

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0147-23\_

SPONSOR: Amber Kanazbah Crotty

TITLE: An Act Relating to the Law and Order Committee, Naabik'iyáti' Committee, and the Navajo Nation Council; Amending Title 2 of the Navajo Nation Code to Codify Virtual Attendance by Council Delegates at Standing Committee Meetings and Navajo Nation Council Sessions

*Date posted:* July 06, 2023 at 9:35PM

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0147-23

**DATE:** July 6, 2023

**TITLE OF RESOLUTION:** AN ACT RELATING TO THE LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 2 OF THE NAVAJO NATION CODE TO CODIFY VIRTUAL ATTENDANCE BY COUNCIL DELEGATES AT STANDING COMMITTEE MEETINGS AND NAVAJO NATION COUNCIL SESSIONS

**PURPOSE:** The purpose of this legislation is authorize Council Delegates to attend Council Sessions and Committee Meetings through virtual methods, i.e., audio or video teleconferencing platforms.

**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: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 07-11-23  
Eligible for Action: 07-12-23

Law & Order Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 25<sup>th</sup> NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:

4  
5 \_\_\_\_\_  
6 (Prime Sponsor)



7  
8 Tracking No. 0147-23

9  
10 AN ACT  
11 RELATING TO THE LAW AND ORDER COMMITTEE, NAABIK'ÍYÁTI'  
12 COMMITTEE, AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 2 OF  
13 THE NAVAJO NATION CODE TO CODIFY VIRTUAL ATTENDANCE BY  
14 COUNCIL DELEGATES AT STANDING COMMITTEE MEETINGS AND NAVAJO  
15 NATION COUNCIL SESSIONS

16  
17 BE IT ENACTED:

18  
19 SECTION ONE. AUTHORITY

- 20 A. The Law and Order Committee is a Standing Committee of the Navajo Nation Council  
21 with the responsibility to with the responsibility to review and make recommendations  
22 to the Navajo Nation Council on proposed amendments to and enactments to the  
23 Navajo Nation Code. 2 N.N.C. §§ 600 and 601 (B)(14).  
24 B. The Naabik'iyáti' Committee is a Standing Committee of the Navajo Nation Council  
25 with the responsibility to review legislation requiring final action by the Navajo  
26 Nation Council. 2 N.N.C. §164(A)(9); 2 N.N.C. §701(A)(3).  
27 C. The Navajo Nation Council is the governing body of the Navajo Nation with the  
28 authority to review and approve amendments to Navajo Nation laws. 2 N.N.C. §§  
29 102(A) and 164(A).  
30

1 **SECTION TWO. FINDINGS**

- 2 A. In the 2020, the Navajo Nation was forced to quickly enact emergency measures to  
3 mitigate the deadly spread of the Coronavirus pandemic which has caused 84,206  
4 positive COVID-19 cases and 2,162 COVID-19 related deaths, to date, on the Navajo  
5 Nation. These emergency measures included the enactment of the March 11, 2020  
6 Public Health State of Emergency for the Navajo Nation and underlying Public Health  
7 Orders including, but not limited to, employees working from home, the shutting down  
8 of government offices and non-essential business, public gathering limits, mask  
9 mandates, closing boarders to visitors and enacting curfews.
- 10 B. To ensure that the Navajo Nation's governing body could continue to operate and  
11 respond to the Coronavirus pandemic without violating Public Health Orders,  
12 including stay-at-home orders and public gathering limits, the Navajo Nation Council  
13 enacted CMA-04-20, attached as **Exhibit A**, which temporarily allowed Council  
14 Delegates to conduct and attend Council sessions, standing committee meetings, and  
15 subcommittee meetings using telecommunication methods, such as teleconference  
16 calls and video conferencing.
- 17 C. In 2021 and 2022, the Navajo Nation slowly began to open up government offices.  
18 Meeting and conducting the business of the Nation was done in person with certain  
19 limitations and safeguards in place, especially after the COVID-19 vaccine became  
20 available. The Council, standing committees, and subcommittees moved to hybrid-  
21 style meetings, allowing virtual attendance by delegates, presenters, government  
22 officials and the public.
- 23 D. Council Delegates were provided a unique opportunity to use virtual meetings, which  
24 moved to hybrid in-person and virtual meetings, to continue the necessary and  
25 important work of the Nation. The use of virtual meetings was not only effective, but  
26 provided more opportunities for Delegates to advocate for their communities at  
27 Council and Standing Committees, as well as to provide enhanced transparency to the  
28 public.
- 29 E. On June 15, 2023, Dr. Buu Nygren, President of the Navajo Nation and the  
30 Commission on Emergency Management issued CEM-23-06-15, attached as **Exhibit**

1 B, deactivating the March 11, 2020 Public Health State of Emergency for the Navajo  
2 Nation and returning government operations to pre-COVID-19 status.

3 F. The Navajo Nation finds it in the best interest of the Navajo Nation and the Diné  
4 People to amend Title 2 of the Navajo Nation Code to allow Council Delegates to  
5 continue virtual attendance at Council sessions, standing committee meetings, and  
6 subcommittee meetings.

