

53. PROPOSED LEGISLATIVE PROGRAM, 1968 GENERAL SESSION - W.O. 6800.2.

After consideration of Calendar Item 55 attached, and upon motion duly made and carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO SUBMIT DRAFTS OF PROPOSED LEGISLATION TO ACCOMPLISH THE ABOVE STATED PURPOSES, FOR INTRODUCTION IN THE 1968 LEGISLATIVE SESSION.

Attachment

Calendar Item 55 (2 pages)

PROPOSED LEGISLATIVE PROGRAM
1968 GENERAL SESSION

It is proposed that legislation be drafted and introduced at the 1968 General Session to accomplish the following purposes related to clarifying the administrative responsibilities of the Commission and Division:

1. Delegate Commission responsibilities to the State Lands Division, subject to establishment by the Commission of guidelines and policies for such delegation.
2. Clarify, by amendment, various Public Resources Code sections relating to the recording of revenues received by the State Lands Division. This legislation would clarify the types of revenue to be subject to Public Resources Code Section 6816 distribution. Present statutes are conflicting, primarily as the result of codification.
3. Clarify the statutes relating to the granting of oyster allotments. The Commission has exclusive jurisdiction over the tide and submerged lands of the State, but other provisions of law allow the Department of Fish and Game to issue permits for these same lands for the cultivation of oysters. Conflicts are arising with increasing frequency due to the pressures being exerted on these lands.
4. Amend Section 1007 of the Civil Code, to provide the State with the same expressed rights as counties and other enumerated governmental entities, to prevent adverse possession claims. Amendment indicates that this is declaratory of pre-existing law and not a change.
5. Amend statutes to clarify the date on which jurisdiction over granted lands takes place. Present statutes do not clearly state when jurisdiction passes. This ambiguity has resulted in operating problems.

A series of statutory changes are recommended to increase revenue to the State by the elimination of statutory exemptions by various groups from paying land-use fees, to provide penalties for late payments of amounts due the Commission, and to recapture costs of the State in instances where Division services are strictly of local benefit.

THESE PROPOSED ITEMS ARE:

1. Repeal Public Resources Code Section 6503 permitting rent-free occupancy of sovereign lands by private recreational piers.
2. Amend Public Resources Code Section 7901 to require normal fees be paid for telephone right-of-way easements over sovereign lands.

SUPPLEMENTAL CALENDAR ITEM 55. (CONTD.)

3. Repeal Street and Highways Code Section 101.5 to require normal fees be paid for highway easements over sovereign lands and for the privilege of removing construction materials.
4. Amend Public Resources Code Sections 6502 and 7706 to provide for increase in filing fees from \$5 to \$25. This will more closely approximate an offset of the Division's costs incurred in processing applications.
5. Provide that local jurisdictions annexing lands under jurisdiction of the Commission shall reimburse the Division for costs incurred by the Division in connection with services required to be performed by it pursuant to Government Code Sections 35014 and 35313.1.
6. Establish a late-payment penalty for delinquent payments made to the Commission by lessees.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO SUBMIT DRAFTS OF PROPOSED LEGISLATION TO ACCOMPLISH THE ABOVE STATED PURPOSES, FOR INTRODUCTION IN THE 1968 LEGISLATIVE SESSION.