

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0176-19

**DATE:** June 19, 2019

AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING AN ACT TO AMEND THE NAVAJO NATION CODE, TITLE 2, CHAPTER 3, SUBCHAPTER 11, BOARDS AND COMMISSIONS, ARTICLE 6 NAVAJO NATION HUMAN RIGHTS COMMISSION SECTIONS 921, 922(A)(C), 923, 924

**PURPOSE:** Approving certain amendments to Navajo Nation Code Title 2, Navajo Nation Human Rights Commission.

**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 review the proposed resolution in detail.**

- 1 A. The Navajo Nation Human Rights Commission (Commission) was established within the  
2 Legislative Branch as an entity of the Navajo Nation Government pursuant to 2 N.N.C. §  
3 920.
- 4 B. The Commission is established as a clearinghouse to address discriminatory actions  
5 against citizens of the Navajo Nation; and to interface with the local, state, and federal  
6 governments and with national and international human rights organizations in  
7 accordance with its plan of operation and applicable laws and regulations of the Navajo  
8 Nation. 2 N.N.C. § 921.
- 9 C. The Commission has requested, by Commission Resolution NNHRCMAY-23-19, certain  
10 amendments be made to its enabling legislation. See Exhibit A.
- 11 D. The Navajo Nation Council finds it to be in the best interest of the Diné to approve such  
12 amendments as requested by the Commission pursuant to NNHRCMAY-23-19 and to  
13 make these amendments to Navajo Nation Code, Title 2, Chapter 3, Subchapter 11,  
14 Article 6, §§ 921,922 (A)(C), 923 and 924, at a Regular Session of the Navajo Nation  
15 Council.

16  
17 **SECTION THREE. AMENDING TITLE 2**

18 The Navajo Nation Council hereby amends the Navajo Nation Code, 2 N.N.C. § 921,922  
19 (A)(C), 923, 924 as follows:

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20  
21 **THE NAVAJO NATION CODE**  
22 **TITLE 2 NAVAJO NATION GOVERNMENT**  
23 **Chapter 3 Legislative Branch**  
24 **Subchapter 11. Boards and Commissions**  
25 **Article 6. Navajo Nation Human Rights Commission**

26 \* \* \*

27 **§ 920. Establishment**

28 There is hereby established the Navajo Nation Human Rights Commission  
29 (herein referred to as the Commission) in the Legislative Branch as an entity  
30 of the Navajo Nation Government.

1  
2 **§ 921. Purpose**

3 The Commission is organized as a Navajo human rights clearinghouse entity to  
4 administratively address and when necessary, litigate discriminatory actions taken  
5 against citizens of the Navajo Nation, and to interface with the local, state, and federal  
6 governments and with national and international human rights organization in accordance  
7 with its plan of operation and applicable laws and regulations of the Navajo Nation.  
8

9 **§ 922. Organization; powers; and office**

- 10 A. The Commission shall consist of five commissioners appointed in accordance  
11 with the plan of operation. Qualifications for the commissioners in  
12 accordance with the plan of operation shall include persons with reputable and  
13 established backgrounds in the fields of education, business, law enforcement,  
14 and social services and Navajo traditional culture. A majority of the  
15 commissioners shall be Navajo. The commissioners shall be appointed by the  
16 Speaker of the Navajo Nation Council and confirmed by the  
17 ~~Intergovernmental Relations~~ Naabik'iyáti' Committee.
- 18 B. Commissioners shall receive no additional compensation for their activities in  
19 connection with the Commission, other than reimbursement for required and  
20 authorized expenses incurred in the performance of their duties.
- 21 C. The Commission shall receive reports of discrimination~~ory~~ and ~~racial~~ acts of  
22 racism perpetrated against citizens of the Navajo Nation enrolled members of  
23 the Navajo Nation. The Commission will compile this data and track  
24 occurrences of these events, ~~and~~ refer documented incidents to the proper  
25 authorities, subject to applicable laws, and offer technical and administrative  
26 support to enrolled members of the Navajo Nation as they seek guidance to  
27 remedy their grievances.
- 28 D. The Commission shall have the authority to approve the rules, policies and  
29 procedures for the Commission and its office, to conduct public hearings, and  
30 to issue subpoenas, in accordance with the laws of the Navajo Nation.



Commissioners shall hire and supervise an Executive Director for the Commission in accordance with the Navajo Personnel Policies Manual.

E. The Executive Director shall administer the daily operations of the Commission through the Office of the Navajo Nation Human Rights Commission. The executive Director shall be responsible and accountable to the Commission and shall be authorized to employ necessary personnel in accordance with the Navajo Nation Personnel Policies Manual and the Navajo Nation operating budget.

