

LEGISLATIVE SUMMARY SHEET

Tracking No. 0322-19

DATE: October 29, 2019

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING THE REINSTATEMENT OF MS. KAREN RAE NIETO AS A MEMBER OF THE NAVAJO NATION

PURPOSE: This resolution will approve the reinstatement of Ms. Karen Rae Nieto 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: 2:33pm 10-24-19
Website Posting Time/Date: 11-3-19
Posting End Date: 11-4-19
Eligible for Action: 11-4-19

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL – First Year, 2019

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0322-19

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES,
NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING THE
REINSTATEMENT OF MS. KAREN RAE NIETO AS A MEMBER OF THE
NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 400(A). The committee "serve[s] as the oversight committee for the Division of Health, Division of Social Services, Division of Human Resources Department of Diné Education, Division of General Services" 2 N.N.C. § 401(C)(1).

B. The Naa'bik'iyáti' Committee is a standing committee of the Navajo Nation Council. 2 N.N.C. § 700(A). All proposed legislation requiring final action by the Navajo Nation Council are assigned to the committee. 2 N.N.C. § 164 (A)(9).

C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102. Pursuant to 1 N.N.C. § 705, the Navajo Nation Council, by majority vote, must approve all requests for reinstatement of membership enrollment with the Navajo Nation.

1 **SECTION TWO. FINDINGS**

2 A. Ms. Karen Rae Nieto (date of birth August 17, 1969) was an enrolled member of the
3 Navajo Nation. See Exhibit "A," *Certificate of Navajo Indian Blood*. On October 15,
4 2011, upon her request, her membership with the Navajo Nation was relinquished. See
5 Exhibit "B," enrollment relinquishment with the Navajo Nation. Subsequently, she
6 enrolled with the Zuni Tribe (as her father is Zuni). Exhibit "C."

7 B. Ms. Karen Rae Nieto filed for relinquishment of her enrollment with the Zuni Tribe.
8 On January 27, 2016, the Zuni Tribe approved Ms. Nieto's relinquishment request. See
9 Exhibit "D."

10 C. Ms. Karen Rae Nieto is seeking reinstatement with the Navajo Nation. See Exhibit
11 "E", letter dated June 3, 2019.

12 D. Ms. Karen Rae Nieto is Ashjįnį and is the originally from the Chinle community. Her
13 mother is Navajo.

14
15 **SECTION THREE. APPROVAL FOR REENROLLMENT**

16 Ms. Karen Rae Nieto, is and shall be reinstated, or otherwise reenrolled, as a member
17 of the Navajo Nation. By this action of the Navajo Nation Council and pursuant to the
18 laws of the Navajo Nation, she shall be entitled to all rights, benefits and privileges
19 associated with membership with the Navajo Nation.
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VERIFICATION OF INDIAN PREFERENCE FOR EMPLOYMENT
IN BUREAU OF INDIAN AFFAIRS AND INDIAN HEALTH SERVICE ONLY

To establish eligibility for Indian preference for employment with BIA/IHS, complete one of the categories below and submit with your SF-171, Application for Federal Employment.

Category MEMBERS OF FEDERALLY-RECOGNIZED INDIAN TRIBES, BANDS OR COMMUNITIES.

A

This is to certify that the person named below is a member of the tribe indicated:

Karen Rae Nieto

1/2 Navajo -

Full Name

Date of Birth

Tribal Affiliation

I certify that the above information was taken from the official membership records of the Navajo Tribe and acknowledge the falsification and misrepresentation of this information is punishable under Federal Law.

[Signature]

06-17-96

OR

None

Tribal Representative

Date

BIA Representative

Date

Vital Statistic Technician

None

Title

Title

Chinle

Agency Name

Category DESCENDANTS OF MEMBERS OF FEDERALLY-RECOGNIZED INDIAN TRIBES, BANDS
B OR COMMUNITIES WHO WERE RESIDING ON ANY INDIAN RESERVATION ON JUNE 1, 1934.

