

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0133-08

**DATE:** February 27, 2008

**TITLE OF RESOLUTION:** PROPOSED STANDING COMMITTEE RESOLUTION, AN ACTION RELATING TO RESOURCES AND GOVERNMENT SERVICES; AMENDING TITLE THREE OF THE NAVAJO NATION CODE SECTIONS 60 TO 70 CHANGING THE PLAN OF OPERATION FOR FARM BOARDS

**PURPOSE:** The purpose of the resolution is to amend Title Three of the Navajo Nation Code Sections 60 to 70 changing the plan of operation for Farm Boards.

This written summary is provided in accord with Navajo Nation Council Rules of Order, Rule 11(A), or Standing Committee Rules of Order, Rule 12, on the resolution as drafted by the Office of Legislative Counsel. 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.

RESOURCES  
COMMITTEE

THENCE

GOVERNMENT SERVICES  
COMMITTEE

THENCE

ETHICS & RULES  
COMMITTEE

THENCE

NAVAJO NATION COUNCIL

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
21st NAVAJO NATION COUNCIL -- Second Year, 2008

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0133-08

AN ACTION

RELATING TO RESOURCES AND GOVERNMENT SERVICES; AMENDING  
TITLE THREE OF NAVAJO NATION CODE SECTIONS 60 TO 70 CHANGING THE  
PLAN OF OPERATION FOR FARM BOARDS

BE IT ENACTED:

The Navajo Nation amends Title 3 of the Navajo Nation Code, Sections 60-70, to  
change the plan of operation for Farm Boards as follows:

**§ 60. Definitions**

- A. "Dryland farming" means farming without support of a river, stream or reservoir, and utilizing only annual precipitation.
- B. "Idle farmland" means unused farmland, unplanted farmland, and those not farmed from year to year.
- C. "Intermittent stream" means streams and gullies that do not flow throughout the year, and occur as a result of rainfall and melting snow.
- D. "Lake project farmland" means farmland supported by manmade or natural lake or reservoir.
- E. "Miscellaneous project farmland" means farmland supported by high amounts of precipitation, intermittent stream, natural spring, and have the capacity to sustain viable crops.
- F. "Perennial stream" means a stream that constantly flows throughout the year.

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G. "River project farmland" means farmland supported by river or perennial stream.

**§61. Establishment**

Farm Boards are hereby established.

A. There are hereby established Farm Boards within the Executive Branch of the Navajo Nation Government.

B. Farm Boards shall be established through the Government Services Committee of the Navajo Nation Council upon the recommendation of the Resources Committee, provided the following criteria are met:

1. A proposed Plan of Operation is submitted and approved by the Navajo Nation Department of Agriculture; and
2. A ~~certified~~ cChapter(s) of the Navajo Nation supports the formation of a Farm Board; and
3. The Farm Board is comprised of farm lands which meet one of the following projects: Lake project farmland, River project farmland or Miscellaneous project farmland.

a. ~~"Lake Projects" means that the farm lands are located near lakes, man-made or natural or reservoirs.~~

b. ~~"River Projects" means that farm lands are located near rivers, or perennial streams.~~

e. ~~"Miscellaneous Projects" means that farm lands are located in areas that receive high amounts of rain fall, from 0-18, more or less, inches per year, and have the capacity to sustain viable crops; or areas that receive run off water from mountains, i.e. intermittent streams, and have capacity to sustain viable crops.~~

C. A Farm Board may be comprised of several chapters or districts, but a cChapter shall have no more than one Farm Board representative.

