

**CHICKASAW NATION CODE**

**TITLE 12**

**"12. THE GOVERNOR"**

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**(RESERVED)**

**CHAPTER 1  
GENERAL PROVISIONS**

Section 12-101      Governor, Lieutenant Governor.  
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**SECTION 12-101      GOVERNOR, LIEUTENANT GOVERNOR.**

The Governor is vested with the supreme executive power of this Nation by virtue of the Constitution. The Lieutenant Governor shall assist the Governor and have such duties as are assigned or established by the Constitution. The Governor and Lieutenant Governor shall have such qualifications as are established by the Constitution.

Constitutional Reference: Similar provisions, Sections 1 and 2 of Article X, and Section 5 of Article XI; qualifications of Governor, Lieutenant Governor, Sections 4 through 6 of Article X.

Cross Reference: See also Title 2, Administration of Tribal Affairs (Officers, Appointments, Personnel)

**SECTION 12-102      POWERS AND DUTIES.**

- A.      The Governor shall:
1.      Perform all duties pertaining to the office of chief executive;
  2.      Sign official papers on behalf of the Nation;
  3.      Have the power to establish and appoint committees, members and delegates to represent the Nation, by and with the advice and consent of the Legislature;
  4.      Prepare and submit an annual tribal budget for the Nation to the Legislature;
  5.      Have the power to veto any decision of the Legislature, as provided in the Constitution and this title, within five (5) working days after passage and written presentation. The Legislature may override the Governor's veto in accordance with Section 9 of Article VII of the Constitution.

B.      The Lieutenant Governor shall assist the Governor and perform duties as assigned to him by the Governor. The Lieutenant Governor shall serve in the absence of the Governor and, when serving, shall have all the privileges, duties and powers of the Governor.

Constitutional Reference: Duties of Governor, Lieutenant Governor, Sections 1 through 5 of Article XI, Section 2 of Article X.

**CHAPTER 2  
APPOINTMENT AND REMOVAL OF OFFICERS**

Section 12-200	Purpose.
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**SECTION 12-200    PURPOSE.**

To make a lawful Act defining the system to be utilized in the making of gubernatorial appointments and for the removal of gubernatorial appointees for cause. (TL6-007, 5/20/89)

**SECTION 12-201    TITLE.**

Be it enacted by the Tribal Legislature of the Chickasaw Nation assembled, that this Act may be cited as the “General Measures Act of 1989.” (TL6-007, 5/20/89)

**SECTION 12-202    FINDINGS.**

The Legislature finds:

1.     A need exists for the exact defining and establishment of a system for making gubernatorial appointees;

2.     A need exists for the establishment of a system to provide for the removal of gubernatorial appointees, for cause.

(TL6-007, 5/20/89)

**SECTION 12-203    DEFINITIONS.**

For the purpose of this chapter:

1.        "Governor" means the chief magistrate of the Chickasaw Nation, as defined in Article X and Article XI of the Constitution of the Chickasaw Nation, ratified by the people on August 27, 1983;
2.        "Appointee" means any person appointed, designated, required or requested to serve the Chickasaw Nation or any other tribal entity of the Nation, in an official capacity, and whose appointment has been reviewed and approved by the Chickasaw Tribal Legislature as required by tribal statute, ordinance or law;
3.        "Chickasaw Tribal Legislature" or "Legislature" means the law-making body of the government of the Chickasaw Nation, as defined in Article VI, Article VII, Article VIII and Article IX of the Constitution of the Chickasaw Nation;
4.        "Term" means the length of time during which an appointee is to serve in an official capacity for the Chickasaw Nation tribal government, for the tribe or for the Governor.
5.        "Remove" or "removal" means the termination of service of an appointee;
6.        "Immoral act" means actions or activities which are inimical to public welfare as expressed in tribal statute or law or other manner so chosen by the Legislature and concurred with by the Governor;
7.        "Malfeasance" means a wrongful act which the actor has no legal right to do, or any wrongful conduct which affects, interrupts or interferes with performance of official duty, or an act for which there is no authority or warrant of law or the unjust performance of some act, which party performing it has no right, or has contracted not, to do;
8.        "Malice" means the intentional doing of a wrongful act without just cause or excuse with an intent to inflict an injury or under circumstances that will imply an evil intent;
9.        "Misfeasance" means the improper performance of some act which might otherwise lawfully be done;

