



Motion: Honorable Davis Filfred
Second: Honorable Tom Chee
VOTE: 17-02

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AGENDA (AMENDED) OF THE 23rd NAVAJO NATION COUNCIL

SPRING SESSION
April 16 - 20, 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 YOUTH ADVISORY COUNCIL
(m) (s) (v)
6. RECEIVE REPORT FROM THE SPEAKER OF THE NAVAJO NATION COUNCIL
(m) (s) (v)
7. ORAL REPORTS:
 - A. Bureau of Indian Affairs (BIA) (m) (s) (v)
 - B. Indian Health Services (IHS) (m) (s) (v)
 - C. Financial Report by the Controller (m) (s) (v)
 - D. Attorney General (m) (s) (v)

E. Chief Justice of the Navajo Nation (m) (s) (v)

8. 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)

9. OLD BUSINESS:

(A) **LEGISLATION 0035-18:** An Action Relating to Resources and Development Committee, Budget and Finance Committee; Naabik'iyáti' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the amount of \$2,215,000.00 (two million two hundred and fifteen thousand dollars) for the Jim's Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820(I) and 860(C) relating to the Capital Improvement Process 2/3

SPONSOR: Honorable Dwight Witherspoon
CO-SPONSOR: Honorable Nelson S. BeGaye

(m) Honorable Benjamin L. Bennett (s) Honorable Jonathan L. Hale (v)

02/16/2018 – Motion to Table (Controller ruled budget includes recurring costs); (M) Honorable Seth Damon; (S) Honorable Jonathan Perry; (V) 12 in Favor, 03 Opposed (Speaker Bates Not Voting).

(B) **LEGISLATION 0036-18:** An Action Relating to Resources and Development Committee, Budget and Finance Committee; Naabik'iyati' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the amount of \$400,000.00 (four hundred thousand dollars) for the Round Rock Trading Post Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820(I) and 860(C) relating to the Capital Improvement Process 2/3

SPONSOR: Honorable Dwight Witherspoon
CO-SPONSOR: Honorable Nelson S. BeGaye

(m) Honorable Jonathan L. Hale (s) Honorable Nelson S. BeGaye (v)

02/16/2018 – Motion to Table (Controller ruled budget includes recurring costs); (M) Honorable Jonathan Perry; (S) Honorable Benjamin L. Bennett; (V) 12 in Favor, 04 Opposed (Speaker Bates Not Voting).

(C) **LEGISLATION 0037-18:** An Action Relating to Resources and Development, Budget and Finance Committee; Naabik'iyati' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the amount of \$400,000.00 (four hundred thousand dollars) for the Bond and Bond Business Site Redevelopment Project; Waiving 12 N.N.C. §§ 820(I) and 860(C) relating to the Capital Improvement Process 2/3

SPONSOR: Honorable Dwight Witherspoon

(m) Honorable Edmund Yazzie (s) Honorable Nelson S. BeGaye (v)

02/16/2018 – Motion to Table (Controller ruled budget includes recurring costs); (M) Honorable Seth Damon; (S) Honorable Jonathan Perry; (V) 09 in Favor, 06 Opposed (Speaker Bates Not Voting).

(D) **LEGISLATION 0042-17:** An Action Relating to the Budget and Finance and Naabik'iyáti' Committee and Navajo Nation Council; Designating that the Net Proceeds Received from the United States through Settlement of Navajo Ramah Chapter, ET Al., V. Jewell, No. 90-CV-957

(D.N.M.), be Deposited in the Síhasin Fund Pursuant to CD-68-14 and 12 N.N.C. § 2501

SPONSOR: Honorable Walter Phelps

CO-SPONSOR: Honorable Lee Jack, Sr.

CO-SPONSOR: Honorable Jonathan Perry

CO-SPONSOR: Honorable Leonard Tsosie

(m) Honorable Tuchoney Slim, Jr. (s) Honorable Dwight Witherspoon (v)

04/20/2017 – Motion to refer back to the Naabik'iyáti' Committee; (M) Honorable Dwight Witherspoon; (S) Honorable Steven Begay; (V) 09 in Favor, 08 Opposed (Pro Tem Speaker Hale Not Voting).

