

ASSEMBLY BILL

No. 2794

Introduced by Committee on Governmental Organization (Coto (Chair), Bradford, Chesbro, Cook, Evans, Galgiani, Hall, Hill, Jeffries, Lieu, Mendoza, Nestande, Portantino, V. Manuel Perez, Silva, Torres, and Tran)

March 17, 2010

An act to add Title 16.5 (commencing with Section 98020) to, to repeal Sections 12012.25, 12012.30, 12012.35, 12012.40, 12012.45, 12012.46, 12012.465, 12012.47, 12012.475, 12012.48, 12012.485, 12012.49, 12012.495, 12012.5, 12012.51, 12012.515, 12012.52, 12012.53, 12012.75, 12012.85, and 12012.90 of, to repeal Chapter 7.5 (commencing with Section 12710) of Part 2 of Division 3 of Title 2 of, and to repeal Chapter 3 (commencing with Section 98055) of Title 16.5 of, the Government Code, relating to gaming.

LEGISLATIVE COUNSEL'S DIGEST

AB 2794, as introduced, Committee on Governmental Organization. Tribal gaming.

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 ratifies a number of tribal-state gaming compacts between the State of California and specified Indian tribes. Existing law creates in the State Treasury the Indian Gaming Revenue Sharing Trust Fund and the Indian Gaming Special Distribution Fund for the receipt and

deposit of moneys received by the state from Indian tribes pursuant to the terms of gaming compacts entered into with the state, and authorizes moneys in those funds to be used for certain purposes. Existing law establishes the method of calculating the distribution of appropriations from the Indian Gaming Special Distribution Fund for grants to local government agencies impacted by tribal gaming.

This bill would reorganize and make technical, nonsubstantive changes to these 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 12012.25 of the Government Code is
2 repealed.
3 ~~12012.25. (a) The following tribal-state gaming compacts~~
4 ~~entered into in accordance with the Indian Gaming Regulatory Act~~
5 ~~of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.~~
6 ~~2701 et seq.) are hereby ratified:~~
7 ~~(1) The compact between the State of California and the Alturas~~
8 ~~Rancheria, executed on September 10, 1999.~~
9 ~~(2) The compact between the State of California and the Barona~~
10 ~~Band of Mission Indians, executed on September 10, 1999.~~
11 ~~(3) The compact between the State of California and the Big~~
12 ~~Sandy Rancheria Band of Mono Indians, executed on September~~
13 ~~10, 1999.~~
14 ~~(4) The compact between the State of California and the Big~~
15 ~~Valley Rancheria, executed on September 10, 1999.~~
16 ~~(5) The compact between the State of California and the Bishop~~
17 ~~Paiute Tribe, executed on September 10, 1999.~~
18 ~~(6) The compact between the State of California and the Blue~~
19 ~~Lake Rancheria, executed on September 10, 1999.~~
20 ~~(7) The compact between the State of California and the Buena~~
21 ~~Vista Band of Me-wuk Indians, executed on September 10, 1999.~~
22 ~~(8) The compact between the State of California and the~~
23 ~~Cabazon Band of Mission Indians, executed on September 10,~~
24 ~~1999.~~
25 ~~(9) The compact between the State of California and the Cahto~~
26 ~~Tribe of Laytonville, executed on September 10, 1999.~~

1 ~~(10) The compact between the State of California and the~~
2 ~~Cahuilla Band of Mission Indians, executed on September 10,~~
3 ~~1999.~~

4 ~~(11) The compact between the State of California and the Campo~~
5 ~~Band of Mission Indians, executed on September 10, 1999.~~

6 ~~(12) The compact between the State of California and the~~
7 ~~Chemehuevi Indian Tribe, executed on September 10, 1999.~~

8 ~~(13) The compact between the State of California and the~~
9 ~~Chicken Ranch Rancheria, executed on September 10, 1999.~~

10 ~~(14) The compact between the State of California and the Coast~~
11 ~~Indian Community of the Resighini Rancheria, executed on~~
12 ~~September 10, 1999.~~

13 ~~(15) The compact between the State of California and the Colusa~~
14 ~~Indian Community, executed on September 10, 1999.~~

15 ~~(16) The compact between the State of California and the Dry~~
16 ~~Creek Rancheria Band of Pomo Indians, executed on September~~
17 ~~10, 1999.~~

18 ~~(17) The compact between the State of California and the Elk~~
19 ~~Valley Rancheria, executed on September 10, 1999.~~

20 ~~(18) The compact between the State of California and the~~
21 ~~Ewiiapaayp Band of Kumeyaay, executed on September 10, 1999.~~

22 ~~(19) The compact between the State of California and the Hoopa~~
23 ~~Valley Tribe, executed on September 10, 1999.~~

24 ~~(20) The compact between the State of California and the~~
25 ~~Hopland Band of Pomo Indians, executed on September 10, 1999.~~

26 ~~(21) The compact between the State of California and the~~
27 ~~Jackson Band of Mi-Wuk Indians, executed on September 10,~~
28 ~~1999.~~

29 ~~(22) The compact between the State of California and the Jamul~~
30 ~~Indian Reservation, executed on September 10, 1999.~~

31 ~~(23) The compact between the State of California and the La~~
32 ~~Jolla Indian Reservation, executed on September 10, 1999.~~

33 ~~(24) The compact between the State of California and the~~
34 ~~Manzanita Tribe of Kumeyaay Indians, executed on September~~
35 ~~10, 1999.~~

36 ~~(25) The compact between the State of California and the Mesa~~
37 ~~Grande Band of Mission Indians, executed on September 10, 1999.~~

38 ~~(26) The compact between the State of California and the~~
39 ~~Middletown Rancheria Band of Pomo Indians, executed on~~
40 ~~September 10, 1999.~~

- 1 ~~(27) The compact between the State of California and the~~
2 ~~Morongo Band of Mission Indians, executed on September 10,~~
3 ~~1999.~~
4 ~~(28) The compact between the State of California and the~~
5 ~~Mooretown Rancheria Concow Maidu Tribe, executed on~~
6 ~~September 10, 1999.~~
7 ~~(29) The compact between the State of California and the Pala~~
8 ~~Band of Mission Indians, executed on September 10, 1999.~~
9 ~~(30) The compact between the State of California and the~~
10 ~~Paskenta Band of Nomlaki Indians, executed on September 10,~~
11 ~~1999.~~
12 ~~(31) The compact between the State of California and the~~
13 ~~Pechanga Band of Luiseno Indians, executed on September 10,~~
14 ~~1999.~~
15 ~~(32) The compact between the State of California and the~~
16 ~~Picayune Rancheria of Chukchansi Indians, executed on September~~
17 ~~10, 1999.~~
18 ~~(33) The compact between the State of California and the~~
19 ~~Quechan Nation, executed on September 10, 1999.~~
20 ~~(34) The compact between the State of California and the~~
21 ~~Redding Rancheria, executed on September 10, 1999.~~
22 ~~(35) The compact between the State of California and the~~
23 ~~Rincon, San Luiseno Band of Mission Indians, executed on~~
24 ~~September 10, 1999.~~
25 ~~(36) The compact between the State of California and the~~
26 ~~Rumsey Band of Wintun Indians, executed on September 10, 1999.~~
27 ~~(37) The compact between the State of California and the~~
28 ~~Robinson Rancheria Band of Pomo Indians, executed on September~~
29 ~~10, 1999.~~
30 ~~(38) The compact between the State of California and the~~
31 ~~Rohnerville Rancheria, executed on September 10, 1999.~~
32 ~~(39) The compact between the State of California and the San~~
33 ~~Manuel Band of Mission Indians, executed on September 10, 1999.~~
34 ~~(40) The compact between the State of California and the San~~
35 ~~Pasqual Band of Mission Indians, executed on September 10, 1999.~~
36 ~~(41) The compact between the State of California and the Santa~~
37 ~~Rosa Rancheria Tachi Tribe, executed on September 10, 1999.~~
38 ~~(42) The compact between the State of California and the Santa~~
39 ~~Ynez Band of Chumash Indians, executed on September 10, 1999.~~

1 ~~(43) The compact between the State of California and the~~
2 ~~Sherwood Valley Rancheria Band of Pomo Indians, executed on~~
3 ~~September 10, 1999.~~

4 ~~(44) The compact between the State of California and the~~
5 ~~Shingle Springs Band of Miwok Indians, executed on September~~
6 ~~10, 1999.~~

7 ~~(45) The compact between the State of California and the Smith~~
8 ~~River Rancheria, executed on September 10, 1999.~~

9 ~~(46) The compact between the State of California and the~~
10 ~~Soboba Band of Mission Indians, executed on September 10, 1999.~~

11 ~~(47) The compact between the State of California and the~~
12 ~~Susanville Indian Rancheria, executed on September 10, 1999.~~

13 ~~(48) The compact between the State of California and the Sycuan~~
14 ~~Band of Kumeyaay Indians, executed on September 10, 1999.~~

15 ~~(49) The compact between the State of California and the Table~~
16 ~~Mountain Rancheria, executed on September 10, 1999.~~

17 ~~(50) The compact between the State of California and the~~
18 ~~Trinidad Rancheria, executed on September 10, 1999.~~

19 ~~(51) The compact between the State of California and the Tule~~
20 ~~River Indian Tribe, executed on September 10, 1999.~~

21 ~~(52) The compact between the State of California and the~~
22 ~~Tuolumne Band of Me-wuk Indians, executed on September 10,~~
23 ~~1999.~~

24 ~~(53) The compact between the State of California and the~~
25 ~~Twenty Nine Palms Band of Mission Indians, executed on~~
26 ~~September 10, 1999.~~

27 ~~(54) The compact between the State of California and the Tyme~~
28 ~~Maidu Tribe, Berry Creek Rancheria, executed on September 10,~~
29 ~~1999.~~

30 ~~(55) The compact between the State of California and the United~~
31 ~~Auburn Indian Community, executed on September 10, 1999.~~

32 ~~(56) The compact between the State of California and the Viejas~~
33 ~~Band of Kumeyaay Indians, executed on September 10, 1999.~~

34 ~~(57) The compact between the State of California and the Coyote~~
35 ~~Valley Band of Pomo Indians, executed on September 10, 1999.~~

36 ~~(b) Any other tribal-state gaming compact entered into between~~
37 ~~the State of California and a federally recognized Indian tribe~~
38 ~~which is executed after September 10, 1999, is hereby ratified if~~
39 ~~both of the following are true:~~

~~(1) The compact is identical in all material respects to any of the compacts expressly ratified pursuant to subdivision (a). A compact shall be deemed to be materially identical to a compact ratified pursuant to subdivision (a) if the Governor certifies it is materially identical at the time he or she submits it to the Legislature.~~

~~(2) The compact is not rejected by each house of the Legislature, two-thirds of the membership thereof concurring, within 30 days of the date of the submission of the compact to the Legislature by the Governor. However, if the 30-day period ends during a joint recess of the Legislature, the period shall be extended until the fifteenth day following the day on which the Legislature reconvenes.~~

~~(c) The Legislature acknowledges the right of federally recognized Indian tribes to exercise their sovereignty to negotiate and enter into tribal-state gaming compacts that are materially different from the compacts ratified pursuant to subdivision (a). These compacts shall be ratified by a statute approved by each house of the Legislature, a majority of the members thereof concurring, and signed by the Governor, unless the statute contains implementing or other provisions requiring a supermajority vote, in which case the statute shall be approved in the manner required by the Constitution.~~

~~(d) The Governor is the designated state officer responsible for negotiating and executing, on behalf of the state, tribal-state gaming compacts with federally recognized Indian tribes located within the State of California pursuant to the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class III gaming, as defined in that act, on Indian lands within this state. Nothing in this section shall be construed to deny the existence of the Governor's authority to have negotiated and executed tribal-state gaming compacts prior to the effective date of this section.~~

~~(e) Following completion of negotiations conducted pursuant to subdivision (b) or (c), the Governor shall submit a copy of any executed tribal-state compact to both houses of the Legislature for ratification, and shall submit a copy of the executed compact to the Secretary of State for purposes of subdivision (f).~~

1 ~~(f) Upon receipt of a statute ratifying a tribal-state compact~~
2 ~~negotiated and executed pursuant to subdivision (c), or upon the~~
3 ~~expiration of the review period described in subdivision (b), the~~
4 ~~Secretary of State shall forward a copy of the executed compact~~
5 ~~and the ratifying statute, if applicable, to the Secretary of the~~
6 ~~Interior for his or her review and approval, in accordance with~~
7 ~~paragraph (8) of subsection (d) of Section 2710 of Title 25 of the~~
8 ~~United States Code.~~

