



THE NAVAJO NATION

Proclamation

IN HONOR AND RECOGNITION OF THE LATE NAVAJO CODE TALKER SAMUEL TSOSIE SR.

WHEREAS, The Navajo Nation is greatly saddened by the loss of the late Samuel Tsosie Sr., who served in the U.S. Marine Corps; and

WHEREAS, The late Samuel Tsosie Sr. was a Navajo Code Talker who served the United States of America, the Navajo Nation, and U.S. Marine Corps with courage, honor and distinction; serving from 1943 to 1945, when he was honorably discharged; and

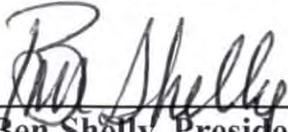
WHEREAS, The late Samuel Tsosie served as a Navajo Code Talker and joined his U.S. Marine Corps brothers as radiomen communicating in every major battle of the Pacific including Iwo Jima, Guadalcanal, Tarawa, Saipan, Guam, Okinawa, and Peleliu; and

WHEREAS, The late Samuel Tsosie Sr. also was a Navajo Code Talker and a beloved member of the Navajo Code Talker Association, traveling to many states to participate in book signings and share the story of the Navajo Code Talkers; and

WHEREAS, The Navajo Nation unites and offers prayers for his family and friends during this time of grief;

NOW, THEREFORE, I, BEN SHELLY, President of the Navajo Nation, do hereby proclaim that all Navajo Nation flags shall be flown at half-staff in honor of the late Navajo Code Talker Samuel Tsosie Sr., from sunrise on November 25 to sunset on November 28, 2014.

ORDERED THIS 25th DAY OF NOVEMBER 2014



Ben Shelly, President
THE NAVAJO NATION



FOR IMMEDIATE RELEASE
November 25, 2014

President Shelly thanks Navajo people, issues holiday message for peace and unity



President Shelly thanks the Navajo people. He said to have a safe and enjoyable holiday season. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—Across the country, Nov. is celebrated as Native American Heritage Month. It is a time of celebration and reflection on the sacrifices our ancestors made for us to be where we are today.

For the Navajo people, our traditional New Year began in Oct., during the time of the annual harvest season. As we transition into winter, it will be a time for coyote stories and a chance to share with our younger generation the origin of our people and culture, as told through the adventures of the Navajo Hero Twins.

We have much to be thankful for this holiday season. As the largest land based tribe in the country, we often set the tone for the rest of Indian Country to follow. Our sophisticated form of government continues to evolve as new challenges emerge to test the strength of our Nation.

Vice President Rex Lee Jim and I want to say thank you for allowing us to serve as your leaders over the past four years. We are thankful for this blessing to serve our Navajo people and move this Nation forward. Let us remain respectful and peaceful during this shift in our presidential election. The teachings of our elders will bring us forward.

The \$554 million settlement agreement is a tremendous blessing for our Navajo Nation. We must have due diligence for the investment of these funds on behalf of the Navajo people. Their voice must be included in the decision making process before a single penny of the settlement is spent.

Let us be thankful for Diné bizaad, the Navajo language, which brought our people from the darkness of the Emergence to the Glittering World of today. Let us never forget how our brave Navajo Code Talkers used Diné bizaad to save our earth from the ravages of World War II. Our people have survived the most tumultuous times because of our language and traditions that have withstood the test of time.

We are here today because of the Ana'í Ndáá' (Enemy Way) and Hózhó ojí (Blessing Way) ceremonies. Diné bizaad and its use is true Navajo sovereignty. The Diyin Diné (Holy People) gave us this language to speak and use as Nahoká Diné (Holy Earth People).

Let us never forget Diné bizaad and be thankful for our great Navajo Nation, from Sinaajini to Tsoodzil to Dook'o'oslid to Dibé Nitsaa, the Four Sacred Mountains that protect us and will take us forward for generations to come.

As you sit down to break bread with family and friends, remember the many Navajo veterans that cannot be with us at the dinner table because they are serving in the U.S. Armed Forces. Let us remember them in our prayers. Be sure to also check on your elders and ensure they have enough heat, food and water for the winter. They need our help.

Thank you for allowing our administration to serve you. We are very proud to serve this great Navajo Nation and our people. Have a wonderful holiday season and take care of each other.



FOR IMMEDIATE RELEASE
 November 21, 2014

President Shelly signs Healthy Dine' Nation Act of 2014 into law



Top, President Shelly signs the Healthy Dine' Nation Act of 2014 into law. Bottom, Jonathan Nez gives his appreciation. (Photos by Rick Abasta)

WINDOW ROCK, Ariz.— Navajo Nation President Ben Shelly, with a stroke of his pen, signed the Healthy Dine' Nation Act of 2014 into law today and changed the dynamics for the war on diabetes.

His decision to enact Legislation No. CN-54-14 and amend Title 24 of the Navajo Nation Code came after negotiations with council delegates and food advocacy groups to ensure the proper monitoring provisions were included.

When the legislation was first presented, President Shelly's

concerns with definitions of junk food and the monitoring processes of tax collections resulted in a veto. At the time, he called the Healthy Dine' Nation Act progressive and asked for further clarification.

"This administration has advocated for healthy living since we took office. Vice President Jim has run across this great Nation all four years of our administration," President Shelly said. "Today, I am signing this legislation into law to continue our commitment to healthy lifestyles for our people.

"Diabetes is an enemy that we will conquer by fighting this war together," he added.

The amendments to Title 24 of the Navajo Nation Code will be imposed upon gross receipts at a rate of two percent upon minimal-to-no-nutritional value food items sold.

The revenues generated from the sales tax may be utilized for community wellness projects such as farming, vegetable gardens, greenhouses, farmers markets, clean water, exercise equipment, health classes and more.

Legislation sponsor Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Standing Rock, White Rock) and co-sponsor Jonathan Nez (Navajo Mountain, Oljato, Shonto, Tsah Bii Kin) joined supporters of the legislation at the Office of the

being a food desert and return to being a food oasis," she said.

Livingston called the signing a "historical event" and praised the president for his decision to enact the legislation.

"Again, you are leading the way, Mr. President, across the world and across Indian Country. We thank you for your commitment, your leadership and your dedication to a healthy Dine' Nation. Ahe'hee," Livingston said.

Nez echoed Livingston's sentiments and called members of the Alliance "champions" that never gave up.

"Many of our young people out there don't have the tools to make the healthy and wise decisions on living more healthy and active lifestyles," Nez said. "Again, you're leading the way, Mr. President, across the world and across Indian Country."

"This administration has advocated for healthy living since we took office."

President and Vice President for the signing.

Simpson said, "From the bottom of my heart, thank you, Mr. President. I think we compromised on (the legislation)."

Denisa Livingston, a member of the Dine' Community Advocacy Alliance, said food is not only a material pleasure, but nourishment for our bodies, minds and spirit.

"Eating well is what will sustain and empower us for the generations to come. From this day forward, we will move from

Deborah Cayedito, another member of the Alliance, said she was raised as a farm worker and understood the purpose of food.

"We are making historical movements," she said, adding, "and from the gathering of data that we've done, we can take it back home and start youth planters and teach them how to plant."

The seed has been planted and the war against diabetes on the Navajo Nation continues.



RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL—FOURTH YEAR, 2014

AN ACT

RELATING TO LAW AND ORDER, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, HEALTH, EDUCATION AND HUMAN SERVICES, NAABIK' IYATI' AND NAVAJO NATION COUNCIL; AMENDING TITLE 24 OF THE NAVAJO NATION CODE BY ENACTING THE HEALTHY DINÉ NATION ACT OF 2014

BE IT ENACTED:

Section 1. Findings

The Navajo Nation finds the following with respect to this resolution.

