

LEGISLATIVE SUMMARY SHEET

Tracking No. 0147-20

DATE: July 1, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ADOPTING A CONTINUING RESOLUTION FOR THE CONTINUING OPERATIONS OF THE NAVAJO NATION GOVERNMENT; BEGINNING OCTOBER 1, 2020 AND ENDING DECEMBER 31, 2020; WAIVING 12 N.N.C. §840(B)

PURPOSE: The purpose of this resolution is to approve a continuing resolution for Fiscal Year 2021.


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: 5:52pm 07-01-20
Posting End Date: 07-06-20
Eligible for Action: 07-07-20

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
4 INTRODUCED BY

5
6  _____
7 (Primary Sponsor)

8
9 TRACKING NO. 0147-20

10
11
12 AN ACTION

13 RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES,
14 AND NAVAJO NATION COUNCIL; ADOPTING A CONTINUING RESOLUTION
15 FOR THE CONTINUING OPERATIONS OF THE NAVAJO NATION
16 GOVERNMENT; BEGINNING OCTOBER 1, 2020 AND ENDING DECEMBER 31,
17 2020; WAIVING 12 N.N.C. §840(B)

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19
20 **BE IT ENACTED:**

21
22 **SECTION ONE. AUTHORITY**

- 23 A. The Budget and Finance Committee shall review and make recommendations concerning
24 the budget and submit it to the Navajo Nation Council. 12 N.N.C. § 840(A).
25 B. The Naabik'iyáti' Committee reviews proposed legislation that requires final action by the
26 Navajo Nation Council. 2 N.N.C. § 164(A)(9).
27 C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C.
28 §102(A).

29
30 **SECTION TWO. FINDINGS**

- 1 A. The novel coronavirus (“COVID-19”) is responsible for a global pandemic and has had a
2 severe impact on the Navajo Nation.
- 3 B. On March 11, 2020, the Navajo Nation Commission on Emergency Management, with the
4 concurrence of the Navajo Nation President and Vice President, declared a Public Health
5 State of Emergency on the Navajo Nation due to the presence of COVID-19 in areas
6 surrounding the Navajo Nation. Resolution No. CEM 20-03-11. The President and the
7 Commission have issued additional Public Health Emergency Orders: including: Order
8 No. 2020-001 dated March 18, 2020 (declaring the outbreak of COVID-19 and limiting
9 mass gatherings); Order No. 2020-002 dated March 19, 2020 (quarantining the
10 Chilchinbeto Community); Order No. 2020-003 dated March 20, 2020 (ordering
11 individuals living on the Navajo Nation to stay home and shelter in place except for
12 essential activities, prohibiting visitors to the Navajo Nation, and closing all businesses on
13 the Navajo Nation except essential businesses); Order No. 2020-004 dated March 29,
14 2020 (implementing a daily curfew from 8:00 p.m. to 5:00 a.m. for all Navajo Nation
15 residents, extending the shelter in place order, and further limiting public gatherings);
16 Order No. 2020-005 dated April 5, 2020 (implementing a 57-hour weekend curfew on
17 April 10-13); Order No. 2020-006 dated April 16, 2020 (extending the weekend curfew
18 for April 17-20 and April 24-27, and closing Navajo Nation essential businesses during
19 curfew hours); Order No. 2020-007 (requiring face masks in public); Order No. 2020-008
20 dated April 29, 2020 (extending the weekend curfew to May 11); and Order Nos. 2020-
21 009 through 2020-12 and Order Nos. 2020-015 through 2020-016 (extending lockdowns
22 and weekend curfews).
- 23 C. The Navajo Nation Office of the President and Vice President issued Executive Order
24 002-20 on March 31, 2020 (closing all Navajo Nation offices except essential personnel
25 through April 21); Executive Order 003-20 on April 21, 2020 (extending the closure order
26 to May 17, 2020), Executive Order 004-20 on May 12 , 2020 (extending the closure order
27 to June 7, 2020), Executive Order 005-20 on June 3, 2020 (extending the closure order to
28 July 5, 2020), and Executive Order 006-20 on June 30, 2020 (extending the closure order
29 to July 26, 2020).
- 30

