

LEGISLATIVE SUMMARY SHEET

Tracking No. 0441-17

DATE: October 25, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'ÍYATI' AND THE NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1701 - 1706, ENABLING LEGISLATION FOR THE NAVAJO NATION DIVISION OF HUMAN RESOURCES

PURPOSE: This resolution, if approved, will amend 2 N.N.C. §§ 1701 - 1706, Enabling Legislation for the Navajo Nation Division of Human Resources.

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: None
Website Posting Time/Date: 4:14 10/26/2017
Posting End Date: 10/31/2017
Eligible for Action: 11/1/2017

Health, Education & Human Services Committee

THENCE

Law & Order Committee

THENCE

Naa'bik'íyati' Committee

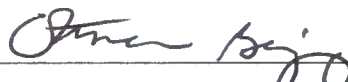
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Navajo Nation Council

PROPOSED STANDING COMMITTEE RESOLUTION

23rd NAVAJO NATION COUNCIL - Third Year, 2017

INTRODUCED BY



(Prime Sponsor)





0441-17

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND
ORDER, NAABIK'ÍYATI' AND THE NAVAJO NATION COUNCIL; AMENDING 2
N.N.C. §§ 1701 - 1706, ENABLING LEGISLATION FOR THE NAVAJO NATION
DIVISION OF HUMAN RESOURCES

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400 *et. seq.* Among other delegated duties and responsibilities, the committee oversees the Navajo Nation Division of Human of Resources.

B. Under current law, the Health, Education and Human Services Committee "recommend[s] to the Navajo Nation Council the creation of any Division or Department intended to be under the Committee's oversight by adoption of its Plan of Operation; ..." 2 N.N.C. § 401(B)(8). The committee has authority to "review, recommend or propose the adoption, amendment or rescission of" plans of operation for divisions and departments within its oversight. 2 N.N.C. §401(C)(1).

C. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the Navajo

17-522-1

1 Nation Council on amendments to and enactments in the Navajo Nation Code. 2 N.N.C.
2 §§ 164 (A)(1), 600 (A), and 601(B)(14) (2012); CO-45-12.

3 D. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §
4 164 (A)(9), reviews proposed legislation which require final action by the Navajo Nation
5 Council. CO-45-12. Further, under current law, the Naabik'íyáti' Committee "review[s]
6 and makes recommendations to the Navajo Nation Council on proposed amendments to
7 and enactments in the Navajo Nation Code." 2 N.N.C. § 601(B)(14).

8 E. The Navajo Nation Council must review and approve enactments or amendments of
9 positive law. 2 N.N.C. § 164 (A) (2012); CO-45-12.

10 11 SECTION TWO. FINDINGS

12 A. The Division of Human Resources was created in 1990 as an Executive Branch
13 division of the Navajo Nation. CSCAU-39-90. The purposes of the division included
14 "facilitat[ing] effective management and delivery of human services programs and
15 services in a comprehensive manner." *Id.* Other purposes included such matters as
16 personnel management, employment and training. *Id.*

17 B. The current structure of the Navajo Nation Division of Human Resources requires
18 reorganization and restructuring in order to provide more efficient and effective
19 governmental services for people served. Also, organizational changes will reflect the
20 purposes of the programs within the Division more accurately. These changes include:

- 21 1. Merging the Office of Background Investigations and the Staff Development and
22 Training Program with the Department of Personnel Management. This will ensure
23 more effective services to the Navajo Nation.
- 24 2. Redesignating the Office of Broadcast Services as Navajo Nation TV and Film.
25 This change will promote the use of modern technological trends and shift the
26 program to a revenue-producing platform in its media production.
- 27 3. Removing the Office of Navajo Women and Families to eliminate duplicative
28 services. The Navajo Nation Band will also be removed as a program within the
29 division.