- A. According to Navajo Area Indian Health Service, there are 25,000 Navajos with diabetes and another 75,000 are pre-diabetic. The *Sweet Success* data reports the following in 2011: 31% of Navajo pregnancies were complicated (BMI's) in the overweight or obese range. Division of Diabetes Treatment and Prevention, Indian Health Service Headquarters (2012). Unpublished, Centers for Disease Control and Prevention and the Indian Health Service. Division of Diabetes Treatment and Prevention (2012), Annual diabetes clinical outcomes audit and Navajo sweet success annual audit (a tracking tool) (2012). Unpublished, Navajo Area Indian Health Service, St. Michaels, Arizona.
- B. At an average, it costs over \$13,000 per person annually to treat diabetes. The cost for treating diabetes related complications can exceed \$100,000 per person. O'Connell JM, Wilson C, Manson SM, & Acton KJ (2012). The costs of treating American Indian adults with diabetes within the Indian Health Service, research and practice. *American Indian Journal of Public Health*.

- C. According to the *Navajo Area* [Indian Health Service, IHS] *GPRA Report 2009*, of the obesity rate within the seven (7) Navajo Area IHS service units ranged from 23% to 60%, the overweight rate ranged from 17% to 39% for all age groups, and overall, "the highest percentage of patients identified as obese are those ages 25 to 54, the highest service unit is Tuba City with 60 % of those with calculated BMIs." Navajo Area Indian Health Service (2009). Navajo area GPRA report 2009: government performance results act, (GPRA) program assessment rating tool (PART) report (07/1/08-06/30/09). Unpublished, St. Michaels, Arizona.
- D. According to the *Center of Disease Control and Prevention*, "each year, more than 13,000 young people are diagnosed with type 1 diabetes" and "health care providers are finding more and more children with type 2 diabetes, a disease usually diagnosed in adults aged 40 years or older." For only American Indians, there is a "statistically significant increase in the prevalence of type 2 diabetes among children and adolescents." Center of Disease Control and Prevention (2013). Children and diabetes. <http://www.cdc.gov/diabetes/projects/cda2.htm>
- E. According to the *Mayo Clinic*, primary risk factors of Type 2 Diabetes in children are overweight, obesity, inactivity, race, and family history. Symptoms can include increased thirst, increased urination, increased hunger, weight loss, fatigue, blurred vision, slow-healing sores or frequent infections, areas of and darkened skin. Complications can include heart and blood vessel disease, increased risk cardiovascular problems, including heart disease, stroke, high cholesterol and high blood pressure, nerve damage (neuropathy), kidney damage (nephropathy), eye damage, foot damage, and skin conditions. Mayo Clinic (2014). Type 2 diabetes in children. <http://www.mayoclinic.org/diseases-conditions/type-2-diabetes-in-children/basics/definition/con-20030124>
- F. According to the *American Journal of Clinical Nutrition*, "consumption of sugar-sweetened beverages (SSBs), particularly carbonated soft drinks, may be a key contributor to the epidemic of overweight and obesity, by

virtue of these beverages' high added sugar content, low satiety, and incomplete compensation for total energy." There is a "positive association between greater intakes of SSBs and weight gain and obesity in both children and adults" and the "weight of epidemiologic and experimental evidence indicates that a greater consumption of SSBs is associated with weight gain and obesity." There is "sufficient evidence [that] exists for public health strategies to discourage consumption of sugary drinks as part of a healthy lifestyle." Malik, Vasanti S., Schulze, Matthias B., and Hu, Frank B. (2006). Intake of sugar-sweetened beverages and weight gain: a systematic review. *American Journal of Clinical Nutrition*. Aug 2006; 84(2): 274-288. <http://ajcn.nutrition.org/content/84/2/274.long>

- G. According to the Navajo Nation Human Rights Commission, "the right to food is a human right recognized under international law that protects the right of all human beings to feed themselves in dignity, either by producing their food or by purchasing it." Resolution NNHRCFeb-02-09.
- H. According to the *New York Times Magazine* cover story "The Extraordinary Science of Addictive Junk Food" states that people are "addicted to junk food" and "this addiction will only deepen as the food industry continues to find new ways to get people hooked on foods that are convenient and inexpensive." Kalaidis, Jen. (2013). Should the U.S. adopt a fat tax? *The Week*.
- I. According to the *British Medical Journal*, economists agree that "government intervention, including taxation, is justified when the market fails to provide the optimum amount of a good for society's well-being." Kalaidis, Jen. (2013). Should the U.S. adopt a fat tax? *The Week*.
- J. According to the *Diné Food Sovereignty* report, 74% of respondents "think health problems in [their] communities are caused by a lack of healthy and nutritious food." Diné Policy Institute (2014). Diné food sovereignty: a report on the Navajo Nation food system and the case to rebuild a self-sufficient food system for the Diné people. <Http://www.dinecollege.edu/institutes/DPI/Docs/dpi-food-sovereignty-report.pdf>

- K. According to the *Diné Food Sovereignty* report, "the United States Department of Agriculture identifies nearly all of the Navajo Nation's 27,000 square miles as a food desert," which is defined as "an area, either urban or rural, without access to affordable fresh and healthy foods" and where "heavily processed foods are often readily available." Diné Policy Institute (2014). *Diné food sovereignty: a report on the Navajo Nation food system and the case to rebuild a self-sufficient food system for the Diné people.* <http://www.dinecollege.edu/institutes/DPI/Docs/dpi-food-sovereignty-report.pdf>
- L. According to the *Tsehootsooi Medical Center Community Health Needs Assessment*, 86.74% of respondents recommended facilities needed in their community: walking trails, 42.54%; recreational, 60.87%; playground, 46.87%; and other, 8.47%. Health programs were recommended by 88.77% of the respondents with the following: CPR classes, 33.89%; cultural classes/resources, 34.35%; fitness instruction, 52.95%; health education/programs, 50.09%; nutrition classes, 52.12%; parenting groups, 37.66%; and other, 8.66%. Clichee, Dominic, M. (2013). *Tsehootsooi Medical Center community health needs assessment.* <http://www.fdihb.org/files/downloads/TMC%20CHAH%20v3.2%20without%20implementation%20plans.pdf>
- M. According to the *Chinle Health Council Community Health Assessment*, community respondents identified diabetes, obesity, and unhealthy foods as the top three important health issues in their communities, with diabetes as the number one health issue in the Chinle communities. Respondents identified "Wellness/Health education (Nutrition), Community events, Wellness Center" as the "most important factors for a healthy community." Respondents rated the health of their community with the following "Nutrition/bad food, Exercise, Unidentified illness/sickness/disease." Lynch, Patrick D. & Clichee, Dominic M. (2012). *Chinle Health Council community health assessment.* Unpublished, Chinle Health Council.

- N. The revenue generated from the Healthy Diné Nation Act of 2014 will be earmarked for chapters to plan for community originated wellness projects such as farming and vegetable gardens; greenhouses; farmers' markets; healthy convenience stores; clean water; clean communities; wellness/exercise equipment and supplies; skate parks; health classes; parks; traditional, intergenerational, and contemporary wellness; traditional and non-traditional healthy food preparation classes; food processing and storage facilities; health food initiatives; community food cooperatives; playgrounds; basketball courts; walking, running, biking trails; picnic grounds, swimming pools; emergency preparedness; agricultural, recreational, health, youth clubs; library; Navajo traditional craft classes, equine therapy, health coaching; and any other community-based wellness projects to address improvements to physical and social environment of the community that are planned, implemented, directed, and reported by members of the Navajo Nation communities.
- O. The Healthy Diné Nation Act of 2014 is to take responsibility of our health crisis, to raise awareness of unhealthy foods, to empower everyone to lead productive and healthy lives. This Act will impact physical and social environment where communities are empowered to take positive action; improve local capacity for wellness and improved health; make healthy food available and easily accessible; provide communities with clean water and recycling centers; reduce rates of chronic diseases such as obesity, diabetes, heart diseases, cancer, etc.; preserve Diné tradition, culture, and language; preserve Diné traditional food; maintain a healthy weight; improve academic achievement of healthy children and youth; generate active and healthy communities; foster well-informed, educated communities about health and wellness to make positive, healthy choices, healthy individuals and families; build a healthy, thriving, and productive workforce; promote healthy businesses; reduce health care costs; to save lives and money; and to allow the people to take ownership of healthy initiatives; to protect and preserve our population for future healthy generations.
- P. It is the intent of the Navajo Nation Council, by approving the Healthy Diné Nation Act of 2014 to diminish the human and economic costs of obesity and diabetes on the Navajo

Nation. The intent is to improve health by creating the environment that supports health and wellness with a dedicated revenue source for Community Wellness Projects designed by Navajo Nation Chapters to prevent obesity, Type 2 Diabetes Mellitus, and other such health conditions by discouraging excessive consumption of sweetened beverages and minimal to no nutritional value food items high in sugar, salt, and saturated fat.

