



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Amber Kanazbah Crothy, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0167-15.

If there are any co-sponsors, they may re-sponsor the same
bill by beginning a new legislation.

SPONSOR SIGNATURE:

DATE:

Amber Kanazbah Crothy
Aug 14, 2017.

LEGISLATIVE SUMMARY SHEET

Tracking No. 0167-15

DATE: May 7, 2015

TITLE OF RESOLUTION: AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; REFERRING REFERENDUM MEASURE ON AMENDING 12 N.N.C. § 1174, THE VETERANS TRUST FUND

PURPOSE: This resolution will refer a referendum measure on amending 12 N.N.C. § 1174, the Navajo Nation Veterans Trust Fund.

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 10:50am 5/11/15
Posting End Date: 5/16/2015
Eligible for Action: 5/17/2015

Health, Education & Human Services Committee

THENCE

Budget & Finance Committee

THENCE

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL First Year, 2015 Naa'bi'kyáti' Committee

INTRODUCED BY

THENCE

Navajo Nation Council

(Prime Sponsor)

(Amber Kandarbah Chetty)

(Seth Damon)

TRACKING NO. 0167-15

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND
FINANCE, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; REFERRING
REFERENDUM MEASURE ON AMENDING 12 N.N.C. § 1174, THE VETERANS TRUST
FUND

BE IT ENACTED:

Section 1. Findings and Purpose

1. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council with oversight authority over veterans issues, among other responsibilities. 2 N.N.C. §400 *et seq.*

2. The Budget and Finance Committee is a standing committee of the Navajo Nation Council with oversight responsibilities over financial reserves of the Navajo Nation, among other duties and responsibilities. 2 N.N.C. §300(C)(4).

3. The Naabik'íyáti' Committee, among other duties and responsibilities, reviews proposed Navajo Nation Council resolutions. 2 N.N.C. §164(A)(9).

4. The Navajo Nation Council is the lawmaking body of the Navajo Nation. 2 N.N.C. § 102.

1 5. The Navajo Nation Veterans Trust Funds was established in July 1998, with an initial
2 appropriation of \$6,000,000.00. CJY-46-98. The Trust Fund provided that 4% of all revenues of
3 the Navajo Nation be placed into the Fund, through appropriations of the Navajo Nation Council.

4 6. The purpose of the establishment of the Navajo Nation Veterans Trust Fund is stated as
5 follows:

6 "[T]o provide funding for veterans programs, projects and services or activities which may
7 include, but not limited to program/project development, community/economic development,
8 housing, training and employment opportunities, leveraging or matching funds for exemplary
9 projects, protection and advocacy services, financial assistance of benefits and services,
10 education and scholarship, and survivor's benefits for the surviving spouses of deceased
11 veterans." 12 N.N.C. §1172.

12 7. The Veterans Trust Fund consists of a "principal" and the "income." The "principle"
13 consists of funds appropriated by the Council. Interests from the principle are considered
14 "income." The "income" generated from the Fund is used "on an annual basis" for
15 "supplemental funding for programs and services to benefit veterans." 12 N.N.C. §1176(A).
16 The "income" is also used for administrative purposes in the management of the Fund. 12
17 N.N.C. §1176(C).

18 8. The process for the expenditure of the "principal" of the Veterans Trust Fund requires a
19 referendum election. Here the provisions of the Trust Fund provide:

20 "Fund principal shall not be expended except pursuant to a referendum adopted by a
21 two-thirds (2/3) vote of all registered Navajo voters. The Navajo Nation Council may
22 place a 'Referendum to Expend Trust Fund Principal' on the ballot of any primary, general
23 or special election by a two-thirds (2/3) vote of the full membership of the Navajo Nation
24 Council. 12 N.N.C. § 1174 (Expenditure of Fund principal).

25 9. Pursuant to 11 N.N.C. §403(A), referendum measures are referred to Navajo Nation voters
26 through the Navajo Nation Council.

