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SB-559 Tribal gaming: compact ratification. (2021-2022)

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Senate Bill No. 559

CHAPTER 467

An act to amend Section 12012.102 of, and to add Section 12012.108 to, the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 22, 2022. Filed with Secretary of State September 22, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 559, Hurtado. 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 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 Santa Rosa Indian Community of the Santa Rosa Rancheria, executed on August 18, 2022. The bill would provide that, in deference to tribal sovereignty, certain actions related to this compact are not projects for purposes of CEQA. The bill would repeal an obsolete provision related to the ratification of a prior compact between the State of California and the Santa Rosa Indian Community of the Santa Rosa Rancheria and make other conforming changes.

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

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12012.102 of the Government Code is amended to read:

12012.102. (a) The tribal-state gaming compact 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.)

between the State of California and the Middletown Rancheria of Pomo Indians of California, executed on March 24, 2022, is hereby ratified.

(b) (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 the tribal-state gaming compact ratified by this section.

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

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

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

(E) The on-reservation impacts of compliance with the terms of the 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. Section 12012.108 is added to the Government Code, to read:

12012.108. (a) The tribal-state gaming compact 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.) between the State of California and the Santa Rosa Indian Community of the Santa Rosa Rancheria, executed on August 18, 2022, is hereby ratified.

(b) (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 the tribal-state gaming compact ratified by this section.

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

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

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

(E) The on-reservation impacts of compliance with the terms of the 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. 3. 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 Santa Rosa Indian Community of the Santa Rosa Rancheria, and to protect the interests of the tribe and its members, the surrounding communities, and the California public at the earliest possible time, it is necessary that this act take effect immediately.