



23rd Navajo Nation Council

MEMORANDUM

To : Manuel Rico, Senior Programs and Projects Specialist
OFFICE OF LEGISLATIVE SERVICES

From : 1-711
Tom Platero, Executive Director
OFFICE OF LEGISLATIVE SERVICES

Date : January 9, 2019

Subject : ***23rd Navajo Nation Council Expired Legislation***

Pursuant to 2 N.N.C. § 164 (A) (1), "The last day for consideration of resolutions shall be December 31st of the year immediately preceding the swearing in of the new Council", the following legislation need to be closed out and labeled as "expired":

NAVAJO NATION COUNCIL:

0399-17	0424-17	0098-18	0136-18
0183-18	0224-18	0328-18	0344-18
0356-18	0358-18	0367-18	0373-18
0385-18	0393-18	0404-18	0416-18
0422-18			

NAABIK'YATI' COMMITTEE:

0224-15	0361-16	0341-18	0406-18
0418-18	0427-18		

BUDGET AND FINANCE COMMITTEE:

0021-17	0392-17	0099-18	0261-18
0287-18	0398-18	0435-18	0436-18

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE:

0414-18	0419-18	0451-18
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LAW AND ORDER COMMITTEE:

0114-17	0031-18	0217-18	0307-18
0353-18	0360-18	0364-18	0437-18

RESOURCES AND DEVELOPMENT COMMITTEE:

0402-15	0104-16	0121-16	0183-16
0282-16	0296-16	0370-16	0384-16
0135-17	0176-17	0386-17	0400-17
0076-18	0395-18	0415-18	0443-18

Legislation need to be closed out as soon as possible. If you have any questions, please let me know.

CONCURRENCE:



Honorable LoRenzo C. Bates, Speaker
23rd Navajo Nation Council

COPIES: Pete K. Atcitty, Chief of Staff, Office of the Speaker
Ed McCool, Acting Chief Legislative Counsel, Office of Legislative Counsel
Files

LEGISLATIVE SUMMARY SHEET

Tracking No. 0021-17

DATE: January 9, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND INDIVIDUALS WITH DISABILITIES EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

PURPOSE: This resolution, if approved, will approve the Individuals with Disabilities expenditure plan for funding to the Navajo Nation Trust Fund for Handicapped Services for grants to supplement Navajo Nation government and non-Navajo government projects for opportunities for Navajo members with disabilities.

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 resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 5:17am 1/16/17
Posting End Date: 1/16/2017
Eligible for Action: 1/16/2017

Health, Education & Human Services Committee

THENCE

Budget & Finance Committee

THENCE

Naa'bik'íyáti' Committee

THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL – Third Year, 2017

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0021-17

AN ACTION

RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND
FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION
COUNCIL; ADOPTING THE SÍHASIN FUND INDIVIDUALS WITH DISABILITIES
EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

BE IT ENACTED:

Section One. Authority

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review all proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- C. The Budget and Finance Committee of the Navajo Nation Council is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. § 301 (B) (2).
- D. The Health Education and Human Services Committee of the Navajo Nation Council is empowered to exercise legislative oversight on matters involving health, social service, education, general governmental services and human services and to review and recommend resolutions relating to social services, health, environmental health and education. 2 N.N.C. §§ 400 (C)(1) and 401 (B)(6)(a).

