

AMENDED IN SENATE SEPTEMBER 15, 2008

AMENDED IN SENATE AUGUST 4, 2008

AMENDED IN SENATE MAY 7, 2008

AMENDED IN ASSEMBLY JANUARY 24, 2008

AMENDED IN ASSEMBLY JANUARY 16, 2008

AMENDED IN ASSEMBLY JANUARY 7, 2008

AMENDED IN ASSEMBLY MAY 1, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 158

Introduced by Assembly Member Ma Torrico

January 18, 2007

~~An act to amend Section 2191 of the Business and Professions Code, relating to medicine. An act to amend Sections 12712, 12715, 12716, and 12718 of the Government Code, relating to gaming, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 158, as amended, **Ma Torrico. Medicine: licensing: continuing education requirements. Tribal gaming: local agencies.**

Existing law creates in the State Treasury the Indian Gaming Special Distribution Fund for the receipt and deposit of moneys received by the state from certain Indian tribes pursuant to the terms of gaming compacts entered into with the state. Existing law authorizes moneys

in that fund to be used for specified purposes, including for grants for the support of state and local government agencies impacted by tribal government gaming.

Existing law, until January 1, 2009, creates a County Tribal Casino Account in the treasury of each county that contains a tribal casino. Existing law requires the Controller to divide the County Tribal Casino Account for each county that has gaming devices that are subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund into a separate account, known as an Individual Tribal Casino Account, for each tribe that operates a casino within the county. Existing law provides for a certain portion of funds in an Individual Tribal Casino Account to be used for grants to local agencies impacted by tribes that are paying into the Indian Gaming Special Distribution Fund, and a certain portion for grants to local agencies impacted by tribes that are not paying into that fund. Existing law establishes an Indian Gaming Local Community Benefit Committee in each county in which gaming is conducted, specifies the composition of that committee, and requires that committee to make the selection of grants from the casino accounts.

This bill would modify the composition of an Indian Gaming Local Community Benefit Committee if only one city is located within 4 miles of a tribal casino, as specified, and would require an Indian Gaming Local Community Benefit Committee to select only grant applications that mitigate impacts from casinos on local jurisdictions. The bill would provide that, if a local jurisdiction uses a grant for any unrelated purpose, the grant shall terminate immediately and any moneys not yet spent shall revert to the Indian Gaming Special Distribution Fund. It would require a local jurisdiction that receives a grant from an Individual Tribal Casino Account to deposit all funds received in an interest-bearing account and use the interest from those funds only to mitigate an impact from a casino. The bill would require that, as a condition of receiving further funds, a local jurisdiction, upon request, demonstrate to the county that all expenditures made from the account have been in compliance with these provisions.

Existing law requires each county that administers grants from the Indian Gaming Special Distribution Fund to provide an annual report to certain legislative and executive branch members by October 1 of each year detailing the specific projects funded by all grants in the county's jurisdiction in the previous fiscal year, as specified.

This bill would provide that a county that does not provide an annual report pursuant to these provisions shall not be eligible for funding from the Indian Gaming Special Distribution Fund for the following year.

This bill would extend the operation of these provisions until January 1, 2010.

This bill would appropriate \$30,000,000 from the Indian Gaming Special Distribution Fund to the California Gambling Control Commission to provide grants to local government agencies under the provisions described above. The bill would authorize counties to utilize the appropriated moneys for expenditures made in the 2007–08 and 2008–09 fiscal years.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law requires the Medical Board of California to establish continuing education requirements for physicians and surgeons, and requires the board to consider including various courses in determining its continuing education requirements.~~

~~This bill would, in addition, require the board to consider including a continuing education course in the diagnosis and treatment of hepatitis.~~

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~^{yes}. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 12712 of the Government Code is
2 amended to read:

3 12712. As used in this chapter:

4 (a) “County Tribal Casino Account” means an account
5 consisting of all moneys paid by tribes of that county into the
6 Indian Gaming Special Distribution Fund after deduction of the
7 amounts appropriated pursuant to the priorities specified in Section
8 12012.85.

9 (b) “Individual Tribal Casino Accounts” means an account for
10 each individual tribe that has paid money into the Indian Gaming
11 Special Distribution Fund. The individual tribal casino account
12 shall be funded in proportion to the amount that the individual
13 tribe has paid into the Indian Gaming Special Distribution Fund.

14 (c) “Local government jurisdiction” or “local jurisdiction”
15 means any city, county, or special district.

