

LEGISLATIVE SUMMARY SHEET

Tracking No. 0052-21

DATE: March 21, 2021

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCE AND DEVELOPMENT, HEALTH EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTÍ COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION VETERANS TRUST FUND, TITLE 12, SUBCHAPTER 8, 12 N.N.C. § 1171

PURPOSE: This resolution, if approved, will amend the Navajo Nation Trust Fund to restructure the distribution provisions to the Navajo Veterans Housing Program.

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

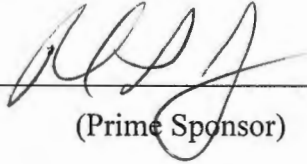
5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 6:36 PM; 03-24-21
Posting End Date: 03-29-21
Eligible for Action: 03-30-21

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL – Third Year, 2021

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0052-21

**AN ACTION RELATING TO THE RESOURCE AND DEVELOPMENT,
HEALTH EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND
NAABIK'ÍYÁTÍ COMMITTEES AND NAVAJO NATION COUNCIL;
AMENDING NAVAJO NATION VETERANS TRUST FUND, TITLE 12,
SUBCHAPTER 8, 12 N.N.C. § 1171**

BE IT ENACTED:

SECTION ONE. AUTHORITIES

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102(A).
- B. The Naabik'iyáti Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to recommend resolutions to the Navajo Nation Council. 2 N.N.C. §§ 700 and 701 (A)(3).
- C. The Law and Order Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to "review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments to the Navajo Nation Code." 2 N.N.C. §§ 600 (A) and 601 (B)(14).
- D. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council and exercises oversight authority over veterans' services, among other duties and responsibilities. 2 N.N.C. §§ 400 and 401 (C)(6).

1 E. The Resources and Development Committee is a standing committee of the
2 Navajo Nation Council with the delegated responsibility to "establish policies and
3 legislation appropriate to the housing needs of the Navajo Nation and its People."
4 2 N.N.C. §§500 and 501 (C)(3).
5

6 **SECTION TWO. FINDINGS**

7 A. The Establishment provision of the Navajo Nation Veterans Trust Fund, 12
8 N.N.C. §§ 1171 - 1176, as updated by CS-48-13, states

9 **§ 1171. Establishment**

10 A. The "Navajo Nation Veterans Trust Fund" hereinafter the "Trust Fund" is
11 established with an initial appropriation of six million dollars
12 (\$6,000,000.00) from revenues from Undesignated Tribal Reserves. Each
13 year, during the appropriation of the Navajo Nation Comprehensive
14 Budget, the Navajo Nation Council shall budget a sum equal to at least
15 four percent (4%) of any and all projected revenues of the Navajo Nation,
16 including, but not limited to revenues received from taxes, oil and gas,
17 mining and minerals, timber, land rentals, interest and dividends, gain on
18 sale of securities and other revenue producing activities. One-half (1/2) of
19 that four percent (4%) shall be transferred to the Navajo Veteran's Trust
20 Fund to be used as set forth herein. The remaining one-half (1/2) of that
21 four percent (4%) shall be administered by the Department of Navajo
22 Veteran's Affairs (DNVA). Each of the five (5) DNVA Agency offices
23 shall be allocated an equal share of that amount to provide construction of
24 up to fifteen (15) homes equitably in each of their respective Agencies
25 using all possible assistance program funds that such veterans may qualify
26 for to construct as many homes as possible and provide minor home
27 renovations and repairs for Navajo veterans.

28 B. The annual appropriation authorized above shall continue and for purposes
29 of this resolution, all unexpended funds shall not lapse back into the
30 Veterans Trust Fund through Fiscal Year 2017, and shall expire thereafter,

1 unless specifically re-authorized.

2 B. The 2017 unexpended funds lapse deadline set forth in 12 N.N.C. § 1171 (B) was
3 extended to 2020 by CS-56-17 and to 2024 by CS-78-20.

4 C. Resolution No. CJY-55-18 established the Navajo Veterans Housing Program
5 within the Navajo Nation Veterans Administration at 2 N.N.C § 1033 as follows:

6 **§ 1033. Navajo Housing Program**

7 A. There is hereby established a Navajo Veterans Housing Program within
8 the Navajo Veterans Administration.

9 B. The Navajo Veterans Housing Program shall be administered by the
10 Navajo Veterans Administration. The Veterans Housing Program shall be
11 supervised by a Program Manager hired by the Director of the Navajo
12 Veterans Administration pursuant to the Navajo Nation Personnel Policies
13 and Procedures Manual. Personnel of the Veterans Housing Program shall
14 include a Housing Specialist at each agency of the Navajo Nation.

