

An Act

Legislative Act 09-17

AMENDMENT TO LA 30-04-ESTABLISHMENT OF REQUIREMENTS FOR APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as an Amendment to LA 30-04 and codified as Title 14, Section _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to make certain technical and substantive amendments to the appointment procedure for members of boards, commissions, or authorities of the Cherokee Nation, including boards of entities that the Nation is the majority owner. This Act would require that all appointments be consistently applied.

Section 3. Legislative History

Boards, Commissions, and Government Agencies of the Nation are authorized by various enactments, and business entities established by the Nation operate under applicable Statute and bylaws.

Section 4. Definitions

For purposes of this Title:

“Entities” means all boards, commissions, operations, agencies and majority-owned Businesses of the Cherokee Nation.

“Member(s)” means individual persons who are appointed to serve on the governing body of Entities.

Section 5. Appointments

a. All Members of Entities of the Nation, if not designated by title in the applicable authorizing legislation or governing documents, shall be appointed by the Principal Chief and confirmed by the Council of the Cherokee Nation, with the exception of the Election Commission (26 CNA §11) and the Editorial Board (Legislative Act 17-00 as amended By LA 08-01).

b. Terms, Number of members and all other requirements of entities are not affected by this act.

c. This procedure shall be implemented for all future appointments, in accordance with item a., of this Section.

d. Terms of Members are all created by the Entities who have these commissioners, board members, or committee members.

e. Holdover Clause: If a term expires or there is a resignation or death of any appointed commissioners, board members, committee members, those in trust authority, reappointments or new replacements are pending, there will be a limited hold over of six months for continued authorized activity of those individuals and at the end of six months, if no re-appointment or new appointments have been confirmed, that seat becomes vacant.

Section 6. Provisions as cumulative

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

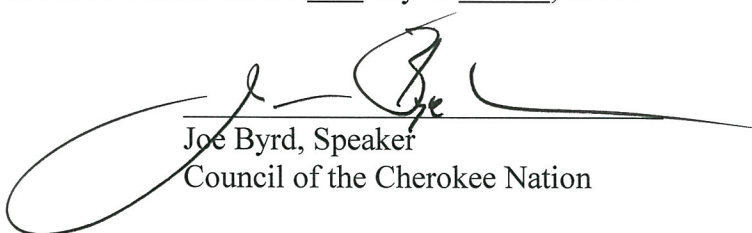
Section 7. Severability

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.

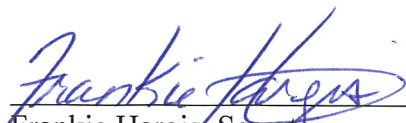
Section 8. Emergency Declared

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.

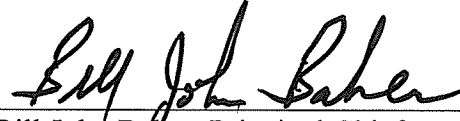
Enacted by the Council of the Cherokee Nation on the 20th day of March, 2017.


Joe Byrd, Speaker
Council of the Cherokee Nation

ATTEST:

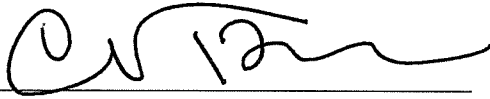

Frankie Hargis, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21st day of March, 2017.



Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:



Chuck Hoskin, Jr., Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Joe Byrd	<u>YEA</u>	Janees Taylor	<u>YEA</u>
David Walkingstick	<u>YEA</u>	Dick Lay	<u>YEA</u>
Rex Jordan	<u>NAY</u>	Buel Anglen	<u>YEA</u>
Shawn Crittenden	<u>YEA</u>	Harley Buzzard	<u>YEA</u>
Bryan Warner	<u>YEA</u>	Frankie Hargis	<u>YEA</u>
David W. Thornton, Sr.	<u>ABSENT</u>	Victoria Mitchell Vazquez	<u>YEA</u>
Don Garvin	<u>YEA</u>	Wanda Hatfield	<u>YEA</u>
Keith Austin	<u>YEA</u>	Jack D. Baker	<u>YEA</u>
Curtis G. Snell	<u>YEA</u>		