



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Details (With Text)

File #: 10-003 **Version:** 1 **Name:** DONATIONS AND CONTRIBUTIONS ACT OF 2009
Type: Legislative Act **Status:** Failed
File created: 1/12/2010 **In control:** EXECUTIVE AND FINANCE COMMITTEE
On agenda: 1/28/2010 **Final action:** 2/16/2010
Enactment date: 2/16/2010 **Enactment #:**

Title: ACT RELATING TO DONATIONS AND CONTRIBUTIONS FROM THE CHEROKEE NATION; REPEALING PORTIONS OF LA 43-03; "THE EMERGENCY ASSISTANCE AND COMMUNITY SUPPORT PROJECTS AUTHORIZATION ACT OF 2003" AS AMENDED; DECLARING AN EMERGENCY

Sponsors: Chuck Hoskin Jr.

Indexes: Community Support Projects, Contribution, Donations, Emergency Assistance

Code sections: ?? - Unknown

Attachments:

Date	Ver.	Action By	Action	Result
2/16/2010	1	TRIBAL COUNCIL	Approved	Fail
2/9/2010	1	EXECUTIVE AND FINANCE COMMITTEE	Approved with Amendments	Pass

ACT RELATING TO DONATIONS AND CONTRIBUTIONS FROM THE CHEROKEE NATION; REPEALING PORTIONS OF LA 43-03; "THE EMERGENCY ASSISTANCE AND COMMUNITY SUPPORT PROJECTS AUTHORIZATION ACT OF 2003" AS AMENDED; DECLARING AN EMERGENCY
BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as Donations and Contribution Act of 2009 and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to set forth parameters for the Executive and Legislative Branch to collaboratively approve funding requests for donations and contributions. Donations and contributions from the Nation to third parties are made to improve the quality of life for Cherokee citizens and establish positive partnerships between the Nation and other governments and organizations that share common goals.

Section 3. Legislative History

Article X, Section 7 of the Cherokee Nation Constitution approved by vote of the citizens of the Cherokee Nation on July 26, 2003: ruled effective and ordered implemented by the Cherokee Nation Judicial Appeals Tribunal (now Supreme Court) on June 7, 2006 in Case # JAT - 05-04; amended by popular vote of the Cherokee people on March 3, 2007, LA 43-03, and LA 21-09.

Section 4. Definitions

None.

Section 5. Substantive Provisions of Law

- A. Appropriations:** The Council may appropriate from time to time, subject to the Cherokee Constitution, Article X., Section 7, an undesignated pool of funds for Contributions and Donations.
- B. Subcommittee:** The Council shall establish a Subcommittee of the Executive and Finance Committee to consider and consent to expenditure of funding requests for Donations and Contributions.
- C. Coordination of requests:** In order to expend enacted appropriations to the Contributions and Donations fund that are undesignated, Government Relations staff will collect and research requests for funding. Government Relations shall prepare a cover sheet with information about the organization, purpose of the funding, whether the request may be directed to any other existing programs, and amounts of assistance from the Nation or its entities received by the requestor over the last two years.
- D. Recommendations for Award:** The Principal Chief shall make recommendations for expenditure after reviewing the requests and the information collected in C. above. All requests, recommended and not recommended, will be forwarded to the Subcommittee.
- E. Awards:** The Principal Chief will only make awards to ~~recommended~~ projects that have ~~unanimous~~ **two thirds (2/3) majority** consent of the Subcommittee.
- F. Unfunded Requests:** If a request for funding is ~~not recommended by the Principal Chief, or if any recommended projects fails~~ to have ~~unanimous~~ consent of the Subcommittee, the funding request may be considered by the Council for an appropriation pursuant to the normal appropriation process. **Nothing in this Act shall limit the authority of the Council to appropriate funds under the Constitution or any other law.**
- G. Donations and contributions made under this Act shall be awarded equitably by district. Awards that inure to the benefit of multiple districts or benefit organizations outside the jurisdiction will not be considered in the calculation for equity. Upon March 31 of each fiscal year, this limitation shall be lifted.**
- H. Limitation on awards:** Funds will not be provided for the primary benefit of one individual. Any organization may only receive funds under this appropriation once per fiscal year.
- I. Notice of award:** Administration shall develop a cover letter of award, which may be co-signed by the Tribal Council members of the applicant's district.

Section 6. Provisions of Law Repealed

Section 4, Subsection 7 and Section 5, Subsection 2 of LA-43-03, the "Emergency Assistance and Community Support Projects Authorization Act of 2003," as amended, shall hereby be repealed.

Section 7. Provisions as cumulative

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

Section 8. 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 9. 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 immediately upon its approval and signatures.

Section 10. 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.