



Motion: Honorable Davis Filfred
Second: Honorable Edmund Yazzie
Vote: 16-00

AGENDA OF THE 23rd NAVAJO NATION COUNCIL

FALL SESSION
October 15 - 19, 2018
10:00 AM

Navajo Nation Council Chambers
Window Rock, Navajo Nation (AZ)

PRESIDING: Honorable LoRenzo C. Bates, Speaker, Navajo Nation Council

1. CALL MEETING TO ORDER; ROLL CALL; INVOCATION
2. RECOGNIZE GUESTS AND VISITING OFFICIALS
3. REVIEW AND ADOPT THE AGENDA
4. RECEIVE THE STATE OF THE NATION ADDRESS FROM THE PRESIDENT OF THE NAVAJO NATION

(m) (s) (v)
5. RECEIVE REPORT FROM THE CHIEF JUSTICE OF THE NAVAJO NATION

(m) (s) (v)
6. RECEIVE REPORT FROM THE SPEAKER OF THE NAVAJO NATION COUNCIL

(m) (s) (v)
7. RECEIVE FINANCIAL REPORT FROM THE CONTROLLER

(m) (s) (v)
8. ORAL REPORTS:
 - A. Bureau of Indian Affairs (BIA) (m) (s) (v)

- B. Indian Health Services (IHS) (m) (s) (v)
- C. Attorney General (m) (s) (v)
- D. Navajo Youth Advisory Council (m) (s) (v)

9. WRITTEN REPORTS

- A. Standing Committees (m) (s) (v)
- B. Boards and Commission (m) (s) (v)
- C. Bureau of Indian Affairs (m) (s) (v)
- D. Indian Health Services Area Director (m) (s) (v)

10. OLD BUSINESS:

(A) **LEGISLATION 0247-18:** An Action Relating to the Navajo Nation Council; Confirming Navajo Nation Land Purchases and Directive the Navajo Division of Natural Resources (2/3)

SPONSOR: Honorable Benjamin L. Bennett
CO-SPONSOR: Honorable LoRenzo C. Bates
CO-SPONSOR: Honorable Nelson S. BeGaye
CO-SPONSOR: Honorable Norman M. Begay
CO-SPONSOR: Honorable Tom T. Chee
CO-SPONSOR: Honorable Seth Damon
CO-SPONSOR: Honorable Herman M. Daniels
CO-SPONSOR: Honorable Davis Filfred
CO-SPONSOR: Honorable Jonathan L. Hale
CO-SPONSOR: Honorable Lee Jack, Sr.
CO-SPONSOR: Honorable Leonard H. Pete
CO-SPONSOR: Honorable Walter Phelps
CO-SPONSOR: Honorable Otto Tso
CO-SPONSOR: Honorable Tuchoney Slim, Jr.
CO-SPONSOR: Honorable Dwight Witherspoon

(m) Honorable Seth Damon (s) Honorable Benjamin L. Bennett (v)

07/18/2018 – Motion to Table Legislation 0247-18 No Later Than 30 Days (One Pending Amendment); (M) Honorable Benjamin L. Bennett; (S) Honorable Nathaniel Brown; (V) 10 in Favor, 08 Opposed (Speaker Bates Not Voting).

Amendment #1:

1. Page 2 of 2, lines 4 & 23, strike references to “~~and NABIMY 34-18~~”. (An Action Relating To Naabik'iyáti' Committee; Regarding The Purchase Offered For Sale to the Navajo Nation By The Owner of 17,544.79 Acres, More or Less, Located Within Yavapai County, Arizona)
2. Renumber or re-letter succeeding paragraphs or sections accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services, with notice to the sponsor(s) of the legislation, is hereby authorized to make necessary grammatical changes.

(M) Honorable Amber Kanazbah Crotty; (S) Honorable Jonathan L. Hale; (V) PENDING VOTE

(B) **LEGISLATION 0055-17:** An Act Relating to the Law and Order, Health, Education and Human Services, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Enacting the "Navajo Nation Public Safety System Fund Act of 2017," Amending Title 12 of the Navajo Nation Code and Establishing the "Navajo Nation Public Safety System Fund" to include Moneys Received from the United States through Settlement of *Ramah Navajo Chapter, ET AL.V. Jewell*

SPONSOR: Honorable Edmund Yazzie
CO-SPONSOR: Honorable Kee Allen Begay, Jr.
CO-SPONSOR: Honorable Herman M. Daniels

(m) Honorable Herman M. Daniels (s) Honorable Raymond Smith, Jr. (v)

04/20/2017 – Motion to refer back to the Naabik'iyáti' Committee; (M) Honorable Leonard Tsosie; (S) Honorable Tuchoney Slim, Jr.; (V) 10 in Favor, 07 Opposed (Speaker Bates Not Voting).

