

AMENDED IN SENATE SEPTEMBER 10, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

AMENDED IN ASSEMBLY MARCH 24, 2009

AMENDED IN ASSEMBLY MARCH 17, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 122

Introduced by Assembly Member Coto

January 15, 2009

~~An act to add and repeal Chapter 3.2 (commencing with Section 58530) of Part 31 of Division 4 of Title 2 of the Education Code, relating to small schools. An act to add Section 12012.551 to the Government Code, relating to gaming, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 122, as amended, Coto. ~~Small schools.~~ *Tribal gaming: compact ratification.*

Existing federal law, the Indian Gaming Regulatory Act, 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 expressly ratifies a number of tribal-state gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes.

This bill would ratify the tribal-state gaming compact entered into between the State of California and the Pinoleville Pomo Nation, executed on March 10, 2009. The bill would require that related revenue contributions be deposited into the General Fund, except as specified, and would also provide that, in deference to tribal sovereignty, certain actions may not be deemed projects for purposes of the California Environmental Quality Act.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law grants authority to school districts to establish and operate public schools within their boundaries.~~

~~This bill would authorize a school district to establish a small school, subject to specified conditions, including, among others, a requirement to develop a school plan, as specified, and a requirement to adopt regulations that include the small school as part of an academic reform strategy focused on the positive outcomes small schools are intended to produce. The bill would require the small school to have an advisory body that consists of members elected by specified groups. The bill would require a school district that establishes a small school to allocate funds to the small school, as specified. The bill would repeal these provisions on January 1, 2017.~~

Vote: ~~majority~~^{2/3}. 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. *The Legislature finds and declares the following:*
- 2 (a) *The terms of the tribal-state gaming compact ratified by this*
- 3 *act apply only to the State of California and the tribe that has*
- 4 *signed it, and the terms of the compact ratified by this act do not*
- 5 *bind any other tribe.*
- 6 (b) *The Legislature acknowledges the right of federally*
- 7 *recognized tribes to exercise their sovereignty to negotiate and*
- 8 *enter into compacts with the state that are materially different*
- 9 *from the compact ratified pursuant to Section 12012.551 of the*
- 10 *Government Code.*
- 11 SEC. 2. *Section 12012.551 is added to the Government Code,*
- 12 *to read:*
- 13 12012.551. (a) *The tribal-state gaming compact entered into*
- 14 *in accordance with the Indian Gaming Regulatory Act of 1988 (18*

1 U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
2 between the State of California and the Pinoleville Pomo Nation,
3 executed on March 10, 2009, is hereby ratified.

4 (b) (1) In deference to tribal sovereignty, none of the following
5 shall be deemed a project for purposes of the California
6 Environmental Quality Act (Division 13 (commencing with Section
7 21000) of the Public Resources Code):

8 (A) The execution of an amendment to the tribal-state gaming
9 compact ratified by this section.

10 (B) The execution of the tribal-state gaming compact ratified
11 by this section.

12 (C) The execution of an intergovernmental agreement between
13 a tribe and a county or city government negotiated pursuant to
14 the express authority of, or as expressly referenced in, the
15 tribal-state gaming compact ratified by this section.

16 (D) The execution of an intergovernmental agreement between
17 a tribe and the California Department of Transportation negotiated
18 pursuant to the express authority of, or as expressly referenced
19 in, the tribal-state gaming compact ratified by this section.

20 (E) The on-reservation impacts of compliance with the terms
21 of the tribal-state gaming compact ratified by this section.

22 (F) The sale of compact assets, as defined in subdivision (a) of
23 Section 63048.6, or the creation of the special purpose trust
24 established pursuant to Section 63048.65.

25 (2) Except as expressly provided herein, nothing in this
26 subdivision shall be construed to exempt a city, county, or city and
27 county, or the California Department of Transportation, from the
28 requirements of the California Environmental Quality Act.

29 (c) Revenue contributions made to the state by the tribe pursuant
30 to the tribal-state gaming compact ratified by this section shall be
31 deposited in the General Fund, except as otherwise provided by
32 the compact or by a statute directing that a portion of the revenue
33 contributions be deposited in a special fund.

34 SEC. 3. This act is an urgency statute necessary for the
35 immediate preservation of the public peace, health, or safety within
36 the meaning of Article IV of the Constitution and shall go into
37 immediate effect. The facts constituting the necessity are:

38 In order to allow the revenues from this act to be eligible for
39 revenue sharing at the earliest possible time to address some of

1 *the state's pressing budget issues, it is necessary that this act take*
2 *effect immediately.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Assembly, June 1, 2009. (JR11)**

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