

TITLE 11. COMMERCE

Chapter 11.7

LOTTERY

Sections:

11.7.1	Title.
11.7.2	Definitions.
11.7.3	Purpose.
11.7.4	Licensing Provisions.
11.7.5	Sovereign Immunity.

11.7.1. Title. This chapter shall be known as the “Suquamish State Lottery Ordinance.” (Res. 2009-007, passed Jan. 26, 2009)

11.7.2. Definitions. The following definitions apply throughout this chapter unless otherwise specified or the context clearly indicates otherwise.

(a) “Director” means the person appointed by the governor of the State of Washington to manage the Washington state lottery.

(b) “License” means the license issued by the director of the Washington state lottery commission for a tribe or tribal entity to sell Washington state lottery tickets.

(c) “Licensee” means the Tribe and its approved tribal entity operating on trust or reservation land of the Tribe.

(d) “Tribe” means the Suquamish Tribe, a federally recognized tribe.

(e) “Lottery commission” means the body authorized by the State of Washington to administer the Washington state lottery.

(f) “RCW” means the Revised Code of Washington.

(g) “WAC” means the Washington Administrative Code.

(h) “Washington state lottery” or “lottery” means the lottery authorized by chapter 67.70 of the RCW and regulated by Title 315 of the WAC.

(i) “Approved tribal entity” means an entity or entities established by the Tribe and approved by the Tribe to serve as a retailer of the Washington state lottery. (Res. 2009-007, passed Jan. 26, 2009)

11.7.3. Purpose. The purpose of this chapter is to facilitate the licensure of the Tribe and its approved tribal entity to serve as a retailer of the Washington state lottery. (Res. 2009-007, passed Jan. 26, 2009)

11.7.4. Licensing Provisions. By this chapter, the Tribe does not intend to preempt the authority of the State of Washington to license businesses within the reservation as state lottery retailers, provided that concurrence from the Tribe is first sought and obtained by the applicant(s), and as further provided in this chapter.

Notwithstanding the foregoing, in the instance of proposed licensing by the State of Washington of state lottery retailers, pursuant to chapter 67.70 of the Revised Code of Washington and implementing state regulations, the Tribe will not object to the following assertions of concurrent state authority in regard to the state lottery:

(a) The issuance and revocation of state lottery retailer licenses and the regulation of the manner of state lottery ticket sales within the boundaries of the Port Madison Indian Reservation, pursuant to state law;

(b) State court jurisdiction with exclusive venue in Thurston County over state lottery license issues, including issuance or revocation, the conduct of a state lottery retailer, the financial relationship between any licensee and the state lottery, and other matters regarding the state lottery operation;

(c) Jurisdiction of the director of Washington's lottery or any lawfully appointed designee thereof over state lottery administrative disputes, in accordance with Washington state law; or

(d) The entry upon trust lands and property including lands owned by the Tribe or its members, by lottery employees, including investigators or enforcement officers, solely for the purpose of conducting investigations under the authority of and enforcing the provisions of RCW 67.70. (Res. 2009-007, passed Jan. 26, 2009)

11.7.5. Sovereign Immunity. Nothing in this chapter shall be deemed to constitute a waiver of sovereign immunity on the part of the Tribe, Port Madison Enterprises, any corporation or entity created by any such entity as to any assets or property of any nature whatsoever or the adjudication of any matter whatsoever, including the adjudication of any rights or immunities. In addition, an applicant to become licensed by the State of Washington to be a state lottery retailer on the Port Madison Indian Reservation must first seek and obtain permission to do so from the Tribe, which permission shall be within the sole discretion of the Tribal Council and which decision shall be memorialized in a Tribal Council resolution. (Res. 2009-007, passed Jan. 26, 2009)