



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 654-6338 • Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

KIOWA TRIBE RESOLUTION NUMBER KL-CY-2025-013

FIRST AMENDMENT TO THE LAW-MAKING AND THE PRODUCTION OF DOCUMENTS AND TESTIMONY ACT OF 2017.

At a duly called Session of the Legislature of the Kiowa Tribe held this 9th day of August 2025, 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 clarify the process to request and obtain information, documentation, and testimony from Executive branch Departments and personnel, which is necessary to assist the Legislature, who serve as the Peoples' representatives, with the development of new and amended laws and budgets, while at the same time protecting any confidential information that the Tribe may maintain in the course of its governmental operations.

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "FIRST AMENDMENT TO THE LAW-MAKING AND THE PRODUCTION OF DOCUMENTS AND TESTIMONY ACT OF 2017".

CERTIFICATION

The foregoing Resolution KL-CY-2025-013 was duly voted upon by the Legislature on 9th, 2025, at a Legislative Regular Session C-(100), with a vote of (7) in favor and (0) opposed, (0) abstaining, and (0) absent, according to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Michael Primus

Michael Primus
Speaker of the Legislature



LEGISLATIVE RESOLUTION – KL-CY-2025-013

Sponsors: Cole DeLaune, District 4.

Co-Sponsors:

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héngyádàu
Kyle Ataddlety District 1	X			
Michael Primus District 2	X			
Timothy Satepauhoodle District 3	X			
Cole DeLaune District 4	X			
Tiya Rosario 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-2025-013 was presented to the Chairman of the Kiowa Tribe on the 12th day of August, 2025, 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.



Michael Primus
Speaker of the Legislature

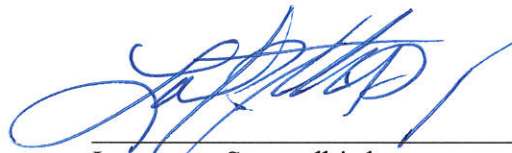
CHAIRMAN'S ACTION:

☐ APPROVED

☒ VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

See Attached

On this 20th day of August, 2025.



Lawrence Spottedbird
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of _____, 2025.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

☐ YES

☐ NO

KIOWA TRIBE RESOLUTION NUMBER KL-CY-2025 013

First Amendment to the Law-Making Act

Reason for Veto by Chairman

The Legislative Branch has amended the Law-Making Act of 2017 ("Act") to expand their subpoena powers for documents or testimony to every person under the Executive Branch, including the Chairman and now to include any Contractor. The Legislature recently showed what happens when granted enormous uncontained discretion and skirting the constitutional Separation of Powers doctrine, bypassing the normal scope of subpoenas and compliance by issuing subpoenas that required voluminous and supplicative efforts for the production of documents in an unreasonably short amount of time. This action allows subpoena power that reaches into the discretionary and constitutionally protected duties and management of the Executive Branch. Further, this legislation allows the Legislative Branch to unilaterally determine the scope of lawful reasonableness in exercising its authority beyond carefully crafted constitutional constraints. The Legislature should not seek to pass legislation that grants unto itself authority that bypasses legal procedure that would assure reasonableness as the basis for a subpoena, the scope of the subpoena, and the reasonableness of the documents requested. Additionally, the legislation creates a Legislature that alone determines reasonableness as it applies to the time for compliance, eliminates a requirement for the Legislature to abide by the Rules of Civil Procedure to allow no less than 30 days for compliance, and allows for an indeterminate and unreasonable number of documents that could be made under each single subpoena. Instead of this limitless approach, the legislation must be restricted to abide by the well-established legal limitation that prevents legislative "fishing expeditions" as well as preventing the subpoenas from being issued as a means to challenge the lawful operation and duties of the Executive Branch. Any subpoena legislation must be tailored to recognize the requirements as referenced by Section 1.5 of the Act and the legitimate duties and operations of the Chairman and appropriate Executive Branch officials. The Act, as amended, by legislatively and inadvertently skirting the requirements of Section 1.5, makes court actions the only means to legitimately challenge the scope of the subpoenas issued. Recent activities support these legitimate concerns and the constitutional issues that are embraced by this veto.

Section 1.1 Short Title

This enactment shall be known as, the “FIRST AMENDMENT TO THE LAW-MAKING AND THE PRODUCTION OF DOCUMENTS AND TESTIMONY ACT OF 2017”, or in the abbreviated form, the “LAW-MAKING ACT”.

Section 1.2 Definitions.

- (a) “Constitution” means the Constitution of the Kiowa Tribe approved by the U.S. Bureau of Indian Affairs on May 5, 2017.
- (b) “Department” means a Department and its subdivisions within the executive branch of government under the authority of the Chairman, including any tribally owned enterprises or corporations, or any Boards or Commissions located within same executive branch.
- (c) “Legislature” means the Legislature of the Kiowa Tribe.
- (d) “Tribe” means the Kiowa Tribe.

