

LEGISLATIVE SUMMARY SHEET

Tracking No. 0222-20

DATE: September 9, 2020

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3, CONTROLLED SUBSTANCES AT 17 N.N.C. §§ 390, 394

PURPOSE: The purpose of this legislation is to amend Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394. An amendment would be made to the definition of "marijuana" among other purposes.

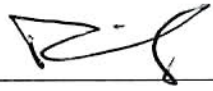

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 3:44pm 09-10-20
Posting End Date: 09-15-20
Eligible for Action: 09-16-20

Health Education & Human Services Committee
Thence
Resources & Development Committee
Thence
Law & Order Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0222-20

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES
AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES
AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3,
CONTROLLED SUBSTANCES AT 17 N.N.C. §§ 390, 394

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council and is empowered to review and recommend resolutions relating to social services, health, environmental health, education, veterans and veterans services, employment and labor. 2 N.N.C. §§ 164(A) (1), 400(A) and 401(B) (6) (a).
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council and is empowered to review and make recommendations to the Navajo Nation Council for final approval resolutions requiring Navajo Nation Council approval to accomplish or impact the Committee purposes. 2 N.N.C. §§ 164(A) (1), 500(A) and 501(B) (4) (f).
- C. 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

1 Navajo Nation Council on amendments to and enactments in the Navajo Nation
2 Code. 2 N.N.C. §§ 164(A)(1), 600(A), and 601(B)(14).

3 D. The Naabik'iyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §
4 164 (A) (9), reviews proposed legislation which requires final action by the Navajo
5 Nation Council.

6 E. The Navajo Nation Council must review and approve enactments or amendments of
7 positive law. 2 N.N.C. § 164(A).

8 9 **SECTION TWO. FINDINGS**

10 A. The Navajo Nation is responsible for the enforcement of the Criminal Code,
11 including amendments, as may be enacted by the Navajo Nation through its Council
12 and the President.

13 B. The Navajo Nation Code, at Title 17, Chapter 3, Controlled Substances, Definitions
14 was last amended with respect to the definition of "Marijuana" on November 1, 2018
15 by Council Resolution CO-75-18.

16 17 **SECTION THREE. AMENDING TITLE 17, CHAPTER 3, SUBCHAPTER 10**

18 A. The Navajo Nation hereby amends the Title 17 as follows:

19 _____
20 **NAVAJO NATION CODE**
21 **TITLE 17. LAW AND ORDER**
22 **CHAPTER 3.**
23 **SUBCHAPTER 10. CONTROLLED SUBSTANCES**

24
25 * * * *

26 **§ 390. Definitions**

27 The following definitions apply in this subchapter:

28 A. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative,
29 mixture or preparation of coca leaves, except derivatives of coca leaves which do not
30

1 contain cocaine, ecgonine or substances from which cocaine or ecgonine may be
2 synthesized or made.

- 3 B. Marijuana” means the ~~plant Cannabis sativa L. and any part of such plant, whether~~
4 ~~growing or not, with a delta-9 tetrahydrocannabinol concentration of more than three~~
5 ~~tenths percent (0.3%) on a dry weight basis~~ all parts of the plant Cannabis sativa L.,
6 whether growing or not; the seeds thereof; the resin extracted from any part of such
7 plant; and every compound, manufacture, salt, derivative, mixture, or preparation of
8 such plant, its seeds or resin, containing any amount of delta-9 tetrahydrocannabinol.
9 Such term does not include any part of the plant Cannabis sativa L., whether growing
10 or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3
11 percent on a dry weight basis produced or delivered in strict compliance with an
12 industrial hemp regulatory system approved by the Navajo Nation Council or its
13 designee.
- 14 C. “Opium” includes morphine, codeine and heroin, and any compound, manufacture,
15 salt derivative, mixture or preparation of opium, but does not include apomorphine
16 or any of its salts.

17 * * * *

18 19 **§ 394. Possession or Sale of Controlled Substances**

- 20 A. Offense. A person commits an offense pursuant to this section if he or she
21 possesses, manufactures, transports, sells, uses, trades or delivers:

22 * * * *

- 23 3. ~~Any material, compound, mixture or preparation which contains an~~
24 ~~amount more than three tenths percent (0.3%) quantity of~~
25 ~~tetrahydrocannabinol (T.H.C.) on a dry weight basis.~~

26 *****

27 28 **SECTION FOUR. CODIFICATION**

29 The provisions of the Act which amend or adopt new sections of the Navajo Nation
30 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative

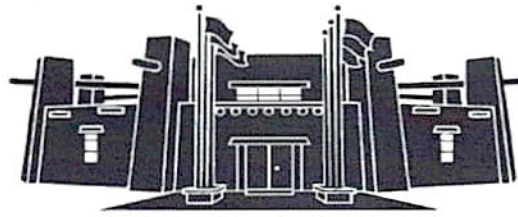
1 Counsel shall incorporate such amended provisions in the next codification of the Navajo
2 Nation Code.

3
4 **SECTION FIVE. SAVINGS CLAUSE**

5 Should any provision of this Act be determined invalid by the Navajo Nation
6 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
7 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo
8 Nation.

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10 **SECTION SIX. EFFECTIVE DATE**

11 Amendments enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).
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MEMORANDUM

TO: Honorable Rick Nez
T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San
Juan Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: September 9, 2020

SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT
RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES,
RESOURCES AND DEVELOPMENT, LAW AND ORDER AND
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
AMENDING TITLE 17 CHAPTER 3, CONTROLLED SUBSTANCES AT 17
N.N.C. §§ 390, 394

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

Please ensure that his 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.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient as to formatting. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. The Office of Legislative Counsel confirms the appropriate standing committee(s) 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).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0220-20_

SPONSOR: Rickie Nez

TITLE: An Action Relating To Health, Education And Human Services, Resources And Development, Law And Order And Naabik'íyáti' Committees And The Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances At 17 N.N.C. §§ 390, 394

Date posted: September 10, 2020 at 3:44 PM

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) 871-7586

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.

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.: 0222-20

SPONSOR: Honorable Rickie Nez

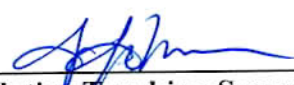
TITLE: An Action Relating To Health, Education And Human Services, Resources And Development, Law And Order And Naabik'iyáti' Committees And The Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances At 17 N.N.C. §§ 390, 394

Posted: September 10, 2020 at 3:44 PM

5 DAY Comment Period Ended: September 15, 2020

Digital Comments received:

Comments Supporting	1) Tammie Simpson
Comments Opposing	<i>None</i>
Inconclusive Comments	1) Natalie Beyale 2) Yolanda Benally 3) Kenneth Littletree 4) Carmen McKenzie 5) Roy Hosteen 6) Cynthia Frank 7) Sylvia McKinley


 Legislative Tracking Secretary
 Office of Legislative Services

09/16/20 10:33am
 Date/Time

Legislation 0222-20

Tammie Simpson <tamisimpson14@gmail.com>

Mon 9/14/2020 9:34 AM

To: comments <comments@navajo-nsn.gov>;

I am in support for this Legislation 0222-20 to be more STRICT on Marijuana/Hemp laws.

Illegal production has definitely made the Northern Agency very unsafe! Never would I have imagined that our Dine people would have to defend themselves within Dine'tah especially from non-Dine. We need to protect our land, our Dine!!

-Tammie Simpson

Tse'Daa'Kaan Community Member

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Fwd: format to change and use for public comment

Natalie Beyale <nbeyale87420@yahoo.com>

Wed 9/16/2020 10:12 AM

To: comments <comments@navajo-nsn.gov>;

This was sent to me anonymous due to fear of retaliation from hemp neighbors.