9 ~~(g) In deference to tribal sovereignty, neither the execution of~~
10 ~~a tribal-state gaming compact nor the on-reservation impacts of~~
11 ~~compliance with the terms of a tribal-state gaming compact shall~~
12 ~~be deemed to constitute a project for purposes of the California~~
13 ~~Environmental Quality Act (Division 13 (commencing with Section~~
14 ~~21000) of the Public Resources Code).~~

15 SEC. 2. Section 12012.30 of the Government Code is repealed.

16 ~~12012.30. The tribal-state gaming compact entered into in~~
17 ~~accordance with the Indian Gaming Regulatory Act of 1988 (18~~
18 ~~U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)~~
19 ~~between the State of California and the Torres-Martinez Desert~~
20 ~~Cahuilla Indians, executed on August 12, 2003, is hereby ratified.~~

21 SEC. 3. Section 12012.35 of the Government Code is repealed.

22 ~~12012.35. (a) The tribal-state gaming compact entered into in~~
23 ~~accordance with the Indian Gaming Regulatory Act of 1988 (18~~
24 ~~U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)~~
25 ~~between the State of California and the La Posta Band of Diegueño~~
26 ~~Mission Indians of the La Posta Indian Reservation, California,~~
27 ~~executed on September 9, 2003, is hereby ratified.~~

28 ~~(b) The tribal-state gaming compact entered into in accordance~~
29 ~~with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Secs.~~
30 ~~1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.) between the~~
31 ~~State of California and the Santa Ysabel Band of Diegueño Mission~~
32 ~~Indians of the Santa Ysabel Reservation, California, executed on~~
33 ~~September 8, 2003, is hereby ratified.~~

34 SEC. 4. Section 12012.40 of the Government Code is repealed.

35 ~~12012.40. (a) The following amendments to tribal-state gaming~~
36 ~~compacts entered into in accordance with the Indian Gaming~~
37 ~~Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and~~
38 ~~25 U.S.C. Sec. 2701 et seq.) are hereby ratified:~~

~~(1) The amendment of the compact between the State of California and the Pala Band of Mission Indians, executed on June 21, 2004.~~

~~(2) The amendment of the compact between the State of California and the Pauma Band of Luiseno Mission Indians of the Pauma and Yuima Reservation, executed on June 21, 2004.~~

~~(3) The amendment of the compact between the State of California and the Rumsey Band of Wintun Indians, executed on June 21, 2004.~~

~~(4) The amendment of the compact between the State of California and the United Auburn Indian Community, executed on June 21, 2004.~~

~~(5) The amendment of the compact between the State of California and the Viejas Band of Kumeyaay Indians, executed on June 21, 2004.~~

~~(b) (1) In deference to tribal sovereignty, none of the following shall be deemed a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code):~~

~~(A) The execution of an amendment of tribal-state gaming compact ratified by this section.~~

~~(B) The execution of an intergovernmental agreement between a tribe and a county or city government negotiated pursuant to the express authority of, or as expressly referenced in, an amended tribal-state gaming compact ratified by this section.~~

~~(C) The on-reservation impacts of compliance with the terms of an amended tribal-state gaming compact ratified by this section.~~

~~(D) The sale of compact assets as defined in subdivision (a) of Section 63048.6 or the creation of the special purpose trust established pursuant to Section 63048.65.~~

~~(2) Except as expressly provided herein, nothing in this subdivision shall be construed to exempt a city, county, or a city and county from the requirements of the California Environmental Quality Act.~~

~~SEC. 5. Section 12012.45 of the Government Code is repealed.~~

~~12012.45. (a) The following tribal-state gaming compacts and amendments of tribal-state gaming compacts entered into in accordance with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:~~

1 ~~(1) The amendment of the compact between the State of~~
2 ~~California and the Buena Vista Rancheria of Me-Wuk Indians,~~
3 ~~executed on August 23, 2004.~~

4 ~~(2) The compact between the State of California and the Fort~~
5 ~~Mojave Indian Tribe, executed on August 23, 2004.~~

6 ~~(3) The compact between the State of California and the Coyote~~
7 ~~Valley Band of Pomo Indians, executed on August 23, 2004.~~

8 ~~(4) The amendment to the compact between the State of~~
9 ~~California and the Ewiiapaayp Band of Kumeyaay Indians,~~
10 ~~executed on August 23, 2004.~~

11 ~~(5) The amendment to the compact between the State of~~
12 ~~California and the Quechan Tribe of the Fort Yuma Indian~~
13 ~~Reservation, executed on June 26, 2006.~~

14 ~~(b) The terms of each compact apply only to the State of~~
15 ~~California and the tribe that has signed it, and the terms of these~~
16 ~~compacts do not bind any tribe that is not a signatory to any of the~~
17 ~~compacts. The Legislature acknowledges the right of federally~~
18 ~~recognized tribes to exercise their sovereignty to negotiate and~~
19 ~~enter into compacts with the state that are materially different from~~
20 ~~the compacts ratified pursuant to subdivision (a).~~

21 ~~(c) (1) In deference to tribal sovereignty, none of the following~~
22 ~~shall be deemed a project for purposes of the California~~
23 ~~Environmental Quality Act (Division 13 (commencing with Section~~
24 ~~21000) of the Public Resources Code):~~

25 ~~(A) The execution of an amendment of a tribal-state gaming~~
26 ~~compact ratified by this section.~~

27 ~~(B) The execution of a tribal-state gaming compact ratified by~~
28 ~~this section.~~

29 ~~(C) The execution of an intergovernmental agreement between~~
30 ~~a tribe and a county or city government negotiated pursuant to the~~
31 ~~express authority of, or as expressly referenced in, a tribal-state~~
32 ~~gaming compact or an amended tribal-state gaming compact~~
33 ~~ratified by this section.~~

34 ~~(D) The execution of an intergovernmental agreement between~~
35 ~~a tribe and the California Department of Transportation negotiated~~
36 ~~pursuant to the express authority of, or as expressly referenced in,~~
37 ~~a tribal-state gaming compact or an amended tribal-state gaming~~
38 ~~compact ratified by this section.~~

1 ~~(E) The on-reservation impacts of compliance with the terms~~
2 ~~of a tribal-state gaming compact or an amended tribal-state gaming~~
3 ~~compact ratified by this section.~~

4 ~~(F) The sale of compact assets, as defined in subdivision (a) of~~
5 ~~Section 63048.6, or the creation of the special purpose trust~~
6 ~~established pursuant to Section 63048.65.~~

7 ~~(2) Except as expressly provided herein, nothing in this~~
8 ~~subdivision shall be construed to exempt a city, county, a city and~~
9 ~~county, or the California Department of Transportation from the~~
10 ~~requirements of the California Environmental Quality Act.~~

11 ~~(d) Revenue contributions made to the state by tribes pursuant~~
12 ~~to the tribal-state gaming compacts and amendments of tribal-state~~
13 ~~gaming compacts ratified by this section shall be deposited in the~~
14 ~~General Fund.~~

15 SEC. 6. Section 12012.46 of the Government Code is repealed.

16 ~~12012.46. (a) The amendment to the tribal-state gaming~~
17 ~~compact entered into in accordance with the Indian Gaming~~
18 ~~Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and~~
19 ~~25 U.S.C. Sec. 2701 et seq.) between the State of California and~~
20 ~~the Agua Caliente Band of Cahuilla Indians, executed on August~~
21 ~~8, 2006, is hereby ratified.~~

22 ~~(b) (1) In deference to tribal sovereignty, none of the following~~
23 ~~shall be deemed a project for purposes of the California~~
24 ~~Environmental Quality Act (Division 13 (commencing with Section~~
25 ~~21000) of the Public Resources Code):~~

26 ~~(A) The execution of an amendment to the amended tribal-state~~
27 ~~gaming compact ratified by this section.~~

28 ~~(B) The execution of the amended tribal-state gaming compact~~
29 ~~ratified by this section.~~

30 ~~(C) The execution of an intergovernmental agreement between~~
31 ~~a tribe and a county or city government negotiated pursuant to the~~
32 ~~express authority of, or as expressly referenced in, the amended~~
33 ~~tribal-state gaming compact ratified by this section.~~

34 ~~(D) The execution of an intergovernmental agreement between~~
35 ~~a tribe and the California Department of Transportation negotiated~~
36 ~~pursuant to the express authority of, or as expressly referenced in,~~
37 ~~the amended tribal-state gaming compact ratified by this section.~~

38 ~~(E) The on-reservation impacts of compliance with the terms~~
39 ~~of the amended 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, nothing in this~~
5 ~~subdivision shall be construed to exempt a city, county, or city~~
6 ~~and county, or the California Department of Transportation, from~~
7 ~~the requirements of the California Environmental Quality Act.~~

8 ~~(c) Revenue contributions made to the state by tribes pursuant~~
9 ~~to the amended tribal-state gaming compact ratified by this section~~
10 ~~shall be deposited in the General Fund.~~

11 SEC. 7. Section 12012.465 of the Government Code is
12 repealed.

13 ~~12012.465. The memorandum of agreement entered into~~
14 ~~between the State of California and the Agua Caliente Band of~~
15 ~~Cahuilla Indians, executed on June 27, 2007, is hereby approved.~~

16 SEC. 8. Section 12012.47 of the Government Code is repealed.

17 ~~12012.47. (a) The amendment to the tribal-state gaming~~
18 ~~compact entered into in accordance with the Indian Gaming~~
19 ~~Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and~~
20 ~~25 U.S.C. Sec. 2701 et seq.) between the State of California and~~
21 ~~the San Manuel Band of Mission Indians, executed on August 28,~~
22 ~~2006, is hereby ratified.~~

23 ~~(b) The terms of the amended compact ratified by this section~~
24 ~~shall apply only to the State of California and the tribe that has~~
25 ~~signed it, and shall not bind any tribe that is not a signatory to the~~
26 ~~amended compact. The Legislature acknowledges the right of~~
27 ~~federally recognized tribes to exercise their sovereignty to negotiate~~
28 ~~and enter into compacts with the state that are materially different~~
29 ~~from the amended compact ratified pursuant to subdivision (a).~~

30 ~~(c) (1) In deference to tribal sovereignty, none of the following~~
31 ~~shall be deemed a project for purposes of the California~~
32 ~~Environmental Quality Act (Division 13 (commencing with Section~~
33 ~~21000) of the Public Resources Code):~~

34 ~~(A) The execution of an amendment to the amended tribal-state~~
35 ~~gaming compact ratified by this section.~~

36 ~~(B) The execution of the amended tribal-state gaming compact~~
37 ~~ratified by this section.~~

38 ~~(C) The execution of an intergovernmental agreement between~~
39 ~~a tribe and a county or city government negotiated pursuant to the~~

1 ~~express authority of, or as expressly referenced in, the amended~~
2 ~~tribal-state gaming compact ratified by this section.~~

3 ~~(D) The execution of an intergovernmental agreement between~~
4 ~~a tribe and the California Department of Transportation negotiated~~
5 ~~pursuant to the express authority of, or as expressly referenced in,~~
6 ~~the amended tribal-state gaming compact ratified by this section.~~

7 ~~(E) The on-reservation impacts of compliance with the terms~~
8 ~~of the amended tribal-state gaming compact ratified by this section.~~

9 ~~(F) The sale of compact assets, as defined in subdivision (a) of~~
10 ~~Section 63048.6, or the creation of the special purpose trust~~
11 ~~established pursuant to Section 63048.65.~~

12 ~~(2) Except as expressly provided herein, nothing in this~~
13 ~~subdivision shall be construed to exempt a city, county, or city~~
14 ~~and county, or the California Department of Transportation, from~~
15 ~~the requirements of the California Environmental Quality Act.~~

16 ~~(d) Revenue contributions made to the state by tribes pursuant~~
17 ~~to the amended tribal-state gaming compact ratified by this section~~
18 ~~shall be deposited in the General Fund, or as otherwise provided~~
19 ~~in the amended compact.~~

20 SEC. 9. Section 12012.475 of the Government Code is
21 repealed.

22 ~~12012.475. The letter of agreement entered into between the~~
23 ~~State of California and the San Manuel Band of Mission Indians,~~
24 ~~executed on September 5, 2007, is hereby approved.~~

25 SEC. 10. Section 12012.48 of the Government Code is
26 repealed.

27 ~~12012.48. (a) The amendment to the tribal-state gaming~~
28 ~~compact entered into in accordance with the Indian Gaming~~
29 ~~Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and~~
30 ~~25 U.S.C. Sec. 2701 et seq.) between the State of California and~~
31 ~~the Morongo Band of Mission Indians, executed on August 29,~~
32 ~~2006, is hereby ratified.~~