1
2 **Section Two. Findings**

- 3 A. On May 30, 2014, the 22nd Navajo Nation Council adopted Resolution No. CMY-28-
4 14 accepting a settlement of the Navajo Nation's lawsuit, *Navajo Nation v. United*
5 *States*, No. 06-945L (United States Court of Federal Claims) against the United States
6 for its historical mismanagement of the tribe's trust assets and its failure to ensure that
7 the Navajo Nation received all funds due and owed under the United States' trust
8 obligations and fiduciary duties. Resolution No. CMY-28-14 was signed into law by
9 the President of the Navajo Nation on June 4, 2014.
- 10 B. The 22nd Navajo Nation Council recognized that during the many decades that the
11 United States was in breach of its trust obligations and fiduciary duties to the
12 Nation, the tribal government was without funds to develop the comprehensive
13 nation-wide infrastructures necessary to support and promote community growth
14 and sustainability through the expansion of economic development, as well as to
15 provide the educational opportunities, critical for the prosperity of current and
16 future generations of Diné. See Resolution No. CMY-28-14.
- 17 C. Between October 6, 2014 and November 8, 2014 the Office of the Speaker held
18 seven (7) Public Hearings, as directed by the Navajo Nation Council's Naabik'iyati'
19 Committee on July 10, 2014, to receive input from Navajo Nation members on how
20 the net proceeds from *Navajo Nation v. United States*' should be used. During that
21 same time period, the Office of the President & Vice-President also held five (5)
22 town hall meetings for a similar purpose.
- 23 D. On December 13, 2014, the 22nd Navajo Nation Council adopted Resolution No.
24 CD-68-14 enacting the Navajo Nation Breach of Trust Settlement Act of 2014
25 (hereinafter "2014 Act") and establishing the Navajo Nation Síhasin Fund at 12
26 N.N.C. § 2501 et seq. The President of the Navajo Nation signed Resolution No.
27 CD-68-14 into law on December 31, 2014.
- 28 E. The 2014 Act mandated that the net proceeds and earnings thereon received by the
29 Navajo Nation from the settlement of *Navajo Nation v. United States*, No. 06-945L,
30 and that, when duly designated, the net proceeds of settlements or judgement

1 awards of other litigation(s) brought against the United States concerning its failure
2 to ensure that the Navajo Nation received all funds due and owing under the United
3 States' trust obligations and fiduciary duties, be deposited into the Síhasin Fund and
4 managed and invested to provide financial support and/or financing for (1) the
5 planning and development of regional infrastructure supporting economic and
6 community development, including housing, within the Navajo Nation; and/or (2)
7 education opportunities for members of the Navajo Nation. See 12 N.N.C § 2501
8 and § 2502 (A).

9 F. The 2014 Act also established that "leveraging of the [Síhasin] Fund by way of
10 guaranteeing loans, match funding, direct funding in part and other weighted uses
11 of the Fund shall be favored over direct funding in whole". 12 N.N.C § 2502 (B).

12 G. The 2014 Act further established that with the exception of outstanding and accrued
13 litigation costs, Síhasin Fund Principal and Income shall only be expended pursuant
14 to a Fund Expenditure Plan consistent with the purposes set forth in the 2014 Act at
15 12 N.N.C. §2502 and adopted by a two-thirds (2/3) vote of all members of the
16 Navajo Nation Council. See 12 N.N.C. § 2505 (A).

17 H. The 2014 Act states that "Fund Principal" shall consist of all deposits made to the
18 Síhasin Fund and that "Fund Income" shall consist of all earnings (interest,
19 dividends, etc.) generated and realized by the Fund Principal and that Fund Income
20 shall be deposited in and added to Fund Principal until such time as a Fund
21 Expenditure Plan is duly adopted. See 12 N.N.C. §§ 2504 and 2505 (c).

22 I. The Office of the Controller reported that as of January 1, 2016, the amount of the
23 Síhasin Fund Principal is Four Hundred Eighty Seven million Nine Hundred Ninety
24 Thousand Eight Hundred Forty One Dollars and Ninety One Cents
25 (\$487,990,841.91) with interest earnings of Four Hundred Fifty Eight Thousand
26 Four Hundred Thirty One Dollars and Seventy Five Cents (\$458,431.75).

27 J. On April 9, 2015, the Naabik'íyáti' Committee adopted NABIAP-20-15
28 establishing the Naabik'íyáti' Síhasin Fund Subcommittee to "review and evaluate
29 the Public Hearing comments and recommendations from the Navajo People" and
30 "recommend to the Naabik'íyáti' Committee and Navajo Nation Council financial

1 support and/or financing plan(s) for the purposes designated in CD-68-14 [Navajo
2 Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund]”.

3 K. Between April 2015 and December 2016, the Síhasin Fund Subcommittee, assisted
4 by the Office of Legislative Services, Office of the Speaker, and Office of
5 Legislative Counsel, met on at least twenty-five (25) occasions in either work
6 sessions or official meetings to review and evaluate the Public Hearing comments
7 and recommendations from the Navajo People; hear proposals from Navajo Nation
8 entities, chapters, programs and officials; and develop an expenditure plan(s) for the
9 Síhasin Fund Principal and Income consistent with the purposes set forth in the
10 2014 Act.

