

9/26/68

28. AUTHORIZATION FOR THE STATE LANDS COMMISSION TO HOLD INVESTIGATIVE HEARINGS UNDER GOVERNMENT CODE SECTION 113 CONCERNING RETROCESSION OF LAND WITHIN THE JURISDICTION OF THE UNITED STATES TO THE STATE OF CALIFORNIA; ALAMEDA, LOS ANGELES, MONTEREY, SAN DIEGO, AND SANTA BARBARA COUNTIES - W.O.s 5805, 6242, 6308, 6600, 6602, 6936, AND 7127.

After consideration of Calendar Item 27 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE EXECUTIVE OFFICER, OR THE ASSISTANT EXECUTIVE OFFICER, THE STAFF COUNSEL, OR THE MANAGER, STATE LANDS PROGRAM, UPON DESIGNATION BY THE EXECUTIVE OFFICER, TO HOLD HEARINGS CONCERNING RETROCESSION UNDER SECTION 113 OF THE GOVERNMENT CODE, AND THE ISSUANCE OF SUBPOENAS, INSPECTION OF BOOKS AND RECORDS, ADMINISTERING OATHS, AND CONDUCTING HEARINGS AS AUTHORIZED BY PUBLIC RESOURCES CODE SECTION 6103 AND GOVERNMENT CODE SECTIONS 11180 ET SEQ. FURTHER, THE COMMISSION ADOPTS FOR RETROCESSION HEARINGS THE RULES AND REGULATIONS SET OUT IN ADMINISTRATIVE CODE SECTIONS 2600 ET SEQ. AND AUTHORIZES THE PUBLICATION OF NOTICE AND THE SERVICE OF NOTICE OF THE MEETINGS REQUIRED BY GOVERNMENT CODE SECTION 113, AND AUTHORIZES THE ISSUANCE OF SUBPOENAS IN THE NAME OF THE STATE LANDS COMMISSION ON THE FORM ATTACHED HERETO AS EXHIBIT "A", AND TO ISSUE SUBPOENAS DUCES TECUM, ON THE FORM ATTACHED HERETO AS EXHIBIT "B", REQUIRING PERSONS TO BRING BOOKS AND RECORDS WITH THEM IF REQUIRED BY THE OFFICER CONDUCTING THE HEARING.

Attachment

Calendar Item 27 (3 pages)

AUTHORIZATION FOR THE STATE LANDS COMMISSION TO HOLD INVESTIGATIVE HEARINGS UNDER GOVERNMENT CODE SECTION 113 CONCERNING RETROCESSION OF LAND WITHIN THE JURISDICTION OF THE UNITED STATES TO THE STATE OF CALIFORNIA; ALAMEDA, LOS ANGELES, MONTEREY, SAN DIEGO, AND SANTA BARBARA COUNTIES - W.O.s 5805, 6242, 6308, 6600, 6602, 6936, AND 7127.

Section 113 of the Government Code was enacted in 1967 to facilitate the retrocession of jurisdiction by the United States of land within the State of California. This section requires the United States to request in writing that the State accept retrocession of jurisdiction and that when such request has been made the State Lands Commission "shall hold a hearing to determine whether acceptance of such retrocession is in the best interests of the State." The section further sets out the procedure to be followed. Public Resources Code Section 6110 provides that the State Lands Commission "may, by resolution, designate an officer or employee of the Commission to conduct the public hearings...."

Such hearings will be required under each of the above designated files, and on additional files as requests are received from the United States.

Public Resources Code Section 6103 and Government Code Sections 11180 et seq. authorize the State Lands Commission to issue subpoenas, inspect books and records, administer oaths, and conduct hearings. This authority may be delegated to a member of the Commission's staff.

Administrative Code Sections 2600 et seq. set out the rules and regulations which have been adopted for the conduct of hearings under Government Code Section 126, and they should be extended to cover hearings under the new Section 113.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER, OR THE ASSISTANT EXECUTIVE OFFICER, THE STAFF COUNSEL, OR THE MANAGER, STATE LANDS PROGRAM, UPON DESIGNATION BY THE EXECUTIVE OFFICER, TO HOLD HEARINGS CONCERNING RETROCESSION UNDER SECTION 113 OF THE GOVERNMENT CODE, AND THE ISSUANCE OF SUBPOENAS, INSPECTION OF BOOKS AND RECORDS, ADMINISTERING OATHS, AND CONDUCTING HEARINGS AS AUTHORIZED BY PUBLIC RESOURCES CODE SECTION 6103 AND GOVERNMENT CODE SECTIONS 11180 ET SEQ. IT IS FURTHER RECOMMENDED THAT THE COMMISSION ADOPT FOR RETROCESSION HEARINGS THE RULES AND REGULATIONS SET OUT IN ADMINISTRATIVE CODE SECTIONS 2600 ET SEQ. AND AUTHORIZE THE PUBLICATION OF NOTICE AND THE SERVICE OF NOTICE OF THE MEETINGS REQUIRED BY GOVERNMENT CODE SECTION 113, AND AUTHORIZE THE ISSUANCE OF SUBPOENAS IN THE NAME OF THE STATE LANDS COMMISSION ON THE FORM ATTACHED HERETO AS EXHIBIT "A", AND TO ISSUE SUBPOENAS DUCES TECUM, ON THE FORM ATTACHED HERETO AS EXHIBIT "B", REQUIRING PERSONS TO BRING BOOKS AND RECORDS WITH THEM IF REQUIRED BY THE OFFICER CONDUCTING THE HEARING.

Attachments: Exhibits "A" and "B"

