

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 the Las Vegas Paiute Liquor Control Ordinance was duly adopted by the Las Vegas Paiute Tribe on February 21, 1995. The Ordinance provides for the regulation, distribution, possession, sale, and consumption of liquor on lands held in trust belonging to the Las Vegas Paiute Tribe.

DATES: This ordinance is effective as of June 12, 1995.

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

SUPPLEMENTARY INFORMATION: The Las Vegas Paiute Tribe Liquor Ordinance is to read as follows:

12-19 Findings and Purpose

12-10-010 *Legislative Control*—Federal law currently prohibits the introduction of liquor into Indian country and expressly delegates to tribes the decision regarding when and to what extent liquor transactions shall be permitted on their reservations. The Las Vegas Tribe of Paiute Indians has decided to open all lands within its jurisdiction to the possession, consumption, and sale of liquor by enacting this Title 12 (Title 12) to the Tribal Law and Order Code. Title 12 is adopted pursuant to the Act of August 15, 1953 (Pub. L. 83-277, 67 Stat. 588, 18 U.S.C. § 1161) and shall serve as the "liquor ordinance" referenced therein.

12-10-020 *Control Desired*—Title 12 shall govern all liquor sales and distribution on the reservation, will increase the ability of the tribe to control reservation liquor distribution and possession and will provide an additional source of revenue for tribal operations.

12-10-030 *Goals of Regulation*—Tribal regulation of the sale, possession, and consumption of liquor on the reservation is necessary to protect the health, security, and general welfare of the tribe, and to address tribal concerns relating to alcohol use on the reservation. In order to further these goals and to provide an additional source of governmental revenue, the tribe has adopted Title 12, which shall be liberally construed to fulfill the purposes for which it has been adopted. Title 12 is authorized by Article VII, Section 1(g) of the constitution and by-laws of the tribe which provides that the tribal council shall have the power "[t]o enact legislation for the purpose of

safeguarding and promoting the peace, safety, morals, and general welfare of the members of the Las Vegas Paiute Tribe."

12-20 Definitions

12-20-010 *Definitions of Words*—As used in Title 12, the following words shall have the following meanings unless the context clearly requires otherwise:

(a) "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 all dilutions and mixtures of this substance.

(b) "Alcoholic Beverage" is synonymous with the term "liquor" as defined at section 12-20-010(d) hereof.

(c) "Beer" means any beverage obtained by the fermentation or infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in water and which contains not more than four percent of alcohol by volume.

(d) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine, and malt liquor), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous, or malt liquor, or otherwise intoxicating. Every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or malt liquor, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, containing more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(e) "Malt Liquor" means beer, strong beer, ale, stout, and porter.

(f) "Package" means any container or receptacle used for holding liquor.

(g) "Reservation" means all lands of the tribe described or referenced in the tribe's constitution, including, but not limited to, all lands described in United States Public Law 98-203, and any lands which may in the future come within the jurisdiction of the tribe by any lawful means

(h) "Sale" and "Sell" mean exchange, barter, and traffic; and also include the selling 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 liquor" or "liquor" or "wine" by any person to any person.

(i) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

(j) "Strong Beer" means any beverage obtained by the alcoholic fermentation or infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in water, including ale, stout, and porter, containing more than four percent of alcohol by weight.

(k) "Title 12" means this liquor code, which shall serve the tribe as the liquor ordinance referenced at 18 U.S.C. § 1161.

(l) "Tribe" means, and "Tribal" refers to, the Las Vegas Paiute Tribe, a federally recognized tribe of Native American Indians, listed at 58 FR 54364, 67 as the "Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada."

(m) "Tribal Council" shall mean the duly elected tribal council of the tribe, which is the governing body of the tribe.

(n) "Tribal Court" means the tribal courts of the tribe as established pursuant Title 1 of the Tribal Law and Order Code.

(o) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during, or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel, and angelica, not exceeding seventeen percent of alcohol by weight.

12-30 Sales, Distribution, Possession, Consumption

12-30-010 *Authorization*—The tribe, its members and other persons including, but not limited to, corporations, partnerships, associations and natural persons are hereby authorized to introduce, sell, distribute, warehouse, possess and consume alcoholic beverages within the reservation, in accordance with the laws of the State of Nevada (including Nevada liquor licensing provisions); provided, however, that any person or entity, other than the tribe, which sells alcoholic beverages within the reservation must first obtain a tribal liquor license from the tribal council and such sales shall be subject to taxes and license fees as may be established by duly enacted resolution of the tribal council.

12-30-020 *Distribution of Taxes and Fees*—All taxes and license fees related to the sale or introduction of