

**California Fish and Game Commission**  
**California State Legislature Bills of Interest in 2014**  
*Updated April 3, 2014*

This document lists bills introduced by the California State Legislature during the 2013-14 regular session that may be of interest to the California Fish and Game Commission. Given the ever-changing nature of legislation, this list may not be complete, and some bills may change in content or purpose at any time.

Bills are listed in numerical order, first for those introduced in the California State Assembly and second in the California State Senate. Note that the bill text included in this document indicates how *current* law would have changed if the bill were to have taken effect on April 3, 2014. Proposed *text additions* are displayed in blue italics and proposed *deletions* are displayed in red strikeout.

Click on the links below to “drop down” to the section of this document specific to that bill.

Legislative Bill No. and Brief Title	No Impact	Minor Impact	Significant Impact
<a href="#"><u>AB 504: Transgenic fish and sea cucumbers</u></a>		✓	
<a href="#"><u>AB 896: Mosquito abatement in wildlife management areas</u></a>	✓		
<a href="#"><u>AB 1327: Unmanned aircraft systems</u></a>	✓		
<a href="#"><u>AB 1709: Hunting licenses</u></a>		✓	
<a href="#"><u>AB 1711: APA economic impact assessment</u></a>	✓		
<a href="#"><u>AB 2019: Drift gill net shark and swordfish fishery</u></a>			✓
<a href="#"><u>AB 2075: Crime: Importation or sale of alligator or crocodilian species</u></a>	✓		
<a href="#"><u>AB 2105: Bighorn sheep</u></a>		✓	
<a href="#"><u>AB 2140: Marine mammals: Protecting orcas</u></a>	✓		
<a href="#"><u>AB 2185: Bees foraging on public land</u></a>		✓	
<a href="#"><u>AB 2205: Use of dogs to pursue bears and bobcats</u></a>			✓
<a href="#"><u>AB 2210: Nongame mammals: depredators</u></a>	✓		

<b>Legislative Bill No. and Brief Title</b>	<b>No Impact</b>	<b>Minor Impact</b>	<b>Significant Impact</b>
<a href="#"><u>AB 2268: Fish and Game Commission</u></a>		✓	
<a href="#"><u>AB 2364: CA red-legged frog as state amphibian</u></a>	✓		
<a href="#"><u>AB 2409: CA Waterfowl Habitat Program</u></a>	✓		
<a href="#"><u>AB 2629: Conservation and mitigation banks report</u></a>	✓		
<a href="#"><u>AB 2657: Use of coagulants in wildlife areas</u></a>	✓		
<a href="#"><u>AB 2684: Hatchery practices for salmon and steelhead</u></a>	✓		
<a href="#"><u>AB 2720: Record of action taken at state agency meetings</u></a>		✓	
<a href="#"><u>SB 176: Administrative Procedures Act</u></a>		✓	
<a href="#"><u>SB 764: Fish accounting records</u></a>	✓		
<a href="#"><u>SB 981: Regulations review process</u></a>			✓
<a href="#"><u>SB 1091: APA and California Regulatory Notice Register</u></a>		✓	✓
<a href="#"><u>SB 1138: Fish labeling</u></a>	✓		
<a href="#"><u>SB 1410: Payment in lieu fees for wildlife management areas</u></a>	✓		
<a href="#"><u>SB 1434: Funding of fish and wildlife programs</u></a>	✓		

**FGC staff analysis:** No significant impact on FGC policies, procedures or programs. Potentially minor impacts if new regulatory proposals are brought forward during the extension of these provisions.

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**Introduced by Assembly Member Chesbro**

February 20, 2013

AMENDED IN SENATE MARCH 12, 2014  
AMENDED IN ASSEMBLY JANUARY 06, 2014

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An act to amend Sections 1729 and 8405.4 of the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 504, as amended, Chesbro. Fish: sea cucumbers: transgenic fish.

(1) Existing law requires the Fish and Game Commission to establish fish hatcheries for stocking the waters of California with fish and requires the Department of Fish and Wildlife to maintain and operate those hatcheries. Existing law also authorizes county boards of supervisors to establish and maintain fish hatcheries and authorizes the commission to issue permits to nonprofit organizations to construct and operate anadromous fish hatcheries.

Under existing law, the Trout and Steelhead Conservation and Management Planning Act of 1979, the department is required to give priority to stocking native hatchery-produced species in California waters where stocking is determined to be appropriate by the department.

This bill would prohibit hatchery production and stocking of transgenic fish in California waters and would define "transgenic" for these purposes. A violation of the Fish and Game Code is generally a misdemeanor. Because the bill would create new crimes, the bill would impose a state-mandated local program.

(2) Existing law governs the sea cucumber fishery in this state. Under existing law, sea cucumbers cannot be taken, possessed aboard a boat, or landed by a person for commercial purposes except under a valid sea cucumber permit issued by the department. The commission is authorized to adopt regulations that it determines may reasonably be necessary to protect the sea cucumber resource and assure a sustainable sea cucumber fishery or to enhance enforcement activities. A violation of existing law or regulations adopted pursuant to those provisions is a crime. Existing law provides that those provisions shall become inoperative on April 1, 2015, and, as of January 1, 2016, are repealed.

This bill would extend the operation of those provisions until April 1, 2017, and would repeal those provisions on January 1, 2018. Because this bill would extend the operation of the sea cucumber permit

program and thereby the crimes imposed for a violation of those provisions, the bill would create a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

#### Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1.

Section 1729 of the Fish and Game Code is amended to read:

#### 1729.

(a) (1) The department shall give priority to stocking native hatchery-produced species in California's waters, where stocking is determined to be appropriate by the department. Stocking of hatchery-produced fish is not appropriate in all of California's waters, including, but not limited to, stocking in California's waters that would adversely affect species listed under the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3).

*(2) Hatchery production and stocking of transgenic fish in California waters is prohibited.*

(b) Hatchery-produced trout shall be stocked to support sustainable angling recreation and promote angler access to trout fishing, including, but not limited to, urban fisheries.

(c) The department may provide outreach and educational materials to all anglers to promote awareness of environmental sustainability, ecosystem health, fish genetics, angling opportunities, and fish population management.

(d) Educational programs utilizing the hatcheries shall be encouraged.

(e) The department shall ensure that all trout stocked in waters of the state for recreational purposes are unable to reproduce through triploidy or other means, with the exception of fish planted into brood stock lakes, surplus brood stock planted according to fishery management decisions, fish planted to supplement waters that the department has determined to be genetically isolated from native fish populations, and native trout species produced for recovery and restoration within their native range.

(f) The department may develop, conduct, and respond to regular angler preference and satisfaction surveys. This is not a substitute for a preferred scientific data collection and monitoring program that would facilitate adaptive management of California's inland trout fisheries.

(g) The department shall review angling regulations periodically and adjust those regulations to ensure consistency with the strategic plan described in Section 1728.

*(h) As used in this section, "transgenic" has the same meaning as in Section 1.92 of Title 14 of the California Code of Regulations, as that section read on May 14, 2003.*

**SECTION 1. SEC. 2.**

Section 8405.4 of the Fish and Game Code is amended to read:

**8405.4.**

This article shall become inoperative on April 1, ~~2015, 2017~~, and as of January 1, ~~2016, 2018~~, is repealed, unless a later enacted statute that is enacted before January 1, ~~2016, 2018~~, deletes or extends the dates on which it becomes inoperative and is repealed.

**SEC. 3.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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**ASSEMBLY BILL**

**No. 896**

**FGC staff analysis:** No impact on FGC policies, procedures or programs.

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**Introduced by Assembly Member Eggman**

February 22, 2013

AMENDED IN SENATE MARCH 11, 2014

AMENDED IN ASSEMBLY JANUARY 08, 2014

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An act to add Section 1506 to the Fish and Game Code, relating to wildlife management.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 896, as amended, Eggman. Wildlife management areas: mosquito abatement.

(1) Existing law provides for the formation of mosquito abatement and vector control districts, and prescribes the powers, functions, and duties of those districts, as specified. The existing Fish and Game Code authorizes the Department of Fish and Wildlife to take specified actions to protect, restore, rehabilitate, and improve fish and wildlife habitat.

Statutory provisions that were repealed on January 1, 2010, required a mosquito abatement and vector control district whose boundaries include one or more wildlife management areas to periodically, or at least semiannually, notify the department of those areas that exceed locally established mosquito population thresholds and associated mosquito control costs. These provisions required the department to take specified actions with regard to the control and abatement of mosquitos in those wildlife management areas. These provisions required those mosquito abatement and vector control districts, in consultation with the department, to develop standardized monitoring procedures for mosquito surveillance, as prescribed, for each managed wetland habitat at each wildlife management area, and to provide an annual report to the department of pesticide use in those habitats and areas, as specified.

This bill would permanently reenact certain of those provisions and would also make those provisions applicable to a mosquito abatement and vector control district in which vectors and vectorborne diseases from a wildlife management area may enter the district. The bill would require the department to prioritize, for funding, wildlife management areas that exceed locally established mosquito population thresholds based on specified factors. The bill would also make nonsubstantive conforming changes. By imposing new duties on local agencies with regard to mosquito control and abatement practices in wildlife habitat areas, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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### **Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### ***SECTION 1.***

*Section 1506 is added to the Fish and Game Code, to read:*

#### ***1506.***

*(a) (1) It is the intent of the Legislature to control mosquito production on managed wetland habitat that is owned or managed by the department, in a manner that does all of the following:*

*(A) Maintains or enhances the waterfowl and other wildlife values of that habitat.*

*(B) Minimizes financial costs to the department and local mosquito abatement and vector control districts.*

*(C) Reduces the need for chemical control of mosquitos.*

*(D) Increases coordination and communication between the department, local mosquito abatement and vector control districts, and the State Department of Public Health.*

*(E) Maintains and protects humans, domestic animals, and wildlife from vector-borne diseases such as West Nile virus.*

*(2) The Legislature further finds and declares that the implementation of mosquito prevention best management practices on managed wetland habitat is critical to the department's effort to reduce mosquito production on its wildlife management areas.*

*(b) For purposes of this section, the following definitions apply:*

*(1) "Managed wetland habitat" means artificially irrigated and intensively managed wetland habitat administered primarily for the benefit of waterfowl and other wetland-dependent species.*

*(2) "Best management practices" means management strategies jointly developed by the department, the State Department of Public Health, and mosquito abatement and vector control districts, in consultation with the Central Valley Habitat Joint Venture, for the ecological control of mosquitoes on managed wetland habitat.*

*(3) "Wildlife management area" has the same meaning as set forth in subdivision (d) of Section 1504.*

*(4) "Mosquito abatement and vector control district" has the same meaning as set forth in subdivision (f) of Section 2002 of the Health and Safety Code.*

*(c) (1) A mosquito abatement and vector control district whose district boundaries include one or more wildlife management areas or a mosquito abatement and vector control district in which vectors and vectorborne diseases from a wildlife management area may enter the district shall periodically, or at least semiannually, notify the department of those areas that exceed locally established mosquito population thresholds and associated mosquito control costs. The district shall provide the basis for the established thresholds to the department. Those thresholds and costs may be reviewed by the State Department of Public Health for conformity to generally acceptable mosquito control standards.*

*(2) (A) To reduce mosquito production at those wildlife management areas described in paragraph (1), the department, in consultation with local mosquito abatement and vector control districts, shall prioritize, for funding, those wildlife management areas having the highest need for additional mosquito reduction through the implementation of best management practices taking into account the following:*

*(i) The best management practices identified pursuant to Chapter 553 of the Statutes of 2004 and any subsequent changes to those practices for the applicable wildlife management area that, when implemented, would result in the mosquito population being reduced below the locally established threshold value while maintaining and enhancing the waterfowl and other wildlife values of that habitat.*

*(ii) The mosquito control plan developed pursuant to Chapter 553 of the Statutes of 2004, in consultation with the local mosquito abatement and vector control district, and any subsequent changes to the plan that applies the best management practices and any other necessary management practices at the applicable wildlife management area.*

*(iii) The existing resources available to the department to implement best management practices in the applicable wildlife management areas.*

*(B) If the wetland occupies land outside the jurisdictional boundaries of a mosquito abatement and vector control district, the department may consult with the State Department of Public Health to determine which best management practices can be implemented in the absence of an organized local mosquito control program.*

*(d) A mosquito abatement and vector control district described in paragraph (1) of subdivision (c) shall do all of the following:*

*(1) In consultation with the department, develop standardized monitoring procedures for mosquito surveillance for each managed wetland habitat at each wildlife management area, and, when the monitoring procedures are completed, provide a copy of the procedures to the department. These procedures may be reviewed by the State Department of Public Health for conformity to generally accepted mosquito control standards.*

*(2) Conduct posttreatment monitoring of wildlife management area lands and develop performance criteria to document mosquito control effectiveness.*

*(3) Provide an annual report to the department specifying the types and quantities of pesticides used, types of habitat sprayed, and the total number of acres treated in a wildlife management area. The annual report shall also include recommendations for the refinement of best management practices to reduce the need for chemical control.*

*(e) This section does not affect existing authority of a mosquito abatement and vector control district under Section 2040 of the Health and Safety Code.*

**SEC. 2.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.*

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**FGC staff analysis:** No impact on FGC policies, procedures or programs. Likely impacts on DFW.

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**Introduced by Assembly Members Gorell, Bradford, and Quirk  
(Principal coauthor: Assembly Member Muratsuchi)  
(Coauthor: Assembly Member Fox)**

February 22, 2013

AMENDED IN ASSEMBLY JANUARY 23, 2014  
AMENDED IN ASSEMBLY JANUARY 09, 2014  
AMENDED IN ASSEMBLY APRIL 29, 2013  
AMENDED IN ASSEMBLY APRIL 18, 2013  
AMENDED IN ASSEMBLY APRIL 03, 2013

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An act to add Section 6254.31 to the Government Code, and to add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code relating to unmanned aircraft systems.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1327, as amended, Gorell. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would generally prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft systems, as defined, with certain exceptions applicable to law enforcement agencies and in certain other cases.

The bill would require reasonable public notice to be provided by public agencies intending to deploy unmanned aircraft systems, as specified. The bill would require images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within 6 months, except as specified. Unless authorized by federal law, the bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property.

The bill would make the restrictions that are applicable to the use of an unmanned aircraft system by a law enforcement agency also applicable to any person, entity, or public agency that uses, operates, or contracts for an unmanned aircraft system.

Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.

