

AMENDED IN SENATE JUNE 11, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2764

**Introduced by Committee on Natural Resources (Chesbro (Chair),
Grove (Vice Chair), Garcia, Muratsuchi, Skinner, Stone, and
Williams)**

March 27, 2014

An act to amend Section 126 of the Government Code, to amend Section 39512.5 of the Health and Safety Code, to amend Sections ~~6306 and 8750~~ 6306, 8750, and 48020 of the Public Resources Code, and to amend Section 1 of Chapter 321 of the Statutes of 1961, relating to ~~public resources~~ *resources, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2764, as amended, Committee on Natural Resources. ~~Public resources: State Lands Commission: State Air Resources Board: resources.~~

(1) Existing law establishes the State Lands Commission in the Natural Resources Agency and prescribes the functions and duties of the commission. Under current law, the State Lands Commission cedes concurrent criminal jurisdiction to the United States with regard to specified properties.

This bill would revise and recast these provisions and make technical and organizational changes.

(2) Existing law requires that every local trustee of granted public trust lands, as defined and except as provided, file with the State Lands Commission, on or before October 1 of each year, a detailed statement

of all revenues and expenditures relating to its trust lands and trust assets, as prescribed, including obligations incurred, but not yet paid, covering the fiscal year preceding the submission of the statement.

This bill instead would require the statement to be filed with the commission on or before December 31 of each year.

(3) The California Integrated Waste Management Act of 1989, requires the Department of Resources, Recycling, and Recovery, to initiate a program for the cleanup of solid waste disposal sites and for cleanup of solid waste at codisposal sites where no responsible party is available to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment. For purposes of this program, existing law defines “solid waste disposal,” “dispose,” or “disposal” to mean the final disposition of solid wastes onto land. Existing law establishes the Solid Waste Disposal Site Cleanup Trust Fund and provides that moneys in the fund are continuously appropriated for purposes of the program.

This bill would provide that, for purposes of the program, solid waste disposal sites may include sites located in waters of the state. By expanding the purposes of a continuously appropriated fund, the bill would make an appropriation.

~~(3)~~

(4) The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act generally requires the administrator for oil spill response, acting at the direction of the Governor, to implement activities relating to oil spill response, including emergency drills and preparedness, and oil spill containment and cleanup, and to represent the state in any coordinated response efforts with the federal government. Existing law imposes various administrative civil and criminal penalties on a person that violates specified provisions of the act. The act, for purposes of specified provisions primarily under the jurisdiction of the State Lands Commission, defines marine waters to exclude waters in the Sacramento-San Joaquin Rivers and Delta, as specified.

This bill would no longer exclude from the definition of marine waters for this purpose the waters in the Sacramento-San Joaquin Rivers and Delta and would further revise the definition of marine waters to include waterways used for waterborne commercial vessel traffic to the Port of Sacramento and the Port of Stockton. By expanding the scope of crimes within the act, this bill would impose a state-mandated local program.

~~(4)~~

(5) Existing law authorizes a grant in the form of a trust of specified tidelands and submerged lands to the County of Orange, subject to certain restrictions, including that the lands remain available for public use.

This bill would modify the terms of the grant to change the conditions for expenditures by the trust and to permit the trustee to acquire additional property in order to further the purposes of the trust, if specific conditions are met.

(5)

(6) Existing law establishes the State Air Resources Board, which is responsible for control of emissions from motor vehicles and is designated the air pollution control agency for all purposes set forth in federal law. Existing law requires the state board to consist of 12 members, who are appointed based on certain qualifications. Existing law provides for the compensation of those members.

This bill would correct an erroneous cross-reference to clarify that certain members of the state board are prohibited from receiving compensation for serving on the state board, but are required to be reimbursed for their actual and necessary expenses, as specified.

(6)

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 126 of the Government Code is amended
2 to read:
3 126. (a) Notwithstanding any other provision of law, general
4 or special, the Legislature of California, acting through the State
5 Lands Commission, hereby cedes concurrent criminal jurisdiction
6 to the United States within lands identified and held by the United
7 States upon and subject to each and all of the following express
8 limitations, conditions, and reservations, in addition to any other
9 limitations, conditions, or reservations prescribed by law:

