



## 23<sup>rd</sup> Navajo Nation Council

### MEMORANDUM

To : Manuel Rico, Senior Programs and Projects Specialist  
OFFICE OF LEGISLATIVE SERVICES

From : 1-711  
Tom Platero, Executive Director  
OFFICE OF LEGISLATIVE SERVICES

Date : January 9, 2019

Subject : ***23<sup>rd</sup> Navajo Nation Council Expired Legislation***

Pursuant to 2 N.N.C. § 164 (A) (1), "The last day for consideration of resolutions shall be December 31<sup>st</sup> of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out and labeled as "expired":

#### NAVAJO NATION COUNCIL:

0399-17	0424-17	0098-18	0136-18
0183-18	0224-18	0328-18	0344-18
0356-18	0358-18	0367-18	0373-18
0385-18	0393-18	0404-18	0416-18
0422-18			

#### NAABIK'YATI' COMMITTEE:

0224-15	0361-16	0341-18	0406-18
0418-18	0427-18		

**BUDGET AND FINANCE COMMITTEE:**

0021-17	0392-17	0099-18	0261-18
0287-18	0398-18	0435-18	0436-18

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE:**

0414-18	0419-18	0451-18
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**LAW AND ORDER COMMITTEE:**

0114-17	0031-18	0217-18	0307-18
0353-18	0360-18	0364-18	0437-18

**RESOURCES AND DEVELOPMENT COMMITTEE:**

0402-15	0104-16	0121-16	0183-16
0282-16	0296-16	0370-16	0384-16
0135-17	0176-17	0386-17	0400-17
0076-18	0395-18	0415-18	0443-18

Legislation need to be closed out as soon as possible. If you have any questions, please let me know.

**CONCURRENCE:**



**Honorable LoRenzo C. Bates, Speaker**  
**23<sup>rd</sup> Navajo Nation Council**

COPIES: Pete K. Atcitty, Chief of Staff, Office of the Speaker  
Ed McCool, Acting Chief Legislative Counsel, Office of Legislative Counsel  
Files

## LEGISLATIVE SUMMARY SHEET

Tracking No. 0406-18

**DATE:** December 11, 2018

**TITLE OF RESOLUTION:** AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'ÍYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1701 - 1706, ENABLING LEGISLATION FOR THE NAVAJO NATION DIVISION OF HUMAN RESOURCES

**PURPOSE:** If approved, this resolution will amend the enabling legislation of the Navajo Division of Human Resources codified at 2 N.N.C §§1701-1706.

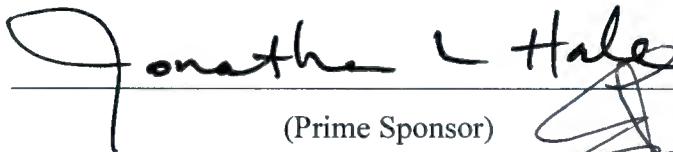
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: 4:39pm 12/11/18  
Posting End Date: 12/16/2018  
Eligible for Action: 12/17/2018

Health, Education & Human Services Committee  
Thence  
Law & Order Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23rd NAVAJO NATION COUNCIL - Fourth Year, 2018

INTRODUCED BY

  
(Prime Sponsor)  
0404-18

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND  
ORDER, NAABIK'ÍYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL;  
AMENDING 2 N.N.C. §§ 1701 - 1706, ENABLING LEGISLATION FOR THE NAVAJO  
NATION DIVISION OF HUMAN RESOURCES

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400 *et. seq.* Among other delegated duties and responsibilities, the committee oversees the Navajo Nation Division of Human of Resources.

B. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164 (A)(1), 600 (A), and 601(B)(14) (2012); CO-45-12.

C. The Naabik'iyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164 (A)(9), reviews proposed legislation which require final action by the Navajo Nation Council. CO-45-12. Further, under current law, the Naabik'iyáti' Committee "review[s] and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code." 2 N.N.C. § 601(B)(14).

1 D. The Navajo Nation Council must review and approve enactments or amendments of  
2 positive law. 2 N.N.C. § 164 (A) (2012); CO-45-12.

