

# KIOWA TRIBE

P.O. Box 369 · Carnegie, Oklahoma · 73015  
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OFFICE OF THE LEGISLATURE

RESOLUTION NO. KL-CY-2017-018

## LAW-MAKING AND THE PRODUCTION OF DOCUMENTS AND TESTIMONY ACT OF 2017

At a duly called Session of the Legislature of the Kiowa Tribe held this 12<sup>th</sup> day of August 2017, the following Resolution and Law were adopted.

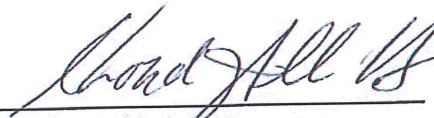
**WHEREAS;** the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

**WHEREAS;** The Legislature has identified the need to clarify the process to request and obtain information, documentation, and testimony from Executive branch Departments and personnel, which is necessary to assist the Legislature, who serve as the Peoples' representatives, with the development of new and amended laws and budgets, while at the same time protecting any confidential information that the Tribe may maintain in the course of its governmental operations.

**NOW THEREFORE IT BE IT RESOLVED;** that the Legislature hereby enacts the attached law entitled, "LAW-MAKING AND THE PRODUCTION OF DOCUMENTS AND

### CERTIFICATION

The foregoing Resolution KL-CY-2017-018 was duly voted upon at a duly called Session IV of the Legislature of the Kiowa Tribe held this 12<sup>th</sup> day of August 2017, the following Resolution and Law were adopted, with a vote of ( 7 ) in favor, and ( 0 ) opposed, ( 0 ) abstaining, and ( 0 ) absent, pursuant to the authority vested in the Kiowa Tribe Legislature by the Constitution of the Kiowa Tribe.

  
Rhonda J. Ahhaitty, Secretary  
of the Kiowa Tribe Legislature



**RESOLUTION NO KL-CY-2017-018**

**SPONSOR: RENEE M. PLATA, SPEAKER OF THE KIOWA TRIBE LEGISLATURE**  
**CO-SPONSOR(S): RHONDA J. AHHAITTY, SECRETARY OF THE KIOWA LEGISLATURE; ANITA ONCO-JOHNSON, LEGISLATOR; DAVE GEIMASADDLE, LEGISLATOR; RONALD C. POOLAW, LEGISLATOR**

<b>LEGISLATORS</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Rhonda J. Ahhaitty, Secretary	X			
Renee M. Plata,	X			
Ronald C. Poolaw, Sr.	X			
Dave Geimausaddle	X			
Anita L. Onco-Johnson	X			
Modina M. Waters	X			
Ben Lucero Hovakah-Wolf	X			

**DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN**

Resolution No. KL-CY-2017-018 was presented to the Chairman of the Kiowa Tribe on the 15<sup>th</sup> day of August 2017, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.

  
 Rhonda J. Ahhaitty, Secretary  
 of the Kiowa Tribe Legislature

**CHAIRMAN'S ACTION:**

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

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On this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Matthew Komalty, Chairman  
of the Kiowa Tribe

Presented by the Chairman to the Legislature on the \_\_\_\_ day of \_\_\_\_\_, 2017.

**LEGISLATURE'S ACTION:**

**Override of Chairman's veto:**

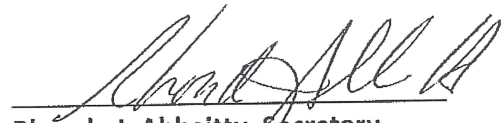
YES

NO

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty, Secretary				
Renee M. Plata, Speaker				
Ronald C. Poolaw, Sr.				
Dave Geimausaddle				
Anita L. Onco-Johnson				
Modina M. Waters				
Ben Lucero Hovakah-Wolf				

## CERTIFICATION

The foregoing Resolution KL-CY-2017-018 was duly voted upon at a duly called **Session IV** of the Legislature of the Kiowa Tribe held this **12<sup>th</sup>** day of **August 2017**, the following Resolution and Law were adopted, with a vote of **( 7 )** in favor, and **( 0 )** opposed, **( 0 )** abstaining, and **( 0 )** absent, pursuant to the authority vested in the Kiowa Tribe Legislature by the Constitution of the Kiowa Tribe.



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Rhonda J. Ahhaitty, Secretary  
of the Kiowa Tribe Legislature

**Section 1.1 Short Title**

This enactment shall be known as, the “LAW-MAKING AND THE PRODUCTION OF DOCUMENTS AND TESTIMONY ACT OF 2017”, or in the abbreviated form, the “LAW-MAKING ACT”.

**Section 1.2 Definitions.**

- (a) “Constitution” means the Constitution of the Kiowa Tribe approved by the U.S. Bureau of Indian Affairs on May 5, 2017.
- (b) “Department” means a Department and its subdivisions within the executive branch of government under the authority of the Chairman.
- (c) “Legislature” means the Legislature of the Kiowa Tribe.
- (d) “Tribe” means the Kiowa Tribe.