1 (1) Before making a cession, the State Lands Commission shall
2 make the following findings:
3 (A) The United States has requested in writing the state to cede
4 concurrent criminal jurisdiction within the identified lands.
5 (B) The lands are held by the United States for the erection of
6 forts, magazines, arsenals, dockyards, and other needful buildings
7 within the purview of clause 17 of Section 8 of Article I of the
8 United States Constitution, or for any other federal purposes. For
9 purposes of this section, lands held by the United States are defined
10 as: (i) lands acquired in fee by purchase or condemnation, (ii) lands
11 owned by the United States that are included in the military
12 reservation by presidential proclamation or act of Congress, (iii)
13 any other lands owned by the United States, including, but not
14 limited to, public domain lands that are held for a public purpose,
15 and (iv) leaseholds acquired by the United States over private lands
16 or state-owned lands that are held for a public purpose.
17 (C) The cession is made pursuant to and in compliance with the
18 laws of the United States.
19 (D) A notice of the proposed cession has been given to the clerk
20 for the board of supervisors of the county in which the federal
21 lands are located at least 15 days ~~prior to~~ *before* the proposed
22 cession.
23 (E) The proposed cession is in the best interests of the State of
24 California.
25 (F) The United States has agreed to bear all costs and expenses
26 incurred by the State Lands Commission in making the cession.
27 (2) The cession shall continue only so long as the lands are
28 owned by the United States and used for the purposes for which
29 jurisdiction is ceded or for 10 years, whichever period is less.
30 (3) The cession shall be made at a publicly noticed meeting of
31 the State Lands Commission. The cession shall vest when the State
32 Lands Commission has received notice of the United States’
33 acceptance of the cession and certified copies of the State Lands
34 Commission’s orders or resolutions making the findings described
35 in paragraph (1) have been recorded in the office of the county
36 recorder of each county in which any part of the land is situated.
37 The State Lands Commission shall keep copies of its orders or
38 resolutions in its records and make them available to the public
39 upon request.

1 (b) In ceding concurrent criminal jurisdiction, the Legislature
2 and the state reserve jurisdiction over the land, water, and use of
3 water with full power to control and regulate the acquisition, use,
4 control, and distribution of water with respect to the land affected
5 by the cession.

6 SEC. 2. Section 39512.5 of the Health and Safety Code is
7 amended to read:

8 39512.5. (a) With respect to the members appointed pursuant
9 to subdivision (d) of Section 39510, those members shall serve
10 without compensation but shall be reimbursed for actual and
11 necessary expenses incurred in the performance of their duties to
12 the extent that reimbursement for expenses is not otherwise
13 provided or payable by another public agency or agencies. Each
14 elected public official member of the state board shall receive one
15 hundred dollars (\$100) for each day, or portion thereof, but not to
16 exceed one thousand dollars (\$1,000) in any month, attending
17 meetings of the state board or committees thereof, or upon
18 authorization of the state board while on official business of the
19 state board.

20 (b) Reimbursements made pursuant to subdivision (a) shall be
21 made as follows:

22 (1) A member appointed from a district that is specifically
23 named in subdivision (d) of Section 39510 shall be reimbursed by
24 the district from which the person qualified for membership.

25 (2) The member appointed as a board member of a district that
26 is not specifically named in subdivision (d) of Section 39510 shall
27 be reimbursed by the state board.

28 SEC. 3. Section 6306 of the Public Resources Code is amended
29 to read:

30 6306. (a) For purposes of this division, “local trustee of granted
31 public trust lands” means a county, city, or district, including a
32 water, sanitary, regional park, port, or harbor district, or any other
33 local, political, or corporate subdivision that has been granted,
34 conveyed, or transferred by statute, public trust lands, including
35 tidelands, submerged lands, or the beds of navigable waters,
36 through a legislative grant. A local trustee of granted public trust
37 lands is a trustee of state lands.

38 (b) Notwithstanding any other law, every local trustee of granted
39 public trust lands shall establish and maintain accounting
40 procedures, in accordance with generally accepted accounting

1 principles, providing accurate records of all revenues received
2 from the trust lands and trust assets and of all expenditures of those
3 revenues. If a trust grantee has several trust grants of adjacent lands
4 and operates the granted lands as a single integrated entity,
5 separation of accounting records for each trust grant is not required.

6 (c) All revenues received from trust lands and trust assets
7 administered or collected by a local trustee of granted public trust
8 lands shall be expended only for those uses and purposes consistent
9 with the public trust for commerce, navigation, and fisheries, and
10 the applicable statutory grant.

11 (d) All funds received or generated from trust lands or trust
12 assets shall be segregated in separate accounts from nontrust
13 received or generated funds.

