



# KIOWA TRIBE

**P.O. Box 369 • Carnegie, Oklahoma • 73015**  
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**OFFICE OF THE LEGISLATURE**

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## KIOWA TRIBE RESOLUTION NO. KL-CY-2024-0XX KIOWA TRIBE FALSE CLAIMS ACT

At a duly called Session of the Legislature of the Kiowa Tribe held this \_\_\_\_ day of \_\_\_\_\_ 2024, 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 enacted the "False Claims Act," which is designed to govern and regulate all funds and property belonging to the Kiowa Tribe. This legislation aims to ensure transparency and accountability in financial dealings.; and,

WHEREAS; the Legislature has enacted the "False Claims Act" to safeguard the Kiowa Tribe's resources. This legislation ensures that no individual, including appointed, elected officials, and others, can unlawfully appropriate funds or property from the Tribe; and,

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "Kiowa Tribe False Claims Act".

### CERTIFICATION

The foregoing Resolution KL-CY-2025-00X was duly voted upon by the Legislature on \_\_\_\_\_, 2025, at a Legislative Regular Session \_\_\_-( ), with a vote of ( ) in favor and ( ) opposed, ( ) abstaining, and ( ) absent, according to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

\_\_\_\_\_  
Michael Primus  
Speaker of the Legislature

LEGISLATIVE RESOLUTION – KL-CY-2025-00X

Sponsors: Michael Primus, District 2

Co-Sponsors: Kyle Ataddlety, District 1; Timothy Satepauhoodle, District 3; Cole DeLaune, District 4; Tiya Rosario, District 5; Ben Wolf, District 6; Warren Queton, District 7.

LEGISLATORS	YES Hàu	NO Hàu:né	ABSTAIN Háun á	ABSENT Héñgyádàu
Kyle Ataddlety District 1				
Michael Primus District 2				
Timothy Satepauhoodle District 3				
Cole DeLaune District 4				
Tiya Rosario District 5				
Ben Wolf District 6				
Warren Queton District 7				

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2025-00X was presented to the Chairman of the Kiowa Tribe on the \_\_th day of \_\_\_\_\_, 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:

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On this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Lawrence Spottedbird  
Chairman of the Kiowa Tribe

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Presented by the Chairman to the Legislature on the \_\_\_\_ day of \_\_\_\_\_, 2025.

LEGISLATURE’S ACTION:

Override of Chairman’s veto:

YES

NO

LEGISLATIVE OVERRIDE ORDER: KLO-CY-2025-0XX

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

**CERTIFICATION**

The foregoing Legislative Order, KLO-CY-2025-00X was duly voted upon by the Legislature on \_\_\_\_\_, 2025, at a Legislative Override Order Session with a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed, and \_\_\_\_\_ abstaining, \_\_\_\_\_ Absent. Pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

\_\_\_\_\_  
 Michael Primus  
 Speaker of the Legislature

**Section 101. Title.** This Act shall be known as the False Claims Act (“Act”).

**Section 102. Purpose.** This Act is passed to ensure that no person takes money or property improperly from the Kiowa Tribe (“Tribe”). In the past, appointed and elected officials, and others, took money and property from the Tribe without the authority of law. This Act is passed to create a significant disincentive to any future taking of money and property and a mechanism to recover the money and property improperly taken.

**Section 103. Definitions.** The following are defined terms that shall apply to this Act and any application or interpretation of it:

- (a) the terms “knowing” and “knowingly”—
  - (1) means that a person, with respect to information:
    - (A) has actual knowledge of the information;
    - (B) acts in deliberate ignorance of the truth or falsity of the information; or
    - (C) acts in reckless disregard of the truth or falsity of the information; and
  - (2) requires no proof of specific intent to defraud.
- (b) the term “claim”—
  - (1) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the Tribe has title to the money or property, that:
    - (A) is presented to an officer, employee, or agent of the Tribe or any business that it owns; or
    - (B) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Tribe’s behalf or to advance a Tribe business, program or interest, and if the Tribe:
      - (i) provides or has provided any portion of the money or property requested or demanded; or
      - (ii) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and
  - (2) does not include requests or demands for money or property that the Tribe has paid to an individual as compensation for employment or as an income subsidy with no restrictions on that individual’s use of the money or property.
- (c) the term “material” means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.
- (d) the term “obligation” means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment.
- (e) the term “Relator” shall mean the person filing a claim under this Act.

