

# An Act

## Legislative Act 12-21

### AN ACT ESTABLISHING THE CHEROKEE NATION PUBLIC HEALTH AND WELLNESS FUND

#### BE IT ENACTED BY THE CHEROKEE NATION:

#### **Section 1. Title and Codification**

This act shall be known and cited as the "Cherokee Nation Public Health and Wellness Fund Act" and codified at Title 68, Chapter XX "Revenue and Taxation", of the Cherokee Nation Code, which is hereby amended in accordance with the Act.

#### **Section 2. Legislative Intent and Purpose**

The purpose of this Act is to establish a revenue source for the public health of Cherokee citizens throughout the Cherokee Nation reservation. Revenues shall be generated from unrestricted third party revenue collected by Cherokee Nation's Health Services. This revenue shall be used to provide Cherokee Citizens access to personal health, including access to wellness/fitness centers and substance abuse treatment facilities.

#### **Section 3. Legislative History**

#### **Section 4. Substantive Provisions**

§ 1001 Definitions. The following words and phrases shall have the meanings ascribed in this article, except where the context requires otherwise:

- A. "Act" means the Cherokee Nation Public Health and Wellness Fund Act.
- B. "Third Party Revenue" means revenue generated from health insurance claims or billings to health insurance carriers/providers.
- C. "Unrestricted" means those payments collected by Cherokee Health Services billing staff that have no use restrictions imposed by the insurance provider, excluding restricted reimbursements of U.S. government programs, Medicare and Medicaid.
- D. "Principal Chief" means the Principal Chief of the Cherokee Nation.
- E. "Treasurer" means the Treasurer of the Cherokee Nation.

§ 1002 Authority.

The Principal Chief, through budgetary approval by the Council, shall have authority to manage all funds collected under this Act.

§ 1003 Collection of Funds.

- A. Each year, seven percent (7%) of the revenues from unrestricted health insurance billings collected by Cherokee Nation Health Services shall be set aside for public health and substance abuse treatment.
- B. Within ten (10) days after the end of each month during which this act is in effect, Health Services shall prepare and submit to the Treasurer a report identifying the collection of unrestricted funds generated through the patient visits in each of the Cherokee Nation Health system. Based on the reporting, the Treasurer may submit budget modifications, for approval by the Council of the Cherokee Nation, as needed to reflect the change in revenue collection.
- C. Nothing contained within this Act shall prevent Cherokee Nation from acquiring other funds, including public and private funding, to use toward the betterment of public and individual health of Cherokee Nation citizens and meeting the intent of this Act.

§ 1004 Uses of Funds.

- A. Revenue collected under this Act shall be used for both capital investments and operational expenses for Wellness Centers and Substance Abuse Treatment facilities for the benefit of Cherokee Nation citizens. Budget and intended use of the funds shall be appropriated by the Council of the Cherokee Nation through the comprehensive annual budget. The Principal Chief shall prioritize and plan the use of funds to address the public health and wellness needs of citizens and communities.
- B. Annually, unspent or unused funds collected under this Act shall be carried over into the following fiscal year. The carryover funds shall be used only for the expenditures consistent with the purposes of this Act.
- C. Funds collected under this Act may be used as cash match for other funding sources, including Federal, State or private grant or funding programs, so long as the funding or grant opportunity is consistent with intent of this Act. Cash match shall not surpass twenty-five percent (25%) of the seven percent (7%) revenue collected from unrestricted third party insurance collections.
- D. The Principal Chief shall develop and present a phased project plan to the Council of the Cherokee Nation, on or before September 30, 2021. Any subsequent project plans or updates shall be provided to Council at least annually.

**Section 5. Provisions as Cumulative**

The provisions of this act shall be cumulative to existing law. If a provision of the Act is inconsistent with existing Cherokee Nation law, including any provision of Title 68 of the Cherokee Nation Code, the operative provision of this Act shall apply.

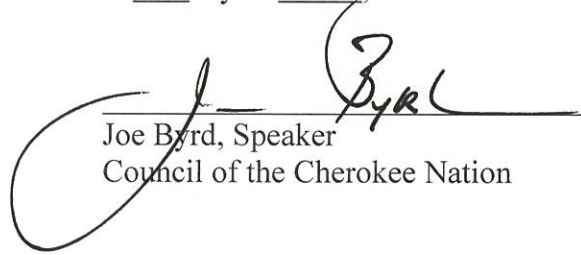
**Section 6. Severability**

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 7. Effective Date**

It being immediately necessary for the welfare of the Cherokee Nation, the Council of the Cherokee Nation 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 15<sup>th</sup> day of March, 2021.

  
\_\_\_\_\_  
Joe Byrd, Speaker  
Council of the Cherokee Nation

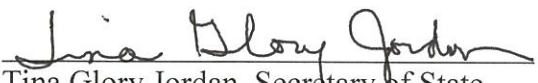
**ATTEST:**

  
\_\_\_\_\_  
James Taylor, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15<sup>th</sup> day of March, 2021.

  
\_\_\_\_\_  
Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation

**ATTEST:**

  
\_\_\_\_\_  
Tina Glory Jordan, 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>
Wes Nofire	<u>Yea</u>	Dora Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E. O. Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Canaan Duncan	<u>Yea</u>	Julie Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Mary Baker Shaw	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

**ADMINISTRATIVE  
CLEARANCE**

Dept/Program:

Signature/Initial Date

**Executive Director:**

Signature/Initial Date

**Treasurer (Required:  
Grants/Contracts/Budgets):**  
te

Signature/Initial Date

**Government Relations:**

Signature/Initial Date

**Administration Approval:**

Signature/Initial Date

**LEGISLATIVE CLEARANCE:**

**Legal & Legislative Coordinator:**

Signature/Initial Date

**Standing Committee & Date:**

**Cherokee Nation  
Act/Resolution Proposal Form**

Act       Resolution

**TITLE:**      **CHEROKEE NATION PUBLIC HEALTH  
AND WELLNESS FUND ACT**

**DEPARTMENT CONTACT:**      Chuck Hoskin Jr.

**RESOLUTION PRESENTER:**      Todd Enlow

**COUNCIL SPONSOR:**      Janees Taylor, Shawn Crittenden, Canaan  
Duncan, EO Smith, Victoria Vazquez, Joe  
Deere, Daryl Legg, *Anna patzkowski*  
*Mike Shambaugh, Rex Jordan*

**NARRATIVE:**

The purpose of this Act is to establish a revenue source for the public health of Cherokee citizens throughout the Cherokee Nation reservation. Revenues shall be collected from unrestricted third party revenue from Cherokee Nation's Health Services billing. This revenue shall be used to provide Cherokee Citizens access to personal health, including access to wellness/fitness centers and substance abuse treatment facilities.

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**Legal & Legislative Coordinator:**

Signature/Initial Date

**Standing Committee & Date:**

*Rules Committee 2/25/21*  
*Rapal*