



KIOWA TRIBE

P.O. Box 369 • Carnegie, Oklahoma • 73015
Phone: (580) 699-2407 • Fax: (580) 699-2408
OFFICE OF THE LEGISLATURE

KIOWA TRIBE RESOLUTION NO. KL-CY-2021

OPEN PUBLIC LEGISLATIVE PROCESS ACT OF 2021

At a duly called Session of the Legislature of the Kiowa Tribe held this XX day of XXXXXXXX, 2021, 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 Kiowa Legislative Branch is mandated to adopt and follow an open legislative process for enacting all laws and resolutions; and

WHEREAS; the Constitution requires that all actions by the Legislature be embodied in a written law or resolution; and

WHEREAS; the Legislature has identified the need to clarify the process of creating and approving laws toward better government to address the needs of the people; and

WHEREAS; the Legislative Branch must adhere to all requirements of the legislative process embodied within the Constitution for a law or resolution to be officially authorized; and

NOW THEREFORE BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "THE OPEN PUBLIC LEGISLATIVE PROCESS ACT OF 2021".

CERTIFICATION

The foregoing **Resolution No. KL-CY-2021-XXXX** was duly voted at a duly called Regular Session by the Legislature on **XXXXXXXX, XX, 2021**, with a vote of **(X) in** favor and **(X) opposed, (X) abstaining,** and **(X) absent,** pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Anita Onco Johnson, District V
Legislative Secretary

SECTION 1.1 SHORT TITLE

This enactment shall be known as the “THE OPEN PUBLIC LEGISLATIVE PROCESS ACT OF 2021”

SECTION 1.2 PURPOSE

The purpose of the Act is to clarify and define the detailed process of enacting laws and resolutions in accordance with the requirements of the Constitution. The enactment of this law shall establish a standard practice for the legislative process described within the Constitution.

SECTION 1.3 FINDINGS

The Legislature Hereby finds and declares that:

- (a) The Legislature is vested with the authority to create laws and resolutions toward a better government to address the needs of the people
- (b) The Constitution of the Kiowa Tribe mandates the Kiowa Legislature to adopt and follow an open public legislative process for enacting all laws and resolutions.
- (c) The Kiowa Legislature finds the need to clarify the legislative process for all enactments of laws and resolutions on behalf of the Kiowa Tribe.
- (d) In exercising its law-making and budgeting powers and while serving as the Peoples’ elected representatives it is important that the Legislature have a step-by-step description of the Legislative Process.
- (e) It is in the best interest of the Kiowa Tribe that all proposed laws and resolutions are not in conflict with the process described in the Constitution.

SECTION 1.4 DEFINITIONS.

For the purposes of this Act the term:

- (a) “Amended” or “Amendment” is a formal or official change made to current legislation.
- (b) “Budget Modification” is an increase or decrease to an approved budget to obtain new grants, appropriate matching funds for new grants, or to expend new grant funds may be done at any time by law.
- (c) “Budget” is an annual estimate of revenue and appropriation of the Tribal government funding for the fiscal year which must be approved by the People. This 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.
- (d) “Bill” is a legislative proposal of a law or resolution under consideration by the Legislature. A bill does not become law until it completes the legislative process.

- (e) “Certified Enactment” is bill which was approved by the Legislative Process then is signed by the Legislative Sponsor, the Legislative Speaker, and the Legislative Secretary to verify that it is a valid bill. This certified enactment will be presented to the Chairman for approval or veto.
- (f) “Law” is a rule defining the correct procedure or behavior in Tribal government which must be approved by the legislative process.
- (g) “Legislative Calendar” identifies bills and resolutions waiting for Legislative action. All bills and resolutions shall be published in the Legislative Calendar for at least thirty days prior to action on the bill or resolution.
- (h) “Legislative Clerk” receives bills, resolutions, and amendments offered by the Legislative branch. The Clerk publishes all laws and approved budgets within thirty (30) days of enactment and shall maintain a set of all laws enacted by the Legislature which shall be available for public inspection.
- (i) “Legislative Order” is an action that is used by the Legislature to approve internal administrative and operational matters, and other specified matters. This document shall be used to approve or reject a veto override of a law or budget, to call Special Meetings of the Council, and to confirm or deny nominations made by the Chairman. Legislative Orders shall not be presented to the Chairman for signature or veto.
- (j) “Legislative Order Session” is an official public session used by the Legislature to pass Legislative Orders which may, upon reasonable notice, convene at any time to consider and approve Legislative Orders. This session requires a quorum of four Legislators and the Legislative Speaker shall apply standard meeting procedures.
- (k) “Legislative Record” is the official Legislative record which summarizes the actions and proceeding of the Legislative branch. This will include but not limited to approved and certified session minutes, roll call votes, and the date of the introduction of legislative proposals.
- (l) “Legislative Regular Session” is a Constitutional requirement of convening at the Tribe Headquarters for twelve sessions of up to two consecutive days beginning on the second Saturday of each month beginning at 9:00 a.m.
- (m) “Legislative Secretary” is responsible for all roll call votes of the Legislature, and any veto override votes of the Legislature, and shall certify all Legislative actions on all Laws, budgets, and Legislative Orders.
- (n) “Legislative Speaker” shall oversee and maintain order at Legislative Sessions and shall apply standard meeting procedures that provide for the fair and orderly conduct of the Sessions and meetings.