33 ~~(b) (1) In deference to tribal sovereignty, none of the following~~
34 ~~shall be deemed a project for purposes of the California~~
35 ~~Environmental Quality Act (Division 13 (commencing with Section~~
36 ~~21000) of the Public Resources Code):~~

37 ~~(A) The execution of an amendment to the amended tribal-state~~
38 ~~gaming compact ratified by this section.~~

39 ~~(B) The execution of the amended tribal-state gaming compact~~
40 ~~ratified by this section.~~

1 ~~(C) The execution of an intergovernmental agreement between~~
2 ~~a tribe and a county or city government negotiated pursuant to the~~
3 ~~express authority of, or as expressly referenced in, the amended~~
4 ~~tribal-state gaming compact ratified by this section.~~

5 ~~(D) The execution of an intergovernmental agreement between~~
6 ~~a tribe and the California Department of Transportation negotiated~~
7 ~~pursuant to the express authority of, or as expressly referenced in,~~
8 ~~the amended tribal-state gaming compact ratified by this section.~~

9 ~~(E) The on-reservation impacts of compliance with the terms~~
10 ~~of the amended tribal-state gaming compact ratified by this section.~~

11 ~~(F) The sale of compact assets, as defined in subdivision (a) of~~
12 ~~Section 63048.6, or the creation of the special purpose trust~~
13 ~~established pursuant to Section 63048.65.~~

14 ~~(2) Except as expressly provided herein, nothing in this~~
15 ~~subdivision shall be construed to exempt a city, county, or city~~
16 ~~and county, or the California Department of Transportation, from~~
17 ~~the requirements of the California Environmental Quality Act.~~

18 ~~(c) Revenue contributions made to the state by tribes pursuant~~
19 ~~to the amended tribal-state gaming compact ratified by this section~~
20 ~~shall be deposited in the General Fund.~~

21 SEC. 11. Section 12012.485 of the Government Code is
22 repealed.

23 ~~12012.485. The memorandum of agreement entered into~~
24 ~~between the State of California and the Morongo Band of Mission~~
25 ~~Indians, executed on June 27, 2007, is hereby approved.~~

26 SEC. 12. Section 12012.49 of the Government Code is
27 repealed.

28 ~~12012.49. (a) The amendment to the tribal-state gaming~~
29 ~~compact entered into in accordance with the Indian Gaming~~
30 ~~Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and~~
31 ~~25 U.S.C. Sec. 2701 et seq.) between the State of California and~~
32 ~~the Pechanga Band of Luiseño Mission Indians, executed on~~
33 ~~August 28, 2006, is hereby ratified.~~

34 ~~(b) (1) In deference to tribal sovereignty, none of the following~~
35 ~~shall be deemed a project for purposes of the California~~
36 ~~Environmental Quality Act (Division 13 (commencing with Section~~
37 ~~21000) of the Public Resources Code):~~

38 ~~(A) The execution of an amendment to the amended tribal-state~~
39 ~~gaming compact ratified by this section.~~

1 ~~(B) The execution of the amended tribal-state gaming compact~~
2 ~~ratified by this section.~~

3 ~~(C) The execution of an intergovernmental agreement between~~
4 ~~a tribe and a county or city government negotiated pursuant to the~~
5 ~~express authority of, or as expressly referenced in, the amended~~
6 ~~tribal-state gaming compact ratified by this section.~~

7 ~~(D) The execution of an intergovernmental agreement between~~
8 ~~a tribe and the California Department of Transportation negotiated~~
9 ~~pursuant to the express authority of, or as expressly referenced in,~~
10 ~~the amended tribal-state gaming compact ratified by this section.~~

11 ~~(E) The on-reservation impacts of compliance with the terms~~
12 ~~of the amended tribal-state gaming compact ratified by this section.~~

13 ~~(F) The sale of compact assets, as defined in subdivision (a) of~~
14 ~~Section 63048.6, or the creation of the special purpose trust~~
15 ~~established pursuant to Section 63048.65.~~

16 ~~(2) Except as expressly provided herein, nothing in this~~
17 ~~subdivision shall be construed to exempt a city, county, or city~~
18 ~~and county, or the California Department of Transportation, from~~
19 ~~the requirements of the California Environmental Quality Act.~~

20 ~~(c) Revenue contributions made to the state by the tribe pursuant~~
21 ~~to the amended tribal-state gaming compact ratified by this section~~
22 ~~shall be deposited in the General Fund.~~

23 ~~SEC. 13. Section 12012.495 of the Government Code is~~
24 ~~repealed.~~

25 ~~12012.495.—The memorandum of agreement entered into~~
26 ~~between the State of California and the Pechanga Band of Luiseño~~
27 ~~Indians, executed on June 27, 2007, is hereby approved.~~

28 ~~SEC. 14. Section 12012.5 of the Government Code is repealed.~~

29 ~~12012.5.—(a) The following tribal-state compacts entered in~~
30 ~~accordance with the Indian Gaming Regulatory Act of 1988 (18~~
31 ~~U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are~~
32 ~~hereby ratified:~~

33 ~~(1) The compact between the State of California and the Barona~~
34 ~~Band of Mission Indians, executed on August 12, 1998.~~

35 ~~(2) The compact between the State of California and the Big~~
36 ~~Sandy Rancheria of Mono Indians, executed on July 20, 1998.~~

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

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

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

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

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

11 ~~(8) The compact between the State of California and the Rumsey~~
12 ~~Indian Rancheria of Wintun Indians of California, executed on~~
13 ~~July 13, 1998.~~

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

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

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

20 ~~The terms of each compact apply only to the State of California~~
21 ~~and the tribe that has signed it, and the terms of these compacts~~
22 ~~do not bind any tribe that is not a signatory to any of the compacts.~~

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

38 ~~(c) The Legislature acknowledges the right of federally~~
39 ~~recognized tribes to exercise their sovereignty to negotiate and~~
40 ~~enter into compacts with the state that are materially different from~~

1 the compacts ratified pursuant to subdivision (a). These compacts
2 shall be ratified upon approval of each house of the Legislature, a
3 majority of the membership thereof concurring.

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

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

19 (f) ~~In deference to tribal sovereignty, the execution of, and~~
20 ~~compliance with the terms of, any compact specified under~~
21 ~~subdivision (a) or (b) shall not be deemed to constitute a project~~
22 ~~for purposes of the California Environmental Quality Act (Division~~
23 ~~13 (commencing with Section 21000) of the Public Resources~~
24 ~~Code).~~

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

32 SEC. 15. Section 12012.51 of the Government Code is
33 repealed.

34 12012.51. (a) ~~The amendment to the tribal-state gaming~~
35 ~~compact entered into in accordance with the Indian Gaming~~
36 ~~Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and~~
37 ~~25 U.S.C. Sec. 2701 et seq.) between the State of California and~~
38 ~~the Sycuan Band of the Kumeyaay Nation, executed on August~~
39 ~~30, 2006, is hereby ratified.~~

1 ~~(b) The terms of the amended compact ratified by this section~~
2 ~~shall apply only to the State of California and the tribe that has~~
3 ~~signed it, and shall not bind any tribe that is not a signatory to the~~
4 ~~amended compact. The Legislature acknowledges the right of~~
5 ~~federally recognized tribes to exercise their sovereignty to negotiate~~
6 ~~and enter into compacts with the state that are materially different~~
7 ~~from the amended compact ratified pursuant to subdivision (a).~~

8 ~~(c) (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 amended tribal-state~~
13 ~~gaming compact ratified by this section.~~

14 ~~(B) The execution of the amended tribal-state gaming compact~~
15 ~~ratified by this section.~~

16 ~~(C) The execution of an intergovernmental agreement between~~
17 ~~a tribe and a county or city government negotiated pursuant to the~~
18 ~~express authority of, or as expressly referenced in, the amended~~
19 ~~tribal-state gaming compact ratified by this section.~~

20 ~~(D) The execution of an intergovernmental agreement between~~
21 ~~a tribe and the California Department of Transportation negotiated~~
22 ~~pursuant to the express authority of, or as expressly referenced in,~~
23 ~~the amended tribal-state gaming compact ratified by this section.~~

24 ~~(E) The on-reservation impacts of compliance with the terms~~
25 ~~of the amended tribal-state gaming compact ratified by this section.~~

26 ~~(F) The sale of compact assets, as defined in subdivision (a) of~~
27 ~~Section 63048.6, or the creation of the special purpose trust~~
28 ~~established pursuant to Section 63048.65.~~

29 ~~(2) Except as expressly provided herein, nothing in this~~
30 ~~subdivision shall be construed to exempt a city, county, or city~~
31 ~~and county, or the California Department of Transportation, from~~
32 ~~the requirements of the California Environmental Quality Act.~~

33 ~~(d) Revenue contributions made to the state by the tribe pursuant~~
34 ~~to the amended tribal-state gaming compact ratified by this section~~
35 ~~shall be deposited in the General Fund, or as otherwise provided~~
36 ~~in the amended compact.~~

37 SEC. 16. Section 12012.515 of the Government Code is
38 repealed.

~~12012.515. The memorandum of agreement entered into between the State of California and the Sycuan Band of the Kumeyaay Nation, executed on June 27, 2007, is hereby approved.~~

SEC. 17. Section 12012.52 of the Government Code is repealed.

~~12012.52. (a) The tribal-state gaming compact entered into in accordance with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.) between the State of California and the Yurok Tribe of the Yurok Reservation, executed on August 29, 2006, is hereby ratified.~~

~~(b) (1) In deference to tribal sovereignty, none of the following shall be deemed a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code):~~

~~(A) The execution of an amendment of the tribal-state gaming compact ratified by this section.~~

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

~~(C) The execution of an intergovernmental agreement between a tribe and a county or city government negotiated pursuant to the express authority of, or as expressly referenced in, the tribal-state gaming compact ratified by this section.~~

~~(D) The execution of an intergovernmental agreement between a tribe and the California Department of Transportation negotiated pursuant to the express authority of, or as expressly referenced in, the tribal-state gaming compact ratified by this section.~~

~~(E) The on-reservation impacts of compliance with the terms of the tribal-state gaming compact ratified by this section.~~

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

~~(2) Except as expressly provided herein, nothing in this subdivision shall be construed to exempt a city, county, or city and county, or the California Department of Transportation, from the requirements of the California Environmental Quality Act.~~

~~(c) Revenue contributions made to the state by the tribe pursuant to the tribal-state gaming compact ratified by this section shall be deposited in the General Fund.~~

SEC. 18. Section 12012.53 of the Government Code is repealed.

1 ~~12012.53.—(a) The amendment to the tribal-state gaming~~
2 ~~compact entered into in accordance with the Indian Gaming~~
3 ~~Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, incl., and~~
4 ~~25 U.S.C. Sec. 2701 et seq.) between the State of California and~~
5 ~~the Shingle Springs Band of Miwok Indians, executed on June 30,~~
6 ~~2008, is hereby ratified.~~

7 ~~(b) (1) In deference to tribal sovereignty, none of the following~~
8 ~~shall be deemed a project for purposes of the California~~
9 ~~Environmental Quality Act (Division 13 (commencing with Section~~
10 ~~21000) of the Public Resources Code):~~

11 ~~(A) The execution of an amendment to the amended tribal-state~~
12 ~~gaming compact ratified by this section.~~

13 ~~(B) The execution of the amended tribal-state gaming compact~~
14 ~~ratified by this section.~~

15 ~~(C) The execution of an intergovernmental agreement between~~
16 ~~a tribe and a county or city government negotiated pursuant to the~~
17 ~~express authority of, or as expressly referenced in, the amended~~
18 ~~tribal-state gaming compact ratified by this section.~~

19 ~~(D) The execution of an intergovernmental agreement between~~
20 ~~a tribe and the California Department of Transportation negotiated~~
21 ~~pursuant to the express authority of, or as expressly referenced in,~~
22 ~~the amended tribal-state gaming compact ratified by this section.~~

23 ~~(E) The on-reservation impacts of compliance with the terms~~
24 ~~of the amended tribal-state gaming compact ratified by this section.~~

25 ~~(F) The sale of compact assets, as defined in subdivision (a) of~~
26 ~~Section 63048.6, or the creation of the special purpose trust~~
27 ~~established pursuant to Section 63048.65.~~

28 ~~(2) Except as expressly provided herein, nothing in this~~
29 ~~subdivision shall be construed to exempt a city, county, or city~~
30 ~~and county, or the California Department of Transportation, from~~
31 ~~the requirements of the California Environmental Quality Act.~~

32 ~~(c) Revenue contributions made to the state by the tribe pursuant~~
33 ~~to the tribal-state gaming compact ratified by this section shall be~~
34 ~~deposited in the General Fund, except as otherwise provided by~~
35 ~~the amended compact or by a statute directing that a portion of the~~
36 ~~revenue contributions be deposited in a special fund.~~

37 ~~SEC. 19. Section 12012.75 of the Government Code is~~
38 ~~repealed.~~

39 ~~12012.75. There is hereby created in the State Treasury a~~
40 ~~special fund called the “Indian Gaming Revenue Sharing Trust~~

1 Fund” for the receipt and deposit of moneys derived from gaming
2 device license fees that are paid into the fund pursuant to the terms
3 of tribal-state gaming compacts for the purpose of making
4 distributions to noncompact tribes. Moneys in the Indian Gaming
5 Revenue Sharing Trust Fund shall be available to the California
6 Gambling Control Commission, upon appropriation by the
7 Legislature, for the purpose of making distributions to noncompact
8 tribes, in accordance with distribution plans specified in tribal-state
9 gaming compacts.

