



Legislation Text

File #: CNCA-25, Version: 1

TITLE 25 - DEFINITIONS AND GENERAL PROVISIONS

Oklahoma Statutes

Definitions and general provisions, see 25 O.S. § 1 et seq.

CHAPTER 1

GENERAL PROVISIONS

§ 1. Citation of Code

This Code shall be known and cited as the "Cherokee Nation Code Annotated".

§ 2. Construction of statutes generally

A. In all interpretations of statutes, the Courts shall look diligently for intention of the Council.

B. In all interpretations of statutes, the ordinary signification shall be applied to all words, except words of art or words connected with a particular trade or subject matter, which shall have the signification attached to them by experts in such trade or with reference to such subject matter.

C. In addition to the rules for construction prescribed in subsections (A) and (B) of this section, the rules provided in this subsection shall govern the construction of all statutes with respect to subjects enumerated:

1. The masculine gender includes the feminine and the neuter;
2. The singular or plural number each includes the other, unless the other is expressly excluded;
3. The present or past tense includes the future;
4. A joint authority given to any number of persons or officers may be executed by a majority of them, unless otherwise expressly provided for in the statute conferring the authority;
5. The word "**person**" includes corporations as well as natural persons, unless otherwise expressly provided.

D. A substantial compliance with any statutory requirement, especially on the part of public officers, shall be deemed and held sufficient and no proceeding shall be declared void for want of such compliance, unless expressly so provided by statute.

E. Unless otherwise expressly provided, the passage or repeal of a statute shall not affect any action then pending.

Library References

Indians <KEY>109.

Westlaw Topic No. 209.

C.J.S. Indians §§ 42 to 44.

§ 3. Construction of definitions

Defined words shall have the meanings specified, unless the context in which the word or term is used clearly requires that a different meaning be used.

Library References

Indians <KEY>109.

Westlaw Topic No. 209.

C.J.S. Indians §§ 42 to 44.

§ 4. Computation of time

Except as otherwise specifically provided, in computing any period of time prescribed by statute, the day of the event, act or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or Sunday, in which event the period runs until the following Monday, or unless it is a legal holiday, in which event the period runs until the following day which is not a Saturday, Sunday or legal holiday.

Library References

Indians <KEY>109.

Westlaw Topic No. 209.

C.J.S. Indians §§ 42 to 44.

§ 5. Severability

A. Except as otherwise specifically provided in this Code, in the event any title, chapter, Code section or subdivision thereof, sentence, clause, phrase or word of this Code is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of this Code.

B. Except as otherwise specifically provided in a law or resolution of the Council, in the event any section, sentence, clause, phrase, or word of a law or resolution of the Council is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of such law or resolution, which shall remain in full force and effect as if such portion so declared or adjudged invalid or

unconstitutional were not originally a part of such law or resolution. The Council declares that it would have enacted the remaining parts of the law or resolution if it had known that such portion thereof would be declared or adjudged invalid or unconstitutional.

Library References

Indians <KEY>109.

Westlaw Topic No. 209.

C.J.S. Indians §§ 42 to 44.

§ 6. General repeal of laws not included-Affirmation of laws included in this Code

A. All laws and parts of law of Cherokee Nation not included in this Code are repealed.

B. This repeal shall not revive any law previously repealed, nor shall it affect any right already existing or accrued or any action or proceeding already taken, unless otherwise provided in this Code.

C. All laws included in this Code are hereby affirmed as the positive law of Cherokee Nation.

Library References

Indians <KEY>109.

Westlaw Topic No. 209.

C.J.S. Indians §§ 42 to 44.

§ 7. Codification of laws

A. In codifying laws enacted by the Council, the publisher may, where it will not alter the sense, meaning or effect of the law:

1. Renumber and rearrange sections or parts of sections.
2. Combine sections or divide sections so as to give to distinct subject matter a separate section.
3. Furnish or change the wording of section catchlines.
4. Substitute the proper section or chapter number for the terms "this act," "this law," "the preceding section" and the like.
5. Strike out figures where they are merely a repetition of written words and vice versa.
6. Change capitalization for the purpose of uniformity.
7. Correct manifest typographical, spelling and grammatical errors.

8. Make any other purely formal or clerical changes.

9. Change references to titles, chapters, subchapters, sections and subdivisions thereof where necessitated by renumbering or rearrangement of sections during codification or by subsequent substantive changes in the law.

