



## Legislation Text

File #: 19-077, Version: 1

### **THE DURBIN FEELING LANGUAGE PRESERVATION ACT BE IT ENACTED BY THE CHEROKEE NATION:**

#### **Section 1. Title and Codification**

This legislative act shall be titled and codified in Title 31, Chapter 5 of the Cherokee Nation Code Annotated as the “**Durbin Feeling Cherokee Language Preservation Act.**”

#### **Section 2. Findings**

The Council of the Cherokee Nation finds that a crisis exists within the Cherokee Nation with respect to language preservation. More specifically, the Council finds that there exists only approximately 2000 first language Cherokee speakers. The Council further finds that Cherokee Nation’s language preservation programs are effective but lack sufficient resources to preserve the Cherokee language.

#### **Section 3. Purpose**

The purpose of this Act is to a) authorize capital funding and increased operating funding for Cherokee language programs beginning in fiscal year 2020, b) authorize the Principal Chief to name the proposed language center the “Durbin Feeling Language Center” and c) create the cabinet office of Secretary of Language, Culture and Community.

#### **Section 4. Substantive Provisions**

##### **§ 1. Amounts Authorized.**

- A. Capital funding shall not exceed \$5 million for fiscal year 2020, with unexpended funds carried over until the completion of the facility set forth below. The capital funding will expand and renovate the existing building and site located at 16489 US HWY 62, Tahlequah, OK 74464
- B. Operational funds shall be no less than \$1.5 million in excess of fiscal year 2020 Comprehensive Budget Act appropriations for language programs, with such authorization expiring September 30, 2024, unless specially reauthorized by act of the Council of the Cherokee Nation. Said funds may be used to expand the Cherokee Master Apprentice Language Program and create or expand such other language programs to effectuate the purposes and policies of this Act.
- C. The funding source is dividends received from those governmental revenue entities in which Cherokee Nation is the sole or majority shareholder, and that are organized under Cherokee Nation law. Other sources of funding, such as grants, miscellaneous sources and contributions, revenues of enterprises, taxes, and special and general fund sources, may be used to supplement this funding in order to maximize the beneficial impact through a cohesive strategy to achieve the Purpose as identified herein.

D. The Principal Chief is authorized to execute such memoranda of agreement with Cherokee Nation Businesses to effectuate the funding requirements of this Act.

E. All funding set forth herein is subject to the Council appropriations process.

## **§ 2. Building Naming**

The Principal Chief is authorized to designate the facility described in Section 2(A) as the “Durbin Feeling Language Center.”

## **§ 3. Secretary of Language, Culture and Community**

The Principal Chief is authorized to established the cabinet position of Secretary of Language, Culture and Community at such time and subject to such terms as he deems warranted, subject to a term of office coextensive with that of the Principal Chief and subject to nominee confirmation by the Council of the Cherokee Nation.

## **§ 4. Policy of Accountability**

A. All funds pursuant to this Act under the care of the Cherokee Nation shall be expended as authorized by this enactment unless amended.

B. Any official who intentionally and willfully misuses, misapplies, diverts or embezzles the application or use of any public funds entrusted to the care of the Cherokee Nation from any sources may be prosecuted according to applicable criminal statutes.

## **§ 5. Reporting Requirements.**

Prior to the expiration of each fiscal year, the Principal Chief shall designate an official to compile a report to be delivered to his office and to the Speaker of the Council on the efficacy of Cherokee Nation Language Programs, which shall include recommendations for changes and improvements to the language programs.

## **Section 5. Provisions as cumulative**

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

## **Section 6. 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 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 immediately upon its approval and signatures.