



Council of the Cherokee Nation

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

Legislation Details (With Text)

File #: 10-005 **Version:** 2 **Name:** CHEROKEE HOME ACCESS ACT OF 2010
Type: Legislative Act **Status:** Veto Sustained
File created: 1/13/2010 **In control:** TRIBAL COUNCIL
On agenda: 1/28/2010 **Final action:** 5/10/2010
Enactment date: 2/16/2010 **Enactment #:** LA-08-10
Title: AN ACT RELATING TO CONSTRUCTION OF AND IMPROVING ACCESS TO CHEROKEE OWNED HOMES FROM PUBLIC ROADS OR RIGHT-OF-WAYS AND DECLARING AN EMERGENCY
Sponsors: Bill John Baker, Chuck Hoskin Jr.
Indexes: Right of Way, Roads, Self Help housing
Code sections: ?? - Unknown
Attachments: 1. LA-08-10-VETO-SUSTAIN

Date	Ver.	Action By	Action	Result
5/10/2010	2	TRIBAL COUNCIL	Sustain the Chief's Veto	Pass
4/12/2010	2	TRIBAL COUNCIL	Tabled	Pass
3/15/2010	2	TRIBAL COUNCIL	Tabled	Pass
2/23/2010	2	OFFICE OF THE CHIEF	Vetoed	
2/16/2010	2	TRIBAL COUNCIL	Approved	Pass
2/9/2010	2	EXECUTIVE AND FINANCE COMMITTEE	Amended	Fail
2/9/2010	2	EXECUTIVE AND FINANCE COMMITTEE	Approved and Forwarded to Council	Pass

AN ACT RELATING TO CONSTRUCTION OF AND IMPROVING ACCESS TO CHEROKEE OWNED HOMES FROM PUBLIC ROADS OR RIGHT-OF-WAYS AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the "Cherokee Home Access Act of 2010" and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to allow funds to be utilized from existing self-help housing rehab funds and bridge/access funds of the Cherokee Nation to construct or repair driveways, sidewalks or other means of access from public right-of-ways to private homes owned by Cherokee citizens that qualify for such assistance.

Section 3. Legislative History

Article X, Section 7 of the Cherokee Nation Constitution states: "The credit of the Cherokee Nation shall not be given, pledged, or loaned to any individual, firm, company, corporation, or association without the approval of the Council. The Cherokee Nation shall not make any donations by gift, bonus, or otherwise, to any individual, firm, company, corporation, or association without the approval of the Council.

Section 4. Definitions

None.

Section 5. Substantive Provisions of Law

- A. Funds appropriated by the Cherokee Nation in its annual budgetary Act, for self-help housing rehabilitation program may be utilized by qualified Cherokee applicants, to construct, improve and/or maintain access to their homes on private property from public roads or rights-of-way.
- B. In addition, or in the alternative to, the funds described in Section 5(A), funds appropriated by the Cherokee Nation, in its annual budgetary Act, for bridge and access construction or maintenance, may be utilized by county or municipal governments to connect private driveways of qualified Cherokee applicants, to public roads.
1. Citizens awarded funds under Section 5(B) shall be limited to one (1) award every four (4) years.
 2. Grants under section 5(B) shall not exceed one thousand dollars (\$1,000.00).
- C. To be eligible for grants under this Act the property must be within the fourteen (14) county jurisdiction of the Cherokee Nation and the applicants must meet the income guidelines established by the Cherokee Nation administration.
- D. Nothing in this Act shall diminish the equal distribution of bridge/access funds by Council districts provided under existing laws.

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: 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.