

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0042-20_____

SPONSOR: Daniel Tso

TITLE: An Act Relating to Law and Order, Health, Education and Human Services, Naabik'iyáti and the Navajo Nation Council; amending Diné College Board of Regents Qualifications Provisions at 10 N.N.C. §§ 2003, 2004, 2005 and 2008; Superintendent and Board of Education Members

Date posted: February 27, 2020 at 7:30pm

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0042-20

DATE: February 26, 2020

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING DINÉ COLLEGE BOARD OF REGENTS QUALIFICATIONS PROVISIONS AT 10 N.N.C. §§ 2003, 2004, 2005 AND 2008; SUPERINTENDENT AND BOARD OF EDUCATION MEMBERS

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.

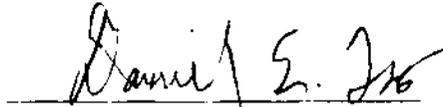
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: High
Website Posting Time/Date: _____
Posting End Date: 03-03-20
Eligible for Action: 03-04-20

Law & Order Committee
Thence
Health Education & Human Services Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Second Year, 2020

3 INTRODUCED BY

4
5 
6

7 (Prime Sponsor)

8
9 TRACKING NO. 0042-20

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11 AN ACT

12 RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES,
13 NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; AMENDING DINÉ COLLEGE
14 BOARD OF REGENTS QUALIFICATIONS PROVISIONS AT 10 N.N.C. §§ 2003, 2004, 2005
15 AND 2008; SUPERINTENDENT AND BOARD OF EDUCATION MEMBERS

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17 **BE ITS ENACTED:**

18 **SECTION ONE. AUTHORITIES**

- 19 A. The Law and Order Committee is a standing committee of the Navajo Nation Council
20 with authority to "review and make recommendations to the Navajo Nation Council on
21 proposed amendments to and enactments in the Navajo Nation Code." 2 N.N.C.
22 §601(B)(14).
- 23 B. The Health, Education and Human Services Committee has oversight authority over
24 "the Navajo Nation Board of Education, and colleges within the Navajo Nation." 2
25 N.N.C. § 401(C)(3).
- 26 C. The Naa'bik'iyáti' Committee is a standing committee of the Navajo Nation Council.
27 2 N.N.C. § 700(A). All proposed legislation requiring final action by the Navajo
28 Nation Council are assigned to the committee. 2 N.N.C. § 164 (A)(9).
- 29
30

1 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
2 102. It is authorized to amend laws applicable to the Diné College and its Board of
3 Regents. 10 N.N.C. § 2017 and 2022.

4
5 **SECTION TWO. FINDINGS**

6 A. Pursuant to 10 N.N.C. § 2001, "Diné College is chartered and established as a nonprofit
7 educational institution wholly owned by the Navajo Nation, to act for and on behalf of
8 the Navajo Nation Council within its areas of responsibility as defined by [10 N.N.C. §
9 2001 *et seq.*]."

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

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

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18 **SECTION THREE. AMENDING 24 N.N.C. §§ 2003, 2004, 2005 AND 2008**

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

21
22 **§ 2003. Board of Regents; selection**

23 *****

24 B. The Board of Regents shall consist of ~~eight~~ seven members, including the
25 Chairperson of the Health, Education and Human Services Committee or the
26 committee's designee, ~~the Navajo Nation Superintendent of Schools~~, and the
27 President of the Diné College Student Body who shall be full official members.
28 Five shall be enrolled members of the Navajo Nation and subject to confirmation
29 and removal by the Naabik'iyáti' Committee of the Navajo Nation Council to each
30 of the five agencies of the Navajo Nation. In the event that the Naabik'iyáti'

1 Committee within thirty (30) days declines or fails for any reason to pass a
2 resolution confirming an appointment made by the President, the appointee shall
3 not sit as a Regent and the President shall submit an alternative appointee within
4 two weeks of the Naabik'iyáti' Committee action declining to confirm the
5 appointment, or the expiration of the thirty (30) day period for confirmation.

6 C. Qualifications for Diné College Board of Regents Candidates:

7 1. All appointed members of the Board of Regents must meet the following
8 qualifications:

9 a. Must maintain continuous residence and voter registration within a
10 Chapter within the Agency of the Navajo Nation which they are
11 appointed to represent, during the period of their term; and

12 b. Must be at least eighteen (18) years of age at the time of the
13 appointment; and

14 c. Must not be an employee of the Diné College; and

15 d. Must not have a conflict of interest arising from any Navajo Nation,
16 state, or federal laws regarding his or her appointment; and

17 e. Must not have been convicted of a felony within the five (5) years
18 preceding the date of appointment; and

19 f. Shall not be a member of the Navajo Board of Education.

20 **§ 2004. Tenure**

21 A. The Chairperson of the Health, Education and Human Services Commit-tee;
22 ~~the Navajo Nation Superintendent of Schools;~~ and the President of the Student
23 Body shall serve while they hold their respective offices.

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25 **§ 2005. Resignation and removal**

26 Any Regent, except the Chairperson of the Health, Education and Human
27 Services Committee, ~~the Navajo Nation Superintendent of Schools;~~ and the
28 President of the Student Body, may resign at any time by giving written notice to
29 the President of the Board of Regents. Such resignation shall take effect at the
30 time specified in the notice without the necessity of acceptance. Any appointed

1 member may be removed by the Naabik'iyáti' Committee when, in their judgment,
2 the best interests of Diné College will be served thereby.

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4 **§ 2008. Quorum**

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

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15 **SECTION FOUR. EFFECTIVE DATE**

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

21
22 **SECTION FIVE. CODIFICATION**

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

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27 **SECTION SIX. SAVINGS CLAUSE**

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