

LEGISLATIVE SUMMARY SHEET

Tracking No. 0226-24

DATE: October 3, 2024

**TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION;
AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO
NATION COUNCIL; APPROVING THE REINSTATEMENT OF NICOLA L. ATENE AS
A MEMBER OF THE NAVAJO NATION**

PURPOSE: This legislation, if approved, will approve reinstatement of Nicola L. Atene as an enrolled member of the Navajo Nation.

FINAL AUTHORITY: Navajo Nation Council

VOTE REQUIRED: Simple Majority Vote

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

5-DAY BILL HOLD PERIOD Al Mitchell
Website Posting Time/Date 10/04/24 3:22PM
Posting End Date: 10/9/24
Eligible for Action: 10/10/24

Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL – Second Year, 2024

3 INTRODUCED BY

4
5 
6 (Prime Sponsor)

7
8 TRACKING NO. 0226-24

9
10 AN ACTION

11 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION
12 COUNCIL; APPROVING THE REINSTATEMENT OF NICOLA L. ATENE AS A
13 MEMBER OF THE NAVAJO NATION

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15 BE IT ENACTED:

16
17 **SECTION ONE. AUTHORITY**

- 18 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
19 102(A).
- 20 B. A proposed resolution that requires final action by the Navajo Nation Council shall be
21 assigned to the Naabik'iyáti' Committee. 2 N.N.C. §164(A)(9).
- 22 D. Any enrolled member of the Navajo Nation may renounce his or her membership
23 through written petition to the President of the Navajo Nation requesting his or her
24 name be stricken from the Navajo Nation census roll. However, reinstatement of
25 membership with the Navajo Nation is permitted, provided such reinstatement is
26 approved by majority vote of the Navajo Nation Council. 1 N.N.C. § 705.
- 27 E. To be eligible for membership in the Navajo Nation, an individual cannot be enrolled
28 as a member of any other tribe of Indians. 1 N.N.C. § 703.

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30 **SECTION TWO. FINDINGS**

- 1 A. Nicola L. Atene was previously enrolled with the Navajo Nation, “being of ¼ degree
2 Navajo Indian Blood.” See **Exhibit A**, official record containing census number and
3 Certificate of Navajo Indian Blood recorded November 1, 2001 by the Navajo Nation
4 Vital Statistics Manager.
- 5 B. Nicola L. Atene relinquished membership with the Navajo Nation and enrolled with
6 the Duckwater Shoshone Tribe. However, Nicola L. Atene disenrolled with the
7 Duckwater Shoshone Tribe. On April 14, 2021, the Duckwater Shoshone Tribal
8 Council, by resolution number 2021-D-12 officially approved her disenrollment. See
9 **Exhibit B**, resolution of the Duckwater Shoshone Tribe numbered 2021-D-12. By
10 this action, Nicola L. Atene’s “benefits and privileges she enjoyed as a member of the
11 Duckwater Shoshone Tribe” were effectively revoked.
- 12 C. On September 25, 2021, the Oljato Chapter, in response to request for reinstatement,
13 passed resolution OLJ09-04-2021-NB4, “SUPPORTING ... REINSTATEMENT OF
14 NICOLA L. ATENE AS A MEMBER OF THE NAVAJO NATION.” See **Exhibit C**,
15 Oljato Chapter Resolution.
- 16 D. Ms. Nicola Lavender Atene is eligible for reinstatement as a member of the Navajo
17 Nation.

18
19 **SECTION THREE. REINSTATEMENT OF NICOLA LAVENDER ATENE**

20 The Navajo Nation Council hereby approves the reinstatement of Nicola L. Atene as
21 an enrolled member of the Navajo Nation. Nicola L. Atene shall hereinafter be entitled to
22 all rights, benefits and privileges associated with Navajo Nation membership.
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THE NAVAJO NATION

KELEZY A. DEGAVE
PRESIDENT

TAYLOR H. PLACID, M.D.
VICE PRESIDENT

UNACCEPTABLE IF ALTERED

CERTIFICATE OF NAVAJO BLOOD

PART A (To be used if applicant is enrolled)

[Signature]

TAYLOR H. PLACID, M.D.
VICE PRESIDENT

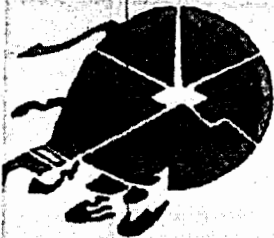
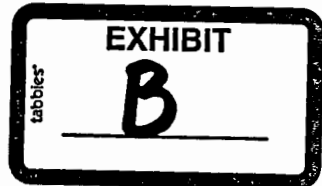
I certify that Neola Lavender Arana is listed on the Navajo Indian Census Roll, dated January 01, 1942, which is an official record of this office as being of 1/4 degree Navajo Indian blood, with Roll Number , date of birth

RECORDED: November 1, 2001

[Signature]

