

17. (RELEASE OF IMPOUNDED FUNDS, TIDE AND SUBMERGED LAND LEASES - W.O. 721.)
At its meeting held December 1, 1947, the State Lands Commission took the following action:

"Minute Item 20. (TIDELAND LITIGATION - SPECIAL TRUST FUND FOR IMPOUNDING RENTALS AND ROYALTIES PAID PURSUANT TO 'STATUS QUO' STIPULATION.) The Commission was informed that as a result of discussions with the Attorney General, the State Controller's office and the Department of Finance relative to the requirement of Paragraph 4 of the 'Status Quo' stipulation entered into between the Attorney General of the United States and the Attorney General of the State of California on July 26, 1947, in connection with the case of United States of America vs. State of California, No. 12 Original, a procedure has been satisfactorily devised to impound all rentals paid and royalties earned and received from State leases situated in the marginal sea. The rentals are to be impounded on and after June 23, 1947. These funds are to be remitted to a special Trust Fund in the care of the State Treasurer, and the release of said funds is to be only by resolution of the State Lands Commission.

"Upon motion duly made and unanimously carried, a resolution was adopted authorizing the Executive Officer to impound the aforementioned funds in accordance with the requirements of Paragraph 4 of the 'Status Quo' stipulation and to remit said funds to the Treasurer of the State of California for safe keeping until release thereof is directed by resolution of the State Lands Commission."

At its meeting held January 30, 1951, a resolution was adopted by the Commission containing the following further pertinent instructions regarding the deposit of these monies:

"Minute Item 17. (TIDELANDS CONTROVERSY, U. S. VS. STATE OF CALIFORNIA - W.O. 721.) Upon motion duly made by Lt. Governor Goodwin J. Knight and seconded by Honorable James S. Dean, the following resolution was unanimously adopted: Notwithstanding the provisions of Minute Item No. 17 adopted October 5, 1950, the Executive Officer, or in his absence, the Assistant Executive Officer, is authorized to withdraw moneys from the special deposit funds on deposit with the State Treasurer as hereinafter specifically provided.

"(1) That the Executive Officer, or in his absence, the Assistant Executive Officer, is authorized to draw claims against the special deposit fund entitled 'Impounded Tide and Submerged Lands Revenue per Stipulation August 21, 1950' to pay amounts deposited in said fund on a quarterly basis, beginning with the quarter October 1, 1950 through December 31, 1950, and continuing thereafter until otherwise directed, to the Treasurer of the United States as provided in Section 3 of Chapter 7, Statutes of 1951, (AB 1878). . . ."

On July 27, 1953, and as a result of the passage of the "Submerged Lands Act" (Public Law 31 - 83d Congress) the Commission directed the Executive Officer to present a formal request on its (the Commission's) behalf to the proper authorities of the United States for the release and return to the State of California of all the tide and submerged lands rentals and royalties on deposit with the United States. Action by the Executive Officer was taken accordingly.

On September 24, 1954, the United States presented to the State of California a check in the amount of \$22,041,994.66, thus releasing the total of the rentals and royalties impounded with the Federal Government.

On September 30, 1954, the State Lands Commission took the following action:

"WHEREAS, it appears that the entitlement of the State to the impounded revenues from the tide and submerged lands has been finally determined by Act of Congress ('Submerged Lands Act', Pub. Law 31, 83d Cong., 1st Sess.), and the litigation challenging the validity of such Act of Congress has been decided by the courts in favor of the State; and

"WHEREAS, pursuant to that Act of Congress the Federal Government has now remitted \$22,041,994.66, the portion of such revenues impounded in the hands of the Federal Government, to the State;

"NOW, THEREFORE, BE IT RESOLVED that the State Controller and the State Treasurer be and they are hereby authorized and directed to transfer or deposit in the State Lands Act Fund, as contemplated by Section 6816 of the Public Resources Code and Chapters 7 and 308, Statutes of 1951, for disposition as provided by law, the revenues from tide and submerged lands, including increment from investments thereof, impounded in the State Treasury or returned to the State from impoundment by the Federal Government.

STATE LANDS COMMISSION

/s/ Robert G. Kirkwood
Chairman

/s/ John M. Peirce
Member "

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

1. THE STATE LANDS COMMISSION CONFIRMS AND RATIFIES ITS ACTION OF SEPTEMBER 30, 1954;

2. EFFECTIVE SEPTEMBER 30, 1954, THE PREVIOUS DIRECTIVES AS CONTAINED IN ITS RESOLUTIONS OF DECEMBER 1, 1947 AND JUNE 30, 1951, AS HEREIN QUOTED, AND WHICH PROVIDED FOR THE IMPOUNDING OF RENTALS AND ROYALTIES FROM TIDE AND SUBMERGED LAND LEASES ARE TERMINATED;
3. THE EXECUTIVE OFFICER IS AUTHORIZED AND DIRECTED TO DEPOSIT ALL RENTALS AND ROYALTIES RECEIVED FROM TIDE AND SUBMERGED LAND LEASES, SUBMITTED AFTER SEPTEMBER 30, 1954 TO THE STATE TREASURER, IN THE STATE LANDS ACT FUND, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6816, PUBLIC RESOURCES CODE;
4. THE EXECUTIVE OFFICER IS DIRECTED FURTHER TO FILE A COPY OF THIS RESOLUTION WITH THE OFFICE OF THE STATE TREASURER, THE STATE CONTROLLER AND THE DIVISION OF BUDGETS AND ACCOUNTS IN THE DEPARTMENT OF FINANCE.

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

Rufus W. Putnam
RUFUS W. PUTNAM
Executive Officer