

AMENDED IN SENATE AUGUST 21, 2006
AMENDED IN ASSEMBLY JANUARY 23, 2006
AMENDED IN ASSEMBLY JANUARY 12, 2006
AMENDED IN ASSEMBLY JANUARY 4, 2006
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1561

Introduced by Assembly Member Umberg

February 22, 2005

An act to add Section 1770.5 to the Government Code, relating to state boards and commissions. An act to amend Section 19858 of the Business and Professions Code, to add Section 12012.65 to the Government Code, and to add Division 6.5 (commencing with Section 8575) to the Public Resources Code, relating to gambling.

LEGISLATIVE COUNSEL'S DIGEST

AB 1561, as amended, Umberg. ~~State boards and commissions: member removal: failure to attend meetings.~~ *Gambling.*

(1) Under existing law, the Gambling Control Act, a person is deemed unsuitable to hold a state gambling license, a requirement for owning a gambling establishment, if that person, or any partner, officer, director, or shareholder of that person, has a financial interest in a business or organization engaged in any form of prohibited gambling, as specified.

This bill instead would prohibit a financial interest in any business or organization that is convicted of a single specified gambling violation.

(2) *The California Constitution authorizes the Governor to negotiate and conclude tribal-state gaming compacts, subject to ratification by the Legislature, for the operation of slot machines and for the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law. The Constitution further permits slot machines, lottery games, and banking and percentage card games to be conducted and operated on tribal lands subject to those compacts.*

This bill would require minimum payment provisions to be included in any tribal-state gaming compact negotiated with the Gabrielino-Tongva Tribe, including specified payments to the California Horse Racing Board, the City of Inglewood, the Inglewood Unified School District, and Los Angeles County, and to fund certain correctional costs relating to the prosecution and monitoring of sexual offenders.

(3) *Under existing federal law, the Bureau of Indian Affairs within the Department of the Interior is responsible for the administration and management of land held in trust by the United States for American Indians, Indian tribes, and Alaskan Natives. Under existing law, there are 561 federally recognized tribal governments in the United States. California law identifies various Indian tribes and reservation lands, but does not have a formal system of recognizing state Indian tribes, such as that of federal law.*

This bill would establish a state recognized Indian reservation for the Gabrielino-Tongva Tribe, a nonfederally recognized Indian tribe, comprised of specified parcels of land in the City of Inglewood, in Los Angeles County. The bill would provide that title to that real property shall be held by the State of California, upon conveyance by the Gabrielino-Tongva Tribe to the state, in trust for the benefit of the Gabrielino-Tongva Tribe. The bill would also provide that the Gabrielino-Tongva Reservation qualifies as tribal lands for purposes of entering into a tribal-state gaming compact. The bill would also make other related changes.

(4) *The bill would make related findings, declarations, and interpretations.*

~~Existing law establishes various boards and commissions in state government with specified duties and responsibilities.~~

~~Existing law sets forth specified events causing the vacancy of an office before the expiration of the term of office.~~

~~This bill would specify that with respect to state boards and commissions not governed by the California Constitution, if an appointed member fails to attend 3 out of 4 consecutive, regularly scheduled meetings of the board or commission, with certain exceptions, the board or commission would be required to notify the appointing authority and provide a copy of this notification to the member, and the appointing authority would be authorized to remove this member from the board or commission.~~

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

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

1 SECTION 1. *This act shall be known, and may be cited, as*
2 *the “Horse Racing, Indian Casino, and Card Club Regional*
3 *Solution Act.”*

4 SEC. 2. *The Legislature finds and declares all of the*
5 *following:*

6 (a) *California’s horse racing industry is in crisis. Historically,*
7 *California was recognized as the premier thoroughbred racing*
8 *jurisdiction in the country, but this is no longer the case. The*
9 *emergence of California as the premier location for Indian*
10 *gaming has created new competition within the state’s gaming*
11 *industry. At the same time, other states have used slot machine*
12 *revenues at “racinos” to enhance horse racing purses. These*
13 *twin threats have placed the California horse racing industry in*
14 *a position where it cannot pay sufficient purses and breeder*
15 *awards programs to compete for the premier horses. Failing to*
16 *respond innovatively will lead to the relocation of additional*
17 *races to other states and the demise of the historic California*
18 *equine industry.*

