
General Provisions

(Amended as of 10/9/03)

CHICKASAW NATION CODE

TITLE 1

"1. GENERAL PROVISIONS"

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SECTION 1-101 CITATION OF CODE.

The Enactments embraced in this and the following Chapters and sections shall constitute and be designated as "The Code of the Chickasaw Nation" or "Chickasaw Nation Code" and may be so cited. The Code may also be cited as the "Chickasaw Code" or the "Tribal Code" or, in the provisions which follow, as this "Code."

SECTION 1-102 DEFINITIONS.

A. In the construction of this Code and all Enactments, the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the Legislature or the context clearly requires otherwise:

1. "And/or" means either or both of. When expression "and/or" is used, that word may be taken as will best effect the purposes of the parties as gathered from the contract taken as a whole, or, in other words, as will best accord with the equity of the situation;
2. "Chairman" or "Chairperson" means the duly elected Chairperson of the Tribal Legislature unless otherwise designated in the context of the section, article or chapter;
3. "Chickasaw Nation" or "Nation" means the Tribe of Indians located within the boundaries set forth in the Constitution of the Chickasaw Nation, being duly recognized by the Secretary of Interior of the United States of America, as a self governing, sovereign government. "Chickasaw Nation" shall be used to describe the lands and people of the Chickasaw Tribe;

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4. "Citizen" or "Chickasaw Citizen" means any Chickasaw Indian by blood, whose name appears on the final rolls of the Chickasaw Nation approved pursuant to Section 2 of the Act of April 26, 1906 (34 Stat. 137) and their lineal descendants;
5. "Constitution" means the Constitution of the Chickasaw Nation as ratified by the Voters of the Chickasaw Nation on August 27, 1983, and amendments thereto;
6. "Court" or "Tribal Court" means the Judicial Department of the Nation as established by the Constitution and legislation enacted pursuant to Amendment V;
7. "Definitions" given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided;
8. "District" means any of the Legislative Districts of the Nation as defined in the Constitution of the Nation;
9. "Enactments" or "Acts" mean the Enactments of the Nation and all amendments and supplements thereto;
10. "Gender." Words importing the masculine gender include the feminine and neuter as well as the masculine;
11. "Governor" means the chief magistrate of the Nation in whom the supreme executive power of the Nation is vested in accordance with the constitution;
12. "Legislator" means a duly elected member of the Tribal Legislature who has been properly sworn and seated in the Legislature;
13. "Legislature" or "Tribal Legislature" means the Legislative Department of the Chickasaw Nation as created and empowered by Article V, VI, VII, VIII and IX of the Constitution;
14. "May." The word may is permissive and discretionary;
15. "Month" means a calendar month;
16. "Nation," see "Chickasaw Nation;"
17. "Number" means words used in the singular include the plural and the plural

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includes the singular;

18. "Person" means any individual, natural person, joint stock company, partnership, voluntary association, club, firm, company, corporation, business trust, organization, or any other bodies corporate or politic or group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law;

19. "Preceding" and "Following" means next before and next after, respectively;

20. "Registered Voter" or "Voter" means a Chickasaw Citizen who has met the necessary requirements and has completed an acceptable Voter registration form and submitted such to the proper authority as established by the Nation;

21. "Shall." The word "Shall" is mandatory;

22. "Signature" and "Subscription" means the name of a Person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him;

23. "State" means the State of Oklahoma;

24. "Supreme Court Justice" or "Justice" means a Person elected to serve as a Justice of the Judicial Department as provided in Amendment V to the Constitution;

25. "Tense" Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise;

26. "Territorial Limits" means within the properties of the Nation and includes not only the corporate limits of the Nation but also any property which it owns or which is under its jurisdiction;

27. "Time" means the hour of the day according to the official time of the day;

28. "Time of Performance" means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded;

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- 29. "Tribal Court" see "Court";
- 30. "Tribal District Judge" or "Judge" means a Person appointed to serve as a District Court Judge of the Judicial Department as provided in Amendment V to the Constitution and legislation enacted pursuant to Amendment V;
- 31. "Tribal Government" or "Tribe" see "Chickasaw Nation";
- 32. "Tribal Legislature" see "Legislature";
- 33. "Voter" see "Registered Voter;"
- 34. "Week" means seven (7) consecutive days;
- 35. "Writing" and "Written" means any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means; and
- 36. "Year" means a calendar year or a fiscal year as determined by the context.

