

Committee: Resource
Date: 2-5-05 Committee Date: 2-17-05

Author: Jeaninne Hale
Sponsor: _____

An Act

Legislative Act 15-05

ACT RELATING TO SOLID WASTE, AMENDING TITLE 63 OF THE CHEROKEE NATION CODE ANNOTATED, THE ENVIRONMENTAL QUALITY CODE; ADDING NEW ITEMS; AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the “Cherokee Nation Solid Waste Code of 2005” and codified in Title 63 Article 7 of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to revoke existing solid waste laws and replace them with updated provisions necessary to make a comprehensive Cherokee Nation Solid Waste Code. To do this, Article 7 is amended by revoking existing sections 601-614F and sections 616A – 616F, and adding the following: provisions establishing the “Cherokee Nation Solid Waste Code”; setting forth the purposes of the Code; specifying definitions to be used; stating a policy of pollution prevention, waste reduction and recycling; setting forth powers and duties of the Environmental Protection Commission (EPC) to issue permits and orders, promulgate rules, prescribe fees in rules, and authorize variances in some circumstances; giving the EPC and Administrator authority to implement certain federal laws; defining a recycling initiative; requiring a permit for certain activities relating to disposal of wastes; prescribing restrictions on disposal sites; requiring disclosure statements and establishing penalty for false information; making an administrative permit hearing available; providing for appeal of permits; requiring permits for industrial wastes; requiring financial security, closure plans and a vegetation plan in some cases; requiring scales and records of wastes received; and providing for waste management planning assistance to CN districts.

Section 3. Legislative History

The Environmental Quality Act, Title 63 CNCA Section 50 et seq., was first enacted in 1993, LA 1-93, eff. June 14, 1993.

Section 4. Definitions

Not applicable.

Section 5. Amendments

**ARTICLE 7. SOLID WASTE
GENERAL PROVISIONS**

Sections 601-614F and Sections 616A – 616F are hereby revoked. The following new provisions are added:

§ 601. Short title.

This article shall be known and may be cited as the Cherokee Nation Solid Waste Code.

§ 602. Purpose.

It is the purpose of the Cherokee Nation Solid Waste Code to regulate the collection, transportation, processing and disposal of solid waste in a manner that will:

1. Protect the public health, safety and welfare;

2. Protect the environment of the Cherokee Nation;
3. Conserve valuable land and other natural resources;
4. Enhance the beauty and quality of the environment; and
5. Encourage recycling of solid waste.

§ 603. Definitions.

As used in the Cherokee Nation Solid Waste Code:

1. "Affiliated person" means:
 - a. any officer, director, partner or sole shareholder of the applicant,
 - b. any person employed by the applicant as general or key manager or who directs operations of the site, transfer station, or facility addressed by the application, or
 - c. any person owning or controlling more than five percent (5%) of the applicant's debt or equity;
2. "Disclosure statement" means a written statement by the applicant which contains:
 - a. the full name, business address, and social security number of the applicant, and all affiliated persons,
 - b. the full name and business address of any legal entity in which the applicant holds a debt or equity interest of at least five percent (5%) or which is a parent company or subsidiary of the applicant, and a description of the ongoing organizational relationships as they may impact operations,
 - c. a description of the experience and credentials of the applicant, including any past or present permits, licenses, certifications, or operational authorizations,
 - d. a listing and explanation of any administrative, civil or criminal legal actions against the applicant and affiliated persons in the ten (10) years immediately preceding the filing of the application. Such action shall include, without limitations, any permit denial or any sanction imposed by a tribe, a state regulatory agency or the United States Environmental Protection Agency, and
 - e. a listing of any other tribe, federal and state environmental agency that has or has had regulatory responsibility over the applicant;
3. "Disposal site" means any place, including, but not limited to, landfills, transfer stations, surface disposal sites and burial areas, at which solid waste is dumped, abandoned, or accepted or disposed of by incineration, land filling, land application, composting, shredding, compaction, baling or any other method, or by processing by pyrolysis, resource recovery or any other method, technique or process designed to change the physical, chemical or biological character or composition of any solid waste so as to render such waste safe or nonhazardous, amenable to transport, recovery or storage or reduced in volume.
4. "Dwelling" means a permanently-constructed, habitable structure designed and constructed for full-time occupancy in all weather conditions, which is not readily mobile. The term shall include, but is not limited to, traditional housing and manufactured homes;
5. "Final closure" means those measures for providing final capping material, proper drainage, perennial vegetative cover, maintenance, monitoring and other closure actions required for the site by statute, rule, permit or order;
6. "Inert waste" means any solid waste that is insoluble in water, chemically inactive, that will not leach contaminants, or is commonly found as a significant percentage of residential solid waste;
7. "Hazardous waste" means a solid waste, or a combination of solid wastes, which meets the criteria to be considered hazardous under 40 CFR 261.3, or which because of its quantity, concentration or physical, chemical or infectious characteristics may:
 - a. cause, or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or
 - b. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; or
 - c. any substance listed by the United States government as hazardous.
8. "History of noncompliance" means any past operations by an applicant or affiliated persons which clearly indicate a reckless disregard for environmental regulation, or a demonstrated pattern of prohibited conduct which could reasonably be expected to result in adverse environmental impact if a permit were issued;
9. "Integrated solid waste management plan" means a plan that provides for the integrated management of all solid waste within the planning unit and embodies sound principles of solid waste management, natural resources conservation, energy production, and employment-creating

