

# An Act

**Legislative Act: 25-17**

**AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2018 CAPITAL  
APPROPRIATIONS BUDGET;  
AND DECLARING AN EMERGENCY**

**BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION:**

**Section 1. Title and Codification**

This act shall be titled and codified as “The Comprehensive Capital Appropriations Bill for Fiscal Year 2018”.

**Section 2. Purpose:** To comply with the Constitution and laws of the Cherokee Nation, to authorize funding for governmental Capital-Type Expenditures and to provide full disclosure of finances, expenditures and revenues.

- A. The purpose of this enactment is intended to review, authorize, approve and ratify appropriations for Capital Expenditures in compliance with the specific laws governing appropriations (62 CNCA 31 & 32).
- B. The use of such funds shall be subject to public disclosure.

**Section 3. Policy of Accountability:**

- A. All funds under the care of the Cherokee Nation shall only be expended as authorized by this enactment unless amended.
- B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any sources may be prosecuted according to applicable criminal statutes.
- C. The enactment of this Act or any part thereof, does not ratify, condone or legalize any prior expenditure which may be incurred contrary to Cherokee law. Any unauthorized expenditures, misappropriations, or other illegal acts involving the finances of the Cherokee Nation or any of its subsidiaries may be prosecuted under applicable law or other appropriate administrative or legal remedies.

**Section 4. Legislative History**

- A. The Constitution and laws (Title 62 of the Cherokee Nation Code) provides the requirements for appropriations, review and authorization for the use of all funds.

- B. The budget estimates of revenues and expenditures for Fiscal Year 2018 to document funding availability and provide justifications for expenditures are incorporated herein.
- C. All previous resolutions, statutes and relevant Court Decisions as may be applicable are acknowledged.

**Section 5. Legal Authorities Governing the Use of Funds.**

- A. The Constitution of the Cherokee Nation.
- B. Applicable Cherokee Nation Statutes and the Cherokee Nation Code Annotated (CNCA).
- C. Applicable Federal law and regulations regarding contracts, compacts, grants and use of trust funds.

**Section 6. Funding Allocations and Justifications**

- A. The Capital Appropriations from all sources of revenues have been proposed as estimates and justified by the Principal Chief for the Executive, the Chief Justice of the Supreme Court for the Judiciary and by the Speaker of the Council for the Legislative Branch.
- B. For purposes of this authorization, Capital Expenditures are defined by inclusion on the attached list of project accounting units.
- C. These proposed allocations for funding are hereby approved and incorporated herein.
- D. Funding for the listed projects shall remain in effect until the project is completed or the project is amended by action of the Council.

**Section 7. Amounts Authorized and Required Reports to the Council.**

- A. The budget authority for the Fiscal Year 2018 Capital Appropriations budget is \$246,713,097. The Executive, Judicial and Legislative Branches are authorized to expend such funds as set forth in the justifications subject to the continued availability of revenues.
- B. The Executive Branch shall provide monthly and annual financial reports in compliance with the Cherokee Constitution and laws and as the Tribal Council directs.

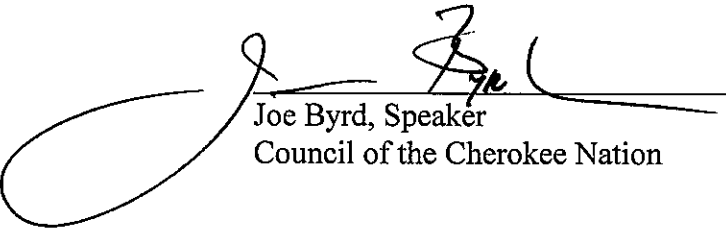
**Section 8 Severability**

The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

**Section (code section) 8. Emergency declared**

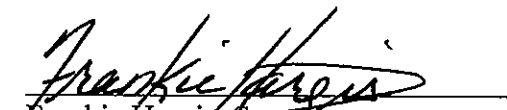
It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

Enacted by the Council of the Cherokee Nation on the 11<sup>th</sup> day of September, 2017.




Joe Byrd, Speaker  
Council of the Cherokee Nation

**ATTEST:**




Frankie Hargis, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 13 day of September, 2017.



Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**



Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Rex Jordan	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Dr. Mike Dobbins	<u>Yea</u>	Buel Anglen	<u>Yea</u>
E.O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Bryan Warner	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Mary Baker Shaw	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Wanda Hatfield	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

**CHEROKEE NATION  
FY2018 BUDGET  
ADJUSTMENTS TO PROPOSAL**

**Exhibit - A**

Adjustments derived from Legislative Review Hearings:

#	Program	Group	Funding Src	AU	Sources	Uses	Net	Explanation
<b>Proposed Budget - From Administration</b>					\$ 894,270,461	\$ 894,270,461	\$ -	
1.	Contributions and Donations	Office of the Principal Chief	General Fund	1010042		10,000	(10,000)	At Large Phoenix subscriptions
2.	Cherokee Promise GF Sunset	Education Services	General Fund	1010176		136,650	(136,650)	Spring 2018 Semester for Freshmen and Fall 2018 for Previous Continuing Students
3.	General Fund Operations	Financial Resources	General Fund	1010280	(1,158,742)	-	(1,158,742)	Reduction in Transfer in From AU 1050000
4.	Unappropriated Reserves	Financial Resources	General Fund	1010286		(1,575,392)	1,575,392	Reduction in Reserve by Appropriation due to items above
5.	Cash Reserve Fund	Financial Resources	General Fund	1010300	10,607	10,607	-	Increase in Cash Reserve Requirement due to items on Exhibit A
6.	HACN Housing Program	HACN	General Fund	1010430		100,000	(100,000)	CN Administration funding for Housing Accessibility Program
7.	Tribal Council GF	Tribal Council	General Fund	1010700		170,000	(170,000)	Community assistance funds
8.	CN Tax Commission Tag Office	Tax Commission	General Fund	1010700	(441,975)	(441,975)	-	Revised 2018 Budget Estimates
9.	Tribal Historic Preservation Office	Secretary of Natural Resources	Federal Other	3756100	2,329,641	2,329,641	-	bring in estimated carryover

**Total Adjustments to Proposed Budget**

<b>Total FY2018 Budget After Adjustments</b>	<b>\$ 895,009,992</b>	<b>\$ 895,009,992</b>	<b>\$ -</b>
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**Itemized Adjustments by Funding Sources**

General Fund - Proposed Adjustments	98,810,096	98,810,096	-
General Fund - Adjusted	(1,148,135)	(1,148,135)	-
<b>General Fund - Adjusted</b>	<b>97,661,961</b>	<b>97,661,961</b>	<b>-</b>
MVT - Proposed Adjustments	26,920,268	26,920,268	-
MVT - Adjusted	(441,975)	(441,975)	-
<b>MVT - Adjusted</b>	<b>26,478,293</b>	<b>26,478,293</b>	<b>-</b>
Federal Other - Proposed Adjustments	2,832,794	2,832,794	-
Federal Other - Adjusted	2,329,641	2,329,641	-
<b>Federal Other - Adjusted</b>	<b>5,162,435</b>	<b>5,162,435</b>	<b>-</b>

**Total of Adjustments**

<b>\$ 739,531</b>	<b>\$ 739,531</b>	<b>\$ -</b>
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**APPROPRIATION RECONCILIATION:**

Capital Budget - Proposed Adjustments	246,200,597	246,713,097	(512,500)
<b>Capital Budget - Adjusted</b>	<b>246,200,597</b>	<b>246,713,097</b>	<b>(512,500)</b>
Operating Budget - Proposed Adjustments	648,069,864	647,557,364	512,500
<b>Operating Budget - Adjusted</b>	<b>648,069,864</b>	<b>648,296,895</b>	<b>512,500</b>

<b>\$ 895,009,992</b>	<b>\$ 895,009,992</b>	<b>\$ -</b>
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Cherokee Nation  
 FY 2018 Comprehensive Budget  
 Capital Budget by Fund

