

1HOUSE COMMITTEE ON GENERAL GOVERNMENT

June 22, 1993 Hearing Room 357 9:30 a.m. Tapes 63 - 66

MEMBERS PRESENT: Rep. Cedric Hayden, Chair Rep. Jim Edmunson,  
Vice-Chair Rep. Ken Baker Rep. Carl Hosticka Rep. Patti Milne Rep. Chuck  
Norris Rep. Del Parks Rep. Lonnie Roberts Rep. Sharon Wylie

STAFF PRESENT: Janet Adkins, Committee Administrator Julie Dow,  
Committee Researcher Kathy Taylor, Committee Clerk

MEASURES CONSIDERED: SB 59 SB 101 SB 61

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These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in  
quotation marks report a speaker's exact words. For complete contents  
of the proceedings, please refer to the tapes. [--- Unable To Translate  
Graphic ---]

TAPE 63, SIDE A

008 CHAIR HAYDEN: Calls meeting to order at 9:30 a.m.

WORK SESSION ON SB 59

010 JULIE DOW, COMMITTEE RESEARCHER: Gives overview of SB 59 and  
submits (-A7) amendments. (EXHIBIT A)

024 MOTION: REP. MILNE MOVES TO ADOPT THE (-A7) AMENDMENTS

VOTE: Hearing NO OBJECTIONS, SO CARRIED.

029 MOTION: CHAIR HAYDEN MOVES TO DELETE LINES 32 AND 33 ON PAGE  
3.

VOTE: Hearing NO OBJECTIONS, SO CARRIED.

045 MOTION: REP. MILNE MOVES SB 59 AS AMENDED TO THE FLOOR WITH  
A DO PASS RECOMMENDATION.

050 VOTE: ROLL CALL VOTE ALL MEMBERS PRESENT VOTING AYE.

WORK SESSION ON SB 101 Witnesses: Greg Malkasian, Public Utilities  
Commission (PUC) Mike Unger, Division of Motor Vehicles (DMV)

069 JANET ADKINS, COMMITTEE ADMINISTRATOR: Gives overview of bill SB  
101. Submits out of service sticker (EXHIBIT B) and driver  
equipment

compliance check form. (EXHIBIT C)

084 REP. ROBERTS: Want to make sure people are informed what

consequences are.

098 GREG MALKASIAN, PUBLIC UTILITIES COMMISSION (PUC): Explains process of informing driver of consequences of failing to comply with the out of

service notice. There is due process for any driver who requests a hearing.

106 REP. ROBERTS: Have you got someone there for the driver to show that the problem has been fixed?

111 MALKASIAN: At times someone is there, but it is not necessary. The mechanic only needs to verify on the form after the repairs have been

completed. There could be an additional inspection later where we may see that it has been falsely certified.

118 REP. ROBERTS: What mechanic, we don't license mechanics.

119 MALKASIAN: The motor carrier does certification. They can employ any mechanic.

122 REP. ROBERTS: What if its an independent, the individual driving truck also owns the truck?

124 MALKASIAN: They are the motor carrier, so their certification is sufficient.

127 REP. BAKER: How do you verify that a driver knew that the vehicle was inoperative?

136 MALKASIAN: It would be difficult to determine a vehicle is being operated out-of-service. The driver might not know, that's when the due process comes in.

148 REP. BAKER: There is a due process requirement in the PUC regulations.

MALKASIAN: Absolutely.

150 REP. PARKS: Would you object to changing violation of out-of-service order to language indicating a person must have actual knowledge.

154 MALKASIAN: That is in the DMV portion of the bill. The part that effects the motor carrier does say knowingly. 161 REP. PARKS: On page 1, Subsection 4, line 24 substitute "a person who with actual knowledge violates an out-of-service order shall be deemed

to have committed a Class A misdemeanor."

168 REP. BAKER: Essentially you take the due process application from the regulations and put it into law.

170 REP. PARKS: Yes, because I get many complaints from the truckers about PUC that I don't want to rely on regulations, I want it in

statute.

Will that be acceptable to you?

