

CHAPTER 6-2 LIQUOR CONTROL

6-2-1

Name

This Chapter shall be known as the Colville Liquor Control Chapter.

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Findings

(a) The introduction, possession and sale of liquor on Indian reservations has been clearly recognized as a matter of special concern to Indian tribes and to the United States for more than 150 years. United States v. Sandoval, 231 U.S. 28 (1913); 18 U.S.C. §1161; 18 U.S.C. §1154.

(b) In the year 1953 the Business Council of the Colville Confederated Tribes acting under its inherent powers as the government of the Colville Indian Reservation and under powers delegated to it by the United States adopted a resolution permitting the sale and possession of alcoholic beverages within the boundaries of the reservation, subject to the laws of the State of Washington.

(c) Under present conditions the Business Council of the Colville Confederated Tribes finds it necessary to more closely control the sale, distribution, and possession of alcoholic beverages within the boundaries of the Colville Indian Reservation. The sale, distribution, and possession of such beverages has become a major or sole portion of the trade of many businesses which have been established on the Colville Indian Reservation affecting the people of the reservation and the schools, churches and other agencies of social betterment which have been established on the reservation.

(d) Present day circumstances make a blanket grant by the Tribes to the State of Washington of liquor regulation and taxation ineffective and unrealistic. At the same time a need exists for strict tribal regulation and control over liquor distribution.

(e) In order to operate a system for control of liquor on the reservation, the Business Council finds that appropriate license fees and taxes must be assessed against all distribution of liquor on the reservation, where such fees and taxes do not violate the Constitution of the Colville Confederated Tribes or federal law.

(f) The enactment of a tribal Code governing liquor (sales and) distribution on the reservation, providing for taxation and licensing of all business entities selling or distributing alcoholic beverages within the boundaries of the reservation will increase the ability of the tribal government to control the reservation liquor distribution, sale and possession, and at the same time will provide an important source of revenue for the continued operation of specific delivery of governmental services to the residents of the reservation.

(g) The Colville Business Council finds that alcohol related criminal and family problems are the single greatest cause of social conflict among the people of the Colville Indian Reservation.

(h) The Business Council finds that the present system of regulation by adoption of State law has been found over the course of thirty (30) years to be inadequate to the needs of the members of the Colville Confederated Tribes and the residents of the Colville Indian Reservation.

(i) The Business Council finds that Tribal regulation of the introduction, sale, distribution, and possession of liquor on the reservation is necessary to protect the health, security and welfare of all persons and property on the reservation.

(j) The Business Council further finds it necessary to raise additional revenues for the Tribal Alcohol Rehabilitation Program and Tribal Law Enforcement agencies and to provide for their expansion and increased efficiency.

(k) The Business Council further finds it necessary to raise additional revenues to provide funds for other tribal social programs.

(l) For these reasons, the Business Council finds it necessary to enact this Chapter establishing the Colville Liquor Control Board and regulating the introduction, sale, taxation, distribution, and possession of liquor on the Colville Indian Reservation.

6-2-3 Introduction, Sale, Distribution, and Possession of Liquor

The introduction, sale, distribution, and possession of liquor shall be lawful within the Indian country under the jurisdiction of the Confederated Tribes of the Colville Indian Reservation and within the exterior boundaries of the Colville Indian Reservation only when such activities are in conformity with this Chapter. Such introduction, sale, distribution, and possession shall be in conformity with the laws of the State of Washington when required by Public Law 83-2-7, enacted August 15, 1953, and as provided in this Chapter and regulation and orders of the Colville Liquor Control Board.

6-2-4 Conformity with Federal Laws

This Chapter shall govern the introduction, sale, distribution, and possession of liquor within the Colville Indian Reservation pursuant to federal law; Resolution 1953-50 passed on October 9, 1953 by the Colville Business Council and published in the Federal Register, Volume 18, No. 230, on November 25, 1953 and shall supersede and amend all prior enactments of the Business Council inconsistent with this Chapter.