Begin forwarded message:

From: a concerned farmer

Date: September 14, 2020 at 3:00:36 PM MDT

To: nbeyale87420@yahoo.com

Subject: format to change and use for public comment

Please accept my public comment that I am submitting on 9/14 or 15/2020.

LEGISLATION NO: 0220-20, An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo nation Council; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§390, 394; Posted on September 10, 2020; Page 2 of 4 and Page 3 of 4

My name is Dezbah Against-Hemp, I am a farmer, who holds a farm permit issued by BIA. My contact information is PO Box XXX, Shiprock, NM 87420 and live within Shiprock Chapter at Mile marker XXX within farming area along the San Juan River on the Navajo Reservation. My email address is _____

My interest in the regulation is a direct result of the irreparable harm my family has suffered. I have been personally affected by the cultivation of illegal hemp and the operations that have emerged on farmlands XX mile of my farmland plot located on the Navajo Nation. The hemp farms have limited my family the use and enjoyment of our homesite lease and assigned farm plot. We have not had a safe and peaceful environment while tending to our crops, meaningful time outdoors with our children, and are inability to properly farm and harvest this season.

Foreign workers working on the illegal hemp farms, as well as local illegal hemp farmers are firing weapons at all times during the night hours and this firing of dangerous weapons has caused stress and anxiety to my children and myself. The foreign workers have taken up residence in two farm plots within ¼ mile of the Land Use Permit area and our home. We are no longer able to work on our farm; we are no longer able to enjoy outdoor physical activities with our children within our permitted area due to the fear that has been incited by the firing of weapons so close to our living space and agriculture on the farm. Myself and my children are in fear for our lives, in fear of the safety livestock, and our way of life. The mental stress and anxiety have and is causing irreparable harm to myself and my family by impacting our ability to harvest and farm this season.

The recommendations I am submitting pertains to: In Controlled Substances at 17 N.N.C. §§ 394. Possession or Sale of Controlled Substances. I recommend that the following be amended to include in regulations that are up for public comment.

- A person who commits an offence as mention in §§394 should be held criminally liable.
- A person who aids, assists and/or encourages another of the offence mention in §§394 should be held criminally liability.
- A person who commits an offence who are found guilty of §§394 within a School Safety zone should have penalty increased time in jail and increased fines or both.
- Elected official found committing the offence in §§394 should be banned from holding office in any capacity. People interested in holding an official office should be prohibited from cultivating, harvesting, selling, distribution of a controlled substance as part of a requirement for holding office.
- Any person holding a land use permit who are found guilty of cultivating, harvesting, selling, distribution of a controlled

substance Hemp, should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.

- Any person holding a land use permit who are found guilty of building infrastructure for the sole use of cultivating, harvesting, selling, distribution of a controlled substance should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.

- Any person holding a homesite lease permit who are found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a homesite lease permit intended for residence as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.

- A person who found guilty of committing the offence in §§ 394 during an imposed curfew of Navajo Nation should have penalty increased time in jail and increased fines or both.

- A person who found guilty of committing the offence in §§394 during an imposed curfew of Navajo Nation should have as penalty loss of business license and increased regulations.

Within the last three years, four of the six elected farm board officials in the San Juan River Farm Board are cultivating hemp illegally on their Land Use Permit areas and benefitting financially from these operations, which is clearly a conflict of interest and illegal. This is clearly unacceptable and illegal. Change the laws to prohibit our elected officials from illegally benefitting financially from these illegal operations.

Thank you for considering my recommendation,
Sincerely,

Dezbah Against-Hemp

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Public comment regarding LEGISLATION NO: 0220-20

Yo Benally <ybenally@yahoo.com>

Mon 9/14/2020 2:28 PM

To: comments <comments@navajo-nsn.gov>;

Cc: yolanda Benally <ybenally@yahoo.com>; Ken Littletree <klittlet@gmail.com>;

Please accept my public comment that I am submitting on 9/14/2020.

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My name is Yolanda Benally, I am a mother and a farmer, who holds a farm permit issued by BIA. I hold a BS in Engineering and a MS in Environmental Law. My contact information is PO Box Kirtland, NM 87417 and live within San Juan Chapter boundaries north of within farming area along the San Juan River on the Navajo Reservation. My email address is ybenally@yahoo.com.

My interest in the regulation is a direct result of the irreparable harm my family has suffered. I have been personally affected by the cultivation of illegal hemp and the operations that have emerged on farmlands ¼ mile of my farmland plot located on the Navajo Nation. The hemp farms have limited myself, my husband, and my children the use and enjoyment of our homesite lease and assigned farm plot. We have not had a safe and peaceful environment while tending to our crops, meaningful time outdoors with our children, and are inability to properly farm and harvest this season.

Foreign workers working on the illegal hemp farms, as well as local illegal hemp farmers are firing weapons at all times during the night hours and this firing of dangerous weapons has caused stress and anxiety to my children and myself. The foreign workers have taken up residence in two farm plots within ¼ mile of the Land Use Permit area and our home. We are no longer able to work on our farm; we are no longer able to enjoy outdoor physical activities with our children within our permitted area due to the fear that has been incited by the firing of weapons so close to our living space and agriculture on the farm. Myself and my husband are in fear for our lives, in fear of the safety of our children, and our way of life. The mental stress and anxiety have and is causing irreparable harm to myself and my family by impacting our ability to harvest and farm this season, thereby losing some of our crop and source of food.

The recommendations I am submitting pertains to: In Controlled Substances at 17 N.N.C. §§ 394. Possession or Sale of Controlled Substances. I recommend that the following be amended to include in regulations that are up for public comment.

- ***A person who commits an offence as mention in §§394 should be held criminally liable.***
- ***A person who aids, assists and/or encourages another of the offence mention in §§394 should be held criminally liability.***
- ***A person who commits an offence who are found guilty of §§394 within a School Safety zone should have penalty increased time in jail and increased fines or both.***
- ***Elected official found committing the offence in §§394 should be banned from holding office in any capacity. People interested in holding an official office should be prohibited from cultivating, harvesting, selling, distribution of a controlled substance as part of a requirement for holding office.***
- ***Any person holding a land use permit who are found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.***
- ***Any person holding a land use permit who are found guilty of building infrastructure for the sole use of cultivating, harvesting, selling, distribution of a controlled substance should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.***
- ***Any person holding a homesite lease permit who are found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a homesite lease permit intended for residence as***

defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.

· *A person who found guilty of committing the offence in §§ 394 during an imposed curfew of Navajo Nation should have penalty increased time in jail and increased fines or both.*

· *A person who found guilty of committing the offence in §§394 during an imposed curfew of Navajo Nation should have as penalty loss of business license and increased regulations.*

Our neighboring farmer cultivated hemp last year, this year his operations have increased, he is now constructing a new building on the farm plot in violation of farm land use regulations and homesite lease regulations. This year my neighboring farmer who is illegally cultivating hemp has brought into our community Non-Native American, Non-Navajo employees to work in these hemp greenhouses and on the farms. These foreign workers have settled and reside in our communities doing construction, driving recklessly on farm roads, illegally growing hemp, and have moved a used trailer to the farm plot to house these workers. Construction of greenhouses and other structures are done by these hemp workers. Foreign workers drive around during curfew hours, disregarding Navajo Nation Laws.

Within the last three years, four of the six elected farm board officials in the San Juan River Farm Board are now cultivating hemp **illegally** on their Land Use Permit areas and benefiting financially from these operations, which is clearly a conflict of interest and **illegal**. This is clearly unacceptable and illegal.

Thank you for considering my recommendation,

Sincerely, Yolanda Benally

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Public comment regarding LEGISLATION NO: 0220-20

Ken Littletree <klittlet@gmail.com>

Wed 9/16/2020 10:12 AM

To: comments <comments@navajo-nsn.gov>;

Please accept my public comment that I am submitting on 9/15/2020.

