

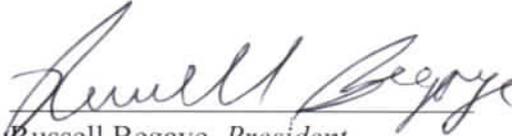


THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

MEMORANDUM

TO: Honorable LoRenzo Bates, Speaker
Navajo Nation Council

FROM: 
Russell Begaye, *President*
THE NAVAJO NATION

DATE: February 10, 2017

SUBJECT: Resolution No. CJA-12-17: RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. 3454 (A), NAVAJO TELECOMMUNICATIONS REGULATORY COMMISSION MEMBERSHIP OF THE COMMISSION

Pursuant to 2 N.N.C. 1005 (C)(10), action for Resolution is being submitted to the Navajo Nation Council within the ten (10) days requirement. Furthermore, the Navajo Nation President has veto authority.

The Office of the President and Vice President supports and agrees with the original language of Legislation No. 0388-17. However, the legislation was amended to diminish the President's authority. If the President does not appoint a Commissioner within 60 days the Speaker shall make the appointment. Pursuant to 2 N.N.C. 1005 (c)(4) gives the President the power to make appointments for the Navajo Nation. This amendment diminishes this authority by giving it to the Speaker of the Navajo Nation Council.

Therefore we cannot support any legislation that would diminish or remove the authority of the President. I must protect this Office and its authorities not just for this Administration, but for future Administrations. Therefore I veto Resolution No. CJA-12-17.

We encourage the Navajo Nation Council to resubmit this legislation with the original language.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Third Year, 2017

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER,
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
AMENDING 2 N.N.C. § 3454 (A), NAVAJO TELECOMMUNICATIONS
REGULATORY COMMISSION MEMBERSHIP OF THE COMMISSION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 400 (C), exercises oversight authority over telecommunications.
- B. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164 (A)(1), 600(A), and 601(B)(14) (2012); CO-45-12.
- C. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164 (A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council. CO-45-12.
- D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A) (2012); CO-45-12.

SECTION TWO. FINDINGS

- A. The Navajo Nation Telecommunications Regulatory Commission was established for the purpose of acting upon and regulating any and all matters of the telecommunications industry on the Navajo Nation, including but not limited to computer, video, television, telegraph, radio, cable television, satellite dishes, two-way radio, and other related telecommunications services. 2 N.N.C. § 3452.

- B. In 1985 the Navajo Nation Council passed legislation establishing the Navajo Telecommunications Regulatory Commission under the Office of the President and Vice-President within the Executive Branch.
- C. The Navajo Nation Council now determines that it is in the best interest of the Navajo Nation that 2 N.N.C. § 3454(A) be amended in the manner described below.

SECTION THREE. AMENDMENT TO TITLE 2

The Navajo Nation amends the Navajo Nation Code 2 N.N.C. § 3454 (A), as follows:

**NAVAJO NATION CODE ANNOTATED
TITLE 2. NAVAJO NATION GOVERNMENT
CHAPTER 5. EXECUTIVE BRANCH
SUBCHAPTER 43. NAVAJO TELECOMMUNICATIONS REGULATORY
COMMISSION**

§ 3454. Membership of the Commission

A. The Commission shall consist of ~~seven~~ five Commissioners, all of whom shall be ~~appointed~~ recommended by, and ~~serve at the pleasure of the President of the Navajo Nation,~~ the President and confirmed by the ~~Government Services Committee~~ Resources and Development Committee of the Navajo Nation Council and shall serve their terms of office according to their appointments. If no Commissioner is recommended for appointment by the President within 60 days, then the Speaker shall make the appointment subject to confirmation by Resources and Development Committee. A Commissioner may be removed by a vote of the Naabik'iyáti' Committee upon the recommendation by the President, Speaker or Resources and Development Committee.

SECTION FOUR. 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 FIVE. SAVINGS 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, the remainder of the Act shall remain the law of the Navajo Nation.

