

# An Act

Legislative Act 4-02 (year)

## CALLING FOR THE APPROVAL OF A TRUST AUTHORITY

BE IT ENACTED BY THE CHEROKEE NATION:

### Section 1. Title and Codification

This act shall be known as "Calling for the Approval of a Trust Authority" and codified as \_\_\_\_\_ (Title) \_\_\_\_\_ (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

### Section 2. Purpose

To seek approval for the establishment of the Cherokee Nation Economic Development Trust Authority Board of Directors, in compliance with the holding in Cantrell v. The Cherokee Nation and Cherokee Nation Enterprises, Inc., JAT-97-01.

### Section 3. Legislative History

1. The Cherokee Nation is a federally recognized Indian Tribe, organized in accordance with a Constitution approved by the Commissioner of Indian Affairs on September 5, 1975 and ratified June 26, 1976.
2. The Cherokee Nation desires to establish a mechanism to promote economic development projects.
3. The Constitution of the Cherokee Nation permits the establishment of Trust Authorities pursuant to Article VI § 10 of the Cherokee Nation Code Annotated (CNCA).
4. The Cherokee Nation Economic Development Trust Authority was established by Act of this Council in LA #36-89, "An Act Calling for the Approval of a Trust Authority."
5. The Judicial Appeals Tribunal of the Cherokee Nation, in Case No. JAT 97-01, nullified that provision of Legislative Act #36-89, which provided for the appointment of the Board of Directors. This Act, therefore, provides for the appointment of members of the Board, replacing that portion of #36-89 previously addressing the appointment of said Board members.

### Section 4. Definitions

For purposes of this Title:

**Section 5. Substantive Provisions of Law**

1. The Cherokee Nation Economic Development Trust Authority Board shall consist of five (5) members.
2. The members of the Trust Authority Board shall be nominated by the Principal Chief and confirmed, by way of resolution, by the Tribal Council.

**Section 6. Provisions as cumulative**

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

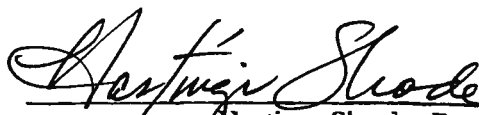
**Section 7. Severability**

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.

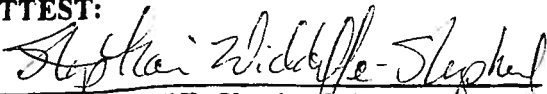
**Section 8. Emergency declared**

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 \_\_\_\_\_ day of \_\_\_\_\_, 2001.

  
 \_\_\_\_\_  
 Hastings Shade, President  
 Cherokee Nation Council

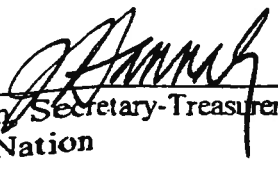
ATTEST:

  
 \_\_\_\_\_  
 Stephanie Wickliffe Shepherd, Secretary  
 Cherokee Nation Council

Approved and signed by the Principal Chief this 17th day of JANUARY, 2001.

  
 Chad 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>YEA</u>
Don Crittenden	<u>YEA</u>	Stephanie Wickliffe Shepherd	<u>YEA</u>
Harold "Jiggs" Phillips	<u>YEA</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>---</u>
David W. Thornton, Sr.	<u>ABSENT</u>	Nick Lay	<u>YEA</u>
Don Garvin	<u>YEA</u>	Charles "Chuck" Hoskin	<u>ABSENT</u>
Barbara Starr-Scott	<u>YEA</u>		