LEGISLATION NO: _0042-20_____ SPONSOR: Daniel Tso


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LEGISLATIVE SUMMARY SHEET

Tracking No. 0042-20

DATE: February 26, 2020


PURPOSE: This resolution will amend Diné College Board of Regents qualifications provisions at 10 N.N.C. §§ 2003, 2004, 2005 and 2008. Amendments concern the positions of Superintendent and Board of Education members.

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 NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0042-20

AN ACT


BE ITS ENACTED:

SECTION ONE. AUTHORITIES

A. The Law and Order Committee is a standing committee of the Navajo Nation Council with authority to "review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code." 2 N.N.C. §601(B)(14).

B. The Health. Education and Human Services Committee has oversight authority over “the Navajo Nation Board of Education, and colleges within the Navajo Nation.” 2 N.N.C. § 401(C)(3).

C. The Naabik’íyáti’ Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A). All proposed legislation requiring final action by the Navajo Nation Council are assigned to the committee. 2 N.N.C. § 164 (A)(9).
D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102. It is authorized to amend laws applicable to the Diné College and its Board of Regents. 10 N.N.C. § 2017 and 2022.

SECTION TWO. FINDINGS

A. Pursuant to 10 N.N.C. § 2001, “Diné College is chartered and established as a nonprofit educational institution wholly owned by the Navajo Nation, to act for and on behalf of the Navajo Nation Council within its areas of responsibility as defined by [10 N.N.C. § 2001 et seq.].”

B. Pursuant to 10 N.N.C. § 2003(A), the “full authority and control over Diné College, and responsibility for accomplishment of its purposes, is delegated to a Board of Regents. Subject to other applicable laws, employees and officials of the Navajo Nation and candidates for Navajo Nation offices, shall not interfere with or interrupt the day-to-day activities of College employees' carrying out college education programs.”

C. The Navajo Nation finds it necessary to amend eligibility and membership provisions of law applicable to the Diné College Board of Regents.


The Navajo Nation hereby amends 24 N.N.C. §§ 2003, 2004, 2005 and 2008 as follows:

§ 2003. Board of Regents; selection

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B. The Board of Regents shall consist of eight seven members, including the Chairperson of the Health, Education and Human Services Committee or the committee's designee, the Navajo Nation Superintendent of Schools, and the President of the Diné College Student Body who shall be full official members. Five shall be enrolled members of the Navajo Nation and subject to confirmation and removal by the Naabik'íyáti' Committee of the Navajo Nation Council to each of the five agencies of the Navajo Nation. In the event that the Naabik'íyáti'
Committee within thirty (30) days declines or fails for any reason to pass a resolution confirming an appointment made by the President, the appointee shall not sit as a Regent and the President shall submit an alternative appointee within two weeks of the Naabik’íyááh Committee action declining to confirm the appointment, or the expiration of the thirty (30) day period for confirmation.

C. Qualifications for Diné College Board of Regents Candidates:

1. All appointed members of the Board of Regents must meet the following qualifications:
   a. Must maintain continuous residence and voter registration within a Chapter within the Agency of the Navajo Nation which they are appointed to represent, during the period of their term; and
   b. Must be at least eighteen (18) years of age at the time of the appointment; and
   c. Must not be an employee of the Diné College; and
   d. Must not have a conflict of interest arising from any Navajo Nation, state, or federal laws regarding his or her appointment; and
   e. Must not have been convicted of a felony within the five (5) years preceding the date of appointment; and
   f. Shall not be a member of the Navajo Board of Education.

§ 2004. Tenure

A. The Chairperson of the Health, Education and Human Services Committee, the Navajo Nation Superintendent of Schools, and the President of the Student Body shall serve while they hold their respective offices.

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§ 2005. Resignation and removal

Any Regent, except the Chairperson of the Health, Education and Human Services Committee, the Navajo Nation Superintendent of Schools, and the President of the Student Body, may resign at any time by giving written notice to the President of the Board of Regents. Such resignation shall take effect at the time specified in the notice without the necessity of acceptance. Any appointed
member may be removed by the Naabik’íyáti’ Committee when, in their judgment, the best interests of Diné College will be served thereby.

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§ 2008. Quorum

A quorum for any meeting of the Board shall be five four members, and no formal action of the Board shall be valid unless a quorum is present. The quorum requirement shall be met only by actual physical presence of Regents and not by any other representation or proxy, except that the chairperson of the Health, Education and Human Services Committee of the Navajo Nation Council may send the Vice Chairperson or a member of the Health, Education and Human Services Committee.

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SECTION FOUR. EFFECTIVE DATE

This action of the Navajo Nation Council herein shall be effective pursuant to 2 N.N.C. § 221(B). Further, the "President's authority to sign into law or veto legislation shall be deemed waived if not exercised within ten calendar days after certification of the legislation by the Speaker or Speaker Pro Tem and the legislation shall be deemed enacted and become effective pursuant to 2 N.N.C. § 221." 2 N.N.C. § 1005(C)(12).

SECTION FIVE. CODIFICATION

The provisions of these amendments of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amendments in the next codification of the Navajo Nation Code.

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.