

United States, as modified and renewed, effective October 1, 1950, applies only to mineral leases, and that therefore there is no requirement under the stipulation on and after that date to deposit in a Special Fund for transfer to the Treasurer of the United States, any rentals or royalties or other sums received from leases of tide and submerged lands for occupation by piers and other structures. Mr. Mattoon pointed out, however, that while the stipulation was binding as regards the Department of the Interior and the Department of Justice of the United States, it was not effective against other Federal agencies. Furthermore, the United States Supreme Court has not yet established the landward boundary line of the marginal belt, and it is conceivable that, at some locations at least, this line will follow the low water mark on the Coast of the main land of California. That being the case, and through an abundance of caution, it is Mr. Mattoon's opinion that rentals, royalties and other sums received by the State from other than mineral leases in tide and submerged lands along the Coast of California, be held in a Special Trust Fund in the State Treasury until such time as the United States Supreme Court makes a final ruling in this matter.

Discussion was held with the Office of the State Controller as to the method of accounting for moneys received under items (1) and (2) mentioned above.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED AUTHORIZING THE EXECUTIVE OFFICER TO REQUEST THE STATE CONTROLLER TO ESTABLISH AS OF OCTOBER 1, 1950 (1) AN ACCOUNT ENTITLED "IMPOUNDED TIDE AND SUBMERGED LANDS REVENUE PER STIPULATION OF AUGUST 21, 1950" WHEREIN WOULD BE ACCOUNTED AND UNDER WHICH THE DIVISION OF STATE LANDS WOULD REMIT TO THE STATE TREASURER FOR DEPOSIT ALL MONEYS RECEIVED FROM TIDE AND SUBMERGED LAND MINERAL LEASES AFFECTED BY SAID STIPULATION; ALSO AN ACCOUNT ENTITLED "RENTALS - COMMERCIAL AND RECREATIONAL TIDE AND SUBMERGED LAND LEASES SUBSEQUENT TO OCTOBER 1, 1950" WHEREIN WOULD BE ACCOUNTED AND UNDER WHICH THE DIVISION OF STATE LANDS WOULD REMIT TO THE STATE TREASURER FOR DEPOSIT ALL MONEYS RECEIVED FROM TIDE AND SUBMERGED LAND COMMERCIAL AND RECREATIONAL LEASES WHICH ARE EXCLUDED AS NOT COMING UNDER THE PROVISIONS OF THE STIPULATION OF AUGUST 21, 1950; (2) THAT THE DISPOSITION OF THE MONEYS IN THESE ACCOUNTS SHALL OCCUR ONLY AND UPON A SPECIFIC RESOLUTION OF THE STATE LANDS COMMISSION.

18. (U. S. v. CALIFORNIA, SUBMERGED LAND STIPULATION EFFECTIVE OCTOBER 1, 1950- W.O. 721) The Commission was informed that the Commission on August 29, 1950 (Minute P. 1181) authorized the Executive Officer to consult with the Attorney General (1) with respect to placing impounded funds out at interest and (2) on the legal method to be employed in making payment to the United States.

With reference to item (1) this matter was briefly discussed in Washington by Controller Kuchel and Solicitor General Perlman. Discussions with the Attorney General have as yet not developed conclusions to make a recommendation.

On item (2) informal discussions have been held with Assistant Attorney General Mattoon. He is of the present opinion that until (a) the Commission makes the final deposit of revenue with the State Treasurer for the October 1 - December 31 quarter, which will occur approximately on January 25, 1951, and (b) the debits are on the State Controller's books and (c) the Commission files a claim with the Controller requesting payment to the U. S. Treasury and (d) the Controller declines to make payment, no petition for mandate can be filed on behalf of the Commission against the Controller. However, informal conference will be held with the Chief Justice of the State Supreme Court in the interim.