SECTION SIX. EFFECTIVE DATE

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

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 19 in favor and 1 opposed, this 26th day of January 2017.



LoRenzo C. Bates, Speaker
Navajo Nation Council

2-1-17

Date

Motion: Honorable Jonathan Perry
Second: Honorable Benjamin Bennett

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of _____ 2017.

Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this 10th day of February 2017 for the reason(s) expressed in the attached letter to the Speaker.



Russell Begaye, President
Navajo Nation

11

23rd Navajo Nation Council

Winter Session

DATE: January 26, 2017

Legislation: 0388-16 (Main Motion)

Motion: Perry

Second: Bennett

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.	✓	
BEGAY, Norman M.	✓	
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel	✓	
CHEE, Tom T.	✓	
CROTTY, Amber K.	✓	
DAMON, Seth		
DANIELS, Herman	✓	
FILFRED, Davis		
HALE, Jonathan L.	✓	
JACK, Lee Sr.	✓	
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHELPS, Walter	✓	
SHEPHERD, Alton Joe	✓	
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.		✓
TSO, Otto	✓	
TSOSIE, Leonard	✓	
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund	✓	
YAZZIE, Peterson	✓	

GRAND TOTAL

19 | 1

CERTIFICATION:



Honorable LoRenzo Bates
Speaker

LEGISLATIVE SUMMARY SHEET

Tracking No. 0388-16

DATE: November 7, 2016

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, NAABIK'ÍYÁTT' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 3454 (A), NAVAJO TELECOMMUNICATIONS REGULATORY COMMISSION MEMBERSHIP OF THE COMMISSION

PURPOSE: This resolution if approved will amend 2 N.N.C. § 3454 (A), changing the membership of the Navajo Telecommunications Regulatory Commission from seven to five members.

This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.

5-DAY BILL HOLD PERIOD: Katany Bill
Website Posting Time/Date: 4:44 pm 11/8/16
Posting End Date: 11/13/16
Eligible for Action: 11/14/16

Resources & Development Committee

THENCE

Law & Order Committee

THENCE

Naa'bi'k'iyati' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL -- Second Year, 2016

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0388-16

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER,
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
AMENDING 2 N.N.C. § 3454 (A), NAVAJO TELECOMMUNICATIONS
REGULATORY COMMISSION MEMBERSHIP OF THE COMMISSION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 400 (C), exercises oversight authority over telecommunications.
- B. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164 (A)(1), 600 (A), and 601(B)(14) (2012); CO-45-12
- C. The Naabik'iyati' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164 (A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council. CO-45-12.
- D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. § 164 (A) (2012); CO-45-12.

SECTION TWO. FINDINGS

- 1 A. The Navajo Nation Telecommunication Regulatory Commission was established for
2 the purpose of acting upon and regulating any and all matters of the
3 telecommunications industry on the Navajo Nation, including but not limited to
4 computer, video, television, telegraph, radio, cable television, satellite dishes, two-way
5 radio, and other related telecommunications services. 2 N.N.C. § 3452.
- 6 B. In 1985 the Navajo Nation Council passed legislation establishing the Navajo
7 Telecommunications Regulatory Commission under the Office of the President and
8 Vice-President within the Executive Branch.
- 9 C. The Navajo Nation Council now determines that it is in the best interest of the Navajo
10 Nation that 2 N.N.C. § 3454 (A) be amended in the manner described below.

11
12 **SECTION THREE. AMENDMENT TO TITLE 2**

13 The Navajo Nation amends the Navajo Nation Code 2 N.N.C. § 3454 (A), as follows:

14
15 **NAVAJO NATION CODE ANNOTATED**
16 **TITLE 2. NAVAJO NATION GOVERNMENT**
17 **CHAPTER 5. EXECUTIVE BRANCH**
18 **SUBCHAPTER 43. NAVAJO TELECOMMUNICATIONS REGULATORY**
19 **COMMISSION**

20
21 ***

22 **§ 3454. Membership of the Commission**

- 23 A. The Commission shall consist of ~~seven~~ five Commissioners, all of whom shall be
24 ~~appointed~~ by, and serve at the pleasure of the President of the Navajo Nation, and
25 confirmed by the ~~Government Services Committee~~ Resources Development
26 Committee of the Navajo Nation Council, and shall serve ~~at~~ their terms of office
27 according to their appointments.