7  
8 **SECTION THREE. AMENDING TITLE 2 OF THE NAVAJO NATION CODE**

9 The Navajo Nation hereby amends Title 2 of the Navajo Nation Code, as follows:  
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11 **TITLE 2. NAVAJO NATION GOVERNMENT**

12 **CHAPTER 3. LEGISLATIVE BRANCH**

13 **SUBCHAPTER 2. NAVAJO NATION COUNCIL MEETINGS**

14  
15  
16 \* \* \* \*

17 **§ 106. Compensation of Council Delegates**

18 A. Delegates shall be compensated by an annual salary of twenty-five thousand dollars  
19 (\$25,000) per year. All Council Delegates shall be paid bi-weekly. A salary increase  
20 may be approved by the Navajo Nation Council but shall not become effective unless  
21 ratified by two-thirds (2/3) of all Navajo Nation Chapters within one hundred twenty  
22 (120) days of approval by the Navajo Nation Council. The provisions of this Section  
23 shall not apply to mileage payments, per diem payments, deferred compensation  
24 benefits, or any other payments or benefits which are separate from the bi-weekly base  
25 salary established in this Section.

26 B. Delegates attending a Navajo Nation Council meeting or their respective committee  
27 meetings, either in person or virtually, may receive sixty dollars (\$60.00) per diem for  
28 each day official business is conducted, ~~and mileage reimbursement for use of a~~  
29 ~~private vehicle at the rate established in the Navajo Nation Travel Policy and~~  
30 ~~Procedures Handbook, and amendments thereto.~~

1 C. Chairpersons of standing ~~C~~committees may receive as compensation, for extra time  
2 spent by the Chairperson beyond meetings to execute committee business, a payment  
3 of eighty dollars (\$80.00) per diem for each committee meeting day.

4 ~~D.C.~~ For every week of a Regular sSession of the Navajo Nation Council and per day for  
5 any Special Session, delegates attending in person shall be paid mileage equal to one  
6 round trip to Window Rock from their residence ~~and return, according to the official~~  
7 ~~mileage chart of the Controller~~ at the rate established in the Navajo Nation Travel  
8 Policy and Procedures Handbook, as amended. Mileage shall not be paid for virtual  
9 attendance.

10 D. For each complete committee meeting, delegates of to the Navajo Nation Council,  
11 who attend the meeting in person, shall be paid mileage equal to one round trip to  
12 Window Rock, from their residence ~~and return, according to the official mileage chart~~  
13 ~~of the Controller~~ at the rate established in the Navajo Nation Travel Policy and  
14 Procedures Handbook, as amended. Mileage shall not be paid for virtual attendance.

15 EF. ~~Full p~~Per diem shall be paid only for in person or virtual attendance of at least three  
16 hours of meeting or until all agenda items are concluded. Mileage shall be paid only  
17 for in-person attendance of at least three hours of meeting or until all agenda items are  
18 concluded.

19 FG. Delegates, or their beneficiary in the event of death, are paid a deferred compensation  
20 benefit when they leave office.

21 \* \* \* \*

22 **§ 110. Definitions**

23 \* \* \* \*

24 Y. Virtual Attendance means that a person is not physically present at a meeting, but is  
25 still able to participate in the meeting, in a manner similar to those physically present,  
26 by means of an audio and/or video conferencing platform.

27 Z. Virtual means remote access through an audio or video conferencing platform.

28 \* \* \* \*

29 **§ 161. Place**

30

1 A. All ~~regularly scheduled or~~ Regular and sSpecial sSessions of the Navajo Nation  
2 Council shall be held at the Navajo Nation Council Chamber located at Window Rock,  
3 Navajo Nation (Arizona) with the following exceptions:

- 4 1. If the Chambers in Window Rock are unsuitable for meeting, because of fire,  
5 physical damage, remodeling or other cause, the Speaker may designate an  
6 alternate meeting place in Window Rock, and if an alternate site is selected, the  
7 Speaker shall give reasonable prior notice to all Council Delegates.
- 8 2. Notwithstanding any alternate site selection by the Speaker, Aa simple  
9 majority of all Council Delegates may agree to hold a Council meeting ~~in some~~  
10 at a location in Window Rock other than the Council Chambers. Such  
11 agreement may be by written petition or by motion at any regular or special  
12 session of the Navajo Nation Council.

13 \* \* \* \*

14 **§167. Failure to attend**

15 ~~All~~ Each sitting delegates ~~to~~ of the Navajo Nation Council shall attend, either in person or  
16 virtually, all regular and special meetings of the Navajo Nation Council or Committees,  
17 unless the delegate's participation is excused by the Speaker or Committee Chairperson,  
18 respectively. If any delegate is absent from sixty percent (60%) or more of the ~~meeting~~  
19 days Council Sessions and/or standing committee meetings within a one-year period, the  
20 Navajo Nation Council may consider a motion to censure said delegate. If his/her absence  
21 continues after such censure, the Navajo Nation Council shall have the authority to declare  
22 the delegate's seat forfeited and vacant.

