

## An Act

Legislative Act 03-12 **B**

### AN ACT AMENDING LEGISLATIVE ACT 31-07 PROVIDING HIGHER EDUCATION SCHOLARSHIPS FOR CHEROKEE NATION STUDENTS

BE IT ENACTED BY THE CHEROKEE NATION:

**Section 1. Title and Codification**

This Legislative Act shall be titled as the “Cherokee Nation Education Scholarship Amendment Act of 2012” and codified under Title \_\_\_\_ Section \_\_\_\_\_ of the Cherokee Nation Code Annotated (“CNCA”).

**Section 2. Purpose**

The purpose of this Act is to increase the amount of scholarships available to Cherokee students. ~~who receive Pell grant assistance to \$1,000.00–\$2,000.00 per semester up to \$4,000.00 per academic year inside the higher education scholarship boundary map and Pell eligible students that are At-Large.~~

**Section 3. Legislative History**

Article VI Section 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 Section 2 of the Cherokee Nation Constitution states:

“The Council shall provide by law for annual expenditure of funds, and the source from which funds are to be derived, to defray the estimated expenses of the Executive, Legislative, and Judicial Branches and the departments of government of the Cherokee Nation for each fiscal year. The budget shall not exceed estimated revenues”.

Article X Section 8 of the Cherokee Nation Constitution states:

“All laws authorizing the expenditures of money by and on behalf of the Cherokee Nation shall specify the purpose for which the money is

to be used, and the money so designated shall be used for no other purpose. No monies or resources of the Cherokee Nation or any of its entities shall be used to pay for representation of a defendant in a criminal matter, except where a public defender is authorized under Cherokee law. Annual expenditures shall not exceed the available funds”.

Legislative Act 31-07

Legislative Act 02-11

#### **Section 4. Definitions**

For purposes of this Act:

~~**Pell Grant Eligible student:** means a Cherokee student who qualified for the federal education PELL Grant program.~~

~~**Qualified Educational Facility:** means any educational facility for which PELL Grant Funds can be expended.~~

#### **Section 5. Substantive Provisions**

Cherokee Nation students who are eligible for PELL and non-PELL grant educational assistance and who are enrolled in a qualified educational facility shall receive a scholarship of ~~one thousand dollars (\$1,000.00)~~ two thousand dollars (\$2,000.00) per academic semester up to ~~two thousand dollars (\$2,000.00)~~ four thousand dollars (\$4,000.00) per academic year or equal distribution pending the allocation of the comprehensive budget. Said scholarship shall be automatically renewed for ~~four (4) years~~ ten (10) semesters provided that the student remains enrolled in good standing at a qualified educational facility. Scholarship awards shall not require demonstration of need.

The funding source for this expenditure shall be the Cherokee Nation General Fund. Scholarship awards shall be contingent upon available funding.

#### **Section 6. Provisions as Cumulative**

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

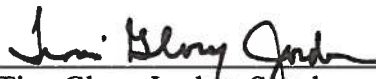
#### **Section 7. Severability**

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.

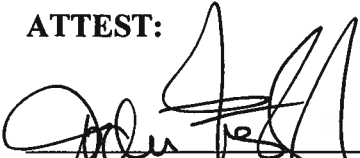
**Section 8. Effective Date**

This Act shall become effective \_\_\_\_\_, 2012 in accordance with the Cherokee Nation Constitution.


Enacted by the Council of the Cherokee Nation on the 23<sup>rd</sup> day of February, 2012.

  
Tina Glory-Jordan, Speaker  
Council of the Cherokee Nation

**ATTEST:**

  
Jodie Fishinghawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 28<sup>th</sup> day of February, 2012.

  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Charles Head, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Joe Byrd	<u>Yea</u>	Dick Lay	<u>Yea</u>
Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Buel Anglen	<u>Absent</u>
Jodie Fishinghawk	<u>Yea</u>	Cara Cowan Watts	<u>Absent</u>
Curtis Snell	<u>Yea</u>	Lee Keener, Jr.	<u>Absent</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Absent</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Jack Baker	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>		