

Case No. S238544

**IN THE SUPREME COURT OF THE
STATE OF CALIFORNIA**

UNITED AUBURN INDIAN COMMUNITY OF THE
AUBURN RANCHERIA,

Appellant,

v.

EDMUND G. BROWN, JR., in his official capacity as
Governor of the State of California, and DOES 1 through 50 inclusive, Deputy

Respondent.

SUPREME COURT
FILED

MAR 28 2017

Jorge Navarrete Clerk

On Review of a Decision of the Court of Appeal
Third Appellate District
Affirming the Judgment Dismissing the Action

**REQUEST FOR JUDICIAL NOTICE, MEMORANDUM OF POINTS
AND AUTHORITIES AND DECLARATION OF COLIN C. WEST IN
SUPPORT THEREOF**

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UNITED AUBURN INDIAN
COMMUNITY OF THE AUBURN
RANCHERIA

TO THE HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE, AND
TO THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT
OF THE STATE OF CALIFORNIA:


REQUEST FOR JUDICIAL NOTICE

Pursuant to rule 8.252 of the California Rules of Court, and to Evidence Code sections 452 and 459, Appellant, United Auburn Indian Community of the Auburn Indian Rancheria (“United Auburn”) through its counsel, requests this Court to take judicial notice of: (1) the March 7, 2000 Primary Election Voter Information Guide attached hereto as Exhibit A (the “Voter Information Guide”); and (2) the February 14, 2017 Declaration of Anna Maria Berezcky-Anderson (the “Berezcky-Anderson Declaration”) attached hereto as Exhibit B. The Voter Information Guide was not presented to the trial court for judicial notice. It is relevant to this appeal as it is legislative material that was issued by the Secretary of State in connection with the Proposition 1A measure and contains the Attorney General’s summary and Legislative Analyst’s analysis. It is probative of a pivotal issue—the voters’ intent in approving Proposition 1A which amended the State Constitution “to permit Indian tribes to conduct and operate slot machines, lottery games, and banked and percentage card games on Indian land.” Cal. Const. art. IV, § 19(f).

This request for judicial notice is based on the following Memorandum of Points and Authorities and Declaration of Colin C. West.

Dated: March 27, 2017

MORGAN LEWIS & BOCKIUS LLP

By:  _____

Deborah E. Quick
Attorneys for Appellant
UNITED AUBURN INDIAN
COMMUNITY OF THE AUBURN
RANCHERIA

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MEMORANDUM OF POINTS AND AUTHORITIES

I. The Court May Take Judicial Notice of the Proposition 1A Voter Information Guide Under Section 452 (c) Because It Is an Official Government Document and Is Relevant to a Crucial Issue of the Case.

California Evidence Code Section 452(c) authorizes a court to take judicial notice of “[o]fficial acts of the legislative, executive, and judicial departments of . . . any state of the United States.” As the Comments of the Assembly Committee on Judiciary note, this section should be interpreted broadly and “California courts have taken judicial notice of a wide variety of [official] acts.” Cal. Evid. Code § 452, Assembly Committee on Judiciary Comments, *Official acts of the legislative, executive, and judicial departments*.

The Voter Information Guide was prepared and issued by the Secretary of State, and, as an official government document, is subject to judicial notice under Section 452(c) as legislative history. *Vargas v. City of Salinas*, 46 Cal. 4th 1, 22 n. 10 (2009) (taking judicial notice of ballot pamphlet on its own initiative, reasoning that it was an “official government document”); see *St. John’s Well Child and Family Center v. Schwarzenegger*, 50 Cal. 4th 960 (2010) (taking judicial notice of ballot pamphlet, text, and arguments in favor of Proposition 12, which enacted a constitutional amendment expanding the scope of the Governor’s line-item authority).

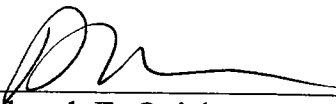
Furthermore, the Voter Information Guide is directly relevant here. It is highly probative of a pivotal issue—the voters’ intent in approving Proposition 1A. *See Apartment Ass’n of Los Angeles County, Inc. v. City of Los Angeles*, 24 Cal. 4th 830, 837 (2001) (determining legislative intent by examining ballot pamphlet arguments for and against proposition and Legislative Analyst’s analysis). Critically, the extrinsic evidence in the Voter Information Guide shows that the electorate did not intend to create a gubernatorial concurrence power under IGRA so as to allow *off-reservation* gaming.

Accordingly, under Section 452(c), judicial notice is proper and warranted for the following document, and United Auburn requests the Court to take judicial notice of the March 7, 2000 Primary Election Voter Information Guide, attached as Exhibit A.

The Voter Information Guide is authenticated by the Declaration of Colin C. West below.

Dated: March 27, 2017

MORGAN LEWIS & BOCKIUS LLP

By: 
Deborah E. Quick
Attorneys for Appellant
UNITED AUBURN INDIAN
COMMUNITY OF THE
AUBURN RANCHERIA

DECLARATION OF COLIN C. WEST

I, Colin C. West, declare as follows:

1. I am a partner at the law firm of Morgan, Lewis & Bockius LLP, counsel for United Auburn, and am licensed to practice law in the State of California and admitted to practice before this Court. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would competently testify thereto.
2. Attached hereto as Exhibit A is a true and correct copy of the March 7, 2000 Primary Election Voter Information Guide issued by the Secretary of State in connection with the Proposition 1A initiative.
3. I obtained the document attached hereto as Exhibit A from Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation, located at 712 Main Street, Woodland, CA, 95695. Exhibit B is a true and correct copy of the declaration of Anna Maria Berezky-Anderson, which accompanied the documents we obtained from the Legislative Intent Service. As Ms. Berezky-Anderson attests therein, at her direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Senate Constitutional Proposition 1A of 2000. That included the March 7, 2000 Primary Election Voter Information Guide attached hereto as Exhibit A.

