

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0109-20_____

SPONSOR: Rickie Nez

TITLE: An Action Relating to the Resources and Development Committee, Naabik'iyáti' Committee and Navajo Nation Council; Extending Resolution CJN-24-19, Approving and Authorizing the Navajo Agricultural Products Industry to extend and expand the Hemp Pilot Research Project with New Mexico State University under the provisions of the 2014 Farm Bill; Creating a singular exception to the Navajo Nation's prohibition on the cultivation, growth, possession, development or propagation of hemp

Date posted: April 29, 2020 at 5:21pm

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Office of Legislative Services
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LEGISLATIVE SUMMARY SHEET

Tracking No. 0109-20

DATE: April 27, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, NABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; EXTENDING RESOLUTION NO. CJN-24-19, *APPROVING AND AUTHORIZING THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY TO EXTEND AND EXPAND THE HEMP PILOT RESEARCH PROJECT WITH NEW MEXICO STATE UNIVERSITY UNDER THE PROVISIONS OF THE 2014 FARM BILL*; CREATING A CONTINUING SINGULAR EXCEPTION TO THE NAVAJO NATION'S PROHIBITION ON THE CULTIVATION, GROWTH, POSSESSION, DEVELOPMENT OR PROPAGATION OF HEMP

PURPOSE: The purpose of this legislation is to reinforce the Nation's prohibition on industrial hemp and extend CJN-24-19's exception to the NMSU and NAPI Hemp Pilot Research Project for an additional year and 500 acres.

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.

OLC # 20-122-1

5-DAY BILL HOLD PERIOD:
Website Posting Time/Date:
Posting End Date: 05-04-20
Eligible for Action: 05-05-20

Resources & Development 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 (Prime Sponsor)

7
8 TRACKING NO. 0109-20

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10 AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT
11 COMMITTEE, NABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION
12 COUNCIL; EXTENDING RESOLUTION NO. CJN-24-19, APPROVING AND
13 AUTHORIZING THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY
14 TO EXTEND AND EXPAND THE HEMP PILOT RESEARCH PROJECT
15 WITH NEW MEXICO STATE UNIVERSITY UNDER THE PROVISIONS OF
16 THE 2014 FARM BILL; CREATING A SINGULAR EXCEPTION TO THE
17 NAVAJO NATION'S PROHIBITION ON THE CULTIVATION, GROWTH,
18 POSSESSION, DEVELOPMENT OR PROPAGATION OF HEMP

19
20 BE IT ENACTED:

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22 SECTION ONE. AUTHORITY

- 23 A. The Resources and Development Committee is a standing committee of the Navajo
24 Nation Council with oversight authority over land, agriculture and economic
25 development on the Navajo Nation. 2 N.N.C. § 500(c).
26 B. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation
27 Council with authority to hear all proposed resolutions that require final action by
28 the Navajo Nation Council and to coordinate all federal, county and state programs.
29 2 N.N.C. §§ 164 (A)(9) and 700(A) and 701 (A)(4).
30

1 C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
2 § 164(A) (2012); CO-45-12.
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4 **SECTION TWO. FINDINGS**

5 A. On August 1, 2000, the Navajo Nation enacted Resolution CJY-54-00, attached as
6 **Exhibit 1 (A)**, which amended the Navajo Nation Criminal Code, 17 N.N.C. § 390
7 *et. al*, to distinguish between industrial hemp and marijuana based on the
8 percentage of T.H.C. contained within the cannabis plant; and on November 2,
9 2018, the Navajo Nation enacted Resolution CO-75-18, attached as **Exhibit 1**,
10 amending the Navajo Nation Criminal Code to conform with the federal law
11 standard set forth in Public Law 113-79 for industrial hemp, i.e., a T.H.C. of not
12 more than 0.3 percent on a dry weight basis.

13 B. Resolutions CJY-54-00 and CO-75-18 both contain provisions that prohibit the
14 growth, possession, development or propagation of industrial hemp until such time
15 as the Navajo Nation creates a regulatory system for industrial hemp and obtains
16 the necessary and applicable permits for industrial hemp production. **Exhibits 1**
17 **and 1 (A)**.

