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April 5, 2011
FOR IMMEDIATE RELEASE

NNC Title II Subcommittee Releases Draft Amendments

Nabik'iyati' Committee places legislation on Spring Session Agenda

Window Rock, AZ — On Saturday, the Nabik'iyati' Committee Title II Subcommittee of the Navajo Nation Council, delegated to create language on how the new structure of the Legislative Branch would operate, submitted its proposed legislation (NNC 148-11) for review prior to consideration by the Council at its Spring Session set to begin on April 18, 2011.

"I am proud of the work of the Subcommittee, many of whom spent many late nights drafting the procedures and structure for the new Council," said Subcommittee Chairperson Leonard Tsosie (Littlewater, Pueblo Pintado, Torreon, Whitehorse Lake, Baca/Prewitt, Casamero Lake, Ojo Encino, Counselor). "However, we expect there will be further amendments to the legislation because the Subcommittee was unable to reach a complete consensus."

To reach that consensus, members of the Nabik'iyati' Committee will meet next week to consider additional adjustments in the language. Any additional changes to the legislation will have to be made as amendments on the Council floor during the Spring Session. The place and time for the work session will be announced soon.

The amendment legislation is the result of numerous subcommittee meetings over the past eight weeks after the Council formed the subcommittee during the Winter Session in January.

"My hope is that this version of the Title II Amendments will go a long way to making our Navajo Nation government more stable," said Navajo Nation Council Speaker Johnny Naize, "This is the next step in making our young government permanent since being formed in 1989.

In 1989, Title II was first introduced into the Navajo Nation Code. It created the three branch government the Navajo Nation has been operating under since.

Copies of the legislation have also been sent to the Executive and Judicial Branches for their review and comment.

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NABIK'ÍYÁTI' COMMITTEE

THENCE

NAVAJO NATION COUNCIL

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

22nd NAVAJO NATION COUNCIL -- First Year, 2011

INTRODUCED BY:

_____

Sponsor

TRACKING NO. 0148-11

AN ACT

RELATING TO THE NAVAJO NATION COUNCIL; AMENDING CERTAIN SECTIONS OF THE NAVAJO NATION CODE, TITLE 2 §§101 THROUGH 835, TO CONFORM TO THE ESTABLISHMENT OF THE 24 MEMBER NAVAJO NATION COUNCIL BY MAKING REVISIONS TO THE LEGISLATIVE PROCESS AND THE STANDING COMMITTEES STRUCTURE

BE IT ENACTED:

Section 1. Enactment of the 2011 Amendments to Title 2

The Navajo Nation Council hereby enacts the 2011 Amendments of Title 2 of the Navajo Nation Code.

Section 2. Findings and Purpose

1. The number of delegates to the Navajo Nation Council was reduced from 88 to 24 members by an initiative vote of the Navajo voters. Accordingly, it is necessary to reduce the number of standing committees and to modify the legislative process.

2. It has been recognized in Navajo law that the task of reorganizing the standing committees to conform to the 24 member Council is a political and management decision of the legislative branch.

3. The Navajo Nation Council desires to modify the legislative process to provide for public notification of, and input on, legislations.

4. The Navajo Nation Council also desires to establish new standards for emergency legislation.

5. The Navajo Nation Council considers these amendments to be a priority.

6. The Navajo Nation Council determines these amendments to be in the best interest of the Navajo Nation.

Section 3. Amendment to Title 2

The Navajo Nation Council hereby enacts the 22nd Navajo Nation Council Reorganization Act by amending Title 2 as follows:

TITLE 2. NAVAJO NATION GOVERNMENT

CHAPTER 3. LEGISLATIVE BRANCH

SUBCHAPTER 2. NAVAJO NATION COUNCIL MEETINGS

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§ 101. Establishment

A. There is hereby established the Legislative Branch of the Navajo Nation government. The Legislative Branch shall consist of the Navajo Nation Council and any entity established under the Navajo Nation Council.

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

§ 102. Powers; composition

A. The Navajo Nation Council shall be the governing body of the Navajo Nation and shall consist of 88 24 delegates. This § 102 (A) shall not be amended unless approved by majority vote of all registered voters in all precincts.

B. All powers not delegated are reserved to the Navajo Nation Council.

C. The Navajo Nation Council shall supervise all powers delegated.

D. ~~The Navajo Nation Council shall have all powers to discipline and/or regulate the conduct of its members, including removal.~~ The Navajo Nation Council shall have all powers to discipline and/or regulate the conduct of its members until provided otherwise.

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 recommendation from the appropriate oversight committee. The President shall present the appointments at the next Navajo Nation Council session following the date the appointments are made.~~ The Navajo Nation Council, or its assigned committee, shall confirm all appointments ~~of~~ upon recommendation from the appropriate oversight committee. The President shall present the appointments at the next Navajo Nation Council session following the date the appointments ~~are~~ is made.

G. The Navajo Nation Council shall establish standing committees of the Council and delegate such authority to such committees as it deems necessary and proper for such committees to execute the purposes or powers delegated.

§ 103. Qualifications

No person shall serve as a delegate to the Navajo Nation Council unless he or she is an enrolled member of the Navajo Nation above the age of 25.

§ 104. Incompatible service

A. No person shall serve as a delegate if he or she is in the permanent employment of the United States or any state or any subdivisions thereof; nor shall an elected official of the United States or the several states 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 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.

D. No Council Delegate shall engage in the private practice of law while serving as a Navajo Nation Council Delegate.

§ 105. Term of office

A. Each delegate to the Navajo Nation Council shall serve for a term of four years.

B. A delegate shall not be limited in the number of terms he or she may serve.

§ 106. Compensation of Council Delegates

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 may be approved by the Navajo Nation Council but shall not become effective unless ratified by two-thirds (2/3) of all Navajo Nation Chapters within 30 days of approval by the Navajo Nation Council. The provisions of this Section shall not apply to mileage payments, per diem payments, deferred compensation benefits or any other payments or benefits which are separate from the bi-weekly base salary established in this Section.

B. Delegates attending a Navajo Nation Council meeting or their respective committee meetings may receive sixty dollars ($60.00) per diem for each day official business is conducted and mileage reimbursement for use of a private vehicle at the rate established in the Navajo Nation Travel Policy and Procedures 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 a session of the Navajo Nation Council, delegates shall be paid mileage equal to one round trip to Window Rock from their residence and return, according to the official mileage chart of the Controller.

D. For each complete committee meeting delegates to the Navajo Nation Council shall be paid mileage equal to one round trip to Window Rock, from their residence and return, according to the official mileage chart of the Controller.

E. Full per diem shall be paid only for attendance of at least three hours of meeting or until all agenda items are concluded.

F. Delegates, or their beneficiary in the event of death, are paid a deferred compensation benefit when they leave office.

§ 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 authorization of 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 advances outstanding at the time reimbursement claims are submitted shall be deducted from the amount being claimed.

C. Temporary travel advances not cleared, either partially or completely, within 30 days from the date of advance shall be deducted from the next bi-weekly Council Delegate's pay.

D. 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 his or her designee.

E. Salary advances made to a Council Delegate 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.

F. The Navajo Nation shall have the right to deduct from any and all moneys or other credits which the Navajo Nation owes to any Council Delegate receiving an 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 Delegate's term of office, or at any other time after the Council Delegate leaves his or her office for any reason whatsoever, whether voluntary or involuntary.

§ 108. Group insurance

A. Navajo Nation group insurance shall be provided for Navajo Nation Council Delegates and their dependents

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

§ 109. Tax declarations and returns; deductions

A. Each delegate to the Navajo Nation Council is a common law employee of the Navajo Nation for federal employment tax purposes.

B. The Controller of the Navajo Nation shall make deductions in the proper amounts from the salaries of the delegates to the Navajo Nation Council for federal income tax and social security income withholding.

C. Excluded from participating in the Navajo Nation Personnel Policy are the elected officials, public boards, volunteer, 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 ~~Northern, Fort Defiance, Chinle, Western, or Eastern Agencies,~~ it means ~~the United States' Department of Interior, Bureau of Indian Affairs' five geographic divisions of the Navajo Nation.~~, the collection of Chapters in each of five geographic divisions: Chinle Agency, Eastern Agency, Fort Defiance Agency, Northern Agency, 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. **Coordinate** means to combine efforts on a common action to produce harmonious actions and results.

F. **Financial Impact** means any agreement that obligates the Navajo Nation to expend funds no matter what the sources of the funds, or provides funds to the Navajo Nation.

G. **Iiná** is the part of the process of Nitsáhákees-Nahat'á-Iiná-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.

H. **Intergovernmental agreements** are agreements between the Navajo Nation and another government that involve the sharing of governmental powers, and includes Indian Self-Determination and Education Assistance Act (P.L. 638) contracts. Intergovernmental agreements do not include agreements between the Navajo Nation and another government where the Nation or the other government acts in a landowner or commercial capacity.

I. **Legislation** generally means the action of legislating or the enactments of a legislative body. As used in 2 N.N.C. §164, it means the enactment of laws or amendments to laws by the Navajo Nation Council.

J. **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 contract obligations.

K. **Local Government Unit** means political subdivisions of the Navajo Nation including, Chapters, townships, or other municipal forms of government for purpose of §500 to §503.

L. **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 one or more mutual purposes. An MOA lays out the ground rules for a positive cooperative effort. It may be used between the tribal government and a private individual or entity, or between the central government and a local governance certified chapter or Navajo Nation township, and is legally enforceable.

M. **Nahat'á** is the part of the process of Nitsáhákees-Nahat'á-Iiná-Siihasin to strategically plan while utilizing Diné bi beehaz'áanii Bitsé Siléí (foundation of Diné law), statutory laws, informed research and public input (through use of the Baayáti' process) in a constant cycle of examining and analyzing issues for growth and development.

N. **Nitsáhákees** is the part of the process of Nitsáhákees-Nahat'á-Iiná-Siihasin which 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.

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 terms. It may be used between the tribal government and a private individual or entity, or between the central government and a local governance certified chapter or Navajo Nation township, and is not legally enforceable. Agreements between tribal divisions, agencies, programs and

non-certified chapters are not MOUs for purposes of 2 N.N.C. § 164(B) and may be executed by the appropriate division or program director or non-certified chapter president.

P. **Oversight** means to monitor and review a programs' or entities' execution 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 by ensuring adequate funding and ensuring that their governing authority is effective.