02/08/2018 (Naabik'iyáti') – Tabled with one (1) amendment and proceeds to the Navajo Nation Council; (M) Honorable Otto Tso; (S) Honorable Alton Joe Shepherd; (V) 11 In Favor, 06 Opposed (Chairman Bates Not Voting)

04/17/2018 – Previously on NNC Spring Session Agenda; however, legislation failed to garner enough votes to reconsider; (M) Honorable Alton Joe Shepherd; (S) Honorable Herman M. Daniels; (V) 09 in Favor, 10 Opposed (Speaker Bates not voting)

- (C) **LEGISLATION 0098-18:** An Action Relating to Health, Education and Human Services, Budget and Finance, Naabik'iyáti', and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of Sixty-Three Thousand Three Hundred Seventeen Dollars (\$63,317) For Diné College, Business Unit #New

SPONSOR: Honorable Dwight Witherspoon

CO-SPONSOR: Honorable Seth Damon

(m) Honorable Davis Filfred

(s) Honorable Lee Jack, Sr.

(v)

07/19/2018 – Motion to Table Legislation 0098-18 up to NNC Fall Session; (M) Honorable Herman M. Daniels; (S) Honorable Steven Begay; (V) 12 in Favor, 04 Opposed (Speaker Bates Not Voting).

11. NEW BUSINESS:

- (A) **LEGISLATION 0268-17:** An Act Relating to Law and Order, Naabik'iyáti' Committee, and the Navajo Nation Council; Approving an Act to Amend the Navajo Nation Code, Title 2, Chapter 3, Subchapter 2, Section 104 (A) Incompatible Service; Removing the Exception Permitting the Holding of County Office While a Navajo Nation Council Delegate and Title 11, Chapter 11, Navajo Election Code Subchapter 1, General Provisions Section 8(B) Qualifications for Delegates to the Navajo Nation Council (2/3)

SPONSOR: Honorable Otto Tso

CO-SPONSOR: Honorable Norman M. Begay

CO-SPONSOR: Honorable Steven Begay

CO-SPONSOR: Honorable Benjamin Bennett

CO-SPONSOR: Honorable Nathaniel Brown

CO-SPONSOR: Honorable Amber Kanazbah Crotty

CO-SPONSOR: Honorable Seth Damon

CO-SPONSOR: Honorable Jonathan Perry

CO-SPONSOR: Honorable Tuchoney Slim, Jr.

CO-SPONSOR: Honorable Leonard Tsosie

CO-SPONSOR: Honorable Dwight Witherspoon

CO-SPONSOR: Honorable Edmund Yazzie

(m)

(s)

(v)

- (B) **LEGISLATION 0399-17:** An Action Relating to Resources and Development, Budget and Finance, Naabik'iyáti', and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of Four Million Three Hundred Twenty Nine Thousand Four Hundred Seventy Two Dollars (\$4,329,472) for construction of a Multi-Purpose Complex for the Low Mountain Chapter; Waiving 12 N.N.C. § 820(I) and 860(C) relating to the Capital Improvement Process (2/3)

SPONSOR: Honorable Kee Allen Begay, Jr.

CO-SPONSOR: Honorable Nelson S. BeGaye

(m)

(s)

(v)

- (C) **LEGISLATION 0467-17:** An Act Relating to the Health, Education and Human Services, Law and Order and Naabik'íyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. §§ 1031, 1033, 1034, and 1035 Relating to the Veterans Advisory Council (2/3)

SPONSOR: *Honorable Kee Allen Begay, Jr.*
CO-SPONSOR: *Honorable Jonathan L. Hale*
CO-SPONSOR: *Raymond Smith, Jr.*

(m) (s) (v)

- (D) **LEGISLATION 0155-18:** An Action Relating to Resources and Development, Budget and Finance and Naabik'íyáti' Committees, and Navajo Nation Council; Approving and Adopting the Síhasin Road Projects Fund Expenditure Plan Pursuant 12 N.N.C. §§ 2501-2508 (2/3)

SPONSOR: *Honorable Nelson S. BeGaye*

(m) (s) (v)

