

Senate Bill No. 1051

CHAPTER 846

An act to add Section 12012.97 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 27, 2018. Filed with
Secretary of State September 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1051, Dodd. Tribal gaming: compact ratification.

The existing federal 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 tribal-state gaming 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 compacts entered into between the State of California and the following Indian tribes: the La Jolla Band of Luiseño Indians, the Mechoopda Indian Tribe of Chico Rancheria, the San Pasqual Band of Mission Indians, the Torres-Martinez Desert Cahuilla Indians, and the Twenty-Nine Palms Band of Mission Indians. The bill would also ratify the amendment to the tribal-state gaming compact between the State of California and the Dry Creek Rancheria Band of Pomo Indians, executed on August 1, 2018, and the amendment to the tribal-state gaming compact between the State of California and the Karuk Tribe, executed on August 1, 2018. The bill would provide that, in deference to tribal sovereignty, certain actions related to these compacts and amended compacts are not projects for purposes of CEQA.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 12012.97 is added to the Government Code, to read:

12012.97. (a) The following tribal-state gaming compacts entered into in accordance with the federal Indian Gaming Regulatory Act of 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec. 2701 et seq.) are hereby ratified:

(1) The compact between the State of California and the La Jolla Band of Luiseño Indians, executed on August 1, 2018.

(2) The compact between the State of California and the Mechoopda Indian Tribe of Chico Rancheria, executed on August 8, 2018.

(3) The compact between the State of California and the San Pasqual Band of Mission Indians, executed on August 8, 2018.

(4) The compact between the State of California and the Torres-Martinez Desert Cahuilla Indians, executed on August 16, 2018.

(5) The compact between the State of California and the Twenty-Nine Palms Band of Mission Indians, executed on August 8, 2018.

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

(1) The amendment to the compact between the State of California and the Dry Creek Rancheria Band of Pomo Indians, executed on August 1, 2018.

(2) The amendment to the compact between the State of California and the Karuk Tribe, executed on August 1, 2018.

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

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

(B) The execution of an amendment to a tribal-state gaming compact ratified by this section.

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

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

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

(2) Except as expressly provided in this section, this subdivision does not exempt a city, county, or city and county, or the Department of Transportation, or any state agency or local jurisdiction, from the requirements of the California Environmental Quality Act.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to enhance the economic development, stability, and self-sufficiency of the La Jolla Band of Luiseño Indians, the Mechoopda Indian Tribe of Chico Rancheria, the San Pasqual Band of Mission Indians, the Torres-Martinez Desert Cahuilla Indians, the Twenty-Nine Palms Band of Mission Indians, the Dry Creek Rancheria Band of Pomo Indians, and the Karuk Tribe, and to protect the interests of these tribes and their members, the surrounding community, and the California public at the earliest possible time, it is necessary that this act take effect immediately.