This bill would make images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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### **Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

***SECTION 1. Section 6254.31 is added to the Government Code, to read:***

***6254.31.***

*Notwithstanding any provision of this chapter, images, footage, or data obtained through the use of an unmanned aircraft system pursuant to subdivisions (c) or (d) of Section 14350 of the Penal Code, or any record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, are public records subject to disclosure.*

***SEC. 2.***

*Title 14 (commencing with Section 14350) is added to Part 4 of the Penal Code, to read:*

#### **TITLE 14. UNMANNED AIRCRAFT SYSTEMS**

***14350.***

*(a) A public agency shall not use an unmanned aircraft system, or contract for the use of an unmanned aircraft system, except as provided in this title. This title shall apply to all public and private entities when contracting with a public agency for the use of an unmanned aircraft system.*

*(b) A law enforcement agency may use an unmanned aircraft system if it has obtained a warrant based on probable cause pursuant to this code.*

*(c) (1) A law enforcement agency, without obtaining a warrant, may use an unmanned aircraft system in emergency situations if there is an imminent threat to life or of great bodily harm, including, but not limited to, fires, hostage crises, "hot pursuit" situations if reasonably necessary to prevent harm to law enforcement officers or others, and search and rescue operations on land or water.*

*(2) A law enforcement agency, without obtaining a warrant, may use an unmanned aircraft system to assess the necessity of first responders in situations relating to traffic accidents, to inspect state parks and wilderness areas for illegal vegetation, or fires.*

*(d) (1) A public agency other than a law enforcement agency may use an unmanned aircraft system, or contract for the use of an unmanned aircraft system, to achieve the core mission of the agency provided that the purpose is unrelated to the gathering of criminal intelligence.*

*(2) Except as permitted by this title and when a law enforcement agency is not required to obtain a warrant as specified in this title, data collected pursuant to this subdivision shall not be disseminated to a law enforcement agency unless the agency has obtained a warrant for the data based on probable cause pursuant to this code.*

**14351.**

*A public agency that uses an unmanned aircraft system, or contracts for the use of an unmanned aircraft system, pursuant to this title shall first provide reasonable notice to the public. Reasonable notice shall, at a minimum, consist of a one-time announcement regarding the agency's intent to deploy unmanned aircraft system technology and a description of the technology's capabilities.*

**14352.**

*(a) Except as permitted by this title, images, footage, or data obtained by a public agency, or any entity contracting with a public agency, through the use of an unmanned aircraft system shall not be disseminated outside the collecting agency, and shall not be used by the agency for any purpose other than that for which it was collected. Images, footage, or data obtained through the use of an unmanned aircraft system shall be permanently destroyed within six months, except that a public agency may retain the images, footage, or data for training purposes and shall retain any image, footage, or data if a warrant authorized its collection or if the images, footage, or data are evidence in any claim filed or any pending litigation.*

*(b) Images, footage, or data retained for training purposes shall be used only for the education and instruction of an agency's employees in matters related to the mission of the agency and for no other purpose.*

**14353.**

*Unless authorized by federal law, a person or entity, including a public agency subject to Section 14350 or a person or entity under contract to a public agency, for the purpose of that contract, shall not equip or arm an unmanned aircraft system with a weapon or other device that may be carried by or launched from an unmanned aircraft system and that is intended to cause bodily injury or death, or damage to, or the destruction of, real or personal property.*

**14354.**

*All unmanned aircraft systems shall be operated so as to minimize the collection of images, footage, or data of persons, places, or things not specified with particularity in the warrant authorizing the use of an unmanned aircraft system, or, if no warrant was obtained, for purposes unrelated to the justification for the operation.*

**14355.**

*(a) This title is not intended to conflict with or supersede federal law, including rules and regulations of the Federal Aviation Administration.*

*(b) A local legislative body may adopt more restrictive policies on the acquisition or use of unmanned aircraft systems.*

**14356.**

*For the purposes of this title, the following definitions shall apply:*

*(a) "Criminal intelligence" means information compiled, analyzed, or disseminated in an effort to anticipate, prevent, monitor, or investigate criminal activity.*

*(b) "Law enforcement agency" means the Attorney General of the State of California, each district attorney, and each agency of the State of California authorized by statute to investigate or prosecute law violators.*

*(c) "Public agency" means and includes each state agency and each local agency.*

*(d) "Unmanned aircraft system" means an unmanned aircraft and associated elements, including communication links and the components that control the unmanned aircraft, that are required for the pilot in command to operate safely and efficiently in the national airspace system.*

**14357.**

*The surveillance restrictions on electronic devices pursuant to Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1 shall apply to unmanned aircraft systems.*

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**ASSEMBLY BILL**

**No. 1709**

**FGC staff analysis:** No significant impact on FGC policies, procedures or programs in the short-term; there will be a fiscal impact for DFW, which may lead to impacts on FGC in the future as adjustments are necessary to hunting fees to ensure that administrative and implementation costs are covered. There is data indicating that the most likely period to recruit long-term participants in the sport of hunting occurs between 12 and 18 years of age. Reduced fees for those between 16 and 18 might result in some increased level of participation in hunting; it will also reduce short-term revenues. However, at this time there is little evidence that current fees are inhibiting participation by this age class.

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**Introduced by Assembly Member Frazier**

February 13, 2014

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An act to amend Section 3031 of the Fish and Game Code, relating to wildlife.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1709, as introduced, Frazier. Wildlife: hunting licenses.

Existing law requires every person who takes any bird or mammal to first obtain a license issued by the Department of Fish and Wildlife. Existing law requires the department to issue a license, upon payment of a base fee of \$8.25, as adjusted, to a resident or nonresident who is under 16 years of age on July 1 of the licensing year for which he or she seeks a license. Existing law requires the department to issue a license to a resident of this state who is 16 years of age or older upon payment of a base fee of \$31.25, as adjusted, and to a nonresident who is 16 years of age or older upon payment of a base fee of \$108.50, as adjusted. Existing law requires the department to issue a 2-day license to a nonresident who is 16 years of age or older upon payment of a base fee of \$31.25, as adjusted.

This bill would instead require the department to issue a license, upon payment of a base fee of \$8.25, as adjusted, to a resident or nonresident who is under 18 years of age on July 1 of the licensing year for which he or she seeks a license. The bill would require the department to issue a 2-day license to a nonresident who is 18 years of age or older upon payment of a base fee of \$31.25, as adjusted.

### Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1.

Section 3031 of the Fish and Game Code is amended to read:

#### 3031.

(a) A hunting license, granting the privilege to take birds and mammals, shall be issued to any of the following:

(1) A resident of this state, ~~16~~ 18 years of age or older, upon the payment of a base fee of thirty-one dollars and twenty-five cents (\$31.25).

(2) A resident or nonresident, who is under ~~16~~ 18 years of age on July 1 of the licensing year, upon the payment of a base fee of eight dollars and twenty-five cents (\$8.25), regardless of whether that person applies before or after July 1 of that year.

(3) A nonresident, ~~16~~ 18 years of age or older, upon the payment of a base fee of one hundred eight dollars and fifty cents (\$108.50).

(4) A nonresident, ~~16~~ 18 years of age or older, valid only for two consecutive days upon payment of the fee set forth in paragraph (1). A license issued pursuant to this paragraph is valid only for taking resident and migratory game birds, resident small game mammals, fur-bearing mammals, and nongame mammals, as defined in this code or in regulations adopted by the commission.

(5) A nonresident, valid for one day and only for the taking of domesticated game birds and pheasants while on the premises of a licensed game bird club, or for the taking of domesticated migratory game birds in areas licensed for shooting those birds, upon the payment of a base fee of fifteen dollars (\$15).

(b) The base fees specified in this section are applicable to the 2004 license year, and shall be adjusted annually thereafter pursuant to Section 713.

(c) The commission shall adjust the amount of the fees specified in subdivision (b), as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses.

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**ASSEMBLY BILL**

**No. 1711**

**FGC staff analysis:** No impact on FGC policies, procedures or programs. An environmental impact assessment (EIA) is already prepared for each regulatory proposal and FGC staff includes that assessment with the ISOR. However, the APA does not currently require the EIA to be included in the ISOR. This bill will clarify that the EIA must be part of the ISOR so that it is made available to the public for comment at the onset of the rulemaking process.

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**Introduced by Assembly Member Cooley**

February 13, 2014

AMENDED IN ASSEMBLY APRIL 03, 2014  
AMENDED IN ASSEMBLY MARCH 20, 2014

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An act to amend Sections 11346.2, 11346.3, and 11357 of the Government Code, relating to administrative regulations.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1711, as amended, Cooley. Administrative Procedures Act: economic impact assessment.

Existing law requires every state agency subject to the Administrative Procedure Act to provide an initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation. The act requires the initial statement of reasons to include a standardized regulatory impact analysis prepared by each agency that proposes to adopt, amend, or repeal any major regulation, as defined, on or after November 1, 2013.

The act also requires every state agency proposing to adopt, amend, or repeal a regulation that is not a major regulation or that is a major regulation proposed prior to November 1, 2013, to prepare an economic impact assessment that makes specified assessments.

The bill would require an economic impact assessment to be included in the initial statement of reasons.

Existing law requires the Department of Finance to adopt and update, as necessary, instructions for inclusion in the State Administrative Manual prescribing the methods that an agency is required to use in making a determination that a regulation imposes a local mandate and an estimate of the cost or savings to any state agency, the cost to any local agency or school district that is required to be reimbursed, as specified, other nondiscretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state.

The bill would instead require the Department of Finance to adopt and update, as necessary, instructions for inclusion in the State Administrative Manual prescribing the methods that an agency would be required to use in making the determinations and estimates of fiscal or economic impact required by specified provisions of the act. The bill would also exempt from the rulemaking provisions of the act any action by the Department of Finance to adopt and update, as necessary, instructions to a state agency on the preparation of an economic impact estimate or assessment of a proposed regulation.

#### Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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### **Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.**

Section 11346.2 of the Government Code is amended to read:

#### **11346.2.**

Every agency subject to this chapter shall prepare, submit to the office with the notice of the proposed action as described in Section 11346.5, and make available to the public upon request, all of the following:

(a) A copy of the express terms of the proposed regulation.

(1) The agency shall draft the regulation in plain, straightforward language, avoiding technical terms as much as possible, and using a coherent and easily readable style. The agency shall draft the regulation in plain English.

(2) The agency shall include a notation following the express terms of each California Code of Regulations section, listing the specific statutes or other provisions of law authorizing the adoption of the regulation and listing the specific statutes or other provisions of law being implemented, interpreted, or made specific by that section in the California Code of Regulations.

(3) The agency shall use underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations.

(b) An initial statement of reasons for proposing the adoption, amendment, or repeal of a regulation. This statement of reasons shall include, but not be limited to, all of the following:

(1) A statement of the specific purpose of each adoption, amendment, or repeal, the problem the agency intends to address, and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute. These benefits may include, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things. Where the adoption or amendment of a regulation would mandate the use of specific technologies or equipment, a statement of the reasons why the agency believes these mandates or prescriptive standards are required.

*(2) (A) For a regulation that is not a major regulation, the economic impact assessment required by subdivision (b) of Section 11346.3.*

~~(2)~~ *(B) For a major regulation proposed on or after November 1, 2013, the standardized regulatory impact analysis required by subdivision (c) of Section 11346.3.*

(3) An identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the adoption, amendment, or repeal of a regulation.

(4) (A) A description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. Reasonable alternatives to be considered include, but are not limited to, alternatives that are proposed as less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented or made specific by the proposed regulation. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific actions or procedures, the imposition of performance standards shall be considered as an alternative.

(B) A description of reasonable alternatives to the regulation that would lessen any adverse impact on small business and the agency's reasons for rejecting those alternatives.

(C) Notwithstanding subparagraph (A) or (B), an agency is not required to artificially construct alternatives or describe unreasonable alternatives.

(5) (A) Facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

(B) (i) If a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

(ii) The model codes adopted pursuant to Section 18928 of the Health and Safety Code shall be exempt from the requirements of this subparagraph. However, if an interested party has made a request in writing to the agency, at least 30 days before the submittal of the initial statement of reasons, to examine a specific section for purposes of estimating the cost of compliance and the potential benefits for that section, and including the related assumptions used to determine the estimates, then the agency shall comply with the requirements of this subparagraph with regard to that requested section.

(6) A department, board, or commission within the Environmental Protection Agency, the Natural Resources Agency, or the Office of the State Fire Marshal shall describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from federal regulations contained in the Code of Federal Regulations addressing the same issues upon a finding of one or more of the following justifications:

(A) The differing state regulations are authorized by law.

(B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

(c) A state agency that adopts or amends a regulation mandated by federal law or regulations, the provisions of which are identical to a previously adopted or amended federal regulation, shall be deemed to have complied with subdivision (b) if a statement to the effect that a federally mandated regulation or amendment to a regulation is being proposed, together with a citation to where an explanation of the ~~provisions of the~~ regulation can be found, is included in the notice of proposed adoption or amendment prepared pursuant to Section 11346.5. However, the agency shall comply fully with this chapter with respect to any provisions in the regulation that the agency proposes to adopt or amend that are different from the corresponding provisions of the federal regulation.

(d) This section shall be inoperative from January 1, 2012, until January 1, 2014.

## **SEC. 2.**

Section 11346.3 of the Government Code is amended to read:

### **11346.3.**

(a) ~~State agencies-~~ *A state agency* proposing to adopt, amend, or repeal any administrative regulation shall assess the potential for adverse economic impact on California business enterprises and individuals, avoiding the imposition of unnecessary or unreasonable regulations or reporting, recordkeeping, or compliance requirements. For purposes of this subdivision, assessing the potential for adverse economic impact shall require agencies, when proposing to adopt, amend, or repeal a regulation, to adhere to the following requirements, to the extent that these requirements do not conflict with other state or federal laws:

(1) The proposed adoption, amendment, or repeal of a regulation shall be based on adequate information concerning the need for, and consequences of, proposed governmental action.

(2) The state agency, prior to submitting a proposal to adopt, amend, or repeal a regulation to the office, shall consider the proposal's impact on business, with consideration of industries affected including the ability of California businesses to compete with businesses in other states. For purposes of evaluating the impact on the ability of California businesses to compete with businesses in other states, an agency shall consider, but not be limited to, information supplied by interested parties.

(3) An economic *impact* assessment prepared pursuant to this subdivision for a proposed regulation that is not a major regulation or that is a major regulation proposed prior to November 1, 2013, shall be prepared in accordance with subdivision ~~(b)~~ *(b), and shall be included in the initial statement of reasons as required by Section 11346.2.* An economic assessment prepared pursuant to this subdivision for a major regulation proposed on or after November 1, 2013, shall be prepared in accordance with subdivision (c), and shall be included in the initial statement of reasons as required by Section 11346.2.

(b) (1) ~~All~~ *A* state ~~agencies~~ *agency* proposing to adopt, amend, or repeal a regulation that is not a major regulation or that is a major regulation proposed prior to November 1, 2013, shall prepare an economic impact assessment that assesses whether and to what extent it will affect the following:

(A) The creation or elimination of jobs within the state.

(B) The creation of new businesses or the elimination of existing businesses within the state.

(C) The expansion of businesses currently doing business within the state.

(D) The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

(2) This subdivision does not apply to the University of California, the Hastings College of the Law, or the Fair Political Practices Commission.

(3) Information required from *a* state ~~agencies~~ *agency* for the purpose of completing the assessment may come from existing state publications.

(c) (1) Each state agency proposing to adopt, amend, or repeal a major regulation on or after November 1, 2013, shall prepare a standardized regulatory impact analysis in the manner prescribed by the Department of Finance pursuant to Section 11346.36. The standardized regulatory impact analysis shall address all of the following:

(A) The creation or elimination of jobs within the state.

(B) The creation of new businesses or the elimination of existing businesses within the state.

(C) The competitive advantages or disadvantages for businesses currently doing business within the state.

(D) The increase or decrease of investment in the state.

(E) The incentives for innovation in products, materials, or processes.

(F) The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency.

(2) This subdivision shall not apply to the University of California, the Hastings College of the Law, or the Fair Political Practices Commission.

(3) Information required from state agencies for the purpose of completing the analysis may be derived from existing state, federal, or academic publications.

(d) Any administrative regulation adopted on or after January 1, 1993, that requires a report shall not apply to businesses, unless the state agency adopting the regulation makes a finding that it is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses.

