Property Number: 219620865
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–4003
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620866
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–4310
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620867
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–5105
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620868
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–5200
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620869
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–5209
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620870
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–5211
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620871
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–5213
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620872
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–5216
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620873
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–8022
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620874
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–8023
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620875
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–8024
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620876
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–11722
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219620877
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 15A
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779620048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Land (by State)

Kentucky

9 Tracts
Daniel Boone National Forest Co: Owsley Ky 37902–
Landholding Agency: GSA
Property Number: 549620012
Status: Excess
Reason: Floodway.
GSA Number: 4–G–KY–607.

Oregon

Cherry Creek Property Disposal
1.56 acres of land
Madras Co: Jefferson OR 97741–
Landholding Agency: Interior
Property Number: 619620008
Status: Unutilized
Reason: Within airport runway clear zone.

[FR Doc. 96–17016 Filed 7–3–96; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Sac and Fox Nation Beer and Liquor Act

AGENCY: Bureau of Indian Affairs.

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 SF–95–51, the Sac and Fox Nation Beer and Liquor Act was duly adopted by the Sac and Fox Nation on February 23, 1995. The Act provides for the possession, sale, introduction for sale, purchase, or other dealing in alcoholic beverages within Sac and Fox Indian country, as defined by 18 U.S.C. § 1151.

DATES: This Act is effective as of July 5, 1996.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Judicial Services, Division of Tribal Government Services, 1849 C Street, N.W., MS–4603–MIB, Washington, D.C. 20240; telephone (202) 208–4401.

SUPPLEMENTARY INFORMATION: The Sac and Fox Nation Beer and Liquor Act is to read as follows:

Sac and Fox Nation Beer and Liquor Act

Section 1001. Title and Purpose

This chapter shall be known as the Sac and Fox Nation Beer and Liquor Act. These laws are enacted to regulate the sale and distribution of liquor and beer products on All Properties under the jurisdiction of the Sac and Fox Nation, and to generate revenue to fund needed tribal programs and services.

Section 1002. Definitions

Unless otherwise required by the context, the following words and phrases shall have the designated meanings:

a. ''Nation/Tribe/Tribal'' shall mean the Sac and Fox Nation of Oklahoma.

b. ''Business Committee'' shall mean the Sac and Fox Nation Business Committee as constituted by Article III of the Constitution of the Sac and Fox Nation.

c. ''Commission'' shall mean the Sac and Fox Tax Commission.

d. ''Indian Country'' shall mean Indian Country as defined by 18 U.S.C. Section 1151 subject to the jurisdiction of the Sac and Fox Nation, including without limitation:

i. Tribal Trust Land. Any lands and waters held in trust by the Federal Government within the jurisdiction of the Sac and Fox Nation;

ii. Tribal Properties in Trust Status Process. Lands and waters in process to achieve trust status under the Federal Government within the jurisdiction of the Sac and Fox Nation;

iii. Other Properties. All other lands and waters however acquired and not currently in process to achieve trust status under the Federal Government within the jurisdiction of the Sac and Fox Nation.

e. ''Sale'' shall mean the transfer, exchange or barter, by any means whatsoever, for a consideration by any person, association, partnership, or corporation, of liquor and beer products.

f. ''Alcohol'' means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol, or spirits of wine, beer in excess of 3.2% alcohol, from whatever source or by whatever source or by whatever process produced including all dilutions and mixtures of this substance.

g. ''Beer'' means any non-alcoholic beverage containing 3.2% or less alcohol and obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops, barley, or other grain, malt or similar products. ''Beer'' includes among other things, beer, ale, stout, lager beer, porter and other malt or brewed liquors.

h. ''Liquor'' or ''Alcoholic Beverage'' includes the four varieties of liquor commonly referred to as alcohol, spirits, wine, and beer in excess 3.2%, and all fermented, spirituous, vinous or malt liquor or any other intoxicating liquid, solid, semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer and intended for oral consumption.

