LEGISLATIVE SUMMARY SHEET
Tracking No. 0267-19

DATE: September 4, 2019

TITLE OF RESOLUTION: A PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING 12 N.N.C. § 820 (O), DISTRIBUTIONS TO CHAPTERS

PURPOSE: The purpose of this resolution, if passed, is to approve amendments to the Navajo Nation Code, Title 12, Section 820(O), to provide chapter official stipends on an equal basis to all 110 chapter's officials regardless of the percentage of registered voters in the chapter.

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: _____
Website Posting Time/Date: 3:30PM 9-6-19
Posting End Date: 9-11-19
Eligible for Action: 9-12-19

Law & Order Committee
Thence
Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY

(Sponsor)

0267-19

TRACKING NO.

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING 12 N.N.C. § 820 (O), DISTRIBUTIONS TO CHAPTERS

BE IT ENACTED:

Section 1. Authority

A. The Law and Order Committee of the Navajo Nation Council is empowered to review and make recommendations to the Navajo Nation Council on proposed amendments and enactments to the Navajo Nation Code. 2 N.N.C. § 601(B)(14).

B. The Resources and Development Committee of the Navajo Nation Council serves as the oversight committee for the Navajo Nation chapters. 2 N.N.C. § 501(C)(1).

C. The Budget and Finance Committee of the Navajo Nation Council is empowered to coordinate and review all fiscal, financial and investment activities of the Navajo Nation. 2 N.N.C. § 301(B)(5).

D. The Naabik'íyáti' Committee considers proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

E. The Navajo Nation Council approves enactments and amendments of positive law. 2 N.N.C. § 164(A).

Section 2. Findings

A. Navajo Nation Chapter Officials for all one hundred and ten (110) chapters perform valuable functions for local government. This proposed amendment would explicitly state that the Navajo Nation Overall Budget Policy is to provide chapter official stipends on an equal basis to all 110 chapter's officials regardless of the percentage of registered voters in the chapter.

B. The Resolution of the Commission on Navajo Government Development supporting the proposed amendment is attached as **Exhibit A**.

Section 3. Amendments to Title 12 of the Navajo Nation Code

The Navajo Nation hereby approves amendments to the Navajo Nation Code, Title 12, Section 820(O), as follows:

NAVAJO NATION CODE ANNOTATED

TITLE 12. FISCAL MATTERS

CHAPTER 7. APPROPRIATIONS

***

§820. Overall Budget Policies

***

O. Where not otherwise prohibited by existing law, any appropriation intended for distribution to all chapters of the Navajo Nation shall be as follows: fifty percent (50%) of the appropriation shall be divided equally among all chapters and the remaining fifty percent (50%) shall be divided proportionately among the chapters

using a percentage equal to that figure which the number of registered voters in each chapter bears to the whole of registered Navajo Nation voters as determined by the most current voter registration figures available as of the date of the appropriation, except that appropriations for chapter official stipends shall be equally divided equally among all the chapters regardless of the percentage of registered voters in the chapter.

***

Section 4. Effective Date

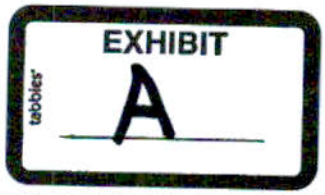
The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221.

Section 5. Codification

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 6. Saving Clause

Should any portion of the amendment enacted herein be determined invalid by the Navajo Nation Supreme Court, or the District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions not determined invalid shall remain the law of the Navajo Nation.



CNGD-0603-19

RESOLUTION OF THE COMMISSION ON NAVAJO GOVERNMENT DEVELOPMENT

AN ACTION TO RECOMMEND AMENDMENTS TO 12 N.N.C § 820(O), DISTRIBUTIONS TO CHAPTER, TO REMOVE APPROPRIATIONS MADE TO ALL CHAPTERS INTENDED FOR CHAPTER OFFICIAL STIPENDS FROM THE 50/50 DISTRIBUTION FORMULA IN ORDER TO STREAMLINE FUNDING APPROPRIATIONS INTENDED FOR CHAPTER OFFICIAL STIPENDS.

