RESOLUTION OF THE
NAVAJO NATION COUNCIL

22ND NAVAJO NATION COUNCIL - Second Year, 2012

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND
FINANCE; LAW AND ORDER; NÁABIKÉYÁTI'; ENACTING THE 2012
AMENDMENTS OF TITLE 12 OF THE NAVAJO NATION "DINÉ HIGHER
EDUCATION GRANT FUND" BY AMENDING 12 N.N.C. §2301 ET SEQ.

BE IT ENACTED:

Section 1. Findings

1. On July 23, 2004, the Navajo Nation Council by
Resolution CJY-39-04 enacted the "Diné Higher Education Grant
Fund", 12 N.N.C. §2301 et seq., for the purpose of establishing
a special trust fund providing funds as developed and subject to
approval by the Education Committee and recommendation to the
Navajo Nation Council for Diné College, Crownpoint Institute of
Technology and the Office of the Navajo Nation Scholarship and
Financial Assistance.

2. Navajo Technical College, formerly known as Crownpoint
Institute of Technology, has tripled its student enrollment in
the last six years. For Navajo Technical College, this student
enrollment increase has created new costs for instructors,
adjunct instructors, computer equipment, equipment and supplies
for Navajo student use in programs such as automotive
technician, registered nursing, and industrial engineering.
Additional resources are also needed for classroom buildings,
gymnasium, dormitories and faculty housing in Chinle, Arizona
and Crownpoint, New Mexico.

3. The Navajo Nation Office of Navajo Nation Scholarship
and Financial Assistance reports that for the 2010 Calendar
Year, that a total of 17,291, Navajo students requested a Navajo
Nation scholarship award, 2010 Calendar Year, Applicants, Awards
and Denials, attached as Exhibit A. However, for the 2010
Calendar Year, the Navajo Nation funded 7,407 awards for the
17,291 Navajo Nation scholarship requests submitted.

Page 1 of 6
4. The best interest of the Navajo Nation to meet the need of Navajo students seeking post high school continuing education in the Navajo Nation requires the increase of Navajo Nation funds into Navajo Technical College to address the educational and employment needs of the Navajo people. See attached Exhibit B entitled Justification for Navajo Technical College’s Request for Additional Resources.

Section 2. Amendment to Title 12

The Navajo Nation Council hereby enacts the 2012 amendments of Title 12 of the Navajo Nation “Diné Higher Education Grant Fund” by amending 12 N.N.C. §2301 et seq. as follows:

TITLE 12. FISCAL MATTERS
CHAPTER 23. DINÉ HIGHER EDUCATION GRANT FUND

§ 2301. Establishment

There is established the “Diné Higher Education Grant Fund” (hereinafter “Fund”). The Fund shall be held in trust for the governmental units set forth herein. Thereafter, the Office of the Controller shall deposit into such fund the sum of seveleleven million two hundred thousand dollars ($711,200,000) per fiscal year from annual recurring revenue sources. Any money deposited into the Fund plus accrued interest, shall be used only as provided herein. Diné College, Navajo Technical College and the Navajo Nation Scholarship and Financial Assistance Program shall provide an annual report on funds provided to the oversight Health, Education and Human Services Committee and Naabiki’yati’ Committee.

§ 2302. Purpose

The purpose of this Fund is to establish a special fund to provide funds as developed and subject to approval by the Health Education and Human Services Committee and recommended to the Navajo Nation Council.
§ 2303. Fund Administration

A. Legislative Oversight. The Navajo Nation Council Health Education Human Services Committee shall review and approve all requests from the governmental units which will require the use of money from the Fund for development and operating projects.

B. Program Management. As authorized by their enabling legislation or plan of operations, the governmental units shall use the funds:

1. Diné College.
   a. To operate and maintain programs, facilities, and maintenance.
   b. To enter into and form partnerships, joint ventures, associations, and other initiatives and arrangements.
   c. To conduct activities in all areas of higher education.

2. Crownpoint Institute of TechnologyNavajo Technical College.
   a. To operate and maintain programs, facilities, and maintenance.
   b. To enter into and form partnerships, joint ventures, associations, and other initiatives and arrangements.
   c. To conduct activities in all areas of higher education.

3. Office of Navajo Nation Scholarship & Financial Assistance. To provide financial assistance to eligible applicants at the undergraduate, graduate, and dissertation levels.
C. Fund Distribution. The Fund shall be distributed yearly in the following amounts:

1. Diné College........................................$4,200,000

2. Crownpoint Institute of TechnologyNavajo Technical College..................$3,500,000

3. Scholarship & Financial Assistance....$3,500,000

D. Fund Management/Accounting. The records and books of account for the governmental units shall be kept separate from the Navajo General Fund as a separate Fund with its own Balance Sheet and Revenue and Expenditure Statement. Day to day accounting for the Fund shall be performed by the governmental units in accordance with generally accepted accounting principles. The Governmental units shall account for the funds spent out of the Fund. Such accounting shall be included as part of the Annual Audit of the Navajo Nation submitted to the Navajo Nation Council.

§ 2304. Effective Period

The effective date of the Fund shall be the beginning of Fiscal Year 2006, and shall be maintained for 20 fiscal years thereafter.

****

Section 3. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B); however, the first appropriation of general funds by the Navajo Nation Council pursuant to the amendment of 12 N.N.C. §2303(C) shall be in Navajo Nation Fiscal Year 2013.
Section 4. Codification

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 5. Saving Clause

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, those provisions of the Act which are not determined invalid shall remain the law of the Navajo Nation.

