

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Public Law 83–277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian Country. The Business Council of the Robinson Rancheria of California, also known as the Robinson Rancheria of Pomo Indians, adopted a Liquor Ordinance on March 21, 2003. The purpose of this ordinance is to govern the sale, manufacture, and distribution of alcoholic beverages in public places on the Robinson Rancheria, California.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Principal Deputy Assistant Secretary—Indian Affairs.

I certify that the Business Council Resolution No. 03–21–03A, enacting the “Robinson Rancheria of Pomo Indians of California Liquor Regulation and Licensing Ordinance,” was duly adopted by the Business Council of the Robinson Rancheria of Pomo Indians on March 21, 2003.

Dated: December 19, 2003.

Aurene M. Martin,

Principal Deputy Assistant Secretary-Indian Affairs.

The Robinson Rancheria of California liquor ordinance governing sale, manufacture, and distribution of alcoholic beverages in public places on the Robinson Rancheria reads as follows:

Robinson Rancheria of Pomo Indians of California, California Liquor Regulation and Licensing Ordinance

Article I Declaration of Public Policy and Purpose

Section 1.1. The introduction, possession and sale of liquor on the lands of the Robinson Rancheria is a matter of special concern to the Robinson Rancheria of Pomo Indians of California.

Section 1.2. Federal law, 18 U.S.C. 1154, 1161, currently prohibits the introduction of liquor into Indian country, except as provided therein and in accordance with State law as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), and expressly delegates to the tribe the decision regarding when and to what extent liquor transactions shall be permitted on lands subject to the tribe’s jurisdiction.

Section 1.3. The Robinson Rancheria Citizens Business Council of the Robinson Rancheria of Pomo Indians of California (“RRCBC”) has the power under Article VIII(j) of the Constitution of the Robinson Rancheria to enact ordinances to safeguard and provide for the health, safety and welfare of the members of the Robinson Rancheria, and has determined that it is in the best interests of the Robinson Rancheria of Pomo Indians of California to enact a tribal ordinance governing the introduction, possession and sale of liquor on the Robinson Rancheria and which limits the purchase, distribution, and/or sale of liquor within the exterior boundaries of the Robinson Rancheria Reservation only to premises licensed and regulated by the RRCBC.

Section 1.4. The RRCBC finds that the sale or other commercial distribution of liquor on land owned or held in trust for individuals would be contrary to the best interests of the Robinson Rancheria of Pomo Indians of California and is therefore prohibited.

Section 1.5. The RRCBC finds that violations of this Ordinance would damage the Robinson Rancheria of Pomo Indians of California in an amount of five hundred dollars (\$500) per violation because of the costs of enforcement, investigation, adjudication and disposition of such violations, and that to defray the costs of enforcing this Ordinance the RRCBC may, in its discretion, impose a tax on the sale of liquor on the reservation.

Based upon the foregoing findings and determinations, the Robinson Rancheria of Pomo Indians of California, through the RRCBC, hereby ordains as follows.

Article II Definitions

As used in this title, the following words shall have the following meanings, unless the context clearly requires otherwise.

Section 2.1. “Alcohol” means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine which is commonly produced by the fermentation or distillation of grain, starch, molasses or sugar, or other substances including dilutions and mixtures of this substance.

Section 2.2. “Alcoholic Beverage” has the same meaning as the term “liquor” as defined in Article II, Section 5 of this Ordinance.

Section 2.3. “Bar” means any establishment with special space and accommodations for sale by the glass and for consumption on the premises, of liquor, as herein defined.

Section 2.4. “Beer” means any beverage obtained by the alcoholic

fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent (4%) of alcohol by volume. For the purpose of this title, “beer” includes sake (Japanese rice wine), and any such beverage, including ale, stout, and porter, containing more than four percent (4%) of alcohol by weight shall be referred to as “strong beer.”

Section 2.5. “Liquor” means the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented spirituous, vinous, or malt liquor or combinations thereof, and mixed liquor, or a part of which is fermented, spirituous, vinous, or malt liquor, or otherwise intoxicating; and every other liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substances that contains more than one percent (1%) of alcohol by weight, shall be conclusively deemed to be intoxicating.

Section 2.6. “Liquor Store” means any store at which liquor is sold in sealed pre-packaged form, and, for the purpose of this Ordinance, includes any store only a portion of which is devoted to the sale of liquor or beer.

Section 2.7. “Malt liquor” means beer, strong beer, ale, stout and porter.

Section 2.8. “Package” means any container or receptacle used for holding liquor.

Section 2.9. “Public Place” includes gaming facilities, eating facilities and commercial or community facilities of every nature which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds and character; and all other places of like or similar nature to which the general public has unrestricted access or to which the general public has been invited, and which generally are used by the public.

Section 2.10. “Sale” and “Sell” means any exchange, barter, and/or traffic in liquor; and also includes the selling of or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor, or of wine, by any person to any person. “Sale” and “Sell” includes conditional sales contracts, leases with options to purchase, and any other contract under which possession of property is given to the purchaser, buyer or consumer, but title is retained by the vendor, retailer,