WHEREAS:

1. Pursuant to CD-68-89, the Navajo Nation Council established the Commission ("Commission") on Navajo Government Development including the Office of Navajo Government Development with the quasi-independent authority to accomplish the Navajo Nation Council's project of instituting reforms necessary to ensure an accountable and responsible government; and,

2. Pursuant to 2 N.N.C § 971 (A), the purpose of the Commission on Navajo Government Development shall be as follows, "To review and evaluate all aspects of the existing government structure of the Navajo Nation including laws, rules and regulations, practices, functions, goals and objectives of the central government as it relates to Chapters, and local communities and the relationship of Chapters and local communities and the relationship of Chapters and local communities to the central government." And,

3. The Navajo Nation Council passed Resolution CJN-22-19 recognizing the need to create stable funding mechanisms to enable Chapter officials to perform their official duties; and,

4. The Commission and Office of Government Development recognizes that the current 50/50 chapter distribution formula stated in 12 N.N.C § 820(O) does not appropriate Chapter funding for Chapter official stipends equally among all Chapters, resulting in Chapters with too little funding and Chapters with too much funding for stipends at the beginning of each fiscal year; and,

5. The Commission and Office of Government Development recommends amendments to 12 N.N.C § 820(O) to exempt funding intended for chapter stipends from the 50/50 formula in order to allow for the equal distribution of funding for Chapter official stipends for all Navajo Nation Chapters.

NOW THEREFORE IT BE RESOLVED THAT THAT:

1. The Commission on Navajo Government Development hereby recommends amendments to 12 N.N.C § 820(O), distributions to chapter, to remove appropriations made to all chapters intended for chapter official stipends from the 50/50 distribution formula in order to streamline funding appropriations intended for chapter official stipends.

CERTIFICATION

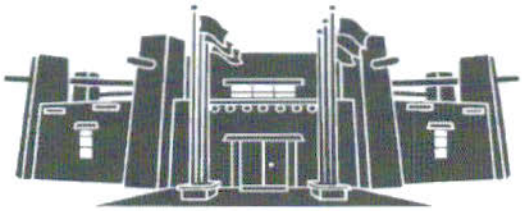
I hereby certify that the forgoing resolution was duly considered by the Commission on Navajo Government Development at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that same was passed by a vote of 6 in favor, 0 opposed, and 2 abstained, on this 22nd day of June, 2019.

JoAnn Dedman, Chairperson
Commission on Navajo Government Development

Motion: LeTanya Thinn

Second: Rachel Felix

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



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Jamie Henio
Ramah, Alamo and Tohajiileeh Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: September 4, 2019

SUBJECT: A PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING 12 N.N.C. § 820 (O), DISTRIBUTIONS TO CHAPTERS

I have prepared the above-referenced proposed resolution pursuant to your request. 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.

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).

Please ensure that his 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 NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0267-19 **SPONSOR:** Jamie Henio

TITLE: An Action Relating To Law And Order, Resources And Development, Budget And Finance, NAABIK'IYATI' Committees And Navajo Nation Council; Amending 12 N.N.C. § 820 (O), Distributions To Chapters

Date posted: September 6, 2019 at 3:30 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.: 0267-19

SPONSOR: Honorable Jamie Henio

TITLE: An Act Relating To Law And Order, Resources And Development, Budget And Finance, And Naabik'íyáti' Committees, And The Navajo Nation Council; Amending 12 N.N.C. §820 (O), Distributions To Chapters

Posted: September 06, 2019 at 3:30 PM

5 DAY Comment Period Ended: September 11, 2019

Digital Comments received:

Comments Supporting	**1) Mexican Water Chapter**
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

9/12/19 8:24 Am
Date/Time

Legislation 0267-19

Mexican Water Chapter <mexicanwater@navajochapters.org>

Tue 9/10/2019 3:32 PM

To: comments <comments@navajo-nsn.gov>;

Mexican Water Chapter is in support of the amendment to Legislation No. 0241-19: Amending distributions to chapters - modify distribution to seventy-five percent (75%) and twenty-five percent (25%), this will help the smaller chapters such as Mexican Water. Chapter does not receive enough funding to cover the Operation & Maintenance of the Chapter