

LEGISLATIVE SUMMARY SHEET

Tracking No. 0191-16

DATE: June 15, 2016

TITLE OF RESOLUTION: RELATING TO LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 164 AND § 285


PURPOSE: The purpose of the legislation is to amend 2 N.N.C. § 164 and § 285 of the Navajo Nation Code.

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: Laterny Butte
Website Posting Time/Date: 5:02pm 6/15/16
Posting End Date: 6/20/16
Eligible for Action: 6/21/16

Law & Order Committee
THENCE
Budget & Finance Committee
THENCE
Naa'bi'iyáti' Committee
THENCE
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Second Year, 2016

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0191-16

AN ACTION
RELATING TO LAW AND ORDER, BUDGET AND FINANCE, AND
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
AMENDING 2 N.N.C. § 164 AND § 285

BE IT ENACTED:

Section One. Authorities

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164 (A)(1), 600 (A), and 601(B)(14).
- B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council and is empowered with the oversight of Navajo Nation fiscal policies and oversight of fund management plans. 2 N.N.C. §§ 164 (A)(1); 300(A), 300(C)(1) and 301(B)(13).
- C. The Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 500 (C), exercises oversight authority over land. 2 N.N.C §§ 164 (A)(1) and 500 (A).
- D. The Naabik'iyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164 (A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council.

1
2 **Section Two. Findings**

- 3 A. On October 16, 2012 the Navajo Nation Council passed CO-45-12, Adopting the
4 "Navajo Nation Title 2 Reform Act of 2012" Amending Certain Sections of the
5 Navajo Nation Code at Title 2, Sections 104, 106, 107, 110, 162, 163, 164, 169,
6 181, 183, 184, 187, 189, 192, 285, 300, 301, 201, 401, 403, 501, 503, 601, 603, 700,
7 701 (sic); the Resolution was vetoed by the Navajo Nation President on November
8 15, 2012, subsequently the Navajo Nation Council passed Resolution No. CJA 03-
9 13, Overriding the Navajo Nation President's Veto of Navajo Nation Council
10 Resolution No. CO-45-12.
- 11 B. Presently the Navajo Nation budget process covers four months, excluding
12 preparation time by the various financial programs including the Office of
13 Management and Budget and the Office of the Controller.
- 14 C. Budget deliberations to enact and implement the Navajo Nation comprehensive
15 budget require as much time as possible for discussions, negotiations and
16 deliberations.
- 17 D. The interests of the Navajo Nation are best served by referring legislation, for the
18 purpose of enacting or amending the Nation's comprehensive budget, directly to the
19 Budget and Finance Committee, thus foregoing the five (5) day comment period.
- 20 E. The five (5) day public comment period does not advance the Nation's interests
21 because it delays the legislation from reaching the Committees. Since time is of the
22 essence in the budget process, the Nation is better served by avoiding any delay in
23 getting the legislation to the relevant standing committees.
- 24 F. The Speaker of the Navajo Nation Council should be given the opportunity to vote
25 in the event legislation requires a super-majority.
- 26

27 **Section Three. Amending the Resolution No. CJA-03-13 (uncodified)**

28 Navajo Nation Council Resolution No. CJA-03-13 is hereby amended as follows:
29
30

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3 **NAVAJO NATION CODE ANNOTATED**

4 **TITLE 2. LEGISLATIVE BRANCH**

5 **CHAPTER 7. NAVAJO NATION COUNCIL MEETINGS**

6 ***

7 § 164. Navajo Nation Council and Committee Legislative Process

8

9 A. Statements of policy, enactment of positive law, intergovernmental agreements,
10 budget resolutions, and reallocations, must be reviewed and approved by resolution
11 by the appropriate standing committee(s) and the Navajo Nation Council except as
12 otherwise provided herein.

