# THE NAVAJO NATION LEGISLATIVE BRANCH INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0102-24\_\_ SPONSOR: <u>Shawna Ann Claw</u>

TITLE: An Action Relating to the Resources and Development Committee, the Budget and Finance Committee, the Naabik'íyáti' Committee, and the Navajo Nation Council; Approving \$1,108,500 from the Fish and Wildlife Enterprise Fund for the Navajo Nation Department of Fish and Wildlife for the Department's New Fish Hatchery Project

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## **SUMMARY OF PROPOSED LEGISLATION**

DATE: May 3, 2024

RE: AN ACTION RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE, THE BUDGET AND FINANCE COMMITTEE, THE NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; APPROVING \$1,108,500 FROM THE FISH & WILDLIFE ENTERPRISE FUND FOR THE NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE FOR THE DEPARTMENT'S NEW FISH HATCHERY PROJECT

### **PURPOSE OF THIS LEGISLATION:**

to approve \$1,108,500 from the Fish & Wildlife Enterprise Fund for the Department of Fish and Wildlife for its new Fish Hatchery and to purchase four new vehicles.

#### FINAL AUTHORITY and VOTE REQUIREMENT:

The Navajo Nation Council has final authority. A simple majority vote of the Council is required to approve the resolution.

	OLD PERIOD Resources & Development Co	mmittee
	ing Time/Date	Thence
Posting End Eligible for A	Budget & Finance Co	
1	PROPOSED NAVAJO NATION COUNCIL RESOLUTIO <b>Naabik'íyáti' Co</b>	Thence mmittee
2	25th NAVAJO NATION COUNCIL - Second Year, 2024	Thence
. 3	Introduced by:	Council
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6	(Prime Sponsor)	
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. 8	Tracking No	
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10	AN ACTION	
11	RELATING TO THE RESOURCES AND DEVELOPMENT COMMITTEE,	
12	THE BUDGET AND FINANCE COMMITTEE, THE NAABIK'ÍYÁTI'	
. 13	COMMITTEE, AND THE NAVAJO NATION COUNCIL; APPROVING	
14	\$1,108,500 FROM THE FISH & WILDLIFE ENTERPRISE FUND FOR	
15	THE NAVAJO NATION DEPARTMENT OF FISH AND WILDLIFE	
16	FOR THE DEPARTMENT'S NEW FISH HATCHERY PROJECT	
17		
18	BE IT ENACTED:	
19		
20	SECTION ONE. AUTHORITY	
21	A. The Resources and Development Committee is a standing committee of the Navajo Nation	
. 22	Council with oversight authority over the Navajo Nation Department of Natural Resources	
23	and its subordinate Departments, including the Department of Fish and Wildlife. 2 N.N.C.	
24	§500(C).	
25	B. Pursuant to 5 N.N.C. §506(A), the Resources and Development Committee recommends	
26	expenditures from the Fish & Wildlife Enterprise Fund.	
27	C. The Budget and Finance Committee is a standing committee of the Navajo Nation Council	
28	authorized to review and recommend to the Council the management of all funds. 2 N.N.C.	
29	§301(B)(2).	
30	D. Pursuant to 5 N.N.C. §506(A), the Budget & Finance Committee recommends expenditures	
	1 62 01 01 01 15 1	

1 from the Fish & Wildlife Enterprise Fund. 2 E. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council, and all proposed legislation requiring final action by the Navajo Nation Council is assigned to the 3 Naabik'íyáti' Committee for its consideration. 2 N.N.C. §164(A)(9); 2 N.N.C. §700(A). 4 F. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. §102(A). 5 As such, the Council may approve allocations from Special Funds. 6 7 8 SECTION TWO. FINDINGS 9 A. The Fish & Wildlife Enterprise Fund is established under 5 N.N.C. §506(A). B. The Fund Management Plan for the Fish & Wildlife Enterprise Fund was approved by the 10 Budget and Finance Committee in March 2006, in Resolution No. BFM-07-06. EXHIBIT A. 11 C. Section VI of the Fund Management Plan states: "Expenditures from the Enterprise Fund shall 12 13 be made in accordance with established Navajo Nation budget policies and procedures." D. The Department of Fish and Wildlife ("DFW") is requesting \$1,108,500 from the Fish & 14 Wildlife Enterprise Fund to cover expenses for its planned new Fish Hatchery Project located 15 in Toadlena, New Mexico, and for the purchase of four new vehicles for the DFW's Wildlife 16 17 Law Enforcement Program. EXHIBIT B. 18 E. The DFW has provided a detailed Scope of Work for its proposed new Project, prepared by 19 Aquatic Consultants. **EXHIBIT C**. F. The Office of the Controller has provided a memorandum regarding the amount that is 20 available in the Fish & Wildlife Enterprise Fund. EXHIBIT D. 21 G. The Office of Management and Budget ("OMB") provided its review of the DFW's funding 22 request. EXHIBIT E. OMB indicated that revisions were needed to the DFW's budget forms. 23 24 H. The DFW made the revisions noted by OMB and submitted the corrected budget forms. 25 EXHIBIT F. I. The DFW's funding request was processed through the Section 164 Review and was found 26

OLC No. 24-115-1

**NAVAJO** 

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SECTION THREE. APPROVING \$1,108,500 FROM THE FISH & WILDLIFE

**FUND** 

**FOR** 

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sufficient by the Office of the Controller and the Department of Justice. **EXHIBIT G**.

**ENTERPRISE** 

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# DEPARTMENT OF FISH AND WILDLIFE FOR THE DEPARTMENT'S NEW FISH HATCHERY PROJECT

- A. The Navajo Nation hereby approves \$1,108,500 from the Fish & Wildlife Enterprise Fund for the Department of Fish and Wildlife to use for its planned new Fish Hatchery Project and for the purchase of four new vehicles, as specified in **EXHIBITS B, C**, and **F** attached hereto.
- B. Within 10 days from the effective date of this Action, the approved funds shall be transferred into the noted account(s) for the Department of Fish and Wildlife, as shown in **EXHIBIT F**.
- C. Pursuant to 12 N.N.C. §820(N)(3), the approved funds provided to the Department of Fish and Wildlife shall not lapse at the end of FY2024 or any other Fiscal Year so long as the Fish Hatchery Project remains unfinished, unless this Action is amended by the Navajo Nation Council to provide for a reversion date.
- D. Any unexpended funds remaining after completion of the Fish Hatchery Project shall revert to the Fish & Wildlife Enterprise Fund.
- E. The Department of Fish and Wildlife shall provide written reports, and verbal reports if so requested, on the progress of its new Fish Hatchery Project. Such reports shall be provided to the Resources and Development Committee at least once per fiscal quarter until completion of the Fish Hatchery Project.
- F. In compliance with 5 N.N.C. §506(B), the Controller shall provide annual reports to the Navajo Nation Council, regarding the status of the Fish & Wildlife Fund.

#### SECTION FOUR. EFFECTIVE DATE

This Action shall become effective as provided in 2 N.N.C. §221(B) and 2 N.N.C. §164(A)(17).

#### SECTION FIVE. SAVING CLAUSE

If any portion of this Action is determined invalid by the Navajo Nation Supreme Court, or by a District Court of the Navajo Nation without appeal to the Navajo Nation Supreme Court, the remainder of this Action shall be the law of the Navajo Nation.