



2022 GOVERNMENT TRIBAL RELATIONS ANNUAL REPORT

Steven Marks | Rosetta Shatkin | December 9, 2022



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GOVERNMENT-TO-GOVERNMENT RELATIONS WITH OREGON'S NINE FEDERALLY RECOGNIZED TRIBAL GOVERNMENTS

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ANNUAL REPORT

INTRODUCTION

In 2001, Senate Bill 770 (SB 770) codified the framework for communication between state agencies and Tribes created in Oregon Revised Statute (ORS) 182.164-168, State Agencies to Develop and Implement Policy on Relationship with Tribes; and ORS 182.166, Training of State Agency Managers and Employee Who Communicate with Tribes; Oregon Administrative Rules and Regulations, and Oregon Revised Statutes that govern the actions and responsibilities of the Oregon Liquor and Cannabis Commission (OLCC or Commission). The OLCC submits this report to the Governor and the Legislative Commission on Indian Services.

The OLCC administers the Oregon Liquor and Cannabis Act and the Adult and Medical Use of Cannabis Act¹. The agency promotes the public interest through the responsible sale and service of alcoholic beverages and recreational marijuana products. The OLCC's mission is to support businesses, public safety and community livability through education and the enforcement of liquor and marijuana laws. Functionally, the OLCC manages the business of making packaged distilled spirits available to adults over the age of 21 and issues licenses to businesses to manufacture, distribute and sell alcoholic beverages or recreational marijuana products.

The OLCC has Memorandums of Understanding (MOUs) with all nine recognized Tribes in Oregon. These MOUs establish how Oregon state law and OLCC licensing regulations apply to the sale and service of alcoholic beverages at tribal gaming facilities and other tribal enterprises. Currently eight Tribes have properties that are licensed by OLCC to sell alcoholic beverages.

The OLCC revised its Tribal Relations Policy in August 2022, attached as Appendix A to this report. The policy supports the Commission's valued relationship with Oregon's nine federally recognized Tribes and respects the distinct sovereign status of each tribal government and their respective authorities on tribal land. The Commission has historically contracted with all Oregon Tribes that have gaming compacts to allow for sales of distilled spirits for on-premises consumption on tribal land. All OLCC employees have access to this policy, which is stored electronically with all other OLCC internal policies and procedures.

ANNUAL TRIBAL/STATE GOVERNMENT-TO-GOVERNMENT SUMMIT

The OLCC Tribal Liaison attended the 2022 Annual Tribal-State Government-to-Government Summit. The theme for this year's tribal summit, "[C]elebrating our Accomplishments, and Preparing for the Challenge Ahead," was built around the understanding that this was the first such gathering of tribal, state and local officials since the COVID-19 pandemic in 2020 and the final meeting for the current administration. The meeting was held in person at the Three Rivers Casino and Resort in Florence on Tuesday, October 4th. The Confederated Tribes of Coos, Lower Umpqua and Siuslaw Tribes hosted this year's event. During the opening remarks, Governor Kate Brown and Tribal Chairs shared the challenges and opportunities related to COVID, ways to strengthen existing relationships and how to build on the government-to-government relationship under new state leadership.

¹ [Division 25 - Oregon Secretary of State Administrative Rules](#)

Throughout 2022, the Commission continued to work with its tribal partners to promote positive government-to-government relations through consultation, collaboration and mutual understanding relating to the public's interest. The focus of that work has ensured that changes to licensed businesses and compliance activities performed by the OLCC and Tribes support the public health and safety. In addition, OLCC's staff continued to provide information and technical support to the Tribes regarding liquor regulatory issues at licensed tribal businesses and provided information to tribal representatives regarding recreational marijuana laws. Based on the COVID 19 policy of 2020, the Commission continued the following support to alcohol licensees:

- Fast-tracked the process for existing on-premises licensees to obtain the privilege to sell and deliver beer, wine and cider for off-premises consumption. HB 2264 in 2021 codified the policy in statute.
- Curbside delivery of wine, cider, beer and distilled spirits was incorporated into the OLCC's delivery rules.
- Allowed the return of unused, unopened malt beverages, wine, cider and distilled liquor purchased for events that were canceled due to Novel Coronavirus (COVID-19). The Retail Sales Agents have continued to follow this practice with a written guidance. Agents are not required to obtain prior approval and suppliers are not required to accept returns.
- Streamlined alcohol service expansion for outdoor areas and parklets with state-mandated social distancing guidelines. The requirements were adopted by the Commission establishing licensing qualifications and new requirements for expanding the licensee's licensed premise.
- Deferred renewal fees and waived late fees for licensees expires December 31, 2022.
- Access to detailed guidance to all facets of the alcohol beverage industry remains available via the OLCC website. COVID-19 Business Continuity Information - Alcohol can still be accessed on the OLCC website.
- Allowed Oregon Distillery Retail Outlet Agents to provide limited home delivery of their products by following the rules established in the retail outlet manual.

OLCC ADMINISTRATION ACTIVITY

The OLCC is the agency responsible for regulating the sale and service of alcoholic beverages in Oregon by administering the State's Liquor and Cannabis Act and regulating the sale of recreational marijuana in Oregon through the Cannabis, Regulation and Taxation of Marijuana and Industrial Hemp Act.

The OLCC has Memorandums of Understanding (MOUs) with all nine recognized Tribes in Oregon. These MOUs establish how Oregon state law and the OLCC licensing regulations apply to the sale and service of alcoholic beverages at tribal gaming facilities and other tribal enterprises. Currently eight Tribes have properties that are licensed by the OLCC to sell alcoholic beverages. In 2021, the Legislature passed House Bill 2112 authorizing the Oregon Liquor Control Commission to negotiate prices with Indian Tribes and commercial airlines for the sale of distilled liquor, so long as Indian Tribes and commercial airlines hold full on-premises sales licenses as defined by current statute.

The agency is comprised of three major operational programs; the Distilled Spirits Program, the Recreational Marijuana Program, and the Public Safety Program. All three programs are supported by the Administration, Financial Services, and Support Services divisions. Revenue generated from these programs helps support state and local government programs. The OLCC also enforces the Oregon Bottle Bill.

DISTILLED SPIRITS PROGRAM

The Distilled Spirits Program processes orders for distilled spirits from retail sales agents, as well as from Tribes and military installations. Distilled Spirits Program staff are in contact with staff at premises located within Indian Country regarding the processing of liquor orders and payments.

MARIJUANA PROGRAM²

Under ORS 475C.521 the Governor's office may enter into an agreement with the governing body of a federally recognized Indian Tribe located in this state for the purpose of cross-jurisdictional coordination and enforcement of marijuana-related businesses licensed to conduct business on tribal trust land by the governing body of the federally recognized Indian Tribe.³

PUBLIC SAFETY PROGRAM

The OLCC's Public Safety Program continues to connect with Tribes and tribal entities through its programs. Although most of these interactions occur through licensed alcohol activity at tribal casinos, some Tribes possess liquor licenses at other tribal enterprises including hotels, golf courses, travel centers and RV facilities. Due to the COVID-19 pandemic, on-premises inspections were curtailed, especially during the time that businesses were prohibited from allowing on-premises food and alcohol consumption. During this time, field staff spent their time responding to inquiries and complaints that arose.

This division of the OLCC operates 12 offices in five regions throughout Oregon and is responsible for supporting liquor laws and recreational marijuana compliance and performing enforcement duties when needed. The OLCC's focus is on graduated enforcement that begins with licensee education, but may include Notices of Warnings and Notices of Violations. When these efforts are performed on tribal properties and with tribal businesses, the OLCC coordinates these activities with tribal law enforcement, gaming commissions, and casino and business management. Training is also available to tribal law enforcement and tribal license holders.