## 3 4 **SECTION TWO. FINDINGS**

5 A. The Division of Human Resources was created in 1990 as an Executive Branch  
6 division of the Navajo Nation. CSCAU-39-90. The purposes of the division included  
7 "facilitat[ing] effective management and delivery of human services programs and  
8 services in a comprehensive manner." *Id.* Other purposes included such matters as  
9 personnel management, employment, and training. *Id.*

10 B. The current structure of the Navajo Nation Division of Human Resources requires  
11 reorganization and restructuring, in order to provide more efficient and effective  
12 governmental services for people served. Also, organizational changes will reflect the  
13 purposes of the programs within the Division more accurately. These changes include:

14 1. Merging the Staff Development and Training Program with the Department of  
15 Personnel Management. This will ensure more effective services to the Navajo  
16 Nation.

17 2. Re-designating the Office of Broadcast Services as Navajo Nation TV and Film.  
18 This change will promote the use of modern technological trends and shift the  
19 program to a revenue-producing platform in its media production.

20 3. Removing the Office of Navajo Women and Families to eliminate duplicative  
21 services.

22 C. The Navajo Department of Justice has reviewed the amendments to the enabling  
23 legislation for the Division of Human Resources. *See* Exhibit A.

## 24 25 **SECTION THREE. AMENDMENT**

26 The Navajo Nation Council amends Title 2 as follows:  
27 \_\_\_\_\_

### 28 29 NAVAJO NATION CODE 30 TITLE 2. NAVAJO NATION GOVERNMENT

1 CHAPTER 5. Executive Branch

2 SUBCHAPTER 27. Navajo Division of Human Resources

3 § 1701. Establishment

4 There is established the Navajo Division of Human Resources (NDHR) within the  
5 Executive Branch of the Navajo Nation government.

6  
7 § 1702. Purpose

8 The ~~Division of Human Resources~~ NDHR shall consolidate all human resources  
9 programs and activities of the Navajo Nation government within a single division to  
10 facilitate effective management and delivery of human resource programs and services in  
11 a comprehensive manner.

12  
13 § 1703. Personnel and organization

14 A. Personnel.

15 1. There is hereby established the position of the ~~Executive Division~~ Director and  
16 such other positions that are necessary and provided in the budget approved by the  
17 Navajo Nation Council for NDHR ~~the Division of Human Resources~~.

18 2. All NDHR ~~Division of Human Resources~~ personnel shall be hired and  
19 compensated pursuant to ~~the policies and guidelines of~~ the Navajo Nation Personnel  
20 Policies ~~Procedures~~ Manual, except the ~~Executive Division~~ Director who shall be  
21 appointed by and serve at the pleasure of the President of the Navajo Nation and be  
22 confirmed by the Navajo Nation Council.

23 B. Organization

24 1. The NDHR ~~Division of Human Resources~~ shall be comprised of program and  
25 administrative components as may be deemed necessary subject to legislative review  
26 and approval of the department's and/or program's plans of operation.

27 2. The NDHR ~~Division of Human Resources~~ shall consist of the following  
28 departments and offices:

- 29 a. Department of Personnel Management  
30 b. Navajo Department of Workforce Development

- c. Navajo Department of Retirement Services
- d. ~~Office of Broadcast Services~~ Navajo Nation TV and Film
- e. Office of Navajo Labor Relations
- f. ~~Office of Navajo Women and Families~~
- g. ~~f.~~ Navajo Office of Vital Records and Identification
- h. ~~g.~~ Navajo Occupational Safety and Health Administration
- i. ~~h.~~ Department of Child Support ~~Enforcement~~ Services
- j. ~~Staff Development and Training Program~~
- k. ~~i.~~ Navajo Nation Band
- m. ~~j.~~ Navajo Nation Office of Background Investigation

§ 1704. Responsibility and Authority

A. NDHR shall ~~The Division of Human Resources~~ provides ~~centralized and decentralized~~ human resource program services to the Navajo Nation government. The Division management is accountable to the President of the Navajo Nation for the performance of its functional responsibilities in an ~~effective and efficient~~ progressive and productive manner. All management ~~personnel~~ within the Division shall have ~~sufficient~~ authority established by their plans of operation to perform their job responsibilities ~~not inconsistent with the Master Plan and~~ or applicable Navajo Nation laws.

