

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 442**

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**Introduced by Assembly Member Silva**

February 14, 2011

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An act to amend Section ~~6204~~ 6503.5 of the Public Resources Code, relating to public lands.

LEGISLATIVE COUNSEL'S DIGEST

AB 442, as amended, Silva. Public lands: ~~classification~~. *lease*.

*Under existing law, the State Lands Commission may lease state lands under the jurisdiction of the commission for any purpose as the commission deems advisable. Existing law provides that rent shall not be charged for a private recreational pier constructed on state lands for the use of a littoral landowner.*

*This bill would also provide that rent shall not be charged for a cantilevered deck extending over state waterways for the use of a littoral landowner.*

~~Existing law authorizes the State Lands Commission to classify any or all state land for its different possible uses and authorizes the commission, to require various government entities, including the Department of Parks and Recreation, to make the classification.~~

~~This bill would make technical, nonsubstantive changes to that law.~~

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

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

1     SECTION 1. Section 6503.5 of the Public Resources Code is  
 2 amended to read:

3     6503.5. (a) Notwithstanding the provisions of Section 6503,  
 4 ~~no~~ rent shall *not* be charged for ~~any~~ a private recreational pier  
 5 constructed on state lands *or for a cantilevered deck extending*  
 6 *over state waterways* for the use of a littoral landowner. However,  
 7 a littoral landowner shall pay to the commission, in accordance  
 8 with its rules and regulations, the commission’s expenses in issuing  
 9 a lease or permit for the state lands.

10    (b) As used in this section, the following terms have the  
 11 following meanings:

12    (1) “Cantilevered deck” includes any part of a fixed structure  
 13 that extends no more than five feet over state waterways and is  
 14 constructed for the use of a littoral landowner.

15    ~~(1)~~  
 16    (2) “Littoral landowner” means ~~(A) any~~ either of the following:

17    (A) A natural person ~~or persons who own~~ owns littoral land  
 18 improved with, and used solely for, a single-family dwelling ~~or~~  
 19 ~~(B).~~

20    (B) ~~An~~ any association of, ~~or any~~ a nonprofit corporation  
 21 consisting of, natural persons who own parcels of land, each of  
 22 which is zoned or used solely for a single-family dwelling, and  
 23 who are entitled to the use of a private recreational pier *or*  
 24 *cantilevered deck* on littoral land that is owned by the association  
 25 or nonprofit corporation and is not more than one mile from any  
 26 ~~such~~ parcel owned by a member ~~thereof of the association or~~  
 27 *corporation.*

28    ~~(2)~~  
 29    (3) “Recreational pier” includes any fixed facility for the  
 30 docking or mooring of boats that is constructed for the use of the  
 31 littoral landowner.

32    ~~SECTION 1. Section 6201 of the Public Resources Code is~~  
 33 ~~amended to read:~~

34    ~~6201. The commission may from time to time classify any or~~  
 35 ~~all state land for its different possible uses and when the~~  
 36 ~~commission deems it advisable may the commission require the~~  
 37 ~~Department of Parks and Recreation, the Department of~~  
 38 ~~Conservation, the Secretary of Food and Agriculture, or any other~~

1 ~~officer, organization, agency, or institution of the state government~~  
2 ~~to make the classification. It is the duty of the officer, organization,~~  
3 ~~agency, or institution to make the classification and to submit a~~  
4 ~~report on the classification upon the application of the commission.~~

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