



Motion: Honorable Steven Begay
Second: Honorable Davis Filfred
Vote: 21-00

**AGENDA OF THE
23rd NAVAJO NATION COUNCIL**

WINTER SESSION
January 22-26, 2018 at 10:00 am

Navajo Nation Council Chambers
Window Rock, Navajo Nation

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

1. CALL MEETING TO ORDER; ROLL CALL; INVOCATION
2. RECOGNIZE GUESTS AND VISITING OFFICIALS TO THE NAVAJO NATION
3. REVIEW AND ADOPT THE AGENDA
(m) (s) (v)
4. RECEIVE THE STATE OF THE NATION ADDRESS FROM THE PRESIDENT OF THE NAVAJO NATION
(m) (s) (v)
5. RECEIVE REPORT FROM THE SPEAKER OF THE NAVAJO NATION COUNCIL
(m) (s) (v)
6. ORAL REPORTS:

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|--|-----|-----|-----|
| (A) Bureau of Indian Affairs (BIA) | (m) | (s) | (v) |
| (B) Indian Health Services (IHS) | (m) | (s) | (v) |
| (C) Financial Report by the Controller | (m) | (s) | (v) |
| (D) Attorney General | (m) | (s) | (v) |
| (E) Chief Justice of the Navajo Nation | (m) | (s) | (v) |

7. WRITTEN REPORTS

- | | | | |
|--|-----|-----|-----|
| (A) Standing Committees | (m) | (s) | (v) |
| (B) Boards and Commission | (m) | (s) | (v) |
| (C) Bureau of Indian Affairs | (m) | (s) | (v) |
| (D) Indian Health Services Area Director | (m) | (s) | (v) |
| (E) Navajo Tribal Utility Authority | (m) | (s) | (v) |

8. OLD BUSINESS:

- (A) **LEGISLATION 0359-17:** An Action Relating to Resources and Development, Law and Order and Naabik'iyáti' Committees; and the Navajo Nation Council: Authorizing and Approving the Kayenta Township Commission to Form Wholly Owned Instrumentalities under Navajo Law; Extending the Navajo Nation Privileges and Immunities to the Formed Instrumentalities; and Authorizing the Kayenta Township Commission to Waive the Instrumentalities Privileges and Immunities, Including Limited Sovereign Immunity and the Requirements for Tribal Remedies Exhaustion (2/3)

SPONSOR: Honorable Nathaniel Brown

CO-SPONSOR: Honorable Kee Allen Begay, Jr.

CO-SPONSOR: Honorable Herman M. Daniels

CO-SPONSOR: Honorable Otto Tso

- (m) **Honorable Edmund Yazzie** (s) **Honorable Tuchoney Slim, Jr.** (v)

10/17/2017 – Motion to Table No Later than 30 Days; (M) Honorable Edmund Yazzie; (S) Honorable Jonathan Perry; (V) 11 in Favor, 08 Opposed (Speaker Bates Not Voting)

There is one (1) Pending Amendment; (M) Kee Allen Begay, Jr.; (S) Otto Tso; Vote Pending

Amendment #1

- On page 5 of 6, line 16, make the following amendments: Authorized to ~~waive~~ provide a limited waiver of sovereign immunity
- On page 5 of 6, line 18, insert new language after "the" Navajo Nation President and
- On page 6 of 6, line 17, add new paragraph G: G. The Kayenta Township Commission shall have no authority to waive its own sovereign immunity or the sovereign immunity of the Kayenta Township.
- Re-number or re-letter succeeding paragraphs or sections accordingly, if necessary. This amendment shall supersede inconsistent language contained in any other committee amendment, which shall be conformed to the intent or language of this amendment. The Office of Legislative Services with notice to the sponsor(s) of the legislation, is hereby authorized to make necessary grammatical changes.

- (B) **LEGISLATION 0401-17:** An Action Relating to the Law and Order and Naabik'iyáti' Committees; and the Navajo Nation Council: Amending 2 N.N.C. § 164(B), Agreements not Requiring Committee or Council Approval (2/3)

SPONSOR: Honorable Tuchoney Slim, Jr.

