

AMENDED IN ASSEMBLY JUNE 25, 2015

SENATE BILL

No. 399

Introduced by Senator Hall

February 25, 2015

An act to amend ~~Section 19819 of the Business and Professions Code, relating to gambling.~~ *Section 1 of Chapter 651 of the Statutes of 1929, relating to tidelands and submerged lands.*

LEGISLATIVE COUNSEL'S DIGEST

SB 399, as amended, Hall. ~~Gambling: California Gambling Control Commission. Tidelands and submerged lands: City of Los Angeles.~~

Existing law grants to the City of Los Angeles all the right, title, and interest of the State of California in and to all tidelands and submerged lands situated below the line of mean high tide of the Pacific Ocean within the boundaries of the city in trust for certain purposes, including promotion of commerce, navigation, and fishery, and for certain specific uses relating to these purposes. Existing law authorizes the City of Los Angeles to grant franchises and permits on, and leases of, those lands, or any part thereof, for specified purposes and for a term not exceeding 50 years.

This bill would authorize the City of Los Angeles to renew a franchise or permit on, or lease of, those lands for those specified purposes for an additional such term or terms.

~~Existing law, the Gambling Control Act, provides for the licensure and regulation of various legalized gambling activities and establishments by the California Gambling Control Commission and the investigation and enforcement of those activities and establishments by the Department of Justice. The act requires 5 members to be appointed to the commission by the Governor, subject to confirmation~~

by the Senate. The act specifies that a majority of the appointed members of the commission is a quorum and that the concurring vote of 3 members of the commission is required for any official action of the commission or for the exercise of any of the commission's duties, powers, or functions. Existing law requires that a public record of every vote of the commission be maintained at its principal office.

This bill would additionally require that a public record of every vote of the commission be posted on the commission's Internet Web site no later than 48 hours after the vote is taken.

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

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

1 SECTION 1. Section 1 of Chapter 651 of the Statutes of 1929,
2 as amended by Section 1 of Chapter 1130 of the Statutes of 2002,
3 is amended to read:

4 Sec. 1. There is hereby granted to the City of Los Angeles,
5 hereinafter called "city," a municipal corporation of the State of
6 California, and to its successors, all the right, ~~title~~ *title*, and interest
7 of the State of California, held by the state by virtue of its
8 sovereignty, in and to all tidelands and submerged lands, whether
9 filled or unfilled, situated below the line of mean high tide of the
10 Pacific Ocean, within the present boundaries of the city, or of any
11 harbor, estuary, ~~bay~~ *bay*, or inlet within those boundaries, except
12 as hereinafter provided, to be forever held by the city, and by its
13 successors, in trust for the following uses and purposes, and upon
14 the following conditions:

15 (a) The lands shall be held by the city, and by its successors, in
16 accordance with the ~~applicable~~ provisions of this act, for purposes
17 in connection with, or for the promotion and accommodation of,
18 commerce, navigation, and fishery, and for those purposes specified
19 in Section 3 of this act.

20 (b) Except as otherwise provided in this act, the city, or its
21 successors, shall not grant, convey, ~~give or alien~~ *give, or alienate*
22 the lands, or any part thereof, to any individual firm or corporation
23 for any purpose whatsoever; provided that the city, or its
24 successors, may grant franchises and permits thereon for limited
25 ~~periods, but~~ *terms*, not to exceed 50 years, *subject to the right of*
26 *renewal by the city for a further such term or terms*, for purposes

1 in connection with, or for the promotion and accommodation of,
 2 commerce, navigation, fishery, and for any purposes specified in
 3 Section 3 of this act, and may lease the lands, or any part thereof
 4 for limited ~~periods, but~~ *terms*, not to exceed 50 years, *subject to*
 5 *the right of renewal by the city for a further such term, or terms*
 6 for any and all purposes which shall not interfere with the trusts
 7 upon which the lands are held by the State of California.

8 (c) The tide and submerged lands shall be improved by the city
 9 without expense to the state, and any harbor constructed thereon
 10 shall always remain a public harbor for all purposes of commerce
 11 and navigation, and the ~~State of California~~ *state* shall have, at all
 12 times, the right to use, without charge, all wharves, docks, piers,
 13 slips, quays, and other improvements constructed by the city on
 14 the lands, or any part thereof, for any vessel or other watercraft,
 15 or railroad, owned or operated by the ~~State Of California.~~ *state.*

16 (d) In the management, ~~conduct~~ *conduct*, or operation of any
 17 ~~such~~ harbor, or of any of the utilities, ~~structures~~ *structures*, or
 18 appliances constructed in connection therewith, no discrimination
 19 in rates, tolls, or charges, or in facilities, for any use or service in
 20 connection therewith shall ever be made, authorized, or permitted
 21 by the city, or by its successors.

22 There is reserved in the people of the State of California the
 23 absolute right to fish in the waters, with the right of convenient
 24 access to the waters over the lands for those purposes. The grant
 25 herein made shall not include those tidelands or submerged lands
 26 within those certain areas known as the Westgate addition acquired
 27 by the City of Los Angeles by annexation on June 14, 1916, or the
 28 Santa Monica canyon addition acquired by the City of Los Angeles
 29 by annexation on April 28, 1925, or the Venice addition acquired
 30 by the City of Los Angeles by consolidation on November 25,
 31 1925.

32 ~~SECTION 1. Section 19819 of the Business and Professions~~
 33 ~~Code is amended to read:~~

34 ~~19819. (a) The commission shall establish and maintain a~~
 35 ~~general office for the transaction of its business in Sacramento.~~
 36 ~~The commission may hold meetings at any place within the state~~
 37 ~~when the interests of the public may be better served.~~

38 ~~(b) A public record of every vote shall be maintained at the~~
 39 ~~commission's principal office and posted on the commission's~~
 40 ~~Internet Web site no later than 48 hours after the vote is taken.~~

1 ~~(e) A majority of the membership of the commission is a quorum~~
2 ~~of the commission. The concurring vote of three members of the~~
3 ~~commission shall be required for any official action of the~~
4 ~~commission or for the exercise of any of the commission's duties,~~
5 ~~powers, or functions.~~

6 ~~(d) Except as otherwise provided in this chapter, Article 9~~
7 ~~(commencing with Section 11120) of Chapter 1 of Part 1 of~~
8 ~~Division 3 of Title 2 of the Government Code applies to meetings~~
9 ~~of the commission. Notwithstanding Section 11125.1 of the~~
10 ~~Government Code, documents that are filed with the commission~~
11 ~~by the department for the purpose of evaluating the qualifications~~
12 ~~of an applicant are exempt from disclosure under Chapter 3.5~~
13 ~~(commencing with Section 6250) of Division 7 of Title 1 of the~~
14 ~~Government Code.~~