27
28 **Section Two. Referring a Referendum Measure and Ballot Language on Amending 12**
29 **N.N.C. § 1174, Use of Fund Principal of the Navajo Nation Veterans Trust Fund**

1 The Navajo Nation Council hereby refers a referendum measure and ballot language on
2 amending 12 N.N.C. §1174, the use of the fund principal of the Navajo Nation Veterans Trust
3 Fund, as follows:
4

5 **Official Title:** "Proposed Amendment to 12 N.N.C. §1174, the Use of the Fund
6 Principle of the Navajo Nation Veterans Trust Fund."

7 **Descriptive Summary:** The use of the fund principal of the Navajo Nation Veterans
8 Trust Fund requires a referendum vote of registered voters of the Navajo Nation. The
9 referendum ballot question from the Navajo Nation Council is to give Navajo voters
10 the opportunity to decide whether the vote requirements in the use of the Fund
11 Principal should be changed. The ballot question will be whether the current 2/3 vote
12 requirement should be changed to a majority of votes cast.

13 **Brief Statement of Legal Effect:**

14 A "YES" vote is in favor of amending 12 N.N.C. §1174 whereby the Fund Principal
15 of the Navajo Nation Veterans Trust Fund could expended upon approval of a
16 majority vote of Navajo registered voters casting ballots.

17 A "NO" vote is against amending 12 N.N.C. §1174 and maintaining the current
18 requirements in the use of the Fund Principal of the Navajo Nation Veterans Trust
19 Fund. The status quo will remain the same, that a 2/3 vote of all registered voters will
20 be required for use of the Fund Principal.

21 **Referendum Ballot Question:**

22 "Should 12 N.N.C. §1174 be amended whereby the Fund Principal of the Navajo
23 Nation Veterans Trust Fund could expended upon approval by a majority vote of
24 Navajo Nation registered voters casting ballots at a referendum election?

25 _____ "YES"

26 _____ "NO"

27 _____
28
29
30

1 **Section Three. Complete Text of Proposed Legislation Referred by Referendum**
2 **Measure to amend 12 N.N.C. §1174, Expenditure of Fund Principal of Navajo Nation**
3 **Veterans Trust Fund**

4 The Navajo Nation Council hereby refers the complete text of the referendum measure to
5 amend 12 N.N.C. §1174 as follows:

6 **§ 1174. Expenditure of Fund principal**

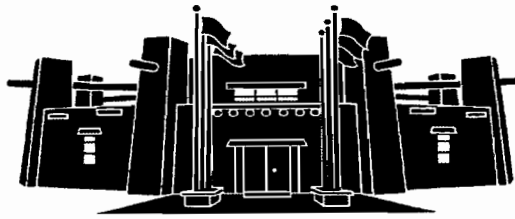
7 Fund principal shall not be expended except pursuant to a referendum adopted by a
8 ~~two-thirds (2/3) vote of all registered Navajo voters~~ a majority vote of registered voters
9 casting ballots. The Navajo Nation Council may place a "Referendum to Expend Trust
10 Fund Principal" on the ballot of any primary, general or special election by a two-thirds
11 (2/3) vote of the full membership of the Navajo Nation Council.

12
13 **Section Four. Effective Date**

14 The referendum measure as referred herein shall be effective if approved by referendum
15 vote and upon certification of such election results.

16
17 **Section Five. Saving Clause**

18 Should any provision of this legislation, or any provision of the measure approved by
19 referendum vote, be determined invalid by the Navajo Nation Supreme Court, or the District
20 Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those
21 portions of the legislation or measure not determined invalid shall remain valid and deemed the
22 law of the Navajo Nation.



MEMORANDUM

To : Hon. Amber Kanazbah Crotty, Delegate
Navajo Nation Council

A handwritten signature in black ink, appearing to be 'RH' or similar, written over a horizontal line.

From :
Ron Haven, Attorney
Office of Legislative Counsel

Date : May 7, 2015

Re : AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN
SERVICES, BUDGET AND FINANCE, NAABIK'ÍYÁTTI' AND THE
NAVAJO NATION COUNCIL; REFERRING REFERENDUM MEASURE
ON AMENDING 12 N.N.C. § 1174, THE VETERANS TRUST FUND

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. As to format, the resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.


