

MINUTE ITEM

29. LEGISLATIVE COMMITTEE HEARINGS ON H.R. 512/63; ASSEMBLY INTERIM COMMITTEE ON NATURAL RESOURCES, PLANNING AND PUBLIC WORKS, EDWIN L. Z'BERG, CHAIRMAN - W.O. 4550.10.

After consideration of Calendar Item 28 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO REPORT TO THE ASSEMBLY INTERIM COMMITTEE ON NATURAL RESOURCES AND PUBLIC WORKS AT THE HEARINGS TO BE HELD ON SEPTEMBER 17 AND 18, 1964. THE REPORT IS TO GIVE THE COMMITTEE AN OUTLINE HISTORICAL REVIEW OF THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL ACTIONS THAT HAVE CULMINATED IN THE CURRENT STATE POSITION WITH RESPECT TO TIDE AND SUBMERGED LANDS. THE REPORT IS ALSO TO PRESENT THE FOLLOWING GENERAL AND SPECIFIC RECOMMENDATIONS FOR CONSIDERATION AS TO LEGISLATIVE IMPLEMENTATION:

GENERAL:

1. PLACEMENT OF A MORATORIUM ON THE ISSUANCE OF NEW GRANTS UNTIL SUCH TIME AS THE VARIOUS STUDIES BEING CONDUCTED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT ARE COMPLETED AND APPROPRIATE LEGISLATIVE CONTROL SPECIFICATIONS HAVE BEEN ADOPTED.
2. AMENDMENT OF EXISTING GRANTING STATUTES AND STATUTES RELATED TO TIDE AND SUBMERGED LAND DEVELOPMENT (AND INCORPORATION IN FUTURE GRANTING ACTS) OF THE REQUIREMENT THAT THE LANDS THEREUNDER GRANTED BE DEVELOPED IN ACCORDANCE WITH APPROVED PLANNING CONCEPTS, THE FORMER TO BE DONE WHERE THE LANDS SO GRANTED ARE NOT YET DEVELOPED OR WHERE DEVELOPMENT HAS NOT PROCEEDED BEYOND A CRITICAL POINT.
3. ASSIGNMENT TO THE STATE LANDS COMMISSION OF APPROVAL RESPONSIBILITY FOR PROGRAMS FOR THE DEVELOPMENT OF GRANTED LANDS.
4. DETERMINATION OF PRIORITIES, ON GRANTED LANDS HAVING A MINERAL RESERVATION TO THE STATE, BETWEEN MINERAL AND SURFACE DEVELOPMENT WHEN THE TWO ARE NOT IN IMMEDIATE CONFLICT IN POINT OF SPACE OR TIME.
5. DETERMINATION OF THE CRITERIA BY WHICH THE STATE WILL SHARE IN REVENUES GAINED BY GRANTEEES AS A RESULT OF OPERATIONS ON LANDS GRANTED WITHOUT A MINERAL RESERVATION TO THE STATE.

SPECIFIC:

1. PRECISE SPECIFICATION OF THE EFFECTIVE DATE OF GRANTS.
2. SPECIFICATION OF THE STATE LANDS COMMISSION'S RESPONSIBILITY TO DETERMINE COMPLIANCE OF GRANTEEES WITH THE TERMS OF GRANTING STATUTES.
3. DEFINITION OF THE CRITERIA FOR COMPLIANCE WITH A GRANTING STATUTE.
4. SPECIFICATION OF GUIDELINES FOR ALLOWABLE EXPENDITURES OF TRUST FUNDS BY A GRANTEE.

Attachment
Calendar Item 28 (2 pages)

10,420

CALENDAR ITEM

28.

LEGISLATIVE COMMITTEE HEARINGS ON H.R. 512/63; ASSEMBLY INTERIM COMMITTEE ON NATURAL RESOURCES, PLANNING AND PUBLIC WORKS, EDWIN L. Z'BERG, CHAIRMAN - W.O. 4550.10.

House Resolution 512 (Petris and Kennick, 1963 Session) was referred to an Interim Committee on Natural Resources for "...study and investigation of the problems relating to the conditions, provisions, and restrictions in the various grants of tide and submerged lands, the utilization and development of these lands by the respective grantees, the compliance by the grantees with the conditions, provisions and restrictions of the specific grants, and the establishment of appropriate conditions, trust provisions, and reservations for grants of tide and submerged lands, past and prospective..."

On August 29, 1963 (Minute Item 31, page 9219), the Chairman of the State Lands Commission directed the Division to prepare recommendations relative to H.R. 512/63.

On December 20, 1963 (Minute Item 28, page 9549), pursuant to a progress report to the Commission by staff (attachment to Minute Item 28, pages 9550 and 9551), the Commission expressed itself as being in favor of legislation that would require all grantees in trust of the State's tide and submerged lands to obtain Commission approval prior to expending monies realized therefrom, with specific reference to oil, gas, and other mineral income.

Since then, the Division has completed an extensive inventory of the terms of in-trust legislative grants dating from 1851 to the present. This inventory will also be an essential element in a report on tide and submerged lands coordinated by the Division to be included in the State Development Plan under preparation in the State Office of Planning.

Pursuant to H.R. 512, the Assembly Interim Committee on Natural Resources, Planning and Public Works, Edwin L. Z'berg, Chairman, will meet on September 17 and 18, 1964, to receive written and oral testimony relative to its objective of inquiring into the feasibility of developing a "uniform, comprehensive policy for the administration of State-owned tide and submerged lands" as outlined by the Committee in Exhibit "A" attached.

A draft of a report on all factors to be considered by the Committee is attached hereto as Exhibit "B".

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO REPORT TO THE ASSEMBLY INTERIM COMMITTEE ON NATURAL RESOURCES AND PUBLIC WORKS AT THE HEARINGS TO BE HELD ON SEPTEMBER 17 AND 18, 1964. THE REPORT IS TO GIVE THE COMMITTEE AN OUTLINE HISTORICAL REVIEW OF THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL ACTIONS THAT HAVE CULMINATED IN THE CURRENT STATE POSITION WITH RESPECT TO TIDE AND SUBMERGED LANDS. THE REPORT IS ALSO TO PRESENT THE FOLLOWING GENERAL AND SPECIFIC RECOMMENDATIONS FOR CONSIDERATION AS TO LEGISLATIVE IMPLEMENTATION:

CALENDAR ITEM 28. (CONTD.)

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