
HOUSE BILL 1640

State of Washington

67th Legislature

2022 Regular Session

By Representatives Lekanoff, Valdez, Bateman, Ryu, Berry, Ramel, Sells, and Berg

Prefiled 12/13/21.

1 AN ACT Relating to creating the joint legislative tribal-state
2 relations committee as an agency within the legislative branch;
3 reenacting and amending RCW 44.04.260 and 43.88.230; adding a new
4 chapter to Title 44 RCW; and creating a new section.

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

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

11 (2) The legislature finds that in 1989, the governor signed the
12 centennial accord on behalf of the state, along with federally
13 recognized Indian tribes of the state, to achieve mutual tribal-state
14 goals through an improved relationship and shared respect between
15 sovereign governments. The centennial accord provided a framework and
16 procedures for implementing this government-to-government
17 relationship. In 1999, the governor and the federally recognized
18 Indian tribes signed the new millennium agreement, which reaffirmed
19 the commitments of the centennial accord, and strengthened the
20 foundation for government-to-government relations and cooperation.
21 The new millennium agreement specifically called upon the legislature

1 "... to establish a structure to address issues of mutual concern to
2 the state and tribes." Washington has also recognized a similar
3 commitment to government-to-government relationships with federally
4 recognized Indian tribes located out-of-state who have treaty
5 reserved rights within Washington. The Yakama Nation has not signed
6 onto any of the mentioned agreements.

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

20 (4) For these reasons, the legislature intends to establish a
21 joint legislative tribal-state relations committee to address issues
22 of mutual concern to the federally recognized Indian tribes and the
23 state.

24 NEW SECTION. **Sec. 2.** The definitions in this section apply
25 throughout this chapter unless the context clearly requires
26 otherwise.

27 (1) "Indian tribe" has the same definition as in RCW 43.376.010.

28 (2) "State agency" has the same definition as in RCW 43.376.010.

29 NEW SECTION. **Sec. 3.** (1) The joint legislative tribal-state
30 relations committee is established as an agency within the
31 legislative branch. Membership of the committee is as follows:

32 (a) The president of the senate must appoint four members from
33 each of the two largest caucuses of the senate.

34 (b) The speaker of the house of representatives must appoint four
35 members from each of the two largest caucuses of the house of
36 representatives.

37 (c) The governor must appoint one member who is the chair of a
38 federally recognized Indian tribe located east of the crest of the

1 Cascade mountains, and one member who is the chair of a federally
2 recognized Indian tribe located west of the crest of the Cascade
3 mountains.

4 (2) The committee has two cochairs, one from each house of the
5 legislature. The committee shall choose its cochairs from among its
6 legislative membership.

7 (3) State agencies, such as the department of fish and wildlife,
8 the department of natural resources, the office of the attorney
9 general, and the governor's office of Indian affairs, shall cooperate
10 with the committee and provide information as the cochairs may
11 reasonably request.

12 (4) The term of office of the members of the committee is two
13 years, ending two years from the date of appointment or when a member
14 is no longer a member of the house from which he or she was
15 appointed, except that member shall continue to serve until a
16 successor is appointed. Vacancies of the committee must be filled
17 from the same political party and from the same house, and otherwise
18 in the same manner, as the member whose seat was vacated. Senate
19 vacancies must be filled through appointment by the president of the
20 senate, house vacancies must be filled through appointment by the
21 speaker of the house of representatives, and a vacancy of a seat held
22 by a tribal member as described in subsection (1)(c) of this section
23 must be filled by the governor.

24 (5) The legislative members of the joint legislative committee
25 shall serve without additional compensation, but must be reimbursed
26 for their travel expenses in accordance with RCW 44.04.120.
27 Nonlegislative members must be reimbursed in accordance with RCW
28 43.03.050 and 43.03.060 for expenses incurred in the performance of
29 their duties.

30 (6) The joint legislative committee shall adopt rules and
31 procedures for its orderly operation.

32 NEW SECTION. **Sec. 4.** (1) Administration for the joint
33 legislative committee is subject to RCW 44.04.260.

34 (2) The joint legislative committee shall hire and appoint an
35 executive officer of the committee. The executive officer shall serve
36 in a nonpartisan capacity and be an expert in the field of tribal
37 relations with demonstrated knowledge and experience working on
38 matters concerning tribal-state relations.

