

AMENDED IN SENATE MARCH 25, 2009

**SENATE BILL**

**No. 170**

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**Introduced by Senator Florez**

February 14, 2009

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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 Native American tribe or tribal group~~ *a federally recognized Indian tribe* has petitioned for a contract cancellation that tribal cultural centers, infrastructure, and housing are 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 ~~Native American tribe or tribal group~~  
4 *federally recognized Indian tribe* has petitioned for a contract  
5 cancellation pursuant to this article, a rebuttable presumption exists  
6 that tribal cultural centers, infrastructure, and housing are alterative  
7 uses that are public concerns that substantially outweigh the  
8 objectives of this chapter for the finding required pursuant to  
9 paragraph (1) of subdivision (c) of Section 51282, and that for  
10 tribal cultural centers, infrastructure, and housing, land contiguous  
11 to ~~existing tribal land~~ *an existing Indian Reservation, as defined*  
12 *by Section 151.2 of Title 25 of the Code of Federal Regulations,*  
13 would provide more contiguous patterns of urban development  
14 than development of proximate noncontracted land for the finding  
15 required pursuant to paragraph (2) of subdivision (c) of Section  
16 51282. This section shall not be interpreted to narrow the  
17 circumstances under which a board or council may approve a  
18 petition pursuant to Section 51282 where *other grounds for*  
19 *approval exist if* one or both of the presumptions do not apply or  
20 have been rebutted.