

FINAL BILL REPORT

HB 1706

C 321 L 07

Synopsis as Enacted

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

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

House Committee on State Government & Tribal Affairs

House Committee on Commerce & Labor

Senate Committee on Labor, Commerce, Research & Development

Background:

In 2001, the Legislature authorized a limited waiver of sovereign immunity for actions brought by tribes under the Indian Gaming Regulatory Act (IGRA) and for enforcement of state-tribal compacts adopted under the IGRA. This waiver expires July 30, 2007.

Congress enacted the IGRA in 1988 to create a comprehensive statutory framework for governing gaming on tribal lands. The IGRA prohibits tribes from pursuing Class III gambling on tribal lands unless there is a state-tribal compact governing the specific form of gambling. Tribes may request that the state negotiate a gaming compact; the IGRA authorizes the state to regulate the Class III gaming under the terms of the compact. Class III gambling includes banking card games, slot machines, pari-mutual racing, lotteries, and electronic games of chance.

Under the IGRA, states must negotiate the gaming compacts in good faith. If the state refuses to negotiate, or the tribe alleges the state is acting in bad faith, the tribe is permitted to sue the state in federal court. In 1996, the United States Supreme Court ruled that this provision of the IGRA is in violation of the 11th Amendment of the United States Constitution, rendering this portion of the IGRA null should a state assert its sovereign immunity defense.

Summary:

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

Votes on Final Passage:

House	67	27
Senate	40	8

Effective: July 22, 2007