Q. **Reallocations** are redesignations of appropriated or budgeted funds from one account to another account or to a newly-created account for a different use or purpose.

R. **Resolution,** which is a form of legislation, means a formal action of the Navajo Nation Council or its Committees adopting its approval of or stating its opinion on a matter.

S. **Positive law** means legislation by the Navajo Nation Council that creates or amends a section or sections of the Navajo Nation Code.

T. **Siihasin** is the part of the process of Nitsáhákees-Nahat'á-Iiná-Siihasin to ensure resilience through evaluation of decision-making and outcomes in a constant cycle of examining and analyzing issues for growth and development.

U. **Statements of Policy** 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 that government.

V. **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.

§ 161. Place

A. All regularly scheduled or special ~~meetings~~ sessions of the Navajo Nation Council shall be held at the Navajo Nation Council Chambers located at 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 Council 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. on the fourth Monday of January, and the third Monday of April, July and October of each year.

B. Special meetings of the Navajo Nation Council may be called upon reasonable and timely notice to all Council Delegates, by:

~~1. The Speaker of the Navajo Nation Council acting on the recommendation of the Ethics and Rules Committee; or~~

~~2. Written petition of a majority of all Council Delegates.~~

1. The Speaker of the Navajo Nation Council acting on written petition of a majority of all Council Delegates or request by message from the President.

C. The duration of each 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.

§ 163. Agenda

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

B. Once an agenda is adopted, it shall be amended only by two thirds (2/3) vote of the Council.

§ 164. Navajo Nation Council and committee ~~resolutions~~ legislative process

A. Statements of policy, enactment of positive law, intergovernmental agreements, budget resolutions, and reallocations, must be reviewed and approved by resolution by the appropriate standing committee(s) and the Navajo Nation Council except as otherwise provided herein.

1. Except for statutorily enumerated situations as set out in 2 N.N.C. § 164(A)(16), o~~O~~nly Council delegates or Standing Committees may introduce a proposed resolution to the Standing Committee(s) and the Navajo Nation Council, except where Navajo government employees ~~or other~~

~~government officials~~ are authorized by statute or regulation to introduce a proposed resolution. The last day for consideration of resolutions shall be December 31st of the year immediately preceding the swearing in of the new Council. Prior to introducing the proposed resolution, the Office of Legislative Counsel shall review and draft the proposed resolution for the council delegate(s) or standing committee(s) to ensure that the proposed resolution is drafted in a proper codified format. Where Navajo government employees are authorized to introduce proposed resolution, they may seek the assistance of either the Office of Legislative Counsel or the Navajo Department of Justice.

2. Expressions of condolence, congratulations, appreciation, recognition of achievement and other similar expressions of sentiment shall ~~not~~ be ~~drafted or~~ processed as memorials ~~resolutions~~ 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 Delegate and in the manner set forth at 2 N.N.C. § 285(B)(7~~)~~.

3. ~~After the proposed resolution is drafted, the council delegate(s), standing committee(s) or Navajo government employee(s) shall present the proposed resolution to the Executive Director for the Office of Legislative Services who will assign a number to the proposed resolution.~~ After the proposed resolution is drafted, the council delegate(s), standing committee(s) or authorized employee(s) shall present it to the ~~Executive~~ Director for the Office of Legislative Services, or designee, ~~appropriate~~ who will assign a number to the proposed resolution.

4. All resolutions 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 appropriate Navajo Nation Code chapter or subchapter and sections. All proposed resolutions enacting new laws, amending existing laws, or adopting a statement of policy shall include a 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.

~~4. After the proposed resolution is assigned a number, the Speaker of the Navajo Nation Council shall assign the proposed resolution to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters contained in the proposed resolution for proper consideration and distribute a photocopy of the proposed resolution to the Office of the President, Office of the Attorney General, Office of the Controller and the affected division, department and/or program. The chairpersons of the standing committees shall place the proposed resolution on the~~

~~committees' agenda for consideration by the standing committee at the next regular committee meeting. Passage of the proposed resolution, defeating the proposed resolution and tabling the proposed resolution shall be considered as actions taken by the standing committee.~~

5. After the proposed resolution is assigned a number, the Speaker of the Navajo Nation Council shall assign it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration and distribute a photocopy of the proposed resolution to the Office of the President, Office of the Attorney General, Office of the Controller and the affected division, department and/or program.

6. ~~Executive~~ Director for the Office of Legislative Services, , or designee, shall cause digital copies of the resolution to be placed on an assigned Council's web site as soon as practicable and shall be accessible through the Council's web site in a manner befitting the Council and to allow for transparency, including an appropriate user interface. Any such digital copy 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. ~~Executive~~ Director for the Office of Legislative Services, or designee, shall cause digital copies of the proposed resolution to be distributed to Executive Branch Division Directors for comments. A Chapter government may also provide comments through an authorized elected official supported by a certified chapter resolution. The Executive Branch Division Directors and Chapter government, at its own option, shall have 5 calendar days to submit comments on proposed resolution to the Executive Director for the Office of Legislative Services. After receiving 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 comments received. The analysis may include comments 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 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 ~~The chairpersons of the standing committees~~ shall place the proposed resolution ~~or memorial~~ on the committees' agenda for consideration by the standing committee at the next ~~regular~~ 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.

~~6. Proposed resolutions that require final action by the Navajo Nation Council shall be assigned to at least two standing committees; the oversight committee(s) and the Ethics and Rules Committee. The standing committees may markup the proposed resolutions, which will be presented as amendments. Only the Navajo Nation Council proposed resolution shall be introduced, and the Ethics and Rules Committee shall present the oversight committee(s) markup to the Council as amendment(s). Proposed Bill, Resolution or Memorial shall be submitted to the an assigned committee with amendments and committee reports.~~

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 Naa'bik'íyáti' Committee. The resolution or memorial shall be submitted to the Naa'bik'íyáti' Committee with amendments and committee reports. The Naa'bik'íyáti' Committee may develop proposed amendments to the Council or may refer a resolution or memorial back to the appropriate standing committee(s).

10. An approved amendment by a Committee shall be included as an amendment to the proposed resolution. Specific action(s) of a Committee with respect to an amendment, including failed amendments, shall be ~~included~~ described in an endnote to the proposed legislation, but not in the final certified copy of the resolution. The same failed amendment may not be introduced at a Council session unless the sponsor of the amendment obtains written ~~approval~~ petition in support of the amendment from a majority members of the Council. The sponsor of a legislation shall also be allowed to obtain written petition from a majority members of the Council to remove an amendment. An amended legislation need not be re-distributed pursuant to § 164.A.5.

~~6. Proposed resolutions that do not require final action by the Navajo Nation Council shall be assigned to the respective standing committees authorized to act on the proposed resolutions and considered by said standing committee as provided in Subsection (3) above. Only the resolution for the committee having authority over the subject matter shall be introduced. The oversight committee not having final approval authority over the resolution may recommend amendments.~~

~~7. The Ethics and Rules Committee of the Navajo Nation Council shall, upon the recommendation of the Speaker of the Navajo Nation Council, develop the proposed agenda for the Navajo Nation Council 15 calendar days prior to the start of the regular sessions; all verbal and written~~

~~reports shall be presented to the Council only on the first day of the regular sessions. The proposed resolutions to be placed on the proposed Navajo Nation Council agenda shall have completed the procedures set forth in Subsections (1), (2), (3), and/or (4) of this Section prior to placement on the agenda.~~

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 twice by a committee without final approval authority over the matter may move forward to the subsequent assigned committee(s) or Navajo Nation Council, provided that the sponsor of the legislation obtains a written petition signed by a majority of Council Delegates requesting the legislation be moved forward.

12. A legislation that does not receive sufficient vote 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 vote for passage by a committee without final approval authority over the matter shall move forward to the subsequent assigned committee(s) or Navajo Nation Council for action. If the voting results of the committee with final approval authority over the legislation are different from the voting results of other committees to which the legislation was assigned, the legislation may be referred to the Naa'bik'íyáti' Committee for final action, notwithstanding other delegations of final approval authority, provided that the sponsor of the legislation obtains a written petition signed by a majority of Council Delegates requesting the legislation be referred to the Naa'bik'íyáti' Committee .

13. The ~~proposed~~ resolution shall be put on the proposed agenda for a ~~regular~~ session of the Navajo Nation Council ~~in the order received or~~ as recommended by an assigned committee. Legislations submitted for the Council's session agenda shall, to the extent possible, be listed in the order received, except those legislations requiring 2/3 vote.

~~a. Resolutions which address matters which constitute an emergency shall not be subject to this provision. Matters constituting an emergency shall be limited to the cessation of law enforcement services, 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.~~ ~~Matters constituting an emergency shall be limited to the cessation of law enforcement services, 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 legislation and must be a matter requiring final action by the Council.~~

14. All legislation appointing public officials and significant or controversial legislation may be referred to the Naa'bik'íyáti' Committee for 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 the written request of a Delegate who is not a member of a standing committee which considered such legislation. The Committee may refer a resolution back to the appropriate standing committee(s) for further consideration.

15. The Naa'bik'íyáti' Committee of the Navajo Nation Council shall develop the proposed agenda for the Navajo Nation Council no less than 5 calendar days prior to the start of regular sessions. The agenda shall be put on the web site. All verbal and written reports shall be present to the Council only on the first day of the regular sessions. All proposed legislation to be placed on the proposed Navajo Nation Council agenda shall have completed the procedures ~~set forth above~~ pursuant to this section prior to placement on the agenda.

16. Matters constituting an emergency shall be limited to the cessation of law enforcement services, 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 legislation and must be a matter requiring final action by the Council.

17. Impeachment resolutions shall be considered by the Council pursuant to rules adopted by the Council and shall provide for due process of law.

18. All resolutions enacting new laws or amending existing laws are subject to veto by the President of the Navajo Nation pursuant to 2 N.N.C.§ 1005(C)(10) and (11) and override by the Navajo Nation Council, except financial line-item vetoes are not subject to override. Vetoed resolution shall be first submitted to Naa'bik'íyáti' 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).

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, associated amendments shall not require approval ~~by resolution~~ 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 departments and activities under his or her supervision;

b. The Controller (or designee) for all documents having a financial impact on the Navajo Nation; and

c. The Attorney General of the Navajo Nation (or designee).

