

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0190-16

**DATE:** June 14, 2016

**TITLE OF RESOLUTION:** AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING TITLE 16 CHAPTER 1, CHAPTER 3, CHAPTER 5, CHAPTER 6 AND CHAPTER 7 AND ENACTING THE NAVAJO NATION LAND ACQUISITION ACT OF 2016

**PURPOSE:** This resolution if approved will amend Title 16 and enact the Navajo Nation Land Acquisition Act of 2016.

**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: Sutton B. Balogh  
Website Posting Time/Date: 3:43pm 6/15/16  
Posting End Date: 6/20/16  
Eligible for Action: 6/21/16

Resources & Development Committee

THENCE

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

Law & Order Committee

23rd NAVAJO NATION COUNCIL -- Second Year, 2016

THENCE

INTRODUCED BY

Budget & Finance Committee

THENCE

Naa'bik'íyáti' Committee

THENCE

(Prime Sponsor)

Navajo Nation Council

TRACKING NO. 0190-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER,  
BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO  
NATION COUNCIL; AMENDING TITLE 16 CHAPTER 1, CHAPTER 3, CHAPTER  
5, CHAPTER 6 AND CHAPTER 7 AND ENACTING THE NAVAJO NATION LAND  
ACQUISITION ACT OF 2016

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 500 (C), exercises oversight authority over land. 2 N.N.C §§ 164 (A)(2) and 500 (A).
- B. The Resources and Development Committee is authorized and empowered to investigate, negotiate and recommend all purchases and acquisitions of real estate by and for the Navajo Nation. 2 N.N.C. § 501 (B)(4)(a); See also 16 N.N.C. § 7.
- C. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164 (A)(2), 600 (A), and 601(B)(14).
- D. The Budget and Finance Committee is a standing committee of the Navajo Nation Council and is empowered with the oversight of Navajo Nation fiscal policies and

oversight of fund management plans. 2 N.N.C. §§ 164 (A)(2); 300(A), 300(C)(1) and 301(B)(13).

E. The Navajo Nation Council established the Naabik'iyáti' 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'iyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A) (2015); CO-45-12.

F. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A) (2015); CO-45-12.

## SECTION TWO. FINDINGS

A. The Navajo Nation consists of different types of land and properties within the States of Arizona, Utah and New Mexico.

B. The population within the Navajo Nation has increased and continues to grow making it necessary to update the acquisition of land to accommodate the population growth.

C. Acquisition of lands is necessary for the economic development of the Navajo Nation.

D. Acquisition of lands is necessary to protect the sovereignty and the cultural integrity of the Navajo Nation.

E. In 1954, the Policy of the Navajo Tribe on Acquisition of Lands was enacted for the major purpose of acquiring new lands.

F. The acquisition or disposal of lands or real property requires transactions or exchanges of funds. It is important that not one person or department have the sole and full authority to consummate such transactions.

G. It is important to have more than one official involved in the acquisition of land in addition to committee oversight to prevent questionable transactions.

H. The laws to be enacted herein is to establish a Navajo Nation Land Acquisition Commission and that it work with the Office of the President, Navajo Nation Council, Resources Development Committee, and other offices to provide for the expeditious final approval for any acquisition of real property for the Navajo Nation or disposition of Navajo Nation real property.

- 1 I. It is within the Navajo Nation's best interest to amend Title 16 Land and enact the  
2 Navajo Nation Land Acquisition Act of 2016.

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4 **SECTION THREE. REPEALING TITLE 16: CHAPTER 1, CHAPTER 3, CHAPTER**  
5 **5 AND CHAPTER 6**

6 The Navajo Nation repeals the Navajo Nation Code, Title 16 Chapter 1, Chapter 3, Chapter  
7 5 and Chapter 6:

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9  
10 **NAVAJO NATION CODE ANNOTATED**  
11 **TITLE 16. LAND**  
12 **~~CHAPTER 1. NAVAJO NATION POLICY ON ACQUISITION OF LANDS~~**

13  
14 **~~§ 1. Major purposes~~**

15 ~~A. The Navajo Nation's major purposes in acquiring new lands/properties shall be to:~~

16 ~~1. Consolidate Indian holdings in "checkerboard" areas wherever the best interests of the~~  
17 ~~Navajos residing in the area and the welfare of the Navajo Nation are served thereby; [moved~~  
18 ~~above]~~

19 ~~2. Provide grazing lands for members of the Navajo Nation who do not have grazing permits;~~

20 ~~3. Provide additional or substitute lands for members of the Navajo Nation who reside in~~  
21 ~~overcrowded areas of the Reservation;~~

22 ~~4. Relieve Reservation land resources from excessive use.~~

23 **~~§ 2. Methods of acquisition~~**

24 ~~The Navajo Nation may acquire new lands by exchange, gift, or purchase.~~

25 **~~§ 3. Land acquisition program; code of use; priorities~~**

26 ~~The Resources Committee of the Navajo Nation Council is authorized and directed to: (1)~~

27 ~~Formulate a land acquisition program; (2) Develop a code of use for land acquired; and (3)~~

28 ~~Establish areas to be given priority attention.~~

29 **~~§ 4. Management of agricultural and range lands~~**  
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1       It is the policy of the Navajo Nation to manage agricultural and range lands in accordance  
2       with principles of sound and practical use, developing such lands to their maximum and  
3       preventing practices which damage or deteriorate them.

4       **§ 5. Unrestricted lands; taxes and fees**

5       Except as the United States may otherwise determine, the Navajo Nation shall, in acquiring  
6       unrestricted lands, assume responsibility for the payment of taxes lawfully imposed, and of all  
7       established fees for the use of federally or state-owned lands.

8       **§ 6. Scope of land acquisition**

9       Land acquisition includes agricultural and range lands and land for business or industrial  
10      purposes.

11      **§ 7. Land acquisition proposals; plans for use**

12      The Resources Committee of the Navajo Nation Council is authorized and directed to  
13      consider and investigate land acquisition proposals and to report findings and  
14      recommendations to the Navajo Nation Council. Proposals for land acquisition shall not be  
15      considered by the Navajo Nation Council unless the lands and the possible uses thereof  
16      conform to this land acquisition policy. Following acquisition thereof, a specific plan shall be  
17      prepared showing in detail the proposed use and operation of said land, which plan shall  
18      conform to the land use code and shall be strictly complied with. No deviation therefrom  
19      shall be permitted without the consent of the Navajo Nation Council based upon the  
20      recommendation of the Resources Committee.

21      **§ 8. Cost of purchased lands**

22      Purchased lands shall be acquired within a total cost calculated to yield to the Navajo  
23      nation sufficient income from such land to pay taxes, land use fees, cost of administration,  
24      and to amortize the Navajo Nation investment over a period not to exceed 50 years. Provided,  
25      however, that the cost of range lands purchased by the Navajo Nation in New Mexico may be  
26      amortized for a period not to exceed 99 years.

27      **§ 9. Appraisal of land**

28      All acquisition of land shall be based on a comprehensive appraisal thereof, to be secured by  
29      the Navajo Nation and approved by the Navajo Nation Council and authorized officials of the  
30      Bureau of Indian Affairs. No Navajo Nation monies shall be expended for the purchase in

1 excess of the appraisal value plus an amount equal to ten percent (10%) in excess of such  
2 appraised value unless fully justified. Purchases must conform to the limitations established in  
3 16 N.N.C. § 8, as indicated by the approved appraisal report.