10. Change references to governmental bodies and officers where necessitated by discrepancies in laws being prepared for codification or by subsequent substantive changes in the law.

B. The publisher may omit all titles of acts, all enacting, resolving, and repealing clauses, all severability clauses, all appropriation measures, all temporary or local statutes, all declarations of emergency, and all validity, declaration of policy, and construction clauses, except where the retention thereof is necessary to preserve the full meaning and intent of the law.

C. Any change made under subdivision 9 or 10 of subsection (A) of this section shall be approved by the Code Commission or its designee and shall be accompanied by an explanatory editorial note.

§ 8. Code Subcommittee-Establishment-Composition-Compensation of members-Meetings

A Code Subcommittee is hereby established within the Rules Committee of the Council of Cherokee Nation to be composed of such members of the Rules Committee as the Chairman of that Committee shall appoint. The Code Subcommittee shall serve without additional compensation. The Subcommittee shall meet upon the call of the Chairman.

History

Source. LA 1-85, eff. February 9, 1985.

Amended. LA 38-07, eff. October 24, 2007.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 9. Code Subcommittee-Powers and duties generally

The Code Subcommittee shall supervise the revision of the general laws. The revision shall consist of those activities necessary to allow for the codification of the general laws. The revision activities shall include:

1. Repeal of laws or sections thereof already repealed by general repealing acts, but the repeal of which is not sufficiently specific and certain to justify their omission from the compilation of laws;

2. Repeal of laws or sections thereof superseded by subsequent statutes, but not described or indicated with sufficient definiteness to justify elimination;

3. Consolidation of sections where two or more sections cover the same subject matter;
4. Redrafting of laws or sections thereof where two or more subjects are covered in the same law or section;
5. Redrafting of laws or sections thereof which have been partially repealed, superseded or held unconstitutional;
6. Repeal of laws or sections thereof which have obviously become obsolete and entirely inapplicable because of subsequent legislation;
7. Amendment of laws or sections thereof already amended by general acts, but the amendment of which is not sufficiently specific and certain to justify their amendment in the compilation of laws;
8. Correction of terminology in the general laws to conform with the terms and names of officers made necessary by subsequent enactments;
9. Drafting of new bills from resolutions which have the purpose or intention of law.

History

Source. LA 1-85, eff. February 9, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 10. Code Subcommittee-Review of bills and resolutions

All bills and resolutions shall be submitted to the Code Subcommittee contemporaneously to submitting them to the Rules Committee. The Code Subcommittee shall review the bills or resolutions for conformity, format, and assignment of title and section.

History

Source. LA 1-85, eff. February 9, 1985.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

CHAPTER 2

LAWS AND RESOLUTIONS

§ 21. Definition and style of laws

When a permanent rule of conduct of government in the form of a continuing regulation is the intent of the Council of Cherokee Nation, the same shall be effected by an enactment of law of Cherokee Nation, the following form shall be used:

Legislative Act ____-(year)

ACT RELATING TO

(insert title)

Example: **The Regulation of Waterways and Environment**

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. Title and Codification

Example: This act shall be known as the _____ and codified as ____ (Title) ____ (Section) ____ of the Cherokee Nation Code Annotated.

SECTION 2. Purpose

SECTION 3. Legislative History

SECTION 4. Definitions

For purposes of this Title:

SECTION 5. (Insert substantive provisions of law; repeals, additions and amendments)

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 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. Effective Date/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 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.

Enacted by the Council of Cherokee Nation on the ____ day of _____, 20__.

_____, President
Council of Cherokee Nation

ATTEST:

_____, Secretary
Council of Cherokee Nation

Approved and signed by the Principal Chief this ____ day of _____, 20__.

_____,
Principal Chief
Cherokee Nation

ATTEST:

_____, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

(List Members of Council of Cherokee Nation)

History

Source. LA 2-85, eff. July 13, 1985.

Amended. LA 39-04, eff. October 13, 2004.

Amended. LA 39-07, eff. October 24, 2007.

Library References

Statutes <KEY>1002.

Westlaw Topic No. 361.

C.J.S. Statutes §§ 1 to 5, 483 to 485, 523 to 530, 538 to 539, 541.

§ 22. Recording of votes on laws

A roll call vote shall be made on every law and said vote shall be recorded in yeas, nays, and abstentions in the permanent Journal of the Council.

