

**STATEMENT OF MICHAEL MASON, STATE LOBBYIST  
CONFEDERATED TRIBES OF THE WARM SPRINGS  
RESERVATION OF OREGON**

**ON SENATE BILL 1505**

Before the Senate Judiciary Committee

Oregon Legislative Assembly

February 3, 2012

Good afternoon; Chairman Prozanski and members of the Senate Judiciary Committee. My name is Michael Mason. I am the state lobbyist for the Confederated Tribes of the Warm Springs Reservation of Oregon. Thank you for the opportunity to testify in support of Senate Bill 1505 today and explain why it is important for the Committee to support this bill.

The Warm Springs Indian Reservation is, in many respects, a sovereign nation within the boundaries of the State of Oregon. Warm Springs and the other eight federally recognized tribes in Oregon have authority to make their own laws and be governed by them. This is an aspect of the tribes' inherent sovereignty that has been recognized by treaties, Congress, the United States Constitution and two centuries of U.S. Supreme Court rulings. Originally, the tribes' sovereign nation status meant that the laws of the state of Oregon did not apply on Indian lands. That changed, however, in 1953, when Congress passed Public Law 280 extending state civil jurisdiction to most Indian lands in the state. Today, seven tribes' reservations are generally subject to Oregon's civil jurisdiction and two—Warm Springs and Burns Paiute—are not. This lack of civil jurisdiction on the Warm Springs and Burns Paiute reservations means that the State of Oregon cannot issue an emergency civil commitment order for an Indian residing on reservation lands whose on-reservation behavior demonstrates that he or she is a danger to themselves or others due to mental illness.

The Warm Springs Tribal Court can conduct such a civil commitment proceeding under tribal law, but the Tribe does not have an appropriate facility on its reservation to commit and treat anyone. Instead, mentally ill Indians living on the Warm Springs Reservation need to be treated in facilities outside the Reservation that are under state jurisdiction.

To remedy this problem, the State of Oregon enacted statutes governing the emergency commitment of Indians over which the state does not have jurisdiction. These statutes are outdated, however, because they do not reflect the current emergency commitment process conducted in the state. In particular, the statutes contemplate that reservation Indians will be committed in state hospitals, but current state commitment procedures provide that emergency commitments be done through local hospitals and facilities instead of state hospitals. Because

the statutes are outdated, the state and the tribe cannot effectively use the procedures set forth in statute to keep reservation Indians safe via the commitment process.

SB 1505 would update the current statutes with a process by which reservation Indians can be committed to an off-reservation local hospital or other appropriate community facility on an emergency basis in a manner that reflects current state commitment processes, consistent with federal law limiting state civil jurisdiction in Indian Country. This will generally result in commitment of Warm Springs members to St. Charles Medical Center in Bend, close to home and family. The bill does not shift the cost of transport and commitment, which is--and will continue to be--borne by the Tribes.

The Warm Springs Tribes urge the Committee to approve SB 1505 and move it to the full Senate for a vote. Thank you for your prompt consideration of this bill.

**Supporters:**

National Alliance on Mental Illness of Oregon

Oregon Association of Hospitals and Health Systems

Disability Rights Oregon

Oregon Circuit Court Judges Association