LEGISLATION NO: 0220-20, An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo nation Council; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§390, 394; Posted on September 10, 2020; Page 2 of 4 and Page 3 of 4

My name is Kenneth Littletree and I'm a father and husband. My wife holds a farm permit issued by BIA. My contact information is P.O. Box 10000, Cortland NM 87417 and we live within San Juan Chapter boundaries north on Highway 163 within a farming area along the San Juan River on the Navajo Reservation. My email address is klittlet@gmail.com

Illegal hemp growing has negatively affected the quality of life of my family and has reduced our feeling of safety. Foreign people who are working the hemp farms have moved in. Discharge of firearms from the farm has caused us to keep our children inside. We fear to be outside for normal activities. The peace and quiet, and level of safety we used to enjoy have been greatly diminished.

The recommendations I am submitting pertains to: In Controlled Substances at 17 N.N.C. §§ 394. Possession or Sale of Controlled Substances. I recommend that the following be amended to include in regulations that are up for public comment.

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- ***Elected official found committing the offence in §§394 should be banned from holding office in any capacity. People interested in holding an official office should be prohibited from cultivating, harvesting, selling, distribution of a controlled substance as part of a requirement for holding office.***
- ***Any person holding a land use permit who is found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.***
- ***Any person holding a land use permit who is found guilty of building infrastructure for the sole use of cultivating, harvesting, selling, distribution of a controlled substance should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.***
- ***Any person holding a homesite lease permit who is found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a homesite lease permit intended for residence as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.***
- ***A person who found guilty of committing the offence in §§ 394 during an imposed curfew of Navajo Nation should have penalty increased time in jail and increased fines or both.***

· *A person who found guilty of committing the offence in §§394 during an imposed curfew of Navajo Nation should have as penalty loss of business license and increased regulations.*

Thank you for considering the above recommendations.

Sincerely,

Kenneth Littletree

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Please accept my public comment that I am submitting on 9/15/2020.

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My name is Carmen McKenzie, I am a farmer, who holds a farm permit issued by BIA. My contact information is PO Box Shiprock, NM 87420 and live within Shiprock Chapter Mesa Farm, 1st lane South, within farming area along the San Juan River on the Navajo Reservation. My email address is: cyndi424@hotmail.com

My interest in the regulation is a direct result of the irreparable harm my family has suffered. I have been personally affected by the cultivation of illegal hemp and the operations that have emerged on farmlands .25 mile from my farmland plot located on the Navajo Nation. The hemp farms have limited my family the use and enjoyment of our homesite lease and assigned farm plot. We have not had a safe and peaceful environment while tending to our crops, meaningful time outdoors with my grandchildren, and are inability to properly farm and harvest this season.

Foreign workers working on the illegal hemp farms, as well as local illegal hemp farmers have been observed drinking at times during the night hours and this activity has caused stress and anxiety to my children, grandchildren and myself. It has been announced by the land plot owner, Lula Sandoval on plot 127, that foreign workers will be taking up residence on the farm plot 127, which is .25 mile from our Land Use Permit area (126) and our home. We are limited in our ability to work on our farm; we are no longer able to enjoy outdoor physical activities with our grandchildren within our permitted area due to the fear that has been incited by the possible firing of weapons and possible abduction so close to our living space and agriculture on the farm. Myself and my grandchildren are in fear for our lives, in fear of the safety to our domestic animals, and our way of life. The mental stress and anxiety have and is causing irreparable harm to myself and my family by impacting our ability to sleep, be at peace, harvest and farm this season.

The recommendations I am submitting pertains to: In Controlled Substances at 17 N.N.C. §§ 394. Possession or Sale of Controlled Substances. I recommend that the following be amended to include in regulations that are up for public comment.

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- **Any person holding a land use permit who are found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.**
- **Any person holding a land use permit who are found guilty of building infrastructure for the sole use of cultivating, harvesting, selling, distribution of a controlled substance should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.**
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Within the last three years, four of the six elected farm board officials in the San Juan River Farm Board are cultivating hemp illegally on their Land Use Permit areas and benefitting financially from these operations, which is clearly a conflict of interest and illegal. This is clearly unacceptable and illegal. Change the laws to prohibit our elected officials from illegally benefitting financially from these illegal operations.

Thank you for considering my recommendation,
Sincerely,

Carmen McKenzie

Against Hemp

Roy Hosteen <rlhosteen3@gmail.com>

Wed 9/16/2020 10:13 AM

To: comments <comments@navajo-nsn.gov>;

Please accept my public comment that I am submitting on 9/14 or 15/2020.

LEGISLATION NO: 0220-20, An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo nation Council; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§390, 394; Posted on September 10, 2020; Page 2 of 4 and Page 3 of 4

My name is Roy Hosteen, I am a farmer, who holds a farm permit issued by BIA. My contact information is PO Box Kirtland, NM 87417 and live within Upper Fruitland Chapter. I live west of the Upper Fruitland Chapter house, down first lane and farming area along the San Juan River on the Navajo Reservation. My email address is RLHosteen3@gmail.com

My interest in the regulation is a direct result of the irreparable harm my family has suffered. I have been personally affected by the cultivation of illegal hemp and the operations that have emerged on farmlands XX mile of my farmland plot located on the Navajo Nation. The hemp farms have limited my family the use and enjoyment of our homesite lease and assigned farm plot. We have not had a safe and peaceful environment while tending to our crops, meaningful time outdoors with our children, and are inability to properly farm and harvest this season.

Foreign workers working on the illegal hemp farms, as well as local illegal hemp farmers are firing weapons at all times during the night hours and this firing of dangerous weapons has caused stress and anxiety to my children and myself. The foreign workers have taken up residence in two farm plots within ¼ mile of the Land Use Permit area and our home. We are no longer able to work on our farm; we are no longer able to enjoy outdoor physical activities with our children within our permitted area due to the fear that has been incited by the firing of weapons so close to our living space and agriculture on the farm. Myself and my children are in fear for our lives, in fear of the safety livestock, and our way of life. The mental stress and anxiety have and is causing irreparable harm to myself and my family by impacting our ability to harvest and farm this season.

The recommendations I am submitting pertains to: In Controlled Substances at 17 N.N.C. §§ 394. Possession or Sale of Controlled Substances. I recommend that the following be amended to include in regulations that are up for public comment.

- A person who commits an offence as mention in §§394 should be held criminally liable.
- A person who aids, assists and/or encourages another of the offence mention in §§394 should be held criminally liability.
- A person who commits an offence who are found guilty of §§394 within a School Safety zone should have penalty increased time in jail and increased fines or both.
- Elected official found committing the offence in §§394 should be banned from holding office in any capacity. People interested in holding an official office should be prohibited from cultivating, harvesting, selling, distribution of a controlled substance as part of a requirement for holding office.

- Any person holding a land use permit who are found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.
- Any person holding a land use permit who are found guilty of building infrastructure for the sole use of cultivating, harvesting, selling, distribution of a controlled substance should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.
- Any person holding a homesite lease permit who are found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a homesite lease permit intended for residence as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.
- A person who found guilty of committing the offence in §§ 394 during an imposed curfew of Navajo Nation should have penalty increased time in jail and increased fines or both.
- A person who found guilty of committing the offence in §§394 during an imposed curfew of Navajo Nation should have as penalty loss of business license and increased regulations.

Within the last three years, four of the six elected farm board officials in the San Juan River Farm Board are cultivating hemp illegally on their Land Use Permit areas and benefitting financially from these operations, which is clearly a conflict of interest and illegal. This is clearly unacceptable and illegal. Change the laws to prohibit our elected officials from illegally benefitting financially from these illegal operations.