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 0 opposed, this 19th day of July 2012.

Johnny Naize, Speaker
Navajo Nation Council

June 26, 2012

Motion: Honorable Jonathan Hale
Second: Honorable Mel R. Begay

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 day of AUG 3, 2012.

Ben Shelly, President
Navajo Nation
2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this ___ day of __________ 2012 for the reason(s) expressed in the attached letter to the Speaker.

________________________________________
Ben Shelly, President
Navajo Nation
DATE: March 7, 2012

TITLE OF RESOLUTION: RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND FINANCE; LAW AND ORDER; NAA'BIK'IYÁTI'; AND THE NAVAJO NATION COUNCIL; ENACTING THE 2012 AMENDMENTS OF TITLE 12 OF THE NAVAJO NATION “DINÉ HIGHER EDUCATION GRANT FUND” BY AMENDING 12 N.N.C. §2301 ET SEQ.

PURPOSE: The purpose is to approve to enact the 2012 amendments of Title 12 of the Navajo Nation “Diné Higher Education Grant Fund” by amending 12 N.N.C. §2301 et seq.

This written summary is provided in accord with the practices of the Navajo Nation Council or Standing Committee on the resolution as drafted by the Office of Legislative Counsel. 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.
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

22nd NAVAJO NATION COUNCIL -- Second Year, 2012

INTRODUCED BY

Danny Simpson
(Prime Sponsor)

TRACKING NO. CJC-17

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND FINANCE; LAW AND ORDER; NAA'BIK'ÍYÁTI'; ENACTING THE 2012 AMENDMENTS OF TITLE 12 OF THE NAVAJO NATION “DINÉ HIGHER EDUCATION GRANT FUND” BY AMENDING 12 N.N.C. §2301 ET SEQ.

BE IT ENACTED:

Section 1. Findings

1. On July 23, 2004, the Navajo Nation Council by Resolution CJY-39-04 enacted the “Diné Higher Education Grant Fund”, 12 N.N.C. §2301 et seq., for the purpose of establishing a special trust fund providing funds as developed and subject to approval by the Education Committee and recommendation to the Navajo Nation Council for Diné College, Crownpoint Institute of Technology and the Office of Navajo Nation Scholarship and Financial Assistance.

2. Navajo Technical College, formerly known as Crownpoint Institute of Technology, has tripled its student enrollment in the last six years. For Navajo Technical College, this student enrollment increase has created new costs for instructors, adjunct instructors, computer equipment, equipment and supplies for Navajo student use in programs such as automotive technician, registered nursing, and industrial engineering. Additional resources are also needed for classroom buildings, gymnasium, dormitories and faculty housing in Chinle, Arizona and Crownpoint, New Mexico.
3. The Navajo Nation Office of Navajo Nation Scholarship and Financial Assistance reports that for the 2010 Calendar Year, that a total of 17,291 Navajo students requested a Navajo Nation scholarship award, *2010 Calendar Year, Applicants, Awards and Denials*, attached as Exhibit A. However, for the 2010 Calendar Year, the Navajo Nation funded 7,407 awards for the 17,291 Navajo Nation scholarship requests submitted.

4. The best interest of the Navajo Nation to meet the need of Navajo students seeking post high school continuing education in the Navajo Nation requires the increase of Navajo Nation funds into Navajo Technical College to address the educational and employment needs of the Navajo people. See attached Exhibit B entitled Justification for Navajo Technical College’s Request for Additional Resources.

Section 2. Amendment to Title 12

The Navajo Nation Council hereby enacts the 2012 amendments of Title 12 of the Navajo Nation “Dine Higher Education Grant Fund” by amending 12 N.N.C. §2301 *et seq.* as follows:

---

**TITLE 12. FISCAL MATTERS**

**CHAPTER 23. DINÉ HIGHER EDUCATION GRANT FUND**

****

§ 2301. Establishment

There is established the "Diné Higher Education Grant Fund" (hereinafter "Fund"). The Fund shall be held in trust for the governmental units set forth herein. Thereafter, the Office of the Controller shall deposit into such fund the sum of seven million two hundred thousand dollars ($7,200,000) per fiscal year from annual recurring revenue sources. Any money deposited into the Fund plus accrued interest, shall be used only as provided herein. And furthermore, the Diné College, Crownpoint Institute of Technology and Navajo Nation Scholarship and Financial Assistance Program shall not request supplemental appropriations during the life of this Act.

§ 2302. Purpose
The purpose of this Fund is to establish a special fund to provide funds as developed and subject to approval by the Health, Education and Human Services Committee and recommended to the Navajo Nation Council.

§ 2303. Fund Administration

A. Legislative Oversight. The Navajo Nation Council Health, Education and Human Services Committee shall review and approve all requests from the governmental units, which will require the use of money from the Fund for development and operating projects.

B. Program Management. As authorized by their enabling legislation or plan of operations, the governmental units shall use the funds:

1. Diné College.
   a. To operate and maintain programs, facilities, and maintenance.
   b. To enter into and form partnerships, joint ventures, associations, and other initiatives and arrangements.
   c. To conduct activities in all areas of higher education.

2. Crownpoint Institute of Technology/Navajo Technical College.
   a. To operate and maintain programs, facilities, and maintenance.
   b. To enter into and form partnerships, joint ventures, associations, and other initiatives and arrangements.
   c. To conduct activities in all areas of higher education.

3. Office of Navajo Nation Scholarship & Financial Assistance. To provide financial assistance to eligible applicants at the undergraduate, graduate, and dissertation levels.