6-2-5 Definitions

(a) "Alcohol" means 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, or sugar, or other substances including all dilutions and mixtures of this substance.

(b) "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 of alcohol by weight, and not less than one-half of one percent of alcohol by volume. Any such beverage, including ale, stout and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer."

(c) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

(d) "Board" means the Colville Liquor Control Board.

(e) "Council" means the Business Council of the Colville Confederated Tribes.

(f) "Consume" means the putting of liquor to any use, whether by drinking or otherwise.

(g) "Distiller" means a person engaged in the business of distilling spirits.

(h) "Employee" means any person employed by the Board.

(i) "Fund" means liquor revolving fund.

(j) "Interdicted person" means a person to whom the sale of liquor is prohibited by an order of interdiction filed with the Board pursuant to this Chapter.

(k) "Liquor" means the four varieties of liquor (alcohol, spirits, wine and beer) and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquor or solid or semi-solid 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, semi-solid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(l) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

- (m) “Malt liquor” means beer, strong beer, ale, stout and porter.
- (n) “Package” means any container or receptacle used for holding liquor.
- (o) “Person” means an individual, co-partnership, association or corporation.
- (p) “Public place” means streets and alleys of incorporated cities and towns; state, county, township or tribal highways or roads; buildings and grounds used for school purposes; rodeo grounds; parks; tribal ceremonial grounds; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this Chapter, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly-owned bathing beaches, parks or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.
- (q) “Regulations” means regulations made by the Board under the power conferred by this Chapter.
- (r) “Reservation” means the Colville Indian Reservation, including all land and waters within the exterior boundaries thereof.
- (s) “Sale” and “Sell” means 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 whatever commonly used to describe malt or brewed liquor or of wine, by and person to person; and also include a sale or selling within the Reservation to a foreign consignee or his agent.
- (t) “Spirits” means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen (17%) percent of alcohol by weight.
- (u) “Store” means a tribally-owned or individually owned and operated store licensed under this Chapter.
- (v) “Tribes” means the Confederated Tribes of the Colville Indian Reservation, Washington.
- (w) “Vendor” means a person licensed by the board as a store manager under this Chapter.
- (x) “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 (17%) percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent (17%) of alcohol by weight.
- (y) “Wholesale price” mean's the established price for which liquor, beer and wine products are sold to the Colville Confederated Tribes or to any licensed operator by the manufacturer or distributor, exclusive of any discount or other reduction.
- (z) “Liquor products outlet” mean's any retail sales business selling liquor, beer, or wine in sealed packages within the boundaries of the Colville Indian Reservation.
- (aa) “Tavern” means any retail sales business selling beer, liquor or wine not in sealed packages, that is “by the drink,” within the boundaries of the Colville Indian Reservation.
- (bb) “Operator” means any person employed or licensed by the Colville Liquor Board to operate a liquor outlet.
- (cc) “Distribute” means to deliver or sell liquor products prior to retail sale.

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Sale of Liquor

(a) Minimum Age of 21: Except as otherwise provided by tribal or federal law, an employee in a tribally licensed outlet or tavern may sell liquor to any person twenty one (21) years of age or older for beverage purposes.

(Amended 7/3/02, Resolution 2002-410)
(Certified 7/19/02)

(b) Proof of Minimum 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 official issued cards of identification which shows his correct age and bears his signature and photograph:

- (1) Liquor control authority card of identification of any state;
- (2) Driver's license of any state of "Identocard" issued by the Washington State Department of Motor Vehicles;
- (3) United States active duty military identification;
- (4) Passport;
- (5) Colville Tribal identification card.

(c) Regulation Regarding Identification: The Board may adopt such regulations as it deems proper covering the acceptance of such identification cards.

(d) Cash Sales Only: No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash.

