

MINUTE ITEM

14. (PROPOSED LEGISLATIVE PROGRAM, 1959 - W.O. 2670.2.)

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

THE EXECUTIVE OFFICER IS AUTHORIZED TO DRAFT AND SUBMIT LEGISLATION FOR CONSIDERATION DURING THE 1959 SESSION OF THE STATE LEGISLATURE TO PROVIDE AS FOLLOWS:

P.R.C. 6210.4(a) AMEND TO ALLOW THE ISSUANCE OF STATE PATENTS SUBJECT TO EXISTING RIGHTS OF WAY RATHER THAN REQUIRE THE STATE TO RETAIN FEE TITLE TO AREAS CONTAINED WITHIN EXISTING RIGHTS OF WAY.

P.R.C. 6210.6 REPEAL.

P.R.C. 6214 REPEAL.

P.R.C. 6505.5 AMEND TO PREVENT THE TERMINATION OF A LEASE WHEREIN A PORTION OF THE LANDS CONCERNED HAS BEEN APPROVED FOR SALE OR FOR WHICH AN APPLICATION TO PURCHASE HAS BEEN RECEIVED.

P.R.C. 6509 AMEND TO DELETE THE PROVISION IN THE SECTION RELATING TO TERMINATION OF A LEASE OCCASIONED BY THE FILING OF AN APPLICATION TO PURCHASE A PORTION OF THE AREA OF THE LEASE.

P.R.C. 6826 AMEND TO PROVIDE THAT PERMITS FOR PROSPECTING FOR OIL AND GAS DEPOSITS RESERVED TO THE STATE SHALL NOT BE ISSUED, AND ALSO TO PROVIDE THAT PERMITS FOR PROSPECTING FOR MINERALS OTHER THAN OIL AND GAS, WHICH HAVE BEEN RESERVED TO THE STATE, WILL BE ISSUED ONLY PURSUANT TO ARTICLE 5, CHAPTER 3, DIVISION 6.

REPEAL CHAPTER 4, PART 2, DIVISION 6, BEING P.R.C. 6961 TO 6964, INCLUSIVE; 6966, 6970 TO 6978, INCLUSIVE.

REPEAL P.R.C. 7521, 7524, 7530 TO 7534, INCLUSIVE.

REPEAL P.R.C. 7701, 7702, 7704, 7720, 7722.

AMEND P.R.C. 7729 BY DELETING THE SECOND PARAGRAPH OF THE SECTION, MAKING IT UNNECESSARY FOR THE HOLDER OF A CERTIFICATE OF PURCHASE TO ESTABLISH HIS RIGHT TO OWNERSHIP OF THE PROPERTY CONCERNED.

REPEAL P.R.C. 7751 TO 7756, INCLUSIVE; 7771 TO 7785, INCLUSIVE; 7901 TO 7912, INCLUSIVE; AND 7994.

AMEND GOVERNMENT CODE 13110 TO PROVIDE FOR NOTICE TO THE LANDS COMMISSION OF STATE INTERAGENCY PROPERTY TRANSFERS IN CONFORMITY WITH THE REQUIREMENTS OF PUBLIC RESOURCES CODE 6219.

THE OPINION OF THE OFFICE OF THE ATTORNEY GENERAL IS TO BE REQUESTED AS TO
CONCURRENCE ON THE OBSOLETE STATUS OF THE STATUTES PROPOSED TO BE REPEALED
AND THAT NO VESTED RIGHTS WILL BE DISTURBED BY THE PROPOSED STATUTORY
AMENDMENTS.

Attachment
Calendar Item 27 (3 pages)

CALENDAR ITEM

MISCELLANEOUS

27.

(PROPOSED LEGISLATIVE PROGRAM - W.O. 2670.2.)

It is proposed that the following sections of the Public Resources Code and Section 13110 of the Government Code be amended or repealed for the reason and in the manner as hereinafter set out.

