

LEGISLATIVE SUMMARY SHEET

Tracking No. 0014-19

DATE: January 31, 2019

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; 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"

PURPOSE: The purpose of the resolution is to support New Mexico House Joint Resolution No. 1 which seeks to amend Article 12, Section 7 of the Constitution of New Mexico to provide for additional funds for Early Childhood Educational Services. .

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: Reuben B...
Website Posting Time/Date: _____
Posting End Date: 02/09/19
Eligible for Action: 02/10/19

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL—FIRST YEAR, 2019

3 INTRODUCED BY

4 
5 _____

6 Primary Sponsor

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8 TRACKING NO. 0019-19

9
10 AN ACTION

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

18
19 **WHEREAS:**

- 20 A. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation
21 Council standing committee and as such empowered the Naabik'iyáti' Committee to
22 coordinate all state programs, including education in public schools. *See* 2 N.N.C. §§
23 700 (A), 701 (A)(6).
- 24 B. The Navajo Nation has a government-to-government relationship with the State of
25 New Mexico.
- 26 C. Representatives Antonio "Moe" Maestas and Javier Martinez introduced New
27 Mexico House Joint Resolution 1 to the 54th Legislature of the State of New Mexico.
28 See New Mexico HJR 1 attached hereto as **Exhibit A**.
- 29 D. New Mexico HJR 1 seeks to amend Article 12, Section 7 of the Constitution of New
30 Mexico to provide for additional funds for Early Childhood Educational Services.

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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.



1 HOUSE JOINT RESOLUTION 1
2 54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

3 INTRODUCED BY
4 Antonio "Moe" Maestas and Javier Martínez
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10 A JOINT RESOLUTION
11 PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE
12 CONSTITUTION OF NEW MEXICO, SUBJECT TO THE APPROVAL OF
13 CONGRESS, TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE
14 PERMANENT FUNDS, INCLUDING DISTRIBUTIONS FROM THE PERMANENT
15 SCHOOL FUND FOR EARLY CHILDHOOD EDUCATIONAL SERVICES.
16

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

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

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

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underscored material = new
[bracketed material] = delete

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

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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~~

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underscoring material = new
~~[bracketed material] = delete~~

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.~~

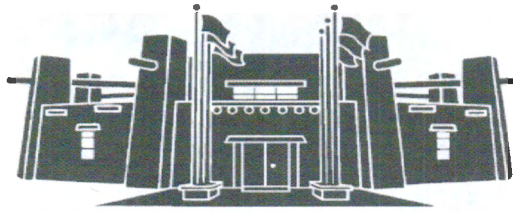
12 H. As used in this section, "early childhood
13 educational services" means nonsectarian and nondenominational
14 services for children until they are eligible for kindergarten.

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.

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MEMORANDUM

TO: Honorable Mark Freeland
Becenti, Lake Valley, Nahodishgish, Standing Rock, Whiterock, Huerfano,
Nageezi, Crownpoint Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: January 31, 2019

SUBJECT: PROPOSED STANDING COMMITTEE RESOLUTION; 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"

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) 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).