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**SENATE BILL 5277**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Wojahn, Deccio, Hale, Franklin, Palmer, Heavey and Pelz

Read first time 01/18/95. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to compacts with Indian tribes for conducting  
2 gaming; amending RCW 9.46.360 and 43.06.010; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to give  
6 the legislature the opportunity to provide input into the development  
7 of compacts established between the state and tribal governments for  
8 the conduct of class III gaming activities and to affirm the state of  
9 Washington's obligation to negotiate in good faith with tribal  
10 governments for the conduct of these activities.

11 **Sec. 2.** RCW 9.46.360 and 1992 c 172 s 2 are each amended to read  
12 as follows:

13 (1) The negotiation process for compacts with federally recognized  
14 Indian tribes for conducting class III gaming, as defined in the Indian  
15 Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., on federal Indian  
16 lands is governed by this section.

17 (2) The gambling commission through the director or the director's  
18 designee shall negotiate compacts for class III gaming on behalf of the

1 state with federally recognized Indian tribes in the state of  
2 Washington. The gambling commission shall implement a proposed compact  
3 or amendments to an existing compact only when specifically directed to  
4 do so under subsection (3) of this section.

5 (3) ~~((When))~~ Where a tentative agreement with an Indian tribe on a  
6 proposed compact or amendments to an existing compact is reached, the  
7 director shall ~~((immediately))~~, when the legislature is in session,  
8 transmit a copy of the proposed compact or amendments to an existing  
9 compact to ~~((all voting and ex officio members of the gambling~~  
10 ~~commission and to the standing committees designated pursuant to~~  
11 ~~subsection (5) of this section.~~

12 (4) ~~Notwithstanding RCW 9.46.040, the four ex officio members of~~  
13 ~~the gambling commission shall be deemed voting members of the gambling~~  
14 ~~commission for the sole purpose of voting on proposed compacts~~  
15 ~~submitted under this section.~~

16 (5) ~~Within thirty days after receiving a proposed compact from the~~  
17 ~~director, one standing committee from each house of the legislature~~  
18 ~~shall hold a public hearing on the proposed compact and forward its~~  
19 ~~respective comments to the gambling commission. The president of the~~  
20 ~~senate shall designate the senate standing committee that is to carry~~  
21 ~~out the duties of this section, and the speaker of the house of~~  
22 ~~representatives shall designate the house standing committee that is to~~  
23 ~~carry out the duties of this section. The designated committees shall~~  
24 ~~continue to perform under this section until the president of the~~  
25 ~~senate or the speaker of the house of representatives, as the case may~~  
26 ~~be, designates a different standing committee.~~

27 (6) ~~The gambling commission may hold public hearings on the~~  
28 ~~proposed compact any time after receiving a copy of the compact from~~  
29 ~~the director. Within forty five days after receiving the proposed~~  
30 ~~compact from the director, the gambling commission, including the four~~  
31 ~~ex officio members, shall vote on whether to return the proposed~~  
32 ~~compact to the director with instructions for further negotiation or to~~  
33 ~~forward the proposed compact to the governor for review and final~~  
34 ~~execution.~~

35 (7) ~~Notwithstanding provisions in this section to the contrary, if~~  
36 ~~the director forwards a proposed compact to the gambling commission and~~  
37 ~~the designated standing committees within ten days before the beginning~~  
38 ~~of a regular session of the legislature, or during a regular or special~~  
39 ~~session of the legislature, the thirty day time limit set forth in~~

1 subsection (5) of this section and the forty five day limit set forth  
2 in subsection (6) of this section are each forty five days and sixty  
3 days, respectively.

4 ~~(8))~~ the president of the senate and the speaker of the house of  
5 representatives with proposed legislation specifically directing the  
6 commission to implement the compact or amendments to an existing  
7 compact. The legislature has until it adjourns its regular session to  
8 act on the proposed legislation. If the legislature fails to pass the  
9 legislation implementing the proposed compact or amendments to an  
10 existing compact, the gambling commission shall renegotiate the compact  
11 or amendments to an existing compact and resubmit the legislation  
12 implementing the revised compact or amendments to an existing compact  
13 to the legislature no later than the first day of the next regular  
14 session of the legislature. Funding for the negotiation process under  
15 this section must come from the gambling revolving fund.

16 ~~((9))~~ (4) In addition to the powers granted under this chapter,  
17 the commission, consistent with the terms of any compact, is authorized  
18 and empowered to enforce the provisions of any compact between a  
19 federally recognized Indian tribe and the state of Washington.

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

22 In addition to those prescribed by the Constitution, the governor  
23 may exercise the powers and perform the duties prescribed in this and  
24 the following sections:

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

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

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

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

36 (5) Whenever any suit or legal proceeding is pending against this  
37 state, or which may affect the title of this state to any property, or  
38 which may result in any claim against the state, the governor may

1 direct the attorney general to appear on behalf of the state, and  
2 report the same to the governor, or to any grand jury designated by the  
3 governor, or to the legislature when next in session;

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

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

11 (8) The governor may offer rewards, not exceeding one thousand  
12 dollars in each case, payable out of the state treasury, for  
13 information leading to the apprehension of any person convicted of a  
14 felony who has escaped from a state correctional institution or for  
15 information leading to the arrest of any person who has committed or is  
16 charged with the commission of a felony;

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

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

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

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

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

37 (14) On all compacts forwarded to the governor pursuant to RCW  
38 9.46.360(~~(6)~~) (3), the governor is authorized and empowered to  
39 execute on behalf of the state compacts with federally recognized

1 Indian tribes in the state of Washington pursuant to the federal Indian  
2 Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting  
3 class III gaming, as defined in the Act, on Indian lands.

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