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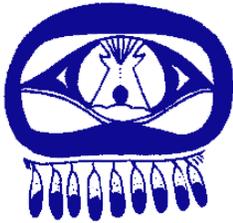
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LEGISLATIVE COMMISSION ON INDIAN SERVICES
167 State Capitol
Salem, Oregon 97310-1347
(503) 986-1067 • Fax (503) 986-1071

Executive Director: karen.m.quigley@state.or.us
Commission Assistant: dianna.brainardking@state.or.us

**TESTIMONY BEFORE THE GENERAL GOVERNMENT SUBCOMMITTEE
OF THE JOINT WAYS AND MEANS COMMITTEE
IN SUPPORT OF SB 5518-- LEGISLATIVE COMMISSION ON INDIAN SERVICES
BUDGET FOR 2015-2017**

Good afternoon, Madam and Mister Co-Chair and Members of the Committee. For the record, my name is Karen Quigley. I am honored to serve as the Executive Officer of your Legislative Commission on Indian Services. I am here today to respectfully request your continued support for the Commission.

Your Legislative Commission is celebrating its 40th Anniversary this May. It continues to serve a vital function in State/Tribal relations in ways that its key founder former Governor Vic Atiyeh envisioned when he served in the legislature as well as in the development of many other positive state-tribal partnerships that seemed impossible in the mid-1970s when 6 of Oregon's nine federally recognized tribal governments were still experiencing the ill-fated federal policy of Termination.

For 40 years the State of Oregon has understood the need for a vehicle to keep open a channel of productive communication and a way to sustain working relationships with each of the nine distinct sovereign tribal governments which co-exist with the State and local governments within Oregon's borders. The State's primary vehicle in this regard is your Legislative Commission on Indian Services.

The Commission is noted nationally for promoting positive state/tribal communication and avoiding costly litigation by encouraging methods in which state agencies and Tribes can discuss matters on a regular basis—rather than

only during a crisis situation. And it is seen as a way to conduct a lot of the diplomatic, behind-the-scenes work that results in better outcomes in terms of not missing opportunities to partner, 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 Ted Ferrioli and Senator Arnie Roblan, Representative Greg Smith and Representative Caddy McKeown, 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.

Governor Kate Brown served on the Commission for 15 years as both a Representative and Senator prior to becoming Secretary of State. Attached is a list of your colleagues who have been members of the Commission during the last 40 years.

The fact that the Commission is imbedded in the Legislative Branch has proved to be a distinguishing strength.

There are many similarities between elected Tribal leaders and their governing bodies and your work as legislators. 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.

Commission members may appoint one additional non-voting member from an organization with specific responsibilities in healthcare delivery for tribal members and other Native Americans in 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 initial discussion at Commission meeting. The initial tribal police officer discussions began at a Commission meeting close to a dozen years before the state-tribal government-to-government public safety cluster to explore a legislative fix.

It was out of Commission meetings starting in 1995 that the idea developed for Executive Order 96-30 (state/tribal government-to-government relations signed in 1996) and its codification as a Commission request for the introduction in 2001—requiring state agencies to take tribal interests into account when their programs or policies affect tribal interests, to work on a government-to-government basis with Tribes, to provide annual training to state managers who deal with Tribes, to hold an Annual Summit with Tribal Leaders and the Governor and state representatives and their tribal counterparts, and to have state agencies provide the Commission with an Annual Report on their individual agency’s work with Tribes. It may be 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.

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, 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)**
- **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) and 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 a number of annual events and other activities planned, sponsored or reviewed by the Commission. In addition to statutorily-required Commission meetings, the Commission organizes Tribal Government Day at the State Capitol every May as well as other activities related to Oregon Indian Week and other events, like this year's Tribal Government Legislative Day in order 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 currently serves as the coordinator for the twelve state agencies and 9 Tribal government Natural Resources Directors who serve on the State-Tribal Natural Resources Workgroup. The clusters and NR Workgroup each meet 3-4 times a year.

