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**SECOND SUBSTITUTE HOUSE BILL 1357**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Sawyer, Appleton, Ormsby, and Santos)

AN ACT Relating to tribal-state relations; amending RCW 44.80.020; reenacting and amending RCW 43.88.230 and 44.04.260; 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 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 legislative council to address issues of mutual concern to the tribes and the state.

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

(1) "Council" means the joint summit council on Indian affairs created in section 3 of this act.

(2) "Director" means the director of the administrative committee appointed under section 5 of this act.

NEW SECTION. **Sec.**  (1)(a) The joint summit council on Indian affairs is hereby established, with members as provided in this subsection.

(b) The president of the senate must appoint at least two members from each of the two largest caucuses of the senate.

(c) The speaker of the house of representatives must appoint at least two members from each of the two largest caucuses of the house of representatives.

(d) There must be equal representation of members from the senate and house of representatives.

(e) The term of a member of the council is two years. Vacancies must be filled by the appointing authority for the unexpired term.

(2)(a) The council must elect a chair and vice chair for a term of one year and determine the duties of the council's officers.

(b) The council must adopt rules to govern its procedures, except that a majority of the council constitutes a quorum and the affirmative vote of a majority of the select committee is required to take official action.

(c) The legislative members must convene the initial meeting of the council. The chair and vice chair must convene subsequent meetings of the council.

(3) Staff support for the council must be provided by the director appointed in accordance with section 5 of this act.

(4) Legislative members of the council must be reimbursed for travel expenses in accordance with RCW 44.04.120.

NEW SECTION. **Sec.**  (1) The council must:

(a) Provide and support efforts to identify and facilitate effective government-to-government communications and foster resolution of issues of mutual concern between the state and tribes;

(b) Hold at least one biennial summit every two years and develop an agenda for each summit; and

(c) Develop and submit an annual report to the legislature in compliance with RCW 43.01.036.

(2) The council may:

(a) Invite elected representatives from each federally recognized tribe in Washington and each federally recognized tribe with treaty reserved rights within Washington. The governing body of each federally recognized tribe in Washington and each federally recognized tribe located out of state with treaty reserved rights within Washington may appoint one member to attend summits hosted by the council;

(b) Invite nonmember groups to participate at biennial summits; and

(c) Hold regional summits in between biennial summits. If a regional summit is scheduled:

(i) The council must provide prior notice to tribes within the region of a regional summit under this section.

(ii) The regional summit may be hosted by the tribes within the region.

(iii) The regional summit must be for the purpose of convening with tribes within the region and not for the purpose of official action.

(3) The council must serve as a forum for considering the needs and concerns of tribal groups and organizations not specifically represented on the council, as well as the needs and concerns of all American Indians in Washington.

(4) The council 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.

(5) The council must encourage the department of fish and wildlife, the department of natural resources, and other state agencies to participate in its summits and other work.

NEW SECTION. **Sec.**  (1)(a) An administrative committee consisting of the legislative members of the council is hereby established.

(b) The administrative committee must appoint or remove the director by a three-fourths vote, and approve the salary of the director by a majority vote.

(c) The administrative committee must serve as the liaison between the council and the director.

(d) The administrative committee must meet at the request of the director, when the position of director becomes vacant, or upon the written request of three-fourths of the administrative committee.

(2)(a) The director appointed under this section must:

(i) Serve as staff to the council;

(ii) Provide a resource to legislative members and staff on tribal affairs, including treaties and laws affecting tribal-state relations; and

(iii) Coordinate and facilitate communication between the council and the legislature.

(b) The director may:

(i) In accordance with an adopted personnel plan, employ and fix the compensation for personnel required to carry out the purposes of this chapter; and

(ii) Enter into contracts for the sale, exchange, or acquisition of equipment, supplies, services, and facilities required to carry out the purposes of this chapter.

NEW SECTION. **Sec.**  The council may receive gifts, grants, and endowments from public or private sources that are made, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, endowments, or income from public or private sources according to their terms.

**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 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, the joint summit council on Indian affairs, and all legislative standing committees of both houses ((~~shall be~~)) are deemed a part of the legislative branch of state government.

**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 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, the joint higher education committee, the joint summit council on Indian affairs, 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 44.80.020 and 2012 c 113 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Director" means the director of the office of legislative support services employed under RCW 44.80.040.

(2) "Legislative agencies" means: The joint legislative audit and review committee, the joint transportation committee, the office of the state actuary, the legislative evaluation and accountability program committee, the office of legislative support services, the joint legislative systems committee, the joint summit council on Indian affairs, and the statute law committee.

(3) "Office" means the office of legislative support services.

NEW SECTION. **Sec.**  Sections 1 through 6 of this act constitute a new chapter in Title 44 RCW.

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, 2017, in the omnibus appropriations act, this act is null and void.

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