

# An Act

Legislative Act 30-04

## AN ACT TO ESTABLISH REQUIREMENTS FOR APPOINTMENT OF MEMBERS OF BOARDS AND COMMISSIONS; AND DECLARING AN EMERGENCY

### BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title.

This act shall be known as the "Appointment of Boards and Commissions Act of 2004"

#### Section 2. Purpose.

The purpose of this Act is to make certain technical and substantive amendments to the appointment procedure for members of boards, commissions or authorities of the Cherokee Nation, including boards of entities that the Nation is the majority owner. This Act would require that all appointments be consistently applied.

#### Section 3. Legislative History.

Boards, Commissions, and Governmental Agencies of the Nation are authorized by various enactments, and business entities established by the Nation operate under applicable statute and bylaws.

#### Section 4. Definitions.

For purposes of this Act:

"Entities" means all boards, commissions, operations, agencies and majority-owned businesses of the Cherokee Nation.

"Member(s)" means individual persons who are appointed to serve on the governing body of Entities.

#### Section 5. Appointments.

- a. All Members of Entities of the Nation, if not designated by title in the applicable authorizing legislation or governing documents, shall be appointed by the Principal Chief and confirmed by the Council of the Cherokee Nation, with the exception of the Election Commission (26 CNCA § 11) and the Editorial Board (Legislative Act 17-00 as amended by LA 08-01).
- b. Terms, number of members and all other requirements of entities are not affected by this Act.
- c. This procedure shall be implemented for all future appointments, in accordance with item a. of this Section.

#### Section 6. Provisions as cumulative

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

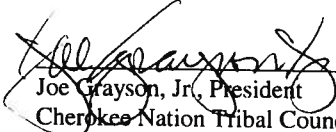
**Section 7. Severability**

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 12<sup>th</sup> day of July, 2004.

  
Joe Grayson, Jr, President  
Cherokee Nation Tribal Council

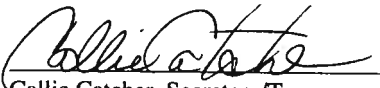
**ATTEST:**

  
Bill John Baker, Secretary  
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 16<sup>th</sup> day of JULY, 2004.

  
Chad Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Callie Catcher, Secretary/Treasurer  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Audra Smoke-Conner	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Bill John Baker	<u>Nay</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	John F. Keener	<u>Yea</u>
Jackie Bob Martin	<u>Yea</u>	Cara Cowan	<u>Yea</u>
Phyllis Yargee	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Absent</u>	William G. Johnson	<u>Yea</u>
Don Garvin	<u>Yea</u>	Charles "Chuck" Hoskin	<u>Nay</u>
Linda Hughes-O'Leary	<u>Yea</u>		

# Cherokee Nation Act/Resolution Proposal Form

**ADMINISTRATIVE CLEARANCE:**

Program/Project Manager:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Director:

Signature \_\_\_\_\_ Date \_\_\_\_\_

Executive Director:

Signature Melanie Knight 6/9/04 Date

Controller (if needed):

Signature \_\_\_\_\_ Date \_\_\_\_\_

Government Resources Group:

Signature Melanie Knight 6/9/04 Date

Administration Approval:

Signature Chad Smith 6/9/04 Date

Act

Resolution

**TITLE:** An Act to Establish Requirements for Appointments of Members of Boards and Commissions; and Declaring an Emergency

Department Contact: Melanie Knight

Resolution Presenter: Melanie Knight

Sponsor:

**NARRATIVE:**

*(See Attached Outline for Information Needed)*

The purpose of this act is to make certain amendments to the appointment procedure for members of boards, commissions or authorities of the Cherokee Nation, and to require that all appointments be consistently applied.

**LEGISLATIVE CLEARANCE**

Legislative Aide:

Signature/Initial gls 6-10-04 10:45 Date

Standing Committee:

Ruler

6-15-04

Next Meeting Date

Chairperson:

Signature/Initial Frankley Date

Returned to Presenter: \_\_\_\_\_ Date

06-10-04A10:49 RCVD