1 SECTION THREE. AMENDMENT

2 The Navajo Nation Council amends Title 2 as follows:

3
4
5 NAVAJO NATION CODE
6 TITLE 2. NAVAJO NATION GOVERNMENT
7 CHAPTER 5. Executive Branch
8 SUBCHAPTER 27. Navajo Division of Human Resources
9

10 § 1701. Establishment

11 There is established the Navajo Division of Human Resources (NDHR) within the
12 Executive Branch of the Navajo Nation government.
13

14 § 1702. Purpose

15 The ~~Division of Human Resources~~ NDHR shall consolidate all human resources
16 programs and activities of the Navajo Nation government within a single division to
17 facilitate effective management and delivery of human resource programs and services in
18 a comprehensive manner.
19

20 § 1703. Personnel and organization

21 A. Personnel.

22 1. There is hereby established the position of the ~~Executive Division~~ Director and
23 such other positions that are necessary and provided in the budget approved by the
24 Navajo Nation Council for NDHR ~~the Division of Human Resources~~.

25 2. All NDHR ~~Division of Human Resources~~ personnel shall be hired and
26 compensated pursuant to ~~the policies and guidelines of~~ the Navajo Nation Personnel
27 Policies Procedures Manual, except the ~~Executive Division~~ Director who shall be
28 appointed by and serve at the pleasure of the President of the Navajo Nation and
29 confirmed by the Navajo Nation Council.

30 B. Organization

1 1. The NDHR ~~Division of Human Resources~~ shall be comprised of program and
2 administrative components as may be deemed necessary subject to legislative review
3 and approval of the department's and/or program's plans of operation.

4 2. The NDHR ~~Division of Human Resources~~ shall consist of the following
5 departments and offices:

- 6 a. Department of Personnel Management
- 7 b. Navajo Department of Workforce Development
- 8 c. Navajo Department of Retirement Services
- 9 d. ~~Office of Broadcast Services~~ Navajo Nation TV and Film
- 10 e. Office of Navajo Labor Relations
- 11 f. ~~Office of Navajo Women and Families~~
- 12 g. f. Navajo Office of Vital Records and Identification
- 13 h. g. Navajo Occupational Safety and Health Administration
- 14 i. h. Department of Child Support ~~Enforcement~~ Services
- 15 j. ~~Staff Development and Training Program~~
- 16 k. ~~Navajo Nation Band~~

17
18 § 1704. Responsibility and Authority

19 A. NDHR shall ~~The Division of Human Resources~~ provides human resource program
20 services to the Navajo Nation government. The Division management is accountable to
21 the President of the Navajo Nation for the performance of its functional responsibilities in
22 an ~~effective and efficient~~ progressive and productive manner. All management
23 ~~P~~ersonnel within the Division shall have ~~sufficient~~ authority established by their plans
24 of operation to perform their job responsibilities ~~not inconsistent~~ with the Master Plan
25 ~~and or~~ applicable Navajo Nation laws.

26 B. The ~~Executive~~ Division Director of NDHR ~~the Navajo Division of Human Resources~~
27 shall have the following responsibilities and authorities:

- 28 1. Be responsible for the efficient management and administration of NDHR ~~the~~
29 ~~Division of Human Resources~~ and its departments and programs;

2. Provide quarterly reports of all activities within NDHR ~~the Division of Human Resources~~ and its departments and programs to the President of the Navajo Nation and Health, Education and Human Services Committee of the Navajo Nation Council;
3. Supervise and direct all department directors and program managers/supervisors within NDHR ~~the Division of Human Resources~~;
4. Develop, recommend and implement (upon adoption by the appropriate Navajo Nation legislative body) policies, rules and regulations governing matters delegated to NDHR ~~the Division of Human Resources~~ and its departments and programs;
5. Set priorities and participate in overall NDHR ~~Division of Human Resources~~ departments' and programs' performance based budget planning process;
6. Conduct periodic performance review of NDHR ~~Division of Human Resources~~ departments and programs for effectiveness and progress to ensure compliance with the annual fiscal year performance based budget requirements;
7. Coordinate with NDHR ~~Division of Human Resources~~ departments and programs, administrative, financial and operating policies for the NDHR; and
8. Represent the NDHR ~~Division of Human Resources~~ at executive level planning sessions.

§ 1705. Legislative oversight

The NDHR ~~Division of Human Resources~~ shall operate under the legislative oversight of the Health, Education and Human Services Committee of the Navajo Nation Council.

