



OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT

# **Diyin Nohookáá Diné'é Bi Beehaz'áanii Bitsé Siléí**

## **Są'ąh Naghái Bik'eh Hózhóón – Collective Will**

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**DIYIN NOHOOKÁÁ DINÉ'É BI BEEHAZ'ÁANII BITSÉ SILÉÍ  
SA'AH NAGHÁÍ BIK'EH HÓZHÓÓN – COLLECTIVE WILL**

**Preamble.**

Nihí Diyin Nohookáá Diné'é nigliinii, Sa'ah Naghái Bik'eh Hózhóón binahgii, by our collective will, affirm our individual autonomy, our individual rights, our duties to community and to serve the needs of the Diyin Nohookáá Diné'é for unified democratic action, establish justice, provide for a common defense, and to promote our general welfare, enlightenment, posterity and prosperity, agree upon and establish this Diyin Nohookáá' Diné'é Bi Beehaz'áanii Bitsé Siléí for the Navajo Nation. Díí binah'jì' hózhó dóó Sihasin holóodo, dóó bee náás yiikahdoo.

**Article I. BEEHAZ'ÁANII - SOURCE OF GOVERNMENTAL AUTHORITY**

The powers of independent self-governance is inherent in the Diyin Nohookáá Diné'é (Navajo people), acknowledged by the United States Constitution and reserved in the Treaty of 1868 between the Navajo tribe of Indians and the United States of America, and the Navajo Nation governmental powers is founded on the authority derived from the collective will and consent of the Navajo people for their representation, equal protection and benefit, and the Navajo people hereby establish a participatory democracy known as the Navajo Nation (for self-governance) and retain their inalienable right to alter or reform their government as the public welfare may require.

**Article II. DIYIN NOHOOKÁÁ' DINÉ'É BIL HAZ'ÁANII - NAVAJO NATION**

§201. Diyin Nohookáá Diné'é, the people of the Great Covenant, exist with the blessings of our Diyin Diné'é (Holy Deities) and are connected to all that exists. The name “Diyin Nohookáá Diné'é is interchanged with Diné, Navajo people, enrolled members of the Navajo Nation and the Navajo tribe of Indians throughout this document.

§202. The national language of the Navajo Nation is Diyin Nohookáá Diné'é Bizaad.

§203. Definition of Navajo Nation

The "Navajo Nation" shall be used in reference to the Navajo people and naturalized citizens, their authorized officials, agents, representatives; and to the lands, waters, and air space reserved to or by them in Treaties, Executive Orders, Congressional actions or acquisition subject to their dominion.

§204. Recognition as Distinct and Independent National Community

The United States of America recognizes the Navajo people as an Indian tribe within the meaning of the United States Constitution, a distinct and independent national community (a sovereign Navajo Nation), occupying its own territory, with boundaries accurately described, in which the laws of the states can have no force, and which the citizens of the United States have no right to enter, but with the assent of the Navajos themselves, or in conformity with treaties, and with the acts of Congress as permitted or limited by the United States Constitution.

§205. Fourteenth Amendment

Amendment XIV, Section 1 of the United States Constitution provides All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

Amendment XIV, Section 2 of the United States Constitution provides [r]epresentatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. Historically, Indian tribal citizens were not citizens of the United States until passage of the Indian Citizenship Act of 1924, therefore, not taxed.

§206. Indian Commerce Clause

Article 1, Section 8, Clause 3 of the US Constitution provides that “[t]he Congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

§207. Supremacy Clause

Article VI, Clause 2 of the US Constitution provides that “[t]his Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

§208. Treaty of 1868

The Treaty of 1868 between the Navajo Tribe of Indians and/or the Navajo Nation and the United States of America is hereby affirmed and serves as the foundation for the exercise of our inherent powers of self-governance and the government-to-government relationship between the contracting parties. The rights, duties, privileges and immunities whether civil, political or religious guaranteed to the enrolled members of the Navajo Nation by the various Treaties between the Navajo Nation and the United States of America, and the Treaty of Guadalupe Hidalgo shall be preserved inviolate.

§209. Rule by the People

The Navajo Nation is a democracy. The Navajo Nation government and any person elected or serving as an agent shall not govern as a monarchy, theocracy, totalitarian, authoritarian or fascist government.

§210. A Permanent Homeland

The lands, waters and skies of the Navajo Nation are reserved and secured as a permanent homeland for the Navajo people and any action to convey a fee of more than 5,000 acres of trust lands into non-Navajo ownership shall require three-fourths vote of the registered voters who voted during the previous regular scheduled election.

§211. All powers not delegated herein are reserved to the Navajo people.

**Article III.**

**HÓZHÓÓJÍ BEE HAZ'AANII - RULE OF LAW**

§301 The Navajo Nation is governed by the Rule of Law.

§302 The foundational beliefs and philosophy of Diyin Nohookáá' Diné'é are embedded in ceremonies, songs, creation narratives and Diné Bizaad which is known as Bitsé Siléí. Bitsé Siléí shall serve as a foundational underpinning to be incorporated into Navajo laws, policies and governmental action.

§303 The fundamental laws of the Navajo Nation is Diné Bi Beehaz'áanii Bitsé Siléí which embodies; Diyin bits'áádée' beehaz'áanii (Ceremonial Law), Diyin Diné'é bits'áádée' beehaz'áanii (Traditional Law), Nahasdzáan doo Yadiłhił bits'áádée' beehaz'áanii (Natural Law), and Diyin Nohookáá' Dine' bi beehaz'áanii (Common Law).

§304 This Diyin Nohookáá' Diné'é Bi Beehaz'áanii Bitsé Siléí (herein after "Diné Bi Beehaz'áanii"); and the Treaty of 1868 between the Navajo people and United States Government and all treaties made, or which shall be made, under the authority of the Dine' Bi Beehaz'áanii, shall be the Supreme Law of the Navajo Nation for governance; and the Judges of the Navajo Nation, the Navajo Nation President, the Legislative Representatives and every official, officer, and or agent of the Navajo Nation shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

§305 The laws of the Navajo Nation authorized and enacted under authority of this Dine' Bi Beehaz'áanii shall be subordinate to and consistent with this Dine' Bi Beehaz'áanii. The laws (Beehaz'áanii) of the Navajo Nation shall be enacted in three distinct and separate procedures which includes the legislative procedure, the referendum procedure and the initiative procedure as provided therein.

§306 All Naat'áanii including executive and judicial officers, both of the Navajo Nation and local governance entities, shall be bound by Oath or Affirmation, to support this Dine' Bi Beehaz'áanii and the Treaty of 1868; but no religious, residency or language test shall ever be required as a qualification to any office or public trust under the Navajo Nation.

§307 Dine' and Navajo citizens shall not be overburdened with needless and excessive policing, laws, taxes, legal process and procedures.

#### **Article IV. NIHI DINÉ'É - TRIBAL MEMBERS AND CITIZENS**

##### **Chapter 1.**

§401. Diyin Nohookáá' Diné'é shall consist of the following persons:

A. All persons of Navajo blood whose names appear on the official roll of the Navajo Nation maintained by the Navajo Nation and/or the Bureau of Indian Affairs.

B. Any person who is at least one-fourth degree Navajo blood, but who has not previously been enrolled as a Diyin Nohookáá' Diné'é, is eligible for membership and enrollment.

C. Children born to any enrolled member of the Navajo Nation shall automatically ~~become~~ Diyin Nohookáá be recognized as Diné'é and shall be enrolled, provided they are at least one-fourth degree Navajo blood.

D. Any person who can demonstrate bilateral lineal decent to an enrolled member of the Navajo Nation in the Courts of the Navajo Nation. An individual can petition the Navajo Nation Courts for recognition as a Dine' and after demonstrating lineal decent from an enrolled member, either living or deceased, the courts can declare an individual as Dine' by judicial decree.

§402. Adoption is not possible

No one can become a Diyin Nohookáá Diné'é, either by adoption, or otherwise, except by birth.

§403. Member of another tribe

No person, otherwise eligible for membership in the Navajo Nation, may enroll as a member of the Navajo Nation, who, at the same time, is on the roll of any other tribe of Indians.

§404. Navajo Nation Citizens

Process of Citizenship - The Beehaz'áanii Hadilnehjí Báhooghan shall develop a naturalization process including specific consensual requirements to obtain citizenship in the Navajo Nation. All citizens shall be subject to the in-personum jurisdiction and governmental authority of the Navajo Nation.

§405. The Navajo Nation Bill of Rights shall extend to and apply in the same manner to Navajo Nation Citizens as tribal members.

§406. Governmental Participation/Representation – Navajo Nation Citizens may vote in Navajo Nation elections, reside among the Navajos with their consent, however, Navajo Nation Citizens may not seek and serve as an elected official.

## Article V.

## K'É - DUTIES

All persons, Diyin Nohookáá Diné'é, citizen or visitor ~~must adhere to~~ is vested with the following duties and responsibilities:

§ 501. Abide by Rule of Law

To be informed and abide by the laws of the Navajo Nation.

§502. Duty of Respect

To respect the rights and freedoms of all people regardless of their gender, their beliefs, their disabilities, their differences, their teachings and lifeways.

§503. Duty to children

To provide for good health, safety and welfare of her/his children who have not reached age of majority.

§ 504. Education

To obtain an education through the primary education ~~system~~ curriculum and receive a certification of success.

§ 505. Duty Not to Harm

To abstain from inflicting undue harm on all Diné'é (all beings), the environment and property of others; and to follow public safety precautions and health mandates necessary to protect the public.

§ 506. Duty to Maintain Property

To maintain and care for their property, real and personal, and their livestock and animals to prevent damage and harm to all Diné (~~All beings~~) and their property.

§ 507. Duty of Fairness and Ethics

To be fair in business transactions, honor and abide by her/his contractual obligations; and not to lie, cheat or steal.

§ 508. Duty As Public Servant

To serve ~~in~~ as a fiduciary ~~capacity~~ without violating the public trust while an elected official and/or public servant and in the event of a breach, to be personally accountable for a breach of the duty of care.

§ 509. Duty to Protect

To protect and defend the Diné and the Navajo Nation.

§ 510. Duty to Disclose Crimes

To report, disclose and provide information to proper authorities relating to any crime, including sexual assault or abuse, domestic violence or abuse, (cyber) bullying or hate crimes and human trafficking or involuntary servitude.

§ 511. Accountability

To be accountable for their actions, inactions, and the consequences of their intoxication.

**Article VI.**

**TREATY AND COLLECTIVE RIGHTS**

§601. Treaty Rights

A. Pursuant to the United States Constitution and the Treaty of 1868, the United States government recognizes the Navajo Tribe of Indians as a sovereign people, with inherent rights of self-governance and territorial integrity.

B. Treaty Rights are fundamental rights of Diyin Nohookáá Diné'é, otherwise known as the Navajo Tribe of Indians in the Treaty of 1868. The United States of America's trust responsibility to the Navajo Tribe of Indians in the Treaty of 1868 is vested in Diyin Nohookáá Diné'é.

§602. World Community

Diyin Nohookáá Diné'é, as Indigenous peoples of the Americas are recognized by the world community as possessing certain freedoms, rights, privileges and immunities such as the United Nation's Declaration on the Rights of Indigenous Peoples and the Navajo Nation Government shall take affirmative action to participate and secure such freedoms, rights, privileges, recognition, rights and immunities.

§603. Privileges and Affirmative Action

Recognition, enactment, lawful implementation and enforcement of provisions for specific entitlements, benefits and privileges based upon membership in the Navajo Tribe of Indians and affirmative action in support of Navajo culture, language and life ways shall not be abridged by any provision herein nor otherwise be denied.

§604. Immunities

Immunities guaranteed in the United States Constitution and the Treaty of 1868 from federal and state laws shall remain inviolate nor otherwise be denied; and affirmative action necessary to support the rights of the Navajo People to economic opportunity shall not be a violation of the equal protection provisions in the ~~Bill of Rights~~ Individual Freedoms and Rights.

§605. The Navajo ceremonial rituals of Hózhóójí, Hashkééjí, Hóchóójí and Naayéé'ji shall not be recorded or performed for commercial purposes, public display or public entertainment,

§605. Laws by Initiative

A. The Diné reserve the right to establish Beehaz'áanii (laws) by an initiative procedure wherein the initiative receives at least 50 percent plus 1 of the popular votes during a regular scheduled election or a special election and such laws are consistent with the provisions of this Diné Bi Beehaz'áanii and shall supersede any legislative enactment. Such laws enacted by an initiative may be amended twenty years, or thereafter, following its effective date by the referendum/initiative procedure or rescinded twenty years, or thereafter, following its effective date by the referendum/initiative procedure.

B. An initiative petition Committee of registered voters may petition to place an initiative on a Navajo Nation general or special election ballot where the scope of the initiative affects the entire Navajo Nation and is not limited to Local Governance.

C. Seven percent (7%) of all eligible registered voters who cast a vote in the most recent election for the Navajo Nation General Election shall have signed the petition for an initiative to be placed on a ballot. For purposes of determining the seven percent (7%) signature requirement, the total number of eligible registered voters shall be the official number of voters who cast a vote in ~~for~~ the most recent Navajo Nation General Election.

D. The exercise of powers and authorities granted to public officials and offices as provided in this Diné Bi Beehaz'áanii shall be exempted from the referendum/initiative process and may only be amended pursuant to Article XX.

E. The initiative procedure which is provided for in this Article VII shall apply to matters which are strictly legislative and shall not include ministerial or executive matters. Proposed modifications to this

Dine' Bi Beehaz'áanii, the Treaty of 1868 and Yearly appropriations for the Navajo Nation government fiscal year budget shall also be exempt from the initiative process as provided in this Article VII.

F. Direct use of trust funds, acquisition of property, acquisition of public utilities, modifications to the Uniform Commercial Codes and ordinances or comprehensive plans for Navajo Nation-wide land zoning shall be exempted from the initiative process.

G. Issuance of long-term government bonds shall be presented to the Dine' in a nationwide election as a referendum measure and shall require a vote by majority plus one.

#### §606. Real Property

Aboriginal title to Navajo lands and the reserved right to Use and Occupy Navajo land is vested in the Diné. By the Treaty of 1868, the Navajo trust lands are set apart for the use and occupation by the Navajo tribal members without approval, grant or license from any entity or source. The legal incidents associated with the Right of Use and Occupancy, including water rights, mineral rights, timber rights and the skies is vested in the Navajo people.

#### §607. Natural Resources

The natural resources of the Navajo Nation trust lands in trust are vested in and belong to the Diné, however, no individual is entitled to utilize, develop, claim or sell more resources than necessary to maintain their personal household without a permit or authorization from the governmental entity responsible for managing that resource.

#### §608. Subsurface Minerals Revenues

All revenues derived from the subsurface natural resources of the Navajo people's trust lands shall be held in common and managed for the common benefit of the Navajo people. The Navajo Nation Chief Fiscal Officer shall establish a trust fund which shall be managed by contracted fund managers for the Navajo people for the purpose of investing, accounting and expenditure of the funds. Priority for the expenditure of such funds shall be for community infrastructure development and construction, operation and maintenance of such infrastructure, demolition and removal of dilapidated facilities, removal and control of noxious and invasive weeds and trees and removal and control of invasive, feral and wild animals. ~~A~~ If sufficient funds are available, a per capita distribution to the Diné enrolled Navajo tribal members is also authorized once a year, however, the fund shall not be depleted on a regular basis.

#### §609. Business Revenue

All dividends and other distributions derived from the Navajo people's corporations and business entities shall be held in common and managed for the common benefit of the Navajo people. The Navajo Nation Chief Fiscal Officer shall establish a trust fund which shall be managed by contracted fund managers for the Navajo people for the purpose of investing, accounting and expenditure of the funds. Priority for the expenditure of such funds shall be for community infrastructure development and construction, operation and maintenance of such infrastructure, scholarships for education and general welfare of the Navajo people. A per capita distribution to the Diné Shareholders is also authorized once a year, however, the fund shall not be depleted on a regular basis.

§610. Nature of Public Office

Any public office and/or ~~title of any~~ elected ~~official position~~ belongs to the Navajo people and is not a property right of the elected person. The Navajo people reserve the right to remove any ~~public elected~~ official from office by the recall initiative procedure with a majority vote of the eligible voters in the event such official loses the public trust and confidence.

§611. Preference in Employment and Business Contracting

Affirmative action in support of Navajo or other Indian preference in employment and business contracting or otherwise necessary to protect and support the rights of Navajo People to economic opportunity within the jurisdiction of the Navajo Nation, shall not be abridged by any provision herein nor otherwise be denied.

§612. Education

A. The Navajo Nation Government shall make laws for the establishment and maintenance of a system of public schools, which shall be open to all the children of the Navajo Nation and be free from sectarian and political control and no religious organization shall promote or teach their beliefs in the public schools. The schools shall provide a curriculum which includes Navajo language, Navajo culture and history, financial literacy and citizenship under this Diné Bi Beehaz'áanii.

B. The Navajo Nation Government may make laws to enable the establishment of ~~daycare centers, preschools,~~ private schools, colleges and universities, trade schools and other institutions of learning.

§613. Hunting and Herbs

The treaty right to hunt and gather ~~herbs~~ by tribal members for subsistence and ceremonial purposes is a fundamental right of the Navajo people but may be regulated within the exterior boundaries of the Navajo Nation to ensure and preserve species of wild game and native plants for current and future generations.

**Article VII. INDIVIDUAL FREEDOMS AND RIGHTS**

The Dine' Hózhóójí Bah Naahat'á (Navajo Nation Government) shall not pass any laws, regulation, policy or otherwise take any action which infringes on the freedoms and rights of the Diyin Nohookáá Diné or its citizens ~~as provided herein~~.

§ 701. Right to Choose and Decide

A. The Diné ~~retain~~ ~~have~~ have the right to freely think and live according to the dictates of their conscience and to choose and make personal decisions regarding medical treatment for their body.

B. ~~The Diné have the inherent right to marry according to their cultural, traditional, religious or civil practices. The Navajo Nation government shall recognize the following marriage ceremonies;~~

1. ~~Traditional wedding basket wedding~~

~~The Navajo wedding basket ceremony shall be recognized as entrusted to the Diné by the holy deities and is reserved for a marriage between a man and a woman;~~

2. ~~Faith Based Wedding~~

A faith-based wedding ceremony performed by a pastor, bishop, medicine man or other religious authority shall be recognized;

3. Civil Union

- i. Civil Marriage;
- ii. a civil marriage performed by an authorized governmental official;
- iii. Same Sex-Marriage;

4. Common Law Marriage

- i. Elopements;
- ii. Full Faith and credit to other jurisdictions;

5. Same Sex- Marriage

All persons, who are consenting adults have a right to choose a person of choice for a civil marriage which shall be recognized by the government.

6. The Beehaz'áanii Hadilnehíjí Báhooghan may authorize additional marriage ceremonies by legislative enactments.

7. The Diyin Nohookáá Diné may authorize and recognize additional marriage ceremonies by an initiative.

§ 702. Freedoms

A. All human beings have the inherent and inalienable right to life, liberty, and the pursuit of happiness. Every person has the right to independently procure clean air, safe drinking water, nourishment and a safe and sanitary shelter. Recognition of the right to life shall not be construed or interpreted as an individual entitlement or create a justification to oppose and prevent public or economic projects.

B. Every person may freely think and speak, write and publish her/his sentiments on all subjects, being responsible for the abuse of that right. All persons have the right to enjoy, protect and defend their lives and liberties; to be secure in their personal records and information; to acquire, possess and protect property, to assemble peaceably, protest against wrongs, and petition the Navajo Nation government for redress of grievances and obtain access to public records.

C. Personal information of Navajo tribal members and Navajo citizens including bank records, annual income, home address, social security numbers, census numbers, medical records and marital status is not public information and shall not be made public by the Navajo Nation government or through artificial intelligence.

§703. Equal Laws and Justice

All laws and governmental procedures shall be humane and ensure equality and fairness for all people including victims and people with physical and mental disabilities.

§704. Involuntary servitude

Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist within the Navajo Nation, or any place subject to its jurisdiction. Pro bono services imposed by the government is prohibited.

§705. Denial or abridgment of rights on basis of sex; equal protection and due process of Navajo Nation law

Equality of rights under the law shall not be denied or abridged by the Navajo Nation on account of sex or gender nor shall any person within its jurisdiction be denied equal protection in accordance with the laws of the Navajo Nation, nor be deprived of the fundamental rights of life, liberty, or property without due process of law, nor shall such rights be deprived by any bill of attainder or ex post facto law.

§706. Freedom of religion, speech, press, and the right of assembly and petition

The Navajo Nation may legislate and promote Navajo culture, spirituality, language and lifeways; however, the Navajo Nation shall make no law or practice respecting an establishment of religion or prohibiting the free exercise thereof; and no law shall be passed to restrain or abridge the freedom of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true and was published with good motives and for justifiable ends, the party shall be acquitted.

§707. Redress of Injuries

All courts shall be open, and every person has a right to petition and to be heard, for an injury done to her/him in their person, property or reputation, shall have a remedy by due course of law, which shall be administered without denial or unnecessary delay; and no person shall be barred from prosecuting or defending before any tribunal in the Navajo Nation, by herself/himself or counsel, and civil cause to which he or she is a party.

§708. Crime Victims

A. Victims of rape, criminal sexual abuse, criminal sexual penetration, serious bodily injury, slavery, domestic abuse, arson, human trafficking and attacks by vicious animals shall have a personal civil cause of action against the perpetrators and/or owners of vicious animals and shall be afforded an opportunity to confer with the prosecutor in a criminal matter and be provided; an opportunity to confront their perpetrators as a witness, protection while attending hearings and trials, and a right to be informed of any release or proceedings involving the perpetrators.

B. Victim of sexual abuse, rape, criminal sexual penetration, human trafficking, slavery and domestic abuse shall have access to and be provided temporary safe havens if testifying against a relative, and retain their individual right to determine medical treatment, professional therapy and aftercare.

C. Victims of rape, criminal sexual abuse, criminal sexual penetration, serious bodily injury, slavery, domestic abuse, arson, human trafficking and attacks by vicious animals shall not be barred by a statute of limitations to seek justice and/or a legal remedy in the courts.

D. Victims of elder abuse, robbery, rape, criminal sexual abuse, criminal sexual penetration, serious bodily injury, slavery, domestic abuse, arson, human trafficking and attacks by vicious animals have a right to exclude a perpetrator from their homes and business property and other land holdings.

§709. Searches and seizures

Each person has the right to be secure in their persons, houses, papers, and effects, against disclosure and unreasonable searches and seizures, which shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

§710. Right to keep and bear arms

Each person has the right to keep and bear arms for personal defense, subsistence and peaceful purposes, which shall not be infringed, provided such right to bear arms does not breach or threaten the peace of society or unlawfully damage, or destroy or otherwise infringe upon the person or property of another person.

§711. Rights of accused; trial by jury; right to counsel

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, and shall be informed of the nature and cause of the accusation; shall be confronted with the witnesses against him or her; and shall have compulsory process for obtaining witnesses in their favor. No person accused of an offense punishable by imprisonment for a term longer than six months and no party to a civil action at law, shall be denied the right, upon request, to a trial by jury of not less than six (6) persons; nor shall any person be denied the right to have the assistance of counsel, at their own expense, or to have defense counsel appointed in accordance with the rules of the courts of the Navajo Nation upon satisfactory proof to the court of their inability to provide for their own counsel for the defense of any punishable offense under the laws of the Navajo Nation.

§712. Double jeopardy, self-incrimination; deprivation of property

No person shall be twice put in jeopardy of liberty or property stemming from the same offense or events; nor be compelled in any criminal case to be a witness against themselves; nor shall real property be taken nor its lawful private use be impaired for public or governmental purposes or use, without just compensation.

§713. Cruel and unusual punishment; excessive bail and fines

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. **Every person has a right to post bail within forty-eight hours after being detained for a criminal matter and prior to a criminal trial provided, they abstain from any contact with any victim(s) during pretrial release.**

§714. Debt

There shall be no imprisonment for debt except in cases of fraud and absconding debtors.

§715. Taxes

- A. There shall be no taxes on the elements that sustain life including the air, water, fire (shelter) and nutrients for human consumption and Navajo ceremonial rituals of Hózhóójí, Hashkééjí, Hóchóójí and Naayéé'ji.
- B. There shall be no tax on one primary private structure used as a residence and shelter by each family.
- C. In the event an income tax is implemented, the tax shall not be greater than ten percent (10%) of the gross annual income of each individual taxpayer, however, this limitation shall not apply to any person engaged as a business proprietor or a business entity.
- D. There shall be no income tax on any gratuity paid to a food or beverage server in a retail outlet or an itinerant vendor who does not occupy a permanent retail outlet.
- E. A sales tax and/or gross receipts tax shall not be greater than six (6) percent of the purchase price of any item. This limitation shall limit the combined sales tax imposed by all authorities to an amount not greater than six percent. There shall be no sales tax on the sale of vehicles on the Navajo Nation.

§716. Other rights not impaired; deletion or abridgment only by public initiative.

The enumeration herein of certain rights shall not be construed to deny or disparage others retained by the people. No provision of this chapter, the Navajo Nation Freedoms and Rights, shall be abridged or deleted by amendment or otherwise, except by an initiative by the Navajo electorate wherein the votes cast is at least sixty-six percent in favor and in accordance with applicable provisions of the laws of the Navajo Nation.

§717. Governmental Participation/Representation

All qualified Diné shall be eligible for service as a publicly elected official which shall not be denied, provided they meet the reasonable qualification criteria established for that office and all challenges based on qualification must be filed and resolved before an election.

§718. Right to Vote

The registered voters of the Navajo Nation, by absentee ballot or at any voting poll on the Navajo Nation, have the right to choose leaders of their choice who qualify for elected office based upon reasonable qualifications. A vote by the Diné and Navajo citizens in accordance with the laws of the Navajo Nation shall not be infringed upon or disenfranchised after an election. The right to vote shall not be unreasonably delayed, denied or abridged by the Navajo Nation for failure to qualify a candidate nor to pay a poll tax or any other tax. The Diné and Navajo citizens reserve the right to remove any elected official who has lost the confidence of the people by a recall vote in accordance with established law.

§719. Open Government

All duly called government meetings to enact laws, debate laws, establish budgets and appropriations, hearings, judicial proceedings and other government meetings, including all hearings and proceedings by local governance entities, shall be open and accessible to the public. All laws and regulations, executive orders, official action by all government entities, legal opinions, judicial opinions, rulings, conclusions and charges related to a breach of public trust by elected officials are public information. All official

action by all government entities including laws and regulations, executive orders, legal opinions, judicial opinions and rulings are public documents and shall be made available to the public by electronic media without charge. A Navajo Nation Privacy and Access to Public Information law shall be enacted to provide the public with unprotected information. The interest of the public to access certain information shall be balanced against and not violate the right of the people to be secure in their persons, houses, papers and effects against disclosure.

## **Article VIII.**

### **INVESTOR BILL OF RIGHTS**

§801. The Navajo people as a body politic make a commitment of good faith and fair dealing with all investors on the Navajo Nation. An investor shall not be deprived of any right provided for in these Investor Bill of Rights without due process of law, nor shall such rights be deprived by any bill of attainder or ex post facto law.

§802. An Investor is any person, corporation, partnership or other legal entity created for the purpose of engaging in business activity to make profits and does not include candidates for political office, churches, K - 12 Schools or recreational or amateur sports organizations. Any person with good moral character may create, incorporate or establish a business entity under Navajo law.

§803. All courts shall be open, and every person who invests in the Navajo Nation, for an injury done to her/him in their person, property or reputation, shall have a remedy by due course of law, which shall be administered without denial or unnecessary delay; and no investor shall be barred from prosecuting or defending before any tribunal in the Navajo Nation, by herself/himself or counsel, and civil cause to which he or she is a party. Alternative dispute resolution such as Peacemaking (conciliation), administrative hearings, arbitration, mediation, neutral evaluation, settlement conferences, negotiated rulemaking and minitrials shall be available dispute resolution options when agreed upon by contract.

