

LEGISLATIVE SUMMARY SHEET

Tracking No. 0056-18

DATE: February 8, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER 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: SNATAH
Website Posting Time/Date: 5:30pm 2-8-18
Posting End Date: 2-13-18
Eligible for Action: 2-14-18

Law & Order Committee
THENCE

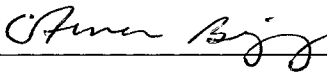
Naa'bik'íyáti' Committee
THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL – Fourth Year, 2018

INTRODUCED BY


(Prime Sponsor) (Steven Bozay)

TRACKING NO. 0056-18

AN ACTION

RELATING TO LAW AND ORDER 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 precedent, 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:
23
24

25
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'íyáti' 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.

4 ****
5 _____
6

7 **Section Four. Effective Date**

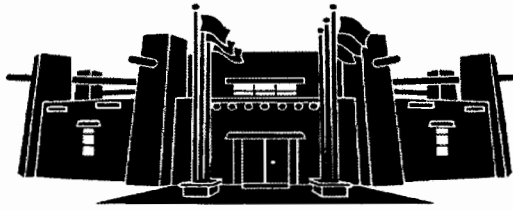
8 The Navajo Nation Code amendment enacted herein shall be effective pursuant to
9 2 N.N.C. § 221(B).
10

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**

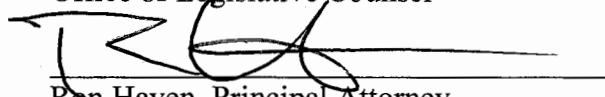
18 Should any provisions of this ordinance be determined invalid by the Navajo Nation
19 Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo
20 Nation Supreme Court, those portions of this ordinance which are not determined invalid
21 shall remain the law of the Navajo Nation.
22
23
24
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30



MEMORANDUM

TO: Honorable Steven Begay
23rd Navajo Nation Council Delegate

FROM: 
Candace French, Attorney
Office of Legislative Counsel

THRU: 
Ron Haven, Principal Attorney
Office of Legislative Counsel

DATE: February 8, 2018

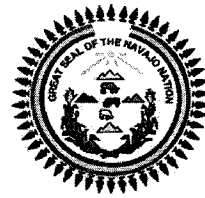
RE: AN ACTION RELATING TO LAW AND ORDER COMMITTEE,
NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL;
AMENDING 2 N.N.C. § 285 TO CLARIFY THE SPEAKERS VOTING
RESTRICTION WHEN ANY TWO-THIRDS (2/3) VOTE IS REQUIRED

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: _0056-18_

SPONSOR: Steven Begay

TITLE: An Action Relating To Law And Order 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 9 (2/3) Vote Is Required

Date posted: February 8, 2018 at 5:30 PM

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) 871-7586

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.: 0056-18

SPONSOR: Honorable Steven Begay

TITLE: An Action Relating to Law And Order 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 9 (2/3) Vote Is Required

Posted: February 8, 2018 at 5:30 PM

5 DAY Comment Period Ended: February 13, 2018

Digital Comments received:

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



**Legislative Secretary II
Office of Legislative Services**

2/14/2018 8:51am
Date/Time

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

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

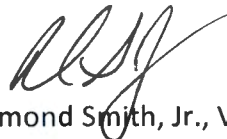
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0056-18: An Action Relating to Law and Order 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 Vote is Required – Sponsor: Honorable Steven Begay

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

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Raymond Smith, Jr., Vice Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: February 26, 2018

Main Motion: Honorable Edmund Yazzie
Second : Honorable Kee A. Begay, Jr.
Vote : 2-0 (Vice Chairperson not voting)

23rd NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2018

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

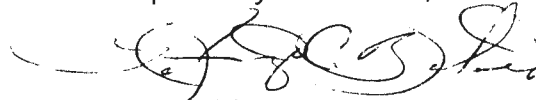
NAVAJO LEGISLATIVE BILL #0056-18

An Action Relating to Law and Order 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

Sponsored by: Honorable Steven Begay

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

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

22 MARCH 2018

MAIN MOTION:

Motioned by: Honorable Benjamin Bennett

Seconded by: Honorable Jonathan L. Hale

Vote: 06 In Favor, 03 Opposed (Chairman Bates Not Voting)

NOTE: Vote was taken utilizing 2 N.N.C. § 700 (D); "A quorum of the committee shall be satisfied by the presence of two (2) members of each Standing Committee"

NAVAJO NATION

RCS# 862

Naa'bik'iyati Committee

3/22/2018

06:22:33 PM

Amd# to Amd#	Legislation 0056-18; Amending	PASSED
MOT Bennett	2 NNC Section 285 to Clarify the	
SEC Hale	Speakers Voting Restriction when	
	any Two-Thirds (2/3) Vote is...	

