

19. (TIDE AND SUBMERGED LANDS - W.O. 721) State Senator Arthur H. Breed appeared before the Commission and discussed his proposal of a United States Constitutional amendment establishing definitely in the States' ownership of all tide and submerged lands within their boundaries. It was his idea that such a procedure would eliminate the necessity of overriding a presidential veto such as the quit claim legislation has experienced in the past and might face again.

The Attorney General of California, Honorable Edmund G. Brown, and Assistant Attorney General Everett W. Mattoon entered the discussion. The latter particularly stressed the importance of the time element involved in the proposed program and stated he felt that there was a strong probability of the enactment of quit claim legislation at this session of Congress. Mr. Mattoon endorsed the idea of attempting to amend the Constitution but did not want to have efforts made in that regard adversely affect the good prospects of quit claim legislation.

The Chairman stated that he would like to have a survey made of the situation in Congress, without publicity, which would develop the facts as to the best tactics to pursue with respect to the timing of any definite actions leading to amending the Constitution.

WHILE NO MOTION WAS PUT OR ADOPTED IT WAS THE CONSENSUS OF OPINION OF THOSE PRESENT THAT ARRANGEMENTS SHOULD BE MADE FOR A STATE LEGISLATIVE COMMITTEE, IN COLLABORATION WITH THE ATTORNEY GENERAL'S OFFICE AND THE STATE LANDS COMMISSION, TO VISIT WASHINGTON IN THE NEAR FUTURE WITH THE OBJECT OF DETERMINING THE SENTIMENT OF MEMBERS OF CONGRESS REGARDING SENATOR BREED'S PROPOSAL AS A BASIS FOR REACHING CONCLUSIONS AS TO PROCEDURES TO BE FOLLOWED. UPON ADVICE OF THE CONCLUSIONS REACHED, THE COMMISSION WOULD CONSIDER THEM AND TAKE ANY PERTINENT ACTION REQUIRED.

20. (SANTA BARBARA COUNTY SUPERIOR COURT NO. 36863, PEOPLE VS CITY OF LOS ANGELES - N-5043) Attorney General Edmund G. Brown requested to have the decision of the State Lands Commission as to whether the State should continue to prosecute the appeal filed by the office of the Attorney General in this case.

The following review of the case was considered by the Commission:

The Court in this action awarded the State \$5,094.00 as temporary damages for the flooding of Owens Lake in the spring and summer of 1937. This judgment carries court costs in favor of the State in the sum of \$20,361.04. The Court denied the State any judgment for the floodings in the fall of 1937, and in 1938, and in 1939, presumably upon the basis that there was no negligence on the part of the City and that the State's right to collect was barred by its failure to file claims against the City for that period.

From the judgment of the trial court in the Santa Barbara case, both the People and the defendant, City of Los Angeles, have filed appeals. The transcript on appeal was filed in the District Court of Appeal in Los Angeles on December 11, 1950. Opening briefs on the appeal in behalf of

both appellants, the People and the City of Los Angeles, are due March 11, 1951, both appellants having obtained a sixty (60) day extension to that date.

As the Commission staff views it, it would be practically a useless procedure to contest the appeal of the City with its required work and expense without at the same time carrying on the State's appeal which would entail but little more work and expense. On the other hand, if the State does not do any further work or incur any further expense and allow the City's appeal to go by default the State stands to lose, of course, its judgment for \$5,000.00 damages, as well as for the \$20,000.00 costs, and at the same time would be forced to pay the City's costs in approximately a similar amount. Exclusive of the court costs mentioned, this litigation has already cost the State Lands Commission approximately \$150,000.00.

Two cases arising out of the flooding of Owens Lake by the City of Los Angeles have already gone to the Supreme Court of this State. In one (23 Cal. 2d 183), the Natural Soda Products Company, one of the State's lessees on the lake, obtained damages against the City of Los Angeles of nearly \$200,000.00. In the other (34 Cal. 2d 695), the State procured an injunction against the flooding of Owens Lake by the City of Los Angeles. It is, of course, quite possible that future flooding of Owens Lake by the City of Los Angeles may again occur.

The State Lands Commission budget for 1950-51 provides money for continuation of protecting the State's interest in the Owens Lake litigation. A contract in the amount of \$5,000.00 has been submitted to the Attorney General for defrayment of his costs in the continuing of the litigation.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST THE ATTORNEY GENERAL TO TAKE IMMEDIATE STEPS TO PROSECUTE THE APPEAL HERETOFORE FILED BY HIS OFFICE IN SANTA BARBARA COUNTY SUPERIOR COURT CASE NO. 36863, PEOPLE VS CITY OF LOS ANGELES.

21. (SUMMARY OF 1950 LEGISLATION - W.O. 540) The Commission was informed of bills pending in the legislature that affect the business of the Commission. Summary of the bills is attached.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE STAFF TO TAKE THE ACTION INDICATED FOR EACH BILL IN THE SUMMARY AND DIRECTING THAT LETTERS SUPPORTING OR IN OPPOSITION TO THE RESPECTIVE BILLS BE ADDRESSED TO THE PROPER COMMITTEES.