§804. There shall be Uniform Commercial Codes consistent with a majority of the fifty states to promote commerce and trade including sales, negotiable instruments, secured transactions and additional uniform codes necessary to remain consistent and competitive in the global marketplace.

§805. There shall be no impairment of **valid and binding** contracts by legislative or executive action.

§806. Private property and investment capital shall not be seized or taken without just compensation and due process of law.

§807. Commodities which are legal and in commerce in three of the four corners states shall be legal on the Navajo Nation, however, any purported sales of trust lands, allotments and restricted lands to individuals who are not tribal members shall be prohibited and void. No private investor shall lease large tracts or areas of undeveloped Navajo lands which will be leased back to the Diné for profit.

§808. Disputes involving valid and binding lease agreements regarding Navajo real property shall be adjudicated and enforced in the courts of the Navajo Nation.

§809. An Investor has a right to be secure in their persons, business, papers, and effects, against unlawful disclosure and unreasonable searches and seizures, which shall not be violated, and no warrants shall

issue, but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

§810. To be protected for their inventions, patents, trademarks and copyrights consistent with applicable law.

§811. To have access to the global capital markets for capital, supplies and raw materials in furtherance of their business activities on the Navajo Nation without added import tariffs.

§812. To manufacture, generate, process, grow, transport, distribute and market their products and services into the **local and** global markets.

§813. To advertise their services, products and good-will consistently with the laws of the Navajo Nation;

§814. To express a position and be heard on matters of policy and law related to business activity on the Navajo Nation.

§815. Access to human capital and labor consistent with the laws of the Navajo Nation.

§816. Access to utilities and infrastructure including power, roads, water, gas, telecommunication lines and other works without undue delay to support the continued operation of a going business concern.

§817. Not be overburdened with taxes or tariffs which prevents an investor from being competitive in the **local and** global markets.

§818. Equality of rights under the law shall not be denied or abridged by the Navajo Nation on account of being a Navajo or non-Navajo investor nor shall any investor within its jurisdiction be denied equal protection in accordance with the laws of the Navajo Nation.

§819. Each person serving in a fiduciary capacity to a business entity shall be vested with a duty of loyalty and a duty of care to investors, shareholders and owners of a business entity.

§820. An investor may register as an Indian Trader under the Federal Indian Traders Act (25 U.S.C.§§261-264).

§821. All Retail merchants, vendors and restaurant owners shall post comprehensible and accurate prices for their goods, products and services offered for sale to the general public.

§822. No employee or official of the Navajo Nation, federal or state government shall obstruct, interfere with or control the management or functions of an investor or business instrumentality or attempt to influence such functions in any manner except through lawfully enacted Navajo Nation laws and regulations and their interpretations and orders by the courts.

## **Article IX.**

### **KEYAH BI BEEHAZANI - LAND TENOR SYSTEM**

§901. **Aboriginal Title** ~~or ownership~~ **and Recognized Title** of Navajo trust or restricted lands shall be held in common by the Diné and/or the Navajo Tribe of Indians for the benefit of all living enrolled members of the Navajo Nation. The Diné own 100% of the trust or restricted interests in Navajo lands held in common by the Diné. No individual tribal member has an alienable or inheritable interest in the communal holdings or any vested property right that would permit claims to partition the tribal estate. **[In**

*Johnson v. M'Intosh*, 21 U.S. (8 Wheat.) 543 (1823) the United States Supreme Court declared “the original inhabitants are admitted to be the rightful occupants of the soil, with a legal as well as just claim to retain possession of it, and to use it according to their own discretion.”]

§902. Currently, the United States Government holds Title and has preempted the Navajo’s aboriginal title to alienate Navajo Lands, therefore, the Navajo Nation President, Land Commissioner and Chief Legal Officer are authorized to lobby Congress and seek to obtain title to Navajo Trust Lands to be held as restricted fee lands by the Navajo Nation Government for the benefit of all living enrolled members of the Navajo Nation. [In *Johnson v. M'Intosh*, Id, the United States Supreme Court determined; “but their rights to complete sovereignty, as independent nations, were necessarily diminished, and their power to dispose of the soil, at their own will, to whomever they pleased, was denied by the original fundamental principle, that discovery gave exclusive title to those whom made the discovery.]

Title shall be obtained pursuant to the following stipulations;

1. The Navajo Nation Government shall hold recognized title to Navajo restricted fee lands in trust for the benefit of all living enrolled members of the Navajo Nation;
2. Navajo people will be vested with a right to use and occupy Navajo restricted fee lands;
3. There will be no federal, state or tribal taxes imposed on the tribal estate;
4. Navajo’s right to exclude shall preempt state law, regulation and taxes from being applicable within the exterior boundaries of the Navajo Nation.

§903. In Article II of the Treaty of 1868, the United States agreed that the Navajo reserved lands is hereby, set apart for the use and ~~occupation of occupancy~~ by the Navajo tribe of Indians, and the United States agrees that no non-Navajo persons shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article, without the consent of the Diné. Such right to use and occupy ~~shall be converted to fee simple title and ownership by the Navajo tribe of Indians as soon as possible~~ is reserved by our Navajo ancestors for the use and occupancy of future generations of Navajo people.

§904. The Navajo Nation Government may hold title to Navajo restricted fee lands in trust for the benefit of all living enrolled members of the Navajo Nation, but right to use and occupy with all its legal incidents are hereby vested in the Diyin Nohookáá Diné. The right to consent to the use of Navajo lands by non-Navajos shall be vested in the family trust or other Dine’ with a right to use and occupy the subject lands.

§902 5. No Navajo lands shall be managed, leased, permitted, conveyed, or assigned in any manner which is inconsistent with this Land Tenor System.

§906. The Diné consent to the following land use priorities in the order presented:

1. Use and occupancy by the Diné for homesites, communities and business sites;
2. Infrastructure for the Diné including government & public works facilities;
3. For commercial development and to monetize the land for the benefit of the Diné;
4. Parks and Recreation uses;

5. Agricultural uses;
6. Cultural Reserves; and
7. any other uses.

§907. Navajo lands, currently held in trust and in common shall not be sold, deeded or transferred without the consent of Diné as herein provided. However, there exists a need to empower the Diné to exercise their right of use and occupancy and foster a thriving economy by establishing a land tenor system which vests the right of occupancy with all its beneficial incidents in individual tribal members and their families.

§908. The right to use and occupy Navajo lands with all its beneficial incidents including, the right to possess, the right to manage, the right to the surface income, the right to the capital and/or residual interests, and the right to transmit to other Diné, shall be vested with enrolled members as a right of use and occupancy in the following order of preference:

- A. In extended families by clan affiliation or K'é who can demonstrate continuous customary use and historical dominion by family clan over the proceeding period of forty years without adversely possessing other families.
- B. by family who can demonstrate continuous customary use and historical dominion by family over a period of forty years without adversely possessing against other families.
- C. In individuals who can demonstrate customary use and historical dominion by family over a period of forty years without adversely possessing other families.
- D. No individual shall have a right to preclude the use and occupation of lands by their family members within their customary use area by possessing a grazing permit, farming permit and/or a withdrawal or business lease which has expired.

§909. The right to use and occupy a parcel of land for a homesite by each individual Diné is a birthright and shall be recognized by the Navajo Nation government and the Land Commissioner shall record a homesite as a Use and Occupancy Right.

§910. The extended family or family clan with a recognized customary use area and/ or a right to use and occupy a recognized area by their community may establish a Family Trust with a right to use and occupy by the listed beneficiaries of the Family Trust.

§911. The extended family or family clan with a recognized customary use area and/ or a right to use and occupy a recognized area by their community shall make decisions with extended family regarding the use and occupancy of their customary use areas and recommend assignments of land within their customary use area for residence and business sites to members of their extended family or family clan and who are enrolled Navajo tribal members. The recommended right to use and occupy will be reviewed by the Navajo Nation Land Commissioner who shall recognize the right to use and occupy if prior legal reviews are deemed sufficient. Such right to use and occupy land shall not be within another assignment, existing lease, right-of-way, another person or family's allotment, any valid withdrawn area and properly zoned for an assignment or lease.

§912. The extended family or family unit/clan with a recognized customary use area may by a majority vote of the extended family or family unit/clan be recognized as having authority to provide consent to business site leases, permits and rights-of-ways to the Navajo Nation Land Commissioner. Leases and permits shall be issued in accordance with uniform rules and regulations promulgated by the Land Commissioner and approved by the Beehaz'áanii Baa Áhoyáníjí Báhooghan.

§913. Upon the expiration or termination of a lease, right-of-way or other land conveyance, the lands shall revert back to the family or customary land users who possessed the right to use and occupy before issuance of the lease or other land conveyance right.

§914. Any person who is using his or her right to use and occupy Navajo lands for illegal and unlawful activity, creating a public nuisance, harboring wild animals or any unauthorized use shall forfeiture the right to use and occupy Navajo lands by judicial decree.

§915. Allotments and fee lands retain the same status as existing before enactment of the Dine' Bi Beehaz'áanii.

§916. There shall be no trespass ~~actions-against~~ by the Diné on tribal trust lands except in the immediate vicinity of home sites, business sites, mines, churches, schools, public works and municipal facilities.

§917. The right of Diné and Navajo tribal citizens to hunt big and small game, predatory animals, and nuisance animals shall be evidenced by a valid license or permit and shall not be prohibited on Navajo lands, except in the immediate vicinity of municipalities, residential communities, home sites, business sites, mines, churches, schools, public works and municipal facilities.

§918. Subsurface mineral rights with all its beneficial incidents are vested with the Diné for the common use and equal benefit of all enrolled members.

§919. Navajo Nation forests, designated parks and monuments, religious sites, rivers and streams, lakes and reservoirs, irrigation projects shall remain as public property and shall be managed for the collective benefit of the Diné and future generations.

§920. The Navajo Nation Land Commissioner shall establish utility corridors for the common and collective use by any entity which provides utility services to the Navajo Nation.

§921. Human remains, including cremated ashes, must be buried in a community designated cemetery.

§922. Navajo trust or restricted lands may be sold, given as a gift, or bequest, or otherwise to a Navajo tribally owned Section 17 corporation, and receive in exchange therefor interests in corporate property, not inconsistent with law.

§923. Business site Leases shall terminate according to the lease terms. Business site leases may be sold, subleased or bequeathed to another person or business entity provided the lease payments are current and the lessee has complied with the lease terms.

§924. Any business site lease with environmental contamination shall be remediated within a five-year timeframe by the lessee and may be required to forfeit a bond securing the same. All persons or business entities shall be required to properly maintain and operate rights-of-way and leased lands for safety including the removal of any public nuisance, non-native vegetation and trees, trash and debris.

§925. Any facilities built on leased trust lands which have been damaged or burned shall be removed and reclaimed by the lessee. A clean up or reclamation bond may be required of any person or entity.

§926. A Land claims court shall be established in Beehaz'áanii bee Na'whiit'ah Báhooghan to hear all land claims by the Diné', and if a claimant proves customary use and historical dominion by the claimant or immediate family, the court shall issue a decree to recognize the right to use and occupy the lands by the claimants.

**ARTICLE X. DINE' HÓZHÓÓJÍ BAH NAAHAT'Á**  
**SEPARATION OF POWERS & CHECKS AND BALANCES**

§1001. Purpose

- A. Dine' Hózhóójí bah Naahat'á (Navajo Nation Government) is created to foster and maintain Hozho among and between the Diné comprised of unified democratic action, fair and equitable laws, promotion of justice and a common defense, and to promote the general welfare, enlightenment and prosperity of the Navajo people.
- B. The Diné have the inherent power and authority to govern the Navajo Nation. All authorities and all powers not delegated are reserved to the Diné.
- C. Dine' Hózhóójí bah Naahat'á is created to foster and maintain Hozho among and between the Diné and the United States government, the States, foreign nations and Indian tribes.
- D. References to the governing body of the Navajo Nation by federal law shall be a reference to the Dine' Hózhóójí Bah Nahat'á.

§1002. Dine' Hózhóójí Bah Nahat'á government establishment:

There is established the Dine' Hózhóójí Bah Nahat'á consisting of four primary houses including:

- Beehaz'áanii Baa Áhoyáníjí Báhooghan vested with fiscal stability & balance power,
- Beehaz'áanii Hadilnehíjí Báhooghan vested with the legislative power,
- Beehaz'áanii bee Oonishíjí Báhooghan vested with the executive power, and
- Beehaz'áanii bee Na'whiit'ah Báhooghan vested with the judicial power.

§1003. Offices of Naat'áanii

There shall be one Chief Executive Officer for each house of government. There shall be only one President of the Navajo Nation, one Chief Justice of the Supreme Court, one Speaker of Beehaz'áanii Hadilnehíjí Báhooghan and one Chairman of the Beehaz'áanii Baa Áhoyáníjí Báhooghan.

§1004. Chief Executive Officers

The Chief Executive Officer for each house of government shall have authority to incur expenses, make charges and sign documents and contracts for the expenditure of their offices budget allocation. The Chief

Executive Officer for each house of government may delegate authority to the Chief of Staff representing their house of government to sign employment-related documents and expenditure authorization and reimbursements for the Executive Officers in their house.

#### §1005. Executive Officers

A. The Government shall also be comprised of Executive Officers who shall lead, administer and supervise their departments, divisions, programs and offices. The Executive Officers shall include the Secretary of The Navajo Nation, Chief Legal Officer, Chief Fiscal Officer, Chief Revenue Officer, Executive Management & Budget Officer, Chief Accounting & Records Officer, Chief Inspector General, Chief of Government Services & Property, Chief Environmental Protection & Enforcement Officer, Executive Energy Officer, Chief of Commerce, Chief Labor Officer, Executive Human Resource Officer, Local Governance Support Administrator, Chief Human Rights Officer, Chief of Public Safety, Chief of Police & Swat, Chief of Public Health And Medical Services, Executive Education Officer, Executive Human Services Officer, Land Commissioner, Water Engineer, Chief Natural Resources Officer, Fiduciary Business Council, Chief Agriculture Officer, Chief Culture Heritage & Language Preservation Officer, Chief of Design, Engineering & Standards Officer, Chief of Transportation & Roads, Chief Public Services Regulatory Officer, Anti-Corruption In Government Officer, Update And Maintain NN Laws

B. The Executive Officer for each department or division shall have authority to represent their department's position on policies within the Navajo Nation and with Federal and State Officials. The Executive Officers may incur expenses, make charges and sign documents and contracts for the expenditure of their department's budget allocation.

#### §1006. Separation of Power

A. The Navajo Nation Government is created with distinct, separate and equal houses of government, and no person charged with the exercise of powers properly belonging to one house or Executive Office shall exercise any functions appertaining to another house or Executive Office except in cases herein expressly directed or permitted.

B. There shall be no oversight by one house of government over another house of government, however, the Courts may review legislation or other acts of government to ensure compliance with this Diné bi beehaz'áanii and laws made pursuant to its authority. The Government Anti-Corruption Committee may review the allegations or violations of the Anti-Corruption in Government Code by all government officials in all houses of government. The Government Anti-Corruption Committee may issue disciplinary decisions related to all allegations of misconduct against any official in government service.

C. The Beehaz'áanii Baa Áhoyáńjí Báhooghan, Beehaz'áanii Hadilnehíjí Báhooghan, Beehaz'áanii Bee Oonishíjí Báhooghan and Beehaz'áanii Bee Na'ahwii'ahjí Báhooghan and Executive Officers of government shall work together to coordinate and provide efficient and orderly governmental services to the Navajo people, and to advocate, secure and protect the legal interest of the Navajo people at the national and global level.

#### §1007. Checks and Balances of Power

A. There shall be Hozho in the government structure and Diné Bi Beehaz'áanii. The Navajo Nation Government is created with distinct, separate and equal houses of government to create a system of checks and balances to prevent abuse of power, overreaching, corruption and to ensure the rights of the Diné and Navajo tribal citizens are protected and administered in a fair and orderly manner.

B. The four houses of government are vested with separate and distinct powers, which creates a system of checks and balances in the exercise of power. The four houses shall use their powers and authorities to coordinate government services and responsibilities to the Diné and citizens without undue infringement on the rights of the people.

C. The Offices of Naat'áanii shall be accountable to and serve at the confidence of the Navajo people and, in the event of dereliction of duty or abuse of power, the Chief Legal Officer shall review the matter and present her/his findings to the Government Anti-Corruption Office for a hearing on the matter or the Naat'áanii may be subject to recall Vote.

D. Any house of government, upon presentment of sufficient evidence to justify an audit, may request the Government Anti-Corruption Office to conduct a regular audit or forensic audit of any Navajo government office, department or program or Navajo publicly owned enterprise or corporate entity if sufficient evidence is produced to justify such audit. Such audit may only be requested once every five years regarding any office.

#### §1008. Property Management

A. The Navajo Nation shall prescribe regulations to inventory and account for Navajo Nation property and to safeguard and set standards for use of the property. Under regulations prescribed by the Beehaz'áanii Hadilnehíjí Báhooghan, records of real property, personal property and supplies of the Navajo Nation will be maintained on both a quantitative and monetary basis, so far as practicable

B. The disposal, sale, donation or repurpose of Navajo Nation surplus property shall be made available to the Navajo people in a fair, transparent and equitable manner.

#### §1009. No Nobility or Private Privilege

There shall be no title of nobility, private privilege or citizenship granted by the Navajo Nation elected officials; And no person holding any public office, shall, without the consent of the Beehaz'áanii Baa Áhoyáńíjí Báhooghan accept any gift, emolument, office, or title, of any kind whatsoever, from the United States, any state or foreign State.

#### §1010. Compensation of Offices of Naat'áanii

A. Any compensation, benefit or payment received by a Naat'áanii shall be transparent and be public. Any payment, gifts, benefits, campaign contributions, awards, donations, which exceeds a de minimis value or amount as determined by the Beehaz'áanii Baa Áhoyáńíjí Báhooghan shall be reported to the Secretary of the Navajo Nation to ensure it does not create any conflicts of interest or violate any laws.

B. A Naat'áanii may receive an annual salary commensurate with the service provided to the Dine. A Naat'áanii may also receive a honorarium fee and/or a meal provided for attending an event.

C. A Naat'áanii may be reimbursed for travel related costs and expenses related to their position and work duties. Personal meals may be reimbursed based on actual reasonable expenses or on a per diem bases.

D. A Naat'áanii may receive benefits in the form of health insurance, retirement program, annual leave, sick leave, holiday pay, bonus and deferred compensation.

E. A Naat'áanii shall not receive any additional compensation for attending any meetings, serving on a commission or sponsoring legislation. Any attempt to increase compensation to a Naat'áanii beyond his or her annual salary shall be void ab initio.

F. In the event a Naat'áanii receives any form of a bribe, campaign contribution, compensation, benefit or payment which is inconsistent with this section, the Naat'áanii shall be subject to removal and restitution. A Naat'áanii shall also be subject to criminal penalties based on the severity of the misconduct including incarceration.

#### §1011. Freedoms and Rights

No elected official, appointed official, employee, agent or representative of the Navajo Nation Government shall infringe upon or violate the rights of any person as provided in the Navajo Freedoms and Rights, Collective Rights, Investor Bill of Rights and Property rights as provided herein.

#### §1012. Jurisdiction

The territorial jurisdiction of the Navajo Nation shall extend to Navajo Indian Country, defined as all lands, waters and air space within the exterior boundaries of the Navajo Indian Reservation or of the Eastern Navajo Agency, all land within the limits of dependent Navajo Indian communities, all Navajo Indian Allotments, and all other land held in trust for, owned in fee by, or leased by the United States to the Navajo Tribe or any Band of Navajo Indians.

#### §1013. Great Seal

The Great Seal in use by the Navajo Nation is adopted as the Great Seal of the Navajo Nation and a successor seal may be designed and adopted.

#### §1014. Flag

The Navajo Nation accepts and adopts the flag currently in use by the Navajo Nation to symbolize the tradition, sovereignty and heritage of the Navajo People until a successor flag is designed and adopted.

#### §1015. Records

Government proceedings and records of legislation and statutes may be drafted in English or a digitized system in common use.

#### §1016. Sovereign Immunity

A. The Navajo Nation is a sovereign nation which is immune from suit.

B. Sovereign immunity is an inherent attribute of the Navajo Nation as a sovereign nation and is neither judicially created by any court, including the Courts of the Navajo Nation, nor derived from nor bestowed upon the Navajo Nation by any other nation or government.

C. Any official, officer, employee or agent of the Navajo Nation may be sued in the courts of the Navajo Nation to compel him/her to perform his/her responsibility under the expressly applicable laws of the Navajo Nation and of the United States, which shall include the Bill of Rights of the Navajo Nation, and other provisions as set forth in this Diné'é Bi Beehaz'áanii.

D. No peace officer, wildlife or animal ranger or detention facility employee is entitled to the defense of qualified immunity for violation of the fundamental rights of Diné and Navajo Nation citizens as provided in this Diné'é Bi Beehaz'áanii.

E. Sovereign immunity may be expressly waived on a case-by-case basis or in accordance with laws of general applicability enacted in accordance with the legislative process. Valid and binding lease agreements relating to Navajo trust or restricted lands shall automatically include a waiver of sovereign immunity by the Navajo Nation to resolve disputes related to the land lease provisions in the Navajo courts.

#### §1017. Annual Government Budget

All revenues necessary to operate the Navajo Nation government and its governmental subdivisions shall include but is not limited to Navajo Nation taxes, interest, revenues from sale of government personal property and chattels, federal and states funds, foundations and private sector gifts and donations, and revenue generating programs including the issuance of bonds.

#### §1018. Annual Comprehensive Budget

A. The Navajo Nation Chief Fiscal Officer, Chief Revenue Officer, Executive Management and Budget Officer and the Comptroller shall have thirty (30) days to develop a proposed comprehensive budget in accordance with Navajo Nation financial policies to identify priority expenditures for the upcoming fiscal year.

B. The proposed annual comprehensive budget shall be presented to, reviewed, debated and approved by the Budget Appropriations Committee which shall consist of a three representative from each of the Beehaz'áanii Baa Áhoyáńíjí Báhooghan, Beehaz'áanii Hadilnehíjí Báhooghan, Beehaz'áanii Bee Oonishíjí Báhooghan and Beehaz'áanii Bee Nahwhii'tahíjí Báhooghan.

C. The Beehaz'áanii Baa Áhoyáńíjí Báhooghan shall have final review of the proposed annual Comprehensive budget and either recommend modifications, approve or veto the budget.

#### §1019. Emergency and Supplemental Appropriations.

A. In the event of an emergency or a need for supplemental appropriations, the Navajo Nation President shall petition the Beehaz'áanii Baa Áhoyáńíjí Báhooghan and Beehaz'áanii Hadilnehíjí Báhooghan to convene a special session of Budget Appropriations Committee. The Beehaz'áanii Baa Áhoyáńíjí Báhooghan and Beehaz'áanii Hadilnehíjí Báhooghan shall approve to convene a special session by a majority vote of each house of government. After such approval, the Budget Appropriations

Committee shall convene a special session to review, discuss, debate and take action to approve or disapprove the proposed emergency or supplemental appropriation.

B. The Beehaz'áanii Hadilnehíjí Báhooghan shall have final review of the emergency or supplemental appropriation and either recommend modifications, approve or veto the budget.

#### §1020. Annual Appropriations

The four houses of government and executive offices provided for in this Diné Bi Beehaz'áanii shall be given priority with adequate annual appropriations to carry forth the responsibilities and duties as provided herein. The Navajo Nation government shall be funded and receive sufficient appropriations to hire staff and carry out the purpose, powers and responsibilities of each house of government as provided herein.

#### §1021. Annual Budget

The Navajo Nation shall operate on a balanced budget and pay all current operating expenses from current revenues. Available funds and anticipated revenues shall exceed proposed budget appropriations for each fiscal year. Long-term debt shall not be used to fund or support government operating expenses in any fiscal year. Any undesignated reserve funds may be used for operating expenses consistent with financial reserve policies in the comprehensive financial policies.

#### §1022. Bonds

Any long-term debt issued by the Navajo Nation shall only be used for public works facilities, infrastructure or investment in projects but shall not be used for the government's annual operating expenses.

#### §1023. Existing Trust Funds

Existing Trust Funds established from the recovered funds by litigation involving Navajo natural resources shall remain to be held as a Trust Fund, however, any use of the principle of such funds shall require approval by majority vote of the Navajo people by a referendum or initiative vote. Any financial transaction involving the pledging of the Navajo people's natural resources for the issuance of bonds or other securities shall be approved by the majority vote of the Navajo people by referendum and or an initiative vote.

#### §1024. Business Activities

A. The Navajo Nation government shall not directly own, create, manage, operate, or invest in any business instrumentalities including corporations, limited liability companies, partnerships and enterprises to compete against Navajo citizens in the marketplace. The Navajo Nation government may own and operate insurance programs for health, life, mortgage and lease guarantees and other public necessities; and provide incentives, grants, endowments and guarantees for the purpose of fostering business activity within and outside of the Navajo Nation.

B. All business entities and instrumentalities owned by the Navajo Nation upon adoption of this Dine' Bi Beehaz'áanii including enterprises, corporations, limited liability companies, partnerships and other business entities currently owned by the Navajo Nation shall be transferred and owned by living Navajo Nation tribal members for their collective benefit. Profits, dividends, and other revenue shall initially be

used to fund infrastructure development and language/culture revitalization program, limited college scholarships on and off the Navajo Nation in a proportionate, fair and equitable manner. A dividend distribution system shall be implemented to provide periodic dividends if sufficient revenues and profits are realized.

§1025. Impairment of Contracts

All debts contracted and engagements entered, before the adoption of this Dine' Bi Beehaz'áanii, shall be as valid against the Navajo Nation under this Dine' Bi Beehaz'áanii, as under previous law. There shall be no impairment of valid contracts by government action, nor a defense of immunity asserted by the government for valid and binding contracts.

§1026. No Waivers of Law

There shall be no waivers or circumventing this Dine' Bi Beehaz'áanii or the laws of the Navajo Nation by government action or by any elected or public official.

§1027. Location of Navajo Nation Capital

The Navajo Nation Capital and Capitol offices of the Dine' Hózhóójí bah Naahat'á shall be located on the Navajo Nation as determined by the four houses of government.

§1028. Apportionment of Representatives

Naat'áanii representatives to the Dine' Hózhóójí bah Naahat'á shall be apportioned according to the population census of the Navajo Nation to provide equal representation and in accordance with traditional governance based on Ke'.

§1029. Referendums

When any of the primary house of government may have a conflict of interest by taking action on a proposed legislation or other action, the conflicted house shall refrain from taking action on the legislation and must notify the other houses of government of the pending conflict and, thereafter, the legislation shall be presented to the registered voters of the Navajo Nation in a nation-wide election as a referendum ballot question. The Government Anti-corruption Committee shall determine within sixty days whether a house is conflicted and shall advise the houses of its decision within five days.

**Article XI. ELECTIONS – REPRESENTATIVE GOVERNANCE**

§1101. Establishment of Naat'áanii

The authorities exercised by all Naat'áanii of the Dine' Hózhóójí bah Naahat'á derives from the collective will and consent of the Diné and Navajo citizens as expressed in free, fair and impartial elections held at regular intervals on the basis of democratic, equal and secret suffrage. Navajo Nation elections shall be funded as a priority and with adequate funds to carry out all procedures as provided herein.

§1102. Election of Naat'áanii

Each Naat'áanii position created herein belongs to the eligible voters and each Naat'áanii shall be elected into office by voters to represent and promote the interest of the Diné and citizens.

#### §1103. A Participatory Democracy

The Navajo Nation is a participatory democracy, and each eligible voter has a right to choose their Naat'áanii based upon reasonable qualifications.

#### §1104. Designation of Election Administrator

The Secretary of the Navajo Nation is the designated Naat'áanii with the power and authority to hold all elections on behalf of the Diné. No person or house of government is authorized to disenfranchise voters after a lawful election.

