

CONCURRENCE IN SENATE AMENDMENTS

AB 1004 (Wallis)

As Amended August 19, 2025

Majority vote

SUMMARY

Exempts records containing financial information provided by an Indian tribe to a public agency, as a condition of or requirement for receiving financial assistance, from inspection and disclosure under the California Public Records Act.

Senate Amendments

Clarify the intent of the Legislature that any record that contains financial information provided by an Indian tribe to a public agency are records of a sovereign nation are not subject to disclosure by private citizens or the state.

COMMENTS

This bill, sponsored by the Soboba Band of Luiseño Indians, seeks to enact an exemption to the rule of the California Public Records Act (CPRA) that all public records are open to the public and required to be disclosed to the public upon request. Under the bill 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, would be confidential, not a public record, and not open to public inspection. As explained below, this bill would constitute more of a clarification, than a change, to existing law.

Background about the California Public Records Act (CPRA) and an existing exemption for financial records of Indian Tribes. Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. (Government Code Section 7921.000. All further statutory references are to this code, unless otherwise indicated.) The CPRA makes all documents and "writings" of a public agency open to public inspection upon request, unless the records are otherwise exempt from public disclosure. Writings may be exempt under the CPRA itself, or pursuant to another law that is incorporated by reference into the CPRA, or when, based on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. (Sections 7922.000 7922.525, 7922.530.)

Existing law makes financial information provided by Indian tribes to the state for purposes of negotiating tribal-state gaming compacts confidential and exempt from disclosure in response to a CPRA request. Section 63048.63 (a)(1) provides as follows:

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 tribes by the state or by an agency, trust, fund, or entity specified by the state.

If financial and legal records of the Indian tribes are confidential and exempt from disclosure when submitted to the state pursuant to tribal gaming compacts, the information should be confidential and exempt from disclosure when submitted to the state – or another public agency

– for any purpose. It is possible that a public agency that received a CPRA request for financial or legal records of an Indian tribe would deny the request on the basis of Section 63048.63. But it is also possible that they would not.

The bill merely clarifies state law by explicitly providing that all financial information provided by an Indian Tribe to a public agency as a condition of receiving financial assistance from the agency, is confidential, not a public record, and not open to public inspection. This clarification respects tribal sovereignty and preserves the confidentiality of tribal financial information.

According to the Author

As sovereign nations, California Indian Tribes' financial information is private and disclosure of that information is subject to the laws of the tribal nation. California Indian Tribes are eligible for various grant and loan programs and other types of financial assistance. As part of evaluating whether the tribes meets the public agency's requirements for participation in a particular program, the agency may need to review specific financial information of the Tribe. Sharing financial information with the agency for this purpose could lead to its disclosure through a Public Records Act request. AB 1004 would make all financial information provided by an Indian Tribe to the state or any local jurisdiction as a condition of receiving financial assistance, confidential, not a public record, and not open to public inspection. This change respects tribal sovereignty by preserving the confidentiality of the information.

Arguments in Support

Soboba Band of Luiseño Indians (Soboba), sponsor of the bill, writes the following to explain why the bill is necessary and appropriate:

Soboba, like many other California Indian Tribes, is a sovereign nation that maintains its own legal framework governing the disclosure and protection of financial records. However, in order to participate in needed state programs – such as grants, loans, and other financial assistance – Tribes are often required to disclose detailed financial data. Without explicit statutory safeguards, there is a risk that these sensitive records could become subject to disclosure through the Public Records Act, thereby undermining both our *sovereignty* and the *confidentiality* that is essential to Tribal self-governance.

While limited confidentiality protections exist for certain circumstances (for example, regarding gaming compacts), there remains a significant gap in the law for non-gaming financial information. AB 1004 closes this gap by ensuring that *all* financial information provided to the state, or its local subdivisions, for the purpose of receiving state financial assistance is protected from unauthorized disclosure.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:**ASM JUDICIARY: 12-0-0**

YES: Kalra, Dixon, Wicks, Bryan, Connolly, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur, Tangipa

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 76-0-3

YES: 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

ABS, ABST OR NV: Chen, McKinnor, Papan

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

UPDATED

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CONSULTANT: Alison Merrilees / JUD. / (916) 319-2334

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