14 (e) (1) Unless otherwise prescribed by an applicable statutory
15 grant, on or before December 31 of each year, each local trustee
16 of granted public trust lands shall file with the commission a
17 detailed statement of all revenues and expenditures relating to its
18 trust lands and trust assets, including obligations incurred but not
19 yet paid, covering the fiscal year preceding submission of the
20 statement.

21 (2) The statement shall be prepared in accordance with generally
22 accepted accounting principles and may take the form of an annual
23 audit prepared by or for the local trustee of granted public trust
24 lands.

25 (3) (A) The detailed statement shall be submitted along with a
26 standardized reporting form developed by the commission.

27 (B) The commission shall use an existing reporting form
28 previously developed for purposes of this paragraph, if a finding
29 is made by the commission that it is generally responsive to the
30 needs of the commission as prescribed in this section. Alternatively,
31 the commission may develop a reporting form that requires a local
32 trustee of granted public lands to report on all of the following:

33 (i) A summary of all funds received or generated from trust
34 lands or trust assets.

35 (ii) A summary of all spending of funds received or generated
36 from trust lands or trust assets.

37 (iii) Any other disposition of funds received or generated from
38 trust lands or trust assets or of the trust lands or trust assets
39 themselves.

1 (iv) A description of the manner in which the statement required
2 by this subdivision and accompanying the reporting form is
3 organized.

4 (v) Any other information that the commission deems to be
5 included in an accounting of granted public trust lands.

6 (C) The adoption of the form by the commission pursuant to
7 this subdivision is the prescription of a form for purposes of
8 subdivision (c) of Section 11340.9 of the Government Code.

9 (4) All forms and supporting statements submitted pursuant to
10 this section shall be public records and be made available on the
11 commission's Internet Web site.

12 (f) (1) The costs that may be incurred by a local trustee of
13 granted public trust lands that result from any new duties imposed
14 upon that trustee pursuant to Chapter 206 of the Statutes of 2012,
15 including the requirement to submit a standardized reporting form
16 required by paragraph (3) of subdivision (e), shall be paid from
17 the revenues derived from its granted public trust lands and assets
18 specified in subdivision (b).

19 (2) If the revenues derived from the granted public trust lands
20 and assets specified in subdivision (b) are not sufficient to pay the
21 costs for the duties specified in paragraph (1), the commission
22 shall exempt the local trustee of granted public trust lands from
23 performing those duties for which the revenues are not sufficient,
24 or grant a deadline extension from the performance of those duties
25 until sufficient funds are available.

26 SEC. 4. Section 8750 of the Public Resources Code is amended
27 to read:

28 8750. Unless the context requires otherwise, the following
29 definitions govern the construction of this division:

30 (a) "Administrator" means the administrator for oil spill response
31 appointed by the Governor pursuant to Section 8670.4 of the
32 Government Code.

33 (b) "Barges" means any vessel that carries oil in commercial
34 quantities as cargo but is not equipped with a means of
35 self-propulsion.

36 (c) (1) "Best achievable protection" means the highest level of
37 protection that can be achieved through both the use of the best
38 achievable technology and those manpower levels, training
39 procedures, and operational methods that provide the greatest
40 degree of protection achievable. The administrator's determination

1 of best achievable protection shall be guided by the critical need
2 to protect valuable coastal resources and marine waters, while also
3 considering (A) the protection provided by the measures, (B) the
4 technological achievability of the measures, and (C) the cost of
5 the measures.

6 (2) It is not the intent of the Legislature that the administrator
7 use a cost-benefit or cost-effectiveness analysis or any particular
8 method of analysis in determining which measures to require.
9 Instead, it is the intent of the Legislature that the administrator
10 give reasonable consideration to the protection provided by the
11 measures, the technological achievability of the measures, and the
12 cost of the measures when establishing the requirements to provide
13 the best achievable protection for coastal and marine resources.

14 (d) “Best achievable technology” means that technology that
15 provides the greatest degree of protection taking into consideration
16 (1) processes that are being developed, or could feasibly be
17 developed anywhere in the world, given overall reasonable
18 expenditures on research and development, and (2) processes that
19 are currently in use anywhere in the world. In determining what
20 is best achievable technology, the administrator shall consider the
21 effectiveness and engineering feasibility of the technology.

22 (e) “Commission” means the State Lands Commission.

23 (f) “Local government” means any chartered or general law
24 city, chartered or general law county, or any city and county.