19 (b) *California horse racing generates over \$4.1 billion in*
20 *direct economic impact and a total of \$11.1 billion in total*
21 *economic impact. It creates 52,000 jobs in racing-related*
22 *occupations and raises millions of dollars for charitable*
23 *programs. Hundreds of thousands of acres of California land are*
24 *utilized by the industry and held as open space for all*
25 *Californians. There are over 9,000 California registered*
26 *thoroughbred owners and nearly 28,000 thoroughbred mares,*
27 *18,900 California-bred thoroughbreds, and 9 million fans.*

1 (c) However, higher purses in other states, founded upon the
2 infusion of slot machine revenues from racinos, now threaten
3 California's equine industry. In 1990, there was only one racino
4 in the nation in West Virginia. Now, 13 states permit slot
5 machines to subsidize race track purses. In the last two years
6 alone, major horse racing states such as New York, Florida,
7 Pennsylvania, and Oklahoma have given new legal permissions
8 to operate racinos. For example, in one racino in West Virginia,
9 daily purses increased from an average of \$19,000 in 1990 to an
10 average of \$175,000 in 2003. Purses in slot-supported states
11 exceed purses in California racetracks in some cases by more
12 than 100 percent. Slot revenues can account for up to 80 percent
13 of purses in these states, while California horse tracks receive
14 none.

15 (d) Owners, trainers, and auxiliary personnel are leaving
16 California to go where they can earn more money from higher
17 purses. From 1999 to 2003, horse race owners decreased from
18 12,290 to 9,975, while the number of groom and stable
19 employees decreased from 4,247 to 3,757. The net reduction in
20 industry employment and revenues triggers a proportionate
21 reduction in tax and racing revenues to the state, as well as
22 diminishing resources available for investment in supporting
23 infrastructure. The California breeding industry, already in
24 decline, could soon be driven into extinction. As the quality of
25 racing in California declines, the industry fan base will continue
26 to decline.

27 (e) The California racing and breeding industry will yield
28 statewide economic benefits if purse and breeder award
29 programs are enhanced by slot revenues from Indian casinos.
30 That program would "level the playing field," both with other
31 states that have racinos, and with new competition from Indian
32 casinos. It would enable this important, vital agri-business to
33 compete and so preserve a piece of California's valued equine
34 history and tradition.

35 SEC. 3. The Legislature finds and declares all of the
36 following:

37 (a) (1) In 1994, the State of California officially recognized
38 the Gabrielino-Tongva Tribe in Assembly Joint Resolution 96,
39 Resolution Chapter 146 of the Statutes of 1994. The Joint
40 Resolution states that "the State of California recognizes the

1 *Gabrielinos as the aboriginal tribe of the Los Angeles Basin and*
2 *takes great pride in recognizing the Indian inhabitation of the Los*
3 *Angeles Basin and the continued existence of the Indian*
4 *community.” The tribal offices are currently located in the City*
5 *of Santa Monica.*

6 (2) *A state historical site at University High School in West*
7 *Los Angeles preserves the Tongva Holy Springs, the site where*
8 *tribal members met the Portola Expedition, which founded the*
9 *City of Los Angeles in 1769, to replenish their water. Mount*
10 *Tongva in Angeles National Forest is named after the tribe and*
11 *city plaques commemorate the tribe’s history in Culver City and*
12 *the City of San Gabriel. Loyola Marymount University dedicated*
13 *a \$1 million garden to the history of the Tongva, and the*
14 *university library contains a special collection of scholarly works*
15 *on the tribe, as well as archaeological artifacts discovered on*
16 *campus. The Gabrielinos are included in a major exhibition at*
17 *the Native American Museum in Washington, D.C.*

18 (3) *Over 1,800 current tribal members are documented as*
19 *“Gabrielino Indians” by the United States Interior Department,*
20 *Bureau of Indian Affairs (BIA) and current tribal membership*
21 *rolls. While avoiding recognition of the tribe, the United States*
22 *published official rolls of Gabrielino Indians in 1928, 1950, and*
23 *1972. Since 1972, tribal members have received BIA “blood*
24 *quantum certificates” as “Gabrielino Indians.”*

