

TO ENACT THE LEGISLATIVE COMMITTEES ACT OF THE CHOCTAW NATION OF OKLAHOMA

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE and enact the Legislative Committees Act of the Choctaw Nation of Oklahoma.

WHEREAS, in accordance with Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma, the Tribal Council (the "Council") shall enact legislation, rules and regulations consistent with the Constitution for the general good of the Choctaw Nation of Oklahoma (the "Nation");

WHEREAS, the Choctaw Nation of Oklahoma is a sovereign nation and which enjoys the inherent right to make its laws and to be governed by those laws;

WHEREAS, in accordance with Article IX, Section 4, the Council is vested with the exclusive Privileges, Powers and Duties to "enact legislation, rules and regulations not inconsistent with [the] Constitution for the general good of the Choctaw Nation, and for the administration and regulation of affairs of the Choctaw Nation;

WHEREAS, the Council recognizes, among other things, its obligations to: make decisions pertaining to the acquisition, leasing, disposition and management of tribal property; prescribe election procedures and regulation for tribal elections; act upon appointments requiring Council confirmation; approve the budget, consider legislation proposed by the Chief and Assistant Chief; prescribe the rules of procedure for Tribal Court; and carryout the legislative authority of the Nation;

WHEREAS, the Tribal Council recognizes the need to evolve and reorganization to the legislative process so that the Council may best carry out its Privileges, Duties and Powers vested in it by the Constitution; and

WHEREAS, the Tribal Council finds it is in the best interest of the Nation to enact the Legislative Committees Act of the Choctaw Nation of Oklahoma. See Exhibit A.

THEREFORE BE IT ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that this Bill be cited approval to enact the Legislative Committees Act of the Choctaw Nation of Oklahoma as attached and marked as Exhibit A.

BE IT FURTHER ENACTED, by the Tribal Council of the Choctaw Nation of Oklahoma, that the Legislative Committees Act of the Choctaw Nation of Oklahoma be effective immediately.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that eleven (11) () members answered roll call and that a quorum was present at the Special Session of the Tribal Council at Tuskahoma, Oklahoma on February 12, 2022. I further certify that the foregoing Council Bill CB-101 -22 was adopted at such meeting by the affirmative vote of eleven (11) members, zero (0) negative votes, and zero (0) abstaining.

Ronald Perry, Secretary
Choctaw Nation Tribal Council

Thomas Williston, Speaker
Choctaw Nation Tribal Council

Gary Batton, Chief
Choctaw Nation of Oklahoma

Date: 2.18.22

CB-101-22

TO ENACT THE LEGISLATIVE COMMITTEES ACT OF THE CHOCTAW NATION OF OKLAHOMA

Date _____

TO ENACT THE LEGISLATIVE COMMITTEES ACT OF THE CHOCTAW NATION OF OKLAHOMA

Purpose/Need of Council Bill: The purpose of this bill is to enact the Legislative Committees Act of the Choctaw Nation of Oklahoma. This Act provides a forma structure to the information and fact gathering portion of the legislative process. As the Nation continues to grow and evolve, the governing of the Nation must continue to grow and evolve.

Title of Council Bill: **TO ENACT THE CLAIMS AND IMMUNITIES ACT OF THE CHOCTAW NATION OF OKLAHOMA**

Agency: Legal and Compliance

Budget: N/A

Match Required: N/A

Request by Project Director: Council

**LEGISLATIVE COMMITTEES ACT
OF THE
CHOCTAW NATION OF OKLAHOMA**

Section 1. Committees General

A. A committee shall be understood and defined as a body of one or more persons, elected or appointed by the Tribal Council. A Committee is to consider, investigate, and make recommendations to Tribal Council on matters within the scope of the Nation's legislative authority.

B. There are three types of Committees: (1) Standing Committees, which have a continuing existence; (2) Special Committees, which go out of existence once they have completed the task they were created for; and (3) Sub-Committees.

1. Standing Committees are created with the purpose of performing continuing functions. A Standing Committee remains in existence until Tribal Council dissolves it.