~~§ 165. Legislation and Reading~~

A. ~~All resolutions proposing new laws or amendments of laws are legislation and shall clearly indicate new language by underscoring the new language and deletion by overstrike and shall refer to appropriate Navajo Nation Code Titles and Sections.~~

B. ~~All proposed resolutions enacting new laws, amending existing laws, or adopting a statement of policy shall be read twice in their entirety to the members of the Navajo Nation Council, the exhibits attached to the proposed resolutions shall be identified by reference only; these proposed resolutions are subject to veto by the President of the Navajo Nation, pursuant to 2 N.N.C.§ 1005(C)(10) and (11), with the exception of those proposed resolutions approving internal procedures and policies of, or endorsements from, the Navajo Nation Council which are not subject to veto but become effective upon certification by the Speaker pursuant to 2 N.N.C. § 221(C).~~

§ 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 the necessary 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.

§ 167. Failure to attend

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

§ 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 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 or motion of the Navajo Nation Council or its Standing Committees shall be passed or otherwise acted upon unless a quorum is present. When a quorum is present, any motion or resolution shall be passed if it receives a majority of all votes cast in favor or opposed, unless a larger proportion than a simple majority has been properly stipulated in advance or is required by Navajo Nation law. Abstention vote may be cast only when a delegate has a personal interest conflict in the motion of the Council or Standing Committee. Only a vote in favor and opposed shall be accepted. A delegate who fails to cast a vote shall be declared absent from the whole meeting. Any delegate who intentionally fails or refuses to cast a vote shall be declared absent from the entire meeting, unless otherwise excused by the Speaker of the Navajo Nation Council.~~ No Resolution, memorial or motion of the Navajo Nation Council or its Standing Committees shall be passed or otherwise acted upon unless a quorum is present. When a quorum is present, any motion or resolution 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. Abstention vote may be cast only when a delegate has a personal interest conflict in the motion of the Council or Standing Committee upon a prior request of the Delegate with the conflict. Only a vote in favor and opposed shall be accepted. A delegate who fails to cast a vote shall be declared absent from the whole meeting. Any delegate who intentionally fails or refuses to cast a vote shall be declared absent from the entire meeting, unless otherwise excused by the Speaker of the Navajo Nation Council.

§ 180. Appointment

~~Each delegate to the Navajo Nation Council shall be appointed to no more than one standing committee and no more than one board or commission of the Navajo Nation excluding membership on the Intergovernmental Relations Committee; except that the Speaker of the Navajo Nation Council shall serve only on the Intergovernmental Relations Committee and shall not serve on any board, commission or any other entity of the Navajo Nation.~~ Each delegate to the Navajo Nation Council shall be appointed to no more than one standing committee as a regular voting member. This shall not apply to the Naa'bik'íyáti' Committee.

§ 181. Membership

A. ~~Committee members representing agencies of the Navajo Nation shall be recommended by the agency caucuses for selection by the Speaker and confirmation by the Navajo Nation Council. The Speaker shall select the at-large committee members. The Speaker shall select and the Navajo Nation Council confirm any of its members to fill vacancies which may occur in the Committee membership.~~ A Committee shall have at least one member from each of the Agencies of the Navajo Nation. The Speaker shall select Committee membership subject to confirmation by the Navajo Nation Council. Vacancies shall be filled by the Speaker.

~~B. At least one member of each Committee shall be from each of the Agencies of the Navajo Nation.~~

§ 182. Term of office

Committee members shall serve a term of office coinciding with their term of office as delegates of the Navajo Nation Council. Legislations shall expire or cease to exist at the end of delegates' term of office.

§ 183. Meetings; quorum

A. All meetings of the Navajo Nation Council committees or commissions shall be held in Window Rock, Navajo Nation~~,~~ (Arizona). For a meeting to be deemed to have been held, each of the following acts shall occur: a quorum is present, an agenda is adopted, substantive actions (approval, disapproval or table) are taken, and per diem and roundtrip mileage are paid to committee members or commissioners. Meetings shall not mean work sessions, workshops, orientations, training and business meetings with Navajo or non-Navajo entities, therefore, no meeting per diem payment for 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 Speaker of the Navajo Nation Council, provided that funds are available. 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. Committee and commission meetings shall be for a minimum of three hours for each meeting day and such meetings shall be for at least 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 at Window Rock Navajo Nation offices, published in a daily newspaper and announced on local radio, at least one day 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 committees, boards and commissions shall be a simple majority of the membership of the committees, boards, and commissions.

F. No 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-chairperson; chairperson pro tem

A. The chairperson and vice-chairperson of committees shall be selected by vote of the committee.

B. At any committee meeting where 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 a 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.

§ 185. Powers

A. Subject to existing funding or contract requirements, the committees, Chapters, boards or commissions may reallocate funds appropriated by the Navajo Nation Council to the committees, boards and commissions and to divisions, departments and programs over which the committees have 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 two-thirds (2/3) vote of the full membership of the committee, board or commission.

B. The 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 execution of the purposes and authorities. 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, board or commission upon request by the chairperson.

C. The committees, boards and commissions may, for the purpose of carrying out purposes and authorities, hold such hearings and shall have the 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 a committee, board or commission may administer oaths or affirmations to witnesses appearing before the Committee, board or commission.

E. 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 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.

§ 186. Subcommittees

Each committee may establish subcommittees consisting of committee members selected by the committee. The subcommittee shall exist until its assigned tasks are completed and report and recommendation is made to the committee. The same provisions which apply to committee meetings shall also apply to subcommittee meetings.

§ 187. Joint Committee meetings

A. Standing committees of the Navajo Nation Council may convene joint meetings to address issues where 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 committee meetings shall be held when:

1. Funds are available within the approved annual budget for each standing committee account wanting to participate in the joint meeting;

2. The chairpersons of the standing committees wanting to participate in the joint meeting shall request the joint meeting.

3. Each standing committee participating in the joint meeting shall have a quorum of its members at the joint meeting; and

4. The meeting is approved by the Speaker of the Navajo Nation Council and notice of the joint meeting posted on a Navajo government building and published in a daily newspaper or announced on the local radio 24 hours in advance of the joint meeting.

C. No substantive action shall be taken in joint committee meetings. Each committee shall make substantive decisions individually as provided in § 189 of this Title.

D. The presiding chairperson for 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 ~~the~~ a chairpersons of any ~~of the~~ standing committees is not present, the vice-chairperson of such standing committee can be selected to preside over the joint committee meeting. If all the chairpersons and vice chairpersons of all the standing committees that are participating in the joint meetings are absent, the committee members of the joint meeting shall select any one of the committee members present to preside over the entire joint meeting.

§ 188. Reports

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

§ 189. Committee actions

~~All substantive actions shall be by written resolution duly certified by the presiding officer, setting forth the action taken and signed by the presiding officer. Resolutions and memoranda shall be identified by number and filed with the Central Records Department of the Navajo Nation.~~ All substantive 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 Central Records Department of the Navajo Nation.

§ 190. Staff

Staff from divisions over which the committees have oversight authority shall assist the committees in execution of their authority and shall provide necessary advice and clerical services.

§ 191. Conflict of interest

Committee members who have personal, family or business interests in matters before the Committee or joint committee meeting shall not participate in the committee or joint committee proceeding or vote on the matter.

§ 192. Legislative oversight

Committee oversight shall be limited to legislation and policy decisions and shall not involve program administration. ~~Where the committee has statutory authority to appoint a director, the committee shall exercise administrative oversight consistent with the appointment authority.~~

~~**§ 193. Meetings**~~

~~All regular meetings of the Committees shall be held at least once of each month at the discretion of a Committee. Committee schedules may be modified by the Speaker to avoid conflicts in schedule.~~

~~**§ 193. Agency caucus**~~

~~A. Purpose. The Navajo Nation Council Rules of Order recognize the ability of the Council to form itself into caucuses for the discussion of Council business. Caucuses are formed by delegates dividing themselves among the Bureau of Indian Affairs agencies from which each delegate is elected. Each agency caucus then develops policy on issues to be discussed by the Council, and those policies are advanced by each member delegate of the caucus. It is the purpose of this Section to formalize the agency caucus powers and procedures. The purpose of this statute is to improve and make more efficient the legislative process by creating a forum which provides education of, and information to, Council delegates on issues pending before the Council and which allows formulation of positions on these issues in advance of Council sessions.~~

~~B. Agency Caucus defined. An agency caucus shall consist of all those Council delegates elected from Chapters within the BIA recognized Northern, Fort Defiance, Chinle, Western and Eastern Agencies.~~

~~C. Powers. An agency caucus shall have authority to make recommendations on any issue before the Council. Caucuses shall act by resolution, but need not seek review of such resolutions pursuant to 2 N.N.C. § 164. In addition, the authority of the caucuses to make recommendations shall not be deemed to extend or add any requirement for review, recommendation or approval of any resolution of the Council. Caucus resolutions shall be only advisory in nature and are not binding upon the Council or the members of the caucus.~~

~~D. Procedures. The caucus shall select a caucus leader and Whip, and Recorder from among its members. The caucus leader may call meetings of the caucus upon notice to all members in a form reasonably calculated to provide actual notice of the meeting. There shall be no requirement that notice be given at any particular time in advance of the meeting; notice shall be timed only to provide members with as much advance notice of the meeting as is consistent with the requirements of due process. A caucus may adopt rules of order to govern their meetings. All caucus resolutions shall be in written form.~~

~~E. Powers and duties of caucus leader. In addition to powers and duties set forth elsewhere in this statute, the Caucus Leader shall have the following powers and duties:~~

~~1. Act as chair of all caucus meetings;~~

~~2. Speak of behalf of the caucus at all meetings of the Council and present the positions adopted though caucus resolutions;~~

~~3. Ensure that all caucus members have notice of all issues and legislation pending before the Council.~~

~~F. Powers and duties of whip. In addition to the powers and duties set forth elsewhere in this statute, the Whip shall have the following powers and duties:~~

~~1. Act as deputy to the caucus leader and exercise the powers and duties of the leader in his or her absence;~~

~~2. Communicate caucus policy, as adopted by resolution of the caucus, to all caucus members and seek to ensure that the actions of caucus members coincides with this policy;~~

~~3. Canvass all caucus members on issues during Council sessions and keep the Caucus Leader informed as to the number of votes which can be counted on for such issues.~~

~~G. Powers and duties of Recorder. The recorder shall have the following powers and duties:~~

~~1. Keep a record of all meetings of the caucus;~~

~~2. Arrange for preparation of all documents, including resolutions, utilized by the caucus;~~

~~3. Submit official forms on behalf of all caucus members~~.

