

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0021-22_

SPONSOR: Kee Allen Begay, Jr.

TITLE: An Act Relating to Health, Education and Human Services, Law and Order, and Naabik'iyáti' Committees and the Navajo Nation Council; Amending the Selection Process for the Navajo Nation Veterans Administration Executive Director; and Amending 2 N.N.C. § 1031, 1032, 1033, 1034, 1035, 1036 Relating to the Navajo Nation Veterans Advisory Council

Date posted: January 27, 2022 at 6:27PM

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0021-22

DATE: January 23, 2022

TITLE OF RESOLUTION: AN ACT RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE SELECTION PROCESS FOR THE NAVAJO NATION VETERANS ADMINISTRATION EXECUTIVE DIRECTOR; AND AMENDING 2 N.N.C. §§ 1031, 1032, 1033, 1034, 1035, 1036 RELATING TO THE NAVAJO NATION VETERANS ADVISORY COUNCIL

PURPOSE: This resolution, if approved, will amend the selection process of the Navajo Nation Veterans Administration Executive Director. (NOTE: amendments at 2 N.N.C. §§ 1031(B) and 1034(E)(1) pertains to selection process of the NNVA Executive Director and shall take effect with the new appointment of a NNVA Executive Director after the six-year term of the current Executive Director's contract has expired or the current Executive Director is otherwise no longer contracted as Executive Director, whichever event transpires first). This legislation further amends the Navajo Nation Veterans Advisory Council to become the Navajo Nation Veterans Board of Commissioners with additional authority. This legislation also clarifies the responsibility and authority for the Executive Director to the Navajo Nation Veterans Board of Commissioners. Lastly, this legislation provides amendments to the structure and terms limits for the Navajo Nation Veterans Board of Commissioners.

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 resolution in detail.

5-DAY BILL HOLD PERIOD: VBREANNME
Website Posting Time/Date: _____
Posting End Date: February 1, 2022
Eligible for Action: February 2, 2022

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Fourth Year, 2022
3 INTRODUCED BY

4
5 
6 (Prime Sponsor)

7
8 TRACKING NO. 0021-22

9
10 AN ACT
11 RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, LAW AND
12 ORDER, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION
13 COUNCIL; AMENDING THE SELECTION PROCESS FOR THE NAVAJO NATION
14 VETERANS ADMINISTRATION EXECUTIVE DIRECTOR; AND AMENDING 2
15 N.N.C. §§ 1031, 1032, 1033, 1034, 1035, 1036 RELATING TO THE NAVAJO NATION
16 VETERANS ADVISORY COUNCIL

17
18 BE IT ENACTED:

19 SECTION ONE. AUTHORITIES

- 20 A. The Health, Education and Human Services Committee is a standing committee of the
21 Navajo Nation Council and has the power to review and recommend resolutions relating
22 to veterans and veteran services. 2 N.N.C. §§ 400(A), 401(B)(6).
23 B. The Law and Order Committee is a standing committee of the Navajo Nation Council
24 and has the power to review and make recommendations to the Navajo Nation Council
25 on proposed amendments to and enactments in the Navajo Nation Code. 2 N.N.C. §§
26 600(A), 601(B) (14)
27 C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council and
28 has the power to review proposed legislation which requires final action by the Navajo
29 Nation Council. 2 N.N.C. §§ 700(A), 164(A)(9).
30

1 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
2 102(A).

3 E. Pursuant to 2 N.N.C. § 1036, amendments made to the Navajo Nation Veterans Act
4 require a two-thirds (2/3) vote of the Navajo Nation Council upon the recommendation
5 from the Navajo Nation Veterans Advisory Council.
6

7 **SECTION TWO. FINDINGS**

8 A. The purpose of this legislation is to change the Navajo Nation Veterans Advisory Council
9 to become the Navajo Nation Veterans Board of Commissioners with the following
10 authority:

11 1. To recommend appointment of the Navajo Nation Veterans Administration
12 Executive Director to the Navajo Nation Council for confirmation after the
13 President of the Navajo Nation selects an Executive Director as a nominee. To
14 recommend termination of the Navajo Nation Veterans Administration Executive
15 Director to the Health, Education and Human Services Committee and the Navajo
16 Nation Council with notice given to the Navajo Nation President.

