

# AB 1443 – INDIAN GAMING

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## Assemblymember Jared Huffman

### IN BRIEF

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Authorizes the Governor to consider the presence or absence of local support when negotiating a tribal-state gaming compact to allow class III gaming on Indian lands.

Also encourages the Governor to only negotiate a tribal-state gaming compact when land has been taken into trust and when the local jurisdiction and the local community in which the tribe's proposed gaming project would be located actually supports the project, and, in the absence of that local support, encourages the Legislature not to ratify the compact.

### THE ISSUE

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Public concern is growing over the location, expansion, and environmental impacts of tribal gaming on non-tribal lands in California as an increasing number of Indian tribes seek to take new land into trust to conduct gaming activities. In the past, the Governor has negotiated tribal-state gaming compacts when land has not been taken into trust and the local jurisdiction and the local community does not support the project.

### BACKGROUND

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In 2000, California voters approved Proposition 1A, amending the California Constitution to authorize the Governor to negotiate and conclude compacts, subject to ratification by the Legislature, for the operation of slot machines, and for the conduct of lottery games and banked and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law.

During the campaigns to approve Proposition 1A, proponents assured California voters that Indian lands were mainly in remote, rural areas of the state and that approval of these measures would not result in tribal casinos being located in urban areas.

In the general election of 2004, two initiative measures, Propositions 68 and 70, that would have expanded gaming activities in urban areas were placed before the California voters. Proposition 68 was defeated with 83.8 percent of the electorate voting against it and Proposition 70 was defeated with 76.3 percent of the electorate voting against it.

There are over 100 federally recognized Indian tribes in California and many of those tribes have Indian lands within such tribe's jurisdiction that are eligible for class III gaming.

### EXISTING LAW

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Existing law, the federal Indian Gaming Regulatory Act of 1988 (IGRA) authorizes federally recognized Indian tribes to conduct class III gaming on Indian lands within that tribe's jurisdiction, to the extent such games are permitted by state law, and pursuant to a gaming compact negotiated between a tribe and the State.

### THE BILL

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Specifically AB 1443 authorizes the Governor, when engaging in negotiations for a tribal-state gaming compact to allow class III gaming, to consider all of the following:

- ✓ The results of an advisory vote in the county or counties in which the Tribe's Indian lands are located, either approving or disapproving a proposed gaming facility; and
- ✓ One or more intergovernmental agreements that include provisions to mitigate the impacts of the proposed gaming and related activities, executed by the Indian tribe and specified cities and counties.

### FOR MORE INFORMATION

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