

An Act

Legislative Act 04-12

AN ACT AMENDING LEGISLATIVE ACT 25-01 THE FREEDOM OF INFORMATION ACT SETTING FORTH DISCLOSURE REQUIREMENTS AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Legislative Act shall be titled as the “Freedom of Information and Rights to Privacy Act Amendment of 2012” and codified under Title 75 Sections 1-17 of the Cherokee Nation Code Annotated (“CNCA”).

Section 2. Purpose

The purpose of this Act is to require an explanation if documents or records are determined exempt from disclosure or produced and marked confidential.

Section 3. Legislative History

L.A. 25-01

Section 4. Substantive Provisions

(New) Section (§ 75-1-6) Matters Exempt From Disclosure

B. Any record that is requested and is determined to be exempt and not disclosed or is disclosed and marked confidential shall be accompanied by a statement setting out the reasons for such determination.

Section 5. Provisions as Cumulative

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

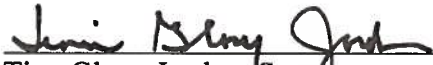
Section 6. Severability

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 7. 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 23rd day of January, 2012.


Tina Glory-Jordan, Speaker
Council of the Cherokee Nation


ATTEST:


Jodie FISHINGHAWK, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 28th day of February, 2012.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Charles Head, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Joe Byrd	<u>Yea</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>Absent</u>
Jodie Fishinghawk	<u>Yea</u>	Cara Cowan Watts	<u>Absent</u>
Curtis Snell	<u>Yea</u>	Lee Keener, Jr.	<u>Absent</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Absent</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Jack Baker	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>		