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Law and Order Committee passes bill amending extradition and detention provisions, also passes bill amending NDOT plan of operation

WINDOW ROCK – The Law and Order Committee passed two legislations under its review on Monday.

Both are proposed Navajo Nation Council resolutions - one aims to amend extradition and detention provisions in the Navajo Nation Code, and the other seeks to amend and approve the Navajo Division of Transportation’s plan of operation with added division changes.

Legislation 0015-13, the bill pertaining to NDOT’s plan of operation amendments, also seeks to reassign and transfer the Navajo Department of Highway Safety to NDOT, and amend language at 2 N.N.C §1371, which will primarily name the Resources and Development Committee as the body of authority to make recommendations to NDOT’s plan of operation.

Council Delegate Alton Joe Shepherd (Cornfields, Ganado, Jeddito, Kin Dah Łichíí’, Steamboat) pointed to a specific amendment in the plan of operation which would place NDOT under the legislative oversight of RDC, commenting that he was not sure how members of the Naabik’íyáti’ Committee would feel about the distinction.

“Do we want to give that authority to RDC solely when [transportation matters] pertain to the whole Navajo Nation? To me, that would be giving more power to RDC,” Delegate Shepherd said.

Delegate Shepherd’s chief concerns centered on what would be RDC’s power to review and determine future changes to NDOT’s plan of operation, and RDC’s advantage in determining which Navajo road projects get listed as priority.

“From a law and order standpoint, this issue is also within our realm. I just wanted to point that out,” said Delegate Shepherd. “However, that’s more of a discussion at the Naabik’íyáti’ Committee level as we move forward with this. That’s the only thing I see that is going to be a challenge.”

As Council Delegate Russell Begaye (Shiprock) skimmed the pages of the proposed plan of operation changes, he asked NDOT deputy director Ben Bennett about whether NDOT would be taking care of its own human resources department and employee hiring, and turning the department into a “one-stop shop” of sorts.

“We are presently talking with the [Navajo] Division of Human Resources,” said Bennett. “We feel that there is a need to develop our own H.R. at NDOT because the overall Navajo H.R. management does not know what our actual needs are as far as engineers, heavy equipment operators, and the like.”

Bennett said the Department of Personnel Management currently requires senior heavy equipment operators to have commercial driver’s licenses to be considered for employment.

“Anywhere outside the reservation, you’re going to find that senior heavy equipment operators are not required to have CDLs...only if they’re going to be driving trucks on highways. Those kinds of things, we are looking at,” said Bennett.

In addition, the legislation requests approval of the plans of operation for the Department of Airport Management, Department of Airport Management, Department of Project Management, and the Department of Transportation Planning Department of Roads – all under NDOT’s umbrella.

As directives, Delegate Shepherd requested for NDOT officials and the legislation’s sponsor, Council Delegate Jonathan Nez (Shonto, Navajo Mountain, Oljato, Ts’ah Bii Kin), to attach to the legislation an analysis of major and minor impacts identified and a draft personnel policies and procedures document.

Previously on Feb. 26, RDC considered and approved the legislation, adding a directive for NDOT to develop a Highway Safety Plan and Road Maintenance Manual, which is to be presented before RDC by April.

The NDOT legislation was approved with a vote of 2-0, and will now move onto the Naabik’íyáti’ Committee, then onto the Navajo Nation Council for consideration.

The second bill the Law and Order Committee passed was Legislation No. 0049-13, a bill to amend extradition and detention provisions of Titles 7 and 17 of the Navajo Nation Code.

Language in the bill’s body states that the amendments are for the purposes of ensuring the safety of communities and law enforcement personnel, as well as protecting the rights of the accused.

“No Navajo will be taken off the reservation by outside authorities without going through proper process. This is the due process that people will follow. That will provide rights to our people that are being detained here,” said sponsor, Delegate Russell Begaye.

In addition, new proposed provisions stipulate that any arrested Indian adult or juvenile in custody must be informed of his or her right to legal counsel or a hearing.

A federal detainer statute is also among the new proposed provisions.

Such a statute would ensure that a person in tribal custody who has serious felony charges from another jurisdiction is not released into the community during or at the conclusion of tribal proceedings without first addressing charges from the other jurisdiction.

The legislation will require a two-thirds approval vote by the Navajo Nation Council in order for the Title 7 and 17 amendments to be finalized, which will most likely be considered at the Spring Council Session.

The Law and Order Committee approved the legislation with a vote of 2-0.

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