

LEGISLATIVE SUMMARY SHEET

Tracking No. 0155-15

DATE: May 5, 2015

TITLE OF RESOLUTION: AN ACT RELATING TO BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND THE NAVAJO NATION COUNCIL; REFERRING A REFERENDUM MEASURE ON EXPENDITURE OF FUND PRINCIPAL PURSUANT TO 12 N.N.C. §904, PERMANENT TRUST FUND

PURPOSE: This resolution will refer a referendum measure on expenditure of fund principal pursuant to 12 N.N.C. §904, Permanent 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: Latanya Babuk
Website Posting Time/Date: 7:56pm 5/5/15
Posting End Date: 5/10/15
Eligible for Action: 5/11/15

Budget & Finance Committee
THENCE
Naa'bik'íyáti' Committee
THENCE
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL – First Year, 2015

INTRODUCED BY

Kee Allen Begay JR
(Prime Sponsor)

TRACKING NO. 0155-15

AN ACT
RELATING TO BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND THE NAVAJO
NATION COUNCIL; REFERRING A REFERENDUM MEASURE ON
EXPENDITURE OF FUND PRINCIPAL PURSUANT TO 12 N.N.C. §904,
PERMANENT TRUST FUND

BE IT ENACTED:

Section One. Findings

- A. The Navajo Nation Permanent Trust Fund was established by the CJY-53-85.
- B. Each year, the Navajo Nation Council is mandated to "budget a sum equal to at least twelve percent (12%) of any and all projected revenues of the Navajo Nation...." 12 N.N.C. § 901.
- C. The *fund principal* of the Navajo Nation Permanent Trust Fund is defined as follows:
 - "Fund principal" shall consist of all Navajo Nation Council contributions made pursuant to the twelve percent (12%) yearly commitment of all revenues of the Navajo Nation, including, but not limited to, revenues received from taxes, oil and gas mining/minerals, timber, land rentals, interest/dividends, gain on sale of securities and other revenue producing activities, plus any additional contributions from any source. 12 N.N.C. §903(A).

1 D. The *fund principal* and the *fund income* of the Navajo Nation Permanent Trust
2 Fund are defined as follows:

3 "Fund income" shall consist of all earnings generated by the principal of the
4 Fund. 12 N.N.C. §903(B).

5 E. Navajo Nation law applicable to the Permanent Trust Fund provides -

6 "Fund principal shall not be expended except pursuant to a referendum
7 adopted by a two-thirds (2/3) majority of those voting in an election open to
8 all registered Navajo voters or as set forth in § 909 of this Chapter. The
9 Navajo Nation Council may place such a referendum on the ballot of any
10 general or special election by a two-thirds (2/3) vote of the Council." 12
11 N.N.C. §904(C).

12 F. Pursuant to 2 N.N.C. § 301(B)(2), the Budget and Finance Committee of the
13 Navajo Nation Council, among other duties and responsibilities, "review[s] and
14 recommend[s] to the Navajo Nation Council the budgeting, appropriation, investment
15 and management of funds."

16 G. Pursuant to 2 N.N.C. § 164(A)(9), the Naabik'íyáti' Committee of the Navajo
17 Nation Council reviews all proposed resolutions prepared for Navajo Nation Council
18 consideration.

19 H. Pursuant to 11 N.N.C. §403(A), referendum measures are referred to Navajo
20 Nation voters through the Navajo Nation Council.

21
22 **Section Two. Referring a Referendum Measure and Ballot Language on Use of**
23 **Fund Principal of the Permanent Trust Fund**

24 The Navajo Nation Council hereby refers a referendum measure and ballot
25 language on the use of the fund principal of the Permanent Trust Fund as follows:

26
27 **Official Title:** "Use of Fund Principal of the Navajo Nation Permanent Trust
28 Fund to fund certain programs and services."

29 **Descriptive Summary:** The use of the fund principal of the Navajo Nation
30 Permanent 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 by majority vote on whether the fund principal of the Navajo Nation Permanent Trust Fund in the amount of \$206,164,213 should be used to fund certain programs and/or services as provided in the text and budget provided hereof.

Brief Statement of Legal Effect:

A "YES" vote is in favor of using \$206,164,213 of the fund principal of the Navajo Nation Permanent Trust Fund for purposes of funding certain programs and/or services as described in the text and budget provided hereof.

