



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-2025-015

2025 MORATORIUM ON FUNDING FOR EXISTING 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's duties include monitoring the actions of the government, accessing the needs of the People, and making laws toward better government to address the needs of the People under Article VI, Section 1 of the Kiowa Constitution; 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 Kiowa Legislature is vested with the authority for budgeting the expenditure of Kiowa money (Art. VI, Section 6(b)(ii)); and,

WHEREAS, the budget of the Kiowa Tribe shall include all revenue and funds controlled by the Tribe including government funding, grants, business revenue, gaming revenue, and all revenue and funds received by the Tribe from any and all sources (Art. VI, Section 6(b)(iii)); and,

WHEREAS, every funding item in the annual budget must have been previously authorized by law. No monies shall be drawn from the Treasury except by signature of the Chairman and except upon authorization and appropriation by law (Art. VI, Section 6(b)(v)); and,

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

WHEREAS, the Legislature previously passed into law the Kiowa Tribe Uniform Commercial Business Code of 2023, Resolution No. KL-CY-2023-011, Article 5 of which permits the Chairman to create tribal corporations; and,

WHEREAS, recognizing that all business revenue of the Tribe must be contained in a tribal budget and that no moneys may be spent until and unless authorized and appropriated by law, the legislature is concerned that funds held, managed or controlled in relation to businesses formed by the Chairman pursuant to the Kiowa Tribe Uniform Commercial Business Code of 2023, Resolution No. KL-CY-2023-011 may have been or may be in the future spent without the requisite budget approval, authorization or appropriation by law; and,

WHEREAS, the Kiowa Tribe Legislature does herein establish a moratorium on the withdrawal of any money from the treasury, or the spending or transferring of any money by or for Tribally Owned businesses created pursuant to the Kiowa Tribe Uniform Commercial Business Code of 2023, Resolution No. KL-CY-2023-011.

NOW THEREFORE BE IT RESOLVED, that no money may be drawn from the Treasury, transferred, moved or spent on or by any of the following: Kiowa, Inc.; Kiowa Technology, Inc.; Kiowa Telecommunications, Inc.; Kiowa Farms, Inc.; Kiowa Ranch, Inc.; Kiowa Tribal Loan Fund, Inc.; or Kiowa Education Foundation, Inc.

BE IT FURTHER RESOLVED, whether or not named or listed herein, no money may be drawn from the treasury, transferred, moved or spent on or by for any new or existing business created pursuant to the Kiowa Tribe Uniform Commercial Business Code of 2023, Resolution No. KL-CY-2023-011.

BE IT FURTHER RESOLVED, the Chairman shall provide, within 30 days, a full and complete list of every business created pursuant to the Kiowa Tribe Uniform Commercial Business Code of 2023, Resolution No. KL-CY-2023-011.

BE IT FURTHER RESOLVED, the Chairman shall provide, within 60 days, a full and complete financial accounting for each and every business created pursuant to the Kiowa Tribe Uniform Commercial Business Code of 2023, Resolution No. KL-CY-2023-011.

BE IT FURTHER RESOLVED, nothing herein shall be construed to apply to the Kiowa Casino Operations Authority (KCOA) which is established pursuant to a specific tribal charter.

BE IT FINALLY RESOLVED, that this Resolution shall remain in effect until duly repealed by the Legislature.

CERTIFICATION

The foregoing Resolution KL-CY-2025-015 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-2025-015

Sponsors: Michael Primus, District 2.