11 L. The Síhasin Fund Subcommittee determined that for an expenditure plan to fully
12 meet the leveraging criteria of the 2014 Act, the expenditure plan shall not rely on
13 Síhasin Funds for full direct project funding, unless such funds are to be repaid
14 under a loan agreement, and instead must utilize the Síhasin Funds for (1) match
15 funding, joint funding, contribution funding, cost-share funding or similar weighted
16 uses of the funds; (2) reimbursement funding; and/or (3) loan or bond financing or
17 guarantee.

18 M. The Síhasin Fund Subcommittee also determined that the 2014 Act allowed for the
19 adoption of multiple expenditure plans and that it would be prudent for the Navajo
20 Nation to adopt integrated, yet distinct, expenditure plans for regional-level
21 infrastructure planning and development in four broad infrastructure areas or
22 categories consistent with the purposes of the 2014 Act: Water and Natural
23 Resource Infrastructure Development; Economic Development; Community
24 Development; and Housing Development.

25 N. After reviewing the comments submitted during the Public Hearings and town hall
26 meetings, as well as the reports and comments made during the Síhasin Fund
27 Subcommittee meetings, the Subcommittee determined that the Navajo people were
28 supportive of community development allocations for human services, including
29 but not limited to support for individuals with disabilities.
30

- 1 O. In addition, the Toadlena/Two Grey Hills and Pine Dale Chapters adopted
2 resolutions, attached as Exhibit A, supporting the allocation of Síhasin Funds for
3 services for individuals with disabilities.
- 4 P. In 1986, the Navajo Nation established the Navajo Nation Trust Fund for
5 Handicapped Services, 12 N.N.C. §§ 1101-1108, wherein "95% of the Fund income
6 shall be used as Navajo Nation grants to supplement Navajo Nation government
7 and non-Navajo Nation government programs and projects that provide services to
8 Navajo handicapped citizens." 12 N.N.C. § 1105(A).
- 9 Q. The Síhasin Fund Subcommittee has determined that Síhasin Funds could lawfully
10 be added to the Navajo Nation Trust Fund for Handicapped Services if the interest
11 earnings (Fund income) derived from the added Síhasin Funds were segregated and
12 only expended for (a) projects that meet the requirements of the Síhasin Fund
13 purposes, i.e., (1) the planning and development of regional infrastructure
14 supporting economic and community development, including housing, within the
15 Navajo Nation; and/or (2) education opportunities for members of the Navajo
16 Nation; and (b) projects that leverage Síhasin Funds with other funds, such as
17 federal and state funding for individuals with disabilities, Medicaid and Medicare,
18 private insurance, Navajo Nation Trust Fund for Handicapped Services non-Síhasin
19 Fund-derived income, etc.
- 20 R. The Síhasin Fund Subcommittee determined that the Navajo Nation Office of
21 Special Education and Rehabilitation Services, within the Navajo Nation
22 Department of Dine Education, and the Navajo Nation Council on the
23 Handicapped, 13 N.N.C. §§ 4801-4809, have the expertise to recommend and
24 administer the expenditure of Síhasin Funds for the benefit of individuals with
25 disabilities consistent with the purposes and leveraging requirements set forth in 12
26 N.N.C. § 2502 pursuant to an annual plan adopted by the Health Education and
27 Human Services Committee.
- 28 S. The Síhasin Fund Subcommittee has also determined that allocating and adding ten
29 million dollars (\$10,000,000.00) of Síhasin Funds to the Navajo Nation Trust Fund
30 for Handicapped Services for the purposes of the planning and development of

1 regional infrastructure *specifically for individuals with disabilities* supporting
2 economic and community development, including housing, within the Navajo
3 Nation; and/or (2) education opportunities for members of the Navajo Nation *with*
4 *disabilities* is within the purposes of the 2014 Act.

5 T. The Síhasin Fund Subcommittee additionally determined that it was in the best
6 long-term interest of the Navajo Nation and the Navajo people to provide financial
7 support to individuals with disabilities and recommends to the Navajo Nation
8 Standing Committees and the Navajo Nation Council that ten million dollars
9 (\$10,000,000.00) of Síhasin Funds be allocated for and added to the Navajo Nation
10 Trust Fund for Handicapped Services as the Síhasin Fund Individuals With
11 Disabilities Expenditure Plan, as set forth in sections Three and Four below, under
12 section 2505 of the 2014 Act.

