



Oneida Business Committee

Regular Meeting
8:30 AM Wednesday, December 09, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

Meeting agenda is available here: oneida-nsn.gov/government/business-committee/agendas-packets/. Materials for the "General Tribal Council" section of the agenda, if any, are available to enrolled members of the Oneida Nation; to obtain a copy, visit the BC Support Office, 2nd floor, Norbert Hill Center and present a valid Tribal I.D. or go to <https://goo.gl/uLp2jE>. Scheduled times are subject to change.

NOTICE

In accordance with the OBC Virtual meeting standard operating procedure, due to the Public Health State of Emergency the OBC meeting will be held virtually through Microsoft Teams and therefore be closed to the public. Any person who has comments or questions regarding open session items may submit them to TribalSecretary@oneidanation.org no later than the close of business the day before the OBC meeting. Any comments or questions received shall be noticed to the OBC and entered into the record as a handout by the Business Committee Support Office. A recording of the virtual meeting shall be made available on the Nation's website.

I. CALL TO ORDER

II. OPENING

- A. Special recognition for years of service**
Sponsor: Geraldine Danforth, Area Manager/Human Resources

III. ADOPT THE AGENDA

IV. OATH OF OFFICE

- A. Oneida Trust Enrollment Committee - Jennifer Hill-Kelley**
Sponsor: Lisa Liggins, Secretary

V. MINUTES

- A. Approve the November 24, 2020, regular Business Committee meeting minutes**
Sponsor: Lisa Liggins, Secretary

VI. RESOLUTIONS

- A. Adopt resolution entitled Industrial Hemp Law**
Sponsor: David P. Jordan, Councilman
- B. Adopt resolution entitled Proclamation of Appreciation**
Sponsor: David P. Jordan, Councilman
- C. Adopt resolution entitled Quarterly, Annual and Semi-Annual Reporting for Calendar Years 2020 and 2021**
Sponsor: Lisa Liggins, Secretary
- D. Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until January 12, 2021**
Sponsor: Tehassi Hill, Chairman

VII. STANDING COMMITTEES

- A. LEGISLATIVE OPERATING COMMITTEE**
- 1. Accept the November 4, 2020, regular Legislative Operating Committee meeting minutes**
Sponsor: David P. Jordan, Councilman

VIII. NEW BUSINESS

- A. Review the Special Election recommendation and determine next steps**
Sponsor: Candace House, Chair/Oneida Election Board
- B. Review the Drop and Count (Chapter 12) Oneida Gaming Minimum Internal Controls and determine appropriate next steps**
Sponsor: Mark A. Powless Sr., Chairman/Oneida Gaming Commission
- C. Review the Gaming Promotions and Player Tracking Systems (Chapter 6) Oneida Gaming Minimum Internal Controls and determine appropriate next steps**
Sponsor: Mark A. Powless Sr., Chairman/Oneida Gaming Commission
- D. Enter the e-poll results into the record regarding the approved CRF Government Relief Funds request - nine file numbers**
Sponsor: Lisa Liggins, Secretary

IX. EXECUTIVE SESSION**A. REPORTS**

1. **Accept the Chief Counsel report**
Sponsor: Jo Anne House, Chief Counsel
2. **Accept the General Manager report**
Sponsor: Debbie Thundercloud, General Manager
3. **Accept the Human Resources FY-2020 4th quarter executive report (10:30 a.m.)**
Sponsor: Geraldine Danforth, Area Manager/Human Resources

B. AUDIT COMMITTEE

1. **Accept the October 15, 2020, regular Audit Committee meeting minutes**
Sponsor: David P. Jordan, Councilman
2. **Accept the Bingo compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
3. **Accept the Complimentary Services or Items compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
4. **Accept the Drop and Count compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
5. **Accept the Drop and Count Class II Poker & Kiosk compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
6. **Accept the Player Tracking compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
7. **Accept the Table Games compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
8. **Accept the Title 31 compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman

9. **Accept the Gaming Contracts compliance/financial audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
10. **Accept the Green Bay Packers Ticket & Merchandise Distribution follow-up audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
11. **Accept the Enterprise Division - Retail performance assurance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
12. **Accept the Human Resource Department Hiring and Compensation performance assurance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
13. **Accept the Blackjack Rules of Play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
14. **Accept the Craps Rules of Play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
15. **Accept the EZ Baccarat Rules of Play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
16. **Accept the Mississippi Stud Rules of Play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman
17. **Accept the Three Card Poker Rules of Play compliance audit and lift the confidentiality requirement**
Sponsor: David P. Jordan, Councilman

C. NEW BUSINESS

1. **Review the recall request and determine next steps - Investigations and License Department (11:00 a.m.)**
Sponsor: Mark A. Powless Sr., Chairperson/Oneida Gaming Commission
2. **Review the employment request and determine next steps - Gaming Custodial (11:15 a.m.)**
Sponsor: Louise Cornelius, Gaming General Manager
3. **Review the posting request and determine next steps - Management Information Systems**
Sponsor: Debbie Thundercloud, General Manager
4. **Review the recall request and determine next steps - Chief Financial Officer**
Sponsor: Larry Barton, Chief Financial Officer
5. **Review and consider request from BC DR14 (11:30 a.m.)**
Sponsor: Jessica Vandekamp, Employee Relations Representative

X. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov pursuant to the Open Records and Open Meetings law (§ 107.14.)

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: oneida-nsn.gov/government/business-committee/agendas-packets/

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214

Oneida Business Committee Agenda Request

Special recognition for years of service

1. Meeting Date Requested: 12 / 09 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Acknowledge Years of Service Recipients with the attached PowerPoint. 4th Quarter 2020

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: _____
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

4th Quarter Years of Service Recipients July - September, 2020

Name	Emp #	Supervisor Name	ADOH	Years	October 7th BC Meeting
BLACKOWL,TERRYLEE F	933	STEVENS,SHELLY L	Aug 26, 1985	35	
KUROWSKI,DEBRA J	434	DODGE,LEAH	Aug 29, 1985	35	
DOXTATER,SALLY A	5235	EMERSON,DAVID L	Jul 2, 1990	30	
DELEON,DAVID A	156	KING,JASON R	Aug 5, 1990	30	
VANDYKE,JEAN C	5583	NINHAM-LAMBRIES,RALINDA	Jul 31, 1995	25	
JORDAN,MISTY D	1306	FUSS,CHAD M	Aug 22, 1995	25	
NEVILLE,LUCY A	3202	MENDOLLA-BUCKLEY,BRENDA J	Aug 28, 1995	25	
EMERSON,DAVID L	8329	RASMUSSEN,FAWNE M	Sep 3, 1995	25	
ALVAREZ,WENDY M	3224	DANFORTH,GERALDINE R	Sep 4, 1995	25	
WISNESKI,PHILLIP L	8330	MCLESTER,ERIC	Sep 9, 1995	25	
CHOSA,CAROL J	8332	SANTIAGO,CHERICE A	Sep 11, 1995	25	
MATHEY,HEIDI	3529	SKENANDORE,JR,ARTLEY M	Sep 11, 1995	25	
ARMS,ROGER A	3467	SCOFIELD,JEFFREY G	Sep 11, 1995	25	
PELKY,PATRICK J	3517	THUNDERCLOUD,DEBORAH J	Sep 18, 1995	25	

Oneida Business Committee Agenda Request

Oneida Trust Enrollment Committee - Jennifer Hill-Kelley

1. Meeting Date Requested: 12 / 09 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Jennifer Hill-Kelley for the Oneida Trust Enrollment Committee

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brooke Doxtator, BCC Supervisor
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

On November 24, 2020 the Oneida Business Committee appointed Jennifer Hill-Kelley to the Oneida Trust Enrollment Committee.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Approve the November 24, 2020, regular Business Committee meeting minutes

Business Committee Agenda Request

1. Meeting Date Requested: 12-09-20

2. General Information:

Session: Open Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|---|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input checked="" type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CWILSON1

DRAFT**Oneida Business Committee**

Regular Meeting
8:30 AM Tuesday, November 24, 2020
BC Conference Room, 2nd floor, Norbert Hill Center

Minutes**REGULAR MEETING**

Present: Chairman Tehassi Hill, Vice-Chairman Brandon Stevens, Treasurer Tina Danforth, Secretary Lisa Liggins, Council members: David P. Jordan, Marie Summers, Jennifer Webster;

Not Present: Council members: Daniel Guzman King, Kirby Metoxen;

Arrived at: n/a

Others present: Jo Anne House, Larry Barton, Debbie Thundercloud (via Microsoft Teams¹), Melinda J. Danforth (via Microsoft Teams), Clorissa Santiago, Eric Boulanger (via Microsoft Teams), Susan House (via Microsoft Teams), Ralinda Ninham-Lamberies, Jeff Bowman (via Microsoft Teams), Jeff House (via Microsoft Teams), John Breuninger (via Microsoft Teams), Kathy Hughes (via Microsoft Teams), Jeanne Calhoun (via Microsoft Teams), Eric McLester (via Microsoft Teams), Holly Williams (via Microsoft Teams), Candice Skenandore (via Microsoft Teams), Michele Doxtator (via Microsoft Teams), Keith Doxtator (via Microsoft Teams);

I. CALL TO ORDER

Meeting called to order by Chairman Tehassi Hill at 8:33 a.m.

For the record: Councilman Daniel Guzman King is on vacation. Councilman Kirby Metoxen is telecommuting.

II. OPENING (00:00:20)

Opening provided by Chairman Tehassi Hill.

III. ADOPT THE AGENDA (00:03:45)

Motion by Lisa Liggins to adopt the agenda, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

¹ Microsoft Teams is software which provides a communication and collaboration platform for workplace chat, file sharing, and video meetings

DRAFT**IV. MINUTES****A. Approve the November 10, 2020, regular Business Committee meeting minutes (00:04:07)**

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to approve the November 10, 2020, regular Business Committee meeting minutes with one (1) correction [page 13, item 5, correct "replace" to "place"], seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Item V.A. was addressed next.

V. RESOLUTIONS (02:08:27)

Motion by Lisa Liggins to amend the agenda to add two (2) items [1] item V.D. Adopt resolution entitled Emergency Amendments to the Budget Management and Control Law; and 2) item V.E. Adopt resolution entitled Approval of Final Draft Fiscal Year 2021 Budget and Budget Directives], seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Item V.D. was addressed next.

A. Adopt resolution entitled CY 2021 County Tribal Law Enforcement Grant-Brown County (00:06:59)

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to adopt resolution 11-24-20-A CY 2021 County Tribal Law Enforcement Grant-Brown County, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

B. Adopt resolution entitled CY 2021 County Tribal Law Enforcement Grant-Outagamie County (00:07:51)

Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to adopt resolution entitled CY 2021 County Tribal Law Enforcement Grant-Outagamie County, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT

C. Adopt resolution entitled Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021 (00:08:18); (01:45:50)
Sponsor: Lisa Liggins, Secretary

Motion by Jennifer Webster to adopt resolution entitled Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

Item VI.A. was addressed next.

Motion by Lisa Liggins to reconsider resolution entitled Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

Motion by Lisa Liggins to adopt resolution 11-24-20-C Continuation of Temporary Closure of Listed Boards, Committees and Commissions for Fiscal Year 2021 with one (1) change [add "BE IT FUTHER RESOLVED, that the Pardon and Forgiveness Screening Committee is exempted from this temporary closure."], seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

Motion by Lisa Liggins to direct the Secretary to complete the necessary follow-up in accordance with the Boards, Committees, and Commissions law to fill the vacancies on the Pardon and Forgiveness Screening Committee, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

Item VI.A. was re-addressed next.

D. Adopt resolution entitled Emergency Amendments to the Budget Management and Control Law (02:09:06)
Sponsor: David P. Jordan, Councilman

Motion by Lisa Liggins to adopt resolution 11-24-20-E Emergency Amendments to the Budget Management and Control Law, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT**E. Adopt resolution entitled Approval of Final Draft Fiscal Year 2021 Budget and Budget Directives (02:11:36)**

Sponsor: David P. Jordan, Councilman

Motion by Marie Summers to adopt resolution 11-24-20-F Approval of Final Draft Fiscal Year 2021 Budget and Budget Directives, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

For the record: Secretary Lisa Liggins stated I'd just like to thank the Treasurer and the Finance staff for all the work they've done in preparation of the FY-21 budget, to get a long process compressed into a short time frame. It's a transition year and to get up to speed on all the changes that have occurred over these past few months have been a challenge. Thank you.

For the record: Treasurer Tina Danforth stated the resolution that was passed is the work product of Finance and my office which includes the CFO, the Assistant CFO, the Budget Analyst, and myself, to provide a budget for the 2021 Fiscal year. I also want to thank everybody, including the Business Committee. Thank you.

Item XIII. was addressed next.

VI. APPOINTMENTS**A. Determine next steps regarding one (1) vacancy - Oneida Trust Enrollment Committee (00:09:42); (01:48:23)**

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer this item until after executive session, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Item VII.A.1. was addressed next.

Motion by Lisa Liggins to appoint Jennifer Hill-Kelley to the Oneida Trust Enrollment Committee, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Item IX.B. was re-addressed next.

DRAFT**VII. STANDING COMMITTEES****A. FINANCE COMMITTEE**

- 1. Accept the November 2, 2020, regular Finance Committee meeting minutes (00:10:11)**

Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to accept the November 2, 2020, regular Finance Committee meeting minutes, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

- 2. Accept the November 16, 2020, regular Finance Committee meeting minutes (00:11:14)**

Sponsor: Tina Danforth, Treasurer

Motion by David P. Jordan to accept the November 16, 2020, regular Finance Committee meeting minutes, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

B. QUALITY OF LIFE COMMITTEE

- 1. Accept the March 12, 2020, regular Quality of Life Committee meeting minutes (00:11:38)**

Sponsor: Marie Summers, Councilwoman

Motion by Brandon Stevens to accept the March 12, 2020, regular Quality of Life Committee meeting minutes, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT**VIII. UNFINISHED BUSINESS****A. Review the CRF Government Relief Funds request for the Supplemental Pandemic Relief Assistance Program and determine next steps (00:12:06)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Tina Danforth to adopt resolution 11-24-20-D Emergency Adoption of the Pandemic Relief Assistance Law, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

For the record: Vice-Chairman Brandon Stevens stated I agree with the motion and I agree with the discussion that we had that to make it more of a fluid payment, it was best fit that we not include another group and to be able to get that payment out by December 30th and not have that lingering over after a report that we'd have to submit. Thank you.

Motion by Tina Danforth to for the MIS to work with the CRF [Funding Coordinator] and any other entities to get this system automated as opposed to manual, seconded by Lisa Liggins. Motion withdrawn.

IX. NEW BUSINESS**A. Approve two (2) actions regarding the Business Compliance Analyst vacancy (00:44:06)**

Sponsor: Tehassi Hill, Chairman

Motion by Lisa Liggins to move this item to executive session, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT

- B. Rescind the Suspension of Premium Pay and All Temporary Pay Increases declaration (00:44:50); (01:49:34)**
Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to defer this item until after executive session, seconded by Jennifer Webster.
Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

Item IX.C. was addressed next.

Motion by Lisa Liggins to rescind parts 1., 2.a., 2.c. through 2.h., 3., and 5. of the March 23, 2020 declaration Suspension of Premium Pay and All Temporary Pay Increases, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

Item XI.A. was addressed next.

- C. Approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled Restricting Access to an Employee on Leave or Separation of Employment (00:46:43)**
Sponsor: Tehassi Hill, Chairman

Motion by Jennifer Webster to approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled Restricting Access to an Employee on Leave or Separation of Employment, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

- D. Approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled Complaint Process for Direct Reports to the Oneida Business Committee (00:47:13)**
Sponsor: Tehassi Hill, Chairman

Motion by Jennifer Webster to approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled Complaint Process for Direct Reports to the Oneida Business Committee, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT

- E. Approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled OBC Virtual Meetings (00:47:36)**
Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to approve the Oneida Business Committee Standard Operating Procedure (SOP) entitled OBC Virtual Meetings, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

- F. Approve the revised Quality of Life Committee charter (00:47:59)**
Sponsor: Marie Summers, Councilwoman

Motion by Lisa Liggins to approve the revised Quality of Life Committee charter with one (1) change [add "Committee" to the title of the document], seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

- G. Review request for formal Business Committee action for the release of enrollment names and numbers of members over the age of 18 for audit verification for the food card distribution and determine next steps (00:48:47)**
Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to request support from Trust Enrollment and request use of the GTC [meeting check in/out] process [for the December food card distribution], seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

- H. Enter the e-poll results into the record regarding the approved two (2) actions regarding paid voting time on November 3, 2020 (01:04:19)**
Sponsor: Lisa Liggins, Secretary

Motion by David P. Jordan to enter the e-poll results into the record regarding the approved two (2) actions regarding paid voting time on November 3, 2020, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

Item X.B.1. was addressed next.

DRAFT**X. REPORTS****A. APPOINTED BOARDS, COMMITTEES, COMMISSIONS****1. Accept the Anna John Resident Centered Care Community Board FY-2020 4th quarter report (01:06:28)**

Sponsor: Joshua Hicks, Chairman/Anna John Resident Centered Care Community Board

Motion by David P. Jordan to accept the Anna John Resident Centered Care Community Board FY-2020 4th quarter report, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

2. Accept the Oneida Police Commission FY-2020 4th quarter report (01:07:07)

Sponsor: Sandra Reveles, Chair/Oneida Police Commission

Motion by Lisa Liggins to approve the Oneida Police Commission FY-2020 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Item X.B.3. was addressed next.

B. ELECTED BOARDS, COMMITTEES, COMMISSIONS**1. Accept the Oneida Election Board FY-2020 4th quarter report (01:04:44)**

Sponsor: Vicki Cornelius, Chair/Oneida Election Board

Motion by Lisa Liggins to accept the Oneida Election Board FY-2020 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

2. Accept the Oneida Gaming Commission FY-2020 4th quarter report (01:05:45)

Sponsor: Mark A. Powles Sr., Chair/Oneida Gaming Commission

Motion by Jennifer Webster to accept the Oneida Gaming Commission FY-2020 4th quarter report, seconded by Brandon Stevens. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Item X.A.1. was addressed next.

DRAFT**3. Accept the Oneida Land Commission FY-2020 4th quarter report (01:07:37)**

Sponsor: Becky Webster, Chair/Oneida Land Commission

Motion by Lisa Liggins to accept the Oneida Land Commission FY-2020 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

4. Accept the Oneida Nation School Board FY-2020 4th quarter report (01:08:00)

Sponsor: Aaron Manders, Chair/Oneida Nation School Board

Motion by Jennifer Webster to accept the Oneida Nation School Board FY-2020 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

5. Accept the Oneida Trust Enrollment Committee FY-2020 4th quarter report (01:08:22)

Sponsor: Debra J. Danforth, Chair/Oneida Trust Enrollment Committee

Motion by David P. Jordan to accept the Oneida Trust Enrollment Committee FY-2020 4th quarter report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

C. CORPORATE BOARDS**1. Accept the Bay Bancorporation Inc. FY-2020 4th quarter report (01:08:48)**

Sponsor: Jeff Bowman, President/Bay Bancorporation Inc.

Motion by Lisa Liggins to accept the Bay Bancorporation Inc. FY-2020 4th quarter report, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

2. Accept the Oneida ESC Group LLC FY-2020 4th quarter report (01:09:09)

Sponsor: John L. Breuninger, Chair/Oneida ESC Group LLC

Motion by David P. Jordan to accept the Oneida ESC Group LLC FY-2020 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT**3. Accept Oneida Airport Hotel Corporation FY-2020 4th quarter report (01:09:33)**

Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation

Motion by Lisa Liggins to accept the Oneida Airport Hotel Corporation FY-2020 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

4. Accept the Oneida Golf Enterprise FY-2020 4th quarter report (01:10:14)

Sponsor: Eric McLester, Agent/Oneida Golf Enterprise

Motion by David P. Jordan to accept the Oneida Golf Enterprise FY-2020 4th quarter report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

D. STANDING COMMITTEES**1. Accept the Finance Committee FY-2020 4th quarter report (01:10:40)**

Sponsor: Tina Danforth, Treasurer

Motion by Lisa Liggins to accept the Finance Committee FY-2020 4th quarter report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

2. Accept the Legislative Operating Committee FY-2020 4th quarter report (01:11:02)

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to approve the Legislative Operating Committee FY-2020 4th quarter report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

For the record: The other two (2) standing committee, the Quality of Life Committee and Community Development Planning Committee, have not met in this reporting period so they have no reports to submit.

DRAFT**E. OTHER****1. Accept the Oneida Youth Leadership Institute FY-2020 4th quarter report (01:11:40)**

Motion by Lisa Liggins to accept the Oneida Youth Leadership Institute FY-2020 4th quarter verbal report, seconded by Jennifer Webster. Motion carried:

Ayes: David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
 Abstained: Tina Danforth
 Not Present: Daniel Guzman King, Kirby Metoxen

XI. GENERAL TRIBAL COUNCIL**A. Review the FY-2021 budget packet and determine next steps (01:13:09); (01:50:26)**

Sponsor: Tina Danforth, Treasurer

Motion by Jennifer Webster to defer this item until after executive session, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
 Not Present: Daniel Guzman King, Kirby Metoxen

Item XII. was addressed next.

Motion by Lisa Liggins to accept the discussion regarding the FY-2021 budget packet as information and request the Treasurer and the Secretary to work together to process any mailings that may be required, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
 Not Present: Daniel Guzman King, Kirby Metoxen

Item V. was addressed next.

DRAFT**XII. EXECUTIVE SESSION (01:37:37)**

Motion by Lisa Liggins to go into executive session at 10:11 a.m., seconded by David P. Jordan.
Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

The Oneida Business Committee, by consensus, recessed from 11:56 a.m. to 1:30 p.m.

Chairman Tehassi Hill called the meeting to order at 1:31 p.m.

Roll call for the record:

*Present: Treasurer Tina Danforth; Chairman Tehassi Hill; Councilman David P. Jordan; Secretary Lisa Liggins; Council Member Marie Summers; Councilwoman Jennifer Webster;
Not Present: Councilman Daniel Guzman King; Councilman Kirby Metoxen; Vice-Chairman Brandon Stevens;*

Vice-Chairman Brandon Stevens returned at 1:36 p.m.

Motion by Brandon Stevens to come out of executive session at 3:00 p.m., seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

A. REPORTS**1. Accept the Bay Bancorporation Inc. FY-2020 4th quarter executive report (01:39:22)**

Sponsor: Jeff Bowman, President/Bay Bancorporation Inc.

Motion by Jennifer Webster to accept the Bay Bancorporation Inc. FY-2020 4th quarter executive report, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

2. Accept the Oneida ESC Group LLC FY-2020 4th quarter executive report (01:39:39)

Sponsor: John L. Breuninger, Chair/Oneida ESC Group LLC

Motion by Lisa Liggins to accept the Oneida ESC Group LLC FY-2020 4th quarter executive report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT**3. Accept the Oneida Airport Hotel Corporation FY-2020 4th quarter executive report (01:39:58)**

Sponsor: Kathy Hughes, Chair/Oneida Airport Hotel Corporation

Motion by Jennifer Webster to accept the Oneida Airport Hotel Corporation FY-2020 4th quarter executive report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

4. Accept the Oneida Golf Enterprise FY-2020 4th quarter executive report (01:40:18)

Sponsor: Eric McLester, Agent/Oneida Golf Enterprise

Motion by David P. Jordan to accept the Oneida Golf Enterprise FY-2020 4th quarter executive report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

5. Accept the Intergovernmental Affairs, Communications, and Self-Governance November 2020 report (01:40:39)

Sponsor: Melinda J. Danforth, Director/Intergovernmental Affairs

Motion by Jennifer Webster to accept the Intergovernmental Affairs, Communications, and Self-Governance November 2020 report, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Motion by David P. Jordan to approve Amendment #13 to the Nation's 2015 Self-Governance Funding Agreement, file # 2020-0750, authorize the Chairman to sign the letter dated November 24, 2020 and the Amendment, and direct Self-Governance to obtain a physical check and send it, along with the documents to the IHS Bemidji Area Lead Negotiator, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

6. Accept the Chief Counsel report (01:41:33)

Sponsor: Jo Anne House, Chief Counsel

Motion by David P. Jordan to accept the Chief Counsel report, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT**7. Defer the November 2020 Treasurer's report (01:41:49)**

Sponsor: Tina Danforth, Treasurer

Motion by Lisa Liggins to defer the November 2020 Treasurer's report, seconded by Marie Summers.
Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

B. AUDIT COMMITTEE**1. Accept the Audit Committee FY-2020 4th quarter report (01:42:04)**

Sponsor: David P. Jordan, Councilman

Motion by Jennifer Webster to accept the Audit Committee FY-2020 4th quarter report, seconded by Tina Danforth. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

C. TABLED BUSINESS**1. Joint Marketing Standard Operating Procedures regarding Tickets & Merchandise Distribution (tabled 4/8/20) (01:42:25)**

Sponsor: Debbie Thundercloud, General Manager

Motion by Lisa Liggins to take this item from the table , seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

Motion by David P. Jordan to accept the Joint Marketing Standard Operating Procedures (SOPs) regarding Tickets & Merchandise Distribution as information and remove the Business Committee signature line from the SOPs, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

D. NEW BUSINESS**1. Accept the October 2, 2020 and November 5, 2020 regular OBC Officers meeting notes (01:42:57)**

Sponsor: Tehassi Hill, Chairman

Motion by Jennifer Webster to accept the October 2, 2020 and November 5, 2020 regular OBC Officers meeting notes, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster
Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT**2. Review application(s) for one (1) vacancy - Oneida Trust Enrollment Committee (01:43:21)**

Sponsor: Lisa Liggins, Secretary

Motion by Lisa Liggins to accept the discussion regarding the Oneida Trust Enrollment Committee application(s) as information, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

3. Review the recall request and determine next steps - Trust Enrollment Department (01:43:50)

Sponsor: Debra J. Danforth, Chair/Oneida Trust Enrollment Committee

Motion by Lisa Liggins to approve the recall request from the Trust Enrollment Committee for one (1) LTE Project Specialist, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

4. Approve a limited waiver of sovereign immunity - Axon Enterprises Inc. file # 2020-0674 (01:44:06)

Sponsor: Sandra Reveles, Chair/Oneida Police Commission

Motion by David P. Jordan to approve a limited waiver of sovereign immunity - Axon Enterprises Inc. file # 2020-0674, seconded by Lisa Liggins. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

5. Review the employment request and determine next steps - Head Start/Early Head Start (01:44:27)

Sponsor: Debbie Thundercloud, General Manager

Motion by David P. Jordan to approve the interim reassignment request from the General Manager for one (1) Head Start Director, seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

6. Approve a limited waiver of sovereign immunity - BMO Harris Bank file # 2020-0738 (01:44:46)

Sponsor: Tina Danforth, Treasurer

Motion by Lisa Liggins to approve a limited waiver of sovereign immunity - BMO Harris Bank file # 2020-0738, seconded by David P. Jordan. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

DRAFT

7. Approve two (2) actions regarding the Business Compliance Analyst vacancy (01:45:05)

Sponsor: Tehassi Hill, Chairman

Motion by David P. Jordan to approve the posting request from the Business Committee for one (1) Business Compliance Analyst and assign Chairman Tehassi Hill, Secretary Lisa Liggins, Councilwoman Marie Summers, and Councilman Kirby Metoxen to a sub-team authorized to complete the hiring process, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Item V.C. was re-addressed next.

XIII. ADJOURN (02:13:09)

Motion by David P. Jordan to adjourn at 3:34 p.m., seconded by Marie Summers. Motion carried:

Ayes: Tina Danforth, David P. Jordan, Lisa Liggins, Brandon Stevens, Marie Summers, Jennifer Webster

Not Present: Daniel Guzman King, Kirby Metoxen

Minutes prepared by Chad Wilson, Senior Information Management Specialist.
Minutes approved as presented on _____.

Lisa Liggins, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

Adopt resolution entitled Industrial Hemp Law

1. Meeting Date Requested: 12 / 09 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Adopt the resolution titled, "Industrial Hemp Law".

