

**CHICKASAW TRIBAL LEGISLATURE
REGULAR SESSION
David Stout Building
Ada, Oklahoma
August 15, 2003**

AGENDA ITEM #1 CALL MEETING TO ORDER

Chairperson Wanda Blackwood Scott called the meeting to order at 9:03 a.m.

AGENDA ITEM #2 ROLL CALL

Members present: Beth Alexander
 Linda Briggs
 Melvin Burris
 Scott Colbert (Late arrival; 9:09 a.m.)
 Mary Jo Green
 Dean McManus
 Mooniene Ogee
 Judy Goforth Parker
 Wanda Blackwood Scott
 Wilson Seawright
 Steve Woods

Members absent: Tim Colbert, Donna Hartman

Staff present: Doretta Sellers, Recording Secretary
 Bill Quincy, Sergeant-At-Arms Pro Tempore
 Robert Cheadle, Legislative Counsel

Guests present: James A. Humes, Jerry Imotichey, Georgia Malone, Catherine Wood, Buck Cheadle, Eddie Easterling, Robert L. Cole, Monetathehi, Danny Key, Misty Barker, Rose Shields Jefferson, Lonie Burris, Wilma Watson, Mike Watson, Josie Crow, Rita Loder, Thedo Underwood, Pauline Brown, Jade Eason, Tony Choate, Carolee Maxwell, Jay Keel, Roger Goodman, Jordan Goodman, Wes Brantley

AGENDA ITEM #3 INVOCATION

Invocation was given by Mrs. Green.

AGENDA ITEM #4 SERGEANT-AT-ARMS PRO TEMPORE - Honor Guard Bill

Quincy

Chairperson Scott thanked Mr. Quincy for his services.

AGENDA ITEM #5 READING OF MINUTES - July 18, 2003

Dr. Goforth Parker noted the minutes are to be a summary not verbatim. She disagreed with the placement of verbatim on pages 5 and 6.

A motion was made by Mrs. Alexander to approve the July 18, 2003 minutes. The motion was seconded by Mr. Seawright.

Members voting yes:

Beth Alexander, Linda Briggs, Melvin Burris,
Mary Jo Green, Dean McManus, Mooniene Ogee,
Wilson Seawright, Steve Woods,
Wanda Blackwood Scott
9 yes votes

Member voting no:

Judy Goforth Parker
1 no vote

The motion to approve the minutes of July 18, 2003 carried.

(Mr. Scott Colbert was not present for the vote.)

AGENDA ITEM #6: UNFINISHED BUSINESS

There was no unfinished business.

AGENDA ITEM #7: REPORTS OF COMMITTEES

(Mr. Scott Colbert arrived.)

(A) LEGISLATIVE COMMITTEE REPORT by Chairman Linda Briggs

No report.

(B) FINANCE COMMITTEE REPORT by Chairman D. Scott Colbert

No report.

(C) HUMAN RESOURCES COMMITTEE REPORT by Chairman Steve Woods

General Resolution Number 20-070, Authorization for Continuation of the Head Start Program

The Chickasaw Nation Head Start is currently funded to serve 256 children. This resolution seeks funding to continue operation of the Chickasaw Nation's Head Start funding application.

The Chickasaw Nation Head Start is funded by the Congressional Head Start Act through the DHHS Head Start Bureau, American Indian Programs branch. As a federally recognized Indian Tribe, the Chickasaw Nation applies for the continuation of services grant each year.

A motion was made by Mr. Woods to approve GR20-070. The motion was seconded by Mrs. Green.

Members voting yes:

Beth Alexander, Linda Briggs, Melvin Burris,
Scott Colbert, Mary Jo Green, Dean McManus,
Mooniene Ogee, Judy Goforth Parker,
Wilson Seawright, Steve Woods,
Wanda Blackwood Scott

11 yes votes

The motion to approve GR20-070 carried unanimously.

Mr. Woods concluded his report.

