



KIOWA TRIBE

P.O. Box 369 · Carnegie, Oklahoma · 73015
Phone: (580) 654-2300 · Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

KIOWA TRIBE RESOLUTION NO. KL-CY-2017-027

THE NOMINATION AND CONFIRMATION OF APPOINTEES 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.

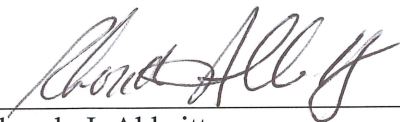
WHEREAS; the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

WHEREAS; the Legislature has identified the need to further define the process and requirements for serving in positions within the Tribe that require nomination by the Chairman and confirmation by the Legislature.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "THE NOMINATION AND CONFIRMATION OF APPOINTEES ACT OF 2017".

CERTIFICATION

The foregoing resolution was duly voted upon by the Legislature on October 14, 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-2017-027:


SPONSOR: Renee M. Plata, Secretary of the Legislature

CO-SPONSOR: Rhonda Ahhaitty, Secretary of the Legislature; Ronald Poolaw, Sr., Legislator; Anita Onco-Johnson, Legislator; G. Dave Geimausaddle, Legislator; Modina Waters, Legislator; Ben Wolf, Legislator.

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-2017-027 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 ____ day of _____, 201__.

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 October 14, 2017, at a meeting with a vote of (6) in favor and (0) opposed, and (0) abstaining and (1) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.



Rhonda J. Ahhaity
Secretary of the Legislature

Section 1.1 **Short Title**

This enactment shall be known as, the “THE NOMINATION AND CONFIRMATION OF APPOINTEES ACT OF 2017” (“Nomination Act”).

Section 1.2 **Findings.**

- (a) The Constitution of the Tribe separates the functions of government into different branches with legislative powers vested in the Legislature and executive powers vested in the Chairman to execute and administer the laws and budgets enacted by the Legislature;
- (b) The Constitution names key positions within the Tribe’s government that require the person serving in office to have been nominated by the Chairman and confirmed by the Legislature;
- (c) The Constitution gives each branch of government a voice in the selection of key officials by requiring a two-step process of nomination (by the Chairman) and confirmation (by the Legislature);
- (d) The new Constitution of the Tribe is less than one year old, and many of the positions requiring nomination and confirmation remain vacant, or in some cases have been filled by officials serving in an “acting” capacity;
- (e) The Legislature has identified the need to further define the process and requirements for serving in positions that require nomination by the Chairman and confirmation by the Legislature.

Section 1.3 **Purpose.**

The purpose of this Act is to clarify and streamline the process for the Chairman to nominate a candidate for office, and for the Legislature to exercise its confirmation powers regarding the nominee.

Section 1.4 **List of Positions Requiring Nomination and Confirmation.**

- (a) The Constitution lists a number of important governmental positions requiring the person serving to have been nominated by the Chairman and confirmed by the Legislature including:
 - (1) Enrollment Officer (*See*, Const., Art. IV, Sec. 7);
 - (2) Members of Commissions (*See*, Const., Art. VI, Sec. 6(h));
 - (3) Members of Executive Boards (*See*, Const., Art. VI, Sec. 6(i));
 - (4) Executive Directors of Divisions (*See*, Const., Art. VII, Sec. 1(c));
 - (5) Treasurer (*See*, Const., Art. VI, Sec. 4(d));
 - (6) Judges and Justices (*See*, Const., Art. VIII, Sec. 2);

- (7) Judicial Commission Members (*See*, Const., Art. VIII, Sec. 9);
- (8) Election Commission Members (*See*, Const., Art. IX, Sec. (3)(b));
- (9) Vacancy in the Office of Legislator (*See*, Const., Art. XII, Sec. 7);
- (10) Vacancy in the Office of Election Commissioner (Const., Art. XII, Sec. 11).

- (b) The Constitution establishes the requirements for filling the key positions by requiring the officials to be nominated by the Chairman and confirmed by the Legislature.

Section 1.5 Minimum Requirements for Nominated and Confirmed Positions.

- (a) The Chairman shall submit all nominations to the Legislature in writing. The Chairman should include as much information and documentation as necessary to provide the Legislature with a thorough understanding of the qualifications of the nominee.
- (b) No person may serve in a nominated and confirmed position unless the person is properly nominated by the Chairman, confirmed by the Legislature, and installed into office by the Chairman. No person may serve in an “acting” or other similar capacity in a nominated and confirmed position.

Section 1.6 Enrollment Office.

- (a) The Constitution establishes an Enrollment Office for the Tribe. The Constitution also includes an Enrollment Officer who serves a key role in the membership and enrollment decisions of the Tribe.
- (b) The Enrollment Officer serves a central function in the day-to-day operation and management of the Enrollment Office including critical decisions about whether to accept and approve enrollment applications for membership in the Tribe.
- (c) The Enrollment Officer shall be an enrolled member of the Tribe. The Enrollment Officer shall execute and administer the membership laws of the Tribe.