

LEGISLATION SUMMARY

Date: January 28, 2022

Re: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, LAW AND ORDER, AND NAABIK'ÍYÁTÍ COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION VETERANS TRUST FUND AT 12 N.N.C. §1176 TO CREATE SEPARATE BUSINESS UNIT NUMBERS WHEN FUNDING NAVAJO VETERANS' ORGANIZATIONS

Purpose: to amend the Veterans Trust Fund statute to require the creation of separate business unit numbers whenever Navajo Nation funds are awarded to local veterans' organizations.

OLC No. 21-440-1

5-DAY BILL HOLD PERIOD: VBREMAN
Website Posting Time/Date: JANUARY 28, 2022 3:45 PM
Posting End Date: FEBRUARY 2, 2022
Eligible for Action: FEBRUARY 3, 2022

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

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL – Fourth Year, 2022

Introduced by:

K-1
KEE ALLEN BEGAY JR
(Prime Sponsor)

Tracking No. 0024-22

AN ACTION
RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH
EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE,
LAW AND ORDER, AND NAABIK'ÍYÁTÍ COMMITTEES
AND THE NAVAJO NATION COUNCIL; AMENDING THE
NAVAJO NATION VETERANS TRUST FUND AT 12 N.N.C. §1176
TO CREATE SEPARATE BUSINESS UNIT NUMBERS
WHEN FUNDING NAVAJO VETERANS' ORGANIZATIONS

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Resources and Development Committee is a standing committee of the Navajo Nation Council with the delegated responsibility to "establish policies and legislation appropriate to the housing needs of the Navajo Nation and its People." 2 N.N.C. §500, §501(C)(3).
- B. 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, §401(C)(6).
- C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council that has the authority to review and recommend the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. §301(B)(2).

1 D. The Law and Order Committee is a standing committee of the Navajo Nation Council with
2 the delegated responsibility to “review and make recommendations to the Navajo Nation
3 Council on proposed amendments to and enactments to the Navajo Nation Code.” 2 N.N.C.
4 §600(A), §601(B)(14).

5 E. The Naabik’iyáti Committee is a standing committee of the Navajo Nation Council with the
6 delegated responsibility to recommend resolutions to the Navajo Nation Council. 2 N.N.C.
7 §700, §701(A)(3).

8 F. The Navajo Nation Council is the governing body of the Navajo Nation, and as such is
9 empowered to amend Navajo Nation law. 2 N.N.C. §102.

10 11 **SECTION TWO. FINDINGS**

12 A. The Navajo Nation Veterans Trust Fund, 12 N.N.C. §§1171 - 1176, was established to
13 provide funding for programs, projects and services or activities for Navajo veterans.

14 B. During the FY2022 Comprehensive Budget process, confusion arose regarding allocation of
15 funds for local chapter veterans’ organizations. Some funds were allocated in a single
16 business unit for various local chapter veterans’ organizations. This use of a single business
17 unit number has concerned local chapter veterans’ organizations because with this procedure
18 there is no way to determine the amount of funds allocated for each of their respective
19 organizations.

20 C. Clarity and transparency is recommended by Navajo veterans and they have therefore
21 requested that the Navajo Nation Veterans Administration create individual business unit
22 codes during the comprehensive budget process for each of the several local chapter
23 veterans’ organizations.

24 D. The Navajo Nation Council recognizes that there is a need to continue and prioritize funding
25 for Navajo veterans, particularly at the local level.

26 27 **SECTION THREE. APPROVING AMENDMENTS TO 12 N.N.C. § 1176**

28 The Navajo Nation hereby amends the Navajo Nation Veterans Trust Fund, 12 N.N.C. §1176,
29 as follows:
30

1 Title 12. Fiscal Matters

2 Subchapter 8. Navajo Nation Veterans Trust Fund

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4 §1176. Expenditure of Trust Fund

5 A. 75 percent (75%) of the total income earned, plus the current projected set aside of the Fund
6 ~~will~~ shall be used as supplemental funding for programs and services to benefit veterans, as
7 noted under §1172 on an annual basis, excluding two percent (2%), which shall be for the
8 exclusive use of the Veterans Housing Program in accordance with 2 N.N.C. §1171(A) and
9 with Navajo Nation Council Resolution No. CS-56-17. The Fund's income earned at the end
10 of the previous audited fiscal year, plus the current fiscal year projected set aside, will be
11 used to determine the allowable expenditure (i.e., budget purposes). The excess of the Fund
12 income over expenditures shall be reinvested in the Fund to cover the rate of inflation and to
13 provide for reasonable Fund growth.

