



Legislation Text

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AN ACT AMENDING THE CHEROKEE NATION CEMETERIES PRESERVATION ACT OF 2017 TO PROVIDE FOR THE REPAIR AND RESTORATION OF UNMARKED AND DAMAGED HISTORICAL CHEROKEE GRAVES AND DECLARING AN EMERGENCY BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act amends the Cherokee Nation Cemeteries Preservation Act of 2017 and shall be codified at Title 8, Section 4 of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to amend Title 8 of the Cherokee Nation Code Annotated to provide for the restoration and repair of unmarked and/or damaged historical Cherokee graves.

Section 3. Legislative History

Article VI, Section 7 of the Cherokee Nation Constitution states that the Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation.

LA 33-04, eff. August 11, 2004.
Amended. LA 02-07, eff. February 21, 2007.
Amended. LA 17-17, eff. June 19, 2017

Section 4. Substantive Provisions

§ 4. Appropriation-Advocate/coordinator-Policies and procedures

A. All monies appropriated for cemetery maintenance shall be used for preservation, repair, restoration and/or maintenance of traditional or historically significant Cherokee cemeteries, unmarked graves and/or damaged graves 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, unmarked graves and/or damaged graves in question.

C. The Principal Chief shall designate an advocate/coordinator to ensure effective implementation of this act.

D. The Culture Committee of the Council 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 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 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 proposals or applications demonstrating self-help by labor contribution and community involvement shall be given preference.

J. The advocate/coordinator shall develop and implement a program to repair/restore unmarked and/or damaged Cherokee graves subject to the following:

1. Total amount to be awarded for each headstone is not to exceed two hundred dollars (\$200.00);
2. Limit of one headstone per applicant;
3. Qualifying unmarked and/or damaged Cherokee graves be from prior to 1839; and
4. Total expenditures under this program is limited to twenty-five percent (25%) of the total amounts appropriated for cemetery maintenance under this act.

Section 5. Provisions as Cumulative

The provisions of this act shall supersede any law to the contrary and 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.

Section 8. 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.