

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO LAW AND ORDER COMMITTEE, BUDGET AND FINANCE COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CJA-07-18, AMENDING 24 N.N.C. § 620 OF THE NAVAJO NATION SALES TAX, ALLOCATING A PERCENTAGE OF THE SALES TAX TO THE NAVAJO NATION FIRE AND RESCUE SERVICES; AMENDING THE EFFECTIVE DATE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Law and Order Committee is empowered to review and make recommendations to the Navajo Nation Council on amendments and enactments to the Navajo Nation Code. 2 N.N.C. § 601(B)(14).
- B. The Budget and Finance Committee exercises oversight authority of budget and finance matters for the purpose of recommending to the Navajo Nation Council the adoption of resolutions designed to strengthen the fiscal and financial resources of the Navajo Nation. 2 N.N.C. § 300(C)(3).
- C. Proposed resolutions requiring final action by the Navajo Nation Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. § 164 (A)(9).
- D. The Navajo Nation Council is the Navajo Nation's governing body. 2 N.N.C. § 102 (A).

SECTION TWO. FINDINGS

- A. The Navajo Nation Council passed Council Resolution CJA-07-18, attached as **Exhibit A**, with an effective date in accordance with 2 N.N.C. § 221(B).
- B. The approval of Council Resolution CJA-07-18 changed the amount of money allocated to the Chapters and the Navajo Nation's General Fund as illustrated in **Exhibit B**.
- C. In consideration of the Navajo Nation's revenue projections for the remainder of Fiscal Year 2018, the Navajo Nation Council has determined amending the effective date strengthens the fiscal and financial position of the Navajo Nation for the remainder of Fiscal Year 2018.

SECTION THREE. AMENDMENT TO CJA-07-18

The Navajo Nation hereby amends CJA-07-18 as follows:

SECTION 7. EFFECTIVE DATE

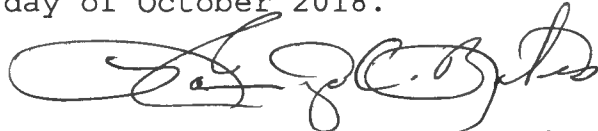
The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B) on October 1, 2018.

SECTION FOUR. EFFECTIVE DATE

This declaration shall become effective in accordance with 2 N.N.C. § 221(B).

CERTIFICATION

I, hereby, certify that the foregoing resolution was duly considered by the 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 16 in favor and 01 opposed, on this 18th day of October 2018.



LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

10-23-18

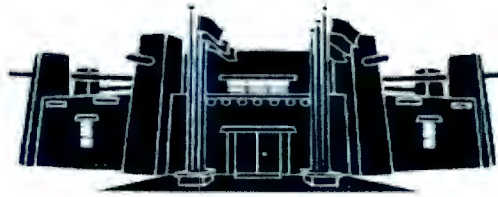
Date

Motion: Honorable Alton Joe Shepherd

Second: Honorable Tuchoney Slim, Jr.

Speaker LoRenzo C. Bates not voting

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



February 12, 2018

MEMORANDUM

TO : Tom Platero, Executive Director
Office of Legislative Services

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

RE : CJA-07-18 – Enacted by Statute

On January 24, 2018 the Navajo Nation Council considered and passed Resolution CJA-07-18, *Amending 24 N.N.C. § 620 of the Navajo Nation Sales Tax; Allocating a Percentage of the Sales Tax to Navajo Nation Fire and Rescue Services*. The Speaker of the Navajo Nation Council certified the resolution on February 1, 2018. On that same day, the Office of the President and Vice-President received the resolution for the President's consideration. 10 days later on February 11, 2018, the Office of the President and Vice-President returned the resolution to the Office of Legislative Services. Neither the Navajo Nation President nor the Vice-President signed the resolution.

Pursuant to 2 N.N.C. § 221(B) "All resolutions that enact new Navajo law or amend existing Navajo law and are adopted by the Navajo Nation Council shall become effective on the day the President of the Navajo Nation signs it into law or the Navajo Nation Council takes action to override the President's veto..." Resolution CJA-07-18 specifically refers to 2 N.N.C. § 221(B). The President's statutory power includes signing "legislation passed by the Navajo Nation Council into Navajo law within ten calendar days after the certification of the legislation by the Speaker..." 2 N.N.C. 1005(C)(10). "The President's authority to sign into law or veto legislation shall be deemed waived if not exercised within ten calendar days after certification of the legislation by the Speaker...and the legislation shall be deemed enacted and become effective pursuant to 2 N.N.C. § 221." 2 N.N.C. § 1005(C)(12).