§ 221. Resolutions; 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 Executive Director of the Office of Legislative Services or his or her designee. Adopted resolutions shall be filed with the Central Records Department of the Navajo Nation and the Legislative Counsel shall 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 Council. 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. Contracts 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 contracts or agreements pertaining to the Executive Branch;

B. The Chief Justice of the Navajo Nation or their designee shall execute contracts or agreements pertaining to the Judicial Branch; and

C. The Speaker of the Navajo Nation Council or their designee shall execute contracts or agreements pertaining to the Legislative Branch.

D. The Chapter President of the Navajo Nation Chapter shall execute contracts or agreements pertaining to the 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 not waive the sovereign immunity of the Navajo Nation or its entities unless approved by two-thirds (2/3) vote of the full membership of the Navajo Nation Council. This provision shall not apply to authority to waive immunity properly delegated.

D. All contracts, including those entered into pursuant to the Navajo Nation Procurement Code, shall 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 unless otherwise authorized as small purchases, emergency purchases or sole source purchases 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 § 223(E) above.

§ 224. Filing

All executed contracts or papers, and any modifications thereof, shall be filed with Central Records 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 Speaker of the Navajo Nation Council

A. There is hereby established the Office of the Speaker 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.

C. The Office of the Speaker shall have such support personnel as may be budgeted for.

§ 282. Selection of the Speaker, term of office

A. The Speaker of the Navajo Nation Council shall serve in such office at the pleasure of the Navajo Nation Council.

B. The term of office of the Speaker shall be two years.

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

§ 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 such residence, the Navajo Nation shall not be responsible or liable for costs and expenses of living elsewhere.

§ 284. Salary

The salary of the Speaker shall be thirty thousand dollars ($30,000) 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.

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

1. Preside at all Navajo Nation Council and Naa'bik'íyáti' Committee ~~Intergovernmental Relations Committee~~ meetings;

2. Direct and supervise the personnel and programs under the Legislative Branch as provided by law;

3. Appoint a Speaker Pro Tem to allow the Speaker to participate in debate and sponsor legislation before the Navajo Nation Council and, in the sole discretion of the Speaker, to carry out the administrative duties of the office of Speaker when the Speaker is unavailable and absent due to travel, illness, or for any other reason deemed sufficient by the Speaker;

4. Vote only in the event of a tie vote;

5. 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 operating budget or amendments thereof 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 Certificates of Condolence, Congratulations, Appreciation, Recognition or Achievement and other similar expressions of sentiment signed by the Speaker on behalf of the Navajo Nation Council at the written request of any Council Delegate as provided herein:

a. Certificates of Condolence shall be reserved exclusively for former members of the Navajo Nation Council, Chairmen, Vice Chairmen, Presidents and Vice Presidents of the Navajo Nation.

b. 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 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 appointment 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 Committee 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 2 N.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. Budget and Finance Committee is hereby established as a standing committee of the Navajo Nation Council.

B. The Committee shall consist of six members.

C. The Committee shall ~~use Nitsáhákees, Nahat'á, Iiná and Siihasin in~~ exercise oversight authority including but not limited to budget, finance, investment, bonds, contracting, insurance, audits, accounting, taxes, loans, Chapter budget and finance 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 on the fiscal and financial state of the Navajo Nation;

3. To recommend to the Navajo Nation Council the adoption of legislation 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 the financial reserves of the Navajo Nation and the efficient use ~~efficient 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.

§ 301. Powers

A. 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 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 Navajo Nation funds received including but not limited to all grants, contracts, gifts and other funds from all sources.

4. With prior approval of the President, Speaker and/or Chief Justice to recommend to the Navajo Nation Council amendment of the approved annual budgets by reallocating funds between branches.

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 ~~Undesignated Reserve Fund or 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 require ~~require~~ 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. 13. To conduct ~~O~~oversight of the functions of the ~~Division of Finance~~ 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.

14. To approve Fund Management Plans pursuant to the recommendations of the appropriate oversight committee and affected Division or Branch.

15. To authorize, review, approve and accept any and all contracts, grants and associated budgets with the United States, its departments and agencies for the implementation of the Indian Self-determination and Education Assistance Act, as amended, upon the recommendation of the standing committee which has oversight of the division, department or program applying for the contract and/or grant.

16. To 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.

17. To continually monitor contracts with state, federal, and regional entities to ensure compliance with applicable laws, regulations and contract terms.

18. To prepare and recommend approval of a committee budget each fiscal year.

19. To approve lease purchase agreements concerning all tribal programs, departments, and divisions within all branches of the Navajo Nation government upon recommendations of the Office of the Controller.

20. 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.

§ 302. Advisors

A. The Department of Justice, Controller, Office of Management and Budget, Auditor General, Legislative Counsel, Director of Legislative Services and ~~Director of the Division of Finance~~ 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. ~~Human Development Committee~~ Health, Education and Human Services Committee

§ 400. Establishment; membership; purposes

A. The Health, Education and Human Services Committee is hereby established as a ~~regular~~ standing Committee of the Navajo Nation Council.

B. The Committee shall consist of six 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 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

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, and human services, including employee housing, 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 and human services.

3. To recommend to the Navajo Nation Council legislation for the creation of colleges, or other entities of the Navajo Nation and to recommend the amendment or rescission of such legislation.

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 a tribal organization for purposes of Indian Self-Determination and Education Assistance Act shall constitute approval or denial the Tribal Governing Body.

5. To delegate responsibilities and authorities as appropriate to the Divisions, Chapters and appropriate entities for 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. legislation to the Navajo Nation Council.

b. legislation relating to social services, health, environmental health, education, veterans and veterans services, employment and labor.

c. Navajo Nation agreements and contracts negotiated with federal, state, regional, and tribal governments, private and Navajo Nation health and social service authorities, including environmental health, veterans services or education services subject to applicable laws of the Navajo Nation.

d. a Committee budget each fiscal year.

e. applications and reauthorizations by Divisions and Programs under its legislative oversight for Indian Self-Determination and Education Assistance Act contracts and grants.

f. the authorization and designation of a for-profit or non-profit health or social services organization as a tribal organization for 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 Naa'bik'íyáti' Committee on proposed legislation, funding and other actions affecting health, environmental health, social services, education, veteran 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 new schools (including charter schools), school closures, consolidation, education budget initiatives and the like. The Committee shall, where appropriate, seek concurrence of the Naa'bik'íyáti' Committee of the Navajo Nation Council or the Navajo Nation Council in framing official responses form the Navajo Nation to proposals for major

changes in education programs, such as proposals regarding majority school closures or transfer of jurisdiction

C. Oversight.

1. To serve as the oversight committee for the Division of Health, Division of Social Services, Division of Human Resources,Department of Diné Education and Employee Housing Program, unless otherwise delegated by Navajo Nation law.

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, social services including health, research, social services, planning and prevention.

3. To serve as the oversight Committee of the Navajo Department of Diné Education, the Navajo Nation Board of Education, and colleges within the Navajo Nation.

4. To assist, support and coordinate with local communities, parent organizations and schools boards and school board organizations.

5. To oversee and to 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 serve as the oversight authority for the labor, veteran services, training and vital statistics.

§ 402. Advisors

A. The Department of Justice, ~~Legislative Counsel,~~ Director of the Health and Social Services, Director of Human Resources, the Superintendent of Department of Diné Education, Navajo Area Director of Indian Health Services, 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 ~~support,~~ advice and counsel on all matters.

§ 403 Meetings

All regular meetings of the Committee shall be held on the second and fourth Wednesday of each month.

Article 3. Resources and ~~Infrastructure~~ Development Committee

§ 500. Establishment; membership; purposes~~; definition~~

A. Resources and Development Committee is hereby established as a ~~regular~~ standing committee of the Navajo Nation Council.

B. The Committee shall consist of six 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, telecommunication, 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, coordinate and approve 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 increase development on the Navajo Nation.

8. To oversee planning and coordinating of all rural addressing activities of the Navajo Nation.

~~D. For purpose of §500 to §503, Local Government Unit shall mean political subdivisions of the Navajo Nation including, Chapters, townships, or other municipal forms of government.~~

§ 501. Powers

A. The Committee shall have all powers necessary and proper to exercise its purposes set forth §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.

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 for prioritizing list for road and transportation projects; and Overall Capital Improvement Plan for prioritizing capital improvement and housing development projects funded by all funding sources; including any amendments.

c. Legislation to develop and improve Local Government Units.

d. Local ordinances enacted by Local Government.

Units not otherwise delegated to Local Government Units, in accordance with Title 26 of the Navajo Nation Code, 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. Approve Intergovernmental Agreements or Agreements between the Navajo Nation and any governmental entity relating to economic development, community development,

natural resources, roads and transportation, environmental protection and gaming for efficiency and timely completion of those projects.

g. Administrative and Business Site Leasing Management Plan for the Division of Economic Development, governance certified Chapters, Townships, or an appropriate entity, including any proposed amendments, such plan must be in accordance with the Navajo Nation Business Leasing Regulations of 2005.

h. Plan of Operations for Division of Transportation; Division of Community Development; Division of Economic Development; Division of Transportation; Environmental Protection Agency; and Gaming Regulatory Office, including an amendments.

3. To delegate its final approval authority for those transactions listed in §501(B)(2)(a) to appropriate Divisions, governance certified Chapters, Townships 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 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 enterprise, as such, the Committee shall periodically receive reports and review the operations of the Navajo Nation enterprises, authorities, and industries.

f. All other legislation requiring Navajo Nation Council approval to 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 legislation 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 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.

7. To report to the Navajo Nation Council, studies of natural resources for the protection and efficient utilization, management, administration, and enhancement of such resources and to approve consultants for such studies.

8. To review and require reports from appropriate officials 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 confirmation of appointments to enterprise boards; Navajo Nation Water Rights Commission; and entities under the authority of the Committee requiring appointments.

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, Division of General Services, except as otherwise delegated by Navajo Nation law; and legislative oversight to the Gaming Regulatory Office.