4 **§ 10. Procedure for acquisition of land**

5 A. ~~The procedure for acquisition of land shall be as follows:~~

- 6 1. ~~Sufficient indication to Navajo Nation representatives that a property owner would~~  
7 ~~consider sale of his or her property to the Navajo Nation, an instrument granting~~  
8 ~~Navajo Nation representatives access to the property for the purpose of conducting~~  
9 ~~preliminary investigations of the property will be secured.~~
- 10 2. ~~When a preliminary investigation disclosing that the property is desirable when~~  
11 ~~adjudged by the standards stated in the Navajo Nation land acquisition program, an~~  
12 ~~appraisal report will be secured. After review by the Resources Committee, the~~  
13 ~~appraisal report will be submitted to designated Bureau of Indian Affairs official for~~  
14 ~~approval.~~
- 15 3. ~~After approval of the appraisal report by the Bureau of Indian Affairs, authorized~~  
16 ~~Navajo Nation representatives may enter into negotiations with the property owner.~~  
17 ~~Negotiations will be governed by the estimates in the approved appraisal report, and the~~  
18 ~~principles of the Navajo Nation Land Purchase Program.~~
- 19 4. ~~If negotiations are carried on longer than six months, the appraisal report will be~~  
20 ~~supplemented to bring value estimates in line with current market conditions.~~

21  
22 **NAVAJO NATION CODE**

23 **TITLE 16. LAND**

24 **CHAPTER 3. LAND ACQUISITION TRUST FUND**

25 **§ 201. Establishment**

26 There is hereby established, the Navajo Nation Land Acquisition Trust Fund (hereinafter  
27 referred to as the "Fund"). Each year, and during the appropriation of the Navajo Nation  
28 Operation Budget, the Navajo Nation Council shall budget a sum equal to at least two percent  
29 (2%) of any and all projected revenues of the Navajo Nation, including, but not limited to  
30 revenues received from taxed, oil and gas mining and minerals, timber, land rentals, interest

1 and dividends, gain on sale of securities and other revenue producing activities for transfer to  
2 the Fund. Supplemental appropriations may be added to the Fund at any time. Any money  
3 deposited into the Fund, plus accrued interest, shall be used only as provided hereinafter.

#### 4 **§ 202. Investment of the Fund**

5 A. ~~All monies deposited in the Fund shall be invested to purchase land for the Navajo~~  
6 ~~Nation in accordance with the Land Acquisition Policies and Procedures adopted by the~~  
7 ~~Resources Committee of the Navajo Nation Council.~~

8 B. ~~Pursuant to 16 N.N.C. § 1, the major purposes of acquiring new lands are:~~

- 9 1. ~~To consolidate Indian holdings in the "checkerboard" area wherever the best interests of~~  
10 ~~the Navajos residing in the area and the welfare of the Navajo Nation are served thereby;~~
- 11 2. ~~To provide grazing lands for members of the Navajo Nation who do not have grazing~~  
12 ~~permits;~~
- 13 3. ~~To provide additional or substitute lands for members of the Navajo Nation who reside in~~  
14 ~~overcrowded areas of the Reservation;~~
- 15 4. ~~To relieve Reservation land resources from excessive use; and~~
- 16 5. ~~To provide land necessary for approved Navajo Nation enterprises.~~

17 C. ~~Pursuant to 16 N.N.C. § 6, land acquisition may include agricultural and range lands and~~  
18 ~~land for business or industrial purposes.~~

19 D. ~~The administrative management of the Fund shall be entrusted with the Navajo Land~~  
20 ~~Department. Pursuant to CN 72-92, the Resources Committee of the Navajo Nation Council~~  
21 ~~serves as the Legislative Oversight Committee over the Navajo Land Department and has~~  
22 ~~(certain authority and function in the land acquisition process). All investment objectives shall~~  
23 ~~be approved in accordance with 16 N.N.C. § 1, et seq., and other applicable Navajo Nation~~  
24 ~~laws.~~

#### 25 **§ 203. Definition of principal and income**

26 The following definitions shall apply:

27 A. "Fund Principal" shall consist of the initial appropriation plus two percent (2%) annual  
28 contribution from any and all projected revenues of the Navajo Nation, including, but not  
29 limited to revenues received from taxes, oil and gas mining and minerals, timber, land rentals,  
30

1 interest and dividends, gain on sale of securities and other revenue producing activities for  
2 transfer to the Fund. The Fund principal shall include the supplemental appropriations that may  
3 be added to the Fund at any time.

4 B. "Fund Income" shall consist of all earnings, including interest, dividends, etc., generated by  
5 the principal of the Fund.

6  
7 **§ 204. Expenditure of Fund principal**

8 Fund principal shall not be expended except pursuant to a two-thirds (2/3) vote of the full  
9 membership of the Navajo Nation Council.

10  
11 **§ 205. Expenditure of Fund income**

12 Ninety percent (90%) of the Fund income shall be used for land acquisition(s). Ten  
13 percent (10%) of the Fund income shall be reinvested in the Fund to cover the rate of inflation.

14  
15 **§ 206. Annual audited report**

16 The Fund shall be audited annually by the Navajo Nation Auditor General. The audit  
17 report shall be made available to the Resources Committee, the Budget and Finance  
18 Committee, the Office of the Speaker, and the President and Vice President of the Navajo  
19 Nation and members of the Navajo Nation Council.

20  
21 **§ 207. Expenses**

22 Expenses to hire licensed land appraiser may be paid from the fund income until the  
23 Navajo Land Department has employed a full-time licensed appraiser.

24  
25 **§ 208. Amendments**

26 Sections 201, 202, 203, 205, 206, and 207 may be amended by the Navajo Nation  
27 Council upon the recommendation of the Resources Committee of the Navajo Nation Council  
28 and the Navajo Land Department; § 204 shall be amended only by two-thirds (2/3) vote of the  
29 full membership of the Navajo Nation Council.



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NAVAJO NATION CODE

TITLE 16. LAND

CHAPTER 5. ACQUISITION OF LANDS

SUBCHAPTER 1. ACQUISITION OF PUBLIC LANDS

**~~§ 401. Purchases under Isolated Tract Law~~**

~~The Resources Committee and Navajo Nation Council are instructed to include the purchase of public land under the Isolated Tract Law (43 U.S.C. § 1171) or other applicable law in the Navajo Land Acquisition Program, and the President of the Navajo Nation, in accordance with such procedures as the Committee may approve, is authorized to submit applications, present bids, and assert preference rights, on behalf of the Navajo Nation, to purchase any tract of public land pursuant to applicable law.~~

**~~§ 402. Applications, bids and preference rights under Isolated Tract Law~~**

~~A. The President of the Navajo Nation, upon and with approval of the Resources Committee is authorized to submit applications and bids and assert preference rights on all lands available for purchase under the applicable public law as, in his or her discretion, would be desirable for the Navajo Nation to acquire in the "checkerboard" area of New Mexico and in the States of Arizona and Utah.~~

~~B. The President is further authorized to take any action necessary for the completion of these acquisitions including, but not limited to, perfecting appeals from adverse decisions of the Bureau of Land Management.~~

NAVAJO NATION CODE

TITLE 16. LAND

CHAPTER 5. ACQUISITION OF LANDS

SUBCHAPTER 3. GIFTS OF LANDS

**~~§ 451. Gifts of lands within Reservation~~**

1 A. ~~The President of the Navajo Nation is authorized to accept, on behalf of the Navajo~~  
2 ~~Nation, gifts of unimproved lands within the exterior boundaries of the Navajo Indian~~  
3 ~~Reservation, and of other lands within the exterior boundaries containing improvements not in~~  
4 ~~excess of the value of one thousand dollars (\$1,000).~~

5 B. ~~The President of the Navajo Nation with the consent of the Government Services~~  
6 ~~Committee is authorized to accept gifts of lands within the exterior boundaries of the Navajo~~  
7 ~~Indian Reservation containing improvements in excess of the value of one thousand dollars~~  
8 ~~(\$1,000).~~

