

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0075-22_

SPONSOR: Carl R. Slater

TITLE: An Act Relating to the Budget and Finance, Resources and Development, Health, Education and Human Services, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Allocating \$10,000,000 from the Síhasin Fund to Establish a New Outdoor Recreation Fund for the Navajo Nation

Date posted: April 06, 2022 at 5:03PM

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0075-22

Date: March 29, 2022

Re: AN ACT RELATING TO THE BUDGET AND FINANCE, RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION, AND HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; ALLOCATING \$10,000,000 FROM THE SÍHASIN FUND TO ESTABLISH A NEW OUTDOOR RECREATION FUND FOR THE NAVAJO NATION

Purpose of this Legislation:

to approve \$10,000,000 from the Sihasin Fund to establish a new Outdoor Recreation Fund for the Navajo Nation, and to approve the related Expenditure Plan for the Outdoor Recreation Fund.

OLC No. 21-255-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 04-11-22
Eligible for Action: 04-12-22

Budget & Finance Committee
Thence
Resources & Development Committee
Thence
Health Education & Human Services Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

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

Introduced by:


(Prime Sponsor)

Tracking No. 0075-22

AN ACT
RELATING TO THE BUDGET AND FINANCE, RESOURCES AND
DEVELOPMENT, HEALTH, EDUCATION, AND HUMAN SERVICES, AND
NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL;
ALLOCATING \$10,000,000 FROM THE SÍHASIN FUND TO ESTABLISH
A NEW OUTDOOR RECREATION FUND FOR THE NAVAJO NATION

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Budget and Finance Committee is a standing committee of the Navajo Nation Council, with legislative authority 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 and Development Committee was established as a standing committee of the Navajo Nation Council. 2 N.N.C. §500(A). As such, the Committee has legislative authority over the Navajo Nation’s environment and natural resources and the protection thereof, as well as activities on Navajo Nation lands involving surface disturbances or alterations of the natural state of such lands. 2 N.N.C. §500(C)(1); 2 N.N.C. §500(C)(2).
- C. The Navajo Nation established the Health, Education, and Human Services Committee as a standing committee of the Navajo Nation Council, with legislative authority over health-related activities of the Navajo Nation. 2 N.N.C. §400(A); 2 N.N.C. §400(C)(2). The

1 Committee also has oversight authority over the Navajo Division of Health and the
2 Department of Dine Education. 2 N.N.C. §401(C)(1).

3 D. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council that
4 considers all proposed final actions by the Navajo Nation Council. 2 N.N.C. §164(A)(9).

5 E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
6 As such, the Council may approve appropriations from the Navajo Nation's Síhasin Fund.

7 F. 12 N.N.C. §2502, as amended by CJA-03-18, states the purpose of the Navajo Nation's
8 Síhasin Fund ("Síhasin Fund") as follows:

9 §2502 Purpose

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

- 11 1. The planning and development of economic development and regional
12 infrastructure supporting economic development and community development,
13 including such infrastructure as, but not limited to, housing, commercial and
14 government buildings, waterline, solid waste management development,
15 powerline projects, and transportation and communication systems, within the
16 Navajo Nation; . . .

17 B. For the Purpose in §2502(A)(1), Fund expenditures for infrastructure shall not be
18 limited by 12 N.N.C. §1310(F) or TCDCJY-77-99.

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

22 G. The Síhasin Fund provides that "Fund Principal" shall consist of all deposits made to the
23 Síhasin Fund and that "Fund Income" shall consist of all earnings (interest, dividends, etc.)
24 generated and realized by the Fund Principal, and that Síhasin Fund Income shall be
25 deposited in, and added to, the Fund Principal until such time as a Fund Expenditure Plan is
26 duly approved. 12 N.N.C. §2504 and §2505(C).

27 H. The Síhasin Fund provides that "Fund Principal and Income shall not be expended except
28 pursuant to a Fund Expenditure Plan consistent with the purposes set forth in §2502 of this
29 Chapter and adopted by a two-thirds (2/3) vote of all members of the Navajo Nation
30 Council." 12 N.N.C. §2505(A).

