

**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.

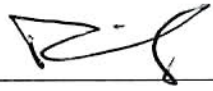

This written summary does not address recommended amendments as may be provided by the standing  
committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed  
resolution in detail.

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  
24<sup>th</sup> 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



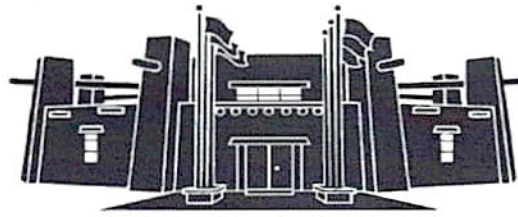
1 Counsel shall incorporate such amended provisions in the next codification of the Navajo  
2 Nation Code.

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.

9  
10 **SECTION SIX. EFFECTIVE DATE**

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



## 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](mailto: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

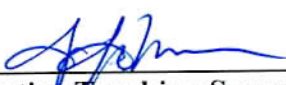
**TITLE:** An Action Relating To Health, Education And Human Services, Resources And Development, Law And Order And Naabik'iyáti' Committees And The Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances At 17 N.N.C. §§ 390, 394

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<br>2) Yolanda Benally<br>3) Kenneth Littletree<br>4) Carmen McKenzie<br>5) Roy Hosteen<br>6) Cynthia Frank<br>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

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# 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.

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 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](mailto: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 6000, Cortland NM 87417 and we live within San Juan Chapter boundaries north on within a farming area along the San Juan River on the Navajo Reservation. My email address is [klittlet@gmail.com](mailto: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.

- ***A person who commits an offence as mentioned in §§394 should be held criminally liable.***
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- ***A person who commits an offence who is 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 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, 1<sup>st</sup> 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.

- 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.**
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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,

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](mailto: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, 1<sup>st</sup> 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](mailto: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](mailto: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

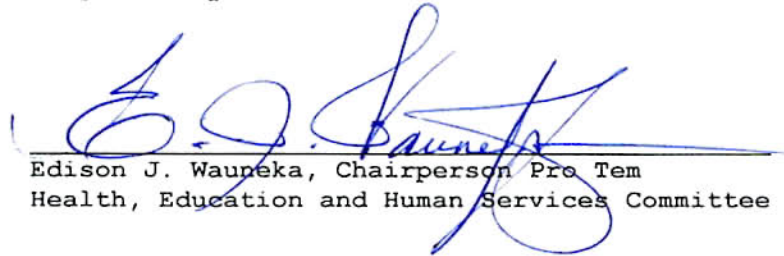
AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE,  
RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAAKBIK'IYATI' COMMITTEES  
AND NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3, CONTROLLED  
SUBSTANCES AT 17 N.N.C. §§ 390, 394

*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

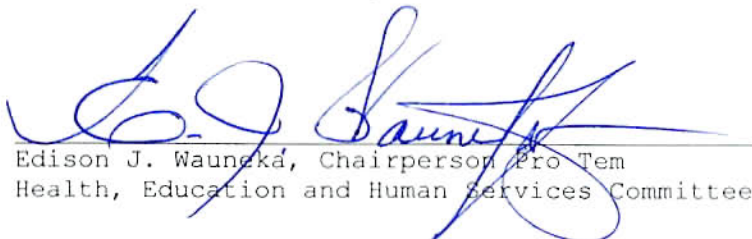
Vote: 4 in favor; 0 Opposed; Chairperson Pro Tem Not Voting

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