LEGISLATIVE SUMMARY SHEET

Tracking No. 0197-18

DATE: June 12, 2018

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; RESTORING "NAVAJO NATION CODE TALKERS DAY" AS A PAID NAVAJO NATION HOLIDAY BY RESCINDING CAP-30-17

PURPOSE: The purpose of this legislation is to restore "Navajo Code Talkers Day" as a paid Navajo Nation Holiday by rescinding CAP-30-17.

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: SNJOTAH
Website Posting Time/Date: 5:23pm 6/12/2018
Posting End Date: 6/17/2018
Eligible for Action: 6/18/2018

Health, Education & Human Services Committee
Thence
Naa'bik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

INTRODUCED BY

(Sponsor)

TRACKING NO. 0197-18

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; RESTORING "*NAVAJO NATION CODE TALKERS DAY*" AS A PAID NAVAJO NATION HOLIDAY BY RESCINDING CAP-30-17

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation Council established the Health, Education and Human Services ("HEHSC") Committee as a standing committee with the purpose to oversee the Division of Human Resources. *See* 2 N.N.C. §§400 (A), 401 (C)(1) and 164 (A)(9).

B. The Health, Education and Human Services Committee possess power to establish Navajo Nation policy, promulgate rules and regulations governing the Navajo Nation's human services. *See* 2 N.N.C. §401 (B)(1).

C. Proposed resolutions requiring final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. *See* 2 N.N.C. §164 (A)(9).

D. The Navajo Nation Council is the Navajo Nation's governing body. *See* 2 N.N.C. §102 (A).

SECTION TWO. FINDINGS

A. A holiday is any day designated as a holiday by federal statute, Executive Order of the President of the United States, or action of the Navajo Nation Council, the President of the Navajo Nation, or the Speaker of the Navajo Nation Council. Navajo Nation Personnel Policies Manual, section IX, Employee Benefits, para. B.

B. On July 28, 1982, the United States President Ronald Regan issued a Presidential Proclamation to honor the Navajo Code Talkers by declaring August 14, 1982 as the "National Navaho Code Talkers Day" and is attached hereto as **Exhibit A**.

C. Resolution CD-67-06, established a holiday to recognize the Navajo Nation Code Talkers on August 14th of each year. CD-67-06 established the holiday as a paid holiday of the Navajo Nation. CD-67-06 (exhibits omitted) is attached as **Exhibit B**.

D. In 2017, Resolution CAP-30-17 amended CD-67-06 "Section 1. Findings" and "Section 2. Declaration of August 14th as [']Navajo Nation Code Talkers Day[']" to reflect "Navajo Nation Code Talkers Day" as an observed holiday rather than a paid holiday of the Navajo Nation. CAP-30-17 also ordered the Navajo Nation Personnel Policies Manual to reflect the amendment. CAP-30-17 (exhibits omitted) is attached hereto as **Exhibit C**.

E. It is in the best interest of the Navajo Nation to restore "Navajo Code Talkers Day" as a paid holiday in to order honor the valor and invaluable contribution of the Navajo Code Talkers and to encourage participation in related celebrations and memorials. Supporting Resolutions of the Tse Si Ani Veterans Organization, Nahata Dzil Veterans Organization, and Nahata Dzil Commission Governance are attached hereto as **Exhibit D**.

SECTION THREE. APPROVAL

A. The Navajo Nation hereby rescinds CAP-30-17 titled "AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING CD-67-06, ESTABLISHING AUGUST 14TH OF EACH YEAR A THE NAVAJO NATION CODE TALKERS DAY AND AS A NAVAJO NATION HOLIDAY, TO AN OBSERVED HOLIDAY OF THE NAVAJO NATION."

SECTION FOUR. NAVAJO NATION PERSONNEL POLICIES MANUAL

The rescission of CAP-30-17 shall restore "Navajo Nation Code Talkers Day" as a paid holiday within the Navajo Nation Personnel Policies Manual, section IX, Employee Benefits, para. B, and Paid Holidays. The Human Resources Department shall incorporate such provisions in the next published Personnel Polices Manual.