opportunities;

10. "Lithified earth material" means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. The term "lithified earth material" shall not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth's surface;

11. "Maximum horizontal acceleration in lithified earth material" means the maximum expected horizontal acceleration depicted on a seismic hazard map, with a ninety percent (90%) or greater probability that the acceleration will not be exceeded in two hundred fifty (250) years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment;

12. "Monofill" means a landfill which is used to dispose of a single type of specified nonhazardous industrial solid waste, except for other nonhazardous industrial solid wastes which are not readily separable from the specified waste;

13. "Nonhazardous industrial solid waste" means any of the following wastes deemed by Administrator to require special handling:

- a. unusable industrial or chemical products;
- b. solid waste generated by the release of an industrial product to the environment; or
- c. solid waste generated by a manufacturing or industrial process.

The term "nonhazardous industrial solid waste" shall not include waste that is regulated as hazardous waste or is commonly found as a significant percentage of residential solid waste;

14. "Person" means any individual, corporation, company, firm, partnership, association, trust, state agency, tribe, government instrumentality or agency, institution, county, any incorporated city or town or municipal authority or trust in which any governmental entity is a beneficiary, venture, or other legal entity however organized;

15. "Recycling" means to reuse a material that would otherwise be disposed of as waste, with or without reprocessing;

16. "Seismic impact zone" means an area with a ten percent (10%) or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10g in two hundred fifty (250) years;

17. "Solid waste" means all putrescible and nonputrescible refuse in solid, semisolid, or liquid form, or contained gaseous material, including, but not limited to, garbage, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial waste including explosives, biomedical wastes, chemical wastes, mining wastes, herbicide and pesticide wastes.

18. "Solid waste landfill" means, but is not limited to, municipal solid waste landfills as defined in federal regulations;

19. "Solid waste management system" means the system that may be developed for the purpose of collection and disposal of solid waste by any person engaging in such process as a business or by any municipality, authority, trust, county or by any combination thereof at one or more disposal sites;

20. "Solid waste planning unit" means any district, Indian community, county, incorporated city or town, municipal authority or trust in which any governmental entity is a beneficiary, or other legal entity however organized, which the Administrator determines to be capable of planning and implementing an integrated solid waste management program;

21. "Transfer station" means any disposal site, processing facility or other place where solid waste is transferred from a vehicle or container to another vehicle or container for transportation, including but not limited to a barge or railroad unloading facility. It does not include:

- a. a facility such as an apartment complex or a manufacturing plant, where solid waste that is transferred has been generated by the occupants, residents, or facility functions;
- b. a citizens' collection station; or
- c. a solid waste collection system which leaves waste in enclosed containers along the collection route for later transport; and

22. "Waste reduction" means to reduce the volume of waste being generated and/or requiring disposal.

604. Policy

The Cherokee Nation declares it to be the policy of the Nation that solid waste generated on lands under the Nation's jurisdiction or imported should be treated, stored and disposed of so as to minimize the present and future threat to human health and the environment, and that pollution

prevention, waste reduction and recycling should be encouraged.

