

THE PEOPLE'S (*DINE*) AMENDMENTS NAVAJO NATION GOVERNMENT

Traditional Basis

After changing woman returned from the west, she rubbed the skin off her breast and arm and recreated (us) *Dine* '. Long after that, four creatures were dispatched to the four directions. They returned with powerful gems and various items needed by the people. This is the beginning of creation, ordering human relations to maintain the government and leaders.

(This account is intentionally abridged for the respect of those medicine men, women and others who hold their traditional stories sacred.)

The traditional fundamental principle of this account lays out the Holy People's prescription for an effective human government placing the people first, government second and leaders last. The common needs of the people come first, the purpose of the government comes next to see the common needs and the leaders assure those needs are fulfilled. Reverent adherence and observation of this account, guided the *Dine* ' through their long challenge of existence from time immemorial. It is after the formation of the Navajo Nation Council by the Federal Bureau of Indian Affairs that the order of their long-standing government shifted, where it is now leaders first, government second and people last. This is not what the Holy People prescribed. These amendments will restore the governmental system into the order the Holy People intended.

Preamble

We, the *Dine*, also known as the Navajo People, are a proud and noble people. We are grateful and indebted to all our current and past Navajo Nation Council Delegates, Chairmen, Vice-Chairmen, Presidents, Vice-Presidents and leaders at all levels of the Navajo government; for their; unselfish and tireless labor as they led us on the path of *Hozho*, as established with corn pollen by our ancient fore-fathers and mothers. Their leadership brought us happy and good times. We were challenged by trials, tribulations and hard times, but we overcame them. Those challenges made us strong, resilient, wise and determined. The Navajos stands, united and fearless to enter the next world, called the future and conquer the unseen and the inevitable. Faith and confidence in our-selves and in each other is the key (our Gish). *Nass jii', nee ni jii', sol tii'*.

The Navajo Nation Government is established by and for the people and the source of its power is the Navajo people, which power is derived from their creator. These amendments, which come directly from the people, will increase transparency and the people's participation – their *Nahat'a* - in the discussion and decision-making of matters that affect all Navajo in their local chapters and communities. These amendments increase the people's participation in the function of their national government, the Navajo Nation government. These amendments will return the Navajo Nation government to its role as *Naa'taa'ji'* – the process of talking, planning, and carefully examining the interests of all people and knowledge holders in decision making. The Navajo People believe good

governance uses these important principles: effective participation and consensus among those affected by the decision; accountability to and from government and civil society; transparency through the free flow of information; fairness and equity to all men and women; and adherence to the rule of law.

Title 1
General Provisions
Chapter 1. Navajo Nation Bill of Rights

The Navajo People hereby ratify and confirm the Navajo Nation Bill of Rights as adopted and enacted by the Navajo Nation Council on October 09, 1967 by Council Resolution, CO-63-1967; and as amended on February 07, 1980 by Council Resolution CF-9-80 and again on December 11, 1986 by Resolution CD-59-1986, as follows:

§ 1. Other rights not impaired; deletion or abridgment only by public referendum

The enumeration herein of certain rights, shall not be construed to deny or disparage others retained by the people. No provision of this Chapter, the Navajo Nation Bill of Rights, shall be abridged or deleted by amendment or otherwise, except by referendum vote of the Navajo electorate, in accordance with applicable provisions of the Charter of the Navajo Nation.

§ 2. Equality of rights not abridged by entitlements, benefits or privileges; not by affirmative action necessary to support rights of the Navajo people to economic opportunity

Recognition, enactment, lawful implementation and enforcement of provisions for specific entitlements, benefits and privileges based upon membership in the Navajo Nation or in other recognized Tribes of Indians and affirmative action in support of Navajo or other Indian preference in employment and business contracting or otherwise necessary to protect and support the rights of Navajo people to economic opportunity within the jurisdiction of the Navajo Nation, shall not be abridged by any provision herein nor otherwise be denied.

§ 3. Denial or abridgment of rights on basis of sex; equal protection and due process of Navajo Nation law

Life, liberty, and the pursuit of happiness are recognized as fundamental individual rights of all human beings. Equality of rights under the law shall not be denied or abridged by the Navajo Nation on account of sex nor shall any person within its jurisdiction be denied equal protection in accordance with the laws of the Navajo Nation, nor be deprived of life, liberty or property, without due process of law. Nor shall such rights be deprived by any bill of attainder or ex post facto law.

§ 4. Freedom of religion, speech, press, and the right of assembly and petition

The Navajo Nation Council shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people peaceably to assemble, and to petition the Navajo Nation government for a redress of grievances.

5. Searches and seizures

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probably cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

§6. Right to keep and bear arms

The right of the people to keep and bear arms for peaceful purposes, and in a manner which does not breach or threaten the peace or unlawfully damage or destroy or otherwise infringe upon the properly rights of others, shall not be infringed.

§ 7. Rights of accused; trial by jury; right to counsel

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, and shall be informed of the nature and cause of the accusation; shall be confronted with the witnesses against him or her; and shall have compulsory process for obtaining witnesses in their favor. No person accused of an offense punishable by imprisonment and no party to a civil action at law, as provided under 7 N.N.C. § 651 shall be denied the right, upon request, to a trial by jury of not less than six (6) persons; nor shall any person be denied the right to have the assistance of counsel, at their own expense, and to have defense counsel appointed in accordance with the rules of the courts of the Navajo Nation upon satisfactory proof to the court of their inability to provide for their own counsel for the defense of any punishable offense under the laws of the Navajo Nation.

§ 8. Double jeopardy, self-incrimination; deprivation of property

No person shall be subject for the same offense to be twice put in jeopardy of liberty, or property; nor be compelled in any criminal case to be a witness against themselves; nor shall private property be taken nor its lawful private use be impaired for public or governmental purposes or use, without just compensation.

§ 9. Cruel and unusual punishment; excessive bail and fines

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

§ 10. Involuntary servitude

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the Navajo

Nation, or any place subject to their jurisdiction.

Title 2
Navajo Nation Government
Chapter 1. Establishment
Subchapter 1. Generally

§ 1. Navajo Nation government establishment

~~There is~~ The Navajo People hereby established ~~establish~~ the Navajo Nation government consisting of the Legislative Branch, Executive Branch and Judicial Branches, ~~and other political subdivisions of which are not under any branch of the Central government.~~ with separate authority emanating from the People. The Navajo People also establish the elective offices of Navajo Nation Attorney General and Navajo Nation Treasurer both with fiduciary duties of counselor and trustee.

§ 2. Location of Navajo Nation Capitol

The capitol of the Navajo Nation shall be located at Window Rock, Navajo Nation (Arizona).

§ 3. Oath of office

The President, Vice-President and all delegates to the Navajo Nation Council, before assuming their official duties, shall take an appropriate oath of office, that includes the following:

“I will execute my duties, guided by Navajo traditional tenets and principles on ethics as follows:

Shii naa nish:

- a. baa sis tis doo (prudent – discreet-wise)
- b. baa hoo ne saa doo (sincerity –honest-true)
- c. de ne sin doo (respect –considerate-esteem)
- d. ba ah has yaa doo. (protect –guard-defend)”

§ 4. The Legislative Branch

The Legislative Branch of the Navajo Nation government shall have the power to enact, alter, amend, or repeal laws and regulations in accordance with powers delegated to the branch by the Navajo people.

§ 5. The Executive Branch

The Executive Branch of the Navajo Nation government shall have the power to

implement and execute the laws enacted by the Navajo Nation Council and/or the Navajo people, in accordance with and limited to those powers delegated to the branch by the Navajo People. The Executive Branch shall obey and execute valid orders issued by the Navajo Nation Courts.

§ 6. The Judicial Branch

The Judicial Branch of the Navajo Nation government shall have the power to interpret, construe and apply laws enacted by the Navajo Nation Council and/or the Navajo people.

§ 7. Concept of Government

All three branches of the Navajo Nation government shall exercise their powers consistent with Navajo traditional concepts and principles on leadership and government. The powers that the Navajo People have delegated to the three branches shall be exercised consciously and with deep respect for the governed.

Chapter 3. Legislative Branch

Subchapter 1. Navajo Nation Council

§ 101. Establishment

A. ~~There is~~ The Navajo People hereby established ~~establish~~ the Legislative Branch of the Navajo Nation Government. The Legislative Branch shall consist of the Navajo Nation Council and any entity ~~established,~~ the Council and/or the people may establish under the branch.

B. This § 101 (A) shall not be amended unless approved by a majority vote of all registered Navajo voters through a referendum.

§ 102. Powers; Composition, Duties

A. The Navajo Nation Council shall be the ~~governing~~ legislative body of the Navajo Nation and shall consist of 24 delegates. This §102(A) shall not be amended unless approved by a majority vote of all registered Navajo voters in all precincts through a referendum.

B. All powers not specifically delegated herein are reserved exclusively to the ~~Navajo Nation Council~~ Navajo people, including but not limited to the following:

1. Water rights and related issues
2. Land disposition and related issues
3. The permanent trust fund and related issues
4. Minerals and all natural resources and related issues.

5. Creation of and enforcement of Rules of Conduct for elected official.

6. Customary and historic use of land.

- C. The Navajo Nation Council shall supervise all powers specifically delegated to the council by the Navajo people. Laws enacted by the people shall supersede the laws enacted by the Navajo Nation Council.
- D. ~~The Navajo Nation Council shall have all power to discipline and/or regulate the conduct of its members, until provided otherwise~~ The Navajo Nation Council shall enact legislation to implement the election and offices of the Navajo Nation Attorney General, Navajo Nation Treasurer and the People's Ethics Committee, composed of one member from each agency, which shall have authority over regulation of conduct of public officials.
- E. The Navajo Nation Council shall have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its committees.
- F. The Navajo Nation Council shall confirm the appointments of all division directors upon timely recommendation from the appropriate oversight committees. The President shall present the appointments at the next Navajo Nation Council session following the date the appointments are made. If the Navajo Nation Council fails or refuses to act on a confirmation at the first council session following the appointment, the appointment shall automatically become valid and the President shall proceed with the necessary paper work to make the appointment permanent.
- G. The Navajo Nation Council ~~shall~~ may establish Standing Committees, in addition to the current (4) standing committees of the Council and delegate such authority to such committee as it deems necessary and proper for such committee to execute the purposes or powers delegated. Establishment of a standing committee beyond the four standing committee shall require ratification by a majority of the Navajo Nation Chapters where the people shall vote through a duly presented resolution.
- H. The Navajo Nation Council shall appoint members to the standing committees of the Council.
- I. The Navajo Nation Council shall have the absolute duty to preserve, defend and protect the sovereignty of the Navajo Nation and the Navajo people.
- J. The Navajo Nation Council shall continually work to increase the revenues of the Navajo Nation so all branches, divisions, departments, programs and chapters can be adequately funded.
- K. The Navajo Nation Council shall not appropriate funds from the undesignated reserved account to fund any other programs or projects, but keep the funds in the account intact and use it for the intended purpose(s).

- L. Although the Navajo people retain all powers and authority over water and all natural resources, the Navajo Nation Council shall develop policies and programs that protect and preserve water and all natural resources.
- M. The Navajo Nation Council shall be the trustee for the Navajo people of all Navajo Nation tangible and intangible property, whether that property is located on or off the Navajo Nation. Any registered voter can bring lawsuit for breach of trust.
- N. The Navajo Nation Council delegates shall faithfully exercise their fiduciary obligation as leaders of the Navajo Nation and shall at all times maintain the highest level of integrity, dignity and respect on and off the Nation. Officials of the Navajo Nation shall be liable for breach of fiduciary duty.
- O. The Navajo Nation Council shall coordinate and collaborate on all inter-governmental issues, concerns and matters with the Office of the President and Vice-President. The final decision shall be carried out or implemented by the Office of the President and/or Vice-President.