SECTION FIVE. EFFECTIVE DATE

This declaration shall become effective in accordance with 2 N.N.C. § 221(C).

Proclamation 4954 -- National Navaho Code Talkers Day

July 28, 1982

By the President of the United States

of America

A Proclamation

Since the Revolutionary War, when General George Washington praised the Indians under his command, the United States has been privileged to have members of the Indian Nation serve in its armed forces.

From the bravery demonstrated at Valley Forge and the establishment of the U.S. Indian Scouts on August 1, 1866, to the present day, Native Americans have heeded the call to duty. Though often excluded from the annals of United States history, these people, nonetheless, have defended the only land they have ever known, asking for nothing more than opportunity in return.

The Navaho Nation, when called upon to serve the United States, contributed a precious commodity never before used in this way. In the midst of the fighting in the Pacific during World War II, a gallant group of men from the Navaho Nation utilized their language in coded form to help speed the Allied victory.

Equipped with the only foolproof, unbreakable code in the history of warfare, the code talkers confused the enemy with an earful of sounds never before heard by code experts. The dedication and unswerving devotion to duty shown by the men of the Navaho Nation in serving as radio code talkers in the Marine Corps during World War II should serve as a fine example for all Americans.

It is fitting that at this time we also express appreciation for the other American Indians who have served our Nation in times of war. Members of the Choctaw, Chippewa, Creek, Sioux, and other tribes used their tribal languages as effective battlefield codes against the Germans in World War I and the Japanese and Germans in World War II.

Beyond this unique role, American Indians serving in the United States military forces have established an outstanding record of bravery and heroism in battle. Many have given their lives in the performance of their duty. Their record should be recognized by all Americans.

By House Joint Resolution 444, the Congress has requested me to designate August 14, 1982, as National Navaho Code Talkers Day.

Now, Therefore, I, Ronald Reagan, President of the United States of America, do hereby designate August 14, 1982, as National Navaho Code Talkers Day, a day dedicated to all members of the Navaho Nation and to all Native Americans who gave of their special talents and their lives so that others might live. I ask the American people to join me in this tribute, and I call upon Federal, State and local officials to commemorate this day with appropriate activities.

In Witness Whereof, I have hereunto set my hand this 28th day of July in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[Filed with the Office of the Federal Register, 2:03 p.m., July 28, 1982]

CD-67-06

RESOLUTION OF THE
OF THE NAVAJO NATION COUNCIL

20TH NAVAJO NATION COUNCIL - Fourth Year 2006

AN ACTION

RELATING TO HUMAN SERVICES, GOVERNMENT SERVICES, JUDICIARY, LEGISLATIVE BRANCH AND FINANCE; ESTABLISHING AUGUST 14TH OF EACH YEAR AS THE NAVAJO NATION NAVAJO CODE TALKERS DAY AND AS A NAVAJO NATION HOLIDAY

BE IT ENACTED:

Section 1. Findings.

The Navajo Nation Council hereby finds:

a. The Navajo Nation and the Navajo people, when called upon to assist the United States of America during World War II, sent brave men and boys to defend the Navajo people, the Navajo Nation and the United States of America.

b. The Navajo Code Talkers developed an unbreakable code, the Navajo language, which was used to confuse the enemy and ultimately bring an end to World War II in the Pacific theater.

c. In 1968, 23 years after the end of World War II, the United States Department of Defense finally declassified the secrecy of the Navajo Code.

d. On July 28, 1982, United States President Ronald Reagan issued a Presidential proclamation to honor the Navajo Code Talkers by declaring August 14, 1982 as "National Navaho Code Talkers Day".

e. In 2000, Senator Jeff Bingaman introduced federal legislation entitled "Honoring the Navajo Code Talkers Act", Public Law No. 106-554. The Act was signed into law on December 22, 2000 by President George W. Bush. The Act authorized the President of the United States to award a Congressional Gold Medal, on behalf of the Congress, to each of the original twenty-nine Navajo Code Talkers, as well as a Congressional Silver Medal to each man who later qualified as a Navajo Code Talker.

