

COUNCIL BILL TO APPROVE THE APPLICATION TO THE FAMILY VIOLENCE PREVENTION GRANT FOR FISCAL YEAR 2020

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE an application to the U.S. Department of Health and Human Services (HHS) for the Family Violence Prevention Grant for FY2020.

WHEREAS, if awarded the funds from the Family Violence Prevention Grant for FY20, the Choctaw Nation of Oklahoma (the "Nation") will be able to continue providing a Family Violence Prevention Program for members of the Nation;

WHEREAS, the Family Violence Prevention Program assisted over 400 victims of family violence, domestic violence, or dating violence with immediate shelter and supportive services this past year;

WHEREAS, the Family Violence Prevention Program provides domestic violence outreach, awareness, and prevention to the communities of the Choctaw Nation; and

WHEREAS, with the rapid expansion of the Choctaw Nation, a Family Violence Prevention Program is needed to aid women, men, and children whom are victims of family violence, domestic violence and dating violence.

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval for the submittal of an application to the Department of Health and Human Services for the Family Violence Prevention Grant for Y2020.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on March 9, 2019. I further certify that the foregoing Council Bill CB- 84 -19- was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.

Delton Cox, Speaker
Choctaw Nation Tribal Council

Ronald Perry, Secretary
Choctaw Nation Tribal Council

Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 3-12-19

Purpose/Need of Council Bill: To approve the application for the Family Violence Prevention Grant FY20 from the Dept. of Health and Human Services (HHS). The funds will support the Family Violence Prevention Program for the Choctaw Nation of Oklahoma families. Last year the Family Violence Prevention Program helped over 400 victims with immediate shelter and supportive services. The funds from this grant will help provide domestic violence outreach, awareness, and prevention to the Choctaw Nation of Oklahoma.

Title of Council Bill: Council Bill to Approve the Application to the Family Violence Prevent Grant for FY20.

Agency: Children and Family Services Family Violence Prevention Program

Budget: TBD

Match Required: NA

Request by/Project Director: Anna Marcy/ Teresa Jackson, SEO

TO APPROVE TO DISPOSE OF SURPLUS CAPITAL ASSETS

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE the disposal of vehicles, furniture, fixtures or equipment with an original cost of \$436,685.33 and a net book value of \$2,494.54 including all listed inventory, as attached. See Exhibit A.

WHEREAS, in accordance with Article IX, Sections 4 and 6 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation"), the Choctaw Tribal Council (the "Council") shall enact rule and regulations for the general good of the Choctaw Nation, and for the administration and regulation of the affairs of the Choctaw Nation of Oklahoma, and shall make decisions pertaining to the acquisition, leasing, disposition and management of tribal property;

WHEREAS, the Choctaw Nation of Oklahoma has surplus inventory items that need to be disposed of in accordance with Choctaw Nation FA-101 Policy;

WHEREAS, the Nation has capital assets that are broken, obsolete, have exceeded their useful life, or simply no longer have a use to the Nation;

WHEREAS, the Choctaw Nation Fixed Assets Department desires to dispose of said excess equipment in the most cost-effective manner possible, with the net proceeds from any sale being returned to the program, as stated on the attachment, when applicable; and

WHEREAS, the Council has determined it is in the best interest of the Nation to approve the net proceeds of the sale of excess equipment be returned to the program.

THEREFORE, BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Bill be cited as approval for the Fixed Assets Department to dispose of vehicles, furniture, fixtures and/or equipment, in the most cost-effective manner possible and in accordance with Choctaw Nation FA-101 Policy, with an original cost of \$436,685.33 and a net book value of \$2,494.54, including all listed inventory in Exhibit A.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on March 9, 2019. I further certify that the foregoing Council Bill CB- 85 -19 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.

