
SUBSTITUTE HOUSE BILL 2032

State of Washington

64th Legislature

2016 Regular Session

By House Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Appleton, Fitzgibbon, Reykdal, and Ormsby)

READ FIRST TIME 01/29/16.

1 AN ACT Relating to tribal-state relations; amending RCW
2 44.80.020; reenacting and amending RCW 43.88.230 and 44.04.260; and
3 adding a new chapter to Title 44 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 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."
21 Washington has also recognized a similar commitment to government-to-

1 government relationships with federally recognized tribes located out
2 of state who have treaty reserved rights within Washington. The
3 Yakama Nation has not signed onto any of the mentioned agreements.

4 (3) The legislature recognizes that the executive branch has
5 established and continues its efforts to improve and promote a
6 government-to-government relationship, and further recognizes, as a
7 coequal branch of state government, its own responsibility and role
8 in maintaining a government-to-government relationship with the
9 tribes of this state and tribes located out of state with treaty
10 reserved rights within Washington. The legislature has a particular
11 concern and interest in growing and maintaining strong relationships
12 with the tribes to preserve, protect, and manage resources, and
13 recognizes that tribes have specific treaty rights including, but not
14 limited to, the right of taking fish and the privilege to hunt within
15 the state.

16 (4) For these reasons, the legislature intends to establish a
17 legislative council to address issues of mutual concern to the tribes
18 and the state.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply
20 throughout this chapter unless the context clearly requires
21 otherwise.

22 (1) "Council" means the joint summit council on Indian affairs
23 created in section 3 of this act.

24 (2) "Director" means the director of the administrative committee
25 appointed under section 5 of this act.

26 NEW SECTION. **Sec. 3.** (1)(a) The joint summit council on Indian
27 affairs is hereby established, with members as provided in this
28 subsection.

29 (b) The president of the senate must appoint at least two members
30 from each of the two largest caucuses of the senate.

31 (c) The speaker of the house of representatives must appoint at
32 least two members from each of the two largest caucuses of the house
33 of representatives.

34 (d) There must be equal representation of members from the senate
35 and house of representatives.

36 (e) The term of a member of the council is two years. Vacancies
37 must be filled by the appointing authority for the unexpired term.

1 (2)(a) The council must elect a chair and vice chair for a term
2 of one year and determine the duties of the council's officers.

3 (b) The council must adopt rules to govern its procedures, except
4 that a majority of the council constitutes a quorum and the
5 affirmative vote of a majority of the select committee is required to
6 take official action.

7 (c) The legislative members must convene the initial meeting of
8 the council. The chair and vice chair must convene subsequent
9 meetings of the council.

10 (3) Staff support for the council must be provided by the
11 director appointed in accordance with section 5 of this act.

12 (4) Legislative members of the council must be reimbursed for
13 travel expenses in accordance with RCW 44.04.120.

14 NEW SECTION. **Sec. 4.** (1) The council must:

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

18 (b) Hold at least one biennial summit every two years and develop
19 an agenda for each summit; and

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

22 (2) The council may:

23 (a) Invite elected representatives from each federally recognized
24 tribe in Washington and each federally recognized tribe with treaty
25 reserved rights within Washington. The governing body of each
26 federally recognized tribe in Washington and each federally
27 recognized tribe located out of state with treaty reserved rights
28 within Washington may appoint one member to attend summits hosted by
29 the council;

30 (b) Invite nonmember groups to participate at biennial summits;
31 and

32 (c) Hold regional summits in between biennial summits. If a
33 regional summit is scheduled:

34 (i) The council must provide prior notice to tribal members
35 within the region of a regional summit under this section.

36 (ii) The regional summit may be hosted by tribal members within
37 the region.

1 (iii) The regional summit must be for the purpose of convening
2 with tribes within the region and not for the purpose of official
3 action.

4 (3) The council must serve as a forum for considering the needs
5 and concerns of tribal groups and organizations not specifically
6 represented on the council, as well as the needs and concerns of all
7 American Indians in Washington.

