

## An Act

### Legislative Act 28-25

### CHEROKEE NATION HISTORIC CEMETERIES PRESERVATION ACT

#### BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title and Codification

This legislative act shall be titled and codified as the “**Cherokee Nation Historic Cemeteries Preservation Act of 2025.**”

#### Section 2. Findings

The Council of the Cherokee Nation finds it to be in the national interest to comprehensively identify, make record of and provide additional resources for the restoration of cemeteries within the Cherokee Nation Reservation that are of enduring historical significance to Cherokee Nation. The Council finds that cemeteries established after the forced removal of the Cherokee people in the 19<sup>th</sup> century through the turn of the 20<sup>th</sup> century hold the remains of our ancestors, reflect familial and community bonds and are physical records of Cherokee people, communities, religious institutions, culture and traditions and that many of these cemeteries remain in active use. The Council finds that a comprehensive evaluation of these historic Cherokee cemeteries has not been attempted since the issuance of James Tyner and Alice Timmons’ 12 volumes of *Our People and Where They Rest* beginning in 1969. The Council finds that in the interest of historical preservation, respect for ancestors and to assist Cherokee Nation citizens with improved access to historic Cherokee cemeteries that a strategic plan should be developed by the Principal Chief or his designee to identify said cemeteries, evaluate the relative endangered status of said cemeteries and provide resources to assist in the restoration and preservation of said cemeteries. The Council further finds that certain previous acts of Council on the subject should be repealed but that the purposes and policies of those previous acts should be substantially retained in this single comprehensive legislative act.

#### Section 3. Purpose

The purpose of this Act is to Amend Title 8 of the Cherokee Nation Code Annotated, authorizing the funding of programs and activities to survey, document and undertake restoration efforts of certain historic cemeteries in the Cherokee Nation, and to repeal and replace certain acts while substantially maintaining the programs authorized under those previous acts and imposing various reporting requirements.

## Section 4. Legislative History

[LA 33-04, Cherokee Nation Cemeteries Preservation Act of 2004](#)

[LA 02-07, Cherokee Nation Cemeteries Preservation Act of 2004 \(amendments\)](#)

[LA 17-17, Cemeteries Preservation Act of 2017](#)

[LA 15-20, Act amending the Cherokee Nation Cemeteries Preservation Act of 2017](#)

## Section 5. Substantive Provisions

### § 1. Definitions.

- A. **Cherokee Nation Historic Cemetery:** A cemetery located within the Cherokee Nation Reservation, established prior to November 16, 1907, which:
- a. Includes graves, a majority of which hold the remains of citizens of the Cherokee Nation, or
  - b. Which are of historic significance to the Cherokee Nation due to the presence of preserved grave markers of Cherokee Nation citizens or proximity to Cherokee Nation historic sites.

### § 2. Repeal of previous acts

- A. The following acts are repealed and replaced by this Act:
- a. LA 33-04, Cherokee Nation Cemeteries Preservation Act of 2004
  - b. LA 02-07, Cherokee Nation Cemeteries Preservation Act of 2004 (amendments)
  - c. LA 17-17, Cemeteries Preservation Act of 2017
  - d. LA 15-20, Act amending the Cherokee Nation Cemeteries Preservation Act of 2017

### § 3. Amounts Authorized.

- A. **Cherokee Nation Historic Cemeteries Survey and Preservation Fund:** For each fiscal year beginning with fiscal year 2026, \$750,000 is authorized for the Cherokee Nation Historic Cemeteries Survey and Preservation Fund.
- B. **Cherokee Nation Historic Cemeteries and Headstone Grant Fund:** For each fiscal year beginning with fiscal year 2026, \$175,000 is authorized for the Cherokee Nation Historic Cemeteries Grant Fund.
- C. **Funding Sources:** The funding sources include dividends received from those for-profit corporations in which Cherokee Nation is the sole or majority shareholder, and that are incorporated under Cherokee Nation law and grants, donations, miscellaneous sources and contributions, revenues of enterprises, taxes, and special and general fund sources, provided the Motor Vehicle Tax Funds shall be the primary funding source for the Cherokee Nation Historic Cemeteries Grant Fund and the Historic Cemeteries Headstone Grant Fund.



