## SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0/08-23

Date: May 15, 2023

# Re: AN ACT RELATING TO THE LAW & ORDER, HEALTH, EDUCATION, AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING AMENDMENTS TO THE NAVAJO NATION VETERANS TRUST FUND AT 12 N.N.C. §1171 - §1178

## **Purpose of this Legislation:**

to approve amendments to the Veterans Trust Fund.

OLC No. 23-107-1

	OLD PERIOD Law & Order Commi			
Posting End		ence		
Eligible for A				
1	PROPOSED NAVAJO NATION COUNCIL RESOLUT <b>Budget &amp; Finance Comm</b> i	ittee		
· 2	25 <sup>th</sup> NAVAJO NATION COUNCIL - First Year, 2023			
3	Introduced by:			
4	Navajo Nation Cou			
- 5	-14 JA (1)			
6	(Prime Sponsor)			
7				
. 8	Tracking No			
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10	AN ACT			
11	RELATING TO THE LAW & ORDER, HEALTH, EDUCATION, AND HUMAN			
12	SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES,			
13	AND THE NAVAJO NATION COUNCIL; APPROVING AMENDMENTS TO			
14	THE NAVAJO NATION VETERANS TRUST FUND AT 12 N.N.C. §1171 - §1178			
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16	BE IT ENACTED:			
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18	SECTION ONE. AUTHORITY			
19	A. The Law & Order Committee of the Navajo Nation Council reviews and recommends			
20	proposed amendments to the Navajo Nation Code. 2 N.N.C. §600(B)(14).			
21	B. The Health, Education, and Human Services Committee has oversight authority over			
22	veterans' services. 2 N.N.C. §400(A), §400(B)(6)(a).			
23	C. The Budget and Finance Committee is authorized to review and recommend to the Council			
24	resolutions that strengthen the fiscal and financial position of the Navajo Nation and promote			
25	the efficient use of the financial resources of the Navajo Nation. 2 N.N.C. $\$300(A)$ , $\$300(C)(3)$ .			
26	D. The Naabik'iyati' Committee of the Navajo Nation Council reviews all proposed legislation			
27	that requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).			
28	E. The Navajo Nation Council is the governing body of the Navajo Nation, and approves			
29	amendments to Navajo Nation law. 2 N.N.C. §102(A), 2 N.N.C. §164(A).			
30				
·	- Page 1 of 3 - OLC No. 23-107-1			

## SECTION TWO. FINDINGS

A. Due to a different statutory interpretation, the amount of available funds for veterans' services was much lower during FY2022.

B. The needs of Navajo veterans have increased since the Navajo Nation Veterans Trust Fund was first established in Resolution No. CJY-46-98.

C. The Department of Justice, the Navajo Nation Veterans Administration, and the Office of the Controller have collaborated and prepared revised language in the Veterans Trust Fund statute to address the differing statutory interpretations, and to avoid a shortfall in funding for veterans' services.

D. The attached **EXHIBIT 1** is the version that the group prepared, and that DOJ has submitted for legislative approval. This version was reviewed and deemed "legally sufficient" in December of 2022.

E. There is a need to ensure that there are sufficient funds available to allocate for veterans' services from the Veterans Trust Fund. Therefore, the Navajo Nation finds it in the best interest of the Navajo Nation and Navajo veterans to approve the amendments to the Veterans Trust Fund, attached hereto as **EXHIBIT 1**.

# SECTION THREE. APPROVING AMENDMENTS TO THE NAVAJO NATION VETERANS TRUST FUND AT 12 N.N.C. §1171 - §1178

The Navajo Nation hereby approves the amendments to the Veterans Trust Fund, at 12 N.N.C. §1171 - §1178, as shown in the attached **EXHIBIT 1**.

## SECTION FOUR. CODIFICATION

The provisions of this Act that 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 FIVE. EFFECTIVE DATE

This Act shall become effective in accordance with 2 N.N.C. §221(B).

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## SECTION SIX. SAVING CLAUSE

If any part of this Act is invalidated by the Supreme Court of the Navajo Nation, or by any Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the remainder of this Act shall be the law of the Navajo Nation.

