



The Navajo Nation Council — Office of the Speaker

Contact: Alastair Lee Bitsoi, Acting Communications Director

Phone: (928) 871-6384

Cell: (505) 906-1304

Fax: (928) 871-7255

abitsoi@navajo.org

navajocouncil_pio@yahoo.com

www.navajonationcouncil.org

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FOR IMMEDIATE RELEASE

22nd Navajo Nation Council hears DPI presentation on traditional insights of leadership, discusses plans for new legislative process

WINDOW ROCK, Ariz. – The 22nd Navajo Nation Council opened today's work session with presentations by the Diné Policy Institute, who provided traditional insights on leadership and decision-making. The Council also debated two different plans for a new legislative process, which could complement a new four committee structure the Council agreed to Friday.

At the request of the Council, DPI provided presentation on how traditional Navajo concepts of nitsáhákees (thinking), nahat'á (planning), iiná (life) and sihasin (achievement process) could be integrated into the new four committee system. On Jan. 14, the Council arrived at a consensus of a four committee system to be adopted formally during the 2011 Winter Session. The four committee system is a consolidation from the previous 12 standing committee structure and is identified below with the traditional concepts of thinking, planning, life and the achievement process:

1. Budget and Finance Committee – Thinking
2. Education, Health and Social Services and Human Services Committees – Planning
3. Economic Development, Resources and Transportation and Community Development Committees – Life
4. Judiciary, Public Safety and Rules (Ethics and Rules) Committees – Achievement Process

Before discussion on the legislative process began, Acting Chief Legislative Counsel Mariana Kahn explained the current legislative process, pursuant to Title 2 §164. According to Title 2 §164, Council delegates, standing committees or government employees are able to request from the Office of the Legislative Counsel the drafting of proposed legislation. After legislation is drafted, the proposed legislation goes to the Office of Legislative Services for assignment of a tracking number. Thereafter, the Speaker of the Council assigns the legislation to standing committees that have proper oversight, which then could take three avenues for passage:

1. If one committee has oversight authority, the proposed legislation goes to that one committee for approval.
2. If the legislation requires more than one committee's approval, the proposed legislation goes to Committee A for review, and then proceeds to Committee B for approval.
3. If Council approval is needed, the proposed legislation goes to the proper oversight committees and then to the Ethics and Rules Committee, before going to the full Council.

Under this process, committees may recommend amendments to legislation through attachments to the original document. In avenues two and three, the Committee with final approval or the Council has the discretion to adopt the amendments recommended by other Committees.

If the proposed legislation passes, it is adopted. At each stage of approval, the Office of Legislative Services finalizes the adopted legislation for certification by the Speaker of the Council, chairperson of standing committees or the presiding officer. Once certified, the legislation proceeds to the Office of the President for review.

According to Ms. Kahn, emergency legislation, such as the cessation of law enforcement services, fire protection services or other direct services required as entitlement under Navajo Nation or Federal law, or which

directly threatens the sovereignty of the Navajo Nation, is exempt from the legislative process, pursuant to *Shirley vs. Morgan*.

Most members of the Council determined that the current legislative process could be used as a framework. Speaker Pro Tem Jonathan Nez encouraged the Council to break into two different groups to discuss options for a new, transparent legislative process.

At one group, Honorable Leonard Tsosie introduced a plan that would require a delegate or chapter to request for legislation through a clerk; legislative analysis by division directors and chapters; and would be put online via internet for public access. After analysis is completed, the legislation would be assigned to the proper committee for consideration, and then, if approved, would proceed as a report before going to full Council or, if objected, would proceed to the Naa Bik'í Yáti', or the Committee of the Whole. It is the Naa Bik'í Yáti' who will determine whether the proposed legislation fails or passes. If the proposed legislation fails before the Naa Bik'í Yáti', the bill dies. If the legislation passes the Naa Bik'í Yáti', it proceeds as a report before going to the full Council for consideration.

Major legislation such as water rights or even waiving the sovereignty of the Navajo Nation, for example, would follow the process all the way up to the analysis period, and then proceed to the assigned committee for consideration before going before the Naa Bik'í Yáti'. It is the Naa Bik'í Yáti' who will determine whether the proposed legislation fails or passes. If the proposed legislation fails before the Naa Bik'í Yáti', the bill dies. If the legislation passes the Naa Bik'í Yáti', it proceeds as a report before going to the full Council for consideration.

Also part of Mr. Tsosie's plan is a process for appointment and impeachment legislation, which would proceed directly to the Naa Bik'í Yáti' following the analysis process. If appointment or impeachment legislation fails at the Naa Bik'í Yáti', it dies automatically; if approved, it proceeds directly to the Naa Bik'í Yáti' as a report before going to the full Council for consideration.

From her group's discussion, Honorable Katherine Benally presented a plan that would follow the current legislative process of a delegate, standing committee or government employee requesting draft legislation from the Office of the Legislative Counsel. Once legislation is drafted, the public would be informed of the legislation and be allowed a five day comment period. Following the comment period, the Office of Legislative Services would assign a tracking number and assign the proposed legislation to two oversight committees. In this process, the public will always have the opportunity to comment after the legislation is drafted or at the committee level on the proposed legislation. If the proposed legislation passes both committees, it proceeds to the full Council for consideration. If the proposed legislation fails one or both of the committees, it proceeds to the Naa Bik'í Yáti', who will determine whether the legislation fails or proceeds to the full Council.

Discussion surrounding the legislative process also included the possibility of eliminating the \$300 incentive Council delegates presently receive when introducing legislation. Under current policy, a Council delegate receives \$300 for introducing legislation; however, the policy has a restriction on how many pieces of legislation a Council delegate could sponsor.

"If we take away the \$300 incentive, we could do much more," said Honorable LoRenzo Bates. "The elimination of the incentive does away with the limitation on how many pieces of legislation one delegate could introduce."

"Lets have some courage and take incentive-driven legislation out of the hands of Council delegates," added Honorable Walter Phelps.

On Monday, the Council will reconvene and continue its discussions on committee restructuring, including committee purposes and powers and the legislative purpose, as well as discussion on the budget.