Senate Bill No. 1488

CHAPTER 159

An act to amend Sections 6362 and 8625 of the Public Resources Code, relating to state lands, and making an appropriation therefor.

[Approved by Governor August 18, 2010. Filed with Secretary of State August 18, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1488, Committee on Natural Resources and Water. State lands: tidelands and submerged lands.

(1) Existing law grants to the City of Pittsburg certain tidelands and submerged lands in trust for purposes of commerce, navigation, and fisheries, and for other public trust purposes, including preservation of the lands in their natural state for scientific study, open space, wildlife habitat, and recreational and visitor-oriented uses.

This bill would provide that Brown's Island is not part of that grant. The bill would require a survey of the trust lands to be completed and recorded by the State Lands Commission by January 1, 2013.

(2) The Kapiloff Land Bank Act creates the Land Bank Fund and continuously appropriates moneys in the fund, subject to a statutory trust, to the State Lands Commission, acting as the Land Bank Trustee, to acquire real property or any interest in real property for the purposes of public trust title settlements. Existing law authorizes any party to deposit moneys into the fund for purposes of specified or unspecified projects to provide for management and improvement of real property held by the trustee to provide open space, habitat for plants and animals, and public access.

This bill would authorize funds to be deposited for projects to provide for access to, as well as management and improvement of, that real property. By authorizing moneys in the fund to be expended for a new purpose, the bill would make an appropriation.

Appropriation: yes.

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

SECTION 1. Section 6362 of the Public Resources Code is amended to read:

6362. (a) There is hereby granted in trust to the City of Pittsburg all of the right, title, and interest of the state held by the state by virtue of its sovereignty in and to all tidelands and submerged lands, whether filled or unfilled, situated within the boundaries of the City of Pittsburg as such boundaries exist on January 1, 2007.

Repealed

(b) The trust lands shall be held by the trustee and its successors in trust for the benefit of all the people of the state for public trust purposes, as more particularly provided in this article.

(c) This trust grant is subject to the following express conditions:

(1) The use of the trust lands shall be in conformity with the public trust and the plan, and shall be without cost to the state.

(2) The trustee or its successors shall not at any time grant, convey, give, or otherwise alienate the trust lands, or any part thereof, to any person, firm, entity, or corporation for any purposes whatsoever. The trustee may lease the trust lands, or any part thereof, for limited periods, not exceeding 66 years, for purposes consistent with the public trust and the plan. The trustee may collect and retain rents and other trust revenues from those leases, under rules and regulations adopted by the trustee.

(3) In the management, conduct, operation, and control of the trust lands, or any improvement, betterments, or structures thereon, the trustee or its successors shall make no illegal discrimination in rates, tolls, or charges for any use or service in connection herewith, nor shall the trustee discriminate against or unlawfully segregate any person or group of persons on account of sex, race, color, creed, national origin, ancestry, or physical handicap for any use or service in connection herewith.

(4) The state shall have the right to use, without charge, any transportation, landing, or storage improvements, betterments, or structures constructed upon the trust lands for any vessel or other watercraft or railroad owned or operated by or under contract to the state.

(5) The state shall have the right, at any time in the future, to use the trust lands or any portion thereof for any authorized public use without compensation to the trustee, its successors or assigns, or any person, firm, or public or private corporation claiming under it, except that in the event improvements have been placed with legal authority upon the property taken by the state, compensation shall be made to the person entitled thereto for the value of the interest in the improvements taken or the damages to that interest.

Repealed

(6) There is reserved to the people of the state the right to fish in the waters over the trust lands, with the right to convenient access to those waters over the trust lands for that purpose.

(7) There is excepted and reserved to the state all remains or artifacts of archaeological and historical significance and all deposit of minerals, including, but not limited to, all substances specified in Section 6407, in the trust lands, and the right to prospect for, mine, and remove those deposits from the lands.

(8) This grant is made subject to the rights of any and all persons under any title derived from the state or any of its agencies in or to any part of the trust lands.

(9) A survey of the trust lands pursuant to Sections 6358 and 6359 shall be completed and recorded by the commission by January 1, 2013. The cost of the survey and recordation shall be paid according to Sections 6358 and 6359.

(10) Brown's Island is exempted from this act and is not part of the grant.

SEC. 2. Section 8625 of the Public Resources Code is amended to read:

8625. (a) The consideration passing to the state in title settlements may consist, in whole or in part, of monetary payments to the trustee for deposit into the fund that are subject to a statutory trust limiting their use exclusively to the purchase of interests in a Land Bank Fund parcel and conveyance of those interests to the state pursuant to Section 8626 as soon as practicable thereafter.

(b) A project applicant may donate moneys for deposit to the fund for purposes of mitigation with the approval of the agency responsible for approving the project and the trustee shall accept the donation if land is held by the trustee for those purposes. A donation so deposited is subject to a statutory trust limiting its use exclusively to the identified mitigation.

(c) Any party may deposit moneys into the fund for purposes of specified or unspecified projects to provide for access to or management and improvement of real property held by the trustee to provide open space, habitat for plants and animals, and public access.

Repealed

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