

RESOLUTION OF THE
NAVAJO NATION COUNCIL

21ST NAVAJO NATION COUNCIL - Fourth Year 2010

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; AMENDING TITLE 5 OF THE NAVAJO
NATION CODE BY APPROVING AMENDMENTS TO THE NAVAJO NATION LIMITED
LIABILITY COMPANY ACT, SECTION 3600 AND THE NAVAJO NATION
LIMITED PARTNERSHIP ACT, SECTION 4100

BE IT ENACTED:

Section 1. Findings and Purpose.

On July 22, 2008, the Navajo Nation Council enacted the Navajo Nation Limited Liability Company Act, 5 N.N.C. § 3600 *et seq.*, the Navajo Nation Uniform Partnership Act, 5 N.N.C. § 3800 *et seq.*, and the Navajo Limited Partnership Act, 5 N.N.C. § 4100 *et seq.*

The Navajo Nation hereby makes it explicit that with respect to the Navajo Nation Limited Liability Company Act and Navajo Limited Partnership Act ("Acts), any wholly owned Navajo Nation enterprise, authority or corporation continues to be protected by sovereign immunity when such entity enters into a limited liability company or limited partnership organized under such Acts.

Section 2. Amending Title 5 of the Navajo Nation Code.

The Navajo Nation hereby amends Title 5 of the Navajo Nation Code, Sections 3600 and 4100, as follows:

Title 5. Commerce and Trade
Chapter 21. Navajo Nation Limited Liability Company Act
Article 1. General Provisions

§ 3600. Policy and Purpose

* * * *

C. Unless as otherwise expressly stated by law, the sovereign immunity of the Navajo Nation shall not extend to corporate entities organized under this Act, nor shall such entities be considered a subdivision, entity, or enterprises of the Navajo Nation, nor shall the Navajo Nation be liable for the debts or obligations or any kind of such entities~~-,~~ except that any wholly owned Navajo Nation enterprise, authority or corporation, participating as a member of an entity organized under this Act, shall retain any sovereign immunity to which such enterprise, authority or corporation is entitled under applicable Navajo law, notwithstanding such participation.

* * * *

Title 5. Commerce and Trade
Chapter 25. Navajo Nation Limited Partnership Act
Article 1. General Provisions

§ 4100. Policy and Purpose

* * * *

C. Unless as otherwise expressly stated by law, the sovereign immunity of the Navajo Nation shall not extend to partnership entities organized under this Act, nor shall such entities be considered a subdivision, entity, or enterprise of the Navajo Nation, nor shall the Navajo Nation be liable for the debts or obligations or any kind of such entities~~-,~~ except that any wholly owned Navajo Nation enterprise, authority or corporation, participating as a limited partner of an entity organized under this Act, shall retain any sovereign immunity to which such enterprise, authority or corporation is entitled under applicable Navajo law, notwithstanding such participation.

* * * *

Section 3. Effective Date.

The amendments enacted herein shall be effective upon approval pursuant to 2 N.N.C. § 221.

Section 4. Codification.

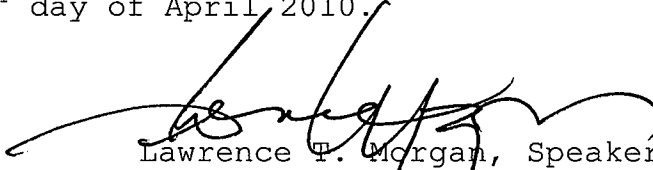
The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause.

Should any provision of this Act 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, all portions of this Act which are not explicitly invalidated shall remain the law of the Navajo Nation.

CERTIFICATION

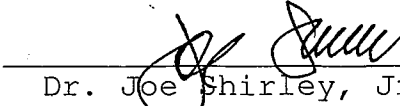
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 62 in favor and 1 opposed, this 21ST day of April 2010.


Lawrence T. Morgan, Speaker
Navajo Nation Council
07/21/10
Date

Motion: Roy Dempsey
Second: Elmer Milford

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 _____ day of MAY 14 2010 2010.



Dr. Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2010 for the reason(s) expressed in the attached letter to the Speaker.

Dr. Joe Shirley, Jr., President
Navajo Nation

**ECONOMIC DEVELOPMENT COMMITTEE REPORT
21st NAVAJO NATION COUNCIL – Third Year, 2009**

Mr. Speaker:

The Economic Development Committee, to whom has been assigned:

LEGISLATION NO. 0673-09

Introduced by Hon. Roy Dempsey

AN ACT

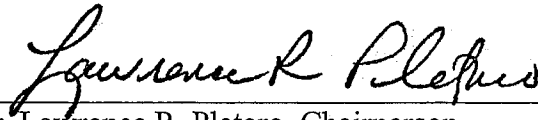
Relating to Economic Development; Amending Title 5 of the Navajo Nation Code by Approving Amendments to the Navajo Nation Limited Liability Company Act, Section 3600 and the Navajo Nation Limited Partnership Act, Section 4100

has had it under consideration and reports the same with a **DO PASS** recommendation with no amendments.

And thence referred to the **Ethics and Rules Committee**.

CERTIFICATION

I hereby certify that the foregoing legislation was duly considered by the Economic Development Committee of the Navajo Nation Council at a duly called meeting at St. Michaels; Navajo Nation (Arizona), at which a quorum was present and that the same was passed with a vote of **5 in favor and 0 opposed** this 18th day of November 2009.



Mr. Lawrence R. Platero, Chairperson
Economic Development Committee

MOTION: Kenneth Maryboy

SECOND: Tommy Tsosie

21st Navajo Nation Council

Fourth Year 2010

Mr. Speaker,

The **ETHIC AND RULES COMMITTEE**, to whom has been assigned

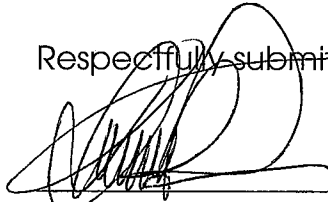
NAVAJO LEGISLATIVE BILL 0673-09

Has had it under consideration and reports the same with a **DO PASS with NO AMENDMENTS :**

And therefore referred to the **21ST NAVAJO NATION COUNCIL.**

Mr. Speaker,

Respectfully submitted,



Francis Redhouse, Chairperson

Adopted: 

Advisor

Not Adopted: _____
Advisor

And:

Date: **January 08, 2010**

The vote was 6 in favor and 0 opposed

Excused:

Absent:

And: