

**Iowa Tribe of Kansas and Nebraska
Executive Committee
July 15, 2026**

- WHEREAS,** The Iowa Tribe Executive Committee being duly organized met in Regular Session this 15th day of July, 2026 and;
- WHEREAS,** The Iowa Tribe of Kansas and Nebraska (the "Iowa Tribe") being organized and empowered by its Constitution and Bylaws of Iowa of Kansas and Nebraska (the "Constitution"), approved November 6, 1978, and amended from time to time, and;
- WHEREAS,** The Iowa Tribe Executive Committee has authority to act for the Iowa Tribe under the present Constitutional authority as provided in Article V, Section 1-Enumerated Powers of the Constitution, and;
- WHEREAS,** The Executive Committee desires to adopt a new Chapter 37 of the Tribal Code by creating those portions of the Tribal Code that are modified by this resolution; and
- WHEREAS,** The right to exclude or bar non-members from tribal lands is derived from the inherent rights as a sovereign nation. The Supreme Court in *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130, 141 (1982) reaffirmed the principle that "a hallmark of Indian sovereignty is the power to exclude non-Indians from Indian lands."

NOW THEREFORE BE IT RESOLVED, That the Iowa Tribe of Kansas and Nebraska hereby amends its Tribal Code by the adoption of this Resolution to create a new Chapter 37 with the form and substance of such modifications to be identical to Attachment "1" to this resolution incorporated herein by this specific reference; and,

BE IT FURTHER RESOLVED, That the foregoing Resolution was duly adopted this date, and shall take effect and be in force from and after its adoption.

CERTIFICATION

The foregoing Resolution was duly adopted this date, July 15, 2026, in Regular Session of the Executive Committee, at which ___ members of the Executive Committee were present, constituting a quorum, by a vote ___ for, ___ against.

Misty Slater, Chairman
Iowa Tribe Executive Committee

ATTEST:

Anthony Fee, Secretary
Iowa Tribe Executive Committee

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Attachment 1

CHAPTER 37

IOWA TRIBE OF KANSAS AND NEBRASKA EXCLUSION CODE

Section 1. Definition of Iowa Indian Land.

As used in this title, "Iowa Tribal land" means all lands subject to the jurisdiction of the Iowa Tribe.

Section 2. Who May Be Excluded – Extent of Exclusion.

Any non-member of the Tribe may be temporarily or permanently excluded and removed from all or any portion of Iowa Tribal land.

Section 3. Grounds for Exclusion.

Any non-member may be excluded and removed from Iowa Tribal land as provided in this Chapter for commission of one (1) or more of the following acts inside the Reservation or on Iowa Tribal land outside the Reservation:

- (A) Disorderly conduct.
- (B) Repeated public drunkenness.
- (C) Entering an area in violation of any order of the Executive Committee designating such area as closed because of environmental hazard or for any other reason.
- (D) Failing or refusing to pay any taxes, rents or other charges justly due the Tribe or any tribal entity, after reasonable notice and an opportunity to pay.
- (E) Mining, cutting timber or vegetation or other use, abuse or damage to tribal property without authorization from the Tribe or the Secretary of the Interior.
- (F) Any act causing physical loss or damage of any nature to the property of the Tribe, its enrolled members, or the other residents of the Reservation or off-Reservation Iowa Tribal land.
- (G) Committing a crime, as defined by state, federal or tribal law, or any act which, if committed by a member of the Tribe, would be a crime under tribal law.
- (H) Violating any law of the Tribe, including any approved rule or regulation.
- (I) Forcing entry into any home inside the Reservation or on off-Reservation Iowa Tribal land without the consent of the occupant.

- (J) Unauthorized prospecting.
- (K) Committing a fraud, a confidence game, or usury against any tribal member or any other resident of the Reservation or off-Reservation Iowa Tribal land.
- (L) Inducing any tribal member or other resident of the Reservation or off-Reservation Iowa Tribal land to enter into an unconscionable or grossly unfair contract of any nature.
- (M) Trading or conducting business inside the Reservation in violation of tribal or federal law.
- (N) Defrauding any tribal member of just compensation for his labor or service of any nature done at the request of the non-member.
- (O) Hunting, fishing or trapping without lawful authority or permission or in violation of tribal or federal law.
- (P) Unauthorized taking of any property from the Reservation or from off-Reservation Iowa Tribal land.
- (Q) Using, possessing or selling of any narcotic drug or controlled substance in violation of tribal, state or federal law.
- (R) Exploring or excavating items, sites or locations of historic, religious or scientific significance without the lawful authority or permission of the Tribe or in violation of tribal or federal law.
- (S) Threatening to cause disturbances or riots or to conduct any activity prohibited by the Tribe.
- (T) Failing to obey an order of the Tribal Court.
- (U) Attempting to exercise governmental authority not authorized by tribal or federal law.

