



Legislation Text

File #: 07-032, Version: 1

AN ACT AMENDING LEGISLATIVE ACT #26-06 AUTHORIZING THE COMPREHENSIVE BUDGET FOR FISCAL YEAR 2007 - MOD 5; 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 #2606 Authorizing the Comprehensive Budget for Fiscal Year 2007 - Mod. 5".

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 2007" or subsequent amendment. The cumulative total of the budget is increased by \$18,249,242 for a total budget authority of \$395,401,893. The following items are identified as estimated General Fund sources in excess of appropriated uses to wit:

Table with 2 columns: Item Name (A. General Fund B. Motor Fuels Tax) and Balance Sources (Previous Estimated, Estimated, Adjusted, Balance Sources). Values include \$4,032,732, \$4,526,701, \$6,144,951, \$2,414,482, \$326,631, \$0, and \$326,631.

SECTION 3. LEGISLATIVE HISTORY

The provisions of compliance, policy of accountability, authorities and severability provided in Legislative Act #26-06 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 an increase of \$18,249,242, to wit:

- A. An increase in the General Fund budget authority of \$6,144,951 related to several program's carryover funding as well as several new initiatives.
B. A net decrease in the Motor Vehicle Tax Fund budget authority of \$11,352 related to carryover adjustments and prior year revenue apportionments.
C. An increase in the Tribal Force Account Fund budget authority of \$53,654 related to the Environmental Protection Commission.
D. An increase in the Enterprise Fund budget authority of \$50,000 related to the Landfill
E. An increase in the DOI-General Fund budget authority of \$7,900,350 related to special construction funding and indirect cost shortfall funding for Sequoyah High School as well as carryover authority on the fire fighter program.
F. An increase in the DOI-Self Governance Fund budget authority of \$235,739 to transfer funds related to SHS shortfall of indirect cost funding, additional realty funding and a new Mineral Assessment grant related to the Wind Energy Development Project.
G. An increase in the IHS Self Governance - Health Fund budget authority of \$95,000 related to an Optometry contract with Northeastern State University
H. An increase in the I.H.S. Self-Governance T.E.H. Fund budget authority of \$77,021 related to a solid waste cleanup project.
I. An increase in the DHHS - General budget authority of \$186,274 related to the Compassion Capital Fund prior year carryover funding.

J. An increase in the NAHASDA Fund budget authority of \$3,869,805 related to Housing Authority's Mortgage Assistance and Title VI Subsidy from the 2005 Indian Housing Plans .

K. A decrease in the Capital Projects Fund budget authority of <\$250,000> pursuant to a change in accounting treatment of the Pow-Wow grounds improvement project.

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.

Passed by the Cherokee Council on the 12th day of March , 2007