(d) “Special district” means any agency of the state that performs governmental or proprietary functions within limited boundaries. “Special district” includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone, district, or area that meets the requirements of this subdivision. “Special district” does not include a city, county, school district, or community college district.

SEC. 2. Section 12715 of the Government Code is amended to read:

12715. (a) The Controller, acting in consultation with the California Gambling Control Commission, shall divide the County Tribal Casino Account for each county that has gaming devices that are subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund into a separate account for each tribe that operates a casino within the county. These accounts shall be known as Individual Tribal Casino Accounts, and funds may be released from these accounts to make grants selected by an Indian Gaming Local Community Benefit Committee pursuant to the method established by this section to local jurisdictions impacted by tribal casinos. Each Individual Tribal Casino Account shall be funded in proportion to the amount that each individual tribe paid in the prior fiscal year to the Indian Gaming Special Distribution Fund.

(b) (1) There is hereby created in each county in which Indian gaming is conducted an Indian Gaming Local Community Benefit Committee. The selection of all grants from each Individual Tribal Casino Account or County Tribal Casino Account shall be made by each county’s Indian Gaming Local Community Benefit Committee. In selecting grants, the Indian Gaming Local Community Benefit Committee shall follow the priorities established in subdivision (g) and the requirements specified in subdivision (h). This committee has the following additional responsibilities:

(A) Establishing all application policies and procedures for grants from the Individual Tribal Casino Account or County Tribal Casino Account.

(B) Assessing the eligibility of applications for grants from local jurisdictions impacted by tribal gaming operations.

(C) Determining the appropriate amount for reimbursement from the aggregate county tribal account of the demonstrated costs

1 incurred by the county for administering the grant programs. The
2 reimbursement for county administrative costs may not exceed 2
3 percent of the aggregate county tribal account in any given fiscal
4 year.

5 (2) Except as provided in Section 12715.5, the Indian Gaming
6 Local Community Benefit Committee shall be composed of seven
7 representatives, consisting of the following:

8 (A) Two representatives from the county, selected by the county
9 board of supervisors.

10 (B) Three elected representatives from cities located within four
11 miles of a tribal casino in the county, selected by the county board
12 of supervisors. In the event that there are no cities located within
13 four miles of a tribal casino in the county, other local
14 representatives may be selected upon mutual agreement by the
15 county board of supervisors and a majority of the tribes paying
16 into the Indian Gaming Special Distribution Fund in the county.
17 When there are no cities within four miles of a tribal casino in the
18 county, and when the Indian Gaming Local Community Benefit
19 Committee acts on behalf of a county where no tribes pay into the
20 Indian Gaming Special Distribution Fund, other local
21 representatives may be selected upon mutual agreement by the
22 county board of supervisors and a majority of the tribes operating
23 casinos in the county. *However, if only one city is within four miles*
24 *of a tribal casino and that same casino is located entirely within*
25 *the unincorporated area of that particular county, only one elected*
26 *representative from that city shall be included on the Indian*
27 *Gaming Local Community Benefit Committee.*

28 (C) Two representatives selected upon the recommendation of
29 a majority of the tribes paying into the Indian Gaming Special
30 Distribution Fund in each county. When an Indian Gaming Local
31 Community Benefit Committee acts on behalf of a county where
32 no tribes pay into the Indian Gaming Special Distribution Fund,
33 the two representatives may be selected upon the recommendation
34 of the tribes operating casinos in the county.

35 (c) Sixty percent of each individual tribal casino account shall
36 be available for nexus grants on a yearly basis to cities and counties
37 impacted by tribes that are paying into the Indian Gaming Special
38 Distribution Fund, according to the four-part nexus test described
39 in paragraph (1). Grant awards shall be selected by each county's
40 Indian Gaming Local Community Benefit Committee and shall

1 be administered by the county. Grants may be awarded on a
2 multiyear basis, and these multiyear grants shall be accounted for
3 in the grant process for each year.

4 (1) A nexus test based on the geographical proximity of a local
5 government jurisdiction to an individual Indian land upon which
6 a tribal casino is located shall be used by each county's Indian
7 Gaming Local Community Benefit Committee to determine the
8 relative priority for grants, using the following criteria:

9 (A) Whether the local government jurisdiction borders the Indian
10 lands on all sides.

11 (B) Whether the local government jurisdiction partially borders
12 Indian lands.

13 (C) Whether the local government jurisdiction maintains a
14 highway, road, or other thoroughfare that is the predominant access
15 route to a casino that is located within four miles.