2. The Committee shall periodically 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

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; the Office of Auditor General; the Eastern Navajo Land Board, the General Manager of the Navajo Tribal Utility Authority; the Area Directors of Indian Health Service and Bureau of Indian Affairs; and other personnel from appropriate agencies.

§ 503. Meetings.

A. Meetings shall be held on Tuesday of each week.

Article 4. Law and Order Committee

§ 600. Establishment; membership; purposes

A. The Law and Order Committee is hereby established as a ~~regular~~ standing committee of the Navajo Nation Council.

B. The Committee shall consist of five members.

C. The Committee shall use Nitsáhákees ~~(Critical Thinking)~~, Nahat'á ~~(Strategic Planning)~~, Iiná ~~(A Way of Life)~~ and Siihásin ~~(Achieve Stability)~~ in exercising legislative oversight ~~and decision making authority~~ over courts, administrative legal tribunals, criminal defense, legal defense of the indigent, juvenile justice, corrections, law enforcement, emergency management, 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 in its administration and operations. Justice system includes the 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 ~~support increased funding to further~~ 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 ~~support increased~~ enhance cooperation and coordination between Navajo Nation courts and courts of the various states and the federal government including their administrative legal tribunals.

5. To enhance ~~improve~~ 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 ~~support increased funding 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 law enforcement agencies.

8. To enhance juvenile justice programs through coordination with appropriate Committees, the Judicial Branch, Executive Branch programs, and federal, state, tribal and local governmental 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 systems entities, administrative legal tribunals and public safety programs with other federal, state, international, tribal, regional, and local governmental agencies, subject to Naa'bik'íyáti' Committee approval when required by law.

b. Qualification standards for judges and justices of all courts and administrative tribunals of the Navajo Nation and 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 review and evaluate the performance 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:

a. Removal of a permanent judge or justice.

b. Legislation requiring Council approval to accomplish or impact the Committee purposes.

6. To make recommendations to the President of the Navajo Nation for action:

a. A panel of candidates qualified by the Law and Order Committee will be recommended to the President for selection of probationary Judge(s) or Justice(s). The President will select and submit his appointment to the Navajo Nation Council within 60 days of the Law and Order Committee and Chief Justice's recommendation.

b. The President shall only appoint Judges or Justices for permanent appointment that have been recommended by the Law and Order Committee. The President will submit those Judge and Justices for confirmation to the Navajo Nation Council within 60 days of the Committee and Chief Justice's recommendation.

c. Removal of a Judge or Justice before they complete the term of their probationary appointment.

7. To represent the Navajo Nation, at local, state, and federal levels, in coordination with the President of the Navajo Nation ~~Office~~, appropriate ~~Naa'bik'íyáti'~~ committee of the Navajo Nation Council and the Chief Justice ~~respective Judicial and Executive Branch departments and programs,~~ in advocating for legislation, funding or actions relating to the justice systems, administrative legal tribunals and public safety activities.

8. To review and make recommendations to the Navajo Nation Council on proposed

amendments to and enactments in the Navajo Nation Code.

9. 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.

10. To prepare and recommend approval of a committee budget each fiscal year.

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, ~~the~~ Office of the Public Defender, ~~the~~ Office of the Prosecutor and ~~the~~ Division of Public Safety.

2. The Committee shall periodically review the overall function of the programs over which it has oversight.

§ 602. Advisors

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 Thursday of each month.

Article 5. Naa'bik'íyáti' Committee

§ 700. Establishment; purposes

A. Naa'bik'íyáti' Committee is hereby established as a standing committee and it shall use Nitsáhákees, Nahat'á, Iiná and Siihasin in exercising oversight authority (including the authority to promulgate rules and regulations): to confirm all appointments to boards and commissions, to recommend an agenda for Navajo Nation Council sessions, to approve 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 a chairperson pro tem to conduct the meeting and to sign only the documents or legislation approved by the committee while presiding. The committee shall meet at least once per month at the call of the chair.

C. The Naa'bik'íyáti' Committee shall meet at least once per month at the call of the chair.

D. All vetoed legislation, upon the request of a sponsor for an override vote, shall be referred to Naa'bik'íyáti' Committee, and the committee may invite the President to discuss his reasons for the veto. Upon consensus with the President, a new legislation may be ordered.

E. Proposed amendments may be developed in the committee to reach consensus before a formal Council action.

F. A recorded vote may be taken to determine if a legislation shall proceed to the Council or be referred back to a standing committee.

§ 701. Powers

A. The Committee shall have the following enumerated powers:

1. To create any division or department of the Executive Branch of the Navajo Nation government by adoption of its plan of operation and to amend or rescind that Plan or the existing plan of operation for any division or department upon recommendation of the appropriate oversight committee.

2. To give final confirmation of appointments to boards, commissions, and colleges.

3. 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 and governing boards.

4. To recommend legislation to Navajo Nation Council on matters within the Committee's jurisdiction.

5 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.

6. 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.

7. 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.

8. To assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation.

9. To review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments.

10. To coordinate with all committees, Chapters, branches and entities concerned with all Navajo appearances and testimony before Congressional committees, departments of the United States government, state legislatures and departments and county and local governments.

11. To recommend to United States departments and agencies, the states and various regional agencies the appointment of individuals who, in the judgment of the Committee, will fulfill the requirements of their office and serve the interests of the Navajo Nation.

12. To review and approve the negotiation and setting of the Navajo Nation's indirect cost or administrative cost rate agreements with the cognizant federal agent. When in the best interest of the Nation, the Committee may waive the indirect cost or administrative cost rate when:

a. The division, department or program requesting the waiver demonstrates a statutory and/or regulatory requirement that limits the indirect cost or administrative cost rate available for a particular grant or contract, or

b. There is a showing of necessity and a commitment of available general funds by the division, department or program requesting the waiver which is available to offset the loss in indirect costs or administrative costs.

c. Chapters meeting these requirements will not be subject to any administrative costs assessed by the central government.

13. To review and approve the distribution of funds appropriated or allocated to assist enrolled Navajos residing outside the Navajo Nation.

B. The Committee shall have the authority to delegate 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 approves rules and regulations governing such delegations and to rescind delegations.

Section 4. Over-stricken Portions of Title 2

The Navajo Nation Council hereby enacts the 22nd Navajo Nation Council Reorganization Act by repealing certain sections of 2 N.N.C. §§341 through 835 as follows:

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Title 2. Navajo Nation Government

Chapter 3. Legislative Branch

Subchapter 9. Standing Committees

~~**Article 1. Government Services Committee**~~

~~**§ 341. Establishment; purposes**~~

~~A. The Government Services Committee is hereby established and continued as a standing committee of the Navajo Nation Council.~~

~~B. It is the purpose of the Committee to monitor and coordinate the activities of all divisions and departments of the Executive Branch of the Navajo Nation.~~

~~**§ 342. Membership**~~

~~The Committee shall consist of eight members of the Navajo Nation Council.~~

~~**§ 343. Powers**~~

~~A. General. The Committee shall have powers necessary and proper to carry out the purposes set forth herein.~~

~~B. Enumerated Powers. The Committee is hereby authorized and directed:~~

~~1. To recommend to the Navajo Nation Council legislation for the creation of colleges, or other entities of the Navajo Nation and to recommend the amendment or rescission of such legislation.~~

~~2. To create any division or department of the Executive Branch of the Navajo Nation government by adoption of its plan of operation and to amend or rescind that Plan or the existing plan of operation for any division or department.~~

~~3. To give final confirmation of appointments to boards, commissions, and colleges.~~

~~4. 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 and governing boards.~~

~~5. To recommend legislation to Navajo Nation Council on matters within the Committee's jurisdiction.~~

~~§ 344. Meetings~~

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

Article 3. [Reserved]

~~Article 4. Transportation and Community Development Committee~~

~~§ 420. Establishment~~

~~The Transportation and Community Development Committee is hereby established and continued as a standing committee of the Navajo Nation Council.~~

~~§ 421. Purposes~~

~~The purposes of the Committee are:~~

~~A. To develop overall policies and legislation appropriate to the housing needs of the Navajo Nation.~~

~~B. To promote local community land use plans which support community infrastructural development.~~

~~C. To promote development of Chapter government which enhances local self government.~~

~~D. To promote, review, coordinate and approve projects to be financed by funds designated for capital improvement. Such projects shall include but not be limited to Chapter houses, multipurpose buildings, preschools, senior citizen centers, powerline extensions, housewiring, airports, waterline extensions and other water systems, airport/road infrastructures and other Navajo Nation facilities.~~

~~E. To be responsible for planning and coordinating all roads and transportation activities of the Navajo Nation.~~

~~§ 422. Membership; advisors~~

~~A. The Committee shall consist of eight members of the Navajo Nation Council.~~

~~B. The Executive Director of the Division of Community Development, the General Manager of the Navajo Tribal Utility Authority, the Area Director of Indian Health Service and other personnel from appropriate agencies shall serve as technical advisors to the Committee.~~

~~§ 423. Powers~~

~~A. General. The Committee shall have all powers necessary and proper to carry out the purposes set forth above.~~

~~B. Housing Development. The Committee shall:~~

~~1. Review and approve contracts and agreements between the Navajo Nation and any other entity for the development, construction and renovation of housing subject to applicable laws.~~

~~2. Propose policies and laws relating to housing development, including but not limited to building, construction, and utility codes.~~

~~3. Oversee and periodically review the overall function of the Division of Community Development to ensure that the purposes and objectives are properly~~

~~and timely achieved and to recommend any amendments to the Division of Community Development Plan of Operation.~~

~~4. Represent the Navajo Nation at local, state and federal levels for housing development.~~

~~5. Coordinate with the Budget and Finance Committee and lending institutions for housing loans to enrolled members of the Navajo Nation residing within the Navajo Nation.~~

~~C. Community Development. The Committee shall:~~

~~1. Approve legislation to develop and improve local governmental units.~~

~~2. Review and approve comprehensive community land use plans and zoning ordinances and amendments or modifications thereof, including land withdrawals necessary for the implementation of such land use plans.~~

~~3. Review and approve local ordinances, not otherwise delegated to Chapters by the Navajo Nation Council, enacted by local government entities and Chapters.~~

~~4. Review and approve all surface easements and rights-of-way and other clearances related to local community development including but not limited to powerline, waterline and sewerline extensions.~~