i. ''Outlet'', ''Liquor Outlet'', or ''Licensed Premises'' means the location within the Sac and Fox Indian Country at which a person licensed to sell alcoholic beverages under this Act carries on such business, and includes all related and associated facilities under the control of the Licensee. Moreover, where a Licensee's business is carried on as part of the operation of an entertainment or recreation facility, the ''licensed premises'' shall be deemed to include the entire entertainment or recreation facility and associated areas.

j. ''Operator'' shall mean any person twenty-one (21) years of age or older, properly licensed by the Nation to operate a liquor and/or beer outlet.

k. ''License'' shall mean the privilege granted pursuant to this Act to any person to sell or distribute liquor or beer within the Sac and Fox Jurisdiction.

Section 1003. Prohibition

The sale, introduction for sale, purchase, or other dealing in alcoholic beverages, except as is specifically authorized by this title, is prohibited within the Sac and Fox Indian Country.

Section 1004. Liquor and Beer Control Commission

The Sac and Fox Nation Tax Commission shall be empowered to :

a. Administer this law by exercising general control, management, and supervision of all liquor and beer sales, places of sale and sales outlets as well as exercising all powers necessary to accomplish the purposes of this law.

b. Adopt and enforce rules and regulations in furtherance of the purpose of this law and in the performance of its administrative functions.

Section 1005. Application for Liquor and Beer Outlet License

a. Application. Any person twenty-one (21) years of age or older, may apply to the Commission for a liquor and/or beer outlet license.

b. Licensing Requirements. The person applying for such permit must make a showing once a year, and must satisfy the Commission; including the following, but not limited to:

i. that he is person of good moral character;

ii. that he has never been convicted of violating any of the laws regarding the regulation of any spirituous, vinous, fermented or malt liquors, or of the gambling laws of the Nation, the State of Oklahoma, or any other Tribe or State of the United States, within three (3) years immediately preceding the date of his petition;

iii. that he has not violated the laws commonly called ''prohibition laws'';

iv. that she or he has not had any permit or license to sell intoxicating liquors revoked by any governmental authority, within the past twelve (12) months;

c. Processing of Application. The Sac and Fox Nation Tax Commission Chairperson or Authorized Representative shall receive and process applications and be the official representative of the Nation and Commission in matters relating to receipt of applications and related matters. If the Commission or its authorized representative is satisfied that the applicant is suitable and a respectable person, the Commission or its authorized representative may issue a license for the sale of liquor and/or beer products.

d. Application Fee. Each Beer License application shall be accompanied by a non-refundable application fee to be set by regulation of the Commission, with the concurrence of the Business Committee.

e. Discretionary Licensing. Nothing herein shall be deemed to create a duty or requirement to issue a license. Issuance of licenses is discretionary upon the Commission's determination of the best interests of the Sac and Fox Nation, and the license grants a privilege, but not a property right, to sell liquor and/or beer within the jurisdiction of the Sac and Fox Nation at the licensed outlet(s).

Section 1006. Liquor and Beer Licenses

Upon approval of an application, the Commission shall issue the applicant a liquor and/or beer license, for one year from the date of issuance, which shall entitle the operator to establish and maintain only the type of outlet being permitted. This license shall not be transferable. The Licensee must properly and publicly display the license in the place of business. It shall be renewable at the discretion of the Commission, by submission of the Licensee of subsequent application form and payment of application fee as provided in Section 1005.

Section 1007. Sales by Liquor Wholesalers and Transport of Liquors Upon Sac and Fox Indian Country

a. Right of Commission to Scrutinize Suppliers. The Operation of any licensed outlet shall keep the Commission informed, in writing, of the identity of suppliers and/or wholesalers who supply or are expected to supply liquor or beer stocks to the outlet(s). The Commission may, at its discretion, limit or prohibit the purchase of said stock from a supplier or wholesaler for the following reasons: non-payment of tribal taxes; bad business practices, or sale of unhealthy supplies. A ten (10) day notice to stop supplier purchases will be given by the Commission. However, a Stop Purchase order may take effect immediately if there is a health emergency.

b. Freedom of Information from Suppliers. Operators shall, in their purchase of stock and in their business relations with suppliers, cooperate with and assist the free flow of information and data to the Commission from suppliers relating to the sales and business arrangements between the suppliers and Operators. The Commission may, at its discretion, require the receipts from the suppliers of all invoices, bills of lading, billings or other documentary receipts of sales to the Operators.

c. Businesses shall comply with applicable Tribal Laws, for domestication or entry of Foreign Corporations.