16 (D) Whether all or a portion of the local government jurisdiction
17 is located within four miles of a casino.

18 (2) Fifty percent of the amount specified in subdivision (c) shall
19 be awarded in equal proportions to local government jurisdictions
20 that meet all four of the nexus test criteria in paragraph (1). If no
21 eligible local government jurisdiction satisfies this requirement,
22 the amount specified in this paragraph shall be made available for
23 nexus grants in equal proportions to local government jurisdictions
24 meeting the requirements of paragraph (3) or (4).

25 (3) Thirty percent of the amount specified in subdivision (c)
26 shall be awarded in equal proportions to local government
27 jurisdictions that meet three of the nexus test criteria in paragraph
28 (1). If no eligible local government jurisdiction satisfies this
29 requirement, the amount specified in this paragraph shall be made
30 available for nexus grants in equal proportions to local government
31 jurisdictions meeting the requirements of paragraph (2) or (4).

32 (4) Twenty percent of the amount specified in subdivision (c)
33 shall be awarded in equal proportions to local government
34 jurisdictions that meet two of the nexus test criteria in paragraph
35 (1). If no eligible local government jurisdiction satisfies this
36 requirement, the amount specified in this paragraph shall be made
37 available for nexus grants in equal proportions to local government
38 jurisdictions meeting the requirements of paragraph (2) or (3).

39 (d) Twenty percent of each Individual Tribal Casino Account
40 shall be available for discretionary grants to local jurisdictions

1 impacted by tribes that are paying into the Indian Gaming Special
2 Distribution Fund. These discretionary grants shall be made
3 available to all local jurisdictions in the county irrespective of any
4 nexus to impacts from any particular tribal casino, as described in
5 paragraph (1) of subdivision (c). Grant awards shall be selected
6 by each county's Indian Gaming Local Community Benefit
7 Committee and shall be administered by the county. Grants may
8 be awarded on a multiyear basis, and these multiyear grants shall
9 be accounted for in the grant process for each year.

10 (e) (1) Twenty percent of each Individual Tribal Casino Account
11 shall be available for discretionary grants to local jurisdictions
12 impacted by tribes that are not paying into the Indian Gaming
13 Special Distribution Fund. These grants shall be made available
14 to local jurisdictions in the county irrespective of any nexus to
15 impacts from any particular tribal casino, as described in paragraph
16 (1) of subdivision (c), and irrespective of whether the impacts
17 presented are from a tribal casino that is not paying into the Indian
18 Gaming Special Distribution Fund. Grant awards shall be selected
19 by each county's Indian Gaming Local Community Benefit
20 Committee and shall be administered by the county. Grants may
21 be awarded on a multiyear basis, and these multiyear grants shall
22 be accounted for in the grant process for each year.

23 (A) Grants awarded pursuant to this subdivision are limited to
24 addressing service-oriented impacts and providing assistance with
25 one-time large capital projects related to Indian gaming impacts.

26 (B) Grants shall be subject to the sole sponsorship of the tribe
27 that pays into the Indian Gaming Special Distribution Fund and
28 the recommendations of the Indian Gaming Local Community
29 Benefit Committee for that county.

30 (2) If an eligible county does not have a tribal casino operated
31 by a tribe that does not pay into the Indian Gaming Special
32 Distribution Fund, the money available for discretionary grants
33 under this subdivision shall be available for distribution pursuant
34 to subdivision (d).

35 (f) (1) For each county that does not have gaming devices
36 subject to an obligation to make payments to the Indian Gaming
37 Special Distribution Fund, funds may be released from the county's
38 County Tribal Casino Account to make grants selected by the
39 county's Indian Gaming Local Community Benefit Committee
40 pursuant to the method established by this section to local

1 jurisdictions impacted by tribal casinos. These grants shall be made
2 available to local jurisdictions in the county irrespective of any
3 nexus to any particular tribal casino. These grants shall follow the
4 priorities specified in subdivision (g) *and the requirements*
5 *specified in subdivision (h).*

6 (2) Funds not allocated from a county tribal casino account by
7 the end of each fiscal year shall revert back to the Indian Gaming
8 Special Distribution Fund. Moneys allocated for the ~~2003-04~~
9 ~~2003-04~~ fiscal year shall be eligible for expenditure through
10 December 31, 2004.

