



23rd NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Dwight Witherspoon, Primary
Sponsor of proposed legislation hereby withdraw my
sponsorship of the proposed legislation. The legislation
tracking number is 0297-15.

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

SPONSOR SIGNATURE:

Dwight Witherspoon

DATE:

1/26/16

LEGISLATIVE SUMMARY SHEET

Tracking No. 0297-15

DATE: August 21, 2015

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; NAVAJO NATION CODE AMENDMENT; AMENDING 12 N.N.C. § 905 THE NAVAJO NATION PERMANENT FUND, EXPENDITURE OF FUND INCOME

PURPOSE: This resolution if approved, will amend section 905 of the Navajo Nation Permanent Fund, 15 N.N.C. § 901 *et seq.*

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY

Dwight W. Thompson

(Prime Sponsor)

TRACKING NO. 0297-15

AN ACT

RELATING TO LAW AND ORDER, BUDGET AND FINANCE, AND
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
NAVAJO NATION CODE AMENDMENT;
AMENDING 12 N.N.C. § 905 THE NAVAJO NATION PERMANENT FUND,
EXPENDITURE OF FUND INCOME

BE IT ENACTED:

Section One. Findings and Purposes

- A. The Navajo Nation Council is the governing body of the Navajo Nation, pursuant to 2 N.N.C. § 102 (A).
- B. The Law and Order Committee of the Navajo Nation Council, pursuant to 2 N.N.C. § 601(B)(14), reviews and makes recommendations to the Navajo Nation Council proposed amendments to the Navajo Nation Code.
- C. Pursuant to 2 N.N.C. § 300(C) the Budget and Finance Committee of the Navajo Nation Council shall exercise oversight authority, including but not limited to, budget, finance, investment, bonds, contracting, insurance, audits, accounting, taxes, loans, Chapter budget and finance for the following purposes: 3) To recommend to the Navajo Nation Council the adoption of resolutions designed to strengthen the fiscal

1 and financial position of the Navajo Nation and to promote the efficient use of the
2 fiscal and financial resources of the Navajo Nation.

3 D. The Naabik'íyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §
4 164(A)(9), reviews proposed legislation which requires final action by the Navajo
5 Nation Council.

6 E. The Navajo Nation Permanent Fund, established in 1985, made available certain
7 funds after a 20 year period and such funds have been available for use since 2005;
8 however, the fund income of the Navajo Nation Permanent Fund continues to be
9 reinvested in the Permanent Fund.

10 F. The Navajo Nation Permanent Fund was established for the purpose of creating
11 reserves for future generations after finding that the Navajo Nation's General Reserve
12 Fund had been declining. See CJY-53-85, Whereas Clause Two and Six.

13 G. In 2014 the Navajo Nation approved the Five Year Capital Improvement Plan for
14 certain capital projects on the Navajo Nation and funding for such projects is
15 estimated at Two hundred ninety-five million, six hundred sixty-nine thousand, six
16 hundred seventy-six dollars and thirty five cents, \$295,669,676.35. Navajo Nation
17 Capital Improvement Plan 2013-2018 attached as Exhibit A.

18 H. For the past year the Navajo Nation collected information on the need for funding to
19 improve the infrastructure of the Nation and recent information for Navajo Nation
20 Divisions and Departments shows the need at Seven hundred and seven million five
21 hundred thousand dollars, \$707,500,000. Summary of Navajo Nation Division and
22 Department's Unmet Need attached as Exhibit B.

23 I. 12 N.N.C. § 903(B), the Navajo Nation Permanent Fund, defines fund income as
24 consisting of all earnings generated by the principal of the Fund.

25 J. The Navajo Nation is at a crossroad of continuing with deteriorating infrastructure or
26 accessing a fund for the purpose of improving the lives of the Nation's future
27 generation and finds it in the best interest of the Nation to amend the Navajo Nation
28 Permanent Fund.

29
30 **Section Two. Amendments to 12 N.N.C. § 905**

The Navajo Nation hereby amends Title 12, Chapter 8, Navajo Nation Permanent Fund, 12 N.N.C. § 905 as follows:

NAVAJO NATION CODE ANNOTATED

TITLE 12.

