

Cherokee Nation Code Annotated

Title 4: Amusements and Sports

Chapter 2: Gaming Commission Administration and Enforcement Procedures

§ 21. Membership

Cite as: 4 CNCA § 21

A. The Gaming Commission shall consist of no less than five (5) members of the Cherokee Nation to be appointed by the Principal Chief of the Cherokee Nation and approved by the Tribal Council of the Cherokee Nation. In addition to the Gaming Commission, three (3) Tribal Council members shall be appointed to participate in Gaming Commission meetings in an advisory, non-voting capacity. These Advisory Members shall be appointed to serve by the Tribal Council. The term of an advisory member shall be three (3) years. Advisory Members shall be provided the same information as the Gaming Commissioners and the Gaming Commission shall inform the Advisory Members of all meetings so Advisory Members shall be able to attend all meetings of the Gaming Commission.

B. To be eligible to serve as a commissioner, a person must:

1. Be at least twenty-five (25) years of age;
2. Have a bachelor's degree from a college or university or equivalent experience;
3. Be of high moral character or integrity;
4. Be physically able to carry out the duties of office; and,
5. Be able to pass a background investigation equivalent to that of a Primary Management Official to obtain and maintain a gaming license.

C. The Principal Chief shall, at the time of making the initial appointments and also at the time of making each appointment to fill a vacancy on the Commission as provided herein, designate one member to serve as Chairman, one member to serve as Vice Chairman and one member to serve as Secretary.

D. The terms of office of the Gaming Commission shall be three (3) years. Provided, however, the amendments set forth in this Legislative Act shall not affect the terms of office of the persons who are members of the Gaming Commission as of the effective date of this Act.

E. At the expiration of their term, a Gaming Commissioner shall continue to serve until they are reappointed or replaced pursuant to subsection (G) of this section.

F. Gaming Commission members shall serve their terms of office free from political influence from any department of the government of the Nation and may be removed only for cause, after a hearing by the Cherokee Nation District Court under such rules and procedures as prescribed by the Tribal Council. A petition for removal for cause may be brought by a vote of the majority of Tribal Council Members or the Principal Chief. Except as authorized under the Constitution of the Cherokee Nation, no member of the Gaming Commission shall, directly or indirectly, solicit, receive or in any manner be concerned in soliciting or receiving any assessment, subscription or contribution for any tribal political organization, candidacy or other tribal political purpose. No member of the Gaming Commission shall be a member of a committee of a partisan tribal political club, or a candidate for nomination or election to any paid tribal office, or take part in the management or affairs of any tribal political party or in any tribal political campaign, except to exercise his or her right as a private citizen privately to express his or her opinion and to cast his or her vote.

G. In the event of the expiration of a Gaming Commissioner's term or a vacancy in the membership of the Gaming Commission, the Principal Chief shall, within one hundred eighty (180) days of the occurrence of the vacancy, fill such vacancy for the unexpired term, subject to confirmation by a majority vote of the Tribal Council. In the case of filling a vacancy, such appointment shall only be for the unexpired term.

Historical Data

LA 26–10, eff. September 13, 2010. Amended LA 10–11, eff. June 19, 2011; LA 07–14, eff. April 24, 2014; LA 17–14, eff. July 18, 2014.

Derivation

LA 30–89.

LA 09–90.

LA 01–94.

Former 4 CNCA § 12.