When an Oregon Tribe or a business registered to an Oregon Tribe applies for a liquor license, license investigators review the applications and work with applicants to identify and determine the appropriate rules and laws that govern the operation of proposed businesses. In processing liquor license applications, the OLCC will make a determination to approve, deny, restrict or make a recommendation to agency Commissioners regarding the granting of a license. When applications are approved, the Licensing Division will collect the appropriate license fee and issue the license. If an application is denied or restricted, applicants are given the opportunity to contest the decision through the administrative hearing process.

² Cannabis Regulation Liquor; Drugs Recreational Use Of Cannabis [Chapter 475C](#)

³ Formerly ORS 475B.543 Governor agreements with Indian Tribes; requirements

License investigators work closely with tribal businesses when changes are made either to the management or operation of licensed businesses to ensure that these changes are consistent with liquor laws governing the sale and service of alcoholic beverages.

FALSE IDENTIFICATION TRAINING COURSE

The Public Safety Program offers instruction to help licensees and their employees recognize false or altered identification. The course provides training that highlights steps that a licensee's employees can take to recognize false or altered identification, and what to do when a licensee's staff suspects that a patron may be using false identification. This includes how to safely confiscate identification and what facts law enforcement agencies need to follow up on the use of that identification.

MINOR DECOY OPERATIONS (MDOs) SALES CHECKS

The Minor Decoy Operations (MDOs) Program is designed to reduce underage drinking, and encourages businesses to develop best practices to check identification. The OLCC's Public Safety Program uses state employees who are between the ages of 18-20 and who look their age to test businesses on their identification checking practices. All businesses that sell or serve alcohol are subject to a decoy visit. Typically, businesses are selected at random. This ensures, to the greatest extent possible, that each licensed business has an equal chance of being selected. Businesses may be targeted if there are documented issues with compliance with alcoholic beverage sale and service laws and rules. These issues include the failure to check, or properly check, identification; allowing minors in prohibited areas; allowing minors to consume alcohol; and the sale of alcohol to minors. Note that the activities of the OLCC Minor Decoy Program were temporarily suspended during the pandemic but have been subsequently reactivated.

When first licensed, businesses receive notice that they may be subject to MDOs, and receive subsequent notices annually. Notifications include information about how to best prevent alcohol sales to minors and notifying licensees about the free ID checking course offered at all OLCC offices. The Public Safety Program cooperates with tribal governments and law enforcement in performing compliance checks on tribal land. The OLCC commends alcohol servers and sellers who use extra efforts to refuse to sell alcohol to minors.

In August 2022, the OLCC inspectors began their statewide checks to determine if OLCC licensees were allowing minors to purchase alcohol. The Director for the Licensing and Compliance Program reported that the statewide minor decoy compliance rate for alcohol was 65% while the rate for marijuana was 81%. To improve compliance pandemic priorities, OLCC Inspectors from the Public Safety Compliance Division implemented a target for conducting 30 compliance checks per each region, per field inspector each quarter. This may be done by each inspector or by a couple of inspectors who focus primarily on MDO's while others complete other compliance work.

Public safety inspectors offer free identification checking classes to alcohol and marijuana retailers at no cost. Information on how to contact an OLCC regional office to schedule an in-person class can be found on the OLCC website. Licensees can also find an ID checking tip sheet on the OLCC website. Staff continues to monitor the types of retailers that most often sell to minors so that information can be used to visit those types of establishments.

PUBLIC SAFETY PROGRAM REGIONAL OFFICE ACTIVITY

BEND REGIONAL OFFICE

The Bend Regional Office, which includes a satellite office in Pendleton, is responsible for licensing and enforcement in Crook, Deschutes, Grant, Harney, Jefferson, Malheur, Sherman, Wheeler, Baker, Gilliam, Morrow, Umatilla, Wallowa and Wasco Counties. This area includes the following businesses licensed to Tribes:

- Cottonwood Resort at Indian Head Casino (Warm Springs)
- Wildhorse Resort & Casino (Pendleton)
- Plateau Travel Center (Madras)
- Golf Course at Birch Creek (Pendleton)
- Hamley Steakhouse (Pendleton)
- Hamley Café (Pendleton)

Cottonwood Resort at Indian Head Casino (Warm Springs)

On March 18, 2022 an OLCC Inspector and Regulatory Specialist met with the Director of Food and Beverages at Cottonwood Resort at Indian Head Casino (Warm Springs). On March 22, 2022, staff also corresponded with the Director regarding postings relating to the MDOs to help reduce underage drinking. In May 2022, staff communicated with Greg Wendtholm, Food and Beverage Director at Indian Head, about Cottonwood Resort at Indian Head Casino request for approval of special event license.