CHAPTER 8. NAVAJO NATION PERMANENT FUND

§ 905. Expenditure of Fund Income

No fund income shall be expended, except as set forth in 908 and 909 of this Chapter, for a period of 20 years from date of the first Navajo Nation contribution to the Fund. Thereafter, ~~ninety-five (95%)~~ one hundred percent (100%) of the fund income may be expended in accordance with a plan for its use covering at least a ~~five year~~ one year period adopted by resolution of the Navajo Nation Council provided that the expenditure of income in any fiscal year shall not exceed the income earned during that year. ~~The remaining five percent (5%) of the Fund income shall be reinvested in the Permanent Fund.~~

Section Three. Effective Date

The Act enacted herein shall be effective upon its approval pursuant to 2 N.N.C. §221(B).

Section Four. Codification

The provisions of this ordinance which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of

1 Legislative Counsel shall incorporate such amended provisions in the next codification of
2 the Navajo Nation Code.

3
4 **Section Five. Saving Clause**

5 Should any provisions of this ordinance be determined invalid by the Navajo Nation
6 Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo
7 Nation Supreme Court, those portions of this ordinance which are not determined invalid
8 shall remain the law of the Navajo Nation.

CN-97-98, November 24, 1998.

CO-89-98, October 20, 1998.

Chapter 8. Navajo Nation Permanent Fund

§ 901. Establishment

There is established the "Navajo Nation Permanent Fund" (hereinafter the "Fund"). Each year the Navajo Nation Council shall budget a sum equal to at least twelve percent (12%) of any and all projected revenue 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 for transfer to the Fund. Additional money may be added to the Fund at any time. Any money deposited into the Fund, plus accrued interest, shall thereafter be used only as provided in this Chapter. In the event actual revenue fails to meet projected revenue, or excess projected revenue, the amount appropriated and transferred shall be adjusted to equal twelve percent (12%) of actual revenue. Transfers may be made in one or more installments.

History

CJY-53-85, July 25, 1985.

§ 902. Investment of the Fund

All amounts deposited in the Fund shall be invested as soon as is reasonably practical in accordance with the following limitations:

A. The funds shall be invested in accordance with the degree of care exercised by reasonable and prudent managers of large investments intended to produce maximum growth of the investments with a high degree of safety. In addition, the Fund may be invested in any other investments approved by the Budget and Finance Committee of the Navajo Nation Council and the Navajo Nation Council.

B. Management of the investments may be delegated to third parties by written contract recommended by the Navajo Bond Financing and Investment Committee and approved by the Budget and Finance Committee of the Navajo Nation Council.

History

CJY-53-85, July 25, 1985.

Note. The Budget and Finance Committee is authorized to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. See 2 N.N.C. § 374(B)(1).

§ 903. Definition of principal and income

A. "Fund principal" shall consist of all Navajo Nation Council

the period covered by the report, a statement of the Fund performance and other information relevant to the management of the Fund.

History

CJY-53-85, July 25, 1985.

Note. Slightly reworded for purposes of statutory form.

§ 907. Amendments

This Chapter may be amended by a majority vote of the Navajo Nation Council except as follows:

A. Sections 903 and 904 may only be amended by referendum adopted in the manner prescribed for the expenditure of Fund principal in § 904.

B. Section 905 may be amended only by ninety percent (90%) vote of all of the members of the Navajo Nation Council.

C. Section 907 may not be amended or repealed until after 40 years from the date of enactment of this Chapter.

History

CJY-53-85, July 25, 1985.

Note. Slightly reworded for purposes of statutory form.

§ 908. Expenses

All expenses directly associated with the administration and management of the Navajo Nation Permanent Fund shall be paid from the Fund income as approved by the Budget and Finance Committee of the Navajo Nation Council and the Navajo Nation Council. Such expenses shall include an investment advisor and management fees, pursuant to a duly approved contract, audit costs, and other related expenses.

History

CJY-53-85, July 25, 1985.

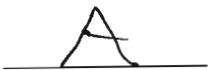
§ 909. Payment of bond obligation

In the event of an imminent default of any Navajo Nation bond obligation, the Navajo Nation Permanent Fund income and principal in that order may be used as a source of payment by two-thirds (2/3) vote of the Navajo Nation Council.

