



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 5016-- LEGISLATIVE COMMISSION ON INDIAN SERVICES  
BUDGET FOR 2021 – 2023**

**Good afternoon, Co-Chairs Senator Golden and Representative Smith, 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 Coquille Tribe, Chairman Brenda Meade.] 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 works to fulfill its statutory purpose of improving services to American Indians in this state and promoting communication and relations between the State of Oregon and the nine federally recognized Indian tribes in Oregon (ORS 172.100). The Commission promotes avenues for discussion on a daily 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 by exploring opportunities to partner and to leverage each other's limited resources.**

**The Commission conducts formal business at Commission meetings held 3-4 times/year. There are 14 Members: 4 Legislators—Senator Bill Hansell, Senator Chuck Riley, Representative Tawna Sanchez, and Representative Daniel Bonham, 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 codified by the Legislature (SB 770 in 2001; ORS 182.162-168), we of course have growing ties and communications 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 a sometimes more limited 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.**

**The Commission’s statutory and non-statutory responsibilities have increased tremendously over the years due to specific state and federal initiatives. As noted in our Policy Option Package letter, since its creation over 45 years ago, the LCIS staff has remained at 2 FTE for an Executive Director and a Commission Assistant. Since that time, the Congress has federally recognized and restored 6 more Oregon tribes. The tribal governments have grown in capacities and in the array of issues that impact the State and Oregon tribes. There has also been a growth of issues and interests of Native Americans (including non-Oregon tribal members) across the state. In 1988, Congress authorized tribal gaming which has benefitted tribal governmental and services activities, as well as the tribes’ engagement with the legislature and governmental entities (federal, state, and local).**

**In 1996, through EO 96-30, Governor Kitzhaber established formal Government-To-Government (GTG) relations with the 9 federally recognized tribes of Oregon. Those GTG relations were codified in 2001 by the Oregon Legislature in SB 770 (ORS 182.162-168). The GTG relations have benefitted the Tribes and the State, but have also increased the work of the LCIS in enhancing the interactions and consultations between tribal and state representatives and other entities. This includes an annual State Tribal-State Summit, annual training sessions for agencies, compiling and reviewing annual agency GTG reports, and assisting governmental and legislative representatives on policy and services matters.**

**Another big GTG component is monitoring and assisting the work of 6 policy cluster groups of agency and tribal representatives consulting with one another on policy matters, including: Public Safety; Health & Human Services; Economic Development & Community Services; Education; Natural Resources; and Cultural Resources. These groups tend to meet on a monthly to quarterly basis.**

**LCIS also facilitates the biennial American Indian Week in Oregon and the annual Tribal Governments Legislative Day. The goal of all these events and meetings is to share information about the 9 federally recognized tribal governments in Oregon with legislators, legislative staff, the executive branch, and the public.**

**Then, through Governor's Executive Order 17-12, there was established the Oregon Tribal Cultural Items Task Force (see [https://www.oregon.gov/gov/Pages/TCITF\\_aboutus.aspx](https://www.oregon.gov/gov/Pages/TCITF_aboutus.aspx)). LCIS is a member and a leader in assisting state agencies and tribes as they have surveyed and compiled the agencies' inventories of tribal cultural items. A historic first in the nation. The work continues in updating those agency lists, as well as future surveying of public higher education institutions, and then public K-12 school districts, and possibly other Oregon governmental entities. Given the importance of this work, the LCIS has committed to providing increased staff assistance and leadership in these activities. There is also a desire to codify the work of the Task Force, with LCIS taking the staffing leadership role.**

**This helps document the Commission's track record of 46 years serving Oregon's increasing demands on tribal and governmental interests, concerns, and consultations. It also shows the continual increase of activities and work being done by LCIS staff, with the desire to maintain and enhance our services to tribes, the Legislative Assembly, and the State of Oregon.**

**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.**

**By law, LCIS 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 several times a day.**

**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 LCIS staff 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 may note, the majority of the current service level Commission budget is personal services in a two person office. In addition, this budget presentation request is for funding to maintain current service level, as well as a Policy Option Package to add one FTE staff. Whatever our 2021-2023 funding may be, the Commission will continue to promote strategies designed to maximize the communication regarding resources of both state and tribal governments and promote effective partnerships.**

**The Commission office is located in Room 167 here at the State Capitol, and while the pandemic has had us working mostly from home, we remain 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 LCIS gets positive responses from those with whom we interact. The Commission follows best practices for Boards and Commissions. Our expanding work continues to serve the Tribes, Legislature, State Government, other governmental entities, and the general public. We request your support, and we appreciate the Legislature’s interest in and assistance to the Commission.**

**Thank you.**



TO: Joint Ways & Means Subcommittee on General Government  
FROM: Daniel P. Santos, Interim Director, Legislative Commission on Indian Services  
SUBJECT: Legislative Commission on Indian Services Policy Option Package  
Request for 1 FTE Staffing

#### Background Information:

Being a national leader, the Oregon Legislature created the Legislative Commission on Indian Services (LCIS) in 1975 for the purposes of improving services to American Indians in this state and promoting communication and relations between the State of Oregon and the nine federally recognized Indian tribes in Oregon (ORS 172.100-140). The work started by having quarterly LCIS meetings (which continue) and serving in an advisory role to tribes, the Legislature, state agencies, other governmental entities, and tribal & non-tribal organizations to address tribal issues, needs, and ideas.