#### §1105. Eligibility to Serve

All Naat'áanii candidates shall be screened to ensure she/he meets the minimum qualification and eligibility requirements for the particular office before being certified to be on the ballot. Each candidate for elected office shall provide information to the Secretary of the Navajo Nation regarding their highest level of education, work experience, condition of physical and mental health, and other relevant information pertaining to the elected office for public informational purposes.

#### §1106. Duty of Care and Loyalty

A Naat'áanii who is elected to public office by the Navajo people shall be vested with a duty of care and a duty of loyalty care to the Dine and Navajo citizens in regard to their management of the Navajo Nation's monies, trust funds, insurance funds, trust assets, gifts, natural resources, tangible and intangible personal property, real property and cultural patrimony and sacred objects.

#### §1107. Initiatives

The Navajo people reserve the right to establish laws by an initiative procedure wherein the initiative receives at least 52 percent of the popular vote during a regular scheduled election and such laws are consistent with the provisions of this Dine' Bi Beehaz'áanii and shall supersede any legislative enactment to the contrary. A law created by the initiative process may be amended twenty years following its effective date by the referendum procedure.

#### §1108. Voting and Elections Rights

- A. Every eligible Diné and Navajo citizen has the right to cast a vote during an election on a non-discriminatory basis. There shall be sufficient ballots and provisional ballots for all elections.
- B. Every eligible Diné and Navajo citizen has the right of access to an effective, impartial and non-discriminatory procedure for the registration of voters.
- C. No eligible individual shall be denied the right to vote or be disqualified from registration as a voter or otherwise than in accordance with objectively verifiable criteria prescribed by law, and provided that such measures are consistent with this Diné Bi Beehaz'áanii.

- D. Each individual who is denied the right to vote or to be registered as a voter shall be entitled to appeal to the Navajo Nation Courts to review such decisions and to correct errors promptly and effectively.
- E. Each voter has the right to equal and effective access to a polling station in order to exercise his or her right to vote.
- F. Each voter is entitled to exercise his or her right equally with all voters and to have his or her vote accorded equivalent to that of every other voter.
- G. The right to vote in secret is absolute for in-person voting. Early, absentee and electronic voting is authorized provided a voter waives the secrecy requirement.
- H. The Voter registration database is to be maintained by the Secretary so the Diné and Citizens can check on their registration status. There shall be notification of upcoming elections, a listing of ballot issues, mailing address or place to request absentee ballots, polling location and early voting procedures.
- I. A person who is registered to vote may be purged from a register of eligible voters after not voting in three consecutive Navajo Nation elections.

**Article XII. NAAT'ÁANII OF THE DINE' HÓZHÓÓJÍ BAH NAAHAT'Á  
ELECTED OFFICIALS OF THE NAVAJO NATION**

§1201. Minimum Qualification of all Elected Officials

- A. No person shall serve as a Naat'áanii to the Dine' Hózhóójí bah Naahat'á unless s/he is Diné and an enrolled member of the Navajo Nation and reached the age of 35 years or older when the candidate takes the oath of office unless otherwise specified in the position description.
- B. No person is eligible to serve as a Naat'áanii to the Dine' Hózhóójí bah Naahat'á unless s/he meets the following qualifications:
  - 1) Must meet the minimum educational requirements for the specific position from an accredited college or university and be knowledgeable in Navajo culture, customs and philosophy.
  - 2) Must have sufficient years of prior work experience in a supervisory capacity.
  - 3). Must have no felony convictions under the Navajo, state or the Major Crimes Act nor committed treason, financial fraud or embezzlement.
  - 4). Must not have violated the Navajo Nation Anti-Corruption in Government Laws, taken any bribes, unlawful campaign contributions, or violated the oath of office.
  - 5). Must be mentally and physically capable of performing the duties and powers of the Naat'áanii for which she/he is elected.

§1202. Installment

- A. A Naat'áanii must be elected to serve in their position at a duly called election unless the position requires a nomination and confirmations for the specific position.

B. A Naat'áanii who serves as the President, Vice-President, Naat'áanii, or must be elected into office by the registered voters of the Navajo Nation

B. A Naat'áanii who serves as an Executive Director of a Department of the Navajo Nation government shall be elected during a Navajo Nation General Election.

C. A Naat'áanii who serves as a Division Director of the Navajo Nation government shall be nominated by the President of the Navajo Nation and be confirmed by the Beehaz'áanii Hadilnehíjí Báhooghan.

D. A Naat'áanii must take an oath to serve the best interests of the Diné and Navajo citizens, acknowledge a duty of care and duty of loyalty to the Navajo people and faithfully uphold and abide by this Diné Bi Beehaz'áanii.

E. [Installation after vacancy within one month]

### §1203. Maximum Term of Office

A Naat'áanii can be re-elected to serve the number of terms specified for the position. Each term shall be a period of four (4) years. The maximum terms a person can serve for any Naat'áanii position is two terms (2) terms in one lifetime, with exception of the Chief Justice, Land Commissioner, Water Engineer, Energy Officer and Chief Accountant. An elected or appointed person's term in office shall automatically end at the end of their term of office unless extraordinary circumstances beyond the control of any person warrants continued service until the extraordinary circumstances are resolved.

### §1204. Removal

#### A. Resignation

A Naat'áanii may resign from her/his position at any time for personal reasons. The Naat'áanii should provide ample time for providing notice of resignation under the pending circumstances. Any resignation by a Naat'áanii shall be effective upon receipt of the resignation letter by the house chief of her/his department or office.

#### Incapacity or Death- [Reserved]

A Naat'áanii shall end their service upon death or incapacity. The Secretary of the Navajo Nation shall be informed of the death or incapacity within a reasonable time to announce a vacancy and proceed with succession.

#### B. Recall by the people

The Diné reserve the right to remove a Naat'áanii by an initiative petition if that person loses the confidence of the Navajo people. A recall petition committee shall collect 10% of the votes cast in the previous general election to place a recall initiative on the ballot and a successful recall petition shall require 52% in favor by all votes cast in the recall election.

#### C. Removal for Cause by the Beehaz'áanii Baa Áhoyáníjí Báhooghan

1. Any Naat'áanii who exercises powers not delegated to their particular house of government may be removed for cause.
2. In the event a Naat'áanii is alleged to have committed a crime constituting a felony, violated the Navajo Nation Anti-Corruption in Government Laws, taken any bribes, unlawful campaign contributions, or violated the oath of office, the Government Anti-corruption Board shall hold an initially review hearing concerning the allegations and evidence related to the incident. If sufficient evidence exists concerning the allegations, the Board may place the elected official on administrative leave while further investigation and discovery is pursued.
3. Upon conclusion of an investigation and discovery, the Government Anti-corruption Board shall hold a hearing to determine whether the Naat'áanii has committed the allegations which will result in cause for removal. The Board shall issue a final determination in writing which may be appealed to the District Court.
4. If the Board issues a finding and determination of malfeasance by the Naat'áanii, the Naat'áanii shall be removed by the Government Anti-corruption Board for cause.

#### Conspiracy Actions

##### §1205. Campaigning

A Naat'áanii who is elected into office shall not campaign for re-election or use Navajo Nation money to advertise or publicize her/his re-election. A Naat'áanii may campaign during the last six months of their term if eligible for re-election.

##### §1206. Succession

- A. In the event of a vacancy in the Office of a Naat'áanii, the Secretary of the Navajo Nation shall declare a vacancy for the position vacated.
- B. A vacancy in the President shall be succeeded by the Vice-President.
- C. Speaker succession shall be as provided in Article
- D. Department Chief vacancy in each house of government shall be filled by the Chief Executive Officer of that house of government.

##### §1207.

In the event of resignation, removal or death of a Naat'áanii, the House Chief for the department, division, program or office shall nominate a qualified person to complete the term of the Naat'áanii. The Beehaz'áanii Baa Áhoyáníjí Báhooghan and Beehaz'áanii Hadilnehíjí Báhooghan shall confirm the appointed before the nominee assumes the position of Naat'áanii.

## **ARTICLE XIII.**

## **RIGHT TO EXCLUDE**

§1301. The Diné have the inherent right to exclude intrusions of state law and claims of jurisdiction over their lands. The right to exclude is recognized in the Treaty of 1868 at Article II and United States Supreme decisions.

§1302. Any person or investor who is not an enrolled member of the Navajo Nation may be excluded from the Navajo Nation by the Chief Legal Officer and Secretary of the Navajo Nation upon any of the following grounds:

A. Any person who is not Diné may be excluded upon a finding that such person engaged in conduct which, if the person were a member of the Navajo Tribe, would be punishable as a felony under the laws of the Navajo Nation or the United States Government.

B. Enumerated acts. Any person or investor who is not Diné may be excluded upon the finding that such person has engaged in any of the following acts or conduct:

- 1) trafficking, enslaving and unlawful detention of any person,
- 2) selling, manufacturing, processing and distribution of unlawful drugs, substances or paraphernalia; or
- 3) any person who solicits or endangers children, minors or disabled person for sex, pornography or any acts of endangerment; or
- 4) Unauthorized prospecting for cultural artifacts and patrimony, petrified wood, minerals, timber cutting, surveying or damaging or using property of the Navajo Nation Government or any resident of the Navajo Nation; or
- 5) Entry into any Navajo home without a court order or the consent of its occupants; or
- 6) Interference with or unauthorized photographing of any Navajo traditional ceremony or native ceremony; or
- 7) Unauthorized trading or peddling without payment of taxes to the Navajo Nation; or
- 8) Unauthorized entry into an area of the Navajo Nation closed to nonmembers under Navajo law or unauthorized hunting of wildlife or other game animals.
- 9) Removal of any tribal member under the age of 18 from the Navajo Nation, or under guardianship, except by court order of the Navajo Nation Courts or in conjunction with a nonsectarian program administered by the Navajo Nation or the Bureau of Indian Affairs.
10. Repossession or willful destruction of property without consent of court order.
- 11) Any business whose employees willfully violate the repossession statute may be denied the privilege of doing business within the Navajo Nation.
- 12) Unauthorized possession and transport of weapons of mass destruction, bacteria and viruses which may cause epidemics, hazardous materials and waste.
- 12) Any business entity agents that fails to honor the rights of the Diné as provided in this Diné Bi Beehaz'áanii or blatantly violates the laws of the Navajo Nation may be excluded by judicial decree.

13) Authorized taking of specimens and research on Navajo tribal members or citizens in violation of the Navajo Nation Human Research Code.

14) The enumeration of certain and specific conduct and actions in this section will not preclude any exclusion proceeding which is deemed actionable by the government of the Navajo Nation.

§1303 Where any law of the Navajo Nation, regulation or order of the United States now or in the future provides for a criminal penalty or for the exclusion of nonmembers of the Navajo Tribe, such laws, regulation, and other provision shall provide grounds for proceedings under these rules. Any law, statute, order or other act to implement Article II of the Treaty of 1868 shall also provide grounds for proceedings under these rules.

**ARTICLE XIV. BEEHAZ'ÁANII BAA ÁHOYÁÑÍJÍ BÁHOOGHAN  
HOUSE OF GOVERNMENT STABILITY**

§1401. Establishment and Purpose

A. There is hereby established the Beehaz'áanii Baa Áhoyáñíjí Báhooghan in the Diné Hózhóójí Bah Nahat'á.

B. The power to ensure government stability is vested with the Beehaz'áanii Baa Áhoyáñíjí Báhooghan of the Diné Hózhóójí Bá Nahat'á. The Diné as a collective body are the sovereign and supreme and have reserved certain powers, rights and freedoms as a collective body and as individuals. The reserved powers, rights and freedoms shall be protected and enforced by Beehaz'áanii Baa Áhoyáñíjí Báhooghan.

C. Purpose.

Where government is founded upon the consent of the governed, the Diné are entitled to have complete confidence in the loyalty and integrity of their government officials. The purpose of the Beehaz'áanii Baa Áhoyáñíjí Báhooghan, therefore, is to ensure accountability to the people of the Navajo Nation by their elected, appointed and assigned public officials and employees in exercising the authority vested or to be vested with them as a matter of public trust.

The Beehaz'áanii Baa Áhoyáñíjí Báhooghan shall advocate for the powers, rights and freedoms of the Diné when laws are made, enforced, implemented and interpreted.

§1402. Composition

The Beehaz'áanii Baa Áhoyáñíjí Báhooghan of the Navajo Nation Government shall be comprised of two Naat'áanii from each Local Governance Support Region.

§1403. Installment

A. The local governance entities shall organize into regions and each region shall select two individuals from among the elected Naat'áanii's of the local governance entities in that region to serve on

the Beehaz'áanii Baa Áhoyáńíjí Báhooghan. The regions shall create policies and procedure to select the five Naat'áanii who shall serve as representatives to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

B. The two Naat'áanii to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan from each region must be nominated and confirmed by each region during the interim time period between the general elections and the official installment of the elected presidents of each local governance units or Chief Executive Officers takes the oath of office.

C. In the event the regions are unable to agree on a procedure to nominate and select their representatives, the Beehaz'áanii Hadilnehíjí Báhooghan shall create policies and procedures for the nomination and selection of the Naat'áanii to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

#### §1404. Qualifications

(a) No person shall serve as a Naat'áanii unless s/he is an enrolled member of the Navajo and reached the age of 30 years or older.

(b) No person is eligible to serve as a Naat'áanii unless s/he meets the Qualifications listed in Article XII, Section 1201(b) 1-5 and;

1) Education: A Naat'áanii to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan must have a bachelor's degree from an accredited college or university and be knowledgeable in Navajo culture, customs and philosophy.

#### §1405. Terms

A Naat'áanii to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan shall serve a term of four years and no more than two (2) terms in one lifetime.

#### §1406. Powers and Procedure

A. All official actions by the Beehaz'áanii Baa Áhoyáńíjí Báhooghan shall be as a body by vote of a quorum of the Beehaz'áanii Baa Áhoyáńíjí Báhooghan. No individual or group of Naat'áanii shall have authority to create or demand action without a vote by a quorum of the Beehaz'áanii Baa Áhoyáńíjí Báhooghan, and any action or demand without a vote of the quorum shall be void ab initio.

B. To introduce legislation and procedures to ensure accurate and impartial Navajo Nation elections.

C. To Ensure the rights and privileges of the Navajo Nation citizens are protected against unlawful or overreaching action by government officials.

D. The Beehaz'áanii Baa Áhoyáńíjí Báhooghan through the Government Anti-corruption Director shall investigate, review, hold hearing and issue decisions regarding all governmental powers delegated under this Diné Bi Beehaz'áanii including the power to investigate allegations of government corruption by elected officials and create anti-corruption laws, policies, procedures and regulations.

E. The Beehaz'áanii Baa Áhoyáńíjí Báhooghan through the Office of Government Review shall ensure all laws, plans of operation, regulations, policies and practices existing before adoption of this Diyin Nohookáá' Diné Bi Beehaz'áanii Bitsé Siléí are amended, revised or voided to make such laws, plans of operation, regulations, policies and practices are consistent with this Diné Bi Beehaz'áanii.

F. To approve or veto all legislation enacted by the Beehaz'áanii Hadilnehíjí Báhooghan by a majority vote of a quorum of the Beehaz'áanii Baa Áhoyáńíjí Báhooghan. If any legislation is not approved, a certified written memorandum shall be sent to the Speaker of the Beehaz'áanii Hadilnehíjí Báhooghan explaining why the legislation was not approved. If a legislation is approved, the Speaker of the Beehaz'áanii Hadilnehíjí Báhooghan shall certify the vote and forward the legislation to the President of the Navajo Nation.

G. The Beehaz'áanii Baa Áhoyáńíjí Báhooghan shall establish subcommittees for the purpose of nominating commissioners, boards, supervisors and officers to their appointed positions in the Beehaz'áanii Baa Áhoyáńíjí Báhooghan. The subcommittee shall develop a Local Governance Entity and business creation enabling legislation for final approval by the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

H. The Beehaz'áanii Baa Áhoyáńíjí Báhooghan shall establish enabling legislation to define the purpose, responsibilities and rules of procedure for all Commissions, Board and Offices within the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

I. The Beehaz'áanii Baa Áhoyáńíjí Báhooghan may remove any elected official, government appointee, tribally owned business entity fiduciary or principles for cause. Exercise of this power shall only be based on just cause to warrant a drastic action against such an official. Any adverse action against an official shall be appealable to Navajo Nation Supreme Court.

#### §1407 Boards, Commissions and Programs

A. The Beehaz'áanii Baa Áhoyáńíjí Báhooghan of the Navajo Nation shall consist of the Beehaz'áanii Baa Áhoyáńíjí Báhooghan and Government Anti-corruption Hearing Board, Navajo Nation State Department, Office of Human Rights Advocacy, Office of the Inspector General, Navajo Retirement Services, Navajo Nation Insurance Services, Public Defenders Office, Office of Government Review, Administrative Hearing Board for Land Disputes, Public Regulatory Commission and Tribal Business Oversight and Review.

#### §1408 Office Of The Secretary Of The Navajo Nation

The Secretary of the Navajo Nation and State Department of the Navajo Nation shall be housed within the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

#### §1409. Government Anti-Corruption Hearing Board

There shall be a five-member Government Anti-corruption Hearing Board with Independent authority to hear cases of alleged violations of the Navajo Nation Anti-Corruption in Government Laws. The Board shall be separate and independent from all other divisions, departments, programs, commissions, enterprises, boards, or other Navajo Nation government entities. No Board member shall be an elected official of the Navajo Nation.

A. The Board shall hear all allegations of corruption against a Naat'áanii under the Navajo Government Anti-corruption laws, violations of the oath of office, failure to adhere to the separation of powers provisions in this Diné Bi Beehaz'áanii, takings of bribes or unlawful campaign contributions by elected officials and employees of the Navajo Nation.

B. The Government Anti-Corruption Board shall recommend rules of procedure to conduct hearings by the Board to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan who shall have final authority to approve and implement the rules of procedure.

C. The Board shall hold hearings concerning any allegation of corruption under the Navajo Government Anti-corruption laws, violation of the oath of office, failure to adhere to the separation of powers provisions in this Diné Bi Beehaz'áanii or taking bribes or unlawful campaign contributions by elected officials and employees of the Navajo Nation. The Board shall make findings of fact, and render a final decision to remove, censure, or absolve based upon the laws of the Navajo Nation.

D. The Board shall have powers to compel attendance by summons and subpoena witnesses.

E. Any final decision of the Board can be appealed to the Navajo Nation District Courts and, thereafter, the Navajo Nation Supreme Court.

F. The Government anti-corruption Board shall be comprised of a five-member Board. Each Board member shall be nominated and confirmed by subcommittee of the Beehaz'áanii Baa Áhoyáńíjí Báhooghan established for the purpose of filling positions within the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

#### §1410 Office of Government Review

a. The Office of Navajo Government Development shall be re-established as the Office of Government Review. The Plan of Operation shall be updated as an enabling legislation and remove the duty of facilitating the Navajo Government Reform Project. The Office shall monitor and ensure the reconstituted government is developed in accordance with the Diné Bi Beehaz'áanii including laws, rules and regulations, practices, functions, goals and objectives.

b. The Office of Government Review shall develop recommendations for amendments to this Diné Bi Beehaz'áanii and present such recommendations on the twenty-year review period.

#### §1411. Public Regulatory Commission

A. There is established a Public Regulatory Commission of the Navajo Nation within the Beehaz'áanii Baa Áhoyáńíjí Báhooghan. The Commission shall be comprised of five Commissioners who have obtained a baccalaureate degree and one with a master's degree and one with a juris doctorate degree.

B. The Commission shall have all the powers necessary and appropriate to impose restrictions on private rights to protect public welfare, order and security, to carry out the purpose and goals of regulating public services. These powers and authority shall be inclusive of the entire regulatory scheme, but exclusive of providing any retail services or development activity, except where regulations may apply to such activities.

C. To hold for hearings and investigations pertinent to the functions and powers of the Commission.

D. The Commission shall consist of five Commissioners, all of whom shall have obtained a Bachelor's degree and be appointed by and serve at the pleasure of the Beehaz'áanii Baa Áhoyáńíjí Báhooghan and shall serve a term of four years and no more than two terms in one lifetime.

E. No Commission member shall have a financial, political or any other interest or motive in any sector of the regulated entities or industry on the Navajo Nation, as provided for in the Navajo Nation Government Anti-corruption laws. The Commission members shall carry out their duties and responsibilities in a manner which protects and promotes the best interests of the Navajo people and Navajo Nation.

F. The Public Regulatory Commission shall monitor public services and have regulatory power of all fees, costs and expenses related to public services including the following:

- 1) Transportation - Review cost and billing issues for towing companies, ambulances, mortuary transport, limousines, and taxis;
- 2) Transportation - intrastate motor carrier registration, medical transport drivers, commercial aviation services.
- 3) Pipeline safety - enforcement of Navajo and federal regulations regarding oil and natural pipeline safety;
- 4) Utilities - natural gas, propane, investor-owned water and sewer, and electric companies and electric cooperatives;
- 5) waste management facilities - landfills, incineration, composting and transfer stations;
- 6) Telecom and internet services - unfair billing practices and connection fees, but not rates or terms of service;
- 7) Telecom - Wireless Telephone Service providers. The Commission will assist customers with wireless marketing and billing complaints including unauthorized billing or switching of carriers (cramming and slamming);
- 8) Satellite installations, antennas, microwave;
- 9) Moving companies - intrastate (within the Nation) moves.

G. The Enumerated powers of the Commission are:

1. To establish and adopt a regulatory policy subject to Beehaz'áanii Baa Áhoyáńíjí Báhooghan approval which shall govern any and all Navajo Nation regulated entities.
2. To establish, promulgate, and enforce rules, regulations, policies, and issue orders and resolutions, which are consistent with the Navajo regulatory code and this Plan of Operation, as necessary for the accomplishment of its purpose, authority, functions, and responsibilities.
3. To establish procedures and requirements for hearings and investigations pertinent to the functions and powers of the Commission, consistent with normal due process; to hear complaints concerning noncompliance with regulations established as the conditions of engaging in any regulated activities on the Navajo Nation, or any valid complaint from any entity which is aggrieved by any action by the Commission or staff.

4. The Commission, in furtherance of its powers shall have the authority to recommend and impose fines or other sanctions according to established schedules, on any entity for violation of all telecommunications laws, regulations, rules, orders and policies.

5. To take necessary legal action against any and all entities in the Commercial Courts of the Navajo Nation.

#### §1412 Office of The Inspector General

A. The Office of the Inspector General of the Navajo Nation shall be housed within the Beehaz'áanii Baa Áhoyáńíjí Báhooghan. The Office of the Inspector General shall continue to operate pursuant to the Auditor Generals Plan of Operation, however, amendments shall be made to be consistent with this Diné Bi Beehaz'áanii.

B. The purpose of the Office of the Inspector General is to ensure each house of government adheres to and abides by the valid and existing Articles in this Diné Bi Beehaz'áanii and enabling laws for a particular house of government. The Office shall also ensure the Local Governance Entities follow and adhere to the Local Rule and Governance Act in this Diné Bi Beehaz'áanii, and their foundational documents including article of incorporation and bylaws.

C. The Office of the Inspector General is authorized to have an audit unit and shall audit the various houses of government including the four houses, departments, divisions, programs, offices and all other governmental entities including Local Governance Entities. The Inspector General and Chief Legal Officer are authorized to conduct forensic audits of government entities as necessary.

D. In the event of any improprieties discovered by the audit unit, such findings shall be presented to the Government Anti-corruption Hearing Board for a determination of culpability by persons involved. The Audit Unit employees shall serve as witnesses in the proceedings.

#### §1413 Public Defenders Office

A. There is established the Office of the Public Defender under the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

B. The Public Defenders Office shall continue to operate pursuant to its enabling legislation, however, amendments shall be made to be consistent with this Diné Bi Beehaz'áanii.

#### §1414 Navajo Retirement Services

There is established the Office of the Navajo Retirement Services under the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

The Navajo Retirement Services shall continue to operate pursuant to its enabling legislation, however, amendments shall be made to be consistent with this Diné Bi Beehaz'áanii.

#### §1415 Navajo Nation Insurance Services

A. There is established the Office of the Navajo Nation Insurance Services under the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

B. The Navajo Nation Insurance Services shall continue to operate pursuant to its enabling legislation, however, amendments shall be made to be consistent with this Diné Bi Beehaz'áanii.

§1416 **EMPLOYEE Benefits**

A. There is established the Office of the Navajo Nation Employee Benefits Services under the Beehaz'áanii Baa Áhoyáníjí Báhooghan.

B. The Navajo Nation Insurance Services shall continue to operate pursuant to its enabling legislation, however, amendments shall be made to be consistent with this Diné Bi Beehaz'áanii.

§1417 **RISK MANAGEMENT**

A. There is established the Office of the Navajo Nation Risk Management Services under the Beehaz'áanii Baa Áhoyáníjí Báhooghan.

B. The Navajo Nation Risk Management Services shall continue to operate pursuant to its enabling legislation, however, amendments shall be made to be consistent with this Diné Bi Beehaz'áanii.

§1418 **WORKER'S COMPENSATION**

A. There is established the Office of the Navajo Nation Insurance Services under the Beehaz'áanii Baa Áhoyáníjí Báhooghan.

B. The Navajo Nation Insurance Services shall continue to operate pursuant to its enabling legislation, however, amendments shall be made to be consistent with this Diné Bi Beehaz'áanii.

§1419 **Diné Owned Business Entity Fiduciary Compliance Board**

A. A seven-member Fiduciary Compliance Board to oversee and monitor all tribally owned business entities on behalf of the Diné shareholders including Section 17 corporations and other wholly owned business instrumentalities. The Compliance Board are vested with a duty of care and loyalty to the Diné shareholders.

B. The Fiduciary Compliance Board shall exercise legal and regulatory compliance authority over all tribally owned business instrumentalities including tribal enterprises, corporations, limited liability companies, partnerships, Section 17 Corporations and all business instrumentalities. The Fiduciary Compliance Board is established as an independent Board, free from political influence and interference, receiving administrative support and assistance from the Fiduciary Compliance Administrator's Office of the Navajo Nation.

C. The purpose of the Fiduciary Compliance Board is to ensure the tribal business entities adhere to their articles of incorporation, by-laws and ensure fiscal accountability of all fiduciaries and principles of the tribally owned business entities. The Shareholders Fiduciary Board shall ensure the fiduciaries and principles of the tribally owned business entities adhere to the Navajo Anti-Corruption in Government laws, ensure that all fiduciaries are serving under current and up-to-date terms and principles are serving in their capacities under valid contracts.

D. The Board shall independently review the qualification of each Board of Director to ensure the applicant meets the qualification criteria to serve as a Board of Director and conduct background

investigations of all applicants for all fiduciaries and principals' positions of all tribally owned business entities to ensure the applicant is qualified to serve as fiduciary and principals.

E. The Board shall receive resignations from all board members, commissioners, executives or other fiduciaries, and such resignation shall be effective upon receipt by the Chairperson of a company's Board of Directors or the Chair of the Fiduciary Compliance Board.

F. The Board shall receive the annual financial audits of all tribally owned business entities and maintain year-to-year record of such audits. The Board shall maintain an archive of all documents received and make them available for the Dine shareholder's review.

G. Upon credible information and evidence of fraud, improper expenditures or failure to abide by its enabling legislation and fiscal policies provided to the Fiduciary Compliance Board, the Board may initiate a forensic audit of the tribally owned business entities.

H. In the event a tribally owned business entities' Board of Directors or equivalent does not act on its members or principles for any action which constitutes fraud, mismanagement, corruption or malfeasance, the Fiduciary Compliance Board shall recommend removal of any fiduciary or principle of a tribally owned business entity to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan. Removal of a fiduciary or principle shall require just cause including a violation of the company's foundational documents including its enabling legislation, its bylaws, the Navajo Anti-Corruption in Government Laws, criminal activity, or other cause.

I. The Board shall have the power and authority to remove any Board of Director or equivalent after finding any action which constitutes fraud, mismanagement, corruption or malfeasance and may require further investigation by the office of the prosecutor for restitution of any funds and criminal prosecution.