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Kristen M. Hooker, LRO Staff Attorney
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



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



TO: Oneida Business Committee
FROM: David P. Jordan, LOC Chairperson
DATE: December 2, 2020
RE: Industrial Hemp Law

DJ

Please find the following attached backup documentation for your consideration of the proposed Industrial Hemp law:

1. Resolution: Industrial Hemp Law
2. Statement of Effect: Industrial Hemp Law
3. Industrial Hemp Law Legislative Analysis
4. Industrial Hemp Law
5. Industrial Hemp Law Updated Fiscal Impact Statement

Overview

This item was added to the Active File List in March of 2015 after U.S. Congress had adopted the Agricultural Act of 2014, also known as the 2014 Farm Bill. With the passing of the 2014 Farm Bill, hemp could legally be produced for the first time since the 1970's, but only for research purposes and only in states that had passed legislation for the establishment of an agricultural pilot program aimed at studying the growth, cultivation or marketing of industrial hemp. In 2015, Wisconsin did not have such a law. This item was added to the AFL so that the Oneida Nation could establish its own pilot program through the development of an Industrial Hemp law ("Law").

Work on the Law was halted, however, due to a concern from the Oneida Law Office over the enabling language in the 2014 Farm Bill. In 2016, precedent came out in support of the notion that section 7606 of the 2014 Farm Bill did not authorize Indian tribes to create their own pilot program like it did for states and institutions of higher education. [*Menominee Indian Tribe of Wis. v. Drug Enforcement Admin.*, 190 F. Supp.3d 843 (2016)]. In light of this precedent, as well as a similar statement put out by the U.S. Drug Enforcement Agency, Department of Justice, Department of Agriculture, and Food & Drug Administration, the Oneida Law Office opined that the Nation would likely be prohibited from producing hemp within the Reservation unless licensed through a state pilot program created pursuant to the 2014 Farm Bill.

Shortly thereafter, Wisconsin decided to create an industrial hemp pilot program through adoption of 2017 Wisconsin Act 100. And, in 2018, the Oneida Business Committee ("OBC") adopted resolution BC-04-25-18-J titled, *Support for Industrial Hemp Pilot Program*, which authorized the Nation to participate in the state's industrial hemp pilot program for the 2018-2019 growing season. The Nation obtained its license through Wisconsin's Department of Agriculture, Trade and Consumer Protection and, after a delay on the state's end in procuring seed certification, the Nation began growing hemp in 2019 for the limited purpose of agricultural or academic research as was required by the 2014 Farm Bill. Given these restrictions, the Nation's goal for participating

in the program was to learn about hemp varieties, end-use product options, growth characteristics, labor requirements, post-harvest processing and marketability.

During the 2018-2019 growing season, U.S. Congress passed the 2018 Farm Bill. The 2018 Farm Bill made substantial changes to the way the federal government had been regulating hemp under the 2014 Farm Bill. Most significantly, it removed hemp from the controlled substances list, which allowed it to be produced for reasons other than agricultural/academic research, and granted Indian tribes regulatory authority over hemp production within their jurisdiction, meaning tribes were now permitted to create their own hemp production plans in lieu of federal or state plans so long as approved by the USDA through submission of a plan that shows compliance with the 2018 Farm Bill and the USDA Interim Final Rule (“IFR”) promulgated in accordance therewith.

Once the 2018 Farm Bill and IFR were in place, the Legislative Operating Committee (“LOC”) was able to move forward with the development of the Nation’s Industrial Hemp law. The purpose of the Law is to: authorize the production of hemp within the boundaries of the Reservation; grant the Nation primary regulatory authority over the production of hemp within its jurisdiction; assert the Nation’s inherent sovereign authority by creating a hemp production plan that regulates hemp as an agricultural commodity consistent with the Nation’s laws; and promote the Nation’s hemp industry to the greatest extent permitted by the 2018 Farm Bill and IFR. [5 O.C. 508.1-1].

This resolution adopts the proposed Industrial Hemp law which will:

- Require any person, defined to include businesses and other entities, under the jurisdiction of the Nation, who wants to produce hemp, to obtain, as well as maintain, a valid license through the Environmental, Health, Safety, Land and Agriculture Division (“Division”) [5 O.C. 508.6];
- Provide the process and eligibility requirements for persons to obtain and maintain a license to produce hemp pursuant to the Nation’s regulatory plan [5 O.C. 508.6];
- Define what constitutes an “acceptable hemp THC level” for purposes of producing hemp plants in compliance with the Law, and provide the requisite sampling/testing methods by which to accurately determine whether a hemp crop exceeds the acceptable hemp THC level [5 O.C. 508.3-1, 508.8];
- Mandate the disposal and destruction of any hemp plant that exceeds the acceptable hemp THC level and provide the requisite process for its disposal/destruction [5 O.C. 508.8-1];
- Set forth certain reporting and record-keeping requirements on the part of the producer and the Division that will allow the Nation to track hemp production within the Reservation and ensure compliance with the Law [5 O.C. 508.7]; and
- Provide enforcement mechanisms for the Division to detect and respond to instances of non-compliance with the Law that include due process protections for the licensee [5 O.C. 508.11].

The LOC developed the proposed Law through collaboration with representatives from the Division, the Community and Economic Development Division; the Environmental Resource Board; and the Community Development Planning Committee. The LOC, as well as staff from the Legislative Reference Office, also participated in numerous hemp related conference calls with the USDA, attended various USDA sponsored trainings on hemp production under the 2018 Farm Bill, and attended two meetings hosted by the Wisconsin Tribal Conservation Advisory Council to learn more about the strategies and practices of other tribes that were pursuing legislation under

the 2018 Farm Bill.

A public meeting, in accordance with the Legislative Procedures Act, was not held for the proposed Law due to the COVID-19 pandemic. During the development of the Law, the world was hit with the COVID-19 pandemic and on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” which declared a public health state of emergency for the Nation through April 12, 2020. The Public Health State of Emergency has since been extended to December 13, 2020, through adoption of resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-08-06-20-A, BC-09-09-20-A, BC-10-08-20-A and BC-11-10-20-A.

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

Although no public meeting on the proposed Law was held in person, the public comment period was still held open until July 9, 2020 for the submission of written comments. The LOC received five (5) submissions of written comments, for a total of twenty-five (25) comments, during the public comment period. All public comments received were accepted, reviewed and considered by the LOC and any changes made based on those comments have been incorporated into this draft.

If adopted, the Law would have to be sent to the USDA for approval before implementation may occur. Per the 2018 Farm Bill, tribes and states wanting to assume regulatory authority over hemp production within their boundaries must submit a regulatory plan that satisfies the requirements of the 2018 Farm Bill and IFR to the USDA for approval. The regulatory plan may be submitted in the form of legislation, as would be the case here. Upon receipt, the USDA has sixty (60) days to approve or reject the Law. If rejected, the Nation will have an opportunity to amend the Law for reconsideration. If the USDA approves it, the Nation will assume the administration and regulation of its industrial hemp plan in accordance with the Law.

Contingent on USDA approval, is that the Nation submit a certification along with its Law, or regulatory plan, stating that, upon said approval, the Nation will have the resources and personnel necessary to begin carrying out the practices and procedures set forth therein. If the USDA would determine otherwise, it may respond as follows:

- For first instances of non-compliance – the USDA will develop a corrective action plan for the Nation to ensure compliance with its Law; and
- For additional instances of non-compliance – the USDA may revoke its approval of the Law and assume regulatory authority over hemp production on the Reservation.

As a result of the COVID-19 pandemic and Tier V budget reductions relating thereto, at least half of the Nation’s workforce has been placed on furlough or laid off. In addition, the Nation’s Chief Financial Officer has identified that complete financial recovery from the impacts of COVID-19 may take as long as two (2) to three (3) years and operations, including services and employment levels, may not return to pre-pandemic levels.

Due to the uncertain nature of the COVID-19 pandemic, including its financial constraints on the Nation and the potential effect on the Division's staffing levels to last beyond the Public Health State of Emergency, the Division expressed concern over its current capacity to implement and administer the Law once approved by the USDA. Given the Division's concerns, as well as the consequences for not acting in accordance with the requisite certification, the adopting resolution contains certain thresholds that must be met before the Nation will be allowed to send the Law to the USDA for approval. The thresholds are as follows:

1. That, the Division has created all standard operating procedures required under the Law;
2. That, the Division has presented any resolution(s) required under the Law to the Oneida Business Committee for approval; and
3. That, the Division Director provides written confirmation to the Oneida Business Committee that the Division has sufficient resources and staff to begin the implementation and administration of the Nation's industrial hemp plan in accordance with the Law.

Once these thresholds are satisfied, the Law would be sent to the USDA for approval as the Nation's regulatory plan, along with the following certification which is set forth in the adopting resolution:

BE IT FINALLY RESOLVED, that, contingent upon satisfaction of these thresholds, the Oneida Business Committee hereby certifies that, upon approval by the USDA, the Nation will have the resources and personnel necessary to carry out the practices and procedures set forth in the Law, consistent with the 2018 Farm Bill and USDA regulations promulgated in accordance therewith.

And, once approved by the USDA as the Nation's regulatory plan, the Law will become effective within ten (10) business days following the Nation's receipt of said approval.

Requested Action

Approve the Resolution: Industrial Hemp Law.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____
Industrial Hemp Law

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Agricultural Improvement Act of 2018, otherwise known as the 2018 Farm Bill, removed hemp from the controlled substances list, permitting hemp to be produced for reasons other than research and education as was previously restricted under the 2014 Farm Bill; and

WHEREAS, the 2018 Farm Bill further granted tribes and states regulatory authority over the production of hemp within their jurisdictions; provided, the tribes and states that intend to exercise such authority submit a regulatory plan to the United States Department of Agriculture (“USDA”) for approval prior to implementation; and

WHEREAS, the purpose of the Industrial Hemp law (“Law”) is to authorize hemp production within the boundaries of the Oneida Reservation; grant the Nation primary regulatory authority over the production of hemp under its jurisdiction; assert the Nation’s inherent sovereign authority by creating a hemp production plan that regulates hemp as an agricultural commodity consistent with the Nation’s laws; and promote the Nation’s hemp industry to the greatest extent permitted by the 2018 Farm Bill and USDA regulations promulgated in accordance therewith; and

WHEREAS, the Law requires any persons, defined to include businesses and other entities, under the jurisdiction of the Nation, who want to produce hemp, to obtain, as well as maintain, a valid license through the Environmental, Health, Safety, Land & Agricultural Division (“Division”); and

WHEREAS, the Law provides the process and eligibility requirements for persons to obtain and maintain the requisite license to participate in hemp production per the Nation’s regulatory plan; and

WHEREAS, the Law defines what constitutes an “acceptable hemp THC level” for purposes of producing hemp plants in compliance with the Law and provides the requisite sampling/ testing methods by which to accurately determine whether a hemp plant exceeds the acceptable hemp THC level; and

WHEREAS, the Law mandates disposal and destruction of any hemp crop that exceeds the acceptable hemp THC level and provides the requisite process for its disposal/destruction; and

- 44
45 **WHEREAS,** the Law sets forth certain reporting and record-keeping requirements on the part of the
46 licensee and the Division that will allow the Nation to track hemp production within the
47 Reservation and ensure compliance with the Law; and
48
- 49 **WHEREAS,** the Law provides enforcement mechanisms for the Division to detect and respond to
50 instances of non-compliance with the Law that include due process protections for the
51 licensee; and
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- 53 **WHEREAS,** in accordance with the Legislative Procedures Act, a legislative analysis and fiscal impact
54 statement were developed for this Law; and
55
- 56 **WHEREAS,** a public meeting on the proposed Law was not held in accordance with the Legislative
57 Procedures Act due to the COVID-19 pandemic; and
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- 59 **WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of*
60 *Emergency*" regarding COVID-19, declaring a Public Health State of Emergency for the
61 Nation until April 12, 2020, the declaration of which was subsequently extended until
62 December 13, 2020, through resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A,
63 BC-07-08-20-A, BC-09-09-20-A, BC-10-08-20-A and BC-11-10-20-A; and
64
- 65 **WHEREAS,** on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer*
66 *at Home*" declaration which prohibits all public gatherings of any number of people and
67 orders all individuals present within the Oneida Reservation to stay at home or at their
68 place of residence, with certain exceptions allowed; and
69
- 70 **WHEREAS,** the Nation's COVID-19 Core Decision Making Team modified the "*Safer at Home*"
71 declaration on April 21, 2020, with the issuance of an "*Updated Safer at Home*" declaration;
72 on May 19, 2020, with a "*Safer at Home Declaration, Amendment, Open for Business*"
73 declaration; and on June 10, 2020, with the issuance of a "*Stay Safer at Home*" declaration;
74 and
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- 76 **WHEREAS,** on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a
77 "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which
78 suspended the Legislative Procedures Act's requirement to hold a public meeting during
79 the public comment period, but allows members of the community to still participate in the
80 legislative process by submitting written comments, questions, data or input on proposed
81 legislation to the Legislative Operating Committee via e-mail during the public comment
82 period; and
83
- 84 **WHEREAS,** although a public meeting was not held for the proposed legislation, the public comment
85 period for the Law was held open until July 9, 2020 for the submission of written comments;
86 and
87
- 88 **WHEREAS,** the Legislative Operating Committee received five (5) submissions of written comments,
89 for a total of twenty-five (25) comments, during the public comment period; and
90
- 91 **WHEREAS,** the Legislative Operating Committee reviewed and considered all public comments and
92 any changes made based on those comments have been incorporated into the proposed
93 Law; and
94

- 95 **WHEREAS,** if adopted, this Law will act as the Nation's regulatory plan to be submitted to the USDA for
96 approval in accordance with the requirements of the 2018 Farm Bill and USDA regulations
97 promulgated in accordance therewith; and
98
- 99 **WHEREAS,** upon receipt of the Nation's plan, the USDA will have sixty (60) days to approve or reject
100 it, with an opportunity for amendment and resubmission in the event of a rejection; and
101
- 102 **WHEREAS,** once approved by the USDA, the Nation will be required to assume the administration and
103 regulation of hemp production that occurs within its jurisdiction in accordance with the Law;
104 and
105
- 106 **WHEREAS,** contingent on USDA approval, is that the Nation submit a certification along with the Law
107 (i.e. the regulatory plan) which states that, upon said approval, the Nation will have the
108 resources and personnel necessary to begin carrying out the practices and procedures set
109 forth therein; and
110
- 111 **WHEREAS,** in response to the COVID-19 pandemic and the Nation's Public Health State of Emergency
112 declaration, the Oneida Business Committee adopted resolution BC-04-08-20-C titled,
113 *"Tier V Budget Contingency Declared for Remainder of Fiscal Year 2020"*; and
114
- 115 **WHEREAS,** resolution BC-04-08-20-C adopted Tier V budget reductions from the Budget Contingency
116 Plan that was put in place pursuant to the Nation's Budget Management and Control law
117 which included five percent (5%) mandatory budget cuts across the Nation, reduction of all
118 funding to go to essential services only, and layoffs/furloughs; and
119
- 120 **WHEREAS,** at least half of the Nation's workforce has been placed on furlough or laid off due to the
121 COVID-19 pandemic and Public Health State of Emergency declaration; and
122
- 123 **WHEREAS,** the Nation's Chief Financial Officer has identified that complete financial recovery from the
124 impacts of COVID-19 may take as long as two (2) to three (3) years and operations,
125 including services and employment levels, may not return to pre-pandemic levels; and
126
- 127 **WHEREAS,** due to the uncertain nature of the COVID-19 pandemic, including its financial constraints
128 on the Nation and the potential effect on the Division's staffing levels to last beyond the
129 Public Health State of Emergency, the Division has expressed a concern over its current
130 capacity to implement and administer the Law once approved by the USDA; and
131
- 132 **WHEREAS,** the Oneida Business Committee wants to ensure that the Nation; specifically, the Division,
133 is ready to implement and administer the Nation's Industrial Hemp law as indicated in the
134 requisite certification as soon as it receives approval from the USDA; and
135
- 136 **WHEREAS,** to ensure readiness, the Oneida Business Committee intends to refrain from sending the
137 Law and accompanying certification to the USDA for approval as the Nation's regulatory
138 plan until the thresholds set forth below have been met by the Division.
139
- 140 **NOW THEREFORE BE IT RESOLVED,** that the Industrial Hemp law is hereby adopted and shall become
141 effective within ten (10) business days of receiving approval from the USDA.
142
- 143 **BE IT FURTHER RESOLVED,** that the Industrial Hemp law will not be sent to the USDA for approval as
144 the Nation's regulatory plan until the following thresholds have been satisfied by the Division:
145
1. the Division has created all standard operating procedures required under the Law;

- 146 2. the Division has presented any resolution(s) required under the Law to the Oneida
- 147 Business Committee for approval; and
- 148 3. the Division Director provides written confirmation to the Oneida Business Committee
- 149 that the Division has sufficient resources and staff to begin the implementation and
- 150 administration of the Nation's industrial hemp plan in accordance with the Law.

151
152 **BE IT FINALLY RESOLVED**, that, contingent upon satisfaction of these thresholds, the Oneida Business
153 Committee hereby certifies that, upon approval by the USDA, the Nation will have the resources and
154 personnel necessary to carry out the practices and procedures set forth in the Law, consistent with the
155 2018 Farm Bill and USDA regulations promulgated in accordance therewith.



Statement of Effect *Industrial Hemp Law*

Summary

This resolution adopts the Industrial Hemp law, which authorizes the cultivation of hemp within the boundaries of the Oneida Reservation and grants the Nation regulatory authority over hemp production that falls under its jurisdiction.

Submitted by: Kristen M. Hooker, Staff Attorney, Legislative Reference Office
Date: December 2, 2020

Analysis by the Legislative Reference Office

This resolution adopts the proposed Industrial Hemp law (“Law”). The purpose of the Law is to authorize the production of hemp within the boundaries of the Oneida Reservation; grant the Nation primary regulatory over the production of hemp under its jurisdiction; assert the Nation’s inherent sovereign authority by creating a hemp production plan that regulates hemp as an agricultural commodity consistent with the Nation’s laws; and promote the Nation’s hemp industry to the greatest extent permitted by the 2018 Farm Bill and USDA regulations promulgated in accordance therewith. [5 O.C. 508.1-1].

The proposed Law will:

- Require any persons, defined to include businesses and other entities, under the jurisdiction of the Nation, who want to produce hemp, to obtain, as well as maintain, a valid license through the Environmental, Health, Safety and Land Division (“EHSLD”) [5 O.C. 508.6];
- Provide the process and eligibility requirements for persons to obtain and maintain the requisite license to produce hemp pursuant to the Nation’s regulatory plan [5 O.C. 508.6];
- Define what constitutes an “acceptable hemp THC level” for purposes of producing hemp plants in compliance with the Law and provide the requisite sampling/testing methods by which to accurately determine whether a hemp plant exceeds the acceptable hemp THC level [5 O.C. 508.3-1& 508.8];
- Mandate the disposal and destruction of any hemp crop that exceeds the acceptable hemp THC level and provide the requisite process for its disposal/destruction [5 O.C. 508.8-1];
- Set forth certain reporting and record-keeping requirements on the part of the producer and EHSLD that will allow the Nation to track hemp production within the Reservation and ensure compliance with the Law [5 O.C. 508.7]; and
- Provide enforcement mechanisms for EHSLD to detect and respond to instances of non-compliance with the Law that include due process protections for the licensee [5 O.C. 508.11].

The Legislative Procedures Act (“LPA”) was adopted by the General Tribal Council through resolution GTC-01-07-13-A for the purpose of providing a standardized process for the adoption of laws of the Nation. [1 O.C. 109.1-1]. The LPA requires that for all proposed legislation both a

legislative and fiscal analysis be developed. [1 O.C. 109.6 & 109.7]. The proposed Law complied with these requirements.

The LPA also requires that a public comment period be provided for interested parties to submit data, views or arguments relating to proposed legislation and that a public meeting be held during the public comment period to solicit oral comments. [1 O.C. 109.8]. A public meeting on the proposed Law was not held due to the COVID-19 pandemic. In early 2020, the world was hit with the COVID-19 pandemic, which resulted in many countries experiencing the effects of health issues and mortality, as well as vast economic impacts.

In accordance with the Emergency Management and Homeland Security law, on March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State of Emergency*” regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020. [3 O.C. 302.8-1]. The Public Health State of Emergency for the Nation has since been extended until December 13, 2020, through resolutions BC-03-28-20-A, BC-05-06-20-A, BC-06-10-20-A, BC-07-08-20-A, BC-09-09-20-A, BC-10-08-20-A and BC-11-10-20-A.

On March 17, 2020, the Oneida Business Committee (“OBC”) adopted emergency amendments to the Emergency Management and Homeland Security law to create and delegate authority to a COVID-19 Core Decision Making Team (“COVID-19 Team”). [3 O.C. 302.10]. Once a public health state of emergency has been declared, the COVID-19 Team has the authority to declare exceptions to the Nation’s laws, policies, procedures, regulations or standard operating procedures which will be of immediate impact for purposes of protecting the health, safety and general welfare of the Nation’s community, members and employees. [3 O.C. 302.10-2]. The declarations are to remain in effect for the duration of the public health state of emergency, unless identified to be effective for a shorter period of time. [3 O.C. 302.10-3].

On March 24, 2020, the COVID-19 Team issued a “*Safer at Home*” declaration prohibiting all public gatherings of any number of people and ordering all individuals present within the Oneida Reservation to stay at home or at their place of residence with certain exceptions allowed. On April 21, 2020, the COVID-19 Team issued an “*Updated Safer at Home*” declaration which allowed for gaming and golf operations to resume. On May 19, 2020, the COVID-19 Team issued a “*Safer at Home Declaration, Amendment, Open for Business*” permitting businesses to re-open under certain safer business practices but directing that individuals within the Reservation should continue to stay at home and continue to social distance. Then, on June 10, 2020, the COVID-19 Team issued a “*Stay Safer at Home*” declaration that lessened some of the “*Safer at Home Declaration, Amendment, Open for Business*” restrictions, while still providing guidance.

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

Although a public meeting for the Industrial Hemp law was not held, the public comment period was held open until July 9, 2020. The LOC received five (5) submissions of written comments, for a total of twenty-five (25) comments, during the public comment period. All public comments received were accepted, reviewed and considered by the LOC and any changes made based on those comments have been incorporated into the Law. The proposed Law complies with the public review requirements of the LPA as modified by the COVID-19 Team's "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration.

If this resolution is adopted by the OBC, the Law will be submitted to the United States Department of Agriculture ("USDA") as the Nation's regulatory plan. Per the 2018 Farm Bill, tribes and states wanting to exercise regulatory authority over hemp production within their jurisdictions must submit a regulatory plan to the USDA for approval that demonstrates compliance with the 2018 Farm Bill and USDA regulations promulgated in accordance therewith. Implementation of the Law cannot occur until the Nation receives approval from the USDA.

Contingent on USDA approval, is that the Nation submit a certification along with the Law stating that, upon said approval, the Nation will have the resources and personnel necessary to begin carrying out the practices and procedures set forth therein. Consequences exist if the USDA determines that the Nation's certification was without merit.

To ensure that the Nation is ready to implement and administer the Law upon approval by the USDA, especially given the concern raised by EHSLD over its capacity to do so following budget and staffing cuts caused by the COVID-19 pandemic, the adopting resolution sets forth certain thresholds that must be met by EHSLD before the Law may be submitted to the USDA. The thresholds are as follows:

1. That the Division has completed all standard operating procedures required under the Law;
2. That the Division has presented any resolution(s) required under the Law to the Oneida Business Committee for approval; and
3. That the Division Director provides written confirmation to the Oneida Business Committee that the Division has sufficient resources and staff to begin the implementation and administration of the Nation's industrial hemp plan in accordance with the Law.

Once these thresholds are met, the Law will be sent to the USDA for approval as the Nation's regulatory plan, along with the aforementioned certification which is set forth in the adopting resolution. And, once approved by the USDA, the Law will become effective within ten (10) business days thereafter.

Conclusion

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



INDUSTRIAL HEMP LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Law	<p>To authorize hemp production within the boundaries of the Reservation and to grant the Oneida Nation primary regulatory authority over hemp production by setting forth criteria that all persons under the jurisdiction of the Nation who wish to participate in the production of hemp must follow, including, but not limited to:</p> <ul style="list-style-type: none"> ▪ Mandatory licensing and the process for licensure; ▪ A definition of what constitutes an “acceptable hemp THC level” for the processing and distribution of hemp plants; ▪ Sampling and testing requirements to accurately determine whether a hemp plant exceeds the acceptable hemp THC level; ▪ Requirements for the destruction and reporting of hemp crops that exceed the acceptable hemp THC level; ▪ Reporting requirements so the Nation can track hemp production within the Reservation and ensure it is being produced in compliance with the Law; and ▪ Enforcement mechanisms, which include due process protections, for the Nation to detect and respond to non-compliance with the Law.
Purpose	<ul style="list-style-type: none"> ○ To authorize the production of hemp within the Reservation of the Oneida Nation [5 O.C. 508.1-1(a)]; ○ To grant the Oneida Nation primary regulatory authority over the production of hemp within the jurisdiction of the Nation [5 O.C. 508.1-1(b)]; ○ To assert the Nation’s inherent sovereign authority by creating a plan for the production and regulation of hemp as an agricultural commodity consistent with Oneida, as well as federal, law [5 O.C. 508.1-1(c)]; and ○ To promote the Nation’s hemp industry to the maximum extent permitted by law [5 O.C. 508.1-1(d)].
Affected Entities	Any person under the jurisdiction of the Nation who wishes to produce hemp; the Environmental, Health, Safety, Land and Agriculture Division; the Area of Land Management; the Oneida Police Department; and the Nation’s Judiciary.
Related Legislation	Rules of Civil Procedure; Rules of Appellate Procedure.
Public Meeting	A public comment period was held open until July 9, 2020. A public meeting was not held per the declaration of the Nation’s COVID-19 Core Decision Making Team titled, <i>Suspension of Public Meetings under the Legislative Procedures Act</i> .
Fiscal Impact	The Finance Department provided a fiscal impact statement on September 11, 2020 and then followed with an updated fiscal impact statement on November 2, 2020.

SECTION 2. INDUSTRIAL HEMP

A. **What is Industrial Hemp?** Industrial hemp (“hemp”) is a highly versatile crop that belongs to the cannabis sativa plant species.¹ There are three main parts of the hemp plant that are harvested to produce over 25,000 products today:

- **Stalk** – the stalk is harvested for its fiber, which can be used to make such products as rope, textiles, yarn, paper, construction materials, plastics and car parts;
- **Seeds** – the seeds are harvested for use in such products as cooking oil, dietary supplements, hygienic products (e.g. shampoo and lotion) and medicinal/pharmaceutical products; and
- **Hemp Flower** – the hemp flower is harvested for cannabidiol (“CBD”), which is a non-psychoactive chemical compound that has been purported to possess medicinal and therapeutic benefits.²

B. **Industrial Hemp v. Marijuana.** Like hemp, marijuana belongs to the cannabis sativa plant species, and thus, botanically, both plants are the same.³ Legally, however, the plants vary based on their level of delta-9 tetrahydrocannabinol (“THC”). THC is the chemical in cannabis that provides the psychoactive effect, with hemp having a significantly lower THC concentration level (typically, less than one (1) percent) when compared to marijuana, which has an average THC concentration between ten (10) percent and thirty (30) percent.⁴

- A THC concentration of around one (1) percent is the generally accepted threshold for the plant to have a psychoactive effect that people associate with the “high” sensation.⁵
- Under federal law, hemp is defined as having a THC concentration of not more than 0.3 percent on a dry weight basis, which is the same definition that is set forth in the proposed Law to ensure hemp production is regulated in accordance with the 2018 Farm Bill.⁶

SECTION 3. HISTORY OF INDUSTRIAL HEMP (PRE-1970)

A. **Hemp Production in the United States.** The United States has a rich history of growing hemp for industrial and agricultural purposes that dates back to the colonial period.⁷ Hemp was brought to the American colonies in 1645 as a source of fiber to make cloth, paper, canvas and rope.⁸ It played a significant role in producing the ropes and canvas necessary for ships.⁹

In 1937, however, the federal government passed the Marijuana Tax Act, which taxed all forms of marijuana, including hemp, and put in place restrictions that made it significantly more difficult to grow hemp.¹⁰ The restrictions were briefly loosened during WWII due to the shortage of imported fibers, as well as the increased domestic demand for fibers, caused by the war.¹¹ The federal government even created a program called “Hemp for Victory” to promote hemp production in the United States.¹² As a

¹ Ryan LeCloux, “Regulating Wisconsin’s Hemp Industry,” *Wisconsin Policy Project*, vol. 2, no. 9 (August 2019).