B. The ~~Executive Division~~ Director of NDHR ~~the Navajo Division of Human Resources~~ shall have the following responsibilities and authorities:

1. Be responsible for the efficient management and administration of NDHR ~~the Division of Human Resources~~ and its departments and programs;
2. Provide quarterly reports of all activities within NDHR ~~the Division of Human Resources~~ and its departments and programs to the President of the Navajo Nation and the Health, Education and Human Services Committee of the Navajo Nation Council;
3. Supervise and direct all department directors and program managers/supervisors within NDHR ~~the Division of Human Resources~~;



4. Develop, recommend and implement (upon adoption by the appropriate Navajo Nation legislative body) policies, rules and regulations governing matters delegated to NDHR ~~the Division of Human Resources~~ and its departments and programs;
5. Set priorities and participate in overall NDHR ~~Division of Human Resources~~ departments' and programs' performance based budget planning process;
6. Conduct periodic performance review of NDHR ~~Division of Human Resources~~ departments and programs for effectiveness and progress to ensure compliance with the annual fiscal year performance based budget requirements;
7. Coordinate with NDHR ~~Division of Human Resources~~ departments and programs, administrative, financial and operating policies for the NDHR ~~Division of Human Resources~~; and
8. Represent the NDHR ~~Division of Human Resources~~ at executive level planning sessions.

§ 1705. Legislative oversight

The NDHR ~~Division of Human Resources~~ shall operate under the legislative oversight of the Health, Education and Human Services Committee of the Navajo Nation Council.

§ 1706. Amendments

The Navajo Nation Council may amend any portion or portions of sections 1701 through 1706 upon recommendation of the Health, Education and Human Services Committee. ~~Sections 1701 through 1706 may be amended by the Government Services Committee of the Navajo Nation Council upon the recommendation of the Human Services Committee of the Navajo Nation Council.~~

**SECTION FOUR. PLAN(S) OF OPERATION**

Pursuant to and consistent with the Enabling Legislation amended and approved herein, a plan of operation for the Division of Human Resources, its programs,



1 departments and offices may be developed and shall require approval by the Health,  
2 Education and Human Services Committee.

3 **SECTION FIVE. CODIFICATION**

4 The provisions of the amendments approved herein which amend or adopt new  
5 sections of the Navajo Nation Code shall be codified by the Office of Legislative  
6 Counsel. The Office of Legislative Counsel shall incorporate such amended provisions  
7 into the next codification or supplement of the Navajo Nation Code.

8  
9 **SECTION SIX. SAVINGS CLAUSE**

10 Should any provision of the amendments approved herein be determined invalid by  
11 the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without  
12 appeal to the Navajo Supreme Court, the remainder of the amendments shall remain the  
13 law of the Navajo Nation.

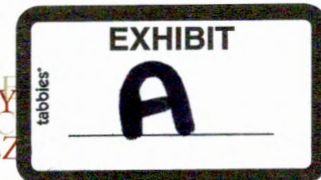
14  
15 **SECTION SEVEN. EFFECTIVE DATE**

16 The amendments approved herein shall become effective in accordance with 2 N.N.C.  
17 § 221(B).



THE NAVAJO NATION

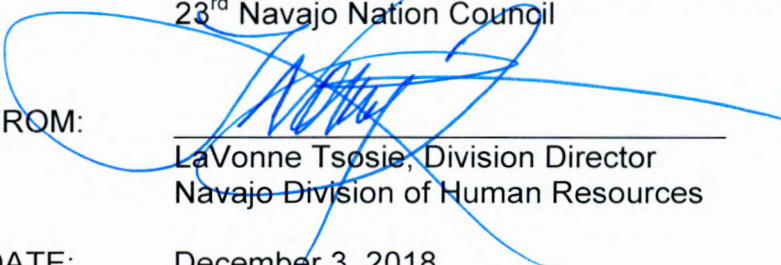
RUSSELL BEGAY  
JONATHAN NEZ



**RUSH**

## MEMORANDUM

TO: Honorable Jonathan Hale, Chairperson  
Health, Education and Human Services Committee  
23<sup>rd</sup> Navajo Nation Council

FROM:   
LaVonne Tsosie, Division Director  
Navajo Division of Human Resources

DATE: December 3, 2018

SUBJECT: **NDHR ENABLING LEGISTION**

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As Division Director of the Navajo Division of Human Resources (NDHR), I am hereby requesting your assistance in sponsoring legislation for an amendment to our NDHR's Enabling Legislation. The document has been reviewed by the Navajo Department of Justice (NDOJ).

