

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Second Year, 2016

AN ACT

RELATING TO LAW AND ORDER, BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO LAND POLICY ON ACQUISITION OF LAND, 16 N.N.C. §§ 1 - 10, AND THE LAND ACQUISITION TRUST FUND, 16 N.N.C. § 202; AND ENACTING THE NAVAJO NATION LAND ACQUISITION ACT

BE IT ENACTED:

Section One. Authorities

- A. The Law and Order Committee has 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. § 601(B)(14).
- B. The Budget and Finance Committee has oversight of Navajo Nation fiscal policies and oversight of fund management plans. 2 N.N.C. §§ 300(C)(1) and 301(B)(13).
- C. The Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 500(C), exercises oversight authority over land.
- D. 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.

Section Two. Findings

- A. The Navajo Nation Policy on Acquisition of Lands, 16 N.N.C. § 1, was first enacted on March 23, 1954 for the purpose of acquiring lands for grazing, consolidating checkerboard areas, and overcrowding. The Navajo Nation has since grown through self-governance, executive orders, and other Federal authorizations. The purpose for land acquisition in

1954 no longer reflects the needs of the Navajo Nation because the Navajo Nation has moved into acquiring more industrial and commercial properties.

- B. Real estate is a major investment opportunity and is very competitive, especially for commercial use. To be competitive in the real estate industry, the Navajo Nation must have the ability to negotiate and acquire property on a streamlined basis. The procedures and limitations in the current Navajo Nation Policy on Acquisition of Lands, 16 N.N.C. § 1, et seq., have inhibited the Navajo Nation from acquiring property and being competitive in the real estate industry.
- C. The Navajo Nation has the ability to invest in real property. However, the laws must allow the Navajo Nation to compete, or it will continue to lose opportunities to acquire prime property that can bring more revenue to the Navajo Nation.
- D. The enactment of the Navajo Nation Land Acquisition Act provides flexibility for the Navajo Nation to acquire and dispose of real property. It also removes processes and negotiation limits that no longer make sense in the current real estate market. Additionally, it removes limitations on the types of lands that can be acquired to include any real property.
- E. Pursuant to 16 N.N.C. § 208, the Navajo Land Department recommends the amendments to the Land Acquisition Trust Fund, 16 N.N.C. § 202.
- F. Therefore, the Navajo Nation Council finds the amendments to the Navajo Nation Policy on Acquisition of Lands, 16 N.N.C. § 1 through 10, the Land Acquisition Trust Fund, 16 N.N.C. § 202, and the enactment of the Navajo Nation Land Acquisition Act to be in the best interest of the Navajo Nation.

Section Three. Amendments to the Navajo Nation Policy on the Acquisition of Lands, Title 16 Sections 1 through 10 of the Navajo Nation Code by striking Sections 1 through 10

The Navajo Nation hereby amends the Navajo Nation Code, Title 16, §§ 1 through 10 as follows:

TITLE 16. LAND

CHAPTER 1. ~~NAVAJO NATION POLICY ON ACQUISITION OF LANDS~~

~~§ 1. Major purposes~~

~~A. The Navajo Nation's major purposes in acquiring new lands shall be to:~~

~~1. Consolidate Indian holdings in "checkerboard" areas wherever the best interests of the Navajos residing in the area and the welfare of the Navajo Nation are served thereby.~~

~~2. Provide grazing lands for members of the Navajo Nation who do not have grazing permits;~~

~~3. Provide additional or substitute lands for members of the Navajo Nation who reside in overcrowded areas of the Reservation.~~

~~4. Relieve Reservation land resources from excessive use; and~~

~~5. Provide land necessary for approved Navajo Nation enterprises.~~

~~§ 2. Methods of acquisition~~

~~The Navajo Nation may acquire new lands by exchange, gift, or purchase.~~

~~§ 3. Land acquisition program; code of use; priorities~~

~~The Resources Committee of the Navajo Nation Council is authorized and directed to: (1) Formulate a land acquisition program; (2) Develop a code of use for land acquired; and (3) Establish areas to be given priority attention.~~

~~§ 4. Management of agricultural and range lands~~

~~It is the policy of the Navajo Nation to manage agricultural and range lands in accordance with principles of sound and practical use, developing such lands to their maximum and preventing practices which damage or deteriorate them.~~

~~§ 5. Unrestricted lands, taxes and fees~~

~~Except as the United States may otherwise determine, the Navajo Nation shall, in acquiring unrestricted lands, assume responsibility for the payment of taxes lawfully imposed, and of all established fees for the use of federally or state-owned lands.~~

~~§ 6. Scope of land acquisition~~

~~Land acquisition includes agricultural and range lands and land for business or industrial purposes.~~

~~§ 7. Land acquisition proposals, plans for use~~

~~The Resources Committee of the Navajo Nation Council is authorized and directed to consider and investigate land acquisition proposals and to report findings and recommendations to the Navajo Nation Council. Proposals for land acquisition shall not be considered by the Navajo Nation Council unless the lands and the possible uses thereof conform to this land acquisition policy. Following acquisition thereof, a specific plan shall be prepared showing in detail the proposed use and operation of said land, which plan shall conform to the land use code and shall be strictly complied with. No deviation therefrom shall be permitted without the consent of the Navajo Nation Council based upon the recommendation of the Resources Committee.~~

~~§ 8. Cost of purchased lands~~

~~Purchased lands shall be acquired within a total cost calculated to yield to the Navajo Nation sufficient income from such land to pay taxes, land use fees, cost of administration, and to amortize the Navajo Nation~~

~~investment over a period not to exceed 50 years. Provided, however, that the cost of range lands purchased by the Navajo Nation in New Mexico may be amortized for a period not to exceed 99 years.~~

~~§ 9. Appraisal of land~~

~~All acquisition of land shall be based on a comprehensive appraisal thereof, to be secured by the Navajo Nation and approved by the Navajo Nation Council and authorized officials of the Bureau of Indian Affairs. No Navajo Nation monies shall be expended for the purchase in excess of the appraisal value plus an amount equal to ten percent (10%) in excess of such appraised value unless fully justified. Purchases must conform to the limitations established in 16 N.N.C. § 8, as indicated by the approved appraisal report.~~

~~§ 10. Procedure for acquisition of land~~

~~A. The procedure for acquisition of land shall be as follows:~~

- ~~1. Sufficient indication to Navajo Nation representatives that a property owner would consider sale of his or her property to the Navajo Nation, an instrument granting Navajo Nation representatives access to the property for the purpose of conducting preliminary investigations of the property will be secured.~~
- ~~2. When a preliminary investigation disclosing that the property is desirable when adjudged by the standards stated in the Navajo Nation land acquisition program, an appraisal report will be secured. After review by the Resources Committee, the appraisal report will be submitted to designated Bureau of Indian Affairs officials for approval.~~
- ~~3. After approval of the appraisal report by the Bureau of Indian Affairs, authorized Navajo Nation representatives may enter into negotiations with the property owner. Negotiations will be governed by the~~

~~estimates in the approved appraisal report, and the principles of the Navajo Nation Land Purchase Program.~~

- ~~4. If negotiations are carried on longer than six months, the appraisal report will be supplemented to bring value estimates in line with current market conditions.~~

Section Four. Enacting the Navajo Nation Land Acquisition Act

The Navajo Nation hereby enacts the Navajo Nation Land Acquisition Act as follows:

TITLE 16. LAND

CHAPTER 1. NAVAJO NATION ACQUISITION OF LANDS ACT

§ 1. Establishment.

