



KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE RESOLUTION NO. KL-CY-2023-016

FIRST AMENDMENT TO THE NOMINATION AND CONFIRMATION OF APPOINTEES ACT OF 2023

At a duly called Legislative Regular Session LXXX-(80), of the Kiowa Tribe Legislature, held on December 09, 2023, 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 Kiowa Tribe Constitution; and,

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

NOW THEREFORE BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "The Nomination and Confirmation of Appointees Act of 2023".

CERTIFICATION

The foregoing resolution **KL-CY-2023-016** was duly voted upon by the Legislature on **December 09, 2023**, at a **Legislative LXXX-(80)** (7) with a vote of (0) in favor and (0) opposed, (0) abstain, and (0) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.


Anita Johnson
Secretary of the Legislature



LEGISLATURE - RESOLUTION NO. KL-CY-2023-016:

SPONSOR: Warren Queton, District 7 Legislator

CO-SPONSOR(S):

| LEGISLATORS | YES Hàu | NO Hàu:né | ABSTAIN Háun á | ABSENT Héñgyádàu |
|--------------------------------------|------------|--------------|-------------------|---------------------|
| Kyle Ataddlety District #1 | X | | | |
| Michael Primus District #2 | X | | | |
| Timothy Satepauhoodle District #3 | X | | | |
| Alana Quetone District #4 | X | | | |
| Anita Johnson District #5 | X | | | |
| Ben Wolf District #6 | X | | | |
| Warren Queton District #7 | X | | | |

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. **KL-CY-2023-016** was presented to the Chairman of the Kiowa Tribe on the **10th** day of **December, 2023**, 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.


Anita Onco-Johnson
Secretary of the Legislature

CHAIRMAN'S ACTION:

☒ APPROVED

☐ VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this 12th day of December 2023.



Lawrence Spottedbird
Chairman of the Kiowa Tribe

Presented by the Vice-Chairman to the Legislature on the _____ day of _____, 2023.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

☐ YES

☐ NO

CERTIFICATION

The foregoing resolution KL-CY-2023-XXX was duly voted upon by the Legislature on _____, 2023, at a Legislative Order Session with a vote of _____ in favor and _____ opposed, and _____ abstaining, and _____ absent. Pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Anita Johnson
Secretary of the Legislature

| LEGISLATORS | YES Hàu | NO Hàu:né | ABSTAIN Háun á | ABSENT Héñgyádàu |
|--------------------------------------|------------|--------------|-------------------|---------------------|
| Kyle Ataddlety District #1 | | | | |
| Michael Primus District #2 | | | | |
| Timothy Satepauhoodle District #3 | | | | |
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| Anita Johnson District #5 | | | | |
| Ben Wolf District #6 | | | | |
| Warren Queton District #7 | | | | |

Section 1.1 Short Title

This enactment shall be known as, “The Nomination and Confirmation of Appointees Act of 2023”.

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 was less than one year old, and many of the positions requiring nomination and confirmation remained 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 Nomination and Confirmation.

- 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 nominee.
- b. The Chairman's Office shall submit a nomination letter along with Job Description, background check, and resume to the Kiowa Legislature as part of the nomination packet,
- c. No person may serve in a nominated and appointed position unless that person is properly nominated by the Chairman approved by the Legislature and installed into office by the Chairman. A person may serve in an "acting" or "interim" capacity in a nominated and appointed position if they meet the minimum job requirements as listed in the job description. The term for an "acting" or "interim" appointment shall last for a period of 90 days. A person may be re-appointed up to six times for a total time of 540 days.

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 operations 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.

Section 1.7 Approval and Enactment

- a. The Legislature hereby approves and enacts the "First Amendment to the Nomination and Confirmation of Appointees Act of 2023".