- 1 D. Additionally, the Speaker of the Navajo Nation issued a memo on June 19, 2020,
2 extending the closure of the legislative branch through July 19, 2020.
- 3 E. Navajo Nation law provides a choice of law provision wherein Navajo courts may, in
4 the absence of Navajo statutory laws and regulations or Diné bi beenahaz'áaniis, apply
5 federal laws or regulations as applicable. 7 N.N.C. §204.
- 6 F. Similarly, in the absence of a provision for a continuing resolution, the Navajo Nation
7 Council may look to federal laws or regulations for guidance.
- 8 G. The federal process for appropriations contains a provision for a continuing resolution,
9 which is defined as “[a]n appropriation act that provides budget authority for federal
10 agencies, specific activities, or both to continue in operation when Congress and the
11 President have not completed action on regular appropriation acts by the beginning of
12 the fiscal year.” Principles of Federal Appropriations Law, Third Edition, General
13 Accounting Office, Jan. 2004, Chapter 8.
- 14 H. Based on the impracticability of maintaining the Center for Disease Control’s
15 recommendations on physical distancing during the Navajo Nation’s budget hearings, the
16 approval of a Continuing Resolution provides a means to allow for the continuing
17 operations of the Navajo Nation government and a measure of protection for Navajo
18 Nation employees.
- 19 I. The Navajo Nation Council finds the need to conduct a thorough and complete budget
20 process at a later date warrants the approval of a Continuing Resolution.
- 21 J. The approval of a Continuing Resolution will allow for careful consideration of a Fiscal
22 Year 2021 Comprehensive Budget, as well as a detailed examination of the needs of the
23 Navajo Nation.
- 24

25 **SECTION THREE. APPROVAL OF CONTINUING RESOLUTION**

- 26 A. The Navajo Nation Council hereby resolves that all Navajo Nation Government
27 divisions, departments, offices, programs and Navajo Nation Chapters, with the
28 exception of those special budget situations named in paragraph C of this section, shall
29 receive 1/4th of their Navajo Nation FY 2020 general fund, indirect cost fund,
30 proprietary fund, special revenue, and fiduciary fund allocations, as of September 30,

1 2020, for operation of the Navajo Nation Government beginning October 1, 2020 and
2 ending no later than December 30, 2020 in accordance with the Navajo Nation Council
3 Resolution CS-30-19. The Continuing Budget Resolution amounts shall be based on
4 100% (one hundred percent) of the final Navajo Nation approved Fiscal Year 2020
5 Budget amounts as approved in CS-30-19 and signed by the Navajo Nation President
6 on September 13, 2019. In order to maintain consistency between this Continuing
7 Budget Resolution amounts and the Fiscal Year 2020 General Revenue Fund
8 projections, supplemental appropriations made in Fiscal Year 2020 shall not be included
9 in this Continuing Resolution.

10 B. In order for the continuing resolution budgets to be entered into the Financial
11 Management and Information System (FMIS), all Navajo Nation programs and
12 Chapters shall submit continuing resolution budgets to the Office of Management and
13 Budget at the level of funding stated in Paragraph A above by September 1, 2020.

14 C. The Branch Chiefs, in conjunction with the Office of the Controller and the Office of
15 Management and Budget are authorized to administratively address special budget
16 situations and shall issue any necessary instructions for the proper implementation of
17 this Continuing Budget Resolution, including all expenditures as required by statute,
18 contract or government policy, including but not limited to Risk Management,
19 scholarship, school clothing, employee insurance, retirement, match fund requirements
20 and higher education.

21
22 **SECTION FOUR. DIRECTIVE TO THE SPEAKER OF THE NAVAJO NATION**

23 A. The Navajo Nation Council directs the Speaker of the Navajo Nation Council to
24 convene a special session no later than thirty (30) days before the end of the
25 Continuing Resolution period for the exclusive purpose of consideration and
26 adoption of the proposed Navajo Nation Fiscal Year 2021 Comprehensive Budget.

