

An Act

Legislative Act 42-12

A LEGISLATIVE ACT RELATING TO AN AMENDMENT OF NATIVE AMERICAN ARTS AND CRAFTS COPYRIGHT ACT OF 2007

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the "Cherokee Nation Arts and Crafts Copyright Amendment of 2012 and codified as Title _____ Section _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to prevent the purchase of copyrights of works of Art by the Cherokee Nation or its entities in the initial purchase of the work of Art **and to ensure that policies shall be created by the Cherokee Nation and its affiliated entities to include in their contracts in purchasing arts and crafts to avoid any prohibitions of this Act.**

Section 3. Legislative History

1. 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".

2. Article VI Section 8 states: "No laws passed by the Council shall have retroactive effect or operation."

Section 4. Definitions

For purposes of this Title:

Arts and Crafts: Means any traditional or contemporary skill or activity or creative work of graphics, painting, sculpture, music, basketry, jewelry, pottery, metalwork, photography or other crafts or media that an artist chooses to produce works of art from.

Cherokee Nation: Means the Cherokee Nation government located at Tahlequah Oklahoma and all departments and agencies thereof.

Cherokee Nation Entities: Means any corporation, company, business or other entity in which the Cherokee Nation owns a majority interest.

Section 5. Substantive Provisions

A. In the event Cherokee Nation or its affiliated entities request bids for arts or crafts or solicit for the purchase of arts and crafts, the purchase of copyrights of the item is prohibited in the initial sale.

B. Cherokee Nation and its affiliated entities shall establish policies to include in their contracts in purchasing arts and crafts to avoid any prohibitions of this Act.

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

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval **and only applies to future transactions after the effective date.**

Section 9. 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 13th day of November, 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 16th day of Nov., 2012.



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



Charles Head, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Joe Byrd	<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>	Frankie Hargis	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Absent</u>
Lee Keener	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		