14 B. Tribal grants to non-tribal government programs and projects shall be awarded in accordance
15 with rules and regulations developed by the ~~Department of Navajo Nation Veterans Affairs~~
16 Administration, in consultation with and approved by the Health, Education and Human
17 Services Committee of the Navajo Nation Council and, if required, the Navajo Nation
18 Council.

19 C. Of the 75 percent (75%) of the Fund, ~~total amount as set forth as described in paragraph A,~~
20 ~~ninety-five percent (95%) of the proceeds will~~ shall be used for the purposes set forth in
21 Subsections (A) and (B) of this Section and five percent (5%) ~~will~~ shall be used for
22 administrative purposes, ~~and this will be reviewed further by the Office of Management and~~
23 ~~Budget and the Program.~~

24 D. The Navajo Nation Veterans Administration shall maintain a separate business unit for
25 budgeting purposes for each local chapter veterans' organization whose plan of operation
26 has been duly approved by its respective certified/non-certified Chapter or Township.

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28 Except as provided at §1171, all Trust Fund income distribution shall be determined pursuant
29 to all eligible Navajo veterans and distributed among those applicable Navajo Nation chapters
30 to be expended in accordance with §1172 of this Plan.

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4 **SECTION FOUR. EFFECTIVE DATE**

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

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7 **SECTION FIVE. CODIFICATON**

8 The provisions of this legislation that amend the Navajo Nation Code shall be codified by the
9 Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such
10 amended provisions in the next codification of the Navajo Nation Code.

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12 **SECTION SIX. SAVING CLAUSE**

13 If any provision of this legislation is determined invalid by the Navajo Nation Supreme
14 Court, or a District Court of the Navajo Nation without appeal to the Navajo Nation
15 Supreme Court, those portions of this legislation not determined invalid shall remain valid
16 and effective.

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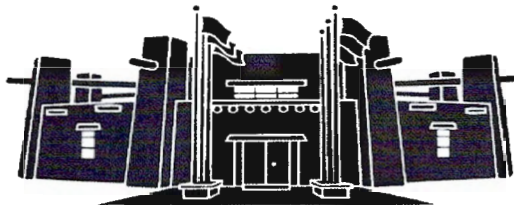
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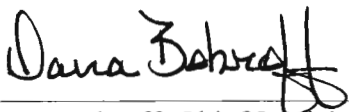
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MEMORANDUM

TO: Hon. Kee Allen Begay, Jr.
Resources and Development Committee

FROM: 
Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: January 28, 2022

RE: **AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT, HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, LAW AND ORDER, AND NAABIK'ÍYÁTÍ COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING THE NAVAJO NATION VETERANS TRUST FUND AT 12 N.N.C. §1176 TO CREATE SEPARATE BUSINESS UNIT NUMBERS WHEN FUNDING NAVAJO VETERANS' ORGANIZATIONS**

Per your request, 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 submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to review by the Navajo Nation courts in the event of proper legal challenge.

Please ensure that this legislation is precisely what you want. You are encouraged to review this proposed legislation to ensure that it is drafted to your satisfaction.

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. Nevertheless, the Speaker of the Navajo Nation Council may assign this legislation to committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find this document unacceptable for any reason, please immediately contact me at the Office of Legislative Counsel (at extension 7166) and advise me of the changes you would like made to this proposed legislation. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0024-22_

SPONSOR: Kee Allen Begay Jr.

TITLE: An Action Relating to the Resources and Development, Health, Education and Human Services, Budget and Finance, Law and Order, and Naabik'iyáti Committees and the Navajo Nation Council; Amending the Navajo Nation Veterans Trust Fund at 12 N.N.C. §1176 to Create Separate Business Unit Numbers When Funding Navajo Veterans' Organizations

Date posted: January 28, 2022 at 3:45 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.*