

LEGISLATIVE SUMMARY SHEET

Tracking No. D134-15

DATE: April 16, 2015

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 57, GENERAL PROVISIONS CONCERNING THE NATION'S PROPERTY

PURPOSE: The purpose of the resolution is to amend 2 N.N.C. §57.

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: None
Website Posting Time/Date: 5:05pm 4/24/15
Posting End Date: 4/29/2015
Eligible for Action: 4/30/2015

Law & Order Committee

THENCE

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – First Year, 2015

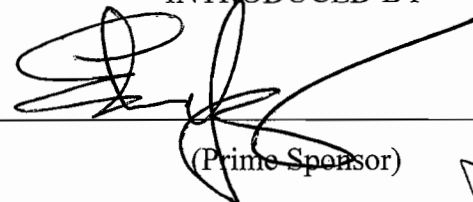
Budget & Finance Committee

THENCE

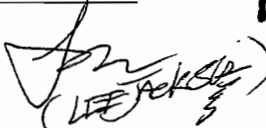
INTRODUCED BY

Naa'biik'iyáti' Committee

THENCE


(Prime Sponsor)

Navajo Nation Council


(LEE JACKSON)

TRACKING NO. 0134-15

AN ACT

RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI'
COMMITTEE AND THE NAVAJO NATION COUNCIL;
AMENDING 2 N.N.C. § 57, GENERAL PROVISIONS CONCERNING
THE NATION'S PROPERTY

BE IT ENACTED:

Section One. Findings

- A. The Navajo Nation Council established the Law and Order Committee (LOC) as a Navajo Nation standing committee and, as such, empowered LOC to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(14) (2012) *see also* CJA-03-13.
- B. The Navajo Nation Council established the Budget and Finance Committee (B&F) as a Navajo Nation standing committee and, as such, empowered B&F to conduct oversight of the Office of the Controller's functions. 2 N.N.C. §§ 164 (A)(9), 300 (A), 301 (B)(13) (2012) *see also* CJA-03-13.
- C. 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) (2012) *see also* CJA-03-13.

- 1 D. The Navajo Nation Council must review and approve enactments or amendments of
2 positive law. 2 N.N.C. § 164 (A) (2012) *see also* CJA-03-13.
- 3 E. Elected officials were chosen by the Navajo People “to preserve, protect and
4 enhance the Diné Life Way and sovereignty of the [P]eople and their government...”
5 1 N.N.C. Chapter 2, ¶ 3.
- 6 F. Elected officials give considerable time and commitment to the Navajo Nation
7 government in service to the People while often foregoing personal commitments to
8 family and relatives, spending numerous hours in travel both on and off the Navajo
9 Nation, and attending the various meetings to gather information to make informed
10 decisions for constituents.
- 11 G. During the elected officials’ time in office they are issued Navajo Nation property to
12 aid in accomplishing their elected duties including home furnishing and related items
13 for the President, Vice-President and Speaker, and communication equipment for
14 Council Delegates so each may stay in touch with the People.
- 15 H. Upon leaving office, the elected officials return the Navajo Nation property to
16 Navajo Nation Property Management.
- 17 I. The Navajo Nation elected officials, in providing public service, make constant use
18 of the Navajo Nation property issued to them and after their public service is
19 complete that property should stay with the public official, with conditions, as both
20 in gratitude for their service and so they may retain the information they created as a
21 public servant.
- 22 J. To recognize the gratitude for the public service of the President, Vice-President,
23 Speaker and Navajo Nation Council Delegates it is necessary to amend 2 N.N.C. §
24 57.

