

AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 1762

Introduced by Assembly Member Goldsmith

February 24, 1995

An act to ~~repeal Section 19445 of the Business and Professions Code, and to amend Section 12012 of the Government Code,~~ relating to gaming.

LEGISLATIVE COUNSEL'S DIGEST

AB 1762, as amended, Goldsmith. Indian gaming.

Existing federal law, the Indian Gaming Regulatory Act, permits Class III gaming, as defined, to be conducted on Indian lands within the state under a tribal-state compact. Existing law designates the California Horse Racing Board as the state entity responsible for negotiating with a tribe for the purpose of entering into a compact governing horseracing activities on Indian lands. No provision of existing law designates a state officer or agency as the entity to negotiate with a tribe with respect to the conduct of other types of Class III gaming on Indian lands.

This bill would ~~repeal the provision that designates the California Horse Racing Board as the state entity responsible for negotiating with a tribe for the purpose of entering into a compact governing horseracing activities on Indian lands, and would instead designate the Governor as the state officer responsible for negotiating and executing, on behalf of the state, compacts with federally recognized Indian tribes for~~

~~conducting Class III gaming on Indian lands in the state require the establishment of a special account in the General Fund for the purpose of allowing the state to be reimbursed by the Indian tribes for any regulation of gaming on Indian lands.~~

Vote: majority. 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 19445 of the Business and~~
 2 ~~SECTION 1. A special account shall be established in~~
 3 ~~the General Fund for the purpose of allowing the state to~~
 4 ~~be reimbursed by the Indian tribes for the costs incurred~~
 5 ~~by the state for any regulation of gaming on Indian lands.~~
 6 ~~Professions Code is repealed.~~
 7 ~~SEC. 2. Section 12012 of the Government Code is~~
 8 ~~amended to read:~~
 9 ~~12012. (a) The Governor is the sole official organ of~~
 10 ~~communication between the government of this state~~
 11 ~~and the government of any other state or of the United~~
 12 ~~States.~~
 13 ~~(b) The Governor is the designated state officer~~
 14 ~~responsible for negotiating and executing, on behalf of~~
 15 ~~the state, compacts with federally recognized Indian~~
 16 ~~tribes in the State of California pursuant to the Indian~~
 17 ~~Gaming Regulatory Act (25 U.S.C. Sec. 2701 et seq.), for~~
 18 ~~conducting Class III gaming, as defined in that act, on~~
 19 ~~Indian lands. Notwithstanding any other provision of law,~~
 20 ~~the Governor is empowered, but not required, to~~
 21 ~~negotiate and execute a tribal-state compact concerning~~
 22 ~~the regulation of any gambling activity prohibited by~~
 23 ~~state law that is permissible on Indian lands in this state~~
 24 ~~as a matter of federal law.~~
 25 ~~(c) Following completion of negotiations conducted~~
 26 ~~pursuant to subdivision (b), the Governor shall submit~~
 27 ~~any proposed tribal-state compact to the Joint Committee~~
 28 ~~on Rules for assignment to an appropriate joint~~
 29 ~~committee of the Legislature. Within 30 calendar days~~
 30 ~~after receiving a proposed compact from the Governor,~~



1 ~~the appropriate joint committee may conduct hearings~~
2 ~~on the proposed compact and shall forward its comments,~~
3 ~~if any, to the Governor. The Governor shall not execute~~
4 ~~a compact until the expiration of 30 calendar days from~~
5 ~~the date of submission of the proposed compact to the~~
6 ~~Joint Committee on Rules or until the receipt of~~
7 ~~comments, whichever occurs first. If comments are~~
8 ~~received during the 30-day period, the Governor shall not~~
9 ~~execute a compact until the Governor has considered~~
10 ~~those comments.~~

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