² *Id.*

³ *Id.*

⁴ *Id.* (citing Renee Johnson, “Hemp as an Agricultural Commodity,” *Congressional Research Service* (June 22, 2018)).

⁵ *Id.* (citing Renee Johnson, “Defining Hemp: A Fact Sheet,” *Congressional Research Service* (March 22, 2019)).

⁶ 7 U.S.C. s. 5940(a)(2).

⁷ Ryan LeCloux, “Regulating Wisconsin’s Hemp Industry,” *Wisconsin Policy Project*, vol. 2, no. 9 (August 2019).

⁸ *Id.* (citing Economic Research Service, “Industrial Hemp in the United States: Status and Market Potential,” *U.S. Department of Agriculture* (January 2000)).

⁹ *Id.* (citing Carey Reed, “8 Things You Didn’t Know about Hemp,” *PBS NewsHour* (October 17, 2015)).

¹⁰ *Id.* (citing Gerald J. McKenna, “The current Status of Medical Marijuana in the United States,” *Hawaii Journal of Medicine & Public Health* 73, no. 4 (April 2014)).

¹¹ *Id.* (citing Carey Reed, “8 Things You Didn’t Know about Hemp,” *PBS NewsHour* (October 17, 2015)).

¹² *Id.* (citing Deb Kozel, “Industrial Hemp Update,” *Iowa Legislative Services Agency* (February 1, 2019)).

35 result, hemp fiber became pivotal in producing much needed war materials, including thread for shoes,
36 rope, and other materials for building ships, as well as calking vessels.¹³
37

38 After the war, U.S. hemp production declined significantly when the federal government resumed the
39 strict regulations it had put in place through adoption of the Marijuana Tax Act. And, in 1970, the hemp
40 industry was outlawed entirely when the federal government passed the Controlled Substances Act,
41 identifying marijuana, which was defined to include hemp, as a Schedule I drug.
42

43 **B. *Hemp Production in the State of Wisconsin.*** The State of Wisconsin harvested its first hemp crop in
44 1908.¹⁴ Wisconsin proved well-suited for hemp cultivation due to its humid and temperate climate, as
45 well as its fertile soil.¹⁵ This, in turn, led to a rapid growth in the state's hemp production industry,
46 which was further bolstered by advances in technology that were occurring around the same time.¹⁶
47

48 In 1917, a scientist in Wisconsin invented a machine that could harvest and process hemp more
49 efficiently.¹⁷ Soon thereafter, hemp mills were constructed throughout the state to process hemp stalks
50 into fiber. Climate suitability, coupled with such technological advancements, made Wisconsin the hub
51 for hemp fiber production in the United States and, by 1920, the country's top hemp producer.¹⁸
52

53 Wisconsin remained the country's top hemp producing state until the 1950's, when the hemp fiber
54 industry as a whole was becoming largely diminished in the United States.¹⁹ By 1957, Wisconsin had
55 harvested its last hemp crop and would not witness a reemergence of the crop until the adoption of the
56 2014 Farm Bill.²⁰
57

58 **SECTION 4. HISTORY OF INDUSTRIAL HEMP (POST-1970)**

59 **A. *2014 Farm Bill.*** In 2014, Congress passed the Agricultural Act of 2014, also known as the 2014 Farm
60 Bill, legalizing the production of hemp for the first time since 1970.²¹ The 2014 Farm Bill allowed
61 states to create agricultural pilot programs to study the growth, cultivation and marketing of industrial
62 hemp. However, it did not change hemp's classification as a Schedule I drug, and thus, hemp remained
63 illegal for all other purposes, which meant that:

- 64 ■ Hemp products could only be sold for purposes of marketing research;
- 65 ■ Hemp products could not be sold in states that did not have a hemp pilot program;
- 66 ■ Hemp seeds and plants could not be transported over state lines;
- 67 ■ Individuals had to be registered with the U.S. Drug Enforcement Agency to import viable cannabis
68 seeds; and
- 69 ■ Rules for controlled substances still applied to products containing hemp, meaning they could not
70 be manufactured or distributed without the U.S. Food and Drug Administration's approval.
71

¹³ *Id* (citing Albert Hazen Wright, "Wisconsin's Hemp Industry," *Wisconsin Bulletin 293, Madison: Agricultural Experiment Station of the University of Wisconsin* (1918)).

¹⁴ *Id.*

¹⁵ *Id* (citing Jerry Apps, "Wisconsin Agriculture: A History," *Wisconsin Historical Society Press* (2015)).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Carol Spaeth-Bauer, "Looking at an Exciting Future for Industrial Hemp," *Wisconsin State Farmer* (December 19, 2018).

²⁰ *Id.*

²¹ Agricultural Act of 2014, Pub. L. 113-79, section 7606.

72 In 2017, the State of Wisconsin established a hemp pilot program in accordance with the 2014 Farm
73 Bill, officially launching its program in time for the 2018 growing season.²² The state’s pilot program
74 required state licensure for participants of the program, registration fees, a research plan through a
75 university or state department of agriculture, background checks, testing of crops for acceptable THC
76 levels and other regulatory provisions.²³

77
78 The 2014 Farm Bill did not designate Indian tribes as “states” for the purpose of producing industrial
79 hemp under their own pilot programs. Therefore, tribes desiring to participate in a pilot program could
80 only do so by obtaining a license through the state department appointed by the state to administer its
81 pilot program.²⁴ In Wisconsin, it was the Department of Agriculture, Trade and Consumer Protection
82 (“DATCP”) that was appointed to register the state’s program.

83
84 The Oneida Nation participated in the Wisconsin Hemp Pilot Research Project in 2019 by obtaining a
85 license through DATCP.²⁵ Along with licensure, the major project components included registration
86 fees, reporting, recordkeeping, inspections, testing, and destruction protocol for plants that exceeded a
87 THC concentration level of 0.3 percent.²⁶ The Nation’s goals for participating in the program were to
88 learn about hemp varieties, end-use product options, growth characteristics, labor requirements, post-
89 harvest processing, and marketability.

90
91 **B. 2018 Farm Bill.** In 2018, Congress enacted the 2018 Farm Bill, which made substantial changes to the
92 way the federal government had been regulating hemp under the 2014 Farm Bill.²⁷ Most significantly,
93 it removed hemp from the controlled substances list and granted Indian tribes regulatory authority over
94 hemp production within their jurisdictions.²⁸ Under the 2018 Farm Bill:

- 95 ■ Hemp is defined as the plant species *Cannabis sativa* L. and any part of that plant, including the
96 seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
97 whether growing or not, with a THC concentration of not more than 0.3 percent on a dry weight
98 basis;
- 99 ■ The United States Department of Agriculture (“USDA”) is required to establish a permanent federal
100 hemp program that will act to phase out state pilot programs created under the 2014 Farm Bill by
101 terminating them one (1) year after the USDA releases regulations to govern hemp production
102 under the 2018 Farm Bill;
- 103 ■ Tribes and states are authorized to establish their own hemp production programs in lieu of the
104 USDA’s program so long as they submit a plan for approval to the USDA which includes the
105 specific requirements set forth in the 2018 Farm Bill, as well as the USDA regulations created in
106 accordance therewith; and
- 107 ■ Tribes and states are not allowed to prohibit the transportation of hemp or hemp products across
108 their boundary lines even if they do not have a hemp program.²⁹

109
110

²² 2017 WI Act 100.

²³ *Id.*

²⁴ USDA Clarifies Industrial Hemp Production for Indian Tribes. USDA: Agricultural Marketing Service. ams.usda.gov. March 2020.

²⁵ Resolution BC-04-25-18-J, *Support for Industrial Hemp Pilot Program*.

²⁶ Hemp Pilot Research Program. WI. Department of Agriculture, Trade, and Consumer Protection. [Datcp.wi.gov/Pages/ProgramsServices/Hemp](https://datcp.wi.gov/Pages/ProgramsServices/Hemp). March 2020.

²⁷ Agricultural Improvement Act of 2018, Pub. L. 115-334, section 11106.

²⁸ *Id.*

²⁹ *Id.*

111 **SECTION 5. LEGISLATIVE DEVELOPMENT**

112 **A. *Legislative Background.*** This Industrial Hemp law was first added to the Active Files list in March of
113 2015, after U.S. Congress had adopted the 2014 Farm Bill. Under the 2014 Farm Bill, hemp could
114 legally be produced, but only for research purposes and only in states that had passed legislation for the
115 establishment of an agricultural pilot program aimed at studying the growth, cultivation or marketing
116 of industrial hemp. In 2015, the State of Wisconsin did not have such a law. The Law was added to the
117 Active Files List so that the Oneida Nation could establish its own pilot program under the 2014 Farm
118 Bill.

119
120 Work on the Law halted, however, due to a concern over the enabling language of the 2014 Farm
121 Bill. In 2016, precedent came out in support of the notion that section 7606 of the 2014 Farm Bill did
122 not authorize Indian tribes to create their own pilot program like it did for states and institutions of
123 higher education.³⁰ In light of this precedent, as well as a similar statement put out by the U.S. Drug
124 Enforcement Agency, Department of Justice, Department of Agriculture, and Food & Drug
125 Administration, the Oneida Law Office opined that the Nation would likely be prohibited from
126 producing hemp within the Reservation unless licensed through a state pilot program created pursuant
127 to the 2014 Farm Bill.

128
129 Shortly thereafter, Wisconsin decided to create an industrial hemp pilot program through adoption of
130 2017 Wisconsin Act 100. And, in 2018, the Oneida Business Committee adopted resolution BC-04-25-
131 18-J titled, *Support for Industrial Hemp Pilot Program*, which authorized the Nation to participate in
132 the state's industrial hemp pilot program for the 2018-2019 growing season. The Nation obtained its
133 license through Wisconsin's Department of Agriculture, Trade and Consumer Protection and, after a
134 delay by the state in procuring seed certification, the Nation began growing hemp in 2019 for the limited
135 purpose of agriculture and academic research as was the extent of the authorization under the 2014
136 Farm Bill. Given these restrictions, the Nation's goal for participating in the program was to learn about
137 hemp varieties, end-use product options, growth characteristics, labor requirements, post-harvest
138 processing and marketability.

139
140 Although the Nation was producing hemp under Wisconsin's pilot program, it remained intent on
141 creating its own program to administer and regulate hemp as a sovereign nation. Thus, the proposed
142 Law was carried over from the previous term and added back onto the Active Files List for the 2017-
143 2020 term.

144
145 **B. *2018 Farm Bill.*** During the 2018-2019 growing season, U.S. Congress passed the 2018 Farm Bill. The
146 2018 Farm Bill made substantial changes to the way the federal government had been regulating hemp
147 under the 2014 Farm Bill. Most significantly, it removed hemp from the controlled substances list,
148 which allowed it to be produced for reasons other than agricultural/academic research, and granted
149 Indian tribes regulatory authority over hemp production within their jurisdictions, meaning tribes were
150 now permitted to create their own hemp production plans in lieu of federal or state plans so long as
151 approved by the USDA through submission of a plan that shows compliance with the 2018 Farm Bill
152 and the USDA Interim Final Rule ("IFR") promulgated in accordance therewith.

153
154 With the 2018 Farm Bill and IFR in place, the Legislative Operating Committee ("LOC") was able to
155 move forward with the development of the Nation's own Industrial Hemp law. On October 7, 2020, the
156 Law was carried over from the 2017-2020 term and added back on to the Active Files List for the 2020-
157 2023 term to finalize for purposes of adoption consideration.

158

³⁰ *Menominee Indian Tribe of Wis. v. Drug Enforcement Admin.*, 190 F. Supp.3d 843 (2016).

159 The Nation believes that hemp is a valuable agricultural crop, as well as commodity, and that, through
160 proper regulation, hemp can be put to its highest and best use, providing jobs and revenue for essential
161 governmental programs and services that will benefit the Nation and its members. The proposed Law
162 will create a framework and a licensing program for the Nation to regulate hemp and hemp producers
163 on the Oneida Reservation. The Law will be submitted to the USDA as the Nation's regulatory plan for
164 USDA approval in accordance with the 2018 Farm Bill and IFR.

165

166 SECTION 6. CONSULTATION AND OUTREACH

167 A. *Hemp Team.* With the Oneida Business Committee's adoption of resolution BC-04-25-18-J titled,
168 *Support for Industrial Hemp Pilot Program*, a Hemp Team was created to administer the Nation's hemp
169 production under the State of Wisconsin's industrial hemp pilot program. The Hemp Team was also
170 consulted on a regular basis during the drafting phase of this legislation and proved pivotal in the
171 development of the proposed Law. The Hemp Team consisted of members from the following areas
172 within the Oneida Nation:

- 173 ■ The Community & Economic Development Division;
- 174 ■ The Environmental, Health, Safety, Land and Agriculture Division ("Division");
- 175 ■ The Environmental Resources Board; and
- 176 ■ The Community Development Planning Committee ("CDPC").

177

178 B. *Outside Resources.*

- 179 ■ The LRO staff attorney, as well as members of the LOC, participated in several conference calls
180 with the USDA and attended various USDA sponsored trainings to stay up to date on the most
181 current regulatory information regarding the 2018 Farm Bill and the IFR.
- 182 ■ The LRO staff attorney, as well as members of the LOC, attended two (2) meetings held by the
183 Wisconsin Tribal Conservation Advisory Council ("WTCAC") to learn more about hemp and the
184 strategies/practices of other tribes pursuing legislation and regulatory programs under the 2018
185 Farm Bill.

186

187 SECTION 7. PROCESS

188 A. The development of this Law has followed the process set forth in the Legislative Procedures Act
189 ("LPA"), as modified by the COVID-19 Core Decision Making Team's "*Suspension of Public*
190 *Meetings Under the Legislative Procedures Act*" declaration more fully discussed below. The proposed
191 Law was added to the Active Files List on March 18, 2015. It was then carried over from the 2014-
192 2017 term and added back onto the Active Files List on September 6, 2017 for the 2017-2020 term.
193 Just recently, the proposed Law was carried over from the 2017-2020 term and added back onto the
194 Active Files List for the 2020-2023 term.

195

196 B. The following work meetings were held regarding the development of this Law and legislative analysis:

- 197 ■ August 1, 2018: Work meeting with LOC.
- 198 ■ August 28, 2018: Work meeting with CDPC.
- 199 ■ October 25, 2018: Work meeting with LOC.
- 200 ■ December 5, 2018: Work meeting with LOC.
- 201 ■ February 5, 2019: Work meeting with Hemp Team.
- 202 ■ April 11, 2019: Work meeting with LOC.
- 203 ■ July 2, 2019: Work meeting with Hemp Team.
- 204 ■ July 9, 2019: Work meeting with Hemp Team.
- 205 ■ July 15, 2019: Work meeting with LOC.
- 206 ■ September 11, 2019: Work meeting with Hemp Team.
- 207 ■ October 24, 2019: Work meeting with Hemp Team.

- 208 ▪ November 14, 2019: Work meeting with Hemp Team.
- 209 ▪ December 23, 2019: Work meeting with Hemp Team.
- 210 ▪ January 30, 2020: Work meeting with LOC.
- 211 ▪ February 14, 2020: Work meeting with Hemp Team.
- 212 ▪ February 21, 2020: Work meeting with Hemp Team.
- 213 ▪ March 12, 2020: Work meeting with Hemp Team.
- 214 ▪ April 8, 2020: Work meeting with LOC.
- 215 ▪ April 15, 2020: Work meeting with LOC.
- 216 ▪ April 16, 2020: Work meeting with LOC.
- 217 ▪ April 23, 2020: Work meeting with LOC.
- 218 ▪ April 28, 2020: Work meeting with LOC.
- 219 ▪ May 7, 2020: Work meeting with LOC.
- 220 ▪ May 15, 2020: Work meeting with LOC.
- 221 ▪ May 28, 2020: Work meeting with LOC.
- 222 ▪ July 16, 2020: Work meeting with LOC.
- 223 ▪ October 7, 2020: Work meeting with LOC.
- 224 ▪ October 23, 2020: Work meeting with Division and LOC.
- 225 ▪ October 29, 2020: Work meeting with LOC.

226

227 **C. *COVID-19 Pandemic's Effect on the Legislative Process.*** The world is currently facing a pandemic
 228 of the coronavirus disease 2019 (“COVID-19”). The COVID-19 outbreak originated in Wuhan, China
 229 and has spread to many other countries throughout the world, including the United States of America.
 230 The COVID-19 pandemic has resulted in high rates of infection and mortality, as well as vast economic
 231 impacts to the stock market and businesses. A public meeting for the proposed Law was not held due
 232 to the COVID-19 pandemic, based on the following:

- 233 ▪ *Declaration of a Public Health State of Emergency.*
 - 234 • On March 12, 2020, Chairman Tehassi Hill signed a “*Declaration of Public Health State*
 235 *of Emergency*” in response to the COVID-19 pandemic, which declared a Public Health
 236 State of Emergency for the Nation until April 12, 2020, setting into place the necessary
 237 authority for action to be taken and allowing the Nation to seek reimbursement of
 238 emergency management actions that may result in unexpected expenses.
 - 239 • On March 28, 2020, the Oneida Business Committee adopted resolution BC-03-28-20-A
 240 titled, “*Extension of March 12th Declaration of Public Health State of Emergency*” which
 241 extended the Nation’s Public Health State of Emergency until May 12, 2020.
 - 242 • On May 6, 2020, the Oneida Business Committee adopted resolution BC-05-06-20-A
 243 titled, “*Extension of Declaration of Public Health State of Emergency Until June 11, 2020*”
 244 which further extended the Nation’s Public Health State of Emergency until June 11, 2020.
 - 245 • On June 10, 2020, the Oneida Business Committee adopted resolution BC-06-10-20-A
 246 titled, “*Extension of Declaration of Public Health State of Emergency Until July 12, 2020*”
 247 which further extended the Nation’s Public Health State of Emergency until July 12, 2020.
 - 248 • On July 8, 2020, the Oneida Business Committee adopted resolution BC-07-08-20-A titled,
 249 “*Extension of Declaration of Public Health State of Emergency Until August 11, 2020*”
 250 which further extended the Nation’s Public Health State of Emergency until August 11,
 251 2020.
 - 252 • On August 6, 2020, the Oneida Business Committee adopted resolution BC-08-06-20-A
 253 titled, “*Extension of Declaration of Public Health State of Emergency Until September 11,*
 254 *2020*” which further extended the Nation’s Public Health State of Emergency until
 255 September 11, 2020.

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- On September 9, 2020, the Oneida Business Committee adopted resolution BC-09-09-20-A titled, “*Extension of Declaration of Public Health State of Emergency Until October 12, 2020*” which further extended the Nation’s Public Health State of Emergency until October 12, 2020.
 - On October 8, 2020, the Oneida Business Committee adopted resolution BC-10-08-20-A titled, “*Extension of Declaration of Public Health State of Emergency Until November 13, 2020*” which further extended the Nation’s Public Health State of Emergency until November 13, 2020.
 - On November 10, 2020, the Oneida Business Committee adopted resolution BC-11-10-20-A titled, “*Extension of Declaration of Public Health State of Emergency Until December 13, 2020*” which further extended the Nation’s Public Health State of Emergency until December 13, 2020.
 - *COVID-19 Core Decision Making Team Declarations: Safer at Home.*
 - On March 24, 2020, the Nation’s COVID-19 Core Decision Making Team issued a “*Safer at Home*” declaration which ordered all individuals present within the Oneida Reservation to stay at home or their place of residence, with certain exceptions allowed. This declaration prohibited all public gatherings of any number of people.
 - On April 21, 2020, the COVID-19 Core Decision Making Team issued an “*Updated Safer at Home*” declaration which allowed for gaming and golf operations to resume.
 - On May 19, 2020, the COVID-19 Core Decision Making Team issued a “*Safer at Home Declaration, Amendment, Open for Business*” which directed that individuals within the Oneida Reservation continued to stay at home, that businesses could re-open under certain safer business practices, and that social distancing be practiced by all persons.
 - On June 10, 2020, the COVID-19 Core Decision Making Team issued a “*Stay Safer at Home*” declaration which lessened the restrictions from the “*Safer at Home Declaration, Amendment, Open for Business*” while still providing guidance.
 - *COVID-19 Core Decision Making Team Declaration: Suspension of Public Meetings under the Legislative Procedures Act.*
 - On March 27, 2020, the COVID-19 Core Decision Making Team issued a “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration which suspended the LPA's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data or input on proposed legislation to the LOC via e-mail during the public comment period.
 - Although a public meeting was not held on the proposed Industrial Hemp law, a public comment period was still held open until July 9, 2020, in accordance with the LPA and the COVID-19 Core Decision Making Team’s “*Suspension of Public Meetings under the Legislative Procedures Act*” declaration.
 - The LOC received five (5) submissions of written comments, for a total of twenty-five (25) comments, during the public comment period. All public comments received were accepted, reviewed and considered by the LOC and any changes made based on those comments have been incorporated into the proposed Law.

SECTION 8. CONTENTS OF THE LEGISLATION

A. *Purpose of the Law.*

- 301
- 302
- 303
- 304
- *Self-Governance.* The 2018 Farm Bill recognizes that Indian tribes, not the federal government, can and should assume primary regulatory authority over hemp production within their jurisdictions. To exercise that right, Indian tribes, as well as any state wishing to assume primary regulatory authority over hemp production, must submit a regulatory plan to the USDA for approval

305 that includes, at a minimum, the processes and prohibitions required by the 2018 Farm Bill and
306 IFR. This Law will be submitted to the USDA as the Nation’s regulatory plan. [5 O.C. 508.4-1].

307 ▪ *Enabling Legislation.* Once approved by the USDA as the Nation’s regulatory plan, the Law will
308 go into effect within ten (10) business days following said approval, meaning it will then enable,
309 or authorize, the production of hemp within the boundaries of the Oneida Reservation and grant the
310 Nation regulatory authority over hemp production that occurs within its jurisdiction. [5 O.C. 508.1-
311 1].

312 • With respect to hemp “production”, the Law defines it to include cultivation, processing,
313 handling or storing of hemp plants for market in the United States. Given this broad
314 definition, nearly any activity related to hemp cultivation within the jurisdiction of the
315 Nation would be governed by this Law. [5 O.C. 508.3-1(ii)].

316
317 **B. Application.** This Law regulates the production of hemp within the boundaries of the Oneida Nation
318 and applies to all persons under the jurisdiction of the Nation that intend to engage, whether directly or
319 indirectly, in the production of hemp. [5 O.C. 508.4-1].

320 ▪ In the Law, “person” is defined to include a corporation, cooperative, consortium, foundation,
321 organization, business trust, estate, limited liability company, licensed corporation, trust
322 partnership, limited liability partnership, association or other form of legal business entity,
323 including another governmental entity. [5 O.C. 508.3-1(ff)].

324 ▪ The Law provides that persons doing business with the Nation or persons engaged in commercial
325 dealings, leases, licenses, easements or other transactions related to hemp production within the
326 exterior boundaries of the Reservation have voluntarily and explicitly consented to the jurisdiction
327 of the Nation and are subject to regulation by the Nation. [5 O.C. 508.4-1].

328
329 **C. Effectiveness.** Per the requirements of the 2018 Farm Bill and USDA regulations created thereunder,
330 the Law will not become effective until approved by the USDA. [5 O.C. 508.4-1].

331 ▪ Before the legislation is submitted to the USDA for approval, the 2018 Farm Bill further requires
332 that the Oneida Business Committee certify in writing that the Nation is capable and prepared to
333 implement the Law upon USDA approval.

334 • If, upon audit, the USDA determines that the Nation is not acting in accordance with its
335 certification of readiness, the Nation could be subject to a corrective action plan and, if
336 multiple instances of non-compliance are found, a revocation of approval to assume
337 regulatory authority over the production of hemp within its boundaries.

338 • The Law’s adopting resolution contains the requisite certification and, if approved by the
339 Oneida Business Committee, the resolution will be included with the Law when submitted
340 to the USDA for approval. However, to ensure that the Nation is ready to perform in
341 accordance with the certification once approved by the USDA, the certification, as well as
342 the adopting resolution, contains a triggering clause that prohibits the Law from being sent
343 to the USDA for approval until the following thresholds are met by the Division:

344 ○ The Division creates all standard operating procedures required under the Law;
345 ○ The Division has presented any resolution(s) required under the Law to the Oneida
346 Business Committee for approval; and
347 ○ The Division Director provides written confirmation to the Oneida Business
348 Committee that the Division has sufficient resources and staff to begin the
349 implementation and administration of the Nation’s industrial hemp plan in
350 accordance with the Law.

351
352 **D. Compliance.** All hemp produced within the jurisdiction of the Nation must meet the requirements of
353 the Law, which incorporates all mandatory provisions from the 2018 Farm Bill and IFR. [5 O.C. 508.4-
354 2].

- 355 ▪ Understanding that the 2018 Farm Bill, as well as the IFR, are subject to amendments which could
356 result in a change to some of the current requirements that may better serve the policy behind the
357 Law, “Farm Bill” is broadly defined to include the IFR, as well as any subsequent amendments to
358 either versions, so that adjustments can potentially be made without having to undergo amendments
359 to this Law. [5 O.C. 508.3-1(p)]. To that end, the Law also includes the following provision:
- 360 • Consistent with sections 508.1-1 and 508.1-2, this law shall be liberally construed to
361 the greatest extent authorized under the Farm Bill to fulfill the purpose and policy for
362 which it was adopted. [5 O.C. 508.4-1(c)].
- 363 ▪ The Division, as the assigned administrator, is responsible for providing the public with information
364 on how to participate in hemp production in compliance with the Law. [5 O.C. 508.5-2]. This
365 includes, at a minimum, information on how to:
- 366 • Determine prospective geospatial locations [5 O.C. 508.5-2(a)(1)];
 - 367 • Obtain and properly submit a Criminal History Report [5 O.C. 508.5-2(a)(2)]; and
 - 368 • Share requisite information with the Farm Service Agency [5 O.C. 508.5-2(a)(3)].
- 369
- 370 **E. Licensure.** Persons intending to produce hemp or participate in the production of hemp must first obtain
371 a license from the Division. [5 O.C. 508.6-1].
- 372 ▪ *License Application Process.* To obtain a license to produce hemp, persons must:
- 373 • Fill out the application form created by the Division [5 O.C. 508.6-2(a)];
 - 374 • Provide the street address (if possible), legal description and geospatial location for each
375 field, greenhouse, building or site where hemp will be cultivated, handled, processed or
376 stored [5 O.C. 508.6-2(a)(2)];
 - 377 ○ As indicated, the Law requires the Division to provide public information on how
378 to determine geospatial locations.
 - 379 • Provide proof of ownership of the land or property where hemp will be produced; or proof
380 of permission to use another’s land/property for hemp production [5 O.C. 508.6-2(a)(3)];
 - 381 • Provide a description of the intended use of the hemp crop; the intended method of
382 cultivation; and whether the applicant intends to use any pesticides, herbicides or other
383 potentially hazardous materials during the cultivation process [5 O.C. 508.6-2(a)(4)];
 - 384 • Acknowledge, through execution of the application, that they are agreeing to abide by all
385 rules and regulations governing the Nation’s plan and are certifying that the information
386 they provided in and submitted with the application is accurate and truthful [5 O.C. 508.6-
387 2(a)(5)];
 - 388 ○ Persons found to have materially falsified any information provided in or along
389 with their application shall be deemed ineligible for licensure. [5 O.C. 508.6-3].
 - 390 • Provide a Criminal History Report that has been completed no greater than sixty (60) days
391 before the date the person submits the application to the Division [5 O.C. 508.6-2(a)(6)];
 - 392 ○ “Criminal History Report” is defined within the Law to mean the U.S. Federal
393 Bureau of Investigation’s Identity History Summary. [5 O.C. 508.3-1(g)].
 - 394 - As indicated, the Law requires the Division to provide public information
395 on how to obtain and properly submit a Criminal History Report during
396 the application process.
 - 397 ○ Applicants with a state or felony conviction relating to a controlled substance are
398 ineligible for licensure for a period of ten (10) years from the date of conviction
399 unless they had been lawfully producing hemp under the 2014 Farm Bill before
400 December 20, 2018 and had been convicted before that date. [5 O.C. 508.6-3].
 - 401 • Pay the licensing fee set pursuant to the fee schedule created by the Division and approved
402 by the Oneida Business Committee through resolution [5 O.C. 508.6-2(a)(7)]; and

- 403 • Provide any further information, disclosure or consent the Division requires under the
404 standard operating procedure it created pursuant to the Law [5 O.C. 508.6-2].
- 405 ▪ *License Period.* A license to produce hemp is valid for a period of three (3) years from the date it
406 was issued. [5 O.C. 508.6-1(b)].