25 (g) “Marine facility” means any facility of any kind, other than
26 a vessel, that is or was used for the purposes of exploring for,
27 drilling for, producing, storing, handling, transferring, processing,
28 refining, or transporting oil and is located in marine waters, or is
29 located where a discharge could impact marine waters unless the
30 facility (1) is subject to Chapter 6.67 (commencing with Section
31 25270) or Chapter 6.75 (commencing with Section 25299.10) of
32 Division 20 of the Health and Safety Code or (2) is placed on a
33 farm, nursery, logging site, or construction site and does not exceed
34 20,000 gallons in a single storage tank. For purposes of this
35 division, a drill ship, semisubmersible drilling platform, jack-up
36 type drilling rig, or any other floating or temporary drilling
37 platform is a “marine facility.” For purposes of this division, a
38 small craft refueling dock is not a “marine facility.”

39 (h) “Marine terminal” means any marine facility used for
40 transferring oil to or from tankers or barges. For purposes of this

1 section, a marine terminal includes all piping not integrally
2 connected to a tank facility as defined in subdivision (n) of Section
3 25270.2 of the Health and Safety Code.

4 (i) "Marine waters" means those waters subject to tidal influence
5 and includes waterways used for waterborne commercial vessel
6 traffic to the Port of Sacramento and the Port of Stockton.

7 (j) "Nonpersistent oil" means a petroleum-based oil, such as
8 gasoline, diesel, or jet fuel, that evaporates relatively quickly.
9 Specifically, it is an oil with hydrocarbon fractions, at least 50
10 percent of which, by volume, distills at a temperature of 645
11 degrees Fahrenheit, and at least 95 percent of which, by volume,
12 distills at a temperature of 700 degrees Fahrenheit.

13 (k) "Oil" means any kind of petroleum, liquid hydrocarbons,
14 or petroleum products or any fraction or residues therefrom,
15 including, but not limited to, crude oil, bunker fuel, gasoline, diesel
16 fuel, aviation fuel, oil sludge, oil refuse, oil mixed with waste, and
17 liquid distillates from unprocessed natural gas.

18 (l) "Onshore facility" means any facility of any kind that is
19 located entirely on lands not covered by marine waters.

20 (m) "Operator" when used in connection with vessels, marine
21 terminals, pipelines, or facilities, means any person or entity that
22 owns, has an ownership interest in, charters, leases, rents, operates,
23 participates in the operation of or uses that vessel, terminal,
24 pipeline, or facility. "Operator" does not include any entity that
25 owns the land underlying the facility or the facility itself, where
26 the entity is not involved in the operations of the facility.

27 (n) "Person" means an individual, trust, firm, joint stock
28 company, or corporation, including, but not limited to, a
29 government corporation, partnership, limited liability company,
30 and association. "Person" also includes any city, county, city and
31 county, district, and the state or any department or agency thereof,
32 and the federal government, or any department or agency thereof,
33 to the extent permitted by law.

34 (o) "Pipeline" means any pipeline used at any time to transport
35 oil.

36 (p) "Responsible party" or "party responsible" means either of
37 the following:

38 (1) The owner or transporter of oil or a person or entity accepting
39 responsibility for the oil.

1 (2) The owner, operator, or lessee of, or person who charters
2 by demise, any vessel or marine facility or a person or entity
3 accepting responsibility for the vessel or marine facility.

4 (q) “Small craft refueling dock” means a fixed facility having
5 tank storage capacity not exceeding 20,000 gallons in any single
6 storage tank and that dispenses nonpersistent oil to small craft.

7 (r) “Spill” or “discharge” means any release of at least one barrel
8 (42 gallons) of oil not authorized by any federal, state, or local
9 government entity.

10 (s) “State oil spill contingency plan” means the California oil
11 spill contingency plan prepared pursuant to Article 3.5
12 (commencing with Section 8574.1) of Chapter 7 of Division 1 of
13 Title 2 of the Government Code.

14 (t) “Tanker” means any self-propelled, waterborne vessel,
15 constructed or adapted for the carriage of oil in bulk or in
16 commercial quantities as cargo.

17 (u) “Vessel” means a tanker or barge as defined in this section.

18 *SEC. 5. Section 48020 of the Public Resources Code is*
19 *amended to read:*

20 48020. (a) For purposes of this article, the following terms
21 have the following meaning:

22 (1) “Codisposal site” means a hazardous substance release site
23 listed pursuant to Section 25356 of the Health and Safety Code,
24 where the disposal of hazardous substances, hazardous waste, and
25 solid waste has occurred.