13 U. After considering the recommendations of the Síhasin Fund Subcommittee, the
14 Navajo Nation Council hereby determines that the Síhasin Fund Individuals With
15 Disabilities Expenditure Plan fits within the priorities established under the July 20,
16 2015 One Nation, One Voice Navajo Nation Three Branch Agreement and that it is
17 in the best interests of Navajo individuals and their families, as well as in the best
18 interests of economic and community development, including housing, within the
19 Navajo Nation, as well as education opportunities for Navajo members, to fund the
20 Síhasin Fund Individuals With Disabilities Expenditure Plan, as set forth in sections
21 Three and Four below.

22 23 **Section Three. Approval and Adoption of Expenditure Plan**

24 A. The Navajo Nation hereby approves and adopts the Síhasin Fund Individuals With
25 Disabilities Expenditure Plan wherein ten million dollars (\$10,000,000.00) of
26 Síhasin Funds will be transferred to and deposited in the Navajo Nation Trust Fund
27 for Handicapped Services during Navajo Nation Fiscal Year 2017.

28 B. The Navajo Nation hereby approves and adopts that each year 95% of the Fund
29 income attributable to the Síhasin Funds deposited in the Nation Trust Fund for
30 Handicapped Services shall be used as Navajo Nation grants to supplement Navajo

1 Nation government and non-Navajo Nation government projects that provide
2 services to Navajo individuals with disabilities specifically for the purposes of (1)
3 the planning and development of regional infrastructure supporting economic and
4 community development, including housing, within the Navajo Nation; and/or (2)
5 education opportunities for Navajo members with disabilities.

6 C. The Navajo Nation hereby approves and adopts that interest earnings or income
7 attributable to the Síhasin Funds deposited in the Nation Trust Fund for
8 Handicapped Services shall be leveraged by way of match funding, direct funding
9 in part and/or other weighted or supplemental uses and shall be not used as direct
10 funding in whole for any project.

11 D. The Síhasin Funds allocated for the Síhasin Fund Individuals With Disabilities
12 Expenditure Plan may be further leveraged by bond or loan financing pursuant to
13 the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended,
14 using other Síhasin Fund Earnings for repayment and financing costs upon the
15 recommendation of the Budget & Finance Committee and approval by a two-thirds
16 (2/3) vote of all members of the Navajo Nation Council.

17
18 **Section Four. Approval and Adoption of Expenditure Plan Administration**

19 A. The Navajo Nation hereby approves administration of the Síhasin Fund Individuals
20 With Disabilities Expenditure Plan as follows:

- 21 1. The Navajo Nation Controller shall determine whether the source of the
22 allocated ten million dollars (\$10,000,000.00) will be Síhasin Fund Principal or
23 Income or a combination of both;
- 24 2. The Síhasin Fund transferred to the Navajo Nation Trust Fund for Handicapped
25 Services shall be invested and managed consistent with the Navajo Nation Trust
26 Fund for Handicapped Services statute, 12 N.N.C. §§ 1101-1108, but the
27 interest earnings or income from such Síhasin Funds shall be segregated and
28 may only be expended for projects that meet *all* the requirements of 12 N.N.C.
29 § 2502.
30

1 3. The interest earnings or income from Síhasin Funds in the Navajo Nation Trust
2 Fund for Handicapped Services shall only be expended pursuant to an annual
3 plan developed and recommended by the Navajo Nation Office of Special
4 Education and Rehabilitation Services, within the Navajo Nation Department of
5 Dine Education, concurred to by the Navajo Nation Council on the
6 Handicapped and adopted by the Health Education and Human Services
7 Committee of the Navajo Nation Council.

8 4. The Navajo Nation Office of Special Education and Rehabilitation Services
9 shall account for and be held accountable for the expenditure of interest
10 earnings and income attributable to the Síhasin Funds with such expenditures
11 audited on an annual basis by either an independent auditor or the Office of the
12 Auditor General with such audit report submitted to the Health Education and
13 Human Services Committee, Naabik'íyáti' Committee, Office of the Controller,
14 and Office of the President and Vice-President.

15 B. The Navajo Nation Office of Special Education and Rehabilitation Services shall
16 report the status of all projects funded by interest earnings and income attributable
17 to the Síhasin Funds to the Naabik'íyáti' Committee and Office of the President and
18 Vice-President on a quarterly basis.