173 MIKE UNGER, DIVISION OF MOTOR VEHICLES (DMV): Rep. Parks that would be ok for that section.

183 REP. BAKER: Any other changes to make that idea consistent throughout the bill, or does that stand alone?

188 JANET ADKINS: I don't know if you want to put "knowingly" on Section 6, line 20.

192 CHAIR HAYDEN: Couldn't hurt.

193 REP. BAKER: Has knowingly violated.

197 REP. PARKS: I agree with Section 6. Repeats proposed amendment, Page 1, Subsection 4, delete lines 24 and 25 and replace "(4) A person who

knowingly violates an out-of-service order"

203 REP. ROBERTS: So you're showing intent?

REP. PARKS: Right, "shall be deemed to commit a Class A misdemeanor."

205 CHAIR HAYDEN: It would be the chairman's request that if this amendment pass and the bill pass that it would need to be returned for another

work session, the Administrator would have permission to have it engrossed as we've stated it today.

209 REP. BAKER: Does that amendment also include page 8, Section 6, line 20 to put the word "knowingly" between has and violated.

REP. PARKS: Yes.

212 CHAIR HAYDEN: Without objection, so ordered.

MOTION: REP. ROBERTS MOVES SB 101-A AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

216 JANET ADKINS: On Section 6 portion, this is the offense of the company not the driver and it does say knowingly allowed on line 23. So if the

owner of the company took the tag off and sent the driver out anyway, it could have been an unknowingly violation on the part of the driver, but you have knowingly on the line for the employer. I'm not sure you want to put knowingly up above.

226 CHAIR HAYDEN: No, I think that makes that consistent. Line 20 deals with the driver (employee).

229 JANET ADKINS: But this is the violation section for the

employer.

CHAIR HAYDEN: OK.

230 JANET ADKINS: And there is a knowingly on line 23.

232 REP. HOSTICKA: I think it is on page 8, line 9, where it applies to the person driving. That's where you probably want knowingly because down

below it says "if a person innocently drove the vehicle but the employer knew they were in violation, then the employer is in violation." I

think it should be moved to line 9.

241 REP. PARKS: I agree.

242 CHAIR HAYDEN: Rep. Parks moves deletion of the word "knowingly" on line 20 and the addition of the word "knowingly" on line 9.

245 MOTION: REP. ROBERTS MOVES SB 101-A AS AMENDED AND RE-AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

250 VOTE: IN A ROLL CALL VOTE ALL MEMBERS PRESENT VOTING AYE.

Rep. Roberts will carry the bill.

PUBLIC HEARING ON SB 61 Witnesses: Carrol Howe, Ex-State Representative James Hamrick, Deputy, State Historic Preservation Office, Department of State Parks Scott Stuemke, Tribal Archeologist, Confederated Tribes of Warm Springs Michael Mason, Tribal Attorney, Confederated Tribes of Grand Ronde Kathryn Harrison, Vice Chair, Confederated Tribes of Grand Ronde Louie Pitt, Jr., Director of Governmental Affairs, Confederated Tribes

of Warm Springs Jeff Van Pelt, Cultural Resource Protection Coordinator, Umatilla Tribes Gordon Bettles, Cultural Inheritance Specialist, Klamath Tribes Bensell Breon, Confederated Tribes of Siletz

265 JANET ADKINS: Gives overview of SB 61 and submits Staff Measure Summary, Fiscal Impact Statement and additional articles and information pertaining to the bill. (EXHIBITS D-N)

365 REP. BAKER: I would like the witnesses to direct some of their comments, if appropriate, towards excavational public lands and

excavational private lands that require the permission of the land owner and why that should be just the land owner and not the state requiring

permission.

371 CHAIR HAYDEN: Is that something we could take up in work session, Rep. Baker? 373 REP. BAKER: Yes, but if the witnesses have information, that would be nice to hear that.

379 CARROL HOWE, EX-STATE REPRESENTATIVE: Testifies in support of SB 61-A with (-A2) amendments. (EXHIBIT O)

TAPE 64, SIDE A

031 CHAIR HAYDEN: Can you date when the material was worked? What does the dating mean?

032 HOWE: There's a measurement possible by the obsidian hydration process.

041 CHAIR HAYDEN: So you can date when the volcanic action occurred and date when that volcanic material was worked.

042 HOWE: You can date when it was worked or came out of the volcano.

048 HOWE: SB 61 would do away with private collecting or surface hunting.

080 HOWE: Reviews proposed (-A2) amendments. (see EXHIBIT O) > Page 2, lines 41 and 42, would make it legal to recover an object

that has been exposed by the forces of nature but not by use of tools > Would prevent excavation on State land

090 CHAIR HAYDEN: How would that impact a farmer whose plowing a field and finds an object?

091 HOWE: A farmer plowing a field is not on State land, so it wouldn't make any difference. It would be impossible to enforce a law.