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*	NAVAJO NATION DEP <u>DOCUMENT</u> <u>REVIEW</u> <u>REQUEST</u> <u>FORM</u>	TO DEPARTMENT OF MERINAL STRATEGY OF MERINAL S	SUSTIC	DOJ 12[9 22 39 DATE / TIME DATE / TIME DOC #: 19902 SAS #: UNIT: H39U		
*** FOR NNDOJ USE (	DNLY - DO NOT CHANGE OR REVISE FO	RM. VARIATIONS OF T	HIS FORM WI	LL NOT BE ACCEPTED, ***		
DATE OF REQUEST:	12/9/2022	DIVISION:	OPVP			
		-	• • • • • • • • • • • • • • • • • • • •			
CONTACT NAME:	James Zwierlein	_ DEPARTMENT:	<u> </u>			
PHONE NUMBER:	9289553947	E-MAIL:	Jameszwier	rlein@navajo-nsn.gov		
TITLE OF DOCUMENT	: Doc #019902 Title 12 Amendment					
	DOJ SECRETAR	Y TO COMPLETE				
Dec. 9. 2022 DATE/TIME IN UNIT: Q. 4:30pm REVIEWING ATTORNEY/ADVOCATE: CTG/CP.						
DATE TIME OUT OF U	NIT: 12/15/220202	Jonge				
DOJ ATTORNEY / ADVOCATE COMMENTS						
AMENDMENT APTERS SAFFICIENT AFTER OUR DISCUSSION						
WOOL AND DOT'S TELL. SUFFICIENT						
REVIEWED BY: (Print) Date / Time SURNAMED BY: (Print) Date / Time						
DOJ Secretary Called: James Will refor Document Pick Up on 12/15 22 By: Que						

PICKED UP BY: (Print) NNDOJ/DRRF-July 2013

e <sup>e</sup>

DATE / TIME:

Document No. 019902	Date Is	sued: 12/09/2022						
SECTION 164 REVIEW FORM								
Title of Document:	Contact Nar	me: _ZWIERLEIN JR, JAMES DALE						
Program/Division: EXECUTIVE OFFICE	S (OP/VP)	•						
Email:jameszwierlein@navajo-n	sn.gov Phone Numbe	er:505.371.8467						
Division Director Approval for 164A:								
<u>Check document category: only submit to category reviewers.</u> Each reviewer has a maximum 7 working days. except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required. <u>Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council</u>								
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Statement of Policy or Positive Law 1. OAG:	: Date: 2	Sufficient Insufficient						
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document expends or receives funct 1. OMB:	,							
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3. OAG:	Date:							
Section 164(B) Final approval rests with the President of the Navajo Nation								
Grant/Funding Agreement or amend								
1. Division:	Date:	H H						
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### TITLE 12. FISCAL MATTERS CHAPTER 10. NAVAJO NATION TRUST FUNDS SUBCHAPTER 8. NAVAJO NATION VETERANS TRUST FUND

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#### §1171. Establishment

A. The "Navajo Nation Veterans Trust Fund" hereinafter the "Trust Fund" is established with an initial appropriation of six million dollars (\$6,000,000) from revenues from the Undesignated Tribal Reserves.

B. Each year, during the appropriation of the Navajo Nation Comprehensive Budget, the Navajo Nation Council shall budget a sum equal to at least 4% of any and all projected revenues of the Navajo Nation, including, but not limited to revenues received from taxes, oil and gas mining and minerals, timber, land rentals, interest and dividends, gain on sale of securities and other revenue producing activities as follows: for transfer to and use by Trust Fund funded programs and the Navajo Veterans Housing Program as set forth within this chapter. Any allocations above the mandatory minimum 4% set-aside shall be designated as additional contributions to veterans programs or the Navajo Veterans Housing Program within the annual comprehensive budget legislation as approved by the Navajo Nation Council.

