



LEGISLATIVE COMMISSION ON INDIAN SERVICES
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**TESTIMONY BEFORE THE GENERAL GOVERNMENT SUBCOMMITTEE
OF THE JOINT WAYS AND MEANS COMMITTEE
IN SUPPORT OF HB 5017-- LEGISLATIVE COMMISSION ON INDIAN SERVICES
BUDGET FOR 2019-2021**

Good afternoon, Co-Chairs and Members of the Committee. For the record, my name is Daniel Santos. I am honored to serve as the Interim Executive Officer of your Legislative Commission on Indian Services (LCIS). With me is the Chair of the Commission who also is the elected Head of Government for the Confederated Tribes of Grand Ronde, Cheryle Kennedy. We would like to respectfully request your continued support for the Commission.

LCIS continues to serve a vital function in State/Tribal relations, assisting the State of Oregon to effectively work with the nine sovereign nations within its borders. LCIS remains a vehicle to keep open a channel of productive communication.

The Commission seeks to help the State of Oregon avoid many of the controversies other States have encountered with Tribes. Wherever possible, the Commission's goal is to help avoid misunderstandings and statutory/rule violations which can both cost taxpayers' dollars and use up resources that might be better spent. The Commission promotes avenues for discussion on a regular basis—rather than only during a crisis situation. LCIS is seen as a way to conduct much of the diplomatic, behind-the scenes work that helps maximize positive outcomes: exploring opportunities to partner, to leverage each others' limited funds, co-manage shared resources and make decisions about which

government—State or Tribal Government—may be the most effective and efficient provider of services in a particular area.

The Commission conducts formal business at Commission meetings held 3-4 times/year. There are 14 Members: 4 Legislators—Senator Bill Hansell, Senator Arnie Roblan, Representative Tawna Sanchez, and Representative Sherrie Sprenger, as well as a Tribal Leader from each of the nine federally recognized Tribal governments. All joint appointments by the Senate President and the Speaker of the House. Commission members may appoint one additional non-voting member from an organization with specific responsibilities in healthcare delivery Under Title V of the Indian Health Care Act.

The fact that the Commission is imbedded in the Legislative Branch has proved to be a distinguishing strength. Most other States have a “Indian Affairs Desk” in the Governor’s office. Oregon’s model incorporates the importance of legislators as policy makers having a direct line of contact and communication with Tribal Governments. As part of the Government-To-Government relations, we of course have ties with the Governor’s Office and State agencies.

The focus of the Commission can be on discussions of policy and the possible need for policy changes using the legislative lens rather than what can be a more adversarial relationship found in some states which rely solely on the Governor’s relationship with Tribal Governments. In addition, as you well know, as legislators your relationship with state agencies differs from the Governor’s. The Commission broadens the way that state agencies interact with tribal governments in that it provides the opportunity for state agencies to get direction from both the legislative as well as the executive branch in terms of interactions with the 9 federally recognized tribal governments in Oregon. This seems to work well for all involved and, arguably, the more avenues for cooperation—the better for all Oregonians.

Over the years, Commission meetings have included discussions with Governors, Legislative Leaders, the Attorney General, Secretary of State, State Treasurer, State Agency Directors and Deputy Directors, Advisors and Managers. These

discussions have focused on both immediate issues of concern and long-term solutions when issues have been identified. Often ideas that become law have their origins at a Commission meeting.

It is hard to quantify the benefit that the increased communication and interaction fostered by Oregon law and policy has had in state-tribal relations, but if Oregon's track record is put up against any other state in terms of distrust and conflict that is the hallmark in many other states, Oregon has been well-served by LCIS. This ability to work together has been of particular interest for the State as Tribes have grown and developed—especially as major employers, as a community presence in several of our rural, distressed counties, and their involvement in the legislative process.

The Commission office located in Room 167 here at the State Capitol is busy year-round. It is the point of contact for the State on Indian issues. When a legislator, a state agency, local government, a member of the public, a federal agency or someone from out of state calls with a question about Indians and Tribes in Oregon, this is where they call (or if they call somewhere else, this is where their call gets directed.)

When the State needs a place 'to house' a state-tribal issue, it has a place to do it with the Legislative Commission on Indian Services.

