

An Act

Legislative Act 02-16

AN ACT RELATING TO AFFIRMATION AND CODIFICATION OF LAWS AND STATUTES OF THE CHEROKEE NATION

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This enactment shall be known as the **Cherokee Nation Codification Act of 2016**. This Act will not be codified but provides for the affirmation and codification of the Legislative Acts of the Tribal Council.

Section 2. Purpose

The purpose of this Act is to affirm the re-organization of the laws of the Cherokee Nation as provided in the Cherokee Nation Code Annotated (2014), and laws appended thereto, and to further provide for affirmation and codification of the Legislative Acts of the Tribal Council that do not contain codification language.

Section 3. Legislative History

- A. 25 C.N.C.A § 21 (Legislative Act 2-85), effective July 13, 1985, requires that an enactment of the Tribal Council be set out in the format evidenced in the instant Act. Codification provisions must be a part of any enactment of the Tribal Council.
- B. 25 C.N.C.A § 1 (Legislative Act 9-92), effective October 10, 1992, organizes various laws, repeals certain laws, and affirms and codifies other laws of the Cherokee Nation, including those enacted prior to 1906 and post 1975.
- C. Since the comprehensive codification in 1992, the Tribal Council has passed numerous legislative acts that enact, amend, and repeal various laws of the Cherokee Nation. The Cherokee Nation Code Annotated was not updated contemporaneously with the passage of each legislative act.
- D. In 2014, the Cherokee Nation published an update version of the Cherokee Nation Code Annotated. The Cherokee Nation Code Annotated (2014) re-organizes various laws previously codified and further codifies those legislative acts that do not contain the required codification language.

Section 4. Definitions

For purposes of this title:

- A. "Cherokee Nation Code Annotated" means the enacted laws of the Cherokee Nation annotated for reference and research.
- B. "Codification" means the assignment of title, chapter, and/or sections numbers designating where within the Cherokee Nation Code the provisions of a particular act may be found.
- C. "Enactment" means an act passed by the Tribal Council.
- D. "Tribal Council" means the Council of the Cherokee Nation.

Section 5. Substantive Provision of Law; Repeals; Additions; and Amendments

All laws included in the Cherokee Nation Code Annotated (2014), and laws appended thereto, are hereby affirmed as the positive law of the Cherokee Nation. All laws and parts of laws not included in the Cherokee Nation Code Annotated (2014) publication are repealed. The repeal shall not revive any law previously repealed, nor shall it affect any right already existing or accrued or any action or proceeding already taken, unless otherwise provided in the Cherokee Nation Code Annotated (2014).

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.

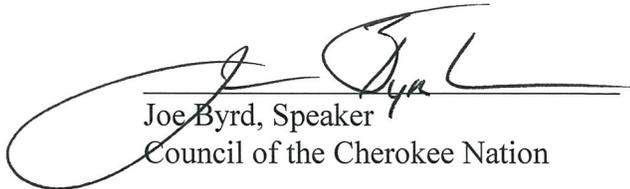
Section 8. Emergency Declared

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.

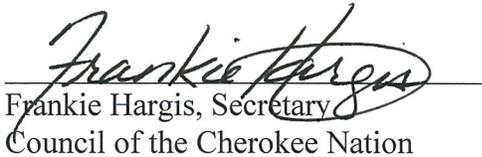
Section 9. Self-Help Contributions

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.

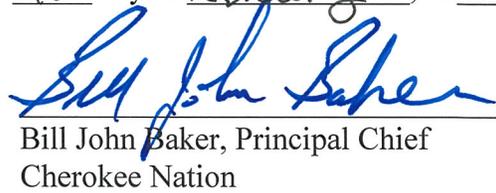
Enacted by the Council of the Cherokee Nation on the 16th day of February, 2016.


Joe Byrd, Speaker
Council of the Cherokee Nation

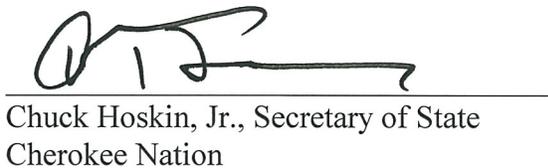
ATTEST:


Frankie Hargis, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18 day of February, 2016.


Bill John Baker, Principal Chief
Cherokee Nation

ATTEST:


Chuck Hoskin, Jr., Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program:	
Signature/Initial	Date
Executive Director:	
Signature/Initial	Date
Treasurer: (Required: Grants/Contracts/Budgets)	
Signature/Initial	Date
Government Relations:	
Signature/Initial	Date
Administration Approval:	
<i>See John Baker 1-6-16</i>	
Signature/Initial	Date
<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
<i>Brittain 1/17/16</i>	
Signature/Initial	Date
Standing Committee & Date:	
<i>Byrd 1/28/16</i>	
Chairperson:	
<i>Byrd</i>	
Signature/Initial	Date
Returned to Presenter: _____	

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

AN ACT RELATING TO AFFIRMATION AND CODIFICATION OF LAWS AND STATUTES OF THE CHEROKEE NATION

TITLE:

DEPARTMENT CONTACT: Attorney General Todd Hembree

RESOLUTION PRESENTER: _____

COUNCIL SPONSOR: Joe Byrd, Rex Jordan, Frankie Hargis, David Walkingstick, Curtis Snell, Janees Taylor, Bryan Warner, David Thornton, Victoria Vazquez, Keith Austin, Shawn Crittenden

NARRATIVE:

The purpose of this act is to affirm the re-organization of the laws of the Cherokee Nation as provided in the Cherokee Nation Code Annotated (2014), and laws appended thereto, and to further provide for affirmation and codification of the legislative acts of the Tribal Council that do not contain codification language.

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