



OFFICE OF NAVAJO GOVERNMENT DEVELOPMENT

Diyin Nohookáá Diné'é Bi Beehaz'aanii Bitsí Siléí

**Sa'ah Naghái Bik'eh Hózhóón -
Collective Will**

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Preamble

We are the Diyin Nohookáá Diné'é, people of the Great Covenant with our Holy People. By our collective will, we establish this Diyin Nohookáá Diné'é Bi Beehaz' aanii Bitsí Siléí for life, liberty, happiness, prosperity and posterity.

Article I Beehaz' Áanii - Source Of Governmental Authority

The source of Navajo Sovereignty and governmental authority derives from the Diyin Nohookáá Diné'é (Navajo people). The Navajo people are the governing body. The Navajo Nation will be ruled by the Rule of Law.

Article II. Diyin Nohookaa Dine'e Bil Haz' Áanii - Navajo Nation

The Navajo Nation is composed of the people, lands, waters and air space. Declares the Navajo people as Diyin Nohookáá Diné'é with a unique lifeways and declares Din4 bizaad as the national language.

Article III. Hózhóójí Bee Nahaz'aanii - Rule Of Law

Declares that the Navajo Nation is ruled by laws, including the fundamental laws and the Diyin Nohookáá Diné'é Bi Beehaz' Áanii Bitsí Siléí is supreme.

Article IV. Nihi Diné'é - Tribal Members And Citizens

Defines who the Navajo Tribe of Indians are as provided in the Treaty of 1868 and extends Navajo Nation Citizenship to people living among the Navajo people.

Article V. K'é – Duties

List the duties of all persons within the Navajo Nation as defined by Navajo principle of K'é, tradition and culture.

Article VI. Treaty And Collective Rights

Recognizes that the Navajo People are the sovereign with inherent rights of self governance and own the right to use and occupy Navajo lands as provided in the Treaty of 1868. Land use shall be vested in family units pursuant to a family trust. The bundle of land rights is vested in the Navajo people. Further recognizes that treaty rights are reserved rights and each Din4 is vested with treaty rights.

Article VII. Individual Freedoms And Rights

Defines the freedoms of every individual and the legal rights of all persons within the jurisdiction of the Navajo Nation. Such rights includes rights traditionally

included in the Navajo Bill of Rights includes rights learn the Navajo culture and language.

Article VIII. Investor Bill Of Rights

Defines rights afforded to all investors on the Navajo Nation. Such rights include dispute resolution forums, due process, rights to the lands, labor, capital and guarantees of tax limitations. Navajo Nation business environment shall be consistent with markets outside of the Navajo Nation.

Article IX. Keyah Bi Beehazáani- Land Tenor System

The Navajo land tenor system defines the ownership of Navajo lands, including individual rights to use and occupy lands as reserved in the Treaty of 1868. Recognizes land rights as a commodity for intra-Navajo trade and economic development.

Article X. Dine' Hózhóóji Bah Naahat'a - Navajo Nation Government

The Navajo Nation Government shall be comprised of four houses including a government stability, legislative, executive and judicial and independent and separate local governance units. Separation of Powers & Checks And Balances are established between the four houses of government. The government exists by the collective will of the people to maintain hozho. Yearly appropriation of funds to operate the government by an Appropriation Committee.

Article XI. Elections – Representative Governance

The Navajo Nation is a participatory democracy. There shall be representative governance by electing representative who serve at the pleasure of the Navajo people. The Dine' and Citizens have the right to elect their representatives and remove them.

Article XII. Naat'aanii Of The Dine' Hózhóóji Bah Naahat'a

Defines how people are installed into office and establishes minimum qualification for elected officials; terms of office and limitations on number of terms. Also establishes a process for recall of elected officials who lose the confidence of the people.

Article XIII. Right To Exclude

Navajo has a right to exclude non-members under Article II of the Treaty of 1868 and a US Supreme Court Decision in Worcester v. Georgia, 6 Pet. 515, 31 U. S. 557 (1832). Article establishes the circumstances under which non-members and state laws can be excluded.

Article XIV. Beehaz'áanii Baa Áhoyááñjii Báhooghan (Government Stability)

This house is established to maintain stability and will be responsible for protecting the individual and collection rights of the Navajo people and primarily the right to vote, maintain vital statistics, insurance matters and record keeping.