C. Fund Distribution. The Fund shall be distributed yearly in the following amounts:

1. Diné College .................................................. $4,200,000
2. Crownpoint Institute of Technology/Navajo Technical College. $13,500,000
3. Scholarship & Financial Assistance ......................... $13,500,000

D. Fund Management/Accounting. The records and books of account for the governmental units shall be kept separate from the Navajo General Fund as a separate Fund with its own Balance Sheet and Revenue and Expenditure Statement. Day to day accounting for the Fund shall be performed by the governmental units in accordance with generally accepted
accounting principles. The Governmental units shall account for the funds spent out of the Fund. Such accounting shall be included as part of the Annual Audit of the Navajo Nation submitted to the Navajo Nation Council.

§ 2304. Effective Period

The effective date of the Fund shall be the beginning of Fiscal Year 2006, and shall be maintained for 20 fiscal years thereafter.

Section 3. Effective Date

The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221(B); however, the first appropriation of general funds by the Navajo Nation Council pursuant to the amendment of 12 N.N.C. §2303(C) shall be in Navajo Nation Fiscal Year 2013.

Section 4. Codification

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 5. Saving Clause

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, those provisions of the Act which are not determined invalid shall remain the law of the Navajo Nation.

March 7, 2012
# 2010 Calendar Year
## Applicants, Awards and Denials

<table>
<thead>
<tr>
<th>Total Number of Students REQUESTING Awards</th>
<th>17,291</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number of Students RECEIVING Awards</td>
<td>7,407</td>
</tr>
<tr>
<td>Total Number of Students DENIED</td>
<td>9,884</td>
</tr>
</tbody>
</table>

## 2010 Calendar Year Awards and Denials

- Total Number of Students RECEIVING Awards: 7,407
- Total Number of Students DENIED: 9,884
- Total Number of Students REQUESTING = 17,291
Justification for Navajo Technical College’s Request for Additional Resources

Secure the Navajo Nation’s Future

1. Navajo Technical College is one of the top 120 community colleges in the United States according to the Aspen Institute and the United States Department of Education. It is the highest-ranking community college in New Mexico and one of three top 120 community Colleges in Arizona.

2. Navajo Technical College has tripled its enrollment in the last six years. This creates new costs for instructors, adjunct instructors, computer equipment, equipment for Navajo student use in programs like Automotive Technician or Registered Nursing or Industrial Engineering, and supplies. Additional resources are needed to cover these costs, to keep up with the technological advancements and to encourage continued growth in order to secure the Navajo Nation’s future.

3. The College needs a classroom building in Chinle, AZ, a gymnasium and additional classrooms in Crownpoint, NM, an increase in dormitories in Crownpoint and Chinle, an expanded library building, renovation of the cafeteria building in Crownpoint, and a tremendous need for faculty housing. All dorm rooms are overbooked and have a waiting list.

4. The Navajo Nation is one of the least educated populations in the United States. Only 7.3% of Navajos have earned a bachelor or graduate degree. In the United States as a whole 24.4% of the population has an earned bachelor or graduate degree. Of the total American Indian population 14% have earned a bachelor or graduate degree.

5. The more educated an individual is, the more likely they are to be employed even in the current recession:

Current levels of unemployment rates by level of education*

<table>
<thead>
<tr>
<th>Unemployment Rate</th>
<th>Bachelor’s degree and higher</th>
<th>Some college or associate’s degree</th>
<th>High school diploma, no college</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.5%</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The lack of educational achievement among the Navajo people puts the Navajo Nation and its people at a tremendous economic disadvantage. This is proven by the 40+% of Navajo families living in poverty.

6. Those with bachelors and graduate degrees earn triple what high school graduates make, and a huge percentage of the Navajo population does not even have a high school diploma or GED. Economic development and tax revenue for the Navajo Nation will increase as the Navajo people become more educated. Poverty decreases as education levels increase.

Education pays:

<table>
<thead>
<tr>
<th>Unemployment rate in 2010 (%)</th>
<th>Median weekly earnings in 2010 ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.9</td>
<td>Doctoral degree</td>
</tr>
<tr>
<td>2.4</td>
<td>Professional degree</td>
</tr>
<tr>
<td>4.0</td>
<td>Master's degree</td>
</tr>
<tr>
<td>5.4</td>
<td>Bachelor's degree</td>
</tr>
<tr>
<td>7.0</td>
<td>Associate degree</td>
</tr>
<tr>
<td>9.2</td>
<td>Some college, no degree</td>
</tr>
<tr>
<td>10.3</td>
<td>High school diploma</td>
</tr>
<tr>
<td>14.9</td>
<td>Less than a high school diploma</td>
</tr>
</tbody>
</table>

Average: 8.2%


Average: $78.2

7. All state governments in the United States are the primary support for their colleges and universities, primarily because the states realize that funding higher education makes the state more successful economically. This serves all the state’s citizens.

8. China this year will graduate 100,000 engineers. The Chinese Nation provides the funding to educate these engineers in order to secure the future for the Nation. Navajo’s two colleges will graduate 0 engineers this year. Navajo Tech has an Industrial Engineering program ready to launch. We will follow that up with an Electrical Engineering program, but the Nation needs to invest in Navajo Tech to help built these programs.

9. Navajo Technical College has extraordinarily high retention and graduation rates for Navajo students. The more degrees offered to Navajo students at Navajo Tech, the more Navajo people would earn degrees, increasing economic development and tax
revenues for the Navajo Nation and decreasing poverty. By increasing funding for Navajo Tech, the Council allows the college to expand bachelor and high wage associate degree programs. The college will also introduce its first master degree program. New programs are needed at the Chinle AZ and Crownpoint NM campuses to serve the growing Navajo population.

