



CURRENT STATUS OF STATE-TRIBAL RELATIONS

Oregon's Approach to State-Tribal Relations

**Karen Quigley, Executive Director, Legislative Commission on Indians Services
January 2004**

Nearly 30 years ago the State of Oregon recognized the need to create a permanent point of contact and on-going forum for tribal-state issues. The Legislative Commission on Indian Services continues to meet quarterly. This body advises the Legislative and Executive branch on ways to improve communication and coordination with Tribes in an effort to avoid unnecessary court disputes and to highlight shared interests. The Commission has an office at the Capitol which serves as information clearinghouse and offers strategy and advice to state agencies, tribes, legislators, the Governor's office, organizations and the public on ways to maximize positive interactions and to develop partnerships. The key is to have a way to learn enough about each other to know when partnerships are feasible.

The State continues to realize there is much to be gained *for all of Oregon's citizens* by acknowledging and supporting tribal sovereignty. Oregon's Indian population is small—approximately 1.6 % of the population—but the legal status of tribal governments as sovereigns (with rights and responsibilities for critical natural, cultural, economic and social resources within the State's borders) makes on-going State-Tribal dialogue a necessity. In the current weak economy, seeking the most efficient provider of governmental services—avoiding duplication and supporting efforts to create jobs (particularly in rural areas) is a priority for both the State and Tribes. The ability to provide infrastructure improvements, educational and social services and natural and cultural resources management may be augmented in several of the state's most highly distressed areas because of the Tribes' ability to leverage federal dollars due to the federal trust responsibility or income generated from growing tribal enterprises. When tribal governments are able to serve tribal members that may mean the State has some resources freed up that would otherwise have to be dedicated to serving these Oregonians. In addition, for every Tribe that builds a health or dental clinic and is willing to serve tribal and non-tribal members, the State and local government may be able to avoid building their own facility.

At the request of the Commission, during the 2001 Session, the legislature overwhelmingly supported passage of an extremely effective tool to promote government-to-government relations—SB 770. As of January 1, 2002, it is the law in the State of Oregon that state agencies take Oregon's nine federally- recognized Tribal governments into account when state agencies develop policies and implement programs that may affect Tribal interests. The law directs state agencies to think about how they interact with Tribes. It does this by requiring state agencies to develop a written policy for their particular agency. The law states what the policy must contain.

The new law has three additional provisions to provide on-going evaluation and strengthening of State/Tribal relations: First, it calls for an Annual Summit with the Governor, Tribal Leaders, and key State and Tribal staff involved in the government-to-government process. Second, it requires at least annual training on the legal status of Tribes, legal rights of Tribal members and issues of concern to Tribes for state agency managers and those who have regular communication with Tribes (these trainings have been videotaped). And third, each state agency is required to report annually to the Governor and the Legislative Commission on Indian Services on their agency's activities with Tribes (2003 reports will be on the web by mid-Feb. 2004.)

In addition, Tribes and state agencies meet 3-6 times a year in small groups called "clusters" which are organized in 6 issue areas: natural resources, cultural resources, education & workforce training, economic development & community services, health and human resources and public safety & regulation. State agencies and Tribes jointly address issues to explore cooperation—e.g., joint water quality efforts, joint tourism projects, developing transitional programs for incarcerated tribal youth to avoid recidivism, shared law enforcement potential including cross-deputization, organizing a conference for Oregon's business community on "Doing Business in Indian Country—what to expect," discussing the tribal perspective on the State's massive bridge rebuilding project, how to create a more streamlined contracting process between Human Services and the Tribes, and memoranda of agreement for cigarette and fuel sales to non-Indians. What is most exceptional about these small groups is the sharing of information and the exchange of viewpoints *as colleagues* with shared problems and limited resources. It has been extraordinarily interesting to see the relationships develop between state agency personnel and their tribal counterparts—mostly because they have a means to exchange current info on priorities, mandates and budgetary support from their respective elected officials.

The State and the Tribes appreciate the advantage, wherever feasible, of discussion and planning when there is **not** a crisis. It's not perfect. But there is something going on in Oregon to promote positive State/Tribal relations. It's the law—ORS 182.162-168 (SB 770-2001 Session).

Originally published: *Pacific Conference Newsletter, Winter 2004*