Article XV. Beehaz'Áanii Hadilnehíjí Báhooghan - Legislative Power

This House of government is the law-making body of the Navajo Nation. Defines the law-making power of the Navajo Nation, its offices and programs and the powers and authorities of the .

Article XVI. Beehaz'áanii Bee Na'anishíjí Báhooghan - Executive Power

This House of government will carry out and enforce the laws of the Navajo Nation. There shall be a President of the Navajo Nation and Executive Officers who shall be the administrators of the departments and divisions.

Article XVII Beehaz'áanii Bee Na'hwiitah Báhooghan - Judicial Power

This House of government will interpret the Diyin Nohookáá Diné'é Bi Beehaz'Áanii Bitsí Siléí, fundamental laws, statutory laws and be a dispute resolution forum for the Navajo Nation. It shall be comprised of a Supreme Court, District Courts, Family Courts and Peacemaking Tribunals. This House shall have power to issue orders, opinions and degrees that are binding on parties involved in a legal dispute.

Article XVIII Local Rule & Governance Entities

The Chapters will be reconstituted as municipal corporations and operate as independent organizations separate and apart from the central government. Local residents shall have the legislative power, elected officials have the enforcement power and Peace-Makers shall have the judicial power.

Article XIX. Chief Executive Officers

GOVERNMENT SERVICES – Appointed Positions with Confirmation subject to Recall by People

- 1 Secretary Of The Navajo Nation - (Relations with external governments, issue passports, ID's, Membership, Citizens, NN Elections, NN Archives)
- 2 Chief Legal Officer
- 3 Chief Fiscal Officer - (Investments, Economic Forecast, Set Interest Rates)
- 4 Chief Revenue Officer - (Tax, fines, fees, assessments)
- 5 Executive Management & Budget Officer (Inspector General)
- 6 Chief Accounting & Records Officer- Accounting & Accounts Payable)
- 7 Chief Auditor & Inspector - Auditor
- 8 Chief Of Government Services & Property - Government Property (GSA)
- 9 Chief Environmental Protection & Enforcement Officer
- 10 Executive Energy Officer
- 11 Chief Of Commerce (Indian traders & business registration, commerce stats, promote business activity)

- 12 Chief Labor Officer
- 13 Executive Human Resource Officer
- Office of Legislative Counsel
- Office of Legislative Services
- Navajo Nation Code Recorder

CHAPTER SERVICES – Elected Position subject to Recall by People

- 14 Local Governance Administrator (Accounting, Legal, Economic, Engineering, Land)

PEOPLE SERVICES – Elected Positions subject to Recall by People

- 15 Chief Human Rights Officer (IINA Caretaker)
- 16 Chief Of Public Safety
- 17 Chief Of Police & SWAT
- 18 Chief Of Public Health and Medical Services
- 19 Executive Education Officer
- 20 Executive Human Services Officer (Social Services)
- 21 Land Commissioner (Recorder, Assessment, Assignments, Leases, ROW's,
Recommend Consent,
- 22 Water Engineer
- 23 Chief Natural Resources Officer
- 24 Shareholder Representatives (People's Shareholder & oversight)
- 25 Chief Agriculture Officer
- 26 Chief Cultural Heritage & Language Preservation Officer
- 27 Chief Of Design, Engineering & Standards Officer
- 28 Chief Of Transportation & Roads
- 29 Chief Public Services Regulatory Officer (Monopoly Regulation, electric, natural gas,
telecommunications,)
- 30 Chief of Legislative Codification and Law Revision

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DIYIN NOHOOKÁÁ DINÉ'É BI BEEHAZ'ÁANII BITSÍ SILÉÍ
SA'AH NAGHÁÍ BIK'EH HÓZHÓÓN - COLLECTIVE WILL

Nihi Diyin Nohookáá Diné'é ni' gleeni'gih, Sa'ah Naghái Bik'eh Hózhóón bi'nah'gaii, 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 Nohookaa Diné'é Bi Beehaz'áanii Bitsí Siléí for the Navajo Nation. Dibi'nah'jii' hózhó doo Shihasin a'hol'od'doh.