4. I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Dated: March 27, 2017

MORGAN, LEWIS & BOCKIUS LLP

By: 

Colin C. West
Attorneys for Appellant
UNITED AUBURN INDIAN
COMMUNITY OF
THE AUBURN RANCHERIA

PROPOSED ORDER

Appellant's motion requesting judicial notice is hereby GRANTED.

Dated: _____, 2017.

TANI CANTIL-SAKAUYE
Chief Justice

CERTIFICATE OF SERVICE

I, Davace Chin, declare that I am a resident of the State of California, County of San Francisco. I am over the age of eighteen years and not a party to the within action; my business address is Morgan, Lewis & Bockius LLP, One Market Street, Spear Tower, San Francisco, California 94105.

On March 27, 2017, I caused the following document to be served:

REQUEST FOR JUDICIAL NOTICE, MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF COLIN C. WEST IN SUPPORT THEREOF

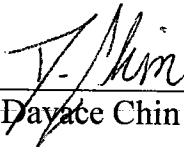
via U.S. Postal Service – by placing the document listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below:

Timothy M. Muscat
Office of the Attorney General
P.O. Box 944255
1300 I Street, Suite 125
Sacramento, CA

California Court of Appeal
Third Appellate District
914 Capitol Mall
Sacramento, CA 95814

Hon. Eugene L. Balonon
Sacramento Superior Court, Dept. 14
720 Ninth Street, Room 611
Sacramento, CA 95814

I declare under penalty of perjury, under the laws of the United States of America and the State of California, that the above is true and correct. Executed on March 27, 2017, at San Francisco, California.

By: 

Davace Chin

A VOTE

PROTECT
YOUR
RIGHTS

VOTER INFORMATION GUIDE

NEW
Quick Reference
"Pullout" Voter Guide
Enclosed

MARCH 7, 2000

PRIMARY ELECTION

LEGISLATIVE INTENT SERVICE (800) 666-1917

CERTIFICATE OF CORRECTNESS

I, Bill Jones, Secretary of State of the State of California, do hereby certify that the measures included herein will be submitted to the electors of the State of California at the PRIMARY ELECTION to be held throughout the State on March 7, 2000, and that this pamphlet has been correctly prepared in accordance with law.

Witness my hand and the Great seal of the State in Sacramento, California this 13th day of December, 1999.



BILL JONES
Secretary of State



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Secretary of State

Dear Voter,

Welcome to California's first Primary Election of the new millennium! As registered voters of California, you will have the opportunity to decide the future of our state by casting your vote on the important issues and various candidates listed in this *Voter Information Guide*. An exciting change for this next election is that you will head to the polls earlier than any other election year. Thanks to legislation enacted in 1998, California's presidential primary election has been moved up three months to March 7, 2000, providing you with a powerful voice in determining—for the first time in a generation—who will be our nominees for the next U.S. President!

To help you prepare for the election, the *Voter Information Guide* contains comprehensive summaries, legislative analyses and arguments on 18 propositions that will appear on the March 7th ballot. We urge you to please take the time to read each measure carefully *before* going to the polls. And on March 7, 2000, you will be prepared to cast your ballot with confidence!

You may have noticed a few changes from previous *Voter Information Guides*. In addition to a newly designed cover, a tear-out summary of the measures has been added to assist in your decision-making process at the polls. Used as a quick reference, this "pullout" guide will assist you in making informed decisions when casting your ballot. We've also included a comments section to assess the usefulness of the pamphlet as it exists now, and what can be done to improve it. Please refer to page 147 for instructions on how to submit your suggestions. This is important so that we can deliver the information you want and need to make your decisions.

To set new standards for the new millennium, we have expanded our Internet site to provide you with as much information as possible. The best in the country, our new state-of-the-art design will help you find your polling place location on Election Day, allow you to monitor live election results as soon as polls close and follow the candidates' money trails as their campaign finance reports will be filed on-line. You can access these and other exciting and new services by visiting our web site: www.ss.ca.gov.

The Secretary of State is committed to raising the level of voter participation in California to 100 percent while maintaining a zero tolerance for fraud or elections misconduct. If you know anyone who is not registered to vote and would like to do so, please have them call the Secretary of State's 24-hour Voter Registration and Election Fraud Hot-Line at 1-800-345-VOTE to receive a voter registration form.

As Californians we must take full-advantage of our unprecedented role in the presidential selection process. For the first time in 30 years, Californians will determine who will appear on the presidential election ballot. **We urge you to go to the polls on March 7th and encourage your family, friends and relatives to participate and vote!**





Gambling on Tribal Lands. Legislative Constitutional Amendment.

Official Title and Summary Prepared by the Attorney General

GAMBLING ON TRIBAL LANDS. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

- Modifies state Constitution's prohibition against casinos and lotteries, to authorize Governor to negotiate compacts, subject to legislative ratification, for the operation of slot machines, lottery games, and banking and percentage card games by federally recognized Indian tribes on Indian lands in California, in accordance with federal law.
- Authorizes slot machines, lottery games, and banking and percentage card games to be conducted and operated on tribal lands subject to the compacts.

Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:

- Uncertain fiscal effect on state and local tax revenues ranging from minor impact to significant annual increases.
- State license fees of tens of millions of dollars each year available for gambling-related costs and other programs.

Final Votes Cast by the Legislature on SCA 11 (Proposition 1A)

Assembly: Ayes 75	Senate: Ayes 35
Noes 4	Noes 0

Analysis by the Legislative Analyst

BACKGROUND

Gambling in California

The State Constitution and various other state laws limit the types of legal gambling that can occur in California. The State Constitution specifically:

- Authorizes the California State Lottery, but prohibits any other lottery.
- Allows horse racing and wagering on the result of races.
- Allows bingo for charitable purposes (regulated by cities and counties).
- Prohibits Nevada- and New Jersey-type casinos.

Other state laws specifically prohibit the operation of slot machines and other gambling devices (such as roulette). With regard to *card* games, state law prohibits: (1) several specific card games (such as twenty-one), (2) "banked" games (where the house has a stake in the outcome of the game), and (3) "percentage" games (where the house collects a given share of the amount wagered).

