

SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0246-23

DATE: October 20, 2023

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 through 2028 the Sihasin Fund guarantee for the Navajo Nation's annual premiums for the USDA's Pasture, Rangeland, and Forage Insurance Program.

OLC No. 23-507-1

5-DAY BILL HOLD PERIOD 4-2-23
Website Posting Time/Date 4:02 PM ; 10-24-23
Posting End Date: 10-29-23
Eligible for Action: 10-30-23

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
25th NAVAJO NATION COUNCIL - First Year, 2023

Introduced by:


(Prime Sponsor)

Tracking No. 0246-23

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 and Finance Committee of the Navajo Nation Council is authorized to review and recommend to the Navajo Nation Council resolutions related to budgeting, appropriation, investment, and management of all funds, including the Navajo Nation's Síhasin Fund created by Resolution No. CD-68-14. 2 N.N.C. §301(B)(2).
- B. The Resources and Development Committee of the Navajo Nation Council has oversight authority for resolutions related to water, land, grazing, and agriculture on the Navajo Nation. 2 N.N.C. §500(C)(1).
- C. The Naabik'iyáti' Committee of the Navajo Nation Council reviews all proposed legislation requiring final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

1 D. The Navajo Nation Council is the governing body of the Navajo Nation. As such, the Council
2 may approve appropriations from the Navajo Nation's Síhasin Fund. 2 N.N.C. §102(A), 12
3 N.N.C. §2505(A).

4 5 **SECTION TWO. FINDINGS**

6 A. In Resolution No. CO-57-16 the Navajo Nation created the Síhasin Fund Pasture, Range, and
7 Forage Expenditure Plan along with the Agriculture Infrastructure Fund ("AIF"). CO-57-16
8 is attached hereto as **EXHIBIT A**.

9 B. The AIF is a source of funds for infrastructure projects on the Navajo Nation, the Navajo
10 Partitioned Lands, and the former Bennett Freeze Area, which projects relate to range
11 management and support, grazing and livestock, tribal ranches, fencing, farming and
12 irrigation, agricultural water development, reservoirs, dams and catchments, watershed
13 planning for agriculture, drought contingency and mitigation plans, and branding of
14 livestock. **EXHIBIT A**.

15 C. To facilitate agricultural infrastructure development across the Navajo Nation and to provide
16 financial stability against drought and other fluctuating environmental conditions, CO-57-16
17 authorized the Navajo Nation, through its Division of Natural Resources ("DNR") and
18 Department of Agriculture ("DOA"), to enroll in the "Rainfall Index Pasture, Rangeland,
19 and Forage Pilot Insurance Program" ("PRFI Program") administered by the United States
20 Department of Agriculture ("USDA"). To participate in the PFRI Program, the Navajo
21 Nation is required to pay an annual insurance premium. USDA covers between 51% and
22 59% of this cost for the Navajo Nation. **EXHIBIT B**.

23 D. When needed for drought seasons, USDA issues indemnity payments to the Navajo Nation.
24 For Crop Years 2017 and 2018, Resolution No. CO-57-16 reserved \$19,835,612 from the
25 Síhasin Fund to guarantee that portion of the Navajo Nation's annual premiums that are not
26 covered by USDA.

27 E. For Crop Year 2017, USDA's indemnity payments to the Navajo Nation exceeded the
28 Navajo Nation's portion of its annual premiums by \$17,386,455. Therefore, the Síhasin
29 Funds reserved under CO-57-16 were not needed or used for Crop Year 2017.

30 F. In Resolution No. CMY-54-18 the Navajo Nation extended the Síhasin Fund reserve amount

1 to guarantee the Navajo Nation's annual premiums through Crop Year 2023. **EXHIBIT C.**
2 G. The Navajo Nation is currently experiencing post-COVID-19 pandemic factors that are
3 greatly hindering the implementation and completion of agricultural infrastructure projects,
4 such as the scarcity of materials, increased costs for supplies and delivery, and other market
5 forces. Even with recent precipitation, the Navajo Nation is still engaged in extensive drought
6 mitigation activities, feral horse reduction, and other environmental conservation measures.
7 H. In light of the above, the Navajo Nation finds it in the best interest of the Navajo Nation and
8 the Navajo People to extend the Síhasin Fund reserve amount to guarantee the Navajo
9 Nation's required PRFI Program premiums through the end of Crop Year 2028.

10
11 **SECTION THREE. AMENDING RESOLUTION NO. CMY-54-18**

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

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

17 Section Three. Approval and Adoption of Expenditure Plan

18 * * *

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

- 25 1. The nineteen million eight hundred thirty-five thousand six hundred
26 twelve dollars (\$19,835,612.00) shall be reserved and remain in the
27 Síhasin Fund until such time as the Nation is required to make USDA's
28 Pasture Rangeland and Forage Insurance Program premiums for the
29 2017 through ~~2023~~ 2028 Crop Years;

30 * * *

1 4. At the end of the ~~2023~~ 2028 Crop Year, any portion of the nineteen
2 million eight hundred thirty-five thousand six hundred twelve dollars
3 (\$19,835,612.00) not used to pay USDA Pasture Rangeland and Forage
4 Insurance Program premiums shall immediately become unreserved and
5 available to fund other Síhasin Fund expenditure plans approved by
6 Navajo Nation Council;

7 * * *

8 Section Four. Approval and Adoption of Expenditure Plan Administration

9 A. The Navajo Nation hereby approves administration of the Síhasin Fund
10 Pasture Range and Forage Expenditure Plan and Agriculture Infrastructure
11 Fund as follows:

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

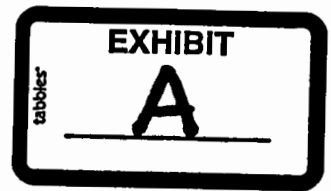
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17
18 **SECTION FOUR. EFFECTIVE DATE**

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

20
21 **SECTION FIVE. SAVING CLAUSE**

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



CO-57-16

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL - Second Year, 2016

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE AND
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; ADOPTING THE
SÍHASIN FUND PASTURE RANGE AND FORAGE 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'iyáti' 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 Naabik'iyáti' Committee additionally has the authority to delegate its authority as appropriate for efficiency and streamlining of government process to appropriate entities and to establish a subcommittee that consists of committee members which the committee selects. 2 N.N.C. §§ 186 and 701 (B).
- D. 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 and to coordinate and review all fiscal, financial and investment activities of the Navajo Nation. 2 N.N.C. §§ 301 (B) (2) and (5).
- E. The Resource and Development Committee of the Navajo Nation Council has been empowered to exercise oversight authority over water, land, grazing and agriculture and is further empowered to establish Navajo Nation policy with respect to the optimum utilization of all Navajo Nation resources, including the enumerated power to promulgate rules and regulations governing the use and development of Navajo Nation lands. 2 N.N.C. §§ 500 (C) and (C) (1) and 501 (B) (1).

