

of Management and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: October 16, 1995.

J. Henry Montes,

Associate Administrator for Policy Coordination.

[FR Doc. 95-25926 Filed 10-18-95; 8:45 am]

BILLING CODE 4160-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Fort Mojave Indian Tribe—Liquor Ordinance No. 52

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. 52, the Fort Mojave Indian Tribe Liquor Ordinance was duly adopted by the Fort Mojave Indian Tribe on December 20, 1994. The Ordinance provides for the regulation of the sale and possession of liquor within the Fort Mojave Indian Reservation.

DATES: This Ordinance is effective as of October 19, 1995.

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

SUPPLEMENTARY INFORMATION: The Fort Mojave Indian Tribe Liquor Control Ordinance is to read as follows:

Fort Mojave Liquor Control Ordinance

Chapter 1. General Provisions

Section 1.1. Definition of Terms

Terms used in this Ordinance, unless the context otherwise plainly requires, shall mean as follows:

(a) "Alcohol" shall mean that substance known as ethyl alcohol, hydrated oxide or ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, sugar or other substances including all dilutions and mixtures of those substances.

(b) "Alcoholic Beverage" shall mean any intoxicating liquor as such term is defined under the provisions of Section 1.1(e) of this Ordinance.

(c) "Commission" shall mean the Fort Mojave Tribal Alcoholic Beverage

Control Commission established and empowered pursuant to this Ordinance.

(d) "Director" shall mean the Director of the Commission.

(e) "Intoxicating Liquor" or "Liquor" shall mean any liquid or substance either commonly used, or reasonably adopted to use, for beverage purposes containing in excess of one percentum of alcohol by weight, and includes those liquids or substances commonly known as spirits, wine and beer.

(f) "Legal Age" shall mean:

(i) for the Arizona portion of the Reservation, the age established by Arizona law for the consumption, purchase and/or possession of a certain alcoholic beverage off the Reservation;

(ii) for the California portion of the Reservation, the age established by California law for the consumption, purchase and/or possession of a certain alcoholic beverage off the Reservation; and

(iii) for the Nevada portion of the Reservation, the age established by Nevada law for the consumption, purchase and/or possession of a certain alcoholic beverage off the Reservation.

(g) "Liquor Enterprise" shall mean the Fort Mojave Tribal Liquor Enterprise established and empowered pursuant to this Ordinance.

(h) "Liquor Store" shall mean any establishment engaged in the retail sale of alcoholic beverages in the bottle, can or immediate container with original seal unbroken.

(i) "Manager" shall mean the Manager of the Liquor Enterprise.

(j) "Ordinance" shall mean this Fort Mojave Liquor Control Ordinance.

(k) "Person" shall mean and include any natural persons, corporations, limited partnerships, general partnerships, joint stock companies, joint ventures, associations, companies, trusts, or other organizations, whether or not legal entities.

(l) "Public Place" shall mean any place, building, or structure to which the public has or is permitted access.

(m) "Retailer" shall mean the Tribe, Tribal Citizen or any person that sells alcoholic beverages for consumption and not for resale.

(n) "Reservation" means the Fort Mojave Indian Reservation.

(o) "Sale" or "Sell" includes exchange, barter and traffic; and also includes the selling or supplying or distributing, by any means whatsoever, of liquor by any person to any person.

(p) "Tribal Citizen" or "Citizen of the Tribe" shall mean an enrolled member of the Tribe and persons eligible for enrollment.

(q) "Tribal Council" shall mean the governing body of the Fort Mojave Indian Tribe.

(r) "Tribal Court" shall mean the Fort Mojave Tribal Court.

(s) "Tribe" or "Tribal" shall mean the Fort Mojave Indian Tribe of Arizona, California and Nevada.

Section 1.2. Policy and Purpose

This Ordinance shall be cited as the "Fort Mojave Liquor Control Ordinance" and under the inherent sovereignty of the Tribe, shall be deemed an exercise of the Tribe's power, for the protection of the welfare, health, peace, morals, and safety of the people of the Tribe, and all its provisions shall be liberally construed for the accomplishment of that purpose, and it is declared to be public policy that the sale and possession of alcoholic beverages affects the public interest of the people, and should be regulated to the extent of prohibiting all sale and possession of alcoholic beverages, except as provided in this Ordinance. In order to provide for Tribal control over liquor sales and possession within the Reservation, and to provide a source of revenue for the continued operation of the Tribal government and the delivery of Tribal governmental services, the Tribal Council promulgates this Ordinance.