27 B. If the COVID-19 pandemic has not abated, or if the Navajo Nation experiences
28 another surge of the pandemic, this Continuing Resolution may be extended by the
29 Navajo Nation Council.
30

1 **SECTION FIVE. WAIVING 12 N.N.C. §840 (B)**

2 The Navajo Nation Council hereby waives 12 N.N.C. §840 (B) pertaining to the
3 adoption of a comprehensive twelve-month budget in order that this Continuing Budget
4 Resolution be adopted. This waiver shall cease to be in effect upon adoption of the
5 Navajo Nation Comprehensive Budget for Fiscal Year 2021.

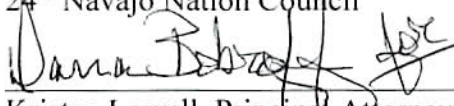
6
7 **SECTION SIX. EFFECTIVE DATE**

8 The action is effective upon its approval pursuant to 2 N.N.C. §221(B).
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MEMORANDUM

TO: Honorable Raymond Smith, Jr.
24th Navajo Nation Council

FROM: 
Kristen Lowell, Principal Attorney
Office of Legislative Counsel

DATE: July 1, 2020

SUBJECT: AN ACTION RELATING TO BUDGET AND FINANCE AND NAABIK'ÍYÁTI' COMMITTEES, AND NAVAJO NATION COUNCIL; ADOPTING A CONTINUING RESOLUTION FOR THE CONTINUING OPERATIONS OF THE NAVAJO NATION GOVERNMENT; BEGINNING OCTOBER 1, 2020 AND ENDING DECEMBER 31, 2020; WAIVING 12 N.N.C. §840(B)

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: _0147-20__

SPONSOR: Raymond Smith, Jr.

TITLE: An Action Relating to Budget and Finance and Naabik'iyáti' Committees, and Navajo Nation Council; Adopting a Continuing Resolution for the Continuing Operations of the Navajo Nation Government; Beginning October 1, 2020 and Ending December 31, 2020; Waiving 12 N.N.C. §840(B)

Date posted: July 1, 2020 at 5:52PM

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.*

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

LEGISLATION NO.: 0147-20

SPONSOR: Honorable Raymond Smith, Jr.

TITLE: An Action Relating to Budget and Finance and Naabik'iyáti' Committees, and Navajo Nation Council; Adopting a Continuing Resolution for the Continuing Operations of the Navajo Nation Government; Beginning October 1, 2020 and Ending December 31, 2020; Waiving 12 N.N.C. §840(B)

Posted: July 01, 2020 at 5:52 PM

5 DAY Comment Period Ended: July 06, 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**

07/07/20 7:38 AM

Date/Time

BUDGET AND FINANCE COMMITTEE

7 July 2020
Regular Meeting

VOTE TALLY SHEET:

Legislation 0147-20: An Action Relating to Budget and Finance and Naabik'iyáti' Committees, and Navajo Nation Council; Adopting a Continuing Resolution for the Continuing Operations of the Navajo Nation Government; Beginning October 1, 2020 and Ending December 31,2020; Waiving 12 N.N.C. §840(B) Sponsored by Raymond Smith, Jr., Council Delegate

Motion: Elmer P. Begay


Second: Amber K. Crotty

Vote: 4-0, Chairman not voting

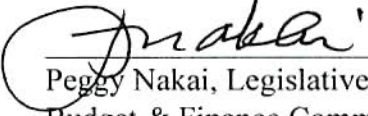
Final Vote Tally:

Jamie Henio		
Jimmy Yellowhair	yea	
Raymond Smith Jr.	yea	
Elmer P. Begay		
Amber K. Crotty	yea	
Nathaniel Brown	yea	

Absent: Elmer P. Begay



Jamie Henio, Chairman
Budget & Finance Committee



Peggy Nakai, Legislative Advisor
Budget & Finance Committee

**24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
Second Year 2020**

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0147-20

An Action Relating to Budget and Finance and Naabik'iyáti' Committees, and Navajo Nation Council; Adopting a Continuing Resolution for the Continuing Operations of the Navajo Nation Government; Beginning October 1, 2020 and Ending December 31, 2020; Waiving 12 N.N.C. §840(B)

Sponsored by: Honorable Raymond Smith, Jr.