~~D. Capital Improvement Projects. The Committee shall:~~

~~1. Review and recommend to the Navajo Nation Council through the budget process an annual budget for capital improvement projects utilizing all sources of funds.~~

~~2. Review and recommend to the Navajo Nation Council through the appropriate process supplemental appropriations to the capital improvement projects annual budget to fund necessary additional capital improvement projects.~~

~~3. To review, prioritize and approve capital improvement projects funded by all funding sources.~~

~~4. To lobby for state, federal, and other sources of funds.~~

~~5. To review and recommend legislation to accomplish Committee purposes.~~

~~6. To periodically review the progress of capital improvement projects and take necessary action(s) to ensure timely and efficient completion of projects.~~

~~7. To require periodic reports from the Controller of the Navajo Nation concerning the fund status of capital improvement projects and require such other reports from appropriate officials as may be necessary to execute the Committee's purposes.~~

~~8. To review the annual capital improvement projects budgets of the Bureau of Indian Affairs, Indian Health Services and other departments or agencies of the United States, and recommend the approval or disapproval of such budgets.~~

~~E. Transportation and Roads. The Committee shall:~~

~~1. Represent the Navajo Nation in all roads and transportation matters.~~

~~2. Develop and approve a priority list for roads and transportation projects.~~

~~F. Other Powers. The Committee shall:~~

~~1. Promulgate rules and regulations necessary to accomplish the Committee's purposes.~~

~~2. Review and approve new programs and improve existing programs to better serve the public and communities.~~

~~3. Review and approve alternative and appropriate technological projects related to housing, community development and capital improvement projects.~~

~~§ 424. Meetings~~

~~Committee meetings shall be held on the first and third Tuesday of every month.~~

~~Article 5. Health and Social Services Committee~~

~~§ 451. Establishment~~

~~The Health and Social Services Committee is hereby established and continued as a standing Committee of the Navajo Nation Council.~~

~~§ 452. Purposes~~

~~The Committee shall address health and social service problems affecting Navajo People and develop, monitor, and coordinate policies and proposals, laws, regulations and delivery of~~

~~services to abate these problems consistent with and acceptable to the traditional practices and customs of the Navajo People.~~

~~§ 453. Membership~~

~~The Committee shall consist of eight members of the Navajo Nation Council.~~

~~§ 454. Powers~~

~~A. The Committee shall have all authority necessary and proper to carry out the purposes set forth.~~

~~B. The Committee shall have the power:~~

~~1. To represent the Navajo Nation in matters relating to health, social services, and environmental health, including lobbying for, promotion and education on Navajo Nation policies.~~

~~2. To review and approve agreements and contracts negotiated with federal, state, regional, local, private and Navajo Nation health and social service authorities, subject to applicable laws of the Navajo Nation.~~

~~3. To coordinate all health and social services related activities of the Navajo Nation and its enterprises, relating to the delivery of health and social services and health and social services planning and prevention.~~

~~4. To coordinate all environmental health-related activities of the Navajo Nation and its enterprises.~~

~~5. To promulgate health and social services policies, objectives, priorities and regulations for the Navajo Nation and to monitor the implementation of those plans and regulations.~~

~~6. To recommend legislation relating to health, environmental health and social services.~~

~~7. To prepare and recommend a Committee budget each fiscal year.~~

~~8. To serve as the oversight committee for the Division of Health and the Division of Social Services except as delegated otherwise by Navajo Nation Council and this oversight responsibility shall include other programs designated by the Navajo Nation Council.~~

~~§ 455. Meetings~~

~~Regular meetings shall be held the second and fourth Tuesday of each month.~~

~~Article 6. Education Committee~~

~~§ 481. Establishment~~

~~The Education Committee is hereby established and continued as a standing committee of the Navajo Nation Council.~~

~~§ 482. Purposes~~

~~The Committee's general purpose is to oversee the educational development of the Navajo Nation and to develop policies for a scholastically excellent and culturally relevant education.~~

~~§ 483. Membership~~

~~The Committee shall consist of eight members of the Navajo Nation Council.~~

~~§ 484. Powers~~

~~A. The Committee shall have such powers as are necessary and proper for the accomplishment of the purposes set forth above.~~

~~B. The powers of the Committee are:~~

~~1. Promulgate regulations, policies and procedures to implement Navajo Nation education laws.~~

~~2. Review and make recommendations on all education-related legislation coming before the Navajo Nation Council.~~

~~3. Review, sanction and authorize applications, reapplications and amendments for Indian Self-Determination Act contracts and grants under the Tribally Controlled Schools Act for the operation of education programs, subject to final approval by the Intergovernmental Relations Committee. Approval or denial of reauthorizations of contract and grant applications by the Education Committee shall constitute approval or denial by the Tribal governing body, without further consideration by the Intergovernmental Relations Committee of the Navajo Nation Council.~~

~~4. Serve as the oversight committee of the Navajo Department of Diné Education, the Navajo Nation Board of Education, and colleges within the Navajo Nation.~~

~~5. Assist, support and coordinate with local communities, parent organizations and school boards and school board organizations.~~

~~6. Represent the Navajo Nation in consultation with federal, state and local officials regarding any proposed changes in federal education legislation or educational programs, including new schools (including charter schools), school closures, consolidations, education budget initiatives and the like. The Committee shall, where appropriate, seek concurrence of the Intergovernmental Relations Committee of the Navajo Nation Council or the Navajo Nation Council in framing official responses from the Navajo Nation to proposals for major changes in educational programs, such as proposals regarding major school closures or transfers of jurisdiction.~~

~~7. Review and approve 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.~~

~~§ 485. Meetings~~

~~The Committee shall hold its regular meetings every second and fourth Friday of each month.~~

~~Article 7. [Reserved]~~

~~Article 8. [Reserved]~~

~~Article 9. Judiciary Committee~~

~~§ 571. Establishment~~

~~The Judiciary Committee is established and continued as a standing committee of the Navajo Nation Council with oversight responsibility for the Judicial Branch of the Navajo Nation.~~

~~**§ 572. Purposes**~~

~~The purposes of the Judiciary Committee are:~~

~~A. To improve the administration of justice on the Navajo Nation by ensuring an independent judiciary free from political influence in its deliberative process that remains accountable and responsible to the Navajo Nation for its administrative and operational activity.~~

~~B. To work towards cooperation between the courts of the Navajo Nation and the courts of the various states, the federal court system, and the administrative judicial system of the Department of the Interior and other federal or state agencies.~~

~~C. To promote the interests of the Navajo People through support and/or sponsorship of projects and legislation to improve the quality of the justice system within the Navajo Nation.~~

~~D. To support and promote increased funding, planning and coordination to develop Navajo Nation infrastructure relating to or having an impact on the Judicial Branch, including but not limited to court facilities and detention facilities.~~

~~**§ 573. Membership**~~

~~The Committee shall consist of eight members of the Navajo Nation Council.~~

~~**§ 574. Powers**~~

~~In addition to the powers enumerated at 2 N.N.C. § 185, the Committee shall have the following powers including those powers necessary and proper to carry out the purposes set forth in § 572 above:~~

~~A. To serve as the oversight committee for all operations of the Judicial Branch.~~

~~B. To determine, with the approval of the Navajo Nation Council, qualifications to be required of judges and justices of the Navajo Nation.~~

~~C. To provide a process for accepting applications for judicial positions and for determining the most qualified candidates.~~

~~1. Upon screening all eligible applicants, the Committee shall recommend to the President of the Navajo Nation a panel of qualified candidates for appointment as probationary Chief Justice, Associate Justices of the Supreme Court and probationary judges of the lower courts, and all other judicial positions which the Navajo Nation Council may create.~~

~~2. The President shall appoint probationary justices and judges only from among those named in the panel submitted by the Committee. Probationary justices or judges shall be confirmed by the Navajo Nation Council.~~

~~D. To review and evaluate the performance of probationary and permanent justices and judges.~~

~~E. To recommend to the President of the Navajo Nation the removal of probationary justices and judges prior to their permanent appointment.~~

~~F. To recommend to the President the permanent appointment of probationary justices and judges.~~

~~1. The President shall not appoint to a permanent position any justice or judge not recommended by the Judiciary Committee.~~

~~2. The appointment of permanent justices and judges shall be confirmed by the Navajo Nation Council.~~

~~G. To present directly to the Navajo Nation Council the issue of permanent appointment of any probationary justice or judge whom the Committee and the Chief Justice have recommended for permanent appointment and which recommendation the President of the Navajo Nation has failed to convey to the Navajo Nation Council within 60 days of receiving the recommendation.~~

~~H. To recommend to the Navajo Nation Council the removal of permanent justices or judges.~~

~~I. To initiate, recommend, support, and sponsor legislation to improve the Navajo judicial system.~~

~~J. To review and/or propose legislation and make recommendations regarding any proposed or current laws, procedures, and regulations affecting or creating any impact on the Judicial Branch.~~

~~K. To review and approve plans of operation for all Judicial Branch divisions, departments and programs and to amend or rescind such plans of operation.~~

~~L. To review and approve policies, procedures and regulations necessary for the administration and operation of the Judicial Branch including, but not limited to, travel policies, retirement policies and personnel policies for Judicial Branch employees, justices and judges.~~

~~M. To review and approve contracts, subcontracts, and agreements negotiated with federal, state, international, tribal, regional, local and private entities, subject to Intergovernmental Relations Committee approval when required by law. All Judicial Branch contracts must be in compliance with the requirements of 2 N.N.C. §§ 222(B) and 223.~~

~~§ 575. Meetings~~

~~Meetings shall be held on the first and third Thursday of each and every month.~~

~~Article 10. Human Services Committee~~

~~§ 601. Establishment~~

~~The Human Services Committee is hereby established and continued as a standing committee of the Navajo Nation Council.~~

~~§ 602. Purposes~~

~~The purposes of the Committee are as follows:~~

~~A. To coordinate the Navajo Nation efforts with respect to the implementation and enforcement of Navajo Nation labor and veterans laws and policies.~~

~~B. To coordinate all employment and training and veterans services programs.~~

~~§ 603. Membership~~

~~The Committee shall consist of eight members of the Navajo Nation Council.~~

~~§ 604. Powers~~

~~A. The Committee shall have all powers necessary and proper to carry out the purposes set forth above.~~