State law allows card rooms, which can operate any card game not otherwise prohibited. Typically, card room players pay a fee on a per hand or per hour basis to play the games.

Gambling on Indian Land

Gambling on Indian lands is regulated by the 1988 federal Indian Gaming Regulatory Act (IGRA). The IGRA defines gambling under three classes:

- *Class I* gambling includes social games and traditional/ceremonial games. An Indian tribe can offer Class I games without restriction.
- *Class II* gambling includes bingo and certain card games.

Class II gambling, however, specifically *excludes* all banked card games. An Indian tribe can offer only the Class II games that are permitted elsewhere in the state.

- *Class III* gambling includes all other forms of gambling such as banked card games (including twenty-one and baccarat), virtually all video or electronic games, slot machines, parimutuel horse race wagering, most forms of lotteries, and craps.

An Indian tribe can operate Class III games only if the tribe and the state have agreed to a tribal-state compact that allows such games. The compact can also include items such as regulatory responsibilities, facility operation guidelines, and licensing requirements. After the state and tribe have reached agreement, the federal government must approve the compact before it is valid.

Gambling on Indian Lands in California

According to the federal Bureau of Indian Affairs, there are over 100 Indian rancherias/reservations in California. Currently, there are about 40 Indian gambling operations in California, which offer a variety of gambling activities.

In the past two years there have been several important developments with regard to Indian gambling in California:

- *April 1998.* The Governor concluded negotiations with the Pala Band of Mission Indians to permit a specific type of Class III gambling on tribal land. The compact resulting from these negotiations—the "Pala" Compact—was subsequently signed by 10 other tribes. These 11 compacts were approved in legislation in August 1998.

(800) 666-1917

LEGISLATIVE INTENT SERVICE



- **November 1998.** State voters approved the Tribal Government Gaming and Economic Self-Sufficiency Act—Proposition 5. The proposition, which amended state law but not the State Constitution, required the state to enter into a specific compact with Indian tribes to allow certain Class III gambling activities.
- **November 1998.** A referendum on the August 1998 legislation approving the 11 Pala compacts qualified for this ballot (Proposition 29). Once qualified, this legislation was put “on hold” pending the outcome of the vote on Proposition 29.
- **August 1999.** Proposition 5 was ruled unconstitutional by the State Supreme Court on the basis that the measure would permit the operation of Nevada- and New Jersey-type casinos.
- **September 1999.** The Governor negotiated and the Legislature approved compacts with 57 tribes—including the tribes that signed the Pala compacts—authorizing certain Class III games. These take the place of all previously approved compacts, including the Pala compacts. These new compacts, however, will become effective only if (1) this proposition is approved and (2) the federal government approves the compacts.

PROPOSAL

This proposition amends the State Constitution to permit Indian tribes to conduct and operate slot machines, lottery games, and banked and percentage card games on Indian land. These gambling activities could only occur if (1) the Governor and an Indian tribe reach agreement on a compact, (2) the Legislature approves the compact, and (3) the federal government approves the compact. (Although this proposition authorizes lottery games, Indian tribes can currently operate lottery games—subject to a gambling compact. This is because the State Constitution permits the State Lottery, and Indian tribes can operate any games already permitted in the state.)

As discussed above, the Governor and the Legislature have approved virtually identical tribal-state compacts with 57 Indian tribes in California. If this proposition is approved, those compacts would go into effect if approved by the federal government. (See Figure 1 for a brief description of these compacts’ major provisions.)

FISCAL EFFECT

State and Local Revenue Impact

This measure would likely result in an increase in economic activity in California. The magnitude of the increase would depend primarily on (1) the extent to which tribal gambling operations expand and (2) the degree to which new gambling activity in California is from spending diverted from Nevada and other out-of-state sources (as compared to spending diverted from other California activities).

While the measure would likely result in additional economic activity in California, its impact on state and local revenues is less clear. This is because, as sovereign governments, tribal businesses and members are exempt from certain forms of taxation. For example, profits earned by gambling activities on tribal lands would not be subject to state corporate taxes. In addition, gambling on tribal lands is not subject to wagering taxes that are currently levied on other forms of gambling in California (horse race wagers, card rooms, and the Lottery). Finally, wages paid to tribal members employed by the gambling operation and living on Indian land would not be subject to personal income taxes.

Even with these exemptions, tribal operations still generate tax revenues. For example, wages paid to nontribal employees of the operations are subject to income taxation. In addition,

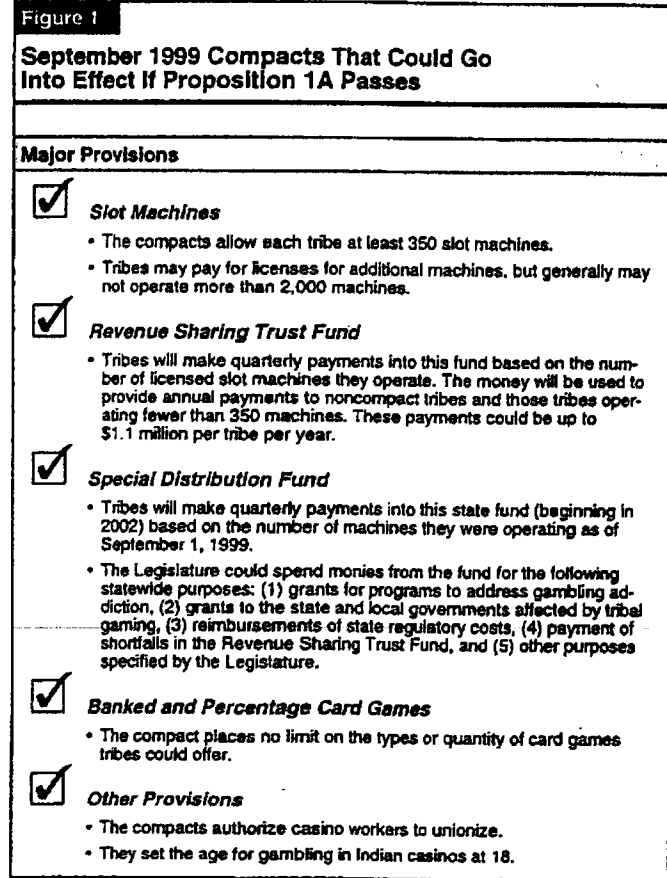
certain nongambling transactions related to the operations are subject to state and local sales and use taxes. However, on average, each dollar spent in tribal operations generates less tax revenue than an equivalent dollar spent in other areas of the California economy.