History

CJY-53-85, July 25, 1985.

Chapter 9. Navajo Nation Road Fund Management Plan



Chapter

NAVAJO NATION CAPITAL IMPROVEMENT PLAN 2013 - 2018

Chapter	
Agency/Proposal Number	
Project Description	
STATUS	
Chapter Resolution	Planning (Chapter)
Land Survey	
Land User Consent	
Environmental Assessment	
Archeology	
Legal Survey	
Rights of way Land withdrawal	
% Completed	
Conceptual	Design A/E
Schematic	
Design	
Plans and Specs	Construction Documents
Blueprint	
% Completed	Phase Request
Planning	
Design	
Construction	
Anticipated source of funds	
Requested Amount	
Renewal/Renovation	Inventory
Replacement	
Expansion	
Retirement	
Anticipated Capital Cost	
Anticipated Annual Operating Cost	
Estimated Completion Date	
Lead Agency Adopted Plan or Policy	
Classification of Project	
Recommended Year of Appropriation	

Bathroom Addition																														
Rough Rock	C/1	Construct Scattered Bathroom Addition - No Proposal																												
Round Rock	C/2	Bathroom Addition (40)	182	X	X	X	X	X	X	X																				
Mariano Lake	E/3	Bathroom Addition (32) homes	1	156	X	X	X	X	X	100%			X																	
Jedillo	F/4	B/A for Project R44	5	128	X	NA	NA	NA	NA	100%																				
Houck	F/5	Burnt Water (Q-84) B/A - W/L	2	136	X	NA	NA	NA	NA	100%																				
Santoslee	S/8	Bathroom Addition - No Proposal																												
Manuelillo	E/7	26 Bathroom Addition - No Proposal																												
Pueblo Pinalao	E/129	Bathroom Addition Project	0	130	X					50%																				
Low Mountain	F/122	Bathroom Addition	1	130	Q	NA	NA	NA	NA	100%																				
			\$ 4,555,500.00																											

Housewiring																														
Greasewood	F/8	Scattered Housewiring	1	122	N/A	N/A	N/A	N/A	X	N/A	N/A	100%																		
			\$ 230,000.00																											

Headstart																														
Hard Rock	C/10	Modular Building - Headstart - No Proposal																												
Tse'i'tah	E/11	Head Start	1	166	X	X	X	X	X	100%			X																	
Iyamblo	E/12	Headstart Building	1	166	X	X	X	X	X	100%			X																	
Kinicktee	F/13	New Headstart Building	3	142	X	X	X	X	X	100%																				
Whitescore	F/14	New Headstart Building	1	66	X	X	X	X	X	100%																				
Aziec	15	New 112 Beds Residential Demitory	104	X	X	N/A	X	X	X	100																				
Shiprock Associated Schools	126	Residential Program Demitory Construction	104	X	X	N/A	X	X	X	100																				
			\$ 5,598,369.00																											

LEGEND
 * = Project Sponsor Requesting Funds X = On file N/A = Not Applicable
 None = Not on file NA = Not Available
 L = Local Govt. Impvt. Project
 C = Capital

Chapter	Agency/Proposal Number	Project Description	STATUS																Anticipated source of funds	Requested Amount	Inventory				Anticipated Capital Cost	Anticipated Annual Operating Cost	Estimated Completion Date	Lead Agency Adopted Plan or Policy	Classification of Project	Recommended Year of Appropriation																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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			Chapter Resolution	Land Survey	Land User Consent	Environmental Assessment	Archeology	Legal Survey	Rights of way Land withdrawal	% Completed	Conceptual	Schematic	Design	Plans and Specs	Blueprint	% Completed	Planning	Design			Construction																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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[illegible]