605. Powers and Duties

A. The EPC is empowered to promulgate rules, require and issue permits, and issue orders:

1. Applicable to the permitting, posting of security, construction, operation, closure, maintenance and remediation of solid waste disposal sites, borrow pits and dredge and fill areas;
2. Establishing requirements for disposal, transfer, transport, treatment and storage of solid waste in ways that ensure public health and safety and protection of the environment to the greatest extent possible;
3. Encouraging or requiring methods of pollution prevention, waste reduction, conservation, avoidance, minimization or mitigation of impacts, and recycling;
4. Requiring sampling or the submission of laboratory reports or analyses performed by certified laboratories for the purposes of compliance monitoring and testing, and for other purposes required for the regulation of sludge;
5. Requiring the submission by any applicant, owner or operator of a solid waste facility of detailed site plans, compliance audits, environmental assessments or other reports prepared by an engineer or qualified consulting firm approved by the EPC, as a condition of granting a permit or allowing continued operations, and as a requirement in any order or consent agreement;
6. Requiring disclosure of information and filing of reports by any owner, operator or applicant, and requiring certifications or licenses for operators;
7. Addressing the transportation of solid waste. Such rules shall not be less stringent than those of the United States Department of Transportation or the United States Interstate Commerce Commission;
8. Regulating borrow and storage areas for soils, and storage of chemicals or other materials;
9. Developing comprehensive solid waste management rules and best management practices;
10. Overseeing development of a nationwide integrated solid waste management plan with input from the public, other tribes, states, municipal and county governments and regional solid waste planning and management entities;
11. Establishing administrative permit and enforcement procedures;
12. Establishing standards and requirements for the remediation of groundwater, surface waters, or contaminated soils resulting from releases, spills or any other activity;
13. Implementing and enforcing provisions of the Solid Waste Code and applicable regulations pursuant to Article 12 of the Cherokee Nation Environmental Quality Code; and
14. Enforcing the provisions of applicable federal laws and regulations including, but not limited to, those related to landfills in 40 C.F.R. Part 258.

B. The EPC may establish by rule a schedule of fees to be charged for copies, applications for permits, licenses and other authorizations, inspections and other environmental services involved in the regulation of solid waste. Fees charged pursuant to this section shall be paid into the Environmental Quality Revolving Fund. The EPC in setting fees shall consider appropriate factors such as facility size and capability, type of facility and type and amount of waste accepted, stored, treated, transferred or disposed.

C. The EPC may, but is not obligated to, authorize a variance from specific requirements if the applicant demonstrates that compliance will be met by substituted technology which equals or exceeds the protection otherwise accorded and the variance will not result in a hazard to the health, environment and safety of the people of this Nation or their property. Any variance shall be upon express condition that, in the event of the failure of the substituted technology to conform to requirements, the applicant shall be required to incorporate the technology, process or procedure established under the rules;

§ 606. Authority to administer and implement federal laws and programs.

The EPC and Administrator are hereby designated and authorized to take all actions necessary or appropriate to administer, implement and enforce the federal Solid Waste Disposal Act (Public Law 89-272), Clean Water Act Section 404 program, Resource Conservation and Recovery Act, Surface Mining Control and Reclamation Act and other mining laws, Comprehensive Environmental Response, Compensation and Liability Act, and Superfund Amendments and Reauthorization Act, as these laws exist or may be amended.

§ 607. Cherokee Nation Recycling Initiative.

A. The Council recognizes and declares that it is necessary for the public interest, health and economic welfare to encourage and promote the recycling and reuse of recoverable materials. The recycling and reuse of recoverable materials can substantially reduce production and disposal costs,

save tribal lands, conserve natural resources and protect the environment.

B. The Legislature declares that the goal of the Cherokee Nation Recycling Initiative is that the CN government, CN-related entities and each CN community should develop and operate a recycling program. Due to the importance of the paper industry to Cherokee Nation's economy, each recycling and reuse program should at a minimum include the collection of waste paper.

§ 608. Permit required - Exemptions.

A. Except as otherwise specified in this section:

1. No person shall dispose of solid waste at any site or facility other than a site or facility for which a permit for solid waste disposal has been issued by the EPC;

2. No person shall own or operate a site or facility at which solid waste is disposed other than a site or facility for which a permit for solid or hazardous waste disposal has been issued by the EPC; and

3. No person shall knowingly transport solid waste to an unpermitted site or facility.

B. A person is not prohibited from disposing of solid waste from his or her household upon his or her property provided such disposal does not otherwise create a nuisance or a hazard to the public health or environment or does not violate any other applicable laws, rules, orders or ordinances. Provided, however, disposal areas for more than fifty tires, junk cars or similar wastes shall be subject to the permit requirements of this Article.