13 1. Except for statutorily enumerated situations as set out in 2 N.N.C. § 164(A)(16),
14 Only Council delegates or Standing Committees may introduce a proposed resolution
15 to the Standing Committee(s) and the Navajo Nation Council, except where Navajo
16 government employees are authorized by statute or regulation to introduce a proposed
17 resolution. The last day for consideration of resolutions shall be December 31st of the
18 year immediately preceding' the swearing in of the new Council. Council delegates,
19 standing committees, and other Navajo government employees who are statutorily
20 authorized to introduce proposed resolutions, may seek the assistance of either the
21 Office of Legislative Counsel or other legal counsel employed by the Navajo Nation
22 to draft proposed resolutions. The Office of Legislative Counsel shall ensure that the
23 proposed resolution is drafted in a proper codified format before it is assigned a
24 number and introduced into the legislative process. The Office of Legislative Counsel
25 shall notify the Council by memorandum of the legal sufficiency of each proposed
26 resolution.

27 2. Expressions of condolence, congratulations, appreciation, recognition of
28 achievement and other similar expressions of sentiment shall be processed as
29 memorials of the Navajo Nation Council or its standing committees but shall be
30

1 issued by certificates from the Speaker of the Navajo Nation Council at the written
2 request of any Council Delegate and in the manner set forth at 2 N.N.C. § 285(B)(7).

3 3. After the proposed resolution is deemed properly drafted by the Office of Legislative
4 Counsel, the council delegate(s), standing committee(s) or authorized employee(s)
5 shall present it to the Director for the Office of Legislative Services, or designee, who
6 will assign a number to the proposed resolution.

7 4. All resolutions proposing new laws or amendments of laws shall clearly indicate new
8 language by underscoring the new language and deletion by overstrike and shall refer
9 to appropriate Navajo Nation Code chapter or subchapter and sections when
10 applicable. All proposed resolutions enacting new laws, amending existing laws, or
11 adopting a statement of policy shall include version identification and may be read in
12 its entirety to the members of the Navajo Nation Council at the request of a Delegate.
13 The exhibits attached to the proposed resolutions shall be identified by reference
14 only.

15 5. After the proposed resolution is assigned a number, the Speaker of the Navajo Nation
16 Council shall introduce it into the legislative process by assigning it to the respective
17 oversight committee(s) of the Navajo Nation Council having authority over the
18 matters for proper consideration and distribute a digital copy, including copies of
19 exhibits, of the proposed resolution to the Office of the President, Office of the
20 Attorney General, Office of the Controller, Office of Management and Budget, and
21 all Executive Branch Division Directors.

22 6. No later than the first calendar day after the proposed resolution is introduced into
23 the legislative process, the Director for the Office of Legislative Services, or
24 designee, shall cause digital copies of the resolution to be placed on the Council's
25 website. Exhibits attached to the resolution shall not be posted on the website, but
26 digital copies of the exhibits, where practicable, shall be provided upon request to the
27 Office of Legislative Services. Any matters or exhibits determined by the Navajo
28 Nation Department of Justice to be confidential shall be properly marked
29 "confidential" and shall not be placed on the website or otherwise released. Digital
30 copies of resolutions and exhibits shall carry a notice to the effect that the digital copy

1 is being produced for the benefit of the Navajo Chapters and public and any political
2 use is prohibited.

3 7. A Chapter government may also provide comments to the proposed resolution
4 through properly delegated elected official or through a certified chapter resolution.
5 The Executive Branch Division Directors and Chapter government, at their own
6 option, shall have 5 calendar days to submit comments on proposed resolution to the
7 Executive Director for the Office of Legislative Services. After receiving comments,
8 the Executive Director for the Office of Legislative Services, in consultation with
9 Chief Legislative Counsel, shall cause the analysis of the resolution, with appropriate
10 references to comments received. The analysis may include comments to be affixed
11 to the proposed resolution for consideration by the standing committee(s) and the
12 Council. Such analysis shall not constitute legal advice and be used to promote a
13 better understanding of the resolution.