Tsalali-Cottonwood	C/I04	Cottonwood NNV Waterline Extension	1 200	X	X	X	X	X	X	X	X					\$400,000.00	X		X					
Becenti	E/I05	Waterline Project	1 200	X	X	X	X	X	X	X	X	X	X	X		\$500,000.00		X						
Alamo	E/I06	Water System Project -No Proposal																						
Rock Point	S/I07	Whitesprings Waterline	1 120	X		X	X	X	X	X	X	X	X	X		\$8,308,000.00	X		X					
LeChee	W/I08	LeChee/PAGE Waterline Project	158	X	X	X	X	x	X	X	X	X	X	X	X	\$3,730,249.00								
Manny Farms	C/I10	Irrigation Project	1 120	X											X	\$2,000,000.00	X		X					
Tsalali/Wheatfields	C/I11	Wheatfields Lake Development	1 136	X	X	X	X	X	X	X	X	X	X	X		\$6,000,000.00	X		X					
Shiprock	S/I12	Farm Drainage Rehabilitation	3 106	X												\$4,650,000.00								
Forest Lake	C/I14	Manympus Water Supply	1 76	X	X	X	X	X	X	X	X	X	X	X	X	\$2,257,200.00	X		X					

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Chapter	Agency/Proposal Number	Project Description	STATUS										Phase Request		Anticipated source of funds	Requested Amount	Inventory				Anticipated Capital Cost	Anticipated Annual Operating Cost	Estimated Completion Date	Lead Agency Adopted Plan or Policy	Classification of Project	Recommended Year of Appropriation	
Huerfano	E/75	Senior Center	1	156	X	X	X	X	X	X	X	100%	X	X	20%	X	X	\$950,000	X	X	X	X	X	X	X	X	X
Casamiro Lake	E/79	New Senior Center	3	84	X							10%						\$600,000	X								

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NAVAJO NATION CAPITAL IMPROVEMENT PLAN 2013 - 2018

Chapter	Agency/Proposal Number	Project Description	STATUS												Phase Request	Anticipated source of funds	Requested Amount	Inventory				Anticipated Capital Cost	Anticipated Annual Operating Cost	Estimated Completion Date	Lead Agency/ Adopted Plan or Policy	Classification of Project	Recommended Year of Appropriation	
			Planning (Chapter)						Design M/E		Construction Documents		Renovation	Replacement				Expansion	Retirement									
			Chapter Resolution	Land Survey	Land User Consent	Environmental Assessment	Archeology	Legal Survey	Rights of way Land withdrawal	% Completed	Conceptual	Schematic								Design	Plans and Specs							Blueprint
Chapter House Renovation	E/53	Baahaei Chapter House Improvement Project	1	124	X	X	X	X	X	X	100%	X	X	X	X	X	100%			X	X				X	X		
	E/54	Chapter Building Renovation & construction	1	138	X	X	X	X	X	X	100%	X	X	X	X	X	100%			X	X				X	X		
	E/55	Chapter House Renovation	1	112	X	X	X	X	X	X	100%	X	X	X	X		60%			X	X				X	X		
	F/56	Chapter House Renovation	1	100	X	X	N/A	X	X	X	100%	X	X	X	X		90%										X	
	F/57	Chapter House Renovation	1	122	0	X	N/A	X	X	X	100%	X	X	X	X		90%									X		
	F/58	Admin Bldg/Chapter House Renovation	0	84	X	X	N/A	X	X	X	100%	X	X	X	X		60%									X		
	F/59	Chapter House Renovation	0	138	X	X	N/A	X	X	X	100%	X	X	X	X		60%									X		
	F/60	Chapter House Renovation	1	102	X	X	X	X	X	N/A	100%	X	X	X	X	X	100%									X		
	S/61	Reovale Old Upper Fruitland Chapter Building - <i>in Proposal</i>		40																								

NAVAJO NATION CAPITAL IMPROVEMENT PLAN 2013 - 2018

Chapter	Agency/Proposal Number	Project Description	IP	S	STATUS										Phase Request				Anticipated source of funds	Requested Amount	Inventory				Anticipated Capital Cost	Anticipated Annual Operating Cost	Estimated Completion Date	Lead Agency Adopted Plan or Policy	Classification of Project	Recommended Year of Appropriation
					Planning (Chapter)							Design A/E			Construction Documents		% Completed	Planning			Design	Construction	Renewal/Renovation	Replacement						
					Chapter Resolution	Land Survey	Land User Consent	Environmental Assessment	Archeology	Legal Survey	Rights of way Land withdrawal	Conceptual	Schematic	Design	Plans and Specs	Blueprint														