(D) LAND DEVELOPMENT COMMITTEE REPORT by Chairman Judy Goforth Parker

General Resolution 20-071, Authorization for Acquisition of Property in McClain County (West of Newcastle Property)

This resolution approves the Chickasaw Nation's request to acquire a vacant tract of land in McClain County, Oklahoma, containing 9 acres more or less. Said property shall be placed U.S.A. in Trust for the Chickasaw Nation after acquisition.

A motion was made by Dr. Goforth Parker to approve GR20-071. The motion was seconded by Mrs. Briggs.

Mr. Seawright encouraged the Legislators to vote no on GR20-071 because there were no plans for the use of this property or plans to develop it. He felt this was an expensive piece of property, and the money could be better used for the people of the Chickasaw Nation.

Mrs. Briggs noted the property was being purchased for economic purposes.

Members voting yes:

Beth Alexander, Linda Briggs, Melvin Burris,
Scott Colbert, Mary Jo Green, Dean McManus,
Judy Goforth Parker, Steve Woods,
Wanda Blackwood Scott
9 yes votes

Members voting no:

Mooniene Ogee, Wilson Seawright
2 no votes

The motion to approve GR20-071 carried.

(E) EDUCATION COMMITTEE REPORT by Chairman Mooniene Ogee

No report.

(F) HEALTH CARE COMMITTEE REPORT by Chairman Mary Jo Green

No report.

(G) HISTORICAL AND CULTURAL COMMITTEE REPORT by Chairman Dean McManus

General Resolution Number 20-073, Grant of Permission for the Chickasaw National Recreation Area to use a Likeness of the Great Seal of the Chickasaw Nation on a Display

The Chickasaw National Recreation Area (“CNRA”) has requested to use a likeness of the Great Seal of the Chickasaw Nation on an interpretive display to be placed in CNRA’s visitor center project in Sulphur, Oklahoma. The interpretive display will communicate the history of the Chickasaw Nation and the CNRA. The display will be for the benefit of the public and not commercial gain. This resolution grants permission for CNRA to use a likeness of the Great Seal for such purpose.

A motion was made by Mrs. McManus to approve GR20-073. The motion was seconded by Mr. Seawright.

Members voting yes:

Beth Alexander, Linda Briggs, Melvin Burris,
Scott Colbert, Mary Jo Green, Dean McManus,
Mooniene Ogee, Judy Goforth Parker,
Wilson Seawright, Steve Woods,
Wanda Blackwood Scott
11 yes votes

The motion to approve GR20-073 carried unanimously.

Mrs. McManus concluded her report.

(H) ELECTION RULES AND PROCEDURES AD HOC COMMITTEE REPORT by
Chairman Steve Woods

Mr. Woods reported the Committee met with the Election Commission earlier in the week to review the issues concerning the election. At that time a decision was made for the Election Commission to investigate the mailing of the ballots. He asked Mr. Dustin Rowe, attorney for the Election Commission, to report their findings.

Mr. Rowe reported that at the time the Commission met with the Committee they had sketchy information and they did not know what problems they were experiencing with the ballots that were mailed. They requested a delay in the action on that matter until they were able to investigate. The Commission was working with Congressman Tom Cole's office. His office conducted a formal investigation with the United States Postal Service to try to determine the problems.

Mr. Rowe stated that as of today the Commission determined that no problems stem from any activity on their behalf. All the activity of the Commission had been handled properly. The problem was outside the Chickasaw Nation. The Commission had not received a report from the Postal Service of what went wrong with the non delivery of some of the ballots. Based upon the number of ballots returned yesterday, 5,067, the Commission determined that there was nothing out of the ordinary to warrant a recommendation be made that this election should not go forward as planned. The election rules were enforced as written. It was, therefore, the recommendation of the Election Commission that no changes in the election be taken.

Mrs. Ogee stated that she spoke with several people yesterday that had not received their ballots, and she felt that there were too many questions unanswered. She would like to see these ballots be voided and resend them with the Special Election.

Mr. Seawright asked if the number of ballots returned yesterday were comparable to the numbers returned in other elections.

Mr. Rowe answered in the affirmative. These numbers were consistent with the previous elections, particularly the 1999 election.

