

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0146-24_

SPONSOR: Casey Allen Johnson

TITLE: An Act Relating to the Budget and Finance Committee, the Naabik'iyáti' Committee, and the Navajo Nation Council; Approving \$250,000 from the Unreserve, Undesignated Fund Balance ("UUFB") for the Navajo-Hopi Land Commission Office

Date posted: July 02, 2024 at 7:43PM

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SUMMARY OF PROPOSED LEGISLATION

Tracking No. 0146-24

DATE: July 2, 2024

RE: AN ACTION RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE NAABIK'IYATI' COMMITTEE, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$250,000 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") FOR THE NAVAJO-HOPI LAND COMMISSION OFFICE

PURPOSE OF THIS LEGISLATION:

to approve \$250,000 from the UUFB to the Navajo-Hopi Land Commission Office.

FINAL AUTHORITY and VOTE REQUIREMENT:

The Navajo Nation Council has final authority. A simple majority vote is required.

OLC No. 24-292-1

5-DAY BILL HOLD PERIOD At M. L. T. J.
Website Posting Time/Date _____
Posting End Date: 07-07-24
Eligible for Action: 07-08-24

Budget & Finance Committee
Thence
Naabik'iyati' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - Second Year, 2024

3 Introduced by:

4 _____
5
6 (Prime Sponsor)



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8 Tracking No. 0146-24

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10 AN ACTION
11 RELATING TO THE BUDGET AND FINANCE COMMITTEE, THE
12 NAABIK'İYATI' COMMITTEE, AND THE NAVAJO NATION COUNCIL;
13 APPROVING \$250,000 FROM THE UNRESERVED, UNDESIGNATED FUND
14 BALANCE ("UUF") FOR THE NAVAJO-HOPI LAND COMMISSION OFFICE

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16 BE IT ENACTED:

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18 SECTION ONE. AUTHORITY

- 19 A. The Navajo Nation Council established the Navajo-Hopi Land Commission under 2 N.N.C.
20 §851(A).
21 B. The Navajo-Hopi Land Commission has the power, among other things, to speak and act on
22 behalf of the Navajo Nation regarding all matters related to Navajo Partitioned Lands, Hopi
23 Partitioned Lands, the Bennett Freeze Area, Nahata Dziil, and land acquired for Navajos
24 pursuant to Public Law 96-305. 2 N.N.C. §853(B).
25 C. The Navajo-Hopi Land Commission Office ("NHLCO") is established under 2 N.N.C.
26 §856(A), to assist the Commission in carrying out its duties.
27 D. The Budget and Finance Committee is a standing committee of the Navajo Nation Council
28 authorized to review and recommend to the Council the management of all funds. 2 N.N.C.
29 §164(A)(9) 2 N.N.C. §300(A); 2 N.N.C. §301(B)(2).
30 E. The Naabik'iyati' Committee is a standing committee of the Navajo Nation Council, and all

1 proposed legislation that requires final action by the Council is assigned to the Naabik'iyati'
2 Committee for its review and consideration. 2 N.N.C. §164(A)(9); 2 N.N.C. §700(A).

3 F. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).

4 As such, the Council “. . . may adopt and approve supplemental appropriations to the Annual
5 Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds
6 within the current fiscal year are permitted, if and when additional sources of revenues above
7 and beyond the initial or current revenue projections are projected and which are also in
8 excess of the reserve amount set forth at §820(J).” 12 N.N.C. §820(L).

9 G. Further Title 12 restrictions on supplemental appropriations, including all amounts from the
10 Unreserved, Undesignated Fund Balance (“UUF B”), include:

- 11 1. Payment of recurring government operating expenses shall be from recurring
12 revenues, and payment of nonrecurring expenses shall be from nonrecurring
13 revenues such as UUF B funds. 12 N.N.C. §820(E); 12 N.N.C. §820(F).
 - 14 2. Specifically, the UUF B shall not be used for recurring government
15 expenditures or operations. 12 N.N.C. §820(J); 12 N.N.C. §820(L).
 - 16 3. Nonrecurring revenues such as UUF B funds may be used only after the
17 Controller determines whether or not such revenues are subsidizing an
18 imbalance between the Navajo Nation's recurring revenues and expenditures,
19 and government expenditures shall only be authorized if a long- term (3-year
20 to 5-year) forecast shows that the operating deficit will not continue;
21 otherwise, nonrecurring revenues will be added to the UUF B. 12 N.N.C.
22 §820(F).
 - 23 4. The above provisions in Title 12 may be amended or waived by a two-thirds
24 vote of the full membership of the Navajo Nation Council. 12 N.N.C. §820(F).
 - 25 5. Pursuant to 12 N.N.C. §820(F) all UUF B funding requests must be reviewed
26 by the Controller, to ensure compliance with 12 N.N.C. §820(L).
 - 27 6. Pursuant to 12 N.N.C. §820(M) all UUF B funding requests must be submitted
28 to the Office of Management and Budget (“OMB”) for a budget impact
29 analysis.
- 30

1 **SECTION TWO. FINDINGS**

- 2 A. The NHLCO is currently understaffed and therefore requests supplemental funding in the
3 amount of \$250,000 from the UUFB for certain expenses for the remainder of FY2024. See
4 Resolution No. NHLCAP-04-2024, attached hereto as **EXHIBIT A**.
- 5 B. The purpose of the requested funding is to hire seven additional NHLCO staff members to
6 assist Navajo Nation Chapters in the Former Bennett Free Area and Navajo Partitioned Lands
7 with housing needs for their community members, to implement the purposes of the Diné
8 Relocatee Fund with housing projects, and to reopen the NHLCO Tuba City Office. See
9 **EXHIBIT A**.
- 10 C. The NHLCO has prepared the appropriate Navajo Nation budget documents, along with the
11 required Appendix J - Supplemental Funding Proposal Summary. **EXHIBIT B**.
- 12 D. The Office of the Controller has provided a memorandum as required by 12 N.N.C. §820(L).
13 The memorandum indicates that the proposed expenditures are *non-recurring*. **EXHIBIT C**.
- 14 E. The Office of Management and Budget will provide a budget impact analysis as required by
15 12 N.N.C. §820(M), by the time this Action is considered by the Navajo Nation Council.

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17 **SECTION THREE. APPROVING \$250,000 FROM THE UUFB FOR THE NHLCO**

- 18 A. The Navajo Nation hereby approves \$250,000 from the UUFB for the NHLCO for the
19 remainder of FY2024, as shown in the attached **EXHIBIT B**.
- 20 B. This supplemental appropriation shall be from those funds that exceed the minimum fund
21 reserve balance in the UUFB required by 12 N.N.C. §820(J), as determined by the Controller.
- 22 C. Upon the effective date of this Action, the approved UUFB funds shall be promptly
23 transferred into those budget line items as indicated in the attached **EXHIBIT B**.
- 24 D. Pursuant to 12 N.N.C. §820(N), any of the \$250,000 approved herein that remains unspent
25 or unencumbered at the end of FY2024 shall revert to the General Fund, unless prior to such
26 reversion date the Council determines otherwise by a 7/8 vote.

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28 **SECTION FOUR. EFFECTIVE DATE**

29 This Action shall become effective in accordance with 2 N.N.C. §221(B), 2 N.N.C.
30 §1005(C)(10), and 2 N.N.C. §164(A)(17).

1 **SECTION FIVE. SAVING CLAUSE**

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

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