Given these factors, the *net* impact of this measure on state and local government revenues is uncertain. For example, revenues could increase significantly if the measure were to result in a large expansion in gambling operations *and* a large portion of the new gambling was spending that would have otherwise occurred outside of California (such as in Nevada). On the other hand, if the expansion of gambling were relatively limited or if most of the new gambling represented spending diverted from other areas in the state’s economy that are subject to taxation, the fiscal impact would not be significant.

Other Governmental Fiscal Impacts

The measure could result in a number of other state and local fiscal impacts, including: regulatory costs, an increase in law enforcement costs, potential savings in welfare assistance payments, and an increase in local infrastructure costs. We cannot estimate the magnitude of these impacts.

Passage of this proposition would result in the implementation of tribal-state compacts approved in September 1999—assuming these compacts are approved by the federal government. Under these compacts, the tribes would pay license fees to the state totaling tens of millions of dollars annually. The state could spend this money on Indian gambling regulatory costs, other gambling-related costs, and other purposes (as determined by the Legislature).



For text of Proposition 1A see page 90



Gambling on Tribal Lands. Legislative Constitutional Amendment.

Argument in Favor of Proposition 1A

VOTE YES ON PROP 1A AND ENSURE THAT INDIAN SELF-RELIANCE IS PROTECTED ONCE AND FOR ALL.

As tribal leaders of California Indian Tribes, we have seen first-hand the transformation that Indian gaming has made in the lives of our people. Indian gaming on tribal lands has replaced welfare with work, despair with hope and dependency with self-reliance.

We are asking you to vote YES on Proposition 1A so we can keep the gaming we have on our reservations. We thank you for your past support and need your help now to protect Indian self-reliance once and for all.

We are joined by a vast majority of California's Indian Tribes that support Prop 1A, including the 59 Tribes who signed gaming compacts with Governor Davis.

For the past several years, a political dispute has threatened to shut down Indian casinos in California. To resolve this dispute, California's Indian Tribes asked voters last year to approve Proposition 5, the Indian Self-Reliance Initiative. With your help, Proposition 5 won overwhelmingly with 63 percent of the vote.

But big Nevada casinos that wanted to kill competition from California's Indian Tribes filed a lawsuit, and Prop 5 was overturned and ruled unconstitutional on a legal technicality.

So Prop 1A has been put on the March ballot to resolve this technicality and establish clearly that Indian gaming on tribal lands is legal in California.

For more than a decade, Indian casinos in California have provided education, housing and healthcare for Indian people, as well as jobs that have taken Indians off welfare. Today Indian gaming on tribal lands benefits all Californians by providing nearly 50,000 jobs for Indians and non-Indians and producing \$120 million annually in state and local taxes. After

generations of poverty, despair and dependency, there is hope. On reservations with casinos, unemployment has dropped nearly 50%; welfare has been cut by 68% and, in some cases, eliminated entirely.

Proposition 1A:

- Is a simple constitutional measure that allows Indian gaming in California. It protects Indian self-reliance by finally providing clear legal authority for Indian Tribes to conduct specified gaming activities on tribal lands.
- Shares Indian gaming revenues with non-gaming Tribes for use in education, housing, health care and other vitally needed services.
- Provides revenues for local communities near Indian casinos, for programs for gambling addiction and for state regulatory costs.
- Provides for tribal cooperation with local governments and for tribal environmental compliance.

If Proposition 1A fails, tribal gaming would face being shut down. This would be devastating for California Indian Tribes—and bad for California's taxpayers.

We are asking voters to protect Indian gaming on tribal land, so that we can preserve the only option most Tribes have to get our people off welfare. We are asking you to let us take care of ourselves and pay our own way. We urge you to vote YES on Proposition 1A.

ANTHONY PICO
Tribal Chairman, Viejas Band of Kumeyaay Indians

PAULA LORENZO
Tribal Chairperson, Rumsey Indian Rancheria

MARK MACARRO
Tribal Chairman, Pechanga Band of Luiseño Indians

Rebuttal to Argument in Favor of Proposition 1A

Proposition 1A is *not* about keeping tribal casinos open. It's about slot machines. Up to 100,000 of them.

Federal law says Indian casinos can offer any game that's legal anywhere in their state. Bingo, poker, lotteries, betting on horses . . . all legal here. Defeat of Proposition 1A won't change that. But they want video slot machines, the "crack cocaine" of gambling, which our Constitution prohibits.

More slot machines than the whole Las Vegas Strip. And blackjack. Games that have always been illegal in California.

Some tribes violated state and Federal law and brought in illegal slot machines.

Those illegal machines have made a few small tribes extremely rich . . . and they poured over \$75 million dollars into political campaigns in 1998! Over \$21 million of that came from the three tribes that signed Proposition 1A's argument—with only 630 total members on their reservations!

Proposition 1A would let Indian casinos operate as many as 100,000 slot machines, according to California's independent Legislative Analyst. 107 tribes, each entitled to run two casinos,

paying no state or Federal taxes on annual profits conservatively estimated between \$3.9 billion and \$8.2 billion—almost all from Californians.

Despite 1A's supporters' claims, Proposition 5 wasn't overturned by Nevada casinos on a "technicality." It was overturned by our *Supreme Court* because it violated California's *CONSTITUTION*. (So now they want to amend our Constitution!).

And Nevada? Nevada gambling companies are already being hired to run huge casinos that Proposition 1A will create.