Section 1.3. General Prohibition

It shall be a violation of this Ordinance to sell or possess for sale liquor within the Reservation except upon the terms, conditions, limitations, and restrictions specified in this Ordinance.

Section 1.4. Conformity With Federal Law

A. Tribally authorized liquor transactions on the Arizona portion of the Reservation shall comply with Arizona State liquor law standards of general applicability throughout the State to the extent required by 18 U.S.C. § 1161 and other federal law.

B. Tribally authorized liquor transactions on the Nevada portion of the Reservation shall comply with Nevada State Liquor law standards of general applicability throughout the State to the extent required by 18 U.S.C. § 1161 and other federal law.

C. Tribally authorized liquor transactions on the California portion of the Reservation shall comply with California State Liquor law standards of general applicability throughout the State to the extent required by 18 U.S.C. § 1161 and other federal law.

D. Nothing in this Ordinance shall constitute, nor be construed as, the Tribe's consent to the extension of jurisdiction by any State over matters

coming within the purview of this Ordinance.

Section 1.5. Fort Mojave Tribal Alcoholic Beverage Control Commission

A. There is hereby established the Fort Mojave Tribal Alcoholic Beverage Control Commission. The members of the Fort Mojave Tribal Council shall serve as the initial members of the Commission until such time as the Tribal Council appoints by resolution a Director and two members.

B. Appointments of the Commission Director and members shall be for a period of three (3) years, except that of the initial terms, the Director shall be appointed for three (3) years, one member shall be appointed for two (2) years and one member shall be appointed for one (1) year. The Director and members may be reappointed for one or more successive terms.

C. No person shall be appointed to the Commission unless the Tribal Council is satisfied that:

1. He or she is a person of good character, honesty and integrity, whose prior activities, criminal record if any, reputation, habits and associations do not pose a threat to the public interest of the Tribe and its members or to the effective regulation of alcoholic beverages; and

2. He or she has no interest in any liquor transactions within the Reservation or any activity which may have interests in conflict with the regulation of alcoholic beverages within the Reservation.

D. The Director and members may be removed for good cause, after written notice and opportunity to be heard by the Tribal Council. Good cause shall exist when any condition occurs or is discovered which would exclude a person from appointment.

E. The Director and members, and any employees of the Commission, shall be reasonably compensated as determined by the Tribal Council. The compensation shall be paid from the Tribe's income from liquor transactions within the Reservation.

F. The Commission is hereby empowered to:

1. Promulgate such rules and regulations as may be necessary and desirable for the proper implementation and enforcement of this Ordinance;

2. License, regulate, supervise, inspect and oversee all alcoholic beverage transactions, and premises and persons involved therewith, within the Reservation;

3. Hire such employees as are necessary to carry out the powers and duties of the Commission;

4. Take any action it deems necessary and appropriate to correct and prevent violations of this Ordinance and applicable rules and regulations, including but not limited to license suspension and/or revocation, referral for prosecution, imposition of monetary fines and civil suit; and

5. Take any and all additional actions necessary or incidental to the implementation and enforcement of this Ordinance.

G. Any person aggrieved by a decision or action of the Commission may pursue available administrative remedies pursuant to the provisions of the Fort Mojave Administrative Procedure Ordinance. After exhaustion of administrative remedies, such person may pursue available judicial review in the Tribal Court pursuant to the provisions of the Fort Mojave Administrative Procedure Ordinance and other applicable Tribal law.

H. All hearings before the Commission which are required or permitted to be held shall be open to the public and shall be held only after reasonable notice to all interested persons.

I. All matters pertaining to the implementation or enforcement of this Ordinance and not expressly addressed within this Ordinance shall be subject to orders of the Commission in particular cases. In all such cases, the Commission may proceed in any lawful manner.

