



## 23<sup>rd</sup> NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Steven Begay, Primary  
Sponsor of proposed legislation hereby withdraw my  
sponsorship of the proposed legislation. The legislation  
tracking number is 0040-18.

If there are any co-sponsors, they may re-sponsor the same  
bill by beginning a new legislation.

SPONSOR SIGNATURE:

Steven Begay

DATE:

2/08/18

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0040-18

**DATE:** January 5, 2018

**TITLE OF RESOLUTION:** AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 285 TO CLARIFY THE SPEAKERS VOTING RESTRICTION WHEN ANY TWO-THIRDS (2/3) VOTE IS REQUIRED

**PURPOSE:** If approved, this resolution will amend 2 N.N.C § 285 by explicitly stating that the Speaker of the Navajo Nation Council is restricted from voting in any two-thirds vote situation.

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: 5 Notah  
Website Posting Time/Date: 2:07pm 02-01-2018  
Posting End Date: 2/6/2018  
Eligible for Action: 2/7/2018

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23<sup>rd</sup> NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY

  
\_\_\_\_\_  
(Prime Sponsor)

TRACKING NO. 0040-18

AN ACTION

RELATING TO BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI'  
COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 285  
TO CLARIFY THE SPEAKERS VOTING RESTRICTION WHEN ANY TWO-THIRDS  
(2/3) VOTE IS REQUIRED

BE IT ENACTED:

**Section One. Authorities**

- A. 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)(1), 600 (A), and 601(B)(14).
- B. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164 (A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council.
- C. Enactments of positive law must be reviewed and approved by resolution by the appropriate standing Committee(s) and the Navajo Nation Council except as otherwise provided. 2 N.N.C. § 164 (A).

**Section Two. Findings**

1 A. On October 16, 2012 the Navajo Nation Council passed CO-45-12, Adopting the  
2 "Navajo Nation Title 2 Reform Act of 2012" Amending Certain Sections of the  
3 Navajo Nation Code at Title 2, Sections 104, 106, 107, 110, 162, 163, 164, 169,  
4 181, 183, 184, 187, 189, 192, 285, 300, 301, 201, 401, 403, 501, 503, 601, 603, 700,  
5 701 (sic); the Resolution was vetoed by the Navajo Nation President on November  
6 15, 2012, subsequently the Navajo Nation Council passed Resolution No. CJA 03-  
7 13, Overriding the Navajo Nation President's Veto of Navajo Nation Council  
8 Resolution No. CO-45-12.

9 B. Pursuant to 2 N.N.C. §285 (B)(4), the Speaker of the Navajo Nation Council may  
10 only vote in the event of a tie.

11 C. Several provisions within the Navajo Nation Code require the Navajo Nation  
12 Council to pass legislation with a two-thirds vote of the "full membership" "the  
13 Navajo Nation Council" or "Council." As the Speaker is limited to vote only in the  
14 event of a tie, the two-thirds vote requirement will never result in the need for the  
15 Speaker to make a tie-breaking vote.

16 D. In the interest of clarity, efficiency and precedence, 2 N.N.C. §285 should explicitly  
17 state that the Speaker of the Navajo Nation Council shall not vote for the passage of  
18 legislation which requires a two-thirds vote of the "full membership" "the Navajo  
19 Nation Council" "Council" or any other reference to the Navajo Nation Council as a  
20 whole.

21 **Section Three. Amending 2 N.N.C. § 285**

22 Navajo Nation Council hereby amends 2 N.N.C. § 285 as follows:  
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26 **NAVAJO NATION CODE ANNOTATED**  
27 **TITLE 2. NAVAJO NATION GOVERNMENT**  
28 **CHAPTER 3. LEGISLATIVE BRANCH**  
29 **SUBCHAPTER 2. NAVAJO NATION COUNCIL MEETINGS**

30 \*\*\*

1 § 285. Powers and duties  
2

3 A. The Speaker of the Navajo Nation Council shall exercise all powers and authorities  
4 which are delegated to the Office by law or may from time to time be delegated to  
5 such Office by the Navajo Nation Council.

6 B. The Speaker's powers and duties shall include the following:

- 7 1. Preside at all Navajo Nation Council and Naabik'iyáti' Committee meetings;  
8 2. Direct and supervise the personnel and programs under the Legislative Branch as  
9 provided by law;  
10 3. Appoint a Speaker Pro Tem to allow the Speaker to participate in debate and sponsor  
11 resolution(s) before the Navajo Nation Council and, in the sole discretion of the  
12 Speaker, to carry out the administrative duties of the Office of Speaker when the  
13 Speaker is unavailable and absent due to travel, illness, or for any other reason  
14 deemed sufficient by the Speaker;  
15 4. Vote only in the event of a tie vote.

