

LEGISLATIVE SUMMARY SHEET

Tracking No. 0198-17

DATE: May 26, 2017

TITLE OF RESOLUTION: AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; AND NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1031, 1033, 1034 AND 1035

PURPOSE: This resolution if approved will amend 2 N.N.C. §§ 1031, 1033, 1034 and 1035.

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

5-DAY BILL HOLD PERIOD: lasted
Website Posting Time/Date: 8:30pm 5/24/17
Posting End Date: 5/31/17
Eligible for Action: 6/1/17

Health, Education & Human Services Committee
THENCE
Law & Order Committee
THENCE
Naa'biik'iyáti' Committee
THENCE

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – Third Year, 2017
INTRODUCED BY

Kee Allen Begay SR
(Prime Sponsor)

Navajo Nation Council

TRACKING NO. C198-17

AN ACT
RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND
ORDER AND NAABIK'ÍYÁTI' COMMITTEES; AND NAVAJO NATION
COUNCIL; AMENDING 2 N.N.C. §§ 1031, 1033, 1034 AND 1035

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee of the Navajo Nation Council reviews and recommend resolutions relating to veterans and the Veterans Advisory Council. 2 N.N.C. §§ 400(A), 401 (B)(6)(a) and 1034.
- B. The Law and Order Committee of the Navajo Nation Council reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code and possess oversight authority over the Navajo Nation Division of Public Safety. 2 N.N.C. §§ 601 (B)(14) and 601 (C)(1) (2012).
- C. The Naabik'iyáti' Committee of the Navajo Nation Council reviews proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164 (A)(9).
- D. Enactments of positive law must be reviewed and approved by resolution by the Navajo Nation Council. 2 N.N.C. § 164(A).

SECTION TWO. FINDINGS

- 1 A. The Navajo Nation Veterans Advisory Council was established through Resolution
2 CJA-3-16, attached as **Exhibit A**.
- 3 B. The current Veterans Advisory Council is limited in their authority to properly
4 execute the needs of Navajo veterans.
- 5 C. The amendments increases the experience from agency representatives to
6 commissioned officers and at a minimum requiring one representative from the
7 Army, Navy, Marines, Airforce and National Guard.
- 8 D. It is in the best interest of the Navajo Nation to amend Title 2 of the Navajo Nation
9 Code to change the composition of the Navajo Nation Veterans Advisory Council to a
10 Navajo Nation Veterans Board of Commissioners.

11

12 **SECTION THREE. AMENDING NAVAJO NATION CODE TITLE 2**

13 The Navajo Nation amends the Navajo Nation Code, Title 2 as follows:

14 _____

15 **NAVAJO NATION CODE**

16 **TITLE 2. NAVAJO NATION GOVERNMENT**

17 **CHAPTER 5. EXECUTIVE BRANCH**

18 **SUBCHAPTER 1. GENERALLY**

19 ***

20 **ARTICLE 3. NAVAJO NATION VETERANS ADMINISTRATION**

21 **§ 1031. Navajo Nation Veterans Administration establishment**

- 22 A. The Navajo Nation Veterans Administration is established under the Office of the
23 President and Vice-President of the Navajo Nation. The President of the Navajo
24 Nation, ~~after consultation with the Navajo Nation Veterans Advisory Council~~ shall
25 retain by contract for a term of six (6) years an Executive Director who shall head the
26 Veterans Administration, upon the selection and recommendation by the Navajo
27 Nation Veterans Board of Commissioners.

28 ***

29 **ARTICLE 4. NAVAJO NATION VETERANS ~~ADVISORY COUNCIL~~ BOARD OF**
30 **COMMISSIONERS**

1 ***

2 **§ 1033. Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners**
3 **Establishment**

4 A. The Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners is
5 established under the Executive Branch of the Navajo Nation government.

6 B. The purpose and authority of the Veterans ~~Advisory Council~~ Board of
7 Commissioners is to provide policy advice to the President of the Navajo Nation
8 regarding veteran issues and concerns.

9 C. Membership, selection, term of office

10 1. A Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners is
11 established consisting of ~~eleven~~ five (44 5) members. All five (5) Commissioners
12 shall be designated voting members.

13 2. The ~~Advisory Council~~ Board of Commissioners shall consist of the ~~ten~~ five (40 5)
14 ~~Agency Veterans Commanders, one (1) female and one (1) male selected by each~~
15 ~~Agency as the designated voting members with the Administration Executive~~
16 ~~Director acting as a non-voting member.~~ At a minimum there shall be one
17 veteran from the Army, Marines, Navy, Air Force and National Guard. Preference
18 will be given to honorably discharged commissioned officers, non-commissioned
19 officers, reservist with the following:

- 20 a. Three (3) Commissioned Officer with the rank of O-3 or higher.
21 b. Two (2) Non-Commission Officers with the rank of E-5 or higher,
22 preferred; or with the rank of E-1 through E-4 with a bachelor of science or
23 bachelor of arts degree.
24 c. Commissioners will have a Military Occupation Specialty in the Field of
25 Financial Management, Administrative, Engineering, Health Care, Public
26 Affairs, or Leadership.

27 3. The Administration Executive Director and a designee from the Blue Star Mothers
28 and Gold Star Mothers shall be non-voting members of the Commission.