(e) Analyses conducted pursuant to this section are intended to provide agencies and the public with tools to determine whether the regulatory proposal is an efficient and effective means of implementing the policy decisions enacted in statute or by other provisions of law in the least burdensome manner. Regulatory impact analyses shall inform the agencies and the public of the economic consequences of regulatory choices, not reassess statutory policy. The baseline for the regulatory analysis shall be the most cost-effective set of regulatory measures that are equally effective in achieving the purpose of the regulation in a manner that ensures full compliance with the authorizing statute or other law being implemented or made specific by the proposed regulation.

(f) Each state agency proposing to adopt, amend, or repeal a major regulation on or after November 1, 2013, and that has prepared a standardized regulatory impact analysis pursuant to subdivision (c), shall submit that analysis to the Department of Finance upon completion. The department shall comment, within 30 days of receiving that analysis, on the extent to which the analysis adheres to the regulations adopted pursuant to Section 11346.36. Upon receiving the comments from the department, the agency may update its analysis to reflect any comments received from the department and shall summarize the comments and the response of the agency along with a statement of the results of the updated analysis for the statement required by paragraph (10) of subdivision (a) of Section 11346.5.

### **SEC. 3.**

*Section 11357 of the Government Code is amended to read:*

#### **11357.**

(a) The Department of Finance shall adopt and update, as necessary, instructions for inclusion in the State Administrative Manual prescribing the methods that ~~any an~~ agency subject to this chapter shall use in making the ~~determination required by paragraph (5) and the estimate required by paragraph (6) of subdivision (a) of Section~~ *determinations and the estimates of fiscal or economic impact required by Sections 11346.2, 11346.3, and* 11346.5. The instructions shall include, but need not be limited to, the following:

(1) Guidelines governing the types of data or assumptions, or both, that may be used, and the methods that shall be used, to calculate the estimate of the cost or savings to public agencies mandated by the regulation for which the estimate is being prepared.

(2) The types of direct or indirect costs and savings that should be taken into account in preparing the estimate.

(3) The criteria that shall be used in determining whether the cost of a regulation must be funded by the state pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4.

(4) The format the agency preparing the estimate shall follow in summarizing and reporting its estimate of the cost or savings to state and local agencies, school districts, and in federal funding of state programs that will result from the *regulation and its estimate of the economic impact that will result from the* regulation.

(b) ~~Any~~ *An* action by the Department of Finance to adopt and update, as necessary, instructions to any state or local agency for the preparation, development, or administration of the state budget, *or instructions to a state agency on the preparation of an economic impact estimate or assessment of a proposed regulation*, including any instructions included in the State Administrative Manual, shall be exempt from this chapter.

(c) The Department of Finance may review ~~any~~ *an* estimate prepared pursuant to this section for content including, but not limited to, the data and assumptions used in its preparation.

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## ASSEMBLY BILL

No. 2019

**FGC staff analysis:** Potentially significant impact on FGC policies, procedures or programs. If enacted, this bill would require regulatory changes at a cost to the commission of \$5,000 to \$10,000 per package. This bill also causes a relatively abrupt stoppage of certain gear types that does not allow fishery participants time to transition to other gear types, potentially leading to a collapse of the fishery here in California or at the very least a temporary reliance on other sources with unknown and potentially greater bycatch rates; this would be in direct conflict with the stated objective of making sustainable domestic fisheries a priority.

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**Introduced by Assembly Members Fong and Levine  
(Principal coauthor: Assembly Member Stone)  
(Coauthor: Assembly Member Rendon)**

February 20, 2014

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An act to amend the heading of Article 16 (commencing with Section 8561) of Chapter 2 of Part 3 of Division 6 of, and to amend and repeal Sections 8568, 8568.5, 8573, 8574, 8575, and 8575.5 of, and to

amend, repeal, and add Sections 8561, 8563, 8564, 8567, 8569, 8576, 8576.5, 8577, 8579, and 8582 of, and to add Sections 8561.1 and 8561.3 to, the Fish and Game Code, relating to commercial fishing.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2019, as introduced, Fong. Commercial fishing: drift gill net shark and swordfish fishery.

(1) Existing law prohibits a person from using or operating, or assisting in using or operating, a boat, aircraft, net, trap, line, or other appliance to take fish or amphibia for commercial purposes unless the person holds a commercial fishing license issued by the Department of Fish and Wildlife. Existing law prohibits the taking of shark and swordfish for commercial purposes with drift gill nets except under a valid drift gill net shark and swordfish permit issued to that person that has not been suspended or revoked and is issued to at least one person aboard the boat, except as provided. Existing law prohibits a person from taking shark and swordfish under a drift gill net permit during certain times of the year and in certain locations. Under existing law, a violation of these provisions is a crime.

This bill would prohibit a person from using a drift gill net to take shark and swordfish for commercial purposes, except as provided. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program. The bill would recast the drift gill net shark and swordfish permit as the shark and swordfish permit and would authorize a person to take shark and swordfish under this permit using only specified methods of take, including hand-held hook and line and handthrust harpoon. The bill would eliminate in the new shark and swordfish fishery provisions the time and area restrictions that existed for the use of drift gill nets for shark and swordfish. The bill would require the department to issue a shark and swordfish permit to a person who actively participated, as defined, in the drift gill net shark and swordfish fishery and who holds a valid drift gill net shark and swordfish permit as of January 31, 2015. The bill would authorize the department to issue a shark and swordfish permit to a person who did not actively participate in the drift gill net shark and swordfish fishery and who holds a valid drift gill net permit as of January 31, 2015, based on specified considerations. The bill would make additional conforming changes. The bill would make these provisions operative on February 1, 2015.

This bill would require the department, through its member on the Pacific Fishery Management Council, to initiate and support an amendment to the Highly Migratory Species Fishery Management Plan to prohibit the use of drift gill nets to target shark and swordfish in the area subject to the oversight of the council.

This bill would provide that the provisions of this act are severable.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.**

*The heading of Article 16 (commencing with Section 8561) of Chapter 2 of Part 3 of Division 6 of the Fish and Game Code is amended to read:*

*Article 16. Shark and Swordfish Fishery*

**SEC. 2.**

Section 8561 of the Fish and Game Code is amended to read:

**8561.**

(a) Notwithstanding Section 8394, shark and swordfish shall not be taken for commercial purposes with drift gill nets except under a valid drift gill net shark and swordfish permit issued to that person that has not been suspended or revoked and is issued to at least one person aboard the boat.

(b) A drift gill net shark and swordfish permit shall not be required for the taking of sharks with drift gill nets with a mesh size smaller than eight inches in stretched mesh and twine size no. 18 or the equivalent of this twine size or smaller.

*(c) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

**SEC. 3.**

*Section 8561 is added to the Fish and Game Code, to read:*

**8561.**

*(a) A person may only take shark and swordfish for commercial purposes under a permit issued pursuant to this section or under another authorization granted pursuant to this code.*

*(b) The department shall issue a shark and swordfish permit to a person who meets the following criteria:*

*(1) The person holds a valid drift gill net shark and swordfish permit as of January 31, 2015, that has not been suspended or revoked.*

*(2) The person actively participated in the drift gill net shark and swordfish fishery.*

*(c) (1) The department shall determine whether to issue a shark and swordfish permit to a person who meets the following criteria:*

*(A) The person holds a valid drift gill net shark and swordfish permit as of January 31, 2015, that has not been suspended or revoked.*

*(B) The person did not actively participate in the drift gill net shark and swordfish fishery.*

*(2) The department shall make the determination described in paragraph (1) based on the following considerations:*

*(A) Whether issuing the permit would result in overcapacity in the fishery.*

*(B) Whether issuing the permit would adversely impact natural resources and wildlife.*

*(d) For purposes of this section, the following terms have the following meanings:*

*(1) "Actively participate" means to have held a valid drift gill net shark and swordfish permit that was not suspended or revoked and to have made landings of shark or swordfish, or both, under that permit in each year since January 1, 2010.*

*(2) "Drift gill net shark and swordfish permit" means the permit that was authorized under former Section 8561 until January 31, 2015.*

*(e) This section shall become operative on February 1, 2015.*

#### **SEC. 4.**

*Section 8561.1 is added to the Fish and Game Code, to read:*

##### **8561.1.**

*(a) A person shall only take shark and swordfish under a permit issued pursuant to Section 8561 in a manner that is consistent with the methods of take authorized in Section 107 of Title 14 of the California Code of Regulations, as that section read on January 1, 2014.*

*(b) A person shall not take shark and swordfish for commercial purposes with a drift gill net of any mesh size except as provided in Section 8576.*

*(c) A person holding a permit issued pursuant to Section 8561 may take shark and swordfish using experimental gear if the person obtains a permit for the use of the experimental gear pursuant to Section 8606. Notwithstanding subdivision (b) of Section 8606, the commission shall not issue an experimental permit authorizing the use of drift gill nets, pelagic longlines, or fishing gear described in Section 9029 in the shark and swordfish fishery authorized pursuant to this article.*

*(d) This section shall become operative on February 1, 2015.*

#### **SEC. 5.**

*Section 8561.3 is added to the Fish and Game Code, to read:*

##### **8561.3.**

*The department, through its member on the Pacific Fishery Management Council, shall initiate and support an amendment to the Highly Migratory Species Fishery Management Plan to prohibit the use of drift gill nets to target shark and swordfish in the area subject to the oversight of the Pacific Fishery Management Council.*

## **SEC. 6.**

Section 8563 of the Fish and Game Code is amended to read:

### **8563.**

(a) Except as provided in subdivision (b), the permittee shall be aboard the vessel and shall be in possession of a valid drift gill net shark and swordfish permit when engaged in operations authorized by the permit.

(b) A permittee may have any person serve in his or her place on the permittee's vessel and engage in fishing under his or her drift gill net shark and swordfish permit for not more than 15 calendar days in any one year, except that a longer period may be allowed in the event of serious illness. A permittee shall notify the department's Long Beach office of a substitution of 15 days or less per calendar year, by certified letter or telegram at least 24 hours prior to the commencement of the trip. Written authorization for a substitution of greater than 15 days shall be obtained from the director and shall be given only on the director's finding that the permittee will not be available to engage in the activity due to serious illness, supported by medical evidence. An application for a substitution of greater than 15 days shall be made to the Department of Fish and ~~Game~~, *Wildlife*, Headquarters Office, Sacramento, and shall contain such information as the director may require. Any denial of the substitution may be appealed to the commission.

*(c) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

## **SEC. 7.**

Section 8563 is added to the Fish and Game Code, to read:

### **8563.**

*(a) Except as provided in subdivision (b), the permittee shall be aboard the vessel and shall be in possession of a valid shark and swordfish permit when engaged in operations authorized by the permit.*

*(b) A permittee may have any person serve in his or her place on the permittee's vessel and engage in fishing under his or her shark and swordfish permit for not more than 15 calendar days in any one year, except that a longer period may be allowed in the event of serious illness. A permittee shall notify the department's Long Beach office of a substitution of 15 days or less per calendar year, by certified letter or telegram at least 24 hours prior to the commencement of the trip. Written authorization for a substitution of greater than 15 days shall be obtained from the director and shall be given only on the director's finding that the permittee will not be available to engage in the activity due to serious illness, supported by medical evidence. An application for a substitution of greater than 15 days shall be made to the Department of Fish and Wildlife, Headquarters Office, Sacramento, and shall contain such information as the director may require. Any denial of the substitution may be appealed to the commission.*

*(c) This section shall become operative on February 1, 2015.*

## SEC. 8.

Section 8564 of the Fish and Game Code is amended to read:

### 8564.

(a) When the permittee applies for a drift gill net shark and swordfish permit, the permittee shall specify the vessel he or she will use in operations authorized by the permit. Transfer to another vessel shall be authorized by the department upon receipt of a written request from the permittee, accompanied by a transfer fee of one hundred thirty dollars (\$130), as follows:

~~(a)~~ (1) One transfer requested between February 1 and April 30 shall be made by the department upon request and payment of the fee.

~~(b)~~ (2) Any transfer, except as provided in ~~subdivision (a)~~, *paragraph (1)*, shall be authorized by the department only after receipt of proof of a compelling reason, which shall be submitted with the request for transfer, such as the sinking of the vessel specified for use in operations authorized by the permit.

*(b) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

## SEC. 9.

*Section 8564 is added to the Fish and Game Code, to read:*

### *8564.*

*(a) When the permittee applies for a shark and swordfish permit, the permittee shall specify the vessel he or she will use in operations authorized by the permit. The department shall authorize transfer to another vessel upon receipt of a written request from the permittee, accompanied by a transfer fee of one hundred thirty dollars (\$130), as follows:*

*(1) One transfer requested between February 1 and April 30 shall be made by the department upon request and payment of the fee.*

*(2) Any transfer, except as provided in paragraph (1), shall be authorized by the department only after receipt of proof of a compelling reason, which shall be submitted with the request for transfer, such as the sinking of the vessel specified for use in operations authorized by the permit.*

*(b) This section shall become operative on February 1, 2015.*

## SEC. 10.

Section 8567 of the Fish and Game Code is amended to read:

### 8567.

(a) The fee for a drift gill net shark and swordfish permit shall be three hundred thirty dollars (\$330).

*(b) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

**SEC. 11.**

Section 8567 is added to the Fish and Game Code, to read:

**8567.**

(a) The fee for a shark and swordfish permit shall be three hundred thirty dollars (\$330).

(b) This section shall become operative on February 1, 2015.

**SEC. 12.**

Section 8568 of the Fish and Game Code is amended to read:

**8568.**

(a) Drift gill net shark and swordfish permits shall be issued to any prior permittee who possesses a valid drift gill net shark and swordfish permit issued pursuant to this section, but only if the permittee meets both of the following requirements:

~~(a)~~ (1) Possesses a valid permit for the use of gill nets authorized pursuant to Section 8681.

~~(b)~~ (2) Possessed a valid drift gill net shark and swordfish permit during the preceding season and that permit was not subsequently revoked.

(b) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.

**SEC. 13.**

Section 8568.5 of the Fish and Game Code is amended to read:

**8568.5.**

(a) Any person holding a valid drift gill net shark and swordfish permit on or after January 1, 2000, who did not make, on or after January 1, 2000, the minimum landings required under subdivision (c) of Section 8568, as amended by Section 11 of Chapter 525 of the Statutes of 1998, is eligible for that permit when that person meets all other qualifications for the permit.

(b) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.

**SEC. 14.**

Section 8569 of the Fish and Game Code is amended to read:

**8569.**

(a) The commission may establish conditions for the issuance of a permit if the person's drift gill net shark and swordfish permit was revoked during a preceding season or if the person possessed a valid permit during the preceding season but did not apply for renewal of his or her permit on or before April 30. The applicant for a permit under this section may appeal to the director for the issuance of the permit under those conditions.

*(b) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

**SEC. 15.**

*Section 8569 is added to the Fish and Game Code, to read:*

**8569.**

*(a) The commission may establish conditions for the issuance of a permit if the person's shark and swordfish permit was revoked during a preceding season or if the person possessed a valid permit during the preceding season but did not apply for renewal of his or her permit on or before April 30. The applicant for a permit under this section may appeal to the director for the issuance of the permit under those conditions.*

*(b) This section shall become operative on February 1, 2015.*

**SEC. 16.**

Section 8573 of the Fish and Game Code is amended to read:

**8573.**

*(a)* Drift gill nets may be used to take shark and swordfish under the permit provided in this article, subject to Section 8610.3 and all of the following restrictions:

~~(a)~~ *(1)* From June 1 to November 15, inclusive, shark or swordfish gill nets shall not be in the water from two hours after sunrise to two hours before sunset east of a line described as follows:

From a point beginning at Las Pitas Point to San Pedro Point on Santa Cruz Island, thence to Gull Island Light, thence to the northeast extremity of San Nicolas Island, thence along the high water mark on the west side of San Nicolas Island to the southeast extremity of San Nicolas Island, thence to the northwest extremity of San Clemente Island, thence along the high water mark on the west side of San Clemente Island to the southeast extremity of San Clemente Island, thence along a line running 150° true from the southeast extremity of San Clemente Island to the westerly extension of the boundary line between the Republic of Mexico and San Diego County.