18 C. The Navajo Nation has *not* adopted a regulatory system for industrial hemp and has
19 *not* authorized the growth, possession, development or propagation of industrial
20 hemp on the Navajo Nation except as set forth in CJN-24-19.

21 D. On June 6, 2019, the Navajo Nation enacted Resolution CJN-24-19, attached as
22 **Exhibit 2**, creating a singular project specific exception to the existing “. . .
23 prohibition on the growth, possession, development or propagation of industrial
24 hemp until such time as the Navajo Nation creates a regulatory system for industrial
25 hemp and obtains the necessary and applicable permits” as established by
26 Resolution CO-75-18; and approving and authorizing the Navajo Agricultural
27 Products Industry (NAPI) to conduct a hemp pilot research project (Project) with
28 New Mexico State University (NMSU) under the provisions of the 2014 Farm Bill,
29 attached as **Exhibit 2 (B)**.
30

- 1 E. Farmers on the Navajo Nation should be aware that industrial hemp was and still
2 is unauthorized on the Navajo Nation and forewarned the planting of hemp could
3 place their farm permits in jeopardy for growing a banned or unauthorized crop;
4 CJN-24-19, like CJY-54-00 and CO-75-18, specifically states that with the
5 exception of the Project, “cultivation, growth, possession, development or
6 propagation of industrial hemp continues to be prohibited on the Navajo . . . until
7 such time as the Navajo Nation creates a regulatory system and obtains the
8 necessary and applicable permits for industrial hemp cultivation and production,”
9 **Exhibit 2**; the Navajo Nation has not as of yet created a regulatory system for the
10 cultivation, growth, possession, development or propagation of industrial hemp.
- 11 F. Pursuant to CJN-24-19, the NMSU hemp pilot research Project was approved to
12 occupy 200 square feet of the land leased to NMSU; the purpose of the Project was
13 to determine the best hemp producing plants for cultivation in the many growing
14 zones and conditions on the Navajo Nation. **Exhibit 2**.
- 15 G. NAPI and NMSU have requested an extension to the hemp pilot research Project
16 for another year and expansion of the Project area to 5 acres for the 2020 crop
17 season. **Exhibit 3**.
- 18 H. The Navajo Nation Council finds it to be in the best interest of the Navajo Nation
19 to approve the proposed extension and expansion of the NAPI-NMSU hemp pilot
20 research Project as requested in **Exhibit 3**.
- 21 I. The Navajo Nation Council also finds it to be in the best interest of the Navajo
22 Nation to reiterate that with the exception of the Project, the cultivation, growth,
23 possession, development or propagation of industrial hemp continues to be
24 prohibited on the Navajo until such time as the Navajo Nation creates and adopts a
25 regulatory system and obtains the necessary and applicable permits for industrial
26 hemp cultivation and production

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28 **SECTION THREE. APPROVALS**

- 29 A. The Navajo Nation hereby approves the proposed extension of the Hemp Pilot
30 Research Project (“Project”) authorized by CO-75-18 involving Navajo

1 Agricultural Products Industry and New Mexico State University for another year
2 and expansion of the Project area to 5 acres for the 2020 crops season as described
3 herein.

4 B. The Navajo Nation Council hereby creates and approves a project specific
5 exception to the existing “. . . prohibition on the growth, possession, development
6 or propagation of industrial hemp until such time as the Navajo Nation creates a
7 regulatory system for industrial hemp and obtains the necessary and applicable
8 permits” established by Navajo Council Resolution CO-75-18 specifically and only
9 for the proposed research and development Project as described in **Exhibit 3** and
10 only for the duration of the Project.

11 C. Other than the specific Project exception authorized herein, the cultivation, growth,
12 possession, development or propagation of industrial hemp continues to be
13 prohibited on the Navajo Nation, as established by Council Resolution CO-75-18
14 and CJY-54-00, until such time as the Navajo Nation creates a regulatory system
15 and obtains the necessary and applicable permits for industrial hemp cultivation
16 and production.

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18 **SECTION FOUR. EFFECTIVE DATE**

19 This Action shall become effective pursuant to 2 N.N.C. § 221 (B).
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