

**RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

**(Supporting Arizona House of Representatives Bill Establishing
Special License Plates for the White Mountain Apache Tribe)**

- WHEREAS,** pursuant to Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the Arizona Revised Statutes, Title 28, Chapter 7, authorizes the Arizona Department of Transportation (ADOT) to issue special automotive license plates; and
- WHEREAS,** special tribal license plates would express the dignity of the White Mountain Apache Tribe as a separate and distinct sovereign nation; and
- WHEREAS,** the Tribe's Transportation Committee does support the creation of a special tribal license plate for the Tribe; and
- WHEREAS,** the Legal Department together with the Legislative Counsel for the Arizona Legislature and the Tribe's lobbyist did draft a proposed bill, as attached and incorporated by this reference, that amends Title 28, Chapter 7, Article 12 of the Arizona Revised Statutes by adding Section 28-2425, relating to and providing specific authority for special automotive license plates for the Tribe; and
- WHEREAS,** the cost of the plates is set by statute at \$32,000.00, which would be due to ADOT no later than December 31, 2006; and
- WHEREAS,** \$8.00 from each license plate sold by ADOT will be transmitted from the State Highway Fund to the White Mountain Apache Tribe Transportation Board, who shall use the monies collected only for traffic control devices on highways on the Fort Apache Indian Reservation that are not state highways; and
- WHEREAS,** both of the Tribe's Transportation and Budget and Finance Committees support the proposed bill; and
- WHEREAS,** after careful review and consideration, the Tribal Council finds the proposed bill in the best interests of the Tribe.

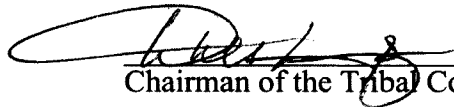
BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that:

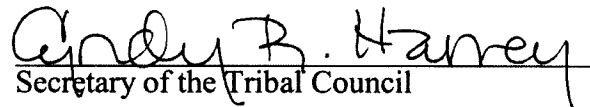
1. The Arizona House of Representatives bill, sponsored by Bill Konopnicki, as attached and incorporated by this reference is hereby supported as within the best interests of the White Mountain Apache Tribe.

Resolution No. 01-2006-26

2. The Controller and Budget and Finance Committee are hereby directed to set aside \$32,000.00 in the budget for expenditure to the Arizona Department of Transportation for the purposes of setting up a special license plate.
3. The Chairman, or in his absence the Vice-Chairman, and their designees are hereby authorized to lobby for the bill on behalf of the Tribe and execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on JANUARY 25, 2006 duly adopted by a vote of SEVEN for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (i), (k), (s), (t), and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).


Chairman of the Tribal Council


Secretary of the Tribal Council

REFERENCE TITLE: White Mountain Apache tribe plates

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2727

Introduced by
Representatives Konopnicki, Brown: Senator Flake

AN ACT

AMENDING SECTIONS 28-2351, 28-2403, 28-2405, 28-6501, 28-6991 AND 28-6993, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-2425; RELATING TO SPECIAL PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for
6 each vehicle registered. At the request of the owner and on payment of any
7 required fee, the department shall provide either one or two license plates
8 for a vehicle for which a special plate is requested pursuant to this
9 chapter, except that the department shall provide one license plate if the
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle
12 and to the owner of the vehicle and the name of this state, which may be
13 abbreviated. The director shall coat the license plate with a reflective
14 material that is consistent with the determination of the license plate
15 commission established by section 28-2405 regarding the color and design of
16 license plates and special plates as prescribed by section 28-2405. The
17 director shall design the license plate and the letters and numerals on the
18 license plate to be of sufficient size to be plainly readable during daylight
19 from a distance of one hundred feet. In addition to the standard license
20 plate issued for a trailer before ~~the effective date of this amendment to~~
21 ~~this section~~ AUGUST 12, 2005, the director shall issue a license plate for
22 trailers that has a design that is similar to the standard size license plate
23 for trailers but that is the same size as the license plate for motorcycles.
24 The trailer owner shall notify the department which size license plate the
25 owner wants for the trailer.

26 C. Notwithstanding any other law, the department shall not contract
27 with a nongovernmental entity to purchase or secure reflective material for
28 the plates issued by the department unless the department has made a
29 reasonable effort to secure qualified bids or proposals from as many
30 individual responsible respondents as possible.