9  
10 **~~§ 452. Gifts of lands outside Reservation~~**

11 A. ~~The President of the Navajo Nation with the consent of the Government Services~~  
12 ~~Committee is authorized to accept gifts of lands not exceeding the value of ten thousand dollars~~  
13 ~~(\$10,000), including the value of improvements thereon, outside the exterior boundaries of the~~  
14 ~~Navajo Indian Reservation.~~

15 B. ~~Gifts of lands outside the exterior boundaries of the Navajo Indian Reservation of a value~~  
16 ~~exceeding ten thousand dollars (\$10,000), including the value of improvements thereon, shall~~  
17 ~~be accepted by the President of the Navajo Nation only pursuant to special authorization of the~~  
18 ~~Navajo Nation Council.~~

19  
20 **~~§ 453. Lands defined~~**

21 ~~The term "lands", as used in 16 N.N.C. §§ 451 and 452 shall mean land or any parcel~~  
22 ~~thereof, or any interest in land or in any parcel thereof, including leasehold interests.~~

23  
24 **~~§ 454. Funds for taxes, rents or other charges~~**

25 ~~Before the President shall accept any gifts of lands on behalf of the Navajo Nation he or she~~  
26 ~~shall ascertain what taxes, rents, or other charges will become due thereon during the remainder~~  
27 ~~of the fiscal year in which such gift is to be accepted, and shall not accept any such gift unless~~  
28 ~~sufficient funds are provided in the Navajo Nation budget currently in force to pay such charges~~  
29 ~~during such fiscal year.~~

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NAVAJO NATION CODE

TITLE 16. LAND

CHAPTER 6. NAVAJO LAND CONSOLIDATION PLAN

**§ 501. Purpose of Plan**

The purpose of the Navajo Land Consolidation Plan is to provide additional authority to consolidate and augment the Navajo land base, in accordance with the provisions of the Indian Land Consolidation Act, 25 U.S.C. §§ 2201, et seq. (ILCA). The Indian Finance Act (April 12, 1974; P.L. 93-262, Title 1); 88 Stat. 78 (codified at 25 U.S.C. § 1466 [1983], 25 U.S.C. 463(a)); 25 U.S.C. 465, the Federal Property and Administration Services Act of 1949, as amended (codified at 40 U.S.C. § 483(a) [Supp. 1987]), and § 5 of the Navajo and Hopi Indian Rehabilitation Act of 1950, as amended (codified at 25 U.S.C. § 635) provide further authority for taking land and improvements into trust for the Navajo Nation under this Plan. Acquisitions of land under this Plan shall conform to the policies, priorities, and procedures of Chapter 1, Title 16 of the Navajo Nation Code, unless otherwise expressly stated in this Plan or any amendment thereto approved by the Navajo Nation Council or a duly authorized committee. Lands so acquired will be administered for economic, industrial, residential, recreation, and other purposes as set forth by the Navajo Nation Council and its duly authorized committees.

**§ 502. Land consolidation area**

A. The land acquisition and consolidation area includes all lands, including federally administered and public domain lands, within:

1. The boundaries of the Navajo Reservation;
2. Navajo "Indian Country" as defined by 18 U.S.C. § 1151;
3. The aboriginal land area of the Navajo Tribe of Indians, as established by the Indian Claims Commission;
4. The Counties of McKinley, San Juan, Sandoval, Cibola, Bernalillo, Socorro, and Valencia in the State of New Mexico; and
5. Such other lands as designated on the map attached as Figure "A" to Navajo Nation Council Resolution CMY-23-88.

1 ~~B. Any land consolidation plans approved previously by the Bureau of Indian Affairs for the~~  
2 ~~satellite Reservations of Alamo, Canoneito, and Ramah shall be deemed to be incorporated~~  
3 ~~herein, and may be amended by the Navajo Nation Council or its duly authorized committees.~~  
4

5 **~~§ 503. Operational policy and procedure~~**

6 ~~A. — Tracts and properties within the land consolidation area will be continually monitored to~~  
7 ~~identify available acquisitions. Close contact will be maintained with the Bureau of Indian~~  
8 ~~Affairs, Navajo Area Branch of Realty personnel for identification of individual allotted and~~  
9 ~~restricted heirship lands or minerals or water rights, with the Navajo Nation's preferential rights~~  
10 ~~being exercised during the sale process.~~

11 ~~B. — Specific proposals for acquisition and consolidation will be developed by the Resources~~  
12 ~~Committee of the Navajo Nation Council, with the assistance of the Navajo Division of Natural~~  
13 ~~Resources and the Department of Justice of the Navajo Nation. The Resources Committee will~~  
14 ~~recommend to the Navajo Nation Council resolutions for final action, and to authorize the~~  
15 ~~Bureau of Indian Affairs to accomplish any federal actions needed to effect such transaction.~~

16 ~~C. — An interest bearing trust account shall be established by the Secretary of the Interior or~~  
17 ~~his or her delegate pursuant to 25 U.S.C. § 2203(a)(4). All proceeds derived from transactions~~  
18 ~~of tribal land consolidations shall be deposited into this account and utilized only for the~~  
19 ~~purposes of land consolidation.~~

20 ~~D. An appraisal of value will be developed in accordance with the established standards of the~~  
21 ~~appraisal profession by the Navajo Land Department and utilized as a guide in all acquisitions,~~  
22 ~~disposals, exchanges, and other proposals for land consolidation. The Navajo Nation Code and~~  
23 ~~all applicable provisions of the Code of Federal Regulations (25 C.F.R. Part 151 Land~~  
24 ~~Acquisitions) shall be followed.~~  
25

26 **~~§ 504. Purchase, sale or exchange of interests~~**

27 ~~The Navajo Nation Council upon recommendation of the Resources Committee, may sell,~~  
28 ~~exchange, purchase, or acquire any Navajo trust or restricted or unrestricted lands, or interests~~  
29 ~~in such lands for the purpose of eliminating undivided fractional interests in Navajo Nation~~  
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1 trust or restricted lands, or consolidation of Navajo Nation land holdings. Any such purchase,  
2 sale, or exchange shall conform to the following conditions:

3 A. ~~The sale price paid or exchange value received by the Navajo Nation for land or~~  
4 ~~interests in land covered by this Section shall deviate by no more than ten percent (10%) of the~~  
5 ~~fair market value;~~

6 B. ~~If the Navajo Nation land involved in an exchange is of greater or lesser value than the~~  
7 ~~land for which it is being exchanged, the Navajo Nation may accept the land exchange or give~~  
8 ~~or receive cash in such exchange to equalize the values of the property exchanged;~~

9 C. ~~Proceeds from the sale of land or interests in land or proceeds received by the Navajo~~  
10 ~~Nation to equalize an exchange made pursuant to this Section shall be deposited into the~~  
11 ~~account established pursuant to § 503(C) above, and additional monies may be deposited in~~  
12 ~~said account as authorized by the Navajo Nation Council;~~

13 D. ~~The Navajo Nation may reserve the mineral and water rights to such sold or exchanged~~  
14 ~~land; and~~

15 E. ~~The Navajo Nation may purchase less than the whole estate.~~

16  
17 **§ 505. Purchase of undivided fractional interests**

18 A. ~~The Navajo Nation may purchase at no less than the fair market value all of the surface~~  
19 ~~interests of any tract of trust or restricted land within the land consolidation area described in §~~  
20 ~~502 above with the consent of the majority of the owners of such tract or allotment as required~~  
21 ~~by 25 U.S.C. § 2204, under the following conditions:~~

22 1. ~~Any Navajo person owning an undivided interest, and in actual use and possession of~~  
23 ~~such tract for at least three consecutive years preceding the Nation's offer may purchase such~~  
24 ~~tract by matching the Navajo Nation's offer;~~

25 2. ~~If at any time within five years following the date of acquisition of such land by an~~  
26 ~~individual under § 505(A)(1), such property is offered for sale or a petition is filed with the~~  
27 ~~Bureau of Indian Affairs for removal of the property from trust or restricted status, the Navajo~~  
28 ~~Nation shall have 90 days from the date it is notified of such offer or petition to acquire such~~  
29 ~~property by paying to the owner the fair market value.~~  
30

