
SUBSTITUTE HOUSE BILL 1273

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Fuhrman, Blanton, Elliot and McMorris)

Read first time 02/09/95.

1 AN ACT Relating to refunding motor vehicle fuel and special fuel
2 taxes to Indian tribes; adding new sections to chapter 82.36 RCW;
3 adding new sections to chapter 82.38 RCW; creating a new section; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that certain
7 Indian tribes located on reservations within this state dispute the
8 authority of the state to impose a tax upon the tribe, or upon tribal
9 members, based upon the distribution, sale, or other transfer of motor
10 vehicle and other fuels to the tribe or its members when that
11 distribution, sale, or other transfer takes place upon that tribe's
12 reservation. While the legislature believes it has the authority to
13 impose state motor vehicle and other fuel taxes under such
14 circumstances, it also recognizes that all of the state citizens may
15 benefit from resolution of these disputes between the respective
16 governments.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.36 RCW
18 to read as follows:

1 The department of licensing may enter into an agreement with any
2 federally recognized Indian tribe located on a reservation within this
3 state regarding the imposition, collection, and use of this state's
4 motor vehicle fuel tax, or the budgeting or use of moneys in lieu
5 thereof, upon terms substantially the same as those in the consent
6 decree entered by the federal district court (Eastern District of
7 Washington) in either of the following cases: (1) *Teo, et al. v.*
8 *Steffensen, et al.*, District Court No. *CY93-3050*; or (2) *Confederated*
9 *Tribes of the Colville Reservation v. DOL, et al.*, District Court No.
10 *CY-92-248-JLO*.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.36 RCW
12 to read as follows:

13 It is an unfair method of competition for a tribe, a tribal
14 business, or a tribal member to sell motor vehicle fuel or special fuel
15 to any nontribal member at a price below the purchase price of that
16 fuel plus all applicable federal and state taxes.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.38 RCW
18 to read as follows:

19 The department of licensing may enter into an agreement with any
20 federally recognized Indian tribe located on a reservation within this
21 state regarding the imposition, collection, and use of this state's
22 special fuel tax, or the budgeting or use of moneys in lieu thereof,
23 upon terms substantially the same as those in the consent decree
24 entered by the federal district court (Eastern District of Washington)
25 in either of the following cases: (1) *Teo, et al. v. Steffensen, et*
26 *al.*, District Court No. *CY93-3050*; or (2) *Confederated Tribes of the*
27 *Colville Reservation v. DOL, et al.*, District Court No. *CY-92-248-JLO*.

28 NEW SECTION. **Sec. 5.** A new section is added to chapter 82.38 RCW
29 to read as follows:

30 It is an unfair method of competition for a tribe, a tribal
31 business, or a tribal member to sell motor vehicle fuel or special fuel
32 to any nontribal member at a price below the purchase price of that
33 fuel plus all applicable federal and state taxes.

34 NEW SECTION. **Sec. 6.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and shall take
6 effect immediately.

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