



23rd Navajo Nation Council

MEMORANDUM

To : Manuel Rico, Senior Programs and Projects Specialist
OFFICE OF LEGISLATIVE SERVICES

From : 15711
Tom Platero, Executive Director
OFFICE OF LEGISLATIVE SERVICES

Date : January 9, 2019

Subject : ***23rd Navajo Nation Council Expired Legislation***

Pursuant to 2 N.N.C. § 164 (A) (1), "The last day for consideration of resolutions shall be December 31st of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out and labeled as "expired":

NAVAJO NATION COUNCIL:

0399-17	0424-17	0098-18	0136-18
0183-18	0224-18	0328-18	0344-18
0356-18	0358-18	0367-18	0373-18
0385-18	0393-18	0404-18	0416-18
0422-18			

NAABIK'YATI' COMMITTEE:

0224-15	0361-16	0341-18	0406-18
0418-18	0427-18		

BUDGET AND FINANCE COMMITTEE:

0021-17	0392-17	0099-18	0261-18
0287-18	0398-18	0435-18	0436-18

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE:

0414-18	0419-18	0451-18
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LAW AND ORDER COMMITTEE:

0114-17	0031-18	0217-18	0307-18
0353-18	0360-18	0364-18	0437-18

RESOURCES AND DEVELOPMENT COMMITTEE:

0402-15	0104-16	0121-16	0183-16
0282-16	0296-16	0370-16	0384-16
0135-17	0176-17	0386-17	0400-17
0076-18	0395-18	0415-18	0443-18

Legislation need to be closed out as soon as possible. If you have any questions, please let me know.

CONCURRENCE:



Honorable LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

COPIES: Pete K. Atcitty, Chief of Staff, Office of the Speaker
Ed McCool, Acting Chief Legislative Counsel, Office of Legislative Counsel
Files

LEGISLATIVE SUMMARY SHEET

Tracking No. 0427-18

DATE: December 14, 2018

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER.
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING 17
N.N.C. §412

PURPOSE: This legislation proposes an amendment to the Navajo Criminal Code allowing for the sale, delivery, transport or consumption of beer and wine only at restaurants on the Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 6:00pm 12/18/18
Posting End Date: 12/23/2018
Eligible for Action: 12/24/2018

Law & Order Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

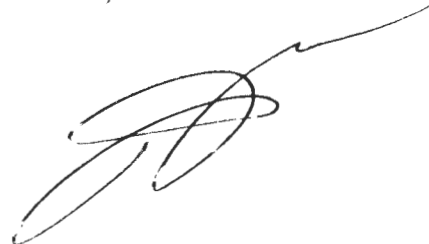
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY



(Sponsor)



TRACKING NO. 0427-18

AN ACT

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

Section One. Authority

- A. The Navajo Nation Council established the Law and Order Committee (LOC) as a Navajo Nation standing committee and as such empowered LOC to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 600 (A), 601 (B)(14).
- B. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. 2 N.N.C. § 164 (A)(9).
- C. The Navajo Nation Council must review and approve enactments of positive law. 2 N.N.C. § 102(A).

Section Two. Findings

- A. The Navajo Nation Code currently allows the sale, delivery, transport and consumption of liquor on the Navajo Nation and restricted to the Antelope Point Resort and Marina Business Site Lease and the Navajo Nation Gaming Enterprise property under certain conditions.

1 B. The proposed amendment to Title 17 is to allow beer and wine sales at restaurants on
2 the Navajo Nation; spirits and packaged liquor sales will not be permitted.

3 C. The Navajo Tax Commission regulations currently include a provision for Retailer
4 License for Restaurants. See Navajo Nation Liquor Regulations, 1.114,
5 www.tax.navajo-nsn.gov.

