

# An Act

Amended See LA42-03

## LEGISLATIVE ACT 18-03

### AN ACT AMENDING TITLE 19 SECTION 21, TITLE 51 SECTION 1 AND TITLE 51 SECTION 11 OF THE CHEROKEE NATION CODE ANNOTATED DEALING WITH COMPENSATION OF ELECTED OFFICIALS REPEALING CURRENT LAW AND ADDING NEW LANGUAGE AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

#### SECTION 1. TITLE AND CODIFICATION

This Act shall be titled as "The Compensation for Elected Officials Act of 2003"

#### SECTION 2. PURPOSE

The purpose of this Act shall be to set permanent guidelines by which Cherokee Nation Officials will be compensated.

#### SECTION 3. LEGISLATIVE HISTORY

Council previously enacted Elected Official of Compensation Acts in Cherokee Nation Constitution Article VI, Section 6, Legislative Act 28-99, Title 19 Section 22, and Title 51 Section 1 setting the salary for the Principal Chief and Title 51 Section 11 setting the salary for Deputy Principal Chief.

#### SECTION 4. DEFINITIONS

- A. Principal Chief means the duly elected Principal Chief of the Cherokee Nation.
- B. Deputy Principal Chief means the duly elected Deputy Principal Chief of the Cherokee Nation.
- C. Tribal Council Member means duly elected Tribal Council Member of the Cherokee Nation Tribal Council.
- D. Five Civilized Tribes means the Choctaw, Chickasaw, Seminole, Cherokee and Creek Tribes that are federally recognized and headquartered in the State of Oklahoma.
- E. The Eastern Band of Cherokee means the Federally recognized Eastern Band of Cherokees located in North Carolina.

#### SECTION 5. SUBSTATIVE PROVISIONS

##### A. Principal Chief Salary

The salary of the Principal Chief of the Cherokee Nation shall be the average of the salaries that are paid to the Chiefs of the Five Civilized Tribes and the Chief of the Eastern Band of Cherokees. Provided that this amount would not exceed \$125,000 or fall below \$75,000.

##### B. Deputy Principal Chief

The salary of the Deputy Principal Chief of the Cherokee Nation shall be the average of the salaries that are paid to the Deputy Principal Chief or the comparable office of the Five Civilized Tribes and the Eastern Band of Cherokees. Provided that this amount did not exceed \$80,000 or fall below \$45,000.

C. Tribal Council Member

Council Members of the Cherokee Nation salaries shall be the average of the salaries paid to the Council Members or comparable office of the Members of the Five Civilized Tribes and the Eastern Band of Cherokees. Provided that this amount did not exceed \$50,000 or fall below \$28,600.

D. All elected officials shall enjoy the same benefits of health insurance and retirement options as those offered to employees of the Cherokee Nation except unemployment benefits.

1) Whereas federal law prohibits Tribal Council officials from participating in the Social Security System and no other tribal officials or employees are prohibited from participating in the social security, a deferred compensation fund shall be established and administered for the benefit of future retirement income. The deferred compensation plan shall be established to allow individuals to participate in the plan by January 1, 2004.

E. All elected officials shall not be considered employees of the Cherokee Nation.

F. The calculation as to when to set the average for Cherokee Nation officials elected in the 2003 Cherokee Nation General Election shall be the salaries of the above-mentioned officials as of January 1, 2003. The average is to be recalculated on January 1, 2007 and every four (4) years thereafter.

1) Whereas elected officials are required to perform their duty, on call, seven days a week annually during their term, the tribal council shall devise it's own compensation docking policy and procedures for absences of committee and full council meetings. A council member's compensation cannot be docked for absences due to attending other official tribal business or illness. These policies shall be established and put into effect by January 1, 2004.

G. Title 19 Section 21, Legislative Act 28-99, Title 51 Section 1 and Title 51 Section 11 are hereby repealed and replaced by this Legislation.

**SECTION 6. CUMULATIVE**

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

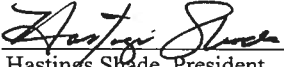
**SECTION 7. SEVERABILITY**

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 8. EFFECTIVE DATE**

This Act shall become effective on August 14, 2003.

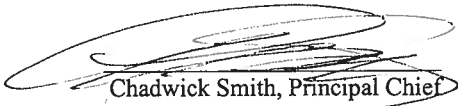
Enacted by the Cherokee Nation Tribal Council on the 14TH day of JULY, 2003.

  
Hastings Shade, President  
Council of the Cherokee Nation

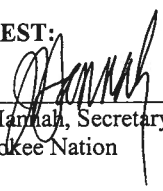
**ATTEST:**

  
Stephanie Wickliffe - Shepherd, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of JULY, 2003.

  
Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Jay Hannah, Secretary/Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

John Ketcher	<u>YEA</u>	Melvina Shotpouch	<u>YEA</u>
Don Crittenden	<u>YEA</u>	Stephanie Wickliffe	<u>YEA</u>
Ralph Keen, Jr.	<u>YEA</u>	John Keener	<u>YEA</u>
Jackie Bob Martin	<u>YEA</u>	Harold DeMoss	<u>NAY</u>
Mary Flute-Cooksey	<u>ABSTAIN</u>	David Thornton, Sr.	<u>NAY</u>
Nick Lay	<u>NAY</u>	Charles "Chuck" Hoskin	<u>YEA</u>
Don Garvin	<u>NAY</u>	Barbara Starr-Scott	<u>YEA</u>
Buel Anglen	<u>YEA</u>		

**Legislative Act #18-03 Compensation Calculation**

	<u>Chief</u>	<u>Deputy</u>	<u>Council</u>
<b>AVERAGE</b>	\$ 112,440	\$ 57,250	\$ 36,450
<b>Current CN Salaries</b>	\$ 75,000	\$ 45,000	\$ 28,600
<b>Increase / (Decrease)</b>	\$ 37,440 50%	\$ 12,250 27%	\$ 7,850 27%