

AMENDED IN SENATE MARCH 30, 2020

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

SENATE BILL

NO. 1343

Introduced by Senator Hueso

February 21, 2020

~~An act to amend Section 658 of the Civil Code, relating to property.~~ *An act to add Section 8318 to the Government Code, relating to real property.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1343, as amended, Hueso. ~~Property.~~ *Tribes: land acquisition: comments.*

Existing federal law sets forth policies and procedures governing the acquisition of land by the United States in trust status for specified individuals and tribes. Existing federal law requires the Secretary of the Department of the Interior to notify the state and local governments having regulatory jurisdiction over the land to be acquired, and authorizes the state or local government to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes, and special assessments. This bill would require the state, when submitting comments as described above, to support, and not oppose, fee-into-trust applications submitted by tribal governments.

~~Existing law defines property as a thing of which there may be ownership, which is described as the right of one or more persons to possess and use the thing to the exclusion of others. Existing law characterizes property as real or immovable or as personal or movable. Existing law provides that every kind of property that is not real is personal. Existing law further specifies the kinds of property that comprise real or immovable property.~~

~~This bill would make nonsubstantive changes to that provision.~~

DIGEST KEY

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

BILL TEXT

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

SECTION 1.

The Legislature finds and declares all of the following:

(a) Governor Newsom issued an apology on June 18, 2019, through Executive Order N-15-19, on behalf of the state to California Native American Peoples for the many instances of violence, mistreatment, and neglect inflicted upon California Native Americans throughout the state's history.

(b) Governor Newsom announced a Truth in Healing Council to provide an avenue for California Native Americans to clarify the record on the troubled relationship between tribes and the state through a tribally lead, consultation-informed council.

(c) Tribal governments may submit an application to the United States Department of the Interior to request that lands purchased and owned by the tribe may be taken into federal trust on behalf of the tribe, known as "fee-into-trust" applications.

(d) The Secretary of the United States Department of the Interior is required to consider Section 5 of the Indian Reorganization Act of 1934 when considering those applications.

(e) Regulations published by the Bureau of Indian Affairs (Title 25 (commencing with Section 151) of the Code of Federal Regulations) related to Section 5 of the Indian Reorganization Act of 1934 require the Secretary of the United States Department of the Interior to notify state and local governments of a fee-into-trust application and request their comments concerning potential impacts on regulatory jurisdiction, real property taxes, and special assessments.

(f) Fee-into-trust applications provide an opportunity for the State of California to act affirmatively to promote truth in healing between the state and California Native Americans.

SEC. 2.

Section 8318 is added to the Government Code, to read:

8318.

Notwithstanding any law, the state shall support, and not oppose, in all comments submitted by the state to the United States Department of the Interior in compliance with Section 5 of the Indian Reorganization Act of 1934, fee-into-trust applications submitted by tribal governments to the Secretary of the United States Department of the Interior.

~~SECTION 1. Section 658 of the Civil Code is amended to read:~~

~~658.~~

~~Real or immovable property consists of:~~

~~(a) Land.~~

~~(b) That which is affixed to land.~~

~~(c) That which is incidental or appurtenant to land.~~

~~(d) That which is immovable by law. For purposes of sale, emblements, industrial growing crops, and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale, shall be treated as goods and be governed by the provisions of the title of this code regulating the sales of goods.~~