History

Source. LA 2-85, eff. July 13, 1985.

Amended. LA 39-07, eff. October 24, 2007.

Library References

Statutes <KEY>1030.

Westlaw Topic No. 361.

C.J.S. Statutes §§ 42 to 53.

§ 23. Effective date of laws

All laws of Cherokee Nation shall be effective thirty (30) days after approval by the Council if approved and signed by the Principal Chief or after approval pursuant to Article V, Section 11 [now Article VI, Section 11] of the Constitution, or when an emergency is declared as provided in 25 CNCA § 24.

History

Source. LA 2-85, eff. July 13, 1985.

Amended. LA 39-07, eff. October 24, 2007.

Library References

Statutes <KEY>1416.

Westlaw Topic No. 361.

C.J.S. Statutes §§ 548 to 573.

§ 24. Form and effect of emergency clauses

Any law may be made effective immediately upon the approval and signature of the Principal Chief by a clear finding, with provision therein, by the Council that an emergency exists by reason of which the welfare of the Nation requires that it take effect immediately. Said provision shall be styled "It being immediately necessary for the welfare of Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof

this act shall take effect and be in full force from and after its passage and approval."

History

Source. LA 2-85, eff. July 13, 1985.

Amended. LA 39-07, eff. October 24, 2007.

§ 25. Publication of laws

Any law enacted and approved as provided for in this chapter shall, upon direction of the Secretary of the Council, be published in full in the first issue of the official tribal publication or as soon thereafter as can reasonably be accomplished.

History

Source. LA 2-85, eff. July 13, 1985.

Amended. LA 39-07, eff. October 24, 2007.

Library References

Statutes <KEY>1049.

Westlaw Topic No. 361.

C.J.S. Statutes §§ 72 to 73, 77 to 78.

§ 26. Indexing and maintenance of laws-Availability for public inspection

All laws of Cherokee Nation shall be indexed and maintained by the Legislative Office of Cherokee Nation. Both a printed copy and an electronic copy of each law shall be given to the Legislative Office. A copy of all original laws shall be made available for public inspection in the office of the Legislative Branch in the Cherokee Nation seat of government.

History

Source. LA 2-85, eff. July 13, 1985.

Amended. LA 39-07, eff. October 24, 2007.

Cross References

Negotiation of compact-Effective date, see 68 CNCA § 1305.

§ 27. Definition and style of resolutions

When an act of a temporary character not prescribing a permanent rule of government but only declaratory of

the will of the Council of Cherokee Nation on a given matter or in the nature of a ministerial act is the intent of the Council, the same shall be effected by a resolution of Cherokee Nation and the following form shall be used:

RESOLUTION NO. _____

COUNCIL OF THE CHEROKEE NATION

(purpose)

Example: A RESOLUTION AUTHORIZING THE SUBMISSION OF A SPECIAL GRANT APPLICATION

WHEREAS, Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

WHEREAS, Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, (Paragraphs regarding the purpose and substance of the resolution)

BE IT RESOLVED BY THE CHEROKEE NATION, that

Certification

The foregoing resolution was adopted by the Council of Cherokee Nation at a duly called meeting on the _____ day of _____, 20____, having _____ members present, constituting a quorum, by the vote of _____ yea; _____ nay; _____ abstaining.

_____, President
Council of the Cherokee Nation

ATTEST:

_____, Secretary
Cherokee Nation Tribal Council

Approved this _____ day of _____, 20____.

_____,
Principal Chief
Cherokee Nation

ATTEST:

_____, Secretary of State

Cherokee Nation

History

Source. LA 2-85, § 8, eff. July 13, 1985.

Amended. LA 39-07, eff. October 24, 2007.

Library References

Statutes <KEY>1002.

Westlaw Topic No. 361.

C.J.S. Statutes §§ 1 to 5, 483 to 485, 523 to 530, 538 to 539, 541.

§ 28. Indexing and maintenance of resolutions-Availability for public inspection

All resolutions of Cherokee Nation shall be indexed and maintained by the Legislative Office of Cherokee Nation. A printed copy and an electronic copy of each resolution shall be given the Legislative Office. A copy of all original resolutions shall be made available for public inspection in the Office of the Legislative Branch in the Cherokee Nation seat of government.

History

Source. LA 2-85, § 9, eff. July 13, 1985.

Amended. LA 39-07, eff. October 24, 2007.