TITLE: An Action Relating To Law And Order, NAABIK'IFYATI' 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

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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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY

Primary Sponsor

TRACKING NO. 01716-19

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'íyáti' 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
A. The Navajo Nation Human Rights Commission (Commission) was established within the
Legislative Branch as an entity of the Navajo Nation Government pursuant to 2 N.N.C. §
920.

B. The Commission is established as a clearinghouse to address discriminatory actions
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. 2 N.N.C. § 921.

C. The Commission has requested, by Commission Resolution NNHRCMAY-23-19, certain
amendments be made to its enabling legislation. See Exhibit A.

D. The Navajo Nation Council finds it to be in the best interest of the Diné to approve such
amendments as requested by the Commission pursuant to NNHRCMAY-23-19 and to
make these amendments to Navajo Nation Code, Title 2, Chapter 3, Subchapter 11,
Article 6, §§ 921,922 (A)(C), 923 and 924, at a Regular Session of the Navajo Nation
Council.

SECTION THREE. AMENDING TITLE 2

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

THE Navajo Nation Code

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 Nation 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 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 organization 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’iyáti’ Committee.

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

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

D. The Commission shall have the authority to approve the rules, policies and procedures for the Commission and its office, to conduct public hearings, and 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’íyáti’ 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’íyáti’ Committee of the Navajo Nation Council.
The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

SECTION FIVE. SAVING CLAUSE

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

SECTION SIX. EFFECTIVE DATE

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