

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE TO AMEND THE OGLALA SIOUX TRIBE MARIJUANA CONTROL ORDINANCE TO REQUIRE DRUG TESTING OF MARIJUANA COMMISSIONERS AS A QUALIFICATION.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934, codified as amended at 25 U.S.C. § 5123, and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, pursuant to the Constitution and By-Laws of the Oglala Sioux Tribe, the Oglala Sioux Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances, and

WHEREAS, Article IV, Section 1(f), 1(k), 1(m) and 1(w) empower the Tribal Council to manage the economic affairs of the Tribe, protect and preserve the property of the Tribe, adopt laws governing the conduct of persons on the Pine Ridge Indian Reservation, and adopt laws protecting and promoting the health and general welfare of the Oglala Sioux Tribe and its membership, and

WHEREAS, the Tribal Council enacted Ordinance No. 16-22, Amending the Criminal Code to allow for enhanced penalties for dangerous drug offenses, on August 23, 2018, and further amended by Tribal Council Ordinance, and

WHEREAS, a referendum vote was held on March 10, 2020, and the Oglala Oyate voted in favor of the Tribe adopting laws to decriminalize recreational marijuana and to approve of the use of medical marijuana, and

WHEREAS, the Tribal Council enacted Ordinance No. 20-66, adopting the Marijuana Control Ordinance, and

WHEREAS, the Economic and Business Development Committee met on March 1, 2021, and recommends an amendment to include drug testing as a qualification for Marijuana Commissioners, and

WHEREAS, the Tribal Council finds that adoption of the proposed amendments to the Marijuana Control Ordinance is in the best interest of the Tribe and its members; now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council hereby amends Chapter 9, Section 3 of the Oglala Sioux Tribe Marijuana Control Ordinance, Ordinance No. 20-66 (Oct. 27, 2020), to read as follows (with deletions in strikethrough and additions underlined and in bold):

Section 3. QUALIFICATIONS

All Commissioners must:

- a. Be at least 25 years of age on the date of their appointment, and an enrolled member of the Tribe.
- b. Possess a high school diploma or its equivalent.
- c. 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.
- d. 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, unless the Tribal Council determines that the person is now a trustworthy individual.
- e. Not have been convicted of a crime, the essential elements of which constitutes a felony.
- f. Be free from any financial ties with any persons, companies or businesses involved in the marijuana industry, or from circumstances that will create a conflict of interest or adversely affect one's performance as a member of the Marijuana Commission.
- g. All Marijuana Commission appointees shall undergo thorough financial and criminal background checks to ensure and verify that the appointee is in compliance with subsections c, d, e and f of this Section. All criminal background checks shall verify and ensure that the appointee has no felony convictions under or related to the federal Controlled Substances Act (21 U.S.C. §§ 801 *et seq.*)
- h. Undergo and pass regular drug testing/screening.**


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- i. A Commissioner's failure to report any circumstances which violates these minimum standards shall be grounds for immediate removal as a Commissioner.


BE IT FURTHER ORDAINED, that the foregoing amendment to the Marijuana Control Ordinance shall go into effect immediately.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as the undersigned Secretary of the Oglala Sioux Tribal Council, of the Oglala Sioux Tribe hereby certify that this Resolution was adopted by a vote of: 16 For; 0 Against; 0 Abstain; and 2 Not Voting; during a SPECIAL SESSION held on the 4TH day of MARCH, 2021.


STACY L. TWO LANCE
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:


KEVIN KELLER
President
Oglala Sioux Tribe

