

# An Act

**Legislative Act: 21-23**

## **AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2024 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 2024”.

**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 2024 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 2024 Capital Appropriations budget is \$753,582,109. 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, 2023.

  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 14<sup>th</sup> day of September, 2023.

  
Chuck Hoskin Jr., Principal Chief  
Cherokee Nation

**ATTEST:**

  
Shella Bowlin, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Sasha Blackfox-Qualls	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Lisa Hall	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Dr. Mike Dobbins	<u>Absent</u>	Joe Deere	<u>Absent</u>
E.O. "Jr." Smith	<u>Yea</u>	Kevin Easley, Jr.	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Codey Poindexter	<u>Yea</u>	Julia Coates	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		



Cherokee Nation  
FY 2024 Comprehensive Capital Budget  
For Internal Purposes Only Not for Distribution

BUDGET TYPE	CAPITAL
SOURCE/USE	USE

Row Labels	FY24 BUDGET	FY23 BUDGET	INCREASE/ (DECREASE)
<b>01-TRIBALLY FUNDED</b>	<b>9,758,267</b>	<b>10,008,970</b>	<b>(250,703)</b>
<b>09-TRANSPORTATION &amp; INFRASTRUCTURE</b>	<b>679,952</b>	<b>679,952</b>	-
1010464 Tribal Bridge Program	679,952	679,952	-
<b>11-MANAGEMENT RESOURCES</b>	<b>5,000,000</b>	<b>5,000,000</b>	-
1010306 Facilities Improvement	5,000,000	5,000,000	-
<b>13-HUMAN SERVICES</b>	<b>16,551</b>	<b>16,551</b>	-
1012010 Ketcher Youth Shelter Repair	16,551	16,551	-
<b>14-GOVERNMENT RESOURCES</b>	<b>4,061,764</b>	<b>4,312,467</b>	<b>(250,703)</b>
1012500 Land Acquisitions	1,904,549	1,904,549	-
1012501 Real Property Acquisitions	1,954,643	2,181,777	(227,134)
1012505 Land Acquisition & Improvement	45,062	68,631	(23,569)
1012506 Land Acquisitions Trust	157,510	157,510	-
<b>02-MOTOR FUELS TAX</b>	<b>2,239,474</b>	<b>2,239,474</b>	-
<b>09-TRANSPORTATION &amp; INFRASTRUCTURE</b>	<b>2,239,474</b>	<b>2,239,474</b>	-
1022020 MFT Reserves Roads	2,239,474	2,239,474	-
<b>05-MOTOR VEHICLE TAX</b>	<b>10,695,872</b>	<b>10,695,872</b>	-
<b>09-TRANSPORTATION &amp; INFRASTRUCTURE</b>	<b>10,695,872</b>	<b>10,695,872</b>	-
1052000 MVT Highways Const	10,695,872	10,695,872	-
<b>19-DEPT OF TRANSPORTATION</b>	<b>104,572,358</b>	<b>91,416,925</b>	<b>13,155,433</b>
<b>09-TRANSPORTATION &amp; INFRASTRUCTURE</b>	<b>104,496,358</b>	<b>91,340,925</b>	<b>13,155,433</b>
3190000 SG DOT Roads	104,496,358	91,340,925	13,155,433
<b>27-SECRETARY OF NATURAL RESOURCES</b>	<b>76,000</b>	<b>76,000</b>	-
3190010 Roads Environmental Review	76,000	76,000	-
<b>23-DOI PL 102-477</b>	<b>3,296,600</b>	<b>3,296,600</b>	-
<b>11-MANAGEMENT RESOURCES</b>	<b>3,296,600</b>	<b>3,296,600</b>	-
3232330 Pryor CDC Road Project	3,296,600	3,296,600	-
<b>32-IHS SELF GOVERNANCE HEALTH</b>	<b>77,525,993</b>	<b>12,000,000</b>	<b>65,525,993</b>
<b>07-HEALTH SERVICES</b>	<b>77,525,993</b>	<b>12,000,000</b>	<b>65,525,993</b>
3329030 Health Equipment Replacement	77,525,993	12,000,000	65,525,993
<b>75-FEDERAL OTHER</b>	<b>3,461,521</b>	<b>3,583,979</b>	<b>(122,458)</b>
<b>09-TRANSPORTATION &amp; INFRASTRUCTURE</b>	<b>3,461,521</b>	<b>3,583,979</b>	<b>(122,458)</b>
3753300 Federal Transit Program	3,461,521	3,583,979	(122,458)
<b>96-CAPITAL PROJECTS</b>	<b>542,032,024</b>	<b>503,082,197</b>	<b>38,949,827</b>
<b>07-HEALTH SERVICES</b>	<b>7,953,500</b>	<b>10,000,000</b>	<b>(2,046,500)</b>
7968300 Health Facilities Equipment	7,000,000	9,000,000	(2,000,000)
7968400 Stilwell Clinic Equipment	953,500	1,000,000	(46,500)
<b>11-MANAGEMENT RESOURCES</b>	<b>534,078,524</b>	<b>493,082,197</b>	<b>40,996,327</b>
7961500 Pryor EHS Construction	1,200,000	1,200,000	-
7961510 Nowata Early Childhood Center	-	6,866,120	(6,866,120)

Cherokee Nation  
FY 2024 Comprehensive Capital Budget  
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BUDGET TYPE	CAPITAL
SOURCE/USE	USE

Row Labels	FY24 BUDGET	FY23 BUDGET	INCREASE/ (DECREASE)
7964600 Pryor CDC Construction	24,642,318	26,058,049	(1,415,731)
7964700 Tahlequah CDC Expansion	1,097,332	3,738,666	(2,641,334)
7964800 Sallisaw CDC Construction	15,526,937	15,564,455	(37,518)
7964900 Stilwell CDC Expansion	1,789,167	3,726,711	(1,937,544)
7964910 Catoosa Child Development Cntr	7,780,746	7,780,746	-
7965500 Tribal Complex Construction	19,000	19,000	-
7965510 Storm Shelter Vault Realty Dpt	153,452	432,925	(279,473)
7965700 Registration Dept Vault Expans	971,500	971,500	-
7965900 Durbin Feeling Capital Project	-	8,321,646	(8,321,646)
7967100 Salina Clinic Construction	62,429,509	47,728,258	14,701,251
7968500 Stilwell Clinic Const	810,088	2,550,000	(1,739,912)
7968600 Stilwell Wellness Center	21,200,000	18,000,000	3,200,000
7968615 Salina Wellness Center	8,000,000	-	8,000,000
7969010 WW Hastings Hospital Const	378,528,475	345,124,121	33,404,354
7969020 Behavioral Hlth Resid Tx Ctr	9,930,000	5,000,000	4,930,000
<b>Grand Total</b>	<b>753,582,109</b>	<b>636,324,017</b>	<b>117,258,092</b>