§ 103. Qualifications

- A. No person shall serve as a delegate to the Navajo Nation Council unless he or she is an enrolled member of the Navajo Nation as shown on the agency census roll of the Bureau of Indian Affairs and ~~above the~~ no less than age of 25 on ~~or before~~ the date of the general-primary election.
- B. Each candidate for Council Delegate shall:
 1. not have been convicted of a felony in either a state or federal court. Each candidate for council delegate shall file a notarized affidavit with the election office at the time of filing paperwork for candidacy stating that he or she has not been convicted of a felony in any state or federal court. Any registered Navajo voter can contest a candidate's statement through reasonable evidence and request a criminal background check of the candidate. The voter requesting a background check shall pay the costs of such investigation.
 2. not have been convicted of any crimes of deceit, including but not limited to extortion, embezzlement, bribery, perjury, forgery, fraud, misrepresentation, false pretense, theft, conversion, or misuse of Navajo Nation funds and property, and crimes involving the welfare of children, child abuse, child neglect, aggravated assault, aggravated battery and any domestic violence offence. A candidate for council delegate shall not have been found in violation of the Navajo Ethics in Government Laws and Election Laws by the Office of Hearing and Appeals or by a court. Each candidate for council delegate shall file a notarized affidavit with the election office at the time of filing paperwork for candidacy stating that he or she has not been convicted of any of the crimes listed in this section. Any registered

Navajo voter can contest a candidate's statement through reasonable evidence and request a criminal background check of the candidate .The voter requesting a background check shall pay the costs of such investigation.

3. be a registered voter in the chapter or precinct from which elected.
4. speak, understand and write English.
5. speak Navajo fluently and otherwise communicate with the Navajo public, the ability to speak Navajo or not will be determined by the voting public and not the Navajo Nation Election Administration, the Navajo Nation Board of Election Supervisors and/or the courts..
6. understand and maintain unswerving loyalty to the Navajo Nation and the people and be capable of upholding the oath of office.
7. be permanently domiciled and reside on or close to the Navajo Nation continually for three years prior to the primary election.
8. have graduated from high school.

§ 104. Incompatible service

- A. No person shall serve as a delegate to the Navajo Nation Council if he or she is in the permanent employment of the United States, ~~or~~ any state, any county or subdivisions thereof; nor shall a person serve as a Navajo Nation Council delegate if he or she is an elected official of the United States, or the several states, or any counties thereof. serve as a delegate. This Section shall not apply to service on a school board. or elective county office.
- B. No person shall be eligible or qualified for election to the Navajo Nation Council if that person is permanently employed or an elected official as described in § 104 (A).
- C. If any delegate, after his/her election, enters such service, the delegate shall immediately forfeit his/her office as a Council delegate. A delegate elected to the Navajo Nation Council, who is employed by the Navajo Nation must resign from such employment before taking the oath of office and shall not be employed by the Navajo Nation during their term of office.
- D. No Council Delegate shall engage in the private practice of law, nor serve as a lobbyist for any outside individual or organization against the interest of the Navajo Nation government or the Navajo people, while serving as a Navajo Nation Council Delegate.
- E. A delegate elected to the Navajo Nation Council shall not serve in any other

elected/appointed Navajo Nation government office, county government office, state government office or federal government office, including School Board and share-holder representatives to any Navajo owned/affiliated enterprises, businesses or organizations.

- F. Share Holder Representative, if needed, will be appointed by the President of the Navajo Nation from among the general Navajo public and confirmed by the appropriate oversight standing committee, provided that the Chapter of Incorporation of the enterprises or businesses allow such appointment.

§ 105. Term of Office; Term limits.

- A. Each delegate to the Navajo Nation Council shall serve ~~for~~ a term of four (4) years.
- B. ~~A delegate shall not be limited in the number of terms he or she may serve. Each delegate to the Navajo Nation Council shall be limited to two four- year terms for a total of eight years maximum. The delegate may serve the two terms consecutively or serve a term, leave office, and then run for another term.~~
- C. Section 105(A)(B) shall be applicable to all current delegates. Any delegate who served two terms shall not be eligible to seek another term. A delegate who has served one term shall be eligible to run for one more term. The Navajo Election Administration, the Navajo Board of Election Supervisors and the Courts shall strictly apply this section.

§ 106 Compensation of Council Delegate

A. Delegates shall be compensated by an annual salary of twenty-five thousand dollars (\$25,000) per year. All Council Delegates shall be paid bi-weekly. A salary increase, or any supplemental increase to the delegates' annual salary, may be approved by a (2/3) vote of the Navajo Nation Council but shall not become effective unless ratified by two-thirds (2/3) of all Navajo Nation Chapters within 120 days of approval by the Navajo Nation Council. An increase in salary so obtained shall not become effective until a new Council is seated after the election immediately following ratification by the chapters. The provisions of this Section 106(A) shall not also apply to mileage payments, per diem payments, and deferred compensation benefits, provided for herein, or any other payments or benefits which are separate from the bi-weekly base salary established in this Section.

- i. The mileage payment shall be in the amount set by the Controller of the Navajo Nation using the federal rates for mileage and travel reimbursement, including the lowest airfare available.
- ii. Amount of daily per diem shall be set according to the amount stated in §106(B) below. Any proposed increase in the amount of per diem shall be

set forth in a properly passed Navajo Nation Council resolution and subject to the approval or veto by the President of the Navajo Nation.

- iii. Deferred compensation shall be that amount deducted from a council delegate's regular annual salary that is paid bi-weekly.
- B. Delegates attending Navajo Nation Council quarterly meetings or their respective standing committee meetings may receive sixty dollars (\$60.00) per diem for each day official business is conducted and mileage reimbursement for use of private vehicles at the rate established by the Navajo Nation Travel Policy and Procedure Handbook, and amendments thereto. ~~Chairpersons of Committees may receive as compensation for extra time spent by the Chairperson beyond meetings to execute committee business eighty dollars (\$80.00) per diem for each committee meeting day.~~
- C. For every week of an official session of the Navajo Nation Council, delegates shall be paid mileage equal to one trip to Window Rock from their ~~residence~~ home chapter and return, according to the official mileage chart of the Controller.
- D. For each complete Council committee meeting, with full agenda and official quorum, a ~~delegate-s~~ delegate serving on a committee of the Navajo Nation Council shall be paid mileage equal to one round trip to Window Rock from their ~~residence~~ home chapter and return, according to the official chart of the Controller. A delegate attending a committee meeting, to which he or she is not assigned is not eligible for mileage payments or per diem. Work sessions shall not be considered a "standing committee meetings".
- E. Full per diem shall be paid only for attendance of at least ~~three~~ six (6) consecutive hours of meeting, per day, or until all agenda items on the properly approved meeting agenda are concluded.
- F. Delegates, or their beneficiary in the event of their death, are paid a deferred compensation benefit when they leave office. Deferred compensation is deducted from a delegate's regular salary, in the amount specified by the delegate. The Navajo Nation shall not set aside funds as "deferred compensation" that is additional to a delegate's regular salary. Currently serving council delegates shall not be given "deferred compensation" at the end of their current terms unless the amount was deducted from the delegate's regular salary. The controller and his staff shall ensure that this section is enforced.

§ 107. Advances to Council Delegates

- A. Temporary travel advances to a Council Delegate, not to exceed the reasonable expected cost and expenses of authorized travel, may be made by the controller upon written request of the delegate and approved ~~authorized~~ by the Speaker of the Navajo Nation Council.

B. Claims for reimbursement of travel expenses shall be submitted to the controller promptly upon completion of travel. Travel expenses outstanding at the time reimbursement claims are submitted shall be deducted from the amount being claimed

~~C. Salary advances to a Council Delegate, not to exceed fifteen thousand dollars (\$15,000) during any bi-weekly pay period, may be made by the controller (or designee).~~

~~D. Salary advances made to a Council Delegates during any bi-weekly pay period shall be deducted in amounts not less than fifty dollars (\$50.00) from his or her bi-weekly pay, unless larger deductions are authorized in writing by the individual Council Delegate.~~

~~E.C.~~ The Navajo Nation shall have the right to deduct from any and all monies eyes or other credits which the Navajo Nation owes to any Council ~~D~~ delegate receiving ~~an~~ a travel advance under this section, an amount equal to the total funds advanced at any time within 30 days prior to the expiration of the Council ~~D~~ delegate's term of office, or at any other time after the Council ~~D~~ delegate leaves his or her office for any reason whatsoever, whether voluntary or involuntary.

~~F D.~~ The balance of any travel ~~or salary~~ advances not cleared within 30 days from the date of issue shall, at the Council ~~D~~ delegate's election, either be deducted from the Council ~~D~~ delegate's next bi-weekly pay or be assessed interest at a rate of 1.2% per annum. The balance of any travel ~~or salary~~ advance outstanding at year end shall be deducted from any and all monies eyes which the Navajo Nation owes to the Council ~~D~~ delegate. These deductions shall ~~not~~ be made from all sources of money due the Council ~~D~~ delegate including Deferred Compensation balances or payments.

§ 108. Group Insurance

A. Navajo Nation group insurance shall be provided for Navajo Nation Council Delegates and their dependents, according to the policy and terms of the Navajo Nation Insurance benefit program.

B. The Navajo Nation shall pay a percentage of the insurance premium as its contribution.

§ 109. Tax declaration and returns; Deductions

A. Each delegate to the Navajo Nation Council is ~~a common-law employee~~ an elected official of the Navajo Nation for federal employment tax purposes. Each delegate works for a set yearly salary, paid out of the Navajo Nation general funds. The

Navajo people have the power and right to declare employment status of its elected officials.

- B. The Controller of the Navajo Nation shall make deductions in the proper amount from the salaries of the delegates to the Navajo Nation Council for federal income tax and social security income tax withholding.
- C. ~~Excluded from participating in the Navajo Nation Personnel Policy are the Elected officials, public boards, volunteers, and any person employed by contract with the Navajo Nation shall not be covered by the Navajo Nation Personnel Policy, and any other contractual services agreements to provide services to the Navajo Nation Government.~~

§ 110. Definitions

The following definitions apply in this Chapter:

- A. **Agency** generally means a division or unit of a government or other organization. When used to refer to the geographic divisions of the Navajo Nation it means the collection of Chapters in each of the five geographic divisions: Chinle Agency, Eastern Agency, Fort Defiance Agency, Northern Agency and Western Agency.
- B. **Associated Amendments** means to alter, change, add or modify an existing agreement, subcontract, or Letter of Assurance Agreement listed in 2 N.N.C. §164(B)(1).
- C. **Budget resolution** is a resolution passed by the Navajo Nation Council appropriating funds pursuant to 12 N.N.C. §800, *et seq.*
- D. **Chapter**, as stated in 26 N.N.C. §2(6), means units of local government which are political subdivisions of the Navajo Nation.
- E. **Comment period** means calendar days in which proposed resolutions are posted on the Navajo Nation Council website and available for submission of written comments by the public, Chapter governments and departments or divisions of the Navajo Nation government. The comment period shall begin to run at midnight of the day a resolution is introduced into the legislative process.
- F. **Confidential matter** means a matter which, if released would, violate ~~s~~ the Navajo Nation Privacy and Access to Information Act or whose unauthorized disclosure could be prejudicial or detrimental to the legal or financial interests of the Navajo Nation government or its entities. The Navajo Nation Department of Justice shall determine what matters qualify as confidential. Matters determined to be confidential shall not be released without the approval of the Attorney General or his/her designee.