A "NO" vote is against using the fund principal of the Navajo Nation Permanent Trust Fund for purposes stated in the attached text and budget. A "NO" vote will not expend any fund principal of the Permanent Trust Fund.

Referendum Ballot Question:

"Should the fund principal of the Navajo Nation Permanent Trust Fund in the amount of \$206,164,213 be used for purposes of funding certain programs and/or services as described in the complete text herein provided?

_____ "YES"

_____ "NO"

**Section Three. Complete Text of Proposed Legislation Referred by
Referendum Measure to use Fund Principal of Permanent Trust Fund**

The Navajo Nation Council hereby refers the complete text of the referendum measure to use the Fund Principal of the Navajo Nation Permanent Trust Fund in the amount of \$206,164,213 as follows.

The amount of \$206,164,213 from the fund principal of the Permanent Trust Fund, if the use of such fund is approved by voters of the Navajo Nation will be used to fund the Judicial and Public Safety Priority Listing, including:

- | | |
|---|--------------|
| 1. Chinle Judicial and Public Safety facility | \$ 1,100,000 |
| 2. Chinle Regional Public Safety Training Academy | \$ 8,064,213 |

| | |
|---|----------------------|
| 3. Dilkon Public Safety Facility | \$45,000,000 |
| 4. Shiprock Judicial and Public Safety Project | \$60,000,000 |
| 5. Pinon Judicial and Public Safety Project | \$32,000,000 |
| 6. Fort Defiance Judicial and Public Safety Project | \$60,000,000 |
| | Total: \$206,164,213 |

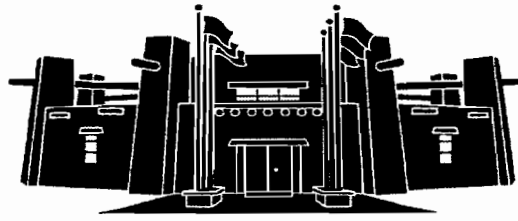
The Navajo Nation budget allocation process and procedures shall be used the expenditure of the fund principal of the Permanent Trust Fund should the referendum measure be approved by the Navajo voters.

Section Four. Effective Date

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


Section Five. Saving Clause

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



MEMORANDUM

To : Hon. Kee Allen Begay, Delegate
Navajo Nation Council

From : 

Ron Haven, Attorney
Office of Legislative Counsel

Date : May 5, 2015

Re : AN ACT RELATING TO BUDGET AND FINANCE, NAABIK'ÍYÁTI'
AND THE NAVAJO NATION COUNCIL; REFERRING A REFERENDUM
MEASURE ON EXPENDITURE OF FUND PRINCIPAL PURSUANT TO
12 N.N.C. §904, PERMANENT 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'.

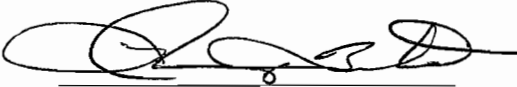
OLC # 15-395-1



May 5, 2015

MEMORANDUM

TO : *Honorable Members*
Budget and Finance Committee
Naabik'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 Budget and Finance Committee, Naabik'iyati' Committee and Navajo Nation Council;

Legislation No. 0155-15

Relating to Budget and Finance, Naabik'iyati' and the Navajo Nation Council; Referring a Referendum Measure on Expenditure of Fund Principal Pursuant to 12 N.N.C. §904, Permanent Trust Fund.

As the Committee assigned to consider the legislation, Legislation No. 0155-15 must be placed on the Budget and Finance Committee, Naabik'iyati' Committee and Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0155-15

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

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0155-15__

SPONSOR: Kee Allen Begay, Jr.

TITLE: An Action Relating To Budget And Finance, NAABIK'IYATI' And Navajo Nation Council; Referring a Referendum Measure On Expenditure Of Fund Principal Pursuant to 12 N.N.C. §904, Permanent Trust Fund

Date posted: May 5, 2015 at 7:56PM

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.: 0155-15

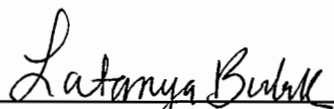
SPONSOR: Honorable Kee Allen Begay Jr.

