

HOUSE BILL REPORT

SHB 1496

As Amended by the Senate

Title: An act relating to enrollment cards issued by federally recognized Indian tribes.

Brief Description: Authorizing the use of enrollment cards issued by federally recognized Indian tribes.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Simpson, Roach, P. Sullivan, Quall, McDermott, Santos, Appleton, McCoy, Hunt, Kenney, Kagi and Blake).

Brief History:

Committee Activity:

Judiciary: 2/11/05 [DPS].

Floor Activity:

Passed House: 3/8/05, 98-0.

Senate Amended.

Passed Senate: 4/13/05, 48-0.

Brief Summary of Substitute Bill

- Allows a person who does not have a Washington state driver's license or social security number to provide an enrollment card from a federally recognized Indian tribe in Washington when registering to vote.
- Adds enrollment cards from federally recognized Indian tribes in Washington to the list of documents that a person can use to buy liquor and tobacco.
- Requires the Liquor Control Board to adopt rules requiring security features on all forms of identification used to buy liquor and tobacco.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Documentation for registering to vote

The federal Help America Vote Act of 2002 (HAVA) required changes to state elections administration and provides federal funds for such purposes. The HAVA requires first-time voters who register by mail to either submit with the registration form, or present at the poll, a valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document showing the name and address of the voter. The voter registration form from the Secretary of State's Office reflects these new federal requirements.

Documentation for purchasing liquor and tobacco

To verify age, a purchaser of liquor or tobacco may present any one of the following documents that shows the purchaser's age and bears the purchaser's signature and photograph:

- liquor control authority card from a state or Canada;
- driver's license, instruction permit, or identification card from a state or Canada;
- Washington state "identocard" from the Department of Licensing;
- U.S. military identification;
- passport; or
- U.S. merchant marine identification card.

Enrollment cards from federally recognized tribes

There are 29 federally recognized tribes in Washington. There are also non-federally recognized tribes in the state. Each tribe determines its own membership criteria, using a variety of methods such as blood quantum requirements. Each tribe may issue enrollment cards to its members. There are no federal standards for tribal enrollment cards.

The Department of Licensing accepts enrollment cards from federally recognized tribes as a form of secondary documentation establishing a person's identity when applying for a driver's license.

Summary of Substitute Bill:

When registering to vote, a person who does not have a Washington state driver's license or social security number may provide an enrollment card issued by the governing authority of a federally recognized Indian tribe in Washington.

To verify a purchaser's age, a tobacco or liquor retailer may accept enrollment cards from federally recognized tribes in Washington that show the person's age, signature, and photograph.

The Liquor Control Board shall adopt rules requiring security features on all the forms of identification used to purchase liquor and tobacco.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment removed the voter registration provision.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed except for Section 1, relating to registering to vote, which takes effect January 1, 2006.

Testimony For: (In support of substitute bill) There are many reasons why a tribal member may not have a driver's license. The government of a federally recognized tribe issues the enrollment card, and they look just like a driver's license. They contain a photograph, signature, and date of birth. They also have security measures similar to those on a driver's license. Currently, a tribal card from Canada could be recognized in Washington, but a card from a tribe in Washington would not be recognized. Tribal cards today are also used to show the holder's hunting and fishing rights.

(In support with concerns on substitute bill) The Secretary of State is already accepting tribal cards as a secondary form of ID and plans to enact rules to list all the secondary forms of ID that are acceptable. If just tribal cards were in statute and the rest of the secondary forms of ID were listed in rules, it may cause confusion.

(Neutral with concerns on original bill) The Liquor Control Board should have rulemaking authority. The statute just requires that there be a signature, photo, and date of birth, but drivers licenses now have more security features.

Testimony Against: None.

Persons Testifying: (In support of substitute bill) Rick Jensen and Leo LeClair, Muckleshoot Tribe.

(In support with concerns on substitute bill) Katie Blinn, Office of the Secretary of State.

(Neutral with concerns on original bill) Rick Garza, Washington State Liquor Control Board.

Persons Signed In To Testify But Not Testifying: None.