

Committee: _____
Date: 11-15-04 Committee Date: _____

Sponsor: O'Leary/Baker
Author: _____

Amended by
LA 20-06

An Act

Legislative Act 44-04

AN ACT AMENDING LEGISLATIVE ACT 30-89, THE "CHEROKEE NATION TRIBAL GAMING ACT"; AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title.

This act shall be known as the "2004 Technical Amendments to the Cherokee Nation Tribal Gaming Act" and codified as Title 4, Sections 22, 25, 26, 31 and 41 of the Cherokee Nation Code Annotated.

Section 2. Purpose.

The purpose of this Act is to make certain technical amendments to Legislative Act 30-89, the "Cherokee Nation Tribal Gaming Act" to authorize and provide for the regulation of those forms of Class III gaming that have been compacted for with the State of Oklahoma and/or authorized by legislative action.

Section 3. Legislative History.

CNCA Title 4, the "Cherokee Nation Tribal Gaming Act", was enacted by Legislative Act 30-89, as amended by Legislative Acts 09-90, 01-94 and 29-03.

Section 4. Substantive Provisions.

a. Section 22 shall be amended as follows:

§ 22. Classes and fees

There shall be ~~two~~ three different classes of gaming, each characterized by its separate requirements and fees. These classes are created in compliance with the Indian Gaming Regulatory Act, Public Law 100-497, October 17, 1988, 25 U.S.C. 2501 et seq., and the rules and regulations adopted pursuant to said Act.

b. New Section 25 to be added as follows:

§ 25. Class III Gaming License

Class III gaming is hereby authorized to be conducted only by an enterprise that is owned solely by the Cherokee Nation and may be issued to its designated and approved agents and employees.

c. Section 26 shall be amended as follows:

§ 26. Use of gaming revenue

The Cherokee Nation will have the sole proprietary interest and responsibility for the conduct of any gaming activity under a Class II or Class III license and all net revenues from any such gaming are to be used for tribal purposes, including:

- A. To fund tribal government operations or programs;
- B. To provide for the general welfare of the Cherokee Nation and its tribal members;
- C. To promote tribal economic development;
- D. To donate to charitable organizations; or
- E. To help fund operations of local government agencies.

d. Section 31 shall be amended by including the words "and Class III" following the words "Class II" as it appears in this section.

e. Section 41 shall be amended as follows:

§ 41. Licenses for Key Employees and Primary Management Officials

The Cherokee Nation, by and through the Cherokee Nation Gaming Commission, shall ensure that the following policies and procedures as prescribed by the IGRA are implemented with respect to key employees and primary management officials employed at any Class II or Class III gaming facility operation on Cherokee Nation tribal lands.

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.

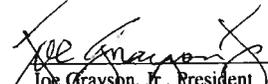
Section 7. Emergency declared

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 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 15th day of November, 2004.


Joe Grayson, Jr., President
Council of Cherokee Nation

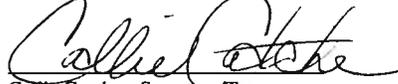
ATTEST:


Bill John Baker, Secretary
Council of Cherokee Nation

Approved and signed by the Principal Chief this 16th day of NOVEMBER, 2004.


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