



Legislation Text

File #: 12-097, Version: 1

AN ACT AMENDING LA#13-07 CHEROKEE ADMINISTRATIVE PROCEDURES ACT BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act may be cited as "Amendment to L.A. Act 13-07, which is known as the "Cherokee Nation Administrative Procedure Act."

Section 2. Purpose

- a) The purpose of this Act is to delete Cherokee Nation Election Commission from Legislative Act 13-07 as an agency defined in Section 102 of said Act.
- b) Under Article IX, Section 1, the Constitution of the Cherokee Nation of 1999 provides, the Cherokee Nation Election Commission "shall be an autonomous and permanent entity" whose exercise of powers are derived directly and exclusively from the Constitution, as opposed to an "agency".

Section 3. Legislative History

Source. LA 13-07, effective March 12, 2007.

Section 4. Substantive Provisions of Law

ARTICLE 1. GENERAL PROVISIONS

Add new Section (a) to Section 102:

SECTION 102. Definitions.

As used in this Act:

- (a) "Agency" means the Election commission, Environmental Protection commission, Gaming commission, and Tax commission, including the agency head, and one or more members of the agency head or agency employees or other persons directly or indirectly purporting to act on behalf or under the authority of the agency head. The term does not include the Tribal Council or the courts, or the Principal Chief in the exercise of powers derived directly and exclusively from the constitution. **The term does not include Cherokee Nation Election Commission in the exercise of powers derived directly and exclusively from the constitution.** The term does not include tribal owned commercial businesses.

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. Effective Date

The provisions of this act shall become effective thirty (30) days from and after the date of 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.