

Committee: Rules  
Date: 3-17-08 Committee Date: 3-27-08

Author: Tom Elkins  
Sponsor: M. Frailey/C. Snell

# An Act

Legislative Act 06-08

**A LEGISLATIVE ACT AMENDING LA#31-04; AMENDING TITLE 63 CHAPTER 3, ARTICLE 2 § 101 OF THE CHEROKEE NATION CODE ANNOTATED, THE ENVIRONMENTAL QUALITY CODE; AND DECLARING AN EMERGENCY**

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

**Section 1. Title**

This act shall be known as the "Cherokee Nation Environmental Quality Code Amendment Act of 2008".

**Section 2. Purpose**

The purpose of this Act is to amend the code to increase the membership of the Environmental Protection Commission from three (3) members to five (5) members.

**Section 3. Legislative History**

The Environmental Quality Act, Title 63 CNCA §§ et seq., was first enacted in 1993. LA 1-93, eff. June 14, 1993, as amended by Legislative Acts 08-98, 31-04, 35-04, 42-04, 15-05, 19-05, and 41-05.

**Section 4. Definitions**

Not applicable.

**Section 5. Amendments**

CNCA Title 63 Chapter 3 is hereby amended as follows:

**CHAPTER 3  
CHEROKEE NATION ENVIRONMENTAL QUALITY CODE**

**ARTICLE 2. DELEGATION OF AUTHORITY**

**§ 101. Establishment of the Cherokee Nation Environmental Protection Commission**

## **A. Establishment**

The Cherokee Nation hereby creates the Cherokee Nation Environmental Protection Commission (CN EPC).

## **B. Governing body: Appointment; Terms; Vacancies**

The CN EPC shall be governed by a Board of Commissioners (Board), which shall be composed of five (5) ~~three (3)~~ Commissioners (except in a meeting called to overrule a veto by the Principal Chief under subsection H of 63 CNCA § 606B, in which case all commissioners must be present for a quorum) all of whom shall be citizens of the Cherokee Nation. The Commissioners shall be appointed by the Principal Chief of the Cherokee Nation with the advice and consent of the Council of the Cherokee Nation. Each Commissioner shall serve for a term of four (4) years, provided that, in order to stagger the term of office, one of the original Commissioners shall be appointed for a term of two (2) years, one for a term of three (3) years, and one for a term of four (4) years. Any vacancy on the Board, howsoever caused, will be filled by appointment by the Principal Chief of the Cherokee Nation with the consent of the Council of the Cherokee Nation, provided that the replacement serves only the amount of time remaining in the term of the original appointee.

## **C. Chairperson; Quorum; Meetings**

The Commissioners shall elect a Chairperson from among themselves. The business of the Board will be conducted at meetings of the Board duly called and noticed and at which a quorum is present. A quorum shall consist of three (3) ~~two (2)~~ Commissioners. Any substantive action of the CN EPC must be approved by the affirmative votes of at least three ~~two~~ Commissioners and must be recorded in writing.

### **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.

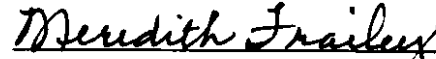
### **Section 8. Emergency declared**

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.


### **Section 9. 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 14<sup>th</sup> day of April, 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 17<sup>TH</sup> day of APRIL, 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>Yea</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>		

# Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

A Legislative Act Amending LA#31-04; Amending Title 63 Chapter 3, Article 2 § 101 of the Cherokee Nation Code Annotated, the Environmental Quality Code; and Declaring an Emergency

**TITLE:**





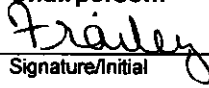
**DEPARTMENT CONTACT:** Tom Elkins, Acting EPC Administrator

**RESOLUTION PRESENTER:** Tom Elkins, Acting EPC Administrator

**COUNCIL SPONSOR:** M. Frailey/C. Snell

**NARRATIVE:**

The purpose of this act is to increase the number of commissioners on the Environmental Protection Commission (EPC) from (3) three members to (5) members.

<b><u>ADMINISTRATIVE CLEARANCE</u></b>	
<b>Program/Project Manager:</b>	
Signature/Initial	Date
<b>Department Director:</b>	
Signature/Initial	Date
<b>Executive Director:</b>	
	<u>03/14/08</u>
Signature/Initial	Date
<b>Government Resources:</b>	
	<u>3/17/08</u>
Signature/Initial	Date
<b>Administration Approval:</b>	
	
Signature/Initial	Date
<b><u>LEGISLATIVE CLEARANCE:</u></b>	
<b>Legal &amp; Legislative Coordinator:</b>	
	<u>3/17/08</u>
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
<u>Rules</u>	<u>3/27/08</u>
<b>Chairperson:</b>	
	
Signature/Initial	Date
<b>Returned to Presenter:</b>	
	Date

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