

AMENDED IN ASSEMBLY MAY 1, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1637**

**Introduced by Assembly Member Dickerson**

February 23, 2001

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An act to add Section 823 to the Food and Agricultural Code, relating to farmland.

LEGISLATIVE COUNSEL'S DIGEST

AB 1637, as amended, Dickerson. Farmland: ~~public~~-acquisition.

Existing law generally regulates ~~public agency~~ *the* acquisition and condemnation of real property.

This bill would require a ~~public agency, as specified, that has entered into a contract to purchase agricultural land, or has commenced condemnation proceedings in which the land to be condemned is agricultural land, or will otherwise acquire agricultural land with public agency funds, city, county, or city and county~~ to immediately notify, as specified, the Secretary of Food and Agriculture, *and* the Director of the Department of Conservation, ~~and the appropriate city, county, or city and county in which the parcel of agricultural land is located when agricultural land is acquired for a nonagricultural purpose.~~

By imposing additional notification duties on local public entities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide

and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 823 is added to the Food and  
2 Agricultural Code, to read:

3 823. (a) The Legislature finds and declares all of the  
4 following:

5 (1) The continued productivity of agricultural lands in  
6 California is important to maintain a healthy agricultural  
7 economy.

8 (2) ~~Privately owned agricultural~~ *Agricultural* lands in  
9 California are an important part of the environment.

10 (3) The conversion of agricultural lands ~~and water to other~~ *to*  
11 nonagricultural uses threatens the long-term health of the state's  
12 agricultural industry and the state's welfare.

13 (4) Preserving and maintaining productive agricultural lands is  
14 in the public interest.

15 ~~(b) When a public agency has entered into a contract to~~  
16 ~~purchase agricultural land, or has commenced condemnation~~  
17 ~~proceedings in which the land to be condemned is agricultural~~  
18 ~~land, or agricultural land will otherwise be acquired with public~~  
19 ~~agency funds, the public agency shall immediately notify, in~~  
20 ~~writing, the Secretary of Food and Agriculture, the Director of the~~  
21 ~~Department of Conservation, and the appropriate city, county, or~~  
22 ~~city and county within which the parcel of agricultural land is~~  
23 ~~located.~~

24 *(b) Whenever agricultural land has been acquired for purposes*  
25 *of converting it to a nonagricultural use, the city, county, or city*  
26 *and county within which the parcel of agricultural land is located*  
27 *shall immediately notify, in writing, the Secretary of Food and*  
28 *Agriculture and the Director of the Department of Conservation.*



1 *The city, county, or city and county shall also maintain a record of*  
2 *the acquisition.*

3 (c) The notice required in subdivision (b) shall include a legal  
4 description of the land proposed for acquisition or condemnation  
5 and a general description of the public use proposed for the land.

6 (d) As used in this section, “agricultural land” means *prime*  
7 *agricultural land, as that term is defined in Section 51201 of the*  
8 *Government Code, and prime farmland, farmland of statewide*  
9 *importance, unique farmland, farmland of local importance, and*  
10 *commercial grazing land as those terms are defined in Section*  
11 *65570 of the Government Code.*

12 (e) As used in this section, “public agency” means the state, or  
13 any agency or department thereof, the state agency members of  
14 CALFED, as defined in subdivision (c) of Section 78501 of the  
15 Water Code, and any city, county, city and county, or other local  
16 public district, agency, or entity.

17 SEC. 2. Notwithstanding Section 17610 of the Government  
18 Code, if the Commission on State Mandates determines that this  
19 act contains costs mandated by the state, reimbursement to local  
20 agencies and school districts for those costs shall be made pursuant  
21 to Part 7 (commencing with Section 17500) of Division 4 of Title  
22 2 of the Government Code. If the statewide cost of the claim for  
23 reimbursement does not exceed one million dollars (\$1,000,000),  
24 reimbursement shall be made from the State Mandates Claims  
25 Fund.

