

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL -- Third Year, 2013

AN ACTION

RELATING TO LAW AND ORDER AND NAABIK'ÍYÁTI' AMENDING NAVAJO NATION
COUNCIL RULES OF ORDER

BE IT ENACTED:

Section One. Amendments of Rules of Order, Navajo Nation Council

The Navajo Nation Council hereby amends its Rules of Order as follows:

Navajo Nation Council Rules of Order

Rule 1. Purposes

The purpose of these Rules of Order shall be to provide for orderly and expeditious Navajo Nation Council sessions, based on the principle of majority rule while providing for and protecting the rights of any Delegate to express his or her view of matters before the Council.

Rule 2. Conduct of Council Delegates

The failure of any Delegate of Navajo Nation Council to comply with these Rules of Order shall be deemed disorderly behavior. A Delegate who is found to have committed an act of disorderly behavior shall not be allowed to speak or vote on matters pending before the Council except when allowed by two-thirds (2/3) vote of the Navajo Nation Council.

Rule 3. Conduct of Council Delegates During Session.

The failure of any Delegate of the Navajo Nation Council to comply with the Rules of Order shall be deemed disorderly behavior by the Speaker of the Navajo Nation Council. A Delegate found to have committed an act outside the bounds of these rules shall have committed disorderly behavior and sanctions may be imposed as follows:

A. When the Council Delegate acts in a disorderly manner the first time, the Speaker shall not permit the Council Delegate to speak, to vote, or to do both, for the remainder of the session day.

B. If the Council Delegate continues to conduct himself or herself in a disorderly manner during the same session, the Speaker shall cause the Delegate to be removed from the Council and not be permitted to participate for the remainder of the session day. When the Council Delegate is removed from the Council Chamber, per diem payment to said Delegate shall be prorated in accordance with 2 N.N.C. Section 106(E).

Rule 4. Speaker of the Navajo Nation Council

A. The Speaker shall commence the Council sessions at the hour and days required by law; and shall not adjourn the Council until all items on agenda are met, or adjournment by vote.~~unless the requirements for meetings are met.~~

B. The Speaker shall conduct the Council's Order of Business in accordance with Rule 6, Order of Agenda Business, except as otherwise provided in the Rules of Order.

C. The Speaker shall preserve the order and decorum; approve and permit all documents and other material to be distributed to the Council, provided that such documents comply with the Navajo Nation Access to Information and Privacy Act; decide and rule on all Points of Order; shall not vote on any matter voted on by the Delegates of the Council unless there is a tie; and yield the chair to the Speaker Pro Tempore to participate in the debate of a matter before the Council and/or when recused pursuant to 2 N.N.C. §3748. No anonymous documents shall be allowed on the floor. In the absence of the Speaker, the Navajo Nation Council shall proceed to select a Speaker Pro Tempore.

D. The Speaker shall sign all writs, warrants and subpoenas issued or as directed by the Council.

E. The Speaker shall certify all legislations and resolutions adopted by Council no later than 10 days after the adjournment of a session and ensure that all legislations and resolutions adopted by Council are delivered to the President for action no later than 10 days after the adjournment of a session. The 10 days allowed for certification and delivery can be extended for no more than 4 days through written agreement with the President.

F. The Speaker, or the Speaker's designee, shall sign all claims and travel authorizations for expenses incurred by the Council during or between Council sessions.

Rule 5. Navajo Nation Council Journal

The Office of Legislative Services shall keep a journal of all Navajo Nation Council proceedings. The journal shall contain the summary of proceedings of actions considered and vote tallies of each meeting of the Navajo Nation Council. A complete journal of the prior Navajo Nation Council Session shall be made available at the Office of Legislative Services for review by any Council Delegate no less than thirty (30) calendar days, including weekends and holidays, after the session of the Council. Any Council Delegate requesting to make correction(s) shall put such correction in writing to the Speaker. The Speaker and the Legislative Counsel shall review the request for correction and if the requested correction is supported by the Council journal the Speaker shall announce such correction at the Council session. Any Delegate who requests the Navajo Nation Council journal shall be provided a copy.

