

# An Act

**Legislative Act: 21-18**

**AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2019 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 2019”.

**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 2019 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 2019 Capital Appropriations budget is \$167,732,803. 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.

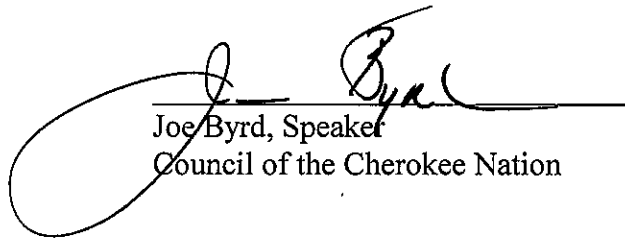
**Section 8 Severability**

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.

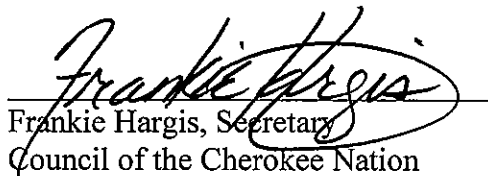
**Section (code section) 8. Emergency declared**

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.

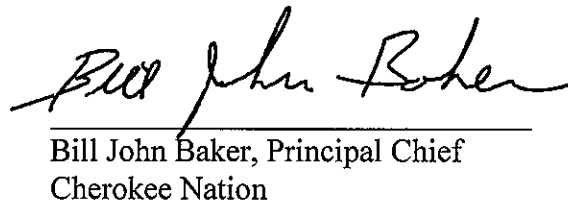
Enacted by the Council of the Cherokee Nation on the 10<sup>th</sup> day of September, 2018.

  
Joe Byrd, Speaker  
Council of the Cherokee Nation

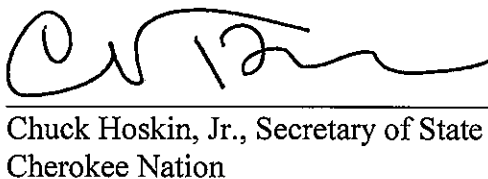
ATTEST:

  
Frankie Hargis, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 13<sup>th</sup> day of September, 2018.

  
Bill John Baker, Principal Chief  
Cherokee Nation

ATTEST:

  
Chuck Hoskin, Jr., 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>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Dr. Mike Dobbins	<u>Yea</u>	Buel Anglen	<u>Yea</u>
E.O. "Jr" Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Bryan Warner	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Mary Baker Shaw	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Wanda Hatfield	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

**CHEROKEE NATION  
FY2019 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>\$ 887,032,735</b>	<b>\$ 886,978,603</b>	<b>\$ 54,132</b>	
1.	Contributions and Donations	Office of the Principal Chief	General Fund	1010042	-	2,000	(2,000)	No-we-ta Community Organi
2.	Contributions and Donations	Office of the Principal Chief	General Fund	1010042	-	(15,000)	15,000	remove discontinued organiz
3.	Cash Reserve Fund	Financial Resources	General Fund	1010300	-	2,472	(2,472)	increase in cash reserve cal
4.	Tribal Council	Tribal Council	General Fund	1010700	-	-	-	change at large community r
5.								
6.								
7.								
8.								
9.								

**Total Adjustments to Proposed Budget** **\$ - \$ (10,528) \$ 10,528**

**Total FY2019 Budget After Adjustments** **\$ 887,032,735 \$ 886,968,075 \$ 64,660**

**Itemized Adjustments by Funding Sources**

General Fund - Proposed	102,547,980	102,493,848	54,132
Adjustments	-	(10,528)	10,528
<b>General Fund - Adjusted</b>	<b>102,547,980</b>	<b>102,483,320</b>	<b>64,660</b>

**Total of Adjustments** **\$ - \$ (10,528) \$ 10,528**

**APPROPRIATION RECONCILIATION:**

Capital Budget - Proposed	167,220,303	167,732,803	(512,500)
Adjustments	-	-	-
<b>Capital Budget - Adjusted</b>	<b>167,220,303</b>	<b>167,732,803</b>	<b>(512,500)</b>

Operating Budget - Proposed	719,812,432	719,245,800	566,632
Adjustments	-	(10,528)	10,528
<b>Operating Budget - Adjusted</b>	<b>719,812,432</b>	<b>719,235,272</b>	<b>577,160</b>