The Navajo Nation Land Acquisition Act is hereby established which governs acquisitions and disposals of Navajo Nation real property.

§ 2. Major Purpose.

A. The Navajo Nation's major purposes in acquiring new lands shall be to:

1. Consolidate Indian holdings in "checkerboard" areas wherever the best interests of the Navajos residing in the area and the welfare of the Navajo Nation are served thereby.
2. Provide grazing lands for members of the Navajo Nation who do not have grazing permits;
3. Provide additional or substitute lands for members of the Navajo Nation who reside in overcrowded areas of the Reservation.
4. Relieve Reservation land resources from excessive use; and

5. Provide land necessary for approved Navajo Nation economic development.

§ 3. Rules and Regulations.

The Navajo Nation shall acquire and dispose of real property subject to land acquisition regulations as approved by the Resources and Development Committee of the Navajo Nation Council.

§ 4. Delegation.

The Division of Natural Resources Executive Director is hereby delegated a limited grant of final approval for the acquisition or disposition of real property(ies) not to exceed an accumulated sum of \$5,000,000.00 per calendar year. The Resources and Development Committee, on the recommendation of the Budget and Finance Committee, will grant final approval for acquisition or disposition of real property(ies) between the sum of \$5,000,000.00 and up to and including \$20,000,000.00 per calendar year. The Naabik'iyáti' Committee will grant final approval for acquisition or disposition of property(ies) exceeding \$20,000,000.00 per calendar year. The Executive Director shall report to the Resources and Development Committee and the President no later than March of each year and September of each year, all acquisitions and dispositions.

§ 5. Authorities.

The Division of Natural Resources Executive Director shall have the authority to take all steps necessary to acquire or dispose of real property, which may include: due diligence studies, hiring a real estate broker, or appropriating funds for earnest money, closing costs, and title insurance. The Division of Natural Resources Executive Director shall also have the authority to administer and grant sole and final approval to the budget and expenditure of the Navajo Nation Land Acquisition Trust Fund. The Division of Natural Resources Executive Director shall perform the authorities and delegations, in compliance with §3 Rules and Regulations and §4 Delegation.

§ 6. Oversight.

The Resources and Development Committee of the Navajo Nation Council shall serve as legislative oversight.

§ 7. Amendments.

This Chapter may be amended by the Resources and Development Committee of the Navajo Nation Council.

Section Five. Amendments to the Land Acquisition Trust Fund, Title 16 Section 202 of the Navajo Nation Code

The Navajo Nation hereby amends the Navajo Nation Code, Title 16, §202 as follows:

TITLE 16. LAND

CHAPTER 3. LAND ACQUISITION TRUST FUND

§ 202. Investment of the Fund

~~A.~~ All monies deposited in the Fund shall be invested to acquire and dispose of real property purchase land for the Navajo Nation in accordance with the Navajo Nation Land Acquisition Act, 16 N.N.C. § 1, et seq., Policies and Procedures adopted by the Resources and Development Committee of the Navajo Nation Council.

~~B.~~ Pursuant to 16 N.N.C. §1, the major purposes of acquiring new lands are:

- ~~1. To consolidate Indian holdings in the "checkerboard" area wherever the best interest of the Navajos residing in the area and the welfare of the Navajo Nation are served thereby;~~

- ~~2. To provide grazing lands for members of the Navajo Nation who do not have grazing permits;~~
- ~~3. To provide additional or substitute lands for members of the Navajo Nation who reside in overcrowded areas of the Reservation;~~
- ~~4. To relieve Reservation land resources from excessive use; and~~
- ~~5. To provide land necessary for approved Navajo Nation enterprises.~~

~~C. Pursuant to 16 N.N.C. §6, land acquisition may include agricultural and range lands for business or industrial purposes.~~

~~D. The administration management of the Fund shall be entrusted with the Navajo Land Department. Pursuant to CN-72-92, the Resources and Development Committee of the Navajo Nation Council serves as the Legislative Oversight over the Navajo Land Department and has (certain authority and function in the land acquisition process). All investment objectives shall be approved in accordance with 16 N.N.C. §1, et. seq., and other applicable Navajo Nation laws.~~

Section Six. Effective Date

The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

Section Seven. Codification

The provisions of this 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 Eight. Saving Clause

Should any provisions of this ordinance 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 portions of this ordinance which are not determined invalid shall remain the law of the Navajo Nation.

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 18 in favor and 2 opposed, this 2nd day of August 2016.



LoRenzo Bates, Speaker
Navajo Nation Council

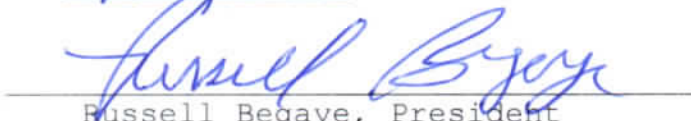
Aug. 5, 2016

Date

Motion: Honorable Jonathan L. Hale
Second: Honorable Jonathan Perry

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 10th day of August 2016.



Russell Begaye, President
Navajo Nation



2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2016 for the reason(s) expressed in the attached letter to the Speaker.

Russell Begaye, President
Navajo Nation

Amendments

(4)

LEGISLATION 0101-16*Sponsor: Alton Joe Shepherd*

An Action Relating to Law and Order, Budget and Finance, Resources and Development and Naabik'iyáti' Committees and the Navajo Nation Council; Amending the Navajo Land Policy on Acquisition of Land, 16 N.N.C. §§ 1-10, and the Land Acquisition Trust Fund, 16 N.N.C. § 202; and Enacting the Navajo Nation Land Acquisition Act
 SPONSOR: Honorable Alton Joe Shepherd

Resources and Development Committee Directive

To have Navajo Nation Land Department to provide land inventory documentation of all the lands purchased from prior years ad as well as to provide documentation of funds available to date in the Navajo Nation Land Acquisition Trust Fund

Amendments**Naabik'iyáti' Committee****None****Navajo Nation Council**

Page 6 of 8, lines 9 and 10 strike the following language (this language is underlined as new language within the legislation; that underlining is not included here for purposes of clarity):

~~the Navajo Nation Council, provided however, the effectiveness and enforceability of this Chapter shall not be dependent on the adoption of such regulations.~~

Page 6 of 8, lines 13 through 16, strike the following and add the underscored language and add the underscored language (this language is underlined as new language within the legislation; that underlining is not included here for purposes of clarity):

The Division of Natural Resources Executive Director is hereby delegated a limited (NNC amendment) to grant of final approval for any the acquisition or disposition of Navajo Nation real

property(ies) not to exceed an accumulated sum of \$5,000,000.00 per calendar year. The Resources and Development Committee will grant final approval for acquisition or disposition of real property(ies) between the sum of \$5,000,000.00 and up to and including \$20,000,000.00 per calendar year. The Naabik'iyáti' Committee will grant final approval for acquisition or disposition of property(ies) exceeding \$20,000,000.00 per calendar year. (NNC amendment) The Executive Director shall report to the Resources and Development Committee and the President no later than March of each year and September of each year, all acquisitions and dispositions.

