

AMENDED IN SENATE APRIL 30, 2008

AMENDED IN SENATE MARCH 25, 2008

SENATE BILL

No. 1201

Introduced by ~~Senator Battin~~ *Senators Battin and Florez*
(Coauthor: Assembly Member Garcia)

February 13, 2008

An act to amend Section 12012.25 of the Government Code, relating to gaming.

LEGISLATIVE COUNSEL'S DIGEST

SB 1201, as amended, Battin. Tribal gaming: gaming device licenses.

Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of tribal-state gaming compacts for the purpose of authorizing certain types of gaming on Indian lands within a state. The California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature. Existing law ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes executed in 1999. Those compacts set certain limits on the number of gaming device licenses available to each tribe. Existing law provides that any other tribal-state gaming compact entered into between the State of California and a federally recognized Indian tribe that is executed after September 10, 1999, is ratified if certain circumstances exist.

This bill would enact statutory provisions relating to matters addressed in the compacts ratified as described above. The bill would provide that the aggregate limit of gaming device licenses available for issuance under those compacts shall be 122,000, and would further provide that certain gaming device licenses available for issuance under subsequent

compact amendments shall not be counted in determining whether that aggregate limit has been reached. The bill would require that, upon application by a tribe with a tribal-state gaming compact ratified as described above, the California Gambling Control Commission allocate gaming device licenses to the tribe in accordance with the tribe's gaming compact, but would prohibit the number of licenses allocated to a tribe from exceeding the maximum number of gaming device licenses allowed under the gaming compact.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12012.25 of the Government Code is
2 amended to read:
3 12012.25. (a) The following tribal-state gaming compacts
4 entered into in accordance with the Indian Gaming Regulatory Act
5 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
6 2701 et seq.) are hereby ratified:
7 (1) The compact between the State of California and the Alturas
8 Rancheria, executed on September 10, 1999.
9 (2) The compact between the State of California and the Barona
10 Band of Mission Indians, executed on September 10, 1999.
11 (3) The compact between the State of California and the Big
12 Sandy Rancheria Band of Mono Indians, executed on September
13 10, 1999.
14 (4) The compact between the State of California and the Big
15 Valley Rancheria, executed on September 10, 1999.
16 (5) The compact between the State of California and the Bishop
17 Paiute Tribe, executed on September 10, 1999.
18 (6) The compact between the State of California and the Blue
19 Lake Rancheria, executed on September 10, 1999.
20 (7) The compact between the State of California and the Buena
21 Vista Band of Me-wuk Indians, executed on September 10, 1999.
22 (8) The compact between the State of California and the
23 Cabazon Band of Mission Indians, executed on September 10,
24 1999.
25 (9) The compact between the State of California and the Cahto
26 Tribe of Laytonville, executed on September 10, 1999.

- 1 (10) The compact between the State of California and the
2 Cahuilla Band of Mission Indians, executed on September 10,
3 1999.
- 4 (11) The compact between the State of California and the Campo
5 Band of Mission Indians, executed on September 10, 1999.
- 6 (12) The compact between the State of California and the
7 Chemehuevi Indian Tribe, executed on September 10, 1999.
- 8 (13) The compact between the State of California and the
9 Chicken Ranch Rancheria, executed on September 10, 1999.
- 10 (14) The compact between the State of California and the Coast
11 Indian Community of the Resighini Rancheria, executed on
12 September 10, 1999.
- 13 (15) The compact between the State of California and the Colusa
14 Indian Community, executed on September 10, 1999.
- 15 (16) The compact between the State of California and the Dry
16 Creek Rancheria Band of Pomo Indians, executed on September
17 10, 1999.
- 18 (17) The compact between the State of California and the Elk
19 Valley Rancheria, executed on September 10, 1999.
- 20 (18) The compact between the State of California and the
21 Ewiiapaayp Band of Kumeyaay, executed on September 10, 1999.
- 22 (19) The compact between the State of California and the Hoopa
23 Valley Tribe, executed on September 10, 1999.
- 24 (20) The compact between the State of California and the
25 Hopland Band of Pomo Indians, executed on September 10, 1999.
- 26 (21) The compact between the State of California and the
27 Jackson Band of Mi-Wuk Indians, executed on September 10,
28 1999.
- 29 (22) The compact between the State of California and the Jamul
30 Indian Reservation, executed on September 10, 1999.
- 31 (23) The compact between the State of California and the La
32 Jolla Indian Reservation, executed on September 10, 1999.
- 33 (24) The compact between the State of California and the
34 Manzanita Tribe of Kumeyaay Indians, executed on September
35 10, 1999.
- 36 (25) The compact between the State of California and the Mesa
37 Grande Band of Mission Indians, executed on September 10, 1999.
- 38 (26) The compact between the State of California and the
39 Middletown Rancheria Band of Pomo Indians, executed on
40 September 10, 1999.

