



Official Memorandum

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To: SLDMWA Water Resources Committee Members and Alternates / Board of Directors and Alternates
From: Scott Petersen, Chief Strategic and Administrative Officer
Date: July 6, 2026
RE: Water Resources Committee to Consider Recommendations on Legislation / Board of Directors to Consider Same

Recommendation

Recommend to the Water Resources Committee and Board of Directors to adopt the following positions on legislation:

State Legislation

- Adopt a position of “Favor” on A.B. 1436 (Avila Farias), State Air Resources Control Board: air pollution regulations: private fleets: exception
- Adopt of position of “Oppose Unless Amended” on A.B. 1881 (Ramos), California Indian Freedom Act of 2026

State Legislation

A.B. 1436 (Avila Farias), State Air Resources Board: air pollution regulations: private fleets: exception

RECOMMENDATION: Favor

POLICY SCOPE: Environmental and Regulatory Compliance

Existing Law

Existing law designates the California Air Resources Board (CARB) as the agency responsible for control of motor vehicle emissions in the state.

Executive Order (EO) N-79-20 requires sales of all new passenger vehicles to be zero-emission by 2035 and for additional measures to be taken to eliminate harmful emissions from the transportation sector. In addition, the EO requires CARB to develop regulations to mandate that 100 percent of in-state sales of new passenger cars and trucks are zero-emission by 2035 and that all operations of medium- and heavy-duty vehicles are 100 percent zero-emission by 2045, where feasible, with the mandate going into effect by 2035 for drayage trucks.

Pursuant to its authority, CARB has adopted the Advanced Clean Fleets (ACF) regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty



trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles.

The federal Clean Air Act (CAA) preempts state governments from adopting their own air pollutant emissions standards for new motor vehicles and new motor vehicle engines. Under Section 209 of the CAA, California is permitted to apply to the United States Environmental Protection Agency (EPA) for a waiver from the federal preemption and the EPA is required to grant the waiver absent certain disqualifying conditions.

Summary

This bill would make findings and declarations regarding the unintended impacts of regulatory requirements to privately operated vehicle fleets through mandates placed on public entities or contracts.

This bill would prohibit CARB from adopting or enforcing a regulation that directly or indirectly compels compliance by private fleets, including but not limited to those operated by contractors or subcontractors of the state or a local entity, including but not limited to a city, county, or city and county. This provision would not apply to a regulation adopted after California obtains a CAA waiver.

Status

02-19-2026 As Introduced

As introduced, this bill would have made findings and declarations about addressing climate change through state policy, while ensuring energy costs remain affordable.

This bill related to biomethane procurement targets and would have required biomethane delivered to California through a common carrier pipeline to meet *either* of the following requirements rather than *both*:

- 1) The source of biomethane injects the biomethane into a common carrier pipeline that physically flows within California, or toward the end user in California for which the biomethane was produced, or
- 2) The seller or purchaser of the biomethane demonstrates that the capture or production of biomethane directly results in at least one qualifying environmental benefit. This bill would add the displacement of conventional natural gas that results in a reduction in GHG emissions to the list of qualifying environmental benefits.
 - a) This bill would have required the California Public Utilities Commission (CPUC), by June 1, 2026, to allow recovery in rates of the costs of investments for specified purposes.

03-24-2025 As Amended

As amended, this bill would have required the project of a seller or purchaser of biomethane who seeks to demonstrate that the capture or production of biomethane directly results in the displacement of conventional natural gas that results in reduction in GHG to satisfy prevailing wage and apprenticeship requirements for qualified biogas property.

04-02-2025 As Amended

This bill was gut and amended into a spot bill relating to outreach by the CPUC under Section 1711 of the Public Utilities Code.

06-11-2026 As Amended

This bill was gut and amended to reflect current provisions.



Importance to the Authority

In response to EO N-79-20, CARB adopted several regulations to help achieve its reduced emissions goals, including the ACF regulation. Under the ACF regulation, California fleet owners and operators were required to start purchasing zero-emission vehicles in 2024, with the goal of moving California's medium- and heavy-duty trucks to zero-emission by 2045. The ACF regulation authorizes entities subject to it to apply for exemptions under certain circumstances.

In 2023, Assemblymember Garcia introduced AB 1594 to create additional flexibility for public agencies while the ACF regulation was being implemented. Specifically, it allowed public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life to maintain reliable service and respond to major foreseeable events, including severe weather, wildfires, natural disasters, and physical attacks. ACWA adopted a "Favor" position on the bill and advocated to expand it to include more than just drinking water systems. As a result of these efforts, the law includes water districts, irrigation districts, flood control agencies, water authorities, reclamation districts, and others. This bill was signed into law, despite concerns from CARB.

Since AB 1594's passage in 2023, CARB has been evaluating how best to incorporate this intended flexibility. CARB requested initial feedback in 2024 from interested stakeholders, and then proceeded with a formal rulemaking amending the ACF regulation in the Summer of 2025.

During this regulatory process, CARB has taken other related actions, too. In January 2025, CARB withdrew a federal CAA waiver pending approval by the EPA that would have allowed it to enforce the ACF regulation on private fleets and drayage operator stakeholders. CARB still retains authority over public sector fleets, including the State and local governments. In September 2025, CARB approved a resolution formally expanding exemptions for public utilities and extending the 50 percent zero-emission vehicle milestone purchase requirements to 2030.

In April 2026, several months after the close of the initial 45-day comment period for the pending ACF regulation amendments, CARB published a set of amendments allowing for another 15-day comment period, followed by a second set of amendments with another 15-day comment period in June 2026. AB 1436 was introduced in response to the most recent amendments to the proposed regulatory changes.

CARB's June 2026 amendments would now require any use of private fleet vehicles to perform public fleet functions, regardless of contract/lease duration, to be compliant with the requirements under ACF. This change could make ACF compliance prohibitively difficult for even the most proactive public fleets, and administratively difficult for CARB to enforce because public fleets rely on leases and contracts for many different functions that do not fit within reporting requirements.

From a process standpoint, CARB is close to its one-year clock on this regulation creating a sense of urgency, although they could request a 180-day extension from the Office of Administrative Law (OAL). Further, the CARB Board will not re-review the regulation before it is submitted to OAL, leaving any final decisions on this policy to CARB staff. CARB may explore further amendments to the regulation before the end of legislative session.