~~B. The Committee shall have the following powers:~~

~~1. To promulgate regulations for the enforcement and implementation of the labor laws and policies of the Navajo Nation and laws relating to veterans services.~~

~~2. To represent the Navajo Nation in matters relating to labor, employment and training and veterans services.~~

~~3. To recommend legislation regarding employment, training, and veterans services.~~

~~4. In conjunction with the Education Committee to oversee and to 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.~~

~~5. To serve as the oversight authority for the Division of Human Resources.~~

~~§ 605. Meetings~~

~~Meetings shall be held on the second and fourth Monday of each month.~~

~~Article 11. [Reserved]~~

~~Article 12. Public Safety Committee~~

~~§ 661. Establishment~~

~~The Public Safety Committee is hereby established and continued as a standing committee of the Navajo Nation Council.~~

~~§ 662. Purposes~~

~~The purposes of the Committee are:~~

~~A. To coordinate legislative activities relating to administration, police services, highway safety, fire and rescue services, detention, and criminal investigations within the Navajo~~

~~Nation and such other activities as may hereafter be specifically delegated to the Division of Public Safety.~~

~~B. To coordinate federal, state and Navajo law enforcement activities.~~

~~C. To promote the efficient operation of public safety on the Navajo Nation.~~

~~§ 663. Membership~~

~~The Committee shall consist of seven members of the Navajo Nation Council.~~

~~§ 664. Powers~~

~~A. The Committee shall have all powers necessary and proper to carry out the purposes set forth above.~~

~~B. The Committee shall have the following powers:~~

~~1. To represent the Navajo Nation in matters relating to law enforcement.~~

~~2. To coordinate all law enforcement activities of the Navajo Nation and its enterprises, as well as those activities of federal, state and regional agencies.~~

~~3. To recommend to the Navajo Nation Council the enactment, repeal or amendment of law enforcement, traffic and safety legislation.~~

~~4. To promulgate regulations and rules as may be necessary to carry out the purposes stated herein and the laws of the Navajo Nation concerning law enforcement.~~

~~5. To serve as legislative oversight authority for the Division of Public Safety.~~

~~§ 665. Meetings~~

~~Meetings shall be held on the second and fourth Monday of each month.~~

~~Article 13. Resources Committee~~

~~§ 691. Establishment~~

~~The Resources Committee is hereby established and continued as a standing committee of the Navajo Nation Council.~~

~~**§ 692. Definition of terms**~~

~~As used within this article, the following definition of terms shall apply:~~

~~A. "Resources". Any and all Navajo owned, controlled or claimed, natural, renewable, nonrenewable, solar and wind power energies, cultural, leisure, and recreational resources which includes, but is not necessarily limited to, land, air, airways, water, minerals, wildlife, fish, forests, woodlands, vegetation, livestock and parks.~~

~~B. "Surface Disturbance". The alteration of the land resources to an extent that would change its existing utilization (e.g., penetration of the land surface, however slight, disposition of materials upon the surface, withdrawal of rangelands for homesite purposes, etc.).~~

~~C. "Natural State". That which occurs or exists in the environment, not a result of man, inclusive of natural regeneration induced by man.~~

~~D. "Mineral Agreements". Mineral leases, operating agreements, and any other agreements authorized by the Indian Mineral Development Act of 1982.~~

~~**§ 693. Purposes**~~

~~The purpose of the Committee is to insure the optimum utilization of all resources of the Navajo Nation and to protect the rights, and interests and freedoms of the Navajo Nation and People to such resources.~~

~~**§ 694. Membership**~~

~~The Committee shall consist of eight members of the Navajo Nation Council.~~

~~**§ 695. Powers**~~

~~A. The Committee shall have all powers necessary and proper to carry out the purposes set forth above, and to promulgate rules and regulations thereto.~~

~~B. The Resources Committee shall have the following powers, including the authority to delegate to appropriate Executive Branch officials within the Division of Natural Resources provided that the Committee first approves rules and regulations governing such delegations~~

~~and to rescind such delegations, and to adopt resolutions, regulations or policies that shall be necessary and proper for carrying into execution the following powers:~~

~~1. To act as the Central Grazing Committee in order to accomplish their duties as set forth in 3 N.N.C. §§ 832 and 852.~~

~~2. To give final approval of any land exchanges or non-mineral leases, subleases or assignments of leases of Navajo land, rights-of-way, prospecting permits, sand and gravel permits, including royalty rates and bonding rates of such permits, integration of tracts and unitization of approved mineral agreements, mission site leases, and other licenses and usufructuary interests in Navajo land, including unrestricted (fee) land, in accordance with applicable federal and Navajo Nation laws.~~

~~3. To review, monitor, prioritize and/or negotiate all proposed land acquisitions and energy development agreements. The Resources Committee shall recommend to the Navajo Nation Council all actions which may involve the approval of mineral agreements, land acquisitions, and energy development agreements.~~

~~4. To give final approval of homesite lease procedures; and promulgate rules and regulations thereto.~~

~~5. To delegate authority to the Department Director of the Navajo Land Department (NLD) to review and grant individual homesite leases and certificates in accordance with procedures adopted by the Resources Committee. Such delegated authority shall be limited to withdrawal of one acre or less of Tribal Trust/Fee Lands for residential purposes, excluding the authority to withdraw land for residential subdivisions and other withdrawals.~~

~~6. To give final approval of all land withdrawals for residential subdivisions, rights-of-way, including all surface easements and other clearances related but not limited to powerline, waterline, and sewer fine extensions.~~

~~7. To oversee and regulate all activities within Navajo Nation lands, including actions which may involve disposition or acquisition of resources, surface disturbance, or alteration of the natural state of the resource.~~

~~8. To approve an overall Resource Management Plan of the Navajo Nation, including regulations governing the designation and use of resources.~~

~~9. To approve all water development projects utilizing Navajo water resources.~~

~~10. To give final confirmation of appointments to the Navajo Nation Water Rights Commission.~~

~~11. To issue cease and desist orders, and to assess fines for violations of its regulations and orders.~~

~~12. To oversee the enforcement and administration of applicable Navajo Nation and federal laws, regulations, guidelines, and administrative procedures in the development and utilization of resources.~~

~~13. To establish Navajo Nation policy with respect to the optimum utilization of all resources, including the authority to initiate and require studies of the natural resources for the protection and efficient utilization, management, administration, and enhancement of such resources and to approve consultants for such studies. The Resources Committee shall report to the Navajo Nation Council the findings and recommendations of committee studies of such resources.~~

~~14. To represent the Navajo Nation at local, state, and federal levels, in cooperation and coordination with the President of the Navajo Nation and the Intergovernmental Relations Committee of the Navajo Nation Council, on proposed legislation or actions affecting resource issues, natural resources development, and research and energy resources.~~

~~15. To serve as Legislative oversight authority for the Division of Natural Resources, District Grazing Officers, Eastern Navajo Land Board and Farm Boards, and over all matters affecting Navajo resources.~~

~~§ 696. Meetings~~

~~Meetings shall be held on the second and fourth Thursday of each month.~~

~~Article 14. Economic Development Committee~~

~~§ 721. Establishment~~

~~The Economic Development Committee is hereby established and continued as a Standing Committee of the Navajo Nation Council.~~

~~**§ 722. Purpose and scope**~~

~~The purposes of the Committee shall be:~~

~~A. To establish and implement laws, rules and regulations and policies to streamline procedures for approval, management, and enforcement to enhance the development of the economy and increase development on the Navajo Nation;~~

~~B. To implement and amend the Navajo Nation Business Site Leasing Regulations of 2005, promulgated from 25 U.S.C. § 415(e), in accordance with Navajo and Federal laws.~~

~~**§ 723. Membership**~~

~~Membership of the Committee shall consist of eight members of the Navajo Nation Council.~~

~~**§ 724. Powers**~~

~~A. Generally~~

~~The Committee shall have all powers necessary and proper to carry out the purposes set forth above.~~

~~B. The Committee shall have the authority to promulgate business site lease regulations, redelegation of approval authority, issue leases, permits and licenses.~~

~~1. The Committee shall have the authority to promulgate regulations governing the business, commercial or industrial site leasing, permitting and licensing of Navajo Nation lands, including unrestricted (fee) lands for business purposes. This authority does not extend to use of lands for resources (forestry, grazing, farmlands, ranches and parks), mineral and homesite purposes and allotments. Such regulations shall set forth the policies and standards to be followed in approving, amending, transferring or terminating business site leases, permits and licenses and setting, increasing, decreasing, or waiving rental rates.~~

~~2. The Committee shall, in accordance with approved regulations, grant final approval of non-mineral business leases, permits licenses and associated right-of-way for the use of Navajo Nation lands, including unrestricted (fee) lands for business purposes. The Committee may delegate its approval or granting authority to the Division of Economic Development of the Executive Branch, an entity, governance certified Chapters, or Townships of the Navajo~~

~~Nation provided that the Committee first approves rules and regulations governing such delegations and rescission of such delegations. The Committee's authority includes business site lease transactions, including industrial, shopping center and other commercial leases, subleases, modifications, assignments, leasehold encumbrances, and transfers, renewals and extensions, and terminations in accordance with all applicable laws.~~

~~C. Business Site Leasing Management Plan.~~

~~1. The Committee shall grant final approval of the Administrative and Business Site Leasing Management Plan for the Division of Economic Development, including any proposed amendments.~~

~~2. The Committee shall grant final approval for the Administrative and Business Site Leasing Management Plan for governance certified Chapters, Townships, or an appropriately designated entity. Such approval shall be conditioned upon the written recommendation of the Division of Economic Development, including any proposed amendments.~~

~~3. Any Administrative and Business Site Leasing Management Plan may be rescinded by the Committee based upon the written recommendation of the Division of Economic Development and in accordance with the rules and regulations governing such rescission of delegation.~~

~~4. The Administrative and Business Site Leasing Management Plan must be in accordance with the Navajo Nation Business Site Leasing Regulations of 2005, as amended.~~

~~D. Determination of findings.~~

~~1. The Committee is authorized to confirm or deny findings only for rescission of delegation of final approval authority and/or rescission of approval of the Administrative and Business Site Leasing Management Plan, subject to this Subsection (2).~~