1 D. Unless otherwise stated by the Resources Committee, applicable District Grazing  
2 Committees or District Land Boards shall ~~maintain~~ have authority over permit held  
3 farmlands not under the jurisdiction of a Farm Board.  
4

5 **§ 62. Purposes**

6 It is the purpose of the Farm Boards:

7 ~~1A.~~ To build ~~up~~ locally the capacity and responsibility to ensure for the proper and full  
8 protection, conservation, management, sustainable and economic use and development of  
9 local farmland and irrigation water systems.  
10

11 ~~2B.~~ To ~~promote coordination among~~ collaborate with the Navajo Nation, private entities,  
12 organizations, state and federal agencies, ~~local~~ Navajo farmers and farming communities  
13 ~~for ensuring~~ to ensure proper operation, maintenance, rehabilitation and improvement of  
14 local irrigation systems.  
15

16 ~~3C.~~ To promote coordination among the Navajo Nation, private entities, state and federal  
17 agencies to provide Navajo farming communities with adequate research, education and  
18 training in all aspects of agricultural production, irrigation management, marketing and  
19 financial mismanagement, and other areas related to agriculture within the Navajo Nation.  
20

21 ~~4D.~~ To promote full utilization of idle farmland.  
22

23 **§ 63. Personnel Farm Board Officers**

24 Each Farm Board shall select from its membership, the following officers:  
25

26 A. Chairperson. The Chairperson shall preside over Farm Board meetings and ~~insure~~  
27 ensure that the business of the Farm Board is conducted in an orderly manner. The  
28 Chairperson shall develop monthly agendas, generate reports, prepare annual and  
29 supplemental budgets, conduct other duties necessary for the position, and serve as the  
30 representative on the Farm Board Budget Team within the Department of Agriculture. The

1 4D. To mediate and maintain official written records of any disputes which may arise  
2 among agricultural land use permit holders. Copies of all such official written records shall  
3 be furnished to Grazing Management Program, Department of Agriculture, the Navajo  
4 Nation's Division of Natural Resources and to the Bureau of Indian Affairs.

5  
6 5E. To use land, grazing, and farm dispute procedures to serve as mediate mediators by  
7 resolving disputes of land use rights, fences, land boundaries, rights-of-way, weed or pest  
8 control, annual water use assessments or other agricultural-related disputes, within the  
9 Navajo Reservation Nation, except disputes involving divorce, separation, and probate  
10 which shall be resolved by the Navajo Nation Courts. The Farm Board may submit  
11 recommendations to the Court in agricultural matters regarding divorce, separation, and  
12 probate. Unresolved disputes shall be submitted to the Office of Hearings and Appeals,  
13 although the Farm Board may submit its own recommendations.

14  
15 6F. To resolve inter-district agricultural-related disputes by holding joint meetings with the  
16 adjoining Farm Boards. Unresolved matters shall be submitted to the Office of Hearings  
17 and Appeals.

18  
19 7G. To submit in writing to the Resources Committee of the Navajo Nation Council, any  
20 recommendations and suggestions of general interest and any problem ~~which~~ the Farm  
21 Board is unable to resolve or beyond its authority with the exception of land, grazing and  
22 farm disputes.

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24 **B. Management Functions**

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26 4H. To develop and recommend for Resources Committee approval, such policies,  
27 procedures, rules and regulations as may be required to implement the provisions of this  
28 plan of operation.

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1        ~~2~~I. To develop, review and implement standard procedures manuals and short and long-  
2 range plans for the rehabilitation, improvement, operation and maintenance of irrigation  
3 systems, in coordination with appropriate Navajo Nation, private, state and federal  
4 agencies.

5  
6        ~~3~~J. To oversee plans, budgets, staffing, decisions and activities of Navajo Nation  
7 agriculture land with the responsibility for management, operations, maintenance and  
8 repairs on irrigation projects under the authority of the ~~local~~ Farm Board.

9  
10       ~~4~~K. To cooperate, negotiate, and enter into agreements, consistent with applicable Navajo  
11 Nation laws, with Navajo Nation, private, state, and federal agencies to carry out programs  
12 for ~~the~~ construction, rehabilitation, improvement, operation and maintenance of any  
13 irrigation structures or systems.

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15       ~~5~~L. To ~~conduct~~ commission surveys, conduct investigations, research, education and  
16 demonstrations relating to methods ~~and results~~ of agricultural production, farm  
17 management and crop marketing, irrigation management and other measures, ~~as well as~~  
18 ~~aiding agricultural productivity and irrigation water management, in coordination and~~  
19 ~~cooperation~~ and coordinate with appropriate Navajo Nation, private, state and federal  
20 agencies on agricultural productivity and water management.