10 SEC. 20. Section 12012.85 of the Government Code is
11 repealed.

12 12012.85. There is hereby created in the State Treasury a fund
13 called the “Indian Gaming Special Distribution Fund” for the
14 receipt and deposit of moneys received by the state from Indian
15 tribes pursuant to the terms of tribal-state gaming compacts. These
16 moneys shall be available for appropriation by the Legislature for
17 the following purposes:

18 (a) Grants, including any administrative costs, for programs
19 designed to address gambling addiction.

20 (b) Grants, including any administrative costs, for the support
21 of state and local government agencies impacted by tribal
22 government gaming.

23 (c) Compensation for regulatory costs incurred by the State
24 Gaming Agency and the Department of Justice in connection with
25 the implementation and administration of tribal-state gaming
26 compacts.

27 (d) Payment of shortfalls that may occur in the Indian Gaming
28 Revenue Sharing Trust Fund. This shall be the priority use of
29 moneys in the Indian Gaming Special Distribution Fund.

30 (e) Disbursements for the purpose of implementing the terms
31 of tribal labor relations ordinances promulgated in accordance with
32 the terms of tribal-state gaming compacts ratified pursuant to
33 Chapter 874 of the Statutes of 1999. No more than 10 percent of
34 the funds appropriated in the Budget Act of 2000 for
35 implementation of tribal labor relations ordinances promulgated
36 in accordance with those compacts shall be expended in the
37 selection of the Tribal Labor Panel. The Department of Personnel
38 Administration shall consult with and seek input from the parties
39 prior to any expenditure for purposes of selecting the Tribal Labor
40 Panel. Other than the cost of selecting the Tribal Labor Panel, there

1 shall be no further disbursements until the Tribal Labor Panel,
2 which is selected by mutual agreement of the parties, is in place.

3 (f) Any other purpose specified by law.

4 (g) Priority for funding from the Indian Gaming Special
5 Distribution Fund is in the following descending order:

6 (1) An appropriation to the Indian Gaming Revenue Sharing
7 Trust Fund in an aggregate amount sufficient to make payments
8 of any shortfalls that may occur in the Indian Gaming Revenue
9 Sharing Trust Fund.

10 (2) An appropriation to the Office of Problem and Pathological
11 Gambling within the State Department of Alcohol and Drug
12 Programs for problem gambling prevention programs.

13 (3) The amount appropriated in the annual Budget Act for
14 allocation between the Division of Gambling Control and the
15 California Gambling Control Commission for regulatory functions
16 that directly relates to Indian gaming.

17 (4) An appropriation for the support of local government
18 agencies impacted by tribal gaming.

19 SEC. 21. Section 12012.90 of the Government Code is
20 repealed.

21 12012.90. (a) (1) For each fiscal year commencing with the
22 2002-03 fiscal year to the 2004-05 fiscal year, inclusive, the
23 California Gambling Control Commission shall determine the
24 aggregate amount of shortfalls in payments that occurred in the
25 Indian Gaming Revenue Sharing Trust Fund pursuant to Section
26 4.3.2.1 of the tribal-state gaming compacts ratified and in effect
27 as provided in subdivision (f) of Section 19 of Article IV of the
28 California Constitution as determined below:

29 (A) For each eligible recipient Indian tribe that received money
30 for all four quarters of the fiscal year, the difference between one
31 million one hundred thousand dollars (\$1,100,000) and the actual
32 amount paid to each eligible recipient Indian tribe during the fiscal
33 year from the Indian Gaming Revenue Sharing Trust Fund.

34 (B) For each eligible recipient Indian tribe that received moneys
35 for less than four quarters of the fiscal year, the difference between
36 two hundred seventy-five thousand dollars (\$275,000) for each
37 quarter in the fiscal year that a recipient Indian tribe was eligible
38 to receive moneys and the actual amount paid to each eligible
39 recipient Indian tribe during the fiscal year from the Indian Gaming
40 Revenue Sharing Trust Fund.

~~(2) For purposes of this section, “eligible recipient Indian tribe” means a noncompact tribe, as defined in Section 4.3.2(a)(i) of the tribal-state gaming compacts ratified and in effect as provided in subdivision (f) of Section 19 of Article IV of the California Constitution.~~

~~(b) The California Gambling Control Commission shall provide to the committee in the Senate and Assembly that considers the State Budget an estimate of the amount needed to backfill the Indian Gaming Revenue Sharing Trust Fund on or before the date of the May budget revision for each fiscal year.~~

~~(c) An eligible recipient Indian tribe may not receive an amount from the backfill appropriated following the estimate made pursuant to subdivision (b) that would give the eligible recipient Indian tribe an aggregate amount in excess of two hundred seventy-five thousand dollars (\$275,000) per eligible quarter. Any funds transferred from the Indian Gaming Special Distribution Fund to the Indian Gaming Revenue Sharing Trust Fund that result in a surplus shall revert back to the Indian Gaming Special Distribution Fund following the authorization of the final payment of the fiscal year.~~

~~(d) Upon a transfer of moneys from the Indian Gaming Special Distribution Fund to the Indian Gaming Revenue Sharing Trust Fund and appropriation from the trust fund, the California Gambling Control Commission shall distribute the moneys without delay to eligible recipient Indian tribes for each quarter that a tribe was eligible to receive a distribution during the fiscal year immediately preceding.~~

~~(e) For each fiscal year commencing with the 2005-06 fiscal year, all of the following shall apply and subdivisions (b) to (d), inclusive, shall not apply:~~

~~(1) On or before the day of the May budget revision for each fiscal year, the California Gambling Control Commission shall determine the anticipated total amount of shortfalls in payment likely to occur in the Indian Gaming Revenue Sharing Trust Fund for the upcoming fiscal year, and shall provide to the committee in the Senate and Assembly that considers the State Budget an estimate of the amount needed to transfer from the Indian Gaming Special Distribution Fund to backfill the Indian Gaming Revenue Sharing Trust Fund for the next fiscal year. The anticipated total amount of shortfalls to be transferred from the Indian Gaming~~

1 Special Distribution Fund to the Indian Gaming Revenue Sharing
2 Trust Fund shall be determined by the California Gambling Control
3 Commission as follows:

4 (A) The anticipated number of eligible recipient tribes that will
5 be eligible to receive payments for the next fiscal year, multiplied
6 by one million one hundred thousand dollars (\$1,100,000), with
7 that product reduced by the amount anticipated to be paid by the
8 tribes directly into the Indian Gaming Revenue Sharing Trust Fund
9 for the fiscal year.

10 (B) This amount shall be based upon actual payments received
11 into the Indian Gaming Revenue Sharing Trust Fund the previous
12 fiscal year, with adjustments made due to amendments to existing
13 tribal-state compacts or newly executed tribal-state compacts with
14 respect to payments to be made to the Indian Gaming Revenue
15 Sharing Trust Fund.

16 (2) The Legislature shall transfer from the Indian Gaming
17 Special Distribution Fund to the Indian Gaming Revenue Sharing
18 Trust Fund an amount sufficient for each eligible recipient tribe
19 to receive a total not to exceed two hundred seventy-five thousand
20 dollars (\$275,000) for each quarter in the upcoming fiscal year an
21 eligible recipient tribe is eligible to receive moneys, for a total not
22 to exceed one million, one hundred thousand dollars (\$1,100,000)
23 for the entire fiscal year. The California Gambling Control
24 Commission shall make quarterly payments from the Indian
25 Gaming Revenue Sharing Trust Fund to each eligible recipient
26 Indian tribe within 45 days of the end of each fiscal quarter.

27 (3) If the transfer of funds from the Indian Gaming Special
28 Distribution Fund to the Indian Gaming Revenue Sharing Trust
29 Fund results in a surplus, the funds shall remain in the Indian
30 Gaming Revenue Sharing Trust Fund for disbursement in future
31 years, and if necessary, adjustments shall be made to future
32 distributions from the Indian Gaming Special Distribution Fund
33 to the Revenue Sharing Trust Fund.

34 (4) In the event the amount appropriated for the fiscal year is
35 insufficient to ensure each eligible recipient tribe receives the total
36 of two hundred seventy-five thousand dollars (\$275,000) for each
37 fiscal quarter, the Department of Finance, after consultation with
38 the California Gambling Control Commission, shall submit to the
39 Legislature a request for a budget augmentation for the current

1 fiscal year with an explanation as to the reason why the amount
2 appropriated for the fiscal year was insufficient.

3 ~~(5) At the end of each fiscal quarter, the California Gambling~~
4 ~~Control Commission's Indian Gaming Revenue Sharing Trust~~
5 ~~Fund report shall include information that identifies each of the~~
6 ~~eligible recipient tribes eligible to receive a distribution for that~~
7 ~~fiscal quarter, the amount paid into the Indian Gaming Revenue~~
8 ~~Sharing Trust Fund by each of the tribes pursuant to the applicable~~
9 ~~sections of the tribal-state compact, and the amount necessary to~~
10 ~~backfill from the Indian Gaming Special Distribution Fund the~~
11 ~~shortfall in the Indian Gaming Revenue Sharing Trust Fund in~~
12 ~~order for each eligible recipient tribe to receive the total of two~~
13 ~~hundred seventy-five thousand dollars (\$275,000) for the fiscal~~
14 ~~quarter.~~

15 ~~(6) Based upon the projected shortfall in the Indian Gaming~~
16 ~~Revenue Sharing Trust Fund, for the 2005-06 fiscal year, the sum~~
17 ~~of fifty million dollars (\$50,000,000) is hereby transferred from~~
18 ~~the Indian Gaming Special Distribution Fund to the Indian Gaming~~
19 ~~Revenue Sharing Trust Fund and is hereby appropriated from that~~
20 ~~fund to the California Gambling Control Commission for~~
21 ~~distribution to each eligible recipient tribe pursuant to this section.~~

22 SEC. 22. Chapter 7.5 (commencing with Section 12710) of
23 Part 2 of Division 3 of Title 2 of the Government Code is repealed.

24 SEC. 23. Title 16.5 (commencing with Section 98020) is added
25 to the Government Code, to read:

26
27 TITLE 16.5. TRIBAL GAMING

28
29 CHAPTER 1. COMPACT RATIFICATION

30
31 98020. (a) The following tribal-state gaming compacts entered
32 into in accordance with the Indian Gaming Regulatory Act of 1988
33 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et
34 seq.) are hereby ratified:

35 (1) The compact between the State of California and the Alturas
36 Rancheria, executed on September 10, 1999.

37 (2) The compact between the State of California and the Barona
38 Band of Mission Indians, executed on September 10, 1999.

1 (3) The compact between the State of California and the Big
2 Sandy Rancheria Band of Mono Indians, executed on September
3 10, 1999.

4 (4) The compact between the State of California and the Big
5 Valley Rancheria, executed on September 10, 1999.

6 (5) The compact between the State of California and the Bishop
7 Paiute Tribe, executed on September 10, 1999.

8 (6) The compact between the State of California and the Blue
9 Lake Rancheria, executed on September 10, 1999.

10 (7) The compact between the State of California and the Buena
11 Vista Band of Me-wuk Indians, executed on September 10, 1999.

12 (8) The compact between the State of California and the
13 Cabazon Band of Mission Indians, executed on September 10,
14 1999.

15 (9) The compact between the State of California and the Cahto
16 Tribe of Laytonville, executed on September 10, 1999.

17 (10) The compact between the State of California and the
18 Cahuilla Band of Mission Indians, executed on September 10,
19 1999.

20 (11) The compact between the State of California and the Campo
21 Band of Mission Indians, executed on September 10, 1999.

22 (12) The compact between the State of California and the
23 Chemehuevi Indian Tribe, executed on September 10, 1999.

24 (13) The compact between the State of California and the
25 Chicken Ranch Rancheria, executed on September 10, 1999.

