

# An Act

**Legislative Act: 22-13**

**AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2014 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 2014”.

**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 2014 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 2014 Capital Appropriations budget is \$92,360,612. 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.

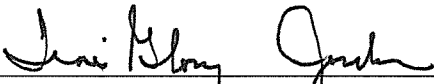
**Section 8 Severability**

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.

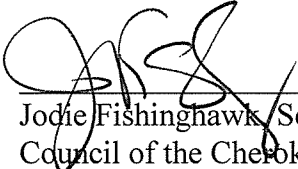
**Section (code section) 8. Emergency declared**

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 29<sup>th</sup> day of August, 2013.

  
Tina Glory Jordan, Speaker  
Council of the Cherokee Nation

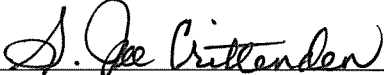
**ATTEST:**

  
Jodie Fishinghawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 11<sup>th</sup> day of Sep., 2013.

  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**

  
S. Joe Crittenden, Deputy Chief  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Tina Glory Jordan	<u>Yea</u>	Dick Lay	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Janees Taylor	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Lee Keener	<u>Absent</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  
FY2014 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	
<b>Proposed Budget - From Administration</b>					<b>\$ 658,752,059</b>	<b>\$ 658,443,729</b>	<b>\$ 308,330</b>	
1.	General Fund Ops	Financial Resources	General Fund	1010280	(6,458)	850,000	(856,458)	to provide for CNWM operating needs
2.	Facilities Improvement	Management Resources	General Fund	1010306		(600,000)	600,000	to provide for increases
3.	Indirect Cost Shortfall	Financial Resources	General Fund	1010310		(200,000)	200,000	to provide for increases
4.	Employee Performance Incentive	Financial Resources	General Fund	1010480		(200,000)	200,000	to provide for increases
5.	Gaming Commission	Gaming Commission	General Fund	1011040	(430,000)	(430,000)	-	to maintain flat budget
6.	CN Historical Society	Education Services	General Fund	1010220		(76,000)	76,000	to maintain flat budget
7.	Jurisdictional Outreach	Community Services	General Fund	1010579		50,000	(50,000)	program subsidy
8.	Tribal Election Fund	Election Commission	General Fund	1010360		50,000	(50,000)	program subsidy for special election
9.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		325,000	(325,000)	in district improvements
10.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		(11,000)	11,000	reduce unearmarked balance
11.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		5,000	(5,000)	War Pony
12.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		5,000	(5,000)	Native American Fellowship Corp
13.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		1,000	(1,000)	Vinita Indian Territory Coalition
14.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		(10,000)	10,000	reduce unearmarked balance
15.	Charitable Contributions	Office of the Principal Chief	General Fund	1010042		10,000	(10,000)	Will Rogers Park Renovation
16.	Meth Initiative	Marshal Service	General Fund	1010145		(205,458)	205,458	to provide for increases
17.	Cash Reserve	Financial Resources	General Fund	1010300	6,458	6,458	-	add'l cash reserve req'd from above
18.	Marshal Service DOI	Marshal Service	DOI General	3221100	205,458	205,458	-	shift funding from GF

**Total Adjustments to Proposed Budget** \$ (224,542) \$ (224,542) \$ -

**Total FY2014 Budget After Adjustments** \$ 658,527,517 \$ 658,219,187 \$ 308,330

**Itemized Adjustments by Funding Sources**

General Fund - Proposed	127,270,704	127,263,398	7,306
Adjustments	(430,000)	(430,000)	-
General Fund - Adjusted	126,840,704	126,833,398	7,306
DOI SG Compact - Proposed	14,099,626	14,099,626	-
Adjustments	205,458	205,458	-
DOI SG Compact - Adjusted	14,305,084	14,305,084	-

**Total of Adjustments** \$ (224,542) \$ (224,542) \$ -

**APPROPRIATION RECONCILIATION:**

Capital Budget - Proposed	91,848,112	92,960,612	(1,112,500)
Adjustments	-	(600,000)	600,000
Capital Budget - Adjusted	91,848,112	92,360,612	(512,500)
Operating Budget - Proposed	566,903,947	565,483,117	1,420,830
Adjustments	(224,542)	375,458	(600,000)
Operating Budget - Adjusted	566,679,405	565,858,575	820,830