§ 1706. Amendments

The Navajo Nation Council may amend any portion or portions of sections 1701 through 1706 upon recommendation of the Health, Education and Human Services Committee. ~~Sections 1701 through 1706 may be amended by the Government Services~~

1 ~~Committee of the Navajo Nation Council upon the recommendation of the Human~~
2 ~~Services Committee of the Navajo Nation Council.~~

3
4 SECTION FOUR. PLAN OF OPERATION

5 Pursuant to and consistent with the Enabling Legislation amended and approved
6 herein, a plan of operation for the Division of Human Resources, its programs,
7 departments and offices may be developed and approved by the Health, Education and
8 Human Services Committee.

9
10 SECTION FIVE. CODIFICATION

11 The provisions of the amendments approved herein which amend or adopt new
12 sections of the Navajo Nation Code shall be codified by the Office of Legislative
13 Counsel. The Office of Legislative Counsel shall incorporate such amended provisions
14 into the next codification or supplement of the Navajo Nation Code.

15
16 SECTION SIX. SAVINGS CLAUSE

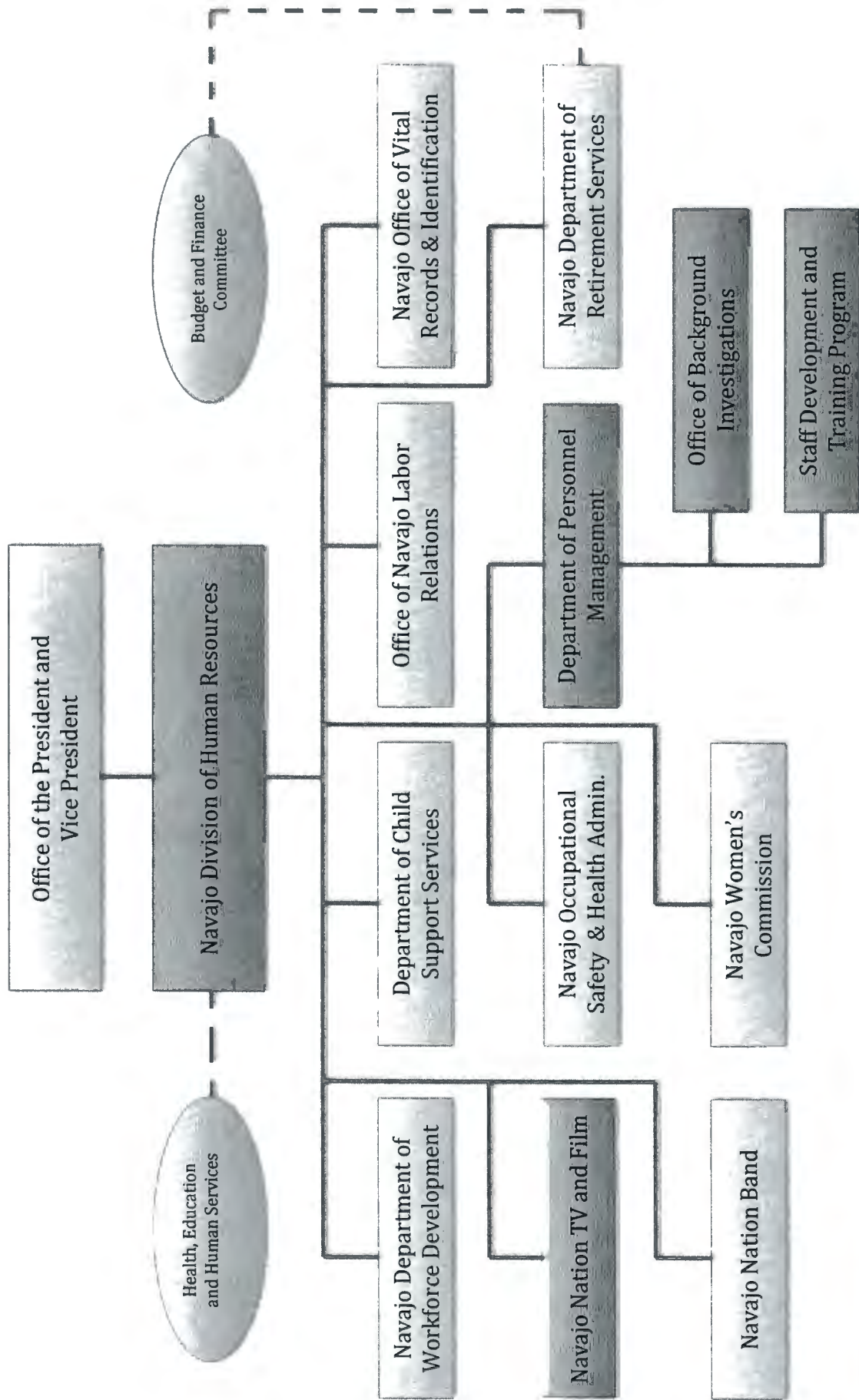
17 Should any provision of the amendments approved herein be determined invalid by
18 the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without
19 appeal to the Navajo Supreme Court, the remainder of the amendments shall remain the
20 law of the Navajo Nation.