OLC # 15-375-1



May 7, 2015

MEMORANDUM

TO : *Honorable Members*
Health, Education and Human Services Committee
Budget and Finance Committee
Naa'bik'iyati' Committee
Navajo Nation Council

FROM : 
Hon. LoRenzo C. Bates, *Speaker*
23rd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Health, Education and Human Services Committee, Budget and Finance Committee, Naa'bik'iyati' Committee and the Navajo Nation Council;

Legislation No. 0167-15

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE, NAABIK'YATI' AND THE NAVAJO NATION COUNCIL; REFERRING REFERENDUM MEASURE ON AMENDING 12 N.N.C. § 1174, THE VETERANS TRUST FUND.

As the Committee assigned to consider the legislation, Legislation No. 0167-15 must be placed on the Health, Education and Human Services Committee, Budget and Finance Committee, Naabik'iyati' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0167-15

xc: Hon. Ben Shelly, *President*
The Navajo Nation
Harrison Tsosie, *Attorney General*
Robert Willie, *Controller*
Dominic Beyal, *Executive Director, OMB*
Honorable Amber Kanazbah Crotty, Council Delegate (*Prime Sponsor*)

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0167-15__

SPONSOR: Amber Kanazbah Crotty

TITLE: An Action Relating To Health, Education and Human Services, Budget And Finance, NAABIK'IYATI' And Then Navajo Nation Council; Referring Referendum Measure On Amending 12 N.N.C. § 1174, The Veterans Trust Fund

Date posted: May 11, 2015 at 10:50AM

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.: 0167-15

SPONSOR: Honorable Amber Kanazbah Crotty

TITLE: An Action Relating To Health, Education And Human Services, Budget And Finance, Naabik'iyati' And Then Navajo Nation Council; Referring Referendum Measure On Amending 12 N.N.C. § 1174, The Veterans Trust Fund.

Posted: May 11, 2015 at 10:50 AM

5 DAY Comment Period Ended: May 16, 2015

Digital Comments received:

Comments Supporting (1)	1. Pete MacDonald, Sr.; President, Navajo Code Talkers Association.
Comments Opposing	<i>None</i>
Inclusive Comments (1)	1. Albert Deschine

1, 2, 11

**Executive Director
Office of Legislative Services**

5/18/2015 - 9:50 am

Date/Time

Tom Platero

From: Albert Deschine <albertdeschine@nndode.org>
Sent: Wednesday, May 13, 2015 8:31 AM
To: Tom Platero
Subject: RE: 167-15 and 0164-15

Tom,

Legislation 0167-15, which attempt to reduce the from 2/3 to a simple majority vote of the Navajo voters, does not disclose the purpose of why it is requesting to eliminate 2/3 and to require a mere simple majority to begin exhausting the fund principle of the Navajo Veteran Trust Fund, which will have a direct negative impact on the entire Navajo Veterans Trust Fund.

Legislation 0167-15 needs to be transparent to the Navajo public by explaining that it would be easier and quicker to expend the Fund Principal of the Navajo Veterans Trust Fund.

Further, Legislation -0167-15 appears to be vague.

For example, is the legislation referring to the original fund principal?

From the inception of the Navajo Veterans Trust Fund, the fund principal has been growing and increasing.

This increase of revenue is what makes the fund income (Revenue).

If the fund principal is decreased or diminished, the fund income (or revenue) will slow down and will not even increase any further for beneficial use by Navajo Veterans.

If that happens, the Navajo Veterans Trust Fund will be deplete very quickly.

In the aftermath and with an increase in Navajo veterans that need assistance in the next 100 years, there will be no more sufficient funds in the Navajo Veterans Trust Fund.

Based on this analysis, legislation 0167-15 needs to be re-review and/or defeated.

From: Tom Platero [mailto:tomplatero@navajo-nsn.gov]
Sent: Monday, May 11, 2015 4:18 PM
Subject: FW: 167-15 and 0164-15

Good Afternoon,

Legislation 167-15

Peter Mac Donald <cplmac44@gmail.com>

Wed 5/13/2015 12:18 PM

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

I am not sure what the reason is for amending the present Legislation. What amount is the principle? And what amount is the annual income expected from the principle? Yes, there is a lot of need within the Veteran society and much is yet to be done; therefore, I agree with the proposal. However, there should be a program established as to how the income is to be used.

Peter MacDonald, Sr.

