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UNFINISHED BUSINESS

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Bill No: SB 864  
Author: Padilla (D), et al.  
Amended: 9/3/25  
Vote: 27 - Urgency

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PRIOR SENATE VOTE NOT RELEVANT

NOTE: On August 26, 2025, the Senate Governmental Organization Committee held an informational hearing on the tribal-state gaming compact between the Cher-Ae Heights Indian Community of the Trinidad Rancheria, California, and amendments to the tribal-state gaming compact between the State of California and the Pinoleville Pomo Nation, and amendments to the tribal state gaming compact between the State of California and the Sycuan Band of Kumeyaay nation.

ASSEMBLY FLOOR: 64-0, 9/9/25 – Roll call vote not available.

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**SUBJECT:** Tribal gaming: compact ratification

**SOURCE:** Author

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**DIGEST:** This bill ratifies the Tribal-State Gaming Compact between the State of California and the Cher-Ae Heights Indian Community of the Trinidad Rancheria, California, executed on July 11, 2025. This bill also ratifies two separate amendments to the tribal-state gaming compacts entered into between the State of California and the Pinoleville Pomo Nation, California, and the Sycuan Band of Kumeyaay Nation.

*Assembly Amendments* of 9/3/25 delete the contents of this bill and instead ratify the tribal-state gaming compact between the State of California and the Cher-Ae Heights Indian Community of the Trinidad Rancheria, California, and two separate amendments to the tribal-state gaming compacts entered into between the State of California and the Pinoleville Pomo Nation, California, and the Sycuan Band of Kumeyaay Nation.

**ANALYSIS:**

## Existing law:

- 1) Provides, under the Indian Gaming Regulatory Act (IGRA), for the negotiation and conclusion of compacts between federally recognized Indian tribes and the State for the purpose of conducting Class III gaming activities on Indian lands within a State as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments.
- 2) Authorizes expressly a number of tribal-state gaming compacts between the State of California and specified Indian tribes.
- 3) Authorizes the conduct of Class III gaming activities to the extent such activities are permitted by state law, a gaming compact has been concluded by a federally recognized tribe and the State, and the compact has been approved by the Secretary of the Interior.
- 4) Limits the operation of Class III gaming activities to Indian lands acquired on or before October 17, 1988. Provides, for certain exceptions to conduct gaming activities on Indian lands acquired after October 17, 1988.
- 5) Defines “Indian lands” to mean all lands within the limits of any Indian reservation, and any lands title to which is either held in trust by the United States for the benefit of any Indian tribe, or individual, or held by any Indian tribe or individual subject to restriction by the U.S. against alienation and over which an Indian tribe exercises governmental power.
- 6) Requires the State to negotiate to conclude a compact in good faith with an Indian tribe having jurisdiction over the Indian lands upon which the Class III gaming activity is to be conducted. Provides the U.S. district courts with jurisdiction over any cause of action initiated by a tribal government alleging that the State failed to negotiate in good faith to conclude a compact. Prescribes the remedy, mediation supervised by the courts, if it is found that the State failed to negotiate in good faith to conclude a compact.
- 7) Authorizes the Governor, under the California Constitution, to negotiate and conclude compacts, subject to ratification by the Legislature.

This bill:

- 1) Ratifies the tribal-state gaming compact between the State of California and the Cher-Ae Heights Indian Community of the Trinidad Rancheria, California, executed on July 11, 2025.
- 2) Ratifies two separate amendments to the tribal-state gaming compacts entered into between the State of California and the Pinoleville Pomo Nation, California, and the Sycuan Band of Kumeyaay Nation.
- 3) Provides that, in deference to tribal sovereignty, certain actions are not deemed projects for purposes of the California Environmental Quality Act (CEQA); and, stipulate, except as expressly provided, that none of the provisions shall be construed to exempt a city, county, or city and county, or the Department of Transportation from CEQA requirements.
- 4) Contains an urgency clause.

## **Background**

*Cher-Ae Heights Indian Community of the Trinidad Rancheria Compact.* The tribal-state gaming compact between the Cher-Ae Heights Indian Community of the Trinidad Rancheria, California, was executed on July 11, 2025.

The compact authorizes the Tribe to operate a maximum of 1,200 slot machines at no more than three gaming facilities located on eligible Indian lands held in trust for the Tribe, and located within the boundaries of the Tribe's reservation.

The Tribe has agreed to pay the State its pro rata share of costs the State incurs for the performance of its duties under the Compact. The Compact does not require the Tribe to pay into the Revenue Sharing Trust Fund (RSTF) or the Tribal Nation Grant Fund (TNGF). If the Tribe operates 350 slot machines the compact requires the Tribe to pay 0.5% of Net Win to an Impact Mitigation Fund and distribute those funds to neighboring jurisdictions or charitable fire or emergency service entities to mitigate impacts resulting from the operation of the Gaming Facility, or other purposes as the Tribe and the recipient entity may agree.

