

HOUSE BILL REPORT

HB 1287

As Reported by House Committee On:
State Government & Tribal Affairs

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, Appleton, Moscoso and Santos.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/10/11, 2/16/11 [DP].

Brief Summary of Bill

- Directs the Governor and state agencies to establish government-to-government relationships with Indian tribes in order to enhance and formalize working relationships with the tribes through collaboration and consultation.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 6 members: Representatives Hunt, Chair; Darneille, Dunshee, Hurst, McCoy and Miloscia.

Minority Report: Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander and Condotta.

Staff: Thamas Osborn (786-7129).

Background:

In 1989 the Governor and federally recognized Washington Indian tribes signed the Centennial Accord (Accord). This agreement sought to achieve mutual goals through an

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improved relationship between the sovereign governments by improving communication and resolution of issues using mutually agreed-upon 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 a 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.

Summary of Bill:

The Governor and state agencies are directed to make efforts to establish a government-to-government relationship with Indian tribes in Washington. "State agency" means an agency, department, office, or the office of any statewide elected official, of the State of Washington.

In establishing a government-to-government relationship between the state and Indian tribes, state agencies must do the following:

- They must make reasonable efforts to collaborate with Indian tribes in developing policies, agreements, and programs that directly affect Indian tribes, and establish a consultation process.
- They must designate a tribal liaison who reports directly to the head of the agency. A tribal liaison is responsible for facilitating effective communications and collaboration with Indian tribes and serves as the contact person with 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.
- They must 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.
- They must submit an annual report to the Governor on state/tribal activity.

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

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The bill simply codifies the provisions of the Accord as agreed to by the Governor and the tribes. New Mexico has already passed a similar bill. The bill has a very small fiscal impact. It is an important bill because it addresses the key issue of coordinating the use of state, tribal, and local resources. It would enhance the ability of jurisdictions to work out issues and reach cooperative agreements. The bill is mutually beneficial for the state, local governments, and the tribes. It will assist in the cooperative resolution of conflicts.

(Opposed) The process created by the bill needs to be much more open so that it can be scrutinized by the public. In the past, the Public Records Act has been side-stepped insofar as the Governor has refused to release records regarding tribes on the ground of executive privilege. There is much resistance on the part of the state regarding the release of records involving the tribes and the state.

Persons Testifying: (In support) Representative McCoy, prime sponsor; Miguel Perez-Gibson, Confederated Tribes of the Colville Reservation; and Naomi Stacy, Confederated Tribes of the Umatilla Reservation.

(Opposed) Arthur West.

Persons Signed In To Testify But Not Testifying: (In support) Amy Hunter, Washington State Gambling Commission.