

HOUSE BILL REPORT

HB 1988

*As Reported By House Committee on:
State Government
Appropriations*

Title: An act relating to Indian delegates in the Washington state legislature.

Brief Description: Providing for nonvoting Indian delegates in the state legislature.

Sponsor(s): Representatives Braddock, Sprenkle, Anderson, Prentice, Belcher, Dellwo and Leonard.

Brief History:

Reported by House Committee on:
State Government, March 1, 1991, DPS;
Appropriations, March 10, 1991, DPS(SG)-A.

**HOUSE COMMITTEE ON
STATE GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1988 be substituted therefor, and the substitute bill do pass.*
Signed by 6 members: Representatives Anderson, Chair; Pruitt, Vice Chair; R. Fisher; Grant; O'Brien; and Sheldon.

Minority Report: *Do not pass.* Signed by 3 members: Representatives McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; and Chandler.

Staff: Kenneth Hirst (786-7105).

Background: In addition to the voting members of Congress identified in the United States Constitution, the Congress has added by statute five nonvoting members to the House of Representatives. These nonvoting members are the Delegates to the House of Representatives representing the territories of Guam, the Virgin Islands, and American Samoa; the Delegate representing the District of Columbia; and the Resident Commissioner from Puerto Rico. These nonvoting members are compensated by the House and have all privileges accorded to other members except the right to vote.

The United States Senate has no nonvoting members. It has, however, established less formal representation for the

District of Columbia through two "Shadow Senators" who serve without compensation from the Senate.

Summary of Substitute Bill: The members of the federally recognized Indian tribes in the state are invited to elect four nonvoting delegates to the state's Legislature. The tribes must select the process for electing the delegates. This process may be based on population representation, tribal representation, or any other form of representation.

If elected, two delegates are assigned to the House of Representatives and two are assigned to the Senate. The tribes must transmit a document to the House and Senate identifying the means by which persons will be certified by the tribes as being delegates. These delegates have all the privileges of other members of the Legislature to participate in the legislative process except the right to vote in the Legislature.

The initial term of office for these new positions is one year; thereafter, the term of office is two years. The delegates are to receive per diem and expenses in the same manner as other members of the Legislature.

Substitute Bill Compared to Original Bill: The substitute bill: requires the delegates to be "elected" by the tribes, but permits them to select the election process to be used; and requires the tribes to transmit to the House and Senate a document identifying the means by which persons will be certified by the tribes as being delegates.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: (1) The state of Maine has tribal, nonvoting delegates to its Legislature. (2) Too often, the Indian and non-Indian relationship is confrontational; this bill would encourage a cooperative relationship for solving problems. (3) Millions of dollars have been spent on litigation rather than for more productive purposes. (4) Tribal representation would be good for the legislative process.

Testimony Against: None.

Witnesses: Representative Dennis Braddock (in favor); and Joe DeLaCruz, Quinault Nation (in favor).

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill by Committee on State Government be substituted therefor, and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 16 members: Representatives Locke, Chair; Spanel, Vice Chair; Belcher; Braddock; Brekke; Dorn; Ebersole; Ferguson; Hine; Peery; Pruitt; Rust; Sprenkle; Valle; Wang; and Wineberry.

Minority Report: *Do not pass.* Signed by 9 members: Representatives Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Bowman; Fuhrman; Lisk; McLean; Nealey; and H. Sommers.

Staff: Karl Herzog (786-7271).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on State Government: The amendment to the substitute bill adopted by the Committee on Appropriations clarifies that Indian delegates may participate during floor and committee debate, and are entitled to receive staff services provided by an administrative assistant.

Fiscal Note: Not requested.

Effective Date of Substitute Bill as Amended: The bill contains an emergency clause and takes effect immediately.

Testimony For: This bill will help the State develop better relationships with the tribes. It will also provide opportunities to negotiate on issues that affect both parties.

Testimony Against: None.

Witnesses: Representative Dennis Braddock.