19
20 **Section Five. Effective Date**

21 The Síhasin Fund Individuals With Disabilities Expenditure Plan, as set forth above,
22 shall become effective pursuant to 12 N.N.C. § 2505.
23

24 **Section Six. Directives**

25 A. All Navajo Nation programs, specifically including, but not limited to, the Office of
26 Special Education and Rehabilitation Services, Navajo Nation Department of Dine
27 Education, Navajo Nation Council on the Handicapped, Office of Controller, and
28 Office of Management & Budget, shall take all steps necessary to expeditiously
29 implement the Síhasin Fund Individuals with Disabilities Expenditure Plan
30 consistent with the provisions set forth above.

1 B. Navajo Nation programs named in this legislation shall be held accountable for the
2 progress of tasks under their responsibility and control and shall report on a semi-
3 annual basis to the Naabik'íyáti' Committee on the progress of their respective
4 tasks.
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TOADLENA / TWO GREY HILLS CHAPTER

P.O. Box 7894, Newcomb, New Mexico 87455 • Phone 505-789-3100 • Fax 505-789-3101

"HOME OF THE FAMOUS TWO GREY HILLS RUGS"

EXHIBIT

A

RESOLUTION

TDLA/TGH-16-05-18-13

**SUPPORTING AND RECOMMENDING THE NAVAJO NATION REQUEST THE
NAVAJO NATION COUNCIL TO ALLOCATE TEN MILLION DOLLARS
(\$10,000,000.00) FROM THE SIHASIN FUND TO THE NAVAJO HANDICAP TRUST
FUND**

WHEREAS:

1. **Toadlena/Two Grey Hills Chapter** is a certified Chapter that is recognized by the Navajo Nation Council pursuant to 26 N.N.C. Section 3 and pursuant to 11 N.N.C. Part 1 Section 10, the Navajo Nation Council adopted the Navajo Nation Local Government Act which directs local Chapters to promote all matters that affect the local community members and to make appropriate decisions, recommendations, and advocate on their behalf; AND
2. The **Toadlena/Two Grey Hills Chapter** finds on December 29, 2006 the Navajo Nation filed suit against the United States in the U.S. Court of Federal Claims seeking monetary damages from the federal government for its mismanagement of tribal trust fund assets and resources dating back as early as 1946; AND
3. The **Toadlena/Two Grey Hills Chapter** finds on May 30, 2014 the 22nd Navajo Nation Council formally accepts the settlement offer of \$554 Million by adopting Resolution No. CMY-28-14, which was signed into law by the President on June 4, 2014; AND
4. The **Toadlena/Two Grey Hills Chapter** finds the Office of the Speaker conducted a total of seven public hearings in 2014 to gain input and recommendations as to how the settlement award should be used and/or invest to best serve the needs of the Navajo Nation. The Navajo Nation people overwhelmingly requested allocations in the area of Capital Improvement, Infrastructure/Roads, Education and Human Services; AND
5. The **Toadlena/Two Grey Hills Chapter** finds The Office of the Controller reported that as of January 1, 2016, the amount of the Sihasin Fund Principal is Four Hundred Eighty Seven Million Nine Hundred Ninety Thousand Eight Hundred Forty One Dollars and Ninety One Cents (\$487,990,841.91) with interest earnings of Four Hundred Fifty Eight Thousand Four Hundred Thirty One Dollars and Seventy Five Cents (\$458,431.75); AND

Stanley Hardy
President



Andrew Deschenie
Vice-President



Lolita Spencer
Secretary / Treasurer



Derry Lewis
Grazing Officer



Amber K. Crotty
Council Delegate

6. The **Toadlena/Two Grey Hills Chapter** recognizes any use or allocation of the funds requires legislative action and approval by the Navajo Nation Council; AND
7. The **Toadlena/Two Grey Hills Chapter** respectful request the Navajo Nation Council to allocate Ten Million Dollars (\$10,000,000.00) to the Navajo Handicap Trust Fund. The Navajo Nation Handicap Trust Fund assist with the purchase of accessibility ramps, specialized equipment.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The **Toadlena/Two Grey Hills Chapter**, hereby supports the allocation to the Navajo Nation Handicap Trust Fund assist with the purchase of accessibility ramps, specialized equipment.

CERTIFICATION

We here by certify that this forgoing resolution was duly considered by the Toadlena/Two Grey Hills Chapter Membership at a duly called meeting in Two Grey Hills, New Mexico (Navajo Nation) at which a quorum was present and that an approval was passed with a vote of 23 in Favor, 0 Opposed and 1 Abstained on this 18th day of May, 2016.

