

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0158-22_

SPONSOR: Paul Begay, Jr.

TITLE: An Action Relating to Resources and Development; Clarifying and Amending the Terms and Conditions of Mission Site Permits to Specify that the Five-Year Review to Reevaluate the Rent and Compliance with the Terms and Conditions is an Administrative Function to be Performed by the Navajo Land Department; Directing the Navajo Land Department to Develop Regulations for the Five-Year Reviews of Mission Site Permits to Reevaluate the Rent and Compliance with the Terms and Conditions

Date posted: September 15, 2022 at 9:58PM

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.*

LEGISLATIVE SUMMARY SHEET

Tracking No. 0158-22

DATE: September 14, 2022

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; CLARIFYING AND AMENDING THE TERMS AND CONDITIONS OF MISSION SITE PERMITS TO SPECIFY THAT THE FIVE-YEAR REVIEW TO REEVALUATE THE RENT AND COMPLIANCE WITH THE TERMS AND CONDITIONS IS AN ADMINISTRATIVE FUNCTION TO BE PERFORMED BY THE NAVAJO LAND DEPARTMENT; DIRECTING THE NAVAJO LAND DEPARTMENT TO DEVELOP REGULATIONS FOR THE FIVE-YEAR REVIEWS OF MISSION SITE PERMITS TO REEVALUATE THE RENT AND COMPLIANCE WITH THE TERMS AND CONDITIONS

PURPOSE: The purpose of this legislation is to clarify and amend the Terms and Conditions of Mission Site Permits such that the Permit would state: "This Permit shall be reviewed every five (5) years by the Navajo Nation Land Department to reevaluate the rent and compliance with the terms and conditions." In addition, the legislation would direct the Navajo Land Department to develop regulations for the five-year reviews of Missions Site Permits to reevaluate the rent and compliance with terms and conditions.

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.

5-DAY BILL HOLD PERIOD: J. Johnson
Website Posting Time/Date: _____
Posting End Date: 09-20-22
Eligible for Action: 09-21-22

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

3 INTRODUCED BY

4 
5 _____
6 (Prime Sponsor)

7
8 TRACKING NO. 0158-22

9
10 AN ACTION

11 RELATING TO RESOURCES AND DEVELOPMENT; CLARIFYING AND
12 AMENDING THE TERMS AND CONDITIONS OF MISSION SITE PERMITS TO
13 SPECIFY THAT THE FIVE-YEAR REVIEW TO REEVALUATE THE RENT AND
14 COMPLIANCE WITH THE TERMS AND CONDITIONS IS AN ADMINISTRATIVE
15 FUNCTION TO BE PERFORMED BY THE NAVAJO LAND DEPARTMENT;
16 DIRECTING THE NAVAJO LAND DEPARTMENT TO DEVELOP REGULATIONS
17 FOR THE FIVE-YEAR REVIEWS OF MISSION SITE PERMITS TO REEVALUATE
18 THE RENT AND COMPLIANCE WITH THE TERMS AND CONDITIONS

19
20 **Section One. Authority**

- 21 A. Pursuant to 16 N.N.C. Section 1151 (C), the Resources Development Committee of
22 the Navajo Nation Council has the authority to give approval for permits for mission
23 sites on behalf of the Navajo Nation.
- 24 B. Pursuant to 2 N.N.C. Section 501 (B)(2), the Resources Development Committee of
25 the Navajo Nation Council has the authority to give final approval for all land
26 withdrawals, non-mineral leases, permits, licenses, rights-of-way, surface easements
27 and bonding requirements on Navajo Nation lands and unrestricted (fee) land. This
28 authority shall include subleases, modifications, assignments, leasehold
29 encumbrances, transfers, renewals, and terminations.

1 C. Pursuant to 2 N.N.C. § 501 (B) (3), the Resources and Development Committee is
2 authorized to delegate its powers to appropriate divisions of the Navajo Nation for
3 efficiency and streamlining of government processes provided the Committee first
4 grants final approval of rules and regulations governing such delegations.
5

6 **Section Two. Title 16 of the Navajo Nation Code Provisions with Respect to**
7 **termination of Mission Site Permits**

8 A. Pursuant to 16 N.N.C. § 1151 (A): The Navajo Nation Council adopts 16 N.N.C. §§
9 1151-1164 for the issuance of permits to missionaries and mission bodies to conduct
10 religious and other related activities on the Navajo Nation.

