

AMENDED IN ASSEMBLY JUNE 25, 2013  
AMENDED IN ASSEMBLY MARCH 21, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1245**

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**Introduced by Assembly Member V. Manuel Pérez**

February 22, 2013

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An act to ~~amend Section 17282 of the Education Code, relating to school facilities;~~ *add Section 12012.61 to the Government Code, relating to tribal gaming.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as amended, V. Manuel Pérez. ~~School facilities: natural disasters: expedited review and approval process. Tribal gaming: compact ratification.~~

*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 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.*

*The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.*

*This bill would ratify the tribal-state gaming compact entered into between the State of California and the Ramona Band of Cahuilla, executed on June 10, 2013. The bill would provide that, in deference to tribal sovereignty, certain actions are not projects for purposes of CEQA.*

~~Existing law requires the Department of General Services, under the police power of the state, to supervise the design and construction of any school building, or the reconstruction or alteration of or addition to any school building, unless subject to a specific exemption, to ensure, among other things, that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law requires all reviews or approvals required under certain provisions to be expedited, and in no event to exceed 60 days, if a school facility has been damaged or destroyed by fire, earthquake, flood, or other manmade or natural disaster. Existing law authorizes a state agency required to perform any expedited review or approval to hire additional personnel or incur additional costs necessary to perform the review or approval within the 60-day time limit and requires the state agency to charge the school district a fee that does not exceed the actual costs of the review or approval.~~

*This bill would instead require the state agency to charge the school district a fee, as described above, that does not exceed the actual costs of the review or approval up to a maximum of 3% of the total cost of the project.*

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 12012.61 is added to the Government*
- 2 *Code, to read:*
- 3 *12012.61. (a) The tribal-state gaming compact entered into*
- 4 *in accordance with the federal Indian Gaming Regulatory Act of*
- 5 *1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec.*
- 6 *2701 et seq.) between the State of California and the Ramona Band*
- 7 *of Cahuilla, executed on June 10, 2013, is hereby ratified.*
- 8 *(b) (1) In deference to tribal sovereignty, none of the following*
- 9 *shall be deemed a project for purposes of the California*

1 *Environmental Quality Act (Division 13 (commencing with Section*  
2 *21000) of the Public Resources Code):*

3 *(A) The execution of an amendment to the tribal-state gaming*  
4 *compacts ratified by this section.*

5 *(B) The execution of the tribal-state gaming compacts ratified*  
6 *by this section.*

7 *(C) The execution of an intergovernmental agreement between*  
8 *a tribe and a county or city government negotiated pursuant to*  
9 *the express authority of, or as expressly referenced in, the*  
10 *tribal-state gaming compacts ratified by this section.*

11 *(D) The execution of an intergovernmental agreement between*  
12 *a tribe and the Department of Transportation negotiated pursuant*  
13 *to the express authority of, or as expressly referenced in, the*  
14 *tribal-state gaming compacts ratified by this section.*

15 *(E) The on-reservation impacts of compliance with the terms*  
16 *of the tribal-state gaming compacts ratified by this section.*

17 *(F) The sale of compact assets, as defined in subdivision (a) of*  
18 *Section 63048.6, or the creation of the special purpose trust*  
19 *established pursuant to Section 63048.65.*

20 *(2) Except as expressly provided herein, this subdivision does*  
21 *not exempt a city, county, or city and county, or the Department*  
22 *of Transportation, from the requirements of the California*  
23 *Environmental Quality Act.*

24 ~~SECTION 1. Section 17282 of the Education Code is amended~~  
25 ~~to read:~~

26 ~~17282. (a) It is the intent of the Legislature to expedite the~~  
27 ~~repair, alteration, and reconstruction of school facilities that have~~  
28 ~~been damaged or destroyed by fire, earthquake, flood, or other~~  
29 ~~manmade or natural disasters, to return those school facilities to~~  
30 ~~a condition that makes them useful to school districts in the least~~  
31 ~~amount of time and at the lowest appropriate cost while maintaining~~  
32 ~~the integrity and safety of the structure as required by the laws of~~  
33 ~~this state.~~

34 ~~(b) Notwithstanding any other law, if a school facility has been~~  
35 ~~damaged or destroyed by fire, earthquake, flood, or other manmade~~  
36 ~~or natural disaster, all reviews or approvals required by this article~~  
37 ~~shall be expedited. In no event shall a review or approval exceed~~  
38 ~~60 days, excluding weekends and holidays, from the date of receipt~~  
39 ~~of all complete plans, specifications, and documentation for the~~  
40 ~~facilities from the school district.~~

1     ~~(e) If, upon review, the plans or specifications require minor~~  
2 ~~amendment or modification, these minor amendments or~~  
3 ~~modifications shall not delay the completion of the review or~~  
4 ~~approval beyond the 60-day requirement specified in subdivision~~  
5 ~~(b) unless the amendment or modification constitutes a major~~  
6 ~~substantive change affecting the entire project. While any minor~~  
7 ~~amendments or modifications are being undertaken, the remainder~~  
8 ~~of the project shall continue under review so that a timely and~~  
9 ~~adequate review may be completed within the 60-day requirement~~  
10 ~~of subdivision (b).~~

11     ~~(d) A state agency that is required to perform a review or~~  
12 ~~approval under this article may hire additional personnel or incur~~  
13 ~~any additional costs necessary to perform the review or approval~~  
14 ~~within the time limits set forth in this section and shall charge the~~  
15 ~~school district a fee not to exceed the actual cost of the review or~~  
16 ~~approval up to a maximum of 3 percent of the total cost of the~~  
17 ~~project.~~

18     ~~(e) As used in this section, “damaged” means damages to the~~  
19 ~~extent that occupancy is precluded based upon a report of an~~  
20 ~~architect or a structural engineer and the concurrence of the~~  
21 ~~Department of General Services in the report’s conclusion that the~~  
22 ~~occupancy of the premises is precluded.~~

23     ~~(f) The expedited review and approval required by this section~~  
24 ~~shall not apply if the documents are not submitted within six~~  
25 ~~months of the damage to, or destruction of, the facilities.~~

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