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**Commerce & Labor Committee**

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**HB 1706**

**Brief Description:** Concerning jurisdiction under the Indian gaming regulatory act.

**Sponsors:** Representatives Conway, Hunt, Wood, Hurst, Simpson and Appleton.

**Brief Summary of Bill**

- Removes the expiration date for the state's limited waiver of sovereign immunity in actions brought by the tribes under the Indian Gaming Regulatory Act.

**Hearing Date:** 2/16/07

**Staff:** Joan Elgee (786-7106).

**Background:**

Under the Indian Gaming Regulatory Act (IGRA), enacted by Congress in 1988, a tribe may not conduct class III gaming on Indian land unless the state and the tribe have a compact governing the specific form of gambling.

The IGRA requires that the state negotiate with the tribes in "good faith." If the state refuses to negotiate or the tribe alleges the state is not negotiating in good faith, the IGRA authorizes the tribe to sue the state in federal court. In 1996, the United States Supreme Court ruled that the provision authorizing tribes to sue a state for failure to negotiate in good faith violates the state's sovereign immunity under the 11th Amendment of the United States Constitution. If a state chooses to assert its sovereign immunity defense, this portion of the IGRA is rendered inoperable.

State legislation was enacted in 2001 consenting to the jurisdiction of the federal courts in any action brought by the tribes to settle disputes arising under the IGRA or tribal-state compacts. The 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.

The waiver of sovereign immunity expires July 30, 2007.

**Summary of Bill:**

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The July 30, 2007 expiration date for the state's limited waiver of sovereign immunity in actions brought by the tribes under the Indian Gaming Regulatory Act (IGRA), and for enforcement of tribal-state compacts adopted under the IGRA, is removed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.