Mr. Seawright asked Ms. Loder, Election Secretary/Tribal Registrar, if she knew the number of people that have contacted the Election Office that did not receive a ballot.

Ms. Loder stated it was within the Ada area, and she received approximately 25 calls.

Chairperson Scott asked Ms. Loder to explain the duties of Ink Impressions.

Ms. Loder explained Ink Impressions was the company that prepared the ballots. They printed the ballots and the envelopes, then took them to the post office in Albuquerque, New Mexico to be mailed. The Election Commission checked the Albuquerque Post Office and were informed the mail left on schedule. They were investigating what happened to the mail after it arrived at the Oklahoma City Post office. Ms. Loder reported her office had not received any calls from voters from the other states.

Mr. Rowe further explained that problems were first reported a week ago today. An inquiry was placed with the Postal Service that afternoon. The Commission requested a Congressional Inquiry start last Tuesday, which was ongoing. As of today, the Commission does not know what the problem was within the postal service, and may never know. He stated that our election system is not flawless in that the Nation depends on the Postal Service to carry out the election process. Based on the numbers the Commission has and looking at precedent, they can guarantee the Legislature this election has been transacted accordingly and properly in a matter that the statute describes. The Commission recommended this election go forward, and no changes in the law and regulations pertaining to the counting of the ballots be changed.

Ms. Loder reported the total ballots that were delivered to be counted in 1999 were 6,925. The ballots received for the election of 2002 were 4,848.

Mr. Woods concluded his report.

(I) COURT DEVELOPMENT AD HOC SUBCOMMITTEE REPORT by Chairman
D. Scott Colbert

Permanent Resolution Number 20-020, Amendments to Title 5, Chapter 2, Articles H through O of the Chickasaw Nation Code (Chickasaw Nation Civil Code)

This resolution provides amendments to the Chickasaw Nation Civil Code requested by the Office of General Counsel to the Executive Department.

A motion was made by Mr. Scott Colbert to approve PR20-020. The motion was seconded by Mrs. Briggs.

Members voting yes:

Beth Alexander, Linda Briggs, Melvin Burris,

Scott Colbert, Mary Jo Green, Dean McManus,
Mooniene Ogee, Judy Goforth Parker,
Wilson Seawright, Steve Woods,
Wanda Blackwood Scott
11 yes votes

The motion to approve PR20-020 carried unanimously.

Permanent Resolution Number 20-021, Amendments to Title 6, Chapter 3, Article H of the Chickasaw Nation Code (Guardianships and Conservatorships; Children and Incompetents)

The Chickasaw Tribal Legislature adopted a Guardianship and Conservatorship Code through the enactment of PR20-014 on June 20, 2003. This resolution adopts amendments to that Code requested by the office of General Counsel to the Executive Department.

A motion was made by Mr. Scot Colbert to approve PR20-021. The motion was seconded by Dr. Goforth Parker.

Members voting yes:

Beth Alexander, Linda Briggs, Melvin Burris,
Scott Colbert, Mary Jo Green, Dean McManus,
Mooniene Ogee, Judy Goforth Parker,
Wilson Seawright, Steve Woods,
Wanda Blackwood Scott
11 yes votes

The motion to approve PR20-021 carried unanimously.

Permanent Resolution Number 20-022, Amendments to Title 16, Chapter 6 of the Chickasaw Nation Code (Impeachment)

The office of General Counsel to the Executive Department has suggested that the Supreme Court of the Chickasaw Nation be designated in Section 16-608. This resolution amends Section 16-608 to designate the Supreme Court, which amendment necessitates additional amendments to Chapter 6 including the correction of formatting errors.

A motion was made by Mr. Scott Colbert to approve PR20-022. The motion was seconded by Mrs. Briggs.

Members voting yes:

Beth Alexander, Linda Briggs, Melvin Burris,

Scott Colbert, Mary Jo Green, Dean McManus,
Mooniene Ogee, Judy Goforth Parker,
Wilson Seawright, Steve Woods,
Wanda Blackwood Scott
11 yes votes

The motion to approve PR20-022 carried unanimously.