1 **SECTION TWO. FINDINGS**

2 A. The Navajo Nation comprises approximately 27,000 square miles. Currently, there are 8
3 tribal parks open to the public, 7 that remain undeveloped, and hundreds of miles of hiking
4 trails across the Navajo Nation. See *www.NewMexico.org/native-culture/native-communities/*
5 *Navajo-nation-dineh*; *www.discovernavajo.org*; *www.hikingproject.com*; and *www.NavajoNation*
6 *Parks.org*.

7 B. Several businesses and organizations, some of whom are related to major corporations, have
8 expressed keen interest in establishing and developing outdoor recreation facilities,
9 activities, and projects across the Navajo Nation.

10 C. These entities seek the Navajo Nation's support in the form of administrative and financial
11 assistance for their proposed projects, a few of which are merely in the concept or planning
12 stage at this time. Navajo Nation support is needed to bring these projects to fruition. Such
13 proposals, if approved and wholly or partially funded by the Navajo Nation, will create the
14 opportunity for the Navajo People and all Navajo Nation communities to participate in and
15 enjoy dozens of outdoor recreational facilities, activities, and projects across the Navajo
16 Nation.

17 D. The amount of \$10,000,000 is requested to establish a new Outdoor Recreation Fund for the
18 Navajo Nation. As explained in the Expenditure Plan attached hereto, this Fund will support
19 the development of outdoor recreation facilities, activities, and projects for the Navajo
20 Nation. Funding grants will be awarded to approved applicants, such as Navajo Nation
21 government entities including Chapters and community-based organizations, as well as non-
22 government entities, schools, businesses, and other organizations. **EXHIBIT A.**

23 E. The Outdoor Recreation Fund will be administered pursuant to a Fund Management Plan
24 approved by the Budget and Finance Committee, upon recommendation by the Health,
25 Education, and Human Services Committee, and the Resources and Development
26 Committee. The approval of funding applications and all disbursements from the Fund shall
27 be in accordance with the Fund Management Plan. **EXHIBIT A.**

28 F. The \$10,000,000 in Sihasin funds requested meets the criteria for Sihasin Fund expenditures
29 because the purpose for the proposed allocation involves economic and community
30 development, as described in 12 N.N.C. §2502(A)(1).

1 **SECTION THREE. ALLOCATING \$10,000,000 FROM THE SÍHASIN FUND TO**
2 **ESTABLISH AN OUTDOOR RECREATION FUND AND**
3 **APPROVAL OF RELATED EXPENDITURE PLAN**

4 A. In accordance with 12 N.N.C. §2505(A), the Navajo Nation hereby approves \$10,000,000
5 out of the Síhasin Fund to establish a new Outdoor Recreation Fund for the Navajo Nation,
6 as explained in the attached EXHIBIT A.

7 B. The \$10,000,000 in Síhasin funds approved herein may be further leveraged by bond or loan
8 financing pursuant to the Navajo Nation Bond Financing Act (12 N.N.C. §1300 *et seq.*, as
9 amended), using Síhasin Fund earnings for repayment and financing costs, upon approval
10 of the Budget and Finance Committee and upon further approval by a two-thirds (2/3) vote
11 of the full membership of the Navajo Nation Council.

12 C. The Controller shall determine whether the source of the \$10,000,000 approved herein will
13 be Síhasin Fund Principal or Síhasin Fund Income, or a combination of both.

14 D. The Navajo Nation hereby approves the Expenditure Plan attached as EXHIBIT A.

15 E. The \$10,000,000 approved herein shall be disbursed to the Division of Natural Resources
16 within twenty (20) business days after the effective date of this Act. DNR shall then arrange
17 for use of the \$10,000,000 in accordance with the Expenditure Plan attached as EXHIBIT A.

18 F. DNR shall be responsible for ensuring compliance with the Expenditure Plan, as well as all
19 applicable Navajo Nation laws and regulations.

20 G. The \$10,000,000 shall not lapse on an annual basis, which would otherwise occur pursuant
21 to 12 N.N.C. §820(N).

22
23 **SECTION FOUR. EFFECTIVE DATE**

24 This Act and the approved Expenditure Plan for the Outdoor Recreation Fund shall become
25 effective pursuant to 12 N.N.C. §2505.

26
27 **SECTION FIVE. SAVING CLAUSE**

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