

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0253-19\_\_\_\_\_

SPONSOR: Raymond Smith, Jr.

**TITLE: An Act Relating To The Naabik'íyáti' Committee And The Budget And Finance Committee; A Recommendation By The Oversight Committee To The Budget And Finance Committee to Vacate Certain Conditions Of Appropriate (COA'S) As They Pertain To Updates Of Certain Plans Of Operation For Programs Within The Legislative Branch AS Required In CS-68-18, Navajo Nation Comprehensive Budget For Fiscal Year 2019 And Acceptance By The Budget And Finance Committee Of The Oversight Committee Recommendation**

*Date posted:* August 19, 2019 at 5:31pm

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**LEGISLATIVE SUMMARY SHEET**  
**Tracking No. 0253-19**

**DATE:** August 16, 2019

AN ACT RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND THE BUDGET AND FINANCE COMMITTEE; A RECOMMENDATION BY THE OVERSIGHT COMMITTEE TO THE BUDGET AND FINANCE COMMITTEE TO VACATE CERTAIN CONDITIONS OF APPROPRIATION (COA'S) AS THEY PERTAIN TO UPDATES OF CERTAIN PLANS OF OPERATION FOR PROGRAMS WITHIN THE LEGISLATIVE BRANCH AS REQUIRED IN CS-68-18, NAVAJO NATION COMPREHENSIVE BUDGET FOR FISCAL YEAR 2019 AND ACCEPTANCE BY THE BUDGET AND FINANCE COMMITTEE OF THE OVERSIGHT COMMITTEE RECOMMENDATION

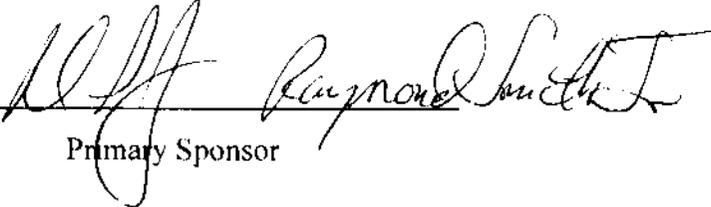
**PURPOSE:** Vacating COA No. 1.

**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 review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: None  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 8-24-19  
Eligible for Action: 8-25-19

1 PROPOSED NAVAJO NATION COMMITTEE RESOLUTION  
2 24<sup>th</sup> NAVAJO NATION COUNCIL—First Year, 2019

3 INTRODUCED BY

4   
5  
6 Primary Sponsor

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8 TRACKING NO. 0253-19  
9

10 AN ACT

11 RELATING TO THE NAABIK'ÍYÁTI' COMMITTEE AND THE BUDGET AND  
12 FINANCE COMMITTEE; A RECOMMENDATION BY THE OVERSIGHT  
13 COMMITTEE TO THE BUDGET AND FINANCE COMMITTEE TO VACATE  
14 CERTAIN CONDITIONS OF APPROPRIATION (COA'S) AS THEY PERTAIN TO  
15 UPDATES OF CERTAIN PLANS OF OPERATION FOR PROGRAMS WITHIN THE  
16 LEGISLATIVE BRANCH AS REQUIRED IN  
17 CS-68-18. NAVAJO NATION COMPREHENSIVE BUDGET FOR FISCAL YEAR  
18 2019 AND ACCEPTANCE BY THE BUDGET AND FINANCE COMMITTEE OF  
19 THE OVERSIGHT COMMITTEE RECOMENDATION

20  
21 BE IT ENACTED:  
22

23 **SECTION ONE. AUTHORITY**

- 24 A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council  
25 and exercises oversight over the offices, programs, commissions, boards or task  
26 forces under the Legislative Branch of the Navajo Nation Government. 2 N.N.C. §  
27 701 (A)(5).  
28 B The Budget and Finance Committee has the authority to review and recommend to  
29 the Navajo Nation Council the budgeting, appropriation, investment and management  
30 of all funds. 2 N.N.C. § 301(B)(2)

1  
2 **SECTION TWO. FINDINGS**

- 3 A. The Navajo Nation Comprehensive Budget for Fiscal Year 2019, CS-68-18, established a  
4 Condition of Appropriation, COA-No. 1, requiring all Departments and Programs whos  
5 plan of operations which have been identified, to present to their respective oversight  
6 committees amendments to their respective plans of operation and to bring the plans of  
7 operation up-to-date by the end of the 2<sup>nd</sup> quarter. See Exhibit No. 1.
- 8 B. The programs within the Legislative Branch affected by this COA-No.1 include the  
9 following: Office of the Speaker, Office of Legislative Counsel, Office of Navajo  
10 Government Development, election Administration Office, Navajo Board of Supervisors,  
11 Black Mesa Review Board, Office of Auditor General, Navajo-Hopi Land Commission,  
12 Commission on Emergency Management, Eastern Navajo Land Commission and the  
13 Navajo Nation Human Rights Commission. See Exhibit No. 1.
- 14 C. The statutory authorities that represent the plans of operation for many of these programs  
15 continue to be legally sufficient for continued operation of the programs and do not need  
16 to be change for the sake of change.
- 17 D. In those cases where the statutory authorities representing plans of operation for  
18 programs needing revision, such change in many cases requires action by the Navajo  
19 Nation Council in regular session which occurs only four times a year. 2 N.N.C. § 162
- 20 E. The legal requirements make timely compliance by many of the programs listed both  
21 impractical and infeasible to fulfill at this point in time.
- 22 F. In the matter of noncompliance with a Condition of Appropriation the following  
23 procedure applies (per CS-68-18 Exhibit I, See Exhibit No. 1):
- 24 The OMB will notify the Budget and Finance Committee of any non-compliance.  
25 After consultation with the program director, the Office of Controller, the OMB,  
26 and on recommendation of the appropriate oversight Committee, the Budget and  
27 Finance Committee may, by resolution, vote to:
- 28 a) Implement a freeze on the program's expenditure of travel funds, or  
29 withhold up to 10 percent of the program director's gross salary,  
30 b) Extend the time period for the program to fulfill the condition, or

1 c) Vacate the condition if it is infeasible for the program to fulfill.

2 G. The Naabik'iyáti' Committee as oversight of the Legislative Branch programs so affected  
3 finds it to be in the best interest of the Navajo Nation to recommend to the Budget and  
4 Finance Committee that the Condition of Appropriation No. 1 (COA-1) be vacated as  
5 infeasible for those programs whose plans of operation are statutorily established.

6 H. The Budget and Finance Committee finds it to be in the best interest of the Navajo Nation  
7 to accept the recommendation of the Naabik'iyáti' Committee as oversight of the  
8 Legislative Branch programs whose plans of operation are statutorily established and so  
9 affected and vacate COA-1.

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11 **SECTION THREE. APPROVAL**

12 The Budget and Finance Committee of the Navajo Nation Council accepts the  
13 recommendation of the Naabik'iyáti' Committee as oversight of the Legislative Branch  
14 programs so affected and hereby vacates COA-1 as infeasible for those programs within  
15 the Legislative Branch whose plans of operation are statutorily established.