
**Community Development, Housing &
Tribal Affairs Committee**

HB 1357

Brief Description: Concerning tribal-state relations.

Sponsors: Representatives Sawyer, Appleton, Ormsby and Santos.

Brief Summary of Bill

- Creates a Joint Summit Council on Indian Affairs in the Legislature to facilitate government-to-government relationships between tribal governments and the Legislature.

Hearing Date: 2/1/17

Staff: Kirsten Lee (786-7133).

Background:

Federal law recognizes Indian tribes as sovereign governments with inherent powers of self-governance. Tribal sovereignty includes the power to regulate within tribal territory and certain immunity from state authority.

In the 1850s the federal government entered into a series of treaties with the tribes occupying lands within the Washington territory. In the treaties, the tribes ceded their interest in vast portions of the territory to the federal government in exchange for monetary compensation, certain lands reserved for their exclusive use, and other rights reserved by the tribes. Most of the 29 federally recognized Indian tribes in Washington today are beneficiaries of the guarantees in the territorial treaties. The state cannot abrogate the treaty rights.

In 1989 Governor Gardner, on behalf of the state, signed the Centennial Accord (Accord) with the Washington tribes, which recognized the sovereignty of each tribe and the state, and included a commitment to implement a government-to-government relationship to focus on mutual goals.

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.

The Accord provides a framework for the Governor, the tribes, and state agencies to address concerns, including an annual summit with the Governor, the tribes, and certain state agency directors. Furthermore, each designated state agency must establish a plan for implementing its own government-to-government policy with the tribes.

The tribes and the state renewed their commitment to government-to-government relations through the New Millennium Agreement, signed by the tribes and Governor Locke, to strengthen tribal-state relations and renew a commitment to cooperate on issues of mutual concern. Among other commitments, the New Millennium Agreement includes a call to encourage the Washington Legislature to establish a structure to address issues of mutual concern between the state and the tribes.

Summary of Bill:

A Joint Summit Council on Indian Affairs (Council) is established as a part of the Legislative branch of government, and is subject to oversight authority by the Executive Rules committee of the House of Representatives and the Facilities and Operations committee of the Senate.

Membership.

The membership of the Council includes at least two members from each caucus of each legislative chamber, appointed by the Senate President and the Speaker of the House, respectively. Council members serve two-year terms and elect a chair and vice chair for one-year terms. The Council must adopt its own procedures and convene the initial meeting. Subsequent meetings are convened by the chair and vice chair.

Meetings.

The Council's duties include facilitating government-to-government relations between the state and tribes, and submitting an annual report to the Legislature. The Council must hold at least one biennial meeting every two years and may invite representatives from each federally recognized tribe in the state and other tribes with treaty rights in the state. In addition, the Council may hold regional summits with tribes in the region, which may be hosted by a tribe in the region.

The Council must encourage state agencies to participate in the summits, including the departments of Fish and Wildlife and Natural Resources. Other groups may participate in the annual summit. The Council also must serve as a forum for considering the concerns of other tribal groups and all native persons in the state.

Director.

An administrative committee is established, consisting of the legislative members of the Council. The administrative committee must appoint a director and approve his or her salary. The director serves as staff to the Council and provides support to legislative members and staff on tribal affairs, including treaties and laws affecting tribal-state relations. The director may hire personnel and enter into contracts for equipment, supplies, services, and facilities. The Council may receive gifts and grants from public or private sources.

Appropriation: None.

Fiscal Note: Available.

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