
SECOND SUBSTITUTE HOUSE BILL 1063

State of Washington 65th Legislature 2018 Regular Session

By House Transportation (originally sponsored by Representatives Morris, Lytton, Fitzgibbon, Appleton, and Sawyer)

READ FIRST TIME 02/06/18.

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; and amending
6 RCW 82.38.310.

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:

12 (a) That is located on a reservation within this state regarding
13 fuel taxes included in the price of fuel delivered to a retail
14 station wholly owned and operated by a tribe, tribal enterprise, or
15 tribal member licensed by the tribe to operate a retail station
16 located on reservation or trust property; or

17 (b) That has lands held in trust by the United States government
18 in a county that is west of the Cascade mountain range that borders
19 Puget Sound with a population of at least one hundred eighteen
20 thousand persons, but less than two hundred fifty thousand persons,
21 regarding fuel taxes included in the price of fuel delivered to a

1 retail station wholly owned and operated by a tribe, tribal
2 enterprise, or tribal member licensed by the tribe to operate a
3 retail station, located on property held in trust on the effective
4 date of this act. (~~The agreement may provide mutually agreeable~~
5 ~~means to address any tribal immunities or any preemption of the fuel~~
6 ~~tax.~~)

7 (2) The agreement may provide mutually agreeable means to address
8 any tribal immunities or any preemption of the fuel tax. The
9 provisions of this section do not repeal existing state/tribal fuel
10 tax agreements or consent decrees in existence on May 15, 2007. The
11 state and the tribe may agree to substitute an agreement negotiated
12 under this section for an existing agreement or consent decree, or to
13 enter into an agreement using a methodology similar to the state/
14 tribal fuel tax agreements in effect on May 15, 2007.

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

16 (a) Require that the tribe or the tribal retailer acquire all
17 fuel only from persons or companies operating lawfully in accordance
18 with this chapter as a fuel distributor, supplier, or blender, or
19 from a tribal distributor, supplier, or blender lawfully doing
20 business according to all applicable laws;

21 (b) Provide that the tribe will expend fuel tax proceeds or
22 equivalent amounts on: Planning, construction, and maintenance of
23 roads, bridges, and boat ramps; transit services and facilities;
24 transportation planning; police services; and other highway-related
25 purposes;

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

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

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

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

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

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