21
22 SECTION SEVEN. EFFECTIVE DATE

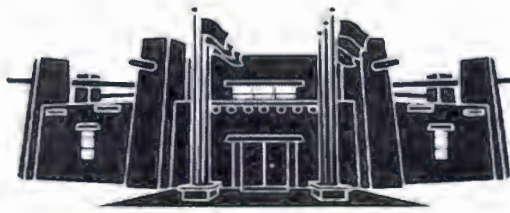
23 The amendments approved herein shall become effective in accordance with 2 N.N.C.
24 § 221(B).

PROPOSED ORGANIZATIONAL CHART

(Enabling Legislation)




Oversight Committee
Department Changes



MEMORANDUM

To : Hon. Steven Begay, Council Delegate
Navajo Nation Council

From : 
Ron Haven, Attorney
Office of Legislative Counsel

Date : October 25, 2017

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN
SERVICES, LAW AND ORDER, NAABIK'ÍYATI' AND THE NAVAJO
NATION COUNCIL; AMENDING 2 N.N.C. §§ 1701 - 1706, ENABLING
LEGISLATION FOR THE NAVAJO NATION DIVISION OF HUMAN
RESOURCES

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution is legally sufficient. However, as with any legislation, it can be challenged in the courts. You are advised and encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction. If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. As you know, the Speaker is authorized to refer this proposed resolution to other committees than those stated in the title of the resolution.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

17-522-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0441-17__

SPONSOR: Steven Begay

TITLE: An Action Relating To Health, Education And Human Services, Law And Order, NAABIK'IYATI' And Navajo Nation Council; Amending 2 N.N.C. §§ 1701 – 1706, Enabling Legislation For The Navajo Nation Division Of Human Resources

Date posted: October 26, 2017 at 4:14 PM

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.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0441-17

SPONSOR: Honorable Steven Begay

TITLE: An Action Relating To Health, Education And Human Services, Law And Order, NAABIK'IYATI' And Navajo Nation Council; Amending 2 N.N.C. §§ 1701 – 1706, Enabling Legislation For The Navajo Nation Division Of Human Resources.

Posted: October 26, 2017 at 4:14pm

5 DAY Comment Period Ended: October 31, 2017

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

11/1/2017 8:22am

Date/Time

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO
NATION COUNCIL to whom has been assigned;

LEGISLATION NO. 0441-17

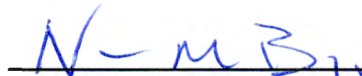
AMENDING 2 N.N.C. §§ 1701 - 1706, ENABLING LEGISLATION FOR THE NAVAJO
NATION DIVISION OF HUMAN RESOURCES

Sponsor: Honorable Steven Begay

Co-Sponsor: Honorable Jonathan L. Hale

Has had under consideration and report the same with the recommendation
that Legislation 0441-17 PASS with no amendment and no directive; and
therefore referred the same to the **LAW AND ORDER COMMITTEE OF THE NAVAJO
NATION COUNCIL**

