

LEGISLATIVE SUMMARY SHEET

Tracking No. 0401-17

DATE: September 20, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; AND THE NAVAJO NATION COUNCIL: AMENDING 2 N.N.C. § 164(B), AGREEMENTS NOT REQUIRING COMMITTEE OR COUNCIL APPROVAL

PURPOSE: This resolution if approved will amend Title 2 of the Navajo Nation Code at 2 N.N.C. § 164(B).

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: None

Website Posting Time/Date: 10:50am 9/28/17

Posting End Date: 10/31/2017

Eligible for Action: 10/4/2017

Law & Order Committee

THENCE

Naa'bik'iyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL -- Third Year, 2017

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0401-17

AN ACTION

RELATING TO THE LAW AND ORDER AND NAABIK'ÍYÁTI'
COMMITTEES; AND THE NAVAJO NATION COUNCIL: AMENDING 2
N.N.C. § 164(B), AGREEMENTS NOT REQUIRING COMMITTEE OR
COUNCIL APPROVAL

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation established the Law and Order Committee (LOC) as a standing committee 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); CO-45-12.
- B. The Navajo Nation Council established the Naabik'iyáti' Committee as a standing committee and as such, proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §§ 164(A)(9), 700(A); CO-45-12.
- C. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164(A); CO-45-12.

SECTION TWO. FINDINGS

1 A. The amendment is to Title 2 of the Navajo Nation code at 2 N.N.C. § 164(B),
2 proposes subcontracts, implementing agreements in accordance with 2 N.N.C. §
3 164(A), grants providing funds to the Navajo Nation, contracts expending funds
4 appropriated by the Navajo Nation Council, Letter of Assurance agreements,
5 memoranda of understanding, memoranda of agreement and other agreements that do
6 not expend funds shall be reviewed and signed by the President of the Navajo Nation
7 and striking sections 2 N.N.C. § 164(B)(a)-(d).

8 B. The Navajo Nation finds the following Navajo Nation Code amendment to Title 2 at
9 2 N.N.C. § 164(B) is in the best interest of the Navajo Nation.

10
11 **SECTION THREE. AMENDING NAVAJO NATION CODE TITLE 2**

12 The Navajo Nation amends Title 2 of the Navajo Nation Code at 2 N.N.C. § 164(B)
13 as follows:

14 _____
15 **NAVAJO NATION CODE**
16 **TITLE 2. NAVAJO NATION GOVERNMENT**
17 **CHAPTER 3. LEGISLATIVE BRANCH**
18 **SUBCHAPTER 2. NAVAJO NATION COUNCIL MEETINGS**

19 ***

20 **§ 164. Navajo Nation Council and Committee Legislative Process**

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

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
29 the 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: President of the Navajo Nation.

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

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

10 ~~c. The Director of the Office of Management and Budget (or designees) 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 _____
15
16 **SECTION FOUR. CODIFICATION**

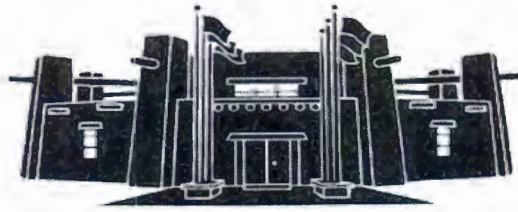
17 The provisions of the Act which amend or adopt new sections of the Navajo Nation
18 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
19 Counsel shall incorporate such amended provisions in the next codification of the Navajo
20 Nation Code.

21
22 **SECTION FIVE. SAVINGS CLAUSE**

23 Should any provision of this Act be determined invalid by the Navajo Nation
24 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
25 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo
26 Nation.

27
28 **SECTION SIX. EFFECTIVE DATE**

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



MEMORANDUM

TO: Hon. Tuchoney Slim, Jr.
23rd Navajo Nation Council

FROM: 
Rhonda L. Tuni, Attorney
Office of Legislative Counsel

DATE: September 20, 2017

SUBJECT: AN ACTION RELATING TO THE LAW AND ORDER AND
NAABIK'ÍYÁTI' COMMITTEES; AND THE NAVAJO NATION
COUNCIL: AMENDING 2 N.N.C. § 164(B), AGREEMENTS NOT
REQUIRING COMMITTEE OR COUNCIL APPROVAL

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews 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 review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0401-17_____ SPONSOR: Tuchoney Slim Jr.

TITLE: An Action Relating To The Law And Order And Naabik'iyati' Committees; And The Navajo Nation Council: Amending 2 N.N.C. § 164(B), Agreements Not Requiring Committee Or Council Approval.

Date posted: September 28, 2017 at 10:50pm

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 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.: 0401-17

SPONSOR: Honorable Tuchoney Slim, Jr.

TITLE: An Action Relating To The Law And Order And Naabik'iyati' Committees; And The Navajo Nation Council: Amending 2 N.N.C. § 164(B), Agreements Not Requiring Committee Or Council Approval.

Posted: September 28, 2017 at 10:50pm

5 DAY Comment Period Ended: October 3, 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**

10.04.17 @ 8:59 AM

Date/Time

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

THIRD YEAR 2017

COMMITTEE REPORT

Mr. Speaker,

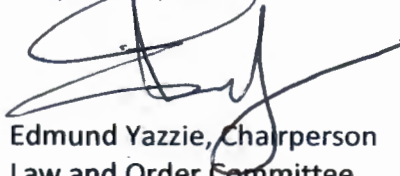
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0401-17: An Action Relating to Law and Order and Naabik'iyati' Committees; and the Navajo Nation Council: Amending 2 N.N.C. § 164(B), Agreements Not Requiring Committee or Council Approval – Sponsor: Honorable Tuchoney Slim, Jr.

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

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



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

Date: October 9, 2017

Main Motion: Honorable Raymond Smith, Jr.
Second : Honorable Otto Tso
Vote : 0-3 (Chairperson not voting)

**23rd NAVAJO NATION COUNCIL
Naabik'iyati' Committee
Third Year 2017**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL # 0401-17

An Action Relating to the Law and Order and Naabik'iyati' Committees; and the Navajo Nation Council: Amending 2 N.N.C. § 164 (B), Agreements Not Requiring Committee or Council Approval

Sponsored by: Honorable Tuchoney Slim, Jr.

Has had it under consideration and reports the same was PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL

Respectfully Submitted,



*Honorable LoRenzo C. Bates, Chairman
Naabik'iyati' Committee*

16 OCTOBER 2017

MAIN MOTION:

Motioned by: Honorable Jonathan L. Hale

Seconded by: Honorable Steven Begay

Vote: 14 in Favor, 00 Opposed (Chairman Bates not voting)

NAVAJO NATION

RCS# 631

10/16/2017

Naa'bik'iyati Committee

09:39:18 AM

Amd# to Amd#

Legislation No. 0401-17

PASSED

MOT Hale

Ameding 2 N.N.C. Section 164 B

SEC Begay, S

Agreements not Requiring Committ

Yea : 14

Nay : 0

Not Voting : 8

Yea : 14

Begay, K

Brown

Hale

Slim

Begay, S

Chee

Jack

Smith

BeGaye, N

Damon

Pete

Witherspoon

Bennett

Filfred

Nay : 0

Not Voting : 8

Bates

Daniels

Shepherd

Tsosie

Begay, NM

Perry

Tso

Yazzie

Crotty

Phelps