

VETO

(11) FAVOR
(3) OPPOSED

Overridden
8-13-01

08/09/01

Principal Chief

An Act

Legislative Act 28-01

**AN ACT REPEALING LEGISLATIVE ACT 28-99 AND LEGISLATIVE ACT 7-85,
SETTING FORTH COMPENSATION AND BENEFITS OF ELECTED OFFICIALS;
AND DECLARING AN EMERGENCY**

BE IT ENACTED BY THE CHEROKEE NATION:

CHEROKEE NATION LEGISLATIVE ACT 28-99 AMENDING TITLE 19 CHAPTER 3, SECTION 21 AND LEGISLATIVE ACT 7-85 CODIFIED AS TITLE 51, SECTION 1 ARE HEREBY REPEALED AND SETTING COMPENSATION AND BENEFITS FOR ALL ELECTED OFFICIALS

SECTION 1. Title and Codification

This Act shall be known as "The Elected Official Compensation and Benefits Act of 2001" and shall be codified under Title 19 and Title 51 of the Cherokee Code Annotated.

SECTION 2. Findings and Purpose

The Tribal Council of the Cherokee Nation finds that elected officials of the Cherokee Nation perform great services for the welfare of the Cherokee Nation and its citizens to which they should be compensated. Additionally, these benefits and compensation should be made known to the citizens of the Nation upon request and at no expense.

SECTION 3. Legislative History

- A. Article VI, Section 6 of the Cherokee Nation Constitution states that the Principal Chief and Deputy Chief be compensated for their services;
- B. Article X, Section 7 of the Cherokee Nation Constitution states that the Council shall establish laws which it shall deem necessary and proper for the good of the Nation.

SECTION 4. Definitions:

- A. Principal Chief: means the duly elected Principal Chief of the Cherokee Nation;
- B. Deputy Chief: means the duly elected Deputy Chief of the Cherokee Nation;
- C. Tribal Council: means one legislative body called the Council of the Cherokee Nation. This body consists of fifteen (15) members, who are members by blood of the Cherokee Nation.
- D. Insurance Benefits: means but shall not be limited to any and all benefits offered to regular employees of the Cherokee Nation, except unemployment benefits.
- E. Elected Officials: Principal Chief of the Cherokee Nation, the Deputy Chief of the Cherokee Nation and members of the Cherokee Nation Tribal Council.

SECTION 5. Substantive Provision

- A. The Principal Chief of the Cherokee Nation shall receive compensation for his/her services in the amount of \$75,000. Further, he/she may receive insurance benefits and monies for travel and expenses as provided by law consistent with Article X of the Cherokee Nation Constitution.

- B. The Deputy Chief of the Cherokee Nation shall receive compensation for his/her services in the amount of \$45,000. Further, he/she may receive insurance benefits and monies for travel and expenses as provided by law consistent with Article X of the Cherokee Nation Constitution.
- C. The members of the Cherokee Nation Tribal Council shall receive compensation for his/her services in the amount of \$23,800. Council members shall also receive a meeting allowance of \$4,800.00 per annum. Further, Council members shall receive insurance benefits and monies for travel and expenses as provided by law consistent with Article X of the Cherokee Nation Constitution.
- D. All elected officials shall not receive compensation from any other source for work directly related to their duties involving the Cherokee Nation Boards or Instrumentalities unless otherwise prescribed by law.
- E. The total amount of compensation of all elected officials of the Cherokee Nation including expenses and the value of benefits shall be made available to any citizen of the Cherokee Nation upon request at no charge. This information shall be kept and maintained by the Secretary Treasurer of the Cherokee Nation.
- F. The Secretary/Treasurer or his/her designee shall let for bid Insurance Policies of the Cherokee Nation consistent with this Act.
- G. Elected Officials shall not be considered employees of the Cherokee Nation and shall not be subject to the Human Resource Policies of the Cherokee Nation.

SECTION 6. Repeal of Legislative Act 28-99 and Title 51 § 1

Legislative Act 28-99 and Title 51 § 1 are hereby repealed and replaced by this Act.

SECTION 7. Provisions as Cumulative

The provisions of this Act shall be cumulative existing law.

SECTION 8. Severability

The provisions of this Act are severable and if any part of provisions 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.

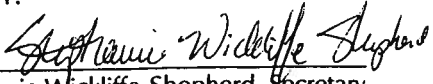
SECTION 9. Emergency Declared

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 1ST day of AUGUST, 2001.

Hastings Shade, President
Council of the Cherokee Nation

ATTEST:


Stephanie Wickliffe-Shepherd, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this ___ day of _____, 2001.

Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:

Jay Hannah, Secretary / Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

John A Ketcher	<u>YEA</u>	Melvina Shotpouch	<u>ABSENT</u>
Don Crittenden	<u>ABSENT</u>	Stephanie Wickliffe-Shepherd	<u>YEA</u>
Harold "Jiggs" Phillips	<u>ABSENT</u>	John F. Keener	<u>YEA</u>
Jackie Bob Martin	<u>YEA</u>	Harold DeMoss	<u>YEA</u>
Mary Flute-Cooksey	<u>YEA</u>	Dorothy Jean McIntosh	<u>YEA</u>
David W. Thornton, Sr.	<u>YEA</u>	Nick Lay	<u>YEA</u>
Don Garvin	<u>YEA</u>	Charles "Chuck" Hoskin	<u>YEA</u>
Barbara Starr-Scott	<u>YEA</u>		