29 34. The ~~Advisory Council~~ Board of Commissioners shall select from its voting
30 members a Chair and Vice-Chair.

1 4~~5~~. Designated members shall be Veterans selected ~~and/or removed by the respective~~
2 ~~Chapter Veteran Organizations~~ and appointed by the Navajo Nation President and
3 confirmed by the Naabik'iyáti' Committee of the Navajo Nation Council.

4 5 6. The ~~Council~~ Commissioners shall meet on a quarterly basis and as necessary.
5 Voting members shall receive meeting stipend and travel expense reimbursement
6 pursuant to Navajo Nation laws, policies and procedures and budget.

7 D. The Board of Commissioners shall select and recommend an Executive Director, for
8 the Navajo Nation Veterans Administration, to the Navajo Nation President.

9
10 **§ 1034. Oversight**

11 The Navajo Nation authorizes the establishment of the Navajo Nation Veterans
12 Administration and the Navajo Nation Veterans ~~Advisory Council~~ Board of
13 Commissioners. Legislative oversight shall be provided by the Health, Education and
14 Human Services Committee of the Navajo Nation Council, which will have final
15 approval of the respective plans of operation.

16
17 **§ 1035. Amendments**

18 This Articles may be amended by a two-thirds (2/3) vote of the Navajo Nation
19 Council upon recommendation from the Navajo Nation Veterans ~~Advisory Council~~
20 Board of Commissioners.

21 _____
22 ****

23
24 **SECTION FOUR. CODIFICATION**

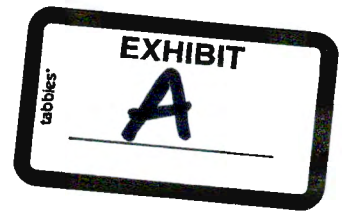
25 The provisions of the Act which amend or adopt new sections of the Navajo Nation
26 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
27 Counsel shall incorporate such amended provisions in the next codification of the Navajo
28 Nation Code.

29
30 **SECTION FIVE. SAVINGS CLAUSE**

1 Should any provision of this Act be determined invalid by the Navajo Nation
2 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
3 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo
4 Nation.
5

6 **SECTION SIX. EFFECTIVE DATE**

7 The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B)
8 and upon the recommendation from the Navajo Nation Advisory Council has been
9 received by the Office of Legislative Services, pursuant to 2 N.N.C. § 1035.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30



CJA-3-16

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Second Year, 2016

AN ACT

RELATING TO LAW AND ORDER, HEALTH, EDUCATION, AND HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ESTABLISHING THE NAVAJO NATION VETERANS ADMINISTRATION AND NAVAJO NATION VETERANS ADVISORY COUNCIL AND AMENDING 2 N.N.C. § 1703 AND 1704

BE IT ENACTED:

Section One. Findings

- A. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 601(B)(14), reviews and makes recommendations to the Navajo Nation Council on proposed amendments to and enactments in the Navajo Nation Code.
- B. The Health, Education and Human Services Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 401(B)(6), has the power to review and recommend resolutions relating to veterans and veteran services.
- C. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 164(A)(9), reviews proposed legislation which requires final action by the Navajo Nation Council.
- D. The purpose of this legislation is to establish a veterans' administration under the Office of the President and Vice President, which effectively and efficiently provides outreach, services and benefits to veterans.
- E. The legislation also establishes a Navajo Nation Veterans Advisory Council to recognize veterans and ensure veteran participation in policy and data system development.

- F. Since the time of Naayéé'neizghání and Tóbáíshchíní, Navajos revere and respect warriors in our society.
- G. Native American Tribes throughout North America have participated and contributed to the United States Government through acts of military service in every minor and major military conflict that the United States has been involved in.
- H. Today, Native Americans represent the highest per capita for military enlistment of any ethnic group in the United States Military and the Navajo Nation foresees this to continue of further Native American Generations to come.
- I. It is appropriate to recognize all Navajo veterans of foreign wars and military service men and women who have provided distinguished service and their families.
- J. It is essential to recognize and honor Navajo veterans for their remarkable military service and sacrifice.
- K. The Navajo Code Talkers exemplify the exceptional military service that is unique to the Navajo people through the use of the Navajo language to defend our homeland.
- L. Navajo veterans work tirelessly at the local level to ensure Navajo veterans are recognized for their extraordinary service in protecting our homeland.
- M. There is a need to ensure that Navajo veterans have direct involvement in policy-making decisions regarding veteran's services and benefits;
- N. It is necessary to ensure veterans on the Navajo Nation have access to creating Navajo, federal, and state benefit claims without being hindered by long distance travel.
- O. Veterans' programs and services are a priority for all veterans.
- P. The Executive Director position shall be created through a contract to provide flexibility, stability and continuity.

- Q. The Department of Navajo Veterans Affairs must be a separate Administration within the Executive branch to seek recognition from the United States Department of Veterans Affairs.
- R. Navajo veterans face tremendous challenges accessing veterans' benefits and services for health care, housing, education, and employment, often times traveling hundreds of miles round trip from Navajo communities to federal Veterans Administration health care facilities or service offices.
- S. The Office of the President and Vice-President, in collaboration with the Department of Veterans Affairs, Division of Health and the Agency Veteran's Organizations, conducted eight public hearings on the establishment of the veterans' administration at various locations including Fort Defiance, Chinle, To'nanness'dizi, Crownpoint, Tohajiilee, Nenahnezad, Tolani Lake and Shiprock and received numerous comments on the proposal for a veterans' administration.
- T. It is in the best interest of Navajo Nation Veterans that an executive level administration be established to ensure quality services are provided to those Veterans and may partner with other veterans organizations.

