

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], 1/30/18 [DP3S];
Appropriations: 2/24/17 [DP2S].

Brief Summary of Third Substitute Bill

- Creates a Joint Committee on Tribal-State Relations to serve as a forum for effective government-to-government communications and to foster resolution of issues of mutual concern between tribes and the state.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by 7 members: Representatives Ryu, Chair; Macri, Vice Chair; Barkis, Ranking Minority Member; McCabe, Assistant Ranking Minority Member; Jenkin, Reeves and Sawyer.

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 state (State) 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 Third Substitute Bill:

A Joint Committee on Tribal-State Relations (Committee) is established. The Committee must serve as a forum for effective government-to-government communications and seek to foster resolution of issues of mutual concern between tribes and the State. The Committee must also consider the needs and concerns of state tribal groups and organizations and of all American Indians in the state.

Membership and Committee Support.

The membership of the Committee includes four members from each of the two largest caucuses of the House of Representatives (House) and Senate, appointed by the Speaker of the House and President of the Senate, respectively. The Committee is required to choose its co-chairs, from different parties and chambers, from the membership. Certain executive agencies, including the Department of Fish and Wildlife, the Department of Natural Resources, and the Governor's Office of Indian Affairs are required to cooperate with the Committee and provide information as the co-chairs reasonably request. Staff support is provided by the House Office of Program Research (OPR) and Senate Committee Services (SCS). Expenses of the Committee are paid jointly by the House and the Senate.

Meetings.

The co-chairs of the Committee are authorized to schedule up to two meetings per year, including one meeting located in Olympia that coincides with Committee Assembly meetings of either the House or the Senate.

Reporting.

By December 15 of each year, the co-chairs of the Committee must develop and submit an annual report of the Committee's activities, findings, and recommendations to the Governor and Legislature.

The Committee will expire on July 1, 2026.

Third Substitute Bill Compared to Original Bill:

The third substitute bill:

- establishes an eight-member joint committee on tribal-state relations instead of a separate legislative agency on Indian affairs;
- provides for four Senate members and four House members, with co-chairs representing both the Senate and the House as well as different caucuses, instead of a chair and vice-chair;
- authorizes the co-chairs to schedule up to two meetings per year, including one in Olympia during Committee Assembly, in lieu of holding biennial and regional summits;
- requires the co-chairs to submit annual reports by a particular date, December 15;
- requires the committee to: serve as a forum for effective government-to-government communications; seek to foster resolution of issues of mutual concern between the tribes and the State; and consider the needs and concerns of tribal groups and organizations and all American Indians in Washington, similar to the requirements of the separate legislative agency on Indian affairs;
- requires cooperation from executive agencies;
- requires expenses to be paid jointly by the Senate and the House and meetings to be scheduled and conducted in accordance with Senate and House requirements;
- provides for staff support by SCS and the OPR, instead of by the Director of a new administrative committee; and
- includes a null and void clause and expiration date.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Third Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

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 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 the Umatilla Indian Reservation.

Persons Signed In To Testify But Not Testifying: None.