407

408 **F. *Maintaining Licensure.*** Persons licensed to produce hemp (“Licensee”) must adhere to the following
409 to maintain their licensure:

- 410 ▪ *Acceptable Hemp THC Level.* Licensees are prohibited from producing hemp plants that exceed
411 the acceptable hemp THC level. [5 O.C. 508.11].
 - 412 • A hemp plant exceeds the acceptable hemp THC level “when the application of the
413 measurement of uncertainty (MU) to the reported delta-9 tetrahydrocannabinol content
414 concentration level on a dry weight basis produces a distribution or range of not more than
415 0.3%.” [5 O.C. 508.3-1].
- 416 ▪ *Reporting.* Licensees are required to report as follows:
 - 417 • Upon issuance of their license, Licensees must report their hemp crop acreage to the Farm
418 Service Agency and forward copies of the same to the Division [5 O.C. 508.7-2(c)];
 - 419 ○ As indicated, the Law requires the Division to provide public information on how
420 to report to the Farm Service Agency.
 - 421 • Licensees must report planting, pre-harvest and post-harvest activities to the Division in
422 the manner indicated within the Division’s standard operating procedures [5 O.C. 508.7-
423 2(a)];
 - 424 • Licensees must share any test results, obtained under the Law’s testing provisions, with the
425 Division and, if deemed necessary by the Division, with the USDA [5 O.C. 508.7-2(b)];
426 and
 - 427 • Licensees are required to immediately notify the Division of any changes in their
428 application status and, within five (5) days of conviction, any felony convictions relating
429 to controlled substances or violent/sex crimes [5 O.C. 508.6-2(c)(1) & 508.7-2(d)].
 - 430 ○ Licensees must maintain the above reports, along with all other information
431 referenced within the Law or the Division’s standard operating procedures, for a
432 period of at least seven (7) years. [5 O.C. 508.7-3(b)].
 - 433 ○ The information must be maintained in a manner that allows the Licensee to easily
434 access it upon request of the Division. [5 O.C. 508.7-3(b)(1)].
- 435 ▪ *Division Oversight.* The Division is required to undergo the following to ensure Licensees are
436 producing hemp in accordance with the Law:
 - 437 • That it collects and maintains, for at least seven (7) years, specific information on each
438 license it issues, including:
 - 439 ○ The Licensee’s contact information, which must include the address of residence
440 [5 O.C. 508.6-2(a)(1)];
 - 441 ○ The locations of the Licensee’s growing sites [5 O.C. 508.6-2(a)(2)]; and
 - 442 ○ Information relating to the Licensee’s acreage; crop sampling, testing and results;
443 and destruction of non-compliant plants. [5 O.C. 508.7-1].
 - 444 • That it conducts inspections and investigates complaints [5 O.C. 508.5];
 - 445 ○ Licensees are required to grant the Division or designees of the Division complete
446 access to their growing sites to conduct inspections, sampling and, if necessary,
447 disposal of non-compliant plants. [5 O.C. 508.7-2].
 - 448 • That it samples and tests hemp crops pursuant to the protocol set forth in the Law to
449 determine whether they exceed the acceptable hemp THC level and, if they do, that it
450 destroys the non-compliant plants in accordance with the 2018 Farm Bill [5 O.C. 508.8];
451 and

- 452 ○ The Law provides that the Division may collect samples, facilitate testing and
- 453 oversee destruction of non-compliant plants using representatives of the Nation (so
- 454 long as they are not the actual Licensees) or by outsourcing to an appropriate
- 455 individual or entity of the Division's choosing. [5 O.C. 508.8].
- 456 ○ The sampling, testing and destruction protocols set forth in the Law are per the
- 457 requirements of the 2018 Farm Bill and IFR. However, the Law carves out
- 458 flexibility for the Nation to use alternative protocols at such time that the federal
- 459 guidelines allow for it. [5 O.C. 508.8].
- 460 ● That it enforces the Law through appropriate means, including the issuance of corrective
- 461 actions and mandatory reporting to the USDA for non-compliance that has a culpable
- 462 mental state greater than negligence [5 O.C. 508.7-1].
- 463 ○ Licensees are required to comply with any corrective action plan that was issued
- 464 by the Division for non-compliance. [5 O.C. 508.11].
- 465

466 **G. Sampling, Testing and Destruction.** The 2018 Farm Bill and IFR set forth specific protocols that must
 467 be followed for collecting samples of each hemp crop; for testing those samples; and, if a sample tests
 468 above the acceptable hemp THC level, for destroying the entire crop associated with that sample. To
 469 ensure compliance with the 2018 Farm Bill and IFR, this Law has adopted these protocols in their
 470 entirety, but carved out flexibility for the Nation to adopt different protocols in the event the federal
 471 government decides to loosen some of its current sampling, testing and disposal requirements. [5 O.C.
 472 508.8-1].

473 **H. Enforcement and Appeals.**

- 475 ■ **Violations.** The Law provides that violators of the Law shall not, as a result of the violation, be
 476 subject to any criminal enforcement action by the Tribal, Federal, State or local government. [5
 477 O.C. 508.11]. It then divides violations into the following two (2) categories:
- 478 ● Negligent violations, which include, but are not limited to:
- 479 ○ A failure to provide a legal description of land on which the Licensee produces
- 480 hemp [5 O.C. 508.11-2(a)(1)];
- 481 ○ A failure to obtain a license from the Division to produce hemp [5 O.C. 508.11-
 482 2(a)(2)]; and
- 483 ○ The production of hemp with a concentration exceeding the acceptable hemp THC
 484 level [5 O.C. 508.11-2(a)(3)].
- 485 - The Law affords some flexibility with respect to hemp that is produced
 486 with a THC concentration in excess of 0.3 percent, but not more than 0.5
 487 percent, in that it does not consider this to be a negligent violation so long
 488 as the Licensee made reasonable efforts to grow hemp, but still requires
 489 that the crop be destroyed. [5 O.C. 508.11-2(a)(3)(A)(i)].
- 490 ● Violations made with a culpable mental state greater than negligence, which the Law
 491 defines as acting intentionally, knowingly, willfully, or recklessly. [5 O.C. 508.11].
- 492 ■ **Enforcement.**
- 493 ● If the Division finds that a negligent violation occurred, the Law requires it to establish a
 494 corrective action plan that includes, at a minimum:
- 495 ○ A plan to correct the violation [5 O.C. 508.11-2(b)(1)];
- 496 ○ A reasonable date by which the Licensee shall correct the negligent violation [5
 497 O.C. 508.11-2(b)(2)]; and
- 498 ○ A requirement that the Licensee periodically reports to the Division on Licensee's
 499 compliance with the Nation's plan for a period of not less than the next two (2)
 500 years from the date of the negligent violation [5 O.C. 508.11-2(b)(3)].
- 501 - Licensees found to have negligently violated the Law three (3) times

- 502 within a five (5) year period shall be ineligible to produce hemp for a
503 period of at least five (5) years from the date of the third violation. [5 O.C.
504 508.11].
- 505 • If the Division determines that a Licensee violation was committed with a culpable mental
506 state greater than negligence, the Law requires that it immediately report the Licensee to
507 the U.S. Attorney General, USDA and the Nation’s chief law enforcement officer or chief
508 law enforcement officer of the state charged with receiving such information. [5 O.C.
509 508.11].
 - 510 ▪ *Appeals.* The Law allows for appeals of decisions of the Division to be filed with the Judiciary in
511 accordance with the Nation’s governing laws. [5 O.C. 508.12].

512 SECTION 9. OTHER CONSIDERATIONS

- 513 A. *Certification of Readiness.* In the event the Oneida Business Committee decides to adopt this Law, it
514 would then have to be sent to the USDA for approval before implementation could begin. Contingent
515 on USDA approval, is that the Nation include a certification stating that, upon said approval, the Nation
516 will have the resources and personnel necessary to begin carrying out the practices and procedures set
517 forth therein. Should the USDA determine otherwise during an audit of the Nation’s plan, the following
518 could occur:
- 519 ▪ For first instances of non-compliance – the USDA could develop a corrective action plan for the
520 Nation to follow to ensure compliance with its Law; and
 - 521 ▪ For additional instances of non-compliance, the USDA may revoke its approval of the Law and
522 assume regulatory authority over hemp production within the jurisdiction of the Nation.
 - 523 • *Impact of COVID-19 on Certification.* In response to COVID-19 and the Nation’s Public
524 Health State of Emergency declaration, the Oneida Business Committee adopted resolution
525 BC-04-08-20-C titled, “*Tier V Budget Contingency Declared for Remainder of Fiscal Year*
526 *2020.*”
 - 527 ○ Resolution BC-04-08-20-C adopted Tier V budget reductions from the Budget
528 Contingency Plan, created under the Budget Management and Control law, which
529 included five percent (5%) mandatory budget cuts across the Nation, reduction of
530 all funding to go to essential services only, and layoffs/furloughs.
 - 531 ○ At least half of the Nation’s workforce has been placed on furlough or laid off due
532 to the COVID-19 pandemic and Public Health State of Emergency declaration.
 - 533 ○ The Nation’s Chief Financial Officer has identified that complete financial
534 recovery from the impacts of COVID-19 may take as long as two (2) to three (3)
535 years and operations, including services and employment levels, may not return
536 to pre-pandemic levels.
 - 537 ○ Due to the uncertain nature of the pandemic, including its financial constraints on
538 the Nation and the potential effect on the Division’s staffing levels to last beyond
539 the Public Health State of Emergency, the Division expressed a concern over its
540 current capacity to implement and administer the Law once approved by the
541 USDA.
 - 542 • *Adopting Resolution.* To ensure the Nation’s readiness to perform in accordance with the
543 requisite certification, the adopting resolution includes the following thresholds that must
544 be met before the Law may be sent to the USDA for approval as the Nation’s regulatory
545 plan:
 - 546 ○ That the Division has created all standard operating procedures required under
547 the Law;
 - 548 ○ That the Division has presented any resolution(s) required under the Law to the
549 Oneida Business Committee for approval; and
 - 550

551 ○ That the Division Director provides written confirmation to the Oneida Business
552 Committee that the Division has sufficient resources and staff to begin the
553 implementation and administration of the Nation’s industrial hemp plan in
554 accordance with the Law.
555

556 **B. *Fiscal Impact.*** A fiscal impact statement of the proposed Law was provided by the Finance Department
557 on September 11, 2020 and again on November 2, 2020 as an updated document.

558 ▪ Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except
559 emergency legislation. [*1 O.C. 109.6-1*].

560 ▪ Resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the*
561 *Legislative Procedures Act,*” requires that, when developing a fiscal impact statement for the
562 adoption of proposed legislation by the Oneida Business Committee, the Finance Department shall,
563 within ten (10) business days of final approval of draft legislation by the Legislative Operating
564 Committee, unless granted an extension of time, provide a fiscal impact statement to the Legislative
565 Operating Committee.

566

Title 5. Business - Chapter 508 INDUSTRIAL HEMP

508.1. Purpose and Policy
508.2. Adoption, Amendment, Repeal
508.3. Definitions
508.4. Application
508.5. Authority
508.6. Licensing Requirements

508.7. Required Recordkeeping and Reporting
508.8. Sampling and Testing
508.9. Destruction of Noncompliant Plants
508.10. Compliance
508.11. Enforcement
508.12. Appeals

1 **508.1. Purpose and Policy**

2 508.1-1. *Purpose.* The purpose of this law is to:

- 3 (a) Authorize the production of hemp within the Reservation of the Oneida Nation;
4 (b) Grant the Oneida Nation primary regulatory authority over the production of hemp
5 within the jurisdiction of the Nation;
6 (c) Assert the Nation’s inherent sovereign authority by creating a hemp production plan
7 that regulates hemp as an agricultural commodity consistent with Oneida, as well as
8 federal, law; and
9 (d) Promote the Nation’s hemp industry to the maximum extent permitted by law.

10 508.1-2. *Policy.* The Agricultural Improvement Act of 2018, commonly referred to as the 2018
11 Farm Bill, provides an opportunity for Indian Nations to engage in hemp production through the
12 submission of a hemp production plan for approval to the United States Department of Agriculture.
13 The Farm Bill recognizes that Indian Nations, not the federal government, can and should assume
14 primary regulatory authority over hemp production within their jurisdictions. It is the policy of the
15 Nation to exercise its inherent sovereign authority through self-governance. It is further the policy
16 of the Nation to protect the health, security and general welfare of the community. The Nation
17 finds that hemp is a valuable agricultural crop and commodity and that through proper regulation,
18 hemp can be put to its highest and best use, thereby providing jobs and revenue for essential
19 governmental programs and services that will benefit the Nation and its members.

20

21 **508.2. Adoption, Amendment, Repeal**

22 508.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-
23 _.

24 508.2-2. This law may be amended or repealed by the Oneida Business Committee and/or
25 General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

26 508.2-3. Should a provision of this law or the application thereof to any person or circumstances
27 be held as invalid, such invalidity shall not affect other provisions of this law which are considered
28 to have legal force without the invalid portions.

29 508.2-4. In the event of a conflict between a provision of this law and a provision of another law,
30 the provisions of this law shall control.

31 508.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

32

33 **508.3. Definitions**

34 508.3-1. This section shall govern the definitions of words and phrases used within this law. All
35 words not defined herein shall be used in their ordinary and everyday sense.

- 36 (a) “Acceptable hemp THC level” means when the application of the measurement of
37 uncertainty (“MU”) to the reported delta-9 tetrahydrocannabinol content concentration
38 level on a dry weight basis produces a distribution or range of not more than 0.3 percent.

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- 39 (b) “Applicant” means a person who applies to the Nation for a license to participate in
40 the Nation’s hemp production plan established by this law.
- 41 (c) “Cannabis” means a genus of flowering plants in the family Cannabaceae of which
42 *Cannabis sativa* is a species and refers to any form of the plant whereby the delta-9
43 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.
- 44 (d) “Controlled Substances Act” means the act, codified in 21 U.S.C. 801, *et seq.*,
45 establishing the U.S. federal drug policy for regulating the manufacture, importation,
46 exportation, possession, use and distribution of certain substances.
- 47 (e) “Conviction” means any plea of guilty or nolo contendere, or any finding of guilt,
48 except when the finding of guilt is subsequently overturned on appeal, pardoned or
49 expunged.
- 50 (f) “Corrective action plan” means a plan established by the Division for a producer to
51 correct a negligent violation or other form of non-compliance with the Nation’s hemp
52 production plan and/or this law.
- 53 (g) “Criminal History Report” means the U.S. Federal Bureau of Investigation’s Identity
54 History Summary.
- 55 (h) “Culpable mental state greater than negligence” means to act intentionally, knowingly,
56 willfully or recklessly.
- 57 (i) “Decarboxylated” means the completion of the chemical reaction that converts THC-
58 acid (“THC-A”) into delta-9-THC, the intoxicating component of cannabis. The
59 decarboxylated value is also calculated using a conversion formula that sums delta-9-THC
60 and eighty-seven and seven tenths (87.7) percent of THC-A.
- 61 (j) “Decarboxylation” means the removal or elimination of carboxyl group from a
62 molecule or organic compound.
- 63 (k) “Delta-9 tetrahydrocannabinol, delta-9-THC or THC” means the primary psychoactive
64 component of cannabis. For purposes of the Nation’s plan, delta-9-THC and THC are
65 interchangeable.
- 66 (l) “Division” means the Oneida Environmental, Health, Safety, Land and Agriculture
67 Division or other named entity delegated the authority to carry out the responsibilities and
68 powers set forth in section 508.5-2 of this law.
- 69 (m) “Drug Enforcement Administration or DEA” means the federal law enforcement
70 agency under the U.S. Department of Justice that is the lead agency for domestic
71 enforcement of the Controlled Substances Act.
- 72 (n) “Dry weight basis” means the ratio of the amount of moisture in a sample to the amount
73 of dry solid in a sample. A basis for expressing the percentage of a chemical in a substance
74 after removing the moisture from the substance. Percentage of THC on a dry weight basis
75 means the percentage of THC, by weight, in a cannabis item (plant, extract or other
76 derivative) after excluding moisture from the item.
- 77 (o) “Expunged” means when a conviction is removed from an individual’s criminal history
78 record and there are no legal disabilities or restrictions associated with the expunged
79 conviction, other than the fact that the conviction may be used for sentencing purposes for
80 subsequent convictions.
- 81 (p) “Farm Bill” means the Agricultural Improvement Act of 2018, Pub. L. 115-334,

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- 82 December 20, 2018, 132 Stat. 4490, as may be amended from time-to-time hereafter, along
83 with the Interim Final Rule for the establishment of a domestic hemp production program
84 issued by the U.S. Department of Agriculture on October 29, 2019 and as may be finalized
85 and further amended from time-to-time hereafter.
- 86 (q) “Farm Service Agency or FSA” means the USDA agency charged with assisting in
87 information collection on land being used for hemp production.
- 88 (r) “Gas chromatography or GC” means a type of chromatography in analytical chemistry
89 used to separate, identify and quantify each component in a mixture. GC relies on heat for
90 separating and analyzing compounds that can be vaporized without decomposition.
- 91 (s) “Geospatial location” means a location designated through a global system of
92 navigational satellites used to determine the precise ground position of a place or object.
- 93 (t) “Handle” means to harvest or store hemp plants or hemp plant parts prior to the delivery
94 of such plants or plant parts for further processing and, where cannabis plants exceed the
95 acceptable hemp THC level, shall also mean to dispose of those plants.
- 96 (u) “Hemp” means the plant species *Cannabis sativa* L. and any part of that plant, including
97 the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts
98 of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of
99 not more than 0.3 percent on a dry weight basis.
- 100 (v) “High-performance liquid chromatography or HPLC” means a type of chromatography
101 technique in analytical chemistry used to separate, identify and quantify each component
102 in a mixture.
- 103 (w) “Information sharing system” means the database mandated under the Farm Bill which
104 allows USDA to share information collected under tribal, state and USDA plans with tribal,
105 federal, state, and local law enforcement.
- 106 (x) “Key participant” means a sole proprietor, partner in a partnership, or person with
107 executive managerial control in a corporation such as a chief executive officer, chief
108 operating officer and chief financial officer, but not non-executive managers such as farm,
109 field or shift managers.
- 110 (y) “Law enforcement agency” means any tribal, federal, state or local law enforcement
111 agency.
- 112 (z) “Lot” means a contiguous area in a field, greenhouse or indoor growing structure
113 containing the same variety or strain of cannabis throughout the area.
- 114 (aa) “Marijuana” means all cannabis that tests as having a concentration level of THC on
115 a dry weight basis of higher than 0.3 percent.
- 116 (bb) “Measurement of uncertainty or MU” means the parameter, associated with the result
117 of a measurement, that characterizes the dispersion of the values that could reasonably be
118 attributed to the particular quantity subject to measurement.
- 119 (cc) “Nation” means the Oneida Nation.
- 120 (dd) “Nation’s plan” means the criteria and regulations set forth in this law to govern the
121 production of hemp within the jurisdiction of Nation and serves as the “plan” as required
122 by the Farm Bill to be submitted to and approved by the USDA for the Nation to assume
123 primary regulatory authority over the production of hemp within its jurisdiction.
- 124 (ee) “Negligence” means a failure to exercise the level of care that a reasonably prudent

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- 125 person would exercise in complying with the regulations set forth in this law.
126 (ff) “Person” means a natural person, corporation, cooperative, consortium, foundation,
127 organization, business trust, estate, limited liability company, licensed corporation, trust
128 partnership, limited liability partnership, association or other form of legal business entity,
129 including another governmental entity.
130 (gg) “Phytocannabinoid” means cannabinoid chemical compounds found in the cannabis
131 plant, two of which are delta-9-THC and cannabidiol (“CBD”).
132 (hh) “Postdecarboxylation” means in the context of testing methodologies for THC
133 concentration levels in hemp a value determined after the process of decarboxylation that
134 determines the total potential delta-9-THC content derived from the sum of the THC and
135 THC-A content and reported on a dry weight basis. The postdecarboxylation value of THC
136 can be calculated by using a chromatograph technique using heat, gas chromatography,
137 through which THC-A is converted from its acid form to its neutral form, THC. Thus, this
138 test calculates the total potential THC in a given sample. The postdecarboxylation value of
139 THC can also be calculated by using a high-performance liquid chromatograph technique,
140 which keeps the THC-A intact, and requires a conversion calculation of that THC-A to
141 calculate total potential THC in any given sample.
142 (ii) “Produce or production” means to cultivate, process, handle or store hemp plants for
143 market in the United States.
144 (jj) “Producer” means a person licensed by the Division to produce hemp under the
145 Nation’s plan.
146 (kk) “Reservation” means all land within the exterior boundaries of the Reservation of the
147 Oneida Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any
148 lands added thereto pursuant to federal law.
149 (ll) “Reverse distributor” means a person who is registered with the DEA to dispose of
150 marijuana under the Controlled Substances Act.
151 (mm) “USDA” means the United States Department of Agriculture.
152

153 **508.4. Application**

154 508.4-1. This law regulates the production of hemp within the jurisdiction of the Nation and
155 shall be effective upon approval from the USDA as the Nation’s plan under the Farm Bill.

156 (a) In furtherance of the Nation’s inherent authority and the regulatory objectives set forth
157 in the Farm Bill, the Nation finds that persons doing business with the Nation or persons
158 engaged in commercial dealings, leases, licenses, easements or other transactions related
159 to hemp production within the exterior boundaries of the Reservation have voluntarily and
160 explicitly consented to the jurisdiction of the Nation and are subject to regulation by the
161 Nation.

162 (b) Consistent with sections 508.1-1 and 508.1-2, this law shall be liberally construed to
163 the greatest extent authorized under the Farm Bill to fulfill the purpose and policy for which
164 it was adopted.

165 508.4-2. All hemp production within the jurisdiction of the Nation must meet the requirements
166 of this law and any applicable portions of the Farm Bill.

167 (a) The regulations and penalties imposed by this law extend to any person engaged in

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168 activities related in any way, directly or indirectly, to hemp production, whether licensed
169 or not.

170 508.4-3. Nothing in this law shall be construed to prohibit hemp or hemp products, produced in
171 accordance with subtitle G of the Agricultural Marketing Act of 1946 (as added by section 10113),
172 from being transported or shipped through the Reservation.

173 508.4-4. Nothing in this law limits, modifies or waives the need for a person to obtain any other
174 license or permit required by any other applicable law of the Nation to operate a business or other
175 entity within the Reservation or to comply with any other applicable law of the Nation, including,
176 but not limited to, the Nation's environmental and land use laws.

177

178 **508.5. Authority**

179 508.5-1. *General.* This law is enacted under the inherent sovereign authority of the Oneida Nation
180 to regulate hemp as an agricultural commodity in compliance with the Farm Bill.

181 (a) By enacting this law, the Nation does not waive its sovereign immunity or consent to
182 suit in any court, whether the court is tribal, federal, or state, and the enactment of this law
183 shall not be construed to be a waiver of the sovereign immunity of the Nation, its offices,
184 departments, agents, subsidiaries, corporations or enterprises nor a consent to suit against
185 the Nation in any court.

186 508.5-2. *Authority of the Division.* The Division is hereby delegated the authority to regulate and
187 oversee hemp production under the Nation's plan and shall have all powers necessary to fulfill the
188 requirements of this law. At a minimum, the Division shall have the authority and responsibility
189 to:

190 (a) Provide prospective producers with information necessary to participate in the Nation's
191 plan, to include, but not be limited to:

192 (1) How to determine prospective geospatial locations;

193 (2) How to obtain and properly submit a Criminal History Report; and

194 (3) How to share requisite information with the Farm Service Agency.

195 (b) Issue licenses to produce hemp and make all decisions relating thereto;

196 (c) Conduct inspections and investigate complaints;

197 (d) Develop standard operating procedures, protocols and forms necessary to administer
198 this law;

199 (e) Enforce this law through appropriate means, including, but not limited to, ensuring
200 that producers licensed through the Nation are operating in compliance with the Farm Bill.

201

202 **508.6. Licensing Requirements**

203 508.6-1. *License Required.* Any person engaging in or intending to engage in hemp production
204 within the jurisdiction of the Nation shall only do so pursuant to a valid license issued by the
205 Division in accordance with this law.

206 (a) *Valid License.* For purposes of this law, a valid license means the license is unexpired,
207 unsuspended and unrevoked.

208 (1) A license may not be transferred or assigned absent prior approval from the
209 Division, which, at a minimum, shall be contingent upon:

210 (A) The license not being subject to a pending revocation or suspension

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- 211 under section 508.11 of this law; and
212 (B) The transferee or assignee undergoing and being approved for licensure
213 pursuant to the application process set forth in section 508.6-2 of this law.
214 (b) *License Period.* All licenses shall be valid for a period of three (3) years from the date
215 of issuance unless otherwise revoked at an earlier date pursuant to this law or any other
216 applicable law of the Nation.
- 217 508.6-2. *Application Process.* Any person under the jurisdiction of the Nation who wishes to
218 engage in the production of hemp shall apply to the Division for licensure in accordance with this
219 section.
- 220 (a) Applicants must submit a complete application to the Division pursuant to the process
221 set forth in the standard operating procedure adopted by the Division before the application
222 will be accepted or considered. The application process shall require, at a minimum, that
223 the applicant provide/submit the following:
- 224 (1) The applicant's full name, address of residency, telephone number and, if
225 available, email address;
- 226 (A) If the applicant represents a business or other entity where the business/
227 entity will be the producer, the applicant shall be required to provide the
228 business/entity's:
- 229 (i) Full business/entity name;
230 (ii) Principal business/entity location address;
231 (iii) Key participants' full name and title;
232 (iv) EIN number or, if no EIN number, Social Security Number; and
233 (v) Email address, if available.
- 234 (2) The street address (if possible), legal description and geospatial location for
235 each field, greenhouse, building or site where hemp will be cultivated, handled,
236 processed or stored;
- 237 (3) Proof of ownership of the land and/or property where hemp will be produced;
238 or proof of permission from the land/property owner to utilize the land and/or
239 property where hemp will be produced for hemp production;
- 240 (4) A description of the intended output (e.g. raw hemp or some other hemp
241 product), method of cultivation (e.g. organic, natural or genetically modified) and
242 any pesticides, herbicides or other potentially hazardous materials the applicant
243 intends to use;
- 244 (5) An acknowledgment that by signing the application, the applicant is agreeing
245 to abide by all rules and regulations governing the Nation's plan and is further
246 certifying that the information provided in and submitted with the application is
247 accurate and truthful;
- 248 (6) A Criminal History Report that was completed no greater than sixty (60) days
249 before the application submission date;
- 250 (A) For businesses/entities, a Criminal History Report shall be completed
251 for each of the key participants.
- 252 (7) The licensing fee set pursuant to the fee schedule created by the Division and
253 approved by the Oneida Business Committee through resolution; and

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254 (8) Any further information, disclosure or consent required under the Division's
255 governing standard operating procedure.

256 (b) Applications for renewal, transfer and assignment shall be subject to the same terms
257 and approved under the same criteria as initial applications unless there has been an
258 intervening change as defined in the Division's governing standard operating procedure.