Section Two. Establishing the Navajo Veterans Administration

The Navajo Nation hereby establishes the Navajo Veterans Administration within the Navajo Nation Code, Title 2, Sections 1031 et seq., as follows:

TITLE 2. NAVAJO NATION GOVERNMENT

CHAPTER 5. EXECUTIVE BRANCH

SUBCHAPTER 1. Generally

Article 3. Navajo Nation Veterans Administration

§ 1031. Navajo Nation Veterans Administration establishment

- A. The Navajo Nation Veterans Administration is established under the Office of the President and Vice-President of the Navajo Nation. The President of the Navajo Nation, after consultation with the Navajo Nation Veterans Advisory Council, shall retain by contract for a term of six (6) years an Executive Director who shall head the Veterans Administration.
- B. The Navajo Nation Veterans Administration shall perform its assigned functions as identified in its approved Plan of Operation.

§ 1032. Responsibility and Authority

- A. The Navajo Nation Veterans Act is enacted to establish an executive administration that effectively and efficiently provides outreach, services and benefits to veterans.
- B. In carrying out its responsibilities the Administration, through the Executive Director, is authorized to:

Assist individuals in presenting, providing, and establishing claims, privileges, rights and benefits they may have under Navajo, federal, state, or local law.

- 1. Create outreach services in relation to health, education, employment, housing, and benefits.
- 2. Collect information relating to veterans as such services and facilities available to Veterans.
- 3. Adopt rules deemed necessary to administer this Act.
- 5. Enter into agreements with Veterans' organizations in the Navajo Nation for the purpose of the Navajo Nation Veterans Trust Funds pursuant to 12 N.N.C. Sections 1171 et seq.

6. Adopt necessary procedures to effectively and efficiently provide services to Veterans.
7. Provide administrative support and technical assistance to the Navajo Nation Veterans Advisory Council.
8. Seek external funding to ensure creation, expansion and improvement of programs serving veterans throughout the Navajo Nation.
9. Coordinate and collaborate within the Navajo Nation government, health care facilities, educational institutions, employment entities, and housing programs providing services for Veterans.
10. Advocate for and promote health care services, educational opportunities, employment opportunities, and housing programs for veterans.

Article 4 Navajo Nation Veterans Advisory Council

§ 1033. Navajo Nation Veterans Advisory Council Establishment

- A. The Navajo Nation Veterans Advisory Council is established under the Executive Branch of the Navajo Nation government.
- B. The purpose and authority of the Veterans Advisory Council is to provide policy advice to the President of the Navajo Nation regarding veteran issues and concerns.
- C. Membership, selection, terms of office
 1. A Navajo Nation Veterans Advisory Council is established consisting of eleven (11) members.
 2. The Advisory Council shall consist of the ten (10) Agency Veteran Commanders, one ((1) female and one (1) male selected by each Agency, as the designated voting members with the Administration Executive Director acting as a non-voting member.

3. The Advisory Council shall select from its members a Chair.
4. Designated members shall be Veterans selected and/or removed by the respective Chapter Veteran Organizations.
5. The Council shall meet on a quarterly basis and as necessary. Voting members shall receive meeting stipend and travel expense reimbursement pursuant Navajo Nation laws, policies and procedures and budget.

§ 1034. Oversight

The Navajo Nation authorizes the establishment of the Navajo Nation Veterans Administration and the Navajo Nation Veterans Advisory Council. Legislative oversight shall be provided by the Health, Education, and Human Services Committee of the Navajo Nation Council, which will have final approval of the respective plans of operation.

§ 1035. Amendments

This Articles may be amended by a two-thirds (2/3) vote of the Navajo Nation Council upon recommendation from the Navajo Nation Veterans Advisory Council.

Section Three. Amending 2 N.N.C. §§ 1703 and 1704

The Navajo Nation hereby amends the Navajo Nation Code, Title 2, Sections 1703 and 1704 as follows:

TITLE 2. NAVAJO NATION GOVERNMENT

Chapter 5. Executive Branch

SUBCHAPTER 27. Division of Human Resources

§ 1703. Personnel and organization**B. Organization.**

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

2. The Division of Human Resources shall consist of the following departments and offices:

- a. Department of Personnel Management
- b. Navajo Department of Workforce Development
- c. Navajo Department of Retirement Services
- ~~d. Department of Veterans Affairs.~~
- e-d. Office of Broadcast Services
- f-e. Office of Navajo Labor Relations
- g-f. Office of Navajo Women and Families
- h-g. Navajo Office of Vital Records
- i-h. Navajo Occupational Safety and Health Administration
- j-i. Department of Child Support Enforcement
- k-j. Staff Development and Training Program
- l-k. Navajo Nation Band

§ 1704. Responsibility and Authority

A. The Division of Human Resources provides centralized and decentralized human resources program services to the Navajo Nation government. The Division management is accountable to the President of the Navajo Nation for performance of its functional responsibilities in an effective and efficient

manner. All management Personnel within the Division shall have sufficient authority established by their plans of operation to perform their job responsibilities not inconsistent with the Master Plan or Navajo law.