6
7 **Section Three. Amendment of Title 17 of the Navajo Nation Code**

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

10
11 **NAVAJO NATION CODE**

12 **TITLE 17. LAW AND ORDER**

13 **CHAPTER 3. OFFENSES**

14 **SUBCHAPTER 12. INTOXICATING LIQUORS**

15 * * * *

16 **§ 412. Exceptions**

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

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

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

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

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

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

- 8 1. The host Navajo Nation chapter approves the sale of the alcoholic beverages;
- 9 2. The transportation, sale, delivery and consumption of alcoholic beverages is in
10 conformity with the applicable state gaming compact and with applicable Navajo
11 Nation and state regulatory liquor laws, only as specifically permitted by federal
12 law.

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

16 E. It shall not be unlawful for any person, Indian, or non-Indian, to sell, deliver,
17 transport or consume beer and wine only at restaurants on the Navajo Nation
18 provided that:

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

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

27 * * * *

28
29
30 **Section Four. Effective Date**

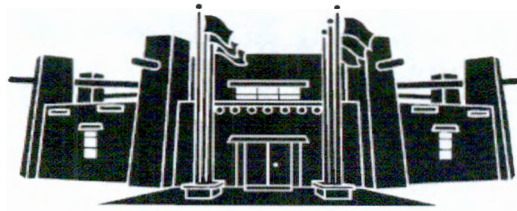
1 The amendments enacted herein shall be effective upon its approval pursuant 2
2 N.N.C. §221.

3
4 **Section Five. Codification**

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


9
10 **Section Six. Saving Clause**

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



MEMORANDUM

TO: Hon. Lee Jack
23rd Navajo Nation Council

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: December 14, 2018

SUBJECT: AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI'
COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING 17
N.N.C. §412

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee review based on the standing committees powers outlined in 2 N.N.C. §§ 102, 164 and 600. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0427-18_

SPONSOR: Lee Jack

TITLE: An Action Relating To Law And Order, NAABIK'IYATI' Committees And Navajo Nation Council; Amending 17 N.N.C. §412

Date posted: December 18, 2018 at 6:00 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0427-18

SPONSOR: Honorable Lee Jack


TITLE: An Action Relating To Law And Order, NAABIK'IYATI' Committees And Navajo Nation Council; Amending 17 N.N.C. §412

Posted: December 18, 2018 at 6:00 PM

5 DAY Comment Period Ended: December 23, 2018

Digital Comments received:

Comments Supporting (1)	1. Stan Sapp, CEO; Navajo Nation Hospitality Enterprise
Comments Opposing (5)	1. Tyson Yazzie 2. Leola Thompson 3. Alvera J. Wilson 4. Dr. Mark J. Haynes 5. Vernita James
Inconclusive Comment	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

12/24/2018 8:30am

Date/Time



NAVAJO NATION HOSPITALITY ENTERPRISE

December 20, 2018

Office of Legislative Services
Navajo Nation
Via Email: comments@navajo-nsn.gov

Re: Legislation 0427-18; Allowing for the Sale, Delivery, Transport or Consumption of Beer and Wine only at Restaurants on the Navajo Nation.

Council Delegates:

The purpose of this correspondence is to advise anyone considering the above referenced legislation that the Navajo Nation Hospitality Enterprise (NNHE) supports this legislation.

NNHE routinely receives questions regarding the availability of beer and wine during their prospective travel on the Navajo Nation. Additionally, numerous foreign tour operators tell us that their decision to stay off the Navajo Nation was based primarily on the lack of availability of beer and wine on the Navajo Nation. It is our opinion that the revenue (including Navajo Nation tax revenue) gained if beer and wine sales were legalized at Navajo Nation restaurants would be very significant

We are concerned with legalizing alcohol sales, but believe the benefits to allowing alcohol sales outweigh the negative social consequences.

Anyone considering this legislation is welcome to contact us with questions.

