

RESOLUTION OF THE
NAABIK'IYATI' COMMITTEE OF THE
NAVAJO NATION COUNCIL

23RD Navajo Nation Council - Third Year, 2017

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'IYATI' COMMITTEES; SUPPORTING AND RECOMMENDING THE PASSAGE OF HOUSE BILL 148 - STATE OF NEW MEXICO RELATING TO THE NATIVE AMERICAN VETERANS' INCOME TAX SETTLEMENT FUND

WHEREAS:

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council with oversight over veterans. 2 N.N.C. §§ 400 (A) and 401 (B) (6) (2012); CO-45-12.
- B. The Navajo Nation established the Naabik'iyati' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'iyati' Committee to assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. See 2 N.N.C. §§ 164 (A) (9), 701 (A) (4), 701 (A) (6) (2012); CO-45-12.
- C. Statements of policy are written statements submitted to federal, state or local governments by a Navajo Nation official stating the official position of the Navajo Nation on proposed legislation or other action by that government. See 2 N.N.C. § 100 (W).
- D. House Bill 148 (H.B. 148) - sponsored by Eliseo Lee Alcon, Bob Wooley and D. Wonda Johnson - was introduced to the 53rd Legislature, 2017 First Session - State of New Mexico, attached hereto as **Exhibit A**.
- E. The H.B. 148 relates to the Native American Veterans' Income Tax Settlement Fund; removing the time limit for filing an application for a settlement claim; making an appropriation.
- F. The deadline for veterans to file their application for a settlement claim was December 31, 2012; H.B. 148 removes the deadline. See **Exhibit A**.
- G. The H.B. 148 creates the Native American veterans' income tax settlement fund.
- H. The H.B. 148 appropriates four hundred thousand dollars (\$400,000) from the general fund to the Native American veterans'

income tax settlement fund for expenditure in fiscal year 2018 and subsequent years to refund to Native American veterans any state personal income taxes that were withheld from military income while they were domiciled within the boundaries of their tribal lands or their spouse's tribal lands during their period of their active duty. See **Exhibit A**.

- I. It is within the best interest of the Navajo Nation to support the passage of House Bill 148.

NOW THEREFORE, BE IT RESOLVED:

- A. The Navajo Nation supports and recommends the passage of House Bill 148, attached hereto as **Exhibit A**.
- B. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation Speaker, the Navajo Nation Chief Justice and their designees, to advocate for the passage of House Bill 148.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'íyáti' Committee of the 23rd 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 0 oppose, this 6th day of April, 2017.



Honorable LoRenzo C. Bates, Chairperson
Naabik'íyáti' Committee

Motion: Honorable Dwight Witherspoon
Second: Honorable Leonard Tsosie

23rd Navajo Nation Council

Naabik'iyati' Committee

DATE: April 6, 2017

Legislation 0078-17 (Main Motion)Motion: Dwight WitherspoonSecond: Leonard Tsosie

ALL DELEGATES:

	Yea	Nay
BATES, LoRenzo		
BEGAY, Kee Allen Jr.		
BEGAY, Norman M.		
BEGAYE, Nelson	✓	
BENNETT, Benjamin L.	✓	
BROWN, Nathaniel	✓	
CHEE, Tom T.		
CROTTY, Amber K.		
DAMON, Seth	✓	
DANIELS, Herman	✓	
FILFRED, Davis		
HALE, Jonathan L.	✓	
JACK, Lee Sr.		
PERRY, Jonathan	✓	
PETE, Leonard H.		
PHelps, Walter	✓	
SHEPHERD, Alton Joe		
SLIM, Tuchoney Jr.	✓	
SMITH, Raymond Jr.		
TSO, Otto		
TSOSIE, Leonard	✓	
WITHERSPOON, Dwight	✓	
YAZZIE, Edmund	✓	
YAZZIE, Peterson	✓	

BY COMMITTEE:

	Yea	Nay	TOTAL
BFC:			
CHEE, Tom T.			
DAMON, Seth			
JACK, Lee Sr.			
SLIM, Tuchoney Jr.			
WITHERSPOON, Dwight			
TSOSIE, Leonard			
HEHSC:			
BEGAY, Norman M.			
BEGAYE, Nelson			
BROWN, Nathaniel			
CROTTY, Amber K.			
HALE, Jonathan L.			
YAZZIE, Peterson			
LOC:			
BEGAY, Kee Allen Jr.			
DANIELS, Herman			
SMITH, Raymond Jr.			
TSO, Otto			
YAZZIE, Edmund			
RDC:			
BENNETT, Benjamin L.			
FILFRED, Davis			
PERRY, Jonathan			
PETE, Leonard H.			
PHelps, Walter			
SHEPHERD, Alton Joe			
SPEAKER:			
BATES, LoRenzo			
(Votes only in a tie)			

GRAND TOTAL

13 | 0

CERTIFICATION:


Honorable LoRenzo Bates
Speaker



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HOUSE BILL 148

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Eliseo Lee Alcon and Bob Wooley and D. Wonda Johnson

FOR THE MILITARY AND VETERANS' AFFAIRS COMMITTEE AND
THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO THE NATIVE AMERICAN VETERANS' INCOME TAX SETTLEMENT
FUND; REMOVING THE TIME LIMIT FOR FILING AN APPLICATION FOR A
SETTLEMENT CLAIM; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 7-2H-3 NMSA 1978 (being Laws 2008,
Chapter 89, Section 3, as amended) is amended to read:

"7-2H-3. NATIVE AMERICAN VETERANS' INCOME TAX SETTLEMENT
FUND--CREATED--PURPOSE--APPROPRIATIONS.--

A. The "Native American veterans' income tax
settlement fund" is created as a nonreverting fund in the state
treasury and shall be administered by the taxation and revenue
department. The fund shall consist of money that is
appropriated or donated or that otherwise accrues to the fund.

B. The taxation and revenue department shall

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underscored material = new
[bracketed material] = delete

1 establish procedures and adopt rules as required to administer
2 the fund and to make settlement payments from the fund as
3 approved by the secretary of taxation and revenue.

4 C. Money in the fund is appropriated to the
5 taxation and revenue department to make settlement payments to
6 Native American veterans who were domiciled within the
7 boundaries of their tribal lands or their spouse's tribal lands
8 during the period of their active military duty and had state
9 personal income taxes withheld from their military income, or
10 to their heirs pursuant to applicable law. Settlement payments
11 shall include the amount of state personal income taxes
12 withheld from eligible Native American veterans that have not
13 been previously refunded to the veterans and interest on the
14 amount withheld from the date of withholding computed on a
15 daily basis at the rate specified for individuals pursuant to
16 Section 6621 of the Internal Revenue Code of 1986. No
17 settlement payments shall be made for any taxable year for
18 which a refund claim may be timely filed with the taxation and
19 revenue department ~~[or for which an application for settlement~~
20 ~~is received after December 31, 2012]~~. Money shall be disbursed
21 from the fund only on warrant of the secretary of finance and
22 administration upon vouchers signed by the secretary of
23 taxation and revenue or the secretary's authorized
24 representative. Any unexpended or unencumbered balance
25 remaining in the fund at the end of a fiscal year shall not

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1 revert to the general fund.

2 D. Beginning in fiscal year 2010 and in subsequent
3 fiscal years, not more than five percent of the fund is
4 appropriated from the fund to the taxation and revenue
5 department for expenditure in the fiscal year in which it is
6 appropriated to administer the fund. Any unexpended or
7 unencumbered balance remaining at the end of any fiscal year
8 shall revert to the Native American veterans' income tax
9 settlement fund.

10 E. Beginning in fiscal year 2010 and in subsequent
11 fiscal years, not more than five percent of the fund is
12 appropriated from the fund to the veterans' services department
13 for expenditure in the fiscal year in which it is appropriated
14 to assist in outreach and public relations and in determining
15 eligibility for settlement payments. Any unexpended or
16 unencumbered balance remaining at the end of any fiscal year
17 shall revert to the Native American veterans' income tax
18 settlement fund."

19 SECTION 2. APPROPRIATION.--Four hundred thousand dollars
20 (\$400,000) is appropriated from the general fund to the Native
21 American veterans' income tax settlement fund for expenditure
22 in fiscal year 2018 and subsequent fiscal years to refund to
23 Native American veterans any state personal income taxes that
24 were withheld from military income while they were domiciled
25 within the boundaries of their tribal lands or their spouse's

.205051.2

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[bracketed material] = delete

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3 a fiscal year shall not revert to the general fund.

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