**D. Council Appropriation Authority Reserved:** All funding authorized herein is subject to the Council of the Cherokee Nation appropriations process.

**§ 4. Authorization of the Cherokee Nation Historic Cemeteries Survey and Preservation Fund; Registry, Activities**

**A. Authorized activities:** The Principal Chief by his or her designee, is authorized to:

1. Conduct a “Survey of Cherokee Nation Historic Cemeteries,” identifying:
  - a. Cemetery name,
  - b. Number of known burials,
  - c. Geographic coordinates,
  - d. Area measurement,
  - e. An accurate depiction of the cemetery in digitally stored photographs and/or videos,
  - f. All other data sufficient to generate a map, including the use of technology such as ground penetrating radar, to determine exterior boundaries,
  - g. Whether a church, organization or other entity regularly provides maintenance or preservation work,
  - h. Status of land title,
  - i. Means and quality of physical access,
  - j. Cemetery capacity, opportunities for expansion and recommendations thereto,
  - k. Brief summary of relevant historic facts concerning the cemeteries creation, relationship to a community, relationship to a church and/or relationship to historical events or historical Cherokee Nation leaders,
  - l. Summary description as to the physical state of the cemetery, using a consistent range of descriptors for all cemeteries and utilizing a scoring system useful for prioritizing preservation work on those cemeteries most endangered of irreparable loss or damage.
2. Create a “Registry of Cherokee Nation Historic Cemeteries,” consistent with this Act, maintained by the Secretary of Natural Resources, making said registry available for public access.
3. Conduct appropriate and necessary preservation work on Cherokee Nation Historic Cemeteries, to the extent authorized and appropriated funding allows and prioritizing preservation work based on the relative endangered status of said cemeteries.
4. Execute subcontracts, memoranda of understanding or agreement with qualified third parties, or administer grants to qualified third parties, to effectuate the purposes and policies of the Section 5, §4 of this Act and/or the reporting and publishing requirements of Section 5, §7, of this Act.

5. Administer, as part of the Cherokee Nation Historic Cemeteries Survey and Preservation Fund, the programs administered and managed by Cherokee Nation Community and Cultural Outreach department as of the date of enactment of this Act, also known as the “Cemetery Preservation/Restoration Assistance Program” and the “Historic Headstone Grant Fund,” continuing that program in effect as an authorized program under this Act and including data relating to that program in the reports required by this Act.
6. Coordinate with the Gadugi Corps program to encourage Gadugi Corps Volunteers or Gadugi Corps National Service Participants to assist in any of the activities authorized by this Act.
7. Utilize, as part of the funding authorized herein, funds authorized by the [Public Health and Wellness Fund Act](#), as amended, to improve physical accessibility to said Cherokee Nation Historic Cemeteries.
8. Utilize, as part of the funding authorized herein, funds authorized by the [Housing, Jobs and Sustainable Communities Act](#), as amended, for the construction of public facilities at Cherokee Nation Historic Cemeteries to improve access to, or historical interpretation of, said Cherokee Nation Historic Cemeteries.
9. Direct the Secretary of Natural Resources to designate, pursuant to the [Cherokee Nation Registry of Historic Places Act](#), as amended, all Cherokee Nation Historic Cemeteries on the Cherokee Nation Historic Registry beginning no later than December 31, 2025, subsequently adding such additional said cemeteries to said registry within one year of said cemetery designation.
10. Utilize, as part of the funding authorized herein, funds authorized by the [Cherokee Nation Historic Places Preservation Fund Act](#), upon designation of Cherokee Nation Historic Cemeteries on the Cherokee Nation Registry of Historic Places.
11. Cause to be published a book documenting Cherokee Nation Historic Cemeteries, consistent with Section 5, §7, of this Act.