Wildhorse Resort & Casino (Pendleton)

The Compliance Manager for the Wildhorse Resort & Casino (Pendleton), located on the Confederated Tribes of the Umatilla Indian Reservation, reached out to speak with OLCC Inspectors and the Regional Manager to discuss how best to improve communication amongst bartenders and servers when a consumer has become too intoxicated to be served by one establishment. However, bartenders at other establishments are often unaware that a previous licensee refused to allow the patron to continue to consume alcoholic beverages after observing that the patron was visibly intoxicated. The goal of the communication was to help local employees avoid the risk of “over-serving” a customer while assisting other establishments and their staff on how best to identify the various levels of intoxication and removing alcoholic beverages from a visibly intoxicated person.

EUGENE REGIONAL OFFICE

The Eugene Regional Office, which includes satellite offices in Corvallis, Newport, and Roseburg, is responsible for licensing and enforcement in Lane, Benton, Linn, Lincoln and Douglas Counties. This area includes the following businesses licensed to Tribes:

- Chinook Winds Casino Resort and Hotel (Lincoln City)
- Coquille Indian Tribes Casino and Hotel (North Bend)
- Seven Feathers Hotel & Casino Resort (Canyonville)
- Seven Feathers RV Resort (Canyonville)
- Seven Feathers Truck/Travel Center (Canyonville)

Chinook Winds Casino Resort and Hotel (Lincoln City)

Staff met with Chinook Winds staff in Lincoln City. They requested two special events licenses. Staff met with the manager of the Chinook Winds Casino about a new restaurant inside the casino. Staff advised that the restaurant could operate in the casino as long as it was separate from area where alcohol is being serviced.

Coquille Indian Tribes Casino and Hotel (North Bend)

Staff issued a Full On-Premises Sales, Commercial (F-COM) to Coquille Indian Tribe for the site of Roxy Ann Lanes at Bear Creek, affiliated with Southern Oregon Entertainment, LLC, a Domestic Limited Liability Company with Judy Duffy as the Managing Member.

Seven Feathers Truck/Travel Center (Canyonville)

The Eugene Regional Office had 6 contacts with the Seven Feathers Hotel & Casino Resort. These contacts are through the casinos where Seven Feathers in Canyonville requested three separate special events licenses over the course of the year.

Seven Feathers Hotel & Casino Resort (Canyonville)

Staff at the Eugene Regional Office approved three applications for Temporary Use of an Annual License (TUAL) events for Seven Feather Casino Resort. The TUAL allowed the Seven Feathers Event organizers to sell and serve malt beverages, wine, and cider for consumption on the special event licensed premises for several events, including, Tacotopia; Bites, Blues, & Brews; and the Tattoo Expo. On another occasion, staff conducted training to help employees recognize minors and visibly intoxicated persons (VIPs) under ORS 471.412 - Allowing visibly intoxicated person to consume alcoholic beverages.

MEDFORD REGIONAL OFFICE

The Medford Regional Office, which includes satellite offices in Coos Bay and Klamath Falls, is responsible for licensing and enforcement in Josephine, Jackson, Coos, Curry, Klamath and Lake Counties. This area includes the following businesses licensed to Tribes:

- Kla-Mo-Ya Casino (Chiloquin)
- The Mill Casino (North Bend)
- Three Rivers Casino (Florence)
- Three Rivers Casino Coos Bay (Coos Bay)

Kla-Mo-Ya Casino (Chiloquin)

Scott Yox is the Medford Alcohol Compliance Manager. Public Safety reported that on March 31, 2022 staff conducted a premise inspection check at the Kla-Mo-Ya Casino (Chiloquin). Staff spoke with the manager on duty but did not meet or talk directly with Tribal Government officials.

