



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
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## Legislation Details (With Text)

<b>File #:</b>	20-073	<b>Version:</b>	2	<b>Name:</b>	FREE AND INDEPENDENT PRESS ACT AMENDMENT OF 2020
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<b>File created:</b>	10/14/2020	<b>In control:</b>	TRIBAL COUNCIL		
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<b>Enactment date:</b>	11/16/2020	<b>Enactment #:</b>	LA-25-20		
<b>Title:</b>	AN ACT AMENDING SECTION 6(B) OF THE INDEPENDENT PRESS AMENDMENT ACT OF 2009 CODIFIED AS TITLE 44 AND DECLARING AN EMERGENCY				
<b>Sponsors:</b>	Joe Byrd				
<b>Indexes:</b>	Editorial Board - Cherokee Phoenix, Free and Independent Press				
<b>Code sections:</b>	Title 44 - Media and Press				
<b>Attachments:</b>	1. LA-25-20.PDF				

Date	Ver.	Action By	Action	Result
11/19/2020	2	OFFICE OF THE CHIEF	Signed	
11/16/2020	2	TRIBAL COUNCIL	Approved	Pass
10/29/2020	2	RULES COMMITTEE	Approved and Forwarded to Council	Pass

### **AN ACT AMENDING SECTION 6(B) OF THE INDEPENDENT PRESS AMENDMENT ACT OF 2009 CODIFIED AS TITLE 44 AND DECLARING AN EMERGENCY BE IT ENACTED BY THE CHEROKEE NATION:**

#### **Section 1. Title and Codification**

This act amends the Independent Press Amendment Act of 2009 and shall be codified at Title 44, Section 6(B) of the Cherokee Nation Code Annotated.

#### **Section 2. Purpose**

The purpose of this Act is to amend Title 44 of the Cherokee Nation Code Annotated to provide for a balance of appointments to the Editorial Board between the Council and the Principal Chief.

#### **Section 3. Legislative History**

Article VI, Section 7 of the Cherokee Nation Constitution states that the Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation.

LA 19-00, eff. July 17, 2000.  
Amended. LA 08-01, eff. March 16, 2001.  
Amended. LA 05-05, eff. January 17, 2005.  
Amended. LA 16-09, eff. June 22, 2009.  
[Amended. LA 22-19, eff. November 12, 2019.](#)

#### **Section 4. Substantive Provisions**

## § 6. Editorial Board

A. An Editorial Board is hereby created and shall consist of five (5) members. At least three (3) Board members must (i) be at least 25 years of age, (ii) have quality experience in the management and operations of publications, (iii) be of good character and have a reputation of integrity, (iv) be physically able to carry out the duties of office, and (v) certify he or she will adhere to the standards of accepted ethics of journalism as defined by the Society of Professional Journalists and endorsed by the Native American Journalists Association. The other Board members must (i) be at least 25 years of age, (ii) have quality experience in business management, (iii) be of good character and have a reputation of integrity, and (iv) be physically able to carry out the duties of office.

B. The Principal Chief shall appoint two (2) members of the Editorial Board who must be citizens of the Cherokee Nation and one of which must have quality experience in the management and operations of publications; the Council shall appoint two (2) members of the Editorial Board who must be citizens of the Cherokee Nation and one of which must have quality experience in the management and operations of publications; and the fifth (5<sup>th</sup>) member shall be appointed by the initial other four (4) members of the Editorial Board and such person must be a member of a federally-recognized tribe citizen of the Cherokee Nation. All members of the Editorial Board shall be subject to confirmation by the Council and the Principal Chief.

C. One (1) member shall serve as Chairperson, one (1) member shall serve as Vice Chairperson and one (1) member shall serve as Secretary. Officers shall be designated by the Editorial Board at the first meeting of each fiscal year.

D. The terms of office of the Board members shall be six (6) years. The term for the Seat 4 Board Member shall commence October 1, 2019 and expire on October 1, 2024; the term for the Seat 5 Board Member shall commence January 1, 2020 and expire on January 1, 2025.

E. Board Members shall serve their terms of office free from political influence from any Executive or Legislative Officials of any Branch, Division or Department of the government of the Nation and may be removed only for cause subject to a hearing by the Supreme Court. A petition for removal for cause may be brought by a vote of the majority of Council Members, or the Principal Chief. Except as authorized under the Constitution of Cherokee Nation, no member of the Board shall, directly or indirectly, solicit, receive or in any manner be concerned in soliciting or receiving any assessment, subscription or contribution for any political organization, candidacy or other political purpose. The Board Members shall not participate in any political campaign or be involved in any tribal political activity, except to exercise his or her right as a citizen to express his or her individual opinion and cast his or her right to vote.

F. The Board Members shall be provided a monthly stipend to be paid after the first meeting of each month. The stipend for Board Officers will be Three Hundred Fifty Dollars (\$350.00)Seven Hundred Dollars (\$700.00) monthly and the stipend for other Board Members will be ThreeSix Hundred Dollars (\$3600.00) monthly. The Board Members shall be provided reimbursement of reasonable expenses incurred in the pursuit of their duties in accordance with the policies of Cherokee Nation.

### Section 5. Provisions as Cumulative

The provisions of this act shall supersede any law to the contrary and 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. Effective Date/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.