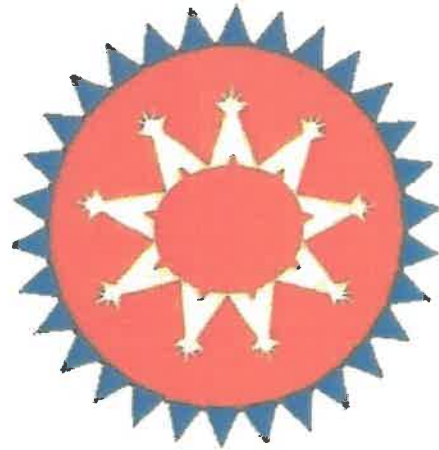


# **Public Notice**



**TO: All interested Oglala Sioux Tribal Members**

**Re: OST Hemp Regulatory Commission – Initial  
Commission Appointment**

**Attachments: Qualifications Requirements and  
Powers.**

**A LETTER OF INTENT AND ALL  
MATERIAL MUST BE SUBMITTED  
INTO THE OST SECRETARY BY  
4:30 P.M. ON MAY 14, 2019.**

**CONTACT INFORMATION: JENNIFER SPOTTED BEAR, OST SECRETARY  
605-407-3526**

# PUBLIC NOTICE

May 1, 2019

TO: ALL INTERESTED OGLALA SIOUX TRIBAL MEMBERS

FROM: OST ECONOMIC AND BUSINESS DEVELOPMENT COMMITTEE

RE: OGLALA SIOUX TRIBAL HEMP REGULATORY COMMISSION – INITIAL COMMISSION APPOINTMENT

The Oglala Sioux Tribal Council is now accepting Letters of Intent for persons who are interested in serving as an initial member of the Oglala Hemp Regulatory Commission (“OHR Commission”). The OHR Commission is the regulatory entity responsible for carrying out the licensing and oversight provisions of the possession, cultivation, transportation, production, and use of hemp and hemp products within the jurisdiction of the Tribe pursuant to OST Ordinance No. 19-13.

The OHR Commission is a three (3) member commission appointed by the Tribal Council and shall serve for staggered terms. One member of the initial Commission will serve for a two (2) year term, and two members will serve for three (3) year terms. At least two (2) members shall have experience in agriculture or a science-related or testing field.

## QUALIFICATION REQUIREMENTS:

All members of the OHR Commission must meet the following qualifications:

- Be an enrolled member of the Tribe.
- Be at least 25 years of age on the date of their appointment,
- Possess a high school diploma or its equivalent.
- Pass a criminal background check:
  - Not have been found guilty of, or entered a plea of nolo contendere or guilty to: any felony related to a controlled substance under tribal, federal or state law within the last ten (10) years.
  - Not have been found guilty of, or entered a plea of nolo contendere or guilty to any criminal offense under Federal, state or tribal law involving the possession or use of a weapon in a crime, felony fraud or exploitation, or bribery, within the last ten (10) years, provided that the Tribal Council determines that the person is now a trustworthy character.
  - Not have been convicted of a crime, the essential elements of which constitutes a felony, within the last ten (10) years.
- Be free from any financial ties, conflicts of interest, or other circumstances which might adversely affect their performance as a member of the OHR Commission.

The OHR duties and powers of the Commission are set forth in Section 500 of Ordinance No. 19-13. **This is a time and work intensive role, especially for the first year in operation.** The Commission will meet on a regular basis and have supervisory and disciplinary authority over an Executive Director who shall carry out the day-to-day duties.

### **DUTIES AND POWERS OF THE COMMISSION:**

#### *Duties of the Commission.*

The duties of the Commission include:

- Seeking out and obtaining the latest training on the federal and tribal laws and scientific and commercial developments involving hemp cultivation and use, as well as the latest information on the accepted scientific methods utilized to test hemp and hemp related items.
- Developing a written system of standards for certifying hemp seeds and hemp plants, and a set of additional regulations and procedures for licensing.
- Develop additional procedures for the destruction of hemp crops, and additional standards for the marketing of hemp within the jurisdiction of the Tribe.
- Developing and implementing a system for approving hemp cultivation sites within the jurisdiction of the Tribe in compliance with any duly adopted tribal land use plans.
- Maintaining a formal record, including a legal description of each of the sites where hemp activity is allowed under a Commission approved license, along with a detailed description of the approved activity, and a record of all persons which have applied for and/or received any type of hemp license.
- Developing and implementing procedures and minimum requirements for insuring the proper inspection, testing and sampling of hemp plants, hemp propagule, and all hemp cultivated, stored, transported, processed, possessed or used within the jurisdiction of the Tribe.
- Establishing procedures providing for an appeal and retesting process.
- Developing and implementing minimum standards and procedures for background checking and where applicable licensing all labs, technicians and other scientific professionals performing the various hemp related tests required by the Commission.
- Developing and implementing procedures for background checking and licensing all applicant for the various hemp license authorized by this Ordinance and Commission regulations.
- Developing and implementing a procedure for insuring that all hemp related licenses are granted on an impartial basis in the best interest of the Oglala Sioux Tribe and in compliance with applicable tribal law.
- Developing and implementing additional standards and procedures for refusing a hemp related license and revoking or suspending any hemp related license granted by the Commission.
- Developing and implementing a working relationship with tribal and federal law enforcement and the tribal business license and TERO programs.
- Developing and implementing a working relationship with the U.S. Department of

Agriculture, the U.S. Food and Drug Administration, the U.S. Department of Justice, the U.S. Department of the Interior and all other federal regulators and enforcement arms involved with the enforcement of federal and tribal narcotics laws.

- Appoint, hire, and remove an Executive Director of the Commission, except that the initial Executive Director shall be appointed by the Tribal Council.
- Ensuring that all federally required hemp reports and information is provided to the USDA and other federal officials in an accurate and timely manner.

### *Powers of the Commission.*

The Oglala Hemp Regulatory Commission may exercise such powers and authorities as are necessary to perform its duties and discharge its responsibilities under this Ordinance. Those powers include, but are not limited to:

- Establishing additional rules, standards and regulations relating to the licensing and regulating of all hemp activities authorized by this Ordinance including, but not limited to: the development and distribution, with or without cost, of hemp seed and propagule; hemp cultivation, hemp growing, hemp storage and production sites, hemp testing, and the handling and transportation of hemp.
- Engaging in all forms of hemp related education and assisting growers in doing the same.
- Receiving and processing all license applications, and issuing or denying licenses authorized by this Ordinance and Commission Regulations.
- Reviewing and approving all licensing agreements required by this Ordinance and assisting tribal members in putting those licensing agreements together.
- Conducting or causing to be conducted background investigations.
- Denying, suspending, restricting or revoking any license granted by the Commission under this Ordinance.
- Establishing and collecting application, license, testing, and sampling fees and such other fees and costs required by the Commission regulations.
- Engaging the services of legal counsel.
- Inspecting and examining all premises where hemp is present within the jurisdiction of the Tribe and delegating this authority to appropriately trained Commission employees and contractors.
- Entering into agreements with third parties to assist the Commission in fulfilling its duties.
- Holding hearings and requiring licensees and license applicants to appear and testify under oath regarding matters related to enforcement, Commission regulations and licensing agreements.
- Establishing and imposing civil fines and penalties or such other sanctions as it deems appropriate and approving or disapproving the corrective action plans provided for in Section 1500.
- Retaining staff and contracting with experts to fulfill its obligations.
- Referring matters to law enforcement.
- Delegating one or more of its authorities to its Commission staff provided that the

Commission may not delegate its license revocation authority or its authority to hear appeals of civil fines and penalties.

- Employ an Executive Director of the Commission with supervisory and disciplinary authority over the Executive Director.
- Establish a registry or listing of approved seeds.

**HOW TO APPLY:**

Letters of Intent must include a statement that the applicant meets all of the requirements plus copies of the following:

- Proof of tribal enrollment;
- Proof of age;
- Proof of possession of a high school diploma or equivalent; and
- Signed release of information form in order to allow for a thorough background check, including a credit check and criminal history, to ensure they meet the requirements.

**All material must be submitted to the Tribal Council Secretary no later than 4:30 p.m. on May 14, 2019.**