Thank you for considering my recommendation,

Sincerely,

Roy Hosteen

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Please accept my public comment that I am submitting on 9/15/2020.

LEGISLATION NO: 0220-20, An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo nation Council; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§390, 394; Posted on September 10, 2020; Page 2 of 4 and Page 3 of 4

My name is Cynthia Frank, I am a farmer, who holds a farm permit issued by BIA. My contact information is PO Box 1 Shiprock, NM 87420 and live within Shiprock Chapter Mesa Farm, 1st lane South, within farming area along the San Juan River on the Navajo Reservation. My email address is: cyndi42481@gmail.com

My interest in the regulation is a direct result of the irreparable harm my family has suffered. I have been personally affected by the cultivation of illegal hemp and the operations that have emerged on farmlands .04 mile from my farmland plot located on the Navajo Nation. The hemp farms have limited my family the use and enjoyment of our homesite lease and assigned farm plot 126. We have not had a safe and peaceful environment while tending to our crops, meaningful time outdoors with my children, and have had an inability to properly farm and harvest this season.

Foreign workers working on the illegal hemp farms, as well as local illegal hemp farmers have been observed drinking at times during the night hours and this activity has caused stress and anxiety to my children and myself. It has been announced by the land plot owner, Lula Sandoval on plot 127, that foreign workers will be taking up residence on the farm plot 127, which is .04 mile from our Land Use Permit area (126) and our home. We are limited in our ability to work on our farm; we are no longer able to enjoy outdoor physical activities with our children within our permitted area due to the fear that has been incited by the possible firing of weapons and possible abduction so close to our living space and agriculture on the farm. Myself and my children are in fear for our lives, in fear of the safety to our domestic animals, and our way of life. The mental stress and anxiety have and is causing irreparable harm to myself and my family by impacting our ability to sleep, be at peace, harvest and farm this season.

The recommendations I am submitting pertains to: In Controlled Substances at 17 N.N.C. §§ 394. Possession or Sale of Controlled Substances. I recommend that the following be amended to include in regulations that are up for public comment.

- A person who commits an offence as mention in §§394 should be held criminally liable.
- A person who aids, assists and/or encourages another of the offence mention in §§394 should be held criminally liability.
- A person who commits an offence who are found guilty of §§394 within a School Safety zone should have penalty increased time in jail and increased fines or both.
- Elected official found committing the offence in §§394 should be banned from holding office in any capacity. People interested in holding an official office should be prohibited from cultivating, harvesting, selling, distribution of a controlled substance as part of a requirement for holding office.
- **Any person holding a land use permit who are found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.**
- **Any person holding a land use permit who are found guilty of building infrastructure for the sole use of cultivating, harvesting, selling, distribution of a controlled substance should lose the privileges of holding a land use permit intended for agriculture as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.**
- **Any person holding a homesite lease permit who are found guilty of cultivating, harvesting, selling, distribution of a controlled substance Hemp, should lose the privileges of holding a homesite lease permit intended for residence as defined by Navajo law. Navajo Nation would make recommendations to BIA to revoke the permit.**
- A person who found guilty of committing the offence in §§ 394 during an imposed curfew of Navajo Nation should have penalty increased time in jail and increased fines or both.

· A person who found guilty of committing the offence in §§394 during an imposed curfew of Navajo Nation should have as penalty loss of business license and increased regulations.

Within the last three years, four of the six elected farm board officials in the San Juan River Farm Board are cultivating hemp illegally on their Land Use Permit areas and benefitting financially from these operations, which is clearly a conflict of interest and illegal. This is clearly unacceptable and illegal. Change the laws to prohibit our elected officials from illegally benefitting financially from these illegal operations.

Thank you for considering my recommendation,
Sincerely,

Cynthia Frank

From: Sylvia McKinley

Smckinley46@hotmail.com

Regards to LEGISLATION NO: 0220-20: An Action Relating to Health, Education & Human Services, Resources & Development, Law and Order and Naabik'iyati Committees and the Navajo Nation Council; Amending Title 17 N.N.C. dd 390.394.

My name is Sylvia McKinley I am an active community member and advocate for my Navajo people, my mailing address is PO Box Fruitland, New Mexico 87416, I am a San Juan Chapter community member, whom lives East of San Juan Chapter, Lower Fruitland, NM, I am the Vice President of San Juan Chapter Community Land Use Planning Committee (CLUPC) as well as the Vice President to NN Advisory Council on Disability. My email address is smckinley46@hotmail.com where you may contact me at.

As a lifelong resident that lives in the San Juan Chapter area, I am 100% against the activities that is presently happening with the hemp cultivation and the NN laws not being taken into consideration. This letter is to inform of my concerns and the happenings in my own community of San Juan Chapter.

As the hemp cultivation structures of green houses are beginning to grow and the disturbances have escalated there is more negative outcomes within our San Juan Chapter community then good. This is because of the visibility of the illegal activities that are present. These illegal activities are also putting families in danger that have their farms adjacent to the hemp location in our community. The activities that go on have families feeling unsafe and having to constantly be on the lookout within our community. This discontent was never present before the hemp greenhouse structures.

The establishment of the hemp greenhouses is totally against the NN laws and other entities within the Federal Government. It is time to have actual legal actions take place on all illegal activities that have been brought to your attention in regards to Dineh Benally and these hemp greenhouses, as well as the workers involved. If not stopped now, confrontation will escalate to people being harmed or even killed, because we are still dealing with a drug problem. When there is a

law and it is not followed, it is not a law anymore, and this is why Dineh Benally continues to keep going forward with the illegal planting of hemp and the misuse of land from the Navajo people.

I asked that from our Navajo leaders to take into account the many comments against the hemp cultivation and the actual protesting of many Navajo people showing their refusal of these activities to take action. There are now many non-Navajo residents within our midst that are working on these hemp farms who have become bold as to offer cash and ask to rent a room, and do not take the word, "No". There is so much to share about this major problem. Please listen and take action to rid this cultivation of the illegal hemp operations. Do not take our concerns lightly and think it will blow away, there is too much at stake. Stand firmly and boldly to follow the rules of the NN Laws. This step to cancel the permits will show others that this will not be allowed within our Navajo Nation and what you have shared on the Radio Information Forum will send a message to all listeners. There needs to be no more of just talk but to take some bold actions to apply the laws.

Our Farm Board representative, Harrison Cly is one that is not following the laws and who swore in as a representative to do so. At Farm Board meetings I have attended Mr. Cly has continued to show attitude of "resist and obstruct". He has had many complaints during his time as a farm board representative and now shows openly of his stand against our NN Laws. By this, he now has one of these hemp greenhouses up with workers residing on his farm land.

In Closing, again I stress the laws must be followed and the Navajo Nation Leaders must take a bold stand to cancel permits and remove the illegal cultivation and housing that have been set up without homesite leases on the NN reservation due to hemp.

Thank you for your time to hear out my comment.

Sylvia McKinley

Committee Report

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

LEGISLATION NO. 0222-20

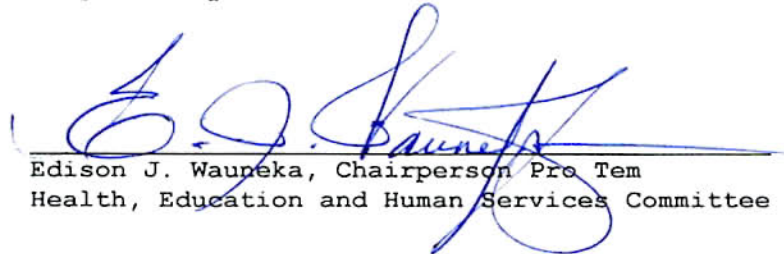
AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE,
RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAAKBIK'IYATI' COMMITTEES
AND NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3, CONTROLLED
SUBSTANCES AT 17 N.N.C. §§ 390, 394

Sponsor: Honorable Rickie Nez; Honorable Wilson Stewart, Jr.