14 8. Following the expiration of the public comment period, the proposed resolution,
15 except for a comprehensive budget resolution, shall be forwarded to the Chairperson
16 of the appropriate standing committee and the Chairperson shall place the proposed
17 resolution on the committees' agenda for consideration by the standing committee at
18 the next committee meeting. The Chairperson may also include an assigned memorial
19 on the agenda. Action by the committee shall be in a written report and submitted to
20 Council or another authorized committee. A legislation introduced for the purpose of
21 enacting or amending the Navajo Nation Comprehensive Budget shall be immediately
22 referred to the Budget and Finance Committee for consideration. The Budget and
23 Finance Committee shall consult with Resources and Development Committee, Law
24 and Order Committee and Health, Education or Human Services Committee in
25 recognition of their oversight functions before referring such a legislation to
26 Naabik'iyáti' Committee and the Navajo Nation Council.

27 9. A proposed resolution that requires final action by the Navajo Nation Council shall
28 be assigned to standing committee(s) having authority over the subject matter at issue
29 and the Naabik'iyáti' Committee. The resolution or memorial shall be submitted to the
30 Naabik'iyáti' Committee with amendments and committee reports. The Naabik'iyáti'

1 Committee may develop proposed amendments to the Council or may refer a
2 resolution or memorial back to the appropriate standing committee(s).

3 10. An amendment approved by a Committee shall be included as an amendment to in
4 the proposed resolution. A failed amendment may not be introduced at a Council
5 session unless a Delegate obtains a written petition in support of the amendment
6 signed by a majority of the members of the Council. An amended legislation need not
7 be redistributed pursuant to § 164(A)(5).

8 11. A legislation that was tabled by a committee with final approval authority over the
9 matter shall remain with the committee until removed from table status. A legislation
10 that was tabled by a committee without final approval authority over the matter shall
11 move forward to the subsequent assigned committee(s) or Navajo Nation Council.

12 12. A legislation that does not receive sufficient vote for passage by a committee with
13 final approval authority over the matter shall be deemed permanently eliminated from
14 the agenda of the Committee. A legislation that does not receive sufficient vote for
15 passage by a committee without final approval authority over the matter shall move
16 forward to the subsequent assigned committee(s) or Navajo Nation Council for
17 action. If the voting results of the committee with final approval authority over the
18 legislation are different from the voting results of the other committee to which
19 legislation was assigned, the legislation shall be referred to the Naabik'íyáti'
20 Committee for final action, notwithstanding any other delegations to other
21 committees of final approval authority.

22 13. The resolution shall be put on the proposed agenda for a session of the Navajo
23 Nation Council as recommended by an assigned committee. Resolutions submitted
24 for the Council's session agenda shall, to the extent possible, be listed in the order
25 received, except those resolutions requiring 2/3 vote or those resolutions included in a
26 consent listing.

27 14. All resolutions legislation appointing public officials and significant or
28 controversial resolutions may be referred to the Naabik'íyáti' Committee for
29 discussion prior to being certified or enacted at the discretion of the Speaker, by
30 referral from a standing committee having final legislative authority, or by the written

1 request of a Delegate who is not a member of a standing committee which considered
2 such resolution The Committee may refer a resolution back to the appropriate
3 standing committee(s) for further consideration.

4 15. After a resolution has completed the process and procedures of this section, it shall
5 automatically be placed on the next Navajo Nation Council agenda. The Speaker shall
6 publish the final proposed agenda on for the Navajo Nation Council website no less
7 than three (3) calendar days prior to the start of regular sessions and no less than one
8 (1) calendar day prior to the start of special sessions. All verbal and written reports
9 shall be presented to the Council only on the first day of the regular sessions, unless
10 otherwise directed by the Speaker or the Council.

