



Legislation Text

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A LEGISLATIVE ACT AMENDING TITLE 4 SECTION 21 OF THE CHEROKEE NATION CODE ANNOTATED RELATING TO GAMING WITHIN THE JURISDICTION OF THE CHEROKEE NATION' AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the Amendments to the Cherokee Nation Gaming Code and codified as Title 4, Section 1 through 49 as amended of the Cherokee Nation Code Annotated.

Section 2. Purpose

The Purpose of this Act is to amend Title 4 Section 21 of the "Cherokee Nation Tribal Gaming Act," to clarify that the Cherokee Nation Gaming Commission shall issue a separate license for each place, facility or location in which class II or Class III gaming is conducted.

Section 3. Legislative History

The Cherokee Nation enacted Legislative Act 30-89, on April 8, 1989, known as the "Cherokee Nation Tribal Gaming Act," to regulate the conduct of gaming owned and operated by the Cherokee Nation.

On October 22, 1990, the Cherokee Nation amended the Gaming Act with Legislative Act 9-90, to comply with P.L. 100-497, October 17, 1988, 102 Stat. 2467, and to establish the Cherokee Nation Gaming Commission.

On the 11th day of April, 1994, the Cherokee Nation Amended the Gaming Act with LA 1-94.

On the 2nd day of October, 2003, the Cherokee Nation amended the Act with LA 29-03 to authorize and provide for the regulation of Class III gaming which had been compacted for with the State of Oklahoma and/or authorized by legislative action.

On the 10th day of November, 2003, the Cherokee Nation amended the Gaming Act with LA 37-03 to clarify the activities that fall under the jurisdiction of the Cherokee Nation Gaming Commission.

On the 15th day of November, 2004, the Cherokee Nation amended the Gaming Act by LA 44-04 to provide technical amendments to the Gaming Act and provide for the regulation of Class III gaming that had been compacted for with the State of Oklahoma and/or authorized by legislative acts.

On the 21st day of August 2006, the Cherokee Nation amended the Gaming Act by LA 20-06 Relating to Gaming within the jurisdiction of the Cherokee Nation.

Section 4. Amendment

Title 4 § 21 of the Cherokee Nation Code Annotated, is hereby amended as follows:

§ 21. License required for gaming facilities

(a) Any agent of the Cherokee Nation conducting public gaming operations for the benefit of the Cherokee Nation on property of the Cherokee Nation, including lands within the jurisdiction of the Cherokee Nation other than the lands defined in Section 4 (C) and (D) of this Title, shall be required to have and display prominently an appropriate, valid and current license issued pursuant to provisions of this Act.

(b) The Cherokee Nation Gaming Commission shall issue a separate license to each place, facility, or location where class II and/or Class III gaming is conducted within the jurisdiction of the Cherokee Nation pursuant to this Title. Said license shall be renewed annually as set out herein.

(c) The Cherokee Nation Gaming Commission shall specify the form, conditions and content for the application for such licenses, which shall be submitted by the chief management official of the facility, and the initial application shall include a legal description of the lands whereon the facility is located, and a certification that said premises are lands within the jurisdiction of the Cherokee Nation as defined by this Title and shall identify the environmental, health, and public safety standards with which the place, facility, or location must comply, and a certification that the facility is in compliance therewith. Each subsequent application for the renewal of such facility license shall identify any changes or additions to said legal description and applicable environmental, health and safety standards, and include current certifications of compliance therewith. The Cherokee Nation Gaming Commission shall only issue such licenses if the applications therefor include the required information, certifications, and such further conditions as the Cherokee Nation Gaming Commission shall have specified.

(d) 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 CNCA § 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 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. 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 9. 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.