

An Act

Legislative Act 30-10

AN ACT REGARDING THE RECEIPT OF REAL OR PERSONAL PROPERTY BY DONATION OR GIFT FROM INDIVIDUALS, CORPORATIONS AND ENTITIES TO THE CHEROKEE NATION

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the “Cherokee Nation Land Donation Act of 2010” and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to establish procedures by which individuals, corporations and entities may donate, by gift or otherwise, real property be used for the benefit of the Cherokee Nation.

Section 3. Legislative History

Article VI § 7 of the Cherokee Nation Constitution states: “The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. The style of all bills shall be: “Be It Enacted By the Cherokee Nation”. The style of all resolutions shall be “Be It Resolved By the Cherokee Nation”.

Article X, § 5 of the Cherokee Nation Constitution states: “The Treasurer shall be authorized to accept all grants, donations of money, interest of funds of the Cherokee Nation, judgments and any and all other sources of monies available to the Cherokee Nation, for uses and purposes and upon the conditions and limitations for which the same are granted or donated. The faith of the Cherokee Nation is hereby pledged to preserve such grants and donations as a sacred trust, and, if or when designated, to keep the same for the use and purposes for which they were granted or donated.

Section 4. Definitions

Donate or gift means: To give to the Cherokee Nation, real or personal property excluding cash donations without any compensation.

Section 5. Substantive Provisions of Law

- A. The Treasurer of the Cherokee Nation is authorized to receive real or personal property from individuals or corporations or other entities by gift or donation.
- B. The Treasurer is authorized to conduct valuation studies, environmental studies, appraisals or any other tests or determinations to ascertain whether the receipt of such gift or donation is in the strategic interest of the Cherokee Nation.
- C. The Cherokee Nation shall appropriate adequate funds to ensure the functions of this Act may be carried out.
- D. All proposed donations or gifts shall be reported to the Cherokee Nation Tribal Council prior to its acceptance or rejection excluding cash donations.

Section 6. Provisions as cumulative

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

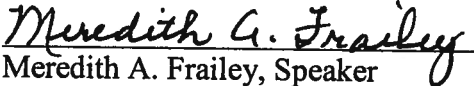
Section 7. Severability

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 8. 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 11th day of October, 2010.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

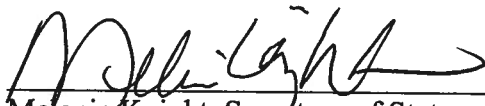
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of October, 2010.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Bradley Cobb	<u>Absent</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		