THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0291-26__ **SPONSOR: Dr. Andy Nez**

TITLE: **An Act Relating to the Law and Order, Resources and Development, and Naa'biki'yati Committees and the Navajo Nation Council; Amending the Navajo Nation Ethics in Government Law to Enact 2 N.N.C. § 3759 Restricting Service By Elected Officials on the Governing Bodies of Navajo Nation Entities During Their Term of Office and for Four After Leaving Office; and Making Conforming Amendments to 5 N.N.C. §§ 1503, 1603, 1707, 1737, and 1973 and 21 N.N.C. §9**

***Date posted*: November 17, 2026 at 7:38PM**

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. *§374 et. seq*.

LEGISLATIVE SUMMARY SHEET
Tracking No. 0291-26

DATE: October 30, 2026

TITLE OF RESOLUTION: AN ACT RELATING TO THE LAW AND ORDER, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION ETHICS IN GOVERNMENT LAW TO ENACT 2 N.N.C. § 3759 RESTRICTING SERVICE BY ELECTED OFFICIALS ON THE GOVERNING BODIES OF NAVAJO NATION ENTITIES DURING OFFICE AND FOR FOUR YEARS AFTER LEAVING OFFICE; AND MAKING CONFORMING AMENDMENTS TO 5 N.N.C. §§ 1503, 1603, 1707, 1737, AND 1973 AND 21 N.N.C. § 9

PURPOSE: This legislation, if approved, would amend the Navajo Nation Ethics in Government Law to prohibit the President, the Vice-President, and the Delegates to the Navajo Nation Council from serving on the governing bodies of Navajo Nation enterprises, authorities, commissions, and other entities while in office and for four years after leaving office, would make conforming amendments to Titles 5 and 21 of the Navajo Nation Code, and would direct the Navajo Housing Authority, the Navajo Transitional Energy Company, and other affected entities to conform their governing documents.

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: 11/16/26
Website Posting Time/Date:
Posting End Date: 11/22/26
Eligible for Action: 11/23/26

Law & Order Committee
Thence
Resources & Development Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

25th NAVAJO NATION COUNCIL—Fourth Year, 2026

Introduced by:

Primary Sponsor

Tracking No. 0291-26

AN ACT

RELATING TO THE LAW AND ORDER, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION ETHICS IN GOVERNMENT LAW TO ENACT 2 N.N.C. § 3759 RESTRICTING SERVICE BY ELECTED OFFICIALS ON THE GOVERNING BODIES OF NAVAJO NATION ENTITIES DURING THEIR TERM OF OFFICE AND FOR FOUR YEARS AFTER LEAVING OFFICE; AND MAKING CONFORMING AMENDMENTS TO 5 N.N.C. §§ 1503, 1603, 1707, 1737, AND 1973 AND 21 N.N.C. § 9

BE IT ENACTED:

SECTION ONE. AUTHORITY

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

B. The Resources and Development Committee is a standing committee of the Navajo Nation Council with the authority to periodically receive reports and review the

operations of the Navajo Nation enterprises, authorities, and industries. 2 N.N.C. § 501(B)(4)(e).

C. A proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the standing committees having authority over the subject matter and to the Naabik'íyáti' Committee. 2 N.N.C. § 164(A)(9).

D. The Navajo Nation Council is the governing body of the Navajo Nation with the authority to review and approve amendments to the Navajo Nation Code. 2 N.N.C. §§ 102(A) and 164(A).

SECTION TWO. FINDINGS

A. The Navajo Nation Council intends that the Navajo Nation Ethics in Government Law be construed and applied to protect the Navajo People from government decisions and actions resulting from, or affected by, undue influence or conflicts of interest. 2 N.N.C. § 3742(B). Public officials are further directed to avoid any action that could create the appearance of adversely affecting the confidence of the People in the integrity of their government. 2 N.N.C. § 3745(B)(6).

B. The Ethics in Government Law restricts former public officials from assisting or representing other interests after leaving office, 2 N.N.C. § 3751, but it does not address the appointment of former elected officials to the governing bodies of the enterprises, authorities, commissions, and other entities of the Navajo Nation.

