

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: 0185-19

SPONSOR: Kee Allen Begay, Jr

**TITLE: An Action Relating To Law And Order, Health, Education And Human Services Committee, Budget And Finance, And Naabik'iyáti' Committees, And Navajo Nation Council; Approving A Funding Request Of Fifty Million Dollars (\$50,000,000) From The Síhasin Fund To Establish The Navajo Nation Youth Trust Fund Expenditure Plan Pursuant To CD-68-14 And 12 N.N.C. §§ 2501- 2508; Waiving 12 N.N.C. § 2502 (A) (1); Enacting The Navajo Nation Youth Trust Fund**

**Date posted: July 3, 2019 at 7:19 PM**

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**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0185-19

**DATE:** July 2, 2019

**TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING A FUNDING REQUEST OF FIFTY MILLION DOLLARS (\$50,000,000) FROM THE SÍHASIN FUND TO ESTABLISH THE NAVAJO NATION YOUTH TRUST FUND EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508; WAIVING 12 N.N.C. § 2502 (A)(1); ENACTING THE NAVAJO NATION YOUTH TRUST FUND**

**PURPOSE:** The purpose of this legislation is to allocate Síhasin Funds to establish a Navajo Nation Youth Trust Fund and to enact a Youth Trust Fund in the Navajo Nation Code.

**NOTE:** The voting requirement on this legislation is 90 percent (90%) of the full membership of the Navajo Nation Council.

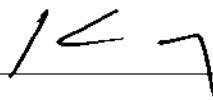
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 7/8/19  
Eligible for Action: 7/9/19

Law & Order Committee  
Thence  
Health Education & Human Services Committee  
Thence  
Budget & Finance Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24th NAVAJO NATION COUNCIL – First Year, 2019

3 INTRODUCED BY

4  
5   
6 (Prime Sponsor) Kee Allen Begay Jr.

7  
8 TRACKING NO. 0185-19

9  
10 AN ACT

11 RELATING TO LAW AND ORDER, HEALTH, EDUCATION AND HUMAN  
12 SERVICES COMMITTEE, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI'  
13 COMMITTEES, AND NAVAJO NATION COUNCIL; APPROVING A FUNDING  
14 REQUEST OF FIFTY MILLION DOLLARS (\$50,000,000) FROM THE SÍHASIN  
15 FUND TO ESTABLISH THE NAVAJO NATION YOUTH TRUST FUND  
16 EXPENDITURE PLAN PURSUANT TO CD-68-14 AND 12 N.N.C §§ 2501 – 2508;  
17 WAIVING 12 N.N.C. § 2502 (A)(1); ENACTING THE NAVAJO NATION  
18 YOUTH TRUST FUND

19  
20 **BE IT ENACTED:**

21 **Section One. Authority**

- 22 A. The Law and Order Committee of the Navajo Nation Council is empowered to  
23 review and make recommendations to the Navajo Nation Council on proposed  
24 amendments to and enactments in the Navajo Nation Code. 2 N.N.C. § 601 (B)  
25 (14).
- 26 B. The Health, Education and Human Services Committee of the Navajo Nation  
27 Council is empowered to exercise oversight authority to review and recommend  
28 resolutions relating to social services and education. 2 N.N.C. § 401(6)(a).

- 1 C. The Budget and Finance Committee of the Navajo Nation Council is empowered to  
2 review and recommend to the Navajo Nation Council the budgeting, appropriation,  
3 investment, and management of all funds. 2 N.N.C. § 301 (B) (2).
- 4 D. The Naabik'iyati' Committee of the Navajo Nation Council is empowered to review  
5 all proposed legislation which requires final action by the Navajo Nation Council. 2  
6 N.N.C. §164(A)(9).
- 7 E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §  
8 102 (A).
- 9

10 **Section Two. The Naabik'iyáti Síhasin Fund Subcommittee and Navajo Nation**  
11 **Síhasin Fund**

12 A. The Naabik'iyáti Committee of the 24<sup>th</sup> Navajo Nation Council continued the  
13 Naabik'iyáti Síhasin Fund Subcommittee in Resolution NABIAP-23-19. The  
14 Naabik'iyáti Síhasin Fund Subcommittee was initially established in 2015 by  
15 Resolution NABIAP-20-15 to provide recommendations to the Naabik'iyáti  
16 Committee and Navajo Nation Council for projects to be funded using Síhasin  
17 Funds. Notwithstanding the creation and continuation of the Naabik'iyáti Síhasin  
18 Fund Subcommittee, approval from the Subcommittee is not a requirement for the  
19 Navajo Nation Council to approve expenditure plans from the Navajo Nation  
20 Síhasin Fund.

21 B. The Navajo Nation Code provides the purpose of the Navajo Nation Síhasin Fund  
22 ("Síhasin Fund") is as follows:

23 §2502 Purpose

24 A. The purposes of this Fund are to provide financial support and/or  
25 financing for:

- 26 1. The planning and development of economic development  
27 and regional infrastructure supporting economic development  
28 and community development, including such infrastructure  
29 as, but not limited to, housing, commercial and government  
30 buildings, waterline, solid waste management development,

1 powerline projects, and transportation and communication  
2 systems, within the Navajo Nation; and

3 2. Education opportunities for members of the Navajo Nation.

4 B. For the Purpose in § 2502(A)(1), Fund expenditures for  
5 infrastructure shall not be limited by 12 N.N.C. § 1301(F) or  
6 TCDCJY-77-99.

7 C. Leveraging the Fund by way of guaranteeing loans, match funding,  
8 direct funding in part, and other weighted uses of the Fund,  
9 including loan financing from the Fund, for the purposes in  
10 § 2502(A)(1), shall be favored over direct funding in whole.

