January 22, 2008

Via U.S. Mail and Facsimile

Chad Smith
Principal Chief
Cherokee Nation
P.O. Box 948
Tahlequah, OK 74465-0948

RE: Amendments to Cherokee Nation Gaming Ordinance

Dear Chief Smith:

On December 3, 2007, the Cherokee Nation (Nation) requested that the Chairman of the National Indian Gaming Commission (NIGC) review and approve the following amendments to the Cherokee Nation's Gaming Ordinance (Gaming Ordinance):

- Legislative Act 15-07 (March 19, 2007), which amended the facility licensing requirements and made them more stringent;
- Legislative Act 20-06 (August 21, 2006), which clarified the gaming jurisdiction in light of the tribal compact;
- Legislative Act 44-04 (November 15, 2004), which clarified Class III gaming requirements;
- Legislative Act 37-03 (November 10, 2003), which clarified gaming jurisdiction and licensing; and
- Legislative Act 29-03 (September 30, 2003), which added authorization for Class III gaming.

This letter constitutes approval of the amendments because they do not conflict with the Indian Gaming Regulatory Act (IGRA) or the NIGC's regulations.

Please note that the above-referenced amendments are late submissions. NIGC regulations require tribes to submit for NIGC approval all amendments to gaming ordinances within 15 days after adoption. 25 C.F.R. § 522.3. The NIGC encourages tribes to respect and follow every IGRA requirement and NIGC regulation. The NIGC asks that the Nation take note of this requirement and work toward preventing future occurrences.

Thank you for submitting these amendments for review and approval. If you have any questions, please contact Staff Attorney Rebecca Chapman at (202) 632-7003.

Sincerely,

Philip N. Hogen
Chairman

COUNCIL OF THE CHEROKEE NATION

P. O. Box 948
Tahlequah, OK 74465-0948
1-800-995-9465 or (918) 207-3900
Fax: (918) 458-6217

DEC - 3

2007 - 2011

District 1 - Cherokee
Bill John Baker
Tina Glory-Jordan

District 2 - Trail of Tears
S. Joe Crittenden
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Buel Anglen
Bradley Cobb

District 9 - Craig
Chuck Hoskin, Jr.

"At Large" Council
Jack D. Baker
Julia Coates

Attached herewith is a copy of Resolution 126-95, "**A Resolution to Adopt and Act Relating to Cherokee Nation Class III Gaming**", enacted by the Council of the Cherokee Nation on the 16th day of October, 1995.

I hereby certify that the attached Resolution is a true and correct copy of the original legislation on file at the Cherokee Nation Tribal Council House.

Gayle Miller 11-8-07

Gayle Miller, Date
Legislative Special Assistant
Tribal Council Office
Cherokee Nation

State of Oklahoma
County of Cherokee.

Subscribed and sworn to before me this 8th day of November, 2007.

Shelli Brittain
Notary Public

(Seal)

My Commission Expires: 10/17/2010
My Commission Number: 06010176

Resolution No. 126-95

COUNCIL OF THE CHEROKEE NATION

RESOLUTION TO ADOPT AN ACT RELATING TO
CHEROKEE NATION CLASS III GAMING

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people; and

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America; and

WHEREAS, the Cherokee Nation recognizes the need for funding operations, outreach, training and educational programs; and,

WHEREAS, the traditional sources of funding to the Cherokee Nation for operations and programs is currently under review and is likely to be significantly reduced or completely eliminated; and,

WHEREAS, the intuition of the Cherokee Nation is to not fail in its obligations and duties to its people; and,

WHEREAS, the Cherokee Nation has conducted various business activities on Indian lands under its jurisdiction; and,

WHEREAS, some of the Indian lands under the jurisdiction of the Cherokee Nation are located within the State of Kansas, which State permits Class III gaming as defined by the Indian Gaming Regulatory Act of 1988 (the IGRA); and,

WHEREAS, the Cherokee Nation, in light of the funding requirements for programs and operations and the best interest of the people of the Cherokee Nation has concluded that it should authorize and operate Class III gaming on Indian lands under its jurisdiction in Kansas and other states where such gaming is permitted.

