

# SENATE BILL REPORT

## ESSB 5265

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As Passed Senate, February 26, 1997

**Title:** An act relating to approval of agreements between the state and Indian tribes.

**Brief Description:** Requiring that agreements between the state and Indian tribes be approved by the senate.

**Sponsors:** Senate Committee on Commerce & Labor (originally sponsored by Senators Schow, Wojahn, Horn, Stevens and Benton).

**Brief History:**

**Committee Activity:** Commerce & Labor: 1/30/97, 2/4/97 [DPS].  
Passed Senate, 2/26/97, 25-21.

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** That Substitute Senate Bill No. 5265 be substituted therefor, and the substitute bill do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Franklin, Heavey and Newhouse.

**Staff:** Traci Ratzliff (786-7452)

**Background:** In 1988, Congress enacted the Indian Gaming Regulatory Act (IGRA) to provide a comprehensive scheme to govern gambling on Indian reservations.

IGRA allows tribes to conduct class I and class II gaming without state approval as long as the state permits such gaming. Class III gaming may be operated on tribal lands only if the games are authorized by the governing body of the tribe; are approved by the chairman of the national Indian Gaming Commission; are located in a state that permits such gaming; and are conducted in conformance with a tribal-state compact entered into by the Indian tribe and the state. A tribe that desires to conduct class III gaming must request that the state negotiate a compact. The state must negotiate with the tribe in good faith.

In 1992, the Legislature authorized the Gambling Commission to negotiate tribal compacts on behalf of the state. Tentative compacts are forwarded to the Senate Commerce and Labor and the House Commerce and Labor Committees for public hearing and comment. Proposed compacts must be approved by the Gambling Commission and finally by the Governor.

**Summary of Bill:** The approval process for new or amended tribal state gaming compacts is modified. When the Gambling Commission reaches a tentative agreement with a tribe on a new or amended compact, the Director of the Gambling Commission must forward such documents to the majority and minority leaders of the Senate. The Senate has until the end of the regular session to approve the new or amended compact. If the Senate fails to approve the new or amended compact before the end of the regular session, the Gambling

Commission must renegotiate the compact and resubmit the new proposal to the Senate no later than the first day of the next regular session.

Technical amendments to existing compacts that do not include changes in the types of games operated, hours of operation, number of facilities operated, wagering limits or number of tables operated do not need to be approved by the Senate.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The Senate should know about and be in a position to provide meaningful input on tribal/state gaming compacts. This bill would help to accomplish these important goals.

**Testimony Against:** Tribes who have entered into tribal/state gaming compacts have played by the rules in negotiating such compacts with the state. The current process of approving compacts seems to have worked well for all parties. Therefore, we question the need to change this process.

**Testified:** Senator Schow, prime sponsor (pro); CON: Randy Scott, Quinault Tribal Nation; John McCoy, Executive Director, Tulalip tribes; Steve Wehrly, Muckleshoot Indian Tribe; Dawn Vyvyan, Yakama; Port Gamble S'Klallam; Jamestown S'Klallam; Swinomish tribes; Carrie Tellefson, Washington State Gambling Commission.