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, 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 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 office facilitates one-on-one consultations, small group discussions, various types of meetings and summits to consider questions, concerns and possible ways to address a range of issues that come up in the course of 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. Communication is key and that's what the Commission insures for the State of Oregon with regard to Tribes and Indian issues.

Around 85% of the Commission budget is personal services. 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.

During the past twenty years the Commission has requested funding to maintain current service level and do so again now. We respectfully suggest we can do a good job with the funds you make available.

Thank you. If you have any questions, I would be pleased to answer them.



Legislative Commission on Indian Services



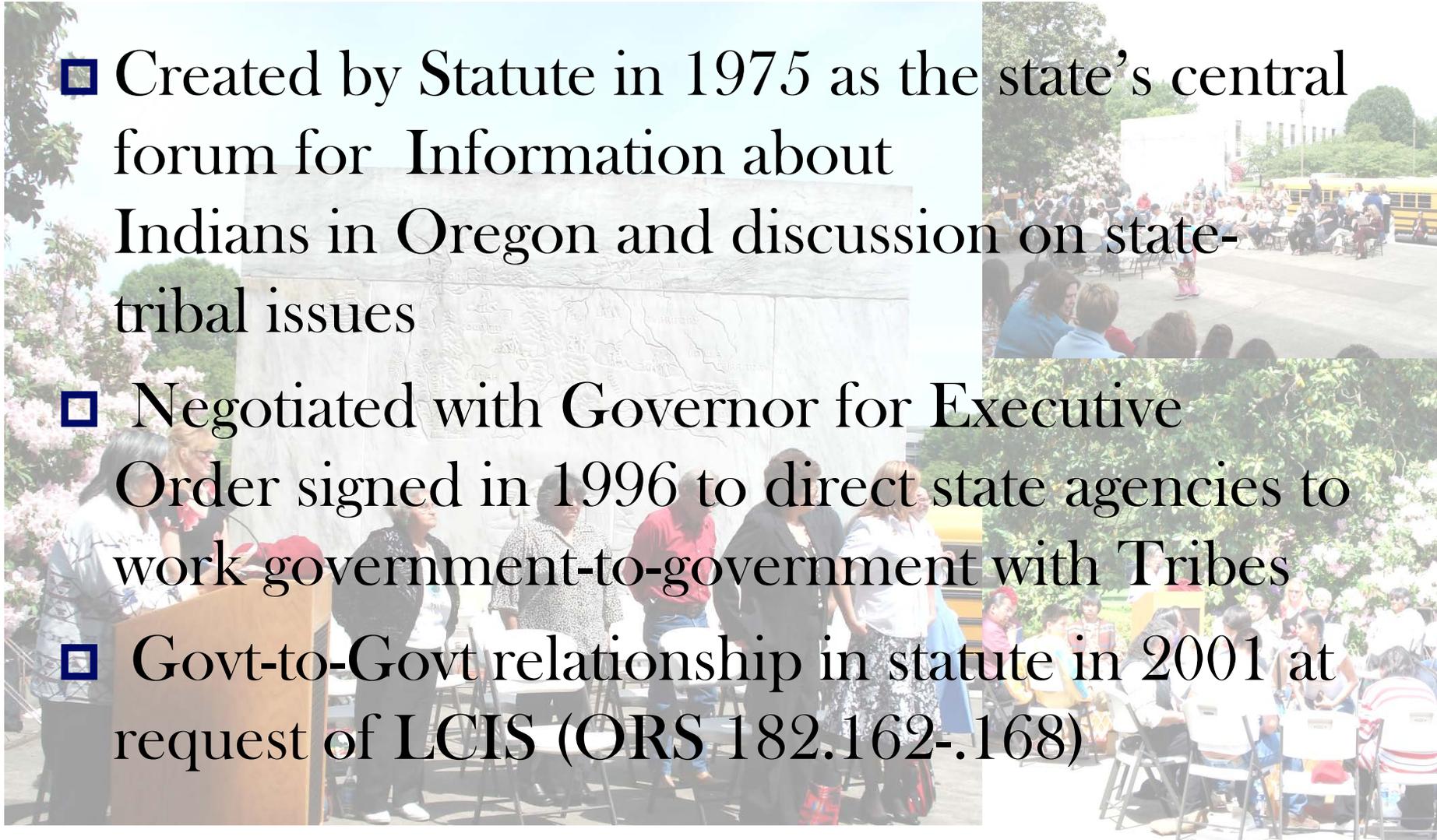
Karen M. Quigley, Executive Director
167 State Capitol
Salem, Oregon 97301
503.986.1068