Section 1.3 Purpose.

The purpose of this Act is to ensure that the Legislature, who serve as the Peoples’ representatives, has all the information and data to make laws and approve budgets that address the needs of the People and the Tribe.

Section 1.4 Findings.

The Legislature hereby finds and declares that:

- (a) The Constitution establishes a separation of government powers between the Legislature, which is vested with law-making and budgeting powers, and the Chairman and Departments, which are vested with executive powers to carry-out and administer the laws and approved budgets; and,
- (b) The executive branch of the government includes all the Departments and day-to-day functions of the government, and that the Departments and executive branch personnel maintain critical data and information on the Tribe and the operations of government including expenditures; and,
- (c) In exercising its law-making and budgeting powers and while serving as the Peoples’ representatives, it is important that the Legislature has the necessary information and data, including documents and testimony, to draft laws and approve budgets in a well-informed manner so that the laws and budgets address critical issues within the Tribe and to protect government funds and resources; and,

(d) The Legislature finds it in the best interests of the government of the Tribe to promote the free-flow of information and ideas, including open communication, between the branches of government; and,

(e) The Legislature recognizes that requests for information, documentation, and testimony will require staff time from executive branch personnel to address; however, the Legislature considers the task of keeping the elected officials of the Legislature properly informed of the operations of the government to be included in the scope of work of all employees of the Executive branch and a necessary component of drafting and approving laws and budgets in the best interests of the Tribe; and,

(f) The Legislature has identified the need to clarify the process to request and obtain information, documentation, and testimony from executive branch Departments and personnel, which is necessary to assist with the development of new and amended laws and budgets, while at the same time protecting any confidential information that the Tribe may maintain in the course of its governmental operations.

Section 1.5 Legislature Requests for Information and Testimony.

(a) The Legislature or a Legislative Committee may request any information, documentation, and testimony from executive branch personnel that it reasonably believes will advance the formulation and development of Resolutions, laws, and budgets in the best interests of the Tribe. Any decision by a Legislative Committee to request information, documentation, or testimony from executive branch personnel shall be made by majority vote of the members of the Committee. Any request for information, documentation, or testimony shall be made in writing to the Chairman, with a copy to be delivered to the executive branch department or personnel.

(b) The Chairman or his designee, or the executive branch Department or personnel, shall respond to each request for information, documentation, and/testimony in a timely manner. If the Chairman or his designee, or executive branch department or personnel, cannot meet a deadline set by the Legislature or Legislative Committee for the production of information or documents, or if the executive branch employee is not available to provide testimony on the date requested, then the Chairman or executive branch Department or personnel shall notify the Speaker of the Legislature or the appropriate Legislative Committee, including when such information or documentation will be produced, or when the employee will be available to present testimony to the Legislature or Legislative Committee. An executive branch employee shall not be subject to any disciplinary action for responding to a request from the Legislature or a Legislative Committee for documents or testimony.

Section 1.6 Confidentiality of Documents and Testimony.

(a) Documents. If the Chairman or a Department employee reasonably believes that the information or documentation requested by the Legislature or Legislative Committee contains confidential information, then the Chairman or his designee, or the Department employee, shall inform the Legislature or Legislative Committee, shall redact the alleged confidential information, and shall produce the remaining information to the Legislature or Legislative Committee. If the

Legislature or Legislative Committee continues to assert the need for all the information or documentation including the alleged confidential information, then the Chairman or Department employee shall produce and deliver all of the requested information and documentation without redactions to the Legislature or Legislative Committee in a sealed envelope marked "CONFIDENTIAL INFORMATION", and any subsequent disclosure of the alleged confidential information received by the Legislature or Legislative Committee shall not be the responsibility of the Chairman or executive branch employee.

(b) Testimony. If the Chairman or a Department employee reasonably believes that the testimony requested by the Legislature or Legislative Committee contains confidential information, then the Chairman or his designee, or the Department employee, shall inform the Legislature or Legislative Committee, and the Legislature or Legislative Committee shall receive such testimony in an executive session, and any subsequent disclosure of the alleged confidential information received by the Legislature or Legislative Committee from such testimony shall not be the responsibility of the Chairman or Department employee.

