

**RULES COMMITTEE
LEGISLATIVE CONFERENCE ROOM
June 01, 2007
1:35 P.M.**

STANDING COMMITTEE:

Rules Committee

COMMITTEE PRESIDED BY:

Meredith Frailey, Chair

COMMITTEE MEMBERS PRESENT:

Meredith Frailey

Buel Anglen

Bill John Baker

Jack Baker

Audra Conner

S. Joe Crittenden

Don Garvin

Chuck Hoskin*

Bill Johnson

Taylor Keen

Jackie Bob Martin

Linda O'Leary

Melvina Shotpouch*

David Thornton

Cara Cowan Watts

Phyllis Yargee

***Entered meeting after roll call.**

COMMITTEE MEMBERS ABSENT:

John F. Keener

STAFF PRESENT:

Melanie Knight

Diane Hammons

Tom Elkins

Jim Redcorn

Mike Miller

Nason Morton

Sharon Wright

Sharon Swepston

Jamie Hummingbird

Vicki Hanvey

Jennifer Goodvoice

Becky Johnson

Todd Enlow

VISITORS:

Todd Hembree

Jim Cosby

Rick Daugherty

Lorie Samms

QUORUM ESTABLISHED:

Yes

LEGISLATION:

Yes

**RULES COMMITTEE
LEGISLATIVE CONFERENCE ROOM**

June 01, 2007

1:35 P.M.

CALL TO ORDER:

Chair Frailey called the meeting to order at 1:35 p.m. Councilman Garvin gave the invocation. Roll was called and a quorum was established.

APPROVAL OF MINUTES:

Councilor Anglen moved for the approval of the April 27th regular session. Councilor Cowan Watts seconded the motion. Motion carried.

REPORTS:

Marshal Service: Jim Redcorn reported and gave updates on the patrol division, narcotics division, community division, and the investigations division.

Justice Department: Diane Hammons reported Sara Hill who does a lot of Indian Child Welfare work got a decision back from the Oklahoma Supreme Court in a case titled "Nomura" and it goes another step in talking about interpretation of Oklahoma's Child Welfare Act. Richard Osborn defended Judge Cripps, Cherokee Nation Tribal Court District Judge in a federal lawsuit in Muskogee alleging that Judge Cripps had ruled incorrectly in a paternity action involving a Cherokee child. They conducted training for Indian Child Welfare workers at the Cherokee Nation Courthouse. Angel Smith also conducted additional training for potential adoptive parents and foster care parents. They attended the Sovereignty Symposium where she spoke on a tobacco panel.

Election Commission: Rick Daugherty reported the total registration of registered voters within the Cherokee Nation is approximately 48,500 and out of this 18,600 are "At Large". As of Monday and Tuesday, approximately 6000 absentee ballots were put in the mail to the voters. Since registration has opened up per the court order approximately 200 Freedmen voters have applied for registration. There were approximately 844 Freedmen voters previously registered before the March 3rd and the election. After the election there were 150 that they were in the process of registering. Altogether with the 200 there was a total of 1194. The deadline for applying for an absentee ballot was May 11th. Last week a conference call was held with Terry Raney, President of Automated Election Services about the constitutional question and Mr. Raney stated it can be done but the ballots that have to be mailed to the absentee ballot voters, they should expect there to be a decreased number of those returned back due to time constraints. It would help if they could preprint the ballot question if they were fairly certain of the language that would be printed on the ballot. It would make it a lot easier and ensure a higher return on the absentee ballots. Registration closed today and they should have generated a new updated voter list by this time next week.

Tax Commission: Sharon Swepston reported for the month of April, motor vehicle showed a 29.58% increase compared to April of last year. Tobacco Tax is down by 38% but overall has a 62.25% which is due to the surtax. The Tax Commission has been out doing regular inspections on smoke shops. They also sent out requests for information to five (5) local tag agencies to see if they have any interest in contracting with Cherokee Nation versus going out and putting in the agency. The requests were due back on Tuesday but there were a few that called and needed extra time so they extended the time to June 8th. The requests were sent out to Sallisaw, Jay, Stilwell, Claremore, and Oologah. Councilor Martin requested a packet be sent to Westville. Sharon stated a packet would be mailed out to Westville today.