259 (1) The initial fee for license transfers and assignments shall be prorated for that
260 term as set forth in the licensing fee schedule created by the Division and approved
261 by the Oneida Business Committee through resolution.

262 (c) A license modification shall be requested pursuant to the process set forth within the
263 Division's governing standard operating procedure if there is any change to the information
264 submitted in the initial or renewal application including, but not limited to, the sale of a
265 business/entity, the production of hemp in a new location, or a change in any key
266 participants who are producing under the license.

267 (1) Applicants shall notify the Division immediately shall there be any change in
268 the information provided during the application process.

269 (d) The application and all materials submitted during the application process, whether
270 pursuant to a request for an initial, renewed, transferred/assigned or modified license, shall
271 become the property of the Nation and shall be maintained by the Division for a minimum
272 of seven (7) years.

273 508.6-3. *License Eligibility.*

274 (a) Applicants who materially falsify any information provided in or along with their
275 application shall be deemed ineligible for licensure.

276 (b) Applicants with a state or felony conviction relating to a controlled substance shall be
277 deemed ineligible to receive a license for a period of ten (10) years from the date of their
278 conviction.

279 (1) *Exception.* Persons lawfully growing hemp under the 2014 Farm Bill before
280 December 20, 2018 and whose conviction also occurred before that date shall not
281 be considered ineligible hereunder.

282 508.6-4. *License Issuance.* Applications for licensure and license renewal, transfer/assignment or
283 modification shall be reviewed by the Division for completeness and to determine an applicant's
284 eligibility.

285 (a) The Division shall set the process for issuing licenses hereunder in a standard operating
286 procedure that includes, at a minimum:

287 (1) That the applicant be notified of his or her eligibility within thirty (30) days
288 following the Division's receipt of a complete application;

289 (2) That denial of an application for licensure, license renewal, license transfer/
290 assignment or license modification be provided to the applicant in writing and
291 include the basis for denial, as well as information on how to appeal the Division's
292 decision;

293 (3) That each applicant deemed eligible for licensure shall be assigned a license
294 identification number; and

295 (4) That for each license it issues, the Division, in cooperation with the Area of
296 Land Management, shall record the type of land designation for each parcel of land

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297 listed in the licensee's application as an intended hemp production site and maintain
298 such information within the Division's files for a minimum of seven (7) years.
299

300 **508.7. Required Recordkeeping and Reporting**

301 508.7-1. *Division Reporting.*

302 (a) *Hemp Grower Report.* By the first of each month, the Division shall submit to the
303 USDA a report providing the contact information and the status of the license issued for
304 each producer under the Nation's plan. The report shall contain:

305 (1) For each new producer who is a natural person, the producer's:

306 (A) Full name;

307 (B) License identification number;

308 (C) Address of residency;

309 (D) Telephone number;

310 (E) Email address (if available); and

311 (F) A legal description of the land on which the producer is producing or
312 intends to produce, including, to the extent practicable, its geospatial
313 location.

314 (2) For each new producer that is a business/entity, the business/entity's:

315 (A) Full business/entity name;

316 (B) License identification number;

317 (C) Principal business/entity location address;

318 (D) Full name, title and email address (if available) of each key participant;

319 (E) A legal description of the land on which the producer is producing or
320 intends to produce, including, to the extent practicable, its geospatial
321 location.

322 (3) For each producer that was included in a previous report and whose reported
323 information has changes, the report shall include the previously reported
324 information and the new information.

325 (b) *Hemp Disposal Report.* By the first of each month, the Division shall submit a report
326 to the USDA of any occurrence of non-conforming plants or plant materials and provide a
327 disposal record for those plants and plant materials that contains:

328 (1) The producer's name and address of residency;

329 (2) The producer's license identification number;

330 (3) Location information, such as lot number, location type and geospatial location
331 or other location descriptor for the production area subject to disposal;

332 (4) Information on the agent handling the disposal; and

333 (5) The total acreage.

334 (c) *Annual Report.* By December 15 of each year, the Division shall submit an annual
335 report to the USDA that contains the following information:

336 (1) Total planted acreage;

337 (2) Total harvested acreage; and

338 (3) Total disposed of acreage.
339

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340 508.7-2. *Producer Reporting.*

341 (a) *Planting and Harvesting.* The Division shall create a standard operating procedure
342 which sets forth a process for producers to report planting, pre-harvest and post-harvest
343 information to the Division that will allow for the Division to carry out its reporting duties
344 under section 508.7-1 of this law in a timely manner.

345 (b) *Test Results.* Producers shall share any test results obtained under section 508.8 of this
346 law with the Division and, as required, to the USDA pursuant to the process set forth in the
347 Division's standard operating procedure for producer reporting.

348 (c) *FSA Reporting.* Upon the issuance of a license, producers shall report their hemp crop
349 acreage to the FSA using form FSA-578 or any alternative form approved by the FSA for
350 purposes hereof.

351 (1) The report shall include, at a minimum:

352 (A) The producer's contact information and license number;

353 (B) The crop acreage; and

354 (C) The specific location where hemp is being produced.

355 (i) The specific location where hemp is being produced must be
356 identified, to the extent practicable, by the geospatial location for
357 each lot, greenhouse, building or site where hemp will be produced.

358 (2) Producers are responsible for filling out and filing the FSA-578 or alternative
359 form consistent with the process set by the FSA.

360 (3) Producers shall be responsible for forwarding a copy of the FSA-578 or
361 alternative form to the Division at the same time they file it with the FSA.

362 (d) *Convictions.* Within five (5) business days of conviction, the producer must notify the
363 Division of any felony convictions that would subject the producer to immediate revocation
364 under section 508.11-4 of this law.

365 508.7-3. *Recordkeeping.*

366 (a) The Division shall retain for a minimum of (7) years all information required to be
367 collected in section 508.6 of this law for every license it issues, renews, transfers/assigns
368 and modifies in accordance with the Nation's plan.

369 (b) The Division and producers shall retain all documentation referenced within sections
370 508.7 and 508.8 of the law for a period of at least seven (7) years.

371 (1) Producers shall retain the documentation in a manner that it can be readily
372 provided to the Division upon request.

373

374 **508.8. Sampling and Testing**

375 508.8-1. *General.* Samples of all hemp produced under the Nation's plan must be collected and
376 tested in accordance with this section of the law to determine whether it exceeds the acceptable
377 hemp THC level.

378 (a) Subject to section 508.8-1(a)(1), the Division shall be responsible for the collection
379 and testing of samples of all hemp produced under the Nation's plan.

380 (1) The Division may, in its discretion, appoint an outside agent or agency, other
381 than a producer, to carry out the collection and testing of samples hereunder.

382 (b) Producers shall be responsible to pay any fees associated with the sampling and testing

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383 of their hemp production.

384 (c) Alternative sampling and testing protocols may be used in place of the protocols set
385 forth herein if approved by the USDA as being comparable and similarly reliable to the
386 baseline mandated by the Farm Bill.

387 508.8-2. *Sampling*. The method used for sampling must:

388 (a) Require that the sample is taken from the flower material of the cannabis plant;

389 (b) Be sufficient at a confidence level of 95% that no more than 1% of the plants in the lot
390 would exceed the acceptable hemp THC level;

391 (c) Ensure that a representative sample is collected that represents a homogeneous
392 composition of the lot; and

393 (d) Ensure that samples of hemp plant material from one lot are not commingled with
394 hemp plant material from other lots.

395 508.8-3. *Protocol for the Collection of Samples*. The hemp to be selected for sampling shall be
396 determined by a representative of the Division or the agent/agency appointed by the Division and,
397 subject to section 508.8-1(c), shall be collected as follows:

398 (a) Producers shall be required to report in writing to the Division at least fifteen (15)
399 days before an expected harvest date that a crop is about to be harvested.

400 (1) The Division's receipt of a harvest notification triggers a site inspection and
401 sample collection by the Division, or the agent/agency appointed by the Division.

402 (2) Producers shall not harvest any crop prior to samples being collected.

403 (b) The Division shall contact the producer to confirm the field's location and schedule a
404 time for inspection and sample collection prior to harvest.

405 (1) During a scheduled sample collection, the producer or authorized representative
406 of the producer shall be present at the growing site.

407 (2) The Division, or agent/agency appointed by the Division, shall be provided
408 with complete and unrestricted access to all hemp, and other cannabis plants, if any,
409 whether growing or harvested, and all land, buildings, and other structures used for
410 the production of hemp and other cannabis plants, if any, and all locations listed in
411 the producer's application.

412 (c) A separate sample shall be taken for each variety and from each lot of a given variety.

413 (d) Cuttings shall be collected to make one representative sample as follows:

414 (1) The top twenty (20) cm of the hemp plant's flower, including female floral
415 material, shall be clipped;

416 (2) Cuttings from at least five (5) hemp plants within the lot shall be taken and the
417 complete sample shall be placed in a paper bag;

418 (3) The bag shall be sealed by folding over the top once and stapling shut;

419 (4) The bag shall be labeled with a sample identification that includes, at a
420 minimum, the last four (4) numerical digits of the producer's license identification
421 number, the date (MM/DD/YY) of collection, and a two (2) digit sequential sample
422 number assigned by the Division, or agent/agency appointed by the Division.

423 (e) The sample shall be transported to the Division for storage in a secure area until it is
424 sent to the testing lab for analysis.

425 (f) Producers shall be required to harvest their crop not more than fifteen (15) days

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- 426 following the date of the sample collection.
- 427 (1) If the producer fails to complete the harvest within fifteen (15) days of the
- 428 sample collection, a secondary sample of the lot shall be required to be submitted
- 429 for testing.
- 430 (2) Harvested lots of hemp plants shall not be commingled with other harvested
- 431 lots or other material without prior written permission from the Division.
- 432 (3) Floral materials harvested for phytocannabinoid extraction shall not be moved
- 433 beyond the processor, or commingled, or extracted, until the Division releases the
- 434 material.
- 435 (4) Producers shall be notified within thirty (30) days of sampling of the status of
- 436 the testing.
- 437 (A) Any producer may request additional testing at its cost if it is believed
- 438 that the original delta-9 THC concentration level test results were in error.
- 439 508.8-4. *Testing.* Subject to section 508.8-1(c), sample testing shall be completed by one of the
- 440 DEA-registered laboratories designated by the Division for meeting the requirements of the
- 441 Nation's plan and the Farm Bill.
- 442 (a) Laboratories designated by the Division hereunder shall be approved by the Oneida
- 443 Business Committee through resolution.
- 444 508.8-5. *Testing Protocol.*
- 445 (a) *Methodology.* The testing process shall be able to accurately identify whether a sample
- 446 contains a delta-9 THC content concentration level that exceeds the acceptable hemp THC
- 447 level by including, at a minimum, a validated testing methodology that uses:
- 448 (1) Postdecarboxylation or other similarly reliable method;
- 449 (2) Considers the potential conversion of THC-A in hemp into THC; and
- 450 (3) A test result that measures total available THC derived from the sum of the
- 451 THC and THC-A content.
- 452 (A) Testing methodologies meeting the requirements of this section include
- 453 gas or liquid chromatography with detection.
- 454 (b) The total THC concentration level shall be determined and reported on a dry weight
- 455 basis.
- 456 (1) Analytical testing for purposes of detecting the concentration levels of THC
- 457 shall meet the following standards:
- 458 (A) Laboratory quality assurance must ensure the validity and reliability of
- 459 test results;
- 460 (B) Analytical method selection, validation, and verification must ensure
- 461 that the testing method used is appropriate (fit for purpose), and that the
- 462 laboratory can successfully perform the testing;
- 463 (C) The demonstration of testing validity must ensure consistent, accurate
- 464 and analytical performance;
- 465 (D) Method performance specifications must ensure analytical tests are
- 466 sufficiently sensitive for the purposes of the detectability requirements of
- 467 the Nation's plan; and
- 468 (E) An effective disposal procedure for hemp plants that are produced that

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- 469 do not meet the requirements of the Nation's plan.
470 (c) Any test of a representative sample resulting in higher than the acceptable hemp THC
471 level shall be conclusive evidence that the lot represented by the sample is not in
472 compliance with the Nation's plan.
473 (1) Lots that do not test at or below the acceptable hemp THC level may not be
474 further handled, processed, or enter the stream of commerce.
475 (2) The Division shall ensure the lot is disposed of in accordance with the Nation's
476 plan, the Controlled Substances Act and the DEA regulations.
477 (3) The Division shall notify the USDA of its intent to dispose of non-conforming
478 plants and verify disposal by submitting required documentation.
479 (d) Measurement of uncertainty must be estimated and reported with test results.
480 (1) Laboratories shall use appropriate, validated methods and procedures for all
481 testing activities and evaluate measurement of uncertainty.
482

483 **508.9. Disposal of Noncompliant Plants**

484 508.9-1. If the test results conclude that the THC levels exceed the acceptable hemp THC level,
485 the lot represented by the sample shall be destroyed in accordance with this section.

486 (a) In the event test results exceed the acceptable hemp THC level, that harvest must be
487 segregated from other harvested lots and remain segregated.

488 (1) Leaf and floral material from the harvest of that lot must then be destroyed.

489 (b) If a variety is designated as a prohibited variety, the Division shall require the producer
490 to surrender without compensation the entire harvest and any unharvested crop, any live
491 plants, and all germplasm of this variety to the Division for destruction by composting or
492 burning.

493 508.9-2. *Destruction*

494 (a) Subject to section 508.9-2(a)(1), the Division shall be responsible to facilitate the
495 disposal of all hemp that exceeds the acceptable hemp THC level in accordance with the
496 Controlled Substances Act and DEA regulations.

497 (1) The destruction of hemp that exceeds the acceptable hemp THC level shall be
498 carried out by a reverse distributor, a USDA approved law enforcement officer or
499 other agent/agency so long as authorized under the Farm Bill and/or any regulation
500 promulgated in accordance therewith.

501 (b) So long as in compliance with the Controlled Substances Act and DEA regulations,
502 hemp may be destroyed by burning or by composting where it is made unusable and
503 rendered indistinguishable from any other plant material.

504 (c) The Division shall promptly notify the USDA by certified mail or electronically of any
505 occurrence of cannabis plants or plant material that do not meet the definition of hemp in
506 the Nation's plan and attach the records demonstrating the appropriate disposal of all those
507 plants and materials in the lot from which the representative samples were taken.

508 (1) The notification shall include the test results from the representative samples.
509

510 **508.10. Compliance**

511 508.10-1. *Inspections*. The Division shall conduct scheduled inspections of all producers and

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512 production sites at least once per growing season to verify that hemp is not being produced in
513 violation of this law.

514 (a) In addition to scheduled inspections, the Division shall have authority to conduct
515 random inspections of all producers and production sites at any time.

516 (b) Whether a scheduled or random inspection, the Division shall be granted unrestricted
517 access to the production sites.

518 508.10-2. Producers must maintain copies of all records and reports necessary to demonstrate
519 compliance with the Nation's plan for a minimum of seven (7) years.

520

521 **508.11. Enforcement**

522 508.11-1. *General.* Violations with this law shall be subject to enforcement solely in accordance
523 with this section.

524 508.11-2. *Negligent Violations.* A producer that negligently violates the Nation's plan and/or this
525 law shall not, as a result of that violation, be subject to any criminal enforcement action by the
526 Tribal, federal, state or local government.

527 (a) Negligent violations shall include, but not be limited to:

528 (1) A failure to provide a legal description of land on which the producer produces
529 hemp;

530 (2) A failure to obtain a license from the Division to produce hemp;

531 (3) The production of cannabis with a delta-9 tetrahydrocannabinol concentration
532 exceeding the acceptable hemp THC level.

533 (A) Cannabis produced with a delta-9 tetrahydrocannabinol concentration
534 of not more than 0.5 percent on a dry weight basis shall not be considered a
535 negligent violation if the producer made reasonable efforts to grow hemp.

536 (i) The cannabis plants and plant materials from such representative
537 samples must still be disposed of in accordance with section 508.9
538 of this law.

539 (b) If the Division finds that a negligent violation occurred, it shall establish a corrective
540 action plan that includes, at a minimum:

541 (1) A plan to correct the violation;

542 (2) A reasonable date by which producers shall correct the negligent violation; and

543 (A) The Division shall be responsible to monitor producers under corrective
544 action plans for implementation and adherence thereto.

545 (3) A requirement that producers periodically report to the Division on their
546 compliance with the Nation's plan for a period of not less than the next two (2)
547 years from the date of the negligent violation.

548 (c) Producers found to have negligently violated this law three (3) times within a five (5)
549 year period shall be ineligible to produce hemp for a period of at least five (5) years from
550 the date of the third violation.

551 508.11-3. *Violations Made with a Culpable Mental State Greater Than Negligence.*

552 (a) If it determines that a producer violation was committed with a culpable mental state
553 greater than negligence, the Division shall immediately report the producer to the U.S.
554 Attorney General, USDA and the Nation's chief law enforcement officer or chief law

Draft 2 for OBC Consideration
2020 12 02

555 enforcement officer of the state charged with receiving such information.

556 508.11-4. *Enforcement.*

557 (a) *Suspensions.*

558 (1) The Division may suspend a license if it determines that the producer has:

559 (A) Engaged in conduct considered a violation of this law; or

560 (B) Failed to comply with a corrective plan or other written order of the
561 Division relating to a negligent violation of this law.

562 (2) Producers whose licenses have been suspended shall be prohibited from:

563 (A) Absent written permission from the Division, handling or removing
564 hemp or cannabis from the location where hemp or other cannabis was
565 located at the time when the Division issued its notice of suspension; and

566 (B) Producing hemp during the period of suspension.

567 (3) A suspended license may be restored after a minimum waiting period of one

568 (1) year.

569 (A) Producers whose license have been suspended may be required to
570 comply with a corrective action plan before having their licenses restored.

571 (b) *Immediate Revocation.* The Division shall immediately revoke a license if it finds that
572 the producer:

573 (1) Plead guilty to, or is convicted of, any felony related to a controlled substance
574 or a violent/sex crime;

575 (2) Made materially false statements during the application process or to Division
576 representatives while in the process of monitoring or enforcing this law with a
577 culpable mental state greater than negligence;

578 (3) Was found to be growing cannabis exceeding the acceptable hemp THC level
579 with a culpable mental state greater than negligence; or

580 (4) Was found to have negligently violated this law three (3) times in a five (5)
581 year period.

582

583 **508.12. Appeals**

584 508.12-1. Any person aggrieved by an action of the Division may appeal to the Judiciary in
585 accordance with governing laws of the Nation.

586

587 *End.*

588

589

590 Adopted - BC-__-__-__-__

591

FINANCE ADMINISTRATION
Fiscal Impact Statement



MEMORANDUM

TO: Lawrence Barton, Chief Financial Officer
 FROM: RaLinda Ninham-Lamberies, Assistant Chief Financial Officer
 DATE: October 22, 2020
 RE: **Fiscal Impact of the Industrial Hemp Law**

I. Estimated Fiscal Impact Summary

Law: Industrial Hemp Law		Draft 2
Implementing Agency	Environmental Health, Safety, and Land Division, the Oneida Police Department, and the Nation's Judiciary	
Estimated time to comply	10 days, in compliance with the Legislative Procedures Act	
Estimated Impact	Current Fiscal Year	10 Year Estimate
Total Estimated Fiscal Impact	\$86,500	\$1,885,787

II. Background

A. Legislative History

This is a new law authorizing hemp production within the boundaries of the Reservation and to grant the Oneida nation primary regulatory authority over hemp production.

B. Summary of Content

The purpose of the law is to:

- Authorize the production of hemp within the Reservation of the Oneida Nation;
- Grant the Oneida Nation primary regulatory authority over the production of hemp within the jurisdiction of the Nation;

- Assert the Nation's inherent sovereign authority by creating a hemp production plan that regulates hemp as an agricultural commodity consistent with the Nation's as well as the federal law;
- Promote the Nation's hemp industry to the maximum extent permitted by law.

III. Methodology and Assumptions

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

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

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

IV. Agency

There are no startup, personnel, office or documentation costs associated with this legislation for the Nation's Judiciary or the Oneida Police Department. There has been no response from the Environmental, Health, Safety, and Land Division. The amendments will become effective 10 days from adoption.

V. Financial Impact

The financial impact of the amendments is in excess of \$86,500. There are inherent risks in the agriculture industry that have a direct impact on the potential fiscal impact of an agriculture initiative. The most common risk comes from weather, climate, disease, market, and environmental shock. The inability to mitigate the numerous risks within the agriculture industry and the lack of production facilities within close proximity to the Nation and an unknown end product will have a direct impact on the future success of the commodity. The commodity market brings with it additional risks of volatility, margin, and market risk. The Environmental, Health, Safety and Land Division estimates the annual cost for personnel in the first year to be \$85,500 and documentation costs to be an additional \$1,000. However, due to the fact this is a start-up operation, this amount is subject to wide variability and is completely dependent upon unknown variables.

The Environmental Health, Safety, and Land Division identifies one full-time equivalent employee is necessary in the first year and an additional full-time equivalent will be necessary to complete sections 508.6, 508.7, 508.8, 508.9, and 508.10.

Inclusion of one (1) additional full-time equivalent in years two through ten (10) as indicated by the Environmental Health, Safety, and Land Division, the estimated ten (10) year fiscal impact for the Hemp Law is approximately \$1,885,787. However, due to the fact this is a start-up operation, this amount is subject to wide variability and is completely dependent upon unknown variables.

VI. Recommendation

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

Oneida Business Committee Agenda Request

Adopt resolution entitled Proclamation of Appreciation

1. Meeting Date Requested: 12 / 09 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header: Resolutions

Accept as Information only

Action - please describe:

Adopt the resolution titled, "Proclamation of Appreciation".

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Resolution"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: David P. Jordan, Councilmember

Primary Requestor/Submitter: Kristen M. Hooker, LRO Staff Attorney
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____ Proclamation of Appreciation

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the late Charles Frederick Whitney Wheelock “Chaz”, Tsyata’ti (Along the Riverbank), Turtle Clan of the Oneida Nation, transformed the conversation on tribal sovereignty, our relationship to the environment, strategic planning for the next seven generations, and the acceptance of Industrial Hemp in our community; and

WHEREAS, as one of the founders of the Indigenous Environmental Network (“IEN”), a network of Indigenous, grassroots activists dedicated to addressing environmental and economic justice issues internationally, Chaz infused the mission of IEN into his professional life; and

WHEREAS, over the last five (5) years, Chaz focused on the education of Industrial Hemp and the development of regenerative economies, which ranged from Chaz standing on his van in the middle of downtown Oneida, while dressed as SpongeBob SquarePants, holding a sign that simply said “Legalize Hemp”, to his thoughtful leadership in directing hemp focused non-profits to educate the Oneida community on the benefits of the plant; and

WHEREAS, more recently, Chaz, along with Oneida Community Integrated Food Systems, was responsible for a hemp booth being set up at the Oneida Farmers Market and, as one of his final projects for the Oneida community, Chaz created a just transition model based on agriculture research and food security; and

WHEREAS, the Oneida community did not only benefit from Chaz’s wisdom and strategic planning to elevate the conversation on Industrial Hemp; Chaz’s network and guidance contributed to the State of Wisconsin, as well as the United States of America, legalizing hemp; and

WHEREAS, Chaz was an influential Elder who inspired the next seven generations of Indigenous thinkers and activists; and

WHEREAS, the Oneida Business Committee does wish to recognize Chaz’s contribution to the development of the Nation’s first Industrial Hemp law, as well as his remarkable dedication to the promotion and advancement of the Industrial Hemp industry within the Oneida Nation and throughout the United States of America.

BC Resolution # _____
Proclamation of Appreciation
Page 2 of 2

43 **NOW THEREFORE BE IT RESOLVED**, that the Oneida Business Committee does hereby express its
44 sincere appreciation to the late Charles Frederick Whitney “Chaz” Wheelock on behalf of the Oneida Nation
45 for offering his expertise during the development of the Nation’s first Industrial Hemp law, as well as his
46 dedication, time, knowledge, passion and diligence in advocating and advancing the Industrial Hemp
47 industry in general.

Adopt resolution entitled Quarterly, Annual and Semi-Annual Reporting for Calendar Years 2020 and 2021

Business Committee Agenda Request

1. Meeting Date Requested: 12-9-20

2. General Information:

Session: Open Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- Bylaws
- Fiscal Impact Statement
- Presentation
- Contract Document(s)
- Law
- Report
- Correspondence
- Legal Review
- Resolution
- Draft GTC Notice
- Minutes
- Rule (adoption packet)
- Draft GTC Packet
- MOU/MOA
- Statement of Effect***
- E-poll results/back-up
- Petition
- Travel Documents
- Other: Template for FY-2020 Report

***SOE will be a handout

4. Budget Information:

- Budgeted
- Budgeted – Grant Funded
- Unbudgeted
- Not Applicable
- Other: *Describe*

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: LLIGGINS

Oneida Nation

Post Office Box 365

Phone: (920)869-2214

Oneida, WI 54155



BC Resolution # _____

Quarterly, Annual and Semi-Annual Reporting for Calendar Years 2020 and 2021

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Oneida Nation has been under a public health state of emergency declaration since March 12, 2020 as a result of the spread of the COVID-19 virus pandemic; and

WHEREAS, the Oneida Nation, along with the State of Wisconsin, the United States and the world, has issued declarations which restrict public gatherings, certain types of activities and encourages members to stay at home to protect individuals, specifically elders and those with impaired health conditions, from the deadly effects of the pandemic and to reduce the spread of this virus which currently has no known vaccine or other protections against infection; and

WHEREAS, the spread of the virus continues to increase, and potential vaccines or medicines are not likely to be effective for many months across a community, geographic area, state or world to stop the revival of the virus at pandemic levels; and

WHEREAS, this has resulted in the closure of businesses, reduced re-opening of business, restrictions on travel and gatherings, higher unemployment, and other financial and economic impacts; and

WHEREAS, the Constitution of the Oneida Nation directs that two meetings of the General Tribal Council will be called – January or Annual and July or Semi-Annual meetings – at which reports are presented and discussed; and

WHEREAS, the Oneida Business Committee, through the adoption of various laws and resolutions, has directed quarterly reporting by the divisions of the organization (*see s. 117.7-1(p), Oneida Business Committee Meetings Law*), enterprises (*see corporate charters, Article XI, adopted by resolutions # BC-01-26-11-A through F*), boards, committees and commissions (*see ss. 105.12-3 and 105.12-4, Boards, Committees and Commissions Law*); and

WHEREAS, during calendar year 2020, and likely throughout calendar year 2021, it has not been possible to issue reports as a result of program and services closures resulting from the pandemic and economic restrictions or to safely conduct General Tribal Council meetings; and

44 **WHEREAS,** the Oneida Business Committee, through the COVID-19 Core Decision Making Team, has
45 issued three "COVID-19 Updates for Oneida Tribal Members" (C-19 Update Reports)
46 which identify the status of the Oneida Nation, the actions being taken to assist members
47 through the pandemic and the development of steps toward recovery; and
48

49 **WHEREAS,** the Oneida Business Committee has determined that the C-19 Update Reports will
50 continue through the remainder of 2020 and for 2021 until operations stabilize and reopen
51 fully to the public, and General Tribal Council meetings can be scheduled in order to keep
52 the membership informed on the activities of the Oneida Nation and resources available to
53 members;
54

55 *Quarterly Report for Calendar Year 2020*

56 **NOW THEREFORE BE IT RESOLVED,** the Oneida Business Committee declares that the quarterly reports
57 required from programs and services, enterprises, for calendar year 2020 shall be suspended. Provided
58 that, while not required to attend and present, all active programs and services through respective Division
59 Directors to the General Managers or Direct Reports, enterprises through their General Managers, shall
60 submit a Fiscal Year 2020 Report to be received at the first meeting of the Oneida Business Committee in
61 January 2021. This report shall include outcomes/goals, metric used to measure the outcome/goal,
62 accomplishments/challenges met which reaching outcome/goal, future expectations for the outcome/goal,
63 how the COVID-19 Pandemic impacted the outcome/goal, and any organizational changes.
64

65 *Quarterly Report for Calendar Year 2021*

66 **BE IT FURTHER RESOLVED,** the Oneida Business Committee declares that the quarterly reports required
67 from all active programs and services through respective Division Directors to the General Managers or
68 Direct Reports, enterprises through their General Managers, boards, committees and commissions that are
69 currently in operating status, and corporations shall for calendar year 2021 shall be required to be submitted
70 as identified in laws or corporate charters. Responsible parties shall be available should questions be
71 presented via on-line resources and shall not be required to present in-person. All reports shall be submitted
72 to the Oneida Business Committee Open Session agenda on the following dates:

- 73 • 1st Quarter – 2nd meeting in February
- 74 • 2nd Quarter – 2nd meeting in May
- 75 • 3rd Quarter – 2nd meeting in August
- 76 • 4th Quarter – 2nd meeting in November

77
78 **BE IT FURTHER RESOLVED,** the Oneida Business Committee declares that quarterly reports which
79 require or contain Executive Session information shall be submitted in a separate document containing only
80 the confidential material which meets section 107.4 of the Open Records and Open Meetings Law clearly
81 identified as the confidential excerpt of the quarterly report.
82

83 *Annual and Semi-Annual Report for Calendar Years 2020 and 2021*

84 **BE IT FINALLY RESOLVED,** the Oneida Business Committee directs that for calendar year 2020, the July
85 Semi-Annual Report to the General Tribal Council and for the calendar year 2021, the January Annual and
86 the July Semi-Annual Reports, shall be presented directly to the membership as the C-19 Update Reports
87 as follows:

- 88 • July 2020 semi-annual report – reflected in the first three C-19 Update Reports.
- 89 • January 2021 annual report – reflected in the fourth C-19 Update Reports which shall be issued on
90 or before the last day in January. In addition to the standard information, the fourth report shall
91 include a Fiscal Year 2020 Audit update and Fiscal Year 2020 Reports.
- 92 • July 2021 semi-annual report – reflected in subsequent C-19 Update Reports submitted between
93 January and July.