Karen.m.quigley@state.or.us

What is the Legislative Commission on Indian Services (LCIS)?



- Created by Statute in 1975 as the state's central forum for Information about Indians in Oregon and discussion on state-tribal issues
- Negotiated with Governor for Executive Order signed in 1996 to direct state agencies to work government-to-government with Tribes
- Govt-to-Govt relationship in statute in 2001 at request of LCIS (ORS 182.162-.168)



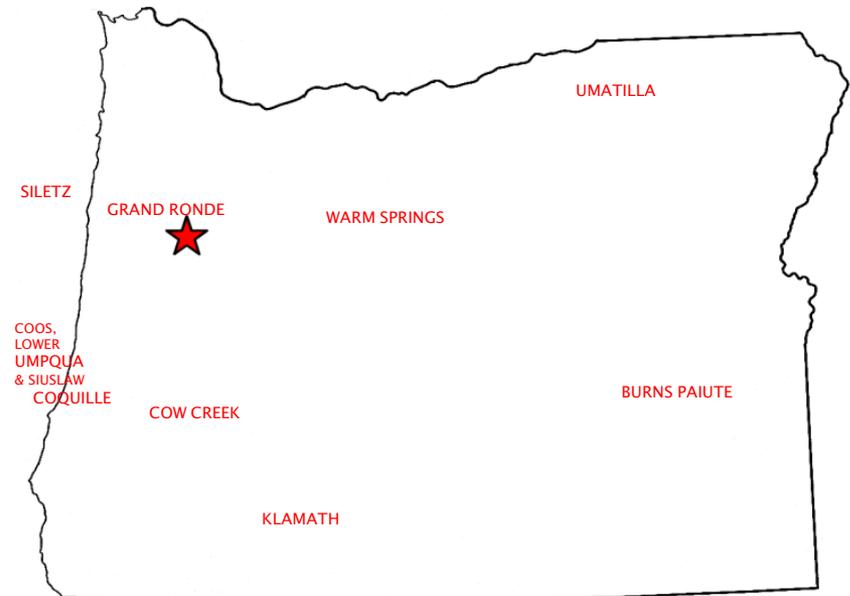
Who is the Commission?



The Legislative Commission on Indian Services consists of:

13 members—joint appointments by House Speaker and Senate President

- ❑ Two members from Oregon Senate
- ❑ Two members from Oregon House of Representatives
- ❑ Nine (9) representatives from Tribal Councils
- ❑ One non-voting member appointed by the Commission—Indian health related





Legislative Commission on Indian Services Members 2015

- ❑ **Delores Pigsley**, (Chair)Confederated Tribes of Siletz (**current LCIS Chair**)
- ❑ **Dan Courtney**, (Chair)Cow Creek Band of Umpqua Tribe of Indians (**current LCIS Vice-Chair**)
- ❑ **Jarvis Kennedy**, (Tribal Council)Burns Paiute
- ❑ **Bob Garcia**, (Chair)Confederated Tribes of Coos, Lower Umpqua and Siuslaw
- ❑ **Brenda Meade**, (Chair) Coquille Indian Tribe
- ❑ **Cheryle Kennedy**, (Tribal Council) Confederated Tribes of Grand Ronde
- ❑ **Don Gentry**, (Chair)Klamath Tribes
- ❑ **Aaron Hines**, (Board of Trustees) Confederated Tribes of the Umatilla Indian Reservation
- ❑ **Raymond Tsumpti**, (Tribal Council) Confederated Tribes of Warm Springs
- ❑ **Senator Ted Ferrioli**, Senate Representative
- ❑ **Senator Arnie Roblan**, Senate Representative
- ❑ **Representative Greg Smith**, House Representative
- ❑ **Representative Caddy McKeown**, House Representative
- ❑ **Jackie Mercer**, (non-voting) CEO, NARA/NW