This bill seeks to push back on CARB's interpretation of ACF compliance for public fleets, which includes how public fleets utilize privately owned vehicles. Were this bill to pass, it would re-instate the previous interpretation of how public fleets can use privately owned vehicles.



AB 1436 would prohibit CARB from adopting or enforcing a regulation that compels compliance by private fleets, including those operated by contractors or subcontractors of the state or a local entity, until or unless California obtains a CAA waiver. In doing so, this bill could protect public water agencies' ability to utilize contractors, minimize their contract costs, lessen their administrative burdens, and help ensure that they can provide reliable services.

For these reasons, staff recommends a "Favor" position.

Other Associations

The Association of California Water Agencies, the California Municipal Utilities Association, and the California Special Districts Association have formally registered supportive positions on A.B. 1436 and are operating as a coalition.

A.B. 1881 (Ramos), California Indian Freedom Act of 2026

RECOMMENDATION: Oppose Unless Amended

POLICY SCOPE: Water Supply Reliability, Water Quality and Resource Management, Environmental and Regulatory Compliance

Existing Law

Religious Land Use and Institutionalized Persons Act

The Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) prohibits governments from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden is in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest.

Public Resources Code § 5097.9

Existing state law prohibits a public agency or private party using or occupying, or operating on, public property, under a public license, permit, grant, lease, or contract made on or after July 1, 1977, from interfering with the free expression or exercise of Native American religion, as provided in the United States Constitution and California Constitution. A public agency or private party is also prohibited from causing severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) establishes a formal process for consultation between lead agencies and California Native American tribes (tribes) traditionally and culturally affiliated with the geographic area of a proposed project.

CEQA requires the lead agency of a proposed project, before releasing a negative declaration, mitigated negative declaration, or environmental impact report, to begin consultation with a tribe if the tribe: (1) requested, in writing, to be notified of proposed projects in the geographic area, and (2) responds, in writing, within 30 days of receipt of the formal notification and requests consultation. CEQA requires the tribe, when



responding, to designate a lead contact person. A lead agency is required, within 14 days of determining that an application for a project is complete or of a public agency deciding to undertake a project, to notify the lead contact person of a tribe that requested notice. The tribe has 30 days to request consultation, and the lead agency has 30 days from the date of the request to begin consultation.

CEQA also requires local governments to provide notification to each tribe as an invitation to consult on the proposed project, its location, and its potential effects on tribal cultural resources. Local governments are required to act in good faith to identify whether a tribal cultural resource could be affected by the proposed project and to give deference to tribal information, knowledge and customs, and significance of the resource to the tribe. CEQA prohibits disclosing to the public any information submitted by a tribe during the environmental review process, including the location, description, and use of the tribal cultural resources, unless the tribe provides written consent.

Summary

This bill would establish the California Indian Freedom Act of 2026 (Act) and make findings and declarations regarding state-level protections for California Indian religious and spiritual practices and sacred sites, including enforceable rights, consultation and consent requirements, confidentiality measures, stewardship and comanagement frameworks, and remedies.

This bill would exempt information identifying sacred sites, cultural landscapes, or religious practices of tribes from public disclosure requirements, including the California Public Records Act (PRA).

This bill would define the following terms, among others:

- 1) “California Indian” as a Native American who is a member or citizen of a California Native American tribe,
- 2) “California Native American tribe” as a Native American tribe located in California that is on the Native American Heritage Commission’s contact list,
- 3) “Consultation” as defined in Section 65352.4 of the Government Code,
- 4) “Cultural landscape” as a geographical area that includes cultural and natural resources associated with the spiritual and cultural practices of a tribe,
- 5) “Exercise of religious beliefs or spiritual practices” as any practice undertaken as part of Indian religious, spiritual, or sacred observance, whether or not compelled by, or central to, a system of religious belief and would include the following:
 - a) Practices tied to land, water, cultural landscapes, and sacred sites on state lands, and the use, building, or conversion of real property for religious or sacred purposes and
 - b) Actions and efforts associated with the preparation in the exercise of religious or spiritual practices,
- 6) “Least restrictive” as interpreted consistent with strict scrutiny jurisprudence of California,
- 7) “Sacred site” as any specific location, landscape, landform, waterbody, or area on state lands that is both of the following:
 - a) Historically, culturally, or spiritually significant to a tribe and
 - b) Used, or has historically been used, for religious, ceremonial, or cultural purposes,
- 8) “State lands” as lands owned by the state or any state agency, excluding lands owned by or under the jurisdiction of any city, county, or district,



- 9) 9. “Substantial burden” as any governmental action or policy occurring on and after January 1, 2027 that does any of the following:
- a) Significantly restricts, denies, or unreasonably interferes with gathering or collecting traditional foods and plants used in ceremonies, including funerals, feasts, and celebrations on state lands,
 - b) Denies or unreasonably restricts access to sacred sites, ceremonial grounds, or other locations of religious or spiritual significance on state lands,
 - c) Destroys, desecrates, materially alters, or otherwise interferes with sacred sites, cultural landscapes, or ceremonial items on state lands in a manner that prevents or substantially impedes the practice of sincerely held religious or spiritual beliefs, or
 - d) Screens or restricts items of cultural, sacred, or religious significance, including but not limited to regalia, headdresses, eagle feathers, traditional medicines, ground rattles, or other ceremonial items, when entering state government buildings.

Routine administrative procedures, minor restrictions, or actions that do not materially prevent or significantly interfere with a tribe’s exercise of religious beliefs or spiritual practices would not constitute a substantial burden.

This bill would prohibit a governmental agency from substantially burdening an Indian’s or tribe’s exercise of religious beliefs or spiritual practices on state lands, including their access to and use of sacred sites and objects, and their ability to perform religious ceremonies and rites, even if the burden results from a rule of general applicability, unless the governmental agency demonstrates that the burden is in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest.

This bill would, consistent with the United Nation’s Declaration on the Rights of Indigenous Peoples (UNDRIP), require a governmental agency to seek and document free, prior, informed, and written consent from any affected tribes before undertaking any project on state lands that may pose a risk to sacred sites of which the agency has actual knowledge or has been formally notified that may result in any of the following:

- 1) Physical destruction or alteration of a sacred site,
- 2) Loss of access, privacy, or quiet use, and
- 3) Long-term environmental degradation affecting religious and spiritual practices.

