

MINUTE ITEM

This Calendar Item No. 36
was approved as Minute Item
No. 36 by the State Lands
Commission by a vote of 3
to 0 at its 2/22/79
meeting.

MINUTE ITEM

2/79
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36. DELEGATION OF AUTHORITY

Calendar Item 36 was approved as presented by a vote of 3-0 with the condition that all such refunds authorized by the Executive Officer or his appointee will be submitted to the Commission, in the form of a calendar item, for its information.

Attachment: Calendar Item 36

CALENDAR PAGE	_____
MINUTE PAGE	<u>427</u>

CALENDAR ITEM

36

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DELEGATION OF AUTHORITY

BACKGROUND:

On October 30, 1975 the Commission approved a delegation of authority giving the Executive Officer various duties and responsibilities. At that time the Commission reserved the power it has; pursuant to P.R.C. 6217, to authorize the refund of monies received or collected by it through illegality or by mistake, inadvertance or error.

The majority of the refunds which currently must be made are those concerning lease application fees where the Commission staff has requested a potential lessee to make an application and the land is subsequently found not to be owned by the State. Those fees are \$25 each. The process for returning these fees can often take several months. The refund must be calendared for the Commission, approved by the Board of Control, and submitted to the Controiler's Office before the check is written. The procedure has proven to be excessively time-consuming for both the staff and our lessees.

In addition to the filing fees, there are occasionally excess payments by lessees of rental or royalties which must be refunded. Most of these are less than \$1,000 each.

If the Executive Officer or his appointed representative, could have the authority to promptly authorize refunds up to \$1,000, the State would have a better working relationship with the parties it serves. This would also free the Commission from dealing with essentially ministerial duties and reduce the staff time needed to prepare calendar items.

IT IS RECOMMENDED THAT THE COMMISSION AMEND THE DELEGATION OF AUTHORITY TO PROVIDE THAT THE EXECUTIVE OFFICER SHALL HAVE THE AUTHORITY TO AUTHORIZE REFUNDS IN AMOUNTS NOT TO EXCEED \$1,000. THE EXECUTIVE OFFICER MAY RE-DELEGATE THE AUTHORITY TO AUHTORIZE REFUNDS IN LESSER AMOUNTS.

CALENDAR PAGE	232
(NOTE PAGE 16/79)	428