Motion by: Patrick Taylor

Seconded by: David Curley

Stanley Hardy
Stanley Hardy, President

Andrew Deschenie
Andrew Deschenie, Vice-President

Lolita Spencer
Lolita Spencer, Secretary-Treasurer

Derry Lewis
Derry Lewis, Grazing Official

Amber K. Crotty
Amber K. Crotty, Council Delegate

**RECOMMENDING TO THE NAVAJO NATION COUNCIL AND IN SUPPORT ESTABLISHMENT OF NAVAJO
HANDICAP TRUST FUND FROM SISHASIN FUND, ALLOCATION OF TEN MILLION DOLLARS IN THE
SUMMER SESSION**

WHEREAS;

1. The Pine Dale Chapter, upon official establishment by the action of Navajo Nation Council authorization gives this authorization to support and recommendation for such actions; and
2. The Pine Dale Chapter finds community workers in nearby towns that provide handicap services at those locations provide services questionable because of constitutionalized requirements to traditional activities are different and away from communities; and
3. The Pine Dale Chapter has viewed locations, truly are not compatible to traditional settings. It believes setting up Handicap Trust Fund will be beneficial in the long run, more Dine are predicated to experience more difficult health lifestyle, in particular Baby Boomers generation are more in population;
4. The Pine Dale Chapter views this resolution as important in building needed ramps for community senior citizen in wheelchairs and those with walking canes; its in the best interest, approving Handicap Trust Funds will be in line with the recently passed development of Navajo Department of Health Act; and


NOW, THEREFORE, BE IT RESOLVE:


1. The Pine Dale Chapter supports the establishment of Dine' Handicap Trust from Sishashin Fund and recommends such a set up in amount of Twelve Million Dollars to assist people that may use such funds;
2. Further, Handicap Trust Funds will assist the development of Navajo Department of Health to meet the Navajo Health Act Statements;

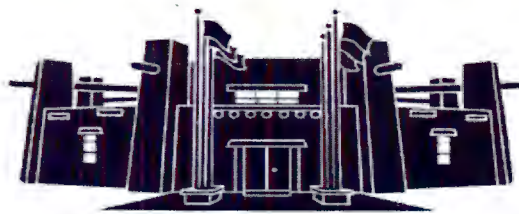
CERTIFICATION

It is hereby certify this resolution was duly discussed at a duly called chapter meeting, with quorum present, the same was passed by vote of 21 in favor, 0 opposed, 6 abstained, this 24th day of June, 2016 at Pine Dale, New Mexico.


Willie Norton, President


raphael Martin, Vice-President


Sarah B. Jackson, Secretary



MEMORANDUM

TO: Hon. Amber Crotty
23rd Navajo Nation Council

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

DATE: January 9, 2017

SUBJECT: AN ACTION RELATING TO HEALTH EDUCATION AND HUMAN SERVICES, BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE SÍHASIN FUND INDIVIDUALS WITH DISABILITIES EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, 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 "Prime 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 changes you would like made 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: _0021-16_

SPONSOR: Amber Crotty

**TITLE: An Action Relating To Health, Education And Human Services, Budget
And Finance And NAABIK'IYATI' Committees And Navajo Nation
Council; Adopting The Sihasin Fund Individuals With Disabilities
Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C. §§ 2501 - 2508**

Date posted: January 10, 2017 at 5:17 PM

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.: 0021-17

SPONSOR: Honorable Amber K. Crotty

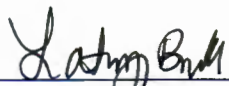
TITLE: An Action Relating To Health, Education And Human Services, Budget And Finance And NAABIK'IYATI' Committees And Navajo Nation Council; Adopting The Sihasin Fund Individuals With Disabilities Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C. §§ 2501 - 2508

Posted: January 10, 2017 at 5:17 PM

5 DAY Comment Period Ended: January 15, 2017

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>



**Policy Analyst
Office of Legislative Services**

1/17/17 8:00am
Date/Time

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0021-17

SPONSOR: Honorable Amber K. Crotty

TITLE: An Action Relating To Health, Education And Human Services, Budget And Finance And NAABIK'IYATI' Committees And Navajo Nation Council; Adopting The Sihasin Fund Individuals With Disabilities Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C. §§ 2501 - 2508

