LEGISLATIVE SUMMARY SHEET

Tracking No. 0195-21

DATE: September 9, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, AND NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING THE REINSTATEMENT OF NIZHONI HARKER AS A MEMBER OF THE NAVAJO NATION

PURPOSE: An action related to Health, Education and Human Services and Nabik'iyati' Committees; approving the reinstatement of Nizhoni Harker as a member of the Navajo Nation.

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Waived
Website Posting Time/Date: Sept. 10, 2021 12:16pm
Posting End Date: September 15, 2021
Eligible for Action: September 16, 2021

Health Education & Human Services Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. 0195-21

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING THE REINSTATEMENT OF NIZHONI HARKER AS A MEMBER OF THE NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. Under the laws of the Navajo Nation, any enrolled member of the Navajo Nation may renounce [her] membership by written petition to the President of the Navajo Nation requesting that his name be stricken from the Navajo Nation roll. *See* 1 N.N.C. § 705 (Renunciation of membership).

B. The Navajo Nation in addition states, "[n]o 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." *See* 1 N.N.C. § 703 (Member of another tribe).

C. Renounced members may be reinstated by the Navajo Nation only by the vote of majority of the Navajo Nation Council. *See* 1 N.N.C. § 705 (Renunciation of membership).

SECTION TWO. FINDINGS

A. The Navajo Nation Office of Vital Records has issued a memorandum dated August 19, 2021, attached as **Exhibit A,** confirming Nizhoni Harker ("Ms. Harker") was enrolled with the Navajo Nation on January 18, 1994. Ms. Harker is one-half (1/2) Navajo blood and eligible for re-enrollment with the Navajo Nation so long as she is not enrolled with another Indian tribe.

B. On September 2, 1998, Ms. Harker's parents petitioned for relinquishment of Ms. Harker from the Navajo Nation through the Section 164 Review Process #11313, attached as **Exhibit B,** with the intent to enroll her with the Zuni tribe.

C. Ms. Harker has formally requested reinstatement into the Navajo Nation. *See* letter dated July 31, 2021, as **Exhibit C.**

D. The Zuni Tribe has confirmed, as provided in **Exhibit D,** Ms. Harker formally relinquished her Zuni tribal membership on June 19, 2019.

SECTION THREE. REENROLLMENT

Nizhoni Harker is and shall be reinstated, or otherwise re-enrolled, as a member of the Navajo Nation. By this action of the Navajo Nation Council and pursuant to the laws of the Navajo Nation, she shall be entitled to all rights, benefits and privileges associated with membership with the Navajo Nation.



THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

MEMORANDUM

TO: Office of Legislative Counsel
Legislative Branch
Navajo Nation

FROM: Ronald D. Duncan, Program Manager I
Navajo Office of Vital Records & Identification (NOVRI)

DATE: August 19, 2021

RE: Reinstatement of NHarker

This memorandum is to verify the enrollment and subsequent relinquishment of Nizhoni Harker, date of birth

Ms. Harker enrolled with the Navajo Nation on January 18, 1994 with enrollment number . Her blood quantum is one-half Navajo and one-half Zuni according to our records. Ms. Harker's parents petitioned for relinquishment from the Navajo Nation through the Section 164 Review Process, #11313 with the intent to enroll her with the Zuni tribe.

Relinquishment occurred on October 19, 1999 upon the signature of President Kelsey A. Begaye when Nizhoni was six (6) years of age. Relevant documents are attached for reference in her current request for reinstatement to the Navajo Nation.

Pursuant to Title 1 § 703, no person may enroll as a member of the Navajo Nation who is on the roll of another Indian tribe. In this instance, Ms. Harker would need to demonstrate that she has relinquished from the Zuni Tribe. If this has been completed, then Ms. Harker would be eligible for reinstatement and should her request be granted, her original enrollment number would be restored to her.

Please contact me should you have any questions about this matter me at (928) 871-6883.