FY-2020 Report

CLICK HERE TO ENTER THE DIVISION/DIRECT REPORT

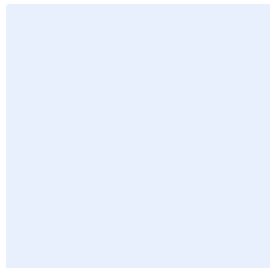
Status report of Outcomes/Goals

1. Which outcome/goal(s) does the Division/Direct Report wish to report on?
2. What metric is being used to measure the outcome/goal?
3. What are the accomplishments (i.e. positives, things for which the Division/Direct Report is proud, brags) have occurred over the reporting period that reflect the Division/Direct Report's progress for reaching the outcome/goal?
4. What can the community expect to see in the future (i.e. 6 months; next year; 18 months) from the Division/Direct Report related to the outcome/ goal?

Outcome/Goal # 1

Click here to enter an outcome/goal.

MEASUREMENT:



ACCOMPLISHMENTS RELATED TO THE OUTCOME/GOAL:

Enter the accomplishments related to the outcome/goal.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Enter what the community can expect in the future regarding outcome/goal.

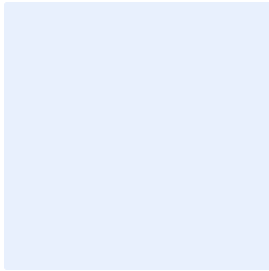
HOW HAS THE COVID-19 PANDEMIC IMPACTED THE OUTCOME/GOAL:

Enter the COVID-19 impacts related to the outcome/goal.

Outcome/Goal # 2

Click here to enter an outcome/goal.

MEASUREMENT:



ACCOMPLISHMENTS RELATED TO THE OUTCOME/GOAL:

Enter the accomplishments related to the outcome/goal.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

Enter what the community can expect in the future regarding outcome/goal.

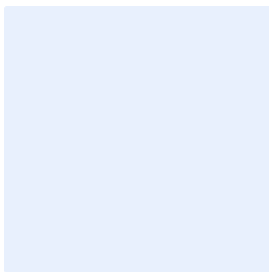
HOW HAS THE COVID-19 PANDEMIC IMPACTED THE OUTCOME/GOAL:

Enter the COVID-19 impacts related to the outcome/goal.

Outcome/Goal # 3

[Click here to enter an outcome/goal.](#)

MEASUREMENT:



ACCOMPLISHMENTS RELATED TO THE OUTCOME/GOAL:

Enter the accomplishments related to the outcome/goal.

EXPECTATIONS/FUTURE PLANS REGARDING THE OUTCOME/GOAL:

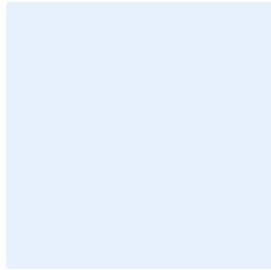
Enter what the community can expect in the future regarding outcome/goal.

HOW HAS THE COVID-19 PANDEMIC IMPACTED THE OUTCOME/GOAL:

Enter the COVID-19 impacts related to the outcome/goal.

Organization Changes, if any

Enter explanation of organizational changes. Use placeholder below to include an image of your organizational chart.



Contact Info

CONTACT: Enter Main Contact Name

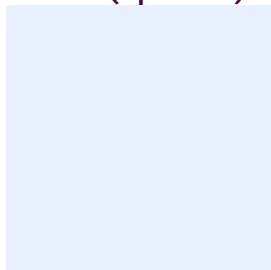
TITLE: Enter Main Contact Title

PHONE NUMBER: Enter Main Phone Number

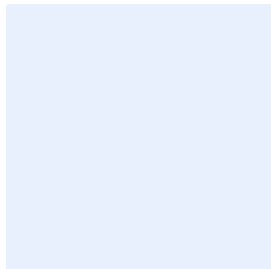
E-MAIL: Enter Main E-Mail Address

MAIN WEBSITE: Enter website address

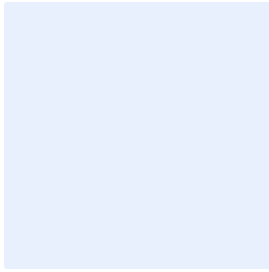
Photos (optional):



Enter caption for photo above.



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Oneida Business Committee Agenda Request

Adopt resolution entitled Extension of Declaration of Public Health State of Emergency Until January 12,...

1. Meeting Date Requested: 12 / 09 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header: Resolutions

Accept as Information only

Action - please describe:

Business Committee to consider extending the Public Health State of Emergency, by adopting the attached resolution.

3. Supporting Materials

Report Resolution Contract

Other:

1. Statement of Effect (will be a handout)

3.

2. Professional Recommendation

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Tehassi Hill, Chairman

Primary Requestor/Submitter: Melinda J. Danforth, Director o Intergovernmental Affairs & Communication
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

On March 12, 2020 the Oneida Business Committee declared a Public Health State of Emergency due to the need to slow the transmission and decrease the spread of COVID 19. The declaration has been extended seven times and is set to expire on December 13, 2020 along with the Nation's Stay Safer at Home Declaration.

Attached is a professional recommendation from Emergency Management, Oneida Health Officials and the Public Health Officer recommending an extension of the Public Health Emergency.

Requested Action:

1. Business Committee consider extending the Public Health State of Emergency Declaration, by adopting the attached resolution.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Comprehensive Health Division

Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing



To: Oneida Business Committee

Thru: Debra Danforth, Oneida Comprehensive Health Division Operations Director
Dr Vir, Oneida Comprehensive Health Division Medical Director

From: Michelle Myers, Community/ Public Health Officer

Date: December 2, 2020

RE: Recommendations to extend public health emergency

Local and State level data demonstrates continued community spread of COVID19. In collaboration with Oneida Emergency Management, **the health response team recommends the Oneida Business Committee extend the public health emergency, at minimum, through May 2021.**

Understanding that the extension of the public health emergency must be renewed every 30 days, the health response team will continue to provide the Oneida Business Committee with updated data relevant to the decision to extend.

Thank you for your continued collaboration and partnership as we work together to stop the spread of COVID19 in the Oneida community.

Sincerely,

Michelle Myers BSN, RN
Community/ Public Health Officer

CC: Kaylyn Gresham

Mailing Address: P.O. Box 365, Oneida, WI 54155
<https://oneida-nsn.gov/resources/health/>

Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing

525 Airport Rd., Oneida, WI 54155
2640 West Point Rd., Green Bay, WI 54304
2901 S. Overland Rd., Oneida, WI 54155
701 Packerland Dr., Green Bay, WI 54303

Phone: (920) 869-2711 or 1-866-869-2711
Phone: (920) 490-3790 or 1-888-490-2457
Phone: (920) 869-2797
Phone: (920) 405-4492

Fax: (920) 869-1780
Fax: (920) 490-3883
Fax: (920) 869-3238
Fax: (920) 405-4494

Oneida Comprehensive Health Division
Oneida Community Health Center
Behavioral Health Services
Anna John Resident Centered Care Community
Employee Health Nursing



Dec 2, 2020

Updated COVID19 data to consider during discussions to extend the Oneida Nation Public Health Emergency declaration.

Submitted by:
Debbie Danforth, Dr Vir, Michelle Myers

Mailing Address: P.O. Box 365, Oneida, WI 54155
<https://oneida-nsn.gov/resources/health/>

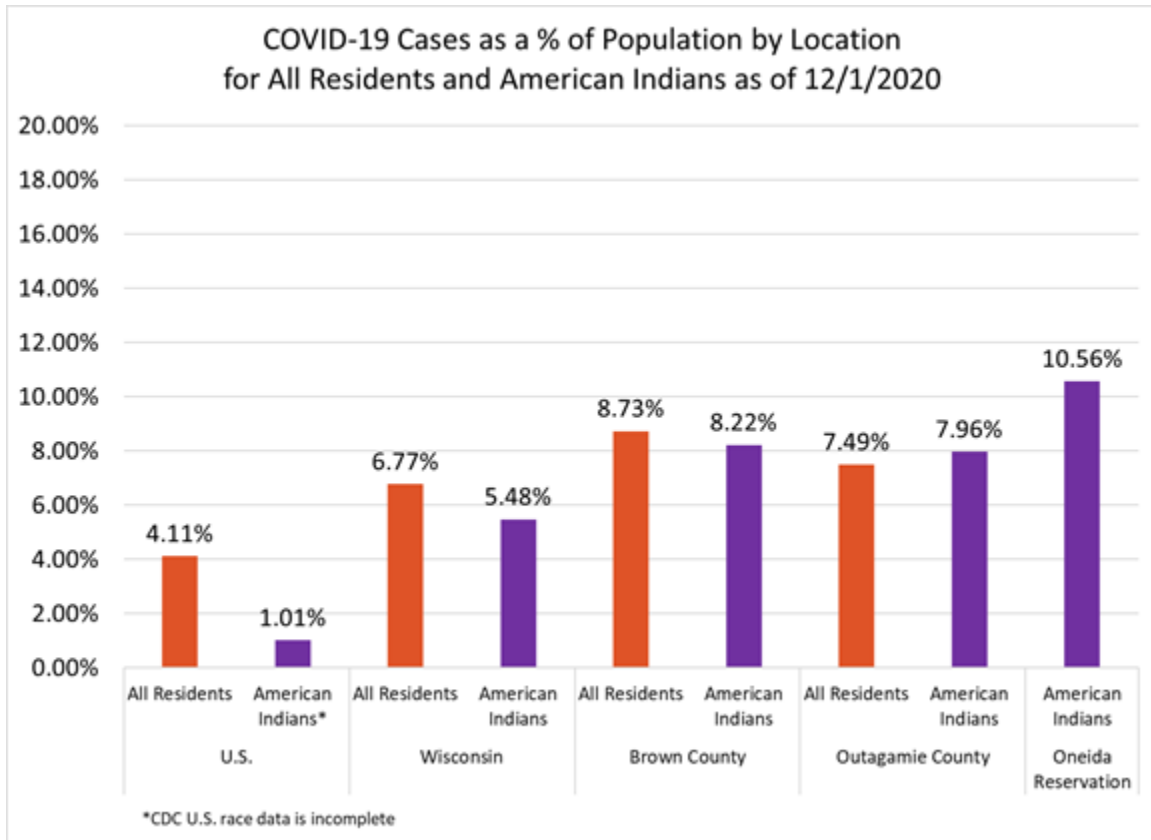
Oneida Community Health Center
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525 Airport Rd., Oneida, WI 54155
2640 West Point Rd., Green Bay, WI 54304
2901 S. Overland Rd., Oneida, WI 54155
701 Packerland Dr., Green Bay, WI 54303

Phone: (920) 869-2711 or 1-866-869-2711
Phone: (920) 490-3790 or 1-888-490-2457
Phone: (920) 869-2797
Phone: (920) 405-4492

Fax: (920) 869-1780
Fax: (920) 490-3883
Fax: (920) 869-3238
Fax: (920) 405-4494

Relevant COVID-19 Data:



WI Department of Health Services- Public Health

<https://data.dhsgis.wi.gov/datasets/covid-19-historical-data-table/data>

U.S. Centers for Disease Control and Prevention

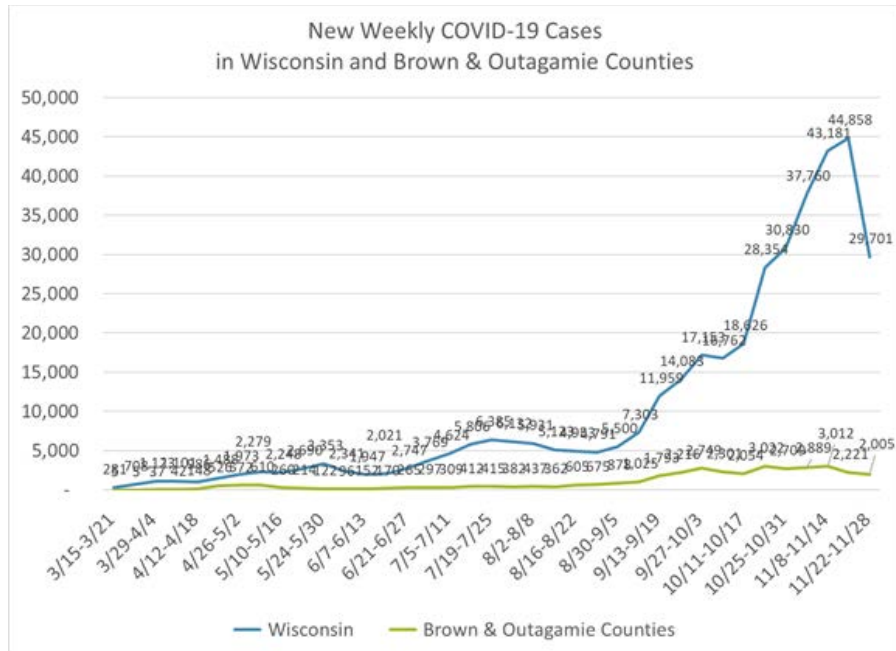
https://covid.cdc.gov/covid-data-tracker/#cases_casesinlast7days

U.S. Census Bureau American Community Survey Population Estimates

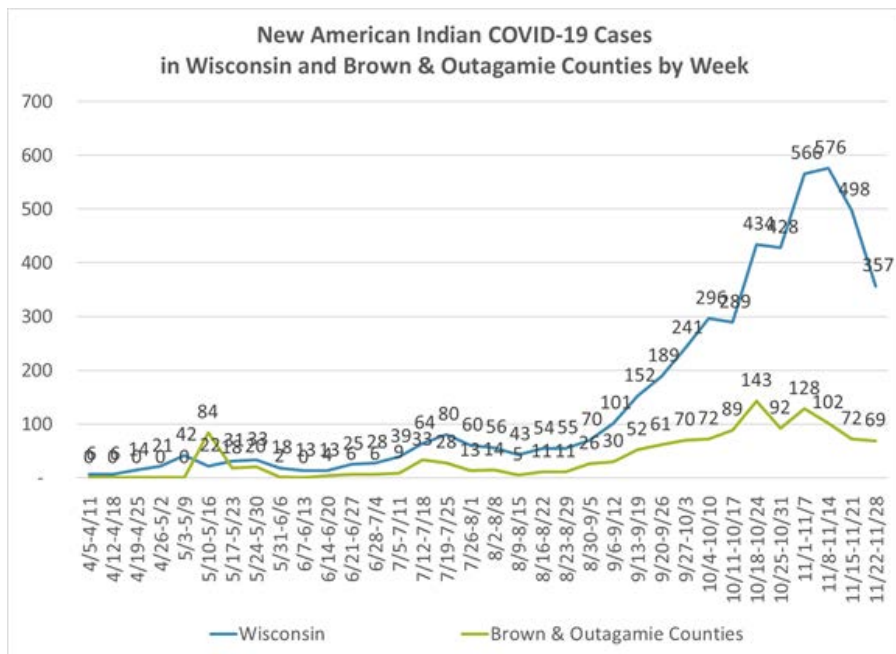
<https://data.census.gov/cedsci/advanced>

Oneida Nation Health Department

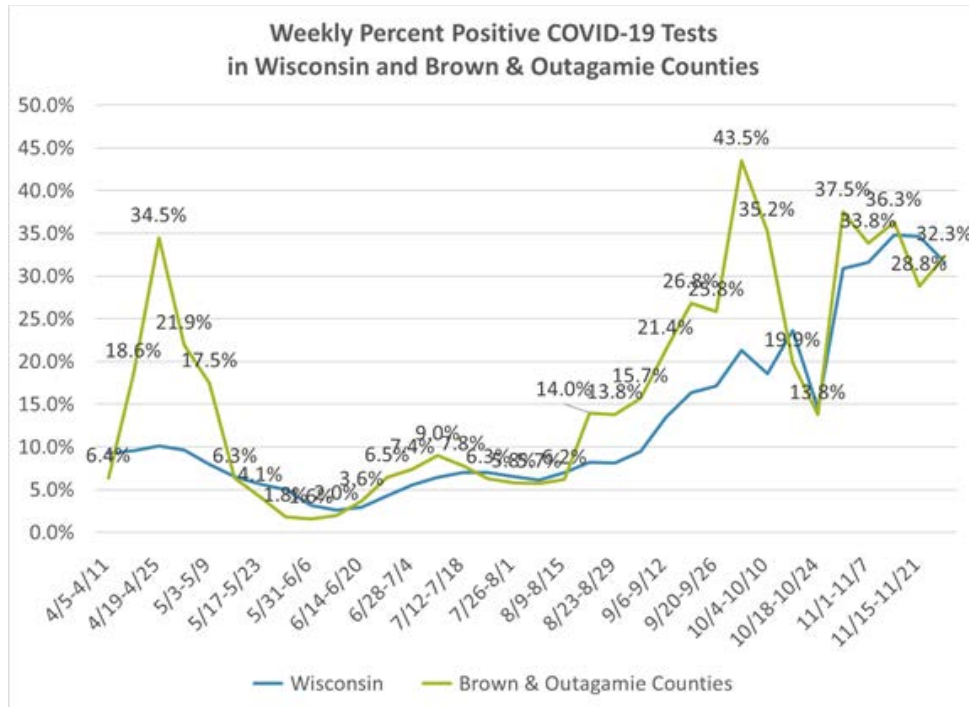
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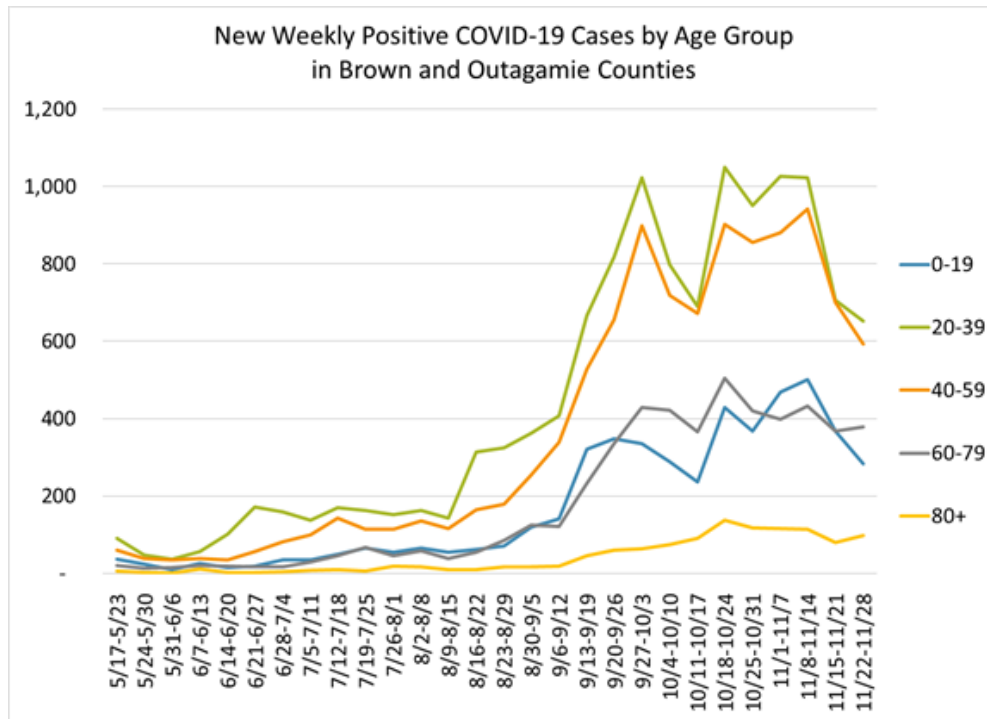
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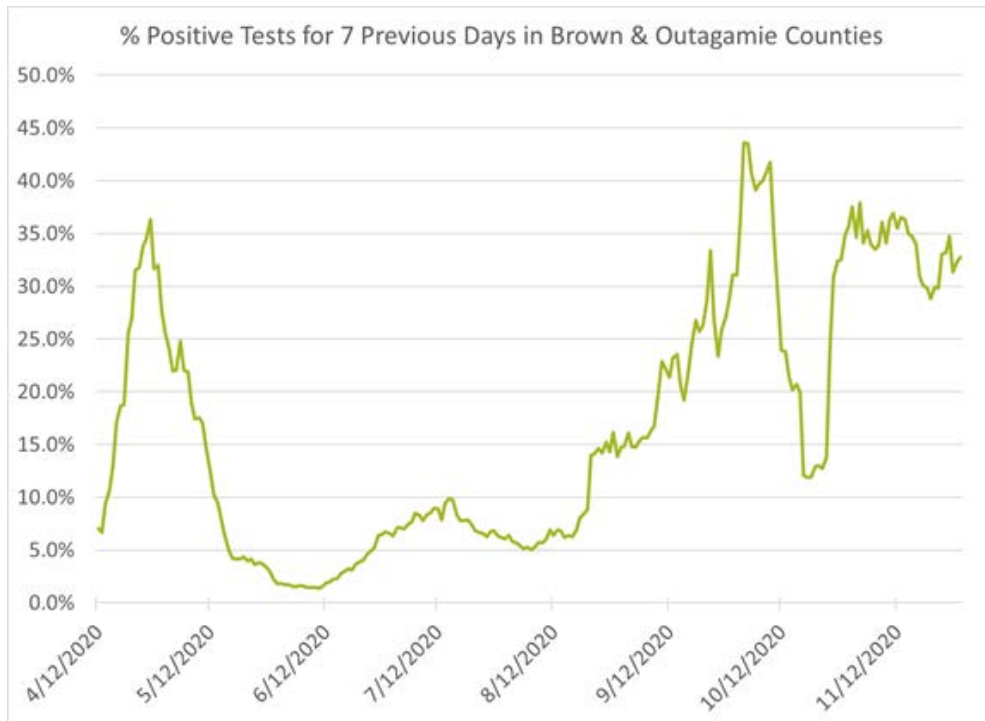
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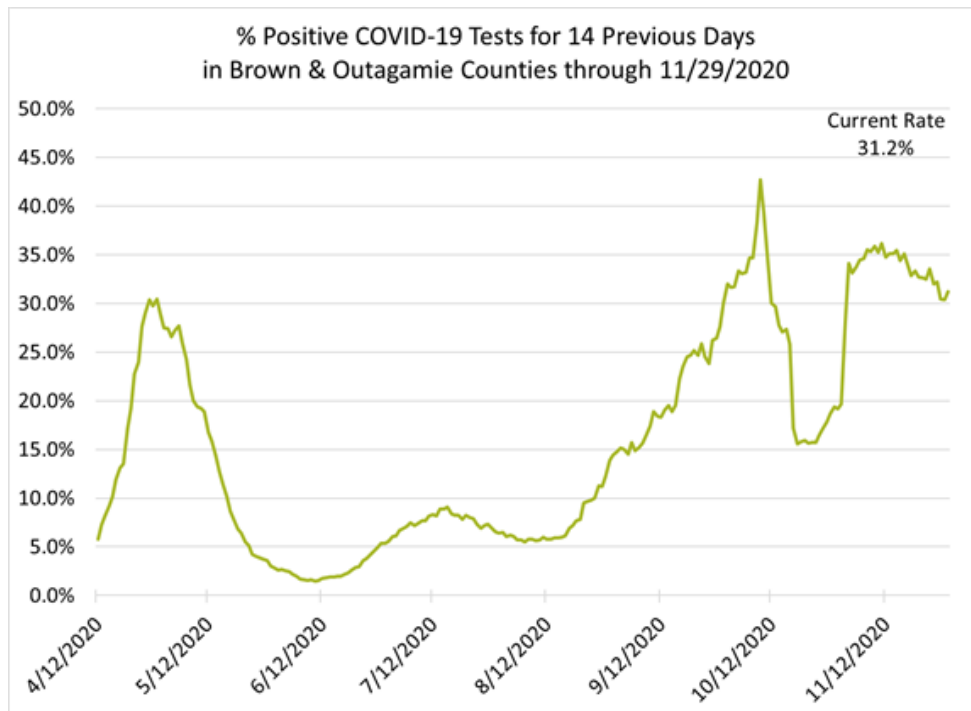
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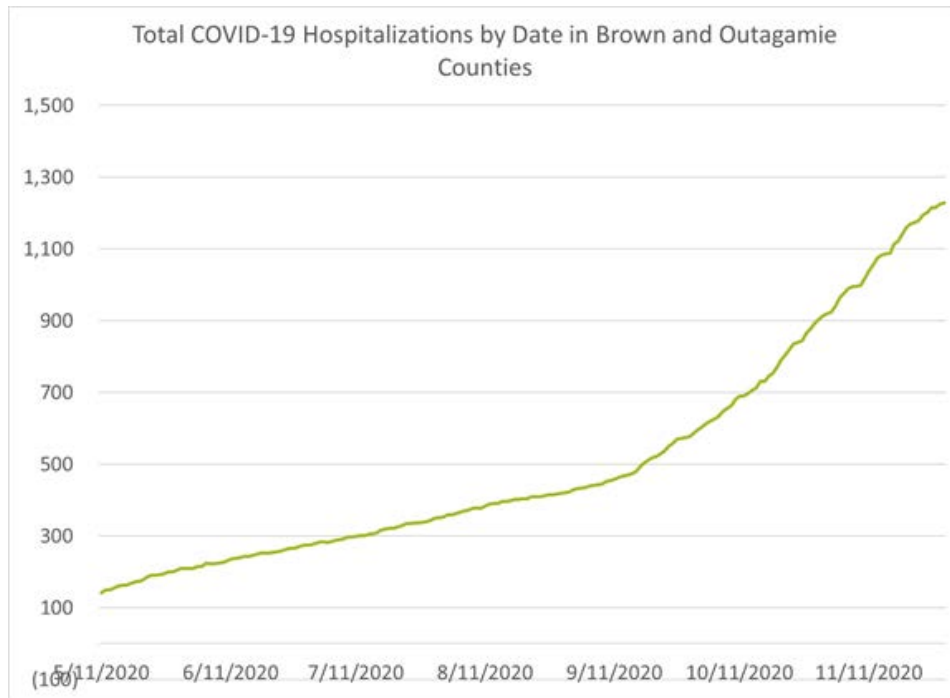
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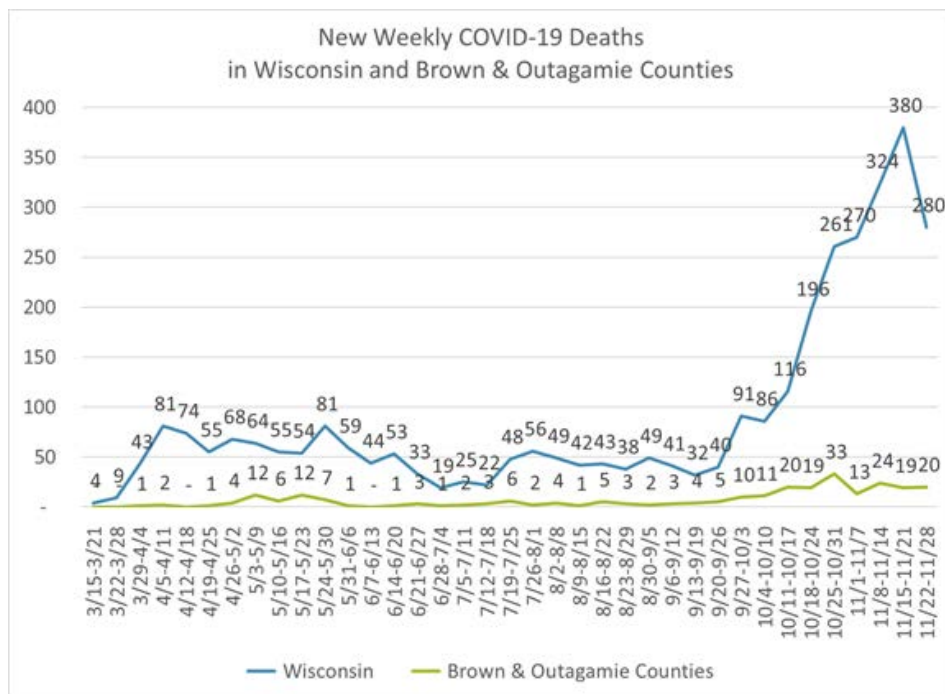
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A good mind. A good heart. A strong fire.