Section Two. Findings

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

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

- F. The 2014 Act also established that "leveraging of the [Síhasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole". 12 N.N.C § 2502 (B).
- G. The 2014 Act further established that with the exception of outstanding and accrued litigation costs, Síhasin Fund Principal and Income shall only be expended pursuant to a Fund Expenditure Plan consistent with the purposes set forth in the 2014 Act at 12 N.N.C. §2502 and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation Council. See 12 N.N.C. § 2505 (A).
- H. The 2014 Act states that "Fund Principal" shall consist of all deposits made to the Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.) generated and realized by the Fund Principal and that Fund Income shall be deposited in and added to Fund Principal until such time as a Fund Expenditure Plan is duly adopted. See 12 N.N.C. §§ 2504 and 2505 (c).
- I. The Office of the Controller reported that as of January 1, 2016, the amount of the Síhasin 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).
- J. On April 9, 2015, the Naabik'íyáti' Committee adopted NABIAP-20-15 establishing the Naabik'íyáti' Síhasin Fund Subcommittee to "review and evaluate the Public Hearing comments and recommendations from the Navajo People" and "recommend to the Naabik'íyáti' Committee and Navajo Nation

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

- K. Between April 2015 and October 2016, the Sihasin Fund Subcommittee, assisted by the Office of Legislative Services, Office of the Speaker, and Office of Legislative Counsel, met on at least twenty-five (25) occasions in either work sessions or official meetings to review and evaluate the Public Hearing comments and recommendations from the Navajo People; hear proposals from Navajo Nation entities, chapters, programs and officials; and develop an expenditure plan(s) for the Sihasin Fund Principal and Income consistent with the purposes set forth in the 2014 Act.
- L. The Sihasin Fund Subcommittee determined that for an expenditure plan to fully meet the leveraging criteria of the 2014 Act, the expenditure plan shall not rely on Sihasin Funds for full direct project funding, unless such funds are to be repaid under a loan agreement, and instead must utilize the Sihasin Funds for (1) match funding, joint funding, contribution funding, cost-share funding or similar weighted uses of the funds; (2) reimbursement funding; and/or (3) loan or bond financing or guarantee.
- M. The Sihasin Fund Subcommittee also determined that the 2014 Act allowed for the adoption of multiple expenditure plans and that it would be prudent for the Navajo Nation to adopt integrated, yet distinct, expenditure plans for regional-level infrastructure planning and development in four broad infrastructure areas or categories consistent with the purposes of the 2014 Act: Water and Natural Resource Infrastructure Development; Economic Development; Community Development; and Housing Development.
- N. After reviewing the comments submitted during the Public Hearings and town hall meetings, as well as the reports and comments made during Sihasin Fund Subcommittee meetings, the Subcommittee determined that the inadequacy of agriculture infrastructure within the Navajo Nation was detrimental to the establishment of a vibrant and sustainable agriculture economy on the Navajo Nation; that full or partial funding of Navajo Nation agriculture projects throughout the reservation could benefit each

region within the Navajo Nation in providing financing and infrastructure capital to leverage funding from federal and state agencies for natural resources infrastructure development and conservation initiatives throughout the Navajo Nation; and that the implementation of sound conservation practices would allow ranchers, farmers and resource managers to adequately reduce sedimentation, reduce the threat of catastrophic fire, increase the amount of water for livestock and wildlife use, improve rangeland resources, and altogether better manage and sustain the Navajo Nation's natural resources.

- O. In September of 2016, the Navajo Nation Division of Natural Resources' ("DNR"), through its Department of Agriculture ("DOA"), provided the Sîhasin Fund Subcommittee with information, attached as Exhibit A, concerning the United States Department of Agriculture's ("USDA") Rainfall Index Pasture, Rangeland and Forage Pilot Insurance Program ("PRF Insurance Program") wherein USDA subsidizes 51% (fifty-one percent) to 59% (fifty-nine percent) of the cost of insurance coverage against lack of rainfall, based on a precipitation index, that an entity may procure to provide protection for pasture, rangeland and forage grown for the intended use of grazing by livestock or haying. See also www.rma.usda.gov/pubs/rme/fctsht.html.
- P. The PRF Insurance Program is a risk management tool designed to insure decline in an area-based precipitation index value, determined by the National Oceanic and Atmospheric Climate Prediction Center ("NOAA CPC"), that is based on the long-term, historical, average precipitation for the same area of land for the same period of time; the PRF Insurance Program does not measure, capture or use the actual crop production of any producer or any of the actual crop production within the area; PRF Insurance Program coverage is based on the entire grid and is not based on individual farms or ranches or specific weather stations in the general area. Exhibit A; see also www.rma.usda.gov/pubs/rme/fctsht.html.
- Q. The PRF Insurance Program applies NOAA CPC data to the grid area and two-month interval(s) that an entity chooses to insure; when the final grid index falls below the entities "trigger grid index", the entity may receive an indemnity. Exhibit A; see also www.rma.usda.gov/pubs/rme/fctsht.html.

- R. In September of 2015, the PRF Insurance Program was expanded by USDA to include acreage defined by grids in the states of Arizona, New Mexico, Utah and Colorado and covering the whole of Navajo Nation trust and fee lands, with the exception that, as a general rule, leased lands must be insured by the individual lessee and allotments must be insured by the allottee. Exhibit A; see also www.rma.usda.gov/pubs/rme/fctsht.html.
- S. The PRF Insurance Program benefits are paid in the form of an indemnity and based solely on the basis of lack of precipitation and indemnity options can include payouts once precipitation hits 90% of the average precipitation in the area and interval insured. Exhibit A; see also www.rma.usda.gov/pubs/rme/fctsht.html.
- T. DOA provided the Sihasin Fund Subcommittee with information, attached as Exhibit B, that, based on NOAA CPC area-specific historical average precipitation data, if the PRF Insurance Program had been available over the last two decades and the Navajo Nation had insured 6,984,343.10 acres at an annual insurance premium cost of \$19,835,612.00, the Nation would have received an indemnity payment above the premium cost in 19 (nineteen) out of the last 20 (twenty) years with an average yearly indemnity payment of \$34,315,608.76 above the cost of the insurance premium and even without the USDA's subsidizing 51% (fifty-one percent) of the insurance premium, the Nation would have received an average yearly indemnity payout of a little over \$14,000,000.00 above the cost of the insurance premium.
- U. DOA also provided the Sihasin Fund Subcommittee with information that since it had not as yet identified a source of funding to guarantee the payment of insurance premiums, DOA has not applied to participate in the PRF Insurance Program on behalf of the Navajo Nation and that the completed application to participate in the PRF Insurance Program for the 2017 Crop Year was required to be signed by the Navajo Nation President and submitted to USDA by no later than November 1, 2016. Exhibit A; see also www.rma.usda.gov/pubs/rme/fctsht.html.

