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### GOVERNMENT CODE - GOV

**TITLE 5. LOCAL AGENCIES [50001 - 57607]** ( Title 5 added by Stats. 1949, Ch. 81. )

**DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821]** ( Division 2 added by Stats. 1949, Ch. 81. )

**PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7]** ( Part 1 added by Stats. 1949, Ch. 81. )

**CHAPTER 5. Property [54000 - 54262]** ( Chapter 5 added by Stats. 1949, Ch. 81. )

**ARTICLE 11. Native American Ancestral Lands [54260 - 54262]** ( Article 11 added by Stats. 2021, Ch. 291, Sec. 1. )

**54260.** The Legislature finds and declares all of the following:

(a) In the early decades of California's statehood, the relationship between the state and California Native Americans was fraught with violence, exploitation, dispossession, and the attempted destruction of tribal communities. In 1850, California passed a law called the "Act for the Government and Protection of Indians," which facilitated removing California Native Americans from their traditional lands, separating children and adults from their families, languages, and culture, and creating a system of indentured servitude as punishment for minor crimes such as loitering.

(b) Between the years 1850 and 1859, California Governors called for private and militia campaigns against Native American peoples in the state. In his 1851 State of the State Address, California's first Governor declared "[t]hat a war of extermination will continue to be waged between the two races until the Indian race becomes extinct must be expected." Subsequently, the state authorized \$1,290,000 in 1850's dollars to subsidize these militia campaigns.

(c) Despite these wrongs, California Native Americans resisted, survived, and carried on cultural and linguistic traditions defying all odds.

(d) On June 18, 2019, the Governor of the State of California signed Executive Order N-15-19 formally apologizing to California's Native Americans for historical mistreatment, violence, and neglect; and acknowledged and affirmed that, while we cannot undo these wrongs, we can work together to improve the lives of California Native American peoples.

(e) On September 25, 2020, the Governor of the State of California issued a Statement of Administration Policy (hereinafter "policy") which encouraged every state agency, department, board, and commission to seek opportunities to provide access and inclusion of ancestral lands to Native American peoples.

(f) The purpose of this policy is to support tribal self-determination and self-government, and reduce fractionation of tribal trust lands, among others things.

(g) The actions associated with this policy include, but are not limited to, working cooperatively with California tribes that have ancestral territory within state-owned lands, assist them in acquiring those lands by prioritizing tribal purchase or transfer, and adopting preferential policies and practices for California tribes to access natural lands owned by the state that are located within ancestral lands, including coordinating with local governments to zone natural land in excess of state needs in a way that is conducive to tribal access and use.

(h) The Legislature acknowledges that structural barriers to access and acquisition of ancestral lands have been prevalent at all levels of government, and promoting equity on both the state and local levels is of utmost importance.

(Added by Stats. 2021, Ch. 291, Sec. 1. (SB 712) Effective January 1, 2022.)

**54261.** For the purposes of this article, the following terms shall have the following meanings:

(a) "Economic benefits" may include, but are not limited to the following:

- (1) Employment growth.
- (2) Housing development.

(3) Infrastructure and environmental improvements.

(4) Assistance to schools and education.

(5) Assistance to public safety agencies and departments.

(6) Assistance to nonprofit organizations.

(b) "Fair evaluation of a fee-to-trust application" means consideration by a local government of a specific, individual fee-to-trust application on a case-by-case basis.

(c) "Fee-to-trust" refers to the land acquisition procedures described in Part 151 of Title 25 of the Code of Federal Regulations (25 C.F.R. 151).

(d) "Local government" as used in this article refers to a county, a city, a city and county, and a special district.

*(Added by Stats. 2021, Ch. 291, Sec. 1. (SB 712) Effective January 1, 2022.)*

**54262.** (a) State and local governments are encouraged to work cooperatively with California federally recognized tribes in their fee-to-trust applications for purposes of regaining ancestral lands.

(b) State and local governments are encouraged to support California federally recognized tribes in their nongaming fee-to-trust applications.

(c) A local government shall not adopt or enforce a resolution or ordinance that would prevent the local government from conducting a fair evaluation of a fee-to-trust application based on the merits of the application.

(d) (1) A local government that opposes a fee-to-trust application shall do both of the following:

(A) Request, by certified mail to the applicant tribe, within 10 days of receiving the notice from the federal government, information from the tribe on the economic benefits to the local government from both the project that is the subject of the application, if applicable, and the tribe's economic contribution to the local jurisdiction in the last five years.

(B) If the local government receives information on economic benefits from the applicant tribe within 10 days of the local government's request to the tribe, include the information on economic benefits, as described in subparagraph (A) in any opposition letter or other document submitted to the federal government, either in its response or as an attachment to its response.

(2) If the applicant tribe does not provide information on economic benefits within 10 days of the request, the local government shall not be required to submit information on economic benefits in its response to the federal government.

*(Added by Stats. 2021, Ch. 291, Sec. 1. (SB 712) Effective January 1, 2022.)*