The journal shall record and include all presentations whether made in the English or Navajo languages.

Rule 6. Order of Agenda Business; Guests; Legislation Priority

A. The Order of Agenda Business for the Navajo Nation Council shall be as follows:

1. Call meeting to Order; Roll Call; Invocation;
2. Recognize Guests and Visiting Officials.
3. Review and Adopt the Agenda.

4. Receive the State of the Nation Address from the President of the Navajo Nation.
5. Receive Report from the Speaker of the Navajo Nation Council
6. Oral Reports:
 - ~~(a)~~ ~~Oral report by the Speaker, Navajo Nation Council~~
 - ~~(a)~~ Bureau of Indian Affairs (BIA)
 - ~~(b)~~ Indian Health Service (IHS)
 - ~~(c)~~ Financial Report by the Controller
 - ~~(d)~~ Report from Attorney General
 - ~~(e)~~ Report from Chief Justice of Navajo Nation
7. Written Reports:
 - (a) Standing Committees
 - (b) Boards and Commissions
 - (c) Bureau of Indian Affairs Regional Director
 - (d) Indian Health Services Area Director
8. Old Business
9. New Business
10. Close of Session; Announcements; Adjournment.

B. All legislation requiring a vote of two-thirds (2/3) of the Council in order to be adopted shall be placed on the agenda before all other legislation and shall be considered by the Council before all other legislation. This provision shall not be subject to suspension pursuant to Rule 26.

Rule 7. Adoption of Agenda

A. The Council shall initially consider adoption of an agenda in the form developed by the Speaker Nabik'i'yáti Committee pursuant to 2 N.N.C. Section 164-834(B)(5). Any Delegate of the Council may propose a motion to adopt the agenda and second it without stipulation.

B. No proposed legislation shall be included on the agenda after its adoption ~~was developed by the Nabik'i'yáti Committee~~ unless such legislation addresses matters which constitute an emergency at the time it is offered for inclusion in the proposed agenda.

C. A majority vote by Delegates of the Council casting a vote shall cause the motion to adopt the agenda to carry.

D. Once an agenda is adopted by the Council, it shall not be revised unless amended by two-thirds vote of the full membership of the Council, as required by 2 N.N.C. Section 163(B).

E. Any Delegate moving for the addition of any emergency legislation shall be introduced in strict conformance with 2 N.N.C. §164 as determined by the Speaker and need not be reviewed by a standing committee, but presented directly to the Navajo Nation Council. Such an emergency matter must arise due to the pressing public need for such legislation and must be a matter requiring final action by the Council.

Rule 8. Interpretation

Interpretation of the presentation shall be made only by a certified interpreter of the Navajo Nation Council.

Rule 9. Reading of Legislation

A. All legislation shall be made a part of the Council's official record and shall be read twice to the Navajo Nation Council by the designated personnel of the Office of Legislative Services or by electronic voice recording. The first reading shall be of the legislation and exhibit(s). At the conclusion of the debate on the matter before the Council, a second reading shall be read. The second reading shall include all amendments adopted by the Council. The second reading shall be limited only to those provisions or sections of the legislation which have shall in been amended. Upon completion of the second reading the Speaker shall put the matter to vote without further debate.

Rule 10. Main Motion

A. After the first reading of the legislation the Speaker shall request a motion to adopt the legislation.

B. Any two Delegates of the Navajo Nation Council may become parties to hold the main motion. This shall be established by any Delegate making a motion to adopt the legislation and followed by a second to the motion without any stipulation on the main motion.

1. Parties to the main motion shall be allowed to debate the issue.

C. If there is no motion to adopt after a second call by the Speaker then the motion shall be void and the legislation shall be stricken from the Council agenda.