As you are aware, the second NDHR Enabling Legislation was initially sponsored by the late Steven Begay and eventually you as a replacement sponsor. The Naabik'iyati Committee ruled the legislation "out of order" on November 9, 2018. Today, I am forwarding the draft document and the Request For Services form verifying NDOJ's review for legislative action.

Please contact me at extension 6627 to speak with Ms. Lorraine Tabaha, ASO, or myself.

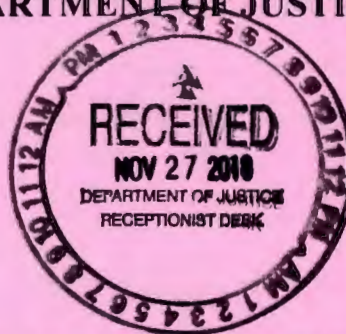
**ATTACHMENT:** NDHR Draft Enabling Legislation

pc: 2018DHRfiles.chrono

# NAVAJO NATION DEPARTMENT OF JUSTICE



## REQUEST FOR SERVICES



DOJ
11/27/18 @ 3:39p
DATE / TIME
RFS #: 18-2802
UNIT: H596

☐ RESUBMITTAL

\*\*\* FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. \*\*\*

### CLIENT TO COMPLETE

DATE OF REQUEST: 11/27/2018	ENTITY/DIVISION: Human Resources
CONTACT NAME: LaVonne Tsosie	DEPARTMENT: DHR Administration
PHONE NUMBER: 928.871.6627	E-MAIL: ltsosie@navajo-nsn.gov
<p>COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (Attach Documents):</p> <p>NDHR Enabling Legislation will be resubmitted to Sponsor at Legislative Counsel for Legislation No. assignment. NDHR Enabling Legislation will be "re-dropped" for Oversight Review &amp; Approval after Leg. No. 0221-18 was ruled out of order. Sponsor Delegate Jonathan Hale will resubmit after NDOJ Review.</p>	
DEADLINE: 11/30/2018	REASON: Submit to Legislative Counsel for Legis

### DOJ SECRETARY TO COMPLETE

DATE/TIME IN UNIT: 11/27/18 @ 4:30pm	REVIEWING ATTORNEY/ADVOCATE: CTS
DATE TIME OUT OF UNIT: 11/30/18	PREPARED BY (initial):

### DOJ ATTORNEY / ADVOCATE COMMENTS

*See NOTATIONS ON Document.*

REVIEWED BY: (PRINT) <i>Chris Schneider</i>	DATE / TIME: 30 Nov. 18 / 9:15
DOJ Secretary Called: <i>Raphael</i>	for Document Pick Up on 11/30/18 at 928am By: <i>ds</i>
PICKED UP BY: (PRINT)	DATE / TIME:



BE IT ENACTED:

**SECTION ONE. AUTHORITY**

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council, 2 N.N.C. §400 *et. seq.* Among other delegated duties and responsibilities, the committee oversees the Navajo Nation Division of Human Resources.

B. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164 (A)(1), 600 (A), and 601 (B)(14)(2012); CO-45-12.

C. The Naabik'iyati' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §164 (A)(9), reviews proposed legislation which require final action by the Navajo Nation Council. CO-45-12. Further, under current law, the Naabik'iyati' Committee "review[s] and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code." 2 N.N.C. § 601 (B)(14).

D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. §164 (A) (2012); CO-45-12.

**SECTION TWO. FINDINGS**

A. The Division of Human Resources was created in 1990 as an Executive Branch division of the Navajo Nation. GSCAU-39-90. The purpose of the division included "facilitat[ing] effective management and delivery of human services programs and services in a comprehensive manner." *Id.* Other purposes included such matters as personnel management, employment, and training. *Id.*

B. The current structure of the Navajo Nation Division of Human Resources requires reorganization and restructuring, in order to provide more efficient and effective governmental services for people served. Also, organizational changes will reflect the purposes of the programs within the Division more accurately. These changes include:

1. Merging the Staff Development and Training Program with the Department of Personnel Management. This will ensure more effective services to the Navajo Nation.
2. Re-designating the Office of Broadcast Services as Navajo Nation TV and Film. This change will promote the use of modern technological trends and shift the program to a revenue-producing platform in its media production.

