LEGISLATION NO: _0207-19_____  SPONSOR: Edmund Yazzie

TITLE: 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

Date posted: July 16, 2019 at 5:47pm

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

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

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

SECTION TWO. FINDINGS

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

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

3. 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 elected officials are on official travel on behalf of the Navajo Nation.

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

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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, 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.

D. All instances involving violations of this section shall be reported to the Ethics and Rules Office within 10 days of occurrence.

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SECTION FOUR. EFFECTIVE DATE

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

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

SECTION SIX. SAVINGS CLAUSE

Should any provision of these amendments 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, those amendments that are not determined invalid shall remain the law of the Nation.