

It was further resolved that, upon approval of the Board of Control of the Discharge of Accountability requested for the Reading Company under Easement 276, in the amount of \$57.73, the Executive Officer present to the Board of Control for payment a claim of the Reading Company for overpayment of oil royalties in the amount of \$76.54, said amount being the sum of the recorded account balance June 22, 1947, \$18.81 credit, plus the credit of \$57.73 set forth in the above resolution.

46.

(Proposed Rules and Regulations Pursuant to Section 126 of Government Code - W.O. 455) At the meeting of the Commission on April 27, 1949, the Commission authorized the Executive Officer to proceed with the hearing specified by the Code of Administrative Procedure for the adoption of the proposed rules to Government Administrative Procedure under Section 126 of the Government Code which relates to the consent of the Legislature to the acquisition of land by the United States. Shortly thereafter notices of the proposed hearing were mailed directly to all believed to be concerned and notices were also published in newspapers in Los Angeles, and Sacramento, California, on May 10, 1949. A public hearing was held in Room 115 State Building, Los Angeles, California, pursuant to such notices at 2 P.M., on June 10, 1949. Resolutions of the State Lands Commission pertaining to the preparation and adoption of these rules were read and also the provisions of Section 126 of the Government Code. The proposed rules were then read twice and opportunity was given to those in attendance to comment on them pro and con. The only suggestion for amendment was contained in a letter dated May 24, 1949, from Colonel Dwight F. Johns, United States Division Engineer, South Pacific Division, on behalf of the Department of the Army in which he stated that the subject matter of the rules should relate to the acquisition of Federal jurisdiction rather than the acquisition of lands by the United States. This suggested change has been discussed with the office of the Attorney General and rejected in view of the fact that the terms used were direct quotations from Section 126.

Upon motion duly made and unanimously carried, a resolution was adopted authorizing the adoption of rules and regulations as prepared by the office of the Attorney General and as presented at the Public Hearing on June 10, 1949 as follows:

"STATE LANDS COMMISSION
301 State Building
Los Angeles, California

Proposed Rules and Regulations Governing Conditions and Procedures Under Government Code Section 126 of California

"ARTICLE 8. Rules Relating to Hearing to Determine Compliance With Conditions and Reservations of Consent by the Legislature of California to Acquisition of Land by United States, Pursuant to Section 126, Government Code.

"2700. REQUEST FOR HEARING. Any interested person, including an agency or department of the United States or the attorney thereof, may by writing filed with the commission at least 10 days before the next regular meeting request a public hearing to determine whether the conditions and reservations respecting consent to acquisition have been met. The commission may on its own motion order that a public hearing be held for such purposes.

"2701. PUBLICATION OF NOTICE: COST. Upon determination by the commission that a public hearing should be held, the Executive Officer shall prepare the necessary Notice of Hearing and shall ascertain the cost of publication and service thereof. After receipt of the cost of publication and cost of service of Notice from the owner or transferee of the property, unless the commission directs otherwise, the Executive Officer shall cause the Notice to be published and served as provided in Rule 2702.

"2702. NOTICE: CONTENTS AND SERVICE. Not more than 30 and not less than 15 days before hearing. Notice of Hearing shall be published, and personal service shall be made not less than 10 days before hearing. Affidavit of publication and return of service shall be filed with the commission before hearing. The Notice shall be entitled 'Notice of Hearing to Determine Compliance with Conditions and Reservations of Consent by the Legislature of California to Acquisition by the United States of Land Popularly Known as _____.' If the land is not known by popular name, the Notice shall refer to 'Certain Land situated in _____ Coun(ty) (ties).' The Notice shall contain a legal description of the land and shall set forth the time and place of hearing, which place, unless the commission otherwise directs, shall be the commission office in or nearest the county in which the land is situated. The Notice shall recite that Hearing shall be had pursuant to Government Code Section 126, and amendments, if any, and shall advise that interested parties may appear personally or through counsel and may present evidence on the issuance of compliance, pursuant to rules and regulations of the commission.

"2703. PROCEDURE ON HEARING ARGUMENT. Unless otherwise ordered by the commission, the person requesting Hearing as provided in Rule 2700, shall present material evidence in support of his application. After such person rests, any other interested person may present any material evidence in support of or in opposition to such application. The commission may in its discretion limit cumulative evidence and may refuse or allow argument, and in case of allowance, may limit the same.

"2704. EVIDENCE. Oral evidence shall be taken only on oath or affirmation. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Hearsay evidence may be received upon a showing satisfactory to the commission of the difficulty of obtaining direct evidence.

The Statutory authority for these sections is:

Government Code Section 126."