TITLE: Relating To Budget And Finance, Naabik'iyati' And Navajo Nation Council; Referring A Referendum Measure On Expenditure Of Fund Principal Pursuant To 12 N.N.C. §904, Permanent Trust Fund.

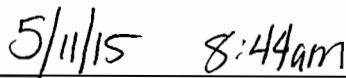
Posted: May 5, 2015 at 7:56 PM

5 DAY Comment Period Ended: May 10, 2015

Digital Comments received: *No comments were received.*



Policy Analyst
Office of Legislative Services



Date/Time

23rd NAVAJO NATION COUNCIL

First Year 2015

Mr. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0155-15:

An Act Relating to Budget and Finance, Naabikiyati and the Navajo Nation Council; Referring a Referendum Measure on Expenditure of Fund Principal Pursuant to 12 N.N.C. §904, Permanent Trust Fund *Sponsored by Kee Allen Begay, Jr., Council Delegate*

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And therefore, referred to the **NAABIKIYATI** Committee

Respectfully submitted,


Jonathan Nez, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

11 MAY 2015

The vote was **2** in favor **1** opposed
Absent: Lee Jack, Sr., Seth Damon

**NAABI'YATI COMMITTEE
23rd NAVAJO NATION COUNCIL**

FIRST YEAR 2015

COMMITTEE REPORT

Mr. Speaker,

The **NAABIK'IYATI COMMITTEE** to whom has been assigned:

- **Legislation # 0155-15:** An Action Relating to Budget and Finance, Naabik'Iyati and the Navajo Nation Council; Referring a Referendum Measure on Expenditure of Fund Principal pursuant to 12 N.N.C. § 904, Permanent Trust Fund. *Sponsor: Honorable Kee Allen Begay, Jr.*

Has had it under consideration and report the same with a **DO PASS** with the no amendment

and thereafter referred to Navajo Nation Council.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'LoRenzo C. Bates', written over a horizontal line.

LoRenzo C. Bates, Chairperson
Naabik'Iyati Committee
Of the 23rd Navajo Nation Council

Date : May 14, 2015
Motion: Dwight Witherspoon
Second: Davis Filfred
Vote : 11-2



RECORD OF NAVAJO NATION COUNCIL ACTION

23RD Navajo Nation Council---First Year 2015

LEGISLATION 0155-15

Introduced by the Honorable Kee Allen Begay, Jr.

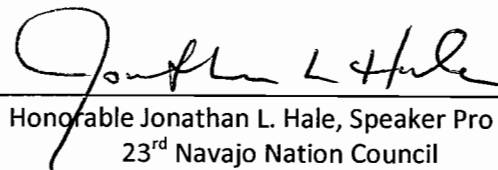
An Act relating to Budget and Finance; Naabik'iyáti' and the Navajo Nation Council; Referring a referendum measure on expenditure of fund principal pursuant to 12 N.N.C. § 904, Permanent Trust Fund

TO THE 23RD NAVAJO NATION COUNCIL:

The Navajo Nation Council, to whom has been referred Legislation 0155-15, has had it under consideration and reports a **TABLING** action on the 19th Day of May, 2015. Legislation 0155-15 is tabled until the 2015 Fall Navajo Nation Council Session with instructions to the Sponsor:

- 1) Obtain a written report from the Judicial Branch on the need to fund court facilities;
- 2) Division of Public Safety to provide correctional population and related data to support the need to fund Detention facilities, e.g. status report on public safety building construction; provide Navajo Nation historical data on crime rates, types of offenses, number of incarceration days, repeat offenses, rehabilitation programs; highlight federal reports and publications that studied Navajo Nation crime and justices to support funding request, etc.;
- 3) The Speaker of the Navajo Nation Council to create a Division of Public Safety Task Force to review the concerns and develop corrective measures

THENCE, LEGISLATION 0155-15 IS ON TABLE STATUS UNTIL THE 2015 FALL NAVAJO NATION COUNCIL SESSION.


