

## SUMMARY OF PROPOSED LEGISLATION

**Tracking No. 0004-23**

Date: January 25, 2023

**Re: AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; ADOPTING FOR THE NAVAJO NATION THE 2023 LEGISLATIVE PRIORITIES OF THE NAVAJO UTAH COMMISSION, SUPPORTING CERTAIN LEGISLATIVE BILLS IN THE UTAH LEGISLATURE, AND URGING THE STATE OF UTAH TO ADOPT THE SAME PRIORITIES AND ENACT SUCH BILLS INTO LAW**

### **Purpose of this Legislation:**

to adopt the NUC 2023 legislative priorities for the Navajo Nation; to support certain House and Senate Bills in the Utah legislature; and to urge the State of Utah to adopt such priorities and pass such Bills into law.

OLC No. 23-023-1

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25<sup>th</sup> NAVAJO NATION COUNCIL - First Year, 2023

Introduced by:



Primary Sponsor

Tracking No. 0004-23

**AN ACTION**

**RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL;  
ADOPTING FOR THE NAVAJO NATION THE 2023 LEGISLATIVE PRIORITIES  
OF THE NAVAJO UTAH COMMISSION, SUPPORTING CERTAIN LEGISLATIVE  
BILLS IN THE UTAH LEGISLATURE, AND URGING THE STATE OF UTAH TO  
ADOPT THE SAME PRIORITIES AND ENACT SUCH BILLS INTO LAW**

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A). As such, the Council may consider emergency legislation. 2 N.N.C. §164(A)(16). “[M]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo Nation or Federal law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency matter must arise due to the pressing public need for such resolution(s) and must be a matter requiring final action by the Council.” 2 N.N.C. §164(A)(16).

**SECTION TWO. FINDINGS**

A. The Navajo Utah Commission (“NUC”) has identified ten legislative priorities for the State of Utah and the Navajo Nation to work on to benefit Utah Navajos; NUC has also indicated

1 its support of certain House and Senate Bills currently pending in the Utah legislature.

2 **EXHIBIT A.**

3 B. Adopting such legislative priorities for the Navajo Nation as a whole, and urging the State  
4 of Utah to pass such Bills, are important matters that present a threat to the Navajo Nation’s  
5 sovereignty. Furthermore, this Action is indeed a “pressing public matter” because the  
6 subject Bills are currently pending in the Utah legislature and the Utah Tribal Caucus is  
7 scheduled for February 1, 2023.

8 C. The Navajo Nation finds that this Action satisfies the definition of “emergency matter” under  
9 2 N.N.C. §164(A)(16) and is in the best interest of the Navajo People and the Navajo Nation.

10  
11 **SECTION THREE. ADOPTING FOR THE NAVAJO NATION THE 2023**  
12 **LEGISLATIVE PRIORITIES OF THE NAVAJO UTAH**  
13 **COMMISSION, SUPPORTING CERTAIN LEGISLATIVE BILLS**  
14 **IN THE UTAH LEGISLATURE, AND URGING THE STATE OF**  
15 **UTAH TO ADOPT THE SAME PRIORITIES AND ENACT SUCH**  
16 **BILLS INTO LAW**

17 A. The Navajo Nation hereby adopts for the Navajo Nation as a whole the 2023 Legislative  
18 Priorities of the Navajo Utah Commission, relating to the State of Utah, as set forth in  
19 **EXHIBIT A.** Upon the effective date of this Action, such Priorities shall become the “2023  
20 Utah Legislative Priorities of the Navajo Nation.”

21 B. The Navajo Nation hereby supports the approval/passage of the Utah House and Senate Bills  
22 noted in paragraph 7 of **EXHIBIT A.**

23 C. For the benefit of Utah Navajos and the Navajo Nation as a whole, the Navajo Nation hereby  
24 urges the legislative and executive branches of the State of Utah to adopt the “2023 Utah  
25 Legislative Priorities of the Navajo Nation” and to enact into law the Utah House and Senate  
26 Bills noted in paragraph 7 of **EXHIBIT A.**

27 D. The Navajo Nation hereby specifically authorizes and directs the Navajo Nation President,  
28 the Navajo Nation Speaker and her designees, and the Naabik’íyáti’ Committee of the Navajo  
29 Nation Council, to engage in advocacy with the State of Utah, the State of Utah Legislature,  
30 Utah State Agencies, and the State of Utah Governor’s Office, for the State’s adoption of the

1 “2023 Utah Legislative Priorities of the Navajo Nation” and the enactment into law of the  
2 Utah House and Senate Bills noted in paragraph 7 of **EXHIBIT A**.

3  
4 **SECTION FOUR. EFFECTIVE DATE**

5 The provisions of this Action shall become effective in accordance with 2 N.N.C. §221(C).

6  
7 **SECTION FIVE. SAVING CLAUSE**

8 If any provision of this Action is determined invalid by the Supreme Court of the Navajo Nation  
9 or by any Navajo Nation District Court, without appeal to the Navajo Nation Supreme Court,  
10 the remainder of this Action shall remain valid as the law of the Navajo Nation.



**RESOLUTION OF THE  
NAVAJO UTAH COMMISSION  
OF THE NAVAJO NATION COUNCIL**

NUCJAN-904-23

**APPROVING PROPOSED UTAH NAVAJO LEGISLATIVE PRIORITIES FOR THE 2023  
UTAH STATE LEGISLATURE AND URGING THE 25<sup>TH</sup> NAVAJO NATION COUNCIL,  
OFFICE OF THE SPEAKER, AND THE NYGREN-MONTOYA ADMINISTRATION TO  
ACTIVELY SUPPORT THE UTAH NAVAJO PRIORITIES**

**WHEREAS:**

1. The Navajo Utah Commission (NUC) is a governmental subdivision of the Navajo Nation and is subject to oversight of the Navajo Nation Council – Naabik’iya’ti Committee pursuant to resolution no. NABIAP-21-15; and
2. The Navajo Utah Commission has the responsibility of seeking governmental efficiency and proper representation for the seven Utah chapters, including interaction with state government, elected leaders, and officials; and
3. The state of Utah indicates respect and recognition of a government to government relations with Utah tribal nations and have forums and opportunities to foster dialogue, including legislative tribal caucus, annual Native American Summit, regular Native American Legislative Liaison Committee meetings, and general session; and
4. The Navajo Utah Commission conducts regular meetings with the Utah chapters to identify and prioritize local and regional issues for advocacy and discussions with tribal, state, and federal governmental entities; and
5. The State of Utah convened their annual 45 days legislative session at the state capitol in Salt Lake City on January 17, 2023 and have scheduled the Utah Tribal Caucus on February 01, 2023; and
6. The Navajo Utah Commission have identified 10 on-going priorities for dialogue and discussion with Governor Cox and the Utah Legislature during the 2023 Utah Tribal Caucus including the following:
  - a. Creation of Utah ICWA Law
  - b. Navajo Mountain to Oljato Transportation EIS Study
  - c. Establishment of Higher Education Facility in Montezuma Creek
  - d. Domestic Violence Funding Support for Gentle Iron Hawk Shelter
  - e. Protection of Voting Rights for Native Americans
  - f. Montezuma Creek-Aneth Community School Broadband Expansion

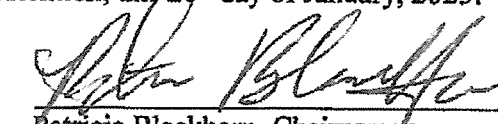
- g. OWHLF Funding Support for Tribal Affordable Housing Projects
  - h. Completion of Planned UDOT Projects on the Navajo Nation in San Juan County
  - i. Strengthen tribal, county, law enforcement cross-commissioning agreement
  - j. Recognition and respect of tribal support for Bears Ears National Monument
  - k. Legislative funding for public facilities projects
  - l. UDOT B-roads funding for tribal roads; and
7. The Navajo Utah Commission of the Navajo Nation Council supports passage of H.B. 40 (Indian Child Welfare Amendments); H.B. 25 (Murdered and Missing Indigenous Women and Girls Task Force Sunset Extension); H.B. 149 (Student Graduation Attire Revisions); H.B. 43 (Domestic Violence Modifications); H.B. 75 (State Commemorative Periods Amendments); H.B. 37 (Voter Signature Verification Amendments); S.B. 17 (Voting and Voter Residency Amendments); And Appropriations Request for Gentle Iron Hawk Shelter and Navajo Mountain/Oljato EIS Study; and
  8. Navajo citizens from the Utah Navajo chapters in San Juan County participate in state elections and recognize Sen. David Hinkins of Senate District 27 and Rep. Phil Lyman of House District 69 as their leaders in the Utah Legislature and seek their active leadership and support in advancing these important matters; and
  9. The Navajo Utah Commission is also respectfully requesting the 25<sup>th</sup> Navajo Nation Council, Office of the Speaker, and Navajo Nation Office of the President & Vice-President to collaborate and coordinate representation in supporting the Utah Navajo priorities.

**NOW, THEREFORE BE IT RESOLVED THAT:**

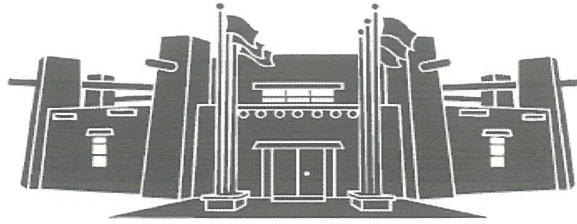
1. The Navajo Utah Commission hereby approves proposed Utah Navajo legislative priorities for the 2023 Utah State Legislature and urging the 25<sup>th</sup> Navajo Nation Council, Office of the Speaker, and the Nygren-Montoya Administration to actively support the Utah Navajo priorities.

**CERTIFICATION**

We, hereby certify that the foregoing resolution was duly considered by Navajo Utah Commission at a duly called meeting by telecommunications at which a quorum was present and the same was passed by a vote of 5 in favor, 0 opposed, and 0 abstention, this 20<sup>th</sup> day of January, 2023.

  
Patricia Blackhorn, Chairperson  
NAVAJO UTAH COMMISSION

MOTION: Curtis Yanito  
SECOND: Brenda Brown  
Chair not voting



## MEMORANDUM

To: Hon. Herman Daniels, Jr., Member  
25<sup>th</sup> Navajo Nation Council

From:   
Luralene D. Tapahe, Principal Advocate  
Office of Legislative Counsel

Date: January 25, 2023

Subject: **AN ACTION RELATING TO AN EMERGENCY AND THE NAVAJO NATION COUNCIL; ADOPTING FOR THE NAVAJO NATION THE 2023 LEGISLATIVE PRIORITIES OF THE NAVAJO UTAH COMMISSION, SUPPORTING CERTAIN LEGISLATIVE BILLS IN THE UTAH LEGISLATURE, AND URGING THE STATE OF UTAH TO ADOPT THE SAME PRIORITIES AND ENACT SUCH BILLS INTO LAW**

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The Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

**Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.**

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: [LuraleneTapahe@navajo-nsn.gov](mailto:LuraleneTapahe@navajo-nsn.gov)

Thank you for your cooperation.