Parks and Rec	43	Modular Building																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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New Chapter House																													
Blue Gap/Trachse	C/50	New Chapter House																											
St. Michaels	F/51	New Chapter House																											
Gafl Ahl	S/52	New Chapter House																											
Tonalea Chapter	W/37	New Chapter House Replacement																											

LEGEND
 * = Project Sponsor Requesting Funds X = On file N/A = Not Applicable
 L = Local Govt. Impvt. Project
 C = Capital
 None = Not on file NA = Not Available

Chapter		
Agency/Proposal Number		
Project Description		
0 - 0		
0 0 0 0		
Chapter Resolution	Planning (Chapter)	STATUS
Land Survey		
Land User Consent		
Environmental Assessment		
Archeology		
Legal Survey		
Rights of way Land withdrawal		
% Completed		
Conceptual	Design A/E	Phase Request
Schematic		
Design		
Plans and Specs		
Blueprint	Construction Documents	
% Completed		
Planning		
Design		
Construction		
Anticipated source of funds		
Requested Amount		
Renewal/Renovation	Inventory	
Replacement		
Expansion		
Retirement		
Anticipated Capital Cost		
Anticipated Annual Operating Cost		
Estimated Completion Date		
Lead Agency Adopted Plan or Policy		
Classification of Project		
Recommended Year of Appropriation		

**Governmental/
Multipurpose
Facilities**

Tonjiljee	E/17	Tonjiljee EMS Building Project	1	188	X	X	X	X	X	X	X	X	100%	X	X	X				\$1,500,000.00	X							X	X	X
Eastern Fleet Management	E/18	Navajo Nation Administration Building		160	X	X	X	X	X	X	X	X	100%	X				X		\$500,000.00	X									
Pinedale	E/19	Complex	1	154	X	X	X	X	X	X	X	X	100%	X				X		\$560,000.00	X									
Rock Springs	F/20	Multi-Purpose Buildings	1	176	X	X	N/A	X	X	X	X	N/A	100%	X	X				\$500,000.00	X						X				
Teesto	F/21	Community Center Ph II	1	116	X	X	N/A	X	X	X	X	N/A	100%	X	X	X			\$1,300,000.00	X						X				
Mexican Springs	F/23	New Govern. Complex	5	138	X	X	N/A	X	X	X	X	N/A	100%						\$1,000,000.00	X						X				
Naschtli	F/24	New Warehouse Barn	1	72	X	X	N/A	X	X	X	X	N/A	100%	X					\$315,000.00	X						X				
Tohatchi	F/25	New Warehouse	1	96	X	X	N/A	X	X	X	X	N/A	100%						\$210,000.00	X						X				
Twin Lakes	F/26	New Warehouse - No Proposal	2																											
Cystal	F/27	Multi-Purpose Buildings	1	191	X	X	X	X	X	X	X	N/A	100%		X	X			\$700,000.00			X				X				
Beclabito	S/28	Multi- Purpose Buildings - No Proposal	0	40	X																									
Nenanezad	S/28	Renovate Multi-Purpose Building	1	40	X														\$825,000.00											
Tse Daakann	S/30	Community Center	1	80	X														\$7,211,000.00											
Cove	S/31	Veterans Pavilion Project	1	102	X														\$130,000.00											
Sheepsprings	S/32	New Multi-Purpose Building	1	128	X														\$2,000,000.00											
Toadienna/Two Grey Hills	S/33	Veteran's Memorial Park	4	68	X														\$50,000.00											
Anesh	S/34	Bus Bay Warehouse/Equipment	11	190	X														\$490,000.00											
Red Mesa	S/35	New Administration Building	1	182															\$725,580.30											
Chickindeito	W/39	Multi-Purpose Buildings	182	X	X	X	X	X	X	X	X	X		X		X			\$4,757,356.00											
Carmon	W/40	Multi-Purpose Building	114	X	X		X	X	X	X	X	X		X					\$180,120.00											
Clc /Of Legislative Service	41	Renovation and Rehabilitation of the NN Council Chambers	192	0	NA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	100%	0	0	0	0		\$0	\$0	X					X				
NN Election Office	42	New Facility	152	X	X	NA	X	X	X	X	X	NA	100%	X	X	X	X		\$2,500,000.00	X						X				