~~(b)~~ *(2)* ~~(A)~~ The total maximum length of a shark or swordfish gill net on the net reel on a vessel, on the deck of the vessel, and in the water at any time shall not exceed 6,000 feet in float line length. The float line length shall be determined by measuring the float line, as tied, of all the net panels, combined with any other netted lines. The existence of holes, tears, or gaps in the net shall have no bearing on the measurement of the float line. The float line of any net panels with holes, tears, or gaps shall be included in the total float line measurement.

~~(b)~~ *(B)* Any shark or swordfish gill net on the reel shall have the float lines of the adjacent panels tied together, the lead lines of the adjacent panels tied together, and the web of the adjacent panels laced together. No quick disconnect device may be used unless the total maximum length of all shark and swordfish gill nets, including all spare gill nets or net panels on the vessel and all gill nets or net panels

on the net reels on the vessel, on the deck of the vessel, stored aboard the vessel, and in the water, does not exceed 6,000 feet in float line length as determined under ~~paragraph (1)~~. *subparagraph (A)*.

~~(3)~~ *(C)* Spare shark or swordfish gill net aboard the vessel shall not exceed 250 fathoms (1,500 feet) in total length, and the spare net shall be in separated panels not to exceed 100 fathoms (600 feet) in float line length for each panel, with the float lines and leadlines attached to each panel separately gathered and tied, and the spare net panels stowed in lockers, wells, or other storage space.

~~(4)~~ *(D)* If a torn panel is replaced in a working shark or swordfish gill net, the torn panel shall be removed from the working net before the replacement panel is attached to the working net.

~~(3)~~ *(3)* Any end of a shark or swordfish gill net not attached to the permittee's vessel shall be marked by a pole with a radar reflector. The reflector shall be at least six feet above the surface of the ocean and not less than 10 inches in any dimension except thickness. The permittee's permit number shall be permanently affixed to at least one buoy or float that is attached to the radar reflector staff. The permit number shall be at least one and one-half inches in height and all markings shall be at least one-quarter inch in width.

~~(b)~~ *(b)* For the purposes of this article, "shark or swordfish gill net" means a drift gill net of 14-inch or greater mesh size.

*(c) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

## **SEC. 17.**

Section 8574 of the Fish and Game Code is amended to read:

### **8574.**

(a) Drift gill nets with mesh size less than 14 inches in stretched mesh shall not be used to take shark and swordfish by permittees operating under a drift gill net shark and swordfish permit, and the permittee shall not have aboard the vessel or in the water a drift gill net with mesh size less than 14 inches and more than 8 inches in stretched mesh.

(b) No permittee shall deploy a drift gill net of less than 14-inch mesh size at the time that the permittee has a shark or swordfish gill net deployed.

*(c) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

## **SEC. 18.**

Section 8575 of the Fish and Game Code is amended to read:

### **8575.**

*(a)* Drift gill nets used to take shark and swordfish under the permit provided in this article shall not be used under the following circumstances:

(+) (1) From May 1 through July 31, within six nautical miles westerly, northerly, and easterly of the shoreline of San Miguel Island between a line extending six nautical miles west magnetically from Point Bennett and a line extending six nautical miles east magnetically from Cardwell Point and within six nautical miles westerly, northerly, and easterly of the shoreline of Santa Rosa Island between a line extending six nautical miles west magnetically from Sandy Point and a line extending six nautical miles east magnetically from Skunk Point.

(+) (2) From May 1 through July 31, within 10 nautical miles westerly, southerly, and easterly of the shoreline of San Miguel Island between a line extending 10 nautical miles west magnetically from Point Bennett and a line extending 10 nautical miles east magnetically from Cardwell Point and within 10 nautical miles westerly, southerly, and easterly of the shoreline of Santa Rosa Island between a line extending 10 nautical miles west magnetically from Sandy Point and a line extending 10 nautical miles east magnetically from Skunk Point.

(+) (3) From May 1 through July 31, within a radius of 10 nautical miles of the west end of San Nicolas Island.

(+) (4) From August 15 through September 30, in ocean waters bounded as follows: beginning at Dana Point, Orange County, in a direct line to Church Rock, Catalina Island; thence in a direct line to Point La Jolla, San Diego County; and thence northwesterly along the mainland shore to Dana Point.

(+) (5) From August 15 through September 30, in ocean waters within six nautical miles of the coastline on the northerly and easterly side of San Clemente Island, lying between a line extending six nautical miles west magnetically from the extreme northerly end of San Clemente Island to a line extending six nautical miles east magnetically from Pyramid Head.

(+) (6) From December 15 through January 31, in ocean waters within 25 nautical miles of the mainland coastline.

*(b) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

## **SEC. 19.**

Section 8575.5 of the Fish and Game Code is amended to read:

### **8575.5.**

(a) Drift gill nets used to take shark and swordfish under the permit provided in this article shall not be used in the following areas:

(+) (1) Within 12 nautical miles from the nearest point on the mainland shore north of a line extending due west from Point Arguello.

(+) (2) East of a line running from Point Reyes to Noonday Rock to the westernmost point of Southeast Farallon Island to Pillar Point.

*(b) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

**SEC. 20.**

Section 8576 of the Fish and Game Code is amended to read:

**8576.**

(a) Drift gill nets shall not be used to take shark or swordfish from February 1 to April 30, inclusive.

(b) Drift gill nets shall not be used to take shark or swordfish in ocean waters within 75 nautical miles from the mainland coastline between the westerly extension of the California-Oregon boundary line and the westerly extension of the United States-Republic of Mexico boundary line from May 1 to August 14, inclusive.

(c) Subdivisions (a) and (b) apply to any drift gill net used pursuant to a permit issued under Section 8561 or 8681, except that drift gill nets with a mesh size smaller than eight inches in stretched mesh and twine size number 18, or the equivalent of this twine size, or smaller, used pursuant to a permit issued under Section 8681, may be used to take species of sharks other than thresher shark, shortfin mako shark, and white shark during the periods specified in subdivisions (a) and (b). However, during the periods of time specified in subdivisions (a) and (b), not more than two thresher sharks and two shortfin mako sharks may be possessed and sold if taken incidentally in drift gill nets while fishing for barracuda or white seabass and if at least 10 barracuda or five white seabass are possessed and landed at the same time as the incidentally taken thresher or shortfin mako shark. No thresher shark or shortfin mako shark taken pursuant to this subdivision shall be transferred to another vessel before landing the fish. Any vessel possessing thresher or shortfin mako sharks pursuant to this section shall not have any gill or trammel net aboard that is constructed with a mesh size greater than eight inches in stretched mesh and twine size greater than number 18, or the equivalent of a twine size greater than number 18.

(d) Notwithstanding the closure from May 1 to August 14, inclusive, provided by subdivision (b), a permittee may land swordfish or thresher shark taken in ocean waters more than 75 nautical miles from the mainland coastline in that period if, for each landing during that closed period, the permittee signs a written declaration under penalty of perjury that the fish landed were taken more than 75 nautical miles from the mainland coastline. The declaration shall be completed and signed before arrival at any port in this state. Within 72 hours of the time of arrival, the permittee shall deliver the declaration to the department.

(e) If any person is convicted of falsely swearing a declaration under subdivision (d), in addition to any other penalty prescribed by law, the following penalties shall be imposed:

(1) The fish landed shall be forfeited, or, if sold, the proceeds from the sale shall be forfeited, pursuant to Sections 12159, 12160, 12161, and 12162.

(2) All shark or swordfish gill nets possessed by the permittee shall be seized and forfeited pursuant to Section 8630 or 12157.

(f) From August 15 of the year of issue to January 31, inclusive, of the following year, swordfish may be taken under a permit issued pursuant to this article.

*(g) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

**SEC. 21.**

*Section 8576 is added to the Fish and Game Code, to read:*

**8576.**

*(a) A drift gill net with a mesh size smaller than eight inches in stretched mesh and twine size number 18, or the equivalent of this twine size, or smaller, used pursuant to a permit issued under Section 8681, may be used to take species of sharks other than thresher shark, shortfin mako shark, and white shark during the periods of time from February 1 to April 30, inclusive, and from May 1 to August 14, inclusive. However, during these periods of time, not more than two thresher sharks and two shortfin mako sharks may be possessed and sold if taken incidentally in drift gill nets while fishing for barracuda or white seabass and if at least 10 barracuda or five white seabass are possessed and landed at the same time as the incidentally taken thresher or shortfin mako shark. A thresher shark or shortfin mako shark taken pursuant to this subdivision shall not be transferred to another vessel before landing the fish. Any vessel possessing thresher or shortfin mako sharks pursuant to this section shall not have any gill or trammel net aboard that is constructed with a mesh size greater than eight inches in stretched mesh and twine size greater than number 18, or the equivalent of a twine size greater than number 18.*

*(b) A shark and swordfish permit issued pursuant to Section 8561 shall not be required for the taking of sharks pursuant to subdivision (a).*

*(c) This section shall become operative on February 1, 2015.*

**SEC. 22.**

Section 8576.5 of the Fish and Game Code is amended to read:

**8576.5.**

*(a) Thresher shark taken with drift gill nets shall not have the pelvic fin severed from the carcass until after the shark is brought ashore.*

*(b) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

**SEC. 23.**

*Section 8576.5 is added to the Fish and Game Code, to read:*

**8576.5.**

*(a) Thresher shark taken with gear authorized pursuant to Section 8561.1 or taken incidentally with a drift gill net under a permit issued pursuant to Section 8681 shall not have the pelvic fin severed from the carcass until after the shark is brought ashore.*

*(b) This section shall become operative on February 1, 2015.*

**SEC. 24.**

Section 8577 of the Fish and Game Code is amended to read:

**8577.**

*(a) Notwithstanding Section 8394, the director may close the drift gill net shark and swordfish fishery, the swordfish harpoon fishery, or any area where either or both fisheries are conducted, if, after a public hearing, the director determines the action is necessary to protect the swordfish or thresher shark and bonito (mako) shark resources.*

*(b) The director shall reopen a fishery or any fishing areas previously closed pursuant to this section if the director determines that the conditions which necessitated the closure no longer exist.*

*(c) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

**SEC. 25.**

*Section 8577 is added to the Fish and Game Code, to read:*

**8577.**

*(a) Notwithstanding Section 8394, the director may close the shark and swordfish fishery, the swordfish harpoon fishery authorized pursuant to Section 8394, or any area where either or both fisheries are conducted, if, after a public hearing, the director determines the action is necessary to protect the swordfish or thresher shark and bonito (mako) shark resources.*

*(b) The director shall reopen a fishery or any fishing areas previously closed pursuant to this section if the director determines that the conditions that necessitated the closure no longer exist.*

*(c) This section shall become operative on February 1, 2015.*

**SEC. 26.**

Section 8579 of the Fish and Game Code is amended to read:

**8579.**

*(a) A permittee shall be subject to the provisions of this article whenever the permittee is using a drift gill net, unless the permittee has surrendered his or her permit to the department. A permittee may surrender his or her permit by notifying the department's Long Beach office of his or her intentions by telegram or certified letter and by sending or delivering his or her permit to a department office. A permittee may reclaim his or her permit at any time during regular working hours, if the permit has not been suspended or revoked.*

*(b) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

**SEC. 27.**

*Section 8579 is added to the Fish and Game Code, to read:*

**8579.**

*(a) A permittee shall be subject to the provisions of this article whenever the permittee is using a gear authorized pursuant to Section 8561.1, unless the permittee has surrendered his or her permit to the department. A permittee may surrender his or her permit by notifying the department's Long Beach office of his or her intentions by telegram or certified letter and by sending or delivering his or her permit to a department office. A permittee may reclaim his or her permit at any time during regular working hours, if the permit has not been suspended or revoked.*

*(b) This section shall become operative on February 1, 2015.*

**SEC. 28.**

Section 8582 of the Fish and Game Code is amended to read:

**8582.**

(a) The Legislature finds and declares that the intent of this article is not to permit or encourage the taking of marlin for commercial purposes.

(b) It shall be a misdemeanor for any person operating under a permit pursuant to this article to sell or possess for sale or personal use any marlin. In the event a marlin is taken incidentally in a drift gill net, the permittee shall notify the department immediately that the fish is on the boat. No marlin may be removed from the boat except for delivery to the department.

*(c) This section shall become inoperative on February 1, 2015, and, as of January 1, 2016, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2016, deletes or extends the dates on which it becomes inoperative and is repealed.*

**SEC. 29.**

*Section 8582 is added to the Fish and Game Code, to read:*

**8582.**

*(a) The Legislature finds and declares that the intent of this article is not to permit or encourage the taking of marlin for commercial purposes.*

*(b) It shall be a misdemeanor for a person operating under a permit issued pursuant to this article to sell or possess for sale or personal use any marlin. In the event a marlin is taken incidentally with gear authorized pursuant to this article, the permittee shall notify the department immediately that the fish is on the boat. A marlin shall not be removed from the boat except for delivery to the department.*

*(c) This section shall become operative on February 1, 2015.*

**SEC. 30.**

*The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*

**SEC. 31.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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**ASSEMBLY BILL**

**No. 2075**

**FGC staff analysis:** No impact on FGC policies, procedures or programs.

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**Introduced by Assembly Member Alejo**

February 20, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

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An act to amend Section 653o of the Penal Code, relating to crimes.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2075, as amended, Alejo. Crimes: importation or sale of endangered animals.

Existing law makes it a misdemeanor, after January 1, 2015, to import into the state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of an alligator or crocodilian species.

This bill would delay the effective date of this provision until January 1, 2025.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO

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**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.**

Section 653o of the Penal Code, as amended by Section 2 of Chapter 412 of the Statutes of 2010, is amended to read:

**653o.**

(a) It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of ~~any a~~ polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or porpoise (*Delphinidae*), Spanish lynx, or elephant.

(b) (1) Commencing January 1, ~~2015~~, 2025, it shall be unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of ~~any a~~ crocodile or alligator.

(2) This subdivision shall not be construed to authorize the importation or sale of any alligator or crocodilian species, or any products thereof, that are listed as endangered under the federal Endangered Species Act, or to allow the importation or sale of any alligator or crocodilian species, or any products thereof, in violation of any federal law or ~~any~~ international treaty to which the United States is a party.

(c) ~~Any A~~ person who violates ~~any provision of~~ this section is guilty of a misdemeanor and shall be subject to a fine of not less than one thousand dollars (\$1,000) and not to exceed five thousand dollars (\$5,000) or imprisonment in the county jail not to exceed six months, or both that fine and imprisonment, for each violation.

(d) The prohibitions against importation for commercial purposes, possession with intent to sell, and sale of the species listed in this section are severable. A finding of the invalidity of any one or more prohibitions shall not affect the validity of any remaining prohibitions.

(e) This section shall become operative on January 1, 2016.

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**ASSEMBLY BILL**

**No. 2105**

**FGC staff analysis:** Minor impact on FGC policies, procedures or programs. Creates the requirement for a new rule-making to set a non-resident fee for taking Nelson bighorn sheep; depending on the extent of public outreach, costs to FGC could range from \$5,000 to \$10,000.

