

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Third Year, 2013

AN ACT

RELATING TO, LAW AND ORDER AND NAABIK'ÍYÁTI'; AMENDING
17 N.N.C. §412

BE IT ENACTED:

Section 1. Amendment of Title 17 of the Navajo Nation Code

The Navajo Nation Council hereby amends Title 17 of the Navajo Nation Code, as follows:

NAVAJO NATION CODE
TITLE 17. LAW AND ORDER
CHAPTER 3. OFFENSES
SUBCHAPTER 12. INTOXICATING LIQUORS

§ 412. Exceptions

A. It shall not be unlawful for any person to sell, manufacture, deliver or transport intoxicating liquor if such liquor is intended for scientific, sacramental, medicinal or mechanical purposes.

B. For the purposes of this Subchapter, "Navajo Indian Country" does not include rights-of-way when intoxicating liquor is being transported through Navajo Indian Country in unbroken packages or in containers with unbroken federal tax stamps.

C. It shall not be unlawful for any person, Indian, or non-Indian, to sell, deliver, transport or consume intoxicating liquor in that part of the Navajo Nation covered by the Antelope Point Resort and Marina Business Site Lease provided that:

1. The transportation, sale, delivery and consumption of alcoholic beverages is in conformity with applicable Navajo Nation and state regulatory liquor laws only as specifically permitted by federal law; and
2. All sales of alcoholic beverages be at prices no less than the prices charged for similar products in adjoining areas of the State of Arizona.

The Navajo Tax Commission is hereby authorized to approve such rules and regulations as are necessary and appropriate to ensure the proper transportation, sale, delivery and consumption of alcoholic beverages within the area of the Antelope Point Business Site Lease.

D. It shall not be unlawful for any person, Indian, or non-Indian, to sell, deliver, transport or consume intoxicating liquor within a ~~duly authorized Navajo casino facility~~ Navajo Nation Gaming Enterprise property provided that:

1. The host Navajo Nation chapter approves the sale of the alcoholic beverages; and
2. The transportation, sale, delivery and consumption of alcoholic beverages is in conformity with the applicable state gaming compact and with applicable Navajo Nation and state regulatory liquor laws, only as specifically permitted by federal law; and.
- ~~3. The sale of alcoholic beverages shall be in locations where meals are provided except, in the gift shop, on the casino floor and room service.~~

The Navajo Tax Commission is hereby authorized to approve such rules and regulations as are necessary and appropriate to ensure the proper transportation, sale, delivery and consumption of alcoholic beverages.

Section 2. Effective Date

The amendments enacted herein shall be effective upon its approval pursuant to 2 N.N.C. §221.

Section 3. Codification

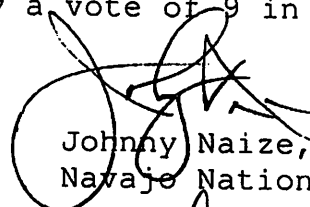
The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 4. Saving Clause

Should any provisions of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

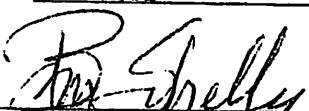
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 9 in favor and 7 opposed, this 28th day of June 2013.


Johnny Naize, Speaker
Navajo Nation Council
July 01, 13
Date

Motion: Honorable Alton Joe Shepherd
Second: Honorable Charles Damon, II

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of JUL 02 2013 2013.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2013 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation