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HOUSE BILL 1280

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State of Washington                      64th Legislature                      2015 Regular Session

By Representatives Sawyer, Appleton, Reykdal, S. Hunt, Riccelli, Fitzgibbon, Robinson, Santos, Gregerson, and Tarleton

Read first time 01/16/15. Referred to Committee on Community Development, Housing & Tribal Affairs.

1            AN ACT Relating to establishing a commission on government-to-  
2 government relations in Washington; and adding a new chapter to Title  
3 37 RCW.

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

5            NEW SECTION.        **Sec. 1.**        (1) The legislature recognizes and  
6 respects the sovereign status of the tribes and the state in a  
7 government-to-government relationship and seeks to enhance and  
8 improve communications and facilitate resolution of issues between  
9 tribes and the state.

10            (2) In 1989 the governor signed the Centennial Accord on behalf  
11 of the state, along with the tribes of the state, to achieve mutual  
12 tribal-state goals through an improved relationship and shared  
13 respect between sovereign governments. The Centennial Accord provided  
14 a framework and procedures for implementing this government-to-  
15 government relationship. In 1999, the governor and the tribes signed  
16 the New Millennium Agreement, which reaffirmed the commitments of the  
17 Centennial Accord, and strengthened the foundation for government-to-  
18 government relations and cooperation. The New Millennium Agreement  
19 specifically called upon the legislature, "to establish a structure  
20 to address issues of mutual concern to the state and tribes."

1 (3) The legislature shares many issues of common concern with  
2 tribes, which should be addressed in a government-to-government  
3 context. The legislature has a particular concern and interest in  
4 growing and maintaining strong relationships with tribes to preserve,  
5 protect, and manage resources, and recognizes that tribes have  
6 specific treaty rights including, but not limited to, the right of  
7 taking fish and the privilege to hunt within the state.

8 (4) The legislature has not fulfilled the call of the New  
9 Millennium Agreement to establish a structure to address issues of  
10 mutual concern to the state and tribes. Though the executive branch  
11 has established and continues its respected efforts to improve and  
12 promote the government-to-government relationship, the legislature  
13 recognizes, as a co-equal branch of state government, sharing many of  
14 the same state sovereign powers with other branches of state  
15 government, its own responsibility and role in maintaining a  
16 government-to-government relationship with tribes of this state and  
17 developing a structure to address tribal-state concerns. Without a  
18 dedicated structure to facilitate this relationship, tribes often  
19 must lobby the legislature simply to have their sovereignty  
20 recognized or treaty rights protected. This type of process erodes  
21 tribal sovereignty and does not uphold the tenets of the government-  
22 to-government relationship sought in the New Millennium Agreement.

23 (5) For these reasons, the commission on Indian services is  
24 established in the legislature for the purpose of improving  
25 government-to-government relations between the state and tribes  
26 through a structure that addresses issues of mutual concern, respects  
27 sovereignty, and honors the treaties the tribes entered into with the  
28 United States.

29 (6) State agency participation in the work of the commission is  
30 important to the government-to-government process and the legislature  
31 strongly encourages consistent contribution by the executive  
32 agencies, particularly the department of fish and wildlife and the  
33 department of natural resources.

34 (7) The commission may not abrogate or supersede negotiations or  
35 relations that any Indian tribe, band, or group might have or develop  
36 individually with any state, federal, or local government.

37 NEW SECTION. **Sec. 2.** The definitions in this section apply  
38 throughout this chapter unless the context clearly requires  
39 otherwise.

1 "Commission" means the commission on Indian services created in  
2 section 3 of this act.

3 NEW SECTION. **Sec. 3.** (1) The commission on Indian services is  
4 hereby created.

5 (2) The commission on Indian services must be comprised of  
6 thirty-three members appointed as follows:

7 (a) Two members appointed from the senate by the president of the  
8 senate, who are not members of the same political party;

9 (b) Two members appointed from the house of representatives by  
10 the speaker of the house of representatives, who are not members of  
11 the same political party;

12 (c) One member from each federally recognized tribe in Washington  
13 appointed by the governing body of such tribe:

14 (i) Chehalis Confederated Tribes;

15 (ii) Colville Confederated Tribes;

16 (iii) Cowlitz Indian Tribe;

17 (iv) Hoh Tribe;

18 (v) Jamestown S'Klallam Tribe;

19 (vi) Kalispel Tribe;

20 (vii) Lower Elwha Klallam Tribe;