Sincerely,

Stan Sapp, CEO
Navajo Nation Hospitality Enterprise

Public Comment in Opposition to Legislation No. 0427-18

Tyson Yazzie <tysonyazzie@navajo-nsn.gov>

Wed 12/19/2018 12:20 PM

To: comments <comments@navajo-nsn.gov>;

To Whom It May Concern:

I am a tribal prosecutor for the Chinle/Dzil Yijiin Judicial Districts. I have served the Navajo Nation as a tribal prosecutor for approximately six years. I **strongly oppose** Delegate Lee Jack's legislation. This legislation, if approved, will prove to be disastrous for our Navajo families and communities. Our families and communities are already suffering from alcoholism. I implore you all to visit our jails and talk to our inmates. Many of them will tell you that they're incarcerated because of alcoholism. Why would any elected leader wish to disregard their illnesses and allow alcohol to be delivered to and consumed at all restaurants across the Navajo Nation? The current crisis of extremely intoxicated individuals that now congregate around public shopping areas will now move into restaurants. This legislation is a floodgate and is a step toward legalizing alcohol across the Navajo Nation. I strongly oppose this legislation. Please focus on establishing residential treatment facilities on the reservation for individuals suffering from substance abuse disorders and other common mental health illnesses.

Thank you.

Tyson Yazzie
PO Box 1
Ganado, AZ 86505

Legislation No. _0427-18_

Leola Thompson <ljtngaz@gmail.com>

Thu 12/20/2018 1:41 PM

To: comments <comments@navajo-nsn.gov>;

Greetings Navajo Nation Council & NAABIK'IYATI' Committee Members;

I am one of a thousand of the Navajo/Dine people, a concerned community member, distressed mother/grandmother praying that her voice may be heard by those in leadership whom decide the fate of their people. I am addressing the latest Legislation No: 0427-18 being proposed by Lee Jack as sponsor - An action relating to law and order Amending 17 N.N.C. ~412. As a constituent, I am appalled by this latest action to amend the Navajo Nation Code to allow alcohol on the reservation. We have fought long and hard to close down the bordering liquor stores and now this! Has our morals disappeared so...that it is not a problem to introduce such a thing once again to our people who still struggle to this day with addictions and all the other issues that arise from the use of alcohol! Is there no shame any more?! We have entrusted the decision making to each of you elected members. I plea to those honorable council members who understand the long hard struggle our people have endured to attain health and balance in harmony for our children and future. This action is a step back into the use of alcohol by so many. The long lasting effects of abuse are felt and will be felt long after these decisions have been made. I implore you to stand fast for the betterment of our people. Vote against this action and protect our future! Together we can stand and look into our children's faces and tell them that we have done the best we can to ensure their safety and promise of a bright future.

Legislation No. _0427-18_

Alvera Wilson <alvej.wlsn@gmail.com>

Thu 12/20/2018 3:44 PM

To: comments <comments@navajo-nsn.gov>;

Attention: Navajo Nation Council & Naabik'iyati' Committee members:

I am a concerned registered member from Kinlichee Chapter, with regard to the subject matter; and as a concerned mother, grandmother and community member, I will make a stand against this legislation. When we vote officials into their respective offices, we expect our leaders to protect our people from these type of harm; and this is a 'red-flagged' HARM to our Dine people. Do you believe that we are so greedy for money that we have to resort to this? Because this legislation is TRULY JUST TO GET MORE MONEY! Please, please, with all due respect, vote AGAINST this action.

Alvera J. Wilson

Re: Legislation No 0427-18

haynes9@frontiernet.net

Fri 12/21/2018 11:42 PM

to comments <comments@navajo-nsn.gov>;

To the Navajo Nation Tribal Council:

As Pastor of Ganado Baptist Church, AZ Highway 264, Ganado, Navajo Nation, AZ 86505, I would like to state that the congregation of the church strongly opposes Legislation NO: 0427-18: An Action Relating to Law and Order, NAABIK'IYAT'I' Committees And Navajo Nation Council; Amending 17 N.N.C. 412.

