



KIOWA TRIBE

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

Resolution Number: KL-CY-2025-014

2025 MORATORIUM ON NEW TRIBALLY OWNED CORPORATIONS.

At a duly called Legislative Regular Session C-(100) of the Legislature of the Kiowa Tribe held this 9th day of August, 2025, the following resolution, was adopted.

WHEREAS, the Kiowa Tribe is a sovereign nation and has been so since time immemorial; and,

WHEREAS, the Tribe exercises full enjoyment of the inherent powers of government, including self-determination and autonomy over internal affairs encompassing Tribe citizens, lands, and resources; and,

WHEREAS, on April 17, 2017, qualified voters of the Tribe ratified the Kiowa Constitution as “the supreme law of the land”; and,

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

WHEREAS, the Legislature is empowered by same Constitution to promulgate codes and statutes to protect Kiowa Tribal Citizens; and,

WHEREAS, the Legislature has concerns about the possible abuse and mismanagement of Tribally Owned Corporations created pursuant to Art. 5 of the Kiowa Tribe Uniform Commercial Business Code of 2023, Resolution No. KL-CY-2023-011;

NOW, THEREFORE BE IT RESOLVED, the Kiowa Tribe Legislature, having been delegated certain authorities under the Kiowa Constitution, the governing body of the Kiowa Tribe, and in an effort to safeguard the assets of the Kiowa Tribe, does hereby establish a moratorium on the issuance of new Articles of Incorporation for the creation of new Tribally-Owned Corporations pursuant to Article 5, Section 8(a) of the Kiowa Tribe Uniform Commercial Business Code of 2023, Resolution No. KL-CY-2023-11. This moratorium shall continue from the effective date of this resolution until duly repealed by the Legislature.

KL-CY-2025-014 – Published on June 13, 2025. Read into record by Cole DeLaune, District 4, at Legislature Regular Session XCVIII-(98), June 14, 2025. July 12, 2025. Legislature Public Hearing XII-(7), August 08, 2025. Legislature Regular Session C-(100), August 09, 2025.

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

CERTIFICATION

The foregoing Resolution KL-CY-2025-014 was duly voted upon by the Legislature on August 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-2025-014

Sponsors: Cole DeLaune, District 4

Co-Sponsors:

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			
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-2025-014 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 014

Moratorium on New Tribally Owned Corporations

Reason for Veto by Chairman

This law is being vetoed because the premise for enacting the law is based on speculation. The Legislature may wish to inquire into legitimate and lawful actions taken by the Executive Branch, but that has not occurred. While the Legislature has a legitimate duty to look into expenditures under its law-making and budgeting authority, no such thorough investigation has occurred. Instead, the Legislature has attempted to conduct a sweeping and superficial investigation that far exceeds its legislative authority. Further, under the Kiowa Constitution, the Legislature lacks authority to legislatively implement a moratorium on the economic development authority contained within the Executive Branch and Chairman's authority based on what the law describes as "concerns about the possible abuse and mismanagement of Tribally Owned Corporations", especially where there has been no definitive finding that follows a legitimate inquiry based on the limited scope of the Legislature's law-making and budgeting constitutional authority. Instead, acting on speculation alone and lacking constitutional authority, the Legislature seeks to grant unto itself extra-constitutional powers without any attempt to amend the Constitution. Such action unnecessarily creates a constitutional challenge under the Separation of Powers doctrine and the limits of Legislative constitutional authority that would prompt an ill-advised intervention before the Kiowa Tribe Trial Court and ultimately the Kiowa Tribe Supreme Court. Moreover, this proposed legislation would have an unwarranted and unsupportable chilling effect on ongoing business development relationships and prospective business relationships with entities engaging in and seeking to engage in legitimate business ventures with the Kiowa Tribe. There is no Constitutional authority for the Legislature to enact unto itself authority to stop the constitutional duties of the Chairman and the Executive Branch to seek lawful and constitutional economic opportunities for the benefit of the Kiowa People. The Kiowa Constitution grants no legislative authority to support this moratorium, and an override of the veto without significant changes to the proposed legislation will unnecessarily and dangerously prompt a legal challenge neither entity should want to pursue in this context.



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KIOWA TRIBE LEGISLATIVE ORDER KLO-CY-2025-028

SUBJECT: To Override A Veto Issued by the Chairman of a Resolution/Bill KL-CY-2025-014 2025 Moratorium on New Tribally Owned Corporations.

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, "2025 Moratorium on New Tribally Owned Corporations." (Resolution KL-CY-2025-014); and,

WHEREAS, On August 20th, 2025, the Chairman of the Tribe vetoed Resolution KL-CY-2025-014 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-2025-014 2025 Moratorium on New Tribally Owned Corporations.

CERTIFICATION

The foregoing Legislative Override Order KLO-CY-2025-028 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-2025-028

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-2025-014

STATEMENT BY THE LEGISLATURE REGARDING VETO OVERRIDE

The Chairman contends that “the Legislature lacks authority to legislatively implement a moratorium on the economic development authority contained within the Executive Branch and Chairman’s authority...” The Chairman has it backwards. The Constitution provides that the “Chairman shall execute, administer, and enforce the laws” of the Kiowa Tribe. Art. VII Sec. 4(a). Additionally, the Constitution restricts the Chairman’s economic powers by limiting his authority to enter into contracts to those contract that have “previously authorized” by the Legislature. Art. VII Sec. 4(b)-(c). Put another way, the Chairman’s economic powers come from the laws adopted by the Legislature, not from some inherent Constitutional authority.

This resolution is an appropriate exercise of the Legislature’s authority to define the economic authority of the Chairman by temporary suspending the issuance of new Articles of Incorporation for the creation of new Tribally-Owned Corporations, which are only allowed by another piece of Legislation: the Kiowa Tribe Uniform Commercial Business Code of 2023. It is quite common for Legislatures to place moratoriums on the implementation of their own legislative acts, just as they are free to amend or repeal the same legislative acts. Simply put, the Legislature is acting pursuant to its Constitutional powers and is not an attempt to “grant unto itself extra-constitutional powers” or “amend the Constitution” as the Chairman alleges.

Looking to the practical matters raised by the veto, the Chairman only alleges that: (1) the legislation is based on speculation of wrongdoing; and (2) a fear that the legislation would create some sort of “chilling effect” on ongoing business development relations. Regarding the first issue, the Legislature made clear the concerns it was acting on in the text of the legislation and the debate leading up to the vote. Then, regarding the “chilling effect” concern, the Chairman provides no example of how the development of new business developments necessitates the creation of new Tribally-Owned Corporations, or how the lack of new Tribally-Owned Corporations would drive away any possible contractors with the Tribe.