15 C. Duties and Responsibilities of the Navajo Veterans Housing Program shall
16 include administering the Navajo Nation Veterans Administrations
17 Housing Program Policies and Procedures. The Veterans Administration
18 Housing Program Policies and Procedure shall be approved by the Health,
19 Education and Human Services Committee, upon the recommendation of
20 the Navajo Nation Veterans Advisory Council.

21 C. The Navajo Nation Veterans Advisory Council recommends that 12 N.N.C. §
22 1171 be amended as set forth in **Exhibit A**.

23
24 **SECTION THREE. APPROVING AMENDMENTS TO 12 N.N.C. § 1171**

25 The Navajo Nation hereby amends the Navajo Nation Veterans Trust Fund, 12
26 N.N.C. § 1171, as follows:

27 _____

28
29 **Title 12. Fiscal Matters**

30 **Subchapter 8. Navajo Nation Veterans Trust Fund**

1 **§ 1171. Establishment**

2 A. The "Navajo Nation Veterans Trust Fund" hereinafter the "Trust Fund" is
3 established with an initial appropriation of six million dollars (\$6,000,000.00)
4 from revenues from Undesignated Tribal Reserves.

5 B. Each year, during the appropriation of the Navajo Nation Comprehensive Budget,
6 the Navajo Nation Council shall budget a sum equal to at least four percent (4%)
7 of any and all projected revenues of the Navajo Nation, including, but not limited
8 to revenues received from taxes, oil and gas, mining and minerals, timber, land
9 rentals, interest and dividends, gain on sale of securities and other revenue
10 producing activities as follows:

11 1. One-half (1/2) of ~~that~~ the four percent (4%) shall be transferred to the
12 Navajo Veteran's Trust Fund to be used as set forth herein.

13 2. The remaining one-half (1/2) of ~~that~~ the four percent (4%) shall be
14 allocated to the Navajo Veterans Housing Program and administered by
15 the ~~Department of Navajo Veteran's Affairs (DNVA)~~ Navajo Nation
16 Veterans Administration (NNVA).

17 a. The Navajo Veterans Housing Program shall leverage the allocated
18 funds, including match funding, in order to construct as many
19 turnkey homes as possible for homeless veterans, as well as to
20 provide major and minor home renovations and repairs.

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

25 ~~Each of the five (5) DNVA Agency offices shall be allocated an equal share of~~
26 ~~that amount to provide construction of up to fifteen (15) homes equitably in each~~
27 ~~of their respective Agencies using all possible assistance program funds that such~~
28 ~~veterans may qualify for to construct as many homes as possible and provide~~
29 ~~minor home renovations and repairs for Navajo veterans.~~

30 B. The annual appropriation authorized above shall not expire ~~continue and for~~

1 ~~purposes of this resolution, all~~ and unexpended funds shall not lapse back into the
2 Veterans Trust Fund ~~through Fiscal Year 2017, and shall expire thereafter, unless~~
3 ~~specifically re-authorized,~~ and shall continue to be expended for the purposes for
4 which they were appropriated.

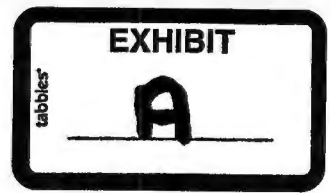
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6 ****
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9 **SECTION FOUR. EFFECTIVE DATE**

10 This legislation shall become effective in accord with 2 N.N.C. § 221(B).
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12 **SECTION FIVE. SAVING CLAUSE**

13 Should any provision of this legislation be determined invalid by the Navajo Nation
14 Supreme Court, or the District Courts of the Navajo Nation without appeal to the
15 Navajo Nation Supreme Court, those portions of the policies and procedures not
16 determined invalid shall remain valid and effective.
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NAVAJO NATION VETERANS ADVISORY COUNCIL

Chairperson: George H. Tolth Vice-Chairperson: Arthur Hardy, Jr. Secretary: Cassandra Morgan
Eastern Agency Tuba City Agency Central Agency Fort Defiance Agency Northern Agency

THE NAVAJO NATION VETERANS ADVISORY COUNCIL IS RESPECTFULLY REQUESTING THE HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE TO CONSIDER AND TO APPROVE THE AMENDMENTS OF NAVAJO NATION VETERANS TRUST FUND; 12 N.N.C. 1171, CODE AMENDMENTS.