28 ****
29
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1 **SECTION FOUR. CODIFICATION**

2 The provisions of the Act which amend or adopt new sections of the Navajo Nation
3 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
4 Counsel shall incorporate such amended provisions in the next codification of the Navajo
5 Nation Code.

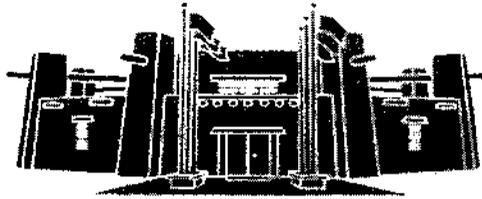
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7 **SECTION FIVE. SAVINGS CLAUSE**

8 Should any provision of this Act be determined invalid by the Navajo Nation Supreme
9 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation
10 Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

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12 **SECTION SIX. EFFECTIVE DATE**

13 Amendments enacted herein shall be effective pursuant to 2 N.N.C. § 221 (B).
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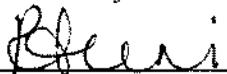
Office of Legislative Counsel
Telephone: (928) 871-7166
Fax #: (928) 871-7376



Honorable Lorenzo Bates
Speaker
23rd Navajo Nation Council

MEMORANDUM

TO: Hon. Walter Phelps
23rd Navajo Nation Council

FROM: 
Rhonda L. Tuni, Attorney
Office of Legislative Counsel

DATE: November 7, 2016

SUBJECT: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT,
LAW AND ORDER, NAABIK'ÍYÁTT' COMMITTEES AND THE
NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 3454 (A),
NAVAJO TELECOMMUNICATIONS REGULATORY COMMISSION
MEMBERSHIP OF THE COMMISSION

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

LEGISLATIVE SUMMARY SHEET

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0388-16 SPONSOR: Walter Phelps

TITLE: An Action Relating to Resources and Development, Law and Order, Naabik'ivati' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 3454 (A), Navajo Telecommunications Regulatory Commission Membership of The Commission

Date posted: November 8, 2016 at 4:44pm

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0388-16

SPONSOR: Honorable Walter Phelps

TITLE: An Action Relating To Resources and Development, Law and Order, Naabik'ivati' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 3454 (A), Navajo Telecommunications Regulatory Commission Membership of The Commission.

Posted: November 8, 2016 at 4:44pm

5 DAY Comment Period Ended: November 13, 2016

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>


Policy Analyst
Office of Legislative Services

11/14/2016 8:22am
Date/Time

RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

The RESOURCES AND DEVELOPMENT COMMITTEE to whom has been assigned:

LEGISLATION # 0388-16: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 3454 (A), NAVAJO TELECOMMUNICATIONS REGULATORY COMMISSION MEMBERSHIP OF THE COMMISSION. *Sponsor: Honorable Walter Phelps*

Has had it under consideration and report the same with a **DO PASS** with a correction on Page 2, Line 25, Resources and Development Committee.

And thereafter referred to Law and Order Committee.

Respectfully submitted,



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee of
the 23rd Navajo Nation Council

Date: November 22, 2016
Main Motion: Honorable Leonard Pete
Second: Honorable Jonathan Perry
Vote: 4-0-1 (VCNV)

LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0388-16: An Action Relating to Resources and Development, Law and Order, Naabik'iyati' Committees and the Navajo Nation Council; Amending 2 N.N.C. § 3454 (A), Navajo Telecommunications Regulatory Commission Membership of the Commission – Sponsor: Hon. Walter Phelps

Has had it under consideration and report the same with a **DO PASS** with no amendment

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,


Raymond Smith, Jr., Vice Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: December 19, 2016

MOTION: Hon. Otto Tso

SECOND: Hon. Kee A. Begay, Jr.