- V. On September 30, 2016, the DNR-DOA presented a proposal, attached as Exhibit C, to the Sihasin Fund Subcommittee, to establish and fund the Navajo Nation Agriculture Infrastructure Fund as follows:
1. Authorize the DNR-DOA, on behalf of the Navajo Nation, to apply to USDA to participate in the PRF Insurance Program;
 2. Reserve nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) of Sihasin Funds to guarantee annual Crop Year insurance premiums for 6,984,343.10 acres which shall only be draw-down from the Sihasin Fund if the PRF Insurance Program indemnity is insufficient to cover the insurance premium;
 3. Approve the use of indemnity payments in excess of the amount necessary to guarantee the subsequent Crop Year's insurance premiums to fund agriculture infrastructure projects, including but not limited to: range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects, including administration costs.
- W. The Sihasin Fund Subcommittee has determined that the DNR-DOA proposal, dated September 30, 2016, attached as Exhibit C, addresses the lack of agricultural infrastructure and a stagnant agriculture economy on the Navajo Nation and therefore meets the 2014 Act requirement for the "planning and development of regional infrastructure supporting economic and community development, including housing, within the Navajo Nation". See 12 N.N.C. §2502 (A) (1).
- X. The Sihasin Fund Subcommittee has also determined that DNR-DOA's projection, based on NOAA CPC, historical average precipitation data, that it can turn a reserve and guarantee of nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) of Sihasin Funds into an annual net indemnity payment averaging above thirty-four million dollars

(\$34,000,000.00) satisfies the 2014 Act requirement that "leveraging of the [Sihasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole". 12 N.N.C § 2502 (B).

- Y. The Sihasin Fund Subcommittee additionally determined that USDA's subsidy of fifty-one percent (51%) to fifty-nine percent (59%) of PRF Insurance Program premiums further satisfies the 2014 Act requirement that "leveraging of the [Sihasin] Fund by way of guaranteeing loans, match funding, direct funding in part and other weighted uses of the Fund shall be favored over direct funding in whole". 12 N.N.C § 2502 (B).
- Z. The Sihasin Fund Subcommittee further determined that it was in the best long-term interest of the Navajo Nation and Navajo communities to reserve Sihasin Funds for DNR-DOA to ensure the payment of annual insurance premiums to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program and to use annual net indemnity payments to fund agriculture infrastructure projects on the Navajo Nation and recommends to the Navajo Nation Standing Committees and the Navajo Nation Council that nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) of Sihasin Funds be reserved for DNR-DOA as the Sihasin Fund Pasture Range and Forage Expenditure Plan, attached as Exhibit C, under section 2505 of the 2014 Act.
- AA. After considering the recommendations of the Sihasin Fund Subcommittee, the Navajo Nation Council hereby determines that reserving Sihasin Funds for DNR-DOA to ensure the payment of annual insurance premiums to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program and using net indemnity payments to fund agriculture infrastructure projects fits within the priorities established under the July 20, 2015 One Nation, One Voice Navajo Nation Three Branch Agreement and that it is in the best interests of the Navajo Nation, as well as in the best interests of economic and community development and the revitalization of the agricultural economy within the Navajo Nation, to adopt the Sihasin Fund Pasture Range and Forage Expenditure Plan, attached as Exhibit C.

Section Three. Approval and Adoption of Expenditure Plan

- A. The Navajo Nation hereby approves and adopts the Sihasin Fund Pasture Rangeland and Forage Expenditure Plan, attached and incorporated herein as Exhibit C, including the establishment of the Agriculture Infrastructure Fund.
- B. The Navajo Nation hereby authorizes the Navajo Nation Division of Natural Resources and Department of Agriculture to apply, on behalf of the Navajo Nation, to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program.
- C. The Navajo Nation hereby approves and adopts total funding, in the form of a reserve, from the Sihasin Fund in the amount of nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) to the Navajo Nation Division of Natural Resources to implement the Sihasin Fund Pasture Range and Forage Expenditure Plan and establish the Agriculture Reserve Fund as follows:
 - 1. The nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) shall be reserved and remain in the Sihasin Fund until such time as the Nation is required to make USDA's Pasture, Rangeland, Forage Pilot Insurance Program premiums for the 2017 and 2018 Crop Years;
 - 2. If the Navajo Nation's application to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program is denied, without right of appeal, the nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) shall immediately become unreserved and available to fund other Sihasin Fund expenditure plans as approved by Navajo Nation Council;
 - 3. If the Navajo Nation's application to participate in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program is accepted for acreage at a level requiring less than a premium of nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00), the excess of reserved Sihasin Funds shall immediately become unreserved and available to fund other Sihasin Fund expenditure plans as approved by Navajo Nation Council;

4. At the end of the 2018 Crop Year, any portion of the nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) not used to pay USDA Pasture, Rangeland, Forage Pilot Insurance Program premiums shall immediately become unreserved and available to fund other Sihasin Fund expenditure plans approved by Navajo Nation Council;
 5. Any portion of the nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) of Sihasin Fund dollars used to pay USDA Pasture, Rangeland, Forage Pilot Insurance Program premiums shall be reimbursed and repaid to the Sihasin Fund from accrued insurance indemnity payments; and
 6. If there are accrued indemnity funds remaining above the amount necessary to fund the subsequent Crop Year's insurance premiums and after the Sihasin Fund has been reimbursed for any actual expenditures, the accrued indemnity funds may be used to fund agriculture infrastructure projects as set forth below.
- D. The Sihasin Funds reserved for the Sihasin Fund Pasture Range and Forage Expenditure Plan may be further leveraged by the Navajo Nation through bond or loan financing pursuant to the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended, using Sihasin Fund Earnings for repayment and financing costs upon the recommendation of the Budget & Finance Committee and approval by a two-thirds (2/3) vote of all members of the Navajo Nation Council.

