LEGISLATIVE SUMMARY SHEET
Tracking No. 0176-19

DATE: June 19, 2019

AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING AN ACT TO AMEND THE NAVAJO NATION CODE, TITLE 2, CHAPTER 3, SUBCHAPTER 11, BOARDS AND COMMISSIONS,ARTICLE 6 NAVAJO NATION HUMAN RIGHTS COMMISSION SECTIONS 921, 922(A)(C), 923,924

PURPOSE: Approving certain amendments to Navajo Nation Code Title 2, Navajo Nation Human Rights Commission.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: 2 BDR
Website Posting Time/Date: 7.2.19 11:54AM
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Eligible for Action: 7.8.19

Law & Order Committee
Thence
Naa'bik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY

Daniel E. Jr

Primary Sponsor

TRACKING NO. 0176-19

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING AN ACT TO AMEND THE NAVAJO NATION CODE, TITLE 2, CHAPTER 3, SUBCHAPTER 11, BOARDS AND COMMISSIONS; ARTICLE 6 NAVAJO NATION HUMAN RIGHTS COMMISSION SECTIONS 921, 922(A)(C), 923 AND 924

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. 601(B)(14), reviews and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code.

B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council. Pursuant to 2 N.N.C. § 164(A) (9), the committee reviews proposed legislation which requires final action by the Navajo Nation Council.

C. The Navajo Nation Council enacts laws and sets policy for the Navajo Nation. 2 N.N.C. § 102.

SECTION TWO. FINDINGS

A. The Navajo Nation Human Rights Commission (Commission) was established within the Legislative Branch as an entity of the Navajo Nation Government pursuant to 2 N.N.C. § 920.

B. The Commission is established as a clearinghouse to address discriminatory actions against citizens of the Navajo Nation; and to interface with the local, state, and federal governments and with national and international human rights organizations in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation. 2 N.N.C. § 921.

C. The Commission has requested, by Commission Resolution NNHRCMAY-23-19, certain amendments be made to its enabling legislation. See Exhibit A.

D. The Navajo Nation Council finds it to be in the best interest of the Diné to approve such amendments as requested by the Commission pursuant to NNHRCMAY-23-19 and to make these amendments to Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Article 6, §§ 921,922 (A)(C), 923 and 924, at a Regular Session of the Navajo Nation Council.

SECTION THREE. AMENDING TITLE 2

The Navajo Nation Council hereby amends the Navajo Nation Code, 2 N.N.C. § 921,922 (A)(C), 923, 924 as follows:

THE NAVAJO NATION CODE

TITLE 2 NAVAJO NATION GOVERNMENT

Chapter 3 Legislative Branch

Subchapter 11. Boards and Commissions

Article 6. Navajo Nation Human Rights Commission

* * **

§ 920. Establishment

There is hereby established the Navajo Nation Human Rights Commission (herein referred to as the Commission) in the Legislative Branch as an entity of the Navajo Nation Government.

§ 921. Purpose

The Commission is organized as a Navajo human rights clearinghouse entity to administratively address and when necessary, litigate discriminatory actions taken against citizens of the Navajo Nation, and to interface with the local, state, and federal governments and with national and international human rights organization in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation.

§ 922. Organization; powers; and office

A. The Commission shall consist of five commissioners appointed in accordance with the plan of operation. Qualifications for the commissioners in accordance with the plan of operation shall include persons with reputable and established backgrounds in the fields of education, business, law enforcement, and social services and Navajo traditional culture. A majority of the commissioners shall be Navajo. The commissioners shall be appointed by the Speaker of the Navajo Nation Council and confirmed by the ~~Intergovernmental Relations~~ Naabik'iyáti' Committee.

B. Commissioners shall receive no additional compensation for their activities in connection with the Commission, other than reimbursement for required and authorized expenses incurred in the performance of their duties.

C. The Commission shall receive reports of discrimination~~ory~~ and ~~racial~~ acts of racism ~~perpetrated~~ against ~~citizens of the Navajo Nation~~ enrolled members of the Navajo Nation. The Commission will compile this data and track occurrences of these events, ~~and~~ refer documented incidents to the proper authorities, subject to applicable laws, and offer technical and administrative support to enrolled members of the Navajo Nation as they seek guidance to remedy their grievances.

D. The Commission shall have the authority to approve the rules, policies and procedures for the Commission and its office, to conduct public hearings, and to issue subpoenas, in accordance with the laws of the Navajo Nation.

