

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: _____

Posting End Date: 5/21/2017

Eligible for Action: 5/22/2017

Resources & Development Committee

THENCE

Law & Order Committee

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Naa'bik'íyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23RD NAVAJO NATION COUNCIL—THIRD YEAR, 2017

INTRODUCED BY

 (Tuckony 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:

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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**

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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.

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

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

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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.

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29 **SECTION FOUR. CODIFICATION**
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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.
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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.
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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.
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