



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
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Title: AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 2; AND DECARING AN EMERGENCY
Sponsors: Jack D. Baker, Cara Cowan Watts
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12/23/2008	1	OFFICE OF THE CHIEF	Signed	
12/15/2008	1	TRIBAL COUNCIL	Approved	Pass
11/20/2008	1	EXECUTIVE AND FINANCE COMMITTEE	Approved and Forwarded to Council	Pass

AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 2; AND DECARING AN EMERGENCY BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. TITLE AND CODIFICATION

This legislative act shall be titled and codified as “**An Act Amending Legislative Act #19-08 Authorizing the Comprehensive Budget for Fiscal Year 2009 - Mod. 2**”.

SECTION 2. PURPOSE

The purpose of this amendment is to authorize and approve the use of funds, subject to the availability of such funds, in accordance with Section 4, changing the amounts of certain cost centers approved in the “Comprehensive Budget Act for Fiscal Year 2009” or subsequent amendment. The cumulative total of the budget is increased by **\$3,472,978** for a total budget authority of **\$489,002,128**. The following items are identified as estimated General Fund sources in excess of appropriated uses to wit:

	Previous Balance	Estimated Sources	Estimated <Uses>	Adjusted Balance
A. General Fund	\$2,147	\$7,059,496	<\$3,822,043>	\$3,239,600
B. Motor Fuels Tax	\$0	\$100,828	<\$100,828>	\$0

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #19-08 are applicable to this amendment.

SECTION 4. FUNDING AUTHORIZATIONS

The changes reflect increases to cost centers set forth in the program budget justifications incorporated herein. This amendment changes the total amount of the comprehensive budget authorization by a net increase of **\$3,472,978** to wit:

- A. A net increase in the **General Fund** budget authority of **\$3,822,043** primarily related to tobacco tax rebates and surtax carryover for cancer and diabetes treatment and prevention.
- B. An increase in the **Motor Fuels Tax Fund** budget authority of **\$100,828** related to the Cemetery Preservation carryover funding from the prior year.
- C. A reallocation in the **Indirect Cost Pool** resulting in **\$0** budget impact related to a consolidation of activities within the IDC Pool. The previously separated Asset and Materials Management functions are being combined with Support Services.
- D. A decrease in the **Tribal Force Account** budget authority of **<\$107,900>** related to the discontinued environmental reviews to be conducted for the Roads and Realty departments by the Environmental Protection group.
- E. A decrease in the **Housing Proceeds Fund** budget authority of **<\$1,025,979>** to transfer the proceeds from the low rent housing program to the housing Operating Subsidy budget.
- F. An increase in the **NAHASDA Fund** budget authority of **\$683,986** related to a housing Operating Subsidy budget increase due to low rent housing proceeds.

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 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 7. EFFECTIVE DATE: 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 immediately upon its approval and signatures.

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.