

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0265-19_____

SPONSOR: Edmund Yazzie

TITLE: An Act Relating to Law and Order, Budget and Finance, Naabik'íyáti' and Navajo Nation Council; Supplemental Funding from the Unreserved, Undesignated Fund Balance in the amount of One Million Four Hundred Forty-Eight Thousand, Eight Hundred and Sixty-Eight Dollars (\$1,448,868.00) for the Adult Detention Program within the Navajo Department of Corrections, Divisions of Public Safety, Business Number - NEW; Waiving 12 N.N.C. §§ 820(F) and (L) regarding the Restrictions of Appropriations of Non-Recurring Revenues to Recurring Costs

Date posted: September 5, 2019 at 5:01pm

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Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

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LEGISLATIVE SUMMARY SHEET

Tracking No. 02105-19

DATE: August 28, 2019

TITLE OF RESOLUTION: AN ACT RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI' AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF ONE MILLION FOUR HUNDRED FORTY-EIGHT THOUSAND, EIGHT HUNDRED AND SIXTY-EIGHT DOLLARS (\$1,448,868.00) FOR THE ADULT DETENTION PROGRAM WITHIN THE NAVAJO DEPARTMENT OF CORRECTIONS, DIVISION OF PUBLIC SAFETY, BUSINESS NUMBER - NEW; WAIVING 12 N.N.C. §§ 820(F) AND (L) REGARDING THE RESTRICTION OF APPROPRIATIONS OF NON-RECURRING REVENUES TO RECURRING COSTS

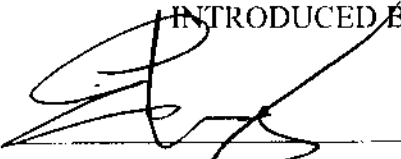
PURPOSE: This resolution will approve supplemental funding from the Unreserved, Undesignated Fund Balance in the amount of One Million Four Hundred Forty-Eight Thousand, Eight Hundred and Sixty-Eight Dollars (\$1,448,868.00) for the Adult Detention Program within the Navajo Department of Corrections, Division of Public Safety. Sections of law to be waived are at 12 N.N.C. §§ 820(f) and (l) (regarding the restriction of appropriations of non-recurring revenues to recurring costs).

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: 2800
Website Posting Time/Date: _____
Posting End Date: 9/10/19
Eligible for Action: 9/11/19

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

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 24th NAVAJO NATION COUNCIL – First Year, 2019
3

4 INTRODUCED BY

5
6
7 (Prime Sponsor)

8
9 TRACKING NO. 0265-19

10
11 AN ACT
12 RELATING TO LAW AND ORDER, BUDGET AND FINANCE, NAABIK'ÍYÁTI'
13 AND NAVAJO NATION COUNCIL; APPROVING SUPPLEMENTAL FUNDING
14 FROM THE UNRESERVED, UNDESIGNATED FUND BALANCE IN THE
15 AMOUNT OF ONE MILLION FOUR HUNDRED FORTY-EIGHT THOUSAND,
16 EIGHT HUNDRED AND SIXTY-EIGHT DOLLARS (\$1,448,868.00) FOR THE
17 ADULT DETENTION PROGRAM WITHIN THE NAVAJO DEPARTMENT OF
18 CORRECTIONS, DIVISION OF PUBLIC SAFETY, BUSINESS NUMBER - NEW;
19 WAIVING 12 N.N.C. §§ 820(F) AND (L) REGARDING THE RESTRICTION OF
20 APPROPRIATIONS OF NON-RECURRING REVENUES TO RECURRING COSTS
21

22 BE IT ENACTED:

23
24 SECTION ONE. AUTHORITY

- 25 A. The Navajo Nation established the Law and Order Committee as a Navajo Nation
26 Council standing committee and as such gave the committee oversight authority over
27 the Navajo Nation Division of Public Safety and departments within the division,
28 among other programs. 2 N.N.C. § 601(C)(1).
29 B. The Navajo Nation established the Budget and Finance Committee as a Navajo
30 Nation Council standing committee and as such empowered the committee to review

1 and recommend to the Navajo Nation Council the management of all funds. 2 N.N.C.
2 §§ 164 (A)(9), 300 (A), 301 (B)(2).

3 C. The Navajo Nation Council established the Naabik'iyáti' Committee as a Navajo
4 Nation standing committee, and as such, proposed legislation that require final action
5 by the Navajo Nation Council are assigned to the Naabik'iyáti' Committee. 2 N.N.C.
6 §§ 164 (A)(9) and 700 (A).