11 B. Pursuant to 16 N.N.C. § 1152: No mission site permit may be renewed or issued except
12 on a revocable basis; provided that such permit shall be cancelled by the Secretary for
13 failure to carry out the purpose or purposes for which it was renewed or issued within
14 a reasonable time.

15 C. Pursuant to 16 N.N.C. § 1164: If any missionary or mission group shall fail to pay
16 yearly rental fees due, by December 30, prior to the year for which such fees are due,
17 the mission site permit granted such missionary or mission group shall automatically
18 terminate.
19

20 **Section Three. Terms and Conditions of Mission Site Permits with regard to review**
21 **and termination of the Mission Site Permits**

22 A. The Navajo Nation Terms and Conditions for Mission Site Permit, FORM Mission Site
23 10/01-2014 at Paragraph Number 5 states:

24 “5. This Permit shall be reviewed every five (5) years to reevaluate the rent and
25 compliance with the terms and conditions.”

26 B. The Navajo Nation Terms and Conditions for Mission Site Permit, FORM Mission Site
27 10/01-2014 at Paragraph Number 15 states:

28 “15. The Navajo Nation may terminate the permit for violation of any of the terms and
29 conditions stated herein. In addition, the permit shall be terminable in whole or part by
30 the Navajo Nation or authorized representative for any of the following causes:

- 1 a. Failure to comply with any terms and conditions of the permit or of applicable
2 laws or regulations;
3 b. Non-use of the permit; and
4 c. The use of the land subject to the permit for any purpose inconsistent with
5 the purpose for which the permit is granted.”
6

7 **Section Four. Findings**

- 8 A. The Resources and Development Committee has approved several Mission Site
9 Permits for various religious institutions throughout the Navajo Nation. These Mission
10 Site Permit resolutions have included the approval of Mission Site Permit Terms and
11 Conditions.
12 B. The Mission Site Permit Terms and Conditions include a provision for a five-year
13 review. For example, the Terms and Conditions for the Red Lake Grace Bible Church,
14 Resolution RDCA-10-17 (with its Exhibit F, the Terms and Conditions) is attached as
15 **Exhibit 1.**
16 C. The Terms and Conditions of RDCA-10-17’s Exhibit F states that “This Permit shall
17 be reviewed every five (5) years to reevaluate the rent and compliance with the terms
18 and conditions.”
19 D. There is uncertainty as to whether this “review” is to be performed by a Division of
20 Natural Resources department or whether the Resources and Development Committee
21 is to conduct the “review.”
22 E. The function of reviewing to reevaluate rent and compliance with the terms and
23 conditions is an administrative function and should be performed by the Navajo Nation
24 Land Department. The Resources and Development Committee is not an
25 administrative body rather it is a policy making body.
26 D. If the Navajo Nation Land Department determines that the rent should be amended, the
27 proposed amendment would be presented to the Resources and Development
28 Committee through legislation. In addition, “If any missionary or mission group shall
29 fail to pay yearly rental fees due, by December 30, prior to the year for which such fees
30

1 are due, the mission site permit granted such missionary or mission group shall
2 automatically terminate.” 16 N.N.C. § 1164.

- 3 F. If the Navajo Nation Land Department determines that the terms and conditions of the
4 mission site permit are not complied with, the terms and conditions state that the permit
5 may be terminated. A proposed termination of the mission site permit would be
6 presented to the Resources and Development Committee through legislation. Terms
7 and Conditions, Paragraph 15; 16 N.N.C. § 1152.

8
9 **Section Five. Approval**

- 10 A. The Resources and Development Committee of the Navajo Nation Council hereby
11 clarifies that the Terms and Conditions Paragraph 5 requirement to review a mission
12 site permit every five (5) years to reevaluate the rent and compliance with the terms
13 and conditions is an administrative responsibility.

- 14 B. The Resources and Development Committee of the Navajo Nation Council hereby
15 amends the Terms and Conditions of Mission Site Permits such that:

16 “This Permit shall be reviewed every five (5) years by the Navajo Nation Land
17 Department to reevaluate the rent and compliance with the terms and conditions.”

18
19 **Section Six. Directive to Navajo Nation Land Department**

20 The Navajo Nation Land Department is hereby directed to develop regulations for the
21 five-year reviews of Missions Site Permits to reevaluate the rent and compliance with
22 terms and conditions. These regulations are to be presented for approval to the
23 Resources and Development Committee 30 days after this resolution has been signed
24 by the Resources and Development Committee Chairperson, Vice-Chairperson or Pro
25 Tem Chairperson.