094 HOWE: Continues to review proposed amendments > Page 2, line 45, restore "systematically", would mean you couldn't

systematically excavate on State land without a permit > Page 3, lines 7-17, getting certificates would require bureaucracy > In my opinion permits should be issued by University of Oregon or

a college that has a Department of Archeology

104 REP. BAKER: Why should the State be involved in this issue at all? Why shouldn't this be the dominion of the tribes and people of Oregon? Why

should we allow non-natives to deal with this issue?

110 HOWE: I suggested several years ago the permission of tribes be required for excavation. Prior to that law tribes didn't get involved.

127 REP. BAKER: Does this bill give them that authority?

128 HOWE: Just about does. I have not tried to change the bill in that respect. > Continues reviewing proposed amendments > Page 4, line 14, rather than order of police, be authorized by a

court

195 REP. EDMUNSON: What do you think court process means in current law?

203 HOWE: I can't answer your question.

204 REP. EDMUNSON: They're talking about a court order.

206 HOWE: To seize someone's property, you should have some authority.

208 REP. EDMUNSON: It sounds like a search warrant is needed, unless someone is being arrested. I wonder if you are just clarifying that.

214 HOWE: My purpose would be to eliminate seizing a collection because you don't like someone. > Continues testimony

274 REP. PARKS: How many different tribes have been in the Klamath basin?

278 HOWE: The Klamath Modocs, Shastas, Paiute, Pit Rivers

286 REP. PARKS: Don't the different tribes have different heritages?

287 HOWE: Indeed.

REP. PARKS: How would you establish if you find an artifact which tribe could make the legitimate claim to it?

290 HOWE: I can't think of any way you could. Most things appear to be Paiute and Shasta.

309 REP. PARKS: Didn't they have Indians on the tractors when they dug the trenches for the pipeline?

312 HOWE: Yes. Had an archeologist and maybe Indians there.

316 REP. PARKS: By McDowell when the ground is leased by the government and tilled, you have an Indian present in case any artifacts are discovered. What do they call those people who do that?

324 HOWE: I don't know.

328 REP. PARKS: This bill in part requires that artifacts be displayed at a museum closes to the location they were found. Do any museums exist in

Klamath County where these are displayed now?

334 HOWE: There are two museums, the County Museum and the Favell Museum. The Favell Museum is one of the most extensive Indian museums in the

West, displayed on the Link River.

341 REP. PARKS: Which is a place where the Indians had encampments. That museum cost several million dollars, totally private funded. Would it

be there if this gentleman didn't put his money in it? 345 HOWE: Absolutely not. Everything in it was discovered, loaned, donated or purchased by private funds.

350 REP. BAKER: Is there a requirement that these artifacts stay in the State of Oregon or in the Northwest, that these can't be sold outside

the country?

352 HOWE: Not now.

380 REP. NORRIS: Do you have any problem with the definition of archeological object in the bill?

383 HOWE: 50 years is ridiculous.

404 REP. NORRIS: Where do you see the threat of protection of existing presumably legitimate collections in the bill?

408 HOWE: I don't see any protection.

420 CHAIR HAYDEN: Could there be artifacts that couldn't be traced to an indigenous Oregon tribe?

434 HOWE: Without doubt.

TAPE 63, SIDE B

025 JAMES HAMRICK, DEPUTY, STATE HISTORIC PRESERVATION OFFICE, DEPARTMENT OF STATE PARKS: Testifies in support of SB 61 and submits written

testimony. (EXHIBIT P)

056 CHAIR HAYDEN: Clarify the matter of shipwrecks, how would we have any incentive to recover resources off the Coast of Oregon if the finder

cannot recover their cost of operation?

