



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
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Legislation Details (With Text)

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Title: AN ACT AMENDING LEGISLATIVE ACT #19-08 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2009 - MOD 3; AND DECLARING AN EMERGENCY
Sponsors: Jack D. Baker, Cara Cowan Watts
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Date	Ver.	Action By	Action	Result
1/20/2009	1	OFFICE OF THE CHIEF	Signed	
1/12/2009	1	TRIBAL COUNCIL	Approved	Pass
12/16/2008	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 3; AND DECLARING 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. 3**”.

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 **\$3,965,111** for a total budget authority of **\$499,253,766**. 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	\$3,239,600	\$100,000	<\$635,513>	\$2,704,087
B. Motor Fuels Tax	\$0	\$2,000,000	<\$2,000,000>	\$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 **\$3,965,111** to wit:

- A. An increase in the **General Fund** budget authority of **\$635,513** related to an increase in funding availability for grant cash matching requirements and discretionary health spending.
- B. An increase in the **Motor Fuels Tax Fund** budget authority of **\$2,000,000** related to transfer requirements of the fund for previously appropriated programs and activities.
- C. A decrease in the **Housing Proceeds Fund** budget authority of **<\$1,100,000>** related to a consolidation of the Rural Rental Operating budget with Housing Management activities.
- D. An increase in the **Internal Lease Fund** budget authority of **\$250,000** related to a remodel project in the west end of the W.W. Keeler Complex building to be occupied by the various group leaders and their assistances.
- E. A reallocation in the **I.H.S. - Self Governance Health Fund** in the amount of \$1,064,132 resulting in **\$0** net impact to the total budget authority. This reallocation is primarily related to the transfer of Hastings staff and related costs moving into the appropriate Billing and Finance Departments budgets; as well as a transfer to the General Fund for Health Department's discretionary spending.
- F. A net increase in the **NAHASDA Fund** budget authority of **\$2,150,158** primarily related to carryover funds from the 2007 Indian Housing Plan as well as a new Road Improvement initiative funded by the 2008 Indian Housing Plan.
- G. An increase in the **Other Funding** budget authority of **\$29,440** related to the Cherokee Home Mortgage Program's prior year carryover funding.

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.