

NAVAJO NATION COUNCIL
21st NAVAJO NATION COUNCIL -- Fourth Year, 2010

AN ACT

RELATING TO PUBLIC SAFETY; AMENDING TITLE 17 NAVAJO NATION CODE § 1820; AND ENACTING THE NAVAJO NATION CROSS-COMMISSION AGREEMENTS ACT OF 2010

BE IT ENACTED:

Section One. Enactment of the Title 17 Navajo Nation Cross-Commission Agreements Act of 2010.

The Navajo Nation Council hereby enacts the Title 17, Navajo Nation Cross-Commission Agreements Act of 2010.

Section Two. Findings

1. The Navajo Nation, as recognized by the Treaties of 1849 and 1868, and the *Kerr-McGee Corp. v. Navajo Tribe of Indians*, 471 U.S. 195 (1985), possesses the inherent authority governing activities within its jurisdictional boundaries;

2. On June 8, 2010, the New Mexico Supreme Court rendered its opinion in *State of New Mexico v. Harrison*, Case No. 31,244 and held there is no infringement on the sovereignty of the Navajo Nation where a San Juan County Sheriff deputy pursued a Navajo suspect onto the Navajo Nation and stopped and searched such suspect absent a Navajo Nation law that explicitly prohibited outside law enforcement from searching tribal members within the Nation.

3. The Navajo Nation Council entered into cross-commission agreements with the New Mexico Counties of McKinley and Socorro however San Juan County officials have thus far declined to enter into a similar agreement.

4. It is in the best interest of the Navajo Nation that the Navajo Nation Council explicitly prohibit searches and arrests of members of the Navajo Nation (or other Indian Nations) by state officers within the territorial boundaries of the Navajo Nation absent a cross-commission

agreement with the Navajo Nation or with the Bureau of Indian Affairs as approved by the Navajo Nation. This act will present encroachment by outside law enforcement and prospectively compel counties and state law enforcement to negotiate cross-commission agreements with the Navajo Nation.

Section Three. Amendments to Title 17 of the Navajo Nation Code

The Navajo Nation hereby amends the Navajo Nation Code, Title 17, as follows:

**Title 17. Law and order
Chapter 5. Procedures
Subchapter 1. General Provisions**

* * * *

§ 1820. Search and arrest by state officers prohibited except by agreement

No state, county, or municipal law enforcement officers may search or arrest any Indian within the territorial jurisdiction of the Navajo Nation absent a duly approved cross-commission or deputation agreement.

* * * *

Section Four. Codification

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

Section Five. Saving Clause

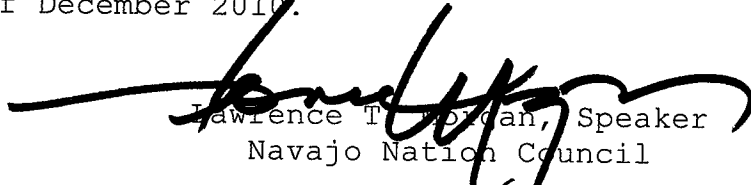
Should any provisions of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

Section Six. Effective Date

The provision of this Act shall become effective in accord with 2 N.N.C. § 221(B).

CERTIFICATION

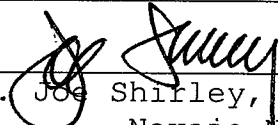
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 42 in favor and 26 opposed, this 23rd day of December 2010.


Lawrence T. Jordan, Speaker
Navajo Nation Council
28 Dec 10
Date

Motion: Edmund Yazzie
Second: Jonathan Nez

ACTION BY THE NAVAJO NATION PRESIDENT:

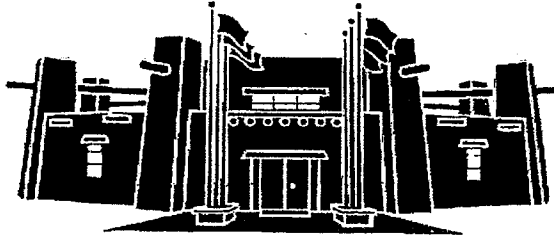
1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of JAN 07 2011 2010.