11 16. Matters constituting an emergency shall be limited to the cessation of law
12 enforcement services, disaster relief services, fire protection services or other direct
13 services required as an entitlement under Navajo Nation or Federal law, or which
14 directly threaten the sovereignty of the Navajo Nation. Such an emergency matter
15 must arise due to the pressing public need for such resolution(s) and must be a matter
16 requiring final action by the Council.

17 17. All resolutions enacting new laws or amending existing laws are subject to veto by
18 the President of the Navajo Nation pursuant to 2 N.N.C. § 1005(0)(10) and (11) and
19 override by the Navajo Nation Council, except financial line-item vetoes are not
20 subject to override. A vetoed resolution shall be first submitted to Naabik'íyáti'
21 Committee before consideration by the Council. Other resolutions (i.e., Mmemorials)
22 are not subject to veto but become effective upon certification by the Speaker
23 pursuant to 2 N.N.C. § 221(C). All acts of vetoing a resolution shall occur within the
24 territorial jurisdiction of the Navajo Nation as described in 7 N.N.C. § 254.

25
26 B. Agreements not requiring Committee or Council approval.

27 1. Subcontracts implementing agreements approved under § 164(A) above, grants
28 providing funds to the Navajo Nation, contracts expending funds appropriated by the
29 Navajo Nation Council, Letter of Assurance agreements, memoranda of
30 understanding, memoranda of agreement and other agreements that do not expend

1 funds, associated amendments shall not require approval by the Navajo Nation
2 Council or its committees.

3 2. Prior to final execution as provided in 2 N.N.C. § 222, documents not requiring
4 approval by resolution of the Navajo Nation Council or its committees shall be
5 reviewed and signed by the following:

6 a. The appropriate Division Director for departments and activities under his or her
7 supervision;

8 b. The Controller (or designee) for all documents having a financial impact on the
9 Navajo Nation;

10 c. The Director of the Office of Management and Budget (or designee) for all
11 documents having a financial impact on the Navajo Nation; and

12 d. The Attorney General of the Navajo Nation (or designee).

13 * * *

14 § 285. Powers and duties

15
16 A. The Speaker of the Navajo Nation Council shall exercise all powers and authorities
17 which are delegated to the Office by law or may from time to time be delegated to
18 such Office by the Navajo Nation Council.

19
20 B. The Speaker's powers and duties shall include the following:

21 1. Preside at all Navajo Nation Council and Naabik'íyáti' Committee meetings;

22 2. Direct and supervise the personnel and programs under the Legislative Branch as
23 provided by law;

24 3. Appoint a Speaker Pro Tem to allow the Speaker to participate in debate and sponsor
25 resolution(s) before the Navajo Nation Council and, in the sole discretion of the
26 Speaker, to carry out the administrative duties of the Office of Speaker when the
27 Speaker is unavailable and absent due to travel, illness, or for any other reason
28 deemed sufficient by the Speaker;

29 4. Vote ~~only~~ in the event of a tie vote or when a super-majority vote is required;

30 5. Call a special session of the Navajo Nation Council pursuant to 2 N.N.C. § 162;

- 1 6. Recommend to the Budget and Finance Committee an annual operating budget or
2 amendments thereof for the Legislative Branch and advise the Navajo Nation Council
3 on the annual budget recommended by the Budget and Finance Committee; and
4 7. Issue official Certificates of Condolence, Congratulations, Appreciation, Recognition
5 or Achievement and other similar expressions of sentiment signed by the Speaker on
6 behalf of the Navajo Nation Council at the written request of any Council Delegate as
7 provided herein:
8 a. Certificates of Condolence shall be reserved exclusively for former members of the
9 Navajo Nation Council, Chairmen, Vice Chairmen, Presidents and Vice Presidents of
10 the Navajo Nation.
11 b. Uniform Procedures for the Issuance of Certificates shall be developed by the Office
12 of the Speaker subject to final approval by resolution of the Intergovernmental
13 Relations Committee of the Navajo Nation Council.
-

14
15
16 **Section Four. Effective Date**

17 The Navajo Nation Code amendment enacted herein shall be effective pursuant to
18 2 N.N.C. § 221(B).
19

20 **Section Five. Codification**

21 The provisions of this Act which amend or adopt new sections of the Navajo Nation
22 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
23 Counsel shall incorporate such amended provisions in the next codification of the Navajo
24 Nation Code.
25

26 **Section Six. Saving Clause**

27 Should any provisions of this ordinance be determined invalid by the Navajo Nation
28 Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo
29 Nation Supreme Court, those portions of this ordinance which are not determined invalid
30 shall remain the law of the Navajo Nation.



MEMORANDUM

TO: Honorable Leonard Tsosie
The 23rd Navajo Nation Council

FROM: K A Lowell
Kristen A. Lowell, Attorney
Office of Legislative Counsel

DATE: June 15, 2016

**SUBJECT: RELATING TO LAW AND ORDER, BUDGET AND FINANCE, AND
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
AMENDING 2 N.N.C. § 164 AND § 285**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on a review of the existing law and the documents submitted, the legislation is legally sufficient.

The resolution as drafted is legally sufficient; however, as with any action of government it may be subject to review by the courts in the event of proper challenge. **Please ensure that this particular resolution 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: _0191-16_

SPONSOR: Leonard Tsosie

TITLE: An Action Relating to Law and Order; Budget and Finance and Naa'bik'iyati' Committees and Navajo Nation Council; Amending 2 N.N.C. § 164 and § 285

Date posted: June 15, 2016 at 5:02pm

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.: 0191-16

SPONSOR: Honorable Leonard Tsosie

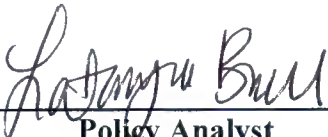
TITLE: An Action Relating to Law and Order; Budget and Finance and Naa'bik'iyati' Committees and Navajo Nation Council; Amending 2 N.N.C. § 164 and § 285.

Posted: June 15, 2016 at 5:02pm

5 DAY Comment Period Ended: June 20, 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**



Date/Time

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

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

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

Legislation No. 0191-16: An Action Relating to Law and Order, Budget and Finance, and Naabik'iyati' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 164 and § 285 -
Sponsor: Hon. Leonard Tsosie

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with no amendments

And thereafter referred to Budget and Finance Committee

Respectfully submitted,



Raymond Smith, Jr., Pro Tem
Law and Order Committee
23rd Navajo Nation Council

Date: June 22, 2016

Main Motion: Honorable Otto Tso

Second : Honorable Kee A. Begay, Jr.

Vote : 2-0 (Pro Tem not voting)

23rd NAVAJO NATION COUNCIL

Second Year 2016

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0191-16:

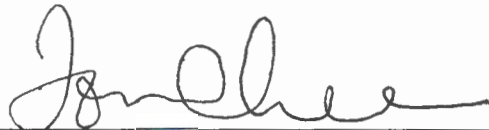
An Action Relating to Law and Order, Budget and Finance and Naabikiyati Committees and the Navajo Nation Council; Amending 2 N.N.C. §164 and §285 *Sponsored by Leonard Tsosie, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** with 1 amendment.

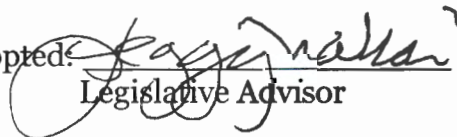
1. On Page 5, line 23, insert the words "shall consult with the chairperson or his designee"
2. On Page 5 line 24, strike "~~and~~" after the word Committee; insert the words "and Naabikiyati Committee" after Health, Education ~~or~~ and Human Services Committee

And therefore, referred to the **NAABIKIYATI** Committee

Respectfully submitted,



Tom T. Chee, Pro Tempore Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

5 July 2016

The vote was **3** in favor **0** opposed
Absent: Seth Damon, Lee Jack