26 (2) “Trust fund” means the Solid Waste Disposal Site Cleanup
27 Trust Fund created pursuant to Section 48027.

28 (b) (1) The ~~board~~ department shall, on January 1, 1994, initiate
29 a program for the cleanup of solid waste disposal sites and for the
30 cleanup of solid waste at codisposal sites where the responsible
31 party either cannot be identified or is unable or unwilling to pay
32 for timely remediation, and where cleanup is needed to protect
33 public health and safety or the environment.

34 (2) *Notwithstanding subdivision (c) of Section 40192, for*
35 *purposes of this article solid waste disposal sites may include sites*
36 *located in waters of the state.*

37 (c) The ~~board~~ department shall not expend more than 5 percent
38 of the funds appropriated for the purpose of the program by a
39 statute other than the Budget Act to administer that program, unless
40 a different amount is otherwise appropriated to administer the

1 program in the annual Budget Act. If a different amount is
2 appropriated to administer the program in the annual Budget Act,
3 it shall be set forth in a separate line item. All remaining funds
4 appropriated for the purposes of the program shall be expended
5 on direct cleanup pursuant to subdivision (b) or emergency actions
6 at solid waste facilities, disposal sites, sites involving solid waste
7 handling, and for solid waste at codisposal sites.

8 ~~SEC. 5.~~

9 *SEC. 6.* Section 1 of Chapter 321 of the Statutes of 1961 is
10 amended to read:

11 Section 1. There is hereby granted to the County of Orange
12 and to its successors all of the right, title and interest of the State
13 of California held by the state by virtue of its sovereignty in and
14 to all that portion of the tidelands and submerged lands of the
15 Pacific Ocean within the County of Orange, State of California,
16 in the following area:

17 Commencing at the intersection of the westerly line of fractional
18 Section 22, Township 8 South, Range 8 West, San Bernardino
19 Base and Meridian with the line of Mean High Tide of the Pacific
20 Ocean from which point said westerly Section line bears North 0°
21 07' East; thence South 45° 00' East to the point of intersection with
22 a line parallel to and five thousand seven hundred and fifty feet
23 (5,750 ft.) southerly of the northerly line of said fractional Section
24 22; thence easterly along said last mentioned parallel line, 5,750
25 feet southerly of the northerly line of Section 22, and the easterly
26 prolongation of said parallel line to the point of intersection with
27 a meridian line passing through the intersection of the westerly
28 line of Rancho Boca de la Playa as said line is established and
29 shown on a map recorded in Book 4, Pages 118 and 119 of Patents,
30 Records of Los Angeles County, June 29, ~~1887~~ 1887, and the line
31 of Mean High Tide of the Pacific Ocean; thence northerly along
32 said meridian line to the intersection with the line of Mean High
33 Tide of the Pacific Ocean; thence westerly along said line of Mean
34 High Tide to the point of beginning, the same to be forever held
35 by the county and by its successors in trust for the uses and
36 purposes and upon the express conditions following, to wit:

37 (a) That these lands shall be used by the county, and its
38 successors, only for the establishment, improvement and conduct
39 of a harbor, and for the construction, maintenance, and operation
40 thereon of wharves, docks, piers, slips, quays, and other utilities,

1 structures, facilities, and appliances necessary or convenient for
2 the promotion and accommodation of commerce and navigation,
3 and for recreational use, public park, parking, highway, playground,
4 and business incidental thereto; and the county, or its successors,
5 shall not, at any time, grant, convey, give, or alien these lands, or
6 any part thereof, to any individual, firm or corporation for any
7 purposes whatever; provided, that the county, or its successors,
8 may grant franchises thereon for limited periods (but in no event
9 exceeding 50 years), for wharves and other public uses and
10 purposes and may lease these lands, or any part thereof, for limited
11 periods (but in no event exceeding 50 years), for purposes
12 consistent with the trust upon which these lands are held by the
13 State of California, and with the requirements of commerce and
14 navigation at the harbor, and collect and retain rents from these
15 leases.

16 (b) That these lands shall be improved by the county without
17 expense to the state, and shall always remain available for public
18 use for all purposes of commerce and navigation, and the State of
19 California shall have at all times, the right to use, without charge,
20 all wharves, docks, piers, slips, quays, and other improvements
21 and facilities constructed on these lands, or any part thereof, for
22 any vessel or other water or aircraft, or railroad, owned or operated
23 by the State of California.