Section Four. Approval and Adoption of Expenditure Plan Administration

- A. The Navajo Nation hereby approves administration of the Sihasin Fund Pasture Range and Forage Expenditure Plan and Agriculture Infrastructure Fund as follows:
1. The Navajo Nation Controller shall determine whether the source of the reserved \$19,835,612.00 will be Sihasin Fund Principal or Income or a combination of both;

2. The Síhasin Funds reserved for the Navajo Nation's participation in the USDA's Pasture, Rangeland, Forage Pilot Insurance Program shall only be used to pay 2017 and 2018 Crop Year insurance premiums not covered by the applicable year's indemnity payment;
3. 2 N.N.C. §§ 933-936 is hereby waived and the Division of Natural Resources shall be responsible for complying with Navajo Nation procurement laws, regulations and policies in procuring the services of an insurance agent or carrier eligible to provide USDA Pasture, Rangeland, Forage Pilot Insurance in the capacity necessary to satisfy the Nation's needs, as well as the experience and expertise necessary to develop the Nation's application to the Pasture Rangeland and Forage Insurance Program for the 2017 Crop Year within the expedited time frame;
4. The Division of Natural Resources, with the assistance of the Office of the President and Vice-President, Office of the Controller and Department of Justice, shall be responsible for conducting due diligence on the insurance agent or carrier selected and reporting the results of such due diligence to the Budget and Finance Committee and Office of President & Vice-President before any insurance premiums are actually paid with the reserved Síhasin Funds;
5. The Office of the Controller and Office of Management & Budget shall work with the Division of Natural Resources and Department of Agriculture to establish a fund, herein called the Agriculture Infrastructure Fund, to:
 - a. Receive and hold any and all indemnity payments from the USDA's Pasture, Rangeland, Forage Pilot Insurance Program;
 - b. Use accrued indemnity payments to reimburse and repay Síhasin Funds actually expended; and
 - c. Use any remaining indemnity payments in excess of the amount necessary to guarantee the subsequent Crop Year's insurance premiums to fund and

implement agriculture infrastructure projects on the Navajo Nation, including but not limited to:

range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects, including administration costs.

6. The Division of Natural Resources and its Department of Agriculture shall have the authority and responsibility to manage and administer the Agriculture Infrastructure Fund and implement agriculture infrastructure projects pursuant to a fund management plan approved by the Budget & Finance Committee which shall at least include provisions that:
 - a. All interval indemnity payments received from the USDA's Pasture, Rangeland, Forage Pilot Insurance Program will be deposited into Fund when received by the Navajo Nation and invested as determined by the Office of the Controller with any realized interest earnings or investment income devoted to the implementation of agriculture infrastructure projects;
 - b. During the first month after the end of each Navajo Nation Fiscal Year, withdrawals from and/or reserves within the Fund shall be made in the following order or priority:
 1. Annual USDA Pasture, Rangeland, Forage Pilot Insurance Program premiums covering no more acreage than insured the previous year;
 2. Repayment and reimbursement of any portion of the \$19,835,612.00 of Sîhasin Funds actually expended; and
 3. If there are additional funds remaining, upon the approval of the Budget & Finance Committee, those funds may either be used to

increase the acreage insured or to implement agriculture infrastructure projects on the Navajo Nation or a combination of both.

- c. The Department of Agriculture, under the legislative oversight of the Resources and Development Committee, shall have the responsibility to administer, oversee and use indemnity funds allocated for agriculture infrastructure projects, consistent with an annual plan recommended by the Division of Natural Resources and approved by the Resources and Development Committee, for range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area, including administration costs;
 - d. The Department of Agriculture shall account for the money spent and such accounting or expenditure report shall be included as part of the Executive Branch's quarterly program report submitted to the Resources and Development Committee; and
 - e. The Department of Agriculture shall have the authority to enter into match funding, partnership, cooperative and other cost saving or cost sharing arrangements or leveraging agreements with Navajo Nation entities and enterprises, Navajo Nation chapters and other political subdivisions, other Navajo Nation programs and federal and state agencies and such agreements shall not be deemed procurement contracts subject to the Navajo Nation Procurement Act, 12 N.N.C. §§301 -371 or Navajo Business Opportunity Act 5 N.N.C. §§ 201-215.
7. The Division of Natural Resources and Department of Agriculture shall have the continuing authority and responsibility to further leverage the Agriculture Infrastructure Fund and shall present an annual

leveraging plan to the Resources and Development and Budget and Finance Committees during the first quarter of each Navajo Nation Fiscal Year.

8. The funds deposited into the Agriculture Infrastructure Fund shall not lapse on an annual basis pursuant to 12 N.N.C. §820 (N).
- B. The Navajo Nation Controller, Director of the Division of Natural Resources and Program Manager of the Department of Agriculture shall jointly account for and be held accountable for the expenditure of allocated Sihasin Fund funds and shall arrange for an annual audit of the Agriculture Infrastructure Fund with such audit report(s) submitted to the Resources and Development, Budget and Finance and Naabik'iyáti' Committees, Office of the Controller and Office of the President and Vice-President on an annual basis.
- C. The Division of Natural Resources shall report the status of the Sihasin Fund Pasture Range and Forage Expenditure Plan, specifically including the use and status of the Sihasin Funds and the status of the Agriculture Infrastructure Fund to the Resources and Development, Budget and Finance and Naabik'iyáti' Committees and Office of the President and Vice-President on a quarterly basis.

Section Five. Effective Date

The Sihasin Fund Pasture Range and Forage Expenditure Plan, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505.

Section Six. Directives

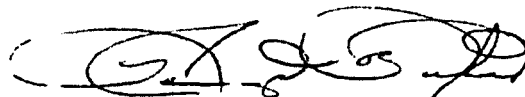
- A. All Navajo Nation programs, specifically including, but not limited to, the Office of Controller, Office of Management & Budget, Division of Natural Resources and Department of Agriculture, shall take all steps necessary to expeditiously implement the Sihasin Fund Pasture Range and Forage Expenditure Plan.
- B. The Department of Agriculture shall develop a knowledge bank collecting and archiving information about the PRF Insurance Program and the Nation's participation.

CO-57-16

- C. All Navajo Nation programs named in this legislation shall be held accountable for the progress of tasks under their responsibility and control and shall report on a semi-annual basis to the Naabik'iyáti' Committee on the progress of their respective tasks.

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 18 in favor and 4 opposed, this 27th day of October 2016.



LoRenzo Bates, Speaker
Navajo Nation Council


11-3-16

Date

Motion: Honorable Peterson B. Yazzie
Second: Honorable Otto Tso

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 13th day of November 2016.



Russell Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of _____ 2016 for the reason(s) expressed in the attached letter to the Speaker.

Russell Begaye, President
Navajo Nation

Pasture, Rangeland, Forage Pilot Insurance Program

Revised August 2015

Pasture, Rangeland, Forage

The Risk Management Agency's (RMA) Pasture, Rangeland, Forage (PRF) Pilot Insurance Program is designed to provide insurance coverage on your pasture, rangeland, or forage acres. This innovative pilot program is based on precipitation, Rainfall Index. This program is designed to give you the ability to buy insurance protection for losses of forage produced for grazing or harvested for hay, which result in increased costs for feed, destocking, depopulating, or other actions.

