



## Legislation Text

File #: 16-078, Version: 1

### **AN ACT AMENDING LA #05-16 "CHEROKEE NATION EMPLOYMENT RIGHTS ACT" BE IT ENACTED BY THE CHEROKEE NATION:**

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

This act shall be known as an Act Amending the Cherokee Nation Employee Rights Ordinance, Cherokee Nation Code Annotated, Title 40. This Act shall be codified at Title 40, Sections 1004 and 1011 and shall be known as the Cherokee Nation Employment Rights Act.

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

The purpose of this amendment is to address a business that is owned by a trust and to assure that the beneficiary of the enterprise is Indian.

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

The Cherokee Nation previously enacted the Cherokee Nation Employment Rights Ordinance, effective January 11, 1986, by Legislative Act 22-87, and was amended by Legislative Act 29-88, Legislative Act 01-14, and Legislative Act 05-16.

#### **Section 4. Definitions Title 40, § 1004, 0 shall read as follows:**

0. "Indian-owned economic enterprise" shall mean any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than 51 percent (51%) of the enterprise, and the ownership shall encompass active operation and control of the enterprise. No Business **that is more than 49 percent (49%) owned by a trust** as a ~~Trust Owned Business~~ shall be included.

#### **Section 5. Title 40, § 1011, H shall read as follows:**

##### **Tribal Employment Rights Office; Establishment, authority and duties**

There is hereby recognized the Tribal Employment Rights Office (hereinafter referred to as the "TERO"). The TERO shall administer the employment rights program of the Cherokee Nation in accordance with this title.

The TERO shall have the authority:

H. To engage in the process of certifying businesses as "Indian-owned economic enterprises" and determine whether businesses may be given Indian preference. No business **that is more than 49 percent (49%) owned by a trust** as a ~~trust-owned business~~ shall be certified.

**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**

The provisions of this act shall become effective immediately and an emergency is hereby declared.