

AMENDED IN SENATE AUGUST 31, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1540

Introduced by ~~Committee on Governmental Organization~~ (Assembly Members ~~Gray~~ (Chair), ~~Linder~~ (Vice Chair), ~~Achadjian~~, ~~Bigelow~~, ~~Cooley~~, ~~Cooper~~, ~~Jones-Sawyer~~, ~~Levine~~, ~~Mayes~~, ~~Salas~~, ~~Steinorth~~, ~~Waldron~~, and ~~Wilk~~) Assembly Member *Gray*

March 26, 2015

An act to add ~~Title 16.5 (commencing with Section 98020)~~ to, to repeal Sections ~~12012.5, 12012.25, 12012.30, 12012.35, 12012.40, 12012.45, 12012.46, 12012.465, 12012.47, 12012.475, 12012.48, 12012.485, 12012.49, 12012.495, 12012.51, 12012.515, 12012.52, 12012.53, 12012.54, 12012.551, 12012.56, 12012.57, 12012.75, 12012.85, and 12012.90~~ of, to repeal Chapter ~~7.5 (commencing with Section 12710)~~ of Part 2 of Division 3 of Title 2 of, and to repeal Chapter 3 (commencing with Section 98075) of Title 16.5 of, *Section 12012.67* to the Government Code, relating to ~~gaming; tribal gaming~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1540, as amended, ~~Committee on Governmental Organization~~ *Gray*. Tribal ~~gaming~~; *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, ~~compacts, and amendments to tribal-state gaming compacts,~~ between the State of California and specified Indian tribes. ~~Existing law creates in the State Treasury the Indian Gaming Revenue Sharing Trust Fund and the Indian Gaming Special Distribution Fund for the receipt and deposit of moneys received by the state from Indian tribes pursuant to the terms of gaming compacts entered into with the state, and authorizes moneys in those funds to be used for certain purposes. Existing law, until January 1, 2021, establishes the method of calculating the distribution of appropriations from the Indian Gaming Special Distribution Fund for grants to local government agencies impacted by tribal gaming.~~ *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 reorganize and make technical, nonsubstantive changes to these provisions. The bill would conform these provisions to the changes made by the Governor's Reorganization Plan No. 2. of 2012.~~

This bill would ratify the tribal-state gaming compact entered into between the State of California and the Santa Ynez Band of Mission Indians, executed on August 26, 2015. 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.

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. Section 12012.67 is added to the Government*
- 2 *Code, to read:*
- 3 *12012.67. (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 Santa Ynez*
- 7 *Band of Mission Indians, executed on August 26, 2015, is hereby*
- 8 *ratified.*

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

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

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

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

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

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

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

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

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

30 In order to enhance the economic development, stability, and
31 self-sufficiency of the Santa Ynez Band of Mission Indians and to
32 protect the interests of the tribe and its members, the surrounding
33 community, and the California public at the earliest possible time,
34 it is necessary that this act take effect immediately.

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All matter omitted in this version of the bill appears in the bill as introduced in the Assembly, March 26, 2015. (JR11)

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