**Section 1.3 Purpose.**

The purpose of this Act is to ensure that the Legislature, who serve as the Peoples’ representatives, has all the information and data to make laws and approve budgets that address the needs of the People and the Tribe.

**Section 1.4 Findings.**

The Legislature hereby finds and declares that:

- (a) The Constitution establishes a separation of government powers between the Legislature, which is vested with law-making and budgeting powers, and the Chairman and Departments, which are vested with executive powers to carry-out and administer the laws and approved budgets; and,
- (b) The Executive branch of the government includes all the Departments and day-to-day functions of the government, and the Departments and Executive branch personnel maintain critical data and information on the Tribe and the operations of government including expenditures; and,
- (c) In exercising its law-making and budgeting powers and while serving as the Peoples’ representatives, it is important that the Legislature has the necessary information and data, including documents and testimony, to draft laws and approve budgets in a well-informed manner so that the laws and budgets address critical issues within the Tribe and to protect government funds and resources; and,

(d) The Legislature finds it in the best interests of the government of the Tribe to promote the free-flow of information and ideas, including open communication, between the branches of government; and,

(e) The Legislature recognizes that requests for information, documentation, and testimony will require staff time from Executive branch personnel to address, however, the Legislature considers the task of keeping the elected officials of the Legislature properly informed of the operations of the government to be included in the scope of work of all employees of the Executive branch and a necessary component of drafting and approving laws and budgets in the best interests of the Tribe; and,

(f) The Legislature has identified the need to clarify the process to request and obtain information, documentation, and testimony from Executive branch Departments and personnel, which is necessary to assist with the development of new and amended laws and budgets, while at the same time protecting any confidential information that the Tribe may maintain in the course of its governmental operations.

#### **Section 1.5 Legislature Requests for Information and Testimony.**

(a) The Legislature or a Legislative Committee may request any information, documentation, and testimony from executive branch personnel that it reasonably believes will advance the formulation and development of Resolutions, laws, and budgets in the best interests of the Tribe. Any decision by a Legislative Committee to request information, documentation, or testimony from executive branch personnel shall be made by majority vote of the members of the Committee. Any request for information, documentation, or testimony shall be made in writing to the Chairman, with a copy to be delivered to the executive branch department or personnel.

(b) The Chairman or his designee, or the executive branch department or personnel, shall respond to each request for information, documentation, and testimony in a timely manner. If the Chairman or his designee, or executive branch department or personnel, cannot meet a deadline set by the Legislature or Legislative Committee for the production of information or documents, or if the executive branch employee is not available to provide testimony on the date requested, then the Chairman or executive branch department or personnel shall notify the Speaker of the Legislature or the appropriate Legislative Committee, including when such information or documentation will be produced, or when the employee will be available to present testimony to the Legislature or Legislative Committee. An executive branch employee shall not be subject to any disciplinary action for responding to a request from the Legislature or a Legislative Committee for documents or testimony.

#### **Section 1.6 Confidentiality of Documents and Testimony.**

(a) Documents. If the Chairman or an executive branch employee reasonably believes that the information or documentation requested by the Legislature or Legislative Committee contains confidential information, then the Chairman or his designee, or the executive branch employee, shall inform the Legislature or Legislative Committee, shall redact

the alleged confidential information, and shall produce the remaining information to the Legislature or Legislative Committee. If the Legislature or Legislative Committee continues to assert the need for all the information or documentation including the alleged confidential information, then the Chairman or executive branch employee shall produce and deliver all of the requested information and documentation without redactions to the Legislature or Legislative Committee in a sealed envelope marked "CONFIDENTIAL INFORMATION", and any subsequent disclosure of the alleged confidential information received by the Legislature or Legislative Committee shall not be the responsibility of the Chairman or executive branch employee.

(b) Testimony. If the Chairman or an executive branch employee reasonably believes that the testimony requested by the Legislature or Legislative Committee contains confidential information, then the Chairman or his designee, or the executive branch employee, shall inform the Legislature or Legislative Committee, and the Legislature or Legislative Committee shall receive such testimony in an executive session, and any subsequent disclosure of the alleged confidential information received by the Legislature or Legislative Committee from such testimony shall not be the responsibility of the Chairman or executive branch employee.

#### **1.7 Authority to Issue a Subpoena.**

The Legislature or a Legislative Committee may issue a subpoena *duces tecum* or a subpoena for testimony from an individual, in writing, identifying the documents, information, and/or testimony requested, the date to comply with the request, and any other pertinent information, which shall be served in-person by any person over the age of eighteen. Failure to comply with a subpoena issued by the Legislature shall constitute a violation, and upon the request of the Legislature, the Chief Judge of the Trial Court shall hold a hearing expeditiously to determine whether the individual shall be held in contempt, ordered to comply with the subpoena, and/or subject to imprisonment not to exceed thirty days and/or a fine of up to \$5,000.

#### **1.8 Informal Discussions.**

Nothing in this Law-Making Act shall prevent informal discussions between the Legislature or individual Legislators and the Chairman and executive branch employees.