SHERIDAN J. HARRIS
SHERIDAN J. HARRIS
187

THE INFORMATION CONTAINED ON THIS DOCUMENT
HAS BEEN TAKEN FROM THE OFFICIAL TRIBAL ROLL OF THE NAVAJO NATION



DUCKWATER SHOSHONE TRIBE

511 Duckwater Falls Road, P.O. Box 140068

Duckwater, Nevada 89314

(775) 863-0227 Phone

(775) 863-0301 Fax

RESOLUTION OF THE GOVERNING BODY OF THE DUCKWATER SHOSHONE TRIBE

RESOLUTION NO. 2021-D-12

BE IT RESOLVED BY THE DUCKWATER TRIBAL COUNCIL, the Duckwater Shoshone Tribe is organized under the provisions of the Indian Reorganization Act of June 18, 1934, as amended, to exercise certain rights of home rule and be responsible for the general welfare of its membership; and

WHEREAS, the Constitution of the Duckwater Shoshone Tribe, Article II - Membership, Section 1, (a) states "*All persons of Shoshone Indian blood whose names appear on the Carson Agency census roll of the Duckwater Shoshone Indians dated January 1, 1941, or on the Commissioner's memorandums of registration dated November 28, 1940, or February 20, 1950, or April 26, 1966.*", and Section 1 (b) states, "*All persons of at least one-quarter (1/4) degree Shoshone Indian blood born to a member who is a descendant of the Duckwater Shoshone Tribe and who make application for enrollment in accordance with the enrollment ordinance adopted under Article II, Section 3 of this Constitution.*"; and

WHEREAS, the Duckwater Tribal Enrollment Committee determined that in Ordinance for Enrollment, Section 305: Grounds for Disenrollment: B. Failure to meet prescribed enrollment requirements of meeting the Shoshone Indian Blood degree and erroneously enrolled with the Duckwater Shoshone Tribe by the adoption of Resolution No. 03-D-28; and

WHEREAS, the Duckwater Tribal Enrollment Committee exercised their rights and duty by submitting a recommendation to the Duckwater Tribal Council for action to disenroll Nicola L. Atene, DOB - [redacted] Enrollment No. [redacted], as a member of the Duckwater Shoshone Tribe; and

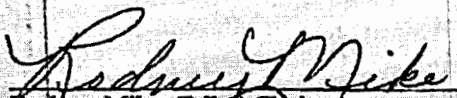
WHEREAS, any and all benefits or privileges bestowed on Nicola L. Atene as a member of the Duckwater Shoshone Tribe are herein revoked as Ms. Atene is no longer eligible to receive such benefits and privileges; and

NOW THEREFORE BE IT RESOLVED, that the Duckwater Tribal Council has determined that on recommendation of the Duckwater Tribal Enrollment Committee the Tribal Council has disenrolled Nicola L. Atene as a member of the Duckwater Shoshone Tribe and revoked any and all benefits and privileges she enjoyed as a member of the Duckwater Shoshone Tribe.

BE IT FURTHER RESOLVED, that this Resolution 2021-D-12 shall supersede any and all prior Resolutions and action regarding the enrollment issues for Nicola L. Atene and Resolution No. 03-D-28 is herein rescinded.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, the undersigned, as Chairman of the Duckwater Shoshone Tribal Council do hereby certify, that the Duckwater Tribal Council is composed of 5 members of whom 3, constituting a quorum was present at a meeting duly held Council meeting on the 14th day of April, 2021, and that forgoing resolution was duly adopted and approved by an affirmative vote of 3 FOR; 0 AGAINST; and 0 ABSENTIONS; pursuant to the authority contained under Article VI, Section I of the Duckwater Shoshone Tribe's Constitution and By-Laws as approved November 28, 1940, as amended.


Rodney Mike, Tribal Chairman
DUCKWATER SHOSHONE TRIBE


Lili Ann Pete, Secretary

RESOLUTION NO. 2021-D-12



OLJATO CHAPTER/ADMINISTRATION
PO BOX 360455
MONUMENT VALLEY, UTAH 84536
Email: oljato@navajochapters.org
Phone: 435-727-5850/Fax: 5852

Herman Daniels, Council Delegate
Willis Begay, President
Jean Holiday, Vice-President
Marietta Bedonie, Secretary/Treasurer
Benedict Daniels, Grazing Committee Member

RESOLUTION OF THE OLJATO CHAPTER

RESOLUTION NO.: OLJ09-04-2021-NB4

**SUPPORTING RESOLUTION OF THE OLJATO CHAPTER FOR THE
REINSTATEMENT OF NICOLA L. ATENE AS A MEMBER OF THE NAVAJO NATION.**

WHEREAS;

