

# Commission on Indian Services

## Legislative Notes

During the past five months, the Commission on Indian Services has been following the progress of legislation of interest to Indians in Oregon. A summary follows of some of these measures and of action by the 1977 Legislature.

### 1. FUNDING FOR ALCOHOLISM PROGRAMS TO BE CONSIDERED

HB 2145 would change some of the procedural standards for distributing funds to alcohol and drug abuse programs during the next two years. As originally approved by the Legislature in 1975, the law was designed to give financial support to community alcoholism programs with priority consideration to minority programs. Indian alcoholism programs presented a major lobbying effort in 1975 to accomplish this result.

However, the implementation of the law does not appear to many to have fulfilled this mandate, and amendments were proposed to strengthen the legislation. Significant changes were made in

the 1977 legislation by the House Social Services Committee in February, and the bill has been awaiting action by the Ways and Means Committee since that time.

The Commission learned last week that the bill has been assigned to the Ways and Means Subcommittee on Policy, whose ten members include the committee co-chairpersons and each of the eight subcommittees' co-chairpersons. It is likely that the bill will be scheduled for a hearing on an evening during the week of June 6, 1977.

The Commission on Indian Services has been involved in the consideration of the 1975 law and its proposed changes for the past year, and believes that some of the procedural changes currently under consideration will not adequately help Indian communities establish programs to meet their needs for alcoholism treatment. Much of the difficulty in the implementation of the 1975 law has involved the role of local alcoholism committees

and counties in approving proposals. The amendments will strengthen county control over applications and establish a procedure for programs wishing to appeal. Other amendments are more favorable in insuring that Indian alcoholism programs are given a fair opportunity to compete for these state funds.

The Commission believes that some changes are necessary in both the 1975 law and the present amendments to make the law as responsive as possible to the needs of Indian communities for alcoholism services. The Commission and other Indian organizations concerned with these programs are planning to testify before the Ways and Means Subcommittee on Policy to recommend improvements in this legislation to meet the needs of Indian communities in Oregon.

### 2. PROTECTION FOR INDIAN BURIAL SITES PASSES HOUSE

HB 2626 would make it a Class A misdemeanor for any person intentionally to disturb an Indian grave in Oregon. The bill states that a person who accidentally discovers such a burial site is responsible for reintering the human remains under a local Indian organization's supervision. The bill also allows professional archaeologists to study an Indian burial site if they have notified the state and an appropriate local Indian organization of their plans and if they agree to reinter the remains after scientific study at their own expense under the Indian organization's supervision.

The bill was approved by the House of Representatives on May 27, 1977 by a vote of 42-1 and will be sent to the Senate for its consideration in the near future. The Commission supports HB 2626 and suggested amendments to strengthen the bill which were adopted by the House of Representatives.

### 3. TRIBAL POLICE CERTIFICATION BILL PASSES HOUSE

HB 2929 would allow tribal law enforcement officers to participate in state training academies for police officers and be certified by the state upon meeting the state's training requirements. In the past, tribal police officers have been able to participate in such sessions only on a "space available" basis, and tribal police departments have been responsible for paying for his training. Presently, cities and counties are not charged for their officers' participation in these sessions. The bill would promote cooperation among tribal police and other law enforcement agencies and would recognize the contributions of tribal police of law enforcement in their communities. The bill would also allow police officers to keep their certificates when employed as tribal police officers and would assist tribal police departments in improving the quality of their services.

The bill was approved by the House of Representatives on May 26, 1977 by a vote of 56-1. The Commission has endorsed this measure and testified before the House Judiciary

Committee with the Warm Springs Police Chief to urge its adoption. Hearings should be scheduled in the Senate soon.

### 4. CONFISCATION OF FISHING EQUIPMENT

SB 580 would amend existing state law on the procedures to be followed when fishing equipment is confiscated for alleged violations of state commercial fishing laws. Under present law, two different procedures are involved, depending on whether the seized equipment is turned over to the state police and the Department of Fish and Wildlife or to county sheriffs. In the first instance, a court may order that the department dispose of the equipment as it sees fit. In practice, this means that the equipment may be destroyed, sold at public auction, or retained by the department for experimental purposes. In the second instance, a court may order that the sheriff conduct a public auction for the equipment. SB 580 would require that all seized fishing equipment which is ordered forfeited by a court be turned over to the Fish and Wildlife Commission.

The Commission on Indian Services is concerned that the equipment of Indian fishermen is often disposed of under both of the present procedures without notice of either the owner or to Indian tribes who might be interested in purchasing the equipment. For this reason, the Commission supported the amendments to require all seized fishing equipment to be turned over to the state agency and worked with members of the Senate Agriculture and Natural Resources Committee to improve the notice requirements at the time of sale. However, because of testimony at the committee hearing that such notice is already given to those tribes or individuals interested in the sales, the Commission's suggestions were not adopted.

SB 580 was approved by the Senate as amended by the Senate committee and has been referred to the House Agriculture and Natural Resources Committee for its consideration.