Attachments

c: File

OCG Use:
Date: _____
Page: _____

OFFICE OF THE PRESIDENT

The Navajo Nation
Window Rock, Arizona 86515

SAS NO. № 11313

SIGNATURE APPROVAL SHEET

(164 REVIEW PROCESS)

DEPT: NAVAJO OFFICE OF VITAL RECORDS (NAME) LEONARD BENALLY (Phone No.) 871-6386

DOCUMENT: RELINQUISHMENT OF NAVAJO MEMBERSHIP: 1. Nizhoni Harker, R# [redacted]

****

1. Program NOVR/LBenally, VSM/ : DATE: 9/28/99
2. Division DHR/Dboone, Exec. Dir./ : DATE: 9-28-99
3. Contracts & Grants/OMB ////// Navajo Land Dept./ : DATE: 10/06/99
4. Division of Finance ////// /Controller : DATE: 10-14-99
5. Department of Justice : DATE:
6. Office of the President : DATE: 10/19/99
7. Legislative Counsel : DATE:

RETURN ENTIRE DOCUMENTS TO OFFICE OF CONTRACTS AND GRANTS WHEN SIGNED BY PRESIDENT/VICE PRESIDENT.

Business Regulatory: _____ Committee Review/Action: _____

Sign/Date: 10/21/99 OCG Final Receipt: _____

WHITE—President's Office BLUE—OCG YELLOW—Financial Services PINK—Division

tabbies
EXHIBIT
B


RECEIVED
SEP 28 1999
DIVISION OF
HUMAN RESOURCES

RELINQUISHMENT OF NAVAJO TRIBAL MEMBERSHIP

We, Dave F. Harker, Zuni Tribe and Shirley Douglas, R#[redacted] do hereby petition the President of the Navajo Nation that our daughter, Nizhoni Harker, R#[redacted]; DOB: , be stricken from the Navajo Census Rolls. Our reason is that We want our daughter to become an enrolled member of the Zuni Indian Tribe.

Subject to the acknowledgment of the Navajo Nation President, We do hereby withdraw and renounce our daughter membership in the Navajo Tribe.

We understand and agree that by executing this Relinquishment, We are forfeiting any and all rights and benefits that our daughter may have, including, but not limited to, any personal or other property of any kind or character, which is based on Navajo membership. We further understand that this Relinquishment will become effective upon receipt of the Navajo Nation Office of Vital Records.

Signed at Yahtahey NM this 02 day of Sept, 1998.

Dave F. Harker

Shirley Dawes Douglas

[redacted]

ADDRESS: Yahtahey NM 87375

WITNESSES:

Darlene Curley

NAME [redacted]

ADDRESS Tohatchi NM 87325

NAME

ADDRESS [redacted]

Zuni, New Mexico

ACKNOWLEDGED:

President, The Navajo Nation

10-19-99

Date Approved

Recorded on page 134 Southern Navajo Indian Census Roll, New Mexico and on Family Application #99-670. Recorded on November 16, 1999.

11-16-99

for Leonard Benally, Vital Statistics Manager
Navajo Office of Vital Records

cc: Tribal Enrollment Services, Fort Defiance Agency, The Navajo Nation
P.O. Box 290, Fort Defiance, Arizona 86504

Pueblo of Zuni, P.O. 339, 1203-B State Highway 53, Zuni, New Mexico 87327-0339

November 16, 1999

Shirley Dawes
[redacted]
Yahtahey New Mexico 87375

Dear Ms. Dawes:

Enclosed is your child, Nizhoni Harker's finalized Relinquishment of Navajo Nation Membership. Navajo Enrollment Number [redacted] has been cancelled and should no longer be used.

If there are any questions, please call our office at 520/871-6386, extension 6406.

Sincerely,

Evelyn Mike
Vital Statistics Technician

Enclosure (1)

Cc: Tribal Enrollment Office, Fort Defiance Agency, The Navajo Nation, PO Box 290, Fort Defiance, AZ 86515

Pueblo of Zuni, Enrollment Office, PO box 339, 1203-B State Highway 53, Zuni, NM 87327-0339

Files-Relinquishment
Emike Files

July 21-98

To Whom concern:

I'm withdrawing my daughter, Nichoni Harker from the Navajo Tribe and enrolling her with the Zuni Tribe.

Her father Dave Harker and I Shirley Douglas have decided its best for our children to be enrolled together. Also for her school which she starts this fall.

