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OSAGE NATION CONGRESS

2nd Special Session of the 1st Legislature (2007)

BILL NUMBER ONCA 07-05

ENROLLED

November 27, 2006

AUTHOR: Congressman William “Kugee” Supernaw

SPONSOR(S): Congressman Mark Simms, Congressman Anthony Shackelford,
Congresswoman Jerri Jean Branstetter, Congresswoman Faren
Revard Anderson, Congressman Doug Revard

An Act

To Prohibit Spending of Osage Nation funds without Appropriation.

Be it enacted by the Congress of the Osage Nation:

SECTION 1. DEFINITIONS

- A. Treasury of the Osage Nation. The place where the revenues of the Osage Nation are deposited and kept and from which money is disbursed to defray government expenses for the benefit of the Osage people.
- B. Department of the Treasury. The Department of Treasury in the Executive Branch established by Osage law pursuant to the authority granted in Art. VII Sec. 13.
- C. Money. Assets that can be converted into cash, including demand deposits; capital that is invested or traded as a commodity, including money market funds; certificates of deposit; cash in the form of money or its equivalent, including currency coins, negotiable checks and balances in bank accounts; paper documents that circulate as currency; bills or other forms of indebtedness drawn by a government against its own credit; or any other medium of exchange as currency.
- D. Resolution. The form of law used by the Osage Tribal Council, the former governing body of the Osage Tribe of Indians of Oklahoma as established by Act of June 28, 1906.

48 **SECTION 2. TEXT OF BILL**

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- 50 A. No Money shall be drawn from the Treasury of the Osage Nation, except by
51 Appropriation in accordance with the Constitution and the Osage Nation Law.

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53 **SECTION 5. REPEALER**

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- 55 A. Any Osage Tribal Council Resolution appropriation that is unencumbered beyond
56 the effective date of this Law is hereby repealed.

57 B.

- 58 C. Any branch of the Osage Government, program, operation, enterprise, or other
59 entity that is presently drawing funds from the Osage Nation Treasury on the
60 basis of any Osage Tribal Council Resolution and not from any appropriations
61 from the Osage Nation Congress shall report same to the Principal Chief by
62 December 1, 2006.

63

- 64 D. The Principal Chief of the Osage Nation shall submit to the Osage Congress any
65 necessary and required budget modifications for the current fiscal year to continue
66 any funding for any branch of the Osage Government, program, operation,
67 enterprise, or other entity that is presently drawing funds from the Osage Nation
68 Treasury on the basis of any Osage Tribal Council Resolution and not from any
69 appropriations from the Osage Nation Congress on or before December 31, 2006.

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71 **SECTION 6. EFFECTIVE DATE**

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73 This Act shall become effective as Law on February 1, 2007.

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76 ENACTED by the Osage Nation Congress on this first day of December, 2006.

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79 IN WITNESS WHEREOF, the Speaker of the Osage Nation Congress has
80 hereto attached his signature.

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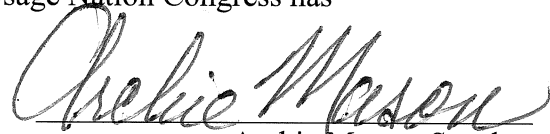
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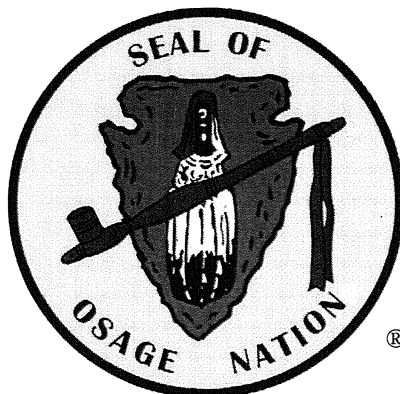
Archie Mason, Speaker
Osage Nation Congress

CERTIFICATION

I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING IS A TRUE EXTRACT
FROM THE MINUTES OF THE Osage Nation Congress comprised of twelve
members and one ex-officio member with ten members attending this meeting on
the first day of December, 2006, and that the above is in conformity with the
provisions therein adopted by a vote of nine in favor, zero against, zero
abstentions, and three absent.

