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SB-42 Public lands: Martins Beach: property acquisition. (2017-2018)

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Date Published: 09/14/2017 04:00 AM

ENROLLED SEPTEMBER 13, 2017

PASSED IN SENATE SEPTEMBER 11, 2017

PASSED IN ASSEMBLY SEPTEMBER 07, 2017

AMENDED IN ASSEMBLY JUNE 22, 2017

AMENDED IN SENATE MAY 26, 2017

AMENDED IN SENATE MARCH 20, 2017

AMENDED IN SENATE MARCH 07, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

SENATE BILL

NO. 42

**Introduced by Senator Hill
(Coauthor: Assembly Member Mullin)**

December 05, 2016

An act to amend Section 8610 of the Public Resources Code, relating to public lands, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 42, Hill. Public lands: Martins Beach: property acquisition.

(1) Existing law establishes the State Lands Commission in the Natural Resources Agency, and vests with the commission control over specified state lands, including coastal lands. Existing law requires the commission to consult, and enter into any necessary negotiations, with the owners of a specified property known as the Martins Beach property, as described, in the unincorporated area of the County of San Mateo, to acquire a right-of-way or easement for the creation of a public access route to and along the shoreline, including the sandy beach. Existing law authorizes the commission, if it is unable to reach an agreement to acquire the right-of-way or easement for the creation of that public access route or the owners do not voluntarily provide access by January 1, 2016, to acquire a right-of-way or easement for the creation of that public access route at Martins Beach, in accordance with specified procedures.

Existing law, the Kapiloff Land Bank Act, creates the Land Bank Fund and continuously appropriates moneys in the fund, subject to a statutory trust, to the 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 requires that moneys in the fund be available for expenditure by the trustee to purchase outstanding interests in land where the public use and ownership of the land is necessary or extremely beneficial for furtherance of public trust purposes. Existing law authorizes acquisitions by negotiated agreement with the owner of the outstanding interests and specifies that the act is not intended to confer any authority to exercise the power of eminent domain for its purposes.

This bill would create the Martins Beach Subaccount in the fund, and would require that moneys received from public and private sources, including nonprofit sources, to be used for the creation of that public access route be deposited into that subaccount and continuously appropriated to the commission for expenditure to acquire that right-of-way or easement, as prescribed, and be expended in accordance with a specified priority. The bill would also authorize the commission to transfer moneys from the fund to the subaccount, in an amount not to exceed \$1,000,000, for expenditure for that public access route, and would permit the commission to acquire the right-of-way or easement necessary for the creation of that public access route, as prescribed. The bill would authorize the commission to deposit into the subaccount and expend specified moneys received from the County of San Mateo for purposes related to the creation of that public access route.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for Martins Beach.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8610 of the Public Resources Code is amended to read:

8610. (a) There is in the State Treasury the Land Bank Fund, which fund is hereby created. All moneys in the fund are appropriated to the commission for expenditure, without regard to fiscal years, for the purposes of Section 8625. When performing the powers and duties set forth in this division, the commission shall be known as the Land Bank Trustee.

(b) (1) The Martins Beach Subaccount is hereby created in the fund. Moneys received from public or private sources, including nonprofit sources, to be used for the creation of a public access route to and along the shoreline, including the sandy beach, at Martins Beach at the South Cabrillo Highway pursuant to Section 6213.5, shall be deposited into the subaccount and be continuously appropriated to and expended by the commission, to acquire that right-of-way or easement, either in accordance with the procedures set forth in Title 7 (commencing with Section 1230.010) of Part 3 of the Code of Civil Procedure, or through a negotiated agreement, and for costs associated with that acquisition, including, but not limited to, environmental studies, analyses, and assessments, in accordance with the following priority:

(A) Moneys received from public or private sources, including nonprofit sources, that are deposited into the subaccount shall first be expended by the commission for the creation of that public access route.

(B) The commission may also transfer moneys from the fund to the subaccount, not to exceed a maximum of one million dollars (\$1,000,000), and expend those moneys for the creation of that public access route, after moneys received pursuant to subparagraph (A) have been used. Acquisitions using moneys transferred pursuant to this subparagraph shall be made consistent with the requirements of Section 8620.

(2) The commission may deposit into the subaccount and expend moneys received from the County of San Mateo pursuant to an appropriation by the county for the purposes of this subdivision.

(3) Notwithstanding Section 8620, the commission may, pursuant to Section 6213.5, acquire the right-of-way or easement necessary for the creation of the public access route, as prescribed in paragraph (1). Nothing in this paragraph prevents the commission from acquiring the right-of-way or easement through a negotiated agreement.

(4) General fund contributions to the subaccount shall be segregated and separately accounted for.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances relating to public access at Martins Beach.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide funds for the acquisition of a right-of-way or easement, pursuant to Section 6210.9 of the Public Resources Code, for the creation of a public access route to and along the shoreline, including the sandy beach, at Martins Beach at the South Cabrillo Highway, at the earliest possible time, it is necessary that this act take effect immediately.