C. The EPC shall issue a permit to be effective for the life of a given site or operation, but may require periodic renewal or modify the permit as appropriate. Each person who operates a landfill disposal site shall submit information on an annual basis at such times and in such form as the EPC shall require, sufficient to allow the EPC to know the remaining landfill life and ensure compliance with financial assurance requirements are met.

D. Information and data submitted in support of a permit application or a permit modification application shall be prepared and sealed by a professional engineer licensed to practice in Oklahoma or Arkansas unless a waiver of this requirement is obtained.

E. The EPC shall not issue any permit for the siting or expansion of an asbestos monofill which will be located closer than five hundred (500) yards from any occupied residence. No asbestos monofill shall be constructed within three (3) miles of the corporate boundaries of any city or town or within one mile of a designated scenic river.

F. Disposal sites approved by the EPC to receive only solid waste shall not accept for disposal any biomedical waste or waste classified as hazardous waste.

G. No permit shall be required for a disposal site constructed pursuant to an order issued by the EPC in an effort to remediate an abandoned or inactive waste site. Such disposal site shall only receive waste from the remediation project, and shall be designed, constructed, and operated in accordance with the standards established in applicable rules, statutes, permits or orders. Such standards shall not be less stringent than those which would apply to a federally funded remediation project pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act.

H. The EPC shall not issue any permit for the siting of a new solid waste disposal site in any location that is:

1. Within a locally fractured or cavernous limestone or cherty limestone bedrock;

2. Within five (5) miles of any water well owned by a rural water district that is used or has the potential to be used to provide water to customers of the district; or

3. Within any area judged to present unacceptable risks to any water supply or any other beneficial use of surface water or groundwater; or

4. Within a one-hundred year floodplain.

I. The EPC may reject a permit application for siting of a new solid waste disposal site where it determines that it create an unacceptable risk to public health, safety or welfare, natural resources or the environment. The applicant shall be entitled to a hearing and in any event shall have the burden of proof to show that such a risk would not exist.

J. The EPC may include conditions and terms in any permit to require restrictions on site location, types and amounts of wastes authorized, pretreatment and sorting, recycling, stormwater and discharge controls, retention times or other schedules, cover and revegetation, fencing, buffer zones, setbacks, fencing, reporting, recordkeeping, sampling, and any other condition or term deemed appropriate to avoid, minimize or mitigate environmental impacts or other unacceptable risks to public health, welfare and safety.

K. Where appropriate, the EPC may require both owner and operator to be listed as joint permittees or may require separate permits for the owner(s) of the property, owner(s) of the business and/or the operator(s) of the business.

§ 609. Disclosure statement upon application - Revocation, or refusal to issue, amend, modify, renew or transfer permit - Failure to disclose or stating false information - Penalty.

A. All applicants for the issuance or transfer of any solid waste permit, license, certification or operational authority shall file a disclosure statement with their applications, including if applicable the most recent annual and quarterly reports required by the Securities and Exchange Commission, information regarding legal proceedings in which the applicant has been involved, and such other information relating to the competency, reliability, or responsibility of the applicant and affiliated persons as the EPC may require.

B. The EPC is authorized to revoke or to refuse to issue, amend, modify, renew or transfer a permit for the disposal of solid waste from or to any person or an affiliated person who:

1. Is not in substantial compliance with any final EPC order or final order or judgment of a court of record issued pursuant to the provisions of the Cherokee Nation Solid Waste Code or any other portion of the Cherokee Nation Environmental Code; or

2. Is not in substantial compliance with any final EPC order or final order or judgment of a court of record secured by any state or federal agency, as determined by that agency, relating to the storage, transfer, transportation, treatment or disposal of any solid waste; or

3. Has evidenced a history of a reckless disregard for the protection of the public health and safety or the environment through a history of noncompliance with state or federal environmental laws, including without limitation the rules of the EPC, regarding the storage, transfer, transportation, treatment or disposal of any solid or hazardous waste.

