

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN SENATE APRIL 1, 2013

**SENATE BILL**

**No. 668**

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**Introduced by Senator Fuller**

(Coauthors: Assembly Members Conway and Hall)

February 22, 2013

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An act to add Section 12012.60 to the Government Code, relating to tribal gaming, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 668, as amended, Fuller. 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 Fort Independence Indian Community of Paiute Indians, executed February 28, 2013. The bill

would provide that, in deference to tribal sovereignty, certain actions are not projects for purposes of CEQA.

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

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 12012.60 is added to the Government  
 2 Code, to read:  
 3 12012.60. (a) The tribal-state gaming compact entered into in  
 4 accordance with the federal Indian Gaming Regulatory Act of  
 5 1988 (18 U.S.C. Secs. 1166 to 1168, inclusive, and 25 U.S.C. Sec.  
 6 2701 et seq.) between the State of California and the Fort  
 7 Independence Indian Community of Paiute Indians, executed  
 8 February 28, 2013, 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 tribal-state gaming  
 14 compact ratified by this section.  
 15 (B) The execution of the tribal-state gaming compact ratified  
 16 by this section.  
 17 (C) The execution of an intergovernmental agreement between  
 18 a tribe and a county or city government negotiated pursuant to the  
 19 express authority of, or as expressly referenced in, the tribal-state  
 20 gaming compact ratified by this section.  
 21 (D) The execution of an intergovernmental agreement between  
 22 a tribe and the Department of Transportation negotiated pursuant  
 23 to the express authority of, or as expressly referenced in, the  
 24 tribal-state gaming compact ratified by this section.  
 25 (E) The on-reservation impacts of compliance with the terms  
 26 of the tribal-state gaming compact ratified by this section.  
 27 (F) The sale of compact assets, as defined in subdivision (a) of  
 28 Section 63048.6, or the creation of the special purpose trust  
 29 established pursuant to Section 63048.65.  
 30 (2) Except as expressly provided herein, this subdivision does  
 31 not exempt a city, county, or city and county, or the Department

1 of Transportation, from the requirements of the California  
2 Environmental Quality Act.

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

7 *In order to enhance the economic development, long-term*  
8 *stability, and self-sufficiency of the Fort Independence Indian*  
9 *Community of Paiute Indians and to protect the interests of the*  
10 *tribe and its members, the surrounding community, and the*  
11 *California public, it is necessary for this act to take effect*  
12 *immediately.*