

LEGISLATIVE SUMMARY SHEET

Tracking No. 0207-19

DATE: July 8, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND 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.

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: 230
Website Posting Time/Date: _____
Posting End Date: 7/21/19
Eligible for Action: 7/22/19

Resources & Development Committee

Thence

Health Education & Human Services Committee

Thence

Budget & Finance Committee

Thence

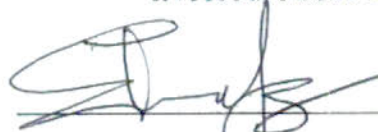
Law & Order Committee

Thence

Naa'bik'íyáti' Committee

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

INTRODUCED BY


(Sponsor)

Tracking No. 0207-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND
HUMAN SERVICES, BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND 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 Resources and Development Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 500(A). Among its functions, duties and responsibilities, the committee serves as oversight over the "Division of Natural Resources, including District Grazing Offices, Eastern Navajo Land Board, Farm Boards and Soil and Water Conservation Districts," 2 N.N.C. § 501(C)(1).

B. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400. Among other duties and responsibilities, the Health, Education and Human Services Committee is authorized to "establish Navajo Nation policy, promulgate rules and regulations governing health, social services, education, human services and general government services of the Navajo Nation and its tribal organizations, entities, and enterprises." 2 N.N.C. § 401(B)(1).

1 C. The Budget and Finance Committee is a standing committee of the Navajo Nation
2 Council. 2 N.N.C. § 300 (A). Among other duties and responsibilities, the committee
3 "reviews and recommends to the Navajo Nation Council the budgeting, appropriation,
4 investment and management of all funds." 2 N.N.C. § 301(B)(2). Its recommendations
5 for appropriations include funding for Navajo Nation elective governmental bodies and
6 officials elected to such entities.

7 D. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation
8 Council. 2 N.N.C. § 700(A). A purpose of the committee is to approve plans of operation
9 for legislative branch entities. *Id.*

10 E. The Law and Order Committee is a standing committee of the Navajo Nation
11 Council. 2 N.N.C. § 600(A). The committee, among other duties and responsibilities,
12 generally oversees all public safety issues affecting the Navajo Nation. *Id.* The
13 committee also oversees the Navajo Nation Office of Hearings and Appeals, an entity
14 which (among other types of cases) hears complaints filed under the *Navajo Ethics in*
15 *Government Law*. 2 N.N.C. § 3741 *et seq.*

16 17 **SECTION TWO. FINDINGS**

18 1. Under the Navajo Nation *Ethics in Government Law*, elected officials must avoid
19 conduct which "adversely affect[s] the confidence of the people in the integrity of the
20 government of the Navajo Nation." 2 N.N.C. § 3745(B)(6).

21 2. The Navajo Nation *Regulations and Standards of Conduct for all Elected Officials*,
22 enacted pursuant to the Navajo Nation *Ethics in Government Law*, address the conduct of
23 all Navajo Nation elected officials. See ERC-08-001. These regulations on standards of
24 conduct are intended to protect the integrity of Navajo Nation government.

25 3. It is in the best interest of the Navajo Nation that *Regulations and Standards of*
26 *Conduct for all Elected Officials* be amended to clarify the restrictions against alcohol use
27 while elected officials are on official travel on behalf of the Navajo Nation.

28 29 **SECTION THREE. AMENDING REGULATIONS AND STANDARDS OF** 30 **CONDUCT FOR ALL ELECTED OFFICIALS**

1 The Navajo Nation hereby amends *Regulations and Standards of Conduct for all*
2 *Elected Officials* as follows:

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

7 ****

8 **Section Two. Use of Drugs or Alcohol**

- 9 A. The provisions of the *Navajo Nation Policy on Drugs and Alcohol in the*
10 *Workplace* shall apply to *all elected officials*. Further, ~~N~~ no elected official
11 shall use, or be under the influence of, alcohol or any controlled substance
12 during the performance of any of his or her duties or while on travel for
13 official business. These provisions shall apply to all official meetings and
14 hearings attended by elected officials, including those meetings and hearings
15 attended within or outside the Navajo Nation. The provisions herein shall
16 apply to the entire duration of any travel for official purposes.
- 17 B. Elected officials are subject to removal and other sanctions for the habitual
18 abuse of drugs or alcohol, particularly if such abuse impairs or otherwise
19 adversely impacts the performance of official duties of office.
- 20 C. In respect to the regulation governing drugs and alcohol, elected officials,
21 while on official travel, shall conduct themselves in a professional and
22 dignified manner.
- 23 D. All instances involving violations of this section shall be reported to the Ethics
24 and Rules Office within 10 days of occurrence.

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28 **SECTION FOUR. EFFECTIVE DATE**

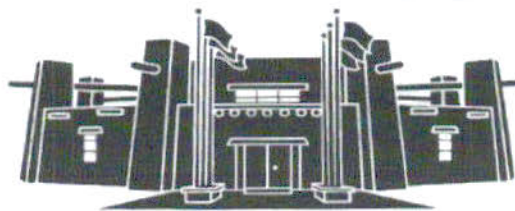
29 The amendments enacted herein shall be effective immediately upon the bill's
30 certification.

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2 **SECTION FIVE. COMPILATION OF REGULATIONS**

3 The provisions enacted or otherwise amended herein shall be inserted into the
4 existing *Regulations and Standards of Conduct for All Elected Officials* and the complete
5 copy of the rules and regulations shall be printed and made available by the Navajo
6 Ethics and Rules Office.
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8 **SECTION SIX. SAVINGS CLAUSE**

9 Should any provision of these amendments be determined invalid by the Navajo
10 Nation Supreme Court, or the District Courts of the Navajo Nation without appeal to the
11 Navajo Nation Supreme Court, those amendments that are not determined invalid shall
12 remain the law of the Nation.
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MEMORANDUM

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

A handwritten signature in blue ink, appearing to be "Ron Haven".

From : _____
Ron Haven, Attorney
Office of Legislative Counsel

Date : July 8, 2019

Re : AN ACTION RELATING TO RESOURCES AND DEVELOPMENT,
HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND
FINANCE, NAABIK'ÍYÁTI' AND 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. Ahéhee'.