
CHAPTER 1191

An act to add Section 6312 to the Public Resources Code, and to amend Section 18 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to lands.

[Approved by Governor September 23, 1974 Filed with
Secretary of State September 23, 1974.]

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

SECTION 1. Section 6312 is added to the Public Resources Code, to read:

6312. Neither the state, nor any political subdivision thereof, shall take possession of lawful improvements on validly granted or patented tidelands or submerged lands without the tender of a fair and just compensation for such lawful improvements as may have been made in good faith by the grantee or patentee or his successors in interest pursuant to any express or implied license contained in the grant or patent.

Nothing herein contained shall be deemed to prevent the parties to a grant or patent of tidelands from agreeing, as a part of such grant or patent, that there shall be no compensation paid for any improvement made on those tidelands to which such agreement relates.

Nothing herein contained is intended to increase, diminish, or affect the title of any person in any validly granted or patented tidelands or submerged lands.

This section shall not be construed to require compensation for any change in the use of tidelands or submerged lands as a result of governmental regulation that prohibits, restricts, delays, or otherwise affects the construction of any planned or contemplated improvement.

As used in this section, the term "grant" or "granted" shall not be construed to apply to legislative grants in trust to local governmental entities.

SEC. 2. Section 18 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970) is amended to read:

Sec. 18. Upon the establishment of the district, the Cities of Eureka and Arcata may convey to the district all their right, title and interest in and to such tidelands and submerged lands, together with any improvements or facilities therein or thereon, upon and subject to such terms and conditions as shall be mutually agreed upon by the district and the cities, including reasonable commitments by the district to pay to the cities the cost of maintenance or improvement of such tidelands and submerged lands during such time as the same were subject to the jurisdiction and control of the cities. Nothing herein contained shall be construed to impose any obligation upon the district to accept the conveyance of any tidelands or submerged lands from the Cities of Eureka and Arcata. There is hereby granted to the district as of the date of the establishment of the district all the right, title, and interest of the State of California held by virtue of its sovereignty in and to any ungranted tidelands and submerged lands, whether filled or unfilled, situated within Humboldt Bay, as defined in subdivision (f) of Section 3 of this act. The district shall hold such lands in trust for the uses and purposes and subject to the terms and conditions which are set forth in this act.

SEC. 3. The State of California, acting by and through the State Lands Commission, shall forthwith assign and transfer to the Humboldt Bay Harbor, Recreation, and Conservation District, at no cost to the Humboldt Bay Harbor, Recreation, and Conservation District, all leases, permits, and agreements now held by the State of California or the State Lands Commission affecting or pertaining to any ungranted tidelands and submerged lands, whether filled or unfilled, situated within Humboldt Bay, as defined in subdivision (f) of Section 3 of the Humboldt Bay Harbor, Recreation, and Conservation District Act, effective as of the date of the establishment of the Humboldt Bay Harbor, Recreation, and Conservation District, together with all rents and other moneys collected thereon or thereunder from and after the date of the establishment of the Humboldt Bay Harbor, Recreation, and Conservation District.
