

# An Act

## Legislative Act 33-10

### AN ACT AMENDING LA 01-01, "THE CHEROKEE NATION MOTOR VEHICLE LICENSING AND TAX CODE"; AMENDING DEFINITIONS TO PROVIDE FOR REGISTRATION OF TRIBALLY OWNED MOTOR VEHICLES FOR THE DELAWARE TRIBE OF INDIANS

BE IT ENACTED BY THE CHEROKEE NATION:

#### § 1. Title and Codification

This act shall be known as the "Cherokee Nation Motor Vehicle Code Amendment Act of 2010" and codified as \_\_\_\_\_ (Title) \_\_\_\_\_ (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

#### § 2. Purpose

The purpose of this act is to amend LA 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to amend a definition to provide for registration of vehicles that are owned by the Delaware Tribe of Indians and used for conducting official government business.

#### § 3. Legislative History

Legislative Act 01-01, "The Cherokee Nation Motor Vehicles and Licensing Tax Code" of 2001, as amended by Legislative Acts 27-01, 34-01, 34-02, 04-03, 19-03, 25-04, 29-04, 03-05, 07-06, 12-06, 17-06, and 08-07.

#### § 4. Definitions

For purposes of this Title:

F. "Eligible Vehicle" shall mean any personal vehicle, commercial vehicle, motorcycle, recreational vehicle, farm truck, farm tractor, farm trailer or other trailer, which is owned by a tribal citizen or owned by the federally recognized Delaware Tribe of Indians for the use of conducting official government business, which is located ~~resides~~ within the Reservation~~Historical~~ Boundaries of the Cherokee Nation and is principally garaged within said boundaries on lands owned, leased or occupied by the Cherokee Nation or any tribal citizen in trust, restricted or fee status. Also included are vehicles belonging to active military personnel and college students who maintain permanent residency in the 14-country jurisdiction but temporarily domicile in another location. The Commission shall determine the

appropriate documentation for active military personnel or college student residency, and shall develop procedures for determining whether vehicles are owned by the federally recognized Delaware Tribe of Indians and eligible for registration and licensing.

**§ 5 Amending § 206: License Plates.**

Section 206: License Plates is amended to add the following subsection:

**D. Delaware Tribe of Indians Government Vehicles.:**

The Commission shall issue without charge appropriate titles, certificates of registration, license plates and decals for any Eligible Vehicle owned by the federally recognized Delaware Tribe of Indians, its agencies. Title to any such Vehicles shall be in the name of the Delaware Tribe of Indians and such Eligible Vehicles shall not be sold or transferred except in accordance with applicable law.

**§ 5. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**§ 6. 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.

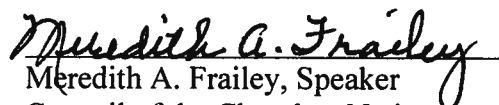
**§ 7. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

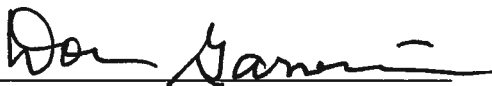
**§ 8. Self-Help Contributions**

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 22nd day of November, 2010.

  
Meredith A. Frailey, Speaker  
Council of the Cherokee Nation

**ATTEST:**



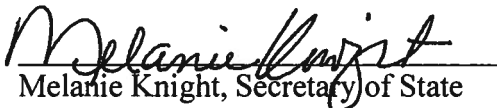
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 24 day of November, 2010.



Chadwick Smith, Principal Chief  
Cherokee Nation

**ATTEST:**



Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley L. Buzzard	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Absent</u>		

10-12-10P04:45 RC

<u>ADMINISTRATIVE CLEARANCE</u>	
<b>Dept/Program:</b>	
Signature/Initial	Date
<b>Group Leader:</b>	
Signature/Initial	Date
<b>Finance (if needed):</b>	
Signature/Initial	Date
<b>Government Resources:</b>	
<i>Yita May</i>	<i>10/12/10</i>
Signature/Initial	Date
<b>Administration Approval:</b>	
<i>Pat Ragsdale</i>	<i>10-12-10</i>
Signature/Initial	Date

## Cherokee Nation Act/Resolution Proposal Form

Act       Resolution

**TITLE:**

**DEPARTMENT CONTACT:** Pat Ragsdale

**RESOLUTION PRESENTER:** Pat Ragsdale

**COUNCIL SPONSOR:** Dr. Bradley Cobb

**NARRATIVE:**

The purpose of this act is to amend LA 01-01, the Cherokee Nation Motor Vehicle Licensing and Tax Code, to amend a definition to provide for registration of vehicles that are owned by the Delaware Tribe of Indians and used for conducting official government business only.

<u>LEGISLATIVE CLEARANCE:</u>	
<b>Legal &amp; Legislative Coordinator:</b>	
<i>Brittain</i>	<i>10/28/10</i>
Signature/Initial	Date
<b>Standing Committee &amp; Date:</b>	
<i>Hules</i>	<i>10/28/10</i>
<b>Chairperson:</b>	
<i>Frailer</i>	
Signature/Initial	Date
<b>Returned to Presenter:</b>	
	Date