

RESOLUTION OF THE
NAABIK'ÍYÁTI' STANDING COMMITTEE OF THE
24th NAVAJO NATION COUNCIL -- First Year, 2019

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING NEW MEXICO HOUSE JOINT RESOLUTION 1 TITLED "PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO, SUBJECT TO THE APPROVAL OF CONGRESS, TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE PERMANENT FUNDS, INCLUDING DISTRIBUTIONS FROM THE PERMANENT SCHOOL FUND FOR EARLY CHILDHOOD EDUCATION SERVICES"

WHEREAS

- A. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Naabik'íyáti' Committee to coordinate all state programs, including education in public schools. See 2 N.N.C. §§ 700 (A), 701 (A) (6).
- B. The Navajo Nation has a government-to-government relationship with the State of New Mexico.
- C. Representatives Antonio "Moe" Maestas and Javier Martinez introduced New Mexico House Joint Resolution 1 to the 54th Legislature of the State of New Mexico. See New Mexico HJR 1 attached hereto as Exhibit A.
- D. New Mexico HJR 1 seeks to amend Article 12, Section 7 of the Constitution of New Mexico to provide for additional funds for Early Childhood Educational Services.

THEREFORE, BE IT RESOLVED

- A. The Navajo Nation hereby supports New Mexico House Joint Resolution 1 titled "PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO, SUBJECT TO THE APPROVAL OF CONGRESS, TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE PERMANENT FUNDS, INCLUDING DISTRIBUTIONS FROM THE PERMANENT SCHOOL FUND FOR EARLY CHILDHOOD EDUCATION SERVICES" attached hereto as Exhibit A.

- B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council, President of the Navajo Nation, and their designees, to advocate the Navajo Nation's support of the New Mexico Joint Resolution 1.

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 24th 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 22 in Favor, and 00 Opposed, on this 11th day of February 2019.



Honorable Seth Damon, Chairman
Naabik'iyáti' Committee

Motion: Honorable Jamie Henio

Second: Honorable Vince James

Chairman Seth Damon not voting



HOUSE JOINT RESOLUTION 1
54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY
Antonio "Moe" Maestas and Javier Martínez

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE
CONSTITUTION OF NEW MEXICO, SUBJECT TO THE APPROVAL OF
CONGRESS, TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE
PERMANENT FUNDS, INCLUDING DISTRIBUTIONS FROM THE PERMANENT
SCHOOL FUND FOR EARLY CHILDHOOD EDUCATIONAL SERVICES.

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

SECTION 1. It is proposed to amend Article 12, Section 7
of the constitution of New Mexico to read:

"A. As used in this section, "fund" means the
permanent school fund described in Article 12, Section 2 of
this constitution and all other permanent funds derived from
lands granted or confirmed to the state by the act of congress
of June 20, 1910, entitled "An act to enable the people of New
Mexico to form a constitution and state government and be

1 admitted into the union on an equal footing with the original
2 states.".

3 B. The fund shall be invested by the state
4 investment officer in accordance with policy regulations
5 promulgated by the state investment council.

6 C. In making investments, the state investment
7 officer, under the supervision of the state investment council,
8 shall invest and manage the fund in accordance with the Uniform
9 Prudent Investor Act.

10 D. The legislature may establish criteria for
11 investing the fund if the criteria are enacted by a three-
12 fourths' vote of the members elected to each house, but
13 investment of the fund is subject to the following
14 restrictions:

15 (1) not more than sixty-five percent of the
16 book value of the fund shall be invested at any given time in
17 corporate stocks;

18 (2) not more than ten percent of the voting
19 stock of a corporation shall be held; and

20 (3) stocks eligible for purchase shall be
21 restricted to those stocks of businesses listed upon a national
22 stock exchange or included in a nationally recognized list of
23 stocks.

24 E. All additions to the fund and all earnings,
25 including interest, dividends and capital gains from investment

.211978.1

1 of the fund shall be credited to the fund.

2 F. Except as provided in Subsection G of this
3 section, the annual distributions from the fund shall be five
4 percent of the average of the year-end market values of the
5 fund for the immediately preceding five calendar years.

6 G. In addition to the annual distribution made
7 pursuant to Subsection F of this section, unless suspended
8 pursuant to Subsection [H] I of this section, an additional
9 annual distribution shall be made [~~pursuant to the following~~
10 ~~schedule~~] as provided in this subsection; provided that no
11 additional distribution shall be made pursuant to the
12 provisions of this subsection in any fiscal year if the average
13 of the year-end market values of the fund for the immediately
14 preceding five calendar years is less than ten billion dollars
15 (\$10,000,000,000).

16 [~~(1) in fiscal years 2005 through 2012, an~~
17 ~~amount equal to eight-tenths percent of the average of the~~
18 ~~year-end market values of the fund for the immediately~~
19 ~~preceding five calendar years; provided that any additional~~
20 ~~distribution from the permanent school fund pursuant to this~~
21 ~~paragraph shall be used to implement and maintain educational~~
22 ~~reforms as provided by law; and~~

23 ~~(2) in fiscal years 2013 through 2016 an~~
24 ~~amount equal to one-half percent of the average of the year-end~~
25 ~~market values of the fund for the immediately preceding five~~

1 ~~calendar years; provided that any additional distribution from~~
2 ~~the permanent school fund pursuant to this paragraph shall be~~
3 ~~used to implement and maintain educational reforms as provided~~
4 ~~by law]~~ Unless suspended pursuant to this subsection or
5 Subsection I of this section, additional annual distributions
6 shall be one percent of the average of the year-end market
7 values of the fund for the immediately preceding five calendar
8 years; provided that the amount of the additional distribution
9 from the permanent school fund shall be for early childhood
10 educational services administered by the state, as provided by
11 law.

12 H. As used in this section, "early childhood
13 educational services" means nonsectarian and nondenominational
14 services for children until they are eligible for kindergarten.

15 ~~[H.]~~ I. The legislature, by a three-fifths' vote of
16 the members elected to each house, may suspend any additional
17 distribution provided for in Subsection G of this section."

18 **SECTION 2.** The amendment proposed by this resolution
19 shall be submitted to the people for their approval or
20 rejection at the next general election or at any special
21 election prior to that date that may be called for that
22 purpose.

23 **SECTION 3.** The amendment proposed by this resolution
24 shall not become effective without the consent of the United
25 States congress.

NAVAJO NATION

RCS# 47

Naa'bik'iyati Committee

2/11/2019

02:17:36 PM

Amd# to Amd#

Legislation 0014-19: Supporting

PASSED

MOT Henio, J

New Mexico House Joint

SEC James, V

Resolution 1 Titled "Proposing
an Amendment to Article 12...

Yea : 22

Nay : 0

Excused : 0

Not Voting : 2

Yea : 22

Begay, E

Crotty

Nez, R

Tso, O

Begay, K

Daniels

Stewart, W

Walker, T

Begay, P

Freeland, M

Tso, C

Wauneka, E

BeGaye, N

Halona, P

Tso, D

Yazzie

Brown

Henio, J

Tso, E

Yellowhair

Charles-Newton

James, V

Nay : 0

Excused : 0

Not Voting : 2

Smith

Damon