16 5. The Speaker shall not vote when any two-thirds vote is required insofar as a two-  
17 thirds vote will never require a tie-breaking vote by the Speaker;

18 ~~5.~~ 6. Call a special session of the Navajo Nation Council pursuant to 2 N.N.C. § 162;

19 ~~6.~~ 7. Recommend to the Budget and Finance Committee an annual operating budget or  
20 amendments thereof for the Legislative Branch and advise the Navajo Nation Council  
21 on the annual budget recommended by the Budget and Finance Committee; and

22 ~~7.~~ 8. Issue official Certificates of Condolence, Congratulations, Appreciation,  
23 Recognition or Achievement and other similar expressions of sentiment signed by the  
24 Speaker on behalf of the Navajo Nation Council at the written request of any Council  
25 Delegate as provided herein:

26 a. Certificates of Condolence shall be reserved exclusively for former members of the  
27 Navajo Nation Council, Chairmen, Vice Chairmen, Presidents and Vice Presidents of  
28 the Navajo Nation.  
29  
30

1 b. Uniform Procedures for the Issuance of Certificates shall be developed by the Office  
2 of the Speaker subject to final approval by resolution of the Intergovernmental  
3 Relations Committee of the Navajo Nation Council.

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7 **Section Four. Effective Date**

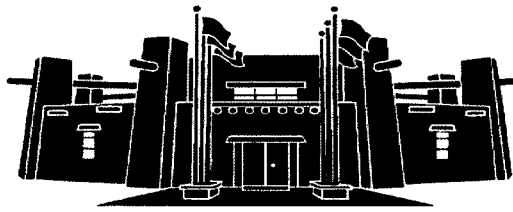
8 The Navajo Nation Code amendment enacted herein shall be effective pursuant to  
9 2 N.N.C. § 221(B).

10  
11 **Section Five. Codification**

12 The provisions of this Act which amend or adopt new sections of the Navajo Nation  
13 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative  
14 Counsel shall incorporate such amended provisions in the next codification of the Navajo  
15 Nation Code.

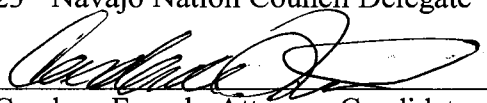
16  
17 **Section Six. Saving Clause**

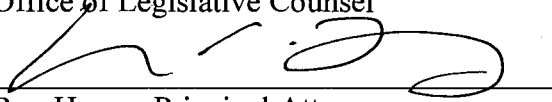
18 Should any provisions of this ordinance be determined invalid by the Navajo Nation  
19 Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo  
20 Nation Supreme Court, those portions of this ordinance which are not determined invalid  
21 shall remain the law of the Navajo Nation.



## MEMORANDUM

TO: Honorable Steven Begay  
23<sup>rd</sup> Navajo Nation Council Delegate

FROM:   
Candace French, Attorney Candidate  
Office of Legislative Counsel

THRU:   
for Ron Haven, Principal Attorney  
Office of Legislative Counsel

DATE: January 5, 2018

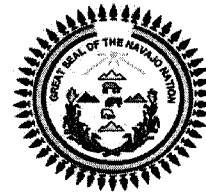
RE: AN ACTION RELATING TO BUDGET AND FINANCE COMMITTEE,  
NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL;  
AMENDING 2 N.N.C. § 285 TO CLARIFY THE SPEAKERS VOTING  
RESTRICTION WHEN ANY TWO-THIRDS (2/3) VOTE IS REQUIRED

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, 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 a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews 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).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. 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 to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0040-18\_\_\_\_\_ SPONSOR: Steven Begay

**TITLE: An Action Relating to Budget and Finance Committee, Naabik'iyati' Committee and the Navajo Nation Council; Amending 2 N.N.C. §285 to Clarify the Speakers Voting Restriction when any two-thirds (2/3) vote is required**

**Date posted: February 1, 2018 at 2:07pm**

**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 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.*



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LEGISLATIVE BRANCH  
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**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0040-18**

**SPONSOR: Honorable Steven Begay**


**TITLE: An Action Relating To Budget and Finance Committee, Naabik'iyati' Committee and the Navajo Nation Council; Amending 2 N.N.C. §285 to Clarify the Speakers Voting Restriction when any two-thirds (2/3) vote is required**

**Posted: February 1, 2018 at 2:07pm**

**5 DAY Comment Period Ended: February 6, 2018**

**Digital Comments received:**

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

  
\_\_\_\_\_  
**Legislative Secretary II  
Office of Legislative Services**

  
\_\_\_\_\_  
**Date/Time**