- 1 (27) The compact between the State of California and the
2 Morongo Band of Mission Indians, executed on September 10,
3 1999.
- 4 (28) The compact between the State of California and the
5 Mooretown Rancheria Concow Maidu Tribe, executed on
6 September 10, 1999.
- 7 (29) The compact between the State of California and the Pala
8 Band of Mission Indians, executed on September 10, 1999.
- 9 (30) The compact between the State of California and the
10 Paskenta Band of Nomlaki Indians, executed on September 10,
11 1999.
- 12 (31) The compact between the State of California and the
13 Pechanga Band of Luiseno Indians, executed on September 10,
14 1999.
- 15 (32) The compact between the State of California and the
16 Picayune Rancheria of Chukchansi Indians, executed on September
17 10, 1999.
- 18 (33) The compact between the State of California and the
19 Quechan Nation, executed on September 10, 1999.
- 20 (34) The compact between the State of California and the
21 Redding Rancheria, executed on September 10, 1999.
- 22 (35) The compact between the State of California and the
23 Rincon, San Luiseno Band of Mission Indians, executed on
24 September 10, 1999.
- 25 (36) The compact between the State of California and the
26 Rumsey Band of Wintun Indians, executed on September 10, 1999.
- 27 (37) The compact between the State of California and the
28 Robinson Rancheria Band of Pomo Indians, executed on September
29 10, 1999.
- 30 (38) The compact between the State of California and the
31 Rohnerville Rancheria, executed on September 10, 1999.
- 32 (39) The compact between the State of California and the San
33 Manuel Band of Mission Indians, executed on September 10, 1999.
- 34 (40) The compact between the State of California and the San
35 Pasqual Band of Mission Indians, executed on September 10, 1999.
- 36 (41) The compact between the State of California and the Santa
37 Rosa Rancheria Tachi Tribe, executed on September 10, 1999.
- 38 (42) The compact between the State of California and the Santa
39 Ynez Band of Chumash Indians, executed on September 10, 1999.

1 (43) The compact between the State of California and the
2 Sherwood Valley Rancheria Band of Pomo Indians, executed on
3 September 10, 1999.

4 (44) The compact between the State of California and the
5 Shingle Springs Band of Miwok Indians, executed on September
6 10, 1999.

7 (45) The compact between the State of California and the Smith
8 River Rancheria, executed on September 10, 1999.

9 (46) The compact between the State of California and the
10 Soboba Band of Mission Indians, executed on September 10, 1999.

11 (47) The compact between the State of California and the
12 Susanville Indian Rancheria, executed on September 10, 1999.

13 (48) The compact between the State of California and the Sycuan
14 Band of Kumeyaay Indians, executed on September 10, 1999.

15 (49) The compact between the State of California and the Table
16 Mountain Rancheria, executed on September 10, 1999.

17 (50) The compact between the State of California and the
18 Trinidad Rancheria, executed on September 10, 1999.

19 (51) The compact between the State of California and the Tule
20 River Indian Tribe, executed on September 10, 1999.

21 (52) The compact between the State of California and the
22 Tuolumne Band of Me-wuk Indians, executed on September 10,
23 1999.

24 (53) The compact between the State of California and the
25 Twenty Nine Palms Band of Mission Indians, executed on
26 September 10, 1999.

27 (54) The compact between the State of California and the Tyme
28 Maidu Tribe, Berry Creek Rancheria, executed on September 10,
29 1999.

30 (55) The compact between the State of California and the United
31 Auburn Indian Community, executed on September 10, 1999.