F. The Commission shall coordinate with other Navajo Nation offices, departments, and other governmental entities as necessary to carry out the Commission's purposes and authorities, subject to applicable laws. This Act shall not be construed to diminish the operation of the Navajo Nation Business Opportunity Act, the Navajo Nation Business and Procurement Act, the Navajo Preference in Employment Act, the Navajo Nation Bill of Rights, or any other laws of the Navajo Nation.

### **§ 923. Legislative Oversight**

The Commission shall operate under the legislative oversight of the ~~Intergovernmental Relations~~ Naabik'iyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 701(A)(5). The Commission shall operate pursuant to a plan of operation recommended by the Office of the Speaker and adopted by the Navajo Nation Council.

### **§ 924. Amendments**

The enabling legislation for the Commission may be amended by the Navajo Nation Council upon recommendation of the ~~Intergovernmental Relations~~ Naabik'iyáti' Committee of the Navajo Nation Council.

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## **SECTION FOUR. CODIFICATION**

1       The provisions of the Act which amend or adopt new sections of the Navajo Nation  
2 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative  
3 Counsel shall incorporate such amended provisions in the next codification of the Navajo  
4 Nation Code.

5  
6 **SECTION FIVE. SAVING CLAUSE**

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

10  
11 **SECTION SIX. EFFECTIVE DATE**

12       The provisions of this Act shall become effective pursuant to 2 N.N.C. §§ 221(B) and  
13 1005 (C)(12).



NNHRCMAY-23-19

**RESOLUTION OF THE  
NAVAJO NATION HUMAN RIGHTS COMMISSION**

**Approving and Recommending the Proposed Amendments to the Navajo Nation Human Rights Commission Enabling Act and Plan of Operation**

**WHEREAS:**

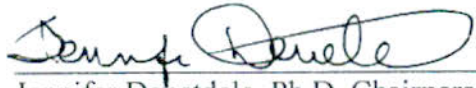
1. Pursuant to 2 N.N.C. §920 and §921, the Navajo Nation Human Rights Commission ("Commission") is established within the Legislative Branch as an entity of the Navajo Nation government to operate as a clearinghouse to address discriminatory actions against citizens of the Navajo Nation; and to interface with the local, state, federal governments and with national and international human rights organizations in accordance with the Commission's plan of operation and applicable laws and regulations of the Navajo Nation; and
2. The Navajo Nation Council, by Resolution CS-68-18, adopted the Fiscal Year 2019 operating budget in which the Commission was identified as a program that needed to update its plan of operation. Since then, the Office of Navajo Nation Human Rights Commission ("Office") have worked diligently on updating the Commission's enabling act (2 N.N.C. §§ 920-924) and the plan of operation (Resolution CJN-15-08); and
3. The Commission's enabling act can only be changed by the Navajo Nation Council during the regular council session upon the recommendation from the Naabik'iya'ti'i Committee. In addition, the plan of operation can only be changed by the Navajo Nation Council upon the recommendation of the Commission and Naabik'iya'ti'i Committee; and
4. The Commission finds the amendments provided in Exhibits "A" and "B" are in the best interest of the Commission and Office in order to better serve the Navajo Nation and Navajo people.

**NOW THEREFORE BE IT RESOLVED:**

1. The Navajo Nation Human Rights Commission hereby approves and recommends the amendments to its enabling act (2 N.N.C. §§ 920-924) and the plan of operation (Resolution CJN-15-08) as provided in Exhibits "A" and "B" respectively.
2. The Navajo Nation Human Rights Commission further hereby directs the Office of Navajo Nation Human Rights Commission to properly secure sponsor of the legislation to approve amendments provided in Exhibits "A" and "B".

**CERTIFICATION**

**I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Human Rights Commission as a duly called meeting at St. Michaels, Navajo Nation (Arizona), at which a quorum was present and same was considered by a vote of 3 in favor and 0 opposed, this 3th day of May 2019.**

  
\_\_\_\_\_  
Jennifer Dehetdale, Ph.D, Chairperson  
Navajo Nation Human Rights Commission



NAVAJO NATION CODE ANNOTATED  
TITLE 2. NAVAJO NATION GOVERNMENT  
CHAPTER 3. LEGISLATIVE BRANCH  
SUBCHAPTER 11. BOARDS AND COMMISSIONS  
ARTICLE 6. NAVAJO NATION HUMAN RIGHTS COMMISSION

§ 920. Establishment

There is hereby established the Navajo Human Rights Commission (herein referred to as the Commission) in the Legislative Branch as an entity of the Navajo Nation government.

§ 921. Purpose

The Commission is organized to operate as a Navajo human rights clearinghouse entity to administratively address and, when necessary, litigate discriminatory actions taken against citizens of the Navajo Nation, and to interface with the local, state, and federal governments and with national and international human rights organizations in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation.