- G. **Coordinate** means to use k'è to combine efforts on a common action to produce ~~harmonious action and~~ consensual results.
- H. **Financial impact** means any agreement that obligates the Navajo Nation to expend funds, no matter ~~what~~ the sources of the funds, or provide s funds to the Navajo Nation.
- I. **Iina** is ~~the~~ that part of the decision-making process of Nitsa'ha'kees-Nahat'a'-Iina'-Siihasin to collaboratively make and implement a decision, which must be dynamic and vibrant to accomplish effective and efficient outcomes, for sustaining life, in a constant cycle of examining and analyzing issues for growth and development.
- J. **Intergovernmental agreement s-are** is an agreement s between the Navajo Nation and another government that involves the sharing of governmental powers, and includes Indian Self-Determination and Education Assistance Act (P.L. 638) contracts. An ~~I~~ntergovernmental agreement-s does not include an agreement-s between the Navajo Nation and another government where the Nation or the other government acts in a landowner or commercial capacity.
- ~~K.~~ **Legislation generally** means the Navajo Nation Council's act of passing laws using its legislative powers. action of legislating or the enactments of a legislative body. As used in 2 N.N.C. § 164, it means the Navajo Nation Council's enactment of laws or amendments ~~to~~ of laws. ~~by the Navajo Nation Council~~
- L. **Letter of Assurance** means a letter sent to another party in lieu of a bond or other surety assuring the receiver that the sender will perform its contractual obligations.
- M. **Local Government Unit** means political subdivisions of the Navajo Nation including, Chapters, Townships, or other municipal forms of government for the purpose of 2 N.N.C. §§ 500 to-§ 503.
- N. **Memorandum of Agreement (MOA)** means a binding written agreement between two or more parties to cooperatively work together to resolve an issue of mutual concern, or to accomplish one or more agreed upon projects, or to accomplish one or more mutual purposes. An MOA sets forth ~~lays out~~ the ground rules for a positive cooperative effort. It may be used between the ~~tribal~~ Navajo Nation government and a private individual or entity, or between the central Navajo Nation government and a local governance certified chapter ~~of~~ or a Navajo Nation Township. ~~and is~~ A MOA shall be legally enforceable.
- O. **Memorandum of Understanding (MOU)** means a non-binding written agreement between two or more parties indicating an intended line of action where the parties agree to act in good faith to comply with ~~the~~ its terms. It may be used between the ~~tribal~~ Navajo Nation government and a private individual or entity, or between the central Navajo Nation government and a local governance certified chapter or

- Navajo Nation Township. ~~and is~~ A MOU shall not be legally enforceable. Agreements between ~~tribal~~ Navajo Nation government divisions, agencies, and programs and non-certified chapters are not MOUs for purposes of 2 N.N.C. §164(B). ~~and~~ A MOU may be executed by ~~the~~ an appropriate division.
- P. **Nahat'a** is ~~the~~ a part of the decision-making process, ~~of~~ Nitsa'ha'kees-Nahat'a-Iina'-Siihasin, to plan strategically ~~plan~~ while utilizing Dine' bibeehaz''anii Bitse' Sile'i' (foundation of Dine law), statutory laws, informed research, and public input (through use of the Naabik'iyati' process) in a constant cycle of examining and analyzing issues for growth and development.
- Q. **Nitsa'ha'kees** is ~~the~~ a part of the decision-making process, ~~of~~ Nitsa'ha'kess-Nahat'a-Iina'-Siihasin ~~which~~ that involves critical thinking, and more broadly, to give direction and guidance to the issue at hand, in a constant cycle of examining and analyzing issues for growth and development.
- R. **Oversight** means to monitor and review a program's or entity's ~~execution-~~ implementation of legislation, regulations, and policies related to the program or entity or affected subject area. In comparison, legislative oversight is more limited and means to assist programs or entities to efficiently carry out ~~their~~ duties through implementation of directives, regulations, and policies and by ensuring they have adequate funding and ensuring that their governing authority is effective. to carry out duties.
- S. **Reallocations** are re-designations of appropriated or budgeted funds from one account to another account or to a newly-created account for a different use or purpose.
- T. **Resolution**, which is a form of legislation, means a formal written action of the Navajo Nation Council or its Standing Committees that adopts ~~things~~, its ~~approval-~~ approves, of or stateings or states its opinion on a matter.
- U. **Positive law** means legislation by the Navajo Nation Council that creates or amends a section or sections of the Navajo Nation Code.
- V. **Siihasin** is the part of the process of Nitsa'ha'kees-Nahat'a-Iina'-Siihasin that ~~to-~~ ensure ensures resilience through evaluation of decision-making and outcomes in a constant cycle of examining and analyzing issues for growth and development.
- W. **Statement s of Policy** declares ~~are written statements submitted to federal, state or local governments, by a Navajo Nation official stating~~ the official position of the Navajo Nation on proposed legislation or other action by the government and can be submitted to the federal, state, or local government.
- X. **Subcontract** means a contract that delegates some or all of the responsibilities of an existing contract to another party to perform. The original contractor retains

ultimate responsibility for performance of the underlying contract including any responsibilities delegated to a subcontractor.

NAVAJO NATION COUNCIL MEETINGS

§ 161. Place or Venue

A. All regularly scheduled or special sessions of the Navajo Nation Council shall be held at the Navajo Nation Council Chambers located in Window Rock, Navajo Nation, (Arizona) with the following exceptions:

1. If the chambers in Window Rock are unsuitable for meeting because of fire, physical damage, remodeling or other cause, the Speaker may designate an alternate meeting place in Window Rock and give reasonable notice to all the delegates.

2. A majority of all Council Delegates may agree to hold a meeting in some location in Window Rock other than the Chambers. Such agreement may be by written petition or by motion at any regular or special session of the Navajo Nation Council.

§ 162. Number, Time, Duration

A. There shall be four regular sessions of the Navajo Nation Council each year. Such sessions shall commence at ~~10 a. m.~~ 9 a.m. on the fourth Monday of January, and the third Monday of April, July and October of each year.

B. The Speaker of the Navajo Nation Council may call a special meetings of the Navajo Nation Council ~~may be called~~ upon reasonable and timely notice to all Council Delegates. ~~by the Speaker of the Navajo Nation Council acting~~ The Speaker may call a special meeting on written petition of a majority of all Council Delegates or upon a written request by ~~written message from the p~~ President of the Navajo Nation. The Navajo Nation Council may meet in special session, for no more than four times in one year on matters that cannot be scheduled for a regular council session. Any special session called beyond the four shall require the concurrence of the President of the Navajo Nation and shall be called only for emergency matters.

C. The duration of each ~~regularly quarterly meeting~~ session shall be no more than five working days. Each meeting day of the Navajo Nation Council shall be for a minimum of six hours each day ~~of the session or upon completion of the agenda items~~ or until all the agenda items are completed.

§ 163. Agenda

A. The Navajo Nation Council shall adopt an agenda in accordance with its own written rules and procedures, ~~established by the Navajo Nation Council. In the~~

~~absences of the adoption of~~ If a new council needs new rules and or procedures, then it shall use by an elected council the rules and procedures of the last Council shall be used until it adopts new rules or procedures. ~~amended or rescinded~~

- B. The agenda shall allow for inclusion of a consent schedule which is a listing of resolutions ~~which that~~ will likely be approved by unanimous consent of the ~~D~~ delegates in attendance. The consent schedule shall be developed by the ~~Speaker~~ Agenda Committee. Upon request by any ~~D~~ delegate, ~~and an~~ item on the consent schedule shall be moved to the regular schedule on the agenda. The Speaker shall move any item on the consent schedule ~~which that~~ receives more than five (5) minutes of debate or questioning to the regular schedule on the agenda.
- C. Once an agenda is adopted, it shall be amended only by a two-thirds (2/3) vote of the full (23 members minus the Speaker) council.
- D. The Chairpersons of all the standing committees shall meet at least ten (10) days before the regularly scheduled Council session to propose an agenda. The items on the agenda will include all proposed legislations, resolutions and reports cleared by each standing committees and ready for the council's action. All proposed items shall be accompanied by supporting data, studies and proposed resolutions. The proposed agenda may be adopted by the council.
- E. All matters affecting any particular chapter(s) shall have a chapter(s) resolution(s) stating its position(s) on the matter/issue. If a chapter resolution is not attached, the matter shall not be placed on the council's session agenda.

§ 164. Navajo Nation Council and committee resolution procedure.

A. All legislations, resolutions and all other matters, stating ~~Statement of policy,~~ enactment of positive law, intergovernmental agreement, and budget resolution and reallocations, that are properly submitted by the people to the Council and/or its standing committee, must be reviewed and decided ~~approved~~ by resolution by the appropriate standing committee(s) and/or the Navajo Nation Council except as otherwise provided herein:

- ~~1. Except as statutorily enumerated situations as set out in 2 N.N.C. ss 164 (A) (16), only Council Delegates or Standing Committees may introduce a proposed resolution to the Standing Committee and the Navajo Nation Council, except where If Navajo government employees are authorized by statute or regulation to introduce a proposed resolution to the standing committee(s) and the Navajo Nation Council, than they will do so. The last day for consideration of resolution shall be December 31st of the year immediately preceding the swearing in of the new Council. Council Delegates, Standing Committees, and other Navajo Government employees who are statutorily authorized to introduce proposed resolutions, may seek the assistance of either the Office of Legislative Council or other legal counsel employed by the Navajo Nation to~~

~~draft proposed resolutions. The Office of Legislative Council shall ensure that the proposed resolution is drafted in a proper codified format before it is assigned a number and introduced into the legislative process. The Office of Legislative Council shall notify the Council by memorandum of the legal sufficiency of each proposed resolution~~

1. The President, Vice-President, council delegates and any Navajo government employees authorized by law or regulation to introduce/propose resolution or legislation, any individual, chapters, tribal divisions, entities and organizations may make arrangement with the Speaker of the Navajo Nation Council to be included on a Standing Committee's agenda and introduce a proposed resolution(s) to a standing committee for action or to make a report.
 - i. The Office of Legislative Secretary and/or the Office of Legislative Counsel shall review the proposed resolution, mentioned in this subsection to ensure the resolution is drafted in a proper codified format. The Chapter government of the Navajo Nation shall be entitled to the services of the Office of Legislative Services and the Office of the Legislative Council in these matters.

2. Expressions of condolence, congratulations, appreciation, recognition of achievement and other similar expressions of sentiment shall be processed as memorial of the Navajo Nation Council or its standing committees but shall be issued by certificates from the Speaker of the Navajo Nation Council at the written request of any Council ~~D~~ delegate and in the manner set forth at 2 N.N.C. § 285 (B) (7).

3. After ~~the a~~ proposed resolution is deemed properly drafted by the Office of Legislative Counsel, the council delegate(s), standing committee(s), ~~or~~ authorized employee(s), individual, chapter, tribal division, entity and other organization shall be presented to the Director for the Office of Legislative Services, or his/her designee, who will assign a number to the proposed resolution. If the resolution is ready for council's action, the standing committee will present it to the council at their next regular session for action.

4. ~~All A~~ Resolution proposing new laws or amendments of laws shall clearly indicate new language by underscoring the new language and deletion by overstrike and shall refer to the appropriate Navajo Nation Code Chapter and sections ~~with~~ when applicable. ~~All A~~ proposed resolution enacting new laws, amending existing laws, or adopting a statement of policy shall include version identification and may be read in its entirety to ~~the members of~~ the Navajo Nation Council at the request of a delegate. The exhibits attached to the proposed resolutions shall be identified by reference only.

5, After the proposed resolution is assigned a number, the Speaker of the Navajo Nation Council shall introduce it into the legislative process by assigning it to respective oversight committee(s) of the Navajo Nation Council having authority over the matter for proper consideration and distribute a digital copy, including copies of exhibits, of the proposed

resolution to the Office of the President, Office of the Attorney General, Office of the Controller, Office of Management and budget, ~~and~~ all Executive Branch Division Directors, and to a chapter or chapters if the proposed resolution concerns a chapter matter.

6. No later than the first calendar day after the proposed resolution is introduced into the legislative process, the Director for the Office of Legislative Services, or designee shall cause digital copies of the resolution to be placed on the Council's website. Exhibits attached to the resolution shall not be posted on the website, but digital copies of the exhibits, where practicable, shall be provided upon request to the Office of Legislative Services. Any matters or exhibits determined by the Navajo Nation Department of Justice to be confidential shall be properly marked "confidential" and shall not be placed on the website or otherwise released. Digital copies of resolution and exhibits shall carry a notice to the effect that the digital copy is being produced for the benefit of the Navajo Chapters and public and any political use is prohibited.

7. A Chapter government may also provide comment to the proposed resolution ~~through a properly delegated elected official~~ the council delegate representing the chapter or chapter officers or through a certified chapter resolution. The Executive Branch Division Directors and Chapter government, at their own option, shall have ~~5~~ 15 calendar business days to submit comments on a proposed resolution to the Executive Director for the Office of Legislative Services. ~~The Council Delegate representing the Chapter(s) shall assist the Chapter(s) with said comment(s).~~ After receiving the comments the Executive Director for the Office of Legislative Services, in consultation with Chief Legislative Counsel, shall cause the analysis of the resolution, with appropriate references to comment received. The analysis may include comment to be affixed to the proposed resolution for consideration by the standing committee(s) and the Council. Such analysis shall not constitute legal advice ~~and~~ but will be used to promote a better understanding of the resolution.

8. Following the expiration of the public comment period, the proposed resolution shall be forwarded to the Chairperson of the appropriate standing committee and the Chairperson shall place the proposed resolution on committee's agenda for consideration by the standing committee at the next committee meeting. The Chairperson may also include an assigned memorial on the agenda. Action by the committee shall be in a written report and submitted to Council or another authorized committee.