(e) Sealed Packages May Be Required—Exception: The Board shall by regulation prescribe that any or all liquors other than malt liquor be delivered to any purchaser at a tribally licensed outlet only in a packaged sealed with the official tribal tax stamp.

(f) Consumption on Tavern Premises: No employee in a tribally licensed liquor outlet shall open or consume, or allow to be opened or consumed any liquor on the store premises.

(g) Sunday Closing: No sale or delivery of liquor shall be made on or from the premises of any tribal liquor store, nor shall any store be open for the sale of liquor on Sunday, before the hour of 12:00 p.m., noon.

(h) Record of Purchases: All records whatsoever of the Board showing purchases by any individual of liquor shall be deemed confidential, and, except subject to audit by the Tribal auditor, shall not be permitted to be inspected by any person whatsoever, except by employees of the Board to the extent permitted by the regulations; and no member of the Board and no employee whatsoever shall give out any information concerning such records, and neither such records nor any information relative thereto shall be competent to be admitted as evidence in any court or courts except in prosecutions for illegal possession or of sale of liquor.

(i) Interdicted Persons: No tribally licensed outlet or tavern shall sell liquor to a person that the outlet or tavern owner knows, or should have known, has been found to be an habitual alcoholic by order of the Colville Tribal Court. When the Liquor Board finds that such a sale to an interdicted person has been made, the Board shall suspend the tribal license of the outlet or tavern for not less than thirty (30) days nor more than one (1) year.

Appeals of such a suspension shall be directly to the Tribal Court but such an appeal shall not stay the suspension during the process of the appeal.

(j) Intoxicated Persons: No tribally licensed outlet or tavern shall sell liquor to any buyer when, from the

(July 2002 version of Chapter 6-2)

physical appearance of the buyer at the time of the sale, it could be reasonably believed or understood that the buyer was intoxicated. Any owner of a liquor outlet or tavern found to have made a sale to a buyer by the Colville Tribal Court, shall be, in any action for civil damages against the buyer and owner, jointly and severally liable in damages for any injury for which the buyer is found liable, and which injury occurs within eight (8) hours after the sale by the outlet or tavern to the buyer.

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Colville Liquor Control Board

(a) Creation of Board: The Colville Liquor Control Board shall be comprised of three persons appointed by the Council for two year terms and paid a stipend and expenses as fixed by the Council.

(b) Terms of Office: Two Commissioners of the Board shall hold office until January 1, 1984 and one Commissioner of the Board shall hold office until January 1, 1985. Commissioners appointed to fill positions of members whose terms of office have expired shall hold office for the ensuing two (2) year term. Commissioners shall hold office for the ensuing two (2) year term. Commissioners shall hold office after expiration of their terms of office until their successors are duly appointed and approved.

(c) Ineligibility: No member of the Board shall be at the same time a member of the Colville Business Council, or have ever been convicted of a felony crime in any jurisdiction.

(d) Removal from Office: A Commissioner may be removed from office by the Council upon conviction of a crime, or for gross neglect of duty, misfeasance of malfeasance in office, or ineligibility to serve as a member of the Board. Specific written charges shall be served upon the member of the Board at least ten (10) days before a Council hearing upon the matter, and he shall be given an opportunity to answer the charges at the hearing. If the Commissioner refuses to appear before the Council, the Council shall proceed to vote upon his removal. The decision of the Council shall be final.

(e) Vacancy and Interim Appointment: If a member of the Board shall die, resign, be incapacitated, leave the area of the Reservation or be removed from office, a vacancy on the Board shall be created automatically, and at its next regular or special meeting, the Council shall appoint an eligible person to fill the vacant position for the remainder of the term of office of the member of the Board whose position he is to fill.

(f) Chairman: The Chairman of the Board shall be appointed by the Board.

(g) Bond: Each Commissioner shall enter into a surety bond executed by a surety company authorized to do business in the State of Washington, payable to the Council, to be approved by the Council in the penal sum of \$10,000, conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office as provided herein.