Availability

PRF is available in the 48 contiguous states with the exception of a few grids that cross international borders. The Rainfall Index will replace the Vegetation Index beginning in the 2016 crop year.

Coverage and Claims

The Rainfall Index uses National Oceanic and Atmospheric Administration Climate Prediction Center (NOAA CPC) data and each grid is 0.25 degrees in latitude by 0.25 degrees in longitude, which translates to approximately 17 x 17 miles at the equator. You must select at least two, 2-month periods where precipitation is important to your operation. These periods are called index intervals.

Your insurance payments are determined by using NOAA CPC data for the grid(s) and index interval(s) you have chosen to insure. When the final grid index falls below your "trigger grid index", you may receive an indemnity. This insurance coverage is for a single peril, lack of precipitation. Coverage is based on the experience of the entire grid. It is not based on individual farms or ranches or specific weather stations in the general area. You can find more detailed information on the NOAA website at www.cpc.ncep.noaa.gov/products/monitoring_and_data/.

Pasture, Rangeland, Forage insurance was designed to help protect your operation from the risks of forage losses that are produced for grazing or harvested for hay resulting in increased costs for feed. The program is designed to allow maximum flexibility to meet the risk management needs of your operation. You are not required to insure all your acres, but you cannot exceed the total number of grazing or haying acres you operate. The program provides protection while allowing you to insure only those acres that are important to your grazing program or hay operation. By selecting a productivity factor, you can establish a value between 60 and 150 percent of the county base value and match the amount of your protection to the value of forage that best represents your specific grazing or hay operation.

New Coverage Available for 2016

RMA has introduced a new pricing methodology starting with the 2016 crop year that will better reflect your replacement costs for feed and the actual losses you experience. RMA is also offering an irrigated hay practice in some states that is designed to cover above normal irrigation expenses when normal precipitation shortfalls are observed. However, normal irrigation costs are not covered.

Tools

You will be asked to make several choices when insuring your grazing or hay production, including coverage level, index intervals, irrigated practice, productivity factor, and number of acres. You should work with your crop insurance agent to view the Grid ID Locator map and index grids for your area, and assign acreage to one or more grids based on the location and use of the acreage to be insured. RMA also encourages you to use the Grid ID Locator, historical indices tool, and decision support tools available on RMA's website to help you decide whether PRF is the right insurance coverage for your operation. The rainfall index does not measure your direct production or loss. You are insuring a rainfall index that is expected to estimate your

production. Please review the historical indices tools for your grid along with past production records to determine if these programs will work for your operation and which periods work best for your forage production.

Buying a PRF Policy

You can buy a PRF policy from a crop insurance agent by the sales closing date shown for each county in the actuarial documents at webapp.rma.usda.gov/apps/actuarialinformationbrowser/. A list of crop insurance agents is available at all USDA service centers and on the RMA website at www.rma.usda.gov/tools/agent.html.

Contact Us

USDA/RMA

Mail Stop 0801

1400 Independence Ave., SW Washington, DC 20250

Phone: (202) 720-0723

Fax: (202) 690-2818

Website: www.rma.usda.gov

E-mail: RMA.Media.Requests@rma.usda.gov

Risk Management Agency

Download Copies from the Web

Visit our online publications/fact sheets page at www.rma.usda.gov/pubs/rmefactsheet.html

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, complete, sign and mail a program discrimination complaint form, (available at any USDA office location or online at www.ascr.usda.gov), to: United States Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Ave., SW, Washington, DC 20250-9410. Or call toll free at (866) 632-9992 (voice) to obtain additional information, the appropriate office or to request documents. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay service at (800) 877-8339 or (800) 845-6136.

Pasture, Rangeland, Forage

2017/2018 PASTURE RANGE FORAGE INSURANCE UPDATE

(February 26, 2018)

2017/2018 PRE PREMIUM	
Base Premium	\$21,800,981
USDA Subsidy (50%)	22,690,820
Navajo National Forage Premium	\$21,800,981
PRE PREMIUM (BY COUNTRY)	
Apache	\$9,107,909
Coconino	7,609,094
Navajo	5,029,978
Total	\$21,800,981

2017/2018 PRE PREMIUM SUMMARY	
2017 Premium	\$21,800,981
2017 Indemnities thru Oct 31	12,145,940
2017 Paid from Reserve Fund	\$9,655,191
Oct/Nov Indemnity Received	\$5,795,559
2017 PRF Reserve Balance	\$3,859,572
Nov = Dec 2017 Indemnity	\$21,246,027
2017 Reserve Balance	3,859,572
Total	\$17,386,455
Potential Agriculture Infrastructure Fund (Yr 1)	
	\$17,386,455

2017/2018 INDEMNITY RANGES BY INTERVAL	
Jan = Feb	\$208,770
Feb = May	1,349,171
May = Aug	3,472,678
Aug = Nov	10
Nov = Dec	6,026,520
Jan = Feb	1,094,800
Feb = Mar	0
Mar = Apr	Not Selected
Apr = May	Not Selected
May = Jun	5,795,559
Jun = Jul	TBD
Jul = Aug	TBD
Aug = Sep	TBD
Sep = Oct	TBD
Oct = Nov	TBD
Nov = Dec	TBD
Total	\$17,941,499 YTD

- D 2018 PRE ACTION PLAN
- Submit application to USDA by 11/15/17
 - Consider adding NM & UT lands
 - Fund Mgt Plan & Fund Expenditure Plan
 - Reauthorize Shasim Reserve for 2 years
 - Implement Agriculture Infrastructure Fund
 - Monitor 2018 Farm Bill & USDA 2019 Budget
 - Monitor negotiations & cancellations

RESOLUTION OF THE
NAVAJO NATION COUNCIL

23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

AN ACTION

RELATING TO BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT AND
NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; AMENDING CO-
57-16, THE SÍHASIN FUND PASTURE RANGE AND FORAGE EXPENDITURE
PLAN, TO EXTEND THE SÍHASIN FUND GUARANTEE

BE IT ENACTED:

Section One. Authority

- A. 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).
- B. The Resource and Development Committee of the Navajo Nation Council is empowered to exercise oversight authority over water, land, grazing and agriculture on the Navajo Nation. 2 N.N.C. § 500 (C) (1).
- C. 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).
- D. The Naabik'iyáti' Committee additionally has the authority to delegate its authority as appropriate for efficiency and streamlining of government processes to appropriate entities and to establish a subcommittee that consists of committee members, which the committee selects. 2 N.N.C. §§ 186 and 701 (B). The Naabik'iyáti' Committee adopted NABIAP-20-15 establishing the Naabik'iyáti' Síhasin Fund Subcommittee to "recommend to the Naabik'iyáti' Committee and Navajo Nation Council financial support and/or financing plan(s) for the purposes designated in CD-68-14 [Navajo Nation Breach of Trust Settlement Act of 2014, establishing the Síhasin Fund]".
- E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).

