



# Council of the Cherokee Nation

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

## Legislation Text

**File #:** LA-04-02, **Version:** 1

An Act

Legislative Act 04-02  
CALLING FOR THE APPROVAL OF A TRUST AUTHORITY  
BE IT ENACTED BY THE CHEROKEE NATION:  
Section 1. Title and Codification

This act shall be known as "Calling for the Approval of a Trust Authority" and codified as (Title) (Section) of the Cherokee Nation Code Annotated.

Section 2. Purpose  
To seek approval for the establishment of the Cherokee Nation Economic Development Trust Authority Board of Directors, in compliance with the holding in Cantrell v The Cherokee Nation and Cherokee Nation Enterprises, Inc.. JAT-97-01.

Section 3. Legislative History  
The Cherokee Nation is a federally recognized Indian Tribe, organized in accordance with a Constitution approved by the Commissioner of Indian Affairs on September 5, 1975 and ratified June 26, 1976.  
2. The Cherokee Nation desires to establish a mechanism to promote economic development projects.  
3. The Constitution of the Cherokee Nation permits the establishment of Trust Authorities pursuant to Article VI § 10 of the Cherokee Nation Code Annotated (CNCA).  
4. The Cherokee Nation Economic Development Trust Authority was established by Act of this Council in LA #36-89, "An Act Calling for the Approval of a Trust Authority."  
5. The Judicial Appeals Tribunal of the Cherokee Nation, in Case No. JAT 97-, 01, nullified that provision of Legislative Act #36-89, which provided for the appointment of the Board of Directors. This Act, therefore, provides for the appointment of members of the Board, replacing that portion of #36-89 previously addressing the appointment of said Board members.

Section 4. Definitions  
For purposes of this Title:  
Section 5 Substantive Provisions of Law

1. The Cherokee Nation Economic Development Trust Authority Board shall consist of five (5) members.  
2. The members of the Trust Authority Board shall be nominated by the principal Chief and confirmed, by way of resolution, by the Tribal Council.

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. 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 in full force after its passage and approval.

Enacted by the Council of the Cherokee Nation on the \_\_\_\_\_ day of \_\_\_\_\_, 2001.  
Hastings Shade, President Cherokee Nation Council

ATTEST:  
Stephanie Wickliffe Shepherd, Secretary Cherokee Nation Council  
Cherokee Nation Council  
Approved and signed by the Principal Chief this 17th \_\_\_\_\_ day of JANUARY 2001.  
Jay Hannah, Secretary/Treasurer Cherokee Nation

ATTEST:  
YEAS AND NAYS AS RECORDED:

John A. Ketcher	YEA	Melvina Shotpouch	YEA
Don Crittenden	YEA	Stephanie Wickliffe Shepherd	YEA
Harold "Jiggs" Phillips	YEA	John F. Keener	YEA
Jackie Bob Martin	YEA	Harold DeMoss	YEA
Mary Flute-Cooksey	YEA	Dorothy Jean McIntosh	

David W. Thornton, Sr.  
Don Garvin  
Barbara Starr-Scott

ABSENT Nick Lay  
YEA YEA  
YEA

YEA  
Charles "Chuck" Hoskin

ABSENT