§ 922. Organization; powers; and office

A. The Commission shall consist of five commissioners appointed in accordance with the plan of operation. Qualifications for the commissioners in accordance with the plan of operation shall include persons with reputable and established backgrounds in the fields of education, business, law enforcement, and social services and Navajo traditional culture. A majority of the commissioners shall be Navajo. The commissioners shall be appointed by the Speaker of the Navajo Nation Council and confirmed by the Intergovernmental Relations Naabik'iya'ti' Committee.



1  
2 B. Commissioners shall receive no additional compensation for their activities in  
3 connection with the Commission, other than reimbursement for required and authorized  
4 expenses incurred in the performance of their duties.  
5

6 C. The Commission shall receive reports of discrimination~~ory~~ and ~~racial~~ acts of  
7 racism perpetrated against citizens of the Navajo Nation enrolled members of the Navajo  
8 Nation. The Commission will compile this data and track occurrences of these events,  
9 and refer documented incidents to the proper authorities, subject to applicable laws, and  
10 offer technical and administrative support to enrolled members of the Navajo Nation as  
11 they seek guidance to remedy their grievances.  
12

13 D. The Commission shall have the authority to approve the rules, policies and  
14 procedures for the Commission and its office, to conduct public hearings, and to issue  
15 subpoenas, in accordance with the laws of the Navajo Nation. Commissioners shall hire  
16 and supervise an Executive Director for the Commission in accordance with the Navajo  
17 Nation Personnel Policies Manual.  
18

19 E. The Executive Director shall administer the daily operations of the  
20 Commission through the Office of the Navajo Nation Human Rights Commission. The  
21 Executive Director shall be responsible and accountable to the Commission and shall be  
22 authorized to employ necessary personnel in accordance with the Navajo Nation  
23 Personnel Policies Manual and the Navajo Nation operating budget.  
24

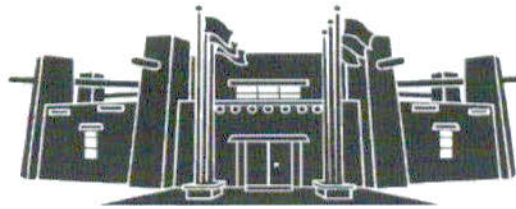
25 F. The Commission shall coordinate with other Navajo Nation offices,  
26 departments, and other governmental entities as necessary to carry out the Commission's  
27 purposes and authorities, subject to applicable laws. This Act shall not be construed to  
28 diminish the operation of the Navajo Nation Business Opportunity Act, the Navajo  
29 Nation Business and Procurement Act, the Navajo Preference in Employment Act, the  
30 Navajo Nation Bill of Rights, or any other laws of the Navajo Nation.  
31

1 § 923. Legislative oversight  
2

3 The Commission shall operate under the legislative oversight of the  
4 ~~Intergovernmental Relations~~ Naabik'iya'ti'i Committee of the Navajo Nation Council,  
5 pursuant to 2 N.N.C. § 824(B)(1). The Commission shall operate pursuant to a plan of  
6 operation recommended by the Office of the Speaker and adopted by the Navajo Nation  
7 Council.  
8

9 § 924. Amendments  
10

11 The enabling legislation for the Commission may be amended by the Navajo  
12 Nation Council upon recommendation of the ~~Intergovernmental Relations~~ Naabik'iya'ti'i  
13 Committee of the Navajo Nation Council.  
14



**MEMORANDUM**

**TO:** Honorable Daniel L. Tso  
24<sup>th</sup> Navajo Nation Council

**FROM:**   
Edward A. McCool, Acting-Chief Legislative Counsel  
Office of Legislative Counsel

**DATE:** June 19, 2019

AN ACT RELATING TO LAW AND ORDER, NAABIK'ÍYÁTTI COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING AN ACT TO AMEND THE NAVAJO NATION CODE, TITLE 2, CHAPTER 3, SUBCHAPTER 11, BOARDS AND COMMISSIONS, ARTICLE 6 NAVAJO NATION HUMAN RIGHTS COMMISSION SECTIONS 921, 922(A)(C), 923, 924

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that this 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.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. 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).

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.



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0176-19

SPONSOR: Daniel Tso

TITLE: An Action Relating To Law And Order, NAABIK'IYATI' Committee And The Navajo Nation Council; Approving An Act To Amend The Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Boards And Commissions; Article 6 Navajo Nation Human Rights Commission Sections 921, 922(A)(C), 923 And 924

*Date posted:* July 2, 2019 at 11:54 AM

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.:** 0176-19

**SPONSOR:** Honorable Daniel Tso

**TITLE:** An Action Relating To Law And Order, Naabik'iyáti' Committee And The Navajo Nation Council; Approving An Act To Amend The Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Boards And Commissions; Article 6 Navajo Nation Human Rights Commission Sections 921, 922(A)(C), 923 And 924