Thank you,
Shirley Douglas

MALCOLM B. BOWEKATY
Governor

BARTON MARTZA
Lt. Governor

ELDRED P. BOWEKATY
Head Councilman

DAVID W. WYACO, SR.
Councilman

PUEBLO OF ZUNI
P.O. Box 339
1203-B State Highway 53
Zuni, New Mexico 87327-0339
505-782-4481

ARDEN KUCATE
Councilman

DAN SIMPLICIO, JR.
Councilman

VIVIAN M. HATTIE
Councilwoman

ANTHONY OTTO LUCIO
Councilman

March 15, 1999

The Navajo Nation
Fort Defiance Agency
Tribal Enrollment Services
P.O. Box 290
Ft. Defiance, AZ 86504

Dear Enrollment Director:

SUBJECT: **MEMBERSHIP ELIGIBILITY OF: HARKER, NIZHONI**
Social Security Number: [redacted]
Date of Birth: _____
Degree of Blood: **1/2 ZUNI; 1/2 NAVAJO**
Mother: **SHIRLEY M. DAWES DOUGLAS** Father: **DAVID FRANCIS HARKER**

According to the information provided on the Zuni Tribal Enrollment Application, together with all other evidence concerning the above individual's eligibility for membership, it is without hesitation to inform you that **NIZHONI HARKER**, **is eligible for membership in the Zuni Tribe.**

The enrollment/membership determination is according to the established provisions in the Constitution of the Zuni Tribe, Article II, Section 1(b).

However, her Zuni Tribal Enrollment Application will not be processed until acceptance of relinquishment is received from the Navajo Nation to finalize the enrollment of **NIZHONI HARKER** with the Zuni Tribe.

Sincerely,
PUEBLO OF ZUNI

Shirley Leekela

Shirley Leekela,
Tribal Census Officer

/sl

Enclosure: [ ] Membership Relinquishment
[X] ZCIB of Parent

EXHIBIT
tabbies
C

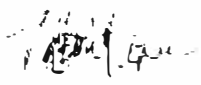
Troy D. Cook

From: Nizhoni Joyy <joyynizhoni@gmail.com>
Sent: Wednesday, September 8, 2021 11:52 AM
To: Troy D. Cook
Subject: Reinstatement Letter

July 31, 2021

My name is Nizhoni Harker and I am from Yatahey, New Mexico. I moved back in 2019 and withdrew from the Zuni Tribe on June 19th, 2019. A Relinquishment of Membership was finalized. My father was deceased and i simply did not have no intent of going back to Zuni. I had started the application process to enroll back with the Navajo Nation tribe and retain my census number. All documents were filled out and returned to Vital Records there in Window Rock, Arizona. I was then informed I had to attain a represe ntative in order for my application to be approved for my census. The Vice President of Rock Springs Chapter did acknowledge you, Eugenia for representation. I am not sure how the whole process works and I am willing to do what I can to move forward with this. Being a member of the Navajo Tribe will give me more opportunities to employment and move further with my career as some places do enforce the Navajo Preference Act. I have attached the relinquishment from the Zuni Tribe.
Any questions or concerns, please don't hesitate to contact me on my cell

Thank you,



Nizhoni Harker
PO Box
Yatahey, NM 87375

EXHIBIT tabbies D

VAL R PANTEAH SR.
Governor

CARLETON R. BOWEKATY
Lt. Governor

VIRGINIA R. CHAVEZ
Head Councilwoman

CLYDE YATSATTIE
Councilman

ZUNI TRIBE
Tribal Census Office
P.O. Box 339
1203-B State Highway 53
Zuni, New Mexico 87327-0339
www.ziohnz@ashiwi.org
fvicen@ashiwi.org
505-782-7071 (☎)
505-782-7208 (🖷)

ARLEN P. QUETAWKI, SR.
Councilman

ERIC BOBELU
Councilman

RICKY R. PENKETEWA, SR.
Councilman

ARDEN KUCATE
Councilman

RELINQUISHMENT OF MEMBERSHIP

The Zuni Tribal Council hereby acknowledges the receipt of a Notice of, Relinquishment of Membership from the Zuni Tribe, for Nizhoni Harker born November 30, 1992, Census Number [redacted] and has 1/2 degree of Zuni Indian blood.

Having reviewed the said Notice, the Zuni Tribal Council is satisfied that this relinquishment of Membership was made voluntarily, and for reasons satisfactory to the party involved, and that the said party has full knowledge on the consequences of this relinquishment.

[XX] Relinquishee has full knowledge of the consequences and accordingly, the Zuni Tribal Council hereby accept and recognize this relinquishment of Membership of Nizhoni Harker whom will no longer be considered a member of the Zuni Tribe, effective this 19th day of June, 2019.