11 12 N.N.C. § 2502, as amended by CJA-03-18.

12 C. The Síhasin Fund provides that Fund Principal shall consist of all deposits made to  
13 the Síhasin Fund and that Fund Income shall consist of all earnings (interest,  
14 dividends, etc.) generated and realized by the Fund Principal, and that Fund Income  
15 shall be deposited in and added to Fund Principal until such time as a Fund  
16 Expenditure Plan is duly adopted. 12 N.N.C. §§ 2504 and 2505 (C).

17 D. Amendments to the Síhasin Fund require "a ninety percent (90%) vote of the full  
18 membership of the Navajo Nation Council and signature of the President of the  
19 Navajo Nation." 12 N.N.C. § 2508.

### 20 21 **Section Three. Findings**

22 The purpose of the Youth Trust Fund is to provide funding for youth-centered  
23 programs, projects, and services within the Navajo Nation. These projects include  
24 establishing Navajo youth initiatives to benefit the physical, mental, and emotional  
25 health, welfare and safety of young Navajos.

### 26 27 **Section Four. Approval and Adoption of Expenditure Plan from Síhasin Funds**

28 A. The Navajo Nation hereby approves and adopts the Navajo Nation Youth Trust  
29 Fund.  
30

1 B. The Navajo Nation hereby approves funding to establish a Navajo Nation Youth  
2 Trust Fund in the amount of fifty million dollars (\$50,000,000).

3 C. The Sihasin Funds allocated to establish the Navajo Nation Youth Trust Fund  
4 Expenditure Plan may be further leveraged by bond or loan financing pursuant to  
5 the Navajo Nation Bond Financing Act, 12 N.N.C. § 1300 et seq., as amended,  
6 using Sihasin Fund Earnings for repayment and financing costs upon the  
7 recommendation of the Budget & Finance Committee and approval by a two-thirds  
8 (2/3) vote of all members of the Navajo Nation Council.

9  
10 **Section Five. Approval and Adoption of Expenditure Plan Administration**

11 The Navajo Nation hereby approves administration of the Navajo Youth Trust Fund  
12 Expenditure Plan as follows:

- 13 1. The Navajo Nation Controller shall determine whether the source of the fifty  
14 million dollars (\$50,000,000) will be Sihasin Fund Principal or Income or a  
15 combination of both;
- 16 2. The funds allocated for the Navajo Nation Youth Trust Fund shall be for the  
17 purposes specified in the Navajo Nation Youth Trust Fund, at 12 N.N.C. §  
18 1192, in Section Six of this Resolution.
- 19 3. The Navajo Nation Controller shall establish the Navajo Youth Trust Fund  
20 during Navajo Nation Fiscal Year 2019 or Fiscal Year 2020, provided that the  
21 Navajo Youth Trust Fund is established within thirty (30) days of the formal  
22 adoption of this legislation.

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24 **Section Six. Enacting the Navajo Nation Youth Trust Fund**

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26 The Navajo Nation enacts the Navajo Nation Youth Trust Fund, as follows:  
27 \_\_\_\_\_

28  
29 Title 12. Fiscal Matters  
30 Chapter 10. Navajo Nation Trust Funds



1           the Health, Education and Human Services Committee of the Navajo Nation  
2           Council.

3   § 1195 Expenditure of Fund Principal

4           Fund principal shall not be expended except pursuant to a referendum adopted by a two-  
5   thirds majority of those voting in an election open to all registered Navajo voters. The Navajo  
6   Nation Council may place a "Referendum to Expend Youth Trust Fund Principal" on the  
7   ballot of any primary, special, or general election by a two-thirds (2/3) vote of the full Navajo  
8   Nation Council.

9  
10   § 1196 Expenses

11           All expenses directly associated with the administration and management of the Youth  
12   Trust Fund shall be paid from the Youth Trust Fund income as approved by the Budget and  
13   Finance Committee of the Navajo Nation Council, prior to any income distributions made in  
14   accordance with §§ 1193 and 1195 of this subchapter. Such expenses shall include  
15   investment advisory and management fees, audit costs, and other related expenses, pursuant  
16   to duly approved contracts for such services.

17  
18   § 1197 Fund Investment

19           All monies deposited into the Navajo Youth Fund shall be invested in accordance with  
20   the Navajo Nation Master Investment Policies as adopted by the Budget and Finance  
21   Committee of the Navajo Nation Council.

22  
23   § 1198 Amendments

24           Any section or sections in this subchapter may be amended upon the recommendation of  
25   the Health, Education and Human Service Committee and the Budget and Finance  
26   Committee of the Navajo Nation Council by a majority vote of the full membership of the  
27   Navajo Nation Council.

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**Section Seven. Waiving 12 N.N.C. § 2502 (A)(1)**

The Navajo Nation Council approves a one-time waiver of the purposes of the Sihasin Fund as enumerated in 12 N.N.C. § 2502 (A)(1) in order to provide the initial funds to establish the Navajo Nation Youth Trust Fund.

**Section Eight. Directive**

All Navajo Nation programs, specifically including, but not limited to, the Office of Controller and the Office of Management and Budget, shall take all steps necessary to expeditiously implement the Navajo Nation Youth Trust Fund Expenditure Plan consistent with the provisions set forth above.

**Section Nine. Saving Clause**

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

**Section Ten. Codification**

Should any provision of this Act be determined invalid by the Navajo Nation Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo Nation.

**Section Eleven. Effective Date**

The provisions of this Act shall become effective in accordance with 2 N.N.C. § 221(B) and 2 N.N.C. §§1005 (C) (10-12).