NNVAC – 020-20

WHEREAS:

01. Pursuant to Navajo Nation Council Resolution CMA-25-71; the Navajo Veterans were recognized, and a Navajo Nation Veterans Administration was established under the Executive Branch of the Navajo Nation Government – Office of the President and Vice-President of the Navajo Nation; and
02. Pursuant to Navajo Nation Council Resolution CJA-3-16, the Navajo Nation Veterans Act; Title II, Chapter 5, Subchapter 1. Article 4, §§ 1033, the Navajo Nation Veterans Advisory Council is duly established by the Navajo Nation; and
03. The Navajo Nation Veterans Advisory Council is duly recognized by the Navajo Nation with a Plan of Operation to provide recommendations to the Navajo Nation President, Vice-President, and NNVA Executive Director and advocate on behalf of all Navajo Nation Veterans with quality, transparent and consistent service; and
04. All leaders chosen by the Dine are to carry out their duties and responsibilities in a moral and legal manner in representing the people and the government; the people's trust and confidence in the leaders and the continued status as a leader are dependent upon adherence to the values and principles of Dine bibeenahazaanii; and
05. The Navajo Nation Veterans Advisory Council had their Special Teleconference Call meeting, which was held at the Department of Veterans Administration on November 13, 2020. During this meeting, the Veterans Advisory Council had a lengthy discussion and agrees to amend the Veterans Trust Fund; 12 N.N.C. 1171, Code Amendments which is recommended by the Department of Justice and Executive Director of the Department of Veterans Administration. *The amendments are attached to this resolution.*

NOW, THEREFORE BE IT RESOLVED THAT:

01. The Navajo Nation Veterans Advisory Council is hereby respectfully requesting the Navajo Nation Health, Education & Human Services Committee to consider and approve the amendments of the Veterans Trust Fund; 12 N.N.C. 1171 Code Amendments, which is recommended by the Department of Justice and Executive Director of the Department of Veterans Administration.

Motioned made by Ms. Nelda Achee of Western Agency.
Seconded made by Ms. Candice Pioche-Zunie of Northern Agency

CERTIFICATION

I hereby certify that the foregoing resolution was considered by a duly called special Teleconference calls meeting of the Navajo Nation Veterans Advisory Council, which the same was approved by a vote of 8 in favor, 0 opposed, and 2 abstained on this 13th day of November 2020.

Mr. George H. Tolth, Chairperson
Navajo Nation Veterans Advisory Council

Navajo Nation Veterans Trust Fund Amendment

The Navajo Nation amends the Navajo Nation Veterans Trust Fund, 12 N.N.C. 1171, as follows:

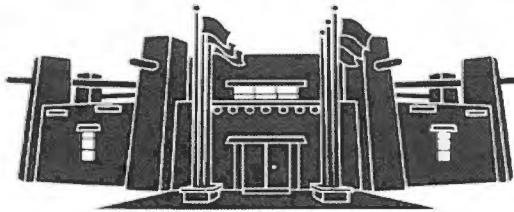
Chapter 10, Navajo Nation Trust Fund

Subchapter 8. Navajo Nation Veterans Trust Fund

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. Each year, during the appropriation of the Navajo Nation Comprehensive Budget, the Navajo Nation Council shall budget a sum equal at least 4% of any and all projected 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. One-half of that 4% shall be transferred to the Navajo Veteran's Trust Fund to be used as set forth herein. The remaining one-half of that 4% shall be administered by the ~~Navajo Veterans Affairs (DNVA)~~ Navajo Nation Veterans Administration (NNVA). ~~Each of the five (5) DNVA Agency offices shall be allocated an equal share of that amount to provide construction of up to fifteen (15) homes equitably in each of their respective Agencies using all possible assistance program funds that such veterans may qualify for to construct as many homes as possible and provide minor home renovations and repairs for Navajo veterans.~~ The Navajo Nation Veterans Housing Program, under the supervision of the Executive Director, shall expend the funds in such a manner as to be able to leverage all available funds and matching funding sources in order to be able to construct as many turnkey homes as possible for homeless veterans, as well as provide for major and minor home renovations and repairs. This shall apply to honorably discharged Navajo veterans, without regard to age or gender or geographical location.

B. The annual appropriation authorized above shall continue and for the purposes of this resolution, all unexpended funds shall not lapse back into the Veterans Trust Fund, ~~through Fiscal Year 2024, and shall expire thereafter, unless specifically re-authorized and shall not expire.~~



MEMORANDUM

TO: Honorable Raymond Smith
24th Navajo Nation Council

FROM:

Dana L. Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: March 22, 2021

SUBJECT: AN ACTION RELATING TO THE RESOURCE AND DEVELOPMENT, HEALTH EDUCATION AND HUMAN SERVICES, LAW AND ORDER, AND NAABIK'ÍYÁTÍ COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION VETERANS TRUST FUND, TITLE 12, SUBCHAPTER 8, 12 N.N.C. § 1171

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. 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).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0052-21_

SPONSOR: Raymond Smith, Jr.

TITLE: An Action Relating to the Resource and Development, Health Education and Human Services, Law and Order, and Naabik'iyáti Committees and Navajo Nation Council; Amending Navajo Nation Veteran's Trust Fund, Title 12, Subchapter 8, 12 N.N.C. § 1171

Date posted: March 24, 2021 at 6:36PM

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.*