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 NOHOOKAA DINE'E BIL HAZ'ÁANII - NAVAJO NATION

§201. Diyin Nohookáá Diné'é, the people of the Great Covenant, exist with the blessings of our Diyin Dine'e (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 operate 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 NAHAZ'AANII - RULE OF LAW

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

§302 The foundational beliefs and philosophy of Diyin Nohookaa Diné’é are embedded in ceremonies, chants, creation narratives and Diné Bizaad which is known as Bitsí Siléí. Bitsí 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’aanii Bitsí Siléí which embodies;

Diyin bitsaadee beehaz'aanii (Ceremonial Law),

Diyin Dine'e bitsaadee beehaz'aanii (Traditional Law),

Nahasdzaan doo Yadihlil bitsaadee beehaz'aanii (Natural Law), and

Diyin Nohookaa Dine' bi beehaz'aanii (Common Law).

§304 This Diyin Nohookáá Diné’é Bi Beehaz’aanii Bitsí Siléí (herein after “Diné Bi Beehaz'aanii”); 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'aanii, 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'aanii shall be subordinate to and consistent with this Dine' Bi Beehaz'aanii. 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'aanii 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'aanii 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 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, the courts can declare an individual as Dine' by judicial decree.

§402. Adoption as 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 Hadilnehíjí 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 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.

§ 504. Education

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

§ 505. Duty Not to Harm

To abstain from inflicting undue harm on all Diné'é, 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'é (All beings).

§ 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 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. Recognized Sovereignty

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. United States Trust Responsibility

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 Americans 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.

§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 President 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 registered voters who cast a vote for the Navajo Nation President in the most recent election for Navajo Nation-wide initiatives.

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 Right of to Use and Occupy 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 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 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 per capita distribution to the Diné is also authorized, 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 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 is also authorized, 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 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 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 private schools, colleges and universities, trade schools and other institutions of learning.

§613. Hunting and Herbs

The treaty right to hunt and gather 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.

§ 701. Right to Choose and Decide

A. The Diné retain 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 Navajo wedding basket ceremony entrusted to the Diné by the holy deities is reserved for a marriage between a man and a woman. The Diné, who are consenting adults have a right to choose a person of choice for a civil marriage which shall be recognized by the government.

§ 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.

§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 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 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.

§713. Debt

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

§714. Taxes

A. There shall be no taxes on the elements that sustain life including the air, water, fire and nutrients for human consumption. There shall be no taxes on one private residences for each family and Navajo ceremonial rituals of Hozhooji, Haskeeji, Hóchq'íjí and Naayee'ji.

B. 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. There shall be no income tax on any gratuity paid to a food or beverage server in a retail outlet.

C. 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.

§715. 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.

§716. 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.

§717. 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.

§718. 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 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 person, 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 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 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. Title or ownership 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.

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

§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 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 as soon as possible.

§904. 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.

§905. 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.

§906. 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 Ké 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.

§907 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.

§908 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.

§909 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 of 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.

§910 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 Áhoyááńjii Báhooghan.

§911 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.

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

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

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

§915. 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.

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

§917. 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.

§918. 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.

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

§920. 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.

§921. 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.

§922. 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.

§923. 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.

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 Nahatah.

§1002. Dine' Hózhóójí Bah Nahatah government establishment:

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

Beehaz'áanii Baa Áhoyááńjii Báhooghan vested with fiscal stability & balance power,

Beehaz'áanii Hadilnehíjí Báhooghan vested with the legislative power,

Beehaz'áanii bee Na'anishíjí Báhooghan vested with the executive power, and

Beehaz'áanii bee Na'hwiitah Báhooghan vested with the judicial power.

§1003. Offices of Naat'aanii

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 Áhoyááńjii 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 Áhoyááńjii Báhooghan, Beehaz'áanii Hadilnehíjí Báhooghan, Beehaz'áanii Bee Oonishíjí Báhooghan and Beehaz'áanii Bee Na'ahwiihíjí Báhooghan and Executive Officers of government shall work together to coordinate and provide efficient and orderly government 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'aanii 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'aanii 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 Áhoyááńjii 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'aanii

A. Any compensation, benefit or payment received by a Naat'aanii 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 Áhoyááńjii 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'aanii may receive an annual salary commensurate with the service provided to the Dine. A Naat'aanii may also receive a honorarium fee and/or a meal provided for attending an event.

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

E. A Naat'aanii 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'aanii beyond his or her annual salary shall be void ab initio.