C. The Navajo Nation Code already prohibits sitting elected officials or public officials from serving on certain governing boards, including the Navajo Agricultural Products Industry Board of Directors, 5 N.N.C. § 1603(D), and the boards of the Navajo Nation Gaming Enterprise, 5 N.N.C. § 1707(G)(6), as amended by Resolution CO-72-18, and the Tsé Daak'áán Gaming Enterprise, 5 N.N.C. § 1737(G). These restrictions end on the day the official leaves office, and the governing provisions of other entities, including the Navajo Engineering and Construction Authority, 5 N.N.C. § 1973, and the Navajo Tribal Utility Authority, 21 N.N.C. § 9, contain no comparable restriction.

D. In 2019, the Resources and Development Committee amended the Plan of Operation of the Navajo Engineering and Construction Authority to delete the ex officio seat held by the President of the Navajo Nation, or the President's designee, on the Authority's Board of Directors, finding that the deletion would remove or minimize political influence on the business operations and affairs of the Authority. Resolution RDCO-056-19. This Act extends the same principle to elected officials who have recently left office.

E. The President, the Vice-President, and the Delegates to the Navajo Nation Council appoint, confirm, fund, and legislate for the governing bodies of the Navajo Nation's entities. The appointment of an elected official to such a body shortly after leaving office creates, at a minimum, the appearance that board service is available as a reward for political relationships formed in office, and it limits the opportunity for other qualified Navajo People to serve.

F. The terms of office of the President, the Vice-President, and the Delegates to the Navajo Nation Council are four years. A four-year restriction following the end of office allows one full term of government to pass before a former elected official may serve on the governing body of a Navajo Nation entity.

G. The qualifications for many governing bodies are set out in plans of operation, bylaws, operating agreements, and other governing documents rather than in the Navajo Nation Code, including those of the Navajo Nation Hospitality Enterprise, 5 N.N.C. § 1843(A), and the Navajo Housing Authority. A uniform statute that applies notwithstanding those documents, together with a directive that each entity conform its governing documents, ensures consistent application across all Navajo Nation entities.

H. The Navajo Transitional Energy Company, LLC is a limited liability company wholly owned by the Navajo Nation, created through Navajo Nation Council Resolution CAP-20-13, as amended by Resolution CO-58-13, and governed under its operating agreement. As the sole member, the Navajo Nation may require that the operating agreement conform to this Act.

I. In 2023, Legislation No. 0052-23 proposed to prohibit sitting Council Delegates from serving on the governing bodies of Navajo Nation-owned instrumentalities. The Navajo Nation Oil and Gas Company commented that its board qualifications are established by its federal charter issued under Section 17 of the Indian Reorganization Act, 25 U.S.C. § 5124, which may be amended only with the approval of the Secretary of the Interior and ratification by the Navajo Nation Council. This Act therefore applies to federally chartered entities through the charter amendment process rather than directly.

J. The Navajo Nation Council finds that restricting service by elected officials on the governing bodies of Navajo Nation entities during their terms of office and for four years afterward is in the best interest of the Navajo Nation and the Navajo People.

SECTION THREE. ENACTING 2 N.N.C. § 3759

The Navajo Nation Council hereby amends the Navajo Nation Ethics in Government Law to enact 2 N.N.C. § 3759 as follows:

TITLE 2. NAVAJO NATION GOVERNMENT

Navajo Nation Ethics in Government Law

Subchapter 2. Standards of Conduct and Restricted Activities of Public Officials and Employees

* * *

§ 3759. Restrictions on service by elected officials and former elected officials on governing bodies of Navajo Nation entities

A. Definitions. For the purposes of this Section:

1. "Covered Elected Official" means the President of the Navajo Nation, the Vice-President of the Navajo Nation, and a Delegate to the Navajo Nation Council.

