

Commerce & Labor Committee

SSB 5905

Brief Description: Concerning the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988.

Sponsors: By Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Prentice, Swecker and Winsley).

Brief Summary of Substitute Bill

- *The state consents to federal court jurisdiction over disputes arising under the Indian Gaming Regulatory Act (IGRA) or under a state/tribal compact adopted under IGRA.*

Hearing Date: 3/28/01

Staff: Sydney Forrester (786-7120).

Background:

The Indian Gaming Regulatory Act (IGRA) enacted by Congress in 1988 governs gambling on Indian lands. Under IGRA, tribes may not conduct class III gambling on Indian land unless a state/tribal compact governs the specific form of gambling. Class III gaming typically includes banked card games, slot machines, pari-mutual racing, lotteries, and electronic games of chance. The state regulates class III gaming under the terms of state/tribal gaming compacts.

A tribe wanting to conduct class III gaming must request the state to negotiate a compact. The IGRA requires the state to negotiate in good faith. If the state refuses to negotiate, or if the tribe alleges the state is not negotiating in good faith, IGRA authorizes the tribe to sue the state in federal court. In 1996 the United States Supreme Court ruled this provision violates the 11th Amendment of the Constitution. Based on that ruling, if a state asserts its 11th Amendment sovereign immunity defense, this portion of IGRA is rendered inoperable.

In Washington 24 state/tribal compacts have been approved. Fourteen compacting tribes operate casino facilities, and three tribes operate casinos without a state/tribal compact.

Summary of Bill:

The state consents to federal court jurisdiction in any action brought by a compacting tribe to settle a dispute arising under the Indian Gaming Regulatory Act or under a tribal/state compact. The state's waiver of sovereign immunity is conditioned upon the tribe having a tribal/state gaming compact, and upon a similar waiver of sovereign immunity by the tribe bringing the action.

Rules Authority: *The bill does not contain provisions addressing the rule-making powers of an agency.*

Appropriation: *None.*

Fiscal Note: *Not requested.*

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