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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)

READ FIRST TIME 02/24/17.

1            AN ACT Relating to tribal-state relations; amending RCW  
2 44.80.020; reenacting and amending RCW 43.88.230 and 44.04.260;  
3 adding a new chapter to Title 44 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.        **Sec. 1.**        (1) The legislature recognizes and  
6 respects the sovereign status of the tribes and the state in a  
7 government-to-government relationship and seeks to enhance and  
8 improve communications and facilitate resolution of issues between  
9 tribes and the state.

10            (2) In 1989 the governor signed the Centennial Accord on behalf  
11 of the state, along with tribes of the state, to achieve mutual  
12 tribal-state goals through an improved relationship and shared  
13 respect between sovereign governments. The Centennial Accord provided  
14 a framework and procedures for implementing this government-to-  
15 government relationship. In 1999, the governor and the tribes signed  
16 the New Millennium Agreement, which reaffirmed the commitments of the  
17 Centennial Accord, and strengthened the foundation for government-to-  
18 government relations and cooperation. The New Millennium Agreement  
19 specifically called upon the legislature, "to establish a structure  
20 to address issues of mutual concern to the state and tribes."  
21 Washington has also recognized a similar commitment to government-to-

1 government relationships with federally recognized tribes located out  
2 of state who have treaty reserved rights within Washington. The  
3 Yakama Nation has not signed onto any of the mentioned agreements.

4 (3) The legislature recognizes that the executive branch has  
5 established and continues its efforts to improve and promote a  
6 government-to-government relationship, and further recognizes, as a  
7 coequal branch of state government, its own responsibility and role  
8 in maintaining a government-to-government relationship with the  
9 tribes of this state and tribes located out of state with treaty  
10 reserved rights within Washington. The legislature has a particular  
11 concern and interest in growing and maintaining strong relationships  
12 with the tribes to preserve, protect, and manage resources, and  
13 recognizes that tribes have specific treaty rights including, but not  
14 limited to, the right of taking fish and the privilege to hunt within  
15 the state.

16 (4) For these reasons, the legislature intends to establish a  
17 legislative council to address issues of mutual concern to the tribes  
18 and the state.

19 NEW SECTION. **Sec. 2.** The definitions in this section apply  
20 throughout this chapter unless the context clearly requires  
21 otherwise.

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

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

26 NEW SECTION. **Sec. 3.** (1)(a) The joint summit council on Indian  
27 affairs is hereby established, with members as provided in this  
28 subsection.

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

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

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

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

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

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

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

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

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

14 NEW SECTION. **Sec. 4.** (1) The council must:

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

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

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

22 (2) The council may:

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

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

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

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

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

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

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

8 (4) The council may not abrogate or supersede negotiations or  
9 relations that any Indian tribe, band, or group might have or develop  
10 individually with any state, federal, or local government.

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

14 NEW SECTION. **Sec. 5.** (1)(a) An administrative committee  
15 consisting of the legislative members of the council is hereby  
16 established.

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

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

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

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

26 (i) Serve as staff to the council;

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

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

32 (b) The director may:

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

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

1        NEW SECTION.    **Sec. 6.**    The council may receive gifts, grants, and  
2    endowments from public or private sources that are made, in trust or  
3    otherwise, for the use and benefit of the purposes of the council and  
4    spend gifts, grants, endowments, or income from public or private  
5    sources according to their terms.

6        **Sec. 7.**    RCW 43.88.230 and 2012 c 229 s 205 and 2012 c 113 s 7  
7    are each reenacted and amended to read as follows:

8        For the purposes of this chapter, the statute law committee, the  
9    joint legislative audit and review committee, the joint  
10   transportation committee, the legislative evaluation and  
11   accountability program committee, the office of legislative support  
12   services, the joint higher education committee, the office of state  
13   actuary, the joint summit council on Indian affairs, and all  
14   legislative standing committees of both houses (~~shall be~~) are  
15   deemed a part of the legislative branch of state government.

16       **Sec. 8.**    RCW 44.04.260 and 2012 c 229 s 204 and 2012 c 113 s 6  
17   are each reenacted and amended to read as follows:

18       The joint legislative audit and review committee, the joint  
19   transportation committee, the select committee on pension policy, the  
20   legislative evaluation and accountability program committee, the  
21   office of legislative support services, the joint higher education  
22   committee, the joint summit council on Indian affairs, and the joint  
23   legislative systems committee are subject to such operational  
24   policies, procedures, and oversight as are deemed necessary by the  
25   facilities and operations committee of the senate and the executive  
26   rules committee of the house of representatives to ensure operational  
27   adequacy of the agencies of the legislative branch. As used in this  
28   section, "operational policies, procedures, and oversight" includes  
29   the development process of biennial budgets, contracting procedures,  
30   personnel policies, and compensation plans, selection of a chief  
31   administrator, facilities, and expenditures. This section does not  
32   grant oversight authority to the facilities and operations committee  
33   of the senate over any standing committee of the house of  
34   representatives or oversight authority to the executive rules  
35   committee of the house of representatives over any standing committee  
36   of the senate.

1       **Sec. 9.** RCW 44.80.020 and 2012 c 113 s 2 are each amended to  
2 read as follows:

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

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

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

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

14       NEW SECTION.   **Sec. 10.** Sections 1 through 6 of this act  
15 constitute a new chapter in Title 44 RCW.

16       NEW SECTION.   **Sec. 11.** If specific funding for the purposes of  
17 this act, referencing this act by bill or chapter number, is not  
18 provided by June 30, 2017, in the omnibus appropriations act, this  
19 act is null and void.

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