#### MINUTE ITEM

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, AIMINISTERING OATHS, AND CONDUCTING HEARINGS AS AUTHORIZED BY FUBLIC 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"

### EXHIBIT "A"

### BEFORE THE STATE LANDS COMMISSION

OF THE STATE OF CALIFORNIA

In the Matter of the Investigation of: )

SUBPOENA

THE PEOPLE OF THE STATE OF CALIFORNIA SEND GREETINGS TO:

Pursuant to the authority vested in the STATE LANDS COMMISSION by the laws of the State of California, and more particularly section 6103 of the Public Resources Code and section 11180 et seq. of the Government Code of the State of California.

You are hereby commanded to appear before the STATE LANDS COMMISSION of the State of California, or its duly authorized representative, in connection with the investigation named above, at

on the day of 196, at the hour of and to continue in attendance before it, or its duly authorized representative, in such time and places as it, or its duly authorized representative, may determine, and to testify in the above entitled matter.

For failure to comply with the provisions of this Subpoena and to attend as required, you will be subject to contempt proceedings in accordance with the provisions of sections 11187 and 11188, of the Government Code of the State of California.

DATED:

STATE LANDS COMMISSION OF THE STATE OF CALIFORNIA
FRANCIS J. HORTIG Executive Officer

This \_\_\_\_\_\_, 196 .

## EXHIBIT "B"

## BEFORE THE STATE LANDS COMMISSION

# OF THE STATE OF CALIFORNIA

In the Matter of the Investigation of: )  SUBPOENA TO PRODUCE BOOKS, RECORDS, PAPERS AND DOCUMENTS
то:
Pursuant to the powers conferred upon the STATE LANDS COMMISSION of the State of California by section 6103 of the Public Resources Code and by Article 2 of Chapter 2 of Division 3 of Title 2 of the Government Code of California, which powers have been delegated by the STATE LANDS COMMISSION to
who been authorized by the STATE LANDS COMMISSION to conduct the above titled investigation:
YOU ARE HEREBY COMMANDED, to appear before
at
on the
For failure to comply with the commands of this subpoena you will be subject to contempt proceedings before the Superior Court as provided in sections 11186, 11187 and 11188 of the Government Code of the State of California.
DATED: This day of, 196
to the person served: You are hereby served in the within investigation or proceeding on behalf of corporation, as a person upon whom a copy of this subpoena must be served to affect service upon such corporation under the provisions of Section 411 of the Code of civil Procedure.

1155