Page 6 of 8, line 24, and add the following language:

The Division of Natural Resources Executive Director shall perform the authorities and delegations, in compliance with §3 Rules and regulations and §4 Delegation. (NNC amendment)

Page 7 and 8, line 17 and 18, unstrike the following sentence and add the following language into the sentence:

Polices and Procedure adopted by the Resources and Development Committee of the Navajo Nation Council. (NNC amendment)

Page 8 of 8, lines 2 through 6, unstrike the following language and insert the following language into the sentence as follows:

Pursuant to CN-72-92, the Resources and Development Committee of the Navajo Nation Council serves as the Legislative oversight over the Navajo land Department and as (certain authority and function in the land acquisition process) All investment objectives shall be approved in accordance with 16 N.N.C. §1 et seq., and other applicable Navajo Nation Laws. (NNC amendment)

July 26, 2016

Resources and Development Committee

Page 6 of 8, §2, Purposes. Line 3 after "real property", add "using the Land Acquisition Trust Fund."
Page 6 of 8, §2 Line 5, after "property, add "compensation for eminent domain."

Page 6 of 8, Delete §7, Prior inconsistent law repealed. "All prior Navajo nation laws, inconsistent with this Act are hereby repealed.

August 2, 2016

Amendment 2

On page 6 line 14, after the words "Resources and Development Committee insert the words on the recommendation of the Budget and Finance Committee."

Amendment 3

On Page 6 line 3, insert the words "Checkerboard areas" and after the word "including" delete the word ~~but~~.

On page 3 of 8 strike lines 11-14 and insert on page 2, line, paragraph A (this language is underlined as new language within the legislation:

- A. The Navajo Nation's major purpose in acquiring new lands shall be to consolidate Indian holdings in "checkerboard" areas wherever the best interests of the Navajos residing in the area and the welfare if the Navajo Nation are served thereby.

Amendment 4.

Strike Amendment #3 in its entirety
On page 6 of 8 strike lines 1-5 and replace with:

§ 2. Major Purpose.

A. The Navajo Nation's major purposes in acquiring new lands shall be to:

1. Consolidate Indian holdings in "checkerboard" areas wherever the best interests of the Navajos residing in the area and the welfare of the Navajo Nation are served thereby.
2. Provide grazing lands for members of the Navajo Nation who do not have grazing permits;

3. Provide additional or substitute lands for members of the Navajo Nation who reside in overcrowded areas of the Reservation.
4. Relieve Reservation land resources from excessive use; and
5. Provide land necessary for approved Navajo Nation economic development.

NAVAJO NATION

RCS# 552

Special Session

8/2/2016
01:15:28 PM

Amd#Attendance
Vote to Amd#

FAILED

MOT
SEC

Yea : 18

Nay : 0

Not Voting : 5

Yea : 18

Bates
Begay, K
Bennett
Chee
Crotty

Damon
Daniels
Filfred
Hale
Perry

Pete
Phelps
Shepherd
Slim

Tso
Tsosie
Witherspoon
Yazzie

Nay : 0

Not Voting : 5

Begay, NM
BeGaye, N

Brown

Jack

Smith

NAVAJO NATION

RCS# 553

8/2/2016

Special Session

01:54:16 PM

Amd# to Amd#

Review and Adopt the Agenda

PASSED

MOT Yazzie

NNC Special Session

SEC Bennett

August 2, 2016

Yea : 16

Nay : 1

Not Voting : 6

Yea : 16

Begay, K

Damon

Pete

Smith

Bennett

Daniels

Phelps

Tso

Chee

Filfred

Shepherd

Witherspoon

Crotty

Perry

Slim

Yazzie

Nay : 1

Tsosie

Not Voting : 6

Bates

BeGaye, N

Hale

Jack

Begay, NM

Brown

NAVAJO NATION

RCS# 554

Special Session

8/2/2016
02:01:22 PM

Amd# to Amd#

Legislation No. 0101-16

PASSED

MOT Filfred
SEC Tso

Recall

Yea : 15

Nay : 2

Not Voting : 6

Yea : 15

Begay, K
Bennett
Chee
Crotty

Daniels
Filfred
Perry
Pete

Phelps
Shepherd
Slim
Smith

Tso
Witherspoon
Yazzie

Nay : 2

Damon

Tsosie

Not Voting : 6

Bates
Begay, NM

BeGaye, N
Brown

Hale

Jack

NAVAJO NATION

RCS# 555

Special Session

8/2/2016
02:44:27 PM

Amd#2 to Amd#

Page 6 line 14 insert

PASSED

MOT Damon
SEC Chee

"on the recommendation of the
Budget & Finance Committee"

Yea : 11

Nay : 8

Not Voting : 4

Yea : 11

BeGaye, N
Chee
Damon

Daniels
Filfred
Jack

Perry
Pete
Slim

Tsosie
Witherspoon

Nay : 8

Begay, K
Bennett

Crotty
Phelps

Shepherd
Smith

Tso
Yazzie

Not Voting : 4

Begay, NM

Brown

Hale

Bates

NAVAJO NATION

RCS# 556

8/2/2016

Special Session

03:07:30 PM

Amd# to Amd#

Cease debate

FAILED

MOT Tso

SEC Jack

Yea : 12

Nay : 7

Not Voting : 4

Yea : 12

Begay, K
Bennett
Chee

Daniels
Jack
Pete

Phelps
Shepherd
Slim

Smith
Tso
Witherspoon

Nay : 7

BeGaye, N
Crotty

Damon
Filfred

Perry
Tsosie

Yazzie

Not Voting : 4

Bates

Begay, NM

Brown

Hale

NAVAJO NATION

RCS# 557

8/2/2016

Special Session

04:29:49 PM

Amd#3 to Amd#

Page 6 line 3 insert the words
"Checkerboard areas" and after
the word including; delete the
word "but"; Page 3 lines 11-14

PASSED

MOT Yazzie
SEC Perry

Yea : 11

Nay : 8

Not Voting : 4

Yea : 11

Begay, K
BeGaye, N
Brown

Chee
Damon
Daniels

Filfred
Perry
Pete

Tsosie
Yazzie

Nay : 8

Bennett
Crotty

Phelps
Shepherd

Slim
Smith

Tso
Witherspoon

Not Voting : 4

Begay, NM

Hale

Jack

Bates

NAVAJO NATION

RCS# 558

Special Session

8/2/2016
06:08:11 PM

Amd#4 to Amd#

Page 6 Insert language
after new A. under Purpose
B, C, D AND E

PASSED

MOT Witherspoon
SEC Tso

Yea : 17

Nay : 2

Not Voting : 4

Yea : 17

Begay, K
Brown
Chee
Crotty
Damon

Daniels
Filfred
Jack
Perry

Pete
Phelps
Shepherd
Slim

Smith
Tso
Witherspoon
Yazzie

Nay : 2

Tsosie

BeGaye, N

Not Voting : 4

Bennett

Begay, NM

Hale

Bates

NAVAJO NATION

RCS# 559

Special Session

8/2/2016
06:14:25 PM

Amd# to Amd#

Legislation No. 0101-16

PASSED

MOT Hale
SEC Perry

Amending the Navajo Land Policy
on Acquisition of Land, 16 N.N.C
Section 1-10, & the Land Acq.

