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HOUSE BILL 2751

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Pettigrew, DeBolt, Lekanoff, and Maycumber

1 AN ACT Relating to tribal-state relations; reenacting and  
2 amending RCW 1.16.050; adding a new chapter to Title 44 RCW; creating  
3 a new section; and providing an expiration date.

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  
20 structure to address issues of mutual concern to the state and  
21 tribes". Washington has also recognized a similar commitment to

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

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

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

20 NEW SECTION. **Sec. 2.** (1)(a) A joint committee on tribal-state  
21 relations is established, with members as provided in this subsection  
22 (1).

23 (i) The president of the senate must appoint four members from  
24 each of the two largest caucuses of the senate.

25 (ii) The speaker of the house of representatives must appoint  
26 four members from each of the two largest caucuses of the house of  
27 representatives.

28 (iii) The governor must appoint one member from the association  
29 of Washington tribes.

30 (b) Executive offices and agencies, including the department of  
31 fish and wildlife, the department of natural resources, and the  
32 governor's office of Indian affairs, must cooperate with the  
33 committee and provide information as the cochairs may reasonably  
34 request.

35 (c) The committee has two cochairs, one of whom is the member  
36 from the association of Washington tribes. The committee must choose  
37 its other cochair from among its legislative membership.

38 (2) The committee must serve as a forum for effective government-  
39 to-government communications and seek to foster resolution of issues

1 of mutual concern between the tribes and the state. The committee  
2 must consider the needs and concerns of tribal groups and  
3 organizations in Washington, as well as the needs and concerns of all  
4 American Indians in Washington.

5 (3) The cochairs must schedule two meetings per year. One meeting  
6 must be scheduled to correspond with the governor's centennial accord  
7 meeting, and one meeting must be scheduled in collaboration with the  
8 association of Washington tribes. Committee meetings must be  
9 scheduled and conducted in accordance with the requirements of both  
10 the senate and the house of representatives. By December 15th of each  
11 year, and in compliance with RCW 43.01.036, the cochairs must develop  
12 and submit an annual report of committee activities, findings, and  
13 recommendations to the governor and the legislature.

14 (4) Staff support for the committee is provided by senate  
15 committee services and the house of representatives' office of  
16 program research.

17 (5) Legislative members of the committee are reimbursed for  
18 travel expenses in accordance with RCW 44.04.120.

19 (6) The expenses of the committee must be paid jointly by the  
20 senate and the house of representatives. Committee expenditures are  
21 subject to approval by the senate facilities and operations committee  
22 and the house of representatives executive rules committee, or their  
23 successor committees.

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

27 **Sec. 3.** RCW 1.16.050 and 2019 c 224 s 2 and 2019 c 10 s 1 are  
28 each reenacted and amended to read as follows:

29 (1) The following are state legal holidays:

30 (a) Sunday;

31 (b) The first day of January, commonly called New Year's Day;

32 (c) The third Monday of January, celebrated as the anniversary of  
33 the birth of Martin Luther King, Jr.;

34 (d) The third Monday of February, to be known as Presidents' Day  
35 and celebrated as the anniversary of the births of Abraham Lincoln  
36 and George Washington;

37 (e) The last Monday of May, commonly known as Memorial Day;

38 (f) The fourth day of July, the anniversary of the Declaration of  
39 Independence;

1 (g) The first Monday in September, to be known as Labor Day;

2 (h) The eleventh day of November, to be known as Veterans' Day;

3 (i) The fourth Thursday in November, to be known as Thanksgiving  
4 Day;

5 (j) The Friday immediately following the fourth Thursday in  
6 November, to be known as Native American Heritage Day; and

7 (k) The twenty-fifth day of December, commonly called Christmas  
8 Day.

9 (2) Employees of the state and its political subdivisions, except  
10 employees of school districts and except those nonclassified  
11 employees of institutions of higher education who hold appointments  
12 or are employed under contracts to perform services for periods of  
13 less than twelve consecutive months, are entitled to one paid holiday  
14 per calendar year in addition to those specified in this section.  
15 Each employee of the state or its political subdivisions may select  
16 the day on which the employee desires to take the additional holiday  
17 provided for in this section after consultation with the employer  
18 pursuant to guidelines to be promulgated by rule of the appropriate  
19 personnel authority, or in the case of local government by ordinance  
20 or resolution of the legislative authority.