Preserve our Constitution. **VOTE NO ON PROPOSITION 1A.**

BRUCE THOMPSON
Member, California Assembly

LEO McCARTHY
Former Lieutenant Governor of California

MELANIE MORGAN
Recovering Gambling Addict



Gambling on Tribal Lands. Legislative Constitutional Amendment.



Argument Against Proposition 1A

Proposition 1A and the Governor's compact with gambling tribes will trigger a massive explosion of gambling in California.

Supporters call it a "modest" increase. Let's see just how "modest."

- Allows 214 casinos, TWO for every tribe.
- Slot machines in California could jump to some 50,000-100,000.
- In 2003, tribes can negotiate another increase.
- Slot machines provide 80% of all casino revenues.
- 18-year-olds are not prohibited from casino gambling.
- Legalizes Nevada-style card games not allowed in California.
- Indian casinos will pay no state or federal corporation taxes.
- Felons can be hired to run tribal casinos.
- Local governments and citizens get no input on size or location.

Casinos won't be limited to remote locations. Indian tribes are already buying up prime property for casinos in our towns and cities. And they're bringing in Nevada gambling interests to build and run their casinos.

Now California card clubs and racetracks are demanding the right to expand their gambling to keep pace: telephone and computer betting from home, slot machines, blackjack and more. If 1A passes, they'll be next in line.

This is our last, best chance to avoid the Golden State becoming the casino state. Vote no on Proposition 1A.

BRUCE THOMPSON

Member, California State Assembly

A report funded by Congress reveals there are 5.5 million adult pathological or problem gamblers in this country, with another 15 million "at risk." About 700,000 pathological and problem gamblers live in California, with another 1.8 million

"at risk." That doesn't include a large number of teenage gamblers.

Experts tell us "Pathological gamblers engage in destructive behaviors, commit crimes, run up large debts, damage relationships with family and friends, and they kill themselves."

Proposition 1A would dramatically increase—probably double—this seriously troubled population by legalizing perhaps 50,000 to 100,000 slot machines, including interactive video games, the "crack cocaine" of gambling. These video slot machines very rapidly turn potential problem gamblers into pathological ones, warn treatment professionals.

California taxpayers will pay many millions in law enforcement costs and in health and welfare aid to troubled gamblers and their families.

Proposition 1A makes us another Nevada, virtually overnight. Do we really want that?

LEO MCCARTHY

Former Lieutenant Governor of California

Addiction isn't something we like to talk about. It's a silent disease that devastates your family, ruins friendships and destroys you personally and financially. Like hundreds of thousands of women, I know from bitter experience the dark side of gambling.

I know that the closer the opportunity to gamble is, the easier it is, the more likely you are to fall into its trap. This isn't about chances in a church drawing. It's about losing your house payment, rent money or child's college fund, and lying and cheating to get more so you can try to win it back. It's about bankruptcy, divorce, domestic violence and suicide.

Proposition 1A puts gambling casinos right in everyone's backyard, where they could profit from \$1 billion to \$3 billion per year, much of it from weak and vulnerable gambling addicts.

I know. I was one. Please, vote NO on 1A.

MELANIE MORGAN

Recovering Gambling Addict

Rebuttal to Argument Against Proposition 1A

Opponents to Prop 1A are using the same misleading scare tactics they tried against Prop 5 in 1998. Their arguments are just as false now as they were then.

Prop 1A

- Supports Indian self-reliance by **ALLOWING TRIBES TO RUN REGULATED GAMING ON TRIBAL LAND** and with the same types of games that exist today.
- **PRESERVES MORE THAN \$120 MILLION ANNUALLY IN STATE AND LOCAL TAXES** generated by Indian gaming.
- **SHARES MILLIONS OF DOLLARS** in gaming revenues **WITH TRIBES THAT DON'T HAVE GAMING**, to fund health care, education, care for elders, and other vitally needed programs.
- **PROVIDES REVENUE FOR LOCAL GOVERNMENT AGENCIES AND PROBLEM GAMBLING PROGRAMS.**

"Proposition 1A and federal law strictly limit Indian gaming to tribal land. The claim that casinos could be built anywhere is totally false."

Carl Olson, former federal field investigator, National Indian Gaming Commission

"The majority of Indian Tribes are located on remote reservations and the fact is their markets will only support a limited number of machines."

Bruce Strobom, economist and author of the only comprehensive economic impact study of Indian gaming in California.

California voters, our Governor, the State Legislature and nearly all of California Indian Tribes support Prop 1A. *Vote YES on Prop 1A* to allow California Indian Tribes to continue on the path to self-reliance and for Indian gaming to benefit California taxpayers.

For more information on why claims against Prop 1A are false and misleading, call 1-800-248-2652 or visit our website at Yeson1A.net.

CAROLE GOLDBERG

Professor of Law and American Indian Studies

JEFF SEDIVEC

President, California State Firefighters Association

ANTHONY PICO

Chairman, Californians For Indian Self-Reliance

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A Description of State Ballot Measures

Legislative Bond Measure

Any bill that calls for the issuance of general obligation bonds must be adopted in each house of the Legislature by a two-thirds vote, be signed by the Governor and approved by a simple majority of the voters voting to be enacted. An overview of the state bond debt is included in every ballot pamphlet when a bond measure is on the statewide ballot.

Legislative Constitutional Amendment

This is an amendment to the California State Constitution that is proposed by the Legislature. It must be adopted in the Senate and the Assembly by a two-thirds vote of each house's members before being placed on the ballot. A legislative constitutional amendment does not require the Governor's signature. A simple majority of the public's vote enacts the amendment.

Legislative Initiative Amendment

Unless an initiative specifically allows for the Legislature to amend its provisions, the Legislature must submit any amendments to previously-adopted initiatives it proposes to the voters. An amendment requires a majority vote of the Senate and Assembly and must be signed by the Governor. If the measure gets more yes than no votes on the ballot, it becomes law.