Section Two. Findings

- A. On November 3, 2016, the Navajo Nation Council adopted Resolution No. CO-57-16, attached as **Exhibit A**, enacting the Síhasin Fund Pasture Range and Forage Expenditure Plan ("PRF Expenditure Plan") and creating the Agriculture Infrastructure Fund as a mechanism to fund agriculture infrastructure projects, including but not limited to: range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects. The President of the Navajo Nation signed CO-57-16 on November 13, 2016.
- B. CO-57-16 authorized the Navajo Nation, through its Division of Natural Resources ("DNR") and Department of Agriculture ("NNDOA"), to enroll in the United States Department of Agriculture's ("USDOA") Rainfall Index Pasture, Rangeland and Forage Pilot Insurance Program ("PRF Insurance Program") wherein USDOA will pay between 51% and 59% of the Nation's annual insurance premium.
- C. USDOA pays PRF Insurance Program benefits in the form of indemnity payments. CO-57-16 reserved nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612) of Síhasin Funds to guarantee any portion of the annual insurance premiums not off-set by the indemnity payments for Crop Years 2017 and 2018.
- D. For Crop Year 2017 (January 1, 2017 through December 31, 2017), as detailed in **Exhibit B**, indemnity payments to the Nation exceeded the Nation's portion of the annual premium cost by seventeen million three hundred eighty-six four hundred fifty-five dollars (\$17,386,455) and the reserved Síhasin Funds were fully maintained.
- E. Pursuant to CO-57-16, the Síhasin Fund guarantee of the annual PRF Insurance Program premium expires at the end of 2018 Crop Year and the Agriculture Infrastructure Fund, adopted as part of the PRF Expenditure Plan, requires DNR and NNDOA to set-aside or reserve enough of the 2017 and 2018 Crop Year indemnity payments to guarantee the Nation's 2019 Crop Year insurance premium before any portion of the indemnity payments can be used to fund

agriculture infrastructure projects, including but not limited to: range, grazing and livestock; tribal ranches infrastructure; farming and irrigation; agricultural water development; dams, reservoirs and catchments; watershed planning for agriculture; agricultural complexes; drought contingency plan (mitigation measures); area wide fencing; brand office and Navajo Partitioned Lands and former Bennett Freeze Area projects. CO-57-16, p. 10, Section Three C.6 and p. 11, Section Four A.5.c.

- F. On February 26, 2018, NNDOA presented information to the Síhasin Subcommittee that because CO-57-16 currently requires DNR and DOA to reserve or set-aside 2017 and 2018 Crop Year indemnity payments sufficient to guarantee the 2019 Crop Year PRF Insurance Program premiums, the amount of the 2017 Crop Year net identity proceeds of \$17,386,455 that can be spent on agriculture infrastructure projects in calendar years 2018 and 2019 will be minimal.
- G. Given that the Nation has pressing immediate needs to implement drought mitigation measures, feral horse reduction, and other conservation measures, the Síhasin Subcommittee recommends to the Naabik'íyáti' Committee and Navajo Nation Council that it is in the overall best long-term interests of the Navajo Nation to amend CO-57-16 to extend the Síhasin Fund guarantee of the PRF Insurance Program annual premiums for two additional years through the 2020 Crop Year, so that a large portion of the current net indemnity proceeds of \$17,386,455 can be used to implement agriculture infrastructure projects in calendar years 2018 and 2019.

Section Three. Amending Resolution No. CO-57-16

The Navajo Nation hereby amends Navajo Nation Council Resolution No. CO-57-16 as follows:

Section Three. Approval and Adoption of Expenditure Plan

* * *

- C. The Navajo Nation hereby approves and adopts total funding, in the form of a reserve, from the Síhasin Fund in the amount of nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) to the Navajo Nation Division of Natural Resources to implement the Síhasin Fund

Pasture Range and Forage Expenditure Plan and establish the Agriculture Reserve Fund as follows:

1. The nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) shall be reserved and remain in the Sihasin Fund until such time as the Nation is required to make USDA's Pasture, Rangeland, Forage Pilot Insurance Program premiums for the 2017 and ~~2018~~ through 2023 Crop Years;

* * *

4. At the end of the ~~2018~~ 2023 Crop Year, any portion of the nineteen million eight hundred thirty-five thousand six hundred twelve dollars (\$19,835,612.00) not used to pay USDA Pasture, Rangeland, and Forage Pilot Insurance Program premiums shall immediately become unreserved and available to fund other Sihasin Fund expenditure plans approved by Navajo Nation Council;

* * *

Section Four. Approval and Adoption of Expenditure Plan Administration

- A. The Navajo Nation hereby approves administration of the Sihasin Fund Pasture Range and Forage Expenditure Plan and Agriculture Infrastructure Fund as follows:

2. The Sihasin Funds reserved for the Navajo Nation's participation in the USDA's Rangeland, and Forage Pilot Insurance Program shall only be used to pay 2017 and ~~2018~~ through 2023 Crop Year insurance premiums not covered by the applicable year's indemnity payment;

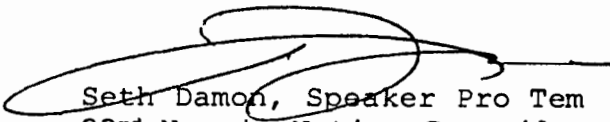
* * *

Section Four. Effective Date

The amendments to Navajo Nation Council Resolution No. CO-57-16, as set forth above, shall become effective pursuant to 12 N.N.C. § 2505 (A).

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 17 in favor and 00 opposed, on this 17th day of May 2018.