Primary Role of LCIS



- ❑ Foster communication between:
 - State and Tribal Governments
 - Other Governments (city, county, federal) and Tribal Governments
 - Tribe and Tribe
 - State and State
- ❑ Efforts to maximize understanding, address issues
- ❑ Build relationships & partnerships where feasible
- ❑ Address shared areas of concern



LCIS Fosters Communication



- By using various methods to help identify:
 - Who to Contact (Who Else)
 - Why; How to get most effective response
 - Things to Consider; Protocol; Strategy
 - Next Steps; Follow-Up; Feedback

What LCIS Does



- ❑ Provides information to Tribal Governments and others to advocate for themselves as they choose
- ❑ Provides Tribal Governments and others guidance for effective strategies of interaction with state agencies and the legislative process
- ❑ Provides state agencies, Legislators and others guidance for effective interaction with Tribal Governments

What LCIS Does NOT Do



- ❑ Speak for Oregon Tribal Governments, or
- ❑ Speak for Indian Organizations
- ❑ LCIS Members do not use the Commission to support positions that have not been endorsed or ratified by LCIS
- ❑ Interfere with issues that are inter-tribal matters
- ❑ Support activities or positions that fail to respect the sovereign status of Oregon's distinct 9 federally recognized tribal governments



Statutory Responsibilities

- ❑ To compile information about Indians in Oregon
- ❑ To monitor state agency actions and make recommendations for improvement
- ❑ To review archaeological permit applications and designate the appropriate Tribes that must be consulted
- ❑ To be notified in the event of the inadvertent discovery of human remains and to indicate which Tribes must be made aware of the discovery and included in the plans for reburial and related issues
 - [Treatment of Native American Human Remains](#)
- ❑ To be consulted for certain other state permits

Statutory Responsibilities cont.



- ❑ To be consulted in the selection of Tribal representation for certain statutory Boards, Commissions, and Task Forces
- ❑ To develop the Annual State Training on state-tribal relations
- ❑ To receive and review the Annual State Agency reports documenting state agency actions with individual Tribes

Products of LCIS



- ❑ Annual Government to Government Key Contact Directory
- ❑ Commission Website
- ❑ Tribal Governments Day at the State Capitol
- ❑ Tribal Governments-Legislative Day
- ❑ Biennial Oregon Directory of American Indian Resources (ODAIR)
- ❑ Training Materials
 - Foundations / Fast Facts
 - Annual State Agency Training materials

At Your Request



- ❑ LCIS Executive Director is available for:
 - Email, phone or in-person consultations or inquiries
(examples-open link)
 - Speaking Engagements
 - Training
 - Guidance in tribal/state interactions



Legislators Who Have Served on LCIS

1. Senator Victor Atiyeh (1976-1978)
2. Representative Sam Johnson (1976-1979)
3. Senator Ken Jernstedt (1979-1988)
4. Representative Bob Brogoitti (1980-1987)
5. Representative Judith Bauman (1988-1991)
6. Senator Wayne Fawbush (1989-1992)
7. Representative Kate Brown (1992-1997)
8. Senator Bill McCoy (1993-1994)
9. Senator Neil Bryant (1995-1996)
10. Senator David Nelson (1997-1998)
11. Representative Jackie Taylor (1998-2001)
12. Senator Kate Brown (1999-2008)
13. Representative Greg Smith (2002-2003)
14. Representative Tom Butler (2004-2007)
15. Representative Chuck Riley (2008-2011)
16. Senator Ted Ferrioli (2009-2015)
17. Representative Arnie Roblan (2012)
18. Representative Caddy McKeown (2013-2015)
19. Representative Greg Smith (2013-2015)
20. Senator Arnie Roblan (2013-2015)



