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SENATE BILL 5301

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State of Washington

54th Legislature

1995 Regular Session

By Senators Heavey, Pelz, Winsley, Hochstatter and Oke

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

1 AN ACT Relating to compacts limiting tribal gaming activities;  
2 amending RCW 9.46.360; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
5 establish limits on tribal gaming activities that are similar to those  
6 imposed on other forms of nontribal gaming in this state.

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

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

13 (2) The gambling commission through the director or the director's  
14 designee shall negotiate compacts for class III gaming on behalf of the  
15 state with federally recognized Indian tribes in the state of  
16 Washington. The gambling commission may negotiate compacts that  
17 establish the specific limitations on wagering limits, hours of  
18 operation, number of gaming stations, and number of gaming facilities

1 contained in (a) through (d) of this subsection and may not negotiate  
2 compacts that include provisions that exceed the limitations contained  
3 in (a) through (d) of this subsection. These limitations are:

4 (a) Wager limits may not exceed one hundred dollars per wager;

5 (b) Operating hours for the gaming facility may not exceed eighty  
6 hours a week on an annualized basis;

7 (c) The maximum number of class III gaming stations may not exceed  
8 thirty-two;

9 (d) The number of gaming facilities operated by a tribe may not  
10 exceed one.

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

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

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

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

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

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

11           (9) In addition to the powers granted under this chapter, the  
12 commission, consistent with the terms of any compact, is authorized and  
13 empowered to enforce the provisions of any compact between a federally  
14 recognized Indian tribe and the state of Washington.

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