

Motion: Hon. Davis Filfred
Second: Hon. Jonathan Perry
VOTE: 20-00

2ND MODIFIED AGENDA OF THE
23RD NAVAJO NATION COUNCIL ✓



SPRING SESSION
April 17-21, 2017 ✓

Navajo Nation Council Chambers
Window Rock, Navajo Nation

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

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

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

(m)	(s)	(v)
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6. ORAL REPORTS:
 - A. Congressman Tom O'Halleran (m) (s) (v)
 - B. Bureau of Indian Affairs (BIA) (m) (s) (v)
 - C. Indian Health Services (IHS) (m) (s) (v)
 - D. Financial Report by the Controller (m) (s) (v)
 - E. Attorney General (m) (s) (v)
 - F. Chief Justice of the Navajo Nation (m) (s) (v)
 - G. US Environmental Protection Agency/Region 9 (m) (s) (v)
 - H. Report by the Navajo Nation President Regarding Navajo Housing Authority

(m)	(s)	(v)
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7. 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)
8. OLD BUSINESS:

- (A) **LEGISLATION 0343-16:** An Action Relating to Resources and Development Committee, Budget and Finance Committee; Naabik'íyáti' Committee and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$157,662.57 for the Tse Si Ani Chapter Powerline Extension Project; Waiving 12 N.N.C. §§ 820 (I) and 860 (C) Relating to the Capital Improvement Process (2/3) **SPONSOR: Honorable Raymond Smith, Jr.**

(m) *Honorable Jonathan Perry* (s) *Honorable Lee Jack, Sr.* (v)

1/25/2017 – Table to January 26, 2017; (M) Honorable Peterson B. Yazzie; (S) Honorable Herman M. Daniels; (V) 13 in Favor, 01 Opposed (Speaker Bates Not Voting)

- (B) **LEGISLATION 0355-16:** An Action Relating to Resources and Development, Budget and Finance and Naabik'íyáti' Committees and Navajo Nation Council; Adopting the Síhasin Fund Twin Arrows/Glittering Mountain Family Entertainment Center Economic Development Expenditure Plan Pursuant to Resolution CD-68-14 and 12 N.N.C. §§ 2501-2508 (2/3)

SPONSOR: Honorable Jonathan L. Hale

(m) *Honorable Norman M. Begay* (s) *Honorable Lee Jack, Sr.* (v)

1/25/2017 – Table to have three (3) entities meet before 2017 Spring Session; (M) Honorable Edmund Yazzie; (S) Honorable Norman M. Begay; (V) 16 in Favor, 02 Opposed (Speaker Bates Not Voting)

- (C) **LEGISLATION 0395-16:** An Act Relating to Law and Order, Naabik'íyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 501 and Adding Section 2 N.N.C. § 503 (2/3)

SPONSOR: Honorable Jonathan L. Hale

CO-SPONSOR: Honorable Norman M. Begay

CO-SPONSOR: Honorable Nathaniel Brown

(m) *Honorable Herman M. Daniels* (s) *Honorable Norman M. Begay* (v)

1/25/2017 – Table to 2017 Spring Session; (M) Honorable Kee Allen Begay, Jr.; (S) Honorable Norman M. Begay; (V) 14 in Favor, 03 Opposed (Speaker Bates Not Voting); NOTE: There is an approved amendment.

- (D) **LEGISLATION 0403-16:** An Action Relating to Resources and Development and Naabik'íyáti' Committees and the Navajo Nation Council; Amending Resolution CJA-03-14 Extending the Time for a Limited Waiver of Sovereign Immunity to Allow the Navajo Nation to be Sued in Federal District Court for Compliance with the National Environmental Protection Act to Carry Out the United States Department of Housing and Urban Development Grants and Authorizing the President of the Navajo Nation to be the Certifying Tribal Official to Execute Form 7015.15 through September 30, 2021 (2/3)