- (E) **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).

- (F) **LEGISLATION 0432-17:** 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 Two Million Eight Hundred Eighty-Five Thousand Eight Hundred Sixty-Nine Dollars (\$2,885,869.00) for Navajo Area Agency on Aging

SPONSOR: Honorable Amber Kanazbah Crotty

CO-SPONSOR: Honorable Norman M. Begay

CO-SPONSOR: Honorable Nelson S. BeGaye

CO-SPONSOR: Honorable Nathaniel Brown

CO-SPONSOR: Honorable Jonathan L. Hale

(m) Honorable Seth Damon (s) Honorable Kee Allen Begay, Jr. (v)

02/16/2018 – Motion to Table; (M) Honorable Seth Damon; (S) Honorable Jonathan Perry; (V) 11 in Favor, 03 Opposed (Speaker Bates Not Voting)

- (G) **LEGISLATION 0439-17:** 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 One Hundred Thousand Dollars (\$100,000.00) to the Department of Diné Education Office of Standards, Curriculum and Assessment Development

SPONSOR: Honorable Jonathan L. Hale

CO-SPONSOR: Honorable Norman M. Begay

CO-SPONSOR: Honorable Nelson S. BeGaye

CO-SPONSOR: Honorable Nathaniel Brown

CO-SPONSOR: Honorable Amber Kanazbah Crotty

CO-SPONSOR: Honorable Otto Tso

(m) Honorable Seth Damon (s) Honorable Steven Begay (v)

02/16/2018 – Motion to Table to the Next UUFB Special Session or Spring Session; (M) Honorable Seth Damon; (S) Honorable Raymond Smith, Jr.; (V) 10 in Favor, 03 Opposed (Speaker Bates Not Voting)

- (H) **LEGISLATION 0443-17:** 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 \$30,189.00 to the Office of Dine Youth Administration; \$109,564.00 to the Tuba City Agency; \$194,937.00 to the Fort Defiance Agency; \$168,580.00 to the Chinle Agency; \$69,952.00 to the Shiprock Agency; and \$174,929.00 to the Crownpoint Agency

SPONSOR: Honorable Jonathan L. Hale
CO-SPONSOR: Honorable Norman M. Begay
CO-SPONSOR: Honorable Nelson S. BeGaye
CO-SPONSOR: Honorable Nathaniel Brown
CO-SPONSOR: Honorable Tom T. Chee

(m) Honorable Nelson S. BeGaye (s) Honorable Jonathan Perry (v)

02/16/2018 – Motion to Table to the Next UUFB Special Session or Spring Session (Controller ruled budgets include recurring costs); (M) Honorable Seth Damon; (S) Honorable Benjamin L. Bennett; (V) 09 in Favor, 04 Opposed (Speaker Bates Not Voting)

- (I) **LEGISLATION 0445-17:** 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 \$1,600,000.00 to the Department of Diné Education, Office of Navajo Nation Scholarship and Financial Assistance

SPONSOR: Honorable Jonathan L. Hale
CO-SPONSOR: Honorable Norman M. Begay
CO-SPONSOR: Honorable Nelson S. BeGaye
CO-SPONSOR: Honorable Nathaniel Brown
CO-SPONSOR: Honorable Tom T. Chee
CO-SPONSOR: Honorable Amber Kanazbah Crotty

(m) Honorable Nelson S. BeGaye (s) Honorable Steven Begay (v)

02/16/2018 – Motion to Table to the Next UUFB Special Session or Spring Session (Controller ruled budget includes recurring costs); (M) Honorable Seth Damon; (S) Honorable Jonathan Perry; (V) 09 in Favor, 04 Opposed (Speaker Bates Not Voting)

- (J) **LEGISLATION 0449-17:** 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 \$190,649.00 to the Department of Diné Education, Office of Navajo Nation Library

