

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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- 2 repealed.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 SEC. 2. Section 12012.30 of the Government Code is repealed.
- 4 SEC. 3. Section 12012.35 of the Government Code is repealed.
- 5 SEC. 4. Section 12012.40 of the Government Code is repealed.
- 6 SEC. 5. Section 12012.45 of the Government Code is repealed.
- 7 SEC. 6. Section 12012.46 of the Government Code is repealed.
- 8 SEC. 7. Section 12012.465 of the Government Code is
- 9 repealed.
- 10 SEC. 8. Section 12012.47 of the Government Code is repealed.
- 11 SEC. 9. Section 12012.475 of the Government Code is
- 12 repealed.
- 13 SEC. 10. Section 12012.48 of the Government Code is
- 14 repealed.
- 15 SEC. 11. Section 12012.485 of the Government Code is
- 16 repealed.
- 17 SEC. 12. Section 12012.49 of the Government Code is
- 18 repealed.
- 19 SEC. 13. Section 12012.495 of the Government Code is
- 20 repealed.
- 21 SEC. 14. Section 12012.5 of the Government Code is repealed.
- 22 SEC. 15. Section 12012.51 of the Government Code is
- 23 repealed.
- 24 SEC. 16. Section 12012.515 of the Government Code is
- 25 repealed.

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2 repealed.

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4 repealed.

5 SEC. 19. Section 12012.75 of the Government Code is
6 repealed.

7 SEC. 20. Section 12012.85 of the Government Code is
8 repealed.

9 SEC. 21. Section 12012.90 of the Government Code is
10 repealed.

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12 Part 2 of Division 3 of Title 2 of the Government Code is repealed.

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

15
16 TITLE 16.5. TRIBAL GAMING

17
18 CHAPTER 1. COMPACT RATIFICATION

19
20 98020. (a) The following tribal-state gaming compacts entered
21 into in accordance with the Indian Gaming Regulatory Act of 1988
22 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et
23 seq.) are hereby ratified:

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

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

28 (3) The compact between the State of California and the Big
29 Sandy Rancheria Band of Mono Indians, executed on September
30 10, 1999.

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

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

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

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

- 1 (8) The compact between the State of California and the
2 Cabazon Band of Mission Indians, executed on September 10,
3 1999.
- 4 (9) The compact between the State of California and the Cahto
5 Tribe of Laytonville, executed on September 10, 1999.
- 6 (10) The compact between the State of California and the
7 Cahuilla Band of Mission Indians, executed on September 10,
8 1999.
- 9 (11) The compact between the State of California and the Campo
10 Band of Mission Indians, executed on September 10, 1999.
- 11 (12) The compact between the State of California and the
12 Chemehuevi Indian Tribe, executed on September 10, 1999.
- 13 (13) The compact between the State of California and the
14 Chicken Ranch Rancheria, executed on September 10, 1999.
- 15 (14) The compact between the State of California and the Coast
16 Indian Community of the Resighini Rancheria, executed on
17 September 10, 1999.
- 18 (15) The compact between the State of California and the Colusa
19 Indian Community, executed on September 10, 1999.
- 20 (16) The compact between the State of California and the Dry
21 Creek Rancheria Band of Pomo Indians, executed on September
22 10, 1999.
- 23 (17) The compact between the State of California and the Elk
24 Valley Rancheria, executed on September 10, 1999.
- 25 (18) The compact between the State of California and the
26 Ewiiapaayp Band of Kumeyaay, executed on September 10, 1999.
- 27 (19) The compact between the State of California and the Hoopa
28 Valley Tribe, executed on September 10, 1999.
- 29 (20) The compact between the State of California and the
30 Hopland Band of Pomo Indians, executed on September 10, 1999.
- 31 (21) The compact between the State of California and the
32 Jackson Band of Mi-Wuk Indians, executed on September 10,
33 1999.
- 34 (22) The compact between the State of California and the Jamul
35 Indian Reservation, executed on September 10, 1999.
- 36 (23) The compact between the State of California and the La
37 Jolla Indian Reservation, executed on September 10, 1999.
- 38 (24) The compact between the State of California and the
39 Manzanita Tribe of Kumeyaay Indians, executed on September
40 10, 1999.