2. Standing Committees must be created by a Council Bill that requires a two-thirds vote of the entire Tribal Council if:

a. The Committee is to have standing authority to act for the Tribal Council without specific instructions from the Tribal Council;

b. All business of a certain kind is to be automatically referred to the committee; or

c. Some rule of the legislative procedure is affected by the committee's assigned function.

Exhibit A

3. If a Standing Committee's function does not affect legislative procedure as discussed in §1.B.2 above, then a Standing Committee can be established by a standing rule adopted by a majority vote of the entire Tribal Council.

4. A Special Committee is appointed by a majority vote of the Tribal Council as needs arise and are tasked with carrying specific tasks. When the task has been completed and a final report has been given to the Tribal Council, the Special Committee is dissolved.

5. A Special Committee cannot be given a task that falls within the assignment of a Standing Committee.

C. Sub-Committees are Committees within the structure of a Standing Committee which shall report to the Standing Committee.

1. Each Sub-Committee shall be composed of at least (3) members of the Standing Committee that the Sub-Committee serves under. No Legislature shall serve on more than (4) Sub-Committees at a time.

2. The Chairperson of the Standing Committee may appoint people outside of the Tribal Council to assist members of the Tribal Council if the Chairperson sees fit.

3. Sub-Committees can be: (1) an Advisory Committee; (2) a Joint Committee composed of members of multiple Standing Committees; or (3) an Ad Hoc Committee which can be used as needed by the Tribal Council and can be composed of both Council Members and Non-Council Members.

4. Each and every Sub-Committee automatically dissolves once their tasks have come to completion.

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Section 2. Appointment and Procedure

A. The Tribal Council shall define the jurisdiction and tasks of each committee.

B. The appointments to a committee shall be made by Tribal Council on a motion or, if no motion is made, the Speaker of Tribal Council may make appointments to a committee with the consent of Tribal Council.

C. When a committee is appointed, it is the duty of the Secretary to ensure that all persons that have been appointed are notified of their appointment and to furnish the committee chairperson with a list of the committee's members. If the chairperson is absent for any reason then the Secretary shall report the list to an authorized member of the committee.

D. Each Committee shall be responsible for electing its own officers, including but not limited to the Chairperson, Vice-Chairperson, and Secretary.

E. Once a Committee has been appointed, it is the duty of the Chairperson of the Committee to call it together. If the Chairperson of the Committee has failed to call the Committee together, two (2) Committee members may call the first meeting. It is the responsibility of the Chairperson of the Committee or the members calling the Committee to ensure that reasonable notice of the Committee's meeting time and place are sent to everyone that is on the Committee.

F. A special or emergency meeting of a committee or subcommittee may be called by the Chairperson or a majority of the committee or subcommittee with reasonable attempt to give notice to all members of the committee or subcommittee. A special meeting requires at least 24 hours' notice to the committee or subcommittee members. In the event of an emergency, the person or persons calling such a meeting shall give as much advance public notice as is reasonable and possible under the circumstances existing, in person or by telephonic or electronic means.

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Section 3. Power and Structure

A. A Standing Committee is a regular committee that consists only of members of the Tribal Council. The Chairperson of each Standing Committee shall be a non-voting member. However, in the case of a tie, the Chairperson shall cast a vote to break the tie.

B. The Committee Chairperson of each Standing Committee shall report the Standing Committee's recommendation on proposed legislation to Tribal Council. The Chairperson shall preside over the meetings of the Standing Committee and provide minutes of the Standing Committee to the Tribal Council. The Chairperson shall have the authority to request information relevant to the purpose of his or her Standing Committee on behalf of his or her Standing Committee, from the Assistant Chief, unless otherwise provided by the Chief, as necessary to carry out the purpose of the committee. Any requests shall state specifically the information sought from the executive branch and shall give the Assistant Chief reasonable time to respond with the responsive information.

C. Every Standing Committee shall have no more than (6) members including the Chairperson. No Council Person shall serve on more than (4) Standing Committees at a time.