SPONSOR: Honorable Jonathan L. Hale
CO-SPONSOR: Honorable Norman M. Begay
CO-SPONSOR: Honorable Nelson S. BeGaye
CO-SPONSOR: Honorable Amber Kanazbah Crotty
CO-SPONSOR: Honorable Nathaniel Brown

(m) Honorable Steven Begay (s) Honorable Nelson S. BeGaye (v)

02/16/2018 – Motion to Table to the Next UUFB Special Session or Spring Session (Controller ruled budget includes recurring costs); (M) Honorable Seth Damon; (S) Honorable Dwight Witherspoon; (V) 07 in Favor, 06 Opposed (Speaker Bates Not Voting)

- (C) **LEGISLATION 0335-17:** An Act Relating to Law and Order, Budget and Finance, Naabik'iyáti' and the Navajo Nation Council; Amending *Per Diem* Provision of 2 N.N.C. §874(F) **2/3**
SPONSOR: Honorable Davis Filfred
CO-SPONSOR: Honorable Benjamin Bennett
CO-SPONSOR: Honorable Tom Chee
- (m) (s) (v)
- (D) **LEGISLATION 0381-17:** An Action Relating to Resources and Development Committee, Budget and Finance Committee, Naabik'iyáti' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,415,388.00 for the Nahatadzil Shopping Center Project; Waiving 12 N.N.C. §§ 820 (I) and 860 (C) Relating to the Capital Improvement Process **2/3**
SPONSOR: Honorable Raymond Smith, Jr.
CO-SPONSOR: Honorable Lee Jack, Sr.
- (m) (s) (v)
- (E) **LEGISLATION 0056-18:** An Action Relating to Law and Order Committee, Naabik'iyáti' Committee and the Navajo Nation Council; Amending 2 N.N.C. § 285 to Clarify the Speakers Voting Restriction when any Two-Thirds (2/3) Vote is Required **2/3**
SPONSOR: Honorable Steven Begay
- (m) (s) (v)
- (F) **LEGISLATION 0059-18:** An Action Relating to Resources and Development Committee, Budget and Finance Committee; Naabik'iyáti' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of Three Hundred and Fifteen Thousand Dollars (\$315,000.00) to the Navajo Nation Zoo for the Construction of a New Restroom Facility; Waiving the Capital Improvement Projects Guidelines Policies and Procedures and 12 N.N.C. §§ 820 (I) and 860(C) Relating to the Capital Improvement Process **2/3**
SPONSOR: Honorable Jonathan Hale
CO-SPONSOR: Honorable Seth Damon
CO-SPONSOR: Honorable Jonathan Perry
CO-SPONSOR: Honorable Leonard Pete
- (m) (s) (v)
- (G) **LEGISLATION 0082-18:** An Action Relating to Health, Education and Human Services, Resources and Development, Budget and Finance and Naabik'iyáti' Committees and Navajo Nation Council; Adopting the Síhasin Fund Crownpoint Student Housing Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508 **2/3**
SPONSOR: Honorable Kee Allen Begay, Jr.
CO-SPONSOR: Honorable Seth Damon
CO-SPONSOR: Honorable Jonathan Hale
CO-SPONSOR: Honorable Jonathan Perry
- (m) (s) (v)

- (H) **LEGISLATION 0132-18:** An Action Relating to an Emergency for the Navajo Nation; Objecting to the Reorganization of the Bureau of Indian Affairs as Planned by the United States Department of the Interior Particularly as it Affects the Navajo Nation and Objecting to the Failure to Observe the Government to Government Obligations Required of Bureau of Indian Affairs in the Particular and the Department of the Interior at Large

