

AMENDED IN ASSEMBLY AUGUST 18, 2016

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 187

Introduced by Senator Hall

February 9, 2015

An act to ~~amend Section 19596.2 of the Business and Professions Code, relating to horse racing;~~ *add Section 12012.77 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 187, as amended, Hall. ~~Horse racing: out-of-state thoroughbred races: Wood Memorial. 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 Jamul Indian Village of

California, executed on August 8, 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.

~~The Horse Racing Law authorizes a thoroughbred racing association or fair to distribute the audiovisual signal and accept wagers on the results of out-of-state thoroughbred races conducted in the United States during the calendar period the association or fair is conducting a race meeting, including days on which there is no live racing being conducted by the association or fair, without the consent of the organization that represents horsemen and horsewomen participating in the race meeting and without regard to the amount of purses. Under that law, the total number of thoroughbred races imported by associations or fairs on a statewide basis under these provisions are required to not exceed 50 per day on days when live thoroughbred or fair racing is being conducted in the state, with the exception of prescribed races, including races imported that are part of the race card of the Kentucky Derby, the Kentucky Oaks, the Preakness Stakes, the Belmont Stakes, the Jockey Club Gold Cup, the Travers Stakes, the Arlington Million, the Breeders' Cup, the Dubai World Cup, the Arkansas Derby, the Apple Blossom Handicap, or the Haskell Invitational.~~

~~This bill would also exempt from the 50 imported race-per-day limitation, races imported that are part of the race card of the Wood Memorial.~~

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 12012.77 is added to the Government*
- 2 *Code, to read:*
- 3 *12012.77. (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. Sec. 1166 to 1168, inclusive, and 25 U.S.C. Sec.*
- 6 *2701 et seq.) between the State of California and the Jamul Indian*
- 7 *Village of California, executed on August 8, 2016, is hereby*
- 8 *ratified.*
- 9 *(b) (1) In deference to tribal sovereignty, none of the following*
- 10 *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 *compact ratified by this section.*

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

15 *(E) The on-reservation impacts of compliance with the terms*
16 *of the tribal-state gaming compact 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 *SEC. 2. This act is an urgency statute necessary for the*
25 *immediate preservation of the public peace, health, or safety within*
26 *the meaning of Article IV of the Constitution and shall go into*
27 *immediate effect. The facts constituting the necessity are:*

28 *In order to enhance the economic development, stability, and*
29 *self-sufficiency of the Jamul Indian Village of California and to*
30 *protect the interests of the tribe and its members, the surrounding*
31 *community, and the California public at the earliest possible time,*
32 *it is necessary that this act take effect immediately.*

33 ~~SECTION 1. Section 19596.2 of the Business and Professions~~
34 ~~Code is amended to read:~~

35 ~~19596.2. (a) Notwithstanding any other law and except as~~
36 ~~provided in Section 19596.4, a thoroughbred racing association~~
37 ~~or fair may distribute the audiovisual signal and accept wagers on~~
38 ~~the results of out-of-state thoroughbred races conducted in the~~
39 ~~United States during the calendar period the association or fair is~~
40 ~~conducting a race meeting, including days on which there is no~~

1 live racing being conducted by the association or fair, without the
2 consent of the organization that represents horsemen and
3 horsewomen participating in the race meeting and without regard
4 to the amount of purses. Further, the total number of thoroughbred
5 races imported by associations or fairs on a statewide basis under
6 this section shall not exceed 50 per day on days when live
7 thoroughbred or fair racing is being conducted in the state. The
8 limitation of 50 imported races per day does not apply to any of
9 the following:

10 (1) Races imported for wagering purposes pursuant to
11 subdivision (c):

12 (2) Races imported that are part of the race card of the Kentucky
13 Derby, the Kentucky Oaks, the Preakness Stakes, the Belmont
14 Stakes, the Jockey Club Gold Cup, the Travers Stakes, the
15 Arlington Million, the Breeders' Cup, the Dubai World Cup, the
16 Arkansas Derby, the Apple Blossom Handicap, the Haskell
17 Invitational, or the Wood Memorial.

18 (3) Races imported into the northern zone when there is no live
19 thoroughbred or fair racing being conducted in the northern zone.

20 (4) Races imported into the combined central and southern zones
21 when there is no live thoroughbred or fair racing being conducted
22 in the combined central and southern zones.

23 (b) Any thoroughbred association or fair accepting wagers
24 pursuant to subdivision (a) shall conduct the wagering in
25 accordance with the applicable provisions of Sections 19601,
26 19616, 19616.1, and 19616.2.

27 (c) No thoroughbred association or fair may accept wagers
28 pursuant to this section on out-of-state races commencing after 7
29 p.m., Pacific standard time, without the consent of the harness or
30 quarter horse racing association that is then conducting a live racing
31 meeting in Orange County or Sacramento County.