Honorable Jonathan L. Hale, Speaker Pro Tem
23rd Navajo Nation Council

Motion: Honorable Otto Tso
Second: Honorable Seth Damon
Vote:

SUMMARY OF LEGISLATIVE MOTIONS

| MOTION | MOTIONING PARTIES | ACTION |
|--|--|---|
| Motion to TABLE until the Fall Session with instructions on obtaining a report from the Judicial Branch, provide data to support funding and to create a Division of Public Safety Task Force | Motion: Honorable Davis Filfred Second: Honorable Alton Joe Shepherd | Motion Carried 10 in favor, 9 opposed, 0 abstained |
| Amendment # 1 Page 4 of 4, line 5, ADD Number <u>7. Leupp Fire and Police Substation \$10,000,000</u> And re-number the totals | Motion: Honorable Walter Phelps Second: Honorable Seth Damon Vote: | Motion superseded by a Tabling Motion |
| Motion to Table and bring back by Fall Session | Motion: Honorable Alton Joe Shepherd Second: Honorable Leonard Pete | Motion Failed 10 in favor; 11 Opposed; 0 abstained |
| Amendment # 1 1. Page 3, lines 4, 7, 15, 25, 26, STRIKE \$206,164,213 and replace with <u>\$356,164,213.00</u> 2. Page 3, line 28, after "Judicial" STRIKE "and" and Add NEW Language, "Public Safety Priority Listing, <u>preventive youth complex and /or treatment centers</u> " 3. Page 4, line 5, STRIKE "Total \$206,164,213 " and ADD New numbers 7 and 8. <u>7. 110 Chapters (using 50/50 formula) for youth services and/or treatment centers \$90,000,000</u> <u>8. Navajo Nation Headstart for rebuilding /remodeling 100 centers \$60,000,000</u> REVISED Total \$206,164,213 to read Total <u>\$356,164,213</u> 4. Renumber or re-letter succeeding paragraphs or sections accordingly, if necessary | Motion: Honorable Amber K. Crotty Second: Honorable Nathaniel Brown | Motion Failed 9 in favor; 11 Opposed; 0 abstained |

| | | |
|---|---|---|
| <p>Amendment # 1</p> <ol style="list-style-type: none"> 1. Page 3, line 30, strike the word " Chinle" 2. Page 4, STRIKE lines 1-5 and replace with NEW language for Number 3. <ol style="list-style-type: none"> 1. Dilkon Public Safety Facility \$45,000,000 2. Shiprock Judicial and Public Safety Project \$60,000,000 3. Pinon Judicial and Public Safety Project \$32,000,000 4. Fort Defiance Judicial and Public Safety Project \$60,000,000 Total: \$206,164,213 3. <u>Police substations with police housing after determination of feasible locations for geo-effective police services</u> 4. Renumber or reletter appropriate paragraphs or sections accordingly, if necessary; and this amendment shall supersede inconsistent language contained in any other prior amendment. | <p>Motion: Honorable Leonard Tsosie</p> <p>Second: Honorable Benjamin Bennett</p> | <p>Motion Failed</p> <p>8 in favor, 13 opposed, 0 abstained</p> |
|---|---|---|

SUMMARY OF DELIBERATION
Legislation 0155-15

| QUESTIONS/COMMENTS | RESPONSES |
|---|-----------|
| 1. Are detention data available to support the request for funding? Data was presented at the national meetings to justify funding for Navajo jails, is that available? How is capacity determined? | |
| 2. Jail space is sufficient, in fact underutilized; redirect funding towards building police substations in extreme rural areas to improve police response time and improve public safety | |
| 3. Build police communication technologies to enhance officer safety when responding to situation/emergencies in the rural areas. | |
| 4. Create trust funds for the children of fallen police officers | |
| 5. Implement incentives/benefits/retirement packages/housing for police officers stationed at rural substation | |
| 6. Wheatfield Chapter has withdrawn land for a police substation; Navajo and county law enforcement are willing to locate to the area; development funds needed | |
| 7. Hiring more police officers must take precedence over building police substations; More officers deter crimes; Huerfano Police Substation sits empty due to no officers; | |
| 8. The Legislation should not determine the location of the Police Academy; location factors should be considered by the Navajo Nation Council | |
| 9. Communities are asking for police protection | |
| 10. The Law and Order Committee hope to collaborate with the Presidential appointed Division of Public Safety Division Director to seriously address public safety concerns | |
| 11. Legislation 0155-15 is a referendum legislation; Do not rush-refine it first; set up mechanism to inform the people | |
| 12. No assurance on whether existing infrastructure will support the new facilities ; Law and Order Committee has an approved priority list | |
| 13. There are greater needs of the Navajo people other than public safety facilities, e.g. water and sanitation and electricity; devote funding to youth | |

