

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

23<sup>rd</sup> 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 Tóbájishchíní, 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:

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**TITLE 2. NAVAJO NATION GOVERNMENT**

**CHAPTER 5. EXECUTIVE BRANCH**

**SUBCHAPTER 1. Generally**

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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.

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**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**

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**§ 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:...

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#### **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

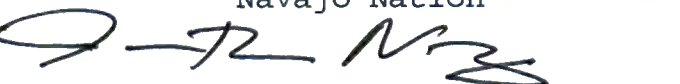
Motion: Honorable Jonathan Perry  
Second: Honorable Davis Filfred

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  
SEC Filfred

Establishing the NN Veterans  
Administration and NN Veterans  
Advisory Council

**Yea : 20**

**Nay : 0**

**Not Voting : 4**

**Yea : 20**

Begay, K  
Begay, M  
Begay, NM  
BeGaye, N  
Bennett

Brown  
Damon  
Daniels  
Filfred  
Hale

Jack  
Perry  
Pete  
Phelps  
Shepherd

Slim  
Smith  
Tso  
Tsosie  
Witherspoon

**Nay : 0**

**Not Voting : 4**

Yazzie

Chee

Crotty

Bates



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT  
REVIEW  
REQUEST  
FORM



DOJ  
 12/10/15 @ 1:00pm  
 DATE / TIME  
 7 Day Deadline  
 DOC #: 005129  
 SAS #:  
 UNIT: Hsqw

RESUBMITTAL

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

<b>CLIENT TO COMPLETE</b>			
DATE OF REQUEST: 12-10-15	ENTITY/DIVISION: DHR		
CONTACT NAME: Ede/Pop	DEPARTMENT: DNVA		
PHONE NUMBER: 929-871-6959	E-MAIL: epope@navajo-nsa.gov		
TITLE OF DOCUMENT: Navajo Nation Veterans Act 2014			
<b>#143 DOJ SECRETARY TO COMPLETE</b>			
DATE/TIME IN UNIT: 12/10/15 @ 10:15	REVIEWING ATTORNEY/ADVOCATE: Chere		
DATE/TIME OUT OF UNIT: 12-10-15 @ 4:05			
<b>DOJ ATTORNEY / ADVOCATE COMMENTS</b>			
legally sufficient - see attached			
REVIEWED BY: (PRINT) Chere Espinosa	DATE / TIME 12/10/15 3:50pm	SURNAMED BY: (PRINT) Yandis Martine	DATE / TIME 12/10/15 3:40pm
DOJ Secretary Called: email - Ede		for Document Pick Up on 12-10-15 at 4:00 By: gmarjan	
PICKED UP BY: (PRINT)		DATE / TIME:	

Document No. 005129

Date Issued: 12/09/2015

**SECTION 164 REVIEW FORM**

Title of Document: Navajo Nation Veterans Act 2016 Contact Name: PETE, EDSEL

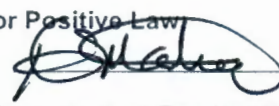
Program/Division: DIVISION OF HUMAN RESOURCES

Email: epete@navajo-nsn.gov Phone Number: 9288716958

Division 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**

- |                                     |   |                       |                                     |                          |              |
|-------------------------------------|---|-----------------------|-------------------------------------|--------------------------|--------------|
| <input checked="" type="checkbox"/> | Statement of Policy or Positive Law   |                       |                                     | Sufficient               | Insufficient |
|                                     | 1. OAG:    | Date: <u>12/01/15</u> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |              |
| <input type="checkbox"/>            | 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**

- |                          |   |             |                          |                          |  |
|--------------------------|---|-------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | 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"/> |  |
| <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"/> |  |
| <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"/> |  |
| <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"/> |  |