D. The committees shall schedule their meetings and meet as often as necessary to carry out the function of the committee. The Chairperson, with the consent of the majority of the Committee, shall schedule the meetings and provide notice to those non-committee members who shall attend.

E. The following are Standing Committees of the Choctaw Nation Tribal Council:

1. The Health Services Committee shall be responsible for receiving, reviewing, and/or developing all proposed legislation dealing with tribal health care programs and health,

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medical and pharmaceutical services within the Choctaw Nation. To further this mission, the Health Services Committee may request the presence of the Choctaw Nation Health Services Authority, through the office of the Assistant Chief, to attend the meeting of the Health Services Committee as necessary. Such request must describe with reasonable particularity the matters for discussion and include a detailed agenda so the Assistant Chief and the Health Services Board can designate the appropriate representative(s) to attend the meeting. Upon receipt of such request, the Assistant Chief, in consultation with the Health Services Board, shall designate one or more persons knowledgeable and familiar with the matters for discussion to attend the meeting.

2. The Housing Committee shall be responsible for receiving, reviewing, and/or developing all proposed legislation dealing with housing services to tribal citizens, including but not limited to home finance, homeowner services, rental property services, and storm shelter services. To further this mission, the Housing Committee may request the presence of the Choctaw Nation Housing Authority, through the office of the Assistant Chief, to attend the meeting of the Housing Committee as necessary. Such request must describe with reasonable particularity the matters for discussion and include a detailed agenda so the Assistant Chief and the Housing Board can designate the appropriate representative(s) to attend the meeting. Upon receipt of such request, the Assistant Chief, in consultation with the Housing Board, shall designate one or more persons knowledgeable and familiar with the matters for discussion to attend the meeting.

3. The Member Services Committee shall be responsible for receiving, reviewing, and/ or developing all proposed legislation dealing with services to tribal members, including but not limited to educational services, career development, land and title, voter registration, vehicle registration, membership, genealogy, cultural services, children & family services, youth outreach, victims' assistance, community centers, and emergency services, and other tribal member services.

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To further this mission, the Member Services Committee may request the presence of the Choctaw Nation Member Services, Cultural Services, and other related departments and subdepartments, through the office of the Assistant Chief, to attend the meeting of the Member Services Committee as necessary. Such request must describe with reasonable particularity the matters for discussion and include a detailed agenda so the Assistant Chief can designate the appropriate representative(s) to attend the meeting. Upon receipt of such request, the Assistant Chief shall designate one or more persons knowledgeable and familiar with the matters for discussion to attend the meeting.

4. The Finance Committee shall be responsible for receiving, reviewing, and/or developing all proposed legislation relating to the budget, finances and fiscal policy of the Choctaw Nation. The Finance Committee and its subcommittees shall meet as often as necessary and at the respective discretion of the Finance Committee and its subcommittees. To further this mission, the Finance Committee may request the presence of any department or subdepartment of the Nation, through the office of the Assistant Chief, to attend the meeting of the Finance Committee as necessary. Such request must describe with reasonable particularity the matters for discussion and include a detailed agenda so the Assistant Chief can designate the appropriate representative(s) to attend the meeting. Upon receipt of such request, the Assistant Chief shall designate one or more persons knowledgeable and familiar with the matters for discussion to attend the meeting.

5. The Governance Committee shall be responsible for receiving, reviewing, and/or developing all proposed legislation relating to the development of tribal laws and legislative authority not properly attached to either of the other standing committees or delegated to a special committee or subcommittee. The Governance Committee's responsibilities shall include, but is not limited to, judicial affairs, risk management, construction administration, environmental protection and compliance. To further this mission, the Governance Committee may request the

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presence of any department or subdepartment of the Nation, through the office of the Assistant Chief, to attend the meeting of the Governance Committee as necessary. Such request must describe with reasonable particularity the matters for discussion and include a detailed agenda so the Assistant Chief can designate the appropriate representative(s) to attend the meeting. Upon receipt of such request, the Assistant Chief shall designate one or more persons knowledgeable and familiar with the matters for discussion to attend the meeting.

