HUU-AY-AHT FIRST NATIONS



DRAFT NO. 1 BUDGET ACT, 2013

The Huu-ay-aht Legislature enacts this law to establish spending authority and borrowing authority for the fiscal year beginning April 1, 2013 and to retroactively reallocate spending authorities and establish borrowing authority for the fiscal year beginning April 1, 2012

REGISTRY OF LAWS CERTIFICATION

I certify that the *Budget Act, 2013* passed Third Reading in the Legislature on:

_____

_____
Chief Councillor Jeff Cook

I certify that the *Budget Act, 2013* is enacted as law on:

_____

_____
Ta'yii Hawilth Derek Peters

I certify that the *Budget Act, 2013* came into force on:

_____

_____
Law Clerk Connie Waddell

BUDGET ACT, 2013

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Note to Reader – *Will be updated*

The *Budget Act, 2013* establishes the authority of government to spend money from April 1, 2013 to March 31, 2014. A *Budget Act* is required by the *Financial Administration Act* each fiscal year. Government may only spend money if it has spending authority.

- Part 1, General Operating Fund, sets out the budget line items that provide spending authority for government from the general operating fund.
- Part 2, Invested Wealth Fund, sets out the amount of funds that may be spent from the Invested Wealth Fund.
- Part 3 sets out the authorized capital spending of government for the 2012 – 2013 fiscal year.
- Part 4 sets out the authorized borrowings of government for the 2012 – 2013 fiscal year.
- Part 4.1 sets out the authorized borrowings of Huu-ay-aht Development Corporation for the 2012-2013 and 2013-2014 fiscal year.
- Part 5, Special Programs Fund , sets out the authorized spending for special programs for the 2013-2014 fiscal year.
- Part 6 establishes retroactive spending authority for the transfer of funds to the Huu-ay-aht Settlement Trust for the period April 1, 2011 to March 31, 2012.
- Part 7 retroactively amends the spending authority for the General Operating Fund for 2012-2013 fiscal year.

The Legislature enacts as follows:

PART 1 – GENERAL OPERATING FUND

General operating fund spending authority

1 Spending from the general operating fund from April 1, 2013 to March 31, 2014 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
1	Government	To provide for the structure of government, including costs of the Legislature, Executive Council, Ha'wiih Council, People's Assembly, auditor, committees of Council, the tribunal and elections	$
2	Finance and Government Services	To provide the administrative services needed to support government operations, including the Executive Director, financial, records management and human resource services, treaty implementation, the Comprehensive Community Plan, support staff, operation of the treaty office and contribution to the Nuu-chah-nulth Economic Development Corporation	$
3	Human Services	To provide programs supporting Huu-ay-aht citizens, including community health services, social services, youth services, cultural programs, communications and language services, childcare services, education services and contributions to the Nananiiqsu Society	$
4	Lands and Natural Resources	For management of government lands and natural resources, including management of fisheries, forest harvesting and other uses of the land base, identification and protection of cultural sites and acquisition and distribution of cultural food	$

No.	Budget Line Item Name	Purpose	Amount
5	Public Works and Capital Infrastructure	For management of public works and capital infrastructure, including maintenance of capital infrastructure, provision of residential services in the Anacla community, and operation of the House of Huu-ay-aht and the multi-use building	$
6	Huu-ay-aht Settlement Trust	Transfer of funds to Huu-ay-aht Settlement Trust	$
7	Depreciation	To allow for depreciation expenses related to capital assets	$
8	Contingencies and New Programs	To provide for expenditure or spending incurred for the purposes of other budget line items that are in excess of the amounts authorized by the budget line item spending authorities or statutory spending authorities. To also provide funding for new programs created after the beginning of the fiscal year and for natural disasters, emergency relief and the assistance of those in need as the result of an event that was not expected or where the timing of the event was not known in advance	$
	Total General Operating Fund Spending Authority		**$**

PART 2 – INVESTED WEALTH FUND

Invested Wealth Fund spending authority

2 Spending from the Invested Wealth Fund from April 1, 2013 to March 31, 2014 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
9	Fund Management	For management of the investments of the Invested Wealth Fund	$
10	Transfer to General Operating Fund	For transferring money to the general operating fund to support government operations	$
	Total Invested Wealth Fund Spending Authority		**$**
	Total Consolidated Government Fund Spending Authority		**$**