Permanent Resolution Number 20-023, Amendments to Title 5, Chapter 1, Article D, Section 5-104.4 and Article E, Section 5-105.7 of the Chickasaw Nation Code (Courts and Procedures)

This resolution provides amendments to Title 5, Chapter 1, Article D, Section 5-104.4 and Article E, Section 5-105.7 of the Chickasaw Nation Code. This resolution adopts amendments to those sections as requested by the office of General Counsel to the Executive Department.

A motion was made by Mr. Scott Colbert to approve PR20-023. The motion was seconded by Mrs. Briggs.

Members voting yes:

Beth Alexander, Linda Briggs, Melvin Burris,
Scott Colbert, Mary Jo Green, Dean McManus,
Mooniene Ogee, Judy Goforth Parker,
Wilson Seawright, Steve Woods,
Wanda Blackwood Scott
11 yes votes

The motion to approve GR20-023 carried unanimously.

Mr. Scott Colbert concluded his report.

AGENDA ITEM #7 NEW BUSINESS (Comments from Citizens)

Chairperson Scott announced that because the building was a government building, discussion of problems or other items that dealt with the election would not be allowed until the election was over.

Comments by Mike Watson

Mr. Watson reported a case of an individual that had a biopsy at Carl Albert and was referred to Oklahoma. Carl Albert was holding that person responsible for that bill. He felt that it was unfair because she did not know that she would have to pay the bill because it was a referral. Mr. Watson also had comments regarding the ballots.

Chairperson Scott reminded Mr. Watson that he could not speak in regards to the election. He could discuss the issue with the Election Commission which is the proper authority to go to.

Mr. Seawright stated that he felt that the Legislature should hear what Mr. Watson had to say.

Chairperson Scott asked for an opinion from Mr. Robert Cheadle.

Mr. Cheadle stated the Code treats citizens comment's at the discretion of the Chairperson. It also says states campaigns can not be discussed on government property. It was his understanding that what the Chairperson had defined included the process that had already been discussed and that it is in the Chairperson's discretion to do so.

A motion was made by Mr. Seawright for a vote of the Legislature to allow citizens to speak. The motion was seconded by Mrs. Alexander.

Chairperson Scott call the motion out of order.

Mr. Watson asked for an opportunity to speak about his ballots that did not arrive on time.

Chairperson Scott stated that the matter had already been discussed and that the election was not to be talked about.

Mrs. Alexander asked for it be documented that a citizen was denied freedom of speech. All citizens of this Nation should have a right to speak on any subject at any time. There was a motion on the floor and she called for the motion to be voted on.

Chairperson Scott called Mrs. Alexander out of order.

Mrs. Alexander asked the Legislative Counsel if a motion was on the floor could it be denied.

Mr. Cheadle noted that motions were recognized and put into play by the Chairperson.

Mr. Scott Colbert stated he would like to hear what Mr. Watson had to say. If he was out of order, the Chairperson could take action.

Chairperson Scott stated that Mr. Watson had made no attempt to speak with her on the matter; that she was in a position to determine what could or could not be discussed in the Legislative building and that she had always fought for the rights of citizens to speak; however, discussing the election was unacceptable.

Chairperson Scott acknowledged Mr. James Humes to speak.

Mr. Humes referred to the notice handed out with the agendas and Article IV, Section 4, of the Chickasaw Constitution which grants every citizen the right to speak on any issue. He felt that the Chickasaw Nation Code was unconstitutional because the Constitution did not prohibit a citizen from speaking on any topic.

Chairperson Scott invited Mr. Watson to speak about facts and not about the election process.

Mr. Watson stated he wanted to speak about the ballots not arriving on time and offer documentation as to why.

AGENDA ITEM #8 ADJOURNMENT

The Chickasaw Tribal Legislature adjourned at 9:55 a.m.

Respectfully submitted,

Dean McManus, Secretary
Chickasaw Tribal Legislature

Prepared by:

Doretta Sellers, Recording Secretary
Chickasaw Tribal Legislature