Section 1.6. Fort Mojave Tribal Liquor Enterprise

A. The Fort Mojave Tribal Liquor Enterprise is hereby established. The Liquor Enterprise is constituted as an agency of the Fort Mojave Tribal government.

B. The Liquor Enterprise shall be responsible for the importation and wholesale management, distribution, and control of all liquor introduced within the Reservation.

C. The Tribal Council shall appoint a Liquor Enterprise Manager who shall have the following powers and duties:

1. To manage the Liquor Enterprise for the benefit of the Tribe;

2. To purchase, in the name of the Tribe, liquor products from off-Reservation wholesale distributors and distribute them to on-Reservation retailers as appropriate;

3. To report and account to the Tribal Council at least twice a year regarding the operation and financial status of the Liquor Enterprise. The Tribal Council shall establish the dates on which such accounting shall take place. The Council may require more frequent accounting if it deems necessary;

4. With Tribal Council approval, hire and set the salaries of personnel, as the Manager determines is necessary to the successful operation of the Liquor Enterprise;

5. To supervise all Liquor Enterprise employees;

6. With Tribal Council approval, to purchase and maintain Liquor Enterprise real and personal property;

7. To maintain all Liquor Enterprise revenues in a special account, under direction from the Tribal Treasurer. Funds may be withdrawn from this account by the Manager for the wholesale purchase of liquor products to be sold pursuant to this Ordinance, for payment of salaries of employees of the Liquor Enterprise, for payment of routine operating expenses of the Liquor Enterprise and for the purchase and upkeep of real and personal property required for the Liquor Enterprise operations;

8. To obtain and maintain in full force and effect a policy of general liability insurance covering the premises where Liquor Enterprise business is transacted in an amount set by the Tribal Council. The policy shall contain the stipulation that the Tribe shall be given ten (10) days notice of the proposed cancellation or expiration of such policy and shall have available for inspection a complete copy of such policy; and

9. Such other powers and duties as are necessary to the day-to-day management of the Liquor Enterprise and specified by the Tribal Council from time-to-time.

D. The Manager shall be bonded for an amount and for such purposes as the Tribal Council shall determine to be appropriate in managing the Liquor Enterprise.

E. The gross proceeds collected by the Liquor Enterprise for all wholesale sales of alcoholic beverages within the Reservation shall be utilized in the discharge of the powers and duties set forth in Section 1.6(C). The remainder of gross proceeds shall be paid over to the general fund of the Tribe on a monthly or periodic payment schedule established by the Tribal Council to be used for the delivery of Tribal governmental services and continued operation of the Tribal government.

Section 1.7. Liquor Tax

Nothing in this Ordinance is intended nor shall be construed to amend, modify, limit, alter or otherwise affect the terms and requirements of Chapter 204 ("Liquor Tax") of the Fort Mojave Indian Tribe Tax Ordinance.

Section 1.8. Repeal of Prior Ordinance

Ordinance No. 18 ("Fort Mojave Tribal Liquor Ordinance"), adopted by the Tribal Council on November 8, 1982, pursuant to Resolution No. 83-18, is hereby repealed and of no further force and effect. In addition, any term of a prior Tribal ordinance which is inconsistent with the terms of this Ordinance is hereby repealed and such terms of this Ordinance shall be applied in lieu of any such repealed term of the prior Tribal ordinance.

Section 1.9. Sovereign Immunity Preserved

Nothing in this Ordinance is intended nor shall be construed as a waiver of the sovereign immunity of the Fort Mojave Indian Tribe.

Section 1.10. Severability

If any provision of this Ordinance or the application thereof shall be held to be invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby and shall remain in full force and effect as though no part of this Ordinance had been declared invalid.

Section 1.11. Tribal Court Jurisdiction

The Fort Mojave Tribal Court shall be the exclusive judicial forum for all disputes and matters arising under this Ordinance.

Section 1.12. Effective Date

This Ordinance shall become effective upon adoption by the Tribal Council pursuant to resolution and publication in the Federal Register in accordance with 18 U.S.C. § 1161.

Section 1.13. Computation of Time

In computing any period of time prescribed by this Ordinance, the date of the act, event or default from which the designated period of time begins to run shall not be included. Saturdays, Sundays and legal holidays shall be counted as any other day.