061 HAMRICK: The Treasure Trove statutes state if a shipwreck is not considered to be significant in the term that would be used to determine if it were a historic or nonhistoric shipwreck it could be salvaged

under the existing law. If it were an archeological site, there would have to be a permit to do any salvage and proceeds from that would become State property.

071 CHAIR HAYDEN: Are there any shipwrecks older than 50 years that are not archeological sites?

072 HAMRICK: That has not been independently determined. They have been identified, but not necessarily any work done to tell significance.

075 CHAIR HAYDEN: When was the last permit issued for a Treasure Trove?

076 HAMRICK: About 4 years ago.

083 REP. BAKER: Does this bill address excavations of private lands

by the land owner?

084 HAMRICK: The intent of this bill was not to prohibit archeological exploration on private lands as long as it was with the permission of

the owner and the tribe is notified.

089 REP. BAKER: What public good is gained by allowing a land owner to excavate on his own property specifically for artifacts?

092 HAMRICK: I'm not sure I can answer that question.

098 REP. BAKER: You make a statement that declares the State is a steward rather than a owner of archeological sites and their contents on public lands. What's the difference between being a steward and an owner?

101 HAMRICK: Our intent is to get into government relations with the tribal organizations and as a part acknowledge that the Indians were here

first, the land was theirs, the State should be the steward rather than the owner of these resources.

109 REP. BAKER: If you're a steward is there a process for transferring the article from your custody to the tribe?

112 HAMRICK: In terms of artifacts or land?

REP. BAKER: Artifacts.

113 HAMRICK: In this bill, unless it is Native American, the stuff relating to remains, objects of cultural patrimony, sacred objects or funerary

objects there is not a way to transfer these objects to the tribes.

116 REP. BAKER: There's really no distinction between stewardship and ownership. If there's no way to give it to somebody, you have it,

effectively you're the owner by possession.

119 HAMRICK: The intent of the bill, relating to curation of objects closest to where they're found, with the Oregon State Museum of

Anthropology's permission to set up curation facilities that are approved and done in a professional way so they can have tribal museums and de-acquisition some of the materials in the Oregon State Museum of Anthropology to the proper tribe.

131 REP. PARKS: . . . to set up what kind of facilities?

132 HAMRICK: Curatorial or museum facilities, similar to Warm Springs on the Reservation.



134 REP. PARKS: Then they would get the objects to display in the museum from people who already have them?

135 HAMRICK: If the curatorial facilities were approved the artifacts would go to the reservation on the museum rather than the Oregon State of

Anthropology.

141 REP. PARKS: The Warm Springs Reservation, do the Indians own the reservation?

142 SCOTT STUEMKE, TRIBAL ARCHEOLOGIST, CONFEDERATED TRIBES OF WARM SPRINGS: Yes.

REP. PARKS: What do we need a law for, they own it, they can do what they want with it.

143 STUEMKE: These resources are not found on the reservation, these are resources from public lands.

144 REP. PARKS: So it's not really limited to the reservation. . .

145 STUEMKE: Right.

REP. PARKS: it's other land?

STUEMKE: Under treaties of 1855 and other treaties signed in the State of Oregon, the indigenous people of the State seeded lands to the federal government while reserving specific rights to hunt, gather, fish and exercise other traditional aspects of their lives.

158 REP. PARKS: So the intent is if the Indians ever used the land, they own the objects found on it unless you can prove otherwise?

167 STUEMKE: We're not trying to prove ownership. In the professional community among archeologist and anthropologists and native communities, we are starting to work together to understand our differences and

likes. If we can come together and help each other understand who and what we are as human beings then we're helping ourselves. By individual collectors holding these items because they're old and neat in their own collections we're not learning anything about the past.

177 REP. PARKS: . . . what the individual collectors have out of their collection?

178 STUEMKE: We want to foster a working relationship with the amateurs and the professional community. That's what Archeological Resource of

Protection Act (ARPA) was designed on. That's what we're trying to come in line with.

182 REP. PARKS: Does this bill enhance your right to get items people have whether they are private collectors or not?

184 STUEMKE: We can't go and tell a State Policeman or other Law Enforcement authority to go to someone's house and seize his collection.

187 REP. PARKS: Actually you can. It's in the law already.

188 STUEMKE: No. That's only in the process of other law enforcement activities. If items can be tied to other archeological vandalism then

it could be seized.