3. Removing the Office of Navajo Women and Families to eliminate duplicative services.

### SECTION THREE. AMENDMENT

The Navajo Nation Council amends Title 2 as follows:

NAVAJO NATION CODE  
TITLE 2. NAVAJO NATION GOVERNMENT  
CHAPTER 5. Executive Branch  
SUBCHAPTER 27. Navajo Division of Human Resources (NDHR)

#### § 1701. Establishment

There is established the Navajo Division of Human Resources (NDHR) within the Executive Branch of the Navajo Nation government.

#### § 1702. Purpose

The ~~Division of Human Resources~~ NDHR shall consolidate all human resources programs and activities of the Navajo Nation government within a single division to facilitate effective management and delivery of human resource programs and services in a comprehensive manner.

#### § 1703. Personnel and Organization

##### A. Personnel.

1. There is hereby established the position of the ~~Executive Division~~ Director and such other positions that are necessary and provided in the budget approved by the Navajo Nation Council for NDHR ~~the Division of Human Resources~~.
2. All ~~NDHR Division of Human Resources~~ personnel shall be hired and compensated pursuant to ~~the policies and guidelines of the Navajo Nation Personnel Policies Procedures Manual~~, except the ~~Executive Division~~ Director who shall be appointed by and serve at the pleasure of the President of the Navajo Nation and be confirmed by the Navajo Nation Council.

##### B. Organization

1. The ~~NDHR Division of Human Resources~~ shall be comprised of program and administrative components as may be deemed necessary subject to legislative review and approval of the department's and/or program's plan of operation.

2. The NDHR Division of Human Resources shall consist of the following departments and offices:

- a. Department of Personnel Management
- b. Navajo Department of Workforce Development
- c. Navajo Department of Retirement Services
- d. ~~Office of Broadcast Services~~ Navajo Nation TV and Film
- e. Office of Navajo Labor Relations
- f. ~~Office of Navajo Women and Families~~
- g. f. Navajo Office of Vital Records and Identification
- h. g. Navajo Occupational Safety and Health Administration
- i. h. Department of Child Support ~~Enforcement Services~~
- j. ~~Staff Development and Training Program~~
- i.k. Navajo Nation Band
- j.m. Navajo Nation Office of Background Investigation

§ 1704. Responsibility and Authority

A. NDHR shall ~~The Division of Human Resources~~ provides centralized and decentralized human resource program services to the Navajo Nation government. The Division management is accountable to the President of the Navajo Nation for the performance of its functional responsibilities in ~~an effective and efficient~~ progressive and productive manner. All management ~~Personnel~~ within the Division shall have ~~sufficient~~ authority established by their plans of operation to perform their job responsibilities ~~not inconsistent~~ with the Master Plan ~~and~~ or applicable Navajo Nation laws.

B. The ~~Executive Division~~ Director of NDHR ~~the Navajo Division of Human Resources~~ shall have the following responsibilities and authorities:

1. Be responsible for the efficient management and administration of NDHR ~~the Division of Human Resources~~ and its departments and programs;
2. Provide quarterly reports of all activities within NDHR ~~the Division of Human Resources~~ and its departments and programs to the President of the Navajo Nation and the Health, Education and Human Services Committee of the Navajo Nation Council;
3. Supervise and direct all department directors and program managers/supervisors within NDHR ~~the Division of Human Resources~~;
4. Develop, recommend and implement (upon adoption by the appropriate Navajo Nation legislative body) policies, rules and regulations governing matters delegated to NDHR ~~the Division of Human Resources~~ and its departments and programs;
5. Set priorities and participate in overall NDHR ~~Division of Human Resources~~ departments' and programs' performance based budget planning process;



6. Conduct periodic performance review of ~~NDHR Division of Human Resources~~ departments and programs for effectiveness and progress to ensure compliance with annual fiscal year performance based budget requirements;

7. Coordinate with ~~NDHR Division of Human Resources~~ departments and programs, administrative, financial and operating policies for the NDHR ~~Division of Human Resources~~; and

8. Represent the ~~NDHR Division of Human Resources~~ at executive level planning sessions.

#### § 1705. Legislative oversight

The ~~NDHR Division of Human Resources~~ shall operate under the legislative oversight of the Health, Education and Human Services Committee of the Navajo Nation Council.

