

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0251-22

Date: December 15, 2022

Re: **AN ACT RELATING TO THE BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; AMENDING CMY-54-18 TO EXTEND THROUGH CROP YEAR 2028 THE SÍHASIN FUND GUARANTEE FOR THE NAVAJO NATION'S ANNUAL PREMIUMS FOR THE "RAINFALL INDEX PASTURE, RANGELAND AND FORAGE PILOT INSURANCE PROGRAM" ADMINISTERED BY THE U.S. DEPARTMENT OF AGRICULTURE**

Purpose of this Legislation:

to extend by five years - through the end of Crop Year 2028 - the Sihasin Fund guarantee for the Navajo Nation's required premiums for the USDOA's "Rainfall Index Pasture, Rangeland and Forage Pilot Insurance Program"

OLC No. 22-437-1

5-DAY BILL HOLD PERIOD: A Johnson
Website Posting Time/Date: _____
Posting End Date: 12-20-22
Eligible for Action: 12-21-22

Budget & Finance Committee
Thence
Resources & Development Committee
Thence
Naabik'iyati' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:

W. Stewart Jr.
(Prime Sponsor)

Tracking No. 0251-22

AN ACT

RELATING TO THE BUDGET AND FINANCE, RESOURCES AND
DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE
NAVAJO NATION COUNCIL; AMENDING CMY-54-18 TO EXTEND
THROUGH CROP YEAR 2028 THE SÍHASIN FUND GUARANTEE FOR THE
NAVAJO NATION'S ANNUAL PREMIUMS FOR THE "RAINFALL INDEX
PASTURE, RANGELAND AND FORAGE PILOT INSURANCE PROGRAM"
ADMINISTERED BY THE U.S. DEPARTMENT OF AGRICULTURE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Budget & 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).
- B. The Resources & Development Committee of the Navajo Nation Council has oversight authority over water, land, agriculture, and grazing matters on the Navajo Nation. 2 N.N.C. §500(C)(1).
- C. The Naabik'iyati' Committee of the Navajo Nation Council reviews all proposed legislation that requires final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- D. In Resolution No. CD-68-14 the Navajo Nation established the Síhasin Fund.

1 E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
2 As such, the Council may amend provisions of the Síhasin Fund established in CD-68-14.
3

4 **SECTION TWO. FINDINGS**

5 A. In Resolution No. CO-57-16 the “Síhasin Fund Pasture Range and Forage Expenditure Plan”
6 (“PRF Plan”) was established. In 2016 the Navajo Nation Council also created the
7 “Agriculture Infrastructure Fund” to provide funding for agriculture infrastructure projects
8 involving grazing and livestock, tribal ranches, range management, farming and irrigation,
9 water development for agricultural purposes, dams and reservoirs, watershed planning,
10 drought contingency plans, and other agriculture-related projects. Resolution No. CO-57-16
11 is incorporated herein by this reference.

12 B. To facilitate agricultural infrastructure development across the Navajo Nation and to provide
13 financial stability against drought and other fluctuating environmental conditions, CO-57-16
14 authorized the Division of Natural Resources and the Department of Agriculture to enroll the
15 Navajo Nation in the “Rainfall Index Pasture, Rangeland and Forage Pilot Insurance
16 Program” (“PRFI Program”) administered by the U.S. Department of Agriculture
17 (“USDOA”).

18 C. USDOA pays between 51% and 59% of the Navajo Nation’s required annual insurance
19 premiums for the PRFI Program, and pays benefits to the Navajo Nation in the form of
20 indemnity payments. CO-57-16 originally reserved \$19,835,612 from the Síhasin Fund to
21 guarantee that portion of the Navajo Nation’s annual insurance premiums that are not
22 covered by USDOA’s annual payments for Crop Years 2017 and 2018.

23 D. In Resolution No. CMY-54-18 the Navajo Nation Council amended CO-57-16 to extend the
24 Síhasin Fund reserve amount to guarantee the Navajo Nation’s PRFI Program premiums
25 through the end of the 2023 Crop Year. CMY-54-18 is incorporated herein by this reference.

26 E. The Navajo Nation is currently experiencing post-COVID-19 pandemic factors that are
27 greatly hindering the implementation and completion of agricultural infrastructure projects,
28 such as the scarcity of materials, increased costs for supplies and delivery, and other market
29 forces. The Navajo Nation is also engaged in extensive drought mitigation activities, feral
30 horse reduction, and other environmental conservation measures. Therefore, the Navajo

1 Nation finds it necessary to extend the Síhasin Fund reserve amount to guarantee the Navajo
2 Nation's required PRFI Program premiums through the end of the 2028 Crop Year.