Section 1008. Sales by Retail Operators

a. Commission Procedures. The Commission shall adopt procedures which shall supplement these laws and facilitate their enforcement. These procedures shall include prohibitions on sales to minors, where liquor may be

consumed, persons not allowed to purchase alcoholic beverages, hours, and days when outlets may be open for business, and other appropriate matters and controls.

b. Sales to Minors. No person shall give, sell, or otherwise supply liquor or beer to any person under twenty-one (21) years of age, either for his or her own use or for the use of his or her parents or for use of any other person.

c. Consumption of Beer or Liquor Upon Licensed Premises shall be prohibited in Sac and Fox Indian Country until the Sac and Fox Business Committee otherwise allows by regulation.

d. Conduct on Licensed Premises.

i. No Operator shall be disorderly, boisterous, or intoxicated on the licensed premises or on any public premises adjacent thereto which are under his or her control, nor shall he or she permit any disorderly, boisterous, or intoxicated person to be thereon; nor shall he or she use or allow the use of profane or vulgar language thereon.

ii. No Operator shall permit suggestive, lewd, or obscene conduct or acts on his or her premises. For the purpose of this section, suggestive, lewd or obscene acts of conduct shall be those acts or conduct identified as such by the laws of the Nation.

e. Employment of Minors. No person under the age of twenty-one (21) years shall be employed in any service in connection with the sale or handling of liquor and/or beer, either on a paid or voluntary basis.

f. Operator's Premises Open to Inspection. The premises of all Operators, including vehicles used in connection with beer or liquor sales, shall be open at all times to inspection by the Commission or its designated representative.

g. Operator's Record. The originals or copies of all sales slips, invoices, and other memoranda covering all purchases of liquor by Operators shall be kept on file on the retail premises of the Operator purchasing the same, for at least three (3) years after each purchase, and shall be filed separately and kept apart from all other records, and as nearly as possible shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection. All canceled checks, bank statements and books of accounting covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for availability for inspection.

h. Records Confidential. All records of the Commission showing the purchase of liquor by any individual or group shall be confidential and shall not be inspected except by members of the Commission or its authorized representative.

i. Conformity with State Law. Operators shall comply with State of Oklahoma Liquor and Beer Control Standards to the extent required by 18 U.S.C. 1161. However, the Nation shall have the fullest jurisdiction allowed under Federal law over liquor and beer, and related products or activities, within the boundaries of all Sac and Fox Indian Country.

Section 1009. Tribal Excise Tax Imposed Upon Distribution of Liquor

a. Nation Excise Taxes. The Nation shall have authority to assess and collect tax on sales of liquor and beer products to the consumer or purchaser. The tax shall be collected and paid to the Sac and Fox Tax Commission upon all Liquor and Beer products sold within the jurisdiction of the Nation. The Nation may establish differing tax rates for any given class of merchandise, which shall be paid prior to the time of retail sale and delivery thereof.

b. Added to Retail Price. An excise tax, to be set by the Business Committee of the Sac and Fox Nation, on the wholesale price shall be added to the retail selling price of liquor and beer products sold to the consumer or purchaser. All taxes paid pursuant to this Act shall be conclusively presumed to be direct taxes on the retail consumer precollected for the purposes of convenience and facility only.

c. Within 72 hours after receipt of any beer or alcoholic beverages by any wholesaler or retailer subject to this Act a tribal tax stamp shall be securely affixed thereto denoting the tribal tax thereon. Retailers or sellers of beer or alcoholic beverages within the Nation's jurisdiction may buy and sell or have in their possession only beer or alcoholic beverages which have the tribal tax stamp affixed to each package.