#### § 1706. Amendments

The Navajo Nation Council may amend any portion or portions of sections 1701 through 1706 upon recommendation of the Health, Education and Human Services Committee. ~~Sections 1701 through 1706 may be amended by the Government Services Committee of the Navajo Nation Council upon the recommendation of the Human Services Committee of the Navajo Nation Council.~~

### SECTION FOUR. PLAN OF OPERATION

Pursuant to and consistent with the Enabling Legislation amended and approved herein, a plan of operation for the Navajo Division of Human Resources, its programs, departments and offices may be developed and approved by the Health, Education and Human Services Committee.

### SECTION FIVE. CODIFICATION

The provisions of the amendments approved herein 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 into next codification or supplement of the Navajo Nation Code.

### SECTION SIX. SAVINGS CLAUSE

Should any provision of the amendments approved herein be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Supreme Court, the remainder of the amendments shall remain the law of the Navajo Nation.

**SECTION SEVEN. EFFECTIVE DATE**

The amendments approved herein shall become effective in accordance with 2 N.N.C. § 221(B).

## **DRAFT 11.27.18**

BE IT ENACTED:

### **SECTION ONE. AUTHORITY**

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B. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§ 164 (A)(1), 600 (A), and 601 (B)(14)(2012); CO-45-12.

C. The Naabik'iyati' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §164 (A)(9), reviews proposed legislation which require final action by the Navajo Nation Council. CO-45-12. Further, under current law, the Naabik'iyati' Committee "review[s] and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code." 2 N.N.C. § 601 (B)(14).

D. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. §164 (A) (2012); CO-45-12.

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A. The Division of Human Resources was created in 1990 as an Executive Branch division of the Navajo Nation. GSCAU-39-90. The purpose of the division included "facilitat[ing] effective management and delivery of human services programs and services in a comprehensive manner." *Id.* Other purposes included such matters as personnel management, employment, and training. *Id.*

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#### § 1703. Personnel and Organization

##### A. Personnel.

1. There is hereby established the position of the ~~Executive Division~~ Director and such other positions that are necessary and provided in the budget approved by the Navajo Nation Council for NDHR ~~the Division of Human Resources~~.
2. All NDHR ~~Division of Human Resources~~ personnel shall be hired and compensated pursuant to ~~the policies and guidelines of~~ the Navajo Nation Personnel Policies ~~Procedures~~ Manual, except the ~~Executive Division~~ Director who shall be appointed by and serve at the pleasure of the President of the Navajo Nation and confirmed by the Navajo Nation Council.

##### B. Organization <sup>Be</sup>

1. The NDHR ~~Division of Human Resources~~ shall be comprised of program and administrative components as may be deemed necessary subject to legislative review and approval of the department's and/or program's plan of operation.

2. The ~~NDHR Division of Human Resources~~ shall consist of the following departments and offices:

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- c. Navajo Department of Retirement Services
- d. ~~Office of Broadcast Services~~ Navajo Nation TV and Film
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§ 1704. Responsibility and Authority

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*See CMT ON § 4,  
Plan of Operation on  
next page*

B. The ~~Executive Division~~ Director of NDHR ~~the Navajo Division of Human Resources~~ shall have the following responsibilities and authorities:

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The Navajo Nation Council may amend any portion or portions of sections 1701 through 1706 upon recommendation of the Health, Education and Human Services Committee. ~~Sections 1701 through 1706 may be amended by the Government Services Committee of the Navajo Nation Council upon the recommendation of the Human Services Committee of the Navajo Nation Council.~~

### SECTION FOUR. PLAN OF OPERATION

Pursuant to and consistent with the Enabling Legislation amended and approved herein, a plan of operation for the Navajo Division of Human Resources, its programs, departments and offices may be developed and approved by the Health, Education and Human Services Committee.

### SECTION FIVE. CODIFICATION

The provisions of the amendments approved herein 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 into next codification or supplement of the Navajo Nation Code.

### SECTION SIX. SAVINGS CLAUSE

Should any provision of the amendments approved herein be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without

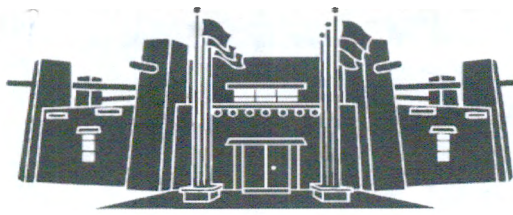
*if this is the "master plan" referred to in section 1704(A), - then it must be developed + approved by HEHSC.*



appeal to the Navajo Supreme Court, the remainder of the amendments shall remain the law of the Navajo Nation.