The Commission has some statutory responsibilities which have increased over the years due to specific state and federal initiatives. In addition to numerous state agencies, Oregon cities and counties contact the Executive Director on a regular basis to designate appropriate Tribes for required consultations under federal law as part of the application process for federal grants. Here are some other statutes/programs that require contact with the Commission:

- ORS 182.162-.168 (promoting positive state-tribal relations; Commission has a major role in the implementation of this statute)

- **State-wide Transportation and Bridge Improvement and other transportation-related projects (archaeological permit reviews for ODOT) (continuing)**
- **Brownsfields (consultation on appropriate Tribes for notification-DEQ)**
- **Ocean Shore Permitting (consultation on appropriate Tribes for notification-DLCD)**
- **Economic Revitalization; Industrial Lands; Project Ready (consultation on appropriate Tribes and requirements of cultural resources laws-OR Business Development Dept and other agencies)**
- **Energy Facilities Siting**
- **Other federal programs that require consultation with tribal governments (Fed Highway Administration, FCC, Health and Human Services, USDA, Rural Housing Development)**
- **Appointments to Boards and Commissions which require Commission consultation**

As well as on-going review of:

- **Construction; development; removal-fill (Corps and DSL); mining permits, hydropower relicensing (Water Resources) permit applications for compliance with archaeological laws, as necessary.**

By law, the Executive Director is notified in the event of the discovery of human remains and needs to determine the appropriate Tribes to be notified. This occurs several times a year. Archaeological permit review and the statutory responsibility to designate the appropriate Indian tribal governments which need to be consulted occurs around three or more times a day.

In addition to providing consultation and training on state law and practices in working with Tribes, there are several annual events and other activities planned, sponsored or reviewed by the Commission. In addition to statutorily-required Commission meetings, LCIS organizes activities related to American Indian Week In Oregon and Tribal Governments Legislative Day. The goal of all these events & meetings is to share information about the 9 federally recognized tribal

governments in Oregon with legislators, legislative staff, state agencies and the public.

Other statutory responsibilities require the Executive Director to review and distribute the state agencies annual government-to-government report, provide consultation on agency training, assist Commission members to plan and organize the Annual State-Tribal Summit, advise and monitor the activities of the six distinct state agency and tribal government-to-government “issue area” cluster groups: *Cultural Resources, Natural Resources, Health and Human Services, Economic Development and Community Services, Public Safety and Education.*

The Executive Director also follows the activities of Boards and Commissions to which an appointee from the Legislative Commission on Indian Services has been designated by statute. LCIS provides guidance to the Governor’s Office and Legislative Leadership when they seek to appoint a tribal representative to a board, task force or commission.

We post and update information on our website including the Oregon Directory of American Indian Resources and various contact directories, links to tribal websites and other material related to state-tribal relations. The Executive Director reviews administrative rules and legislative proposals, provides advisories on pending legislative matters and represents the State at Tribal ceremonies and various meetings.

Perhaps most critical, by using this Commission and its office as a strategic liaison, state policymakers, state agencies as well as tribal policymakers and their departmental staff, have a legislative agency available to assist in making the appropriate contact, getting guidance on possibilities for effective interaction as well as feed-back or suggestions for ‘next steps.’

The LCIS office is the place in the state where you call when you need to find out who you need to call. The Executive Director provides guidance and suggests strategy working with both state agencies and with Tribal governments.

The goal of LCIS is to promote respect, provide information about how each government works, and promote appreciation for the sovereignty and (sometimes parallel/sometimes divergent) interests of each Tribe and the State.

The Executive Director facilitates one-on-one consultations, small group discussions, various types of meetings, trainings, educational sessions and summits to consider questions, concerns and possible ways to address a range of issues that come up during short-term and long-term dealings between the State and the Tribes. In this way, whenever possible, Tribal governments can achieve self-governance and the State can protect its legitimate interests. An understanding of tribal sovereignty, coupled with communication and a relationship based on mutual respect is key and that's what the Commission works to maintain for the State of Oregon with regard to Tribes and Indian issues.

As you note, the majority of the Commission budget is personal services in a two person office. The Commission will continue to promote strategies designed to maximize the communication regarding resources of both state and tribal governments and promote effective partnerships, where feasible.

LCIS gets positive responses from those with whom we interact. The Board follows best practices for Boards and Commissions. This budget request is for funding to maintain current service level. We respectfully suggest we do a good job with the funds you make available.

Thank you.