

AMENDED IN ASSEMBLY APRIL 30, 2012

AMENDED IN SENATE MAY 16, 2011

AMENDED IN SENATE APRIL 25, 2011

AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 162

Introduced by Senator Anderson

February 2, 2011

An act to amend Section ~~19817~~ of, and to add Section 19934 to, the ~~Business and Professions Code~~ 11019.8 of the Government Code, relating to ~~gaming~~ economic development.

LEGISLATIVE COUNSEL'S DIGEST

SB 162, as amended, Anderson. ~~California Gambling Control Commission; Gaming Policy Advisory Committee.~~ *Economic Development: federally recognized Indian tribes.*

Existing law encourages and authorizes all state agencies to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the Indian tribes. Existing law provides that cooperation by state agencies with federally recognized California Indian tribes on those matters may include certain activities, including, among others, providing information on programs to assist Indian tribes.

Existing federal law requires the Secretary of the Interior to publish a list of all federally recognized Indian tribes in the federal register.

This bill would add to the nonexclusive list of topics that state agencies may cooperate with federally recognized Indian tribes consulting with respect to the transfer of fee land into federal trust status. This bill

would define a federally recognized Indian tribe as a tribe appearing on the list published by the Secretary of the Interior.

~~(1) Existing law establishes the California Gambling Control Commission and requires the commission to establish a 10-member Gaming Policy Advisory Committee composed of representatives of controlled gambling licensees and members of the general public in equal numbers. Existing law requires the executive director of the commission to convene this advisory committee, from time to time, for the purpose of discussing recommended controlled gambling regulatory policy. Existing law grants the Attorney General the authority to structure the Department of Justice, pursuant to which the Bureau of Gambling Control was created within the department.~~

~~This bill would delete the requirement that the committee be composed of 10 members and would require that at least 3 members of the committee be members of the general public. The bill would require the advisory committee to meet at least twice a year and would require the commission and the Department of Justice to consult with the committee on recommended proposed regulations and would require the committee to present its recommendations to the Department of Justice.~~

~~(2) Existing law requires the Department of Justice to make appropriate investigations of violations of the Gambling Control Act or any regulations adopted under the act and authorizes the department to take action to suspend a license or permit.~~

~~This bill would prohibit the commission from commencing an action against a gambling establishment, its owners, or its employees for a violation of the act committed independently by a 3rd-party provider of proposition player services or its employees.~~

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

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

1 SECTION 1. Section 11019.8 of the Government Code is
2 amended to read:

3 11019.8. (a) All state agencies, as defined in Section 11000,
4 are encouraged and authorized to cooperate with federally
5 recognized California Indian tribes on matters of economic
6 development and improvement for the *Indian* tribes.

1 (b) Cooperation by state agencies with federally recognized
2 California Indian tribes may include, but need not be limited to,
3 all of the following:

4 (1) Providing information on programs available to assist Indian
5 tribes.

6 (2) Providing technical assistance on the preparation of grants
7 and applications for public and private funds, and conducting
8 meetings and workshops.

9 (3) Any other steps that may reasonably be expected to assist
10 Indian tribes to become economically self-sufficient.

11 (4) *Consulting with respect to the transfer of fee land into*
12 *federal trust status, particular when the acquisition is for the*
13 *purpose of housing, environmental protection, or cultural*
14 *preservation.*

15 (c) Cooperation by state agencies on economic development
16 and improvement for federally recognized California Indian tribes,
17 as described in this section, shall not be construed to include
18 activities that promote gambling.

19 (d) *For purposes of this code, or any other California law,*
20 *“federally recognized tribe” means a tribe that appears on the list*
21 *of Indian Entities Recognized and Eligible to Receive Services*
22 *from the United States Bureau of Indian Affairs, published pursuant*
23 *to Section 479a-1 of Title 25 of the United States Code.*

24 ~~SECTION 1. Section 19817 of the Business and Professions~~
25 ~~Code is amended to read:~~

26 ~~19817. The commission shall establish and appoint a Gaming~~
27 ~~Policy Advisory Committee. The committee shall be composed~~
28 ~~of representatives of controlled gambling licensees and at least~~
29 ~~three members of the general public. The executive director shall,~~
30 ~~from time to time, convene the committee for the purpose of~~
31 ~~discussing matters of controlled gambling regulatory policy and~~
32 ~~any other relevant gambling-related issue, provided that the~~
33 ~~committee shall meet at least twice a year. The commission and~~
34 ~~the department shall consult with the committee on proposed~~
35 ~~regulations. The recommendations concerning gambling policy~~
36 ~~and proposed regulations made by the committee shall be presented~~
37 ~~to the commission and the department, but shall be deemed~~
38 ~~advisory and not binding on the commission and the department~~
39 ~~in the performance of their respective duties or functions. The~~
40 ~~committee shall not advise the commission on Indian gaming.~~

1 SEC. 2. ~~Section 19934 is added to the Business and Professions~~
2 Code, to read:
3 ~~19934. The commission shall not commence an action against~~
4 ~~a gambling establishment, its owners, or its employees for a~~
5 ~~violation of this chapter committed independently by a third-party~~
6 ~~provider of proposition player services or an agent or employee~~
7 ~~of the provider.~~