21  
22       ~~6~~M. Subject to the availability of funds ~~to employ administrative, clerical and technical~~  
23 ~~staff personnel~~.

24  
25       ~~7~~M. To acquire, administer, and make available ~~on such terms as the Farm Board may~~  
26 ~~prescribe~~, all plant materials, supplies, tools, machinery, equipment and other property  
27 necessary for the implementation of proper economic agriculture and irrigation system  
28 rehabilitation, improvement, operations and maintenance, in coordination with appropriate  
29 Navajo Nation and federal agencies.  
30

1 8N. To perform other duties as ~~may be~~ directed by the Resources Committee of the Navajo  
2 Nation Council, the President of the Navajo Nation, and the Navajo Nation Council.

3  
4 ~~9. To sign Homesite applications pursuant to rules and regulations adopted by the~~  
5 ~~Resources Committee of the Navajo Nation Council and Navajo Nation laws.~~

6  
7 O. To discourage land use permits and farm lands from being encroached upon from home  
8 sites, burials, churches, business sites, advertisements, real estate development and urban  
9 development.

10  
11 P. To cooperate with utility companies and like interests in the development of utilities on  
12 or adjacent to farmland.

13  
14 **§ 66. Accountability**

15 A. Farm Board members shall be accountable to their respective local cChapters by  
16 attending cChapter meetings and submitting monthly reports to the chapter.

17 B. Farm Board members shall be accountable to the Grazing Management Program, the  
18 Department of Agriculture, the Executive Director, Division of Natural Resources, or  
19 his/her designee by submitting monthly reports.

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21 **§ 67. Compensation**

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23 A. Farm Board members shall be paid from funds provided annually in the Navajo Nation  
24 budget for that purpose, subject to the availability of funds.

25  
26 B. Farm Board members shall be compensated at a minimum rate of \$250 per meeting,  
27 determined by the Navajo Nation Council for per diem for attending official meetings. Per  
28 diem shall be made pursuant to the submittal of an by official claim form together with a  
29 roll sign-in sheet and meeting agenda. Compensation of the Farm Board may be withheld  
30 for failure to cooperate with officials of the Navajo Nation, failure to submit minutes and

1 quarterly reports, for failing to attend or attending chapter meetings or any other official  
2 scheduled meetings, and failure to complete assignments made by Grazing Management  
3 Program, Department of Agriculture.

4  
5 **§ 68. Legislative Oversight**

6 Farm Boards ~~shall operate~~ are under the legislative oversight of the Resources Committee of  
7 the Navajo Nation Council, pursuant to 2 N.N.C. § 695(B)(15).

8  
9 **§ 69. Qualifications for office, removal, and placement on administrative leave of Board**  
10 **Members**

11 The qualifications for office, removal and placement on administrative leave of Farm Board  
12 members are subject to the provisions under 11 N.N.C. § 8 (D) (2) and § 240.

13  
14 **§ 69 70. Amendments**

15 The Plan of Operation of the Farm Boards may be amended from time to time by the Navajo  
16 Nation Council upon the recommendation of the Resources Committee and the Government  
17 Services Committee of the Navajo Nation Council.

## 21 Navajo Nation Council

Fiscal Year 2008

Mr. Speaker

The **GOVERNMENT SERVICE COMMITTEE** to whom has been assigned

### **NAVAJO LEGISLATIVE BILL # 0133-08**

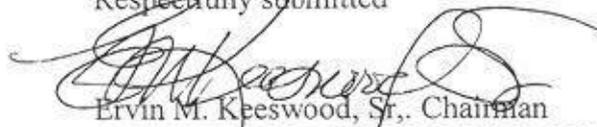
**RELATING TO RESOURCES AND GOVERNMENT SERVICES; AMENDING  
TITLE THREE OF NAVAJO NATION CODE SELECTIONS 60 TO 70  
CHANGING THE PLAN OF OPERATION FOR FARM BOARDS**

Has had it under consideration and reports the same with the following recommendation that it be **TABLED MOTION** with amendments.