1.7 Authority to Issue a Subpoena.

The Legislature or a Legislative Committee may issue a subpoena *duces tecum* or a subpoena for testimony to any person (including, without limitation, a past or present Chairman, a past or present Member of a Board or Commission within the executive branch as established in the Constitution or by law, a past or present Department employee, or a past or present Contractor), in writing, identifying the documents, information, and/or testimony requested, the date to comply with the request, and any other pertinent information, which shall be served in-person by any person over the age of eighteen. Failure to comply with a subpoena issued by the Legislature shall constitute a violation, and upon the request of the Legislature, the Chief Judge of the Trial Court shall hold a hearing expeditiously to determine whether the individual shall be held in contempt, ordered to comply with the subpoena, and/or subject to imprisonment not to exceed thirty days and/or a fine of up to \$5,000.

1.8 Informal Discussions.

Nothing in this Law-Making Act shall prevent informal discussions between the Legislature or individual Legislators and the Chairman and Department employees.

1.9 Tribal Contractors.

- (a) After September 1, 2025, any contract entered into between the Tribe, including any Department, and another entity (the "Contracting Party") shall include a provision stating that the Contracting Party consents to the subpoena power of the Legislature under this Act.
- (b) Any Person or entity who contracts with the Tribe, including any Department, whether verbally or in writing, shall be subject to the subpoena power of the Legislature as a Contracting Party under this Act. Any Indian, or Indian-Owned Business, who receives a discretionary disbursement from the Tribe shall be

considered a Contracting Party for the purposes of this Act, whether or not they have consented to the subpoena power of the Legislature under this Act.

(c) Legislature Requests for Information or Testimony.

- (1) The Legislature or a Legislative Committee may request any information, documentation, and testimony from Contracting Parties that it reasonably believes will advance the formulation and development of Resolutions, laws, and budgets in the best interests of the Tribe. Such information, documentation, or testimony must be related to the contract between the Contracting Party and the Tribe. Any decision by a Legislative Committee to request information, documentation, or testimony from a Contracting Party shall be made by majority vote of the members of the Committee. Any request for information, documentation, or testimony shall be made in writing to the Contracting Party, with a copy to be delivered to the Chairman.
- (2) The Contracting Party shall respond to each request for information, documentation, and testimony in a timely manner. If the Contracting Party cannot meet a deadline set by the Legislature or Legislative Committee for the production of information or documents, or if the Contracting Party is not available to provide testimony on the date requested, then the Contracting Party shall notify the Speaker of the Legislature or the appropriate Legislative Committee, including when such information or documentation will be produced, or when the Contracting Party will be available to present testimony to the Legislature or Legislative Committee.

(d) Confidentiality of Documents and Testimony.

- (1) Documents. If the Contracting Party reasonably believes that the relevant responsive information or documentation requested by the Legislature or Legislative Committee contains confidential information, then the Contracting Party shall inform the Legislature or Legislative Committee, shall redact the alleged confidential information, and shall produce the remaining information to the Legislature or Legislative Committee. If the Legislature or Legislative Committee continues to assert the need for all the information or documentation including the alleged confidential information, then the Contracting Party shall produce and deliver all of the requested information and documentation without redactions to the Legislature or Legislative Committee in a sealed envelope marked "CONFIDENTIAL INFORMATION", and any subsequent disclosure of the alleged confidential information received by the Legislature or Legislative Committee shall not be the responsibility of the Contracting Party.
- (2) Testimony. If the Contracting Party reasonably believes that relevant responsive testimony requested by the Legislature or Legislative Committee

contains confidential information, then the Contracting Party shall inform the Legislature or Legislative Committee, and the Legislature or Legislative Committee shall receive such testimony in an executive session, and any subsequent disclosure of the alleged confidential information received by the Legislature or Legislative Committee from such testimony shall not be the responsibility of the Contracting Party.



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 654-6338 • Fax: (580) 654-1788
OFFICE OF THE LEGISLATURE

KIOWA TRIBE LEGISLATIVE ORDER KLO-CY-2025-027

SUBJECT: To Override A Veto Issued by the Chairman of a Resolution/Bill KL-CY-2025-013 First Amendment to the Law-Making and the Production of Documents and Testimony Act of 2017.

WHEREAS, Article VI, Section 6(c) and (d) of the Tribe's Constitution grants the Legislature the authority to override a Chairman's veto of a Bill or budget by passing a Legislative Order; and,

WHEREAS, On August 09, 2025, the Legislature passed a Bill entitled, "First Amendment to the Law-Making and the Production of Documents and Testimony Act of 2017." (Resolution KL-CY-2025-013); and,

WHEREAS, On August 20th, 2025, the Chairman of the Tribe vetoed Resolution KL-CY-2025-013 citing, "reasons for veto by Chairman (see attached statement)"; and,

NOW THEREFORE IT BE RESOLVED, that the Legislature hereby overrides the Chairman's veto of Resolution KL-CY-2025-013 First Amendment to the Law-Making and the Production of Documents and Testimony Act of 2017.