Legislative Commission on Indian Services

Phone: 503-986-1067 **Fax:** 503-986-1071 **Address:** 900 Court St. NE, Room 167, Salem, OR 97301

Karen Quigley, Executive Director

The Legislative Commission on Indian Services (LCIS) was created by statute in 1975 to improve services to Indians in Oregon. Its 13 members are appointed jointly by the Senate President and the Speaker of the House to a two-year term. LCIS members select their own officers to serve one-year terms of office.

Prior to its establishment, there was no suitable mechanism in state government to consider Indian concerns directly. LCIS serves as the main forum in which Indian concerns are considered. It serves as a conduit through which concerns are channeled through the network to the appropriate entity; it serves as a point of access for finding out about state government programs and Indian communities; and it serves as a catalyst for bringing about change where change is needed.

[2015 Calendar Year Events](#)

[Fall/Winter 2014-2015 LCIS Newsletter "In Brief"](#)

For contact information browse through the [Key Contact Directory](#).



SELECT TOPICS FROM THE WEBSITE OF THE LEGISLATIVE COMMISSION ON INDIAN SERVICES:

- [Commission on Indian Services](#) The Legislative Commission on Indian Services website includes updated information about the Commission, including the current year's calendar of events, newsletters, and our main resource guide, the regularly updated Key Contact Directory, as well as the Oregon Directory of American Indian Resources compiled by LCIS and revised every two or three years.
- [Contact Information](#) Linking directly to some of the most sought after information this agency provides, including two formats of the Key Contact Directory, a list of current tribal chairs and vice-chairs, and a current list of tribal government cultural resource contacts, for matters pertaining to archaeological permits.
- [Statutory requirement: Gov to Gov Annual Reports](#) (35 state agencies report on their work with each Tribe annually to LCIS)
- [Links of Interest](#) Includes updated information about the Commission, as well as links to additional information about Oregon Tribes, organizations, and Statewide Services.
- [News, Publications & Photos](#) This section includes up-to-date photos of recent activities involving the LCIS Commission members, a PowerPoint presentation about LCIS, and two informational brochures designed to describe some of the work done by this office.
- [Approach to State Tribal Relations](#) A guideline written by the Executive Director to explain why it is necessary to work with Tribal governments within Oregon and how to go about completing that work.
- [Tribal Government Websites](#) Provides links to the separate websites of the nine federally recognized tribes of Oregon.
- [Inadvertent Discoveries](#) Explains the laws and requirements around remains that are inadvertently discovered, or those discovered during criminal investigations on private, public, and state-owned property.
- [Agendas and Minutes](#) Includes past and present LCIS quarterly Commission Meeting agendas and minutes.



The Legislative Commission on
Indian Services (LCIS) Invites you to

“A DAY TO CELEBRATE” THE 40TH ANNIVERSARY OF LCIS

***Thursday, May 14, 2015
In the State Capitol***

Festivities Include

-  **Morning Program in the Rotunda 9:00 – 11:00am**
 - ❖ **Cultural Programs Presentations, Speakers, and more!**
-  **Conversation & Visiting Time 11:00am – 12:00pm**
-  **Lunch Provided by Grand Ronde & Spirit Mountain 12:00 – 1:00pm**
-  **Cake Cutting**
-  **Week-long Display of the Oregon Historical Society’s “Oregon is Indian Country” Exhibit in the Galleria**

Kickoff to American Indian Week in Oregon

Budget Narrative

Agency Summary

There are nine federally recognized tribal governments in Oregon plus two federally recognized tribal governments with reservation lands or ceded lands within the state and one additional federally recognized Tribal government with treaty-based areas of interest within Oregon along the Columbia River. The Legislative Commission on Indian Services functions to assist the state of Oregon by serving as the point of contact and advice for over 33 state agencies, local governmental bodies and several federal agencies operating within Oregon to assist these agencies in meeting their responsibilities to consult and coordinate with tribal governments as required by numerous state and federal laws and policies. Since the passage of ORS 182.162-.168 (Oregon's state-tribal government-to-government law (2001) and Executive Order 96-30 (1996)) the main focus of CIS is on the State's interaction with the nine federally recognized tribal governments in Oregon.

