



KIOWA TRIBE

P.O. Box 369 Carnegie, Oklahoma 73015
Phone: (580) 654-2300 Fax: (580) 654-1788

OFFICE OF THE LEGISLATURE

RESOLUTION KL-CY-2020-0010

2020 AMENDMENT OF THE EMERGENCY ASSISTANCE FUND REGULATION AND FAIRNESS ACT

At a duly called Session of the Legislature of the Kiowa Tribe held this 12th day of September 2020, 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 enacted a law called the Contingency Fund Regulation and Fairness Act of 2017 by Resolution Number KL-CY-2017-001 on June 23, 2017, to ensure that emergency funds are distributed in a fair and impartial manner for the benefit of as many Members of the Tribe as possible; and,

WHEREAS; the Legislature enacted the Emergency Assistance Fund Regulation and Fairness Act Amendment by Resolution Number KL-CY-2017-015 on September 5, 2017; and,

WHEREAS; the Legislature has further determined that additional clarifications are necessary to ensure that future emergency funds may be provided to any and all members of the Tribe at an equitable set amount of funding when budgeted for emergency issues that affect the Tribe as a whole; and,

THEREFORE, IT BE RESOLVED, that the Legislature has enacted the 2020 Amendment of the Emergency Assistance Fund Regulation and Fairness Act.

CERTIFICATION

The foregoing Resolution KL-CY-2020-0010 was duly voted upon at a duly called Session XLI of the Kiowa Tribe held this 12th day of September 2020, the following Resolution and Law were adopted, with a vote of **(4)** in favor, **(0)** opposed, **(1)** abstaining, and **(2)** absent, pursuant to the authority vested in the Kiowa Tribe Legislature by the Constitution of the Kiowa Tribe.


Anita Onco Johnson, District V
Legislative Secretary



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LEGISLATURE - RESOLUTION NUMBER: KL-CY-2020-0010

SPONSOR: Jessie Svitak, District IV of the Kiowa Legislature.

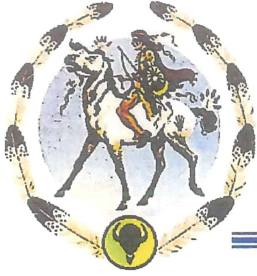
CO-SPONSOR(S):

LEGISLATORS		YES	NO	ABSTAIN	ABSENT
District I	Angela McCarthy				X
District II	Michael Primus	X			
District III	Marilyn Bread	X			
District IV	Jessie Svitak	X			
District V	Anita Onco Johnson			X	
District VI	Ben Wolf				X
District VII	Jacob Tsotigh	X			

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY- 2020-0010, was presented to the Chairman of the Kiowa Tribe on the ____ Day of ____, 2020 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.

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CHAIRMAN'S ACTIONS:

APPROVED

VETO – RETURNED TO LEGISLATURE WITH EXPLANATION:

This action proposed by the Legislature is unconstitutional. Equal distribution of funds would be considered a "per-cap" no matter what you call it. This is prohibited according to the covid regulations.

On this 24 day of Sept, 2020.

Matthew M. Komalty
Matthew M. Komalty
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of ____, 2020.

LEGISLATURE'S ACTION:

Override of the Chairman's Veto:

YES

NO



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LEGISLATORS		YES	NO	ABSTAIN	ABSENT
District I	Angela McCarthy				
District II	Michael Primus				
District III	Marilyn Bread				
District IV	Jessie Svitak				
District V	Anita Onco Johnson				
District VI	Ben Wolf				
District VII	Jacob Tsotigh				

CERTIFICATION

The foregoing Resolution No. KL-CY-2020-0010 was duly voted upon by the Legislature on September____, 2020, at a_____with a vote of () in favor and () opposed, () abstain, and () absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Anita Onco Johnson, District V
Legislative Secretary



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Section 1.1 Short Title

This enactment shall be known as the “**2020 AMENDMENT OF THE EMERGENCY ASSISTANCE FUND REGULATION AND FAIRNESS ACT**”.

Section 1.2 Purpose

The purpose of this Amendment is to ensure that future emergency funds are provided equally among the various Members of the Tribe from the various Districts of the Tribe. To ensure that the distribution of funds is allocated as stated by the funding source unless specifically mandated by law to be distributed.

Section 1.3 Findings

The Legislature hereby finds and declares that:

- a. On June 23, 2017, the Contingency Fund Regulation and Fairness Act of 2017 was enacted into law.
- b. The New Constitution calls for the Legislature to pass laws and resolutions to establish clear financial practices that must be followed to provide greater accountability of the Tribes’ funds and assets,
- c. The Bill of Rights in the Constitution requires that the Kiowa Tribe to provide equal treatment to all Members of the Tribe when it administers programs and services.
- d. The Chairman of the Kiowa Tribe or any appointed members from the Executive branch may not utilize any emergency funding not allocated in an approved annual budget or modification budget without the authorization which has not been previously authorized by the Council or Legislature by law.

Section 1.4 Eligibility

- a. All enrolled members of the Kiowa Tribe, regardless of residence, income, or age shall be eligible for emergency funds.
- b. The Legislature hereby amends that Section 1.4 (c) of the Act by deleting the word “per household” and deleting the amount “\$250.00” and adding “shall be determined by the current enrollment numbers” as follows this is exclusive of the Social Services Emergency Assistance:
 - a. Each distribution from the Emergency Assistance Funds shall be determined by the current enrollment numbers until funds have been expended.



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Section 1.5 Authorization of Appropriation of Funds

The Legislature hereby authorizes an appropriation of funds from the Coronavirus Aid, Relief, and Economic Security (CARES) Act to be equally distributed in the amount of \$1,000.00 as emergency assistance to all enrolled Kiowa Tribal members. An application process must be implemented for the accountability of funds for reporting/auditing purposes.

In the event that additional funding is allocated from the United States Congress the same law will apply depending on the amount of funding available.