10. To secure the Navajo Nation’s future, one quarter of the Navajo population of 300,000 needs to have earned a bachelor’s degree. That means that at least 75,000 Navajos need to earn bachelors and/or graduate degrees. The Nation’s two tribal colleges need to grow their student populations dramatically in order to ensure the Nation achieves this goal. Navajo Tech’s growth is driven by its growing reputation for quality and its new programs. More students, however, requires resources for adjunct instructors, instructors, equipment, and classroom and lab space.

11. Navajo Community College (NCC) was the first tribal college in the world. When NCC was formed Navajos were the leaders of indigenous people in higher education. During the next thirty-four years that leadership position was lost. Then the Tribal Council appropriate higher education funding to Diné College and Navajo Technical College. Since that time both colleges have developed bachelor degrees. Navajo started catching up with other tribal colleges. Now, however, several tribal colleges have accredited graduate degrees. Navajo Tech is ready to develop accredited graduate degrees, but needs more financial support from the Council. Navajo Tech, in fact, is ready to start developing doctoral degree programs, but will need Navajo Nation Council support to put Navajo in a higher education leadership role in the United States and the world again.

12. Additional communities in Arizona and New Mexico are requesting that Navajo Tech build outreach instructional sites in their communities. Additional funding is needed to study the feasibility of fulfilling these community requests. Costs may include classroom rentals or renovation, adequate facilities, setting up labs with the appropriate equipment, personnel and travel costs.

13. One of the directions from the Navajo Nation Council is to build the Diné Philosophy of Education and education about culture and language. Navajo Tech is ready to launch both a bachelor and master degree in Diné Culture, Language, and Leadership. This will result in an increasing stream of young people prepared to help build Navajo culture and language for the future. Additional resources will help make the bachelor and master degree happen.

14. Navajo Tech is on the verge of having the infrastructure built to establish a university for the Navajo Nation, but additional funding is needed to build the programs necessary to establish Navajo Tech as a university.
Attachment for SAS 10283

Programs Added/Deleted since 2005-2006 Academic Year to 2011

A. CERTIFICATES:

Added or New:
1. Professional Assistant changed to Administrative Office Specialist
2. Culinary Arts changed to Professional Cooking
3. Nursing Assistant changed to Pre-Professional Nursing
4. Information Technology
5. Legal Assistant
6. Professional Baking

Deleted or Updated:
1. Alternative Energy – deleted and changed to as A.A.S. degree in Energy Systems
2. Small Business Management and Development - deleted
3. Farrier - deleted

B. Associate of Applied Science Degrees (AAS):

Added or New:
1. Professional Assistant changed to Administrative Office Specialist
2. Commercial Baking
3. Culinary Arts
4. Early Childhood Multicultural Education
5. Energy Systems
6. Information Technology Technician
7. Registered Nursing

C. Bachelors of Applied Science Degrees (BAS):

Added or New:
1. Information Technology (has three tracks)
   A. Digital Manufacturing
   B. Computer Science
   C. New Media

D. Awaiting Higher Learning Commission Approval:

1. Bachelor of Science Degree in Industrial Engineering
2. Bachelor of Arts in Dine Language, Culture and Leadership
3. Masters Degree in Dine Language, Culture and Leadership
4. Certificate in Navajo Leadership, designed for chapterhouse officials
5. Associate of Applied Science in Liberal Arts, which is part of Chinle’s Weekend College
MEMORANDUM

To: SAS Reviewers

From: Dominic Beyal, Executive Director
NN Office of Management and Budget

Date: February 17, 2012

Subject: SAS No. 10283, Amendment to Title 12, Chapter 23, Dine' Higher Education Grant Fund

The Office of Management and Budget has reviewed the subject document, including the attachments, and finds the following:

1. The proposed legislation requests a total increase of $4.0 million as follows: $2.0 million for Navajo Technical College and $2.0 million for the Navajo Scholarships and Financial Assistance. This amount will be taken right off the top of projected revenues for Fiscal Year 2013 and, thus, if projected revenues remain the same as Fiscal Year 2012, revenues available for other Navajo Nation needs will be reduced.

2. Title 12, Chapter 23 was approved in 2004 with the understanding that Dine' College, Navajo Technical College and the Navajo Nation Scholarship and Financial Assistance Program would not request supplemental appropriations during the life of the Act. The $7.2 million funding for this Act would be maintained for a period of 20 years beginning with Fiscal Year 2006. Now, in the seventh fiscal year, the Act is being proposed for amendment and the Navajo Nation has, so far, provided a total of $50.4 million in Navajo Nation general funds to the participating institutions, including the Navajo Nation Scholarship and Financial Assistance Program.

3. Navajo Technical College, in addition to the use of Navajo Nation general funds for its operations, should provide information on its funding sources, including the growth or reduction of these funds, and how the College has fared in obtaining and using these other sources of funds. In particular, the proposed Navajo Nation Council resolution attached to SAS No. 10283 states that the student enrollment has tripled in the last six years. With this increase in enrollment, the tuition and other costs paid by enrolled students should have increased the institution's revenue to cover some of the institution's increased operating costs.

4. It's commendable that Navajo Technical College is expanding its classrooms out to Navajo communities, including those in Arizona and justifies part of the additional costs with need for dormitories at these locations. If classes are being provided closer to where students reside shouldn't that reduce or eliminate the need for the institution to provide additional dormitories for these students?