~~2. The Committee shall conduct hearings only for alleged violations of the Navajo Nation Business Site Leasing Regulations of 2005 as amended, an approved Administrative and Business Site Leasing Management Plan, and the uniform rules and regulations governing delegations from the Committee. These hearings involve only those parties that have received delegation of final approval authority and have an approved Administrative and Business Site Leasing Management Plan, including the Division of Economic Development, an entity, governance certified Chapters, Townships, and other forms of municipal government.~~

~~E. Chapter, Townships, and other municipal forms of government.~~

~~The Committee shall periodically receive reports and review operations and shall make recommendations to assist in the enhancement of economic development pertaining to business development Chapters, Townships or other forms of municipal government that have received delegation of final approval authority and have an approved business site lease management plan.~~

~~F. Economic Development Land Withdrawal~~

~~The Committee shall review and grant final approval of land withdrawals for economic development projects, subject to Chapter approval and/or existing Navajo Nation law regarding local land use control.~~

~~G. Economic and Business Development~~

~~The Committee shall approve economic development plans which require the use of Navajo Nation funds and/or assets; shall be the central point of contact for economic development activities; shall establish and approve the Navajo Nation Overall Economic Development Plan and Ten Year Plan including the priority lists for economic and business development projects funded by Navajo Nation and federal funds; development plans for individual business site leases shall not be subject to such approval.~~

~~H. Navajo Nation Enterprises and Other Entities~~

~~1. The Committee shall periodically receive reports and review the operations of the Navajo Nation enterprises, including all tribal gaming enterprises, authorities and industries and shall recommend the creation, reorganization, termination or "Privatization" of any enterprise to the Navajo Nation Council. The Committee shall also confirm appointments to enterprise boards.~~

~~2. The Committee shall jointly with appropriate Standing Committees of the Navajo Nation Council do all things necessary and proper to create an independent financial institution designed to provide credit and financing to the Navajo Nation business community.~~

~~I. Tribal Laws and Regulations; Commerce and Business; Taxation.~~

~~1. The Committee shall propose or review legislation relating to commerce and business within the Navajo Nation, and shall recommend the adoption or amendment of such laws to the Navajo Nation Council.~~

~~2. The Committee shall, in consultation with the Navajo Tax Commission, make recommendations to the Navajo Nation Council regarding taxation proposals affecting business or commercial activities.~~

~~J. Oversight~~

~~The Committee shall serve as the oversight committee of the Division of Economic Development or its successor in responsibility, including those activities which deal with the planning, development, promotion and oversight of economic development activities.~~

~~K. Other Powers~~

~~The Committee shall have the power to represent the Navajo Nation in matters related to economic development.~~

~~§ 725. Meetings~~

~~Meetings shall be held on the first and third Wednesday of each month.~~

~~Article 15. [Reserved]~~

~~Article 16. [Reserved]~~

~~Article 17. [Reserved]~~

~~Article 18. Intergovernmental Relations Committee~~

~~§ 821. Establishment~~

~~The Intergovernmental Relations Committee is hereby established as a standing committee of the Navajo Nation Council.~~

~~§ 822. Purposes~~

~~The purposes of the Committee are:~~

~~A. 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.~~

~~B. To ensure the presence and voice of the Navajo Nation.~~

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~~§ 823. Membership; selection; Chairperson~~

~~A. The Committee shall consist of the Speaker of the Navajo Nation Council and the chairpersons of the Navajo Nation Council standing committees. In the absence of the chairperson of a standing committee, the vice-chairperson shall represent the standing committee.~~

~~B. The Chairperson of the Committee shall be the Speaker of the Navajo Nation Council.~~

~~C. In the absence of the Speaker, the members of the committee may select a Chairperson Pro Tem.~~

~~§ 824. Powers~~

~~A. The Committee shall have all the powers necessary and proper to carry out the purposes set forth above.~~

~~B. The Committee shall have the following powers:~~

~~1. 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 and to approve and amend plans of operation thereto.~~

~~2. To assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation.~~

~~3. To review and continually monitor the programs and activities of federal and state departments and to assist development of such programs designed to serve the Navajo People and the Navajo Nation through intergovernmental relationships between the Navajo Nation and such departments.~~

~~4. To authorize, review, approve and accept any and all contracts, grants and associated budgets with the United States, its departments and agencies for the implementation of the Indian Self Determination and Education Assistance Act as amended upon the~~

~~recommendation of the standing committee which has oversight of the division, department or program applying for the contract and/or grant.~~

~~5. To coordinate with all committees, Chapters, branches and entities concerned with all Navajo appearances and testimony before Congressional committees, departments of the United States government, state legislatures and departments and county and local governments.~~

~~6. To 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.~~

~~7. To recommend to United States departments and agencies, the states and various regional agencies the appointment of individuals who, in the judgment of the Committee, will fulfill the requirements of their office and serve the interests of the Navajo Nation.~~

~~8. To continually monitor contracts with state, federal and regional entities to ensure compliance with applicable laws, regulations and contract terms.~~

~~9. To review and approve the negotiation and setting of the Navajo Nation's indirect cost or administrative cost rate agreements with the cognizant federal agent. When in the best interest of the Nation, the Committee may waive the indirect cost or administrative cost rate when:~~

~~a. The division, department or program requesting the waiver demonstrates a statutory and/or regulatory requirement that limits the indirect cost or administrative cost rate available for a particular grant or contract, or~~

~~b. There is a showing of necessity and a commitment of available general funds by the division, department or program requesting the waiver which is available to offset the loss in indirect costs or administrative costs.~~

~~c. Chapters meeting these requirements will not be subject to any administrative costs assessed by the central government.~~

~~10. To review and approve the distribution of funds appropriated or allocated to assist enrolled Navajos residing outside the Navajo Nation.~~

~~**§ 825. Meeting**~~

~~Regular meetings shall be held on the first and third Monday of each month.~~

~~**Article 19. Ethics and Rules Committee**~~

~~**§ 831. Establishment**~~

~~The Ethics and Rules Committee of the Navajo Nation Council is hereby established and continued as a standing committee of the Navajo Nation Council.~~

~~**§ 832. Purposes**~~

~~The purposes of the Committee are as follows:~~

~~A. To insure that public officials and affected employees of the Navajo Nation are held to the highest standards of ethical conduct.~~

~~B. To provide for a fair, honest and an efficient government of the Navajo Nation, through review, recommendation and sponsorship of projects, legislation, rules and standards in furtherance of these ends.~~

~~**§ 833. Membership**~~

~~The Committee shall consist of eight delegates of the Navajo Nation Council.~~

~~**§ 834. Powers**~~

~~A. The Committee shall have all the powers necessary and proper to carry out the purposes set forth above.~~

~~B. The Committee shall have the power:~~

~~1. To review and recommend rules of procedure for the effective and efficient conduct of the Navajo Nation Council and its Committees.~~

~~2. To recommend legislation to maintain the highest standards of ethical conduct in the functions of the Navajo Nation government.~~

~~3. To perform the duties and responsibilities delegated by and implement the provisions of the Navajo Nation Ethics in Government Law, 2 N.N.C. § 3741, *et seq.* and such other authority as may be delegated from time to time.~~

~~4. To provide for the compilation and publication of all Navajo Nation laws, rules and regulations.~~

~~5. To review and recommend an agenda for all Navajo Nation Council sessions.~~

~~6. To promulgate such rules and regulations as necessary to execute its authority.~~

~~7. To serve as the oversight authority for the Ethics and Rules Office.~~

~~8. To review and recommend referendums and initiatives to the Navajo Nation Council.~~

~~9. To appoint a Director of the Ethics and Rules Office of the Navajo Nation who will serve at the pleasure of the Committee.~~

~~§ 835. Meetings~~

~~Meetings shall be held on the first and third Friday of each month.~~

~~Article 20. Nábik'iyáti' Committee~~

~~§836 Establishment; Purposes~~

~~A. The Nábik'iyáti' Committee is hereby provisionally established, and shall meet at the call of the Speaker and exercise to the extent necessary and reasonable all the powers, duties and responsibilities of the 12 standing committees of the Navajo Nation Council as enumerated in 12 N.N.C. §§ 341-835 inclusive.~~

~~B. The Nábik'iyáti' Committee shall be composed of the entire membership of the 22nd Navajo Nation Council; the chairperson of the Committee shall be the Speaker of the Navajo Nation Council.~~

~~C. The authority of the Nábik'iyáti' Committee shall be in effect provisionally until the start of the Spring Session of the 22nd Navajo Nation Council which begins on the third Monday of April 2011, at which time the Committee shall cease to function as described §836 A, above.~~

~~D. The Nábik'iyáti' Committee shall form itself into subcommittees as needed to accomplish the Council's work for this assigned duration.~~

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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 Committees shall mean the Naa'bik'iyati Committee, 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 Development Committee, unless the amendments enacted herein or 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 to the Human Services, Health and Social Services and Education Committees shall mean the Health, Education and Human Services Committee, unless the amendments enacted herein or the context of previous law 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; 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 transferred to the Office of Hearings and Appeals. All references to the Ethics and Rules Committee in 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. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B).

Section 8. Codification

The provisions of the 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 such amended provisions in the next codification of the Navajo Nation Code.

Section 9. Saving Clause

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those provisions of the Act which are not determined invalid shall remain the law of the Navajo Nation.

LEGISLATIVE BRANCH
NAVAJO NATION

HONORABLE JOHNNY NAIZE
Speaker, 22nd Navajo Nation Council

April 2, 2011

MEMORANDUM

TO : Hon. *Members*
Nabik'iyati' Committee

FROM : Hon. Johnny Naize, *Speaker*
22nd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C. § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Nabik'íyáti' Committee of the Navajo Nation Council:

Legislation No. 0148-11

RELATING TO THE NAVAJO NATION COUNCIL; AMENDING CERTAIN SECTIONS OF THE NAVAJO NATION CODE, TITLE 2 §§ 101 THROUGHT 835, TO CONFORM TO THE ESTABLISHMENT OF THE 24 MEMBER NAVAJO NATION COUNCIL BY MAKING REVISIONS TO THE LEGISLATIVE PROCESS AND THE STANDING COMMITTTEES STRUCTURE

As the Committee assigned to consider the legislation, Legislation No. 0148-11 must be placed on the Nabik'íyáti' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0148-11

xc: Hon. Ben Shelly., *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Mark Grant, *Controller*
Honorable Leonard Tsosie, Council Delegate *(Prime Sponsor)*

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