

# An Act

## Legislative Act 15-22

### AN ACT AMENDING TITLE 18 OF THE CHEROKEE NATION CODE ANNOTATED

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

#### Section 1. Title and Codification

This act shall be known as the “Jobs Growth Amendment Act of 2022” and shall be codified at Title 18, Section 404 of the Cherokee Nation Code Annotated (CNCA).

#### Section 2. Purpose

The purpose of this amendment is to establish a system of staggered terms for the Cherokee Nation Businesses (“CNB”) Board of Directors.

#### Section 3. Legislative History

LA-16-96  
LA-4-04  
LA-32-04  
LA-37-05  
LA-11-10  
LA-27-11  
LA-23-12

#### Section 4. Substantive Provisions

##### § 404. Ownership of certain Cherokee Nation business entities

###### A. Jobs growth.

1. Assignment of ownership. The Principal Chief, or designee, shall be authorized to execute the necessary documents to transfer ownership of Cherokee Nation Enterprises, Inc. (CNE), Cherokee Nation Industries, Inc. (CNI), Cherokee Nation Distributors (CND), and any subsidiaries of the listed entities to Cherokee Nation Businesses, Inc. (CNB), a corporation wholly-owned by Cherokee Nation, as the parent company of the listed entities.

2. Parent company ownership. The Nation shall be the sole owner of the parent company for all purposes, including all assets and goodwill, and no interest in CNB shall be held at any time by any other party. For the purposes of this act, any business corporation, or entity wholly-owned by Cherokee Nation, or in which Cherokee Nation owns a majority interest, the entity which shall represent the shareholder and vote any and all shares of stock or interest shall be the Principal Chief and the Cherokee Nation Council. It will take two-thirds (2/3) majority of the Council to take any action pursuant to this section. The Council and the Principal Chief shall adopt procedures to effectuate the provisions of this section.
  
3. CNB purpose. The purpose of CNB shall be to:
  - i. engage in all lawful activities, and to facilitate and promote the Nation's economic development through strategic planning, self-sufficiency, and a strong tribal government;
  - ii. preserve and enhance profits and cash flow available for redistribution and investment, consistent with the policy direction of Cherokee Nation;
  - iii. establish procedures to evaluate and approve allocation of capital to new business ventures and opportunities, and expansion of existing businesses;
  - iv. provide the necessary debt, subject to Council approval, or equity capital to pursue such business ventures and opportunities, and meet the long term capital requirements of new, as well as existing, businesses.
  
4. CNB Board of Directors. The CNB Board of Directors shall be comprised of no more than seventeen (17) members and shall, upon the dissolution of the CNE and CNI boards, be comprised of the then-current CNB directors and the former members of the dissolved CNE and CNI boards. Other subsidiaries may have directors as allowed by Cherokee law. Provided that, effective upon enactment of this act, the seats shall be assigned as follows:

Seat 1, a term expiring 089/3130/202514, currently ~~held by Mike Watkins~~vacant

Seat 2, a term expiring 089/3130/202514, currently ~~held by Tommy Sue Wright~~vacant

Seat 3, a term expiring 089/310/202514, currently ~~held by Rex Earl Starr~~vacant

Seat 4, a term expiring 089/310/202514, ~~currently held by Bob Berry~~vacant

Seat 5, a term expiring 089/310/202514, currently ~~held by Brent Taylor~~vacant

Seat 6, a term expiring 089/310/202614, currently held by ~~Sam Hart~~Bob Berry

Seat 7, a term expiring 089/310/202614, currently held by ~~Gary Cooper~~Michael Watkins

Seat 8, a term expiring ~~089/310/2026~~<sup>14</sup>, currently held by Jerry Holderby  
 Seat 9, a term expiring ~~089/310/2026~~<sup>14</sup>, currently held by ~~Riek Doherty~~<sup>Brent Taylor</sup>  
 Seat 10, a term expiring ~~089/310/2027~~<sup>14</sup>, currently held by ~~Deacon Turner~~<sup>Chris Carter</sup>  
 Seat 11, a term expiring ~~089/310/2027~~<sup>14</sup>, currently held by ~~David Ballew~~<sup>Dan Carter</sup>  
 Seat 12, ~~currently an open seat~~ a term expiring 08/31/2027, currently held by Buck Charles George  
 Seat 13, ~~currently an open seat~~ a term expiring 08/31/2028, currently held by Tommye Sue Wright  
 Seat 14, ~~currently an open seat~~ a term expiring 08/31/2028, currently held by Shaun Shepherd  
 Seat 15, ~~currently an open seat~~ a term expiring 08/31/2028, currently held by Lynna Carson  
 Seat 16, ~~currently an open seat~~ a term expiring 08/31/2029, currently held by Deacon Turner  
 Seat 17, ~~currently an open seat~~ a term expiring 08/31/2029, currently held by Gary Cooper

Hereafter, appointments to the CNB Board of Directors shall be for five (5) year terms.

5. Capital investments. The CNB Board of Directors shall establish appropriate policies for capital maintenance and investments based upon individual subsidiary business needs. Provided, that Cherokee Nation Enterprises shall retain minimum capital for expansions from net income in the amounts equal to forty percent (40%) of net income for fiscal years 2006 through 2008.
6. Business operations. All business operations shall be conducted directly by each subsidiary in its own name.
7. Advisory Board Members. Legislative Act 35-02 establishing Advisory Board Members for each business entity in which the Nation is a majority shareholder is referenced and hereby reaffirmed. Advisory Board members provide oversight of the Council for ongoing advice and notice of business activities..
8. Dividends not affected. Dividends required or otherwise authorized by LA 16-96, as amended, remain unchanged by this act.
9. Authority. CNB shall have all powers of corporations as provided by LA 16-96, as amended.

**Section 5. Provisions as cumulative**

The provisions of this act shall hereby supersede any law to the contrary and shall further be cumulative to existing law.

**Section 6. 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 7. 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 and be in full force upon its passage and approval.

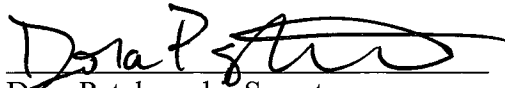
**Section 8. Self-Help Contributions**

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.

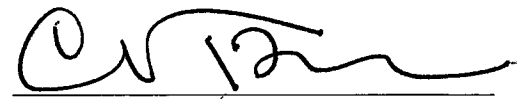
Enacted by the Council of the Cherokee Nation on the 16<sup>th</sup> day of May, 2022.

  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation

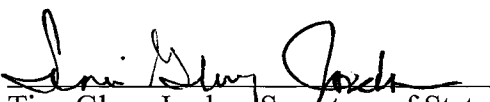
**ATTEST:**

  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 23 day of May, 2022

  
Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation

**ATTEST:**

  
Tina Glory Jordan, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Absent</u>
Wes Nofire	<u>Absent</u>	Dora Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E.O. "Junior" Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		