1. Provide supporting Chapters Resolutions
2. Clarification on Pg. 8 Line 30 "cooperate with Officials of the Navajo Nation" What type of officials?
3. Pg. 9, Line 11 Deletion of wording "administrative leave"
4. Bring back to GSC on the second regular meeting in June

And therefore referred to **ETHICS AND RULES COMMITTEE**

Respectfully submitted



Ervin M. Keeswood, Sr., Chairman  
GOVERNMENT SERVICES COMMITTEE

Date: March 25, 2008

Motion: R. Laughter. Second: Amos Johnson Vote 4-0

**21st Navajo Nation Council**

Second Year 2008

Mr. Speaker,

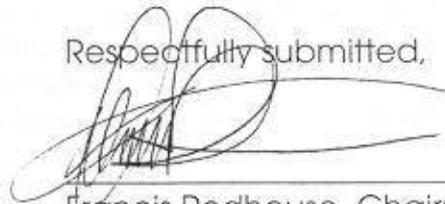
The **ETHIC AND RULES COMMITTEE**, to whom has been assigned

**NAVAJO LEGISLATIVE BILL 0133-08**

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

And therefore referred to the **21<sup>ST</sup> NAVAJO NATION COUNCIL**.

Respectfully submitted,



Francis Redhouse, Chairperson

Adopted: \_\_\_\_\_

Advisor



Not Adopted: \_\_\_\_\_

Advisor

Date: May 12, 2008

The vote was 5 in favor and 0 opposed

Excused: Preston McCabe

Absent:



March 3, 2008

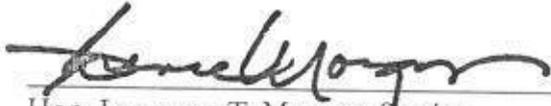
**MEMORANDUM**

TO : Hon. George Arthur, *Chairperson*  
Resources Committee

Hon. Ervin M. Keeswood, Sr., *Chairperson*  
Government Services Committee

Hon. Francis Redhouse, *Chairperson*  
Ethics & Rules Committee

Hon. *Members*  
Navajo Nation Council

FROM :   
Hon. Lawrence T. Morgan, *Speaker*  
Navajo Nation Council

SUBJECT : ASSIGNMENT OF LEGISLATION

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Pursuant to 2 N.N.C. § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Resources Committee, Government Services Committee, Ethics & Rules Committee and the Navajo Nation Council:

Legislation No. 0133-08

An Action

Relating to Resources and Government Services; Amending Title Three of Navajo Nation Code Sections 60 to 70 Changing the Plan of Operation For Farm Boards.

As the Committee assigned to consider the legislation, Legislation No. 0133-08 must be placed on the Resources Committee's agenda at the next regular meeting. Then, forwarded to the Government Services Committee, Ethics & Rules Committee and the Navajo Nation Council for final adoption.

ATTACHMENT: Legislation No. 0133-08

xc: Hon. Joe Shirley, Jr., *President*  
The Navajo Nation



Louis Denetsoisic, *Attorney General*  
Mark Grant, *Controller*  
Hon. Norman John, *Council Delegate (Prime Sponsor)*  
File

RECEIVED

MASSACHUSETTS  
DEPARTMENT OF REVENUE  
STATE HOUSE, ROOM 100  
CHARLESTOWN, MASSACHUSETTS 02129

*[Signature]*  
Hon. Norman John  
Council Delegate

ASSOCIANT OF LEGAL COUNSEL

It is the policy of the Commonwealth to provide for the most efficient and economical administration of its affairs and to ensure that the public interest is served in the most effective manner possible.

SECTION 10A

Section 10A of the General Laws of the Commonwealth, Chapter 80C, Section 10A, is hereby amended to read as follows:

Section 10A. (a) Any person who is appointed to a position in the executive branch of the Commonwealth shall be required to file a statement of financial interest with the State Ethics Commission within a reasonable period of time after the date of appointment.

SECTION 10B

SECTION 10B. (a) Any person who is appointed to a position in the executive branch of the Commonwealth shall be required to file a statement of financial interest with the State Ethics Commission within a reasonable period of time after the date of appointment.