

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0167-25\_

SPONSOR: Eugenia Charles-Newton

**TITLE: An Act Relating to Health, Education and Human Services, Law and Order, and Naabik'íyáti' Committees and the Navajo Nation Council; Amending 15 N.N.C. §§ 303, 305 and 308, the Plan of Operation of the Navajo Nation Labor Commission**

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## LEGISLATIVE SUMMARY SHEET

Tracking No. 0167-25

**DATE:** June 24, 2025

**TITLE OF RESOLUTION:** AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING 15 N.N.C. §§ 303, 305 AND 308, THE PLAN OF OPERATION OF THE NAVAJO NATION LABOR COMMISSION

**PURPOSE:** This resolution, if approved, would amend 15 N.N.C. §§ 303, 305 and 308, The Plan of Operation of the Navajo Nation Labor Commission.

**FINAL AUTHORITY:** Navajo Nation Council

**VOTE REQUIRED:** Simple Majority

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:         
Website Posting Time/Date:         
Posting End Date: 07-06-25  
Eligible for Action: 07-07-25

Health Education & Human Services Committee

Thence

Law & Order Committee

Thence

Naabik'iyáti' Committee

Thence

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
25<sup>th</sup> NAVAJO NATION COUNCIL – Third Year, 2025

Introduced by:

\_\_\_\_\_  
(Sponsor)

Tracking No. 0167-25

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND  
ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION  
COUNCIL; AMENDING 15 N.N.C. §§ 303, 305 AND 308, THE PLAN OF  
OPERATION OF THE NAVAJO NATION LABOR COMMISSION

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Law and Order Committee is a standing committee of the Navajo Nation Council and has the power to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code; and the Committee is the legislative oversight committee for the Navajo Nation Labor Commission. 2 N.N.C. §§ 164(A), 600(A), 601(B)(14) and (C)(1).
- B. The Health, Education, and Human Services Committee is a standing committee of the Navajo Nation Council and has the power to review and recommend resolutions relating to employment and labor. 2 N.N.C. §§ 400(A), 401(B)(6)(a).
- C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council and has the power to review proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §§ 164(A)(9) and 700(A).
- D. The Navajo Nation Council is the governing body of the Navajo Nation and must review

1 and approve enactments or amendments of positive law. 2 N.N.C. §§ 102(A) and 164(A).

2  
3 **SECTION TWO. FINDINGS**

- 4 A. The Navajo Nation Labor Commission (“Commission” or “NNLC”) is a quasi-judicial  
5 body of the Navajo Nation Government established to hear, adjudicate and decide all  
6 complaints filed under the Navajo Preference in Employment (“NPEA”) pursuant to 15  
7 N.N.C. §§ 301-308.
- 8 B. The NNLC is established and has powers prescribed in its Plan of Operation as well as  
9 such additional powers as may be conferred to the Commission by law pursuant to 15  
10 N.N.C. § 301.
- 11 C. In July 2016, the Navajo Nation Council by Resolution CJY-42-16 (effective date  
12 October 1, 2017) changed the qualification of the five-member Commission to require  
13 all Commissioners to be members of the Navajo Nation Bar Association, Inc. (“NNBA”)  
14 and two Commissioners to be attorneys licensed in New Mexico, Arizona, or Utah. The  
15 Commission office normally advertises for applicants, however, in late 2016 and 2017,  
16 the Commission, the Speaker’s Office, and the Office of the President/Vice-President  
17 vigorously advertised for applicants using the amended qualifications. The vacancies  
18 were also announced to the NNBA membership, on the NNBA website, and at NNBA  
19 events, including the annual NNBA Bar Conference; and
- 20 D. On September 31, 2017, the terms of the then-Commissioners expired. At that time, the  
21 Commission had no confirmed commissioners; and
- 22 E. On February 22, 2018, the Naabik’íyáti’ Committee by Resolution NABIF-11-18  
23 confirmed Loretta Danzuka (tribal court advocate), who was appointed by President  
24 Russell Begay, for a four-year term. Ms. Danzuka’s term subsequently expired in 2022;  
25 and
- 26 F. On March 8, 2018, the Naabik’íyáti’ Committee by Resolution NABIMA-22-18  
27 confirmed Edward Dobson (an attorney licensed with the Navajo Nation and Arizona),  
28 who was appointed by President Russell Begaye, for a four-year term; and
- 29 G. From October 1, 2017 (which is the effective date of new qualifications) to around May  
30 2018, the Commission was comprised of two-members and was unable to hold hearings

1 for lack of a quorum; and

2 H. Around May 2018, the attorney for Petitioner Austin Bahe filed a Writ (*Bahe v NNLC*  
3 *and Concerning NECA*) to the Navajo Nation Supreme Court requesting the Court to  
4 direct the Commission to hold hearings; and