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WI Department of Health Services- Public Health retrieved 11/29/20
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Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Resolution # _____

Extension of Declaration of Public Health State of Emergency Until January 12, 2021

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WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the federal government has proclaimed a public health emergency related to the spread of the COVID-19 virus and has identified that the spread of the virus has resulted in large numbers of individuals becoming ill and high mortality rates, impacts to the stock markets, and businesses; and

WHEREAS, state governors, including the State of Wisconsin, have declared public health emergencies and state public health officers have issued orders, for example, closing public schools, limiting public gatherings, and closing restaurants and bars except for take-out orders; and

WHEREAS, on March 12, 2020 the Chairman declared a Public Health State of Emergency, the Oneida Business Committee took actions to take steps to protect the health and welfare of the members, employees and the community, including instituting expenditure restrictions to preserve resources for the provision of governmental services to members most at risk, closure of the Nation’s gaming operations, and insuring that employees will continued to be paid during the Public Health State of Emergency as long as the Nation’s resources will allow; and

WHEREAS, the Public Health State of Emergency was extended by resolutions # BC-03-26-20-A, # BC-05-06-20-A, # BC-06-10-20-A, # BC-07-08-20-A, # BC-08-06-20-A, # BC-09-09-20-A, # BC-10-08-20-A, # BC-11-13-20-A and # BC-12-13-20-A; and

WHEREAS, the status of the COVID-19 pandemic continues to change daily with identification of hotspots occurring within certain industries and areas which are more clearly identified in the Public Health Officer Report which supports this resolution; and

WHEREAS, a positive test does not identify the total number of individuals who have the virus, including those who are not showing symptoms or who have isolated themselves at home because not every person is tested; and

WHEREAS, the COVID-19 Core Decision Making Team has issued an Open for Business declaration, a less restrictive Stay Safer at Home declaration which directs that individuals within the Oneida Reservation should continue to stay at home, businesses can re-open under

44 certain safer business practices, and social distancing should be practiced by all persons
45 and finally a Re-opening Governmental Offices declaration that provides guidance on how
46 buildings will be re-opened to the public which remain effective during the Public Health
47 State of Emergency; and
48

49 **WHEREAS,** the Emergency Management Director and the Public Health Officer have advised extension
50 of the Public Health State of Emergency declaration supported by information from the
51 Centers for Disease Control and the level of spread of COVID-19 throughout the State of
52 Wisconsin, surrounding states, and the United States; and
53

54 **WHEREAS,** the Oneida Business Committee has determined that continuing the Public Health State of
55 Emergency for continues to be necessary and that its declaration should be longer given
56 the ongoing pandemic impact and the inability to identify mechanisms to control for
57 infection or protect the public;
58

59 *Extension of Public Health State of Emergency Declaration*

60 **NOW THEREFORE BE IT RESOLVED,** that in accordance with section 302.8-5 of the Emergency
61 Management & Homeland Security Law, the Oneida Business Committee extends the Public Health State
62 of Emergency declaration ending at 11:59 p.m. on January 12, 2021.

Oneida Business Committee Agenda Request

Accept the November 4, 2020, regular Legislative Operating Committee meeting minutes

1. Meeting Date Requested: 12 / 09 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header: Standing Committees

Accept as Information only

Action - please describe:

Accept the November 4, 2020 Legislative Operating Committee meeting minutes.

3. Supporting Materials

Report Resolution Contract

Other:

1. 11/4/20 LOC Meeting Minutes	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: David P. Jordan, Councilmember

Primary Requestor/Submitter: Clorissa N. Santiago, LRO Senior Staff Attorney
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
 Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
 November 4, 2020
 9:00 a.m.

Present: David P. Jordan, Jennifer Webster, Daniel Guzman King, Marie Summers

Excused: Kirby Metoxen

Others Present: Clorissa N. Santiago, Aliskwet Ellis, Rhiannon Metoxen, Kristal Hill, James Petitjean

I. Call to Order and Approval of the Agenda

David Jordan called the November 4, 2020, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda; seconded by Daniel Guzman King. Motion carried unanimously.

II. Minutes to be Approved

1. October 21, 2020 LOC Meeting Minutes

Motion by Jennifer Webster to approve the October 21, 2020 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Daniel Guzman King. Motion carried unanimously.

III. Current Business

IV. New Submissions

V. Additions

VI. Administrative Items

1. LOC FY20 Fourth Quarter Report

Motion by Jennifer Webster to approve the LOC FY20 Fourth Quarter Report and forward it to the Oneida Business Committee; seconded by Marie Summers. Motion carried unanimously.

2. Virtual Meeting Standard Operating Procedure

Motion by Marie Summers to approve and adopt the Virtual Meeting Standard Operating Procedure; seconded by Daniel Guzman King. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Daniel Guzman King to adjourn at 9:05 a.m.; seconded by Marie Summers. Motion carried unanimously.



Oneida Business Committee Agenda Request

Review the Special Election recommendation and determine next steps

1. Meeting Date Requested: 12 / 09 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Accept the recommendation from the Oneida Election Board and place the Appellate Court Judge vacancy on the 2021 Special Election in July 2021.

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Memo"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Aliskwet Ellis, BCC Clerk
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

In accordance with the Judiciary Law:

801.11-8. Vacancies.

If a Judge dies, resigns, is removed from office, becomes incapacitated for a period in excess of one hundred eighty (180) consecutive days, or is declared incompetent by a court of competent jurisdiction, the office of such Judge shall be declared vacant by the Oneida Business Committee and:

(a) A special election shall be held to fill the office for the remainder of the Judge's term of office, if two hundred seventy (270) days or more remain in the term of office; or

(b) The Oneida Business Committee shall appoint a successor to fill the office for the remainder of the Judge's term of office, if fewer than two hundred seventy (270) days, but more than one hundred eighty (180) days, remain in the term.

In accordance with the Election Law:

Section B. Special Elections

102.12-6. Dates of all Special Elections shall be set, as provided for in this law, by the Business Committee as recommended by the Election Board or as ordered by the Judiciary in connection with an election challenge.

The Election Board is recommending this vacancy be put on the 2021 Special Election ballot in July 2021. Please see attached memo.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

MEMORANDUM

To: Oneida Business Committee

From: Candace House, Chair
Oneida Election Board

Date: December 1, 2020

Subject: Special Election – Judicial Vacancy

The purpose of this memorandum is to provide the Oneida Business Committee with a recommendation of when to hold a special election for the vacancy in the Judiciary.

On November 3, 2020 the Oneida Election Board was notified by Secretary Lisa Liggins that there was a vacated position in the Appellate Court with over 270 days remaining on the term. In accordance with the Judiciary Law, a special election is to be held if 270 days or more remain in the term of office.

The Oneida Election Board recommends that this vacancy be put on the 2021 Special Election held in July. There is no reference to a timeline or limitation on when a special election must be held that is outlined in the Judiciary Law or the Election Law. A specific date for recommendation to the Oneida Business Committee from the Election Board will be provided at a later date.

In reports from the Public Health Officer, it is not recommended to put our Nation's members health at-risk for a special election in the near future for one vacancy. COVID-19 cases are still increasing across the Oneida Nation Reservation and surrounding areas.

The Election Board has received consultation from the Nation's Law Office and this recommendation does not violate Oneida Law.

Please let us know if you have any other questions or concerns.

Yaw^ko

Oneida Business Committee Agenda Request

Review the Drop and Count (Chapter 12) Oneida Gaming Minimum Internal Controls and determine...

1. Meeting Date Requested: 12 / 09 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Request OBC to accept the OGMICs Chapter 12-Drop and Count with no requested revisions.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delay and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards. The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class II MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

ACTION REQUESTED: ACCEPT THE OGMICS CHAPTER 12 - DROP AND COUNT WITH NO REQUESTED REVISIONS.
*****PLEASE NOTE (OBC ACTION OPTIONS)***** Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for OGMICR Revisions, the motion for this request would be as follows: "Accept the notice of the OGMICs Chapter 12-Drop and Count approved by the Gaming Commission on November 4, 2020 and..."

- (a) Directs notice to the Gaming Commission there are no requested revisions under section 501.6-14(d);
- (b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending amendments to the OGMICs Chapter 12 - Drop and Count in accordance with sections 510.6-14(d)(3)(C); or
- (c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the OGMICs Chapter 12 - Drop and Count in accordance with section 501.6-14(d)(3)(A) and subsections: (i)."

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Gaming Minimum Internal Control Standards Revision Project Authority, Project and Process

Oneida Gaming Commission (OGC) Authority

As designated in the Oneida Nation Gaming Ordinance (ONGO) 501.6-14.(d), the OGC is to *draft and approve Oneida Gaming Minimum Internal Controls (OGMICs) that require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.*

The OGMICs are effective upon adoption by the Commission. If the Oneida Business Committee has any concerns and/or requested revisions upon review, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions according to the process described in ONGO 501.6-14.(d)(3).

OGMICs Revision Project

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delays, and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGC-Compliance department is designated as the facilitator of the OGMICs Revision Project and is responsible for document coordination and progress. Research and recommendations are provided by the Compliance Staff and project team. Upon Executive Director support, the OGC is the decision-making body that ultimately approves the OGMICs through official action.

OGMICs Revision Process

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class III MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized, and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

Please accept/adopt this document as the Oneida Gaming Minimum Internal Controls for Chapter 12 Drop and Count.

From: [Melissa M. Alvarado](#)
To: [GamingCommission_Compliance](#)
Cc: [Michelle M. Braaten](#); [Melissa M. Alvarado](#)
Subject: NOTIFICATION: OGMICS Chapter 12 Drop Count
Date: Wednesday, November 4, 2020 10:38:34 AM
Attachments: [E-Routed OGMICS Chapter 12 Drop Count 2.pdf](#)
[image001.png](#)

DATE: **11/04/20**
FROM: **Mark Powless Sr.**
SUBJECT: **OGMICS Chapter 12 Drop Count**

Good Morning,

The Gaming Commission has reviewed the following item(s) and is approved. This will be placed on the next Regular OGC Meeting agenda for retro approval.

1. OGMICS Chapter 12 Drop Count

If you have any further questions please feel free to contact the OGC Chair Mark Powless Sr. via email mpowles5@oneidanation.org or at 497-5850.

Thank you.

Melissa Alvarado

Administrative Assistant
Oneida Gaming Commission
920-497-5850
Toll Free: 1-800-497-5897
malvarad@oneidanation.org



A good mind. A good heart. A strong fire.

Chapter: 12

Drop and Count

Table of Contents

- (a) Supervision
- (b) Count Room Access
- (c) Count Team
- (d) Table and Card Game Drop Standards
- (e) Gaming Machine and Financial Instrument Storage Component Drop Standards
- (f) Table and Card Game Count Standards.
- (g) Gaming Machine and Financial Instrument Storage Component Count Standards
- (h) Collecting Currency Cassettes and Financial Instrument Storage Components from Kiosks
- (i) Kiosk Count Standards
- (j) Variances

All employees and associates are required to adhere to the controls in this section, all other sections, and regulatory documents.

Regulatory Credentials Legend:

NIGC MICS: Black Font

OGC Additions: Blue Font

(a) Supervision

- (1) Supervision shall be provided for drop and count as needed by an employee (s) with authority equal to or greater than those being supervised.

(b) Count Room Access

- (1) Controls shall be established, and procedures implemented to limit physical access to the count room to count team employees, designated staff, and other authorized persons. Such controls shall include the following:
 - (i) Count team employees may not exit or enter the count room during the count except for emergencies or scheduled breaks.
 - (ii) Surveillance shall be notified whenever count room employee exit or enter the count room during the count.
 - (iii) The count team policy, at a minimum, shall address the transportation of extraneous items such as personal belongings, toolboxes, beverage containers, etc., into or out of the count room.

(c) Count Team

- (1) Controls shall be established, and procedures implemented to ensure security of the count and the count room to prevent unauthorized access, misappropriation of funds, forgery, theft, or fraud. Such controls shall include the following:
 - (i) For Tier A and B operations, all counts shall be performed by at least two employees. For Tier C operations, all counts shall be performed by at least three employees.
 - (ii) For Tier A and B operations, at no time during the count can there be fewer than two count team employees in the count room until the drop proceeds have been accepted into cage/vault accountability. For Tier C operations, at no time during the count can there be fewer than three count team employees in the count room until the drop proceeds have been accepted into cage/vault accountability.
 - (iii) For Tier A and B operations, count team employees shall be rotated on a routine basis such that the count team is not consistently the same two employees more than four days per week. This standard does not apply to gaming operations that utilize a count team of more than two employees. For Tier C operations, count team employees shall be rotated on a routine basis such that the count team is not consistently the same three employees more than four days per week. This standard does not apply to gaming operations that utilize a count team of more than three employees
 - (iv) Functions performed by count team s employees shall be rotated on a routine basis.
 - (v) Count team employees shall be independent of the department being counted. A cage/vault employee may be used if they are not the sole recorder of the count and do not participate in the transfer of drop proceeds to the cage/vault. An accounting employees may be used if there is an independent audit of all count documentation.

(d) Table and Card Game Drop Standards

- (1) Controls shall be established, and procedures implemented to ensure security of the drop process. Such controls shall include the following:
 - (i) Surveillance shall be notified when the drop is to begin so that surveillance may monitor the activities.
 - (ii) At least two employees shall be involved in the removal of the drop box, at least one of whom is independent of the table and card games department.
 - (iii) Once the drop is started, it shall continue until finished.
 - (iv) All drop boxes may be removed only at the time previously designated by the gaming operation and reported to the OGC. If an emergency drop is required, surveillance shall be notified before the drop is conducted and the OGC shall be informed within a time frame approved by the OGC.
 - (v) All locked table and card game drop boxes shall be removed from the tables by an employee independent of the table and card game shift being dropped;
 - (vi) For any tables opened during the shift, a separate drop box shall be placed on each table, or a gaming operation may utilize a single drop box with separate openings and compartments for each shift; and
 - (vii) Table and card game drop boxes shall be transported directly to the count room or other equivalently secure area by a minimum of two employees, at least one of whom is independent of the table and card game department, until the count takes place.
 - (viii) All tables that were not open during a shift and therefore not part of the drop shall be documented.
 - (ix) All table and card game drop boxes shall be posted with a number corresponding to a permanent number on the gaming table and marked to indicate game, table number, and shift, if applicable.

(e) Gaming Machine Financial Instrument Storage Component Drop Standards

- (1) Surveillance shall be notified when the drop is to begin so that surveillance may monitor the activities.
- (2) At least **three** employees shall be involved in the removal of the gaming machine financial instrument storage component drop, at least one of whom is independent of the gaming machine department.
- (3) All financial instrument storage components may be removed only at the time previously designated by the gaming operation and reported to the OGC. If an emergency drop is required, surveillance shall be notified before the drop is conducted and the OGC shall be informed within a timeframe approved by the OGC.
- (4) The financial instrument storage components shall be removed by an employee independent of the gaming machine department, then transported directly to the count room or other equivalently secure area with comparable controls and locked in a secure manner until the count takes place.
 - (i) Security shall be provided for the financial instrument storage components removed from gaming machines and awaiting transport to the count room.

- (ii) Transportation of financial instrument storage components shall be performed by a minimum of two employees, at least one of whom is independent of the gaming machine department.
- (5) All financial instrument storage components shall be posted with a number corresponding to a permanent number on the gaming machine.

(f) Table and Card Game Count Standards

- (1) Access to stored, full table game drop boxes shall be restricted to:
 - (i) Authorized members of the drop and count teams; and
 - (ii) In an emergency, authorized persons for the resolution of a problem.
- (2) The table and Card game count shall be performed in a count room or other equivalently secure area with comparable controls.
- (3) Access to the count room during the count shall be restricted to members of the drop and count teams, with the exception of authorized observers, supervisors for resolution of problems, and authorized maintenance personnel.
- (4) If counts from various revenue centers occur simultaneously in the count room, procedures shall be in effect to prevent the commingling of funds from different revenue centers.
- (5) Count equipment and systems shall be tested, with the results documented, before the first count begins, to ensure the accuracy of the equipment.
- (6) The table and card game drop boxes shall be individually emptied and counted so as to prevent the commingling of funds between boxes until the count of the box has been recorded.
 - (i) The count of each box shall be recorded in ink or other permanent form of recordation.
 - (ii) For counts that do not utilize a currency counter, a second count shall be performed by a member of the count team who did not perform the initial count. Separate counts of chips and tokens shall always be performed by members of the count team.
 - (iii) Coupons or other promotional items not included in gross revenue shall be recorded on a supplemental document by either the count team members or accounting personnel. All single-use coupons shall be cancelled daily by an authorized employee to prevent improper recirculation.
 - (iv) If a currency counter interface is used:
 - (A) It shall be adequately restricted to prevent unauthorized access; and
 - (B) The currency drop figures shall be transferred via direct communications line or computer storage media to the accounting department.
- (7) If currency counters are utilized, a count team member shall observe the loading and unloading of all currency at the currency counter, including rejected currency.
- (8) Two counts of the currency rejected by the currency counter shall be recorded per table, as well as in total. Posting rejected currency to a nonexistent table is prohibited.
- (9) Table and card game drop boxes, when empty, shall be shown to another member of the count team to another employee observing the count, or to surveillance, provided that the count is monitored in its entirety by an employee independent of the count.

- (i) Orders for fill/credit, if applicable, shall be matched to the fill/credit slips. Fills and credits shall be traced to or recorded on the count sheet.
- (ii) Pit marker issue and payment slips, if applicable, removed from the table game drop boxes shall either be:
 - (A) Traced to or recorded on the count sheet by the count team; or
 - (B) Totaled by shift and traced to the totals documented by the computerized System.
- (iii) Accounting personnel shall verify the issue/payment slip for each table is accurate.
- (iv) The opening/closing table inventory forms, if applicable, shall either be:
 - (A) Examined and traced to or recorded on the count sheet; or
 - (B) If a computerized system is used, accounting personnel can trace the opening/closing table inventory forms to the count sheet. Discrepancies shall be investigated with the findings documented and maintained for inspection.
- (10) Procedures shall be implemented to ensure that any corrections to the count documentation are permanent and identifiable, and that the original, corrected information remains legible. Corrections shall be verified by two count team employees.
- (11) The count sheet shall be reconciled to the total drop by a count team member who may not function as the sole recorder, and variances shall be reconciled and documented.
- (12) All count team employees shall sign the count sheet attesting to their participation in the count.
- (13) A final verification of the total drop proceeds, before transfer to cage/vault, shall be performed by at least two employees one of whom is a supervisory count team member, and the other a count team employee.
 - (i) Final verification shall include a comparison of currency counted totals against the currency counter/system report, if any counter/system is used.
 - (ii) Any unresolved variances shall be documented, and the documentation shall remain part of the final count record forwarded to accounting.
 - (iii) This verification does not require a complete recount of the drop proceeds but does require a review sufficient to verify the total drop proceeds being transferred.
 - (iv) The two employees shall sign the report attesting to the accuracy of the total drop proceeds verified.
 - (v) All drop proceeds and cash equivalents that were counted shall be submitted to the cage or vault employees (who shall be independent of the count team), or to an employee independent of the revenue generation source and the count process, for verification. The employee shall certify, by signature, the amount of the drop proceeds delivered and received. Any unresolved variances shall be reconciled, documented, and/or investigated by accounting/revenue audit.
- (14) After verification by the employee receiving the funds, the drop proceeds shall be transferred to the cage/vault.

- (i) The count documentation and records shall not be transferred to the cage/vault with the drop proceeds.
 - (ii) The cage/vault employee shall not have knowledge or record of the drop proceeds total before it is verified.
 - (iii) All count records shall be forwarded to accounting or secured and accessible only by accounting employees.
 - (iv) The cage/vault employees receiving the transferred drop proceeds shall sign the count sheet attesting to the verification of the total received, and thereby assume accountability of the drop proceeds, ending the count.
 - (v) Any unresolved variances between total drop proceeds recorded on the count sheet and the cage/vault final verification during transfer shall be documented and investigated.
- (15) The count sheet, with all supporting documents, shall be delivered to the accounting department by a count team member or an employee independent of the cage/vault. Alternatively, it may be secured so that it is only accessible only by the accounting department.

(g) Gaming Machine Financial Instrument Storage Component Count Standards

- (1) Access to stored full financial instrument storage components shall be restricted to:
 - (i) Authorized members of the drop and count teams; and
 - (ii) In an emergency, authorized persons for the resolution of a problem.
- (2) The gaming machine financial instrument count shall be performed in a count room or other equivalently secure area with comparable controls.
- (3) Access to the count room during the count shall be restricted to members of the drop and count teams, with the exception of authorized observers, supervisors for resolution of problems, and authorized maintenance personnel.
- (4) If counts from various revenue centers occur simultaneously in the count room, procedures shall be in effect that prevent the commingling of funds from different revenue centers.
- (5) The count team shall not have access to amount-in or bill-in meter amounts until after the count is completed and the drop proceeds are accepted into the cage/vault accountability.
- (6) Count equipment and systems shall be tested, and the results documented, before the first count begins, to ensure the accuracy of the equipment.
- (7) If a currency counter interface is used:
 - (i) It shall be adequately restricted to prevent unauthorized access; and
 - (ii) The currency drop figures shall be transferred via direct communications line or computer storage media to the accounting department.
- (8) The financial instrument storage components shall be individually emptied and counted so as to prevent the commingling of funds between storage components until the count of the storage component has been recorded.
 - (i) The count of each storage component shall be recorded in ink or other permanent form of recordation.

- (ii) Coupons or other promotional items not included in gross revenue may be recorded on a supplemental document by the count team members or accounting personnel. All single-use coupons shall be cancelled daily by an authorized employee to prevent improper recirculation.
- (9) If currency counters are utilized, a count team member shall observe the loading and unloading of all currency at the currency counter, including rejected currency.
- (10) Two counts of the currency rejected by the currency counter shall be recorded per interface terminal as well as in total. Rejected currency shall be posted to the gaming machine from which it was collected.
- (11) Storage components, when empty, shall be shown to another member of the count team, to another employee observing the count, or to surveillance, provided that the count is monitored in its entirety by an employee independent of the count.
- (12) Procedures shall be implemented to ensure that any corrections to the count documentation are permanent, identifiable and the original, corrected information remains legible. Corrections shall be verified by two count team employees.
- (13) The count sheet shall be reconciled to the total drop by a count team member who may not function as the sole recorder, and variances shall be reconciled and documented. This standard does not apply to vouchers removed from the financial instrument storage components.
- (14) All count team employees shall sign the report attesting to their participation in the count.
- (15) A final verification of the total drop proceeds, before transfer to cage/vault, shall be performed by the at least two employees, one of whom is a supervisory count team member and the other a count team employee.
 - (i) Final verification shall include a comparison of currency counted totals against the currency counter/system report, if a counter/system is used.
 - (ii) Any unresolved variances shall be documented, and the documentation shall remain a part of the final count record forwarded to accounting.
 - (iii) This verification does not require a complete recount of the drop proceeds but does require a review sufficient to verify the total drop proceeds being transferred.
 - (iv) The two employees shall sign the report attesting to the accuracy of the total drop proceeds verified.
 - (v) All drop proceeds and cash equivalents that were counted shall be turned over to the cage or vault cashier (who shall be independent of the count team) or to an employee independent of the revenue generation and the count process for verification. Such cashier or employee shall certify, by signature, the amount of the drop proceeds delivered and received. Any unresolved variances shall be reconciled, documented, and/or investigated by accounting/revenue audit.
- (16) After certification by the employee receiving the funds, the drop proceeds shall be transferred to the cage/vault.
 - (i) The count documentation and records shall not be transferred to the cage/vault with the drop proceeds.

- (ii) The cage/vault employee shall not have knowledge or record of the drop proceeds total before it is verified.
 - (iii) All count records shall be forwarded to accounting secured and accessible only by accounting employees.
 - (iv) The cage/vault employee receiving the transferred drop proceeds shall sign the count sheet attesting to the verification of the total received, and thereby assuming accountability of the drop proceeds, and ending the count.
 - (v) Any unresolved variances between total drop proceeds recorded on the count room report and the cage/vault final verification during transfer shall be documented and investigated.
- (17) The count sheet, with all supporting documents, shall be delivered to the accounting department by a count team member or employee independent of the cage/vault. Alternatively, it may be adequately secured and accessible only by the accounting department.

(h) Collecting Currency Cassettes and Financial Instrument Storage Components from Kiosks

- (1) Controls shall be established, and procedures implemented to ensure that currency cassettes and financial instrument storage components are securely removed from kiosks. Such controls shall include the following:
- (i) Surveillance shall be notified prior to the financial instrument storage components or currency cassettes being accessed in a kiosk.
 - (ii) At least two employees shall be involved in the collection of currency cassettes and/or financial instrument storage components from kiosks and at least one employee should be independent of kiosk accountability.
 - (iii) Currency cassettes and financial instrument storage components shall be secured in a manner that restricts access to only authorized employees.
 - (iv) Redeemed vouchers collected from the kiosk shall be secured and delivered to the appropriate department (cage or accounting) for reconciliation.
 - (v) Controls shall be established, and procedures implemented to ensure that currency cassettes contain the correct denominations and have been properly installed.

(i) Kiosk Count Standards

- (1) Access to stored full kiosk financial instrument storage components and currency cassettes shall be restricted to:
- (i) Authorized employees; and
 - (ii) In an emergency, authorized persons for the resolution of a problem.
- (2) The kiosk count shall be performed in a secure area, such as the cage or count room.
- (3) If counts from various revenue centers and kiosks occur simultaneously in the count room, procedures shall be in effect that prevent the commingling of funds from the kiosks with any revenue centers.
- (4) The kiosk financial instrument storage components and currency cassettes shall be individually emptied and counted so as to prevent the commingling of funds between kiosks until the count of the kiosk contents has been recorded.

- (i) The count of kiosk financial instrument storage components and currency cassettes shall be recorded in ink or other permanent form of recordation.
 - (ii) Coupons or other promotional items not included in gross revenue (if any) may be recorded on a supplemental document. All single-use coupons shall be cancelled daily by an authorized employee to prevent improper recirculation.
- (5) Procedures shall be implemented to ensure that any corrections to the count documentation are permanent, identifiable, and the original, corrected information remains legible. Corrections shall be verified by two employees.

(j) Variances

- (1) The operation shall establish, as approved by the OGC, the threshold level at which a variance shall be reviewed to determine the cause. Any such review shall be documented.



