

Cherokee Nation Code Annotated
Title 62: Public Finance
Chapter 10: Emergency Assistance
§ 102. Purpose and findings
Cite as: 62 CNCA § 102

The purpose of this act is to establish a program for the distribution of funds to Cherokee citizens in the time of imminent need or emergency and to authorize the Council of Cherokee Nation to consider and authorize funding of community projects as provided in 62 CNCA §§ 104 to 111, inclusive.

The Council finds that legislation is necessary to establish a program for Emergency Assistance, formerly called the General Assistance Program. The Supreme Court of Cherokee Nation held in JAT-03-15, dated November 14, 2003, that the current General Assistance Program is unconstitutional in its present form because there is no legislation establishing a program. Further, the Supreme Court advises that in crafting legislation, the subject areas of health, education and welfare, commerce and communications, which constitute cabinet positions, are not infringed upon and legislation be narrowly crafted to avoid duplication. Finally, the Supreme Court advises that attention be given to the constitutional requirement for Council approval of "any donations by gift, or otherwise, to any individual, firm, company, corporation or association." (Article X, § 7 of the Cherokee Constitution).

Historical Data

LA 43-03, eff. January 7, 2004.