

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0120-20__

SPONSOR: Paul Begay, Jr.

TITLE: An Action Relating to an Emergency for the Navajo Nation; Overriding the Navajo Nation President's Veto of Navajo Nation Council Resolution CAP-28-20

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0120-20

DATE: May 11, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY FOR THE NAVAJO NATION; OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION COUNCIL RESOLUTION CAP-28-20

PURPOSE: The purpose of this resolution to override the President's veto of Council Resolution CAP-28-20.

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.

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL—SECOND YEAR, 2020

3
4 INTRODUCED BY

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6
7 Primary Sponsor

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9 TRACKING NO. 0120-20

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11 AN ACTION
12 RELATING TO AN EMERGENCY FOR THE NAVAJO NATION;
13 OVERRIDING THE NAVAJO NATION PRESIDENT'S VETO OF NAVAJO NATION
14 COUNCIL RESOLUTION CAP-28-20

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17 **BE IT ENACTED:**

18 **Section One. Authority**

19 A. All resolutions enacting new law or amending existing laws are subject to veto by the
20 President of the Navajo Nation pursuant to 2 N.N.C. § 1005(C)(10) and (11) and override
21 by the Navajo Nation Council. 2 N.N.C. § 164(A)(17).

22 B. The Navajo Nation Code provides “[m]atters constituting an emergency shall be limited to
23 the cessation of law enforcement services, and disaster relief services, fire protection
24 services or other direct services required as an entitlement under Navajo Nation or Federal
25 law, or which directly threaten the sovereignty of the Navajo Nation. Such an emergency
26 matter must arise due to the pressing public need for such resolution(s) and must be a matter
27 requiring final action by the Council.” 2 N.N.C. §164 (A)(16).

28 C. This resolution is offered as an emergency due to the critical need to stop the spread of the
29 novel coronavirus (“COVID-19”) within the Navajo Nation. The Navajo Nation has taken
30 strong, proactive measures to reduce the spread of COVID-19 including issuing stay at

1 home orders as well as implementing evening and weekend curfews. Holding meetings
2 through telecommunication methods are another way to prevent further COVID-19
3 infections within the Navajo Nation. As a sovereign nation, the Navajo Nation possesses
4 the inherent authority to determine how best to preserve the health and safety of its
5 members. The continued spread of COVID-19 is a serious threat to the sovereignty of the
6 Navajo Nation.

7 D. Veto legislation passed by the Navajo Nation Council [is] subject to an override of the veto
8 by two-thirds (2/3) vote of the membership of the Navajo Nation Council. 2 N.N.C. §
9 1005(C)(11).

10
11 **Section Two. Findings**

12 A. The Navajo Nation approved Council Resolution CAP-28-20, "Temporarily Authorizing
13 and Approving Attendance at Farm Boards, Land Boards, and District Grazing Committee
14 Meetings Through Telecommunication Methods," attached as **Exhibit A**.

15 B. The Navajo Nation President vetoed CAP-28-20 on May 2, 2020 and provided a
16 memorandum, attached as **Exhibit B**, to support his decision to veto the Council
17 Resolution.

18
19 **Section Four. Override**

20 The Navajo Nation Council hereby overrides the Navajo Nation President's veto of
21 Resolution CAP-28-20.