5. An attachment on Scholarships reads that, for 2010, there were 17,291 scholarship applications and 7,407 were awarded. How much would $1.5 million affect these numbers? Further, on page 2 of the legislation, paragraph 3, it states that 9,698 awards were made. This is not consistent with the 7,407 mentioned above.

6. Legislation No. 0513-11 was introduced which would amend the Sales Tax provisions to provide additional funds to an Energy Development Fund and to the Scholarship Fund. Estimates are that an additional $2,000,000 would go to Scholarships. Thus should be a factor in this legislation.

The above findings, in regards to documentation to SAS No. 10283, need to be addressed during the administrative review process before the subject matter reaches the oversight committees.
MEMORANDUM:

TO : 2 NNC § 164 Reviewers

Delegates & 2 NNC '164 Reviewers
Navajo Nation Government

FROM : Robert Willie, General Accounting Supervisor
Office of the Controller

DATE : February 22, 2012

SUBJECT : SAS #10283 Relating to Health, Education, and Human Services; Budget and Finance; Law and Order; Naa' bik'ya' ti; Enacting the 2011 Amendments of Title 12 of the Navajo Nation "Dine Higher Education Grant Fund" By Amending 12 N.N.C. § 2301.

The Office of the Controller has reviewed the above referenced document.

1. An increase of set aside would reduce the net revenues of the General Fund available for appropriation during the budgeting process by $4,000,000 dollars. Revenue projections vary depending upon the economic atmosphere.

2. Attached is a copy of CJY-39-04 "Relating to Education and Finance; Enacting the Dine Higher Education Grant Fund Act; Amending Title Twelve Of the Navajo Nation Code." Within § 2301 the Establishment it states that the entities “shall not request supplemental appropriations during the life of this Act”. The question for this amendment is whether the funding level would be considered a supplemental.

3. Entity is seeking an increase in the grant in the amount from $7,200,000 to $11,200,000.

If you should have any questions you can contact me at tribal extension X6125.
RESOLUTION OF THE
NAVAJO NATION COUNCIL

20TH NAVAJO NATION COUNCIL - Second Year, 2004

AN ACT

RELATING TO EDUCATION AND FINANCE; ENACTING THE DINÉ HIGHER EDUCATION GRANT FUND ACT; AMENDING TITLE TWELVE OF THE NAVAJO NATION CODE

BE IT ENACTED:

The Navajo Nation Council hereby enacts the Diné Higher Education Grant Fund Act, as follows:

Section 1. Enactment of the Diné Higher Education Grant Fund Act

The Navajo Nation Council hereby enacts the Diné Higher Education Grant Fund Act.

Section 2. Amendments to Title 12 Navajo Nation Code

The Navajo Nation Council hereby amends the Navajo Nation Code, Title 12, as follows:

§2301. Establishment

There is established the "Diné Higher Education Grant Fund" (hereinafter "Fund"). The Fund shall be held in trust for the governmental units set forth herein. Thereafter, the Office of the Controller shall deposit into such fund the sum of $7,200,000 per fiscal year from annual recurring revenue sources. Any money deposited into the Fund plus accrued interest, shall be used only as provided herein. And furthermore, the Diné College, Crownpoint Institute of Technology and Navajo Nation Scholarship and Financial Assistance Program shall not request supplemental appropriations during the life of this Act.
§ 2303 Purpose

The purpose of this Fund is to establish a special fund to provide funds as developed and subject to approval by the Education Committee and recommended to the Navajo Nation Council.

§ 2307 Fund Administration

A. Legislative Oversight

The Navajo Nation Council Education Committee shall review and approve all requests from the governmental units, which will require the use of money from the Fund for development and operating projects.

B. Program Management

As authorized by their enabling legislation or plan of operations, the governmental units shall use the funds:

1. Diné College

   a. To operate and maintain programs, facilities, and maintenance.

   b. To enter into and form partnerships, joint ventures, associations, and other initiatives and arrangements.

   c. To conduct activities in all areas of higher education.

2. Crownpoint Institute of Technology

   a. To operate and maintain programs, facilities, and maintenance.

   b. To enter into and form partnerships, joint ventures, associations, and other initiatives and arrangements.
c. To conduct activities in all areas of higher education.

3. Office of Navajo Nation Scholarship & Financial Assistance
   
a. To provide financial assistance to eligible applicants at the undergraduate, graduate, and dissertation levels.

C. Fund Distribution

The Fund shall be distributed yearly in the following amounts:

<table>
<thead>
<tr>
<th>Institution</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diné College</td>
<td>$4,200,000</td>
</tr>
<tr>
<td>Crownpoint Institute of Technology</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Scholarship &amp; Financial Assistance</td>
<td>$1,500,000</td>
</tr>
</tbody>
</table>

D. Fund Management

1. Fund Accounting

The records and books of account for the governmental units shall be kept separate from the Navajo General Fund as a separate Fund with its own Balance Sheet and Revenue and Expenditure Statement. Day to day accounting for the Fund shall be performed by the governmental units in accordance with generally accepted accounting principles. The Governmental units shall account for the funds spent out of the Fund. Such accounting shall be included as part of the Annual Audit of the Navajo Nation submitted to the Navajo Nation Council.

§ Effective Period

The effective date of the Fund shall be the beginning of Fiscal Year 2006, and shall be maintained for twenty (20) fiscal years thereafter.
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 58 in favor and 14 opposed, this 23rd day of July 2004.

[Signature]

Lawrence T. Morgan, Speaker
Navajo Nation Council
[Date]

Motion: Kee Allen Begay
Second: Ida Nelson

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 ______ day of ______, 2004.