Section 4. Complaint for Exclusion.

Any person may make a complaint for exclusion. Forms for such complaints shall be kept by the Tribal Secretary at the tribal headquarters. A complaint for exclusion shall be valid only if it bears the signature of the complaining witness and is witnessed by a Tribal police officer, a Tribal police employee, or the Tribal Secretary.

After the complaint has been duly signed and witnessed, it shall be delivered to the Tribal Secretary. The Executive Committee may then, in its sole discretion, initiate emergency exclusion proceedings as provided in this Chapter, or may initiate Tribal Court exclusion proceedings by signing the complaint and forwarding it to the Court Clerk.

Section 5. Notice to Proposed Exclusion.

Upon receipt of a complaint for exclusion, duly signed by the Executive Committee, the Court Clerk shall then promptly cause notice to be served personally, by registered mail upon the non-member involved, or by any method of service found within the Judicial Code or otherwise approved by the presiding judge upon the non-member involved. The notice shall state the reason for the proposed exclusion and shall state a time and place at which the non-member may appear before the Tribal Court to show cause why he should not be excluded from Iowa Tribal land.

The Tribal Court hearing shall not be less than thirty (30) days after the time of service or mailing. An emergency exclusion hearing before the Executive Committee may be held after twenty-four (24) hours after the time of service.

Section 6. Exclusion Hearing Before Tribal Court.

After notice to the non-member proposed for exclusion, the Tribal Court shall hold a hearing to decide whether the non-member shall be excluded from Iowa Tribal land. The non-member shall be given an opportunity to present his defense at the hearing, and may be represented by counsel at his own expense. The Tribal Court may, in its discretion, grant a continuance of the hearing on request by the non-member or upon its own motion. The standard of proof applied by the Tribal Court shall be a preponderance of the evidence. After the hearing, or at the time set for the hearing if the non-member does not appear, the Tribal Court may order him temporarily or permanently excluded from Iowa Tribal land in accordance with this Chapter or may permit him to remain upon Iowa Tribal land on such conditions as the Tribal Court sees fit to impose.

Conditions which the Tribal Court may impose in an order of exclusion may include, but shall not be limited to, payment of taxes, interest and penalties owed to the Tribe; payment of restitution to any person or to the Tribe for damage caused by the non-member; performance of labor; and payment of a civil penalty. The civil penalty levied and paid under any order of exclusion shall not be a criminal fine and shall be for the purpose of defraying costs of enforcement of this title and protecting lives and property on the Reservation.

An order of exclusion shall remain in force until revoked by the Tribal Court unless the order specifically provides otherwise.

Section 7. Enforcement Proceedings.

If any non-member ordered excluded from Iowa Tribal land by the Executive Committee does not promptly obey the order of exclusion the Tribal Court may issue a writ of exclusion which shall order any police officer to:

- (A) Remove the non-member and any of his property from all Iowa Tribal land covered by the order of exclusion, at the non-member's expense; and
- (B) Prevent the reentry of the non-member onto any Iowa Tribal land covered by the order of exclusion. The police officer executing the writ shall use only so much force as is necessary to

effect removal or prevent reentry. The Executive Committee may also refer the matter to the United States Attorney for prosecution of any federal crime committed.

Section 8. Emergency Exclusion – Physical Removal.

In cases involving immediate danger to the life, health, morals or property of the Tribe or any of its members or the non-member proposed for exclusion, or where delay would result in irreparable damage, the Executive Committee may issue an emergency writ of exclusion upon a majority vote in a duly called meeting which shall order any police officer to remove the non-member and any of his property from Iowa Tribal land, either before or after the hearing provided for in this Chapter. The police officer executing the writ shall use only so much force as is necessary to effect the removal. If the service of the notice provided for in this Chapter has not already been made on the non-member, the Executive Committee shall cause the police officer to serve the notice upon the non-member at the time of removal or as soon after the removal as possible. An emergency writ of exclusion shall remain in force until revoked by the Tribal Court or until the hearing provided for in Section 7 if such hearing has not already been held.

Section 9 Finality of Exclusion Order.

An order of exclusion by the Tribal Court shall be final but may be appealed to the Court of Appeals pursuant applicable law. Any person excluded by an order of the Tribal Court may apply to the Tribal Court to have the order modified or vacated at such time as the order provides, or if the order makes no such provision, after one (1) year.

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