31 D. The license plate commission established by section 28-2405 shall
32 determine the color and design of the license plate. All other plates issued
33 by the department, except the plates issued pursuant to sections 28-2412,
34 28-2413, 28-2414, 28-2416 through ~~28-2424~~ 28-2425, 28-2452, 28-2453, 28-2454
35 and 28-2455 and article 14 of this chapter, shall be the same color as and
36 similar in design to the license plate as determined by the commission.

37 E. A passenger motor vehicle rented without a driver shall receive the
38 same type of license plate as issued for a private passenger motor vehicle.

39 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:
40 28-2403. Special plates; transfers; violation; classification

41 A. Except as otherwise provided in this article, the department shall
42 issue or renew special plates in lieu of the regular license plates pursuant
43 to the following conditions and procedures and only if the requirements
44 prescribed by this article for the requested special plates are met:

1 1. Except as provided in section 28-2416, a person who is the
2 registered owner of a vehicle registered with the department or who applies
3 for an original or renewal registration of a vehicle may submit to the
4 department a completed application form as prescribed by the department with
5 the fee prescribed by section 28-2402 for special plates in addition to the
6 registration fee prescribed by section 28-2003.

7 2. Except for plates issued pursuant to sections 28-2412, 28-2413,
8 28-2414, 28-2416 through ~~28-2424~~ 28-2425, 28-2452, 28-2453, 28-2454 and
9 28-2455 and article 14 of this chapter, the special plates shall be the same
10 color as and similar to the design of the regular license plates that is
11 determined by the license plate commission pursuant to section 28-2351.

12 3. Except as provided in section 28-2416, the department shall issue
13 special plates only to the owner or lessee of a vehicle that is currently
14 registered, including any vehicle that has a declared gross weight, as
15 defined in section 28-5431, of twenty-six thousand pounds or less.

16 4. Except as provided in section 28-2416, the department shall charge
17 the fee prescribed by section 28-2402 for each annual renewal of special
18 plates in addition to the registration fee prescribed by section 28-2003.

19 B. Except as provided in section 28-2416, on notification to the
20 department and on payment of the transfer fee prescribed by section 28-2402,
21 a person who is issued special plates may transfer the special plates to
22 another vehicle the person owns or leases. Persons who are issued special
23 plates for hearing impaired persons pursuant to section 28-2408 and
24 international symbol of access special plates pursuant to section 28-2409 are
25 exempt from the transfer fee. If a person who is issued special plates
26 sells, trades or otherwise releases ownership of the vehicle on which the
27 plates have been displayed, the person shall immediately report the transfer
28 of the plates to the department or the person shall surrender the plates to
29 the department as prescribed by the director. It is unlawful for a person to
30 whom the plates have been issued to knowingly permit them to be displayed on
31 a vehicle except the vehicle authorized by the department.

32 C. The special plates shall be affixed to the vehicle for which
33 registration is sought in lieu of the regular license plates.

34 D. A person is guilty of a class 3 misdemeanor who:

35 1. Violates subsection B of this section.

36 2. Fraudulently gives false or fictitious information in the
37 application for or renewal of special plates or placards issued pursuant to
38 this article.

39 3. Conceals a material fact or otherwise commits fraud in the
40 application for or renewal of special plates or placards issued pursuant to
41 this article.

42 Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read:

43 28-2405. License plate commission

44 A. A license plate commission is established. The commission is
45 composed of the following members:

1 1. Two public members who are appointed by the director of the
2 department of transportation.
3 2. A person who is appointed by the governor from the governor's
4 office of highway safety and who serves at the pleasure of the governor.
5 3. The director of the department of public safety or the director's
6 designee.
7 4. The director of the department of transportation or the director's
8 designee.
9 5. The director of the office of tourism or the director's designee.
10 6. The director of the state department of corrections or the
11 director's designee.
12 B. The director of the department of transportation or the director's
13 designee shall serve as chairman of the commission. The chairman shall
14 preside at commission meetings and coordinate the activities of the
15 commission and staff implementation of commission actions.
16 C. All official actions of the commission shall be decided by a
17 majority vote of commission members.
18 D. The commission shall determine the following:
19 1. The color and design of license plates.
20 2. The color of special plates to be the same as and the design of
21 special plates to be similar to the license plates, except for special plates
22 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through
23 ~~28-2424~~ 28-2425, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this
24 chapter.
25 3. Whether to authorize special organization plates pursuant to
26 section 28-2404.
27 4. The indicia for special organization plates issued pursuant to
28 section 28-2404.
29 E. The department shall provide the commission with staff and
30 technical assistance as necessary to perform its functions.
31 F. Commission members are not eligible to receive compensation, but
32 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of
33 this section are eligible for reimbursement of expenses pursuant to title 38,
34 chapter 4, article 2.
35 Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is
36 amended by adding section 28-2425, to read:
37 28-2425. White Mountain Apache tribe special plates
38 A. IF, BY DECEMBER 31, 2006, THE WHITE MOUNTAIN APACHE TRIBE PAYS
39 THIRTY-TWO THOUSAND DOLLARS TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS
40 SECTION, THE DEPARTMENT SHALL ISSUE WHITE MOUNTAIN APACHE TRIBE SPECIAL
41 PLATES. THE COLOR AND DESIGN OF THE WHITE MOUNTAIN APACHE TRIBE SPECIAL
42 PLATES SHALL BE DIFFERENT FROM THE COLOR AND DESIGN OF REGULAR LICENSE PLATES
43 DETERMINED BY THE LICENSE PLATE COMMISSION PURSUANT TO SECTION 28-2351 AND
44 SHALL BE REPRESENTATIVE OF THE WHITE MOUNTAIN APACHE TRIBE. THE DIRECTOR MAY
45 ALLOW A REQUEST FOR WHITE MOUNTAIN APACHE TRIBE SPECIAL PLATES TO BE COMBINED

1 WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH
2 A COMBINATION, THE REQUEST SHALL BE IN A FORM PRESCRIBED BY THE DIRECTOR AND
3 IS SUBJECT TO THE FEES FOR THE PERSONALIZED SPECIAL PLATES IN ADDITION TO THE
4 FEES REQUIRED FOR WHITE MOUNTAIN APACHE TRIBE SPECIAL PLATES.

5 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE
6 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A
7 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

8 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND
9 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND
10 ESTABLISHED BY SECTION 28-6991 AND SHALL TRANSMIT ALL DONATIONS COLLECTED
11 PURSUANT TO THIS SECTION TO THE WHITE MOUNTAIN APACHE TRIBE TRANSPORTATION
12 BOARD. THE WHITE MOUNTAIN APACHE TRIBE TRANSPORTATION BOARD SHALL USE THESE
13 MONIES ONLY FOR TRAFFIC CONTROL DEVICES THAT CONFORM TO THE MANUAL AND
14 SPECIFICATIONS PRESCRIBED IN SECTION 28-641 ON HIGHWAYS ON THE WHITE MOUNTAIN
15 APACHE TRIBE RESERVATION THAT ARE LOCATED IN THIS STATE AND THAT ARE NOT
16 STATE HIGHWAYS.

17 Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:
18 28-6501. Definition of highway user revenues

19 In this article, unless the context otherwise requires or except as
20 otherwise provided by statute, "highway user revenues" means all monies
21 received in this state from licenses, taxes, penalties, interest and fees
22 authorized by the following:

23 1. Chapters 2, 7, 8 and 15 of this title, except for:

24 (a) The special plate administration fees prescribed in sections
25 28-2404, 28-2412 through ~~28-2424~~ 28-2425 and 28-2514.

26 (b) The donations prescribed in sections 28-2404, 28-2412 through
27 28-2415, 28-2417 through ~~28-2424~~ 28-2425, 28-2453, 28-2454 and 28-2455.

28 2. Chapters 10 and 11 of this title.

29 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided
30 in sections 28-5926 and 28-5927.

31 Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:
32 28-6991. State highway fund: sources

33 A state highway fund is established that consists of:

34 1. Monies distributed from the Arizona highway user revenue fund
35 pursuant to chapter 18 of this title.

36 2. Monies appropriated by the legislature.

37 3. Monies received from donations for the construction, improvement or
38 maintenance of state highways or bridges. These monies shall be credited to
39 a special account and shall be spent only for the purpose indicated by the
40 donor.

41 4. Monies received from counties under cooperative agreements,
42 including proceeds from bond issues. The state treasurer shall deposit these
43 monies to the credit of the fund in a special account on delivery to the
44 treasurer of a concise written agreement between the department and the

1 county stating the purposes for which the monies are surrendered by the
2 county, and these monies shall be spent only as stated in the agreement.