f. On July 26, 2001, a Congressional Gold Medal Ceremony was held in the United States Capital Rotunda, Washington D.C., where United States President George W. Bush awardad Congressional Gold Medals to the original Navajo Code Talkers. These medals were awarded to express recognition by the United States of America and its citizens of the Navajo Code Talkers to salute these brave men, to acknowledge the great contribution they made at a time of war, and to finally give them their rightful place in history.

g. On November 24, 2001, the Navajo Nation held a Congressional Silver Medal Ceremony in the Window Rock, Navajo Nation (Arizona) where Congressional Silver Medals were awarded to the Navajo Code Talkers who came after the original Navajo Code Talkers.

h. It is in the best interest of the Navajo people, the citizens of the United States, and United States of America that August 14th of each year be declared the Navajo Nation's "Navajo Code Talker Day".

Section 2. Declaration of August 14th as "Navajo Nation Code Talkers Day."

The Navajo Nation hereby declares August 14th of each year as "Navajo Nation Code Talkers Day" and as a Navajo Nation Holiday to be incorporated into the Navajo Nation Personnel Manual, which is dedicated to the Navajo Code Talkers who gave of their special talents and lives for the good of their Country and people.

Sction 3. Effective Date

The action enacted herein shall be effective pursuant to 2 N.N.C. §221.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 56 in favor and 0 opposed, this 22nd day of December, 2006.

Lawrence T. Morgan, Speaker
Navajo Nation Council

Date

Motion: Willie Tracey, Jr.
Second: Raymond Maxx

CD-67-06

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this _____ day of JAN 15 2007 2006.

Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2006 for the reason(s) expressed in the attached letter to the Speaker.

Joe Shirley, Jr., President
Navajo Nation

CAP-30-17

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23RD NAVAJO NATION COUNCIL -- THIRD YEAR, 2017

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING CD-67-06, *ESTABLISHING AUGUST 14TH OF EACH YEAR AS THE NAVAJO NATION CODE TALKERS DAY AND AS A NAVAJO NATION HOLIDAY*, TO AN OBSERVED HOLIDAY OF THE NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Navajo Nation Council established the Health, Education and Human Services ("HEHS") Committee as a standing committee with the purpose to oversee the Division of Human Resources. *See* 2 N.N.C. §§400 (A), 401 (C)(1) and 164 (A)(9).

B. The Health, Education and Human Services Committee possess power to establish Navajo Nation policy, promulgate rules and regulations governing the Navajo Nation's human services. *See* 2 N.N.C. §401 (B)(1).

C. Proposed resolutions requiring final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti' Committee. *See* 2 N.N.C. §164 (A)(9).

D. The Navajo Nation Council is the Navajo Nation's governing body. *See* 2 N.N.C. §102 (A).

SECTION TWO. FINDINGS

A. A holiday is any day designated as a holiday by federal statute, Executive Order of the President of the United States, or action of the Navajo Nation Council, the President of the Navajo Nation, or the Speaker of the Navajo Nation Council. Navajo Nation Personnel Policies Manual, section IX, Employee Benefits, para. B, and Paid Holidays.

B. On July 28, 1982, The United States President Ronald Regan issued a Presidential Proclamation to honor the Navajo Code Talkers by declaring August 14, 1982 as the "National Navaho Code Talkers Day." Attached as **Exhibit A.**

C. Resolution CD-67-06, established a holiday to recognize the Navajo Nation Code Talkers on August 14th of each year. The established holiday is a paid holiday of the Navajo Nation. Attached as **Exhibit B.**

D. The amended change is to change the "Navajo Nation Code Talkers Day" to an observed holiday rather than a paid holiday of the Navajo Nation.

SECTION THREE. AMENDMENT TO CD-67-06

The Navajo Nation hereby amends CD-67-06 as follows:

***

Section 1. Findings

h. It is in the best interest of the Navajo people, the citizens of the United States, and United States of America that August 14th of each year be declared an observed holiday of the Navajo Nation's "Navajo Code Talkers Day."

