

Dated: December 8, 1999.

Ralph O. Morgenweck,
Regional Director, Region 6, Denver,
Colorado.

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Jackson Band of Miwuk Indians of the Jackson Rancheria

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 DM8, and in accordance with the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. § 1161), as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983). This notice certifies that Ordinance No. 99-04, the JACKSON BAND OF MIWUK INDIANS OF THE JACKSON RANCHERIA, was duly adopted by the Jackson Rancheria Tribal Council on October 26, 1997. The Ordinance provides for the regulation of the activities of the manufacture, distribution, sale, and consumption of liquor in the area of Jackson Rancheria lands under the jurisdiction of the Jackson Rancheria.

DATES: This Ordinance is effective as of December 14, 1999.

FOR FURTHER INFORMATION CONTACT: Jim James, Branch of Judicial Services, Division of Tribal Government Services, Office of Tribal Services, 1849 C Street NW, MS 4631-MIB, Washington, DC 20240-4001; telephone (202) 208-4400.

SUPPLEMENTARY INFORMATION: The JACKSON BAND OF MIWUK INDIANS OF THE JACKSON RANCHERIA Ordinance No. 99-04 is to read as follows:

Jackson Band of Miwuk Indians of the Jackson Rancheria Amador County, California Tribal Council Ordinance No. 99-04

Sale and Consumption of Alcoholic Beverages

The Tribal Council of the Jackson Band of Miwuk Indians of the Jackson Rancheria (hereinafter "Council"), governing body of the Jackson Band of Miwuk Indians of the Jackson Rancheria (hereinafter "Tribe"), hereby enacts this Ordinance to govern the sale and consumption of alcoholic beverages on Rancheria lands.

Preamble

1. Title 18, United States Code, Section 1161, provides Indian tribes with authority to enact ordinances governing the consumption and sale of alcoholic beverages on their Reservations, provided such ordinance is certified by the Secretary of the Interior, published in the **Federal Register** and such activities are in conformity with state law.

2. Pursuant to Article III Section 1 and Article VI of the Tribe's Constitution, the Tribal Council is the governing body of the Tribe with the power to enact ordinances to promote the general welfare and economic advancement of the Tribe and its members.

3. The Tribe is the owner and operator of a Conference Center located on the Rancheria known as the Jackson Rancheria Conference Center (hereinafter "Conference Center"), at which events will be held during which certain food items are provided to the Tribe and the general public.

4. Said Conference Center, located on trust land, is an integral and indispensable part of the Tribe's economy, providing income to the Tribe and training and employment to its members.

5. The Tribal Council has determined that it is now in its best interest to offer for sale at events held at the Conference Center, for on-premises consumption only, alcoholic beverages.

6. It is the purpose of this Ordinance to set out the terms and conditions under which the sale of said alcoholic beverages may take place.

General Terms

1. The sale of alcohol at the Conference Center, for on-premises consumption only, is hereby authorized.

2. No alcoholic beverages may be sold at any location on the Rancheria other than the Conference Center. For the purpose of this section, the term "premises" shall include the Conference Center and an area of 50 yards around its perimeter.

3. The sale of said alcoholic beverages authorized by this Ordinance shall be in conformity with all applicable laws of the State of California, and the sale of said beverages shall be subject to state sales tax, federal excise tax and any fees required by the Federal Bureau of Alcohol, Tobacco & Firearms. This includes but is not limited to the following examples:

A. No person under the age of 21 years shall consume, acquire or have in his or her possession at the Conference Center any alcoholic beverage.

B. No person shall sell alcohol to any person under the age of 21 at the Conference Center.

C. No person shall sell alcohol to a person apparently under the influence of liquor.

4. Where there may be a question of a person's right to purchase liquor by reason of his or her age, such person shall be required to present any one of the following types of identification which shows his or her correct age and bears his or her signature and photograph: (1) Driver's license or identification card issued by any state Department of Motor Vehicles; (2) United States Active Duty Military card; (3) passport.

5. All liquor sales at the Conference Center shall be on a cash only basis and no credit shall be extended to any person, organization or entity, except that this provision does not prevent the use of major credit cards.

Posting

This Ordinance shall be conspicuously posted at the Conference Center at all times it is open to the public.

Enforcement

1. This Ordinance may be enforced by the Tribal Council by implementation of monetary fines not to exceed \$500 and/or withdrawal of authorization to sell alcohol at the Conference Center. Prior to any enforcement action, the Tribal Council shall provide the alleged offender of this ordinance with at least three (3) days notice of an opportunity to be heard during a specially-called Tribal Council meeting. The decision of the Tribal Council shall be final.

2. This Ordinance also may be enforced by the Amador County Sheriff's Office at the request of the Tribal Council.

3. In the exercise of its powers and duties under this ordinance, the Tribal Council and its individual members shall not accept any gratuity or compensation from any liquor wholesaler, retailer, or distributor for the Conference Center.

Severability

If any provision or application of this ordinance is determined by review to be invalid, such adjudication shall not be held to render ineffectual the remaining portions of this title or to render such provisions inapplicable to other persons or circumstances.