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

3 (26) The compact between the State of California and the
4 Middletown Rancheria Band of Pomo Indians, executed on
5 September 10, 1999.

6 (27) The compact between the State of California and the
7 Morongo Band of Mission Indians, executed on September 10,
8 1999.

9 (28) The compact between the State of California and the
10 Mooretown Rancheria Concow Maidu Tribe, executed on
11 September 10, 1999.

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

14 (30) The compact between the State of California and the
15 Paskenta Band of Nomlaki Indians, executed on September 10,
16 1999.

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

20 (32) The compact between the State of California and the
21 Picayune Rancheria of Chukchansi Indians, executed on September
22 10, 1999.

23 (33) The compact between the State of California and the
24 Quechan Nation, executed on September 10, 1999.

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

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

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

32 (37) The compact between the State of California and the
33 Robinson Rancheria Band of Pomo Indians, executed on September
34 10, 1999.

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

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

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

- 1 (41) The compact between the State of California and the Santa
2 Rosa Rancheria Tachi Tribe, executed on September 10, 1999.
- 3 (42) The compact between the State of California and the Santa
4 Ynez Band of Chumash Indians, executed on September 10, 1999.
- 5 (43) The compact between the State of California and the
6 Sherwood Valley Rancheria Band of Pomo Indians, executed on
7 September 10, 1999.
- 8 (44) The compact between the State of California and the
9 Shingle Springs Band of Miwok Indians, executed on September
10 10, 1999.
- 11 (45) The compact between the State of California and the Smith
12 River Rancheria, executed on September 10, 1999.
- 13 (46) The compact between the State of California and the
14 Soboba Band of Mission Indians, executed on September 10, 1999.
- 15 (47) The compact between the State of California and the
16 Susanville Indian Rancheria, executed on September 10, 1999.
- 17 (48) The compact between the State of California and the Sycuan
18 Band of Kumeyaay Indians, executed on September 10, 1999.
- 19 (49) The compact between the State of California and the Table
20 Mountain Rancheria, executed on September 10, 1999.
- 21 (50) The compact between the State of California and the
22 Trinidad Rancheria, executed on September 10, 1999.
- 23 (51) The compact between the State of California and the Tule
24 River Indian Tribe, executed on September 10, 1999.
- 25 (52) The compact between the State of California and the
26 Tuolumne Band of Me-wuk Indians, executed on September 10,
27 1999.
- 28 (53) The compact between the State of California and the
29 Twenty Nine Palms Band of Mission Indians, executed on
30 September 10, 1999.
- 31 (54) The compact between the State of California and the Tyme
32 Maidu Tribe, Berry Creek Rancheria, executed on September 10,
33 1999.
- 34 (55) The compact between the State of California and the United
35 Auburn Indian Community, executed on September 10, 1999.
- 36 (56) The compact between the State of California and the Viejas
37 Band of Kumeyaay Indians, executed on September 10, 1999.
- 38 (57) The compact between the State of California and the Coyote
39 Valley Band of Pomo Indians, executed on September 10, 1999.

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

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

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

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

28 (d) The Governor is the designated state officer responsible for
29 negotiating and executing, on behalf of the state, tribal-state gaming
30 compacts with federally recognized Indian tribes located within
31 the State of California pursuant to the federal Indian Gaming
32 Regulatory Act of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and
33 25 U.S.C. Sec. 2701 et seq.) for the purpose of authorizing class
34 III gaming, as defined in that act, on Indian lands within this state.
35 Nothing in this section shall be construed to deny the existence of
36 the Governor's authority to have negotiated and executed
37 tribal-state gaming compacts prior to the effective date of this
38 section.

39 (e) Following completion of negotiations conducted pursuant
40 to subdivision (b) or (c), the Governor shall submit a copy of any

1 executed tribal-state compact to both houses of the Legislature for
2 ratification, and shall submit a copy of the executed compact to
3 the Secretary of State for purposes of subdivision (f).