26 (14) The compact between the State of California and the Coast
27 Indian Community of the Resighini Rancheria, executed on
28 September 10, 1999.

29 (15) The compact between the State of California and the Colusa
30 Indian Community, executed on September 10, 1999.

31 (16) The compact between the State of California and the Dry
32 Creek Rancheria Band of Pomo Indians, executed on September
33 10, 1999.

34 (17) The compact between the State of California and the Elk
35 Valley Rancheria, executed on September 10, 1999.

36 (18) The compact between the State of California and the
37 Ewiiapaayp Band of Kumeyaay, executed on September 10, 1999.

38 (19) The compact between the State of California and the Hoopa
39 Valley Tribe, executed on September 10, 1999.

- 1 (20) The compact between the State of California and the
2 Hopland Band of Pomo Indians, executed on September 10, 1999.
- 3 (21) The compact between the State of California and the
4 Jackson Band of Mi-Wuk Indians, executed on September 10,
5 1999.
- 6 (22) The compact between the State of California and the Jamul
7 Indian Reservation, executed on September 10, 1999.
- 8 (23) The compact between the State of California and the La
9 Jolla Indian Reservation, executed on September 10, 1999.
- 10 (24) The compact between the State of California and the
11 Manzanita Tribe of Kumeyaay Indians, executed on September
12 10, 1999.
- 13 (25) The compact between the State of California and the Mesa
14 Grande Band of Mission Indians, executed on September 10, 1999.
- 15 (26) The compact between the State of California and the
16 Middletown Rancheria Band of Pomo Indians, executed on
17 September 10, 1999.
- 18 (27) The compact between the State of California and the
19 Morongo Band of Mission Indians, executed on September 10,
20 1999.
- 21 (28) The compact between the State of California and the
22 Mooretown Rancheria Concow Maidu Tribe, executed on
23 September 10, 1999.
- 24 (29) The compact between the State of California and the Pala
25 Band of Mission Indians, executed on September 10, 1999.
- 26 (30) The compact between the State of California and the
27 Paskenta Band of Nomlaki Indians, executed on September 10,
28 1999.
- 29 (31) The compact between the State of California and the
30 Pechanga Band of Luiseno Indians, executed on September 10,
31 1999.
- 32 (32) The compact between the State of California and the
33 Picayune Rancheria of Chukchansi Indians, executed on September
34 10, 1999.
- 35 (33) The compact between the State of California and the
36 Quechan Nation, executed on September 10, 1999.
- 37 (34) The compact between the State of California and the
38 Redding Rancheria, executed on September 10, 1999.

1 (35) The compact between the State of California and the
2 Rincon, San Luiseno Band of Mission Indians, executed on
3 September 10, 1999.

4 (36) The compact between the State of California and the
5 Rumsey Band of Wintun Indians, executed on September 10, 1999.

6 (37) The compact between the State of California and the
7 Robinson Rancheria Band of Pomo Indians, executed on September
8 10, 1999.

9 (38) The compact between the State of California and the
10 Rohnerville Rancheria, executed on September 10, 1999.

11 (39) The compact between the State of California and the San
12 Manuel Band of Mission Indians, executed on September 10, 1999.

13 (40) The compact between the State of California and the San
14 Pasqual Band of Mission Indians, executed on September 10, 1999.

15 (41) The compact between the State of California and the Santa
16 Rosa Rancheria Tachi Tribe, executed on September 10, 1999.

17 (42) The compact between the State of California and the Santa
18 Ynez Band of Chumash Indians, executed on September 10, 1999.

19 (43) The compact between the State of California and the
20 Sherwood Valley Rancheria Band of Pomo Indians, executed on
21 September 10, 1999.

22 (44) The compact between the State of California and the
23 Shingle Springs Band of Miwok Indians, executed on September
24 10, 1999.

25 (45) The compact between the State of California and the Smith
26 River Rancheria, executed on September 10, 1999.

27 (46) The compact between the State of California and the
28 Soboba Band of Mission Indians, executed on September 10, 1999.

29 (47) The compact between the State of California and the
30 Susanville Indian Rancheria, executed on September 10, 1999.

31 (48) The compact between the State of California and the Sycuan
32 Band of Kumeyaay Indians, executed on September 10, 1999.

33 (49) The compact between the State of California and the Table
34 Mountain Rancheria, executed on September 10, 1999.

35 (50) The compact between the State of California and the
36 Trinidad Rancheria, executed on September 10, 1999.

37 (51) The compact between the State of California and the Tule
38 River Indian Tribe, executed on September 10, 1999.

1 (52) The compact between the State of California and the
2 Tuolumne Band of Me-wuk Indians, executed on September 10,
3 1999.

4 (53) The compact between the State of California and the
5 Twenty Nine Palms Band of Mission Indians, executed on
6 September 10, 1999.

7 (54) The compact between the State of California and the Tyme
8 Maidu Tribe, Berry Creek Rancheria, executed on September 10,
9 1999.

10 (55) The compact between the State of California and the United
11 Auburn Indian Community, executed on September 10, 1999.

12 (56) The compact between the State of California and the Viejas
13 Band of Kumeyaay Indians, executed on September 10, 1999.

14 (57) The compact between the State of California and the Coyote
15 Valley Band of Pomo Indians, executed on September 10, 1999.

16 (b) Any other tribal-state gaming compact entered into between
17 the State of California and a federally recognized Indian tribe
18 which is executed after September 10, 1999, is hereby ratified if
19 both of the following are true:

20 (1) The compact is identical in all material respects to any of
21 the compacts expressly ratified pursuant to subdivision (a). A
22 compact shall be deemed to be materially identical to a compact
23 ratified pursuant to subdivision (a) if the Governor certifies it is
24 materially identical at the time he or she submits it to the
25 Legislature.

26 (2) The compact is not rejected by each house of the Legislature,
27 two-thirds of the membership thereof concurring, within 30 days
28 of the date of the submission of the compact to the Legislature by
29 the Governor. However, if the 30-day period ends during a joint
30 recess of the Legislature, the period shall be extended until the
31 fifteenth day following the day on which the Legislature
32 reconvenes.

33 (c) The Legislature acknowledges the right of federally
34 recognized Indian tribes to exercise their sovereignty to negotiate
35 and enter into tribal-state gaming compacts that are materially
36 different from the compacts ratified pursuant to subdivision (a).
37 These compacts shall be ratified by a statute approved by each
38 house of the Legislature, a majority of the members thereof
39 concurring, and signed by the Governor, unless the statute contains
40 implementing or other provisions requiring a supermajority vote,

1 in which case the statute shall be approved in the manner required
2 by the Constitution.

3 (d) The Governor is the designated state officer responsible for
4 negotiating and executing, on behalf of the state, tribal-state gaming
5 compacts with federally recognized Indian tribes located within
6 the State of California pursuant to the federal Indian Gaming
7 Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and
8 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class
9 III gaming, as defined in that act, on Indian lands within this state.
10 Nothing in this section shall be construed to deny the existence of
11 the Governor's authority to have negotiated and executed
12 tribal-state gaming compacts prior to the effective date of this
13 section.

14 (e) Following completion of negotiations conducted pursuant
15 to subdivision (b) or (c), the Governor shall submit a copy of any
16 executed tribal-state compact to both houses of the Legislature for
17 ratification, and shall submit a copy of the executed compact to
18 the Secretary of State for purposes of subdivision (f).

19 (f) Upon receipt of a statute ratifying a tribal-state compact
20 negotiated and executed pursuant to subdivision (c), or upon the
21 expiration of the review period described in subdivision (b), the
22 Secretary of State shall forward a copy of the executed compact
23 and the ratifying statute, if applicable, to the Secretary of the
24 Interior for his or her review and approval, in accordance with
25 paragraph (8) of subsection (d) of Section 2710 of Title 25 of the
26 United States Code.

27 (g) In deference to tribal sovereignty, neither the execution of
28 a tribal-state gaming compact nor the on-reservation impacts of
29 compliance with the terms of a tribal-state gaming compact shall
30 be deemed to constitute a project for purposes of the California
31 Environmental Quality Act (Division 13 (commencing with Section
32 21000) of the Public Resources Code).

33 98021. The tribal-state gaming compact entered into in
34 accordance with the Indian Gaming Regulatory Act of 1988 (18
35 U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
36 between the State of California and the Torres-Martinez Desert
37 Cahuilla Indians, executed on August 12, 2003, is hereby ratified.

38 98022. (a) The tribal-state gaming compact entered into in
39 accordance with the Indian Gaming Regulatory Act of 1988 (18
40 U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)

1 between the State of California and the La Posta Band of Diegueño
2 Mission Indians of the La Posta Indian Reservation, California,
3 executed on September 9, 2003, is hereby ratified.

4 (b) The tribal-state gaming compact entered into in accordance
5 with the Indian Gaming Regulatory Act of 1988 (18 U.S.C. Secs.
6 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.) between the
7 State of California and the Santa Ysabel Band of Diegueño Mission
8 Indians of the Santa Ysabel Reservation, California, executed on
9 September 8, 2003, is hereby ratified.

10 98023. (a) The following amendments to tribal-state gaming
11 compacts entered into in accordance with the Indian Gaming
12 Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and
13 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:

14 (1) The amendment of the compact between the State of
15 California and the Pala Band of Mission Indians, executed on June
16 21, 2004.

17 (2) The amendment of the compact between the State of
18 California and the Pauma Band of Luiseno Mission Indians of the
19 Pauma and Yuima Reservation, executed on June 21, 2004.

20 (3) The amendment of the compact between the State of
21 California and the Rumsey Band of Wintun Indians, executed on
22 June 21, 2004.

23 (4) The amendment of the compact between the State of
24 California and the United Auburn Indian Community, executed
25 on June 21, 2004.

26 (5) The amendment of the compact between the State of
27 California and the Viejas Band of Kumeyaay Indians, executed
28 on June 21, 2004.

29 (b) (1) In deference to tribal sovereignty, none of the following
30 shall be deemed a project for purposes of the California
31 Environmental Quality Act (Division 13 (commencing with Section
32 21000) of the Public Resources Code):

33 (A) The execution of an amendment of tribal-state gaming
34 compact ratified by this section.

35 (B) The execution of an intergovernmental agreement between
36 a tribe and a county or city government negotiated pursuant to the
37 express authority of, or as expressly referenced in, an amended
38 tribal-state gaming compact ratified by this section.

39 (C) The on-reservation impacts of compliance with the terms
40 of an amended tribal-state gaming compact ratified by this section.

1 (D) 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, nothing in this
5 subdivision shall be construed to exempt a city, county, or city
6 and county from the requirements of the California Environmental
7 Quality Act.

8 98024. (a) The following tribal-state gaming compacts and
9 amendments of tribal-state gaming compacts entered into in
10 accordance with the Indian Gaming Regulatory Act of 1988 (18
11 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
12 are hereby ratified:

13 (1) The amendment of the compact between the State of
14 California and the Buena Vista Rancheria of Me-Wuk Indians,
15 executed on August 23, 2004.

16 (2) The compact between the State of California and the Fort
17 Mojave Indian Tribe, executed on August 23, 2004.

18 (3) The compact between the State of California and the Coyote
19 Valley Band of Pomo Indians, executed on August 23, 2004.

20 (4) The amendment to the compact between the State of
21 California and the Ewiiapaayp Band of Kumeyaay Indians,
22 executed on August 23, 2004.

23 (5) The amendment to the compact between the State of
24 California and the Quechan Tribe of the Fort Yuma Indian
25 Reservation, executed on June 26, 2006.

26 (b) The terms of each compact apply only to the State of
27 California and the tribe that has signed it, and the terms of these
28 compacts do not bind any tribe that is not a signatory to any of the
29 compacts. The Legislature acknowledges the right of federally
30 recognized tribes to exercise their sovereignty to negotiate and
31 enter into compacts with the state that are materially different from
32 the compacts ratified pursuant to subdivision (a).

33 (c) (1) In deference to tribal sovereignty, none of the following
34 shall be deemed a project for purposes of the California
35 Environmental Quality Act (Division 13 (commencing with Section
36 21000) of the Public Resources Code):

37 (A) The execution of an amendment of a tribal-state gaming
38 compact ratified by this section.

39 (B) The execution of a tribal-state gaming compact ratified by
40 this section.

1 (C) The execution of an intergovernmental agreement between
2 a tribe and a county or city government negotiated pursuant to the
3 express authority of, or as expressly referenced in, a tribal-state
4 gaming compact or an amended tribal-state gaming compact
5 ratified by this section.

6 (D) The execution of an intergovernmental agreement between
7 a tribe and the California Department of Transportation negotiated
8 pursuant to the express authority of, or as expressly referenced in,
9 a tribal-state gaming compact or an amended tribal-state gaming
10 compact ratified by this section.