Seth Damon, Speaker Pro Tem
23rd Navajo Nation Council

May 21, 2018
Date

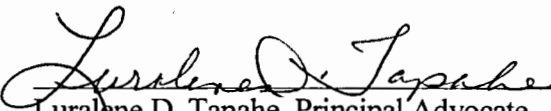
Motion: Honorable Lee Jack, Sr.
Second: Honorable Herman M. Daniels

Speaker Pro Tem Damon not voting



MEMORANDUM

To: Hon. Brenda Jesus, Chair
Resources & Development Committee
25th Navajo Nation Council

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

Date: October 20, 2023

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 and its Exhibits to make everything 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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0246-23_

SPONSOR: Brenda Jesus

TITLE: An Action Relating to the Budget and Finance, Resources and Development, and Naabik'iyáti' 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

Date posted: October 24, 2023 at 4:02PM

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.: 0246-23

SPONSOR: Honorable Brenda Jesus

TITLE: An Action Relating to the Budget and Finance, Resources and Development, and Naabik'iyáti' 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

Posted: October 24, 2023 at 4:02 PM

5 DAY Comment Period Ended: October 29, 2023

Digital Comments received:

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


**Legislative Secretary II
Office of Legislative Services**

**October 30, 2023 8:15 AM
Date/Time**

25th NAVAJO NATION COUNCIL

First Year 2023

Ms. Speaker:

The **BUDGET & FINANCE COMMITTEE** to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0246-23:

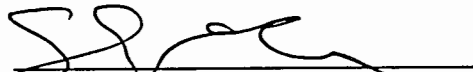
An Act Relating to the Budget and Finance, Resources and Development, and Naabikiyati Committees, and to the Navajo Nation Council; Amending CMY-54-18 to Extend through Crop Year 2028 the Sihasin Fund Guarantee for the Navajo Nation's Annual Premiums for the "Rainfall Index Pasture, Rangeland, and Forage Pilot Insurance Program" Administered by the U.S. Department of Agriculture

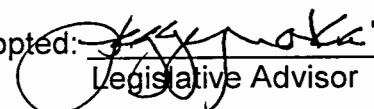
Sponsors: Brenda Jesus and Seth A. Damon, Council Delegates

has had it under consideration and reports the same with the recommendation that It **Do Pass** without amendment.

And, therefore referred to the **RESOURCES & DEVELOPMENT** Committee

Respectfully submitted,


Shaandlin Parrish, Chairperson

Adopted: 
Legislative Advisor

Not Adopted: _____
Legislative Advisor

October 31, 2023

The vote was **3** in favor **0** opposed yeas: Lomardo Aseret, Seth A. Damon, Carl R. Slater

Main Motion: Carl R. Slater

Second: Lomardo Aseret

BUDGET AND FINANCE COMMITTEE

October 31, 2023

Special Meeting

VOTE TALLY SHEET:

Legislation No. 0246-23: An Act Relating to the Budget and Finance, Resources and Development, and Naabikiyati Committees, and to the Navajo Nation Council; Amending CMY-54-18 to Extend through Crop Year 2028 the Sihasin 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

Sponsors: Brenda Jesus and Seth A. Damon, Council Delegates

Motion: Carl R. Slater

Second: Lomardo Aseret

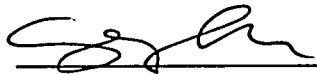
Vote: 3-0, Chairperson not voting

Final Vote Tally:

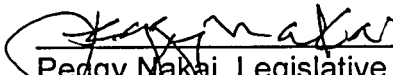
Lomardo Aseret	yea	
Norman M. Begay		
Amber K. Crotty		
Seth A. Damon	yea	
Shaandiin Parrish		
Carl R. Slater	yea	

Absent: Norman M. Begay

Excused: Amber K. Crotty



Shaandiin Parrish, Chairperson
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee

**RESOURCES AND DEVELOPMENT COMMITTEE
25th NAVAJO NATION COUNCIL**

FIRST YEAR 2023

COMMITTEE REPORT

Madam Speaker,

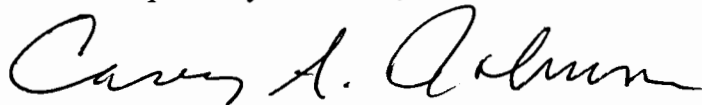
The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION #0246-23: AN ACTION 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. *Sponsor: Honorable Brenda Jesus Co-Sponsor: Honorable Seth Damon*

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred to the Naabik'íyáti' Committee.

Respectfully submitted,



Casey Allen Johnson, *Vice-Chairperson*
Resources and Development Committee of
the 25th Navajo Nation Council

Date: November 08, 2023 – Regular Meeting (Mentmore, New Mexico)
Location: Navajo Division of Transportation – #16 Old Coalmine Road, Rooms 306/307 –
Mentmore, New Mexico 87319

Main Motion:

M: Shawna Ann Claw

S: Rickie Nez

V: 3-0-1 (VCNV)

In Favor: Shawna Ann Claw; Brenda Jesus; Rickie Nez;

Opposition: None

Excused: Danny Simpson; Otto Tso

Not Voting: Casey Allen Johnson, *Vice-Chairperson*

(NOTE: VOTE TALLY attached hereto)

25th NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT First Year 2023

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL # 0246-23

An Action 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

Sponsored by: Honorable Brenda Jesus

Co-Sponsored by: Honorable Seth Damon

Has had it under consideration and reports the same that the legislation **WAS PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,



*Honorable Crystalyne Curley, Chairwoman
NAABIK'ÍYÁTI' COMMITTEE*

16 November 2023

MAIN MOTION

Motioned by: Honorable Vince R. James

Seconded by: Honorable Danny Simpson

Vote: 12 in Favor, 00 Opposed (Chairwoman Curley Not Voting)

NAVAJO NATION

257

11/16/2023

Naa'bik'iyati' Committee Special Meeting

11:32:57 AM

Amd# to Amd#

New Business: Item A.

PASSED

MOT James, V

CONSENT AGENDA - #'s

SEC Simpson, D

0234-23; 0246-23; 0243-23;

0244-23 & 0250-23

Yeas : 12

Nays : 0

Excused : 6

Not Voting : 5

Yea : 12

Arviso, S

Daniels, H

Parrish, S

Tolth, G

Begay, N

James, V

Simonson, G

Yanito, C

Damon, S

Nez, A

Simpson, D

Yazzie, C

Nay : 0

Excused : 6

Begay, H

Crotty, A

Slater, C

Tso, O

Charles-Newton, E

Notah, N

Not Voting : 5

Aseret, L

Jesus, B

Johnson, C

Nez, R

Claw, S

Presiding Speaker: Curley, C

25th NAVAJO NATION COUNCIL

ACTION REPORT

Second Year 2024

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0246-23

An Action Relating to the Budget and Finance, Resources and Development, and Naabik'iyáti' 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

Sponsored by: Honorable Brenda Jesus

Has had it under consideration and reports the same that the legislation **WAS TABLED**.

Respectfully Submitted,



Honorable Crystalyne Curley, Speaker
25th NAVAJO NATION COUNCIL

23 January 2024

TABLING MOTION

Motion to Table Legislation 0246-23 to receive financial documentation from the Office of the Controller and bring back no later than the end of New Business for the Winter Session 2024.

Motioned by: Honorable Vince R. James

Seconded by: Honorable Germaine Simonson

Vote: 16 In Favor, 01 Opposed (Speaker Curley Not Voting)

MAIN MOTION

Motioned by: Honorable George H. Tolth

Seconded by: Honorable Steven R. Arviso

Vote: VOTE PENDING

NAVAJO NATION

283

1/23/2024

Navajo Nation Council 2024 Winter Session

02:58:25 PM

Amd# to Amd#

TABLE > #0246-23

PASSED

MOT James, V

Until the End of

SEC Simonson, G

(& no later than) the
Winter Session Agenda.

