

AMENDED IN ASSEMBLY MARCH 21, 2013

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 277**

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**Introduced by Assembly Member Hall**  
*(Principal coauthor: Assembly Member Chesbro)*

February 11, 2013

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An act to ~~amend Sections 19800 and 19819 of the Business and Professions Code, relating to gaming,~~ *add Section 12012.59 to the Government Code, relating to tribal gaming.*

LEGISLATIVE COUNSEL'S DIGEST

AB 277, as amended, Hall. ~~Gaming: Gambling Control Act. 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.*

*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 tribal-state gaming compact entered into between the State of California and the North Fork Rancheria Band of Mono Indians, executed on August 31, 2012. The bill would also ratify the tribal-gaming compact entered into between the State of California and the Wiyot Tribe, executed on March 20, 2013. The bill would provide that, in deference to tribal sovereignty, certain actions are not projects for purposes of CEQA.*

~~The Gambling Control Act provides for the licensure of certain individuals and establishments that conduct controlled games, as defined, and for the regulation of these gambling activities by the California Gambling Control Commission. The Department of Justice has related investigatory and enforcement duties under the act.~~

~~The act requires 5 members to be appointed to the commission by the Governor, subject to confirmation by the Senate. The act specifies that a majority of the appointed members of the commission is a quorum and that the concurring vote of 3 members of the commission is required for any official action of the commission or for the exercise of any of the commission's duties, powers, or functions.~~

~~This bill would instead require the affirmative vote of a majority of those members present at a meeting of the commission constituting at least a quorum to render a decision, to pass a motion, or for the exercise of any of the commission's duties, powers, or functions.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

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

1     SECTION 1. Section 12012.59 is added to the Government  
2     Code, to read:  
3     12012.59. (a) (1) *The tribal-state gaming compact entered*  
4     *into in accordance with the federal Indian Gaming Regulatory Act*  
5     *of 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C.*  
6     *Sec. 2701 et seq.) between the State of California and the North*  
7     *Fork Rancheria Band of Mono Indians, executed on August 31,*  
8     *2012, is hereby ratified.*  
9     (2) *The tribal-state gaming compact entered into in accordance*  
10    *with the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C.*  
11    *Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec. 2701 et seq.)*

1 *between the State of California and the Wiyot Tribe, executed on*  
2 *March 20, 2013, is hereby ratified.*

3 *(b) (1) In deference to tribal sovereignty, none of the following*  
4 *shall be deemed a project for purposes of the California*  
5 *Environmental Quality Act (Division 13 (commencing with Section*  
6 *21000) of the Public Resources Code):*

7 *(A) The execution of an amendment to the tribal-state gaming*  
8 *compacts ratified by this section.*

9 *(B) The execution of the tribal-state gaming compacts ratified*  
10 *by this section.*

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

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

19 *(E) The on-reservation impacts of compliance with the terms*  
20 *of the tribal-state gaming compacts ratified by this section.*

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

24 *(2) Except as expressly provided herein, this subdivision does*  
25 *not exempt a city, county, or city and county, or the Department*  
26 *of Transportation, from the requirements of the California*  
27 *Environmental Quality Act.*

28 ~~SECTION 1. Section 19800 of the Business and Professions~~  
29 ~~Code is amended to read:~~

30 ~~19800. This chapter is known, and may be cited, as the~~  
31 ~~“Gambling Control Act.”~~

32 ~~SEC. 2. Section 19819 of the Business and Professions Code~~  
33 ~~is amended to read:~~

34 ~~19819. (a) The commission shall establish and maintain a~~  
35 ~~general office for the transaction of its business in Sacramento.~~  
36 ~~The commission may hold meetings at any place within the state~~  
37 ~~when the interests of the public may be better served.~~

38 ~~(b) A public record of every vote shall be maintained at the~~  
39 ~~commission’s principal office.~~

1     ~~(e) A majority of the appointed members of the commission~~  
2     ~~constitutes a quorum of the commission. The affirmative vote of~~  
3     ~~a majority of those commissioners present at a meeting of the~~  
4     ~~commission constituting at least a quorum shall be required to~~  
5     ~~render a decision, to pass a motion, or for the exercise of any of~~  
6     ~~the commission's duties, powers, or functions.~~

7     ~~(d) Except as otherwise provided in this chapter, Article 9~~  
8     ~~(commencing with Section 11120) of Chapter 1 of Part 1 of~~  
9     ~~Division 3 of Title 2 of the Government Code applies to meetings~~  
10    ~~of the commission. Notwithstanding Section 11125.1 of the~~  
11    ~~Government Code, documents, which are filed with the commission~~  
12    ~~by the department for the purpose of evaluating the qualifications~~  
13    ~~of an applicant, are exempt from disclosure under Chapter 3.5~~  
14    ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~  
15    ~~Government Code.~~