NOW THEREFORE BE IT RESOLVED BY THE CHEROKEE NATION, that Class III gaming as defined by the IGRA is authorized on Indian land under the jurisdiction of the Cherokee Nation in Kansas and other states where such gaming is permitted.

THEREFORE, BE IT FURTHER RESOLVED, that the Principal Chief, Joe Byrd, and/or his designee be authorized to sign documents and take the actions required to permit Class III gaming as defined by the IGRA on Indian land under the jurisdiction of the Cherokee Nation on behalf of the Cherokee Nation.

THEREBY, BE IT FURTHER RESOLVED, that the Secretary-Treasurer is directed to issue to all interested parties an officially adopted copy of this resolution.

CERTIFICATION

The foregoing resolution was adopted by the council of the Cherokee Nation at a duly called meeting on the 16TH day of OCTOBER, 1995, having 15 members present, constituting a quorum, by the vote of 11 yea; 4 nay; 0 abstaining.

J. Garland Eagle

JAMES "GARLAND" EAGLE, President
Council of the Cherokee Nation

ATTEST:

Mary Flute Cooksey

MARY FLUTE COOKSEY, Secretary
Cherokee Nation Tribal Council

Approved this 16TH day of OCTOBER, 1995.

Joe Byrd

JOE BYRD, Principal Chief
Cherokee Nation

ATTEST:

Harlan Joe Jones

HARLAN JOE JONES, Secretary/Treasurer
Cherokee Nation

COUNCIL OF THE CHEROKEE NATION

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Cara Cowan Watts

District 8 - Keeler
Buel Anglen
Bradley Cobb

District 9 - Craig
Chuck Hoskin, Jr.

"At Large" Council
Jack D. Baker
Julia Coates

Attached herewith is a copy of Legislative Act 15-07, **"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"**, enacted by the Council of the Cherokee Nation on the 12th day of March, 2007.

I hereby certify that the attached Legislative Act is a true and correct copy of the original legislation on file and the Cherokee Nation Tribal Council House.

Gayle Miller 11-8-07

Gayle Miller
Legislative Special Assistant
Tribal Council Office
Cherokee Nation

Date

Cherokee Nation
County of Cherokee

Subscribed and sworn to before me this 8th day of November, 2007.

Notary Public (Seal)

My Commission Expires: 10/17/2010

My Commission Number: 06010176

Committee: Rules Date: 2-12-07 Committee Date: 2-23-07	Author: J. Hummingbird/N. Morton Sponsor: Cowan Watts & Anglen

An Act

Legislative Act 15-07

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.

Enacted by the Council of the Cherokee Nation on the 12th day of March, 2007.

Meredith A. Frailey
Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:

Don Garvin
Don Garvin, Secretary
Council of the Cherokee Nation

Approved this 19th day of MARCH, 2007.

Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:

Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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

Cherokee Nation
Act/Resolution Proposal Form

[x] Act [ ] Resolution

TITLE: 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

DEPARTMENT CONTACT: Jamie Hummingbird and Nason N. Morton

RESOLUTION PRESENTER: Jamie Hummingbird and Nason N. Morton

SPONSOR: Cara Cowan Watts and Buel Anglen

NARRATIVE:

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.

The Amended language incorporates the language as set out in 25 USC Section 522.4(b)(6) and as required by the IGRA and the NIGC implementing regulations.

FEB 07 2007

ADMINISTRATIVE CLEARANCE

Program/Project Manager:

Signature/Initial Date

Department Director:

Signature/Initial Date

Executive Director: 2-9-7

Signature/Initial Date

Controller: (if needed)

Signature/Initial Date

Government Resources: 2/9/07

Signature/Initial Date

Administration Approval: 2/9/07

Signature/Initial Date

LEGISLATIVE CLEARANCE:

L gislative Aide: 2/12/07

Signature/Initial Date

Standing Committee & Date: Rules 2/23/07

Chairperson: Frailey

Signature/Initial Date

Returned to Presenter:

Date

COUNCIL OF THE CHEROKEE NATION

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"At Large" Council
Jack D. Baker
Julia Coates

Attached herewith is a copy of Legislative Act 20-06, **"An Act Amending LA#30-89, LA#9-90, LA#1-94, LA#29-03, LA#37-03, and LA#44-04; Relating to Gaming Within the Jurisdiction of the Cherokee Nation; Amending Title 4 of the Cherokee Nation Code Annotated"**, enacted by the Council of the Cherokee Nation on the 14th day of August, 2006.

