



23rd Navajo Nation Council

MEMORANDUM

To : Manuel Rico, Senior Programs and Projects Specialist
OFFICE OF LEGISLATIVE SERVICES

From : 15711
Tom Platero, Executive Director
OFFICE OF LEGISLATIVE SERVICES

Date : January 9, 2019

Subject : ***23rd Navajo Nation Council Expired Legislation***

Pursuant to 2 N.N.C. § 164 (A) (1), "The last day for consideration of resolutions shall be December 31st of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out and labeled as "expired":

NAVAJO NATION COUNCIL:

0399-17	0424-17	0098-18	0136-18
0183-18	0224-18	0328-18	0344-18
0356-18	0358-18	0367-18	0373-18
0385-18	0393-18	0404-18	0416-18
0422-18			

NAABIK'YATI' COMMITTEE:

0224-15	0361-16	0341-18	0406-18
0418-18	0427-18		

BUDGET AND FINANCE COMMITTEE:

0021-17	0392-17	0099-18	0261-18
0287-18	0398-18	0435-18	0436-18

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE:

0414-18	0419-18	0451-18
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LAW AND ORDER COMMITTEE:

0114-17	0031-18	0217-18	0307-18
0353-18	0360-18	0364-18	0437-18

RESOURCES AND DEVELOPMENT COMMITTEE:

0402-15	0104-16	0121-16	0183-16
0282-16	0296-16	0370-16	0384-16
0135-17	0176-17	0386-17	0400-17
0076-18	0395-18	0415-18	0443-18

Legislation need to be closed out as soon as possible. If you have any questions, please let me know.

CONCURRENCE:



Honorable LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

COPIES: Pete K. Atcitty, Chief of Staff, Office of the Speaker
Ed McCool, Acting Chief Legislative Counsel, Office of Legislative Counsel
Files

LEGISLATIVE SUMMARY SHEET

Tracking No. 0384-1u

DATE: September 30, 2016

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER COMMITTEES; DIRECTING THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY AND THE NAVAJO DEPARTMENT OF JUSTICE TO EXAMINE THE FEASIBILITY OF ADOPTING MINIMUM SAFETY STANDARDS FOR THE TRANSPORTATION OF NATURAL AND OTHER GASES BY PIPELINE THROUGH THE NAVAJO NATION; AND DIRECTING THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY AND THE NAVAJO DEPARTMENT OF JUSTICE TO PRESENT REPORTS TO THE NAABIK'ÍYÁTI' AND RESOURCES AND DEVELOPMENT COMMITTEES REGARDING THIS ISSUE

PURPOSE: Directing the Navajo Nation Environmental Protection Agency and the Navajo Department of Justice to examine the feasibility of adopting minimum safety standards for the transportation of natural and other gases by pipeline through the Navajo Nation.

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: 11/9/2016
Website Posting Time/Date: 4:04 PM 11/9/2016
Posting End Date: 11/9/2016
Eligible for Action: 11/10/2016



Resources & Development Committee

THENCE

Law & Order Committee

PROPOSED STANDING COMMITTEE RESOLUTION
23rd NAVAJO NATION COUNCIL -- Second Year, 2016

INTRODUCED BY


(Prime Sponsor) 

TRACKING NO. 0384-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER
COMMITTEES; DIRECTING THE NAVAJO NATION ENVIRONMENTAL
PROTECTION AGENCY AND THE NAVAJO DEPARTMENT OF JUSTICE TO
EXAMINE THE FEASIBILITY OF ADOPTING MINIMUM SAFETY STANDARDS
FOR THE TRANSPORTATION OF NATURAL AND OTHER GASES BY PIPELINE
THROUGH THE NAVAJO NATION; AND DIRECTING THE NAVAJO NATION
ENVIRONMENTAL PROTECTION AGENCY AND THE NAVAJO DEPARTMENT
OF JUSTICE TO PRESENT REPORTS TO THE NAABIK'ÍYÁTI' AND RESOURCES
AND DEVELOPMENT COMMITTEES REGARDING THIS ISSUE

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation Council established the Resources and Development
Committee (RDC) as a Navajo Nation Council standing committee and as such
empowered RDC to establish policies with respect to protecting the resources of
the Navajo Nation and its People. The Resources and Development Committee is
the Navajo Nation Environmental Protection Agency. 2 N.N.C. §§ 500 (A),
(C)(1), 501 (C)(1), see also CO-45-12.

B. The Navajo Nation Council established the Law and Order Committee (LOC) as a

1 Navajo Nation standing committee and as such empowered LOC to review and
2 make recommendations to the Navajo Nation Council on proposed Navajo Nation
3 Code amendments and enactments. The LOC is the oversight committee for the
4 Navajo Nation Department of Justice. 2 N.N.C. §§ 164 (A)(9), 600(A), 601
5 (B)(14), 601(C)(2)(2012) see also CO-45-12.