9. A proposed resolution that requires final action by the Navajo Nation Council shall be assigned to standing committee(s) having authority over the subject matter at issue, ~~and the Naabik iyati Committee.~~ The resolution or memorial shall be submitted to the ~~Naabik iyati Committee~~ the Navajo Nation Council with amendments and committee reports. ~~The Naabik iyati Committee may developed amendments to the Council or may refer a resolution or memorial back to the appropriate standing committee(s).~~

10. An amendment approved by a committee shall be included in the proposed resolution. A failed amendment may not be introduced at a Council session unless a Ⓓ

delegate obtains a written petition in support of the amendment signed by a majority of the members of the Council. An amended legislation need not be re-distributed pursuant to § 164(A)(5).

11. ~~A legislation that was tabled by a committee with final approval authority over the matter shall remain with the committee until removed from table status. A legislation that was tabled by a committee without approval authority over the matter shall move forward to subsequent assigned committee(s) or Navajo Nation Council. Standing Committees of the Navajo Nation Council shall have no tabling authority on matters referred to them.~~

12. ~~A~~ Legislation that does not receive sufficient enough votes for passage by a committee with final approval authority over the matter shall be deemed permanently eliminated from the agenda of the committee. A Legislation that does not receive sufficient enough votes for passage by a committee without final approval authority over the matter shall move forward to the subsequent assigned committee(s) or the Navajo Nation Council for action. If the voting results of the committee with the final approval authority over the legislation are different from the voting results of the other committee to which the legislation was assigned, the legislation shall be referred to the Naabik iyati Committee Navajo Nation Council for final action, notwithstanding any other delegations to other committees of final approval authority.

13. The resolution shall be put on the proposed agenda, by the Agenda Committee, for a session of the Navajo Nation Council as recommended by an assigned committee(s). Resolutions submitted for the Council's session agenda shall, to the extent possible, be listed in the order received, except those resolutions requiring a two-thirds (2/3) vote or those resolutions included in a consent listing.

14. All resolutions appointing public officials and significant or controversial resolutions may be referred to ~~the Naabik iyati Committee~~ the Navajo Nation Council for action, ~~discussion prior to being certified or enacted~~ at the discretion of the Speaker, by referral from a standing committee having final legislative authority, or by a written request of a delegate who is not a member of the standing committee which considered such resolution. ~~The committee~~ Navajo Nation Council may refer a resolution back to the appropriate standing committee(s) for further consideration.

15. ~~After a resolution has completed the process and procedures of this section, it shall automatically be placed on the next agenda of the Navajo Nation Council. agenda. The office of the Speaker shall publish the final proposed agenda of the Navajo Nation Council on its website no less than three (3) ten (10) calendar days prior to the start of regular sessions and no less than one (1) five (5) calendar days prior to the start of special sessions. All verbal and written reports shall be presented to the Council only on the first day of the regular sessions, unless otherwise directed by the Speaker, or the Council.~~

16. Matters constituting an emergency of the Navajo Nation 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. The Navajo Nation Council shall not circumvent this policy. The Attorney General shall have the final authority to interpret this section.

17. A ~~H~~ resolution enacting new laws or amending existing laws ~~are~~ shall be subject to veto by the President of the Navajo Nation pursuant to 2 N.N.C. § 100(C)(10) and (11) and an override by the Navajo Nation Council, except financial line-item vetoes are not subject to override. ~~A vetoed resolution shall first be published to Naabik iyati Committee before consideration by the Council.~~ Memorials are not subject to veto but become effective upon certification by the Speaker pursuant to 2 N.N.C. § 221(C). All acts of ~~the~~ vetoing ~~the~~ a resolution shall occur within the territorial jurisdiction of the Navajo Nation as defined ~~described~~ in 7 N.N.C. § 254.
18. The Navajo Nation Council in adopting resolution or legislation shall not waive existing substantive laws, except for emergency purposes, as approved by the attorney General.

B. Agreements not requiring Committee or Council approval.

1. Subcontracts implementing agreements approved under §164(A) above, grants providing funds to the Navajo Nation, contracts expending funds appropriated by the Navajo Nation Council, Letter of Assurance agreements, memoranda of understanding, memoranda of agreement and other agreements that do not expend funds, and associated amendments shall not require approval by the Navajo Nation Council or its committees.
2. Prior to final execution as provided in 2 N.N.C. § 222, documents not requiring approval by resolution of the Navajo Nation Council or its committees shall be reviewed and signed by the following:
 - a. The appropriate Division Director for department and activities under his or her supervision.
 - b. The Controller (or designee) for all documents having a financial impact on the Navajo Nation.
 - c. The Director of the Office of Management and Budget (or designee) for all documents having a financial impact on the Navajo Nation; and
 - d. The Attorney General of the Navajo Nation (or designee).

§ 165. Reserved

§ 166. Record of proceedings; interpreters; access to records

- A. ~~Proper~~ Records of the proceedings of the Navajo Nation Council and all

standing committees, boards and commissions shall be kept and stored permanently for future reference. ~~and the necessary~~ language interpreting services shall be provided by the Office of Legislative Services.

- B. Access to records of the proceedings of the Navajo Nation Council, standing committees, boards and commissions shall be provided to the public through the Office of Legislative Services and the Central Records Department. A fee may be charged for copying.

§ 167. Failure to attend

A. All delegates to the Navajo Nation Council shall attend all regular and special meetings of the Navajo Nation Council or Standing Committees. If any delegate is absent from ~~sixty percent (60%)~~ fifty percent (50%) of the meeting days within a one year period, the Navajo Nation Council ~~may~~ shall consider a motion to censure, including payment of a fine to the Navajo Nation or discipline said delegate. If ~~his/her~~ the delegate's absence continues, after sanction has been imposed, the Navajo Nation Council shall have the authority to declare the delegate's seat forfeited and vacant.

B. The staff of the Office of Legislative Services shall keep records of delegates' attendance. If a delegate's attendance falls to the level stated in § 167 (A), the staff shall so inform the Speaker who shall inform the Council and the Citizen Ethics Committee.

§ 168. Sergeant at Arms; appointment; duties

A. The Director of the Division of Public Safety shall designate a member of the Navajo Nation police force to fill the post of Sergeant at Arms.

B. The Sergeant at Arms shall maintain order under the direction of the Speaker or Presiding Chairperson of the Navajo Nation Council ~~or Committees~~ and shall make appropriate arrangements for the maintenance of law and order during Council ~~and Committee~~ sessions.

§ 169. Quorum

A. A quorum shall consist of a simple majority of all ~~voting~~ members of the Navajo Nation Council.

B. No resolution, legislation, memorial or motion of the Navajo Nation Council or its Standing Committees shall be voted on or otherwise acted upon unless a quorum is present. When a quorum is present, any motion, ~~or resolution, memorial or legislation~~ shall be passed if it receives a majority of all votes cast in favor or opposed, unless a larger proportion than a simple majority is required by law. An ~~A~~ abstention vote ~~may~~ shall be cast only when a delegate has a personal interest or conflict in the motion of the matter that is the subject of the vote before the Council or Standing Committee. ~~upon a prior request of the Delegate with the conflict.~~ Only a vote in favor ~~and~~ or opposed shall be accepted. A

delegate who fails to cast a vote shall be declared absent from that day's council session or committee meeting, the whole meeting. Any delegate who does not ~~intentionally fails or refuses to~~ cast a vote two or more times during a council session shall be declared absent from the entire council session meeting, unless otherwise excused by the presiding person or the Speaker of the Navajo Nation Council. A delegate who does not vote two or more times during a council session shall be sanctioned, which shall include deduction of one day's pay and notification to the Citizen Ethics Committee.

C. Immediately after the votes are tallied during a council session, delegates casting abstention votes shall state his or her personal interest or conflict for the record; otherwise, the Speaker shall declare the delegate absent from that day's session.

§ 180. Appointment

A. Each delegate to the Navajo Nation Council shall be appointed only to no more than one standing committee as a regular voting member. This subsection shall not apply to the ~~Naabik'iyati' Committee~~ Agenda Committee.

B. The Chairpersons of all the Standing Committees shall serve on the Agenda Committee, which shall be chaired by the Speaker. The Agenda Committee shall develop and complete an agenda for all the regular and special sessions of the Navajo Nation Council at least 10 days before the session begins.

C. Delegates to the Navajo Nation Council shall not be appointed to serve on any commissions, boards, including share-holder representatives to Navajo Nation affiliated organizations.

§ 181. Membership

A Standing Committee shall have at least one member from each of the ~~A~~ agencies of the Navajo Nation as defined in 2 N.N.C. §110 (A). The speaker shall select Committee membership subject to confirmation by the Navajo Nation Council. The Speaker shall fill any ~~V~~ vacancies on a standing committee. shall be filled by the Speaker.

§ 182. Term of Office

Committee members shall serve a term of office coinciding with their term of office as delegate of the Navajo Nation Council.

§ 183. Meetings; quorum

A. All meetings of the Navajo Nation Council standing committees or commissions shall be held in Window Rock, Navajo Nation, (Arizona). For a meeting to be deemed valid ~~to have been held,~~ each of the following acts shall occur:

1. a quorum is present; ~~and~~
2. an agenda is adopted; ~~and~~

3. substantive actions (approval, disapproval ~~or tabled~~) and discussions are taken; and
4. per diem and round trip mileage are paid to council delegates or committee members. ~~or commissioners.~~

B Meetings shall not mean work sessions, workshops, orientations, training and or business meetings with Navajo or non-Navajo entities; ~~therefore, no meeting p~~ Per diem payment and mileage reimbursement shall not be paid for non-meetings. ~~work sessions, workshops, etc. shall be paid.~~ See 2 N.N.C. § 106. ~~Meetings held elsewhere within the Navajo Nation shall be by written permission of the~~ The Speaker of the Navajo Nation Council must approve any request for a meeting outside Window Rock, but on the Navajo Nation, prior to the date of the meeting and provided that funds are available; and the meeting is with government officials of another sovereign. The request and the Speaker's approval must be in writing. ~~No meetings shall be held outside the Navajo Nation unless by written permission of the Speaker of the Navajo Nation Council, provided that funds are available; and further provided that the meeting is with a legislative body of another sovereign.~~

B. Standing Committee and Commission meetings shall be for a minimum of ~~three~~ six hours for each meeting day and such meetings shall be for at least the most two days each month. No compensation, per diem and mileage shall be paid unless these requirements are met. ~~Special meetings may be held only if the following conditions are met:~~

1. Funds are available within the approved annual budget. ~~for additional meetings;~~ and
2. The Speaker of the Navajo Nation Council approves such meetings; and
3. Notice of the meeting is posted on the Navajo Nation Council website at least ~~one~~ (1) five (5) calendar days before the meeting.

C. When a committee is authorized by law to hold hearings as a quasi-judicial body, the restrictions on meeting days per month and minimum hours for meetings shall not apply to said hearings.

D. Until the Navajo Nation Council adopts uniform rules for conduct of Committee meetings, the Committees may adopt their own rules for conduct of meetings.

E. Quorums for standing committees, boards, and commissions meetings shall be a simple majority of the membership of the committees, boards ~~and~~ or commissions. A quorum shall be required to commence a standing committee meeting for any vote ~~affecting on~~ a resolution. A Q quorum shall not be required for the hearing of reports by standing committees. Reports may be accepted by a simple majority of the membership of the standing committee present.

F. No Standing committee or commission meeting shall be held while the Navajo Nation Council is in special or regular session except to consider a matter which is already a part of the agenda for the Council session then in progress and for which committee or

commission action is a legal condition precedent to action by the Council. Nor shall the Speaker approve travel for any member of the Council which is to take place during a special or regular session of the Council except when such travel is to conduct a meeting with, or to give official testimony to the government of another sovereign.

§ 184. Chairperson; Vice Person; Chairperson pro Tem

- A. The Chairperson and Vice Chairperson of committee shall be selected by vote of the committee.
- B. At any committee meeting where both the duly appointed committee Chairperson and Vice-Chairperson are absent, the majority of those committee members present may select a Pro Tem Chairperson to conduct the committee meeting; the Pro Tem Chairperson shall retain the power to vote.
- C. The Chairperson of the committee or in his or her absence the Vice-Chairperson shall vote only in the event of a tie vote by the regular voting members except when the resolution requires a two-thirds (2/3) majority vote, then the presiding Chairperson may vote on the matter regardless of a tie vote.