Certain terms of the Compact related to licensing, regulatory, patron protection, and public health provisions are substantially the same as recent compacts. Specifically, the Compact includes a Tribal Labor Relations Ordinance (TLRO),

which provides that gaming may commence only after the Tribe has adopted a TLRO that allows for a secret ballot election and union neutrality.

The Compact's preamble notes that the Tribe and the State have concluded that this compact protects the interests of the Tribe and its members, the surrounding community, and the California public, and will promote and secure long-term stability, mutual respect, and mutual benefit.

The Cher-Ae Heights Indian Community of the Trinidad Rancheria, California is a federally recognized tribe in Humboldt County, California. Today, the Tribe operates the Heights Casino in Trinidad, California. The casino is open 24 hours Thursday thru Sunday, and features over 50,000 square-feet of casino gaming floor, a 400-person Bingo Hall, and over 300 slots, blackjack tables, and more. Additionally, the casino's internet website features a live webcam stream of the Trinidad Harbor provided by North Coast News and the Cher-Ae Heights Casino. Once effective (legislative ratification and federal approval required), this Compact will be in full force and effect for 25 years following the effective date.

*First Amendment to the Tribal-State Compact Between the State of California and the Pinoleville Pomo Nation, California.* The amendment to the tribal-state gaming compact between the State of California and the Pinoleville Pomo Nation was executed on July 30, 2025. The amendment amends an existing 2011 compact, which the Tribe has never gamed under, in line with the State's more recent tribal-state compacts. The amended compact also serves to avoid potential litigation after the Ninth Circuit's decision in the Chicken Ranch Case.

In 2011, the Tribe entered into a new tribal-state compact that authorized the Tribe to operate up to 900 slot machines at one gaming facility located on those Indian lands held in trust for the Tribe. Under terms of the 2011 Compact, the Tribe agreed to pay \$900 per slot machine into the RSTF if the Tribe operates more than 350 slot machines and \$1,950 per slot machine if the Tribe operates more than 750 slot machines.

According to the amended compact's preamble, the State and the Tribe have concluded that this amendment protects the interests of the Tribe and its members, the surrounding community, and the California public, and will promote and secure long-term stability, mutual respect, and mutual benefits. The Pinoleville Pomo Nation, California, is a federally recognized Indian tribe in Mendocino County, California. The Tribe currently has an enrolled population of approximately 300 members, most of whom reside in or around Ukiah, California. While the Tribe

entered into a tribal-state gaming compact with the State of California in 2011, the Tribe does not currently operate a casino.

*First Amendment to the Tribal-State Compact Between the State of California and the Sycuan Band of the Kumeyaay Nation.* The amendment to the tribal-state compact between the State of California and the Sycuan Band of the Kumeyaay nation was executed on July 30, 2025. The amendment amends an existing 2015 compact, to avoid potential litigation after the Ninth Circuit’s decision in Chicken Ranch.

The amended compact also includes a 20-year extension in exchange for the Tribe agreeing not to challenge the revenue terms during the life of the compact. Finally, the amended compact prohibits both the Tribe and the State from directly or indirectly initiating, or participating in any action or lawsuit challenging the enforceability of the definitions in the Compact, except as expressly mutually agreed to by both parties. Additionally, both parties shall not encourage, assist, or cause any person, organization, or entity to do so. The amended compact also prohibits the Tribe from directly or indirectly initiating or participating in any action or lawsuit arising from or relating to the validity or enforceability of the Compact’s provisions relating to the Special Distribution Fund, the RSTF, or the TNGF, regardless of any subsequent court or administrative interpretation of the validity of those provisions under IGRA for the duration of the term of this Compact.

In 2015, the Tribe entered into a new tribal-state compact that authorized the Tribe to operate up to 2,500 slot machines at no more than two gaming facilities located on those Indian lands held in trust for the Tribe. Under terms of the 2015 Compact, the Tribe agreed to pay the State its pro rata share of the costs the State incurs for the performance of its duties under the Compact as well as four and three quarters percent (4.75%) of its “gross gaming revenue,” to be shared with tribes that are not gaming or that otherwise are not substantially benefiting from gaming. Additionally, the Compact provides a framework for the sharing of gaming revenue with the County of San Diego and other local jurisdictions.

The Sycuan Band of the Kumeyaay Nation is a federally recognized tribe of Mission Indians from Southern California, near El Cajon. The Tribe currently operates the Sycuan Casino Resort, which includes 2,400 slot machines along with casino table games, Asian Casino games, bingo, blackjack, and poker.