## **§ 5. Authorization of the Cherokee Nation Historic Cemeteries and Historic Headstones Grant Fund**



**A. Authorized activities:** The Principal Chief by his or her designee, is authorized to substantially continue the programs previously authorized by [Legislative Act 15-20](#) and its predecessor acts, consistent with this Act, more specifically:

**1. Cherokee Nation Historic Cemeteries and Historic Headstone Grant Fund:**

A grant program available for individuals and organizations to preserve Cherokee Nation Historic Cemeteries or to replace or repair historic headstones in said cemeteries.

a. **Administration of Program:** In administering these programs, the Principal Chief or his or her designee shall maintain the programs substantially as the programs operated pursuant to [Legislative Act 15-20](#), provided:

- i. Cemetery preservation grants shall be no less than \$700,
- ii. Historic Headstone grants shall not exceed \$200,
- iii. Headstone repair and replacement grants shall not exceed twenty-five percent (25%) of annual appropriations for the Cherokee Nation Historic Cemeteries and Headstone Grant Fund,
- iv. Qualifying headstones include those set more than 50 years prior to the application for repair or replacement.

**§ 6. Policies, Administrators**

**A. Policies:** The Principal Chief or his or her designee shall develop policies, procedures and applications consistent with the purposes and policies of this Act within 120 days of enactment, submitting the same policies, procedures, and applications to the Council of the Cherokee Nation for review and comment period of no less than 30 days, unless such comment and review period is waived by council act or resolution, and thereafter notify the Council of any substantive changes to said policies within 30 days of said change, provided:

- a. Existing policies and applications issued pursuant to [Legislative Act 15-20](#) for programs preceding the Cherokee Nation Historic Cemeteries and Historic Headstone Grant Fund remain in effect until successor policies are adopted.

**B. Administrators:** The Principal Chief may, at his or her discretion, assign the administration of the various programs and activities authorized by this Act to appropriate executive branch staff, provided that the Principal Chief advises the Council, in writing of such designation and any change to such designation within 30 days of such designation or change in designation.

## § 7. Reporting Requirements; Published Work

**A. Annual Report:** The Principal Chief or his or her designee, shall provide a “Cherokee Nation Historic Cemeteries Preservation Act Annual Report,” summarizing progress by the Principal Chief to achieve the purposes and policies of this Act, provided:

- a. Said annual report shall be issued between October 1<sup>st</sup> and December 31<sup>st</sup> and summarize the progress towards the objectives set forth in this Act for the previous fiscal year, including but not limited to:
  - i. Status of the survey work described in this Act, and funds expended for that purpose,
  - ii. Status of preservation work described in this Act, and funds administered for that purpose,
  - iii. Summary of third-party activity authorized under this Act,
  - iv. Summary of the administration of the Cherokee Nation Historic Cemetery and Historic Headstone Grant Program,
  - v. Recommendations of amendments to this Act, if any.
- b. Said annual report shall be provided to the Council of the Cherokee Nation within 30 days of completion for a review and comment period of 30 days, after which it shall be available for public inspection on Cherokee Nation’s website within 30 days of completion.

**B. Cherokee Nation Historic Cemeteries Published Work:** No earlier than the beginning of fiscal year 2026 and no later than end of fiscal year 2030, the Principal Chief shall call to be published, a book, in hard copy and digital format for purchase by the general public, compiling an appropriate summary of information concerning each cemetery, including but not limited to photography, physical location and brief historical information, titled *Cherokee Nation Historic Cemeteries* or some substantially similar variation thereof, provided:

- a. The Speaker of the Council and the Principal Chief, by written agreement, may extend the deadline for a period not to exceed 180 days.
- b. The Principal Chief shall provide to the Council a summary outline of said book, the plan to draft and publish said book, the estimated number of copies of the book to be published and the estimated cost of publishing for a comment and review period of no less than 30 days prior to the commencement of publishing of said book.