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

12 (g) In deference to tribal sovereignty, neither the execution of
13 a tribal-state gaming compact nor the on-reservation impacts of
14 compliance with the terms of a tribal-state gaming compact shall
15 be deemed to constitute a project for purposes of the California
16 Environmental Quality Act (Division 13 (commencing with Section
17 21000) of the Public Resources Code).

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

23 98022. (a) The tribal-state gaming compact entered into in
24 accordance with the Indian Gaming Regulatory Act of 1988 (18
25 U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
26 between the State of California and the La Posta Band of Diegueño
27 Mission Indians of the La Posta Indian Reservation, California,
28 executed on September 9, 2003, is hereby ratified.

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

35 98023. (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 (1) The amendment of the compact between the State of
2 California and the Pala Band of Mission Indians, executed on June
3 21, 2004.

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

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

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

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

16 (b) (1) In deference to tribal sovereignty, none of the following
17 shall be deemed a project for purposes of the California
18 Environmental Quality Act (Division 13 (commencing with Section
19 21000) of the Public Resources Code):

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

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

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

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

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

35 98024. (a) The following tribal-state gaming compacts and
36 amendments of tribal-state gaming compacts entered into in
37 accordance with the Indian Gaming Regulatory Act of 1988 (18
38 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
39 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, or city
9 and county, or the California Department of Transportation, from
10 the 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 98025. (a) The following tribal-state compacts entered in
16 accordance with the Indian Gaming Regulatory Act of 1988 (18
17 U.S.C. Sec. 1166 et seq. and 25 U.S.C. Sec. 2701 et seq.) are
18 hereby ratified:

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (c) The Legislature acknowledges the right of federally
24 recognized tribes to exercise their sovereignty to negotiate and
25 enter into compacts with the state that are materially different from
26 the compacts ratified pursuant to subdivision (a). These compacts
27 shall be ratified upon approval of each house of the Legislature, a
28 majority of the membership thereof concurring.

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

39 (e) The Governor is authorized to waive the state's immunity
40 to suit in federal court in connection with any compact negotiated

1 with an Indian tribe or any action brought by an Indian tribe under
2 the Indian Gaming Regulatory Act (18 U.S.C. Sec. 1166 et seq.
3 and 25 U.S.C. Sec. 2701 et seq.).

4 (f) In deference to tribal sovereignty, the execution of, and
5 compliance with the terms of, any compact specified under
6 subdivision (a) or (b) shall not be deemed to constitute a project
7 for purposes of the California Environmental Quality Act (Division
8 13 (commencing with Section 21000) of the Public Resources
9 Code).

10 (g) Nothing in this section shall be interpreted to authorize the
11 unilateral imposition of a statewide limit on the number of lottery
12 devices or of any allocation system for lottery devices on any
13 Indian tribe that has not entered into a compact that provides for
14 such a limit or allocation system. Each tribe may negotiate
15 separately with the state over these matters on a
16 government-to-government basis.

17 98026. (a) The amendment to the tribal-state gaming compact
18 entered into in accordance with the Indian Gaming Regulatory Act
19 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
20 2701 et seq.) between the State of California and the Agua Caliente
21 Band of Cahuilla Indians, executed on August 8, 2006, is hereby
22 ratified.

23 (b) (1) In deference to tribal sovereignty, none of the following
24 shall be deemed a project for purposes of the California
25 Environmental Quality Act (Division 13 (commencing with Section
26 21000) of the Public Resources Code):

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

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

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

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

39 (E) The on-reservation impacts of compliance with the terms
40 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 98027. The memorandum of agreement entered into between
12 the State of California and the Agua Caliente Band of Cahuilla
13 Indians, executed on June 27, 2007, is hereby approved.

14 98028. (a) The amendment to the tribal-state gaming compact
15 entered into in accordance with the Indian Gaming Regulatory Act
16 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
17 2701 et seq.) between the State of California and the San Manuel
18 Band of Mission Indians, executed on August 28, 2006, is hereby
19 ratified.

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

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

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

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

35 (C) 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, the amended
38 tribal-state gaming compact ratified by this section.

