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AB-221 Tribal Nation Grant Fund. (2025-2026)

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Assembly Bill No. 221

CHAPTER 129

An act to amend Sections 12019.30, 12019.35, 12019.40, 12019.45, 12019.50, 12019.65, 12019.70, 12019.75, 12019.85, and 12019.90 of the Government Code, relating to tribal gaming.

[Approved by Governor September 26, 2025. Filed with Secretary of State September 26, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 221, Ramos. Tribal Nation Grant Fund.

Existing law establishes the Tribal Nation Grant Fund, administered by the California Gambling Control Commission, for the receipt and deposit of moneys received by the state from Indian tribes pursuant to the terms of tribal-state gaming compacts. Under existing law, moneys in the Tribal Nation Grant Fund are available, upon appropriation by the Legislature, for the discretionary distribution of funds to nongaming and limited-gaming tribes, as specified. Existing law establishes the Tribal Nation Grant Fund Program and authorizes Tribal Nation Grant Fund Panel to award grants from available moneys within the fund and make other distributions from the fund to eligible tribes, as specified. Existing law requires an eligible tribe requesting a grant to submit an application on a form approved by the panel and provided by the commission. Existing law authorizes the panel to distribute of the available moneys in the fund to all eligible tribes that submitted a completed grant application, as specified. Existing law authorizes the panel, in its discretion and based upon the purpose or project set forth in the application, to require an eligible tribe to encumber or expend any or all of a grant within a specified period of time, as described. Existing law requires each eligible tribe and each individual applying on behalf of each eligible tribe to agree to return to the fund any amount of a grant not encumbered or expended, as specified.

This bill would additionally establish the fund for the receipt and deposit of moneys received by the state from Indian tribes pursuant to the terms of class III gaming secretarial procedures. The bill would revise the grant distribution provisions described above to authorize the panel to award grants as specific distribution grants to fund a specifically described purpose or project, or as equal shares grants for distribution to eligible tribes in equal amounts, as specified. The bill would require the panel to develop application forms for the specific distribution grants and the equal shares grants, as described, and would require the equal shares grants application form to include, among other things, a certification from the eligible tribe that the funds will be used for specified purposes. The bill would require the panel to distribute as equal shares grants \$600,000 per eligible tribe, or at least 85% of the available moneys in the fund, whichever is greater, as specified. The bill would authorize the panel to distribute as specific distribution grants the remaining available moneys in the fund, as specified. The bill would no longer authorize the panel to require an eligible tribe to encumber or expend any or all of a grant within a specified period of time and would make a related conforming change. The bill would no longer require each eligible tribe and each individual applying on behalf of each eligible tribe to return to the fund any amount of a grant not encumbered or expended, as specified. The bill would make a related statement of legislative intent.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature to maximize the amount of funds distributed as equal shares grants each year and for such grants to exceed \$600,000 when there is sufficient available moneys in the fund. It is not the intent of the Legislature to authorize the California Gambling Control Commission to intentionally limit equal shares grants to \$600,000 or less, or another static amount, by purposefully limiting the money deposited into the fund.

SEC. 2. Section 12019.30 of the Government Code is amended to read:

12019.30. Unless the context requires otherwise, for purposes of this article, the following terms shall have the following meanings:

(a) "Advisor" means the Governor's Tribal Advisor.

(b) "Bureau" means the Bureau of Gambling Control within the Department of Justice.

(c) "Commission" means the California Gambling Control Commission.

(d) "Eligible tribe" means a nongaming or limited-gaming federally recognized tribe in California as defined in applicable tribal-state gaming compacts or applicable class III gaming secretarial procedures.

(e) "Equal shares grant" means an annual grant awarded by the panel to an eligible tribe in an amount that is equal to that which is awarded to other eligible tribes pursuant to this article.

(f) "Fund" means the Tribal Nation Grant Fund established by Section 12019.35.

(g) "Grant" means an amount of money paid to an eligible tribe from the fund awarded by the panel pursuant to this article.

(h) "Panel" means the Tribal Nation Grant Panel established by Section 12019.60.

(i) "Program" means the Tribal Nation Grant Fund Program established by this article.

(j) "Specific distribution grant" means a grant awarded by the panel to an eligible tribe for a specific purpose or project pursuant to this article.

SEC. 3. Section 12019.35 of the Government Code is amended to read:

12019.35. (a) There is in the State Treasury the Tribal Nation Grant Fund for the receipt and deposit of moneys received by the state from Indian tribes pursuant to the terms of tribal-state gaming compacts and class III gaming secretarial procedures. The fund reflects a vision of facilitating tribal self-governance and improving the quality of life of tribal people throughout the state.

(b) The Tribal Nation Grant Fund shall be administered by the California Gambling Control Commission, which shall act as the limited trustee as provided under the terms of applicable tribal-state gaming compacts and class III gaming secretarial procedures and shall not be subject to the duties and liabilities provided in the Probate Code, common law, or equitable principles. Moneys in the fund shall be available, upon appropriation by the Legislature, for the discretionary distribution of funds to nongaming tribes and limited-gaming tribes upon application of those tribes for purposes related to effective self-governance, self-determined community, and economic development.