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



**PUBLIC SAFETY COMMITTEE
21ST NAVAJO NATION COUNCIL**

COMMITTEE REPORT

Mr. Speaker:

The Public Safety Committee, to whom has been referred,

Legislation No. 0710-10

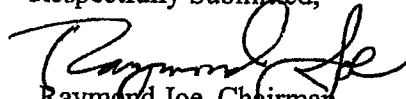
Introduced by Honorable Benjamin Curley

AN ACTION

RELATING TO PUBLIC SAFETY; AMENDING TITLE 17 NAVAJO NATION CODE §1820; AND ENACTING THE NAVAJO NATION CROSS-COMMISSION AGREEMENTS ACT OF 2010

Has had it under consideration and reports same with **Do Pass** recommendation and thence referred to the Intergovernmental Relations Committee.

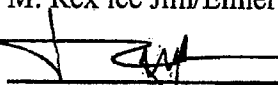
Respectfully Submitted,


Raymond Joe, Chairman
Public Safety Committee

SUMMARY:

Date: October 26, 2010

M: Rex lee Jim/Elmer Begay V: 4-0


Caleb Roanhorse, Legislative Advisor

INTERGOVERNMENTAL RELATIONS COMMITTEE REPORT

21st Navajo Nation Council – Fourth Year, 2010

INTRODUCED BY

Ernest Yazzie, Jr.

LEGISLATION NO. 0710-10

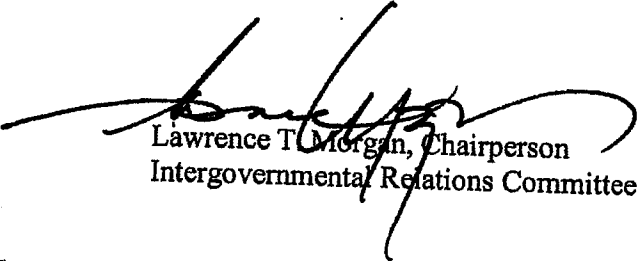
AN ACTION

Relating to Public Safety, Amending Title 17 Navajo Nation Code § 1820; and Enacting the Navajo Nation Cross-Commission Agreements Act of 2010

1. On November 1, 2010, the Intergovernmental Relations Committee conducted a regular meeting, at which time it reviewed the above referenced proposed resolution.
2. The Intergovernmental Relations Committee APPROVES this proposed resolution and refers it to the ETHICS AND RULES COMMITTEE.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Intergovernmental Relations Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 7 in favor and 0 opposed, this 1st day of November, 2010.


Lawrence T. Morgan, Chairperson
Intergovernmental Relations Committee

Motion: Ervin M. Keeswood, Sr.
Second: Kee Allen Begay, Jr.

21st Navajo Nation Council

Fourth Year 2010

Mr. Speaker,

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

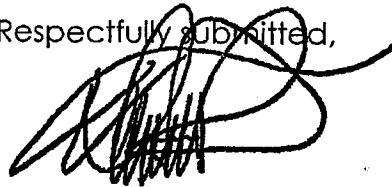
NAVAJO LEGISLATIVE BILL No. 0710-10:

An Act Relating to Public Safety; Amending Title 17 Navajo Nation Code §1820; and Enacting the Navajo Nation Cross-Commission Agreements Act of 2010 Sponsored by Ernest D. Yazzie, Jr., Council Delegate

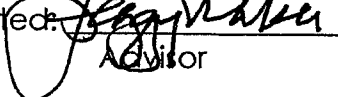
Has had it under consideration and reports the same with a **DO PASS** with **NO AMENDMENT**.

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

Respectfully submitted,



Francis Redhouse, Chairperson

Adopted:  Advisor

Not Adopted: _____ Advisor

Date: **19 November 2010**

The vote was **5** in favor and **0** opposed
Excused: Roscoe D. Smith, Tim Goodluck
Absent: