
HOUSE BILL 2394

State of Washington

61st Legislature

2010 Regular Session

By Representatives McCoy, Hunt, Kenney, Sells, O'Brien, Ormsby, Chase, Morrell, Appleton, Conway, Simpson, Hasegawa, Moeller, Haigh, and Santos

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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 located wholly or partially within 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, particularly managers and
4 those employees who have an ongoing interaction with Indian tribes
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 for state agency employees must
20 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 federally recognized Indian tribes to discuss the actual and
18 potential impacts of state law or proposed changes in state law on
19 tribal governments and tribal members. Meetings must be held in
20 September, in January before the regularly scheduled legislative
21 session, at least once during the regularly scheduled legislative
22 session, and in June.

23 (b) The committee must maintain active communication with leaders
24 of all federally recognized tribes located in Washington state.

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

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

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

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

34 NEW SECTION. **Sec. 9.** If any provision of this act or its

1 application to any person or circumstance is held invalid, the
2 remainder of the act or the application of the provision to other
3 persons or circumstances is not affected.

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