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**HOUSE BILL 1640**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Lekanoff, Valdez, Bateman, Ryu, Berry, Ramel, Sells, Berg, Fey, Orwall, Harris-Talley, and Frame

AN ACT Relating to creating the joint legislative tribal-state relations committee as an agency within the legislative branch; reenacting and amending RCW 44.04.260 and 43.88.230; adding a new chapter to Title 44 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature recognizes and respects the sovereign status of the federally recognized Indian tribes and the state in a government-to-government relationship and seeks to enhance and improve communications and facilitate resolution of issues between federally recognized Indian tribes and the state.

(2) The legislature finds that in 1989, the governor signed the centennial accord on behalf of the state, along with federally recognized Indian tribes of the state, to achieve mutual tribal-state goals through an improved relationship and shared respect between sovereign governments. The centennial accord provided a framework and procedures for implementing this government-to-government relationship. In 1999, the governor and the federally recognized Indian tribes signed the new millennium agreement, which reaffirmed the commitments of the centennial accord, and strengthened the foundation for government-to-government relations and cooperation. The new millennium agreement specifically called upon the legislature "... to establish a structure to address issues of mutual concern to the state and tribes." Washington has also recognized a similar commitment to government-to-government relationships with federally recognized Indian tribes located out-of-state who have treaty reserved rights within Washington. The Yakama Nation has not signed onto any of the mentioned agreements.

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

(4) For these reasons, the legislature intends to establish a joint legislative tribal-state relations committee to address issues of mutual concern to the federally recognized Indian tribes and the state.

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

(1) "Indian tribe" has the same definition as in RCW 43.376.010.

(2) "State agency" has the same definition as in RCW 43.376.010.

NEW SECTION. **Sec.**  (1) The joint legislative tribal-state relations committee is established as an agency within the legislative branch. Membership of the committee is as follows:

(a) The president of the senate must appoint four members from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives must appoint four members from each of the two largest caucuses of the house of representatives.

(c) The governor must appoint one member who is the chair of a federally recognized Indian tribe located east of the crest of the Cascade mountains, and one member who is the chair of a federally recognized Indian tribe located west of the crest of the Cascade mountains.

(2) The committee has two cochairs, one from each house of the legislature. The committee shall choose its cochairs from among its legislative membership.

(3) State agencies, such as the department of fish and wildlife, the department of natural resources, the office of the attorney general, and the governor's office of Indian affairs, shall cooperate with the committee and provide information as the cochairs may reasonably request.

(4) The term of office of the members of the committee is two years, ending two years from the date of appointment or when a member is no longer a member of the house from which he or she was appointed, except that member shall continue to serve until a successor is appointed. Vacancies of the committee must be filled from the same political party and from the same house, and otherwise in the same manner, as the member whose seat was vacated. Senate vacancies must be filled through appointment by the president of the senate, house vacancies must be filled through appointment by the speaker of the house of representatives, and a vacancy of a seat held by a tribal member as described in subsection (1)(c) of this section must be filled by the governor.

(5) The legislative members of the joint legislative committee shall serve without additional compensation, but must be reimbursed for their travel expenses in accordance with RCW 44.04.120. Nonlegislative members must be reimbursed in accordance with RCW 43.03.050 and 43.03.060 for expenses incurred in the performance of their duties.

(6) The joint legislative committee shall adopt rules and procedures for its orderly operation.

NEW SECTION. **Sec.**  (1) Administration for the joint legislative committee is subject to RCW 44.04.260.

(2) The joint legislative committee shall hire and appoint an executive officer of the committee. The executive officer shall serve in a nonpartisan capacity and be an expert in the field of tribal relations with demonstrated knowledge and experience working on matters concerning tribal-state relations.

(3) The executive officer shall assist the committee in its duties, including to:

(a) Manage the operations of the joint legislative committee;

(b) Provide information to the several standing committees of the house and senate as requested by the committees;

(c) Appear before and assist other legislative committees as requested;

(d) Provide the legislature with information obtained under the direction of the joint legislative committee; and

(e) Maintain a record of all work performed by the executive officer under the direction of the joint legislative committee and to keep and make available all documents, data, and reports submitted to the administrator by any legislative committee.

(4) Subject to RCW 44.04.260, the joint legislative committee shall set the salary of the executive officer.

(5) Subject to RCW 44.04.260, in consultation with and with the approval of the joint legislative committee, the executive officer may hire staff necessary to carry out the purposes of this chapter. Subject to RCW 44.04.260, employee salaries, other than that of the executive officer, shall be set by the executive officer with the approval of the joint legislative committee. Staff shall serve in a nonpartisan capacity.

NEW SECTION. **Sec.**  (1) The joint legislative committee must serve as a forum for:

(a) Effective government-to-government communications on issues of mutual concern to the state and Indian tribes;

(b) Considering the needs and concerns of Indian tribes; and

(c) Facilitating the resolution of issues between the Indian tribes and the state.

(2) When considering issues of mutual concern and the needs and concerns of Indian tribes, the committee shall promote communication with the appropriate Indian tribe and make a reasonable effort to promote cooperation with and participation from the appropriate Indian tribes.

(3) The cochairs shall schedule two meetings per year. One meeting must be scheduled to correspond with the governor's centennial accord meeting, and one meeting must be scheduled in collaboration with the association of Washington tribes. Committee meetings must be scheduled and conducted in accordance with the requirements of both the senate and the house of representatives.

(4) By December 15th of each year, and in compliance with RCW 43.01.036, the cochairs must develop and submit an annual report of committee activities, findings, and recommendations to the governor and the legislature.

(5) The committee may not abrogate or supersede negotiations or relations that any Indian tribe, band, or group might have or develop individually with any state, federal, or local government.

NEW SECTION. **Sec.**  Subject to RCW 44.04.260, all expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the executive officer and signed by both cochairs of the committee. The cochairs of the committee may authorize the executive officer to sign the vouchers. Such authorization must specify a dollar limitation and be set out in writing. A monthly report of such vouchers must be submitted to the joint legislative committee. This authority shall continue until the cochair's successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both.

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

The joint legislative tribal-state relations committee, the joint legislative audit and review committee, the joint transportation committee, the select committee on pension policy, the legislative evaluation and accountability program committee, the office of legislative support services, and the joint higher education committee((~~, and the joint legislative systems committee~~)) are subject to such operational policies, procedures, and oversight as are deemed necessary by the facilities and operations committee of the senate and the executive rules committee of the house of representatives to ensure operational adequacy of the agencies of the legislative branch. As used in this section, "operational policies, procedures, and oversight" includes the development process of biennial budgets, contracting procedures, personnel policies, and compensation plans, selection of a chief administrator, facilities, and expenditures. This section does not grant oversight authority to the facilities and operations committee of the senate over any standing committee of the house of representatives or oversight authority to the executive rules committee of the house of representatives over any standing committee of the senate.

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

For the purposes of this chapter, the statute law committee, the joint legislative tribal-state relations committee, the joint legislative audit and review committee, the joint transportation committee, the legislative evaluation and accountability program committee, the office of legislative support services, the joint higher education committee, the office of state actuary, and all legislative standing committees of both houses shall be deemed a part of the legislative branch of state government.

NEW SECTION. **Sec.**  Sections 2 through 6 of this act constitute a new chapter in Title 44 RCW.

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