



## Legislation Text

File #: 15-100, Version: 2

### **AN ACT AMENDING LA-01-14, "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 103 and 201 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 trustees and beneficiaries of the business trust must be Indians.

#### **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 and Legislative Act 01-14.

#### **Section 4. Definitions Title 40, § 103, O shall read as follows:**

O. "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. **If a business is owned by a trust, it must be held in trust with over 51% of Indian trustees and 51% and more of the beneficiaries of the trust must be Indians to maintain majority Indian control of the business.**

#### **Section 5. Title 40, §201, 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 **if the business is a trust owned business, the business must certify Indian trustees and beneficiaries and TERO will then** determine whether businesses may be given Indian preference.

**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 thirty (30) days from and after the date of its passage and approval.

**Section 9. 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.