[Signature]

Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C)(11), this ______ day of ______, 2004 for the reason(s) expressed in the attached letter to the Speaker.

[Signature]

Joe Shirley, Jr., President
Navajo Nation
February 27, 2012

The Honorable Danny Simpson  
Council Delegate  
Navajo Nation Council  
P.O. Box 3390  
Window Rock, AZ 86515

RE: Request to Sponsor Legislation Amending the “Diné Higher Education Grant Fund” (12 N.C.C. §2301)

Delegate Simpson:

The Navajo Technical College (NTC) and the Department of Diné Education and the Navajo Technical College respectfully request you sponsor legislation amending the “Diné Higher Education Grant Fund” (12 N.C.C. §2301). The proposed legislation has been reviewed through the Section 164 Review process. The Section 164 Review Process packet is attached.

If you have any questions, you may contact Mr. Elmer Guy, President, Navajo Technical College at eguy@navajotech.edu or at 505-786-4151. You may also contact Ms. Rose Graham, Program Manager, Office of Navajo Nation Financial Assistance and Scholarships at rosegraham@navajo-nsn.gov or at 928-871-7242. Thank you for your assistance.

Respectfully,

Rose Graham  
Department Manager
DOCUMENT:

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES;
BUDGET AND FINANCE; LAW AND ORDER; NAA' BIK'YATI;

ENACTING THE 2011 AMENDMENTS OF TITLE 12 OF
THE NAVAJO NATION "DINE' HIGHER EDUCATION
GRANT FUND" BY AMENDING 12 N.N.C. § 23011

REVIEWERS

1. Sponsor/Program
   Elmer Guy
   Date: 1-25-12

2. Division
   Date: 1-25-12

3. Office of Management & Budget
   Date: 2-27-12

4. Office of the Controller
   Date: 2-27-12

5. Office of Attorney General
   Date: 2-27-12

6. Office of the President
   Date: 2-27-12

7. Legislative Counsel
   Date: 2-27-12

8. Committee Chairperson
   Date:

CONTRACTS/AGREEMENTS/GRANTS: RETURN ENTIRE DOCUMENTS TO O.M.B. FOR ADMINISTRATIVE IMPLEMENTATION.

Business Regulatory Dept., DED: ___________________________ Date:

COMMENTS:
NAVAJO NATION DEPARTMENT OF JUSTICE

REQUEST FOR SERVICES

---

**CLIENT TO COMPLETE**

<table>
<thead>
<tr>
<th>DATE OF REQUEST:</th>
<th>2/2/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>REQUESTING PARTY:</td>
<td>Elmer J Guy</td>
</tr>
<tr>
<td>PHONE NUMBER &amp; E-MAIL:</td>
<td>505.254.2015 el <a href="mailto:increments@navajotech.edu">increments@navajotech.edu</a></td>
</tr>
</tbody>
</table>

**COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (attach documents):**

Amending the Higher Education Act by increasing funding for Navajo Technical College.

**DEADLINE:**

**REASON:**

---

**DOJ SECRETARY TO COMPLETE**

<table>
<thead>
<tr>
<th>DATE/TIME IN UNIT:</th>
<th>2/2/12 1:250</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESPONSIBLE STAFF PERSON:</td>
<td>Michelle</td>
</tr>
</tbody>
</table>

**DOJ ATTORNEY/ADVOCATE TO COMPLETE**

In re Chris H., a criminal case. We need to file a motion to vacate the conviction based on the new evidence.

**REVIEWED BY:**

**SURNAME:**

**DATE:**

**TIME:**

---

**DATE SENT TO DOJ RECEPTIONIST:**

FEB 24, 2012

**PICKED UP BY:**

Sponsor's COPY

PLEASE PRINT • PLEASE PRINT • PLEASE PRINT
March 13, 2012

MEMORANDUM

TO : Honorable Members
    Health, Education and Human Services Committee
    Budget and Finance Committee
    Law and Order Committee
    Naa'bik'iyati' Committee
    Navajo Nation Council

FROM : Hon. Johnny Naize, Speaker
       22nd Navajo Nation Council

SUBJECT : ASSIGNMENT OF LEGISLATION

Pursuant to 2 N.N.C. § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Health, Education and Human Services Committee; Budget and Finance Committee; Law and Order Committee; Naa'bik'iyati' Committee and the Navajo Nation Council:

Legislation No. 0097-12

RE: RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND FINANCE, LAW AND ORDER, AND NABIK'iyati' COMMITTEE: ENACTING THE 2012 AMENDMENTS TO TITLE 12 OF THE NAVAJO NATION "DINE HIGHER EDUCATION GRAND FUND" BY AMENDING 12 N.N.C. § 2301 ET SEQ.

As the Committee assigned to consider the legislation, Legislation No. 0097-12 must be placed on the Health, Education and Human Services Committee; Budget and Finance Committee; Law and Order Committee; Naa'bik'iyati' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0097-12

xc: Hon. Ben Shelly, President
    The Navajo Nation
    Harrison Tsosie, Attorney General
    Mark Grant, Controller
    Honorable Danny Simpson, Council Delegate (Prime Sponsor)
MEMORANDUM

TO:        Danny Simpson, Council Delegate
           Navajo Nation Council

FROM:      ___________________________________________________________________
           Frank Hale
           Office of Legislative Counsel

DATE:      March 7, 2012

SUBJECT:   OLC Service Request No. 12-309-1: Proposed Navajo Nation Council
Resolution Relating to Health, Education and Human Services; Budget and Finance; Law
and Order; Naa’bik’iyáti’; Enacting The 2012 Amendments Of Title 12 Of The Navajo
Nation “Diné Higher Education Grant Fund” By Amending 12 N.N.C. §2301 et seq.

