

LEGISLATIVE SUMMARY SHEET

Tracking No. 0116-19

DATE: May 3, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO LAW AND ORDER;
AMENDING *REGULATIONS AND STANDARDS OF CONDUCT FOR ALL ELECTED OFFICIALS* BY INCLUDING RESTRICTIONS AGAINST USE OF ALCOHOL WHILE ON TRAVEL

PURPOSE: The purpose of this legislation is to amend *REGULATIONS AND STANDARDS OF CONDUCT FOR ALL ELECTED OFFICIALS* by including restrictions against use of alcohol while on travel.


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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: 2mB88
Website Posting Time/Date: _____
Posting End Date: 5.19.19
Eligible for Action: 5.20.19

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL -- First Year, 2019

INTRODUCED BY


(Sponsor)

Tracking No. 0116-19

AN ACTION

RELATING TO LAW AND ORDER; AMENDING *REGULATIONS AND STANDARDS OF CONDUCT FOR ALL ELECTED OFFICIALS* BY INCLUDING RESTRICTIONS AGAINST USE OF ALCOHOL WHILE ON TRAVEL

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Law and Order Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 600(A).

B. By resolution CO-45-12, all hearing functions of the former Ethics and Rules Committee were transferred to the Navajo Nation Office of Hearings and Appeals. The Law and Order Committee has oversight authority over the Office of Hearings and Appeals pursuant to 2 N.N.C. § 601(C).

SECTION TWO. FINDINGS

1. The Navajo Nation *Regulations And Standards Of Conduct For All Elected Officials* addresses the conduct of all Navajo Nation elected officials. See ERC-08-001.

2. It is in the best interest of the Navajo Nation that *Regulations And Standards Of Conduct For All Elected Officials* be amended to clarify the restrictions against alcohol use while on official travel.

3. Aside specific oversight responsibilities, a general purpose of the Law and Order Committee is "to improve the administration of justice on the Navajo Nation." 2 N.N.C. § 600(C)(1).

SECTION THREE. AMENDING REGULATIONS AND STANDARDS OF CONDUCT FOR ALL ELECTED OFFICIALS

The Navajo Nation hereby amends *Regulations And Standards Of Conduct For All Elected Officials* as follows:

**Regulations and Standards of Conduct for
Elected Officials of the Navajo Nation**

Section Two. Use of Drugs or Alcohol

- A. The provisions of the *Navajo Nation Policy On Drugs And Alcohol In The Workplace* shall apply to *all elected officials*. Further, ~~N~~ no elected official shall use, or be under the influence of, alcohol or any controlled substance during the performance of any of his or her duties or while on travel for official business. These provisions shall apply to all official meetings and hearings attended by elected officials, including those meetings and hearings attended within or outside the Navajo Nation. The provisions herein shall apply to the entire duration of any travel for official purposes.
- B. Elected officials are subject to removal and other sanctions for the habitual abuse of drugs or alcohol, particularly if such abuse impairs or otherwise adversely impacts the performance of official duties of office.
- C. In respect to the regulation governing drugs and alcohol, elected officials, while on official travel, shall conduct themselves in a professional and dignified manner.

1 D. All instances involving violations of this section shall be reported to the Ethics
2 and Rules Office within 10 days of occurrence.
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5 **SECTION FOUR. EFFECTIVE DATE**

6 The amendments enacted herein shall be effective immediately upon the bill's
7 certification.
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9 **SECTION FIVE. COMPILATION OF REGULATIONS**

10 The provisions enacted or otherwise amended herein shall be inserted into the
11 existing *Regulations And Standards Of Conduct For All Elected Officials* and the
12 complete copy of the rules and regulations shall be printed and made available by the
13 Navajo Ethics and Rules Office.
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15 **SECTION SIX. SAVINGS CLAUSE**

16 Should any provision of these amendments be determined invalid by the Navajo
17 Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the
18 Navajo Nation Supreme Court, those amendments that are not determined invalid shall
19 remain the law of the Nation.
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RESOLUTION OF THE
ETHICS AND RULES COMMITTEE
OF THE NAVAJO NATION COUNCIL

21ST NAVAJO NATION COUNCIL – FIRST YEAR, 2007

AN ACTION

RELATING TO ETHICS; AMENDING RESOLUTION ERC-98-011,
*REGULATIONS AND STANDARDS OF CONDUCT FOR COUNCIL
DELEGATES*, BY MAKING SUCH REGULATIONS AND STANDARDS
APPLICABLE TO ALL ELECTED OFFICIALS OF THE NAVAJO NATION

BE IT ENACTED:

1. The Navajo Nation hereby amends Ethics and Rules Committee Resolution ERC-98-011, *Regulations and Standards of Conduct for Council Delegates*, by making such regulations and standards applicable to all elected officials of the Navajo Nation. See Exhibit "A".
2. The amendments enacted herein shall be effective immediately, provided:
 - (a) *Regulations and Standards of Conduct* enacted by ERC-98-011 shall continue to be applicable to Council Delegates for allegations of misconduct preceding the date of the amendments herein.
 - (b) The *Regulations and Standards of Conduct*, as amended, shall be applicable to all events occurring hereinafter; there shall be no retroactive application to events preceding the date of the amendments.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Ethics and Rules Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 07 in favor, 00 opposed and 00 abstained, this 4th day of January, 2008.

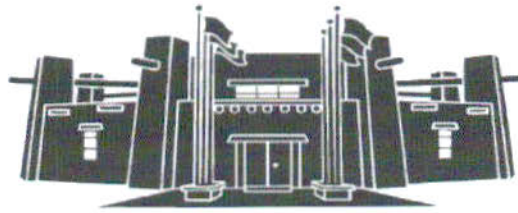

Francis Redhouse, Chairman
ETHICS AND RULES COMMITTEE
NAVAJO NATION COUNCIL

Motion: Preston McCabe
Second: Herman Daniels, Sr.

**ETHICS AND RULES COMMITTEE
OF THE NAVAJO NATION COUNCIL**

**REGULATIONS AND
STANDARDS OF CONDUCT FOR
ELECTED OFFICIALS OF THE
NAVAJO NATION**

Effective January 4, 2008
ERC-08-001



MEMORANDUM

To : Hon. Edmund Yazzie, Council Delegate
Navajo Nation Council

From : _____
Ron Haven, Attorney
Office of Legislative Counsel

Date : May 3, 2019

Re : AN ACTION RELATING TO LAW AND ORDER; AMENDING
*REGULATIONS AND STANDARDS OF CONDUCT FOR ALL ELECTED
OFFICIALS* BY INCLUDING RESTRICTIONS AGAINST USE OF
ALCOHOL WHILE ON TRAVEL

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution drafted is legally sufficient, although, as with all legislation, challenges are possible in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you may be aware, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title.

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

OLC # 19-93-1