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**SB-1472 Public resources: school lands.** (2019-2020)

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**Senate Bill No. 1472**

**CHAPTER 311**

An act to amend the heading of Chapter 1 (commencing with Section 7301) of Part 3 of Division 6 of, to add Section 6010 to, to add Article 2 (commencing with Section 7400) to Chapter 1 of Part 3 of Division 6 of, to repeal Section 7304 of, to repeal Article 2 (commencing with Section 7401) of Chapter 1 of Part 3 of Division 6 of, and to repeal and add Section 7301 of, the Public Resources Code, relating to public resources, and making an appropriation therefor.

[ Approved by Governor September 29, 2020. Filed with Secretary of State September 29, 2020. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1472, Committee on Natural Resources and Water. Public resources: school lands.

Existing law grants to the State Lands Commission control over specified public lands in the state, including indemnity lands selected in lieu of specified land granted to the state by the United States for the use of the public schools that was lost. Existing law authorizes the commission, whenever the commission determines it to the advantage of the state to do so, to select lands of the United States equal in area to the number of acres to which the state is entitled as indemnity.

This bill would repeal the provisions of existing law relating to indemnity lands and lieu lands, except that the bill would preserve the general authority of the commission to select indemnity lands for any losses sustained by the state to its school land grants.

Existing law provides that nothing in the provisions relating to the sale of school lands affects the right of the commission to use as bases for indemnity scrip any lands embraced within the exterior boundaries of a national reservation and not otherwise disposed of.

This bill would repeal that provision. The bill would prohibit that repeal of certain provisions of law related to public lands from affecting any existing vested rights under the repealed provisions or under certain transactions entered into under the repealed provisions, or the rights of any purchaser of school lands sold before the effective date of that repeal.

Existing law establishes the School Land Bank Fund in the State Treasury, composed of all net revenues, moneys, and remittances from the sale of school lands and lieu lands. Existing law continuously appropriates the moneys in the fund to the commission, acting as the School Land Bank Trustee, to administer the fund and the interest in acquired real property, including the selection, acquisition, and conveyance of real property, for the support of the public school system. Existing law authorizes the commission, in addition to the purchase price, to pay from the fund the costs and expenses attributable to an acquisition, and also to pay the expenses attributable to the management and remediation efforts on state school lands.

This bill would explicitly authorize the commission to pay from the fund typical costs and expenses attributable to a sale of school lands, as specified, when it is in the best interest of the state to do so. By expanding the purposes of a continuously appropriated fund, the bill would make an appropriation.

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

**SECTION 1.** Section 6010 is added to the Public Resources Code, to read:

**6010.** The repeal of any provision of law codified in this division shall not affect any existing vested rights under those repealed provisions or under any contract, permit, lease, or agreement entered into under those repealed provisions, or the rights of any purchaser of school lands sold before the effective date of that repeal.

**SEC. 2.** The heading of Chapter 1 (commencing with Section 7301) of Part 3 of Division 6 of the Public Resources Code is amended to read:

### **CHAPTER 1. School Lands and Indemnity Lands**

**SEC. 3.** Section 7301 of the Public Resources Code is repealed.

**SEC. 4.** Section 7301 is added to the Public Resources Code, to read:

**7301.** The commission may, in the best interest of the state, sell school lands. The commission may pay from the School Land Bank Fund, created pursuant to Section 8711, the typical costs and expenses attributable to a sale of school lands, such as escrow or other third-party costs, when it is in the best interest of the state to do so.

**SEC. 5.** Section 7304 of the Public Resources Code is repealed.

**SEC. 6.** Article 2 (commencing with Section 7401) of Chapter 1 of Part 3 of Division 6 of the Public Resources Code is repealed.

**SEC. 7.** Article 2 (commencing with Section 7400) is added to Chapter 1 of Part 3 of Division 6 of the Public Resources Code, to read:

### **Article 2. Indemnity Land Selections**

**7400.** The Legislature finds and declares that, as of January 1, 2020, the commission has acquired roughly 81,643 acres of indemnity school lands and is owed roughly 51,000 additional acres of indemnity school lands.

**7401.** The commission shall ascertain from time to time the number of acres of land to which the state is entitled as indemnity and shall keep on file a statement showing of what those bases consist.

**7402.** Whenever the commission determines it to be in the best interest of the state, the commission may select lands of the United States equal in area to the number of acres or as otherwise provided under federal law to which the state is entitled as indemnity for any losses sustained by the state to its school land grants.

**7403.** The commission is the general agent of the state for the selection of indemnity lands in lieu of the losses sustained by the state to its school land grants.

**7404.** The commission may accept the benefits of the act of Congress approved July 17, 1914, enacted as Section 121 of Title 30 of the United States Code.