(Eligible for Committee Action September 16, 2020)

Has had under consideration and report the same with the recommendation that
Legislation 0222-20 **PASS** with No Amendment and No Directive; and therefore
referred the same to the RESOURCES AND DEVELOPMENT COMMITTEE OF THE NAVAJO
NATION COUNCIL

Respectfully Submitted,



Edison J. Wauneka, Chairperson Pro Tem
Health, Education and Human Services Committee

September 16, 2020 - Main Motion

Motion by: Honorable Carl R. Slater

Seconded by: Honorable Pernell Halona

Vote: 4 in favor; 0 Opposed; Chairperson Pro Tem Not Voting

Yeas: none

Nays: Carl R. Slater; Pernell Halona; Charlaine Tso; Daniel E. Tso

Not Voting: Paul Begay, Jr.

Absent (excused): all present

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
September 16, 2020

Roll Call
Vote Tally Sheet

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

LEGISLATION NO. 0222-20

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE,
RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAAKBIK'IYATI' COMMITTEES
AND NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3, CONTROLLED
SUBSTANCES AT 17 N.N.C. §§ 390, 394

Sponsor: Honorable Rickie Nez; Honorable Wilson Stewart, Jr.

(Eligible for Committee Action September 16, 2020)

September 16, 2020 - Main Motion

Motion by: Honorable Carl R. Slater

Seconded by: Honorable Pernell Halona

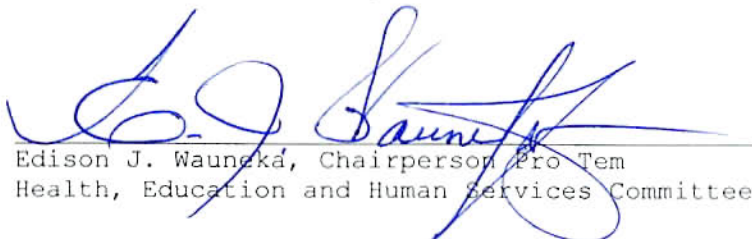
Vote: 4 in favor; 0 Opposed; Chairperson Pro Tem Not Voting

Yeas: none

Nays: Carl R. Slater; Pernell Halona; Charlaine Tso; Daniel E. Tso

Not Voting: Paul Begay, Jr.

Absent (excused): all present



Edison J. Wauneka, Chairperson Pro Tem
Health, Education and Human Services Committee



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

**RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL**

SECOND YEAR 2020

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION # 0222-20: AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'IYATI COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3, CONTROLLED SUBSTANCES AT 17 N.N.C. §§ 390, 394. *Sponsor: Honorable Rickie Nez Co-Sponsor: Honorable Wilson C. Stewart, Jr,*

Has had it under consideration and reports a DO PASS with no amendments

and thereafter the legislation was referred to Law and Order Committee.

Respectfully submitted,



Mark A. Freeland, Pro Temp Chairperson
Resources and Development Committee of
the 24th Navajo Nation Council

Date: September 16, 2020 - Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:

Motion: Thomas Walker, Jr. S: Kee Allen Begay, Jr. Vote: 5-0-1 (PTCNV)

In Favor: Wilson C. Stewart, Jr., Herman M. Daniels, Kee Allen Begay, Jr., Thomas Walker, Jr., and Rickie Nez

Oppose: NONE

Excuse: NONE

Not Voting: Presiding Pro Tem Chairperson Mark A. Freeland,

(NOTE: Vote Tally attached.)

RESOURCES AND DEVELOPMENT COMMITTEE
24th Navajo Nation Council

SECOND YEAR 2020

ROLL CALL
VOTE TALLY SHEET:

LEGISLATION # 0222-20: AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'IYATI COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3, CONTROLLED SUBSTANCES AT 17 N.N.C. §§ 390, 394. *Sponsor: Honorable Rickie Nez Co-Sponsor: Honorable Wilson C. Stewart, Jr.*

Date: September 16, 2020 - Regular Meeting (Teleconference)
Meeting Location: (RDC members called in via teleconference from their location within the boundary of the Navajo Nation.)

Main Motion:


Motion: Thomas Walker, Jr. S: Kee Allen Begay, Jr. Vote: 5-0-1 (PTCNV)

In Favor: Wilson C. Stewart, Jr., Herman M. Daniels, Kee Allen Begay, Jr., Thomas Walker, Jr. and Rickie Nez

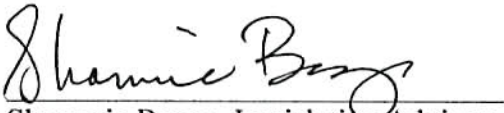
Oppose: NONE

Excuse: NONE

Not Voting: Presiding Pro Tem Chairperson Mark A. Freeland



Honorable Mark A. Freeland, Pro Tem Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services

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

LEGISLATION NO.: 0222-20

SPONSOR: Honorable Rickie Nez

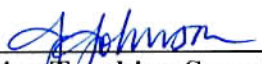
TITLE: An Action Relating To Health, Education And Human Services, Resources And Development, Law And Order And Naabik'iváti' Committees And The Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances At 17 N.N.C. §§ 390, 394

Posted: September 10, 2020 at 3:44 PM

5 DAY Comment Period Ended: September 15, 2020

Digital Comments received:

Comments Supporting	1) Gary Montoya, Central Consolidated School Board
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

09/16/20 4:42pm

Date/Time

**COMMENTS FROM THE CENTRAL CONSOLIDATED SCHOOL BOARD IN
SUPPORT OF PROPOSED NAVAJO NATION COUNCIL LEGISLATION**

RESOLUTION TRACKING NO. 0222-20

TITLE: An Action Relating To Health, Education And Human Services, Resources And Development, Law And Order And Naabik'íyáti' Committees And The Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances At 17 N.N.C. §§ 390, 394

SPONSOR: Council Delegate Rickie Nez

Comments Submitted Electronically September 16, 2020

by Gary Montoya, President of the CCSD School Board

The Central Consolidated School Board (CCSD) provides the following comments regarding current or proposed unregulated hemp operations in the San Juan Chapter as follows:

- In recent Board Meetings, the CCSD Board has discussed its growing concerns over reports it has received about unregulated and unauthorized hemp operations being located within CCSD's boundaries and in close proximity to schools. Examples of these reports and concerns include:
 - The aggressive nature of security guards associated with these hemp operations towards CCSD students and community members for being in close proximity to the hemp operations, but still in public spaces, such as roads or even on their own property.
 - Reports of underage workers being employed by the hemp operations.
 - Reports of workers being disoriented and not knowing or understanding where they are or how to get back to the hemp operations when in public facilities, like the market.
 - Reports of disregard for neighbors and their property, including cutting down trees, taking liberties with property, or leaving trash or waste behind.
 - Flagrant disregard for the impacts of the hemp operations on students, the elderly, or families and flagrant disregard for the law.
 - The social and emotional impacts to CCSD students concerning the situation.
 - Heavy traffic on roads that students are walking to and from home to school.
 - Heavy traffic that CCSD buses and parents will encounter accessing the school with children;
 - The interaction of CCSD staff and students with questionable workers and aggressive security.

- Reports of makeshift right-of-way access points onto state and other roadways are very concerning and dramatically increase the likelihood of accidents along these already congested roadways.
- Increased congestion, especially of heavy vehicles, damages the roadways. A mechanism needs to be in place for this industry to help pay for the damage their heavy vehicles cause to roadways and other infrastructure.