3 5. Monies received from the United States under an act of Congress to
4 provide aid for the construction of rural post roads, but monies received on
5 projects for which the monies necessary to be provided by this state are
6 wholly derived from sources mentioned in paragraphs 2 and 3 of this section
7 shall be allotted by the department and deposited by the state treasurer in
8 the special account within the fund established for each project. On
9 completion of the project, on the satisfaction and discharge in full of all
10 obligations of any kind created and on request of the department, the
11 treasurer shall transfer the unexpended balance in the special account for
12 the project into the state highway fund, and the unexpended balance and any
13 further federal aid thereafter received on account of the project may be
14 spent under the general provisions of this title.

15 6. Monies in the custody of an officer or agent of this state from any
16 source that is to be used for the construction, improvement or maintenance of
17 state highways or bridges.

18 7. Monies deposited in the state general fund and arising from the
19 disposal of state personal property belonging to the department.

20 8. Receipts from the sale or disposal of any or all other property
21 held by the department and purchased with state highway monies.

22 9. Monies generated pursuant to section 28-410.

23 10. Monies distributed pursuant to section 28-5808, subsection B,
24 paragraph 2, subdivision (d).

25 11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.

26 12. Except as provided in section 28-5101, the following monies:

27 (a) Monies deposited pursuant to section 28-2206 and section 28-5808,
28 subsection B, paragraph 2, subdivision (e).

29 (b) One dollar of each registration fee and one dollar of each title
30 fee collected pursuant to section 28-2003.

31 (c) Two dollars of each late registration penalty collected by the
32 director pursuant to section 28-2162.

33 (d) The air quality compliance fee collected pursuant to section
34 49-542.

35 (e) The special plate administration fees collected pursuant to
36 sections 28-2404, 28-2412 through ~~28-2424~~ 28-2425 and 28-2514.

37 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156
38 if the director is the registering officer.

39 13. Monies deposited pursuant to chapter 5, article 5 of this title.

40 14. Donations received pursuant to section 28-2269.

41 15. Dealer and registration monies collected pursuant to section
42 28-4304.

43 16. Abandoned vehicle administration monies deposited pursuant to
44 section 28-4804.

1 17. Monies deposited pursuant to section 28-710, subsection D,
2 paragraph 2.

3 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:
4 28-6993. State highway fund; authorized uses

5 A. Except as provided in subsection B of this section and section
6 28-6538, the state highway fund shall be used for any of the following
7 purposes in strict conformity with and subject to the budget as provided by
8 this section and by sections 28-6997 through 28-7003:

9 1. To pay salaries, wages, necessary travel expenses and other
10 expenses of officers and employees of the department and the incidental
11 office expenses, including telegraph, telephone, postal and express charges
12 and printing, stationery and advertising expenses.

13 2. To pay for both:

14 (a) Equipment, supplies, machines, tools, department offices and
15 laboratories established by the department.

16 (b) The construction and repair of buildings or yards of the
17 department.

18 3. To pay the cost of both:

19 (a) Engineering, construction, improvement and maintenance of state
20 highways and parts of highways forming state routes.

21 (b) Highways under cooperative agreements with the United States that
22 are entered into pursuant to this chapter and an act of Congress providing
23 for the construction of rural post roads.

24 4. To pay land damages incurred by reason of establishing, opening,
25 altering, relocating, widening or abandoning portions of a state route or
26 state highway.

27 5. To reimburse the department revolving account.

28 6. To pay premiums on authorized indemnity bonds and on compensation
29 insurance under the workers' compensation act.

30 7. To defray lawful expenses and costs required to administer and
31 carry out the intent, purposes and provisions of this title, including
32 repayment of obligations entered into pursuant to this title, payment of
33 interest on obligations entered into pursuant to this title, repayment of
34 loans and other financial assistance, including repayment of advances and
35 interest on advances made to the department pursuant to section 28-7677, and
36 payment of all other obligations and expenses of the board and department
37 pursuant to chapter 21 of this title.

38 8. To pay lawful bills and charges incurred by the state engineer.

39 9. To acquire, construct or improve entry roads to state parks or
40 roads within state parks.

41 10. To acquire, construct or improve entry roads to state prisons.

42 11. To pay the cost of relocating a utility facility pursuant to
43 section 28-7156.

44 12. For the purposes provided in subsections C, D and E of this section
45 and sections 28-1143, 28-2353 and 28-3003.

1 B. For each fiscal year, the department of transportation shall
2 allocate and transfer monies in the state highway fund to the department of
3 public safety for funding a portion of highway patrol costs in eight
4 installments in each of the first eight months of a fiscal year that do not
5 exceed ten million dollars.

