

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0013-22\_

SPONSOR: Pernell Halona

**TITLE: An Act Relating to the Health, Education and Human Services, Budget and Finance, and Naabik'iyáti' Committees, and to the Navajo Nation Council; Approving \$540,528 in Supplemental Funding from the Unreserved, Undesignated Fund Balance to Rehoboth Christian School to Fund Student Transportation Costs, a Navajo Language Teacher Position, Summer School Expenses, and Other Needs**

*Date posted:* January 19, 2022 at 5:20PM

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**LEGISLATION SUMMARY SHEET**

Tracking No. 0013-22

Date: JANUARY 11, 2022

**Title: AN ACT RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$540,528 IN SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE TO REHOBOTH CHRISTIAN SCHOOL TO FUND STUDENT TRANSPORTATION COSTS, A NAVAJO LANGUAGE TEACHER POSITION, SUMMER SCHOOL EXPENSES, AND OTHER NEEDS**

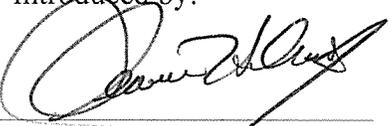
**PURPOSE OF THIS LEGISLATION:** to allocate \$540,528 from the UUFb to Rehoboth Christian School to pay for student transportation costs, a Navajo language teacher, summer school opportunities, new furniture in the Special Ed classroom, and new HVAC/air conditioning in the Elementary School.

OLC No. 21-512-1

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 01-24-22  
Eligible for Action: 01-25-22

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022

Introduced by:  
  
\_\_\_\_\_  
(Prime Sponsor)

Tracking No. 0013-22

**AN ACT**  
**RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES,**  
**BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND**  
**TO THE NAVAJO NATION COUNCIL; APPROVING \$540,528 IN**  
**SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED**  
**FUND BALANCE TO REHOBOTH CHRISTIAN SCHOOL TO FUND**  
**STUDENT TRANSPORTATION COSTS, A NAVAJO LANGUAGE TEACHER**  
**POSITION, SUMMER SCHOOL EXPENSES, AND OTHER NEEDS**

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Navajo Nation established the Health, Education, and Human Services Committee (“HEHSC”) as a Navajo Nation Council standing committee, and as such gave HEHSC the authority to oversee the education initiatives of the Navajo Nation by promoting academic excellence and culturally relevant education. 2 N.N.C. §401(C)(2).
- B. The Navajo Nation established the Budget and Finance Committee (“BFC”) as a Navajo Nation Council standing committee, and as such empowered BFC to review and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C. §300(A), and §301(B)(2).
- C. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo Nation

1 standing committee, and proposed legislation requiring final action by the Navajo Nation  
2 Council shall be assigned to the Naabik'iyáti' Committee. 2 N.N.C. §164(A)(9) and  
3 §700(A).

4 D. The Navajo Nation Council is the governing body of the Navajo Nation, with the authority  
5 to approve supplemental appropriations. 2 N.N.C. §102(A), 12 N.N.C. §820(L).

6 E. Pursuant to 12 N.N.C. §820(L): “[t]he Navajo Nation Council may adopt and approve  
7 supplemental appropriations to the Annual Comprehensive Budget during the fiscal year.  
8 Supplemental appropriations of General Funds within the current fiscal year are permitted,  
9 if and when additional sources of revenues above and beyond the initial or current revenue  
10 projections are projected and which are also in excess of the reserve amount set forth at  
11 §820(J).”

12 F. The Title 12 Supplemental Appropriation requirements include:

13 1. All requests for annual operating funds and supplemental funds shall be submitted to  
14 the Office of Management and Budget (“OMB”) for budget impact analysis. 12 N.N.C.  
15 §820(M).

16 2. When the Controller identifies additional sources of revenues above and beyond the  
17 initial or current revenue projections, supplemental appropriations may be approved by  
18 the Navajo Nation Council. 12 N.N.C. §820(L).

19 3. Supplemental Appropriations made from non-recurring revenues shall only be made for  
20 non-recurring operations or purposes, as set forth at §820(F). The Controller of the  
21 Navajo Nation shall be responsible for the designation of recurring and non-recurring  
22 revenues. 12 N.N.C. §820(L).

23 4. The Navajo Nation Code provides: “[t]he Nation shall restrict non-recurring revenues  
24 to budget non-recurring expenditures. In addition, non-recurring revenues will be  
25 budgeted only after an examination by the Controller to determine whether or not the  
26 revenues are subsidizing an imbalance between recurring revenues and expenditures,  
27 and expenditures may be authorized only if a long-term (three-five year) forecast shows  
28 that the operating deficit will not continue. Otherwise, non-recurring revenues will be  
29 added to the Unreserved, Undesignated Fund balance. This provision may be amended  
30 or waived by a two-thirds vote of the full Navajo Nation Council.” 12 N.N.C. §820(F).

1     **SECTION TWO. FINDINGS**

2     A. The Rehoboth Christian School (“RCS”) has submitted a letter, dated October 5, 2021,  
3         attached as **EXHIBIT A**. RCS is seeking supplemental funding from the Unreserved,  
4         Undesignated Fund Balance (“UUFB”) to provide education to its students and to meet  
5         other needs of RCS. According to this letter, 75% of RCS students are Native American,  
6         and most of these students are enrolled Navajo Nation members.

7     B. RCS’ supplemental funding proposal in the amount of \$540,528, along with budget forms  
8         and related documents, including Appendix K “Supplemental Funding Proposal  
9         Summary,” are attached as **EXHIBIT B**. RCS’ required grant application is attached as  
10        **EXHIBIT C**.

11    C. Regarding this UUFB funding request, the Controller may be asked to satisfy the  
12        requirements of 12 N.N.C. §820(L) by memorandum, or telephonically or in person when  
13        this matter is heard by the Navajo Nation Council.

14    D. Regarding this UUFB funding request, the OMB may be asked to provide the budget  
15        impact statement required by 12 N.N.C. §820(M) by memorandum, or telephonically or in  
16        person when this matter is heard by the Navajo Nation Council.

17    E. The Bahastl’ah Chapter through Resolution BAH-21-04-29-015, attached as **EXHIBIT D**,  
18        supports RCS’ request for this funding.

19  
20     **SECTION THREE. APPROVING AN ALLOCATION OF \$540,528 FROM THE**  
21             **UUFB TO REHOBOTH CHRISTIAN SCHOOL**

22    A. The Navajo Nation hereby approves \$540,528 in supplemental funding out of the  
23        Unreserved, Undesignated Fund Balance to the Rehoboth Christian School, as requested  
24        in **EXHIBIT B** and for the purposes explained in **EXHIBIT A**.

25    B. This supplemental appropriation of \$540,528 shall be from that amount of funds that  
26        exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance, as  
27        determined by the Office of the Controller.

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29     **SECTION FOUR. EFFECTIVE DATE**

30     This Act shall become effective as provided in 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).

1 **SECTION FIVE. SAVING CLAUSE**

2 If any provision of this Act is determined invalid by the Navajo Nation Supreme Court or a  
3 District Court of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, the  
4 remainder of this Act shall remain the law of the Navajo Nation.

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