
SENATE JOINT MEMORIAL 8028

State of Washington 54th Legislature 1996 Regular Session

By Senators Wojahn, Pelz, Sutherland, Heavey, Haugen, Schow, Oke and Morton

Read first time 01/22/96. Referred to Committee on Labor, Commerce & Trade.

1 TO THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED
2 STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE
3 OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
4 THE UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of
6 the State of Washington, in legislative session assembled, respectfully
7 represent and petition as follows:

8 WHEREAS, The Indian Gaming Regulatory Act of 1988 was passed by
9 Congress to protect tribal and state interests as they pertain to
10 gambling; and

11 WHEREAS, The primary intent of Congress was to allow for tribal
12 economic development and self-sufficiency consistent with the state's
13 public policy as it pertains to gambling; and

14 WHEREAS, The conduct of Class III gaming within the state's
15 boundaries is subject to the completion of a tribal-state compact; and

16 WHEREAS, Only the gambling activities authorized for any person,
17 organization, or entity for any purpose in accordance with state law,
18 should be the subject matter of any negotiation; and

19 WHEREAS, Some courts recognize states' interests in limiting the
20 scope of gambling; other courts have failed to give adequate weight to
21 state limitations on gambling within a state's borders; and

1 WHEREAS, The public policy of the state of Washington, as expressed
2 by the Legislature in 1994, is to limit the nature and scope of
3 gambling activities through strict regulation and control; and

4 WHEREAS, Washington state has been unable to carry out its public
5 policy on gambling due to some courts' decisions not allowing the state
6 to set reasonable limitations on gambling; and

7 WHEREAS, Because Washington has been limited by court decisions to
8 fulfill its public policy goal an unfair situation and an economic
9 hardship has occurred for operators of non-Indian gambling
10 establishments, which are licensed and regulated by the state;

11 WHEREAS, Nationally there has been much disagreement between tribes
12 and states as to the scope of gaming subject to negotiation under the
13 Indian Gaming Regulatory Act of 1988;

14 NOW, THEREFORE, Your Memorialists respectfully request:

15 (1) Congress implement sufficient clarification of the Indian
16 Gaming Regulatory Act of 1988 to ensure that only those specific
17 gambling activities currently authorized under the laws of a particular
18 state are subject to negotiation between a tribal government and a
19 state government and that the clarification ensure that no state is
20 required to negotiate on any specific type of gambling activity that is
21 not either authorized, or played, or both, within a state's particular
22 boundaries;

23 (2) Congress additionally clarify the Indian Gaming Act to
24 recognize that non-Indian gambling is important to the economic well-
25 being of states and that a balance needs to be achieved between Indian
26 and non-Indian gambling activities.

27 BE IT RESOLVED, That copies of this Memorial be immediately
28 transmitted to the Honorable William J. Clinton, President of the
29 United States, the President of the United States Senate, the Speaker
30 of the House of Representatives, and each member of Congress from the
31 State of Washington.

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