

MINUTE ITEM

20. REVIEW OF APPROVED 1961 LEGISLATION - W.O. 3500.2.

The attached Calendar Item 17 was presented to the Commission for information

Attachment  
Calendar Item 17 (7 pages)

CALENDAR ITEM

INFORMATIVE

17.

REVIEW OF APPROVED 1961 LEGISLATION - W.O. <sup>3300.2</sup>~~3500-2~~

Bills introduced pursuant to authorization by the State Lands Commission on December 22, 1960, Minute Item 32, pages 6589-98:

| <u>Bill No.<br/>and<br/>Author</u> | <u>Chapter<br/>No.</u> | <u>Digest</u>   |
|------------------------------------|------------------------|---|
| SB 240<br>Arnold                   | 357                    | Amends Public Resources Code Section 6223 to give priority over applications of private persons to applications of cities, counties, and officers of the State to purchase or lease State lands.  |
| SB 239<br>Arnold                   | 356                    | Amends Public Resources Code Section 6303 to grant privilege of depositing materials upon or removing materials from additional types of State lands, and to grant such privilege for improvement of reclamation or flood control as well as for improvement of commerce and navigation. Where the material is being removed for the above purposes rather than for the value of the material itself, the State Lands Commission has discretion to grant permit without competitive bidding where it is in the best interests of the State. |
| SB 241<br>Arnold                   | 394                    | Amends Public Resources Code Section 6357 to clarify the authority of the Commission to establish the ordinary high water mark or ordinary low water mark by agreement, as well as by arbitration or by action to quiet title. Also ratifies prior agreements made by the Commission establishing the ordinary high water mark or the ordinary low water mark.  |
| SB 238<br>Arnold                   | 355                    | Amends Public Resources Code Section 6893 to provide that an owner of school lands patented by the State is given a priority for a prospecting permit, with preferential right to lease 160 acres; the remainder of the parcel to be subject to mineral extraction lease pursuant to competitive bidding.   |
| SB 237<br>Arnold                   | 354                    | Amends Public Resources Code Section 6898 to authorize the State Lands Commission to enter into mineral extraction leases other than for oil and gas for terms not to exceed twenty years. Renewals cannot exceed ten years.  |

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| SB 242<br>Arnold   | 358                    | Amended Public Resources Code Section 6816(a) to provide that claims for refund must be submitted to the Commission within four years from the time the claim arose or accrued. This amendment was repealed by the later enactment of AB 1878 (Unruh, et al) Ch. 892, Stats. 1961.  |
| <u>Bills enacted which effect the administrative cognizance or operations of the Commission:</u> |                        |   |
| AB 93<br>Belotti   | 152                    | Adds Section 6008 to the Public Resources Code to prohibit sale, leasing, renting or otherwise conveying or granting of any right to the use of State lands in South Humboldt Bay, excepting rights in existence on October 1, 1961, and extensions or renewals of such existing rights.  |
| SB 1165<br>Regan   | 1651                   | Amends Public Resources Code Section 6401 to provide that persons who are authorized by the State to prospect for mineral deposits on land where the State has reserved the mineral rights shall be liable to the purchaser of such lands for injuries to permanent improvements and crops. Provides that persons who have acquired the right to mine on such lands may re-enter and occupy those lands, subject to certain specified conditions.                             |
| SB 1480<br>Gibson  | 1818                   | Amends Public Resources Code Section 6505.5 to provide that when a recreational use is combined and is incidental to residential use on the same parcel, and the lease so recites, the lease shall not exceed fifty years. The amendment relates to State lands under the jurisdiction of the Commission.   |
| AB 1878<br>Unruh, et al.   | 892                    | Amends Public Resources Code Section 6816. Eliminates the State Lands Act Fund. Provides that certain monies and remittances shall be deposited in the State Treasury to the credit of the General Fund as necessary to provide payment of refunds, payment of expenditures made by the Commission to carry out its activities, etc. Public Resources Code Sections 6816.1, 6816.3 and 6816.7, relating to deposit of revenues to the credit of various funds, were repealed. |