F. In the event a Naat'aanii receives any form of a bribe, campaign contribution, compensation, benefit or payment which is inconsistent with this section, the Naat'aanii shall be subject to removal and restitution. A Naat'aanii 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 Áhoyááńjii Báhooghan, Beehaz'áanii Hadilnehíjí Báhooghan, Beehaz'áanii Bee Oonishíjí Báhooghan and Beehaz'áanii Bee Na'ahwiahjí Báhooghan.

C. The Beehaz'áanii Baa Áhoyááńjii 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 Áhoyááńjii Báhooghan and Beehaz'áanii Hadilnehíjí Báhooghan to convene a special session of Budget Appropriations Committee. The Beehaz'áanii Baa Áhoyááńjii 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'aanii 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'aanii

The authorities exercised by all Naat'aanii of the Dine' Hózhóóji 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'aanii

Each Naat'aanii position created herein belongs to the eligible voters and each Naat'aanii 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'aanii based upon reasonable qualifications.

§1104. Designation of Election Administrator

The Secretary of the Navajo Nation is the designated Naat'aanii 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'aanii 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'aanii 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'AANII 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'aanii 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'aanii 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'aanii for which she/he is elected.

§1202. Installment

- A. A Naat'aanii 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'aanii who serves as the President, Vice-President, Naat'aanii, or must be elected into office by the registered voters of the Navajo Nation
- B. A Naat'aanii 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'aanii 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'aanii 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. [Installment after vacancy within one month]

§1203. Maximum Term of Office

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

Incapacity or Death

A Naat'aanii 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'aanii 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 Áhoyááńjii Báhooghan

1. Any Naat'aanii who exercises powers not delegated to their particular house of government may be removed for cause.

2. In the event a Naat'aanii 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 initial 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'aanii 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'aanii, the Naat'aanii shall be removed by the Government Anti-corruption Board for cause.

Conspiracy Actions

§1205. Campaigning

A Naat'aanii 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'aanii 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'aanii, 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'aanii, the House Chief for the department, division, program or office shall nominate a qualified person to complete the term of the Naat'aanii. The Beehaz'áanii Baa Áhoyááńjii Báhooghan and Beehaz'áaniijí Hadilnehíjí Báhooghan shall confirm the appointed before the nominee assumes the position of Naat'aanii.

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 ÁHOYÁÁÑJII BÁHOUGHAN HOUSE OF GOVERNMENT STABILITY

§1401. Establishment and Purpose

A. There is hereby established the Beehaz'áanii Baa Áhoyááñjii Báhooghan in the Diné Hózhóójí Bah Nahatah.

B. The power to ensure government stability is vested with the Beehaz'áanii Baa Áhoyááñjii Báhooghan of the Diné Hózhóójí Bah Nahatah. 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 Áhoyááñjii 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 Áhoyááñjii 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 Áhoyááñjii 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 Áhoyááñjii Báhooghan of the Navajo Nation Government shall be comprised of two Naat'aanii 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'aanii's of the local governance entities in that region to

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

B. The two Naat'aanii to the Beehaz'áanii Baa Áhoyááńjii 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'aanii to the Beehaz'áanii Baa Áhoyááńjii Báhooghan.

§1404. Qualifications

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

1) Education: A Naat'aanii to the Beehaz'áanii Baa Áhoyááńjii 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'aanii to the Beehaz'áanii Baa Áhoyááńjii 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 Áhoyááńjii Báhooghan shall be as a body by vote of a quorum of the Beehaz'áanii Baa Áhoyááńjii Báhooghan. No individual or group of Naat'aanii shall have authority to create or demand action without a vote by a quorum of the Beehaz'áanii Baa Áhoyááńjii 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 Áhoyááńjii 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 Áhoyááńjii Báhooghan through the Office of Government Review shall ensure all laws, plans of operation, regulations, policies and practices existing before adoption of this Diyin Nohookaa Diné Bi Beehaz'áanii Bitsí 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'áaniijí Hadilnehíjí Báhooghan by a majority vote of a quorum of the Beehaz'áanii Baa Áhoyááńjii Báhooghan. If any legislation is not approved, a certified written memorandum shall be sent to the Speaker of the Beehaz'áaniijí Hadilnehíjí Báhooghan explaining why the legislation was not approved. If a legislation is

approved, the Speaker of the Beehaz'áanii Ha'datsídí Báhooghan shall certify the vote and forward the legislation to the President of the Navajo Nation.