25
26 **Section Two. Amending Navajo Nation Code Title 2**

27 The Navajo Nation Council amends 2 N.N.C. § 57 as follows:
28
29
30

1 **NAVAJO NATION CODE ANNOTATED**
2 **TITLE 2. NAVAJO NATION GOVERNMENT**
3 **CHAPTER 1. ESTABLISHMENT**
4 **SUBCHAPTER 2. PROPERTY CONTROL**

5 ***

6 **§ 57. General provision concerning the Nation's property**

7 ***

8 C. The sale, gift, loan, exchange, or other disposition of any of the Navajo Nation's
9 property, not specifically authorized by regulations ~~or other directives issued by the~~
10 ~~Navajo Nation Council~~, is illegal. Navajo Nation President, Navajo Nation Vice-
11 President, and/or Navajo Nation Council Delegates may purchase officially issued
12 Navajo Nation property at fair market value upon the Budget and Finance
13 Committee's recommendation to the Naabik'íyáti' Committee. Navajo Nation
14 property is defined in 2 N.N.C. § 56.

15 ***

16 **Section Three. Codification**

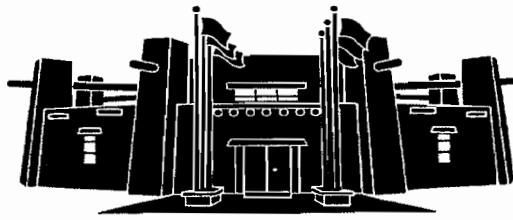
17 The provisions of this Act which amend or adopt new sections of the Navajo Nation
18 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
19 Counsel shall incorporate such amended provisions into the next codification or
20 supplement of the Navajo Nation Code.

21 **Section Four. Savings Clause**

22 Should any provision of this Act be determined invalid by the Navajo Nation
23 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
24 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo
25 Nation.


26 **Section Five. Effective Date**

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



MEMORANDUM

TO: Honorable Edmund Yazzie
Navajo Nation Council Delegate

FROM: 
Carolyn R. West-Taylor, Attorney
Office of Legislative Counsel

DATE: April 17, 2015

SUBJECT: OLC Service Request No. 15-355-1: An Act Relating Law and Order, Budget and Finance, Naabik'íyáti' Committee and the Navajo Nation Council; Amending 2 N.N.C. § 57, General Provisions Concerning the Nation's Property

As requested, I prepared the above-reference proposed resolution and associated legislative summary sheet. Based on existing law and review of documents submitted, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of challenge. You are encouraged to review the proposed resolution to ensure this is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign as "Primary Sponsor" and submit to the Office of Legislative Services where the proposed resolution will be given a tracking number and sent to the Office of the Speaker for assignment.

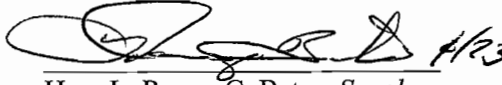
If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make.



April 22, 2015

MEMORANDUM

TO : *Honorable Members*
Law and Order Committee
Budget and Finance Committee
Naa'bik'iyati' Committee
Navajo Nation Council

FROM : 
Hon. LoRenzo C. Bates, *Speaker*
23rd 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 Law and Order Committee, Budget and Finance Committee, Naa'bik'iyati' Committee and the Navajo Nation Council;

Legislation No. 0134-15

RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAA'BIK'IYATI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 57, GENERAL PROVISIONS CONCERNING THE NATION'S PROPERTY.

As the Committee assigned to consider the legislation, Legislation No. 0134-15 must be placed on the Law and Order Committee, Budget and Finance Committee, Naabik'iyati' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0134-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Robert Willie, *Controller*
Dominic Beyer, *Executive Director, OMB*
Honorable Edmund Yazzie, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0134-15_____ SPONSOR: Edmund Yazzie

TITLE: An Action Relating To Law And Order, Budget And Finance, Naabik'iyati' And The Navajo Nation Council; Amending 2 N.N.C. § 57, General Provisions Concerning The Nation's Property

Date posted: April 24, 2015 at 5:08pm

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.: 0134-15

SPONSOR: Honorable Edmund Yazzie

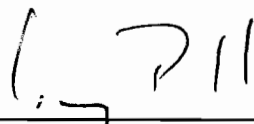
TITLE: Relating To Law And Order, Budget And Finance, Naabik'iyati' And The Navajo Nation Council; Amending 2 N.N.C. § 57, General Provisions Concerning The Nation's Property.

