
HOUSE BILL 3129

State of Washington 59th Legislature 2006 Regular Session

By Representatives Serben and Dunn

Read first time 01/23/2006. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to compacts negotiated under the Indian Gaming
2 Regulatory Act of 1988; amending RCW 9.46.360; and declaring an
3 emergency.

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 with federally recognized
8 Indian tribes for conducting class III gaming, as defined in the Indian
9 Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., on federal Indian
10 lands is governed by this section.

11 (2) The gambling commission through the director or the director's
12 designee shall negotiate compacts for class III gaming on behalf of the
13 state with federally recognized Indian tribes in the state of
14 Washington.

15 (3) When a tentative agreement with an Indian tribe on a proposed
16 compact is reached, the director shall immediately transmit a copy of
17 the proposed compact to all voting and ex officio members of the
18 gambling commission and to the standing committees designated pursuant
19 to subsection (5) of this section.

1 (4) Notwithstanding RCW 9.46.040, the four ex officio members of
2 the gambling commission shall be deemed voting members of the gambling
3 commission for the sole purpose of voting on proposed compacts
4 submitted under this section.

5 (5) Within thirty days after receiving a proposed compact from the
6 director, one standing committee from each house of the legislature
7 shall hold a public hearing on the proposed compact and forward its
8 respective recommendations for acceptance or rejection of the proposed
9 compact and other comments to the governor and gambling commission.
10 The president of the senate shall designate the senate standing
11 committee that is to carry out the duties of this section, and the
12 speaker of the house of representatives shall designate the house
13 standing committee that is to carry out the duties of this section.
14 The designated committees shall continue to perform under this section
15 until the president of the senate or the speaker of the house of
16 representatives, as the case may be, designates a different standing
17 committee.

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

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

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

36 (9) In addition to the powers granted under this chapter, the
37 commission, consistent with the terms of any compact, is authorized and

1 empowered to enforce the provisions of any compact between a federally
2 recognized Indian tribe and the state of Washington.

3 (10) Unless authorized by: (a) The affirmative vote of sixty
4 percent of the members of each house of the legislature; or (b) a
5 compact in effect before the effective date of this act; no compact
6 entered into or amended after the effective date of this act shall
7 authorize or propose to authorize class III gaming on lands acquired by
8 the United States in trust for the benefit of an Indian tribe after
9 October 17, 1988.

10 (11) Subsection (10) of this section does not apply to lands
11 acquired by the United States in trust for the benefit of an Indian
12 tribe after October 17, 1988:

13 (a) Located within or contiguous to the boundaries of the
14 reservation of an Indian tribe as the reservation existed on October
15 17, 1988; or

16 (b) Taken into trust as part of:

17 (i) A settlement of a land claim;

18 (ii) The initial reservation of an Indian tribe acknowledged under
19 the federal acknowledgment process; or

20 (iii) The restoration of lands for an Indian tribe that is restored
21 to federal recognition.

22 NEW SECTION. Sec. 2. This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

--- END ---