Has had it under consideration and reports the same that the legislation **WAS PASSED WITH TWO (2) AMENDMENTS AND REFERRED TO THE NAVAJO NATION COUNCIL.**

Respectfully Submitted,


*Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

09 July 2020

MAIN MOTION

Motioned by: Honorable Paul Begay

Seconded by: Honorable Herman M. Daniels, Jr.

Vote: 19 in Favor, 01 Opposed (Chairman Damon Not Voting)

AMENDMENT #1

Page 4, line 21, add new paragraph as follows:

D. If the 24th Navajo Nation Council duly adopts the FY 2021 Comprehensive Budget prior to the time required by the Navajo Nation Code, this Continuing Resolution shall be null and void.

Motioned by: Honorable Jamie Henio

Seconded by: Honorable Eugene Tso

Vote: 22 in Favor, 00 Opposed (Chairman Damon Not Voting)

AMENDMENT #2

Page 3, line 29, strike 1/4th and insert 1/2

Page 4, line 2, strike ~~December 30, 2020~~ and insert March 31, 2021

Page 1, line 16 & 17 strike ~~December 31, 2020~~ and insert March 31, 2021

Motioned by: Honorable Otto Tso

Seconded by: Honorable Daniel E. Tso

Vote: 14 in Favor, 06 Opposed (Chairman Damon Not Voting)

NAVAJO NATION

559

7/9/2020

Navajo Nation Naabik'iyati' Committee Meeting

07:49:14 PM

Amd# to Amd#	Legislation 0147-20: Adopting	PASSED
MOT Begay, P	a Continuing Resolution for the	
SEC Daniels	Continuing Operation of the	
	Navajo Nation Government...	

Yeas : 19 Nays : 1 Excused : 0 Not Voting : 3

Yea : 19

Begay, E	Daniels	Slater, C	Tso, O
Begay, P	Freeland, M	Smith	Walker, T
Brown	Halona, P	Stewart, W	Wauneka, E
Charles-Newton	James, V	Tso, D	Yazzie
Crotty	Nez, R	Tso, E	

Nay : 1

Henio, J

Excused : 0

Not Voting : 3

Yellowhair	Tso, C	Begay, K
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Presiding Speaker: Damon

NAVAJO NATION

557

7/9/2020

Navajo Nation Naabik'iyati' Committee Meeting

07:22:49 PM

Amd#1 to Amd#

Page 4, line 21, add new

PASSED

MOT Henio, J

language: D. If the 24th Navajo

SEC Tso, E

Nation Council duly adopts the
FY 2021 Comprehensive Budget...

Yeas : 22

Nays : 0

Excused : 0

Not Voting : 1

Yea : 22

Begay, E

Freeland, M

Smith

Tso, O

Begay, P

Halona, P

Stewart, W

Walker, T

Brown

Henio, J

Tso, C

Wauneka, E

Charles-Newton

James, V

Tso, D

Yazzie

Crotty

Nez, R

Tso, E

Yellowhair

Daniels

Slater, C

Nay : 0

Excused : 0

Not Voting : 1

Begay, K

Presiding Speaker: Damon

NAVAJO NATION

558

7/9/2020

Navajo Nation Naabik'iyati' Committee Meeting

07:43:07 PM

Amd#2 to Amd#

Page 3, line 29, delete 1/4

PASSED

MOT Tso, O

and insert 1/2; Page 4, line 2,

SEC Tso, D

strike December 30, 2020 and
insert March 30, 2021...

Yeas : 14

Nays : 6

Excused : 0

Not Voting : 3

Yea : 14

Begay, E

Crotty

Smith

Tso, O

Begay, P

Daniels

Tso, D

Walker, T

Brown

Freeland, M

Tso, E

Yazzie

Charles-Newton

James, V

Nay : 6

Halona, P

Nez, R

Stewart, W

Wauneka, E

Henio, J

Slater, C

Excused : 0

Not Voting : 3

Begay, K

Tso, C

Yellowhair

Presiding Speaker: Damon