I hereby certify that the attached Legislative Act is a true and correct copy of the original legislation on file and the Cherokee Nation Tribal Council House.

Gayle Miller 11-8-07

Gayle Miller
Legislative Special Assistant
Tribal Council Office
Cherokee Nation

Date

Cherokee Nation
County of Cherokee

Subscribed and sworn to before me this 8th day of November, 2007.

Notary Public (Seal)

My Commission Expires: 10/17/2010

My Commission Number: 06010176

Cherokee Nation
Act/Resolution Proposal Form

[x] Act [ ] Resolution

TITLE:

DEPARTMENT CONTACT: Nason N. Morton

RESOLUTION PRESENTER: Nason N. Morton

SPONSOR: Cara Cowan Watts

NARRATIVE: (See Attached Outline for Information If Outline is Required)

The Purpose of this Act is to clarify the jurisdiction of the Cherokee Nation Gaming Authority over all gaming owned and operated by the Cherokee Nation, or its officially licensed agents, on lands of the Cherokee Nation including gaming operations in compliance with any Tribal-State Compact between the Cherokee Nation and the State of Oklahoma or that the State has authorized by enactment.

These amendments to the Cherokee Nation gaming Act are needed to ensure consistent application of rules and regulations covering employees engaging in gaming activities in gaming facilities owned and operated by the Cherokee Nation, or its officially licensed agents.

The amendments will help to establish duties and requirements that are consistent to all gaming activities owned and operated by the Cherokee Nation, or its officially licensed agents, and will provide to the Cherokee Nation consistent rules or conduct and regulation of Gaming employees.

06-14-06P01:55 RCVD GR. RM

ADMINISTRATIVE CLEARANCE

Program/Project Manager: Nason Morton 6/14/06
Signature/Initial Date

Department Director:
Signature/Initial Date

Executive Director: 6-13-6
Signature/Initial Date

Controller: (if needed)
Signature/Initial Date

Government Resources: Rita Mayes 6/16/06
Signature/Initial Date

Administration Approval: 6/19/06
Signature/Initial Date

LEGISLATIVE CLEARANCE:

Legislative Aide: 6.19.06
Signature/Initial Date

Standing Committee & Date:

Chairperson:
Signature/Initial Date

Returned to Presenter:
Date

Committee: Rules	Author: Nason Morton
Date: 6-19-06 Committee Date: 6-29-06	Sponsor: Cara Cowan Watts

An Act

Legislative Act 20-06

AN ACT AMENDING LA#30-89, LA#9-90, LA#1-94, LA#29-03, LA#37-03, AND LA#44-04; RELATING TO GAMING WITHIN THE JURISDICTION OF THE CHEROKEE NATION; AMENDING TITLE 4 OF THE CHEROKEE NATION CODE ANNOTATED

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 the "Cherokee Nation Tribal Gaming Act," to Clarify the activities that fall under the jurisdiction of the Cherokee Nation Gaming Commission and to provide for the regulation of Class III gaming within the Territorial jurisdiction of the Cherokee Nation as defined in Title 20 Section 25 of the Cherokee Nation Code that has been compacted for with the State of Oklahoma and/or authorized by legislative acts.

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.

