RESOLUTION: A Bill to Create the “Cheyenne and Arapaho Artist Recovery Act of 2022” or alternatively “Artist Recovery Act”

RESOLUTION NO: 9L-SS-2022-1214-003
DATE INTRODUCED: December 8, 2022
SPONSOR: Travis Ruiz, A3 District
CO-SPONSOR: Bruce Whiteman, Jr., C1 District

LEGISLATIVE HISTORY: [NOTE: Except as otherwise noted, the provisions of this Resolution were enacted into Law by the Ninth Legislature of the Cheyenne and Arapaho Tribes, in a Special Session by a roll call vote on December 14, 2022 by Res. No. 9L-SS-2022-1214-003].

SUBJECT: A Bill to Create the “Cheyenne and Arapaho Artist Recovery Act of 2022” or alternatively “Artist Recovery Act”.

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5(a) of the Constitution requires “Laws and resolutions which have been enacted shall remain valid until amended or repealed;” and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 [a]ll legislative proposals shall be formally introduced as written Bills; and
NOW THEREFORE BE IT RESOLVED, that the Ninth Legislature of the Cheyenne and Arapaho Tribes states that the Cheyenne and Arapaho Tribes Artist Recovery Act shall be cited as 15 CAC §15.900 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 Artist Recovery Act, as attached herewith.

______________________________
Travis Ruiz,
Speaker of the Ninth Legislature
Cheyenne and Arapaho Tribes
CHEYENNE AND ARAPAHO TRIBAL CODE (CAC)
TITLE 15 – CHEYENNE AND ARAPAHO TRIBES ARTIST RECOVERY ACT
SECTION 15.900 – ENACTED BY LEGISLATURE: December 14, 2022
CITE AS: 15 CAC §15.900

SUBJECT

This legislative act shall be codified as 15 CAC §15.900 – “Cheyenne and Arapaho Tribes Artist Recovery Act of 2022” or alternatively “Artist Recovery Act

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 ARTIST RECOVERY ACT OF 2022.

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CHAPTER 1: SHORT TITLE
§15.900 Short Title
This act shall be known and may be cited as the “Cheyenne and Arapaho Tribes Artist Recovery Act of 2022”.

CHAPTER 2: AUTHORITY AND DEFINITIONS
§15.901 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.

§15.902 Definitions
The following words or terms shall have the following meaning when used in the subchapter unless the context clearly indicates otherwise:
(a) “Cheyenne and Arapaho Artist” means any person who practices any of the various creative arts who is an enrolled member of the Cheyenne and Arapaho Tribes.

CHAPTER 3: PURPOSE
§15.903 Purpose
The purpose of this Act is to address the adverse economic impact of the COVID-19 pandemic on Cheyenne and Arapaho artists through the purchase of their art and providing them with opportunities to teach their art forms during fiscal years 2023 and 2024.

CHAPTER 4: AMOUNTS AUTHORIZED
§15.904 Amounts Authorized
(a) Cheyenne and Arapaho Artist Recovery Fund: For fiscal years 2023 and 2024 a total of $1,500,000 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: CHEYENNE AND ARAPAHO ARTISTS RECOVERY FUND
§15.905 Cheyenne and Arapaho 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 Governor, including Cheyenne and Arapaho Foundation, is authorized to:

(1) Art Acquisition: Purchase art from Cheyenne and Arapaho Artists, said acquisitions to constitute no less than 50% of total amount authorized under this Act.
(2) Market Access Support: Provide economic assistance, including and in-kind assistance, to Cheyenne and Arapaho artists to assist them in accessing commercial art markets to effectuate the purposes and policies of the Act, including but not limited to:
   (A) Travel,
   (B) Marketing and branding,
   (C) Development of a Cheyenne and Arapaho Artist Resource Collection database to document all Cheyenne and Arapaho artists for posterity and marketing purposes.
(3) Contract Teaching: Contract with Cheyenne and Arapaho artists to teach artistic form, provided expenditures on said contracts.
(4) Youth Programs: Develop and administer special youth programming and outreach programs and competitions.
(5) Capital Projects: Rehabilitation or construction of facilities to support the purposes and policies of the Act, such as museum space, art galleries or teaching spaces, provided such expenditures do not exceed 25% of the funds authorized under this Act.

CHAPTER 6: USE OF CHEYENNE AND ARAPAHO ART
§15.906 Use of Cheyenne and Arapaho Art
(a) The Tribes, through departments or entities authorized by the Governor, in order to effectuate Section 15.905(a) of this Act, is authorized to:

(1) Purchase, including but not limited to by commission, art under this Act.
(2) Place art purchased under this act in facilities or public places owned by the Cheyenne and Arapaho Tribes, its wholly owned entities or the Housing Authority of the Cheyenne and Arapaho Tribes.

(3) Place art purchased under this act in third party facilities or public places under loan agreements.

(4) Designate in an appropriate label or other designation that the art is the “Property of the Cheyenne and Arapaho Tribes – Artists Recovery Act,” or substantially comparable labeling or designation.
CHAPTER 7: ADMINISTRATIVE EXPENSE; CHEYENNE AND ARAPAHO ARTIST OUTREACH

§15.907 Administrative Expense

(a) Up to 10% of the Artists Recovery Fund may be used for administrative expenses and expenses associated with outreach materials and events for communicating to Cheyenne and Arapaho artists the purposes and policies of this Act.

CHAPTER 8; REPORTING REQUIREMENTS

§15.908 Reporting Requirements and Provisions as Cumulative

(a) Within six months following the conclusion of fiscal years 2023 and 2024, the Governor shall provide the Speaker of the Legislature 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.

§15.909 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.

§15.910 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.

§15.911 Statement of Supersedure

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

§15.912 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-2022-1214-003 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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Passes (    )  Fails (    )  Tabled (    )  Allowed to Die (    )  No Action (    )

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-2022-1214-003.
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