2. "Covered Entity" means any enterprise, authority, industry, corporation, company, limited liability company, commission, board, or other entity established, chartered, owned, or controlled by the Navajo Nation through an act of the Navajo Nation Council or any of its standing committees, including, but not limited to, the

enterprises and authorities established in 5 N.N.C. Chapter 9, the Navajo Tribal Utility Authority, the Navajo Housing Authority, and the Navajo Transitional Energy Company, LLC. "Covered Entity" does not include:

a. a chapter or any entity established by or within a chapter;

b. the Navajo Nation Council, its standing committees, subcommittees, task forces, or other bodies composed of Delegates;

c. an intergovernmental body established by agreement with another government;

d. a body whose members are elected by registered voters; or

e. a body that is solely advisory and exercises no governing, regulatory, or adjudicatory authority.

3. "Governing Body" means the board of directors, management board, board of commissioners, management committee, member representative group, commission, or other body that governs or manages a Covered Entity.

4. "Restricted Period" means the four (4) year period beginning on the last day a person held office as a Covered Elected Official, whether that office ended by expiration of term, resignation, removal, or otherwise.

B. Prohibition. No person shall be nominated, appointed, selected, confirmed, or serve as a member of the Governing Body of a Covered Entity:

1. while serving as a Covered Elected Official; or

2. during the person's Restricted Period.

C. Seats reserved for sitting officials. Subsection (B)(1) shall not apply to a seat on a Governing Body that Navajo Nation law or the Covered Entity's governing documents expressly reserve for a sitting Covered Elected Official, including an ex officio seat. Such a seat shall terminate when the individual currently seated leaves office. No person shall serve as the designee of a Covered Elected Official on a Governing Body during that person's Restricted Period.

D. Taking office. A member of a Governing Body who becomes a Covered Elected Official shall resign from the Governing Body before taking the oath of office, except as provided in Subsection (C).

E. Certification. Each nomination or appointment to the Governing Body of a Covered Entity shall be accompanied by the nominee's written certification that the nominee is not ineligible under this Section. No appointing authority or confirming body shall appoint or confirm a nominee who has not provided the certification or who is ineligible under this Section.

F. Effect of violation. A nomination, appointment, selection, or confirmation made in violation of this Section is void. A member of a Governing Body who is or becomes ineligible under this Section shall be deemed removed from the Governing Body.

G. Precedence. This Section shall apply notwithstanding any plan of operation, articles of incorporation or organization, operating agreement, bylaws, or other governing document of a Covered Entity, except as provided in Subsection (H).

H. Federally chartered entities. For a Covered Entity chartered under 25 U.S.C. § 5124, this Section shall apply upon the amendment of the entity's charter in accordance with federal law and the charter's amendment provisions.

I. Enforcement. A violation of this Section by a public official or employee of the Navajo Nation constitutes a violation of this Ethics in Government Law and shall be subject to its enforcement provisions.

J. Application. This Section applies to nominations, appointments, reappointments, selections, and confirmations made on or after its effective date. A member of a Governing Body serving on that date may complete the member's current term but shall not be reappointed during the member's Restricted Period.

* * *

SECTION FOUR. AMENDING 5 N.N.C. §§ 1503, 1603, 1707, 1737, AND 1973

The Navajo Nation Council hereby amends 5 N.N.C. §§ 1503, 1603, 1707, 1737, and 1973 as follows:

TITLE 5. COMMERCE AND TRADE

Chapter 9. Navajo Nation Enterprises

Subchapter 1. Navajo Arts and Crafts Enterprise

* * *

§ 1503. Organization

A. The business and affairs of NACE shall be conducted by a Board of Directors composed of five members, with one member representing a Navajo Nation Craftspeople Association and one member ~~represented by a~~who is a sitting Navajo Nation Council Delegate, whose membership on the Board shall terminate when the Delegate leaves office pursuant to 2 N.N.C. § 3759(C). Three members are needed to form a quorum and to conduct business.

* * *

Subchapter 5. Navajo Agricultural Products Industry

* * *

§ 1603. Organization

* * *

D. No elected official of the federal, state or Navajo Nation government shall be a member of the Board of Directors. No employee of the federal, state or Navajo Nation government shall be a member of the Board of Directors. No person shall be a member of the Board of Directors during the person's Restricted Period under 2 N.N.C. § 3759.