As a result of these concerns for the safety and welfare of our students, their families, our staff and our community, CCSD supports the following:

1. **CCSD supports the Northern Navajo Agency Council Resolution – NNAC-138-091220:**
REQUESTING THE UNITED STATES DEPARTMENT OF AGRICULTURE SECRETARY HONORABLE SONNY PURDUE, NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT, THE NAVAJO NATION ATTORNEY GENERAL, NAVAJO NATION AGRICULTURE DEPARTMENT, AND THE NAVAJO NATION LAND DEPARTMENT TO INVESTIGATE THE CULTIVATION SELF-LICENSING, SELF-REGULATING AND DISTRIBUTION OF CANNABIS ON FEDERAL LANDS WITH THE NAVAJO NATION AND ENFORCE AN IMMEDIATE CEASE AND DESIST ORDER.
2. **CCSD supports and intends to join any actions aimed at closing down unregulated and unauthorized hemp operations within or near CCSD's boundaries.**
3. **CCSD Supports the legislation proposed by Council Delegate Rickie Nez – Tracking No. 0222-20 as modified below:**

Proposed Legislation Tracking No. 0222-20, Sponsored by Council Delegate Rickie Nez:

The proposed legislation modifies the definition of “marijuana” to include hemp. It does this by defining Marijuana as any part of the Cannabis Sativa L plant containing any amount of THC (delta-9 tetrahydrocannabinol – the psychotropic (mood altering) component of the plant). Typically hemp is defined as not having more than .3 % THC and is considered as being non-psychotropic. The definition of marijuana and hemp are consistent with federal law. See, Defining Hemp, a Fact Sheet, Updated March 22, 2019, Congressional Research Service, <https://crsreports.congress.gov/R44742>.

The proposed legislation also proposes to change the definition of marijuana to exclude hemp (Cannabis Sativa L containing no more than .3% THC) from the definition of marijuana if it is “produced or delivered in strict compliance with an industrial hemp regulatory system approved by the Navajo Nation Council or its designee.”

Problem: The proposed legislation deletes in its entirety reference to any material containing more than .3% THC in Section 394 of Title 17, Chapter 3, Subchapter 10. In Section 394, the law prohibits a person from possessing, manufacturing, transporting, selling, using, trading or delivering various controlled substances including any material containing more than .3% THC. Removal of this language without any reference to marijuana as a defined term or the current

language describing any product containing .3% THC is dangerous because such deletion would be construed as allowing persons to possess, manufacture, transport, sell, use, or trade marijuana, hemp (regardless of having a regulatory system in place) or any other substance containing THC. Removal of this language also creates conflict and uncertainty regarding other sections of the Controlled Substances Code that prohibit the possession, production and other activities associated with marijuana.

Solution: The language referring to “any material” containing more than .3% THC is important because this language includes things like vapes or other materials that add THC to get around the Controlled Substances Code. In order to include the new definition of marijuana so that unregulated hemp is included in this prohibition we recommend the following language in bold and underlined below be added to the proposed legislation:

§ 394. Possession or Sale of Controlled Substances

A. Offense. A person commits an offense pursuant to this section if he or she possesses, manufactures, transports, sells, uses trades, or delivers:

.....

3. Marijuana or any material, compound, mixture or preparation which contains an amount more than three tenths percent (0.3%) quantity of tetrahydrocannabinol (THC) on a dry weight basis.

.....

Conclusion: The proposed legislation, as modified above, will be beneficial to increase and clarify the Navajo Nation’s sovereign jurisdiction over the regulation of industrial hemp operations within the Navajo Nation. This language would also help with the current situation and resolve the very serious concerns that CCSD is observing: **Adoption of this language as modified above would mean that since no industrial hemp regulatory system has been approved, the current hemp operation would not be allowed because hemp cannot be produced or delivered pursuant to Section 392 of Title 17, Chapter 3, Subchapter 10. CCSD is in full support of this outcome.**

**LAW AND ORDER COMMITTEE
24TH NAVAJO NATION COUNCIL**

SECOND YEAR 2020

COMMITTEE REPORT

Mr. Speaker,

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

Legislation No. 0222-20: An Act Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394 - *Sponsors: Honorable Rickie Nez/Wilson Stewart, Jr./Eugenia Charles-Newton*

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with no amendments

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Otto Tso, Pro Tem Chairperson
Law and Order Committee
24th Navajo Nation Council

/

Date: September 16, 2020

Main Motion: Honorable Vince James

Second : Honorable Eugenia Charles-Newton

Vote : 3-0-2 (Chairwoman not voting)

LAW AND ORDER COMMITTEE

**Special Meeting
September 16, 2020**

Legislation No. 0222-20: An Act Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394 - *Sponsors: Honorable Rickie Nez/Honorable Wilson Stewart, Jr./Honorable Eugenia Charles-Newton*

VOTE TALLY SHEET:

Motion: Vince James

Second: Eugenia Charles-Newton

Vote: 3-0-2

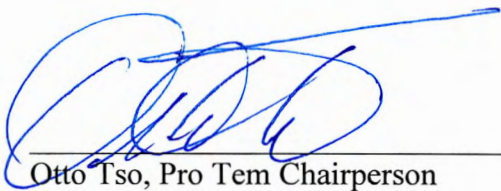
Yea: Vince James/Eugenia Charles-Newton/Eugen Tso

Nay: None

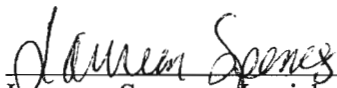
Not Voting: Otto Tso

Excused: None

Absent: Edmund Yazzie



Otto Tso, Pro Tem Chairperson
Law and Order Committee



Laureen Spencer, Legislative Advisor
Office of Legislative Services

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0222-20

SPONSOR: Honorable Rickie Nez

TITLE: An Action Relating To Health, Education And Human Services, Resources And Development, Law And Order And Naabik'iyáti' Committees And The Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances At 17 N.N.C. §§ 390, 394

Posted: September 10, 2020 at 3:44 PM

5 DAY Comment Period Ended: September 15, 2020

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	1) Geraldine Benally 2) Malinda Notah 3) Stella Pete



Legislative Tracking Secretary
Office of Legislative Services

09/17/20 11:37AM

Date/Time

0222-20

G Benally <gbenally2013@gmail.com>

Mon 9/14/2020 7:46 PM

To comments <comments@navajo-nsn.gov>;

Before any legislation opens the door for hemp production or sale, studies should be conducted on the cultivation process as well as the sentiments of the public. It appears from the Shiprock/Hogback hemp farms that the plants are causing issues with the local people. Sad that local governments (chapters and grazing officials) permitted a business to operate on land use permits designated for personal use. How much water does it take to grow, is there a toxic byproduct? There are other questions and concerns that need to be addressed before this section is approved.

Sent from [Mail](#) for Windows 10

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Dear Honorable Council Delegates,

This is my opinion regarding the re-definition of Marijuana in the 17 Navajo Nation Code Subsection 390, 394. Marijuana should be defined as any part of the plant genus cannabis whether growing or not; the seeds thereof, the resin extracted from any part of the plant including hashish, hash oil and buds of the plant cannabis, any compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

Marijuana is classified as a Class 1 controlled substance and is still illegal under federal law. I believe Marijuana and industrial hemp should remain illegal to possess, cultivate, grow, use or distribute on the Navajo Nation. For the Navajo Nation Council to make another exception to re-defining Marijuana or industrial hemp to be cultivated, grow, possess, develop or propagate on the Navajo Nation is not in the best interest of our people.

