

RESOLUTION OF THE
NAVAJO NATION COUNCIL

21st NAVAJO NATION COUNCIL -- Fourth Year, 2010

AN ACT

RELATING TO ECONOMIC DEVELOPMENT AND FINANCE; ENACTING THE
GAMING DEVELOPMENT FUND AMENDMENTS ACT OF 2010; AMENDING 12
N.N.C. §1608

BE IT ENACTED:

Section 1. Findings; purpose

The Navajo Nation Council hereby finds the following:

A. The Navajo Nation has been pursuing Indian gaming since the early 1990's to create another revenue stream for the Nation, to create much needed jobs (construction job, as well as casino jobs), and to stimulate economic development.

B. The Navajo Nation Council established the Navajo Gaming Ordinance and the Navajo Gaming Regulatory Office to regulate gaming activities within the Navajo Nation. 5 N.N.C. §§2001-2057.

C. The Navajo Nation Council established the Navajo Nation Gaming Enterprise as the tribal gaming enterprise to conduct gaming activities within the Navajo Nation in accordance with Navajo law, applicable Navajo Nation-state gaming compacts, and federal law. 5 N.N.C. §§ 1701-1719.

D. The Navajo Nation Council established the Gaming Development Fund to provide funding for gaming development within the Navajo Nation. 12 N.N.C. §§ 1601-1608.

E. Since its inception, the Gaming Development Fund has been primarily used by the Navajo Nation Gaming Enterprise and Navajo Gaming Regulatory Office to initiate gaming development, which includes paying for the start-up costs (feasibility studies, environmental studies, archeological surveys, land surveys, Traffic Impact Analyses, soil samples, start-up personnel operations costs, etc.) for the Navajo Nation casinos.

F. On November 17, 2008, the Navajo Nation Gaming Enterprise successfully opened the "Fire Rock Navajo Casino" using the Gaming Development Fund and a \$35 million loan from the Navajo Land Acquisition Trust Fund.

G. The Gaming Development Fund will expire on May 1, 2011 if not extended; and there is a continuing need to use the Gaming Development Fund for an additional two years to go toward development activities necessary to establish additionally - planned Navajo Nation casinos.

Section 2. Enactment of Gaming Development Fund Amendments Act of 2010

The Navajo Nation hereby enacts the Gaming Development Fund Amendments Act of 2010.

Section 3. Amendments to Title 12

The Navajo Nation hereby approves the following amendments to the Gaming Development Fund, Title 12, Navajo Nation Code, Section 1608.

**Title 12. Fiscal Matters
Chapter 16. Gaming Development Fund**

Section 1608. Effective Period

The effective date of the Fund shall be May 1, 2006, and the Fund shall remain in place until May 1, 2013 ~~for a period of five years.~~ At the end of that period, all monies remaining in the Fund that have not been budgeted or encumbered at that time shall be deposited into the General Fund of the Navajo Nation.

Section 4. Effective Date

The amendments approved herein shall become effective in accord with 2 N.N.C. § 221.

Section 5. Codification

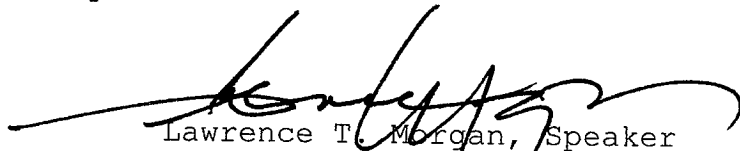
The provisions of this act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 6. 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

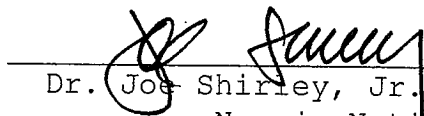
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 69 in favor and 8 opposed, this 25th day of October 2010.


Lawrence T. Morgan, Speaker
Navajo Nation Council
29 Oct 10
Date

Motion: Leonard Anthony
Second: Harold Wauneka

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 8 day of November 2010.


Dr. Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2010 for the reason(s) expressed in the attached letter to the Speaker.

Dr. Joe Shirley, Jr., President
Navajo Nation