

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0055-22\_

SPONSOR: Wilson C. Stewart, Jr.

**TITLE: An Act Relating to the Law and Order Committee; Allocating \$3,500,000 from the Judicial/Public Safety Facilities Fund to the Department of Corrections for the Assessment, Planning, and Design of the Tséhoostooí Justice Center**

*Date posted:* March 28, 2022 at 5:13PM

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**SUMMARY OF PROPOSED LEGISLATION**

Tracking No. 0055-22

Date: March 25, 2022

**Re: AN ACT RELATING TO THE LAW AND ORDER COMMITTEE;  
ALLOCATING \$3,500,000 FROM THE JUDICIAL/PUBLIC SAFETY  
FACILITIES FUND TO THE DEPARTMENT OF CORRECTIONS FOR  
THE ASSESSMENT, PLANNING, AND DESIGN OF THE TSÉHOOTSOOÍ  
JUSTICE CENTER**

Purpose of this Legislation:

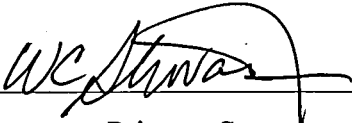
to allocate \$3,500,000 from the Judicial/Public Safety Facilities Fund to the Department of Corrections for the Tséhootsooí Justice Center project.

OLC No. 22-055-1

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 04-02-22  
Eligible for Action: 04-03-22

1 PROPOSED STANDING COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022

3 Introduced by:

4   
5 \_\_\_\_\_  
6 Primary Sponsor

7  
8 Tracking No. 0055-22

9  
10 AN ACT

11 RELATING TO THE LAW AND ORDER COMMITTEE; ALLOCATING  
12 \$3,500,000 FROM THE JUDICIAL/PUBLIC SAFETY FACILITIES FUND  
13 TO THE DEPARTMENT OF CORRECTIONS FOR THE ASSESSMENT,  
14 PLANNING, AND DESIGN OF THE TSÉHOOTSOÓÍ JUSTICE CENTER

15  
16 BE IT ENACTED:

17  
18 SECTION ONE. AUTHORITY

19 A. The Law and Order Committee was established as a standing committee of the Navajo Nation  
20 Council, with oversight authority over the Navajo Nation Division of Public Safety. 2 N.N.C.  
21 §600(A); 2 N.N.C. §601(C)(1). The Department of Corrections is a Department under the  
22 Navajo Nation Division of Public Safety. See Resolution No. GSCAU-61-95, as amended  
23 by GSCJA-06-11 and LOCMA-05-18. Thus, the Law and Order Committee has oversight  
24 responsibility for the Department of Corrections.

25 B. The Budget and Finance Committee was established as a standing committee of the Navajo  
26 Nation Council and was given the power to review and recommend to the Navajo Nation  
27 Council the budgeting, appropriation, investment, and management of all Navajo Nation  
28 funds. 2 N.N.C. §300(A); §301(B)(2).

29 C. The Budget and Finance Committee has the authority to approve Fund Management Plans  
30 for the Navajo Nation's special revenue funds; the Committee also has the power to delegate

1 its responsibilities and authorities for the more efficient functioning of the Navajo Nation  
2 government. 2 N.N.C. §301(B)(14); §301(B)(19).

3 D. In Resolution No. CJA-03-07 the Navajo Nation Council established the Judicial/Public  
4 Safety Facilities Fund (“JPSF Fund”), a special revenue fund consisting of 25% of the  
5 revenue from the Navajo Sales Tax. 24 N.N.C. §620. The purpose of the JPSF Fund is to  
6 provide money for the planning and construction of judicial facilities and public safety  
7 facilities across the Navajo Nation. CJA-03-07 gives the Budget and Finance Committee  
8 approval authority for the Fund Management Plan for the JPSF Fund. CJA-03-07 is attached  
9 as **EXHIBIT A**.