11 (E) The on-reservation impacts of compliance with the terms
12 of a tribal-state gaming compact or an amended tribal-state gaming
13 compact ratified by this section.

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

17 (2) Except as expressly provided herein, nothing in this
18 subdivision shall be construed to exempt a city, county, or city
19 and county, or the California Department of Transportation, from
20 the requirements of the California Environmental Quality Act.

21 (d) Revenue contributions made to the state by tribes pursuant
22 to the tribal-state gaming compacts and amendments of tribal-state
23 gaming compacts ratified by this section shall be deposited in the
24 General Fund.

25 98025. (a) The following tribal-state compacts entered in
26 accordance with the Indian Gaming Regulatory Act of 1988 (18
27 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are
28 hereby ratified:

29 (1) The compact between the State of California and the Barona
30 Band of Mission Indians, executed on August 12, 1998.

31 (2) The compact between the State of California and the Big
32 Sandy Rancheria of Mono Indians, executed on July 20, 1998.

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

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

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

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

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

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

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

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

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

15 The terms of each compact apply only to the State of California
16 and the tribe that has signed it, and the terms of these compacts
17 do not bind any tribe that is not a signatory to any of the compacts.

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

33 (c) The Legislature acknowledges the right of federally
34 recognized tribes to exercise their sovereignty to negotiate and
35 enter into compacts with the state that are materially different from
36 the compacts ratified pursuant to subdivision (a). These compacts
37 shall be ratified upon approval of each house of the Legislature, a
38 majority of the membership thereof concurring.

39 (d) The Governor is the designated state officer responsible for
40 negotiating and executing, on behalf of the state, tribal-state gaming

1 compacts with federally recognized Indian tribes in the State of
2 California pursuant to the federal Indian Gaming Regulatory Act
3 of 1988 (18 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et
4 seq.) for the purpose of authorizing class III gaming, as defined
5 in that act, on Indian lands. Nothing in this section shall be
6 construed to deny the existence of the Governor's authority to have
7 negotiated and executed tribal-state compacts prior to the effective
8 date of this section.

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

14 (f) In deference to tribal sovereignty, the execution of, and
15 compliance with the terms of, any compact specified under
16 subdivision (a) or (b) shall not be deemed to constitute a project
17 for purposes of the California Environmental Quality Act (Division
18 13 (commencing with Section 21000) of the Public Resources
19 Code).

20 (g) Nothing in this section shall be interpreted to authorize the
21 unilateral imposition of a statewide limit on the number of lottery
22 devices or of any allocation system for lottery devices on any
23 Indian tribe that has not entered into a compact that provides for
24 such a limit or allocation system. Each tribe may negotiate
25 separately with the state over these matters on a
26 government-to-government basis.

27 98026. (a) The amendment to the tribal-state gaming compact
28 entered into in accordance with the Indian Gaming Regulatory Act
29 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
30 2701 et seq.) between the State of California and the Agua Caliente
31 Band of Cahuilla Indians, executed on August 8, 2006, is hereby
32 ratified.

33 (b) (1) In deference to tribal sovereignty, none of the following
34 shall be deemed a project for purposes of the California
35 Environmental Quality Act (Division 13 (commencing with Section
36 21000) of the Public Resources Code):

37 (A) The execution of an amendment to the amended tribal-state
38 gaming compact ratified by this section.

39 (B) The execution of the amended tribal-state gaming compact
40 ratified by this section.

1 (C) The execution of an intergovernmental agreement between
2 a tribe and a county or city government negotiated pursuant to the
3 express authority of, or as expressly referenced in, the amended
4 tribal-state gaming compact ratified by this section.

5 (D) The execution of an intergovernmental agreement between
6 a tribe and the California Department of Transportation negotiated
7 pursuant to the express authority of, or as expressly referenced in,
8 the amended tribal-state gaming compact ratified by this section.

9 (E) The on-reservation impacts of compliance with the terms
10 of the amended tribal-state gaming compact ratified by this section.

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

14 (2) Except as expressly provided herein, nothing in this
15 subdivision shall be construed to exempt a city, county, or city
16 and county, or the California Department of Transportation, from
17 the requirements of the California Environmental Quality Act.

18 (c) Revenue contributions made to the state by tribes pursuant
19 to the amended tribal-state gaming compact ratified by this section
20 shall be deposited in the General Fund.

21 98027. The memorandum of agreement entered into between
22 the State of California and the Agua Caliente Band of Cahuilla
23 Indians, executed on June 27, 2007, is hereby approved.

24 98028. (a) The amendment to the tribal-state gaming compact
25 entered into in accordance with the Indian Gaming Regulatory Act
26 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
27 2701 et seq.) between the State of California and the San Manuel
28 Band of Mission Indians, executed on August 28, 2006, is hereby
29 ratified.

30 (b) The terms of the amended compact ratified by this section
31 shall apply only to the State of California and the tribe that has
32 signed it, and shall not bind any tribe that is not a signatory to the
33 amended compact. The Legislature acknowledges the right of
34 federally recognized tribes to exercise their sovereignty to negotiate
35 and enter into compacts with the state that are materially different
36 from the amended compact ratified pursuant to subdivision (a).

37 (c) (1) In deference to tribal sovereignty, none of the following
38 shall be deemed a project for purposes of the California
39 Environmental Quality Act (Division 13 (commencing with Section
40 21000) of the Public Resources Code):

1 (A) The execution of an amendment to the amended tribal-state
2 gaming compact ratified by this section.

3 (B) The execution of the amended tribal-state gaming compact
4 ratified by this section.

5 (C) The execution of an intergovernmental agreement between
6 a tribe and a county or city government negotiated pursuant to the
7 express authority of, or as expressly referenced in, the amended
8 tribal-state gaming compact ratified by this section.

9 (D) The execution of an intergovernmental agreement between
10 a tribe and the California Department of Transportation negotiated
11 pursuant to the express authority of, or as expressly referenced in,
12 the amended tribal-state gaming compact ratified by this section.

13 (E) The on-reservation impacts of compliance with the terms
14 of the amended tribal-state gaming compact ratified by this section.

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

18 (2) Except as expressly provided herein, nothing in this
19 subdivision shall be construed to exempt a city, county, or city
20 and county, or the California Department of Transportation, from
21 the requirements of the California Environmental Quality Act.

22 (d) Revenue contributions made to the state by tribes pursuant
23 to the amended tribal-state gaming compact ratified by this section
24 shall be deposited in the General Fund, or as otherwise provided
25 in the amended compact.

26 98029. The letter of agreement entered into between the State
27 of California and the San Manuel Band of Mission Indians,
28 executed on September 5, 2007, is hereby approved.

29 98030. (a) The amendment to the tribal-state gaming compact
30 entered into in accordance with the Indian Gaming Regulatory Act
31 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
32 2701 et seq.) between the State of California and the Morongo
33 Band of Mission Indians, executed on August 29, 2006, is hereby
34 ratified.

35 (b) (1) In deference to tribal sovereignty, none of the following
36 shall be deemed a project for purposes of the California
37 Environmental Quality Act (Division 13 (commencing with Section
38 21000) of the Public Resources Code):

39 (A) The execution of an amendment to the amended tribal-state
40 gaming compact ratified by this section.

1 (B) The execution of the amended tribal-state gaming compact
2 ratified by this section.

3 (C) The execution of an intergovernmental agreement between
4 a tribe and a county or city government negotiated pursuant to the
5 express authority of, or as expressly referenced in, the amended
6 tribal-state gaming compact ratified by this section.

7 (D) The execution of an intergovernmental agreement between
8 a tribe and the California Department of Transportation negotiated
9 pursuant to the express authority of, or as expressly referenced in,
10 the amended tribal-state gaming compact ratified by this section.

11 (E) The on-reservation impacts of compliance with the terms
12 of the amended tribal-state gaming compact ratified by this section.

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

16 (2) Except as expressly provided herein, nothing in this
17 subdivision shall be construed to exempt a city, county, or city
18 and county, or the California Department of Transportation, from
19 the requirements of the California Environmental Quality Act.

20 (c) Revenue contributions made to the state by tribes pursuant
21 to the amended tribal-state gaming compact ratified by this section
22 shall be deposited in the General Fund.

23 98031. The memorandum of agreement entered into between
24 the State of California and the Morongo Band of Mission Indians,
25 executed on June 27, 2007, is hereby approved.

26 98032. (a) The amendment to the tribal-state gaming compact
27 entered into in accordance with the Indian Gaming Regulatory Act
28 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
29 2701 et seq.) between the State of California and the Pechanga
30 Band of Luiseño Mission Indians, executed on August 28, 2006,
31 is hereby ratified.

32 (b) (1) In deference to tribal sovereignty, none of the following
33 shall be deemed a project for purposes of the California
34 Environmental Quality Act (Division 13 (commencing with Section
35 21000) of the Public Resources Code):

36 (A) The execution of an amendment to the amended tribal-state
37 gaming compact ratified by this section.

38 (B) The execution of the amended tribal-state gaming compact
39 ratified by this section.

1 (C) The execution of an intergovernmental agreement between
2 a tribe and a county or city government negotiated pursuant to the
3 express authority of, or as expressly referenced in, the amended
4 tribal-state gaming compact ratified by this section.

5 (D) The execution of an intergovernmental agreement between
6 a tribe and the California Department of Transportation negotiated
7 pursuant to the express authority of, or as expressly referenced in,
8 the amended tribal-state gaming compact ratified by this section.

9 (E) The on-reservation impacts of compliance with the terms
10 of the amended tribal-state gaming compact ratified by this section.

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

14 (2) Except as expressly provided herein, nothing in this
15 subdivision shall be construed to exempt a city, county, or city
16 and county, or the California Department of Transportation, from
17 the requirements of the California Environmental Quality Act.

18 (c) Revenue contributions made to the state by the tribe pursuant
19 to the amended tribal-state gaming compact ratified by this section
20 shall be deposited in the General Fund.

21 98033. The memorandum of agreement entered into between
22 the State of California and the Pechanga Band of Luiseño Indians,
23 executed on June 27, 2007, is hereby approved.

24 98034. (a) The amendment to the tribal-state gaming compact
25 entered into in accordance with the Indian Gaming Regulatory Act
26 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
27 2701 et seq.) between the State of California and the Sycuan Band
28 of the Kumeyaay Nation, executed on August 30, 2006, is hereby
29 ratified.

30 (b) The terms of the amended compact ratified by this section
31 shall apply only to the State of California and the tribe that has
32 signed it, and shall not bind any tribe that is not a signatory to the
33 amended compact. The Legislature acknowledges the right of
34 federally recognized tribes to exercise their sovereignty to negotiate
35 and enter into compacts with the state that are materially different
36 from the amended compact ratified pursuant to subdivision (a).

37 (c) (1) In deference to tribal sovereignty, none of the following
38 shall be deemed a project for purposes of the California
39 Environmental Quality Act (Division 13 (commencing with Section
40 21000) of the Public Resources Code):

1 (A) The execution of an amendment to the amended tribal-state
2 gaming compact ratified by this section.

3 (B) The execution of the amended tribal-state gaming compact
4 ratified by this section.

5 (C) The execution of an intergovernmental agreement between
6 a tribe and a county or city government negotiated pursuant to the
7 express authority of, or as expressly referenced in, the amended
8 tribal-state gaming compact ratified by this section.

9 (D) The execution of an intergovernmental agreement between
10 a tribe and the California Department of Transportation negotiated
11 pursuant to the express authority of, or as expressly referenced in,
12 the amended tribal-state gaming compact ratified by this section.

13 (E) The on-reservation impacts of compliance with the terms
14 of the amended tribal-state gaming compact ratified by this section.

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

18 (2) Except as expressly provided herein, nothing in this
19 subdivision shall be construed to exempt a city, county, or city
20 and county, or the California Department of Transportation, from
21 the requirements of the California Environmental Quality Act.

22 (d) Revenue contributions made to the state by the tribe pursuant
23 to the amended tribal-state gaming compact ratified by this section
24 shall be deposited in the General Fund, or as otherwise provided
25 in the amended compact.

26 98035. The memorandum of agreement entered into between
27 the State of California and the Sycuan Band of the Kumeyaay
28 Nation, executed on June 27, 2007, is hereby approved.

29 98036. (a) The tribal-state gaming compact entered into in
30 accordance with the Indian Gaming Regulatory Act of 1988 (18
31 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
32 between the State of California and the Yurok Tribe of the Yurok
33 Reservation, executed on August 29, 2006, is hereby ratified.

34 (b) (1) In deference to tribal sovereignty, none of the following
35 shall be deemed a project for purposes of the California
36 Environmental Quality Act (Division 13 (commencing with Section
37 21000) of the Public Resources Code):

38 (A) The execution of an amendment of the tribal-state gaming
39 compact ratified by this section.

