



KIOWA TRIBE

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

LEGISLATIVE RESOLUTION KL-CY-2024-001

ESTABLISHMENT FOR RECOGNITION OF JUDICIAL PROCEEDINGS IN FOREIGN COURTS – FULL FAITH AND CREDIT ACT OF 2024

At a duly called Legislative Regular Session LXXXI-(81) of the Legislature of the Kiowa Tribe held this 13th day of January, 2024, the following resolution, was adopted.

WHEREAS, the Kiowa Tribe of Oklahoma is a federally recognized Indian Tribe with a Constitution approved by the Secretary of the Interior; and,

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

WHEREAS, the Legislature, is authorized under the Kiowa Constitution and is empowered to promulgate and enforce codes and laws, to protect Kiowa Tribal Citizens; and,

WHEREAS, the Legislature, finds it necessary, to enact resolution “Establishment for Recognition of Judicial Proceedings in Foreign Courts-Full Faith and Credit Act of 2024”;and,

WHEREAS, the Official Seals of the Courts of the Kiowa Tribe and the court of original jurisdiction for the Kiowa Tribe, is the Trial Court. The court of appellate jurisdiction for the Kiowa Tribe, is the Supreme Court of the Kiowa Tribe; and,

WHEREAS, to ensure the authenticity of official documents of said courts, the Court Clerks, for each court shall ensure, that the official seal for each court clearly state “Trial Court of the Kiowa Tribe” and “Supreme Court of the Kiowa Tribe”, respectively.

THEREFORE BE IT RESOLVED, the Kiowa Tribe Legislature, having been delegated certain authorities under the Kiowa Constitution, the governing body of the Kiowa Tribe, does hereby enact “Establishment of Recognition of Judicial Proceedings in Foreign Courts – Full Faith and Credit Act of 2024”.

CERTIFICATION

The foregoing Resolution KL-CY-2024-001 was duly voted upon by the Legislature on January 13, 2024, at a Legislative Regular Session LXXXI-(81), with a vote of (6) in favor and (0) opposed, 0() abstaining, and (1) absent, according to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.




Anita Johnson
Secretary of the Legislature

Tribe Website, August 11, 2023. Read into Record by: Michael Primus, District 2 Legislator, Legislative Regular Session LXXVI-(76), August, 12, 2023. Legislative Regular Session LXXVII-(77), September 09, 2023. Legislative Regular Session LXXVIII-(78), October 14, 2023. Legislative Regular Session LXXIX-(79), November 11, 2023. Legislative Regular Session LXXX-(80), December 09, 2023. . Legislative Public Hearing XII-(12), January 10, 2024. Legislative Regular Session LXXXI-(81), January 13, 2024.

Yes; Hàu:né – No; Hàu á – Abstain; Héngyádàu - Absent

LEGISLATIVE RESOLUTION – KL-CY-2024-001

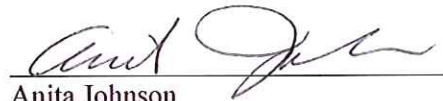
Sponsor: Michael Primus, District 2 Legislator

Co-Sponsor: Anita Johnson, District 5 Legislator

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 Present-out of district

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2024-001 was presented to the Chairman of the Kiowa Tribe on the 26th day of January, 2024, 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 Johnson
Secretary of the Legislature

Posted on the Kiowa Tribe Website, August 11, 2023. Read into Record by: Michael Primus, District 2 Legislator, Legislative Regular Session LXXVI-(76), August, 12, 2023. Legislative Regular Session LXXVII-(77), September 09, 2023. Legislative Regular Session LXXVIII-(78), October 14, 2023. Legislative Regular Session LXXIX-(79), November 11, 2023. Legislative Regular Session LXXX-(80), December 09, 2023. . Legislative Public Hearing XII-(12), January 10, 2024. Legislative Regular Session LXXXI-(81), Saturday, January 13, 2024.


Hàu – Yes; Hàu:né – No; Háun á – Abstain; Héñgyádàu - Absent

CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this 24th day of January, 2024.



