



Council of the Cherokee Nation

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

Legislation Text

File #: 09-152, Version: 1

AN ACT ENABLING COMMUNITY ASSISTANCE DISTRIBUTION TO CHEROKEE NATION COMMUNITY ORGANIZATIONS BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be referred as the "Community Assistance and Distribution Act of 2009" and codified under Title ____ Section _____ of the Cherokee Nation Code Annotated (CNCA).

Section 2. Purpose

The purpose of this Act is to set the requirements and process for Cherokee Community Organizations to qualify for funds to assist it to benefit the health and welfare of the Cherokee Citizens or to promote the preservation and understanding of Cherokee language, history or culture.

Section 3. Legislative History

1. Legislative Act 43-03

2. Article X § 7 of the Cherokee Nation Constitution states:

"The credit of the Cherokee Nation shall not be given, pledged, or loaned to any individual, firm, company, corporation, or association without the approval of the Council. The Cherokee Nation shall not make any donations by gift, bonus, or otherwise, to any individual, firm, company, corporation, or association without the approval of the Council."

Section 4. Definitions

For the Purposes of this Act:

1. "Principal Chief" means the duly elected or appointed Principal Chief of the Cherokee Nation.
2. "Cherokee Nation Tribal Council" means the duly elected or appointed members of the Cherokee Nation Tribal Council.
3. "Cherokee Community Organizations" means a group or organization whose members consists of a majority of Cherokee citizens.
4. "Cherokee Citizens" means a person who is a registered citizen of the Cherokee Nation or a person who has applied for citizenship who has not been denied.
5. "Qualified School" means a public or private educational school or institute of higher education located within the jurisdictional boundaries of the Cherokee Nation, including any Indian Education Program or committee serving said school.

Section 5. Substantive Provisions

1. Funds under this Act shall be distributed under this Act to Cherokee Community Organizations or qualified schools to be used for the direct or indirect benefit of the health and welfare of the Cherokee citizens or to promote the understanding and preservation of Cherokee language, history or culture. Individuals are not eligible for funds under this Act.
2. Application for funds under this Act shall set forth the following:
 - a. Name of organization or qualified school.
 - b. Substantive proof that the organization has a majority of members that are Cherokee citizens or that the qualified school is located within the jurisdictional boundaries of the Cherokee Nation.
 - c. A substantive showing that the funds requested will be used for the purposes allowed under this Act.
3. Applications for Community Assistance shall be considered by the Executive and Finance Committee of the Cherokee Nation Tribal Council or a sub-committee as may be established.
4. Said applications must be received by the Tribal Council at least fourteen (14) days prior to the committee/sub-committee meeting to be considered. All applications shall be forwarded to the Principal Chief upon receipt.
5. The Principal Chief may report recommendations concerning the pending applications.
6. The Tribal Council Executive and Finance Committee or its sub-committee shall take action on all applications.
7. Approved applications, en masse, shall be submitted to the Tribal Council as a separate acts unless two-thirds (2/3) of the Tribal Council votes to submit the applications as part of another budget modification.
8. Funds under this Act must be equally distributed among the Tribal Council districts.
9. Assistance under this Act shall not replace assistance available under any other program. The intent of this legislation is to meet special needs not covered by other programs.

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. 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.