J. Each member of the board shall be elected by the Dine at a duly called meeting for an election of the board members.

K. Regardless of any delegation of authority in this section, the Diné shareholders retain their right and ability to pursue a legal remedy as a derivative suit.

## **ARTICLE XV. BEEHAZ'ÁANII HADILNEHÍJÍ BÁHOOGHAN**

### **LEGISLATIVE POWER**

#### **§1501. Legislative House**

A. The legislative power of the Dine' Hózhóójí Bah Nahat'á is vested in the Beehaz'áanii Hadilnehíjí Báhooghan.

B. The Beehaz'áanii Hadilnehíjí Báhooghan (Legislative House) shall consist of the Beehaz'áanii bi Naat'áanii, Office of Legislative Services, Office of Legislative Counsel and any office established under the Beehaz'áanii Hadilnehíjí Báhooghan by legislative enactment.

§ 1502. Number; time; duration

A. The Beehaz'áanii bi Naat'áanii shall convene annually for a legislative session of 30 legislative enactment days. The legislative orientation session shall begin on the Winter Solstice with a three-day orientation to review the legislative rules and procedures and establish priorities for the state legislative sessions. The Legislative Session shall begin on the fourth Monday of January and shall only be convened on the weekdays. Attendance of each day of the Legislative Session is mandatory for each Naat'áanii. Such Sessions shall commence at 9:00 a.m.

B. Special meetings of the Beehaz'áanii bi Naat'áanii may be called upon reasonable and timely notice to all Council Delegates, by:

1. The Navajo Nation President may call a special session not more than four times during the remainder of the year for a period of two (2) consecutive days to address exigent matters requiring action by the Beehaz'áanii bi Naat'áanii. ; or

2. Written petition by a majority of all Naat'áanii of the Beehaz'áanii bi Naat'áanii which shall not be more than two times for a period of three (3) consecutive days to address emergency and exigent matters.

C. The duration of the regular session shall be no more than thirty working days. Each meeting day of the Beehaz'áanii bi Naat'áanii shall be for a minimum of eight hours each day of the session until the proposed agenda is completed.

§1503. Composition –

The composition of the Beehaz'áanii bi Naat'áanii shall be comprised of twenty-four beehaz'áanii bi Naat'áanii. A Speaker shall be selected by the entire composition of the Beehaz'áanii bi Naat'áanii to Chair all meetings of the Beehaz'áanii bi Naat'áanii.

§1204. Installation

A Naat'áanii shall be elected by a majority vote of the Dine' in the precinct s/he represents. Each person serving as a Naat'áanii to the Beehaz'áanii bi Naat'áanii must comply with the qualification's provisions of Section 5 of this Article.

§1505. Terms

Each term for service as a Beehaz'áanii bi Naat'áanii shall be four years. No person shall serve more than two (2) terms as Beehaz'áanii bi Naat'áanii in one lifetime. The terms served by people who previously served as a delegate to the Navajo Nation Council shall be counted as terms served for this provision.

§1505. Fiduciary Duties

Each Beehaz'áanii bi Naat'áanii is vest with a duty of loyalty and a duty of care to the Navajo people and shall enact laws to benefit of the Navajo people and Navajo Nation.

§1506. Qualifications

(a) No person shall serve as a Beehaz'áanii bi Naat'áanii unless s/he is an enrolled member of the Navajo and reached the age of 30 years or older.

(b) No person is eligible to serve as a Beehaz'áanii bi Naat'áanii unless s/he meets the Qualifications listed in Article XII, Section 1201(b) 1-5; and

1) Must have obtained a baccalaureate degree from an accredited college or university and be knowledgeable in Navajo culture, customs and philosophy.

§1507. Incompatible Service

A. No person shall serve as a Beehaz'áanii bi Naat'áanii if he or she is an elected official or appointed official the United States or any state, county or any subdivisions thereof; nor shall be an employee of the United States or the several states.

B. No person shall simultaneously serve as a Beehaz'áanii bi Naat'áanii if that person is an elected official, appointed official, employee, agent and/or serves in another capacity with the Navajo Nation.

C. If any Beehaz'áanii bi Naat'áanii, after his/her election, enters such service, the Naat'áanii shall immediately forfeit his/her office as a Beehaz'áanii bi Naat'áanii.

D. No Beehaz'áanii bi Naat'áanii shall engage in criminal activity, violate the anti-corruption in government laws, cause an insurrection, treason or abuse of power while serving as a Beehaz'áanii bi Naat'áanii. If any Beehaz'áanii bi Naat'áanii, after his/her election, engages in the aforementioned prohibitions, the delegate shall immediately forfeit his/her office as a Beehaz'áanii bi Naat'áanii.

§ 1508. Removal; vacancy

A. The Speaker may be removed by two-thirds (2/3) vote of the full membership of the Beehaz'áanii bi Naat'áanii.

B. If a vacancy should occur in the Office of the Speaker of the Beehaz'áanii bi Naat'áanii, the Beehaz'áanii bi Naat'áanii shall select and confirm from among its members a successor to serve the remainder of the term.

§1509. Quorum

Sixteen Naat'áanii plus the Speaker shall constitute a Quorum for all Legislative Sessions.

§1510. Powers –

A. The Beehaz'áanii bi Naat'áanii shall have the following powers:

1. All official actions by the Beehaz'áanii bi Naat'áanii shall be as a body by vote of a quorum of the Beehaz'áanii bi Naat'áanii. No individual or group of Naat'áanii shall have authority to create or demand action without a vote by a quorum of the Beehaz'áanii bi Naat'áanii, and any action or demand without a vote of the quorum shall be void ab initio.
2. The legislative house shall have the power to enact any legislation which is consistent and does not violate or conflict with this Diné'é Bi Beehaz'áanii or any laws established by referendum or initiative by the Navajo people.
3. to introduce a proposed beehaz'áanii, debate each legislation separately, vote to approve or not approve legislation. A proposed legislation shall be approved by the Beehaz'áanii bi Naat'áanii if the legislation receives twelve approval votes.
4. to make laws consistent with the fundamental philosophy of hózhó to promote and enhance the rights and duties of the Diné' and Navajo citizens.
5. to make laws to promote the public health, safety and welfare of the Diné.
6. to regulate commerce, including consumer protection laws, and trade with Indian tribes, the United States, the several states, and foreign nations.
7. to make laws to enhance and further the purpose of the administrative offices and officers as provided for in this Diné Bi Beehaz'áanii'.
8. to create and require an education curriculum including an immersion program for the Navajo language, culture, history, philosophy, financial literacy, computer literacy, mathematics and the sciences.
9. to create Uniform Commercial Codes, business laws and enabling laws to promote commerce.
10. to raise revenues for the operation of the Navajo Nation government and for all governance related expenses including Infrastructure, the arts, education, safety and welfare of the Navajo people consistent with the limitations provided wherein:
  - Tribal member: Limited as provided in Article VI, Section 14.
  - Business Entities: Taxes on business entities shall not exceed the yearly taxes imposed by neighboring states, counties and municipalities.
  - Churches: Churches may be taxed at a rate of ten (10) percent or less of the gross receipts in any given year.
11. to approve treaties and/or contracts with the United States, Indian tribes, foreign nations and the several states.
12. to contract and establish governmental agreements with counties, municipalities and cities as necessary.

13. to have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of programs, offices, committees and boards within the Beehaz'áanii bi Naat'áanii.

14. to form professional advisors (think tanks) for a short duration of time to research and propose laws to be presented to the Beehaz'áanii bi Naat'áanii.

15. to develop a naturalization process for Navajo citizenship and procedures and criteria to issue Navajo identification cards and professional license.

16. to regulate the development and advancement of new technology.

17. to waive immunity from suit as necessary by a vote of sixteen.

#### §1511 Process and Procedure

A. The Beehaz'áanii bi Naat'áanii shall have the authority to promulgate rules, regulations and procedures for the conduct of its meetings and that of its committees.

B. Each successful legislation shall be certified by the Speaker within 8 calendar days of a vote by the Beehaz'áanii bi Naat'áanii. The legislation shall be delivered to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan upon certification and shall be subject to approval or veto by a vote of the quorum. If the Beehaz'áanii Baa Áhoyáńíjí Báhooghan approves the legislation, the legislation shall be forwarded to the Navajo Nation President to review and either approve or veto the legislation within 10 calendar days of receipt the certified legislation.

#### §1512 Place

A. All regularly scheduled or special meetings of the Beehaz'áanii bi Naat'áanii shall be held at the Navajo Nation capitol facilities with the following exceptions:

1. If the Chambers are unsuitable for meeting, because of fire, physical damage, remodeling or other cause the Speaker may designate an alternate meeting place in on the Navajo Nation and give reasonable notice to all Naat'áanii.

2. A majority of all Naat'áanii may agree to hold a meeting in some location on the Navajo Nation other than the Chambers. Such agreement may be by written petition or by motion at any regular or special session of the Naat'áanii.

### **ARTICLE XVI. BEEHAZ'ÁANII BEE OONISHÍJÍ BÁHOOGHAN**

#### **EXECUTIVE POWER**

##### §1601. Executive House

The executive power of the Dine' Hózhóójí Bah Nahat'á is vested in the Beehaz'áanii Bee Oonishíjí Báhooghan (Executive House). The Executive House shall consist of the Diné Bi Naant'a'í (President) of the Navajo Nation and such divisions, departments, offices, or programs as may be established by law in the Beehaz'áanii Bee Oonishíjí Báhooghan.

§1602. Creation of Office of President

(a). The power to carry out and enforce the laws of the Navajo Nation is vested in the Diné Bi Naaniht'aahii and executive officers as provided herein.

§1603. Term of President

(a). There shall be one President of the Navajo Nation and the powers and duties of the President shall not be delegated.

(b) The President shall be elected to office for a term of four years and shall serve no more than two (2) terms in one lifetime.

§1604. Qualification

(a) No person shall serve as President or as Vice-President of the Navajo Nation unless s/he is Diné (an enrolled member of the Navajo Nation) and reached the age of 35 years or older.

(b) No person is eligible to serve as President or Vice-President of the Navajo Nation unless s/he meets the following Qualifications:

1) Work Experience: Must have at least 10 years of executive level management or supervisory work experience in the private sector or in government.

2) Education: Must have obtained a baccalaureate degree from an accredited college or university and be knowledgeable in Navajo culture, customs and philosophy.

3). Must have no felony convictions under Navajo, state or federal law nor committed treason, financial fraud or embezzlement.

4). Must not have violated the Navajo Nation Ethics in Government Law, taken any bribes, unlawful campaign contributions or violated the oath of office.

5). Must be mentally and physically capable of performing the duties and powers of the President or Vice-President.

§1606. Installment

The President and Vice-President of the Navajo Nation shall be installed by the Dine' and Navajo citizen voters after a certified Navajo Nation-wide election and having been duly elected by a majority vote of the registered voters who cast a vote in the election.

§1607. Duties and Responsibilities

The President shall tend to the day-to-day administration of the Beehaz'áanii bee Oonishíjí Báhooghan without excessive travel away from the Navajo Nation. The President shall spend most of his/her efforts to promote the health, safety and welfare of the Navajo people and take action to create a favorable business environment on the Navajo Nation for all business sectors.

§1608. Powers

A. The President shall have the following enumerated powers;

1. The President of the Navajo Nation shall serve as the Chief Executive Officer of the Beehaz'áanii bee Oonishíjí Báhooghan. The President shall preside over and coordinate at all meetings with executive departments, divisions, programs and or offices within the Beehaz'áanii Bee Oonishíjí Báhooghan.
2. Ensure faithful execution and enforcement of the laws of the Navajo Nation by the Beehaz'áanii bee Oonishíjí Báhooghan. The President in consultation with the Chief Legal Officer may bring forth a dereliction of duty charge against an Executive Officer in the event the Officer is not serving or carrying out her/his duties and responsibilities as provided in this constitution.
3. The power to temporarily fill vacancies created by an Executive Officer's inability to serve the duties and functions of their office due to death, illness, mental incapacity, or unavailability.
4. The power to issue executive orders, emergency declarations, martial law, and to execute orders of the Courts. An executive order shall be a written directive to the Beehaz'áanii bee Oonishíjí Báhooghan, signed by the President, to ensure existing and valid laws are faithfully executed.
5. Report yearly to the Navajo people on the state of the Navajo Nation. Such reports shall be provided in person and transmitted to the Dine' by radio and other electronic media.
6. Appoint Executive Officer designees to the Budget and Appropriations Committee for the Executive House.
7. Appoint supervisory executive personnel within the Office of the President subject to applicable laws.
8. The President shall be an ambassador and spokesperson for the Navajo Nation in relations with other Indian tribes and other indigenous peoples and create favorable public opinion and good will toward the Navajo Nation.
9. To be the ambassador and spokesperson for the Navajo Nation with the United States government, foreign nations, the states, counties, cities and other municipal entities.
10. To be the ambassador and spokesperson for the Navajo Nation with foreign nations, commonwealths and developing nations of the world. Speak and act for the Navajo Nation on any and all matters relating to tribal, federal, state or a foreign nation policy, legislation or action subject to applicable laws.
11. The President shall have responsibility to develop and participate in setting Navajo Nation policy and positions regarding the internal and external affairs of the Navajo Nation.
12. The President shall negotiate and enter contracts on behalf of the Office of the President and Vice-President. The President shall have authority to procure supplies and equipment for the Office of the President.
13. Recommend to the Budget and Appropriations Committee an annual operating budget or amendments thereof for the Executive House and advise the Budget and Appropriations Committee regarding appropriations for the Executive House.

14. Recommend to the Budget and Appropriations Committee supplemental appropriations for the Executive House.

15. Recommend legislation, rules or regulations to the Beehaz'áanii Hadilnehíjí Báhooghan and Beehaz'áanii Baa Ahoyáníjí Báhooghan.

16. Exercise such powers as may be lawfully delegated and authorized by an initiative or referendum to the President of the Navajo Nation.

17. Sign legislation passed by the Navajo Nation Council into Navajo law within ten calendar days after the certification of the legislation by the Speaker or Speaker Pro Tem.

18. Veto legislation passed by the Navajo Nation Council subject to an override of the veto by two-thirds (2/3) vote of the membership of the Navajo Nation Council. The veto shall be exercised by the President by a letter to the Speaker specifying the reasons for the veto. The President's veto shall not be subject to an override by the Navajo Nation Council after the end of the next regular session of the Navajo Nation Council following the session in which the legislation was first passed by the Council.

19. The President's authority to sign into law or veto legislation shall be deemed to be waived if not exercised within ten calendar days after certification of the legislation by the Speaker or Speaker Pro Tem and the legislation shall be deemed enacted and become effective.

20. Speak and act for the Navajo Nation on any and all matters relating to inter-government relations and consultation with other tribes subject to applicable laws.

21. Issue executive orders for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such statutes. Executive orders shall have the force of law upon the recipient.

22. As a matter of policy, the President must be transparent with travel outside the Navajo Nation and shall limit attending meetings or conferences except for business which is essential to the health, safety and welfare of the Navajo people and appropriations for the Nation.

#### §1609. Succession

If the President is unable to serve her/his functions, placed on administrative leave, removed by recall, impeached, the Vice-President of the Navajo Nation shall serve in the stead of the President.

## **ARTICLE XVII**

## **BEEHAZ'ÁANII BEE NA'WHIIT'AH BÁHOOGHAN**

### **JUDICIAL POWER**

#### §1701. Establishment; composition

A. The judicial power of the Navajo Nation is vested in the Beehaz'áanii bee Na'whiit'ah Báhooghan (Courts of the Navajo Nation).

B. The Courts of the Navajo Nation government shall consist of the Supreme Court of the Navajo Nation, the District Courts, the Family Courts, a Commercial Court, **Land Claims Court** and such other Courts as may be created by the Beehaz'áanii Hadilnehíjí Báhooghan and approved by the Beehaz'áanii Baa Áhoyáníjí Báhooghan.

C. The Courts of the Navajo Nation shall also consist of such additional Judicial offices or programs that furthers the purposes of the Courts as may be created, subject to amendment or abolishment, by the Beehaz'áanii Hadilnehíjí Báhooghan and approved by the Beehaz'áanii Baa Áhoyáníjí Báhooghan through adoption of their enabling legislations.

§1702. There shall be alternative dispute resolution options such as Peacemaking (conciliation), administrative hearings, arbitration, mediation, neutral evaluation, settlement conferences, negotiated rulemaking and minitrials. Peacemaking and administrative hearing bodies shall be funded through the Navajo Nation annual budget appropriations.

§1703. Purpose:

A. The Beehaz'áanii bee Na'whiit'ah Báhooghan shall **hear cases and controversies** interpret this Diné Bi Beehaz'áanii, and laws made pursuant to its authorities including rules and regulations in a manner that is consistent with the values, customs and traditions of the Diné and as provided in Article III of this Diné Bi Beehaz'áanii.

B. The Beehaz'áanii bee Na'whiit'ah Báhooghan be a forum for fair and impartial dispute resolution and to petition for grievances by all.

C. The Beehaz'áanii bee Na'whiit'ah Báhooghan shall monitor and administer the practice of law by legal professionals on the Navajo Nation consistent with this Diné Bi Beehaz'áanii.

§1704. Seals of Courts

The Beehaz'áanii bee Na'whiit'ah Báhooghan shall adopt a court seal which shall be used to authenticate their respective judgments and other legal documents. The Courts shall adopt rules to determine their form of seals and develop regulations for their use.

§1705. Applicable Navajo Laws

A. In all cases the courts of the Navajo Nation shall first apply applicable provisions of this Diné Bi Beehaz'áanii, then Navajo Nation laws, fundamental and common laws and regulations to resolve matters in dispute before the courts.

B. The courts of the Navajo Nation shall apply federal laws or regulations as may be applicable.

C. Any matters not addressed by Navajo Nation statutory laws and regulations, Diné Bi Beehaz'áanii or by applicable federal laws and regulations, may be decided according to comity with reference to the laws of the state in which the matter in dispute may have arisen.

§1705.

Any final decision by the Supreme Court which interprets a statutory law shall be subject to modification, rescission or further clarification by legislation, referendum or initiative.

§1706. Qualifications

A. The Chief Justice and Associate Justices of the Beehaz'áanii bee Na'whiit'ah Báhooghan shall have obtained a juris doctor degree from an accredited College of Law and be a member in good standing of the Navajo Nation Bar Association and either Arizona, New Mexico or Utah State Bar Association.

B. No person shall serve as Chief Justice or as an Associate Justice of the Navajo Nation unless s/he is Diné (an enrolled member of the Navajo Nation) and reached the age of 35 years or older.

C. No person is eligible to serve as Chief Justice or Associate Justice of the Navajo Nation unless s/he meets the following Qualifications:

1) Work Experience: Must have worked in the legal field for a period of at least 10 years as a lawyer or Court Clerk or Justice. All other Court Justices must have a minimum of three years prior work experience.

1) Education: Must have obtained a Juris Doctorate degree from an accredited college or university and be knowledgeable in Navajo culture, customs and philosophy.

2). Must have no felony convictions under Navajo, state or federal law nor committed treason, financial fraud or embezzlement.

4). Must not have been convicted of violating the Navajo Nation Ethics in Government Law, taken any bribes or violated the oath of office.

5). Must be mentally and physically capable of performing the duties and powers of the Chief Justice or Associate Justice.

§ 1707. Installment

A. Candidates seeking the position of Chief Justice, Associate Justice shall be evaluated by a nomination committee to ensure they meet the minimum qualifications for the position and shall be subject to installment at an election by the Diné.

B. After a Chief Justice or Associate Justice of the Supreme Court finishes their first term of office, they shall be subject to a retention election by the Diné before being able to serve a second or third term.

C. A candidate for Judge of any district, family or commercial courts shall be evaluated to ensure they meet the minimum qualifications of the position and shall be subject to final confirmation by Beehaz'áanii Baa Áhoyáníjí Báhooghan and the Beehaz'áanii Hadilnehíjí Báhooghan.

§ 1708. Composition and location

A. The Supreme Court of the Navajo Nation shall consist of the Chief Justice of the Navajo Nation and two associate Justices of the Supreme Court.

B. The Supreme Court of the Navajo Nation shall be located on the Navajo Nation.

C. The Supreme Court of the Navajo Nation may sit and conduct hearings outside of the Navajo Nation in accordance with policies established for the conduct of hearings outside the Navajo Nation.

§ 1709. Jurisdiction—Generally

A. The Supreme Court shall make the final determination or interpretation of this Diyin Nohookáá’ Diné’é Bi Beehaz’áanii Bitsé Siléí.

B. The Supreme Court shall be the Court of last resort. The Supreme Court shall have jurisdiction to hear appeals from final judgments and other final orders of the District, Family and Commercial Courts of the Navajo Nation and such other final administrative orders as provided by law. The Supreme Court shall also have jurisdiction over original extraordinary writs.

C. The Navajo Nation Courts shall have jurisdiction over all cases and controversies within the Navajo Nation.

D. The Navajo Nation Courts shall have jurisdiction over all land disputes on the Navajo Nation. The Courts shall hear cases involving land disputes concerning Navajo lands, including land use by tribal members, homesites, grazing, farming, unauthorized trespass or detainers, based on complaints filed by Navajo tribal members and citizens.

F. The Peacemaking Courts shall hear and resolve disputes at the local governance level.

§ 1710. Writs or Orders

The Supreme Court shall have the power to issue any writs or orders:

- A. Necessary and proper to the complete exercise of its jurisdiction;
- B. To prevent or remedy any act of any Court which is beyond such Court's jurisdiction;
- C. To cause a Court to act where such Court fails or refuses to act within its jurisdiction; or
- D. To cause any house of government to perform duties and responsibilities required by law.

§ 1711. Salaries

Salaries for Justices and Judges of the Courts of the Navajo Nation shall be established by a Committee of six comprising three members from the Beehaz’áanii Baa Áhoyáńíjí Báhooghan and three members from the Beehaz’áanii Hadilnehíjí Báhooghan, and in setting rates of compensation, the Committee shall take into consideration:

- A. The Navajo Nation Classification and Pay Plan;
- B. The need to attract outstanding Navajo candidates to the judiciary;
- C. The need to attract or compensate Justices or Judges who are graduates of a school of law or who have extensive experience in law or judging;
- D. Comparable salaries of Justices and Judges in the region; and

E. Any other objective criteria relevant to judicial compensation.

§ 1712. Terms

The Chief Justice and Associate Justices of the Navajo Nation Supreme Court and the judges of inferior courts shall serve no more than three (3) terms of four years in one lifetime.

§ 1713. Powers

Pro bono services imposed by the government is involuntary servitude.

§ 1714. Removal

A. The Supreme Court Justices may be removed from office for losing the confidence of the Dine' in the following two ways:

1. Evidence of a violation of Navajo, federal or state law shall first be presented to the Government Anti-corruption Board by the Chief Legal Officer. The Government Anti-Corruption Board shall review and evaluate the evidence to determine if the evidence meets the standard of cause. The Supreme Court Justices may be removed from office after a hearing and findings of substantial evidence justifying the allegations.

2. By recall by the Navajo people as provided in the Elections article.

§ 1715. Succession

The vacancy in the first three years of a Supreme Court Justices term shall be filled by an election conducted as soon as practicable. A vacancy in the last year of a Supreme Court Justices term shall be left vacant, but the remaining Supreme Court Justices shall select a District Court Judge to sit in the stead of the vacant position for the remainder of the term.

**Article XVIII**

**LOCAL RULE & GOVERNANCE**

§ 1801. Establishment

A. The Navajo people hereby establish the Local Rule & Governance. Community members may incorporate a municipality pursuant to this enabling legislation. Any municipality chartered under this Article shall have autonomous and independent self-rule within a defined geographic area.

B. Such municipality shall be autonomous and operate independently from the Navajo Nation Government so long as such municipal officers operate with integrity, fairness, accountability, and within the provisions of this Diyin Nohookáá' Dine'é Bi Beehaz'áanii Bitsé Siléí, the Local Rule & Governance and within its foundational documents and by-laws.

C. The municipality shall not claim or own any lands, except for lands to locate municipal buildings necessary for the governmental operations and works, which may include but is not limited to

administrative offices, schools, public works facilities, court complexes, jails, roads, rights-of-way, parks, sports arenas and complexes, fairgrounds, funeral Locals, cemeteries, and other facilities necessary for governmental operations.

D. Municipalities shall operate as a representative democracy wherein the elected officers shall make decisions at a duly called meeting. The registered community member shall develop and approve an annual budget for the operation of the local unit of government at a duly called meeting for that purpose. Any amendment requiring approval, rescission or modification to the yearly budget shall be approved by a majority of the community members before becoming effective.

#### § 1802. Purpose

A. The Navajo people recognize their historical and traditional form of governance at the local level and establish this Navajo Local Rule & Governance Authorization to continue the practice of a direct democracy for local governance.

B. Local Governance Entities are established to provide government services at the local level by local people and ensure accountability with all operations of governance. The Local Governance Entities are established to administer local health, safety and welfare needs of the people within their geographic boundaries.

C. Local Governance Entities shall exercise their legislative functions as a direct democracy wherein all ordinances and budgets shall be developed and enacted by a quorum of at least twenty-five community members at a duly called meeting.

D. Local Governance Entities shall exercise their executive functions under principles of a representative democracy wherein three elected officials shall exercise the executive function and executive functions may be administered by hired professionals.

E. Local peacemakers shall exercise the judicial function along with staff as budgeted.

F. All Local Governance Entities shall adhere to and comply with the provisions of the Diné'é Bi Beehaz'áanii.

#### § 1803. Succession

The Navajo Local Governance Act codified at Title 26 of the Navajo Nation Code shall be superseded upon the effective date of the Local Rule & Governance Authorization; all inconsistent enactments, laws, rules, policies, ordinances and regulations of the Navajo Nation and all houses, divisions, departments, offices and political subdivisions thereof are superseded hereby and/or amended to comply herewith.

#### § 1804. Local Governance Entities Legal Requirements

A. To ensure accountability, all Local Governance Entities shall adopt and operate pursuant to a foundational document, bi-laws for official actions, an anti-corruption in government policy, accounting policy, human resources policy, revenue and fiscal management policy.

B. Local Governance Entities may administer a land use and occupancy policy after developing and approving a community-based land use plan. Such land use plan can be reviewed and amended by an initiative vote by the local community residence.

#### § 1805. Governance Procedure Requirements

Applicants to establish a municipality shall submit relevant documents for review and approval to the Local Rule & Governance Center for their district. Such applications shall be reviewed by the Chief Legal Officer, and the Fiscal Integrity Officer shall review and approve the foundational documents of a Local Governance applicant to ensure adequate safeguards are developed before issuance of a charter to a Local Governance Entities. Additional documents shall include the bi-laws, an anti-corruption in government policy, accounting policy, human resources policy, revenue and fiscal management policy.

#### § 1806. Local Governance Entity Powers & Authority

A. The members of each Local Governance Entity, at a duly called meeting, are authorized to oversee the authority delegated to the Local Governmental Entity pursuant to this Local Rule & Governance Act.