1. The sponsor of the legislation may request that the item be placed on the agenda of the next or succeeding special or regular session, with the exception that legislation amending Title Two (2) and Title Seven (7), which is considered during a Navajo Nation Council regular session.

D. Legislation stricken from an agenda shall not be added to the agenda from which it was stricken.

D.E. Sponsors and/or Co-sponsor(s) shall provide appropriate presentation prior to debate, including the designation of person(s) to assist in the presentation. Council Delegates, employees and other individuals not designated by the sponsors or co-sponsors at the onset of their presentation shall not be permitted to address the Council during the time the proposal is addressed by the Council.

E.F. Whenever the legislative sponsor(s) or whenever has more than one person to make a presentation regarding the legislation, no more than two persons (in addition to the sponsor(s) shall be permitted to make a presentation. The sponsor shall register in advance with the Speaker the names of the presenter(s).

F.G. The time allowed in total for presentation(s) on one item shall not exceed twenty(20) minutes.

G.H. If the sponsor/co-sponsor is not present at the Council and prepared to provide his or her presentation when the legislation is called for consideration by the Council and a co-sponsor is not available, co-sponsor be available, the legislation shall be eliminated from the agenda of the present session of the Council and may be placed on the agenda of the next succeeding special or regular session, except that legislation amending Titles Two and Seven must be considered during regular sessions.

Rule 11. Debate

A. No Delegate of the Council shall be denied an opportunity to debate an issue, nor requested by another Delegate, to debate on legislation or issue before the Council. A Delegate choosing to debate shall do so only upon addressing and being recognized by the Speaker, and shall discuss only the issue before the Council.

B. No Delegate of the Council shall be interrupted when speaking except for a Point of Order and no question shall be asked, ~~him~~ except by or through the Speaker.

C. A Delegate recognized by the Speaker shall be allowed a maximum of five (5) minutes to debate the legislation or issue before the Council. The Delegate may yield his or her remaining time to one other Delegate.

D. No Delegate shall be recognized more than once to debate the same issue, except if the Delegate expressly reserves a part of his or her five (5) minutes for rebuttal or to answer questions.

E. Veto override resolutions shall not be subject to debate, and the main motion on veto override resolutions shall be voted on immediately after the presentation by the sponsor.

F. The Speaker shall ensure strict compliance with this rule. The Speaker shall call a Council Delegate Out of Order if the Delegate exceeds the time limit, or is not addressing the issue.

Rule 12. Cease Debate

A. Prior to recognizing a motion to cease debate by a Delegate, the Speaker shall ensure that there is equal number of Delegates speaking for and against the immediately pending issue before the Council. The purpose of this rule is to ensure that the debate is balanced between those that are for and against the issue.

B. Any Delegate may motion to cease debate so recognized by the Speaker and seconded, except that a Delegate shall not offer a motion to cease debate when utilizing the debate time that was yielded to him or her by another Delegate.

C. Cease debate motion shall not be debatable.

D. By a vote of two-thirds of the Delegates casting votes shall cause the motion to cease debate to carry.

E. The Speaker at his or her discretion may terminate debate on the immediately pending issue before the Council, provided that the debate is significantly in favor or against the issue and no Delegate requests to speak who indicates to debate contrary to the trend of the debate.

Rule 13. Response by Sponsor(s) or Co-Sponsor(s)

A. All questions on legislation shall be directed through the Speaker to the sponsor(s) or co-sponsor(s).

B. Only upon recognition by the Speaker shall the sponsor(s) or co-sponsor(s) address the Council.

C. When necessary, the sponsor(s) or co-sponsor(s) may designate personnel or any other individual that he or she identified at the onset of his or her presentation pursuant to Rule 11(A) to respond to questions raised by the Delegates.

