



Council of the Cherokee Nation

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

Legislation Text

File #: LA-15-02, **Version:** 1

An Act

LEGISLATIVE ACT 15-02

AN ACT AUTHORIZING AND RESTRICTING THE DEPOSIT OF
ADDITIONAL PROCEEDS FROM THE RAMAH NAVAJO
SETTLEMENT INTO A SEPARATE INTEREST BEARING ACCOUNT
BE IT ENACTED BY THE CHEROKEE NATION:

SECTION ONE: TITLE

This Act shall be entitled: The Ramah Navajo Settlement Depository Act of 2002. SECTION TWO: PURPOSE

The purpose of this enactment is to authorize the deposit of additional funds the Cherokee Nation has received pursuant to Ramah Navajo Chapter v. Bruce Babbitt et al., CIV No. 90-0957 LH/WWD in the United States District Court for the District of New Mexico, and to maintain those funds until appropriated by the Cherokee Nation Tribal Council.

SECTION THREE: LEGISLATIVE HISTORY

A. The Constitution of the Cherokee Nation at Article X and CNCA, Title 62, provide that fiscal responsibilities are vested with the Tribal Council.

B. The Constitution of the Cherokee Nation, Article X, Section 2 states "The Council shall provide by law for annual expenditure of funds, and the source from which funds are to be derived to defray the estimated expenses of the Executive, Council, Cabinet and Departments of Government of the Cherokee Nation for each fiscal year. The budget shall not exceed estimated revenues."

C. CNCA, Title 62, Section 31, sub-section A states "All appropriations of funds shall be provided for by law. The appropriations bill shall include the source of funds, the amount of funds, and the purpose for which the funds are being appropriated."

SECTION FOUR: DEFINITIONS

Council: means the Tribal Council of the Cherokee Nation

Secretary Treasurer: means the Secretary Treasurer of the Cherokee Nation.

Additional Settlement Funds: means the two hundred fifty three thousand six hundred eighty four dollars and seventy four cents (\$253,684.74) awarded to the Cherokee Nation as a class member in the lawsuit Ramah Navajo v. Bruce Babbitt et al., CIV No. 90-0957 LH/WWD, plus any accumulated interest earned on that amount subsequent to its deposit on April 9, 2002 as a result of being deposited in an interest bearing account.

Separate Interest Bearing Account: means an interest bearing account in any FDIC insured bank that has been approved by the Tribal Council as a depository bank for the Cherokee Nation.

SECTION FIVE: SUBSTANTIVE PROVISION

BE IT ENACTED BY THE COUNCIL OF THE CHEROKEE NATION: that the Settlement Funds shall be restricted and deposited in a Separate Interest Bearing

Account until further appropriation by the Tribal Council. The Secretary/Treasurer of the Cherokee Nation shall report to the Council on a monthly basis concerning the status of said account.

SECTION SIX: PROVISION AS CUMULATIVE

The provisions of this Act shall be cumulative to existing law. SECTION SEVEN: 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 EIGHT: EFFECTIVE DATE: EMERGENCY

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.

Passed by the Cherokee Nation Tribal Council on the 13th day of MAY, 2002.

Hastings Shade, President Cherokee Nation Tribal Council

ATTEST: Stephanie Shepherd, Secretary Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 21st day of MAY, 2002.

Chadwick Smith Principal Chief Cherokee Nation

ATTEST: Jay Hannah, Secretary-Treasurer Cherokee Nation

YEAS AND NAYS AS RECORDED:

John Ketcher	YEA	Melvina Shotpouch		YEA
Don Crittenden	YEA	Stephanie Wickliffe-Shepherd	ABSENT	
Harold "Jiggs" Phillips	YEA	John Keener		YEA
Jackie Bob Martin	YEA	Harold J. DeMoss	YEA	
Mary Flute-Cooksey	YEA	Dorothy McIntosh		
David Thornton, Sr.	YEA	Nick Lay	YEA	
Don Garvin		YEA Charles "Chuck" Hoskin		YEA
Barbara Starr-Scott	YEA			