Section 2. Declaration of August 14th as "Navajo Nation Code Talkers Day"

The Navajo Nation hereby declares August 14th of each year as "Navajo Nation Code Talkers Day" and as a Navajo Nation Observed Holiday ~~to be incorporated into the Navajo Nation Personnel Manual~~, which is dedicated to the Navajo Nation Code Talkers who gave of their special talents and lives for the good of their country and people.

****

SECTION FOUR. PERSONNEL POLICIES MANUAL

This amendment shall be removed from the Navajo Nation Personnel Policies Manual, section IX, Employee Benefits, para. B, and Paid Holidays. The Human Resources Department shall incorporate such provision in the next published Personnel Polices Manual.

SECTION FIVE. EFFECTIVE DATE

This declaration shall become effective in accordance with 2 N.N.C. § 221(C).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 10 in favor and 05 opposed, this 20th day of April, 2017.

LoRenzo C. Bates, Speaker
Navajo Nation Council

4-26-17
Date

Motion: Honorable Jonathan Perry
Second: Honorable Dwight Witherspoon

EXHIBIT
tabbies
D

Resolution of Tse Si Ani Veterans Organization

TSAVO-2018-06-001

Tse Si Ani Veterans Organization is requesting the 23rd Navajo Nation Council, Sub Committees of the 23rd Navajo Nation Council, Office of the Navajo Nation President and Vice President to reinstate the Navajo Code Talker Day as Paid Navajo Nation Holiday.

WHEREAS:

1. The Tse Si Ani Veterans Organization is a Chapter Organization and established and authorized by the Tse Si Ani Chapter. Members of Tse Si Ani Veterans Organization are distinguished Veterans; and
2. The Tse Si Ani Chapter is certified by The Navajo Nation Council as a local governmental entity of the Navajo Nation government which has the responsibility and authority to promote, protect and preserve the interest and general welfare including the safety of it s community, programs and property, etc.; and
3. The Tse Si Ani Chapter is a certified chapter that is recognized by The Navajo Nation Council, pursuant to 26 NNC Section 3 and pursuant 11 NNC Part 1 Section 10, The Navajo Nation Council, pursuant 26NNC Section 3, and pursuant 11NNC Part 1 Section 10, the Navajo Nation Council adopted the Navajo Nation Local Government Act which direct local Chapter to promote all matters that effect the local community members and to make appropriated decisions, recommendations, and advocate on their basis; and
4. The Tse Si Ani Veterans Organization is an organization of the Tse Si Ani Chapter.
5. The Navajo Nation Council by Legislation CD-67-06 passed a Resolution on December 22, 2006 to establish August 14th of each year as the Navajo Nation Code Talkers Day and as a Navajo Nation Paid Holiday; and
6. Navajo Nation President Joe Shirley Jr. signed this into law on January 15, 2007.
7. The Navajo Code Talker Day is no longer on the Calendar as a Paid Holiday, but instead as an Observance Day.

NOW, THEREFORE BE IT RESOLVED THAT;

Tse Si Ani Veterans Organization is requesting the 23rd Navajo Nation Council, Sub Committees of the 23rd Navajo Nation Council, Office of the Navajo Nation President and Vice President to reinstate the Navajo Code Talker Day as a Paid Navajo Nation Holiday.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Tse Si Ani Veteran Organization at a duly called meeting at Tse Si Ani Chapter house, Navajo Nation (Arizona) at which quorum was present on the 5th day of June, 2018.

Inann Johns, Commander

Tse Si Ani Veterans Organization

Motion by: Alvin Blackgoat

Seconded by: Debbie Hawthorne

Vote: 16-0-1

RESOLUTION OF NAHATA DZIIL VETERAN ORGANIZATION
NDVO-2018-05-001

Nahata Dziil Veteran Organization is requesting the 23rd Navajo Nation Council, Sub-Committees of the 23rd Navajo Nation Council, Office of the Navajo Nation President and Vice President to reinstate the Navajo Code Talker Day as a Paid Navajo Nation Holiday.

