



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 14 -11

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Council finds that regulation of Liquor is essential to the health and welfare of the Squaxin Island Tribe and its members; and

WHEREAS, the Squaxin Island Tribe has consistently and historically used the term "reservation" broadly to refer to all of Indian country, as that term is defined under Section 6.12.020 of the Squaxin Island Tribal Code.; and

WHEREAS, given this longstanding and ongoing practice, it is and has been the considered and adopted policy of the Tribal Council to interpret all statutory references to reservation to include all of Indian country unless the context very clearly requires otherwise;

WHEREAS, it is the desire of the Tribal Council, whenever possible, to make consistent use of technical terms, especially within a single chapter or ordinance, and the Liquor Ordinance,

Chapter 6.12 of the Squaxin Island Code, makes use of both the term “reservation” and “Indian country”;

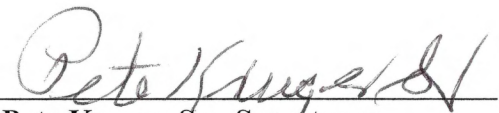
NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby amends Sections 6.12.010, 6.12.030, 6.12.040, and 6.12.050 of the Code, in conformance with the attached, incorporated herein by reference. Because such amendments merely clarify existing law and practice, the amendments shall be effective retroactively and prospectively.

CERTIFICATION

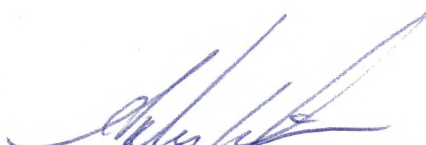
The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 27th day of February, 2014, at which time a quorum was present and was passed by a vote of 5 for and 0 against, with 0 abstentions.



David Lopeman, Chairman

Attested by: 

Pete Kruger Sr., Secretary

 For

Arnold Cooper, Vice Chairman

6.12.010 Findings and purpose.

A. The introduction, possession, and sale of liquor in Indian country have, since treaty times, been clearly recognized as matters of special concern of Indian Tribes and the United States Federal Government. The sale of liquor in Indian country remains exclusively subject to their legislative enactments.

B. Beginning with the Treaty of Medicine Creek, Art. IX, to which the ancestors of the Squaxin Island Indian Tribe were parties, the federal government has respected this Tribe's determination regarding liquor-related transactions and activities in Indian country. At treaty times, the Squaxin Island Tribe's ancestors desired to exclude "ardent spirits" from their ~~((reservation))~~ jurisdiction. This desire was honored by Congress in the enactment of 18 U.S.C. Section 1154 and 18 U.S.C. Section 1161, which prohibited the introduction of liquor into ~~((the Squaxin Island Indian Reservation))~~ Indian country unless and until the Squaxin Island Indian Tribe ~~((has))~~ decided when and to what extent liquor transactions ~~((shall))~~ would be permitted. The Squaxin Island Tribal Constitution, Art. III Section 1(b), empowers the Tribal Council to use and manage tribal property. The Tribal Council by this code is exercising this power by providing for tribal liquor sales in Indian country as a tribal business. (Res. 07-25 (part); Res. 81-12 § 1; Res. 80-64 § 1; Res. 80-11; Res. 79-40 (part))

6.12.030 Authority of the Tribal Council.

A. General. The Tribal Council shall have complete authority to carry out and enforce the provisions of this code, and to delegate such of its responsibilities as it deems appropriate.

B. Tribal Council Not to Profit. Members of the Tribal Council may not accept any gratuity related to their provision for liquor sales, and may not have a personal business interest in such sales ~~((on the reservation))~~ in Indian country.

C. Powers and Duties. The Tribal Council shall have the following powers and duties:

1. To make, publish, and enforce necessary rules and regulations governing the tribal business of the sale and distribution of alcoholic beverages ~~((on the reservation))~~ in Indian country;

2. To provide for the sale of liquor under Council authority, and to employ managers and other personnel as shall be reasonably necessary to allow the Council to perform its functions;

3. To provide for appropriate warehouse and sales facilities;

4. To contract with liquor wholesalers and distributors for the purchase and delivery of alcoholic beverages; and

5. To take orders, receive and distribute shipments of alcoholic beverages, establish wholesale base prices, set and collect taxes and fees, and to keep accurate records, books and accounts.

D. Inspection. The Council may at any time inspect warehouse or sale areas ~~((on the reservation))~~ in Indian country, and all financial records of purchases and sales. (Res. 07-25 (part); Res. 81-12 § 3; Res. 80-64 § 3; Res. 79-40 (part))

6.12.040 Sales.

A. All Sales by Tribe. All sales (~~(on the reservation)~~) in Indian country shall be made by the Squaxin Island Tribe or its enterprises, except as otherwise specifically approved by the Tribal Council.

B. Sales—Method of Payment. All sales at (~~(reservation)~~) Indian country liquor stores, bars, taverns, gaming facilities, hotels, restaurants, and other similar locations shall be on a cash, cash equivalent, credit card or check only basis and no credit shall be extended to any person, organization, or entity.

C. Sales to Minors. No tribal liquor store, bar, tavern, gaming facility, hotel, restaurant or other location shall sell liquor to any person under twenty-one (21) years of age. Any one of the following which shows the person's current age and bears his or her signature and photograph shall be suitable for identification purposes, if valid:

1. Liquor control authority card of any state;
2. Driver's licenses of any state or "identification card" issued by any state department of motor vehicles;
3. United States active duty military identification;
4. Passport; and
5. Tribal identification or enrollment card.

D. Refusal to Sell. A tribal liquor store may refuse to sell liquor to persons under the following circumstances:

1. When that person does not provide satisfactory proof that he or she is at least twenty-one (21) years of age;
2. When that person is apparently intoxicated; or
3. When the Tribal Council has determined that a particular person and/or his or her family is significantly detrimentally affected by the abuse of alcohol.

(Res. 13-19); (Res. 07-25 (part)); Res. 03-49 § 1; Res. 81-12 § 4; Res. 80-64 § 4; Res. 79-40 (part))

6.12.050 Property control.

A. Liquor Stamp. No alcohol beverage except for wine and beer shall be sold by a tribal liquor store unless its package has affixed to it a stamp of the Council.

B. Restricted Tribal Property. The entire stock of liquor and alcoholic beverages owned by the Tribe and kept for sale (~~(on the reservation)~~) in Indian country shall remain restricted property of the Tribe until sold. (Res. 07-25 (part)); Res. 81-12 § 5; Res. 80-64 § 5; Res. 79-40 (part))