23 \* \* \* \*

24 **§ 183. Meetings; quorum**

25 A. All Regular and Special meetings of the Navajo Nation Council standing committees,  
26 subcommittees, and ~~or~~ commissions shall be held in Window Rock, Navajo Nation,  
27 (Arizona). Such meetings may be held elsewhere within the Navajo Nation if  
28 sufficient funds are available, and the meeting is approved, in writing, by the Speaker  
29 of the Navajo Nation Council.

30

1 B. No standing committee, subcommittee, or commission meetings shall be held outside  
2 the Navajo Nation unless the meeting is with a legislative body of another sovereign,  
3 sufficient funds are available, and the meeting is approved, in writing, by the Speaker  
4 of the Navajo Nation Council.

5 C. For a meeting to be deemed to have been held, each of the following acts shall occur:  
6 (1) a quorum is present; (2) an agenda is adopted; (3) substantive actions ~~(approval,~~  
7 ~~disapproval or table~~ (voting or tabling) are taken; and (4) per diem and roundtrip  
8 mileage, as applicable, are paid to committee members or commissioners.

9 D. Meetings shall not mean work sessions, workshops, orientations, trainings, and  
10 business meetings with Navajo or non-Navajo entities, ~~therefore, and~~ no meeting per  
11 diem payment, as set forth in 2 N.N.C. § 106, ~~for work sessions, workshops, etc.~~ shall  
12 be paid for participation in such gatherings. See 2 N.N.C. § 106. ~~Meetings held~~  
13 ~~elsewhere within the Navajo Nation shall be written permission of the Speaker of the~~  
14 ~~Navajo Nation Council, provided that funds are available. No Meetings shall be held~~  
15 ~~outside the Navajo Nation unless by written permission of the Speaker of the Navajo~~  
16 ~~Nation Council, provided that funds are available; and further provided that the~~  
17 ~~meeting is with a legislative body of another sovereign.~~

18 \* \* \* \*

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21 **SECTION FOUR. AMENDING RULE 22 OF THE NAVAJO NATION COUNCIL**  
22 **RULES OF ORDER**

23 The Navajo Nation Council hereby amends the Navajo Nation Council Rules of Order as  
24 follows:

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26 **Rule 22. Vote**

27 \* \* \* \*

28 D. For those delegates attending the Council Session in person, the recording of yeas  
29 and nays votes on all motions shall be done electronically. For those delegates  
30 attending the Council Session through a virtual method, the recording of yeas and nays



1 votes on all motions shall be done by the delegate's verbal statement during the  
2 Session or via a dedicated text or email. All votes through virtual methods shall be  
3 announced on the record.

4 \* \* \* \*

5 E. Voting by proxy ~~or by any method by or on behalf of any delegate who is not~~  
6 ~~physically present in the Council Chambers shall not be valid or permitted~~ is  
7 prohibited and any such vote shall be invalid.

8  
9 **SECTION FIVE. AMENDING RULE 21 OF THE NAVAJO NATION COUNCIL**  
10 **STANDING COMMITTEE RULES OF ORDER**

11 The Navajo Nation Council hereby amends the Standing Committee Rules of Order as  
12 follows:

13 \_\_\_\_\_  
14 **Rule 21. Vote**

15 \* \* \* \*

16 B. The recording of votes for, opposed, and abstentions on all motions shall be done by a  
17 showing of hands by all delegates attending in person except that. Votes of delegates  
18 attending virtually shall be recorded by the delegate's verbal pronouncement or via a  
19 dedicated text or email. All votes through virtual methods shall be announced on the  
20 record. ~~Abstention~~ votes are not counted towards the votes for or opposed, but entered  
21 for the record only.

22 \* \* \* \*

23 D. Voting by proxy ~~or by any method by or on behalf of any delegate who is not~~  
24 ~~physically present in the meeting place shall not be valid or permitted~~ is prohibited and  
25 any such vote shall be invalid.

26 \_\_\_\_\_  
27  
28 **SECTION SIX. CODIFICATION**

29 The provisions of this resolution that amend or adopt new sections of the Navajo Nation Code  
30 shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall

1 incorporate such amended provisions in the next codification of the Navajo Nation Code.

2  
3 **SECTION SEVEN. SAVING CLAUSE**

4 If any portion of this Act is determined invalid by the Navajo Nation Supreme Court or by a  
5 District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the  
6 remainder of this Act shall remain the law of the Navajo Nation.

7  
8 **SECTION EIGHT. EFFECTIVE DATE**

9 The provisions of this Act shall become effective according to 2 N.N.C. §221(B).

10  
11 **SECTION NINE. DIRECTIVE**

12 The Naabik'iyáti' Committee Title Two Reform Subcommittee shall review the  
13 implementation of virtual attendance by delegates at Council sessions and Committee  
14 meetings as a priority; and report any recommended amendments to the Navajo Nation Code  
15 or Rules of Order to the Naabik'iyáti' Committee at least thirty (30) days before the start of  
16 the regular Fall Session.