PART 3 – CAPITAL SPENDING

Capital spending authority

3 Spending for capital purposes from April 1, 2013 to March 31, 2014 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
11	Administration Capital	For capital items needed to deliver government services, including computer and communications equipment, office furniture, upgrade of infrastructure at Anacla, equipment to maintain the community, fire truck storage, building removal, and public works yard	$
12	Upper Anacla Subdivision	To develop a subdivision at Upper Anacla	$
13	Force Main, Sewage Treatment Plant and Sewer Outfall.	To develop a force main, sewage treatment plant and sewer outfall	$
	Total Capital Spending Authority		**$**

PART 4 – BORROWING

Borrowing authority

4 Borrowing from April 1, 2013 to March 31, 2014 is authorized for the purpose and amount shown in the same row as each borrowing authority item in the following table:

No.	Borrowing Authority Item Name	Purpose	Amount
B1	General Purpose Borrowing	For borrowing to meet the need for cash that may arise from time to time related to expenditures and capital spending	$
B2	Borrowing to invest in Huu-ay-aht Development Corporation	For borrowing to invest in Huu-ay-aht Development Corporation or guaranteeing Huu-ay-aht Development Corporation loans to support business operations and economic development activities	$2 000 000

PART 5 – SPECIAL PROGRAMS FUND

Special Programs Fund spending authority

5 Spending from the Special Programs Fund from April 1, 2013 to March 31, 2014 is authorized for the purposes and in the amounts shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
S1	Special Programs	To provide for spending incurred for purposes specified in a contribution or funding agreement under which revenues are provided to the Huu-ay-aht by another government, organization or entity for expenditure on those specified purposes	$
	Total Special Programs Fund Spending Authority		**$**

PART 6 – BUDGET ACT, 2012 AMENDMENTS

Budget Act, 2012

[Changes/reallocations to Budget Act, 2012 to be identified. Amendments will drafted accordingly starting with section 6.]

PART 1 – GENERAL OPERATING FUND

General operating fund spending authority

1 Spending from the general operating fund from April 1, 2012 to March 31, 2013 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
1	Government	To provide for the structure of government, including costs of the Legislature, Executive Council, Ha'wiih Council, People's Assembly, auditor, committees of Council, the tribunal and elections	$713 564
2	Finance and Government Services	To provide the administrative services needed to support government operations, including the Executive Director, financial, records management and human resource services, treaty implementation, the Comprehensive Community Plan, support staff, operation of the treaty office and contribution to the Nuu-chah-nulth Economic Development Corporation	$1 110 198
3	Human Services	To provide programs supporting Huu-ay-aht citizens, including community health services, social services, youth services, cultural programs, communications and language services, childcare services, education services and contributions to the Nananiiqsu Society	$1 107 607

No.	Budget Line Item Name	Purpose	Amount
4	Lands and Natural Resources	For management of government lands and natural resources, including management of fisheries, forest harvesting and other uses of the land base, identification and protection of cultural sites and acquisition and distribution of cultural food	$733 058
5	Public Works and Capital Infrastructure	For management of public works and capital infrastructure, including maintenance of capital infrastructure, provision of residential services in the Anacla community, and operation of the House of Huu-ay-aht and the multi-use building	$354 550
6	Huu-ay-aht Settlement Trust	Transfer of funds to Huu-ay-aht Settlement Trust	$3 219 646
7	Depreciation	To allow for depreciation expenses related to capital assets	$450 000
8	Contingencies and New Programs	To provide for expenditure or spending incurred for the purposes of other budget line items that are in excess of the amounts authorized by the budget line item spending authorities or statutory spending authorities. To also provide funding for new programs created after the beginning of the fiscal year and for natural disasters, emergency relief and the assistance of those in need as the result of an event that was not expected or where the timing of the event was not known in advance	$300 000
	Total General Operating Fund Spending Authority		**$7 988 623**

