

# An Act

## Legislative Act 05-22

### AN ACT AMENDING TITLE 27

#### BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title and Codification

This Act shall be known as the “**An Act Amending Title 27.**”

#### Section 2. Findings

The Cherokee Nation Tribal Council finds that in order to issue citations for littering and possession of prohibited materials on Cherokee Nation Scenic Rivers, this Amendment in needed.

#### Section 3. Legislative History

Title 27; Title 63; Legislative Acts 01-93, 08-98, 31-04, 35-04, 42-04, 15-05, 19-05, 41-05, 36-06, 06-08, 04-10, 10-10, and 25-10.

#### Section 4. Purpose

The purpose of this Act is to provide criminal penalties for littering and pollution of the Scenic Rivers located in the Cherokee Nation Reservation and to prohibit items that could harm the rivers and streams.

#### Section 5. Substantive Provisions

#### § 1005. Littering, Use of Glass, Styrofoam or Plastic Containers, and TMDLs

A. It is recognized by the Council that littering by people using the "scenic river areas" is one of the most immediate threats to the scenic beauty of our free-flowing streams and surrounding areas.

B. Any cross-deputized law enforcement officer, marshal, ranger, staff or members of the Oklahoma Scenic Rivers Commission, police or peace officer, game wardens, landowner in the area, or any other interested party may file a complaint to enforce the provisions of the Scenic Rivers Act or to enforce other applicable requirements to prevent and clean up pollution.

C. Any person who deliberately places, throws, drops, deposits or discards any garbage, trash, waste, rubbish, refuse, debris or other deleterious substance on or near a scenic river area shall be subject to the provisions of Section 1761.1 of Title 21 of the Cherokee Nation Statutes.

~~monetary penalties and enforcement provisions of the CN Environmental Code for illegal pollution or discharges and any other applicable law.~~

D. The use of glass, Styrofoam or any plastic foam containers for any purpose shall be prohibited on any scenic river. Any person found in violation of this section shall be subject to the provisions of Section 1761.1 of Title 21 of the Cherokee Nation Statutes.

~~D.~~ E. For those impaired scenic river watersheds where a total maximum daily load (TMDL) for phosphorus or other pollutants is necessary, the Commission shall work with affected states, if possible, to allocate and enforce loadings for discharges of all types.

#### **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 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.

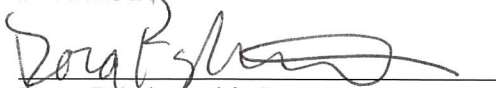
#### **Section 8. Effective Date: Emergency Declared**

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 immediately upon its approval and signatures.


Enacted by the Council of the Cherokee Nation on the 14<sup>th</sup> day of February, 2022.

  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation

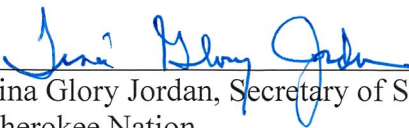
**ATTEST;**

  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21<sup>st</sup> day of February, 2022.

  
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. "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>		

**ADMINISTRATIVE  
CLEARANCE**

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:**

Signature/Initial Date

**LEGISLATIVE CLEARANCE:**

**Legal & Legislative Coordinator:**

Signature/Initial Date

**Standing Committee & Date:**

**Chairperson:**

Signature/Initial Date

**Cherokee Nation  
Act/Resolution Proposal Form**

☒ Act ☐ Resolution

**TITLE:**

**AN ACT AMENDING TITLE 27**

DEPARTMENT CONTACT: Chuck Hoskin Jr.

RESOLUTION PRESENTER: Taralee Montgomery

COUNCIL SPONSOR: Victoria Vazquez Mike Shambaugh

**NARRATIVE:**

The Council of the Cherokee Nation supports that The use of glass, Styrofoam or any plastic foam containers for any purpose shall be prohibited on any scenic river. Any person found in violation of this section shall be subject to the provisions of Section 1761.1 of Title 21 of the Cherokee Nation Statutes.