Council of the Cherokee Nation

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

Legislation Text

File #: 24-055, **Version:** 1

AN ACT AMENDING TITLE 19 "COUNCIL", CHAPTER 4, SECTION 38

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1.   **Title and Codification**

This act shall be known as the technical amendments to the Rules of the Tribal Council and codified as Title 19 "COUNCIL" Sections 38 of the Cherokee Nation Code Annotated.

Section 2.   **Purpose**

To amend and modernize the Rules of Procedure for the Tibal Council

Section 3.   **Legislative History**

CNCA Title 19 "Council"

LA-03-85, eff. July 13, 1985

LA 4-85, eff. July 13, 1985

LA 18-87, eff. April 13, 1987

LA 27-88, eff. June 11, 1988

LA 32-89, eff. June 10, 1989

LA 14-91, eff. September 14, 1991

LA 4-95, eff. August 14, 1995

LA 12-97, eff. July 14, 1997

LA 06-98, eff. February 9, 1998

LA 03-99, eff. January 28, 1999

LA 18-00, eff. June 12, 2000

LA 8-02, eff. March 15, 2002

LA 38-04, eff. September 16, 2004

LA 23-05, eff. June 28, 2005

LA 34-07, eff. September 13, 2007

LA 36-07, eff. September 13, 2007

LA 38-07, eff. October 24, 2007

LA 42-07, eff. December 27, 2007

LA 17-09, eff. June 21, 2009

LA 21-12, eff. June 13, 2012

LA 15-14, eff. June 20, 2014

LA 04-20, eff. April 27, 2020

LA 05-20, eff. April 27, 2020

LA 20-24, eff. June 10, 2024

Section 4.   Substantive Provisions

CHAPTER 4

OFFICERS AND MEETINGS

§ 38.4. Absence

No Member of the Cherokee Nation Tribal Council shall absent himself or herself from attendance at regular or special meetings, as defined in Article V, Sections 4 and 5 of the Cherokee Constitution of 1975 [now Article VI, Sections 4 and 5], without leave. Members are expected to attend all regular and special meetings scheduled in accordance with the Constitution of the Cherokee Nation. All absences should be noted on meeting minutes.

§ 38.5. Establishment of quorum

If, at any regular or special council meeting, as defined in Article V, Sections 4 and 5 of the Cherokee Constitution of 1975 [now Article VI, Sections 4 and 5], a question shall be raised by any Councilor as to the presence of a quorum, the President of the Council shall forthwith direct the Secretary to call the roll and shall announce the results, and these proceedings shall be without debate. A quorum of the Council has been met when two-thirds of members are present. If the presence of a quorum is questioned by any Member, the Speaker of the Council or his/her designee shall direct a roll call, announce the results, and ensure the results are noted on the meeting minutes.

§ 38.6. Compelling attendanceReserved

Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Council present may direct the Chief of the Marshal Service to request and, when necessary, to compel the attendance of the absent Councilor(s), which order shall be determined without debate, and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn or to recess pursuant to a previous order entered by unanimous consent, shall be in order.

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.   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.