



Legislation Text

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A LEGISLATIVE ACT CLARIFYING THE COMPOSITION OF THE BOARD OF DIRECTORS FOR THE CHEROKEE NATION HOME HEALTH SERVICES, INC, PROVIDING FOR PAYMENT, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. TITLE AND CODIFICATION

This Act shall be known, and may be cited as the “**Cherokee Nation Home Health Services, Inc Board Composition and Payment Act of 2022**”.

SECTION 2. PURPOSE

The purpose of this Act is to clarify the Board of Directors composition and provide for payment for serving on the Board of Directors for the Cherokee Nation Home Health Services, Inc.

SECTION 3. LEGISLATIVE HISTORY

None

SECTION 4. SUBSTANTIVE PROVISIONS

§103. Board of Directors.

- A. Number. The Board of Directors for Cherokee Nation Home Health Services, Inc. shall consist of at least three (3) but no more than five (5) regular members.
- B. Selection. The Principal Chief of Cherokee Nation shall appoint the members of the Board, subject to confirmation by majority vote of the Tribal Council of Cherokee Nation
- C. Terms. Board members shall serve for terms of three (3) years and may hold their seat until they are retained or their replacement is seated. In order to stagger the expiration of office, the first group appointed hereunder shall consist of one (1) member appointed for one (1) year, no more than two (2) for a term of two (2) years, and no more than two (2) for a term of three (3) years.
- D. Conflict of Interest. To prevent any potential conflict of interest related to preference in vendors for Cherokee Nation Comprehensive Care Agency, no Board member shall serve on both the Cherokee Nation Comprehensive Care Agency Board of Directors and the Cherokee Nation Home Health Services, Inc. Board of Directors.

§104. Payment to Board of Directors Members

Each board member will be compensated a reasonable fee for serving on the Board of Directors for the Cherokee Nation Comprehensive Care Agency. Such fee shall be determined through the budgeting and appropriations process.

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 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 7. 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.