* * *

Subchapter 7. Navajo Nation Gaming Enterprise

* * *

§ 1707. Board of directors and officers; number; appointment; composition term, removal and compensation

* * *

G. Qualifications. At all times the nominees and the Directors shall possess the following qualifications:

* * *

5. Shall not be a board member of a Navajo Nation owned corporation, enterprise or authority;~~ and~~

6. Shall not be a public official or public employee of the Navajo Nation~~.~~; and

7. Shall not be within the person's Restricted Period under 2 N.N.C. § 3759.

* * *

Subchapter 8. Tribal Gaming Enterprises

* * *

§ 1737. Board of directors and officers; number; appointment; composition, term and removal

* * *

G. Qualifications. At all times the nominees and the Directors shall not be a public official or public employee of the Navajo Nation and shall not be within the person's Restricted Period under 2 N.N.C. § 3759.

* * *

Subchapter 13. Navajo Engineering and Construction Authority

* * *

§ 1973. Board of directors and officers; number, appointment, composition term and removal, employment of general manager

* * *

D. At least six directors of the Board shall be enrolled members of the Navajo Nation. Individuals with experience and/or education in the engineering, construction, architectural, legal, accounting, management, or other construction related field shall be given preference for appointment to the Board. No person who is ineligible under 2 N.N.C. § 3759 shall be appointed to or serve on the Board.

* * *

SECTION FIVE. AMENDING 21 N.N.C. § 9

The Navajo Nation Council hereby amends 21 N.N.C. § 9 as follows:

TITLE 21. PUBLIC UTILITIES AND COMMUNICATIONS

Chapter 1. Navajo Tribal Utility Authority

Subchapter 1. Generally

* * *

§ 9. Membership of Board; qualifications; term of office

* * *

B. Qualifications. The members of the management board shall be called directors, and shall have the following qualifications:

* * *

2. Four of the directors shall be persons having not less than 10 years experience in business management of substantial character and at least two of such persons shall have had such experience in the management and operation of a utility business.

3. No person who is ineligible under 2 N.N.C. § 3759 shall be appointed to or serve on the management board.

* * *

SECTION SIX. DIRECTIVES

A. Each Covered Entity, as defined in 2 N.N.C. § 3759(A)(2), whose Governing Body qualifications are set out in a plan of operation, bylaws, or other governing document shall submit proposed amendments conforming those documents to 2 N.N.C. § 3759 to its oversight committee within ninety (90) days of the effective date of this Act. Until those amendments are approved, 2 N.N.C. § 3759 shall control over any inconsistent provision.

B. The Navajo Housing Authority shall conform its governing documents to 2 N.N.C. § 3759 as provided in Subsection (A), to the extent consistent with applicable federal law.

C. The Navajo Nation, as the sole member of the Navajo Transitional Energy Company, LLC, directs that the company's operating agreement be amended to conform to 2 N.N.C. § 3759 within ninety (90) days of the effective date of this Act, and directs all persons authorized to act for the Navajo Nation as member to take the actions necessary to accomplish that amendment.

D. Within one hundred eighty (180) days of the effective date of this Act, the Navajo Nation Department of Justice shall prepare and present to the Law and Order Committee and the Resources and Development Committee proposed charter

amendments, for each Covered Entity chartered under 25 U.S.C. § 5124, that would conform the entity's charter to 2 N.N.C. § 3759.

SECTION SEVEN. EFFECTIVE DATE

The amendments enacted herein shall become effective pursuant to 2 N.N.C. § 221(B) and 2 N.N.C. § 1005(C)(10) and (11).

SECTION EIGHT. CODIFICATION

The provisions of this Act that amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such provisions in the next codification of the Navajo Nation Code.

SECTION NINE. SAVING CLAUSE

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court, or by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, those portions of this Act that are not determined invalid shall remain the law of the Navajo Nation.