(h) Oath of Office: Each Commissioner shall take the following oath of office:

I promise to execute faithfully all provisions of the Colville Liquor Control Code and any regulations promulgated in furtherance thereof and to be bound by the Colville Law and Order Code, the jurisdiction of the Tribal Court, and the Constitution and By-Laws of the Confederated Tribes of the Colville Indian Reservation, and to perform faithfully my duties as prescribed by law.

(i) Administration and Employees: The administration of this Chapter shall be vested in the Board which may employ such number of employees as in its judgment are required from time to time. Board employees shall be paid pursuant to a salary schedule established by the Council.

(j) Regulation by Board: For the purpose of carrying into effect the provisions of this Chapter according to their true intent or of supplying any deficiency therein, the Board may make such regulations and issues such order not inconsistent with the spirit of this Chapter as are deemed necessary or advisable. All such regulations and orders shall have the same force and effect as if incorporated in this Chapter. Without limiting the generality of the foregoing provisions it is declared that the power of the Board to make regulations and issue orders shall include the power to:

- (1) Regulate of the equipment, management, nature of books and records and reports concerning stores and warehouses in which tribal liquor is sold or kept;
- (2) Govern the purchase of liquor by the Tribes and the furnishing of liquor to persons licensed under this Chapter;
- (3) Determine the classes, varieties and brands of liquor to be kept for sale at any store on the Reservation;
- (4) Prescribe the hours during which liquor stores shall be open;
- (5) Provide the issuing and distribution of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale under this Chapter;
- (6) Proscribe an official seal and official labels and stamps, if any, and determining the manner in which they shall be attached to every package of liquor sold or sealed under this Chapter;
- (7) Provide for the payment by the Board in whole or in part of carrying charges on liquor shipped by freighter-express;
- (8) Prescribe forms to be used for purposes of this Chapter or regulations;
- (9) Prescribe the manner of giving and serving notices required by this Chapter or regulations, where not otherwise provided for in this Chapter;
- (10) Specify and regulate the time, manner, methods and means by which manufacturers shall deliver liquor within the Reservation; and the time, manner, methods and means by which liquor may be lawfully conveyed or carried within the Reservation;
- (11) Provide for getting of fidelity bonds by and or all of the employees of the Board;
- (12) Prescribe methods of manufacture, condition of sanitation, standards of ingredients, quality and identity of alcoholic beverages manufactured, sold, bottled or handled by the Board;
- (13) Seize, confiscate, and destroy all alcoholic beverages manufactured, sold, or offered for sale within the Reservation which do not conform or whose manner of sale or distribution do not conform in all respects to the standards prescribed by this Chapter or the regulations and orders of the Board;
- (14) Determine the localities within the Reservation where liquor stores or outlets shall be established and the number and situation of such stores within each locality;
- (15) Establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquor for the purposes of this Chapter;
- (16) Determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this Chapter;
- (17) Execute or cause to be executed all contracts, papers, and documents in the name of the board under such regulations as the Board may fix.

(k) Purchase of Liquor by Board: Every order for the purchase of liquor shall be authorized by the Board, and no order for liquor shall be valid or binding unless it is so authorized and signed by two members of the Board.

(l) Immunity from Personal Liability: Neither the Board nor any Commissioner thereof shall be

personally liable in any action at law for damages sustained by any person because of any action performed or done or omitted to be done by the Board or any employee of the Board in the performance of his duties and the administration of this Chapter.

(m) Preemption of Field by Tribes: No municipality, city, town or county, nor the State of Washington, shall have power to impose an excise or any other tax upon liquor as defined in this Chapter, or to govern or license the sale or distribution thereof in any manner within the Colville Indian Reservation, except as permitted in the regulations of the Board.