~~D. Whenever there is a motion to amend offered or questions asked of the sponsor(s) or co-sponsor(s), the Speaker shall permit the sponsor(s) or co-sponsor(s) to respond regardless if the Council carried a motion to cease debate.~~

Rule 14. Amendment to Main Motion

A. Any Delegate of the Council shall be permitted to propose an amendment to main motion by so moving. An amendment to main motion shall only amend a portion of the main motion and not its entirety and shall not change the intent and purpose of the legislation.

B. Any proposed amendment to main motion must be seconded, with no stipulation, by any Delegate of the Council so recognized by the Speaker.

C. A proposed amendment to the main motion shall take precedence over the main motion and the Speaker shall allow debate of the amendment prior to resuming debate on the main motion.

D. A majority vote by Delegates of the Council casting a vote shall cause the motion to amend to carry whereby the main motion is amended and debate of the main motion shall continue as amended.

E. Amendment to main motion shall be subject to debate by Delegates of the Council.

F. There shall be only one motion to amend allowed on the floor of the Navajo Nation Council at any given time. Each motion to amend shall be debated and voted upon before another motion to amend is entertained.

F.G. Motion to amend that includes the addition of elements or exhibits of a bill already introduced and currently active in the legislative process shall require a majority vote of the council membership to be approved.

Rule 15. Substitute Motion

A. Any Delegate of the Council may propose a substitute motion to any main motion. A substitute motion is one which changes the entire substance of any motion or is an entirely new legislation and if adopted shall do away with the main motion. If the substitute motion is a legislation, it must first have completed the legislative process pursuant to 2 N.N.C. §164 prior to consideration by the Council.

B. The substitute legislation shall be read into the record, by designated personnel of the Office of Legislative Services or by electronic voice recording and seconded, without modification by any delegate of the Council so recognized by the Speaker.

C. The substitute motion shall take precedence over all other motions appendix to the prior main motion with the exception of the Tabling Motion, and the Speaker shall allow consideration of the substitute motion like a main motion.

D. The substitute motion shall be subject to debate by Delegates of the Council.

E. The substitute motion is subject to amendment pursuant to Rule 15 and Rule 16 if applicable.

F. A majority vote by Delegates of the Council casting a vote shall cause this motion to carry, unless a higher percentage of votes are required by some other provision of Navajo Nation law. If the substitute motion is carried, then it does away with the main motion. If the substitute does not carry, then the main motion is maintained and the debate on that main motion, or the amendment to the main motion, if applicable, continues from the point immediately prior to the making of the substitute motion.

G. There shall be only one (1) substitute motion allowed on the floor of the Council at any given time.

Rule 16. Point of Privilege

A. Point of privilege are those questions which relate to the rights and privileges of the Navajo Nation Council or of its members when the Council is in session. The point of privilege shall not be seconded and debated.

B. Any Council Delegate may raise a Point of Privilege only to receive additional documents from the sponsor(s), raise the safety of the Council, to maintain K'é among and between all members of Council and the public and to maintain the or-dignity and integrity of the proceedings. Point of Privilege shall not be used to engage in additional debate.

C. The Council Delegate raising the Point of Privilege of may interrupt a speaker and a vote in progress. The Speaker shall immediately address the Point question of Privilege raised by the Delegate pursuant to paragraph B before proceeding with the session.

Rule 17. Withdrawal of Motion/Modify

~~A. A Delegate may withdraw or modify his/her own motion made by that Delegate when recognized by if the Speaker grants permission and there is no objection from any other delegate present within the Council Chamber. The Speaker shall then call for and entertain a new motion.~~

~~1. The motion to withdraw or modify shall take precedence over the motion it seeks to withdraw or modify, is not subject to debate, and cannot be amended.~~

~~A. A majority vote by the delegates casting a vote shall cause the motion to carry.~~

Rule 18. Modification to Motion Tabling Motion

A motion may be modified by consent of the motioning party upon request.

