

LEGISLATIVE SUMMARY SHEET

Tracking No. 0122-17

DATE: March 31, 2017

SUBJECT RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING 10 N.N.C. § 106 (E); PROVIDING FOR A QUORUM FOR NAVAJO NATION BOARD OF EDUCATION MEETINGS

PURPOSE: The purpose of this legislation is to amend Title 10 of the Navajo Nation Code to provide for a working quorum for the Navajo Nation Board of Education.

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: None
Website Posting Time/Date: 3:51pm 4/11/17
Posting End Date: 4/11/2017
Eligible for Action: 4/11/2017

Law & Order Committee

THENCE

Health, Education & Human Services Committee

THENCE

Naa'bik'íyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL -- Third Year, 2017

INTRODUCED BY


(Prime Sponsor)



TRACKING NO. 0122-17

AN ACTION

RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN
SERVICES, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION
COUNCIL; AMENDING 10 N.N.C. § 106 (E); PROVIDING FOR A QUORUM FOR
NAVAJO NATION BOARD OF EDUCATION MEETINGS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. 601(B)(14), reviews and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code.
- B. The Health, Education and Human Services Committee of the Navajo Nation Council, among other duties and responsibilities, has oversight authority over matters related to education within the Navajo Nation. 2 N.N.C. §401 (6) (a)
- C. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. Pursuant to 2 N.N.C. § 164(A) (9), the committee reviews proposed legislation which requires final action by the Navajo Nation Council.
- D. The Navajo Nation Council enacts laws and sets policy for the Navajo Nation. 2 N.N.C. § 102.

SECTION TWO. FINDINGS

- 1 A. The Navajo Nation Code provides that the Navajo Nation Board of Education shall
2 consist of 11 members. 10 N.N.C. §106 (B) (1)
- 3 B. The Navajo Nation Code requires that of those 11 members of the Board, five members
4 shall be elected from the five agencies. 10 N.N.C. § 106 (B) (2)
- 5 C. The Navajo Nation Code also requires that of those 11 members of the Board, six
6 members shall be appointed by the President of the Navajo Nation and confirmed by the
7 Health, Education and Human Services Committee of the Navajo Nation Council. 10
8 N.N.C. § 106 (B) (3)
- 9 D. The Navajo Nation Code requires that should vacancies occur among the six appointed
10 members of the Board for any reason the President of the Navajo Nation shall make
11 appointments to fill such vacancies for the unexpired term, subject to the confirmation of
12 the Health, Education and Human Services Committee of the Navajo Nation Council. 10
13 N.N.C. §106 (B) (5)
- 14 E. Appointment vacancies exist on the Board thereby reducing the number of members
15 available to provide a quorum for the conduct of the official business of the Navajo
16 Nation Board of Education
- 17 F. The Navajo Nation Council finds it in the best interest of the Navajo People to revise the
18 requirements for a quorum so the work of the Navajo Nation Board of Education can
19 proceed unimpeded by vacancies created by a delay or failure to appoint.
- 20 G. The Navajo Nation Council hereby finds it in the best interest of the Navajo People to
21 now enact the following amendments to the Navajo Nation Code concerning the
22 Navajo Nation School Board.

23
24 **SECTION THREE. AMENDING TITLE 10**

25 The Navajo Nation hereby amends the Navajo Nation Code at 10 N.N.C. § 106 (E) as
26 follows:

27 _____

28
29 **THE NAVAJO NATION CODE**
30 **TITLE 10. EDUCATION**

SUBCHAPTER 2. DINÉ EDUCATION

§ 106. Navajo Nation board of Education

A. Establishment-Navajo Nation Board of Education.

There is hereby established the Navajo Nation Board of Education (hereinafter, "the Board"), with the Executive Branch of the Navajo Nation government for the specialized purpose of overseeing the operation of all schools serving the Navajo Nation, either directly if under the immediate jurisdiction of the Navajo Nation, or if operated by another government, by joint powers agreements, memoranda of understanding/agreement, cooperative agreements or other appropriate intergovernmental instruments.

B. Membership.

1. The Board shall consist of 11 members.

2. Five Board members shall be elected to four year terms, one at-large from each of the following agencies: Western, Chinle, Fort Defiance, Shiprock and Eastern. If vacancies occur in any of the five elected Board positions, for any reason, the vacancies shall be filled in the same manner as provided in the Navajo Election Code for school board members in 11 N.N.C. § 161(E).

3. Six Board members shall be appointed to six year terms by the President of the Navajo Nation and confirmed by the Education Committee of the Navajo Nation Council. These members will be appointed in order to ensure that a variety of experience and knowledge is present on the Board.

4. The six appointed members of the Board shall serve as the Board from the time of the confirmation of all six appointed members by the Education Committee until the five elected Board members are elected in the 2006 Navajo Nation General Election.

5. If vacancies occur in any of the six appointed Board positions, for any reason, the President of the Navajo Nation shall make appointments to fill such vacancies for the unexpired remainders of the vacant Board position term, subject to confirmation by the Education Committee.