On October 15, 2021 inspectors conducted compliance observations outside the Kla-Mo-Ya Casino (Chiloquin). No issues were noted, therefore inspectors did not enter the premises and no direct contact was made.

SALEM REGIONAL OFFICE

The Salem Regional office, which includes a satellite office in Warrenton, is responsible for licensing and enforcement in Columbia, Marion, Polk, Yamhill, Tillamook, and Clatsop Counties. This area includes the following businesses licensed to Tribes:

Spirit Mountain Casino (Grand Ronde)

On July 1st, 2022, at approximately 3:00 pm, the Oregon Liquor and Cannabis Commission (OLCC) met with members of the Spirit Mountain Casino. Members of this meeting included Food and Beverage Manager Jeffery Sittisuphachoke, Beverage Manager Andrew Brewster, Director of Guest

Services Ryan Fahey, Special Events & Entertainment Coordinator Tamara McKnight, OLCC Regional Manager Joel Lujan, OLCC Regional Manager Michelle Cate and Liquor Inspector Keyrrah Jones.

The Spirit Mountain Casino had several questions related to their contract with a third-party vendor to operate a restaurant on their property. OLCC Liquor Licensing on July 14th, 2022 provided a response to their questions via telephone conversation with Jeffery Sittisuphachoke. Staff also discussed the possibility for the OLCC to attend the Spirit Mountain Casino quarterly meetings and make available training material for the bar staff. On July 2nd, 2022, Sittisuphachoke emailed the OLCC staff the Alcohol Service Food and Beverage Policy and Procedures for the casino and the extensive hands-on training the casino members receive.

On August 8th, 2022, staff received an email from the Special Events Coordinator regarding a question about a special event. The casino requested 15 State I.D. Books and OLCC electronic training literature. The OLCC ordered more I.D. books and received them in the regional office on or about October 1st, 2022. On October 12th, 2022, staff delivered four State I.D. books and training literature to the casino.

PORTLAND REGIONAL OFFICE

The Portland Metro Regional office is located in Milwaukie and is responsible for licensing and enforcement in Clackamas, Hood River, Multnomah and Washington Counties. There are no businesses licensed to Tribes in this region.

BOTTLE BILL PROGRAM

The OLCC is responsible for administering Oregon's Bottle Bill. The Bottle Bill establishes laws that require stores and distributors to accept certain empty beverage containers and pay a 10-cent refund value for each container. Stores that must accept container returns must accept them on all days and at all hours they are open, whether they have reverse vending machines for accepting the containers or not. The OLCC ensures that manufacturers, distributors, and retailers comply with the requirements of the Bottle Bill and approves the establishment of beverage container redemption centers. The OLCC did not have any contacts with tribal representatives regarding the Bottle Bill in 2022.

GOVERNMENT-TO-GOVERNMENT CONSULTATION: CANNABIS PRODUCTION

Senate Bill 770 (SB 770) codified the framework for communication between state agencies and Tribes created in ORS 182.164-168. Pursuant to the rules, the OLCC's Director and Tribal Liaison began the conferral process between the Confederate Tribes of Warm Springs Cannabis Commission (CTWS - Cannabis Commission), the OLCC, Department of Justice (DOJ), and the Governor's Office pursuant to section IV.B.1.b of the Inter-Governmental Agreement (IGA). The OLCC also honored its relationship with the Cow Creek Band of Umpqua Indians and the statutory authority governing the regulatory actions and responsibilities of the OLCC.

In accordance with the state's agreement with Oregon's federally recognized Tribes, the OLCC key contact coordinated several meetings to initiate the conferral process "for the purpose of cross-jurisdictional coordination and enforcement of marijuana-related businesses licensed to conduct business on tribal trust land by the governing body of the federally recognized Indian tribe." (ORS 475C.521(1)). As the OLCC works to develop the administrative rules regarding our Recreational Marijuana Program, the OLCC consulted with the Confederated Tribes of Warm Springs and the Cow Creek Band of Indian Tribes for input on establishing the rules to govern sales to OLCC retailers or processors off Tribal reservation that are not operated by the Tribes.