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**Introduced by Assembly Member Frazier**

February 20, 2014

AMENDED IN ASSEMBLY APRIL 02, 2014

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An act to amend Sections 3953 and 4902 of, and to add Section 709 to, the Fish and Game Code, relating to mammals.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2105, as amended, Frazier. Big game mammals: bighorn sheep.

Existing law, except as provided, prohibits the taking or possession of fully protected mammals or parts of those mammals at any time. Existing law establishes a list of fully protected mammals, including bighorn sheep (*Ovis canadensis*) generally, but excepts Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*) under specified circumstances.

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law grants authority to the Department of Fish and Wildlife to issue tags, stamps, and licenses for the hunting of antelope, elk, deer, wild pigs, bear, and bighorn sheep upon payment of a fee, to be deposited into the Big Game Management Account in the Fish and Game Preservation Fund. Existing law authorizes the Fish and Game Commission to set the cost of a Nelson bighorn ram tag at not more than \$500.

The bill would require the department to authorize a nonprofit organization designated by the department to assist in the sale of these tags to retain 5% of the amount of the sale price of the tag, plus any applicable credit card fees, as a reasonable vendor fee. This bill would require the selling nonprofit organization, within 30 days of the date of the sale, to send the department a check for 95% of the total auction sale price of the tag, with an itemized receipt showing the sale price and the 5% reduction retained by the nonprofit organization as a vendor's fee. This bill would authorize the nonprofit organization, if the buyer of the tag paid with a credit card, to also deduct the amount of the credit card fee from the selling price, provided a documented accounting of the fee is provided.

The bill would set a Nelson bighorn ram tag at \$400 for residents and would require the commission, on or before July 1, 2015, by regulation, to fix the fee for a nonresident of the state at not less than \$1,500 for the same tag. The bill would subject the price of each tag to an annual specified adjustment.

### Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.**

*The Legislature hereby finds and declares all of the following:*

*(a) The National Survey of Fishing, Hunting, and Wildlife-Associated Recreation has been conducted since 1955 and is one of the oldest and most comprehensive continuing recreation surveys.*

*(b) A National Survey of Fishing, Hunting, and Wildlife-Associated Recreation conducted by the United States Fish and Wildlife Service in 2011 found all of the following:*

*(1) Over 90,000,000 United States residents 16 years of age and older participated in wildlife-dependent recreation.*

*(2) Individuals participating in wildlife-dependent recreation spent \$145,000,000,000 in 2011 on their activities, which equated to 1 percent of the gross domestic product.*

*(3) In 2011 alone, hunters and anglers spent \$90,000,000,000 on equipment, travel, licenses and fees, and other related expenses, while wildlife viewers spent \$45,700,000,000.*

*(4) According to the California Department of Fish and Wildlife, hunters and anglers spend \$3,500,000,000 in California annually. In addition, the department reported the following:*

*(5) Spending by hunters and anglers directly supports 56,000 jobs in California and generates \$487,500,000 annually in state and local taxes.*

*(6) Hunting and fishing supports more jobs than any employer in California.*

*(7) Jobs supported by hunters and anglers pay California employees more than \$2,300,000,000 in salaries and wages annually.*

*(8) The economic stimulus of hunting and fishing equates to \$18,000,000 each day being pumped into the California economy.*

*(9) Hunter-generated dollars helped purchase and maintain 1,000,000 acres of state-owned lands in California.*

*(10) Hunting and fishing license tag and stamp sales generate \$83,000,000 annually for the California Department of Fish and Wildlife's conservation and scientific efforts.*

*(11) Over 700,000 acres of wetland habitat has been restored, enhanced, and protected in California by hunters since 1988.*

*(12) Hunters generate more than \$9,000,000 annually for California via the Pittman-Robertson Federal Aid in Wildlife Restoration Act, federal legislation lobbied for and passed by hunters in 1937.*

*(13) Hunting and angling serve as the cornerstone of the North American Model of Wildlife Conservation, and serve as the primary source of funding for conservation efforts in North America.*

*(14) The desert bighorn sheep is the most coveted and treasured big game animal in the State of California with special hunting tags necessary for their harvest selling at auction for hundreds of thousands of dollars with the revenue going back to the Department of Fish and Wildlife for needed wild sheep habitat projects and research.*

*(15) In 1986, the Legislature fixed the price of both resident and nonresident bighorn desert sheep tags in statute at \$500, without the ability to adjust for inflation or demand, and permits no more than 15 percent of these tags to be auctioned as discussed above.*

*(16) According to the Bureau of Labor Statistics, from October of 1986 to October of 2013, inclusive, the cost of living has increased by 112 percent. Considering inflation alone, the \$500 tag fee from 1986 should have risen to \$1,060 by 2013 based on inflation.*

*(17) As the least plentiful of the four species of wild mountain sheep that inhabit North America, the demand for desert bighorn sheep tags has grown significantly since 1986. In other states, prices for tags for much more abundant wild sheep have risen sharply since 1986.*

*(18) Nonresident desert bighorn sheep tags are available in only six states, making that desert bighorn tag the most difficult to acquire. In 2013, California offered hunters only 20 desert bighorn sheep tags in the public draw. Thirteen thousand four hundred thirty-five hunters applied for those 20 tags, up from 4,628 who applied just 15 years earlier in 1999. Despite the huge increase in demand, the \$500 tag fee has remained unchanged.*

*(19) In 2014, California is charging nonresidents \$1,328 for an elk tag, despite the fact that elk are overwhelmingly abundant across the western United States and Canada. In addition, California has over 300 elk tags available for hunters, 15 times the number of desert bighorn sheep tags.*

## **SEC. 2.**

*Section 709 is added to the Fish and Game Code, to read:*

### **709.**

*A nonprofit organization designated by the department to assist in the sale of deer, elk, antelope, or bighorn sheep fundraising tags that are sold on behalf of the department for the purpose of raising funds for specified programs and projects, pursuant to subdivision (c) of Section 331, subdivision (d) of Section 332, subdivision (a) of Section 4334, or subdivision (d) of Section 4902, is authorized to retain 5 percent of the amount of the sale price of the tag, plus any applicable credit card fees, as a reasonable vendor fee.*

## **SEC. 3.**

Section 3953 of the Fish and Game Code is amended to read:

### **3953.**

(a) The Big Game Management Account is hereby established within the Fish and Game Preservation Fund.

(b) ~~AM~~ *Except as provided in Section 709, all* revenues from the sale of antelope, elk, deer, wild pig, bear, and sheep tags, including any fundraising tags, shall be deposited in the Big Game Management Account to permit separate accountability for the receipt and expenditure of these funds. *Within 30 days of the date of the sale, the selling nonprofit organization shall send the department a check for 95 percent of the total auction sale price of the tag, with an itemized receipt showing the sale price and the 5-percent reduction retained by the nonprofit organization as a vendor's fee. If the buyer of the tag paid*

*with a credit card, the nonprofit organization may also deduct the amount of the credit card fee from the selling price, provided a documented accounting of the fee is provided.*

(c) Funds deposited in the Big Game Management Account shall be available for expenditure upon appropriation by the Legislature to the department. These funds shall be expended solely for the purposes set forth in this section and Sections 3951 and 3952, and Chapter 5 (commencing with Section 450) of Division 1, Chapter 7 (commencing with Section 4650), and Chapter 11 (commencing with Section 4900), including acquiring land, completing projects, and implementing programs to benefit antelope, elk, deer, wild pigs, bear, and sheep, and expanding public hunting opportunities and related public outreach. Any land acquired with funds from the Big Game Management Account shall be acquired in fee title or protected with a conservation easement and, to the extent possible, be open or provide access to the public for antelope, elk, deer, wild pig, bear, or sheep hunting. The department may also use funds from the Big Game Management Account to pay for administrative and enforcement costs of the programs and activities described in this section. The amount allocated from the account for administrative costs shall be limited to the reasonable costs associated with administration of the programs and activities described in this section.

(d) The department may make grants to, reimburse, or enter into contracts or other ~~agreements~~ *agreements*, as defined in subdivision (a) of Section ~~1571 with~~, *1571, with* nonprofit organizations for the use of the funds from the Big Game Management Account to carry out the purposes of this section, including related habitat conservation projects.

(e) An advisory committee, as determined by the department, that includes interested nonprofit organizations that have goals and objectives directly related to the management and conservation of big game species and primarily represent the interests of persons licensed pursuant to Section 3031 shall review and provide comments to the department on all proposed projects funded from the Big Game Management Account to help ensure that the requirements of this section have been met. The department shall post budget information and a brief description on an Internet Web site for all projects funded from the Big Game Management Account.

(f) Big game projects authorized pursuant to this section are not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(g) The department shall maintain the internal accountability necessary to ensure compliance with the collection, deposit, and expenditure of funds specified in this section.

#### **SEC. 4.**

Section 4902 of the Fish and Game Code is amended to read:

##### **4902.**

(a) The commission may adopt all regulations necessary to provide for biologically sound management of Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*).

(b) (1) After the plans developed by the department pursuant to Section 4901 for the management units have been submitted, the commission may authorize sport hunting of mature Nelson bighorn rams.

Before authorizing the sport hunting, the commission shall take into account the Nelson bighorn sheep population statewide, including the population in the management units designated for hunting.

(2) Notwithstanding Section 219, the commission shall not, however, adopt regulations authorizing the sport hunting in a single year of more than 15 percent of the mature Nelson bighorn rams in a single management unit, based on the department's annual estimate of the population in each management unit.

(c) The fee for a tag to take a Nelson bighorn ram ~~may be determined by the commission, but shall not exceed~~ *shall be four hundred dollars (\$400) for a resident of the state, which shall be adjusted annually pursuant to Section 713. On or before July 1, 2015, the commission shall, by regulation, fix the fee for a nonresident of the state at not less than one thousand* five hundred dollars ~~(\$500)- (\$1,500), which shall be adjusted annually pursuant to Section 713.~~ Fee revenues shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended as set forth in that section.

(d) The commission shall annually direct the department to authorize not more than three of the tags available for issuance that year to take Nelson bighorn rams for the purpose of raising funds for programs and projects to benefit Nelson bighorn sheep. These tags may be sold to residents or nonresidents of the State of California at auction or by another method and shall not be subject to the fee limitation prescribed in subdivision (c). Commencing with tags sold for the 1993 hunting season, if more than one tag is authorized, the department shall designate a nonprofit organization organized pursuant to the laws of this state, or the California chapter of a nonprofit organization organized pursuant to the laws of another state, as the seller of not less than one of these tags. The number of tags authorized for the purpose of raising funds pursuant to this subdivision, if more than one, shall not exceed 15 percent of the total number of tags authorized pursuant to subdivision (b). All revenue from the sale of tags pursuant to this subdivision shall be deposited in the Big Game Management Account established in Section 3953 and, upon appropriation by the Legislature, shall be expended as set forth in that section.

(e) No tag issued pursuant to this section shall be valid unless and until the licensee has successfully completed a prehunt hunter familiarization and orientation and has demonstrated to the department that he or she is familiar with the requisite equipment for participating in the hunting of Nelson bighorn rams, as determined by the commission. The orientation shall be conducted by the department at convenient locations and times preceding each season, as determined by the commission.

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**FGC staff analysis:** No impact on FGC policies, procedures or programs. FGC has no jurisdiction over marine mammals. However, the bill would create an assisted living program for un-releasable orcas in FG Code, which could give the impression that the DFW and FGC would somehow have some responsibility – which it should not.

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**Introduced by Assembly Member Bloom  
(Coauthor: Assembly Member Stone)  
(Coauthor: Senator Leno)**

February 20, 2014

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An act to add Section 4502 to the Fish and Game Code, relating to marine mammals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2140, as amended, Bloom. Marine mammals: protection of orcas: unlawful activities.

(1) Existing law makes it unlawful to take any marine mammal, as defined, except as provided under specified federal laws.

This bill would make it unlawful to hold in captivity, or use, a wild-caught or captive-bred orca, as defined, for performance or entertainment purposes, as defined, to capture in state waters, or import from another state, any orca intended to be used for performance or entertainment purposes, to breed or impregnate an orca in captivity, or to export, collect, or import from another state the semen, other gametes, or embryos of an orca held in captivity for the purpose of artificial insemination, except as provided. The bill would make every person, corporation, or institution that violates those provisions guilty of a misdemeanor punishable by a fine of not more than \$100,000 or by imprisonment in a county jail for not more than 6 months, or by both the fine and imprisonment. By creating a new crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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## Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.**

*Section 4502 is added to the Fish and Game Code, to read:*

#### **4502.**

*(a) It is unlawful for any person to do any of the following:*

*(1) Hold in captivity, or use, a wild-caught or captive-bred orca for performance or entertainment purposes.*

*(2) Capture in state waters, or import from another state, any orca intended to be used for performance or entertainment purposes.*

*(3) Breed or impregnate an orca in captivity.*

*(4) Export, collect, or import from another state the semen, other gametes, or embryos of an orca held in captivity for the purpose of artificial insemination.*

*(b) Every person, corporation, or institution that violates subdivision (a) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred thousand dollars (\$100,000), or by imprisonment in a county jail for not more than six months, or by both the fine and imprisonment.*

*(c) (1) This section does not apply to an orca that is held for rehabilitation after a rescue or stranding, or for research purposes. However, an orca that is held for rehabilitation or research purposes shall be returned to the wild whenever possible, and, if return to the wild is not possible, the orca shall be held in a sea pen that is open to the public and not used for performance or entertainment purposes.*

*(2) Orcas held for performance or entertainment purposes prior to the enactment of this section shall be rehabilitated and returned to the wild where possible, subject to any required state or federal permits. If it is not possible to return these orcas to the wild, as determined by the best available science, then these orcas shall be transferred and held in a sea pen that is open to the public and not used for performance or entertainment purposes.*

*(3) Until an appropriate sea pen has been established, captive orcas held in the state may be kept in existing enclosures. Those orcas shall not be exported or used for gametes, or embryos intended for artificial insemination. Where, based on the best available science, it is determined that an orca has the potential to return to the wild under paragraph (2), that orca may be exported from the state to facilitate its rehabilitation in native waters, subject to any required state or federal permits.*

*(d) For purposes of this section, the following terms have the following meanings:*

*(1) "Orca" means a killer whale (*Orcinus orca*).*

(2) “Performance or entertainment purposes” includes, but is not limited to, any routinely scheduled public exhibition that is characterized by music or other sound effects, choreographed display or training for that display, or unprotected contact between humans and orcas. Holding of an orca is not, by itself, a performance or entertainment purpose.

(3) “Unprotected contact” means physical contact between a human and an orca that occurs in the absence of a protective barrier or distance between the trainer and the orca, unless required for veterinarian veterinary care.

(4) “Sea pen” means an in-water enclosure that is anchored to the sea floor, and attached to the shore.

(e) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

## **SEC. 2.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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## **ASSEMBLY BILL**

**No. 2185**

**FGC staff analysis:** Potentially minor impact on FGC policies, procedures or programs if regulations are necessary to implement the statute.

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**Introduced by Assembly Member Eggman  
(Principal coauthor: Senator Volk)**

February 20, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

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An act to add Section 29046.5 to the Food and Agricultural Code, relating to bees.

## **LEGISLATIVE COUNSEL'S DIGEST**

AB 2185, as introduced, Eggman. Bees: foraging: public lands.

Existing law prohibits a person from locating or maintaining an apiary on any public land without the expressed oral or written approval of the entity which owns, leases, controls, or occupies the land, as specified.

