

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0068-20_____

SPONSOR: Seth Damon

TITLE: An Action Relating to an Emergency for the Navajo Nation Council; Establishing the Naabik'iyáti' Committee as the Committee of the Whole; Except for Naabik'iyáti' Committee Authorities, waiving Standing Committee authorities in the Navajo Nation Code, including committee authorities at 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0068-20

DATE: March 19, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAABIK'YATI' COMMITTEE AS THE COMMITTEE OF THE WHOLE; EXCEPT FOR NAABIK'YATI' COMMITTEE AUTHORITIES, WAIVING STANDING COMMITTEE AUTHORITIES IN THE NAVAJO NATION CODE, INCLUDING COMMITTEE AUTHORITIES AT 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603

PURPOSE: This emergency resolution establishes the Naabik'iyati' Committee of the Navajo Nation Council as the "Committee of the Whole". Except for Naabik'iyati' Committee authorities, the action waives standing committee authorities in the Navajo Nation Code, including committee authorities at 2 N.N.C. §§ 102, 106, 164, 167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222, 285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603. The Naabik'iyati' Committee will exercise all powers and authorities of other standing committees.

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.

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL—Second Year, 2020

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0068-20

AN ACTION

RELATING TO AN EMERGENCY FOR THE NAVAJO NATION COUNCIL;
ESTABLISHING THE NAABIK'YATI' COMMITTEE AS THE COMMITTEE OF
THE WHOLE; EXCEPT FOR NAABIK'YATI' COMMITTEE AUTHORITIES,
WAIVING STANDING COMMITTEE AUTHORITIES IN THE NAVAJO NATION
CODE, INCLUDING COMMITTEE AUTHORITIES AT 2 N.N.C. §§ 102, 106, 164,
167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222,
285(B)(6), 300 – 302, 400 – 403, 505 – 503, 600 – 603

BE IT ENACTED:

Section One. Authorities

- A. The Navajo Nation Council is the governing body of the Navajo Nation pursuant to 2 N.N.C. § 102(A).
- B. The Navajo Nation shall have all powers to regulate the conduct of its members and have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its committees. 2 N.N.C. §§ 102(D) and (E).
- C. Pursuant to 2 N.N.C. §164 (A)(16) “[m]atters constituting an emergency shall be limited to the cessation of law enforcement services, and disaster relief services, fire protection services or other direct services required as an entitlement under Navajo

1 Nation or Federal law, or which directly threaten the sovereignty of the Navajo
2 Nation. Such an emergency matter must arise due to the pressing public need for
3 such resolution(s) and must be a matter requiring final action by the Council.”
4

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6 **Section Two. Findings**

- 7 A. In light of the Navajo Nation’s Emergency Declaration, attached as **Exhibit A**,
8 regarding the outbreak of Dikos Ntsaaígíí Náhást’éits’áadah, the COVID-19
9 Coronavirus, it is imperative that the Navajo Nation Council take precautionary
10 measures to mitigate the transmission of COVID-19 to the Navajo public, Navajo
11 Nation employees and the members of the Navajo Nation Council.
- 12 B. COVID-19 is a new coronavirus that has not been previously identified. There is
13 currently no vaccine for the disease. It has shown a high mortality rate among older
14 adults and people with serious chronic medical conditions like heart disease,
15 diabetes and lung disease. It is spread by person-to-person contact and is easily
16 spread in the community (“community spread”). See [cdc.gov/coronavirus](https://www.cdc.gov/coronavirus)
- 17 C. The first case of a member of the Navajo Nation testing positive for COVID-19
18 was announced on Tuesday, March 17, 2020. Press release from the Office of
19 President and Vice-President is attached as **Exhibit B**.
- 20 D. Because COVID-19 spreads easily, the Navajo Nation Council has made it
21 possible for the Navajo Nation Council to have its various meetings by
22 teleconferencing. CMA-04-20.
- 23 E. To further limit the spread COVID-19 the Navajo Nation Council finds that
24 conducting its Standing Committee meetings through the Naabik’iyati’ Committee
25 functioning as a “Committee of the Whole” will reduce the number of Legislative
26 Branch staff who would ordinarily staff all the Standing Committee meetings.
- 27 A. For purposes of this resolution, the Naabik’iyati’ Committee functioning as the
28 “Committee of the Whole” means the Naabik’iyati’ Committee would make final
29 decisions on legislation and business that would ordinarily come within the
30 authority of the Budget and Finance Committee, the Resources and Development

1 Committee, the Law and Order Committee and the Health and Human Services
2 Committee. All Navajo Nation Council delegates are members of the
3 Naabik'iyati' Committee and would participate (pursuant to the Standing
4 Committee Rules) in the debate and vote on matters brought before the
5 Naabik'iyati' Committee regardless of whether legislation was originally within
6 the final authority of a particular Standing Committee.

- 7 B. The Navajo Nation Council finds that an emergency exists which affects the health
8 of the Navajo Nation. The emergency arises due to a pressing public need and it is
9 a matter requiring final action by the Council.

10
11 **Section Three. Waiving Provisions of Navajo Nation Code; Navajo Nation**
12 **Council Resolutions**

- 13 A. Except for Nabik'iyati' Committee authorities, the Navajo Nation Council hereby
14 waives all provisions of Standing Committee authorities in the Navajo Nation
15 Code, including committee authorities referenced at 2 N.N.C. §§ 102, 106, 164,
16 167, 169, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 222,
17 285(B)(6), 300 - 302, 400 - 403, 505 - 503, and 600 - 603.
18 B. All Navajo Nation Council resolutions shall be construed consistent with the action
19 herein.

20
21 **Section Four. Approval of the Naabik'iyati' Committee to function as the**
22 **Committee of the Whole; Standing Committees**

- 23 A. The Navajo Nation Council hereby establishes the Naabik'iyati' Committee as the
24 "Committee of the Whole." As such, the Naabikiyati Committee shall be
25 authorized to exercise all authorities of Standing Committees of the Navajo Nation
26 Council. These authorities shall include those specified in Title 2, Navajo Nation
27 Code, and those referenced in Navajo Nation Council resolutions.
28 B. Pending the duration of this emergency action of the Navajo Nation Council,
29 Standing Committees, other than the Naabik'iyati' Committee, shall not convene
30 for any purpose, including meetings and work sessions.

1 **Section Five. Effective Date; Duration of Action**

2 A. The provisions of this action shall become effective when certified by the Speaker
3 of the Navajo Nation Council pursuant to 2 N.N.C. § 221 (A).

4 B. The provisions of this action shall remain effective until otherwise determined by
5 resolution of the Navajo Nation Council.

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