- Q. There is public support for the proposed tax on sweetened beverages and minimal-to-no nutritional value food items among communities across the Navajo Nation. Navajo Nation Chapter Resolutions and resolutions from other entities in support of a tax on minimal-to-no nutritional value food items are attached hereto as Exhibit A.
- R. The Navajo Nation finds it is in the best interest of the Navajo Nation to amend Title 24 of the Navajo Nation Code and to enact the Healthy Diné Nation Act of 2014.

Section 2. Amendments to Title 24 of the Navajo Nation Code

The Navajo Nation hereby amends Title 24 of the Navajo Nation Code, 24 N.N.C. §§ 1001-1024, as follows:

**NAVAJO NATION CODE ANNOTATED
TITLE 24. TAXATION
CHAPTER 11. HEALTHY DINÉ NATION ACT OF 2014**

§1001. Short title

The tax imposed by this Chapter shall be called the "Healthy Diné Nation Act of 2014".

§1002. Purpose

The Navajo Nation Council hereby enacts this tax for the privilege of engaging in retail business activity within the Navajo Nation, and for purposes of defraying necessary governmental expenses at the national and local level incurred in providing for the public welfare.

§1003. Tax Imposed

A tax is hereby imposed on the gross receipts of a retail business person. The tax due for a period is determined by first calculating applicable gross receipts from all minimal-to-no nutritional value food items sold for a period, and then multiplying those gross receipts from all minimal-to-no nutritional value food items sold by the applicable tax rate. This tax shall be reviewed at the end of the calendar year 2034 2020 unless extended for extension by the Navajo Nation Council

§1004. Legal Incidence and Responsibility for Payment

The person liable for the payment of the tax imposed by this Chapter is the person receiving the gross receipts from the sale of minimal-to-no nutritional value food item(s).

§1005. Rate of Tax

The rate shall be two percent (2%) of all minimal-to-no nutritional value food item(s) sold (.02 x all minimal-to-no nutritional value food item(s) sold).

§1006. Administration

All provisions of the Uniform Tax Administration Statute apply to this Chapter.

§1007. Definitions

Subject to additional definitions (if any) contained in the subsequent sections of this Chapter, and unless the context otherwise requires, in this Chapter:

A. "Community Wellness Projects" means Navajo Nation Chapter community-based, community-owned wellness projects to address improvements to the physical and social environment of the community because of the need to prevent and/or reduce the incidence of obesity and Type 2 Diabetes Mellitus. Projects may include: farming and vegetable gardens; greenhouses; farmers' markets; healthy convenience stores; clean water; clean communities; wellness/exercise equipment and supplies; skate parks; health classes; parks;

traditional, intergenerational, and contemporary wellness; traditional and non-traditional healthy food preparation classes; food processing and storage facilities; health food initiatives; community food cooperatives; playgrounds; basketball courts; walking, running, biking trails; picnic grounds, swimming pools; emergency preparedness; agricultural, recreational, health, youth clubs; library; Navajo traditional craft classes, equine therapy, health coaching; and any other community-based wellness projects to address improvements to physical and social environment of the community that are planned, implemented, directed, and reported by members of the Navajo Nation communities.

B. "Minimal-to-no nutritional value food" means sweetened beverages and prepackaged and non-prepackaged snacks stripped of essential nutrients and high in salt, saturated fat, and sugar including sweetened beverages, sweets, chips, and crisps.

i. "Sweetened beverages" means a beverage, whether carbonated or noncarbonated in any form sold for human consumption. It shall include: soda; flavored water; sports drinks; energy drinks; fountain drinks; iced coffee; iced tea; flavored drinks; drinks containing sugar with natural fruit juice, natural vegetable juice, fruit juice, or vegetable juice; a powder, or base product as a liquid for sale.

ii. "Sweets" means any preparation that has a high content of sugar, sometimes in combination with flour, milk, butter, shortening, eggs, dried fruits, nuts, etc., such as candy, frozen desserts, pastries, pudding and gelatin based desserts or baked and fried goods.

iii. "Snack chips and Crisps" (sodium and saturated fat) means crispy type snack foods that are often fried, baked, or toasted, such as potato chips, tortilla chips, pita chips, or cheese puffs that are high in sodium and fat.

iii. "Snack chips and Crisps" (sodium and saturated fat) means crispy type snack foods that are often fried, baked, or toasted, such as potato chips,

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iii. "Snack chips and Crisps" (sodium and saturated fat) means crispy type snack foods that are often fried, baked, or toasted, such as potato chips, tortilla chips, pita chips, or cheese puffs that are high in sodium and fat.

iv. "Sugar" includes sugar confections but not limited to sucrose, dextrose fructose, corn syrup, high-fructose corn syrup, dextrin, galactose, glucose, honey, lactose, fructose, other processed caloric sweeteners, and those derived from fruit juice.

v. "Corn syrup" means syrup made from cornstarch, consisting of dextrose, maltose and dextrans.

vi. "Sweetener" includes artificial sweetener, which includes aspartame, saccharin, sucralose, stevia, cyclamate, xylitol, mogrosides, and many others.

vii. "Natural fruit juice or fruit juice" means the original liquid resulting from the pressing of fruit, the liquid resulting from the reconstitution of fruit juice concentrate of the liquid resulting from the restoration of fruit concentrate or the liquid resulting from the restoration of water to dehydrated fruit juice.

viii. "Natural vegetable juice or vegetable juice" means the original liquid resulting from the pressing of one or more vegetables. Liquid resulting from the reconstitution of vegetable juice concentrate or the liquid resulting from the restoration of water to dehydrated vegetable juice.

ix. "Powder or base product" means a solid mixture of basic ingredients, including sugar, used in making, mixing or compounding soft drinks by mixing the powder of other base product with water, ice

syrup, simple syrup, fruits, vegetables, fruit juice or any other product suitable to make a sweetened beverage.

x. "Candy" means snacks prepared of sugar, honey, salt, saturated fat, other natural or artificial sweeteners in combination with chocolate; dried fruits; fudge; marshmallows; nuts; mints; peanut brittle; white flour; other ingredients or flavorings in many forms such as soft, hard, bars, drops, liquid, spray, floss, carbonated, crystallized, tape, paper, thread, chewy, jelly, gum, powder or pieces.

xi. "Frozen desserts" means any sweet item made by freezing liquid or semisolids, based on naturally and/or artificially flavored water, fruit purees, dairy or dairy substitutes, custards; combined with fruits, nuts, candy, sweets, or other ingredients.

xii. "Pastries" consist of any mixed, baked, or fried products made primarily but not exclusively from any form of flour, sugar, artificial sweeteners, dairy, shortening, oil, butter, baking powder, nuts, fruits, eggs, jelly, and other filling ingredients.

xiii. "Pudding and gelatin based desserts" means any soft, colorful or colorless, sweet preparation based, which could include dairy, eggs, sugar, or other sweeteners, collagen, cornstarch, or any other flavorings.

xiv. "Baked and fried goods" means baked or fried dough, batter, mixes, and decoration products such as cakes, cookies, and pastries that are high in saturated fat and/or sugar.

§1008 Navajo Nation Government

A. Sales by corporations owned by the Navajo Nation government or any political subdivision thereof shall be fully subject to the tax imposed by this Chapter.

B. Sales by the government of the Navajo Nation, or political subdivisions or enterprises thereof, shall be subject to the tax imposed by this Chapter.