CONFEDERATED TRIBES OF WARM SPRINGS CANNABIS COMMISSION CONFERRAL

On December 20, 2021, OLCC staff worked with Counsel representing CTWS Cannabis Commission, a regulatory body established by Tribal law, to create a framework to ensure compliance with state regulation, and continue the conferral and consultation process between CTWS and the OLCC about the proposed expansion request.

In 2022, OLCC staff continued their ongoing government-to-government communication with Warm Springs relating to the CTWS-Oregon Cannabis Compact.⁴ On January 19, 2021, Staff worked with CTWS Tribal Representatives to review and establish a framework for discussions relating to *Warm Springs Cannabis Regulatory Commission Regulations Marijuana Cultivation, Processing and Sale* on the expansion, production and processing requirements.

In February 2022, the CTWS agreed to confer with the State about the proposed expansion upon the State's request and provided input on what should be discussed at the conferral. Throughout 2022, the OLCC Tribal Liaison participated in ongoing consultation and collaboration with CTWS and sought guidance on the following:

1. The process for a formal two-way government-to-government conferral dialogue between Tribes and State agencies.
2. Impact of new moratorium⁵ on any new production licenses to any application received after 1/1/2022.
3. Public safety, health, welfare concerns about increased recreational production, as expressed in recent legislation.

On August 2nd, Executive Director of the OLCC, Steve Marks, sent a letter to Chairman Jonathan W. Smith of the Confederated Tribes of the Warm Springs (CTWS) to requesting tribal participation and advice in the government-to-government consultation on OLCC rulemaking to allow the state's licensees to accept marijuana product(s) from tribal licensees.

On September 22, 2022, OLCC adopted the rule to provide for the transfer between an OLCC-licensed marijuana business and a marijuana business licensed to conduct business on tribal trust land, and to allow for laboratory sampling and testing of marijuana items.⁶

⁴ The Cannabis Commission's regulation require "documentation demonstrating that, for at least six consecutive months prior to applying for the canopy increase, the licensee has consistently cultivated at or near its maximum authorized canopy size, and at least 85% of the marijuana items that it has produced during that time period have been transferred or sold to a person who is not licensed pursuant to Warm Springs Tribal Code Chapter 743." See Cannabis Regulations section 743-0041(3).

⁵ [HB 4016 Enrolled \(2022\)](#) prohibits the OLCC from issuing new marijuana production, processor, wholesaler, and retailer licenses for applications received after January 1, 2022. The moratorium does not apply to the renewal of a license; the issuance or reissuance of a license due to change in the location or ownership of a processing, wholesale or retail facility or premises. The bill also required the OLCC may adopt rules to establish a program to assign expired, relinquished or otherwise suspended licenses issued to qualified applicants and, if necessary, may consult with other state agencies, including the Governor's office. Also, the commission may adopt other rules as necessary to carry out this section.

⁶ [845-025-7725](#) Transfer of Marijuana Items between State and Tribal Licensees.

CONSULTATION AND COLLABORATION WITH COW CREEK BAND OF UMPQUA INDIANS

On December 8, 2021, representatives for the Cow Creek Band of Umpqua Indians communicated their interest in opening a distillery on tribal trust land, with the possibility of opening tasting rooms on land they own.

On August 2nd, Executive Director Steve Marks sent a letter to Dan Courtney, Chairman of the Cow Creek Band of Umpqua Indians requesting their participation the rulemaking process.

2022 LEGISLATIVE SESSION, SPECIAL SESSION AND LEGISLATION

In December 2021, Governor Kate Brown convened a second special session of the legislature to address the budget shortfall relating to the COVID-19 pandemic and provide grants to local law enforcement agencies in addressing the problem of unlawful marijuana cultivation and human trafficking. SB 5561 approved \$25 million to prevent illegal operations and SB 893 expanded the scope of the Illegal Marijuana Market Enforcement Grant Program (IMMEGP) at the Criminal Justice Commission (CJC) to include funding for community-based organizations to help provide immediate assistance to exploited workers living in squalid conditions.

