

AMENDED IN SENATE MAY 13, 2015

**SENATE BILL**

**No. 141**

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**Introduced by Senator McGuire**  
(Principal coauthor: Assembly Member Wood)

January 26, 2015

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An act to amend ~~Section 23~~ of *Sections 23 and 25 of, and to add Section 28.5 to*, the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to tide and submerged lands.

LEGISLATIVE COUNSEL'S DIGEST

SB 141, as amended, McGuire. Humboldt Bay Harbor, Recreation, and Conservation District Act: ~~land-use: grants, acquisitions, and dispositions.~~

Existing law, the Humboldt Bay Harbor, Recreation, and Conservation District Act regulates the use of specified tide and submerged lands within Humboldt Bay and provides for the fill, improvement, and reclamation of those tidelands, as prescribed. The act further requires that all grants, franchises, leases, permits, rights or privileges be made in accordance with those rules and regulations as the board of commissioners of the district prescribes by resolution, and prohibits irrevocable grants of fee title from being granted or issued.

This bill would eliminate that provision prohibiting irrevocable grants of fee title, thereby authorizing these grants subject to the other provisions of the act.

*The act authorizes the district to acquire, hold and enjoy, and lease and dispose of real and personal property of every kind, within the district, necessary to the full or convenient exercise of its powers. The act requires that all money received or collected by the district be*

*deposited in the Humboldt Bay Harbor, Recreation, and Conservation District Fund, and prohibits money in the fund from being appropriated or used for any purpose except those purposes enumerated in the act.*

*This bill would prohibit the district from making an expenditure of trust moneys from the fund to purchase or otherwise acquire any real property without the prior written approval of the State Lands Commission. The bill would require the district to provide the commission with 90 days' written notice of the proposed purchase or acquisition of real property, containing specified information, and would provide that the commission shall have 90 days after receipt of the written notice to approve the proposed expenditure. The bill would also require the district to give the commission at least 90 days' written notice of a proposed disposition of any interest in real property held in trust by the district.*

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

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

1 SECTION 1. Section 23 of the Humboldt Bay Harbor,  
 2 Recreation, and Conservation District Act (~~Chapter 1040 of the~~  
 3 ~~Statutes of 1976~~); (*Chapter 1283 of the Statutes of 1970*), as  
 4 amended by Section 10 of Chapter 1040 of the Statutes of 1976,  
 5 is amended to read:

6 Sec. 23. All grants, franchises, leases, permits, rights, or  
 7 privileges shall be made in accordance with those rules and  
 8 regulations as the board shall prescribe by resolution.

9 SEC. 2. Section 25 of the Humboldt Bay Harbor, Recreation,  
 10 and Conservation District Act (*Chapter 1283 of the Statutes of*  
 11 *1970*), is amended to read:

12 Sec. 25. The board may employ engineers, attorneys and any  
 13 other officers and employees necessary in the work of the district.  
 14 The chief executive officer shall appoint a treasurer ~~whose duty it~~  
 15 ~~who shall be to receive and safely keep~~ responsible for receiving  
 16 and safely keeping all moneys of the district. ~~He~~ The chief executive  
 17 officer shall comply with all provisions of law governing the  
 18 deposit and securing of public funds. He or she shall pay out  
 19 moneys only as authorized by the board and not otherwise;  
 20 provided, however, that board. However, no authorization shall  
 21 be necessary for the payment of principal and interest on bonds of

1 the district. ~~He~~ *The chief executive officer* shall at regular intervals,  
2 at least once each month, *prepare and* submit to the secretary of  
3 the district a written report and accounting of all receipts and  
4 disbursements and fund balances, *and shall file* a copy of ~~which~~  
5 *that report he shall file* with the board. The treasurer shall execute  
6 a bond covering the faithful performance by him *or her* of the  
7 duties of ~~his~~ *the office of the treasurer* and his *or her* duties with  
8 respect to all moneys coming into his *or her* hands as treasurer in  
9 ~~such~~ *the treasurer's office, in an* amount as shall be fixed by  
10 resolution of ~~said~~ *the board*. The surety bond herein required shall  
11 be executed only by a surety company authorized to do business  
12 in the State of California and the premium therefor shall be paid  
13 by the district. The bond shall be approved by the board and filed  
14 with the secretary of the district. The treasurer ~~before entering~~  
15 ~~upon the duties of his office~~ shall take and file with the secretary  
16 of the district the oath of office required by the Constitution of this  
17 ~~state.~~ *state before assuming the duties of his or her office.*

18 *SEC. 3. Section 28.5 is added to the Humboldt Bay Harbor,*  
19 *Recreation, and Conservation District Act (Chapter 1283 of the*  
20 *Statutes of 1970), to read:*

21 *Sec. 28.5. (a) (1) The district shall not make an expenditure*  
22 *of trust moneys from the Humboldt Bay Harbor, Recreation, and*  
23 *Conservation District Fund to purchase or otherwise acquire real*  
24 *property without first having obtained the written approval of the*  
25 *State Lands Commission. The district shall give the State Lands*  
26 *Commission at least 90 days' written notice of the proposed*  
27 *expenditure to purchase or acquire real property.*

28 *(2) The notice provided under paragraph (1) shall include all*  
29 *of the following information:*

30 *(A) The total amount of the proposed expenditure from the fund.*

31 *(B) The location of the real property.*

32 *(C) The purpose of the purchase or acquisition.*

33 *(D) An explanation of how the purchase or acquisition is*  
34 *consistent with the terms of the trust grant.*

35 *(3) The State Lands Commission shall have 90 days after receipt*  
36 *of the written notice to review and approve the proposed*  
37 *expenditure.*

38 *(b) The district shall give the State Lands Commission at least*  
39 *90 days' written notice of a proposed disposition of any interest*  
40 *in real property if the interest was acquired by the district with*

- 1 *revenue generated from activities carried out on granted lands*
- 2 *and is held in trust by the district.*

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