L = Local Govt. Impvt. Project
C = Capital

Navajo Nation Divisions and Department's Unmet Needs

Navajo Department of Transportation	
Activity:	
Navajo Nation Tribal Transportation Improvement Program (TTIP)	\$6.5 Billion
Maintenance/ Safety Road Activities	\$1.4 Billion
Navajo Nation Airports	\$50 Million
Road Maintenance yards	\$50 Million
Equipment	\$50 Million
Total Cost of Actual Needs:	\$8 Billion

Former Bennett Freeze Area- Priority Projects	
Activity:	
Housing	\$2.9 Billion
Infrastructure & Utilities	\$561 Million
Transportation	\$109 Million
Health & Public Safety	\$640 Million
Community Facilities, Parks, & Recreation	\$266 Million
Economic Development	\$7 Million
Natural & Cultural Resources	\$2.2 Million
Education	\$436 Million
Total Cost of Actual Needs:	\$4.9 Billion

Department of Natural Resources	
Activity:	
Water Department Projects (includes Irrigation and Livestock)	\$126 Million
Mineral Department	\$120 Million
Historic Preservation	\$440 Thousand
Forestry Department	\$3.6 Million
Parks and Recreation	\$150 Million
Department of Agriculture	\$101 Million
Total Cost of Actual Needs:	\$501 Million

Department of Community Development	
Activity:	
Capital Improvement Projects	\$295 Million
Community Development Projects- Immediate needs	\$873 Million
Total Cost of Actual Needs:	\$1.1 Billion

Department of Navajo Veterans Affairs	
Activity:	
Chinle Agency	\$2.6 Million
Total Cost of Actual Needs:	\$2.6 Million

Navajo Nation Divisions and Department's Unmet Needs

Division of Economic Development	
Activity:	
Ganado Shopping Center	\$2 Million
Nahatadzil Shopping Center	\$2 Million
Dennehotso Retail Center	\$2.8 Million
Total Cost of Actual Needs:	\$ 6.8 Million

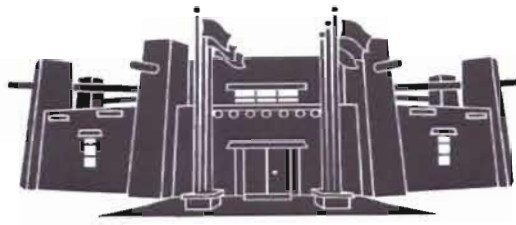
Healthcare	
Activity:	
NavajoLand Nursing Home, INC	\$28 Million
Department of Health	\$14 Million
TseHootsooi Medical Center	\$37 Million
Total Cost of Actual Needs:	\$79 Million

Education	
Activity:	
St. Michaels Special Education	\$3 Million
Rehoboth Christian High School	\$2.2 Million
Navajo Prep School, INC.	\$9.5 Million
Ramah School	\$4.4 Million
Dine College and Navajo Technical University	\$60 Million
Office of Navajo Nation Student Financial Aid	\$25 Million
Total Cost of Actual Needs:	\$104.1 Million

Amendment to Chapter 8. Navajo Nation Permanent Fund

905. Expenditure of Fund income

No fund income shall be expended, except as set forth in 908 and 909 of this Chapter, for a period of 20 years from date of the first Navajo Nation contribution to the Fund. Thereafter, ~~ninety-five percent (95%)~~ one hundred percent (100%) of the fund income may be expended in accordance with a plan for its use covering at least a ~~five-year~~ one year period adopted by resolution of the Navajo Nation Council provided that the expenditure of income in any fiscal year shall not exceed the income earned during that year. ~~The remaining five percent (5%) of the Fund income shall be reinvested in the Permanent Fund.~~



MEMORANDUM

TO: Honorable Dwight Witherspoon
Navajo Nation Council Delegate

FROM: 
Levon Henry, Attorney

DATE: August 21, 2015

SUBJECT: AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; NAVAJO NATION CODE AMENDMENT; AMENDING 12 N.N.C. § 905 THE NAVAJO NATION PERMANENT FUND, EXPENDITURE OF FUND INCOME

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Sponsor", and submit it to the office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of the changes you would like to make to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0297-15_

SPONSOR: Dwight Witherspoon

TITLE: An Action Relating To Law And Order, Budget And Finance, And NAABIK'IYATI' Committees And The Navajo Nation Council; Navajo Nation Code Amendment; Amending 12 N.N.C. § 905 The Navajo Nation Permanent Fund, Expenditure Of Fund Income

Date posted: August 24, 2015 at 4:35PM

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.: 0297-15

SPONSOR: Honorable Dwight Witherspoon

TITLE An Action Relating To Law And Order, Budget And Finance, And Naabik'iyati' Committees And The Navajo Nation Council; Navajo Nation Code Amendment; Amending 12 N.N.C. § 905 The Navajo Nation Permanent Fund, Expenditure Of Fund Income.