10. "Public office" means a position wherein the person filling that office has and lawfully exercises authority conferred by law, a fixed tenure of office and the power to exercise some portion of sovereign functions of the Nation. Such positions are further defined as those which are or shall be created by Constitution, legislative act or through authority conferred by the Legislature, and which contain a portion of sovereign powers of the government to be delegated to that position, which have been defined, either directly or impliedly, by the Legislature or through legislative authority, duties or powers. Such duties or powers must be performed independently without control of superior power other than law, and the position must have some permanency and continuity;

11. "Public official" means the holder of nonelective public office which requires the exercise of some portion of the sovereign power of the Nation;  
(TL6-007, 5/20/89)

**SECTION 12-204    AUTHORITY.**

The basis for authority of this Act is Article VII, Section 4, wherein the Tribal Legislature is empowered to enact rules and regulations pertaining to the Chickasaw Nation in accordance with the Constitution. The Chickasaw Tribal Legislature, with the adoption of this Act, hereby:

1. establishes guidelines governing the appointment of persons to positions in the tribal government under and through the executive authority of the Governor; and
  2. establishes guidelines through which such appointees may be removed.
- (TL6-007, 5/20/89)

**SECTION 12-205    APPLICATION OF CHAPTER.**

The provisions of this Chapter shall apply to all persons appointed to serve in an official capacity for or on behalf of the Chickasaw Nation, its people or their government, and who shall serve in the capacity of public officials, and to any others to whom the Legislature may, by specific legislative action, cause this chapter to apply. (TL6-007, 5/20/89)

**SECTION 12-206    APPOINTMENTS, CONFIRMATION BY LEGISLATURE.**

Any person who is deemed desirable, appropriate and competent to fulfill the functions of the office or position for which the person is being considered, may be appointed by the Governor,

subject to the consent of the Legislature. Other such requirements or limitations as may be included by legislative act or by the Constitution shall also be considered by the Governor in making such appointments and by the Legislature in confirming such appointments. (TL6-007, 5/20/89)

**SECTION 12-207    REMOVAL OF APPOINTEES, GROUNDS.**

The process for removal of a public official may be instituted for the following:

1.     Immoral acts;
2.     Malfeasance;
3.     Malice; or
4.     Repeated misfeasance. Repeated misfeasance is limited to the second repetition of an offense after it has first been called to the attention of the public official involved.

(TL6-007, 5/20/89)

**SECTION 12-208    REMOVAL PROCEDURE, NOTICE.**

A.     When it is determined by the Governor that the actions or inactions of a public official, whether appointed by himself or by a preceding Governor, are potentially in violation of this chapter, the Governor shall notify that official, in writing of the potential or alleged violation. If such violation or potential for such violation is determined by the Governor to be of a serious nature, the Governor may suspend that official from any performance of his duties until such time as a final determination may be made in accordance with the provisions of this chapter. If such action is taken by the Governor, notification of the action shall be provided to the official at the time of notification of the potential or alleged violation.

B.     At the time such written notification is provided to the official involved, a copy of that notification shall be provided to the Chairperson of the Legislature, along with a statement outlining the actions recommended by the Governor. Those actions may include removal of the public official.

C.     Should the Governor determine that removal is necessary or beneficial, he must notify the public official of his intentions to initiate the removal process. Such process shall require the suspension of the official beginning ten (10) calendar days from the date the notification is

received. The Governor shall provide to the Chairperson of the Legislature copies of all documents prepared to justify the removal of the public official.

D. At its next regularly scheduled meeting, the Legislature shall consider such removal and determine concurrence by a simple majority voice vote. During the time of such consideration, the Legislature may vote to exclude any visitors for the period of the discussion and vote involved in the removal process.

E. The official shall be notified by the Chairperson of the Legislature of the action being commenced by the Governor and be allowed to present a written defense. Should the Chairperson determine that insufficient time will elapse for the official to prepare an adequate response, he may choose to postpone consideration of the removal process only until the next successive meeting of the Legislature.

F. In rare and extremely urgent circumstances, the Governor may call a special session of the Legislature for consideration of the removal process, so long as such special session is called in full accordance with provisions of the Constitution and this chapter. In those instances in which a special session is called, every effort shall be expended to assure that the official involved has adequate time to prepare a response.

(TL6-007, 5/20/89)

**SECTION 12-209    RESIGNATIONS.**

The Governor may seek the resignation of any public official before beginning the removal process, and any public official may resign his appointment at any time before or during the removal process. (TL6-007, 5/20/89)

**CHAPTER 3  
LEGISLATION**

**(RESERVED)**