6. The Commerce Committee shall be responsible for receiving, reviewing, and/or developing all proposed legislation relating to the Commerce Department. To further this mission, the Commerce Committee may request the presence of the Commerce Department, through the office of the Assistant Chief, to attend the meeting of the Commerce Committee as necessary. Such request must describe with reasonable particularity the matters for discussion and include a detailed agenda so the Assistant Chief can designate the appropriate representative(s) to attend the meeting. Upon receipt of such request, the Assistant Chief shall designate one or more persons knowledgeable and familiar with the matters for discussion to attend the meeting.

7. The Human Resources Committee shall be responsible for receiving, reviewing, and/or developing all proposed legislation relating to complaints of unethical, improper, illegal conduct of members, officers, or employees of the Choctaw Nation, all executive appointments and employees of the Choctaw Nation. To further this mission, the Human Resources Committee may request the presence of the Choctaw Nation Human Resources Department or any other department or subdepartment of the Nation, through the office of the Assistant Chief, to attend the meeting of the Human Resources Committee as necessary. Such request must describe with reasonable particularity the matters for discussion and include a detailed agenda so the Assistant Chief can designate the appropriate representative(s) to attend the meeting. Upon receipt of such

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request, the Assistant Chief shall designate one or more persons knowledgeable and familiar with the matters for discussion to attend the meeting.

Section 4. Committee of the Whole

A. The Committee of the Whole is a legislative meeting that precedes the Regular Session of the Tribal Council.

B. The Speaker of Tribal Council shall serve as the Committee of the Whole Chairperson.

C. The Committee of the Whole shall consider the legislation referred to it and may hear any recommendations regarding the legislations.

Section 5. Legislature Subpoena Power

A. When the Tribal Council or a Standing Committee, in the course of the performance of their duties, deem it necessary to compel a person to attend, testify, and/or produce documents, information, records, materials or other such things, then their request shall be made.

1. Before a legislative subpoena be issued to compel a person to attend, testify, and/or produce documents, information, records, materials, or other such things a formal request to the person shall be made.

2. Any failure to comply with said request that is not accompanied with good reason shall be justification for the issuance of a legislative subpoena.

B. At any time whether the Tribal Council is or is not in session, a Standing Committee (or other Committee that has been given subpoena power) shall have power to authorize subpoenas in order to compel attendance of a person to attend, testify, and/or produce documents, information, records, materials or other such things and to cause the deposition of the person to be taken.

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1. Subpoenas authorized by Tribal Council or any Committee shall be signed and subsequently issued by the presiding officer.

2. The presiding officer shall not refuse to issue a subpoena when good cause justifies the issuance of said subpoena.

C. A subpoena shall be in the form of a written document in letter-size form and have at least the minimum information:

1. The Title "SUBPOENA;"
2. for _____ (The Name of the Committee);
3. the date the Subpoena was issued;
4. the name and address of the person to who is being requested;
5. the date the subpoena must be complied with;
6. signature lines for the Committee Chairperson or Speaker of the Tribal Council;
and
7. a statement describing how the subpoena is to be served.

D. The presiding officer may designate a person or persons to serve subpoenas. Once the subpoena is served by the designated person or persons, an affidavit stating date, time, and place of service shall be signed by the person or persons designated to serve the subpoena.

E. If service of subpoena is done via mail it shall be done by certified mail and sufficient service will be established upon mailing the subpoena to the person being served the subpoena's last known address.

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F. If any person fails to comply with a subpoena in any way, the Tribal Council may make application to the Choctaw Nation District Court to request that the person be issued a contempt of court.

G. It then shall be the duty of a Judge of Choctaw Nation District Court to issue the contempt of court and proceed in the same manner as if the subpoena had originated by said Court.

H. If the person who is not complying with the issued subpoena is an elected or appointed official or employee of the Choctaw Nation may be subject to disciplinary action.