

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0188-20

**DATE:** August 6, 2020

**TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION CODE 12 N.N.C. § 820(N) APPROPRIATIONS LAPSE**

**PURPOSE:** The purpose of this resolution is to amend 12 N.N.C. § 820(N), which pertains to lapsing appropriations.

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

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: 5:55pm 08-18-20  
Posting End Date: 08-23-20  
Eligible for Action: 08-24-20

Law & Order Committee  
Thence  
Budget & Finance Committee  
Thence  
Naabik'íyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL – Second Year, 2020

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0188-20

AN ACT

RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI'  
COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING NAVAJO  
NATION CODE 12 N.N.C. § 820(N) APPROPRIATIONS LAPSE

BE IT ENACTED:

**SECTION ONE. AUTHORITY**

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Law and Order Committee of the Navajo Nation Council reviews and makes recommendations to the Navajo Nation Council on proposed amendments to the Navajo Nation Code. 2 N.N.C. § 601(B)(14).
- C. The Budget and Finance Committee of the Navajo Nation Council shall exercise oversight authority, including but not limited to, budget, finance, investment, bonds, contracting, insurance, audits, accounting, taxes, loans, Chapter budget and finance, “[t]o coordinate, oversee, regulate the fiscal, financial, investment, contracting and audit policies of the Navajo Nation.” 2 N.N.C. § 300(C)(1).
- D. The Naabik'íyáti' Committee of the Navajo Nation Council reviews proposed legislation which requires final action by the Navajo Nation Council. 2 N.N.C. § 164(A)(9).

1 E. The Navajo Nation Council must review and approve enactments or amendments of  
2 positive law. 2 N.N.C. § 164 (A).  
3

## 4 **SECTION TWO. FINDINGS**

5 A. The Navajo Nation anticipates declining revenues from the closure of the nearby power  
6 plant and coal mine, and along with a decline in other revenue sources, the Navajo Nation  
7 faces the prospect of a significant revenue shortfall. This revenue shortfall may lead to a  
8 reduction in services to the Navajo people and their communities.

9 B. As a result of decreased revenues to the Navajo Nation, more efficient fiscal  
10 management is necessary to ensure the Nation can provide services at the current  
11 funding level.

12 C. The Navajo Nation Code currently provides that appropriations by the Navajo Nation  
13 Council lapse, with the exception of appropriations to chapters of the Navajo Nation.  
14 12 N.N.C § 820(N).

15 D. Although the Navajo Code provides that appropriations lapse at the end of fiscal year,  
16 fund carryovers are routinely approved as part of the Navajo Nation comprehensive  
17 budget process.

18 E. Prudent and efficient fiscal management requires funds appropriated by the Navajo  
19 Nation Council to be used throughout the fiscal year and that fund carryovers not be  
20 used as part of routine fiscal practice for central Navajo Nation divisions,  
21 departments, programs, and offices.  
22

## 23 **SECTION THREE. AMENDMENTS TO 12 N.N.C. §§ 820(N)**

24 The Navajo Nation hereby amends Title 12 of the Navajo Nation Code, as follows:  
25

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### 26 **TITLE 12. FISCAL MATTERS** 27 **CHAPTER 7. APPROPRIATIONS**

28 \*\*\*

29 **§ 820. Overall budget policies.**

30 \*\*\*

1       **§ 820(N) Appropriations Lapse.**

2       N. Appropriations Lapse. Appropriations approved by the Navajo Nation Council in the  
3       annual comprehensive budget resolution or in supplemental appropriations from the  
4       Unreserved, Undesignated Fund Balance will lapse at the end of the fiscal year unless  
5       otherwise designated by the Navajo Nation Council. Appropriations to the chapters of the  
6       Navajo Nation shall not lapse at the end of the fiscal year provided that the chapters shall  
7       budget those funds in the subsequent year in accordance with the purposes and conditions  
8       originally set forth by the Navajo Nation Council in its appropriations. This provision may  
9       be amended or waived only by a ninety percent (90%) vote of the full Navajo Nation  
10      Council.

11      \*\*\*\*

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13  
14      **SECTION FOUR. EFFECTIVE DATE**

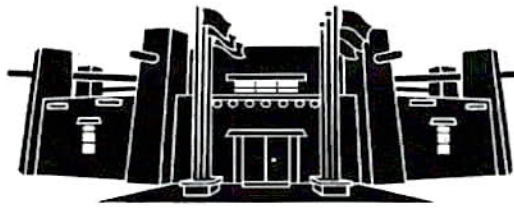
15      The Act enacted herein shall be effective upon its approval pursuant to 2 N.N.C. §221.

16  
17      **SECTION FIVE. CODIFICATION**

18      The provisions of this ordinance which amend or adopt new sections of the Navajo  
19      Nation Code shall be codified by the Office of Legislative Counsel. The Office of  
20      Legislative Counsel shall incorporate such amended provisions in the next codification of  
21      the Navajo Nation Code.

22  
23      **SECTION SIX. SAVING CLAUSE**

24      Should any provision of this Act be determined invalid by the Navajo Nation Supreme  
25      Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation  
26      Supreme Court, those portions of this Act, which are not determined invalid, shall remain  
27      the law of the Navajo Nation.



## MEMORANDUM

TO: Honorable Otto Tso  
24<sup>th</sup> Navajo Nation Council

FROM:   
Kristen A. Lowell, Principal Attorney  
Office of Legislative Counsel

DATE: August 6, 2020

**SUBJECT: AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' COMMITTEES, AND THE NAVAJO NATION COUNCIL; AMENDING NAVAJO NATION CODE 12 N.N.C. § 820(N) APPROPRIATIONS LAPSE**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

**Please ensure that this particular resolution request is precisely what you want.** You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) 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).

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0188-20\_\_

SPONSOR: Otto Tso

TITLE: An Action Relating To Law And Order, Budget And Finance,  
Naabik'iyáti' Committees, And The Navajo Nation Council; Amending Navajo  
Nation Code 12 N.N.C. § 820(N) Appropriations Lapse

*Date posted:* August 18, 2020 at 5:55 PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.:** 0188-20

**SPONSOR:** Honorable Otto Tso

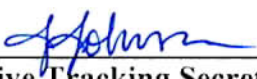
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**Posted:** August 18, 2020 at 5:55 PM

**5 DAY Comment Period Ended:** August 23, 2020

**Digital Comments received:**

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>

  
\_\_\_\_\_  
Legislative Tracking Secretary  
Office of Legislative Services

08/24/20 8:28 AM  
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Date/Time