~~B. The Department of Veterans Affairs shall develop and implement all veterans program services that are funded by Navajo Nation General Funds in accordance with the definition.~~

~~A Navajo veteran is an individual who is enrolled member of the Navajo Nation and has been discharged under honorable conditions from the United States military service with a DD Form 214, Certificate of Release or Discharge from Active Duty.~~

EB. The Executive Director of the Division of Human Resources shall have the following responsibilities and authorities:...

Section Four. Rescinding CO-39-10

The Navajo Nation, in amending the above Title 2, Chapter 5, Subchapter 27, Section 1704, hereby rescinds CO-39-10 which specifically amended Section 1704 B.

Section Five. Effective Date

The Navajo Nation Code amendment enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).

Section Six. Codification

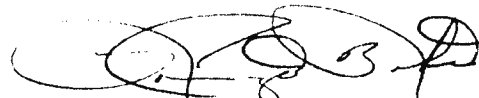
The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section Seven. Saving Clause

Should any provisions of this ordinance be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this ordinance which are not determined invalid shall remain the law of the Navajo Nation.

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 20 in favor and 0 opposed, this 26th day of January 2016.



LoRenzo Bates, Speaker
Navajo Nation Council




Date

Motion: Honorable Jonathan Perry
Second: Honorable Davis Filfred

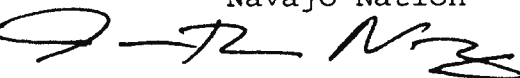
ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this 13th day of February 2016.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2016 for the reason(s) expressed in the attached letter to the Speaker.



Russell Begaye, President
Navajo Nation

NAVAJO NATION

RCS# 359

Winter Session

1/26/2016
03:55:58 PM

Amd# to Amd#

Legislation No. 0006-16

PASSED

MOT Perry

Establishing the NN Veterans

SEC Filfred

Administration and NN Veterans

Advisory Council

Yea : 20

Nay : 0

Not Voting : 4

Yea : 20

Begay, K

Brown

Jack

Slim

Begay, M

Damon

Perry

Smith

Begay, NM

Daniels

Pete

Tso

BeGaye, N

Filfred

Phelps

Tsosie

Bennett

Hale

Shepherd

Witherspoon

Nay : 0

Not Voting : 4

Yazzie

Chee

Crotty

Bates



☐ RESUBMITTAL

NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
12/10/15 @ 1006
DATE / TIME
<input checked="" type="checkbox"/> 7 Day Deadline
DOC #: 005129
SAS #:
UNIT: Hsqn


*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST: 12-10-15		ENTITY/DIVISION: DHR	
CONTACT NAME: Edsel / Patsy		DEPARTMENT: DNVA	
PHONE NUMBER: 928-871-6938		E-MAIL: edsel@navajo-nsa.gov	
TITLE OF DOCUMENT: Navajo Nation Veterans Act 2014			
DOJ SECRETARY TO COMPLETE			
DATE/TIME IN UNIT: 12/10/15 @ 10:15		REVIEWING ATTORNEY/ADVOCATE: Cherie	
DATE/TIME OUT OF UNIT: 12-10-15 @ 4:05			
DOJ ATTORNEY / ADVOCATE COMMENTS			
legally sufficient - see attached			
REVIEWED BY: (PRINT)	DATE / TIME	SURNAMED BY: (PRINT)	DATE / TIME
Cherie Espinosa	12/10/15 3:30pm	Kandis Martine	12/10/15 3:40pm
DOJ Secretary Called: email - Edsel		for Document Pick Up on 12-10-15 at 4:00 By: gmarion	
PICKED UP BY: (PRINT)		DATE / TIME:	

Document No. 005129Date Issued: 12/09/2015**SECTION 164 REVIEW FORM**Title of Document: Navajo Nation Veterans Act 2016 Contact Name: PETE, EDESELProgram/Division: DIVISION OF HUMAN RESOURCESEmail: epete@navajo-nsn.gov Phone Number: 9288716958Division Director Approval for 164A: 

Check document category; only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

- ☒ Statement of Policy or Positive Law
1. OAG:  Date: 12/10/15 Sufficient ☒ Insufficient ☐
- ☐ IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)
- | | | | | |
|---------|-------|-------------|--------------------------|--------------------------|
| 1. OMB: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. OOC: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. OAG: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |


Section 164(B) Final approval rests with the President of the Navajo Nation

- ☐ Grant/Funding Agreement or amendment:
- | | | | | |
|--------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. OMB: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. OOC: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. OAG: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
- ☐ Subcontract/Contract expending or receiving funds or amendment:
- | | | | | |
|--------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. BRD: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. OMB: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. OOC: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. OAG: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
- ☐ Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:
- | | | | | |
|--------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. OAG: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
- ☐ M.O.A. or Letter of Assurance expending or receiving funds or amendment:
- | | | | | |
|--------------|-------|-------------|--------------------------|--------------------------|
| 1. Division: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. OMB: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. OOC: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. OAG: | _____ | Date: _____ | <input type="checkbox"/> | <input type="checkbox"/> |



MEMORANDUM

TO: Hon. Kee Allen Begay, Jr.
23rd Navajo Nation Council

FROM: 
Rhonda L. Tuni, Attorney
Office of Legislative Counsel

DATE: May 26, 2017

SUBJECT: AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; AND NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1031, 1033, 1034 AND 1035

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

The Office of Legislative Council confirms 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 this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0198-17

SPONSOR: Kee Allen Begay, Jr.