§ 185. Powers

- A. Subject to existing funds or contract requirements, the standing committees, or Chapters, boards or commissions may reallocate funds appropriated to it by the Navajo Nation Council and ~~to the committee, boards and commissions and to divisions, departments and or programs~~ over which the committees ~~have~~ has oversight authority, provided that funds are determined available by the Controller; further provided that such reallocation is upon the request of the affected division, department or program and further provided that reallocation of funds is by a two-thirds (2/3) vote of the full membership of the committee, board or commission.
- ~~B.~~ The standing committees, boards and commissions shall have the power to subpoena and acquire from any executive department, bureau, agency, board, commission, office, independent establishment or instrumentality, information, suggestions, estimates and statistics necessary for completion ~~execution~~ of the purposes ~~and authorities~~ for which the standing committees were established. Each such department, bureau, agency, board, commission, office, establishment or instrumentality is authorized and directed to furnish to the extent permitted by law such information, suggestions, estimates and statistics directly to the committee, ~~issuing the subpoena.~~ ~~board or commission upon request by the chairperson.~~
- C. The standing committees, boards and commissions may, for the purpose of carrying out the purposes and authorities, for which it was established hold such hearings and shall have power to subpoena the attendance and testimony of such witnesses and the production of books, records, memoranda, papers and documents

as deemed advisable.

- D. Any member of the standing committee, board or commission may administer oaths or affirmations to witnesses appearing before the standing Committee, board or commission.
- E. Standing Committees shall coordinate with one another where areas of authority and responsibility overlap.
- F. Subpoenas and orders may be enforced by the courts of the Navajo Nation by means of civil enforcement of committee action. A standing committee, by the Attorney General, may apply to the District Court of the Window Rock Judicial District for an order to enforce any committee subpoena or orders.

§ 186. No Subcommittee Authority

~~Each committee may establish subcommittees consisting of committee members selected by the committee. The subcommittee shall exist until it assigned tasks are completed and report and recommendation is made to the committee. The same provisions which apply to committee meetings shall apply to subcommittee meetings. The Navajo Nation Council and all its standing committees shall have no authority to established subcommittees.~~

§ 187. Joint Standing Committee meetings

- A. Standing committees of the Navajo Nation Council may convene joint meetings to address issues where ~~there~~ their authority and responsibility overlap. The same provisions that apply to committee meetings including, but not limited to, committee uniform rules of order shall also apply to the joint committee meetings.
- B. Joint standing committee meetings shall be held when:
 - 1. Funds are available within ~~the approved annual budget for each standing committee's~~ account ~~wanting to participate in the~~ for a joint meeting;
 - 2. The chairpersons of the standing committees ~~wanting to participate in the joint meeting shall~~ have submitted a written request to the Speaker for a the joint meeting.
 - 3. Each standing committee participating in the joint meeting shall have a quorum of its members present at the joint meeting, and
 - 4. The joint meeting is approved by the Speaker ~~of the Navajo Nation Council~~ and notice of the joint meeting is posted on the Council's website no less than twenty-four (24) hours before ~~in advance of~~ the joint meeting.
- C. Substitute action may be taken in a joint standing committee meetings as provided in §189 of this Title and as agreed to by the joint committee as follows:
 - 1. Each committee may make substantive decisions individually; or
 - 2. The committees may make substantive joint decisions ~~by joint action~~ provided that

such action is by a two-third (2/3) majority vote of the combined membership present at the joint meeting.

D. The presiding Chairperson of the joint committee meeting shall be selected by the committee members present from among the chairpersons of the standing committees participating in the joint meeting. ~~±~~ If only one Chairperson of the standing committees participating in the joint meeting is available, said Chairperson shall automatically preside over the joint meeting. If a Chairperson of any standing committee is not present, the Vice-Chairperson of such standing committee can be selected to preside over the joint committee meeting. If all the Chairperson and Vice-Chairperson of all the standing committees that are participating in the joint meeting are absent, the committee members of the joint meeting shall select anyone of the committee members to preside over the entire joint meeting.

§ 188. Reports

All standing committees, boards and commissions of the Navajo Nation Council shall ~~report~~ submit quarterly written reports ~~and in writing~~ to the Navajo Nation Council concerning their areas of oversight.

§ 189. Committee actions

A. All substantive standing committee actions shall be by written resolution duly certified by the presiding officer, setting forth the action taken and signed by the presiding officer. Resolution and memoranda shall be identified by a number and filed with the Records Management Department of the Navajo Nation.

B. Standing Committee directives shall be limited to matters under such ~~€~~ committee's direct oversight and shall be approved by a simple majority vote of all committee members. All approved directives shall be memorialized in writing and signed by the presiding officer and provided to the Office of the President and the affected Division Director within three (3) calendar days of ~~€~~ committee approval.

§ 190. Staff

Staff from divisions over which ~~the~~ a committee ~~have~~ has oversight authority shall assist the committee in execution of its ~~their~~ authority and shall provide necessary advice and clerical services.

§ 191. Conflict of interest

Standing ~~€~~ committee members who have personal, family, or business interests in a matter pending ~~matters~~ before the committee or joint committee ~~meeting~~ shall not participate in discussions about the matter and shall not vote on the matter. ~~the committee or joint committee proceedings or vote on the matter~~

§ 192. Legislative oversight

Committee oversight shall be limited to resolution consideration and policy decisions and shall not involve program administration.

§ 221 Resolution; Certification; Filing; Codification

- A. The Speaker of the Navajo Nation Council or Speaker pro tem shall certify the adoption of any resolution of the Navajo Nation Council by signing the same after it is engrossed by the Director of the Office of Legislative Services or his or her designee. A Adopted resolution that has enacted law and the President has signed into law shall be filed with the Central Records Department of the Navajo Nation and the Legislative Council Counsel's office shall have the legal and mandatory duties to immediately arrange for codification thereof.
- B. All Resolutions ~~that enact new Navajo law or amend existing Navajo law and are~~ adopted by the Navajo Nation Council shall become effective on the day the President of the Navajo Nation signs it into law or the Navajo Nation Council takes action to override the President's veto, unless the Navajo Nation Council specifically authorizes and directs a different effective date.
- C. ~~All resolutions that do not enact new Navajo law, amend existing Navajo law or make a policy statement and are adopted by the Navajo Nation Council shall become effective upon the certification by the Speaker or Speaker Pro Tem of the Navajo Nation.~~ Resolutions that adopt internal policies and procedures of the Navajo Nation Council shall become effective upon certification by the Speaker or Speaker Pro Tem.

§ 222. Contract or other papers generally

All contracts or agreements entered into pursuant to the Navajo Nation Procurement Code, to the extent applicable, or approved by the Navajo Nation Council, or its committees shall be executed in the following manner:

- A. The President or the Vice-President of the Navajo Nation or their designee shall execute contract or agreement pertaining to the Executive Branch;
- B. The Chief Justice of the Navajo Nation or ~~their~~ his or her designee shall execute contracts or agreements pertaining to the Judicial Branch;
- C. The Speaker of the Navajo Nation Council or ~~their~~ his or her designee shall execute contracts or agreements pertaining to the Legislative Branch.
- D. The Chapter President of ~~the~~ a Navajo Nation Chapter shall execute contracts or agreements pertaining to ~~the~~ that Chapter.

§ 223. Contracts

Except as otherwise provided, any contract authorized to be executed on behalf of the Navajo Nation shall meet the following conditions:

- A. All contracts involving the expenditure of funds shall expressly state that the liability of the Navajo Nation under such contract is contingent upon the availability of appropriations by the Navajo Nation Council to carry out the same.
- B. All contracts shall have sufficient funds appropriated and available.
- ~~C.~~ Contracts shall specify the affected chapters and shall not waive the sovereign immunity of the Navajo Nation or its entities unless approved by a two-thirds (2/3) vote of the full membership of the Navajo Nation Council with the consent of the chapter(s) affected by the contract. This provision shall not apply to enterprises and authorities ~~y~~ to waive immunity. ~~properly delegated.~~
- D. All contracts, including those entered into pursuant to the Navajo Nation Procurement Code, shall include language that the contract is governed by ~~comply with~~ the Navajo Business Procurement Act, 12 N.N.C. §1501, *et seq.*, the Navajo Preference in Employment Act, 15 N.N.C. § 601 *et seq.*, Navajo Business Opportunity Act 5 N.N.C. § 201 *et seq.*, and rules and regulations promulgated thereto.
- ~~E.~~ All contracts shall be awarded only after public advertisement and bidding in accordance with applicable laws. ~~unless otherwise authorized as small purchases, emergency purchases or sole source purchase under the Navajo Nation Procurement Code, or are Intergovernmental Agreements approved by the Navajo Nation Council or its standing committees.~~
- F. All change orders, modifications or amendments of contracts utilizing Navajo Nation funds shall not exceed twenty percent (20%) of the accepted bid. If the twenty percent (20%) cap is exceeded by any change orders, modifications or amendments, such change orders, modification or amendment shall be subject to the provisions of § 233 (E) above.

§ 224. Filing

All executed contracts or papers, and any modifications thereof, shall be filed with Central Record Department of the Navajo Nation. Executed contracts shall also be filed with the Office of Contracts and Grants.

§ 225. Public access

Access to contracts or papers shall be provided to the public by the Central Records Department as provided in the Navajo Privacy and Access to Information Act.

§ 281. Office of the Speaker of the Navajo Nation Council

A. ~~There is hereby established~~ The people hereby establish the Office of the Speaker of the Navajo Nation Council. The Speaker shall preside over meetings of the Navajo Nation Council.

B. The Speaker of the Navajo Nation Council shall be a member of the Navajo Nation Council, in good standing as a member of the council and preferably having the ability to speak the Navajo language.

C. The Office of the Speaker shall have such ~~support personnel~~ as legislative, clerical and administrative support and assistances from the personnel of legislative services as may be budgeted for.

§ 282. Selection of the Speaker, term of office

A. The Speaker, ~~of the Navajo Nation Council~~, shall serve at the pleasure of the Navajo Nation Council.

B. The term of the Speaker shall be two (2) year. A Speaker shall serve only one (1) term for a two years maximum during his or her tenure on the council.

C. The Speaker shall be selected and confirmed by the Navajo Nation Council as the first order of business at the Council's regular session scheduled for the fourth Monday in January of any odd numbered year.

D. The speaker before assuming office must present to the Navajo Nation Council, resolutions from the chapter(s) he represents, agreeing and consenting to the position that their delegate as a speaker will not be casting vote on their behalf on majority of the issues.

§ 283. Residence

A residence may be furnished at Window Rock, Navajo Nation (Arizona), together with the cost of water, sewer, refuse disposal, electricity and natural gas without charge to the Speaker. If the Speaker declines to reside in said residence, the Navajo Nation shall not be responsible or liable for costs and expenses in living elsewhere.

§ 284. Salary

The salary of the Speaker shall be ~~thirty thousand dollars (\$30,000)~~ ten thousand dollars (\$10,000), plus free housing, per annum above the salary as a Navajo Nation Council Delegate.

§ 285. Powers and Duties

A. The Speaker, ~~of the Navajo Nation Council,~~ shall exercise all powers and authorities which are delegated to the Office by law or may from time to time be delegated to such Office by the Navajo Nation Council, or by the people.

B. The Speaker's powers and duties shall include the following:

1. Preside at all Navajo Nation Council and ~~Naabik-iyati~~ Agenda Committee meetings .

~~2. Direct and supervise the personnel and programs under the legislative Branch as provided by law.~~

~~3.~~ 2. Appoint a Speaker Pro Tem to allow the Speaker to participate in debate and sponsor resolution(s) before the Navajo Nation Council and, in sole discretion of the Speaker, to carry out the administrative duties of the Office of the Speaker if the Speaker is unavailable and absent due to travel, illness, or for any other reason deemed sufficient by the Speaker;

~~4.~~ 3. Vote only in the event of a tie.

~~5.~~ 4. Call a special session of the Navajo Nation Council pursuant to 2 N.N.C. §162. ~~;~~

6. Recommend to the Budget and Finance Committee an annual budget or amendments thereto ~~of~~ for the Legislative Branch and advise the Navajo Nation Council on the annual budget recommended by the Budget and Finance Committee; and

7. Issue official Certificate of Condolence, Congratulations, Appreciation, Recognition or Achievement and other similar expression of sentiment signed on behalf of the Navajo Nation Council at the written request of any Council ~~or~~ delegate as provided herein:

~~a. Certificates of Condolence shall be reserved exclusively for former members of the Navajo Nation Council, Chairman, Vice Chairman, President and Vice President of the Navajo Nation.~~

~~b. a.~~ a. Uniform Procedures for the issuance of Certificates shall be developed by the Office of the Speaker. ~~subject to final approval by resolution of the Intergovernmental Relations Committee of the Navajo Nation Council.~~

§ 286. Removal; vacancy

A. The Speaker may be removed by a two-thirds (2/3) vote of the full membership of the Navajo Nation Council.

B. If a vacancy should occur in the Office of the Speaker of the Navajo Nation Council , ~~;~~ the Navajo Nation Council shall select and confirm from among its members a successor to serve the remainder of the term.

