
THIRD READING

Bill No: AB 1004
Author: Wallis (R)
Amended: 4/9/25 in Assembly
Vote: 21

SENATE JUDICIARY COMMITTEE: 12-0, 6/17/25

AYES: Umberg, Niello, Allen, Arreguín, Caballero, Durazo, Laird, Stern,
Valladares, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Ashby

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 76-0, 5/1/25 (Consent) - See last page for vote

SUBJECT: Tribal financial information: public records: exemption

SOURCE: Soboba Band of Luiseño Indians

DIGEST: This bill provides that any record that contains financial information provided by an Indian tribe to a state or local agency as a condition of or requirement for receiving financial assistance to be confidential, not a public record, and not open to public inspection and makes conforming changes.

ANALYSIS: Existing law:

- 1) Provides, pursuant to the California Constitution, that the people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies are required to be open to public scrutiny. (California (Cal.) Constitution (const.), art. I, § 3(b)(1).)
 - a) Requires a statute to be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access. (Cal. const. art. I, § 3(b)(1).)

- b) Requires a statute that limits the public's right of access to be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest. (Cal. const. art. I, § 3(b)(1).)
- 2) Governs the disclosure of information collected and maintained by public agencies pursuant to the California Public Records Act (CPRA). (Government (Gov.) Code §§ 792.000 et seq.)
- a) States that the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Gov. Code § 7921.000.)
 - b) Defines "public records" as any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. (Gov. Code § 7920.530.)
 - c) Defines "public agency" as any state or local agency. (Gov. Code § 7920.525(a).)
- 3) Provides that all public records are accessible to the public upon request, unless the record requested is exempt from public disclosure. (Gov. Code § 7922.525.)
- a) Some records are prohibited from being disclosed and other records are permissively exempted from being disclosed. (*See e.g.* Gov. Code §§ 7920.505 & 7922.200.)
 - b) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.)¹

¹ *CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652 (stating that "[t]wo exceptions to the general policy of disclosure are set forth in the [CPRA]. Section 6254 lists 19 categories of disclosure-exempt material. These exemptions are permissive, not mandatory. The [CPRA] endows the agency with discretionary authority to override the statutory exceptions when a dominating public interest favors disclosure."). The exemptions in Section 6254 were continued under the reorganization of the CPRA and may be referred to as former Section 6254 provisions. (Gov. Code § 7920.505.)

- 4) Provides, in relation to tribal-state gaming compacts, that the financial and legal records of California Indian tribes and tribal business enterprises are records of a sovereign nation and are not subject to disclosure by private citizens or the state. This is explicitly recognized in amendments to tribal-state gaming compacts ratified by the Legislature, which provide for the securitization of annual payments to be received from the Indian tribes by the state or by an agency, trust, fund, or entity specified by the state. (Gov. Code § 63048.63(a)(1).)
 - a) Specifies that neither the CPRA or any other provision of law permits the disclosure of any records of an Indian tribe received by the state, or by an agency, trust fund, or entity specified by the state, in connection with the sale of any portions of the designated tribal-state gaming compact assets or the issuance of bonds, or any summaries or analyses thereof. (*Id.* at subd. (b).)

This bill:

- 1) Provides that, notwithstanding any other law, any record that contains financial information provided by an Indian tribe to a public agency, as a condition of or requirement for receiving financial assistance, is confidential, is not a public record, and is not open to public inspection and makes conforming changes.
- 2) Requires each public agency agreement or contract with an Indian tribe related to financial assistance to contain a provision stating that any financial information disclosed pursuant to the agreement or contract shall remain confidential, shall not be a public record, and shall not be open to public inspection.
- 3) Provides that the Legislature finds and declares that the financial and legal records of Indian tribes and tribal business enterprises are records of a sovereign nation and are not subject to disclosure by private citizens or the state.
- 4) Defines the following terms for these purposes:
 - a) “Indian tribe” means a federally recognized Indian tribe and any department, division, subdivision, agency, or arm or instrumentality thereof.

