



Legislation Text

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AN ACT AMENDING LEGISLATIVE ACT 17-10; THE CHEROKEE NATION GENERAL CORPORATION ACT CREATING AN ADVISORY BOARD OF DIRECTORS BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act shall be known as the Cherokee Corporation Advisory Board Act Amendment of 2012 and shall be codified in Title 18 of the Cherokee Code Annotated.

Section 2. Purpose

The purpose of this Act is to amend Legislative Act 17-10 to expand the number of advisory board members from six (6) to eight (8) tribal council members.

Section 3. Legislative History

A. Cherokee Nation General Corporation Act Legislative Act 1-85 as amended in LA 16-96, LA 15-96, LA 15-10, LA 17-10

B. Article V § 7 of the Cherokee Nation Constitution.

Section 4. Substantive Provisions.

A. Add new Section "I" to Article 5 Section 27 of the Cherokee Nation General Corporation Act, which shall state, "There shall be an advisory board of directors to all corporations in which the Cherokee Nation is a majority shareholder. This advisory board shall consist of six (6) **eight (8)** members of the Cherokee Nation Tribal Council. The Tribal Council shall appoint these members in accordance with their rules and procedures. The advisory board shall have full access to all information and meetings of the Board of Directors and have all privileges of the Board of Directors except exercise of voting privileges or otherwise acting upon a matter. The attendance of a Board of Directors meeting by Tribal Council members who do not serve on the advisory board, for the purpose of observing such meetings rather than for the purpose of discussing or acting upon a matter, shall not be construed as a "meeting" of the Tribal Council under the Freedom of Information and Privacy Rights Act of 2001 (75 CNCA § 1-17), regardless of the number of Tribal Council members present at such meeting.

B. Add new language to Article V Section 27(B) "Provided, that a Director shall not serve more than four (4) consecutive years without confirmation by the Tribal Council to a corporation whose majority shareholder is the Cherokee Nation.

C. The Council's selection of advisory board members on January 26, 2012 is affirmed.

Section 5. Severability.

The provisions of this Act are severable and if any part of provision hereof shall be held void or invalid by a court of competent jurisdiction the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.

Section 6. Declaration of Emergency.

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 and be in full force after its passage and approval.