

MINUTE ITEM

44. 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 54 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO INITIATE PROCEDURES UNDER THE PROVISIONS OF SECTION 11420, ET SEQ., GOVERNMENT CODE, FOR THE PURPOSE OF AMENDING SECTION 1903 OF THE RULES AND REGULATIONS OF THE STATE LANDS COMMISSION, AS IS SET FORTH IN EXHIBIT "A" ATTACHED.

Attachment

Calendar Item 54 (3 pages)

CALENDAR ITEM

5b.

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

Section 1903, California Administrative Code, provides rules and regulations relating to fees and expense deposits. Two amendments are required in this section at the present time. One is the result of operating problems which requires the amendment of Section 1903(b); the other is the result of a 1959 legislative enactment which will require the addition of a new subsection (1903(e)). These proposed changes are:

1903(b)

To provide a time limit within which additional sums to cover expenses in connection with land sale transaction shall be deposited; also, to set forth by rule the fact that cancellation of an application may result from failure by the applicant to perform.

These conditions, established by rule, would eliminate the necessity for Commission action in cases where there is nonperformance on the part of an applicant and a resultant requirement to cancel the application. The form of the proposed amendment to Section 1903(b) is set forth in Exhibit "A" attached.

1903(e)

Chapter 1587/59 (S.B. 575) will amend Section 6214 of the Public Resources Code. As currently in effect, this section reads:

§ 6214. Fees.

Schedule The fees to be charged and collected by the commission for services performed by it shall include the following:

- (a) For each certificate of purchase or duplicate, three dollars (\$3).
- (b) For each patent or certified copy of record thereof, five dollars (\$5).
- (c) For certifying a contested case to superior court, ten dollars (\$10).
- (d) For copies of papers, twenty cents (\$0.20) per folio and fifty cents (\$0.50) for certifying thereto.
- (e) For making copies of maps, for furnishing status of lands and for furnishing names and addresses of purchasers of State lands, per hour, one dollar (\$1), and fifty cents (\$0.50) for certifying thereto.
- (f) Such other fees as are allowed by law.

Disposition. All fees received by the commission under this section shall be paid into the State Treasury on the first Monday of each month and placed to the credit of the State Lands Act Fund.

CALENDAR ITEM 54. (CONTD.)

As amended by Chapter 1587, the section will read:

6214. Fees shall be charged and collected by the commission pursuant to its rules and regulations for the following:

- (a) Certificates of purchase or duplicates thereof,
- (b) Patents and certified copies of records thereof,
- (c) For certifying a contested case to superior court,
- (d) For certifying copies of papers,
- (e) Such other fees as are allowed by law.

All fees received by the commission under this section shall be paid into the State Treasury monthly and placed to the credit of the State Lands Act Fund.

The purpose in amending the section was to eliminate the statutory fixing of fees which were set circa 1921, and to permit the collection of fees compatible with current costs.

It is suggested that the rules to be adopted governing the fees herein discussed be general in language, thus permitting the Commission to set the required fees by resolution. Such action would permit proper revision of the fee amounts in the future without extensive amendment of the Commission's Rules and Regulations. Language to accomplish this purpose is also set forth in Exhibit "A" attached, under the heading Section 1903(e).

A review by the staff indicates that the following adjustments should be made in fee rates:

<u>Service</u>	<u>Current Fee</u>	<u>Suggested Fee</u>
Certificates of purchase or duplicates thereof	\$ 3.00	\$ 6.00
Patents and certified copies of records thereof	5.00	10.00
For certifying a contested case to superior court	10.00	20.00
For certifying copies of papers	.50	1.00

Other services, such as the furnishing of status, the furnishing of copies of papers and maps, etc., will be charged for on a cost basis. Provision for the collection of such charges is contained in Section 6218 of the Public Resources Code.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO INITIATE PROCEDURES UNDER THE PROVISIONS OF SECTION 11420, ET SEQ., GOVERNMENT CODE, FOR THE PURPOSE OF AMENDING SECTION 1903 OF THE RULES AND REGULATIONS OF THE STATE LANDS COMMISSION, AS IS SET FORTH IN EXHIBIT "A" ATTACHED.

EXHIBIT "A"

PROPOSED AMENDMENTS TO SECTION 1903,
CALIFORNIA ADMINISTRATIVE CODE, TITLE 2.

Section Title:

1903 Filing Fees and Expense Deposits

1903(b) In addition to this filing fee, an expense deposit shall be made in an amount sufficient to cover the costs of the commission in processing the application. This deposit shall be in the amounts specified in the separate articles hereof. Should such initial expense deposit be insufficient to cover said costs the applicant shall deposit with the commission upon within 20 days following receipt of written notice, such additional sum as may be specified. Failure to so deposit shall be considered cause for cancellation of the application.

1903(e) The commission shall establish by resolution, and may from time to time amend, fees for the following:

- (a) Certificates of purchase or duplicates thereof,
- (b) Patents and certified copies of records thereof,
- (c) For certifying a contested case to superior court,
- (d) For certifying copies of papers,
- (e) For other services performed.