Section 4. Substantive Provisions

The following sections of the Cherokee Nation Gaming Act As amended shall read as follows:

§ 2. Purpose

The purpose of this Act is:

A. To regulate the conduct of gaming owned and operated by the Cherokee Nation, or its officially licensed agents, on tribal lands of the Cherokee Nation , (hereafter referred to as Cherokee Nation) in compliance with Public Law 100-497, October 17, 1988, 102 Stat. 2467

B. To provide a basis under tribal law for the regulation of gaming by the Cherokee Nation adequate to shield it from organized crime and other corrupting influences; to insure that Cherokee Nation is the sole beneficiary of the gaming operation; and to assure that gaming is conducted fairly and honestly by the tribe, its agents and the players; and to implement the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. ("IGRA"), the regulations of the National Indian Gaming Commission (NIGC") at 25 C.F.R. Parts 500 et seq.

C. To authorize and regulate all forms of gaming as defined by this Act and the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq. for which the Nation has duly compacted with the State of Oklahoma or the State has authorized by enactment.

§ 4. Definitions

For the purposes of this Title:

A. The "Nation" means the Cherokee Nation.

B. "Person" means any natural individual, company, partnership, firm, joint venture, association, corporation, estate, political entity , or other identifiable entity to which this title can be applied.

C. "Restricted Individual Lands" means any lands the title to which is either held in trust by the United States for the benefit of any individual citizen of the Nation or held by any individual citizen of the Nation subject to restriction by the Nation over which the Nation exercised governmental power.

D. "Indian Lands" means land over which Cherokee Nation exercises governmental power and that is either.

1. Held in trust by the United States for the benefit of Cherokee Nation or any member of Cherokee Nation; or

2. Held by Cherokee Nation or any member of Cherokee Nation which is subject to restriction by the United States against alienation.

E. "Class I Gaming" means social games solely for prized of minimal value or traditional forms of Indian gaming engaged in by individuals as a part of, or in connection with, tribal ceremonies or celebrations.

F. "Class II Gaming" means bingo or lotto (whether or not electronic, computer, or other technological aids are used) when players:

1. Play for prizes with cards bearing numbers or other designations;

2. Cover numbers or designations when object, similarly numbered or designated, are drawn or electronically determined; and

3. Win the game by being the first person to cover a designated pattern on such cards.

If played in the same location as bingo or lotto, Class II gaming includes (a) pull-tabs, punch boards, tip jars, instant bingo, and other games similar to bingo; and (b) non-banking games that (1) state law explicitly authorizes, or does not explicitly prohibit, and are played legally anywhere in the state; and (2) players play in conformity with state laws and regulations concerning hours, periods of operation, and limitations on wagers and pot sizes.

Class II Gaming does not include any banking card games, including baccarat, chemin de fer, or blackjack (21), or electronic or electromechanical facsimiles of any game of chance or slot machines of any kind.

G. The term "license" means:

1. In connection with a gaming facility, a license issued by the Cherokee Nation Gaming Commission authorizing, the operation of a gaming facility at a particular location owned and operated by the Nation ; and

2. In connection with an individual person, a license issued by the Cherokee Nation Gaming Commission authorizing the person to be engaged as an employee or management official of a licensed gaming facility

H. Class III Gaming includes all those forms of gaming that are not Class I or Class II gaming.

[illegible]

[illegible]

§ 11. Establishment of Cherokee Nation Gaming Commission

The Cherokee Nation Gaming Commission is hereby established as a part of the Executive Branch of the government of the Nation in order to carry out the Nation's responsibilities under IGRA and the NIGC's regulations at 25 C.F.R. § 501 et seq. and to implement the provisions of this Act. Provided, however, all actions and regulations of the Cherokee Nation Gaming Commission shall be consistent with the provisions of this Act, all other laws and resolutions of the Cherokee Nation Coucil, and Constitution of Cherokee Nation [illegible] either: 1) pursuant [illegible] or 2) applicable to facilities operating [illegible] of the Oklahoma Horse Racing Act, Okla. Stat. tit. 3A, § 200 *et seq.* [illegible] facility under a license granted under the authority of Okla. Stat. tit. 3A, [illegible]

§ 12. Membership

A. The Cherokee Nation Gaming Commission shall consist of no less than three (3) members of the Cherokee Nation to be appointed by the Principal Chief of the Cherokee Nation and approved by the Tribal Council of the Cherokee Nation

B. To be eligible to serve as a commissioner, a person must

1. be at least 25 years of age;

2. have a bachelor's degree from a college or university or its equivalent;

3. be of high moral character or integrity;

4. never have been convicted of a criminal offense other than misdemeanor traffic offenses; and

5. be physically able to carry out the duties of office.