§ 287. Speaker Pro Tem

A. When a quorum of the Navajo Nation Council is present at any duly called regular or special meeting, the members present, in absence of the Speaker, may select

from among the Chairpersons of the standing committees to serve as the Speaker Pro Tem until the Speaker arrives.

- B. The Speaker, in his or her sole discretion, may appoint a Speaker Pro Tem to carry out the administrative duties of the Office of Speaker whenever the Speaker is both absent and unavailable due to travel, illness, or any other reason. ~~deemed sufficient grounds by the Speaker.~~ The appointment shall be made in writing and shall expire at a time designated by the Speaker or whenever withdrawn in a separate writing by the Speaker, and shall, in any event, automatically expire in five working days after the date of the appointments unless renewed in writing by the Speaker. Only current members of the Council may be appointed as Speaker Pro Tem pursuant to this provision and shall serve without additional ~~salary~~ compensation.
- C. If the Speaker is unable to perform his or her duties for any reason and is unable to appoint a Speaker Pro Tem pursuant to §287(B), the Chairperson of the ~~Government Services~~ the Law and Order Committee, of the Navajo Nation Council shall serve as the Speaker Pro Tem until the Speaker's inability to perform his or her duties is removed.
- ~~D. A Speaker Pro Tem appointed pursuant to §§287(B) or (C) shall, in addition to his or her salary as a delegate pursuant to 2 N.N.C. §106(A), receive mileage compensation in accordance with 2N.N.C. §106(A) and per diem for each day of service as Speaker Pro Tem in an amount equivalent to the daily rate of the salary established in 2 N.N.C. § 284.~~

**TITLE 2. NAVAJO NATION GOVERNMENT
CHAPTER 3. LEGISLATIVE BRANCH
SUBCHAPTER 9. STANDING COMMITTEES**

Article 1. Budget and Finance Committee

§ 300. Establishment; membership; purposes

- A. The Budget and Finance Committee is hereby established as a standing committee of the Navajo Nation Council.
- ~~B. The Committee shall consist of six council delegates. members.~~
- C. The Committee shall ~~exercise~~ have oversight ~~authority~~ power including but not limited to budget, finance, investment, bonds, contracting, insurance, audits, accounting, taxes, loans, Chapter budgets and finances. The committee shall have oversight for the following purposes:
1. To coordinate, oversee and regulate the fiscal, financial, investment, contracting and audit policies of the Navajo Nation.
 2. To report to the Navajo Nation Council and the Navajo public on the fiscal and financial state of the Navajo Nation.
 3. To recommend to the Navajo Nation Council the adoption of resolutions

designed to strengthen the fiscal and financial position of the Navajo Nation and to promote the efficient use of the fiscal and financial resources of the Navajo Nation;

4. To protect the interests of the Navajo People through the prudent management of financial reserves of the Navajo Nation and the use of funds available for expenditure by the Navajo Nation.
5. To oversee and provide direction for lending programs within the Committee's authority.
6. To act as an Audit Committee of the Navajo Nation government.
7. To report to the Navajo People any questionable or improper management and use of public funds by the Navajo Nation Council, any committee or any officers and official of the Navajo Nation government.

§ 301. Powers, duties

- A. The Committee shall have authority and such powers necessary and proper to carry out the purposes set forth above.
- B. The Committee shall have the following ~~enumerated~~ powers:
 1. To promulgate rules and regulations relative to contracting, investments and financial matters.
 2. To review and recommend to the Navajo Nation Council and the Navajo Public the budgeting, appropriation, investment and management of all funds.
 3. To the extent permitted by federal or Navajo Nation laws and regulations, the Committee shall appropriate, allocate, cancel, re-appropriate and review the use of the Navajo Nation funds received including but not limited to all grants, gifts and other funds from all sources: provided that such funds are in an approved budget.
 4. ~~With prior approval of the President, Speaker and/or Chief Justice to~~ To recommend to the Navajo Nation Council amendment of the approved budgets by reallocating funds between branches with the prior approval of the President, Speaker and/or the Chief Justice.
 5. To coordinate and review all fiscal, financial and investment activities of the Navajo Nation and its enterprises, as well as other agencies, federal, state, regional and private, expending or seeking to expend funds within the Navajo Nation or for the benefit of the Navajo People.
 6. To require the presentation and submission of financial reports by any enterprise, authority, or entity chartered or approved by the Navajo Nation Council or its committees.
 7. To return unexpended funds to the appropriate funding source in accordance with the Appropriation Act.
 8. To promulgate policies and regulations concerning wages, expenditure reimbursement, and fringe benefits for Navajo Nation officials and employees.
 9. To require reports from and to monitor the financial performance of all offices, divisions, departments, enterprises, authorities, committees, boards, commissions, or entities having oversight or control over fiscal matters or

- financial obligations to the Navajo Nation.
10. To receive an annual audit of the accounts of the Navajo Nation by certified public accountants and to present such audit to the Navajo Nation Council.
 11. To review the annual budgets of the Bureau of Indian Affairs, the Indian & Health Services and other departments and agencies of the United States government and to recommend the approval or disapproval of such budgets.
 12. To provide legislative oversight over lending programs, including the promulgation of rules and regulations for lending money to members of the Navajo Nation. Any funds belonging to the Navajo people, loaned to members of the Navajo Nation shall be strictly regulated to ensure the loans are repaid to the Navajo Nation.
 13. To conduct oversight of the functions of the Office of the Controller, the Office of Management and Budget, the Office of the Auditor General, the Office of the Navajo Tax Commission, the Navajo Tax Commission, the Insurance Services Department, the Insurance Commission and Retirement Services Department and to review, recommend or propose the adoption, amendment or rescission of its Plan of Operation.
 14. To approve Fund Management Plans pursuant to the recommendations of the appropriate oversight committee and affected Division or Branch.
 15. Authorize, review, approve and accept agreements, including contracts and grants, between the Navajo Nation and any federal, state or regional authority upon the recommendation of the standing committee which has oversight of the division, department or program which has applied for the agreement, or upon recommendation of the Chapter.
 16. To continually monitor contracts with state, federal, and regional entities to ensure compliance with applicable laws, regulations and contract terms.
 17. To prepare and recommend approval of a committee budget each fiscal year.
 18. To approve lease purchase agreements concerning all tribal programs, departments and divisions within all branches of the Navajo Nation government upon recommendation of the Office of the Controller.
 19. The Committee shall have the authority to delegate responsibilities and authorities as appropriate for efficiency and streamlining of government processes to the Divisions, Chapters and appropriate entities provided that the Committee first approves rules and regulations governing such delegations and to rescind delegations.
 20. To recommend to the Navajo Nation Council the creation of any Division or Department intended to be under the Committee's oversight by adoption of its Plan of Operation; and to rescind that Plan of Operation or an existing Plan of Operation for any Division or Department under the Committee's oversight.

§ 302. Advisors Reserved

~~The Department of Justice, Controller, Office of Management and Budget, Auditor General, Legislative Counsel, Director of Legislative Services and External Auditor shall serve as official advisors to the Committee and shall provide appropriate support, advice and counsel on all matters.~~

§ 302. Meetings

All regular meetings of the Committee shall be held on the first and third Tuesday of each month.

Article 2. Health, Education and Human Services Committee

§ 400. Establishment; Membership; Purposes

- A. The Health, Education and Human Services Committee is hereby established as a standing Committee of the Navajo Nation Council.
- ~~B.~~ The Committee shall consist of six council delegates. ~~members.~~
- C. The purposes of the Committee are:
 - 1. To promulgate regulations, promote accountability to policies, and provide legislative oversight on matters involving health, social service, education, general governmental services and human services.
 - 2. To oversee the education initiatives of the Navajo Nation by promoting academic excellence and culturally relevant education.
 - 3. To oversee Navajo Nation efforts in implementing and ensuring compliance with employment and labor laws and policies of the Navajo Nation and laws relating to veteran services.
 - 4. To oversee Navajo Nation policies and priorities to optimize the delivery of social services and health services to the Navajo people consistent with the traditional practices and customs of the Navajo People.

§ 401. Powers, duties

- A. The Committee shall have authority and such powers necessary and proper to carry out the purposes set forth above.
- B. The Committee shall have the following ~~enumerated~~ powers:
 - 1. To establish Navajo Nation policy, promulgate rules and regulations governing health, social services, education, human services and general government services of the Navajo Nation and its tribal organizations, entities, and enterprises.
 - 2. To ensure compliance and implementation of laws and policies of the Navajo Nation relating to health, social services, education, general government services and human services.
 - 3. To recommend to the Navajo Nation Council resolution(s) for the creation of colleges, or other entities of the Navajo Nation and to recommend the amendment or rescission of such resolution(s).
 - 4. To grant final approval for:
 - a. Any programs offered on the Navajo Nation by off-Navajo Nation post-secondary institutions or any “nonresident” or home study post-secondary programs for which student recruitment activities are conducted on the Navajo Nation.

- b. Approve, sanction and authorize application, reapplications, reauthorization and amendments for Indian Self-Determination and Education Assistance Act contracts and grants under the Tribally Controlled Schools Act for the operation of education programs, approval or denial of authorizations and reauthorizations shall constitute approval or denial by the Navajo Nation. ~~the Tribal Governing Body.~~
- 5. To delegate responsibilities and authorities as appropriate to the Divisions, Chapters and appropriate entities for the efficiency and streamlining of government processes provided that the ~~€~~ committee first approves rules and regulations governing such delegations and rescission of such delegations.
- 6. To review and recommend:
 - a. Resolutions relating to social services, health, environmental health, education, veterans and veterans services, employment and labor.
 - b. Navajo Nation agreements and contracts negotiated with federal, state, regional, and ~~tribal~~ Indian nation governments, private and Navajo Nation health and social service authorities, including environmental health, veteran services or education services subject to applicable laws of the Navajo Nation.
 - c. A Committee budget each fiscal year.
 - d. Applications and reauthorizations by Divisions and Programs under ~~age~~ legislative oversight for Indian Self-Determination and Education Assistance Act contracts and grants, except for those contracts the Tribally Controlled Schools Act identified in section 4 (b) above.
 - e. The authorization and designation of a for-profit or non-profit health or social services organization as a tribal organization for the purpose of contracting or compacting under the Indian Self-Determination and Education Assistance Act.
- 7. To represent the Navajo Nation:
 - a. At local, state and federal levels, in coordination with the President of the Navajo Nation ~~and the Naabik'iyati' Committee~~ on proposed legislation, funding and other actions affecting health, environmental health, social services, education, veterans services, employment, training and labor.
 - b. In consultation with federal, state and local officials regarding any proposed changes in federal education legislation or educational programs, including but not limited to new schools (including charter schools), school closures, consolidation, and education budget initiatives. The Committee shall, where appropriate, seek concurrence of ~~the Naabik'iyati' Committee of the Navajo Nation Council or~~ the President of the Navajo Nation and Navajo Nation Council in framing official responses for the Navajo Nation to proposals for major changes to education programs, such as proposals regarding majority school closures and transfer of jurisdiction.
- 8. To recommend to the Navajo Nation Council the creation of any Division or Department intended to be under the Committee's oversight by adoption of its Plan of Operation; and ~~to~~ to rescind that Plan of Operation or an existing Plan of Operation for any Division or Department under the Committee's oversight.

C. Oversight

1. To serve as the oversight committee for the Division of Health, Division of Social Services, Division of Human Resources Department of Dine Education, Division of General Services and to review, recommend or propose the adoption, amendment or rescission of its Plan of Operation. Oversight does not mean interfering in the internal operations of any programs.
2. To oversee all health and social service related activities of the Navajo Nation and its tribal organizations, enterprises, relating to the delivery of health, environmental health and social services including research, planning and prevention.
3. To serve as the oversight Committee of the Navajo Nation Board of Education, and colleges within the Navajo Nation.
4. To assist, support and coordinate with local communities, parent organizations and school boards and school board organizations.
5. To oversee and propose the establishment of any employment training center or institution under the jurisdiction of the Navajo Nation and to review, recommend or propose the adoption, amendment or rescission of its Plan of Operation.
6. To service the oversight authority for employment labor, veterans services, training and vital statistics. Oversight does not mean interfering in the internal operations of any programs.