TITLE: An Action Relating to Health, Education and Human Services, Law and Order, and Naabik'iyati' Committees; and Navajo Nation Council; Amending 2 N.N.C. 1031, 1033, 1034 and 1035

Date posted: May 26, 2017 at 8:30pm

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.: 0198-17

SPONSOR: Honorable Kee Allen Begay, Jr.


TITLE: An Action Relating to Health, Education and Human Services, Law and Order, and Naabik'iyáti' Committees; and Navajo Nation Council; Amending 2 N.N.C. 1031, 1033, 1034 and 1035

Posted: May 26, 2017 at 8:30 pm

5 DAY Comment Period Ended: May 31, 2017

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing (6)	<i>1. Regina Begay Roanhorse 2. TyAnn Nakai 3. <u>vernrllee@aol.com</u> 4. Eastern Navajo Agency Veterans Organization 5. Lester Emerson 6. John I King – Commander, Iyanbito Veterans</i>
Inclusive Comments	<i>None</i>



Policy Analyst
Office of Legislative Services
6/2/17 2:13pm

Date/Time

Public Comment : Advisory Council Member opposes Veterans Commission Legislation no. 0198 17

Gina Roanhorse <ginaroanhorse@gmail.com>

Tue 5/30/2017 1:55 PM

To: comments <comments@navajo-nsn.gov>;

Cc: Kee Allen Begay Jr. <keeallenbegayjr@navajo-nsn.gov>; Hubert Smith <hsmith@navajo-nsn.gov>; 'TyAnn Nakai' <tyann.nakai@gmail.com>; gilchee@yahoo.com <gilchee@yahoo.com>; piochezunie@gmail.com <piochezunie@gmail.com>; vernrlee@aol.com <vernrlee@aol.com>; georgetolth@gmail.com <georgetolth@gmail.com>;

1 attachment

Veterans Commission Legislation 5.30.1705302017.pdf;

Good Afternoon,

I am submitting this public comment.

My name is Regina Begay Roanhorse and I am a member of the Veterans Advisory Council.

I oppose this legislation (No. 0198-17) for the following reasons:

The legislation was not vetted with the Advisory Council. Nevertheless, the legislation does the following:

1. Limits the members to five (5) irrespective of agency (i.e. all five members could come from one area and not cover all 5 agencies) . The current laws allows for representation for all 5 agencies both male and female.
2. Limits the members to three (3) commissioned officers, O3 (Captain) and above. I believe I'm the only O3 on the board. I don't know if the veterans agencies have officers in their organizations? I haven't met another officer. My brother is an O5 (Lieutenant Colonel) and my other brother is an O3 but both live off reservation. We are all Army.
3. limits O3 and above to Army, Marines, Navy Airforce National guard. I could be the only Army officer on the commission, but where will one find Marine, Airforce, NG officers?
4. MOS. As an officer, I don't have an "MOS" the same as enlisted personnel. We have branches when we receive our commissions. We don't go by MOS as commissioned officers.

I do however like the inclusion of Gold Star and Blue Star "mothers"...however, we should utilize the language of Gold Star and Blue Star "families" in our current advisory council as non voting members, if

that is the intent of the legislation. Not all blue or gold stars are "mothers"... they can be fathers too, or guardians or family members. I recently lost my husband and now I'm a father/mother to my four children. Just an example of language.

If the intent of this legislation is to limit "female" membership, it actually failed with regard to me, unless there are other female members that have E5 or higher or E1-E4 with a bachelors of science or Bachelors of Arts Degree on the board. If current advisory council members don't have those qualifications, then there is no one other than myself that will be on the advisory council.

By deleting the female membership by agency, this legislation truly looks discriminatory in nature particularly when the current law includes the female soldiers as part of the advisory council. It makes it look like the Navajo Nation Council and others don't want to include female membership because the current Advisory Chair is a female veteran. Perhaps that is not the case. I hope not.

Perhaps there is a problem with understanding "chain of command". There should be no chain of command or no rank in the advisory Council. We serve all veterans, male or female. I served and took care of all my soldiers, both male and female. A soldier was a soldier and my responsibilities were to lead, and to take care of them in all ways possible, both male and female. That attribute for service should be entrusted to the respective veterans organization that currently choose their representatives.

Please note that the Ft. Defiance Agency Veterans Agency voted down :

1. Resolution to remove current Chair TyAnn Nakai for reason that she is not a commander. (Legislatively this was addressed and fixed).
2. Resolution for "no confidence" in Chair TyAnn Nakai

There are no resolutions from Eastern Navajo Agency or other agencies to remove me as a member of the council. Even if a resolution were ever passed, it would be contrary to the current law that allows for "non-commanders" females to serve on the advisory council. I believe there is confusion at some of the veterans organizations about the law and the membership requirements that needs to be addressed through training at each of these veteran organizational meetings so that they have the truth before they vote.

I was not permitted to speak at the Ft. Defiance Veterans Agency meeting on this topic. Therefore, I think legal counsel will need to provide the correct information to these veterans organizations.