25 (4) *The tribal history in the Los Angeles Basin is*
26 *well-documented through over 3,000 archaeological sites, 500*
27 *scholarly publications, in state historical records and federal*
28 *archives, and Catholic Church records at San Gabriel Mission*
29 *and San Fernando Mission.*

30 (5) *The Gabrielinos occupied villages to the north up to*
31 *Topanga Canyon in Malibu, extending south past the Newport*
32 *Beach estuary, and inland to the City of San Bernardino. The*
33 *Gabrielino-Tongva were enslaved to build San Gabriel Mission*
34 *and San Fernando Mission. Other Gabrielino village sites have*
35 *been uncovered at California State University at Long Beach, the*
36 *Sheldon Reservoir in Pasadena, Whittier Narrows, downtown*
37 *Los Angeles, and the Los Encinos State Historical Park in*
38 *Encino.*

39 (6) *Several major Gabrielino-Tongva archaeological sites and*
40 *villages lie in close proximity to the City of Inglewood and*

1 *Hollywood Park. The Inglewood area originally held saltwater*
2 *marsh areas that provided small game and fertile lands for nine*
3 *major villages with 50 to 200 Gabrielino-Tongva Indians at each*
4 *village site, including Amupunga, Atavingna, Tajuat, Puvunga,*
5 *and Saangna.*

6 (7) *From 1851 to 1853, three federal treaty commissioners*
7 *appointed by President Fillmore signed the 18 “lost treaties,”*
8 *setting aside 8.5 million acres in California for Indian*
9 *reservations in return for the Indians’ quitclaim to 75 million*
10 *acres of California land. After lobbying by California business*
11 *interests, the United States Senate refused to ratify any of the*
12 *treaties, instead placing an “injunction of secrecy” on the*
13 *documents for 50 years. They were discovered in a locked desk*
14 *drawer in the Senate Archives in 1905.*

15 (8) *The Gabrielino-Tongva Tribe signed Treaty D with federal*
16 *Indian agent George Barbour in 1851. In the Act of 1852,*
17 *Congress set aside an Indian reservation for the*
18 *Gabrielino-Tongva Tribe near Fort Tejon at the edge of Los*
19 *Angeles County. After the Senate refused to ratify Treaty D and*
20 *the other “lost treaties,” the Ft. Tejon reservation was*
21 *misappropriated. As a result, Gabrielino-Tongva villages were*
22 *never relocated from their historic ethnographic areas*
23 *throughout Los Angeles County, but instead were absorbed into*
24 *urban landscapes, including the City of Inglewood.*

25 (9) *Based upon the discovery of the 18 “lost treaties” in 1905,*
26 *a series of efforts were made to address the land claims of the*
27 *treatyless and landless Gabrielino-Tongva Tribe. The California*
28 *Jurisdiction Act of 1922 authorized the California Attorney*
29 *General to represent members of the tribe, among others, and to*
30 *bring their land claims before the United States Court of Claims.*
31 *The Court of Claims, in *Indian of California v. United States**
32 *(1942) 98 Ct.Cl. 583, 592, recognized the arguments of*
33 *California Attorney General Earl Warren, that “There was a*
34 *promise made to these tribes and bands of Indians and accepted*
35 *by them but the treaties were never ratified so the promise was*
36 *never fulfilled.”*

37 (10) *Under new legislation in 1946, the Indian Claims*
38 *Commission addressed individual claims of Gabrielino-Tongva*
39 *tribal members in Docket 80. In 1972, settlement was reached for*
40 *six hundred and thirty three dollars (\$633) for each member,*

1 including current tribal councilmen. This settlement was
2 negotiated by Commissioner of Indian Affairs Dillon S. Meyer,
3 who previously served as chief administrator of the notorious
4 Japanese internment camps in California. The land claims of the
5 Gabrielino-Tongva Tribe, however, were never settled.

