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**HOUSE BILL 1280**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Sawyer, Appleton, Reykdal, S. Hunt, Riccelli, Fitzgibbon, Robinson, Santos, Gregerson, and Tarleton

AN ACT Relating to establishing a commission on government-to-government relations in Washington; and adding a new chapter to Title 37 RCW.

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 the 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."

(3) The legislature shares many issues of common concern with tribes, which should be addressed in a government-to-government context. The legislature has a particular concern and interest in growing and maintaining strong relationships with 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) The legislature has not fulfilled the call of the New Millennium Agreement to establish a structure to address issues of mutual concern to the state and tribes. Though the executive branch has established and continues its respected efforts to improve and promote the government-to-government relationship, the legislature recognizes, as a co-equal branch of state government, sharing many of the same state sovereign powers with other branches of state government, its own responsibility and role in maintaining a government-to-government relationship with tribes of this state and developing a structure to address tribal-state concerns. Without a dedicated structure to facilitate this relationship, tribes often must lobby the legislature simply to have their sovereignty recognized or treaty rights protected. This type of process erodes tribal sovereignty and does not uphold the tenets of the government-to-government relationship sought in the New Millennium Agreement.

(5) For these reasons, the commission on Indian services is established in the legislature for the purpose of improving government-to-government relations between the state and tribes through a structure that addresses issues of mutual concern, respects sovereignty, and honors the treaties the tribes entered into with the United States.

(6) State agency participation in the work of the commission is important to the government-to-government process and the legislature strongly encourages consistent contribution by the executive agencies, particularly the department of fish and wildlife and the department of natural resources.

(7) The commission 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.

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

"Commission" means the commission on Indian services created in section 3 of this act.

NEW SECTION. **Sec.**  (1) The commission on Indian services is hereby created.

(2) The commission on Indian services must be comprised of thirty-three members appointed as follows:

(a) Two members appointed from the senate by the president of the senate, who are not members of the same political party;

(b) Two members appointed from the house of representatives by the speaker of the house of representatives, who are not members of the same political party;

(c) One member from each federally recognized tribe in Washington appointed by the governing body of such tribe:

(i) Chehalis Confederated Tribes;

(ii) Colville Confederated Tribes;

(iii) Cowlitz Indian Tribe;

(iv) Hoh Tribe;

(v) Jamestown S'Klallam Tribe;

(vi) Kalispel Tribe;

(vii) Lower Elwha Klallam Tribe;

(viii) Lummi Nation;

(ix) Makah Tribe;

(x) Muckleshoot Tribe;

(xi) Nisqually Tribe;

(xii) Nooksack Tribe;

(xiii) Port Gamble S'Klallam Tribe;

(xiv) Puyallup Tribe;

(xv) Quileute Tribe;

(xvi) Quinault Nation;

(xvii) Samish Nation;

(xviii) Sauk-Suiattle Tribe;

(xix) Shoalwater Bay Tribe;

(xx) Skokomish Tribe;

(xxi) Snoqualmie Tribe;

(xxii) Spokane Tribe;

(xxiii) Squaxin Island Tribe;

(xxiv) Stillaguamish Tribe;

(xxv) Suquamish Tribe;

(xxvi) Swinomish Tribe;

(xxvii) Tulalip Tribes;

(xxviii) Upper Skagit Tribe; and

(xxix) Yakama Nation.

(3) If the speaker of the house of representatives or the president of the senate is a member, either may designate from time to time an alternate from among the members of the appropriate house to exercise the powers of the speaker or president as a member of the commission, except that the alternate may not preside if the speaker or president is chairperson.

(4) The term of office is two years. Vacancies must be filled by the appointing authority for the unexpired term.

(5) Though individual nontribal groups and organizations may not be specifically represented on the commission, the commission as a whole must serve as a forum for considering the needs and concerns of these groups and organizations, as well as the needs and concerns of all American Indians in Washington.

(6) The commission must elect a chairperson and vice chairperson for a term of one year and must determine the duties of the officers.

(7) The commission must adopt rules and procedures.

(8) The commission may establish subcommittees as it deems appropriate.

(9) A majority of the members of the commission constitutes a quorum for the transaction of business, but no final decision may be made without an affirmative vote of the majority of the members appointed to the commission.

(10) Members must receive reimbursement for travel expenses incurred in the performance of their duties in accordance RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

NEW SECTION. **Sec.**  (1) The commission on Indian services 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 annual meeting. The commission may invite nonmember groups to participate at annual meetings; and

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

(2) The commission on Indian services may hold regional meetings in between the scheduled annual meeting(s). If a regional meeting is held:

(a) The commission must provide prior notice to the local tribal commission members within the region;

(b) A regional meeting(s) must aim to meet with tribes within their region and not for the purpose of official action, requiring a quorum, but may not exclude any members of the commission from attending; and

(c) A regional meeting(s) may be hosted by tribal commission members within the region.

NEW SECTION. **Sec.**  (1) An Indian services office is established within the legislature that includes an executive officer and other staff as may be necessary to:

(a) Facilitate the government-to-government relationship between the legislature and the tribes;

(b) Provide a resource to all legislative members, staff, and the general public on tribal affairs, including treaties and laws affecting tribal-state relations;

(c) Coordinate and facilitate communication between the commission and the legislature; and

(d) Carry out the purposes of this chapter.

(2) The chair and vice chair of the commission must serve as liaisons between the commission and the office.

NEW SECTION. **Sec.**  The commission on Indian services 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 commission and spend gifts, grants, or endowments or income from the public or private sources according to their terms.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  Sections 1 through 6 of this act constitute a new chapter in Title 37 RCW.

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