Thanks, I can be reached at 505-910-6426

Regina Begay Roanhorse
Advisory Council Member
Eastern Navajo Agency
P.O. Box 3861
Canoncito, NM 87026

Oppose 0198-17

TyAnn Nakai <tyann.nakai@gmail.com>

Wed 5/31/2017 1:29 AM

To: comments <comments@navajo-nsn.gov>;

My name is TyAnn Nakai, I am an member (Woman Representative) and the Chair of the Veterans' Advisory Council.

I oppose Legislation (No. 0198-17) for the following reasons listed below:

The Legislation was not introduced to the Advisory Council prior to the comment period, and the listed reasons:

1. The Legislation limits the amount of representation of both equal genders of Male and Female Veterans from all 5 Agencies, to half of the representation it currently has. It seems to follow the same guidelines as the current Five Agency Commanders membership. Not allowing for women representation to be voiced and heard.
2. It has a rank structure equivalent to the military of Commissioned and Non-Commissioned Officers. I have served in the Air Force, Air Force National Guard, and Marine Corps totally 13 years of service. There is a difference in leadership and understanding of the responsibilities of the Non-Commissioned Officers regarding the Air Forces structure vs. the Marine Corps structure. With that I must add that I changed services for that very reason. The legislation calls for Commissioned Officers, and there are not many Commissioned Officers on the Navajo Nation. I have not met any other Commissioned Officer besides Mrs. Roanhorse, who currently sits on the Advisory Council.
3. The Legislation fails to mention Warrant Officers if the intent is to get highly ranked Veterans with Specialized training, a Warrant Officer would suffice. A Warrant Officer is an Officer in the Army, Navy, or Marine Corps who is designated as Officer by a Warrant. I have never met a Warrant Officer on the Navajo Nation.
4. The Legislation calls for (1) Veteran from each branch of Service, Army, Marines, Navy, Air Force, and National Guard. The Department of Defense has (5) branches of service. Within those (5) Branches of Service is The Coast Guard. The National Guard is a branch of the Army and Air Force. It is NOT a branch of its own. There are (2) Branches of Service represented by the National Guard, ie., Army National Guard, and Air Force National Guard. The National Guard is part of a reserve component of the Armed Forces.
5. "Marines" is not a Branch of Service, however The United States Marine Corps is.
6. "MOS". The Military Occupational Code does not apply to all branches of service. The Air Force has AFSPC(s), Air Force Specialty Codes. The MOS(s) or AFSPC(s) are irrelevant to the compassion one must have to follow with the intent of the Veterans Act, which is to advocate for the welfare of the Navajo Nation Veterans. The Commissioned Officers do not have specialty codes for their Commissions. There is no specialty code for Core Values, cultural teachings, and perhaps self-discipline one carries within themselves to take care of their fellow Veterans.
7. Just as we will be searching for Commissioned Officers to fill the roles on the board, we will be doing the same in regards to the MOS and AFSPCs. This eliminates the Grunt Marines, Artillery Soldiers, Aviation Airmen, Naval Expeditionary Combat MOS(s), and Security Coastguardsmen. Most of our Vietnam Veterans were ground troops who were drafted, without a choice in their job field. With this MOS and AFSPC selection, we are not treating all Veterans fairly based on their DD214 job description. As some Veterans have obtained knowledge after service and have obtained skills and years of experience that they contribute to the current Advisory Council and recommendations and advise the Navajo Nation President. Just because my DD214(s), (I have 2), 1 from each branch states that I was under a certain job description, does not mean that's all I know. In the Marine Corps I had 2 MOS(s) but held the billet based on my Command's needs several times in different Commands based on the duty station.
8. Leadership is NOT an MOS or AFSPC, it is what one obtains while in service through the ranks.
9. The language regarding the "Gold Star Mothers" should be considered to "Gold Star Families", while in service the Service Member has a choice on whom they designate as their next of kin and beneficiary. Also, Fathers should be considered as well.

It seems, as I read the Legislation that the sole purpose is to rid the Women membership. It has failed on numerous occasions with me.

-I have served in 3 of the above listed branches considering the Legislation calls for the National Guard as one component. I have held the rank of E-5. I have held 2 AFSPCs in the Air Force/Air National Guard, 1 of the AFSPC(s) is Administration. I have also held 2 MOS(s)

in the Marine Corps, 1 being Administration. I have taken Leadership courses and have had Airmen and Marines under my charge. Therefore with the requirements, I am currently qualified for the membership.

I believe that my above listed qualifications, military experience, and knowledge of our Veterans' needs contribute positive recommendations to The Navajo Nation President. My knowledge of the Navajo Nation Veterans is based on personal interactions and the advocacy I do locally on the Navajo Nation, Arizona, New Mexico, and Nationally. The advocacy that I do is for the positive wellness of our Veterans and their families, not only within the Navajo Government. I work on things at a National Level and take my advocacy seriously as I feel it is my duty.

The legislation in my opinion has the intent to eliminate Women having a voice and representation. Women need to be treated equally in regards to Veterans on the Navajo Nation as we have been a part of every known conflict and we deserve to have our seat at the table to voice our recommendations to the Navajo Nation President. The commission needs diversity and the legislation does not allow that if the intent is to eliminate women membership.

