

MINUTE ITEM

44. PROPOSED LEGISLATIVE PROGRAM 1965 GENERAL SESSION - W.O. 4900.

After consideration of Calendar Item 32 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO SUBMIT PROPOSED LEGISLATION FOR CONSIDERATION DURING THE 1965 SESSION OF THE LEGISLATURE TO PROVIDE FOR THE ADDITION AND/OR AMENDMENT OF SECTIONS 6303.1, 6461, AND 7361 OF THE PUBLIC RESOURCES CODE, WITH THE FORM OF LEGISLATION TO BE DRAFTED BY THE OFFICE OF THE LEGISLATIVE COUNSEL TO ACCOMPLISH THE PURPOSES HEREIN PRESENTED AND AS DETAILED IN EXHIBITS "A" THROUGH "C".

Attachment

Calendar Item 32 (4 pages)

CALENDAR ITEM

32.

PROPOSED LEGISLATIVE PROGRAM 1965 GENERAL SESSION - W.O. 4900.

It is proposed that the following Public Resources Code sections be added or amended, as detailed in the legislative bill format attached as Exhibits "A" through "C", for the purposes outlined:

Section 6303.1: In order to improve the State Lands Commission's administration over State-owned lands underlying navigable waters, it is believed advisable to enact a section in the Public Resources Code making it a misdemeanor for anyone to willfully fill, dredge, reclaim, or place structures on such lands without written authorization of the Commission. Present law does not provide a speedy method for dealing with aggravated trespasses on State-owned lands underlying navigable waterways.

Section 6461: Actions are authorized currently to be filed against the Commission to quiet title to property adjoining tidelands or in connection with property claimed to be in the former bed of a navigable river. The proposed amendment would require that the plaintiff attach to his complaint in such action a plat of the property described and its location in relation to a monument in a survey of record. This would greatly facilitate staff review to determine the proper course of action by the State.

Section 7361: Under present law, timber on lands under the jurisdiction of the Commission cannot be sold separately from the land. The proposed amendment is intended to give the Commission greater discretion to facilitate sale of the timber separately for cash where it is in the best interests of the State to do so; for example, after a forest fire it is often advisable to sell immediately the timber that can be salvaged in order to prevent further deterioration.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO SUBMIT PROPOSED LEGISLATION FOR CONSIDERATION DURING THE 1965 SESSION OF THE LEGISLATURE TO PROVIDE FOR THE ADDITION AND/OR AMENDMENT OF SECTIONS 6303.1, 6461, AND 7361 OF THE PUBLIC RESOURCES CODE, WITH THE FORM OF LEGISLATION TO BE DRAFTED BY THE OFFICE OF THE LEGISLATIVE COUNSEL TO ACCOMPLISH THE PURPOSES HEREIN PRESENTED AND AS DETAILED IN EXHIBITS "A" THROUGH "C".

Attachments:  
Exhibit "A"  
Exhibit "B"  
Exhibit "C"

EXHIBIT "A"

An Act to add Section 6303.1 to the Public Resources Code, relating to State owned lands underlying navigable waters.

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

Section 1. Section 6303.1 is added to the Public Resources Code to read:

6303.1. Any person who willfully fills, dredges or reclaims State owned land underlying navigable waters or who erects, maintains, removes or alters a structure thereon without written authorization of the State Lands Commission shall be guilty of a misdemeanor; provided however that any such person who commits such act or acts in reliance upon a written report from a surveyor licensed by the State of California showing that such act or acts were not committed on State owned lands or on reliance of written governmental authority shall have a complete defense to any prosecution under this section; and provided further that the time in which such prosecution may be commenced shall not begin to run until the State Lands Commission is notified of or has discovered such act or acts.

EXHIBIT "B"

An act to amend Section 6461 of the Public Resources Code relating to quiet title actions.

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

Section 1. Section 6461 of the Public Resources Code is amended to read:

6461. Any person or persons claiming any interest in or to real property which is alleged to be claimed by the State of California to be situated in the former bed of a navigable river or stream in this State, may bring suit against the State of California, in accordance with law in any court of competent jurisdiction of the State, to quiet title to such property and may prosecute the action to final judgment. The complaint in any such action under this section or Sections 6463 and 6464 of this code shall contain a plat of the property described therein, which plat shall show the location of the property in relation to a monument in a survey of record. If the judgment be given against the State in such suit, no costs shall be recovered against the State.

EXHIBIT "C"

An act to amend Section 7361 of the Public Resources Code relating to sale of timber or timber lands of the State.

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

Section 1. Section 7361 of the Public Resources Code is amended to read:

7361. Timber or timber lands belonging to this State shall be sold for cash only. The commission may in its discretion sell timber separately from the land on a selective cutting basis or otherwise or may sell the timber and land combined. The commission shall make and enforce all necessary rules and regulations to prevent the sale of or issuance of any evidence of title to any timber or timber lands of this State, except on payment, in cash, of the full price therefor.