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**Health, Education, and Human Services Committee discusses
taxing junk foods and eliminating tax on fresh fruits and vegetables**

WINDOW ROCK – The Health, Education, and Human Services Committee on Tuesday, discussed Legislation No. 0289-13 and Legislation No. 0290-13, a conjoined effort to implement a two-percent tax on certain “junk” foods and beverages and to eliminate the sales tax on fresh fruits and vegetables on the Navajo Nation.

During the 2013 Summer Session, Council voted down a similar legislation, which aimed to enact the Navajo Nation Junk Food Sales Tax Act of 2013.

In lieu of the legislation’s failure, Council offered recommendations to the sponsor Council Delegate Danny Simpson (Becenti, Crownpoint, Huerfano, Lake Valley, Nageezi, Nahodishgish, Tse’ii’ahi, Whiterock) and agents to improve the bills language and enforcement.

On Sept. 23, Delegate Simpson introduced Legislation No. 0289-13 which aims to impose a two-percent tax on the sale of junk food such as: chips, candy, cookies, and pastries, with the proceeds going toward funding community wellness projects.

“This legislation basically implements a tax on unhealthy foods that will eventually lead to healthy food purchases on the Nation,” said co-sponsor Council Delegate Jonathan Hale (Oak Springs, St. Michaels).

Although HEHSC members expressed support for the legislation’s intent to improve the quality of health by decreasing diabetes and obesity, several members were skeptical over specific definitions and language included in the legislation.

“This legislation essentially says we know you can’t make good decisions, so we want to tax you to help you make good choices,” said HEHSC member Council Delegate Dwight Witherspoon (Black Mesa, Forest Lake, Hardrock, Pinon, Whippoorwill). “I am concerned with the enforcement and what provisions you have made with the help of the [Navajo Nation] Tax Commission.”

HEHSC member Council Delegate Joshua Lavar Butler (Tó Nanees Dizi) also asked if the Tax Commission was involved in writing the legislation and insisted that Navajo People should decide whether to implement the tax.

“The Navajo People need to be involved in this initiative. Have you explored a referendum vote?” said Delegate Butler. “The people need to have an input on this. If this is really what they want and if it is coming from the people, they will vote on it.”

EHSC member Council Delegate Walter Phelps (Cameron, Coalmine Canyon, Leupp, Tolani Lake, Tsidi To ii) agreed with his colleagues and requested for the Tax Commission to provide their insight about the impacts of the legislation.

EHSC vice chair Council Delegate Charles Damon II (Bááháálí, Chichiltah, Manuelito, Tsé Lichíí, Rock Springs, Tsayatoh) requested for the sponsor and agents to consult with the Navajo Tax Commission, Office of Management and Budget, Office of the Controller, Elections Administration, and Navajo Division of Health.

EHSC voted 4-0 to delete Legislation No. 0289-13 from the agenda.

Following the vote, the EHSC considered Legislation No. 0290-13 which aims to amend Title 24 of the Navajo Nation Code by approving the elimination of the sales tax on fresh fruits, fresh vegetables, water, nuts, seeds and nut butters.

The EHSC voted to delete the item from the agenda with a vote of 3-0, to allow for the sponsor to work with the various Navajo Nation entities to improve the language of both legislations.

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