

An Act

Legislative Act 8 -98

**AN ACT AMENDING TITLE 63, et seq.
OF THE CHEROKEE NATION CODE ANNOTATED**

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1201. Codification

This Act shall be known as the Cherokee Nation Lead Based Paint Act and codified as Title 63, Article 12, §1201 et seq. of the Cherokee Nation Code Annotated.

Section 1202. Purpose

The purpose of the Cherokee Nation Lead Based Paint Act is to provide for the authorization and administration of a lead based paint program in accordance with requirements set forth by the federal Environmental Protection Agency. This program is established for the health, safety and welfare of Cherokee citizens in recognition of the health risks associated with the presence of lead in paint products.

Section 1203. Legislative History

Legislative Act -98 was enacted on JUNE 14TH to provide for environmental regulation.

Section 1204. Definitions

As used in the Cherokee Nation Lead Based Paint Act:

"Lead based paint" means paint with a lead content of 0.5% or greater (5000 ppm). Coatings of residential paint are considered to be lead based if the lead content exceeds 1 mg/cm² or 0.5% by weight.

"Program" means the Cherokee Nation Lead Based Paint program as defined in § 604 of this Act.

Section 1205. Lead Based Paint Program

A. The Cherokee Nation Environmental Protection Program shall have the authority to act as the lead office in the development, implementation, and on-going facilitation of a Cherokee Nation Lead Based Paint program. The Program shall be established in accordance with the Cherokee Nation Environmental Protection Act, 63 CNCA § 50 et seq., and shall operate in accordance with criteria established by the federal Environmental Protection Agency for tribal nation lead based paint programs.

B. The Lead Office shall have the authority to promulgate the necessary rules, regulations and operating procedure, in accordance with EPA criteria and Cherokee Nation law, to operate the Program.

C. The Lead Office shall have the authority to pursue available sources of federal funding for the continued operation of the program.

Section 1206. Enforcement

The Cherokee Nation Lead Based Paint program shall be enforced in accordance with the Cherokee Nation Environmental Protection Act, 63 CNCA § 50 et seq.. The Cherokee Nation Marshall Service and the Cherokee Nation Environmental Protection Commission, and the Lead Office shall be designated as the enforcement authorities for the Program.

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.

Passed by the Cherokee Nation Tribal Council on the 14TH day of JUNE, 1998.

Harold Phillips
~~Garland Eagle~~, President *PRO TEMP*
Cherokee Nation Council

ATTEST:

Mary Flute Cooksey
Mary Flute Cooksey, Secretary
Cherokee Nation Council

Approved and signed by the Principal Chief this 14TH day of JUNE, 1998.

Joe Byrd
Joe Byrd, Principal Chief
Cherokee Nation

ATTEST:

Jennie Battles
Jennie Battles, Secretary-Treasurer
Cherokee Nation

YEAS AND NAYS RECORDED

Don Crittenden	<u>YEA</u>	Barbara Starr-Scott	<u>YEA</u>
Sam Ed Bush	<u>ABSENT</u>	Harold "Jiggs" Phillips	<u>PRESIDING</u>
Bill John Baker	<u>YEA</u>	Troy Wayne Poteete	<u>YEA</u>
Harley L. Terrell	<u>YEA</u>	Barbara Conness	<u>YEA</u>
Mary Flute-Cooksey	<u>YEA</u>	Nick Lay	<u>YEA</u>
Paula Holder	<u>YEA</u>	William Smoke	<u>YEA</u>
Harold DeMoss	<u>YEA</u>	Charles "Chuck" Hoskin	<u>YEA</u>
Dora Mae Watie	<u>YEA</u>		