Pursuant to your request, attached is the above-referenced proposed legislation for your
sponsorship. Please review the proposed legislation. If this proposal is acceptable to you, as
drafted, please sign the proposed legislation where it indicates “PRIME SPONSOR” and submit
it to the Office of Legislative Services for the assignment of a legislation number and referral to
the Speaker who will assign it pursuant to 2 N.N.C. §164(A).

Please be advised that, if approved, these governmental institutions, Diné College, Navajo
Technical College and Navajo Nation Scholarship and Financial Assistance Program together will
now receive an additional mandatory $4,000,000 or a total appropriation amount of $11,200,000
from all yearly fiscal year Navajo Nation general funds and they will also be allowed to request
supplemental appropriations during the life of this Act.

If the proposed legislation is unacceptable to you or if you have further questions, please
contact me at the Office of Legislative Counsel and advise me of changes you would like made
to the proposed legislation. You may contact me at (928) 871-7166. Thank you.
LEGISLATION NO: _0097-12_ SPONSOR: Danny Simpson

TITLE: An Action Relating to Health, Education and Human Services; Budget and Finance; Law and Order; Naa'bi’ivatí and the Navajo Nation Council: Enacting the 2012 Amendments to Title 12 of the Navajo Nation “Dine’ Higher Education Grant Fund” by Amending 12 N.N.C. §2301 ET SEQ.

Date posted: March 13, 2012 at 1:05pm

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) 871-7590

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.
LEGISLATION NO.: 0097-12

SPONSOR: Honorable Danny Simpson

TITLE: An Action Relating to Health, Education and Human Services; Budget and Finance; Law and Order; Naa’bik’iyati’ and the Navajo Nation Council: Enacting the 2012 Amendments to Title 12 of the Navajo Nation “Dine’ Higher Education Grant Fund” by Amending 12 N.N.C. §2301 ET SEQ.

POSTED: March 13, 2012 at 1:05pm

5 DAY Comment Period Ended: March 17, 2012

Digital Comments received: NONE
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

22nd NAVAJO NATION COUNCIL -- Second Year, 2012

INTRODUCED BY

Danny Simpson

(Prime Sponsor)

TRACKING NO. 0091-12

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND FINANCE; LAW AND ORDER; NAA'BIK'ÍYÁTI'; ENACTING THE 2012 AMENDMENTS OF TITLE 12 OF THE NAVAJO NATION "DINÉ HIGHER EDUCATION GRANT FUND" BY AMENDING 12 N.N.C. §2301 ET SEQ.

BE IT ENACTED:

Section 1. Findings

1. On July 23, 2004, the Navajo Nation Council by Resolution CJY-39-04 enacted the "Diné Higher Education Grant Fund", 12 N.N.C. §2301 et seq., for the purpose of establishing a special trust fund providing funds as developed and subject to approval by the Education Committee and recommendation to the Navajo Nation Council for Diné College, Crownpoint Institute of Technology and the Office of Navajo Nation Scholarship and Financial Assistance.

2. Navajo Technical College, formerly known as Crownpoint Institute of Technology, has tripled its student enrollment in the last six years. For Navajo Technical College, this student enrollment increase has created new costs for instructors, adjunct instructors, computer equipment, equipment and supplies for Navajo student use in programs such as automotive technician, registered nursing, and industrial engineering. Additional resources are also needed for classroom buildings, gymnasium, dormitories and faculty housing in Chinle, Arizona and Crownpoint, New Mexico.
The HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to whom has been assigned:

LEGISLATION NO. 0097-12

Has had it under consideration and report the same with the recommendation that it DO PASS with the following amendment:

1. On page 2, Line 26 – 29, unstrike language “and furthermore, the Diné College, Crownpoint Institute of Technology and the Navajo Nation Scholarship and Finance Assistance Program shall not request supplement appropriations during the life of this Act.”

2. On page 2, Line 27, strike “Crownpoint Institute of Technology” insert “Navajo Technical College”.

And therefore referred the same to BUDGET AND FINANCE COMMITTEE OF THE NAVAJO NATION COUNCIL.

Charles Damon, Vice Chairperson
Health, Education and Human Services Committee


Motioned by: Honorable Kenneth Maryboy
Seconded by: Honorable Dwight Witherspoon
Vote: _4_ in Favor, _0_ Opposed and _0_ Abstain
22nd NAVAJO NATION COUNCIL

Second Year 2012

Mr. Speaker:

The BUDGET & FINANCE COMMITTEE to whom has been assigned

NAVAJO LEGISLATIVE BILL # 0097-12:

An Act Relating to Health, Education and Human Services; Budget and Finance; Law and Order; Naabikiyati; Enacting the 2012 Amendments of Title 12 of the Navajo Nation “Dine Higher Education Grant Fund” by amending 12 NNC §2301 et seq. Sponsored by the Honorable Danny Simpson, Council Delegate and the Honorable Jonathan Hale, Council Delegate

has had it under consideration and reports the same with the recommendation that it Do Pass with one (1) amendment.