Self-Governance: Vicki Hanvey reported Captain Jim Redcorn represented the Nation well at the Self-Governance Conference in Garden Grove, California last month. Capt. Redcorn was requested to speak on behalf of the Marshal Service where he spoke on a panel at the general session. As a follow up to the conference, Carl Artman issued the negotiation guidance for 2009 and he wants to handle the footnotes section of the funding agreement differently. He does not want them included in the actual agreement. The Self-Governance database which is set up to allow tribes to go in and view their payment and funding history does not have the 2007 information on the website because they were updating the database doing some cost code changes. There is read only access and data input access and currently where it stands right now they are going to require security clearance. The tribes are pushing back on this and they are trying to work with them to resolve some of the issues in conjunction with homeland security. In regards to DOI they have set negotiations to June 15th and they have already submitted a draft and currently there is nothing they are proposing to them as an update to the funding agreement. It is just taking the agreement they already have and amendments they have already agreed to and incorporating those into one document. They just received word that the roads addendum template that was included in the guidance has been approved. BIA has set training for June 25th-28th to be held at Muskogee. June 26th – 28th is the National Indian Child Welfare Conference to be held in Albuquerque, New Mexico. There will be a National General Assistance Work Group established and they will be having a meeting in the near future. The reason for establishing this work group is the BIA has determined they want to change the distribution methodology of general assistance

Gaming Commission: Jamie Hummingbird reported they have had a good portion of compact machines come back into their facilities making the total 3955 and of that 60% of those machines are now under compact status and the remaining are under the Class II status. The Fort Gibson facility will be experiencing a short term expansion with an addition of another modular building on to the existing casino that will translate into about 118 new machines which will be getting them up close to 320 machines total. This will also have a small increase in staff from about 15 to 20 employees. The National Indian Gaming Commission is looking to at proposed changes to existing rules and a number of new rules they want to adopt. They are wanting to modify the way they assess fees on all the gaming operations, currently they go to a quarterly based fee payment system and they want to change it to a bi-annual or twice a year payment. The fees themselves aren't going to change; they may go up a little due to NIGC continuing to add personnel to their regulatory scheme. They are also looking to make changes in facility

licensing which is an area they have never been in before because it has primarily been the pervue of the tribal gaming commission. NIGC is now wanting to establish baselines for all new and existing facilities to compare too and with that they will be required to provide NIGC with information about environmental health and public safety, what standards they follow, how often they do reviews in those areas, provide documentation on land status, and a great many more things that they have never had to before. These changes are currently in draft proposal; they have not been propagated in the federal register. They continue to look at propagating technical standards for class II machines

Codification: Todd Hembree reported the goal for having the codification completed is still set for by the end of the fiscal year. The codification process is taking the amendments and new laws that have passed and getting them into the right sections and titles. If there is a law that the new constitution makes unconstitutional, they will bring that to effect but the mere fact that we have a new constitution will not necessarily change laws or codification process. There may be some stylistic changes but other than that there should not be any major changes or differences between the codification process and the '76 constitution.

OLD BUSINESS:

Corporation Reform Act. Councilor Conner made a motion to table this Act. Councilor Crittenden seconded the motion. Motion carried.

An Act Providing for Sanctions and other Punishment for Individuals that Commit Intentional Misrepresentation to the Tribal Council and its Committees. Councilor O'Leary moved to table this Act. Councilor Conner seconded the motion. Motion carried.

NEW BUSINESS:

A Resolution Electing to Participate in the National Sex Offender Registry System as a Registration Jurisdiction. Becky Johnson stated the purpose of this Resolution is to effectuate the Cherokee Nation's election to participate as a registration jurisdiction in the National Sex Offender Registry system. Councilor O'Leary moved for the approval. Councilor Conner seconded the motion. Motion carried.