3
4 **SECTION THREE. AMENDING RESOLUTION NO. CMY-54-18**

5 The Navajo Nation hereby amends Navajo Nation Council Resolution No. CMY-54-18, at
6 **Section Three. Amending Resolution No. CO-57-16** (starting on page 3 of CMY-54-18) as
7 follows:

8 The Navajo Nation hereby amends Navajo Nation Council Resolution NO. CO-57-
9 16, as follows:

10 Section Three. Approval and Adoption of Expenditure Plan

11 * * *

12 C. The Navajo Nation hereby approves and adopts total funding, in the form
13 of a reserve, from the Síhasin Fund in the amount of nineteen million eight
14 hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00)
15 to the Navajo Nation Division of Natural Resources to implement the
16 Síhasin Fund Pasture Range and Forage Expenditure Plan and establish the
17 Agriculture Reserve Fund as follows:

- 18 1. The nineteen million eight hundred thirty-five thousand six hundred
19 twelve dollars (\$19,835,612.00) shall be reserved and remain in the
20 Síhasin Fund until such time as the Nation is required to make USDA's
21 Pasture Rangeland and Forage Insurance Program premiums for the
22 2017 through ~~2023~~ 2028 Crop Years;

23 * * *

- 24 4. At the end of the ~~2023~~ 2028 Crop Year, any portion of the nineteen
25 million eight hundred thirty-five thousand six hundred twelve dollars
26 (\$19,835,612.00) not used to pay USDA Pasture Rangeland and Forage
27 Insurance Program premiums shall immediately become unreserved and
28 available to fund other Síhasin Fund expenditure plans approved by
29 Navajo Nation Council;

30 * * *

1 Section Four. Approval and Adoption of Expenditure Plan Administration

2 A. The Navajo Nation hereby approves administration of the Síhasin Fund
3 Pasture Range and Forage Expenditure Plan and Agriculture Infrastructure
4 Fund as follows:

5 2. The Síhasin Funds reserved for the Navajo Nation's participation in the
6 USDA's Pasture Rangeland and Forage Insurance Program shall only
7 be used to pay 2017 through ~~2023~~ 2028 Crop Year insurance premiums
8 not covered by the applicable year's indemnity payment;

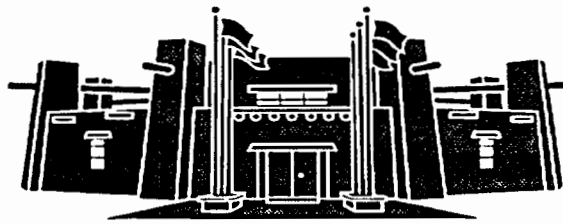
9 * * *

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11 **SECTION FOUR. EFFECTIVE DATE**

12 This Act shall become effective pursuant to 12 N.N.C. §2505(A) and 2 N.N.C. §221(B).

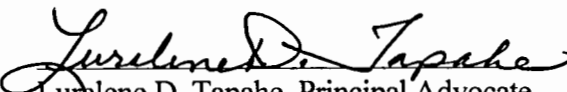
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14 **SECTION FIVE. SAVING CLAUSE**

15 If any portion of this Act is invalidated by the Supreme Court of the Navajo Nation, or by any
16 Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the
17 remainder of this Act shall be the law of the Navajo Nation.



MEMORANDUM

To: Hon. Wilson Stewart, Jr., Member
Resources & Development Committee
24th Navajo Nation Council

From: 
Luralene D. Tapahe, Principal Advocate
Office of Legislative Counsel

Date: December 15, 2022

Subject: **AN ACT RELATING TO THE BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; AMENDING CMY-54-18 TO EXTEND THROUGH CROP YEAR 2028 THE SÍHASIN FUND GUARANTEE FOR THE NAVAJO NATION'S ANNUAL PREMIUMS FOR THE "RAINFALL INDEX PASTURE, RANGELAND AND FORAGE PILOT INSURANCE PROGRAM" ADMINISTERED BY THE U.S. DEPARTMENT OF AGRICULTURE**

The Office of Legislative Counsel has prepared the above-referenced proposed legislation and related summary sheet. Based on existing Navajo Nation law and other applicable laws, and upon review of all supporting documents regarding your request that were submitted to OLC, this legislation as drafted is legally sufficient. However, as with any action of government, this legislation may be subject to judicial review in the event of a legal challenge.

Please review this legislation to make sure it is drafted to your satisfaction, and that all necessary and appropriate supporting documents have been provided and all attached Exhibits are correct.

OLC has reviewed the appropriate standing committees' authorities to consider this legislation, based on the standing committees' powers and responsibilities set forth in Title 2 of the Navajo Nation Code. Based on its review, OLC has listed those committees in the title of this legislation. However, the Speaker may assign this legislation to any committee(s) other than those shown in the title, pursuant to his authority under 2 N.N.C. §164(A)(5).

If you find anything unacceptable, please let me know immediately and advise me of your desired changes. I can be reached at phone no. (928)871-7166 or by email at: LuraleneTapahe@navajo-nsn.gov

Thank you for your cooperation.