1       B. ~~The Navajo Nation may purchase at no less than fair market value part of all of the~~  
2 ~~interests in any tract of trust or restricted land from willing sellers and shall acquire pursuant to~~  
3 ~~the Indian Land Consolidation Act any de minimis undivided fractionated interests in~~  
4 ~~allotments subject to the escheat provision of the Indian Land Consolidation Act (25 U.S.C. §~~  
5 ~~2206).~~

6       C. ~~All sales which comply with federal law shall be approved by the Bureau of Indian~~  
7 ~~Affairs. Appeals of Bureau of Indian Affairs actions shall be pursuant to Title 25 Code of~~  
8 ~~Federal Regulations, Part 2.~~

9  
10       **§ 506. Public purpose; U.S. acceptance of trust allotments**

11       A. ~~It is hereby declared that the acquisition by the Navajo Nation of trust allotments or of~~  
12 ~~interests in trust allotments within the land consolidation area described in § 502 above is~~  
13 ~~required in the public interest and constitutes a public purpose under Navajo law and under this~~  
14 ~~Act.~~

15       B. ~~Upon the approval of the President of the Navajo Nation or his or her duly authorized~~  
16 ~~delegate and notwithstanding any provision of Navajo law to the contrary, the United States is~~  
17 ~~authorized and directed to accept deeds of trust allotments or interest in trust allotments from~~  
18 ~~any allottee or heir who owns any interest in such allotment and who has deeded such allotment~~  
19 ~~or interest in such allotment or portion thereof to the United States in trust for the Navajo~~  
20 ~~Nation.~~

21       C. ~~No taxes shall be paid by the Navajo Nation on any lands to this Section, and the~~  
22 ~~requirements of §§ 5 and 7-10 (inclusive) of Title 16 of the Navajo Nation Code.~~

23  
24       **§ 507. Administrative rules and regulations**

25       ~~The Director of the Navajo Land Department may, subject to the approval by the Resources~~  
26 ~~Committee of the Navajo Nation Council, promulgate regulations governing the~~  
27 ~~implementation of the provisions of this Navajo Land Consolidation Plan.~~

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1 **SECTION FOUR. ENACTING THE NAVAJO NATION LAND ACQUISITION ACT**  
2 **OF 2016**

3 The Navajo Nation enacts the Navajo Nation Land Acquisition Act of 2016 within Title 16  
4 and Chapter 7 as follows:

5 \_\_\_\_\_  
6  
7 **NAVAJO NATION CODE ANNOTATED**

8 **TITLE 16. LAND**

9 **CHAPTER 1. ACQUISITION OF LANDS/REAL ESTATE**

10  
11 **§1. Title**

12 This Act shall be known as the Navajo Nation Land Acquisition Act of 2016.  
13

14 **§2. Definitions**

- 15 A. Improved property – Land on which residential and/or business purpose structures have  
16 been built or any improvements on the property which increases its value.  
17 B. Aboriginal land – Lands of the Navajo including lands within the exterior boundaries of the  
18 Navajo Nation and lands for Navajo Nation government purposes.  
19 C. Public lands – Public domain lands, unappropriated lands belonging to the federal or state  
20 government that is subject to sale or other disposal under general laws and is not reserved  
21 for any particular government or public purpose.  
22 D. Real estate – Land, buildings, and things permanently attached to land and buildings. See  
23 also real property.  
24 E. Real property – All land, structures, firmly attached and integrated equipment, anything  
25 growing on the land, and all interests in the property which may be the right of future  
26 ownership.  
27 F. Unimproved property – Raw land without improvement, which would increase its  
28 economic value.  
29

30 **§ 3. Policy On Acquisition Of Lands/Real Estate**

1 A. All acquisition and disposal of lands shall be governed by these laws, except where  
2 otherwise provided for by law.

3 B. All Navajo Nation departments, enterprises, commissions and entities must inform and  
4 consult with the Navajo Nation Land Acquisition Commission (Commission) of any  
5 proposed acquisitions so the Commission may have collective knowledge of and provide  
6 input into such proposed acquisitions for the Navajo Nation. Where applicable, Navajo Hopi  
7 Land Commission, for lands in Arizona or New Mexico and Eastern Navajo Land  
8 Commission for lands in New Mexico, shall continue to have authority to acquire real  
9 property under prior laws of the Navajo Nation. All lands shall be in the name and for the  
10 benefit of the Navajo Nation.

11 C. The purpose of the Act is to establish the authority for the Navajo Nation to acquire and  
12 dispose of real property, including but not limited to, the authority to carry out the following:  
13 seek, evaluate, investigate, purchase, acquire, exchanges (swap), sell or dispose of real  
14 property.

15 D. The Navajo Nation's purpose in acquiring new lands and properties shall be to-consolidate  
16 Indian holdings in "checkerboard" areas wherever the best interests of the Navajos residing in  
17 the area and the welfare of the Navajo Nation are served thereby.

18 E. The Navajo Nation may acquire new lands by exchange, gift, or purchase.

19 F. Except as the United States may otherwise determine, the Navajo Nation shall, in acquiring  
20 unrestricted lands, assume responsibility for the payment of taxes lawfully imposed, and of  
21 all established fees for the use of federally or state-owned lands.

22 G. Land acquisition includes agricultural and range lands and land for commercial or industrial  
23 purposes and lands for residential and government/administrative purposes.

24 H. All acquisition of land shall be based on a comprehensive appraisal thereof, to be secured by  
25 the Navajo Land Department and approved by the Navajo Acquisition of Lands Commission.  
26 No Navajo Nation monies shall be expended for the purchase in excess of the appraisal value  
27 plus an amount equal to ten percent (10%) in excess of such appraised value unless fully  
28 justified. Purchases must conform to the limitations established in 16 N.N.C. § 9 &, as  
29 indicated by the approved appraisal report.

30 I. Procedure for acquisition of land or real estate shall be as follows:



- 1        1. The purchase process steps will be in accordance with the real estate standards of practice  
2        as approved by the Commission's rules and regulations.
- 3        2. If negotiations are carried on longer than six months, the appraisal report will be  
4        supplemented to bring value estimates in line with current market conditions, if necessary.

5

6                                **NAVAJO NATION CODE**

7                                **TITLE 16. LAND**

8                                **CHAPTER 1. ACQUISITION OF LANDS/REAL ESTATE**

9                                **SUBCHAPTER 1. NAVAJO NATION LAND ACQUISITION COMMISSION**

10

11        **§ 4. Establishment of the Navajo Nation Land Acquisition Commission**

12        The Navajo Nation Land Acquisition Commission (Commission) is hereby established as a  
13        quasi-independent commission of the Navajo Nation government for the purpose of carrying  
14        out the acquisition and disposal of lands/real estate.