A Resolution Rescinding Resolution #63-06, "A Resolution Proposing an Amendment to Article III, Section 1 of the Cherokee Nation Constitution of 1975 and Article IV, Section a of the Cherokee Nation Constitution of 1999 Pursuant to Article 15, Section 2, Determining Criteria for Citizenship into the Cherokee Nation. Melanie Knight stated this is a Resolution to rescind Resolution #63-06 due to the fact that the special election has already occurred. Councilor Jack D. Baker moved for the approval. Councilor Cowan Watts seconded the motion. Motion carried.

An Act Amending Legislative Act 25-01 Relating to Freedom of Information and Rights to Privacy Act. Todd Hembree stated the purpose of this Act is to close a gap in the Freedom of Information Act. Currently it requires commissions and other governing bodies to post an agenda but unfortunately they did not put a time by which they must

post the agenda. They have come up with ten (10) days prior to a regular meeting of a public body and a public body is defined in the Act already. It would states an agenda must be posted twenty-four (24) hours before a special meeting. There is a typo in Section 5A, last sentence, the word “of” needs to be changed to “or”. Councilor Garvin moved for the approval with the amendment to Section 5A. Councilor O’Leary seconded the motion. Motion carried with amendment by acclamation.

A Legislative Act Amending Title 10 of the Cherokee Nation Code Annotated – Sections 1101, 1110, and Sections 40.1 through 40.9; and Declaring an Emergency. Nason Morton stated this Act adds a definition to what constitutes a deprived child in a juvenile hearing and it also changes a requirement of a jury trial at the deprived stage. It does maintain that the parents or the other person entitled to notice will get a jury trial at the termination stage if that is necessary but it will no longer have a jury trial at the deprived stage. This Act will also attempt to clarify what the actual burden of proof needs to be at the hearing. Councilor Cowan Watts moved for the approval. Councilor O’Leary seconded the motion. Motion passed by acclamation.

A Resolution Authorizing the Official Cherokee Nation Website to be registered as a Government Domain under the Name of www.cherokee-msn.gov. Todd Enlow stated the purpose of this Resolution is to authorize Cherokee Nation to register the official Cherokee Nation Website as a government domain under the name of www.cherokee-msn.gov. Councilor Garvin moved for the approval. Councilor Cowan Watts seconded the motion. Motion carried.

Act Relating to the Accountability of Elected Officials of the Cherokee Nation. Councilor Cowan Watts stated some things this legislation looks at and brings in line with what she would hope their behavior is that family members under this legislation who would be earning hundreds of thousands of dollars from Cherokee Nation without disclosing it and making it part of the public documentation, they wouldn’t have people leaking confidential information to the press, we would then have to disclose doing that business with the Nation, and it would stop some of this Benedict Arnold type behavior of those people that have been helping folks who are suing the tribe. This would set up the rules and guidelines for how this kind of behavior would be a violation of their oath of office and it would help to protect whistle blowers and confidential personnel information. She invites anyone at this time that feels as strongly about these issues to co-sponsor this with her because there has been a couple of issues brought up about the actual language of the legislation from the lawyers so she is going to ask that it be pulled from this agenda and put it on next months agenda.

Councilor Jack D. Baker made a motion to move next months regular meeting to Friday, June 29th, at 1:00 p.m. Councilor Cowan Watts seconded the motion. Motion carried.

ANNOUNCEMENTS:

The next Rules meeting are tentatively scheduled for Friday, June 29th at 1:00 p.m.

Chair Frailey announced the Cherokee Nation/United Keetoowah Band Joint Council meeting is scheduled for July 14th at 9:00 a.m.

Lorie Samm, Cherokee Citizen requested permission to pass a petition around to Council members in support of the Indian Child Welfare Act.

ADJOURNMENT:

Councilor Johnson moved for adjournment. Councilor Cowan Watts seconded the motion. Motion carried.

APPROVAL / DISTRIBUTION:

Minutes submitted by: Gayle Miller, Recording Secretary

Motion to approve minutes made by: Basil Anglen

Minutes attested and concurred by: Meredith Frailey

Date: 6-29-07