

**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

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

7 **WHEREAS,** the Nation's written comments to federal, state and local governments on laws
8 and rules proposed by those entities must be approved by the Legislative
9 Council (1 Tohono O'odham Code Chapter 3, Section 3102); and

10 **WHEREAS,** the Arizona Health Care Cost Containment System ("AHCCCS") is a Medicaid
11 "demonstration project" under Section 1115 of the Social Security Act (42 U.S.C.
12 §1315); and

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

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

21 **WHEREAS,** while the Nation already opposed by resolution the provisions of SB 1092 which
22 harm Nation's members, it is in the best interest of the Nation to also submit
23 "Tohono O'odham Nation Comments to Arizona's September 30, 2015 Section
24 1115 Demonstration Waiver," which are incorporated by this reference (Tohono
25 O'odham Legislative Council Resolution No. 15-233; and

26 **WHEREAS,** the Health and Human Services Committee has reviewed the "Tohono O'odham
27 Nation Comments to Arizona's September 30, 2015 Section 1115 Demonstration
28 Waiver" and recommend approval.

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1 **NOW, THEREFORE, BE IT RESOLVED** by the Tohono O'odham Legislative Council that it
2 approves the "Tohono O'odham Nation Comments to Arizona's September 30,
3 2015 Section 1115 Demonstration Waiver" for submission to the Centers for
4 Medicare and Medicaid Services.

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

10 The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 23RD
11 day of NOVEMBER, 2015 at a meeting at which a quorum was present with a vote of 2,425.6 FOR;
12 -0- AGAINST; -0- NOT VOTING; and 595.8 [07] ABSENT, pursuant to the powers vested in the
13 Council by Article VI, Section 1(c)(2) and 1(j) of the Constitution of the Tohono O'odham Nation,
14 adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting
15 Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section
16 16 of the Act of June 18, 1934 (48 Stat.984).

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19 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

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23 _____
24 Timothy Joaquin, Legislative Chairman

25 23 day of November, 2015

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28 **ATTEST:**

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30 _____
31 Evonne Wilson, Legislative Secretary

32 23 day of November, 2015

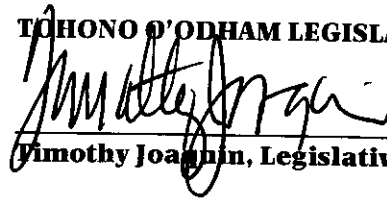
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35 Said Resolution was submitted for approval to the office of the Chairman of the Tohono
36 O'odham Nation on the 23 day of November, 2015 at 3:31 o'clock, P.m.,
37 pursuant to the provisions of Section 5 of Article VII of the Constitution and will become
38 effective upon his approval or upon his failure to either approve or disapprove it within 48
39 hours of submittal.
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TOHONO O'ODHAM LEGISLATIVE COUNCIL



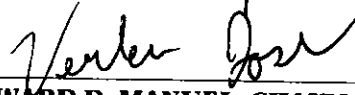
Timothy Joannin, Legislative Chairman

APPROVED

on the 23 day of November, 2015

DISAPPROVED

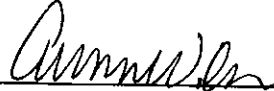
at 6:53 o'clock, p. .m.



EDWARD D. MANUEL, CHAIRMAN
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 24 day of

November, 2015, at 10:21 o'clock, a. .m.



Evonne Wilson, Legislative Secretary

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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

| DISTRICT | LEGISLATIVE REPRESENTATIVES | # OF VOTES | FOR | AGAINST | NOT VOTING | ABSENT |
|----------------------|--|----------------|----------------|------------|------------|-----------------------------|
| BABOQUIVARI 367.2 | 1. FRANCES MIGUEL (Roberta E. Harvey) | 183.60 | | | | X |
| | 2. VERNON J. SMITH (Gloria Zazueta) | 183.60 | | | | X |
| CHUKUT KUK 332.1 | 1. ETHEL GARCIA (Marlakay K. Henry) | 166.05 | X | | | |
| | 2. BILLMAN LOPEZ (Patricia Vicenti) | 166.05 | X | | | X |
| GUACHI 265.0 | 1. TIMOTHY L. JOAQUIN (Louis L. Johnson) | 132.50 | X | | | |
| | 2. LORETTA LEWIS () | 132.50 | X | | | |
| GU VO 250.6 | 1. GRACE MANUEL (Dallas Lewis) | 125.30 | X | | | |
| | 2. PAMELA ANGHILL (Jeffery Antone, Sr.) | 125.30 | X | | | X |
| HICKIWAN 205.8 | 1. LOUIS R. LOPEZ (Shirley Molina) | 102.90 | X | | | |
| | 2. SANDRA ORTEGA () | 102.90 | X | | | |
| PISINEMO 219.9 | 1. CHESTER ANTONE () | 109.95 | X | | | |
| | 2. MONICA K. MORGAN () | 109.95 | X | | | X |
| SAN LUCY 226.5 | 1. DIANA MANUEL () | 113.25 | X | | | |
| | 2. JANA MONTANA (Gloria Ramirez) | 113.25 | X | | | |
| SAN XAVIER 228.6 | 1. DANIEL L.A. PRESTON III () | 114.30 | | | | X |
| | 2. RACHEAL VILSON-STONER (Olivia Villegas-Liston) | 114.30 | | | | X |
| SCHUK TOAK 180.6 | 1. ANTHONY J. FRANCISCO JR. () | 90.30 | X | | | |
| | 2. QUINTIN C. LOPEZ (John Fendenheim) | 90.30 | X | | | |
| SELLS 513.5 | 1. ARTHUR WILSON (Beverly Rivas) | 256.75 | X | | | |
| | 2. BARBARA HAVIER () | 256.75 | X | | | |
| SIF OIDAK 231.6 | 1. LUCINDA ALLEN (Nicholas Jose) | 115.80 | X | | | |
| | 2. MARY LOPEZ () | 115.80 | X | | | |
| TOTAL | | 3,021.4 | 2,425.6 | -0- | -0- | 595.8 [07] |