
State Government & Tribal Affairs
Committee

HB 2394

Brief Description: Establishing a government-to-government relationship between state government and Indian tribes.

Sponsors: Representatives McCoy, Hunt, Kenney, Sells, O'Brien, Ormsby, Chase, Morrell, Appleton, Conway, Simpson, Hasegawa, Moeller, Haigh and Santos.

Brief Summary of Bill

- Directs state agencies to enhance and formalize working relationships with Indian tribes through collaboration and consultation.
- Establishes a Joint Committee on State/Tribal Affairs to maintain an on-going dialog between state legislative leaders and tribal leaders.

Hearing Date: 1/14/10

Staff: Pam Madson (786-7111).

Background:

In 1989 the Governor and federally recognized Washington Indian Tribes signed the Centennial Accord. This agreement sought to achieve mutual goals through an improved relationship between the sovereign governments by improving communication and resolution of issues using mutually agreed processes.

Ten years later, a state/tribal leadership summit sought to formalize consultation and dispute resolution processes through a set of implementation guidelines. The Millennium Agreement focused on implementing the government-to-government relationship.

The Governor and tribal leaders have met annually since the signing of the Centennial Accord. Many state agencies have designated an employee to serve as tribal liaison. Some agencies have

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developed consultation processes that involve tribal representatives on issues that affect Indian tribes. The Governor's Office of Indian Affairs offers training courses for agency employees. Some agencies use this training opportunity or provide other training for their employees.

The provisions of the agreement apply to both the state and tribal governments as parties to the agreement.

New Mexico has adopted a State-Tribal Collaboration Act to ensure a productive government-to-government relationship with Native Americans.

Summary of Bill:

In establishing a government-to-government relationship between the state and Indian tribes, state agencies, including offices and department of state-wide separately elected officials, must do the following:

- Make reasonable efforts to collaborate with Indian tribes in developing policies, agreements, and programs that directly affect Indian tribes and establish a consultation process.
- Designate a tribal liaison who reports directly to the head of the agency. A tribal liaison is responsible for facilitating effective communications with Indian tribes and serves as the contact person with Indian tribes. The liaison is also responsible for coordinating training of agency staff. The Governor must maintain a list of state tribal liaisons and members of tribal leadership provided by a tribe for public reference.
- Ensure that state employees who work with Indian tribes and tribal members receive training. Training must include effective communication with Indian tribes and cultural competency for working with tribes and tribal members. Agencies must use training services such as those offered through the Governor's Office of Indian Affairs.
- Submit an annual report to the Governor on state/tribal activity.

The Governor and other state-wide elected officials must meet at least once a year with leaders of Indian tribes to address issues of mutual concern.

A Joint Legislative Committee on State and Tribal Affairs (Joint Committee) is established. It consists of 16 members, 8 from the Senate and 8 from the House of Representatives representing both major political parties and must be chairs or ranking minority members of committees with jurisdiction of issues affecting Indian tribes.

The Joint Committee must meet with tribal leaders at least 4 times a year and maintain active communication with tribal leaders.

The Joint Committee may adopt rules and procedures for conducting business.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.