

DEPARTMENT OF THE INTERIOR**Bureau of Indian Affairs****Confederated Tribes of the Chehalis Reservation Liquor Ordinance**

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that by Resolution No. 95-23, the Confederated Tribes of the Chehalis Reservation Liquor Ordinance was duly adopted by the Confederated Tribes of the Chehalis Reservation Business Committee on May 1, 1995. The Ordinance provides for the regulation, manufacture, distribution, possession, sale, and consumption of liquor on the Chehalis Reservation under the jurisdiction of the Confederated Tribes of the Chehalis Reservation. We understand from the Tribe that notices of the Tribe's intent to cancel or suspend a license under Part III, subsection 3.3.4, may be contested and reviewed in tribal court. Amendments to the ordinance pursuant to Part IV, section 4.2, may be effective as to tribal members prior to publication in the **Federal Register** but are not effective as to non-members until published in the **Federal Register**.

DATES: The Ordinance is effective as of July 17, 1995.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Judicial Services, Division of Tribal Government Services, 1849 C Street, NW., MS 2611-MIB, Washington, DC 20240-4001, telephone (202) 208-4400.

SUPPLEMENTARY INFORMATION: The Confederated Tribes of the Chehalis Reservation Liquor Ordinance is to read as follows:

Confederated Tribes of the Chehalis Indian Reservation Tribal Liquor Control Ordinance

Part I. Policy and Definitions

Section 1.1. Public Policy Declared

This Tribal Liquor Control Ordinance shall be cited as the "Chehalis Tribal Liquor Control Ordinance" (the "Ordinance"). Under the inherent sovereignty of the Confederated Tribes of the Chehalis Indian Reservation (the "Tribe"), this Ordinance shall be deemed an exercise of the Tribe's power for the protection of the welfare, health, peace, morals and safety of the members

of the Tribe. It is further the Tribe's policy to assure that any transaction, importation, sale or consumption involving an alcoholic beverage, while within the Tribe's jurisdiction, shall occur in strict compliance with this Ordinance, the laws of the United States and where applicable, the State of Washington.

Section 1.2. Definitions

The stated terms are defined as follows:

a. "Alcoholic Beverage" shall mean any intoxicating liquor, beer or any wine, as defined under the provisions of this Ordinance or other applicable law;

b. "Business Committee" shall mean the Tribal Business Committee of the Confederated Tribes of the Chehalis Indian Reservation, which is its governing body.

c. "Legal Age" shall mean the age requirements, as defined in Part II, Section 2.2.

d. "Sale" shall mean the serving of any contents of any bagged, bottled, boxed, canned or kegged alcoholic beverage by any means whatsoever for a consideration of currency exchange.

Section 1.3. General Prohibition

It shall be a violation of Tribal law to manufacture for sale, to sell, offer or keep for sale, possess, transport or conduct any transaction involving any alcoholic beverage except in compliance with the terms, conditions, limitations, and restrictions specified in this Ordinance.

Section 1.4. Tribal Control of Alcoholic Beverages

The Business Committee shall have the sole and exclusive right to authorize the importation of alcoholic beverages into the Chehalis Reservation and Indian country over which the Chehalis Tribe has jurisdiction for sale or for the purpose of conducting transactions therewith, and no person or organization shall so import any such alcoholic beverages into the Chehalis Reservation or Indian country over which the Chehalis Tribe has jurisdiction unless authorized by the Business Committee to do so.

Section 1.5. Community On-Site Sales

The Business Committee shall establish and maintain within the Chehalis Reservation a casino, including full-service restaurant, deli and bar, all of which are located within the casino facility, which shall be authorized to store and sell alcoholic beverages in conjunction with the operation of the restaurant, deli and bar and in accordance with the provisions of this

Ordinance. The Business Committee shall set the prices of alcoholic beverages sold.

Section 1.6. State of Washington Licenses and Agreements

The Tribe/casino/licensee/operator may negotiate an agreement or obtain a State of Washington liquor license for any tribally-operated establishment that sells alcoholic beverages or conducts transactions involving alcoholic beverages to the extent required by applicable law in order to allow the Tribe to sell liquor on the Reservation or in Indian country under its control.

