

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0015-17

**DATE:** December 23, 2016

**TITLE OF RESOLUTION:** AN ACTION RELATING TO LAW AND ORDER,  
NAABIK'ÍYÁTTI AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. § 3780

**PURPOSE:** This resolution if approved will amend 2 N.N.C. § 3780, the Ethics in Government Law Sanctions and Penalties.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.**

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 1/11/2017  
Eligible for Action: 1/12/2017

Law & Order Committee

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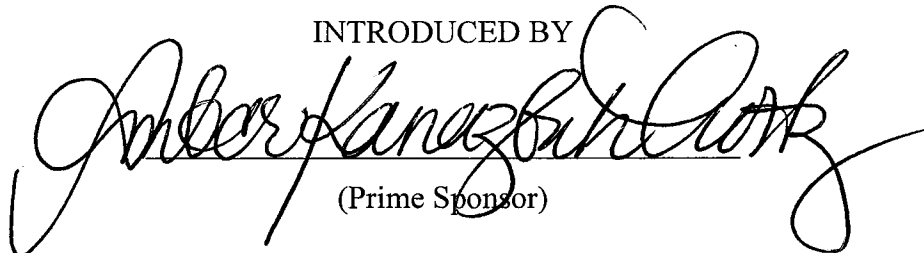
Naa'bik'iyáti' Committee

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Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL – Second Year, 2016

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0015-17

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' AND THE NAVAJO  
NATION COUNCIL; AMENDING 2 N.N.C. § 3780

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

A. The Navajo Nation Council established the Law and Order Committee (LOC) as a Navajo Nation standing committee and as such empowered LOC to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. *See* 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(14) (2012); *See also* CO-45-12.

B. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. *See* 2 N.N.C. §§ 164 (A)(9), 700 (A) (2012); *See also* CO-45-12.

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

**SECTION TWO. FINDINGS**

A. The Navajo Nation Ethics in Government Law was enacted for purposes of integrity in the government. 2 N.N.C. § 3741, *et. seq.*

1 B. It is within the best interest of the Navajo Nation to amend 2 N.N.C. § 3750, Ethics in  
2 Government Law Sanctions and Penalties.

3  
4 **SECTION THREE. AMENDING 2 N.N.C. § 3780**

5 The Navajo Nation Council amends 2 N.N.C. § 3780 as follows:

6  
7 **NAVAJO NATION CODE**  
8 **TITLE 2. NAVAJO NATION GOVERNMENT**  
9 **CHAPTER 6. ETHICS IN GOVERNMENT LAW**  
10 **SUBCHAPTER 5. SANCTIONS AND PENALTIES**  
11

12 \*\*\*

13 **§ 3780. Administrative sanctions; collection of judgments**

14 A. Upon finding that there has been ~~violation~~ a conviction of any provision of this Chapter,  
15 the ~~Committee~~ Navajo Nation Ethics and Rules Office ~~may~~ will impose any or all of the  
16 following penalties or sanctions:

- 17 1. Removal, discharge or termination from public office or employment in accordance with  
18 applicable Navajo Nation law and procedure.
- 19 2. Permanent ~~Disqualification~~ for all elective public offices of the Navajo Nation and/or  
20 appointment to or employment in any public office of the Navajo Nation, ~~for five years~~  
21 from the effective date of removal, discharge or any other termination of public office or  
22 employment of the Navajo Nation.
- 23 3. Removal ~~Suspension~~ from public office or employment and forfeiture of all  
24 compensation and benefits accruing therefrom, ~~for not less than 30 days nor for more~~  
25 ~~than one year~~.
- 26 4. Accordingly, any public employee of the Navajo Nation shall be subject to discipline,  
27 including suspension without pay or other benefits and dismissal as provided by other  
28 laws, regulations and personnel policies or procedures applicable thereto.
- 29 5. Issuance of a written public reprimand, which shall be entered into such person's  
30 permanent record of employment or office and upon the permanent record of the public

1 office or entity of which such person is a member or employee, according to provision of  
2 applicable Navajo Nation law and procedures.

3 6. Issuance of a private reprimand to such person, with or without suspension of any or all  
4 other sanctions provided herein.

5 7. Imposition of restitution or such other civil penalties as hereinafter provided under §  
6 3781.

7 B. Any person who is found to have violated any provisions of this Chapter shall forfeit any  
8 ~~elective public office, appointment or employment of the Navajo Nation. This forfeiture~~  
9 ~~provision shall not apply to any person against whom the only sanction imposed under §~~  
10 ~~3780 (A) is for a suspension from public office, or a written public reprimand, or private~~  
11 ~~reprimand, or restitution of less than one thousand dollars (\$1,000).~~

12 C. No sanctions or penalty provided herein shall limit any other powers of the Navajo  
13 Nation Council, Navajo Nation Courts, Judicial, Executive or Legislative Branches of the  
14 Navajo Nation, nor of any other entity or administrative officials or employees under  
15 other applicable law, rules, regulations or procedures.

