

RESOLUTION OF THE
NAVAJO NATION COUNCIL22ND NAVAJO NATION COUNCIL - Second Year, 2012

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES; BUDGET AND FINANCE; LAW AND ORDER; NÁABIKI'YÁTI'; 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.

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 ~~seven~~eleven 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 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.....\$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

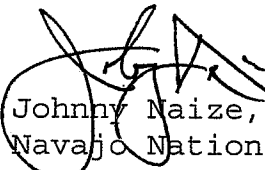
The provisions of the Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

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

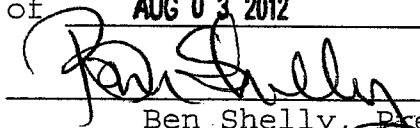
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 18 in favor and 0 opposed, this 19th day of July 2012.


Johnny Naize, Speaker
Navajo Nation Council
July 26, '12
Date

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 03 2012 2012.

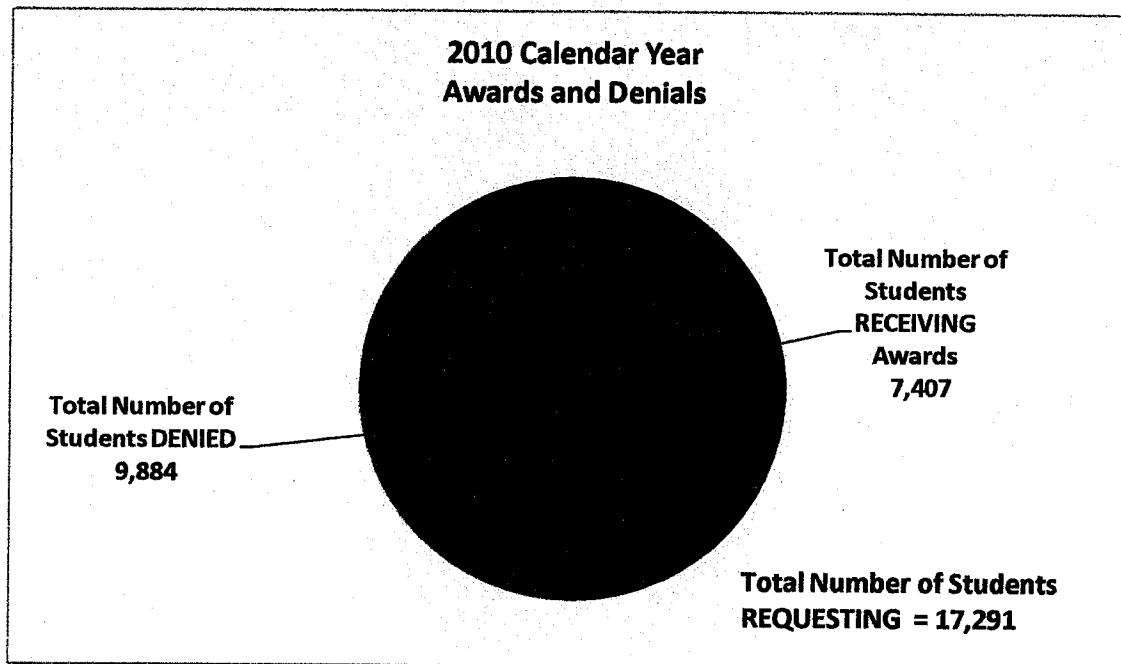

Ben Shelly, President
Navajo Nation

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

**2010 Calendar Year
Applicants, Awards and Denials**

Total Number of Students REQUESTING Awards	17,291
Total Number of Students RECEIVING Awards	7,407
Total Number of Students DENIED	9,884