21 (viii) Lummi Nation;

22 (ix) Makah Tribe;

23 (x) Muckleshoot Tribe;

24 (xi) Nisqually Tribe;

25 (xii) Nooksack Tribe;

26 (xiii) Port Gamble S'Klallam Tribe;

27 (xiv) Puyallup Tribe;

28 (xv) Quileute Tribe;

29 (xvi) Quinault Nation;

30 (xvii) Samish Nation;

31 (xviii) Sauk-Suiattle Tribe;

32 (xix) Shoalwater Bay Tribe;

33 (xx) Skokomish Tribe;

34 (xxi) Snoqualmie Tribe;

35 (xxii) Spokane Tribe;

36 (xxiii) Squaxin Island Tribe;

37 (xxiv) Stillaguamish Tribe;

38 (xxv) Suquamish Tribe;

39 (xxvi) Swinomish Tribe;

1 (xxvii) Tulalip Tribes;  
2 (xxviii) Upper Skagit Tribe; and  
3 (xxix) Yakama Nation.

4 (3) If the speaker of the house of representatives or the  
5 president of the senate is a member, either may designate from time  
6 to time an alternate from among the members of the appropriate house  
7 to exercise the powers of the speaker or president as a member of the  
8 commission, except that the alternate may not preside if the speaker  
9 or president is chairperson.

10 (4) The term of office is two years. Vacancies must be filled by  
11 the appointing authority for the unexpired term.

12 (5) Though individual nontribal groups and organizations may not  
13 be specifically represented on the commission, the commission as a  
14 whole must serve as a forum for considering the needs and concerns of  
15 these groups and organizations, as well as the needs and concerns of  
16 all American Indians in Washington.

17 (6) The commission must elect a chairperson and vice chairperson  
18 for a term of one year and must determine the duties of the officers.

19 (7) The commission must adopt rules and procedures.

20 (8) The commission may establish subcommittees as it deems  
21 appropriate.

22 (9) A majority of the members of the commission constitutes a  
23 quorum for the transaction of business, but no final decision may be  
24 made without an affirmative vote of the majority of the members  
25 appointed to the commission.

26 (10) Members must receive reimbursement for travel expenses  
27 incurred in the performance of their duties in accordance RCW  
28 43.03.050 and 43.03.060 as now existing or hereafter amended.

29 NEW SECTION. **Sec. 4.** (1) The commission on Indian services  
30 must:

31 (a) Provide and support efforts to identify and facilitate  
32 effective government-to-government communications and foster  
33 resolution of issues of mutual concern between the state and tribes;

34 (b) Hold at least one annual meeting. The commission may invite  
35 nonmember groups to participate at annual meetings; and

36 (c) Develop and submit an annual report to the legislature in  
37 compliance with RCW 43.01.036.

1 (2) The commission on Indian services may hold regional meetings  
2 in between the scheduled annual meeting(s). If a regional meeting is  
3 held:

4 (a) The commission must provide prior notice to the local tribal  
5 commission members within the region;

6 (b) A regional meeting(s) must aim to meet with tribes within  
7 their region and not for the purpose of official action, requiring a  
8 quorum, but may not exclude any members of the commission from  
9 attending; and

10 (c) A regional meeting(s) may be hosted by tribal commission  
11 members within the region.

12 NEW SECTION. **Sec. 5.** (1) An Indian services office is  
13 established within the legislature that includes an executive officer  
14 and other staff as may be necessary to:

15 (a) Facilitate the government-to-government relationship between  
16 the legislature and the tribes;

17 (b) Provide a resource to all legislative members, staff, and the  
18 general public on tribal affairs, including treaties and laws  
19 affecting tribal-state relations;

20 (c) Coordinate and facilitate communication between the  
21 commission and the legislature; and

22 (d) Carry out the purposes of this chapter.

23 (2) The chair and vice chair of the commission must serve as  
24 liaisons between the commission and the office.

25 NEW SECTION. **Sec. 6.** The commission on Indian services may  
26 receive gifts, grants, and endowments from public or private sources  
27 that are made, in trust or otherwise, for the use and benefit of the  
28 purposes of the commission and spend gifts, grants, or endowments or  
29 income from the public or private sources according to their terms.

30 NEW SECTION. **Sec. 7.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

1        NEW SECTION.    **Sec. 8.**    Sections 1 through 6 of this act  
2    constitute a new chapter in Title 37 RCW.

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