1 (3) The executive officer shall assist the committee in its
2 duties, including to:

3 (a) Manage the operations of the joint legislative committee;

4 (b) Provide information to the several standing committees of the
5 house and senate as requested by the committees;

6 (c) Appear before and assist other legislative committees as
7 requested;

8 (d) Provide the legislature with information obtained under the
9 direction of the joint legislative committee; and

10 (e) Maintain a record of all work performed by the executive
11 officer under the direction of the joint legislative committee and to
12 keep and make available all documents, data, and reports submitted to
13 the administrator by any legislative committee.

14 (4) Subject to RCW 44.04.260, the joint legislative committee
15 shall set the salary of the executive officer.

16 (5) Subject to RCW 44.04.260, in consultation with and with the
17 approval of the joint legislative committee, the executive officer
18 may hire staff necessary to carry out the purposes of this chapter.
19 Subject to RCW 44.04.260, employee salaries, other than that of the
20 executive officer, shall be set by the executive officer with the
21 approval of the joint legislative committee. Staff shall serve in a
22 nonpartisan capacity.

23 NEW SECTION. **Sec. 5.** (1) The joint legislative committee must
24 serve as a forum for:

25 (a) Effective government-to-government communications on issues
26 of mutual concern to the state and Indian tribes;

27 (b) Considering the needs and concerns of Indian tribes; and

28 (c) Facilitating the resolution of issues between the Indian
29 tribes and the state.

30 (2) When considering issues of mutual concern and the needs and
31 concerns of Indian tribes, the committee shall promote communication
32 with the appropriate Indian tribe and make a reasonable effort to
33 promote cooperation with and participation from the appropriate
34 Indian tribes.

35 (3) The cochairs shall schedule two meetings per year. One
36 meeting must be scheduled to correspond with the governor's
37 centennial accord meeting, and one meeting must be scheduled in
38 collaboration with the association of Washington tribes. Committee

1 meetings must be scheduled and conducted in accordance with the
2 requirements of both the senate and the house of representatives.

3 (4) By December 15th of each year, and in compliance with RCW
4 43.01.036, the cochairs must develop and submit an annual report of
5 committee activities, findings, and recommendations to the governor
6 and the legislature.

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

10 NEW SECTION. **Sec. 6.** Subject to RCW 44.04.260, all expenses
11 incurred by the committee, including salaries and expenses of
12 employees, shall be paid upon voucher forms as provided by the
13 executive officer and signed by both cochairs of the committee. The
14 cochairs of the committee may authorize the executive officer to sign
15 the vouchers. Such authorization must specify a dollar limitation and
16 be set out in writing. A monthly report of such vouchers must be
17 submitted to the joint legislative committee. This authority shall
18 continue until the cochair's successors are selected after each
19 ensuing session of the legislature. Vouchers may be drawn on funds
20 appropriated generally by the legislature for legislative expenses or
21 upon any special appropriation which may be provided by the
22 legislature for the expenses of the committee or both.

23 **Sec. 7.** RCW 44.04.260 and 2012 c 229 s 204 and 2012 c 113 s 6
24 are each reenacted and amended to read as follows:

25 The joint legislative tribal-state relations committee, the joint
26 legislative audit and review committee, the joint transportation
27 committee, the select committee on pension policy, the legislative
28 evaluation and accountability program committee, the office of
29 legislative support services, and the joint higher education
30 committee~~((, and the joint legislative systems committee))~~ are
31 subject to such operational policies, procedures, and oversight as
32 are deemed necessary by the facilities and operations committee of
33 the senate and the executive rules committee of the house of
34 representatives to ensure operational adequacy of the agencies of the
35 legislative branch. As used in this section, "operational policies,
36 procedures, and oversight" includes the development process of
37 biennial budgets, contracting procedures, personnel policies, and
38 compensation plans, selection of a chief administrator, facilities,

1 and expenditures. This section does not grant oversight authority to
2 the facilities and operations committee of the senate over any
3 standing committee of the house of representatives or oversight
4 authority to the executive rules committee of the house of
5 representatives over any standing committee of the senate.

6 **Sec. 8.** 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 tribal-state relations committee, the joint
10 legislative audit and review committee, the joint transportation
11 committee, the legislative evaluation and accountability program
12 committee, the office of legislative support services, the joint
13 higher education committee, the office of state actuary, and all
14 legislative standing committees of both houses shall be deemed a part
15 of the legislative branch of state government.

16 NEW SECTION. **Sec. 9.** Sections 2 through 6 of this act
17 constitute a new chapter in Title 44 RCW.

--- END ---