

An Act

Legislative Act 12-08

A LEGISLATIVE ACT AMENDING THE CHEROKEE NATION SOVEREIGN IMMUNITY ACT, LA#23-04, AS AMENDED BY LA#16-05

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act shall be known as the 2008 Amendment to the Sovereign Immunity Act, LA 23-04, and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

To amend the Sovereign Immunity Act to authorize the Principal Chief to execute limited waivers of sovereign immunity for business entities to enable them to procure bonding and other guarantees as required to win contracting opportunities.

Section 3. Legislative History

LA 23-04 was enacted June 14, 2004 and amended by LA 16-05 on April 11, 2005.

Section 4. Substantive Provisions

LA 23-04 is hereby amended by adding a new Section 8 as follows and renumbering accordingly:

Section 8. Delegation of Authority as to Cherokee Nation Business Entities

The Principal Chief is authorized to grant a waiver of the sovereign immunity of Cherokee Nation Businesses or a business entity in which Cherokee Nation Businesses owns an interest, to a bonding company, surety, or other guarantor for the purpose of securing a contract. Such waiver will be, in the case of Cherokee Nation Businesses, limited to its cash or cash equivalent assets. Such waiver will be, in the case of a business entity in which Cherokee Nation Businesses owns an interest, limited to the assets of that entity. Waivers under this section will not be subject to the limitations of Section 6. This section does not allow the Principal Chief to grant a waiver as to the Cherokee Nation or otherwise allow recovery against the Cherokee Nation, its assets, or any elected officials, officers or employees of the Cherokee Nation.

Section 5. Provisions as cumulative

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

Section 6. Severability

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

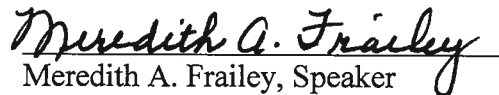
Section 7. Emergency declared

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.


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 14th day of July, 2008.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

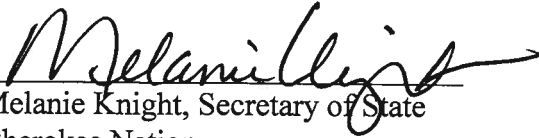
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21st day of JULY, 2008.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:



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