

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 3: Procedural Rules

§ 305. Public participation

Cite as: 1 CNCA § 305

A. For at least thirty (30) days after publication of the notice of the proposed adoption of a rule, an agency shall allow persons to submit information and comment on a rule proposed by the agency. The information or comments may be submitted electronically or in writing.

B. Persons requesting public hearings or submitting comments must include their name, address, phone number, and e-mail address if submission is electronic, but may request that this identifying information be kept confidential.

C. Comments

1. Comments shall concisely address the proposed rule and contain relevant data, argument, and authorities supporting the position of the comment.

2. The agency may disregard anonymous, irrelevant or abusive submissions.

3. The agency shall consider fully all proper information and comments submitted respecting a rule proposed to be adopted by the agency.

4. A response to each comment shall be prepared and delivered to the person making the comment and given public notice. A single response may be addressed to groups of similar comments.

D. Public hearings

1. Recognizing that comments and responses may generate demand for a public meeting, the time to request a public meeting shall not end before fifteen (15) days following the public notice of all responses to written comments.

2. A request for a public meeting shall include a statement of the issues desired to be discussed and a summary of the argument supporting the person's position on the issues.

3. A public hearing on a rule proposed to be adopted may not be held earlier than twenty (20) days after notice of its location and time is published on the website.

4. Public hearings may be held only from 8:00 A.M. to 10:00 P.M. on Monday thru Saturday.

5. An agency official shall preside at a public hearing on a rule proposed to be adopted. If the presiding agency official is not the agency head, the official shall prepare a memorandum for consideration by the agency head summarizing the contents of the presentations made at the oral proceeding.

6. Public hearings must be open to the public and recorded by audio, audio and video, stenographic or other means.

7. Persons requesting an opportunity to comment at a public meeting may be required to register by name and indicate whether they support or oppose the rule or a part of the rule.

8. The agency shall employ its best efforts to allow equal time to both sides of an issue. If present, not less than five persons for each side shall be allowed not less than three minutes each to present verbal comments and records. Registered persons may yield their time to another registered person.

E. Rule adoption following notice and comment period

1. If no public meeting is timely requested, and no comments are filed, the rule as submitted shall be a final rule after ten (10) days from the deadline for requesting a public meeting.

2. If written comments are received or a public meeting is held, and the agency makes no substantive amendments, then the rule shall be final.

3. If written comments are received or a public meeting is held, and the agency makes substantive amendments to the rule, the agency shall invite public participation as required by this section for a new rule.

F. Copies of final rules shall be given public notice and provided to the public upon request.

Historical Data

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