

An Act

Legislative Act 25-10

A LEGISLATIVE ACT 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 2010”.

Section 2. Purpose

The purpose of this Act is to enable business to be conducted due in part to the passage of LA 04-10, changing the quorum to consist of a majority of those Commissioners duly appointed and confirmed. This Act changes the affirmative votes required for substantive action from affirmative votes of at least three commissioners to affirmative votes of the majority of the duly appointed and confirmed Commissioners.

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, 41-05, 06-08 and 04-10.

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) 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 a majority of those Commissioners duly appointed and confirmed. Any substantive action of the CN EPC must be approved by the affirmative votes of a majority of the duly appointed and confirmed 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.

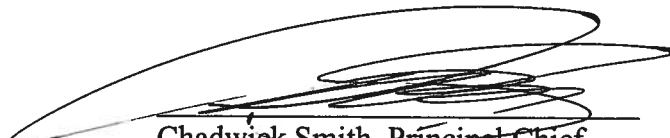
Enacted by the Council of the Cherokee Nation on the 13th day of September, 2010.


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 17th day of September, 2010.


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>Absent</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 Title 63 Chapter 3, Article 2 § 101 of the Cherokee Nation Code Annotated, the Environmental Quality Code; and Declaring an Emergency

TITLE: _____

DEPARTMENT CONTACT: Wayne Isaacs, Acting EPC Administrator

ACT PRESENTER: Pat Ragsdale, Group Leader

COUNCIL SPONSOR: Meredith A. Frailey

NARRATIVE:

The purpose of this Act is to enable business to be conducted changing the number of affirmative votes to the majority of the duly appointed and confirmed Commissioners due in part to the passage of LA 04-10, changing the majority of a quorum to a majority of the duly appointed and confirmed Commissioners.

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program: _____	
Signature/Initial	Date
Group Leader: Wayne Isaacs Acting CNEP Administrator	
Signature/Initial	Date
Finance (if needed): _____	
Signature/Initial	Date
Government Resources: _____	
<i>Pat Ragsdale</i>	<i>8/10/10</i>
Signature/Initial	Date
Administration Approval:	
<i>Pat Ragsdale</i>	
Signature/Initial	Date

<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
<i>Brittain</i>	<i>8/10/10</i>
Signature/Initial	Date
Standing Committee & Date:	
<i>Hules</i>	<i>8/26/10</i>
Chairperson:	
<i>Frailey</i>	
Signature/Initial	Date
Returned to Presenter: _____	
Date	

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