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HOUSE BILL 1063

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Morris, Lytton, Fitzgibbon, Appleton, and Sawyer

Prefiled 01/05/17. Read first time 01/09/17. Referred to Committee on Community Development, Housing & Tribal Affairs.

1 AN ACT Relating to allowing federally recognized tribes with  
2 lands held in trust in a county that is west of the Cascade mountain  
3 range that borders Puget Sound with a population of at least one  
4 hundred eighteen thousand, but less than two hundred fifty thousand,  
5 persons to enter into agreements regarding fuel taxes; amending RCW  
6 82.38.310; providing an effective date; and declaring an emergency.

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

8 **Sec. 1.** RCW 82.38.310 and 2013 c 225 s 130 are each amended to  
9 read as follows:

10 (1) The governor may enter into an agreement with any federally  
11 recognized Indian tribe that (a) is located on a reservation within  
12 this state or (b) has lands held in trust by the United States  
13 government in a county that is west of the Cascade mountain range  
14 that borders Puget Sound with a population of at least one hundred  
15 eighteen thousand persons, but less than two hundred fifty thousand  
16 persons, regarding fuel taxes included in the price of fuel delivered  
17 to a retail station wholly owned and operated by a tribe, tribal  
18 enterprise, or tribal member licensed by the tribe to operate a  
19 retail station located on reservation or trust property. The  
20 agreement may provide mutually agreeable means to address any tribal  
21 immunities or any preemption of the fuel tax.

1 (2) The provisions of this section do not repeal existing state/  
2 tribal fuel tax agreements or consent decrees in existence on May 15,  
3 2007. The state and the tribe may agree to substitute an agreement  
4 negotiated under this section for an existing agreement or consent  
5 decree, or to enter into an agreement using a methodology similar to  
6 the state/tribal fuel tax agreements in effect on May 15, 2007.

7 (3) If a new agreement is negotiated, the agreement must:

8 (a) Require that the tribe or the tribal retailer acquire all  
9 fuel only from persons or companies operating lawfully in accordance  
10 with this chapter as a fuel distributor, supplier, or blender, or  
11 from a tribal distributor, supplier, or blender lawfully doing  
12 business according to all applicable laws;

13 (b) Provide that the tribe will expend fuel tax proceeds or  
14 equivalent amounts on: Planning, construction, and maintenance of  
15 roads, bridges, and boat ramps; transit services and facilities;  
16 transportation planning; police services; and other highway-related  
17 purposes;

18 (c) Include provisions for audits or other means of ensuring  
19 compliance to certify the number of gallons of fuel purchased by the  
20 tribe for resale at tribal retail stations, and the use of fuel tax  
21 proceeds or their equivalent for the purposes identified in (b) of  
22 this subsection. Compliance reports must be delivered to the director  
23 of the department of licensing.

24 (4) Information from the tribe or tribal retailers received by  
25 the state or open to state review under the terms of an agreement are  
26 deemed personal information under RCW 42.56.230 (4)(b) and are exempt  
27 from public inspection and copying.

28 (5) The governor may delegate the power to negotiate fuel tax  
29 agreements to the department of licensing.

30 (6) The department of licensing must prepare and submit an annual  
31 report to the legislature on the status of existing agreements and  
32 any ongoing negotiations with tribes.

33 NEW SECTION. **Sec. 2.** If any provision of this act or its  
34 application to any person or circumstance is held invalid, the  
35 remainder of the act or the application of the provision to other  
36 persons or circumstances is not affected.

37 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
38 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes  
2 effect July 1, 2017.

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