Lawrence Spottedbird
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of _____, 2024.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

YES

NO

Posted on the Kiowa Tribe Website, August 11, 2023. Read into Record by: Michael Primus, District 2 Legislator, Legislative Regular Session LXXVI-(76), August, 12, 2023. Legislative Regular Session LXXVII-(77), September 09, 2023. Legislative Regular Session LXXVIII-(78), October 14, 2023. Legislative Regular Session LXXIX-(79), November 11, 2023. Legislative Regular Session LXXX-(80), December 09, 2023. . Legislative Public Hearing XII-(12), January 10, 2024. Legislative Regular Session LXXXI-(81), Saturday, January 13, 2024.

Hàu – Yes; Hàu:né – No; Hàun á – Abstain; Héñgyádàu - Absent

LEGISLATIVE OVERRIDE ORDER: KLO-CY-2024-0XX

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Kyle Ataddlety District #1				
Michael Primus District #2				
Timothy Satepauhoodle District #3				
Alana Quetone District #4				
Anita Johnson District #5				
Ben Wolf District #6				
Warren Queton District #7				

CERTIFICATION

The foregoing Legislative Order, KL-CY-2024-00X was duly voted upon by the Legislature on _____, 2024, at a Legislative Override Order Session with a vote of _____ in favor and _____ opposed, and _____ abstaining, _____ Absent. Pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Anita Johnson
Secretary of the Legislature

Posted on the Kiowa Tribe Website, August 11, 2023. Read into Record by: Michael Primus, District 2 Legislator, Legislative Regular Session LXXVI-(76), August, 12, 2023. Legislative Regular Session LXXVII-(77), September 09, 2023. Legislative Regular Session LXXVIII-(78), October 14, 2023. Legislative Regular Session LXXIX-(79), November 11, 2023. Legislative Regular Session LXXX-(80), December 09, 2023. . Legislative Public Hearing XII-(12), January 10, 2024. Legislative Regular Session LXXXI-(81), Saturday, January 13, 2024.

Hàu – Yes; Hàu:né – No; Háu n á – Abstain; Héñgyádàu - Absent

Section 1.1 Short Title

This enactment shall be known as the “Establishment for Recognition of Judicial Proceedings in Foreign Courts-Full Faith and Credit”.

Section 1.2 Official Seals of the Courts of the Kiowa Tribe

The court of original jurisdiction for the Kiowa Tribe is the Trial Court of the Kiowa Tribe. The court of appellate jurisdiction for the Kiowa Tribe is the Supreme Court of the Kiowa Tribe. To ensure the authenticity of official documents of said courts, the Court Clerks for each court shall ensure that the official seals for each court clearly state “Trial Court of the Kiowa Tribe” and “Supreme Court of the Kiowa Tribe” respectively.

Section 1.3 Definitions and Recitals

- (1) "Domestic Foreign Court" means any court or constitutionally established tribunal of the United States of America, any state, commonwealth, or territory of the United States of America, or any federally recognized Indian nation, tribe, pueblo, band, or Alaska Native village, duly established under federal law or tribal law, including Courts of Indian Offenses organized pursuant to Title 25, Part 11 of the Code of Federal Regulations.
- (2) "Judicial Officer" means any judge, justice, magistrate or other officer duly seated and authorized under federal, state, or tribal law to resolve disputes and enter judgments in a Domestic Foreign Court.
- (3) "Domestic Foreign Judgment" means any final written judgment, decree or order of a trial court duly signed by a judicial officer and filed in a Domestic Foreign Court.

Section 1.4 Recognition of Domestic Foreign Judgements-Full Faith and Credit

- (1) The Trial Court of the Kiowa Tribe shall grant full faith and credit and cause to be enforced any Domestic Foreign Judgment where the Domestic Foreign Court that issued the judgment grants reciprocity to judgments of the courts of the Kiowa Tribe, provided, a Domestic Foreign Judgment shall receive no greater effect or full faith and credit under this rule than would a similar or comparable judgment of any other Domestic Foreign Court.