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| SB 1298<br>Arnold                  | 979                    | Adds Sections 6830.1, 6830.2 and 6830.3 of the Public Resources Code to authorize the State Lands Commission and any holder of a lease in the Huntington Beach Oil and Gas Field to agree mutually to modifications of the lease to permit secondary recovery operations.  |
| SB 297<br>Rodda                    | 396                    | Relates to county funds and county monies. Changes the designation of a number of special funds to the designation "separate trust fund or trust account". Public Resources Code now provides in part that the county treasurer shall retain all money arising from the sale of swamp and overflowed lands and place it to the credit of a separate trust fund or trust account rather than place it to the credit of a fund known as the Swamp Land Fund of the county.   |
| AB 2322<br>Bagley                  | 1067                   | Amends Section 1 of Ch. 800, Stats. 1957, relating to tide and submerged lands within the Bolinas Harbor District, providing that the restriction on alienation and the reservation of minerals to the State shall not apply to dredged or other materials such as earth, clay, sand, gravel, mud, and silt removed in connection with the creation, maintenance or operation of the harbor and other objects contemplated by the grant.   |
| SB 951<br>Rattigan                 | 799                    | An act to amend Section 1, Ch. 1064, Stats. 1959, relating to tide and submerged lands in the County of Sonoma, which reserves to the State the mineral rights to such lands but provides that the State shall not have the right to go upon the surface of such lands for the purpose of extracting the minerals. Authorizes the State to extract the minerals by means of slant-drilled wells located in adjacent lands or by any other means which do not require entry upon the surface of the demised tide and submerged lands. All leases by the County for the development of the granted harbor area will require advance State Lands Commission approval to assure that the mineral reservations to the State will not be impaired. |
| SB 847<br>Slattery                 | 555                    | An act to convey certain tide and submerged lands situated in Mendocino County to the Noyo Harbor District in furtherance of navigation, commerce and fisheries upon certain trusts and conditions, and providing for the government, management, use, and control thereof. All minerals including oil and gas reserved to the State.  |

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| SB 730<br>Holmdahl                               | 931                    | An act to amend Section 1 of Ch. 607, Stats. 1943, relating to salt marsh, tide and submerged lands in the County of Alameda, wherein the trust purposes for which the lands were granted to the City of Oakland were enlarged to include public recreation purposes for which there is a general state-wide interest.   |
| SB 287<br>Holmdahl                               | 1763                   | An act to amend Section 1 of Ch. 211, Stats. 1919, relating to tidelands and submerged lands in the City of Albany in the County of Alameda, wherein it is provided that the lands may be used for recreational, educational, industrial, commercial, and residential purposes in which there is a general state-wide interest. Underlying minerals are reserved to the State. |
| AB 2735<br>Britschgi                             | 2125                   | An act to grant certain lands, salt marsh, tide and submerged lands, swamp and overflowed lands of the State of California to the City of Redwood City, including the management, use and control thereof. Minerals including oil and gas reserved to the State.   |
| AB 2419<br>Rumford<br>Mulford                    | 2180                   | An act to amend Section 1 of Ch. 347, Stats. 1913, relating to a conveyance of tide and submerged lands to the City of Berkeley, enlarging the trust purposes upon which the lands were originally granted, such as recreation in which there is a general state-wide interest.  |
| AB 1400<br>Sumner<br>Hanna<br>Senator Murdy      | 321                    | An act granting certain tidelands and submerged lands of the State of California to the County of Orange, upon certain trusts and conditions. Minerals are reserved to the State.  |
| AB 1271<br>Schrade<br>Hegland<br>Mills<br>Luckel | 330                    | An act conveying in trust certain tidelands and submerged lands lying under the waters of the Pacific Ocean to the City of Imperial Beach, County of San Diego, in furtherance of navigation, commerce and fisheries, and providing for the government, management and control thereof. Minerals reserved to the State.  |

