



2019 Government to Government Report

OREGON SECRETARY OF STATE

Final | December 2019

Online version available at <https://sos.oregon.gov/pages/tribal-relations.aspx>

Oregon Secretary of State is honored to share this first annual report to the Legislative Commission on Indian Services, detailing government-to-government activities between tribal governments and Secretary of State during the 2019 calendar year.

Secretary of State is both a constitutional office established at statehood and the agency that the Secretary directs. The agency has four public-facing divisions, including Archives, Audits, Corporation and Elections. In addition, the agency has three internal divisions, including Business Services, Human Resources and Information Systems. The Secretary has an executive office staff that provides direct support for her administration.

Mission, Vision and Values

MISSION

As Servant Leaders, we will apply experience, knowledge, and abilities to improve transparency, accountability, and integrity in Oregon government.

VISION

The Secretary of State is committed to:

- Serving our community by building relationships and focusing on equity for all Oregonians.
- Upholding the Constitution and the laws of the state of Oregon. Encouraging voter participation and maximizing access while ensuring election integrity. Ensuring taxpayers receive maximum value for their tax dollars and protection of their privacy and personal information.
- Building Oregon's economy by making it easier to start and do business in Oregon, removing barriers, providing small business assistance, and creating an environment where new businesses can grow, prosper, and create family-wage jobs.
- Preserving and promoting accessibility to Oregon's public records for the benefit of all peoples.
- Empowering Oregonians by providing timely and accurate information about their government, connecting through outreach activities, and protecting whistle blowers.

VALUES

- We value the people of Oregon: our staff, our customers, our partners, and our stakeholders.
- We value the character of Oregon: liberty, equality, equity, loyalty, honesty, security, diversity, and sustainability.

Tribal Strategy and Liaison

In accordance with [ORS 182.164](#), Secretary of State named a tribal liaison, developed and began implementation of an agency policy on relationships and cooperation with tribes in January 2018.

Initially, the agency's approach was simple – to develop and nurture strong working relationships with federally recognized tribes in Oregon, to ensure that all agency impacts to the tribes and their members are positive, and to swiftly and transparently deal with negative impacts.

While the core values of this strategy remain at the heart of the agency's approach to tribal relations, the agency has opted to provide greater detail to guide future actions.

STRATEGY

Within the agency, the tribal liaison is tasked with identifying programs that may impact tribes and/or their members and ensuring that such impacts are positive in nature. The tribal liaison reports to the Secretary on such programs, recommends action when appropriate, and works to promote positive communications and relations between the agency and the tribes.

Programs with identified impacts on tribes are listed by division and include:

Audits – performance and financial, Waste, Fraud & Abuse hotline

Archives – permanent collection, records retention responsibilities and expertise, connections to other organizations that retain objects or documents of interest

Corporations – business registry for tribally owned or chartered entities (HB 2325 passed in 2019 to lower “foreign” fees to domestic rates for such entities), notary commissioning and regulation, uniform commercial code filings, small business advocacy

Elections – ability of tribal members to register for and participate in non-tribal elections

As a means to further ongoing communication, the agency's tribal liaison participates in two Legislative Commission on Indian Services cluster groups: Economic Development and Community Services and Cultural Resources.

The agency continues to identify LCIS clusters and key tribal contacts that can provide opportunities for robust communication regarding elections and audits.

Government-to-Government Activities

In recognition of the realities of a new government to government program, Secretary of State ensured that the tribal liaison completed a professional certificate in tribal relations through Portland State University's highly respected and singular program in the Hatfield School of Government, Institute for Tribal Government (certification completed August 2019).

The tribal liaison also serves as the agency's tribal cultural items liaison for the purposes of *voluntary* compliance with [Executive Order 17-12](#).

ACTIVITIES

Attached as Appendix A is a detailed spreadsheet that lists all activities of the Secretary, her liaison, or other agency staff with regard to tribes and tribal members.

As noted above, the agency participates in two LCIS cluster groups and has elected to voluntarily comply with the provisions of Executive Order 17-12. In addition to these activities, the agency is a participating member of the Oregon Native American Chamber of Commerce. The agency also maintains relationships with ATNI-EDC to support the development of enterprise in Indian Country.

The agency sponsored and participated in the first Annual Warm Springs Small Business Conference in May 2019. This conference brought together tribal enterprise and governance leaders with tribal entrepreneurs and subject matter experts. At this conference, aspiring and existing entrepreneurs gained access to technical assistance with business planning, legal services, advocacy assistance, and capital.

In October, agency staff and community resources were again invited to Warm Springs to participate in the first ever Governor's Marketplace event solely focused on tribal entrepreneurs. This event built on the successes of the Small Business Conference by providing training for existing business owners regarding government contracting. Secretary of State, along with the Governor's Office of Equity, Business Oregon, and the Warm Springs Community Action Team explained the basics of government contracting and met individually with entrepreneurs. A follow-up Marketplace event is tentatively planned in spring 2020.

The Summit

Secretary of State officials have participated in the annual Tribal Summit for several years. Present at the 2019 Summit were the Secretary of State, her Legislative Director, the State Archivist, and the agency's Tribal Liaison and Corporation Division Director.

Both the Tribal Liaison and the State Archivist were honored to participate in a short panel discussion at the summit. It focused on tribal cultural items surveys and reports conducted and submitted by state agencies in the months preceding the Summit.

LEGISLATION

Secretary of State brought a policy issue of concern to the LCIS Economic Development and Community Services Cluster in 2018. It had come to the attention of the liaison that tribally owned and/or chartered businesses that needed to register with the Secretary's business registry had to pay higher "foreign" fees for LLCs and business corporations. The difference in fees was \$175 for each registry and related annual report. It was clear that the agency should respect tribal sovereignty in its business registry; and that costs associated with paying higher "foreign fees" were significant over time.

The Economic Development and Community Services Cluster worked with Secretary of State to provide opportunities for meaningful consultation with interested tribes. This resulted in a well-crafted legislative concept to remedy the core problem.

The four legislative appointees to the Legislative Commission on Indian Services agreed to jointly sponsor this legislation, which was then introduced as [HB 2325](#) for consideration during the 2019 session.

The Economic Development and Community Services Cluster provided a letter of support for the bill. The Confederated Tribes of the Umatilla Indian Reservation sent representatives to testify in support of the bill when it was heard in both House and Senate committees.

Due entirely to the involvement and support of the tribes, this bill passed unanimously in the House and with just one nay vote in the Senate. After the bill was signed into law, the Corporation Division of Secretary of State began work to update our digital business registry systems to reflect tribal sovereigns on par with foreign countries. On November 26, 2019, we deployed updated systems.

Now, tribally owned and/or chartered entities can register "foreign" LLCs or business corporations with the Oregon Secretary of State using our digital system. In addition, related fees for such registries have been reduced to the "domestic" rate (from \$275 to \$100). Because of the support of the Cluster, these changes have been codified. Tribes and tribal entrepreneurs should see significant savings from this one change.

It is important to note that HB 2325 also contained a provision that will allow Secretary of State to create an opt-in email notification system for annual renewals. This provision of the bill was not strictly tribal in nature, but will benefit tribally owned or chartered enterprises when it is deployed.

Looking Forward

It is our hope that establishment of a formalized tribal strategy and tribal liaison will result in deepening agency relationships with tribal officials and staff. Throughout 2020,

the Secretary of State, her Tribal Liaison and agency staff will seek additional opportunities to work with tribes on issues of mutual interest and concern.

CONTACT

Tribes, their staff and members, or others with concerns or questions about this report or about the Secretary of State's tribal strategy and government to government activities may contact the agency's tribal liaison.

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