39 (D) The execution of an intergovernmental agreement between
40 a tribe and the California Department of Transportation negotiated

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

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

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

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

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

16 98029. The letter of agreement entered into between the State
17 of California and the San Manuel Band of Mission Indians,
18 executed on September 5, 2007, is hereby approved.

19 98030. (a) The amendment to the tribal-state gaming compact
20 entered into in accordance with the Indian Gaming Regulatory Act
21 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
22 2701 et seq.) between the State of California and the Morongo
23 Band of Mission Indians, executed on August 29, 2006, is hereby
24 ratified.

25 (b) (1) In deference to tribal sovereignty, none of the following
26 shall be deemed a project for purposes of the California
27 Environmental Quality Act (Division 13 (commencing with Section
28 21000) of the Public Resources Code):

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

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

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

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

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

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

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

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

13 98031. The memorandum of agreement entered into between
14 the State of California and the Morongo Band of Mission Indians,
15 executed on June 27, 2007, is hereby approved.

16 98032. (a) The amendment to the tribal-state gaming compact
17 entered into in accordance with the Indian Gaming Regulatory Act
18 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
19 2701 et seq.) between the State of California and the Pechanga
20 Band of Luiseño Mission Indians, executed on August 28, 2006,
21 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 the tribe pursuant
9 to the amended tribal-state gaming compact ratified by this section
10 shall be deposited in the General Fund.

11 98033. The memorandum of agreement entered into between
12 the State of California and the Pechanga Band of Luiseño Indians,
13 executed on June 27, 2007, is hereby approved.

14 98034. (a) The amendment to the tribal-state gaming compact
15 entered into in accordance with the Indian Gaming Regulatory Act
16 of 1988 (18 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec.
17 2701 et seq.) between the State of California and the Sycuan Band
18 of the Kumeyaay Nation, executed on August 30, 2006, is hereby
19 ratified.

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

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

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

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

35 (C) 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, the amended
38 tribal-state gaming compact ratified by this section.

39 (D) The execution of an intergovernmental agreement between
40 a tribe and the California Department of Transportation negotiated

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

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

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

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

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

16 98035. The memorandum of agreement entered into between
17 the State of California and the Sycuan Band of the Kumeyaay
18 Nation, executed on June 27, 2007, is hereby approved.

19 98036. (a) The tribal-state gaming compact entered into in
20 accordance with the Indian Gaming Regulatory Act of 1988 (18
21 U.S.C. Sec. 1166 to 1168, incl., and 25 U.S.C. Sec. 2701 et seq.)
22 between the State of California and the Yurok Tribe of the Yurok
23 Reservation, executed on August 29, 2006, is hereby ratified.

24 (b) (1) In deference to tribal sovereignty, none of the following
25 shall be deemed a project for purposes of the California
26 Environmental Quality Act (Division 13 (commencing with Section
27 21000) of the Public Resources Code):

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

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

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

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

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

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

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

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

13 98037. (a) The amendment to the tribal-state gaming compact
14 entered into in accordance with the Indian Gaming Regulatory Act
15 of 1988 (18 U.S.C. Secs. 1166 to 1168, incl., and 25 U.S.C. Sec.
16 2701 et seq.) between the State of California and the Shingle
17 Springs Band of Miwok Indians, executed on June 30, 2008, is
18 hereby ratified.

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

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

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

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

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

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

37 (F) The sale of compact assets, as defined in subdivision (a) of
38 Section 63048.6, or the creation of the special purpose trust
39 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, except as otherwise provided by the amended compact or by a statute directing that a portion of the revenue contributions be deposited in a special fund.

CHAPTER 2. TRIBAL GAMING REVENUE

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

98051. There is hereby created in the State Treasury a fund called 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 tribal-state gaming compacts. These moneys shall be available for appropriation by the Legislature for the following purposes:

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

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

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

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

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

17 (f) Any other purpose specified by law.

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

20 (1) An appropriation to the Indian Gaming Revenue Sharing
21 Trust Fund in an aggregate amount sufficient to make payments
22 of any shortfalls that may occur in the Indian Gaming Revenue
23 Sharing Trust Fund.