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

H. The Beehaz'áanii Baa Áhoyááńjii 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 Áhoyááńjii Báhooghan.

I. The Beehaz'áanii Baa Áhoyááńjii 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 Áhoyááńjii Báhooghan of the Navajo Nation shall consist of the Beehaz'áanii Baa Áhoyááńjii 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 Áhoyááńjii 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'aanii 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 Áhoyááńjii 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 Áhoyááńjii Báhooghan established for the purpose of filling positions within the Beehaz'áanii Baa Áhoyááńjii 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 Áhoyááńjii 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. This 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 Áhoyááńjii 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 Áhoyááńjii 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 Áhoyááńjii 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 Áhoyááńjii 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 Áhoyááńjii 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 Áhoyááńjii 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 Áhoyááńjii 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 Áhoyááńjii 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 Áhoyááńjii 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 Din4 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 Áhoyááńjii 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 Nahatah is vested in the Beehaz'áanii Hadilnehíjí Báhooghan.

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

§ 1502. Number; time; duration

A. The Beehaz'áanii bi Naat'aanii 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'aanii. Such Sessions shall commence at 9:00 a.m.

B. Special meetings of the Beehaz'áanii bi Naat'aanii 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'aanii. ; or

2. Written petition by a majority of all Naat'aanii of the Beehaz'áanii bi Naat'aanii 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'aanii 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'aanii shall be comprised of twenty-four beehaz'áanii bi Naat'aanii. A Speaker shall be selected by the entire composition of the Beehaz'áanii bi Naat'aanii to Chair all meetings of the Beehaz'áanii bi Naat'aanii.

§1204. Installation

A Naat'aanii shall be elected by a majority vote of the Dine' in the precinct s/he represents. Each person serving as a Naat'aanii to the Beehaz'áanii bi Naat'aanii 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'aanii shall be four years. No person shall serve more than two (2) terms as Beehaz'áanii bi Naat'aanii 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'aanii 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'aanii 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'aanii 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'aanii 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'aanii 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'aanii, after his/her election, enters such service, the Naat'aanii shall immediately forfeit his/her office as a Beehaz'áanii bi Naat'aanii.

D. No Beehaz'áanii bi Naat'aanii 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'aanii. If any Beehaz'áanii bi Naat'aanii, after his/her election, engages in the aforementioned prohibitions, the delegate shall immediately forfeit his/her office as a Beehaz'áanii bi Naat'aanii.

§ 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'aanii.

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

§1509. Quorum

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

§1510. Powers –

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

1. All official actions by the Beehaz'áanii bi Naat'aanii shall be as a body by vote of a quorum of the Beehaz'áanii bi Naat'aanii. No individual or group of Naat'aanii shall have authority to create or demand action without a vote by a quorum of the Beehaz'áanii bi Naat'aanii, 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'aanii 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'aanii.
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'aanii.
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'aanii 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'aanii. The legislation shall be delivered to the Beehaz'áanii Baa Áhoyááńjii Báhooghan upon certification and shall be subject to approval or veto by a vote of the quorum. If the Beehaz'áanii Baa Áhoyááńjii 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'aanii 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'aanii.

2. A majority of all Naat'aanii 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'aanii.

ARTICLE XVI. BEEHAZ'ÁANII BEE NA'ANISHÍJÍ BÁHOOGHAN EXECUTIVE POWER

§1601. Executive House

The executive power of the Dine' Hózhóójí Bah Nahatah is vested in the Beehaz'áanii Bee Na'anishíjí Báhooghan (Executive House). The Executive House shall consist of the Diné Bi Naaniht'aahii (President) of the Navajo Nation and such divisions, departments, offices, or programs as may be established by law in the Beehaz'áanii Bee Na'anishíjí 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 Na'anishíjí 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 Na'anishíjí Báhooghan. The President shall preside over and coordinate at all meetings with executive departments, divisions, programs and or offices within the Beehaz'áanii Bee Na'anishíjí Báhooghan.
 2. Ensure faithful execution and enforcement of the laws of the Navajo Nation by the Beehaz'áanii bee Na'anishíjí 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 Na'anishíjí 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 Áhoyááńjii 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'HWIITAH BÁHOOGHAN JUDICIAL POWER

§1701. Establishment; composition

A. The judicial power of the Navajo Nation is vested in the Beehaz'áanii bee Na'hwiitah 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 and such other Courts as may be created by the Beehaz'áanii Hadilnehíjí Báhooghan and approved by the Beehaz'áanii Baa Áhoyááńjii 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 Áhoyááńjii 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'hwiitah Báhooghan shall 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'hwiitah Báhooghan be a forum for fair and impartial dispute resolution and to petition for grievances by all.

