



Legislation Text

File #: 17-126, Version: 2

**ACT RELATING TO AMENDMENT OF TITLE 18 ARTICLE 3 SECTION 18 OF THE CHEROKEE NATION GENERAL CORPORATION ACT, INCREASING THE DIVIDENDS, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY
BE IT ENACTED BY THE CHEROKEE NATION:**

Section 1. Title and Codification

This act shall be known as the “Cherokee Nation Corporation Emergency Dividend Reserve Fund Act of 2017” and codified under Title 18 Article 3 Section 18 of the Cherokee Nation Code Annotated (“CNCA”).

Section 2. Purpose

The purpose of this Act is to increase the monthly dividend of corporation in which the Cherokee Nation is the sole or majority shareholder by Two Percent (2%) with said percentage being set aside exclusively for unexpected and extraordinary revenue loss.

Section 3. Legislative History

L.A. 16-96
L.A. 2-03
L.A. 4-04
L.A. 36-05
L.A. 25-11

Section 4. Substantive Provisions

Article 3, Section 18 of Legislative Act 25-11 is hereby amended so as to read:

§ 18. Monthly cash dividend Those for-profit corporations in which Cherokee Nation is the sole or majority shareholder, and that are incorporated under Cherokee Nation law, shall issue a monthly cash dividend in the amount of thirty-five percent (35%) of net income. Five percent (5%) of said dividend will be set aside exclusively for contract health services for Cherokee Nation citizens, including, but not limited to, eyeglasses, dentures, prostheses, cancer treatments and hearing aids provided the amount of increase (over current thirty percent [30%]) is conditioned upon CNE and CNB remaining in compliance with the financial covenants of any credit agreement and guaranty. In addition, the Board of Directors of such corporations will have the discretion to declare any special quarterly dividend that they deem appropriate. Funds expended under this section shall be expended to Cherokee Nation citizens who reside anywhere within the fourteen (14) county jurisdictional area.

§18. Monthly cash dividend

A. Those for-profit corporations in which Cherokee Nation is the sole or majority shareholder, and that are incorporated under Cherokee Nation law, shall issue a monthly cash dividend in the amount of thirty percent (30%) of net income. In addition, the Board of Directors of such Corporations will have the discretion to declare any special quarterly dividend that they deem appropriate.

B. Those for-profit corporations in which Cherokee Nation is the sole or majority shareholder, and that are incorporated under Cherokee Nation law, shall issue a monthly cash dividend in the amount of five percent (5%) of net income which will be set aside exclusively for contract health services for Cherokee Nation citizens, including, but not limited to, eyeglasses, dentures, prostheses, cancer treatments and hearing aids. Funds expended under this Section shall be expended to Cherokee Nation citizens who reside anywhere within the fourteen county jurisdictional area.

C. Those for-profit corporations in which Cherokee Nation is the sole or majority shareholder, and that are incorporated under Cherokee Nation law, shall issue a monthly cash dividend in the amount of two percent (2%) of net income which will be set aside exclusively for an unanticipated and extraordinary revenue or funding loss that creates a budget shortfall where appropriation from any other source would be unavailable. Unanticipated and extraordinary revenue or funding loss is defined as a loss which is rendered not receivable because of a change in federal or state laws, rules or regulations, a court order, judgment or decree, or other circumstance, which takes effect or occurs after final adoption of the annual budget and which could not have been reasonably anticipated prior to final adoption of the annual budget. Funding appropriated from said dividend reserve shall be approved by a Special Meeting and shall require two-thirds (2/3) majority vote of the entire Tribal Council and Principal Chief.

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.