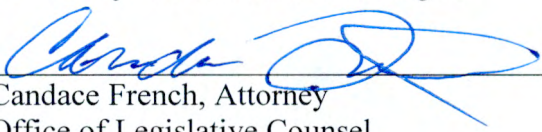
**SECTION SEVEN. EFFECTIVE DATE**

The amendments approved herein shall become effective in accordance with 2 N.N.C. § 221(B).



## MEMORANDUM

TO: Honorable Jonathan Hale  
23<sup>rd</sup> Navajo Nation Council Delegate

FROM:   
Candace French, Attorney  
Office of Legislative Counsel

DATE: December 11, 2018

RE: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'ÍYATI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1701 - 1706, ENABLING LEGISLATION FOR THE NAVAJO NATION DIVISION OF HUMAN RESOURCES

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law, the resolution drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. 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).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0406-18\_\_\_\_\_ SPONSOR: Jonathan Hale

**TITLE: An Action Relating to Health, Education and Human Services, Law and Order, Naabik'iyati' Committees and the Navajo Nation Council; Amending 2 N.N.C. §§ 1701-1706, enabling legislation for the Navajo Nation Division of Human Resources**

***Date posted: December 11, 2018 at 4:39pm***

**Digital comments may be e-mailed to comments@navajo-nsn.gov**

**Written comments may be mailed to:**

**Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7590**

**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.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.: 0406-18**

**SPONSOR: Honorable Jonathan L. Hale**

**TITLE: An Action Relating to Health, Education and Human Services, Law and Order, Naabik'iyati' Committees and the Navajo Nation Council; Amending 2 N.N.C. §§ 1701- 1706, enabling legislation for the Navajo Nation Division of Human Resources**

**Posted: December 11, 2018 at 4:39pm**

**5 DAY Comment Period Ended: December 16, 2018**

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inconclusive Comment</b>	<i>None</i>



**Legislative Secretary H  
Office of Legislative Services**

12/17/18 8:15am

**Date/Time**

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0406-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK' IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1701-1706, ENABLING LEGISLATION FOR THE NAVAJO NATION DIVISION OF HUMAN RESOURCES

(Note: Eligible for Committee Action December 17, 2018)

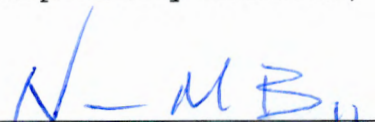
Sponsors: Honorable Jonathan L. Hale

Amendment One (1) Motion: Page 2 of 6, Lines 18, 19: Insert "period" after "trends"; and Overstrike and delete "~~and shift the program to a revenue-producing platform in its media production.~~"

TO READ AS FOLLOWS: Page 2 of 6, Lines 18, 19: "This change will promote the use of modern technological trends.

Has had under consideration and report the same with the recommendation that Legislation 0406-18 PASS with One (1) Amendment and no Directive; and therefore referred the same to the LAW AND ORDER COMMITTEE OF THE NAVAJO NATION COUNCIL.

Respectfully Submitted,

  
\_\_\_\_\_  
Norman M. Begay, Vice-Chairperson  
Health, Education and Human Services Committee

**December 18, 2018 - Main Motion**

Motion by: Honorable Jonathan L. Hale

Seconded by: Honorable Olin Kieyoomia

Vote: 3 in favor; 1 Opposed; Vice-Chairperson Not Voting

Yeas: Jonathan L. Hale; Olin Kieyoomia; Nelson BeGaye

Nays: Amber Kanazbah Crotty

Absent (excused): Nathaniel Brown

Not Voting: Olin Kieyoomia; Nathaniel Brown

**December 18, 2018 - Amendment One (1) Motion**

Motion by: Honorable Amber Kanazbah Crotty

Seconded by: Honorable Nelson BeGaye

Vote: 4 in favor; 0 Opposed; Vice-Chairperson Not Voting

Yeas: Amber Kanazbah Crotty; Nelson BeGaye; Olin Kieyoomia; Jonathan L. Hale

Nays: None

Absent (excused): Nathaniel Brown

Not Voting: Nathaniel Brown

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE  
Regular Meeting  
December 18, 2018

