

An Act

LEGISLATIVE ACT 8-00

AN ACT APPROPRIATING MOTOR FUEL TAX APPROPRIATIONS ACT FOR FISCAL YEAR 2000 AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION: the budget authority for the FY 2000 is increased by \$2,000,000.00, for a total budget authority of \$159,020,451.00 and approved to become effective immediately and shall remain effective through the close of Fiscal Year 2000.

SECTION ONE: TITLE

This act shall be entitled: **Motor Fuel Tax Education Trust Appropriation Act**

SECTION TWO: PURPOSE

The purpose of this enactment is to appropriate and authorize the expenditure of motor fuel tax revenues collected per contract by the State of Oklahoma on behalf of the Tribe. Per the contract, expenditure of these funds is limited to Tribal government programs for highway and bridge construction, health, education, corrections, and law enforcement.

SECTION THREE: LEGISLATIVE HISTORY

- A. The Constitution of the Cherokee Nation at Article X and CNCA, Title 62, provides that fiscal responsibilities are vested with the Tribal Council.
- B. The Constitution of the Cherokee Nation, Article X, Section 2 provides "The Council shall provide by law for annual expenditure of funds, and the source from which funds are to be derived to defray the estimated expenses of the Executive, Council, Cabinet and Departments of Government of the Cherokee Nation for each fiscal year. The budget shall not exceed estimated revenues."
- C. CNCA, Title 62, Section 31, sub-section A provides "All appropriations of funds shall be provided for by law. The appropriations bill shall include the source of funds, the amount of funds, and the purpose for which the funds are being appropriated."
- D. CNCA, Title 62, Section 31, sub-section C provides "Any funds received by the Cherokee Nation, the use of which is determined by the granting or contracting agency, shall be used only for those purposes and under those conditions for which the funds are made available. The funds shall not be appropriated by the Council, but shall be subject to review by the Council."
- E. CNCA, Title 62, Section 32, sub-section C provides "The Executive and Finance Committee, upon direction of the Secretary – Treasurer and with advisement from the Controller, shall be responsible for proposing amendments to the annual appropriations law based upon material changes in real or estimated revenues and expenditures that affect the total amounts budgeted. Any amendments provided for in this subsection shall be presented to the full Council for consideration and passage."

SECTION FOUR: ESTIMATED REVENUES: IDENTIFICATION OF REVENUES AND FUNDING SOURCE: APPROPRIATIONS: PURPOSE OF ESTIMATED EXPENDITURES: IDENTIFICATION OF FUNDING SOURCE

BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION that the amount of \$2,000,000.00 hereby appropriated from Motor Fuel Tax revenues to be held in trust for Higher Education Scholarships – Non-PELL.

BE IT FURTHER ENACTED BY THE COUNCIL OF THE CHEROKEE NATION that an amount equal to twenty-five percent (25%) of each future Motor Fuel Tax check received from the State of Oklahoma shall be set aside and expended for Higher Education Scholarships – Non-PELL.

BE IT FURTHER ENACTED BY THE COUNCIL OF THE CHEROKEE NATION that the funds appropriated in this Act now, and the future appropriation contemplated, shall be deposited in a trust under an account separate from all other Cherokee Nation funds. These funds are to bear interest and accumulate and shall not be distributed, expended or encumbered until the end of the Motor Fuel Compact, which will terminate on July 1, 2017.

BE IT FURTHER ENACTED BY THE COUNCIL OF THE CHEROKEE NATION that the Secretary/Treasurer for the Cherokee Nation shall select a financial institution to invest these funds.

BE IT FURTHER ENACTED BY THE COUNCIL OF THE CHEROKEE NATION that the Education Trust Fund created by this Act will be administered by the Tribal Council. The Council shall report in regular session the status of the Education Trust Fund no fewer than on a quarterly basis.

BE IT FURTHER ENACTED BY THE COUNCIL OF THE CHEROKEE NATION that at the end of the Motor Fuel Compact, the interest from the monies deposited shall be used and expended for Higher Education Scholarships – Non-PELL.

SECTION FIVE: APPROVAL OF FUNDING ADJUSTMENTS

As required by 62 C.N.C.A. § 32, sub-section C, any amendments to the appropriations contained herein, based upon material changes in real or estimated revenues and expenditures that affect the total amounts budgeted, shall be presented to the full Council for consideration and passage.

SECTION SIX: SEVERABILITY

The provisions of this act are severable and if at 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.

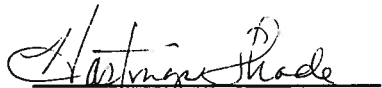
SECTION SEVEN: AMENDMENT

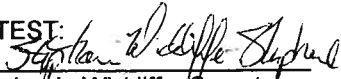
This act amends and supercedes all conflicting Acts.

SECTION EIGHT: EFFECTIVE DATE: EMERGENCY


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 immediately upon its approval and signatures.


Passed by the Cherokee Nation Tribal Council on the 14th day of February, 2000.


Hastings Shade, President
Cherokee Nation Tribal Council

ATTEST:

Stephanie Wickliffe, Secretary
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 14th day of February 2000.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:

Jim Parris, Secretary – Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED

John 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 Keener	<u>Yea</u>
Jackie Bob Martin	<u>Yea</u>	Harold DeMoss	<u>Yea</u>
Mary Flute-Cooksey	<u>Yea</u>	Dorothy McIntosh	<u>Yea</u>
David 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>		