192 REP. PARKS: What does this law allow you to do with private collectors that you can't already do?

196 STUEMKE: It helps return items that are associated with burials.

198 REP. PARKS: How does it help you?

STUEMKE: A lot of people are willing to do this.

202 REP. PARKS: If they want to do that, why do you need a law?

203 STUEMKE: What about the individuals who don't want to do it?

REP. PARKS: What right does it give you?

208 STUEMKE: We need to look at ways of fostering and developing means for these people to get the burials and other objects returned and treated

properly.

230 REP. PARKS: The examples you gave, do they have anything to do with this bill?

233 HAMRICK: The bill basically seeks to address or include those items in the Native American Graves Protection Repatriation Act to cover those

items in the same manner that other archeological items are covered.

237 REP. PARKS: Because it's in a grave site?

238 HAMRICK: Yes.

REP. PARKS: Isn't that order protected by federal law?

239 HAMRICK: Not for State lands.

240 REP. PARKS: If its not on State lands and its in a grave site its not protected?

241 HAMRICK: If its on private land and it is a grave site, it is protected in this State. If its on federal lands it is protected under federal

law. All we're trying to do is bring up protection on State public lands.

248 REP. PARKS: For grave sites only?

HAMRICK: For grave sites, but we would like to do the same thing for the collection on public lands.

251 REP. PARKS: Does that mean for non-grave sites?

HAMRICK: That is correct.

252 REP. PARKS: I don't think anybody quarrels about the grave site argument. What then constitutes the addition that you want beside the

grave site?

255 HAMRICK: You mean the need for other than 257 REP. PARKS: No, I want to know what you're talking about. Grave sites ok. But you say for other than grave sites, that's everything else in

the world unless you limit it.

260 HAMRICK: Some examples of archeological sites are in SB 61-A, page 1, line 24.

265 REP. PARKS: What wouldn't fit in your definition?

268 HAMRICK: They would have to be determined significant to be covered under this statute.

270 REP. PARKS: What's the procedure that determines "significant"?

275 HAMRICK: If the site yields or has potential to yield information that is significant to the history of this State, it can be considered to be of Archeological significance.

279 REP. PARKS: Is there a procedure right now to determine that?

280 HAMRICK: There is a procedure for identifying if a site is significant or not.

284 REP. PARKS: Is the State involved in that procedure?

285 HAMRICK: It is mostly done by Archeologists under permit from the State.

288 REP. PARKS: Who determines its significance, the Archeologist?

289 HAMRICK: Generally its the Archeologist.

291 REP. PARKS: A private individual determines if its significant?

292 HAMRICK: A professional Archeologist.

294 REP. PARKS: SB 61-A, page 2, line 10, refers to "cultural patrimony", is this a term of art in this field?

298 HAMRICK: This is narrowly defined. Considered to be something sacred or important to the tribe as a whole.

312 REP. PARKS: Its subject to the individual tribe?

313 HAMRICK: The tribe can say "this is an object of cultural patrimony" and give a reason why. > If these objects are in museums they need to be identified and a back and forth process goes on as to whether it really is an object of

cultural patrimony

322 REP. PARKS: We have this back and forth process now, at some point someone has to have the last say. Where is it in this process?

326 HAMRICK: In this bill, Section 15, the Dispute Resolution relates to permits, issuance of permits and disposition of skeletal remains. It

doesn't necessarily cover the dispute resolution that is in the federal statute. 338 REP. PARKS: There is a mechanism in the federal statute?

HAMRICK: There is.

340 REP. PARKS: In SB 61-A, page 2, line 14, beginning with "The object . . . separated from such group" what does that mean?

343 HAMRICK: Its importance was not diminished by the fact that it was separated from the group by whatever means it was, it remains

significant.

350 REP. PARKS: Like an arrowhead somebody threw on the ground?

351 HAMRICK: I don't believe that's what we're talking about.

354 REP. PARKS: Would arrowheads be covered by this?

355 HAMRICK: An arrowhead would not be an object of cultural patrimony.

358 REP. PARKS: What is an object?

HAMRICK: I believe the Grand Ronde has a staff that is decorated with ermine and other materials that are used in tribal ceremonies. That is considered to be an object of cultural patrimony for that particular tribe.