C. The Principal Chief shall, at the time of making the initial appointments and also at the time of making each appointment to fill a vacancy on the Commission as provided herein, designate one member to serve as Chairman, one member to serve as Vice Chairman and one member to serve as Secretary.

D. The terms of office of the Commission shall be three years; provided, however, that in order to stagger the expiration of terms of office, one of the first group of Commission members appointed hereunder shall be appointed for a term of one year, one for a term of two years and one for a term of three years. Provided, however, the amendments set forth in this Legislative Act 1-94 shall not affect the terms of office of the persons who are members of the Cherokee Nation Gaming Commission as of the effective date of this Act.

E. Commission members shall serve their terms of office free from political influence from any department of the government of the Nation and may be removed only for cause, after a hearing by the ~~Judicial Appeals Tribunal~~Cherokee Nation ~~Supreme Court~~ District Court under such rules and procedures as prescribed by the Council. A petition for removal for cause may be brought by a vote of the majority of Tribal Council Members, or the Principal Chief. Except as authorized under the Constitution of the Cherokee Nation, no member of the Cherokee Nation Gaming Commission shall, directly or indirectly, solicit, receive or in any manner be concerned in soliciting or receiving any assessment, subscription or contribution for any political organization, candidacy or other political purpose. No member of the Cherokee Nation Gaming Commission shall be a member of a committee of a partisan political club, or a candidate for nomination or election to any paid tribal office, or take part in the management or affairs of any tribal political party or in any political campaign, except to exercise his or her right as a citizen privately to express his or her opinion and to cast his or her vote.

F. In the event of a vacancy in the membership of the Commission, the Principal Chief shall, within twenty days of the occurrence of the vacancy, fill such vacancy for the unexpired term, subject to confirmation by a majority vote of the Council.

[illegible]

The dispute resolution procedures shall not apply to disputes governed by the regulations of the Oklahoma Horse Racing Commission. [illegible]

~~Judicial Appeals Tribunal~~Cherokee Nation Supreme Court [illegible]

~~Judicial Appeals Tribunal~~Cherokee Nation ~~Supreme Court~~ District Court

§ 21. License required for gaming facilities

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 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.

Enacted by the Council of the Cherokee Nation on the 14th day of August, 2006.

Meredith Frailey

Meredith Frailey, Speaker
Council of the Cherokee Nation

ATTEST:

Don Garvin

Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 21st day of AUGUST, 2006.

Chad Smith, Principal Chief
Cherokee Nation

ATTEST:

Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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

COUNCIL OF THE CHEROKEE NATION

P. O. Box 948
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DEC - 3

2007 - 2011

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"At Large" Council
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Julia Coates

Attached herewith is a copy of Legislative Act 44-04, **"An Act Amending Legislative Act 30-89, The "Cherokee Nation Tribal Gaming Act"; and Declaring an Emergency"**, enacted by the Council of the Cherokee Nation on the 15th day of November, 2004.

I hereby certify that the attached Legislative Act is a true and correct copy of the original legislation on file and the Cherokee Nation Tribal Council House.

Gayle Miller 11-8-07

Gayle Miller
Legislative Special Assistant
Tribal Council Office
Cherokee Nation

Date

Cherokee Nation
County of Cherokee

Subscribed and sworn to before me this 8th day of November, 2007.