This bill would require a public entity, on public lands it owns, leases, controls, or occupies, to designate areas that may be used for a person to locate or maintain an apiary for purposes of bee foraging. The bill would also make findings and declarations related to bee foraging. By requiring local public entities to designate these areas, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

***SECTION 1.***

*The Legislature finds and declares all of the following:*

*(a) Bee foraging on public lands is an important element for the increase of native plants.*

*(b) Bee foraging can enhance the goals of a public agency's land management plans.*

*(c) Bee foraging will enhance existing plant communities.*

***SEC. 2.***

*Section 29046.5 is added to the Food and Agricultural Code, to read:*

***29046.5.***

*A public entity, on public lands it owns, leases, controls, or occupies, shall designate areas that may be used for a person to locate or maintain an apiary for purposes of bee foraging.*

***SEC. 3.***

*If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

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**FGC staff analysis:** This bill would have significant impacts to FGC authority as it delegates authority to manage the state's natural resources from the FGC to county boards of supervisors.

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**Introduced by Assembly Member Donnelly**

February 20, 2014

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An act to amend Section 3960 of, to add Section 4756 to, to repeal Sections 3032, 3960.4, and 3960.6 of, and to repeal and add Section 3960.2 of, the Fish and Game Code, relating to mammals.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2205, as introduced, Donnelly. Mammals: use of dogs to pursue bears and bobcats.

(1) Existing law, with specified exceptions, makes it unlawful to permit or allow a dog to pursue any bear, as defined, or bobcat at any time. Existing law authorizes the Department of Fish and Wildlife to capture a dog not under the reasonable control of its owner or handler that is pursuing any bear or bobcat in violation of this prohibition or to capture or dispatch a dog inflicting injury or immediately threatening to inflict injury on any bear or bobcat at any time.

This bill would eliminate this prohibition, the exceptions, and this authority of the department. This bill would instead require the Department of Fish and Wildlife to make a specified report to the Fish and Game Commission on the status of bear populations, management, and related issues every 3 years. The bill would require the first report to be submitted on or before December 15, 2015, and would require the department, not later than December 15 of each year the report is submitted, to notify, by certified mail, the board of supervisors of each county affected by bear interactions with the general public, of public safety impacts or concerns, bear depredation permit requests, and economic impacts due to bear damage to the extent of those incidences or impacts, and of its recommendations to the commission. This bill would generally prohibit a person from using dogs to hunt, pursue, or molest bears, except when recommended to the Department of Fish and Wildlife by a vote of the board of supervisors of any affected county following a public hearing, as specified. The bill would require the commission to authorize the use of dogs under those circumstances. This bill would permit the use of one dog per hunter for the hunting of bears during open deer season, and the use of more than one dog per hunter during the open bear season except during the period when archery deer seasons or regular deer seasons are open. By imposing new duties on local public officials, the bill would impose a state-mandated local program.

(2) Existing law authorizes the Fish and Game Commission to establish a hound tag program, imposing certain requirements on the licensure and use of hounds, as defined, to pursue mammals. For these purposes, existing law defines a hound as a dog used to pursue mammals

This bill would repeal this authorization.

(3) Under existing law, except as excluded, violations of the Fish and Game Code are misdemeanors.

By changing the definition of a crime, this bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1.

Section 3032 of the Fish and Game Code is repealed.

#### ~~3032.~~

~~(a) As used in this section:~~

~~(1) "Bear" and "pursue" have the same meanings as defined in Section 3960.~~

~~(2) "Hound" means a dog used to pursue mammals.~~

~~(b) The commission may establish a hound tag program.~~

~~(c) If a hound tag program is established, the commission may require all of the following:~~

~~(1) That each hound be issued a license tag bearing a unique identifying number that is to be worn at all times by the hound while pursuing mammals.~~

~~(2) That all relevant local and state laws pertaining to dogs are being followed while the hound is being used to pursue mammals.~~

~~(3) That each hound be microchipped with an implanted transponder that has a unique identification code.~~

~~(4) That the owner maintain documentation showing that the hound is current on all required vaccinations and treatments for the prevention of rabies and any other disease specified by the department.~~

~~(5) That the owner report, within 24 hours of its last sighting, any hound that is lost during hunting, pursuing, or tracking activities.~~

~~(6) That the hound's tag identification number be recorded on the hunting tag of any animal taken using the services of the hound.~~

~~(d) If a hound tag program is established, the commission may adjust the amount of the fees for the hound tag as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to the program.~~

## **SEC. 2.**

Section 3960 of the Fish and Game Code is amended to read:

### **3960.**

~~(a) As used in this section:~~

~~(1) "Pursue" means pursue, run, or chase.~~

~~(2) "Bear" means any black bear (*Ursus americanus*) found in the wild in this state.~~

~~(b)~~ (a) It is unlawful to permit or allow any dog to pursue any big game mammal during the closed season on that mammal, to pursue any fully protected, rare, or endangered mammal at any time, to pursue any bear or bobcat at any time, *unless authorized pursuant to Section 3960.2*, or to pursue any mammal in a game refuge or ecological reserve if hunting within that refuge or ecological reserve is unlawful.

~~(c) (1) The department may take any of the following actions:~~

~~(A)~~ (b) *Capture (1) Employees of the department may capture* any dog not under the reasonable control of its owner or handler, when that uncontrolled dog is pursuing, in violation of this section, any big game ~~mammal, any bear or bobcat, or~~ *mammal or* any fully protected, rare, or endangered mammal.

~~(B)~~ (2) *Capture* ~~Employees of the department may capture~~ or dispatch any dog inflicting injury or immediately threatening to inflict injury to any big game mammal during the closed season on that mammal, and the ~~department~~ *employee* may capture or dispatch any dog inflicting injury or immediately threatening to inflict injury on any ~~bear or bobcat at any time, or any~~ fully protected, rare, or endangered mammal at any time.

~~(C) (3) Capture~~ *Employees of the department may capture* or dispatch any dog inflicting injury or immediately threatening to inflict injury to any mammal in a game refuge or ecological reserve if hunting within that refuge or ecological reserve is unlawful.

~~(2) (c)~~ No criminal or civil liability shall accrue to any department employee as a result of enforcement of this section. *For the purpose of this section, "pursue" means pursue, run, or chase.*

~~(3) This section does not apply to the use of dogs to pursue bears or bobcats by federal, state, or local law enforcement officers, or their agents or employees, when carrying out official duties as required by law.~~

~~(4) (d)~~ Owners of dogs with ~~identification~~, *identification* that have been captured or ~~dispatched~~, *dispatched* shall be notified within 72 hours after capture or dispatch.

### SEC. 3.

Section 3960.2 of the Fish and Game Code is repealed.

#### ~~3960.2.~~

~~(a) As used in this section, the terms "bear" and "pursue" have the same meanings as defined in Section 3960.~~

~~(b) Notwithstanding Section 3960, not more than three dogs may be used to pursue bears or bobcats pursuant to a depredation permit issued by the department, if all of the following conditions are met:~~

~~(1) The applicant demonstrates, in writing, that nonlethal and avoidance measures were undertaken prior to requesting the depredation permit.~~

~~(2) The applicant demonstrates, in writing, the specific need for the use of dogs in carrying out the depredation permit.~~

~~(3) The depredation permit authorizing the use of dogs is valid for the take of one bear or one bobcat.~~

~~(4) The depredation permit authorizing the use of dogs is valid for a period not to exceed 20 consecutive days.~~

~~(5) The depredation permit specifies the name and address of any dog handler who will be utilized in the pursuit or taking.~~

~~(6) The dog handler has the depredation permit in his or her possession at all times during the pursuit or taking.~~

~~(7) The dog handler does not pursue a bear or bobcat more than one mile off the property on which the depredation activity occurred.~~

~~(c) After any taking of a bear, the applicant is required to submit the skull to the department as described in the department's Black Bear Management Plan. No part of any bear taken pursuant to a depredation permit may be sold, purchased, or possessed for sale, as described in Section 4758.~~

~~(d) No holder of a depredation permit may solicit or receive compensation from any person in exchange for carrying out the terms of the permit. For these purposes, "compensation" means remuneration paid in money, property, or anything else of value.~~

~~(e) The holder of a depredation permit, within 30 days of its issuance, shall report to the department detailing the use of the permit and the results of any pursuits, including information about bear or bobcat pursued and whether the bear or bobcat was or was not harmed, but not killed.~~

#### **SEC. 4.**

*Section 3960.2 is added to the Fish and Game Code, to read:*

##### **3960.2.**

*(a) On or before December 15, 2015, and on or before December 15 of every third year thereafter, the department shall report to the Fish and Game Commission on the status of bear populations and management. The report shall include, but is not limited to, department activities relating to bear management, the general health of bear populations, information on the incidences of bear interactions with the general public, public safety impacts and concerns, bear depredation permit requests, an estimate of the economic impact of damage done by bears, an estimate of the cost to the department to address bear-related incidents during the previous three years, and the amount of revenue derived from the sale of bear tags during the three previous fiscal years. The report shall also include recommendations to the commission regarding the possible need to adjust annual bear harvest quotas or to take steps necessary to increase or reduce take in order to address bear management or population health concerns.*

*(b) Not later than December 15 of each year that a report is submitted pursuant to subdivision (a), the department shall notify the board of supervisors of each county affected by bear interactions with the general public, by certified mail, of public safety impacts or concerns, bear depredation permit requests, and economic impacts due to bear damage to the extent of those incidences or impacts, and of its recommendations to the commission pursuant to subdivision (a).*

*(c) The board of supervisors of any county notified by the department may do either of the following:*

*(1) Elect to hold a public hearing on the public safety, depredation, or economic impacts of bears in their county and the proposed recommendations of the department. The hearing shall be held prior to February 1 of that year. The director of the department or his or her representative shall attend the hearing.*

*(2) Elect, by resolution, not to hold a public hearing.*

*(d) The board of supervisors of any county notified by the department which has held a public hearing may, not later than March 1 of that year, by resolution, recommend to the department that the use of dogs be authorized to pursue or take bears and bobcats in that county to assist in meeting bear management concerns. The recommendation shall be based upon the testimony and information presented at the hearing or presented to the board of supervisors at its meeting to consider the resolution.*

*(e) The department shall recommend to the commission, and the commission shall authorize, the use of dogs to pursue or take bears and bobcats during the open season for those species in each county from which the department has received from the board of supervisors a resolution recommending that the use of dogs be authorized to pursue or take bears and bobcats in that county.*

*(f) The commission shall amend its regulations relating to the use of dogs to pursue bears and bobcats as necessary to conform with this section.*

## **SEC. 5.**

Section 3960.4 of the Fish and Game Code is repealed.

### **~~3960.4.~~**

~~(a) As used in this section, the terms “bear” and “pursue” have the same meanings as defined in Section 3960.~~

~~(b) Notwithstanding Section 3960, the department may authorize qualified individuals, educational institutions, governmental agencies, or nongovernmental organizations to use dogs to pursue bears or bobcats for the purpose of scientific research, provided that the research project is designed to do all of the following:~~

~~(1) Contribute to knowledge of natural wildlife ecosystems.~~

~~(2) Follow best practices and minimize disruptions in the lives and movements of bears, bobcats, and other wildlife, as well as impacts to the habitat while maintaining the applicant’s objectives.~~

~~(3) Directly or indirectly support the sustainability and survival of bear or bobcat populations and healthy ecosystems.~~

~~(4) Not include the intentional injury or killing of any bear or bobcat.~~

~~(5) Not include the intentional relocation of any bear or bobcat other than to areas suitable to them in the state. Any relocation shall comply with the requirements of Section 4190.~~

~~(c) Any research project authorized pursuant to subdivision (b) shall be undertaken pursuant to a memorandum of understanding between the department and the authorized research entity that addresses all of the following:~~

~~(1) Trapping and anesthetizing of the animals pursued, collection of diagnostic samples, attaching or surgically implanting monitoring or recognition devices or markings, and providing veterinary care or euthanasia, as required, for the health, safety, and humane treatment of the animals.~~

~~(2) Qualifications of onsite field supervisors necessary for carrying out authorized research procedures.~~

~~(3) Immediate reporting of any incidental mortality or injury to a bear or bobcat as a result of authorized research activities. Reports of any incidental mortality or injury to a bear or bobcat shall be made available to the public upon request.~~

~~(4) Filing of annual and final progress reports of research involving pursuit by dogs. Annual and final progress reports shall be made available to the public upon request.~~

~~(d) The department shall provide notice to the public of any bear or bobcat research project authorized pursuant to subdivision (b) at least 30 days prior to its initiation, and, upon request, shall make available to the public copies of the memorandum of understanding between the department and the authorized research entity required pursuant to subdivision (c).~~

## **SEC. 6.**

Section 3960.6 of the Fish and Game Code is repealed.

### **3960.6.**

~~(a) As used in this section, the terms “bear” and “pursue” have the same meanings as defined in Section 3960.~~

~~(b) Notwithstanding Section 3960, the pursuit of bears or bobcats by dogs that are guarding or protecting livestock or crops on property owned, leased, or rented by the owner of the dogs, is not prohibited if the dogs are maintained with, and remain in reasonable proximity to, the livestock or crops being guarded or protected.~~

## **SEC. 7.**

*Section 4756 is added to the Fish and Game Code, to read:*

### **4756.**

*Except as provided in this section it is unlawful to use dogs to hunt, pursue, or molest bears. The use of one dog per hunter is permitted for the hunting of bears during the time that the season is open for the taking of deer in the area of the state affected. The use of more than one dog per hunter is permitted in the hunting of bears during the open season on bears in the area of the state affected except during the period when archery deer seasons or regular deer seasons are open.*

## **SEC. 8.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

*However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

**FGC staff analysis:** No impact on FGC policies, procedures or programs.

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**Introduced by Assembly Member Williams**

February 20, 2014

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An act to amend Sections 4152 and 4153 of the Fish and Game Code, relating to mammals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2210, as introduced, Williams. Nongame mammals: depredators.

(1) Existing law provides that red fox squirrels, among other specified species, that are found to be injuring growing crops or other property may be taken at any time or in any manner in accordance with the Fish and Game Code and regulations adopted pursuant to that code by the owner or tenant of the premises or by employees and agents in immediate possession of written permission from the owner or the tenant. Existing law prohibits the sale of raw furs that are taken pursuant to these provisions. Existing law also requires that traps used pursuant to these provisions be inspected and all animals in the traps be removed at least once daily. A violation of the Fish and Game Code or any regulation adopted pursuant to this code is a misdemeanor.

This bill would revise these provisions to provide that nonnative fox squirrels (*Sciurus niger*), instead of red fox squirrels, may be taken as specified above. The bill would also prohibit the barter of raw furs, and would require that all animals in the traps be removed within 24 hours of the setting of a trap instead of at least once daily. The bill would require that nontargeted species be released unharmed and not taken. The bill would make other nonsubstantive changes to these provisions.

(2) Existing law authorizes the Department of Fish and Wildlife to enter into cooperative agreements with any agency of the state or the United States for the purpose of controlling harmful nongame mammals and authorizes the department to take any mammal which, in its opinion, is unduly preying upon any bird, mammal, or fish.

This bill would instead authorize the department to take any mammal that it determines is unduly preying on any bird, mammal, or fish.

(3) Because a violation of the Fish and Game Code or any regulation adopted pursuant to that code is a misdemeanor, the bill would create new crimes, and thus, impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1.

