

23rd NAVAJO NATION COUNCIL

First Year 2015

The **NAABIK' IYATI' COMMITTEE** to whom has been assigned

Legislation No. 0016-15

Relating to Naabik'iyati' Committee and Navajo Nation Council;
Amending the Emergency Clause of 2 N.N.C. § 164 - Sponsor:
Honorable Leonard Tsosie

Has had it under consideration and reports the same with the
recommendation that it was **RULED OUT OF ORDER** with no amendment

Respectfully submitted,


Kee Allen Begay, Jr., Pro Tem Chairman
Naabik'iyati' Committee

22 January 2015

MOTION: Honorable

SECOND: Honorable

The vote was 00 in favor and 0 opposed

LEGISLATIVE SUMMARY SHEET

Tracking No. 0016-15

DATE: January 16, 2015

TITLE OF RESOLUTION: AN ACT RELATING TO 'NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING THE EMERGENCY CLAUSE OF 2 N.N.C. § 164

PURPOSE: This resolution will amend 2 N.N.C. § 164 on emergency legislation.

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: mmth
Website Posting Time/Date: 7:34pm 1/14/15
Posting End Date: 1/21/15
Eligible for Action: 1/22/15

Naa'bik'íyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL – First Year, 2015

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0016-15

AN ACT

RELATING TO 'NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL;

AMENDING THE EMERGENCY CLAUSE OF 2 N.N.C. § 164

BE IT ENACTED:

Section One. Findings

A. Navajo Nation Council often considers matters of emergency nature under the emergency clause of 2 N.N.C. § 164 (A)(16) which states as follows:

Matters constituting an emergency shall be limited to the cessation of law enforcement services, disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.

B. When other urgent or emergency matters arise not fitting the definition of the emergency clause, it results in endless debate or passage of a legislation that may be challenged as not fitting the emergency clause. Not all emergency or urgent matters can be fitted under the emergency clause; and the current emergency clause is too limiting and does not consider other emergency matters.

C. It is important to have the Navajo Nation Council consider other emergency or urgent matter facing the Navajo Nation.

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2 **Section Two. Amending Title 2, Chapter 3, Subchapter 1, § 164(A)(16)**

3 The Navajo Nation Council hereby amend 2 N.N.C. §164 as follows:

4 **§ 164. Navajo Nation Council and Committee Legislative Process**

5 A. Statements of policy, enactment of positive law, intergovernmental agreements,
6 budget resolutions and reallocations, must be reviewed and approved by resolution by
7 the appropriate standing committee(s) and the Navajo Nation Council except as
8 otherwise provided herein.

9 ****

10 16. Notwithstanding other provisions provided in this section, including
11 provisions on comment periods and committee review, proposed legislation
12 addressing emergencies shall be processed for immediate consideration by the
13 Navajo Nation Council. Matters constituting an emergency shall be limited to the
14 cessation of law enforcement services, disaster relief services, fire protection
15 services or other direct services required as an entitlement under Navajo Nation or
16 Federal law, or which directly threaten the sovereignty of the Navajo Nation, or
17 other matters which the Navajo Nation Council considers to be of an emergency
18 or urgent nature, including proposed legislation that is in the legislative process,
19 upon a 4/5 vote of the Delegates present before consideration. Such an
20 emergency matter must arise due to the pressing public need for such a
21 resolution(s) and ~~must be a matter requiring final action by the Council.~~

22
23 **Section Three. Codification**

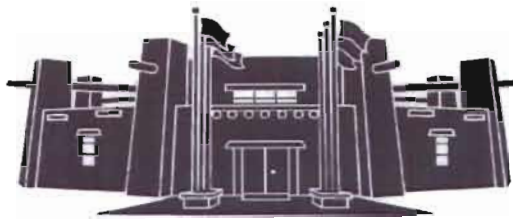
24 The provisions of this Act which amend or adopt new sections of the Navajo Nation
25 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
26 Counsel shall incorporate such amended provisions into the next codification or
27 supplement of the Navajo Nation Code.

28
29 **Section Four. Savings Clause**

1 Should any provision of this Act be determined invalid by the Navajo Nation
2 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
3 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo
4 Nation.

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6 **Section Five. Effective Date**

7 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).
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MEMORANDUM

To : Hon. Leonard Tsosie, Delegate
Navajo Nation Council

From : 

Ron Haven, Attorney
Office of Legislative Counsel

Date : January 16, 2015

Re : AN ACT RELATING TO NAABIK'ÍYÁTTI' AND THE NAVAJO
NATION COUNCIL; AMENDING THE EMERGENCY CLAUSE OF 2
N.N.C. § 164

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

OLC # 14-156-1



January 16, 2015

MEMORANDUM

TO : *Honorable Members*
Naabik'iyati' Committee
Navajo Nation Council

FROM : 
Hon. Kee Allen Begay, Jr., Speaker Pro Tem
22nd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Naabik'iyati' Committee and the Navajo Nation Council;

Legislation No. 0016-15

RELATING TO NAABIK'IYATI' AND THE NAVAJO NATION COUNCIL;
AMENDING THE EMERGENCY CLAUSE OF 2 N.N.C. § 164.

As the Committee assigned to consider the legislation, Legislation No. 0016-15 must be placed on the Naabik'iyati' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0016-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Mark Grant, *Controller*
Dominic Beyal, *Executive Director, OMB*
Honorable Leonard Tsosie, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0016-15_____ SPONSOR: Leonard Tsosie

TITLE: An Action Relating To An Naabik'iyati' And The Navajo Nation Council;
Amending The Emergency Clause Of 2 N.N.C. § 164

Date posted: January 16, 2015 at 7:34pm

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) 871-7590

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.: 0016-15

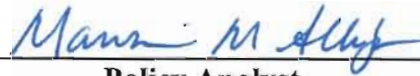
SPONSOR: Honorable Leonard Tsosie

TITLE: Relating To Naabik'iyati' And The Navajo Nation Council; Amending The
Emergency Clause Of 2 N.N.C. § 164.

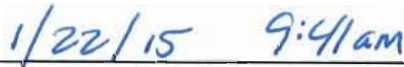
Posted: January 16, 2015 at 7:34 PM

5 DAY Comment Period Ended: January 21, 2015

Digital Comments received: *No comments were received*



Policy Analyst
Office of Legislative Services



Date/Time