



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Text

File #: LA-19-99, Version: 1

An Act

Legislative Act 19-99

AN ACT AUTHORIZING AND APPROVING THE FISCAL YEAR 2000

BUDGET; AND DECLARING AN EMERGENCY

SECTION 1. Title And Codification.

This legislative act shall be titled and codified as "The Comprehensive Budget for Fiscal Year 2000."

SECTION 2. Purpose.

TO COMPLY WITH THE CHEROKEE CONSTITUTION, TO AUTHORIZE FUNDING FOR GOVERNMENTAL OPERATIONS AND TO PROVIDE FULL DISCLOSURE OF FINANCES, EXPENDITURES AND REVENUES OF THE NATION.

A. The purpose of this enactment is intended to authorize, approve and ratify appropriations and expenditures of all funds made available from all sources.

B. The use of such funds shall be subject to public disclosure.

C. The funding sources of this budget are for operations of the Cherokee Nation's Executive, Judicial and Legislative Departments (Branches), including any authorized Commissions or Boards.

D. The funding sources may include funds from compacts, grants, contracts, miscellaneous sources and contributions, dividends, revenues of enterprises, taxes, special and general fund sources, indirect costs or trust funds.

SECTION 3. Policy of Accountability.

A. All funds under the care of the Cherokee Nation shall only be expended as authorized by this enactment unless amended.

13. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any source may be prosecuted according to applicable criminal statutes.

C. The enactment of this Act or any part thereof, does not ratify, condone or legalize any prior expenditures which were incurred contrary to Cherokee law. Any unauthorized expenditures, misappropriations, or other illegal acts involving the finances of the Cherokee Nation or any of its subsidiaries may be prosecuted under applicable law and/or other appropriate administrative or legal remedies may be pursued.

SECTION 4. Legislative History.

A. The Constitution of the Cherokee Nation provides that fiscal responsibilities are vested with the Tribal Council.

B. The Budget Estimates for Fiscal Year 2000 to document and justify expenditures are incorporated herein.

C. All previous resolutions, statutes and relevant Court Decisions as may be applicable are acknowledged.

D. This enactment shall govern the proper use of all funds expended, obligated or encumbered legitimately for use during the course of business for Fiscal Year 2000. No other expenditure or use is authorized except as provided herein or as provided by subsequent amendments to this authorization.

SECTION 5. Authorities Governing The Use of Funds.

A. The Constitution of the Cherokee Nation.

B. Cherokee Nation Statutes. See the Cherokee Nation Code Annotated (CNCA).

C. Applicable Federal law and regulations regarding compacts, grants and use of trust funds.

SECTION 6. Funding Allocations and Justifications.

A. The allocations from all sources of revenues have been proposed as estimates and justified by the Principal Chief for the Executive, the Chief Justice of the Judicial Appeals Tribunal for the Judiciary and Legislative by the Chairman of the Executive and Finance Committee for the Council of the Cherokee Nation.

B. These proposed allocations for funding are hereby approved as set forth in the justifications contained in the Budget Estimates Fiscal Year 2000 as amended, subject to the availability of funds as projected and estimated. The justifications are incorporated herein by reference.

SECTION 7. Amounts Authorized, Adjustments, and Direction of Use of Funds Allocated.

A. The Executive, Judicial and Legislative Departments (Branches) are authorized to expend such funds as set forth in the estimates subject to the continued availability of revenues.

B. The Executive shall provide financial reports on a monthly and quarterly basis in compliance with the Cherokee Constitution and laws and as the Tribal Council directs.

SECTION 8. 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 9. Amendment

This Act modifies all previous enactments relative to the budget and provides spending authority for continuing operations for Fiscal Year 2000, except those of a continuing nature previously appropriated, such as the funds allocated for scholarships and medical necessities which are carried forward to this fiscal year from Motor Fuels Tax appropriations previously enacted.

SECTION 10. Effective Date: Emergency

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares an emergency exists, by reason whereof this act shall take effect immediately upon its approval and signatures.

BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION, that this authorization is approved to become effective immediately and shall remain effective through the close of Fiscal Year 2000.

Passed by the Cherokee Council on the 29th day of SEPTEMBER, 1999.

Hastings Shade, President Cherokee Nation Council

ATTEST: Secretary Cherokee Nation Tribal Council
Approved and signed by the Principal Chief this 1ST day of OCTOBER, 1999.
Chadwick Smith Principal Chief Cherokee Nation
ATTEST: Secretary/Treasurer Cherokee Nation

YEAS AND NAYS AS RECORDED:

John A. Ketcher	YEA	Melvin Shotpouch	ABSENT	
Don Crittenden	YEA	Stephanie Wickliffe	YEA	
Harold A "Jiggs" Phillips	YEA	John F. Keener	YEA	
Jackie Bob Martin	YEA	Harold DeMoss	YEA	
Mary Flute-Cooksey	NAY	Dorothy Jean McIntosh	YEA	
David W.W. Thornton, Sr.	YEA	Nick Lay	YEA	
Don Garvin		YEA	Charles Chuck Hoskin	ABSENT
Barbara Starr-Scott	YEA			