**Section 104. Exclusions and Limitations.**

- (a) The provisions of this Act shall not apply to the Chairman of the Tribe, the Vice-Chairman of the Tribe, the Legislators of the Tribe, the Judges of the Trial Court, or the Justices of the Supreme Court. Said persons shall neither be a defendant nor a relator in any action under this law, during their terms of office.
- (b) The Statute of Limitations applicable to the prosecution of claims under the Act shall be six (6) years from the date of the claim.

**Section 105. Cause of Action.** Any person who:

- (a) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval; or
  - (b) knowingly makes, uses, or causes to be made or used, a false record or statement that is material to a false or fraudulent claim; or
  - (c) has possession, custody, or control of property or money used, or to be used, by the Tribe and knowingly delivers, or causes to be delivered, less than all of that money or property; or
  - (d) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Tribe and, intending to defraud the Tribe, makes or delivers the receipt without completely knowing that the information on the receipt is true; or
  - (e) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Tribe who lawfully may not sell or pledge property; or
  - (f) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Tribe, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Tribe; or
  - (g) conspires to commit a violation of subparagraph (A), (B), (C), (D), (E), or (F),
- is liable to the Tribe for a civil penalty of not less than \$5,000 and not more than \$10,000 for each false or fraudulent claim, plus the actual damages which the Tribe sustains because of the act of that person, plus a multiplier of not less than three (3) times and not more than ten (10) times actual damages as the Court may determine is appropriate based on the facts and circumstances of each case.

**Section 106. Procedure.** The following shall be the procedure applicable to any claim or cause of action to enforce the provisions of this Act:

- (a) Any person may bring a claim or cause of action under this Act as a Relator. The relator shall bring the claim in the name of the Tribe or the relevant entity owned or controlled by the Tribe.
- (b) Any claim or cause of action brought under this Act shall be brought in the Trial Court of the Tribe.
- (c) The Complaint filed in an action under this Act shall be filed under seal pursuant to the procedures of the Trial Court. The Case shall be recorded in the official Court records by the Court Clerk, but the existence of the case shall remain a secret and shall not be published until the case is unsealed. The Clerk of the Trial Court shall immediately transmit one copy of the sealed complaint to the Tribal Prosecutor.

- (d) There shall be no filing fee for a Complaint under this Act.
- (e) On day sixty-one (61) after filing, the complaint shall be unsealed and filed in the open court records, unless the Prosecutor informs the Court Clerk of pending investigations before the time for unsealing. In which case, the matter shall remain secret and the Complaint sealed for up to sixty (60) additional days. In no event shall the matter remain secret or the Complaint sealed for more than one hundred twenty (120) days.
- (f) Upon receipt of the Complaint, the Tribal Prosecutor shall investigate the matters alleged. The Tribal Prosecutor may, at any time while the matter remains sealed, elect to prosecute the matter on behalf of the Tribe. If the Tribal Prosecutor does not elect to prosecute the matter, the Relator may prosecute or dismiss the matter.
- (g) If the prosecution of the matter results in an award of damages, the Relator shall be entitled to 1/3 of the damages awarded, inclusive of both civil penalties and actual damages, whether or not the Prosecutor prosecutes the matter.
- (h) If the prosecution of the matter results in an award of damages, the Relator or the Tribe shall be entitled the costs of the action and attorney fees at a reasonable rate as the Court may determine.
- (i) The current rules of civil procedure, evidence and appellate procedure adopted by the Tribe shall apply in any pretrial, trial or appeal of an action under this Act.