

Committee: Rules

Date: 03-04-05 Committee Date: 03-17-05

Author: John Parris

Sponsor: _____

An Act

Legislative Act 16-05

ACT RELATING TO AMENDING THE CHEROKEE NATION SOVEREIGN IMMUNITY ACT, LA#23-04

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the 2005 Amendment to the Sovereign Immunity Act, LA 23-04, and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

To amend Sovereign Immunity Act to authorize the Principal Chief to execute waivers of sovereign immunity for business entities participating in the United States Small Business Administration 8(a) Business Development program, 13 CFR 124.

Section 3. Legislative History

LA 23-04 was enacted June 14, 2004.

Section 4. Substantive Provisions

Section 6 of LA 23-04 is hereby amended by adding to paragraph c) the phrase "Except as provided in paragraph e),..." and adding a new paragraph "e)" as follows:

- c) Except as provided in paragraph e), all waivers shall contain provisions limiting:

- e) A waiver conforming to the minimum "sue and be sued" requirements of the Small Business Administration for participation in the 8(a) Business Development program, 13 CFR 124.109 (c)(1), as amended, is exempt from the limits of paragraph c).

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.

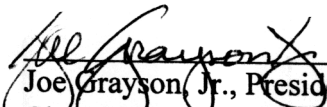
Section 8. Emergency declared

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.

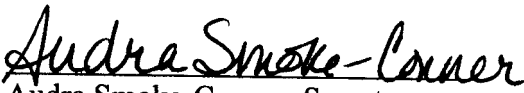
Section 9. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.


Enacted by the Council of the Cherokee Nation on the 11th day of April, 2005.


Joe Grayson, Jr., President
Cherokee Nation Tribal Council


ATTEST:


Audra Smoke-Conner, Secretary
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 20th day of April, 2005.


Chad Smith, Principal Chief
Cherokee Nation

ATTEST:


Callie Catcher, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Audra Smoke-Conner	<u>Yea</u>	Melvina Shotpouch	<u>Nay</u>
Bill John Baker	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	John F. Keener	<u>Yea</u>
Jackie Bob Martin	<u>Yea</u>	Cara Cowan	<u>Yea</u>
Phyllis Yargee	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Absent</u>	William G. Johnson	<u>Yea</u>
Don Garvin	<u>Yea</u>	Charles "Chuck" Hoskin	<u>Yea</u>
Linda Hughes-O'Leary	<u>Yea</u>		