Yea : 18

Nay : 2

Not Voting : 3

Yea : 18

Begay, K
Bennett
Brown
Chee
Crotty

Damon
Daniels
Filfred
Jack
Perry

Pete
Phelps
Shepherd
Slim

Smith
Tso
Witherspoon
Yazzie

Nay : 2

BeGaye, N

Tsosie

Not Voting : 3

Hale

Bates

Begay, NM

NAVAJO NATION

RCS# 560

Special Session

8/2/2016
06:16:18 PM

Amd# to Amd#

ADJOURN

PASSED

MOT Perry
SEC Tso

Yea : 17

Nay : 1

Not Voting : 5

Yea : 17

Begay, K
BeGaye, N
Bennett
Brown
Crotty

Damon
Daniels
Filfred
Jack

Perry
Phelps
Shepherd
Slim

Smith
Tso
Tsosie
Witherspoon

Nay : 1

Yazzie

Not Voting : 5

Bates
Begay, NM

Chee

Hale

Pete

Navajo Nation Council Special Session August 2, 2016

Called to order: 1:20 pm

Invocation: Davis Filfred

Announcements:

ACrotty: copy of sexual harassment training; requesting Speaker to commit to mandatory training for staff; address this as reality;

LT: certain procedures for agreements rather than putting on Ustream; give her appropriate information;

LB: have not received any information from OPVP; Jolene has been working with you; was informed cultural consideration requested;

ACrotty: mandatory training; requests information on children protection month and breastfeeding month; require the rule to be identified if there are points of order; requests grievance policy and procedure; public safety ought to be a priority of this Council

HD: August 8-9 Utah Governor Summit in Orem, Utah; Navajo Mountain recognition day

TS: Henry Lane former delegate and grazing official;

OT: respect each other when we are speaking, this is our time to speak; dedication of temporary facility for seniors in Tuba City August 24, 2016;

JPerry: expressing appreciation to the Legislative Branch for their participation in the Eastern Fair parade; Legislative Branch took first place

Speaker: Controller is here to respond to the questions; we can convene into executive session; sentencing August 24, 2016; letter to be provided relative to Winslow incident;

Adopt the Agenda

Motion: Edmund Yazzie

Second: Benjamin L. Bennett

Vote: 16-1

Old Business:

Recall

Motion: Davis Filfred

Second: Otto Tso

Vote: 15-2

a. Legislation No. 0101-16

Motion: Jonathan L. Hale

Second: Jonathan Perry

Vote: 18-2 passes

Amendment 2

On Page 6 line 14, after the words "Resources and Development Committee" insert the words "on the recommendation of the Budget and Finance Committee."

Motion: Seth A. Damon

Second: Tom T. Chee

Vote: 11-8

Cease Debate

Motion: Otto Tso

Second: Lee Jack, Sr.

Vote: 12-7 failed

Amendment 3

On Page 6 line 3 insert the words "Checkerboard areas" and after the word "including"; delete the word ~~but~~; Insert on page 6 line 2, paragraph A (this language is underlined as new language within the legislation):

- A. The Navajo Nation's major purpose in acquiring new lands shall be to consolidate Indian holdings in "checkerboard" areas wherever the best interests of the Navajos residing in the area and the welfare of the Navajo Nation are served thereby.

Motion: Edmund Yazzie

Second: Jonathan Perry

Vote: 11-8 passes

Adjourn 6:15 pm

Motion: Jonathan Perry

Second: Otto Tso

Vote: 17-1 passes

Amendment 4

Strike Amendment #3 in its entirety

On Page 6 of 8, strike lines 1-5 and replace with:

§2. Major purposes

A. The Navajo Nation's major purposes in acquiring new lands shall be to:

1. Consolidate Indian holdings in "checkerboard" areas wherever the best interests of the Navajos residing in the area and the welfare of the Navajo Nation are served thereby;
2. Provide grazing lands for members of the Navajo Nation who do not have grazing permits;
3. Provide additional or substitute lands for members of the Navajo Nation who reside in overcrowded areas of the Reservation or who do not have an existing homesite;
4. Relieve Reservation land resources from excessive use;
and
5. Provide land necessary for Navajo Nation economic development.

Motion: Dwight Witherspoon

Second: Otto Tso

Vote: 17-2 passes

- A.
- B.
- C. The Navajo Nation's major purpose in acquiring new lands shall be to consolidate Indian holdings in "checkerboard" areas wherever the best interests of the Navajos residing in the area and the welfare of the Navajo Nation are served thereby.
- D. Provide grazing lands for members of the Navajo Nation who do not have grazing permits;
- E. Provide additional or substitute lands for members of the Navajo Nation who reside in overcrowded areas of the Reservation.
- F. Relieve Reservation land resources from excessive use;
and
- G. Provide land necessary for approved Navajo Nation enterprises.

Original Legislation

LEGISLATIVE SUMMARY SHEET

Tracking No. 0101-14

DATE: March 30, 2016

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO LAND POLICY ON ACQUISITION OF LAND, 16 N.N.C. §§ 1 - 10, AND THE LAND ACQUISITION TRUST FUND, 16 N.N.C. § 202; AND ENACTING THE NAVAJO NATION LAND ACQUISITION ACT

PURPOSE: The purpose of the resolution is to amend the Navajo Land Policy on Acquisition of Land, 16 N.N.C. §§ 1 - 10, by enacting the Navajo Nation Land Acquisition Act. The amendment would acknowledge that the Navajo Nation has moved into acquiring more industrial and commercial properties rather than only acquiring lands for grazing and consolidating checkerboard areas. The enactment of the Navajo Nation Land Acquisition Act would provide flexibility for the Navajo Nation to acquire and dispose of real property. It also would remove processes and negotiation limits that no longer make sense in the current real estate market. Additionally, it removes limitations on the types of lands that can be acquired to include any real property. If approved this legislation would also amend the Land Acquisition Trust Fund to conform to the purposes of the Navajo Nation Land Acquisition Act.

