

AN ACT AMENDING TITLE 4, "AMUSEMENTS AND SPORTS"
OF THE CHEROKEE NATION CODE
AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. Title And Codification.

This Legislative Act shall be amendments to Title 4, Cherokee Nation Code, Sections 16 and 21, and shall be titled "The Gaming Commission Amendment Act of 2003."

SECTION 2. Purpose

The purpose of this amendment is to clarify activities that fall under the jurisdiction of the Cherokee Nation Gaming Commission.

SECTION 3. Legislative History.

The sections were originally adopted in LA 30-89, eff. April 8, 1989, and amended LA 9-90, eff. October 22, 1990.

Cherokee Nation Constitution Article V, Section 7.

SECTION 4. Definitions.

Those definitions found at Title 4, Cherokee Nation Code, Section 3, are applicable here.

SECTION 5.

A. Amend Title 4, Section 16, as follows:

The Commission shall be empowered with all necessary powers of control over all such entities as would normally fall within the purview of such Cherokee Nation Gaming Commission, or of those entities over which specific control is granted to the Cherokee Nation Gaming Commission by the Council. Without limiting the generality of the foregoing statement, the Cherokee Nation Gaming Commission or any member thereof, in the performance of its duties as defined by law, shall have the power to administer oaths, to conduct administrative hearings, ~~to deputize law enforcement officers for purposes of enforcement of this code~~ and to compel the attendance of witnesses and the production of the books, records and papers of any person, firm, association or corporation within the jurisdiction of the Nation for the purpose of the enforcement, assessment of collection of any tax, costs or other fees. Provided that, Cherokee Nation Tribal law enforcement authorities shall have sole jurisdiction to enforce all criminal laws concerning gaming.

B. Amend Title 4, Section 21, as follows:

~~All locations where public gaming operations are conducted for the benefit of the Cherokee Nation on Indian lands shall be required to have and display prominently an appropriate, valid, and current public gaming license issued pursuant to the provision of this Act. Any form of public gaming operations conducted within the jurisdiction of the Cherokee Nation without a current, duly issued license to conduct gaming operations approved by the Cherokee Nation Gaming Commission is prohibited. Furthermore, it shall be unlawful for any person to conduct gaming activities within the boundaries of the Cherokee Nation which are not under license by and for the benefit of the Cherokee Nation or which mislead the general public in believing the gaming operation is owned and under control and operated by the Cherokee Nation. The Cherokee Nation Gaming Commission shall have the authority to enjoin and restrain illegal activities.~~

Any agent of the Cherokee Nation conducting public gaming operations for the benefit of the Cherokee Nation on property of the Cherokee Nation shall be required to have and display prominently an appropriate, valid and current license issued pursuant to provisions of this Act.

Conducting public gaming operations without the lawful written approval and licensure of the Cherokee Nation Gaming Commission is a crime, and is punishable under 21 C.N.A. §10. Cherokee Nation law enforcement authorities have the sole authority to enforce criminal laws concerning gaming.

SECTION 6. Provisions as Cumulative

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

SECTION 7. Severability

The provisions of this act are severable and if any part or provisions 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.

Effective Date: Emergency

It being immediately necessary for the welfare of the Cherokee Nation, the Cherokee citizens hereby declare that an emergency exists, by reason whereof this Act shall take effect and be in full force after its passage and approval.

Joe Grayson, Jr., President
Council of the Cherokee Nation

ATTEST:

Bill John Baker, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 10th day of NOVEMBER, 2003

Chadwick Smith, Principal Chief
Cherokee Nation

Jay Hannah, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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