Section 4152 of the Fish and Game Code is amended to read:

##### 4152.

(a) Except as provided in Section 4005, nongame mammals and black-tailed jackrabbits, muskrats, subspecies of red fox that are not the native Sierra Nevada red fox (*Vulpes vulpes necator*), and ~~red~~ *nonnative* fox squirrels (*Sciurus niger*) that are found to be injuring growing crops or other ~~property~~ *property*, may be taken at any time or in any manner in accordance with this code and regulations adopted pursuant to this code by the owner or tenant of the premises or *by* employees and agents in immediate possession of written permission from the owner or tenant ~~thereof. They may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officers or employees when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code. Persons taking mammals in accordance with this section are exempt from Section 3007, except when providing trapping services for a fee. Raw furs, as defined in Section 4005, that are taken under this section, shall not be sold.~~ *of the property.*

*(b) The animals specified in subdivision (a) may also be taken by officers or employees of the Department of Food and Agriculture or by federal, county, or city officers or employees when acting in their official capacities pursuant to the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4, of the Food and Agricultural Code.*

*(c) Persons taking mammals in accordance with this section are exempt from Section 3007, except when providing trapping services for a fee. Raw furs, as defined in Section 4005, that are taken under this section, shall not be sold or bartered.*

~~(b)~~ *(d) Traps used pursuant to this section shall be inspected and all animals in the traps shall be removed at least once daily. within a 24-hour period following the setting of a trap. Nontargeted species shall be released unharmed and may not be taken.* The inspection and removal shall be done by the person who sets the trap or the owner of the land where the trap is set or *by* an agent of ~~either. either~~ *the owner or the person who set the trap.*

#### SEC. 2.

Section 4153 of the Fish and Game Code is amended to read:

**4153.**

(a) The department may enter into cooperative agreements with any agency of the state or the United States for the purpose of controlling harmful nongame mammals.

(b) The department may take any mammal ~~which, in its opinion,~~ *that it determines* is unduly preying upon any bird, mammal, or fish.

**SEC. 3.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

**ASSEMBLY BILL**

**No. 2268**

**FGC staff analysis:** Other than additional flexibility in electing officers, there is no significant impact on FGC policies, procedures or programs.

**Introduced by Assembly Member Bigelow**

February 21, 2014

An act to amend Section 102 of the Fish and Game Code, relating to the Fish and Game Commission.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2268, as introduced, Bigelow. Fish and Game Commission.

The California Constitution establishes the 5-member Fish and Game Commission, with members appointed by the Governor and approved by the Senate. Existing law requires the commissioners to annually elect one of their number as vice president. Existing law prohibits the vice president to serve more than 2 consecutive years.

This bill would eliminate this prohibition.

**Digest Key**

Vote: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO

**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.**

Section 102 of the Fish and Game Code is amended to read:

**102.**

- (a) The commissioners shall annually elect one of their number as president and one as vice president, by a concurrent vote of at least three commissioners.
- (b) No president ~~or vice president~~ shall serve more than two consecutive years.
- (c) The president or vice president may be removed from the position of president or vice president by a vote, at any time, of at least three commissioners.
- (d) In the event of a vacancy in either the position of president or vice president, the commission shall fill that vacancy at the next regularly scheduled meeting of the commission. The elected successor president or vice president shall serve for the unexpired term of the predecessor until the annual election pursuant to subdivision (a).
- (e) Except as provided in subdivision (b), the commission may not adopt or enforce a policy or a regulation that provides for the president and vice president to be chosen by seniority nor may the commission adopt or enforce any other policy or regulation that would make a commissioner ineligible to be elected as president or vice president of the commission.

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**ASSEMBLY BILL**

**No. 2364**

**FGC staff analysis:** Makes the California red-legged frog the official state amphibian. No impact on FGC policies, procedures or programs.

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**Introduced by Assembly Member V. Manuel Pérez**

February 21, 2014

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An act to add Section 422.7 to the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2364, as amended, V. Manuel Pérez. State amphibian: California red-legged frog.

Existing law establishes the state flag and the state's emblems, including, among other things, the poppy as the official state flower, the California redwood as the official state tree, and the California desert tortoise as the official state reptile.

This bill would establish the California red-legged frog as the official state amphibian.

**Digest Key**

Vote: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO

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**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.**

*The Legislature finds and declares all of the following:*

*(a) The California red-legged frog is the largest native frog in the western United States and is found almost exclusively in California with a few sightings in Baja California and Mexico.*

*(b) The California red-legged frog is particularly well known as a result of Mark Twain's famous short story "The Celebrated Jumping Frog of Calaveras County," which featured the species.*

*(c) The California red-legged frog's unique place in California's history extends as far back as the 19th century gold rush. Miners, known as forty-niners, consumed nearly 80,000 frogs per year, nearly eating the species into extinction.*

*(d) While the California red-legged frog no longer has to fear the fork, the species continues to face myriad natural and manmade threats, including the introduction of invasive species into the California red-legged frog's habitat, as well as habitat loss. In fact, according to the United States Fish and Wildlife Service, populations of the California red-legged frog have disappeared from nearly 70 percent of its historically known habitat. In May 1996, the species was listed as a federal threatened species, with the state also classifying it as a species of special concern and subject to protection in June 1996.*

*(e) Declaring the California red-legged frog as the official state amphibian of California will acknowledge the species' important place in the ecology, culture, and history of California, as well as broadcast and reinforce the state's commitment to protecting endangered species.*

**SEC. 2.**

*Section 422.7 is added to the Government Code, to read:*

**422.7.**

*The California red-legged frog (*Rana draytonii*) is the official state amphibian.*

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**FGC staff analysis:** No impact on FGC policies, procedures or programs. Allows the director of DFW to contract with public entities, in addition to nonpublic entities, for waterfowl habitat conservation.

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**Introduced by Assembly Member Cooley**

February 21, 2014

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An act to amend Section 3460 of the Fish and Game Code, relating to waterfowl habitat preservation.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2409, as introduced, Cooley. California Waterfowl Habitat Program.

Existing law authorizes the Director of Fish and Wildlife to enter into land use contracts to conserve waterfowl and waterfowl habitat with nonpublic entities that are owners of record, or with lessees, who have the owners of record execute the contract, of land determined by the director to be important for the conservation of waterfowl, subject to the appropriation of money for that purpose.

This bill would also authorize the director to enter into those contracts with public entities.

**Digest Key**

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.**

Section 3460 of the Fish and Game Code is amended to read:

**3460.**

(a) Subject to appropriation pursuant to Section 3467, the director may enter into contracts with *public and* nonpublic entities *which that* are owners of record, or with lessees, who have the owners of record execute the contract, of land determined by the director to be important for the conservation of waterfowl. The contract shall enforceably restrict the use of the land for the conservation of waterfowl and their *habitat habitat*, consistent with Section 8 of Article XIII of the California Constitution.

(b) The director shall give priority to contracts that have the greatest potential for restoring, enhancing, and protecting high quality waterfowl habitat, especially that *habitat* which is subject to destruction, drastic modification, or significant curtailment of habitat values.

(c) Contracts entered into pursuant to this section are not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

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**ASSEMBLY BILL**

**No. 2629**

**FGC staff analysis:** No impact on FGC policies, procedures or programs. The required annual report is prepared by DFW.

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**Introduced by Assembly Member Bloom**

February 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

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An act to amend Section 1799 of the Fish and Game Code, relating to fish and wildlife resources.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2629, as amended, Bloom. Conservation and mitigation banks: report.

Existing law provides that no conservation bank, mitigation bank, or conservation and mitigation bank is operative, vested, or final, nor bank credits issued, until the Department of Fish and Wildlife has approved the bank in writing and a conservation easement has been recorded on the site. Existing law requires the department to provide an annual report to the Legislature that includes, among other things, information determined by the department to be relevant in assessing the effectiveness of the department's mitigation and conservation banking program.

This bill would require the department to also include in the annual report the number of bank applications received for a proposed bank site that is concurrently a federally approved conservation or mitigation bank.

**Digest Key**

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.**

Section 1799 of the Fish and Game Code is amended to read:

**1799.**

(a) Until the department has approved a bank, in writing, and, if applicable, a conservation easement has been recorded on the site, no bank shall be operative, vested, or final, nor bank credits issued. No amendment to an approved bank shall be effective without the written approval of the department.

(b) Following approval of a final bank agreement package and establishment of a bank, the department shall conduct compliance review activities as provided in the approved bank enabling instrument.

(c) (1) The department shall establish and maintain a database that allows bank sponsors to accurately update and add information about mitigation and conservation banks. This data shall be available on the department's Internet Web site or accessible by a link from the department's Internet Web site. The available information shall include, but is not limited to, the total number of each type of bank credit, the types of credits sold or obligated, the number of credits sold or obligated, the number of credits applied, the balance of each type of credit remaining, the status of the species and habitat at the bank, links to the bank's long-term management plans, and links to the complete annual monitoring reports required by departmental policy.

(2) Information contained in the database created pursuant to former Chapter 9 (commencing with Section 1850) on January 1, 2011, shall be incorporated into the database established pursuant to paragraph (1).

(d) By January 1, 2014, and annually thereafter, the department shall provide a report to the Legislature. The report shall include the following information based on data from the previous calendar year:

(1) Number of new bank applications, prospectuses, bank agreement packages, and amendments received.

(2) Number of bank applications approved, rejected because not complete, rejected because not acceptable, and withdrawn.

(3) Name of new or existing bank, geographic location, number of acres, number of credits approved for each habitat type or species, and number of credits sold.

(4) An accounting of fees collected pursuant to this chapter.

(5) A statement of whether or not the timelines for bank review in this chapter were met.

*(6) Number of bank applications received for a proposed bank site that is concurrently a federally approved conservation or mitigation bank.*

~~(6)~~ (7) Other information determined by the department to be relevant in assessing the effectiveness of the department's mitigation and conservation banking program.

(e) (1) The department shall collect fees to pay for all or a portion of the department's bank implementation and compliance costs.

(2) The department shall collect a total payment of sixty thousand (\$60,000) per bank, apportioned by an amount that equals the ratio of the number of credits released to the total number of credits in the bank,

and shall be identified in the bank enabling instrument. Payments shall be due following each credit release no later than the due date for the submission of the bank's annual report. The payments shall be submitted following each credit release and no later than the time of the submission of the bank's annual report. The department may require the bank to cease selling credits and may stop credit releases until these fees are paid in full. The department shall assess a penalty of 10 percent of the amount of fees due if there is a failure to remit the amount payable when due.

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**ASSEMBLY BILL**

**No. 2657**

**FGC staff analysis:** A previous version of the bill would have added this new language to the Fish and Game Code. The use of coagulants is being phased out at the federal level for the general public, and discouraged for use by federal agencies; this state bill is consistent with that trend. While there is no expected impact on FGC policies, procedures or programs, this may have impacts on DFW management activities in wildlife and mitigation areas and conservation easements under its responsibility.

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**Introduced by Assembly Member Bloom**

February 21, 2014

AMENDED IN ASSEMBLY APRIL 03, 2014

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An act to add Section 12978.7 to the Food and Agricultural Code, relating to fish and wildlife protection.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2657, as amended, Bloom. Wildlife habitat areas: use of anticoagulants.

Existing law regulates the use of pesticides and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of any pesticide, as prescribed. Existing law requires the use of any pesticide by any person to be in such a manner as to prevent substantial drift to nontarget areas. Existing law requires public property where public exposure is foreseeable to be posted with warning signs prior to pesticide applications, as specified. Existing law requires the director, and each county agricultural commissioner under the direction and supervision of the director, to enforce the provisions regulating the use of pesticides. A violation of the provisions specified above is a misdemeanor.

This bill would prohibit the use of any pesticide that contains one or more of specified anticoagulants, including brodifacoum and bromadiolone, in wildlife habitat areas, as defined.

To the extent the bill would impose additional duties on county agricultural commissioners, and because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.**

*Section 12978.7 is added to the Food and Agricultural Code, to read:*

#### **12978.7.**

*(a) The use of any pesticide that contains one or more of the following anticoagulants is prohibited in a wildlife habitat area:*

*(1) Brodifacoum.*

*(2) Bromadiolone.*

*(3) Difenacoum.*

*(4) Difethialone.*

*(b) As used in subdivision (a), a "wildlife habitat area" means any state or national park, state or federal wildlife refuge, state conservancy, area designated as critical habitat for a species listed as threatened or endangered under the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code) or the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), and lands that have been designated as habitat for mitigation purposes or are otherwise protected by a conservation easement.*

#### **SEC. 2.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or*

*changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

*However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

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**ASSEMBLY BILL**

**No. 2684**

**FGC staff analysis:** No impact on FGC policies, procedures or programs. This bill is in response to the California Hatchery Scientific Review Group's report to the Congress in 2012. DFW currently does not tag all fish due to cost and the need for additional staffing; as adequate statistical sample is possible by tagging only 25% of the fish, at a greatly reduced cost. DFW currently clips only 25% of the fish to be consistent with Oregon and Washington; clipping all fish would interfere with tri-state fishery estimates, so any changes in California should be made in tandem with Oregon and Washington. DFW already struggles each year with funding for these programs, and current bond funding expires in two years. Without additional funding, this new mandate could not be met.

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**Introduced by Assembly Member Stone  
(Coauthors: Assembly Members Cooley and Fong)  
(Coauthor: Senator Evans)**

February 21, 2014

AMENDED IN ASSEMBLY MARCH 27, 2014

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An act to add Section 1120.5 to the Fish and Game Code, relating to fish.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2684, as amended, Stone. Hatchery practices: salmon and steelhead.

Existing law requires the Fish and Game Commission to establish fish hatcheries for stocking the waters of California with fish and requires the Department of Fish and Wildlife to maintain and operate such hatcheries. Existing law also authorizes county boards of supervisors to establish and maintain fish hatcheries and authorizes the commission to issue permits to nonprofit organizations to construct and operate anadromous fish hatcheries.

This bill would require the department to implement specified policies and practices for hatchery chinook salmon, coho salmon, and steelhead reared or released in California waters, including a requirement that hatchery chinook salmon, coho salmon, and steelhead released in California waters be externally marked on the top fin at a level to be determined by the department and that all hatchery chinook salmon, coho salmon, and steelhead be coded-wire tagged prior to their release.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.**

*Section 1120.5 is added to the Fish and Game Code, to read:*

**1120.5.**

*The department shall implement policies and practices for hatchery chinook salmon, coho salmon, and steelhead reared or released in California waters by adopting all of the following:*

*(a) Hatchery practices that improve the survival and fitness of the hatchery population.*

*(b) Hatchery practices that reduce the genetic and ecological risks posed by hatchery juveniles and adults to wild and native populations.*

*(c) A requirement that hatchery chinook salmon, coho salmon, and steelhead released in California waters be externally marked on the top fin at a level to be determined by the department and that all hatchery chinook salmon, coho salmon, and steelhead be coded-wire tagged prior to their release.*

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**ASSEMBLY BILL**

**No. 2720**

**FGC staff analysis:** Minor impact on FGC policies, procedures or programs. The provisions of this bill will impact FGC staff workload; an individual voting tally will need to be conducted for each vote and then included in meeting summaries prior to posting to the FGC website.

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**Introduced by Assembly Member Ting**

February 21, 2014

AMENDED IN ASSEMBLY APRIL 02, 2014

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An act to amend Section 11123 of the Government Code, relating to public meetings.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2720, as amended, Ting. State agencies: meetings: record of action taken.

The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body, as defined, be open and public and all persons be permitted to attend any meeting of a state body. The act defines various terms for its purposes, including “action taken,” which means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision, or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order, or similar action.