Notary Public (Seal)

My Commission Expires: 10/17/2010

My Commission Number: 06010176

Committee: _____ Sponsor: O'Leary/Baker
Date: 11-15-04 Committee Date: _____ Author: _____

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

COUNCIL OF THE CHEROKEE NATION

P. O. Box 948
Tahlequah, OK 74465-0948
1-800-995-9465 or (918) 207-3900
Fax: (918) 458-6217

DEC

2007 - 2011

District 1 - Cherokee
Bill John Baker
Tina Glory-Jordan

District 2 - Trail of Tears
S. Joe Crittenden
Jodie Fishinghawk

District 3 - Sequoyah
David W. Thornton, Sr.
Janelle Fullbright

District 4 - Three Rivers
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District 5 - Delaware
Curtis G. Snell
Harley L. Buzzard

District 6 - Mayes
Meredith Frailey
Chris Soap

District 7 - Will Rogers
Cara Cowan Watts

District 8 - Keeler
Buel Anglen
Bradley Cobb

District 9 - Craig
Chuck Hoskin, Jr.

"At Large" Council
Jack D. Baker
Julia Coates

Attached herewith is a copy of Legislative Act 37-03, **"An Act Amending Title 4, "Amusements and Sports: of the Cherokee Nation Code and Declaring an Emergency"**, enacted by the Council of the Cherokee Nation on the 10th day of November, 2003.

I hereby certify that the attached Legislative Act is a true and correct copy of the original legislation on file and the Cherokee Nation Tribal Council House.

Gayle Miller 11-8-07

Gayle Miller
Legislative Special Assistant
Tribal Council Office
Cherokee Nation

Date

Cherokee Nation
County of Cherokee

Subscribed and sworn to before me this 8th day of November, 2007.

Notary Public (Seal)

My Commission Expires: 10/17/2010

My Commission Number: 06001076

LEGISLATIVE ACT 37 2003

**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 Harnah, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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

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Chuck Hoskin, Jr.

"At Large" Council
Jack D. Baker
Julia Coates

Attached herewith is a copy of Legislative Act 29-03, **"A Legislative Act Amending LA#30-89, The "Cherokee Nation Tribal Gaming Act" as Amended by LA#1-94"**, enacted by the Council of the Cherokee Nation on the 30th day of September, 2003.

I hereby certify that the attached Legislative Act is a true and correct copy of the original legislation on file and the Cherokee Nation Tribal Council House.

Gayle Miller 11-8-07

Gayle Miller
Legislative Special Assistant
Tribal Council Office
Cherokee Nation

Date

Cherokee Nation
County of Cherokee

Subscribed and sworn to before me this 8th day of November, 2007.

Notary Public (Seal)

My Commission Expires: 10/17/2010

My Commission Number: 06010176

Legislative Act 29 - 03

A LEGISLATIVE ACT AMENDING LA# 30-89, THE "CHEROKEE NATION TRIBAL GAMING ACT" AS AMENDED BY LA# 1-94

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the **"2003 Technical Amendment to the Cherokee Nation Tribal Gaming Act"** and codified as Title 4, Section 2(C) and 3(G) of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to amend LA# 30-89, as amended by LA# 1-94. This Amendment will authorize and provide for the regulation of those forms of Class III gaming which have been compacted for with the State of Oklahoma and/or authorized by legislative action.

Section 3. Substantive Provisions

a. New Section 2(C) to be added as follows:

To Authorize and regulate all forms of Class III gaming as defined by this Act and the Indian Gaming Regulatory Act, 25 U.S.C. §2701 et seq. for which the Nation has duly compacted with the State of Oklahoma or the State has authorized by enactment.

b. New Section 4(H) to be added as follows:

Class III Gaming includes all those forms of gaming that are not Class I or Class II gaming.

Section 4. Provisions as cumulative

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

Section 5. 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 6. 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 and be in full force after its passage and approval.

Enacted by the Council of the Cherokee Nation on the 30th day of SEPTEMBER, 2003.

Joe Grayson, Jr., President
Cherokee Nation Council

ATTEST:

BILL JOHN BAKER, Secretary
Cherokee Nation Council

Approved and signed by the Principal Chief this 2 day of OCTOBER, 2003.

Chad Smith, Principal Chief
Cherokee Nation

ATTEST:

Jay Hannah, Secretary/Treasurer
Cherokee Nation

YEAS AND NAYS AS RECORDED:

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