15

16        **§ 5. Membership, Qualification and Term of Commission**

- 17        A. The Commission shall consist of seven members, all of whom shall be Navajo.
- 18        B. The President of the Navajo Nation shall appoint two members of the Navajo Nation, one  
19        from the New Mexico portion of the Navajo Nation and one from the Arizona portion of  
20        the Navajo Nation; both of whom shall have substantial knowledge, understanding, and  
21        competency in the land acquisition field and confirmed by the Naabik'íyáti' Committee.  
22        The members shall serve for a term of six (6) years beginning at the term of the President.  
23        Should no appointment be made within 60 days of the beginning of the term of by the  
24        President, the Resources and Development Committee shall appoint the two (2) members.
- 25        C. The Resources and Development Committee shall appoint two of its members, one from  
26        the New Mexico portion of the Navajo Nation and one from the Arizona portion of the  
27        Navajo Nation. The Budget and Finance Committee shall appoint two of its members to the  
28        Commission, one from the New Mexico portion of the Navajo Nation and one from the  
29        Arizona portion of the Navajo Nation.
- 30

- 1 D. The Division of Natural Resources Executive Director, as appointed by the President and  
2 confirmed by the Navajo Nation Council, shall be a member of the Commission. The  
3 Navajo Land Department Director shall serve on the Commission until the Executive  
4 Director is confirmed.
- 5 E. The terms of the Legislative appointees shall be concurrent with the term of the Council for  
6 Committee appointees and shall serve until their replacement is made or up to 365 days  
7 from the expiration of their term.
- 8 F. A quorum of the Commission shall be four (4) members. The Division of Natural  
9 Resources Executive Director, or the delegated Navajo Land Department Director, shall  
10 attend each meeting.
- 11 G. A member may be removed for failure to attend three (3) consecutive meetings, incapacity  
12 or nonfeasance. Removal shall be initiated by the appointing body and on ratification by the  
13 Naabik'iyáti' Committee.
- 14 H. A vacancy on the Commission, whether caused by death, removal, or resignation, shall be  
15 filled by an interim appointment to complete the vacated term and made in accordance with  
16 this Section.
- 17 I. Each Commissioner shall take an oath of office confirming their adherence to Navajo  
18 Nation laws. The oath of office shall be contained in the policy of the Navajo Acquisition  
19 of Land Commission.

## 20 **§ 6. Powers of Commission**

21 The Commission shall have the following powers:

- 22 A. To consider and investigate all land acquisition or land disposal proposals.
- 23 B. To approve all land acquisitions or land disposal proposals up to Ten Million dollars  
24 (\$10,000,000) and to authorize the Chair of the Commission to sign all, but not limited  
25 to, relevant documents. All land acquisition and land disposal over Ten Million dollars  
26 (\$10,000,000) shall have the recommendation of the Commission. The signature approval  
27 of the President of the Navajo Nation or in the absence of the President of the Navajo  
28 Nation or written refusal to approve the land acquisition by the President of the Navajo  
29 Nation or no response within seven calendar days from the President of the Navajo  
30 Nation or no response within seven calendar days from the President of the Navajo



1 Nation, it shall have the signature approval of the Speaker of the Navajo Nation. Written  
2 notice of refusal by either the President of the Navajo Nation or the Speaker of the  
3 Navajo Nation shall terminate the proposed land acquisition or land disposal.

4 C. To collaborate with the Navajo Land Department who shall have unilateral authority for  
5 all preliminary land investigation and recommendations on land acquisition and land  
6 disposal.

7 D. To approve recommendations on all land acquisition for the purpose of grazing,  
8 homesites and community development in compliance with part (B) herein.

9 E. To approve recommendations on all land acquisition for economic development and  
10 commercial investment property in compliance with part (B) herein.

11 F. To recommend regulations for the purpose of all land acquisition and land disposal to the  
12 Resources and Development Committee, who shall have final approval authority.

13 G. To take all steps necessary to acquire or dispose of real property, which may include: due  
14 diligence studies, hiring a real estate broker, hiring of a real estate attorney, or  
15 appropriating funds for earnest money, closing costs, and title insurance and shall also  
16 have the authority to administer and grant sole and final approval to the budget and  
17 expenditure of the Navajo Nation Land Acquisition Trust Fund.

#### 18 19 **§ 7. Delegation of Authority to Commission**

20 The Navajo Nation Land Acquisition Commission (Commission) is hereby delegated the  
21 authority to grant final approval for any acquisition of real property for the Navajo Nation or  
22 disposition of Navajo Nation real property. The Commission shall report all acquisitions and  
23 dispositions to the Naabik'iyáti' Committee and the President no later than March of each year  
24 and September of each year.

### 25 26 **NAVAJO NATION CODE**

### 27 **TITLE 16. LAND**

### 28 **CHAPTER 1. ACQUISITION OF LANDS/REAL ESTATE**

### 29 **SUBCHAPTER 2. Acquisition of Public Lands**

30

1       **§ 1. Purchases under Isolated Tract Law**

2       The Navajo Nation Land Acquisition Commission is instructed to include the purchase of  
3       public land under the Isolated Tract Law (43 U.S.C. § 1171) or other applicable law in the  
4       Navajo Land Acquisition Program, and the President of the Navajo Nation, in accordance with  
5       such procedures as the Commission may approve, is authorized to submit applications, present  
6       bids, and assert preference rights, on behalf of the Navajo Nation, to purchase any tract of  
7       public land pursuant to applicable law.

8  
9       **§ 2. Applications, bids and preference rights under Isolated Tract Law**

10      A.   The President of the Navajo Nation, upon and with approval of the Navajo Nation Land  
11      Acquisition Commission is authorized to submit applications and bids and assert preference  
12      rights on all lands available for purchase under the applicable public law as, in his or her  
13      discretion, would be desirable for the Navajo Nation to acquire in the "checkerboard" area of  
14      New Mexico and in the States of Arizona and Utah.

15      B.   The President is further authorized to take any action necessary for the completion of  
16      these acquisitions including, but not limited to, perfecting appeals from adverse decisions of the  
17      Bureau of Land Management.

18  
19      **§ 10. Oversight**

20      The Resource and Development Committee of the Navajo Nation Council shall serve as  
21      legislative oversight.

22  
23      **§ 11. Rules and Regulations**

24      Resources and Development Committee of the Navajo Nation Council is hereby authorized to  
25      pass rules and regulations to implement this Act; provided, however, that the effectiveness and  
26      enforceability of this Chapter shall not be dependent on the adoption of such regulations.

27  
28      **§ 12. Prior inconsistent law repealed**

29      All prior Navajo Nation laws, rules, regulations and provisions of the Navajo Nation Code  
30      previously adopted which are inconsistent with this Act are hereby repealed.



1  
2                                   NAVAJO NATION CODE

3                                   TITLE 16. LAND

4                   CHAPTER 1. ACQUISITION OF LANDS/REAL ESTATE

5                               SUBCHAPTER 3. GIFTS OF LANDS

6  
7       § 101. Gifts of lands within Reservation

8       A.    The President of the Navajo Nation is authorized to accept, on behalf of the Navajo  
9       Nation, gifts of unimproved lands within the exterior boundaries of the Navajo Indian  
10       Reservation, and of other lands within the exterior boundaries containing improvements not in  
11       excess of the value of one thousand dollars (\$1,000).

12       B.    The President of the Navajo Nation with the consent of the Naabik'íyáti' Committee is  
13       authorized to accept gifts of lands within the exterior boundaries of the Navajo Indian  
14       Reservation containing improvements in excess of the value of one thousand dollars (\$1,000).

15  
16       § 102. Gifts of lands outside Reservation

17       A.    The President of the Navajo Nation with the consent of the Naabik'íyáti' Committee is  
18       authorized to accept gifts of lands not exceeding the value of ten thousand dollars (\$10,000),  
19       including the value of improvements thereon, outside the exterior boundaries of the Navajo  
20       Indian Reservation.

21       B.    Gifts of lands outside the exterior boundaries of the Navajo Indian Reservation of a value  
22       exceeding ten thousand dollars (\$10,000), including the value of improvements thereon, shall  
23       be accepted by the President of the Navajo Nation only pursuant to special authorization of the  
24       Navajo Nation Council.

25  
26       § 103. Lands defined

27       The term "lands", as used in 16 N.N.C. §§ 451 and 452 shall mean land or any parcel thereof,  
28       or any interest in land or in any parcel thereof, including leasehold interests.

29  
30       § 104. Funds for taxes, rents or other charges

1 Before the President shall accept any gifts of lands on behalf of the Navajo Nation he or she  
2 shall ascertain what taxes, rents, or other charges will become due thereon during the remainder  
3 of the fiscal year in which such gift is to be accepted, and shall not accept any such gift unless  
4 sufficient funds are provided in the Navajo Nation budget currently in force to pay such charges  
5 during such fiscal year.

