

ASSEMBLY BILL

No. 1267

Introduced by Assembly Member Hall

February 22, 2013

An act to add Sections 12012.58 and 12012.585 to the Government Code, relating to tribal gaming, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1267, as introduced, Hall. Tribal gaming: compact ratification.

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 expressly ratifies a number of tribal-state gaming compacts, and amendments of tribal-state gaming compacts, between the State of California and specified Indian tribes, including the Shingle Springs Band of Miwok Indians.

The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would ratify the amendment to the tribal-state gaming compact entered into between the State of California and the Shingle Springs Band of Miwok Indians, executed on November 15, 2012. The bill would provide that, in deference to tribal sovereignty, certain actions may not be deemed projects for purposes of CEQA.

This bill would create the Shingle Springs Band of Miwok Indians Trust Fund in the State Treasury as a special purpose trust fund, to be administered by the California Gambling Control Commission, for the receipt and deposit of revenue payments received by the state from the Shingle Springs Band of Miwok Indians pursuant to the amended tribal-state gaming compact ratified by this measure and any trust fund agreement executed by the state and the tribe pursuant to that tribal-state gaming compact. The bill would continuously appropriate from the trust fund to the commission the amount necessary for specific purposes enumerated in that tribal-state gaming compact and trust fund agreement, including governmental operations of the tribe and reduction of the tribe’s existing debt related to its gaming facility. The bill would provide for the termination of the trust fund on January 1, 2016, or another date, as specified. The bill would provide for the transfer of the amount of revenue payments made by the tribe to the state during the period between July 1, 2012, and the date the amended tribal-state gaming compact ratified by this measure becomes effective, from the General Fund to the trust fund as an initial deposit pursuant to the terms of that tribal-state gaming compact and any trust fund agreement.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 12012.58 is added to the Government
- 2 Code, to read:
- 3 12012.58. (a) The amendment to the tribal-state gaming
- 4 compact entered into in accordance with the federal Indian Gaming
- 5 Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, incl., and
- 6 25 U.S.C. Sec. 2701 et seq.) between the State of California and
- 7 the Shingle Springs Band of Miwok Indians, executed on
- 8 November 15, 2012, is hereby ratified.
- 9 (b) (1) In deference to tribal sovereignty, none of the following
- 10 shall be deemed a project for purposes of the California
- 11 Environmental Quality Act (Division 13 (commencing with Section
- 12 21000) of the Public Resources Code):
- 13 (A) The execution of an amendment to the amended tribal-state
- 14 gaming compact ratified by this section.
- 15 (B) The execution of the amended tribal-state gaming compact
- 16 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 Department of Transportation negotiated pursuant
7 to the express authority of, or as expressly referenced in, the
8 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 in this paragraph, this
15 subdivision does not exempt a city, county, or city and county, or
16 the Department of Transportation, from the requirements of the
17 California Environmental Quality Act.

18 SEC. 2. Section 12012.585 is added to the Government Code,
19 to read:

20 12012.585. (a) The Shingle Springs Band of Miwok Indians
21 Trust Fund is hereby created in the State Treasury as a special
22 purpose trust fund for the receipt and deposit of revenue payments
23 received by the state from the Shingle Springs Band of Miwok
24 Indians pursuant to the terms of the amended tribal-state gaming
25 compact ratified pursuant to Section 12012.58 and any trust fund
26 agreement executed by the state and the tribe pursuant to that
27 tribal-state gaming compact. The trust fund shall be administered
28 by the California Gambling Control Commission.

29 (b) Notwithstanding Section 13340, there is continuously
30 appropriated without regard to fiscal years, from the trust fund to
31 the California Gambling Control Commission, the amount
32 necessary for the specific purposes enumerated in the tribal-state
33 gaming compact ratified pursuant to Section 12012.58 and any
34 trust fund agreement executed by the state and the tribe pursuant
35 to that tribal-state gaming compact, including, but not limited to,
36 both of the following purposes:

37 (1) Governmental operations of the tribe, including, but not
38 limited to, tribal administration, distributions, health care,
39 education, and economic development.

1 (2) Reduction of the tribe’s existing debt related to its gaming
2 facility, including, but not limited to, the payment of reasonable
3 costs paid by the tribe or gaming operation in connection with
4 refinancing or restructuring its debt load and any related litigation
5 or administrative proceedings, including attorney’s fees.

6 (c) Funds deposited into the trust fund shall accrue interest at
7 the rate earned by moneys invested in the Pooled Money
8 Investment Account from the date of deposit until appropriated
9 pursuant to subdivision (b).

10 (d) The trust fund shall terminate on January 1, 2016, or a later
11 date if agreed to by the parties by written agreement. The state and
12 the tribe may terminate the trust fund by written agreement at any
13 earlier date if the parties determine that it has served its intended
14 purpose.

15 (e) Any funds remaining in the trust fund at the time it is
16 terminated shall revert to the tribe.

17 SEC. 3. The amount of the revenue sharing payments made
18 by the Shingle Springs Band of Miwok Indians to the state pursuant
19 to Section 4.3.1 of the amended tribal-state gaming compact
20 between the tribe and the state ratified pursuant to Section 12012.53
21 of the Government Code, during the period between July 1, 2012,
22 and the date the amended tribal-state gaming compact between
23 the tribe and the state ratified pursuant to Section 12012.58 of the
24 Government Code becomes effective, inclusive, is transferred from
25 the General Fund to the Shingle Springs Band of Miwok Indians
26 Trust Fund, established pursuant to Section 12012.585 of the
27 Government Code, as an initial deposit pursuant to the terms of
28 the amended tribal-state gaming compact ratified pursuant to
29 Section 12012.58 of the Government Code and any trust fund
30 agreement executed by the state and the tribe pursuant to that
31 tribal-state gaming compact.