6 (11) (a) California is one of 18 states that recognize Indian
7 tribes that are not federally recognized. At least nine states have
8 established state Indian reservations, which are usually referred
9 to in state legislation as “tribal lands.” Federal legislation refers
10 to federal Indian reservations uniformly as “Indian lands.”
11 Alabama, Connecticut, Louisiana, Massachusetts, New Jersey,
12 New York, Oklahoma, Ohio, and Virginia all have
13 state-recognized tribes and state Indian reservations. In addition,
14 Delaware, Georgia, Kansas, Michigan, Missouri, North
15 Carolina, South Carolina, Vermont, and California have
16 state-recognized tribes. State legislation in multiple jurisdictions
17 that recognizes Indian tribes and creates tribal lands provides
18 models for this act.

19 (b) California holds inherent authority to regulate vice
20 activities such as gaming under the 10th Amendment to the
21 United States Constitution. Federal case law and statutory
22 language make clear that the Indian Gaming Regulatory Act
23 (IGRA; 25 U.S.C. Sec. 2701 *et seq.*) does not preempt the field of
24 gaming by state-recognized tribes in California (see, e.g.,
25 *Missouri ex rel. Nixon v. Coeur D’Alene Tribe* (1999) 164 F.3d
26 1102; Koenig & Stein, “Lost in the Shuffle: State-Recognized
27 Tribes and the Tribal Gaming Industry,” *University of San*
28 *Francisco Law Review* (2006) 40 U.S.F.L.R. 327).

29 (c) (1) Subdivision (f) of Section 19 of Article IV of the
30 California Constitution (subdivision (f)) has a two-sentence
31 structure and reads, “Notwithstanding subdivisions (a) and (e),
32 and any other provision of state law, the Governor is authorized
33 to negotiate and conclude compacts, subject to ratification by the
34 Legislature, for the operation of slot machines and for the
35 conduct of lottery games and banking and percentage card
36 games by federally recognized Indian tribes on Indian lands in
37 California in accordance with federal law. Accordingly, slot
38 machines, lottery games, and banking and percentage card
39 games are hereby permitted to be conducted and operated on
40 tribal lands subject to those compacts.”

1 (2) *The first sentence of subdivision (f) uses the technical term,*
2 *“Indian lands.” The use of a different technical term, “tribal*
3 *lands” in the second sentence, and the failure to repeat the term*
4 *“Indian lands,” demonstrates that the second sentence contains*
5 *a different grant of authority than the first sentence. In line with*
6 *rules of constitutional construction, the Legislature finds that the*
7 *two sentences have two different meanings and grant to all*
8 *California Indian tribes the conditional right to conduct gaming*
9 *on “tribal lands.”*

10 (3) *“Indian lands” is a term of art in Indian law that refers*
11 *only to federally supervised lands. “Tribal lands” is another*
12 *term of art in Indian law, but has a broader meaning. “Tribal*
13 *lands” embraces state-supervised Indian property as well as*
14 *federally supervised Indian property. The Legislature finds that*
15 *the use of “Indian lands” and “tribal lands” was purposeful*
16 *reference, in carefully negotiated language, to two different*
17 *terms of art from Indian law, and refers to all California tribes,*
18 *not just federally recognized tribes.*

19 (4) *The controversy over whether a tribal-state gaming*
20 *compact may be negotiated by the Governor and be approved*
21 *without the Legislature’s ratification was answered clearly in the*
22 *first sentence subdivision (f). In the second sentence, the word*
23 *“accordingly” and the phrase “those compacts,” refer to a*
24 *tribal-state gaming compact negotiated by the Governor and*
25 *ratified by the Legislature. They make clear that legislative*
26 *ratification was required in both sentences, and resolve the*
27 *separation of powers problem that Polanco, Battin, et al. v.*
28 *Wilson (No. 98CS01286 (Cal. Super. Ct. County of Sac., June 25,*
29 *1998)) and Senate Bill 287 (Ch. 409, Stats. 1998) failed to put to*
30 *rest in California.*

31 (5) *Legislative review and amendment of Senate*
32 *Constitutional Amendment 11 (Res. Ch. 142, Stats. 1999)*
33 *indicates legislative intent centered on permitting gaming by all*
34 *California Indian tribes, not just federally recognized tribes.*

35 (A) *The first sentence of subdivision (f) has a different*
36 *meaning and a different legislative purpose from the second*
37 *sentence, which has its own meaning and its own legislative*
38 *purpose.*

39 (B) *Carefully crafted language and two different terms of art,*
40 *“Indian lands” in the first sentence of subdivision (f) and “tribal*

1 lands” in the second sentence, were used with the different
2 meanings encompassed by each term of art.

