

An Act

LEGISLATIVE ACT 7-01 - 01

A LEGISLATIVE ACT REQUIRING TRIBAL COUNCIL CONSENT FOR LITIGATION BROUGHT ON BEHALF OF THE CHEROKEE NATION

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification:

This Act shall be known as "The Consent for Litigation Act of 2001".

Section 2. Purpose:

The purpose for this enactment is to require Tribal Council consent prior to filing any litigation that involves the Nation's sovereignty or substantial assets.

Section 3. Legislative History:

Article V., Section 7 of the Cherokee Nation Constitution: The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution.

Section 4. Definitions:

For purposes of this Title:

- A. Cherokee Nation: means the government of the Cherokee Nation located at Tahlequah, Oklahoma.
- B. Tribal Council: means the Cherokee Nation Council.
- C. Filing: means the initiation of legal action in any court or regulatory body.
- D. Litigation: means any proceeding or suit at law.
- E. Sovereignty: means the matters that concern the boundaries, or territory, or the jurisdiction, or treaty rights, or the powers or rights of self-governance of the Cherokee Nation.
- F. Substantial Assets: litigation that involves an amount in controversy in excess of one hundred thousand dollars (\$100,000).
- G. Principal Chief: means the Principal Chief of the Cherokee Nation.

Section 5. Substantive Provisions:

Any litigation brought on behalf of the Cherokee Nation against any non-Cherokee Nation entity in any court or jurisdiction, must be authorized by the Principal Chief and ratified by the Tribal Council prior to the filing of said litigation, when said suit involves the Sovereignty of the Cherokee Nation or substantial assets. If, due to exigent circumstances, litigation must be commenced or filed prior to securing ratification or approval by the Tribal Council, such ratification or approval must be granted within 60 days or such litigation shall be dismissed. These requirements do not apply to routine civil or criminal litigation carried out by the Justice Department of the Cherokee Nation.

Section 6. Provisions as cumulative:

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

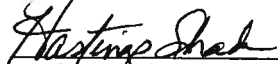
Section 7. Severability:

The provisions of this Act are severable and if any part 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. Emergency declared:

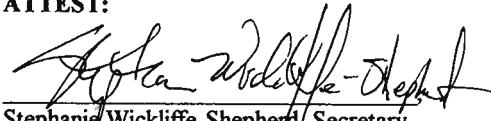
It being immediately necessary for the welfare of the Cherokee Nation, the Tribal Council hereby declares that an emergency exists, by reason whereof this Act shall take effect and be in full force after its passage and approval.

Passed by the Council of the Cherokee Nation on the 12th day of March, 2001.



Hastings Shade, President
Cherokee Nation Tribal Council

ATTEST:



Stephanie Wickliffe-Shepherd, Secretary
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this ^{16th}~~12th~~ day of March, 2001.



Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:



Jay Hannah, Secretary-Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

John A. Ketcher	<u>YEA</u>	Melvina Shotpouch	<u>YEA</u>
Don Crittenden	<u>YEA</u>	Stephanie Wickliffe Shepherd	<u>YEA</u>
Harold "Jiggs" Phillips	<u>YEA</u>	John F. Keener	<u>YEA</u>
Jackie Bob Martin	<u>YEA</u>	Harold DeMoss	<u>YEA</u>
Mary Flute-Cooksey	<u>YEA</u>	Dorothy Jean McIntosh	<u>YEA</u>
David W. Thornton, Sr.	<u>YEA</u>	Nick Lay	<u>YEA</u>
Don Garvin	<u>YEA</u>	Charles "Chuck" Hoskin	<u>YEA</u>
Barbara Starr-Scott	<u>ABSENT</u>		