

HB 1063 - S COMM AMD

By Committee on Transportation

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 82.38.310 and 2013 c 225 s 130 are each amended to
4 read as follows:

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

20 (2) The provisions of this section do not repeal existing state/
21 tribal fuel tax agreements or consent decrees in existence on May 15,
22 2007. The state and the tribe may agree to substitute an agreement
23 negotiated under this section for an existing agreement or consent
24 decree, or to enter into an agreement using a methodology similar to
25 the state/tribal fuel tax agreements in effect on May 15, 2007.

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

27 (a) Require that the tribe or the tribal retailer acquire all
28 fuel only from persons or companies operating lawfully in accordance
29 with this chapter as a fuel distributor, supplier, or blender, or
30 from a tribal distributor, supplier, or blender lawfully doing
31 business according to all applicable laws;

1 (b) Provide that the tribe will expend fuel tax proceeds or
2 equivalent amounts on: Planning, construction, and maintenance of
3 roads, bridges, and boat ramps; transit services and facilities;
4 transportation planning; police services; and other highway-related
5 purposes;

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

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

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

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

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

25 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of
27 the state government and its existing public institutions, and takes
28 effect July 1, 2017."

HB 1063 - S COMM AMD
By Committee on Transportation

29 On page 1, line 5 of the title, after "taxes;" strike the
30 remainder of the title and insert "amending RCW 82.38.310; providing
31 an effective date; and declaring an emergency."

EFFECT: Provides that the county's population is calculated as of the time the agreement is signed and authorizes DOL to renew an agreement so long as the Tribe met the criteria as of the date the first agreement was signed.

--- END ---