- (m) **Honorable Alton Joe Shepherd** (s) **Honorable Jonathan Perry** (v)

10/17/2017 – Motion to Table; (M) Honorable Alton Joe Shepherd; (S) Honorable Steven Begay; (V) 16 in Favor, 00 Opposed (Speaker Bates Not Voting).

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

SPONSOR: Honorable Jonathan L. Hale

CO-SPONSOR: Honorable Alton Joe Shepherd

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

07/18/2017 – Motion to Refer back to the Naabik'iyáti' Committee to Revise Expenditure Plan by 2018 Winter Session; (M) Honorable Edmund Yazzie; (S) Honorable Otto Tso; (V) 15 in Favor, 06 Opposed (Speaker Bates Not Voting).

- (D) **LEGISLATION 0191-17:** An Act Relating to Law and Order, Health, Education and Human Services, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Approving Amendments to 12 N.N.C. § 1176 of the Navajo Nation Veterans Trust Fund

SPONSOR: Honorable Seth Damon

CO-SPONSOR: Honorable Kee Allen Begay, Jr.

CO-SPONSOR: Honorable Tom Chee

CO-SPONSOR: Honorable Amber Kanazbah Crotty

CO-SPONSOR: Honorable Raymond Smith, Jr.

(m) **Honorable Steven Begay** (s) **Honorable Davis Filfred** (v)

10/31/2017 – Motion to Table No Longer than 30 Days; (M) Honorable Leonard Tsosie; (S) Honorable Lee Jack, Sr.; (V) 11 in Favor, 08 Opposed (Speaker Bates Not Voting)

There is one (1) Pending Amendment (Amendment #2); (M) D. Witherspoon; (S) Steven Begay; Vote Pending

Amendment #2

Page 3, Lines 6-13, amend as follows:

- A. ~~Four~~ ~~Ten~~ 75 percent (~~4~~ ~~10~~ 75%) of the ~~interest earned annually~~ ~~average market value~~ of the Fund ~~covering the past three~~ ~~fiscal years~~ will be used as supplemental funding for programs and services to benefit veterans, as noted under § 1172 on an annual basis. The ~~market value of the Fund's interest earned~~ at the end of the previous ~~audited fiscal year~~ 12 quarters will be used to determine the ~~average market value of the Fund for~~ allowable expenditure (i.e. budget purposes). The excess of the Fund income over expenditures shall be reinvested in the Fund to cover the rate of inflation and to provide for reasonable Fund growth.

Page 3, Line 20, amend as follows:

- C. Of the ~~four~~ ~~ten~~ 75 percent (~~4~~ ~~10~~ 75%) of the Fund (Interest Earned Market Value), ninety-five percent

9. NEW BUSINESS:

- (A) **LEGISLATION 0440-17:** An Action Relating to Law and Order; Budget and Finance, and Naabik'iyáti' Committees and Navajo Nation Council; Amending CD-68-14, The Navajo Nation Síhasin Fund (90%)

SPONSOR: Honorable Dwight Witherspoon

CO-SPONSOR: Honorable Walter Phelps

(m) (s) (v)

- (B) **LEGISLATION 0348-17:** An Act Relating to Law and Order, Resources and Development, and Naabik'iyáti' Committees and Navajo Nation Council; Asserting Sovereignty and taking over

Primary Regulatory Authority from the Federal Government, Office of Surface Mining and Reclamation Enforcement over all Coal Mining Lands located on the Navajo Nation, Enacting a Waiver of Sovereign Immunity; and Establishing New Sections in Title 18 at 18 N.N.C. §§ 1701 ET SEQ (2/3)
SPONSOR: Honorable Benjamin Bennett

(m) (s) (v)