3 (C) The term “those compacts” and the word “accordingly”
4 in the second sentence of subdivision (f) reference tribal-state
5 gaming compacts that must be negotiated by the Governor and
6 ratified by the Legislature.

7 (6) The ballot history, including commercials aired by
8 interested parties, strongly supports the view that voter intent
9 was for Proposition 1A to authorize gaming for all California
10 Indian tribes and not just federally recognized tribes; and to
11 allow gaming under state law on any “tribal lands” and not just
12 on “Indian lands,” as defined by IGRA. The initiative was
13 entitled, “Gambling On Tribal Lands.” The overwhelming
14 impression is that the proponents sought voter approval for
15 gaming by more than federally recognized tribes. The proponents
16 were fighting for economic self-reliance for all California Indian
17 tribes, not just the subset of federally recognized tribes.

18 (7) The voter intent from the ballot history can be summarized
19 as follows:

20 (A) The initiative was entitled, “Gambling On Tribal Lands,”
21 and voters intended to authorize gaming on “tribal lands.”

22 (B) Voters intended to help all California Indian tribes attain
23 self-reliance, not just the federally recognized tribes.

24 (C) The voters intended to grant authority to more than just
25 federally recognized tribes to conduct gaming on “Indian lands.”

26 (D) The voters intended that gaming be conducted only
27 pursuant to tribal-state gaming compacts that were negotiated by
28 the Governor and ratified by the Legislature.

29 (8) If a constitutional provision is vague or ambiguous, the
30 Legislature is vested with the power to clarify the meaning or to
31 define the terms used. Subdivision (f) may be interpreted, and its
32 terms defined, by later legislative enactment.

33 SEC. 4. The Legislature hereby interprets the language of,
34 and defines the terms used in, subdivision (f) as follows:

35 (a) The first sentence has a different and independent meaning
36 from the second sentence of subdivision (f). The two separate
37 sentences contain two different, exceptional grants of gaming
38 authority notwithstanding prohibitions contained in subdivisions
39 (a) and (e) of Section 19.

1 (b) “Indian lands” and “tribal lands” are two different terms
2 of art from Indian law and shall be interpreted differently.
3 “Indian lands” shall have the same meaning as in the Indian
4 Gaming Regulatory Act (25 U.S.C. Sec. 2719). “Tribal lands”
5 shall mean and include state Indian reservations set aside for
6 state or federal tribes within their ancestral or ethnographic
7 area, as may be determined in consultation with the California
8 Native American Heritage Commission, as well as “Indian
9 lands” as defined above.

10 (c) The Governor is authorized to negotiate and conclude
11 tribal-state gaming compacts with federally recognized and
12 state-recognized Indian tribes, but each tribal-state gaming
13 compact concluded by the Governor shall be ratified by the
14 Legislature. The terms “accordingly” and “those” in the second
15 sentence of subdivision (f) are used to reference this requirement,
16 which is only stated fully in the first sentence. This interpretation
17 resolves the legal dispute presented but never decided in
18 *Polanco, Battin, et al. v. Wilson* [No. 98CS01286 (Cal. Super. Ct.
19 County of Sac. June 25, 1998)].

20 SEC. 5. The Legislature further finds and declares all of the
21 following:

22 (a) Out-of-state gambling companies will be allowed to buy
23 ownership interests in card clubs and bring increased
24 employment, diversity, and better entertainment to the California
25 gambling industry. Allowing ownership by out-of-state gambling
26 corporations or Indian tribes will allow card clubs to compete
27 effectively against Indian casinos and bring fairness,
28 competition, and vibrancy to the California gambling industry.
29 Card clubs also will be able to expand out-of-state, or otherwise
30 participate in “national branding” strategies, which has
31 increased employment and stock equity values of gambling
32 enterprises in other states, with no adverse impact on gambling
33 regulation or increase in illegal gambling activities.

34 (b) Existing restrictions on the types of card games afforded at
35 card clubs, and the constitutional ban on slot machines at card
36 clubs, will continue. In addition, the ban on association by a
37 licensed entity or officer with unlawful gaming should be
38 strengthened and made more enforceable.