§1009. Reserved

§1011. Reserved

§1012. Filing of Return

A. Each person must file a return indicating all sales from applicable gross receipts and the tax due under this Chapter for each period by the fifteenth day of the second month after the end of each calendar quarter. Returns are due on February 15, May 15, August 15, and November 15 of each calendar year.

B. The Commission may by form or regulation require that other information, records or relevant documents which it deems necessary for the proper and efficient administration of this Chapter be included with the return and signed by a specified person.

C. No return need be filed by any person who is exempt under §609, provided that the Office of the Navajo Tax Commission may require such person to file the information necessary to establish its exempt status.

D. In the case of the exemption provided for in §609(A), the filing by a person of a proper certificate of exemption with the Office of the Navajo Tax /Commission shall constitute a claim for exemption.

§1013. Payment of Tax

Payment in full of the taxes owed for a particular period is due on the same date that the completed return for that same period is due. The Office of the Navajo Tax Commission, however, may require payment of any taxes due on a monthly basis.

§1014. Recordkeeping

A. Each person shall keep all records which pertain to or relate in any manner to all sales from any business activity engaged in at any time by such person. Such records shall be maintained separately for each reporting period during which a person is engaged in business activity.

B. Records required to be kept must be preserved for four years beyond the end of the period for which the records relate.

§1015. Reserved

§1016. Reserved

§1017. Reserved

§1018. Reserved

§1019. Reserved

§1020. Allocation of Revenue

After allocation to permanent or special revenue funds as required by Navajo Nation law, and allocation to the Tax Administration Suspense Fund as required by the fiscal policy adopted by the Navajo Tax Commission for such Fund, the net revenue from this Chapter shall be disbursed as follows:

A. One hundred percent (100%) of the Healthy Diné Nation Act of 2014 revenue collected from retail establishments located in the Navajo Nation shall be deposited into the Community Wellness Development Projects Fund to be appropriated pursuant to a fund management plan approved by

the Budget and Finance Committee and administered by the Division of Community Development; and

B. The Division shall disburse the funds to the chapters as seed money for leverage to initiate, match, and/or improve community wellness projects.

1021. No Conflict with Local Governance Act

The provisions of this Chapter and corresponding regulations shall not be construed inconsistently with the Local Governance Act, 26 N.N.C §§ 1-2008.

§1022. Severability

If any provision of this Chapter, as amended, or its application to any person or circumstance, is held invalid by a final judgment of a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are severable.

§1023. Reserved

§1024. Repeals

All laws or parts of laws (or attachments thereto) which are inconsistent with the provisions of this Chapter are hereby repealed, including, without limitation, any law purporting to waive any right of taxation by the Navajo Nation.

Section 3. Development of a Fund Management Plan

The Division of Community Development is hereby directed to develop a Community Wellness Development Projects Fund Management Plan.

Section 4. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B), and after the Navajo Tax Commission has promulgated the regulations, but no later than October 1, 2014.

Section 5. Codification

The provisions of the 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 6. Savings Clause

Should any portion of the amendment enacted herein be determined invalid by the Navajo Nation Supreme Court, or the District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions not determined invalid shall remain in 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 10 in favor and 4 opposed, this 14th day of November 2014.



LoRenzo Bates, Pro Tem Speaker
Navajo Nation Council

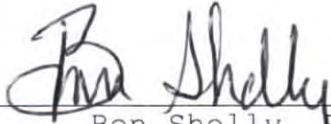
11-17-14

Date

Motion: Honorable Jonathan Nez
Second: Honorable Nelson BeGaye

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(10), on this _____ day of NOV 21 2014 2014.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2014 for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation



FOR IMMEDIATE RELEASE
November 18, 2014

MEDIA CONTACTS
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Council to donate turkeys to Navajo Nation senior centers

WINDOW ROCK – For the upcoming Thanksgiving holiday, the Navajo Nation Council will be donating turkeys to 82 senior centers across the Navajo Nation, to support elderly programs that work and care for Diné senior citizens.

The Navajo Nation Office of the Speaker is collaborating with the Navajo Area Agency on Aging to distribute the turkeys to the senior centers in all five Navajo Agencies.

Speaker Pro Tem LoRenzo Bates (Nenahnezad, Newcomb, San Juan, Tiis Tsoh Sikaad, Tse'Daa'Kaan, Upper Fruitland) stressed the importance of caring for Navajo elderly through the NAAA program.

“The Navajo elderly are the vessels to our cultural heritage, knowledge, and language,” said Pro Tem Bates. “It is our responsibility to care for the elders and ensure that we can aid programs that support this effort.”

Pro Tem Bates commended NAAA staff for providing services to Navajo elderly on a daily basis, adding that it is a challenging job that takes a special type of work force to carry out the job efficiently.

Council Delegate Jonathan Hale (Oak Springs, St. Michaels) also expressed gratitude to the Navajo elderly for their valuable contribution in promoting cultural knowledge in Navajo homes.

“Aside from the many issues that face the Navajo people, here is but a small token of appreciation and thankfulness to the elders for their teachings and perseverance to their families for carrying on Navajo traditions,” said Delegate Hale.

Senior center representatives are asked to contact Bernita Wheeler at NAAA at (928) 729-4520 to make arrangements to pick up the turkeys.

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For news on the latest legislative branch activities, please visit www.navajonationcouncil.org



FOR IMMEDIATE RELEASE
November 18, 2014

President Shelly enacts NPEA legislation, signs executive order for disabled



had a caseload of 125 cases per year,” President Shelly said. “These new amendments to the Navajo Preference in Employment Act address those needs.”

Other areas amended by the legislation include monitoring and enforcement, remedies and sanctions, grievance procedure of tribal employees, Navajo Nation Supreme Court appeals, and remedies and enforcement of awards.

The effective date for the amendments to be enacted is Jan. 1, 2015.

On the same day, President Shelly also signed Executive Order No. 14-2014: “Ensuring the rights of Navajos with disabilities to full access to all Navajo buildings and services.”

The Navajo Nation Advisory Council on Disability and council delegate Danny Simpson joined the president for the impromptu signing ceremony at the Navajo Nation State Room.

“We have been working hard on addressing the needs of our disabled Navajos during this administration,” said President Shelly.

He explained that the disabled Navajo population is truly the “forgotten people,” a label many different segments of the population have tried to claim through the years. President Shelly said that population is also expanding, as many veterans are returning home from combat with disabilities.

The executive order focuses on ensuring accessibility for the disabled at Navajo Nation government offices, buildings, chapter houses and businesses. These accessibility standards include reasonable alterations to services, polices and procedures to ensure that people with disabilities can benefit from the facilities and services.

Delegate Simpson praised the president’s efforts in addressing the needs of disabled Navajos, including the enactment of the Navajo Nation Guardianship Act earlier this summer.

“We want to say thank you for all your help to get this thing done,” Simpson said.

The executive order was sent to Navajo Nation Attorney General Harrison Tsosie for his attestation.



Top, President Shelly signs amendments to the Navajo Preference in Employment Act into law on Nov. 17. Bottom, President Shelly signs Navajo Nation Executive Order No. 14-2014 to provide accessibility and services to disabled Navajos across the Nation. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—President Shelly signed into law amendments to the Navajo Preference in Employment Act.

Legislation No. CO-48-14 was approved on Nov. 17 to streamline the grievance process for employees and make changes to the Personnel Policies Manual. It also provides reporting requirements by all employers on the Navajo Nation, as required by the Office of Navajo Labor Relations.

President Shelly said the legislation addresses many longstanding issues of employee grievances and statutes of limitations to address those grievances.

“We heard reports that Office of Navajo Labor Relations



THE NAVAJO NATION EXECUTIVE BRANCH OFFICE OF THE VICE PRESIDENT

Services Rendered by NN, Utilize NTU and DC



The Navajo Nation President Ben Shelly and Vice President Rex Lee Jim signing EXECUTIVE NO. 11-2014—Utilizing Professional Development Services of Diné College and Navajo Technical University.

