

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'YATI' 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

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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

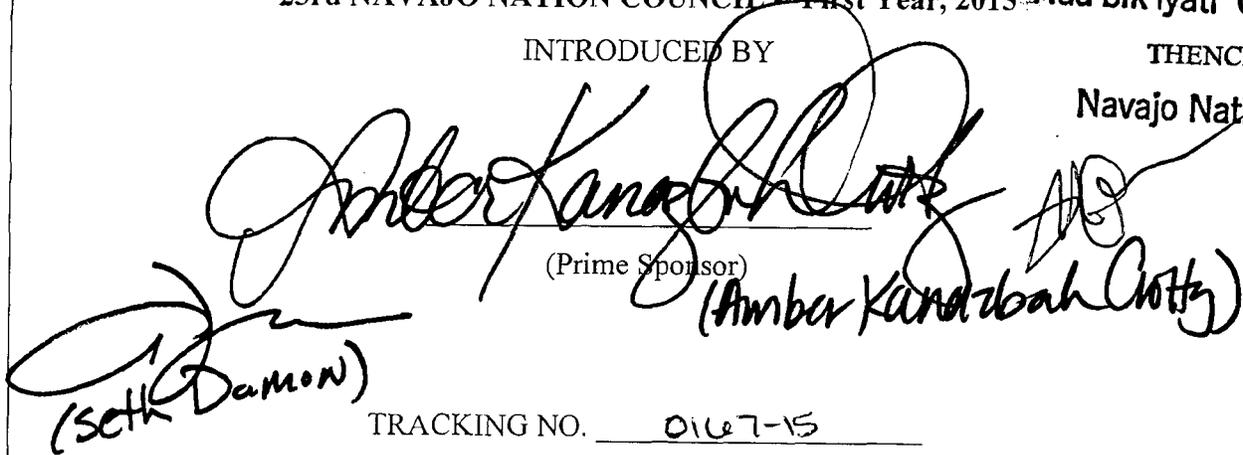
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL - First Year, 2015 Naa'biik'iyáti' Committee

INTRODUCED BY

THENCE

Navajo Nation Council


(Seth Damon) (Prime Sponsor) (Amber Kandarwah Cotty)

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'iyáti' 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 _____

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.



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'IYATI' 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*)