Part II. Compliance With the Laws of the State of Washington

Section 2.1. Applicability of State Law

The Tribe and its agents shall act in conformity with State laws regarding the sale of liquor to the extent required by applicable Federal law, including 18 U.S.C. 1161.

Section 2.2. Persons Under 21 years of Age: Restrictions

The Tribe shall comply with the State of Washington laws regarding restrictions on the sale of alcoholic beverages to persons under the age of 21 years in any tribal establishment operating pursuant to the provisions of this Ordinance.

Section 2.3. Restrictions on Intoxicated Persons

No tribally-operated or licensed establishment shall sell, give, or furnish any alcoholic beverage or in any way allow any alcoholic beverage to be sold, given or furnished to a person who is obviously intoxicated.

Section 2.4. Hours and Days of Sale

Any tribally-operated or licensed establishment shall sell or furnish alcoholic beverages for on-site consumption only during hours or on days which are in compliance with applicable Washington law.

Part III. Tribal Licensing and Regulation

Section 3.1. Power to license and Tax

The power to establish tribal licenses and levy taxes under the provision of this Ordinance is vested exclusively with the Tribe's Business Committee. If the Business Committee enters into any agreements with the State regarding the sale of liquor, the agreement shall be deemed to constitute tribal law.

Section 3.2. Tribally-Owned Establishments

The Business Committee can issue, by resolution, an appropriate license to a

Tribally-owned establishment upon determining the site for the establishment and obtaining the necessary licensing or agreement from the State of Washington.

Section 3.3. License of Retail Sales

3.3.1 The Business Committee shall have the power to issue licenses to any tribal or state chartered corporation, individual or partnership or other entity to undertake any sale or transaction which the Tribe itself has the power to undertake under this Ordinance for the sale of alcoholic beverages at a retail store.

3.3.2 Applications for a license shall be submitted in the form prescribed by the Business Committee or its authorized employees. The Business Committee may, within its sole discretion and subject to the conditions in this Ordinance, issue or refuse to issue the license applied for upon payment of such fee as the Business Committee may prescribe.

3.3.3 Every license shall be issued in the name of the applicant and no license shall be transferable or assignable without the written approval of the Business Committee, nor shall the licensee allow any other person or entity to use the license.

3.3.4 The Business Committee may, for violations of this Ordinance,

suspend or cancel any license. A license is a privilege and no person shall have vested rights therein. Prior to cancellation or suspension of a license, the Business Committee shall send notice of its intent to cancel or suspend the license to the licensee.

3.3.5 No license issued under this Ordinance shall be valid for a period longer than one year.

Section 3.4 Regulations

The Business Committee may, consistent with this Ordinance, adopt regulations it deems necessary to implement this Ordinance.

Part IV. Construction

Section 4.1 Severability

If any part of this Ordinance, or the application thereof to any party, person, or entity or to any circumstances, shall be held invalid for any reason whatsoever, the remainder of the section or Ordinance shall not be affected thereby, and shall remain in full force and effect as though no part thereof had been declared to be invalid.

Section 4.2 Amendment or Repeal of Ordinance

This Ordinance may be amended or repealed by a majority vote of the Business Committee. Amendments of this Ordinance need not be published in

the **Federal Register** to become effective.

Section 4.3 Sovereign Immunity

Nothing in this Ordinance is intended, nor shall anything contained in it be construed, as a waiver of the sovereign immunity of the Confederated Tribes of the Chehalis Indian Reservation.

Section 4.4 Effective Date

This Ordinance shall be effective upon the date that the Secretary of the Interior certifies this Ordinance and publishes it in the **Federal Register**.

Section 4.5 Jurisdiction

Notwithstanding anything in this Ordinance to the contrary, nothing herein is intended, nor shall it be construed, as a grant of jurisdiction from the Confederated Tribes of the Chehalis Indian Reservation to the State of Washington beyond that provided by applicable law. The tribe shall operate in conformity with State law and Tribal law to the extent provided pursuant to 18 U.S.C. 1161.

Dated: June 16, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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