Initiative

Often called "direct democracy", the initiative is the power of the people to place measures on the ballot. These measures can include proposals to create or change statutes, amendments to the Constitution or general obligation bonds. In order for an initiative that sets or changes state law to qualify to appear on the ballot, petitions must be turned in that have signatures of registered voters equal in number to 5% of the votes cast for all candidates for Governor in the last election. An initiative amending the State Constitution requires signatures equaling 8% of the gubernatorial vote. Again, the statewide vote to enact an initiative only requires a simple majority vote.

Referendum

Referendum is the power of the people to approve or reject statutes adopted by the Legislature, except those that are urgency, that call for elections, or that provide for tax levies or appropriations for usual current expenses of the state. Voters wishing to block implementation of a legislatively adopted statute must gather signatures of registered voters equal in number to 5% of the votes cast for all candidates for Governor in the last election within ninety days of enactment of the bill. Once on the ballot, the law proposed by the Legislature is blocked if voters cast more no votes than yes votes on the question.



Text of the Proposed Laws

Proposition 1A: Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 11 of the 1999-2000 Regular Session (Resolution Chapter 142, Statutes of 1999) expressly amends the California Constitution by amending a section thereof; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO SECTION 19 OF ARTICLE IV

SEC. 19. (a) The Legislature has no power to authorize lotteries, and shall prohibit the sale of lottery tickets in the State.

(b) The Legislature may provide for the regulation of horse races and horse race meetings and wagering on the results.

(c) Notwithstanding subdivision (a) the Legislature by statute may authorize cities and counties to provide for bingo games, but only for charitable purposes.

(d) Notwithstanding subdivision (a), there is authorized the establishment of a California State Lottery.

(e) The Legislature has no power to authorize, and shall prohibit casinos of the type currently operating in Nevada and New Jersey.

(f) Notwithstanding subdivisions (a) and (e), and any other provision of state law, the Governor is authorized to negotiate and conclude 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. Accordingly, slot machines, lottery games, and banking and percentage card games are hereby permitted to be conducted and operated on tribal lands subject to those compacts.

Proposition 12: Text of Proposed Law

This law proposed by Assembly Bill 18 of the 1999-2000 Regular Session (Chapter 461, Statutes of 1999) and Senate Bill 1147 of the 1999-2000 Regular Session (Chapter 638, Statutes of 1999) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Public Resources Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Chapter 1.692 (commencing with Section 5096.300) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.692. SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000
(THE VILLARAIGOSA-KEELEY ACT)

Article 1. General Provisions

5096.300. This chapter shall be known, and may be cited, as the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act).

5096.301. Responding to the recreational and open-space needs of a growing population and expanding urban communities, this act will revive state stewardship of natural resources by investing in neighborhood parks and state parks, clean water protection, and coastal beaches and scenic areas.

5096.302. The Legislature finds and declares all of the following:

(a) Historically, California's local and neighborhood parks often serve as the recreational, social, and cultural centers for cities and communities, providing venues for youth enrichment, senior activities, and family recreation.

(b) Neighborhood and state parks provide safe places to play in the urban neighborhoods, splendid scenic landscapes, exceptional experiences, and world-recognized recreational opportunities, and in so doing, are vital to California's quality of life and economy.

(c) For over a decade, the state's commitment to parks and natural resources has dwindled. California has not kept pace with the needed funding to adequately manage and maintain its multibillion dollar investment in neighborhood, urban, and state parks and natural areas resulting in disrepair and overcrowding of many park facilities and the degradation of wild lands.

(d) The magnificent Pacific Coast, outstanding mountain ranges, and unique scenic regions are the source of tremendous economic opportunity and contribute enormously to the quality of life of Californians.

(e) Continued economic success and enjoyment derived from California's natural resources depends on maintaining clean water, healthy ecosystems, and expanding public access for a growing state.

(f) The backlog of needs for repair and maintenance of local and urban parks exceeds two billion five hundred million dollars and the need for maintenance of state parks exceeds one billion dollars. The state's conservancies and wildlife agencies report a need for habitat acquisition and restoration exceeding \$1.8 billion.

(g) This act will begin to address these critical neighborhood park and natural resources needs.

5096.303. The Legislature further finds and declares all of the following:

(a) Air pollution continues to be a major problem in California which harms the health of our residents, costs our economy billions of dollars related to health care costs, reduced agricultural productivity, and damage to our infrastructure, and otherwise decreases the quality of life in our state.

(b) Forests and trees improve air quality by removing carbon dioxide, particulates, and other pollutants from the air, and by producing oxygen.

(c) Park, open-space, and tree planting projects also improve air quality and decrease congestion by reducing sprawl. Improving the quality of life in areas that are already developed by helping local agencies implement sound land use plans that promote energy efficiency, and by providing incentives to reduce development in inappropriate areas.

5096.306. It is the intent of the Legislature to strongly encourage every state or local government agency receiving the bond funds allocated pursuant to this chapter for an activity to give full and proper consideration to the use of recycled and reusable products whenever possible with regard to carrying out that activity.

5096.307. (a) Every proposed activity to be funded pursuant to this chapter shall be in compliance with the California Environmental Quality Act (Division 13 (commencing with Section 21000)).

(b) Lands acquired with funds allocated pursuant to this chapter shall be acquired from a willing seller of the land.

5096.3075. Upon a finding by the administering entity that a particular project for which funds have been allocated cannot be completed, or that the funds are in excess of the total needed, the Legislature may reallocate those funds for other high priority needs consistent with this act.

5096.308. As used in this chapter, the following terms have the following meanings:

(a) "Acquisition" means the acquisition from a willing seller of a fee interest or any other interest, including easements and development rights, in real property from a willing seller.

(b) "Board" means the Secretary of the Resources Agency designated in accordance with subdivision (b) of Section 5096.362.

(c) "Certified local community conservation corps programs" means programs operated by public or private nonprofit agencies pursuant to Section 14406.

(d) "Committee" means the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Finance Committee created pursuant to subdivision (a) of Section 5096.362.

