

22. (RELEASE OF IMPOUNDED FUNDS, T&S LAND LEASES - W.O. 721.) It is the opinion of the Office of the Attorney General (a viewpoint reportedly shared by the solicitors for the Department of Interior and the Department of Justice of the United States) that the passage of the Submerged Lands Act (Public Law 31-83d Congress) terminated the provisions of the operating stipulation entered into between the State of California and the United States July 26, 1947, and renewal and extensions thereof through August 12, 1952. The Attorney General has also expressed the opinion that with the enactment of the afore-mentioned legislation, Chapter 7, Statutes of 1951, which provided for the impounding of revenues received from tide and submerged land leases, became inoperative.

In view of the above, the Office of the Attorney General has taken preliminary steps looking towards release of impounded funds on deposit with the United States. Assistant Attorney General, Everett W. Mattoon, in a letter dated June 17, 1953 has advised the Secretary of the Interior that a formal request for the release of these monies will be made by the State Lands Commission.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, IT WAS RESOLVED AS FOLLOWS:

The Executive Officer is authorized (with the collaboration of the Attorney General) to present a formal request, on behalf of the State Lands Commission, to the proper authorities of the United States for the release and return to the State, by check payable to the State of California, of all tide and submerged lands rentals and royalties on deposit with the United States under the terms of the stipulation of July 26, 1947 and renewals thereof, with the understanding that the United States may retain any amounts to which it is entitled under the terms of said stipulation; he should further request a release of claims to all amounts now held by the Treasurer of the State of California, pursuant to said stipulation and renewals thereof; and that until directed otherwise, the Executive Officer shall deposit all rentals and royalties received from tide and submerged land leases beginning May 23, 1953 and thereafter in the account presently established in the Treasury Special Deposits.

See amended motion, Item 1, Pgs. 1843-4
7/29/53
D.

There being no further business to come before the Commission, the meeting was adjourned.

Elma M. Denny
Senior Stenographer-Clerk
STATE LANDS COMMISSION