



# KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

## KIOWA TRIBE RESOLUTION NO. KL-CY-2018-009

### TRIBAL MEMBER PREFERENCE AND INDIAN PREFERENCE ACT OF 2018

At a duly called Session of the Legislature of the Kiowa Tribe held this 10th day of March 2018, 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 determined that it is in the best interest of the Tribe to enact a law to establish Tribal Member Preference and Indian Preference in the employment practices of the Tribe.

**NOW THEREFORE BE IT RESOLVED;** that the Legislature hereby enacts the attached law entitled, "TRIBAL MEMBER PREFERENCE AND INDIAN PREFERENCE ACT OF 2018".

### C E R T I F I C A T I O N

The foregoing Resolution KL-CY-2018-010, was duly voted upon by the Legislature on March, 2018, at a Legislative Session XI with a vote of ( 6 ) in favor and ( 0 ) opposed, ( 0 ) abstaining, and ( 1 ) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

  
\_\_\_\_\_  
Rhonda J. Ahhajitty  
Secretary of the Legislature



**LEGISLATURE - RESOLUTION NO. KL-CY-2018-009:**

**SPONSOR:** Ronald Poolaw, Sr., Kiowa Legislator.

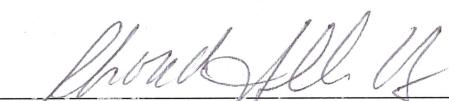
**CO-SPONSOR(S):** Rhonda Ahhaity, Secretary of the Kiowa Legislature; Renee M. Plata, Speaker of the Kiowa Legislature.

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Renee M. Plata	X			
Rhonda J. Ahhaity	X			
Ronald C. Poolaw, Sr.	X			
Dave Geimausaddle	X			
Anita Onco Johnson	X			
Modina Waters				X
Ben Wolf	X			

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**DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN**

Resolution No. KL-CY-2018-009 was presented to the Chairman of the Kiowa Tribe on the 12th day of March 2018, 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.



Rhonda J. Ahhaity  
Secretary of the Legislature

**CHAIRMAN'S ACTION:**

[ ] APPROVED

[ ] VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

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On this \_\_\_\_ day of March, 2018.

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Matthew M. Komalty  
Chairman of the Kiowa Tribe

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Presented by the Chairman to the Legislature on the \_\_\_\_ day of March, 2018.

**LEGISLATURE'S ACTION:****Override of Chairman's veto:**

[ ] YES

[ ] NO

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Renee M. Plata				
Rhonda J. Ahhaity				
Ronald C. Poolaw, Sr.				
Dave Geimausaddle				
Anita Onco Johnson				
Modina Waters				
Ben Wolf				

## CERTIFICATION

The foregoing Resolution KL-CY-2018-009 was duly voted upon by the Legislature on March \_\_\_\_\_, 2018, at a meeting with a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, and \_\_\_\_\_ abstaining pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

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Rhonda J. Ahhaitty  
Secretary of the Legislature

## **Section 1.1    Short Title**

This enactment shall be known as the “TRIBAL MEMBER PREFERENCE AND INDIAN PREFERENCE ACT OF 2018” (“Act”).

## **Section 1.2    Purpose**

The purpose of this Act is to establish Tribal Member Preference and Indian Preference in the employment practices of the Tribe.

## **Section 1.3    Findings**

The Legislature finds that:

- (a) The Tribe has determined that it is in the best interest of the Tribe to enact a law to ensure that willing, capable, and qualified, enrolled members of the Tribe (“Member of the Tribe”) and other Native Americans have the opportunity for employment with the Tribe.
- (b) The Tribe shall provide a preference for qualified Members of the Tribe, and a secondary preference for other qualified Native Americans who are enrolled members of a federally-recognized tribe or tribes, in employment, training, and promotions.
- (c) The Tribe shall provide these political preferences, which are not racial preferences, to Members of the Tribe and to members of other Indian tribes.
- (d) Indian preference laws, which provide preferences to enrolled members of Indian tribes, have been upheld by decisions of the U.S. Supreme Court.

## **Section 1.4    Tribal Member Preference**

The Tribe shall utilize and apply a Tribal Member Preference, as a first preference, in its employment practices. The term, “Tribal Member Preference” shall mean that a qualified Member of the Tribe who meets or exceeds the minimum job qualifications and standards shall be selected to be employed, trained, and/or promoted before any other person. If two or more Members of the Tribe meet the minimum job qualifications and standards, then the most qualified person shall be selected.

## **Section 1.5    Indian Preference**

The Tribe shall utilize and apply Indian Preference, as a secondary preference, in its employment practices. The term, “Indian Preference” shall mean that a qualified, enrolled member of a federally-recognized Indian tribe who meets or exceeds the minimum job qualifications and standards shall be selected to be employed, trained, and/or promoted before any other person except a Member of the Tribe. If two or more persons meet the qualifications

for Indian Preference, including the minimum job qualifications and standards, then the most qualified person shall be selected.

### **Section 1.6 Applying the Preferences**

The Human Resources Director shall ensure that every job announcement includes a clear set of minimum qualifications. If one or more Members of the Tribe apply for the available job, then the Human Resources Director shall apply the Tribal Member Preference and the Member of the Tribe that meets the minimum qualifications, or the Member of the Tribe who is the most qualified, shall be selected. If no Member of the Tribe applies or meets the minimum qualifications for the job, then the Human Resources Director shall apply Indian Preference, and the member of another Indian tribe, or the most qualified member of another Indian tribe shall be selected. If no Member of the Tribe, or no member of the another Indian tribe, applies or meets the minimum requirements for the job, then the Human Resources Director shall consider all other applicants for the job.

#### **| Section 1.7 Proof of Qualification for Preference**

The use of a valid Tribal ID card, CDIB card, Form 5-4432, or other similar document issued by Kiowa Tribe or another federally-recognized tribe shall be sufficient proof of enrollment as a Member of the Kiowa Tribe, or another tribe as the case may be, for purposes of qualifying for Tribal Member Preference or Indian Preference under this Act.