

SB 1011 STAFF MEASURE SUMMARY

House Committee On Emergency Management, General Government, and Veterans

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Meeting Dates: 4/22

WHAT THE MEASURE DOES:

The measure allows a federally recognized Indian Tribe in Oregon to formally adopt and submit a request to the Governor for retrocession of Public Law 280 jurisdiction.

Detailed Summary

- Requires the Governor to acknowledge receipt of the request within 10 days of receiving it; to convene a meeting with representatives of the Tribe to discuss the request within 90 days of receiving it; and to accept or deny the request within 180 days of receiving it.
- Specifies that the Governor and Tribe may agree to extend the 180-day time frame by up to an additional 180 days, and that if the Governor accepts the request, within 10 days the Governor must petition the United States Secretary of the Interior for retrocession; or, if the Governor denies it, the Governor must communicate with the Tribe and include their reasons for denial.
- Declares an emergency, is effective on passage.

Fiscal impact: Indeterminate fiscal impact

Revenue impact: No revenue impact

Senate Vote: Ayes, 28; Excused, 2

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Public Law 280 was enacted by Congress in 1953 and mandated, without Tribal consultation or consent, that six states, including Oregon (with the exception of the Warm Springs Indian Reservation), exercise authority over specific criminal and civil matters within Indian country.

The Indian Civil Rights Act of 1968 (ICRA) allowed for states to ask for retrocession and transfer any or all criminal and civil matters back to the federal government, with tribal approval. Currently there is not a formal process in Oregon statute that outlines the process in which a tribe can work with the State of Oregon to request retrocession from the federal government.