17 2. To recommend to the Health, Education and Human Services Committee to
18 approve the rules, policies and procedures for the Board of Commissioners and the
19 Navajo Nation Veterans Administration in accordance with the laws of the Navajo
20 Nation.

21 3. To recommend to the Health, Education and Human Services Committee and the
22 Navajo Nation Council for any modification to legislation, or address any concerns
23 relating to veterans and veterans affairs with notice provided to the Navajo Nation
24 President.

25 4. To review and make recommendations for funding and budget matters of the Board
26 of Commissioners and the Navajo Nation Veterans Administration.

27 B. Navajo Nation statutory law currently states that the "President of the Navajo Nation,
28 after consultation with Navajo Nation Veterans Advisory Council, shall retain by contract
29 for a term of six (6) years an Executive Director who shall head the Veterans
30 Administration." 2 N.N.C. § 1031 (A). This legislation amends 2 N.N.C. § 1031(A) to

1 allow the President of the Navajo Nation to recommend a qualified Navajo Nation
2 Veterans Administration Executive Director to the Navajo Nation Veterans Board of
3 Commissioners who will then recommend the appointment of an Executive Director to
4 the Health, Education and Human Services Committee and Navajo Nation Council for
5 confirmation.

6 C. Navajo Nation Council Resolution No. CJA-3-16 established the Navajo Nation Veterans
7 Administration and the Navajo Nation Veterans Advisory Council. Within the stated
8 purposes for passing Resolution No. CJA-3-16, the Navajo Nation recognized continued
9 respect and honor for our Navajo veterans through the historic time from
10 Naayéé'neizghání and Tóbájishchíní, to the Navajo Code Talkers using our language in
11 World War II, and current veterans who recently served in the U.S. Armed Forces. Along
12 with respect and high honor, Navajo veterans are in a unique situation and serve
13 understanding our language and culture and share unique experiences. The Navajo
14 Nation Veterans Administration Executive Director shall be an enrolled member of the
15 Navajo Nation.

16 D. The Navajo Nation Veterans Board of Commissioners is the appropriate governmental
17 entity to recommend an Executive Director for the Navajo Nation Veterans
18 Administration since, as veterans themselves, the Navajo Nation Veterans Board of
19 Commissioners fully understand the needs and advocates on behalf of all Navajo Nation
20 veterans, qualified surviving spouses, and Gold Star family members with quality,
21 transparent and consistent service. See Resolution No. HEHSCJY-04-16.

22 E. This legislation also amends the selection process for the Navajo Nation Veterans Board
23 of Commissioners with Commissioners to be confirmed by the Health, Education and
24 Human Services Committee of the Navajo Nation Council. On the other hand, the ex-
25 officio shall be selected either from the Blue Star or Gold Star family and be confirmed
26 by the Navajo Nation Veterans Board of Commissioners.

27 F. This legislation further amends the Navajo Nation Veterans Board of Commissioners to
28 hold bi-monthly meetings which will allow the veterans to meet frequently and address
29 matters promptly.
30

1 G. This legislation also incorporates a two-year term limit for a Veteran Board of
2 Commissioner and the ex-officio to serve on the Commission. Selection to the Veteran
3 Board of Commissioners is also amended to allow other veterans from their respective
4 Agency Veteran Organization to serve as a Veteran Board of Commissioner.

5 H. Lastly, the duty and responsibility of the Executive Director to the Navajo Nation
6 Veterans Board of Commissioner is amended and clarified at 2 N.N.C. § 1032(A)(7).

7 G. It is in the best interest of Navajo Nation veterans to amend 2 N.N.C. § 1031(A) to select
8 2 N.N.C. §§ 1031, 1032, 1033, 1034, 1035, 1036 relating to the Navajo Nation Veterans
9 Advisory Council.

