

AMENDED IN ASSEMBLY JUNE 22, 2015

AMENDED IN SENATE MAY 13, 2015

SENATE BILL

No. 141

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

January 26, 2015

An act to amend 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 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 *first having provided at least 90 days' written notice, containing specified information, of the proposed expenditure to 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. This bill would authorize the district to proceed with the purchase or acquisition if the commission does not object within 90 days of the commission's receipt of the notice.~~ The bill would also require the district to give the commission at least 90 days' written ~~notice~~ *notice, containing specified information,* of a proposed disposition of any interest in real property held in trust by the district.

Vote: majority. Appropriation: no. Fiscal committee: 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 1283 of the
 3 Statutes of 1970), as amended by Section 10 of Chapter 1040 of
 4 the Statutes of 1976, is amended to read:

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

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

11 Sec. 25. The board may employ engineers, attorneys and any
 12 other officers and employees necessary in the work of the district.
 13 The chief executive officer shall appoint a treasurer who shall be
 14 responsible for receiving and safely keeping all moneys of the
 15 district. The chief executive officer shall comply with all provisions
 16 of law governing the deposit and securing of public funds. He or

1 she shall pay out moneys only as authorized by the board.
2 However, no authorization shall be necessary for the payment of
3 principal and interest on bonds of the district. The chief executive
4 officer shall at regular intervals, at least once each month, prepare
5 and submit to the secretary of the district a written report and
6 accounting of all receipts and disbursements and fund balances,
7 and shall file a copy of that report with the board. The treasurer
8 shall execute a bond covering the faithful performance by him or
9 her of the duties of the office of the treasurer and his or her duties
10 with respect to all moneys coming into his or her hands as treasurer
11 in the treasurer's office, in an amount as shall be fixed by resolution
12 of the board. The surety bond herein required shall be executed
13 only by a surety company authorized to do business in the State
14 of California and the premium therefor shall be paid by the district.
15 The bond shall be approved by the board and filed with the
16 secretary of the district. The treasurer shall take and file with the
17 secretary of the district the oath of office required by the
18 Constitution of this state before assuming the duties of his or her
19 office.

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

23 Sec. 28.5. (a) ~~(1)~~—The district shall not make an expenditure
24 of trust moneys from the Humboldt Bay Harbor, Recreation, and
25 Conservation District Fund to purchase or otherwise acquire real
26 property without first having ~~obtained the written approval of~~
27 *provided at least 90 days' written notice of the proposed*
28 *expenditure to the State Lands Commission. The district shall give*
29 *the State Lands Commission at least 90 days' written notice of the*
30 *proposed expenditure to purchase or acquire real property. The*
31 *notice shall include the total amount of the proposed expenditure*
32 *from the fund, the location of the real property, the purpose of the*
33 *purchase or acquisition, and an explanation of how the purchase*
34 *or acquisition is consistent with the terms of the trust grant. If the*
35 *State Lands Commission does not object within 90 days of its*
36 *receipt of the notice, the district may proceed with the purchase*
37 *or acquisition.*

38 ~~(2)~~—The notice provided under paragraph (1) shall include all of
39 the following information:

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

- 1 ~~(B) The location of the real property.~~
- 2 ~~(C) The purpose of the purchase or acquisition.~~
- 3 ~~(D) An explanation of how the purchase or acquisition is~~
- 4 ~~consistent with the terms of the trust grant.~~
- 5 ~~(3) The State Lands Commission shall have 90 days after receipt~~
- 6 ~~of the written notice to review and approve the proposed~~
- 7 ~~expenditure.~~
- 8 (b) The district shall give the State Lands Commission at least
- 9 90 days' written notice of a proposed disposition of any interest
- 10 in real property if the interest was acquired by the district with
- 11 revenue generated from ~~activities carried out on granted lands and~~
- 12 ~~is held in trust by the district.~~ *the granted lands. The notice shall*
- 13 *include the proposed consideration to be received by the district,*
- 14 *the location of the real property, and the purpose of the disposition.*