

LEGISLATIVE SUMMARY SHEET

Tracking No. 0054-23

DATE: April 4, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTTI COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 852 TO INCREASE THE NAVAJO-HOPI LAND COMMISSION MEMBERSHIP TO ADD REPRESENTATION FOR THE CHILCHINBETO COMMUNITY

PURPOSE: The purpose of this legislation is to add a member to the Navajo-Hopi Land Commission to represent the Chilchimbeto community.

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: Holmes
Website Posting Time/Date: 8:05pm; 04-04-23
Posting End Date: 04-09-23
Eligible for Action: 04-10-23

Law & Order Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL – First Year, 2023

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0054-23

AN ACTION

RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES
AND NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 852 TO INCREASE
THE NAVAJO-HOPI LAND COMMISSION MEMBERSHIP TO ADD
REPRESENTATION FOR THE CHILCHINBETO COMMUNITY

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is a Standing Committee of the Navajo Nation Council with authority to "review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code." 2 N.N.C. §601(B)(14).
- B. The Naa'bik'íyáti' Committee is a Standing Committee of the Navajo Nation Council, 2 N.N.C. § 700(A), and all proposed legislations requiring final action by the Navajo Nation Council are assigned to the Committee. 2 N.N.C. § 164 (A)(9).
- D. The Naa'bik'íyáti' Committee is specifically empowered as the oversight committee for commissions under the Legislative Branch of the Navajo Nation, including the Navajo-Hopi Land Commission. 2 N.N.C. § 701 (5).
- C. The Navajo Nation Council is the governing body of the Navajo Nation with the authority to enact positive law of the Navajo Nation. 2 N.N.C. § 102 (A) and 164 (A).

1
2 **SECTION TWO. FINDINGS**

- 3 A. The Navajo Nation Council established the Navajo-Hopi Land Commission within the
4 Legislative Branch as a commission of the Navajo Nation Council. 2 N.N.C. § 851 (A).
5 B. The Navajo-Hopi Land Commission was established to address matters relating to
6 land use conflicts between the Navajo Nation and the Hopi Tribe; and to advocate on
7 behalf of Navajo members for issues related to Navajo Partitioned Lands, Hopi
8 Partitioned Lands, Former Bennet Freeze Area, and lands acquired using P.L. 96-305.
9 C. To ensure that all affected Navajos are represented, the Navajo-Hopi Land
10 Commission needs to increase its membership to add a Commissioner to represent the
11 Chilchinbeto community.
12

13 **SECTION THREE. AMENDING 2 N.N.C. §§ 852**

14 The Navajo Nation hereby amends Title 2, Chapter 3, Subchapter 11, Article 1 of the
15 Navajo Nation Code as follows:
16
17

18 Title 2. Navajo Nation Government
19 Chapter 3. Legislative Branch
20 Subchapter 11. Boards and Commissions
21 Article 1. Navajo-Hopi Land Commission
22

23 ****

24 **§ 852. Membership; selection; Chairperson and Vice-Chairperson; term of office;**
25 **ex-officio members**

- 26 A. The Commission shall consist of ~~nine (9)~~ ten (10) regular voting members and two
27 (2) ex-officio members who shall be appointed by the Speaker of the Navajo
28 Nation Council with the approval of the Naabik'iyáti' Committee of the Navajo
29 Nation Council. The Commission shall have the authority to establish
30

subcommittees as deemed appropriate to provide advisory input from citizens, professionals, federal and other non-elected sources.

B. The Commission shall consist of:

1. ~~Nine~~ Ten voting members of the Navajo Nation Council representing areas affected by the Navajo-Hopi Land Dispute—from each of the following areas:

- a. To' Nanees Dizi
- b. Nahata Dziil
- c. Teesto, Whitecone
- d. Coppermine, K'aibii'to, Tonalea, Bodaway/Gap
- e. Tsah Bii Kin, Shonto
- f. Jeddito
- g. Cameron, Coalmine Canyon, Leupp, Tolani Lake
- h. Hard Rock, Forest Lake, Pinon, Black Mesa, Whippoorwill
- i. Tachee/Blue Gap, Low Mountain
- j. Chilchinbeto

2. All members of the Commission shall be appointed by the Speaker of the Navajo Nation Council and shall serve at the pleasure of the Naabik'iyáti' Committee of the Navajo Nation Council.