As of today, the illegal hemp growth in the Northern Navajo Agency, particularly in my community Gadii'ahi has brought very many negative social and environmental issues. My first-hand account on illegal hemp farming is that, I have seen these hemp greenhouses built on farm lands that are being sub-lease to outside Asian foreigners. These foreigners have no regards to our once quiet close knitted community.

They have brought in several vans full of "Male" Asian foreigners who speak no English, heavy equipment such as semi-trailers, bull dozers and back hoes causing destruction to the road to my community. They have also damaged a cattle guard that sits adjacent to my grazing area. The cattle guard is no longer standing and is filled with dirt to the top. This cattle guard has been like this for over a month and half now and the illegal hemp workers and the two illegal hemp farmers (William & Gilbert Badoni) have not repaired this cattle guard. This causes me to buy more hay to feed my sheep as I am not able to let my sheep graze their area as before.

The other negative impact to my community is the Asian foreigners are propositioning our community members for farm land, many of them are elders who are home alone during the day. They are doing door to door proposition during the COVID-19 pandemic and with no personal protective equipment. The Asian foreigners are soliciting our community members to rent their homes, travel trailers and churches. We even have them try to solicit to rent rooms from the Gadii'ahi NHA housing.

The illegal hemp farming has caused several damaging environmental impacts to our farmlands, San Juan River and wildlife in our community. I continue to see the constant bulldozing of the land, trees and wildlife habitat near the San Juan River to make room to build illegal hemp green houses. This bulldozing has effected the number of trees they have torn and dispose of in the San Juan River. I have a neighbor whose farm is adjacent to one of these illegal green houses and three weeks ago, they found sludge of run-off water from the green houses depositing on their farm land filled with blue algae like water. She had police report done on this sludge and to no avail, the Asian foreigners stood there dumbfounded. This has not been addressed or corrected by the ongoing illegal hemp farming. The fertilizer utilized to start off and continue to cultivate illegal

hemp will have a lasting effect on farmlands several months and years from now. The other environmental impact it has made on our community is the atrocious smell these illegal hemp greenhouses gives off on a daily basis especially during the evenings and nights. It causes poor air quality for our family and community members who have respiratory problems such as asthma or rely on oxygen to maintain life. The smell is horrible, where I cannot open my windows to have air circulate through to alleviate any viruses, especially the COVID-19 virus. I have also seen the illegal pumping of water from the San Juan River and illegal drilling of water on farmlands to bring in water to sustain the illegal hemp.

According to studies, I have researched 69% of scientists have stated that illegal hemp is a gate way drug for an individual and they will eventually move on to another controlled substance that is stronger. And that hemp has no medical use and has proven that it does not heal or cure any health illnesses. The Food Drug Administration has stated through research and reaffirms that there is no medical benefit provided by the use of hemp. There is also no sufficient evidence to support Hemp/Marijuana as an effective pain relieving agent. Hemp/Marijuana is detrimental to our community, youth, public health and safety of our Navajo society. It has been stated through several research studies, that frequent use of hemp/marijuana can impair cognitive ability, impaired driving and cause short/long term memory.

The Navajo Nation has programs that work hard every day educating our people and especially our youth that drugs are not good for our bodies and life. So what are we saying to our people if we make an exception to re-define marijuana and allow industrial hemp to be grown on our Navajo Nation? We are contradicting ourselves if we allow this to happen, even for research basis.

The illegal hemp farming that has invaded our communities is not bringing any economic opportunities or revenue to the Navajo people. We have seen the illegal hemp farmers such as both William and Gilbert Badoni employ outside foreigners from Asians, African-Americans, Hispanics and Anglo-Americans to run the main organization of the hemp farms. The Navajo people who are employed at these hemp farms are individuals who have substance abuse problems either with alcohol or other controlled substances and their pay for the job they do is with a bucket of hemp or less than \$5.00 an hour or even just \$20.00 dollars for a ten hour work shift. How is that economic development? The only individuals who are profiting in their pocket is illegal hemp farmers and Dineh Benally for allowing illegal hemp farming to come on the beautiful Navajo Nation. Are the illegal hemp farmers pay any taxes on their profit? Are they reporting this additional income to the Internal Revenue Services? Are they paying any revenues to the Navajo Nation?

Our ancestors did not endure the Long Walk from Hweeldi to allow hemp to be grown in our farmlands. Our Navajo culture, has no creation stories, deities, ceremonies or prayers that revolve around illegal hemp/marijuana. In our farmlands, we have Corn Boy and Corn Girl who oversee our farms, produces and harvest. That is why we watch what we say in the cornfields to keep our fields plentiful. We obtain our sacred corn pollen from the corn which in return is used for ceremonial purposes. We don't obtain any purposes from illegal hemp/marijuana.

We were given our farm lands to sustain harmony with the world and feed our families. We were not given our lands to grow an illegal foreign substances. If we continue to allow the cultivation of illegal hemp on our farmlands, we cause unbalance in our world and our people will pay the price for this to be allow. Just see the destruction it has caused in our society, violence, drought and disharmony with our own relatives.

I, as a Navajo Woman do not want any exceptions to be made to allow any type of illegal hemp farming to be allowed on the Navajo Nation. As council members, you are not living in these communities that have the constant hemp farming, I live in a community with hemp farming. You are not aware of the potential violence and dangers this brings into my community and my home. I have to constantly be aware of my surroundings in my own home and on my way to and from home to work or even to run an errand. I have to ensure that I will be safe in my community by purchasing my own firearm that I now carry every day. I was a strong believer in not carrying a firearm, but now I was forced to purchase one in July 2020 so that I feel safe on my own traveling or relaxing in my home. I am not the only woman in my community who have now purchased their own firearms to keep themselves and their children safe. How can as our leaders, both either past, current or future, allow to jeopardize the health, safety and welfare of our people by allowing an exception for Dineh Benally and his illegal hemp entourage to continue to farm illegal hemp? It has brought disruption and disharmony to our communities and we are no longer going to accept this potential dangerous substance in our communities.

So honorable leaders, you have it in your hands to make the right decision in **excluding** the **last part of the re-definition of marijuana** "such term does not include any part of plant Cannabis sativa L., whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis produced or delivered in strict compliance with an industrial hemp regulatory system approved by the Navajo Nation Council or its designee **THIS LAST STATEMENT ON THE RE-DEFINITION SHOULD NOT BE INCLUDED IN THE RE-DEFINITION OF MARIJUANA.**

Thank you for considering my opinion on this legislation. Please change the definition, but do not allow any exceptions to allow illegal hemp farming.

Sincerely,

Malinda Notah

Malinda Notah

Gadii'ahi Community Member & Voter

P.O. Box

Shiprock, New Mexico 87420

malynn_notah69@hotmail.com

Hemp opposition

Stella Pete <sjpete0104@yahoo.com>

Thu 9/17/2020 10:40 AM

To comments <comments@navajo-nsn.gov>;

Good morning!!

I found this document late last night where I can voice my comments; I know my comments are late but I think you would have your lap tops to view my comments.

I'm oppose to hemp farming due to:

1. I never heard of an environmental impact meeting to bring hemp farming into Shiprock community to discuss how it could impact local residence.
2. Health issues from hemp farming were never discussed.
3. Environmental issues were not addressed. I understand human waste from Asian workers are dumped into San Juan River.
4. Dust control and smell from hemp plants are an issue.
5. Lot of these farm owners maybe elderly and not have computers to voice their comments.
6. Mr. Dineh Benally is overstepping his position as a Farm Board President with access to all farmers records on file and using it to his advantage.
7. Mr. Dineh Benally is outright grabbing, stealing farm land that doesn't to him and gaining access selling them to foreign Asians to grow hemp.
8. Remove Dineh Benally for his current position as Farm Board President and replace with an honest person.
9. Shut down hemp farming immediately. The irrigation system is to sustain agriculatural farming not to raise non-edible products.
10. I never heard hemp being used as medicine among the Navajo people, what his hemp gain is false advertising and misleading.

