

SENATE BILL REPORT

3SHB 1357

As of February 21, 2018

Title: An act relating to tribal-state relations.

Brief Description: Concerning tribal-state relations.

Sponsors: House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Sawyer, Appleton, Ormsby and Santos).

Brief History: Passed House: 2/07/18, 97-1.

Committee Activity: State Government, Tribal Relations & Elections: 2/21/18.

Brief Summary of 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.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Staff: Melissa Van Gorkom (786-7491)

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.

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 today are beneficiaries of the guarantees in the territorial treaties. The state cannot abrogate the treaty rights.

Centennial Accord (Accord). The Accord was signed in 1989, recognizing 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

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Governor, the tribes, and state agencies to address concerns, including an annual summit with the Governor, the tribes, and certain state agency directors. Each designated state agency must establish a plan for implementing its own government-to-government policy with the tribes.

New Millennium Agreement (Agreement). The tribes and the state renewed their commitment to government-to-government relations through the Agreement, signed in 1999, 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 Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Striking Amendment): A Joint Committee on Tribal-State Relations (Committee) is established.

Membership. The Committee consists of eight members, four members from each of the two largest caucuses of the Senate and the House of Representatives, appointed by the President of the Senate and the Speaker of the House. The Committee must choose its co-chairs from among its membership, representing different chambers as well as different political parties.

Staff support is provided by the House Office of Program Research and Senate Committee Services. Expenses of the Committee are paid jointly by the House and the Senate.

Duties. The Committee must serve as a forum for effective government-to-government communications and 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, and federally recognized tribes located out of state who have treaty reserved rights within Washington.

The co-chairs may schedule up to two meetings per year, with one meeting located in Olympia to coincide with committee assembly meetings of either the House or the Senate.

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.

Other Provisions. Executive agencies must cooperate with the committee and provide information as may be reasonably requested.

The Committee will expire on July 1, 2026.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed. Includes a null and void clause.

Staff Summary of Public Testimony on Proposed Striking Amendment: PRO: This provides a legislative consultation process to give an opportunity to have more meaningful conversations. Oregon has an active program similar to this. This type of program has strengthened relationships with tribes and the state. The striking amendment includes the out of state tribes, such as the Umatilla, so that they can participate in the process.

Persons Testifying: PRO: Marie Sullivan, Confederated Tribes of the Umatilla Indian Reservation.

Persons Signed In To Testify But Not Testifying: No one.