6 C. Subject to legislative appropriation, the department may use the
7 monies in the state highway fund as prescribed in section 28-6991, paragraph
8 12 to carry out the duties imposed by this title for registration or titling
9 of vehicles, to operate joint title, registration and driver licensing
10 offices, to cover the administrative costs of issuing the air quality
11 compliance sticker, modifying the year validating tab and issuing the
12 windshield sticker and to cover expenses and costs in issuing special plates
13 pursuant to sections 28-2404, 28-2412 through ~~28-2424~~ 28-2425 and 28-2514.

14 D. The department shall use monies deposited in the state highway fund
15 pursuant to chapter 5, article 5 of this title only as prescribed by that
16 article.

17 E. Monies deposited in the state highway fund pursuant to section
18 28-2269 shall be used only as prescribed by that section.

19 F. Monies deposited in the state highway fund pursuant to section
20 28-710, subsection D, paragraph 2 shall only be used for state highway work
21 zone traffic control devices.

22 G. The department may exchange monies distributed to the state highway
23 fund pursuant to section 28-6538, subsection A, paragraph 1 for local
24 government surface transportation program federal monies suballocated to
25 councils of government and metropolitan planning organizations if the local
26 government scheduled to receive the federal monies concurs. An exchange of
27 state highway fund monies pursuant to this subsection shall be in an amount
28 that is at least equal to ninety per cent of the federal obligation authority
29 that exists in the project for which the exchange is proposed.

**RESOLUTION OF THE
TRIBAL TRANSPORTATION COMMITTEE OF THE
WHITE MOUNTAIN APACHE TRIBE**

WHEREAS, the White Mountain Apache Tribal Council through Resolution #10-2004-248 has appointed members to the Tribal Transportation Committee to oversee the planning, maintenance and development of transportation systems on the Fort Apache Indian Reservation; and

WHEREAS, the Arizona Revised Statutes, Title 28, Chapter 7, authorizes the Arizona Department of Transportation (ADOT) to issue special automotive license plates; and

WHEREAS, special tribal license plates would express the dignity of the White Mountain Apache Tribe as a separate and distinct sovereign nation; and

WHEREAS, the Legal Department together with the Legislative Counsel for the Arizona Legislature and the Tribe's lobbyist did draft a proposed bill, as attached and incorporated by this reference, that amends Title 28, Chapter 7, Article 12 of the Arizona Revised Statutes by adding Section 28-2425, relating to and providing specific authority for special automotive license plates for the Tribe; and

WHEREAS, the cost of the plates is set by statute at \$32,000.00, which would be due to ADOT no later than December 31, 2006; and

WHEREAS, \$8.00 from each license plate sold by ADOT will be transmitted from the State Highway Fund to the White Mountain Apache Tribe Transportation Board, who shall use the monies collected only for traffic control devices on highways on the Fort Apache Indian Reservation that are not state highways; and

WHEREAS, the Tribe's Budget and Finance Committee supports the proposed bill; and

WHEREAS, after careful review and consideration, the Tribal Transportation Committee finds the proposed bill in the best interests of the Tribe.

NOW THEREFORE BE IT RESOLVED by the White Mountain Apache Tribal Transportation Committee that:

1. The Arizona House of Representatives bill, sponsored by Bill Konopnicki, as attached and incorporated by this reference is hereby supported as within the best interests of the White Mountain Apache Tribe.
2. The Controller and Budget and Finance Committee are hereby directed to set aside \$32,000.00 in the budget for expenditure to the Arizona

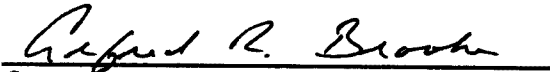
Department of Transportation for the purposes of setting up a special license plate.

3. The Chairman, or in his absence the Vice-Chairman, and their designees are hereby authorized to lobby for the bill on behalf of the Tribe and execute any and all documents necessary to effectuate the intent of this Resolution.

We, the majority of undersigned members of the Tribal Transportation Committee, do hereby resolve that the foregoing resolution was approved and duly adopted on January 25, 2006.



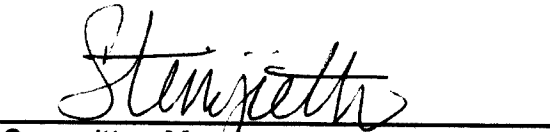
Margaret Baha-Walker
Chairman of the Tribal Council



Robert R. Brooks
Committee Member



Collette Caldwell
Committee Member



Steven Smith
Committee Member



Committee Member



Committee Member



Committee Member