## 7 **TITLE 16. LAND**

### 8 **CHAPTER 1. ACQUISITION OF LANDS/REAL ESTATE**

#### 9 **SUBCHAPTER 4. NAVAJO LAND CONSOLIDATION PLAN**

##### 11 **§ 201. Purpose of Plan**

12 The purpose of the Navajo Land Consolidation Plan is to provide additional authority to  
13 consolidate and augment the Navajo land base, in accordance with the provisions of the Indian  
14 Land Consolidation Act, 25 U.S.C. §§ 2201, et seq. (ILCA). The Indian Finance Act (April 12,  
15 1974; P.L. 93-262, Title 1); 88 Stat. 78 (codified at 25 U.S.C. § 1466 [1983], 25 U.S.C. 463(a));  
16 25 U.S.C. 465, the Federal Property and Administration Services Act of 1949, as amended  
17 (codified at 40 U.S.C. § 483(a) [Supp. 1987]), and § 5 of the Navajo and Hopi Indian  
18 Rehabilitation Act of 1950, as amended (codified at 25 U.S.C. § 635) provide further authority  
19 for taking land and improvements into trust for the Navajo Nation under this Plan. Acquisitions  
20 of land under this Plan shall conform to the policies, priorities, and procedures of Chapter 1,  
21 Title 16 of the Navajo Nation Code, unless otherwise expressly stated in this Plan or any  
22 amendment thereto approved by the Navajo Nation Council or a duly authorized committee.  
23 Lands so acquired will be administered for economic, industrial, residential, recreation, and  
24 other purposes as set forth by the Navajo Nation Council and its duly authorized committees.

##### 26 **§ 202. Land consolidation area**

27 A. The land acquisition and consolidation area includes all lands, including federally  
28 administered and public domain lands, within:

- 29 1. The boundaries of the Navajo Reservation;
- 30 2. Navajo "Indian Country" as defined by 18 U.S.C. § 1151;



1 3. The aboriginal land area of the Navajo Tribe of Indians, as established by the Indian  
2 Claims Commission;

3 4. The Counties of McKinley, San Juan, Sandoval, Cibola, Bernalillo, Socorro, and Valencia  
4 in the State of New Mexico; and

5 5. Such other lands as designated on the map attached as Figure "A" to Navajo Nation  
6 Council Resolution CMY-23-88.

7 B. Any land consolidation plans approved previously by the Bureau of Indian Affairs for the  
8 satellite Reservations of Alamo, To'hajiilee, and Ramah shall be deemed to be incorporated  
9 herein, and may be amended by the Navajo Nation Council or its duly authorized committees.

10  
11 **§ 203. Operational policy and procedure**

12 A. Tracts and properties within the land consolidation area will be continually monitored to  
13 identify available acquisitions. Close contact will be maintained with the Bureau of Indian  
14 Affairs, Navajo Area Branch of Realty personnel for identification of individual allotted and  
15 restricted heirship lands or minerals or water rights, with the Navajo Nation's preferential rights  
16 being exercised during the sale process.

17 B. Specific proposals for acquisition and consolidation will be developed by the Resources  
18 Committee of the Navajo Nation Council, with the assistance of the Navajo Division of Natural  
19 Resources and the Department of Justice of the Navajo Nation. The Resources Committee will  
20 recommend to the Navajo Nation Council resolutions for final action, and to authorize the  
21 Bureau of Indian Affairs to accomplish any federal actions needed to effect such transaction.

22 C. An interest bearing trust account shall be established by the Secretary of the Interior or  
23 his or her delegate pursuant to 25 U.S.C. § 2203(a)(4). All proceeds derived from transactions  
24 of tribal land consolidations shall be deposited into this account and utilized only for the  
25 purposes of land consolidation.

26 D. An appraisal of value will be developed in accordance with the established standards of  
27 the appraisal profession by the Navajo Land Department and utilized as a guide in all  
28 acquisitions, disposals, exchanges, and other proposals for land consolidation. The Navajo  
29 Nation Code and all applicable provisions of the Code of Federal Regulations (25 C.F.R. Part  
30 151-Land Acquisitions) shall be followed.

1  
2 **§ 204. Purchase, sale or exchange of interests**

3 The Navajo Nation Council upon recommendation of the Resources Committee, may sell,  
4 exchange, purchase, or acquire any Navajo trust or restricted or unrestricted lands, or interests  
5 in such lands for the purpose of eliminating undivided fractional interests in Navajo Nation  
6 trust or restricted lands, or consolidation of Navajo Nation land holdings. Any such purchase,  
7 sale, or exchange shall conform to the following conditions:

8 A. The sale price paid or exchange value received by the Navajo Nation for land or interests  
9 in land covered by this Section shall deviate by no more than ten percent (10%) of the fair  
10 market value;

11 B. If the Navajo Nation land involved in an exchange is of greater or lesser value than the  
12 land for which it is being exchanged, the Navajo Nation may accept the land exchange or  
13 give or receive cash in such exchange to equalize the values of the property exchanged;

14 C. Proceeds from the sale of land or interests in land or proceeds received by the Navajo  
15 Nation to equalize an exchange made pursuant to this Section shall be deposited into the  
16 account established pursuant to § 503(C) above, and additional monies may be deposited in  
17 said account as authorized by the Navajo Nation Council;

18 D. The Navajo Nation may reserve the mineral and water rights to such sold or exchanged  
19 land; and

20 E. The Navajo Nation may purchase less than the whole estate.  
21

22 **§ 205. Purchase of undivided fractional interests**

23 A. The Navajo Nation may purchase at no less than the fair market value all of the surface  
24 interests of any tract of trust or restricted land within the land consolidation area described in §  
25 502 above with the consent of the majority of the owners of such tract or allotment as required  
26 by 25 U.S.C. § 2204, under the following conditions:

27 1. Any Navajo person owning an undivided interest, and in actual use and possession of such  
28 tract for at least three consecutive years preceding the Nation's offer may purchase such tract  
29 by matching the Navajo Nation's offer;  
30



1        2. If at any time within five years following the date of acquisition of such land by an  
2        individual under § 505(A)(1), such property is offered for sale or a petition is filed with the  
3        Bureau of Indian Affairs for removal of the property from trust or restricted status, the  
4        Navajo Nation shall have 90 days from the date it is notified of such offer or petition to  
5        acquire such property by paying to the owner the fair market value.

6        B. The Navajo Nation may purchase at no less than fair market value part of all of the  
7        interests in any tract of trust or restricted land from willing sellers and shall acquire pursuant to  
8        the Indian Land Consolidation Act any de minimis undivided fractionated interests in  
9        allotments subject to the escheat provision of the Indian Land Consolidation Act (25 U.S.C. §  
10       2206).

11       C. All sales which comply with federal law shall be approved by the Bureau of Indian  
12       Affairs. Appeals of Bureau of Indian Affairs actions shall be pursuant to Title 25 Code of  
13       Federal Regulations, Part 2.

14  
15       **§ 206. Public purpose; U.S. acceptance of trust allotments**

16       A. It is hereby declared that the acquisition by the Navajo Nation of trust allotments or of  
17       interests in trust allotments within the land consolidation area described in § 502 above is  
18       required in the public interest and constitutes a public purpose under Navajo law and under this  
19       Act.

20       B. Upon the approval of the President of the Navajo Nation or his or her duly authorized  
21       delegate and notwithstanding any provision of Navajo law to the contrary, the United States is  
22       authorized and directed to accept deeds of trust allotments or interest in trust allotments from  
23       any allottee or heir who owns any interest in such allotment and who has deeded such allotment  
24       or interest in such allotment or portion thereof to the United States in trust for the Navajo  
25       Nation.