39 (c) It is the intent of the Legislature to permit an owner of a
40 gambling establishment to have a financial interest in another

1 *business inside California, or outside California, so long as the*
2 *other business is not convicted of a violation of Section 330 of*
3 *the Penal Code. It is also the intent of the Legislature to change*
4 *the prohibitions in existing law that preclude a publicly traded*
5 *corporation or an Indian tribe from owning an interest in a*
6 *gambling establishment, so long as they qualify for and obtain a*
7 *license.*

8 *SEC. 6. Section 19858 of the Business and Professions Code*
9 *is amended to read:*

10 19858. (a) Except as provided in subdivision (b), a person
11 shall be deemed to be unsuitable to hold a state gambling license
12 to own a gambling establishment if the person, or any partner,
13 officer, director, or shareholder of the person, has any financial
14 interest in any business or organization that is ~~engaged in any~~
15 ~~form of gambling prohibited by~~ *convicted of a single violation of*
16 *Section 330 of the Penal Code, whether within or without this*
17 *state or another comparable statute regulating unlicensed*
18 *gaming in another state, territory, or country.*

19 (b) Subdivision (a) does not apply to a publicly traded racing
20 association, a qualified racing association, or any person who is
21 licensed pursuant to subdivision (b) or (c) of Section 19852.

22 *SEC. 7. Section 12012.65 is added to the Government Code,*
23 *to read:*

24 12012.65. (a) *If the Governor negotiates and concludes a*
25 *tribal-state gaming compact with the Gabrielino-Tongva Tribe,*
26 *the compact may be ratified by the Legislature only if it contains*
27 *the minimum payment provisions described in subdivision (b) for*
28 *the duration of the compact:*

29 (b) *The tribal-state gaming compact shall provide for total*
30 *payments to local, county, and state authorities of at least 20*
31 *percent of the net win from all slot machines. This 20 percent*
32 *shall be divided as follows:*

33 (1) *Five percent of the net win from all slot machines shall be*
34 *used exclusively for both of the following purposes:*

35 (A) *To enhance purses and breeder award programs paid for*
36 *live races at Hollywood Park, Santa Anita, and Los Alamitos.*

37 (B) *To fund the Association of State Racing Fairs, including*
38 *its facilities, personnel, programs, grants, and other functions.*

1 All live races funded through subparagraphs (A) and (B) shall
 2 designate the Gabrielino-Tongva Tribe or its casino as
 3 presenting sponsor.

4 (2) In lieu of property taxes, the tribal-state gaming compact
 5 shall provide for payments to the City of Inglewood, the
 6 Inglewood Unified School District, and Los Angeles County of at
 7 least a total of 5 percent of the net win from all slot machines.

8 (3) (A) At least a total of 5 percent of the net win from all slot
 9 machines shall be used to fund the programs and personnel
 10 enforcing Proposition 83, if the proposition is approved by voters
 11 at the November 7, 2006, statewide General Election.

12 (B) If Proposition 83 is not passed by the voters at the
 13 November 7, 2006, statewide General Election, then at least a
 14 total of 5 percent of the net win from all slot machines shall be
 15 deposited in the Department of Justice Sexual Habitual Offender
 16 Fund to be used for the purposes of Chapter 9.5 (commencing
 17 with Section 13885) of Title 6 of Part 4 of the Penal Code for the
 18 purpose of monitoring, apprehending, and prosecuting sexual
 19 habitual offenders.

20 (c) All payments made by the Gabrielino-Tongva Tribe to any
 21 governmental authority for any purpose shall be counted toward
 22 the amount otherwise required to be paid to that authority under
 23 this section.

24 SEC. 8. Division 6.5 (commencing with Section 8575) is
 25 added to the Public Resources Code, to read:

26
 27
 28

DIVISION 6.5. GABRIELINO-TONGVA RESERVATION

29 8575. (a) An Indian reservation is hereby created by the
 30 State of California for the benefit of the Gabrielino-Tongva
 31 Tribe, a state-recognized tribe. The tribal offices are currently
 32 located in the City of Santa Monica.

