

An Act

Legislative Act 13-11

AN ACT DECLARING RESOLUTION 17-97 AND LEGISLATIVE ACT 6-97 *VOID AB INITIO* AND DIRECTING CORRECTION OF THE LEGISLATIVE RECORD

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

To clear the legislative record in regard to two purported enactments of the Council from 1997 which were the product of meetings without a quorum.

Section 3. Legislative History

Two enactments are reflected in the Nation legislative record from 1997 resulting from meetings in which there was not found to be a quorum according to the Constitution of the Cherokee Nation. The first is Resolution Number 17-97, from a gathering of Councilors on April 15, 1997. According to the record, nine (9) Councilors were in attendance, including: Bill John Baker, Sam Ed Bush, Mary Cooksey, Barbara Conness, Don Crittenden, Charles Hoskin, Harold Phillips, Harley Terrell and Dora Mae Watie.

Resolution 17-97 purported to suspend the activities of the Cherokee Nation Marshal Service and relinquish Cherokee Nation's responsibility to protect its citizens to the of law enforcement officers from the Bureau of Indian Affairs.

The second enactment was Legislative Act 6-97, produced from a gathering of nine (9) Councilors on May 2, 1997. LA 6-97 purported to Amend Title 20 of the Cherokee Nation Code Annotated, §§ 17 and 38, "The Cherokee Nation Law Regarding Removal from Office of District Judges and Justices".

The minutes show there was no quorum to conduct the business of the Cherokee People at the meetings referenced above. In order to conduct the business of the Cherokee Nation 2/3 of the Council membership must be present. In 1997, 2/3 of the Council consisted of 10 members. Only nine (9) Councilors were present at these meetings, with each voting in favor of each illegal enactment.

Section 4. Definitions

For purposes of this Title:

Void ab initio means null from the beginning, and seriously offending law or public policy.

Section 5. Substantive Provisions

- A. Legislative proposals declared null and void.** Resolution 17-97 and Legislative Act 6-97 are hereby declared *void ab initio*.
- B. Legislative record.** It is hereby directed that the legislative record of the Cherokee Nation be corrected to reflect that the legislative proposals referenced in A. above were not duly enacted in absence of a quorum at full Council, pursuant to the Constitution of the Cherokee Nation (Article VI, Section 4).

Section 6. Provisions as cumulative

The provisions of this act shall be cumulative to existing law.

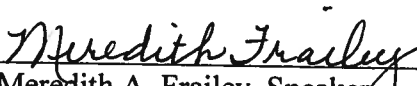
Section 7. Severability

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

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

Enacted by the Council of the Cherokee Nation on the 20th day of June, 2011.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:

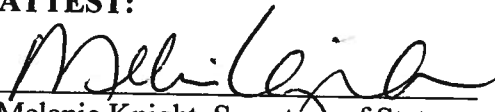

Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 24th day of June, 2011.



Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Nay</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Absent</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Nay</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Nay</u>		

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

Signature/Initial Date

GL/Executive:

Signature/Initial Date

Finance (if needed):

Signature/Initial Date

Government Resources:

Signature/Initial Date

Administration Approval:

[Signature]
Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

[Signature] 5-10-11
Signature/Initial Date

Standing Committee & Date:

[Signature] 5/26/11

Chairperson:

[Signature]
Signature/Initial Date

Returned to Presenter:

Date

**Cherokee Nation
Act/Resolution Proposal Form**

Act Resolution

AN ACT DECLARING RESOLUTION 17-97 AND LEGISLATIVE
ACT 6-97 VOID AB INITIO AND DIRECTING CORRECTION OF
TITLE: THE LEGISLATIVE RECORD

DEPARTMENT CONTACT: Melanie Knight, Secretary of State

RESOLUTION PRESENTER: Melanie Knight, Secretary of State

COUNCIL SPONSOR: Jack Baker + Cara Cowan
Watts

NARRATIVE:

The purpose of this legislative act is to clear the legislative record in regard to two purported enactments of the Council from 1997 which were the product of meetings without a quorum.

05-10-11 10:05:02 RCVD