365 REP. PARKS: That would be easy to distinguish because its more unique to an individual tribe. What's the resolution for who gets to claim

them?

380 HAMRICK: A federal statute requires that there be inventories

done of all these materials. That if the museum thinks they know where it came

from or the object is marked, the museum is suppose to start negotiations with those tribal organizations. If objects are not easily identified it stays with the museum.

296 REP. PARKS: I'm really concerned about this bill. You know the Favell Museum is a big artifact center. Would you agree with that?

401 HAMRICK: Yes.

402 REP. PARKS: If the bureaucrats get involved, that would never be there and that would be a loss to not only Indians, but to civilization.

414 HAMRICK: The intent of this legislation is not to impact private collections.

457 REP. BAKER: How do you draw the line between every item and some items?

472 HAMRICK: You can either do it by rule making or inserting some limiting language to the definition.

TAPE 64, SIDE B

028 REP. EDMUNSON: Why is the change from 75 years to 50 years proposed?

032 HAMRICK: The 50 year rule is used to determine historic significance for other historic resources in the National Historic Preservation Act.

040 REP. EDMUNSON: On page 3, lines 7-17, is the certificate of origin required for a gift including a donation?

057 MICHAEL MASON, TRIBAL ATTORNEY, CONFEDERATED TRIBES OF GRAND RONDE: The purpose of including trade, barter or exchange in the bill was to close up a loophole.

075 REP. EDMUNSON: On page 4, line 13, does court process mean court order?

082 HAMRICK: Our Department of Justice attorney said that Sections 5 and 6 were legally sufficient and covered all due process.

091 MASON: The point about court process, you would have to go before a judge and obtain a warrant before going to someone and seizing property that was used in the commission of an act that was illegal. This is in

the existing law.

097 REP. EDMUNSON: A subpoena may be issued as a court process without any action of a judge. I want to make the record clear that an affirmative

review of a judicial officer is required.

106 MASON: The subpoena would be used to get evidence into court, it couldn't be used to effect a civil forfeiture.

109 REP. EDMUNSON: On page 9, fast tract arbitration, is this lifted from federal law, does this have a counter part in federal law or is it a

creation of state law?

117 HAMRICK: This was created for this specific situation and it isn't in federal law.

124 REP. EDMUNSON: On page 9, what cause of action is possible other than this procedure?

136 HAMRICK: In the Senate hearings it was suggested that this language be looked at by Alice Phalan at the Dispute Resolution and verify the

language was correct.

146 MASON: Section 15 is about two specific situations. > Issuance of an archeological permit > Disposition of human skeletal remains or burial goods Does not include > Destruction of an archeological site > Civil forfeiture under Oregon Archeological Resource Protection Act

153 REP. EDMUNSON: Would objects of cultural patrimony be covered or only funerary?

154 MASON: No, those aren't covered. The tribe is going to have to come forward if they are alleging someone has an object of cultural patrimony and establish that it is.

158 REP. EDMUNSON: Where is that done?

MASON: That burden of proof would be on the tribe.

REP. EDMUNSON: Is that done in a State court?

159 MASON: Yes.

166 STUEMKE: Testifies in support of SB 61 and submits written testimony. (EXHIBIT Q) > Stewardship > Archeology

209 CHAIR HAYDEN: Are the tribes you currently represent in Oregon the original inhabitants or did they follow an even more ancient history?

214 STUEMKE: I have to take two view points. > Professional - what I have been taught in school in academia > Teachings of the long house, religious meeting place of these people

today

224 CHAIR HAYDEN: Was the land unpopulated before the current tribes now in Oregon?

227 STUEMKE: No, we have documented evidence of population within Oregon of 13,000 years at Fort Rock Cave. Research is being done

in the

Willamette Valley that indicates people were there long before that.

233 CHAIR HAYDEN: So those civilizations don't belong to any existing tribe, they were either extinct or migratory and are no longer here?