SPONSOR: Honorable Davis Filfred

CO-SPONSOR: Honorable Benjamin Bennett

(m) *Honorable Herman M. Daniels* (s) *Honorable Alton Joe Shepherd* (v)

1/26/2017 – Table for a work session before the next session; (M) Herman M. Daniels; (S) Raymond Smith, Jr.; (V) 12 in Favor, 07 Opposed (Speaker Bates Not Voting)

- (E) **LEGISLATION 0345-16:** An Action Relating to Law and Order, Health, Education and Human Services, Resources and Development, Naabik'íyáti' Committees, and the Navajo Nation Council; Requesting Support from the United States Environmental Protection Agency, The Office of Navajo-Hopi Indian

Relocation, the Navajo Nation Environmental Protection Agency, the State of Arizona, and Apache County, Arizona for Assistance in Addressing Uranium Contamination in the Water Supply Near Sanders, Arizona

SPONSOR: Honorable Raymond Smith, Jr.

CO-SPONSOR: Honorable Kee Allen Begay, Jr.

(m) **Honorable Davis Filfred**

(s) **Honorable Benjamin Bennett**

(v)

1/26/2017 – Table to the next special session or next regular session; (M) Honorable Jonathan Perry; (S) Honorable Herman M. Daniels; (V) 13 in Favor, 01 Opposed (Speaker Bates Not Voting)

- (F) **LEGISLATION 0361-16:** An Action Relating to Resources and Development, Naabik'iyáti' Committee and the Navajo Nation Council; Amending CAP-26-16 by Exempting Range Units 110, 601, 602, 603, 301 and 310 from the Determination of Navajo Partitioned Lands Range Unit Boundaries and Grazing Districts; Amending IGRJN-110-10 by Exempting Range Units 110, 601, 602, 603, 301 and 310 from Eligibility Criteria for Issuance of New Partitioned Land Grazing Permits; Authorizing Kayenta Chapter and Chilchinbeto Chapter Officials to Discuss with Land Users, Permittees, and Residents of Range Units 110, 601, 602, 603, 301, and 310 the Boundaries and Grazing Permits Eligibility Criteria for these Range Units; and, Directing that the Kayenta Chapter and Chilchinbeto Chapter Officials provide a report to the Navajo Nation Council on these matters

SPONSOR: Honorable Herman M. Daniels

(m) **Honorable Otto Tso**

(s) **Honorable Jonathan L. Hale**

(v)

1/26/2017 – Table to next session; (M) Honorable Davis Filfred; (S) Honorable Walter Phelps; (V) 16 in Favor, 00 Opposed (Speaker Bates Not Voting)

- (G) **LEGISLATION 0431-16:** An Action Relating to Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$248,587 to the Navajo Nation Election Administration Office to Hold the Transportation Stimulus Plan Referendum

SPONSOR: Honorable Walter Phelps

CO-SPONSOR: Honorable Benjamin Bennett

CO-SPONSOR: Honorable Dwight Witherspoon

(m) **Honorable Benjamin Bennett**

(s) **Honorable Dwight Witherspoon**

(v)

1/26/2017 – Table to Spring Session; (M) Honorable Dwight-Witherspoon; (S) Honorable Amber K. Crotty; (V) 15 in Favor, 01 Opposed (Speaker Bates Not Voting)

9. NEW BUSINESS:

- (A) **LEGISLATION 0020-17:** An Action Relating to Health, Education and Human Services, Budget and Finance and Naabik'iyáti' Committees and Navajo Nation Council; Adopting the Síhasin Fund Senior Citizens Expenditure Plan Pursuant to CD-68-14 and 12 N.N.C. §§ 2501-2508 (2/3)

SPONSOR: Honorable Amber K. Crotty

(m)

(s)

(v)

- (B) **LEGISLATION 0032-17:** An Action Relating to Resources and Development, Law and Order, and Naabik'iyáti' Committees and Navajo Nation Council; Amending 2 N.N.C. § 503, Meetings (2/3)