SECTION 1-103

CONFLICTING PROVISIONS.

If the provisions of different parts, chapters, articles or sections of this Code conflict with or contravene each other, the provisions of the current Enactment shall prevail as to all matters and questions growing out of the subject matter of that part, chapter, article or section when such Enactment indicates that its provisions shall prevail over previous provisions, except where such provisions state that they apply only to the particular part, chapter, article or section in question and not intended to affect all applicable areas of law within the Code. Otherwise, the original Enactment shall prevail.

SECTION 1-104

CATCHLINES AND HEADINGS.

All designations and headings of parts, chapters, articles and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such parts, chapters, articles or sections. They shall not be deemed or taken to be any part or title of such parts, chapters, articles or sections; nor, unless expressly so provided, shall they be so deemed upon amendment or reenactment; nor shall they be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this Code.

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SECTION 1-105

TERRITORIAL APPLICABILITY.

Except as provided otherwise, this Code refers only to the commission or omission of acts within the territorial limits of the Nation and territories over which the Nation has the power to govern in accordance with federal law and the Constitution. This Code also applies to that territory outside the boundaries of this Nation over which the Nation has jurisdiction, ownership or control by virtue of any constitutional or legal provision, or any law.

SECTION 1-106

CODE SEVERABILITY.

It is declared to be the intention of the Legislature that the sections, subsections, paragraphs, sentences, clauses and words of this Code are severable. If any section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of this Code, since the sections or parts of sections would have been enacted by the Legislature without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause or word being incorporated into this Code.

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SECTION 1-301 **DISTRICTS AND BOUNDARIES.**

The Nation is divided into four (4) Districts with boundaries as established by the Constitution:

1. Panola District;
2. Pickens District;
3. Tishomingo District; and
4. Pontotoc District.

Constitution Reference: Article VI, Section 3 of the Constitution.

SECTION 1-302 **APPORTIONMENT DEFINITIONS.**

For the purpose of this Chapter, "Seat" means any of those positions in the Tribal Legislature which are assigned to any of the four (4) Legislative Districts according to the Nation's plan for reapportionment. (TL 5-002, 1/18/88)

SECTION 1-303 **DATES OF REAPPORTIONMENT.**

Reapportionment shall be effected once every five (5) years, beginning with the year 1988. Reapportionment shall be completed in each designated year no later than May 1. (TL 5-002, 1/18/88)

Constitutional Reference: Article VI, Section 5.

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SECTION 1-304

FORMULA AND BASIS FOR REAPPORTIONMENT.

A. The formula for reapportionment shall be the same every year in which reapportionment is required.

B. The basis for reapportionment shall be the number of Registered Voters on the official list of the Nation Registered Voters as of the first day of March in each year in which reapportionment is required. The exact number of Voters shall be provided to the Legislature by the Nation's Voter Registrar on the first Monday in March in each year in which reapportionment is required. The Voter Registrar shall also provide the exact number of Voters which have affiliated with each of the four (4) Legislative Districts.

C. The total number of Registered Voters shall be divided by the total number of Seats in the Legislature (13) to arrive at the proper number of Citizens which shall be represented by each Legislator.

D. The number of Voters affiliated with each Legislative District shall be divided by the number of Voters which each Legislator shall ideally represent, as obtained through Subsection C of this Section. The results will determine the number of Legislative Seats which will be assigned to each Legislative District.

E. Any District which shall have fewer Registered Voters affiliated therewith than is obtained in Subsection C above shall be assigned one (1) Legislator in accordance with Section 4 of Article VI of the Constitution.

F. Fractions obtained in determining the number of Seats for each Legislative District shall be rounded to the next highest whole number. In cases where the reapportionment formula calls for more Legislative Seats than are available, the numbers obtained in Subsection D above shall be divided so that the fraction which is the lowest shall be rounded to the next smaller whole number.