Commissioners shall hire and supervise an Executive Director for the Commission in accordance with the Navajo Personnel Policies Manual.

E. The Executive Director shall administer the daily operations of the Commission through the Office of the Navajo Nation Human Rights Commission. The executive Director shall be responsible and accountable to the Commission and shall be authorized to employ necessary personnel in accordance with the Navajo Nation Personnel Policies Manual and the Navajo Nation operating budget.

F. The Commission shall coordinate with other Navajo Nation offices, departments, and other governmental entities as necessary to carry out the Commission's purposes and authorities, subject to applicable laws. This Act shall not be construed to diminish the operation of the Navajo Nation Business Opportunity Act, the Navajo Nation Business and Procurement Act, the Navajo Preference in Employment Act, the Navajo Nation Bill of Rights, or any other laws of the Navajo Nation.

§ 923. Legislative Oversight

The Commission shall operate under the legislative oversight of the ~~Intergovernmental Relations~~ Naabik'iyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 701(A)(5). The Commission shall operate pursuant to a plan of operation recommended by the Office of the Speaker and adopted by the Navajo Nation Council.

§ 924. Amendments

The enabling legislation for the Commission may be amended by the Navajo Nation Council upon recommendation of the ~~Intergovernmental Relations~~ Naabik'iyáti' Committee of the Navajo Nation Council.

SECTION FOUR. CODIFICATION

The provisions of the 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 of the Navajo Nation Code.

SECTION FIVE. SAVING 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, the remainder of the Act shall remain the law of the Navajo Nation.

SECTION SIX. EFFECTIVE DATE

The provisions of this Act shall become effective pursuant to 2 N.N.C. §§ 221(B) and 1005 (C)(12).



NNHRCMAY-23-19

RESOLUTION OF THE NAVAJO NATION HUMAN RIGHTS COMMISSION

Approving and Recommending the Proposed Amendments to the Navajo Nation Human Rights Commission Enabling Act and Plan of Operation

WHEREAS:

1. Pursuant to 2 N.N.C. §920 and §921, the Navajo Nation Human Rights Commission ("Commission") is established within the Legislative Branch as an entity of the Navajo Nation government to operate as a clearinghouse to address discriminatory actions against citizens of the Navajo Nation; and to interface with the local, state, federal governments and with national and international human rights organizations in accordance with the Commission's plan of operation and applicable laws and regulations of the Navajo Nation; and

2. The Navajo Nation Council, by Resolution CS-68-18, adopted the Fiscal Year 2019 operating budget in which the Commission was identified as a program that needed to update its plan of operation. Since then, the Office of Navajo Nation Human Rights Commission ("Office") have worked diligently on updating the Commission's enabling act (2 N.N.C. §§ 920-924) and the plan of operation (Resolution CJN-15-08); and

3. The Commission's enabling act can only be changed by the Navajo Nation Council during the regular council session upon the recommendation from the Naabik'iya'ti'i Committee. In addition, the plan of operation can only be changed by the Navajo Nation Council upon the recommendation of the Commission and Naabik'iya'ti'i Committee; and

4. The Commission finds the amendments provided in Exhibits "A" and "B" are in the best interest of the Commission and Office in order to better serve the Navajo Nation and Navajo people.

NOW THEREFORE BE IT RESOLVED:

1. The Navajo Nation Human Rights Commission hereby approves and recommends the amendments to its enabling act (2 N.N.C. §§ 920-924) and the plan of operation (Resolution CJN-15-08) as provided in Exhibits "A" and "B" respectively.

2. The Navajo Nation Human Rights Commission further hereby directs the Office of Navajo Nation Human Rights Commission to properly secure sponsor of the legislation to approve amendments provided in Exhibits "A" and "B".

NNHRCMAY-23-19

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Human Rights Commission as a duly called meeting at St. Michaels, Navajo Nation (Arizona), at which a quorum was present and same was considered by a vote of 3 in favor and 0 opposed, this 3th day of May 2019.

Jennifer Dehetdale, Ph.D, Chairperson
Navajo Nation Human Rights Commission

Exhibit A

NAVAJO NATION CODE ANNOTATED
TITLE 2. NAVAJO NATION GOVERNMENT
CHAPTER 3. LEGISLATIVE BRANCH
SUBCHAPTER 11. BOARDS AND COMMISSIONS
ARTICLE 6. NAVAJO NATION HUMAN RIGHTS COMMISSION

§ 920. Establishment

There is hereby established the Navajo Human Rights Commission (herein referred to as the Commission) in the Legislative Branch as an entity of the Navajo Nation government.

