



Council of the Cherokee Nation

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

Legislation Text

File #: 09-154, Version: 2

A LEGISLATIVE ACT AMENDING LA#01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING ALLOCATION OF REVENUES BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the "The Cherokee Nation Motor Vehicle Code Revenue Allocation Amendment Act of 2009" and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this act is to amend LA# 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to encourage public schools to include Cherokee programming or projects in either instruction or co-curricular activities.

Section 3. Legislative History

Legislative Act #01-01, "The Cherokee Nation Motor Vehicle and Licensing Tax Code" of 2001, as amended by Legislative Acts 27-01, 34-01, 34-02, 04-03, 19-03, 25-04, 29-04, 03-05, 07-06, 12-06, 17-06, 08-07, 05-08, 23-08, 24-08, 04-09 and 02-10.

Section 4. Amendment

Section 105 (C) (2); Subsection C; 2 of LA 01-01 shall be amended as follows:

§ 105 (C) (2)

2. Each year, five percent (5%) of the revenues set aside under Subsection B(2) of this section shall be distributed on a competitive basis to eligible public schools for Cherokee-specific programming or projects. This amount shall be matched with an equal amount to be paid from revenues described in Subsection B(4). Education services shall develop policies and procedures for the competitive fund and awards up to \$25,000 per school per year may be made. A school may be eligible for award for two consecutive years upon which a waiting period of (1) one year shall be required to reapply. The remaining ninety five percent (95%) of the revenues set aside under Subsection B(2) of this section shall be distributed pro rata each year among eligible public schools, Sequoyah High School and Cherokee Nation Head Start program based on each school's qualified student enrollment determined as follows: for the purposes of this distribution formula, (a) the qualified student enrollment for each public school shall be equal to the total number of its enrolled Cherokee students, as determined annually from a certified Cherokee student count as described in section 1255(B)(2), submitted and documented by the Superintendent of each eligible public school district as of October 1 of each year, and subject to review by the Cherokee Nation Education Department; and (b) the qualified student enrollment for Sequoyah High School shall be equal to the total number of its enrolled Indian students in accordance with the most recent Bureau of Indian Affairs student count; and (c) the qualified student enrollment for Cherokee Nation Head Start shall be equal to the total amount of its enrolled Indian students, who are at least four years old as of October 1 of each year, submitted and documented by the director of the program.

The pro rata share referred to in this paragraph shall be the percentage that each such school's qualified student enrollment bears to the total qualified student enrollment of all such schools within the Reservation Boundaries and as described in section 1255(B)(2); Sequoyah High School; and the Cherokee Nation Head Start program. Provided, however, for any year that the available per-pupil federal education funding for Indian students attending Sequoyah High

School is less than 85% of the state per-pupil expenditures for students attending public schools in the State of Oklahoma, each Indian student enrolled at Sequoyah High School shall be weighted as two Indian students for the purposes of the distribution formula in this paragraph.

The Cherokee Nation Education Department is hereby authorized to develop and implement policies and procedures necessary for review and proper documentation of the student counts for purposes of this Act. Such policies and procedures shall, at a minimum contain procedures by which appropriate parties will be notified about the requirements herein; requirements for documentation and substantiation of student count submissions; and procedures for appeal of determinations affecting an entity's student count.

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

The provisions of this act shall become effective thirty (30) days from and after the date of 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.