C. The Beehaz'áanii bee Na'hwiitah 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'hwiitah 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 Beenahaz'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'hwiitah 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 Áhoyááńjii 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 Nohookaa Diné'é Bi Beehaz'áanii Bitsí 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 Áhoyááńjii 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 Nohookaa Dine'e Bi Beehaz'áanii Bitsí 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.

§ 1801. 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.

§ 1804. 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 bylaws, an anti-corruption in government policy, accounting policy, human resources policy, revenue and fiscal management policy.

§ 1805. 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

§ 1806. 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 Nohookaa Dine'e Bi Beehaz'áanii Bitsí Siléí.
13. No Local Governance Entity shall implement a tax unless authorized by Dine'e Bi Beehaz'áanii Bitsí Siléí or Navajo law.

§ 1807. 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 Dine'e Bi Beehaz'áanii Bitsí 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.

§ 1807. 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 Nohookaa Diné'é Bi Beehaz'áanii Bitsí Siléí or laws established by the Navajo Nation.

Article XIX.

DEPARTMENT AND DIVISION OFFICERS

§ 1 **SECRETARY OF THE NAVAJO NATION**

§ 2 **CHIEF LEGAL OFFICER**

§ 3. **CHIEF FISCAL OFFICER**

§ 4. **CHIEF REVENUE OFFICER**

§ 5 **EXECUTIVE MANAGEMENT & BUDGET OFFICER**

§ 6 **CHIEF ACCOUNTING & RECORDS OFFICER**

§ 7 **CHIEF INSPECTOR GENERAL**

§ 8 **CHIEF OF GOVERNMENT SERVICES & PROPERTY MANAGEMENT**

§ 9 **CHIEF ENVIRONMENTAL PROTECTION & ENFORCEMENT OFFICER**

§ 10 **EXECUTIVE ENERGY OFFICER**

§ 11 **CHIEF OF COMMERCE**

§ 12 **CHIEF LABOR OFFICER**

§ 13 **EXECUTIVE HUMAN RESOURCE OFFICER**

LOCAL GOVERNANCE SERVICES

§ 14 **LOCAL GOVERNANCE SUPPORT ADMINISTRATOR**

DINÉ GOVERNMENT SERVICES

- § 15 CHIEF HUMAN RIGHTS OFFICER**
- § 16 CHIEF of PUBLIC SAFETY**
- § 17 CHIEF of POLICE & SWAT**
- § 18 CHIEF of PUBLIC HEALTH AND MEDICAL SERVICES (Reserved)**
- § 19 EXECUTIVE EDUCATION OFFICER**
- § 20 EXECUTIVE HUMAN SERVICES OFFICER**
- § 21 LAND COMMISSIONER**
- § 22 WATER ENGINEER**
- § 23 CHIEF NATURAL RESOURCES OFFICER**
- § 24 FIDUCIARY BUSINESS COUNCIL**
- § 25 CHIEF AGRICULTURE OFFICER**
- § 26 CHIEF CULTURE HERITAGE & LANGUAGE PRESERVATION OFFICER**
- § 27 CHIEF OF DESIGN, ENGINEERING & STANDARDS OFFICER**
- § 28 CHIEF OF TRANSPORTATION & ROADS**
- § 29 CHIEF PUBLIC SERVICES REGULATORY OFFICER-** (Oversight, Integrity, and Investigative Authority)
- § 30 CHIEF OF LEGISLATIVE CODIFICATION AND LAW REVISION**
(Reserved) (Law Maintenance, Publication, and Reform Oversight)

Article XX. AMENDMENTS TO THIS DIYIN NOHOOKAA DINE'E BI BEEHAZ'ÁANII BITSÍ SILÉÍ

- A. Amendments to this Diyin Nohookaa Diné Bi Beehaz'áanii Bitsí Siléí shall be made by Initiative of the Diyin Nohookaa 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 Nohookaa Diné Bi Beehaz'áanii Bitsí Siléí.