

# HUU-AY-AHT FIRST NATIONS



---

## 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 ending March 31, 2014, and to retroactively amend spending authorities and borrowing authorities for the 2012 – 2013 fiscal year.*



---

## 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

### *Contents*

**PART 1 – GENERAL OPERATING FUND**

- 1 General operating fund spending authority

**PART 2 – INVESTED WEALTH FUND**

- 2 Invested Wealth Fund spending authority

**PART 3 – CAPITAL SPENDING**

- 3 Capital spending authority

**PART 4 – BORROWING**

- 4 Borrowing authority

**PART 5 – SPECIAL PROGRAMS FUND**

- 5 Special Programs Fund spending authority

**PART 6 – INVESTMENTS IN HUU-AY-AHT BUSINESS ENTERPRISES**

- 6 Conditions for investment by way of loan or loan guarantee

**PART 7 – BUDGET ACT, 2012 AMENDMENTS**

- 7 – 8 *Budget Act, 2012* amendments  
9 Commencement

### **Note to Reader**

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 2013 – 2014 fiscal year.
- Part 4 sets out the authorized borrowings of government for the 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 sets out the conditions for Executive Council to invest in Huu-ay-aht business enterprises by borrowing funds or guaranteeing loans.
- Part 7 retroactively amends the following parts of Budget Act, 2012 for the 2012-2013 fiscal year:
  - Part 1 – General Operating Fund;
  - Part 4 – Borrowing.

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	\$843 153
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 Nuuchah-nulth Economic Development Corporation	\$1 063 495
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 Nananiqsu Society	\$930 604
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	\$512 570

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	\$341 570
6	Huu-ay-aht Settlement Trust	Transfer of funds to HUU-ay-aht Settlement Trust	\$1 000 000
7	Depreciation	To allow for depreciation expenses related to capital assets	\$399 600
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
	<b>Total General Operating Fund Spending Authority</b>		<b>\$5 390 992</b>



## 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	\$40 000
10	Transfer to General Operating Fund	For transferring money to the general operating fund to support government operations	\$460 000
	<b>Total Invested Wealth Fund Spending Authority</b>		<b>\$500 000</b>
	<b>Total Consolidated Government Fund Spending Authority</b>		<b>\$5 890 992</b>

### 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	\$399 600
12	Anacla Subdivision and Road Improvements	To develop a subdivision at Upper Anacla and make road improvements in Anacla	\$140 000
13	Emergency Services Operations and Preparation	To develop an emergency and fire services Operations Centre including miscellaneous equipment and capital upgrade to triplex	\$173 500
14	Force Main, Sewage Treatment Plant and Sewer Outfall	To develop a force main, sewage treatment plant and sewer outfall	\$460 000
	<b>Total Capital Spending Authority</b>		<b>\$1 173 100</b>

## 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	\$4 515 000
B2	Borrowing to invest in HUU-ay-aht business enterprises	For borrowing to invest in HUU-ay-aht business enterprises or guaranteeing HUU-ay-aht business enterprise loans to support business operations and economic development activities	\$2 000 000
<b>Total Borrowing Authority</b>			<b>\$6 515 000</b>

## 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	\$1 000 000
<b>Total Special Programs Fund Spending Authority</b>			<b>\$1 000 000</b>

## **PART 6 – INVESTMENTS IN HUU-AY-AHT BUSINESS ENTERPRISES**

### **Conditions for investment by way of loan or loan guarantee**

- 6** (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.

## PART 7 – BUDGET ACT, 2012 AMENDMENTS

### *Budget Act, 2012*

**7**      *Section 1 of the Budget Act, 2012 HFNA 2012 is repealed and replaced by:*

**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	\$1 050 698
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 Nanaiiqsu Society	\$1 091 104
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	\$688 558

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	\$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
	<b>Total General Operating Fund Spending Authority</b>		<b>\$7 868 120</b>

**8 Section 4 of the Budget Act, 2012, HFNA 2012, is repealed and replaced by:**

**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:

<b>No.</b>	<b>Borrowing Authority Item Name</b>	<b>Purpose</b>	<b>Amount</b>
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	\$4 515 000
B2	Borrowing to invest in Huu-ay-aht business enterprises	For borrowing to invest in Huu-ay-aht business enterprises or guaranteeing Huu-ay-aht business enterprise loans to support business operations and economic development activities	\$2 000 000
<b>Total Consolidated Borrowing Authority</b>			<b>\$6 515 000</b>

**Commencement**

- 9** (1) Sections 7 and 8 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.