SECTION FOUR. EFFECTIVE DATE

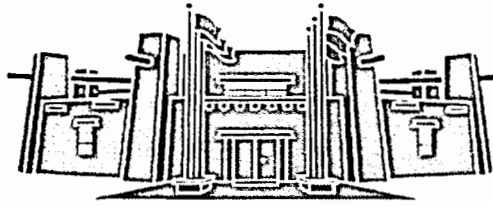
This action of the Navajo Nation Council herein shall be effective pursuant to 2 N.N.C. § 221(B).

SECTION FIVE. CODIFICATION

The provisions of these amendments to the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendments in the next codification of the Navajo Nation Code.

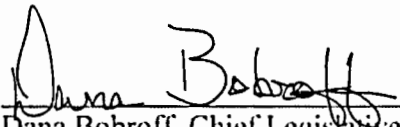
SECTION SIX. SAVINGS CLAUSE

1 Should any provision of these amendments be determined invalid by the Navajo Nation
2 Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo
3 Nation Supreme Court, those amendments that are not determined invalid shall remain
4 the law of the Nation.
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MEMORANDUM

To : Hon. Otto Tso
25th Navajo Nation Council

From : 
Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

Date : April 4, 2023

Re : **AN ACTION RELATING TO THE LAW AND ORDER AND
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL;
AMENDING 2 N.N.C. § 852 TO INCREASE THE NAVAJO-HOPI LAND
COMMISSION MEMBERSHIP TO ADD REPRESENTATION FOR THE
CHILCHINBETO COMMUNITY**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

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. Ahéhee'.

OLC No. 23-073-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0054-23_

SPONSOR: Otto Tso

TITLE: An Action Relating to Law and Order and Naabik'íyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 852 to Increase the Navajo-Hopi Land Commission Membership to add Representation for the Chilchinbeto Community

Date posted: April 04, 2023 8:05 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.: 0054-23

SPONSOR: Honorable Otto Tso

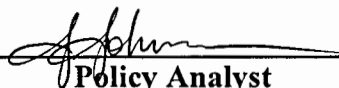
TITLE: An Action Relating to Law and Order and Naabik'iyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 852 to Increase the Navajo-Hopi Land Commission Membership to add Representation for the Chilchinbeto Community

Posted: April 04, 2023 at 8:05 PM

5 DAY Comment Period Ended: April 09, 2022

Digital Comments received:

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



**Policy Analyst
Office of Legislative Services**

April 10, 2023; 8:15 AM

Date/Time

**LAW AND ORDER COMMITTEE
25TH NAVAJO NATION COUNCIL**

FIRST YEAR 2023

COMMITTEE REPORT

Madam Speaker,

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

Legislation No. 0054-23: An Action Relating to the Law and Order and Naabik'iyati' Committees and Navajo Nation Council; Amending 2 N.N.C. § 852 to Increase the Navajo-Hopi Land Commission Membership to Add Representation for the Chilchinbeto Community – *Sponsor: Honorable Otto Tso/Honorable Seth Damon*

Has had it under consideration and reports a DO PASS with no amendment.

And thereafter the legislation was referred to Naabik'iyati' Committee.

Respectfully submitted,



Steven R. Arviso, Pro Tem Chairperson
Law and Order Committee
25th Navajo Nation Council

Date: April 10, 2023

Main Motion:

Motion : Honorable Eugenia Charles-Newton

Second : Honorable Herman M. Daniels, Jr.

