

AMENDED IN ASSEMBLY JULY 3, 2013

AMENDED IN ASSEMBLY JUNE 25, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1245

Introduced by Assembly Member V. Manuel Pérez

February 22, 2013

An act to add Section 12012.61 to the Government Code, relating to ~~tribal gaming~~ gaming, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1245, as amended, V. Manuel Pérez. 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.

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

Vote: ~~majority~~^{2/3}. 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 in
4 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
10 Environmental Quality Act (Division 13 (commencing with Section
11 21000) of the Public Resources Code):
12 (A) The execution of an amendment to the tribal-state gaming
13 compacts ratified by this section.
14 (B) The execution of the tribal-state gaming compacts ratified
15 by this section.
16 (C) The execution of an intergovernmental agreement between
17 a tribe and a county or city government negotiated pursuant to the
18 express authority of, or as expressly referenced in, the tribal-state
19 gaming compacts ratified by this section.
20 (D) The execution of an intergovernmental agreement between
21 a tribe and the Department of Transportation negotiated pursuant
22 to the express authority of, or as expressly referenced in, the
23 tribal-state gaming compacts ratified by this section.
24 (E) The on-reservation impacts of compliance with the terms
25 of the tribal-state gaming compacts ratified by this section.
26 (F) The sale of compact assets, as defined in subdivision (a) of
27 Section 63048.6, or the creation of the special purpose trust
28 established pursuant to Section 63048.65.

1 (2) Except as expressly provided herein, this subdivision does
2 not exempt a city, county, or city and county, or the Department
3 of Transportation, from the requirements of the California
4 Environmental Quality Act.

5 *SEC. 2. This act is an urgency statute necessary for the*
6 *immediate preservation of the public peace, health, or safety within*
7 *the meaning of Article IV of the Constitution and shall go into*
8 *immediate effect. The facts constituting the necessity are:*

9 *In order to allow the revenues from this act to be eligible for*
10 *revenue sharing at the earliest possible time to address some of*
11 *the state's pressing budget issues, it is necessary that this act take*
12 *effect immediately.*