26       C. No taxes shall be paid by the Navajo Nation on any lands to this Section, and the  
27       requirements of §§ 5 and 7-10 (inclusive) of Title 16 of the Navajo Nation Code.

28  
29       **§ 207. Administrative rules and regulations**  
30

1  
2 **§ 207. Administrative rules and regulations**

3 The Director of the Navajo Land Department may, subject to the approval by the Resources  
4 Committee of the Navajo Nation Council, promulgate regulations governing the  
5 implementation of the provisions of this Navajo Land Consolidation Plan.  
6

7 **NAVAJO NATION CODE ANNOTATED**

8 **TITLE 16. LAND**

9 **CHAPTER 2. LAND ACQUISITION TRUST FUND**  
10

11 **§ 301. Establishment**

12 There is hereby established, the Navajo Nation Land Acquisition Trust Fund (hereinafter  
13 referred to as the "Fund"). Each year, and during the appropriation of the Navajo Nation  
14 Operation Budget, the Navajo Nation Council shall budget a sum equal to at least two percent  
15 (2%) of any and all projected revenues of the Navajo Nation, including, but not limited to  
16 revenues received from taxes, oil and gas mining and minerals, timber, land rentals, interest and  
17 dividends, gain on sale of securities and other revenue producing activities for transfer to the  
18 Fund. Supplemental appropriations may be added to the Fund at any time. Any money  
19 deposited into the Fund, plus accrued interest, shall be used only as provided hereinafter.  
20

21 **§ 302. Investment of the Fund**

22 All monies deposited in the Fund shall be invested to acquire and dispose of real property for  
23 the Navajo Nation in accordance with the Navajo Nation Land Acquisition Act, 16 N.N.C. §§  
24 1, et seq. The administrative management of the Fund shall be entrusted with the Navajo Land  
25 Department.  
26

27 **§ 303. Definition of principal and income**

28 The following definitions shall apply:

29 A. "Fund Principal" shall consist of the initial appropriation plus two percent (2%) annual  
30 contribution from any and all projected revenues of the Navajo Nation, including, but not



1 limited to revenues received from taxes, oil and gas mining and minerals, timber, land rentals,  
2 interest and dividends, gain on sale of securities and other revenue producing activities for  
3 transfer to the Fund. The Fund principal shall include the supplemental appropriations that  
4 may be added to the Fund at any time.

5 B. "Fund Income" shall consist of all earnings, including interest, dividends, etc., generated  
6 by the principal of the Fund.

7  
8 **§ 304. Expenditure of Fund principal**

9 Fund principal shall not be expended except pursuant to a two-thirds (2/3) vote of the full  
10 membership of the Navajo Nation Council. This section shall be amended only by two-thirds  
11 (2/3) vote of the full membership of the Navajo Nation Council.

12  
13 **§ 305. Expenditure of Fund income**

14 Ninety percent (90%) of the Fund income shall be used for land acquisition(s). Ten percent  
15 (10%) of the Fund income shall be reinvested in the Fund to cover the rate of inflation.

16  
17 **§ 306. Annual audited report**

18 The Fund shall be audited annually by the Navajo Nation Auditor General. The audit report  
19 shall be made available to members of the Navajo Nation Council, and the President and Vice-  
20 President of the Navajo Nation.

21  
22 **§ 307. Expenses**

23 All reasonable and necessary associated expenses for the acquisition of land be paid from the  
24 fund income.

25  
26 **NAVAJO NATION CODE**

27 **TITLE 16. LAND**

28 **CHAPTER 7-3. USE AND DISPOSITION OF LANDS GENERALLY**

29 **SUBCHAPTER 1. GENERAL PROVISIONS**  
30

1       **§ 601. Use By non-Navajos**

2       Grants of land-use to non-Navajo traders, religious organizations, and other non-Navajo  
3 individuals or organizations should be carefully considered and kept to a minimum. The  
4 approval of these matters by the Navajo Nation Council and the Assistant Secretary of the  
5 Interior for Indian Affairs is required.  
6

7       **§ 602. Leases, licenses or easements on unrestricted lands**

8       A. The Resources Committee of the Navajo Nation Council is authorized to grant  
9 easements, leases, and licenses on lands owned by the Navajo Nation in fee simple where the  
10 best interests of the Nation are served thereby, provided, however, that in no case shall any  
11 lease or license be granted for a period in excess of five years, except upon specific  
12 authorization by the Navajo Nation Council.

13       B. However, the Resources Committee may grant homesite leases according to established  
14 Navajo Nation policy for a term not to exceed 65 years, and may provide for the encumbrance  
15 of the leasehold interest to secure capital for the construction or modification of improvements.  
16

17       **§ 603. Approval of rights-of-way; damages**

18       The President of the Navajo Nation and the Navajo Area Director are authorized to approve  
19 all applications for rights of way over Navajo Nation lands, and to assess proper damages  
20 therefor; all payments for damages shall be credited to Navajo Nation funds.  
21

22       **§ 604. Trees and shrubs**

23       All living trees and shrubs shall not be moved, cut, or injured without written permission of  
24 the Superintendent for legitimate purposes.  
25  
26

27       **SECTION FIVE. CODIFICATION**

28       The provisions of the Act which amend or adopt new sections of the Navajo Nation  
29 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative  
30

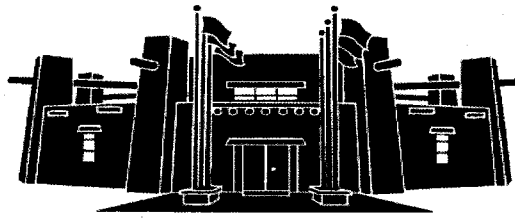
1 Counsel shall incorporate such amended provisions in the next codification of the Navajo  
2 Nation Code.

3  
4 **SECTION SIX. SAVINGS CLAUSE**

5 Should any provision of this Act be determined invalid by the Navajo Nation  
6 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo  
7 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.  
8

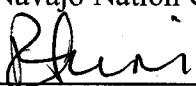
9 **SECTION SEVEN. EFFECTIVE DATE**

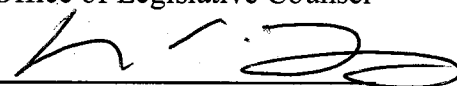
10 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221 (B).  
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**MEMORANDUM**

**TO:** Honorable Leonard Tsosie  
Navajo Nation Council

**FROM:**   
Rhonda L. Tuni  
Office of Legislative Counsel

**THRU:**   
Levon Henry, Attorney  
Office of Legislative Counsel

**DATE:** June 14, 2016

**SUBJECT:** AN ACT RELATING TO RESOURCES AND DEVELOPMENT, LAW  
AND ORDER, BUDGET AND FINANCE AND NAABIK'ÍYÁTI'  
COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING  
TITLE 16 CHAPTER 1, CHAPTER 3, CHAPTER 5, CHAPTER 6 AND  
CHAPTER 7 AND ENACTING THE NAVAJO NATION LAND  
ACQUISITION ACT OF 2016

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, 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. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. 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).

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.



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0190-16\_\_\_\_\_

SPONSOR: Leonard Tsosie

**TITLE: An Action Relating to Resources and Development; Law and Order; Budget and Finance and Naa'bik'iyati' Committees and Navajo Nation Council; Amending Title 16 Chapter 1, Chapter 3, Chapter 5, Chapter 6 and Chapter 7 and Enacting the Navajo Nation Land Acquisition Act of 2016**

***Date posted: June 15, 2016 at 3:43pm***

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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 Nav, ajo 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.:** 0190-16

**SPONSOR:** Honorable Leonard Tsosie

**TITLE:** An Action Relating to Resources and Development; Law and Order; Budget and Finance and Naa'bi'iyati' Committees and Navajo Nation Council; Amending Title 16 Chapter 1, Chapter 3, Chapter 5, Chapter 6 and Chapter 7 and Enacting the Navajo Nation Land Acquisition Act of 2016.

