

Cherokee Nation Code Annotated

Title 1: Administrative Procedure

Chapter 3: Procedural Rules

§ 306. Emergency rules

Cite as: 1 CNCA § 306

A. If the Principal Chief finds that an urgent commercial issue or an imminent peril to the public health, safety, or welfare requires immediate adoption of a rule and states in writing the reasons for that finding, the agency, without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, may adopt an emergency rule.

B. The agency shall give public notice within a reasonable time and take appropriate measures to make an emergency rule known to the persons who may be affected by it.

C. The concurrent or subsequent adoption of an identical or similar rule under this chapter is not precluded.

D. An emergency rule may be effective for no longer than the threat of or actual existence of the commercial issue or the imminent peril requiring the rule.

E. An emergency rule shall not be effective longer than ninety (90) days unless previously a notice of proposed rule adoption is given pursuant to 1 CNCA § 304 and the agency diligently proceeds to adopt a rule pursuant to this chapter. Such rule shall be identical to or cover the same issue as the emergency rule that it replaces.

F. An emergency rule must be placed on the agenda of the next special or regularly scheduled meeting of the agency. Reasonable public comment shall be allowed concerning the emergency rule.

G. An emergency rule may not be adopted if a substantially similar emergency rule addressing a continuing threat has been adopted within the preceding ninety (90) days.

Historical Data

LA 13–07, eff. March 19, 2007.