7 D. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §
8 102(A).

9
10 **SECTION TWO. TITLE 12 FINANCE ACT SUPPLEMENTAL**
11 **APPROPRIATION PROCESS**

12 A. The Title 12 Finance Act Supplemental Appropriation requirements include:

- 13 1. Pursuant to 12 N.N.C. § 820(I.), when the Controller identifies additional sources
14 of revenues above and beyond the initial or current revenue projections,
15 supplemental appropriations may be allocated by the Navajo Nation Council.
- 16 2. Pursuant to 12 N.N.C. § 820 (I.), "Supplemental appropriations made from non-
17 recurring revenues shall only be made for non-recurring operations or purposes,
18 as set forth at § 820 (F). The Controller of the Navajo Nation shall be responsible
19 for designating recurring and non-recurring revenues and purposes."
- 20 3. Pursuant to 12 N.N.C. § 820(M), all requests for annual operating funds and
21 supplemental funds shall be submitted to the Office of Management and Budget
22 ("OMB") for budget impact analysis.

23
24 **SECTION THREE. FINDINGS**

25 A. The Navajo Department of Corrections, Division of Public Safety, requests a
26 supplemental appropriation in the amount of \$1,448,868.00 for continued operations
27 for the Adult Detention Program covering August 27, 2019 to December 31, 2019.
28 Among other purposes, the appropriation will be for personnel costs, a recurring
29 expenditure. *See* "Supplemental Funding Proposal Summary" attached hereto within
30 **Exhibit A.**

1 B. Pursuant to the 2019 Budget Instructions Manual Section XIV (B) and (C), the
2 requisite supplemental funding request budget forms are attached hereto as Exhibit
3 A.

4 C. The Office of Management and Budget has provided a Budget Impact Analysis for the
5 supplemental funding request pursuant to 12 N.N.C. § 820(M). See Exhibit B.

6 D. The Office of the Controller has provided a memorandum dated August 3, 2019,
7 indicating the balance in the Unreserved, Undesignated Fund Balance as of June 30,
8 2019 is \$37,960,422.00. See Exhibit C. This memorandum is provided to meet the
9 requirements of 12 N.N.C. 820 (L). The Controller of the Navajo Nation designated
10 the funds for the Department of Corrections as a recurring cost. *Id.*

11 E. The Navajo Nation finds it in the best interest of the Navajo Nation to approve this
12 supplemental appropriation request. It is also in the best interest to waive the
13 restriction of appropriations of non-recurring revenues to recurring costs as stated 12
14 N.N.C. §§ 820(F) and (I), and to waive 12 N.N.C. § 820(N) regarding the lapses of
15 funds at the end of a fiscal year.

16
17 **SECTION FOUR. APPROVING SUPPLEMENTAL FUNDING FROM THE**
18 **UNRESERVED, UNDESIGNATED FUND BALANCE IN THE AMOUNT OF**
19 **\$1,448,868.00 FOR NAVAJO DEPARTMENT OF CORRECTIONS, BUSINESS**
20 **UNIT NUMBER - NEW**

21 A. This supplemental appropriation of \$1,448,868.00 shall be from that amount of funds
22 that exceeds the minimum fund balance of the Unreserved, Undesignated Fund Balance
23 as determined by the Office of the Controller and to the Department of Corrections,
24 Adult Detention Program, Business Unit Number - new.

25 B. The Navajo Nation hereby approves supplemental funding from the Unreserved,
26 Undesignated Fund Balance in the amount of \$1,448,868.00 for the Department of
27 Corrections, Adult Detention Program, Business Unit Number - new, to fund personnel
28 and other purposes.

29 C. The supplemental funding will cover the period as described in Exhibit A. The
30 appropriation shall not lapse at the end of fiscal year 2019.

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SECTION FIVE. WAIVING 12 N.N.C. §§ 820(F) AND (L) REGARDING THE RESTRICTION OF APPROPRIATIONS OF NON-RECURRING REVENUES TO RECURRING COSTS

The Navajo Nation Council hereby waives 12 N.N.C. §§ 820(F) and (L) with regard to the restriction of appropriations of non-recurring revenues to recurring costs.

SECTION SIX. EFFECTIVE DATE

The provisions of this Act shall become effective in accord with 2 N.N.C. § 221(B).