11 (g) The following uses shall be the priorities for the receipt of
12 grant money from Individual Tribal Casino Accounts: law
13 enforcement, fire services, emergency medical services,
14 environmental impacts, water supplies, waste disposal, behavioral,
15 health, planning and adjacent land uses, public health, roads,
16 recreation and youth programs, and child care programs.

17 (h) *In selecting grants pursuant to subdivision (b), an Indian*
18 *Gaming Local Community Benefit Committee shall select only*
19 *grant applications that mitigate impacts from casinos on local*
20 *jurisdictions. If a local jurisdiction uses a grant selected pursuant*
21 *to subdivision (b) for any unrelated purpose, the grant shall*
22 *terminate immediately and any moneys not yet spent shall revert*
23 *to the Indian Gaming Special Distribution Fund. If a local*
24 *jurisdiction approves an expenditure that mitigates an impact from*
25 *a casino on a local jurisdiction and that also provides other*
26 *benefits to the local jurisdiction, the grant selected pursuant to*
27 *subdivision (b) shall be used to finance only the proportionate*
28 *share of the expenditure that mitigates the impact from the casino.*

29 ~~(h)~~

30 (i) All grants from Individual Tribal Casino Accounts shall be
31 made only upon the affirmative sponsorship of the tribe paying
32 into the Indian Gaming Special Distribution Fund from whose
33 Individual Tribal Casino Account the grant moneys are available
34 for distribution. Tribal sponsorship shall confirm that the grant
35 application has a reasonable relationship to a casino impact and
36 satisfies at least one of the priorities listed in subdivision (g). A
37 grant may not be made for any purpose that would support or fund,
38 directly or indirectly, any effort related to the opposition or
39 challenge to Indian gaming in the state, and, to the extent any
40 awarded grant is utilized for any prohibited purpose by any local

1 government, upon notice given to the county by any tribe from
2 whose Individual Tribal Casino Account the awarded grant went
3 toward that prohibited use, the grant shall terminate immediately
4 and any moneys not yet used shall again be made available for
5 qualified nexus grants.

6 (i)

7 (j) A local government jurisdiction that is a recipient of a grant
8 from an Individual County Tribal Casino Account or a County
9 Tribal Casino Account shall provide notice to the public, either
10 through a slogan, signage, or other mechanism, stating that the
11 local government project has received funding from the Indian
12 Gaming Special Distribution Fund and further identifying the
13 particular Individual Tribal Casino Account from which the grant
14 derives.

15 (j)

16 (k) (1) Each county's Indian Gaming Local Community Benefit
17 Committee shall submit to the Controller a list of approved projects
18 for funding from Individual Tribal Casino Accounts. Upon receipt
19 of this list, the Controller shall release the funds directly to the
20 local government entities for which a grant has been approved by
21 the committee.

22 (2) Funds not allocated from an Individual Tribal Casino
23 Account by the end of each fiscal year shall revert back to the
24 Indian Gaming Special Distribution Fund. Moneys allocated for
25 the ~~2003-04~~ 2003-04 fiscal year shall be eligible for expenditure
26 through December 31, 2004.

27 (l) *Notwithstanding any other law, a local government*
28 *jurisdiction that receives a grant from an Individual Tribal Casino*
29 *Account shall deposit all funds received in an interest-bearing*
30 *account and use the interest from those funds only for the purpose*
31 *of mitigating an impact from a casino. If any portion of the funds*
32 *in the account are used for any other purpose, the remaining*
33 *portion shall revert to the Indian Gaming Special Distribution*
34 *Fund. As a condition of receiving further funds under this section,*
35 *a local government jurisdiction, upon request of the county, shall*
36 *demonstrate to the county that all expenditures made from the*
37 *account have been in compliance with the requirements of this*
38 *section.*

39 SEC. 3. Section 12716 of the Government Code is amended to
40 read:

12716. (a) Each county that administers grants from the Indian Gaming Special Distribution Fund shall provide an annual report to the Chairperson of the Joint Legislative Budget Committee, the chairpersons of the Senate and Assembly committees on governmental organization, and the California Gambling Control Commission by October 1 of each year detailing the specific projects funded by all grants in the county's jurisdiction in the previous fiscal year, including amounts expended in that fiscal year, but funded from appropriations in prior fiscal years. The report shall provide detailed information on the following:

- (a) (1) The amount of grant funds received by the county.
- (b) (2) A description of each project that is funded.
- (c) (3) A description of how each project mitigates the impact of tribal gaming.
- (d) (4) The total expenditures for each project.
- (e) (5) All administrative costs related to each project, excluding the county's administrative fee.
- (f) (6) The funds remaining at the end of the fiscal year for each project.
- (g) (7) An explanation regarding how any remaining funds will be spent for each project, including the estimated time for expenditure.
- (h) (8) A description of whether each project is funded once or on a continuing basis.