[ ] Relinquishment denied due to: _____

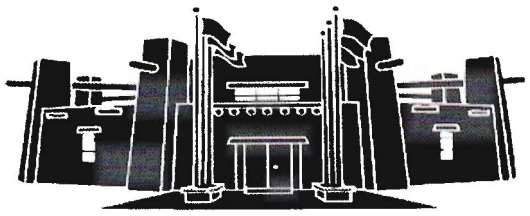
FOR:_____	AGAINST:_____	Lt. Governor Bowekaty:	Absent
FOR:_____	AGAINST:_____	Hd. Councilwoman Chavez:	Absent
FOR:✓	AGAINST:_____	Councilman Yatsattie:	✓
FOR:_____	AGAINST:_____	Councilman Quetawki, Sr.:	Absent
FOR:✓	AGAINST:_____	Councilman Bobelu:	✓
FOR:✓	AGAINST:_____	Councilman Penketewa, Sr.	✓
FOR:✓	AGAINST:_____	Councilman Kucate:	✓

CERTIFICATION

I hereby certify that the foregoing relinquishment was duly considered by the Zuni Tribal Council at a duly called Executive Meeting in Zuni, New Mexico, at which a quorum was present and that the same was respected with an overall vote of 5 in favor (**FOR**), 0 opposed(**AGAINST**) and 0 **ABSTAINED**. According to recommendations presented, it is without hesitation that the relinquishment application for the said applicant, is hereby **APPROVED/DISAPPROVED**, which we as the Zuni Tribal Council officially executed this 19 day of June, 2019.

Val R. Panteah, Sr.
Governor, Pueblo of Zuni

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO : Hon. Eugenia Charles Newton, Delegate
24th Navajo Nation Council

FROM : _____
Troy D. Cook, Senior Court Advocate
Office of Legislative Counsel

DATE : September 9, 2021

RE : **AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING THE REINSTATEMENT OF NIZHONI HARKER AS A MEMBER OF THE NAVAJO NATION**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

21-345-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0195-21__ **SPONSOR: Eugenia Charles-Newton**

TITLE: An Action Relating to Health, Education and Human Services, Naabik'íyáti' and Navajo Nation Council; Approving the Reinstatement of Nizhoni Harker as a Member of the Navajo Nation

***Date posted*: __September 10, 2021 at 12:16PM**

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

Written comments may be mailed to:

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

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

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0195-21

SPONSOR: Honorable Eugenia Charles-Newton

TITLE: An Action Relating to Health, Education and Human Services, Naabik'íyáti' and Navajo Nation Council; Approving the Reinstatement of Nizhoni Harker as a Member of the Navajo Nation

Posted: September 10, 2021 at 12:16 PM

5 DAY Comment Period Ended: September 15, 2021

Digital Comments received:

Comments Supporting	***None***
Comments Opposing	***None***
Comments/Recommendations	***None***

VSRedhorse
Legislative Tracking Secretary
Office of Legislative Services

September 16, 2021 8:15 AM
Date/Time

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
24TH NAVAJO NATION COUNCIL

THIRD YEAR 2021

COMMITTEE REPORT

Mr. Speaker,

The **HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** to whom has been assigned:

Legislation #0195-21: An Action Relating to Health, Education and Human Services, Naabik'íyáti' and Navajo Nation Council; Approving the Reinstatement of Nizhoni Harker as a Member of the Navajo Nation

Sponsor: *Delegate Eugenia Charles-Newton*

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

And thence is referred to the Naabik'íyáti' Committee.

Respectfully submitted,

Daniel E. Tso, Chairman
Health, Education and Human Services Committee
24th Navajo Nation Council

Date: November 17, 2021

Main Motion:
Motion: Honorable Pernell Halona
Second: Honorable Edison J. Wauneka
Vote: 4-0-0

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
November 17, 2021

Legislation #0195-21: An Action Relating to Health, Education and Human Services, Naabik'íyáti' and Navajo Nation Council; Approving the Reinstatement of Nizhoni Harker as a Member of the Navajo Nation

Sponsor: *Delegate Eugenia Charles-Newton*

VOTE TALLY SHEET:

Main Motion:
Motion: Honorable Pernell Halona
Second: Honorable Edison J. Wauneka

Yea: Paul Begay, Jr.; Pernell Halona; Carl R. Slater; Edison J. Wauneka
Nay: None
Not Voting: Charlaine Tso; Daniel E. Tso (Presiding Chairman)
Excused:
Absent:
Vote: 4-0-0

Daniel E. Tso, Chairman
Health, Education and Human Services Committee
24th Navajo Nation Council

Angelita Benally, Legislative Advisor
Health, Education and Human Services Committee
Office of Legislative Services