Rule 19. Tabling Motion Point of Order

A. Any Delegate of the Council may move (or make a motion) to table a legislation that is before the Council. A tabling motion shall take precedence over all other motions before the Council except the motion to adjourn. A tabling motion may include specific directive(s) on when the legislation will be reconsidered.

B. A tabling motion shall be seconded.

C. The sponsor, at his option, may be given 3 minutes to express his/her reasons not to table legislation. No other further debate shall be allowed.

D. A majority vote by Delegates of the Council casting a vote shall cause this motion to carry. Legislation which has been tabled twice shall be permanently eliminated from the agenda of the Council.

E. Legislation may be taken up from the table by motion made by any Delegate, seconded, and passed by a majority vote of the votes cast. A motion to take legislation from the table is not debatable.

F. Any legislation taken up from the table need not be added to the agenda in order to be debated by the Council.

G. Any legislation may be taken up from the table during the same session at which it was tabled or at the next subsequent regular session of the Council as Old Business, unless otherwise directed by the Council.

H. Any legislation not taken up from the table in the manner provided herein or at the time directed by the Council shall be deemed to have expired and shall be eliminated from the agenda of the Council.

Rule 1920. Referral to Committee

Any legislation or report may be referred to any Standing Committee of the Council having oversight of matters within the legislation or report for deliberation by the committee before action by the Council.

A. Any Delegate of the Council may motion to refer a legislation or report before the Council to a Standing Committee(s) of the Council after a main motion has been established. The motion shall identify the Committee(s) to which the referral is made.

B. The motion to refer to Committee shall be seconded and is not debatable.

C. The motion to refer to Committee shall specify the action to be taken by the Committee(s) and shall, if required, set a time for the Council to take up the matter after completion of deliberation by the Committee(s).

D. A majority vote by Delegates of the Council casting a vote shall cause the motion to refer to Committee to carry.

E. Legislation which has been twice referred to a Committee(s) shall be deemed permanently eliminated from the agenda of the Council.

F. Legislation which has been referred shall be taken up by the Council on motion, which shall be seconded and adopted by a majority vote of the Council. Any legislation which has been referred but which is not taken up by the Council in the manner directed by the Council or within the time designated by the Council shall be deemed to have expired and shall be eliminated from the agenda of the Council.

Rule 210. Caucus

By motion, second and majority vote of the votes cast, the Council may suspend discussion of legislation and resolve itself into caucus on the floor. A motion to caucus is not subject to debate.

Rule 221. Vote

A. Every Council Delegate shall vote for or against each motion before the Council. Any motion or Legislation shall be deemed passed if it received a majority of all votes cast voting on the motion or legislation, unless a larger proportion is required by Navajo Nation law.

~~C.~~B. A Council Delegate who has a personal, family, business/monetary interest in a matter shall must declare as such and not participate in any proceedings concerning the matter, including debate, and shall not vote on the matter.

~~D.~~C. Before a vote is taken on each motion, the Speaker shall announce that a vote is about to be taken. The Delegates shall be given no more than two (2) minutes to cast their votes.

~~E.~~D. The recording of yeas and nays on all motions shall be done electronically when the Delegates press the appropriate button making such vote (or abstention). After all votes have been locked in, no other votes shall be cast, except where there is an electronic malfunction, Speaker will call for a roll call vote.

Whenever there has been an electronic malfunction the Speaker may call for a second vote, or revote, on the motion or rule on the electronic malfunction if it is brought to the Speaker's attention through a Point of Order. A Point of Order raising an electronic malfunction shall be made immediately and before the Speaker recognizes another motion.

The Speaker shall, upon the request of any Delegate without second and with regard to any vote, call for the display of votes to be delayed until after the votes have been locked in.

~~F.~~E. When there is a electrical power failure and malfunction during the Council Session, the Speaker shall direct voting by roll call and recording of the final vote count before consideration of any further Council action. This provision shall not prevent the modification of the final vote count pursuant to an electronic malfunction point of order raised under Section D of this Rule.