- (E) **LEGISLATION 0226-18:** An Action Relating to Resources and Development, Law and Order and Naabik'íyáti' Committees and the Navajo Nation Council; Authorizing the Kayenta Township Commission ("KTC") to Form Wholly Owned Entities of the Kayenta Township under Navajo Law, Including for Participation in the U.S. Small Business Administration 8(a) Business Development Program; Extending the Navajo Nation's Privileges and Immunities to Such Entities; Authorizing KTC to Waive Such Entities' Privileges and Immunities (Including their Sovereign Immunity) Upon a Finding such Waiver would be in the Best Interest of the Township and Upon Prior Notice to the President of the Navajo Nation and the Speaker of the Navajo Nation Council; Amending 1 N.N.C. § 552(O) of the Navajo Sovereign Immunity Act and 2 N.N.C. §§ 4084 and 4085 of the Kayenta Township Home Rule Statute (2/3)

SPONSOR: *Honorable Otto Tso*
CO-SPONSOR: *Honorable Nathaniel Brown*
CO-SPONSOR: *Honorable Herman M. Daniels*
CO-SPONSOR: *Honorable Lee Jack, Sr.*
CO-SPONSOR: *Honorable Walter Phelps*

(m) (s) (v)

- (F) **LEGISLATION 0308-18:** An Action Relating to the Navajo Nation Council; Approving the Expenditure of Fund Principal for the Purchase of Property Offered for Sale to the Navajo Nation by the Owner of 17,544.79 Acres, More or Less, Located within Yavapai County, Arizona (2/3)

SPONSOR: *Honorable Walter Phelps*
CO-SPONSOR: *Honorable Benjamin L. Bennett*

(m) (s) (v)

- (G) **LEGISLATION 0122-18:** An Act Relating to Resources and Development and Naabik'íyáti' Committees, and the Navajo Nation Council; Amending 5 N.N.C. § 1707, Navajo Nation Gaming Enterprise Board Composition, Qualification and Confirmation

SPONSOR: *Honorable Alton Joe Shepherd*
CO-SPONSOR: *Honorable Seth Damon*
CO-SPONSOR: *Honorable Jonathan Perry*
CO-SPONSOR: *Honorable Edmund Yazzie*

(m) (s) (v)

(H) **LEGISLATION 0144-18:** An Action Relating to Law and Order, Naabik'iyáti' and Navajo Nation Council; Amending Challenge and Election Dispute Provisions of the Navajo Nation Election Code at 11 N.N.C. §§ 21, 23, 24, 240, 341 and 342

SPONSOR: Honorable Benjamin L. Bennett
CO-SPONSOR: Honorable Otto Tso

(m) (s) (v)

(I) **LEGISLATION 0159-18:** An Action relating to Budget and Finance, Law and Order, Naabik'iyáti' Committees and the Navajo Nation Council; Amending 12 N.N.C. § 203, Duties, Responsibilities and Authority of the Controller

SPONSOR: Honorable Dwight Witherspoon

(m) (s) (v)

(J) **LEGISLATION 0168-18:** An Action Relating to Law and Order Committee, Budget and Finance Committee, Naabik'iyáti' Committee and the Navajo Nation Council; *Amending CJA-07-18, Amending 24 N.N.C. § 620 of the Navajo Nation Sales Tax, Allocating a Percentage of the Sales Tax to the Navajo Nation Fire and Rescue Services*; Amending the Effective Date

SPONSOR: Honorable Seth Damon

(m) (s) (v)

(K) **LEGISLATION 0256-18:** An Act Relating to Health, Education and Human Services, Law and Order and Naabik'iyáti' Committees and the Navajo Nation Council; Amending Title 1 Enrollment Procedure at 1 N.N.C. §§ 701, 703, 752 and 753

SPONSOR: Honorable Amber Kanazbah Crotty
CO-SPONSOR: Honorable Jonathan L. Hale

(m) (s) (v)

(L) **LEGISLATION 0268-18:** An Act Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyáti' Committees and the Navajo Nation Council; Enacting the "Controlled Substance Definition Act of 2018"; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394

SPONSOR: Honorable Lee Jack, Sr.
CO-SPONSOR: Honorable Seth Damon

(m) (s) (v)

(M) **LEGISLATION 0313-18:** An Act Relating to Law and Order, Resources and Development, Naabik'iyati' Committees; Adopting "The Navajo Gaming Ordinance Amendment Act of 2018"; Amending 5 N.N.C. § 2001 *Et. Seq.*, Navajo Gaming Ordinance

SPONSOR: Honorable Alton Joe Shepherd
CO-SPONSOR: Honorable Otto Tso

(m) (s) (v)

12. CLOSE OF SESSION; ANNOUNCEMENTS; ADJOURNMENT