

# An Act

## Legislative Act 17-17

### ACT RELATING TO CEMETERIES PRESERVATION

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

#### Section 1.      Title and Codification

This act shall be known as the Cemeteries Preservation Act of 2017 and codified as Title 8, Section 4 of the Cherokee Nation Code Annotated.

#### Section 2.      Purpose

The purpose of this Act is to make available funds for the repair and maintenance of traditional or historically significant Cherokee Cemeteries.

#### Section 3.      Legislative History

Title 8, Section 4 of the Cherokee Nation Code Annotated.

#### Section 4.      Substantive Provisions

#### § 4. Appropriation—Advocate/coordinator—Policies and procedures

A. ~~A total of Forty Thousand Dollars (\$40,000.00), to be expended equally among Council Members;~~ All monies appropriated for cemetery manintenance shall be used for preservation and maintenance of traditional or historically significant Cherokee cemeteries that are threatened by neglect and non-maintenance.

B. The funds are to be distributed to cemetery boards or individuals interested in the preservation of the cemetery in question.

C. The Principal Chief shall designate an advocate/coordinator to ensure effective implementation of this act.

D. The ~~Language and~~ Culture Committee of the Council is hereby authorized and directed to develop such policies and procedures necessary to effectively implement the program, including but not limited to, determining eligibility, verification of circumstances, assuring that services are not duplicated, and conducting appropriate follow-up services and appeal rights in the event that assistance is denied. The policies and procedures will be published for review by the Tribal Council as well as the general public.

E. The ~~Language and~~ Culture Committee of the Council shall review and approve requests or referrals for projects under this act, to be forwarded to the designated staff. Approvals or denials by the designated staff pursuant to the established policies and procedures will be reported to the ~~Language and~~ Culture Committee of the Council.

F. All approved applications will be processed in accordance with this act and applicable policies and procedures.

G. Persons or organizations receiving funds shall give a written accounting with receipts detailing the supplies expended on the maintenance of cemeteries in question. This accounting shall be presented to the designated staff within one hundred and twenty (120) days from receipt of any funds.

H. The Motor Fuels Tax Funds shall be the source of funds appropriated in this act.

I. All ~~expenditures for this program shall be for materials only and those~~ proposals or applications demonstrating self-help by labor contribution and community involvement shall be given preference.

#### **Section 5. Provisions as cumulative**

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

#### **Section 6. 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.

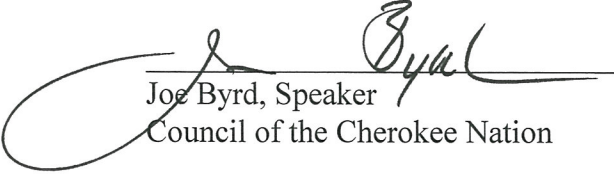
#### **Section 7. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

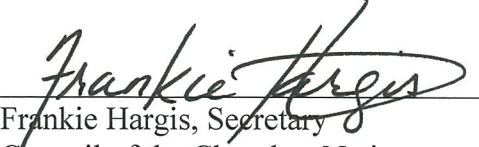
#### **Section 8. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

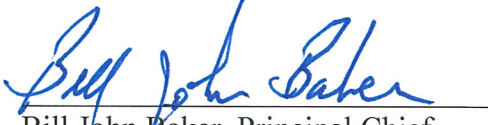
Enacted by the Council of the Cherokee Nation on the 19th day of June, 2017.

  
Joe Byrd, Speaker  
Council of the Cherokee Nation

**ATTEST:**

  
Frankie Hargis, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21 day of June, 2017.

  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Rex Jordan	<u>Yea</u>	Janees Taylor	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Dick Lay	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Bryan Warner	<u>Yea</u>	Keith Austin	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Don Garvin	<u>Yea</u>	Wanda Hatfield	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		