

An Act

Enrolled
Legislative Act 2-85

AN ACT RELATING TO CHEROKEE NATION OF OKLAHOMA
GENERAL PROVISION LAWS; AMENDING 1 CNCA 1985 (LA 1-76
and LA 4-76), SEPARATING PROVISIONS FOR LAWS AND
RESOLUTIONS INTO CHAPTERS; ADDING NEW ITEMS; AND
DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. AMENDATORY 1 CNCA 1985 (LA 1-76),
Paragraph 1, is repealed.

SECTION 2. AMENDATORY 1 CNCA 1985 (LA 1-76),
Paragraph 2 is to read as follows:

Chapter 1. Provisions for Laws.

Section 101. Definition and Style. When a permanent rule of
conduct of government in the form of a continuing regulation is
the intent of the Council of the Cherokee Nation, the same shall
be effected by an enactment of Law of the the Cherokee Nation and
shall include be styled as provided in Article V, section 7, of
the Constitution "Be it enacted by the Cherokee Nation".

SECTION 3. AMENDATORY NEW ITEM 1 CNCA 1985 is to
read as follows:

Section 102. Recording of votes. A roll call vote shall be
made on every Law and said vote shall be recorded in yeas, nays,
and abstentions in the permanent Journal of the Council.

SECTION 4. AMENDATORY 1 CNCA 1985 (LA 4-76),
Paragraph 1 is to read as follows:

Section 103. Effective Date. All laws of the Cherokee
Nation shall be effective thirty (30) days after approval by the
Council and if approved and signed by the Principal Chief or
after approval pursuant to Article V, section 11 of the
Constitution, and published in full in an official publication
of the Cherokee Nation unless a later effective date is provided
therein or an emergency is declared as provided in section 104 of
this act.

SECTION 5. AMENDATORY 1 CNCA 1985 (LA 4-76),
Paragraph 3 is to read as follows:

Section 104. Emergency Clause. Any law, notwithstanding
the foregoing publication provisions, may be made effective
immediately upon the approval and signature of the Principal
Chief by a clear finding, with a provision therein, by the
Council that an emergency exists by reason of which the welfare
of the Nation requires that it take effect upon approval and
signature by the Principal Chief immediately. Said provision
shall be styled "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 from and after its passage and approval".
Any law declaring an emergency shall also be published in the
first issue of the official tribal publication in which the same
can reasonably be accomplished.

SECTION 6. AMENDATORY 1 CNCA 1985 (LA 4-76),
Paragraph 2 is to read as follows:

Section 105. Publication of laws. ~~Publications shall be made in the first issue of the official publication following approval and signature by the Principal Chief or as soon thereafter as it can be accomplished.~~ Any law enacted and approved as provided for in this act shall, upon direction of the Secretary of the Council, be published in full in the first issue of the official tribal publication or as soon thereafter as can reasonably be accomplished.

SECTION 7. AMENDATORY 1 CNCA 1985 (LA 4-76),
Paragraph 4 is to read as follows:

Section 106. Indexing and Maintenance. All ~~Resolutions and~~ Laws of the Cherokee Nation shall be indexed and maintained by the Secretary-Treasurer of the Cherokee Nation. ~~In a convenient place open to public inspection.~~ A copy of all original laws shall be made available for public inspection in the Capitol building at the seat of government.

SECTION 8. AMENDATORY 1 CNCA 1985 (LA 1-76),
Paragraph 3 is to read as follows:

Chapter 2. Provisions for Resolutions.

Section 201. Definition and Style. When an act of a temporary character not prescribing a permanent rule of government but only declaratory of the will of the Council of the Cherokee Nation on a given matter or in the nature of a ministerial act is the intent of said Council, the same shall be effected by a Resolution of the Cherokee Nation and shall ~~include as provided in Article V, Section 7, of this Constitution~~ be styled "Be It Resolved By The Cherokee Nation".

SECTION 9. AMENDATORY NEW ITEM 1 CNCA 1985, is to read as follows:

Section 202. Certification. Any resolution considered and voted upon by the Council of the Cherokee Nation shall include a certification statement. Said statement shall be styled:

"The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the _____ day of _____, 19____, having _____ members present, constituting a quorum, by the vote of _____ yea; _____ nay; _____ abstaining."

Section 203. Indexing and Maintenance. All Resolutions of the Cherokee Nation shall be indexed and maintained by the Secretary-Treasurer of the Cherokee Nation. A copy of all original resolutions shall be made available for public inspection in the Capitol building at the seat of government.

SECTION 10. If any section, sentence, clause or phrase of this act is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this act. The Council hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 11. 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 from and after its passage and approval.

Passed by the Council on this 13th day of July, 1985.

Wilma P. Mankiller

Wilma P. Mankiller, President
Cherokee Nation Council

Approved and signed by the Principal Chief this 13th day
of July, 1985.

Ross O. Swimmer

Ross O. Swimmer, Principal Chief
Cherokee Nation of Oklahoma

ATTEST:

Gary D. Chapman

Gary D. Chapman, Secretary/Treasurer
of the Cherokee Nation