G. F. Voting by proxy or by any method by or on behalf of any Delegate who is not physically present in the Council Chambers shall not be valid or permitted.

Rule 234. Executive Session Special Meetings

Upon a motion by any Council Delegate, duly seconded, and majority vote of the Delegates casting a vote, the Council may resolve itself into an executive session to discuss any business item on the adopted agenda which may require confidentiality and/or area of sensitive nature. A motion under this Rule shall take precedence over any motion, motion to amend, and a motion to recall vote. The Speaker shall direct the Council Chamber to be cleared, except for such personnel as the Speaker may deem necessary. During the discussion, there shall be no recording and the doors shall remain closed. No official action shall be taken by the Council while in executive session.

Rule 245. Suspension of Rules

A. In order to prevent time wastage and more efficiently conduct the business of the Council, any Delegate may move to temporarily suspend the rule or rules of the Council by which it conducts its business with the exception of Rule 29 Motion to Adjourn. The motion must specify the rule, or rules, to be suspended and how long such rule or rules shall be suspended. The motion may apply to a particular matter before the Council or to all business conducted by the Council during any session for such period of time, or for items of business, specified in the motion.

B. The motion to suspend the rules shall not carry unless passed by a two-thirds vote of the full membership of the Council.

C. A motion under this rule may be used to amend the agenda as adopted by Council but to re-order agenda business shall not be used to re-order more than one item of business per motion.

Rule 256. Point of Order; Appeal of Decision

If a motion, procedure or remark appears to be in violation of the established rules of the Council, any Council Delegate may raise Point of Order. A Point of Order motion shall not be used to engage in additional debate.

- A. The Point of Order shall be raised immediately after the error is made. The Council Delegate raising the Point of Order may interrupt a speaker, provided the Council Delegate concisely states the rule violated pursuant to the Point of Order raised or when and a vote in progress to raise the issue.
- B. The Point of Order is not subject to debate.
- C. The Speaker shall immediately decide and rule upon the Point of Order before any action on the question is made by the Council.
- D. Once the Speaker has made his or her decision on the Point of Order, any Delegate may appeal the decision. The appeal must be seconded. The appeal shall not be amended. If the appeal is made and seconded, the Speaker shall restate his or her decision and submit the matter to the judgment of the Council. The decision shall then be subject to debate by the Council, during which the Speaker may state his or her reasons for the decision. Upon conclusion of debate, a vote shall be taken, and the decision of the Speaker shall be reversed if the majority of all votes cast are in favor of the appeal.

Rule 26. Reports to the Council

The State of the Nation address by the President of the Navajo Nation and all reports provided under Rule 6 shall not exceed twenty (20) minutes for each presenter.

Rule 27. Motion to Adjourn

A motion to adjourn shall take precedence over all other motions including a vote in progress.

Rule 28. Amendments

- A. The Rules of Order for the Navajo Nation Council shall become effective upon the recommendation of the Naabik'iyáti'Nabik'iyát'i' Committee and adoption by the Council or at such time as may be specified by the Navajo Nation Council.
- B. The Rules of Order for the Navajo Nation Council may be amended by a majority vote of the Council Delegates casting a vote.

Section Two. Effective Date

The effective date of this action of the Navajo Nation shall be immediate, upon the Speaker's signature pursuant to 2 N.N.C. §221(C).

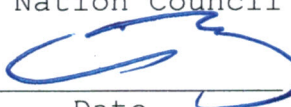
Section Three. Savings Clause

Should any provision of these amendments 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, those provisions of the amendments which are not determined invalid shall remain the law of the 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 11 in favor and 2 opposed, this 18th day of July 2013.

Mel R. Begay, Pro Tem Speaker
Navajo Nation Council



Date

Motion: Honorable Jonathan Nez
Second: Honorable Russell Begaye