RESOLUTION: A Bill to Create the “Cheyenne and Arapaho Museum Foundation Act of 2022”

RESOLUTION NO: 9L-SS-2022-1214-002
DATE INTRODUCED: December 8, 2022
SPONSOR: Travis Ruiz, A3 District
CO-SPONSOR: Bruce Whiteman, Jr., C1 District

SUBJECT: A Bill to Create the “Cheyenne and Arapaho Museum Foundation Act of 2022”.

WHEREAS: The Cheyenne and Arapaho Tribes are duly recognized by the United States Secretary of the Interior as a self-governing, Sovereign Nation, that is a federally recognized Indian Tribe with all rights, privileges, and powers attended thereto as a sovereign government, and organized in accordance with Title 25 of the United States Code, Section 450, the “Indian Self-Determination and Education Assistance Act,” and Article XVII of the Tribe’s Constitution and By-Laws and Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), under an amended Constitution ratified on August, 2006 and approved by the Secretary of Interior on May 17, 2006 and further amended on October 5, 2021 by a majority vote of the voters; and

WHEREAS: Article VI, Section 5(a) of the Constitution provides that Legislative power shall reside with the Legislature; and

WHEREAS: Article VI, Section 5(a) of the Constitution grants the Legislature the “power to make all laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes;” and

WHEREAS: Article VI, Section 5(a) of the Constitution requires “Laws and resolutions which have been enacted shall remain valid until amended or repealed;” and

WHEREAS: Article VI, Section 7(a)(i) of the Constitution requires that all legislative proposals shall be formally introduced as written Bills; and

WHEREAS: The Ninth Legislature recognizes a need to create our own tribal museum in order to preserve Cheyenne and Arapaho artifacts and to create a central repository for
the art, artifacts, material culture, and other resource material related to the history of the Cheyenne and Arapaho Tribes.

NOW THEREFORE BE IT RESOLVED, that the Ninth Legislature of the Cheyenne and Arapaho Tribes states that the Cheyenne and Arapaho Tribes Museum Foundation Act shall be cited as 9 CAC §9.100 in order to conform to the Codification Act.

BE IT FURTHER RESOLVED, that the Ninth Legislature of the Cheyenne and Arapaho Tribes, pursuant to its Constitutional authority, adopts the Bill to create the Cheyenne and Arapaho Tribes Museum Foundation Act, as attached herewith.

Travis Ruiz,
Speaker of the Ninth Legislature
Cheyenne and Arapaho Tribes
This legislative act shall be codified as 9 CAC §9.100 – “Cheyenne and Arapaho Tribes Museum Foundation Act of 2022”.

FINDINGS
The Cheyenne and Arapaho Tribes are a federally recognized Indian tribe, organized under a Constitution approved by Tribal membership on April 4, 2006 and approved by the Secretary of the Interior; and

A. Article VI, Section 5(a) and (c) in the Constitution provides that “Legislative power shall be vested in the Legislature” and “[t]he Legislature shall have the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes...Laws and resolutions which have been enacted shall remain valid until amended or repealed[;]” and

B. The Office of Records Management is created pursuant to Constitution Article VII, and the Office of Records Management “shall compile all laws and Resolutions into a comprehensive Code in an orderly manner that shall be published annually.” Constitution Article VI, Section 7(a)(v). The Legislature has deemed it necessary and proper to create a Codification Act to ensure the Office of Records Management has a clear and concise direction to maintain a comprehensive Code in an orderly manner.

SUBSTANTIAL PROVISIONS
The Legislature of the Cheyenne and Arapaho Tribes hereby amends and adopts the following CHEYENNE AND ARAPAHO TRIBES MUSEUM FOUNDATION ACT OF 2022.

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CHAPTER 1: SHORT TITLE

§9.100 Short Title
This Act shall be known and may be cited as the “Cheyenne and Arapaho Tribes Museum Act of 2022”.

CHAPTER 2: AUTHORITY AND FINDINGS

§9.101 Authority

(a) The Cheyenne and Arapaho Tribes are duly recognized by the United States Secretary of the Interior as a self-governing, Sovereign Nation, that is a federally recognize Indian Tribe with all rights, privileges, and powers attended thereto as a sovereign government, and organized in accordance with Title 25 of the United States Code, Section 450, the “Indian Self-Determination and Education Assistance Act,” and Article XVII of the Tribe’s Constitution and By-Laws and Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), under an amended Constitution ratified on April, 2006 and approved by the Secretary of Interior on May 17, 2006; and

(b) Article VI, Section 5, subsection (a) of the Constitution grants that the Legislative power shall be vested in the Legislature; and

(c) Article VI, Section 5, subsection (a) of the Constitution further grants that the Legislature shall have the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes; and

(d) Article VI, Section 5, subsection (a) of the Constitution further grants that all actions by the Legislature shall be embodied in a written law or resolution; and

(e) Article VI, Section 5, subsection (a) of the Constitution further grants that laws and resolutions which have been enacted shall remain valid until amended or repealed.