24 (c) That in the management, conduct, or operation of the harbor,
25 or of any of the utilities, structures, appliances, or facilities
26 mentioned in subdivision (a), no discrimination in rates, tolls, or
27 charges or in facilities for any use or service in connection
28 therewith shall ever be made, authorized, or permitted by the
29 county or its successors.

30 (d) There is hereby reserved, however, in the people of the State
31 of California the absolute right to fish in the waters of the harbor
32 with the right of convenient access to the waters over these lands
33 for these purposes.

34 (e) There is hereby excepted and reserved to the State of
35 California all deposits of minerals, including oil and gas, in the
36 land, and to the State of California, or persons authorized by the
37 State of California, the right to prospect for, mine, and remove
38 deposits from the land.

39 (f) The lands herein described are granted subject to the express
40 reservation and condition that the state may at any time in the

1 future use these lands or any portion thereof for highway purposes
2 without compensation to the county, its successors or assigns, or
3 any person, firm, or public or private corporation claiming under
4 it, except that in the event improvements have been placed upon
5 the property taken by the state for these purposes, compensation
6 shall be made to the person entitled thereto for the value of his or
7 her interest in the improvements taken or the damages to the
8 interest.

9 (g) That within 10 years from the effective date of this act these
10 lands shall be substantially improved by the county without
11 expense to the state, and if the State Lands Commission determines
12 that the county has failed to improve these lands as herein required,
13 all right, title, and interest of the county in and to all lands granted
14 by this act shall cease and these lands shall revert and vest in the
15 state.

16 (h) (1) That any funds derived from the management, conduct,
17 or operation of the lands described in this section shall be used
18 within the geographic boundary of the lands for purposes consistent
19 with subdivision (a).

20 (2) Notwithstanding paragraph (1), funds derived from the
21 management, conduct, or operation of these lands may also be
22 expended on state-owned tidelands and submerged lands, outside
23 the geographic boundary of these lands within the County of
24 Orange and southeasterly of the southern city limits of the City of
25 Laguna Beach, to fund the portion of the Dana Point Branch of
26 the Orange County Harbor Patrol that provides direct protection
27 for public health, safety, and security relating to navigation and
28 other public trust uses on state-owned tidelands and submerged
29 lands.

30 (i) (1) Notwithstanding subdivision (h), any funds derived from
31 the management, conduct, or operation of the lands described in
32 this section may be used to purchase, lease, or otherwise acquire
33 real property necessary for or incidental to the development and
34 operation of a harbor and that property shall be held as an asset of
35 the trust and used for purposes consistent with the trust grant.

36 (2) If the real property that is proposed to be purchased, leased,
37 or acquired is adjacent to the geographic boundary of the lands,
38 the county, or its successors, shall give written notice of the
39 proposed expenditure to the State Lands Commission at least 90
40 days before purchasing, leasing, or acquiring the real property in

1 excess of one hundred thousand dollars (\$100,000), but not more
2 than five hundred thousand dollars (\$500,000). Expenditures in
3 excess of five hundred thousand dollars (\$500,000) for real
4 property adjacent to the geographic boundary of those lands shall
5 not be made unless the State Lands Commission approves the
6 expenditure pursuant to Chapter 2 (commencing with Section
7 6701) of Part 2 of Division 6 of the Public Resources Code. For
8 the purpose of this subdivision, “adjacent” means adjoining or
9 separated by a street or road.

10 (3) If the real property that is proposed to be purchased, leased,
11 or acquired is not adjacent to the geographic boundary of the lands,
12 the county, or its successors, shall give written notice of the
13 proposed expenditure to the State Lands Commission at least 90
14 days before purchasing, leasing, or acquiring the real property not
15 to exceed fifty thousand dollars (\$50,000). Expenditures in excess
16 of fifty thousand dollars (\$50,000) for real property not adjacent
17 to the geographic boundary of those lands may not be made unless
18 the State Lands Commission approves the expenditure pursuant
19 to Chapter 2 (commencing with Section 6701) of Part 2 of Division
20 6 of the Public Resources Code.

21 (4) The notice required in paragraphs (2) and (3) shall include
22 the total proposed expenditure from the tideland’s trust, the location
23 of the real property, the purpose of the purchase, acquisition, or
24 lease, and an explanation of how the purchase, acquisition, or lease
25 is consistent with the terms of the trust grant.

26 ~~SEC. 6.~~

27 *SEC. 7.* No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the penalty
32 for a crime or infraction, within the meaning of Section 17556 of
33 the Government Code, or changes the definition of a crime within
34 the meaning of Section 6 of Article XIII B of the California
35 Constitution.