(b) A county that does not provide an annual report pursuant to subdivision (a) shall not be eligible for funding from the Indian Gaming Special Distribution Fund for the following year.

SEC. 4. Section 12718 of the Government Code is amended to read:

12718. This chapter shall remain in effect only until January 1, 2009 2010, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2009 2010, deletes or extends that date.

1 *SEC. 5. There is hereby appropriated the sum of thirty million*
2 *dollars (\$30,000,000) from the Indian Gaming Special Distribution*
3 *Fund to the California Gambling Control Commission to provide*
4 *grants to local agencies pursuant to Section 12715 of the*
5 *Government Code.*

6 *SEC. 6. Notwithstanding any other law, the moneys*
7 *appropriated pursuant to Section 5 may be utilized by the counties*
8 *for expenditures made in the 2007–08 and 2008–09 fiscal years.*

9 *SEC. 7. This act is an urgency statute necessary for the*
10 *immediate preservation of the public peace, health, or safety within*
11 *the meaning of Article IV of the Constitution and shall go into*
12 *immediate effect. The facts constituting the necessity are:*

13 *In order to reimburse local agencies for expenditures already*
14 *made in the 2007–08 and 2008–09 fiscal years, it is necessary that*
15 *this act take effect immediately.*

16 ~~SECTION 1. Section 2191 of the Business and Professions~~
17 ~~Code is amended to read:~~

18 ~~2191. (a) In determining its continuing education requirements,~~
19 ~~the board shall consider including a course in human sexuality as~~
20 ~~defined in Section 2090 and nutrition to be taken by those licensees~~
21 ~~whose practices may require knowledge in those areas.~~

22 ~~(b) The board shall consider including a course in child abuse~~
23 ~~detection and treatment to be taken by those licensees whose~~
24 ~~practices are of a nature that there is a likelihood of contact with~~
25 ~~abused or neglected children.~~

26 ~~(c) The board shall consider including a course in acupuncture~~
27 ~~to be taken by those licensees whose practices may require~~
28 ~~knowledge in the area of acupuncture and whose education has~~
29 ~~not included instruction in acupuncture.~~

30 ~~(d) The board shall encourage every physician and surgeon to~~
31 ~~take nutrition as part of his or her continuing education, particularly~~
32 ~~a physician and surgeon involved in primary care.~~

33 ~~(e) The board shall consider including a course in elder abuse~~
34 ~~detection and treatment to be taken by those licensees whose~~
35 ~~practices are of a nature that there is a likelihood of contact with~~
36 ~~abused or neglected persons 65 years of age and older.~~

37 ~~(f) In determining its continuing education requirements, the~~
38 ~~board shall consider including a course in the early detection and~~
39 ~~treatment of substance abusing pregnant women to be taken by~~

1 those licensees whose practices are of a nature that there is a
2 likelihood of contact with these women.

3 (g) In determining its continuing education requirements, the
4 board shall consider including a course in the special care needs
5 of drug addicted infants to be taken by those licensees whose
6 practices are of a nature that there is a likelihood of contact with
7 these infants.

8 (h) In determining its continuing education requirements, the
9 board shall consider including a course providing training and
10 guidelines on how to routinely screen for signs exhibited by abused
11 women, particularly for physicians and surgeons in emergency,
12 surgical, primary care, pediatric, prenatal, and mental health
13 settings. If the board establishes a requirement for continuing
14 education coursework in spousal or partner abuse detection or
15 treatment, that requirement shall be met by each licensee within
16 no more than four years from the date the requirement is imposed.

17 (i) In determining its continuing education requirements, the
18 board shall consider including a course in the special care needs
19 of individuals and their families facing end-of-life issues, including,
20 but not limited to, all of the following:

- 21 (1) Pain and symptom management.
- 22 (2) The psycho-social dynamics of death.
- 23 (3) Dying and bereavement.
- 24 (4) Hospice care.

25 (j) In determining its continuing education requirements, the
26 board shall give its highest priority to considering a course on pain
27 management.

28 (k) In determining its continuing education requirements, the
29 board shall consider including a course in the diagnosis and
30 treatment of hepatitis to be taken by those licensees whose practices
31 may require such knowledge.