1. On Page 2, line(s) 24, 25, strike the word "eleven", insert "thirteen"
2. On Page 3, line 26, strike/insert the words "3", insert "3.5"

And therefore, referred to the LAW AND ORDER Committee

Respectfully submitted,

[Signature]

LoRenzo Bates, Chairman

Adopted: [Signature]

Legislative Advisor

Not Adopted: [Signature]

Legislative Advisor

Date: 1 May 2012

The vote was 3 in favor 0 opposed
Excused:
Absent: Nelson BeGaye, Lorenzo Curley
Mr. Speaker,

The LAW AND ORDER COMMITTEE to whom has been assigned:

**NAVAJO LEGISLATION NO. 0097-12**

An Act Relating to Health, Education and Human Services; Budget and Finance; Law and Order; Naa’Bik’Iyati: Enacting the 2012 Amendments of Title 12 of the Navajo Nation “Dine’ Higher Education Grant Fund by Amending 12 N.N.C. §23012 et seq.”

*Sponsor: Danny Simpson*

Has had it under consideration and report the same with a recommendation that it **DO PASS**, with the following amendments:

Page 2, Line 24, after the words “sum of”” insert the following language “seventeen.”.

Page 3, Line 26, on Paragraph 3. Scholarship & Financial Assistance……. Delete “$3,500,000 and insert $10,000,000.

and therefore referred to **NAABIK’IYATI’ COMMITTEE**.

Respectfully submitted,

Edmund Yazzie, Chairperson
Law and Order Committee of the
22nd Navajo Nation Council

Date: May 14, 2012

The vote was 3 in favor and 0 opposed.
Motion: Alton Joe Shepherd
Second: Russell Begaye
Mr. Speaker:

The Budget & Finance Committee to whom has been assigned

Navajo Legislative Bill # 0097-12:

An Act Relating to Health, Education and Human Services; Budget and Finance; Law and Order; Naabikiyati; Enacting the 2012 Amendments of Title 12 of the Navajo Nation "Dine Higher Education Grant Fund" by amending 12 NNC §2301 et seq. Sponsored by the Honorable Danny Simpson, Council Delegate and the Honorable Jonathan Hale, Council Delegate

has had it under consideration and reports the same with the recommendation that It Do Pass with one (1) amendment.

1. On Page 2, line(s) 24, 25, strike the word "eleven", insert "thirteen"
2. On Page 3, line 26, strike/insert the words "3", insert "5.5"

And therefore, referred to the Law and Order Committee

Respectfully submitted,

LoRenzo Bates, Chairman

Date: 1 May 2012

The vote was 3 in favor 0 opposed

Excused:
Absent: Nelson BeGaye, Lorenzo Curley
PROPOSED NAVAJO NATION COUNCIL RESOLUTION

22nd NAVAJO NATION COUNCIL -- Second Year, 2012

INTRODUCED BY

[Name]

(Prime Sponsor)

TRACKING NO. 0097-12

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND
FINANCE; LAW AND ORDER; NAA'BIK'IYATI'; ENACTING THE 2012
AMENDMENTS OF TITLE 12 OF THE NAVAJO NATION “DINÉ HIGHER
EDUCATION GRANT FUND” BY AMENDING 12 N.N.C. §2301 ET SEQ.

BE IT ENACTED:

Section 1. Findings

1. On July 23, 2004, the Navajo Nation Council by Resolution CJY-39-04 enacted the
“Diné Higher Education Grant Fund”, 12 N.N.C. §2301 et seq., for the purpose of establishing a
special trust fund providing funds as developed and subject to approval by the Education
Committee and recommendation to the Navajo Nation Council for Diné College, Crownpoint
Institute of Technology and the Office of Navajo Nation Scholarship and Financial Assistance.

2. Navajo Technical College, formerly known as Crownpoint Institute of Technology,
has tripled its student enrollment in the last six years. For Navajo Technical College, this
student enrollment increase has created new costs for instructors, adjunct instructors, computer
equipment, equipment and supplies for Navajo student use in programs such as automotive
acinician, registered nursing, and industrial engineering. Additional resources are also needed
for classroom buildings, gymnasium, dormitories and faculty housing in Chinle, Arizona and
Crownpoint, New Mexico.
Mr. Speaker:

The NAA’BIK’IYATI’ COMMITTEE to whom has been assigned:

LEGISLATIVE NO. 0097-12
Introduced by Honorable Jonathan Hale

AN ACTION

Relating to Health, Education and Human Services; Budget and Finance; Law and Order; Naa’bik’iyati’; Enacting the 2012 Amendments of Title 12 of the Navajo Nation “Dine’ Higher Education Grant Fund” by Amending 12 N.N.C. §2301 ET SEQ.

Has had it under consideration and reports the same with a DO PASS with the following amendments:

Page 2, Line 24, after the words “sum of” insert the following language “seventeen.”

Page 3, Line 26, on Paragraph 3. Scholarship & Financial Assistance ..... Delete “$3,500,000 and insert $10,000,000.

and therefore referred to the Navajo Nation Council.

CERTIFICATION

I, hereby certify that the foregoing legislation was duly considered by the Naa’bik’iyati’ Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed with a vote of 11 in favor and 4 opposed this 15th day of June 2012.

Mr. Johnny Naize, Chairperson
Naa’bik’iyati’ Committee

MOTION: David Tom
SECOND: Duane Tsinigine
MEMORANDUM

TO: Johnny Naize, Speaker 
22nd Navajo Nation Council

FROM: Edward A. McCool,
Acting Chief Legislative Counsel
Office of Legislative Counsel

DATE: July 25, 2012

SUBJECT: Review of Legislation CJY-41-12

I have reviewed the above listed legislation as adopted by Council and based on the accompanying Committee Reports it is in order and warrants your certification as Speaker of the Navajo Nation Council and forwarding to the President for signature.

If you have any questions regarding this matter, please let me know.

Thank you.