CERTIFICATION

The foregoing Legislative Override Order KLO-CY-2025-00X was duly voted and approved upon by the Legislature on September 13, 2025, at a Legislative Regular Session CI-(101) with a vote of (7) in favor and (0) opposed, (0) abstaining, and (0) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.



Michael Primus
Speaker of the Legislature

LEGISLATIVE OVERRIDE ORDER - KLO-CY-2025-027

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Kyle Ataddlety District 1	X			
Michael Primus District 2	X			
Timothy Satepauhoodle District 3	X			
Cole DeLaune District 4	X			
Tiya Rosario District 5	X			
Ben Wolf District 6	X			
Warren Queton District 7	X			

KIOWA TRIBE RESOLUTION NUMBER KY-CY-2025-013

STATEMENT BY THE LEGISLATURE REGARDING VETO OVERRIDE

The first reason for veto that the Chairman gives is that this amendment expands the subpoena power to everyone in the Executive branch. This is not accurate. The amendment does not change the persons in the Executive Branch who are, and who for 8 years have been subject to the Legislature's subpoena power. This amendment extends the subpoena power to persons outside the executive branch. Consequently, the Chairman's reason for the veto is faulty and is not given any weight, and is rejected.

The Chairman urges that the Subpoena power extends to "discretionary and constitutionally protected duties" of the Executive Branch. It fails to even attempt to identify what amendment somehow does this. There is no merit to this objection and it is rejected.

The Chairman states that the amendment allows the legislature to unilaterally determine the scope "of lawful reasonableness." To the extent this is an objection to the reasonableness of a legislative subpoena, nothing in the amendment does what the Chairman objects to here, and there is no merit to this basis for the veto.

The Chairman complains that the amendment does not apply the Rules of Civil Procedure. Such rules only apply to Courts, and the Legislature is not a Court. Consequently, there is no merit to this objection and it is rejected.

While the Chairman says that the Legislature has to abide by Section 1.5 of the law, nothing in the amendment changes the legislature's duty under Section 1.5. And, while the Chairman rattles the sword of litigation, and complains about the recent subpoenas, he did not see fit to even object to the recent subpoenas, and was able to amicably work with the legislature on the production of documents sought. Consequently, not only is there no legal support for the objection, the example the Chairman provides undercuts his argument.

There is no meritorious argument for the Chairman's veto.

Additionally, the Legislature is including the attached letter from Legislature Rosario regarding concerns about effects on smaller vendors of the Tribe. The Legislature does not intend that the Resolution would interfere with any vendor's ability to do business with the Tribe, it merely allows the Legislature (when relevant) to request documents and information from vendors to conduct its own legislative and oversight business.

Dear legislators,

I am writing to request formal clarification and protection for small tribal craft vendors regarding Resolution KL-2025-013, Section 1.9, which subjects contracting parties to subpoena power of the legislature.

ISSUE:

Section 1.9 states that "any person or entity who contracts with the tribe, including any department, whether verbally or in writing, shall be subjected to the subpoena power of legislature as a contracting party under this act. Any Indian, or Indian owned business, who receives a discretionary disbursement from the tribe shall be considered a contracting party for the purpose of this act."

CONCERN:

Our tribal citizens who operate small crafting businesses—including those who create beadwork, traditional crafts, and baked goods—should not fall under this broad contracting clause. These vendors:

- Depend on tribal sales as their immediate income source
- Sell frequently to the tribe and its departments, particularly at AOA during paycheck periods
- Sell inter-departmentally and at the tribal gift shop/ casino gift shop
- Provide traditional wears and cultural items to our tribal employees
- Should not face additional obstacles when conducting daily business with the tribe

REQUEST FOR PROTECTION:

These small tribal craft vendors are not the intended tribal businesses this resolution seeks to regulate. I respectfully request that the Tribal Legislature formally clarify that small tribal craft vendors who sell traditional items, beadwork, crafts, and food goods directly to tribal departments are:

1. Exempt from the subpoena power provisions in Section 1.9
2. Protected from being classified as "contracting parties" under this act when conducting routine sales
3. Recognized as essential cultural vendors who require support, not additional regulatory burden

These vendors preserve and share our traditional culture while providing vital income for tribal families. They deserve protection and support, not subjection to legislative subpoena powers for their small-scale, culturally significant business activities.

I request this matter be addressed promptly to ensure our cultural vendors can continue their important work without fear of unintended legal consequences.

Respectfully,

Kiowa Tribe Legislator District 5

Tiya Rosario

1011 SW C AVE , Suite 1

Lawton, OK 73051

Office: [\(580\)425-0698](tel:5804250698) & [\(580\)919-0158](tel:5809190158).