- 6 C. The standing committees are authorized to issue directives to programs and
7 departments within their oversight authority. 2 N.N.C. § 189(B).
8

9 SECTION TWO. FINDINGS

- 10 A. Liquefied petroleum and other hazardous gases are of great benefit to the Navajo
11 people when transported and used correctly; however, they can be a great danger
12 if they are not handled properly. The failure to ensure proper transportation of
13 such gases can lead to severe injury, death, property damage and many other
14 social problems; and
15 B. There is concern that Navajo Nation law with regard to pipelines that transport
16 natural gas and similar substances may not be adequate to ensure such safety; and
17 C. The Code of Federal Regulations, 49 C.F.R. Part 192, 723, require an inspection
18 of all gas lines every year for the safety of the community; and
19 D. An examination of applying standards such as those stated in the Code of Federal
20 Regulations to the Navajo Nation is needed at this time and such an examination
21 should be conducted by the Navajo Nation Environmental Protection Agency and
22 the Navajo Nation Department of Justice to determine whether adoption of
23 minimum federal safety standards for the transportation of natural and other gases
24 by pipeline across and throughout the Navajo Nation is necessary to greatly
25 improve the safety of the Navajo people.
26

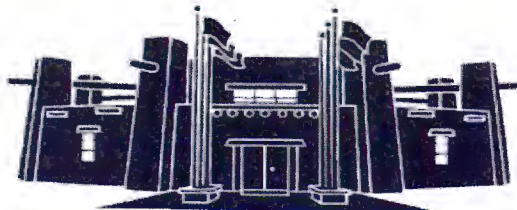
27 SECTION THREE. DIRECTIVES

- 28 A. The Navajo Nation hereby directs the Navajo Nation Environmental Protection
29 Agency and the Navajo Nation Department of Justice to determine whether
30 adoption of minimum safety standards is warranted for the transportation of

1 natural and other gases by pipeline across and throughout the Navajo Nation is
2 necessary to greatly improve the safety of the Navajo people.

3 B. The Navajo Nation hereby directs the Navajo Nation Environmental Protection
4 Agency and the Navajo Nation Department of Justice to develop proposed
5 amendments to Navajo Nation law if a determination is made that adoption of the
6 minimum federal safety standards for transportation of natural and other gases by
7 pipeline across and throughout the Navajo Nation.

8 C. The Navajo Nation hereby directs the Navajo Nation Environmental Protection
9 Agency and the Navajo Nation Department of Justice to present a report to the
10 Resources and Development and the Law and Order Committee regarding
11 whether there is a need to amend Navajo Nation law to provide for safety
12 standards for transportation of natural and other gases by pipeline across and
13 throughout the Navajo Nation. These report(s) are to take place by December 1,
14 2016.



MEMORANDUM

TO: Honorable Jonathan Hale,
Oaksprings and St. Michaels Chapters

FROM:

Mariana Kahn

Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: September 30, 2016

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER COMMITTEES; DIRECTING THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY AND THE NAVAJO DEPARTMENT OF JUSTICE TO EXAMINE THE FEASIBILITY OF ADOPTING MINIMUM SAFETY STANDARDS FOR THE TRANSPORTATION OF NATURAL AND OTHER GASES BY PIPELINE THROUGH THE NAVAJO NATION; AND DIRECTING THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY AND THE NAVAJO DEPARTMENT OF JUSTICE TO PRESENT REPORTS TO THE NAABIK'ÍYÁTI' AND RESOURCES AND DEVELOPMENT COMMITTEES REGARDING THIS ISSUE

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. §§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).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0384-16_____

SPONSOR: Jonathan Hale

TITLE: An Action Relating to Resources And Development, Law And Order Committees; Directing The Navajo Nation Environmental Protection Agency And The Navajo Department Of Justice To Examine The Feasibility Of Adopting Minimum Safety Standards For The Transportation Of Natural And Other Gases By Pipeline Through The Navajo Nation; And Directing The Navajo Nation Environmental Protection Agency And The Navajo Department Of Justice To Present Reports To The Naabik'iyati' And Resources And Development Committees Regarding This Issue

Date posted: November 4, 2016 at 4:04pm

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.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0384-16

SPONSOR: Honorable Jonathan L. Hale

TITLE:: An Action Relating To Resources And Development, Law And Order Committees; Directing The Navajo Nation Environmental Protection Agency And The Navajo Department Of Justice To Examine The Feasibility Of Adopting Minimum Safety Standards For The Transportation Of Natural And Other Gases By Pipeline Through The Navajo Nation; And Directing The Navajo Nation Environmental Protection Agency And The Navajo Department Of Justice To Present Reports To The Naabik'iyati' And Resources And Development Committees Regarding This Issue.

Posted: November 4, 2016 at 4:04pm

5 DAY Comment Period Ended: November 9, 2016

Digital Comments received:

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



Policy Analyst
Office of Legislative Services

11/10/2016 8:30am
Date/Time

Committee Report

THE RESOURCES AND DEVELOPMENT COMMITTEE OF THE NAVAJO NATION COUNCIL
to who has been assigned;

LEGISLATION NO. 0384-16

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER COMMITTEES; DIRECTING THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY AND THE NAVAJO DEPARTMENT OF JUSTICE TO EXAMINE THE FEASIBILITY OF ADOPTING MINIMUM SAFETY STANDARDS FOR THE TRANSPORTATION OF NATURAL AND OTHER GASES BY PIPELINE THROUGH THE NAVAJO NATION; AND DIRECTING THE NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY AND THE NAVAJO DEPARTMENT OF JUSTICE TO PRESENT REPORTS TO THE NAABIK'IYATI' AND RESOURCES AND DEVELOPMENT COMMITTEES REGARDING THIS ISSUE


Sponsor: Honorable Jonathan L. Hale

Co-Sponsor: Honorable Jonathan Perry

Has had under consideration and report the same with the recommendation that Legislation 0384-16 **NO COMMITTEE ACTION TAKEN** with no amendment and no directive.

RDC Chairman Alton Joe Shepherd will meet jointly with the Sponsor, Jonathan L. Hale, regarding Legislation 0384-16.

Respectfully Submitted,



Alton Joe Shepherd, Chairperson
Resources and Development Committee of the
23rd Navajo Nation Council

Dated: March 28, 2017

Main Motion

Motion by: Honorable

Seconded by: Honorable

Vote: __in favor; __Opposed;