

**CURRENT:**

ARTICLE IX- COURTS

**Section 1. Establishment of Authority** - The judicial power of the Pawnee Nation of Oklahoma shall be vested in the current Pawnee Nation Courts established by Resolution 93-65 and shall consist of five Justices and at least one trial court, known as the District Court, and additional courts as may be established by tribal law. The courts shall be a separate branch of government.

**Section 2. Jurisdiction** – The Courts of the Pawnee Nation of Oklahoma shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the constitution, laws, and treaties of the Pawnee Nation of Oklahoma. The Supreme Court shall have original jurisdiction in only such cases as may be provided by law, and shall have appellate jurisdiction in all other cases.

**Section 3. Selection of Judicial Officers** – The Justices of the Supreme Court and Judges of District Courts shall be selected by a majority vote of the Business Council. Justices and Judges may by Supreme Court rule assume the duties of a member of the other court to hear a specific case in which the regular Justices or Judges are disqualified or are otherwise unable to perform their duty as to the case.

**Section 4. Term of Office** – The Justices and Judges of the Pawnee Nation of Oklahoma shall serve six year terms beginning at the date of their confirmation in office and continuing if reconfirmed or until their successor shall be duly confirmed and installed.

**Section 5. Removal** – Justices and Judges of the Pawnee nation of Oklahoma may be removed from office only by a majority of the other active Justices and Judges sitting together upon a showing of habitual neglect of the duties of office, oppression in office for personal gain or advantage, or for cause as defined in Section 4, D. In no case may a judicial officer be removed from office because of his decision in any case before the Court.

**Section 6. Judicial Review** – The Courts are specifically authorized to review, in any case properly before them, the actions of the Business Council, or any other officers, agents, or employees of the government of the Pawnee Nation of Oklahoma to determine whether those actions are prohibited by Federal law, this constitution or the laws of the Pawnee Nation of Oklahoma. If the action complained of is outside the scope of authority delegated to entity in question, or if a proper authority is being exercised in a prohibited manner, the Court may enter injunction or other proper equitable relief or declare the action unconstitutional and void as justice may require.

**Section 7. Effective date, Interim Provision** – This article shall be effective upon approval in accord with Article X. The Business Council shall thereafter have the authority to enact such laws as may be necessary for the full and proper functioning of the Courts of the Pawnee Nation of Oklahoma not inconsistent with this article. All current laws regarding courts shall remain in effect and as amended to the extent that they do not conflict with this Constitution.

**Section 8. Court Funding** – The Court shall be funded in a reasonable amount in the annual budget.

1. Court funding shall be equal to or exceed funding amounts for fiscal year 2007.
2. In the event that overall funding shortfalls require budget cuts, the court budget may be reduced but proportionately not more than any other department.

EDIT LINED :

## ARTICLE IX- COURTS

**Section 1. Establishment of Authority** - The judicial power of the Pawnee Nation ~~of Oklahoma~~ shall be vested in the ~~current~~ Pawnee Nation Courts established by ~~this article~~ ~~Resolution 93-65~~ and shall consist of five Justices and at least one trial court, known as the District Court, and additional courts as may be established by tribal law. ~~The courts shall be a separate branch of government.~~

**Section 2. Jurisdiction** – The Courts of the Pawnee Nation ~~of Oklahoma~~ shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the constitution, laws, and treaties of the Pawnee Nation ~~of Oklahoma~~. The Supreme Court shall have original jurisdiction in only such cases as may be provided by law, and shall have appellate jurisdiction in all other cases.

**Section 3. Selection of Judicial Officers** – The Justices of the Supreme Court and Judges of District Courts shall be selected by a majority vote of the Business Council. Justices and Judges may by Supreme Court rule assume the duties of a member of the other court to hear a specific case in which the regular Justices or Judges are disqualified or are otherwise unable to perform their duty as to the case.

**Section 4. Term of Office** – The Justices and Judges of the Pawnee Nation ~~of Oklahoma~~ shall serve six year terms beginning at the date of their confirmation in office and continuing if reconfirmed or until their successor shall be duly confirmed and installed.

