

Introduced by Senator Berryhill

February 11, 2016

An act to amend Section 12012.5 of the Government Code, relating to gaming.

LEGISLATIVE COUNSEL'S DIGEST

SB 1019, as introduced, Berryhill. Indian gaming compacts.

Existing law expressly ratifies specified tribal-state gaming compacts entered in accordance with the federal Indian Gaming Regulatory Act of 1988. Existing law further sets forth the procedures by which a materially identical compact entered into between the State of California and any other federally recognized Indian tribe may be ratified.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12012.5 of the Government Code is
- 2 amended to read:
- 3 12012.5. (a) The following tribal-state compacts entered in
- 4 accordance with the Indian Gaming Regulatory Act of 1988 (18
- 5 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are
- 6 hereby ratified:
- 7 (1) The compact between the State of California and the Barona
- 8 Band of Mission Indians, executed on August 12, 1998.
- 9 (2) The compact between the State of California and the Big
- 10 Sandy Rancheria of Mono Indians, executed on July 20, 1998.

1 (3) The compact between the State of California and the Cher-Ae
2 Heights Indian Community of Trinidad Rancheria, executed on
3 July 13, 1998.

4 (4) The compact between the State of California and the Jackson
5 Rancheria Band of Miwuk Indians, executed on July 13, 1998.

6 (5) The compact between the State of California and the
7 Mooretown Rancheria of Concow/Maidu Indians, executed on
8 July 13, 1998.

9 (6) The compact between the State of California and the Pala
10 Band of Mission Indians, as approved by the Secretary of the
11 Interior on April 25, 1998.

12 (7) The compact between the State of California and the Redding
13 Rancheria, executed on August 11, 1998.

14 (8) The compact between the State of California and the Rumsey
15 Indian Rancheria of Wintun Indians of California, executed on
16 July 13, 1998.

17 (9) The compact between the State of California and the Sycuan
18 Band of Mission Indians, executed on August 12, 1998.

19 (10) The compact between the State of California and the Table
20 Mountain Rancheria, executed on July 13, 1998.

21 (11) The compact between the State of California and the Viejas
22 Band of Kumeyaay Indians, executed on or about August 17, 1998.

23 The terms of each compact apply only to the State of California
24 and the tribe that has signed it, and the terms of these compacts
25 ~~do~~ *shall* not bind any tribe that is not a signatory to any of the
26 compacts.

27 (b) Any other compact entered into between the State of
28 California and any other federally recognized Indian tribe which
29 is executed after August 24, 1998, is hereby ratified if (1) the
30 compact is identical in all material respects to any of the compacts
31 ratified pursuant to subdivision (a), and (2) the compact is not
32 rejected by each house of the Legislature, two-thirds of the
33 membership thereof concurring, within 30 days of the date of the
34 submission of the compact to the Legislature by the Governor.
35 However, if the 30-day period ends during a joint recess of the
36 Legislature, the period shall be extended until the fifteenth day
37 following the day on which the Legislature reconvenes. A compact
38 will be deemed to be materially identical to a compact ratified
39 pursuant to subdivision (a) if the Governor certifies that it is

1 materially identical at the time he or she submits it to the
2 Legislature.

3 (c) The Legislature acknowledges the right of federally
4 recognized tribes to exercise their sovereignty to negotiate and
5 enter into compacts with the state that are materially different from
6 the compacts ratified pursuant to subdivision (a). These compacts
7 shall be ratified upon approval of each house of the Legislature, a
8 majority of the membership thereof concurring.

9 (d) The Governor is the designated state officer responsible for
10 negotiating and executing, on behalf of the state, tribal-state gaming
11 compacts with federally recognized Indian tribes in the State of
12 California pursuant to the federal Indian Gaming Regulatory Act
13 of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et
14 seq.) for the purpose of authorizing class III gaming, as defined
15 in that act, on Indian lands. Nothing in this section shall be
16 construed to deny the existence of the Governor's authority to have
17 negotiated and executed tribal-state compacts ~~prior to~~ *before* the
18 effective date of this section.

19 (e) The Governor is authorized to waive the state's immunity
20 to suit in federal court in connection with any compact negotiated
21 with an Indian tribe or any action brought by an Indian tribe under
22 the Indian Gaming Regulatory Act (18 U.S.C. Sec. 1166 et seq.
23 and 25 U.S.C. Sec. 2701 et seq.).

24 (f) In deference to tribal sovereignty, the execution of, and
25 compliance with the terms of, any compact specified under
26 subdivision (a) or (b) shall not be deemed to constitute a project
27 for purposes of the California Environmental Quality Act (Division
28 13 (commencing with Section 21000) of the Public Resources
29 Code).

30 (g) Nothing in this section shall be interpreted to authorize the
31 unilateral imposition of a statewide limit on the number of lottery
32 devices or of any allocation system for lottery devices on any
33 Indian tribe that has not entered into a compact that provides for
34 such a limit or allocation system. Each tribe may negotiate
35 separately with the state over these matters on a
36 government-to-government basis.