B. A Local Governance Entity shall have the power and authority to provide and/or contract for the following programs and services within their approved geographic boundaries;

1. Emergency Response and Policing
2. Facilitate Community Law and Policy Making
3. Local Peacemaking
4. Local Ordinances
5. Maintain a Land Occupancy Database and participate in Land related Issues
6. Facilitate Local Elections
7. Plan, Develop and Maintain Local Roads
8. Develop and maintain trash collection and Transfer Station Services
9. Infrastructure Planning and Development
10. Senior Care Services
11. Children & Juvenile Care Services
12. Facilitate Funerals and Maintain a Community Cemetery
13. Plan and Maintain Irrigation Ditches
14. Plan Water Delivery Systems
15. Plan and Develop Sewer Systems
16. Plan for Communication and Broadband Networks
17. Plan for Local Electrical Distribution Systems

18. Plan for Local Natural Gas Distribution Systems

§ 1807. All Local Governance Entities, by Community authorization, may exercise the following powers and authorities, including, but not limited to:

1. Generate revenue through means established by the local community members consistent with this Act.
2. Acquire, sell or lease property of the Local Governance Entity.
3. Enter into agreements to provide goods and services.
4. Enter into agreements with other Local Governance Entities to undertake a common goal or interest which will benefit the Local Governance Entities.
5. Enter into intergovernmental agreements with federal, state, tribal entities and/or their agencies, subject to and consistent with Navajo Nation law.
6. Enter into contracts or sub-contracts with the Navajo Nation for federal, state, county and other funds, however, the Local Governance Entities shall not encumber the lands of the Navajo people or waive the sovereign immunity of the Navajo Nation. This provision is not intended to alter federal contracts between Chapters and the United States which pre-date the enactment of this Act.
7. Enter into contracts or sub-contracts for Navajo Nation general funds, with appropriate Navajo Nation divisions, programs or agencies for service delivery programs.
8. Appropriate funds, according to conditions set forth by the Navajo Nation, divisions, departments or other funding sources, including Chapter claims funds and Chapter scholarship funds.
9. Retain legal counsel and initiate lawsuits.
10. Establish a peacemaking system or administrative procedure for resolving disputes arising from Local Governance Entities' resolutions, ordinances, or administrative action; including matters arising from personal disputes. The peacemaking system should emphasize Navajo custom for resolving disputes not otherwise contrary to Navajo law and/or custom.
11. Recognize, identify and/or survey, and record the customary use areas or areas of historical occupation and use by extended families, by clan or otherwise, to certain areas of land within the land base of a Local Governance Entities.
12. The Local Governance Unit shall abide by the provisions of Article IX of this Diyin Nohookáá' Diné'é Bi Beehaz'áanii Bitsé Siléí.
13. No Local Governance Entity shall implement a tax unless authorized by Diné'é Bi Beehaz'áanii Bitsé Siléí or Navajo law.

§ 1808. A Local Governance Entity may adopt the following ordinances pursuant to the Local Governance Entities Initiative Procedures.

1. Amend the land use plan to meet the changing needs of the community.
2. Acquire property by eminent domain in compliance with the Diné'é Bi Beehaz'áanii Bitsé Siléí. This provision shall not apply to allotments.
3. Acquire and administer capital improvement project funds.
4. Establish zoning ordinances consistent with the Local Governance Entity's community-based land use plan.

5. Enact regulatory ordinances for the general health, safety and welfare of the community, consistent with Navajo Nation law.
6. The citizens of any Local Governance Entity may be re-constitute their local government in an alternative form of governance structure.
7. Recall their elected officials by an initiative.
8. Local sales or gross receipts taxes pursuant to a local tax code developed by the Navajo Tax Commission and approved by the Navajo Nation Council.
9. Local fees based upon guidelines established by the Beehaz'áanii Hadilnehíjí Báhooghan. Or Local Membership.
10. Issue community bonds.
11. Compensate all officials, staff and employees of the Local Unit of Government.

§ 1809. Limitations on Powers.

A Local Governance Entity shall have no power:

1. To expressly or by implication enter into any agreement of any kind on behalf of the Navajo Nation, without the approval of the Navajo Nation, expressed through a resolution adopted by vote of two-thirds of the members of the Beehaz'áanii Hadilnehíjí Báhooghan and signed into law by the President of the Navajo Nation.
  2. To pledge the credit of the Navajo Nation.
  3. To pledge, sell or dispose of real or personal property of the Navajo people.
  4. To waive any right, privilege or immunity of, or release any obligation owed to, the Navajo Nation or people.
- B. To sell, lease, assign, exchange or otherwise dispose of all or substantially all of the entity's assets to third parties, without the prior consent of the community membership by means of an election wherein a majority vote will authorize consent.
- C. to assert the Treaty based rights of the Navajo people.
- D. to take any action which is inconsistent with this Diyin Nohookáá' Diné'é Bi Beehaz'áanii Bitsé Siléí or laws established by the Navajo Nation.

Article XIX.

**DEPARTMENT AND DIVISION OFFICERS**

GOVERNMENT SERVICES- Appointed Positions with Confirmation to Recall by the People

**§ 1 CHIEF FISCAL OFFICER**

- A. Executive, Qualification & Term

There shall be a Chief Fiscal Officer of the Navajo Nation. The Chief Fiscal Officer shall be Dine, have obtained a bachelor's degree, be a Certified Financial Analyst (CFA) issued by the CFA Institute for investment professionals and maintain good standing with the CFA Institute. The Chief Fiscal Officer shall be elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

B. General Duties:

There shall be only one Chief Fiscal Officer of the Navajo Nation with authority to monitor, represent and oversee the Navajo Nation's Investments and any credit facilities of the Navajo Nation. The Chief Fiscal Officer shall monitor the Navajo Nation's credit rating and ensure retained investment managers are in compliance with the Nation's investment and financial policies. The Officer shall analyze the Nation's economic policies to ensure effectiveness, communicate directly with all Executive Officers regarding the current status of their budgets, and provide leadership to the Navajo Nation's budget and appropriation process.

C. Department Leadership Function

1. The Chief Fiscal Officer shall be manage, supervise and be responsible for administration of the Navajo Nation's Investment & Finance Department. The Chief Legal Officer shall have administrative and supervisory control of all staff within the Department.

2. The purpose of the Investment & Finance Department is to provide leadership in investments and financial services to the Navajo Nation government, represent the collective legal interest of the Diné regarding policy and law at the state and federal level and to administer its programs in furtherance of the legal interests of the Diné.

3. The Investment & Finance Department shall consist of the Chief Fiscal Officer, staff budgeted for the Department by the Budget Appropriations Committee, and the following programs:

- a. Investments Management,
- b. Credit Rating and Credit Facilities Management,
- c. Trust Accounts and Management,
- c. Specific Finance Programs as created by the Navajo Nation Council.
- d. Economic Forecasting of the Navajo Nation Economy.

Each of the foregoing office shall have an enabling legislation created to specify their purpose, authorities and responsibilities.

D. Powers

The Chief Fiscal Officer shall have the following powers and duties;

1. To provide the day-to-day administration of the Investment & Finance Department and shall be assigned specific projects as determined by the President of the Navajo Nation.

2. Research and review business policy for the Navajo Nation and make recommendations to all houses of government to promote a business-friendly legal environment on the Navajo Nation,
3. Take any and all necessary actions to establish a favorable credit rating for the Navajo Nation;
4. Have oversight and management responsibilities for the investment accounts of the Navajo Nation; to hire reputable and established investment manager to ensure a diversified and balanced investment portfolio;
5. Recommend and or propose the establishment of investment policies to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan and the Beehaz'áanii Hadilnehíjí Báhooghan for investments by the Navajo Nation;
6. Hire a reputable and established Trust Management Company for the Navajo Nation to insure integrity in the receipt, buying and selling of investment products; and
7. Establish fiscal integrity in the management of Navajo Nation funds and accounts.
8. To have Signature authority on all financial transactions rests with the Chief Fiscal Officer and the Navajo Nation President and the Chief Fiscal Officer is authorized to delegate signature authority on an account.
9. Shall ensure the fiscal integrity of all investment accounts, ensure compliance with investment policies, monitor the trust fiduciary to ensure credibility and integrity regarding all deposits and withdrawals.
10. Ensures fiscal integrity of all accounts assigned to the various houses and administrative departments.
11. Provide daily oversight on how the funds are spent and managed.
12. This oversight includes ensuring monies are budgeted, that the monies are spent according to fiscal policy, that monies are spent in alignment with the account purpose, that processes and controls are in place, that assets are safeguarded, that transactions are recorded and reported properly, that the account is reconciled on a monthly basis, and that either the expenditures are in conformity with the budget, or appropriate budget changes have been made to reflect a change in the original budget.

#### V. Communication & Information Function

The Chief Fiscal Officer shall provide a yearly report regarding the investment performance, fund balances, withdrawals, and use of funds to the President, Speaker and Chairman.

## § 2 CHIEF REVENUE OFFICER

### A. Executive, Qualification & Term

There shall be a Chief Revenue Officer of the Navajo Nation. The Chief Revenue Officer shall Dine', be a certified tax professional in either the state of Arizona, New Mexico or Utah and a member in good standing with the [RESERVED] Association. The Chief Revenue Officer shall be elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

### B. General Duties:

There shall be one Chief Revenue Officer of the Navajo Nation with authority to generate revenues for operation of the Navajo Nation government. The Chief Revenue Officer is responsible for projecting revenues for the next fiscal year to develop a yearly operating budget for the Navajo Nation government. The Chief Revenue Officer shall provide administrative support to the Budget Appropriations Committee during the annual comprehensive budget development discussions.

### C. Department:

1. The Chief Revenue Officer shall be in charge of and be responsible for administration of the Navajo Nation Department of Tax and Revenue. The Chief Legal Officer shall have administrative and supervisory control of all staff within the Department.
2. The purpose of the Office of the Chief Revenue Officer is to provide leadership in generating revenues through the Navajo Nation Uniform Tax Laws, income from Navajo Nation investments and fees. To represent the collective legal interest of the Diné regarding policy and law at the state and federal level and to administer its programs in furtherance of the legal interests of the Diné.
3. Department & Organizations
  1. Accounting Department
  2. Audit Department
  3. Compliance Department
  4. Valuations Department

### D. Deputy Officer

1. There shall be a Deputy Revenue Officer appointed by the Chief Revenue Officer, with experience in public finance or revenue administration.
2. The Deputy shall manage day-to-day operations, ensure inter-departmental coordination, and act in the Officer's place when necessary.
3. In the event of the Officer's death, disability, or removal, the Deputy shall assume the position until a new Officer is appointed and confirmed.

### E. Powers and Authorities:

#### 1) Budget Appropriations Committee

To serve as an advisor to the Budget Appropriations Committee and to be responsible for providing the projected revenues during each budgeting cycle.

## 2) Communication & Information Function

Gather revenue generating information and data from all business entities doing business on the Navajo Nation. To provide revenue data to the governmental entities of the Navajo Nation. Provide presentations to the Dine' and citizens, investors and other interested parties regarding the tax codes of the Navajo Nation.

## 3) Administrative & Processing Function

- a. To administer and enforce the Navajo Nation Uniform Tax Laws and to recommend amendments and clarification to the Navajo Nation Uniform Tax Laws and procedures.
- b. In each instance, the Navajo Bill of Rights and Investor Bill of Rights shall be incorporated.
- c. Maintain accounts and deposits for all receipts of taxes by the Navajo Nation. Provide individual identification numbers for each business, or other tax paying entities.
- d. Gather yearly tax receipts from all vendors, including business entities, internet sales, governmental sales.
- e. Manage the Navajo Nation Business and Industrial Development Fund, Economic Development Sales Tax Fund, Hotel Occupancy Tax, Business License or any other new program or fund established within the Department.
- f. Collect all tax-exempt donations or gifts contributed to the Navajo Nation and develop legal protocols to comply with federal, state and Navajo Nation tax exempt contributions.
- g. Be a point of contact and receiver for all external funds and maintain a database of all external funds received by the Navajo Nation.
- h. Represent the taxing authority and legal interest of the Navajo Nation regarding all tax assessments and litigation by the Navajo Nation.

## 4) Enforcement Function

Receive on a yearly basis all tax filings from all taxable entities, persons, and groups. Enforce the Tax Code by taking all necessary actions to assess, receive and compromise the yearly tax assessment from all taxable entities and persons.

## 5) Advisory Function

Research the effect of the Navajo Nation Tax code on Navajo society and determine whether the Code infringes on any rights guaranteed by the Navajo Bill of Rights, Treaty Rights and Investor Bill of Rights.

Advise the Beehaz'áanii Baa Áhoyáńíjí Báhooghan and the Beehaz'áanii Hadilnehíjí Báhooghan regarding the effect of the Navajo Nation Tax Code on Navajo society and recommend improvements and policy implications.

## F.. Reporting Requirements

1. Submit quarterly and annual revenue performance reports to the Navajo Nation Council, the Office of the President, and the Budget & Finance Committee.

2. Provide an annual Revenue Forecast Report to support budget planning, fiscal policy, and financial sustainability. A public executive summary of the Revenue Forecast Report shall be published to ensure transparency and public accessibility.

G. Administrative Function

1. Lead strategic planning efforts for diversified and sustainable revenue streams for the Navajo Nation.
2. Maintain fiscal models and projections to inform legislative and executive decision-making.
3. Oversee training for department staff and public education campaigns on compliance and fiscal responsibility.
  
4. Modernize systems for electronic tax filing, royalty tracking, and payment processing.
5. Uphold ethical and professional standards in the handling of all Navajo Nation revenues.

**§ 3 EXECUTIVE MANAGEMENT & BUDGET OFFICER**

A. Executive, Qualification, & Term

There shall be an Executive Management & Budget Officer (Inspector General) of the Navajo Nation. The Executive Management & Budget Officer shall be Diné, have a Bachelor's degree in a relevant field (e.g. finance, accounting, public administration) is likely required, a Master's Degree or Advance certification in a related field could be preferred. Familiarity of the Navajo Chapters structure and financial operations is required. The Executive Director shall be elected by the Diné registered voters at a duly scheduled Navajo Nation wide election for a term of year of four years and shall serve no more than two terms in one lifetime.

B. General Duties

There shall only be one Executive Director of Executive Management & Budget Officer with authority to direct and manage the allocation and appropriation processes of all funds for the Navajo Nation and to provide management support in the areas of fiscal management, budgets, program operation, and management contracts grants and similar agreements. The Executive Director of Executive Management & Budget Officer is to communicate and work collaboratively with various stakeholders, including staff, chapter officials, and other government agencies. IG will conduct independent audits, inspections, evaluations, and investigations to promote economy and efficiency and to prevent and detect waste, fraud, abuse, and mismanagement in the programs and operations.

C. Department and Organizations

1. Management of Policy Section
2. Budget Section
3. Contracts and Grants Section
4. Information Technology Department

5. Investigations Department
6. Audit Department

#### D. Responsibility and Authority

1. The Executive Management & Budget Officer will direct, manage, and monitor budget processes to ensure compliance with applicable laws, regulations, and guidelines.
2. Obtain, analyze, and communicate pertinent information regarding the allocation appropriation, and budgeting processes of the Navajo Nation.
3. Serve as technical advisor to the Navajo Nation in matters concerning allocation and appropriation of the Navajo Nation resources, including the development of systems, procedures, documents, investigations, evaluations, inspections, and audits.
4. Provide written annual report to the Navajo people and quarterly reports to the Office of the President and Office of the Speaker.
5. Recruit, select, and supervise staff who meet preferred and/ or required qualifications; recommend reclassification of positions for the Department.
6. Monitor internal and external audits.
7. Create a data analysis and report log procedures and policies.
8. Monitor and ensure public updates are shared with website, including investigation and intervention procedure and cases that involve the Navajo Nation.
9. Maintain safe work environment, proper surveillance of documents, ensure continuous quality improvement.
10. Ensure that all departments and programs are in compliance with established directives, guidelines, and/ or legislations of the Navajo Nation, state, and federal government.
- 11.

#### E. Staff **[RESERVED]**

### **§ 4 CHIEF ACCOUNTING & RECORDS OFFICER**

#### A. Executive, Qualification & Term

1. There shall be a Chief Accounting & Records Officer of the Navajo Nation. The Officer shall hold a Certified Public Accountant (CPA) license or Certified Government Financial Manager (CGFM) credential, with at least ten (10) years of progressively responsible experience in governmental accounting and public records management. The Officer shall hold a bachelor's degree, post graduate degree is preferred, in a field relating to accounting, business management or finance. The Officer shall be appointed by the President of the Navajo Nation to a four-year term and shall serve no more than two terms in one lifetime. The appointment shall be subject to confirmation by the Navajo Nation Council.

#### B. General Duties

1. The Chief Accounting & Records Officer shall be responsible for establishing, maintaining, and overseeing the fiscal accountability and public recordkeeping systems of the Navajo Nation.

2. This Officer shall ensure transparent financial accounting and the preservation and accessibility of official records.
3. This Officer shall supervise and manage all department staff.
4. . Promptly Pay the Bills, accounting needs to be up to date, who is going to ensure invoices are sent out on time, records need to be preserved,
5. Meet with divisions and departments, programs offices, meet with divisions and departments concerning the status of their accounts on a regular basis,
6. Local governance, see and meet with divisions and departments concerning the status of their accounts for local governance entities.

#### C. Department

1. The Chief Accounting & Records Officer shall oversee the Department of Accounting & Records, including all financial accounting units, records archives, and related services.
2. The Department's purpose is to provide uniform accounting systems, ensure proper recordkeeping, and manage government operations with reliable fiscal and records data.
3. The Department shall consist of the Chief Accounting & Records Officer, Deputy Officer, auditors, records managers, financial analysts, and support personnel as funded by the Navajo Nation Council.

- a. Accounts Payable
- b. Credit Services
- c. Office Supply Center
- d. P-card
- e. Payroll
- f. Purchasing
- g. Investment

#### D. Deputy Officer

1. There shall be a Deputy Officer appointed by the Chief Accounting & Records Officer. The Deputy shall have seven (7) years' experience in financial operations or public records management. This Officer shall hold a bachelor's degree in accounting or related field.
2. The Deputy shall supervise daily operations, manage staff, and serve in the Officer's place when necessary.
3. In case of the Officer's death, disability, or removal, the Deputy shall assume the position until a new Officer is appointed and confirmed.

#### E. Staff

1. Department personnel shall include accountants, archivists, records technicians, internal controllers, and administrative staff as determined by the Officer and funded by Council.
2. All professional staff must meet minimum qualifications and certifications required for their roles and follow Navajo Nation personnel policies.

#### F. Powers and Authorities

1. Establish and maintain a standardized accounting system for the Navajo Nation Government, ensuring compliance with Generally Accepted Accounting Principles (GAAP) and Navajo Nation law.

2. Monitor and review financial transactions, general ledgers, and internal controls to prevent mismanagement or fraud.
3. Certify the financial integrity of reports and statements submitted by departments, programs, and enterprises.
4. Oversee records retention schedules, archives management, and public access to non-confidential government documents.
5. Develop rules and guidance for fiscal reporting, document classification, and records destruction procedures.
6. May investigate irregularities in financial reporting and issue directives for corrective action. Any investigatory actions must be coordinated with the Office of the Chief Auditor to ensure independence of oversight functions.
7. Serve as a reference/court witness as necessary.

#### G. Reporting Requirements

1. Provide quarterly and annual financial reports to the Navajo Nation Council, Office of the President, and Chief Auditor.
2. Submit an annual report on records compliance, digitization efforts, and archival preservation to the Legislative and Judicial Branches. A summary version of the annual report shall be made publicly accessible to enhance transparency.

#### H. Administrative Function

1. Participate in high-level planning related to budgeting, financial transparency, and records modernization.
2. Lead development of departmental goals, budgets, and policies to ensure reliable fiscal and information systems.
3. Train government departments in financial compliance and records responsibilities.
4. Implement technology systems that support fiscal tracking and digital recordkeeping.
5. Maintain the highest standards of professional integrity, confidentiality, and service to the Diné people.

## § 5 CHIEF AUDITOR & INSPECTOR GENERAL

#### A. Executive, Qualification & Term

1. There shall be a Chief Inspector General of the Navajo Nation. The Chief Inspector General shall hold a Certified Public Accountant (CPA) license or Certified Internal Auditor (CIA) credential and possess a minimum of ten (10) years of experience in governmental or forensic auditing. The Chief Inspector General shall be elected by the Diné at a duly scheduled Navajo Nation-wide election for a term of four years and shall serve no more than two terms in one lifetime. This position shall be established and maintained through enabling legislation enacted by the Navajo Nation Council in accordance with Title 2 of the Navajo Nation Code.

#### B. General Duties

1. There shall be only one Chief Auditor of the Navajo Nation with authority to investigate, audit, and report on the financial and programmatic operations of all branches, departments, divisions, programs, and enterprises of the Navajo Nation Government. The Chief Inspector General shall

serve as an independent regulator for integrity, transparency, and accountability within the Navajo Nation.

#### C. Department

1. The Chief Inspector General shall oversee the Navajo Nation Office of the Inspector General and any sub-programs established by law or delegated authority.
2. The purpose of the Office is to conduct independent audits, investigations, and performance reviews of all Navajo Nation governmental activities to prevent waste, fraud, abuse, and mismanagement.
3. The Office of the Inspector General shall consist of the Chief Inspector, Deputy Inspector, auditing staff, investigators, and support personnel as provided for by the Navajo Nation Council.

#### D. Deputy Auditor

1. There shall be a Deputy Inspector who shall possess qualifications established by the Chief Inspector, including a minimum of a bachelor's degree in accounting or a related field and significant experience in audit or financial review. The Deputy shall be appointed by the Chief Inspector and serve concurrently.
2. The Deputy Inspector shall manage day-to-day operations and assume leadership in the absence of the Chief Inspector.
3. In the event of death, disability, or removal of the Chief Inspector, the Deputy shall act in their place until a new Chief Inspector is elected.

#### E. Staff

1. The Office of the Inspector General shall include audit specialists, investigators, compliance analysts, administrative staff, and such other personnel as appropriated.
2. All audit personnel shall meet minimum professional qualifications, including certification, and shall serve under established policies and ethical standards.

#### F. Powers and Authorities

1. The Chief Inspector shall have unrestricted access to all records, documents, data systems, offices, and personnel of the Navajo Nation Government to perform audits and investigations.
2. The Chief Inspector may initiate audits, reviews, or investigations without prior approval of any branch or office.
3. The Chief Inspector shall issue findings and recommendations to correct deficiencies, improve efficiency, and recover misused or lost resources.
4. All branches and programs of the Navajo Nation Government are required to cooperate fully and provide requested documents and testimony under penalty of disciplinary action.
5. The Chief Inspector may refer matters to law enforcement or legal authorities for prosecution or civil enforcement.
6. The Chief Inspector may issue subpoenas in accordance with Navajo Nation law, and shall develop internal procedures to protect whistleblowers and preserve confidentiality.

#### G. Reporting Requirements

1. The Chief Inspector shall issue public audit reports and submit copies to the President, Speaker, Chief Justice, and Ethics and Rules Office.
2. An Annual Accountability Report shall be published detailing audit findings, cost savings, recovery actions, and systemic risks.

## H. Administrative Function

1. Represent the Office of the Inspector General in executive-level discussions and ensure alignment with Navajo Nation laws and values.
2. Develop the strategic audit plan and annual audit schedule based on risk assessments and stakeholder input.
3. Maintain an anonymous fraud reporting system and public education campaigns on ethics and accountability.
4. Oversee training and certification of internal audit staff and maintain compliance with Generally Accepted Government Auditing Standards (GAGAS).
5. Maintain independence and objectivity in all operations and ensure findings are free from political or external influence.

## § 6 CHIEF OF GOVERNMENT SERVICES & PROPERTY – Government Property (GSA)

### A. ESTABLISHMENT

There shall be a Chief of Government Services and Property Management in the Beehaz'áanii Bee Oonishíjí Báhooghan.

### B. PURPOSE AND OBJECTIVES

The Chief of Government Services and Property Management shall administer, plan, manage and monitor all property, buildings, equipment for operating & maintenance services of the Navajo Nation Government. The Division of Government Services & Property Management staff shall provide safe and healthy work spaces, information technology systems and transportation services to the Navajo Nation workforce.

### C. INSTALLMENT AND ORGANIZATION

#### INSTALLMENT

1. The Chief of Government Services and Property Management shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council.
2. The Chief of Government Services and Property Management may hire additional personnel as deemed necessary to carry out the purpose of the Division. All personnel shall be subject to the Navajo Nation Personnel Policies and Procedures and are subject to availability of funds and applicable budget rules.
3. There shall be a Director, Manager, or Supervisor to oversee each individual component Offices or Program of the Division.

#### ORGANIZATION

The Division of Government Services & Property Management through its component Offices and Programs shall facilitate effective management and operation of government buildings, real property, utilities, transportation and maintenance services.

The organization of the Division of Government Services & Property Management shall be comprised of a central administrative office, and the various office & programs, as outlined and organized as follows:

1. Division of Government Services & Property Management Administration
2. Air Transportation Program  
Shall provide air transportation services to the government either by the program or contract.
3. Telecommunications  
Shall provide reliable, modern & redundant telecommunication services to the government.
4. Office of Computer & Information Systems  
Shall provide a secure and updated information system for the needs of the government.
5. Employee Housing Program  
Shall build, operate and maintain safe and updated employee housing and utility services at affordable rates.
6. Buildings & Facilities Maintenance  
Shall develop building codes, facilitate the building of government facilities,
7. Transportation & Fleet Management
8. Utility Services  
Water, Natural Gas, Electric and Sewer

D. RESPONSIBILITY AND AUTHORITY

A. The Executive Director shall;

1. Report and be responsible to the President of the Navajo Nation. Work with and support the legislative, judicial and Chief Executive Officers to provide for the needs of the departments and divisions.
2. Implement the laws and policies of the Navajo Nation to provide facilities, equipment and utility services needed for government operations in an efficient and reliable manner.
3. Maintain sufficient staff in accordance with the Navajo Nation Personnel Policies and Procedures and develop a proper annual budget to meet the operation and maintenance needs of the Navajo Nation government.

4. Establish and maintain effective communication with local, state, Federal and other authorities on matters related to the objectives of the Division.
  5. Provide effective and efficient administration, management and financial integrity to the Division. Develop codes and standards for government buildings, transportation and other property needs of the Navajo Nation government.
  6. Ensure accountability of the Division's appropriated funds and resources, pursuant to established guidelines and including enforcement and compliance of policies, rules, regulations and Navajo Nation laws.
  7. Seek additional funds from the Federal, States and Private sources for department development, expansion and improvement as authorized by Navajo Nation law.
- B. The Program Directors, Manager, or Supervisors of the Division of Government Services & Property Management shall:
1. Report and be responsible to the Executive Director, Division of Government Services and Property Management.
  2. Implement all assignments directed by the Executive Director, Division of Government Services & Property Management.
  3. Develop necessary operating procedures for effective management and performance of the Programs responsibilities.
  4. Exercise management and supervisory control of all Program staff.
  5. Delegate authority to members of the staff as necessary.
  6. Conduct periodic review of the program's effectiveness, implementation of purpose and progress.
  7. Provide & promote professional development opportunity for staff to improve overall job performance.
  8. Represent program at the Executive planning and management level as required.
  9. Plan and prepare all program budgets.
  10. The Programs within the Division of Government Services and Property Management shall be organized in accordance with their individual plans of organization as developed by the Program and approved by the Executive Director.

E. OVERSIGHT

The Executive Director shall report and be responsible to the President of the Navajo Nation, and the President shall consult with the Chief Justice and Chairperson of the Beehaz'áanii Baa Áhoyáníjí Báhooghan and Speaker of the Beehaz'áanii Hadilnehíjí Báhooghan regarding services provided by the Division of Government Services and Property Management.

## § 7 CHIEF ENVIRONMENTAL PROTECTION & ENFORCEMENT OFFICER

### A. Executive, Term & Qualifications

There shall be a Chief Environmental Protection and Enforcement Officer of the Navajo Nation. The Chief Environment Protection and Enforcement Officer shall have a Masters degree in Environmental Science, Biology, Chemistry, Business Administration, or a related field with managerial experience of 8 years or a Bachelors degree with 10 years of managerial experience. The Chief Environmental Protection and Enforcement Officer shall be elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

### B. General Duties

The Officer will oversee the operations, implementation, and compliance with the environmental regulations and policies across the Navajo Nation; including those relating to water quality, waste management, and air quality.

