

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

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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.

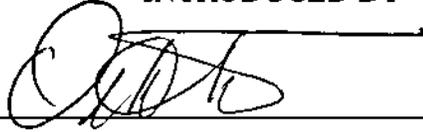
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

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

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – Second Year, 2020

3 INTRODUCED BY

4 
5 _____

6 (Prime Sponsor)

7
8 TRACKING NO. 0188-20

9
10 AN ACT

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

14
15 BE IT ENACTED:

16
17 SECTION ONE. AUTHORITY

- 18 A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
19 102 (A).
- 20 B. The Law and Order Committee of the Navajo Nation Council reviews and makes
21 recommendations to the Navajo Nation Council on proposed amendments to the
22 Navajo Nation Code. 2 N.N.C. § 601(B)(14).
- 23 C. The Budget and Finance Committee of the Navajo Nation Council shall exercise
24 oversight authority, including but not limited to, budget, finance, investment, bonds,
25 contracting, insurance, audits, accounting, taxes, loans, Chapter budget and finance, “[t]o
26 coordinate, oversee, regulate the fiscal, financial, investment, contracting and audit
27 policies of the Navajo Nation.” 2 N.N.C. § 300(C)(1).
- 28 D. The Naabik'iyáti' Committee of the Navajo Nation Council reviews proposed
29 legislation which requires final action by the Navajo Nation Council. 2 N.N.C. §
30 164(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

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.

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14 **SECTION FOUR. EFFECTIVE DATE**

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

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.

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.