Chapter 2. Importation, Retail Sales and Licensing*Section 2.1. Importation of Liquor*

The Tribal Council shall have the sole and exclusive right to authorize the importation of liquor into the Reservation for resale. No liquor shall be imported into the Reservation for resale except by the Fort Mojave Tribal Liquor Enterprise.

Section 2.2. License Requirement

No Retailer shall possess or sell alcoholic beverages within the Reservation unless the Retailer has

obtained a license authorizing such possession and/or sale from the Commission, which license is in full force and effect.

Section 2.3. Storage of Beverages

No licensee under this Ordinance shall keep or store any alcoholic beverages at any place within the Reservation other than on the premises where the licensee is authorized to sell alcoholic beverages, except as may be otherwise specified in a license issued by the Commission.

Section 2.4. Cash Sales

All retail sales of alcoholic beverages within the Reservation shall be on a cash only basis and no credit shall be extended to any person for the purchase of alcoholic beverages by any Retailer and/or Vendor, except that this provision does not prevent the payment for purchases by credit cards such as Visa, Master Card, American Express and the like or by check.

Section 2.5. Resale Prohibited

Resale of any alcoholic beverage purchased within the exterior boundaries of the Reservation is prohibited, except as provided with respect to the Liquor Enterprise in Section 1.6 of this Ordinance and as permitted pursuant to a license issued by the Commission.

Section 2.6. Licensing—General Provisions

A. Before granting any license, the Commission shall consider the restrictions which are or may be placed upon the neighborhood by the Tribe.

B. The Commission shall not consider an application for any license to sell alcoholic beverages:

1. if within the two years before the date of the application, the Commission has denied an application at the same location for the reason that the reasonable requirements of the neighborhood were satisfied by the existing outlets;

2. until it is established that the applicant is, or will be, entitled to possession of the premises for which application is made under a lease, rental agreement, or other arrangement for possession of the premises, or by virtue of ownership thereof; and/or

3. for a location in an area where the sale of alcoholic beverages as contemplated is not permitted under the applicable zoning laws.

C. No license shall be refused arbitrarily or without good cause.

D. All licenses granted pursuant to this Chapter shall be good for one year from the date of issuance unless sooner

revoked or suspended, except as provided in Section 2.9(A)(5) with respect to Special Event Licenses.

E. Application for the renewal of an existing license shall be made to the Commission not less than forty-five days prior to the date of expiration. No application for renewal of a license shall be accepted by the Commission after the date of expiration, except that the Commission may, for good cause, waive the time requirements set forth in this paragraph. The Commission may cause a hearing on the application for renewal to be held and may refuse to renew any license for good cause.

F. Each license issued under this Chapter is separate and distinct, and it is unlawful for any person to exercise any of the privileges granted under any license other than that which he holds or for any licensee to allow any other person to exercise such privileges granted under the license. A separate license shall be issued for each premise or location at which alcoholic beverages will be sold. At all times a licensee shall possess and maintain possession of the premise for which the license is issued by ownership, lease, rental, or other arrangement for possession of such premises.

G. All licenses issued pursuant to this Chapter shall specify the date of issuance, the character and kind of license, the date of its expiration, the name of the licensee, and the location where the license is to be exercised.

H. Licenses issued pursuant to this Chapter shall at all times be conspicuously placed in the licensed premise where the license is to be exercised.

I. No license granted under the provisions of this Chapter shall be transferable except as provided in this paragraph I.

1. When a license has been issued to a husband and wife, or to general or limited partners, the death of a spouse or partner shall not require the surviving spouse or partner to obtain a new license. All rights and privileges granted under the original license shall continue in full force and effect as to such survivors for the balance of the license period.

2. For any other license transfer, application shall be made to the Commission. In determining whether to permit a license transfer the Commission shall consider the requirements of Section 2.8 of this Chapter. The Commission may cause a hearing on the application for license transfer to be held.