- (C) **LEGISLATION 0273-17:** An Action Relating to the Navajo Nation Council; Confirming the Appointment of Joann Jayne as Probationary Chief Justice of the Navajo Nation Supreme Court
SPONSOR: Honorable Edmund Yazzie

(m) (s) (v)

- (D) **LEGISLATION 0417-17:** An Action Relating to Health, Education and Human Services, Naabik'íyáti' and Navajo Nation Council; Approving the Reinstatement of Alvina Ray Gutierrez as a Member of the Navajo Nation
SPONSOR: Honorable Jonathan L. Hale

(m) (s) (v)

- (E) **LEGISLATION 0463-17:** An Action Relating to the Naabik'íyáti' Committee and the Navajo Nation Council: Confirming the Appointment of Mr. Vince James, as the Fort Defiance Agency Representative, to the Commission on Navajo Government Development for a Term of Four Years
SPONSOR: Honorable Alton Joe Shepherd

(m) (s) (v)

- (F) **LEGISLATION 0023-18:** An Action Relating to the Navajo Nation Council; Confirming the Probationary Appointment of Rhonda Tuni as Navajo Nation District Court Judge
SPONSOR: Honorable Otto Tso

(m) (s) (v)

- (G) **LEGISLATION 0355-17:** An Act Relating to the Law and Order, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Amending 24 N.N.C. § 620 of the Navajo Nation Sales Tax; Allocating 1 Percent of the Sales Tax to Navajo Nation Fire and Rescue Services
SPONSOR: Honorable Walter Phelps
CO-SPONSOR: Honorable Benjamin L. Bennett

(m) (s) (v)

- (H) **LEGISLATION 0356-17:** An Action Relating to Law and Order Committee, Budget and Finance Committee, Health, Education and Human Services Committee, Resources and Development Committee, Naabik'íyáti' Committee and Navajo Nation Council; Amending Rule 21 of the Rules of Order for Standing Committees of the Navajo Nation Council such that Recording of Votes on all Motions Before the Committee shall be Recorded by Roll Call
SPONSOR: Honorable Steven Begay

(m) (s) (v)

- (I) **LEGISLATION 0366-17:** An Act Relating to Law and Order, Health, Education and Human Services, Naabik'iyáti' and the Navajo Nation Council; Amending the Navajo Nation Criminal Code at 17 N.N.C. §§ 203, 209, 303.01, 318 and 319 for Purposes of Addressing Cyberbullying

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

(m) (s) (v)

- (J) **LEGISLATION 0405-17:** An Act Relating to Resources and Development, Budget and Finance, Law and Order, Naabik'iyáti' and Navajo Nation Council; Amending Navajo Nation Code Title 24 by Enacting the Uniform Local Tax Code

SPONSOR: Honorable Walter Phelps
CO-SPONSOR: Honorable Alton Joe Shepherd

(m) (s) (v)

- (K) **LEGISLATION 0441-17:** An Action Relating to Health, Education and Human Services, Law and Order, Naabik'iyáti' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1701-1706, Enabling Legislation for the Navajo Nation Division of Human Resources

SPONSOR: Honorable Steven Begay
CO-SPONSOR: Honorable Jonathan L. Hale

(m) (s) (v)

- (L) **LEGISLATION 0469-17:** An Action Relating to Health, Education and Human Services, Law and Order, and Naabik'iyáti' Committees and the Navajo Nation Council; Enacting the Civil Rights of Individuals with Disabilities Act of 2017; Deleting Title 10, Chapter 13, § 1402; Creating the "Civil Rights of Individuals with Disabilities" in Title 13, Chapter 55, §§ 4501-4510; Amending the Navajo Preference in Employment Act; Amending Title 13, Chapter 57, §§ 4801-4809, The Plan of Operations for the Navajo Nation Advisory Council on Disabilities; and Amending the Navajo Nation Bill of Rights to Designate the Equal Rights of Individuals with Disabilities as a Basic Civil Right

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

(m) (s) (v)

10. CLOSE OF SESSION; ANNOUNCEMENTS; ADJOURNMENT