Yeas : 16

Nays : 1

Excused : 4

Not Voting : 1

Yea : 16

Arviso, S

Crotty, A

Nez, A

Simonson, G

Begay, H

Daniels, H

Nez, R

Simpson, D

Begay, N

James, V

Notah, N

Slater, C

Claw, S

Jesus, B

Parrish, S

Tolth, G

Nay : 1

Yazzie, C

Excused : 4

Charles-Newton, E

Johnson, C

Tso, O

Yanito, C

Not Voting : 1

Aseret, L

Presiding Speaker: Curley, C

25th NAVAJO NATION COUNCIL

ACTION REPORT

Second Year 2024

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0246-23

An Action Relating to the Budget and Finance, Resources and Development, and Naabik'iyáti' 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

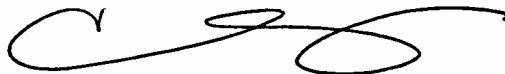
Sponsored by: Honorable Brenda Jesus

Co-Sponsored by: Honorable Seth Damon

Co-Sponsored by: Honorable Shaandiin Parrish

Has had it under consideration and reports the same that the legislation **WAS REFERRED BACK TO THE RESOURCES AND DEVELOPMENT COMMITTEE.**

Respectfully Submitted,



Honorable Crystalyne Curley, Speaker
25th NAVAJO NATION COUNCIL

24 January 2024

REFERRAL MOTION

Motion to Refer Legislation 0246-23 to the Resources and Development Committee and bring back to the next Navajo Nation Council Regular/Special Session.

Motioned by: Honorable Casey Allen Johnson

Seconded by: Honorable Rickie Nez

Vote: 14 in Favor, 00 Opposed (Speaker Curley Voting)

MAIN MOTION

Motioned by: Honorable George H. Tolth

Seconded by: Honorable Steven R. Arviso

Vote: VOTE PENDING

TAKE FROM THE TABLE MOTION

Motion to take Legislation 0246-23 off the Table

Motioned by: Honorable Carl R. Slater

Seconded by: Honorable Nathan Notah

Vote: 12 In Favor, 02 Opposed (Speaker Curley Not Voting)

NAVAJO NATION

316

Navajo Nation Council 2024 Winter Session

1/24/2024

05:18:31 PM

Amd# to Amd#	Motion to UN-Table	PASSED
MOT Slater, C	#0246-23	
SEC Notah, N		

Yeas : 12

Nays : 2

Excused : 6

Not Voting : 2

Yea : 12

Arviso, S	Johnson, C	Parrish, S	Slater, C
Begay, H	Nez, R	Simonson, G	Tolth, G
Begay, N	Notah, N	Simpson, D	Yazzie, C

Nay : 2

James, V	Crotty, A
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Excused : 6

Charles-Newton, E	Daniels, H	Tso, O	Yanito, C
Claw, S	Nez, A		

Not Voting : 2

Aseret, L	Jesus, B
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Presiding Speaker: Curley, C

NAVAJO NATION

317

Navajo Nation Council 2024 Winter Session

1/24/2024

05:22:28 PM

Amd# to Amd#	Refer Legislation 0246-23	PASSED
MOT Johnson, C	Back to RDC & Bring Back	
SEC Nez, R	Within 30 days or Next Reg. or Spec Sess.	

Yeas : 14

Nays : 0

Excused : 6

Not Voting : 2

Yea : 14

Arviso, S	James, V	Parrish, S	Slater, C
Begay, H	Johnson, C	Simonson, G	Tolth, G
Begay, N	Nez, R	Simpson, D	Yazzie, C
Crotty, A	Notah, N		

Nay : 0

Excused : 6

Charles-Newton, E	Daniels, H	Tso, O	Yanito, C
Claw, S	Nez, A		

Not Voting : 2

Jesus, B	Aseret, L
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Presiding Speaker: Curley, C

**RESOURCES AND DEVELOPMENT COMMITTEE
25th NAVAJO NATION COUNCIL**

SECOND YEAR 2023

COMMITTEE REPORT

Madam Speaker,

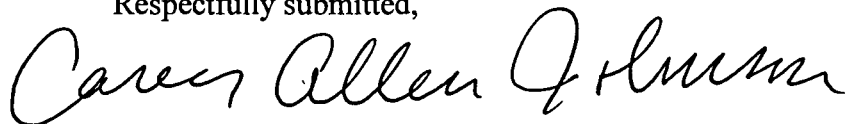
The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

LEGISLATION #0246-23: AN ACTION 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. *Sponsor: Honorable Brenda Jesus Co-Sponsor: Honorable Seth Damon*

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter the legislation was referred back to the Navajo Nation Council.

Respectfully submitted,



Casey Allen Johnson, *Vice-Chairperson*
Resources and Development Committee of
the 25th Navajo Nation Council

Date: February 21, 2024 – Regular Meeting (Mentmore, New Mexico)

Location: Navajo Division of Transportation – #16 Old Coalmine Road – Mentmore, New Mexico 87319

Main Motion:

M: Otto Tso

S: Shawna Ann Claw

V: 4-0-1 (VCNV)

In Favor: Shawna Ann Claw; Brenda Jesus; Danny Simpson; Otto Tso

Opposition: None

Excused: Rickie Nez

Not Voting: Casey Allen Johnson, *Vice-Chairperson*

(NOTE: VOTE TALLY attached hereto)

**RESOURCES AND DEVELOPMENT COMMITTEE
25th NAVAJO NATION COUNCIL**

SECOND YEAR 2023

**ROLL CALL
VOTE TALLY SHEET**

LEGISLATION #0246-23: AN ACTION 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. *Sponsor: Honorable Brenda Jesus Co-Sponsor: Honorable Seth Damon*

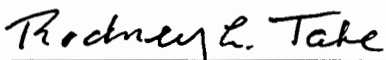
Date: February 21, 2024 – Regular Meeting (Mentmore, New Mexico)
Location: Navajo Division of Transportation – #16 Old Coalmine Road – Mentmore, New Mexico 87319

Main Motion:

M: Otto Tso **S:** Shawna Ann Claw **V:** 4-0-1 (VCNV)
In Favor: Shawna Ann Claw; Brenda Jesus; Danny Simpson; Otto Tso
Opposition: None
Excused: Rickie Nez
Not Voting: Casey Allen Johnson, *Vice-Chairperson*



Honorable Casey Allen Johnson, *Vice-Chairperson*
Resources and Development Committee



Rodney L. Tate, *Legislative Advisor*
Office of Legislative Services