

AMENDED IN SENATE APRIL 13, 2009

AMENDED IN SENATE MARCH 25, 2009

SENATE BILL

No. 170

Introduced by Senator Florez

February 14, 2009

An act to add Section 51282.15 to the Government Code, relating to agricultural lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 170, as amended, Florez. Agricultural lands: cancellation of Williamson Act contracts.

Existing law authorizes a landowner to petition a county board or supervisors or a city council for cancellation of any Williamson Act contract for all or part of the subject land. The board or council is authorized to grant tentative approval for cancellation of a contract if it finds that cancellation is in the public interest. For these purposes, the board or council is required to find that other public concerns substantially outweigh the objectives of the Williamson Act and that either there is no proximate noncontracted land that is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

This bill would establish a rebuttable presumption that where a federally recognized Indian tribe has petitioned for a contract cancellation that tribal cultural centers, infrastructure, and housing are ~~alternative~~ *alternative* uses that are public concerns that substantially outweigh the objectives of the act and that for tribal cultural centers, infrastructure, and housing, land contiguous to existing tribal land would

provide more contiguous patterns of urban development than development of proximate noncontracted land.

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 51282.15 is added to the Government
2 Code, to read:
3 51282.15. Where a federally recognized Indian tribe has
4 petitioned for a contract cancellation pursuant to this article, a
5 rebuttable presumption exists that tribal cultural centers,
6 infrastructure, and housing are ~~alternative~~ *alternative* uses that are
7 public concerns that substantially outweigh the objectives of this
8 chapter for the finding required pursuant to paragraph (1) of
9 subdivision (c) of Section 51282, and that for tribal cultural centers,
10 infrastructure, and housing, land contiguous to an existing Indian
11 Reservation, as defined by Section 151.2 of Title 25 of the Code
12 of Federal Regulations, would provide more contiguous patterns
13 of urban development than development of proximate
14 noncontracted land for the finding required pursuant to paragraph
15 (2) of subdivision (c) of Section 51282. *At the time of the*
16 *cancellation, when the presumption is operative, the tribe shall*
17 *agree to execute a negative easement not to use the property for*
18 *purposes other than a cultural center, housing, or infrastructure,*
19 *for the remainder of the nonrenewal period of the contract, subject*
20 *to the approval of the Secretary of the Interior.* This section shall
21 not be interpreted to narrow the circumstances under which a board
22 or council may approve a petition pursuant to Section 51282 where
23 other grounds for approval exist if one or both of the presumptions
24 do not apply or have been rebutted.

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