

# SENATE BILL REPORT

## SB 6720

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As Passed Senate, February 9, 1996

**Title:** An act relating to the location of Indian gaming facilities.

**Brief Description:** Prohibiting the gambling commission from negotiating compacts that allow off-reservation class III gaming facilities.

**Sponsors:** Senators Pelz, Deccio, Heavey, Hochstatter, Wojahn, Newhouse, West, Oke and Winsley.

**Brief History:**

**Committee Activity:** Labor, Commerce & Trade: 1/30/96, 2/1/96 [DP].  
Passed Senate, 2/9/96, 43-0.

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### SENATE COMMITTEE ON LABOR, COMMERCE & TRADE

**Majority Report:** Do pass.

Signed by Senators Pelz, Chair; Heavey, Vice Chair; A. Anderson, Franklin, Newhouse and Wojahn.

**Staff:** Traci Ratzliff (786-7452)

**Background:** In 1988, Congress enacted the Indian Gaming Regulatory Act (IGRA) to provide a comprehensive scheme to govern gambling on Indian reservations.

IGRA allows tribes to conduct class I and class II gaming without state approval as long as the state permits such gaming. Class III gaming may be operated on tribal lands only if the games are authorized by the governing body of the tribe; are located in a state that permits such gaming; and are conducted in conformance with a tribal-state compact entered into by the Indian tribe and the state. A tribe that desires to conduct class III gaming must request the state to negotiate a compact. A state must negotiate with the tribe in good faith.

In 1992, the Legislature authorized the Gambling Commission to negotiate tribal compacts on behalf of the state. Tentative compacts are forwarded to the Senate Labor, Commerce and Trade Committee and the House Commerce and Labor Committee for public hearing and comment. Proposed compacts must be approved by the Gambling Commission and finally by the Governor.

Concerns have been raised regarding the possible location of tribal casinos off Indian reservation lands. Under current state law, the Gambling Commission is not prohibited from negotiating compacts that would allow the establishment of tribal casinos off reservation lands. Federal law does not specifically include language that prohibits a state and tribe from negotiating over the location of a gaming facility in the process of developing a tribal/state compact.

**Summary of Bill:** The Gambling Commission is authorized to negotiate tribal/state compacts that allow the establishment of class III gaming facilities on Indian reservation lands only.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** None.

**Testimony Against:** Prohibiting the Gambling Commission from negotiating compacts that allow for Class III gaming off tribal reservation land could put the state in a "bad faith" lawsuit with a tribe.

**Testified:** Frank Miller, Gambling Commission (con).