Section 1010. Liability for Bills

The Nation and/or the Commission shall have no legal responsibility for any unpaid bills owed by a liquor or beer outlet to a wholesale supplier or any other person or entity.

Section 1011. Other Business by Operator

An Operator may conduct another business simultaneously with managing a liquor or beer outlet: PROVIDED, if such other business is in any manner affiliated or related to the beer or liquor outlet it must be approved by majority vote of the Commission prior to initiation. Said other business may be conducted on the same premises as a liquor or beer outlet, but the Operator shall be required to maintain books of account that clearly differentiate the liquor or beer portion of the business.

Section 1012. Tribal Liability and Credit

a. Unless explicitly authorized by Tribal statute, Operators are forbidden to represent or give the impression to any person or entity that he or she is an official representative of either the Nation or the Commission authorized to pledge tribal credit or financial responsibility for any of the expenses of his or her business operation. The Operator shall hold the Nation harmless from all claims and liability of whatever nature. The Commission shall revoke Operator's outlet license(s) if said outlet(s) is not operated in a businesslike manner or if it does not remain financially solvent or does not pay its operating expenses and bill before they become delinquent.

b. Insurance. The Operator shall maintain at his or her expense adequate insurance covering liability, fire, theft, vandalism, and other insurance risks. The Commission may establish as a condition of any license, the required insurance limits and any additional coverage deemed advisable, proof of which shall be filed with the Commission.

Section 1013. Audit and Inspection

a. All of the books and other business records of the outlet shall be available for inspection and audit by the Commission or its authorized representative at any reasonable time.

b. Bond for Excise Tax. The excise tax together with reports on forms to be approved by the Commission shall be remitted to the Commission office on a monthly basis, unless otherwise specified in writing by the Commission. The Operator shall furnish a satisfactory bond to the Commission in an amount to be specified by the Commission, guaranteeing his or her payment of excise taxes.

Section 1014. Revocation of Operator's License

Failure of an Operator to abide by the requirements of this Act and any additional regulations or requirements imposed by the Commission will constitute grounds for revocation of the Operator's license as well as enforcement of the penalties provided in Section 1015 of this Act.

a. Upon determining that any person licensed by the Sac and Fox to sell beer or alcoholic beverages is for any reason no longer qualified to hold such license or reasonably appears to have violated any terms of the license or tribal regulation, including failure to pay taxes when due and owing, or has been found by any forum of competent jurisdiction, including the Commission, to have violated the terms of a tribal or state license or of any provision of this title, the Chairman shall immediately serve written notice upon the Licensee directing that he show cause within ten (10) days why his or her Sac and Fox license should not be revoked or restricted. The notice shall state the grounds relied upon for the proposed revocation or restriction.

b. If the Licensee fails to respond to the notice within ten (10) days of service, the Chairman may issue an order revoking the license or placing such restrictions of the license as the Chairman deems appropriate, effective immediately. The Licensee may, within the 10 day period, file with the Office of the Chairman a written response and request for hearing before the Commission.

c. At the hearing, the Licensee may present evidence and argument directed at the issue of whether or not the asserted grounds for the proposed revocation or restriction are in fact true, and whether such grounds justify the revocation or modifications of the license. The Nation may present other evidence as it deems appropriate.

d. The Commission after considering all of the evidence and arguments shall issue a written decision either upholding the license, revoking the license or imposing some lessor penalty (such as a temporary suspension or a fine), and such decision shall be final and conclusive.

e. The Commission's final decision, upon posting a bond with the Court sufficient to cover the Commission's final hearing assessment or ruling, may be appealed by Licensee to the Sac and Fox Court. Any findings of fact of the Commission are conclusive upon the Court unless clearly contrary to law. The purposes of Court review are not to substitute the Court's finding of facts or opinion for the Commission's but to guarantee due process of law. If the Court should rule for the appealing party, the court may order a new hearing giving such guidance for the conduct of such as it deems necessary for a fair hearing. No damages or monies may be awarded against the Commission, its members, nor the Nation and its agents and employees in such an action.