Window Rock, AZ—On November 6, 2014, The Navajo Nation President Ben Shelly and Vice President Rex Lee Jim signed EXECUTIVE ORDER NO. 11-2014—*Utilizing Professional Development Services of Diné College and Navajo Technical University*, a mark able point in history for Navajo Nation’s higher education system.

Our administration is committed to *Growing Our Own* by ensuring training, research development, feasibility studies, internship opportunities, scholarships, teacher training, strengthen the Navajo Nation government and build the capacity of Diné College and Navajo Technical University. “It is through our higher education institutions that we can start to build a nation with educated Navajos who will be leading and operating this Nation long after I am out of office,” Vice President Jim expounds. The Navajo Nation Executive Branch and its departments, divisions and programs, will utilize Diné College and

Navajo Technical University to provide professional development services when applicable, including, but not limited to: consultancy, business proposals, grant proposals, conjunctional grant submittals, internal program/department/division organizational restructure, and research services, which will promote the “*Grow Our Own Initiative.*”

It is with this executive order we start to build a stronger partnership with our Higher Education Institutions, where we can start to develop an Office of Higher Education, the Navajo Nation Higher Education Agenda, align our institutions so they are not competing with each other, and to shape policy to ensure academic success is a priority of the nation.

THE NAVAJO NATION





EXECUTIVE ORDER NO. 11-2014

**UTILIZING PROFESSIONAL DEVELOPMENT SERVICES OF DINÉ
COLLEGE AND NAVAJO TECHNICAL UNIVERSITY**

**THE NAVAJO NATION
EXECUTIVE ORDER NO. 11-2014**

November 6, 2014

WHEREAS:

1. The President of the Navajo Nation serves as the Chief Executive Officer for the Executive Branch of the Navajo government with *full* authority to conduct, supervise, and coordinate personnel and programs of the Navajo Nation (2 N.N.C. § 1005(A)); and
2. The President shall have the enumerated power of issuing an executive order for the purpose of interpreting, implementing or giving administrative effect to statutes of the Navajo Nation in the manner set forth in such status (2 N.N.C. § 1005(C)(14)); and
3. An executive order shall have the force of law upon the recipient (2 N.N.C. § 1005(C)(14)); and
4. The Navajo Nation recognizes that in today's global economy, the research generated by both our institutions of higher learning will lead the effort to create intellectual capital, and further develop the social and political infrastructure of our Nation; and
5. Our Administration is committed to training, research development, feasibility studies, internship opportunities, scholarships, teacher training, where these professional services rendered will strengthen the Navajo Nation government and build the capacity of Diné College and Navajo Technical University.

THEREFORE:

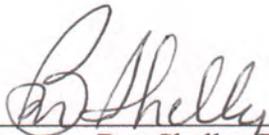
I, Ben Shelly, President of the Navajo Nation, by the authority vested in me pursuant to 2 N.N.C. § 1005(C)(14), I hereby issue the following order:

1. The Navajo Nation Executive Branch and its departments, divisions and programs, will utilize Diné College and/or Navajo Technical University to provide professional development services when applicable, including, but not limited to: consultancy, business proposals, grant proposals, conjunctional grant submittals, internal program/department/division organizational restructure, and research services; and
2. When research is needed for a department, division, or program, the department, division or program should first inquire if the particular research project can be completed by the post secondary institutions of Diné College and/or Navajo Technical University to ensure the Navajo Nation has pertinent rights to all research conducted regarding the Navajo Nation and its citizenry.

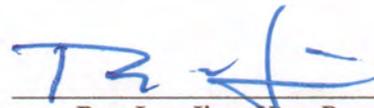
FURTHERMORE:

1. Ensuring the Navajo Nation purchase services or products is strictly adhere to the procurement policy of Diné College and/or Navajo Technical University; and
2. The Agencies of the Navajo Nation are hereby directed to cooperate with the Vice President and Chief to Staff in promoting the Navajo Nation's Higher Education College and University including, but limited to workforce training, education, consultancy, and other pertinent services, when applicable to Diné College and/or Navajo Technical University.

Executed at the Office of the President and Vice President of the Navajo Nation
On this 6th day of Nov. 2014.

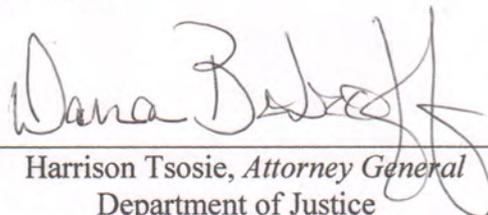


Ben Shelly, *President*
THE NAVAJO NATION



Rex Lee Jim, *Vice President*
THE NAVAJO NATION

ATTEST:



Harrison Tsosie, *Attorney General*
Department of Justice
THE NAVAJO NATION



FOR IMMEDIATE RELEASE
November 12, 2014

MEDIA CONTACTS
Jared Touchin | 928.221.9253
Jolene Holgate | 928.380.4174
Chrissy Largo | 928.637.5603
nrlb.communications@gmail.com

Language requirement override to be considered during special session

Special Session to be live-streamed

WINDOW ROCK– With a vote of 12-5, Naabik’iyáti’ Committee members today moved Legislation No. 0309-14 forward to the Council with a “do pass” recommendation with no amendments.

The bill, which is scheduled to be considered by Council during a two-day special session that begins on Thursday, seeks to override President Ben Shelly’s veto of a resolution which would amend language requirements for elected officials within the Navajo Election Code.

The Council approved a legislation to amend the language requirements on Oct. 24, however, the resolution was later vetoed by President Shelly.

Legislation sponsor Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake), said that if the override is successful he believes the amended requirements could be applied to the upcoming special election to decide the presidency.

“This could help the disenfranchised voters,” stated Delegate Tsosie, referring to votes casted by Navajo voters prior to the General Election held on Nov. 4.

The legislation approved on Oct. 24, included language stating, “Language proficiency shall be determined by the People voting in favor of the person upon the right and freedom of the Diné to choose their leaders.”

Delegate Tsosie urged his colleagues to approve the override, describing the proposed amendments as “a form of a referendum because you’re giving the choice to the people.”

To override the veto will require two-thirds approval from the Council.

The Council is scheduled to begin its two-day special session on Nov. 13 and 14, beginning at 10:00 a.m. in the Council Chamber in Window Rock.

The special session will be live-streamed via the Council’s designated Ustream channel. To view tomorrow’s session, please visit ustream.tv then click “watch” near the bottom of the home page, and search for “Navajo Nation Council” in the search box.

To view the proposed agenda, please visit navajonationcouncil.org and click the “Meetings” tab.



FOR IMMEDIATE RELEASE
November 10, 2014

President Shelly salutes past, present and future Navajo veterans



Top, saluting Navajo veterans at Navajo Veterans Park in Window Rock. Bottom, the names of Navajo veterans who paid the ultimate sacrifice are listed on the KIA Wall on the east side of the park. This year, 11 names from Navajo veterans killed in action since 2003 will be added to the wall. (Photos by Rick Abasta)

WINDOW ROCK, Ariz.—Thank you, veterans.

Navajo veterans proudly served in the Army, Air Force, Marines and Navy since World War I to our most recent war in Afghanistan.

Navajos have always answered the call to war without hesitation. The most famous are the Navajo Code Talkers, who saved the world from destruction through the use of Diné bizaad, the Navajo language.

Navajo Nation President Ben Shelly salutes these brave men and women for their faithful service to the U.S. and the Navajo Nation. Let us honor them respectfully on Veteran’s Day, he said.

“Ahe’hee to our brave Navajo veterans for their faithful service. We appreciate your service to our great Navajo Nation,” President Shelly said. “We must do more to meet your needs with health care, employment and housing.

“On behalf of a grateful Nation, we salute and honor you on this day,” he added.

The Navajo Department of Veterans Affairs is hosting a Veteran’s Day celebration on Tuesday at Navajo Veterans Park in Window Rock, beginning at 7:30 a.m. and ending at 2:45 p.m.