32 (56) The compact between the State of California and the Viejas
33 Band of Kumeyaay Indians, executed on September 10, 1999.

34 (57) The compact between the State of California and the Coyote
35 Valley Band of Pomo Indians, executed on September 10, 1999.

36 (b) Any other tribal-state gaming compact entered into between
37 the State of California and a federally recognized Indian tribe
38 which is executed after September 10, 1999, is hereby ratified if
39 both of the following are true:

1 (1) The compact is identical in all material respects to any of
2 the compacts expressly ratified pursuant to subdivision (a). A
3 compact shall be deemed to be materially identical to a compact
4 ratified pursuant to subdivision (a) if the Governor certifies it is
5 materially identical at the time he or she submits it to the
6 Legislature.

7 (2) The compact is not rejected by each house of the Legislature,
8 two-thirds of the membership thereof concurring, within 30 days
9 of the date of the submission of the compact to the Legislature by
10 the Governor. However, if the 30-day period ends during a joint
11 recess of the Legislature, the period shall be extended until the
12 fifteenth day following the day on which the Legislature
13 reconvenes.

14 (c) The Legislature acknowledges the right of federally
15 recognized Indian tribes to exercise their sovereignty to negotiate
16 and enter into tribal-state gaming compacts that are materially
17 different from the compacts ratified pursuant to subdivision (a).
18 These compacts shall be ratified by a statute approved by each
19 house of the Legislature, a majority of the members thereof
20 concurring, and signed by the Governor, unless the statute contains
21 implementing or other provisions requiring a supermajority vote,
22 in which case the statute shall be approved in the manner required
23 by the Constitution.

24 (d) The Governor is the designated state officer responsible for
25 negotiating and executing, on behalf of the state, tribal-state gaming
26 compacts with federally recognized Indian tribes located within
27 the State of California pursuant to the federal Indian Gaming
28 Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and
29 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class
30 III gaming, as defined in that act, on Indian lands within this state.
31 Nothing in this section shall be construed to deny the existence of
32 the Governor's authority to have negotiated and executed
33 tribal-state gaming compacts prior to the effective date of this
34 section.

35 (e) Following completion of negotiations conducted pursuant
36 to subdivision (b) or (c), the Governor shall submit a copy of any
37 executed tribal-state gaming compact to both houses of the
38 Legislature for ratification, and shall submit a copy of the executed
39 compact to the Secretary of State for purposes of subdivision (f).

1 (f) Upon receipt of a statute ratifying a tribal-state gaming
2 compact negotiated and executed pursuant to subdivision (c), or
3 upon the expiration of the review period described in subdivision
4 (b), the Secretary of State shall forward a copy of the executed
5 compact and the ratifying statute, if applicable, to the Secretary
6 of the Interior for his or her review and approval, in accordance
7 with paragraph (8) of subsection (d) of Section 2710 of Title 25
8 of the United States Code.

9 (g) In deference to tribal sovereignty, neither the execution of
10 a tribal-state gaming compact nor the on-reservation impacts of
11 compliance with the terms of a tribal-state gaming compact shall
12 be deemed to constitute a project for purposes of the California
13 Environmental Quality Act (Division 13 (commencing with Section
14 21000) of the Public Resources Code).

15 (h) The aggregate limit of gaming device licenses available for
16 issuance under the compacts ratified pursuant to subdivision (a)
17 or (b) shall be 122,000. Licenses available for issuance to a tribe
18 under a subsequent amendment to a tribal-state gaming compact
19 that exceed the number of gaming devices available for issuance
20 to that tribe under the original compact ratified pursuant to
21 subdivision (a) or (b) shall not be counted in determining whether
22 that aggregate limit has been reached.

23 (i) Upon application by a tribe with a tribal-state gaming
24 compact ratified pursuant to subdivision (a) or (b), the California
25 Gambling Control Commission shall allocate gaming device
26 licenses to ~~the~~ *that* tribe in accordance with the procedures set
27 forth in the tribe's tribal-state gaming compact, but in no event
28 shall the number of licenses allocated to a tribe exceed the
29 maximum number of gaming device licenses allowed under the
30 tribal-state gaming compact.