RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Approving Nation’s Comments to Arizona’s September 30, 2015 Section 1115  
Demonstration Waiver)

RESOLUTION NO. 15-469

WHEREAS, the Nation’s Constitution vests the Legislative Council with the authority to  
“promote, protect and provide for public health, peace, morals, education and  
general welfare of the Tohono O’odham Nation and its members” and to  
“consult with the Congress of the United States and appropriate federal agencies  
regarding federal activities that affect the Tohono O’odham Nation…”  
(Constitution, Article VI, Section (1)(c)(2) and Article VI, Section 1(j)); and

WHEREAS, the Nation’s written comments to federal, state and local governments on laws  
and rules proposed by those entities must be approved by the Legislative  
Council (Tohono O’odham Code Chapter 3, Section 3102); and

WHEREAS, the Arizona Health Care Cost Containment System (“AHCCCS”) is a Medicaid  
“demonstration project” under Section 1115 of the Social Security Act (42 U.S.C.  
§1315); and

WHEREAS, AHCCCS’s status as a demonstration project allows the Secretary of Health and  
Human Services to waive certain statutory requirements that would normally  
apply to state Medicaid plans; and

WHEREAS, the Arizona State Legislature recently enacted two laws, SB 1092 and SB 1475,  
requiring certain provisions be included in Arizona’s September 30, 2015  
Demonstration Waiver Proposal (“Proposal”) including a lifetime limit of five  
years for able-bodied adults, a moratorium on non-emergency medical  
transportation, and the imposition of work requirements; and

WHEREAS, while the Nation already opposed by resolution the provisions of SB 1092 which  
harm Nation’s members, it is in the best interest of the Nation to also submit  
“Tohono O’odham Nation Comments to Arizona’s September 30, 2015 Section  
1115 Demonstration Waiver,” which are incorporated by this reference (Tohono  
O’odham Legislative Council Resolution No. 15-233; and

WHEREAS, the Health and Human Services Committee has reviewed the “Tohono O’odham  
Nation Comments to Arizona’s September 30, 2015 Section 1115 Demonstration  
Waiver” and recommend approval.
NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it approves the "Tohono O'odham Nation Comments to Arizona's September 30, 2015 Section 1115 Demonstration Waiver" for submission to the Centers for Medicare and Medicaid Services.

BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that the Nation's Chairperson is authorized and directed to submit the "Tohono O'odham Nation Comments to Arizona's September 30, 2015 Section 1115 Demonstration Waiver," in substantially the form attached hereto, to the Centers for Medicare and Medicaid Services.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 23rd day of NOVEMBER, 2015 at a meeting at which a quorum was present with a vote of 2,425.6 FOR; 0 AGAINST; 0 NOT VOTING; and 595.8 ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and 1(i) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

[Signature]

Timothy Joaquin, Legislative Chairman

23 day of November, 2015

ATTEST:

Evonne Wilson, Legislative Secretary

23 day of November, 2015

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 25 day of November, 2015 at 12:31 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.
RESOLUTION NO. 15-469
(Approving Nation's Comments to Arizona's September 30, 2015 Section 1115 Demonstration Waiver)
Page 3 of 3

TOHONO O'ODHAM LEGISLATIVE COUNCIL

[Signature]
Timothy Joaquin, Legislative Chairman

[ ] APPROVED
on the 23rd day of November, 2015
at 6:53 o'clock, a.m.

[Signature]
Edward D. Manuel, Chairman
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24th day of
November, 2015, at 10:01 o'clock, a.m.

[Signature]
Evonne Wilson, Legislative Secretary
**RESOLUTION NO. 15-469**

**ACTION:** APPROVING NATION'S COMMENTS TO ARIZONA'S SEPTEMBER 30, 2015 SECTION 1115 DEMONSTRATION WAIVER

**MOVED:** COUNCILMAN ARTHUR WILSON

**SECOND:** COUNCILMAN ANTHONY FRANCISCO, JR.

**DATE:** NOVEMBER 23, 2015

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