Attachment for SAS 10283**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*

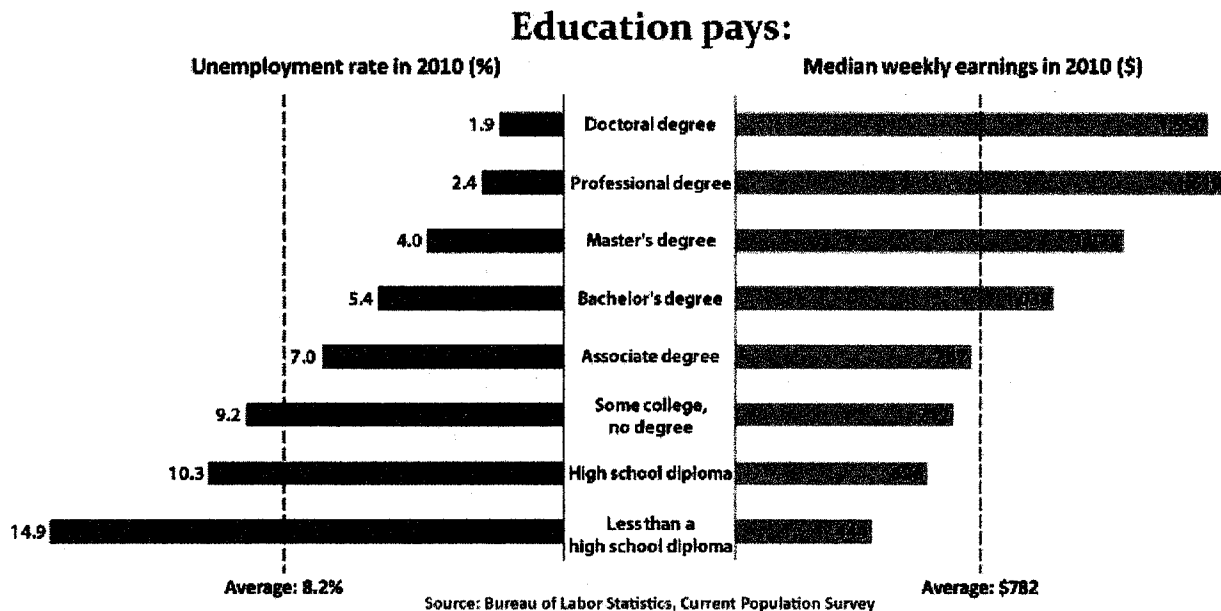
Unemployment
Rate

5.0%	Bachelor's degree and higher
8.0%	Some college or associate's degree
10.5%	High school diploma, no college

15.6% Less than a high school diploma

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.



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.**

CJY-39-04

RESOLUTION OF THE
NAVAJO NATION COUNCIL20TH 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.

§ 2300 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.

§ 2303 Fund AdministrationA. 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:

<u>Diné College</u>	<u>\$4,200,000</u>
<u>Crownpoint Institute of Technology</u>	<u>\$1,500,000</u>
<u>Scholarship & Financial Assistance</u>	<u>\$1,500,000</u>

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.

§ 2304 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

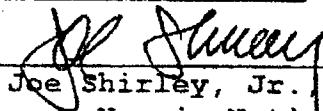
I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 58 in favor and 14 opposed, this 23rd day of July 2004.


Lawrence T. Morgan, Speaker
Navajo Nation Council
26 July 04
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 AUG 05 2004 2004.



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.

Joe Shirley, Jr., President
Navajo Nation



22nd NAVAJO NATION COUNCIL – SECOND YEAR 2012

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

Dated: April 4, 2012.

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:

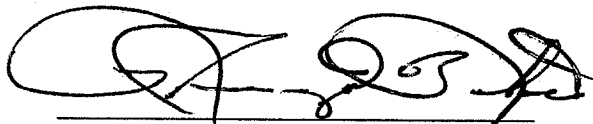
An Act Relating to Health, Education and Human Services; Budget and Finance; Law and Order; Naabikiyati; Enacting the 2012 Amendments of Title 12 of the Navajo Nation "Dine Higher Education Grant Fund" by amending 12 NNC §2301 *et seq.* Sponsored by the Honorable Danny Simpson, Council Delegate and the 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 "5.5"

And therefore, referred to the **LAW AND ORDER** Committee

Respectfully submitted,



LoRenzo Bates, Chairman

Adopted: _____

Legislative Advisor

Not Adopted: _____

Legislative Advisor

Date: **1 May 2012**

The vote was **3** in favor **0** opposed

Excused:

Absent: Nelson BeGaye, Lorenzo Curley

**LAW AND ORDER COMMITTEE
22nd NAVAJO NATION COUNCIL**

SECOND YEAR 2012

COMMITTEE REPORT

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

NAA'BIK'IYATI' COMMITTEE REPORT
22ND NAVAJO NATION COUNCIL – SECOND YEAR 2012

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:

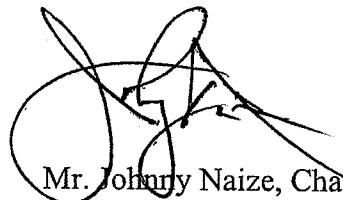
Page 2, Line 24, after the words "sum of" insert the following language "seventeen."

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