| | |
|--|--|
| 14. Not all the facilities being funded are detention facilities, rather it's a comprehensive system | |
| 15. There are areas where serious crimes are occurring justifying the need for detention facilities and police services , i.e. Pinon, Shiprock | |
| 16. The root problem is not being addressed and that is the family environment and how children are raised; is research data available to help families? | |
| 17. What happens if the PTF is depleted? Keep funds in reserve for future generation. | |
| 18. Consider the reoccurring maintenance costs for upkeep of the facilities | |
| 19. Set referendum election in November to allow time to refine the language, work out the details and develop a plan | |
| 20. Consider other funding | |

23rd NAVAJO NATION COUNCIL First Year 2015

Mr. Speaker:

The **NAVAJO NATION COUNCIL** to whom has been assigned:

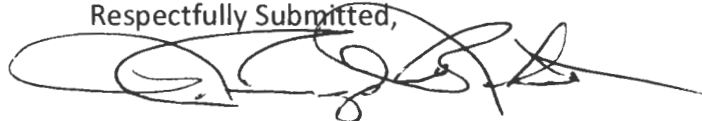
NAVAJO LEGISLATIVE BILL #0155-15

An Action Relating to Budget and Finance Committee, Naabik'iyati' Committee and the Navajo Nation Council; Referring a Referendum Measure on Expenditure of Fund Principal Pursuant to 12 N.N.C. §904, Permanent Trust Fund

Sponsored by: Honorable Kee Allen Begay, Jr.

Has had it under consideration and reports the same with a **FAILED VOTE**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'LoRenzo Bates', written over the text 'Respectfully Submitted,'.

Honorable LoRenzo Bates, Speaker
NAVAJO NATION COUNCIL

20 OCTOBER 2015

MAIN MOTION:

Motioned: Honorable Otto Tso

Seconded: Honorable Seth Damon

VOTE: 08 in Favor and 14 Opposed (Speaker Bates not voting)

NOTE: Per 12 N.N.C. § 904, "The Navajo Nation Council may place such a referendum on the ballot of any general or special election by a two-thirds (2/3) vote of the Council."

NAVAJO NATION

RCS# 288

Fall Session

10/20/2015

11:01:12 AM

Amd# to Amd#

Recall Legislation No. 0155-15

PASSED

MOT Hale

SEC Daniels

Yea : 15

Nay : 0

Not Voting : 9

Yea : 15

Begay, K
BeGaye, N
Crotty
Damon

Daniels
Filfred
Hale
Pete

Phelps
Shepherd
Slim
Smith

Tso
Tsosie
Witherspoon

Nay : 0

Not Voting : 9

Bates
Begay, M
Begay, NM

Bennett
Brown

Chee
Jack

Perry
Yazzie

NAVAJO NATION

RCS# 289

Fall Session

10/20/2015
01:06:45 PM

Amd#1 to Amd#

Page 4 of 4

FAILED

MOT Phelps

Line 2, overstrike \$60,000,00

SEC Slim

and replace with \$45,000,000
for Leupp/Kaibeto/Pinon Chapter

Yea : 10

Nay : 12

Not Voting : 2

Yea : 10

Begay, K
Begay, NM
Damon

Filfred
Jack
Phelps

Slim
Smith

Tso
Witherspoon

Nay : 12

Begay, M
BeGaye, N
Bennett

Brown
Chee
Crotty

Daniels
Hale
Perry

Pete
Shepherd
Tsosie

Not Voting : 2

Yazzie

Bates

NAVAJO NATION

RCS# 290

Fall Session

10/20/2015
01:15:19 PM

Amd# to Amd#

Legislation N0. 0155-15

FAILED

MOT Tso

Referring a Referendum Measure

SEC Damon

on Expenditure of Fund Principal
pursuant to 12 N.N.C. Sec. 904

Yea : 8

Nay : 14

Not Voting : 2

Yea : 8

Begay, K
Brown

Filfred
Hale

Jack
Pete

Tso
Witherspoon

Nay : 14

Begay, M
Begay, NM
BeGaye, N
Bennett

Chee
Crotty
Damon
Daniels

Perry
Phelps
Shepherd

Slim
Smith
Tsosie

Not Voting : 2

Yazzie

Bates