Posted on the Kiowa Tribe Website, August 11, 2023. Read into Record by: Michael Primus, District 2 Legislator, Legislative Regular Session LXXVI-(76), August, 12, 2023. Legislative Regular Session LXXVII-(77), September 09, 2023. Legislative Regular Session LXXVIII-(78), October 14, 2023. Legislative Regular Session LXXIX-(79), November 11, 2023. Legislative Regular Session LXXX-(80), December 09, 2023. . Legislative Public Hearing XII-(12), January 10, 2024. Legislative Regular Session LXXXI-(81), Saturday, January 13, 2024.

Hàu – Yes; Hàu:né – No; Háu n á – Abstain; Héñgyádàu - Absent

- (2) To the extent that a Domestic Foreign Court requires the Kiowa Tribe to grant reciprocity to judgments from the Domestic Foreign Court before granting reciprocity in return, the Trial Court Clerk is authorized to provide any documentation, whether in the form of a copy of this ordinance or in a certification from the court clerk's office, to the Domestic Foreign Court to secure said grant of reciprocity.

Section 1.5 Listing of Domestic Foreign Courts Granting Reciprocity

A list of the Domestic Foreign Courts that grant full faith and credit to the courts of the Kiowa Tribe shall be maintained by the Trial Court Clerk. Any Domestic Foreign Court may provide the Trial Court Clerk a copy of the ordinance, statute, court rule or other evidence that demonstrates that the Domestic Foreign Court grants reciprocity to the courts of the Kiowa Tribe.

Section 1.6 Filing of Domestic Foreign Judgements

A copy of any Domestic Foreign Judgment authenticated in accordance with the applicable act of Congress or of the statutes of this state or the law of the tribe may be filed in the office of the Trial Court Clerk of Kiowa Tribe. The Trial Court Clerk shall treat the Domestic Foreign Judgment in the same manner as a judgment of the Trial Court the Kiowa Tribe which may be enforced or satisfied in like manner.

Section 1.7 Notice of Filing

(1) At the time of the filing of the Domestic Foreign Judgment with the Trial Court Clerk, the party filing the judgment or that party's attorney shall make and file with the Trial Court Clerk an affidavit setting forth the name and last-known address of all parties in the action, including the name and last-known address of any party's attorney.

(2) Promptly upon the filing of the Domestic Foreign Judgment and the affidavit, the Trial Court Clerk shall mail notice of the filing of the Domestic Foreign Judgment to the party against whom the judgment was rendered at the address given and shall make a note of the mailing in the docket. The notice shall include the name and address of the party filing the judgment, and that party's attorney, if any. In addition, the party filing the judgment shall mail a notice of the filing of the judgment to the party against whom judgment was rendered and shall file an affidavit proving the mailing of the notice with the Trial Court Clerk within ten (10) days of the date that the Domestic Foreign Judgment was filed with the Trial Court Clerk. Failure of the Trial Court Clerk to mail the notice of filing of the judgment shall not affect the enforcement proceedings if an affidavit proving the mailing of the notice has been filed by the party filing the judgment.

(3) No execution or other process for enforcement of a Domestic Foreign Judgment filed hereunder shall issue until the affidavit proving the mailing of the notice has been filed with the Trial Court Clerk, and twenty (20) days have expired from the date the judgment was filed in the Trial Court.

Section 1.8 Approval and Enactment

The Legislature hereby approves and Enacts the "Establishment for Recognition of Judicial Proceedings in Foreign Courts-Full Faith and Credit Act of 2024".

[Posted on the Kiowa Tribe Website, August 11, 2023. Read into Record by: Michael Primus, District 2 Legislator, Legislative Regular Session LXXVI-\(76\), August, 12, 2023. Legislative Regular Session LXXVII-\(77\), September 09, 2023. Legislative Regular Session LXXVIII-\(78\), October 14, 2023. Legislative Regular Session LXXIX-\(79\), November 11, 2023. Legislative Regular Session LXXX-\(80\), December 09, 2023. Legislative Public Hearing XII-\(12\), January 10, 2024. Legislative Regular Session LXXXI-\(81\), Saturday, January 13, 2024.](#)

Hàu – Yes; Hàu:né – No; Hàun á – Abstain; Héñgyádàu - Absent