

An Act

Legislative Act: ~~38~~-12

AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2013 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 2013”.

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 2013 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 2013 Capital Appropriations budget is \$103,547,975. 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.

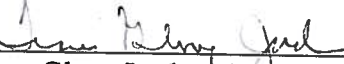
Section 8 Severability

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 17th day of September, 2012.


Tina Glory Jordan, Speaker
Council of the Cherokee Nation

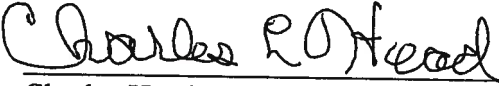
ATTEST:


Jodie Fishinghawk, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19th day of September, 2012.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Charles Head, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>YEA</u>	Dick Lay	<u>YEA</u>
Joe Byrd	<u>YEA</u>	Meredith A. Frailey	<u>NAY</u>
David Walkingstick	<u>YEA</u>	Cara Cowan Watts	<u>YEA</u>
Jodie Fishinghawk	<u>YEA</u>	Buel Anglen	<u>YEA</u>
David W. Thornton, Sr.	<u>YEA</u>	Lee Keener	<u>NAY</u>
Janelle Lattimore Fullbright	<u>YEA</u>	Chuck Hoskin, Jr.	<u>YEA</u>
Don Garvin	<u>YEA</u>	Julia Coates	<u>YEA</u>
Curtis Snell	<u>YEA</u>	Jack Baker	<u>YEA</u>
Frankie Hargis	<u>YEA</u>		

Cherokee Nation
 FY 2013 Capital Budget
 Uses of funds by Funding Source

For Internal Purposes Only Not for Distribution

Budget Type Source/Use	Capital Use		
Row Labels	Values		
	2013 BUDGET	2012 BUDGET	Change
01-TRIBALLY FUNDED	8,969,828	10,447,551	(1,477,723)
09_COMMUNITY SERVICES	327,766	455,489	(127,723)
1010464 Tribal Bridge Program	327,766	455,489	(127,723)
11_MANAGEMENT RESOURCES	8,642,062	9,992,062	(1,350,000)
1010306 Facilities Improvement	8,642,062	9,992,062	(1,350,000)
02-MOTOR FUELS TAX	1,685,136	1,230,142	454,994
09_COMMUNITY SERVICES	1,685,136	1,230,142	454,994
1022020 MFT Reserves Roads	1,685,136	1,230,142	454,994
05-MOTOR VEHICLE TAX	2,084,026	3,914,946	(1,830,920)
09_COMMUNITY SERVICES	2,084,026	3,914,946	(1,830,920)
1052000 MVT Highways Const	2,084,026	3,914,946	(1,830,920)
19-DEPT OF TRANSPORTATION	39,109,995	36,175,683	2,934,312
09_COMMUNITY SERVICES	39,109,995	36,175,683	2,934,312
3190000 DOT FHWA Roads	37,417,596	33,019,783	4,397,813
3191000 ES DOT FHWA Road Construct	1,692,399	3,155,900	(1,463,501)
21-DOI SELF GOVERNANCE ROADS	29,485,548	35,932,207	(6,446,659)
09_COMMUNITY SERVICES	29,485,548	35,932,207	(6,446,659)
3211000 DOI IRR Roads Construction	29,485,548	35,932,207	(6,446,659)
75-FEDERAL OTHER	425,586	811,942	(386,356)
09_COMMUNITY SERVICES	425,586	811,942	(386,356)
3753300 Federal Transit Program	425,586	811,942	(386,356)
96-CAPITAL PROJECTS	21,787,856	42,649,372	(20,861,516)
07_HEALTH SERVICES	14,651,993	35,913,509	(21,261,516)
7963000 Muskogee Clinic	1,048,322	-	1,048,322
7964500 Jack Brown Center Construction	2,753,671	2,783,959	(30,288)
7966000 Vinita Clinic Construction	9,400,000	29,036,158	(19,636,158)
7967000 Salina Dental Construction	-	85,642	(85,642)
7968100 Hastings Warehouse	50,000	2,231,350	(2,181,350)
7968200 WWH Phys Therapy Bldg Expansio	1,400,000	1,776,400	(376,400)
11_MANAGEMENT RESOURCES	2,000,000	1,600,000	400,000
7965200 Veterans Center	2,000,000	1,600,000	400,000
13_HUMAN SERVICES	5,135,863	5,135,863	-
7965100 Stilwell Child Development Ctr	5,135,863	5,135,863	-
Grand Total	103,547,975	131,161,843	(27,613,868)

**CHEROKEE NATION
FY2013 BUDGET
ADJUSTMENTS TO PROPOSAL**

Exhibit - A

Adjustments derived from Legislative Review Hearings:

#	Program	Group	Funding Src	AU	Impact of adjustments to:			Explanation
					Sources	Uses	Net	
Proposed Budget - From Administration					\$ 616,272,460	\$ 618,653,229	\$ (2,380,769)	
1.	Office of Principal Chief	Office of the Principal Chief	General Fund	1010000		(126,605)	126,605	reduction of contract services
2.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		(91,200)	91,200	reduce unearmarked balance
3.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		15,000	(15,000)	WRM
4.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		10,000	(10,000)	WBCAC
5.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		20,000	(20,000)	Incarcerated/Homeless
6.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		10,000	(10,000)	ATEC
7.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		36,200	(36,200)	Sequoyah Home Restoration
8.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		10,000	(10,000)	Post Adjudication Review/Board
9.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		10,000	(10,000)	Miracle House Pryor
10.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		42,000	(42,000)	ALL 14 County Fair Boards (3k each)
11.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		5,000	(5,000)	Murrow Home
12.	General Fund Ops	Financial Resources	General Fund	1010280	886,047	450,000	436,047	Trf out to Head Start/Collinsville Food Dist
*	General Fund Ops	Financial Resources	General Fund	1010280		(400,000)	400,000	remove transfers for Head Start
13.	CN Historical Society	Education Services	General Fund	1010220		(261,305)	261,305	to provide for Head Start subsidy
14.	Markoma Rec Center	Health Services	General Fund	1010249	(40,000)	(881,293)	841,293	shift funding to SG Compact
*	Markoma Rec Center	Health Services	General Fund	1010249	40,000	440,000	(400,000)	budget GF using Back to Work
*	Contract Health GF	Health Services	General Fund	1010264		(400,000)	400,000	reduce to supplement 1010249
15.	Facilities Improvement	Management Resources	General Fund	1010306	7,642,062	7,242,062	400,000	c/o less 400K transfer out to 7965200
16.	Facilities Improvement	Management Resources	General Fund	1010306		400,000	(400,000)	trf out to 7965200
17.	Community Waterlines	Community Services	General Fund	1010432		1,000,000	(1,000,000)	Program subsidy
18.	Head Start Supplement	Education Services	General Fund	1010696		400,000	(400,000)	Program subsidy
19.	Tribal Council GF	Tribal Council	General Fund	1010700		50,000	(50,000)	Tri-Council 2013
20.	Tribal Council GF	Tribal Council	General Fund	1010700		15,000	(15,000)	Add'l \$1k per TCM council mailout
21.	Tribal Council GF	Tribal Council	General Fund	1010700		15,000	(15,000)	Orientation for New TCM
22.	Tax Commission	Tax Commission	General Fund	1011010		483,300	(483,300)	subsidy for tobacco
23.	Cherokee Phoenix	Cherokee Publications	General Fund	1011070		(140,050)	140,050	to provide for Head Start subsidy
24.	Land Development Land Ops	Management Resources	General Fund	1012350		50,000	(50,000)	side wing mower
25.	Land Development Land Ops	Management Resources	General Fund	1012350		125,000	(125,000)	Sallisaw Creek Park improvements
26.	Cherokee Phoenix - IDC	Cherokee Publications	IDC	2041030		(104,500)	104,500	to provide for Head Start subsidy
27.	Registration	Government Resources	IDC	2041090		160,000	(160,000)	Program subsidy
28.	Markoma Rec Center	Health Services	IHS Compact	3324600	881,293	881,293	-	Shift funding from GF
*	Markoma Rec Center	Health Services	IHS Compact	3324600	(881,293)	(881,293)	-	shift back to GF
29.	Head Start	Education Services	DHHS	3401010	250,000	250,000	-	Program subsidy
*	Head Start	Education Services	DHHS	3401010	(250,000)	(250,000)	-	Program subsidy
30.	Early Headstart All Centers	Education Services	DHHS	3402010	150,000	150,000	-	prgm subsidy in GF AU 1010696
*	Early Headstart All Centers	Education Services	DHHS	3402010	(150,000)	(150,000)	-	prgm subsidy in GF AU 1010696
31.	Collinsville Food Dist Center	Human Services	HUD	3552550	50,000	50,000	-	complete construction project
32.	Veteran's Center	Management Resources	Capital Projects	7965200	2,000,000	2,000,000	-	increase to 2M budget
33.	Cash Reserve	Financial Resources	General Fund	1010300	9,315	9,315	-	add'l cash reserve req'd from above

Total Adjustments to Proposed Budget **\$ 10,587,424** **\$ 10,642,924** **\$ (55,500)**

Total FY2013 Budget After Adjustments **\$ 626,859,884** **\$ 629,296,153** **\$ (2,436,269)**

Itemized Adjustments by Funding Sources

General Fund - Proposed	69,604,639	69,604,639	-
Adjustments	8,537,424	8,537,424	-
General Fund - Adjusted	78,142,063	78,142,063	-
IDC Fund - Proposed	149,226	2,535,440	(2,386,214)
Adjustments	-	55,500	(55,500)
IDC Fund - Adjusted	149,226	2,590,940	(2,441,714)
IHS Compact Fund - Proposed	260,665,937	260,665,937	-
Adjustments	-	-	-
IHS Fund - Adjusted	260,665,937	260,665,937	-
DHHS Fund - Proposed	32,365,859	32,365,859	-
Adjustments	-	-	-
DHHS Fund - Adjusted	32,365,859	32,365,859	-
HUD Fund - Proposed	47,057,056	47,057,056	-
Adjustments	50,000	50,000	-
HUD Fund - Adjusted	47,107,056	47,107,056	-
Capital Projects Fund - Proposed	19,787,856	19,787,856	-
Adjustments	2,000,000	2,000,000	-
Capital Projects Fund - Adjusted	21,787,856	21,787,856	-

Total of Adjustments **\$ 10,587,424** **\$ 10,642,924** **\$ (55,500)**

APPROPRIATION RECONCILIATION:

OPERATING BUDGET TOTAL - FY2013 \$ 525,748,178
 CAPITAL APPROPRIATION ACT OF 2013 \$ 103,547,975 (see attached projects)
\$ 629,296,153

* = changes made in 9/17 Health Committee