

# HOUSE BILL REPORT

## HB 2491

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### As Passed Legislature

**Title:** An act relating to authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration.

**Brief Description:** Authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration.

**Sponsors:** Representatives Ramos, Barkis, Leavitt, Valdez, Callan and Lekanoff; by request of Department of Licensing.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/6/20, 2/10/20 [DP].

##### **Floor Activity:**

Passed House: 2/16/20, 94-2.

Passed Senate: 3/6/20, 47-1.

Passed Legislature.

#### **Brief Summary of Bill**

- Allows the Governor to enter into compacts with federally recognized tribes in Washington for licensing and registering tribal government and tribal member-owned vehicles and providing tribal license plates issued by the Department of Licensing.
- Specifies the provisions that each tribal compact must contain.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 25 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Slatter, 2nd Vice Chair; Valdez, 2nd Vice Chair; Barkis, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Young, Assistant Ranking Minority Member; Chambers, Chapman, Doglio, Duerr, Entenman, Eslick, Goehner, Gregerson, Kloba, Lovick, Mead, Ortiz-Self, Paul, Ramos, Riccelli, Shewmake, Van Werven and Volz.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 5 members: Representatives Boehnke, Dent, Irwin, McCaslin and Orcutt.

**Staff:** David Munnecke (786-7315).

**Background:**

There are exemptions from Washington vehicle registration requirements for federally recognized tribal government license plates, under certain conditions. Current law does not specifically address tribal license plates issued to an individual tribal member for the member's personal vehicle.

There are at least two tribes currently providing tribal-issued license plates to individual tribal members for the member's personal vehicle. In this situation, the Department of Licensing (DOL) is involved in providing a specific plate configuration recommendation. The particular tribe then works directly with Department of Corrections' Correctional Industries Program to design and produce these plates. The DOL does not currently collect any vehicle or owner information for these plates.

Under federal law, a state is generally preempted from imposing a tax on tribes or tribal members on tribal lands. As a result, there are currently several exemptions from vehicle-related taxes and fees. Some of these exemptions for tribal members residing on tribal lands include:

- sales and use taxes on vehicle purchases;
- transportation benefit district vehicle fees; and
- a motor vehicle excise tax imposed by a Regional Transit Authority.

**Summary of Bill:**

The Governor is given authority to enter into compacts with federally recognized Indian tribes principally located in Washington for licensing and registering tribal government and tribal member-owned vehicles, with tribal license plates issued by the DOL. The Governor may delegate the power to negotiate these compacts to the DOL.

Each compact entered into must contain the following provisions:

- allowing the design of a tribal license plate to be determined by the compacting tribe, except the design must be readable by toll collection facilities and configured in a manner allowing for electronic distribution through state and national law enforcement databases;
- requiring tribal license plate recipients to pay all applicable taxes, fees, and vehicle tolls, except the compacting tribe may pay these expenses on behalf of its enrolled members;
- limiting the eligibility for a tribal license plate to tribal governments and enrolled members of the compacting tribe who reside in the state;
- requiring information regarding a vehicle that has been issued a tribal license plate, including vehicle description and ownership information, be maintained in the DOL's recordkeeping systems;

- addressing the DOL's administrative costs for issuing tribal license plates and maintaining information regarding vehicles that have been issued tribal license plates; and
- dealing with information sharing between the DOL and the compacting tribe, the process for applying for and receiving tribal license plates, and dispute resolution.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill would involve no cost to the state, and no loss of revenue to the state. It would allow tribes to enter in to compacts, but not require them to do so.

This bill recognizes the sovereign authority of tribes by allowing them to enter into compacts for vehicle registration. This would be another step in the process of respecting relations between tribes and the state. It paves the way for tribes and the state to negotiate government to government on the issue, and allows tribal members to create culturally appropriate symbols. This allows for an expression of tribal pride with the costs covered by the tribe.

The state already recognizes plates from tribes in other states. There are currently tribal government plates, and this bill would allow member plates.

This bill continues the process of entering into compacts, and allows for an entirely voluntary government-to-government process.

The Spokane Tribe has individual tribal plates for use on the reservation. This bill would get such plates into both the DOL and law enforcement systems.

(Opposed) None.

**Persons Testifying:** Representative Ramos, prime sponsor; Marvin Kheel and Michael Moran, Confederated Tribes of the Colville Reservation; Donny Stevenson, Muckleshoot Indian Tribe; Beau Perschbacher, Department of Licensing; and Michael Temple, Spokane Tribe of Indians.

**Persons Signed In To Testify But Not Testifying:** None.