LEGISLATIVE SUMMARY SHEET
Tracking No. 0091-19

DATE: April 16, 2019

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE APPOINTMENT BY THE NAABIK'ÍYÁTI' COMMITTEE OF SELECT MEMBERS OF THE 24TH NAVAJO NATION COUNCIL TO THE NAABIK'ÍYÁTI' COMMITTEE'S NEGOTIATION SUBCOMMITTEE FOR THE COMPLETION OF THE NAVAJO INDIAN IRRIGATION PROJECT

PURPOSE: Appointing members to the Navajo Indian Irrigation Project.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Ran 5-8-19
Website Posting Time/Date: 4-17-19 2:06pm
Posting End Date: 4-22-19
Eligible for Action: 4-23-19

Resources & Development Committee
Thence
Naa'bik'íyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL - First Year, 2019

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0091-19

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE APPOINTMENT BY THE NAABIK'ÍYÁTI' COMMITTEE OF SELECT MEMBERS OF THE 24TH NAVAJO NATION COUNCIL TO THE NAABIK'ÍYÁTI' COMMITTEE'S NEGOTIATION SUBCOMMITTEE FOR THE COMPLETION OF THE NAVAJO INDIAN IRRIGATION PROJECT

BE IT ENACTED:

SECTION ONE. AUTHORITY

A The Resources and Development Committee of the Navajo Nation Council is a standing committee of the Navajo Nation Council exercising oversight authority over water, land, grazing and environment. 2 N.N.C. § 500 (C).

B. The Naabik'íyáti' Committee of the Navajo Nation Council is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700.

SECTION TWO. FINDINGS

A.The Naabik'íyáti' Committee of the Navajo Nation Council established the Negotiation Subcommittee for the Completion of the Navajo Nation Indian Irrigation Project (NIIP) April 13, 2017 through Resolution NABIAP-38-17. See Exhibit A.

B. The Subcommittee is composed of five (5) members of Council, one from each of the Standing Committees appointed by, and serving at the pleasure of, the Naabik'íyáti' Committee. See Exhibit A.

C. The Subcommittee is to negotiate with the United States to develop a Memorandum of Agreement regarding the funding and completion of the NIIP, advocate for funding and management of the NIIP, advocate for funding for NIIP under the Water Infrastructure Improvements for the Nation Act and lobby in the interest of NIIP.

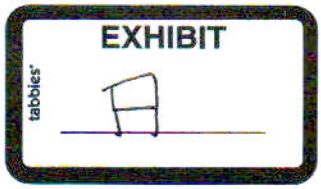
SECTION THREE. APPOINTMENT

The Naabik'íyáti' Committee of the Navajo Nation Council hereby appoints the following members of the Navajo Nation Council to the Negotiation Subcommittee for the Completion of the Navajo Nation Indian Irrigation Project:

1. _____, Resources and Development
2. _____, Budget and Finance
3. _____, Law and Order
4. _____,Naabik'íyáti' Committee
5. _____,Health, Education and Human Services

SECTION FOUR. SUBCOMMITTEE TERM

The Naabik'íyáti' Committee's Negotiation Subcommittee for the Completion of the Navajo Nation Indian Irrigation Project shall exist until its assigned tasks are completed and shall report its recommendations to the Naabik'íyáti' Committee. 2 N.N.C. § 186



NABIAP-38-17

RESOLUTION OF THE
NAABIK'IYATI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD Navajo Nation Council - Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE AND NAABIK'ÍYÁTI' COMMITTEE; ESTABLISHING A NAABIK'ÍYÁTI' COMMITTEE NEGOTIATION SUBCOMMITTEE FOR THE COMPLETION OF THE NAVAJO INDIAN IRRIGATION PROJECT

Section One. Authority

A. The Resources and Development Committee of the Navajo Nation Council is the legislative oversight authority for the Navajo Agricultural Products Industry. 2 N.N.C. § 500, 5 N.N.C. § 1604.

B. The Navajo Nation Council established the Naabik'íyáti' Committee as a standing committee authorized to coordinate with all committees and branches of the Navajo Nation the appearance and testimony before federal entities to provide the most efficient delivery of services to the Navajo Nation. 2 N.N.C. §§ 700 (A), 701 (A)(4).

C. Each Committee may establish subcommittees consisting of committee members selected by the Committee; the subcommittee shall exist until its assigned tasks are completed and a report and recommendation is made to the Committee. 2 N.N.C. § 186.