21 (3) Employees of the state and its political subdivisions,  
22 including employees of school districts and those nonclassified  
23 employees of institutions of higher education who hold appointments  
24 or are employed under contracts to perform services for periods of  
25 less than twelve consecutive months, are entitled to two unpaid  
26 holidays per calendar year for a reason of faith or conscience or an  
27 organized activity conducted under the auspices of a religious  
28 denomination, church, or religious organization. This includes  
29 employees of public institutions of higher education, including  
30 community colleges, technical colleges, and workforce training  
31 programs. The employee may select the days on which the employee  
32 desires to take the two unpaid holidays after consultation with the  
33 employer pursuant to guidelines to be promulgated by rule of the  
34 appropriate personnel authority, or in the case of local government  
35 by ordinance or resolution of the legislative authority. If an  
36 employee prefers to take the two unpaid holidays on specific days for  
37 a reason of faith or conscience, or an organized activity conducted  
38 under the auspices of a religious denomination, church, or religious  
39 organization, the employer must allow the employee to do so unless  
40 the employee's absence would impose an undue hardship on the employer

1 or the employee is necessary to maintain public safety. Undue  
2 hardship shall have the meaning established in rule by the office of  
3 financial management under RCW 43.41.109.

4 (4) If any of the state legal holidays specified in this section  
5 are also federal legal holidays but observed on different dates, only  
6 the state legal holidays are recognized as a paid legal holiday for  
7 employees of the state and its political subdivisions. However, for  
8 port districts and the law enforcement and public transit employees  
9 of municipal corporations, either the federal or the state legal  
10 holiday is recognized as a paid legal holiday, but in no case may  
11 both holidays be recognized as a paid legal holiday for employees.

12 (5) Whenever any state legal holiday:

13 (a) Other than Sunday, falls upon a Sunday, the following Monday  
14 is the legal holiday; or

15 (b) Falls upon a Saturday, the preceding Friday is the legal  
16 holiday.

17 (6) Nothing in this section may be construed to have the effect  
18 of adding or deleting the number of paid holidays provided for in an  
19 agreement between employees and employers of political subdivisions  
20 of the state or as established by ordinance or resolution of the  
21 local government legislative authority.

22 (7) The legislature declares that the following days are  
23 recognized as provided in this subsection, but may not be considered  
24 legal holidays for any purpose:

25 (a) The thirteenth day of January, recognized as Korean-American  
26 day;

27 (b) The twelfth day of October, recognized as Columbus day;

28 (c) The ninth day of April, recognized as former prisoner of war  
29 recognition day;

30 (d) The twenty-sixth day of January, recognized as Washington  
31 army and air national guard day;

32 (e) The seventh day of August, recognized as purple heart  
33 recipient recognition day;

34 (f) The second Sunday in October, recognized as Washington state  
35 children's day;

36 (g) The sixteenth day of April, recognized as Mother Joseph day;

37 (h) The fourth day of September, recognized as Marcus Whitman  
38 day;

39 (i) The seventh day of December, recognized as Pearl Harbor  
40 remembrance day;

- 1 (j) The twenty-seventh day of July, recognized as national Korean  
2 war veterans armistice day;
- 3 (k) The nineteenth day of February, recognized as civil liberties  
4 day of remembrance;
- 5 (l) The nineteenth day of June, recognized as Juneteenth, a day  
6 of remembrance for the day the slaves learned of their freedom;
- 7 (m) The thirtieth day of March, recognized as welcome home  
8 Vietnam veterans day;
- 9 (n) The eleventh day of January, recognized as human trafficking  
10 awareness day;
- 11 (o) The thirty-first day of March, recognized as Cesar Chavez  
12 day;
- 13 (p) The tenth day of April, recognized as Dolores Huerta day;  
14 ((and))
- 15 (q) The fourth Saturday of September, recognized as public lands  
16 day; and
- 17 (r) The third Monday of November, recognized as Washington state  
18 tribes and treaties day, a day to honor the five Washington treaties  
19 and all nontreaty tribes.

20 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act constitute a  
21 new chapter in Title 44 RCW.

22 NEW SECTION. **Sec. 5.** Sections 1 and 2 of this act expire July  
23 1, 2028.

24 NEW SECTION. **Sec. 6.** If specific funding for the purposes of  
25 this act, referencing this act by bill or chapter number, is not  
26 provided by June 30, 2020, in the omnibus appropriations act, this  
27 act is null and void.

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