

AMENDED IN SENATE JULY 7, 2005

AMENDED IN SENATE JUNE 22, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1272**

**Introduced by Assembly Member Harman**

February 22, 2005

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An act to repeal Section 14683 of the Government Code, and to amend Section 6304 of, and to add Section 6401.5 to, the Public Resources Code, relating to State Lands Commission.

LEGISLATIVE COUNSEL'S DIGEST

AB 1272, as amended, Harman. State Lands Commission.

(1) Existing law requires the State Lands Commission to prepare every 10 years a summary report on the ownership of public land in this state by the United States, the state, counties, cities, and districts and any other public agency or body within the state, and authorizes the commission to sell copies of the report at a reasonable charge that will provide for reimbursement of its costs of reproducing the report.

This bill would repeal these provisions.

(2) Existing law authorizes the commission to cooperate with the Beach Erosion Board of the United States Government, and to expend such moneys as are necessary for cooperative work with that board out of any appropriations made for those purposes.

This bill would, instead, authorize the commission to cooperate with the Coastal Engineering Research Board of the United States Army Corps of Engineers.

(3) Existing law grants title to the state in all mineral deposits in public lands, and prohibits a purchaser of public land from acquiring any right, title, or interest in ~~such~~ *those* deposits.

This bill would authorize the commission to sell to a surface property owner, as defined, for not less than fair market value, the state’s reserved mineral interest in specified lands located in Riverside County, upon those terms and conditions, and subject to any reservations or exceptions as the commission determines are in the best interests of the state, and would require that the proceeds of such a sale be deposited in the State Treasury to the credit of the School Land Bank Fund.

(4) The bill would declare that, due to the unique circumstances pertaining to the County of Riverside, with respect to the ownership of mineral deposits in the county, that the bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

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. Section 14683 of the Government Code is
- 2 repealed.
- 3 SEC. 2. Section 6304 of the Public Resources Code is
- 4 amended to read:
- 5 6304. The commission may cooperate with the Coastal
- 6 Engineering Research Board of the United States Army Corps of
- 7 Engineers, and may expend such moneys as are necessary for
- 8 cooperative work with that board out of any appropriation made
- 9 for the purposes of this section.
- 10 SEC. 3. Section 6401.5 is added to the Public Resources
- 11 Code, to read:
- 12 6401.5. (a) Notwithstanding Section 6401, the commission
- 13 may sell to a surface property owner, for not less than fair market
- 14 value, the state’s reserved mineral interest in a parcel of land
- 15 comprised of 466.66 acres, described in Section 36, T 3 S, R 14
- 16 E, SBB&M, consisting of lots 1, 2, 3, 4, 5, 6, 8, 9, 10, and 11, N
- 17 1/2 of NW 1/4, and W 1/2 of NE 1/4, located in Riverside
- 18 County, upon those terms and conditions, and subject to any
- 19 reservations and exceptions as the commission determines are in
- 20 the ~~bests~~ best interests of the state. Proceeds from the sale shall

1 be deposited in accordance with the requirements of Section  
2 6217.7.

3 (b) For purposes of this section “surface property owner”  
4 means a person who is the owner of a parcel of real property, but  
5 who does not have the right to prospect for, mine, or remove  
6 mineral deposits from that property.

7 SEC. 4. Due to the unique circumstances of the County of  
8 Riverside with respect to the ownership of mineral deposits in the  
9 county, a general statute cannot be made applicable within the  
10 meaning of Section 16 of Article IV of the California  
11 Constitution. Therefore, the special legislation contained in  
12 Section 3 of this act is necessarily applicable only to the County  
13 of Riverside.

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