

An Act

Legislative Act 24-99

AN ACT AMENDING LEGISLATIVE ACT #19-99 AUTHORIZING AND APPROVING THE FISCAL YEAR 2000 BUDGET; AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION, the budget authority for FY 2000 is increased by \$2,891,415 as set forth in Exhibit A and made a part hereof, for a total budget authority of \$150,625,174 and approved to become effective immediately and shall remain effective through the close of Fiscal Year 2000.

SECTION 1. Title And Condition.

This legislative act shall be titled and codified as an amendment to "The Comprehensive budget for Fiscal Year 2000."

SECTION 2. Purpose.

To comply with the Cherokee Constitution and the Cherokee Nation Code Annotated, to authorize funding for governmental operations and to provide full disclosure of finances, expenditures and revenues of the Nation.

- A. The purpose of this enactment is intended to authorize, approve and ratify appropriations and expenditures of all funds made available from all sources.
- B. The use of such funds shall be subject to public disclosure.
- C. The funding sources for this budget are for operations of the Cherokee Nation's Executive, Judicial and Legislative Departments (Branches), including any authorized Commissions or Boards.
- D. The funding sources may include funds from compacts, grants, contracts, miscellaneous sources and contributions, dividends, revenues of enterprises, taxes, special and general fund sources, indirect cost or trust funds.

SECTION 3. POLICY OF ACCOUNTABILITY.

- A. All funds under the care of the Cherokee Nation shall 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 source may be prosecuted according to applicable criminal statutes.
- C. The enactment of the Act or any part thereof, does not ratify, condone or legalize any prior expenditures which were 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 and/ or other appropriate or legal remedies may be pursued.

SECTION 4. Legislative History.

- A. The Constitution of the Cherokee Nation provides that fiscal responsibilities are vested with the Tribal Council.
- B. The Budget Estimates for Fiscal Year 2000 to document and justify expenditures are incorporated herein.
- C. All previous resolutions, statutes and relevant Court Decisions as may be applicable are acknowledged.
- D. This enactment shall govern the proper use of all funds expended, obligated or encumbered legitimately for use during the course of business for Fiscal Year 2000. No other expenditure or use is authorized except as provided herein or as provided by subsequent amendments to this authorization.

SECTION 5. Authorities Governing The Use of Funds.

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

SECTION 6. Funding Allocations and Justifications.

- A. The allocations from all sources of revenues have been proposed as estimates and justified by the Principal Chief for the Executive, the Chief Justice of the Judicial Appeals Tribunal for the Judiciary and Legislative by the Chairman of the Executive and Finance Committee for the Council of the Cherokee Nation.
- B. These proposed allocations for funding are hereby approved as set forth in the justifications contained in the Budget Estimates Fiscal Year 2000 as amended, subject to the availability of funds as projected and estimated. The justifications re-incorporated herein by reference.

SECTION 7. Amounts Authorized, Adjustments, and Direction of Use of Funds Allocated.

- A. The Executive, Judicial and Legislative Department (Branches) are authorized to expended such funds as set fourth in the estimates subject to the continued availability of revenues.
- B. The Executive shall provide financial reports on a monthly and quarterly basis 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.

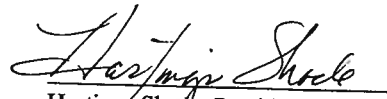
SECTION 9. Amendment

This Act modifies all previous enactments relative to the budget and provides spending authority for continuing operations for Fiscal Year 2000.

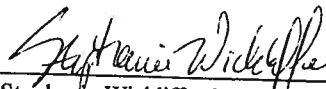
SECTION 10. Effective Date: Emergency

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares an emergency exists, by reason whereof this act shall take effect immediately upon its approval and signatures.


Passed by the Cherokee Council on the 13th day of December, 1999.


Hastings Shade, President
Cherokee Nation Tribal Council


ATTEST:


Stephanie Wickliffe, Secretary
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 13th day of December, 1999.