(e) "District" means any regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3, any recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780), or an authority formed pursuant to Division 26 (commencing with Section 35100). With respect to any community or unincorporated region that is not included within a district, and in which no city or county provides parks or recreational areas or facilities, "district" also means any other district that is authorized by statute to operate and manage parks or recreational areas or facilities, employs a full-time park and recreation director, offers year-round park and recreation services on lands and facilities owned by the district, and allocates a substantial portion of its annual operating budget to parks or recreation areas or facilities.

(f) "Fund" means the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Bond Fund created pursuant to Section 5096.310.

(g) "Historical resource" includes, but is not limited to, any building, structure, site area, place, artifact, or collection of artifacts that is historically or archaeologically significant in the cultural annals of California.

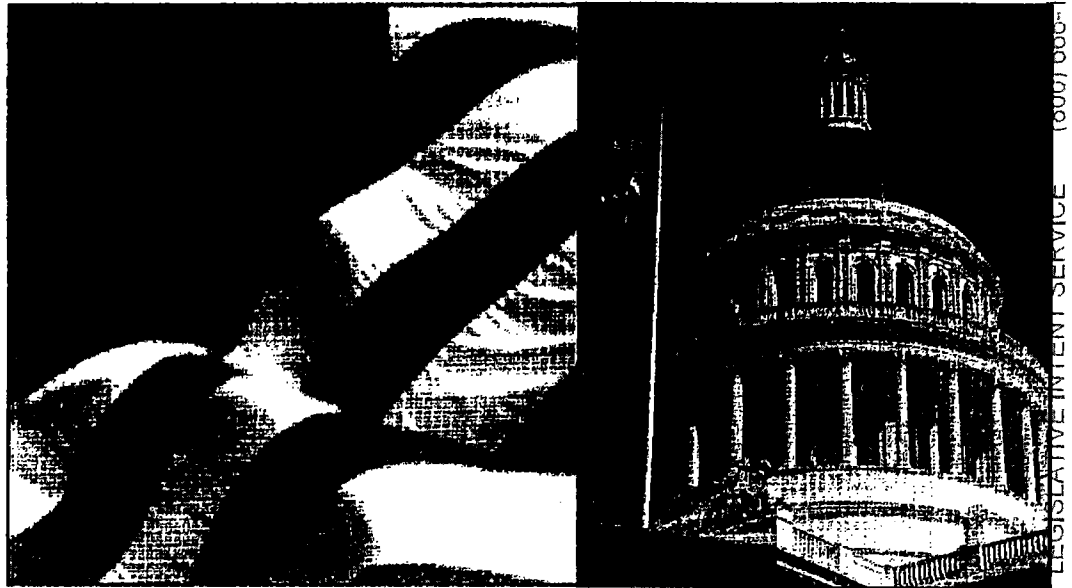
(h) "Program" means the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection (Villaraigosa-Keeley Act) Program established pursuant to this chapter.

(i) "Secretary" means the Secretary of the Resources Agency.

(j) (1) "Stewardship" means the development and implementation of projects for the protection, preservation, rehabilitation, restoration, and improvement of natural systems and outstanding features of the state



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march 7, 2000



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DECLARATION OF ANNA MARIA BERECZKY-ANDERSON

I, Anna Maria Berezky-Anderson, declare:

I am an attorney licensed to practice in California, State Bar No. 227794, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain all documents relevant to the enactment of Senate Constitutional Amendment 11 of 1999 and Proposition 1A of 2000. Senate Constitutional Amendment 11 was approved by the Legislature and was enacted as Resolution Chapter 142 of the Statutes of 1999. Proposition 1A of 2000 was enacted following the general election of March 7, 2000.

The following list identifies all documents obtained by the staff of Legislative Intent Service, Inc. on Senate Constitutional Amendment 11 of 1999 and Proposition 1A of 2000. All listed documents have been forwarded with this Declaration except as otherwise noted in this Declaration. All documents gathered by Legislative Intent Service, Inc. and all copies forwarded with this Declaration are true and correct copies of the originals located by Legislative Intent Service, Inc. In compiling this collection, the staff of Legislative Intent Service, Inc. operated under directions to locate and obtain all available material on the bill.

EXHIBIT A - SENATE CONSTITUTIONAL AMENDMENT 11 OF 1999:

1. All versions of Senate Constitutional Amendment 11 (Burton-1999);
2. Procedural history of Senate Constitutional Amendment 11 from the 1999-2000 *Senate Final History*;
3. Five Third Reading analyses of Senate Constitutional Amendment 11 prepared by the Office of Senate Floor Analyses;

4. Material from the legislative bill file of the Office of Senate Floor Analyses on Senate Constitutional Amendment 11 as follows:
 - a. Previously Obtained Material,
 - b. Updated Collection of Material;
- + 5. Analysis of Senate Constitutional Amendment 11 prepared for the Assembly Committee on Governmental Organization;
6. Material from the legislative bill file of the Assembly Committee on Governmental Organization on Senate Constitutional Amendment 11;
7. Analysis of Senate Constitutional Amendment 11 prepared for the Assembly Committee on Elections, Reapportionment and Constitutional Amendments;
8. Material from the legislative bill file of the Assembly Committee on Elections, Reapportionment and Constitutional Amendments on Senate Constitutional Amendment 11;
9. Analysis of Senate Constitutional Amendment 11 prepared for the Assembly Committee on Appropriations;
10. Material from the legislative bill file of the Assembly Committee on Appropriations on Senate Constitutional Amendment 11 as follows:
 - a. Previously Obtained Material,
 - b. Updated Collection of Material;
- + 11. Two Third Reading analyses of Senate Constitutional Amendment 11 prepared by the Assembly Committee on Elections, Reapportionment and Constitutional Amendments;
12. Unfinished Business analysis of Senate Constitutional Amendment 11 prepared by the Office of Senate Floor Analyses;
13. Material from the legislative bill file of Senator John Burton on Senate Constitutional Amendment 11 as follows:
 - a. Previously Obtained Material,
 - b. Updated Collection of Material;
- + 14. Press Release #99:227 entitled "Governor Davis Signs Historic Tribal Gaming Compact with Agua Caliente Band," issued by the Office of the Governor on September 14, 1999;
15. Excerpt regarding Senate Constitutional Amendment 11 from the 1999 *Digest of Legislation*, prepared by the Office of Senate Floor Analyses;
16. Material from the legislative bill file of the Secretary of State on Senate Constitutional Amendment 11.

