

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL  
(Urging United States Department of Health and Human Services to Consult with  
Arizona Tribes on Federally Facilitated Exchanges)**

**RESOLUTION NO. 13-090**

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**  
2 **authority "to promote, protect and provide for public health, peace, morals, education**  
3 **and general welfare of the Tohono O'odham Nation and its members..." and "to**  
4 **consult, negotiate and conclude agreements and contracts on behalf of the Tohono**  
5 **O'odham Nation with Federal, State and local governments..." (Constitution, Article**  
6 **VI, Section 1(c)(2) and Section 1(f)); and**

7 **WHEREAS, the Affordable Care Act, enacted on March 23, 2010, is a major piece of federal**  
8 **legislation directed at comprehensive health insurance reforms with several**  
9 **provisions affecting the Tohono O'odham Nation and its members, including the**  
10 **expansion of Medicaid eligibility, beginning January 1, 2014, to all individuals under**  
11 **133% of the federal poverty level, and the establishment of competitive marketplaces**  
12 **for individuals and small employers to directly compare available private health**  
13 **insurance options (Public Law 111-148, 124 Stat. 119); and**

14 **WHEREAS, under the Affordable Care Act, states have the option to establish affordable insurance**  
15 **exchanges to help individuals and small employers purchase affordable health**  
16 **insurance, however, if a state declines to establish a state-based exchange, then the**  
17 **Affordable Care Act directs the Secretary of Health and Human Services to establish**  
18 **and operate a federally facilitated exchange in that state; and**

19 **WHEREAS, on November 28, 2012, Arizona Governor Janice K. Brewer declared that Arizona would**  
20 **not establish a state-based exchange and acknowledged that Arizona would instead**  
21 **participate in a federally facilitated exchange; and**

22 **WHEREAS, the Affordable Care Act contains numerous provisions specifically and directly**  
23 **affecting Native Americans that will be implemented through the federally facilitated**  
24 **exchanges, including but not limited to an exemption to the tax penalty for non-**  
25 **insurance coverage, an exemption for cost-sharing for individuals under 300% of the**  
26 **federal poverty level, and special enrollment periods to enroll in the insurance**  
27 **products offered on the exchanges; and**

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**(Urging United States Department of Health and Human Services to Consult with Arizona Tribes on Federally Facilitated Exchanges)**

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1 **WHEREAS, enrollment in private health insurance options available on the federally facilitated**  
2 **exchanges starts October 31, 2013 with coverage to begin January 1, 2014; and**

3 **WHEREAS, Native American tribes and their members in Arizona will be significantly affected by**  
4 **the implementation of federally facilitated exchanges; and**

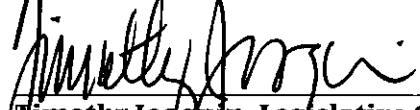
5 **WHEREAS, the Tohono O'odham Legislative Health and Human Services Committee recommends**  
6 **urging the U.S. Department of Health and Human Services to initiate consultation with**  
7 **Arizona tribes concerning the federally facilitated exchanges.**

8 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it urges the**  
9 **U.S. Department of Health and Human Services to consult with Arizona tribes**  
10 **concerning the implementation of federally facilitated exchanges in accordance with**  
11 **the Department's Tribal Consultation Policy.**

12 **BE IT FINALLY RESOLVED by the Tohono O'odham Legislative Council that it authorizes the**  
13 **Nation's chairperson or official designee to coordinate and collaborate with the Inter**  
14 **Tribal Council of Arizona to request and advocate for consultation in accordance with**  
15 **this resolution.**

16  
17 **The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup> Day**  
18 **of MARCH, 2013 at a meeting at which a quorum was present with a vote of 2,780.60 FOR; -0-**  
19 **AGAINST; -0- NOT VOTING; and [01] ABSENT, pursuant to the powers vested in the Council by Article**  
20 **VI, Section 1 (c)(2) and 1(f) of the Constitution of the Tohono O'odham Nation, adopted by the**  
21 **Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant**  
22 **Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June**  
23 **18, 1934 (48 Stat. 984).**

24  
25 **TOHONO O'ODHAM LEGISLATIVE COUNCIL**

26  
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29 **Timothy Joaquin, Legislative Chairman**  
30  
31 18 day of March, 2013

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34 **ATTEST:**

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38 **Evonne Wilson, Legislative Secretary**

39 15 day of March, 2013.  
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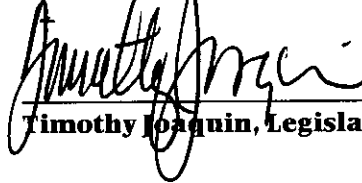
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Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 18 day of March, 2013 at 8:50 o'clock, P.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL



Timothy Joaquin, Legislative Chairman

APPROVED

on the 20 day of March, 2013

DISAPPROVED

at 8:30 o'clock, A.M.

  
NED NORRIS, JR., CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 20 day of

March, 2013, at 10:12 o'clock, A.M.

  
Evonne Wilson, Legislative Secretary

ACTION: URGING UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONSULT WITH ARIZONA TRIBES ON FEDERALLY FACILITATED EXCHANGES

MOVED: COUNCILWOMAN SANDRA ORTEGA

SECOND: COUNCILMAN ARTHUR WILSON

DATE: MARCH 13, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			
	2. FRANCES G. ANTONE (Vernon Smith)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ( )	151.10	X			
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ( )	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			X
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ( )	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15	X			
	2. SANDRA ORTEGA ( )	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X			
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER ( <i>Absent</i> ) (Diana Manuel) ( <i>Present</i> )	102.30	X			
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90	X			
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90	X			
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90	X			
	2. FREDERICK JOSE (Phyllis Cachora)	84.90	X			
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			
	2. MARIA ACKERMAN ( )	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ( )	105.95	X			
	2. MARY LOPEZ ( )	105.95	X			
<b>TOTAL</b>		<b>2,780.60</b>	<b>2,780.60</b>	<b>-0-</b>	<b>-0-</b>	<b>[01]</b>