

# An Act

## Legislative Act 30-07

### AN ACT AMENDING LEGISLATIVE ACT 04-05, THE FISCAL POLICY AND RESPONSIBILITY ACT AMENDMENTS OF 2005 AND DECLARING AN EMERGENCY

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

#### Section 1. Title and Codification

This act shall be known as the “**Fiscal Policy and Responsibility Act Amendments of 2007**,” and codified as \_\_\_\_\_ (Title) \_\_\_\_\_ (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

#### Section 2. Purpose

The purpose of this Act is to amend the Fiscal Policy and Responsibility Act Amendments of 2004,” which authorized a line of credit to be utilized in satisfying the permanent Cash Reserve required by Legislative Act 5-02, and to permanently provide for operating cash needs of the Nation. This amendment is necessary to change Section 2 (D) of the Act, to exclude budgeted transfers between funds.

#### Section 3. Legislative History

- A. The Constitution and laws of the Cherokee Nation, including Title 62 of the Cherokee Nation Code Annotated (CNCA) provide the requirements for appropriations, review and authorization for the use of all funds.
- B. Section 7 of Article X of the Cherokee Constitution, and 62 CNCA § 61 contain the specific requirements for pledges of credit of the Cherokee Nation.
- C. Legislative Act 5-02, dated January 29, 2002, the “Fiscal Policy and Responsibility Act of 2002” provides in part for a permanent Cash Reserve to be maintained at 1.75% of total authorized appropriations in the annual comprehensive budget each year.
- D. Legislative Act 28-04, dated July 12, 2004, the “Fiscal Policy and Responsibility Amendments of 2004” amended LA 5-02, authorized the Principal Chief or his/her designee to negotiate and execute documents to secure a line of credit not to exceed \$5,000,000, and contained other provisions related to same.
- E. Legislative Act 04-05 eliminated Section G.I.F. stating that a waiver of sovereign immunity is not associated with a line of credit.
- F. All other applicable resolutions, statutes and Court decisions are hereby acknowledged.

#### Section 4. Amendments

Legislative Act 04-05 is hereby amended as follows:

##### Section 2 (D)

“To authorize the establishment of a permanent Cash Reserve Fund to be maintained at 1.75% of total authorized appropriations in the annual comprehensive budget, **excluding budgeted transfers between funds**, for each and every subsequent year hereafter, such amount to be adjusted annually with the passage of the initial budget adopted by the Cherokee Nation.

**Section 5. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**Section 6. Severability**

The provisions of this act are severable and if any part of 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.

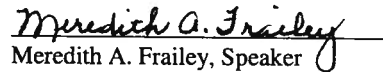
**Section 7. Emergency declared**

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.


**Section 8. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.


Enacted by the Council of the Cherokee Nation on the 16<sup>th</sup> day of July, 2007.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

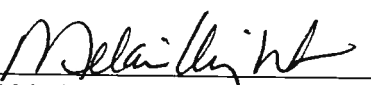
ATTEST:

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23<sup>rd</sup> day of July, 2007.

  
Chad Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Audra Smoke-Conner	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	John F. Keener	<u>Yea</u>
Jackie Bob Martin	<u>Absent</u>	Cara Cowan	<u>Yea</u>
Phyllis Yargee	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	William G. Johnson	<u>Yea</u>
Don Garvin	<u>Yea</u>	Charles "Chuck" Hoskin	<u>Yea</u>
Linda Hughes-O'Leary	<u>Absent</u>	Jack D. Baker	<u>Yea</u>
Taylor Keen	<u>Yea</u>		