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

27 (3) The amount appropriated in the annual Budget Act for
28 allocation between the ~~Division of Gambling Control~~ *Department*
29 *of Justice* and the California Gambling Control Commission for
30 regulatory functions that directly relates to Indian gaming.

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

33 98052. (a) (1) For each fiscal year commencing with the
34 2002–03 fiscal year to the 2004–05 fiscal year, inclusive, the
35 California Gambling Control Commission shall determine the
36 aggregate amount of shortfalls in payments that occurred in the
37 Indian Gaming Revenue Sharing Trust Fund pursuant to Section
38 4.3.2.1 of the tribal-state gaming compacts ratified and in effect
39 as provided in subdivision (f) of Section 19 of Article IV of the
40 California Constitution as determined below:

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

6 (B) For each eligible recipient Indian tribe that received moneys
7 for less than four quarters of the fiscal year, the difference between
8 two hundred seventy-five thousand dollars (\$275,000) for each
9 quarter in the fiscal year that a recipient Indian tribe was eligible
10 to receive moneys and the actual amount paid to each eligible
11 recipient Indian tribe during the fiscal year from the Indian Gaming
12 Revenue Sharing Trust Fund.

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

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

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

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

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

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

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

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

29 (2) The Legislature shall transfer from the Indian Gaming
30 Special Distribution Fund to the Indian Gaming Revenue Sharing
31 Trust Fund an amount sufficient for each eligible recipient tribe
32 to receive a total not to exceed two hundred seventy-five thousand
33 dollars (\$275,000) for each quarter in the upcoming fiscal year an
34 eligible recipient tribe is eligible to receive moneys, for a total not
35 to exceed one million, one hundred thousand dollars (\$1,100,000)
36 for the entire fiscal year. The California Gambling Control
37 Commission shall make quarterly payments from the Indian
38 Gaming Revenue Sharing Trust Fund to each eligible recipient
39 Indian tribe within 45 days of the end of each fiscal quarter.

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

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

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

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

CHAPTER 3. GRANTS OF TRIBAL GAMING REVENUE TO LOCAL AGENCIES

98055. This chapter 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (A) For counties that have gaming devices subject to an obligation to make contributions to the Indian Gaming Special Distribution Fund, the total amount to be appropriated by the

1 Legislature for grants to local government agencies impacted by
2 tribal gaming shall be multiplied by 95 percent.

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

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

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

16 98060. (a) The Controller, acting in consultation with the
17 California Gambling Control Commission, shall divide the County
18 Tribal Casino Account for each county that has gaming devices
19 that are subject to an obligation to make contributions to the Indian
20 Gaming Special Distribution Fund into a separate account for each
21 tribe that operates a casino within the county. These accounts shall
22 be known as Individual Tribal Casino Accounts, and funds may
23 be released from these accounts to make grants selected by an
24 Indian Gaming Local Community Benefit Committee pursuant to
25 the method established by this section to local jurisdictions
26 impacted by tribal casinos. Each Individual Tribal Casino Account
27 shall be funded in proportion to the amount that each individual
28 tribe paid in the prior fiscal year to the Indian Gaming Special
29 Distribution Fund.

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

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

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

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

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

15 (A) Two representatives from the county, selected by the county
16 board of supervisors.

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

35 (C) Two representatives selected upon the recommendation of
36 a majority of the tribes paying into the Indian Gaming Special
37 Distribution Fund in each county. When an Indian Gaming Local
38 Community Benefit Committee acts on behalf of a county where
39 no tribes pay into the Indian Gaming Special Distribution Fund,

1 the two representatives may be selected upon the recommendation
2 of the tribes operating casinos in the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) All grants from Individual Tribal Casino Accounts shall be made only upon the affirmative sponsorship of the tribe paying into the Indian Gaming Special Distribution Fund from whose 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~~ 2021, and as of that date is repealed, unless a later enacted
11 statute, that is enacted before January 1, ~~2011~~ 2021, deletes or
12 extends that date.