

An Act

Legislative Act 39-07

AN ACT AMENDING LA-2-85 REQUIRING SPECIFIC FORM FOR ENACTMENTS OF THE CHEROKEE NATION TRIBAL COUNCIL

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification.

This Act shall be known as the "Tribal Council Enactment form Act of 2007", and shall be codified as Title _____, Section _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose.

The purpose of this Act is to amend the current form of enactments and resolutions to coincide with the current Cherokee Nation Constitution.

Section 3. Legislative History.

LA #2-85

Article VI Section 7 of the Cherokee Nation Constitution.

Section 4. Substantive Provisions of Law; Repeals, Additions and Amendments.

25 § 21. Definition and style of laws

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 affected by an enactment of law of the Cherokee Nation, the following form shall be used:

Legislative Act -(year)

ACT RELATING TO

(insert title)

Example: **THE REGULATION OF WATERWAYS AND ENVIRONMENT**

BE IT ENACTED BY THE CHEROKEE NATION:

Section (code section) 1. Title and Codification.

Example: This act shall be known as the _____ and codified as (Title) (Section) of the Cherokee Nation Code Annotated.

Section (code section) 2. Purpose.

Section (code section) 3. Legislative History.

Section (code section) 4. Definitions.

For purposes of this Title:

Section (code section) 5. (Insert substantive provisions of law; repeals, additions and amendments)

Section (code section) 6. Provisions as Cumulative.

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

Section (code 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 (code 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 (code 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 _____ day of _____, 200____.

Meredith A. Frailley
_____, Speaker
Council of the Cherokee Nation

ATTEST:

_____, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this ____ day of _____ 200 ____.

_____, Principal Chief
Cherokee Nation

ATTEST:

_____, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

(List members of Council of the Cherokee Nation)

§ 22. Recording of votes on laws

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.

§ 23. Effective date of laws

All laws of the Cherokee Nation shall be effective thirty (30) days after approval by the Council if approved and signed by the Principal Chief or after approval pursuant to Article VI, Section 11 of the Constitution, or when an emergency is declared as provided in section 1-2-4 of this Code.

§ 24. Form and effect of emergency clauses

Any law may be made effective immediately upon the approval and signature of the Principal Chief by a clear finding, with provision therein, by the Council that an emergency exists by reason of which the welfare of the Nation requires that it take effect 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,"

§ 25. Publication of laws

Any law enacted and approved as provided for in this chapter shall, upon direction of the Speaker 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.

§ 26. Indexing and maintenance of laws—Availability for public inspection

All laws of the Cherokee Nation shall be indexed and maintained by the Legislative Office of the Cherokee Nation. Both a printed copy and an electronic copy of each law shall be given to the Legislative Offices. All original laws shall be made available for public inspection in the office of the Legislative Branch in the Cherokee Nation seat of Government.

§ 27. Definition and style of resolutions

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 the Council, the same shall be effected by a resolution of the Cherokee Nation and the following form shall be used:

RESOLUTION NO _____

COUNCIL OF THE CHEROKEE NATION

(p u r p o s e)

Example: **A RESOLUTION AUTHORIZING THE SUBMISSION OF A SPECIAL GRANT APPLICATION.**

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, (Paragraphs regarding the purpose and substance of the resolution)

BE IT RESOLVED BY THE CHEROKEE NATION, that

CERTIFICATION

The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the _____ day of _____, 200____, having _____members present, constituting a quorum, by the vote of _____yea; _____nay; _____abstaining.

_____, Speaker
Council of the Cherokee Nation

ATTEST:

_____, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this _____day of _____, 200_____.

_____, Principal Chief
Cherokee Nation

ATTEST:

_____, Secretary of State
Cherokee Nation

§ 28. Indexing and maintenance of resolutions—Availability for public inspection

All resolutions of the Cherokee Nation shall be indexed and maintained by the Legislative Offices of the Cherokee Nation. A printed copy and an electronic copy of each resolution shall be given the Legislative Offices. A copy of all original resolutions shall be made available for public inspection in the office of the Legislative Branch in the Cherokee Nation Complex at the seat of government.

Section 5. Provisions as cumulative.

The provisions of this act shall cumulative to existing law.

Section 6. 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 7. 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 8. 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 15th day of October, 2007.


Meredith Frailey, Speaker
Council of the Cherokee Nation

ATTEST:



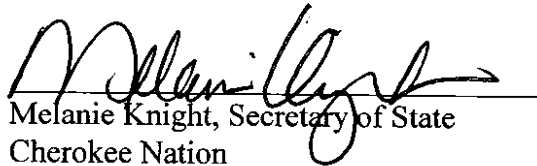
Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 24th day of October, 2007



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>Yea</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>		