- b) “Financial assistance” means grants, cooperative agreements, noncash contributions or donations of property, direct appropriations, food commodities, and other financial assistance provided by a public agency.
- c) “Public agency” has the same meaning as the term is defined in Section 7920.525 of the Government Code.

Comments

The CPRA makes all public records of a public agency open to public inspection upon request and grants the public the right to obtain a copy of any public record, unless the records are otherwise exempt from public disclosure. Existing law provides that the financial and legal records of California Indian tribes and tribal business enterprises provided in relation to tribal-state gaming compacts are records of a sovereign nation and are not subject to disclosure by private citizens or the state. This bill seeks to provide that any record containing financial information of an Indian tribe provided to a public agency as a condition of or requirement for receiving financial assistance is confidential and not a public record.

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless they are exempt from disclosure. (Gov. Code § 7922.525.) A public record is defined as any writing containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public’s interest in disclosure outweighs the public’s interest in non-disclosure of the information. (*CBS* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see* Gov. Code § 7924.110(a).)

California generally recognizes that public access to information concerning the conduct of the people’s business is a fundamental and necessary right.² At the same time, the state recognizes that this right must be balanced against the right to privacy.³ The general right of access to public records may, therefore, be limited when records include personal or sensitive information.

² Cal. Const., art. I, § 3; Gov. Code, § 7921.000.

³ Cal. Const., art. I, § 1.

Native American tribes are “nations that exercise inherent sovereign authority over their members and territories.” (Cal. Jur. 3d. Indians Sec. 2.) State law recognizes this sovereignty by making financial information provided by Indian tribes to the state for the purposes of negotiating tribal-state gaming compacts confidential and exempt from disclosure in response to a CPRA request. (Gov. Code § 63048.63(a)-(b).) This bill seeks to ensure that any financial information provided by an Indian tribe to a state or local agency as a condition of or requirement for receiving financial assistance receives the same confidentiality protection and is protected from public disclosure. This bill states that the Legislature finds and declares that the financial and legal records of Indian tribes and tribal business enterprises are records of a sovereign nation and are not subject to disclosure by private citizens or the state.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 7/1/25)

Soboba Band of Luiseño Indians (source)
Agua Caliente Band of Cahuilla Indians
California Nations Indian Gaming Association
Morongo Band of Mission Indians

OPPOSITION: (Verified 7/1/25)

None received

ARGUMENTS IN SUPPORT: The author writes:

As sovereign nations, California Indian Tribes maintain their own legal frameworks for handling financial information. Yet, when Tribes apply for or receive state or local financial assistance -such as grants, loans, or cooperative agreements—they are often required to submit detailed financial records. Because current law does not provide explicit protections for these non-gaming financial disclosures, the records risk exposure under the California Public Records Act (CPRA), which undermines tribal sovereignty and self-governance.

AB 1004 clarifies that any record containing financial information provided by an Indian Tribe to a public agency as a condition of receiving financial assistance is confidential, is not a public record, and is not open to public inspection. The bill further requires that all such agreements contain provisions acknowledging and reinforcing this confidentiality. This bill closes a critical gap in current law. While tribal gaming compacts already benefit from statutory

confidentiality protections, there is no comparable safeguard for other tribal financial information submitted for public assistance programs. AB 1004 addresses this inconsistency and ensures that California respects the sovereignty of its tribal partners. By doing so, AB 1004 upholds government-to-government relationships, promotes equitable participation in public programs, and protects sensitive information from improper disclosure. It is a targeted, common-sense measure that reinforces tribal self-determination and honors longstanding state policy.

The Soboba Band of Luiseño Indians, the sponsor of the bill, writes:

By clarifying the confidentiality of Tribal financial information, AB 1004 fosters a more equitable, respectful partnership between Tribes and the State of California – one that honors sovereignty while promoting responsible participation in state programs.

ASSEMBLY FLOOR: 76-0, 5/1/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Chen, McKinnor, Papan

Prepared by: Amanda Mattson / JUD. / (916) 651-4113
7/1/25 16:19:01

**** END ****