

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0051-22_

SPONSOR: Wilson C. Stewart, Jr.

TITLE: An Act Relating to Budget and Finance and Naabik'iyáti' Committees, and the Navajo Nation Council; Approving \$3,003,441 from the Unreserved, Undesignated Fund Balance ("UUFB") for the Navajo Election Administration for its Expenses in Preparation for the 2022 Navajo Nation Elections; Waiving 12 N.N.C. § 820(E), § 820(F), § 820(J), and § 820(L)

Date posted: March 09, 2022 at 5:58PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

LEGISLATION SUMMARY

Tracking No. 0051-22

Date: March 4, 2022

Re: AN ACT RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING \$3,003,441 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE ("UUFB") FOR THE NAVAJO ELECTION ADMINISTRATION FOR ITS EXPENSES IN PREPARATION FOR THE 2022 NAVAJO NATION ELECTIONS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L)

Purpose: to approve \$3,003,441 from the UUFB for the Navajo Election Administration to pay for its expenses in preparation for the upcoming 2022 Navajo Nation elections.

OLC No. 22-090-1

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 03-14-22
Eligible for Action: 03-15-22

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 WCB Stewart
6 (Prime Sponsor)

7
8 Tracking No. 0051-22

9
10 AN ACT

11 RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI'
12 COMMITTEES, AND TO THE NAVAJO NATION COUNCIL; APPROVING
13 \$3,003,441 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE
14 ("UUFB") FOR THE NAVAJO ELECTION ADMINISTRATION FOR ITS
15 EXPENSES IN PREPARATION FOR THE 2022 NAVAJO NATION
16 ELECTIONS; WAIVING 12 N.N.C. §820(E), §820(F), §820(J), AND §820(L)

17
18 BE IT ENACTED:

19
20 SECTION ONE. AUTHORITY

- 21 A. The Budget and Finance Committee was established as a standing committee of the Navajo
22 Nation Council with the authority to review and recommend to the Council the budgeting,
23 appropriation, investment and management of all funds. 2 N.N.C. §300(A), §301(B)(2).
24 B. The Naabik'iyáti' Committee was established as a standing committee of the Navajo Nation
25 Council with authority to hear all proposed resolutions requiring final action by the Navajo
26 Nation Council. 2 N.N.C. §164 (A)(9), §701(A)(5).
27 C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A).
28 As such, the Council "... may adopt and approve supplemental appropriations to the Annual
29 Comprehensive Budget during the fiscal year. Supplemental appropriations of General Funds
30 within the current fiscal year are permitted, if and when additional sources of revenues above

1 and beyond the initial or current revenue projections are projected and which are also in
2 excess of the reserve amount set forth at §820(J).” 12 N.N.C. §820(L).

3 D. The restrictions on supplemental appropriations, including all amounts from the UUFB,
4 include:

5 1. Payment of recurring government operating expenses shall be from recurring revenues,
6 and payment of nonrecurring expenses shall be from nonrecurring revenues such as UUFB
7 funds. 12 N.N.C. §820(E), §820(F).

8 2. Specifically, the UUFB shall not be used for recurring government expenditures or
9 operations. 12 N.N.C. §820(J), §820(L).

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

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

18 5. In compliance with 12 N.N.C. §820(F) all UUFB funding requests must be reviewed by
19 the Controller. Such review is also required because the Controller determines which
20 revenues and expenses are recurring and which are non-recurring. 12 N.N.C. §820(L).

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

23 7. Supplemental funding such as UUFB appropriations shall lapse at the end of the current
24 fiscal year unless the Navajo Nation Council decides otherwise. 12 N.N.C. §820(N).

25
26 **SECTION TWO. FINDINGS**

27 A. The Navajo Election Administration (“NEA”) is requesting \$3,003,441 out of the UUFB to
28 purchase office equipment and supplies, and to cover its operating expenses for the remainder
29 of FY2022, which costs are necessary for NEA to adequately prepare for the upcoming 2022
30 Navajo Nation primary and general elections to be conducted across the Navajo Nation.

1 B. The Executive Director of NEA has provided a memorandum regarding NEA's need for the
2 \$3,003,441 in additional funding, explaining that NEA is currently using outdated and
3 obsolete equipment and software that are wholly inadequate for the upcoming 2022 Navajo
4 Nation elections. **EXHIBIT A.**

5 C. NEA has prepared appropriate Budget Forms regarding its funding request. **EXHIBIT B.**

6 D. The Controller has been asked to prepare a memorandum regarding this funding request, to
7 comply with 12 N.N.C. §820(F) and §820(L). This memorandum may be provided to the
8 assigned Committees and the Navajo Nation Council when this legislation is up for
9 consideration.

10 E. OMB was asked to prepare a budget impact analysis regarding this funding request, to
11 comply with 12 N.N.C. §820(M). This analysis may be provided to the assigned Committees
12 and the Navajo Nation Council when this legislation is up for consideration.

13 F. The Navajo Nation has determined that approving the requested UUFB funds for NEA is a
14 critical priority for the Navajo Nation, and further finds that such funds are necessary to
15 ensure bona fide elections across the Navajo Nation during 2022, as well as proper post-
16 election procedures for the counting of all votes and the publication of final election results.

17
18 **SECTION THREE. APPROVAL OF \$3,003,441 FROM THE UUFB FOR THE NEA'S**
19 **EXPENSES IN PREPARATION FOR THE UPCOMING 2022**
20 **NAVAJO NATION ELECTIONS**

21 A. The Navajo Nation hereby approves a supplemental appropriation of \$3,003,441 out of the
22 UUFB for the Navajo Election Administration to cover its expenses in preparation for the
23 upcoming 2022 Navajo Nation primary and general elections, in accordance with the
24 attached EXHIBIT A and EXHIBIT B.

25 B. The \$3,003,441 in UUFB funds approved herein shall be from those revenues that exceed
26 the 10% minimum balance of the UUFB which must be maintained according to 12 N.N.C.
27 §820(J).

28 C. The \$3,003,441 approved herein shall **not** lapse at the end of Fiscal Year 2022, as would
29 otherwise occur pursuant to 2 N.N.C. §820(N), and all unexpended and/or unencumbered
30 amounts shall carry over to NEA's Budget for FY2023.

1 D. The Sihasin Fund shall be reimbursed the \$3,003,441 amount approved herein, from funds
2 available to the Navajo Nation from any and all state and federal sources, including
3 Congressional appropriations under the American Rescue Plan Act of 2021 or other COVID-
4 19-related relief, so long as the NEA's expenditures described herein are deemed eligible
5 under such COVID-19-related or other funding sources.
6

7 **SECTION FOUR. WAIVING 12 N.N.C. §820(E), §820(F), §820(J), and §820(L)**

8 The Navajo Nation hereby waives 12 N.N.C. §820(E), §820(F), §820(J), and §820(L) to allow
9 use of the \$3,003,441 in UUFB funds by NEA for its necessary expenditures in preparation for
10 the upcoming 2022 Navajo Nation elections. This waiver is necessary because the proposed
11 NEA expenditures are considered recurring government expenses.
12

13 **SECTION FIVE. EFFECTIVE DATE**

14 This Act shall become effective pursuant to 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).
15

16 **SECTION SIX. SAVING CLAUSE**

17 If any portion of this Act is determined invalid by the Navajo Nation Supreme Court, or by a
18 District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the
19 remainder of this Act shall be the law of the Navajo Nation.
20
21
22
23
24
25
26
27
28
29
30