10
11 **SECTION THREE. AMENDMENTS TO 2 N.N.C. §§ 1031, 1032, 1033, 1034, 1035, AND**
12 **1036**

13 The Navajo Nation hereby amends the Navajo Nation Code, Title 2 as follows:
14

15 **Title 2. Navajo Nation Government**

16 **Chapter 5. Executive Branch**

17 **Subchapter 1. Generally**

18 ...

19 **Article 3. Navajo Nation Veterans Administration**

20
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 Nation,~~
24 ~~after consultation with the Navajo Nation Veterans Advisory Council, shall retain by~~
25 ~~contract for a term of six (6) years an Executive Director who shall head the Veterans~~
26 ~~Administration.~~

27 **B. Executive Director:**

28 1. The Navajo Nation Veterans Administration shall be headed by an Executive
29 Director who shall serve at the pleasure of the Navajo Nation Council.
30

1 2. The Executive Director shall be an enrolled member of the Navajo Nation and
2 honorably discharged from the U.S. Armed Forces.

3 3. The Navajo Nation President shall recommend the Executive Director to the Navajo
4 Nation Veterans Board of Commissioners at a negotiated salary during such
5 President's administration.

6 4. The Navajo Nation Veterans Board of Commissioners shall indicate through
7 resolution its support to the Navajo Nation President's nominee and forward the
8 nominee to the Health Education and Human Services Committee and the Navajo
9 Nation Council for confirmation. If the Navajo Nation Veterans Board of
10 Commissioners does not support the nominee, then, the Navajo Nation President
11 shall nominate another nominee.

12 5. The appointment shall be effective upon confirmation by the Navajo Nation
13 Council.

14 B.C. The Navajo Nation Veterans Administration shall perform its assigned functions as
15 identified in its approved Plan of Operation.

16 ...

17 ...

18 **§ 1032. Responsibility and Authority**

19 ...

20 A. In carrying out its responsibilities and Administration, through the Executive Director, is
21 authorized to:

22 ...

23 7. Provide administrative support, and technical assistance, meeting spaces, access to
24 Navajo Nation Veteran facilities, and serve as an advisor to the Navajo Nation
25 Veterans Advisory Council Board of Commissioners.

26 ...

27 **§ 1033. Navajo Housing Program**

28

29 C. Duties and Responsibilities of the Navajo Veterans Housing Program shall include
30 administering the Navajo Nation Veterans Administration Housing Program Policies and

1 Procedures. The Veterans Administration Housing Program Policies and Procedures shall be
2 approved by the Health, Education and Human Services Committee, upon the
3 recommendation of the Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners.

4 . . .

5 **Article Four. Navajo Nation Veterans Board of Commissioners ~~Advisory Council~~**

6
7 **§ 1034. Navajo Nation Veterans Board of Commissioners ~~Advisory Council~~**
8 **Establishment**

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

11 B. The purpose and authority of the Veterans Board of Commissioners ~~Advisory Council~~ is
12 to ~~provide policy advice to the President of the Navajo Nation~~ recommend and advise
13 any changes relating to funding, veterans housing, Navajo Nation Veterans
14 Administration, policies, regulations, and other concerns relating to veterans to the
15 Health, Education and Human Services Committee of the Navajo Nation Council and the
16 Navajo Nation President, ~~regarding veteran issues and concerns.~~

17 C. Membership; ~~selection;~~ Chairperson and Vice-Chairperson; terms of office; ex-officio

18 1. A Navajo Nation Veterans ~~Advisory Council~~ Board of Commissioners is
19 established consisting of ~~eleven~~ ten (10+) members and one (1) ex-officio member.