(TL5-002, 1/18/88)

SECTION 1-305

LOSS AND ADDITION OF SEATS; ELECTION BY DISTRICT.

A. If a Legislative District loses one (1) or more of its Seats in the Legislature due to reapportionment as determined by this chapter, the Seat being lost will be those highest-numbered Seats which are closest to being up for election during that year.

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B. Any new Seat being added to a Legislative District shall be up for election during that year.

C. A Legislator whose Seat is lost to their Legislative District because of reapportionment may seek election to any other Seat up for election within his Legislative District. However, once a Seat has been removed from a Legislative District because of reapportionment, that Seat shall not be reassigned to that Legislative District until a successive reapportionment period requires it.

(TL5-002, 1/18/88)

SECTION 1-306

RENUMBERING OF SEATS.

When a Seat is removed from a Legislative District because of reapportionment, the Seats in that District shall be renumbered, beginning with the highest number assigned to the Seat being lost, so that proper numerical order is retained in each District's Seat numbers. In cases where Seats are added to a Legislative District, the next number shall be assigned to the new Seat so that proper numerical order is retained in that District's Seat numbers. (TL5-002, 1/18/88)

SECTION 1-307

REAPPORTIONMENT, CURRENT SEATS.

For 1993, the Districts of the Chickasaw Nation shall contain the designated number of Seats for each District in accordance with reapportionment approved on April 16, 1993, and includes those Seats in each District of the Chickasaw Nation be filled according to the law. The current apportionment of Seats of the Tribal Legislature are as follows:

1. Pontotoc District - Five (5) Seats in the Tribal Legislature.
2. Panola District - One (1) Seat in the Tribal Legislature.
3. Tishomingo District - Three (3) Seats in the Tribal Legislature.
4. Pickens District - Four (4) Seats in the Tribal Legislature.

This apportionment shall remain in effect until changed in accordance with the provisions of the Constitution and Code of the Chickasaw Nation. (GR10-53, 4/16/93)

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Section 1-410	Authority to Protect The Seal of the Chickasaw Nation.

SECTION 1-401

LEGAL AUTHORITY FOR USE OF THE SEAL.

The purpose of this Chapter is to afford adequate and safe protections of and for the Great Seal of the Nation and to regulate the uses to and for which the Great Seal of the Nation may be put. The Official Seal of the Nation was officially returned to the Nation after being in the possession of the United States Government since Oklahoma statehood in 1907. The official Seal is reserved for the use of the Nation. (GR6-27, 12/02/88. See also Appendix for History and description of Seal.)

SECTION 1-402

SEAL RECOGNIZED, DEFINED.

A. The Legislature reaffirms and affords recognition to the Great Seal of the Chickasaw Nation as adopted by the Chickasaw people on March 4, 1856.

B. The Great Seal of the Chickasaw Nation, also referred to as "Great Seal" or "Seal", means any representation of the Seal adopted by the first Tribal Legislature held after formation of the Nation in its present location, as created by that Legislature on March 4, 1856, and any amendments officially made by the Legislature, and any other likeness or reproduction thereof, including but not limited to the one impression Seal in the possession of the Governor. The Great Seal consists of a likeness of Chief Tishomingo holding a shield and bow, with four (4) swan feathers in his headband and swan mantle across his chest and a quiver of arrows at his side, standing in front of the Mississippi River with trees and shrubs from that area appearing in the background and foreground, surrounded by the words, "The Great Seal of the Chickasaw Nation", whether the Seal be in full color, any combination of colors or in one color. (GR6-27, 12/2/88)

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SECTION 1-403 **OTHER DEFINITIONS.**

For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them unless the context clearly requires another meaning:

1. "Governmental Activity" means a function of the Tribal Government in providing for its own support, in providing services to the public or during the course of its operations of business entities which are wholly or partially owned by the Chickasaw Nation; and

2. "Reproduce" or "Reproduction" means any sort or form of copying, reproducing, enlarging, shrinking or imprinting in monochromatic color schemes or in full color, including xerography, printing, and any other means, either manual or mechanical.
(GR6-27, 12/2/88)