C. The application shall be signed under oath by the applicant.

D. The EPC may suspend or revoke a permit issued pursuant to the Cherokee Nation Solid Waste Code to any person who has failed to disclose or states falsely any information required pursuant to the provisions of this section. Any person who willfully fails to disclose or states falsely any such information, upon conviction, shall be guilty of a misdemeanor and may be punished as set forth in Article 12 of the Cherokee Nation Environmental Code.

E. The EPC may suspend, revoke, refuse to issue, refuse to renew or refuse to transfer a solid waste or other permit for good cause at any time. Good cause shall include, but is not limited to, a determination that there is insufficient information upon which to base a decision that adequate protection will be provided for the environment or public health if a permit is issued, or available information indicates that the activity would pose an unacceptable risk of adverse impacts.

§ 610. Availability of administrative permit hearing.

Any interested person may request an administrative permit hearing on a proposed permit application for a new permit or for the major modification of an existing permit involving a fifty percent (50%) or more increase in permitted capacity for storage, treatment or disposal including but not limited to incineration.

§ 611. Appeal of issuance of permit - Stay of time restraints.

The filing of a proceeding appealing the issuance of a permit authorizing the construction and operation of a solid waste disposal facility shall stay any time restraints specified in the permit relating to the term or expiration of the permit.

§ 612. Nonhazardous industrial solid waste landfills - Permit - Restrictions.

A. The EPC may issue a permit for a landfill disposal site, which is not a hazardous waste facility, which accepts nonhazardous industrial solid waste, only under the following circumstances:

1. The landfill is located outside of areas of principal groundwater resource or recharge areas as determined and mapped by the Oklahoma Geological Survey or is on a proposed site on property owned or operated by a person who also owns or operates a hazardous waste facility or solid waste facility, on or contiguous to property on which a hazardous waste facility or solid waste facility is operating pursuant to a permit and the site is designed to meet the most environmentally protective solid waste rules promulgated by the EPC and includes a leachate collection system; or

2. The landfill complies with all siting and public participation requirements as though the solid waste landfill were a hazardous waste landfill; or

3. The site is proposed and designed as a nonhazardous industrial solid waste landfill which will be owned, operated, or owned and operated by an industry or manufacturer for its exclusive noncommercial use.

B. 1. New landfills which accept nonhazardous industrial solid waste shall not be constructed nor shall such existing landfills be expanded which are located within a seismic impact zone unless the applicant demonstrates that all containment structures, including liners, leachate collection

systems, and surface water control systems, are designed to resist the maximum horizontal acceleration in lithified earth material for the site.

2. No nonhazardous industrial solid waste landfill shall be located within five (5) miles of a known epicenter of an earthquake of more than 4.0 on the Richter Scale or a number V on the modified Mercalli Scale as recorded by the Cherokee Nation Geological Survey.

C. 1. Before sending waste identified as nonhazardous industrial solid waste for disposal in a solid waste landfill, a certification that the waste is not a hazardous waste shall be submitted to the holder of the landfill permit with a copy to the Administrator. Such certification shall be made by:

- a. the original generator,
- b. a person who identifies and is under contract with a generator and whose activities under the contract cause the waste to be generated,
- c. a party to a remediation project under an order of the EPC, state or federal agency, or
- d. a person responding to an environmental emergency.

2. The EPC may require the certifier to substantiate the certification by appropriate means, when it is reasonable to believe such waste may be hazardous. Such substantiation may include Material Safety Data Sheets, an explanation of specific technical process knowledge adequate to identify that the waste is not a hazardous waste, or laboratory analysis.

D. Any generator seeking to exclude a specific nonhazardous industrial solid waste, which is also an inert waste, from the provisions of this section may petition the EPC for a regulatory exclusion. The generator shall demonstrate to the satisfaction of the EPC that the waste is inert and that it may be properly disposed.

§ 613. Site closure plan - Financial security.

A. All disposal site owners shall provide a closure plan to the EPC for approval which defines operational phases and includes cost estimates, and plans and specifications for final closure. A site may be closed in phases according to a closure plan approved by the EPC.

1. Owners of landfills that receive household solid waste, defined as Municipal Solid Waste Landfill Facilities in the federal regulations adopted under Subtitle D of the federal Solid Waste Disposal Act, and owners of nonhazardous industrial waste landfills shall provide for the maintenance and monitoring of such works for thirty (30) years.

