

Oneida Nation

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Oneida, WI 54155

BC Resolution # 02-14-24-A Amendments to the Clean Air Policy

- 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 Clean Air Policy (“the Law”) was adopted by motion of the Oneida Business Committee on May 25, 1994, and amended by resolutions BC-02-24-10-I, BC-05-28-14-A; and
- WHEREAS,** the purpose of this Law is to provide a healthy working and learning environment within buildings and vehicles owned and operated by the Nation by prohibiting smoking; and
- WHEREAS** currently, the Law provides that no person may smoke in any building owned or operated by the Nation, in any vehicle owned or operated by the Nation, or within thirty (30) feet of any building owned or operated by the Nation, except that a person may smoke within thirty (30) feet of the retail outlets or any gaming establishments; and
- WHEREAS,** the Law provides various exemptions from the prohibition against smoking; and
- WHEREAS,** the amendments to the Law provide a new exemption to the prohibition of smoking, which is a tobacco store, on or in premises controlled by Oneida Retail, that sells tobacco product, unless prohibited by Oneida Retail or the terms and conditions of the lease or land or building assignment; and
- WHEREAS,** the amendments to the Law further clarify the exemption to the prohibition of smoking for residential buildings owned by the Nation only applies if not otherwise prohibited by a lease or rental agreement; and
- WHEREAS,** the amendments to the Law eliminate the requirement that a suspension for a second violation of this law be one (1) week in length, providing the supervisor and HRD greater flexibility in determining a suspension length that best fits the violation; and
- WHEREAS,** the amendments to the Law make other minor drafting changes, such as changing the title from the Clean Air Policy to the Clean Air law; and

WHEREAS, the Legislative Operating Committee developed the proposed amendments to the Law through collaboration with representatives from the Oneida Law Office, Gaming, Retail, Comprehensive Health Division, and Environmental, Health, Safety, Land, and Agriculture Division; and

WHEREAS, in accordance with the Legislative Procedures Act a legislative analysis and fiscal impact statement were completed for the proposed amendments to the Law; and

WHEREAS, a public meeting for the proposed amendments to this Law was held on December 15, 2023, with two (2) individuals providing oral comments, and the public comment period for the amendments to this Law was held open until December 26, 2023, with four (4) individuals providing written comments; and

WHEREAS, the Legislative Operating Committee reviewed and considered the public comments received on January 3, 2023, and any changes have been incorporated into this draft; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby adopts the amendments to the Clean Air law which shall become effective on February 28, 2024.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 14th day of February, 2024; that the forgoing resolution was duly adopted at such meeting by a vote of 8 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

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