§9.102 Findings
The Legislature of the Cheyenne and Arapaho Tribes finds that

(a) The Cheyenne and Arapaho Tribes do not have a central repository for the art, artifacts, material culture, and other resource material related to the history of the Cheyenne and Arapaho Tribes;

(b) A state of emergency exists concerning the safe storage of the Tribe’s artifacts and material culture due to insufficient archival facilities, requiring immediate action;

(c) The Tribes have long considered starting a tribal museum, but no plan of action has ever been presented;

(d) The tribal museum will be designed to be within the Tribes’ new tribal administration building that is currently being planned and scheduled to open in the summer of 2025;
(e) Legislation creating action for a tribal museum, making it the repository of Cheyenne and Arapaho Tribes archives, art, artifacts, material culture, and other resource material related to the history of the Cheyenne and Arapaho Tribes is a critical objective of preserving and protecting our precious cultural items; and

(f) The Cheyenne and Arapaho’s growth, financial resources and expertise in historic preservation warrants a transition to creating our own tribal museum and become the storytellers of our own people.

CHAPTER 3: PURPOSE
§9.103 Purpose
The purpose of this Act is to establish a plan and Board of Directors to create a tribal museum and by preserving and perpetuating Cheyenne and Arapaho history, culture and traditions by collecting, conserving, interpreting, and archiving, exhibiting and disseminating knowledge of the Cheyenne and Arapaho people from prehistoric time forward.

CHAPTER 4: AMOUNTS AUTHORIZED
§9.104 Amounts Authorized
(a) Cheyenne and Arapaho Museum Foundation Fund: For fiscal years 2023 and 2024 a total of $500,000 is authorized for expenditure under this Act.

(b) The primary funding source is federal American Rescue Plan Act (ARPA) funds under the Cheyenne and Arapaho Tribes COVID-19 net revenue loss funds.

(c) All funding authorized herein is subject to the Legislative appropriations process.

CHAPTER 5: ESTABLISHMENT OF A CHEYENNE AND ARAPAHO MUSEUM FOUNDATION FUND
§9.105 Establishment of a Cheyenne and Arapaho Museum Foundation Fund
(a) In order to effectuate the purposes and policies of this Act, the Governor or his representative is authorized to file articles of incorporation to establish the Cheyenne and Arapaho Museum Foundation (hereinafter “CAMF”), under the laws of the Cheyenne and Arapaho Tribes, upon:
(1) 30 days of enactment of this Act.

CHAPTER 6: STRUCTURE OF CAMF: CAMF shall be governed by a Board of Directors, (hereafter “Board”), which shall be subject to the following requirements:

§9.106 Structure of CAMF
(a) The Board shall be composed of no more than five (5) members, two of whom must be members of the Cheyenne and Arapaho Tribes:
(1) The Board of Directors will be nominated by the Governor and confirmed by the Legislature in accordance with Article VI, Section 5(h) of the Constitution.
(2) No member of the Board shall be an elected official of the Cheyenne and Arapaho Tribes, nor be a spouse or relative within the first degree of consanguinity of an elected official of the Cheyenne and Arapaho Tribes.
(3) The Board may create such additional non-governing auxiliary bodies as it deems appropriate to support fundraising, public outreach, or to provide subject matter expertise and support.

(4) The Board may establish membership criteria for the purpose of fundraising and public engagement.

(5) Per the Cheyenne and Arapaho Non-Profit Corporation Code, the Governor may appoint one person to serve as a non-voting ex-officio member of CAMF.

(6) The CAMF Board shall adopt bylaws, rules, procedures and other policies consistent with this Act, a copy of which shall be provided to the Governor.

(7) CAMP Board members shall be entitled to any lawful stipend in connection with their board and may receive compensation for any additional service should any such compensation be provided through the Cheyenne and Arapaho appropriation process or through such other enactment of the Legislature of the Cheyenne and Arapaho Tribes.

CHAPTER 7: EXPRESS AUTHORITY: CAMF SHALL HAVE THE AUTHORITY TO:

§9.107 Express Authority of CAMF

(a) Raise funds in support of endowments and capital projects, in consultation with the Cheyenne and Arapaho Tribes.

(b) Advise the Cheyenne and Arapaho Tribes generally on programming, archival holdings, transfer efforts, budgetary needs, maintenance of museum and any capital improvements.

(c) Appoint members of the Board or auxiliary bodies to search committees for the positions of Executive Director, Archivist, Curator, and Collections Manager or comparable positions.