The Speaker certified Resolution CJA-07-18 on February 1, 2018 and the President's office received the resolution on the same day. The 10-day period extended to February 11, 2018. The President did not sign the resolution within the 10-day period. Therefore, by law Resolution CJA-07-18 is deemed enacted and considered Navajo Nation law.

cc: Hon. LoRenzo Bates, Speaker, 23rd Navajo Nation Council
Council Delegates, 23rd Navajo Nation Council
Pete Atcitty, Chief of Staff, Legislative Branch

RESOLUTION OF THE
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23RD NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACT

RELATING TO THE LAW AND ORDER, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING 24 N.N.C. § 620 OF THE NAVAJO NATION SALES TAX; ALLOCATING A PERCENTAGE OF THE SALES TAX TO NAVAJO NATION FIRE AND RESCUE SERVICES

BE IT ENACTED:

Section One. Authority

- A. The Law and Order Committee serves as the oversight committee for the Division of Public Safety. Navajo Fire and Rescue Services are part of the Division of Public Safety. 2 N.N.C. §601(C) (1).
- B. The Law and Order Committee is empowered to review and make recommendations to the Navajo Nation Council on proposed amendments to and enactments to the Navajo Nation Code. 2 N.N.C. §600(B) (14).
- C. The Budget and Finance Committee exercises oversight authority over budget and finance matters for the purposes of recommending to the Navajo Nation Council the adoption of resolutions designed to strengthen the fiscal and financial position of the Navajo Nation and to promote the efficient use of the fiscal and financial resources of the Navajo Nation. 2 N.N.C. § 300 (C) (3).
- D. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council. A proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the standing committee having authority over the subject matter at issue and the Naabik'iyáti' Committee. 2 N.N.C. §§ 164(A) (9) and 700(A).
- E. The Navajo Nation Council must review and approve enactments or amendments of positive law. 2 N.N.C. §§ 164(A).

Section Two. Findings

- A. The Navajo Nation Code provides for a tax rate of up to 6 percent. 24 N.N.C. § 605.
- B. The current rate of sales tax in the Navajo Nation is 5 percent pursuant to section 6.105 of the Navajo Nation Sales Tax Regulations.
- C. The Navajo Nation Fire & Rescue Services (NNFRS) requests additional funding to support its operations. NNFRS has presented a justification and needs analysis to support the request. These documents are attached as **Exhibits A** and **B**, respectively.
- D. The chart provided in **Exhibit C** shows the impact of increasing the sales tax to 6 percent and allocating 1 percent of the tax to NNFRS.

Section Three. Amendments to Title 24

The Navajo Nation amends the Navajo Nation Code 24 N.N.C. § 620, as follows:

**NAVAJO NATION CODE ANNOTATED
TITLE 24. TAXATION
CHAPTER 6. SALES TAX**

§ 620. Allocation of Revenue

After allocation to permanent or special revenue funds as required by Navajo Nation law, and allocation to the Tax Administration Suspense Fund as required by the fiscal policy adopted by the Navajo Tax Commission for such Fund, the net revenue from this Chapter shall be disbursed as follows:

- A. To the extent that any amount is collected pursuant to Section 605(B) above, that amount shall be transmitted by the Office of the Navajo Tax Commission to the chapter in a timely manner, to be expended in accordance with the ordinance referred to in Section 605(B), above.
- B. Except as otherwise provided in subsection (C), fifty six percent (~~60~~ 50%) of the revenue collected shall be deposited into the General Fund of the Navajo Nation, twenty sixteen point six, six. . . (~~20~~ 16.6666%) of the revenue collected shall be deposited into the Judicial/Public Safety Facilities Fund, ten eight point three, three. . . percent (~~10~~ 8.3333%) of the revenue collected shall be deposited into the

Scholarship Fund, and ~~ten~~ eight point three, three. . . percent (~~10~~ 8.3333%) of the revenue shall be deposited to the Economic Development Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council, and sixteen point six, six. . . percent (16.6666%) of the reserve shall be deposited to the Fire and Rescue Services Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council.

- C. ~~Sixty~~ Fifty percent (~~60~~ 50%) of the revenue collected from retail establishments located in the Navajo Nation shall be deposited into a trust fund to be appropriated pursuant to a plan of operation developed by the Office of Navajo Government Development and approved by the Budget and Finance Committee of the Navajo Nation Council; ~~twenty~~ sixteen point six, six percent (~~20~~ 16.6666%) of the revenue collected shall be deposited into the Judicial/Public Safety Facilities Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council; ~~ten~~ eight point three, three percent (~~10~~ 8.3333%) of the revenue collected shall be deposited into the Scholarship Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council and ~~ten~~ eight point three, three percent (~~10~~ 8.3333%) of the revenue collected shall be deposited into the Economic Development Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council and sixteen point six, six . . . percent (16.666%) of the reserve shall be deposited to the Fire and Rescue Services Fund to be appropriated pursuant to a fund management plan approved by the Budget and Finance Committee of the Navajo Nation Council.

Section Four. Directive to the Office of the Navajo Tax Commission

The Office of the Navajo Tax Commission is directed to coordinate with the Navajo Tax Commission to make necessary changes to the sales tax rate in the Sales Tax Regulations, section 6.105.

