

Committee: Full Council  
Date: 7-12-04 Committee Date: 7-12-04

Sponsor: \_\_\_\_\_  
Author: T. Hembree

## An Act

Amended by  
LA 02-07

LEGISLATIVE ACT 33-04

### AN ACT PROTECTING THREATENED TRADITIONAL CHEROKEE CEMETERIES; PROVIDING SEVERABILITY AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

#### SECTION 1. TITLE

This Act shall be known as the "Cherokee Nation Cemeteries Preservation Act of 2004."

#### SECTION 2. PURPOSE

The purpose of this Act is to make funds available for traditional Cherokee Cemeteries that are threatened with neglect and non-maintenance.

#### SECTION 3. LEGISLATIVE HISTORY

Article V, Section 7 of the Cherokee Nation Constitution.

#### SECTION 4. DEFINITIONS

"Traditional Cherokee Cemetery" means any cemetery that contains gravesites of over 50% Cherokee tribal citizens or historically significant and is located within the boundaries of the Cherokee Nation.

#### SECTION 5. SUBSTANTIVE PROVISIONS

- a. A total of \$40,000, to be expended equally among council members, shall be used for preservation and maintenance of traditional 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 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.

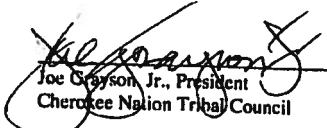
#### SECTION 6. CUMULATIVE

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


#### 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.


Enacted by the Council of the Cherokee Nation on the 12th day of July, 2004.

  
Joe Grayson, Jr., President  
Cherokee Nation Tribal Council


ATTEST:

  
Bill John Baker, Secretary  
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 16th day of JULY, 2004.

  
Chad Smith, Principal Chief  
Cherokee Nation

ATTEST:

  
Callie Catcher, Secretary/Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Audra Smoke-Conner	<u>Nay</u>	Melvina Shotpouch	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
S. Joe Crittenden	<u>Yea</u>	John F. Keener	<u>Yea</u>
Jackie Bob Martin	<u>Yea</u>	Cara Cowan	<u>Nay</u>
Phyllis Yargee	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Absent</u>	William G. Johnson	<u>Yea</u>
Don Garvin	<u>Abstain</u>	Charles "Chuck" Hoskin	<u>Yea</u>
Linda Hughes-O'Leary	<u>Yea</u>		