SPONSOR: Honorable Davis Filfred

CO-SPONSOR: Honorable Walter Phelps

(m) (s) (v)

- (C) **LEGISLATION 0108-17:** An Action Relating to Law and Order and Naabik'íyáti' and the Navajo Nation Council; Amending the Navajo Nation Code Title 2 at 2 N.N.C. § 3769 (2/3)

SPONSOR: Dwight Witherspoon

(m) (s) (v)

- (D) **LEGISLATION 0115-17:** An Action Relating to Law and Order and Naabik'íyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. §§ 952, 953 and 954, the Office of Legislative Services (2/3)

SPONSOR: Honorable Jonathan L. Hale

CO-SPONSOR: Honorable Kee Allen Begay, Jr.

(m) (s) (v)

- (E) **LEGISLATION 0229-16:** An Action Relating to Health, Education and Human Services, Budget and Finance, Naabik'íyáti' and Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of \$400,000.00 in the Form of a Grant, for Diné Bii Association for Disabled Citizens, Inc.

SPONSOR: Honorable Walter Phelps

CO-SPONSOR: Honorable Otto Tso

(m) (s) (v)

- (F) **LEGISLATION 0232-16:** An Act Relating to Law and Order, Resources and Development, Naabik'íyáti' Committees and Navajo Nation Council; Rescinding CD-82-03 and Designating Navajo Nation Division of Community Development's Community Housing and Infrastructure Department as the Navajo Nation's Tribally Designated Housing Entity

SPONSOR: Honorable Jonathan L. Hale

CO-SPONSOR: Honorable Leonard Tsosie

(m) (s) (v)

- (G) **LEGISLATION 0335-16:** An Action Relating to Resources and Development, Budget and Finance, Naabik'íyáti' Committees; and the Navajo Nation Council; Approving Supplemental Funding from the Unreserved, Undesignated Fund Balance in the Amount of Three Million Dollars (\$3,000,000) to the Navajo Nation Chapter Veteran Organizations

SPONSOR: Honorable Raymond Smith, Jr.

CO-SPONSOR: Honorable Kee Allen Begay, Jr.

(m) (s) (v)

- (H) **LEGISLATION 0347-16:** An Action Relating to Resources and Development Committee, Budget and Finance Committee, Naabik'íyáti' Committee and Navajo Nation Council; Rescinding CAP-18-14; Authorizing the Navajo Nation Chapters to Submit Proposals for the Capital Improvement Plan to the Capital Improvement Office, or its Successor; Directing the Capital Improvement Office, or its Successor, to Develop the Capital Improvement Priority List in Full Compliance with the Navajo Nation Capital

Improvement Process as Codified at 12 N.N.C. § 860 *ET SEQ.*; Directing the Capital Improvement Office, or its Successor, to Provide a Report to the Naabik'íyáti' Committee Regarding the Capital Improvement Priority List No Later Than January 12, 2017

SPONSOR: Honorable Kee Allen Begay, Jr.

CO-SPONSOR: Honorable Benjamin Bennett

(m) (s) (v)

- (I) **LEGISLATION 0003-17:** An Action Relating to Budget and Finance, Law and Order, Naabik'íyáti' Committees and the Navajo Nation Council; Amending 12 N.N.C. § 602, Bank Balances

SPONSOR: Honorable Dwight Witherspoon

CO-SPONSOR: Honorable Seth Damon

(m) (s) (v)

- (J) **LEGISLATION 0019-17:** An Act Relating to Law and Order, Health, Education and Human Services, Naabik'íyáti' and the Navajo Nation Council; Enacting Enabling Legislation for the Navajo Nation Youth Advisory Council

SPONSOR: Honorable Amber K. Crotty

CO-SPONSOR: Honorable Norman M. Begay

(m) (s) (v)

- (K) **LEGISLATION 0035-17:** An Action Relating to Health, Education and Human Services, Naabik'íyáti' and Navajo Nation Council; Approving the Reinstatement of Sean Jeffrey King as a Member of the Navajo Nation