5 I. On May 23, 2018, the Navajo Nation Supreme Court issued a PERMANENT WRIT OF  
6 MANDAMUS that ordered the Commission to conduct and hold hearings and ordered  
7 the Commission to be comprised of previously appointed Commissioners and newly  
8 appointed Commissioner to hear and adjudicate cases without further delay, a copy of  
9 the WRIT is attached hereto as **EXHIBIT “A”**; and

10 J. On June 6, 2018, the Health, Education, and Human Services Committee by Resolution  
11 HEHSCJN-08-18 appointed and confirmed Nona L. Etsitty (tribal court advocate) for  
12 four-year term. Ms. Etsitty’s term subsequently expired in 2022; and

13 K. On June 6, 2018, the Health, Education, and Human Services Committee by Resolution  
14 HEHSCJN-09-18 confirmed Marvin Beauvais (an attorney licensed with the Navajo  
15 Nation and Washington), who was appointed by President Russell Begaye, for a four-  
16 year term. At that time, the Commission had four newly appointed Commissioners; and

17 L. On June 29, 2018, the Navajo Nation Supreme Court issued an *Opinion* that previously  
18 appointed Commissioners may continue service on the Commission until such time a  
19 successor is appointed and confirmed. See *Bahe v. NNLC*, No. SC-CV-15-18, *Writ of*  
20 *Mandamus* dated May 23, 2018 and *Opinion* dated June 29, 2018. The Court stated the  
21 NPEA has statutory deadlines and time requirements. In *Bahe*, the Court reviewed past  
22 Navajo Nation resolutions that amended the Commission’s plan of operation.  
23 Specifically, the Court examined Resolution LOCMY-01-14 and concluded the  
24 resolution did not underline nor strike out statutory changes in Title 15. The Court also  
25 stated the Commissioners must serve until successors are appointed and confirmed, and  
26 that previously appointed Commissioners and newly appointed Commissioners must  
27 hear and adjudicate cases without delay. As a result of the *Writ* and *Opinion*, the  
28 Commission and Commission office contacted former Commissioners to serve on the  
29 Commission until their successors are appointed and confirmed, a copy of the *Opinion* is  
30 attached hereto as **EXHIBIT “B”**; and

- 1 M. Around mid-to-late 2018, Mr. Dobson and Beauvais resigned. Upon the resignation of  
2 the attorneys, the Commission only had two newly confirmed Commissioners (Loretta  
3 Danzuka and Nona L. Etsitty). Since the resignation of the two attorneys, there have been  
4 no attorneys appointed; and
- 5 N. From late 2018 to present, the Commission has been holding hearings with former  
6 Commissioners (Marie Etsitty received an October 31, 2014 appointment letter from the  
7 former Speaker LoRenzo C. Bates. Under the Plan of Operation, at the time, the Speaker  
8 was authorized to appoint a Commissioner and there was no need for a standing  
9 committee resolution. Ben C. Smith was appointed by President Joe Shirley, Jr. in 2009  
10 and confirmed by Government Services Committee Resolution GSCAP-11-09 on April  
11 16, 2009. Jerry Bodie, then-Navajo Nation Council Delegate in 1996, was appointed by  
12 Human Services Committee Resolution HSCJN-30-96 and confirmed by Government  
13 Services Committee Resolution GSCJN-36-96 on June 11, 1996. Under the Plan of  
14 Operation, at the time, a Council Delegate on the Human Services Committee could be  
15 appointed to the Commission); and
- 16 O. On October 10, 2019, the Naabik'íyáti' Committee by Resolution NABIO-58-19  
17 confirmed Casey Watchman (tribal court advocate), who was appointed by President  
18 Jonathan Nez, for a four-year term. Mr. Watchman's term expired in 2023; and
- 19 P. In 2020 to 2022, the Commission worked with the Navajo Nation Council, Speaker, and  
20 oversight committee to amend the Plan of Operation; and
- 21 Q. On July 26, 2022, the Navajo Nation Council by Resolution CJY-40-22 approved  
22 amendments to the Plan of Operation. On August 14, 2022, President Jonathan Nez  
23 vetoed the Resolution; and
- 24 R. On August 15, 2023, the Health, Education, and Human Services Committee by  
25 Resolution HEHSCAU-15-23 reappointed and reconfirmed Nona L. Etsitty (tribal court  
26 advocate) for a four-year term; and
- 27 S. On May 28, 2024, the Health, Education, and Human Services Committee appointed and  
28 confirmed Richie Nez, Sr. for a four-year term; and
- 29 T. Presently, the Commission has two Commissioners (Nona Etsitty and Richie Nez, Sr.)  
30 with unexpired terms. The remaining Commissioners (Loretta Danzuka, Casey

