

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0034-22_

SPONSOR: Rickie Nez

TITLE: An Act Relating to the Resources and Development, Budget and Finance, and Naabik'iyáti' Committees, and the Navajo Nation Council; Allocating \$3,191,005 from the Unreserved, Undesignated Fund Balance ("UUFB") to the Animal Control Program for Personnel and Other Expenses to Address the Urgent Problem of Dog Over-Population and Maulings on the Navajo Nation; Waiving 12 N.N.C. § 820(E), § 820(F), and § 820(J) to Allow Use of UUFB Funds for Recurring Expenses

Date posted: February 17, 2022 at 7:45 PM

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LEGISLATION SUMMARY

TrackingNo. 0034-22

Date: February 3, 2022

Re: **AN AN ACT RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; ALLOCATING \$3,191,005 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") TO THE ANIMAL CONTROL PROGRAM FOR PERSONNEL AND OTHER EXPENSES TO ADDRESS THE URGENT PROBLEM OF DOG OVER-POPULATION AND MAULINGS ON THE NAVAJO NATION; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J) TO ALLOW USE OF UUFB FUNDS FOR RECURRING EXPENSES**

Purpose: to allocate \$3,191,005 from the UUFB to the Animal Control Program for personnel and other program expenses, so the Program can address and mitigate the urgent problem of dog over-population and maulings on the Navajo Nation.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 02-22-22
Eligible for Action: 02-23-22

Resources & Development Committee
Thence
Budget & Finance Committee
Thence
Naabik'iyáti' Committee
Thence
Navajo Nation Council

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL - Fourth Year, 2022

3 Introduced by:

4 

5 _____
6 Rick Nez
(Prime Sponsor)

7
8 Tracking No. 0034-22

9
10 AN ACT

11 RELATING TO THE RESOURCES AND DEVELOPMENT, BUDGET AND
12 FINANCE, AND NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO
13 NATION COUNCIL; ALLOCATING \$3,191,005 FROM THE UNRESERVED,
14 UNDESIGNATED FUND BALANCE ("UUF") TO THE ANIMAL CONTROL
15 PROGRAM FOR PERSONNEL AND OTHER EXPENSES TO ADDRESS THE
16 URGENT PROBLEM OF DOG OVER-POPULATION AND MAULINGS ON
17 THE NAVAJO NATION; WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J)
18 TO ALLOW USE OF UUF FUNDS FOR RECURRING EXPENSES

19
20 BE IT ENACTED:

21
22 SECTION ONE. AUTHORITY

23 A. The Resources and Development Committee is a standing committee of the Navajo Nation
24 Council with statutory authority over the Division of Natural Resources ("DNR"). 2 N.N.C.
25 §501(C). The Department of Fish and Wildlife is within the DNR and the Navajo Nation's
26 Animal Control Program is under the Department of Fish and Wildlife. 13 N.N.C.
27 §1700(B)(1), Resolution No. CJY-64-18. The Resources and Development Committee
28 recommends to the Navajo Nation Council the approval of resolutions that will accomplish
29 the Committee's purposes. 2 N.N.C. §501(B)(4)(f).

30 B. The Navajo Nation established the Budget and Finance Committee as a Navajo Nation

1 Council standing committee with the authority to recommend to the Navajo Nation Council
2 the management of all funds. 2 N.N.C. §164(A)(9), §300(A), and §301(B)(2).

3 C. The Navajo Nation Council established the Naabik'íyáti' Committee as a Navajo Nation
4 standing committee, and proposed legislation requiring final action by the Navajo Nation
5 Council is assigned to the Naabik'íyáti' Committee. 2 N.N.C. §164(A)(9) and §700(A).

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

12 E. The restrictions on supplemental appropriations include:

13 1. Supplemental appropriations from non-recurring revenues shall be approved only for non-
14 recurring expenses. 12 N.N.C. §820(F). The Controller determines which revenues are
15 recurring and which are non-recurring. 12 N.N.C. §820(L).

16 2. The Navajo Nation shall budget all recurring operating expenses, including capital
17 maintenance costs, from recurring revenues only; and long-term debt shall not be used to
18 finance recurring operating expenses. 12 N.N.C. §820(E).

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

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

28
29 **SECTION TWO. FINDINGS**

30 A. The Animal Control Program under the Division of Natural Resources has prepared a

1 supplemental funding request, seeking \$3,191,005 out of the UUFB for personnel and other
2 program expenses of the Animal Control Program. The Appendix K “Supplemental Funding
3 Proposal Summary” will be provided to the Committees and the Navajo Nation Council
4 when this legislation is up for consideration. The required Budget Forms are attached hereto
5 as **EXHIBIT A**.

6 B. The Animal Control Program has provided an Executive Summary and a Report (dated May
7 26, 2021) regarding this UUFB funding request. **EXHIBIT B**. The Animal Control Program
8 needs the supplemental funding to address and mitigate the urgent problem of dog over-
9 population and maulings that have occurred on the Navajo Nation. **EXHIBIT B**.

10 B. The Office of Management and Budget has provided a budget impact analysis as required by
11 12 N.N.C. § 820(M). **EXHIBIT C**.

12 C. The Office of the Controller has provided a memorandum as required by 12 N.N.C. §820(L).
13 **EXHIBIT D**. The Controller has designated the expenses of the Animal Control Program as
14 recurring; therefore a waiver of certain provisions in the Title 12 Appropriations Act is
15 necessary in order to allocate the UUFB funds.

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17 **SECTION THREE. ALLOCATING \$3,191,005 OUT OF THE UUFB TO THE ANIMAL**
18 **CONTROL PROGRAM FOR PERSONNEL AND OTHER**
19 **PROGRAM EXPENSES**

20 A. The Navajo Nation hereby allocates \$3,191,005 out of the UUFB to the Animal Control
21 Program, to pay personnel and other program costs needed to address and mitigate the
22 problem of dog over-population and maulings that have occurred on the Navajo Nation.

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

25 C. Pursuant to 12 N.N.C. §820(J), on September 30, 2022 this supplemental appropriation shall
26 expire and any remaining funds not expended or encumbered shall revert to the UUFB,
27 unless otherwise determined by the Navajo Nation Council.

28
29 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), AND §820(J) TO ALLOW**
30 **USE OF THE UUFB FOR RECURRING PROGRAM EXPENSES**

1 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), and §820(J) to allow use of the
2 UUFB by the Animal Control Program for personnel and other program expenses to address
3 and mitigate the problem of dog over-population and maulings that have occurred on the Navajo
4 Nation. This waiver is necessary because the Animal Control Program's proposed UUFB
5 expenditures are considered recurring expenses.

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7 **SECTION FIVE. EFFECTIVE DATE**

8 This Act shall become effective as provided in 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).
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10 **SECTION SIX. SAVING CLAUSE**

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