Relating to the above changes from special session, OLCC staff engaged the legislature to secure a variety of policy changes that were necessary to protect legitimate cannabis growers and ensure the effectiveness of our presumptive marijuana testing. OLCC staff coordinated between multiple state agencies and law enforcement to address the following issues:

- Marijuana Moratoria for new production, processor, wholesaler, and retailer licenses
- Marijuana Licensing Assignment Program (HB 4016)
- Relocation of marijuana retailers within 1000 ft. of schools (HB 4016)
- Requirement for the expansion of human trafficking reporting to include cannabis and establishing a human trafficking coordinator position within the OLCC (HB 4074)
- Funding to address workers living in inhumane living conditions (HB 4074)
- Hemp Moratorium and HB 3000 task force expansion (SB 1564)

OTHER ACTIVITIES

In addition to connecting with Tribes on liquor regulatory issues, in 2022 the OLCC engaged with Tribes in the following ways:

- The OLCC tribal liaison attended several public safety committee meetings scheduled in May, August, and November 2022.
- The OLCC tribal key contact attended the 2022 Tribal/State Annual Summit held in person on Tuesday, October 4th, with an evening reception on Monday, October 3rd. The event, whose theme was Celebrating Our Accomplishments, and Preparing for the Challenges Ahead” was hosted by the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians at the Three Rivers Casino and Resort in Florence.
- The tribal key continued communication regarding operating a distillery on tribal trust land and proposed business developments related to alcohol manufacturing.\
- On Tuesday, November 22, 2022, Patrick Flanagan, Executive Director Legislative Commission on Indian Services (LCIS), introduced new staff, Elissa Bullion, State Physical Anthropologist.

CONCLUSION

The OLCC is committed to working with the State of Oregon’s nine federally recognized Tribal Governments and takes great pride in our progress as a partner in public safety, as a resource for businesses, and as a key revenue-generator for the state. As we align our legislative priorities to the 2023 reporting year, we look forward to future collaboration and information sharing with our tribal communities as we expand on the opportunities for meaningful tribal consultation and cultural connection. Our focus is on ensuring that the agency continues to improve on the services it provides to each of our sovereign tribal governments and the people they serve.

APPENDIX A

	<p style="text-align: center;">Oregon Liquor and Cannabis Commission</p> <p style="text-align: center;"><i>Tribal Relations Policy and Procedures</i></p>
SUBJECT: Tribal Government-to-Government Relations Policy	NUMBER: PP 845-103-002
APPLICATION: Commission-Wide All Staff	
APPROVED: <u>/s/ Steve Marks</u> DATE: <u>07/28/2016</u> <p style="text-align: center;">Steve Marks, Executive Director</p>	
SIGNATURE	Policy Manager: Position:

POLICY STATEMENT

The Oregon Liquor Cannabis Commission (OLCC) values its relationship with Oregon’s nine federally recognized Tribes and respects the distinct sovereign status of each tribal government and their respective authorities on tribal land. It is the policy of this Agency, pursuant to ORS 182.162 et. seq., to promote and enhance our positive government-to-government relations between the OLCC and Oregon’s nine Indian Tribes through regular consultation, communication and collaboration in a manner that complies with OLCC's mission to support businesses, public safety, and community livability through education and the enforcement of Oregon’s liquor and marijuana laws.

CITATION OF AUTHORITY

Executive Order #96-30, State/Tribal Government-Government Relations; Senate Bill 770 (SB 770) codified the framework for communication between state agencies and Tribes created in ORS 182.164-168, State Agencies to Develop and Implement Policy on Relationship with Tribes; and ORS 182.166, Training of State Agency Managers and Employee Who Communicate with Tribes; Oregon Administrative Rules and Regulations, and Oregon Revised Statutes that govern the actions and responsibilities of the Oregon Liquor and Cannabis Commission.