SPONSOR: Honorable Leonard Tsosie
CO-SPONSOR: Honorable Norman M. Begay
CO-SPONSOR: Honorable LoRenzo C. Bates
CO-SPONSOR: Honorable Seth Damon
CO-SPONSOR: Honorable Jonathan Perry
CO-SPONSOR: Honorable Edmund Yazzie
CO-SPONSOR: Honorable Dwight Witherspoon
CO-SPONSOR: Honorable Tom Chee
CO-SPONSOR: Honorable Amber Kanazbah Crotty
CO-SPONSOR: Honorable Jonathan L. Hale
CO-SPONSOR: Honorable Otto Tso
CO-SPONSOR: Honorable Tuchoney Slim, Jr.
CO-SPONSOR: Honorable Walter Phelps
CO-SPONSOR: Honorable Herman Daniels
CO-SPONSOR: Honorable Nelson BeGaye
CO-SPONSOR: Honorable Raymond Smith, Jr.
CO-SPONSOR: Honorable Benjamin Bennett
CO-SPONSOR: Honorable Davis Filfred
CO-SPONSOR: Honorable Kee Allen Begay, Jr.
CO-SPONSOR: Honorable Steven Begay
CO-SPONSOR: Honorable Lee Jack, Sr.

(m)

(s)

(v)

- (I) **LEGISLATION 0133-18:** An Action Relating to an Emergency for the Navajo Nation; Objecting to the Reassignment of the Director of the Bureau of Indian Affairs Navajo Regional Office, Sharon Pinto, a Member of the Navajo Nation, without any Consultation by the Bureau of Indian Affairs with the Navajo Nation in Violation of all Requirements of the Tribal Consultation Policy and of the Requirements Arising from the Federal Trust Responsibility with the Navajo Nation and all Affected Tribes

SPONSOR: Honorable Seth Damon
CO-SPONSOR: Honorable Leonard Tsosie
CO-SPONSOR: Honorable LoRenzo C. Bates
CO-SPONSOR: Honorable Norman M. Begay
CO-SPONSOR: Honorable Jonathan Perry
CO-SPONSOR: Honorable Edmund Yazzie
CO-SPONSOR: Honorable Dwight Witherspoon
CO-SPONSOR: Honorable Tom Chee
CO-SPONSOR: Honorable Amber Kanazbah Crotty
CO-SPONSOR: Honorable Jonathan L. Hale
CO-SPONSOR: Honorable Otto Tso
CO-SPONSOR: Honorable Tuchoney Slim, Jr.

CO-SPONSOR: Honorable Walter Phelps
CO-SPONSOR: Honorable Herman Daniels
CO-SPONSOR: Honorable Nelson BeGaye
CO-SPONSOR: Honorable Raymond Smith, Jr.
CO-SPONSOR: Honorable Benjamin Bennett
CO-SPONSOR: Honorable Davis Filfred
CO-SPONSOR: Honorable Kee Allen Begay, Jr.
CO-SPONSOR: Honorable Steven Begay
CO-SPONSOR: Honorable Lee Jack, Sr.

(m) (s) (v)

- (J) **LEGISLATION 0279-17:** An Action Relating to Resources and Development and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving Compliance with CAP-26-16 Regarding Forest Lake Chapter Range Unit Boundaries and Affirming Directive

SPONSOR: Honorable Dwight Witherspoon

(m) (s) (v)

- (K) **LEGISLATION 0428-17:** An Act Relating to Health, Education and Human Services, Resources and Development, Law and Order, Naabik'iyáti' Committees and the Navajo Nation Council: Enacting the Revenge Porn Act and Amending Title 17 Sex Offenses

SPONSOR: Honorable Jonathan L. Hale

CO-SPONSOR: Honorable Kee Allen Begay, Jr.

(m) (s) (v)

- (L) **LEGISLATION 0490-17:** An Action Relating to Resources and Development, Budget and Finance, Naabik'iyáti' Committees and the Navajo Nation Council; Approving and Authorizing the Navajo Transitional Energy Company to Pledge 100% of the Equity Interest of the Navajo Nation in the Navajo Transitional Energy Company for Securing Credit or Financing; Consenting to the United States Bureau of Indian Affairs' Approval of the Mortgage as Allowed by Applicable Federal Regulations, 25 C.F.R. Part 162, for the Mine Plant Lease and Part 211 for the Mine Lease and Navajo Transitional Energy Company's Rights-Of-Way; and Rescinding CS-55-17

SPONSOR: Honorable Seth Damon

CO-SPONSOR: Honorable Tuchoney Slim, Jr.

