

ASSEMBLY BILL

No. 307

Introduced by Assembly Member Nestande

February 9, 2011

An act to amend Section 6500 of, to add Section 6529.5 to, and to repeal Sections 6529 and 6530 of, the Government Code, relating to joint powers agreements.

LEGISLATIVE COUNSEL'S DIGEST

AB 307, as introduced, Nestande. Joint powers agreements: public agency: federally recognized Indian tribe.

Existing law authorizes 2 or more public agencies, as defined, to enter into an agreement to exercise common powers. Existing law also permits certain federally recognized Indian tribes to enter into joint powers agreements with particular parties and for limited purposes.

This bill would include a federally recognized Indian tribe as a public agency that may enter into a joint powers agreement. This bill would also make conforming changes by repealing now redundant code sections.

This bill would also prohibit any joint powers authority that includes a federally recognized Indian tribe from authorizing or issuing bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members.

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

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

1 SECTION 1. Section 6500 of the Government Code is amended
2 to read:

3 6500. As used in this article, “public agency” includes, but is
4 not limited to, the federal government or any federal department
5 or agency, this state, another state or any state department or
6 agency, a county, county board of education, county superintendent
7 of schools, city, public corporation, public district, regional
8 transportation commission of this state or another state, *a federally*
9 *recognized Indian tribe*, or any joint powers authority formed
10 pursuant to this article by any of these agencies.

11 SEC. 2. Section 6529 of the Government Code is repealed.

12 ~~6529. (a) The Elk Valley Rancheria Tribal Council, as the~~
13 ~~governing body of the Elk Valley Rancheria, California, a federally~~
14 ~~recognized Indian tribe, may enter into a joint powers agreement~~
15 ~~with the County of Del Norte and the City of Crescent City, or~~
16 ~~both, and shall be deemed to be a public agency for purposes of~~
17 ~~this chapter.~~

18 ~~(b) On and after January 1, 2004, the joint powers authority~~
19 ~~created pursuant to subdivision (a) shall not have the power to~~
20 ~~authorize or issue bonds pursuant to the Marks-Roos Local Bond~~
21 ~~Pooling Act of 1985 (Article 4 (commencing with Section 6584))~~
22 ~~unless the public improvements to be funded by the bonds will be~~
23 ~~owned and maintained by the authority or one or more of its public~~
24 ~~agency members, and the revenue streams pledged to repay the~~
25 ~~bonds derive from the authority or one or more of its public agency~~
26 ~~members.~~

27 SEC. 3. Section 6529.5 is added to the Government Code, to
28 read:

29 6529.5. Any joint powers authority that includes a federally
30 recognized Indian tribe shall not have the authority to authorize
31 or issue bonds pursuant to the Marks-Roos Local Bond Pooling
32 Act of 1985 (Article 4 (commencing with Section 6584)) unless
33 the public improvements to be funded by the bonds will be owned
34 and maintained by the authority or one or more of its public agency
35 members, and the revenue streams pledged to repay the bonds
36 derive from the authority or one or more of its public agency
37 members.

38 SEC. 4. Section 6530 of the Government Code is repealed.

1 ~~6530. (a) Notwithstanding any other provision of law, the~~
2 ~~Torres Martinez Desert Cahuilla Indians are authorized to enter~~
3 ~~into a joint powers agreement to participate in the Salton Sea~~
4 ~~Authority.~~

5 ~~(b) On and after January 1, 2002, the Salton Sea Authority shall~~
6 ~~not have the power to authorize or issue bonds pursuant to the~~
7 ~~Marks-Roos Local Bond Pooling Act of 1985 (Article 4~~
8 ~~(commencing with Section 6584)) unless the public improvements~~
9 ~~to be funded by the bonds will be owned and maintained by the~~
10 ~~authority or one or more of its public agency members, and the~~
11 ~~revenue streams pledged to repay the bonds derive from the~~
12 ~~authority or one or more of its public agency members.~~