H-3940.1

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**HOUSE BILL 2751**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Pettigrew, DeBolt, Lekanoff, Maycumber, Fitzgibbon, Rude, Chapman, Tharinger, Pollet, and Ormsby

AN ACT Relating to tribal-state relations; reenacting and amending RCW 1.16.050; adding a new chapter to Title 44 RCW; creating a new section; and providing an expiration date.

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 tribes and the state in a government-to-government relationship and seeks to enhance and improve communications and facilitate resolution of issues between tribes and the state.

(2) In 1989, the governor signed the centennial accord on behalf of the state, along with 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 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 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 tribes of this state and 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 tribes to preserve, protect, and manage resources, and recognizes that 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 committee to address issues of mutual concern to the tribes and the state.

NEW SECTION. **Sec.**  (1)(a) A joint committee on tribal-state relations is established, with members as provided in this subsection (1).

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

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

(iii) The governor must appoint one member from the association of Washington tribes.

(b) Executive offices and agencies, including the department of fish and wildlife, the department of natural resources, and the governor's office of Indian affairs, must cooperate with the committee and provide information as the cochairs may reasonably request.

(c) The committee has two cochairs, one of whom is the member from the association of Washington tribes. The committee must choose its other cochair from among its legislative membership.

(2) The committee must serve as a forum for effective government-to-government communications and seek to foster resolution of issues of mutual concern between the tribes and the state. The committee must consider the needs and concerns of tribal groups and organizations in Washington, as well as the needs and concerns of all American Indians in Washington.

(3) The cochairs must 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. 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.

(4) Staff support for the committee is provided by senate committee services and the house of representatives' office of program research.

(5) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120.

(6) The expenses of the committee must be paid jointly by the senate and the house of representatives. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) 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.

**Sec.**  RCW 1.16.050 and 2019 c 224 s 2 and 2019 c 10 s 1 are each reenacted and amended to read as follows:

(1) The following are state legal holidays:

(a) Sunday;

(b) The first day of January, commonly called New Year's Day;

(c) The third Monday of January, celebrated as the anniversary of the birth of Martin Luther King, Jr.;

(d) The third Monday of February, to be known as Presidents' Day and celebrated as the anniversary of the births of Abraham Lincoln and George Washington;

(e) The last Monday of May, commonly known as Memorial Day;

(f) The fourth day of July, the anniversary of the Declaration of Independence;

(g) The first Monday in September, to be known as Labor Day;

(h) The eleventh day of November, to be known as Veterans' Day;

(i) The fourth Thursday in November, to be known as Thanksgiving Day;

(j) The Friday immediately following the fourth Thursday in November, to be known as Native American Heritage Day; and

(k) The twenty-fifth day of December, commonly called Christmas Day.

(2) Employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for in this section after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

(3) Employees of the state and its political subdivisions, including employees of school districts and those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. This includes employees of public institutions of higher education, including community colleges, technical colleges, and workforce training programs. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or an organized activity conducted under the auspices of a religious denomination, church, or religious organization, the employer must allow the employee to do so unless the employee's absence would impose an undue hardship on the employer or the employee is necessary to maintain public safety. Undue hardship shall have the meaning established in rule by the office of financial management under RCW 43.41.109.

(4) If any of the state legal holidays specified in this section are also federal legal holidays but observed on different dates, only the state legal holidays are recognized as a paid legal holiday for employees of the state and its political subdivisions. However, for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday is recognized as a paid legal holiday, but in no case may both holidays be recognized as a paid legal holiday for employees.

(5) Whenever any state legal holiday:

(a) Other than Sunday, falls upon a Sunday, the following Monday is the legal holiday; or

(b) Falls upon a Saturday, the preceding Friday is the legal holiday.

(6) Nothing in this section may be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

(7) The legislature declares that the following days are recognized as provided in this subsection, but may not be considered legal holidays for any purpose:

(a) The thirteenth day of January, recognized as Korean-American day;

(b) The twelfth day of October, recognized as Columbus day;

(c) The ninth day of April, recognized as former prisoner of war recognition day;

(d) The twenty-sixth day of January, recognized as Washington army and air national guard day;

(e) The seventh day of August, recognized as purple heart recipient recognition day;

(f) The second Sunday in October, recognized as Washington state children's day;

(g) The sixteenth day of April, recognized as Mother Joseph day;

(h) The fourth day of September, recognized as Marcus Whitman day;

(i) The seventh day of December, recognized as Pearl Harbor remembrance day;

(j) The twenty-seventh day of July, recognized as national Korean war veterans armistice day;

(k) The nineteenth day of February, recognized as civil liberties day of remembrance;

(l) The nineteenth day of June, recognized as Juneteenth, a day of remembrance for the day the slaves learned of their freedom;

(m) The thirtieth day of March, recognized as welcome home Vietnam veterans day;

(n) The eleventh day of January, recognized as human trafficking awareness day;

(o) The thirty-first day of March, recognized as Cesar Chavez day;

(p) The tenth day of April, recognized as Dolores Huerta day; ((~~and~~))

(q) The fourth Saturday of September, recognized as public lands day; and

(r) The third Monday of November, recognized as Washington state tribes and treaties day, a day to honor the five Washington treaties and all nontreaty tribes.

NEW SECTION. **Sec.**  Sections 1 and 2 of this act constitute a new chapter in Title 44 RCW.

NEW SECTION. **Sec.**  Sections 1 and 2 of this act expire July 1, 2028.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2020, in the omnibus appropriations act, this act is null and void.

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