**\$ 887,032,735 \$ 886,968,075 \$ 64,660**

Cherokee Nation  
 FY 2019 Comprehensive Budget  
 Uses of Funds by Funding Source  
 For Internal Purposes Only Not For Distribution

BUDGET TYPE	CAPITAL
SOURCE/USE	Use

Row Labels	2019 BUDGET	2018 BUDGET	Increase / (Decrease)
<b>01-TRIBALLY FUNDED</b>	<b>5,202,212</b>	<b>5,473,895</b>	<b>(271,683)</b>
<b>09-COMMUNITY SERVICES</b>	<b>394,820</b>	<b>300,421</b>	<b>94,399</b>
1010464 Tribal Bridge Program	394,820	300,421	94,399
<b>11-MANAGEMENT RESOURCES</b>	<b>4,807,392</b>	<b>5,173,474</b>	<b>(366,082)</b>
1010306 Facilities Improvement	400,000	400,000	-
1012500 Land Acquisitions	4,407,392	4,773,474	(366,082)
<b>02-MOTOR FUELS TAX</b>	<b>2,218,168</b>	<b>2,218,168</b>	<b>-</b>
<b>09-COMMUNITY SERVICES</b>	<b>2,218,168</b>	<b>2,218,168</b>	<b>-</b>
1022020 MFT Reserves Roads	2,218,168	2,218,168	-
<b>05-MOTOR VEHICLE TAX</b>	<b>7,751,671</b>	<b>7,751,671</b>	<b>-</b>
<b>09-COMMUNITY SERVICES</b>	<b>7,751,671</b>	<b>7,751,671</b>	<b>-</b>
1052000 MVT Highways Const	7,751,671	7,751,671	-
<b>19-DEPT OF TRANSPORTATION</b>	<b>72,048,214</b>	<b>72,048,214</b>	<b>-</b>
<b>09-COMMUNITY SERVICES</b>	<b>71,971,377</b>	<b>71,971,377</b>	<b>-</b>
3190000 DOT FHWA Roads	71,971,377	71,971,377	-
<b>27-SECRETARY OF NATURAL RESOURCES</b>	<b>76,837</b>	<b>76,837</b>	<b>-</b>
3190010 Roads Environmental Review	76,837	76,837	-
<b>21-DOI SELF GOVERNANCE ROADS</b>	<b>5,861,281</b>	<b>8,312,217</b>	<b>(2,450,936)</b>
<b>09-COMMUNITY SERVICES</b>	<b>5,861,281</b>	<b>8,312,217</b>	<b>(2,450,936)</b>
3211000 DOI IRR Roads Construction	5,861,281	8,312,217	(2,450,936)
<b>32-IHS SELF GOVERNANCE HEALTH</b>	<b>2,500,000</b>	<b>13,538,846</b>	<b>(11,038,846)</b>
<b>07-HEALTH SERVICES</b>	<b>2,500,000</b>	<b>13,538,846</b>	<b>(11,038,846)</b>
3329030 Health Equipment Replacement	2,500,000	13,538,846	(11,038,846)
<b>75-FEDERAL OTHER</b>	<b>1,141,462</b>	<b>1,141,462</b>	<b>-</b>
<b>09-COMMUNITY SERVICES</b>	<b>1,141,462</b>	<b>1,141,462</b>	<b>-</b>
3753300 Federal Transit Program	1,141,462	1,141,462	-
<b>96-CAPITAL PROJECTS</b>	<b>71,009,795</b>	<b>160,806,527</b>	<b>(89,796,732)</b>
<b>07-HEALTH SERVICES</b>	<b>9,660,000</b>	<b>10,160,427</b>	<b>(500,427)</b>
7963000 Muskogee Clinic	1,000,000	1,271,092	(271,092)
7966000 Vinita Clinic Construction	-	206,647	(206,647)
7967000 Salina Dental Construction	-	22,688	(22,688)
7968300 Health Facilities Equipment	8,660,000	8,660,000	-
<b>11-MANAGEMENT RESOURCES</b>	<b>61,349,795</b>	<b>150,646,100</b>	<b>(89,296,305)</b>
7965500 Tribal Complex Construction	156,541	156,541	-
7965600 Heritage Center Archives	1,990,000	2,000,000	(10,000)
7965700 Registration Dept Vault Expans	1,000,000	1,000,000	-
7969000 Hastings New Facility Constrct	58,203,254	147,489,559	(89,286,305)
<b>Grand Total</b>	<b>167,732,803</b>	<b>271,291,000</b>	<b>(103,558,197)</b>