PONCA TRIBE OF NEBRASKA
TRIBAL COUNCIL

RESOLUTION 21-42.

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances subject to all express restrictions upon such powers contained in the constitution; and

WHEREAS: Federal law prohibits the sale, possession, and introduction of liquor in Indian country unless, pursuant to 18 U.S.C. § 1161, such sale, possession, or introduction is, among other things, in conformity with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country; and

WHEREAS: The Ponca Tribe Council enacted an ordinance governing liquor in Indian country of the Tribe as Title XVI of the Ponca Tribe of Nebraska Code on July 21, 2018; and

WHEREAS: Federal law, pursuant to 18 U.S.C. § 1161, requires that a liquor ordinance adopted by an Indian tribe must be certified by the Secretary of the Interior and published in the Federal Register; and

WHEREAS: The Secretary of the Interior approved the Tribe's enacted liquor ordinance on August 9, 2018 and published the liquor ordinance in the Federal Register on September 11, 2018; and

WHEREAS: Since the enactment and approval of the Tribe's liquor ordinance, the Tribe has found certain amendments are needed to clarify activities and persons subject to licensing and regulation, provide more consistent language on activities regulated, and better define the activities permitted by a liquor license as well as to allow the Liquor Board to more appropriately handle licensing and enforcement without the need for legislative intervention; and

WHEREAS: The proposed amendments to the Law & Order Code – Title XVI Liquor Control were placed on the June 15, 2021 Tribal Council agenda to allow comments from the public with First Reading held on June 22, 2021, and on July 6, 2021 for second reading and approval thereof. A notice of intent to amend the Law & order Code Title XVI – Liquor Control was mailed to all heads of household at least 14 days prior to any final action satisfying the requirements for the adoption, amendment, or abolishment of Ordinances.

THEREFORE, BE IT RESOLVED that the Ponca Tribal Council requests that the amended Title XVI, Liquor Control, be certified by the Secretary of the Interior and published in the Federal Register in accordance with 18 U.S.C. § 1161.

BE IT FURTHER RESOLVED that the Chairman or his designee is authorized to take any actions and execute any documents necessary or required to carry out this Resolution.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing resolution was duly authorized and passed by the Tribal Council of the Ponca Tribe of Nebraska at a duly called meeting held via Lifesize on the 6 day of July, 2021 by a vote of 6 Ayes; 0 Nays; 0 Abstained; 2 Absent. Chairperson _____ voting ✓ not voting. A Quorum of 7 was present.

ATTEST

Larry Wright, Jr., Chairman
Ponca Tribe of Nebraska

Kyle Taylor, Secretary
Ponca Tribe of Nebraska