20 2. The ~~Advisory Council~~ Board of Commissioners shall consist of ~~the ten (10)~~ Agency
21 Veteran Commanders or a Veteran selected by their respective Agency Veterans
22 Organization through resolution. The Navajo Nation Veterans Board of
23 Commissioners shall consist of ten (10) members, one (1) female and one (1) male
24 selected by each Agency, ~~as the designated voting members with the~~
25 ~~Administration Executive Director acting as a non-voting member. All~~
26 Commissioners shall be confirmed by the Health, Education and Human Services
27 Committee.

28 3. All ten (10) as the Commissioners shall be voting members.

29 4. Ex-officio member is a non-voting member and shall be selected either from the
30 Blue Star Family or Gold Star Family. The ex-officio member shall be selected

1 and/or removed by the Board of Commissioners through resolution with a
2 majority vote of a full-quorum.

3 3. ~~5.~~ The ~~Advisory Council~~ Board of Commissioners shall select from its voting members
4 a Chairperson and a Vice-Chairperson.

5 6. Commissioners and the ex-officio member shall serve a two-year term.
6 Commissioners and the ex-officio member shall serve until their successors are
7 appointed.

8 4. ~~Designated members shall be Veterans selected and/or removed by the respective~~
9 ~~Chapter Veteran Organizations.~~

10 ~~5.~~7. The ~~Council~~ Commissioners and the ex-officio member shall meet on a ~~quarterly~~
11 bi-monthly basis and as necessary. Commissioners and the ex-officio shall receive
12 a meeting stipend, and travel expense reimbursement pursuant to Navajo Nation
13 laws, policies and procedures and budget.

14 8. The Board of Commissioners shall have a recurring budget for meeting stipends,
15 travel expense reimbursement, and administrative support for all meetings.

16 D. The Navajo Nation Veterans Administration Executive Director shall provide
17 administrative support, technical assistance, meeting spaces, access to Navajo Nation
18 Veteran facilities, and serve as an advisor to the Navajo Nation Veterans Board of
19 Commissioners.

20 E. Authority of the Board of Commissioners

21 1. To recommend appointment of the Navajo Nation Veterans Administration
22 Executive Director to the Health, Education and Human Services Committee and
23 the Navajo Nation Council for confirmation after the Navajo Nation President
24 nominate an Executive Director. To recommend termination of the Navajo Nation
25 Veterans Administration Executive Director to the Health, Education and Human
26 Services Committee and the Navajo Nation Council with notice given to the Navajo
27 Nation President.

28 2. To recommend to the Health, Education and Human Services Committee to
29 approve the rules, policies, and procedures for the Board of Commissioners and the
30

1 Navajo Nation Veterans Administration in accordance with the laws of the Navajo
2 Nation.

3 3. To recommend to the Health, Education and Human Services Committee and the
4 Navajo Nation Council for any modification to legislation, or address any concerns
5 relating to veterans and veterans services with notice provided to the Navajo Nation
6 President.

7 4. To review and make recommendations for funding and budget matters of the Board
8 of Commissioners and the Navajo Nation Veterans Administration.

9
10 **§ 1035. Oversight**

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

16
17 **§ 1036. Amendments**

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

21 ****

22
23
24 **SECTION FOUR. DIRECTIVE TO AMEND PLANS OF OPERATION**

25 Divisions, departments, programs, and organizations of which these amendments affect, shall
26 within 45 days of approval of this legislation shall amend their respective Plans of Operation
27 to ensure conformity with these amendments.

28
29 **SECTION FIVE. EFFECTIVE DATE**

30 A. This legislation shall become effective pursuant to 2 N.N.C. § 221(B).

1 B. Amendments enacted herein at 2 N.N.C. §§ 1031(B) and 1034(E)(1) pertaining to the
2 Navajo Nation Veterans Administration Executive Director shall take effect with the
3 appointment of a new Navajo Nation Veterans Administration Executive Director after
4 the six-year term of the current Executive Director's contract has expired or the current
5 Executive Director is otherwise no longer contracted as Executive Director, whichever
6 event transpires first.

7
8 **SECTION SIX. CODIFICATION**

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

12
13 **SECTION SEVEN. SAVINGS CLAUSE**

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