



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Details (With Text)

File #: 11-063 **Version:** 1 **Name:** THE 2011 AMENDMENT TO THE SOVEREIGN IMMUNITY ACT, LA-23-04

Type: Legislative Act **Status:** Passed

File created: 4/13/2011 **In control:** TRIBAL COUNCIL

On agenda: 6/20/2011 **Final action:** 6/20/2011

Enactment date: 6/20/2011 **Enactment #:** LA-12-11

Title: A LEGISLATIVE ACT RELATING TO AMENDING THE CHEROKEE NATION SOVEREIGN IMMUNITY ACT, LA#23-04

Sponsors: Meredith Frailey

Indexes: Sovereign Immunity, Waiver of Sovereign Immunity

Code sections: Title 73 - Sovereignty

Attachments: 1. LA-12-11.pdf

Date	Ver.	Action By	Action	Result
6/24/2011	1	OFFICE OF THE CHIEF	Signed	
6/20/2011	1	TRIBAL COUNCIL	Approved	Pass
5/26/2011	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass
4/28/2011	1	RULES COMMITTEE	Tabled	Pass

A LEGISLATIVE ACT RELATING TO AMENDING THE CHEROKEE NATION SOVEREIGN IMMUNITY ACT, LA#23-04

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act shall be known as the 2011 Amendment to the Sovereign Immunity Act, LA 23-04, and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

To amend the Sovereign Immunity Act to authorize the Principal Chief to execute limited waivers of sovereign immunity for business entities to enable them to participate in New Markets Tax Credit transactions.

Section 3. Legislative History

LA 23-04 was enacted June 14, 2004 and amended by LA 16-05 on April 11, 2005, and by LA 12-08 on July 14, 2008.

Section 4. Substantive Provisions

LA 23-04 is hereby amended by amending and restating Section 8 as follows:

Section 8. Delegation of Authority as to Cherokee Nation Business Entities

The Principal Chief is authorized to grant a waiver of the sovereign immunity of Cherokee Nation Businesses or a business entity in which Cherokee Nation Businesses owns an interest, (i) to a bonding company, surety, or other

guarantor for the purpose of securing a contract, in which case such waiver will be, in the case of Cherokee Nation Businesses, limited to its cash or cash equivalent assets, or (ii) to a company in connection with a New Markets Tax Credit transaction. Such waiver will be, in the case of a business entity in which Cherokee Nation Businesses owns an interest, limited to the assets of that entity. Waivers under this section will not be subject to the limitations of Section 6. This section does not allow the Principal Chief to grant a waiver as to the Cherokee Nation or otherwise allow recovery against the Cherokee Nation, its assets, or any elected officials, officers or employees of the Cherokee Nation.

Section 5. Provisions as cumulative

The provisions of this Act shall be 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.