

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Second Year, 2012

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER
~~AND NAABIKI'YATI' ; COMMITTEE ; 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, ~~specifically excluding any state regulatory liquor laws which would require the Navajo Nation and/or its Lessee to be licensed by the State of Arizona, or to be in any way subject to the administrative, executive, judicial or legislative jurisdiction of the State of Arizona.~~
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 provided that:

1. The host Navajo Nation chapter approves the sale of the alcoholic beverages;
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, ~~specifically excluded are any and all state regulatory liquor laws which would require the Navajo Nation and/or its business site lessee to be licensed by the state, or to be in any way subject to the administrative, executive, judicial or legislative jurisdiction of the state; and~~
3. The sale of alcoholic beverages shall be in locations where meals are provided within the confines of the dining area of the Navajo casino facility, 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

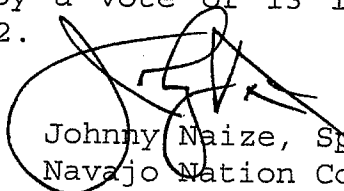
The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

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 13 in favor and 7 opposed, this 17th day of July 2012.

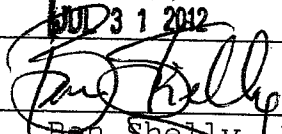

Johnny Naize, Speaker
Navajo Nation Council

July 26 12
Date

Motion: Honorable Charles Damon, II
Second: Honorable Danny Simpson

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 ~~_____~~ 31 2012.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2012 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation

COMMITTEE REPORT
RESOURCES AND DEVELOPMENT COMMITTEE
22ND NAVAJO NATION COUNCIL --- Second Year, 2012

Mr. Speaker:

The Resources and Development Committee, to whom has been referred;

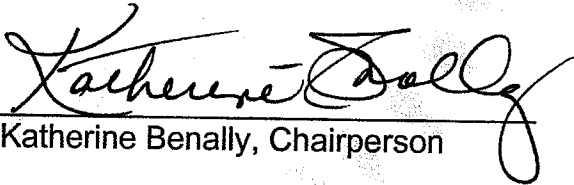
LEGISLATION NO. 0173-12

Introduced by the Hon. Mel R. Begay

An action relating to Resources and Development; Law and Order, Naa'bik'iyati Committee:
Amending 17 N.N.C. §412

has had it under consideration and reports the same with a **DO PASS** recommendation with no amendments.

And thence referred to the **LAW AND ORDER COMMITTEE** on this 8th Day of May, 2012.


Katherine Benally, Chairperson

Motion: David Tom
Second: Roscoe Smith
Vote: 03 in favor, 01 opposed and 00 abstained

**LAW AND ORDER COMMITTEE
22nd NAVAJO NATION COUNCIL**

SECOND YEAR 2012

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATION NO. 0173-12

An Act Relating to Resources and Development, Law and Order, Naa' Bik'Iyati' Committee; Amending 17 N.N.C. §412. *Sponsor: Mel R. Begay*

Has had it under consideration and report the same with a recommendation that it **DO NOT PASS** and with the following amendments:

Page 3, Line 3, Paragraph 3, after the words "in locations where food is provided" insert the following language "limited to no more than two servings.".

and therefore referred to **NAA' BIK'IYATI' COMMITTEE**.

Respectfully submitted,



Edmund Yazzie, Chairperson
Law and Order Committee of the
22nd Navajo Nation Council

Date: May 21, 2012

The vote was 0 in favor and 3 opposed.

Motion: Alton Shepherd

Second: Duane S. Tsinigine

22nd NAVAJO NATION COUNCIL – SECOND YEAR 2012

The **NABIK'ÍYÁTI' COMMITTEE OF THE NAVAJO NATION COUNCIL** to whom has been assigned:

LEGISLATION NO. 0173-12

Has had it under consideration and report the same with the recommendation that it **DO PASS** with two amendments.

1. Page two line 23 and 24 take out underscored language should read 'Navajo casino facility provided that' remove strike out line 11 through line 14 page two retain over stricken language line 29 30 and page 3 line 1 through 4. Delete underscore language on line 3 "in location where food is provided"
2. Line 10 after the word law insert "only as specifically permitted by federal law"
Line 29 after the word law insert "only as specifically permitted by federal law"

And therefore referred the same to **THE NAVAJO NATION COUNCIL**.



Johnny Naize, Speaker
Nabik'íyáti' Committee

Dated: June 14, 2012

Motioned by: Honorable Dwight Witherspoon.

Seconded by: Honorable Kenneth Maryboy

Vote: 13 in Favor, 1 Opposed and Abstain