

LEGISLATIVE SUMMARY SHEET

Tracking No. 0327-15

DATE: September 16, 2015

TITLE OF RESOLUTION: AN ACTION RELATING TO AN EMERGENCY;
ADOPTING A CONTINUING BUDGET RESOLUTION FOR THE OPERATION OF THE
NAVAJO NATION GOVERNMENT; BEGINNING OCTOBER 1, 2015 AND ENDING
NO LATER THAN MARCH 31, 2016; WAIVING 12 N.N.C. §840(B)

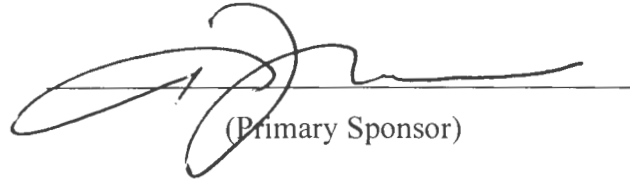
PURPOSE: This resolution, if approved, will adopt a continuing resolution to ensure the
continued operation of the Navajo Nation government and waive 12 N.N.C. §840(B)
regarding the adoption of a comprehensive budget.

**This written summary does not address recommended amendments as may be provided by
the standing committee. The Office of Legislative Counsel requests each committee
member to review the proposed resolution in detail.**

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

23rd NAVAJO NATION COUNCIL – First Year 2015

INTRODUCED BY



(Primary Sponsor)

TRACKING NO. 0327-15

AN ACTION

RELATING TO AN EMERGENCY; ADOPTING A CONTINUING BUDGET
RESOLUTION FOR THE OPERATION OF THE NAVAJO NATION
GOVERNMENT; BEGINNING OCTOBER 1, 2015 AND ENDING NO LATER THAN
MARCH 31, 2016; WAIVING 12 N.N.C. §840(B)

BE IT ENACTED:

Section 1. Findings

- A. The Navajo Nation Council hereby finds that the current lack of an adopted Navajo Nation Fiscal Year 2016 budget resolution constitutes an emergency for purposes of 2 N.N.C. §164(A)(16) due to the impending cessation of law enforcement services, disaster relief services, and fire protection services which would result from the lack of a Navajo Nation Fiscal Year 2016 budget resolution.
- B. Navajo Nation law provides a choice of law provision wherein Navajo courts may, in the absence of Navajo statutory laws and regulations or Diné bi beenahaz'áanii, apply federal laws or regulations as applicable, 7 N.N.C. §204; similarly in the absence of a provision for a continuing resolution the Navajo Nation Council may look to federal laws or regulations for guidance.
- C. The federal process for appropriations contains the provision for a continuing resolution defined as "An appropriation act that provides budget authority for federal agencies, specific activities, or both to continue in operation when Congress and the President have not completed action on regular appropriation acts by the beginning of

1 the fiscal year.” Principles of Federal Appropriations Law, Third Edition, General
2 Accounting Office, Jan. 2004, Chapter 8.

- 3 D. The Navajo Nation Council determined the need to commence further study and
4 consideration of a Fiscal Year 2016 budget. To allow for further detailed examination
5 of the needs of the Navajo Nation, the Navajo Nation Council hereby finds it is in the
6 best interest of the Navajo Nation to enact a Continuing Resolution.

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8 Section 2. Approval of Continuing Resolution

- 9 A. The Navajo Nation Council hereby resolves that all Navajo Nation Government
10 divisions, departments, offices, programs and Navajo Nation Chapters shall receive
11 1/2 of their Original Navajo Nation FY 2015 general fund, proprietary fund, and
12 fiduciary fund allocations, for operation of the Navajo Nation Government beginning
13 October 1, 2015 and ending no later than March 31, 2016 in accord with the Navajo
14 Nation Council Resolution CS-46-14, as amended. The Continuing Budget
15 Resolution amounts shall be based on 100% (one hundred percent) of the final Navajo
16 Nation approved Fiscal Year 2015 Budget amounts in order that there is consistency
17 between this Continuing Budget Resolution amounts and the Fiscal Year 2015
18 General Revenue Fund projections, excluding supplemental appropriations made in
19 Fiscal Year 2015

- 20 B. In order for the continuing resolution budgets to be entered into the Financial
21 Management and Information System (FMIS), all Navajo Nation programs and
22 Chapters shall submit continuing resolution budgets to the Office of Management and
23 Budget at the level of funding stated in paragraph number two (2) above by September
24 29, 2015

- 25 C. The Navajo Nation Council directs the Speaker of the Navajo Nation Council to
26 convene a special session no later than twenty (20) days before the end of the
27 Continuing Resolution period for the exclusive purpose of consideration and adoption
28 of the proposed Navajo Nation Fiscal Year 2016 Comprehensive Budget.

- 29 D. The Branch Chiefs, in conjunction with the Office of the Controller and the Office of
30 Management and Budget, shall issue any necessary instructions for the proper

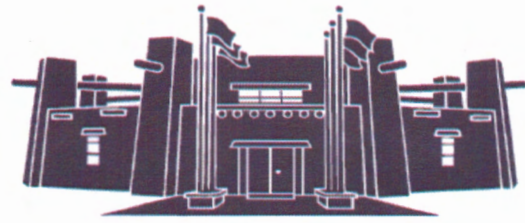
1 implementation of this Continuing Budget Resolution, including all expenditures as
2 required by statute, contract or government policy, including but not limited to Risk
3 Management, scholarship, school clothing, employee insurance, retirement, match
4 fund requirements and higher education.

- 5 E. The Navajo Nation Council hereby waives 12 N.N.C. §840 (B) pertaining to the
6 adoption of a comprehensive twelve month budget in order that this Continuing
7 Budget Resolution be adopted. This waiver shall cease to be in effect upon adoption
8 of the Navajo Nation Comprehensive Budget for Fiscal Year 2016.

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10 **Section Three. Effective Date**

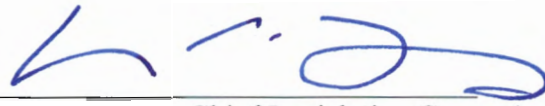
11 The action is effective upon its approval pursuant to 2 N.N.C. §221(B).

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MEMORANDUM

TO: Honorable Seth Damon
Navajo Nation Council

FROM: 
Levon B. Henry, Chief Legislative Counsel
Office of Legislative Counsel

DATE: September 16, 2015

SUBJECT: AN ACTION RELATING TO AN EMERGENCY; ADOPTING A CONTINUING BUDGET RESOLUTION FOR THE OPERATION OF THE NAVAJO NATION GOVERNMENT; BEGINNING OCTOBER 1, 2015 AND ENDING NO LATER THAN MARCH 31, 2016; WAIVING 12 N.N.C. §840(B)

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.