J. A licensee shall provide written notice of each transfer or change of ownership or financial interest in the

licensee to the Commission within ten days after the transfer or change. A detailed report shall be required for transfers of capital stock of a public corporation; except that a detailed report shall not be required for transfers of such stock totalling less than ten percent in any one year. Any transfer of a controlling interest shall be reported, regardless of size. It is a violation for the licensee to fail to report a transfer as required by this paragraph and/or to fail to obtain Commission approval for a license transfer as provided in paragraph (I)(2) hereof.

K. Each licensee shall manage the premise for which he is licensed himself or employ a separate and distinct manager on the premises and shall report the name of the manager to the Commission. The licensee shall report any change in manager to the Commission within ten days after the change. It is a violation for the licensee to fail to report the name of or any change in manager.

Section 2.7. Application to Commission

A. Applications for licenses under the provisions of this Chapter shall be made to the Commission and set forth such information as may be required to enable the Commission to determine whether a license should be granted. At a minimum, the application shall include the name and address of the applicant, and if a partnership, also the names and addresses of all the partners, and if a corporation, association, or other organization, also the names and addresses of the president, vice-president, secretary, and managing officer, together with a description of the premise, and evidence of right to possession thereof, at which the applicant desires to operate. Each application shall be verified by the oath or affirmation of such person or persons as the Commission may prescribe.

B. Each application for a license filed with the Commission shall be accompanied by an application fee in an amount determined by the Commission to cover actual and necessary expenses in processing and acting on the application, subject to the following limitations:

- (1) For a new license, not to exceed four hundred dollars;
- (2) For a transfer of location or ownership, not to exceed two hundred dollars;
- (3) For renewal of license, not to exceed fifty dollars.

The foregoing fees are separate and distinct from the fees charged in Section 2.10 of this Chapter. Said fees shall not be assessed against the Tribe, a governmental agency of the Tribe or a

business entity in which the Tribe holds the majority ownership interest. Said fees may be waived by the Commission for good cause.

Section 2.8. Decision to License

A. The Commission may refuse to issue any license if it determines that the applicant has not complied with, or is unlikely to be able to comply with, the terms and conditions of this Ordinance and/or other applicable law.

B. Before any decision approving or denying the application, the Commission shall consider such factors as the reasonable requirements of the neighborhood for the type of license for which application has been made, and the number, type, and availability of retail liquor outlets located in or near the neighborhood under consideration. The Commission shall consider any other pertinent matters affecting the qualifications of the applicant for the proposed conduct and type of activity, including the moral character and reputation of the applicant. In investigating the qualifications of the applicant, the Commission may review criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such agency. In the event the Commission takes into consideration information concerning the applicant's criminal history record, the Commission shall also consider any information provided by the applicant regarding such criminal history record, including but not limited to evidence of rehabilitation, character references, and educational achievements, especially those items pertaining to the period of time between the applicant's last criminal conviction and the submission of the license application. Additionally, a representative of the Commission may visit and inspect the premise in which the applicant proposes to conduct the activity.

C. Any decision of the Commission approving or denying an application shall be in writing stating the reasons therefor, and a copy of such decision shall be sent by certified mail to the applicant at the address shown in the application.

D. No license shall be issued by the Commission after approval of an application until the building in which the business is to be conducted is ready for occupancy with such furniture, fixtures, and equipment in place as is necessary to comply with the provisions of this Ordinance and other Tribal law.

E. No license shall be issued to or held by any person until the annual fee therefor has been paid as provided in Section 2.10 hereof.

Section 2.9. Classes of Licenses

A. The licenses to be granted and issued by the Commission pursuant to this Ordinance shall be as follows:

(1) Liquor Store License. A Liquor Store License may be issued to persons desiring to sell alcoholic beverages at retail in sealed containers not to be consumed at the premise or place where sold.

(2) Hotel/Casino and Restaurant License.

(a) A Hotel/Casino and Restaurant License may be issued to persons desiring to sell alcoholic beverages at retail by the drink or serving for consumption on the premise, and/or within the building in which the premise is located, by customers of such hotel/casino or restaurant.

(i) Restaurants may sell alcoholic beverages as provided in this Section only to customers of such restaurant and only if meals are actually and regularly served.

(ii) Hotel/casinos may sell alcoholic beverages as provided in this Section only to customers of such hotel/casino.

