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AB-971 State Property: San Pasqual Battlefield State Park. (2025-2026)

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AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 971

Introduced by Assembly Member Alvarez

February 20, 2025

An act *to add Section 14673.14 to the Government Code*, relating to ~~Native American tribes~~ *state property*.

LEGISLATIVE COUNSEL'S DIGEST

AB 971, as amended, Alvarez. ~~San Pasqual Band of Mission Indians' ancestral lands~~ *State Property: San Pasqual Battlefield State Park.*

Existing law authorizes the Director of General Services to execute grants to real property belonging to the state in the name and upon behalf of the state, whenever the sale or exchange of real property is authorized or contemplated by law, if no other state agency is specifically authorized and directed to execute the grants.

This bill would require the director to quitclaim to the San Pasqual Band of Mission Indians, at no cost to the tribe, all interests of the state in the land that it owns within the San Pasqual Battlefield State Park, consisting of 3 parcels of land totaling approximately 3.68 acres.

This bill would encourage the City of San Diego to transfer to the San Pasqual Band of Mission Indians all of the city's interests in the land the city owns within the San Pasqual Battlefield State Park, and if the city agrees to the transfer, would require the state, at no cost to the tribe, to relinquish or transfer to the San Pasqual Band of Mission Indians all rights and interests that the state has in those lands through lease, permit, or otherwise, and to take any and all other actions necessary to effectuate the city's transfer of the land to the San Pasqual Band of Mission Indians.

This bill would make legislative findings and declarations as to the necessity of a special statute for the San Pasqual Band of Mission Indians.

This bill would make legislative findings and declarations related to a gift of public funds.

~~Existing law governs various interactions between the state and federally recognized Native American tribes within the state. Existing law encourages and authorizes state agencies to cooperate with federally recognized California Indian tribes on matters of economic development and improvement for the tribes.~~

~~This bill would state the intent of the Legislature to enact legislation to return ancestral land to the San Pasqual Band of Mission Indians.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) *The Legislature finds and declares all of the follows:*

(1) *The San Pasqual Band of Mission Indian's ancestral lands are located in the San Pasqual Valley. The tribe and its people were forcibly and wrongfully removed from those lands due to prior local, state, and federal actions. The San Pasqual Band of Mission Indians initially owned this land after the Mexican government established a civil pueblo for the tribe in 1835. The San Pasqual Band of Mission Indians were the only California tribe with this designation when the United States obtained the territory in 1848. As a result, the San Pasqual Band of Mission Indians were the lawful owners of the San Pasqual Valley when California became a state.*

(2) *In 1870, the United States government granted the land to the San Pasqual Band of Mission Indians as a reservation. However, that reservation was rescinded a year later in 1871.*

(3) *In 1981, the United States Congress passed the Mission Indian Relief Act of 1891 intending to establish a reservation for the San Pasqual Band of Mission Indians on the lands that it occupied at the time, which were in the fertile San Pasqual Valley, located in Township 12. However, the reservation was sited incorrectly in Township 11, and the tribe was forcibly removed from the fertile San Pasqual Valley to the rocky, barren land in Township 11, where the reservation is currently located.*

(4) *Currently, a small portion of the San Pasqual Valley in Township 12 is set aside for the San Pasqual Battlefield State Park. That state park has been closed for years and there is no designated date to reopen it. A small portion of the land in the state park is owned by the state and the remaining portion is owned by the City of San Diego. The state has interests in the land owned by the City of San Diego by virtue of a lease agreement and permits.*

(5) *The San Pasqual Band of Mission Indians wishes to have its ancestral lands returned to it. A tribal cemetery is located within those lands and the tribe intends to utilize the lands to operate a park open to the public that will celebrate the San Pasqual Band of Mission Indian's history and its contributions to the community.*

(6) *Executive Order No. N-15-19 "apologizes on behalf of the citizens of the State of California to all California Native Americans for the many instances of violence, maltreatment and neglect California inflicted on tribes." Governor Newsom's Statement of Administration Policy on Native American Ancestral Lands mandates that the state support and "work cooperatively with California tribes that are interested in acquiring natural lands in excess of State needs."*

(b) *Therefore, in recognition of the state's past wrongdoings concerning the "violence, maltreatment and neglect California inflicted on tribes" and in furtherance of its policy to assist tribes "interested in acquiring natural lands in excess of State needs," the Legislature intends to do both of the following:*

(1) *Return to the San Pasqual Band of Mission Indians the land the state owns within the San Pasqual Battlefield State Park.*

(2) *Encourage the City of San Diego to return to the San Pasqual Band of Mission Indians the land the city owns within the San Pasqual Battlefield State Park. Further, to the extent the City of San Diego agrees to return the land it owns to the San Pasqual Band of Mission Indians, the state intends to transfer or renounce all state interests in the city's lands in order to effectuate the transfer of land to the San Pasqual Band of Mission Indians.*

SEC. 2. Section 14673.14 is added to the Government Code, to read:

14673.14. (a) *Notwithstanding Section 11011.1, the Department of General Services shall quitclaim to the San Pasqual Band of Mission Indians, at no cost to the tribe, all interests of the state in the land that it owns within the San Pasqual Battlefield State Park, consisting of three parcels of land totaling approximately 3.68 acres.*

(b) (1) *The state encourages the City of San Diego to transfer to the San Pasqual Band of Mission Indians all of the city's interests in the land the city owns within the San Pasqual Battlefield State Park.*

(2) *If the City of San Diego agrees to transfer the land that it owns within the San Pasqual Battlefield State Park to the San Pasqual Band of Mission Indians, the state shall, at no cost to the tribe, relinquish or transfer to the San Pasqual Band of Mission Indians all rights and interests that the state has in those lands through lease, permit, or otherwise, and take any and all other actions necessary to effectuate the City of San Diego's transfer of the land to the San Pasqual Band of Mission Indians.*

SEC. 3. *The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances surrounding the history of the ancestral lands of the San Pasqual Band of Mission Indians and the state's attempt rectify the recognized wrongs of the state by returning the land to the San Pasqual Band of Mission Indians.*

SEC. 4. *The Legislature finds and declares that the addition of Section 14673.14 to the Government Code by this act serves a public purpose of attempting to rectify the recognized wrongs of the state in discriminating against Native Americans and to heal the relationship between the state and the San Pasqual Band of Mission Indians, and also serves a public purpose of allowing the San Pasqual Band of Mission Indians to operate a public park to educate the public on the tribe's history and contributions to the community, and for all of these reasons, does not constitute a gift of public funds within the meaning of Section 6 of Article XVI of the California Constitution.*

~~**SECTION 1.** It is the intent of the Legislature to enact legislation to return ancestral land to the San Pasqual Band of Mission Indians.~~