



Legislation Text

File #: 11-157, Version: 1

AN ACT AMENDING TITLE 19 SECTION 21, TITLE 51 SECTION 1 AND TITLE 51 SECTION 11 OF THE CHEROKEE NATION CODE ANNOTATED, AMENDING LEGISLATIVE ACT 40-07, AMENDING LEGISLATIVE ACT 05-11 DEALING WITH COMPENSATION OF ELECTED OFFICIALS AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification.

This Act shall be titled as “Compensation for Elected Officials and Technical Amendments Act of 2011 and codified under Title 19, and Title 51 of the Cherokee Nation Code Annotated.

Section 2. Purpose.

The purpose of this Act shall be to set permanent guidelines by which Cherokee Nation Officials will be compensated and make certain technical amendments to implement legislation previously enacted.

Section 3. Legislative History.

The Council of the Cherokee Nation previously enacted Legislative Act 18-03, on July 14, 2003 and Legislation Act 42-03 on December 30, 2003, Legislative Act 40-07 on November 13, 2007 and Legislative Act 05-11 on February 14, 2011, which sets salaries for the Principal Chief, Deputy Principal Chief and Council of the Cherokee Nation, beginning with the term commencing August 14, 2007.

Section 4. Definitions.

- A. Principal Chief means the duly elected Principal Chief of the Cherokee Nation.
- B. Deputy Principal Chief means the duly elected Deputy Principal Chief of the Cherokee Nation.
- C. Tribal Council Member means duly elected Tribal Council Member of the Council of the Cherokee Nation.
- D. Five Civilized Tribes means the Choctaw, Chickasaw, Seminole, Cherokee and Creek Tribes that are federally recognized and headquartered in the State of Oklahoma.
- E. The Eastern Band of Cherokee means the Federally recognized Eastern Band of Cherokees located in North Carolina.
- F. Compensation means remuneration received in return for services rendered. This specifically excludes all employment benefits, including but not limited to, insurances,

travel expenses, travel stipend or retirement benefits.

Section 5. Substantive Provisions

Add new Provisions to Subsection D as follows:

D. Salaries for Future terms of Elected Officials

For all duly elected officials serving in August 2011, and thereafter the annual salaries for the Principal Chief, Deputy Principal Chief, and Council Members of the Cherokee Nation shall be based on the report submitted for a citizen committee

1. The Citizens Committee shall be comprised of two (2) appointees by the Principal Chief, two (2) appointees by the Council of the Cherokee Nation, and a fifth member selected by the four appointees.
2. The Citizens Committee shall prior to the filing period for elected offices in the election year of the Principal Chief to make its findings and report and meet every four (4) years thereafter.
3. The Citizens Committee shall consider relevant comparative compensation levels such as, but not limited to, compensation information from other Tribal Governments, state and local governments, and the private sector. The Citizens Committee may use the Cherokee Nation's Human Resources and the Council of the Cherokee Nation's financial officer as sources of information.
4. The report of the citizen committee shall set the compensation for all elected officials of the Cherokee Nation unless rejected by Legislative Act within sixty (60) days, of the committee's report.

Section 6. Cumulative

The provisions of this act shall supercede any law to the contrary and be cumulative to existing laws.

Section 7. 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 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.