### C. Department

- a. Waste Regulatory
  1. Storage Tank and Leaking Storage Tank
  2. Resource Conservation and Recovery Program
  3. Superfund Program
- b. Air & Toxic Department
  1. Air Quality Control Program
  2. Pesticides Program
  3. Toxic Program
- c. Surface & Groundwater Protection Department
  1. Domestic Wastewater Program
  2. Water Quality/ NNPDES Program
  3. Public Water Systems Supervision Program
  4. Underground Injection Control Program
- d. Enforcement and Compliance Assurance
- e. Safety and Pollution Prevention

### D. Responsibilities and Authorities

- a. The Chief Environmental Protection officer will enforce environmental laws, develop regulations and policies. Will adhere, enact, and promote the Navajo Nation Protection Act, and all laws currently in contribution to maintaining harmony and balance between humankind and nature.
- b. Will establish Navajo Nation standards and ensure compliance of all laws.
- c. Will hire, interview, recruit, and supervise all staff employees. Will complete annual performance reviews and evaluations.

- d. Will provide an annual written or oral report to the Navajo people or whenever requested but will provide semiannual reports to the President's office.
- e. Will oversee and be responsible for establishing budget the programs, departments, and grants. Will then manage the budget and collaborate with all agencies to ensure the funds are utilized to the full capacity to improve the lives of the Navajo people.
- f. The Chief Environmental Protection Officer will collaborate with all State, Federal, and Tribal government agencies to protect human health, welfare, and the environment of the Navajo Nation.

## **§ 8 EXECUTIVE ENERGY OFFICER**

### **A. Establishment; purpose**

There shall be an Executive Energy Officer of the Navajo Nation. The Executive Energy Officer shall direct and manage the Navajo Nation Department of Energy.

### **B. Department**

There shall be a Navajo Nation Department of Energy within the Beehaz'áanii bee Oonishíjí Báhooghan.

### **C. Installment**

The Diné and Navajo Citizens shall elect an Executive Energy Officer who shall exclusively manage the Department of Energy consistent with the powers and authorities as provided herein, administer all activities of the Department of Energy.

1. The Executive Energy Officer of the Department of Energy shall have, at a minimum, the following competencies and qualifications:

- a. Be Diné and a minimum of thirty-five years old,
- b. Master's Degree in Engineering, Petroleum Energy Development, Renewable Energy, Resource Management/Extraction, and/or a law degree.
- c. At least ten years of continuous work experience in a management capacity within an energy related field.
- d. Proven energy project development experience.

2. The Executive Energy Officer shall be elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

### **D. Legislative Matters**

The Beehaz'áanii Hadilnehíjí Báhooghan shall hear from, propose and approve legislation to enable the Department of Energy to accomplish its purposes.

### **E. Purpose**

- A. The purposes of the Navajo Nation Department of Energy shall be to:
1. To supersede any and all prior versions of an energy office or negotiation team established to direct and control energy development on the Navajo Nation, including but not limited to Dine Power Authority.
  2. Implement the Energy Policy Act of 2013:
    - a. To identify and inventory the energy related natural resources of the Nation and create models and reports to determine the benefits and adverse effects of energy projects;
    - b. To be a clearinghouse for all proposals of or related to energy related projects on or with the Navajo Nation, by receiving and evaluating all project proposals and letters of interest submitted to the Navajo Nation and to conduct due diligence and select projects for possible development on behalf of the Navajo Nation;
    - c. To facilitate the continued development of Navajo Nation natural resources and new energy development on the Nation by ensuring, among other things, proposing necessary legislation and regulations to ensure a positive legal environment to promote such developments; an
  3. To increase institutional and human capacity related to energy development and projects within the Navajo Nation.
    - a. To research and analyze new technologies or processes related to energy concerns.
    - b. To develop and propose policies and plans for implementation regarding energy use and corridors on the Navajo Nation.

F. Powers

1. General. The Executive Energy Officer shall have all powers necessary and proper to carry out the purposes set forth below.
2. Enumerated powers. The Officer is authorized and directed:
  - a. To develop a long-term strategic energy plan to stimulate increased revenues from energy projects, spur energy infrastructure development, and diversify the Navajo energy economy.
  - b. To inventory, map, assess and model the Nations' energy related resources into a data base for long-term planning.
  - c. To research and analyze energy use on the Navajo Nation and develop strategies for an energy-secure Nation.

- d. To organize all energy projects and energy-related projects, including, but not limited to any projects that are undertaken by the Navajo Hopi Land Commission, Division of Economic Development, and Division of Natural Resources. Any energy development projects begun on the Nation prior to the establishment of this office shall be transferred to this Department immediately upon its creation
- e. To coordinate with any enterprise or similar entity of the Navajo Nation engaged in an energy project or energy related project.
- f. To implement procedures for a well-defined process by which energy developers can pursue energy development on the Nation.
- g. Act as a clearinghouse for all energy related project proposals and facilitate energy development on the Nation.
- h. Promote and/or develop a sustainable portfolio of power generating facilities that balances coal, gas or oil-fired generation with economically viable renewable energy generation from such sources as wind, solar, hydro, geothermal and biomass.
- i. Increase the Nation's institutional and human capacity to develop and manage its own energy resources.
- j. Lead and compel cooperation among existing Navajo Nation departments, divisions and business interests dealing with energy related matters and relevant tribal utilities.
- k. Consult with the local governance entities impacted by energy development to enable them to provide input on and to indicate their support for such projects, and where substantially and adversely impacted by the development, to share in a portion of the financial benefits of such projects.
- l. Recommend proposed amendments to the 2013 Energy Policy, and unilaterally create necessary subsidiary programs, as needed.
- m. Research, fund, investigate and gather information related to energy related developments and technology.
- n. Obtain patents, trademarks and other protections for energy related inventions by Navajo tribal members.

G. Staffing

The Executive Director of the Department of Energy shall recruit, assess, hire and supervise all staff or contract other qualified technical and administrative staff as needed.

H. Enabling Legislation

An enabling legislation shall be developed, approved and amended by the Beehaz'áanii Hadilnehíjí Báhooghan to further enhance the Department of Energy and the powers and authorities of the Executive Energy Officer.

## **§ 9 CHIEF OF COMMERCE**

### **A. Establishment; purpose**

There shall be a Chief Commerce Officer of the Navajo Nation. The Chief Commerce Officer shall direct and manage the Navajo Nation Department of Commerce.

### **B. Department**

The Navajo Nation Department of Commerce shall be housed in the Beehaz'áanii bee Oonishíjí Báhooghan.

### **C. Installment**

1. The Diné and Navajo Citizens shall elect a Chief Commerce Officer who shall exclusively manage the Department of Commerce consistent with the powers and authorities as provided herein and administer all activities of the Department of Commerce.

2. The Chief Commerce Officer of the Department of Commerce shall have at a minimum, the following competencies and qualifications:

- a. Be Diné and a minimum of thirty years old,
- b. Master's degree in business administration or management, Economics, Finance and/or a law degree.
- c. At least ten years of continuous work experience in a management capacity within a business-related field.
- d. Proven business project development experience.

### **D. Installment**

The Chief Commerce Officer shall be elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

### **E. Legislative Matters**

The Beehaz'áanii Hadilnehíjí Báhooghan shall hear from, propose and approve legislation to enable the Department of Commerce to accomplish its purposes.

### **F. Purpose**

1. The purpose of the Chief Commerce Officer is to provide a legal environment within the Navajo Nation that is conducive to promoting and developing business activity by developing an

economy primarily for exporting goods into the global markets. The Chief Commerce Officer shall monitor and report on the impact of laws on business activity.

2. The Chief Commerce Officer shall create a legal environment on the Navajo Nation to remain consistent with the United States capital markets to further the interest of the Dine' and Navajo citizens.

3. The Department shall identify and register all business entities doing business within the Navajo Nation and promote the federal Indian Traders Registry.

4. The Department shall enforce the business laws on the Navajo Nation and provide support and information to the Chief Revenue Officer and Land Commissioner.

#### G. Department:

1. The Chief Commerce Officer is responsible for the administration of the Navajo Nation Department of Commerce. The Chief Commerce Officer shall have administrative and supervisory control of all staff within the Department.

2. The purpose of the Department of Commerce is to implement and enforce the Investor Bill of Rights at Article VIII of this Diné Bi Beehaz'áanii, the business registration laws and to develop the Uniform Commercial Codes and other commerce laws.

3. The Beehaz'áanii Hadilnehíjí Báhooghan shall incorporate an enabling legislation for each program identified at Section 1504 to specify their purpose, authorities and responsibilities.

#### G. Department and Organization

The Navajo Department of Commerce shall be comprised of such programs and administrative components as may be deemed necessary by the Chief Commerce Officer to fulfill its purposes. The following programs shall be housed in the Department of Commerce:

1. Department of Commerce Administration; and
2. Business Regulatory Office
3. Regulated Commodities Office
4. Project Development Department
5. Business Support Services Office
6. Small Business Development Program
7. Tourism Office
8. Business Lease and Real Estate Program
9. Professional License & Registration office
10. Copyrights, Trademarks and Intellectual Property Office.

## H. Powers and Authorities

In order to achieve the purposes and objectives of this section, the Chief Commerce Officer shall have the authority to:

1. Evaluate, plan and recommend the creation, merger, separation, amendment or abolishment of programs, or specific functions within the Department, in accordance with Navajo Nation law including budgetary and personnel policies of the Navajo Nation;
2. Hire, direct, supervise, and evaluate subordinate Department Managers and reclassify positions within the Department in accordance with Navajo Nation personnel policies and procedures;
3. Independently hire and contract with consultants, advisors and specialists to advise its programs and offices in regard to its core functions and authorization,
4. Administer and manage the Department's programs, including but not limited to administration of the Navajo Nation Business and Industrial Development Fund, Business License and Registration Fees or any other new program or fund established within the Department, in accordance with the rules, regulations, guidelines, policies, procedures and laws of the Navajo Nation;
5. Negotiate business development-related agreements under the powers and authorities of the Department on behalf of the Navajo Nation in accordance with applicable rules, regulations, guidelines, policies, procedures, and laws of the Navajo Nation.
6. Perform and fund due diligence evaluations of all economic projects using Navajo Nation lands, resources and capital on behalf of the Navajo Nation.
7. To recruit and hire subordinate managers of the Department and programs and delegate authority pertaining to the Department's operation.
8. Oversee the administration and management of business site leases issued under the authority of Local Governance Entities, Townships, or other forms of government, to the extent permitted by law and policies of the Navajo Nation.
9. To recruit, hire and supervise professional, technical and clerical positions including the re-classification of existing positions as needed to carry out the Department's purposes as stated herein in accordance with Navajo Nation Personnel Policies and Procedures.
10. Oversee the hiring, recruitment, supervision, evaluation, compensation, termination, task assignments of employees, including career path development plans within the Division in accordance with Navajo Nation Personnel Policies and Procedures; and

## I. Authority and Responsibility of the Department

The general authorities and responsibilities of the Department are as follows:

1. Manage all funds identified for economic promotion in a fiscally responsible manner and administer the Navajo Nation Business and Industrial Development Fund, Business License and Registration Fees, and other new funds pursuant to the approved Fund Management Plans; and
2. Identify and recommend changes in the laws and regulations of the Navajo Nation or other government agencies to reduce or eliminate barriers to entry and expansion faced by new and growing business enterprises and to eliminate regulatory and jurisdictional conflicts which inhibit the location of major industries within the Navajo Nation; and
3. Manage and develop industrial parks, business sites, and other lands dedicated for economic activity prior to enactment of this Diné Bi Beehaz'áanii.
4. Manage and recommend changes to minimize the environmental review process under the Navajo Nation Business Site Leasing Regulations of 2005.
5. Serve as a clearinghouse for proposals from outside businesses and industries to locate facilities and operations in Navajo Nation industrial parks and to provide advice in implementing the proposed projects, however, the Navajo Nation shall not make direct investments in any project; and
6. Collect, maintain, analyze and disseminate information related to global capital markets, United States capital markets, local economy and business trends and tourism activities on the Navajo Nation (such as socio-economic data, labor market data, land use data, marketing data, tourist data, etc.).
7. Propose, plan, and undertake economic development activity to monetize Navajo Nation assets and resources and provide opportunities for creating a business-friendly legal environment including:
  - a. Expand, diversify, and privatize the operations of Navajo Nation Enterprises or other Navajo Nation owned business entities as provided herein at Article 10, Section 1022(B).
  - b. Advise on development of tourism facilities and services to capture a share of the tourism market of the southwest.
  - c. Improve industrial parks and related infrastructure to increase the attractiveness and suitability of the Navajo Nation as a place to locate business.
  - d. Develop laws, regulations, facilities and services to promote commercial development.
8. Seek federal, state, and conventional financing for commercial, industrial, and tourism projects and develop other economic programs to enhance economic activity within the Navajo Nation.
9. Execute such directives as may be directed or authorized by the appropriate authority of the Navajo Nation consistent with Navajo and federal law.

10. Assist Navajo Nation Local Governance Entities in the execution of economic promotion activities under authorities which are properly delegated.

## § 10 CHIEF LABOR RELATIONS OFFICER

### A. Executive, Qualification, & Term

There shall be a Chief Labor Officer of the Navajo Nation. The Chief Labor Officer shall be Diné, have a master's degree in human resource, Social Work, Law, Business Administration, Business Leadership, or a related field with 8 years of supervisor experience. Or they must possess a bachelor's degree with 12 years of supervisor experience. The Chief Labor Officer will be elected by the Diné people at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

### B. General Duties

The Chief Labor Officer shall oversee, monitor, and enforce the Navajo Preference in Employment Act and assist employees and employers in addressing employment issues. Will assist with any questions pertaining to, including what rights employees have with the Navajo Nation and what your employer's obligations are with respect to their workforce, work environment, etc. The Chief Labor Officer will remediate any conflict, and assistance with contract negotiations, communication efforts between employee, employer, and any other representatives involved.

### C. Department

#### 1. Labor Compliance

### D. Powers & Authorities

1. Understand Navajo Nation labor laws, regulations, and policies. Implement and make amendments base on the current needs of the Navajo people's preference, and accordingly to Federal, State, and Tribal law. CO-73-90, Navajo Employment Protection Act, 2N.T.C. 604 (B) (1).
2. Recruit, assess, train, and supervise all staff accordingly to personnel policy.
3. Track, log, and analyze data. Create and efficiently update data portfolio quarterly.
4. Provide annual reports to the Navajo people or as requested. Provide reports to the President's office on annual basis or based on the severity of the case/ situation where intervention and guidance may be sought from the President's office, Attorney General, or any legal counsel.
5. Negotiate, mitigate, and counsel all parties to a satisfactorily mutual agreement.
6. Collaborate with all entities, and any necessary enterprises, including chapter agencies, community representatives, Navajo person, Navajo government official/ employee, and Federal, State, & Tribal associate/ representative.

7. Schedule training and orientation to the Navajo Nation employees, and public on a quarterly basis, and upon request.
8. Interpret contracts and agreements and labor relations orders dealing with wages, hours, working conditions and all other matters with the contract agreement.
9. Oversee compensation/ wage increase with the Budget committees within the four branches as needed. Will also, review employee performance evaluations at a request of the department/ division.
10. Will adhere to the policies, regulations, and contract, and make necessary adjustments according to new legislation adoption, NEPA, and other applicable labor laws.

## **§ 11 EXECUTIVE HUMAN RESOURCE OFFICER**

### **A. Executive, Qualification & Term**

There shall be an Executive Human Resource Officer of the Navajo Nation. The Executive Human Resource Officer shall have a master's degree in human resources, Public Administration, or a related field, and a minimum of ten (10) years of relevant executive or managerial experience in personnel administration. The Executive Human Resource Officer shall be elected by the Diné at a duly scheduled Navajo Nation-wide election for a term of four years and shall serve no more than two terms in one lifetime.

### **B. General Duties**

There shall be only one Executive Human Resource Officer of the Navajo Nation with authority to lead, oversee, and enforce the personnel policies of the Navajo Nation Government and to promote ethical, fair, and effective human capital management across all branches of government.

### **C. Department**

1. The Executive Human Resource Officer shall be responsible for the administration and oversight of the Navajo Nation Human Resources Department and all personnel-related systems, programs, and services.
2. The purpose of the Navajo Nation Human Resources Department is to provide centralized human resources services, promote workforce excellence, ensure compliance with employment laws and Navajo labor standards, and support the government's goals through strategic personnel management.
3. The Navajo Nation Human Resources Department shall consist of the Executive Human Resource Officer, the Deputy Human Resource Officer, staff budgeted for the Department, and the following programs:
  - A. Personnel Management and Classification.
  - B. Office of Background Investigations
  - C. Staff Development & Training
  - D. Navajo Nation Retirement Services
  - E. Department of Workforce Development

- F. Office of Labor Relations
- G. Occupational Safety & Health Administration
- H. Office of Vital Records & Identification
- I. Department of Child Support Services
- J. Television and Film
- K. Navajo Nation Band

Each office shall be governed by enabling legislation specifying its authorities, functions, and standards.

#### D. Deputy Human Resource Officer

1. There shall be a Deputy Human Resource Officer who shall possess qualifications established by the Executive Human Resource Officer, including a minimum of a bachelor's degree and substantial administrative experience in HR. The Deputy shall be appointed by the Executive Human Resource Officer and serve concurrently, except in cases of death, disability, or removal of the Executive Human Resource Officer.
2. The Deputy shall manage daily operations of the HR Department, oversee staff, and execute directives from the Executive Human Resource Officer.
3. In the absence, removal, or incapacitation of the Executive Human Resource Officer, the Deputy shall assume all duties and responsibilities until a new Officer is elected.

#### E. Staff

1. There shall be additional professional and administrative staff as funded by the Budget and Finance Committee or other approved sources. All HR personnel shall meet established competency standards and serve under policies set forth by the Executive Human Resource Officer.
2. Staff may include HR generalists, benefits coordinators, investigators, trainers, classification specialists, and clerical support, hired under the Navajo Nation Salary Schedule and Personnel Policies.

#### F. Powers and Authorities

1. The Executive Human Resource Officer shall develop, implement, and enforce human resource policies, personnel manuals, compensation systems, and hiring practices across the Navajo Nation Government.
2. The Executive Human Resource Officer shall ensure equitable application of hiring, discipline, promotion, and separation procedures.
3. The Officer shall represent the Navajo Nation Government in employment litigation, grievances, arbitration, and administrative proceedings related to personnel matters.
4. All departments, divisions, and programs shall follow HR procedures as issued by the Officer. No independent personnel policies shall be valid unless approved by the Officer.
5. The Executive Human Resource Officer may recommend legislation to address workforce needs, reform classification and salary systems, or establish labor standards for Navajo Nation employment.

6. The Officer shall oversee training programs to support workforce development and leadership capacity among Diné employees.

#### G. Reporting Requirements

1. The Executive Human Resource Officer shall issue an annual Human Capital Report to the Office of the President, the Speaker of the Council, and the Chief Justice.
2. The Officer shall develop and publish public-facing reports on workforce demographics, HR performance metrics, and personnel trends affecting the Nation.

#### H. Administrative Function

1. Represent the Human Resource Department in executive-level planning, intergovernmental coordination, and policy development.
2. Develop long-term strategic plans, departmental budgets, and regulatory frameworks to ensure operational efficiency and legal compliance.
3. Evaluate performance of HR staff and programs and implement corrective actions as needed.
4. Develop training, certification, and professional development pathways for all HR personnel.
5. Maintain professional and ethical standards consistent with Navajo values and contemporary HR best practices.

#### § 12 CHIEF LEGISLATIVE COUNSEL [RESERVED]

#### § 13 LEGISLATIVE SERVICES ADMINISTRATOR [RESERVED]

#### § 14 NAVAJO NATION CODE RECORDER [Reserved]

(Law Maintenance, Publication, and Reform Oversight)

#### A. Executive, Qualification & Term

There shall be an Executive Director of the Department of Navajo Nation Code Recorder. The Director shall hold a Juris Doctor or a Master's degree in public administration, legal studies, or political science and shall have at least five years of experience in legislative drafting, statutory codification, or public legal education. The Director shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council for a term of four years and may be reappointed.

#### B. General Duties

The Division shall be responsible for the official compilation, revision, and publication of the laws of the Navajo Nation. The Division shall ensure that all enacted laws, resolutions, codes, and amendments are properly recorded, organized, accessible, and updated in a timely and accurate manner.

#### C. Department Structure

1. The Department of Navajo Nation Code Recorder shall function as a central legal and policy support office under the Office of the President and Vice President.
2. The purpose of the Division shall be to:
  - a. Maintain the official Navajo Nation Code;
  - b. Incorporate newly enacted laws and amendments;
  - c. Reconcile conflicts and inconsistencies in legislation;

- d. Work with the Legislative Counsel and Navajo Nation Council to ensure proper codification processes;
- e. Publish accessible versions of laws in print and digital form for public use.

3. The Division shall consist of:

- a. Director of Codification and Law Revision
- b. Deputy Director
- c. Legal Codifiers and Editors
- d. Legal Technicians and Archivists
- e. Public Access and Outreach Coordinator
- f. Staff as budgeted by the Navajo Nation Council or other appropriations

D. Deputy Director

- 1. The Deputy Director shall be appointed by the Director and assist in the management and implementation of the Division's responsibilities.
- 2. The Deputy shall have relevant legal or administrative qualifications and shall act in the capacity of the Director in the event of absence, incapacity, or vacancy.

E. Core Functions and Authorities

- 1. The Division shall create and maintain an Official Codified Legal Code of the Navajo Nation, arranged by title, chapter, and section.
- 2. The Division shall:
  - a. Integrate all laws passed by the Navajo Nation Council;
  - b. Identify and flag repealed, superseded, or obsolete provisions;
  - c. Format, edit, and annotate laws as needed for clarity and consistency;
  - d. Recommend technical corrections and reorganization to legislative committees.
- 3. The Division shall work closely with:
  - a. Navajo Nation Council and its committees;
  - b. Office of Legislative Counsel;
  - c. Office of the President and Vice President;
  - d. Navajo Nation Department of Justice
- 4. The Division may facilitate periodic law reform projects including comprehensive legal reviews or the drafting of proposed legal modernization legislation.

F. Public Access and Outreach

- 1. The Division shall maintain a Public Legal Access Portal, allowing the Diné and other stakeholders to view, download, and search the Navajo Nation Code online.
- 2. The Division shall ensure all laws are available in both English and Navajo when possible and shall coordinate with the Navajo Language Program for legal translation.

3. The Division shall conduct community outreach and training on how to access and understand Navajo Nation laws.

G. Reports and Accountability

1. The Director shall issue an Annual Codification Report to the Navajo Nation Council detailing:

- a. Newly enacted laws
- b. Major codification updates
- c. Conflicts or redundancies identified
- d. Recommendations for structural law reform

2. The Division shall be subject to periodic performance audits by the Office of the Auditor General.

H. Ethical Conduct

1. All Division personnel shall adhere to Navajo Nation codes of ethics and shall act with impartiality in publishing the law.

2. No legal interpretation, advice, or lobbying shall be provided by Division staff. The Division's role is strictly administrative and technical with respect to

**LOCAL GOVERNANCE SERVICES**

**§ 15 LOCAL GOVERNANCE ADMINISTRATOR [RESERVED]**

**DINÉ GOVERNMENT SERVICES**

**§ 16 SECRETARY OF THE NAVAJO NATION**

A. Secretary Qualification & Term:

There shall be a Secretary of the Navajo Nation. Secretary of the Navajo Nation shall be a minimum of 35 years of age, have a postgraduate degree (Master of Business, Law, or Political Science) from an accredited university and be an enrolled member of the Navajo Nation. The Secretary of the Navajo Nation shall be elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

B. State Department:

1. There shall be a State Department of the Navajo Nation housed in the Beehaz'áanii Baa Áhoyáńíjí Báhooghan with sufficient staff and budget to carry forth the duties and responsibilities of the Secretary of the Navajo Nation. The State Department shall be funded as a priority during the annual budget appropriations to complete the duties and tasks as provided herein.

2. The State Department will be comprised of the following programs including the Election Administration; Office of Citizenship & Census Statistics, National Archive & Records Administration and additional offices as determined by the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

C. The Secretary of the Navajo Nation shall supervise and administer the following programs:

1. State Department Administration.

There shall be an Administrative Office of the Secretary of the Navajo Nation.

2. Election Administration:

There shall be a Navajo Nation Election Administration Office.

3. Office of Citizenship & Census Statistics:

There shall be a Office of Citizenship & Census Statistics

4. National Archive & Records Administration:

There shall be a National Archive & Records Administration.

5. Additional Offices:

The Navajo Nation Legislative Branch may create additional offices in the State Department which are consistent with the duties and functions of the Department.

D. In the event the Navajo Nation President is unable to perform the duties and responsibilities as the President of the Navajo Nation, the Secretary shall succeed to perform the duties and responsibilities of the President of the Navajo Nation.

E. Staff:

The Navajo State Department shall have sufficient staff to perform the essential functions of holding elections and carry forth the work required by each program and as may be budgeted by the Budget Appropriations Committee or by any other source acceptable to the Naayee'ji Nahat'á of the Navajo Nation. The National Archives and Records Administration shall have an Archivist as an Administrator.

F. Powers and Authorities of the Secretary of the Navajo Nation are as follows;

1. Serve as the Chief Executive Officer of the State Department and supervise all directors and administrative staff;

2. To develop and submit an annual budget for each program in the State Department.

3. To maintain consultants and advisors including legal counsel as may be provided for in the annual Navajo Nation budget for the State Department;

4. Formulate administrative policies for approval by the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

5. Serves as the President's principal adviser on Navajo Nation foreign, federal and state policy;
6. Conducts negotiations with foreign, federal and state governments relating to external affairs relating to Navajo governance;
7. Grants and issues passports to Navajo Nation citizens and exequaturs to foreign consuls in the Navajo Nation;
8. Advises the President on the appointment of the Naat'áanii as a director, commissioner or board member or other appointed position in government;
9. Personally, participates in or directs Navajo representatives to international conferences, organizations, and agencies;
10. Negotiates, interprets, and terminates agreements related to external governmental matters;
11. Negotiates for the protection of the Diné and Navajo citizen's property, and legal interests in foreign, federal and state jurisdiction;
12. Guard against abuse of the electoral system in the Navajo Nation

#### ELECTIONS

1. To facilitate fair and impartial Navajo Nation elections for the Diné during the election of their governmental representatives and to obtain and maintain uniformity in the application of the election code and operation of the Election Administration.
2. To compile information regarding elections and distribute and educate the Navajo public to include printing and publishing the Election Code, process and procedures in pamphlet form and electronic media for distribution.
3. To oversee, supervise, administer, implement and enforce the election provisions in this Diné'é Bi Beehaz'áanii and the Navajo election laws and inform to all candidates, poll officials and registrars regarding applicable law.
4. To develop and recommend to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan all apportionment plans for election purposes and implementation.
5. To confirm and certify each candidate who is elected to serve in any elected office of the Navajo Nation;
6. To declare vacancies, certify elections, and to make rules and regulations not inconsistent with the Election laws.
7. To initiate recounts of ballots, where necessary.
8. To represent the Navajo people in regard to election challenges, disputes and any litigation.

9. To bring action as deemed necessary and proper for the enforcement of the Election Code through the Attorney General and report violations and/or offenses to the Anti-Corruption in Government Committee.

#### DINÉ CITIZENS, NAVAJO CITIZENSHIP & CENSUS STATISTICS

1. To maintain the vital statistic records of the Navajo Nation regarding tribal membership and citizenship status;

2. To administer and maintain accurate and updated records of the official rolls of the Navajo tribal members and Navajo citizens and maintain necessary census data and statistics.

3. To issue tribal enrollment certificates, identification cards, passports and other relevant information regarding Navajo tribal membership and citizenship consistent with United States and international law;

4. To administer a naturalization process to obtain Navajo citizenship and maintain a registry of tribal citizens;

5. To administer and enforce Article VIII, the Right to Exclude sections in this Diné'é Bi Beehaz'áanii.

6. To cooperate and receive information from the courts, all hospitals, funeral homes and state and private entities to maintain vital statistic records of the Navajo Nation.

7. To maintain an up-to-date Navajo Nation database of all Diné citizens and Navajo citizens for use by the Navajo Nation as necessary.