*Indian Gaming Regulatory Act.* In 1988, Congress enacted IGRA to provide a statutory basis for the operation and regulation of gaming on Indian lands. IGRA

provides that an Indian tribe may conduct gaming activity on Indian lands if the activity “is not specifically prohibited by federal law and is conducted within a State which does not prohibit such gaming activity.”

IGRA distinguishes between three classes of gaming (Class I, Class II, and Class III) and provides for different forms of regulation for each class. Class I gaming includes “social games” for minor prizes or “traditional forms of Indian gaming.” Class II gaming is defined to include bingo and card games that are explicitly authorized by the laws of the state, or that are not explicitly prohibited by the laws of the state and are played at any location in the State, so long as the card games are played in conformity with those laws and regulations. Class III gaming includes such things as slot machines, casino games, and banked card games such as black jack and baccarat. Class III gaming may only be conducted under terms of a compact negotiated between an Indian tribe and a State.

IGRA was enacted against a legal background in which Indian tribes and individuals generally are exempt from state taxation within their own territory. IGRA provides that with the exception of assessments permitted under the statute, to defray the State’s costs of regulating gaming activity, IGRA shall not be interpreted as conferring upon a State authority to impose any tax, fee, charge, or other assessment upon an Indian tribe to engage in Class III activity. Nor may a State refuse to enter into negotiations based on the lack of authority to impose such a tax, fee, charge, or other assessment.

When a tribe requests negotiations for a Class III compact, IGRA requires the State to negotiate with the Indian tribe in good faith. IGRA provides a comprehensive process to prevent an impasse in compact negotiations, which is triggered when a tribe files suit alleging that the State has refused to negotiate or has failed to negotiate in good faith.

Before 2000, the California Constitution prohibited Class III gaming. In 2000, California voters approved Proposition 1A, which had been proposed by the Governor and passed by the Legislature. Proposition 1A amended the California Constitution to permit the State to negotiate compacts with federally recognized Indian tribes for certain Class III gaming activities. Because non-Indian parties were still forbidden from operating gaming facilities, Proposition 1A granted Indian tribes a “constitutionally protected monopoly on most types of Class III games in California.”

*Chicken Ranch Rancheria Decisions.* In 2021, the Chicken Ranch Rancheria of Me-Wuk Indians, along with four other tribes—the Blue Lake Rancheria,

Chemehuevi Indian Tribe, Hopland Band of Pomo Indians, and Robinson Rancheria—filed suit against the State of California and Governor Gavin Newsom. The tribes alleged that the state violated IGRA by failing to negotiate new Class III gaming compacts in good faith.

According to the complaint, California insisted on compact terms covering family law, environmental regulation, and tort liability—subjects that the tribes argued were outside IGRA’s limited scope, which allows negotiation only on matters directly related to the operation of gaming activities. In July 2022, the Ninth Circuit Court of Appeals upheld the district court’s finding that California’s demands exceeded IGRA’s bounds and therefore constituted bad-faith negotiations. The court ordered the parties to move forward under IGRA’s remedial process. Under that process, if the parties are ultimately not able to agree on a compact, a mediator reviews each side’s “last best offer” and selects the proposal that best aligns with federal law, and the U.S. Department of the Interior (through the Assistant Secretary for Indian Affairs) issues Secretarial Procedures regulating the tribe’s gaming operation without state involvement.

This outcome was viewed by Indian tribes as a significant affirmation of tribal sovereignty and a rejection of state overreach in tribal gaming regulation. The Governor’s office believes the terms of this Compact are consistent with this court decision

*Revenue Sharing Trust Fund (RSTF).* Existing law creates in the State Treasury the RSTF for the receipt and deposit of moneys derived from gaming device license fees that are paid into the RSTF pursuant to the terms of specified tribal-state gaming compacts for the purpose of making distributions to non-compacted California tribes (e.g., federally-recognized non-gaming tribes and tribes that operate casinos with fewer than 350 slot machines).

Revenue in the RSTF is available to the California Gambling Control Commission, upon appropriation by the Legislature, for making distributions of \$1.1 million annually to non-compact tribes. The RSTF was created as part of the 1999 compacts, which, in conjunction with the passage of Proposition 1A, created gaming compacts with approximately 60 California tribes. Non-compact tribes are considered third-party beneficiaries of the 1999 compacts.

*Tribal Nation Grant Fund.* This particular fund was created to complement the RSTF and provides for the distribution of funds to non-gaming tribes, upon application of such tribes for purposes related to effective self-governance, self-

determined community, and economic development. Payments from this fund are intended to be made to non-gaming tribes on a “need” basis, upon application.

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

**SUPPORT:** (Verified 9/4/25)

None received

**OPPOSITION:** (Verified 9/4/25)

None received

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9/9/25 12:37:10

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