



Legislation Text

File #: 12-149, Version: 2

AN ACT RELATING TO STATE BURIAL CEREMONY OF CURRENT AND FORMER PRINCIPAL AND DEPUTY CHIEF'S OF THE CHEROKEE NATION AND PROVIDING A STIPEND TO THEIR FAMILY FOR BURIAL ASSISTANCE

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

Example: This act shall be known as the _____ and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to enact legislation that provides for a state burial ceremony of current and former principal and deputy chiefs of the Cherokee Nation and providing a stipend to their family for burial assistance.

Section 3. Legislative History-none

Section 4. Definitions

For purposes of this Title:

A. The Principal Chief and Deputy Chief titles are set forth and defined in the Executive Section of Article VII of the Constitution of the Cherokee Nation.

Section 5. Substantive Provisions

A. The Cherokee Nation shall offer to conduct a memorial befitting a former or current Chief or Principal Chief which shall be conducted as a funeral service or as a separate event in accordance with the wishes of the family of the deceased. The cost of the memorial shall be incurred one hundred per cent (100%) by the Cherokee Nation.

B. A stipend to the family or burial and incidental expenses at a rate no less than or burial assistance program rate, the precise payment to be determined by the principal Chief.

C. The Principal Chief or his designee shall commence planning for the memorial "immediately" upon the notice of death. If the deceased is the current Principal Chief, the current Deputy Chief shall conduct all duties related to the provisions of this act that direct actions by the Principal Chief.

D. In order to avoid delay, the Council authorizes Principal Chief to expend burial assistance program funds (tribal revenues) to cover expense until such time as council makes other appropriation for the memorial.

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.

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.