Office of the Principal Chief
Osage Nation

KA.SA.KA
Jim Gray
Principal Chief



KA.SA.KA O.SA.DZA
John D. Red Eagle
Assistant Principal Chief

EXECUTIVE VETO MESSAGE

December 7, 2006

The Honorable Archie Mason, Speaker of the Osage Nation Congress
Members of the 1st Osage Nation Congress

Dear Mr. Speaker and Members of the 1st Osage Nation Congress:

I hereby transmit pursuant to the provisions of Section 11 of Article VII and Section 13 of Article VI of the Osage Nation Constitution, a statement of items to which I object and which I do not approve, contained in Bill ONCA 07-05, entitled:

“An Act to Prohibit Spending of Osage Nation Funds without Appropriation.” Inclusive

My reason for vetoing this bill is as follows:

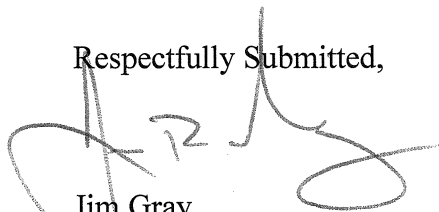
This legislation mandates that all funds drawn from the Treasury of the Osage Nation must be appropriated by the Osage Nation Congress and also provides for repeals of any unencumbered Osage Tribal Council Resolution appropriation. I am returning Bill ONCA 07-05 without my signature due to the potentially serious unintended consequences associated with enacting the bill. This is, in my opinion, a very important bill that requires an in depth examination of the potential consequences. For example, this bill, once enacted, may invalidate the expenditure of, or violate requirements for receiving, dedicated funds, including Osage tribal trust funds for minerals administration. The Osage Nation’s dedicated funds are generally directed toward Osage Nation Programs and include federal funds, state block grants, and personal or private donations.

On numerous times throughout the government reformation process, we heard that the new government should not interfere with the revenues derived from minerals management activities, and that shareholder interests should be protected. I am deeply concerned that the dedicated funds derived from the Osage Mineral Estate, which are paid into federal trust fund accounts and then drawn into the Treasury of the Osage Nation for the administration of minerals, could be subject to political whim. I am patently opposed to any bill that implicitly grants the Osage Nation Congress discretion in appropriating mineral trust funds to the Osage Minerals Council. With no prior legislative history of exceptions carved out for in the definition of funds or money, I believe the ramifications of this bill are harmful to the interests of the Nation.

It is my duty to raise additional objections to certain provisions in this proposed bill that, if enacted, would have potentially significant negative impacts on the Nation. The provision in Section 5 of this bill repeals any Osage Tribal Council Resolution appropriation. A thorough assessment of the impact on Programs, operations, enterprises and other entities drawing funds from the Nation should be required prior to a blanket repealer being enacted. In the likely event that a program receiving federal funds was required to receive authorization from the Tribal Council through a Resolution, and matching funds were appropriated in the same Resolution, repealing that Resolution or portions of that Resolution could violate the requirements for receiving the funds.

This bill presents sufficient difficulties, concerns and uncertainties to warrant a veto.

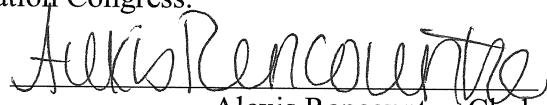
Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jim Gray', is written over the typed name. The signature is stylized and somewhat cursive.

Jim Gray
Principal Chief

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|-----|------------------------|--------|
| 95 | Faren Revard Anderson | yes |
| 96 | Jerri Jean Branstetter | absent |
| 97 | Shannon Edwards | absent |
| 98 | Mark Freeman | yes |
| 99 | Debra Littleton | yes |
| 100 | Archie Mason | yes |
| 101 | Raymond Red Corn | yes |
| 102 | Eddy Red Eagle, Jr. | yes |
| 103 | Doug Revard | yes |
| 104 | Anthony Shackelford | yes |
| 105 | Mark Simms | absent |
| 106 | William Supernaw | yes |

Said Bill has not been rescinded or amended in any way and the above is the signature of the Speaker of the Osage Nation Congress.


 Alexis Rencountre, Clerk
 Osage Nation Congress

APPROVAL

I, the Principal Chief of the Osage Nation, hereby affix my signature this day ____ of December, 2006, to the above Bill No. ONCA 07-05 authorizing it to become a law under the Constitution of the Osage Nation.

 Jim R. Gray, Principal Chief
 Osage Nation

VETO OVERRIDE CERTIFICATION

I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING IS A TRUE EXTRACT FROM THE MINUTES OF THE Osage Nation Congress comprised of twelve members and one ex-officio member with twelve members attending this meeting on the 8th day of December, 2006, and that the foregoing veto override was approved by a three-fourths vote of the Osage Nation Congress in accordance with the Constitution of the Osage Nation Article VI, Section 13. This provision was adopted by a vote of 9 in favor, 3 against, and 0 abstentions.

| | |
|--------------------------|-----|
| Faren Revard Anderson | yes |
| Jerri Jean Branstetter | yes |
| Shannon Edwards | no |
| Mark Freeman | no |
| Debra Littleton | no |
| Speaker Archie Mason | yes |
| Raymond Red Corn | yes |
| Eddy Red Eagle, Jr. | yes |
| Doug Revard | yes |
| Anthony Shackelford | yes |
| Mark J. Simms | yes |
| William "Kugee" Supernaw | yes |


Alexis Rencountre, Clerk
Osage Nation Congress