

LEGISLATIVE SUMMARY SHEET

Tracking No. 0176-17

DATE: May 15, 2017

TITLE OF RESOLUTION: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 26 OF THE NAVAJO NATION CODE

PURPOSE: This resolution if approved will amend Title 26 at 26 N.N.C. §§ 1001 and 2003, subject to approval by a majority of Navajo Nation Chapters.

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: SNOTAH
Website Posting Time/Date: 3:26pm 5/16/2017
Posting End Date: 5/21/2017
Eligible for Action: 5/22/2017

Resources & Development Committee
THENCE
Law & Order Committee
THENCE
Naa'bik'íyáti' Committee
THENCE

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23RD NAVAJO NATION COUNCIL—THIRD YEAR, 2017

Navajo Nation Council

INTRODUCED BY

 (Tuckaway Slim)
Primary Sponsor

TRACKING NO. 0176-17

AN ACT

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER AND
NAABIK'ÍYÁTI' COMMITTEES; AND THE NAVAJO NATION COUNCIL;
AMENDING TITLE 26 OF THE NAVAJO NATION CODE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council with oversight authority over Chapters. 2 N.N.C. §§ 500(A) and 501(C)(1).
- B. The Law and Order Committee is a standing committee of the Navajo Nation Council 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); CO-45-12.
- C. The Navajo Nation Council established the Naabik'íyáti' 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'íyáti' Committee. 2 N.N.C. §§ 164 (A)(9), 700 (A) (2012); CO-45-12.
- D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A) (2012); CO-45-12.

1 **SECTION TWO. FINDINGS**

- 2 A. Resolution CJY-43-04 enacted the Local Governance Improvement Act of 2004 and
3 amended two sections of Title 26 at § 1001 and § 2003. Resolution CJY-42-04 further
4 amended 26 N.N.C. § 2003.
- 5 B. The purpose for the Resolution CJY-43-04 was to release restrictions upon the
6 expenditure of funds by the Chapters of the Navajo Nation for the period surrounding
7 the Navajo Nation Chapter elections.
- 8 C. Resolution CJY-43-04 also states, “[t]he improper use of Navajo Nation funds are
9 adequately addressed under the Navajo Nation Ethics in Government Law and it is
10 considered unnecessary for the additional restrictions placed on Chapters by the
11 current provisions of 26 N.N.C. §§ 1001(G) and 2003(D) to remain in the Local
12 Governance Act, as codified.” Resolution CJY-43-04 is attached as **Exhibit A**.
- 13 D. The amendment to reinsert the previous language is necessary to address the improper
14 use of Navajo Nation funds.
- 15 E. It is in the best interest of the Navajo Nation to amend Title 26.
- 16

17 **SECTION THREE. AMENDMENT TO TITLE 26**

18 The Navajo Nation Council amends Title 26 as follows:

19

20 **NAVAJO NATION CODE**

21 **TITLE 26. NAVAJO NATION LOCAL GOVERNANCE ACT**

22 **CHAPTER 2. CHAPTER GOVERNMENT**

23 **SUBCHAPTER 5. NAVAJO NATION CHAPTERS, OFFICIALS AND**

24 **ADMINISTRATION—GENERALLY**

25

26 ***

27 **§ 1001. Duties and responsibilities of chapter officials**

28 ***

29

30

1 G. Elected officials are prohibited from conducting financial transactions three (3)
2 months prior to the general election for Chapter officials, except for general operating
3 costs.

4 G.H. Elected officials shall comply with all Navajo Nation laws, chapter ordinances and
5 resolutions. These officials shall perform the duties enumerated above, and such other
6 duties as may be consistent with Navajo law, including this Act and applicable plans of
7 operation enacted by the chapter membership.

8 H.I. Elected officials of the Navajo Nation chapters shall attend, upon taking the oath of
9 office, a training session on Ethics in Government sponsored by the Ethics and Rules
10 Office of the Navajo Nation. Chapter officials shall maintain a high standard of conduct
11 in all chapter business consistent with Navajo law, including this law, and the Navajo
12 Nation Ethics in Government law. Chapter officials are prohibited from rendering
13 opinions, directions or decisions contrary to the sound practice of leadership or contrary
14 to the best interest of the chapter.

15 ****

16 **SUBCHAPTER 7. NAVAJO NATION CHAPTERS REGULATIONS AND**
17 **PROCEDURE**

18
19 **§ 2003. Chapter Accounting System; Chapter Appropriations; Budget Process;**
20 **Chapter Insurance**

21 ***

22 E. Chapter funds shall not be used for personal, business or other forms of loans. Per
23 capita distribution of funds by the chapter is prohibited. No financial transaction or
24 expenditures of funds shall be made three months before or after the general election of
25 Chapter officials, except for general operating costs.

26 ****

27 _____
28
29 **SECTION FOUR. CODIFICATION**
30

1 The provision of this Act which amend or adopt new sections of the Navajo Nation Code
2 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel
3 shall incorporate such amended provisions into the next codification or supplement of the
4 Navajo Nation Code.

5
6 **SECTION FIVE. SAVINGS CLAUSE**

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

10
11 **SECTION SIX. EFFECTIVE DATE**

12 This provision of this Act shall become effective in accordance with 2 N.N.C. § 221 (B)
13 and 26 N.N.C. § 1(E), which subjects amendments to approval by a majority of all
14 Navajo Nation chapters.