Section Two. Findings

A. Navajo Agricultural Products Industry is an enterprise of the Navajo Nation charged with operating a commercial farm on land held in trust by the United States for the Navajo Nation under federal legislation authorizing the Navajo Indian Irrigation Project (NIIP). 5 N.N.C. § 1602; Public Law 87-483, signed on June 13, 1962, amended by Public Law 91-416 on September 25, 1970; NIIP authorized by Acts of Congress approved April 11, 1956 (70 Stat. 105); June 13, 1962 (76 Stat. 96); and August 4, 1977 (91 Stat. 565).

B. The Navajo Agricultural Products Industry (NAPI) was originally established... primarily to plan, develop, and

promote the use of agricultural, water and related resources for the use of Navajo Agricultural Products Industry and the Navajo Indian Irrigation Project resulting in a profit to Navajo Agricultural Products Industry and to prevent waste of valuable resources. *See* CJY-60-01.

C. Public Law 87-483 passed by Congress on June 13, 1962 authorized *"the Secretary of the Interior to construct, operate, and maintain the Navajo Indian Irrigation Project and the initial stage of the San Juan-Chama project as participating projects of the Colorado River Storage Project, and for other purposes."* The authorization was amended September 25, 1970, by Public Law 91-416. To date the construction of the San Juan-Chama Project is completed while construction of the Navajo Indian Irrigation Project is only approximately 70% complete.

D. The Bureau of Indian Affairs, Navajo Area Office, and Farmington Construction Office have overall responsibility for the development of the NIIP, but in 2002 the Bureau of Indian Affairs supported a reduction of NIIP funding from $24 million to $12 million per year under the reasoning that such temporary funding reduction was necessitated by the costs of the United States war in Afghanistan.

E. The reduction of funding from $24 million to $12 million has not been temporary, but has continued in each funding year from Federal Fiscal Year 2002 through Federal Fiscal Year 2010.

F. The lack of funding for NIIP has delayed and prevented the development of NAPI Block 9, which limits NAPI to cultivation of only 73,000 of the 110,630 acres authorized by the federal legislation.

G. The Navajo Nation authorized NAPI to contract under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 *et seq.* (P.L. 93-638, as amended) to include the remaining construction of the NIIP and to otherwise support Navajo Agricultural Products Industry's efforts to develop Blocks 9, 10, and 11 of the Navajo Indian Irrigation Project at the sole cost and expense of the United States. *See* NABID-82-15.

H. The Navajo Agricultural Products Industry Board of Directors recommends the re-establishment of a subcommittee to advocate for the completion of the NIIP, advocate for funding for the

operation and management of the NIIP, advocate for funding for NIIP under the Water Infrastructure Improvements for the Nation Act (S. 612, 2016) and lobby in the interest of the NIIP. NAPI Board of Directors Resolution, BDMA-09-17 attached as **Exhibit A.**

Section Three. Establishing the Naabik'íyáti' NIIP Negotiation Subcommittee

A. The Navajo Nation establishes the Naabik'íyáti' NIIP Negotiation Subcommittee to negotiate with the United States to develop a Memorandum of Agreement regarding the funding and completion of the NIIP, advocate for funding for the operation and management of the NIIP, advocate for funding for NIIP under the Water Infrastructure Improvements for the Nation Act and lobby in the interest of the NIIP.

B. The Naabik'íyáti' NIIP Negotiation Subcommittee shall consist of five (5) members who are from the Navajo Nation Council Standing Committees. The Naabik'íyáti' Committee shall appoint the subcommittee members. The appointed Delegates serve at the pleasure of the Naabik'íyáti' Committee. The Naabik'íyáti' Committee appoints the following delegates to the subcommittee:

1. Steven Begay, Health, Education and Human Services Committee
2. Benjamin Bennett, Resources and Development Committee
3. Kee Allen Begay, Law and Order Committee
4. Leonard Tsosie, Budget and Finance Committee
5. LoRenzo C. Bates, Naabik'íyáti' Committee

Section Four. Subcommittee Term

The Naabik'íyáti' NIIP Negotiation Subcommittee shall exist until their assigned tasks are completed and shall report their recommendations to the Naabik'íyáti' Committee. 2 N.N.C. § 186.

Section Five. Directives

A. The Speaker's Chief of Staff shall assign one policy analyst to assist the Naabik'íyáti' NIIP Negotiation Subcommittee.

B. The Legislative Services' Executive Director shall assign two Office of Legislative Services staffers to assist the Naabik'íyáti' NIIP Negotiation Subcommittee.