**Section 5. Removal** – Justices and Judges of the Pawnee ~~n~~ Nation ~~of Oklahoma~~ may be removed from office only by a majority of the other active Justices and Judges sitting together upon a showing of habitual neglect of the duties of office, oppression in office for personal gain or advantage, or for cause as defined in Article VII, Section 4(iv), D. In no case may a judicial officer be removed from office because of ~~their~~ ~~his~~ decision in any case before the Court.

**Section 6. Judicial Review** – The Courts are specifically authorized to review, in any case properly before them, the actions of the Business Council, or any other officers, agents, or employees of the government of the Pawnee Nation ~~of Oklahoma~~ to determine whether those actions are prohibited by Federal law, this ~~e~~ Constitution or the laws of the Pawnee Nation ~~of Oklahoma~~. ~~If the action complained of is outside the scope of authority delegated to entity in question, or if a proper authority is being exercised in a prohibited manner, t~~ The Court may enter ~~an~~ injunction or other ~~proper~~ equitable relief or declare the action unconstitutional and void as justice may require.

**Section 7. Separation of Powers** ~~Effective date, Interim Provision~~ – ~~This article shall be effective upon approval in accord with Article X. The courts shall be a separate branch of government.~~ The Business Council shall ~~thereafter~~ have the authority to enact such laws as may be necessary for the full and proper functioning of the Courts of the Pawnee Nation ~~of Oklahoma~~ not inconsistent with this article. All ~~existing~~ ~~current~~ laws regarding courts shall remain in effect and as amended to the extent that they do not conflict with this Constitution.

**Section 8. Court Funding** – The Court shall be funded ~~in a reasonable amount~~ in the annual budget ~~in an amount equal to or exceeding funding from the previous fiscal year.~~

~~1. Court funding shall be equal to or exceed funding amounts for fiscal year 2007.~~

~~2.1.~~ In the event that overall funding shortfalls require budget cuts, the court budget may be reduced but proportionately not more than any other ~~branch~~ ~~department~~.

**PROPOSED REVISIONS:**

**ARTICLE IX- COURTS**

**Section 1. Establishment of Authority** - The judicial power of the Pawnee Nation shall be vested in the Pawnee Nation Courts established by this article and shall consist of five Justices and at least one trial court, known as the District Court, and additional courts as may be established by tribal law.

**Section 2. Jurisdiction** – The Courts of the Pawnee Nation shall be courts of general jurisdiction and shall further have jurisdiction in all cases arising under the constitution, laws, and treaties of the Pawnee Nation . The Supreme Court shall have original jurisdiction in only such cases as may be provided by law and shall have appellate jurisdiction in all other cases.

**Section 3. Selection of Judicial Officers** – The Justices of the Supreme Court and Judges of District Courts shall be selected by a majority vote of the Business Council. Justices and Judges may by Supreme Court rule assume the duties of a member of the other court to hear a specific case in which the regular Justices or Judges are disqualified or are otherwise unable to perform their duty as to the case.

**Section 4. Term of Office** – The Justices and Judges of the Pawnee Nation shall serve six (6) year terms beginning at the date of their confirmation in office and continuing if reconfirmed or until their successor shall be duly confirmed and installed.

**Section 5. Removal** – Justices and Judges of the Pawnee Nation may be removed from office only by a majority of the other active Justices and Judges sitting together upon a showing of habitual neglect of the duties of office, oppression in office for personal gain or advantage, or for cause as defined in Article VII, Section 4(iv). In no case may a judicial officer be removed from office because of their decision in any case before the Court.

**Section 6. Judicial Review** – The Courts are specifically authorized to review, in any case properly before them, the actions of the Business Council, or any other officers, agents, or employees of the government of the Pawnee Nation to determine whether those actions are prohibited by Federal law, this Constitution or the laws of the Pawnee Nation. The Court may enter an injunction or other equitable relief or declare the action unconstitutional and void as justice may require.

**Section 7. Separation of Powers** –The courts shall be a separate branch of government. The Business Council shall have the authority to enact such laws as may be necessary for the full and proper functioning of the Courts of the Pawnee Nation not inconsistent with this article. All existing laws regarding courts shall remain in effect and as amended to the extent that they do not conflict with this Constitution.

**Section 8. Court Funding** – The Court shall be funded in the annual budget in an amount equal to or exceeding funding from the previous fiscal year.

In the event that overall funding shortfalls require budget cuts, the court budget may be reduced but proportionately not more than any other branch.