1. One-half of the 4% shall be transferred to the Navajo Veteran's Trust Fund to be used as set forth herein.

2. The remaining one half of the 4% shall be allocated to the Navajo-Veterans Housing Program and administered by the Navajo Nation-Veterans Administration (NNVA).

a. The Navajo Veterans Housing Program will-maximize the use of the allocated funds, including-through loveraging-additional-funding-sources such as match funding when available, in order to construct as many turnkey homes as possible for veterans without permanent housing, as well as to provide major and minor home renovations and repairs to veterans with permanent housing.

b. Subparagraph (a) above shall apply to honorably discharged Navajo-veterans, without regard-to-age, gender or geographical location, as long as such location is within the exterior boundaries of the Navajo Nation.

c. Subparagraph (a) above shall also apply to honorably discharged Navajo veterans living boyond the exterior boundaries of the Navajo Nation, without regard to age, gender or geographical location, except that assistance shall be limited to financial assistance as set forth in the Navajo Veterans Housing Program Policies.

C. Navajo veterans shall be limited to assistance from the Navajo Veterans Housing Program for the construction or purchase of one new home, not including renovations and repairs.

D. The annual appropriation authorized above shall not expire and unexpended funds shall not lapse back into the Veterans Trust Fund and shall continue to be expended for the purposes for which they were appropriated.

#### §1172. Purpose

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The purpose of the Trust Fund is to provide funding for veterans programs, projects and services or activities which may include, but not be limited to program/project development, community/economic development, housing, training and employment opportunities, leveraging or matching funds for exemplary projects, protection and advocacy services, financial assistance of benefits and services, education and scholarship, and survivor's benefits for the surviving spouses of deceased veterans. The Navajo Nation has a clear understanding and responsibility to its Navajo Nation veterans based on Navajo Nation Council Resolution CJ-5-40 which pledged its people the loyalty to the system which recognized minority rights and the Navajo a way of life that has placed us among the greatest people of our race. Many more than 16,000 Navajo veterans have served their country in war or peacetime from World War I, World War II, Korean Korea, Vietnam, the Persian Gulf, Iraq, Afghanistan and many others through to today. and to the present.

#### §1173. Trust Fund Investment

All monies deposited in the Trust Fund shall be invested in accordance with Investment Policies of the Navajo Nation as adopted by the Budget and Finance Committee of the Navajo Nation Council.

#### §1174. Expenditure of Trust Fund principle Principal

Fund <u>principle principal</u> shall not be expended except pursuant to a referendum adopted by a two-thirds (2/3) vote of all registered Navajo voters. The Navajo Nation Council may place a "Referendum to Expend Trust Fund Principal" on the ballot of any primary, general or special election by a two-thirds (2/3) vote of the full membership of the Navajo Nation Council.

#### §1175. Definition of principle "Principal" and income-"Income"

- A. Trust Fund principle principal shall consist of all Navajo Nation Council appropriations made pursuant to the tribal appropriations processes and procedures with the intent of being as well as direct capital contributions to the Trust Fund, and any contributions made by any parties or entities; Principal shall exclude the current veterans set-aside authorized by the Navajo Nation Council under Resolution CN-55-06. This set-aside is intended to increase funding available for veterans programs without compromising Trust Fund principal. All amounts in this sub section shall be investable per section 1173.
- B. Trust Fund income shall consist of all earnings (interest, dividends, and other such related earnings) generated by the <u>principle-principal</u> and interest of the <u>Trust</u> Fund, <u>less all</u> expenses directly associated with the administration and management of the Trust Fund.