**Posted:** July 2, 2019 at 11:54 AM

**5 DAY Comment Period Ended:** July 07, 2019

**Digital Comments received:**

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

  
\_\_\_\_\_  
**Legislative Tracking Secretary  
Office of Legislative Services**

7/8/19

**Date/Time**

**LAW AND ORDER COMMITTEE  
24<sup>TH</sup> NAVAJO NATION COUNCIL**

**FIRST YEAR 2019**

**COMMITTEE REPORT**

Mr. Speaker,

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

**Legislation No. 0176-19:** An Relating to the Law and Order, Naabik'iyati' Committee and the Navajo Nation Council; Approving an Act to Amend the Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Boards and Commissions; Article 6 Navajo Nation Human Rights Commission Sections 921, 922(A)(C), 923 and 924 – *Sponsor: Honorable Daniel E. Tso*

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

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Eugenia Charles-Newton, Chairwoman  
Law and Order Committee  
24<sup>th</sup> Navajo Nation Council

Date: August 19, 2019

Main Motion: Honorable Otto Tso  
Second : Honorable Eugene Tso  
Vote : 2-0-1 (Chairwoman not voting)



**LAW AND ORDER COMMITTEE**

**Regular Meeting**

**August 19, 2019**

**VOTE TALLY SHEET:**

**Legislation No. 0176-19:** An Relating to the Law and Order, Naabik'iyati' Committee and the Navajo Nation Council; Approving an Act to Amend the Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Boards and Commissions; Article 6 Navajo Nation Human Rights Commission Sections 921, 922(A)(C), 923 and 924 – *Sponsor: Honorable Daniel E. Tso*

**Main Motion:** Otto Tso

**Second:** Eugene Tso

**Vote:** 2-0-1

**VOTE TALLY:**

Yea: ETso/OTso

Nay:

Excused: VJames

Not Voting: EC-Newton

Absent: EYazzie

  
Eugenia Charles-Newton, Chairwoman

  
Lauren Spencer, Legislative Advisor  
Law and Order Committee

5-DAY BILL HOLD PERIOD: 2888  
Website Posting Time/Date: 7.2.19 11:54AM  
Posting End Date: 7.7.19  
Eligible for Action: 7.8.19

Law & Order Committee  
Thence  
Naa'bik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY

Daniel E. Jr

Primary Sponsor

[Signature]

TRACKING NO. 0176-19

AN ACT

RELATING TO LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEE AND THE  
NAVAJO NATION COUNCIL; APPROVING AN ACT TO AMEND THE NAVAJO  
NATION CODE, TITLE 2, CHAPTER 3, SUBCHAPTER 11, BOARDS AND  
COMMISSIONS; ARTICLE 6 NAVAJO NATION HUMAN RIGHTS COMMISSION  
SECTIONS 921, 922(A)(C), 923 AND 924

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. 601(B)(14), reviews and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code.
- B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. Pursuant to 2 N.N.C. § 164(A) (9), the committee reviews proposed legislation which requires final action by the Navajo Nation Council.
- C. The Navajo Nation Council enacts laws and sets policy for the Navajo Nation. 2 N.N.C. § 102.

**SECTION TWO. FINDINGS**

# **24<sup>th</sup> NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT First Year 2019**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

## **NAVAJO LEGISLATIVE BILL #0176-19**

An Action Relating to Law and Order, Naabik'íyáti' Committee and the Navajo Nation Council; Approving an act to Amend the Navajo Nation Code, Title 2, Chapter 3, Subchapter 11, Boards and Commissions; Article 6 Navajo Nation Human Rights Commission Sections 921, 922(A)(C), 923 and 924

*Sponsored by: Honorable Daniel E. Tso*

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Seth Damon, Chairman  
NAABIK'ÍYÁTI' COMMITTEE*

**05 September 2019**

### **MAIN MOTION**

*Motioned by: Honorable Rickie Nez*

*Seconded by: Honorable Mark A. Freeland*

*Vote: 15 in Favor, 00 Opposed (Chairman Damon Not Voting)*



# NAVAJO NATION

282

Naa'bik'iyati Committee Meeting

9/5/2019

11:00:23 AM

Amd# to Amd#	Legislation 0176-19: Approving	PASSED
MOT Nez, R	an Act to Amend the Navajo	
SEC Freeland, M	Nation Code, Title 2, Chapter 3,	
	Subchapter 11, Boards and...	

**Yea : 15**

**Nay : 0**

**Excused : 2**

**Not Voting : 5**

## Yea : 15

Begay, K	Daniels	Nez, R	Tso, O
Begay, P	Freeland, M	Smith	Walker, T
Brown	Halona, P	Tso, C	Yellowhair
Charles-Newton	James, V	Tso, E	

## Nay : 0

## Excused : 2

Stewart, W	Tso, D
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## Not Voting : 5

Begay, E	Henio, J	Wauneka, E	Yazzie
Crotty			

**Presiding Chair: Damon**