BUDGET TYPE	CAPITAL
SOURCE/USE	Use

Row Labels	2018 BUDGET	2017 BUDGET	Increase / Decrease
<b>01-TRIBALLY FUNDED</b>	<b>5,473,895</b>	<b>5,611,183</b>	<b>(137,288)</b>
<b>09-COMMUNITY SERVICES</b>	<b>300,421</b>	<b>300,421</b>	<b>-</b>
1010464 Tribal Bridge Program	300,421	300,421	-
<b>11-MANAGEMENT RESOURCES</b>	<b>5,173,474</b>	<b>5,181,262</b>	<b>(7,788)</b>
1010306 Facilities Improvement	400,000	400,000	-
1012500 Land Acquisitions	4,773,474	4,781,262	(7,788)
<b>13-HUMAN SERVICES</b>	<b>-</b>	<b>129,500</b>	<b>(129,500)</b>
1012010 Ketcher Youth Shelter Repair	-	129,500	(129,500)
<b>02-MOTOR FUELS TAX</b>	<b>2,218,168</b>	<b>2,052,831</b>	<b>165,337</b>
<b>09-COMMUNITY SERVICES</b>	<b>2,218,168</b>	<b>2,052,831</b>	<b>165,337</b>
1022020 MFT Reserves Roads	2,218,168	2,052,831	165,337
<b>05-MOTOR VEHICLE TAX</b>	<b>5,391,843</b>	<b>6,958,980</b>	<b>(1,567,137)</b>
<b>09-COMMUNITY SERVICES</b>	<b>5,391,843</b>	<b>6,958,980</b>	<b>(1,567,137)</b>
1052000 MVT Highways Const	5,391,843	6,958,980	(1,567,137)
<b>19-DEPT OF TRANSPORTATION</b>	<b>72,048,214</b>	<b>72,073,371</b>	<b>(25,157)</b>
<b>09-COMMUNITY SERVICES</b>	<b>71,971,377</b>	<b>71,996,534</b>	<b>(25,157)</b>
3190000 DOT FHWA Roads	71,971,377	71,996,534	(25,157)
<b>27-SECRETARY OF NATURAL RESOURCES</b>	<b>76,837</b>	<b>76,837</b>	<b>-</b>
3190010 Roads Environmental Review	76,837	76,837	-
<b>21-DOI SELF GOVERNANCE ROADS</b>	<b>8,312,217</b>	<b>9,441,413</b>	<b>(1,129,196)</b>
<b>09-COMMUNITY SERVICES</b>	<b>8,312,217</b>	<b>9,441,413</b>	<b>(1,129,196)</b>
3211000 DOI IRR Roads Construction	8,312,217	9,441,413	(1,129,196)
<b>32-IHS SELF GOVERNANCE HEALTH</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>-</b>
<b>07-HEALTH SERVICES</b>	<b>2,500,000</b>	<b>2,500,000</b>	<b>-</b>
3329030 Health Equipment Replacement	2,500,000	2,500,000	-
<b>75-FEDERAL OTHER</b>	<b>1,141,462</b>	<b>1,141,462</b>	<b>-</b>
<b>09-COMMUNITY SERVICES</b>	<b>1,141,462</b>	<b>1,141,462</b>	<b>-</b>
3753300 Federal Transit Program	1,141,462	1,141,462	-
<b>96-CAPITAL PROJECTS</b>	<b>149,627,298</b>	<b>179,365,830</b>	<b>(29,738,532)</b>
<b>07-HEALTH SERVICES</b>	<b>2,137,739</b>	<b>2,248,271</b>	<b>(110,532)</b>
7963000 Muskogee Clinic	1,271,092	1,271,199	(107)
7964500 Jack Brown Center Construction	-	317,072	(317,072)
7966000 Vinita Clinic Construction	206,647	-	206,647
7968300 Health Facilities Equipment	660,000	660,000	-
<b>11-MANAGEMENT RESOURCES</b>	<b>147,489,559</b>	<b>177,117,559</b>	<b>(29,628,000)</b>
7965200 Veterans Center	-	83,273	(83,273)
7965300 Tribal Council House	-	148,615	(148,615)
7965500 Tribal Complex Construction	-	8,241,663	(8,241,663)
7969000 Hastings New Facility Constrct	147,489,559	168,644,008	(21,154,449)
<b>Grand Total</b>	<b>246,713,097</b>	<b>279,145,070</b>	<b>(32,431,973)</b>