§ 402. Advisors Resevred

~~A. The Department of Justice, Director of the Health and Social Services, Director of Human Resources, the Superintendent of Department of Dine Education, Navajo Area Director of Indian Health Services, Navajo Area Regional Director of Bureau of Indian Affairs, Bureau of Indian Education, and Auditor General shall serve as official advisors to the Committee and shall provide appropriate advice and counsel on all matters.~~

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§ 403. Meetings

Except when the Navajo Nation Council is in session, all regular meetings of the Committee shall be held on the first and third Wednesday of each month. ~~week.~~

Article 3. Resources and Development Committee

§ 500. Establishment; membership; purposes:

- A. Resources and Development Committee is hereby established as a standing committee of the Navajo Nation Council.
- B. The Committee shall consist of six council delegates. ~~members~~
- C. The Committee shall exercise oversight authority over water, land, grazing, environment, environmental protection, cultural resources, agriculture, livestock, wildlife, roads and transportation, air transportation, communications and utilities, information technology, chapter activities, economic and community development,

commerce and trade, gaming, rights-of-way, minerals, public utilities, telecommunications, and housing for the following purposes:

1. To establish Navajo Nation policy with respect to the optimum utilization of all Navajo Nation resources and to protect the rights, interests, sacred sites and freedoms of the Navajo Nation and People to such resources, now and for future generations.
2. To oversee regulation of activities on Navajo Nation lands for disposition or acquisition of resources, surface disturbance, or alteration of the natural state of the resource, including the enforcement and administration of applicable Navajo Nation and federal laws, regulations, guidelines, and administrative procedures in the development and use of resources as a good steward.
3. To establish policies and legislation appropriate to the housing needs of the Navajo Nation and its People.
4. To promote local community land use plans which support community infrastructural development and development of Local Government Units which enhances local self-government.
5. To promote, review, coordinates and approves projects to be financed by funds designated for capital improvement.
6. To oversee planning and coordinating of all roads and transportation activities of the Navajo Nation.
7. To establish rules, regulations and policies to streamline procedures for approval, management, and enforcement to enhance the development of the economy and increased development on the Navajo Nation.
8. To oversee planning and coordinating of all rural addressing activities of the Navajo Nation.

§501. Powers

- A. The Committee shall have all powers necessary and proper to exercise its purposes set forth at §500(C).
- B. The Committee shall have the following ~~enumerated~~ powers:
 1. To promulgate rules and regulations governing transportation, community development, local government units, land acquisitions for the Navajo Nation, environmental protection, and the use, sale, exchange, and development of Navajo Nation lands and/or resources, whether held in fee or trust status.
 2. To grant final approval for:
 - a. All land withdrawals, non-mineral leases, permits, licenses, rights of way, surface easements and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This authority shall include subleases, modifications, assignments, leasehold encumbrances, transfers, renewals, and terminations. The committee in exercising these power shall note the powers retained by the people. See 2 N.N.C. § 102 (B) (C).
 - b. Overall Resources Management Plan; Overall Economic Development Plan for prioritizing list for projects funded by Navajo Nation and federal funds, but development plans for individual business site leases shall not be subject to such approval; Road and Transportation Plan prioritizing list for

- road and transportation projects; priority list for capital improvement and housing development projects funded by all funding sources; NAHASDA Indian Housing Plan; including any amendments.
- c. Resolutions to develop and improve Local Government Units.
 - d. Local ordinances enacted by Local Government Units unless otherwise provided in Title 26 of the Navajo Nation Code, or other Navajo Nation law; and community based land use plans and amendments thereof.
 - e. Alternative and appropriate technological projects related to housing, community development and capital improvement projects to better serve the public and communities.
 - f. Administrative and Business Site Leasing Management plan for the Division of Economic Development, governance certified Chapters, uncertified Chapters and Townships, or an appropriate entity, including any proposed amendments. ~~→s~~ Such plan must be in accordance with the Navajo Nation Business Leasing Regulations of 2005.
 - g. Plan of Operations for the Division of Transportation; Division of Community Development; Division of Economic Development; Division of Natural Resources; Environmental Protection Agency; and Gaming Regulatory Office, including any amendments.
3. To delegate its final approval authority for those transactions listed in §501 (B) (2)(a) to appropriate Divisions, ~~governance certified~~ Chapters, Township or appropriate entity and §501(B)(2)(d) to Division of Community Development for efficiency and streamlining of government processes, provided the Committee first grants final approval of rules and regulations governing such delegations and rescission of such delegations. Such rules and regulations shall include provisions for periodic review of performance for those delegated entities.
 4. To review and make recommendations to the Navajo Nation Council and/or the Navajo people for final approval:
 - a. Mineral agreements, land acquisitions, and energy development agreements.
 - b. Laws related to housing development, private and public facilities, including but not limited to building, construction, and utility codes.
 - c. Annual budget for capital improvement projects utilizing all sources of funds, through the budget process and supplemental appropriations to the capital improvement annual budget to fund necessary additional capital improvement projects.
 - d. Taxation proposals affecting business or commercial activities, after consultation with the Navajo Tax Commission.
 - e. Creation, reorganization, ~~termination or “privatization”~~ of any enterprises, as such, the Committee shall periodically receive reports and review the operations of the Navajo Nation enterprises, authorities, and industries. Termination or “privatization” of any tribal enterprises, ultimately, remains with the Navajo people and shall require a nation-wide majority vote of the Navajo people.
 - f. All other resolutions requiring Navajo Nation Council approval to

implement and accomplish or impact the committee purposes.

5. To represent the Navajo Nation at local, state, and federal levels, in cooperation and coordination with the President of the Navajo Nation and the appropriate committee of the Navajo Nation Council on proposed resolutions or actions affecting natural resources; energy resources; economic and community development; road and transportation matters; capital improvement projects, including recommending approval of the annual capital improvement projects budget of the Bureau of Indian Affairs, Indian Health Services and other departments or agencies of the United States; and housing development.
6. To coordinate with:
 - a. The president of the Navajo Nation and appropriate Division or program, to lobby the state, federal and other government agencies relating to this committee's purposes.
 - b. The Budget and Finance Committee and lending institutions on matters relative to housing loans for enrolled members of the Navajo Nation residing within the Navajo Nation.
 - c. Appropriate committees of the Navajo Nation Council to do all things necessary and proper to create an independent financial institution designed to provide credit and financing to the Navajo Nation business community and the Navajo people.
7. To report to the Navajo Nation Council and the Navajo people, studies of natural resources for the protection and efficient, utilization, management, administration, and enhancement of such resources and to approve researcher and consultants for such studies.
8. To review and require reports from appropriate official on progress of capital improvement projects, including periodic reports from the Controller of the Navajo Nation concerning the fund status of capital improvement projects.
9. To grant final confirmations or appointments to enterprise boards; to Navajo Nation Water Right Commission; and entities under the oversight authority of the committee requiring appointments.
10. To recommend to the Navajo Nation Council the creation of any Division or Department intended to be under the Committee's oversight by adoption of its Plan of Operation; and to rescind the Plan of Operation or an existing Plan of Operation for any Division or Department under the Committee's oversight.
11. The Committee shall have the authority to delegate its responsibilities and authorities as appropriate for efficiency and streamlining of government processes to ~~the another~~ Standing Committee, Divisions, Chapters and appropriate entities provided that the ~~C~~ committee first approves rules and regulations governing such delegations and to rescind delegations.
12. To review and recommend to the ~~Naabik-iyati Committee~~ Navajo Nation Council, any Intergovernmental Agreements and agreement between the Navajo Nation and any governmental entity relating to economic development, community development, natural resources, road and transportation, environmental protection and gaming for efficiency and timely review, and if needed, approval. ~~comparison of those projects.~~

C. Oversight

1. The Committee shall serve as oversight committee of the Division of Natural Resources, including, District Grazing Officers, Eastern Navajo Land Board, Farm Boards, Soil and Water Conservation Districts, including grazing issues to accomplish duties set forth in 3 N.N.C. §§ 832 and 852; Division of Community Development; Chapters; Division of Economic Development; Division of Transportation; Environmental Protection Agency; except as otherwise delegated by Navajo Nation law; and legislative oversight to the Gaming Regulatory Office. Oversight does not mean interfering in the internal operations of any program.
2. The Committee shall ~~periodically~~ frequently and consistently review the overall function of those listed in § 501(C) (1) to ensure that the purpose and objectives are properly and timely achieved.

§ 502. ~~Advisors~~ Reserved

- ~~a. Advisors to the Committee shall include the Executive Directors of the Division of Natural Resources, Division of Community Development, Division of Transportation, and Division of Economic Development, Environmental Protection Agency; the Department of Justice; the Controller of the Navajo Nation; Office of Auditor General; the Eastern Navajo Land Board, the General Manager of the Navajo Tribal Utility Authority; Navajo Area Director of Indian Health Service and Navajo Regional Director of Bureau of Indian Affairs; and other personnel from appropriate agencies.~~

§ 503. Meetings

- A. Meetings shall be held on the second and fourth Tuesday of each ~~week~~ month.

Article 4. Law and Order Committee

§ 600. Establishment; membership; purposes:

- A. The Law and Order Committee is hereby established as a standing committee of the Navajo Nation Council.
- ~~B. The Committee shall consist of five council delegates. members.~~
- C. The Committee shall ~~use Nitsahakees, Nahat a, Iina, and Sihasin in exercise ing~~ legislative oversight over courts, administrative legal tribunals, public defender services ~~criminal defense, legal defense of the indigent, juvenile justice services,~~ corrections and, law enforcement, and emergency management services to accomplish, ~~for~~ the following purposes:
1. To improve the administration of justice on the Navajo Nation by ensuring a justice system that is independent from political influence and that is accountable and responsible to the Navajo Nation and the Navajo people, in its administration and operation. Justice system ~~includes herein means the Navajo Nation court system,~~ including peacemaking division Judiciary Branch and all administrative legal tribunals.

2. To protect the rights and interests of the Navajo people by improving the quality and effectiveness of the justice system within the Navajo Nation.
3. To ~~establish and~~ develop the Navajo Nation justice system infrastructure including justice system facilities and to promote institutional planning and coordination among and between justice-system-related entities.
4. To enhance cooperation and coordination between the Navajo Nation courts and courts of the various states and the federal government including their administrative legal tribunals.
5. To enhance the operations and coordination of all departments within the Navajo Division of Public Safety in order to increase the availability, quality, and effectiveness of public safety services on the Navajo Nation.
6. To enable the Navajo Nation to more effectively provide efficient public safety services on the Navajo Nation.
7. To support effective cooperation and coordination between Navajo Nation law enforcement agencies and that of the various states, ~~and~~ federal government, and Indian nation governments' law enforcement agencies.
8. To enhance juvenile justice programs through coordination with appropriate standing ~~€~~ committee, the Judicial Branch, Executive Branch programs, and federal, state, ~~tribal~~ other Indian nation, and local government agencies.

§ 601. Powers

- A. The Committee shall have all ~~prudent powers~~ necessary and proper to exercise its purposes set forth above.
- B. The Committee shall have the following ~~enumerated~~ powers:
 1. To grant final approval for:
 - a. Agreements negotiated by justice system entities, administrative legal tribunals and public safety programs with other federal, state, Indian nations, international, ~~tribal~~, regional, and local governmental agencies, subject to ~~Naabik iyati Committee~~ the Navajo Nation Council approval when required by law.
 - b. Qualifications standards for judges and justices of all courts and administrative tribunals of the Navajo Nation in the application process to determine the most qualified candidate.
 2. To delegate responsibilities ~~and authorities~~ as appropriate for efficiency and streamlining of government processes to the Division, local government units, and appropriate entities provided that the ~~€~~ committee first approves rules and regulations governing such delegations and to rescind such delegations.
 3. To receive reports and recommendations from the Chief Justice ~~review and evaluate the his/her performance evaluations~~ of probationary and permanent judges and justices.
 4. To review and approve plans of operation for all divisions, departments, and programs under the Committee's oversight authority and to amend or rescind such plans of operation.
 5. To review and make recommendations to the Navajo Nation Council for final approval of the following:
 - a. Removal of a permanent judge or justice.

b. Resolutions requiring Council approval to implement and accomplish ~~or impact~~ the Committee purposes.