SECTION 1-404 **SEAL TO BE AFFIXED ON OFFICIAL DOCUMENTS.**

The Great Seal of the Chickasaw Nation shall be affixed to all official government documents of the Nation. (GR6-27, 12/2/88)

SECTION 1-405 **ORIGINAL SEAL KEPT, USED BY GOVERNOR.**

The original impression of the Great Seal of the Chickasaw Nation shall be kept by the Governor and used by him officially in the performance of his duties. (TL4-002, 11/21/86; GR6-27, 12/2/88)

SECTION 1-406 **USE OF SEAL RESTRICTED TO GOVERNMENTAL ACTIVITIES; EXCEPTIONS.**

Any and all rights of the use of the Great Seal of the Chickasaw Nation are reserved to the Nation, as established in the Constitution, in the course of Governmental Activities. However, approval for the use of any sort of reproduction of the Seal may be granted by the Legislature to an entity, Person or organization which is outside or not a part of the Tribal Government upon being petitioned for such use. Such approval shall be obtained before the Seal is put to any use by any such entity, Person or organization.
(PR14-011, 4/16/97)

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SECTION 1-407

SEAL NOT TO BE REPRODUCED OR USED WITHOUT APPROVAL.

The use of the Seal in any manner whatsoever, or the Reproduction or display thereof, by any entity, Person or organization outside the Tribal Government, without the express written approval and permission of the Legislature, is prohibited.
(PR14-011, 4/16/97)

SECTION 1-408

UNAUTHORIZED DISPLAY, USE OF SEAL.

Any unauthorized display or representation of the Seal shall constitute an offense punishable upon determination of guilt by the Court. (GR6-27, 12/2/88)

SECTION 1-409

ORDER TO DISCONTINUE USE OF SEAL.

The Governor, Lieutenant Governor, or any member of the Legislature may direct any Person found to be violating the terms of this Chapter to halt the use of the Seal and may present such alleged violation to the Court in accordance with the rules and procedures of the Court for filing petitions. (GR6-27, 12/2/88)

SECTION 1-410

AUTHORITY TO PROTECT SEAL OF THE CHICKASAW NATION.

The Governor, Lieutenant Governor, or any member of the Legislature may take appropriate actions to accomplish the protection of the Seal of the Chickasaw Nation. Such actions may include, but will not be limited to, hiring an attorney to file Trademark and or Servicemark Applications with both State and Federal agencies and authorizing protective action as necessary to enforce rights to the mark. As well, activities necessary to expand use of the mark(s) for the general benefit of the Nation are also hereby authorized. (PR14-014, 8/15/97)

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SECTION 1-501 COMMUNITY COUNCILS.

SECTION 1-511 YOUTH COUNCILS.

The Chickasaw Nation Youth Services Department has overseen the establishment of Youth Councils consisting of Chickasaw youth in all four (4) Districts of the Chickasaw Nation and includes a Youth Executive Council and whose officers have been duly elected and installed. The Chickasaw Nation recognizes that the members of those councils are representative of the youth of the Chickasaw Nation. (GR11-09, 11/19/93)

SECTION 1-521 COUNCIL OF ELDERS.

The Chickasaw Tribal Legislature authorizes a Council of Elders to be developed and placed under the authority of the Cultural Resources Division. The Council of Elders will provide advice regarding language preservation, repatriation, gravesite identification, and other concerns the council may desire to express. (PR18-018, 3/16/01)

SECTION 1-522 DUTIES OF COUNCIL.

- A. The Chickasaw Nation is committed to protecting and preserving its culture; and
- B. a need exists to develop and implement a Chickasaw Nation Council of Elders in order to serve in an advisory capacity. (PR18-018, 3/16/01)

SECTION 1-523 GUIDELINES.

- A. The Council of Elders shall consist of one (1) member per senior citizen site and four (4) at large members, and each member shall be sixty (60) years of age or older.

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B. Each member shall be eligible to receive a stipend of fifty dollars (\$50) per meeting attended, up to a maximum of twelve (12) meetings per year.
(PR19-013, 2/15/02)