol and other substance treatment programs, services and education.

**BE IT FINALLY RESOLVED:** that those who are currently licensed to sell alcohol and who would be included under the amended Alcoholic Beverage Licensing Law shall be required to obtain a Tribal License when their municipal license expires in order to be able to continue to sell alcohol.

**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. 8 members were present at a meeting duly called, noticed and held on the 16<sup>th</sup> day of July, 2003; that the foregoing resolution was duly adopted at such meeting by a vote of 5 members for; 2 members against, and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

  
Julie Barton, Tribal Secretary  
Oneida Business Committee

# Oneida Tribe of Indians of Wisconsin

## Legislative Reference Office

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## Committee Member

Curtis Danfort  
Vince Dela Ros  
Brian Doxtat  
Patricia Kin  
Paul Ninhar

## STATEMENT OF EFFECT

### *Resolution Adopting Amendments to the Alcoholic Beverage Licensing Law*

### Summary

This resolution adopts amendments to the **ALCOHOLIC BEVERAGE LICENSING LAW** which primarily would:

Re-title the law as the Alcohol Beverage Licensing Law.

Narrow the scope of the law to "businesses owned by the Tribe, incorporated under the laws of the Tribe, or cooperatively owned (co-ops) by a majority of Tribal Members, on all land within the exterior boundaries of the Oneida Reservation."

Establish a "Tribal License" for businesses covered under the law who want to sell alcohol. Require applicants to obtain a municipal license before applying for a Tribal License.

Remove the profitability requirement for obtaining a license.

Formally creates a Department of Licensing under the Compliance Division.

### Analysis

These amendments are submitted in response to requests by Retail and Compliance to ease the restrictions on the sale of alcohol on the Reservation. Under current Tribal law, alcohol licenses cannot be granted to businesses owned and/or operated by the Tribe within the reservation boundaries, unless business plans "indicate that without a license the proposed business will not be profitable in a reasonable time frame within the business community. Provided further, that all attempts must be made to locate business plans that do not require the use of a license." **59.5-1. ALCOHOLIC BEVERAGE LICENSING LAW.**

The initial intent of the amendments was to allow the sale of beer at the Oneida One Stops in order to increase revenues and competitiveness. The authority to regulate cooperatives such as Tower Foods was subsequently added upon the request of particular members of the Oneida Business Committee. Furthermore, under the proposed amendments, there would be the potential for the casinos to be licensed to sell alcohol upon amendment or repeal of the Comprehensive Gaming Ordinance.

**Chapter 59**  
**ALCOHOL BEVERAGE LICENSING LAW**

59.1-1	Purpose	59.4-1	Application for a Tribal License
59.2-1	Adoption, Amendment, Repeal	59.5-1	Oneida License Department; creation
59.3-1	Definitions	59.6-1	Violations of law

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**59.1-1. Purpose and Policy.** It is the purpose of this law to govern the sale of alcohol beverages by businesses owned by the Tribe, incorporated under the laws of the Tribe, or cooperatively owned (co-ops), on all land within the exterior boundaries of the Oneida Reservation.

59.1-2. It is the policy of the Oneida Tribe of Indians of Wisconsin to provide minimum guidelines by which businesses owned by the Tribe, incorporated under the laws of the Tribe, or cooperatively owned (co-ops), on all land within the exterior boundaries of the Oneida Reservation may be licensed to sell alcohol beverages, for immediate consumption or carry-out.

59.1-3. The Oneida Tribe of Indians of Wisconsin, under this law, reserves the right to regulate all sales of liquor within the reservation boundaries.

59.1-4. The validity of a Tribal License is dependent upon the compliance of its holder with all provisions of this law and the laws of the State of Wisconsin that relate to the sale and/or possession of alcohol beverages.

**59.2-1. Adoption, Amendment, Repeal.** This law is adopted by the Oneida Business Committee under the authority granted by the Oneida General Tribal Council through the Constitution of the Oneida Tribe of Indians of Wisconsin. Further, this law is enacted pursuant to Public Law 33-277, 67 Stat. 588, 18 U.S.C. 1161.

59.2-2. This law may be amended pursuant to the procedures set out in the Oneida Administrative Procedures Act by the Oneida Business Committee or the Oneida General Tribal Council.

59.2-3. 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.

59.2-4. All other Oneida laws, policies, regulations, rules, resolutions, motions and all other similar actions which are inconsistent with this policy are hereby repealed unless specifically re-enacted after adoption of this law, specifically, Resolution BC-6-3-86-A.

**59.3-1. Definitions.** This section shall govern the definitions of words and phrases as used herein. All words not defined herein shall be used in their ordinary and everyday sense.

59.3-2. "Alcohol beverages" means fermented malt beverages and intoxicating liquor.

59.3-3. "Committee" means the Oneida Business Committee.

59.3-4. "Cooperative" or "co-op" means a business owned by those who use its services, where a majority of ownership is held by Tribal Members.

59.3-5. "Department" means the Oneida License Department which has the authority to