16 D. Judgements issued pursuant to the Ethics in Government Law which include the payment  
17 of money may be collected in any manner authorized for recovery of debts owed the  
18 Navajo Nation, including but not limited to garnishment proceedings as authorized by  
19 Navajo Nation law and offset provisions of the Navajo Nation Business and Procurement  
20 Act, 12 N.N.C. § 1501 *et. seq.*

21 \*\*\*\*\*  
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#### 24 **SECTION FOUR. CODIFICATION**

25 The provisions of this Act which amend or adopt new sections of the Navajo Nation  
26 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative  
27 Counsel shall incorporate such amended provision into the next codification or supplement of  
28 the Navajo Nation Code.  
29

#### 30 **SECTION FIVE. SAVINGS CLAUSE**

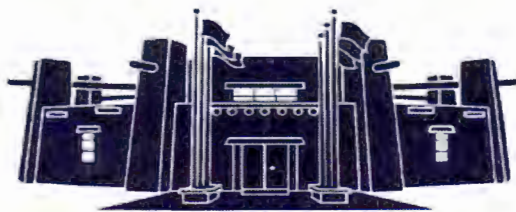
1       Should any provision of this act be determined invalid by the Navajo Nation Supreme  
2 Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation  
3 Supreme Court, the remainder of this Act shall remain in the law of the Navajo Nation.  
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5       **SECTION SIX. PERSONNEL POLICY MANUAL**

6       This declaration shall be added to the Navajo Nation Personnel Policies Manual. The  
7 Human Resources Department shall incorporate such provision in the next published  
8 Personnel Policies Manual.  
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10       **SECTION SEVEN. EFFECTIVE DATE**

11       The provision of this Act shall become effective in accordance with 2 N.N.C. § 221  
12 (B).  
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**MEMORANDUM**

**TO:** Hon. Amber Crotty  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Rhonda L. Tunni  
Office of Legislative Counsel

**DATE:** December 23, 2016

**SUBJECT:** AN ACTION RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI'  
AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §  
3780

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

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0015-17\_\_\_\_\_

SPONSOR: Amber K. Crotty

**TITLE: An Action Relating To Law And Order, Naabik'iyati' And The Navajo Nation Council; Amending 2 N.N.C. § 3780**

*Date posted:* January 6, 2017 at 1:15pm

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) 871-7590

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

**Please note:** This digital copy is being provided for the benefit of the Nav, ajo 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.:** 0015-17

**SPONSOR:** Honorable Amber K. Crotty

**TITLE:** An Action Relating To Law And Order, Naabik'iyati' And The Navajo Nation Council; Amending 2 N.N.C. § 3780

**Posted:** January 6, 2017 at 1:15 PM

**5 DAY Comment Period Ended:** January 11, 2017

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Policy Analyst  
Office of Legislative Services**

1/12/17 8:25am  
\_\_\_\_\_  
**Date/Time**



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

**LEGISLATION NO.:** 0015-17

**SPONSOR:** Honorable Amber K. Crotty

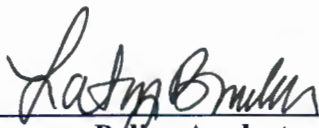
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**Posted:** January 6, 2017 at 1:15 PM

**5 DAY Comment Period Ended:** January 11, 2017

**Digital Comments received:**

<b>Comments Supporting</b>	<i>1. Ts'ah Bii Kin Chapter</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Policy Analyst  
Office of Legislative Services**

3/28/17 8:25am  
**Date/Time**



# Ts'ah Bii Kin Chapter

Martha Tate  
President

Geraldine Chee  
Vice-President

Calsey Richardson  
Secretary/Treasurer

Jerry Happy Begay  
Grazing Official

Herman Daniels, Jr.  
Council Delegate

Resolution  
of the  
Ts'ah Bii Kin Chapter  
TBK 2017-078-007

**SUPPORTING LEGISLATION 0015-17: AN ACT RELATING TO LAW AND ORDER, NAABIK'IYATI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. SUBSECTION 3780; FURTHERMORE REQUEST THE FULL RESTITUTION OF ALL MONIES TO BE PAID THEN START THE FIVE YEAR RESTRICTION TO ELIGIBILITY OF FILING FOR NAVAJO NATION OFFICIAL; ADDITIONALLY ALL NAVAJO NATION EMPLOYEES WILL HAVE 20% OF THEIR WAGES GARNISHED UNTIL ALL MONIES ARE REPAID**

## WHEREAS:

1. Pursuant to N.N.C., Section 3 (A), the Ts'ah Bii Kin Chapter is a duly recognized certified chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and vested with the authority to discuss all matters affecting the Navajo people and its Nation; and
2. Pursuant to N.N.C., Section 1 (B), the Ts'ah Bii Kin Chapter is vested with the authority to review all matters affecting the community, make appropriate corrections when necessary, and provide recommendations to the Navajo Nation and other local agencies for appropriate action(s); and
3. The Ts'ah Bii Kin Chapter Supports Legislation 0015-17: An Act Relating to Law and Order, Naabik'iyati' and The Navajo Nation Council, and;
4. The Ts'ah Bii Kin Chapter sees it in the best interest of the Navajo Nation that all monies wrongfully expended or taken by any official or Nation Employee should be fully collected, and;
5. That any persons wanting to run for public office be restricted during their restitution period along with 5 years after they successfully repay the sum taken, furthermore garnish 20% of all Nation Employee wages until such a time they have repaid in full the monies they have taken.

## NOW THEREFORE BE IT RESOLVED THAT:

The Ts'ah Bii Kin Chapter hereby supports legislation 0015-17: An Act Relating to Law and Order, Naabik'iyati', and the Navajo Nation Council; Amending Navajo Nation Code 2 Subsection 3780.

## CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by Ts'ah Bii Kin Chapter at a duly called meeting in Ts'ah Bii Kin, Arizona at which a quorum was present and the same was passed by a vote of 27 in favor 0 opposed and 08 abstained on this 19<sup>th</sup> day of March 2017.

Motioned By: Billy Goodman, Jr.

Second By: Javine Nodestine

Martha A Tate  
Martha A Tate, President

Geraldine Chee  
Geraldine Chee, Vice-President

Calsey Richardson  
Calsey Richardson, Secretary/Treasurer

Jerry H. Begay  
Jerry H. Begay, Grazing Official