(m) (s) (v)

- (M) **LEGISLATION 0496-17:** An Act Relating to Health, Education and Human Services, Law and Order, Naabik'iyáti' Committee and the Navajo Nation Council; Approving "The Department of Diné Education Administrative Act of 2017", Amending the Navajo Nation Code, Title 10, Chapter 1, Subchapter 2, Sections 106 and 107 Establishing Direct Administrative Responsibility within the Department of Diné Education

SPONSOR: Honorable Jonathan L. Hale

CO-SPONSOR: Honorable Kee Allen Begay, Jr.

(m) (s) (v)

- (N) **LEGISLATION 0500-17:** An Action Relating to Law and Order Committee, Naabik'iyáti' Committee and the Navajo Nation Council; Amending Rule 6 of the Navajo Nation Council Rules of Order such that announcements are moved to Item 1. on the Agenda
SPONSOR: Honorable Steven Begay
- (m) (s) (v)
- (O) **LEGISLATION 0021-18:** An Act Relating to Law and Order, Health, Education and Human Services, Naabik'iyáti' and the Navajo Nation Council; Establishing the Navajo Veterans Housing Program within the Navajo Veterans Administration; Amending 2 N.N.C. § 1033
SPONSOR: Honorable Kee Allen Begay, Jr.
CO-SPONSOR: Honorable Nathaniel Brown
CO-SPONSOR: Honorable Jonathan Hale
- (m) (s) (v)
- (P) **LEGISLATION 0028-18:** An Action Relating to Law and Order Committee, Naabik'iyáti' Committee and the Navajo Nation Council; Amending Rule 6 of the Navajo Nation Council Rules of Order such that the Report from the Controller is listed as item 6.
SPONSOR: Honorable Steven Begay
- (m) (s) (v)
- (Q) **LEGISLATION 0051-18:** An Action Relating to Resources and Development, Budget and Finance, Naabik'iyáti' Committees and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of One Hundred Twenty-Nine Thousand Dollars (\$129,000.00) to the Navajo Nation Animal Control Program to Employ Two Additional Animal Control Officers **SPONSOR: Honorable Jonathan L. Hale**
CO-SPONSOR: Honorable Leonard Pete
- (m) (s) (v)
- (R) **LEGISLATION 0074-18:** An Action Relating to Resources and Development, Naabik'iyáti' Committees and the Navajo Nation Council; Confirming the Appointment of Sean M. McCabe as Navajo Nation Division of Economic Development Division Director
SPONSOR: Honorable Alton Joe Shepherd
CO-SPONSOR: Honorable Benjamin Bennett
CO-SPONSOR: Honorable Jonathan Perry
CO-SPONSOR: Honorable Dwight Witherspoon
- (m) (s) (v)
- (S) **LEGISLATION 0077-18:** An Action Relating to Resources and Development Committee, Budget and Finance Committee; Naabik'iyáti' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$1,455,000 (One Million Four Hundred and Fifty-Five Thousand Dollars) for the Redevelopment of former Chee's Business Site
SPONSOR: Honorable Dwight Witherspoon

(m) (s) (v)

- (T) **LEGISLATION 0079-18:** An Action Relating to Naabik'iyáti and Navajo Nation Council; Confirming the Appointment of Ms. Nona Bashone as Executive Director of the Diné Uranium Remediation Advisory Commission

SPONSOR: Honorable Amber Kanazbah Crotty

CO-SPONSOR: Honorable Jonathan Perry

(m) (s) (v)

- (U) **LEGISLATION 0110-18:** An Act Relating to Law and Order, Naabik'iyáti' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1060 - 1067 and 17 N.N.C. §§ 101-103 by Enacting the Navajo Nation Peace Officer Standards and Training Certification Act

SPONSOR: Honorable Raymond Smith, Jr.

CO-SPONSOR: Honorable Jonathan Perry

(m) (s) (v)

11. CLOSE OF SESSION; ANNOUNCEMENTS; ADJOURNMENT