(d) Draft, review and provide comment to the Cheyenne and Arapaho Tribes on job descriptions, prerequisites and compensation levels for the positions of Executive Director, Archivist, Curator, and Collections Manager or comparable positions.

(e) Develop strategic plans in consultation with the Cheyenne and Arapaho Tribes.

(f) Produce a written annual report to the Governor on the state of the entity’s affairs by the conclusion of each fiscal year, including recommendations for actions to be taken in the succeeding fiscal year.
(g) Occupy reasonable office space in Cheyenne and Arapaho facilities as the Tribes shall provide for CAMF operations.

CHAPTER 8: EXPRESS LIMITATIONS OF AUTHORITY: CAMF IS EXPRESSLY PROHIBITED FROM:

§9.108 Express Limitation of CAMF Authority

(a) Purchasing real property.

(b) Renting or leasing real property or office space, except for property or space provided by the Cheyenne and Arapaho Tribes under an agreement made in accordance with this Act.

(c) Directly employing staff

CHAPTER 9: OTHER PROVISIONS

§9.109 Reversion in Event of Dissolution of CAMF:
Upon dissolution of CAMF its assets and obligations shall revert to the Cheyenne and Arapaho Tribes.

§9.110 Strategic Operating and Capital Plan for Cheyenne and Arapaho Museum Fund:
By October 1, 2023, CAMF shall deliver to the Governor of the Cheyenne and Arapaho Tribes a proposed strategic plan for review and approval by the Governor.

§9.111 Coordination: The Governor is authorized to execute agreements or such memoranda of understanding with Cheyenne and Arapaho Tribe Businesses and other entities including but not limited to the Cheyenne and Arapaho Artists Recovery Fund, to effectuate the purposes, obligations and policies of this Act.

§9.112 Provisions as Cumulative
The provisions of this act shall be cumulative to existing law.

§9.113 Construction
This Act shall be liberally construed to carry out its purpose. The effectiveness and enforceability of this Act shall not be dependent upon the adoption of any regulations promulgated hereunder shall be construed to diminish, limit or otherwise adversely affect any right, remedy held or available to the Cheyenne and Arapaho Tribes.
§9.114 Severability

If any section of this Act, or any part thereof, or any application thereof to any party, person or entity or in any circumstance shall be held invalid for any reason whatsoever by a court of competent jurisdiction, the remainder of the section or part of the Act shall not be affected and shall remain in full force and effect as though no section or part has been declared to be invalid.

§9.115 Statement of Supersedure

This Act shall supersede any law in place before it, which conflict with its intent and purpose.

§9.116 Effective Date

This Act shall be effective on the later of January 1, 2023 or 30 days after signature by the Governor as provided in the Constitution.
ATTEST:

I, Jodi White Buffalo, Legislative Clerk, hereby certify that the foregoing is a True and Accurate Copy of the Original Bill No. 9L-SS-2022-1214-002 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Ninth Legislature Special Session, by a roll call vote on the ____ day of ____________ 2022, by a vote.

VOTE RECORD:

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Jodi White Buffalo, Legislative Clerk
Ninth Legislature, Cheyenne and Arapaho Tribes
ATTEST:
Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: “All Bills passed by the Legislature shall be presented to the Governor for signature or veto. All laws shall take effect thirty days after signature by the Governor or veto override by the Legislature unless any Member of the Tribes submits to the Coordinator of the Office of Tribal Council a petition signed by at least one hundred fifty Members of the Tribal Council seeking to repeal the law or resolution at the next Tribal Council meeting. If the Tribal Council fails to repeal such law or resolution at the next Tribal Council where the matter has been properly placed on the agenda for the Tribal Council meeting, such law or resolution shall become effective immediately.”

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: “The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten days of passage with a written explanation of any objections; and if the Governor takes no action within ten days, then the enactment shall become law in accordance with this Constitution.”

{ } APPROVED
{ } VETOED: Attachment ____; Governor’s written explanation of any objections.

On the ______ day of _____________________, 2022.

__________________________________
Reggie Wassana, Governor
Cheyenne and Arapaho Tribes
TRANSMITTAL OF DOCUMENTS:
From the Legislative Branch to the Office of Records Management

ATTEST:
Pursuant to Article VI, Section 7, subsection (a)(v), of the Tribes Constitution reads, “The Office of Records Management shall compile all Laws and Resolutions into a comprehensive Code in an orderly manner that shall be published annually.”

Office of Records Management Staff, hereby certify that the foregoing is a True and Accurate Original Resolution No. 9L-SS-2022-1214-002.
Space below is reserved for Stamp:
Received (Date) Office of Record Management

Signature: ________________________________
Print Name: ________________________________
Title: ____________________________________
Date: ________________________________

Office of Records Management
Department of Administration, Executive Branch
Cheyenne and Arapaho Tribes