#### NATIONAL ARCHIVE & RECORDS ADMINISTRATION

1. To maintain a database and repository for all official actions by the Navajo Nation government;

2. To safeguard and preserve substantive records for future reference and use by the Navajo Nation government;

3. To participate in identifying records which have substantial significance for the Navajo Nation government;

4. To receive copies of a digital database of relevant records from each House of the Navajo Nation government.

### **§17 CHIEF LEGAL OFFICER**

#### **A. Executive, Qualification & Term**

There shall be a Chief Legal Officer in the Executive House of the Navajo Nation. The Chief Legal Officer shall be a licensed attorney in either the state of Arizona, New Mexico or Utah and a member in good standing with the Navajo Bar Association. The Chief Legal Officer shall be

elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

B. General Duties:

There shall be only one Chief Legal Officer of the Navajo Nation with authority to represent, enforce and prosecute the legal interests of the Navajo Nation and settle all litigation on behalf of the Navajo Nation.

C. Department:

1. The Chief Legal Officer is the lead attorney for the Navajo Nation and shall be in charge of and responsible for administration of the Navajo Nation Legal Department and of all legal matters in which the Navajo Nation government and Navajo citizens have an interest. The Chief Legal Officer shall have administrative and supervisory control of all staff within the Department.

2. The purpose of the Navajo Legal Department is to provide legal services to the Navajo Nation government, represent the collective legal interest of the Diné regarding policy and law at the state and federal level and to administer its programs in furtherance of the legal interests of the Diné.

3. The Navajo Legal Department shall consist of the Chief Legal Officer, the Deputy Legal Officer; the staff budgeted for the Department by the Budget Appropriations Committee, and the following programs:

- a. Office of the Prosecutor;
- b. Juvenile Justice Program; and
- c. Specific Legal Programs as created by the Beehaz'áanii Hadilnehíjí Báhooghan.

Each of the office identified above shall have an enabling legislation created to specify their purpose, authorities and responsibilities.

D. Deputy Legal Officer

1. There shall be a Deputy Legal Officer of the Navajo Nation. The Deputy Legal Officer shall be a licensed attorney in either the state of Arizona, New Mexico or Utah and be a member in good standing with the Navajo Bar Association. The Deputy Legal Officer shall be selected and hired by the Chief Legal Officer and serve a concurrent term with the Chief Legal Officer except in the event of the death, disability, or removal of the Chief Legal Officer.

2. The Deputy Legal Officer shall provide the day to day administration of the Legal Department and shall be assigned specific projects as determined by the Chief Legal Officer.

3. The Deputy Legal Officer shall serve in the stead of the Chief Legal Officer, with full authority of the Chief Legal Officer, in the event of the death, disability, or removal of the Chief Legal Officer, until a new Chief Legal Officer is elected by the Diné at the next scheduled election.

E. Chief Prosecutor

The Chief Prosecutor shall be a state licensed attorney and a member in good standing with the Navajo Bar Association. The Chief Prosecutor shall be selected and hired by the Chief Legal Officer and shall serve concurrently with the Chief Legal Officer.

#### F. Staff

1. Navajo Legal Department Staff: There shall also be such other positions as may from time to time be budgeted by the Budget Appropriations Committee or by any other source acceptable to the Naayee'ji Nahat'á of the Navajo Nation. All attorneys shall be state licensed attorneys and members in good standing with the Navajo Bar Association. All attorneys shall serve as salaried exempt employees and at the pleasure of the Chief Legal Officer.

2. Additional staff including legal and office assistants, computer technicians and other staff shall serve as non-exempt staff and shall be hired and compensated pursuant to usual Navajo Nation Salary Schedule and Personnel Policies.

#### G. Powers and Authorities:

1. The Chief Legal Officer and the Department shall render legal services to the Navajo Nation government, including its chapters, houses, and administrative offices subject to available resources. The Chief Legal Officer may render legal services to the Diné when their collective interests are being litigated or may be impacted.

2. The Chief Legal Officer shall defend and initiate all actions, including appeals, in which the Navajo Nation is a party, including any action brought in the name of Navajo Nation government officials for conduct arising out of their official duties, and may compromise or settle any action or claim by or against the Navajo Nation government. Before concluding any such compromise or settlement which involves a particular house, division, department or program, the Chief Legal Officer shall consult with such house, division, department, or program.

3. No department, division, program, or other entity of the Navajo Nation government shall retain or employ legal counsel except as may be approved by the Chief Legal Officer. The houses shall not retain or employ legal counsel for external litigation except as may be approved by the Chief Legal Officer. Certified Navajo Nation Chapters and Navajo business instrumentalities may employ their own counsel, subject to available funds, under the terms and conditions approved by the Chapter membership or their Board of Directors.

4. On behalf of the Navajo Nation and without prior approval of the Navajo Nation Houses or any Committee thereof, the President or any other official of the Navajo Nation, to negotiate and execute attorney contracts, within the approved Navajo Nation budget for attorneys' fees and expenses, to provide for legal counsel to the Navajo Nation government or any other legal representation deemed necessary to protect the collective interests of the Navajo people. The Chief Legal Officer shall adopt reasonable rules and regulations to allow for the hiring of independent and additional outside counsel as needed, as provided in this subpart.

5. The Chief Legal Officer may retain private counsel to handle any particular matter or types of matters as she or he deems appropriate, subject to the availability of funds appropriated for such

purposes. Such counsel may be retained to represent the Navajo Nation government in distant forums, to provide specialized legal expertise not available within the Legal Department, or to respond to exceptional demand for legal services.

6. Where no House or division is named, or otherwise particularly involved, the Chief Legal Officer shall consult with the President prior to concluding any such compromise or settlement.

7. All communications between elected tribal officials, officers, employees, or agents of the Navajo Nation government and its attorneys shall be protected by the attorney-client privilege and shall not be admissible or discoverable in any judicial or administrative proceeding. No waiver of the attorney-client privilege shall be effective against the Navajo Nation government without the express approval of the Chief Legal Officer. The Chief Legal Officer is authorized to waive the attorney-client privilege when such waiver will advance the overall legal interests of the Navajo Nation government or the Diné.

8. If the Chief Legal Officer determines that s/he is disqualified from providing legal representation or legal services on behalf of any entity of the Navajo Nation government in relation to any matter, the Chief Legal Officer shall give written notification to the entity affected. If the entity has received such notification from the Chief Legal Officer, the entity is authorized to make expenditures, subject to available appropriations, to employ attorneys to provide the representation or services.

9. The Chief Legal Officer in his or her discretion is authorized to represent an officer or employee of the Navajo Nation against whom a civil action is brought in his or her individual capacity until such time as it is established as a matter of law that the alleged activity or events which form the basis of the complaint were not performed, or not directed to be performed, within the scope or course of the officer's or employee's duty or employment.

#### H. Legal Opinions of the Chief Legal Officer.

1. Any house, division, department, business instrumentality, Chapter or other entity of the Navajo Nation government, or any elected official of the Navajo Nation government may request the Chief Legal Officer to issue an opinion concerning any question of law relating to their respective entity or offices. No adverse action may be taken by the Navajo Nation government against any official or employee of the Navajo Nation government for conduct taken in reasonable reliance upon the advice given in such an opinion.

2. The Chief Legal Officer shall post the Opinions of the Chief Legal Officer by electronic media on the Navajo Legal Department's official website and publish the official opinions of the Chief Legal Officer. The Chief Legal Officer shall provide copies to the President, the Speaker, the Chairman, the Chief Justice and Executive Officers of the Navajo Nation.

#### I. Petition to hire Special Prosecutor

1. The Chief Legal Officer shall petition the Special Division of the Window Rock District Court for appointment of a Special Prosecutor, whenever he/she receives information sufficient to constitute grounds to investigate whether any of the persons listed in Subsection (2) of this Section

has committed a violation of any federal or state criminal law or any law or regulation of the Navajo Nation, or committed any act upon which the Navajo Nation may have a civil cause of action.

2. The President of the Navajo Nation; the Vice-President of the Navajo Nation; any member of the Executive Staff of the Office of the President or the Vice-President, the Speaker or any Delegate of the Navajo Nation Council.

#### J. Administrative Function

1. Represent the Navajo Legal Department in executive level planning.
2. Develop a vision, goals, objectives and annual budget for the Navajo Legal Department and programs. Formulate overall administrative and operating policies pertaining to the Legal Department, and to take such action as the Chief Legal Officer shall deem necessary for the accomplishment and enforcement thereof.
3. Exercise recruitment and hiring authority for all Navajo Legal Department personnel. Exercise supervisory control, direction and develop performance criteria for all personnel within the Department.
4. Delegate authority to members of his or her staff.
5. Perform all duties and responsibilities of the office in accordance with the highest standards of legal ethics as required of members of the Navajo Nation Bar Association and by the American Bar Association Code of Professional Responsibility.
6. It is the duty of the Chief Legal Officer to gather information and be informed of the current laws and court cases which may impact the Navajo Nation and create a compilation of position papers or legal outlines for the Department.
7. Monitor and enforce the laws of the Navajo Nation. The Chief Legal Officer shall consult with all houses of government, departments, programs, offices and commissions to ensure compliance with applicable laws.
8. Provide annual litigation reports to Beehaz'áanii Baa Áhoyáníjí Báhooghan, Beehaz'áanii Hadilnehíjí Báhooghan and Beehaz'áanii bee Oonishíjí Báhooghan and be responsible to the people for the accomplishment of the purposes and objectives of the legal needs of the Navajo Nation.
9. Monitor the work of all retained legal consultants and law firms and monitor costs and expenses incurred for payment.

## **§18 CHIEF HUMAN RIGHTS OFFICER**

### A. Establishment

There is hereby established the Chief Human Rights Officer of the Navajo Nation in the Beehaz'áanii Baa Áhoyáńíjí Báhooghan.

#### B. Purpose

The Chief Human Rights Officer is established to operate as a clearinghouse entity to administratively address discriminatory actions against citizens of the Navajo Nation, and to interface with the local, state, and federal governments and with national and international human rights organizations in accordance with its plan of operation and applicable laws and regulations of the Navajo Nation.

The Chief Human Rights Officer shall also ensure the Individual and Collective rights of the Diné and all persons within the jurisdiction of the Navajo Nation are respected and honored.

#### C. Installment

The Diné and Navajo Citizens shall elect the Chief Human Rights Officer who shall exclusively manage the department consistent with the powers and authorities as provided herein, administer all activities of the Department of Energy.

1. The Chief Human Rights Officer shall have, at a minimum, the following competencies and qualifications:
2. Be Diné and a minimum of thirty-five years old.
3. Master's degree in human resource, Social Science, Law, Business Administration, Business Leadership, Human Rights, or a related field.
4. At least ten years of continuous work experience in a management capacity within an energy related field.
5. Proven human rights advocacy project development experience.
6. The Chief Human Rights Officer shall be elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.
7. The Chief Human Rights Officer shall be elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

#### D. Department Organization

There shall be a Diné Human Rights Office in the Beehaz'áanii Baa Áhoyáńíjí Báhooghan of the Diné Hózhóńí Bah Nahat'á.

#### E. Powers and Authorities

1. The Chief Human Rights Officer shall be elected to office by the Dine'. Qualifications the Chief Human Rights Officer shall include bachelor's degree from a reputable and established college or university in the fields of education, business, law and/or social services. The Chief Human Rights Officer is subject to removal after if the Dine' lose confidence in the work of the Officer.

2. The Chief Human Rights Officer shall receive reports of discrimination and racial acts perpetrated against the Dine' and citizens of the Navajo Nation. The Officer will compile this data and track occurrences of these events and refer documented incidents to the proper authorities, subject to applicable laws.

3. The Chief Human Rights Officer shall investigate allegations of human rights violations, gather information and evidence, and with assistance of the Chief Legal Officer, to prosecute alleged offenders and to issue subpoenas, in accordance with the laws of the Navajo Nation.

4. The Chief Human Rights Officer shall hire and supervise all staff in accordance with the Navajo Nation Personnel Policies Manual and in accordance with the annual operating budget.

5. The Executive Director shall administer the daily operations of the Office of the Navajo Nation Human Rights.

6. The Chief Human Rights Officer shall coordinate with other Navajo Nation offices, departments, and other governmental entities as necessary to ensure the individual and collective human rights as provided in this Diné Bi Beehaz'áanii at Articles VI and VII are not violated.

7. This Act shall not be construed to diminish the operation of the Navajo Nation Business Opportunity Act, the Navajo Nation Business and Procurement Act, the Navajo Preference in Employment Act, the Navajo Nation Bill of Rights, or any other laws of the Navajo Nation.

#### F. Removal By Recall

The Executive Director shall be responsible and accountable to the Dine and shall be subject to the installment and recall provisions as provided in Article \*\*\*.

### § 19 CHIEF OF PUBLIC SAFETY

#### A. Executive, Qualification & term:

- 1) There shall be Chief of Public Safety for the Navajo Nation Department of Public Safety. The Chief of Public Safety for the Navajo Nation Department of Public Safety shall be Diné. The Chief of Public Safety
- 2) The Chief of Public Safety shall possess a Master's Degree with 6 years of experience in public safety or Bachelor's Degree with 10 years of experience, from an accredited college or university.
- 3) The Chief of Public Safety shall serve a term of four years after being elected by the Diné people at Navajo Nation wide election and shall not serve more than two terms in one lifetime.

#### B. General Duties

- 1) The Chief of Public Safety will oversee all matters relating to public safety, including Fire & Rescue services, Emergency Medical Services, budget, staff administration, and other duties consistent to the plan of operation.

#### C. Organization

- 1) Navajo Nation Emergency Medical Service
- 2) Fire and Rescue
- 3) Emergency Management
- 4) Other entities created
- 5) Correctional Facilities/ Rehabilitation/ Juvenile Correctional Facilities
- 6)

D. Responsibilities and Authority

- 1) The Chief of Public Safety shall have authority and oversight of all departments planning, budget, and related functions.
  - a. Will provided a written annual report to the Navajo people or requested upon notice and provide quarterly reports to the four branches.
  - b. Provide effective and efficient budget management and procedures.
  - c. Create, revise, and implement response plan according to the public safety needs.
  - d. Collaborate with all agencies, both tribal and non-tribal, to address public safety issues.
  - e. Seek external funding and other funding and other resources to enhance, expand, and improve public safety programs and services. Oversee grant management.
  - f. Recruit, select, supervise, and train personnel. Conduct annual employee performance evaluation and recommend reclassification of positions for the Department of Safety in accordance with the Navajo Nation laws and personnel policies manual.
  - g. Negotiate written agreements/ contracts on behalf of the department to ensure the public safety services for the Navajo people.
  - h. Manage personnel in accordance with labor contracts and personnel rules and ensure staff accountability.

**§ 20 CHIEF of POLICE & SWAT**

A. Establishment

There is hereby established the Chief of Police of the Navajo Nation in the Beehaz'áanii Baa Áhoyáníjí Báhooghan.

B. Purpose

The Chief of Police is established to operate as a protective force to ensure professional services through protection, prevention, accountability and innovation in the best interest of the Navajo Nation. Will maintain law and order by the enforcement of applicable criminal laws and the safeguarding of the lives and properties of the persons on the Navajo Nation by deterring criminal activities and violations in tribal, state, and federal laws.

C. Installment

The Diné people shall elect a Chief of Police who will solely be responsible, manage and oversee the Navajo Nation Police Department consistent with the Powers and Authorities.

The Chief of Police shall be Diné, and be at least 35 years of age minimum.

Shall possess a Masters Degree in Criminal Justice, Law, Public Administration, or a related field with 10 years of law enforcement experience, and in an additional 5 years in managerial capacity.

Will be elected at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than 2 terms in one lifetime.

#### D. Powers and Authorities

The Chief of Police will plan, create, organize, and implement all Navajo Nation laws and safety services to the provide multi-public safety services that meet the needs of the Diné people, as well as other individuals and entities within the territorial jurisdiction of the Navajo Nation.

The Chief of Police will coordinate with and train tribal and affiliated non-tribal entities in the development of a comprehensive emergency management plan.

Will propose, introduce, and implement an emergency plan in accordance to all program under the Navajo Nation Police Department, rescue operations, fire and rescue services, medical emergencies, medical emergencies, and victims of violence.

Will coordinate with federal, state, and tribal entities to create a cohesive database for criminals, missing persons, sexual offenders, and an information sharing system to facilitate support services.

Collaborate with the correctional facilities to provide operational support.

Will oversee Federal, State, & Tribal funding and grants to adequately support the programs, personnel, and administration.

**Duty to respond to crime and accident scenes as soon as possible and conduct timely investigations, collect evidence and complete reports within forty-eight hours of the incident.**

**Motor vehicle accident reports shall be finalized and made available to the involved parties no later than seven calendar days, unless extenuating circumstances are documented that require additional time beyond seven days.**

## **§ 21 CHIEF OF PUBLIC HEALTH AND MEDICAL SERVICES (Reserved)**

1. There shall be a Chief of Public Health and Medical Services who serves as the Chief Executive Officer of the Navajo Nation Department of Public Health and Medical Services.
2. Composition

Department of Health  
Infectious Disease  
Food Quality  
Water Quality

3. Powers

**§ 22 EXECUTIVE EDUCATION OFFICER**

A. Executive, Qualification & Term

There shall be a Chief Education Officer (CEO) of the Navajo Nation. The Chief shall possess a doctorate or master's degree in education, public administration, or a related field and have a minimum of ten years of experience in educational leadership, policy development, or school system management. The Chief shall be elected by the Diné at a duly scheduled Navajo Nation-wide election for a term of four years and may serve no more than two terms in one lifetime. This position shall be established and maintained through enabling legislation enacted by the Navajo Nation Council in accordance with 2 N.N.C.

B. General Duties

1. The CEO shall serve as the highest education authority in the Navajo Nation government and shall be responsible for oversight of tribal education systems, education reform initiatives, school accountability, and alignment with Diné values and language preservation.
2. The Chief shall coordinate education policy across federal, state, and tribal school systems and advocate for the sovereignty of the Navajo Nation in all education matters.

C. Department Structure

1. The CEO shall lead the Navajo Nation Department of Diné Education and manage its operations, programs, and strategic initiatives.

Organization

- a. The Office of Diné Accountability and Compliance
- b. The Office of Standards, Curriculum, and Assessment Development
- c. Cognia Navajo Nation
- d. The Office of Special Education and Rehabilitation Services
- e. The Office of Navajo Nation Scholarship and Financial Assistance
- f. The Office of Diné Youth
- g. The Navajo Nation Library
- h. The Office of Diné School Improvement
- i. The Office of Educational Research and Statistics
- j. Navajo Head Start
- k. The Johnson O'Malley Program

2. The purpose of the Department shall be to:

- a. Oversee K-12 and higher education policies affecting the Navajo Nation.

- b. Coordinate education compacts with the Bureau of Indian Education (BIE) and state education departments.
- c. Promote Navajo language, history, and culture in all schools; Administer teacher development, student support programs, and school construction planning.

3. The Department shall consist of:

- a. Chief Education Officer
- b. Deputy Chief
  - c. Education Policy Analysts
  - d. School Accountability Officers
  - e. Language and Cultural Curriculum Coordinators
  - f. Administrative, research, and field staff as budgeted

D. Deputy Chief

- 1. The Deputy Chief shall be appointed by the CEO and shall assist in managing daily operations, program oversight, and special initiatives.
- 2. The Deputy shall act as the Chief in their absence or in the event of vacancy.

E. Educational Authority and Powers

- 1. The CEO shall have the authority to:
  - a. Develop and issue educational policy directives and recommendations;
  - b. Review and approve education grant proposals and school performance plans;
  - c. Certify or decertify tribal schools in accordance with established criteria;
  - d. Represent the Navajo Nation on intergovernmental education boards and national forums.
- 2. The Chief shall coordinate closely with:
  - a. Diné College, Navajo Technical University, and other tribal colleges;
  - b. BIE-operated and grant schools within the Navajo Nation;
  - c. Chapter-based education committees and Navajo Parent Advisory Councils.

F. Strategic Programs and Development

- 1. The CEO shall develop a Navajo Nation Education Master Plan to guide policy, capital investment, curriculum priorities, and language revitalization.
- 2. The Chief shall support educator pipelines, scholarship initiatives, early childhood education programs, and adult education services.
- 3. The Department shall evaluate educational needs and student outcomes annually to inform continuous improvement.

G. Reporting and Accountability

- 1. The CEO shall provide an Annual State of Navajo Education Report to the Navajo Nation Council, including:
  - a. School performance data and trends
  - b. Budget and funding utilization
  - c. Academic program evaluations
  - d. Policy and legislation recommendations
- 2. The Department shall publish education reports, curriculum resources, and parent toolkits for public access and transparency.

## H. Ethical and Cultural Leadership

1. The CEO and staff shall lead with a commitment to hózhó, k'é, and respect for the educational sovereignty of the Diné.
2. All personnel shall act with fairness, inclusion, and accountability to ensure equitable and culturally grounded education for all Navajo students.

## § 23 EXECUTIVE HUMAN SERVICES OFFICER

### A. Establishment

- a. There shall be Chief Executive Officer for the Navajo Nation Department of Children and Family Services.
- b. The Chief Executive Officer for the Department of Children and Family Services shall be elected into office of the Dine.
- c. The Chief Executive Officer for the Department of Children and Family Services shall be provide services directly to the Dine under the general direction and guidance of this Diné'é Bi Beehaz'áanii.
- d. The Chief Executive Officer for the Department of Children and Family Services shall be authorized to recommend and create additional professional, technical and clerical positions as needed to carry out the Department of Children and Family Services organizational purpose(s), consistent with Navajo Nation Personnel Policies Manual, applicable budget rules established for conducting the annual Navajo Nation budget process and applicable grants and contract requirements.

### B. Department of Children and Family Service Organization

1. Self-Reliance Program
2. Family Services Program
3. Child Care and Development Program
4. Development Disabilities Program
5. Navajo Indian Child Welfare Act (ICWA) Program
6. Navajo Treatment Center for Children and Their Families Program
7. Navajo Family Assistance Services Program

### C. Staffing

1. Staffing
2. All personnel shall be employed and compensated pursuant to applicable Personnel Policies and Procedures of the Navajo Nation.

### D. Responsibility and Authority

The responsibilities and authority of the Chief Executive Officer for the Department of Children and Family Services are:

- a. To develop, organize, implement, administer and coordinate various social services programs;
- b. Ensure the Department and Programs are in compliance with established directives, guidelines, policies or legislations of the Navajo Nation, state, and federal governments;
- c. To coordinate program and department activities with other tribal, federal and state programs;
- d. To provide consultation and technical assistance to other human services programs;
- e. To monitor and evaluate the Department's programs on a periodic basis and make recommendations for improvements or changes;
- f. To develop and recommend policy changes, programs plans and budgets;
- g. To serve as the public relations/information center for the Department;
- h. To assist with the negotiation of all contracts and grants for the Department;
- i. To decide administratively all personnel and clients grievances on a Department level;
- j. To provide coordination and administration of personnel management;
- k. To ensure that the mission, goals, objectives and philosophy of the Department are achieved;
- l. To serve as the representative to Legislative, Executive, and Judicial Branches, outside organizations, agencies, and tribal, state/federal governments;
- m. Provide technical assistance to local social services offices, local governments, tribal divisions, Navajo Nation Council and other Navajo tribal entities on administrative matters related to children and family services.

## **§ 24 LAND COMMISSIONER**

### **A. Executive, Qualification & Term:**

There shall be a Land Commissioner of the Navajo Nation in the Beehaz'áanii bee Oonishíjí Báhooghan. The Land Commissioner shall be Diné, at least 35 years of age and a graduate of the university or college in public administration, land related discipline and have ten years of work experience related to assessments and recording land ownership including the laws impacting trust and allotment lands. The Land Commissioner shall be elected by the Diné at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than three terms in one lifetime.

### **B. General Duties:**

1. The Land Commissioner shall have final authority to consent on behalf of the Navajo people to issue business leases and rights-of-ways for all commercial activity on the Navajo Nation.
2. The Land Commissioner shall assist Local Governance Entities or municipalities established pursuant to the Local Rule and Governance Act to develop land use plans and zoning ordinances.

3. The Land Commissioner of the Navajo Nation shall inventory and record the legal status of all Navajo lands, maintain records of legal interest holders, and assess the value of lands. The Land Commissioner shall also make recommendations to the Beehaz'áanii Baa Áhoyáńíjí Báhooghan and the Beehaz'áanii Hadilnehíjí Báhooghan for the issuance of large land leases for major economic projects. The Land Commissioner shall administer Article IX, the Kéyah Bi Beehaz'áanii sections in this Dine Diné Bi Beehaz'áanii.

C. Department:

1. The Land Commissioner shall be in charge of and responsible for administration of the Navajo Nation Land Department. The Land Commissioner shall manage, administer and supervise all staff within the Land Department.

2. The purpose of the Land Commissioner is to provide leadership, planning and recording of all land management activities on the Navajo Nation government, represent the collective legal interest of the Diné regarding policy and law at the federal and state level and to administer its programs in furtherance of the legal interests of the Diné.

3. The Navajo Land Department shall consist of the Land Commissioner, the Deputy Land Commissioner; Administrative Officers for each program and staff budgeted for the Department by the Budget Appropriations Committee and the following programs:

a. Land Title and Records Administration.

b. Diné Land Use and Occupancy Administration.

c. Utility Corridors and Public Works Administration.

d. Agricultural Use Administration.

e. Business Lease and Rights of Ways Office,

f. Eastern Navajo Land Administration Office,

g. Energy Minerals, Oil & Gas Administration,

h. Rural Addressing and Emergency Assistance Office.

i. Fee Lands Management Office.

The Beehaz'áanii bi Naat'áanii may establish additional enabling legislations to create additional programs as necessary to enhance the land management activities of the Navajo Nation.

D. Power and Authorities:

The Navajo Land Commissioner shall exercise the following powers and authorities.

MAPPING

1. Establish points of reference for mapping all Navajo lands. Survey the entire Navajo Nation and accurately map the lands of the Navajo Nation utilizing the most modern technology such as geographic information systems.

2. Contract with independent service providers for mapping services such as transportation information, zoning, hunting, oil and gas, waterways and sources and other relevant and necessary mapping services.
3. Develop a centralized rural addressing system for use by the Navajo Nation.

#### RIGHTS OF USE AND OCCUPANCY

4. Consent to leases, permits, rights-of-ways, easements and such land tenure and User privileges to non-Navajo land users. Large scale leases and rights-of-ways for mining companies, oil and gas developments, and other land uses shall be approved by the Land Commissioner and then the Beehaz'áanii Baa Áhoyáníjí Báhooghan.
5. To receive recommendations from Family Trust Administrator's to issue land use and occupancy rights as agreed upon by the Family Trust Beneficiaries.
6. Maintain accurate records of use and occupancy rights of individuals, families and clans who have created a Customary Family Trust including survey descriptions of all Customary Family Trusts, Grazing Permits and Farm Plots
7. Maintain accurate records of use and occupancy rights by individuals including survey descriptions, dates of issuance, termination and relinquishments of all Navajo Residential Assignments

#### BUSINESS LEASES AND RIGHTS OF WAYS

8. The Business Lease and Rights of Ways Office shall administer, manage and issue business leases and rights-of-ways.
9. The Business Lease and Rights of Ways Office shall study and determine appropriate lease rentals, royalties and bonuses for the use of Navajo lands taking into consideration the need to create a favorable legal environment to encourage investment on the Navajo Nation.
10. The Business Lease and Rights of Ways Office shall maintain records and maps to inventory all business leases and rights-of-ways.
11. The business lease and rights-of-way information shall be provided to the Chief Revenue Officer on a yearly basis to ensure the proper assessment and collection of taxes.
12. All uses of Navajo lands for mines and extractive resource uses, governmental facilities, parks and recreation facilities, churches, telecommunication, cellular and broadband services shall be administered by the Land Commissioner.
13. The Land Commissioner shall also designate and manage the Navajo Nation air space.