Vote : 2-0-3

LAW AND ORDER COMMITTEE

**Regular Meeting
April 10, 2023**

Legislation No. 0054-23: An Action Relating to the Law and Order and Naabik'iyati' Committees and Navajo Nation Council; Amending 2 N.N.C. § 852 to Increase the Navajo-Hopi Land Commission Membership to Add Representation for the Chilchinbeto Community – *Sponsor: Honorable Otto Tso/Honorable Seth Damon*

(CONSENT ITEM)

VOTE TALLY SHEET:

Main Motion:

Motion: Honorable Eugenia Charles-Newton

Second: Honorable Herman M. Daniels, Jr.

Vote: 2-0-3

Yea: Hon. Eugenia Charles-Newton/Hon. Herman M. Daniels, Jr.

Nay: None

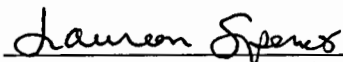
Not Voting: Hon. Steven R. Arviso, Pro Tem Chairperson

Excused: Hon. Nathan Notah

Absent: Hon. Cherilyn Yazzie



Steven R. Arviso, Pro Tem Chairperson
Law and Order Committee
25th Navajo Nation Council



Laureen Spencer, Legislative Advisor
Office of Legislative Services

**25th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
First Year 2023**

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

NAVAJO LEGISLATIVE BILL #0054-23

An Action Relating to Law and Order and Naabik'íyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 852 to Increase the Navajo-Hopi Land Commission Membership to add Representation for the Chilchinbeto Community

Sponsored by: Honorable Otto Tso

Co-Sponsored by: Honorable Seth Damon

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

Respectfully Submitted,



*Honorable Seth Damon, Pro Tem Chairperson
NAABIK'ÍYÁTI' COMMITTEE*

13 April 2023

MAIN MOTION

Motioned by: Honorable Casey Allen Johnson

Seconded by: Honorable Danny Simpson

Vote: 16 In Favor, 2 Opposed (Chairperson Pro Tem Seth Damon Not Voting)

NAVAJO NATION

68

4/13/2023

Naa'bik'iyati' Committee Regular Meeting

12:31:57 PM

Amd# to Amd#	New Business: Item A.	PASSED
MOT Johnson, C	CONSENT AGENDA	
SEC Simpson, D	(25) Legislations	

Yeas : 16

Nays : 2

Excused : 4

Not Voting : 1

Yea : 16

Arviso, S	Claw, S	Johnson, C	Simonson, G
Begay, H	Curley, C	Nez, A	Simpson, D
Begay, N	Daniels, H	Nez, R	Tolth, G
Charles-Newton, E	James, V	Notah, N	Yanito, C

Nay : 2

Yazzie, C	Crotty, A
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Excused : 4

Slater, C	Aseret, L	Jesus, B	Tso, O
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Not Voting : 1

Parrish, S

Presiding Speaker: Damon, S

25th NAVAJO NATION COUNCIL ACTION REPORT First Year 2023

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

NAVAJO LEGISLATIVE BILL #0054-23

An Action Relating to Law and Order and Naabik'íyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 852 to Increase the Navajo-Hopi Land Commission Membership to add Representation for the Chilchimbeto Community

Sponsored by: Honorable Otto Tso

Co-Sponsored by: Honorable Seth Damon

Co-Sponsored by: Honorable Shaandiin Parrish

Has had it under consideration and reports the same that the legislation **FAILED**.

Respectfully Submitted,



Honorable Crystalyne Curley, Speaker
25th NAVAJO NATION COUNCIL

20 April 2023

MAIN MOTION

Motioned by: Honorable George H. Tolth

Seconded by: Honorable Steven R. Arviso

Vote: 10 in Favor, 11 Opposed (Speaker Curley Not Voting)

----- **FAILED MOTIONS** -----

AMENDMENT #1

1. Page 3, line 19, insert new subsection as follows:

3. All Navajo Nation Council Delegates whose constituents and communities are or were directly impacted by the Navajo Hopi relocation may be added to the Navajo Hopi Land Commission through Naabik'íyáti' Committee resolution.