**Posted:** June 15, 2016 at 3:43pm

**5 DAY Comment Period Ended:** June 20, 2016

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Policy Analyst  
Office of Legislative Services**

6/21/16 8:36am  
\_\_\_\_\_  
**Date/Time**



**RESOURCES AND DEVELOPMENT COMMITTEE  
23rd NAVAJO NATION COUNCIL**

**SECOND YEAR 2016**

**COMMITTEE REPORT**

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**LEGISLATION # 0190-16:** An Action Relating to Resources and Development, Law and Order, Budget and Finance and Naabik'iyati Committees and Navajo Nation Council; Amending Title 16, Chapter 1, Chapter 3, Chapter 5, Chapter 6 and Chapter 7, and Enacting the Navajo Nation Land Acquisition Act of 2016. *Sponsor: Honorable Leonard Tsosie*

Has had it under consideration and report the same with a recommendation of a DO PASS with no amendments

And thereafter referred to Law and Order Committee

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alton Joe Shepherd', with a long horizontal line extending to the right.

Alton Joe Shepherd, Chairperson  
Resources and Development Committee  
of the 23<sup>rd</sup> Navajo Nation Council

**Date: June 21, 2016**  
Motion: Honorable Davis Filfred  
Second: Honorable Leonard Pete  
Vote: 3-0-1 (CNV)



## 23<sup>RD</sup> NAVAJO NATION COUNCIL

### OFFICE OF THE SPEAKER


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HONORABLE LORENZO C. BATES  
SPEAKER, 23<sup>RD</sup> NAVAJO NATION COUNCIL

June 21, 2016

#### MEMORANDUM

TO : Tom Platero, Executive Director  
Office of Legislative Services

FROM :   
LoRenzo C. Bates, Speaker  
23<sup>rd</sup> Navajo Nation Council

RE : Legislation No. 0190-16

Legislation No. 0190-16, *Amending Title 16, Chapter 1, Chapter 3, Chapter 5, Chapter 6 and Chapter 7 and Enacting the Navajo Nation Land Acquisition Act of 2016* is scheduled to go to the Law and Order, Budget and Finance, and Naabik'íyáti' Committees before it goes to the Navajo Nation Council. Due to LOC not having a quorum on Monday, June 20 the Legislation did not get considered. By my authority in Title 2, Section 164(A)(5) I am assigning Legislation No. 0190-16 to the Budget and Finance Committee today, June 21 and assigning the Legislation to the Law and Order Committee at their next scheduled meeting. Please ensure your staff makes the necessary arrangements for this reassignment. Thank you.

LEGISLATIVE BRANCH

Office of the Speaker • Post Office Box 3390 • Window Rock, Arizona 86515 • Ph: (928) 871-7160 • Fax: (928) 871-7255

**23<sup>rd</sup> NAVAJO NATION COUNCIL**

Second Year 2016

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

**NAVAJO LEGISLATIVE BILL # 0190-16:**

An Action Relating to Resources and Development, Law and Order, Budget and Finance and Naabikiyati Committees and Navajo Nation Council; Amending Title 16 Chapter 1, Chapter 3, Chapter 5, Chapter 6 and Chapter 7 and Enacting the Navajo Nation Land Acquisition Act of 2016 *Sponsored by Leonard Tsosie, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And therefore, referred to the **NAABIKIYATI** Committee

Respectfully submitted,

  
\_\_\_\_\_  
Seth Damon, Chairman

Adopted:   
\_\_\_\_\_  
Legislative Advisor

Not Adopted: \_\_\_\_\_  
Legislative Advisor

**21 June 2016**

The vote was **5** in favor **0** opposed

**LAW AND ORDER COMMITTEE  
23<sup>RD</sup> NAVAJO NATION COUNCIL**

**SECOND YEAR 2016**

**COMMITTEE REPORT**

Mr. Speaker,

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

**Legislation No. 0190-16:** An Action Relating to Resources and Development, Law and Order, Budget and Finance and Naabik'iyati' Committees and Navajo Nation Council; Amending Title 16 Chapter 1, Chapter 3, Chapter 5, Chapter 6 and Chapter 7 and Enacting the Navajo Nation Land Acquisition Act of 2016 - Sponsor: Hon. Leonard Tsosie

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with no amendments

And thereafter, referred to Naabik'iyati' Committee

Respectfully submitted,



Raymond Smith, Jr., Pro Tem  
Law and Order Committee  
23<sup>rd</sup> Navajo Nation Council

Date: June 22, 2016

Main Motion: Honorable Otto Tso  
Second : Honorable Kee A. Begay, Jr.  
Vote : 2-0 (Pro Tem not voting)

**23<sup>rd</sup> NAVAJO NATION COUNCIL**  
**Naabik'íyáti' Committee**  
**Second Year 2016**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

**NAVAJO LEGISLATIVE BILL #0190-16**

An Action Relating Resources and Development, Law and Order, Budget and Finance and Naabik'íyáti' Committees and Navajo Nation Council; Amending Title 16 Chapter 1, Chapter 3, Chapter 5, Chapter 6 and Chapter 7 and Enacting the Navajo Nation Land Acquisition Act of 2016

*Sponsored by: Honorable Leonard Tsosie*

Has had it under consideration and reports the same **PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



*Honorable LoRenzo Bates, CHAIRMAN*  
*NAABIK'ÍYÁTI' COMMITTEE*

**23 JUNE 2016**

**AMENDMENT #1:** On page 16, line 17, change ~~seven~~ to eight; on page 16, line 18, should appoint ~~two~~ to three; on page 16, line 19, after "Navajo Nation" insert a comma , one from the Utah portion of the Navajo Nation,; on page 17, line 8: quorum will change ~~four (4)~~ to five (5)

*Motioned by: Honorable Davis Filfred*

*Seconded by: Honorable Seth Damon*

**VOTE:** 11 in Favor, 2 Opposed (Speaker Bates not voting)

**MAIN MOTION:**

*Motioned by: Honorable Norman M. Begay*

*Seconded by: Honorable Benjamin Bennett*

**VOTE:** 14 in Favor, 1 Opposed (Speaker Bates not voting)

**NAVAJO NATION**

RCS# 456

6/23/2016

Naa'bik'iyati Committee

05:06:47 PM

Amd#1 to Amd#

Page 16, line 19

PASSED

MOT Filfred

add one from Utah portion

SEC Damon

of the Navajo Nation

Line 18, 3 members

**Yea : 11**

**Nay : 2**

**Not Voting : 11**

**Yea : 11**

Begay, K  
BeGaye, N  
Chee

Damon  
Daniels  
Filfred

Hale  
Slim  
Tso

Tsosie  
Witherspoon

**Nay : 2**

Smith

Phelps

**Not Voting : 11**

Bates  
Begay, NM  
Bennett

Brown  
Crotty  
Jack

Perry  
Pete  
Shepherd

Vacant  
Yazzie

**NAVAJO NATION**

RCS# 457

Naa'bik'iyati Committee

6/23/2016

05:09:18 PM

Amd# to Amd#

Legislation No. 0190-16

PASSED

MOT Begay, NM

Navajo Nation Land Acquisition

SEC Bennett

Act of 2018

**Yea : 14**

**Nay : 1**

**Not Voting : 9**

**Yea : 14**

Begay, K  
Begay, NM  
BeGaye, N  
Bennett

Chee  
Damon  
Daniels  
Filfred

Hale  
Phelps  
Slim

Tso  
Tsosie  
Witherspoon

**Nay : 1**

Smith

**Not Voting : 9**

Bates  
Brown  
Crotty

Jack  
Perry

Pete  
Shepherd

Vacant  
Yazzie