WHEREAS:

1. The Nahata Dziil Veteran Organization is a Chapter Organization and established and authorized by the Nahata Dziil Commission Governance Resolution 04-05-324. Members of NDVO are distinguished Veterans; and
2. The Nahata Dziil Commission Governance is certified by the Navajo Nation Council Resolution CAP-36-91 as a local governmental entity of the Navajo Nation government which has the responsibility and authority to promote, protect and preserve the interest and general welfare including the safety of its community, programs and property, etc.; and
3. The Transportation and Community Development Committee of the Navajo Nation Council by Resolution TCDCAU-66-02, approved governance certification of the Nahata Dziil Chapter's Five Management System Policies and Procedures pursuant to 26 NNC Section 102(B), which permits the Nahata Dziil Chapter to exercise of land administration authority pursuant to 26 NNC Section 103 (D)(1); and
4. The Nahata Dziil Chapter is a certified chapter that is recognized by the Navajo Nation Council, pursuant to 26 NNC Section 3, and pursuant 11 NNC Part 1 section 10, the Navajo Nation Council, pursuant to 26NNC Section 3, and pursuant 11NNC Part 1 Section 10, the Navajo Nation Council adopted the Navajo Nation Local Government Act which directs local Chapter to promote all matters that affect the local community members and to make appropriated decisions, recommendations, and advocate on their basis; and
5. The Nahata Dziil Chapter converted it's government into the Nahata Dziil Commission Governance based on the voice of the people; and
6. The Nahata Dziil Veteran Organization is an organization of the Nahata Dziil Commission Governance established and authorized by Resolution 04-05-324; and
7. The Navajo Nation Council by Legislation CD-67-06 passed a Resolution on December 22, 2006 to establish August 14th of each year as the Navajo Nation Navajo Code Talkers Day and as a Navajo Nation Paid Holiday; and
8. Navajo Nation President Joe Shirley Jr. signed this into law on January 15, 2007
9. The Navajo Code Talker is no longer on the Calendar as a Paid Holiday, but instead only as an Observance Day.

NOW, THEREFORE BE IT RESOLVED THAT;

Nahata Dziil Veteran Organization is requesting the 23rd Navajo Nation Council, Sub-Committees of the 23rd Navajo Nation Council, Office of the Navajo Nation President and Vice President to reinstate the Navajo Code Talker Day as a Paid Navajo Nation Holiday.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Nahata Dziil Veteran Organization at a duly called meeting at Nahata Dziil Commission Governance meeting hall, Navajo Nation (Arizona) at which a quorum was present on the 27th day of May 2018.

Nolan Grant Begay, Commander
Nahata Dziil Veteran Organization

Motion by: Howard Begay **Seconded: Elvin Atakai** **Vote: 16-0-2**

NAHATA DZIIL COMMISSION GOVERNANCE

Darrell Tso – President
Wayne Lynch – Vice President
Jemez Horseson – Secretary
Margaret Bedonie – Treasurer

Darryl Ahasteen – Member
Eunice Yesslith – Manager
Raylene Bitsilly – Administrative Assistant

RESOLUTION OF NAHATA DZIIL COMMISSION GOVERNANCE

NDCG-2018-06-105

Nahata Dziil Commission Governance supporting a Resolution from the Nahata Dziil Veteran Organization and requesting the 23rd Navajo Nation Council, Sub-Committees of the 23rd Navajo Nation Council, Office of the Navajo Nation President and Vice President to reinstate the Navajo Code Talker Day as a Paid Navajo Nation Holiday.

WHEREAS:

1. The Nahata Dziil Commission Governance is certified by the Navajo Nation Council Resolution CAP-36-91 as a local governmental entity of the Navajo Nation Government which has the responsibility and authority to promote, protect and preserve the interest and general welfare including the safety of its community, people, programs, property, etc.; and
2. Transportation and Community Development Committee of the Navajo Nation by Resolution TCDCAU-66-02, approved governance certification of the Nahata Dziil Commission Governance Five Management Policies and Procedures pursuant to 26 N.N.C. Section 102(B), which permit's the Nahata Dziil Commission Governance to exercise local governance authorities contained within 26 N.N.C. Section 103 (D)(1); and
3. The Nahata Dziil Commission Governance is further certified by the Navajo Nation in accordance with its Community Based land Use Plan, pursuant to Resolution of the Transportation and Community Development Committee of the Navajo Nation Council, to administer its community lands with the New Lands Chapter boundaries and to decide on the best options for its land use; and
4. On January 20, 2008, the Nahata Dziil Chapter converted its Governmental entity into the Nahata Dziil Commission Governance; and
5. The Navajo Nation Council by Legislation CD-67-06 passed a Resolution on December 22, 2006 to establish August 14th of each year as the Navajo Nation Navajo Code Talkers Day and as a Navajo Nation Paid Holiday; and
6. Navajo Nation President Joe Shirley Jr. signed this into law on January 15, 2007
7. The Navajo Code Talker is no longer on the Calendar as a Paid Holiday, but instead only as an Observance Day.

NOW THEREFORE, BE IT RESOLVED THAT

Nahata Dziil Commission Governance supporting a Resolution from the Nahata Dziil Veteran Organization and requesting the 23rd Navajo Nation Council, Sub-Committees of the 23rd Navajo Nation Council, Office of the Navajo Nation President and Vice President to reinstate the Navajo Code Talker Day as a Paid Navajo Nation Holiday.

CERTIFICATION

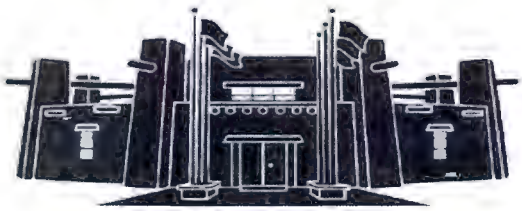
I hereby certify that the foregoing resolution was duly considered by Nahata Dziil Commission Governance at a duly called meeting at Nahata Dziil Commission Governance Meeting Hall, NAVAJO NATION, Sanders, (Arizona), at which a quorum was present and that same was passed by a vote of 04 in favor, 00 opposed and 01 abstained, on this 8th day of June 2018.

Darrell Tso, Commission President
Nahata Dziil Commission Governance

Motion by: Darryl Ahasteen
Second by: Jemez Horseson

P. O. Box 400 • Sanders, AZ 86512 • (928) 688-2150 • FAX: (928) 688-2235

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



Honorable LoRenzo Bates
Speaker
23rd Navajo Nation Council

M E M O R A N D U M

TO: Honorable Raymond Smith, Jr.
23rd Navajo Nation Council Delegate

FROM: _____
Candace French, Attorney
Office of Legislative Counsel

DATE: June 12, 2018

RE: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; RESTORING "NAVAJO NATION CODE TALKERS DAY" AS A PAID NAVAJO NATION HOLIDAY BY RESCINDING CAP-30-17

Per your request, attached is the above-reference proposed resolution and associated legislative summary sheet. Based on existing law and the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, the proposed resolution is subject to review by the courts in the event of a challenge.

The Office of Legislative Counsel recommends the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601, and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration. 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If you approve, please sign as "Primary Sponsor" and submit it to the Office of Legislative Services where the proposed resolution will be given a tracking number and referred to the Office of the Speaker. If the proposed legislation is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0197-18_____ **SPONSOR:** Raymond Smith, Jr.

TITLE: An Action Relating to Health, Education and Human Services, Naabik'iyati' Committees and the Navajo Nation Council; Restoring "Navajo Nation Code Talkers Day" as a paid Navajo Nation Holiday by Rescinding CAP-30-17

***Date posted*:** June 12, 2018 at 5:23pm

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) 871-7590

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.: 0197-18

SPONSOR: Honorable Raymond Smith Jr.

TITLE: An Action Relating to Health, Education and Human Services, Naabik'iyati' Committees and the Navajo Nation Council; Restoring "Navajo Nation Code Talkers Day" as a paid Navajo Nation Holiday by Rescinding CAP-30-17

Posted: June 12, 2018 at 5:23pm

5 DAY Comment Period Ended: June 17, 2018

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Secretary II
Office of Legislative Services

6/18/2018 8:15am
Date/Time

Committee Report

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

LEGISLATION NO. 0197-18

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; RESTORING *'NAVAJO NATION CODE TALKERS DAY"* AS A PAID NAVAJO NATION HOLIDAY BY RESCINDING CAP-30-17

Sponsor: Honorable Raymond Smith, Jr.

