



## Legislation Text

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File #: 22-077, Version: 1

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### **CHEROKEE ARTIST RECOVERY ACT**

**BE IT ENACTED BY THE CHEROKEE NATION:**

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

This legislative act shall be titled and codified as the “**Cherokee Artist Recovery Act of 2022**” or alternatively “**Artist Recovery Act.**”

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

The Council of the Cherokee Nation finds that the COVID-19 pandemic had a disproportionate negative economic impact on Cherokee artists. Pandemic conditions and response measures created barriers to the marketplace for many artists. This adverse economic impact threatens not only the economic viability of Cherokee artists, but also threatens the perpetuation of Cherokee Nation art, culture and life ways. The Council observed that every elected official in the Cherokee Nation takes an oath obligating the office holder, under Article VIII, Section 1, of the Constitution of the Cherokee Nation, “...to promote the culture, heritage and traditions of the Cherokee Nation.” Based on these findings, the Council concludes that an expenditure of funds is necessary to assist the economic recovery of artists by purchasing Cherokee art and creating opportunities for Cherokee artists to teach Cherokee art forms.

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

The purpose of this Act is to address the adverse economic impact of the COVID-19 pandemic on Cherokee artists through the purchase of their art and providing them with opportunities to teach their art forms during fiscal years 2023 and 2024.

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

§ 1. **Definitions.**

**A. Cherokee Artist:** Any person who practices any of the various creative arts and who is a citizen of the Cherokee Nation.

§ 2. **Amounts Authorized.**

**A. Cherokee Artist Recovery Fund:** For fiscal years 2023 and 2024 a total of \$3,000,000 is authorized for expenditure under this Act.

**B.** The primary funding source is federal American Rescue Plan Act (ARPA) funds under the Cherokee Nation COVID-19 Respond, Recover and Rebuild Plan (RRR). Other funding sources include dividends received from those for-profit corporations in which Cherokee Nation is the sole or majority shareholder, and that are incorporated under Cherokee Nation law and grants, miscellaneous sources and contributions, revenues of enterprises, taxes, and special and general fund sources.

**C.** All funding authorized herein is subject to the Council appropriations process.

§ 3. **Cherokee Artists Recovery Fund**

**A.** In order to effectuate the purposes and policies of this Act, utilizing the Artists recovery Fund for the period of Fiscal Years 2023 and 2024, an appropriate department or entity designated by the Principal Chief, including Cherokee Nation Businesses, is authorized to:

- a. Art Acquisition:** Purchase art from Cherokee Artists, said acquisitions to constitute no less than 50% of total amount authorized under this Act.
- b. Market Access Support:** Provide economic assistance, including and in-kind assistance, to Cherokee Artists to assist them in accessing commercial art markets to effectuate the purposes and policies of the Act, including but not limited to:
  - i. Travel,
  - ii. Marketing and branding,
  - iii. Development of a Cherokee Artist Resource Collection database to document all Cherokee artists for posterity and marketing purposes.
- c. Contract Teaching:** Contract with Cherokee Artists to teach artistic forms, provided expenditures on said contracts.
- d. Youth Programs:** Develop and administer special youth programming and outreach programs and competitions.
- e. Capital Projects:** Rehabilitation or construction of facilities to support the purposes and policies of the Act, such as art galleries or teaching spaces, provided such expenditures to not exceed 25% of the funds authorized under this Act.
- f. Other Programs & Services:** The provision of other programs and services in support of

Cherokee Artists not authorized under Section 3.A (a)-(e) of this act, but consistent with the purposes and policies of the Act, are authorized with a minimum 60 day written notice and comment period to the Council’s committee on Language and Culture.

- g. Cherokee National Treasure Preference:** Exercise a preference in the expenditure of funds for the aforementioned activities to Cherokee Artists designated as Cherokee National Treasurers.

#### **§ 4. Use of Cherokee Art**

- A. The Nation, through departments or entities authorized by the Principal Chief, in order to effectuate Section 3.A of this Act, is authorized to:
  - a. Purchase, including but not limited to by commission, art under this Act.
  - b. Place art purchased under this act in facilities or public places owned by Cherokee Nation, its wholly owned entities or the Housing Authority of the Cherokee Nation.
  - c. Place art purchased under this act in third party facilities or public places under loan agreements.
  - d. Designate in an appropriate label or other designation that the art is the “Property of the Cherokee Nation - Artist Recovery Act,” or substantially comparable labeling or designation.

#### **§ 5. Administrative Expense; Cherokee Artist Outreach**

- A. Up to 10% of the Artist Recovery Fund may be used for administrative expenses and expenses associated with outreach materials and events for communicating to Cherokee Artists the purposes and policies of this Act.

#### **§ 7. No Supplanting of Cherokee Art and Facilities Act of 2006.**

- A. No funds expended herein shall be used to supplant funding and expenditure requirements set forth in the “Cherokee Art and Facilities Act of 2006,” (LA 01-07).

#### **§ 8. Reporting Requirements.**

- A. Within six months following the conclusion of fiscal years 2023 and 2024, the Principal Chief shall provide the Speaker of the Council a report outlining the amount of funds expended under the Artist Recovery Fund for the purchase of art, the placement locations of said art and the conduct of art classes.

#### **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.