PART 2 – INVESTED WEALTH FUND

Invested Wealth Fund spending authority

2 Spending from the Invested Wealth Fund from April 1, 2012 to March 31, 2013 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
9	Fund Management	For management of the investments of the Invested Wealth Fund	$30 089
10	Transfer to General Operating Fund	For transferring money to the general operating fund to support government operations	$465 000
	Total Invested Wealth Fund Spending Authority		**$495 089**
	Total Consolidated Government Fund Spending Authority		**$8 483 712**

PART 3 – CAPITAL SPENDING

Capital spending authority

3 Spending for capital purposes from April 1, 2012 to March 31, 2013 is authorized for the purpose and amount shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
11	Administration Capital	For capital items needed to deliver government services, including computer and communications equipment, office furniture, upgrade of infrastructure at Anacla, equipment to maintain the community, fire truck storage, building removal, and public works yard	$541 500
12	Upper Anacla Subdivision	To develop a subdivision at Upper Anacla	$0
13	Force Main, Sewage Treatment Plant and Sewer Outfall.	To develop a force main, sewage treatment plant and sewer outfall	$1 500 000
	Total Capital Spending Authority		**$2 041 500**

PART 4 – BORROWING – SEE AMENDMENTS BELOW

Borrowing authority

4 Borrowing from April 1, 2012 to March 31, 2013 is authorized for the purpose and amount shown in the same row as each borrowing authority item in the following table:

No.	Borrowing Authority Item Name	Purpose	Amount
B1	General Purpose Borrowing	For borrowing to meet the need for cash that may arise from time to time related to expenditure, capital spending or investment in the Huu-ay-aht Development Corporation.	$4 515 000

X ***Section 4 of the Budget Act, 2012, is amended***

(a) in Budget Line item B1 by striking out *"or investment in the Huu-ay-aht Development Corporation."* ***and substituting*** *"or operations of the Huu-ay-aht Development Corporation".*

(b) by adding the following Budget Line Items after Budget Line Item B1:

B2	Borrowing to invest in Huu-ay-aht Development Corporation	For investing in Huu-ay-aht Development Corporation by way of loan or guarantee of Huu-ay-aht Development Corporation borrowings.	$2 000 000
		Total Consolidated Borrowing Authority	$6 515 000

PART 5 – SPECIAL PROGRAMS FUND

Special Programs Fund spending authority

5 Spending from the Special Programs Fund from April 1, 2013 to March 31, 2014 is authorized for the purposes and in the amounts shown in the same row as each budget line item in the following table:

No.	Budget Line Item Name	Purpose	Amount
S1	Special Programs	To provide for spending incurred for purposes specified in a contribution or funding agreement under which revenues are provided to the Huu-ay-aht by another government, organization or entity for expenditure on those specified purposes	$250 000
	Total Special Programs Fund Spending Authority		**$250 000**

PART 7 – INVESTMENTS IN HUU-AY-AHT DEVELOPMENT CORPORATION BY WAY OF LOAN OR LOAN GUARANTEE

Conditions for investment by way of loan or loan guarantee

XX (1) Executive Council may borrow funds to invest in a Huu-ay-aht business enterprise in accordance with section 69 of the *Financial Administration Act* if

(a) the purpose and amount is authorized by a borrowing authority,

(b) Executive Council has considered the recommendation of Finance Committee,

(c) loan conditions, including security, term and source of repayment, are approved by Executive Council,

(d) the term of the loan does not exceed 25 years, and

(e) the loan will be repaid by a Huu-ay-aht business enterprise or from payments received from Canada or British Columbia.

(2) Executive Council may guarantee a Huu-ay-aht business enterprise loan or obligation for the purpose of making an investment in a Huu-ay-aht business enterprise if

(a) the purpose and amount is authorized by a borrowing authority,

(b) Executive Council has considered the recommendation of Finance Committee,

(c) the guarantee conditions, including security, term and discharge are approved by Executive Council,

(d) the term of the guarantee does not exceed 25 years, and

(e) the Huu-ay-aht business enterprise has the capacity to repay the loan or obligation and discharge the Huu-ay-aht guarantee.

Commencement

YY (1) Sections and are deemed to have been continuously in force from April 1, 2012.

(2) Subsection (1) is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

(3) The remainder of this Act comes into force on the date of enactment of this Act.