



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Text

File #: 11-155, Version: 3

A LEGISLATIVE ACT AMENDING LEGISLATIVE ACT 13-07 "CHEROKEE NATION ADMINISTRATIVE PROCEDURES ACT" AND LEGISLATIVE ACT 12-96 "THE EMPLOYEE ADMINISTRATIVE PROCEDURES ACT" ADDING A NEW SECTION BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification:

This Legislative Act may be cited as "The Cherokee Nation Administrative Procedure Act Amendment of 2011" and codified under Title _____ Section _____ of the Cherokee Nation Code Annotated ("CNCA").

Section 2. Purpose:

The purpose for this enactment is to allow parties who have matters before the administrative law judges of the Cherokee Nation, pursuant to this Act to request that decisions be heard *en banc* by all administrative judges.

Section 3. Legislative History:

LA 13-07
LA 12-96
LA 17-05
LA 03-10

Article VI, Section 7 of the Cherokee Nation Constitution: The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. The style of all bills shall be: "Be It Enacted By The Cherokee Nation". The style of all resolutions shall be "Be It Resolved By The Cherokee Nation".

Section 4. Definitions:

For purposes of this Title:

en banc: means all currently appointed and confirmed presiding Administrative Law Judges.

Section 5. Substantive Provisions:

LA 13-07 Section 402

(i) Any party to agency proceedings or any party to judicial review or civil enforcement proceedings shall have a matter decided by administrative judges *en banc*.

LA 12-96 Section 1009

Any party to an appeal shall have a matter decided by Employee Appeal Board members *en banc*. ~~Each appeal shall be heard by one member of the Employee Appeals Board acting as a hearing officer. Selection and assignment of board~~

~~members to cases shall be conducted pursuant to rules established by the Board.~~

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.