P.R.C. 6210.4(a) Elimination of unnecessary administrative procedures as well as possible future title encumbrances by amending so that future conveyances of State lands be made subject to existing easements and rights of way issued by the State prior to the time of conveyance. This proposed change would permit the transfer of the entire fee title to the State's patentee rather than require the State to retain title to the area of the right of way or easement previously granted.

P.R.C. 6210.6 Repeal for the reason that it is a carry-over from an original enactment of 1866 and is no longer used today. Further, the section makes no provision for notification to the State of the area to be claimed under this section which would seem contrary to the obvious legislative intent that all public lands, with certain exceptions, be under the management of the Lands Commission.

P.R.C. 6214 Repeal, inasmuch as the charges specified therein are unrealistic under present day costs, and for the further reason that charges for services rendered by the Commission are otherwise provided for in P.R.C. 6218.

P.R.C. 6505.5 Amend so as to eliminate the requirements for the termination of a lease when a portion of the area contained within the lease is approved for sale. If a portion of the area contained in the lease is sold, it does not necessarily follow that the entire lease should be terminated, but rather the lease should be amended so as to contain only the remaining area left after the sale. It is further proposed to delete the requirement under this section for the use of registered mail for notifying lessees when an area contained within the lease is approved for sale. Other forms of mail notice can be just as effective and less costly.

P.R.C. 6509 Amend so as to delete from this section those provisions which will conflict with the proposed amendment to Section 6505.5 as set out above. Therefore, this section should no longer contain the provision relating to the termination of a lease by reason of the filing of an application to purchase lands.

P.R.C. 6626 Amend so as to correct the omission of the first sentence of this section inadvertently omitted at the time this section was previously amended in 1955. As amended, this section will once again provide that permits for prospecting for oil and gas deposits reserved to the State will not be issued.

Chapter 4, Part 2, Division 6 of the Public Resources Code consisting of Sections 6961, 6962, 6963, 6964, 6966, 6970 to 6978, inclusive. Repeal for the

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reason that no such leases, as provided for under Chapter 4, are presently in existence and by the terms of Section 6963, no applications for new leases under this Chapter can be received after the effective date of the Chapter, which was 1941.

P.R.C. 7521, 7524, 7530 to 7534, inclusive Repeal all of the sections cited which contain provisions relating to partial payments for lands purchased from the State. This procedure has long since been obsolete.

P.R.C. Sections 7701, 7702, 7704, 7720 and 7722 Repeal the cited sections which contain provisions relating to partial or time payment purchase of land from the State, which procedure is obsolete.

P.R.C. 7729 Amend so as to strike the provisions contained therein relating to submission of affidavits by the owner of the Certificate of Purchase in order to establish his ownership of the land concerned in the Certificate. It has always been Commission policy to issue a patent in the name of the original patentee through whom a successor in interest will claim and perfect title. Therefore, it is immaterial that the identity of the party requesting issuance of the patent be established, or his ownership of the land concerned.

P.R.C. 7751 to 7756, inclusive; 7771 to 7786, inclusive; 7901 to 7912, inclusive; and 7994 Repeal for the reason that all sections relate to conditions arising in the event of delinquent payments on sales for which Certificates of Purchase were issued many years ago. A moratorium on the payments under the procedures was terminated in 1943, and all contract payments then outstanding have either been paid or the sale has been rescinded for lack of payment.

Government Code 13110 Amend. Present section 13110 of the Government Code authorizes interagency transfer of control and possession of State lands, but does not require notice of transfer of said lands to be given to the State Lands Commission pursuant to the requirements of the Public Resources Code 6219. For that reason, it appears that Government Code 13110 should be amended so as to require notice of interagency transfers to be given to the State Lands Commission.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO DRAFT AND SUBMIT LEGISLATION FOR CONSIDERATION DURING THE 1959 SESSION OF THE STATE LEGISLATURE TO PROVIDE AS FOLLOWS:

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