2. Page 4, line 6, add new Section as follows:

SECTION SEVEN. DIRECTIVE

The Navajo Hopi Land Commission shall not request additional funds for stipend payments, and shall instead prorate the budgeted stipend funds equally amongst all Commissioners.

3. Renumber or re-letter succeeding paragraphs, sections, and exhibits, as necessary and appropriate. The Office of Legislative Services and the Office of Legislative Counsel are authorized to make technical edits to this legislation and its exhibits to implement the Committee's intent. This Amendment supersedes inconsistent language in any other amendment(s).

Motioned by: Honorable Vince R. James

Seconded by: Honorable Shawna Ann Claw

Vote: 05 in Favor, 16 Opposed (Speaker Curley Not Voting)

TABLING MOTION

Motion to Table Legislation 0054-23 up to the Navajo Nation Council Summer Session or the next Special Session, whichever comes first, to consult with the affected Navajo-Hopi Land Commission communities.

Motioned by: Honorable Danny Simpson

Seconded by: Honorable Nathan Notah

Vote: 09 in Favor, 12 Opposed (Speaker Curley Not Voting)

NAVAJO NATION

112

Navajo Nation Council Spring Session

4/20/2023

10:32:35 PM

Amd# to Amd#

Legislation 0054-23: Amending

FAILED

MOT Tolth, G

2 N.N.C. § 852 to Increase the

SEC Arviso, S

Navajo-Hopi Land Commission

Membership to-add....

Yeas : 10

Nays : 11

Excused : 2

Not Voting : 0

Yea : 10

Begay, N
Daniels, H
Johnson, C

Nez, R
Notah, N
Parrish, S

Simonson, G
Simpson, D

Slater, C
Tso, O

Nay : 11

Arviso, S
Aseret, L
Begay, H

Charles-Newton, E
Claw, S
James, V

Jesus, B
Nez, A
Tolth, G

Yanito, C
Yazzie, C

Excused : 2

Crotty, A

Damon, S

Not Voting : 0

Presiding Speaker: Curley, C

NAVAJO NATION

111

Navajo Nation Council Spring Session

4/20/2023

10:15:17 PM

Amd#1 to Amd#

Amendment - #0054-23:

FAILED

MOT James, V

1. Page 3, line 19, insert. . . ;

SEC Claw, S

2. Page 4, line 6, add new. . . ;

3. Renumber or reletter . . . ;

Yeas : 5

Nays : 16

Excused : 2

Not Voting : 0

Yea : 5

Charles-Newton, E
Claw, S

James, V

Nez, A

Yazzie, C

Nay : 16

Arviso, S
Aseret, L
Begay, H
Begay, N

Daniels, H
Jesus, B
Johnson, C
Nez, R

Notah, N
Parrish, S
Simonson, G
Simpson, D

Slater, C
Tolth, G
Tso, O
Yanito, C

Excused : 2

Crotty, A

Damon, S

Not Voting : 0

Presiding Speaker: Curley, C

NAVAJO NATION

110

Navajo Nation Council Spring Session

4/20/2023

08:44:44 PM

Amd# to Amd#

(TABLE) > #0054-23:

FAILED

MOT Simpson, D

Bring back to a Navajo Nation

SEC Notah, N

Council Session within 30 days.

Yeas : 9

Nays : 12

Excused : 2

Not Voting : 0

Yea : 9

Begay, H

Jesus, B

Simpson, D

Yanito, C

Claw, S

Notah, N

Tolth, G

Yazzie, C

James, V

Nay : 12

Arviso, S

Charles-Newton, E

Nez, A

Simonson, G

Aseret, L

Daniels, H

Nez, R

Slater, C

Begay, N

Johnson, C

Parrish, S

Tso, O

Excused : 2

Crotty, A

Damon, S

Not Voting : 0

Presiding Speaker: Curley, C