(c) The California Gambling Control Commission shall deposit money into the fund only after it determines there are sufficient moneys in the Indian Gaming Revenue Sharing Trust Fund to distribute the quarterly payments described in Section 12012.90.

SEC. 4. Section 12019.40 of the Government Code is amended to read:

12019.40. (a) There is in state government the Tribal Nation Grant Fund Program whereby the panel is authorized to award grants from available moneys within the fund and make other distributions from the fund to eligible tribes as set forth in this article.

(b) Grants may be made as specific distribution grants to fund a specifically described purpose or project, or as equal shares grants for distribution to eligible tribes in equal amounts. An eligible tribe may apply for both types of grants.

(c) (1) A request for a specific distribution grant shall be made by submitting a specific distribution grant application on a form developed by the panel pursuant to subdivisions (a) and (b) of Section 12019.45.

(2) Unless prohibited by a tribal-state gaming compact, class III gaming secretarial procedures, or the panel, an eligible tribe may apply for more than one specific distribution grant, but shall submit a separate specific distribution grant application for each grant proposal. Two or more eligible tribes may apply for one specific distribution grant by submitting a joint application.

(3) A specific distribution grant shall be used to fund a specifically described purpose or project generally relating to self-governance, developing or sustaining a self-determined community, and economic development. Eligible purposes or projects for specific distribution grants may include, but are not limited to, development of curricula in a tribal language or culture, housing, support for compliance with the federal Indian Child Welfare Act, vocational training, community development, investments in tribal schools and colleges, support of tribal government institutions and tribal courts, nongaming economic diversification, or investment in public health, information technology, renewable energy, water conservation, cultural preservation or awareness, educational programs, or scholarships.

(d) (1) (A) A request for an equal shares grant shall initially be made by submitting an equal shares grant application on a form developed by the panel pursuant to subdivisions (a) and (c) of Section 12019.45.

(B) Each year thereafter, the eligible tribe's equal shares grant application shall automatically renew for the eligible tribe to receive equal shares grants on a rolling basis, subject to the panel's annual independent verification that the applicant is an eligible tribe as of the application deadline set by the panel.

(2) An equal shares grant shall be used to fund purposes generally related to self-governance, developing or sustaining a self-determined community, and economic development.

(e) A grant shall not be used to pay a per capita distribution to tribal members or an investment in a purpose or project related to any gaming operation or activity.

SEC. 5. Section 12019.45 of the Government Code is amended to read:

12019.45. (a) The advisor and panel, with administrative support from the commission and in consultation with federally recognized tribes in California, shall develop concise application forms for one or more eligible tribes to apply for a grant.

(b) The application form developed for specific distribution grants shall include, but not be limited to, all of the following:

(1) An identification of every eligible tribe applying for the grant and the name, signature, and contact information of every individual who is authorized by each eligible tribe's governing body to apply for the grant.

(2) A description of the purpose or project for which the grant is intended to be used.

(3) An assessment of the nature and extent of the potential benefits from the described purpose or project to each applying eligible tribe.

(4) The safeguards in place to ensure that the grant would be applied only to the described purpose or project.

(5) The amount and source of other moneys or in-kind services or goods, if any, that are available to be additionally applied to the described purpose or project and when those moneys or in-kind services or goods are intended to be applied.

(6) A list of every grant awarded or other distribution from the fund previously awarded or distributed to each eligible tribe applying for the grant and the results achieved as a result of those prior awards or distributions.

(7) A strategy for how the benefits from the described purpose or project will be sustainably maintained.

(8) A signed acceptance of the terms described in Section 12019.75 from an authorized representative of every eligible tribe applying in the application.

(9) Identification of the information provided in the application that each eligible tribe proposes is confidential and not subject to public disclosure pursuant to subdivision (a) of Section 12019.55, and a statement, in bold, that the panel may consider, but is not required to comply with, an eligible tribe's identification of information as confidential when responding to a request for public records pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1).

(10) Any other information the advisor and panel deem valuable to evaluating the merits of awarding a grant.

(c) The application form developed for equal shares grants shall include both of the following:

(1) Information necessary to establish that the applicant is an eligible tribe.

(2) A certification from the eligible tribe that the funds shall be used for self-governance, developing or sustaining a self-determined community, or economic development, and shall not be used for purposes prohibited by subdivision (e) of Section

12019.40.

SEC. 6. Section 12019.50 of the Government Code is amended to read:

12019.50. (a) The staff of the commission shall provide all of the following services:

(1) Assistance to the individuals applying for a grant on behalf of every eligible tribe in understanding the application process. This assistance shall not include completing an application for a grant on behalf of an eligible tribe.

(2) All administrative support necessary to implement this article, including, but not limited to, processing applications for grants, administrative services to the advisor, the panel, and technical experts retained by the panel, if any, and administrative assistance to the panel allocating and disbursing grants and making other distributions from the fund to eligible tribes.

