

# An Act

## Legislative Act 05-16

### ACT AMENDING LA-01-14, “CHEROKEE NATION EMPLOYMENT RIGHTS ACT”

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

#### Section 1. Title and Codification

This act shall be known as an Act Amending the Cherokee Nation Employee Rights Ordinance, Cherokee Nation Code Annotated, Title 40. This Act shall be codified at Title 40, Sections 1004 and 1011 and shall be known as the Cherokee Nation Employment Rights Act.

#### Section 2. Purpose:

The purpose of this amendment is to address a business that is owned by a trust and to assure that the trustees and beneficiaries of the business trust must be Indians.

#### Section 3. Legislative History

The Cherokee Nation previously enacted the Cherokee Nation Employment Rights Ordinance, effective January 11, 1986, by Legislative Act 22-87, and was amended by Legislative Act 29-88 and Legislative Act 01-14.

#### Section 4. Definitions Title 40, § 1004, O shall read as follows:

O. “Indian-owned economic enterprise” shall mean any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than 51 percent (51%) of the enterprise, and the ownership shall encompass active operation and control of the enterprise. **No Business as a Trust Owned Business shall be included.**

#### Section 5. Title 40, § 1011, H shall read as follows:

#### Tribal Employment Rights Office; Establishment, authority and duties

There is hereby recognized the Tribal Employment Rights Office (hereinafter referred to as the “TERO”). The TERO shall administer the employment rights program of the Cherokee Nation in accordance with this title.

The TERO shall have the authority:

H. To engage in the process of certifying businesses as “Indian-owned economic enterprises and determine whether businesses may be given Indian preference. **No business as a trust owned business shall be certified.**

**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.

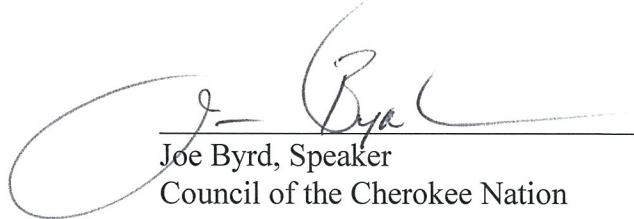
**Section 8. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

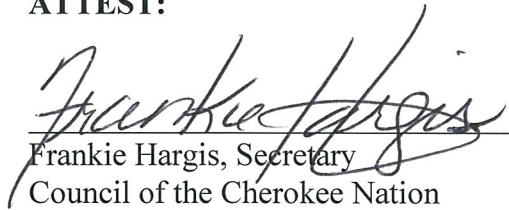
**Section 9. Self-Help Contributions**

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.

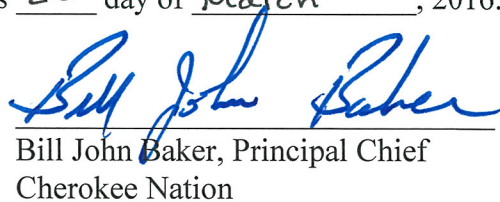
Enacted by the Council of the Cherokee Nation on the 14<sup>th</sup> day of March, 2016.

  
Joe Byrd, Speaker  
Council of the Cherokee Nation

**ATTEST:**

  
Frankie Hargis, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 22 day of March, 2016.

  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**



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Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Joe Byrd	<u>Yea</u>	Janees Taylor	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Rex Jordan	<u>Absent</u>	Wanda Hatfield	<u>Yea</u>
Bryan Warner	<u>Yea</u>	Harley Buzzard	<u>Absent</u>
Shawn Crittenden	<u>Yea</u>	Frankie Hargis	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Don Garvin	<u>Yea</u>	Keith Austin	<u>Yea</u>
Buel Anglen	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		