

MINUTE ITEM

6/23/71
VJB

17. ADOPTION OF RULES AND REGULATIONS FOR RETROCESSION OF JURISDICTION -
W 7127.

After consideration of Supplemental Calendar Item 15 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION ADOPTS THE RULES AND REGULATIONS FOR RETROCESSION OF JURISDICTION AS SET OUT IN EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF, AND AUTHORIZES THE FILING OF SAID RULES AND REGULATIONS WITH THE SECRETARY OF STATE AND COMPLIANCE WITH ALL NECESSARY STATUTES TO MAKE SAID RULES AND REGULATIONS EFFECTIVE.

Attachment:

Supplemental Calendar Item 15 (4 pages)

SUPPLEMENTAL CALENDAR ITEM

6/71
W 7127
VJB

15.

ADOPTION OF RULES AND REGULATIONS FOR RETROCESSION OF JURISDICTION

On June 15, 1971, a hearing was held at 107 South Broadway, Los Angeles, California, pursuant to authorization by the Commission and published notice, for the adoption of rules and regulations for acceptance of retrocession of jurisdiction from the United States.

No comments were received from any interested parties. All of the procedures required under Government Code Sections 11420, etc., have been complied with for the adoption of rules and regulations. Several requests for retrocession of jurisdiction are now pending, and the rules and regulations are necessary to conduct these hearings.

IT IS RECOMMENDED THAT THE COMMISSION ADOPT THE RULES AND REGULATIONS FOR RETROCESSION OF JURISDICTION AS SET OUT IN EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF, AND AUTHORIZE THE FILING OF SAID RULES AND REGULATIONS WITH THE SECRETARY OF STATE AND COMPLIANCE WITH ALL NECESSARY STATUTES TO MAKE SAID RULES AND REGULATIONS EFFECTIVE.

Attachment: Exhibit "A"

California Administrative Code
Title 2
Division 3. State Property Operations

ARTICLE 8.

ACCEPTANCE OF RETROCESSION OF JURISDICTION FROM THE UNITED STATES

2700. DEFINITION.

Retrocession of jurisdiction is defined as a transfer from the United States to the State of California of the jurisdiction over any land previously under the jurisdiction of the United States and located within the State of California.

2701. APPLICATION - REQUEST BY THE UNITED STATES.

Whenever the United States makes a written request to the State of California that it accept the retrocession of jurisdiction over any land within its borders and complies with Government Code Section 113, the State Lands Commission shall follow the procedure in this article and determine whether or not it is in the best interests of the State to accept or reject the retrocession of jurisdiction.

2702. DETERMINATION OF CONDITIONS FOR HEARING.

Upon receipt of a request from the United States pursuant to the preceding section, the State Lands Commission shall determine if the following conditions have been satisfied:

(a) The United States has requested in writing that the State of California accept retrocession of jurisdiction of lands within the State of California;

(b) Said request was made by an officer of the United States, empowered by a United States statute to cede jurisdiction, or by an act of Congress; and

(c) Whether said request provides for a return of all jurisdiction to the State, or provides for concurrent jurisdiction.

2703. HEARING - NOTICE.

Whenever the State Lands Commission finds that the conditions in the preceding section are satisfied, it shall order that a public hearing be held before the Commission, or a member of the staff of the State Lands Division, pursuant to a notice published under the provisions of Section 6061 of the Government Code in each county in which the land, or any part thereof, is situated, for the purpose of taking evidence and determining whether it is in the best interests of the State to accept a retrocession of jurisdiction.

2704. PERSONAL SERVICE.

A copy of said published notice shall be personally served upon the Clerk of the Board of Supervisors of each county in which the land, or any part thereof, is situated, not less than ten days prior to the hearing.

2705. MAILING OF NOTICES.

A copy of said published notice shall be mailed to the officer of the United States, who requested the retrocession of jurisdiction, and to any person who requests such notice in writing and provides an address to the Commission.

2706. PAYMENT OF COSTS.

Unless other arrangements are made, the officer of the United States requesting the retrocession of jurisdiction shall arrange for the payment of the cost of publication, and any other costs that may be incurred.

2707. CONTENTS OF NOTICE.

Said published notice shall be in substantially the following form:

To whom it may concern:

Please take notice that, pursuant to Government Code Section 113 and the Rules and Regulations of the State Lands Commission, a public hearing will be held on _____, 19____, at _____ M., at _____, in the city of _____, State of California, for the purpose of determining whether or not it is in the best interests of the State to accept the retrocession of jurisdiction to the following described lands:

(Description)

The public is invited to appear personally or by attorney at said hearing and to present (oral) evidence and arguments, pursuant to the Rules and Regulations of the Commission. (written) (oral and written)

2708. TYPE OF HEARING.

The hearing held pursuant to said published notice may be conducted by oral or written presentations, or by both oral and written presentations. The hearing may be before the Commission, or a staff member designated by the Commission to conduct the hearing. Whenever the Commission designates any person to conduct the hearing, he shall have all of the authority of the Commission relating to hearings, except that he shall not make the final decision. He shall report his findings and recommendation to the Commission for its decision.

2709. PROCEDURE AT THE HEARING.

The hearing shall be conducted pursuant to the Rules and Regulations of the State Lands Commission as to all matters not specifically covered in this article.

2710. DECISION.

After all of the evidence has been received, the Commission shall make its decision. If it finds that acceptance of jurisdiction is in the best interests of the State, it shall order that certified copies of its resolution accepting retrocession of jurisdiction be distributed as follows:

- (1) One copy filed with the Secretary of State;
- (2) One copy recorded in the Office of the County Recorder of each county in which any part of the property is located; and
- (3) One copy mailed to the officer of the United States who requested the retrocession of jurisdiction.