(b) Notwithstanding any provision of this Chapter to the contrary, the holder of a Hotel/Casino and Restaurant License may furnish and deliver alcoholic beverages in sealed containers to its registered guests in hotel rooms without holding a Liquor Store License.

(c) Notwithstanding any provision of this Chapter to the contrary, the holder of a Hotel/Casino and Restaurant License may furnish and deliver alcoholic beverages by the drink or serving for consumption in all areas within the building in which gaming is taking place.

(d) It is the intent of this Section to require hotel/casino and restaurant licensees to maintain a bona fide hotel/casino and/or restaurant business and not a mere pretext of such for obtaining a license hereunder.

(3) Tavern License. A Tavern License may be issued to persons desiring to sell alcoholic beverages at retail by the drink or serving for consumption on the premises. Such licensee shall have sandwiches or light snacks available on the premises during business hours.

(4) Optional Premises License. An Optional Premises License may be granted to holders of a Hotel/Casino and Restaurant License for optional premises at which alcoholic beverages are sold at retail by the drink or serving for consumption on the optional premises. For purposes of this Chapter, the term "optional premises" means outdoor sports, entertainment and recreational facilities which are adjacent to and under common ownership with

the hotel/casino or restaurant for which the applicant holds a Hotel/Casino and Restaurant License.

(5) Special Events License. A Special Events License may be issued to persons desiring to sell alcoholic beverages by the drink or serving at retail for consumption on the premises to persons who have paid a fee to attend the special event. A Special Events License shall be effective for no longer than the duration of the special event or for forty-eight (48) hours, whichever is shorter. No more than three (3) Special Events Licenses shall be issued to a person per annum.

Section 2.10. License Fees

A. The following license fees shall be paid to the Commission annually in advance:

- (1) For each Liquor Store License, five hundred dollars (\$500.00);
- (2) For each Hotel/Casino and Restaurant License, one thousand dollars (\$1,000.00);
- (3) For each Tavern License, five hundred dollars (\$500.00);
- (4) For each Optional Premises License, five hundred dollars (\$500.00).

B. A license fee of two hundred fifty dollars (\$250.00) shall be paid to the Commission for a Special Events License.

C. The fees provided for in this Section 2.10 shall not be assessed against the Tribe, a governmental agency of the Tribe or a business entity in which the Tribe holds the majority ownership interest. Said fees may be waived by the Commission for good cause.

Section 2.11. Suspension and Revocation

A. In addition to other penalties prescribed by this Ordinance, the Commission has the power, on its own motion or on complaint, after public hearing at which the licensee shall be afforded an opportunity to be heard and reasonable notice, to suspend or revoke any license for any violation by the licensee, or by any of the agents, servants, or employees of such licensee, of the provisions of this Ordinance and/or Commission regulations, or of any of the terms, conditions, or provisions of the license issued by the Commission. In addition, the Commission may revoke or elect not to renew a license if it determines that the licensed location has been inactive for at least one year.

B. Suspension and/or revocation of a license by the Commission shall proceed in accordance with the provisions of the Fort Mojave Administrative Procedure Ordinance.

C. No suspension under this Section shall be for a period longer than six months.

D. Whenever any license is suspended or revoked, no part of the fee paid therefor shall be returned or refunded to the holder of such license.

Section 2.12. Records—Inspection

Each licensee shall keep a complete set of books of account, invoices, copies of orders, shipping instructions, bills of lading, weigh bills, correspondence, and all other records necessary to show fully the business transactions of such licensee, all of which shall be open at all times during business hours for the inspection and examination of the duly authorized representative of the Commission. The Commission may require any licensee to furnish such information as it considers necessary for the proper administration of this Ordinance, and may require an audit to be made of such books of account and records on such occasions as it may consider necessary by an auditor to be selected by said Commission who shall likewise have access to all books and records of such licensee.

Section 2.13. Insurance

Licensees under this Ordinance shall at all times maintain insurance coverage insuring against liability for bodily injury and property damage of a type and in such amounts as is customary with respect to the activities on the licensed premises.

