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**SUBSTITUTE HOUSE BILL 2394**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** House State Government & Tribal Affairs (originally sponsored by Representatives McCoy, Hunt, Kenney, Sells, O'Brien, Ormsby, Chase, Morrell, Appleton, Conway, Simpson, Hasegawa, Moeller, Haigh, and Santos)

READ FIRST TIME 01/22/10.

1       AN ACT Relating to establishing a government-to-government  
2 relationship between state government and Indian tribes; and adding a  
3 new chapter to Title 43 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.** The definitions in this section apply  
6 throughout this chapter unless the context clearly requires otherwise.

7       (1) "Committee" means the joint legislative committee on state and  
8 tribal affairs.

9       (2) "Indian tribe" means any federally recognized Indian tribe  
10 whose traditional lands and territories included parts of Washington.

11       (3) "State agency" means an agency, department, office, or the  
12 office of a statewide elected official, of the state of Washington.

13       NEW SECTION.   **Sec. 2.** In establishing a government-to-government  
14 relationship with Indian tribes, state agencies must:

15       (1) Make reasonable efforts to collaborate with Indian tribes in  
16 the development of policies, agreements, and program implementation  
17 that directly affect Indian tribes and develop a consultation process  
18 that is used by the agency for issues involving specific Indian tribes;

1 (2) Designate a tribal liaison who reports directly to the head of  
2 the state agency;

3 (3) Ensure that state agency employees who have an ongoing  
4 interaction with Indian tribes and the managers of these employees  
5 receive training as described in section 4 of this act; and

6 (4) Submit an annual report to the governor on activities of the  
7 state agency involving Indian tribes and on implementation of this  
8 chapter.

9 NEW SECTION. **Sec. 3.** The position of tribal liaison within a  
10 state agency is responsible for:

11 (1) Assisting the state agency in developing and implementing state  
12 and agency policies that promote effective communication and  
13 collaboration between the state agency and tribal governments;

14 (2) Serving as a contact person with tribal governments and  
15 maintaining communication between the state agency and affected tribal  
16 governments; and

17 (3) Coordinating training of state agency employees in government-  
18 to-government relations.

19 NEW SECTION. **Sec. 4.** Training required under section 2 of this  
20 act for state agency employees must include at a minimum:

21 (1) Effective communication and collaboration between state  
22 agencies and Indian tribes;

23 (2) Cultural competency in providing effective services to tribal  
24 governments and tribal members; and

25 (3) Use of training services such as those provided through the  
26 governor's office of Indian affairs.

27 NEW SECTION. **Sec. 5.** (1) At least once a year, the governor and  
28 other statewide elected officials shall meet with leaders of Indian  
29 tribes to address issues of mutual concern.

30 (2) Each state agency must submit an annual report to the governor  
31 on activities of the state agency involving Indian tribes and on  
32 implementation of this chapter. The report must be presented at the  
33 annual meeting of the governor and other statewide elected officials  
34 and Indian tribal leaders. The governor shall designate the content of  
35 the annual report of state agencies.

1 (3) The governor must maintain for public reference an updated list  
2 of the names and contact information for the individuals designated as  
3 tribal liaisons and the names and contact information for tribal  
4 leadership as submitted by an Indian tribe.

5 NEW SECTION. **Sec. 6.** (1) The joint legislative committee on state  
6 and tribal affairs is created. Committee membership is as provided in  
7 this subsection.

8 (a) Eight members of the senate shall be appointed by the president  
9 of the senate, two of whom are members of the majority party and two of  
10 whom are members of the minority party. Appointees shall be chairs and  
11 ranking minority members of senate standing committees with  
12 jurisdiction over issues that impact Indian tribes.

13 (b) Eight members of the house of representatives shall be  
14 appointed by the speaker of the house of representatives, two of whom  
15 are members of the majority party and two of whom are members of the  
16 minority party. Appointees shall be chairs and ranking minority  
17 members of house of representatives standing committees with  
18 jurisdiction over issues that impact Indian tribes.

19 (2) The term of office of each member of the house of  
20 representatives or senate serving on the committee runs from the close  
21 of the session in which the member is appointed until the close of the  
22 next regular session held in an odd-numbered year. The term of office  
23 for a committee member who is a member of the house of representatives  
24 or the senate who does not continue as a member of the senate or house  
25 of representatives or as a chair or ranking minority member of a  
26 standing committee ceases upon the convening of the next regular  
27 session of the legislature during the odd-numbered year following the  
28 member's appointment, or upon the member's resignation or removal as  
29 chair or ranking minority member of a standing committee, whichever is  
30 earlier. All vacancies must be filled from the same position of chair  
31 or ranking minority member and from the same house as the member whose  
32 seat was vacated. Vacancies on the committee shall be filled by  
33 appointment in the same manner as described in subsection (1) of this  
34 section. Members of the committee shall be appointed before the close  
35 of the 2010 legislative session, and before the close of each regular  
36 session during an odd-numbered year thereafter.

1 (3) The committee shall elect a chairperson and a vice-chairperson.  
2 The chairperson shall be a member of the senate in even-numbered years  
3 and a member of the house of representatives in odd-numbered years and  
4 the vice-chairperson shall be a member of the house of representatives  
5 in even-numbered years and a member of the senate in odd-numbered  
6 years.

7 (4) The committee shall establish an executive committee of six  
8 members, two of whom are members of the senate, two of whom are members  
9 of the house of representatives, the committee chairperson, and the  
10 committee vice-chairperson. The executive committee is responsible for  
11 performing all general administrative and personnel duties assigned to  
12 it in the rules and procedures adopted by the joint legislative  
13 committee, as well as other duties delegated to it by the joint  
14 legislative committee.

15 (5) The committee has the powers and duties in this subsection.

16 (a) At least four times a year, the committee must meet with  
17 leaders of Indian tribes to discuss the actual and potential impacts of  
18 state law or proposed changes in state law on tribal governments and  
19 tribal members. Meetings must be held in September, in January before  
20 the regularly scheduled legislative session, at least once during the  
21 regularly scheduled legislative session, and in June.

22 (b) The committee must maintain active communication with leaders  
23 of all Indian tribes.

24 (6) A majority of committee members may convene a meeting of the  
25 committee to select a chairperson if the position is vacant.

26 (7) The committee shall adopt rules and procedures for its orderly  
27 operation.

28 NEW SECTION. **Sec. 7.** Nothing in this chapter creates a right of  
29 action against a state agency or a right of review of an action by a  
30 state agency.

31 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute  
32 a new chapter in Title 43 RCW.

33 NEW SECTION. **Sec. 9.** If any provision of this act or its  
34 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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