1 Watchman, Marie Nez, Ben Smith and Jerry Bodie) have expired terms and serve as  
2 Commissioners per the *Bahe Opinion* and *Writ*; and

3 U. It is necessary to amend the qualifications for Commissioners because the 2016  
4 qualifications for Commissioners are unworkable. Since 2016, only two attorneys have  
5 been appointed and confirmed, and they resigned after a few months. The work of the  
6 Commission is demanding: evidentiary hearings can last for 8 hours and may take two  
7 days or more; Commissioners must know the Navajo Preference in Employment Act,  
8 human resources, employment practices and law, and applicable Navajo Nation Supreme  
9 Court opinions/memorandum decisions/orders, Commissioners must rule on motions and  
10 procedural matters; receive, rule on, exclude, and limit evidence, lines of questioning and  
11 testimony; determine relevancy, materiality, and repetitious nature of evidence; examine  
12 witnesses; issue findings of fact and conclusions of law; and impose damages, sanctions,  
13 fines and other remedies. They are called upon to decide matters of federal Indian law,  
14 Navajo Nation caselaw, Navajo due process and k'é, Diné bi beenahaz'áanii, traditional  
15 law, customary law, and natural law. Various *pro se* parties, tribal court advocates,  
16 attorneys, and law firms litigate before the Commission. The stipend of \$250.00 per  
17 hearing day is insufficient to attract and retain new Commissioners, specifically tribal  
18 court advocates, and to adequately compensate Commissioners; and

19 V. There is a need for the Health, Education, and Human Services Committee of the Navajo  
20 Nation Council to appoint and confirm a majority of Commissioners because the Office  
21 of the President has not appointed a single Commissioner since 2019, almost 6 years ago;  
22 and

23 W. The Commission by Resolution NNLCMAY-21-2025 has approved and recommended  
24 amendments to their plan of operation, attached hereto as **EXHIBIT C**.

25 X. It is in the best interest of the Navajo Nation to amend 15 N.N.C. §§ 303, 305 and 308,  
26 the Plan of Operation of the Navajo Nation Labor Commission.

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28 **SECTION THREE. AMENDMENTS TO 15 N.N.C. §§ 303, 305, 308**

29 The Navajo Nation hereby amends the Navajo Nation Code, Title 15 as follows:  
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## Title 15. Labor

### Chapter 4. Navajo Nation Labor Commission

#### § 303. Organization

The Commission shall consist of five members.

A. Membership. The Commission shall consist of: (23) ~~two~~ three members appointed by the Health, Education, and Human Services Committee of the Navajo Nation Council; and (32) ~~threetwo~~ members appointed by the President of the Navajo Nation with the concurrence of the Naabik'iyati' Committee of the Navajo Nation Council.

B. Commission Members Qualifications.

The five Commission members shall be 1) familiar with the Navajo Nation's labor practices, human resources and employment; and 2) member of the Navajo Nation Bar in good standing; ~~and; 3) two Commission members shall be licensed to practice law in either Arizona, New Mexico or Utah.~~

\* \* \*

4. The Commission may recall former members to complete pending cases: or to establish a quorum when necessary.

\* \* \*

D. Term of Office. Each member of the Commission shall serve for a term of four (4) years and until his or her successor is appointed and confirmed.

\* \* \*

#### § 305. Meetings/hearings/deliberative sessions; procedure

\* \* \*

D. Members of the Commission shall receive a ~~two-hundred fifty dollar (\$250.00)~~ five hundred dollar (\$500.00) stipend and shall be reimbursed for lodging, meals, expenses and mileage (at the Navajo Nation rate) incurred in connection with the performance of their duties. Commission members shall be eligible for any insurance provided by the Navajo Nation to its employees, other boards, commissions, elected officials and other tribal entities. All Commission expenses shall be paid from the budget of the Commission.



1   **§ 308. Amendment**

2   This Plan of Operation may be amended from time to time by ~~the Intergovernmental Relations~~  
3   ~~Committee of the Navajo Nation Council~~. Prior to any such amendment, the Health,  
4   Education, and Human Services Committee shall review and recommend any change or  
5   proposed amendment to this Plan of Operation.

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8   **SECTION FOUR. CODIFICATION**

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

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13   **SECTION FIVE. SAVINGS CLAUSE**

14   Should any provisions of these amendments be determined invalid by the Navajo Nation  
15   Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo  
16   Nation Supreme Court, those amendments that are not determined invalid shall remain the  
17   law of the Navajo Nation.

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19   **SECTION SIX. EFFECTIVE DATE**

20   The Navajo Nation Code amendment enacted herein shall be effective pursuant to pursuant  
21   to 2 N.N.C. § 221(B).

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