§1176. Expenditure of Trust Fund

41070 = PFR 1. <u>One-half of the 4% set-aside outlined in §1171 (B) shall be made available for the Trust</u> 49, y P712 = 40 Fund annual recommended budget calculations to be used consistent with the purposes of by \$20 = annual the Veterans Trust Fund as outlined in §1172 of this chapter. by \$20 = annual the Veterans Trust Fund as outlined in §1172 of this chapter. This one-half of the 4% set-aside shall be added to the remaining balance of the most recently completed audited income from which all expanses directly associated with the administration and management of the Trust Fund shall first +\$ 500 = audited incombe paid in accordance with §1176 of this chapter. earled i. Twenty-five percent (25%) of the balance from paragraph 1(a) above shall 520 be invested as Trust Fund principal to cover the rate of inflation and to  $\frac{-300 \text{ Almafees}}{220}$   $\frac{-300 \text{ Almafees}}{25\% = 55 \Rightarrow \text{Primpf}}$   $\frac{-300 \text{ Almafees}}{25\% = 55 \Rightarrow \text{Primp}}$   $\frac{-30$ ii. The remaining 75 percent (75%) of the balance from paragraph 1(a) above  $\Rightarrow 20 + (560-360) = \frac{1112}{220}$ Veterans Administration Financial Assistance Policies, consistent with §1172 of 220 this chapter. c. Tribal grants to non-tribal government programs and projects shall be awarded in accordance with rules and regulations developed by the Navajo Nation Veterans Administration, consistent with §1172 of this chapter. d. The annual appropriation authorized above shall not expire and any unexpended funds shall not lapse back into the Trust Fund. Carryover balances shall be redistributed consistent with paragraph 1(b) above and shall continue to be expended for the programmatic purposes for which they were appropriated. Funds obligated for projects as described in \$1172 of this chapter shall not be reallocated and shall remain available for their designated purpose. by \$20-How 2. The remaining one-half of the 4% set-aside outlined in §1171 (B) shall be allocated to the Navajo Veterans Housing Program and administered by the Navajo Nation Veterans Administration (NNVA) as set forth within this section. a. The Navajo Veterans Housing Program will maximize the use of the allocated funds, including through leveraging additional funding sources such as match funding when available, in order to construct as many turnkey homes as possible VHP= \$20 VPS = \$165 Rinupped = \$55 Jees = \$300 for veterans without permanent housing, as well as to provide major and minor home renovations and repairs to veterans with permanent housing. b. Subparagraph (a) above shall apply to honorably discharged Navajo veterans. without regard to age, gender or geographical location, as long as such location is within the exterior boundaries of the Navajo Nation. c. Subparagraph (a) above shall also apply to honorably discharged Navajo veterans living beyond the exterior boundaries of the Navajo Nation, without regard to age, gender or geographical location, except that such assistance shall be limited to financial assistance as set forth in the Navajo Veterans Housing Program Policies.

The Fund-income shall not be expended, except as provided in §1177, from Fiscal Year 1998 to Fiscal Year 2003. From Fiscal Year 2004, the Fund income shall be expended as follows:

- 1. 75 percent (75%) of the total income earned, plus the current projected set-aside of the Fund will be used as supplemental funding for programs and services to benefit veterans, as noted under §1172 on an annual basis, excluding two percent (2%), which shall be for the exclusive use of the Veterans Housing-Program in accordance with 12 N.N.C. §1171 (A) and Navajo Nation Council Resolution CS 56-17. The Fund's income earned at the end of the previous audited fiscal year plus the current fiscal year projected set-aside will be used to determine the allowable expenditure (i.e. budget purposes). The excess of the Fund income over expenditures shall be reinvested in the Fund to cover the rate of inflation and to provide for reasonable Fund growth.
- 2. Tribal grants to non-tribal government programs and projects shall be awarded in accordance with rules and regulations developed by the Department of Navajo Veterans Affairs, in consultation with the Health, Education and Human-Services Committee of the Navajo Nation Council and, if required, the Navajo Nation Council.
- 3. Of the 75-percent (75%) of the Fund, total amount as set forth in paragraph A, ninety-five percent (95%) of the proceeds will be used for Subsections (A) and (B) of this Section and five percent (5%) will be used for administrative purposes, and this will be reviewed further by the Office of Management and Budget and the Program.

Except as provided at §1177, all-Trust Fund-income distribution shall be determined pursuant to all eligible Navajo veterans and distributed among those applicable Navajo Nation chapters to be expended in accordance with §1172 of this Plan.

#### §1176. Expenses

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All expenses directly associated with the administration and management of the Trust Fund shall be paid from the Trust Fund income based on the most recently completed fiscal year audit as approved by the Budget and Finance Committee of the Navajo Nation Council prior to the allocation of income under §1177. Such expenses shall include investment advisory and management fees, audit costs and other related expenses, all pursuant to duly approved contracts for such services and supervised by the Navajo Nation Office of the Controller.

#### §1177. Expenses

------ All expenses directly associated with administration and management of the Fund shall be paid from the Trust Fund income as approved by the Budget and Finance Committee of the Navajo Nation Council prior to the distribution of income under §1176. Such expenses shall include investment advisory and management fees, audit costs and other related expenses, all pursuant to duly approved contracts for such services.