Roll Call  
Vote Tally Sheet

LEGISLATION NO. 0406-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1701-1706, ENABLING LEGISLATION FOR THE NAVAJO NATION DIVISION OF HUMAN RESOURCES

(Note: Eligible for Committee Action December 17, 2018)

Sponsor: Honorable Jonathan L. Hale

Amendment One (1) Motion: Page 2 of 6, Lines 18, 19: Insert "period" after "trends"; and Overstrike and delete ~~"and shift the program to a revenue-producing platform in its media production."~~

TO READ AS FOLLOWS: Page 2 of 6, Lines 18, 19: "This change will promote the use of modern technological trends.

**December 18, 2018 - Main Motion**

Motion by: Honorable Jonathan L. Hale

Seconded by: Honorable Olin Kieyoomia

Vote: 3 in favor; 1 Opposed; Vice-Chairperson Not Voting

Yeas: Jonathan L. Hale; Olin Kieyoomia; Nelson BeGaye

Nays: Amber Kanazbah Crotty

Absent (excused): Nathaniel Brown

Not Voting: Olin Kieyoomia; Nathaniel Brown

**December 18, 2018 - Amendment One (1) Motion**

Motion by: Honorable Amber Kanazbah Crotty

Seconded by: Honorable Nelson BeGaye

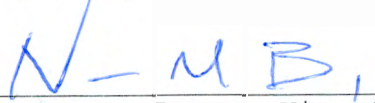
Vote: 4 in favor; 0 Opposed; Vice-Chairperson Not Voting


Yeas: Amber Kanazbah Crotty; Nelson BeGaye; Olin Kieyoomia; Jonathan L. Hale

Nays: None

Absent (excused): Nathaniel Brown

Not Voting: Nathaniel Brown

  
\_\_\_\_\_  
Norman M. Begay, Vice-Chairperson  
Health, Education and Human Services Committee

  
\_\_\_\_\_  
Beverly Martinez, Legislative Advisor  
Health, Education and Human Services Committee



**LAW AND ORDER COMMITTEE  
23<sup>RD</sup> NAVAJO NATION COUNCIL**

**FOURTH YEAR 2018**

**COMMITTEE REPORT**

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

**Legislation No. 0406-18:** An Action Relating to Health, Education and Human Services, Law and Order, Naabik'iyati' Committees and the Navajo Nation Council; Amending 2 N.N.C. §§1701 – 1706, Enabling Legislation for the Navajo Nation Division of Human Resources – *Sponsors: Honorable Jonathan L. Hale/Honorable Edmund Yazzie*

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with one amendment:

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Raymond Smith, Jr., Vice Chairperson  
Law and Order Committee  
23<sup>rd</sup> Navajo Nation Council

Date: December 31, 2018

Main Motion: Honorable Edmund Yazzie  
Second : Honorable Kee A. Begay, Jr.  
Vote : 2-0-1 (Vice Chairperson not voting)

**LAW AND ORDER COMMITTEE**

**Special Meeting  
December 31, 2018**

**VOTE TALLY SHEET:**

**Legislation No. 0406-18:** An Action Relating to Health, Education and Human Services, Law and Order, Naabik'iyati' Committees and the Navajo Nation Council; Amending 2 N.N.C. §§1701 – 1706, Enabling Legislation for the Navajo Nation Division of Human Resources – *Sponsors: Honorable Jonathan L. Hale/Honorable Edmund Yazzie*

**Main Motion:** Edmund Yazzie

**Second:** Kee A. Begay, Jr.    **Vote:** 2-0-1

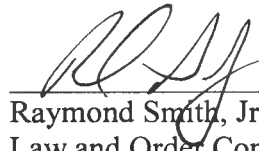
**VOTE TALLY:**

**YEAS:** Edmund Yazzie/Kee A. Begay, Jr.

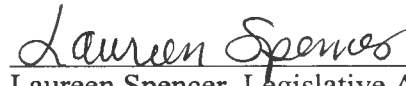
**NAYS:**

**NOT VOTING:** Raymond Smith, Jr.

**EXCUSE:** Otto Tso/Herman M. Daniels



Raymond Smith, Jr., Vice Chairperson  
Law and Order Committee



Laureen Spencer, Legislative Advisor  
Law and Order Committee