

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 15, 2010
POSITION: Oppose

BILL NUMBER: AB 2598
AUTHOR: J. Brownley

BILL SUMMARY: Tidelands and Submerged Lands

This bill would require trustees of granted public trust lands to prepare a sea level action plan and submit the plans to the Natural Resources Agency (Resources Agency), the Governor’s Office of Planning and Research (OPR), and the State Lands Commission (Commission) by July 1, 2011.

FISCAL SUMMARY

The Commission, the Resources Agency and OPR would incur no additional costs to receive the plans, which are for information gathering purposes. However, costs could be incurred should the bill create a requirement that something be done with the plans.

We note that there could be significant costs to state departments if they are determined to be trustees of state lands.

COMMENTS

Finance is opposed to this bill because it could result in significant statewide costs because the definition of trustee of granted public trust lands is ambiguous and it is unclear what the OPR, Resources Agency, and the Commission are expected to do with the sea level action plan.

In December 2009 the Commission submitted “A Report of Sea Level Rise Preparedness”, which contained responses to a survey that was sent out to all trustees of the state’s public trust lands. Only a small portion of the surveys sent out were returned. The public trust lands are state assets and are comprised of the state’s filled and unfilled and submerged lands and well as the beds of navigable waterways. The lands are extremely vulnerable to sea level rise and are some of the state’s most valuable lands in terms of economic infrastructure and environmental habitat. The trustees are legislative grant recipients of these public trust lands and the statutes governing these grants allow the local trustees to collect revenues generated from the state assets and reinvest them locally for public trust purposes. The Commission indicates the intention of this bill is to allow it to confirm that major trustees are beginning to address the issue of sea level rise.

This bill would require trustees of granted public trust lands to prepare a sea level action plan and submit the plans to Resources Agency, the OPR, and the Commission by July 1, 2011. However, the bill does not distinguish the type of trustee to which it is referring. The Commission indicates the bill pertains to trustees that are the recipients of the legislative grants.

However, legal advice from the Resources Agency indicates that trustees of granted public trust lands include state departments that are trustees over public resources and would include the Department of Parks and Recreation, Department of Fish and Game, Commission, and the University of California System, thereby creating significant statewide costs. Additionally, the bill provides no direction regarding what is to be done with the sea level rise reports once received by Resources Agency, OPR, and the Commission.

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Analyst/Principal (0651) K. DaRosa	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)

AUTHOR

AMENDMENT DATE

BILL NUMBER

J. Brownley

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AB 2598

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							Fund Code
	LA	(Dollars in Thousands)							
	CO	PROP							
	RV	98	FC	2009-2010	FC	2010-2011	FC	2011-2012	
3560/Lands Comm	SO	No		-----	See Fiscal Analysis	-----			0001
0540/Secy Nat Res	SO	No		-----	See Fiscal Analysis	-----			0140
0650/OPR	SO	No		-----	See Fiscal Analysis	-----			0001

<u>Fund Code</u>	<u>Title</u>
0001	General Fund
0140	Environmental License Plate Fund, Calif