Chadwick Smith
Principal Chief Cherokee Nation

ATTEST:


Jim Parris, Secretary / Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

John A. Ketcher	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Don Crittenden *	<u>Yea</u>	Stephanie Wickliffe	<u>Yea</u>
Harold "Jiggs" Phillips	<u>Yea</u>	John F. Keener	<u>Yea</u>
Jackie Bob Martin	<u>Yea</u>	Harold DeMoss	<u>Yea</u>
Mary Flute-Cooksey	<u>Yea</u>	Dorothy Jean McIntosh	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Nick Lay	<u>Yea</u>
Don Garvin	<u>Yea</u>	Charles "Chuck" Hoskin	<u>Yea</u>
Barbara Starr-Scott	<u>Yea</u>		

CHEROKEE NATION
FY 2000 BUDGET REQUEST
 12/03/1999 Amendment

Division	Funding Source	Program/Purpose	FY 2000 Prior LA	FY2000-Prior		Amend. Change to Direct	FY 2000-Prior		Amend. Change to Indirect	FY2000-Prior		Amend. Change to Total
				LA Direct	Direct		LA Indirect	Indirect		LA Total	Total	
08 Education & Human Services	20 DOI-General	350073 000000-Special Assistant Program2	New	-	33,590	-	-	5,015	-	-	38,605	38,605
	40 DHHS-General	340048 000000-Safety & Early Permanency	New	-	245,302	-	-	32,476	-	-	277,778	277,778
	40 DHHS-General	340048 000000-Safety & Early Permanency	New	-	245,302	-	-	32,476	-	-	277,778	277,778
06 Education & Human Services Total				-	488,892	-	-	64,991	-	-	553,883	553,883
07 Health Services	35 IHS-Discretionary	335900 100310-Office of Health Executive Director	New	-	50,000	-	-	4,479	-	-	54,479	54,479
	35 IHS-Discretionary	335900 100310-Office of Health Executive Director	New	-	50,000	-	-	4,479	-	-	54,479	54,479
	85 Private	335605 000000-RWJ Healthy Nations	New	-	18,050	-	-	2,695	-	-	20,745	20,745
	85 Private	335605 000000-RWJ Healthy Nations	New	-	18,050	-	-	2,695	-	-	20,745	20,745
07 Health Services Total				-	118,050	-	-	11,873	-	-	129,923	129,923
09 Community Development	20 DOI-General	320009 000000-USGS Mandata	New	-	68,050	-	-	7,174	-	-	75,224	75,224
	20 DOI-General	320119 000000-Honey Hill Construction	New	-	11,148	-	-	852	-	-	12,000	12,000
	20 DOI-General	320124 000000-Salina Clinic Road Construction	New	-	6,000	-	-	-	-	-	6,000	6,000
	20 DOI-General	320125 001000-Nicot West Phase II Construction	New	-	6,000	-	-	-	-	-	6,000	6,000
	20 DOI-General	320125 001000-Nicot West Phase II Administration	New	-	1,850,090	-	-	-	-	-	1,850,090	1,850,090
	20 DOI-General	320125 001000-Nicot West Phase II Administration	New	-	1,850,090	-	-	-	-	-	1,850,090	1,850,090
	31 IHS-Self Governance-TEH	331300 089004-Sherkiler Hollow	New	-	133,467	-	-	16,533	-	-	150,000	150,000
	31 IHS-Self Governance-TEH	331300 089005-Adair County Solid Waste	New	-	2,006,705	-	-	17,385	-	-	2,024,090	2,024,090
	31 IHS-Self Governance-TEH	331300 089005-Adair County Solid Waste	New	-	2,006,705	-	-	17,385	-	-	2,024,090	2,024,090
	60 EPA	360029 000000-RCRA LUST	New	-	73,000	-	-	35,086	-	-	108,086	108,086
	60 EPA	360029 001000-RCRA LUST	New	-	310,000	-	-	5,532	-	-	315,532	315,532
	60 EPA	360029 001000-RCRA LUST	New	-	310,000	-	-	5,532	-	-	315,532	315,532
	60 EPA	360029 001000-RCRA LUST	New	-	32,629	-	-	4,871	-	-	37,500	37,500
	60 EPA	360029 001000-RCRA LUST	New	-	32,629	-	-	4,871	-	-	37,500	37,500
	60 EPA	360030 000000-GAP SPECIAL PROJECT	New	-	44,804	-	-	5,196	-	-	50,000	50,000
	60 EPA	360030 000000-GAP SPECIAL PROJECT	New	-	44,804	-	-	5,196	-	-	50,000	50,000
09 Community Development Total				-	2,426,767	-	-	73,041	-	-	2,499,808	2,499,808
Grand Total				-	2,773,709	-	-	117,706	-	-	2,891,415	2,891,415