The department continues housing construction across all five agencies of the Navajo Nation. They will construct 75 homes this year and the same amount the following three years for a total of 300 new homes for Navajo veterans.

The veterans housing initiative is for one, two and three bedroom homes. Fifteen homes per agency will be constructed each year.

President Shelly said this housing initiative is important to address homelessness and substandard housing conditions many veterans face on the Navajo Nation. Post traumatic stress syndrome and physical disabilities are other areas that need attention, he said.

For the Veteran’s Day celebration, the Twin Warriors Society will post colors and Miss Navajo Nation McKeon Dempsey will sing the National Anthem in Navajo.

The daylong celebration will feature guest speakers and a ceremony honoring Navajo veterans killed in action. The eastern side of the park features the KIA Wall, which lists the names of veterans killed in battle. Eleven names will be added to the wall this year for those who paid the ultimate sacrifice since 2003.

President Shelly and Speaker Pro Temp Bates will honor veterans with a wreath of honor ceremony at the KIA Wall. During this time, the Navajo Nation Band will be performing “Taps” to honor those lost in battle.

Edsel Pete, department manager for NDVA, said the first 50 people to the event are going to receive duffel bags. The first 150 people will also get a ticket for lunch.

He said the memorandum of understanding with Indian Health Services will be discussed and that representatives from IHS will be available to answer questions. The Veterans Affairs Vet Mobile will also be onsite for services. This mobile hospital travels across the Navajo Nation to provide veterans with limited medical services and screenings.

“Sharon Manuelito from the Navajo Department of Veterans Affairs will provide a presentation on homelessness,” Pete said. “The Navajo Nation Band will also be performing music during lunch.”

Pete is the new department manager for NDVA, after the retirement of David Nez in Oct. He previously served as the administrative services officer for two years before his promotion.

The event is open to the public.

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\$554 million Presidential Town Hall Meeting finale postponed



President Shelly spoke to residents of Chinle Chapter on Oct. 22 during the Presidential Town Hall Meeting on the \$554 million settlement. The Executive Branch shared information on tribal processes on how to construct a building, build a road, and obtain necessary clearances. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—The Presidential Town Hall Meeting finale for the \$554 million settlement has been canceled until further notice.

Originally scheduled for Nov. 12 at the Window Rock Sports Center, the meeting was canceled to a later date, which will be announced.

Over the past month, the Executive Branch held town hall meetings at all five agencies across the Navajo Nation. The finale is going to be a culmination of all the public comments gathered from the agencies, which will be compiled into a report.

The report will be shared with the Legislative Branch, which has also been hosting public hearings on the \$554 million settlement.

President Shelly gave the directive to host town hall meetings for public feedback to Executive Branch and Office of the President and Vice President staff in May 2014, when news of the \$554 million settlement was initially made.

The settlement has been received by the Navajo Nation and is currently accruing interest in a bank account until plans are finalized on how to invest or utilize the funds.





FOR IMMEDIATE RELEASE
November 7, 2014

President Shelly signs Navajo Department of Health Act into law



President Ben Shelly signs the Navajo Department of Health Act into law on Nov. 6, along with Vice President Jim. The legislation is a big step for Navajo self-determination. (Photo by Deswood Tome)

WINDOW ROCK, Ariz.— Navajo Nation President Ben Shelly signed the Navajo Department of Health Act into law on Nov. 6, 2014.

He said the legislation is an unprecedented step for a tribal nation in self-determination.

“This legislation affirms the Nation’s sovereignty by recognizing the Nation’s authority to determine what is in the best interest of our people’s health care in the future,” President Shelly said.

The legislation amends an outdated 20-year-old law that only saw changes in piecemeal efforts. By joining other tribes exercising self-determination through the compaction and contracting of specific health programs, the Navajo Nation established its own Epidemiology Center.

When the administration took office in Jan. 2011, Vice President Rex Lee Jim was tasked with responsibility over health and education. Over the course of the administration, he has worked on the tribal, state and federal level to protect the interests of the Navajo Nation.

“We firmly believe we are a sovereign nation and as a sovereign nation, there are certain essential governmental functions that we cannot, should not, ever give away to other sovereigns, entities and organizations,” Vice President Jim said. “These are basic governmental functions.

“One is our ability to regulate and monitor programs within the Navajo Nation’s jurisdiction,” he added.

The Navajo Department of Health will ensure the public health service needs are met through assessment, policy development and assurance. The department will diagnose and investigate health problems and health hazards in Navajo communities.

President Shelly said, “(The department) will develop policies and plans that support individual and community health efforts. The department will enforce laws and regulations passed to protect health and ensure safety.”

Vice President Jim said this effort wouldn’t happen overnight. Instead, it will take a number of years and a lot of hard work to make sure they are completed.

“This means we will have to build capacity. We will have to hire new people who are experts in policymaking, who are experienced in rulemaking,” he said.

The importance of consultations and public hearings cannot be stressed enough, he added, because the participation from stakeholders will be instrumental in crafting language that provides fair regulations.

In addition to working with health care providers on the tribal, state and federal

levels, the department will also work toward another historic step, the creation of the first tribally administered Medicaid agency.

A recent study by the U.S. Department of Health and Human Services found that it is feasible for the Navajo Nation to operate its own Medicaid agency to ensure the Navajo people receive uniform coverage, regardless of the state they reside in.

President Shelly said the legislation does not authorize the Department of Health to intercept or impede existing self-governance funding for contracted and compacted facilities on the Nation. The same holds true for the regulation of traditional practitioners and the use of traditional medicine.

Vice President Jim said the Navajo Department of Health will not only regulate health care facilities and 638 programs, but also health codes at restaurants and safety codes from swimming pools at hotels on the Navajo Nation. The legislation is all encompassing.

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MEMORANDUM

TO: Honorable LoRenzo Bates, Speaker Pro Tem
The 22nd Navajo Nation Council

FROM:

A handwritten signature in blue ink, appearing to read "Ben Shelly".

Ben Shelly, *President*
THE NAVAJO NATION

DATE: November 6, 2014

SUBJECT: **Legislation CO-50-14; An Action Relating to Law and Order;
Health, Education and Human Services; Naabik'iyati'; Enacting
the 2014 Amendments of Title 2 of the Navajo Department of
Health Act by Amending 2 N.N.C. §§ 1601 et seq.**

Pursuant to 2 N.N.C. §1005(C)(10), the above-entitled Legislation CO-50-14 is being submitted to the Navajo Nation Council, through the Office of the Speaker, within the ten (10) days requirement. I have signed the legislation into law.

The legislation is an unprecedented exercise of tribal sovereignty. It establishes the Navajo Department of Health, the first tribally operated, state-like health department.

This legislation affirms the Nation's sovereignty by recognizing the Nation's authority to determine what is in the best interest of our people's health care in the future. By enacting this legislation into law, it demonstrates a commitment to the Navajo People that we will work to ensure that they receive quality, comprehensive, and culturally relevant health care and public health services, no matter where they live within the Navajo Nation.

This legislation amends the 20-year-old enabling legislation for the Navajo Division of Health. Since the creation of the Navajo Division of Health, the Nation has seen substantial growth and changes. However, our health laws have remained stagnant or have seen piecemeal changes. In the past 20 years, the Nation decided to exercise its right to self-determine by compacting and contracting specific health programs, services, functions and activities. The Nation established its own Epidemiology Center and the Public Health Emergency Preparedness Program. This legislation accounts for these developments and brings the Navajo Health System not only up-to-date, but also mindful of our grandchildren's children.

The department will ensure the public health service needs are met within the Navajo Nation through assessment, policy development, and assurance. It will investigate health problems and health hazards in our communities. It will inform, educate, and empower the People about health issues. The department will enforce laws and regulations passed to protect health and ensure safety. It will assure competent public and personal health care workforce and evaluate the effectiveness, accessibility, and quality of personal and population based health services. The department will work with health care providers throughout the Nation and federal, state and local governments.