The Legislation with the rank and specialty requirements mirrors a platoon build up for a forward deployment mission. I do not believe there should be a rank system, Chain of Command, or MOS/AFSPC system for membership. We need to see all Veterans as equal because we have all served our time and have respectively earned what we deserved upon our discharges. No Veteran should be left behind based on their past experiences in the military or overlooked from a position because he/she only served the required 4 years. We need to come together as one for the Nation and there should not be a separation of any sort, at any level.

Thank you for cooperation and attention in this matter.

Semper Fidelis,

TyAnn Nakai

Advisory Council Chair

Fort Defiance Agency

Ye teeh shi natanni, I must say that this Legislation did not provide us newly elected Agency Commanders to show our leadership and intellect in address some of the Navajo Veterans concerns and issues. Nor were we given the opportunity to be heard.

vernrllee@aol.com

Wed 5/31/2017 6:29 AM

To: comments <comments@navajo-nsn.gov>;

Sent from Windows Mail



Eastern Navajo Agency Veterans Organization

P. O. Box 570

Crownpoint, New Mexico 87313

(Contact Number: 505/786-2030)



George H. Tolth, Interim-Commander

Lester Emerson, Vice-Commander

Jerry Whiterock, Secretary/Treasurer

Date: May 31, 2017

HONORABLE NAVAJO NATION COUNCIL DELEGATE

P.O. Box 3390

Window Rock, Arizona 86515

REF: RELATING TO HEALTH, EDUCATION & HUMAN SERVICES, LAW AND ORDER AND NAABIK'YATI' COMMITTEES; AND NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1031, 1033, 1034 AND 1035. (TRACTING NO: 0198-17)

Dear HONORABLE COUNCIL DELEGATE;

My name is George H. Tolth of Casamero Lake, New Mexico, on behalf of the Eastern Navajo Agency Chapters Veterans Organization, we are submitting our concerns on the proposed Navajo Nation Council Legislation regarding amending 2 NNC §§ 1031, 1033, 1034 and 1035. **(Tracking Number 0198-17)**

Here are some of concerns and oppose proposed legislation, which is sponsored by Honorable Kee Allen Begay:

- The Eastern Navajo Agency Chapters Veterans Organization are unsatisfied with amending the Navajo Nation Veterans Advisory Council plan of operation and changing the Navajo Veterans Advisory Council to Navajo Nation Veterans Board of Commissioners.
- Thirty-One Chapters Veterans organization of Eastern Navajo Agency and family members are unaware of amending the proposed legislation.
- What is the rationale behind these amendments? The Navajo Nation Veterans Act and Veterans Advisory Council is only a year and half old. We need to give the Veterans Advisory Council a chance to advocate for Navajo Chapters Veterans Organization.
- The Navajo Nation Veterans Advisory Council has not address this proposed legislation. Our next meeting is until in July 2017. ***According to the current Navajo Nation Veterans Advisory Council plan of operation states that the Veterans Advisory Council shall participate in legislative and administrative processes in support of the Navajo Nation Veterans Community and their families.***
- Reducing the Veterans Advisory Council from 10 members to 5 members is not the right concept. In the best interest of the Navajo Nation Chapter Veterans, we need equal representatives.

Therefore, we are respectfully requesting the Health, Education & Human Services, Law and Order Committees and Navajo Nation Council not to support this legislation. Should you have any question and concern, please call me at 505/786-7638 or leave a message.

Sincerely,

George H. Tolth, Interim-Commander
Eastern Navajo Agency-Veterans Organization



Eastern Navajo Agency Veterans Organization

P. O. Box 570

Crownpoint, New Mexico 87313

(Contact Number: 505/786-2030)



George H. Tolth, Interim-Commander

Lester Emerson, Vice-Commander

Jerry Whiterock, Secretary/Treasurer

Date: May 31, 2017

HONORABLE NAVAJO NATION COUNCIL DELEGATE

P.O. Box 3390

Window Rock, Arizona 86515

REF: RELATING TO HEALTH, EDUCATION & HUMAN SERVICES, LAW AND ORDER AND NAABIK'YATI' COMMITTEES; AND NAVAJO NATION COUNCIL; AMENDING 2 N.N.C. §§ 1031, 1033, 1034 AND 1035. (TRACTING NO: 0198-17)

Dear HONORABLE COUNCIL DELEGATE;

My name is George H. Tolth of Casamero Lake, New Mexico, on behalf of the Eastern Navajo Agency Chapters Veterans Organization, we are submitting our concerns on the proposed Navajo Nation Council Legislation regarding amending 2 NNC §§ 1031, 1033, 1034 and 1035. **(Tracking Number 0198-17)**

Here are some of concerns and oppose proposed legislation, which is sponsored by Honorable Kee Allen Begay:

- The Eastern Navajo Agency Chapters Veterans Organization are unsatisfied with amending the Navajo Nation Veterans Advisory Council plan of operation and changing the Navajo Veterans Advisory Council to Navajo Nation Veterans Board of Commissioners.
- Thirty-One Chapters Veterans organization of Eastern Navajo Agency and family members are unaware of amending the proposed legislation.
- What is the rationale behind these amendments? The Navajo Nation Veterans Act and Veterans Advisory Council is only a year and half old. We need to give the Veterans Advisory Council a chance to advocate for Navajo Chapters Veterans Organization.
- The Navajo Nation Veterans Advisory Council has not address this proposed legislation. Our next meeting is until in July 2017. ***According to the current Navajo Nation Veterans Advisory Council plan of operation states that the Veterans Advisory Council shall participate in legislative and administrative processes in support of the Navajo Nation Veterans Community and their families.***
- Reducing the Veterans Advisory Council from 10 members to 5 members is not the right concept. In the best interest of the Navajo Nation Chapter Veterans, we need equal representatives.