DEFINITIONS

The following definitions apply for purposes of this policy only:

Tribe or Tribal Government – Means a federally recognized Indian Tribe of Oregon. There are nine federally recognized Tribes in Oregon. Federally-recognized Tribes are those Tribes and groups that have a special, legal relationship with the U.S. Government. The nine federally recognized tribal governments in Oregon are:

1. Burns Paiute Tribe
2. Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
3. Confederated Tribes of Grand Ronde Community
4. Confederated Tribes of Siletz
5. Confederated Tribes of Umatilla Indian Reservation
6. Confederated Tribes of Warm Springs
7. Cow Creek Band of Umpqua Indians
8. Klamath Tribes
9. Coquille Tribe

Sovereignty – Tribes are distinct political communities with extensive powers of self-government. Tribal sovereignty predates the United States and the United States Constitution considers Indian Tribes as separate governments.

Reservations – Indian reservations are lands reserved for a Tribe by the federal government as permanent tribal homelands. These lands were reserved when the Tribes

relinquished other land areas to the U.S. through treaties, Congressional Acts, Executive Orders, or administrative acts.

Trust land – Trust lands are lands held by the U.S. for the use or benefit of American Indian Tribes. A percentage of the trust land is located in or near reservations and the Tribes possesses the authority to purchase land and to petition the federal government to hold it in trust, which protects the land from encroachment and seizure.

Legislative Commission on Indian Services (LCIS) –The representative group established under ORS 172.100 for the purpose of improving services to American Indians in the State of Oregon. Under ORS 172.120, LCIS has the following responsibilities:

- 1) Compile information about services for American Indians;
- 2) Develop programs to inform American Indians about services available to them;
- 3) Advise public and private agencies about the needs and concerns of Oregon’s 9 Tribes;
- 4) Assess programs of state agencies operating for the benefit of American Indians and recommend program improvements; and
- 5) Report biennially to the Governor and the Legislative Assembly on all matters of concern to American Indians in Oregon.

Designated Key Contact – Includes Tribal and State Government Directory maintained on the LCIS website. <https://www.oregonlegislature.gov/cis/Pages/contact.aspx>

State Agency – Includes all officers, employees, agencies, boards, committees, and commissions of the legislative, executive, administrative, and judicial branches of state government per ORS 358.635. [1979 c.205 §5; 1991 c.240 §1]

GUIDELINES

1. The Oregon Liquor Cannabis Commission (OLCC) shall designate an executive or management employee, or designee, to manage and coordinate OLCC’s agreements with Oregon Tribes recognized by the US government, and to:
2. Appoint an executive or management employee, or designee, to manage and coordinate OLCC’s intergovernmental communications by:

RESPONSIBILITIES:	ACTION:
Agency Director, Government Relations Director and Tribal Liaison	ORS 182.162-168 requires each agency adopt a policy that: (a) Identifies individuals within the Agency who are responsible for developing and implementing agency programs that affect Oregon Tribes ORS 182.164et.seq.

	(b) Establishes a process to identify the programs of the state agency that affect Tribes.
	(c) Agency to promote communication between the Agency and Tribes.
Government Relations Director	(d) Promotes positive government-to-government relations between the state and Tribes.
Managers, Supervisors and Designated Employees	(e) Establishes a method for notifying employees of the state agency of the provisions of ORS 182.162 (Definitions for ORS 182.162 to 182.168) to 182.168 (No right of action created by ORS 182.162 to 182.168) and the policy the state agency adopts under this section.

3. In the process of identifying and developing the programs of the state agency that affect Tribes, the OLCC shall make reasonable efforts to ensure that agency action corresponds with mutual goals and missions.
4. Designated OLCC employees must attend periodic training regarding tribal culture, relations, and law in order to ensure familiarity with tribal governments and an understanding of, and sensitivity to, issues relevant to Tribes.
5. OLCC shall consider impacts on Oregon tribal governments when developing policies relevant to Tribes, and discuss issues with tribal representatives as appropriate.