1. Pursuant to N.N.C., § 4001 (D) and 4028 (A)(B), the Oljato Chapter is established and certified a local government entity of the Navajo Nation vested with the authority to review all matters affecting the Chapter and submit appropriate recommendations to the Navajo Nation government or other local agencies by resolution; and
2. The Oljato Chapter recognizes that under the laws of the Navajo Nation, any enrolled member of the Navajo Nation may renounce [his] membership by written petition to the President of the Navajo Nation requesting that his name be stricken from the Navajo Nation roll, 1 N.N.C. §705.
3. The Navajo Nation in addition states, "[no] person, otherwise eligible for membership in the Navajo Nation, may enroll as a member of the Navajo Nation, who, at the same time, is not enrolled with another Indian tribe, 1 N.N.C. §703.
4. The Oljato Chapter also recognizes that renounced members may be reinstated by the Navajo Nation only by the vote of majority of the Navajo Nation Council, 1 Navajo Nation Code § 705.
5. The Navajo Nation Office of Vital Records has issued a Certificate of Indian Blood dated November 1, 2001. See attachment, confirming Nicola Lavender Atene was enrolled with the Navajo Nation on November 1, 2001 and provided _____ Navajo Nation Census Number.
6. The Navajo Nation Office of Vital Records has further confirmed Nicola L. Atene is three-fourth (3/4) degree Navajo blood and therefore, is eligible for re-enrollment as a member with the Navajo Nation, 1 N.N.C. § 701 (B).
7. The Duckwater Shoshone Tribe has confirmed Nicola L. Atene formally relinquished her Duckwater Shoshone Tribe membership on April 14, 2021. See attachment, The Duckwater Shoshone Tribal Resolution No.: 2021-D-12.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Oljato Chapter supports the request to reinstate, or otherwise re-enroll, Nicola L. Atene as a member of the Navajo Nation. By this action of the _____ and pursuant to the Oljato Chapter and pursuant to the laws of the Navajo Nation, shall be entitled to all rights, benefits and privileges associated with membership with the Navajo Nation.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the Oljato Chapter at a Regular duly called meeting at Oljato, Navajo Nation, Utah at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 25th day of September 2021.

1st Motion: Marietta Bedonie

2nd Motion: Jean Holiday

Willis Begay
Willis Begay, Oljato Chapter President

Jean Holiday
Jean Holiday, Oljato Chapter Vice-President

Marietta Bedonie
Marietta Bedonie, Oljato Chapter Secretary/Treasurer



MEMORANDUM

TO: Honorable Herman Daniels, Jr.
Navajo Nation Council Delegate
Tсах Bii Kin, Navajo Mountain, Shonto, Oljato Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: October 3, 2024

SUBJECT: **PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; APPROVING THE REINSTATEMENT OF NICOLA L. ATENE AS A MEMBER OF THE NAVAJO NATION**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Please ensure that this particular resolution request is precisely what you want.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees' powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0226-24_

SPONSOR: Herman M. Daniels Jr.

TITLE: An Action Relating to the Naabik'íyáti' Committee and the Navajo Nation Council; Approving the Reinstatement of Nicola L. Atene as a Member of the Navajo Nation

Date posted: October 04, 2024 at 3:22 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0226-24

SPONSOR: Honorable Herman M. Daniels Jr.

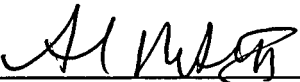
TITLE: An Action Relating to the Naabik'iyáti' Committee and the Navajo Nation Council; Approving the Reinstatement of Nicola L. Atene as a Member of the Navajo Nation

Posted: October 04, 2024 at 3:22 PM

5 DAY Comment Period Ended: October 09, 2024

Digital Comments received:

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



Legislative Secretary II
Office of Legislative Services

October 10, 2024; 8:05 AM
Date/Time

**25th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Second Year 2024**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL # 0226-24

An Action Relating to the Naabik'íyáti' Committee and the Navajo Nation Council;
Approving the Reinstatement of Nicola L. Atene as a Member of the Navajo Nation

Sponsored by: Honorable Herman M. Daniels, Jr.

Has had it under consideration and reports the same that the legislation **WAS PASSED
AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Crystalyne Curley, Chairwoman
NAABIK'ÍYÁTI' COMMITTEE*

10 October 2024

MAIN MOTION

Motioned by: Honorable Brenda Jesus

Seconded by: Honorable Shaandiin Parrish

Vote: 16 in Favor, 00 Opposed (Chairwoman Curley Not Voting)

NAVAJO NATION

483

10/10/2024

Naa'bik'iyati' Committee Regular Meeting

11:07:14 AM

Amd# to Amd#	New Business: Item A. (MAIN)	PASSED
MOT Jesus, B	CONSENT AGENDA - #0219-24;	
SEC Parrish, S	#0224-24; #0225-24; #0226-24	

Yeas : 16 Nays : 0 Excused : 1 Not Voting : 5

Yea : 16

Arviso, S	Crotty, A	Johnson, C	Slater, C
Begay, H	Daniels, H	Nez, A	Tolth, G
Begay, N	James, V	Nez, R	Yanito, C
Charles-Newton, E	Jesus, B	Parrish, S	Yazzie, L

Nay : 0

Excused : 1

Claw, S

Not Voting : 5

Notah, N	Simpson, D	Tso, O	Yazzie, C
Simonson, G			

Presiding Speaker: Curley, C