Delton R. Cox

Delton Cox, Speaker
Choctaw Nation Tribal Council

Ronald Perry

Ronald Perry, Secretary
Choctaw Nation Tribal Council

Gary Batton

Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 3-12-19

EXHIBIT A

Asset # NIC = Non Cap N/A = Non Inventory	Vehicle Tag #	Description	VIN or Serial #	Purchase Date	Original Cost	*NBV	PROGRAM
130450	IT2572 00562	VEH APO 2005 CHEV VAN WHITE	1GCGG25V351251929	11/7/2013	\$ 5,000.00	\$ -	DEFENSE
863	IT0769 00735	VEH APO 1999 GMC BUS	1GDHG31R5X1032259	12/1/1998	\$ 34,815.00	\$ -	DHHS
131763	IT2582 01107	VEH TOT 2014 FORD CAR WHITE	1FABP0H73E388860	2/26/2014	\$ 21,000.00	\$ -	TRAVEL PLAZAS
135683	61962	VEH APO 1982 GMC VAN	2GJG639W7M4516207	7/24/2015	\$ 2,700.00	\$ -	DEFENSE
122871	924	VEH APO 2011 DODG TRUCK	3D6WU7CLXB6504934	1/24/2011	\$ 43,242.60	\$ -	HEALTH
129495	913	VEH APO 2013 GMC TRUCK WHITE	1GTR1VEA8DZ399567	9/12/2013	\$ 23,086.00	\$ -	INTERNAL SERV LEASING
967		EQ SH MOWER TRACTOR ZIPPER	20100	8/14/2002	\$ 8,745.52	\$ -	HEALTH
22676		EQ SH MOWER TRACTOR ZIPPER	40188	9/9/2005	\$ 8,000.00	\$ -	HEALTH
117546		EQ SH MOWER KAWASAKI 28HP	UAF300C	6/12/2009	\$ 8,740.00	\$ -	HEALTH
22556		EQ APO GATOR 4X2	W04X25D006956	9/7/2005	\$ 5,168.21	\$ -	HEALTH
141556		EQ SCANNER FLUITSU FI 6770	AAFDC02925	5/24/2016	\$ 5,545.00	\$ 2,494.54	GENERAL FUND
126234		EQ SCANNER FLUITSU FI5750C	107777	5/14/2012	\$ 5,685.00	\$ -	GENERAL FUND
115617	672	VEH APO 2008 CHEV CAR GRAY	2G1WB58K881339676	11/6/2008	\$ 17,726.00	\$ -	COMMERCE
3860		EQ MED DIGITAL MOBILE C-ARM	3990PU9	10/1/2003	\$ 92,000.00	\$ -	HEALTH
16613		EQ GEN VERSA CARE BED SYSTEM	G012AD5945	2/5/2005	\$ 5,915.00	\$ -	HEALTH
125333	IT1919 00946	VEH APO 2011 GMC SUV GOLD MIST	2CTALMEC9B6462559	11/21/2011	\$ 22,348.00	\$ -	INTERNAL SERV LEASING
129580	IT2503 00979	VEH APO 2013 GMC SUV GOLDMIST	2GKALMEK1D6429713	9/18/2013	\$ 23,870.00	\$ -	INTERNAL SERV LEASING
132502	IT2677 00682	VEH APO 2015 CHEV SUV WHITE	2GNALBEK1F101408	9/16/2014	\$ 24,899.00	\$ -	INTERNAL SERV LEASING
113511	IT1439 00919	VEH HD 2007 INTL SEMI	1HTMPAFMX7H410347	5/15/2008	\$ 39,100.00	\$ -	HEALTH
113510	IT1440 00920	VEH HD 2007 INTL SEMI	1HTMPAFM47H410313	5/15/2008	\$ 39,100.00	\$ -	HEALTH
					\$ 436,685.33	\$ 2,494.54	

*As of 1/31/19

Purpose/Need of Council Bill: The Choctaw Nation has capital assets that are broken, obsolete, have exceeded their useful life or simply no longer have a use to the Nation. This bill asks for approval to dispose of vehicles, furniture, fixtures or equipment with an original cost of \$436,685.33 and a net book value of \$2,494.54, including all listed inventory.

Title of Council Bill: TO APPROVE THE DISPOSAL OF SURPLUS CAPITAL ASSETS

Agency: Choctaw Nation Finance

Budget: N/A

Match Required: N/A

Request by/Project Director: Tracy Sikes

TO APPROVE AN AMENDMENT TO THE CHOCTAW NATION OF OKLAHOMA CODE OF CIVIL PROCEDURE

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE an amendment to the Choctaw Nation of Oklahoma Code of Civil Procedure.

WHEREAS, Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation") provides that the Tribal Council (the "Council") shall enact legislation, rules and regulations not inconsistent with the Constitution for the general good of the Choctaw Nation and for the administration and regulation of the affairs of the Choctaw Nation;

WHEREAS, Article XIII, Section 2 of the Constitution of the Nation states that the Council shall prescribe the rules of procedure of the Tribal Court and insure members have due process of law; and

WHEREAS, the Council finds it is in the best interest of the Nation to amend the Code of Civil Procedures by inserting the following section:

Section 3009.1 Personal Injury Suits-Medical Bills-Evidence

A. Upon the trial of any civil action arising from personal injury, the actual amounts paid for any services in the treatment of the injured party, including doctor bills, hospital bills, ambulance service bills, drug and other prescription bills, and similar bills shall be the amounts admissible at trial, not the amounts billed for such expenses incurred in the treatment of the party. If, in addition to the evidence of payment, a party submits a signed statement acknowledged by the medical provider or an authorized representative or sworn testimony that the provider will accept the amount paid as full payment of the obligations, the statement or testimony shall be admitted into evidence. The statement or testimony shall be part of the record as an exhibit but need not be shown to the jury. If a medical provider has filed a lien in the case for an amount in excess of the amount paid, then the bills in excess of the amount paid, but not more than the amount of the lien, shall be admissible.