(n) Inspection of Records: For the purpose of obtaining information concerning any matter related to the administration or enforcement of this Chapter, the Board, or any person appointed by it in writing for the purpose, may inspect the books and records of any manufacturer or drugstore doing business on the Reservation and of any common carrier operating within the Reservation who possesses liquor within the boundaries of the Reservation. Every person who neglects or refuses to produce or submit for inspection any records referred to in this section when requested to do so by the Board or a person appointed by it, shall be guilty of a violation of this Chapter.

6-2-8 Liquor Revolving Fund

(a) Creation of Fund: There shall be a fund, known as the "Liquor Revolving Fund" which shall comprise all taxes, fees, penalties, forfeitures, and all other monies, income or revenue received by the Board.

(b) Custodian of Fund: The Board shall be custodian of the fund.

(c) Individual Indian Money Account: The fund shall be kept in an Individual Indian Money Account at the Colville Indian Agency. All monies received by the Board or any employee thereof, except an amount of petty cash fixed by the Board, shall be deposited each day into the fund.

(d) Disbursements: Disbursement from the fund shall be on authorization of the Board or a duly authorized representative thereof.

(e) Use of Revenue: All revenue derived from the Colville Liquor Control Code shall be used in accordance with this section. All revenue shall be specially earmarked and used only for the following purposes.

- (1) Costs and expenses of the Liquor Board;
- (2) Colville Alcohol Rehabilitation Program;
- (3) Colville Law Enforcement;
- (4) Tribal social and judicial programs.

6-2-9 Exemptions

(a) Home Use: Nothing in this Chapter shall apply to wine or beer manufactured in any home for consumption therein, and not for sale.

(b) Sale to Board: Nothing in this Chapter shall apply to or prevent the sale of liquor by any person to the Board.

(c) Shipment in Commerce:

- (1) Nothing in this Chapter shall prevent any person licensed by the United States to manufacture liquor from keeping liquor in his warehouse or place of business.
- (2) Nothing in this Chapter shall prevent the trans-shipment of liquor in interstate and foreign commerce; but no person shall import liquor into the Reservation from the State of Washington or

any other state or country, for use or sale in the Reservation, except the Board; except as otherwise provided in this Chapter.

(3) Every provision of this Chapter which may affect transactions of liquor between a person in the Reservation and a person in the State of Washington or another state or foreign country shall be construed to affect such transactions only insofar as the Colville Business Council has power to make laws in relation thereto.

(d) Religious Use: Nothing in this Chapter shall apply to alcoholic beverages used in a bona fide religious ceremony.

6-2-10 Pharmaceutical Preparations, Patent Medicines, Denatured Alcohol

Nothing in this Chapter shall apply to or prevent sale, purchase or consumption of:

(a) Any pharmaceutical preparation containing liquor which is prepared by a druggist according to a formula of the pharmacopeia of the United States, or the dispensatory of the United States; or

(b) Any proprietary or patent medicine; or

(c) Wood alcohol or denatured alcohol, except in the case of the sale, purchase, or consumption of wood alcohol or denatured alcohol for beverage purposes, either alone or combined with any other liquid or substance.

6-2-11 Independent Operators License

(a) Upon adoption of appropriate regulations by the Board, any person may apply to the Board for a license to operate a liquor products outlet or tavern on any lands within the boundaries of the Colville Indian Reservation. Liquor Products Outlets and Taverns shall not be licensed to operate on the same premises.

(b) The Liquor Board shall decide which applicants if any shall receive a license under this section. The Board shall give written reasons why a license is to be denied or terminated after an open hearing on the license. Each license granted shall specify what liquor products are authorized to be sold, shall specify any restrictions on the license and shall be issued for one year. Licenses shall be automatically renewed upon payment of the license fee and taxes due, unless the Board shall decide against renewal in writing and after a hearing in which the applicant may give reasons why a license should not be denied. No person shall hold more than one liquor outlet and one tavern license at one time.