C. The Naabik'íyáti' Committee directs the Department Water Resources and other Navajo Nation Departments or Programs, as deemed necessary by the Negotiation Subcommittee, to serve as technical support for the Negotiation Subcommittee.

D. The Speaker shall determine a Subcommittee budget and identify the funds.

E. Subcommittee shall submit reports to Naabik'íyáti' Committee on a quarterly basis

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd 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 11 in favor and 01 oppose, this 13th day of April, 2017.

Honorable Jonathan L. Hale, Pro Tem Chairperson
Naabik'íyáti' Committee

Motion: Honorable Benjamin Bennett
Second: Honorable Otto Tso

EXHIBIT A

NAVAJO PRIDE

BDMA-09-17

RESOLUTION OF THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY BOARD OF DIRECTORS

Requesting that the Speaker of the Navajo Nation Council Reestablish a Subcommittee of the Navajo Indian Irrigation Project.

WHEREAS:

1. The Navajo Agricultural Products Industry ("NAPI") is a wholly owned enterprise of the Navajo Nation charged with operating and managing a commercial farm on land held in trust by the United States for the Navajo Nation under legislation authorizing the Navajo Indian Irrigation Project ("NIIP"); and

2. Pursuant to the Plan of Operation, the NAPI Board of Directors is delegated authority and responsibility for the management, direction and operation of NAPI; to direct officers of NAPI in the execution of their duties; and to perform such acts as are necessary, proper and lawful to accomplish the purposes of NAPI; and

3. In furtherance of its farming and related activities and of the federal and Navajo policy favoring Navajo Nation self-determination, NAPI contracts with the United States under the Indian Self-Determination and Education Assistance Act, Pub. L. 93-638, to perform federal responsibilities related to the NIIP; and

4. NAPI manages 72,000 acres of commercial farm lands known as the Navajo Indian Irrigation Project ("NIIP"); and

5. The Navajo Nation Council previously established an Intergovernmental Relations Committee Subcommittee on the NIIP Memorandum of Agreement that was to be developed regarding the funding and completion of the NIIP; and

6. The Subcommittee on the NIIP Memorandum of Agreement has since been disbanded; and

7. The NAPI Board of Directors now finds that it is necessary and in the best interest of NAPI and the Navajo Nation that a subcommittee regarding the NIIP be reestablished for the purposes of: 1) advocating for funding for the completion of the NIIP, 2) advocating for funding for operations and management of the NIIP, 3) advocating for funding for the NIIP under the Water Infrastructure Improvements for the Nation Act, and 4) lobbying in the interest of the NIIP.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The NAPI Board of Directors hereby requests that the Speaker of the Navajo Nation Council establish a subcommittee of the Navajo Nation Council for purposes of: 1) advocating for funding for the completion of the NIIP, 2) advocating for funding for operations and management of the NIIP, 3) advocating for funding for the NIIP under the Water Infrastructure Improvements for the Nation Act, and 4) lobbying in the interest of the NIIP.

2. The NAPI Board of Directors hereby directs the Chief Executive Officer and staff to take all actions necessary to carry out the purpose and intent of this resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Navajo Agricultural Products Industry Board of Directors at a regularly called meeting at which a quorum was present at the Navajo Agricultural Products Industry Main Office near Farmington, New Mexico, and that the same was passed by vote of _3__ in favor, _0__ opposed, and _0__ abstained, this 10th day of March, 2017.

Motion: Peter Deswood, III
Second: Veronica D. Tso

Lorenzo J. Begay, Chairperson
NAPI Board of Directors

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Rickie Nez
24th Navajo Nation Council

FROM: Edward A. McCool, Acting-Chief Legislative Counsel
Office of Legislative Counsel

DATE: April 17, 2019

RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; APPROVING THE APPOINTMENT BY THE NAABIK'ÍYÁTI' COMMITTEE OF SELECT MEMBERS OF THE 24TH NAVAJO NATION COUNCIL TO THE NAABIK'ÍYÁTI' COMMITTEE'S NEGOTIATION SUBCOMMITTEE FOR THE COMPLETION OF THE NAVAJO INDIAN IRRIGATION PROJECT

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. §§500, 501. 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: _0091-19_____ **SPONSOR:** Rickie Nez

TITLE: Relating To Resources And Development And Naabik'íyáti' Committees; Approving The Appointment By The Naabik'íyáti' Committee Of Select Members Of The 24th Navajo Nation Council To The Naabik'íyáti' Committee's Negotiation Subcommittee For The Completion Of The Navajo Indian Irrigation Project

Date posted: April 17, 2019 at 2:06pm

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.

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