In the 22 years I have had the privilege of living on the Navajo Nation, I have seen the destructive effects of alcohol among our people. The argument that the financial windfall that would come from taxes pales in comparison to the results among the families and people of this Reservation. To make the availability of alcohol an easier process is, in my estimation, irresponsible when the total cost is taken into consideration.

We should be better than that. We should not cave in to the need for revenue at the expense of the lives and well-being of the people of the great Navajo Nation. The people of this Reservation deserve better economic opportunities than the very thing that is destroying families, making orphans, widows, and widowers.

I and the people of Ganado Baptist Church respectfully request that the Tribal Council deny approval to Legislation No. 0427-18. It is a bad bill that does not consider the long-term negativity that will come to the great Navajo Nation.

Thank you for your kind attention to this matter.

Respectfully,

Dr. Mark J. Haynes
Ganado Baptist Church
PO Box 458
AZ Highway 264
Ganado, Navajo Nation, AZ 86505
haynes9@frontiernet.net

Title 17 Legislative 4027-18

V J <t00shallow@yahoo.com>

Sat 12/22/2018 4:21 AM

To: comments <comments@navajo-nsn.gov>;

Hello! I am writing this email regarding the above subject title. I am 100% **AGAINST** legalizing alcohol beverages in restaurants/ hotels on the Navajo Reservation. It is bad enough to see our Navajo people intoxicated in public streets panhandling, hit Chiking, just imagine what it will be like here on reservation? Please keep alcohol liquor away from our Navajo reservation. Alcohol is destroying our families and love ones, and causing domestic violence that are so severe that leads to death. Currently, the death rate is high as a result of alcohol and other drug usage and increasing number of vehicle accidents as a result from DWI/DUI and over dose. More of our children are ending up in shelters. All the drunks are going to hang out at the restaurants and hotel as a result. We also have other problems such as sex/ human trafficking, by allowing alcohol, all the different crimes are going to increase. Our reservation does not have the resources such as the police force, jail cells, personnel, lawyers right now so imagine this is problem is going to go out of control.

Also, didn't you make border town alcohol sales illegal recently? This contradicts your endeavor.

We love our Navajo reservation, and want to live in harmony with our Dine people, so please Do Not legalize alcohol on the reservation, Keep the alcohol off our reservation!

Please hear my concerns, I'd appreciate it if council delegates vote against legalizing alcohol on the reservation.

Thank you for hearing my concern and reading this message.

Vernita James

Sent from Vee's iPhone

**LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,


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

Legislation No. 0427-18: An Act Relating to Law and Order, Naabik'iyati' Committees and Navajo Nation Council; Amending 17 N.N.C. §412 – Sponsors: Honorable Lee Jack, Sr./Honorable Seth Damon

Has had it under consideration and reports the same with the recommendation that it **DO NOT PASS** with no amendment

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Edmund Yazzie, Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: December 31, 2018

Main Motion: Honorable Kee A. Begay, Jr.
Second : Honorable Raymond Smith, Jr.
Vote : 0-2-1 (Chairperson not voting)

LAW AND ORDER COMMITTEE

**Special Meeting
December 31, 2018**

VOTE TALLY SHEET:

Legislation No. 0427-18: An Act Relating to Law and Order, Naabik'iyati' Committees and Navajo Nation Council; Amending 17 N.N.C. §412 – Sponsors: Honorable Lee Jack, Sr./Honorable Seth Damon

Main Motion: Kee A. Begay, Jr.

Second: Raymond Smith, Jr.

Vote: 0-2-1

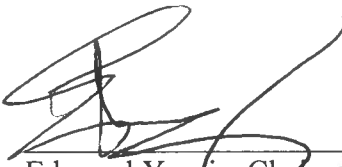
VOTE TALLY:

YEAS:

NAYS: Kee A. Begay, Jr./Raymond Smith, Jr.

NOT VOTING: Edmund Yazzie

EXCUSE: Otto Tso/Herman M. Daniels



Edmund Yazzie, Chairperson
Law and Order Committee



Laureen Spencer, Legislative Advisor
Law and Order Committee