

HOUSE BILL REPORT

HB 1357

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, Ormsby and Santos.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 2/1/17, 2/16/17 [DPS].

Brief Summary of Substitute Bill

- Creates a Joint Summit Council on Indian Affairs in the Legislature to facilitate government-to-government relationships between tribal governments and the Legislature.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Ryu, Chair; Macri, Vice Chair; McCabe, Ranking Minority Member; Reeves and Sawyer.

Minority Report: Do not pass. Signed by 2 members: Representatives Barkis, Assistant Ranking Minority Member; Jenkin.

Staff: Kirsten Lee (786-7133).

Background:

Federal law recognizes Indian tribes 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.

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.

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 (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 Agreement includes a call to encourage the Legislature to establish a structure to address issues of mutual concern between the state and the tribes.

Summary of Substitute Bill:

A Joint Summit Council on Indian Affairs (Council) is established as a part of the legislative branch of government, and is 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, appointed by the President of the Senate and the Speaker of the House of Representatives, 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 biennial 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 in the region, 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. 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:

- allows the Council to provide prior notice of a regional summit to tribes, rather than tribal members, when a regional summit is scheduled in the tribe's region; and
- allows regional summits to be hosted by the tribes, rather than tribal members, within the region where the regional summit is scheduled to be held.

Appropriation: None.

Fiscal Note: Available.

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) This bill is modeled after the Oregon Legislative Commission on Indian Services (Commission) that was established in 1975. Oregon's model has a dedicated staff member that is nonpartisan and is experienced. In Oregon, the Umatilla tribal members have been active participants with the Commission and have really appreciated having this type of relationship. Under the Accord, it was always intended that the Legislature have its own government-to-government process with the Indian tribes in Washington. The Council would provide the Legislature with the opportunity to fully participate in the government-to-government process, enhancing Accord talks, and would provide consistency in the process by having a full-time staff.

(Opposed) None.

Persons Testifying: Representative Sawyer, prime sponsor; and Marie Sullivan, Confederated Tribes of Umatilla Indian Reservation.

Persons Signed In To Testify But Not Testifying: None.