Section 2.14. Access

Licensees under this Ordinance shall at all times during business hours permit agents of the Commission unrestricted access to all areas within licensed premises upon display of proper identification.

Chapter 3. Prohibited Activities; Enforcement

Section 3.1. Prohibited Activities

A. It shall be a violation of this Ordinance:

1. For any person to sell or offer to sell any liquor except as provided in this Ordinance;
2. For any person to possess for resale any liquor except as provided in this Ordinance;
3. For any person to sell liquor to a person apparently under the influence of alcohol, or other deleterious substances;
4. For any person to permit any person under the legal age to consume liquor on premises under his control, except when such liquor is being used in connection with bona fide religious services or practices;

5. For any person to sell liquor to any person under the legal age. Where there may be a question of a person's right to purchase liquor by reason of his age such person shall be required to present any one of the following officially issued cards of identification which shows correct age and bears his signature and photograph:

(a) Liquor Control Authority Card of Identification of any state.

(b) Driver's License of any state or an identification card issued by any state department of motor vehicles.

(c) United States Active Duty Military identification.

(d) Passport;

6. To employ a person under the legal age to sell or possess liquor;

7. For any person to sell liquor:

(a) within the Arizona portion of the Reservation, during hours when such sale would be prohibited by Arizona law if the sale was occurring outside the Reservation;

(b) within the California portion of the Reservation, during hours when such sale would be prohibited by California law if the sale was occurring outside the Reservation; and

(c) within the Nevada portion of the Reservation, during hours when such sale would be prohibited by Nevada law if the sale was occurring outside the Reservation;

8. For any person to sell liquor on the Reservation on Tribal Election Days, during the hours polling places are open for voting;

9. For any person to sell liquor without a license issued by the Commission that is in effect and/or contrary to the terms of a license issued by the Commission and/or without complying with applicable federal law;

10. For any employee at a liquor establishment, when waiting on or serving customers, to consume liquor on the premises;

11. For any person to fail or refuse to make timely payment of Tribal liquor taxes or of monies due the Tribe under this Ordinance;

12. For a person to have in his possession or to transport liquor which is manufactured in a distillery, winery, brewery or rectifying plant contrary to the laws of the United States; or

13. For a person to violate any provision of this Ordinance and/or Commission regulations and/or applicable federal law.

Section 3.2. Enforcement

A. In any administrative or judicial proceeding under this Ordinance, proof of one prohibited sale of liquor shall suffice to establish prima facie the intent or purpose of keeping liquor for sale in violation of this Ordinance.

B. Any person adjudged to be in violation of this Ordinance by the Commission and/or Tribal Court shall be subject to a civil fine of not more than Five Thousand Dollars (\$5,000.00) for each such violation. The Commission may adopt by regulation a schedule of fines for each type of violation, taking into account its seriousness and the threat it may pose to the general health and welfare of Tribal members.

C. Alcoholic beverages which are sold and/or possessed contrary to the terms of this Ordinance are declared to be contraband. The Commission and/or any Tribal law enforcement officer may issue a citation or serve a summons under this Ordinance and seize such contraband. The Commission and/or any Tribal law enforcement officer seizing contraband shall preserve the contraband by placing it in a secure area provided for storage of impounded property and shall promptly prepare an inventory of it. Upon entry of judgment in the Tribal Court, a person adjudged to be in violation of this Ordinance shall forfeit all right, title, and interest in the items seized, which shall be disposed of in accordance with the Fort Mojave Law and Order Code: Provided that the items so forfeited shall not be sold to any person not entitled to possess them under applicable law.

D. Any room, house, building, boat, vessel, vehicle, structure, or other place where liquor is sold and/or possessed, in violation of the provisions of this Ordinance or any other Tribal law relating to the sale and/or possession of liquor, and all property kept in and used in maintaining such place, are hereby declared to be a public nuisance. The Commission shall institute and maintain an action in the Tribal Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this paragraph. The plaintiff shall not be required to file bond in the action, and restraining orders, temporary injunctions, and permanent injunctions may be granted in the cause as in other injunction proceedings against the defendant. The court may also order the room, house, building, boat, vessel, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient surety to be approved by the court in the sum of not less than One Thousand Dollars (\$1,000.00), payable to the Tribe, and conditioned that liquor will not be thereafter sold, and/or possessed in violation of the provisions of this Ordinance or any other applicable Tribal law, and that he will pay all civil fines, costs and damages

assessed against him for any violation of this Ordinance. If any condition of the bond is violated, the Tribal Court may order all or any part of the bond forfeited to the Tribe.