#### ENFORCEMENT

14. To bring trespass and ejections actions against any person or entity using and occupying Navajo lands without proper authorization such as a lease, permit, easement or right of way.
15. Ensure access to hunting areas, ceremonial gathering of herbs and gathering of pinions and traditional practices by the Dine.

16. To file appropriate legal actions and seek compensation for any unauthorized use of Navajo lands.
17. To bring quiet title actions regarding any lands being disputed by tribal members, citizens and investors.

#### DISPUTE RESOLUTION

18. To provide a Dispute Resolution Forum to hear disputes regarding any and all lands of the Navajo people. Such hearings shall provide due process, confidentiality, and final judgments. The Beehaz'áanii Hadilnehíjí Báhooghan and Beehaz'áanii Baa Áhoyáńíjí Báhooghan shall establish proper enabling legislations to facilitate the creation of the Dispute Resolution Forum.

#### § 25 WATER ENGINEER

A. Executive, Qualification & Term:

There shall be a Chief Water Engineer of the Navajo Nation.

B. Department

The Chief Water Engineer shall manage and administer the Navajo Nation Department of Water Management in the Beehaz'áanii bee Oonishíjí Báhooghan. The Navajo Nation Department of Water Management shall be comprised of the following programs;

1. Water Management Administration,
2. Water Quality Program,
3. Ground Water Management,
4. Surface Water Management,
5. Local Governance Water Management,
6. Endangered Species Management,
7. Water Rights Advocacy Administration.

C. Installment

The Diné and Navajo Citizens shall elect a Chief Water Engineer who shall exclusively manage the Navajo Nation Department of Water Management consistent with the powers and authorities as provided herein, administer all activities of the Department of Water Management.

1. The Chief Water Engineer of the Department of Water Management shall have, at a minimum, the following competencies and qualifications:
  - a. Be Diné and a minimum of thirty-five years old,
  - b. Master's degree in public resource management, Water Engineering, Hydrology and/or a law degree or a related area of study

c. At least ten years of continuous work experience in a management capacity within a water management related field.

d. Proven water project development experience.

B. The Executive Energy Officer shall be elected by the Diné at a duly scheduled Navajo Nation-wide election for a term of four years and shall serve no more than three terms in one lifetime.

#### D. Information Function

It is the duty of the Navajo Nation Water Engineer to gather for the Navajo Nation's use and for submission to the President, Council and Government Accountability, information related to the waters administered under the Navajo Nation Water Code. To this end the Water Engineer shall:

1. Collect, organize and catalog existing information and studies available from all sources, both public and private, pertaining to the waters within the Navajo Nation;

2. Develop such additional data and supplies pertaining to water availability, quality, and uses as are necessary to accomplish the objectives of this Code;

3. Solicit public comments, consult the Local Governance Entities and obtain expert advice when appropriate;

4. Investigate water uses and other activities affecting the waters within the Navajo Nation to determine compliance with the Water Code and with applicable regulations, orders, determinations, permits, water quality standards, etc. issued pursuant to the Water Code.

5. Investigate water quality when appropriate; and

6. Develop standards and regulations concerning water quality and water allocation and submit them for recommendation by the NN President and for consideration and approval by the Navajo Nation Council.

#### E. Enforcement Function

It shall be the duty of the Navajo Nation Water Engineer to ensure compliance with the Water Laws, and with the conditions of all permits, determinations, orders, regulations, plans and other actions taken pursuant to water law, as well as the policies and guidelines expressed throughout the Code. To this end the Navajo Nation Water Engineer may:

1. Remove, render inoperative, shut down, close, seal, cap, modify or otherwise control methods of diversion, withdrawal, and impoundment, obstructions to the flow of water and other activities adversely affecting water quantity or quality;

2. Initiate proceedings for violations of the law and regulations; and

3. Enter upon land to inspect methods of diversion, withdrawal and impoundment, inspect other activities affecting water quality and quantity, install and monitor measuring and recording devices when necessary, and compel testimony and data, by the Navajo Nation Court subpoena, if necessary, concerning actions affecting the quality or quantity of the waters administered by law and regulations.

4. All enforcement actions shall be subject to the limitations imposed by the Indian Civil Rights Act, 25 U.S.C. §1301 et seq., and the Navajo Individual Freedoms and Rights.

#### F. Advisory Function

The Navajo Nation Water Engineer may, from time to time, make proposals to the President, Beehaz'áanii Hadilnehíjí Báhooghan and Beehaz'áanii Baa Áhoyáńíjí Báhooghan concerning the following:

1. The advisability of establishing local management areas as provided in the Water Code;
2. The advisability of making determinations of availability and need as provided for in Water Code.
3. The advisability of taking other actions and adopting other plans and methods in order to optimize available water supplies and to minimize pollution and thermal degradation;
4. The advisability, in cooperation with the Navajo Land Commissioner, of purchasing, selling, exchanging and acquiring any interest in real or personal property;
5. The advisability of participating in administrative proceedings, law suits and other legal proceedings;
6. The advisability of entering into administrative agreements and other cooperative ventures with Tribal, local, state or federal agencies outside of the Navajo Nation, for appropriate purposes including the administration of interstate streams and groundwaters;
7. The advisability of amending or otherwise changing sections of Navajo Nation Water Code or adding new sections; and
8. The advisability of taking other actions which will further the policies and purposes contained herein and increase the effectiveness of the Water Code.

#### G. Administrative Function

In administering the Navajo Nation Code, the Navajo Nation Water Engineer may:

1. Grant, deny, modify and revoke water use permits;
2. Make determinations of water use rights;
3. Initiate proceedings to enforce the Water Code;
4. Insure, in coordination with other appropriate agencies, adequate water levels in streams, rivers, ponds, and lakes to protect Navajo traditional religious practices, wildlife conservation and other values; and
5. Enter appropriate orders.

### **§ 26 CHIEF NATURAL RESOURCES OFFICER**

#### A. Executive, Qualification, & Term

There shall be a Chief Natural Resources Officer of the Navajo Nation. The Chief of Natural Resources Officer shall be Diné, possess a Masters Degree in Biology, Ecology, Environmental Science, Natural Resources, Energy, Engineering, Business Administration, Leadership, or a closely related field with 8 years of supervisory experience or Bachelors Degree with 12 years of supervisory experience. The Chief

of Natural Resources Offer will be elected by the Diné people at a duly scheduled Navajo Nation wide election for a term of four years, and shall serve no more than two terms in one lifetime.

**B. General Duties**

This Officer shall manage, protect, conserve, and preserve the Navajo Nation’s natural and cultural resources for the benefit of the Navajo people. Protect the sovereignty of the Navajo Nation consistent with cultural values; foster partnerships with Federal, State, Tribal, and local Navajo communities and other interested parties.

**C. Departments**

1. AML/ UMTRA
2. Fish & Wildlife
3. Forestry
4. Historic & Heritage Preservation
5. Parks & Recreation
6. Resource Enforcement

**D. Powers & Authorities**

1. Recruit, assess, hire, and train all staff according to personnel policy.
2. Establish and implement objectives, budgets, and quarterly reports.
3. Provide a written or oral report to the Navajo people on a annual basis, or as requested. Will provide quarterly reports to the President’s office.
4. Set priorities and participate in overall department and program budget allocation and management.

**§ 27 SHAREHOLDER REPRESENTATIVES [RESERVED]**

**§ 28 CHIEF AGRICULTURE OFFICER**

**A. Executive, Qualification, & Term**

The Chief Agriculture Officer must possess a Bachelors Degree in Agriculture, Biology, Environmental Science, Economics, Veterinary Medicine/ Science, or a related field with eight years of manager/ leadership experience or Masters Degree with six years of manager/ leadership experience. The Chief Agriculture Officer shall serve a term for four years, and no more than two terms in a lifetime. The Chief Agriculture Officer shall be elected by majority vote from the Diné people in a duly scheduled Navajo Nation wide election.

**B. General Duties** The Chief Agriculture Officer shall oversee all agriculture programs, policies and regulations of the Navajo Nation Department of Agriculture, while implementing our Diné historical identity, social kinship, language, and traditional values all maintained within the boundaries of the Four Sacred Mountains.

**C. Department**

The Department of Agriculture will attain sustainability of Lan, People, Water, and Agriculture resources through conservation, protection, and preservation. Will provide guidance to the Diné

people in the stewardship of Mother Earth by providing leadership, knowledge and technological assistance in the management and conservation of her resources.

**D. Powers and Authorities**

1. The Chief of Agriculture will manage all departments, create budgets for the department and projects, maintain and complete annual performance reviews.
2. Will create and manage the department with the agriculture laws, policies, and procedures.
3. Will be design and implement strategic planning based on the budget, agriculture practices, regulations, and market trend, investigative techniques.
4. Establish guidelines, policy, and procedures for land, water, livestock, and farm conservation and ownership.
5. Provide technical assistance to the staff and administration, local governments, district grazing official, farm boards, state and federal partners.
6. Provide oversight in accordance to the specific provisions of Title III of the Navajo Nation Code.
7. Oversee Navajo Nation Ranch lands by administering and ensuring all Tribal Ranch regulations and lease agreements are in compliance with the Navajo Nation Law.
8. Create and establish revenue by generating tax payments, land use fees, and the cost of administration, by assessing and ensuring grazing lease fees.
9. Manage budgets, allocate resources, write grants, and design transparent financial accountability for all operations and expenses.
10. Provide an annual written and verbal report to the Diné people, and a semi- annual written report to the Navajo Nation President or upon request.
11. The Chief Human Rights Officer shall hire and supervise all staff in accordance with the Navajo Nation Personnel Policies Manual and in accordance with the annual operating budget.

**§ 29 CHIEF CULTURE HERITAGE & LANGUAGE PRESERVATION OFFICER**

**A. Executive, Qualification & Term**

There shall be a Chief of Culture, Heritage & Language Preservation Officer (CCHLPO) of the Navajo Nation. The Chief shall hold a degree in Indigenous Studies, Anthropology, Linguistics, Cultural Preservation, or a related field and shall have demonstrated fluency in the Navajo language and a minimum of seven years of experience in cultural preservation, language revitalization, or community heritage work. The Chief shall be elected by the Diné at a duly scheduled Navajo Nation-wide election for a term of four years and may serve no more than two terms in one lifetime.

**B. General Duties**

The CCHLPO shall oversee all initiatives to preserve, protect, and revitalize the Navajo Nation's cultural heritage, sacred sites, traditional knowledge systems, and Navajo language. The Chief shall promote intergenerational knowledge transfer, community storytelling, and protection of tangible and intangible cultural resources.

### C. Department Structure

1. The CCHLPO shall lead the Division of Cultural Heritage & Language Preservation and shall coordinate with tribal, chapter, educational, and museum programs.
2. The purpose of the Division shall be to:
  - a. Preserve sacred sites, oral traditions, and traditional ecological knowledge;
  - b. Support Navajo language programs, curriculum development, and immersion schools;
  - c. Document and digitize cultural archives, historic recordings, and tribal artifacts;
  - d. Serve as liaison with museums, universities, and repatriation authorities.
3. The Division shall consist of:
  - a. Chief of Culture, Heritage & Language Preservation Officer
  - b. Deputy Chief
  - c. Cultural Anthropologists and Language Specialists
  - d. Museum and Archive Staff
  - e. Traditional Knowledge Advisors and Elders Council
  - f. Administrative staff and program managers as budgeted

### D. Deputy Chief

1. The Deputy Chief shall be appointed by the Chief and shall have equivalent experience in cultural, linguistic, or heritage fields.
2. The Deputy Chief shall manage daily operations and serve as Acting Chief in the event of absence, incapacity, or vacancy.

### E. Core Powers and Responsibilities

1. The CCHLPO shall develop policies, codes, and frameworks to protect and promote Diné culture, oral history, and sacred sites.
2. The CCHLPO shall approve cultural assessments and advise on cultural protocol for development and ceremonial activities on Navajo land.
3. The Chief shall oversee partnerships with schools, colleges, and language instructors to deliver Navajo language instruction across all age levels.
4. The CCHLPO may coordinate tribal repatriation efforts and assert cultural protections under federal and international law.
5. The Chief shall support tribal research protocols and promote the use of Diné language in all branches of Navajo governance.

### F. Cultural Programming and Outreach

1. The Chief shall establish a Diné Cultural Calendar of observances, events, storytelling festivals, and clan gatherings.
2. The Chief shall support community language workshops, elders' forums, and youth cultural education programs.
3. The Division shall create public access archives, radio programs, and cultural resource maps in both Navajo and English.

### G. Reporting and Accountability

1. The CCHLPO shall submit an Annual Cultural Preservation Report to the Navajo Nation Council and the Office of the President and Vice President, detailing:
  - a. Cultural projects completed or underway

- b. Language instruction and preservation efforts
- c. Repatriation or heritage protection actions
- d. Community feedback and evaluation data
- 2. The Chief shall maintain records of all sacred sites, cultural properties, and oral history materials in secure and respectful formats.

#### H. Ethical and Cultural Integrity

- 1. The Chief and all staff shall respect traditional cultural protocols and maintain the confidentiality of sacred knowledge when required.
- 2. The Chief shall consult with the Elders Council on culturally sensitive matters and ensure all work upholds the values of hózhó and k'é.

#### I. Staffing

##### 1. Staffing

- a. The Administration of the Department shall consist of the Superintendent of Schools who shall provide overall supervision and administration to the Department to set goals and internal policy, directly supervise program managers and the Assistant Superintendent for Navajo Head Start and work with all other Navajo Nation divisions, programs, and offices including the Office of President/Vice President.
- b. The Superintendent of the Department shall [be] subject to the overall direction of the Navajo Nation Board of Education and the general direction of the Health, Education, and Human Services Committee of the Navajo Nation Council.
- c. The Superintendent shall be authorized to recommend additional professional, technical, and clerical positions as needed to carry out the organizational purpose(s) as stated herein. Additional positions shall be acquired in accordance with applicable Personnel Policies & Procedures and applicable budget rules established for conducting the annual Navajo Nation budget process.
- d. All Personnel shall be employed and compensated pursuant to applicable Personnel Policies and Procedures of the Navajo Nation.

##### 2. Authority and Responsibilities

The Department is the administrative agency within the Navajo Nation that is empowered with the authority and responsibility to implement and enforce the educational laws of the Navajo Nation, to work cooperatively with all schools serving the Navajo Nation, and to implement the policies, procedures, and directives of the Navajo Nation Board of Education.

- a. Recommend cooperative agreements with other Navajo Nation divisions and programs and education organizations and entities.
- b. Collaborate with all schools and educational entities serving the Navajo Nation to develop and implement an educational accountability system (i.e. Diné School Accountability Plan).
- c. Inquire into the impact of educational programs on Navajo students in schools serving the Navajo Nation and to develop recommendations based on the inquiries.
- d. Report the results of the inquires and present recommendations to the Health, Education, and Human Services Committee of the Navajo Nation Council, the Navajo Nation Board of Education, local community school boards, school board associations, local communities, and

any other entities serving the Navajo Nation that might be affected by the subject matter of these inquiries.

- e. Implement the credentialing and accreditation standards established by the Navajo Nation government.
- f. Comply with all applicable Navajo Nation, federal and, where appropriate, state laws concerning the confidentiality of records.
- g. Recommend the assumption of control of local community controlled schools to the Board as deemed to be necessary pursuant to the Navajo Nation Board of Education's statutory authority.
- h. Cooperatively work with schools serving the Navajo Nation in the areas of:  
Licensing BIE-funded school administrators
- i. Establish instructional content and achievement standards and customized criterion referenced achievement testing instruments for schools serving the Navajo Nation, including consolidation of the standards of the three states overlapping the Navajo Nation with those of the Navajo Nation for Navajo language and cultural knowledge.
- j. Establish policies and procedures for carrying out the accountability provisions of the federal education laws with regard to all Bureau of Indian Education funded schools serving the Navajo Nation.
- k. Establish procedures and criteria for endorsing Navajo language and cultural knowledge programs, and for certifying the competency of instructional personnel to deliver them.
- l. Receive monitoring and evaluation reports on all elementary and secondary educational programs serving the Navajo Nation. Provide for technical assistance as necessary and desired by such programs within available resources.
- m. In cooperation with the Health, Education, and Human Services Committee of the Navajo Nation Council, develop procedures to enforce the Navajo Nation school attendance laws.
- n. Review and endorse or decline to endorse existing elementary and secondary school curricula, teaching and criterion referenced test materials for consistency with the unique needs of Navajo students in all schools serving the Navajo Nation, and make recommendations thereon to the state agencies controlling curricula in the public schools.
- o. Direct the creation and publication of curricula, teaching, and criterion referenced test materials as needed for instruction in Navajo language and cultural knowledge.
- p. Negotiate and recommend to the appropriate Navajo Nation officials joint powers agreements or memoranda of understanding/agreement or other intergovernmental agreements as necessary to coordinate the activities of the Department of Diné Education with the Bureau of Indian Education and the departments of education of the states overlapping the Navajo Nation.
- q. In cooperation with the Health, Education, and Human Services Committee of the Navajo Nation Council, oversee research and provide for corrective actions on the achievement, problems, and needs of students and school systems.
- r. Propose Navajo Nation education legislation to the Health, Education, and Human Services Committee of the Navajo Nation Council.
- s. Actively pursue funding to support the activities of Navajo Nation education programs.
- t. Oversee the accountability and compliance of all Navajo Nation and applicable federal education laws or regulations.
- u. Implement the procedures established under the Grant/Contract Conversion/Maintenance Handbook and recommend such revisions to the Manual as are deemed necessary. Implement the process for reauthorization of school contracts/grants.

- v. Establish procedures for the enforcement of Navajo nation educational laws and implement such laws to the full extent of Navajo Nation jurisdiction.

### **§ 30 CHIEF OF DESIGN, ENGINEERING & STANDARDS OFFICER**

#### **A. Executive, Qualification & Term**

There shall be a Chief of Design, Engineering & Standards Officer (CDESO) of the Navajo Nation. The Chief shall hold a professional engineering (PE) license and a graduate degree in civil engineering, construction management, architecture, or a related field. The Chief shall have at least ten years of professional experience in infrastructure planning, project design, or engineering standards development. The Chief shall be appointed by the President of the Navajo Nation and confirmed by the Navajo Nation Council for a four-year term and may serve a maximum of two terms.

#### **B. General Duties**

The CDESO shall provide executive oversight over the planning, design, and technical standards for public infrastructure and capital projects across the Navajo Nation. This includes roads, buildings, utilities, public facilities, and site development. The Chief shall ensure that all infrastructure meets culturally, environmentally, and structurally sound engineering standards.

#### **C. Department Structure**

1. The CDESO shall oversee the Division of Design, Engineering & Standards (DDES) and be responsible for technical review, interagency design coordination, and engineering code enforcement.
2. The purpose of the Division shall be to:
  - a. Develop and maintain Navajo Nation design and construction standards;
  - b. Provide architectural and engineering design reviews for public capital projects;
  - c. Approve technical drawings, blueprints, and construction plans for compliance;
  - d. Serve as the technical authority on site development and capital improvement planning.
3. The Division shall consist of:
  - a. Chief of Design, Engineering & Standards Officer
  - b. Deputy Chief
  - c. Registered Engineers and Architects
  - d. Project Inspectors
  - e. Technical Code Specialists
  - f. Administrative and field support staff as budgeted

#### **D. Deputy Chief**

1. The Deputy Chief shall be appointed by the CDESO and shall have comparable qualifications in engineering or architectural design.

2. The Deputy Chief shall assist in operational management and act in the capacity of the Chief during absences or vacancies.

#### E. Regulatory Powers and Technical Authorities

1. The CDES0 shall issue and enforce engineering, architectural, and construction standards applicable to all tribal capital projects.
2. The CDES0 shall approve or reject project design packages before construction funding or procurement may proceed.
3. The CDES0 shall coordinate with Navajo Nation departments and chapters to provide design and site feasibility assistance.
4. The CDES0 may issue stop work orders or require redesign of projects not compliant with applicable codes.
5. The CDES0 shall represent the Navajo Nation in professional technical forums and tribal-state infrastructure working groups.

#### F. Strategic Planning and Policy Development

1. The CDES0 shall prepare and maintain a Design and Engineering Master Plan to guide long-term capital development.
2. The CDES0 shall work with the Capital Improvement Office, Budget and Finance Committee, and community stakeholders to align infrastructure standards with development priorities.
3. The CDES0 may propose legislation to adopt or update technical standards or codes of the Navajo Nation.

#### G. Reporting and Accountability

1. The Chief shall submit an Annual Infrastructure Standards Report to the Navajo Nation Council, which shall include:
  - a. Summary of technical reviews conducted
  - b. Major code changes or updates
  - c. Capital project oversight
  - d. Compliance status reports
2. The Chief shall maintain transparency by publishing design standards and updates online for use by chapters, planners, and contractors.

#### H. Ethical Standards

1. All professional engineers and staff under the CDES0 shall maintain licensure and adhere to the highest ethical standards of their profession.
2. No staff shall participate in any project in which they have a financial interest or personal relationship.

## § 31 CHIEF OF TRANSPORTATION & ROADS

### A. Executive, Term, & Qualification

There shall be a Chief of Transportation of the Navajo Nation. The Chief of Transportation shall be Diné, possess a Masters Degree in Construction Management, Project Management, Engineering, Business Administration, Leadership, or a relevant field with 8 years of managerial experience, or a Bachelors degree with 12 years in managerial experience. Will be elected by the Diné people at a duly scheduled Navajo Nation wide election for a term of four years and shall serve no more than two terms in one lifetime.

### B. General Duties

The Chief of Department of Transportation shall ensure the safety, maintenance, and continuation of road projects & infrastructure for the roads, traffic, and operations. Establish and implement program policies, regulations, hiring practices, budgets, and safety protocols.

### C. Department

1. Planning
2. Airports Management
3. Compliance
4. Roads
5. Transit
6. Highway Safety

### D. Powers and Authorities

1. To develop a strategic plan four-year plan for infrastructure projects, infrastructure budget & proposals, and bidding processes.
2. Recruit, assess, hire, train, and supervise all staff. Complete annual performance reviews for employees according to the personnel policy.
3. Research, submit grants proposals, and manage budgets.
4. Coordinate with any enterprise and similar entity of the Navajo Nation engaged in a transportation project or related project.
5. Analyze and solve any complex situations and develop immediate effective solutions.
6. Research, incorporate, and implement new regulations, technologies, safety procedures, budget changes, transportation operations as necessary and to Federal, State, and Navajo Nation standards and requirements.
7. Prepare and present the Diné people with semi- annual report, and quarterly reports to the Navajo Nation Presidents office, and to the other branches as necessary.
8. Will work collaboratively with Federal, State, and Tribal entities and enterprises for the betterment and safety of the Navajo people.

9. Will work collaboratively with all School districts to ensure the safety needs of the transportation of the student bus routes.
10. Direct studies to determine traffic volumes, feasibility study, capacities, and establish for current and future projects. Prepare recommendations and reports.
11. Review plans, development site plans, and construction plan for engineering standards.
12. Establish a quarterly goals and objectives for projects and budget.
13. Plan, organize, and direct the activities and staff for all departments and divisions.
14. Establish effective working relationships with subordinates, superiors, and representatives from other departments in private and public to coordinate activities and resolve problems.

**§ 32 CHIEF PUBLIC SERVICES REGULATORY OFFICER-** (Oversight, Integrity, and Investigative Authority)

**A. Executive, Qualification & Term**

There shall be a Chief of Anti-Corruption in Government (CACG) of the Navajo Nation. The Chief shall hold a Juris Doctor, Certified Fraud Examiner (CFE) credential, or a graduate degree in law with a focus on government ethics, public administration, or criminal justice. The Chief must have at least seven years of investigative or prosecutorial experience related to government ethics, fraud, or corruption. The Chief shall be appointed by the President of the Navajo Nation and confirmed by a two-thirds vote of the Navajo Nation Council for a term of six years and may serve only one full term.

**B. General Duties**

The CACG shall investigate allegations of fraud, abuse of power, embezzlement, bribery, and ethical misconduct in all branches and entities of the Navajo Nation government. The Office shall promote ethical conduct, transparency, and whistleblower protection and make policy recommendations to strengthen the integrity of Navajo governance.

**C. Department Structure**

1. The CACG shall function as an independent oversight entity under the Office of the President, reporting directly to the Navajo Nation Council through a designated Oversight Committee.
2. The purpose of the Office shall be to:
  - a. Receive and investigate complaints regarding public corruption;
  - b. Audit and review public funds, programs, and procurement processes;
  - c. Recommend prosecution or administrative remedies based on findings;
  - d. Provide ethics training and guidance to government officials and employees;
  - e. Monitor conflict of interest disclosures and lobbying activities.
3. The Office shall consist of:
  - a. Chief of Anti-Corruption in Government
  - b. Deputy Chief
  - c. Senior Investigators
  - d. Legal Counsel

- e. Forensic Auditors
- f. Ethics & Compliance Officers
- g. Administrative and technical staff as budgeted

#### D. Deputy Chief

1. The Deputy Chief shall be appointed by the Chief and must have significant experience in internal investigations, auditing, or legal compliance.
2. The Deputy Chief shall assist in day-to-day operations and serve as Acting Chief in the event of vacancy, absence, or disqualification.

#### E. Powers and Authorities

1. The CACG shall have the authority to:
  - a. Subpoena witnesses, documents, and records relevant to its investigations
  - b. Enter into inter-agency agreements for information sharing;
  - c. Refer findings for criminal prosecution, civil recovery, or administrative discipline;
  - d. Recommend policy, legal, or procedural reforms to reduce risk of corruption.
2. The CACG shall establish secure and confidential systems for:
  - a. Whistleblower reporting and protection;
  - b. Anonymous tips;
  - c. Documenting case files and investigative records.
3. The CACG shall maintain an Integrity Watchlist of high-risk vendors, contracts, and officials, subject to internal review and legal safeguards.

#### F. Reporting and Transparency

1. The Chief shall submit a Biannual Anti-Corruption Report to the Navajo Nation Council detailing:
  - a. Number and nature of complaints received;
  - b. Investigations initiated and completed;
  - c. Actions taken or recommended;
  - d. Trends, policy gaps, and legal vulnerabilities identified.
2. A public summary version shall be posted online for public review, ensuring protection of confidential matters.
3. The CACG shall provide immediate notice to the Navajo Nation Council and Office of the President upon discovery of any evidence of significant criminal activity or financial misconduct.

#### G. Ethical Conduct and Disqualification

1. The Chief and all staff shall be subject to strict conflict-of-interest and confidentiality rules.

2. Any staff member with a real or perceived conflict in a case shall be disqualified from participating in that matter.

3. The Chief may be removed only for cause, following an investigation by the Navajo Nation Council and a public hearing.

H. Public Outreach and Education

1. The CACG shall offer annual ethics training to all government employees, elected officials, and contractors.

2. The CACG shall maintain a public education program to inform the Diné about government integrity and how to report wrongdoing.

**§ 33 CHIEF ANTI-CORRUPTION OFFICER [IN DEVELOPMENT]**

**Article XX. AMENDMENTS TO THIS DIYIN NOHOOKÁÁ' DINÉ'É BI BEEHAZ'ÁANII BITSÉ SILÉÍ**

A. Amendments to this Diyin Nohookáá' Diné Bi Beehaz'áanii Bitsé Siléí shall be made by Initiative of the Diyin Nohookáá Diné'é'

B. The valid and proper signatures required to petition the Secretary of the Navajo Nation to make an amendment to this Diné Bi Beehaz'áanii shall be ten (10) percent of the voters who cast a vote for the President of the Navajo Nation in the most previous Navajo Nation wide election to elect the President.

C. Upon obtaining and certifying the number of valid and proper petition signatures of ten (10) percent, the Secretary of the Navajo Nation shall hold an election to Amend this Diné Bi Beehaz'áanii as provided in established election laws related to initiatives.

D. A vote of sixty-six (66) percent in favor of adopting the Amendment by at least sixty percent of the registered voters shall be required to amend this Diyin Nohookáá' Diné Bi Beehaz'áanii Bitsé Siléí.