



Legislation Text

File #: 07-077, Version: 1

AN ACT PROVIDING FOR SANCTIONS AND OTHER PUNISHMENT FOR INDIVIDUALS THAT COMMIT INTENTIONAL MISREPRESENTATION TO THE CHEROKEE NATION TRIBAL COUNCIL AND ITS COMMITTEES

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title:

This act shall be known as the “Cherokee Nation Tribal Council Misrepresentation Act of 2007” and codified as Title 19 Section 38 of the Cherokee Code Annotated.

Section 2. Purpose

The purpose of this Act is to provide punishment and or sanctions to individuals who intentionally misrepresent facts to the Tribal Council or its Committees.

Section 3. Legislative History

Article VI Section 7 of the Cherokee Nation Constitution states: “The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. The style of all bills shall be: “Be It Enacted By the Cherokee Nation”. The Style of all resolutions shall be “Be It Resolved By the Cherokee Nation”.

Section 4. Definitions

For purposes of this Title:

Cherokee Nation Tribal Council: means the duly elected or appointed members of the Cherokee Nation Tribal Government.

Tribal Council Committee: means any regular or special meeting of the standing committees of the Tribal Council and any sub committee formed therefrom.

Intentional misrepresentation: means any statement of material fact that is made to the Council or Committees, during session, that is willfully and intentionally known to be false at the time the statement is being made.

Employee of the Cherokee Nation: Means any person providing work related services to the Cherokee Nation or its affiliated entities for hire.

Section 5. Substantive Provisions

Add new § 38 to read as follows:

- A. Any person who appears before the Cherokee Nation Tribal Council or any of its committees, who willfully and intentionally misrepresent facts to the Council shall be banned from appearing before any future session of the Council.
- B. If said person is an employee of the Cherokee Nation or its affiliated entities then said misrepresentation shall be, sent to the appropriate human resource department for disciplinary action.
- C. The Tribal Council will determine whether an intentional misrepresentation has occurred by majority vote at regular or special session, after information is produced that prove the representation was false and was made intentionally and willfully.

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. Effective Date

This act shall become effective sixty (60) days after its passage in accordance with the Cherokee Nation Constitution.