235 STUEMKE: There are ties to specific groups through linguistics and also genetic research that has been done.

238 MASON: Testifies in support of SB 61. > Expresses concerns about proposed amendments by Carrol Howe

326 KATHRYN HARRISON, VICE CHAIR, CONFEDERATED TRIBES OF GRAND RONDE: Testifies in support of SB 61 and submits written testimony. (EXHIBIT R)

TAPE 65, SIDE A

008 LOUIE PITT, Jr., DIRECTOR OF GOVERNMENTAL AFFAIRS, CONFEDERATED TRIBES OF WARM SPRINGS: Testifies in support of SB 61. > Processes and Treaties

107 REP. BAKER: Are you satisfied with this bill that allows private land owners to excavate his own property? 109 PITT: We decided right now we should go for what we have a better handle on. We're not happy with it, but we can live with it for a short term.

120 REP. PARKS: Reads an explanatory note from Klamath tribe, "it is already a crime under the Oregon Indian Graves Protection Act to

collect, possess or sell native human remains or objects buried with those remains (funerary objects). These items belong to the tribes regardless of their location." It doesn't matter if they are on private land, it's the law. It's really not a true issue to this bill if a grave site is discovered on private land, the objects in that grave site still belong to that tribe. This bill is not intended to deal with the burial sites.

157 JEFF VAN PELT, CULTURAL RESOURCE PROTECTION COORDINATOR, UMATILLA TRIBES: Testifies in support of SB 61.

442 REP. BAKER: How do you protect your culture and not make this distinction between artifacts versus burial sites?

TAPE 66, SIDE A

016 VAN PELT: Education and working with these people.

048 GORDON BETTLES, CULTURAL INHERITANCE SPECIALIST, KLAMATH TRIBES: Testifies in support of SB 61. > Klamath tribe came to compromise

148 REP. ROBERTS: Do all the tribes within Oregon wish to work

with the museum?

151 BETTLES: The tribes represented here have reached a compromise and want to stay within the system.

154 REP. ROBERTS: Everyone realizes there are important pieces of museums that will teach people about your history.

156 BETTLES: Yes. Within the Klamath tribe, the staff is the only object of cultural patrimony. It is used for ceremonies and will not leave and become an individual possession.

167 REP. BAKER: Who have you compromised with?

169 BETTLES: Our individual tribal laws are more stiff than what is here.

183 BENSELL BREON, CONFEDERATED TRIBES OF SILETZ: Testifies in support of SB 61. > We are asking for equal treatment for the protection of our burials > Have no objections to arrowhead collections

272 REP. PARKS: Reads a section of letter from Klamath Museum.

291 REP. EDMUNSON: We need to recognize what one tribes considers an object of cultural patrimony is not necessarily applicable for another tribe.

300 CHAIR HAYDEN: Recommends Michael Mason, Rep. Parks, Rep. Edmunson and Rep. Norris meet and come up with amendments for a work session on

Wednesday, June 30.

Meeting adjourned at 12:30

Submitted by:

Reviewed by:

Priscilla Boyle  
Administrator

Janet Adkins Assistant

EXHIBIT LOG:

A - Amendments to SB 59-A - Staff - 1 page B - Out-Of-Service Vehicle notice for SB 101 - PUC - 1 page C - Driver Equipment Compliance Check form for SB 101 - PUC - 1 page (3 part) D - Staff Measure Summary for SB 61-A - Staff - 2 pages E - Fiscal Impact Statement for SB 61-A - Staff - 1 page F - HB 3464-A from 1991 Session for SB 61-A - Staff - 1 page G - Chart for SB 61-A - Staff - 1 page H - Federal Law on NAGPRA for SB 61-A - Staff - 12 pages I - Administrative Review and Analysis for SB 61-1 - Staff - 6 pages J - Vandalism: Research, Prevention and Social Policy for SB 61-A - Staff - 14 pages K - Letter on SB 61-A - Stuemke - 3 pages L - Letter on SB 61-A - Meinen - 2 pages M - Letter on SB 61-A - Metcalf - 2 pages N - Letter on SB 61-A - Gustafson - 2 pages O - Amendment and Hand-engrossed bill to SB 61-A - Howe - 5 pages



P - Testimony on SB 61-A - Historic Preservation - 3 pages Q -  
Testimony on SB 61-A - Stuemke - 2 pages R - Testimony on SB 61-A -  
Harrison - 2 pages S - Testimony on SB 61-A - Renfrow - 3 pages (Did  
not testify) T - Testimony on SB 61-A - Dumond - 3 pages (Did not  
testify)