10 E. In Resolution No. BFS-37-07 the Budget and Finance Committee first approved the Fund  
11 Management Plan. **EXHIBIT B**. In Resolution No. BFD-66-11 the Budget and Finance  
12 Committee amended the Fund Management Fund to permit the Law and Order Committee  
13 to approve JPSF Fund allocations for judicial/public safety projects. BFD-66-11 is attached  
14 as **EXHIBIT C**.

15  
16 **SECTION TWO. FINDINGS**

17 A. In Resolution No. LOCJN-04-17 the Law and Order Committee approved a JPSF Fund  
18 project priority list describing 16 projects in 16 different Chapters; as well, the Navajo Nation  
19 Judicial Branch and the Division of Public Safety have entered into an Agreement that lists  
20 the Fort Defiance project as number 3 on a separate priority list. **EXHIBIT D**. Addressing  
21 the partially-closed and dilapidated Window Rock court and jail building is listed as priority  
22 project number 1 in LOCJN-04-17, and the planned Tséhootsooí Justice Center project will  
23 replace the Window Rock facilities.

24 B. The Department of Corrections (“DOC”) is requesting \$3,500,000 from the JPSF Fund to  
25 complete assessments, planning, and design work for the proposed Tséhootsooí Justice  
26 Center project. As explained by the DOC Director, the \$3,500,000 will be supplemented by  
27 \$1,012,080.66 in New Mexico Capital Outlay funds. DOC has provided its explanatory  
28 memorandum and its required Budget Forms, including the Appendix K “Supplemental  
29 Funding Proposal Summary,” all attached as **EXHIBIT E**. Delegate Wilson Stewart, Jr.,  
30 who represents the Fort Defiance and Window Rock communities, has explained the need

1 for the new Justice Center in a memorandum dated February 8, 2022. **EXHIBIT F.**

2 C. DOC proposes to use the \$3,500,000 on the Tséhootsooí Justice Center project, as follows:

3 (1) a project manager; (2) architectural and engineering services; (3) a construction manager-  
4 at-risk; (4) a building official; and (5) furniture, fixtures and equipment. **EXHIBIT G.**

5 DOC's proposed expenditures are consistent with the Fund Management Plan for the JPSF  
6 Fund, which permits use of funds for project planning, site clearance, development,  
7 construction, and other activities. **EXHIBIT C.**

8 D. The Office of the Controller has verified that the JPSF Fund has a sufficient balance to cover  
9 DOC's requested \$3,500,000 allocation. **EXHIBIT H.**

10 E. DOC's request has been reviewed by the Office of Management and Budget and the  
11 Department of Justice, and both found the request to be "sufficient." **EXHIBIT I.**

12 F. The Navajo Nation finds that the request by the Department of Corrections for \$3,500,000  
13 in funding from the Judicial/Public Safety Facilities Fund for the Tséhootsooí Justice Center  
14 project is in the best interest of the Navajo Nation and the Navajo People. As proposed by  
15 DOC, the project tasks to be paid for with the requested funds will facilitate the completion  
16 of the Tséhootsooí Justice Center, which is urgently needed in the Fort Defiance and Window  
17 Rock communities.

18  
19 **SECTION THREE. APPROVING ALLOCATION OF FUNDS**

20 The Navajo Nation hereby approves the allocation of \$3,500,000 from the Judicial/Public  
21 Safety Facilities Fund to the Department of Corrections for the Department's use on the  
22 Tséhootsooí Justice Center project, as explained in the attached EXHIBITS E, F, and G.

23  
24 **SECTION FOUR. EFFECTIVE DATE**

25 This Act shall become effective according to 2 N.N.C. §189(A) and Resolution No. BFD-66-11.

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27 **SECTION FIVE. SAVING CLAUSE**

28 If any portion of this Act is invalidated by the Supreme Court of the Navajo Nation, or by any  
29 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the remainder  
30 of this legislation shall be the law of the Navajo Nation.