Cherokee Nation  
 FY 2014 Comprehensive Budget  
 Uses of funds by Funding Source

Budget Type	CAPITAL
Source/Use	Use

Row Labels	2014 BUDGET	2013 BUDGET	Change
<b>01-TRIBALLY FUNDED</b>	<b>7,939,953</b>	<b>8,969,828</b>	<b>(1,029,875)</b>
<b>09-COMMUNITY SERVICES</b>	<b>297,891</b>	<b>327,766</b>	<b>(29,875)</b>
1010464 Tribal Bridge Program	297,891	327,766	(29,875)
<b>11-MANAGEMENT RESOURCES</b>	<b>7,642,062</b>	<b>8,642,062</b>	<b>(1,000,000)</b>
1010306 Facilities Improvement	7,642,062	8,642,062	(1,000,000)
<b>02-MOTOR FUELS TAX</b>	<b>1,776,752</b>	<b>1,685,136</b>	<b>91,616</b>
<b>09-COMMUNITY SERVICES</b>	<b>1,776,752</b>	<b>1,685,136</b>	<b>91,616</b>
1022020 MFT Reserves Roads	1,776,752	1,685,136	91,616
<b>05-MOTOR VEHICLE TAX</b>	<b>2,661,136</b>	<b>3,395,834</b>	<b>(734,698)</b>
<b>09-COMMUNITY SERVICES</b>	<b>2,661,136</b>	<b>3,395,834</b>	<b>(734,698)</b>
1052000 MVT Highways Const	2,661,136	3,395,834	(734,698)
<b>19-DEPT OF TRANSPORTATION</b>	<b>47,825,387</b>	<b>39,109,995</b>	<b>8,715,392</b>
<b>09-COMMUNITY SERVICES</b>	<b>47,825,387</b>	<b>39,109,995</b>	<b>8,715,392</b>
3190000 DOT FHWA Roads	47,825,387	37,417,596	10,407,791
3191000 ES DOT FHWA Road Construct	-	1,692,399	(1,692,399)
<b>21-DOI SELF GOVERNANCE ROADS</b>	<b>23,844,432</b>	<b>29,485,548</b>	<b>(5,641,116)</b>
<b>09-COMMUNITY SERVICES</b>	<b>23,844,432</b>	<b>29,485,548</b>	<b>(5,641,116)</b>
3211000 DOI IRR Roads Construction	23,844,432	29,485,548	(5,641,116)
<b>75-FEDERAL OTHER</b>	<b>374,605</b>	<b>453,424</b>	<b>(78,819)</b>
<b>09-COMMUNITY SERVICES</b>	<b>374,605</b>	<b>453,424</b>	<b>(78,819)</b>
3753300 Federal Transit Program	374,605	453,424	(78,819)
<b>96-CAPITAL PROJECTS</b>	<b>7,938,347</b>	<b>24,034,185</b>	<b>(16,095,838)</b>
<b>07-HEALTH SERVICES</b>	<b>6,791,924</b>	<b>16,898,322</b>	<b>(10,106,398)</b>
7963000 Muskogee Clinic	800,000	1,048,322	(248,322)
7964500 Jack Brown Center Construction	4,600,000	5,000,000	(400,000)
7966000 Vinita Clinic Construction	630,000	9,400,000	(8,770,000)
7968100 Hastings Warehouse	21,924	50,000	(28,076)
7968200 WWH Phys Therapy Bldg Expansio	740,000	1,400,000	(660,000)
<b>11-MANAGEMENT RESOURCES</b>	<b>1,146,423</b>	<b>2,000,000</b>	<b>(853,577)</b>
7965200 Veterans Center	1,146,423	2,000,000	(853,577)
<b>13-HUMAN SERVICES</b>	-	<b>5,135,863</b>	<b>(5,135,863)</b>
7965100 Stilwell Child Development Ctr	-	5,135,863	(5,135,863)
<b>Grand Total</b>	<b>92,360,612</b>	<b>107,133,950</b>	<b>(14,773,338)</b>