

HOUSE BILL REPORT

HB 2232

As Passed House:
February 10, 2012

Title: An act relating to establishing a government-to-government relationship between state government and federally recognized Indian tribes.

Brief Description: Establishing a government-to-government relationship between state government and federally recognized Indian tribes.

Sponsors: Representatives McCoy, Hunt, Morris, Haigh, Lytton, Billig, Appleton, Fitzgibbon, Eddy, Sells, Jinkins, Stanford, Hasegawa, Pollet, Ormsby, Wylie, Santos, Roberts and Miloscia.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/18/12, 1/25/12 [DP].

Floor Activity:

Passed House: 2/10/12, 69-27.

Brief Summary of Bill

- Directs the Governor and state agencies to establish government-to-government relationships with federally recognized Indian tribes in order to enhance and formalize working relationships with the tribes through collaboration and consultation.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Darneille, Dunshee, Hurst, McCoy and Miloscia.

Minority Report: Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

Staff: Thamas Osborn (786-7129).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

In 1989 the Governor and federally recognized Washington Indian tribes signed the Centennial Accord (Accord). This agreement sought to achieve mutual goals through an improved relationship between the sovereign governments by improving communication and resolution of issues using mutually agreed-upon processes.

Ten years later, a state/tribal leadership summit sought to formalize consultation and dispute resolution processes through a set of implementation guidelines. The Millennium Agreement focused on implementing the government-to-government relationship.

The Governor and tribal leaders have met annually since the signing of the Accord. Many state agencies have designated an employee to serve as a tribal liaison. Some agencies have developed consultation processes that involve tribal representatives on issues that affect Indian tribes. The Governor's Office of Indian Affairs offers training courses for agency employees. Some agencies use this training opportunity or provide other training for their employees.

The provisions of the agreement apply to both the state and tribal governments as parties to the agreement.

New Mexico has adopted a State-Tribal Collaboration Act to ensure a productive government-to-government relationship with Indians.

Summary of Bill:

The Governor and state agencies are directed to make efforts to establish a government-to-government relationship with federally recognized Indian tribes in Washington. "State agency" means an agency, department, office, or the office of any statewide elected official, of the State of Washington.

In establishing a government-to-government relationship between the state and Indian tribes, state agencies must do the following:

- make reasonable efforts to collaborate with Indian tribes in developing policies, agreements, and programs that directly affect Indian tribes, and establish a consultation process;
- designate a tribal liaison who reports directly to the head of the agency. A tribal liaison is responsible for facilitating effective communication and collaboration with Indian tribes and serves as the contact person with the tribes. The liaison is also responsible for coordinating training of agency staff. The Governor must maintain a list of state tribal liaisons and members of tribal leadership provided by a tribe for public reference;
- ensure that state employees who work with Indian tribes and tribal members receive training. Training must include effective communication with Indian tribes and cultural competency for working with tribes and tribal members. Agencies must use training services such as those offered through the Governor's Office of Indian Affairs; and
- submit an annual report to the Governor on state/tribal activity.

The Governor and other statewide elected officials must meet at least once a year with leaders of Indian tribes to address issues of mutual concern.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill mirrors the Centennial Accord (Accord) between the state and Washington tribes, and serves to implement the provisions of the Accord in statute. New Mexico also has an Accord that they have enacted into law. With 29 tribes, Washington has a very large Indian presence that deserves to be recognized in statute. Although state agencies have taken steps to communicate with and reach out to the tribes, a more formalized and comprehensive process is needed, and that is what this bill provides. The government-to-government relationship between the state and the tribes is very important and should officially be part of state law. The tribal perspective should be included in legislative and executive processes, and state agencies need to be educated about this perspective. Creating cultural sensitivity and facilitating communication will be of benefit to both tribal and non-tribal citizens. The tribes and several state agencies co-manage many of the state's natural resources and this alone necessitates the facilitation of better communication. The Superintendent of Public Instruction supports the bill.

(Opposed) None.

Persons Testifying: Representative McCoy, prime sponsor; Miguel Perez-Gibson and Ricky Gabriel, Colville Tribes; and Ken Kanikeberg, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.