Respectfully Submitted,



Norman M. Begay, Vice-Chairperson
Health, Education and Human Services Committee

Dated: November 13, 2017

Main Motion

Motion by: Honorable Amber Kanazbah Crotty

Seconded by: Honorable Nelson BeGaye

Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting

**LAW AND ORDER COMMITTEE
23RD NAVAJO NATION COUNCIL**

THIRD YEAR 2017

COMMITTEE REPORT

Mr. Speaker,

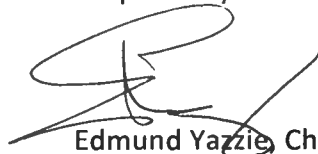
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation No. 0441-17: An Action Relating to Health, Education and Human Services, Law and Order; Naabik'iyati' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1701 – 1706, Enabling Legislation for the Navajo Nation Division of Human Resources – Sponsors: Honorable Steven Begay/Honorable Jonathan L. Hale

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with no amendment

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Edmund Yazzie', with a large, stylized initial 'E'.

Edmund Yazzie, Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: November 20, 2017

Main Motion: Honorable Kee A. Begay, Jr.

Second : Honorable Raymond Smith, Jr.

Vote : 3-0 (Chairperson not voting)

**23rd NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Third Year 2017**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0441-17

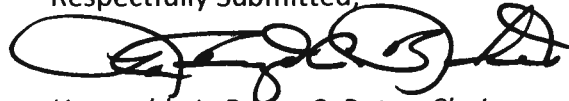
An Action Relating to Health, Education and Human Services, Law and Order, Naabik'íyáti' and the Navajo Nation Council; Amending 2 N.N.C. §§ 1701 – 1706, Enabling Legislation for the Navajo Nation Division of Human Resources

Sponsored by: Honorable Steven Begay

Co-Sponsored by: Honorable Jonathan L. Hale

Has had it under consideration and reports the same **PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'LoRenzo C. Bates', written over a horizontal line.

*Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

4 DECEMBER 2017

MAIN MOTION:

Motioned by: Honorable Nathaniel Brown

Seconded by: Honorable Leonard Pete

Vote: 14 in Favor, 01 Opposed (Chairman Bates Not Voting)

#

23rd Navajo Nation Council

Naabik'iyati' Committee

Date: December 4, 2017

Legislation No. 0441-17

Motion:

Nathaniel Brown

Second:

Leonard Pete

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.	x	
BEGAY, Norman M.		
BEGAY, Steven		
BEGAYE, Nelson		
BENNETT, Benjamin L.	x	
BROWN, Nathaniel	x	
CHEE, Tom T.		
CROTTY, Amber K.	x	
DAMON, Seth	x	
DANIELS, Herman	x	
FILFRED, Davis		
HALE, Jonathan L.	x	
JACK, Lee Sr.		
PERRY, Jonathan	x	
PETE, Leonard H.	x	
PHELPS, Walter		x
SHEPHERD, Alton Joe	x	
SLIM, Tuchoney Jr.	x	
SMITH, Raymond Jr.	x	
TSO, Otto	x	
TSOSIE, Leonard		
WITHERSPOON, Dwight	x	
YAZZIE, Edmund		

GRAND TOTAL

14

1

CERTIFICATION:



Honorable LoRenzo C. Bates
Speaker

BY COMMITTEE:

	Yea	Nay	TOTAL
BFC:			
CHEE, Tom T.			
DAMON, Seth			
JACK, Lee Sr.			
SLIM, Tuchoney Jr.			
WITHERSPOON, Dwight			
TSOSIE, Leonard			
HEHSC:			
BEGAY, Norman M.			
BEGAY, Steven			
BEGAYE, Nelson			
BROWN, Nathaniel			
CROTTY, Amber K.			
HALE, Jonathan L.			
LOC:			
BEGAY, Kee Allen Jr.			
DANIELS, Herman			
SMITH, Raymond Jr.			
TSO, Otto			
YAZZIE, Edmund			
RDC:			
BENNETT, Benjamin L.			
FILFRED, Davis			
PERRY, Jonathan			
PETE, Leonard H.			
PHELPS, Walter			
SHEPHERD, Alton Joe			
SPEAKER:			
BATES, LoRenzo			
(Votes only in a tie)			

GRAND TOTAL