

## An Act

### Legislative Act 07-23

#### AN ACT ESTABLISHING THE CHEROKEE NATION HISTORIC PLACES PRESERVATION FUND

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

##### Section 1. Title and Codification

This Act shall be known as the “Cherokee Nation Historic Places Preservation Fund Act” codified at Title 31, Heritage and Culture, Chapter 5, of the Cherokee Nation Code as an amendment to the Cherokee Nation Registry of Historic Places Act and further establishing Chapter 6, Official Biographies, Histories, and Publications, codified at Title 31, Heritage and Culture, Chapter 6 of the Cherokee Nation Code.

##### Section 2. Purpose

The purpose of this Act is to establish the Cherokee Nation Historic Property Preservation Fund as a source of funding for preservation of properties listed on the Cherokee Nation Register of Historic Places and to commission official biographies and publications of historical significance.

##### Section 3. Legislative History

The Cherokee Nation Registry of Historic Places Act, LA 26-19, *eff.* December 20, 2019.

##### Section 4. Substantive Provisions

§ 1003. Definitions.

- A. “Historic Places Preservation Fund” or “Fund” means the Fund established to support restoration and maintenance of properties listed on the Cherokee Nation Register of Historic Places.
- B. “Secretary” shall refer to the Cherokee Nation Secretary of Natural Resources, or such other person as may be designated by the Principal Chief to carry out duties and obligations under the Act.

§ 1013. Historic Places Preservation Fund.

The Council of the Cherokee Nation authorizes the establishment the Historic Places Preservation Fund to support restoration and preservation of properties listed on the Cherokee Nation Register of Historic Places.

- A. Composition and funding. The Council authorizes, subject to the appropriation process, the following funding sources for the the-Historic Places Preservation Fund:
1. One million dollars (\$1,000,000.00) held by the Cherokee Nation Tribal Historic Preservation Office, from revenue received from cultural resource reviews, which shall be transferred into the Historic Places Preservation fund upon the date of enactment of this act or upon such other action as required by law.
  2. Effective October 1, 2023, not less than fifty percent (50%) of revenue received by the Cherokee Nation from agricultural and business leases of tribal lands in an amount not to exceed one million dollars (\$1,000,000.00) annually.
  3. Not less than fifty percent (50%) of any fines imposed by the Courts of the Cherokee Nation for violations of any provision of the Act.
  4. Federal funds, grants, contributions, miscellaneous sources and revenues of enterprises, taxes, and special and general fund sources that may be incorporated into the Fund by the Treasurer of the Cherokee Nation.
  5. Any other budget appropriation that the Council of the Cherokee Nation may incorporate into the Fund from time to time.
- B. Cumulative Funding. All funds placed into the Historic Places Preservation Fund by operation of the Act, or subsequent appropriations by the Council of the Cherokee Nation, shall remain in the Historic Places Preservation Fund in subsequent fiscal years; absent express statutory language enacted to the contrary.
- C. Funding Eligibility. Any property listed on the Cherokee Nation Register of Historic Places may be eligible for funding from the Historic Places Preservation Fund; provided that:
1. The Secretary shall develop a process for evaluating and prioritizing properties listed on the Cherokee Nation Register of Historic Places for preservation and/or maintenance work consistent with the purposes of the Act.
  2. The Secretary shall cause preservation and/or maintenance support to be performed by departments or entities of the Cherokee Nation, third-party vendors, or direct grants to organizations or individuals that own or operate a property listed on the Cherokee Nation Register of Historic Places.
  3. Where the subject property is owned by an organization or individual, the Secretary is authorized to negotiate such deed restriction or other instruments to reasonably protect Cherokee Nation's investment in the subject property and the perpetual maintenance of the property as an historic site.

4. The Secretary shall provide the Council of the Cherokee Nation an annual report of funds disbursed from the Historic Property Preservation Fund and the amount and source of remaining funds.
5. Any administrative costs incurred by the Secretary or ~~or~~ other department or entity of the Cherokee Nation implementing the policies and purposes of this Section, may be paid or reimbursed from the Historic Property Preservation Fund.

## Chapter 6

### Official Biographies, Histories, and Publications.

#### § 1001. Definitions.

- A. "Secretary" means that definition codified in Chapter 5 of this Title.
- B. "Principal Chief" means any duly elected, acting, or appointed Principal Chief of the Cherokee Nation in accordance with Cherokee Nation law and applicable federal law.
- C. "Deputy Principal Chief" means any duly elected, acting or appointed Deputy Principal Chief of the Cherokee Nation in accordance with Cherokee Nation law and applicable federal law.

#### § 1002. Official Biographies of Principal Chiefs; Official Histories of Government Branches.

- A. The Council of the Cherokee Nation authorizes the Secretary to commission the formal publication of:
  1. Brief official biographies of Principal Chiefs holding office since 1971.
  2. Brief official biographies of former appointed Principal Chiefs holding office from 1907 to 1971.
  3. Brief official biographies of former Principal Chiefs' s-holding office from date of establishment of the office through 1907.
  4. Brief biographies of former Deputy Principal Chiefs holding office from date of establishment of the office or any successor office
  5. An official history of the legislative branch of the Cherokee Nation dating back to that branch's inception.
  6. An official history of the judicial branch of the Cherokee Nation government dating back to that branch's inception.
- B. Free from Political Bias; Formal Review and Publication;-
  1. The publications described in subsection A of this Section shall be free of policymakers' bias, endeavoring to present basic biographical and institutional facts of the subjects, public policy highlights relevant to the subjects, and the nature of the relevant historical era.
  2. The publications described in subsection A of this Section shall be subject to a review and comment period by the Culture Committee of the Council of the Cherokee Nation of no less than fifteen (15) days and no more than ninety

(90) days, with a copy made available for public inspection during the comment review period, with such review concluding upon the adjournment of the Culture Committee meeting convening the review.

3. The biographies of former Chiefs described in subsection A.1 of this Section shall be subject to a ninety (90) day review period of the former Principal Chief or, in the case of a former Principal Chief who is deceased or incapacitated, the former Principal Chief's authorized representative as determined by the Secretary.
4. The publications described in subsection A of this Section shall be, upon conclusion of the review periods described in this Section, made available to the public on Cherokee Nation's official website, bound hard copy publications, and any other means of publication as the Secretary deems consistent with the purposes and policies of this Section.

C. Deadline for Completion of Publications.

1. The publications described in subsection A of this Section shall:
  - i. with respect to subsections A(1), be completed within two (2) years of enactment of this Act, absent an extension granted by vote of the Culture Committee of the Council of the Cherokee Nation for a period not to exceed six (6) months.
  - ii. with respect to subsections A(2)-A(6), be completed within four (4) years of enactment of this Act, absent an extension granted by vote of the Culture Committee of the Council of the Cherokee Nation for a period not to exceed six (6) months.
  - iii. Subject to review and revision by the Secretary, no later than five (5) years following the first set of publications under this Section, following substantially the same process described in subsection B of this Section, with subsequent review and revisions conducted every five (5) years thereafter.

D. Exclusion of Current Office Holder. Notwithstanding any other provision of this Act, no biography of any Principal Chief shall be published while that person holds the office of Principal Chief, with such publishing deferred no later than ninety (90) days after that person's term of office expires.

**Section 5. Provisions as Cumulative**

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

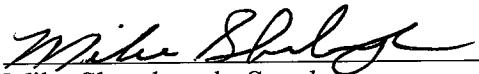
**Section 6. Severability**

The provisions of this act are severable and if any part or 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.

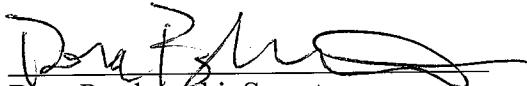
**Section 7. Effective Date/Emergency Declared**

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 and be in full force after its passage and approval.

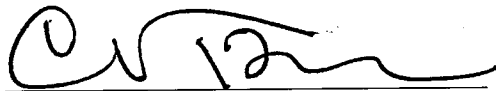
Enacted by the Council of the Cherokee Nation on the 13<sup>th</sup> day of March, 2023.

  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation

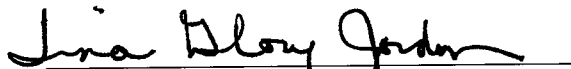
**ATTEST:**

  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 20<sup>th</sup> day of March, 2023

  
Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation

**ATTEST:**

  
Tina Glory Jordan, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E. O. "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
<b>Dept/Program:</b>	
Signature/Initial	Date
<b>Executive Director:</b>	
Signature/Initial	Date
<b>Treasurer: (Required: Grants/Contracts/Budgets)</b>	
Signature/Initial	Date
<b>Government Resources:</b>	
Signature/Initial	Date
<b>Administration Approval:</b>	
Signature/Initial	Date

Taralee
2/23/23

**TITLE:**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Taralee Montgomery

COUNCIL SPONSOR: Councilor Joe Deere, Keith Austin, Victoria Vazquez, Dora Patzkowski, Rex Jordan, Mike Shambaugh

**NARRATIVE:**

**AN ACT ESTABLISHING THE CHEROKEE NATION  
HISTORIC PLACES PRESERVATION FUND**

<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
Signature/Initial	Date
<b>Chairperson:</b>	
Signature/Initial	Date
<b>Returned to Presenter:</b>	
Signature/Initial	Date

Dore
2/28/23

Rules
3/13/23

Shambaugh
Date

FEB 28 '23 PM 4:58