2. Generator owned and operated private industrial nonhazardous monofills and landfill disposal sites may apply to the EPC for a variance from the thirty year postclosure monitoring or other closure requirements, provided that no variance may allow for requirements that are less stringent than those under applicable federal law.

3. Disposal sites other than land disposal sites shall have a closure plan which would accomplish the removal and proper disposal of any remaining waste and the elimination of potential environmental health hazards.

B. Financial assurance for costs of closure and any postclosure shall be provided in accordance with 40 CFR Part 258 and any applicable EPC rules.

C. The Nation shall be the sole beneficiary of any such assurance and shall have a security interest therein.

D. When financial assurance is required, it shall remain in effect until closure and any postclosure is completed.

§ 614. Vegetation plan.

The owner or operator of any solid waste landfill, over fifty (50) feet in height above natural surface contours that accepts more than two hundred (200) tons per day of solid waste, or any disposal site which disturbs more than one acre of land, must submit a vegetation plan to the EPC for approval. The vegetation plan shall address establishment and maintenance of appropriate vegetative cover for the purposes of erosion and dust control and aesthetic enhancement. The vegetation plan shall be implemented in waste disposal areas that have been undisturbed for ninety (90) days. The EPC shall promulgate rules relative to the contents of the vegetation plan.

§ 615. Scales - Fees, exemptions - Expenditure of funds - Recycling project contracts - Annual report.

A. 1. Owners or operators of solid waste disposal sites shall install and maintain scales or volumetric measuring equipment. Such scales or equipment shall be installed on or within five (5) miles of the landfill disposal site and shall be tested and certified.

2. The owner or operator shall upon receipt weigh or record the volume of all waste received and record the weight or volume in writing. These records shall be maintained at the site and must be

provided to the EPC upon request.

3. The owner or operator of a solid waste disposal site shall collect any additional fees that may be established by the EPC pursuant to this Code as trustee for the Nation and shall prepare and file with the Administrator of the EPC quarterly returns indicating:

- a. the total tonnage of solid wastes received for disposal at the gate of the site, and
- b. the total amount of the fees collected.

4. Not later than thirty (30) days after the end of the quarter to which such a return applies, the owner or operator shall mail to the Administrator of the EPC the return for that quarter together with the fees collected during that quarter as indicated on the return.

5. If the owner or operator misrepresents, or fails to properly measure or record, the amount of waste received or fails to remit fees within sixty (60) days after the last day of the quarter during which they were collected, the disposal site's permit shall be summarily suspended by order and the EPC shall initiate the process of revoking the permit and may require closure of the landfill.

C. 1. The Administrator of the EPC shall expend funds collected pursuant to the provisions of this section solely for the administration and enforcement of the provisions of the Cherokee Nation Environmental Code, the development of solid waste technical assistance programs, environmental education programs and educational curricula, development of a nation-wide solid waste plan, recycling and litter prevention programs, and other environmental improvements.

§616. Development of plan

To the extent feasible, the EPC and Environmental Programs should work with CN citizens and the Tribal Council to ensure that each district has a plan that will provide a solid waste management system to adequately handle solid wastes generated or existing within the boundaries of such district.

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.

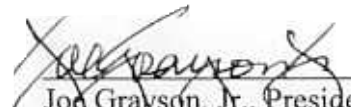
Section 8. Emergency declared

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 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 the Cherokee Nation on the 11th day of April, 2005.



Joe Grayson, Jr., President
Cherokee Nation Tribal Council

ATTEST:

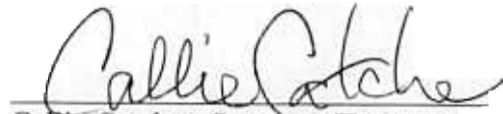

Audra Smoke-Conner, Secretary
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 20th day of APRIL, 2005.



Chad Smith, Principal Chief
Cherokee Nation

ATTEST:



Callie Catcher, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Audra Smoke-Conner	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	John F. Keener	<u>Yea</u>
Jackie Bob Martin	<u>Yea</u>	Cara Cowan	<u>Yea</u>
Phyllis Yargee	<u>Yea</u>	Buel Anglen	<u>Yea</u>
David W. Thornton, Sr.	<u>Absent</u>	William G. Johnson	<u>Yea</u>
Don Garvin	<u>Yea</u>	Charles "Chuck" Hoskin	<u>Yea</u>
Linda Hughes-O'Leary	<u>Yea</u>		