LEGISLATION NO: _0139-20__  SPONSOR: Daniel Tso

TITLE: An Action Relating to Law and Order, Health, Education and Human Services and Naabik’íyáti’ Committees; Opposing Liquor License Application Filed by Dollar Store in the Community of Saint Michaels, Arizona Located within the Territorial Jurisdiction of the Navajo Nation

Date posted: June 24, 2020 at 5:35PM

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DATE:       June 24, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTÍ' COMMITTEES; OPPOSING LIQUOR LICENSE APPLICATION FILED BY DOLLAR STORE IN THE COMMUNITY OF SAINT MICHAELS, ARIZONA LOCATED WITHIN THE TERRITORIAL JURISDICTION OF THE NAVAJO NATION

PURPOSE:   This Resolution, if adopted, opposes the liquor license application filed by Dollar Store in the Community of Saint Michaels, Arizona located within the Territorial Jurisdiction of the Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0139-20

AN ACTION

RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING LIQUOR LICENSE APPLICATION FILED BY DOLLAR STORE IN THE COMMUNITY OF SAINT MICHAELS, ARIZONA LOCATED WITHIN THE TERRITORIAL JURISDICTION OF THE NAVAJO NATION

WHEREAS:

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600 (A). Consistent with Navajo Nation law, the committee represents the Navajo Nation at state and federal levels on proposed legislation such as health, education, environmental health, employment, veterans and other matters affecting the Navajo Nation. 2 N.N.C. § 401(B)(7). Its oversight includes all health-related issues.

B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700. The committee is empowered to coordinate all federal and state programs with other standing committees for purposes of providing the most efficient delivery of services to the Navajo Nation. 2 N.N.C. § 701(A)(4).

C. The Navajo Division of Behavioral and Mental Health has summarized the problem of alcohol in Native Americans throughout the United States as follows:
"Alcohol and Substance Use has a profound effect on the American Indian/Alaska Native (AI/AN) population. It impacts families and communities leading to increases in domestic violence, drug overdoses, public intoxication, crimes, child and elder abuse cases, chronic health conditions, fetal alcohol syndrome, unintentional injuries, and suicide ideations and attempts, and ultimately, leading to death. The adverse effects of alcohol and substance use puts a burden on public safety, health care facilities, the judicial systems, raises the level of poverty, and unemployment, and increases education risk factors such as dropping out of school."

D. Family Dollar Store is a Virginia-based discount store. As its name suggests, it caters to low income people. The company has over 8,000 stores across the United States, including stores within the exterior boundaries of the Navajo Nation. To increase sales and profits, the national chair has recently decided to expand its business to include the sale of liquor in certain stores. Family Dollar Store, No. 32091, located in the community of Saint Michaels, Arizona, within the Navajo Nation, is one of these stores. This store provide notice, on June 16, 2020, that it has made application to the state of Arizona Liquor Board to sell liquor within the exterior boundaries of the Navajo Nation. The Navajo Nation opposes all efforts of Family Dollar to set up operations for the sale of liquor within the Navajo Nation.

E. The Navajo Nation is a sovereign nation. The government seeks to protect the health, safety, and welfare of all its tribal members, as well as all residents living within the boundaries of the Navajo Nation. The parcel of land on which Family Dollar sits is surrounded by tribal lands; a descriptive satellite map of the area is attached as Exhibit A. Under Navajo Nation law, it is illegal to sell, possess, consume, or to transport liquor anywhere on the Navajo Nation without some authorization of the Navajo Nation government. 17 N.N.C. §411.

F. Saint Michaels is a community within the Navajo Nation. Family Dollar sits in the center of this community. Within very close proximity of the Family Dollar, there are churches, a Catholic school (Saint Michael Indian School) and a federal building next to it (within a few feet and sharing the same entrance from the highway). There is also an
entire residential neighborhood right next to the business, with a playground for children. In addition to the other hazards that will result, property values in this neighborhood will certainly drop due to sales of liquor within the area.

G. Other property interests and public service entities immediately adjacent to Family Dollar include a U.S. Post Office in Saint Michael, the Karigan Professional Building Complex (housing a number of tribal programs, such as the Navajo Tax Commission, the Human Rights Office, the Navajo Business Development Office, and the Navajo Nation Bar Association), Navajo radio station – KTNN, a Child Care operated by Christian Health Care Services, the Saint Michaels Senior Citizens Program, Toyei Industries (providing services for developmental disabilities and mental illness), and the Ch’ihootso Baptist Church. These entities providing essential services are within and less than one mile of Family Dollar. None of this vital and important information is provided in the application for the sale of liquor, essential matters that should be in this type of application.

H. Family Dollar sits on lands surrounded by tribal land. Any liquor sold to customers by Family Dollar could not lawfully be taken beyond the parking lot. As a result, liquor sold by Family Dollar would have to be consumed on the premises. This is very concerning.

I. Geographically, Family Dollar sits adjacent to State Highway 264, with Gallup, New Mexico to the east and Tuba City in Arizona (within the Navajo Nation).

J. Alcohol sales present hazards associated with driving and multiple fatalities have occurred on Highway 264 due to drunk driving. Selling liquor along this major highway will certainly increase accidents related to drunk driving. Concerns for pedestrian safety are also present in this area as intoxicated pedestrians have been hit and killed on this stretch of highway.

K. Within the Navajo Nation, 55% of calls for help and assistance concern public intoxication. Of communities within the Navajo Nation, Tuba City and Window Rock receive the highest number of calls concerning public intoxication. Both of these communities are along Highway 264, with Saint Michaels located within 2 miles of Window Rock. Data/Statistics, Navajo Division of Behavioral and Mental Health Services.
L. The sale of alcohol at Family Dollar in Saint Michaels will unquestionably contribute to an increase in drunk driving crashes, as well as an increase in the number of pedestrians killed due to intoxication.

M. Alcohol is a major problem within the Navajo Nation. The harm caused by alcohol on members of the Navajo Nation has been devastating. Members of the Navajo Nation have died from the consumption of alcohol or been killed because of it. The rate of alcoholism is alarming within the Navajo Nation. Governments possess moral and legal obligations to protect its citizens. Considering the devastating impact and harm alcohol has had on members of the Navajo Nation, it would be unconscionable to grant a license to Family Dollar to sell liquor within the community of Saint Michaels or any other place within the Navajo Nation.

N. The short comment period of 20 days for a liquor license is much too short. This is unfair to the public, as well as residents living within the area that would be affected by the issuance of a liquor license to Family Dollar, and businesses operating and providing services in the area that may wish to comment on Family Dollars’ application. In the interest of public safety and fair opportunity to be heard, the state of Arizona must extend this period. Further, stricter requirements should be placed on liquor license applicants in providing information as to its location and a description of the surrounding area, including demographics. The burden of providing such information should not be placed on those who would be affected.

NOW THEREFORE BE IT RESOLVED:

The Navajo Nation hereby OPPOSES the liquor license application submitted by Family Dollar Store no. 32091, located within the exterior boundaries of the Navajo Nation.