SPONSOR: Honorable Edmund Yazzie

CO-SPONSOR: Honorable Jonathan L. Hale

(m) (s) (v)

- (L) **LEGISLATION 0042-17:** An Action Relating to the Budget and Finance and Naabik'íyáti' Committees 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 Sihasin 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) (s) (v)

- (M) **LEGISLATION 0047-17:** An Action Relating to Naabik'íyáti' Committee; Appointing Mr. Emmett Kerley to the Commission on Navajo Government Development as the Western Agency Council Representative

SPONSOR: Honorable Walter Phelps

(m) (s) (v)

- (N) **LEGISLATION 0055-17:** An Act Relating to the Law and Order, Health, Education and Human Services, Budget and Finance, and Naabik'íyáti' 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. Jewel*

SPONSOR: *Honorable Edmund Yazzie*

CO-SPONSOR: *Honorable Kee Allen Begay, Jr.*

CO-SPONSOR: *Honorable Herman M. Daniels*

CO-SPONSOR: *Honorable Otto Tso*

(m)

(s)

(v)

- (O) **LEGISLATION 0098-17:** An Act Relating to Law and Order, Naabik'íyáti' and Navajo Nation Council; Amending the Navajo Election Code at 11 N.N.C. §§ 22 and 23 by Shortening Candidate Filing Period from 90 to 14 Days and Shortening the Candidate Application Review Period from 30 to 14 Days

SPONSOR: *Honorable Jonathan L. Hale*

CO-SPONSOR: *Honorable Dwight Witherspoon*

(m)

(s)

(v)

- (P) **LEGISLATION 0102-17:** An Action Relating to Resources and Development and Naabik'íyáti' Committees and Navajo Nation Council; Confirming Paulene T. Thomas as the Navajo Gaming Regulatory Office Executive Director

SPONSOR: *Honorable Alton Joe Shepherd*

CO-SPONSOR: *Honorable Walter Phelps*

(m)

(s)

(v)

- (Q) **LEGISLATION 0107-17:** An Action Relating to Naabik'íyáti' Committee and Navajo Nation Council; Approving and Confirming the Nomination of Crystal J. Cree to the Navajo Government Development Commission

SPONSOR: *Honorable Jonathan L. Hale*

CO-SPONSOR: *Honorable Walter Phelps*

(m)

(s)

(v)

- (R) **LEGISLATION 0111-17:** An Action Relating to Health, Education and Human Services, Naabik'íyáti' Committees and the Navajo Nation Council; Amending CD-67-06, *Establishing August 14th of Each Year the Navajo Nation Code Talkers Day and as a Navajo Nation Holiday*, to an Observed Holiday of the Navajo Nation

SPONSOR: *Honorable Jonathan L. Hale*

(m)

(s)

(v)

- (S) **LEGISLATION 0119-17:** An Action Relating to Health, Education and Human Services, Naabik'íyáti' Committees and Navajo Nation Council; Amending CAU-66-01, *Amending Resolution CMY-35-85 by Changing the Date of "Navajo Nation Sovereignty Day" Within the Navajo Nation from April 16th of Each Year to the Fourth Monday the Month of April of Each Year*, to an Observed Holiday on April 16th of Each Year Within the Navajo Nation

SPONSOR: *Honorable Jonathan L. Hale*

(m)

(s)

(v)

- (T) **LEGISLATION 0145-17:** An Action Relating to an Emergency; Amending CJA-13-17 Regarding the Effective Date to Address the Threat to Direct Services to the Navajo Nation

SPONSOR: *Honorable Jonathan Perry*

CO-SPONSOR: Honorable Jonathan L. Hale
CO-SPONSOR: Honorable Seth Damon

(m)

(s)

(v)

10. CLOSE OF SESSION; ANNOUNCEMENTS; ADJOURNMENT