

**Introduced by Committee on Natural Resources and Water
(Senators Pavley (Chair), Cogdill, Hollingsworth, Huff, Kehoe,
Lowenthal, Padilla, Simitian, and Wolk)**

March 9, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1488, as introduced, 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.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: no.

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

1 SECTION 1. Section 6362 of the Public Resources Code is
 2 amended to read:
 3 6362. (a) There is hereby granted in trust to the City of
 4 Pittsburg all of the right, title, and interest of the state held by the
 5 state by virtue of its sovereignty in and to all tidelands and
 6 submerged lands, whether filled or unfilled, situated within the
 7 boundaries of the City of Pittsburg as such boundaries exist on
 8 January 1, 2007.
 9 (b) The trust lands shall be held by the trustee and its successors
 10 in trust for the benefit of all the people of the state for public trust
 11 purposes, as more particularly provided in this article.
 12 (c) This trust grant is subject to the following express conditions:
 13 (1) The use of the trust lands shall be in conformity with the
 14 public trust and the plan, and shall be without cost to the state.
 15 (2) The trustee or its successors shall not at any time grant,
 16 convey, give, or otherwise alienate the trust lands, or any part
 17 thereof, to any person, firm, entity, or corporation for any purposes
 18 whatsoever. The trustee may lease the trust lands, or any part
 19 thereof, for limited periods, not exceeding 66 years, for purposes
 20 consistent with the public trust and the plan. The trustee may collect
 21 and retain rents and other trust revenues from those leases, under
 22 rules and regulations adopted by the trustee.
 23 (3) In the management, conduct, operation, and control of the
 24 trust lands, or any improvement, betterments, or structures thereon,
 25 the trustee or its successors shall make no illegal discrimination
 26 in rates, tolls, or charges for any use or service in connection
 27 herewith, nor shall the trustee discriminate against or unlawfully
 28 segregate any person or group of persons on account of sex, race,
 29 color, creed, national origin, ancestry, or physical handicap for
 30 any use or service in connection herewith.
 31 (4) The state shall have the right to use, without charge, any
 32 transportation, landing, or storage improvements, betterments, or
 33 structures constructed upon the trust lands for any vessel or other

1 watercraft or railroad owned or operated by or under contract to
2 the state.

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

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

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

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

22 (9) A survey of the trust lands pursuant to Sections 6358 and
23 6359 shall ~~not be required, provided that the grantee has otherwise~~
24 ~~established a metes and bounds description of the trustee's~~
25 ~~corporate water boundaries~~ *be completed and recorded by the*
26 *commission by January 1, 2013. The cost of the survey and*
27 *recordation shall be paid according to Sections 6358 and 6359.*

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

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

32 8625. (a) The consideration passing to the state in title
33 settlements may consist, in whole or in part, of monetary payments
34 to the trustee for deposit into the fund that are subject to a statutory
35 trust limiting their use exclusively to the purchase of interests in
36 a Land Bank Fund parcel and conveyance of those interests to the
37 state pursuant to Section 8626 as soon as practicable thereafter.

38 (b) A project applicant may donate moneys for deposit to the
39 fund for purposes of mitigation with the approval of the agency
40 responsible for approving the project and the trustee shall accept

1 the donation if land is held by the trustee for those purposes. A
2 donation so deposited is subject to a statutory trust limiting its use
3 exclusively to the identified mitigation.

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

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