(c) The Board in determining which applicant, if any, shall receive a license under this section, shall consider the current number of liquor outlets and taverns in operation in one geographic area, the reputation of the applicant and the establishment to be licensed, and shall not act so as to frustrate the central purposes of this Chapter by allowing the unnecessary proliferation of liquor product outlets or taverns or by licensing an establishment which violates the peace and welfare of the people of the Colville Indian Reservation. Appeals from denied or cancellation of a license shall be to the Tribal Court of the Colville Tribes. Appeals shall not stay the effect of the denial or cancellation. The exclusive ground for appeal shall be that the applicant was denied due process or equal protection of the law in denying or canceling the license.

(d) A licensee under this section shall be deemed to be an operator of a liquor product outlet or tavern and shall manage the outlet in a way that does not violate the laws of the Colville Confederated Tribes. The licensee shall comply with all parts of this Chapter, and with all rules and regulations established by the Liquor Board, and shall stipulate in the license that for purposes of this Chapter the licensee shall be subject to the civil jurisdiction of the Tribal Court of the Colville Confederated Tribes.

(e) The license fee for a liquor outlet or tavern shall be \$250.00 per year, due January 31 of each calendar year, and shall not be pro-ratable; or whatever fee shall be set by the Board.

6-2-12 Distribution of Liquor Products on the Colville Indian Reservation

(a) All persons, businesses, or entities of any sort distributing liquor products to businesses or persons

within the boundaries of the Colville Indian Reservation are subject to the provisions of this Chapter.

(b) All persons, businesses, or entities of any sort, distributing liquor products to businesses or persons within the boundaries of the Colville Indian Reservation shall be required to obtain a license from the Liquor Board.

(c) Unless changed by regulation the sole distributor of liquor products on the Colville Indian Reservation shall be the liquor board; provided, that distributors when properly licensed under this Chapter may distribute beers and malt liquors on the Colville Indian Reservation.

(d) Any person or entity which does distribute liquor products to any person or business located within the boundaries of the Colville Indian Reservation at a time when such person or entity is not validly licensed to do business by the Liquor Board shall be in violation of this Chapter and in violation of applicable Federal Indian Liquor Laws.

(e) The Liquor Board shall receive applications for licenses to distribute liquor products and shall decide whether to grant any application within ninety (90) days of filing with the Board. The application fee shall be \$30.00 or such larger amount as the Board may determine. Upon the granting of a license to distribute the applicant shall pay a fee.

(f) An annual fee of \$250.00, or such larger amount as the Board may determine, shall be charged for each license to distribute. All such fees shall be due and owing on January 31st of each year. Licenses to distribute shall expire on February 1st of each year unless the annual fee has been paid. Persons or entities holding expired licenses to distribute may apply for a new license under section 6-2-12(e) above.

(g) Persons or entities holding licenses under this section shall be required to subject themselves in writing to the civil jurisdiction of the Colville Confederated Tribes and its Tribal Court for the purposes of this Chapter.

(h) The Liquor Board may grant, deny or cancel a license to distribute at any time and for any reason and shall deny or cancel a license for failure to pay taxes or failure to abide by the laws of the Colville Confederated Tribes or failure to abide by the applicable state or federal laws.

6-2-13 Special License for Non-Profit Organization

The Board, upon written petition, may issue a license for special purposes to a non-profit organization, as defined in Title 66 of the Revised Code of Washington, as determined by regulations established by the Board. Such special license shall not be issued for a period longer than forty-eight (48) hours and shall allow liquor sales or service by the drink only. A fee shall be charged for the issuance of a special license in an amount to be determined by the Board. No special license shall be issued which provides privileges to a non-profit organization beyond those available under Washington State Law under similar circumstances.

6-2-14 Tax Rates

(a) A tax amounting to precisely the same amount of tax collected by the State of Washington on the same or similar liquor item shall be assessed and collected by the Liquor Board, unless some other amount is determined by Liquor Board Regulations. Taxes shall be paid by each taxpayer under this Chapter to the Board on the fifteenth day of each month for all liquor products sold delivered during the preceding month. Unpaid taxes shall accumulate simple interest at a rate of 18% per year.