Section 1015. Violations—Penalties

Any person who violates these laws or elicits, encourages, directs or causes to be violated these laws shall be guilty of an offense and subject to a fine. Failure to have a current, valid or proper license shall not constitute a defense to an alleged violation of the licensing laws or regulations. The Sac and Fox Nation Court System will have jurisdiction over the proceedings.

a. Any person convicted of committing any violation of this Act shall be subject to punishment of up to one year imprisonment and/or a fine not to exceed Five Thousand Dollars ($5,000.00).

b. Additionally, any person upon committing any violation of any provision of this Act may be subject to a civil action for trespass, and upon having been determined by the Court to have committed the violation, shall be found to have trespassed upon the lands of the Sac and Fox Nation, and shall be assessed such damages as the Court deems appropriate in the circumstances.

c. Any person suspected of having violated any provision of this Act shall, in addition to any other penalty imposed hereunder, be required to surrender any beer or alcoholic beverages in such person's possession to the officer making the arrest or complaint. The surrendered beverages, if previously unopened, shall only be returned upon a finding by the Court after trial that the individual committed no violation of this Title.

d. Any Operator who violates the provisions set forth herein shall forfeit all of the remaining stock in the outlet(s). The Commission shall be empowered to seize forfeited products.

e. Any stock, goods or other items subject to this Act that have not been registered, licensed, or taxes paid shall be contraband and subject to immediate confiscation by the Commission or its employees or agents, Provided, that within 15 days of the seizure the Commission shall cause to be filed an action against such property alleging the reason for the seizure or confiscation, and upon proof, the Court shall order the property forfeited and title vested in the Sac and Fox Nation of Oklahoma.

f. Physical seizure of items shall be in accordance with the provisions contained in Title 14, chapter 1, General Revenue and Taxation.

Section 1016. Possession for Personal Use

Possession of beer or alcoholic beverages for the personal use by persons over the age of 21 years shall, unless otherwise prohibited by Federal or Tribal law or regulation, be lawful within the Sac and Fox Indian Country, so long as such beer or alcoholic beverages were lawfully purchased from an establishment duly licensed to sell such beverages, whether on or off the Sac and Fox Indian Country and consumed within a private residence or location, or at a location or facility specifically licensed for the public consumption of alcoholic beverages.

Section 1017. Transportation Through Reservation Not Affected

Nothing herein shall pertain to the otherwise lawful transportation of beer or alcoholic beverages through the Sac and Fox Indian Country by persons remaining upon public highways and where such beverages are not delivered, or sold or offered for sale to anyone within the Sac and Fox Indian Country.

Section 1018. Separability

If any provision of these laws is held invalid, the remainder of the laws and their application to other persons or circumstances is not affected.

Section 1019. Relation to Other Sac and Fox Laws

All prior statutes, ordinances, and resolutions enacted by the Sac and Fox Nation regulating, authorizing, prohibiting or in any way relating to the sale of beer or alcoholic beverages within the Sac and Fox Indian Country are hereby repealed and have no further force or effect.

Section 1020. Sovereign Immunity Preserved

Nothing in this statute shall be construed as a waiver or limitation of the sovereign immunity of the Sac and Fox Indian Nation or its agencies, nor their officers or employees.

Section 537. Possession of an Alcoholic Beverage.

(a). It shall be unlawful to buy, sell, give away, consume, furnish, or possess any beer, ale, wine, liquor, spirits, or any other beverage or product containing alcohol for ingestion by human beings; or to appear or be found in a place where beer or alcoholic beverages are sold and/or consumed, except as allowed by the Sac and Fox Beer and Liquor Act or regulation there under.

Dated: June 25, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

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