

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0059-23_

SPONSOR: Danny Simpson

TITLE: An Action Relating to the Budget and Finance, Resources and Development, Health, Education and Human Services, and Naabik'iyáti' Committees, and the Navajo Nation Council; Amending CAP-39-18 to Extend the Síhasin Funds Reversion Deadline for Navajo Technical University's Crownpoint Campus Student Housing Expenditure Plan

Date posted: April 05, 2023 at 10:23PM

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SUMMARY OF PROPOSED LEGISLATION

TrackingNo. 0059-23

Date: April 5, 2023

Re: **AN ACTION RELATING TO THE BUDGET & FINANCE, RESOURCES & DEVELOPMENT, HEALTH, EDUCATION & HUMAN SERVICES, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING CAP-39-18 TO EXTEND THE SÍHASIN FUNDS REVERSION DEADLINE FOR NAVAJO TECHNICAL UNIVERSITY'S CROWNPOINT CAMPUS STUDENT HOUSING EXPENDITURE PLAN**

Purpose of this Legislation:

to approve an extension of the Sihasin funds reversion deadline in CAP-39-18 from May 1, 2023 to May 1, 2028, for NTU to complete its Crownpoint Student Housing project.


OLC No. 23-079-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 04-10-23
Eligible for Action: 04-11-23

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:

4 
5 _____

6 (Prime Sponsor)

7
8 Tracking No. 0059-23

9
10 AN ACTION
11 RELATING TO THE BUDGET & FINANCE, RESOURCES &
12 DEVELOPMENT, HEALTH, EDUCATION & HUMAN SERVICES,
13 AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION
14 COUNCIL; AMENDING CAP-39-18 TO EXTEND THE SÍHASIN FUNDS
15 REVERSION DEADLINE FOR NAVAJO TECHNICAL UNIVERSITY'S
16 CROWNPOINT CAMPUS STUDENT HOUSING EXPENDITURE PLAN
17

18 **BE IT ENACTED:**

19
20 **SECTION ONE. AUTHORITY**

- 21 A. The Budget and Finance Committee is a standing committee of the Navajo Nation Council
22 with the responsibility to “review and recommend to the Navajo Nation Council the
23 budgeting, appropriation, investment and management of all funds” which includes the
24 Navajo Nation’s Síhasin Fund. 2 N.N.C. §301(B)(2).
25 B. The Resources & Development Committee is a standing committee of the Navajo Nation
26 Council with oversight authority over economic and community development, and housing.
27 2 N.N.C. §500(C).
28 C. The Health, Education & Human Services Committee is a standing committee of the Navajo
29 Nation Council with oversight authority over Navajo Nation colleges and universities, such
30 as Navajo Technical University. 2 N.N.C. §401(C)(3).

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

3 E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
4 As such, the Council may enact or amend resolutions approving funds from the Navajo
5 Nation's Síhasin Fund. Specifically, 12 N.N.C. §2505(A) permits expenditures from the
6 Síhasin Fund upon a 2/3 approval vote of all members of the Navajo Nation Council.

7
8 **SECTION TWO. FINDINGS**

9 A. In Resolution No. CAP-39-18 (signed into law on May 1, 2018), the Navajo Nation Council
10 approved the Síhasin Fund Crownpoint Student Housing Expenditure Plan, along with
11 \$14,300,000 in Síhasin funds, for an on-campus student housing project for Navajo
12 Technical University ("NTU"). CAP-39-18 is incorporated herein by this reference.

13 B. Section 4(A)(4) of CAP-39-18 states:

14 * * * *

15 4. The funds allocated for the Crownpoint Student Housing project shall not
16 lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise be
17 returned to or deposited in the Síhasin Fund Principal or Navajo Nation
18 General Fund until the earlier of five (5) years from the date of adoption of
19 this legislation or such time as the Crownpoint Student Housing project, as
20 set forth in **Exhibit A**, is fully completed.

21 * * * *

22 C. The wording in Section 4(A)(4) means that unexpended Síhasin funds, from the \$14,300,000
23 approved in CAP-39-18, will lapse and revert back to the Síhasin Fund on May 1, 2023.

24 D. The President of NTU is requesting an extension of the reversion deadline of May 1, 2023,
25 in Section 4(A)(4) of CAP-39-18. NTU's President explains the various reasons why NTU
26 has been unable to expend the approved Síhasin funds since May 1, 2018, and will not meet
27 the May 1, 2023 deadline for expenditure of the entire \$14,300,000. **EXHIBIT A**.

28 E. NTU is requesting an extension of the funds reversion deadline to May 1, 2028, to give NTU
29 sufficient time to expend the entire \$14,300,000 in Síhasin funds approved in CAP-39-18.
30 **EXHIBIT A**.

1 F. NTU has provided project-related documents, including drawings and photographs, for its
2 Crownpoint Student Housing project. **EXHIBIT B.**

3 G. The Navajo Nation has determined that approving NTU's requested extension of the Síhasin
4 funds reversion deadline in Section 4(A)(4) of CAP-39-18 is in the best interest of the Navajo
5 Nation.

6
7 **SECTION THREE. AMENDING CAP-39-18 TO EXTEND THE SÍHASIN FUNDS**
8 **REVERSION DEADLINE FOR NAVAJO TECHNICAL**
9 **UNIVERSITY'S CROWNPOINT CAMPUS STUDENT HOUSING**
10 **EXPENDITURE PLAN**

11 A. The Navajo Nation hereby approves an amendment to Section 4(A)(4) of CAP-39-18, as
12 follows:

13 * * * *

14 4. The funds allocated for the Crownpoint Student Housing project shall not
15 lapse on an annual basis pursuant to 12 N.N.C. §820 (N) or otherwise be
16 returned to or deposited in the Síhasin Fund Principal or Navajo Nation
17 General Fund ~~until the earlier of five (5) years from the date of adoption of~~
18 ~~this legislation or such time as the Crownpoint Student Housing project, as~~
19 ~~set forth in Exhibit A, is fully completed.~~ so long as such funds are expended
20 or encumbered for the Crownpoint Student Housing project by May 1, 2028.

21 * * * *

22 B. The approved Síhasin funds shall be used by NTU strictly for the completion of its
23 Crownpoint Student Housing Expenditure Plan approved in CAP-39-18. Síhasin funds shall
24 not be comingled with any other funds.

25 C. NTU shall allow the Navajo Nation full access to its financial and other records related to
26 the Síhasin funds it has received under CAP-39-18 and this Action. Such access shall be for
27 the purpose of the Navajo Nation's review and audit of NTU's expenditures of Síhasin funds,
28 and the progress of the Crownpoint Student Housing project.

29 D. NTU shall submit written reports, and verbal reports if so requested, explaining the ongoing
30 status of the Crownpoint Student Housing project and NTU's expenditures of the Síhasin

1 funds approved in CAP-39-18. Said reports shall be provided to the Health, Education and
2 Human Services Committee, the Budget and Finance Committee, and the Naabik'iyáti'
3 Committee by the end of each Fiscal Year Quarter until the Crownpoint Student Housing
4 project is completed, or until all approved Sihasin funds are exhausted, or upon the new May
5 1, 2028 reversion deadline approved in this Action.

6
7 **SECTION FOUR. EFFECTIVE DATE**

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

9
10 **SECTION FIVE. SAVING CLAUSE**

11 If any portion of this Action is invalidated by the Supreme Court of the Navajo Nation, or by
12 any Navajo Nation District Court without appeal to the Navajo Nation Supreme Court, the
13 remainder of this Action shall be the law of the Navajo Nation.