33 (b) The reservation shall be known as the “Gabrielino-Tongva
 34 Reservation” and shall lie on the lands delineated in Section
 35 8576. The Gabrielino-Tongva Reservation shall qualify as
 36 “tribal lands,” as that term is used in subdivision (f) of Section
 37 19 of Article IV of the California Constitution.

38 (c) The Gabrielino-Tongva Tribe is and continues to be
 39 recognized as an Indian tribe by the State of California, and so

1 *qualifies for a tribal-state gaming compact under subdivision (f)*
2 *of Section 19 of Article IV of the California Constitution.*

3 8576. (a) *The state shall accept a conveyance from the*
4 *Gabrielino-Tongva Tribe, for the purpose of forming the*
5 *Gabrielino-Tongva Reservation, the following parcels of real*
6 *property located in the City of Inglewood: Los Angeles County*
7 *Tax Assessor Map Parcels APN 4025-011-029 (constituting*
8 *221.7 acres), 4025-011-028 (constituting 16.6 acres),*
9 *4025-011-025 (constituting 13.92 acres), 4025-011-026*
10 *(constituting 19.89 acres), and 4025-011-027 (constituting 26.12*
11 *acres).*

12 (b) *Title to the real property forming the Gabrielino-Tongva*
13 *Reservation shall be held, upon conveyance to the state, as*
14 *follows: "State of California, in trust for the benefit of the*
15 *Gabrielino-Tongva Tribe."*

16 (c) *The Gabrielino-Tongva Reservation property shall remain*
17 *on the property tax rolls of Los Angeles County for purposes of*
18 *public disclosure; however the property shall be exempt from*
19 *property taxation as required by subdivision (a) of Section 3 of*
20 *Article XIII of the California Constitution, except to the extent*
21 *provided otherwise in any tribal-state gaming compact*
22 *negotiated with the Gabrielino-Tongva Tribe.*

23 8577. (a) *The Gabrielino-Tongva Reservation shall be*
24 *dedicated to whatever lawful use that the Gabrielino-Tongva*
25 *Tribe decides; provided that land use decisions that impact the*
26 *adjacent City of Inglewood and Los Angeles County shall require*
27 *compliance with Division 13 (commencing with Section 21000),*
28 *the California Environmental Quality Act.*

29 (b) *Las Vegas-style gaming may not be conducted on the*
30 *Gabrielino-Tongva Reservation without a tribal-state gaming*
31 *compact, entered into in accordance with subdivision (f) of*
32 *Section 19 of Article IV of the California Constitution and other*
33 *provisions of law.*

34 (c) *The Department of Justice and the California Gambling*
35 *Control Commission shall have jurisdiction over all aspects of*
36 *any Las Vegas-style gaming conducted on the Gabrielino-Tongva*
37 *Indian Reservation.*

38 SEC. 9. *Due to the unique circumstances of the*
39 *Gabrielino-Tongva Tribe as described in Section 3, the*
40 *Legislature hereby finds and declares that a general statute*

1 *cannot be made applicable within the meaning of Section 16 of*
2 *Article IV of the California Constitution. Therefore, the special*
3 *legislation contained within Sections 8 and 9 of this act is*
4 *necessarily applicable only to the Gabrielino-Tongva Tribe.*

5 SECTION 1. ~~Section 1770.5 is added to the Government~~
6 ~~Code, to read:~~

7 ~~1770.5. (a) With respect to state boards and commissions not~~
8 ~~governed by the California Constitution, if an appointed member~~
9 ~~fails to attend three out of four consecutive, regularly scheduled~~
10 ~~meetings of the board or commission, except when prevented by~~
11 ~~sickness or when absent from the state on board, commission, or~~
12 ~~other state business, the board or commission shall do both of the~~
13 ~~following:~~

14 ~~(1) Notify the appointing authority within 10 working days~~
15 ~~following the member's absence from three out of four~~
16 ~~consecutive regularly scheduled meetings.~~

17 ~~(2) Provide a copy of the notification in paragraph (1) to the~~
18 ~~board or commission member.~~

19 ~~(b) The appointing authority may remove a board or~~
20 ~~commission member meeting the criteria in subdivision (a) prior~~
21 ~~to the expiration of the member's term.~~