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

3 (C) The execution of an intergovernmental agreement between
4 a tribe and a county or city government negotiated pursuant to the
5 express authority of, or as expressly referenced in, the tribal-state
6 gaming compact ratified by this section.

7 (D) The execution of an intergovernmental agreement between
8 a tribe and the California Department of Transportation negotiated
9 pursuant to the express authority of, or as expressly referenced in,
10 the tribal-state gaming compact ratified by this section.

11 (E) The on-reservation impacts of compliance with the terms
12 of the tribal-state gaming compact ratified by this section.

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

16 (2) Except as expressly provided herein, nothing in this
17 subdivision shall be construed to exempt a city, county, or city
18 and county, or the California Department of Transportation, from
19 the requirements of the California Environmental Quality Act.

20 (c) Revenue contributions made to the state by the tribe pursuant
21 to the tribal-state gaming compact ratified by this section shall be
22 deposited in the General Fund.

23 98037. (a) The amendment to the tribal-state gaming compact
24 entered into in accordance with the Indian Gaming Regulatory Act
25 of 1988 (18 U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec.
26 2701 et seq.) between the State of California and the Shingle
27 Springs Band of Miwok Indians, executed on June 30, 2008, is
28 hereby ratified.

29 (b) (1) In deference to tribal sovereignty, none of the following
30 shall be deemed a project for purposes of the California
31 Environmental Quality Act (Division 13 (commencing with Section
32 21000) of the Public Resources Code):

33 (A) The execution of an amendment to the amended tribal-state
34 gaming compact ratified by this section.

35 (B) The execution of the amended tribal-state gaming compact
36 ratified by this section.

37 (C) The execution of an intergovernmental agreement between
38 a tribe and a county or city government negotiated pursuant to the
39 express authority of, or as expressly referenced in, the amended
40 tribal-state gaming compact ratified by this section.

1 (D) The execution of an intergovernmental agreement between
2 a tribe and the California Department of Transportation negotiated
3 pursuant to the express authority of, or as expressly referenced in,
4 the amended tribal-state gaming compact ratified by this section.

5 (E) The on-reservation impacts of compliance with the terms
6 of the amended tribal-state gaming compact ratified by this section.

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

10 (2) Except as expressly provided herein, nothing in this
11 subdivision shall be construed to exempt a city, county, or city
12 and county, or the California Department of Transportation, from
13 the requirements of the California Environmental Quality Act.

14 (c) Revenue contributions made to the state by the tribe pursuant
15 to the tribal-state gaming compact ratified by this section shall be
16 deposited in the General Fund, except as otherwise provided by
17 the amended compact or by a statute directing that a portion of the
18 revenue contributions be deposited in a special fund.

19
20 CHAPTER 2. TRIBAL GAMING REVENUE
21

22 98050. There is hereby created in the State Treasury a special
23 fund called the "Indian Gaming Revenue Sharing Trust Fund" for
24 the receipt and deposit of moneys derived from gaming device
25 license fees that are paid into the fund pursuant to the terms of
26 tribal-state gaming compacts for the purpose of making
27 distributions to noncompact tribes. Moneys in the Indian Gaming
28 Revenue Sharing Trust Fund shall be available to the California
29 Gambling Control Commission, upon appropriation by the
30 Legislature, for the purpose of making distributions to noncompact
31 tribes, in accordance with distribution plans specified in tribal-state
32 gaming compacts.

33 98051. There is hereby created in the State Treasury a fund
34 called the "Indian Gaming Special Distribution Fund" for the
35 receipt and deposit of moneys received by the state from Indian
36 tribes pursuant to the terms of tribal-state gaming compacts. These
37 moneys shall be available for appropriation by the Legislature for
38 the following purposes:

39 (a) Grants, including any administrative costs, for programs
40 designed to address gambling addiction.

1 (b) Grants, including any administrative costs, for the support
2 of state and local government agencies impacted by tribal
3 government gaming.

4 (c) Compensation for regulatory costs incurred by the State
5 Gaming Agency and the Department of Justice in connection with
6 the implementation and administration of tribal-state gaming
7 compacts.

8 (d) Payment of shortfalls that may occur in the Indian Gaming
9 Revenue Sharing Trust Fund. This shall be the priority use of
10 moneys in the Indian Gaming Special Distribution Fund.

11 (e) Disbursements for the purpose of implementing the terms
12 of tribal labor relations ordinances promulgated in accordance with
13 the terms of tribal-state gaming compacts ratified pursuant to
14 Chapter 874 of the Statutes of 1999. No more than 10 percent of
15 the funds appropriated in the Budget Act of 2000 for
16 implementation of tribal labor relations ordinances promulgated
17 in accordance with those compacts shall be expended in the
18 selection of the Tribal Labor Panel. The Department of Personnel
19 Administration shall consult with and seek input from the parties
20 prior to any expenditure for purposes of selecting the Tribal Labor
21 Panel. Other than the cost of selecting the Tribal Labor Panel, there
22 shall be no further disbursements until the Tribal Labor Panel,
23 which is selected by mutual agreement of the parties, is in place.

24 (f) Any other purpose specified by law.

25 (g) Priority for funding from the Indian Gaming Special
26 Distribution Fund is in the following descending order:

27 (1) An appropriation to the Indian Gaming Revenue Sharing
28 Trust Fund in an aggregate amount sufficient to make payments
29 of any shortfalls that may occur in the Indian Gaming Revenue
30 Sharing Trust Fund.

31 (2) An appropriation to the Office of Problem and Pathological
32 Gambling within the State Department of Alcohol and Drug
33 Programs for problem gambling prevention programs.

34 (3) The amount appropriated in the annual Budget Act for
35 allocation between the Division of Gambling Control and the
36 California Gambling Control Commission for regulatory functions
37 that directly relates to Indian gaming.

38 (4) An appropriation for the support of local government
39 agencies impacted by tribal gaming.

1 98052. (a) (1) For each fiscal year commencing with the
2 2002–03 fiscal year to the 2004–05 fiscal year, inclusive, the
3 California Gambling Control Commission shall determine the
4 aggregate amount of shortfalls in payments that occurred in the
5 Indian Gaming Revenue Sharing Trust Fund pursuant to Section
6 4.3.2.1 of the tribal-state gaming compacts ratified and in effect
7 as provided in subdivision (f) of Section 19 of Article IV of the
8 California Constitution as determined below:

9 (A) For each eligible recipient Indian tribe that received money
10 for all four quarters of the fiscal year, the difference between one
11 million one hundred thousand dollars (\$1,100,000) and the actual
12 amount paid to each eligible recipient Indian tribe during the fiscal
13 year from the Indian Gaming Revenue Sharing Trust Fund.

14 (B) For each eligible recipient Indian tribe that received moneys
15 for less than four quarters of the fiscal year, the difference between
16 two hundred seventy-five thousand dollars (\$275,000) for each
17 quarter in the fiscal year that a recipient Indian tribe was eligible
18 to receive moneys and the actual amount paid to each eligible
19 recipient Indian tribe during the fiscal year from the Indian Gaming
20 Revenue Sharing Trust Fund.

21 (2) For purposes of this section, “eligible recipient Indian tribe”
22 means a noncompact tribe, as defined in Section 4.3.2(a)(i) of the
23 tribal-state gaming compacts ratified and in effect as provided in
24 subdivision (f) of Section 19 of Article IV of the California
25 Constitution.

26 (b) The California Gambling Control Commission shall provide
27 to the committee in the Senate and Assembly that considers the
28 State Budget an estimate of the amount needed to backfill the
29 Indian Gaming Revenue Sharing Trust Fund on or before the date
30 of the May budget revision for each fiscal year.

31 (c) An eligible recipient Indian tribe may not receive an amount
32 from the backfill appropriated following the estimate made
33 pursuant to subdivision (b) that would give the eligible recipient
34 Indian tribe an aggregate amount in excess of two hundred
35 seventy-five thousand dollars (\$275,000) per eligible quarter. Any
36 funds transferred from the Indian Gaming Special Distribution
37 Fund to the Indian Gaming Revenue Sharing Trust Fund that result
38 in a surplus shall revert back to the Indian Gaming Special
39 Distribution Fund following the authorization of the final payment
40 of the fiscal year.

(d) Upon a transfer of moneys from the Indian Gaming Special Distribution Fund to the Indian Gaming Revenue Sharing Trust Fund and appropriation from the trust fund, the California Gambling Control Commission shall distribute the moneys without delay to eligible recipient Indian tribes for each quarter that a tribe was eligible to receive a distribution during the fiscal year immediately preceding.

(e) For each fiscal year commencing with the 2005-06 fiscal year, all of the following shall apply and subdivisions (b) to (d), inclusive, shall not apply:

(1) On or before the day of the May budget revision for each fiscal year, the California Gambling Control Commission shall determine the anticipated total amount of shortfalls in payment likely to occur in the Indian Gaming Revenue Sharing Trust Fund for the upcoming fiscal year, and shall provide to the committee in the Senate and Assembly that considers the State Budget an estimate of the amount needed to transfer from the Indian Gaming Special Distribution Fund to backfill the Indian Gaming Revenue Sharing Trust Fund for the next fiscal year. The anticipated total amount of shortfalls to be transferred from the Indian Gaming Special Distribution Fund to the Indian Gaming Revenue Sharing Trust Fund shall be determined by the California Gambling Control Commission as follows:

(A) The anticipated number of eligible recipient tribes that will be eligible to receive payments for the next fiscal year, multiplied by one million one hundred thousand dollars (\$1,100,000), with that product reduced by the amount anticipated to be paid by the tribes directly into the Indian Gaming Revenue Sharing Trust Fund for the fiscal year.

(B) This amount shall be based upon actual payments received into the Indian Gaming Revenue Sharing Trust Fund the previous fiscal year, with adjustments made due to amendments to existing tribal-state compacts or newly executed tribal-state compacts with respect to payments to be made to the Indian Gaming Revenue Sharing Trust Fund.

(2) The Legislature shall transfer from the Indian Gaming Special Distribution Fund to the Indian Gaming Revenue Sharing Trust Fund an amount sufficient for each eligible recipient tribe to receive a total not to exceed two hundred seventy-five thousand dollars (\$275,000) for each quarter in the upcoming fiscal year an

1 eligible recipient tribe is eligible to receive moneys, for a total not
2 to exceed one million, one hundred thousand dollars (\$1,100,000)
3 for the entire fiscal year. The California Gambling Control
4 Commission shall make quarterly payments from the Indian
5 Gaming Revenue Sharing Trust Fund to each eligible recipient
6 Indian tribe within 45 days of the end of each fiscal quarter.

7 (3) If the transfer of funds from the Indian Gaming Special
8 Distribution Fund to the Indian Gaming Revenue Sharing Trust
9 Fund results in a surplus, the funds shall remain in the Indian
10 Gaming Revenue Sharing Trust Fund for disbursement in future
11 years, and if necessary, adjustments shall be made to future
12 distributions from the Indian Gaming Special Distribution Fund
13 to the Revenue Sharing Trust Fund.

14 (4) In the event the amount appropriated for the fiscal year is
15 insufficient to ensure each eligible recipient tribe receives the total
16 of two hundred seventy-five thousand dollars (\$275,000) for each
17 fiscal quarter, the Department of Finance, after consultation with
18 the California Gambling Control Commission, shall submit to the
19 Legislature a request for a budget augmentation for the current
20 fiscal year with an explanation as to the reason why the amount
21 appropriated for the fiscal year was insufficient.

22 (5) At the end of each fiscal quarter, the California Gambling
23 Control Commission's Indian Gaming Revenue Sharing Trust
24 Fund report shall include information that identifies each of the
25 eligible recipient tribes eligible to receive a distribution for that
26 fiscal quarter, the amount paid into the Indian Gaming Revenue
27 Sharing Trust Fund by each of the tribes pursuant to the applicable
28 sections of the tribal-state compact, and the amount necessary to
29 backfill from the Indian Gaming Special Distribution Fund the
30 shortfall in the Indian Gaming Revenue Sharing Trust Fund in
31 order for each eligible recipient tribe to receive the total of two
32 hundred seventy-five thousand dollars (\$275,000) for the fiscal
33 quarter.

34 (6) Based upon the projected shortfall in the Indian Gaming
35 Revenue Sharing Trust Fund, for the 2005–06 fiscal year, the sum
36 of fifty million dollars (\$50,000,000) is hereby transferred from
37 the Indian Gaming Special Distribution Fund to the Indian Gaming
38 Revenue Sharing Trust Fund and is hereby appropriated from that
39 fund to the California Gambling Control Commission for
40 distribution to each eligible recipient tribe pursuant to this section.

