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Geoffrey M. Standing Bear
Principal Chief

Osage Nation
Office of the Principal Chief



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Raymond Red Corn
Assistant Principal Chief

EXECUTIVE VETO MESSAGE
April 20, 2016

To the Honorable Maria Whitehorn, Speaker of the Osage Nation Congress and Members of the 4th Osage Nation Congress:

I hereby transmit pursuant to the provisions of Section 11 of Article VII and Section 14 of Article VI of the Osage Nation Constitution my objection to ONCA 16-58, entitled:

“An Act to repeal and replace ONCA 12-107 to establish the Capital Asset and Improvement revolving fund not subject to fiscal year limitations; to set reporting requirements and guidelines for use; to limit expenditures out of the fund; to designate authorized personnel that may make expenditures out of the fund; and to establish an alternate effective date.”

Because provisions of ONCA 16-58 violate the decision of our Supreme Court in the case of *Standing Bear vs Whitehorn*, I hereby veto that legislation.

ONCA 16-58, Section 4(D) says: “No funds for any capital construction project may be expended out of the Capital Asset and Improvement Fund until a Capital Budget is prepared and approved by Congressional Resolution.” The Capital Asset and Improvement Fund was enacted into law by action of the 3rd Osage Congress in ONCA 12-107. The appropriated funds within the Capital Asset and Improvement Fund are already in the Treasury of the Osage Nation. ONCA 12-107 says at Section 2(D): “Expenditures out of the Capital Asset and Improvement Fund shall be directed by the Executive Branch, and they shall be consistent with the stated purposes of this Act.” Now the 4th Osage Congress seeks to repeal ONCA 12-107 through ONCA 16-58. They try this by doing a double appropriation of money within the Capital Asset and Improvement Fund. The 4th Osage Congress wants a separate Congressional Resolution to approve a “Capital Budget” to expend already appropriated funds. Once again, this 4th Osage Congress tries to micro-manage the projects of the Osage Nation.

Our Osage Supreme Court was clear when it said: “We similarly reject the argument that Congress possesses the inherent authority to impose conditions,

restrictions, or limitations in its appropriation laws when such conditions violate the Constitution.” One would think that after this guidance from our highest Court, the Congress would be cautious on creating laws which direct use of our Osage Nation’s money for such things as needed capital improvements to be conditioned and limited by the restriction that appropriated money for capital improvements are subject to a Resolution of the Osage Nation Congress before the funds are available to use.

Is the Congress trying to use a Resolution and avoid the constitutionally mandated lawmaking process of enacting a bill by majority vote and then submit this bill to the Principal Chief for approval or veto? Why else would they create a law that says now we use “Resolutions?” The Osage Tribal Council, our form of government before our 2006 Osage Constitutional form of government, used “Resolutions” to appropriate money and to conduct all affairs of our Nation. Trying to return to the pre-constitution days is not good policy or law.

Section 5 of ONCA 16-58 says, “Any capital project on property designated as an Osage Nation village shall be directed in conjunction with the designated Village Committee.” This section directs administrative action of the Osage Executive Branch. This is wholly unconstitutional and a violation of the separation of powers doctrine. The Osage Congress cannot direct the staff of the Executive Branch to work with a designated Village Committee no more than the Principal Chief can direct by Executive Order the Osage Congress staff to work on projects as designated by the Executive Branch.

Based upon these objections and justifications, I hereby veto this bill.

Sincerely,



Geoffrey M. Standing Bear
Osage Nation Principal Chief

GMS/sld