This legislation also provides authority for the department to use due diligence towards another historic step, the possible creation of the first tribally administered Medicaid agency. Recently, a congressionally mandated study, conducted by the Department of Health and Human Services, found that it is feasible for the Navajo Nation to run its own Medicaid agency. If established, a Navajo Medicaid Agency, would ensure that the Navajo People residing within the Nation receive uniform Medicaid eligibility criteria and coverage, regardless of the state they live in.

This legislation does not authorize the department to intercept or impede existing self-determination funding for our contracted and compacted facilities. There is a misconception that the department will apprehend the existing Title I contracts or Title V compacts the monies from the tribal organizations.

Additional concerns or misconceptions encompass the regulation of traditional practitioners and the use of traditional medicine. Access to and the use of such healing is fundamental to the health choice of many of our Navajo People. The department will assist in establishing a structure and system for the practice and retention of traditional medicine. This will be accomplished through consultation with relevant organizations such as the Navajo Medicine Men's Association and other Hataalii organizations, and to establish a registry of practitioners through said organizations.

The legislation is the beginning of a new era in our health system within the Navajo Nation. It is not perfect, but necessary. We look forward to working with our partners at the local, state, and federal levels, to develop the Department of Health. For the reasons stated above, I sign this legislation.

RESOLUTION OF THE
NAVAJO NATION COUNCIL

22nd NAVAJO NATION COUNCIL - Fourth Year, 2014

AN ACT

RELATING TO LAW AND ORDER; HEALTH, EDUCATION AND HUMAN SERVICES;
NAABIK'ÍYÁTI'; ENACTING THE 2014 AMENDMENTS OF TITLE 2 OF THE
NAVAJO DEPARTMENT OF HEALTH ACT BY AMENDING 2 N.N.C. §§1601 *ET*
SEQ.

BE IT ENACTED:

Section 1. Findings

A. The Navajo Nation Council hereby finds that while limited functions related to the health care and public health needs of the Navajo Nation have been delegated by the Navajo Nation Council to various agencies of the Navajo Nation, there is no division, department, office or program that has been delegated or authorized as the primary agent to monitor, evaluate, regulate, enforce, and coordinate health care and public health programs, functions, services and activities of the Navajo Nation.

B. The Navajo Nation Council further finds that health care and public health programs and activities of the Navajo Nation including monitoring, evaluation, regulatory, enforcement, and coordinating functions should be placed within the Navajo Department of Health to appropriately meet the public health needs of the Navajo Nation and the Navajo people.

C. The Navajo Nation Council further finds that fragmentation of health care systems on the Navajo Nation adversely impacts Navajo people and the Navajo Nation as a whole.

D. The Navajo Nation Council further finds that the lack of a Navajo Nation Medicaid Agency results in Medicaid eligible individuals, health care facilities, and providers operating on the Navajo Nation complying with three separate State Medicaid Agencies in Arizona, New Mexico and Utah. Each State has varying requirements, benefits, services, standards and rates of payment

for services. This fragmentation adversely impacts access to health care and causes Medicaid eligible individuals to lose eligibility, resulting in the loss of coverage and reimbursement to providers. Additionally, health care facilities and providers must comply with varying requirements, standards and rates of payment for services especially if they serve Medicaid eligible individuals from more than one State.

E. The Navajo Nation Council further finds that public health actions are generally undertaken and are directed at the population. The Navajo Nation is responsible to develop and ensure the implementation of health codes, regulations, policies, and standards that reinforce and reaffirm Navajo culture and values.

F. The Navajo Nation Council further finds a need for a Navajo Department of Health that is authorized and established to meet the comprehensive health care and public health needs of the Navajo Nation and its population.

G. The Navajo Nation Council further finds States are encroaching on the Navajo Nation's inherent sovereignty to regulate health care.

H. The Navajo Nation Council further finds a need to establish and operate a system for licensure and certification to ensure quality and culturally relevant health care services.

I. The Navajo Nation Council further finds a need for a health data management system to store information of ongoing collection, integration, analysis, interpretation and dissemination of data on health care, behavioral risk factors surveillance system, morbidity and mortality indicators, and health and human research.

J. The Navajo Nation Council finds that the following amendments to Title Two of the Navajo Nation Code will address these findings and are the most appropriate means for addressing the health care and public health needs of the Navajo people.

Section 2. Purpose of the Navajo Department of Health Act of 2014

This Act will establish the Navajo Department of Health as the lead agency delegated to ensure that quality comprehensive and culturally relevant health care and public health services are provided on the Navajo Nation.

Section 3. Enactment of the Navajo Department of Health Act of 2014

The Navajo Nation Council hereby enacts the Navajo Department of Health Act of 2014. This Act amends Resolution CJY-70-95, an amends sections of Title Two codified at 2 N.N.C. §§ 1601 et seq. as follows:

NAVAJO NATION CODE ANNOTATED
TITLE 2 NAVAJO NATION GOVERNMENT
CHAPTER 5. EXECUTIVE BRANCH
SUBCHAPTER 23. NAVAJO DEPARTMENT OF HEALTH

§ 1601. Establishment

The Navajo Division Department of Health is hereby established as a Division Department within the Executive Branch of the Navajo Nation Government.

§ 1602. Purposes

~~The purpose of the Navajo Division of Health shall be:~~

~~A. to provide to the Navajo people such direct health care services as are approved and authorizes by the Navajo Nation Council; and~~

~~B. To ensure the highest quality of overall health care for the Navajo people by coordinating with the Indian Health Service and other federal, state and private entities and the appropriate public health and quality assurance regulatory authority~~

The purpose of Navajo Department of Health is to ensure that quality comprehensive and culturally relevant health care and public health services are provided on the Navajo Nation.

~~§ 1603. Personnel~~

~~The Navajo Nation shall be administered by an Executive Director and deputy Director. The Executive Director shall be appointed by the President of the Navajo Nation, with the approval and recommendation of the Health and Social Services Committee and the consent of the Navajo Nation Council and shall serve at the pleasure of the President of the Navajo Nation. The Executive Director shall cause to be hired a Deputy Director and such other personnel as may be deemed necessary to carry out the purposes of the Division. All personnel other than the Executive Director, shall be subject to the Personnel Policies and Procedures of the Executive Branch of the Navajo Nation.~~

§ 1603. Definitions

A. "Agreement" shall mean grants, contracts, compacts, Intergovernmental Agreements and other agreements.

B. "Data" shall mean written and/or recorded information such as documents, forms, facts, figures, records, statistics, surveys and/or interviews.

C. "Environmental health" shall mean how environmental factors affect human health and disease and also the theory and practice of assessing and controlling environmental factors that potentially affect health.

D. "Epidemiological Surveillance" shall mean the continuous collection and analysis of health data that has a significant impact on public health.

E. "Health care" shall mean the diagnosis, treatment, and prevention of disease, illness, injury, and other physical and mental impairments in humans delivered by practitioners in medicine, chiropractic, dentistry, nursing, pharmacy, allied health, and other care providers including traditional healers.

F. "Public health" shall mean the science of protecting and improving the health of entire populations through education, promotion of healthy lifestyles, and research for disease and injury prevention.

G. "Traditional Medicine" shall mean the holistic ceremonial healing process that is a reliable and valid treatment system based on indigenous knowledge from diagnosis to referral, application and treatment to recovery of the mind, spirit soul and body, and enhancing wellness and good health.

§ 1604. Powers and authority of the Navajo Department of Health

The powers and authority as delegated by the Navajo Nation Council of the Navajo Department of Health shall be:

A. To monitor, evaluate, regulate, enforce, and coordinate health codes, regulations, policies, and standards and provide public health services in order to protect the health and safety of the Navajo people and communities.

B. To provide direct health care services as approved and authorized by the Navajo Nation Council, and to provide that all contract funds that are awarded shall not be required to pass through the Department of Health.

C. To establish and operate an information system center to collect, manage, control and protect data related to health care, public health, epidemiological surveillance, research and disease investigations.