6. To determine, with the recommendation of the judicial branch and subject to final approval of the Navajo Nation Council, qualifications to be required of judges and justices of the Navajo Nation

7. To provide, with the recommendation of the judicial branch, a process for accepting applications for judicial positions and for determining the most qualified candidates.

a. Upon screening all eligible applicants; the C ~~c~~committee shall recommend to the President of the Navajo Nation a panel of highly qualified candidates for appointment as P ~~p~~probationary Chief Justice, probationary Associate Justices of the Supreme Court, and ~~P~~ ~~p~~probationary J ~~j~~judges of the district lower ~~lower~~-courts, and all other judicial positions within that the Navajo Nation people may establish. ~~create.~~

b. The President shall appoint a probationary J ~~probationary~~ justices or and J ~~probationary~~ judges only from among those named in the panel submitted by the C ~~c~~committee. A P ~~p~~probationary J ~~j~~ justices or J ~~probationary~~ judges shall be become a permanent judge or justice upon confirmation ~~confirmed~~ by the Navajo Nation Council.

~~8. To review and evaluate the performance of probationary and permanent Justices and judges.~~

~~9. 8.~~ To recommend to the President of the Navajo Nation the removal of a P ~~p~~probationary J ~~j~~ justices or and J ~~probationary~~ judges during the probationary term of the justice or judge. ~~prior to their permanent appointment.~~

~~10. 9.~~ To recommend to the President the permanent appointment of P ~~p~~probationary J ~~j~~ justices and J ~~probationary~~ judges. The recommendation shall be made immediately upon the completion of the two-year probationary term.

a. The President shall not appoint to a permanent position any J ~~j~~justice or J ~~j~~judge not recommended by the Judiciary ~~Judicial~~ Law and Order Committee.

b. The appointment of permanent J ~~probationary~~ justices and J ~~probationary~~ judges to a permanent position shall be confirmed by the Navajo Nation Council.

~~11. 10.~~ To present directly to the Navajo Nation Council the issue of the chief justice's and committee's recommendation for the permanent appointment of any probationary J ~~probationary~~ justice or J ~~probationary~~ judge whom the Committee and the Chief Justice have recommended for permanent appointment and which recommendation to the President of the Navajo Nation has failed to convey to the Navajo Nation Council within sixty (60) days of receiving the recommendation.

~~12. To recommend to the Navajo Nation Council the removal of permanent Justices or Judges.~~

~~13. 11.~~ To represent the Navajo Nation, at local, state, and federal levels, in coordination with the President of the Navajo Nation, appropriate committee of the Navajo Nation Council and the Chief Justice in advocating for legislation, funding or actions relating to the justice systems, including courts, administrative legal tribunals, juvenile justice, public safety and public defender programs. ~~activities.~~

~~14. 12.~~ To review and make recommendations to the Navajo Nation Council and the Navajo people on proposed amendments to Title 7 and other laws related to its oversight authority in the Navajo Nation Code. ~~and enactments in the Navajo Nation Code.~~

~~15.~~ 13. To review, amend, recommend and submit the annual budget for programs under the oversight of the Committee to the Budget and Finance Committee and to the Navajo Nation Council.

~~16.~~ 14. To prepare and recommend approval of a committee budget each fiscal year.

~~17.~~ 15 To recommend to the Navajo Nation Council the creation of any Division or Department intended to be under the € committee's oversight by adoption of its Plan of Operation; and to rescind that Plan of Operation or an existing Plan of Operation for any Division or Department under the € committee's oversight.

C. Oversight

1. To serve as the oversight committee for the Judicial Branch of the Navajo Nation, all administrative legal tribunals including but not limited to ~~the Navajo Nation Labor Commission and~~ the Office of Hearings and Appeals, Office of the Public Defender, Office of the Prosecutor, Division of Public Safety, and the Office of Ethics and Rules. Oversight does not mean interfering in the internal legal decision-making of any legal tribunal including the courts, peacemaking office, and the Office of Hearing and Appeals.

~~2. To serve as the oversight committee for the Department of Justice, unless otherwise designated by Navajo Nation law, and to approve and amend Plans of Operation thereto.~~

3. 2. The committee shall monitor all programs within its oversight duty to ensure they are adequately funded and operating efficiently. ~~periodically review the overall function of the programs over which it has oversight.~~

§ 602. ~~Advisors Reserved~~

~~Advisors to the Committee shall include Executive Director for Division of Public Safety, Department of Justice, Legislative Counsel, Auditor General, Chief Prosecutor and Chief Public Defender~~

§ 603. Meetings

Meetings shall be held on the first and third Monday of each week month.

~~Article 5. Naabik iyati Committee~~

~~§ 700. Establishment Purposes~~

~~A. Naabik'iyati' Committee is hereby established as a standing committee and it shall use Nitsahakees, Nahat'a, Ina and Siihasin in exercising oversight authority (including the authority to promulgate the plan of operation for the legislative branch, to coordinate with all committees the appearance and testimony before non-Navajo government federal, state or other entities, to provide for the compilation and publication of all Navajo Nation laws, rules and regulations, to appoint directors of legislative offices not otherwise provided for by law, and other related matter.~~

- ~~B. The Chairperson of the committee shall be the Speaker of the Navajo Nation Council. In the absence of the Speaker, the members shall nominate and vote on the chairperson pro tem to conduct the meeting and to sign only the documents or legislation approved by the committee while presiding.~~
- ~~C. The Naabik'iyati' Committee shall meet at least once per month at the call of the Chairperson on the second and fourth Thursday of each month until such time as the Committee adopts an annual meeting schedule and posts such schedule on the Council's website.~~
- ~~D. A quorum of the committee shall be satisfied by the presence of two (2) members of each Standing Committee or a majority of delegates of the Navajo Nation Council. The physical presence of a quorum is only required to call the meeting to order and for any vote affecting resolution. A quorum is not required for committee vote on acceptance of a report(s).~~
- ~~E. All vetoed resolutions, upon the request of a sponsor for an override for, shall be referred to Naabik'iyati' Committee and the committee may invite the President to discuss his reasons for the veto. Upon consensus with the President, a new resolution may be ordered.~~
- ~~F. Proposed amendments may be developed in the committee reached consensus before a formal Council action.~~
- ~~G. A recorded vote may be taken to determine if a resolution shall proceed to the Council or referred back to the standing committee.~~

Ss701.—Powers

- ~~A. The Committee shall have the following enumerated powers:
 - ~~1. To give final confirmation of the appointments to boards, commissions, and colleges, unless otherwise provided by law.~~
 - ~~2. To oversee the conduct and operations of entities of the Navajo Nation not otherwise under the oversight authority of other standing committees, except that such oversight shall not interfere with the prerogative or business decisions of management governing boards.~~
 - ~~3. To recommend resolutions to the Navajo Nation Council on matters within the Committee's jurisdiction.~~
 - ~~4. To coordinate all federal, county and state programs with other standing committees and branches of the Navajo Nation government to provide the most efficient delivery of services to the Navajo Nation.~~
 - ~~5. To serve as the oversight committee for the Office of Legislative Services and other offices, programs, commissions, boards or task forces under the Legislative Branch of the Navajo Nation government, unless otherwise designated by Navajo Nation law, and to approve and amend plans of operation thereto.~~
 - ~~6. To assist and coordinate all requests for information, appearances and ng to proposed county, state and federal legislation impacting the Navajo Nation.
 - ~~a. To review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve ost rate available for a particular grant or contract, or~~~~
 - ~~7. There is a showing of necessity and a commitment of available general g the~~~~

~~requirement will not be subject to any administrative costs assessed by ed to assist enrolled Navajos residing outside the Navajo Nation.~~

- ~~8. To authorize, review, approve and accept any and all contracts, grants and or grant.~~
- ~~9. To prepare and recommend approval of a Committee budget each fiscal year.~~
- ~~A. The Committee shall have the authority to delegate its responsibilities and authorities as appropriate for efficiency and streamlining of government processes to the Standing Committees, Divisions, Chapters and appropriate entities provided that the Committee first approve rules and regulations governing such delegations and to rescind delegations.~~

Section 5. References to previous Standing Committees

- A. References in the Navajo Nation Code and other official documents to the Government Services and Intergovernmental Relations Committee shall mean the Naabik'iyati' Committee, the Navajo Nation Council unless the amendments enacted herein or the context of previous law indicates otherwise.
- B. References in the Navajo Nation Code and other official documents to the Resources, Transportation and Community Development and Economic Development Committees shall mean the Resources and Development Committee, unless the amendments enacted herein for the context of previous law indicates otherwise.
- C. References in the Navajo Nation Code and other official documents to the Public Safety and Judiciary Committees shall mean the Law and Order Committee, unless the amendments enacted herein or the context of previous law indicates otherwise.
- D. References in the Navajo Nation Code and other official documents the Human Services, Health and Social Services and Education Committees shall mean the Health, Education and Human Services Development Committee, unless the context indicates otherwise.
- E. As provided by the amendments enacted herein, previous agenda functions of the Ethics and Rules Committee shall be transferred to the Naabik'iyati' Committee; Agenda Committee and previous hearing functions of the Ethics and Rules Committee under the Navajo Ethics in Government Law, 2 N.N.C. § 3741 et seq. shall be delegated to the Office of Hearings and Appeals. All references to the Ethics and Rules Committee and the Navajo Ethics in Government Law shall accordingly mean the Office of Hearings and Appeals.

~~Section 6. Review~~

~~The Navajo Nation Council shall review the powers and operation of each standing committee by the end of the second year of the 22nd Council and make recommendations for improvements.~~

~~Section 7. 6. Effective Date~~

- A. The foregoing amendments made to 2 N.N.C. §106(B) may be subject to the

~~requirements of 2 N.N.C. §106(A). Other amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B).~~ of the Navajo People shall be effective when approved through a referendum or an initiative vote of the Navajo People and the result certified by the Navajo Nation Election Board of Supervisors.

- B. All amendments shall become effective except the election of an Attorney General of the Navajo Nation and the Navajo Nation Treasurer, which shall become effective during the next Navajo Nation Council election.

Section 8: 7. Codification

It is essential for purpose of transparency that ~~the~~ provisions of the Navajo people's amendments to 2 N.N.C. § 101 et seq., and all other laws that ~~Act which~~ amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate the entire people's amendments in the Navajo Nation Code. ~~such amended provisions in the next codification of the Navajo Nation Code.~~

Section 9: 8. Saving Clause

Any statutory laws, resolutions, legislations, regulations or policies that are not consistent with these amendments are superseded by the amendments. Should any ~~provision of this act~~ section or sections of these amendments be held ~~determined~~ invalid by the a Navajo Nation Supreme C-court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those amendments provisions of the Act which are not held determined invalid shall remain the law of the Navajo Nation.

Section 10- 9. Amendments

Any changes, revisions, amendments, repeal or additions shall only be made by the Navajo People through a referendum or initiative.

Section 10. Supremacy Clause

The Navajo Nation may defer to the legislative and regulatory authority of the United States as deemed necessary by the legislative and executive branches of the Navajo Nation. The Nation may also defer to the legislative and regulatory authority of the United States where it has explicitly done so pursuant to treaties or agreements.

Section 11. Implementation

The entire provisions of the foregoing Navajo people's amendments shall be implemented as soon as possible after it become law. All branch chiefs shall do their parts to implement provisions that apply to their branch. The Attorney General and the Deputy Attorney General shall supervise the implementation and report progress to the Navajo people.

Aah shii nee, Ni ha al chii ni

The Navajo people, of this generation, hereto urges the future generation (Our beloved dear children, grandchildren, great grandchildren and future generations) to capitalize on this historic move by the people, who did so because they dearly loves all of you. We need you to be more directly involved in the operation of your government. We do not have a perfect government, therefore you must continue to develop our government, accountable, honest and transparent and consistent with your present and future needs and aspirations. Be faithful to our culture, custom, and tradition, language, spirituality, and lands. Ensure the continue growth and prosperity of your homelands, the Navajo Nation, and your people through vigilance and resilience. Continue life's journey in absolute BEAUTY.

Hozho Naa Haas Glee,

Hozho naa haas glee

Hozho Naa Haas Glee,

Hozho Naa Haas Glee.