

An Act

Legislative Act 27-11

**AN ACT AMENDING LEGISLATIVE ACT 16-96, PROVIDING
THAT THE CHEROKEE NATION TRIBAL COUNCIL AND
PRINCIPAL CHIEF SHALL BE THE ENTITY THAT REPRESENTS
THE OWNERSHIP INTEREST OF CORPORATIONS OR ENTITIES
OWNED BY THE CHEROKEE NATION**

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification:

This Legislative Act shall be titled as the "Ownership for the People Act of 2011" and codified under Title 18 Section 57 of the Cherokee Nation Code Annotated ("CNCA").

Section 2. Purpose:

The purpose for this enactment is to designate the Principal Chief and the Cherokee Nation Tribal Council as the entities that shall represent the Cherokee Nation's ownership interest of businesses or corporations owned wholly or majority held by the Cherokee Nation.

Section 3. Legislative History:

Legislative Act 16-96

Legislative Act 37-05

Article VI Section 7 of the Cherokee Nation Constitution states:

"The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. The style of all bills shall be: "Be It Enacted By The Cherokee Nation". The style of all resolutions shall be "Be It Resolved By The Cherokee Nation".

Article VII Section 9 of the Cherokee Nation Constitution states:

“The Principal Chief shall cause the laws of the Cherokee Nation to be faithfully executed, and shall conduct in person and in such manner as shall be prescribed by law, all communications and business of the Cherokee Nation. The Principal Chief may cause to be formed and operated, trusts, the beneficiary of which shall be the Cherokee Nation and these trusts shall be granted such powers as provided by law for public trusts. Authorization for these trusts, however, must be approved by a majority vote of the Council.”

Article X Section 7 of the Cherokee Nation Constitution states:

“The credit of the Cherokee Nation shall not be given, pledged, or loaned to any individual, firm, company, corporation, or association without the approval of the Council. The Cherokee Nation shall not make any donations by gift, bonus, or otherwise, to any individual, firm, company, corporation, or association without the approval of the Council.”

Section 4. Definitions:

Section 5. Substantive Provisions:

Section 5 (A) (b)

For the purposes of this Act, any business corporation, or entity wholly owned by the Cherokee Nation or, which the Cherokee Nation owns a majority interest, the entity which shall represent the shareholder and vote any and all shares of stock or interest shall be the Principal Chief and the Cherokee Nation Tribal Council. It will take two-thirds majority of the Council to take any action pursuant to this section. The Tribal Council and the Principal Chief shall adopt procedures to effectuate the provisions of this section.

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. Emergency Declared:

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.

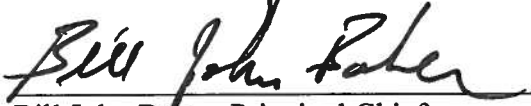
Enacted by the Council of the Cherokee Nation on the 12th day of December, 2011.


Meredith Frailey, Speaker
Council of the Cherokee Nation


ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Acting Principal Chief this 14 day of Dec, 2011.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Chuck Hoskin, Chief of Staff
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Vacant Seat (District 1)	<u>n/a</u>	Dick Lay	<u>Yea</u>
Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Chuck Hoskin, Jr.	<u>Yea</u>
Frankie Hargis	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Curtis Snell	<u>Yea</u>	Lee Keener, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Jack Baker	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>		