

AMENDED IN SENATE AUGUST 8, 2016
AMENDED IN SENATE SEPTEMBER 1, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1282

Introduced by Assembly Member Gray

February 27, 2015

An act to ~~amend Section 4800 of the Labor Code, relating to disability.~~ *add Section 12012.76 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1282, as amended, Gray. ~~Firefighters: disability.~~ *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 to 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 Buena Vista Rancheria of Me-Wuk Indians of California, executed on June 28, 2016. The bill would provide that, in deference to tribal sovereignty, certain actions are not projects for the purposes of CEQA.

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

~~Existing law makes a member of the Department of Justice falling within the “state peace officer/firefighter” class, as specified, who is disabled by injury arising out of and in the course of his or her duties, he or she shall become entitled, regardless of his or her period of service with the Department of Justice, to a leave of absence while so disabled without loss of salary, in lieu of disability payments, as specified, for a period of not exceeding one year.~~

~~This bill would make all rank-and-file and supervisory firefighters employed by Department of Forestry and Fire Protection entitled to that benefit regardless of whether the firefighter is assigned by the department to a position in fire prevention, fire suppression, or other capacity.~~

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 12012.76 is added to the Government
- 2 Code, to read:
- 3 12012.76. (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 Buena Vista*
- 7 *Rancheria of Me-Wuk Indians of California, executed on June 28,*
- 8 *2016, is hereby ratified.*
- 9 (b) (1) *In deference to tribal sovereignty, none of the following*
- 10 *shall be deemed a project for purposes of the California*
- 11 *Environmental Quality Act (Division 13 (commencing with Section*
- 12 *21000) of the Public Resources Code):*
- 13 (A) *The execution of an amendment to the tribal-state gaming*
- 14 *compact ratified by this section.*
- 15 (B) *The execution of the tribal-state gaming compact ratified*
- 16 *by this section.*

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

5 (D) *The execution of an intergovernmental agreement between*
6 *a tribe and the Department of Transportation negotiated pursuant*
7 *to the express authority of, or as expressly referenced in, the*
8 *tribal-state gaming compact ratified by this section.*

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

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

14 (2) *Except as expressly provided herein, this subdivision does*
15 *not exempt a city, county, or city and county, or the Department*
16 *of Transportation, from the requirements of the California*
17 *Environmental Quality Act.*

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

22 *In order to enhance the economic development, stability, and*
23 *self-sufficiency of the Buena Vista Rancheria of Me-Wuk Indians*
24 *of California and to protect the interests of the tribe and its*
25 *members, the surrounding community, and the California public*
26 *at the earliest possible time, it is necessary that this act take effect*
27 *immediately.*

28 SECTION 1. ~~Section 4800 of the Labor Code is amended to~~
29 ~~read:~~

30 ~~4800. (a) If a member of the Department of Justice who is~~
31 ~~within the “state peace officer/firefighter” class is disabled by~~
32 ~~injury arising out of and in the course of his or her duties, he or~~
33 ~~she is entitled, regardless of his or her period of service with the~~
34 ~~Department of Justice, to a leave of absence while so disabled~~
35 ~~without loss of salary, in lieu of disability payments under this~~
36 ~~chapter, for a period of not exceeding one year. This section applies~~
37 ~~only to members of the Department of Justice whose principal~~
38 ~~duties consist of active law enforcement and does not apply to~~
39 ~~persons employed in the Department of Justice whose principal~~
40 ~~duties are those of telephone operator, clerk, stenographer,~~

1 ~~machinist, mechanic or otherwise clearly not within the scope of~~
2 ~~active law enforcement service, even though this person is subject~~
3 ~~to occasional call or is occasionally called upon to perform duties~~
4 ~~within the scope of active law enforcement service.~~
5 ~~(b) This section applies to law enforcement officers employed~~
6 ~~by the Department of Fish and Wildlife who are described in~~
7 ~~subdivision (e) of Section 830.2 of the Penal Code.~~
8 ~~(c) This section applies to harbor police officers employed by~~
9 ~~the San Francisco Port Commission who are described in Section~~
10 ~~20402 of the Government Code.~~
11 ~~(d) This section applies to all rank-and-file and supervisory~~
12 ~~firefighters employed by Department of Forestry and Fire~~
13 ~~Protection regardless of whether the firefighter is assigned by the~~
14 ~~department to a position in fire prevention, fire suppression, or~~
15 ~~other capacity.~~
16 ~~(e) This section does not apply to periods of disability which~~
17 ~~occur subsequent to termination of employment by resignation,~~
18 ~~retirement or dismissal. In those circumstances in which this section~~
19 ~~does not apply, the employee is eligible for those benefits which~~
20 ~~would apply if this section had not been enacted.~~