

MINUTE ITEM

30. AMENDMENT TO SECTION 1903, TITLE 2, DIVISION 3, CALIFORNIA ADMINISTRATIVE CODE, RULES AND REGULATIONS OF THE STATE LANDS COMMISSION - W.O. 3284.

After consideration of Calendar Item 13 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE STATE LANDS COMMISSION ADOPTS THE FOLLOWING:

IN ACCORDANCE WITH THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT (GOVERNMENT CODE, TITLE 2, DIVISION 3, PART 1, CHAPTER 4), THE STATE LANDS COMMISSION HEREBY CERTIFIES THAT SAID AGENCY HAS, WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THE EMERGENCY REGULATION FILED WITH THE SECRETARY OF STATE ON SEPTEMBER 11, 1959, GIVEN NOTICE OF THE ADOPTION THEREOF AND AFFORDED INTERESTED PERSONS THE OPPORTUNITY TO PRESENT STATEMENTS, ARGUMENTS, OR CONTENTIONS IN A MANNER SUBSTANTIALLY SIMILAR TO THAT PROVIDED BY SECTION 11423, 11424 AND 11425, GOVERNMENT CODE.

FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO FILE A COPY OF THIS CERTIFICATION WITH THE DIVISION OF ADMINISTRATIVE PROCEDURE, DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS.

Attachment

Calendar Item 13 (1 page)

CALENDAR ITEM

13.

AMENDMENT TO SECTION 1903, TITLE 2, DIVISION 3, CALIFORNIA ADMINISTRATIVE CODE, RULES AND REGULATIONS OF THE STATE LANDS COMMISSION - W.O. 3284.

At its meeting held August 27, 1959, the Commission adopted an emergency regulation amending Section 1903, California Administrative Code. The amendment was required to establish fees for services performed by the Commission. This amendment was filed in the office of the Secretary of State on September 11, 1959, and became effective on September 18, 1959.

Section 11422.1, Government Code (Administrative Procedures Act), requires that where an emergency regulation has been adopted without prior compliance with the provisions of Sections 11423, 11424 and 11425, Government Code, the adopting agency shall within a 120-day period subsequent to adoption, give notice "in a manner substantially similar to that required for the proposed adoption of a regulation and has afforded interested persons the opportunity to present statements, arguments, or contentions in a manner substantially similar to that required by Section 11425. The agency shall, prior to the expiration of the 120-day period, transmit to the Department" (Professional and Vocational Standards) "for filing with the Secretary of State and with the Rules Committee of each House of the Legislature, a certification that either Sections 11423, 11424 and 11425 were complied with prior to adoption, or that compliance was had with this Section within the said period. Failure to so certify shall constitute a repeal of the emergency regulation."

In accordance with the foregoing, the agency (State Lands) caused advertisements of the amended Section 1903 as adopted to be run in daily papers at Los Angeles and Sacramento as of October 8, 1959. Additionally, notices of the change were sent to interested persons. The advertisement which was placed provided that "any interested person may present statements or arguments in writing relevant to the regulation...at or before 3 o'clock p.m. on the 8th day of November, 1959. It also provided that the Commission might thereafter certify that in amending and adopting Section 1903, it duly complied with the provisions of Sections 11422.1 and 11421(b), Government Code, State of California.

No comments were received from the public relating to the amended rule adopted previously.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION ADOPT THE FOLLOWING:

IN ACCORDANCE WITH THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT (GOVERNMENT CODE, TITLE 2, DIVISION 3, PART 1, CHAPTER 4), THE STATE LANDS COMMISSION HEREBY CERTIFIES THAT SAID AGENCY HAS, WITHIN 120 DAYS OF THE EFFECTIVE DATE OF THE EMERGENCY REGULATION FILED WITH THE SECRETARY OF STATE ON SEPTEMBER 11, 1959, GIVEN NOTICE OF THE ADOPTION THEREOF AND AFFORDED INTERESTED PERSONS THE OPPORTUNITY TO PRESENT STATEMENTS, ARGUMENTS, OR CONTENTIONS IN A MANNER SUBSTANTIALLY SIMILAR TO THAT PROVIDED BY SECTIONS 11423, 11424 AND 11425, GOVERNMENT CODE.

FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO FILE A COPY OF THIS CERTIFICATION WITH THE DIVISION OF ADMINISTRATIVE PROCEDURE, DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS.