

Assembly Bill No. 1962

Passed the Assembly August 14, 2006

Chief Clerk of the Assembly

Passed the Senate August 10, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 6529.5 to the Government Code, relating to joint powers agreements.

LEGISLATIVE COUNSEL'S DIGEST

AB 1962, Berg. Joint powers agreements: Yurok Tribe.

Existing law authorizes 2 or more public agencies, as defined, to enter into an agreement to jointly exercise any power common to the contracting parties.

This bill would authorize the Yurok Tribal Council to enter into a joint powers agreement with public agencies for the purpose of the preservation and restoration of fish stocks on the Klamath River and fisheries in the Klamath River Basin and related projects and activities.

The people of the State of California do enact as follows:

SECTION 1. Section 6529.5 is added to the Government Code, to read:

6529.5. (a) Notwithstanding any other provision of this chapter, the Yurok Tribal Council, as the governing body of the Yurok Tribe of the Yurok Reservation, a federally recognized Indian tribe, located in Humboldt County and Del Norte County, may enter into a joint powers agreement with public agencies for the purposes of the preservation and restoration of fish stocks on the Klamath River, water quality monitoring, watershed restoration, and other projects and activities for the preservation and restoration of fisheries in the Klamath River Basin, as defined in Section 5901 of the Water Code.

(b) The joint powers authority authorized to be created pursuant to subdivision (a) shall not have the power to authorize or issue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584)) unless the public improvements to be funded by the bonds will be owned and maintained by the authority or one or more of its public agency members, and the revenue streams pledged to

repay the bonds derive from the authority or one or more of its public agency members.

(c) The joint powers authority authorized to be created pursuant to subdivision (a) shall not exercise decisionmaking authority over private lands or enter onto private lands without the express written consent of the landowner. This limitation shall not be construed to restrict or expand local government police power or the existing regulatory authority of state agencies or other entities while participating in the joint powers authority.

(d) Nothing in this section shall be construed as extending additional eminent domain powers to the Yurok Tribe beyond the exterior boundaries of the reservation.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the Klamath River Basin. The facts constituting the special circumstances are:

The Yurok Tribe's vital interest in the preservation and restoration of fisheries in the Klamath River Basin necessitates its participation in a joint powers authority formed for those purposes.

Approved _____, 2006

Governor