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

#3
EX/JR

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 10:53am 4/11/16
Posting End Date: 4/11/2016
Eligible for Action: 4/12/2016

Law & Order Committee

THENCE

Budget & Finance Committee

THENCE

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL – Second Year, 2016

INTRODUCED BY

Resources & Development Committee

THENCE

ALTON JOE SHEPHERD

Naa'bik'iyáti' Committee

THENCE

(Prime Sponsor)

Navajo Nation Council

TRACKING NO. 0101-116

AN ACT

RELATING TO LAW AND ORDER, BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO LAND POLICY ON ACQUISITION OF LAND, 16 N.N.C. §§ 1 – 10, AND THE LAND ACQUISITION TRUST FUND, 16 N.N.C. § 202; AND ENACTING THE NAVAJO NATION LAND ACQUISITION ACT

BE IT ENACTED:

Section One. Authorities

- A. The Law and Order Committee has 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. § 601(B)(14).
- B. The Budget and Finance Committee has oversight of Navajo Nation fiscal policies and oversight of fund management plans. 2 N.N.C. §§ 300(C)(1) and 301(B)(13).
- C. The Resources and Development Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 500(C), exercises oversight authority over land.
- D. The Naabik'iyáti' 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.

Section Two. Findings

- 1 A. The Navajo Nation Policy on Acquisition of Lands, 16 N.N.C. § 1, was first enacted
2 on March 23, 1954 for the purpose of acquiring lands for grazing, consolidating
3 checkerboard areas, and overcrowding. The Navajo Nation has since grown
4 through self-governance, executive orders, and other Federal authorizations. The
5 purpose for land acquisition in 1954 no longer reflects the needs of the Navajo
6 Nation because the Navajo Nation has moved into acquiring more industrial and
7 commercial properties.
- 8 B. Real estate is a major investment opportunity and is very competitive, especially for
9 commercial use. To be competitive in the real estate industry, the Navajo Nation
10 must have the ability to negotiate and acquire property on a streamlined basis. The
11 procedures and limitations in the current Navajo Nation Policy on Acquisition of
12 Lands, 16 N.N.C. § 1, *et seq.*, have inhibited the Navajo Nation from acquiring
13 property and being competitive in the real estate industry.
- 14 C. The Navajo Nation has the ability to invest in real property. However, the laws
15 must allow the Navajo Nation to compete, or it will continue to lose opportunities to
16 acquire prime property that can bring more revenue to the Navajo Nation.
- 17 D. The enactment of the Navajo Nation Land Acquisition Act provides flexibility for
18 the Navajo Nation to acquire and dispose of real property. It also removes
19 processes and negotiation limits that no longer make sense in the current real estate
20 market. Additionally, it removes limitations on the types of lands that can be
21 acquired to include any real property.
- 22 E. Pursuant to 16 N.N.C. § 208, the Navajo Land Department recommends the
23 amendments to the Land Acquisition Trust Fund, 16 N.N.C. § 202.
- 24 F. Therefore, the Navajo Nation Council finds the amendments to the Navajo Nation
25 Policy on Acquisition of Lands, 16 N.N.C. § 1 through 10, the Land Acquisition
26 Trust Fund, 16 N.N.C. § 202, and the enactment of the Navajo Nation Land
27 Acquisition Act to be in the best interest of the Navajo Nation.
- 28
29
30

1 Section Three. Amendments to the Navajo Nation Policy on the Acquisition of Lands,
2 Title 16 Sections 1 through 10 of the Navajo Nation Code by striking Sections 1
3 through 10

4
5 The Navajo Nation hereby amends the Navajo Nation Code, Title 16, §§ 1 through 10
6 as follows:

7
8 TITLE 16. LAND

9 CHAPTER 1. ~~NAVAJO NATION POLICY ON ACQUISITION OF LANDS~~

10 § 1. Major purposes *unstick*

11 A. ~~The Navajo Nation's major purposes in acquiring new lands shall be to:~~

12 1. ~~Consolidate Indian holdings in "checkerboard" areas wherever the best interests~~
13 ~~of the Navajos residing in the area and the welfare of the Navajo Nation are~~
14 ~~served thereby;~~

15 *substant*
17-2 2. ~~Provide grazing lands for members of the Navajo Nation who do not have grazing~~
16 ~~permits;~~

17 3. ~~Provide additional or substitute lands for members of the Navajo Nation who~~
18 ~~reside in overcrowded areas of the Reservation;~~

19 4. ~~Relieve Reservation land resources from excessive use; and~~

20 5. ~~Provide land necessary for approved Navajo Nation enterprises.~~

21 § 2. Methods of acquisition

22 The Navajo Nation may acquire new lands by exchange, gift, or purchase.

23 § 3. Land acquisition program: code of use; priorities

24
25 The Resources Committee of the Navajo Nation Council is authorized and directed
26 to: (1) Formulate a land acquisition program; (2) Develop a code of use for land
27 acquired; and (3) Establish areas to be given priority attention.

28 § 4. Management of agricultural and range lands
29
30

Delety check - 5

1 ~~It is the policy of the Navajo Nation to manage agricultural and range lands in~~
2 ~~accordance with principles of sound and practical use, developing such lands to their~~
3 ~~maximum and preventing practices which damage or deteriorate them.~~

4 ~~§ 5. Unrestricted lands; taxes and fees~~

5 ~~Except as the United States may otherwise determine, the Navajo Nation shall, in~~
6 ~~acquiring unrestricted lands, assume responsibility for the payment of taxes lawfully~~
7 ~~imposed, and of all established fees for the use of federally or state-owned lands.~~

8 ~~§ 6. Scope of land acquisition~~

9 ~~Land acquisition includes agricultural and range lands and land for business or~~
10 ~~industrial purposes.~~

11 ~~§ 7. Land acquisition proposals; plans for use~~

12 ~~The Resources Committee of the Navajo Nation Council is authorized and directed to~~
13 ~~consider and investigate land acquisition proposals and to report findings and~~
14 ~~recommendations to the Navajo Nation Council. Proposals for land acquisition shall~~
15 ~~not be considered by the Navajo Nation Council unless the lands and the possible~~
16 ~~uses thereof conform to this land acquisition policy. Following acquisition thereof, a~~
17 ~~specific plan shall be prepared showing in detail the proposed use and operation of~~
18 ~~said land, which plan shall conform to the land use code and shall be strictly complied~~
19 ~~with. No deviation therefrom shall be permitted without the consent of the Navajo~~
20 ~~Nation Council based upon the recommendation of the Resources Committee.~~

21 ~~§ 8. Cost of purchased lands~~

22 ~~Purchased lands shall be acquired within a total cost calculated to yield to the Navajo~~
23 ~~Nation sufficient income from such land to pay taxes, land use fees, cost of~~
24 ~~administration, and to amortize the Navajo Nation investment over a period not to~~
25 ~~exceed 50 years. Provided, however, that the cost of range lands purchased by the~~
26 ~~Navajo Nation in New Mexico may be amortized for a period not to exceed 99 years.~~

27 ~~§ 9. Appraisal of land~~

28 ~~All acquisition of land shall be based on a comprehensive appraisal thereof, to be~~
29 ~~secured by the Navajo Nation and approved by the Navajo Nation Council and~~
30 ~~authorized officials of the Bureau of Indian Affairs. No Navajo Nation monies shall~~

1 be expended for the purchase in excess of the appraisal value plus an amount equal to
2 ten percent (10%) in excess of such appraised value unless fully justified. Purchases
3 must conform to the limitations established in 16 N.N.C. § 8, as indicated by the
4 approved appraisal report.

