# Legislation Details (With Text)

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| **File #:** | CNCA-32 | **Version:** | 2 | **Name:** | TITLE 32 - HISTORICAL SOCIETIES AND ASSOCIATIONS |
| **Type:** | Cherokee Nation Code | | | **Status:** | Passed |
| **File created:** | 1/1/2014 | | | **In control:** | TRIBAL COUNCIL |
| **On agenda:** | N/A | | | **Final action:** | N/A |
| **Enactment date:** | N/A | | | **Enactment #:** | N/A |
| **Title:** | TITLE 32 - HISTORICAL SOCIETIES AND ASSOCIATIONS (INCLUDES 2019 POCKET PART AND AMENDMENTS) | | | | |
| **Sponsors:** | N/A | | | | |
| **Indexes:** | CNCA, Code, Historical Society | | | | |
| **Code sections:** | Title 32 - Historical Societies and Associations | | | | |
| **Attachments:** | 1. TITLE 32 - Historical Societies and Associations.pdf, 2. PP2019 T31 Heritage and Culture + LA32-22 LA07-23 LA27-23 LA04-24 LA05-25 | | | | |

| Date | Ver. | Action By | Action | Result |
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## TITLE 32 - HISTORICAL SOCIETIES AND ASSOCIATIONS (INCLUDES 2019 POCKET PART AND AMENDMENTS)

NOTICE: This document is provided as a courtesy. This document includes amendments to the Title 32 2019 Pocket Part as listed below and have not yet been officially codified. To ensure accuracy, anyone using this document should compare it to the official amendments available at: <https://cherokee.legistar.com/Legislation.aspx>
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Includes: LA 20-20

## TITLE 32

## HISTORICAL SOCIETIES AND ASSOCIATIONS

### Chapter

1. General Provisions

1A. Violations-Penalties

20. Register of Historic Places

## CHAPTER 1

GENERAL PROVISIONS

1.0 Findings

1.1 Establishment of Successor Cherokee National Historical Society
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1.6 Archival Repository
1.7 Strategic Operating and Capital Plan for Cherokee Heritage Center
1.8 Actions Required by CNHS (1963)

§ 1.0 Findings

The Council of the Cherokee Nation finds that

A. The property, buildings and archival holdings housed at the Cherokee Heritage Center are precious and irreplaceable resources for the Cherokee Nation and the Cherokee people, with such property described as:

East 230.0 feet of E/2 of NE/4 of NW/4, less and except the South 205.20 feet thereof, in Section 15, Township 16 North, Range 22 E.I.M, Cherokee County, State of Oklahoma, containing 6.00 acres, more or less,

and

S/2 of NW/4 of NE/4 and NE/4 of SW/4 of NE/4 and the S. 400.0 feet of SW/2 of NE/4 of NE/4 and W/2 of NW/4 of SE/4 of NE/4, and a tract of land described to wit: Beginning at a point of 200.0 feet E. of the NE corner of W/2 of SW/4 of SE/4 of NE/4; thence S. 200.0 feet; thence W. 1115.0 feet, to a point 200.0 feet S. and 75.0 feet E. of the NW corner of the SE/4 of SW/4 of NE/4; thence NW on a direct line to the NW corner of said SE/4 of SW/4 of NE/4; thence E. 1190.0 feet, more or less to the point of beginning; in Section 15, Township 16N, Range 22 I.B.&M., Cherokee County, State of Oklahoma, containing 44 acres, more or less.

B. A state of emergency exists concerning the safe storage of the Nation's archival records held at Cherokee Heritage Center due to insufficient storage facilities at Cherokee Heritage Center, requiring immediate action;

C. Since 1963, the Cherokee National Historical Society (CNHS) has served an indispensable role in the preservation and management of the Cherokee Heritage Center and its archival holdings, particularly during periods of time in which the Cherokee Nation lacked sufficient resources to perform such functions directly;

D. Legislative Act 15-85, making the Cherokee Heritage Center the repository of Cherokee Nation's archives, likewise served the critical objective of preserving and protecting Cherokee Nation's archives, particularly during periods of time in which the Cherokee Nation lacked sufficient resources to perform such functions directly; and

E. Cherokee Nation's growth, financial resources and expertise in historic preservation and museum management, warrants a transition towards its direct control and ownership of the Cherokee Heritage Center, all while preserving a vital role for a reconstituted Cherokee National Historical Society.

LA 20-20, eff. September 24, 2020.

**§ 1.1. Establishment of Successor Cherokee National Historical Society:** The Principal Chief is authorized to file articles of incorporation to establish the Cherokee National Historical Society (hereinafter "CNHS (2020))", under the laws of the Cherokee Nation, upon the earliest of:

A. Receiving written notice that Cherokee National Historical Society, Inc, established in 1963 under the laws of the State of Oklahoma (hereafter "CNHS (1963))", has dissolved; or

B. Confirming that CNHS (1963) has transferred ownership of all land, buildings, equipment, assets, collections and historic documents to the Cherokee Nation; or

C. 30 days of enactment of this Act.

LA 20-20, eff. September 24, 2020.

**§ 1.2. Structure of CNHS (2020):** CNHS (2020) shall be governed by a Board of Directors, (hereafter "Board)", which shall be subject to the following requirements:

A. The Board shall be composed of no more than seven (7) members, all of whom must be citizens of the Cherokee Nation and appointed as follows:

a. One appointed by the Principal Chief, Seat 1, for an initial 7 year term, and succeeding 5 year terms thereafter;

b. One appointed by the Council of the Cherokee Nation, Seat 2, for an initial 6 year term, and succeeding five year terms thereafter;

c. One appointed by the Supreme Court of the Cherokee Nation, Seat 3, for a five year term and succeeding 5 year terms thereafter; and

d. Four additional members shall be appointed by the aforementioned initial board members (Seats 1-3) as follows:

i. Seat 4, for an initial term of 4 years and succeeding 5 year terms thereafter;
ii. Seat 5, for an initial term of 3 years and succeeding 5 year terms thereafter;
iii. Seat 6, for an initial term of 2 years and succeeding 5 year terms thereafter; and
iv. Seat 7, for an initial term of 1 year and succeeding 5 year terms thereafter.

B. No member of the Board shall be an elected official of the Cherokee Nation, nor be a spouse or relative within the first degree of consanguinity of an elected official of the Cherokee Nation.

C. The Board may create such additional non-governing auxiliary bodies as it deems appropriate to support fundraising, public outreach, or to provide subject matter expertise and support.

D. The Board may establish membership criteria for the purpose of fundraising and public engagement.

E. The Principal Chief, Deputy Principal Chief, Speaker of the Council of the Cherokee Nation and Chief Justice of the Supreme Court of the Cherokee Nation shall serve as non-voting ex-officio members of CNHS (2020).

F. The CNHS (2020) Board shall adopt bylaws, rules, procedures and other policies consistent with this Act, a copy of which shall be provided to the Principal Chief and the Council of the Cherokee Nation.

G. CNHS (2020) Board members shall be entitled to any lawful reimbursement of expenses in connection with their board service and may receive compensation for said service should any such compensation be provided through the Cherokee Nation appropriation process or through such other enactment of the Council of the Cherokee Nation.

LA 20-20, eff. September 24, 2020.

## § 1.3. Express Authority: CNHS (2020) shall have the authority to:

A. Raise funds in support of endowments and capital projects, in consultation with Cherokee Nation.

B. Advise Cherokee Nation generally on programming, archival holdings, transfer efforts, budgetary needs, maintenance of physical plant and capital improvements.

C. Appoint members of its Board or auxiliary bodies to search committees for the positions of Executive Director, Archivist and Collections Manager or comparable positions.

D. Draft, review and provide comment to Cherokee Nation on job descriptions, prerequisites and compensation levels for the positions of Executive Director, Archivist and Collections Manager or comparable positions.

E. Conduct, via executive session, confidential written annual reviews of CHC Executive Director and Archivist, to be provided to the Executive Director's, Archivists' and Collections Manager's (or comparable positions) immediate supervisors. Said annual review shall be made a part of the Executive Director and Archivists personnel file and shall not be subject to disclosure under Cherokee Nation's FOIA or Government Records Act.

F. Develop strategic plans in consultation with Cherokee Nation.

G. Produce a written annual report to the Principal Chief and the Council of the Cherokee Nation on the state of the entity's affairs by the conclusion of each fiscal year, including recommendations for actions to be taken in the succeeding fiscal year.

H. Occupy reasonable office space in such Cherokee Nation facilities as the Cherokee Nation shall provide for CNHS (2020) operations.

LA 20-20, eff. September 24, 2020.

## § 1.4. Express Limitations of Authority: CNHS (2020) is expressly prohibited from:

A. Purchasing real property.

B. Renting or leasing real property or office space, except for property or space provided by the Cherokee Nation under an agreement made in accordance with this Act.

C. Directly employing staff.

LA 20-20, eff. September 24, 2020.

§ 1.5. Reversion in Event of Dissolution of CNHS (2020): **Upon dissolution of CNHS (2020) its assets and obligations shall revert to Cherokee Nation.**

LA 20-20, eff. September 24, 2020.

§ 1.6. Archival Repository: **Legislative Act 15-85 is hereby amended and Cherokee Nation shall be its own repository for the records and archives of the Cherokee Nation.**

LA 20-20, eff. September 24, 2020.

**§ 1.7. Strategic Operating and Capital Plan for Cherokee Heritage Center:** By April 30, 2021, CNHS (2020) shall deliver to the Principal Chief and Council of the Cherokee Nation a proposed strategic plan for review and approval by the Principal Chief, following a review and comment period by the Council of the Cherokee Nation of no less than 30 days.

LA 20-20, eff. September 24, 2020.

§ 1.8. Actions Required of CNHS (1963): **Within 60 days of enactment of this Act, or for such additional period of time authorized by the Principal Chief not to exceed an additional 60 days, CNHS (1963) shall:**

A. **Deliver to the Principal Chief a report on the timeline for its dissolution or a report setting forth why**

**continuation of CNHS (1963) is required to meet some legal or fiduciary obligation that cannot be met by CNHS (2020); and**

B. Cause and otherwise facilitate the transfer of all real and personal property, holdings and archives to meet the purposes and policies of this Act.

LA 20-20, eff. September 24, 2020.

CHAPTER 1A

VIOLATIONS-PENALTIES

Section

2.1. Damage to historical site

§ 2.1. Damage to historical site

No person shall willfully or knowingly break, break off, crack, carve upon, write, or otherwise mark upon, or in any manner damage, destroy, mutilate, deface more, or harm any historic or prehistoric site, building, object artifact or material in, around or upon any historic or prehistoric site, building, object artifact or material in, around or upon any historic site owned, operated, managed or under the control of Cherokee Nation. Any person convicted of violating any of the provisions of this section shall be guilty of a crime and shall be punished by a fine of not to exceed Two Hundred Dollars ($200.00) or by confinement in the county jail for not to exceed thirty (30) days or by both such fine and confinement.

CHAPTER 20

REGISTER OF HISTORIC PLACES

Section

361. Anthropological and archaeological projects



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§ 361. Anthropological and archaeological projects

A. It shall be unlawful for any person to intentionally and knowingly deface American Indian or aboriginal paintings, pictographs, petroglyphs or other marks or carvings on rock or elsewhere that are of archaeological interest and pertain to early American Indian or aboriginal habitation of the country. It shall be unlawful to willingly injure, disfigure, remove or destroy any archaeological interest and pertain to early American Indian or aboriginal habitation of the country. It shall be unlawful to willingly injure, disfigure, remove or destroy any archaeological resources, including but not limited to, a prehistoric or historic structure, site, monument, marker, medallion, burial, burial marker or artifact without lawful authority as provided in this or related statutes. It shall be unlawful to enter onto the enclosed lands of another with the intent to intentionally injure, disfigure, remove, excavate, damage, take, dig into or destroy any archaeological remains or any prehistoric or historic site, American Indian or aboriginal campsite, artifact, burial, ruin or other materials wherever situated within the state without consent of the owner.

B. Any person violating any of the provisions of this section shall be guilty of a crime and, upon conviction, shall forfeit to the Cherokee Nation for final disposition all articles and materials and related records wrongfully acquired through his action or efforts, and shall also be fined not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00), or imprisoned in the county jail, not exceeding thirty (30) days, or both.


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