

An Act

Legislative Act 16-06

A LEGISLATIVE ACT AMENDING LA# 18-02, "THE CHEROKEE NATION BOAT AND MOTOR LICENSING AND TAX CODE"; ADDING PROVISIONS FOR MULTIPLE YEAR REGISTRATION

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the "Cherokee Nation Boat and Motor Licensing and Tax Code Amendment Act of 2006" and codified as 68 § 500 through 510 of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this act is to amend LA# 18-02, The Cherokee Nation Boat and Motor Licensing and Tax Code, to add new provisions for multiple year registration.

Section 3: Legislative History

Legislative Act #18-02, "The Cherokee Nation Boat and Motor Licensing and Tax Code" of 2002.

Section 4. Amendments

Section 503 and 504 are hereby amended to include the following new provisions:

Section 503: BOAT AND OUTBOARD MOTOR REGISTRATION

- (1.) Eligible boat or motor shall mean any boat or motor, which is owned by a Tribal Citizen who resides within the Reservation Boundaries of the Cherokee Nation and is principally garage within said boundaries on lands owned, leased or occupied by the Cherokee Nation or any Tribal Citizen in trust, restricted or fee status.
- (2.) Registration fees for boats and outboard motors are assessed for the period beginning July 1 and ending June 30 of the following year. Three year registration fees are also available and are assessed for a period beginning on July 1 and ending June 30 of the third year.
- (3.) A boat or outboard motor must be registered yearly whether in use or not. If an owner fails to do so, registration fees and penalties are due for the current year and one year previous.
- (4.) Registration fees are based on a combination of the Actual Purchase Price and the number of years registered.

Section 504: REGISTRATION FEES AND TAXES.

The Commission shall register and collect:

TITLE FEES

The Commission shall charge a fee of six dollars (\$6.00) for issuing an original or transfer certificate of title and a fee of six dollars (\$6.00) for issuing a duplicate certificate of title.

REGISTRATION TAX

There is hereby levied a registration tax of one and one-half percent (1 1/2%) of the value of each boat and motor upon the transfer of legal ownership of any such boat or motor registered in this nation.

REGISTRATION FEES

- (1.) If the Actual Purchase Price is less than \$150.00
 - a. 1st Year Fee = Administrative Charge (1.00) plus .50 for the first year.
 - b. 2nd Year through 20th Year Fee = first year's fee
- (2.) If Actual Purchase Price is over \$150.00
 - (a.) 1st year Fee = Administrative Charge (1.00) plus .50 for every 100.00 of the Actual Purchase Price or any fraction thereof. Fee shall not exceed 100.00
 - (b.) 2nd Year through 10th Year Fee = 80% of the previous year's fee plus the Administrative Charge (1.00). Fee shall not exceed 100.00
 - (c.) 11th Year through 20th Year Fee = 80% of the 10th year fee plus Administrative Charge (1.00).
 - (d.) Amounts for Codes Q1, Q2 and Q3 are based on the Actual Purchase Price and may not be equal to one fourth, one half or three fourths of the full year price due to the 100.00 registration fee maximum.
- (3.) If the Actual Purchase Price of the boat or outboard motor is not known, registration fee will be based on book value from NADA.
- (4.) The following quarterly periods in which a boat or outboard motor is purchased or enters the 14 county tribal jurisdictional boundary area determines the portion of a full year registration fee due:

| | |
|-------------------------------|------------------------|
| July 1 through September 30 | Full Year Registration |
| October 1 through December 31 | ¾ Year Registration |
| January through March 31 | ½ Year Registration |
| April 1 through June 30 | ¼ Year Registration |
- (5.) A Three year registration fee is also available and is equal to ninety percent (90%) of the total of the individual year's fees.

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.

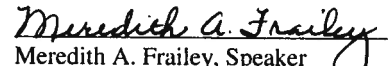
Section 7. Effective Date

The provisions of this act shall become effective one hundred and eighty (180) days from and after the date of 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 14th day of August, 2006.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

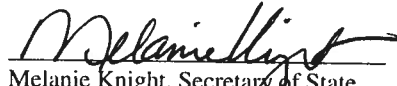
ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved this 21st day of August, 2006.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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

**Cherokee Nation
Act/Resolution Proposal Form**

ADMINISTRATIVE CLEARANCE:

Program/Project Manager:
Sharon Swepton 7/11/06
 Signature Date

Department Director:
Sharon Swepton 7/11/06
 Signature Date

Executive Director:
Sharon Swepton 7/11/06
 Signature Date

Controller (if needed):
 Signature Date

Government Resources Group:
Lita Murphy 7/17/06
 Signature Date

Administration Approval:
D. McLaughlin 7/17/06
 Signature Date

Act

Resolution

TITLE: A LEGISLATIVE ACT AMENDING LA# 18-02, "THE CHEROKEE NATION BOAT AND MOTOR LICENSING AND TAX CODE"; ADDING PROVISIONS FOR MULTIPLE YEAR REGISTRATION

Department Contact: Sharon Swepton
Tax Administrator

Resolution Presenter: Sharon Swepton

Sponsor: Meredith A. Frailey

NARRATIVE:
 (See Attached Outline for Information Needed)

The purpose of this act is to amend LA# 18-02, The Cherokee Nation Boat and Motor Licensing and Tax Code, to add new provisions for multiple year registration.

G.R. Rev'd
 07-11-2006 P02:42 *df*

LEGISLATIVE CLEARANCE

Legislative Aide:
gb 7.27.06
 Signature/Initial Date

Standing Committee:
Rules

7.27.06
 Next Meeting Date

Chairperson:
Frailey 7.27.06
 Signature/Initial Date

Returned to Presenter: _____
 Date