**C. Administrator of the Act:** The Principal Chief may assign primary responsibility for administration of the Act at his or her discretion but shall provide the Council with notice of said designation within 45 days of said designation, including any changes thereto.



**Section 6. Attribution to the Act:**

Any program, activity or publication relating to achieving any of the purposes and policies of this Act shall be attributed to the "Cherokee Nation Historic Cemetery Preservation Act of 2025," or some comparable attribution as determined by the Principal Chief.

**Section 7. Provisions as cumulative**

The provisions of this Act shall be cumulative to existing law.

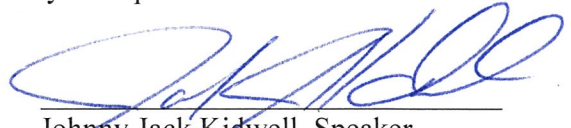
**Section 8. Severability**

The provisions of this Act are severable and if any part of 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. Effective Date: Emergency Declared**

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


Enacted by the Council of the Cherokee Nation on the 25<sup>th</sup> day of September 2025.

  
Johnny Jack Kidwell, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
Joshua Sam, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 1<sup>st</sup> day of October, 2025.

  
Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation

**ATTEST:**

  
Shella Bowlin, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Sasha Blackfox-Qualls	<u>Yea</u>	Clifton Hughes	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Lisa Hall	<u>Yea</u>	Dora Smith-Patzkowski	<u>Yea</u>
Uriah Grass	<u>Yea</u>	Kendra McGeady	<u>Yea</u>
Ashley Grant	<u>Yea</u>	Joe Deere	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Kevin Easley	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Danny Callison	<u>Yea</u>
Codey Poindexter	<u>Yea</u>	Julia Coates	<u>Absent</u>
Johnny Jack Kidwell	<u>Yea</u>		



**ADMINISTRATIVE CLEARANCE**

Dept/Program:

Signature/Initial

Date

Executive Director:

Signature/Initial

Date

Treasurer (Required:  
Grants/Contracts/Budgets):

Signature/Initial

Date

Government Relations:

Signature/Initial

Date

Administration Approval:



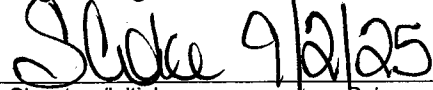
9/2/25

Signature/Initial

Date

**LEGISLATIVE CLEARANCE:**

Legal &amp; Legislative Coordinator:



Signature/Initial

Date

Standing Committee &amp; Date:

Resource 9/15/2025

Chairperson:

Hooe

**Cherokee Nation  
Act/Resolution Proposal Form**☒ Act☐ Resolution

TITLE:

**CHEROKEE NATION HISTORIC CEMETERIES  
PRESERVATION ACT OF 2025**DEPARTMENT CONTACT: Chuck Hoskin Jr.RESOLUTION PRESENTER: Canaan Duncan

COUNCIL SPONSOR:

Johnny Jack Kidwell, Kevin Easley, Josh Sam,  
Sasha Blackfox-Qualls, Daryl Legg, Clifton  
Hughes, Julia Coates, Joe Deere, Danny  
Callison, Melvina Shotpouch, CodeyPoindexter, Candessa Tehee, Uriah Grass,  
Kendra McGeady, Dora Patzkowski, Lisa Hall,  
Ashley Grant**NARRATIVE:**

The purpose of this Act is to Amend Title 8 of the Cherokee Nation Code Annotated, authorizing the funding of programs and activities to survey, document and undertake restoration efforts of certain historic cemeteries in the Cherokee Nation, and to repeal and replace certain acts while substantially maintaining the programs authorized under those previous acts and imposing various reporting requirements.