LEGISLATIVE SUMMARY SHEET
Tracking No. 0092-19

DATE: April 17, 2019

SUBJECT: **AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; APPOINTING MEMBERS TO THE NAABIK'ÍYÁTI' NAVAJO SEXUAL ASSAULT PREVENTION SUBCOMMITTEE**

PURPOSE: To appoint Navajo Nation Council Delegates to the Naabik'íyáti' Sexual Assault Prevention Subcommittee.

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: Legislation
Website Posting Time/Date: 4-17-19 5:28pm
Posting End Date: 4-22-19
Eligible for Action: 4-23-19

PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

INTRODUCED BY

(Primary Sponsor)

TRACKING NO. 0093-19

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; APPOINTING MEMBERS TO THE NAABIK'ÍYÁTI' NAVAJO SEXUAL ASSAULT PREVENTION SUBCOMMITTEE

BE IT ENACTED:

Section One. Authority

A. Naabik'íyáti' Committee holds the authority to establish the Navajo Sexual Assault Prevention Subcommittee and such subcommittee shall exist until its assigned tasks are completed and a report and recommendation is made to the Naabik'íyáti' Committee. 2 N.N.C. § 186.

Section Two. Findings and Appointment to the Sexual Assault Prevention Subcommittee

A. The Navajo Nation established the Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee in Resolution NABIMY-33-16 (and amended by NABIS-73-16), to strengthen the response to sexual assault victims, explore the possibility of data sharing and cross-deputation, explore the possibility of developing a coordinated community response to sexual assault, strengthen the sexual assault laws, and other issues that develop during the meetings regarding sexual assault. Resolutions NABIMY-33-16 and NABIS-73-16 are attached as **Exhibits A and B** respectively.

B. The Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee consists of six members who are from the Law and Order, Resources and Development, Budget and Finance, Health, Education and Human Services, and Naabik'íyáti' 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. _____, Naabik'íyáti' Committee
2. _____ , Resources and Development Committee
3. _____, Law and Order Committee
4. _____, Budget and Finance Committee
5. _____, Health, Education and Human Services Committee
6. _____, _____ Committee

Section Three. Subcommittee Term

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

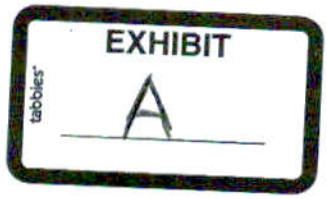
Section Four. Directives

A. The Speaker's Chief of Staff shall assign one policy analyst to assist the Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee.

B. The Legislative Services' Executive Director shall assign two Office of Legislative Services staffers to assist the Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee.

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

NABIMY-33-16



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

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; ESTABLISHING THE NAABIK'ÍYÁTI' NAVAJO SEXUAL ASSAULT PREVENTION SUBCOMMITTEE

BE IT ENACTED:

Section One. Authority

A. The Navajo Nation Council established the Naabik'íyáti' as a Navajo Nation standing committee and empowered the committee to "[t]o coordinate all…federal programs with other standing committees and branches of the Navajo Nation government to provide the most effective delivery of services to the Navajo Nation." 2 N.N.C. §§ 700(A) and 701(A)(4) (2012) *see also* CJA-03-13.

B. The Navajo Nation Council gave Naabik'íyáti' Committee the authority to delegate its authority as appropriate for efficiency and streamlining of government process to appropriate entities. 2 N.N.C. § 701(B) (2012) *see also* CJA-03-13.

C. Naabik'íyáti' Committee holds the authority to establish the Navajo Sexual Assault Prevention Subcommittee and such subcommittee shall exist until its assigned tasks are completed and a report and recommendation is made to the Naabik'íyáti' Committee. 2 N.N.C. § 186 (2012) see also CJA-03-13.

Section Two. Findings

A. American Indians are twice as likely to experience rape/sexual assault than any other race. BUREAU OF JUSTICE STATISTICS, AMERICAN INDIANS AND CRIME 5 (2004).

B. Sixty-six percent (66%) of the violent crimes in which the offender's race was reported, American Indians victims indicated the offender was a different race. BUREAU OF JUSTICE STATISTICS, AMERICAN INDIANS AND CRIME 9 (2004).

C. President Obama stated that "Tribal governments have an inherent right to protect their people, and all women deserve the right to live free from fear." Alysa Landry, *A Question of Justice: Navajo Nation Considers Violence Against Women Act*, INDIAN COUNTRY TODAY, April 2, 2015.

D. In 2013, 565 violent crimes were known to Navajo Nation law enforcement; the total included 320 rapes and 210 aggravated assaults. BUREAU OF JUSTICE STATISTICS, TRIBAL CRIME DATA COLLECTION ACTIVITIES, 2015 8 (2015).

E. According to Navajo Nation court records, domestic violence cases made up twelve percent (12%) of their entire caseload in 2014. Landry.

F. Establishing a Navajo Sexual Assault Prevention Subcommittee to enhance the safety of the Navajo Nation is in the best interest of the Navajo Nation.

