

KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE RESOLUTION NO. KL-CY-2017-026

OFFICIAL KIOWA FLAG AND SEAL DESIGNATION ACT OF 2017

At a duly called Session of the Legislature of the Kiowa Tribe held this 14th day of October, 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 determined the need to officially recognize the historic contribution of Kiowa artist, Roland Whitehorse, who designed the flag and seal for the Kiowa Tribe, and to officially designate Mr. Whitehorse's design as the official flag and seal for the Tribe.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "OFFICIAL KIOWA FLAG AND SEAL DESIGNATION ACT OF 2017".

CERTIFICATION

The foregoing resolution KL-CY-2017-026, was duly voted upon by the Legislature on October 14th, 2017, at a Session with a vote of (6) in favor and (0) opposed, (0) abstaining, and (1) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Rhonda J. Ahhaitty
Secretary of the Legislature



LEGISLATURE - RESOLUTION NO. KL-CY-2017-026:


SPONSOR: Rene M. Plata

CO-SPONSOR(S): Rhonda J. Ahhaitty; Ronald Poolaw, Sr.; Anita Onco-Johnson; Modina Waters; Ben Wolf.

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty	X			
Renee M. Plata	X			
Ronald C. Poolaw, Sr.				X
Dave Geimausaddle	X			
Anita Onco Johnson	X			
Modina Waters	X			
Ben Wolf	X			

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2017-026 was presented to the Chairman of the Kiowa Tribe on the 23rd day of October, 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 Legislature

CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this ____ day of _____, 201__.

Chairman

Presented by the Chairman to the Legislature on the 23 day of October, 2017.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

YES

NO

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Rhonda J. Ahhaitty				
Renee M. Plata				
Ronald C. Poolaw, Sr.				
Dave Geimausaddle				
Antia Onco Johnson				
Modina Waters				
Ben Wolf				

CERTIFICATION

The foregoing resolution was duly voted upon by the Legislature on _____, 201__, at a meeting with a vote of _____ in favor and _____ opposed, and _____ abstaining pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Secretary of the Legislature

Section 1.1 Short Title

This enactment shall be known as, the “OFFICIAL KIOWA FLAG AND SEAL DESIGNATION ACT OF 2017” (“Act”).

Section 1.2 Findings.

- (a) In 1974, Kiowa artist, Roland Whitehorse (now deceased), provided a gift to the Kiowa Tribe (“Tribe”) of an emblem he drew depicting important aspects of Kiowa history and culture (“Emblem”);
- (b) Since 1974, the Emblem has come to be identified with the Tribe and has served as an important representation of the Tribe;
- (c) The Tribe has used the Emblem as the design on the flag of the Kiowa Tribe and as the Tribe’s seal on letterhead, business cards, car tags, and for other purposes;
- (d) The Emblem was printed on blankets sold by Sears with a portion of the proceeds used to support the Tribe’s burial assistance program;
- (e) Recently, the Emblem was modified, without authority, to include a black background, and was reprinted on new flags sold at the Tribe’s gift shop;
- (f) The Legislature has determined that Emblem created by Mr. Whitehorse is culturally significant and should be officially recognized and preserved by the Tribe.

Section 1.3 Purpose.

The purpose of this Act is to recognize and honor Kiowa artist Roland Whitehorse for his contribution to the Tribe, and to officially designate the Emblem created by Mr. Whitehorse as the official flag and seal for the Tribe.

Section 1.4 Official Flag and Seal.

- (a) The Tribe hereby officially recognizes and honors Roland Whitehorse, posthumously, for his important contribution to the Tribe designing and gifting the Emblem to the Tribe for the flag, seal, and for other purposes.
- (b) The Legislature hereby designates the Emblem as the official seal of the Tribe, which shall be used on the Tribe’s official flag depicted on a sky blue background

- (c) (“Official Flag”), and no other flag for the Tribe shall be used or sold by the Tribe.
- (d) The Emblem shall be used on the Tribe’s official letterhead, business cards, and for other official functions and purposes.

Section 1.5 Copyright.

The Legislature hereby authorizes and directs the Chairman of the Tribe or his designee to take all steps necessary to protect the Emblem from commercial use by anyone other than the Tribe or its authorized representatives including but not limited to seeking copyright, trademark, or other protection of the Emblem as the Tribe’s intellectual property. The Chairman or his designee shall take all appropriate steps necessary to prevent and/or discontinue the use of the Emblem or modifications of the Emblem to be used by anyone other than the Tribe.

Section 1.6 Sales of the Official Flag and Use of the Emblem.

The Tribe’s retail outlets, including the gift shop, casinos, and any other venue of the Tribe, shall be authorized to sell the Emblem printed on the Official Flag and printed or depicted on other culturally-appropriate products; provided, that one percent (1%) of the sale price collected by the Tribe for each item or product bearing the Emblem shall be transferred to the Treasury of the Tribe for the exclusive use by the Tribe’s museum, as appropriated in an approved Annual Budget or budget modification.