

## An Act

### Legislative Act 27-10

#### A LEGISLATIVE ACT AUTHORIZING THE COORDINATION OF INFORMATION BETWEEN DEPARTMENTS OF THE CHEROKEE NATION GOVERNMENT

#### BE IT ENACTED BY THE CHEROKEE NATION:

##### Section 1. Title and Codification

This Act shall be known as the "Cherokee Nation Free Flow of Information Act of 2010" and shall be codified under Title \_\_\_\_\_ Section \_\_\_\_\_ of the Cherokee Nation Code Annotated (CNCA).

##### Section 2. Purpose

The purpose of this Act is to ensure the coordination of all departments of the Cherokee Nation government in the development and sharing of information concerning Tribal citizens in order to provide better services to the Cherokee people.

##### Section 3. Legislative History

Article VI §7 of the Cherokee Nation Constitution which 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".

##### Section 4. Definitions

"Medical Records" means: Any records that contain confidential health information.

"Criminal Records" means: Any records that contain confidential criminal or investigatory information.

##### Section 5: Substantive Provisions

- A. The Principal Chief shall ensure the creation of a central data base of the address, date of birth, phone number (if available) and Cherokee registration number of all Cherokee Nation citizens.

- B. In compiling this list, the various departments of the Cherokee Nation government shall cooperate and share information. These departments shall include, but are not limited to: Registration, Election Commission, Tax Commission, The Cherokee Phoenix and Housing Department.
- C. The Cherokee Nation Health Services and the Cherokee Nation Marshal Service shall not provide information to the data base to ensure that neither confidential health records nor criminal records are improperly disseminated.
- D. The information collected by the various departments shall be used for Cherokee Nation internal use only, except as otherwise provided by law.


**Section 6. Severability.**

The provisions of this Act are severable and if any part of provision hereof shall be held void or invalid by a court of competent jurisdiction the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this Act.


**Section 7. Declaration of Emergency.**

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 13<sup>th</sup> day of September, 2010.

  
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 \_\_\_\_\_ day of \_\_\_\_\_, 2010.

(NOT SIGNED)  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

(NOT SIGNED)

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>Nay</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Nay</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Nay</u>
Janelle Lattimore Fullbright	<u>Absent</u>	Bradley Cobb	<u>Nay</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Nay</u>	Julia Coates	<u>Nay</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		

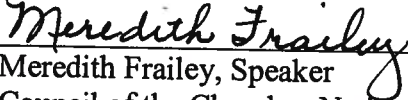


# Memorandum

**To:** Cherokee Nation Tribal Council Members  
**From:** Meredith Frailey, Speaker  
**Date:** September 20, 2010  
**Re:** LA-27-10 "A Legislative Act Authorizing the Coordination of Information Between Departments of the Cherokee Nation Government"

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In accordance with Article VI Section 10 of the Cherokee Nation Constitution, this Act having been returned, unsigned, becomes law after the fifth (5<sup>th</sup>) day of which it was presented to the Principal Chief (Sundays and holidays excepted). Therefore, this Act is valid and enforceable.

  
Meredith Frailey, Speaker  
Council of the Cherokee Nation