5 ~~§ 10. Procedure for acquisition of land~~

6 A. ~~The procedure for acquisition of land shall be as follows:~~

7 1. ~~Sufficient indication to Navajo Nation representatives that a property owner~~
8 ~~would consider sale of his or her property to the Navajo Nation, an instrument~~
9 ~~granting Navajo Nation representatives access to the property for the purpose of~~
10 ~~conducting preliminary investigations of the property will be secured.~~

11 2. ~~When a preliminary investigation disclosing that the property is desirable when~~
12 ~~adjudged by the standards stated in the Navajo Nation land acquisition program,~~
13 ~~an appraisal report will be secured. After review by the Resources Committee,~~
14 ~~the appraisal report will be submitted to designated Bureau of Indian Affairs~~
15 ~~officials for approval.~~

16 3. ~~After approval of the appraisal report by the Bureau of Indian Affairs, authorized~~
17 ~~Navajo Nation representatives may enter into negotiations with the property~~
18 ~~owner. Negotiations will be governed by the estimates in the approved appraisal~~
19 ~~report, and the principles of the Navajo Nation Land Purchase Program.~~

20 4. ~~If negotiations are carried on longer than six months, the appraisal report will be~~
21 ~~supplemented to bring value estimates in line with current market conditions.~~

22
23 **Section Four. Enacting the Navajo Nation Land Acquisition Act**

24 The Navajo Nation hereby enacts the Navajo Nation Land Acquisition Act as follows:

25
26 **TITLE 16. LAND**

27 **CHAPTER 1. NAVAJO NATION ACQUISITION OF LANDS ACT**

28 **§ 1. Establishment.**

29 The Navajo Nation Land Acquisition Act is hereby established which governs
30 acquisitions and disposals of Navajo Nation real property.

Ch/Peromy

1 § 2. Purpose.

2 The purpose of the Act is to establish the authority for the Navajo Nation to acquire
3 and dispose of real property, including but not limited to, the authority to carry out
4 the following: seek, evaluate, investigate, purchase, acquire, exchanges (swap), sell or
5 dispose of real property.

6 § 3. Rules and Regulations.

7 The Navajo Nation shall acquire and dispose of real property subject to land
8 acquisition regulations as approved by the Resources and Development Committee of
9 the Navajo Nation Council, provided however, the effectiveness and enforceability of
10 this Chapter shall not be dependent on the adoption of such regulations.

11 § 4. Delegation.

12 The Division of Natural Resources Executive Director is hereby delegated to grant
13 final approval for any acquisition or disposition of Navajo Nation real property. The
14 Executive Director shall report to the Resources and Development Committee and the
15 President no later than March of each year and September of each year, all
16 acquisitions and dispositions.

17 § 5. Authorities.

18 The Division of Natural Resources Executive Director shall have the authority to take
19 all steps necessary to acquire or dispose of real property, which may include: due
20 diligence studies, hiring a real estate broker, or appropriating funds for earnest
21 money, closing costs, and title insurance. The Division of Natural Resources
22 Executive Director shall also have the authority to administer and grant sole and final
23 approval to the budget and expenditure of the Navajo Nation Land Acquisition Trust
24 Fund.

25 § 6. Oversight.

26 The Resource and Development Committee of the Navajo Nation Council shall serve
27 as legislative oversight.

28 § 7. Prior inconsistent law repealed.

29 All prior Navajo Nation laws, rules, regulations and provisions of the Navajo Nation
30 Code previously adopted which are inconsistent with this Act are hereby repealed.

1 ~~D. The administration management of the Fund shall be entrusted with the Navajo~~
2 ~~Land Department. Pursuant to CN 72-92, the Resources Committee of the~~
3 ~~Navajo Nation Council serves as the Legislative Oversight over the Navajo Land~~
4 ~~Department and has (certain authority and function in the land acquisition~~
5 ~~process). All investment objectives shall be approved in accordance with 16~~
6 ~~N.N.C. §1, et seq., and other applicable Navajo Nation laws.~~

7
8 **Section Six. Effective Date**

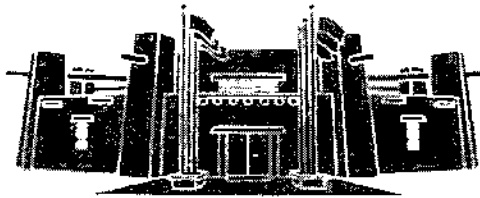
9 The Navajo Nation Code amendment enacted herein shall be effective pursuant to
10 2 N.N.C. § 221(B).

11 **Section Seven. Codification**

12 The provisions of this Act which amend or adopt new sections of the Navajo Nation
13 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
14 Counsel shall incorporate such amended provisions in the next codification of the Navajo
15 Nation Code.

16 **Section Eight. Saving Clause**

17 Should any provisions of this ordinance be determined invalid by the Navajo Nation
18 Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo
19 Nation Supreme Court, those portions of this ordinance which are not determined invalid
20 shall remain the law of the Navajo Nation.



MEMORANDUM

TO: Honorable Alton Shepherd
Jeddito, Cornfields, Ganado, Kinlichee, Steamboat Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: March 30, 2016

SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO LAND POLICY ON ACQUISITION OF LAND, 16 N.N.C. §§ 1 – 10, AND THE LAND ACQUISITION TRUST FUND, 16 N.N.C. § 202; AND ENACTING THE NAVAJO NATION LAND ACQUISITION ACT

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) 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).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0101-16

SPONSOR: Alton Joe Shepherd

TITLE: An Action Relating To Law And Order, Budget And Finance, Resources And Development And NAABIKI'YATI' Committees And The Navajo Nation Council; Amending The Navajo Land Policy On Acquisition Of Land, 16 N.N.C. §§ 1-10, And The Land Acquisition Trust Fund, 16 N.N.C. § 202; And Enacting The Navajo Nation Land Acquisition Act

Date posted: April 1, 2016 at 10:53 AM

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) 871-7586

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.: 0101-16

SPONSOR: Honorable Alton Joe Shepherd

TITLE: An Action Relating To Law And Order, Budget And Finance, Resources And Development And Naabiki'ivati' Committees And The Navajo Nation Council; Amending The Navajo Land Policy On Acquisition Of Land, 16 N.N.C. §§ 1-10, And The Land Acquisition Trust Fund, 16 N.N.C. § 202; And Enacting The Navajo Nation Land Acquisition Act.

Posted: April 1, 2016 at 10:53 AM

5 DAY Comment Period Ended: April 6, 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

4-7-16 8:35am
Date/Time

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. 0101-16: An Act Relating to Law and Order, Budget and Finance, Resources and Development and Naabik'iyati' Committees and the Navajo Nation Council; Amending the Navajo Land Policy on Acquisition of Land, 16 N.N.C. §§ 1 – 10, and the Land Acquisition Trust Fund, 16 N.N.C. § 202; and Enacting the Navajo Nation Land Acquisition Act – Sponsor: Hon. Alton Joe Shepherd

Has had it under consideration and report the same with a DO PASS with no amendment; thereafter referred to Budget and Finance Committee

Respectfully submitted,



Edmund Yazzie, Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: April 26, 2016

Main Motion: Honorable Kee A. Begay, Jr.
Second : Honorable Raymond Smith, Jr.
Vote : 2-0 (Chair not voting)

23rd NAVAJO NATION COUNCIL

Second Year 2016

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

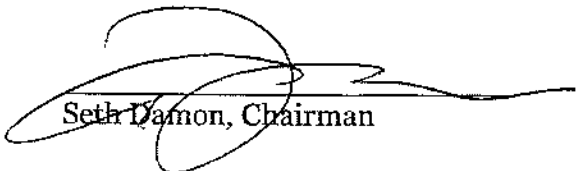
NAVAJO LEGISLATIVE BILL # 0101-16:

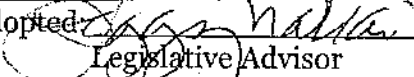
An Act Relating to Law and Order, Budget and Finance, Resources and Development and Naabikiyati Committees and the Navajo Nation Council; Amending the Navajo Land Policy on Acquisition of Land, 16 N.N.C. §§1-10, and the Land Acquisition Trust Fund, 16 N.N.C. §202; and Enacting the Navajo Nation Land Acquisition Act *Sponsored by Alton Joe Shepherd, Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And therefore, referred to the **RESOURCES AND DEVELOPMENT** Committee

Respectfully submitted,


Seth Damon, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

3 May 2016

The vote was **4** in favor **0** opposed

**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 # 0101-16: An Action Relating to Law and Order, Budget and Finance, Resources and Development and Naabik'Iyati Committees And the Navajo Nation Council; Amending the Navajo Land Policy on Acquisition of Land, 16 N.N.C. §§1-10, and the Land Acquisition Trust Fund, 16 N.N.C. §202; And Enacting the Navajo Nation Land Acquisition Act. *Sponsor: Honorable Alton Joe Shepherd*

Has had it under consideration and reports the same with the recommendation that it DO PASS no amendment; one directive as follow:

To have Navajo Nation Land Department to provide land inventory documentation of all the lands purchases from prior years and as well as to provide documentation of funds available to date in the Navajo Nation Land Acquisition Trust Fund.

And therefore, referred to Naabi'bik'Iyati Committee.

Respectfully submitted,



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

Date: May 31, 2016
Motion: Davis Filfred
Second: Leonard Pete
Vote: 3-0-1 (CNV)

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

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

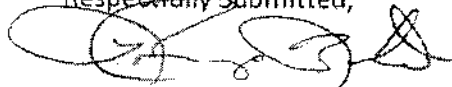
NAVAJO LEGISLATIVE BILL #0101-16

An Act Relating to Law and Order, Budget and Finance, Resources and Development and Naabik'iyáti' Committee and the Navajo Nation Council; Amending the Navajo Land Policy on Acquisition of Land, 16 N.N.C. §§ 1-10, and the Land Acquisition Trust Fund, 16 N.N.C. § 202; and Enacting the Navajo Nation Land Acquisition Act

Sponsored by: Honorable Alton Joe Shepherd

Has had it under consideration and reports the same was **TABLED AND REFERRED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



Honorable LoRenzo Bates, CHAIRMAN
NAABIK'ÍYÁTI' COMMITTEE

7 JULY 2016

AMENDMENT #1 (FAILED):

Page 6 of 8, §4. Delegation, Line 13, after the word "real property" insert the following language: "The Division of Natural Resources Executive Director is hereby delegated to grant final approval for any acquisition or disposition of Navajo Nation real property, except the Resources and Development has final approval over any acquisition and disposition of real property for the Navajo Nation that exceeds ten million dollars."

Page 6 of 8, §4. Delegates, line 14, after "Executive Director shall report to" insert the following language: "Naabik'iyáti' Committee and"

Motioned by: Honorable Jonathan L. Hale

Seconded by: Honorable Tuchoney Slim, Jr.

Vote: 06 in Favor, 07 Opposed (Chairman Bates not voting)

TABLING MOTION:

Table for thirty (30) days (analysis of both Land Acquisition legislation)

Motioned by: Honorable Otto Tso

Seconded by: Honorable Leonard Pete

Vote: 07 in favor, 06 opposed (Chairman Bates broke tie)

MAIN MOTION:

Motioned by: Honorable Jonathan L. Hale

Seconded by: Honorable Tom T. Chee

VOTE: in Favor, Opposed

RCS# 472

NAVAJO NATION

Naa'bik'iyati Committee

7/7/2016
03:12:01 PM

Amd#1 to Amd#

Page 6 of 8

FAILED

MOT Hale
SEC Slim

Delegate, line 13, after the
word "real property insert new
language & line 14

Yea : 6

Nay : 7

Not Voting : 11

Yea : 6

Crotty
Daniels

Hale
Jack

Shepherd

Slim

Nay : 7

Begay, NM
BeGaye, N

Bennett
Chee

Pete
Tso

Tsosie

Not Voting : 11

Bates
Begay, K
Brown

Damon
Filfred
Perry

Phelps
Smith
Vacant

Witherspoon
Yazzie

NAVAJO NATION

RCS# 473

Naa'bik'iyati Committee

7/7/2016
03:55:44 PM

Amd# to Amd#

Table Legislation No. 0101-16
no longer than 30 days

PASSED

MOT Tso
SEC Pete

Yea : 7

Nay : 6

Not Voting : 11

Yea : 7

Bates
Begay, NM

BeGaye, N
Chee

Pete
Tso

Tsosie

Nay : 6

Crotty
Daniels

Hale
Jack

Shepherd

Smith

Not Voting : 11

Begay, K
Bennett
Brown

Damon
Filfred
Perry

Phelps
Slim
Vacant

Witherspoon
Yazzie

23rd NAVAJO NATION COUNCIL
Second Year 2016

The **NAVAJO NATION COUNCIL** to whom has been assigned:

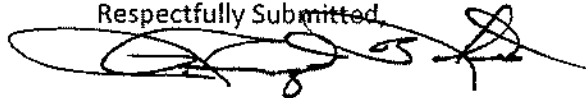
NAVAJO LEGISLATIVE BILL #0101-16

An Act Relating to Law and Order, Budget and Finance, Resources and Development and Naabik'iyáti' Committee and the Navajo Nation Council; Amending the Navajo Land Policy on Acquisition of Land, 16 N.N.C. §§ 1-10, and the Land Acquisition Trust Fund, 16 N.N.C. § 202; and Enacting the Navajo Nation Land Acquisition Act

Sponsored by: Honorable Alton Joe Shepherd

Has had it under consideration and reports the same was **REFERRED TO THE RESOURCES AND DEVELOPMENT COMMITTEE**

Respectfully Submitted,



Honorable LoRenzo Bates, SPEAKER
NAVAJO NATION COUNCIL

20 JULY 2016

AMENDMENT #1:

Page 6 of 8, lines 9 and 10, strike the following language (this language is underlined as new language within the legislation; that underlining is not included here for purposes of clarity):

~~the Navajo Nation Council, provided however, the effectiveness and enforceability of this Chapter shall not be dependent on the adoption of such regulations.~~

Page 6 of 8, lines 13 through 16, strike the following language and add the underscored language and add the underscored language (this language is underlined as new language within the legislation; that underlining is not included here for purposes of clarity):

The Division of Natural Resources Executive Director is hereby delegated a limited to grant of final approval for any the acquisition or disposition of Navajo Nation real property(ies) not to exceed an accumulated sum of \$5,000,000.00 per calendar year. The Resources and Development Committee will grant final approval for acquisition or disposition of real property(ies) between the sum of \$5,000,000.00 and up to and including \$20,000,000.00 per calendar year. The Naabik'iyati' Committee will grant final approval for acquisition or disposition of real property(ies) exceeding \$20,000,000.00 per calendar year. The Executive Director shall report to the Resources and Development Committee and the President no later than March of year and September of each year, all acquisitions and dispositions.