This is to certify that the person named below has established to my satisfaction that he is a descendant of an enrolled member of the tribe named below and that he was living on an Indian reservation on June 1, 1934. The applicant's family history is outlined on the attached family history chart:

Name of Individual

Date of Birth

Reservation of Residence
on June 1, 1934

Ancestor

Tribal Record of Affiliation

Date

BIA Representative

Title

Agency Name

RELINQUISHMENT OF NAVAJO NATION MEMBERSHIP

EXHIBIT

BOOKS

I, Karen Rae Nieto, DOB: _____, R _____, do hereby petition the President of the Navajo Nation that my name be stricken from the Navajo Census Rolls. I wish to become enroll member of The Zuni Tribe.

Subject to the acknowledgment of the Navajo Nation President, I do hereby withdraw and renounce my membership in the Navajo Nation.

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

Signed at Fort Defiance this 21st day of August, 2011

Karen Rae Nieto
P.O. Box
Window Rock Az 86515

WITNESSES:

Amilta Torn
 NAME
PO Box Window Rock
 ADDRESS
Az 86515

Roy Nieto
 NAME
P.O. Box
 ADDRESS
Zuni New Mexico 87327

ACKNOWLEDGED:

TR
 President, The Navajo Nation
10/13/2011
 Date Approved

Recorded on Page 142 Pinon Southern Indian Census Roll, Arizona and Family Application #73-584 on October 13, 2011/Am and Family Application #2012-279/Am
Leonard Benally
 Benally
 Leonard Benally, Vital Statistics Manager
 Navajo Office of Vital Records



ARLEN P. QUETAWKI, SR.
Governor

STEVE K. BOONE
Lt. Governor

ARDEN KUCATE
Head Councilman

VACANT
Councilman

ZUNI TRIBE

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

LOREN L. LEEKELA, SR.
Councilman

GERALD HOOEE, SR.
Councilman

MARK MARTINEZ
Councilman

BIRDENA SANCHEZ
Councilwoman

DATE: March 14, 2012

TO: Karen Nieto
P.O. Box
Window Rock, AZ 86515

FROM: Tribal Census Office, Pueblo of Zuni

SUBJECT: Enrollment Status of: NIETO, KAREN RAE

Date of Birth: _____

Degree of Blood: 1/2 ZUNI; 1/2 NAVAJO

Mother: ROSEMARY LEE Father: ROY NIETO

I hereby depose that KAREN RAE NIETO is an enrolled member of the
Zuni Tribe with Census Number

OR

I hereby depose that _____ **IS NOT** an enrolled
member of the Zuni Tribe.


Xyla Johnson
Vital Records Technician

**I hereby certify that the above information
are true, exact and complete record on file
in the Zuni Tribe of the Zuni Indian Reservation
Tribal Census Office, Zuni, New Mexico.**



**Fabian Vicenti, Sr.
Tribal Census Director of the Zuni Tribe**

SEAL





VAL R. PANTEAH, SR.
Governor

BIRDENA SANCHEZ
Lt. Governor

VACANT
Head Councilman

VIRGINIA R. CHAVEZ
Councilwoman

ZUNI TRIBE

Tribal Census Office
P.O. Box 339
1203-B State Highway 53
Zuni, New Mexico 87327-0339
www.ashiwil.org
fvicen@ashiwil.org
505-782-7071 (T)
505-782-7208 (M)

CARLETON R. BOWEKATY
Councilman

AUDREY A. SIMPLICIO
Councilwoman

VACANT
Councilwoman

ERIC BOBELU
Councilman

RELINQUISHMENT OF MEMBERSHIP

EXHIBIT

D

The Zuni Tribal Council hereby acknowledge the receipt of a Notice of, Relinquishment of Membership from the Zuni Tribe, for Karen Rae Nieto born _____, Census Number _____ and has 1/2 degree of Zuni Indian blood and also possesses 1/2 Navajo 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 Karen Rae Nieto whom will no longer be considered a member of the Zuni Tribe, effective this _____ day of _____, 2016.