VOTE: 3-0 (Vice Chairperson not voting)

23rd NAVAJO NATION COUNCIL
Naabik'iyáti' Committee Report
Second Year 2016

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0388-16

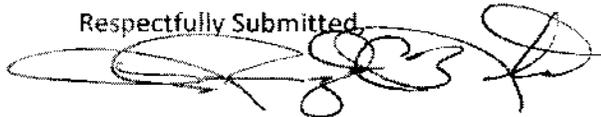
An Action Relating to Resources and Development, Law and Order, Naabik'iyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. 3454 (A), Navajo Telecommunications Regulatory Commission Membership of the Commission

Sponsored by: Honorable Walter Phelps

Has had it under consideration and reports the same with the recommendation that it **DO PASS WITH ONE AMENDMENT**

And therefore, referred to the **NAVAJO NATION COUNCIL**

Respectfully Submitted,



Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE

22 DECEMBER 2016

AMENDMENT #1:

On Page 2, Line 24, new language after the words: ~~appointed recommended by, and serve at the pleasure of the President of the Navajo Nation, the President~~ and confirmed by the ~~Government Services Committee Resources and Development Committee~~ of the Navajo Nation Council and shall serve their terms of office according to their appointments. If no commissioner is recommended for appointment by the President within 60 days, then the Speaker shall make the appointment subject to confirmation by

Resources and Development Committee. A Commissioner may be removed by a vote of the Naabik'ivati' Committee upon the recommendation by the President, Speaker or Resources and Development Committee.

Motioned by: Honorable Leonard Tsosie

Seconded by: Honorable Peterson B. Yazzie

VOTE: 15 in favor, 00 Opposed (Chairman Bates not voting)

MAIN MOTION:

Motioned: Honorable Jonathan Perry

Seconded: Honorable Davis Filfred

VOTE: 16 in Favor and 00 Opposed (Chairman Bates not voting)

Amendments

**23rd NAVAJO NATION COUNCIL
Naabik'iyáti' Committee Report
Second Year 2016**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0388-16

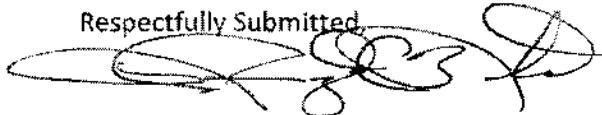
An Action Relating to Resources and Development, Law and Order, Naabik'iyáti' Committees and the Navajo Nation Council; Amending 2 N.N.C. 3454 (A), Navajo Telecommunications Regulatory Commission Membership of the Commission

Sponsored by: Honorable Walter Phelps

Has had it under consideration and reports the same with the recommendation that it **DO PASS WITH ONE AMENDMENT**

And therefore, referred to the **NAVAJO NATION COUNCIL**

Respectfully Submitted,



Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE

22 DECEMBER 2016

AMENDMENT #1:

On Page 2, Line 24, new language after the words: ~~appointed recommended by, and serve at the pleasure of the President of the Navajo Nation, the President~~ and confirmed by the ~~Government Services Committee Resources and Development Committee~~ of the Navajo Nation Council and shall serve their terms of office according to their appointments. If no commissioner is recommended for appointment by the President within 60 days, then the Speaker shall make the appointment subject to confirmation by

RESOLUTION No.: CJA-12-17/Legislation 0388-17

TITLE: RELATING TO RESOURCES AND DEVELOPMENT,
LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND THE
NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 3454
(A), NAVAJO TELECOMMUNICATIONS REGULATORY
COMMISSION MEMBERSHIP OF THE COMMISSION

DELIVERED TO PRESIDENT'S OFFICE: 2/01/17 AM
Date Time

Received By: Brittany Smith 2/1/17 4:30PM
Name Date

Veto Waived as of 5:00 P.M. 2/11/17
Date

Prepared by Office of Legislative Services