EXHIBIT B - PROPOSITION 1A, PRIMARY ELECTION OF MARCH 7, 2000:

1. Excerpt regarding Proposition 1A from the *Voter Information Guide*, prepared by the Secretary of State, Primary Election, March 7, 2000;
2. Excerpt regarding Proposition 1A from the *Statement of Vote*, prepared by the California Secretary of State, March 7, 2000;
3. "Ballot Measures & Related Committees" regarding Proposition 1A compiled by the Secretary of State, February 29, 2000;
4. Documents regarding Proposition 1A of 2000, prepared by the Secretary of State, as follows:
 - a. "Text of Proposition 1A." Available. Online at: <http://vigarchive.sos.ca.gov/2000/primary/propositions/1atext.htm>;
 - b. "Official Title and Summary." Available. Online at: <http://vigarchive.sos.ca.gov/2000/primary/propositions/1a.htm>;
 - c. "Analysis by the Legislative Analyst." Available. Online at: <http://vigarchive.sos.ca.gov/2000/primary/propositions/1aanalysis.htm>;
 - d. "Argument in Favor of Proposition 1A." Available. Online at: <http://vigarchive.sos.ca.gov/2000/primary/propositions/1ayesrbt.htm>;
 - e. "Rebuttal to Argument in Favor of Proposition 1A." Available. Online at: <http://vigarchive.sos.ca.gov/2000/primary/propositions/1ayesrbt.htm>;
 - f. "Argument Against Proposition 1A." Available. Online at: <http://vigarchive.sos.ca.gov/2000/primary/propositions/1anoarg.htm>;
 - g. "Rebuttal to Argument Against Proposition 1A." Available. Online at: <http://vigarchive.sos.ca.gov/2000/primary/propositions/1anorbt.htm>;
5. Excerpts regarding Proposition 1A prepared by the California Online Voter Guide 2000. Available. Online at: <http://www.calvoter.org/voter/elections/archive/2000/primary/propositions/topten.html>;
6. Gambling in California: An Overview, prepared by the Legislative Analyst's Office, January 1998. Available. Online at: http://lao.ca.gov/1998/12998_gambling/12998_gambling.html;

7. "Proposition 1A: Gambling on Tribal Lands." Previously obtained online at:
http://www.easyvoter.org/ballotmeasures/1a_15.html;
8. Articles prepared by the League of Women Voters of California Education Fund as follows:
 - a. "Gambling on Tribal Lands." Previously obtained online at:
<http://www.ca.lwv.org/lwv.files/mar00/id/prop1A.html>;
 - b. "Nonpartisan Pros & Cons of March 2000 State Ballot Measures." Previously obtained online at:
<http://www.ca.lwv.org/lwvc.files/mar00/pc/>.
9. "Gambling on Tribal Lands," prepared by the University of the Pacific McGeorge School of Law. Available. Online at:
[http://www.mcgeorge.edu/Publications/California_Initiative_Review/Past_Initiatives_\(Before_November_2005\)/March_2000_Initiatives/Proposition_1A.htm](http://www.mcgeorge.edu/Publications/California_Initiative_Review/Past_Initiatives_(Before_November_2005)/March_2000_Initiatives/Proposition_1A.htm);
10. Articles prepared by the California Nations Indian Gaming Association as follows:
 - a. "Long Road Traveled III: California Indian Self Reliance and the Battle for 1A";
 - b. "Answers To Common Questions About Tribal Government Gaming";
11. "California State Republican Party Overwhelmingly Endorses Prop 1A- The Indian Self Reliance Amendment." Previously obtained online at: http://web.archive.org/web/20010303063154/www.yeson1a.net/california_state_republican_part.htm;
12. "State Issues Committee Propositions 1A and 29 on Indian Gaming," prepared VICA [Valley Industry & Commerce Association] January 15, 2000. Previously obtained online at:
<http://www.vica.com/VICAPositions/2000/0001Props1aand%2029.html>;
13. "The Propositions," Election Edition, from the *Capitol Reporter*, prepared by the Committee on Moral Concerns, No. 1, Vol. XXV, January 28, 2000. Previously obtained online at:
<http://www.vica.com/VICAPositions/2000/0001Props1aand%2029>.
<http://web.archive.org/web/20000423154841/www.Moralconcerns.org/past/cr0001p.htm>;
14. "Ballot Book Arguments in Opposition to Proposition 17." Previously obtained online at: <http://web.archive.org/web/20000107171057/www.stop1a-nocasinosa.org/ballot17.htm>;
15. Excerpts regarding the Audit Report and preliminary pages from the file of the Political Reform Division, Campaign Disclosure on "Yes" to Proposition 1A;

16. Political Reform Division, Campaign Disclosure on "No" to Proposition 1A;
 - a. Covers July 07, 2000 through December 31, 2000,
 - b. Covers January 01, 1999 through December 31, 1999;
17. Articles from the *California Journal* as follows:
 - a. "Is gambling in her future?," October 1999,
 - b. "Election 2000: Primary rush," February 2000,
 - c. "Election 2000: Who's on top for November," April 2000,
18. "Indian Gambling A Landmark Bet / Prop. 1A could increase wagering threefold in state, critics say," prepared by the *SF Gate*, dated March 4, 2000;
19. Background news articles regarding Proposition 1A and Senate Constitutional Amendment 11;
20. Miscellaneous internet documents regarding Proposition 1A.

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Because it is not unusual for more materials to become publicly available after our earlier research of legislation, we re-gathered these file materials, denoting them as "updated collection of material."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 14th day of February, 2017 at Woodland, California.



ANNA MARIA BERECZKY-ANDERSON