

AMENDED IN ASSEMBLY AUGUST 11, 2016

AMENDED IN ASSEMBLY SEPTEMBER 2, 2015

SENATE BILL

No. 404

Introduced by Senator De León
(Principal coauthor: Senator Hall)

February 25, 2015

~~An act relating to fines. An act to add Section 12012.73 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 404, as amended, De León. ~~Fines: criminal and traffic base fines.~~
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 Viejas Band of Kumeyaay

Indians, 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 imposes various penalties including, among others, fines, for violations of the Penal Code and the Vehicle Code.~~

~~This bill would state the intent of the Legislature to enact legislation to provide a durable solution to address the issues of equity and efficacy of penalty assessments associated with criminal and traffic base fines.~~

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 12012.73 is added to the Government
 2 Code, to read:
 3 12012.73. (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 Viejas Band
 7 of Kumeyaay Indians, executed on June 28, 2016, 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 compact ratified by this section.
 14 (B) The execution of the tribal-state gaming compact 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
 18 the express authority of, or as expressly referenced in, the
 19 tribal-state gaming compact 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 compact ratified by this section.
 24 (E) The on-reservation impacts of compliance with the terms
 25 of the tribal-state gaming compact ratified by this section.

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

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

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

12 In order to enhance the economic development, stability, and
13 self-sufficiency of the Viejas Band of Kumeyaay Indians and to
14 protect the interests of the tribe and its members, the surrounding
15 community, and the California public at the earliest possible time,
16 it is necessary that this act take effect immediately.

17 ~~SECTION 1. Recognizing the complexity of the state's fine~~
18 ~~and fee structure, it is the intent of the Legislature to enact~~
19 ~~legislation to provide a durable solution to address the issues of~~
20 ~~equity and efficacy of penalty assessments associated with criminal~~
21 ~~and traffic base fines.~~