Posted: January 10, 2017 at 5:17 PM

5 DAY Comment Period Ended: January 15, 2017

Digital Comments received:

Comments Supporting (1)	<i>1. NNAC-31-061816 A (Northern Navajo Agency Council)</i>
Comments Opposing	<i>None</i>
Inclusive Comments	<i>None</i>


Policy Analyst
Office of Legislative Services

2/10/17 3:36pm
Date/Time



NORTHERN NAVAJO AGENCY COUNCIL RESOLUTION

NNAC-31-061816 A

**SUPPORTING AND RECOMMENDING THE NAVAJO NATION REQUEST THE NAVAJO
NATION COUNCIL TO ALLOCATE TWENTY MILLION DOLLARS (\$20,000,000.00) FROM THE
SIHASIN FUND TO THE NAVAJO HANDICAP TRUST FUND**

WHEREAS:

1. The Northern Navajo Agency Council is a recognized political subdivision of the Navajo Nation and has the authority to advocate and make appropriate recommendations on behalf of the 20 Northern Navajo Agency Chapters to the Navajo Nation Government, Federal, State, and local entities for appropriate action: and
2. The Northern Agency Council finds on December 29, 2006 the Navajo Nation filed suit against the United States in the U.S. Court of Federal Claims seeking monetary damages from the federal government for its mismanagement of tribal trust fund assets and resources dating back as early as 1946.
3. The Northern Agency Council finds on May 30, 2014 the 22nd Navajo Nation Council formally accepts the settlement offer of \$554 Million by adopting Resolution No. CMY-28-14, which was signed into law by the President on June 4, 2014.
4. The Northern Agency Council finds the Office of the Speaker conducted a total of seven public hearings in 2014 to gain input and recommendations as to how the settlement award should be used and/or invest to best serve the needs of the Navajo Nation. The Navajo Nation people overwhelming requested allocations in the area of Capital Improvement, Infrastructure/Roads, Education and Human Services.
5. The Northern Agency Council finds The Office of the Controller reported that as of January 1, 2016, the amount of the Sihasin Fund Principal is Four Hundred Eighty Seven Million Nine Hundred Ninety Thousand Eight Hundred Forty One Dollars and Ninety One Cents (\$487,990,841.91) with interest earnings of Four Hundred Fifty Eight Thousand Four Hundred Thirty One Dollars and Seventy Five Cents (\$458,431.75).
6. The Northern Agency Council recognizes any use or allocation of the funds requires legislative action and approval by the Navajo Nation Council.
7. The Northern Agency Council respectful request the Navajo Nation Council to allocate Twenty Million Dollars (\$20,000,000.00) to the Navajo Handicap Trust Fund. The Navajo Nation Handicap Trust Fund assist with the purchase of accessibility ramps, specialized equipment.


NOW, THEREFORE, BE IT RESOLVED THAT:

The Northern Agency Council, hereby supports the allocation to the Navajo Nation Handicap Trust Fund assist with the purchase of accessibility ramps, specialized equipment.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the members of the Northern Navajo Agency Council at a duly called meeting at Whitehorse High School, Aneth, Utah, Navajo Nation, Utah at which a quorum was present and that the same was passed by a vote of 43 in favor, 00 opposed, and 01 abstained this **18th day of June 2016.**

Motioned by: James Benally



David John, Chairperson
Northern Navajo Agency Council

Seconded by: Sally Ann Joe

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO
NATION COUNCIL to who has been assigned;

LEGISLATION NO. 0021-17

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, BUDGET AND
FINANCE AND NAABIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL;
ADOPTING THE SIHASIN FUND INDIVIDUALS WITH DISABILITIES EXPENDITURE
PLAN PURSUANT TO CD-68-14 AND 12 N.N.C. §§ 2501 - 2508

Sponsor: Honorable Amber Kanazbah Crotty

Has had under consideration and report the same with the
recommendation that Legislation 0021-17 PASS with no amendment and no
directive; And therefore referred the same to the BUDGET AND FINANCE
COMMITTEE OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,



Jonathan L. Hale, Chairperson
Health, Education and Human Services Committee

Dated: January 17, 2017

Main Motion

Motion by: Honorable Nathaniel Brown

Seconded by: Honorable Norman M. Begay

Vote: 4 in favor; 0 Opposed and 1 Abstain;

Chairperson Not Voting