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| AB 1085<br>Luckel<br>Mills<br>Schrade<br>Hegland | 479                    | An act to add Sections 4 and 5 to Ch. 778, Stats. 1929, relating to lands previously conveyed to the City of San Diego and the County of San Diego as joint owners. The lands involved formerly were tide and submerged lands from which the trust for commerce and navigation was removed since they were no longer needed for such purposes. The act provides that either the City of San Diego or the County of San Diego may convey to the other its interest in the involved lands. All deposits of minerals including oil and gas were reserved to the State. |
| AB 167<br>Waldie                                 | 1835                   | An act to convey certain tide and submerged lands to the City of Pittsburg in furtherance of navigation, commerce, and fisheries, upon certain trusts and conditions, and providing for the government, management, use and control thereof. Minerals are reserved to the State.  |
| AB 1224<br>Schrade                               | 328                    | An act conveying certain lands lying under inland navigable waters situate in the Bay of San Diego to the City of Chula Vista, County of San Diego, in furtherance of navigation, commerce and fisheries, and providing for the government, management and control thereof, the construction and maintenance of improvements thereon, and the disposition and expenditure of revenue therefrom. Minerals are reserved to the State.   |
| AB 1930<br>Grant<br>Kennick<br>Lowrey            | 1579                   | Conveys certain described lands to the City of Long Beach for administration for park, playground, marine, recreational, and beach purposes. State Lands Commission retains authority over the mineral reservations in the lands involved, pending final decision in the case of <u>People vs. City of Long Beach</u> , Second DCA, Division 3, Civil No. 24616, now pending on appeal.   |
| AB 2903<br>Chapel                                | 2010                   | Amends Section 718 of the Civil Code to permit the issuance of leases of tide and submerged lands granted to any city by the State of California for a period not to exceed 66 years, unless the grant from the State of the use thereof provides specifically for the term for which said lands may be leased. Leases were formerly limited to a term of 50 years.   |

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| SB 1459<br>Arnold                  | 1816                   | An act to add Section 5653 to the Fish and Game Code, which provides that before any person uses any vacuum or suction dredge equipment in any river, stream, or lake of this State he shall submit an application to the Department of Fish and Game specifying the type and size of equipment to be used, and the location where such equipment will be used. If the Department of Fish and Game determines that such operation will not be deleterious to fish, it shall issue a permit to the applicant. |
| SB 1215<br>Arnold                  | 972                    | Authorizes quiet title suits by any person against State of California with respect to any real property situated in bed or former bed of Pelican Lake, also known as Cowhead Lake, in Modoc County. Service of Summons shall be made upon Attorney General and upon Chairman of State Lands Commission.   |
| SB 897<br>McAteer                  | 1646                   | Revises metes and bounds description of real property in possession and under the control of the San Francisco Port Authority.   |
| SB 376<br>Williams                 | 909                    | Adds Section 1505 and Ch. 6 (commencing with Section 1600) to Division 2 of the Fish and Game Code, relating to fish and wildlife. Authorizes Department of Fish and Game to manage, control, and protect spawning areas occupying State lands in certain rivers and streams, with the Department of Fish and Game prevailing over other departments or agencies of the State except State or regional water pollution control boards or actions required for commerce and navigation.                       |
| SCA 38<br>Dolwig                   |                        | Proposes a constitutional amendment to be submitted to the voters to provide that tidelands within two miles of the city which the Legislature finds and declares are not used and are not necessary for navigation purposes and have been reserved to the State solely for street purposes may be sold to private persons, partnerships, or corporations, subject to conditions placed on the sale by the Legislature.  |
| SR 133<br>Gibson                   |                        | Senate Resolution provides that the Senate Rules Committee be directed to assign to the appropriate Senate Permanent Fact Finding Committee the conduct of a study of the problem relating to the various provisions contained in tideland grants, the use made  |

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| SR 133 (contd.)<br>Gibson                      |                              | of these lands by the grantees, and the observation by grantees of the different reservations and conditions contained in these grants, and that such committee report thereon to the Senate at the 1963 Regular Session, including in the report its recommendations for appropriate legislation. |