- (o) "Legislative Sponsor/Co-Sponsor" each proposed law (Bill), budget, budget modification, and Legislative Order shall include the name or names of the Legislator(s) who is/are sponsoring such Bill or Legislative Order.
- (p) "Legislative Working Session" is a session for the purpose of discussing or working on substantive issues, projects, or preparing for Legislative Sessions; provided, that no official action(s) may be taken in a working session.
- (q) "Majority Vote" means more than half of the votes cast of the Legislators present.
- (r) "Presentment" means to deliver a certified enactment to the Chairman or the Executive Assistant to the Chairman. Upon delivery of the enactment, the Legislative Clerk is required to obtain a signed document as proof of delivery.
- (s) "Public Hearing" is an open forum of Kiowa elected officials and Kiowa Tribal members, which members are able to offer comments and questions on a proposed law or resolution.
- (t) "Quorum" shall mean a minimum of four legislators shall be required to be present to pass bills pursuant to the Legislative Process as stated in the Constitution.
- (u) "Reasonable Notice" that is deemed to be what a reasonable person would recognize as minimally acceptable under the circumstances.
- (v) "Repealed" is the official act of removing or reversal of an enacted law or resolution.
- (w) "Resolution" is an official expression of the opinion or the will of the Legislative branch. Resolutions are used when a passage of a law is unnecessary or unfeasible. In many cases, relevant laws already exist. The resolution may be used to express the Legislature's interpretation of any portion of an existing law or to merely asserts an opinion that lawmakers want to emphasize.
- (x) "Superseded" means to have officially replace a prior act with a new law by Legislative Process.
- (y) "Veto" is the executive power of the Chairman of the Kiowa Tribe to not approve a bill or resolution to prevent its enactment into law.
- (z) "Veto Override" is the process by which the Legislative branch votes on a bill or resolution over the Kiowa Tribe Chairman's objections that requires six affirmative votes from the Legislators present.

SECTION 1.5 LEGISLATIVE PROCESS

1. All legislative proposals shall be formally introduced as written Bills and assigned a working number for identification and reference. All Bills shall include a statement identifying the specific law, if any to be superseded, repealed, or amended.
2. All Bills shall be read into the Legislative Record at a duly called official Legislative Session.
3. Bills must be submitted to the Legislative Clerk to formally establish the timeline required for the passage of a proposed legislation. All bills shall be published in a Legislative Calendar for at least thirty days prior to action on the Bill.
4. The Legislative Speaker shall submit a Request to Publish memorandum to the Kiowa Tribe Information Technology personnel and/or Kiowa Tribe Public Relations to publish the proposed bill on the official Kiowa Tribe Website. (*Public Information and Legislative Publishing Act of 2017*).
5. All Bills shall be made the subject of a public legislative hearing prior to action on the Bill. Public hearings may be held by either in-person forums or by live video conferencing methods and must be conducted no less than four days prior to the date of the legislative vote.
6. The final version of the proposed bill must be submitted by 12:00 p.m. on the Thursday prior to the Regular Session via email to all seven district Legislators and the Legislative Clerk.
7. All decisions of the Legislature shall be made by a majority vote of the Legislators present unless otherwise specified in this Constitution. The Legislature shall vote on each individual Bill separately by roll call vote. The names and votes of each Legislature shall be recorded and published. Proxy voting shall be prohibited.
8. A final approved version must be signed and certified before presentment to the Chairman for approval or veto. All Legislative approved bills must be signed by the Legislative Speaker and the Legislative sponsor of the Bill then certified by the Legislative Secretary.
9. The Chairman shall have the power to sign any enactment passed by the Legislature into law or to veto with written explanations any enactment passed by the Legislature within ten days of passage and presentment of a certified enactment from the Legislature to the Chairman.
10. All Bills passed by the Legislature shall be presented to the Chairman for signature or veto. All laws shall take effect upon signature by the Chairman or veto override by the Legislature, or at a later time indicated in the law.

(a) If the Chairman approves the enactment

- i. Legislative action shall be written on the document and authorized the enactment as law. The Legislative Speaker and the Legislative Secretary shall sign and verify that this action has been taken.
 - (b) In the event of a Chairman's veto of a Bill, the Legislature upon reasonable notice may convene in a Legislative Order Session to vote on a Legislative Order to override the Chairman's veto.
 - i. A legislative order must be attached to the document to verify the legislative process has been followed. The Legislative Speaker and the Legislative Secretary shall sign and verify that this action has been taken.
 - (c) If the Chairman takes no action within ten days then this enactment shall become law in accordance with this constitution.
 - i. Legislative action shall be written on the document and authorized the enactment as law. The Legislative Speaker and the Legislative Secretary shall sign and verify that this action has been taken.
 - (d) At the time the Bill has been authorized as enacted as law it shall be assigned a permanent number.
11. Any action by the Legislature that does not follow the Legislative Process shall be deemed void and shall not be implemented or enforced by the government, Chairman, or any official or employee.

SECTION 1.6 RECORDS MANAGEMENT

1. The Legislative Secretary will place the original document in the Official Legislative Resolution Book.
2. Certified copies with a Legislative Kiowa Seal will be given to the Kiowa Tribe Chairman's Office, the Kiowa Tribe Judicial Court Administrator, the Kiowa Tribe Records Management Office, and the Legislative Clerk.
3. The Legislative Clerk will distribute final copies to the Kiowa Tribe District Legislators.
4. The Office of Records Management shall compile all laws and resolutions into a comprehensive Code that shall be published annually.
5. Upon the official enactment of the law, the Legislative Speaker shall submit a Request to Publish memorandum to the IT personnel to publish on the Kiowa Tribe Website.