C. Qualifications of appointed/elected Board members.

1 1. The six appointed Board members shall meet the following qualifications:

2 a. Two appointed Board members will be individuals who are recognized
3 for their knowledge of traditional Navajo culture;

4 b. One appointed Board member will be a school administrator working
5 on the Navajo Nation;

6 c. Two appointed Board member will be parents of at least one child
7 enrolled in a Kindergarten, elementary, or secondary program on the
8 Navajo Nation;

9 d. One appointed Board member will be a teacher employed in a Bureau
10 of Indian Affairs funded or state public school operating on the Navajo
11 Nation.

12 2. The five elected Board members shall have at least a four year academic degree
13 from an accredited college or university.

14 D. Qualifications of all Board members.

15 All Board members shall meet the following qualifications:

16 1. All Board members shall be enrolled members of the Navajo Nation;

17 2. All Board members shall be at least 25 years of age;

18 3. All Board members shall not be delegates to the Navajo Nation Council,
19 a member of a school board of a school operating on the Navajo Nation, or
20 an employee of the Department of Diné Education.

21 4. All Board members shall not have been convicted of a felony or of any
22 crime involving child abuse or neglect.

23 E. Meetings.

24 1. All meetings of the Board shall be public, and shall be held at a variety of
25 locations either on or in immediate proximity to the Navajo Nation so as to make it
26 possible for interested Navajo public and Navajo educators to attend.

27 2. The Board shall meet on such schedule as is necessary to carry out its
28 responsibilities, or at the call of its presiding officer.

1 3. An electronic record of the procedures of the Board shall be kept, and shall be
2 made available to the public in accord with the Navajo Nation Privacy and Access to
3 Information Act.

4 4. During meetings of the Board an opportunity shall be made available for the
5 public to speak on any issue before the Board.

6 5. A quorum for the purposes of conducting official business, shall consist of a
7 majority of the sitting members; the number of vacant seats awaiting appointment not
8 withstanding.

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10 * * * *

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13 **SECTION FOUR. CODIFICATION**

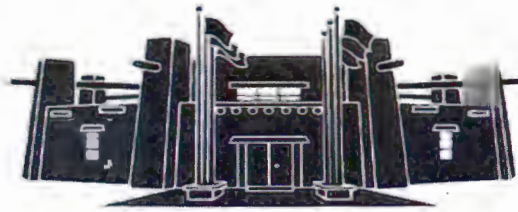
14 The provisions of the Act which amend or adopt new sections of the Navajo Nation Code
15 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall
16 incorporate such amended provisions in the next codification of the Navajo Nation Code.

17
18 **SECTION FIVE. SAVING CLAUSE**

19 Should any provision of this Act be determined invalid by the Navajo Nation Supreme
20 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
21 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

22
23 **SECTION SIX. EFFECTIVE DATE**

24 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).
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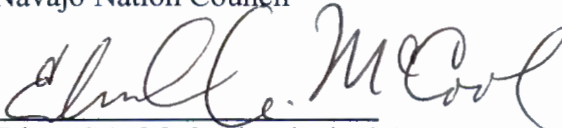


MEMORANDUM

TO:

Honorable Jonathan Hale
Navajo Nation Council

FROM:


Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE:

March 31, 2017

SUBJECT: AN ACTION RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING 10 N.N.C. § 106 (E); PROVIDING FOR A QUORUM FOR NAVAJO NATION BOARD OF EDUCATION MEETINGS

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. §§500, 501. 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: _0122-17_____

SPONSOR: Jonathan Hale

TITLE: An Action Relating To Law and Order, Health, Education and Human Services, Naabik'iyati' Committee and the Navajo Nation Council; Amending 10 N.N.C. § 106 (E); Providing for a Quorum for Navajo Nation Board of Education Meetings

Date posted: April 5, 2017 at 3:51pm

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 Nav, ajo 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.: 0122-17

SPONSOR: Honorable Jonathan L. Hale


TITLE: An Action Relating To Law and Order, Health, Education and Human Services, Naabik'iyáti' Committee and the Navajo Nation Council; Amending 10 N.N.C. § 106 (E); Providing for a Quorum for Navajo Nation Board of Education Meetings

Posted: April 5, 2017 at 3:51 PM

5 DAY Comment Period Ended: April 10, 2017

Digital Comments received:

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



Policy Analyst
Office of Legislative Services

4/11/17 8:00am
Date/Time

**LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL**

THIRD YEAR 2017

COMMITTEE REPORT

Mr. Speaker,

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

Legislation No. 0122-17: An Action Relating to Law and Order, Health, Education and Human Services, Naabik'iyati' Committee and the Navajo Nation Council; Amending 10 N.N.C. § 106 (E); Providing for a Quorum for Navajo Nation Board of Education Meetings – Sponsor: Hon. Jonathan L. Hale

Has had it under consideration and reports the same with the recommendation that it **DO NOT PASS** with no amendment

And thereafter referred to Health, Education & Human Services Committee

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Edmund Yazzie', written over a horizontal line.

Edmund Yazzie, Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: June 26, 2017

Main Motion: Honorable Kee A. Begay, Jr.
Second : Honorable Raymond Smith, Jr.
Vote : 1-2 (Chairperson broke tie vote)