

# SENATE BILL REPORT

## SB 5511

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As of February 14, 2017

**Title:** An act relating to tribal-state relations.

**Brief Description:** Concerning tribal-state relations.

**Sponsors:** Senators McCoy, Chase, Darneille and Hunt.

**Brief History:**

**Committee Activity:** State Government: 2/10/17.

**Brief Summary of Bill**

- Establishes a Joint Summit Council on Indian Affairs to facilitate government-to-government relationships between the state and tribal governments.

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### SENATE COMMITTEE ON STATE GOVERNMENT

**Staff:** Samuel Brown (786-7470)

**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. Washington has 29 federally-recognized Indian tribes.

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. 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

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certain state agency directors. 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, signed by the tribes and Governor Locke in 1999, to strengthen tribal-state relations and renew a commitment to cooperate on issues of mutual concern. Among other commitments, the New Millennium Agreement includes a call to encourage the Washington Legislature to establish a structure to address issues of mutual concern between the state and the tribes.

**Summary of Bill:** The Joint Summit Council on Indian Affairs (Council) is established and subject to oversight by the House Executive Rules Committee and the Senate Facilities and Operations Committee.

Council Membership and Duties. The membership of the Council includes at least two members from each caucus of each legislative chamber. 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. The Council must facilitate government-to-government relations between the state and tribes and submit an annual report to the Legislature.

Council Meetings. 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. The Council may also hold regional summits with tribes in the region on a more frequent basis. The Council must encourage state agencies to participate in the summits, including the Departments of Fish and Wildlife and Natural Resources. The Council also must serve as a forum for considering the concerns of other tribal groups and all native persons in the state.

Council Staff. An administrative committee is established, consisting of the legislative members of the Council. The administrative committee must appoint a director and approve their 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.

**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.

**Staff Summary of Public Testimony:** PRO: This bill would allow a greater communication between the state Legislature and tribal nations, and increase the mutual understanding between both government organizations. It would reinforce and enhance the Centennial

Accord and provide better communications with isolated tribes in emergency management and disaster situations.

**Persons Testifying:** PRO: Senator John McCoy, Prime Sponsor; Marie Sullivan, Confederated Tribes of the Umatilla Indian Reservation; Melvinjohn Ashue, Hoh Tribe.

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