E. All persons who violate this Ordinance may be summoned or cited into Tribal Court, there to be given a hearing as provided by the Civil Procedures of the Tribal Law and Order Code, for the alleged civil violations. In addition to any fines or other sanctions imposed by the Tribal Court, all alcoholic beverages in possession of the violator at the time of the violation and any funds from the sale thereof may be declared contraband, confiscated and forfeited to the Tribe.

F. Persons not members of the Tribe, who are found to be in repeated violation of this Ordinance or any rules and regulations issued thereunder may be subject to exclusion from the Reservation.

Dated: October 10, 1995.
Ada E. Deer,
Assistant Secretary—Indian Affairs.
[FR Doc. 95-25886 Filed 10-18-95; 8:45 am]
BILLING CODE 4310-02-P

Bureau of Land Management

[MT-060-06-1990-01]

Extension of Public Comment Period for the Draft Environmental Impact Statement for the Zortman and Landusky Mines Reclamation Plan Modifications and Mine Life Extensions, Phillips County, MT

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Supplement to the notice of availability of the draft environmental impact statement (EIS) for the Zortman and Landusky mines reclamation plan modifications and mine life extensions.

SUMMARY: This notice supplements the "Availability of the Draft Environmental Impact Statement for the Zortman and Landusky Mines Reclamation Plan Modifications and Mine Life Extensions, Phillips County, MT" published in the Federal Register, Volume 60, No. 156, page 41895, August 14, 1995. This supplement extends the public comment period to November 1, 1995.

ADDRESSES: Written comments should be addressed to David L. Mari, District Manager, Bureau of Land Management, Lewistown District Office, P.O. Box 1160, Lewistown, Montana 59457-1160.

FOR FURTHER INFORMATION CONTACT: Jim Robinson, Team Leader, Montana Department of Environmental Quality, Hard Rock Bureau, P.O. Box 201601,

Helena, Montana 59620-1601 (406-444-2074) or Scott Haight, Team Leader, Bureau of Land Management, Lewistown District Office, P.O. Box 1160, Lewistown, Montana 59457-1160 (406-538-7461).

Dated: October 10, 1995.
David L. Mari,
District Manager.
[FR Doc. 95-25880 Filed 10-18-95; 8:45 am]
BILLING CODE 4310-DN-P

[NM-010-1430-01]

Realty Action on Proposed Land Disposal in Santa Fe County, New Mexico

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action on proposed land disposal.

SUMMARY: This notice is to advise the public that the Albuquerque District of the Bureau of Land Management, is proposing to dispose of approximately 1.674 acres of public land near the Village of Rio Chiquito within Santa Fe County, State of New Mexico.

SUPPLEMENTARY INFORMATION: The BLM has determined that the acres of public land described below are suitable for disposal under the Color-of-Title Acts of 1928 (45 Stat. 1069), 1932 (47 Stat. 53; 43 U.S.C. 178), and Sales under Section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1713 (1976).

New Mexico Principal Meridian
Chimayo IV, New Mexico Public Land
Disposal Block

T. 20 N., R. 10 E.,

Sec. 5: lots 38 to 42, inclusive.

Comprising of approximately 1.674 acres.

Disposal of these lands is consistent with: (1) Taos Resource Management Plan approved in October 1988, (2) Their location as well as the physical characteristics and the private ownership of adjoining lands make them difficult and uneconomical to manage as public lands, so disposal would best serve the public interest, (3) This Notice of Realty Action will be published once a week for three weeks in a newspaper of general circulation and will be sent to the New Mexico Congressional Delegation and the relevant congressional committees by BLM. The specific parcels of public land will be disposed of using the following "Tract Disposal Criteria" in descending order of priority:

1. Color-of-Title. Color-of-Title disposal will be made to any applicant