Since its creation over 45 years ago, the LCIS staff has remained at 2 FTE for an Executive Director and a Commission Assistant. Since that time, the Congress has federally recognized and restored 6 more Oregon tribes. The tribal governments have grown in capacities and in the array of issues that impact the State and Oregon tribes. There has also been a growth of issues and interests of Native Americans (including non-Oregon tribal members) across the state. In 1988, Congress authorized tribal gaming which has benefitted tribal governmental and services activities, as well as the tribes' engagement with the legislature and governmental entities (federal, state, and local).

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Then, through Governor Brown's Executive Order 17-12, there was established the Oregon Tribal Cultural Items Task Force (see [https://www.oregon.gov/gov/Pages/TCITF\\_aboutus.aspx](https://www.oregon.gov/gov/Pages/TCITF_aboutus.aspx)). LCIS is a member and a leader in assisting state agencies and tribes as they have surveyed and compiled the agencies' inventories of tribal cultural items. A historic first in the nation. The work continues in updating those agency lists, as well as future surveying of public higher education institutions, and then public K-12 school districts, and possibly other Oregon governmental entities. Given the importance of this work, the LCIS has committed to providing increased staff assistance and leadership in these activities. There is also a desire to codify the work of the Task Force, with LCIS taking the staffing leadership role. LCIS has a track record of 46 years serving Oregon's increasing demands on tribal and

governmental interests, concerns, and consultations. There has been a continual increase of activities and work being done by LCIS staff, with the desire to maintain and enhance our services to tribes, the Legislative Assembly, and the State of Oregon. With this background, we request approval of this request for a staffing increase of 1 FTE. The staffing increase would help with the following work.

- Enhance coverage of the work on the now statutorily required Government-To-Government (GTG) work; including the work by the 6 Cluster groups bringing together Tribal & State representatives to consult on matters of interest and concerns; currently there are 6 clusters: Public Safety; Economic Development and Community Services; Education; Health & Human Services; Cultural Resources; and Natural Resources
  - Work with the Tribal and State Agency cluster representatives to assist in meeting their charge to provide consultation on the array of issues, needs, and ideas
  - Attend cluster meetings to provide LCIS input and assistance such as making sure that issues being discussed by multiple clusters are coordinated and not in conflict
  - Help address cluster membership matters when agencies and/or the cluster may wish to add members
  - Report to the LCIS Executive Director on the cluster work and issues, provide reports at LCIS meetings, and help disseminate information from or to the clusters
  - As needed, assist with other GTG work such as the Annual Summit, Annual Agency Reports, Annual Training sessions
- Assist in covering the work of the Oregon Tribal Cultural Items Task Force, helping the tribes, government entities (state agencies and possibly local governments), educational entities (higher ed, K-12) conduct and maintain surveys of tribal cultural items
  - Assist in scheduling the meetings of the Task Force, helping develop the agenda, and helping compile meeting materials
  - Track the work of the Task Force and future opportunities, and help provide access to information for the tribes, governmental agencies, and the public through a web presence, online, and other communications.
  - Maintain a system of communication between Task Force members, tribal representatives, and governmental liaisons
  - Help identify and develop training opportunities for state agency, educational, and other governmental liaisons
  - Assist in the review of new surveying activities and annual update
  - Assist in responding to inquiries related to the work of the Task Force
  - Develop annual report to the Executive Director, Task Force, and LCIS on the work of the Task Force
- Assist on reviewing agency and legislative policies, legislative concept development, bill tracking, and research on tribal legislative agendas
  - Work with the LCIS and the Executive Director to identify legislative interests and issues, including working with state agencies and tribes on the array of tribal policies and legislative agendas
  - Oversee the LCIS bill tracking work
  - Research legislative and policy issues in Oregon, in the region, and in other states
  - Assist with the development of legislative concepts the LCIS may wish to pursue
  - Assist in responding to legislators, tribal, agency, and public inquiries on legislative matters
  - Develop legislative reports to the Executive Director and LCIS
- Other assignments as determined by the Executive Director or the Commission.

We ask for the Oregon Legislative Assembly's support and to fund this request for a one FTE staffing increase. Please let us know if you have any questions. Thank you for your consideration and for your support of the work of the LCIS.