

RESOLUTION OF THE
NAVAJO NATION COUNCIL

20th NAVAJO NATION COUNCIL - Third Year, 2005

AN ACT

RELATING TO FINANCE; ENACTING THE FAIRNESS IN
APPROPRIATIONS ACT OF 2005; AMENDING THE APPROPRIATIONS
ACT, 12 N.N.C. §§800, 820, 830 AND 840

BE IT ENACTED:

Section 1. Enactment of the Fairness in Appropriations Act
of 2005

The Navajo Nation Council hereby enacts the Fairness
in Appropriations Act of 2005.

Section 2. Purpose

The purpose of the Fairness in Appropriations Act of
2005 is to set forth the concept of fairness in the
division of operating funds for the Executive, Judicial and
Legislative Branches of the Navajo Nation Government by the
establishment of set statutory percentages for the planning
base amounts to be utilized by the Budget and Finance
Committee of the Navajo Nation Council in the preparation
of the proposed Navajo Nation Comprehensive Budget. The
intent of the Fairness in Appropriations Act of 2005 is not
to limit the discretion of the Navajo Nation Council to
adopt a Navajo Nation Comprehensive Budget which deviates
from the planning base amounts set forth herein, but rather
to require that the preparation of the proposed Navajo
Nation Comprehensive Budget is in accord with the set
statutory percentages herein set forth.

Section 3. Amendments to Title 12 Navajo Nation Code

The Navajo Nation Council hereby amends the Navajo
Nation Code, Title 12, as follows:

§800. Purpose

The Navajo Nation government has a fiduciary responsibility to account for public funds, to manage finances wisely, and to plan for the adequate funding of services desired by the Navajo People, including the equitable division of operating funds between the Executive, Judicial and Legislative Branches of the Navajo Nation Government, and provision and maintenance of public facilities. This Act is designed to establish the policies and procedures for the preparation, adoption and implementation of the annual Navajo Nation Comprehensive Budget. In order to achieve this purpose, this Act has the following objectives for the Comprehensive Budget's performance:

§820. Overall budget policies

R. The planning base amounts for the Navajo Nation Government shall be as follows for the Branches of the Navajo Nation Government:

1. Executive Branch - 77%; and
2. Judicial Branch - 10%; and
3. Legislative Branch - 13%.

§830. Budget planning and preparation

H. Budget Instructions and Planning Base Amounts. The Office of Management and Budget shall prepare budget instructions for each fiscal year which shall be approved by the Budget and Finance Committee no later than 30 days after the Controller releases the annual revenue projection as delineated at §830(C). The budget instructions shall include fiscal, operational, policy guidelines, budget development timelines and planning base amounts, in accord with the provisions of 12 N.N.C. §820(R), for each fiscal year for the Executive Branch, the Judicial Branch and the Legislative Branch.

I. Preparation of the Budget. Based upon the priorities and ~~budget ceilings~~ planning base amounts established by the method described in Subsection (H), each branch, division, department, and program of the Navajo Nation government shall prepare a budget request, which shall be submitted to the Office of Management and Budget pursuant to the time lines established in the annual Budget Instructions Manual. Each division, department and program director shall provide training on the budget process for their program field staff and involve said staff in the development of the budget request upon actual needs and identification of unmet needs. This proposed budget shall state the overall goals and objectives and broad priorities for the entire Navajo Nation budget.

§840. Budget approval, adoption and certification

A. Oversight Committee and Budget and Finance Committee Review and Approval. Each oversight committee shall review and make recommendations to the Budget and Finance Committee concerning the budget in accordance with the annual budget instructions. The oversight committees may hold public hearings at each agency with programs under their oversight and take testimony on the budget. The oversight committees shall make recommendations concerning the budget and pass resolutions recommending appropriations and conditions of appropriations for activities within their respective areas of oversight to the Budget and Finance Committee pursuant to the time-lines established in the Budget Instructions Manual. Oversight committee recommendations shall not exceed the planning base amounts set pursuant to §§820(R) and 830(H). The Budget and Finance Committee shall consult and negotiate with the respective oversight committees if any changes are to be made before making final recommendations to the Navajo Nation Council. Changes made pursuant to this consultation and negotiation process shall neither increase nor decrease the planning base amount set for the Executive Branch divisions, the Judicial Branch and Legislative Branch pursuant to 12 N.N.C. §820(R), but shall be limited to internal reallocations of the planning base amounts for the entities. The Budget and Finance Committee shall review and make recommendations concerning the budget according to the annual budget instructions. The Budget and Finance Committee shall make recommendations concerning the budget

and submit it to the Navajo Nation Council pursuant to the time lines established in the Budget Instructions Manual.

Section 4. Codification

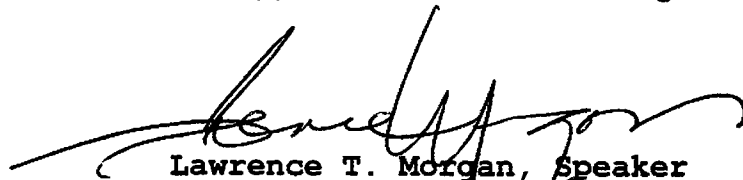
The provisions of this Act which amend or adopt new sections of the Navajo Nation Code shall be codified by the Office of Legislative Counsel. The Office of Legislative Counsel shall incorporate such amended provisions in the next codification of the Navajo Nation Code.

Section 5. Savings Clause

Should any provisions of this Act be determined invalid by the Navajo Nation Supreme Court, or the District Courts of the Navajo Nation, without appeal to the Navajo Nation Supreme Court, those portions of this Act which are not determined invalid shall remain the law of the Navajo Nation.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 37 in favor and 27 opposed, this 20th day of October 2005.


Lawrence T. Morgan, Speaker
Navajo Nation Council
25 Oct 05
Date

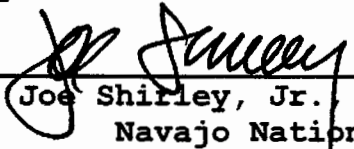
Motion: Raymond Berchman
Second: Amos F. Johnson

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (10), on this _____ day of _____ 2005.

Joe Shirley, Jr., President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. §1005 (C) (11), this _____ day of NOV 04 2005 2005 for the reason(s) expressed in the attached letter to the Speaker.



Joe Shirley, Jr., President
Navajo Nation