Page 6 of 8, line 24, add the following language:

The Division of Natural Resources Executive Director shall perform the authorities and delegations, in compliance with §3 Rules and Regulations and §4 Delegation.

Page 7 of 8, lines 17 and 18, unstrike the following sentence and add the following language into the sentence:

Policies and Procedure adopted by the Resources and Development Committee of the Navajo Nation Council.

Page 8 of 8, lines 2 through 6, unstrike the following language and insert the following language into the sentence as follows:

Pursuant to CN-72-92, the Resources and Development Committee of the Navajo Nation Council serves as the Legislative Oversight over the Navajo Land Department and has (certain authority and function in the land acquisition process). All investment objectives shall be approved in accordance with 16 N.N.C. §1, *et seq.*, and other applicable Navajo Nation laws.

Motioned by: Honorable Dwight Witherspoon

Seconded by: Honorable Jonathan L. Hale

Vote: 12 in Favor, 05 Opposed (Speaker Bates not voting)

AMENDMENT #2 (FAILED):

Page 6 of 8,

Delete: ~~§7. Prior inconsistent law repealed.~~

~~"All prior Navajo Nation laws, rules, regulations, and provisions of the Navajo Nation Code previously adopted which are inconsistent with this Act are hereby repealed,~~

Motioned by: Honorable Dwight Witherspoon

Seconded by: Honorable Jonathan L. Hale

VOTE: 06 in Favor, 10 Opposed (Speaker Bates not voting)

REFERRAL MOTION:

Refer to the Resources and Development Committee to work with Office of the President, Land Department, Division of Natural Resources, etc.; on or before next regular/special session.

Motioned by: Honorable Jonathan L. Hale

Seconded by: Honorable Benjamin Bennett

Vote: 14 in favor, 04 opposed (Chairman Bates not voting)

MAIN MOTION:

Motioned by: Honorable Jonathan L. Hale

Seconded by: Honorable Jonathan Perry

VOTE:

NAVAJO NATION

RCS# 528

7/20/2016

Summer Session

02:18:33 PM

Amd#1 to Amd#

Page 6, lines 9 & 10 strike language; Page 6 of 8, line 13 strike language; Page 6 of 8, line 24, add the language

PASSED

MOT Witherspoon

SEC Hale

Yea : 12

Nay : 5

Not Voting : 5

Yea : 12

Begay, K

Brown

Chee

Crotty

Damon

Filfred

Hale

Pete

Phelps

Shepherd

Slim

Witherspoon

Nay : 5

BeGaye, N

Bennett

Daniels

Perry

Tsosie

Not Voting : 5

Bates

Begay, NM

Jack

Smith

Tso

Yazzie

NAVAJO NATION

RCS# 529

Summer Session

7/20/2016
02:47:58 PM

Amd#2 to Amd#

Page 6 of 8, Delegation
line 12, language be stricken

FAILED

MOT Witherspoon
SEC Hale

Yea : 6

Nay : 10

Not Voting : 6

Yea : 6

Hale
Phelps

Shepherd
Slim

Tso

Witherspoon

Nay : 10

BeGaye, N
Bennett
Brown

Chee
Damon
Daniels

Filfred
Perry

Pete
Tsosie

Not Voting : 6

Bates
Begay, K

Begay, NM
Crotty

Jack
Smith

Yazzie

NAVAJO NATION

RCS# 530

Summer Session

7/20/2016

02:52:12 PM

Amd# to Amd#

Refer back to RDC, Land Dept.

PASSED

MOT Hale

Office of President, DNR

SEC Bennett

Yea : 14

Nay : 4

Not Voting : 4

Yea : 14

Begay, K
BeGaye, N
Bennett
Brown

Chee
Damon
Daniels
Filfred

Hale
Perry
Pete

Phelps
Tso
Tsosie

Nay : 4

Witherspoon

Yazzie

Shepherd

Slim

Not Voting : 4

Bates
Begay, NM

Crotty

Jack

Smith

RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL

SECOND YEAR 2016

COMMITTEE REPORT

Mr. Speaker,

The RESOURCES AND DEVELOPMENT COMMITTEE to whom has been referred back from Navajo Nation Council, the following:

Legislation # 0101-16: An Action Relating to Law and Order, Budget and Finance, Resources and Development, and Naabik'lyati Committees and Navajo Nation Council; Amending the Navajo Land Policy on Acquisition of Land, 16 N.N.C. §§1 – 10, and the Land Acquisition Trust Fund, 16 N.N.C. §202; and Enacting the Navajo Nation Land Acquisition Act.

The following proposed amendment is recommended as follow:

Page 6 of 8, §2, Purpose. Line 3 after "real property", add "using the Land Acquisition Trust Fund."

Page 6 of 8, §2, Line 5, after "property" add "compensation for eminent domain."

Page 6 of 8, Delete §7, ~~Prior inconsistent law repealed. "All prior Navajo Nation laws, rules, regulations and provisions of the Navajo Nation Code previously adopted which are inconsistent with this Act are hereby repealed.~~

(AMENDMENT #1: Walter Phelps S: Davis Filfred V: 4-0-1)

Thereafter referred back to Navajo Nation Council

Respectfully submitted,



Alton Joe Shepherd, Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Date: July 26, 2016
Motion: Honorable Walter Phelps
Second: Honorable Leonard Pete
Vote: 4-0-1 (CNV)

RESOLUTION No. CAU-44-16/Tracking No. 0101-16

TITLE: RELATING TO LAW AND ORDER, BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO LAND POLICY ON ACQUISITION OF LAND, 16 N.N.C. §§ 1 - 10, AND THE LAND ACQUISITION TRUST FUND, 16 N.N.C. § 202; AND ENACTING THE NAVAJO NATION LAND ACQUISITION ACT

DELIVERED TO PRESIDENT'S OFFICE: 8/5/16 AM/PM
Date Time

Received By: Brittany Smith 8/5/16 936AM
Name Date

Veto Waived as of 5:00 P.M. 8/15/16
Date

Prepared by Office of Legislative Services