Yea : 6

Nay : 3

Excused : 0

Not Voting : 15

Yea : 6

Begay, S
Bennett

Hale
Slim

Tso

Witherspoon

Nay : 3

Tsosie

Smith

Perry

Excused : 0

Not Voting : 15

Bates
Begay, K
Begay, NM
BeGaye, N

Brown
Chee
Crotty
Damon

Daniels
Filfred
Jack
Pete

Phelps
Shepherd
Yazzie

23rd NAVAJO NATION COUNCIL ACTION REPORT Fourth Year 2018

The **NAVAJO NATION COUNCIL** to whom has been assigned:

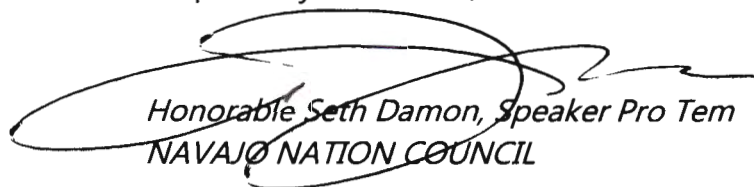
NAVAJO LEGISLATIVE BILL #0056-18

An Action Relating to Law and Order Committee, Naabik'iyáti' 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

Sponsored by: Honorable Steven Begay

Has had it under consideration and reports the same **FAILED (NEEDED 16 IN FAVOR VOTES TO PASS)**

Respectfully Submitted,



Honorable Seth Damon, Speaker Pro Tem
NAVAJO NATION COUNCIL

18 APRIL 2018

MAIN MOTION:

Motioned by: Honorable Alton Joe Shepherd

Seconded by: Honorable Leonard Pete

Vote: 09 In Favor, 10 Opposed (Speaker Pro Tem Damon Not Voting) – NEEDED 16 IN FAVOR VOTES TO PASS

=====

FAILED MOTIONS:

AMENDMENT #1 (FAILED):

1. Page 3 of 4, Line 16, after "shall" strike "~~not~~" and insert "be allowed to";
2. Page 3 of 4, Line 16, after "two-thirds vote" insert "or higher of the full membership" and insert a "." after "required"
3. Page 3 of 4, Line 16, strike "~~insofar as a two~~"
4. Page 3 of 4, strike all of line 17
5. Renumber or re-letter succeeding paragraphs or sections accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the Legislation, is hereby authorized to make necessary grammatical changes.

Motioned by: Honorable Leonard Tsosie

Seconded by: Honorable Dwight Witherspoon

Vote: 03 in Favor, 16 Opposed (Speaker Pro Tem Damon Not Voting)

AMENDMENT #1 (FAILED):

1. Page 3 of 4, Line 16, after "shall" strike "~~not~~" and insert "be allowed to";
2. Page 3 of 4, Line 16, after "three-fourths vote" insert "or higher of the full membership" and insert a "." after "required".
3. Page 3 of 4, Line 16, strike "~~insofar as a two~~"
4. Page 3 of 4, strike all of line 17
5. Page 2 of 4, Line 17, strike "~~not~~"
6. Page 2 of 4, Line 18, strike "~~two-thirds~~" and insert "three-fourths"
7. Renumber or re-letter succeeding paragraphs or sections accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the Legislation, is hereby authorized to make necessary grammatical changes.

Motioned by: Honorable Dwight Witherspoon

Seconded by: Honorable Leonard Tsosie

Vote: 04 in Favor, 14 Opposed (Speaker Pro Tem Damon Not Voting)

NAVAJO NATION

RCS# 1080

Spring Session

4/18/2018

03:22:34 PM

Amd# to Amd#

Legislation 0056-18

FAILED

MOT Shepherd

Amending 2 NNC Section 285 to

SEC Pete

Clarify the Speakers Voting

Restriction when any Two-Thirds

Yea : 9

Nay : 10

Excused : 0

Not Voting : 5

Yea : 9

Begay, K
Begay, NM
Begay, S

BeGaye, N
Brown

Crotty
Phelps

Slim
Yazzie

Nay : 10

Bennett
Chee
Daniels

Hale
Perry
Pete

Smith
Tso

Tsosie
Witherspoon

Excused : 0

Not Voting : 5

Bates
Damon

Filfred

Jack

Shepherd

NAVAJO NATION

RCS# 1078

Spring Session

4/18/2018

03:13:43 PM

Amd#1 to Amd#

Page 3 of 4, line 16, after
shall strike not, and after
two-thirds...

FAILED

MOT Tsosie

SEC Witherspoon

Yea : 3

Nay : 16

Excused : 0

Not Voting : 5

Yea : 3

Chee

Tsosie

Witherspoon

Nay : 16

Begay, K
Begay, NM
Begay, S
BeGaye, N

Bennett
Brown
Crotty
Daniels

Hale
Perry
Pete
Phelps

Slim
Smith
Tso
Yazzie

Excused : 0

Not Voting : 5

Bates
Damon

Filfred

Jack

Shepherd

NAVAJO NATION

RCS# 1079

4/18/2018

Spring Session

03:20:04 PM

Amd#1 to Amd#
MOT Witherspoon
SEC Tsosie

Page 3 of 4, line 16, after
shall strike not, and insert
"be allowed to"...

FAILED

Yea : 4

Nay : 14

Excused : 0

Not Voting : 6

Yea : 4

Brown

Phelps

Tsosie

Witherspoon

Nay : 14

Begay, K

Bennett

Perry

Smith

Begay, NM

Chee

Pete

Tso

Begay, S

Crotty

Slim

Yazzie

BeGaye, N

Hale

Excused : 0

Not Voting : 6

Bates

Daniels

Jack

Shepherd

Damon

Filfred