

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0247-21\_

SPONSOR: Edison J. Wauneka

**TITLE: An Action Relating to the Health, Education, and Human Services, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Allocating \$2,046,781 from the Unreserved, Undesignated Fund Balance to the Navajo Nation Division of Social Services for COVID-19-Related Burial Assistance; Waiving 12 N.N.C. §820 (E), §820 (F), and §820 (J)**

*Date posted:* November 22, 2021 at 5:31PM

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## LEGISLATION SUMMARY SHEET

TRACKING NO. 0247-21

**DATE:** November 19, 2021

**TITLE OF LEGISLATION:** AN ACTION RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING \$2,046,781 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE TO THE NAVAJO NATION DIVISION OF SOCIAL SERVICES FOR COVID-19-RELATED BURIAL ASSISTANCE; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J)

**PURPOSE OF THIS LEGISLATION:** to approve \$2,046,781 out of the UUFB for the Navajo Nation Division of Social Services to provide COVID-19-related burial assistance; waiving 12 N.N.C. §820(E), §820(F), and §820(J) to allow for this supplemental appropriation.

OLC No. 21-486-1

5-DAY BILL HOLD PERIOD: Bredhons  
Website Posting Time/Date:  
Posting End Date: November 27, 2021  
Eligible for Action: November 28, 2021

Health Education & Human Services Committee  
Thence  
Budget & Finance Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24th NAVAJO NATION COUNCIL - Third Year, 2021

Introduced by:

  
(Prime Sponsor)

Tracking No. 0247-21

AN ACTION

RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES,  
BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE  
NAVAJO NATION COUNCIL; ALLOCATING \$2,046,781 FROM THE  
UNRESERVED, UNDESIGNATED FUND BALANCE TO THE NAVAJO  
NATION DIVISION OF SOCIAL SERVICES FOR COVID-19-RELATED  
BURIAL ASSISTANCE; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J)

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education, and Human Services Committee is a standing committee of the Navajo Nation Council with the authority to review and recommend legislation relating to the Navajo Nation Division of Social Services. 2 N.N.C. §454(B)(8).
- B. The Budget and Finance Committee is a standing committee of the Navajo Nation Council that is empowered to review and recommend to the Navajo Nation Council the budgeting, appropriation, investment, and management of all funds. 2 N.N.C. §301(B)(2).
- C. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council that is responsible for reviewing proposed resolutions that require final action by the Navajo Nation Council. 2 N.N.C. §164(A)(9).
- D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).

1 E. The Navajo Nation Council has the authority to approve supplemental appropriations. "The  
2 Navajo Nation Council may adopt and approve supplemental appropriations to the Annual  
3 Comprehensive Budget during the fiscal year. Supplemental appropriations of General  
4 Funds within the current fiscal year are permitted, if and when additional sources of  
5 revenues above and beyond the initial or current revenue projections are projected and  
6 which are also in excess of the reserve amount set forth at §820(J)." 12 N.N.C. §820(L).

7 F. The restrictions on supplemental appropriations include:

8 1. Supplemental appropriations from non-recurring revenues shall be approved only for  
9 non-recurring expenses. 12 N.N.C. §820(F). The Controller designates which revenues  
10 are recurring and which are non-recurring. 12 N.N.C. §820(L).

11 2. The Navajo Nation shall budget all recurring operating expenses, including capital  
12 maintenance costs, from recurring revenues only. Long-term debt shall not be used to  
13 finance recurring operating expenses. 12 N.N.C. §820(E).

14 3. The Navajo Nation Code further provides, ". . . non-recurring revenues will be budgeted  
15 only after an examination by the Controller to determine whether or not the revenues are  
16 subsidizing an imbalance between recurring revenues and expenditures, and  
17 expenditures may be authorized only if a long-term (three-five year) forecast shows that  
18 the operating deficit will not continue. Otherwise, non-recurring revenues will be added  
19 to the Unreserved, Undesignated Fund Balance. This provision may be amended or  
20 waived by a two-thirds vote of the full Navajo Nation Council." 12 N.N.C. §820(F).

21 4. All requests for supplemental funding shall be submitted to the Office of Management  
22 and Budget ("OMB") for budget impact analysis. 12 N.N.C. §820(M).

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24 **SECTION TWO. FINDINGS**

25 A. The coronavirus pandemic of 2019 has caused large scale infections and loss of life  
26 throughout the world, the United States, and the Navajo Nation. As of November 1, 2021, the  
27 Navajo Nation Health Command Operations Center has confirmed 36,867 COVID-19 cases  
28 and 1,487 COVID-related deaths on the Navajo Nation. COVID-19 variants have recently  
29 emerged that threaten to increase these numbers and continue the pandemic's assault on the  
30 Navajo People.

1 B. Under its COVID-19 Burial Assistance Program, the Navajo Nation Division of Social  
2 Services (“NNDSS”) continues to receive requests for financial assistance to help families  
3 with funeral costs for Navajo Nation members who have passed away from COVID-19  
4 causes and who resided on and off the Navajo Reservation.

5 C. On March 26, 2021, by Resolution CMA-14-21, the Navajo Nation Council appropriated  
6 supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of  
7 \$2,002,000 to the NNDSS for COVID-19-related burial assistance. However, these funds  
8 lapsed on September 30, 2021, thereby leaving 30 assistance requests with NNDSS that are  
9 unfunded and currently pending.

10 D. The NNDSS has prepared a Supplemental Funding Proposal Summary, dated November  
11 17, 2021. NNDSS is seeking \$2,046,781 from the Unreserved, Undesignated Fund Balance  
12 to cover COVID-19-related burial assistance for Navajo decedents who resided on and off  
13 the Navajo Reservation, and to pay for NNDSS’ operating and overtime expenses.

14 **EXHIBIT A.** NNDSS’ Budget Forms 1, 2, and 4 are also included. **EXHIBIT B.**

15 E. The memorandum from the Office of the Controller will be provided when this legislation  
16 is being considered, in compliance with 12 N.N.C. §820(L).

17 F. The memorandum from the Office of Management and Budget will be provided when the  
18 legislation is being considered, in compliance with 12 N.N.C. §820(M).

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20 **SECTION THREE. APPROVING \$2,046,781 IN UUFBS SUPPLEMENTAL FUNDING**  
21 **FOR THE NNDSS FOR COVID-19-RELATED BURIAL ASSISTANCE**

22 A. The Navajo Nation hereby approves \$2,046,781 in supplemental funding from the  
23 Unreserved, Undesignated Fund Balance to the Navajo Nation Division of Social Services  
24 for COVID-19-related burial assistance for Navajo decedents who resided on and off the  
25 Navajo Reservation, and to fund NNDSS’ related operating and overtime expenses.

26 B. This supplemental appropriation of \$2,046,781 shall be from the amount of funds that  
27 exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance as  
28 determined by the Office of the Controller.

29 C. This supplemental appropriation of \$2,046,781 shall be available until fully expended and  
30 shall not lapse on September 30, 2022.

1 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J)**

2 The Navajo Nation Council hereby waives 12 N.N.C. §820(E), §820(F) and §820(J) to allow  
3 funds out of the Unreserved, Undesignated Fund Balance to be used for recurring  
4 expenditures.  
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6 **SECTION FIVE. EFFECTIVE DATE**

7 This legislation shall become effective in accordance with 2 N.N.C. §221(B) and 2 N.N.C.  
8 §164(A)(17).  
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10 **SECTION SIX. SAVING CLAUSE**

11 If any provision of this legislation is determined invalid by the Supreme Court of the Navajo  
12 Nation, or by the Navajo Nation District Court without appeal to the Navajo Nation Supreme  
13 Court, the remainder of this legislation shall remain valid as the law of the Navajo Nation.  
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