B. If no payment has been made, the Medicare reimbursement rates in effect when the personal injury occurred, not the amounts billed, shall be admissible if, in addition to evidence of nonpayment, a party submits a signed statement acknowledged by the medical provider or an authorized representative or sworn testimony that the provider will accept payment at the Medicare reimbursement rate less cost of recovery as provided in Medicare regulations as full payment of the obligation. The statement or testimony shall be admitted into evidence and shall be part of the record as an exhibit but need not be shown to the jury. If a medical provider has filed a lien in the case for an amount in excess of the Medicare rate, then the bills in excess of the amount of the Medicare rate, but not more than the amount of the lien, shall be admissible.

C. If no bills have been paid, or no statement acknowledged by the medical provider or sworn testimony as provided in subsections A and B of this section is provided to the opposing party and listed as an exhibit by the final pretrial hearing, then the amount billed shall be admissible at trial subject to the limitations regarding any lien filed in the case.

D. This section shall apply to civil actions arising from personal injury filed on or after March 9, 2019.

THEREFORE, BE IT ENACTED by the Council that this Bill be cited as approval amend the Choctaw Nation of Oklahoma Code of Code of Civil Procedure by inserting the following section after Section 3009:

Section 3009.1 Personal injury suits—Medical bills—Evidence

A. Upon the trial of any civil action arising from personal injury, the actual amounts paid for any services in the treatment of the injured party, including doctor bills, hospital bills, ambulance service bills, drug and other prescription bills, and similar bills shall be the amounts admissible at trial, not the amounts billed for such expenses incurred in the treatment of the party. If, in addition to the evidence of payment, a party submits a signed statement acknowledged by the medical provider or an authorized representative or sworn testimony that the provider will accept the amount paid as full payment of the obligations, the statement or testimony shall be admitted into evidence. The statement or testimony shall be part of the record as an exhibit but need not be shown to the jury. If a medical provider has filed a lien in the case for an amount in excess of the amount paid, then the bills in excess of the amount paid, but not more than the amount of the lien, shall be admissible.

B. If no payment has been made, the Medicare reimbursement rates in effect when the personal injury occurred, not the amounts billed, shall be admissible if, in addition to evidence of nonpayment, a party submits a signed statement acknowledged by the medical provider or an authorized representative or sworn testimony that the provider will accept payment at the Medicare reimbursement rate less cost of recovery as provided in Medicare regulations as full payment of the obligation. The statement or testimony shall be admitted into evidence and shall be part of the record as an exhibit but need not be shown to the jury. If a medical provider has filed a lien in the case for an amount in excess of the Medicare rate, then the bills in excess of the amount of the Medicare rate, but not more than the amount of the lien, shall be admissible.

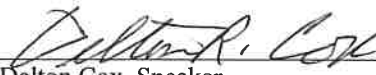
C. If no bills have been paid, or no statement acknowledged by the medical provider or sworn testimony as provided in subsections A and B of this section is provided to the opposing party and listed as an exhibit by the final pretrial hearing, then the amount billed shall be admissible at trial subject to the limitations regarding any lien filed in the case.

D. This section shall apply to civil actions arising from personal injury filed on or after March 9, 2019.

BE IT FURTHER ENACTED by the Council that this Bill be cited as an acknowledgement that the Chief of the Nation, or his designee, is authorized to prepare, execute, deliver and file any and all agreements, certificates, instruments and documents, in such form and with such terms and provisions as the Chief of the Nation, or his designee, may approve, and to take such other action as he, she or they may deem proper or appropriate, to carry out the intent and purposes of the foregoing enactments.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on March 9, 2019. I further certify that the foregoing Council Bill CB- 86 -19 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes, and zero (0) abstaining.



Delton Cox, Speaker
Choctaw Nation Tribal Council



Ronald Perry, Secretary
Choctaw Nation Tribal Council



Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 3-12-19

Purpose/Need of Council Bill: To amend the Choctaw Nation of Oklahoma Code of Civil Procedure to include Section 3009.1, similar to Oklahoma's Code of Civil Procedure. This amendment will only allow the presentment of evidence that shows medical bills paid in relation to a lawsuit, and not the amounts billed.

Title of Council Bill: To approve an amendment to the Choctaw Nation of Oklahoma Code of Civil Procedure.

Agency: Legal & Compliance

Budget: NA

Match Required: NA.

Request by Project Director: Brad Mallett, SEO of Legal & Compliance