CJY-43-04

RESOLUTION OF THE
OF THE NAVAJO NATION COUNCIL

20th NAVAJO NATION COUNCIL - Second Year, 2004

AN ACT

RELATING TO FINANCE AND CHAPTERS; ENACTING THE LOCAL GOVERNANCE IMPROVEMENT ACT OF 2004; AMENDING TITLE TWENTY SIX OF THE NAVAJO NATION CODE, SUBJECT TO APPROVAL BY A MAJORITY OF ALL CHAPTERS OF THE NAVAJO NATION

BE IT ENACTED:

Section 1. Enactment of the Local Governance Improvement Act

The Navajo Nation Council hereby enacts the Local Governance Improvement Act of 2004.

Section 2. Purpose

The purpose of the Local Governance Improvement Act of 2004 is to release restrictions upon the expenditure of funds by the Chapters of the Navajo Nation for the period surrounding the Navajo Nation Chapter elections. The improper use of Navajo Nation funds are adequately addressed under the Navajo Nation Ethics in Government Law and it is considered unnecessary for the additional restrictions placed on Chapters by the current provisions of 26 N.N.C. §§1001(G) and 2003(D) to remain in the Local Governance Act, as codified.

Section 3. Amendments to Title 26 Navajo Nation Code

The Navajo Nation Council hereby amends the Navajo Nation Code, Title 26, as follows:

§1001. Duties and responsibilities of chapter officials

~~G. Elected officials are prohibited from conducting financial transactions three (3) months prior to the general election for Chapter officials, except for general operating costs:~~

G.H. Elected officials shall comply with all Navajo Nation laws, Chapter ordinances and resolutions. These officials shall perform the duties enumerated above, and such other duties as may be consistent with Navajo law, including this Act and applicable plans of operation enacted by the Chapter membership.

H.I. Elected officials of the Navajo Nation Chapters shall attend, upon taking the oath of office, a training session on Ethics in Government Law sponsored by the Ethics and Rules Office of the Navajo Nation. Chapter officials shall maintain a high standard of conduct in all chapter business consistent with Navajo law, including this law, and the Navajo Nation Ethics in Government law. Chapter officials are prohibited from rendering opinions, directions or decisions contrary to the sound practice of leadership or contrary to the best interest of the Chapter.

§2003. Chapter finance; Budget process; Chapter insurance

D. Chapter funds shall not be used for personal, business or other forms of loans. Per capita distribution of funds by the Chapter is prohibited. ~~No financial transaction or expenditures of funds shall be made three months before or after the general election of Chapter officials, except for general operating costs.~~

Section 4. Effective Date

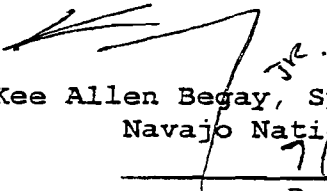
A. The amendments to Title Twenty Six of the Navajo Nation Code, if not vetoed by the President of the Navajo Nation, shall go into effect on the date on which the Office of the Speaker certifies that he has received copies of duly-adopted resolutions from at least fifty-six (56) of the one hundred ten (110) certified Chapters of the Navajo Nation.

B. If vetoed by the President of the Navajo Nation, the amendments to Title 26 of the Navajo Nation Code shall go into effect on the date following the certification of the veto override resolution, if any, that the Speaker certifies that he has received copies of duly-adopted resolutions from at least fifty-six (56) of the one hundred ten (110) certified Chapters of the Navajo Nation.

C. If the Navajo Nation Council does not override any veto of this resolution by the Navajo Nation President or the Speaker does not receive copies of duly-adopted resolutions from at least fifty-six (56) of the one hundred ten (110) certified chapters of the Navajo Nation, the amendments to Title Twenty Six of the Navajo Nation Code shall not go into effect.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 55 in favor and 3 opposed, this 23rd day of July 2004.

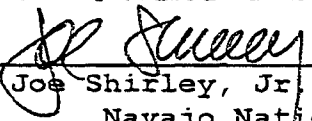

Kee Allen Begay, Speaker Pro Tem
Navajo Nation Council

7/27/04
Date

Motion: Jerry Bodie
Second: Elbert Wheeler

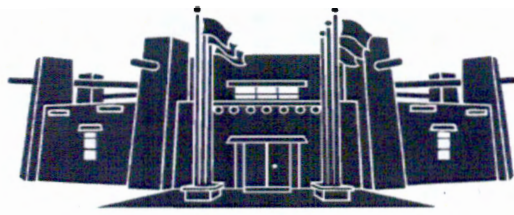
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of AUG 06 2004 2004.


Joe Shirley, Jr., President
Navajo Nation

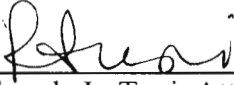
2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2004 for the reason(s) expressed in the attached letter to the Speaker.

Joe Shirley, Jr., President
Navajo Nation



MEMORANDUM

TO: Hon. Tuchoney Slim, Jr.
23rd Navajo Nation Council

FROM: 
Rhonda L. Tuni, Attorney
Office of Legislative Counsel

DATE: May 15, 2017

SUBJECT: AN ACT RELATING TO RESOURCES AND DEVELOPMENT, LAW
AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; AND THE
NAVAJO NATION COUNCIL; AMENDING TITLE 26 OF THE
NAVAJO NATION CODE

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms 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 this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0176-17_____

SPONSOR: Tuchoney Slim, Jr.

TITLE: An Action Relating to Resources and Development, Law and Order and Naabik'iyati' Committees; and the Navajo Nation Council; Amending Title 26 of the Navajo Nation Code

Date posted: May 16, 2017 at 3:26pm

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.*