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-2025-015 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 015

Moratorium on Funding for Existing Tribally Owned Corporations

Reason for Veto by Chairman

The powers of the Legislature are clearly delineated in the Constitution of the Kiowa Tribe. Those powers do not include the power of the Legislature to issue a moratorium on funding existing tribally owned corporations. This is especially true when such action likely will adversely impact the viability of these existing tribally owned corporations, imperil their respective operations, violate the terms of any contracts related to those corporations, and unfairly and permanently damage the reputation of the Kiowa Tribe as a legitimate government that legitimately engages in economic development for the benefit of the Kiowa people. This limitation of legislative authority is heightened when the alleged basis is merely the “concern” and speculation of the Legislature occurring without a thorough inquiry. While the Legislature’s role may include the finding of any improper spending, the authority for such power is proscribed by the Legislature’s role in spending oversight, which falls within its authority to enact legislation and pass budgets. That role and that authority does not embrace the Legislature issuing illegal and unconstitutional moratoriums that place the Legislature in the unauthorized role of managing the Tribe’s business entities. The *de facto* exercise of executive authority by the Legislature is not contained in the Kiowa Constitution and is a clear violation of the separation of powers doctrine. Moreover, unconstitutional actions as contained in this proposed Legislation will have the ill-advised adverse impact on economic development, adverse and immediate consequences on the operation of existing business, and will sully the reputation of the Kiowa Tribe as it engages in legitimate business opportunities and development. It will undermine the Tribe’s duty to operate its businesses for which it is obligated to manage and nurture for the benefit of the Kiowa People. Further, the proposed Legislation if enacted would prompt a legal challenge to the Kiowa Tribe Trial Court and possibly the Kiowa Tribe Supreme Court in a matter that raises fundamental issues about the differing roles of the three branches of government in carrying their respective duties under the Constitution. Such a challenge should be avoided except in the most important and critical issues because it requires a review of the core elements of the Tribe’s governmental structure that will needlessly draw the third branch of government into a constitutional dispute between the other two branches and likely create unnecessary concerns among the members of the Kiowa Tribe. This result is especially true when the legislation is based on concerns and speculation, and not after a careful and deliberate process by the Legislature limited by its constitutional law-making and budgeting legislative authority. The Executive Branch believes that such challenges ought to be raised only in the most egregious of issues and with great reluctance, neither of which is present in this matter.



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KIOWA TRIBE LEGISLATIVE ORDER KLO-CY-2025-029

SUBJECT: To Override A Veto Issued by the Chairman of a Resolution/Bill KL-CY-2025-015 2025 Moratorium on Funding for Existing 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 Funding for Existing Tribally Owned Corporations." (Resolution KL-CY-2025-015); and,

WHEREAS, On August 20th, 2025, the Chairman of the Tribe vetoed Resolution KL-CY-2025-015 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-2025-015 2025 Moratorium on Funding for Existing Tribally Owned Corporations.

CERTIFICATION

The foregoing Legislative Override Order KLO-CY-2025-029 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-2025-029

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-2025-015

STATEMENT BY THE LEGISLATURE REGARDING VETO OVERRIDE

The Chairman's veto contends that the Legislature does not have the power "to issue a moratorium on funding existing tribally owned corporations." However, the Constitution restricts the Chairman's power to spend money by providing that:

Monies that have been appropriated by law shall not be drawn from the Treasury except by signature of the Chairman and any other executive officers subordinate to the Chairman as required by Law. No expenditure shall be made unless included in an approved budget.

Art. VII, Sec. 4(a). This is consistent with the powers granted to the Legislature:

Every funding item in the annual budget must have been previously authorized by law. No monies shall be drawn from the Treasury except by signature of the Chairman and except upon authorization and appropriation of law.

Art. VI Sec. 6(b)(v). Here, the moratorium legislation is providing that no expenditures related to Tribally Owned Corporation are authorized by law at this time. This is a valid exercise of legislative power. This is not an attempt to "manage" the Tribe's business enterprises, but a valid exercise of the Legislature's oversight authority.

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 "ill-advised adverse effect" on ongoing business 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 "ill-advised adverse effect" concern, the Chairman only alleges that the lack of funding could impact the viability of the corporations and potentially cause the corporation to default on outstanding contracts. These concerns are misplaced because the Chairman has publicly stated that these Tribally Owned Corporations are not currently in operation or using tribal funds.