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: J. 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
24th 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).

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

SECTION TWO. FINDINGS

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

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

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

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

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

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

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

TITLE 12. FISCAL MATTERS

CHAPTER 7. APPROPRIATIONS

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§ 820. Overall budget policies.

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§ 820(N) Appropriations Lapse.

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

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SECTION FOUR. EFFECTIVE DATE

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

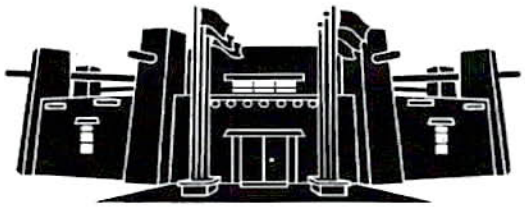
SECTION FIVE. CODIFICATION

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

SECTION SIX. SAVING CLAUSE

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

Office of Legislative Counsel
Telephone: (928) 871-7166
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Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Otto Tso
24th 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'íyáti' 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

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.*