### §1177. Annual Calculation and Expenditure of Funds

The Trust Fund annual allocations shall be calculated and expended as follows:

- d. <u>Navajo veterans shall be limited to assistance from the Navajo Veterans Housing</u> <u>Program for the construction or purchase of one new home, not including</u> <u>renovations and repairs.</u>
- e. <u>The annual appropriation authorized above shall not expire and unexpended funds</u> <u>shall not lapse back into the Veterans Trust Fund and shall continue to be</u> <u>expended for the purposes for which they were appropriated.</u>

#### §1178. Amendments

Any section or sections herein may be amended upon the recommendation of the <u>Health</u>, <u>Education and</u> Human Services Committee, and the Budget and Finance Committee, and the <u>Naabik'iyati' Committee</u>, then of the Navajo Nation Council by majority vote of the full membership of the Navajo Nation Council except that §1174 may only be amended as provided herein.

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#### Section Four. 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 Five. Savings 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, the remainder of the Act shall remain the law of the Navajo Nation.

#### Section Six. Effective Date

The provisions of this Act shall become effective in accordance with 2 N.N.C. §221(B).

*Office of Legislative Counsel Phone: (928) 871-7166 Fax: (928) 871-7576* 



Hon. Crystalyne Curley, Speaker 25<sup>th</sup> Navajo Nation Council 2023 - 2027

## M E M O R A N D U M

To: Hon. Carl Slater, Vice-Chairperson Budget and Finance Committee 25<sup>th</sup> Navajo Nation Council

From:

Luralene D. Tapahe, Principal Advocate Office of Legislative Counsel

- Date: May 15, 2023
- Subject: AN ACT RELATING TO THE LAW & ORDER, HEALTH, EDUCATION, AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING AMENDMENTS TO THE NAVAJO NATION VETERANS TRUST FUND AT 12 N.N.C. §1171 - §1178

The Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. [64(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: LuraleneTapahe@navajo-nsn.gov

Thank you for your cooperation.

## THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0108-23\_\_

SPONSOR: <u>Carl Slater</u>

TITLE: An Act Relating to the Law & Order, Health, Education, and Human Services, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Approving Amendments to the Navajo Nation Veterans Trust Fund at 12 N.N.C §1171- §1178

## Date posted: \_\_\_\_\_May 16, 2023 at 5:28PM

## 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.: 0108-23

### SPONSOR: Honorable Carl R. Slater

## TITLE: <u>An Act Relating to the Law & Order, Health, Education, and Human</u> Services, Budget and Finance, and Naabik'íyáti' Committees, and the Navajo Nation Council; Approving Amendments to the Navajo Nation Veterans Trust Fund at 12 N.N.C §1171- §1178

### Posted: May 16, 2023 at 5:28 PM

## 5 DAY Comment Period Ended: May 21, 2023

**Digital Comments received:** 

Comments Supporting	None
Comments Opposing	None
Comments/Recommendations	1) Lloyd Begaye

Policy Analyst Office of Legislative Services

May 22, 2023; 8:30 AM Date/Time

# Legislation No. 0108-23

## Lloyd Begaye <begaye15.l@gmail.com>

Thu 5/18/2023 12:29 PM

To:comments < comments@navajo-nsn.gov>;

Shazam, Shazam....surprise! Surprise!!!

This Legislation was never presented to the Navajo Veteran as a whole, in Meetings at the CVO level, Not at the 5 Agency VO, or at any group for input and discussions.

No communique was established by Carl Slater about the Legislation. The Legislation needs to be explained to the grassroot Veterans of this Nation. Communication is of great importance today as in the past Administration, a lot had been changed without input which led to confusions and mistrust.

I believe this Legislation needs further review and be placed before the garassroot Navajo Veteran, the Chapter Veterans Organization, the 5 Agency Veterans Organizations and the Navajo Nation Veterans Advisory Council.

Lloyd Begaye, Cmdr. Northern Navajo Veterans Organization Navajo Nation Advisory Council Member WARNING: External email. Please verify sender before opening attachments or clicking on links.