Posted: August 24, 2015 at 4:35 PM

5 DAY Comment Period Ended: August 29, 2015

Digital Comments received: *No comments received.*


Policy Analyst
Office of Legislative Services

8/31/15 9:01am
Date/Time

**LAW AND ORDER COMMITTEE
23rd NAVAJO NATION COUNCIL**

FIRST YEAR 2015

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to whom has been assigned:

Legislation # 0297-15: An Act Relating to Law and Order, Budget and Finance, and Naabik'iyáti' Committees and the Navajo Nation Council; Navajo Nation Code Amendment; Amending 12 N.N.C. § 905 The Navajo Nation Permanent Fund, Expenditure of Fund Income.

Has had it under consideration and reports the matter **Passed** with no Amendment and thereafter the matter will be referred to the Budget and Finance Committee.

Respectfully submitted,



Raymond Smith, Jr., Vice-Chairperson
Law and Order Committee
23rd Navajo Nation Council

Date: September 21, 2015

Motion: K. A. Begay, Jr.

Second: J Perry

Vote: 2-0

23rd NAVAJO NATION COUNCIL

First Year 2015

Mr. Speaker:

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

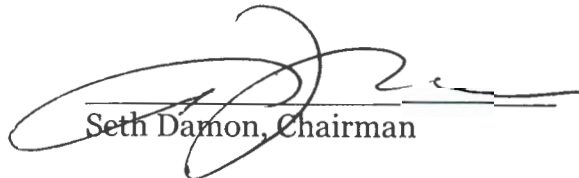
NAVAJO LEGISLATIVE BILL # 0297-15:

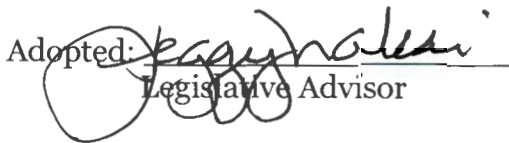
An Act Relating to Law and Order, Budget and Finance, and Naabikiyati Committees and the Navajo Nation Council; Navajo Nation Code Amendment; Amending 12 N.N.C. § 905 the Navajo Nation Permanent Fund, Expenditure of Fund Income *Sponsored by Dwight Witherspoon, Council Delegate*

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,

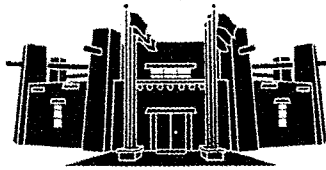

Seth Damon, Chairman

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

13 October 2015

The vote was **4** in favor **0** opposed
Absent: Mel R. Begay



NAABIK'ÍYÁTI' COMMITTEE REPORT

23rd NAVAJO NATION COUNCIL—FIRST YEAR 2015

LEGISLATION 0297-15

Introduced by the Honorable Dwight Witherspoon

An Act Relating to Law and Order, Budget and Finance, and Naabikiyati Committees and the Navajo Nation Council; Navajo Nation Code Amendment; Amending 12 N.N.C. § 905 the Navajo Nation Permanent Fund, Expenditure of Fund Income

TO THE NAABIK'İYATI' COMMITTEE:

The Naabik'íyáti Committee, to whom has been referred Legislation 0297-15, reports a **DELETION** off the agenda by the sponsor on this 14th Day of October, 2015.