### 5. EXEMPTION OF KLAMATH DISTRIBUTIONS AWAITING COMMITTEE ACTION

SB 772 would amend state law to exempt the 1974 distributions to remaining members of the Klamath Tribe from taxation. The original payments to withdrawing members in the early 1960's were automatically exempted from both state and federal taxation. Similarly, any payments received after January 1, 1975 will be exempt from state and federal taxation. However, the 1974 payments were made in December 1974, and unless SB 772 is approved, will be taxed by the state. Many people who received these payments were not aware that the state would be able to collect taxes on these distributions, and collection by the state at this time would be likely to cause considerable difficulty for people who had not anticipated that taxes were due. In fact, the state has already begun its efforts at collecting state taxes on the

payments; in some cases, the state has acquired liens or other interests to insure that the taxes are paid and assessed penalties and interest for nonpayment.

SB 772 has been assigned to the Senate Committee on Revenue and School Finance and a public hearing was held on the bill in early April. However, no further action has been taken by the committee. The Commission supports this legislation and believes that no legitimate state purpose can be achieved by seeking to collect income taxes on these payments. Recent meetings between Klamath Indians interested in the legislation and members of the Senate Revenue Committee indicate that the bill's chances for approval by the committee are good, but no further action has yet been scheduled.

### 6. UMATILLAS SEEK INCOME TAX REFUNDS UNDER SUPREME COURT DECISION

SB 1094 would authorize refunds of all state income taxes paid by Indians on income earned from sources within an Indian reservation in Oregon by residents of that reservation since 1953. The bill was introduced at the request of the Confederated Tribes of the Umatilla Indian Reservation with the support of the Commission. In 1953 when Oregon was given civil and criminal jurisdiction over the Umatilla Reservation, the state also assumed that it obtained the right to tax the incomes of Indians residing on the reservation and earning income thereon. In 1976, however, the U.S. Supreme Court ruled in a Minnesota case that the states did not acquire taxing jurisdiction over Indians on reservations in 1953.

The bill has been referred in the Senate to the Committee on Revenue and School Finance; no hearings have yet been scheduled.

### 7. COMMISSION ON INDIAN SERVICES RECEIVES FUNDING FOR 1977-79

HB 5048 was the appropriation measure for continued operation of the Commission on Indian Services during the next two years. The bill was approved 54-4 by the House of Representatives, 27-0 by the Senate one week later, and has been signed by the Governor.

## Gun Show Set

The Round Butte Rifle and Pistol club will be presenting the annual, original Silver Buckle Gun Show on July 2, 3, and 4.

For enthusiasts, there will be guns, coins, knives, antiques, and Indian artifacts to buy, sell, trade, display, or to just look at.

The Madras High School Cafeteria will be the scene of the event and admission is 75 cents per person - children under 12 are admitted free with a parent.

There will be lots of food and lots of fun including activities such as a rockhound powwow, a western dance, and Indian fireworks.

For information or reservations contact A. Darrell Miller, Jr. at Warm Springs or Chet Herzberg, Madras (475-6281).

## Spilvay Speaks



I AM ME, NOT RICH, but free and the worlds greatest. Well I think people have these thoughts because even I sit and day dream. Sometimes I'm so involved in what I'm doing, I actually don't know what I'm doing, but manage to do the best I can, however, the best I can is not good enough, and at times I think people hate me because they want to be like me but never will. "YIKES"

Well what started me thinking of things like this is while flying to Helena, Montana, and gazing out of the window I noticed how all these fields have been worked and each one seemed to be perfectly square, and looked just like a checker board, and in other parts of the country the irrigation fields were in a perfect circle which I thought was very interesting.

SS SS

## Toe Ness

There was this guy in the service who couldn't say where he was, so when he would write he would say; Dear dad, I can't say where I am but yesterday I shot a Polar bear, and the next letter was; Dear dad, I can't say where I am but yesterday I danced with one of the girls from the south sea islands, the next letter; Dear dad, I can't say where I am, but the Docotr said I should have shot the girl and danced with the Polar bear . . . "YIKES"

SS SS

There were these two bulls-one old bull and one young bull traveling across the country when they came over this rise and see all these cows in the valley. The young bull jumps for joy and tells the old bull, lets run down and court a cow, No says the old bull, Lets walk down and court them all . . . "YIKES"

SS SS

There were these two guys talking and Doug told Ralph, I heard that you were gossiping about me, is this true? Ralph said, I did see you drive down the street and make a stop at the red light and wink at the pretty girl. I was not winking at the girl, it was that something got in my eye. Yeah! Shore! and she got in your car also . . . "YIKES"

SS SS

The other night I saw a ghost come through the wall, replied one guy to the other. The other guy asked what did you do? I went through the other . . .

SS SS

There was this guy that said that he had to go to see the dentist. I have so many cavities that when I talk there is an Echo, Echo, Echoooo.

SS SS

I wonder why Dr. J's opinion is that the seventy-sixers are better ball club than the Trailblazers, if that is so than why are the Trailblazers the "World Champions"? Yeah! TRAILBLAZERS" Red Hot and Rolling.

SS SS