8 (4) The council may not abrogate or supersede negotiations or
9 relations that any Indian tribe, band, or group might have or develop
10 individually with any state, federal, or local government.

11 (5) The council must encourage the department of fish and
12 wildlife, the department of natural resources, and other state
13 agencies to participate in its summits and other work.

14 NEW SECTION. **Sec. 5.** (1)(a) An administrative committee
15 consisting of the legislative members of the council is hereby
16 established.

17 (b) The administrative committee must appoint or remove the
18 director by a three-fourths vote, and approve the salary of the
19 director by a majority vote.

20 (c) The administrative committee must serve as the liaison
21 between the council and the director.

22 (d) The administrative committee must meet at the request of the
23 director, when the position of director becomes vacant, or upon the
24 written request of three-fourths of the administrative committee.

25 (2)(a) The director appointed under this section must:

26 (i) Serve as staff to the council;

27 (ii) Provide a resource to legislative members and staff on
28 tribal affairs, including treaties and laws affecting tribal-state
29 relations; and

30 (iii) Coordinate and facilitate communication between the council
31 and the legislature.

32 (b) The director may:

33 (i) In accordance with an adopted personnel plan, employ and fix
34 the compensation for personnel required to carry out the purposes of
35 this chapter; and

36 (ii) Enter into contracts for the sale, exchange, or acquisition
37 of equipment, supplies, services, and facilities required to carry
38 out the purposes of this chapter.

1 NEW SECTION. **Sec. 6.** The council may receive gifts, grants, and
2 endowments from public or private sources that are made, in trust or
3 otherwise, for the use and benefit of the purposes of the council and
4 spend gifts, grants, endowments, or income from public or private
5 sources according to their terms.

6 **Sec. 7.** RCW 43.88.230 and 2012 c 229 s 205 and 2012 c 113 s 7
7 are each reenacted and amended to read as follows:

8 For the purposes of this chapter, the statute law committee, the
9 joint legislative audit and review committee, the joint
10 transportation committee, the legislative evaluation and
11 accountability program committee, the office of legislative support
12 services, the joint higher education committee, the office of state
13 actuary, the joint summit council on Indian affairs, and all
14 legislative standing committees of both houses (~~shall be~~) are
15 deemed a part of the legislative branch of state government.

16 **Sec. 8.** RCW 44.04.260 and 2012 c 229 s 204 and 2012 c 113 s 6
17 are each reenacted and amended to read as follows:

18 The joint legislative audit and review committee, the joint
19 transportation committee, the select committee on pension policy, the
20 legislative evaluation and accountability program committee, the
21 office of legislative support services, the joint higher education
22 committee, the joint summit council on Indian affairs, and the joint
23 legislative systems committee are subject to such operational
24 policies, procedures, and oversight as are deemed necessary by the
25 facilities and operations committee of the senate and the executive
26 rules committee of the house of representatives to ensure operational
27 adequacy of the agencies of the legislative branch. As used in this
28 section, "operational policies, procedures, and oversight" includes
29 the development process of biennial budgets, contracting procedures,
30 personnel policies, and compensation plans, selection of a chief
31 administrator, facilities, and expenditures. This section does not
32 grant oversight authority to the facilities and operations committee
33 of the senate over any standing committee of the house of
34 representatives or oversight authority to the executive rules
35 committee of the house of representatives over any standing committee
36 of the senate.

1 **Sec. 9.** RCW 44.80.020 and 2012 c 113 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Director" means the director of the office of legislative
6 support services employed under RCW 44.80.040.

7 (2) "Legislative agencies" means: The joint legislative audit and
8 review committee, the joint transportation committee, the office of
9 the state actuary, the legislative evaluation and accountability
10 program committee, the office of legislative support services, the
11 joint legislative systems committee, the joint summit council on
12 Indian affairs, and the statute law committee.

13 (3) "Office" means the office of legislative support services.

14 NEW SECTION. **Sec. 10.** Sections 1 through 6 of this act
15 constitute a new chapter in Title 44 RCW.

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