Oneida Gaming Minimum Internal Control Standards/Rules of Play

Chapter 12-Drop and Count: Gaming Management Review

Record regulatory reference, concern and suggestion to the OGMICS/ROP document:

Concern/Question	Management Suggestion
<p>(d)(iv) All drop boxes may be removed only at the time previously designated by the gaming operation and reported to the OGC. If an emergency drop is required, surveillance shall be notified before the drop is conducted and the OGC shall be informed within a time frame approved by the OGC.</p>	<p>Who shall notify the OGC and what time frame is recommended? Previously was done by Surveillance.</p>
<p>OGC Response</p> <p>Surveillance is currently notified when there is an emergency drop, but they do not nor have they ever been required to notify the OGC. The following SOP(s) have identified an employee that would notify others when an emergency drop is completed: <i>SOPALL-51 Emergency Drop Table Games Drop Box, SOPALL-53 Gaming Machine Emergency Drop and SOPCV-27 NRT 1500 Quick Jack-Emergency Drop</i>, the OGC believes that the employee identified within these SOPs would be able to fill the requirement of notifying the OGC of an emergency drop.</p> <p>At this time none of these SOP's have a timeframe for notification identified, but seem to imply that those that need to be notified would be so, soon after the emergency drop was completed.</p> <p>Please note that this requirement is new under the NIGC Guidance, and therefore is not a current practice.</p>	
<p>(d)(x) If the drop team accidentally attaches the wrong drop box to a table, the pit supervisor shall be notified and an identification tag, which shows the correct table number, game type and shift, is securely attached to the drop box. This identification tag shall be left on the drop box until the soft count is finished. The pit supervisor shall note the incident, deposits a note in the drop box and records the incident on the pit report.</p>	<p>Please remove. This is more of a procedure and is covered in (d)(ix).</p>

<p>OGC Response While the OGC does not agree that (d)(x) is covered in (d)(ix); we do agree to remove the language. As this is a process that could be covered within the Operations procedure.</p>	
<p>(e)(3) All financial instrument storage components may be removed only at the time previously designated by the gaming operation and reported to the OGC. If an emergency drop is required, surveillance shall be notified before the drop is conducted and the OGC shall be informed within a timeframe approved by the OGC.</p>	<p>Who shall notify the OGC and what time frame is recommended? Previously done by Surveillance.</p>
<p>At this time none of these SOP's have a timeframe for notification identified but seem to imply that those that need to be notified would be so, soon after the emergency drop was completed.</p>	
<p>(f)(9)(ii) Pit marker issue and payment slips, if applicable, removed from the table game drop boxes shall either be:</p> <p>(A) Traced to or recorded on the count sheet by the count team; or</p> <p>(B) Totaled by shift and traced to the totals documented by the computerized System.</p> <p>(f)(9)(iii) Accounting personnel shall verify the issue/payment slip for each table is accurate.</p>	<p>Please remove. Per the Oneida Gaming Compact we are unable to issue markers.</p> <p>Please remove if it is pertained to (ii)</p>
<p>OGC Response The OGC will remove (f)(9)(ii) as requested, and as Gaming Management stated markers are prohibited by the Oneida Gaming Compact.</p> <p>(f)(9)(iii) Will not be removed as it is a standalone subpoint under (f)(9).</p>	

<p><u>(f) Table and Card Game Count Standards</u> (f)(13) A final verification of the total drop proceeds, before transfer to cage/vault, shall be performed by at least two employees one of whom is a supervisory count team member, and the other a count team employee.</p>	<p>Currently a Lead completes this duty. Would this be sufficient to meet the requirement of a supervisory employee?</p>
<p><u>OGC Response</u> Yes, "supervisory employee" would be an employee that may have limited supervisory authority to oversee and/or verify identified procedures as assigned by the Operation. The OGC agrees that a department assigned Lead meets this requirement.</p>	
<p><u>(g) Gaming Machine Financial Instrument...</u> (g)(15) A final verification of the total drop proceeds, before transfer to cage/vault, shall be performed by the at least two employees, one of whom is a supervisory count team member and the other a count team employee.</p>	<p>Currently a Lead completes this duty. Would this be sufficient to meet the requirement of a supervisory employee?</p>
<p><u>OGC Response</u> Yes, "supervisory employee" would be an employee that may have limited supervisory authority to oversee and/or verify identified procedures as assigned by the Operation. The OGC agrees that a department assigned Lead meets this requirement.</p>	
<p>(h)(iv) Controls shall be established, and procedures implemented to ensure that currency cassettes contain the correct denominations and have been properly installed.</p>	<p>Please correct the number to (v). Would the Cage/Vault procedure cover this requirement?</p>
<p><u>OGC Response</u> The OGC will correct the numbering within the document. After review of current procedures in place the OGC finds that the Operation currently meets the requirement of this regulation, and no further changes would be needed.</p>	

(Insert additional rows, as necessary)



Oneida Gaming Minimum Internal Control Standards/Rules of Play

<Chapter 12 DROP COUNT > Gaming Management Review

Per ONGO 21.6-14. (d), the OGC is to draft and approve the OGMICS, subject to review and adoption by the OBC, provided that Gaming Operations has the opportunity to review and comment prior to OGC approval. Gaming Operations comments are to be included in submissions to the OBC.

GAMING OPERATIONS MANAGEMENT

Reviewed and Input Provided By:

Name and Title	Signature	Date
Assistant Gaming Manager	<i>L. She 332</i>	10-8-2020
Director/Manager	<i>[Signature] 13555</i>	10/8/2020
Gaming Compliance	<i>Denise King 11229</i>	10-8-2020

Oneida Business Committee Agenda Request

Review the Gaming Promotions and Player Tracking Systems (Chapter 6) Oneida Gaming Minimum...

1. Meeting Date Requested: 12 / 09 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Request OBC to accept the OGMICs Chapter 6-Gaming Promotions and Player Tracking with no requested revisions.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delay and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards. The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class II MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

ACTION REQUESTED: ACCEPT THE OGMICS CHAPTER 6 - GAMING PROMOTIONS AND PLAYER TRACKING WITH NO REQUESTED REVISIONS. ***PLEASE NOTE (OBC ACTION OPTIONS)*** Per the Chief Counsel memo dated February 27, 2018, regarding appropriate OBC action for OGMICR Revisions, the motion for this request would be as follows: "Accept the notice of the OGMICs Chapter 6 - Gaming Promotions and Player Tracking approved by the Gaming Commission on November 4, 2020 and..."

(a) Directs notice to the Gaming Commission there are no requested revisions under section 501.6-14(d);

(b) Directs notice to the Gaming Commission that the Oneida Business Committee will be recommending amendments to the OGMICs Chapter 6 - Gaming Promotions and Player Tracking in accordance with sections 510.6-14(d)(3)(C); or

(c) Directs notice to the Gaming Commission that the Oneida Business Committee repeals the OGMICs Chapter 6- Gaming Promotions and Player Tracking in accordance with section 501.6-14(d)(3)(A) and subsections (i)."

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Gaming Minimum Internal Control Standards Revision Project Authority, Project and Process

Oneida Gaming Commission (OGC) Authority

As designated in the Oneida Nation Gaming Ordinance (ONGO) 501.6-14.(d), the OGC is to *draft and approve Oneida Gaming Minimum Internal Controls (OGMICs) that require review and comment by Senior Gaming Management prior to approval by the Commission and are subject to review by the Oneida Business Committee.*

The OGMICs are effective upon adoption by the Commission. If the Oneida Business Committee has any concerns and/or requested revisions upon review, the Commission shall work with the Oneida Business Committee to address such concerns and/or requested revisions according to the process described in ONGO 501.6-14.(d)(3).

OGMICs Revision Project

The OGMICs Revision Project has had multiple phase iterations and numerous document revisions due to staff shortages, other project priorities, review timing delays, and new nationally published control standards. An aggressive timeline has since been developed to ensure relevant minimum standards are incorporated into these tribal internal control standards.

The OGC-Compliance department is designated as the facilitator of the OGMICs Revision Project and is responsible for document coordination and progress. Research and recommendations are provided by the Compliance Staff and project team. Upon Executive Director support, the OGC is the decision-making body that ultimately approves the OGMICs through official action.

OGMICs Revision Process

The OGMICs is being revised one section chapter at a time to minimally include:

- National Indian Gaming Commission (NIGC) Class II Minimum Internal Control Standards (MICS)
- NIGC Class III MICS Guidance
- Oneida Tribe and State of Wisconsin Compact and its amendments
- Industry control standards and best regulatory practices

OGMICs section chapters are (re)formatted, (re)finalized, and (re)reviewed before they are submitted to Gaming Management for comments. Management comments are reviewed and considered before the section chapter is officially approved by the OGC.

The OGC has prepared this document to set forth the Nation's tribal minimum internal controls that will guide gaming operations and assist internal audit to ensure and maintain the integrity and security of gaming operations.

Please accept/adopt this document as the Oneida Gaming Minimum Internal Controls for Chapter 6 Player Tracking and Promotions.

From: [Melissa M. Alvarado](#)
To: [GamingCommission_Compliance](#)
Cc: [Michelle M. Braaten](#); [Melissa M. Alvarado](#)
Subject: NOTIFICATION: OGMICS Chapter 6 Gaming Promotions and Player Tracking Systems
Date: Wednesday, November 4, 2020 10:35:19 AM
Attachments: [E-Routed OGMICS Chapter 6 Gaming Promotions and Player Tracking Systems 2.pdf](#)
[image001.png](#)

DATE: **11/04/20**
FROM: **Mark Powless Sr.**
SUBJECT: **OGMICS Chapter 6 Gaming Promotions and Player Tracking Systems**

Good Morning,

The Gaming Commission has reviewed the following item(s) and is approved. This will be placed on the next Regular OGC Meeting agenda for retro approval.

1. OGMICS Chapter 6 Gaming Promotions and Player Tracking Systems

If you have any further questions please feel free to contact the OGC Chair Mark Powless Sr. via email mpowles5@oneidanation.org or at 497-5850.

Thank you.

Melissa Alvarado

Administrative Assistant
Oneida Gaming Commission
920-497-5850
Toll Free: 1-800-497-5897
malvarad@oneidanation.org



A good mind. A good heart. A strong fire.

Chapter: 6

Gaming Promotions and Player Tracking Systems

Table of Contents

- (a) Supervision**
- (b) Gaming Promotions**
- (c) Player Tracking and Gaming Promotions**
- (d) Variances**

All employees and associates are required to adhere to the controls in this section, all other sections, and regulatory documents.

Regulatory Credentials Legend:
NIGC MICS: Black Font

(a) Supervision

- (1) Supervision shall be provided as needed for Gaming Promotions and Player Tracking by an employee(s) with authority equal to or greater than those being supervised.

(b) Gaming Promotions

- (1) The rules of the gaming promotions shall be displayed or made readily available to customer upon request. Gaming promotions rules require OGC approval and shall include the following:
 - (i) The rules of play;
 - (ii) The nature and value of the associated prize(s) or cash award(s);
 - (iii) Any restrictions or limitations on participant eligibility;
 - (iv) The date(s), time(s), and location(s) for the associated promotional activity or activities;
 - (v) Any other restrictions or limitations, including any related to the claim of prizes or cash awards;
 - (vi) The announcement date(s), time(s), and location(s) for the winning entry or entries;
 - (vii) Rules governing promotions offered across multiple gaming operations, third party sponsored promotions, and joint promotions involving third parties;

(c) Player Tracking Systems and Gaming Promotions

- (1) Changes to the player tracking systems, promotion and external bonusing system parameters which control features such as the awarding of bonuses, the issuance of cashable credits, non-cashable credits, coupons and vouchers shall be documented and performed under the authority of supervisory employees independent of the department initiating the change. Alternatively, the changes may be performed by supervisory employees of the department initiating the change if sufficient documentation is generated and the propriety of the changes are randomly verified by supervisory employees independent of the department initiating the change on a monthly basis.
- (2) Changes to individual player tracking accounts other than through an automated process related to actual play shall be sufficiently documented (including substantiation of reasons for increases) and authorized or performed by supervisory employees. An addition, deletion, or change to individual player tracking accounts shall be authorized by supervisory employees and documented and randomly verified by accounting or audit personnel on a quarterly basis.
- (3) All other changes to the player tracking system shall be appropriately documented.

(d) Variances

- (1) The operation shall establish, as approved by the OGC, the threshold level at which a variance shall be reviewed to determine the cause. Any such review shall be documented.



Oneida Gaming Minimum Internal Control Standards/Rules of Play

Chapter 6-Gaming Promotions and Player Tracking Gaming Management Review

Record regulatory reference, concern and suggestion to the OGMICS/ROP document:

Concern/Question	Management Suggestion
<p><i>(Management to cite regulation)</i> <i>(Management to document concern)</i></p>	<p><i>(Management to document suggestion)</i></p>
<p><u>OGC Response</u> <i>(OGC to document response to Management’s concern and suggestion)</i></p>	
<p>(b) Gaming Promotions (1) The rules of the gaming promotions shall be displayed or made readily available to customer upon request, Gaming Promotions rules require OGC approval and shall include the following:</p>	<p>Will this be the same process? Will there be given a default of approval date? Can this language be inserted into the regulation?</p>
<p><u>OGC Response</u> This process will only change if management chooses to change it. The Commission does not feel it is necessary to add a default of approval date, but the Commission is asking that rules and promotions be sent after the promotions calendar (schedule) has been determined. This could occur on an FY timeline for annual promotions, or perhaps a quarterly timeline for annual promotions and/or new promotions.</p>	
<p>(C) 2 Changes to individual player tracking accounts other than through an automated process related to actual play shall be sufficiently documented (including substantiation of reason for increases) and authorized or performed by supervisory employees. An addition, deletion, or change to individual player tracking accounts shall be authorized by supervisory employees and documented and randomly verified by accounting or audit personnel on a quarterly basis.</p>	<p>Are “changes,” as stated in this regulation, defined as only those changes that affect the value (e.g. points and free play) of Players accounts rather than changes to phone number, address, email, etc?</p>

<p><u>OGC Response</u> Yes, as the regulation captures the “changes” to be documented are defined changes to actual play. This would include additions, deletions and/or changes to “points” and “free play”.</p>	
<p>(c) Player Tracking Systems and Gaming Promotions (1) Changes to player tracking systems, promotion and external bonusing system parameter which control features such as the awarding of bonuses, the issuance of cashable credits, non-cashable credits, coupons and vouchers shall be documented and performed under the authority of supervisory employees independent of the department initiating the change...</p>	<p>Gaming Management is interpreting this as configuration changes to the Player Tracking System and promotional set up. MIS will continue to follow the Change Management Request process. Casino Promotions will continue to submit an Accounting Information Form to Accounting for each promotion. Accounting will randomly verify these changes on a monthly basis. Does OGC support this interpretation?</p>
<p><u>OGC Response</u> The OGC supports Gaming Management’s interpretation of this regulation.</p>	

(Insert additional rows, as necessary)






Oneida Control Standards/Rules of Play

Chapter 6 Gaming Promotions and Player Tracking: Gaming Management Review

Per ONGO 21.6-14. (d), the OGC is to draft and approve the OGMICS, subject to review and adoption by the OBC, provided that Gaming Operations has the opportunity to review and comment prior to OGC approval. Gaming Operations comments are to be included in submissions to the OBC.

GAMING OPERATIONS MANAGEMENT

Reviewed and Input Provided By:

Name and Title	Signature	Date
AGM	 <small>Digitally signed by Brenda Mendolla-Buckley Date: 2020.10.05 14:04:41 -05'00'</small>	
Director/Manager	 <small>Digitally signed by Ronald Wurth Date: 2020.10.05 13:49:31 -05'00'</small>	
Gaming Compliance	 11229	10/7/20

Enter the e-poll results into the record regarding the approved CRF Government Relief Funds request -...

Business Committee Agenda Request

1. Meeting Date Requested: 12/08/20

2. General Information:

Session: Open Executive – must qualify under §107.4-1.

Justification: *Choose reason for Executive.*

3. Supporting Documents:

- | | | |
|--|--|---|
| <input type="checkbox"/> Bylaws | <input type="checkbox"/> Fiscal Impact Statement | <input type="checkbox"/> Presentation |
| <input type="checkbox"/> Contract Document(s) | <input type="checkbox"/> Law | <input type="checkbox"/> Report |
| <input type="checkbox"/> Correspondence | <input type="checkbox"/> Legal Review | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Draft GTC Notice | <input type="checkbox"/> Minutes | <input type="checkbox"/> Rule (adoption packet) |
| <input type="checkbox"/> Draft GTC Packet | <input type="checkbox"/> MOU/MOA | <input type="checkbox"/> Statement of Effect |
| <input checked="" type="checkbox"/> E-poll results/back-up | <input type="checkbox"/> Petition | <input type="checkbox"/> Travel Documents |
| <input type="checkbox"/> Other: <i>Describe</i> | | |

4. Budget Information:

- | | | |
|--|--|-------------------------------------|
| <input type="checkbox"/> Budgeted | <input type="checkbox"/> Budgeted – Grant Funded | <input type="checkbox"/> Unbudgeted |
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Other: <i>Describe</i> | |

5. Submission:

Authorized Sponsor: Lisa Liggins, Secretary

Primary Requestor: _____

Additional Requestor: (Name, Title/Entity)

Additional Requestor: (Name, Title/Entity)

Submitted By: CWILSON1

From: [TribalSecretary](#)
To: [Brandon L. Yellowbird-Stevens](#); [Cristina S. Danforth](#); [Daniel P. Guzman](#); [David P. Jordan](#); [Ethel M. Summers](#); [Jennifer A. Webster](#); [Kirby W. Metoxen](#); [Lisa A. Liggins](#); [Tehassi Tasi Hill](#)
Cc: [TribalSecretary](#); [Danelle A. Wilson](#); [Rhiannon R. Metoxen](#); [Kristal E. Hill](#); [BC Agenda Requests](#)
Subject: E-POLL RESULTS: Approve CRF Treasury Relief Funds Requests - nine file numbers
Date: Thursday, November 19, 2020 1:33:23 PM
Attachments: [2020 11 17 E-Poll Request - Approve CRF Treasury Relief Fund Requests - nine file numbers.pdf](#)
[LL Comments.pdf](#)
[MS Comments.pdf](#)
Importance: High

E-POLL RESULTS

The e-poll to approve CRF Treasury Relief Funds Requests for file # 11-4-004, file # 11-4-005, file # 11-4-006, file # 11-4-007, file # 11-4-008, file # 11-6-009, file # 11-6-010, file # 11-5-011, and file # 11-5-012

, **has carried**. As of the deadline, below are the results:

Support: Daniel Guzman King, David P. Jordan, Kirby Metoxen, Brandon Stevens, Jennifer Webster

Oppose: Lisa Liggins, Marie Summers

Per section 5.2.c. of the OBC SOP "Conducting Electronic Voting (E-polls)", attached are copies of any comment by an OBC member made beyond a vote.

Brooke Doxtator
BCC Supervisor
Business Committee Support Office (BCSO)

office 920.869.4452
fax 920.869.4040

From: TribalSecretary <TribalSecretary@oneidanation.org>
Sent: Tuesday, November 17, 2020 9:56 AM
To: Brandon L. Yellowbird-Stevens <bstevens@oneidanation.org>; Cristina S. Danforth <cdanfor4@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Ethel M. Summers <esummer1@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: Danelle A. Wilson <dwilson1@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Kristal E. Hill <khill@oneidanation.org>; Chad A. Wilson <CWILSON1@oneidanation.org>; TribalSecretary <TribalSecretary@oneidanation.org>
Subject: E-POLL REQUEST: Approve CRF Treasury Relief Funds Requests - nine file numbers
Importance: High

E-POLL REQUEST**Summary:**

The attached request includes a chart of requests which were reviewed by the BC on November 17, 2020. Formal action by the BC is needed per BC resolution # 06-10-20-B Process for Authorization for Use of CARES Act Covid Relief Funds.

Justification for E-Poll: An agreement was made to process these approvals via e-poll.

-

Requested Action:

Approve CRF Treasury Relief Funds Requests for file # 11-4-004, file # 11-4-005, file # 11-4-006, file # 11-4-007, file # 11-4-008, file # 11-6-009, file # 11-6-010, file # 11-5-011, and file # 11-5-012

-

Deadline for response:

Responses are due no later than **4:30 p.m., WEDNESDAY, November 18, 2020.**

-

Voting:

1. Use the voting button above, if available; OR
2. Reply with "Support" or "Oppose".

Brooke Doxtator
BCC Supervisor
Business Committee Support Office (BCSO)

office 920.869.4452
fax 920.869.4040

From: Lisa A. Liggins <lliggins@oneidanation.org>
Sent: Tuesday, November 17, 2020 11:03 AM
To: TribalSecretary <TribalSecretary@oneidanation.org>
Subject: RE: E-POLL REQUEST: Approve CRF Treasury Relief Funds Requests - nine file numbers

Oppose. At the November 10, 2020, regular BC meeting, the BC considered 19 CRF Treasury Relief Funds requests as well as a request to support a plan for a supplemental Pandemic Relief Assistance Payment. The memo regarding these requests stated:

“The Pandemic Higher Education program will have about 9 million funds that will be unobligated. These 19 requests (below) will spend down \$1,181,035.40. The Business Committee has asked that the funds be completely spent, and not over obligated. There is an option to provide a supplemental payment to the 11,266 members that have already provided a need and have been approved for payment. It will take some coordination with MIS, Enrollment, Central Accounting AP, Legislative Reference Office, and myself to make this occur. This will be a supplemental Pandemic Relief Assistance Payment.”

As requested, the BC supported a plan for a supplemental Pandemic Relief Assistance Payment and the following action was taken regarding item XI.B. Review the CRF Government Relief Funds Requests and determine next steps at the November 10, 2020, regular BC meeting:

“Motion by Lisa Liggins to approve the supplemental pandemic relief assistant payment plan and for the details, final changes, and documents to brought back to the November 24, 2020 regular Business Committee meeting, seconded by Jennifer Webster. Motion carried:

Ayes: Tina Danforth, Daniel Guzman King, David P. Jordan, Lisa Liggins, Kirby Metoxen, Brandon Stevens, Marie Summers, Jennifer Webster”

The nine (9) CRF Treasury Relief Funds requests associated with today’s e-poll would further deplete the remainder of the funds (previously obligated for Pandemic Higher Education Program) that the BC supported to be paid out as a direct benefit to tribal members, as such I’m opposed to the nine requests.

From: Ethel M. Summers <esummer1@oneidanation.org>
Sent: Tuesday, November 17, 2020 12:46 PM
To: TribalSecretary <TribalSecretary@oneidanation.org>; Brandon L. Yellowbird-Stevens <bsteven@oneidanation.org>; Cristina S. Danforth <cdanfor4@oneidanation.org>; Daniel P. Guzman <dguzman@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Kirby W. Metoxen <KMETOX@oneidanation.org>; Tehassi Tasi Hill <thill7@oneidanation.org>
Cc: Danelle A. Wilson <dwilson1@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Kristal E. Hill <khill@oneidanation.org>; Chad A. Wilson <CWILSON1@oneidanation.org>
Subject: RE: E-POLL REQUEST: Approve CRF Treasury Relief Funds Requests - nine file numbers

Oppose the E-Poll noted below. The supplemental Pandemic Relief Assistance Payment plan should be considered prior to any further request coming forward to ensure there is enough funding to carry out the proposed payment plan forthcoming.

NOTE: I suggest the EPoll items noted below be resubmitted with the "Pandemic Relief Assistance Payment plan" agenda item for the November 24, 2020 BC mtg.

Yaw^ko,
Marie Summers
Councilwoman
Oneida Business Committee



A good mind. A good heart. A strong Fire.

office: (920) 869-4475
cell: (920) 615-9384
Office Hours: Monday – Friday 8:00- 4:30 pm
Email: esummer1@oneidanation.org

Mailing address:
Oneida Nation
PO Box 365
Oneida, WI 54115

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 11 / 24 / 20

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve CRF Treasury Relief Funds Requests - file # 11-4-004, file # 11-4-005, file # 11-4-006, file # 11-4-007, file # 11-4-008, file # 11-6-009, file # 11-6-010, file # 11-5-011, and file # 11-5-012

3. Supporting Materials

Report Resolution Contract

Other:

1. <input type="text" value="Memos (1)"/>	3. <input type="text"/>
2. <input type="text"/>	4. <input type="text"/>

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Susan M. House, CRF Funding Coordinator
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Request to use Treasury Covid Relief Funds for 9 items.

This request is being brought forward in accordance with Resolution 06-10-20-B: Process for Authorization for Use of CARES Act Covid Relief Funds.

This was approved for e-poll at BC Worksession 11-17-2020

Requested action: Approve use of Treasury Covid Relief Funds.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Treasury Covid Relief Funds Team



Memo

To: Debbie Thundercloud, General Manager
From: Susan House
Date: November 12, 2020
Re: 9 Requests for E-poll

Susan M. House, Ph.D.
2020.11.12 15:08:43
-0600

There are for 9 requests approval. These requests are all allowable expenses for the Treasury Covid Relief Funds. For reference is the current ledger that shows obligated funds, expensed funds, along with unobligated funds, and balance (attachment).

The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

This information can be found at the Treasury website: <https://home.treasury.gov/policy-issues/cares/state-and-local-governments>.

Requested Action:

Approval for nine (9) requests to be forwarded for an E-poll.

Total requests for November 17, 2020: \$208,360.02

	File number	Business Unit	BU #	Dollar Amount	Requested Item
1	11-4-004	Gaming Maintenance	1206010	\$48,870.00	200 stanchions for crowd control
2	11-4-005	Gaming Maintenance	1206010	\$4,650.00	50 cases of sanitizing wipes for employees and guests
3	11-4-006	EHN	4235056	\$4,167.50	CPR lungs-various sizes. Increase in CPR supplies due to Covid-19 safety. Replacing lungs in manikins after every use. Currently have 4 adult manikins, 4 children manikins and 4 infant manikins. CPR training is mandatory for the health division, child care and is offered to all employees.
4	11-4-007	DPW Custodial	100748	\$15,812.50	25 boxes-705BPFE MEDIUM Black Nitrile Gloves - \$12.65/box - \$3162.50 50 boxes-705BPFE LARGE Black Nitrile Gloves - \$12.65/box - \$6325.00 50 boxes-705BPFE XLARGE Black Nitrile Gloves - \$12.65/box - \$6325.00. DPW Custodial is requesting the gloves which will help the tribe in their fight to keep all tribal locations, employees and customers safe from the spread of COVID 19.
5	11-4-008	DPW Custodial	100748	\$779.40	10 cases GJ5392-02 Purell TFX Foam Hand Sanitizer (2-1200 ml/case) \$77.94/case. DPW Custodial requests the Purell Hand Sanitizer to help control the spread of COVID 19 throughout the tribal locations.
6	11-6-009	Orchard	1203700	\$70,395.89	Food Sovereignty- John Deere 5115M Utility tractor. This is a purchase for the Oneida Apple Orchard which is a part of the food security/sovereignty group. The tractor is needed in the orchard to move the apples from the field to the office ensuring the health and safety of the staff. This is in addition to many other tasks that it will be used for.

7	11-6-010	Orchard	1203700	\$40,884.73	Food Sovereignty- John Deere 4052R Compact Utility tractor. This purchase is for the Oneida Apple Orchard which is part of the food security/sovereignty group. This will enable the orchard to complete field work in a timely and safe manner. GSA Pricing: GSA L7G GS-06F-0083S (PG 79 CG 21)
8	11-5-011	Farm	1203300	\$17,000.00	Food Sovereignty- 2 freezers and repair work completed to the farm office for a small retail area. The farm gets many customers that just stop by looking to purchase beef. The Oneida Nation is losing revenue by not being able to sell to them. This project will create a small retail space to sell the beef. This is food sovereignty/security related as well as revenue generating. This project promotes farm to table food practices along with generating income for the Nation and promoting customer service by not making them go to a different area to purchase beef.
9	11-5-012	EHL&A		\$5,800.00	safe holiday breakfast with Santa "to go" and "Convos with Santa" - Drive Through Breakfast

\$208,360.02

