

KALISPEL RESOLUTION NO. 2018-06

Kalispel Tribe of Indians
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RESOLUTION

WHEREAS, the Kalispel Business Committee is the duly Constituted governing body of the Kalispel Tribe by the authority of the Constitution and By-Laws for the Kalispel Tribe; and

WHEREAS, under the Constitution and By-Laws of the Tribe, the Kalispel Business Committee is charged with the duty of protecting the health, security and general welfare of the Kalispel Tribe and all reservation residents; and

WHEREAS, on December 22, 2010 the federal government enacted Public Law 111-336 that authorized the Kalispel tribe to lease Tribal lands without review or approval by the BIA once Tribal regulations were approved by the federal government; and

WHEREAS, in 2011 the Tribe submitted proposed leasing regulations to the Portland BIA office; and

WHEREAS, BIA Regional Director advised the Tribe that in the proposed Tribal Regulations at Section III, Mandatory Provisions, subsection 3.3 and 3.4 contradicted each other and the BIA suggested two solutions to correct the contradiction; and

WHEREAS, the Council selected the suggestion that is reflected in the current Chapter 32, Section 3.3 that requires all leases to be direct pay to the Lessor; and


WHEREAS, it has been advised by the Tribe's tax attorney that lease payment which are paid directly to the lessor may be considered taxable income but if the lease payment is made to the BIA's lockbox program the lease income should be considered income directly from Indian lands and not taxable.

THEREFORE, BE IT RESOLVED, that Chapter 32 of the Kalispel Law & Order Code is amended to reflect the changes in the attached section 3.3 and addition of Section 3.4.


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CERTIFICATION

The Kalispel Business Committee adopted the foregoing RESOLUTION at a meeting held on the 24 day of October, 2017, at the Tribal office on the Kalispel Indian Reservation near Usk, Washington, with the required quorum present by a vote of 3 FOR and 0 AGAINST.



GLEN NENEMA, CHAIRMAN
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2020)



DARREN HOLMES, SECRETARY
KALISPEL BUSINESS COMMITTEE
(TERM EXPIRES JUNE 2019)