CIS maintains a staff of 2.00 FTE. Policy development and adoption, program implementation, agency action review and on-going staff and Commission activities are discussed and decided at Commission meetings, at the direction of the Chair, or as appropriate, forwarded to or brought forward from the governing bodies of tribal governments by their authorized tribal governmental representative on the Commission. The purpose of contact with CIS is to promote positive government-to-government interactions with specific suggestions and feed-back as well as to provide a forum to give timely attention to areas of concern or friction that may benefit from some CIS intervention, strategy, discussion or action. CIS has a statutory responsibility to provide recommendations to the Legislative and Executive Branch of state government and focuses on building and maintaining a state-tribal relationship based on an understanding of the sovereignty and jurisdictional issues that are unique to States and the Tribal governments.

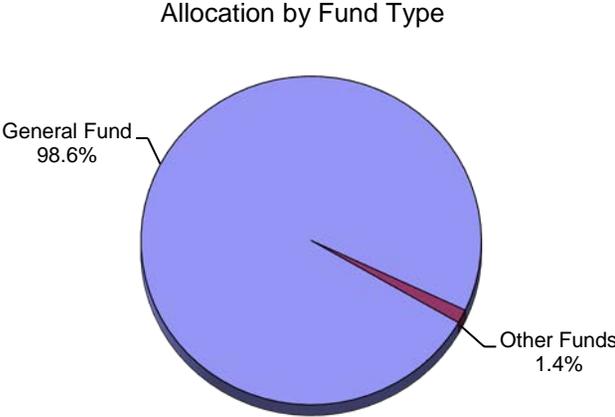
On a daily basis the CIS Executive Director is in face-to-face, e-mail or phone contact with state agencies, federal agencies, local governments, Oregon tribal governments and public officials. The Executive Director often provides analysis to CIS members and others on issues that may affect tribal interests. The Executive Director and Commission Assistant respond to information inquiries from all types of governmental agencies, department staff, Tribal leaders and tribal staff as well as the general public regarding Indians and Indian issues. On an on-going basis CIS staff compile and revise directories, informational brochures, background materials, articles and newsletters. Numerous state agencies use CIS as a way to forward information, get a response from tribal governments and/or get appropriate contacts within tribal governments.

Budget Narrative

In particular, CIS is the place for state agencies to discuss new initiatives, seek advice and provide information to CIS representatives of Oregon’s tribal governments. The CIS also serves as the forum for issues concerning policies, programs or action (or inaction) of the State raised by representatives of Oregon Tribes and Indian communities. CIS serves the public, Oregon Tribal governments and Indians who live in the state as well as state, federal, and local agencies with questions or concerns related to natural and cultural resources, health, education, public safety, economic development and state and community services. CIS also assists private firms (particularly developers and those whose projects require state archaeological permits), public interest groups and other organizations, foreign government officials, schools, universities and others who are required to interact or seek to interact with Oregon Tribes or Oregon Indian communities. CIS designs, provides and/or reviews statutorily-required trainings & reports and sponsors informational events throughout the year.

