
HOUSE BILL 2657

State of Washington 59th Legislature 2006 Regular Session

By Representatives Condotta, Hinkle, Serben, Chandler, Holmquist,
Woods, Tom, Newhouse, Kristiansen, Sump, Skinner and Kretz

Read first time 01/11/2006. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to legislative approval of class III tribal-state
2 gaming compacts; amending RCW 9.46.360 and 43.06.010; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9.46.360 and 1992 c 172 s 2 are each amended to read
6 as follows:

7 (1) The negotiation process for compacts, or compact amendments,
8 with federally recognized Indian tribes for conducting class III
9 gaming, as defined in the Indian Gaming Regulatory Act, 25 U.S.C. Sec.
10 2701 et seq., on federal Indian lands is governed by this section.

11 (2) The ~~((gambling))~~ commission through the director or the
12 director's designee shall negotiate compacts, including compact
13 amendments, for class III gaming on behalf of the state with federally
14 recognized Indian tribes in the state of Washington. However, this
15 section does not authorize the governor to execute such compacts or
16 compact amendments on behalf of the state without legislative approval
17 as provided in this section.

18 (3)(a) When a tentative agreement with an Indian tribe on a
19 proposed compact is reached, the director shall immediately transmit a

1 copy of the proposed compact to all voting and ex officio members of
2 the (~~gambling~~) commission and to the standing committees of the
3 legislature designated pursuant to subsection (~~(5)~~) (4) of this
4 section. The director must forward with his or her submittal documents
5 a recommendation for approval of the proposed compact and comments
6 about or analysis of the proposed compact's provisions.

7 (~~(4)~~) (b) The commission may hold public hearings on the proposed
8 compact any time after receiving a copy of the compact from the
9 director. Within forty-five days after receiving the proposed compact
10 from the director, the commission shall vote on whether to forward the
11 proposed compact, with any comments, to the legislature for approval or
12 to return the proposed compact to the director with instructions for
13 further negotiations. Notwithstanding RCW 9.46.040, the four ex
14 officio members of the (~~gambling~~) commission shall be deemed voting
15 members of the (~~gambling~~) commission for the sole purpose of voting
16 on proposed compacts submitted under this section.

17 (~~(5)~~) (4) Within thirty days after receiving notice from the
18 director that a proposed compact (~~from the director~~) has been
19 forwarded by the commission under subsection (3) of this section, one
20 standing committee from each house of the legislature shall hold a
21 public hearing on the proposed compact and forward its respective
22 (~~comments to the gambling commission~~) recommendations, if any, to the
23 legislature. The president of the senate shall designate the senate
24 standing committee that is to carry out the duties of this section, and
25 the speaker of the house of representatives shall designate the house
26 standing committee that is to carry out the duties of this section.
27 The designated committees shall continue to perform under this section
28 until the president of the senate or the speaker of the house of
29 representatives, as the case may be, designates a different standing
30 committee. The committees shall receive at the hearing any comments on
31 the proposed compact provided by the commission.

32 (5)(a) The legislature may act on the proposed compact by a joint
33 resolution introduced in the legislative session during which the
34 designated standing committees received notice under subsection (4) of
35 this section or, if not in session or if in a special session or within
36 the last thirty days of a regular session when the notice was received,
37 in the next convened regular or special legislative session.

1 (b) If a joint resolution is introduced under this subsection, the
2 legislature must approve or reject the resolution by the adjournment
3 sine die of the regular or special session in which the resolution was
4 introduced. Approval of the resolution shall require the affirmative
5 vote of sixty percent of the members of each house of the legislature.
6 The failure of the legislature to act on the resolution by the
7 adjournment sine die of the relevant session shall be deemed to be
8 rejection of the proposed compact.

9 (c) If the legislature approves a joint resolution under this
10 subsection, the proposed compact must be forwarded to the governor for
11 review and final execution. If the legislature does not approve or
12 rejects the resolution, the proposed compact must be returned to the
13 commission for further negotiation.

14 (d) If a joint resolution is not introduced under this subsection,
15 the proposed compact shall be deemed rejected and must be returned to
16 the commission for further negotiation.

17 ~~(6) ((The gambling commission may hold public hearings on the~~
18 ~~proposed compact any time after receiving a copy of the compact from~~
19 ~~the director. Within forty five days after receiving the proposed~~
20 ~~compact from the director, the gambling commission, including the four~~
21 ~~ex officio members, shall vote on whether to return the proposed~~
22 ~~compact to the director with instructions for further negotiation or to~~
23 ~~forward the proposed compact to the governor for review and final~~
24 ~~execution.~~

25 ~~(7) Notwithstanding provisions in this section to the contrary, if~~
26 ~~the director forwards a proposed compact to the gambling commission and~~
27 ~~the designated standing committees within ten days before the beginning~~
28 ~~of a regular session of the legislature, or during a regular or special~~
29 ~~session of the legislature, the thirty day time limit set forth in~~
30 ~~subsection (5) of this section and the forty five day limit set forth~~
31 ~~in subsection (6) of this section are each forty five days and sixty~~
32 ~~days, respectively.~~

33 ~~(8)) Funding for the negotiation process under this section must~~
34 ~~come from the gambling revolving fund.~~

35 ~~((9))~~ (7) In addition to the powers granted under this chapter,
36 the commission, consistent with the terms of any compact, is authorized
37 and empowered to enforce the provisions of any compact between a
38 federally recognized Indian tribe and the state of Washington.

1 **Sec. 2.** RCW 43.06.010 and 1994 c 223 s 3 are each amended to read
2 as follows:

3 In addition to those prescribed by the Constitution, the governor
4 may exercise the powers and perform the duties prescribed in this and
5 the following sections:

6 (1) The governor shall supervise the conduct of all executive and
7 ministerial offices;

8 (2) The governor shall see that all offices are filled, including
9 as provided in RCW 42.12.070, and the duties thereof performed, or in
10 default thereof, apply such remedy as the law allows; and if the remedy
11 is imperfect, acquaint the legislature therewith at its next session;

12 (3) The governor shall make the appointments and supply the
13 vacancies mentioned in this title;

14 (4) The governor is the sole official organ of communication
15 between the government of this state and the government of any other
16 state or territory, or of the United States;

17 (5) Whenever any suit or legal proceeding is pending against this
18 state, or which may affect the title of this state to any property, or
19 which may result in any claim against the state, the governor may
20 direct the attorney general to appear on behalf of the state, and
21 report the same to the governor, or to any grand jury designated by the
22 governor, or to the legislature when next in session;

23 (6) The governor may require the attorney general or any
24 prosecuting attorney to inquire into the affairs or management of any
25 corporation existing under the laws of this state, or doing business in
26 this state, and report the same to the governor, or to any grand jury
27 designated by the governor, or to the legislature when next in session;

28 (7) The governor may require the attorney general to aid any
29 prosecuting attorney in the discharge of the prosecutor's duties;

30 (8) The governor may offer rewards, not exceeding one thousand
31 dollars in each case, payable out of the state treasury, for
32 information leading to the apprehension of any person convicted of a
33 felony who has escaped from a state correctional institution or for
34 information leading to the arrest of any person who has committed or is
35 charged with the commission of a felony;

36 (9) The governor shall perform such duties respecting fugitives
37 from justice as are prescribed by law;

1 (10) The governor shall issue and transmit election proclamations
2 as prescribed by law;

3 (11) The governor may require any officer or board to make, upon
4 demand, special reports to the governor, in writing;

5 (12) The governor may, after finding that a public disorder,
6 disaster, energy emergency, or riot exists within this state or any
7 part thereof which affects life, health, property, or the public peace,
8 proclaim a state of emergency in the area affected, and the powers
9 granted the governor during a state of emergency shall be effective
10 only within the area described in the proclamation;

11 (13) The governor may, after finding that there exists within this
12 state an imminent danger of infestation of plant pests as defined in
13 RCW 17.24.007 or plant diseases which seriously endangers the
14 agricultural or horticultural industries of the state of Washington, or
15 which seriously threatens life, health, or economic well-being, order
16 emergency measures to prevent or abate the infestation or disease
17 situation, which measures, after thorough evaluation of all other
18 alternatives, may include the aerial application of pesticides;

19 (14) (~~On all~~) With respect to compacts approved and forwarded to
20 the governor by the legislature pursuant to RCW 9.46.360(~~(+6)~~), the
21 governor is authorized and empowered to execute, on behalf of the
22 state, compacts with federally recognized Indian tribes in the state of
23 Washington pursuant to the federal Indian Gaming Regulatory Act, 25
24 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined
25 in the Act, on Indian lands.

26 NEW SECTION. **Sec. 3.** This act applies to all tribal-state class
27 III compacts and compact amendments regardless of the date that
28 negotiations commenced except for those compacts or compact amendments
29 that have been finally executed by the governor as of the effective
30 date of this act.

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