

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

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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
Website Posting Time/Date
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

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. 0246-23

9
10 AN ACT

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

18
19 BE IT ENACTED:

20
21 SECTION ONE. AUTHORITY

- 22 A. The Budget and Finance Committee of the Navajo Nation Council is authorized to review
23 and recommend to the Navajo Nation Council resolutions related to budgeting,
24 appropriation, investment, and management of all funds, including the Navajo Nation's
25 Síhasin Fund created by Resolution No. CD-68-14. 2 N.N.C. §301(B)(2).
- 26 B. The Resources and Development Committee of the Navajo Nation Council has oversight
27 authority for resolutions related to water, land, grazing, and agriculture on the Navajo Nation.
28 2 N.N.C. §500(C)(1).
- 29 C. The Naabik'iyáti' Committee of the Navajo Nation Council reviews all proposed legislation
30 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;

16 * * *

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.