

An Act

Legislative Act 24-09

AN ACT AMENDING LEGISLATIVE ACT 40-03 AND TITLE 20, SECTION 37 OF CHEROKEE NATION CODE ANNOTATED; SETTING ANNUAL STIPENDS OF THE SUPREME COURT JUSTICES; CREATING A SPECIAL CLASS OF EMPLOYEES FOR THE SUPREME COURT JUSTICES AND THE DISTRICT COURT JUDGES; PROVIDING FOR SEVERABILITY; AND DECLARING EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act shall be titled as "Judicial Branch Compensation Act of 2009" to be codified under Title 20, Section 37 of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to designate the District Court Judges as a special class of employees with certain rights and benefits, similar to the Supreme Court Justices who were granted such designation by LA 40-03.

Section 3. Legislative History

Article V, Section 7 of the Cherokee Nation Constitution, Article VII of the Cherokee Nation Constitution, Title 20, Section 37 of Cherokee Nation Code Annotated, and Legislative Act 7-95 and Legislative Act 40-03, where Supreme Court Justices were first designated a special class of employee.

Section 4. Definitions

- A. "Supreme Court Justice" means any duly appointed and confirmed member of the Supreme Court who performs the duties of office under color of law.
- B. "Special Class of Employee" means the Justices of the Supreme Court and District Court Judges who will be considered a special class of employees for the purposes of travel, insurance, retirement, and other benefits.
- C. "District Court Judge" means any duly appointed and confirmed member of the District court who performs the duties of office under color of law.

Section 5. Substantive Provisions of Law - Amendment

Title 20 § 37 of the Cherokee Nation Code Annotated shall be amended as follows:

Section 37. Salaries of Justices

The Salary for Justice of the Supreme Court shall be \$27,600 per annual; and the salary for Chief Justice shall be \$28,800 per annual. The Justices of the Supreme Court and the District Court Judges will be entitled to health insurance, retirement and other benefits that are offered to other elected and appointed officials of the Cherokee Nation. Justices of the Supreme Court and District Court Judges are exempt from any disciplinary action through the Human Resource Department Policy and Procedures. Justices of the Supreme Court and District Court Judges may only be disciplined or removed under provisions of the Constitution of the Cherokee Nation.

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.

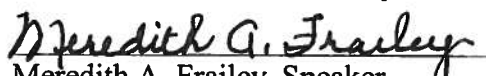
Section 8. Effective Date: Emergency Declared

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 immediately upon its approval and signatures.


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 14th day of December, 2009.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

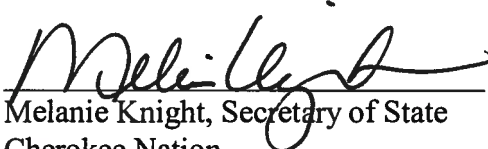
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21st day of December, 2009.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</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>Yea</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>Absent</u>		

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

AN ACT AMENDING LEGISLATIVE ACT 40-03 AND TITLE 20, SECTION 37 OF CHEROKEE NATION CODE ANNOTATED; SETTING ANNUAL STIPENDS OF THE SUPREME COURT JUSTICES; CREATING A SPECIAL CLASS OF EMPLOYEES FOR THE SUPREME COURT JUSTICES AND THE DISTRICT COURT JUDGES; PROVIDING FOR SEVERABILITY; AND DECLARING EMERGENCY

TITLE:

DEPARTMENT CONTACT: Melanie Knight

RESOLUTION PRESENTER: Melanie Knight

COUNCIL SPONSOR: Cara Cowan-Watts

NARRATIVE:

THE PURPOSE OF THIS ACT IS TO DESIGNATE THE DISTRICT COURT JUDGES AS A SPECIAL CLASS OF EMPLOYEES WITH CERTAIN RIGHTS AND BENEFITS, SIMILAR TO THE SUPREME COURT JUSTICES WHO WERE GRANTED SUCH DESIGNATION BY LA 40-03.

**ADMINISTRATIVE
CLEARANCE**

Dept/Program:

Signature/Initial _____ Date _____

Group Leader:

Signature/Initial _____ Date _____

Finance (if needed):

Signature/Initial _____ Date _____

Government Resources:

Lita Mayzi 11/3/09
Signature/Initial _____ Date _____

Administration Approval:

Melanie Knight 11/3/09
Signature/Initial _____ Date _____

LEGISLATIVE CLEARANCE:

Legal & Legislative Coordinator:

Shelli Brittain 11/3/09
Signature/Initial _____ Date _____

Standing Committee & Date:

Hules 11-17-09

Chairperson:

Hules
Signature/Initial _____ Date _____

Returned to Presenter: _____

Date _____

11-03-09P04:41 RCVD