Amendment

This ordinance may only be amended by a majority vote of the Tribal Council.

Sovereign Immunity

Nothing in this ordinance in any way limits, alters, restricts or waives the Tribe's sovereign immunity from unconsented suit or action.

Effective Date

This ordinance shall be effective as a matter of tribal law as of the date of the adoption by the Tribal Council, and effective as a matter of Federal law on such date as the Assistant Secretary—Indian Affairs certifies and publishes the same in the **Federal Register**.

Dated: November 24, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99-31394 Filed 12-13-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Little Traverse Bay Bands of Odawa Indians Alcoholic Beverage Control Law

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 DM8, and in accordance with the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. 1161). This notice certifies that Waganakising Odawak Statute No. 1999008 was duly adopted by the LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS on June 27, 1999. The Statute provides for the regulation of the activities of the manufacture, distribution, sale, and consumption of liquor in the area of LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS under the jurisdiction of the LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS.

DATES: This Statute is effective as of December 14, 1999.

FOR FURTHER INFORMATION CONTACT: Jim D. James, Branch of Judicial Services, Division of Tribal Government Services, Office of Tribal Services, 1849 C Street NW, MS 4631-MIB, Washington, DC 20240-4001; telephone (202) 208-4400.

SUPPLEMENTARY INFORMATION: LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS Statute No. 1999008 is to read as follows:

Waganakising Odawak Statute No. 1999008 Liquor Control Statute of the Little Traverse Bay Bands of Odawa Indians

Section I: Title

This Statute shall be known as the "Liquor Control Statute." This Statute repeals and replaces the Liquor Control Statute enacted on October 26, 1997 (Waganakising Odawak Statute No. 1997021).

Section II: Authority

This statute is enacted pursuant to the Act of August 15, 1953. (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. 1161) and Article VII, Section 1 (g) and (m) of the Constitution and Bylaws of the Little Traverse Bay Bands of Odawa Indians.

Section III: Purpose

This statute regulates the consumption, delivery and/or sale of alcoholic beverages within the Indian country lands of the Little Traverse Bay Bands of Odawa Indians, for the purpose of protecting the health, safety and welfare of the Tribe and its members as well as the general public.

Section IV: Interpretation

This statute shall be deemed an exercise of the police and regulatory powers of the Little Traverse Bay Bands of Odawa Indians to promote tribal self-determination and to protect the public welfare, and all provisions of this statute shall be liberally construed for the accomplishment of these purposes.

Section V: Definitions

The following definitions apply in this statute, unless the context otherwise requires:

A. *Alcoholic beverage* means any spirituous, vinous, malt or fermented liquor, liquors and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half of one percent (½ of 1%) or more alcohol by volume, which are fit for use for beverage purposes.

B. *Liquor* means any alcoholic drink.

C. *Person* means a natural person, firm, association, corporation or other legal entity.

D. *Tribe or Bands* means the Little Traverse Bay Bands of Odawa Indians.

E. *Tribal Council* means the governing body of the Little Traverse Bay Bands of Odawa Indians, which body is also referred to as the Board of Directors in the Tribe's Constitution and Bylaws.

F. *Secretary* means the Secretary of the United States Department of the Interior.

G. *Indian Country of the Tribe* means, for purposes of this Statute, all lands

within Emmet and Charlevoix Counties, Michigan which are now or hereafter owned by the Bands or held in trust for the Bands by the United States.

H. *State* means the State of Michigan.

I. *Tribal representatives* means the Tribal administrator, a program director or manager of a subsidiary or commercial enterprise of the Tribe.

J. *Tribal license* means an official action by the Tribal Council which authorizes the sale of alcoholic beverages for consumption either on the premises and/or away from the premises.

K. *Premises* means specified locations within the Indian Country of the Tribe, as described in a license issued by the Tribal Council.

Section VI: General Provisions

A. Policy.

It is the policy of the Tribe that only the Tribe and its subsidiary enterprises may engage in the sale of alcoholic beverages within the Indian Country of the Tribe. Therefore, no person other than the tribal government or its subsidiary enterprises may deliver for profit, sell or trade for profit any alcoholic beverages within the Indian Country of the Tribe.

B. On-Premises Consumption

No person shall sell, trade, transport, manufacture, use, or possess any alcoholic beverage, nor any other substance whatsoever capable of producing alcoholic intoxication, intended for consumption on the premises, nor aid nor abet any Indian or non-Indian person in any of the foregoing, except in compliance with the terms and conditions of this Statute as well as applicable federal Indian liquor laws, and applicable provisions of the laws of the State of Michigan and regulations administered by its Liquor Control Commission.

C. Off-Premises Consumption

No person shall sell, trade, transport, manufacture, use, or possess any alcoholic beverage, nor any other substance whatsoever capable of producing alcoholic intoxication, intended for consumption away from the premises, nor aid nor abet any Indian or non-Indian person in any of the foregoing, except in compliance with the terms of this statute, applicable federal Indian liquor laws, and applicable provisions of the laws of the State of Michigan and regulations administered by its Liquor Control Commission.