Posted: April 24, 2015 at 5:08 PM

5 DAY Comment Period Ended: April 29, 2015

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	1. Ben Manuelito; Department Manager III, Fleet Management.
Inclusive Comments	<i>None</i>



**Executive Director
Office of Legislative Services**

4/30/2015 - 9:50 am

Date/Time

Legislation 0134-15

Name: Ben Manuelito

email: benmanuelito@navajo-nsn.gov

Position Title: Department Manager III

Department: Fleet Management, P. O. Box 608, Window Rock, AZ 86515

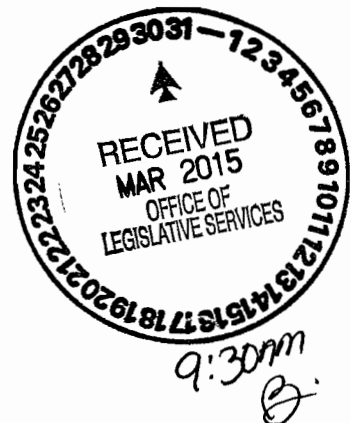
Title: An action relating to Law and Order, Budget and Finance, Naabik'iyati' and the Navajo Nation Council; amending 2 N.N.C. § 57, General Provisions Concerning the Nation's Property

COMMENT

The sale, gift, loan, exchange, or other disposition of any of the Nation's property, not specifically authorized by regulation is illegal. Fleet Management does not support allowing the Navajo Nation President, Navajo Nation Vice-President, and/or Navajo Nation Council Delegates the opportunity to purchase officially issued Navajo Nation property at fair market value upon the Budget and Finance Committee's recommendation to the Naabik'iyat' Committee for Navajo Nation property defined in 2 N.N.C. § 56.

Non-expendable property includes vehicles and all Navajo Nation owned vehicles are assigned to Navajo Nation divisions, departments, programs, and Branches for use to conduct official Navajo Nation business, see 2 N.N.C. § 3555 A., and Navajo Nation Motor Vehicle Operator's Handbook, Chapter 4 Vehicle Assignments, 4.1. The vehicles are not assigned to any specific individual or individuals. Additionally, if an opportunity to purchase a vehicle based on proposed legislation #0134-15, is allowed, this will create budgetary challenges to the various Navajo Nation divisions, departments, programs, and Branches left without a vehicle to conduct official Navajo Nation business.

Moreover, the Navajo Nation Council in adopting the current fiscal year 2015 budget included a condition of appropriation, #12, whereby the Office of the Controller, Property Management Department, (B.U. #107021) was to present a plan for the sale of equipment, vehicles and property to the public to its oversight committee by the end of the 1st quarter. 2 N.N.C. § 57 allows for regulations to be adopted and Property Management must propose a set of regulations to control the manner in which property can be sold. Additionally, before Property Management Department can proceed with any plan, an approved plan of operation for Property Management must be completed.



Ben Manuelito

From: Ben Manuelito
Sent: Wednesday, April 29, 2015 5:22 PM
To: Tom Platero
Subject: Legislation 0134-15
Attachments: Comment Legislation 0134-15 Apr 29 2015.pdf

Tom, attached is comment for proposed legislation 0135-15, please include with Legislation Packet, thank you.

Ben Manuelito
Fleet Management
PH: 928.871.6425
www.fleet.navajo-nsn.gov

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

FIRST YEAR 2015

COMMITTEE REPORT

Mr. Speaker,

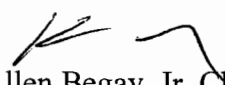
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation # 0134-15: An Action relating to Law and Order, Budget and Finance, NAABIK'IYATI' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 57, General Provision concerning the Navajo's Property

Has had it under consideration and reports the matter as DO PASS with no amendments

and thereafter the matter will be referred to the **Budget and Finance Committee**.

Respectfully submitted,


Kee Allen Begay, Jr, Chair Pro Temp.
Law and Order Committee of the
23nd Navajo Nation Council

Date: May 5th, 2015

Motion: Honorable Otto Tso

Second: Honorable Edmund Yazzie

VOTE: 2-0

NOTE: A quorum of 3 members were present