

# HOUSE BILL REPORT

## HB 2394

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### As Reported by House Committee On:

State Government & Tribal Affairs  
General Government Appropriations

**Title:** An act relating to establishing a government-to-government relationship between state government and Indian tribes.

**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 History:

#### Committee Activity:

State Government & Tribal Affairs: 1/14/10, 1/19/10 [DPS];  
General Government Appropriations: 2/5/10 [DP2S(w/o sub SGTA)].

#### Brief Summary of Second Substitute Bill

- Directs state agencies to enhance and formalize working relationships with Indian tribes through collaboration and consultation.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan, Hurst and Miloscia.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Armstrong, Ranking Minority Member; Alexander and Taylor.

**Staff:** Pam Madson (786-7111).

### Background:

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*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 1989 the Governor and federally recognized Washington Indian Tribes signed the Centennial Accord (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 Accord. Many state agencies have designated an employee to serve as tribal liaison. Some agencies have 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.

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### **Summary of Substitute Bill:**

In establishing a government-to-government relationship between the state and Indian tribes, state agencies, including offices and departments 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, eight from the Senate and eight 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 four times a year and maintain active communication with tribal leaders.

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

**Substitute Bill Compared to Original Bill:**

The definition of Indian tribe is changed from those tribes located in Washington to all Indian tribes whose traditional lands and territories included parts of Washington. The training required for state employees is limited to those who have an ongoing interaction with Indian tribes and those employees' managers.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill is a codification of the Centennial Accord Agreement (Accord). It adds a legislative interface with legislative leadership and tribal leadership. We need to educate leadership in the House and Senate about issues that impact Indian country. The Accord is a real positive for state and tribal relations in Washington. Washington is a leader in state/tribal relations and the agreement should be codified in state law. Many of the policies that are in place today came from efforts under the Accord. Many of the provisions are in operation within the state. This will institutionalize the relationship and will help minimize future issues. It includes state entities who do not report to the Governor and provides legislative oversight as well. It is important to continually train new people and make that training a more commonplace activity.

(Opposed) None.

**Persons Testifying:** Representative McCoy, prime sponsor; Steve Robinson, Northwest Indian Fisheries Commission; Craig Bill, Governor's Office of Indian Affairs; and Miguel Perez-Gibson, Confederated Tribes of the Colville Nation.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by 11 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake, Dunshee, Hudgins, Kenney, Pedersen, Sells, Van De Wege and Williams.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Klippert and Short.

**Staff:** Charlie Gavigan (786-7340).

### **Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On State Government & Tribal Affairs:**

The Joint Legislative Committee on State and Tribal Affairs (Joint Committee) is eliminated. Only agency tribal liaisons and executive directors are required to receive training.

**Appropriation:** None.

**Fiscal Note:** Available.

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

### **Staff Summary of Public Testimony:**

(In support) It is important for state government and tribes to collaborate work together as this bill requires. Reporting requirements are important for accountability. Agencies should solidify relationships with tribes in programs and rule-making. Removing the Joint Committee is okay in order to reduce costs, but the result is missed opportunities for the Legislature to better understand how more collaboration on many issues would save costs in the future.

(Opposed) None.

**Persons Testifying:** Debra Lekanof, Swinomish Tribe; Dawn Vyvyan, Yakama Nation, Puyallup Tribe; Miguel Perez, Colville Tribes; and Heath Packard, Department of Natural Resources.

**Persons Signed In To Testify But Not Testifying:** None.