1 CHAPTER 3. GRANTS OF TRIBAL GAMING REVENUE TO LOCAL
2 AGENCIES
3

4 98055. This chapter establishes the method of calculating the
5 distribution of appropriations from the Indian Gaming Special
6 Distribution Fund for grants to local government agencies impacted
7 by tribal gaming.

8 98056. (a) It is the intent of the Legislature to establish a fair
9 and proportionate system to award grants from the Indian Gaming
10 Special Distribution Fund for the support of local government
11 agencies impacted by tribal gaming. It is also the intent of the
12 Legislature that priority for funding shall be given to local
13 government agencies impacted by the tribal casinos that contribute
14 to the Indian Gaming Special Distribution Fund.

15 (b) It is the intent of the Legislature that in the event that any
16 compact between any tribe and the state takes effect on or after
17 January 1, 2004, or that any compact between any tribe and the
18 state that took effect on or before May 16, 2000, is renegotiated
19 and reexecuted at any time after its initial effective date, money
20 provided to the state by a tribe pursuant to the terms of these
21 compacts shall be applied on a pro rata basis to the state costs for
22 the regulation of gaming and for problem gambling prevention
23 programs in the Office of Problem and Pathological Gambling
24 within the State Department of Alcohol and Drug Programs.

25 (c) It is the intent of the Legislature that if any compact between
26 any tribe and the state takes effect on or after January 1, 2004, or
27 if any compact between any tribe and the state that took effect on
28 or before May 16, 2000, is renegotiated and reexecuted at any time
29 after its initial effective date, any revenue sharing provisions of
30 that compact that requires distributions to nongaming or
31 noncompact tribes shall result in a decrease in the amount that the
32 Legislature appropriates pursuant to this chapter.

33 98057. (a) "County Tribal Casino Account" means an account
34 consisting of all moneys paid by tribes of that county into the
35 Indian Gaming Special Distribution Fund after deduction of the
36 amounts appropriated pursuant to the priorities specified in Section
37 12012.85.

38 (b) "Individual Tribal Casino Accounts" means an account for
39 each individual tribe that has paid money into the Indian Gaming
40 Special Distribution Fund. The individual tribal casino account

1 shall be funded in proportion to the amount that the individual
2 tribe has paid into the Indian Gaming Special Distribution Fund.

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

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

12 98058. The Department of Finance, in consultation with the
13 California Gambling Control Commission, shall calculate the total
14 revenue in the Indian Gaming Special Distribution Fund that will
15 be available for the current budget year for local government
16 agencies impacted by tribal gaming. The department shall include
17 this information in the May budget revision.

18 98059. (a) A County Tribal Casino Account is hereby created
19 in the treasury for each county that contains a tribal casino.

20 (b) The amount to be deposited into each eligible county’s
21 County Tribal Casino Account shall be calculated in the following
22 way:

23 (1) (A) For counties that do not have gaming devices subject
24 to an obligation to make contributions to the Indian Gaming Special
25 Distribution Fund, the total amount to be appropriated by the
26 Legislature for grants to local government agencies impacted by
27 tribal gaming shall be multiplied by 5 percent.

28 (B) The amount determined pursuant to subparagraph (A) shall
29 be divided by the aggregate number of gaming devices located in
30 those counties that do not have gaming devices subject to an
31 obligation to make contributions to the Indian Gaming Special
32 Distribution Fund.

33 (C) The amount determined pursuant to subparagraph (B) shall
34 be multiplied by the number of gaming devices located in each
35 county for which an appropriation is being calculated that are not
36 subject to an obligation to make contributions to the Indian Gaming
37 Special Distribution Fund.

38 (D) The amount determined pursuant to subparagraph (C) shall
39 be deposited into the County Tribal Casino Account for the county
40 for which the appropriation was calculated.

1 (2) (A) For counties that have gaming devices subject to an
2 obligation to make contributions to the Indian Gaming Special
3 Distribution Fund, the total amount to be appropriated by the
4 Legislature for grants to local government agencies impacted by
5 tribal gaming shall be multiplied by 95 percent.

6 (B) The amount determined pursuant to subparagraph (A) shall
7 be divided by the aggregate number of gaming devices located in
8 those counties that have gaming devices subject to an obligation
9 to make contributions to the Indian Gaming Special Distribution
10 Fund.

11 (C) The amount determined pursuant to subparagraph (B) shall
12 be multiplied by the number of gaming devices located in each
13 county for which an appropriation is being calculated that are
14 subject to an obligation to make contributions to the Indian Gaming
15 Special Distribution Fund.

16 (D) The amount determined pursuant to subparagraph (C) shall
17 be deposited into the County Tribal Casino Account for the county
18 for which the appropriation was calculated.

19 98060. (a) The Controller, acting in consultation with the
20 California Gambling Control Commission, shall divide the County
21 Tribal Casino Account for each county that has gaming devices
22 that are subject to an obligation to make contributions to the Indian
23 Gaming Special Distribution Fund into a separate account for each
24 tribe that operates a casino within the county. These accounts shall
25 be known as Individual Tribal Casino Accounts, and funds may
26 be released from these accounts to make grants selected by an
27 Indian Gaming Local Community Benefit Committee pursuant to
28 the method established by this section to local jurisdictions
29 impacted by tribal casinos. Each Individual Tribal Casino Account
30 shall be funded in proportion to the amount that each individual
31 tribe paid in the prior fiscal year to the Indian Gaming Special
32 Distribution Fund.

33 (b) (1) There is hereby created in each county in which Indian
34 gaming is conducted an Indian Gaming Local Community Benefit
35 Committee. The selection of all grants from each Individual Tribal
36 Casino Account or County Tribal Casino Account shall be made
37 by each county's Indian Gaming Local Community Benefit
38 Committee. In selecting grants, the Indian Gaming Local
39 Community Benefit Committee shall follow the priorities
40 established in subdivision (g) and the requirements specified in

1 subdivision (h). This committee has the following additional
2 responsibilities:

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

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

8 (C) Determining the appropriate amount for reimbursement
9 from the aggregate county tribal account of the demonstrated costs
10 incurred by the county for administering the grant programs. The
11 reimbursement for county administrative costs may not exceed 2
12 percent of the aggregate county tribal account in any given fiscal
13 year.

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

17 (A) Two representatives from the county, selected by the county
18 board of supervisors.

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

37 (C) Two representatives selected upon the recommendation of
38 a majority of the tribes paying into the Indian Gaming Special
39 Distribution Fund in each county. When an Indian Gaming Local
40 Community Benefit Committee acts on behalf of a county where

1 no tribes pay into the Indian Gaming Special Distribution Fund,
2 the two representatives may be selected upon the recommendation
3 of the tribes operating casinos in the county.

4 (c) Sixty percent of each individual tribal casino account shall
5 be available for nexus grants on a yearly basis to cities and counties
6 impacted by tribes that are paying into the Indian Gaming Special
7 Distribution Fund, according to the four-part nexus test described
8 in paragraph (1). Grant awards shall be selected by each county's
9 Indian Gaming Local Community Benefit Committee and shall
10 be administered by the county. Grants may be awarded on a
11 multiyear basis, and these multiyear grants shall be accounted for
12 in the grant process for each year.

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

18 (A) Whether the local government jurisdiction borders the Indian
19 lands on all sides.

20 (B) Whether the local government jurisdiction partially borders
21 Indian lands.

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

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

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

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

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

8 (d) Twenty percent of each Individual Tribal Casino Account
9 shall be available for discretionary grants to local jurisdictions
10 impacted by tribes that are paying into the Indian Gaming Special
11 Distribution Fund. These discretionary grants shall be made
12 available to all local jurisdictions in the county irrespective of any
13 nexus to impacts from any particular tribal casino, as described in
14 paragraph (1) of subdivision (c). Grant awards shall be selected
15 by each county's Indian Gaming Local Community Benefit
16 Committee and shall be administered by the county. Grants may
17 be awarded on a multiyear basis, and these multiyear grants shall
18 be accounted for in the grant process for each year.

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

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

35 (B) Grants shall be subject to the sole sponsorship of the tribe
36 that pays into the Indian Gaming Special Distribution Fund and
37 the recommendations of the Indian Gaming Local Community
38 Benefit Committee for that county.

39 (2) If an eligible county does not have a tribal casino operated
40 by a tribe that does not pay into the Indian Gaming Special

1 Distribution Fund, the money available for discretionary grants
2 under this subdivision shall be available for distribution pursuant
3 to subdivision (d).

4 (f) (1) For each county that does not have gaming devices
5 subject to an obligation to make payments to the Indian Gaming
6 Special Distribution Fund, funds may be released from the county's
7 County Tribal Casino Account to make grants selected by the
8 county's Indian Gaming Local Community Benefit Committee
9 pursuant to the method established by this section to local
10 jurisdictions impacted by tribal casinos. These grants shall be made
11 available to local jurisdictions in the county irrespective of any
12 nexus to any particular tribal casino. These grants shall follow the
13 priorities specified in subdivision (g) and the requirements specified
14 in subdivision (h).

15 (2) Funds not allocated from a county tribal casino account by
16 the end of each fiscal year shall revert back to the Indian Gaming
17 Special Distribution Fund. Moneys allocated for the 2003–04 fiscal
18 year shall be eligible for expenditure through December 31, 2004.

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

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

37 (i) All grants from Individual Tribal Casino Accounts shall be
38 made only upon the affirmative sponsorship of the tribe paying
39 into the Indian Gaming Special Distribution Fund from whose
40 Individual Tribal Casino Account the grant moneys are available

1 for distribution. Tribal sponsorship shall confirm that the grant
2 application has a reasonable relationship to a casino impact and
3 satisfies at least one of the priorities listed in subdivision (g). A
4 grant may not be made for any purpose that would support or fund,
5 directly or indirectly, any effort related to the opposition or
6 challenge to Indian gaming in the state, and, to the extent any
7 awarded grant is utilized for any prohibited purpose by any local
8 government, upon notice given to the county by any tribe from
9 whose Individual Tribal Casino Account the awarded grant went
10 toward that prohibited use, the grant shall terminate immediately
11 and any moneys not yet used shall again be made available for
12 qualified nexus grants.

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

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

27 (2) Funds not allocated from an Individual Tribal Casino
28 Account by the end of each fiscal year shall revert back to the
29 Indian Gaming Special Distribution Fund. Moneys allocated for
30 the 2003–04 fiscal year shall be eligible for expenditure through
31 December 31, 2004.

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

1 demonstrate to the county that all expenditures made from the
2 account have been in compliance with the requirements of this
3 section.

4 98061. In San Diego County, the Indian Gaming Local
5 Community Benefit Committee shall be comprised of seven
6 representatives, consisting of the following:

7 (a) Two representatives from the county, selected by the county
8 board of supervisors.

9 (b) One elected representative from the city located within four
10 miles of a tribal casino in the county, selected by the county board
11 of supervisors.

12 (c) Three representatives selected upon the recommendation of
13 a majority of the tribes paying into the Indian Gaming Special
14 Distribution Fund in the county.

15 (d) The sheriff of San Diego County.

16 98062. (a) Each county that administers grants from the Indian
17 Gaming Special Distribution Fund shall provide an annual report
18 to the Chairperson of the Joint Legislative Budget Committee, the
19 chairpersons of the Senate and Assembly committees on
20 governmental organization, and the California Gambling Control
21 Commission by October 1 of each year detailing the specific
22 projects funded by all grants in the county's jurisdiction in the
23 previous fiscal year, including amounts expended in that fiscal
24 year, but funded from appropriations in prior fiscal years. The
25 report shall provide detailed information on the following:

26 (1) The amount of grant funds received by the county.

27 (2) A description of each project that is funded.

28 (3) A description of how each project mitigates the impact of
29 tribal gaming.

30 (4) The total expenditures for each project.

31 (5) All administrative costs related to each project, excluding
32 the county's administrative fee.

33 (6) The funds remaining at the end of the fiscal year for each
34 project.

35 (7) An explanation regarding how any remaining funds will be
36 spent for each project, including the estimated time for expenditure.

37 (8) A description of whether each project is funded once or on
38 a continuing basis.

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

4 98063. The State Auditor shall conduct an audit every three
5 years regarding the allocation and use of moneys from the Indian
6 Gaming Special Distribution Fund by the recipient of the grant
7 moneys. The State Auditor shall report its findings to the
8 Legislature and to all other appropriate entities.

9 98064. This chapter shall remain in effect only until January
10 1, 2011, and as of that date is repealed, unless a later enacted
11 statute, that is enacted before January 1, 2011, deletes or extends
12 that date.