

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0060-22\_

SPONSOR: Eugene Tso

**TITLE: An Act Relating to the Health, Education, and Human Services, Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$4,000,000 from the Unreserved, Undesignated Fund Balance ("UUFB") for the 110 Navajo Nation Chapters' Summer 2022 Youth Employment Programs; Waiving 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L) to Allow Use of UUFB Funds for Recurring Chapter Expenses**

*Date posted:* March 30, 2022 at 6:12PM

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**SUMMARY OF PROPOSED LEGISLATION**

TrackingNo. 0060-22

Date: March 29, 2022

Re: **AN ACT RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; APPROVING \$4,000,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") FOR THE 110 NAVAJO NATION CHAPTERS' SUMMER 2022 YOUTH EMPLOYMENT PROGRAMS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) TO ALLOW USE OF UUFB FUNDS FOR RECURRING CHAPTER EXPENSES**

Purpose of this Legislation:

to allocate \$4,000,000 from the UUFB for the 110 Chapters' Summer 2022 Youth Employment Programs; waiving 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow use of UUFB funds for recurring Chapter expenses.

OLC No. 21-506-1

5-DAY BILL HOLD PERIOD: A Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 04-04-22  
Eligible for Action: 04-05-22

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL - Fourth Year, 2022

3 Introduced by:

4   
5 \_\_\_\_\_  
6 (Prime Sponsor)

7  
8 Tracking No. 0060-22

9  
10 AN ACT

11 RELATING TO THE HEALTH, EDUCATION, AND HUMAN SERVICES,  
12 RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE,  
13 AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION  
14 COUNCIL; APPROVING \$4,000,000 FROM THE UNRESERVED,  
15 UNDESIGNATED FUND BALANCE ("UUF") FOR THE 110 NAVAJO  
16 NATION CHAPTERS' SUMMER 2022 YOUTH EMPLOYMENT  
17 PROGRAMS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) TO  
18 ALLOW USE OF UUF FUND BALANCE FOR RECURRING CHAPTER EXPENSES

19  
20 BE IT ENACTED:

21  
22 SECTION ONE. AUTHORITY

- 23 A. The Navajo Nation established the Health, Education, and Human Services Committee as a  
24 Navajo Nation Council standing committee and empowered the Committee to review and  
25 recommend resolutions regarding employment matters. 2 N.N.C. §401(B)(6)(A).
- 26 B. The Navajo Nation established the Resources and Development Committee as a Navajo  
27 Nation Council standing committee and gave the Committee oversight over the 110 Navajo  
28 Nation Chapters. 2 N.N.C. §164(A)(9); 2 N.N.C. §500(A); 2 N.N.C. §501(C)(1).
- 29 C. The Navajo Nation established the Budget and Finance Committee as a Navajo Nation  
30 Council standing committee and authorized the Committee to review and recommend to the

1 Navajo Nation Council the management of all funds. 2 N.N.C. §164(A)(9); 2 N.N.C.  
2 §300(A); 2 N.N.C. §301(B)(2).

3 D. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council  
4 standing committee, and all proposed legislation that requires final action by the Navajo  
5 Nation Council is assigned to the Naabik'íyáti' Committee for its review and consideration.  
6 2 N.N.C. §164(A)(9); 2 N.N.C. §700(A).

7 E. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).  
8 As such, the Council “. . . may adopt and approve supplemental appropriations to the Annual  
9 Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds  
10 within the current fiscal year are permitted, if and when additional sources of revenues above  
11 and beyond the initial or current revenue projections are projected and which are also in  
12 excess of the reserve amount set forth at §820(J).” 12 N.N.C. §820(L).

13 F. The Title 12 restrictions on supplemental appropriations, including all amounts from the  
14 UUFb, include:

15 1. Payment of recurring government operating expenses shall be from recurring revenues,  
16 and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFb  
17 funds. 12 N.N.C. §820(E); 12 N.N.C. §820(F).

18 2. Specifically, the UUFb shall not be used for recurring government expenditures or  
19 operations. 12 N.N.C. §820(J); 12 N.N.C. §820(L).

20 3. Nonrecurring revenues such as UUFb funds may be used only after the Controller  
21 determines whether or not such revenues are subsidizing an imbalance between the  
22 Navajo Nation's recurring revenues and expenditures, and government expenditures shall  
23 only be authorized if a long-term (3-year to 5-year year) forecast shows that the operating  
24 deficit will not continue; otherwise, nonrecurring revenues will be added to the  
25 Unreserved, Undesignated Fund Balance. 12 N.N.C. §820(F).

26 4. The above provisions in Title 12 may be amended or waived by a two-thirds vote of the  
27 full membership of the Navajo Nation Council. 12 N.N.C. §820(F); 12 N.N.C. §880.

28 5. Pursuant to 12 N.N.C. §820(F) all UUFb funding requests must be reviewed by the  
29 Controller. Such review is also required because the Controller determines which  
30 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).

1 6. Pursuant to 12 N.N.C. §820(M) all UUFB funding requests must be submitted to the  
2 Office of Management and Budget (“OMB”) for a budget impact analysis.

3  
4 **SECTION TWO. FINDINGS**

5 A. All 110 Navajo Nation Chapters have indicated a need for supplemental funds to pay for  
6 their summer youth employment programs for the Summer of 2022. On behalf of the 110  
7 Chapters, the Division of Community Development (“DCD”) is requesting \$4,000,000 in  
8 UUFB funds to distribute among all 110 Chapters.

9 B. The required Budget Forms, including Appendix K “Supplemental Funding Proposal  
10 Summary” for the Chapters’ proposed expenditures, are attached as **EXHIBIT A**.

11 C. DCD has prepared a comprehensive list of each Chapter’s needed amount to fund its Summer  
12 2022 Youth Employment Program, showing the total amount needed of \$4,000,000 for all  
13 110 Chapters. **EXHIBIT B**.

14 D. Diné Customary Law declares and teaches that: “[i]t is the right and freedom of the people  
15 that our children are provided with education to absorb wisdom, self-knowledge, and  
16 knowledge to empower them to make a living and participate in the growth of the Navajo  
17 Nation.” 1 N.N.C. §204(F).

18 E. The Navajo Nation honors Diné Customary Law by assisting high school and college  
19 students with temporary employment during their summer breaks. Chapter summer youth  
20 employment programs offer these students the opportunity to gain work experience during  
21 their summer breaks, and to earn funds to pay for their school expenses.

22 F. Due to the COVID-19 pandemic, many Navajo Nation youth were largely unable to secure  
23 summer employment during the Summers of 2020 and 2021; therefore, this \$4,000,000 in  
24 funding is badly needed to assist them with jobs and income this Summer.

25 G. The Office of the Controller was asked to provide a memorandum as required by 12 N.N.C.  
26 §820(L). This memorandum shall be provided to the assigned Committees and the Navajo  
27 Nation Council when this legislation is up for consideration.

28 H. The Office of Management and Budget was asked to provide a budget impact analysis as  
29 required by 12 N.N.C. § 20(M). This analysis shall be provided to the assigned Committees  
30 and the Navajo Nation council when this legislation is up for consideration.

1 **SECTION THREE. ALLOCATING \$4,000,000 FROM THE UUFB TO THE DIVISION**  
2 **OF COMMUNITY DEVELOPMENT FOR THE 110 CHAPTERS'**  
3 **SUMMER 2022 YOUTH EMPLOYMENT PROGRAM**

4 A. The Navajo Nation hereby allocates \$4,000,000 out of the UUFB to the Division of  
5 Community Development to be used for the 110 Chapters' summer youth employment  
6 programs for 2022, as shown in the attached EXHIBIT A and EXHIBIT B.

7 B. This supplemental appropriation shall be from those funds that exceed the minimum fund  
8 reserve balance in the UUFB required by 12 N.N.C. §820(J), as determined by the Controller.

9 C. Pursuant to 12 N.N.C. §820(O) the \$4,000,000 shall be deposited with each of the 110  
10 Chapters as follows: "fifty percent (50%) of the appropriation shall be divided equally among  
11 all chapters and the remaining fifty percent (50%) shall be divided proportionately among  
12 the chapters using a percentage equal to that figure which the number of registered voters in  
13 each chapter bears to the whole of registered Navajo Nation votes as determined by the most  
14 current voter registration figures available as of the date of the appropriation."

15 D. Pursuant to 12 N.N.C. §820(N) the amount received by each of the 110 Chapters under the  
16 overall \$4,000,000 allocation approved herein shall not lapse at the end of the fiscal year, so  
17 long as each Chapter accounts for any funds that remain after the conclusion of its Summer  
18 2022 Youth Employment Program and then budgets such funds in the next fiscal year for its  
19 Summer 2023 Youth Employment Program.

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21 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) TO**  
22 **ALLOW USE OF UUFB FUNDS FOR RECURRING CHAPTER**  
23 **EXPENSES**

24 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow  
25 use of the UUFB for the 110 Chapters' summer youth employment programs for Summer 2022,  
26 as shown in EXHIBIT A and EXHIBIT B. These waivers are necessary because the proposed  
27 Chapter UUFB expenditures are considered recurring government expenses.

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29 **SECTION FIVE. 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 SIX. SAVING CLAUSE**

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

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