Section Two. Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee Establishment

A. The Navajo Nation establishes the Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee to strengthen the response to sexual assault victims, explore the possibility of data sharing and cross-deputation, explore the possibility of developing a coordinated community response to sexual assault, strengthen the sexual assault laws, and other issues that develop during the meetings regarding sexual assault.

B. The Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee shall:

1. Report monthly to the Speaker of the Navajo Nation Council on the Task Force's activities; and

2. Transfer information and recommendations to the Speaker of the Navajo Nation Council, the Naabik'íyáti' Committee, appropriate Navajo Nation Council standing committees, and appropriate Legislative Branch boards, commissions, agencies, offices and programs.

C. The Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee shall consist of six members who are from the Law and Order, Health, Education and Human Services, Resources and Development, and the Budget and Finance

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. Jonathan Perry, Law and Order Committee
2. Otto Tso, Law and Order Committee
3. Dwight Witherspoon, Budget and Finance Committee
4. Amber Crotty, Health, Education and Human Services Committee
5. Jonathan L. Hale, Health, Education and Human Services Committee
6. Leonard Tsosie, Resources and Development Committee

D. The Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee by majority vote shall select a chairperson and vice-chairperson at their first meeting. The chairperson and vice-chairperson shall serve at the subcommittee's pleasure; replacement shall be by majority vote.

E. The Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee shall establish a regular meeting day(s) of the month.

Section Three. Subcommittee Term

The Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee shall exist until their assigned tasks are completed and shall report their recommendations to the Naabik'íyáti' Committee. 2 N.N.C. § 186 (2012) *see also* CJA-03-13.

Section Four. Directives

A. The Speaker's Chief of Staff shall assign one policy analyst to assist the Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee.

B. The Legislative Services' Executive Director shall assign two Office of Legislative Services staffers to assist the Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee.

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

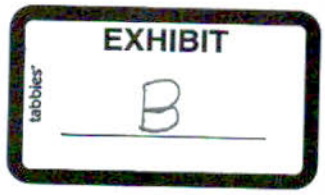
CERTIFICATION

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 13 in favor, 0 oppose, this 12th day of May, 2016.

LoRenzo Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Amber Kanazbah Crotty
Second: Honorable Alton Joe Shepherd

NABIS-73-16



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

23rd NAVAJO NATION COUNCIL – SECOND YEAR, 2016

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; AMENDING THE NAABIK'ÍYÁTI' NAVAJO SEXUAL ASSAULT PREVENTION SUBCOMMITTEE

BE IT ENACTED:

Section One. Authority

A. Naabik'íyáti' Committee holds the authority to establish the Navajo Sexual Assault Prevention Subcommittee and such subcommittee shall exist until its assigned tasks are completed and a report and recommendation is made to the Naabik'íyáti' Committee. 2 N.N.C. § 186 (2012); *see also* CJA-03-13.

Section Two. Naabik'íyáti' Navajo Sexual Assault Subcommittee Establishment

A. The Navajo Nation establishes the Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee to strengthen the response to sexual assault victims, explore the possibility of data sharing and cross-deputation, explore the possibility of developing a coordinated community response to sexual assault, strengthen the sexual assault laws, and other issues that develop during the meetings regarding sexual assault.

B. The Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee shall consist of six members who are from the Law and Order and Health, Education and Human Services 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. Nathaniel Brown, Naabik'íyáti' Committee
2. Otto Tso, Law and Order Committee
3. Dwight Witherspoon, Budget and Finance Committee

4. Amber Crotty, Health, Education and Human Services Committee
5. Jonathan Hale, Health, Education and Human Services Committee
6. Jonathan Perry, Resources and Development Committee

Section Three. Subcommittee Term

The Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee shall exist until their assigned tasks are completed and shall report their recommendations to the Naabik'íyáti' Committee. 2 N.N.C. § 186 (2012); *see also* CJA-03-13.

Section Four. Directives

A. The Speaker's Chief of Staff shall assign one policy analyst to assist the Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee.

B. The Legislative Services' Executive Director shall assign two Office of Legislative Services staffers to assist the Naabik'íyáti' Navajo Sexual Assault Prevention Subcommittee.

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

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 13 in favor and 0 opposed, this 2nd day of September 2016.

LoRenzo Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Nathaniel Brown
Second: Honorable Herman M. Daniels

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

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Seth Damon
24th Navajo Nation Council, Speaker

FROM: KQ Lowell
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: April 17, 2019

SUBJECT: AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; APPOINTING MEMBERS TO THE NAABIK'ÍYÁTI' NAVAJO SEXUAL ASSAULT PREVENTION SUBCOMMITTEE

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).

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: 0092-19 SPONSOR: Seth Damon

TITLE: An Action Relating To NAABIK'IYATI' Committee; Appointing Members To The NAABIK'IYATI' Navajo Sexual Assault Prevention Subcommittee

Date posted: April 17, 2019 at 5:28 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.*