Thanks for reading my comments.

Regards,

WARNING: External email. Please verify sender before opening attachments or clicking on links.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0222-20

SPONSOR: Honorable Rickie Nez

TITLE: An Action Relating To Health, Education And Human Services, Resources And Development, Law And Order And Naabik'iyáti' Committees And The Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances At 17 N.N.C. §§ 390, 394

Posted: September 10, 2020 at 3:44 PM

5 DAY Comment Period Ended: September 15, 2020

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	1) Northern Agency Council



Legislative Tracking Secretary
Office of Legislative Services

09/17/20 2:28pm

Date/Time



NORTHERN NAVAJO AGENCY COUNCIL RESOLUTION

NNAC-139-091220

REQUESTING OF THE OFFICE OF THE NAVAJO NATION PRESIDENT AND VICE PRESIDENT, NAVAJO NATION COUNCIL, NAVAJO NATION OFFICE OF THE NAVAJO NATION PROSECUTOR, NAVAJO NATION DEPARTMENT OF JUSTICE, NAVAJO NATION DIVISION OF PUBLIC SAFETY, AND THE NAVAJO NATION LAND DEPARTMENT, AN ACTION RELATING TO AN EMERGENCY BY ENFORCING AN IMMEDIATE CEASE AND DESIST ORDER TO STOP THE ILLEGAL GROWING PRODUCTION, MANUFACTURING, TRANSPORTING, LICENSING AND SELLING OF MEDICINAL HEMP, INDUSTRIAL HEMP AND POSSIBLE MARIJUANA; INVESTIGATE POSSIBLE HUMAN TRAFFICKING, AND EMPLOYMENT OF UNDOCUMENTED MIGRANT WORKERS, EXPLOITATION OF LABOR (\$5/HR), SUB-LEASING FARM PERMITS TO NAVAJO AMERICAN AGRICULTURE COMPANY AND NAVAJO GOLD IN THE NORTHERN NAVAJO AGENCY FARMLANDS, ALSO TO CONFISCATE ALL SUB-LEASED FARM PERMITS IMMEDIATELY IN ORDER TO SAFEGUARD THE NORTHERN NAVAJO AGENCY COMMUNITIES' LIVES, SAFETY, WELFARE, SENSE OF WELL BEING AND MENTAL HEALTH AND TO SAFEGUARD NAVAJO FARMLANDS, IRRIGATION WATER (POTENTIALLY BEING POLLUTED BY CHEMICALS THAT ENHANCE HEMP GROWTH), THE ENVIRONMENT AND LOCAL ECOSYSTEM

WHEREAS:

1. Pursuant to IGRD-269-05, the Northern Navajo Agency Council is a recognized political subdivision of the Navajo Nation and has the authority to advocate and make appropriate recommendations on behalf of the twenty (20) Northern Navajo Agency Chapters to the Navajo Nation Government, Federal, State, and Local entities for appropriate action; and
2. The Northern Navajo Agency Council has been informed by concerned members of the San Juan Chapter community regarding this issue on farm plots #224 (10.67 ac) and #231 (7.4 ac); and
3. That the Fruitland Irrigation Project, Hogback Irrigation Project and the Cudei Irrigation Project provides irrigation water to all the permitted farm areas along the San Juan River; and
4. That Dineh Benally, Native American Agriculture Company, and Navajo Gold Company have been operating illegal hemp cultivation, propagation, harvesting and distribution 24 hours a day 7 days a week during the imposed Stay at Home Orders, ignoring weekend curfews and closure of essential businesses mandates, which are for the sole purpose of limiting the spread of COVID-19; and
5. That Dineh Benally, Native American Agriculture Company, and Navajo Gold Company have been and currently continue to build residential housing and industrial sized greenhouse infrastructures while cultivating hemp illegally on various sub-leased farm plots; and
6. That Dineh Benally, Native American Agriculture Company, and Navajo Gold Company have been and continue to build residential housing infrastructure on lands without a homesite lease that is in violation of homesite lease requirements; and
7. That Dineh Benally, Native American Agriculture Company, and Navajo Gold Company illegal hemp operations are non-stop; running generators all night long, creating constant noise, generating combustion gases emissions, and light pollution in the community all night long disturbing community members and children during sleeping hours and during lock down hours related to COVID-19 health crisis; and
8. That Dineh Benally, Native American Agriculture Company, and Navajo Gold Company have been firing weapons during the night hours, causing fear and anxiety among community members especially the children who are growing up surrounded by this illegal hemp cultivation, propagation, harvesting, and distribution environment, located at the sub-lease farm plots; and

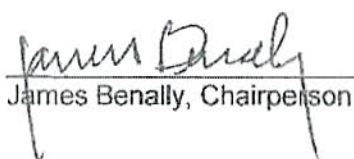
9. That Dineh Benally, Native American Agriculture Company, and Navajo Gold Company employ more non-Navajo Nation citizens than Navajo at \$5/hour, to operate illegal hemp cultivation, propagation, harvesting and distribution; and they constantly drive recklessly on the farm roads during lockdown and night hours to facilitate illegal hemp cultivation located at the sub-leased farm plots; and
10. That Dineh Benally, Native American Agriculture Company, and Navajo Gold are actively in construction of residential structures on the sub-leased plots without a proper homesite lease; and
11. That Dineh Benally, Native American Agriculture Company, and Navajo Gold employ non-Navajo Nation citizens that have taken up residences on the sub-leased farm plots in used mobile homes; and
12. That the Northern Navajo Agency Council, after discussion and consideration, decided to change the resolution to include *all* chapters of the Northern Navajo Agency because of hemp's effect on all community members.

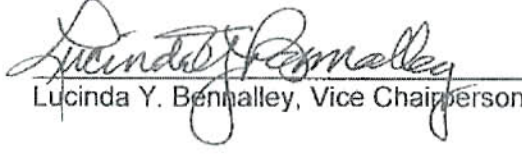
NOW, THEREFORE BE IT RESOLVED THAT:

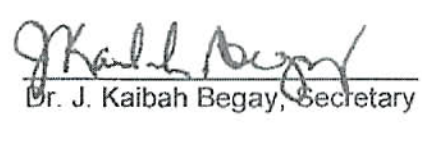
1. The Northern Navajo Agency Council approves Requesting the Office of the Navajo Nation President and Vice President, Navajo Nation Council, Navajo Nation Prosecutor, Navajo Nation Department of Justice, Navajo Division of Public Safety, and the Navajo Land Department, an action relating to an emergency by enforcing an immediate *cease and desist order* to stop the illegal growing production, manufacturing, transporting, licensing and selling medicinal hemp, industrial hemp and possible marijuana and all hemp-related infrastructure construction activities. Investigate possible human trafficking, and employment of undocumented migrant workers, exploitation of labor (\$5/Hr.), subleasing farm permits to Native American Agriculture company and Navajo Gold, within the Northern Navajo Agency Farmlands and also to confiscate all sub-leased farm permits immediately in order to safeguard the Northern Navajo Agency Communities' lives, safety, welfare, sense of well-being and mental health, and to safeguard Navajo Farmlands, irrigation water (potentially being polluted by chemicals that enhance hemp growth), the environment and local ecosystem.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Northern Navajo Agency Council at a duly called meeting via teleconference at which quorum was present. A motion was made by Kenneth Victor and seconded by Kenneth Maryboy and the same was passed by a vote of 40 in favor, 00 opposed, and 01 abstained, this 12th day of September, 2020.


James Benally, Chairperson


Lucinda Y. Benmalley, Vice Chairperson


Dr. J. Kaibah Begay, Secretary