

Cherokee Nation Code Annotated
Title 1: Administrative Procedure
Chapter 2: Declarations by Agency
§ 201. [Agency declarations]
Cite as: 1 CNCA § 201

A. Any interested person may petition an agency for a declaration of the applicability of any rule or prior order issued by the agency.

B. Each agency may adopt rules prescribing the form of the petitions and the procedure for their submission, consideration, and prompt disposition. In the absence of declaratory order procedural rules petitioners shall generally follow

the rules of the District Court. The provisions of this act for formal, informal, or other applicable hearing procedure do not apply to an agency proceeding for a declaration, except to the extent provided in this chapter or to the extent the agency so provides by rule or order.

C. Within sixty days after receipt of a petition pursuant to this section, an agency shall either decline to issue a declaration in writing or schedule the matter for hearing.

D. If the agency declines to consider the petition, it shall promptly notify the person who filed the petition of its decision, including a brief statement of the reasons therefore. An agency decision to decline to issue a declaration is not subject to judicial review.

E. If the agency issues a declaration, the agency declaration shall contain the names of all parties to the proceeding, the particular facts on which it is based, and the reasons for its conclusion. A declaratory order has the same status and binding effect as any other order issued in an adjudication.

Historical Data

LA 13-07, eff. March 19, 2007.