THENCE THE LEGISLATION REMAINS WITH THE NAABIK'İYATI' COMMITTEE

Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE

DELETION MOTION:

Motion: Honorable Dwight Witherspoon
Second: Honorable Seth Damon
Vote: 12 in favor, 1 opposed, 0 abstention

23rd NAVAJO NATION COUNCIL
Naabik'íyáti' Committee
First Year 2015

Mr. Speaker:

The **Naabik'íyáti' Committee** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0297-15

An Action Relating to Law and Order, Budget and Finance, and Naabik'íyáti' Committees and the Navajo Nation Council; Navajo Nation Code Amendment; Amending 12 N.N.C. § 895 The Navajo Nation Permanent Fund, Expenditure of Fund Income

Sponsored by: Honorable Dwight Witherspoon

Has had it under consideration and reports the same with the recommendation that it **DO PASS WITHOUT AMENDMENT**

And therefore, referred to the **NAVAJO NATION COUNCIL**

Respectfully Submitted,

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

*Honorable LoRenzo C. Bates, Chairman
Naabik'íyáti' Committee*

17 DECEMBER 2015

Motioned: Honorable Seth Damon

Seconded: Honorable Jonathan Hale

VOTE: 17 in Favor and 02 Opposed (Chairman Bates not voting)

NAVAJO NATION

RCS# 213

Naa'bik'iyati Committee

12/17/2015

03:50:19 PM

Amd# to Amd#

Legislation No. 0297-15

PASSED

MOT Damon

Navajo Nation Code Amendment;

SEC Hale

Amending 12 N.N.C. Section 905
the NN Permanent Fund,

Yea : 17

Nay : 2

Not Voting : 5

Yea : 17

Begay, K

Brown

Hale

Smith

Begay, M

Chee

Jack

Tso

Begay, NM

Damon

Phelps

Tsosie

BeGaye, N

Filfred

Shepherd

Witherspoon

Bennett

Nay : 2

Pete

Crotty

Not Voting : 5

Bates

Perry

Slim

Yazzie

Daniels

23rd NAVAJO NATION COUNCIL Second Year 2016

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

NAVAJO LEGISLATIVE BILL #0297-15

An Act Relating to Law and Order, Budget and Finance, and Naabik'iyátí' Committees and the Navajo Nation Council; Navajo Nation Code Amendment; Amending 12 N.N.C. § 905 the Navajo Nation Permanent Fund, Expenditure of Fund Income

Sponsored by: Honorable Dwight Witherspoon

Has had it under consideration and reports the same was **TABLED UNTIL 22 DELEGATES AVAILABLE ON THE FLOOR**

Respectfully Submitted,



Honorable LoRenzo C. Bates, Speaker
NAVAJO NATION COUNCIL

26 JANUARY 2016

FAILED AMENDMENT:

Page 3 (line 16) strike "~~one~~" and insert "two"; Page 3 (line 18) insert the following at the end of the sentence: Full funding shall be utilized for the first year project listing for construction ready projects; the second year project listing shall be utilized for development projects to prepare for construction the following year.

Motion: *Honorable Alton Joe Shepherd*

Second: *Honorable Benjamin Bennett*

VOTE: 06 in Favor, 14 Opposed (Speaker Bates not voting)

AMENDMENT #1: Delete Page 2 (lines 13-17), delete Page 2 (lines 18-22) and remove Exhibits A and B

Motion: *Honorable Edmund Yazzie*

Second: *Honorable Jonathan Perry*

VOTE: 21 in Favor, 00 Opposed (Speaker Bates not voting)

MOTION TO TABLE:

Motion: *Honorable Alton Joe Shepherd*

Second: *Honorable Jonathan Hale*

VOTE: 20 in Favor, 01 Opposed (Speaker Bates not voting)

MAIN MOTION

Motion: *Honorable Otto Tso*

Second: *Honorable Jonathan Hale*

Vote :

NAVAJO NATION

RCS# 352

Winter Session

1/26/2016

01:11:13 PM

Amd# to Amd#

Legislation No. 0297-15

PASSED

MOT Shepherd

Table

SEC Hale

Yea : 20

Nay : 1

Not Voting : 3

Yea : 20

Begay, K

Chee

Jack

Slim

Begay, M

Crotty

Perry

Tso

Begay, NM

Damon

Pete

Tsosie

BeGaye, N

Daniels

Phelps

Witherspoon

Brown

Hale

Shepherd

Yazzie

Nay : 1

Smith

Not Voting : 3

Filfred

Bennett

Bates