President, Navajo Code Talkers Assn.

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0167-15

SPONSOR: Honorable Amber Kanazbah Crotty

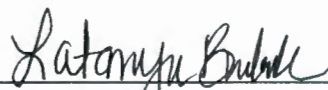
TITLE: An Action Relating To Health, Education And Human Services, Budget And Finance, Naabik'iyati' And Then Navajo Nation Council; Referring Referendum Measure On Amending 12 N.N.C. § 1174, The Veterans Trust Fund.

Posted: May 11, 2015 at 10:50 AM

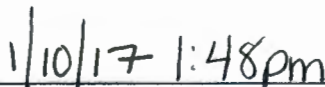
5 DAY Comment Period Ended: May 16, 2015

Digital Comments received:

Comments Supporting (1)	1. FDAVO-2015-05-005 – Resolution of Fort Defiance Agency Veteran Organization
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



**Policy Analyst
Office of Legislative Services**



Date/Time

**RESOLUTION OF THE FORT DEFIANCE AGENCY VETERAN ORGANIZATION
FDAVO-2015-05-005**



Fort Defiance Agency Veteran Organization is supporting Navajo Nation Council Legislation 0167-15 being sponsored by Delegate Amber K Crotty, to amend the Veterans Trust Fund.

WHEREAS:

1. The Fort Defiance Agency Veteran Organization is comprised of 26 Fort Defiance Agency Navajo Veterans Organization; and
2. Pursuant to the Navajo Nation Council Resolution CMA-25-71, the Fort Defiance Agency Navajo Veteran Organization was established, and which also established the Department of Navajo Veteran Affairs within the Executive Branch of the Navajo Nation; and
3. Acknowledging, the Fort Defiance Agency Veteran Organization and Navajo Nation Commanders, established their Plan of Operation, within this document the Veteran Organization is an integral part of the Department of Navajo Veteran Affairs; and
4. Acknowledging, the Fort Defiance Agency Veteran Organization is entrusted to strive toward unification of the Navajo Nation Veterans, and local resources to provide leadership and coordinate the needs of Veterans, and
5. The Veterans Trust Fund consists of a "principal" and the "income." The "principal" consists of funds appropriated by the Council. Interest from the principle are considered "income." The "income" generated from the Fund is used "on an annual basis" for "supplemental funding for programs and services to benefit veterans." The "income" is also used for administrative purposes in the management of the Fund; and
6. The process for the expenditure of the "principal" of the Veterans Trust Fund requires a referendum election. "Fund principal shall not be expended except pursuant to a referendum adopted by a two-third (2/3) vote of all registered Navajo voters; and
7. Pursuant to 11 N.N.C. §403(A), referendum measures are referred to Navajo Nation voters through the Navajo Nation Council; and
8. The Descriptive Summary would be the use of the fund principal of the Navajo Nation Veterans Trust Fund requires a referendum vote of registered voters of the Navajo Nation. The referendum ballot question from the Navajo Nation Council is to give Navajo voters the opportunity to decide whether the vote requirement in the use of the Fund Principal should be changed. The ballot question will be whether the current 2/3 vote requirement should be changed to a majority vote cast.

NOW, THEREFORE BE IT RESOLVED THAT;

Fort Defiance Agency Veteran Organization is supporting Navajo Nation Council Legislation 0167-15 being sponsored by Delegate Amber K Crotty, to amend the Veterans Trust Fund. The referendum ballot question from the Navajo Nation Council is to give Navajo voters the opportunity to decide whether the vote requirement in the use of the Fund Principal should be changed. The ballot question will be whether the current 2/3 vote requirement should be changed to a majority vote cast.

CERTIFICATION

I hereby certify that the Fort Defiance Agency Veteran Organization, Navajo Nation Veterans at a duly called meeting at Kin Da Lichii Chapter in Arizona at which a quorum of 23 Chapters were present, duly considered the foregoing resolution and the same was passed by the vote of 49 in favor, 03 opposed and 05 abstained on the 14th day of May 2015.

Darryl T. Ahasteen, Commander
Fort Defiance Agency Veteran Organization

Motion by: Samuel Joe
Seconded by: Earl Milford

FDAVO-2015-05-005