

An Act

Legislative Act 40-21

AN ACT AMENDING TITLE 63 OF THE CHEROKEE NATION CODE ANNOTATED

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act amends Title 63 of the Cherokee Nation Code Annotated and shall be codified at the sections as referenced herein of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to establish the Cherokee Nation Vessel and Motor Registration Act.

Section 3. Legislative History

LA-03-04

LA-14-13

Section 4. Amendments

Title 63 shall be amended and expanded as follows:

TITLE 63

CHAPTER 70

§ 4001. Short title

This act shall be known and may be cited as the “Cherokee Nation Vessel and Motor Registration Act”.

§ 4002. Definitions

As used in the Cherokee Nation Vessel and Motor Registration Act:

1. “Certificate of registration” means a document which is legal proof of registration of a

vessel or motor;

2. “Certificate of title” means a document which is proof of legal ownership of a vessel and/or motor;

3. “Commission” means:

a. the Cherokee Nation Tax Commission, or

b. the equivalent vessel registration and licensing agency of the State of Oklahoma or a federally recognized Indian tribe in this state;

4. “Operate” means to navigate or be in actual physical control of a vessel or otherwise use a vessel or motor;

5. “Outboard motor” means an internal combustion engine capable of being externally mounted at the stern of a vessel which provides the transfer of power to move a vessel through the water;

6. “Permanent number” means the distinctive and unique number which:

a. the Commission permanently assigns to a vessel, irrespective of any change of ownership of said vessel. The permanent number shall begin with the letters “OK”, followed by four numerals, and then followed by two letters; or

b. the State of Oklahoma assigns to a vessel; or

c. any federally recognized Indian tribe in this state assigns to a vessel;

provided, the number is configured as prescribed in 33 C.F.R., Parts 173 and 174;

7. “Person” means a natural person, partnership, corporation, association, trust, estate or other legal entity;

8. “Vessel” means every device, other than a seaplane on the water, used or capable of being used as a means of transportation on water; and

9. “Waters of this Nation” means and includes all waters within the territorial boundaries of the Cherokee Nation; provided, such phrase shall not mean or include waters which are entirely owned by a private person or persons, and to which the public is not permitted access.

§§ 4003-4031. Reserved

§ 4032. Violations--Punishments

A. It shall be unlawful for any person to:

1. Operate a vessel or outboard motor in excess of ten (10) horsepower upon the waters of the Cherokee Nation without a proper certificate of title and certificate of registration, issued by the Cherokee Nation, the State of Oklahoma, or any other federally recognized Indian tribe in the State of Oklahoma, for the current year; or
2. Alter or in any manner change a permanent number issued for a vessel under the laws and/or rules of the Cherokee Nation, the State of Oklahoma, any other state, or any other federally recognized Indian tribe.

B. Anyone violating the provisions of this subsection shall be guilty of a violation of the law and, upon conviction, shall be subject to a fine not to exceed Fifty Dollars (\$50.00) for each such violation.

C. A current certificate of registration, properly issued by the Cherokee Nation, the State of Oklahoma, or any other federally recognized Indian tribe in the State of Oklahoma, for any vessel or outboard motor in excess of ten (10) horsepower operating upon the waters of the Cherokee Nation, shall be legible and available for inspection at all times.

Section 5. Provisions as cumulative

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

Section 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.


Section 7. 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 upon its passage and approval.

Section 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 13th day of September, 2021.


Mike Shambaugh, Speaker
Council of the Cherokee Nation

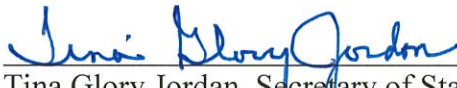
ATTEST:


Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 15th day of September, 2021.


Chuck Hoskin Jr., Principal Chief
Cherokee Nation

ATTEST:

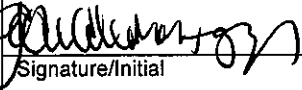

Tina Glory Jordan, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E.O. Smith "Jr." Smith	<u>Yea</u>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		

Cherokee Nation Act/Resolution Proposal Form

Act Resolution

<u>ADMINISTRATIVE CLEARANCE</u>	
Dept/Program:	
Signature/Initial	Date
Executive Director:	
Signature/Initial	Date
Treasurer (Required: Grants/Contracts/Budgets):	
Signature/Initial	Date
Government Relations:	
Signature/Initial	Date
Administration Approval:	
	08/02/21
Signature/Initial	Date

TITLE:
**AN ACT AMENDING TITLE 63 OF THE
 CHEROKEE NATION CODE ANNOTATED**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Sara Hill and Sharon Swepton

COUNCIL SPONSOR: Rex Jordan, Keith Austin, Victoria
 Varquez, Mike Shambaugh

NARRATIVE:
 The purpose of this Act is to establish the Cherokee Nation Vessel and Motor Registration Act.

<u>LEGISLATIVE CLEARANCE:</u>	
Legal & Legislative Coordinator:	
	Date
Standing Committee & Date:	
	
Chairperson:	
	Date

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