



The 21st Navajo Nation Council
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Council authorizes Title 5 Self Governance Compacts for Title 1 contractors, approves Judicial Elections Act, Navajo Tobacco Products and Licensing Act

WINDOW ROCK, Ariz. – The 21st Navajo Nation Council passed historical legislation today authorizing the Tuba City Regional Health Care Corporation, Inc., Utah Navajo Health Systems, Inc. and Winslow Indian Health Care Center, Inc., to participate in Title V Self-Governance. The Council also passed equally important pieces of legislation: the Judicial Elections Referendum Act of 2010 and the Tobacco Products and Licensing Act Amendments of 2010.

Honorable Thomas Walker (Birdsprings/Leupp/Tolani Lake) sponsored legislation (Legislation No. 0371-10) permitting existing and qualifying Title 1, Indian Self-Determination contractors to enter into Title 5, Self-Governance status pursuant to the Indian Self-Determination Act or P.L. 93-638. The Council passed Walker's piece of legislation, which included four amendments, with a unanimous vote of 67-0.

Sally Pete, chief executive officer for Winslow Indian Health Care Center, Inc., informed the Council that passage of this legislation has historical significance. "You will pave a new trail to improve the health of our Navajo people," she said.

Under Title 5 status, specialty health care services such as cardiology, trauma and cancer care will be offered by the three non-profit hospitals, providing better overall health care to the Navajo people. "There is no reason to leave home, these services can grow here and prosper," added Joe Engelken, chief executive officer for Tuba City Regional Health Care Corporation.

The three non-profit hospitals are required to maintain third party payments under Medicare and Medicaid, operate programs under and report to the Health and Social Services Committee, comply with Navajo Nation law, consult with the Navajo Division of Health (NDOH) on public health, establish an MOU with NDOH and Navajo Department of Emergency Services for the use of the Nation's healthcare facilities and provide direct patient care to all Native American eligible users among other stipulations written in the legislation.

In other action, the Council passed the Judicial Elections Referendum Act of 2010 (Legislation No. 0359-10), which was sponsored by Walker, with a vote of 60-15. The passage of the Judicial Elections Referendum Act refers a referendum measure to the Nov. 2 general election asking the Navajo voters whether to amend Titles 2, 7 and 11 of the Navajo Nation Code for the election of Navajo Nation District Court Judges and Supreme Court Justices.

"People requested this legislation and we will put it out in the general election that is coming up," Walker said. "Even though as a Council we are empowered to make laws, the people are empowered to as well."

The Tobacco Products Tax and Licensing Act Amendments of 2010, sponsored by Orlanda Smith Hodge (Cornfields/Greasewood Springs/Klagetoh/Wide Ruins), also passed the Council floor, 49-15. Passage of this new tax act amends Title 24 of the Navajo Nation Code and allows the Navajo Nation Tax Commission to regulate and adjust the tobacco tax rate in the best interest of the Navajo Nation.

"This statute will set the parameter of the new tax rate and be regulated by the Navajo Tax Commission like the other six taxes," said Smith Hodge.

The new tax rate is expected to generate \$345,000 to \$525,000 annually and funneled to the Navajo Nation General Fund. Under the act, the new rate for one cigarette changes from two cents to five cents; thus, a package of 20 cigarettes would provide a dollar to the general fund. Distributors and retailers licensed by the state of Arizona, New Mexico or Utah will be required to provide a copy of their state license to the commission.

The Council also passed legislation, sponsored by Raymond Joe (Tachee/Blue Gap/Whippoorwill), urging the Flagstaff City Council and Flagstaff Water Commission to disapprove a proposed contract to sell potable water to Arizona Snowbowl for snowmaking on the sacred San Francisco Peaks (Dook'oslííd) with a vote of 61-1.

Joe's piece of legislation reaffirms the Navajo Nation's opposition to the expansion of the Arizona Snowbowl and opposition to further desecrate Dook'oslííd.

The Navajo Nation Election Consolidation Act of 2010, which failed to pass the Council floor yesterday, was recalled after some Council delegates expressed technical difficulty and violations of rules of order as factors contributing to the voting result. In the recall vote, the Council reaffirmed its stance as the legislation failed passage again with a vote of 24-45.

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