§ 921. Purpose

The Commission is organized to operate as a Navajo human rights clearinghouse entity to administratively address and, when necessary, litigate discriminatory actions taken against citizens of the Navajo Nation, and to interface with the local, state, and federal governments and with national and international human rights organizations in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation.

§ 922. Organization; powers; and office

A. The Commission shall consist of five commissioners appointed in accordance with the plan of operation. Qualifications for the commissioners in accordance with the plan of operation shall include persons with reputable and established backgrounds in the fields of education, business, law enforcement, ~~and~~ social services and Navajo traditional culture. A majority of the commissioners shall be Navajo. The commissioners shall be appointed by the Speaker of the Navajo Nation Council and confirmed by the ~~Intergovernmental Relations~~ Naabik'iya'ti' Committee.

B. Commissioners shall receive no additional compensation for their activities in connection with the Commission, other than reimbursement for required and authorized expenses incurred in the performance of their duties.

C. The Commission shall receive reports of discriminationory and racial acts of racism perpetrated against citizens of the Navajo Nation enrolled members of the Navajo Nation. The Commission will compile this data and track occurrences of these events, and refer documented incidents to the proper authorities, subject to applicable laws, and offer technical and administrative support to enrolled members of the Navajo Nation as they seek guidance to remedy their grievances.

D. The Commission shall have the authority to approve the rules, policies and procedures for the Commission and its office, to conduct public hearings, and to issue subpoenas, in accordance with the laws of the Navajo Nation. Commissioners shall hire and supervise an Executive Director for the Commission in accordance with the Navajo Nation Personnel Policies Manual.

E. The Executive Director shall administer the daily operations of the Commission through the Office of the Navajo Nation Human Rights Commission. The Executive Director shall be responsible and accountable to the Commission and shall be authorized to employ necessary personnel in accordance with the Navajo Nation Personnel Policies Manual and the Navajo Nation operating budget.

F. The Commission shall coordinate with other Navajo Nation offices, departments, and other governmental entities as necessary to carry out the Commission's purposes and authorities, subject to applicable laws. This Act shall not be construed to diminish the operation of the Navajo Nation Business Opportunity Act, the Navajo Nation Business and Procurement Act, the Navajo Preference in Employment Act, the Navajo Nation Bill of Rights, or any other laws of the Navajo Nation.

§ 923. Legislative oversight

The Commission shall operate under the legislative oversight of the ~~Intergovernmental Relations~~ Naabik'iya'ti'i Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 824(B)(1). The Commission shall operate pursuant to a plan of operation recommended by the Office of the Speaker and adopted by the Navajo Nation Council.

§ 924. Amendments

The enabling legislation for the Commission may be amended by the Navajo Nation Council upon recommendation of the ~~Intergovernmental Relations~~ Naabik'iya'ti'i Committee of the Navajo Nation Council.

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576

Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Daniel L. Tso
24th Navajo Nation Council

FROM: Edward A. McCool, Acting-Chief Legislative Counsel
Office of Legislative Counsel

DATE: June 19, 2019

AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING AN ACT TO AMEND THE NAVAJO NATION CODE, TITLE 2, CHAPTER 3, SUBCHAPTER 11, BOARDS AND COMMISSIONS, ARTICLE 6 NAVAJO NATION HUMAN RIGHTS COMMISSION SECTIONS 921, 922(A)(C), 923,924

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: 0176-19 **SPONSOR:** Daniel Tso

TITLE: An Action Relating To Law And Order, NAABIK'IYATI' Committee And The Navajo Nation Council; Approving An Act To Amend The Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Boards And Commissions; Article 6 Navajo Nation Human Rights Commission Sections 921, 922(A)(C), 923 And 924

***Date posted*: July 2, 2019 at 11:54 AM**

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Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

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THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0176-19

SPONSOR: Honorable Daniel Tso

TITLE: An Action Relating To Law And Order, Naabik'íyáti' Committee And The Navajo Nation Council; Approving An Act To Amend The Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Boards And Commissions; Article 6 Navajo Nation Human Rights Commission Sections 921, 922(A)(C), 923 And 924

Posted: July 2, 2019 at 11:54 AM

5 DAY Comment Period Ended: July 07, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Tracking Secretary
Office of Legislative Services

7/8/19
Date/Time