(b) The Board shall collect taxes due by bringing civil lawsuits against delinquent distributors in the Tribal Court or other Court having jurisdiction. The Board shall bring these tax collection suits in its own name or in the name of the Colville Confederated Tribes. The Board, with an appropriate Tribal Court Order, shall have the power to seize and sell any property of delinquent distributors for taxes interest due.

(c) Taxes collected by the Board shall be held in a trust account until paid over by the Board to the Treasurer of the Colville Confederated Tribes.

(d) The Board shall have the power to allow or license its own agent to be the sole distributor of certain liquor products within the boundaries of the Colville Indian Reservation.

6-2-15 Sovereign Immunity Preserved

Nothing in this Chapter is intended or shall be construed as a waiver of the sovereign immunity of the Confederated Tribes of the Colville Reservation. No member of the Liquor Board or manager or employee of the Liquor Enterprise is authorized to waive the immunity from suit of the Colville Confederated Tribes.

6-2-16 Other Business

A licensee under this Chapter may conduct other business simultaneously with the management of a liquor products outlet. The other business may be conducted on the same premises.

6-2-17 Operating Without a License

No person shall operate a liquor product outlet or tavern within the boundaries of the Colville Indian Reservation without first obtaining a current and valid Tribal license under this Chapter; persons in violation of this section shall be considered to be in violation of all federal Indian liquor laws and regulations as well as in violation of this Chapter.

6-2-18 Violations

(a) The Liquor Board of the Colville Confederated Tribes shall have the following powers to enforce this Chapter.

(b) Non-payment of Taxes:

(1) Any person or entity within or doing business within the boundaries of the Colville Indian Reservation who shall not pay the taxes required to be paid under this Chapter shall be proceeded against in the Tribal Court of the Colville Confederated Tribes.

(2) The Tribal Court of the Colville Confederated Tribes is empowered to seize, attach, and forfeit to the Colville Confederated Tribes any property belonging to any person who shall be alleged or found to have failed to pay taxes due and owing under this Chapter; provided that the amount of property forfeited shall not be of a wholesale value greater than the amount of taxes alleged or found to be due and owing.

(3) Persons sued under this Section by the Liquor Board shall be entitled to a full evidentiary and adversary hearing before the Tribal Court of the Colville Confederated Tribes before any order or forfeiture may be issued. Persons sued under this Section shall have the burden of proving that they do not own any taxes or that they have been assessed a greater amount of taxes than they lawfully own under this Chapter.

(c) Failure to Obtain a License and all Other Violations:

(1) Any person or entity who shall violate any provision of this Chapter, except non-payment of taxes due, shall be proceeded against in a civil lawsuit by the Liquor Board in the Tribal Court of the Colville Confederated Tribes for an order and injunction closing and locking the liquor sales business. The Tribal Court shall not issue any order or injunction closing any business for a violation of this Chapter without granting to the defendant the opportunity to have full evidentiary and adversary hearing before the Tribal Court.

(2) The Liquor Board shall bring all persons or entities who violate any provision of this Chapter, except non-payment of taxes due, to the attention of the Federal Bureau of Investigation and the

United States Attorney for the Eastern District of Washington, for the purpose of requesting a federal prosecution of such persons or entities for violation of Federal Indian liquor statutes.

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Special Retail License for Non-Profit Club or Other Organization

The Board, upon written petition, may issue a license similar in effect to the Washington State Class H Liquor license as defined and limited in Revised Code of Washington Sections 66.04.010(5), 66.24.400, 66.24.420, 66.24.450, to a club or fraternal organization; provided that the Board shall determine the fee to be charged for each category of license, and that R.C.W. § 66.24.450(1) shall not apply to decisions of the Board.

(Chapter 6-2 Passed 10/9/53, Resolution 1953-50)