Budget Summary Graphics

The 2015-17 Agency Request Budget is allocated as follows:



Budget Narrative

Mission Statement & Statutory Authority

Per ORS 172.100 et. seq. the Commission on Indian Services (CIS) exists to compile information on services available to Indians, to assess State programs and services, and make recommendations for improvement. CIS serves as the State forum in which Indian problems and solutions are considered. Per ORS 97.740 et. seq., ORS 273.705 et. seq., ORS 358.605 et. seq., and ORS 358.905 et. seq. the CIS must advise on matters relating to the preservation and protection of Indian historic and archaeological resources and to designate appropriate Tribes with inadvertent discovery of human remains and archaeological permits. Under ORS 182.162 – .168 the CIS is consulted on state agency training and reviews agency action with regard to state/tribal relations. Per ORS Chapter 69, CIS advises on matters relating to the preservation and protection of Indian fish, wildlife, historic, and archaeological resources in hydro development. Because of sovereignty concerns, CIS is, by statute a legislative, advisory body.

Agency Strategic/Business Plans

Long Term Plan

Continue to compile information on services available to Indians, to monitor state agency action regarding policy development and program implementation that has the potential to have a positive, negative or neutral impact on the interests of Oregon's nine federally recognized tribal governments, to assess State programs and services, make recommendations for improvement and serve as the State forum in which Indian problems and solutions are considered. Continue to advise state agencies on improving state-tribal relations and continue to provide statutorily required assistance in issues affecting Oregon Tribal governments.

2015-17 Short Term Plan

State, local and federal governmental and non-governmental agencies have become increasingly more reliant upon CIS to provide technical, coordinative, and consultative support to assist agencies in more appropriately carrying out either agency obligations in serving Oregon's Indian population or to make contact with Tribal governments and Indian communities for policy or programmatic reasons. The CIS has a high level of involvement in the government-to-government process and in assisting state agencies to meet their responsibilities under ORS 182.162-.168 (2001 – State/Tribal Relations) and other state laws and administrative rules..

The enactment of laws to protect Oregon's cultural heritage require consultation with CIS in the issuance of permits and administrative rules development. As more development projects occur throughout Oregon, the CIS statutory consultation responsibility has required more time and attention. This review and consultation activity has increased dramatically, primarily due to ODOT bridge and road rebuilding projects state-wide but also with increasing construction and development projects state-wide, including pipelines, wind farms, transmission lines and various state and federal programs that specifically call for consultation with tribal governments (there are around 30 permit reviews and or development-related consultation requests/week).

Budget Narrative

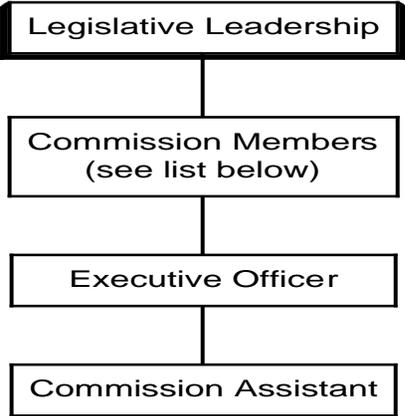
Expansion of CIS administrative responsibilities has significantly impacted CIS operations in increased demands for travel and communications, and attention of the Executive Director. The CIS has a critical role in monitoring State/Tribal relations. As interactions between Oregon's Tribal governments and the State of Oregon continue to grow with a wide-range of state agencies in many issue areas, the role of CIS as liaison has increased to facilitate this government-to-government relationship. CIS notes a large increase in requests from state agencies for information, training, consultation and strategies for successful interactions with Oregon's Tribal governments. Numerous statutes now require consultation with CIS in the selection of a tribal representative for various state boards and commissions.

Criteria for 2015-17 Budget Development

The Commission on Indian Services' request for 2015-17 continues funding current operations at the current service level. Essential packages were used to make adjustments to the base budget.

Budget Narrative

Organization Chart



Commission Members-Jointly Appointed by Senate President and Speaker of the House

Burns Paiute Tribe
Confederated Tribes of Coos, Lower Umpqua & Siuslaw
Coquille Tribe
Cow Creek Band of Umpqua Indians
Confederated Tribes of Grande Ronde
Klamath Tribes
Confederated Tribes of Siletz

Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
Senator (2)
House Representative (2)

Commission may appoint one additional non-voting member
Associated w/ Indian Health Care Act Title V Urban Indian
Health Program