

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0139-20__

SPONSOR: Daniel Tso

TITLE: An Action Relating to Law and Order, Health, Education and Human Services and Naabik'iváti' 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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LEGISLATIVE SUMMARY SHEET

Tracking No. 0139-20

DATE: June 24, 2020

TITLE OF RESOLUTION: 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

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.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 06-29-20
Eligible for Action: 06-30-20

Law & Order Committee
Thence
Health Education & Human Services Committee
Thence
Naabik'iyáti' Committee

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'iyáti' 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:

1 “Alcohol and Substance Use has a profound effect on the American Indian/Alaska
2 Native (AI/AN) population. It impacts families and communities leading to
3 increases in domestic violence, drug overdoses, public intoxication, crimes, child
4 and elder abuse cases, chronic health conditions, fetal alcohol syndrome,
5 unintentional injuries, and suicide ideations and attempts, and ultimately, leading
6 to death. The adverse effects of alcohol and substance use puts a burden on
7 public safety, health care facilities, the judicial systems, raises the level of
8 poverty, and unemployment, and increases education risk factors such as dropping
9 out of school.”

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

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

27 F. Saint Michaels is a community within the Navajo Nation. Family Dollar sits in the
28 center of this community. Within very close proximity of the Family Dollar, there are
29 churches, a Catholic school (Saint Michael Indian School) and a federal building next to
30 it (within a few feet and sharing the same entrance from the highway). There is also an

1 entire residential neighborhood right next to the business, with a playground for children.
2 In addition to the other hazards that will result, property values in this neighborhood will
3 certainly drop due to sales of liquor within the area.

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

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

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

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

25 K. Within the Navajo Nation, 55% of calls for help and assistance concern public
26 intoxication. Of communities within the Navajo Nation, Tuba City and Window Rock
27 receive the highest number of calls concerning public intoxication. Both of these
28 communities are along Highway 264, with Saint Michaels located within 2 miles of
29 Window Rock. *Data/Statistics, Navajo Division of Behavioral and Mental Health*
30 *Services.*

1 L. The sale of alcohol at Family Dollar in Saint Michaels will unquestionably contribute
2 to an increase in drunk driving crashes, as well as an increase in the number of
3 pedestrians killed due to intoxication.

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

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

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22
23 **NOW THEREFORE BE IT RESOLVED:**

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