Amendment One (1): Insert Fort Defiance Agency Veterans Organization Agency Meeting Resolution dated June 07, 2018 as Exhibit "A".

Has had under consideration and report the same with the recommendation that Legislation 0197-18 PASS with one (1)amendment and no directive; and therefore referred the same to the **NAABIK'IYATI' COMMITTEE OF THE NAVAJO NATION COUNCIL**

Respectfully Submitted,

N M B

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

Amendment One (1):
Motion by: Honorable Amber Kanazbah Crotty
Seconded by: Honorable Nelson BeGaye
Vote: 3 in favor; 0 Opposed; Vice-Chairperson Not Voting

Absent (excused): Steven Begay; Jonathan L. Hale
Yeas: Amber Kanazbah Crotty; Nelson Begay; Nathaniel Brown
Nays: None

June 18, 2018 - Main Motion
Motion by: Honorable Nelson BeGaye
Seconded by: Honorable Amber Kanazbah Crotty
Vote: 2 in favor; 1 Opposed; Vice-Chairperson Not Voting

Absent (excused): Steven Begay; Jonathan L. Hale
Yeas: Nelson BeGaye; Amber Kanazbah Crotty
Nays: Nathaniel Brown

FORT DEFIANCE AGENCY VETERANS ORGANIZATION
AGENCY MEETING
P.O. Box 430
Window Rock, Arizona, 86515
Phone: (928) 871-6413 Fax: (928) 871-7288.
Commander: Olin T. Kieyoomia Vice Commander: Ryan Sandoval Secretary: Clara Williams

RESOLUTION

An Action relating To Health, Education, and Human Services, Naabik'yati' Committees and the Navajo Nation Council; Restoring "Navajo Nation Code Talker Day" As A Paid Navajo Nation Holiday By Rescinding CAP-30-17.

WHEREAS:

1. Pursuant to The Navajo Nation Veterans Act; Title II, Section One (E,I,M.N,O,R,T); SS 1032 (B-5,9,10), The Ft. Defiance Agency Veterans Organization is duly recognized by the Navajo Nation through resolution of the Veterans Agency; and
2. Pursuant to Navajo Nation Council Resolution CMA-25-71; The Navajo Veterans were recognized and an Navajo Nation Veterans Administration was established under the Executive Branch of the Navajo Nation Government- Office of the President and Vice President of the Navajo Nation; and
3. The Ft. Defiance Agency Veterans Organization is duly recognized by the Navajo Nation with a Plan of Operation to address the issues, concerns and advocate for all Navajo Veterans; and
4. The Ft. Defiance Agency Veterans Organization recognizes and acknowledges that it is entrusted to strive toward unification of all Navajo Nation Veterans and Local Leadership to provide leadership and coordinate with the needs of the veterans; and
5. In 1942, the Navajo Nation Council passed a resolution to aid and defend the United States against all subversive and assisted in the United States Selective Services Board to draft the eligible Navajo to serve in the United States Armed Services and reaffirm allegiance to the United States and expression of patriotism; and
6. The Ft. Defiance Agency Veterans Organization recognizes, understands and acknowledges a holiday is any day designated as a holiday by federal statue, executive order of the President of the United States, or action of the Navajo Nation Council, the President of the Navajo Nation, or the Speaker of the Navajo Nation Council. Navajo nation Personnel Policies Manual, section IX, Employee Benefits, para. B.; and
7. The Ft. Defiance Agency Veterans Organization recognizes, understands and acknowledges on July 23, 1982, the United States President Ronald Regan issued a Presidential Proclamation to honor the Navajo Code Talkers by declaring August 14, 1982 as the "National Navaho Code Talker Day"; and
8. The Ft. Defiance Agency Veterans Organization recognizes, understands and acknowledges resolution CAP-30-17 established the holiday to recognize Navajo Code Talkers on August 14th of each year. CD-30-17 also an observed holiday rather than a paid holiday of the Navajo Nation; and