Therefore, we are respectfully requesting the Health, Education & Human Services, Law and Order Committees and Navajo Nation Council not to support this legislation. Should you have any question and concern, please call me at 505/786-7638 or leave a message.

Sincerely,

George H. Tolth, Interim-Commander
Eastern Navajo Agency-Veterans Organization

Legislation 0198-17

Lester Emerson <lemerson9988@yahoo.com>

Wed 5/31/2017 3:26 PM

To: comments <comments@navajo-nsn.gov>;

1 attachment

Legislation 0198-17.docx;

May 31, 2017

Mr. Kee Allen Begay, Jr., I am in opposition to **Legislation 0198-17**.

I was recently voted in as the Vice-Commander for the Eastern Navajo Veterans Organization to work for, improve care and advocate for our veterans. And I stand ready to work with the Organization, and with every member of this Organization to improve and work on the important issues that affect our veterans every day.

However, I cannot support this bill, and I strongly urge all Council Delegates to oppose it.

The approach to accountability in the legislation — focused primarily on amendments to increase the experience of Agency representatives to commissioned officers and changing the name to Board of Commissioners without appropriate or meaningful procedural protections — is misguided and burdensome. This approach significantly alters and diminishes important rights and protections that are available to the vast majority of other Veterans across the Navajo Nation and which are essential to safeguarding Veterans rights and the merit system.

And yet today this 23rd Navajo Nation Council is voting on legislation that completely ignores the views that many of our most vulnerable veterans are facing.

Members of our Organization are very involved in what we're trying to accomplish across the Navajo Nation for accountability. But we need to be beholden to the "veteran" on equal footing and not be segregated by rank which I feel this legislation will ultimately do.

Unfortunately, this bill was rushed, with no consideration by Veterans, collaboration, or even time for all of us to understand its full implications. The scheduling of Legislation 0198-17 for a vote in Committees, with the bare minimum of notice required current process is over inclusive. And I think that we must do more to ensure veterans have sufficient notice, an opportunity to be heard, and a meaningful opportunity to appeal any decision that may impact their rights.

But I cannot support any legislation, especially one addressing an issue as important as the Veteran Advisory Committee in its infancy stages, through this rushed process.

I ask all my Council Delegates to join me in opposing Legislation 0198-17. Our veterans put their lives on the line for our country. We shouldn't put their lives and their families at risk when they need us most.

Respectfully

Lester Emerson

Vice-Commander Eastern Navajo Veterans Organization

Vice-Commander Thoreau Chapter Veterans Committee

Executive Director

Office of Legislative

P.O. Box 3390

Window Rock, AZ. 86515

Subject: Legislation No. 0198-17, NN Veterans BOC

This is the first I have seen this proposed Legislation for the change to Veterans Board of Commissioners. I also do not recall whether this was discussed at a called meeting for the ENA Veterans Organization - perhaps it was when I may not have attended that particular meeting.

Nevertheless, I have some concerns with the eligibility requirements that requires 3 Commissioned Officers and 2 Non-Commissioned Officers. The 2 Non-Commissioned Officers positions with a rate of E-5 or higher with a specialty rate is limiting. This requirement is unfair to many veterans out there who may not have achieved Commissioned Officer status or even reached above E-3 or so. What is more important for the eligibility requirement is the current status of a honorably discharged veteran whether Commissioned or not and that eligible veterans who may have minimal education that are good effective leaders also deserve an opportunity to be on the Board of Commissioner. It appears the NN Veterans Affairs is creating an elitist membership for the Veterans BOC. This is unfair, ethically and morally incorrect. I have also known Commissioned Officers in my unit who were not effective leaders and should not be an automatic.

It is more important BOC membership have proven track records with work experience, local and regional community leadership, accomplished and substantive outcomes, along with supporting education.

Thanks,

John I King

Commander, Iyanbito Veterans

505-401-3455

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

LEGISLATION NO.: 0198-17

SPONSOR: Honorable Kee Allen Begay, Jr.

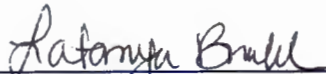
TITLE: An Action Relating to Health, Education and Human Services, Law and Order, and Naabik'iyáti' Committees; and Navajo Nation Council; Amending 2 N.N.C. 1031, 1033, 1034 and 1035

Posted: May 26, 2017 at 8:30 pm


5 DAY Comment Period Ended: May 31, 2017

Digital Comments received:

Comments Supporting	<i>1. Lee C. Botsoi – Steamboat, Veterans Commander</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



Policy Analyst
Office of Legislative Services



Date/Time


To: Office of legislative Services

From: Lee C. Botsai

Steamboat, Veterans Commander

RE: Veterans Act

100% support Kee Allen Bgay Jr.
amendments to the Veteran's Act


Lee C. Botsai
(928) 207-5354