(b) To the extent prohibited by applicable tribal-state gaming compacts or class III gaming secretarial procedures, the commission and its staff shall not exercise discretion or control over the approval or disapproval of grant applications or the use of grants or other distributions from the fund by eligible tribes.

SEC. 7. Section 12019.65 of the Government Code is amended to read:

12019.65. (a) The panel shall meet to consider grant applications at least annually. To the extent required by applicable tribal-state gaming compacts or class III gaming secretarial procedures, the panel shall award grants on a competitive application basis, meaning the panel shall consider completed grant applications that were submitted or automatically renewed by a deadline established by the panel.

(b) The panel shall distribute as equal shares grants six hundred thousand dollars (\$600,000) per eligible tribe, or at least eighty-five percent (85%) of the available moneys in the fund, whichever is greater, to all eligible tribes that submitted a completed grant application or whose application was automatically renewed by the deadline established by the panel. In the event that equal shares of six hundred thousand dollars (\$600,000) per eligible tribe exceeds 100 percent of the available moneys in the fund, the panel shall distribute as equal shares grants a proportional amount per eligible tribe that in total equals 100 percent of the available moneys in the fund. The panel shall distribute amounts awarded as annual equal shares grants in quarterly distributions within 45 days of the end of each fiscal quarter. The distributions shall be made at or around the same time as the California Gambling Control Commission makes its quarterly payments from the Indian Gaming Revenue Sharing Trust Fund under subdivision (b) of Section 12012.90.

(c) The panel may distribute as specific distribution grants the remaining available moneys in the fund that were not distributed pursuant to subdivision (b) to eligible tribes that submitted a completed specific distribution grant application by the deadline established by the panel. The panel may award a specific distribution grant in an amount less than requested in an application.

(d) The panel may decline to award future grants or distributions to an eligible tribe for a specified period of time if the panel, in its sole discretion, determines that the eligible tribe had previously received and used a grant in a manner inconsistent with the described purpose or project set forth in the grant application or in compliance with conditions and limitations imposed by the panel.

(e) The advisor and panel, with administrative support from the commission and in consultation with federally recognized tribes in California, shall develop an appropriate process to reasonably ensure that grants are used in a manner consistent with this article, applicable tribal-state gaming compacts and class III gaming secretarial procedures, the application, and the conditions and limitation imposed on the award of a grant, if any. The process shall be respectful and promotive of tribal sovereignty.

(f) The advisor and panel, with administrative support from the commission and in consultation with federally recognized tribes in California, may develop a process to use technical experts with relevant experience to review and score applications. The technical experts may be compensated up to a one-hundred-dollar (\$100) per diem for each day spent reviewing and scoring applications.

(g) (1) The advisor and panel, with administrative support from the commission and in consultation with federally recognized tribes in California, shall develop procedures to govern the business of the panel, including, but not limited to, the procedures for meetings, a process for evaluating and resolving potential conflicts of interest of members of the panel, the process for auditing the use of grants, and all other processes that may be required to award grants or make other distributions from the fund.

(2) Only the bureau shall conduct audits of the use of grant funds.

(h) All activities of the advisor, panel, bureau, and commission pursuant to this article are exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1).

SEC. 8. Section 12019.70 of the Government Code is amended to read:

12019.70. The panel may, in its discretion, modify any deadline it established for the use of a grant.

SEC. 9. Section 12019.75 of the Government Code is amended to read:

12019.75. By applying for a grant, each eligible tribe and each individual applying on behalf of each eligible tribe shall agree to all of the following:

(a) The terms and conditions the panel imposes as a condition of awarding the grant, including the limitations set forth in this section and article.

(b) To cooperate with the panel, advisor, commission, bureau, or other state entity designated by the Governor to ensure that the grant is used in a manner consistent with the assertions in the application and any condition or limitations imposed on the award of the grant.

(c) To provide access to the panel, advisor, commission, bureau, or other state entity designated by the Governor to all documents relevant to the use of the grant to allow a comprehensive audit, to ensure a grant is used for the purpose or project set forth in the application, in compliance with the conditions or limitations on the grant, and applicable tribal-state gaming compacts and class III gaming secretarial procedures.

SEC. 10. Section 12019.85 of the Government Code is amended to read:

12019.85. The activities authorized and required by this article, including, but not limited to, the administrative and procedural support services provided by the commission, its staff, and the advisor, the costs and compensation of members of the panel, and the costs of audits, are regulatory costs in connection with the implementation and administration of responsibilities imposed by tribal-state gaming compacts and class III gaming secretarial procedures, and shall be funded by moneys in the Indian Gaming Special Distribution Fund, and shall not be funded from the Indian Gaming Revenue Sharing Trust Fund or the fund.

SEC. 11. Section 12019.90 of the Government Code is amended to read:

12019.90. Actions taken under this article shall be consistent with the provisions of tribal-state gaming compacts and class III gaming secretarial procedures.