D. To protect the best interest of the Navajo Nation, review and comment on health care provided and federal and state non-procurement Agreements within 5 business days of receipt by the Navajo Department of Health for the purposes of: 1) ensuring access to quality health care; 2) maintaining compliance with established rules and regulations; and 3. ensuring comprehensive health care services throughout the Navajo Nation.

E. To Develop and ensure the implementation of comprehensive health codes, regulations, policies, and standards.

F. To represent the Navajo Nation in lobbying, advocate, testifying and maintaining government-to-government relationships with the federal, state, and local governments.

G. To conduct due diligence toward the potential establishment of a Navajo Nation Medicaid Agency.

H. To establish a structure and system, in the form of assistance, for the practice and retention of traditional medicine that provides holistic health care through consultation with relevant organizations, including the certifying and registering of practitioners by a traditional medicine practitioner organization.

I. To regulate health, human, and emergency and non-emergency medical transportation service provider.

§1604. Organization

The Navajo Division of Health shall be comprised of such departments, programs, offices and administrative components as may be deemed necessary by the Executive Branch to fulfill its purposes, subject to legislative review and approval of the Division's Plan of Operation.

§ 1605. Personnel

The Health Director of the Navajo Department of health shall be appointed by the President of the Navajo Nation with the approval and recommendation of the Health, Education and Human Services Committee and the consent of the Navajo Nation Council and shall serve at the pleasure of the President of the Navajo Nation. The Health Director shall cause to be hired other personnel as may deemed necessary to carry out the purpose of the Department. All personnel, other than the Health Director, shall be subject to the Personnel Policies and Procedures of the Navajo Nation.

§1605. Legislative Oversight

The Navajo Division of Health shall operate under the legislative oversight of the Health and Social Services Committee of the Navajo Nation Council. Pursuant to the powers granted the Committee in 2 N.N.C. §§191 and 451 et seq. The Division shall operate pursuant to a Plan of Operation approved by the Health and Social Services Committee and the Government Services Committee of the Navajo Nation Council.

§ 1606. Organization

The Navajo Department of Health shall be comprised of such programs, offices, and administrative components as may be deemed necessary by the Health Director to fulfill its purposes subject to legislative review and approval of the department's Plan of Operation.

~~§1606. Amendments~~

~~The enabling legislation for the Navajo division of Health is subject to amendments, revision and other necessary notification by the Navajo Nation Council with review, input and recommendation by the Health and Social Services Committee of the Navajo Nation Council and the Navajo Division of Health.~~

§ 1607. Legislative Oversight

The Navajo Department of Health shall operate under the oversight of the Health, Education and Human Services Committee of the Navajo Nation Council, pursuant to the powers granted the Committee in 2 N.N.C. §§ 192 and 400 et seq.

§1608. Amendments

The enabling legislation for the Navajo Department of Health is subject to amendment, revision and other necessary modification by the Navajo Nation Council with review, input and recommendation of approval by the Health, Education and Human Services Committee of the Navajo Nation council and the Navajo Department of Health.

Section 4. Effective Date

The amendments enacted herein shall be effective pursuant to §221(B).

Section 5. Codification

The provisions of the 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.

Section 6. Saving Clause

Should any provision of this Act 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 provisions of the Act 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 13 in favor and 2 opposed, this 23rd day of October 2014.



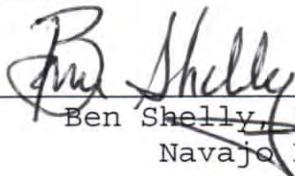
LoRenzo Bates, Pro Tem Speaker
Navajo Nation Council

Oct. 31, 2014
Date

Motion: Honorable Jonathan hale
Second: Honorable Leonard Tsosie

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C)(10), on this _____ day of NOV 06 2014 2014.



Ben Shelly, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(11), this _____ day of _____ 2014, for the reason(s) expressed in the attached letter to the Speaker.

Ben Shelly, President
Navajo Nation



NAVAJO DIVISION OF SOCIAL SERVICES DEPARTMENT FOR SELF RELIANCE



FOR IMMEDIATE RELEASE
November 04, 2014

CONTACT:
Delilah Goodluck, Sr. Public Information Officer
delilah.goodluck@nntanf.org • 928.810.8553

Department for Self Reliance Public Hearings

Window Rock, Ariz. - The Department for Self Reliance (DSR) will be conducting Public Hearings to present and obtain public input on the Navajo Nation's Tribal Family Assistance Plan (TFAP) for the upcoming three-year period of October 1, 2015 to September 30, 2018.

The TFAP outlines and defines how the Navajo Nation's DSR plans to provide Temporary Assistance for Needy Families (TANF) assistance and services, including eligibility criteria, service area, work participation requirements, approved work activities, support services, and sanctions for non-compliance.

The DSR is encouraging the public and their Stakeholders to participate and provide comments at the Public Hearings in regards to the changes of the proposed three-year TFAP for the TANF program. The comments from the public will be recorded and transcribed.

Public Hearing Schedule:

November 10, 2014, Monday	Nenahenzad Chapter House	[10:00 a.m. to 3:00 p.m.]
November 12, 2014, Wednesday	Crownpoint DSR Office	[10:00 a.m. to 3:00 p.m.]
November 13, 2014, Thursday	Pueblo Pintado Chapter House	[10:00 a.m. to 3:00 p.m.]
November 14, 2014, Friday	Church Rock Chapter House	[10:00 a.m. to 3:00 p.m.]
November 17, 2014, Monday	St. Michaels Chapter House	[10:00 a.m. to 3:00 p.m.]
November 18, 2014, Tuesday	Pinon Chapter House	[10:00 a.m. to 3:00 p.m.]
November 19, 2014, Wednesday	Chinle Chapter House	[10:00 a.m. to 3:00 p.m.]
November 21, 2014, Friday	Dilkon Chapter House	[10:00 a.m. to 3:00 p.m.]
December 2, 2014, Tuesday	Lechee Chapter House	[10:00 a.m. to 3:00 p.m.]
December 3, 2014, Wednesday	Tuba City Chapter House	*[1:00 p.m. to 4:30 p.m.]
December 4, 2014, Thursday	Mexican Water Chapter House	[10:00 a.m. to 3:00 p.m.]
December 5, 2014, Friday	Aneth Chapter House	[10:00 a.m. to 3:00 p.m.]

Written public comments will be accepted until 5:00 p.m. on Friday, December 31, 2014. Please address all comments to the DSR. Comments can be sent by e-mail to delilah.goodluck@nntanf.org or by mail to P.O. Box 2279, Window Rock, AZ, 86515. To obtain a .pdf copy of the proposed TFAP, please visit our website at www.nnpsr.navajo-nsn.gov.

Public Hearings are scheduled throughout the day beginning at 10:00 a.m. and ending at 3:00 p.m., *unless otherwise noted. Call your local DSR office for more information or for your local Public Hearing start times.

Chinle, AZ: (866) 700-5175; **Crownpoint, NM:** (866) 784-1694; **Fort Defiance, AZ:** (866) 860-9549; **Greasewood, AZ:** (928) 654-3910; **Gallup, NM:** (866) 704-6940; **Kayenta, AZ:** (928) 697-5660; **Shiprock, NM:** (866) 309-0346; **Tuba City, AZ:** (866) 731-7015.

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FOR IMMEDIATE RELEASE
November 3, 2014

President Shelly provides tribal employees four hours leave to vote



Navajo Nation President Ben Shelly signed a memorandum to allow tribal employees four hours of administrative leave to vote during the general election on Nov. 4. He encouraged all to have a safe and respectful election day. (Photo by Rick Abasta)

WINDOW ROCK, Ariz.—Navajo Nation tribal employees have four hours of administrative leave to vote in the general election on Nov. 4.

“Navajo Nation employees, permanent and temporary, are allowed four hours of administrative leave to vote in the primary election,” President Shelly said. “Let us have a safe and respectful election day to vote in our new leaders.”

Emergency and on-call personnel must make arrangements with their immediate supervisors prior to being excused to vote.

The time off for voting is in accordance with the Navajo Nation Personnel Policies Manual.