If a tribe does not respond within a reasonable timeframe as designated in the request, a governmental agency could interpret the lack of a response as a grant to the request. If a tribe responds to a request for consent by objecting to the undertaking, the governmental agency could request consultation with the tribe.

This bill would require a governmental agency to allow Indians access to sacred sites on state lands for religious, ceremonial, or cultural activities, except where public safety or resource protection make access impossible.

An Indian or tribe would have standing and be authorized to assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and to obtain either declaratory or injunctive relief. The prevailing party would be entitled to reasonable attorney’s fees and costs, and any other equitable remedies determined by the court.

This bill would require the Department of General Services (DGS), in coordination with the Capitol Protection Section, to the greatest extent possible to uphold the religious freedom, ceremonial practices, sacred sites, cultural patrimony, and cultural landscapes of tribes when accessing the State Capitol. The Capitol



Protective Section would be required, to the greatest extent possible, to avoid undue harm when handling tribal instruments and regalia.

This bill would prohibit the Act from limiting or restricting the authority of the state or any state agency to enter into an agreement, memorandum of understanding, or other arrangement with any tribe to allow access to any state lands for the purpose of conducting religious, cultural, or ceremonial practices.

This bill would be limited to a governmental agency's management actions that involve only state lands and would not apply to any actions or direct or indirect effects arising out of or pertaining to lands that are not state lands. In the event of a conflict between this limitation and any other provision in this chapter, this limitation would control.

Status

02-12-2026 As Introduced

As introduced this bill would do the following:

Establish the Act and make findings and declarations regarding the protection of Native American religious and spiritual practices.

Exempt information identifying sacred sites, cultural landscapes, or religious practices of tribes from public disclosure requirements.

Define the following terms, among others: California Native American tribe, consultation, cultural landscape, least restrictive, native nation or tribe, substantial burden, and sacred site.

Prohibit state and local government actions, including permitting decisions, land use approvals, enforcement actions, environmental review, and contracting, licensing, or regulatory activities, from substantially burdening, as defined, a tribe's exercise of religious beliefs or spiritual practices and their ability to perform religious ceremonies and rites, unless the governmental agency demonstrates that the burden is in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest.

Require a governmental agency, before undertaking, approving, permitting, funding, or authorizing a project that may impact a sacred site or landscape, to engage in early, meaningful, and good-faith government-to-government consultation, as defined, with an affected tribe. Consistent with UNDRIP, a governmental agency would be required to seek and document prior and informed consent from an affected tribe for any project that risks any of the following:

1. Physical destruction or alteration of a sacred site,
2. Loss of access, privacy, or quiet use, and
3. Long-term environmental degradation affecting religious and spiritual practices.

Require a governmental agency to avoid adverse impacts to sacred sites to the maximum extent feasible. If avoidance is not feasible, a governmental agency would be required to (1) demonstrate that no prudent and feasible alternative exists, (2) minimize impacts to the greatest extent possible, and (3) adopt mitigation measures approved by the affected tribe.



Require a governmental agency to allow California Indians access to sacred sites on public lands, including a waterbody, for religious, ceremonial, or cultural activities, unless public safety or resource protection makes access impossible.

Authorize a tribe to assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and to obtain either declaratory or injunctive relief. The prevailing party would be entitled to reasonable attorney's fees and costs, and any other equitable remedies determined by the court.

04-8-2026 As Amended

State Public Lands

This bill would prohibit a governmental agency from substantially burdening an Indian's or tribe's exercise of religious beliefs or spiritual practices on *state public lands*. This prohibition would no longer apply to all state and local government actions.

Definitions

This bill would define "California Indian" and "Capitol Protective Section".

This bill would make non-substantive changes to the definition of "consultation".

This bill would amend the definition of "exercise of religious beliefs or spiritual practices" to include spiritual and religious practices tied to land, water, sacred sites, *and cultural landscapes, and actions and efforts associated with preparation in the exercise of religious or spiritual practices, such as gathering and collecting of traditional foods and plants for ceremonial purposes.*

This bill would amend the definition of "governmental agency" to no longer refer to a local government.

This bill would amend the definition of "substantial burden" to mean any governmental action or policy occurring on or after January 1, 2027 that does any of the following:

1. Significantly restricts, denies, or unreasonably interferes with gathering or collecting traditional foods and plants used in ceremonies, including funerals, feasts, and celebrations,
2. Denies or unreasonably restricts access to sacred sites, ceremonial grounds, or other locations or religious or spiritual significance,
3. Destroys, desecrates, materially alters, or otherwise interferes with sacred sites, cultural landscapes, or ceremonial items in a manner that prevents or substantially impedes the practice of sincerely held religious or spiritual beliefs, or
4. Screens or restricts items of cultural, sacred, or religious significance when entering state government buildings. Under this bill, these items would be permitted and could only be inspected by hand or other nontechnological means.

Routine administrative procedures, minor restrictions, or actions that do not materially prevent or significantly interfere with an Indian's or tribe's exercise of religious beliefs or spiritual practices would not constitute a substantial burden.

Consent

This bill would remove the requirement for a governmental agency to engage in early, meaningful, and good faith government-to-government consultation with an affected tribe before it undertakes, approves, permits,



funds, or authorizes a project that may impact a sacred site or cultural landscape. Instead, this bill would, consistent with UNDRIP, require a governmental agency to seek and document free, prior, informed, and written consent of any affected tribe before undertaking any project action that may pose a risk to sacred sites of which the agency has actual knowledge or has been formally notified that may result in physical destruction or alteration of a sacred site; loss of access, privacy, or quiet use; or long-term environmental degradation affecting religious and spiritual practices. If a tribe does not respond within a reasonable timeframe as designated in the request for consent, the governmental agency could interpret the lack of a response as a grant of request. If a tribe responds to a request for consent by objecting to the undertaking, the governmental agency could request consultation with the tribe.

Adverse Impacts

This bill would remove the requirement for governmental agencies to avoid adverse impacts to sacred sites.

State Capitol

This bill would require DGS, in coordination with the Capitol Protective Section, to uphold the religious freedom, ceremonial practices, sacred sites, cultural patrimony, and cultural landscapes of tribes when accessing the State Capitol. The Capitol Protective Section would also be required to avoid undue harm when handling tribal instruments and regalia.

Right of Access to Information

This bill would strike Section 7 relating to the limitation of the public's right of access to information that Indians and tribes share with governmental agencies about the location and significance of sacred sites, cultural landscapes, and practices of profound cultural, religious, and spiritual beliefs.

Statewide Concern

This bill would strike Section 8 relating to findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair, and therefore, apply to all cities.

04-16-2026 As Amended

This bill would be co-authored by Assemblymembers Bauer-Kahan, Connolly, Harabedian, Valencia, and Zbur.

This bill would reference "state public lands" throughout the entire bill, including in the definitions of "cultural landscape", "exercise of religious beliefs or spiritual practices", "substantially burden", and "sacred site" and in the provision relating to seeking consent before undertaking a project action.

05-18-2026 As Amended

This bill would refer to "state lands" instead of "state public lands" and would define "state lands" as lands owned by the state or any state agency, excluding lands owned by or under the jurisdiction of any city, county, or district. "State lands" would not include private lands or lands used for public infrastructure or services, or authorized for private use or development.

This bill would prohibit the Act from limiting or restricting the authority of the state or any state agency from entering into an agreement, memorandum of understanding, or other arrangement with any tribe to allow access to any state lands for the purpose of conducting religious, cultural, or ceremonial practices.



05-19-2026 As Amended

This bill would limit this chapter’s applicability to a governmental agency’s management actions that involve state lands. The chapter would not apply to actions or direct or indirect effects arising out of or relating to lands that are not state lands. This provision would control in the event of a conflict with any other provision in this chapter.

Importance to the Authority

AB 1881 prohibits a governmental agency from substantially burdening an Indian’s or tribe’s exercise of religious beliefs or spiritual practices on state lands, including access to objects and sacred sites, unless it is in furtherance of a compelling government interest by the least restrictive means. There are concerns that this prohibition extends beyond the scope of the bill and could result in increased litigation.

State Lands

While the definition of the term “state lands” has been narrowed to exclude lands used for public infrastructure or services, it requires further refinement. Sacred sites would include a specific location, landscape, landform, waterbody, or area on state lands owned by the state or any state agency, excluding lands owned by or under the jurisdiction of any city, county, or district and would not include private lands or lands used for public infrastructure or services, or authorized for private use or development. Despite this, the scope of what is defined as a state land is far-reaching. The public trust doctrine establishes that the state holds certain natural resources—including tidelands, navigable waterways, and submerged lands—in trust for the benefit of all Californians. These public trust resources are, by definition, state-owned lands, and would therefore fall squarely within the bill’s coverage. The definition of “state lands” must clearly exclude lands not held in public trust. In addition, land required as mitigation for public infrastructure or land that has been acquired for public infrastructure would still be considered “state lands”.

Shifts the Burden of Proof

Under RLUIPA, the party seeking relief bears the burden of proving that a government practice substantially burdens their exercise of religion. The burden of proving that the government action in question is in furtherance of a compelling governmental interest and the least restrictive means of furthering that interest only shifts to the government agency *after* the plaintiff provides sufficient proof to support their initial claim. AB 1881 would shift the burden of proof to the state and impose a strict scrutiny standard of review. Codifying this standard for tribal interests would elevate tribal religious freedom of expression, spiritual practices, sacred sites, objects, and ceremonies above all other competing interests, without a clear limiting principle.

Duplicates and Conflicts with Existing State and Federal Laws

The religious and spiritual practice protection requirements proposed in AB 1881 closely mirror those under RLUIPA. In addition, the proposal to create a path for tribal consultation outside of, or separate from, CEQA is duplicative and could constrain projects. Of particular concern is the requirement for a government agency to “seek and document free, prior, and informed consent from an affected tribe for any project”. This shift from consultation to mandating consent marks a fundamental change in California land use law and could effectively grant a single tribe the power to halt or indefinitely delay any project – including those that have already undergone extensive environmental review and received all other required approvals.

There is consensus that the scope of “state lands” as used in the current bill could implicate water management actions across California. Amendments are being sought to ensure the scope of the bill is



specific to property under state governmental agencies' control and without unintended consequences to public infrastructure overseen by local agencies.

Staff recommends an "Oppose Unless Amended" position on the legislation through policy committee, with delegated authority to move to a straight "Oppose" position if the legislation is not sufficiently amended by the time it reaches the Senate Appropriations Committee.

Guidelines for Taking Positions on Legislation

A number of controversial bills are introduced in the Congress and in the California Legislature. It is important to understand how the Authority takes positions on legislation.

Policy

By Agenda Item 7, dated December 12, 2025, the Board adopted the Policy Framework and Fiscal Year 2027 Policy Action Plan.

Water Authority's Positions on Legislation

The Water Authority takes positions on legislation that, if enacted, would impact Water Authority members, consistent with Water Authority Board adopted Goals and Objectives in the Strategic Plan, as implemented through the Policy Framework and Annual Policy Action Plan.

The Water Authority may take the following positions on legislation: Oppose, Support, Oppose Unless Amended, Support if Amended, Support and Amend, Not Favor, Favor, Not Favor Unless Amended, Favor if Amended, Favor and Amend, and Watch (neutral).

The Water Authority's staff and consultants testify and advocate with legislators and staff through direct meetings and coordination of member agency contacts on all positions except Watch, Favor and Not Favor. For Favor and Not Favor positions, written communication of the Water Authority's position is provided to the legislator, the Water Authority's delegation, and relevant Committees.

Nothing in this section should be read to preclude the Executive Director or his or her delegee from taking an informal support or informal oppose position on behalf of the Water Authority that is consistent with the Policy Framework and Annual Policy Action Plan, or to preclude the Executive Director from communicating a position on emergency legislation after obtaining the concurrence of the Chair, or the Chair's designee, provided that the Executive Director informs the Board regarding such positions on emergency legislation no later than the next regularly scheduled Board meeting.

Amendment Development Process

If the Water Authority takes a position contingent on amendments, the Water Authority will typically discuss the concepts for the amendments at the meeting. Then Water Authority staff, in consultation with Committee and/or Board Members as needed, will develop the amendments after the meeting.

Information Sharing

To provide adequate information to the entire Water Authority membership, the Water Authority provides legislative updates, posts positions and other information on our website, and sends out advisories and alerts on key legislation.



The Water Authority's legislative department is available to provide specific information on bills on request and Board Members are encouraged to communicate Water Authority positions on priority legislation in meetings with legislative staff, consistent with Water Authority policy. The Water Authority's Water Policy Director appreciates being informed by Water Authority members of positions taken by Water Authority members on legislation.



BILL TEXT

AMENDED IN SENATE JUNE 22, 2026

AMENDED IN SENATE JUNE 11, 2026

AMENDED IN ASSEMBLY APRIL 2, 2025

AMENDED IN ASSEMBLY MARCH 24, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1436

Introduced by Assembly Member Ávila Farías

February 21, 2025

An act to add Section 43110 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1436, as amended, Ávila Farías. State Air Resources Board: air pollution regulations: private fleets: exception.

Existing law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found necessary, cost effective, and technologically feasible. The California Global Warming Solutions Act of 2006 establishes the state board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources.

Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and

heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles.

Existing federal law, the Clean Air Act, prohibits any state or any political subdivision thereof from adopting or attempting to enforce any standard relating to the control of emissions from new motor vehicles or new motor vehicle engines, except through a waiver, as provided.

This bill would prohibit the state board from ~~adopting or~~ enforcing any regulation that directly or indirectly compels compliance by private fleets, as provided, ~~unless~~ *until* the state has obtained a required waiver or authorization under the federal Clean Air Act.

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. (a) The Legislature finds and declares both of
2 the following:

3 (1) Extending regulatory requirements to privately operated
4 vehicle fleets through mandates placed on public entities or
5 contracts, whether directly or indirectly, may have unintended
6 impacts on affordability and the continuity of services provided
7 to residents through public and private partnerships.

8 (2) Providing regulatory clarity and predictability for public
9 entities and their private partners is necessary given the potential
10 fiscal and operational constraints that could be imposed and the
11 need to maintain reliable delivery of essential public services.

12 (b) It is the intent of the Legislature to ensure that regulatory
13 actions described in subdivision (a) do not occur unless the State
14 Air Resources Board obtains authorization to regulate privately
15 operated vehicle fleets under applicable federal law.

16 SEC. 2. Section 43110 is added to the Health and Safety Code,
17 to read:

18 43110. (a) The state board shall not ~~adopt or~~ enforce any
19 regulation that directly or indirectly compels compliance by private
20 ~~fleets, including, but not limited to, those operated by contractors~~
21 ~~or subcontractors of the state or a local entity, including, but not~~
22 ~~limited to, a city, a county, or a city and county.~~ *fleets that would*
23 *be preempted under Section 209(a) of the federal Clean Air Act*
24 *(42 U.S.C. Sec. 7543(a)) until the required waiver or authorization*

1 *is obtained in accordance with Section 209(b) of the federal Clean*
2 *Air Act (42 U.S.C. Sec. 7543(b)).*

3 ~~(b) Subdivision (a) does not apply to a regulation adopted after~~
4 ~~the state has obtained a required waiver or authorization under~~
5 ~~Section 209 of the federal Clean Air Act (42 U.S.C. Sec. 7543).~~

6 *(b) The use of private fleets in subdivision (a) includes, but is*
7 *not limited to, those operated by contractors or subcontractors of*
8 *the state or a local government entity, including, but not limited*
9 *to, any city, county, public utility, special district, local agency or*
10 *district, and any department, division, public corporation, or public*
11 *agency of the State of California.*

12 (c) Any provision of a regulation adopted in violation of this
13 section is void and unenforceable.

AMENDED IN ASSEMBLY MAY 19, 2026

AMENDED IN ASSEMBLY MAY 18, 2026

AMENDED IN ASSEMBLY APRIL 16, 2026

AMENDED IN ASSEMBLY APRIL 8, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1881

**Introduced by Assembly Member Ramos
(Coauthors: Assembly Members Bauer-Kahan, Connolly,
Harabedian, Valencia, and Zbur)**

February 12, 2026

An act to amend Section 7930.205 of the Government Code, and to add Chapter 1.79 (commencing with Section 5097.1000) to Division 5 of the Public Resources Code, relating to California Indians.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as amended, Ramos. California Indian Freedom Act of 2026.

Existing law establishes various protections for California Native American tribes, including prohibiting a public agency or private party using or occupying public property or operating on public property from interfering with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution. Existing law also requires a local government to provide formal notification to each California Native American tribe that is traditionally and culturally affiliated with the project site as an invitation to consult on the proposed project, as provided. Existing law requires the local government, during the consultation, to give deference to the

tribal information, tribal knowledge and customs, and the significance of the resource to the California Native American tribe. Existing law prohibits any information, as described, that is submitted by a California Native American tribe during the environmental review process from being included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, as specified, without the prior consent of the tribe that provided the information.

Existing law, the California Public Records Act, requires each state and local agency, as defined, to make its records open to public inspection at all times during office hours, except as specifically exempted from disclosure by law. The act specifically exempts from disclosure records that are exempted or prohibited from disclosure by federal or state law and lists records subject to that exemption, specifying that the listed exemptions are not inclusive of all exemptions under the act.

This bill, the California Indian Freedom Act of 2026, would prohibit a governmental agency from substantially burdening a California Indian or California Native American tribe's exercise of religious beliefs or spiritual practices on state lands, including their access to and use of sacred sites and objects, and their ability to perform religious ceremonies and rites, even if the burden results from a rule of general applicability, unless the governmental agency demonstrates that application of the burden is in furtherance of a compelling governmental interest and is in the least restrictive means of furthering that interest. The bill would authorize a California Indian or tribe to assert a violation of these provisions as a claim or defense in any judicial or administrative proceeding, as specified. The bill would require a governmental agency to allow California Indians access to sacred sites on state lands, as specified. The bill would require a governmental agency to seek and document free, prior, and informed consent from affected tribes before undertaking any project action on state lands that may pose a risk to sacred sites, as specified. The bill would require the affirmation of consent from the governing body of the affected tribe to be in writing, as described.

This bill would require the Department of General Services, in coordination with the Capitol Protective Section, to the greatest extent possible, to uphold the religious freedom, ceremonial practices, sacred sites, cultural patrimony, and cultural landscapes of tribes when accessing the State Capitol Building Annex and grounds. The bill would

require the Capitol Protective Section, to the greatest extent possible, to avoid undue harm when handling tribal instruments and regalia.

This bill would provide that the application of the act is strictly limited to a governmental agency’s management actions that involve only state lands, as specified.

This bill would require information identifying sacred sites, cultural landscapes, or religious practices obtained by a governmental agency for the purposes of the California Indian Freedom Act of 2026 to be confidential and would exempt this information from public record laws, including the California Public Records Act. The bill would revise the list of exempted records under the California Public Records Act to add the above-described exemption. The bill would prohibit the provisions of the act from being construed to limit or restrict the authority of the state or any state agency to enter into an agreement, memorandum of understanding, or other arrangement with any tribe to allow access to any state lands for the purpose of conducting religious, cultural, or ceremonial practices. The bill would define various terms for these purposes and would make related legislative findings.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 California Indian Freedom Act of 2026.

3
4 California Indian Freedom Act of 2026

5
6 SEC. 2. The Legislature finds and declares all of the following:
7 (a) California is home to the greatest number of California
8 Indians living in the United States, approximately 700,000
9 according to the 2025 United States Census.

1 (b) More than 100 Native Nations call California home, each
2 with distinct religions, spiritual traditions, and ceremonies that
3 long predate statehood and continue to be practiced to this day.

4 (c) California Indian religions and spiritual beliefs, like many
5 Indigenous religions, are exercised through land-based practices,
6 including sacred sites and ceremonies tied to specific geographies,
7 and require access to cultural landscapes that remain integral to
8 the continued survival of California Indian religions and spiritual
9 practices.

10 (d) Prior to the annexation of the California territory by the
11 United States of America, the Indigenous people of this land were
12 subjected to systems of conversion and enslavement under Spanish
13 rule until 1821 through the Franciscan mission system.

14 (e) During the Mexican administration of the province from
15 1821 to 1845, the ancestral homelands of California's Native
16 Nations continued to be carved up by migrating Mexican, United
17 States, British, and Canadian settlers, therefore, losing access to
18 their spiritual sites and the natural resources.

19 (f) Since the incorporation of California territory into the United
20 States of America in 1849, the relationship between the state and
21 California Indians was fraught with violence, exploitation,
22 dispossession, and the attempted destruction of tribal communities
23 and criminalization of Native religious and spiritual practices.

24 (g) In 1850, the State of California passed An Act for the
25 Government and Protection of Indians, which facilitated the
26 removal of Indigenous groups from their ancestral lands through
27 family separation and indentured servitude. The act also facilitated
28 the punishment of Indigenous people for minor crimes, and
29 prohibited the religious and spiritual practices of California Indians.

30 (h) Between 1850 and 1859, the State of California actively
31 engaged in violent conflicts against its Native population,
32 organizing private militias and calling up the state militia to
33 respond to what officials perceived as "Indian attacks."

34 (i) In 1851, Governor Peter Hardeman Burnett, California's first
35 governor, declared in his State of the State address that "a war of
36 extermination will continue to be waged between the two races
37 until the Indian race becomes extinct must be expected."

38 (j) Between 1854 and 1859, the state authorized a series of
39 military expeditions against Native communities in Humboldt,
40 Klamath, Modoc, Pit River, San Bernardino, and Tulare. These

1 campaigns generated an estimated cost of \$449,605.74. California
2 later submitted the expenses to Congress for reimbursement, but
3 only \$229,987.67 was ultimately approved and repaid under the
4 Congressional Appropriations Act of March 2, 1861.

5 (k) Between 1892 and 1974, California was home to 13 federal
6 Indian boarding schools that, under a federal mandate to assimilate
7 California Indian children into American culture, forcibly removed
8 thousands of Native children from their families, subjected them
9 to harsh discipline and cultural suppression, including the loss of
10 language, identity, and spiritual practices, and left a legacy of
11 profound intergenerational trauma that continues to affect the
12 well-being of California Native American tribes.

13 (l) Prior to 2022, more than 100 geographic features and places
14 in California carried the term “squaw,” along with other derogatory
15 names assigned to locations within the ancestral homelands of
16 Native Nations. These names reinforced harmful stereotypes, fueled
17 prejudice, and connected to the broader crisis of missing and
18 murdered Indigenous people.

19 (m) Government-sanctioned policies and actions that
20 dispossessed California Indian tribes from their lands normalized
21 a broader culture of mistreatment throughout the early 20th century,
22 and the consequences of these injustices remain visible and deeply
23 felt today.

24 (n) California Indian tribes continue to be separated from their
25 cultural items and the ancestral human remains.

26 (o) Existing federal protections for Native American religious
27 and spiritual practices, including the American Indian Religious
28 Freedom Act of 1978 (42 U.S.C. Sec. 1996) (AIRFA) and the
29 Religious Freedom Restoration Act of 1993 (42 U.S.C. Sec.
30 2000bb) (RFRA), are limited in scope, underenforced, or
31 inapplicable to state and private actions.

32 (p) Existing California laws do not require Indigenous consent
33 to state and local actions that would burden Native American
34 religious freedom or provide comprehensive protection for the free
35 exercise of Native American religious and spiritual practices,
36 sacred sites, or access to cultural landscapes.

37 (q) California has a compelling interest in safeguarding
38 Indigenous religious freedom, ceremonial practices, sacred sites,
39 cultural patrimony, and access to cultural landscapes as a matter
40 of human rights, cultural survival, and compliance with the United

1 Nations Declaration on the Rights of Indigenous Peoples
 2 (UNDRIP), including Article 11 (right to practices and revitalize
 3 cultural traditions), Article 12 (right to maintain, protect, and access
 4 religious and cultural sites), Article 25 (right to maintain spiritual
 5 relationships with traditional lands), and Article 32 (right to
 6 determine and develop priorities for the use of lands and resources),
 7 as endorsed by the United States in 2010.

8 (r) It is therefore necessary to enact comprehensive state-level
 9 protections for California Indian religious and spiritual practice
 10 freedom protections and sacred site protections, including
 11 enforceable rights, consultation and consent requirements,
 12 confidentiality measures, stewardship and comanagement
 13 frameworks, and remedies.

14 SEC. 3. Section 7930.205 of the Government Code is amended
 15 to read:

16 7930.205. The following provisions may operate to exempt
 17 certain records, or portions thereof, from disclosure pursuant to
 18 this division:

19 Information identifying sacred sites, cultural landscapes, or
 20 religious practices of California Native American tribes, Section
 21 5097.1002, Public Resources Code.

22 Taxpayer information, confidentiality, local taxes, Section
 23 7925.000, this code.

24 Tax preparer, disclosure of information obtained in business of
 25 preparing tax returns, Section 17530.5, Business and Professions
 26 Code.

27 Teacher, credential holder or applicant, information provided to
 28 Commission on Teacher Credentialing, confidentiality of, Section
 29 44341, Education Code.

30 Teacher, certified school personnel examination results,
 31 confidentiality of, Section 44289, Education Code.

32 Telephone answering service customer list, trade secret, Section
 33 16606, Business and Professions Code.

34 Timber yield tax, disclosure to county assessor, Section 38706,
 35 Revenue and Taxation Code.

36 Timber yield tax, disclosure of information, Section 38705,
 37 Revenue and Taxation Code.

38 Title insurers, confidentiality of notice of noncompliance, Section
 39 12414.14, Insurance Code.

- 1 Tobacco products, exemption from disclosure for distribution
- 2 information provided to the State Department of Public Health,
- 3 Section 22954, Business and Professions Code.
- 4 Tow truck driver, information in records of the Department of
- 5 the California Highway Patrol, Department of Motor Vehicles, or
- 6 other agencies, confidentiality of, Sections 2431 and 2432.3,
- 7 Vehicle Code.
- 8 Toxic Substances Control, Department of, inspection of records
- 9 of, Section 25152.5, Health and Safety Code.
- 10 Trade secrets, Section 1060, Evidence Code.
- 11 Trade secrets, confidentiality of, occupational safety and health
- 12 inspections, Section 6322, Labor Code.
- 13 Trade secrets, disclosure of public records, Section 3426.7, Civil
- 14 Code.
- 15 Trade secrets, food, drugs, cosmetics, nondisclosure, Sections
- 16 110165 and 110370, Health and Safety Code.
- 17 Trade secrets, protection by Director of Pesticide Regulation,
- 18 Sections 7924.300 to 7924.335, inclusive, this code.
- 19 Trade secrets and proprietary information relating to pesticides,
- 20 confidentiality of, Sections 14022 and 14023, Food and
- 21 Agricultural Code.
- 22 Trade secrets, protection by Director of Industrial Relations,
- 23 Section 6396, Labor Code.
- 24 Trade secrets relating to hazardous substances, disclosure of,
- 25 Sections 78480 to 78495, inclusive, and Section 78930, Health
- 26 and Safety Code.
- 27 Traffic violator school licensee records, confidentiality of,
- 28 Section 11212, Vehicle Code.
- 29 Traffic offense, dismissed for participation in driving school or
- 30 program, record of, confidentiality of, Section 1808.7, Vehicle
- 31 Code.
- 32 Transit districts, questionnaire and financial statement
- 33 information in bids, Section 99154, Public Utilities Code.
- 34 Tribal financial information, Section 8450, this code.
- 35 Tribal-state gaming compacts, exemption from disclosure for
- 36 records of an Indian tribe relating to securitization of annual
- 37 payments, Section 63048.63, this code.
- 38 Trust companies, disclosure of private trust confidential
- 39 information, Section 1602, Financial Code.

1 SEC. 4. Chapter 1.79 (commencing with Section 5097.1000)
2 is added to Division 5 of the Public Resources Code, to read:

3

4 CHAPTER 1.79. CALIFORNIA INDIAN FREEDOM ACT OF 2026

5

6 5097.1000. For purposes of this act, the following definitions
7 apply:

8 (a) “California Indian” means a Native American who is a
9 member or citizen of a California Native American tribe.

10 (b) “California Native American tribe” means a Native American
11 tribe located in California that is on the contact list maintained by
12 the Native American Heritage Commission for the purposes of
13 Chapter 905 of the Statutes of 2004.

14 (c) “Capitol Protective Section” means the division of the
15 Department of the California Highway Patrol that provides law
16 enforcement and safety services for the State Capitol Building and
17 grounds and for the State Capitol Building Annex and grounds.

18 (d) “Consultation” has the same meaning as defined in Section
19 65352.4 of the Government Code.

20 (e) “Cultural landscape” means a geographical area on state
21 lands that includes cultural and natural resources associated with
22 the spiritual and cultural practices of a California Native American
23 tribe.

24 (f) (1) “Exercise of religious beliefs or spiritual practices”
25 means any tribal traditional practice undertaken as part of
26 California Indian religious, spiritual, or sacred observance, whether
27 or not compelled by, or central to, a system of religious belief.

28 (2) This term includes California Indian spiritual and religious
29 practices tied to land, water, cultural landscapes, and sacred sites
30 on state lands, and the use, building, or conversion of real property
31 for religious or sacred purposes.

32 (3) This term includes actions and efforts associated with the
33 preparation in the exercise of California Indian religious or spiritual
34 practices, such as the gathering and collecting of California Indian
35 traditional foods and plants for ceremonial purposes.

36 (g) “Governmental agency” means any state agency, department,
37 board, or commission.

38 (h) “Least restrictive means” shall be interpreted consistent with
39 strict scrutiny jurisprudence of California.

- 1 (i) “Native Nation” or “tribe” means any federally recognized
2 or nonfederally recognized California Native American tribe.
- 3 (j) “Sacred site” means any specific location, landscape,
4 landform, waterbody, or area on state lands that is both of the
5 following:
- 6 (1) Historically, culturally, or spiritually significant to a
7 California Indian or tribe.
- 8 (2) Used, or has historically been used, for religious, ceremonial,
9 or cultural purposes.
- 10 (k) (1) “State lands” means lands owned by the state or any
11 state agency, excluding lands owned by or under the jurisdiction
12 of any city, county, or district.
- 13 (2) “State lands” does not include private lands or lands used
14 for public infrastructure or services, or authorized for private use
15 or development.
- 16 (l) (1) “Substantial burden” means any government action or
17 policy that occurs on or after January 1, 2027, that does any of the
18 following:
- 19 (A) Significantly restricts, denies, or unreasonably interferes
20 with gathering or collecting traditional foods and plants used in
21 ceremonies, including funerals, feasts, and celebrations on state
22 lands.
- 23 (B) Denies or unreasonably restricts access to sacred sites,
24 ceremonial grounds, or other locations of religious or spiritual
25 significance on state lands.
- 26 (C) Destroys, desecrates, materially alters, or otherwise
27 interferes with sacred sites, cultural landscapes, or ceremonial
28 items on state lands in a manner that prevents or substantially
29 impedes the practice of sincerely held religious or spiritual beliefs.
- 30 (D) (i) Screens or restricts items of cultural, sacred, or religious
31 significance, including, but not limited to, regalia, headdresses,
32 eagle feathers, traditional medicines, gourd rattles, or other
33 ceremonial items, when entering state government buildings.
- 34 (ii) The items shall be permitted and may only be inspected by
35 hand or through other nontechnological means.
- 36 (iii) The items shall not be inspected by technological screening.
- 37 (2) Routine administrative procedures, minor restrictions, or
38 actions that do not materially prevent or significantly interfere
39 with a California Indian’s or tribe’s exercise of religious beliefs
40 or spiritual practices shall not constitute a substantial burden.

1 5097.1001. (a) A governmental agency shall not substantially
2 burden a California Indian or California Native American tribe's
3 exercise of religious beliefs or spiritual practices on state lands,
4 including their access to and use of sacred sites and objects, and
5 their ability to perform religious ceremonies and rites, even if the
6 burden results from a rule of general applicability, unless the
7 governmental agency demonstrates that application of the burden
8 is both of the following:

9 (1) In furtherance of a compelling governmental interest.
10 (2) The least restrictive means of furthering that interest.
11 (b) (1) A California Indian or tribe shall have standing and may
12 assert a violation of this section as a claim or defense in any judicial
13 or administrative proceeding.
14 (2) A California Indian or tribe may obtain either of the
15 following:

16 (A) Declaratory relief.
17 (B) Injunctive relief.
18 (3) A prevailing party asserting a claim under this act shall be
19 entitled to reasonable attorney's fees and costs, and any other
20 equitable remedies determined by the court.

21 5097.1002. (a) A governmental agency shall allow California
22 Indians access to sacred sites on state lands for Native American
23 religious, ceremonial, or cultural activities, except where public
24 safety or resource protection make access impossible.

25 (b) Consistent with United Nations Declaration on the Rights
26 of Indigenous Peoples (UNDRIP) Articles 11, 12, 25, and 32, a
27 governmental agency shall seek and document free, prior, and
28 informed consent of any affected tribe before undertaking any
29 project action on state lands that may pose a risk to sacred sites of
30 which the agency has actual knowledge or has been formally
31 notified that may result in any of the following:

32 (1) Physical destruction or alteration of a sacred site.
33 (2) Loss of access, privacy, or quiet use.
34 (3) Long-term environmental degradation affecting religious
35 and spiritual practices.

36 (c) (1) Affirmation of consent from the governing body of the
37 affected tribe shall be in writing.

38 (2) If a tribe does not respond within a reasonable timeframe
39 designated in the request, then the governmental agency may
40 interpret the lack of response as a grant of request.

1 (3) If a tribe responds to a request for consent by objecting to
2 the undertaking, the governmental agency may request consultation
3 with the tribe to see if issues raised by the tribe can be addressed.

4 (d) Information identifying sacred sites, cultural landscapes, or
5 religious practices obtained by a governmental agency for the
6 purposes of this chapter shall be confidential and exempt from
7 public records laws, including, but not limited to, the California
8 Public Records Act (Division 10 (commencing with Section
9 7920.000) of Title 1 of the Government Code).

10 5097.1003. (a) The Department of General Services, in
11 coordination with the Capitol Protective Section, shall, to the
12 greatest extent possible, uphold the religious freedom, ceremonial
13 practices, sacred sites, cultural patrimony, and cultural landscapes
14 of tribes when accessing the State Capitol Building Annex and
15 grounds.

16 (b) The Capitol Protective Section shall, to the greatest extent
17 possible, avoid undue harm when handling tribal instruments and
18 regalia.

19 5097.1004. Nothing in this act shall be construed to limit or
20 restrict the authority of the state or any state agency to enter into
21 an agreement, memorandum of understanding, or other arrangement
22 with any tribe to allow access to any state lands for the purpose of
23 conducting religious, cultural, or ceremonial practices.

24 5097.1005. (a) *The application of this chapter is strictly limited*
25 *to a governmental agency's management actions that involve only*
26 *state lands, regardless of whether this limitation is specified in*
27 *any provision in this chapter.*

28 (b) *This chapter has no application to any actions or direct or*
29 *indirect effects arising out of, pertaining to, or relating to lands*
30 *that are not state lands.*

31 (c) *To the extent there is a conflict between this section and any*
32 *other provision of this chapter, this section shall control.*

33 SEC. 5. The provisions of this act are severable. If any
34 provision of this act or its application is held invalid, that invalidity
35 shall not affect other provisions or applications that can be given
36 effect without the invalid provision or application.

37 SEC. 6. The Legislature finds and declares that Sections 3 and
38 4 of this act, which amend Section 7930.205 of the Government
39 Code and add Chapter 1.79 (commencing with Section 5097.1000)
40 to Division 5 of the Public Resources Code, respectively, impose

1 a limitation on the public’s right of access to the meetings of public
2 bodies or the writings of public officials and agencies within the
3 meaning of Section 3 of Article I of the California Constitution.
4 Pursuant to that constitutional provision, the Legislature makes
5 the following findings to demonstrate the interest protected by this
6 limitation and the need for protecting that interest:

7 The Legislature recognizes the state’s destructive role in the
8 ability of California Indians to freely and safely practice their
9 religious and spiritual beliefs through its past legislative actions,
10 and that in order to both protect the privacy of California Indians
11 and California Native American tribes with regard to information
12 they may share with governmental agencies about the location and
13 significance of sacred sites, cultural landscapes, and the practices
14 of profound cultural, religious, and spiritual beliefs, it is necessary
15 that this act limit the public’s right of access to that information
16 and for it to remain confidential.