



2010 Mid-Year Conference Grand Ronde, Oregon

RESOLUTION #10 - 26

“SUPPORT OREGON TRIBES’ LEGISLATIVE INITIATIVE TO EXTEND THE PROPERTY TAX EXEMPTION FOR TRIBAL FEE LANDS BEING USED FOR GOVERNMENTAL PURPOSES”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, the varied and unique land statuses of Oregon Tribes complicate the taxation, regulation, and land tenure of any given Tribe’s holdings and that innovation is necessary to leverage a Tribe’s competitive advantages to the benefit of that Tribe, their communities, and adjacent jurisdictions; and

WHEREAS, the nine federally recognized Tribes of Oregon have created a working group, the Tribal Tax Working Group, to analyze and advocate collectively for laws and recognition for tools that will both clarify and create value for the governmental and economic development initiatives of the Tribes; and

WHEREAS, Oregon Tribes are acquiring and establishing a wide range of services and activities on fee property around Oregon with no or longer-range plans to convert any given property to trust; and

WHEREAS, many Oregon Tribes have formal or informal understandings with their local governments on cooperative approaches to governmental services and in many instances, provide services and functions other local units of government cannot or do not perform; and

WHEREAS, the existing Oregon Statutes (ORS 307.090) provides for the exemption of property taxes for lands owned by the, "state, counties and other municipal corporations," and fairness calls for treatment of property of Oregon Tribes with at least equal freedom from taxation as enjoyed by Oregon public entities and secured by Washington Tribes for their property in the State of Washington; and

WHEREAS, the Tribal Tax Working Group has met with top managers at the Oregon Department of Revenue to consider alternatives and solutions to this issue and received productive feedback and guidance; and

WHEREAS, the application of "government services" is being proposed to modify ORS 307.090 to include Tribal administration, Tribal and public facilities, fire, police, Tribal and public health, education, sewer, water, environmental, fish and wildlife management or restoration activities, including habitat restoration and species propagation, land use, transportation, telecommunications, energy generation, utility services, traditional cultural uses such as first food gathering, cemeteries, ceremonial cultural sites, and the exercise of rights derived from treaties, intergovernmental agreements, statutes or other laws; and

WHEREAS, the nine federally recognized Tribes of Oregon are now in various levels of collaborative dialogue with State agencies, local governments, and Legislative leadership to actively support these and future efforts; now

THEREFORE BE IT RESOLVED, the membership of the ATNI expresses their support of expanding the definition of ORS 307.090 to include Oregon Tribal governments to exempt Tribal property used to provide governmental services; and

BE IT FINALLY RESOLVED, that the ATNI membership will expect a report in an upcoming ATNI convention as to the progress of those discussions along with recommendations to encourage other Northwest States to similarly support the land tenure and economic development efforts of that State's Tribes.

CERTIFICATION

The foregoing resolution was adopted at the 2010 Mid-Year Conference of the Affiliated Tribes of Northwest Indians, held at the Spirit Mountain Casino, Grand Ronde, Oregon, May 17-20, 2010 with a quorum present.

Brian Cladoosby, President

Norma Jean Louie, Secretary