

HOUSE BILL REPORT

HB 2032

As Reported by House Committee On:
Community Development, Housing & Tribal Affairs

Title: An act relating to tribal-state relations.

Brief Description: Concerning tribal-state relations.

Sponsors: Representatives Sawyer, Appleton, Fitzgibbon, Reykdal and Ormsby.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/18/16, 1/26/16 [DPS].

Brief Summary of Substitute Bill

- Creates a Joint Summit Council on Indian Affairs (Council) in the Legislature to facilitate government-to-government relationships between tribal governments and the Legislature.
- Requires the Council to hold summits with tribal governments at least once every two years.
- Authorizes the creation of a director position in the Legislature to provide staffing for the Council and provide resources to the Legislature on tribal affairs.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Ryu, Chair; Robinson, Vice Chair; Appleton and Sawyer.

Minority Report: Without recommendation. Signed by 3 members: Representatives Wilson, Ranking Minority Member; Zeiger, Assistant Ranking Minority Member; Hickel.

Staff: Sean Flynn (786-7124).

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:

Indian tribes are recognized by federal law as sovereign governments with inherent powers of self-governance. Tribal sovereignty includes the power to regulate within tribal territory and certain immunity from state authority.

In the 1850s the federal government entered into a series of treaties with the tribes occupying lands within the Washington territory. In the treaties, the tribes ceded their interest in vast portions of the territory to the federal government in exchange for monetary compensation, certain lands reserved for their exclusive use, and other rights reserved by the tribes. Most of the 29 federally recognized Indian tribes in Washington today are beneficiaries of the guarantees in the territorial treaties. The state cannot abrogate the treaty rights.

In 1989 Governor Gardner, on behalf of the state, signed the Centennial Accord (Accord) with the Washington tribes, which recognized the sovereignty of each tribe and the state and included a commitment to implement a government-to-government relationship to focus on mutual goals. The Accord provides a framework for the Governor, the tribes, and state agencies to address concerns, including an annual summit with the Governor, the tribes, and certain state agency directors. Furthermore, each designated state agency must establish a plan for implementing its own government-to-government policy with the tribes.

The tribes and the state renewed their commitment to government-to-government relations through the New Millennium Agreement, signed by the tribes and Governor Locke, to strengthen tribal-state relations and renew a commitment to cooperate on issues of mutual concern. Among other commitments, the New Millennium Agreement includes a call to encourage the Washington Legislature to establish a structure to address issues of mutual concern between the state and the tribes.

Summary of Substitute Bill:

Joint Summit Council on Indian Affairs.

A Joint Summit Council on Indian Affairs (Council) is established as a part of the Legislative branch of government, and subject to oversight authority by the Executive Rules committee of the House of Representatives and the Facilities and Operations committee of the Senate.

Membership. The membership of the Council includes at least two members from each caucus of each legislative chamber, as appointed by the Senate President and the Speaker of the House, respectively. Council members serve two-year terms and elect a chair and vice chair for one-year terms. The Council must adopt its own procedures and convene the initial meeting. Subsequent meetings are convened by the chair and vice chair.

Meetings. The Council's duties include facilitating government-to-government relations between the state and tribes and submitting an annual report to the Legislature. The Council must hold at least one annual meeting every two years and may invite representatives from each federally recognized tribe in the state and other tribes with treaty rights in the state. In

addition, the Council may hold regional summits with tribes, which may be hosted by a tribe in the region.

The Council must encourage state agencies to participate in the summits, including the departments of Fish and Wildlife and Natural Resources. Other groups may participate in the annual summit as well. The Council also must serve as a forum for considering the concerns of other tribal groups and all native persons in the state.

Director. An administrative committee is established, consisting of the legislative members of the Council. The administrative committee must appoint a director and approve his or her salary. The director serves as staff to the Council and provides support to legislative members and staff on tribal affairs, including treaties and laws affecting tribal-state relations. The director may hire personnel and enter into contracts for equipment, supplies, services, and facilities.

The Council may receive gifts and grants from public or private sources.

Substitute Bill Compared to Original Bill:

The substitute bill changes the number of summits required to one summit every two years.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The Legislature was left out of the government-to-government relationship established in the Centennial Accord. The interaction between the state and tribal governments and their leaders should be elevated. The bill provides for a summit that elevates the government-to-government relationship between the state and the tribes to be on par with the executive branch as set out in the Centennial Accord. The bill also provides for a bipartisan office that serves as a permanent presence in the Legislature to build and maintain relations with the tribal governments.

(Opposed) None.

Persons Testifying: Representative Sawyer, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.