FORT DEFIANCE AGENCY VETERANS ORGANIZATION
AGENCY MEETING
P.O. Box 430
Window Rock, Arizona, 86515
Phone: (928) 871-6413 Fax: (928) 871-7288.
Commander: Olin T. Kieyoomia Vice Commander: Ryan Sandoval Secretary: Clara Williams

9. The Ft. Defiance Agency Veterans Organization recognizes, understands and acknowledges in 2017, resolution CAP-30-17 "section 1. Findings" and "Section 2. Declaration of August 14 as [Navajo Nation Code Talker Day] to reflect "Navajo Nation Code Talkers Day" as an observed Holiday rather than a paid holiday of the Navajo Nation. CAP-30-17 as ordered the Navajo Nation personnel Policies Manuel to reflect the amendment. CAP-30-1; and
10. The Ft. Defiance Agency Veterans Organization recognizes, understands and acknowledges it is in the best interest of the Navajo Nation to restore "Navajo Nation Code Talkers Day" as a paid holiday in to order honor the valor and invaluable contribution of the Navajo Code Talkers and to encourage participation in relating celebrations and memorials. Supporting resolution of the Fort Defiance Agency Veterans Organizations (26 Chapter Veterans Organizations within Fort Defiance Agency) will be attached to main legislation.

NOW THEREFORE BE IT RESOLVED THAT:

1. **An Action relating To Health, Education, and Human Services, Naabik'yati' Committees and the Navajo Nation Council; Restoring "Navajo Nation Code Talker Day" As A Paid Navajo Nation Holiday By Rescinding CAP-30-17.**
2. **The purpose of this legislation is to restore "Navajo Nation Code Talkers Day" as a paid Navajo Nation Holiday by rescinding CAP-30-17.**

C-E-R-T-I-F-I-C-A-T-I-O-N

The Ft. Defiance Agency Veterans Hereby Certifies the Foregoing Resolution that was Considered at a Regular Duly Called Meeting in Fort Defiance, Arizona (Navajo Nation) and that same was approved and passed with a vote of **40** in Favor; **00** Opposed and **03** Abstain on the **7th Day of June 2018.**

Motioned: Manuel Shirleson- Tohatchi Veterans Organization
Seconded: Lionel Allen- Oak Spring/Pine Top Veterans Organization

Olin T. Kieyoomia- Commander
Ft. Defiance Agency Veterans Organization

23rd NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Fourth Year 2018

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

NAVAJO LEGISLATIVE BILL #0197-18

An Action Relating to Health, Education and Human Services, Naabik'íyáti' Committees and the Navajo Nation Council; Restoring "Navajo Nation Code Talkers Day" as a Paid Navajo Nation Holiday by Rescinding CAP-30-17

Sponsored by: Honorable Raymond Smith, Jr.

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

Respectfully Submitted,

Honorable Jonathan Perry, Chairman Pro Tem
NAABIK'ÍYÁTI' COMMITTEE

12 JULY 2018

MAIN MOTION:

Motioned by: Honorable Benjamin L. Bennett
Seconded by: Honorable Otto Tso

Vote: 06 in Favor, 07 Opposed (Chairman Pro Tem Perry Not Voting)

NAVAJO NATION

RCS# 965

7/12/2018
09:12:04 PM

Naa'bik'iyati Committee

Amd# to Amd#

Legislation 0197-18: Restoring "Navajo Nation Code Talkers Day" as a paid Navajo Nation Holiday by Rescinding

FAILED

MOT Bennett
SEC Tso

Yea : 6 **Nay : 7** **Excused : 0** **Not Voting : 11**

Yea : 6

Bates	Bennett	Smith	Tso
BeGaye, N	Daniels		

Nay : 7

Damon	Hale	Slim	Witherspoon
Filfred	Phelps	Tsosie	

Excused : 0

Not Voting : 11

Begay, K	Brown	Jack	Shepherd
Begay, NM	Chee	Perry	Yazzie
Begay, S	Crotty	Pete	