[] Relinquishment denied due to: _____

FOR: ☒ AGAINST: _____ Lt. Governor Sanchez: Birdena Sanchez
FOR: _____ AGAINST: _____ Vacant: _____
FOR: ☒ AGAINST: _____ Councilwoman Chavez: Virginia R. Chavez
FOR: _____ AGAINST: _____ Councilman Bowekaty: Absent
FOR: ☒ AGAINST: _____ Councilwoman Semplicio: Audrey Semplicio
FOR: _____ AGAINST: _____ Vacant: _____
FOR: ☒ AGAINST: _____ Councilman Bobelu: Eric Bobelu

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 1 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 27th day of January, 2016.

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

Recorded in the Pueblo of Zuni Tribal Census Office, Zuni, New Mexico on January 27, 2016.



June 3rd, 2019

Navajo Office of Vital Records

Indian Rte100

Window Rock, Arizona 86515

Dear Sir/Ma'am:

I am requesting to have my tribal census number reinstated. I originally left the Navajo Nation to get a house built on Zuni Tribal lands and in order to do this, I had to get a census number with that tribe. Its been a few years since I have moved to Gallup, NM and I am no longer with the Zuni tribe.

The reason why I am requesting this is because my father has taken over the home that was built for us and evicted my family and I – so, we had nowhere else to move but into Gallup, NM and leave that tribe behind.

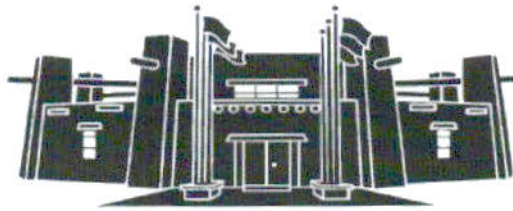
My mother Rosemary Lee, born _____ in Winslow AZ. She is registered with the Navajo Nation, census _____

So, I am kindly requesting to have my Navajo Nation tribal census number of reinstated.

If you need any further information, you may reach me at (505, _____). Thank you for your time.

Karen Nieto

A handwritten signature in black ink that reads "Karen Nieto".



MEMORANDUM

To : Hon. Eugene Tso, Delegate
Navajo Nation Council

A handwritten signature in black ink, appearing to be "Ron Haven", written over a horizontal line.

From :
Ron Haven, Attorney
Office of Legislative Counsel

Date : October 29, 2019

Re : AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN
SERVICES, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL;
APPROVING THE REINSTATEMENT OF MS. KAREN RAE NIETO 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. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient (at least to format).¹ As with any legislation, it can be subject to review by the courts in the event of proper challenge. Also, the Speaker (or designee) may decide to assign the proposed resolution for other committees than those referenced in the title of the resolution. Please ensure that this particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

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'.

OLC # 19-571-1

¹ Personal information (such as personal telephone numbers) redacted on exhibits pursuant to confidential information provisions of the Navajo Nation Privacy Act. 2 N.N.C. §81 et seq.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0322-19_____

SPONSOR: Eugene Tso

TITLE: An Action Relating to Health, Education and Human Services, Naabik'iyati and Navajo Nation Council; Approving the Reinstatement of Ms. Karen Rae Nieto as a member of the Navajo Nation

Date posted: October 29, 2019 at 2:33pm

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.: 0322-19

SPONSOR: Honorable Eugene Tso

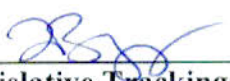
TITLE: An Action Relating to Health, Education and Human Services, Naabik'iyati and Navajo Nation Council; Approving the Reinstatement of Ms. Karen Rae Nieto as a member of the Navajo Nation

Posted: October 29, 2019 at 2:33 PM

5 DAY Comment Period Ended: November 03, 2019

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Tracking Secretary
Office of Legislative Services**

11/04/19 8:28 AM

Date/Time