
State Government & Tribal Relations Committee

HB 1640

Brief Description: Creating the joint legislative tribal-state relations committee as an agency within the legislative branch.

Sponsors: Representatives Lekanoff, Valdez, Bateman, Ryu, Berry, Ramel, Sells, Berg, Fey, Orwall, Harris-Talley and Frame.

Brief Summary of Bill

- Establishes the Joint Legislative Tribal-State Relations Committee as an agency within the legislative branch to serve as a forum for: effective government-to-government communications on issues of mutual concern to the state and federally recognized Indian tribes in Washington (Indian tribes); considering the needs and concerns of Indian tribes; and facilitating the resolution of issues between the Indian tribes and the state.

Hearing Date: 1/12/22

Staff: Desiree Omli (786-7105).

Background:

Federal law recognizes 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 1989 the Centennial Accord (Accord) was signed by Governor Gardner, on behalf of the state, and most of the then 26 federally recognized Indian tribes of Washington. Three additional

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Indian tribes later signed the Accord after being federally recognized. The Accord recognizes the sovereignty of each tribe and the state, and includes a commitment to implement a government-to-government relationship to better achieve mutual goals.

The Accord provides a framework for a government-to-government relationship and the implementation procedures of that relationship, with the purpose of institutionalizing the relationship within the organizations that are parties to the Accord. The Accord provides for an annual summit with the Governor, the federally recognized Indian tribes of Washington (Indian tribes), and state agencies to serve as a forum for the parties to develop joint strategies and specific agreements to outline tasks, overcome obstacles, and achieve specific goals. Each state agency is required to establish a plan for implementing its own government-to-government policy with the Indian tribes.

In November 1999, the Indian tribes and the state renewed their commitment to government-to-government relations through the New Millennium Agreement (Agreement), signed by many Indian tribes and Governor Locke, to strengthen tribal-state relations and renew a commitment to cooperate on issues of mutual concern. The Agreement specifies a government-to-government implementation guideline to provide a consistent approach for agencies and Indian tribes to follow. Among other commitments, the Agreement includes a call to encourage the Legislature to establish a structure to address issues of mutual concern between the state and the Indian tribes.

In 2012 the requirements for state agencies in establishing a government-to-government relationship with the Indian tribes was codified in statute. These requirements include designating a tribal liaison, submitting an annual report to the Governor on agency activities involving Indian tribes, and developing a consultation process used by the agency for issues involving specific Indian tribes.

Summary of Bill:

The Joint Legislative Tribal-State Relations Committee (Committee) is established as an agency within the legislative branch to serve as a forum for:

- effective government-to-government communications on issues of mutual concern to the state and the federally recognized Indian tribes of Washington (Indian tribes);
- considering the needs and concerns of Indian tribes, and in doing so, promote communication with the appropriate Indian tribe; and
- facilitating the resolution of issues between the Indian tribes and the state.

The Committee has the following 18 members:

- four members from each of the two largest caucuses of the Senate, appointed by the President of the Senate;
- four members from each of the two largest caucuses of the House of Representatives, appointed by the Speaker of the House;
- one member who is the Chair of an Indian tribe located east of the Cascade mountains,

- appointed by the Governor; and
- one member who is the Chair of an Indian tribe located west of the Cascade mountains, appointed by the Governor.

The Committee has two co-chairs, one from each house of the Legislature and chosen by the committee from among its legislative membership.

The Committee must hire and appoint an executive officer who serves in a nonpartisan capacity and must be an expert in the field of tribal relations with demonstrated experience working on matters concerning tribal-state relations. The executive officer will manage the operations of the Committee; provide information to, and appear before, the standing committees of the Legislature upon request; and provide the Legislature with information as directed by the Committee. The executive officer may hire staff with the approval of the Committee.

Appropriation: None.

Fiscal Note: Not requested.

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