Section Five. Codification

The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section Six. Saving Clause

Should any provision of this Act 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, the remainder of the Act shall remain the law of the Navajo Nation.

Section Seven. Effective Date

The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B).

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the 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 16 in favor and 00 opposed, on this 24th day of January 2018.



LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

2-1-18

Date

Motion: Honorable Seth A. Damon
Second: Honorable Herman M. Daniels

Speaker Bates not voting

ACTION BY THE NAVAJO NATION PRESIDENT:

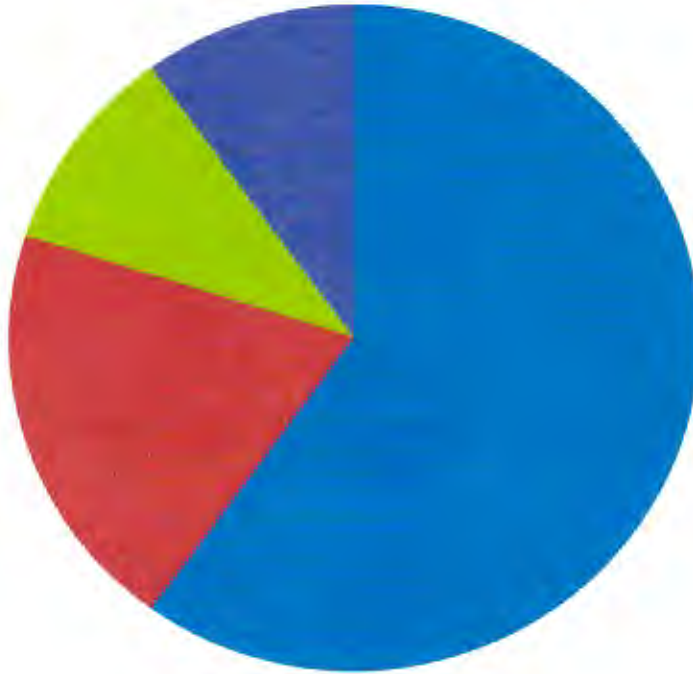
1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (c) (10), on this _____ day of _____ 2018.

Russell Begaye, President
Navajo Nation

2. I hereby vote the foregoing legislation, pursuant to 2 N.N.C. §1005 (c) (11), on this _____ day of _____ 2018 for reason(s) expressed in the attached letter to the Speaker

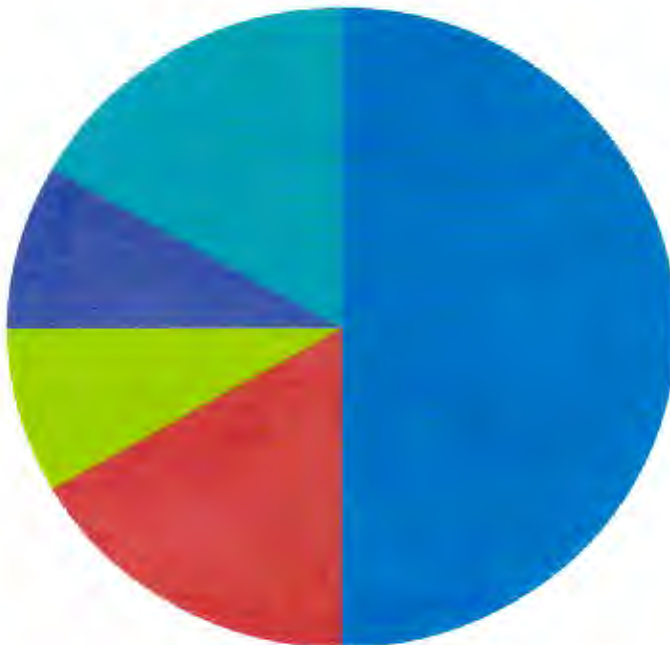
Russell Begaye, President
Navajo Nation

Pre CJA-07-18



- Chap/Gen Fund 60%
- Jud/Pub Safety 20%
- Scholarship 10%
- Econ Dev 10%

Post CJA-07-18



- Chap/Gen Fund 50%
- Jud Pub Safety 16.6666%
- Scholarship 8.3333%
- Econ Dev 8.3333%
- Fire Dept Funds 16.6666%

NAVAJO NATION

RCS# 1306

10/18/2018

2018 Fall Session

06:03:41 PM

Amd# to Amd#	Legislation 0168-18: Amending	PASSED
MOT Shepherd	CJA-07-18, Amending 24 NNC S 620	
SEC Slim	of the Navajo Nation Sales Tax, Allocating a Percentage of Sales	

Yea : 16

Nay : 1

Excused : 0

Not Voting : 6

Yea : 16

Begay, K	Brown	Jack	Shepherd
Begay, NM	Chee	Perry	Slim
BeGaye, N	Daniels	Pete	Smith
Bennett	Filfred	Phelps	Witherspoon

Nay : 1

Tsosie

Excused : 0

Not Voting : 6

Bates	Damon	Tso	Yazzie
Crotty	Hale		