

Date of Hearing: May 5, 2016

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Adam Gray, Chair

AB 2915 (Committee on Governmental Organization) – As Introduced March 17, 2016

SUBJECT: Tribal gaming

SUMMARY: Repeals and renumbers sections of the Government Code related to Indian gaming into one stand-alone Title in the Government Code. Makes other technical non-substantive changes.

EXISTING LAW:

- 1) Existing federal law, the Indian Gaming Regulatory Act of 1988, provides for the negotiation and execution of compacts for the purpose of authorizing class III gaming on Indian lands within a state. Additionally, the California Constitution authorizes the Governor to negotiate and conclude compacts, subject to ratification by the Legislature.
- 2) Establishes the Indian Gaming Special Distribution Fund (SDF) in the State Treasury for the receipt of revenue contributions made by tribal governments pursuant to the terms of the 1999 model Tribal-State Gaming Compacts (compacts).
- 3) Authorizes the Legislature to appropriate money from the SDF as follows: (1) Grants for programs designed to address gambling addiction; (2) Grants for the support of state and local government agencies impacted by tribal government gaming; (3) Compensation for regulatory costs incurred by the California Gambling Control Commission (CGCC) and the Department of Justice (DOJ) in connection with the implementation and administration of compacts; (4) Payment of shortfalls that may occur in the Indian Gaming Revenue Sharing Trust Fund (RSTF); (5) Disbursements for the purpose of implementing the terms of tribal labor relations ordinances promulgated in accordance with the terms of the 1999 compacts; and, (6) Any other purpose specified by law.
- 4) Provides that the priority for funding from the SDF is in the following descending order: (1) To make payments of any shortfalls that may occur in the RSTF; (2) Grants for programs designed to address gambling addiction; (3) Compensation to the CGCC and DOJ for regulatory functions that directly relates to Indian gaming; and, (4) Grants for the support of local government agencies impacted by tribal gaming.
- 5) Establishes the RSTF in the State Treasury for the receipt and deposit of moneys derived from gaming device license fees paid by Indian tribes with 1999 compacts. Money in that fund is available to the CGCC, upon appropriation by the Legislature, for distribution to non-compact tribes, according to the terms of the compacts.
- 6) Requires the CGCC to annually determine the aggregate amount necessary to make up the difference between \$1.1 million and the actual amount paid to each eligible recipient Indian tribe during the Fiscal Year from the RSTF. The CGCC must report the amount of the deficiency to the Budget Committees in each house of the Legislature. Upon appropriation by the Legislature, the CGCC shall make payments to eligible recipient tribes, as specified.

FISCAL EFFECT: This bill is keyed non-fiscal by Legislative Counsel.

COMMENTS: This bill represents the annual Assembly Governmental Organization Committee bill that makes technical, clarifying, conforming, and non-controversial changes to the Government Code, relating to gaming.

Purpose of the bill: This measure is a code maintenance proposal that was developed in consultation with the Legislative Counsel's office to consolidate all of the laws related to Indian gaming into one stand-alone Title in the Government Code.

Currently, Indian gaming laws are found in two separate chapters in the Government Code. Government Code Title 2, Part 2, Chapter 1, Article 1 contains laws related to: (1) Tribal-State Gaming Compacts, (2) the Indian Gaming Revenue Sharing Trust Fund (RSTF), (3) the Indian Gaming Special Distribution Fund (SDF); and (4) the methodology for the backfill of shortfalls in revenues in the RSTF from the SDF. Government Code Title 2, Part 2, Chapter 7.5 contains the laws related to Grants of Indian Gaming Revenue to Local Government Agencies.

AB 2915 is a code maintenance proposal that will consolidate all Indian gaming related laws into one stand-alone Title in the Government Code, namely, Title 16.5 – Tribal Gaming.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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