This bill would require a state body to publicly report any action taken and the vote or abstention on that action of each member present for the action.

### **Digest Key**

Vote: MAJORITY Appropriation: NO Fiscal Committee: NO Local Program: NO

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### **Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.**

Section 11123 of the Government Code is amended to read:

#### **11123.**

(a) All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article.

(b) (1) This article does not prohibit a state body from holding an open or closed meeting by teleconference for the benefit of the public and state body. The meeting or proceeding held by teleconference shall otherwise comply with all applicable requirements or laws relating to a specific type of meeting or proceeding, including the following:

(A) The teleconferencing meeting shall comply with all requirements of this article applicable to other meetings.

(B) The portion of the teleconferenced meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting.

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall

be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

(E) The portion of the teleconferenced meeting that is closed to the public may not include the consideration of any agenda item being heard pursuant to Section 11125.5.

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this subdivision, “teleconference” means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

*(3) The state body shall publicly report any action taken and the vote or abstention on that action of each member present for the action.*

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**SENATE BILL**

**No. 176**

**FGC staff analysis:** Currently being held in Assembly Appropriations Committee; related to SB 1091. If released from committee and enacted as written, minor impact on FGC policies, procedures or programs. Consistent with the FGC process of vetting issues with stakeholders and the public through committees prior to going to notice for regulatory changes, this bill would require state agencies proposing to adopt regulations, prior to publication of a notice of proposed adoption of a regulation, to involve parties that would be subject to the proposed regulations in public discussions, without regard to the complexity or number of proposals. The bill would also require agencies to make a reasonable effort to consult with interested parties who would be subject to proposed regulations prior to initiating regulatory action, again consistent with current FGC efforts.

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**Introduced by Senator Galgiani  
(Coauthors: Senators Cannella and Correa)**

February 06, 2013

AMENDED IN ASSEMBLY AUGUST 07, 2013  
AMENDED IN ASSEMBLY JUNE 18, 2013  
AMENDED IN SENATE MAY 28, 2013  
AMENDED IN SENATE APRIL 24, 2013

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An act to amend Sections 11344.1, 11346, and 11346.45 of the Government Code, relating to administrative procedures.

## LEGISLATIVE COUNSEL'S DIGEST

SB 176, as amended, Galgiani. Administrative procedures.

Existing law governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law, including procedures relating to increased public participation in the adoption, amendment, and repeal of these regulations. Existing law specifically requires a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal of a regulation, to involve parties who would be subject to the proposed regulations in public discussions regarding those proposed regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period. Existing law requires the office to provide for the publication of the California Regulatory Notice Register and to include specified information in the register, including notices of proposed action prepared by regulatory agencies, a summary of regulations filed with the Secretary of State, and a summary of regulation decisions issued, as specified.

This bill would require the office to allow electronic submission to the office by a state agency of notices required to be published and information required to be submitted pursuant to specified provisions of existing law. The bill would also expand the public discussion requirement described above to require a state agency proposing to adopt regulations, prior to publication of a notice of proposed adoption, amendment, or repeal of a regulation, to involve parties that would be subject to the proposed regulations in public discussions regarding those proposed regulations, without regard to the complexity or number of proposals.

Existing law authorizes an agency that is considering adopting, amending, or repealing a regulation to consult with interested persons before initiating regulatory action.

This bill would instead require such an agency to make a reasonable effort to consult with interested persons—who would be subject to the proposed regulation, or their representatives, prior to initiating regulatory action, as provided.

### Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1.

Section 11344.1 of the Government Code is amended to read:

#### **11344.1.**

The office shall do all of the following:

(a) Provide for the publication of the California Regulatory Notice Register, which shall be an official publication of the State of California and which shall contain the following:

(1) Notices of proposed action prepared by regulatory agencies, subject to the notice requirements of this chapter, and which have been approved by the office.

(2) A summary of all regulations filed with the Secretary of State in the previous week.

(3) Summaries of all regulation decisions issued in the previous week detailing the reasons for disapproval of a regulation, the reasons for not filing an emergency regulation, and the reasons for repealing an emergency regulation. The California Regulatory Notice Register shall also include a quarterly index of regulation decisions.

(4) Material that is required to be published under Sections 11349.5, 11349.7, and 11349.9.

(5) Determinations issued pursuant to Section 11340.5.

(b) Establish the publication dates and manner and form in which the California Regulatory Notice Register shall be prepared and published and ensure that it is published and distributed in a timely manner to the presiding officer and rules committee of each house of the Legislature and to all subscribers.

(c) Post on its ~~website~~, *Internet Web site*, on a weekly basis:

(1) The California Regulatory Notice Register. Each issue of the California Regulatory Notice Register on the office's ~~website~~ *Internet Web site* shall remain posted for a minimum of 18 months.

(2) One or more Internet links to assist the public to gain access to the text of regulations proposed by state agencies.

*(d) Permit a state agency to submit to the office as an electronic communication, as defined in Section 11340.85, a notice required to be published pursuant to subdivision (a) and Section 11346.4, and the information required to be submitted to the office pursuant to Sections 11346.2, 11346.9, and 11347.3.*

## **SEC. 2.**

Section 11346 of the Government Code is amended to read:

### **11346.**

(a) It is the purpose of this chapter to establish basic minimum procedural requirements for the adoption, amendment, or repeal of administrative regulations. Except as provided in Section 11346.1, the provisions of this chapter are applicable to the exercise of any quasi-legislative power conferred by any statute heretofore or hereafter enacted, but nothing in this chapter repeals or diminishes additional requirements imposed by any statute. This chapter shall not be superseded or modified by any subsequent legislation except to the extent that the legislation shall do so expressly.

(b) *(1) (A) An agency that is considering adopting, amending, or repealing a regulation ~~may~~ shall make a reasonable effort to consult with interested persons ~~before~~ who would be subject to the proposed regulation, or their representatives, prior* initiating regulatory action pursuant to this article.

*(B) An agency shall include in its rulemaking record a list of interested persons, or their representatives, who were consulted pursuant to subparagraph (A).*

*(2) If an agency does not or cannot comply with paragraph (1), it shall state the reasons for noncompliance with reasonable specificity in the rulemaking record.*

### **SEC. 3.**

Section 11346.45 of the Government Code is amended to read:

#### **11346.45.**

(a) In order to increase public participation and improve the quality of regulations, *a* state ~~agencies~~ *agency* proposing to adopt ~~regulations shall,~~ *regulations,* prior to publication of the notice required by Section 11346.5, *shall* involve parties ~~who~~ *that* would be subject to the proposed regulations in public discussions regarding those proposed ~~regulations, when the proposed regulations involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period.~~ *regulations.*

(b) This section does not apply to a state agency in any instance where that state agency is required to implement federal law and regulations for which there is little or no discretion on the part of the state to vary.

(c) If the agency does not or cannot comply with ~~the provisions of~~ subdivision (a), it shall state the reasons for noncompliance with reasonable specificity in the rulemaking record.

(d) ~~The provisions of this~~ *This* section shall not be subject to judicial review or to ~~the provisions of~~ Section 11349.1.

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**SENATE BILL**

**No. 764**

**FGC staff analysis:** No impact on FGC policies, procedures or programs.

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**Introduced by Senator Yee**

February 22, 2013

AMENDED IN SENATE JANUARY 15, 2014

AMENDED IN SENATE JANUARY 09, 2014

AMENDED IN SENATE JANUARY 06, 2014

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An act to amend Section 8050 of the Fish and Game Code, relating to fish and wildlife.

## LEGISLATIVE COUNSEL'S DIGEST

SB 764, as amended, Yee. Fish: accounting records: violation.

Existing law requires commercial licensed fishermen and any person who deals in fresh or frozen fish for profit to keep prescribed accounting records. Existing law requires any of this accounting record information that is transmitted to any business that deals in fish for profit to be in the English language. Under existing law, a violation of any provision of the Fish and Game Code, or any rule, regulation, or order made or adopted under those provisions, is a misdemeanor, unless otherwise specified.

This bill would require a commercial licensed fisherman and any person who deals in fresh or frozen fish for profit to transmit the prescribed accounting record information, as further specified, to any business that deals in fish for profit. The bill would permit the accounting record information to be provided in one or more additional languages. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1.

Section 8050 of the Fish and Game Code is amended to read:

#### 8050.

(a) In addition to the receipt required in Section 8043, every person licensed under Article 7 (commencing with Section 8030), and any commercial fisherman who sells fish to persons who are not licensed under Article 7 (commencing with Section 8030), and any person who deals in fresh or frozen fish for profit, shall keep accounting records in which all of the following shall be recorded:

- (1) The names of the different species.
- (2) The number of pounds sold, distributed, or taken of each different species.
- (3) The name of the person to whom the fish were sold or distributed.
- (4) The name, address, and ~~phone~~ *telephone* number of the seller or distributor.
- (5) The date of sale.
- (6) The price paid.

(7) The intended use.

(b) ~~Accounting~~ *A person identified in subdivision (a) shall transmit any accounting record information required by this ~~section that is transmitted from any person identified in subdivision (a)~~ section, including, but not limited to, the bill of lading, manifest, advanced shipping notice, or alternative accounting record document, to any business that deals in fish for profit ~~shall be~~ and shall provide the accounting record information in the English ~~language~~ language, and may also provide it in one or more additional languages.*

(c) The accounting records shall be maintained by both buyer and seller for a period of three years and upon request, shall be open for inspection during normal business hours by the department. The accounting records shall be maintained within the State of California.

(d) The names used for designating the species of fish shall be those in common usage unless otherwise designated by the department.

**SEC. 2.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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**SENATE BILL**

**No. 981**

**FGC staff analysis:** Significant impact on FGC programs. The FGC breadth of regulations promulgated over the last 20 years is substantial and will require staff resources beyond the commission's capacity at this time for developing the initial report to the legislature. The costs for the subsequent five-year reports is unknown, but they are likely significant. This is an unfunded mandate.

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**Introduced by Senator Huff**

February 11, 2014

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An act to add Section 11349.11 to, and to add and repeal Section 11349.10 of, the Government Code, relating to regulations.

## LEGISLATIVE COUNSEL'S DIGEST

SB 981, as introduced, Huff. Regulations: review process.

Existing law, the Administrative Procedure Act, governs the procedure for the adoption, amendment, or repeal of regulations by state agencies.

This bill would require each agency to review each regulation adopted prior to January 1, 2014, and to develop a report with prescribed information to be submitted to the Legislature on or before January 1, 2016. The bill would also require each agency, on or before January 1, 2021, and at least every 5 years thereafter, to conduct additional reviews of regulations that have been in effect for at least 20 years, as specified, and to submit an annual report to the Legislature that identifies the regulations reviewed during that year and the associated findings.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.**

*Section 11349.10 is added to the Government Code, to read:*

#### **11349.10.**

*(a) Each agency shall review each regulation adopted prior to January 1, 2014. The review shall be developed into a report that includes, but is not limited to, the following information for each regulation:*

- (1) The date that the office approved the regulation.*
- (2) The purpose.*
- (3) The statutory authority.*
- (4) The identification of impacted sectors.*
- (5) The direct costs by sector.*
- (6) Whether the regulation is duplicative of other regulations.*
- (7) Whether the regulation is still relevant.*
- (8) Whether the regulation needs to be updated in order to become more effective or less burdensome.*

*(b) The agency shall consult with parties affected by the regulation in developing the report.*

*(c) The agency shall submit the report to the Legislature pursuant to Section 9795 on or before January 1, 2016.*

*(d) To the extent that an agency is a component member of another agency, the member agency shall submit a copy of its report to the highest ranking agency head prior to submitting the report to the Legislature as required by this section. The agency head shall review the reports for each component agency for the purpose of identifying duplicative or conflicting regulations between departments.*

*(e) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.*

**SEC. 2.**

*Section 11349.11 is added to the Government Code, to read:*

**11349.11.**

*(a) On or before January 1, 2021, and at least every five years thereafter, each agency shall review each regulation that is at least 20 years old and has not been reviewed within the last 10 years. The review shall be developed into a report that shall be submitted to the Legislature and includes, but is not limited to, the following information for each regulation:*

*(1) The date that the office approved the regulation.*

*(2) The purpose.*

*(3) The statutory authority.*

*(4) The identification of impacted sectors.*

*(5) The direct costs by sector.*

*(6) Whether the regulation is duplicative of other regulations.*

*(7) Whether the regulation is still relevant.*

*(8) Whether the regulation needs to be updated in order to become more effective or less burdensome.*

*(b) Each agency shall submit an annual report to the Legislature pursuant to Section 9795 that identifies the regulations reviewed during the previous year and the associated findings.*

**FGC staff analysis:** This bill will impact FGC staff workload, as well as workload of DFW staff, with the requirement that a notice be submitted to the Office of Administrative Law for publication in the California Regulatory Notice Register of “proposed rulemaking activity” at least 15 days prior to undertaking the activity; unclear if this will be significant or minor. “Proposed rulemaking activity” is defined as any meeting or hearing that occurs prior to the mailing or posting of the formal Notice of Proposed Action for which the state agency posts on its website a public notice of a meeting or hearing, including informational hearings, workshops, and public and stakeholder outreach meetings. While consistent with the FGC process of vetting through committee meetings, there will be some activities that are not normally noticed through the California Regulatory Notice Register, which will require additional staff time and costs to post to the register.

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**Introduced by Senator Galgiani**

February 19, 2014

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An act to amend Section 11344.1 of, and to add Section 11344.15 to, the Government Code, relating to administrative procedures.

LEGISLATIVE COUNSEL'S DIGEST

SB 1091, as introduced, Galgiani. Administrative procedures: California Regulatory Notice Register: proposed rulemaking activities.

Existing law governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law, including procedures relating to increased public participation in the adoption, amendment, and repeal of these regulations. Existing law requires that an agency mail a notice of proposed action to specified entities at least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation. Existing law requires the office to provide for the publication of the California Regulatory Notice Register and to include specified information in the register, including notices of proposed action prepared by regulatory agencies.

This bill would require each state agency to submit a notice to the office for publication in the California Regulatory Notice Register of any meeting or hearing that occurs prior to the mailing or posting of the notice of proposed action, for which the agency posts on its Internet Web site a public notice of a meeting or hearing, as provided.

This bill would also require the office, before January 1, 2017, to make the California Regulatory Notice Register available in an electronically searchable Internet Web-based format, and to include the ability for interested parties to subscribe to an electronic mail notification subscription to the California

Regulatory Notice Register or other specific notices contained within the California Regulatory Notice Register.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: NO

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### Today's Law as Amended (April 3, 2014)

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### SECTION 1.

Section 11344.1 of the Government Code is amended to read:

##### 11344.1.

The office shall do all of the following:

(a) Provide for the publication of the California Regulatory Notice Register, which shall be an official publication of the State of California and which shall contain the following:

(1) Notices of proposed action prepared by regulatory agencies, subject to the notice requirements of this chapter, and which have been approved by the office.

(2) A summary of all regulations filed with the Secretary of State in the previous week.

(3) Summaries of all regulation decisions issued in the previous week detailing the reasons for disapproval of a regulation, the reasons for not filing an emergency regulation, and the reasons for repealing an emergency regulation. The California Regulatory Notice Register shall also include a quarterly index of regulation decisions.

(4) Material that is required to be published under Sections 11349.5, 11349.7, and 11349.9.

(5) Determinations issued pursuant to Section 11340.5.

*(6) Materials and notices required to be published under Section 11344.15.*

(b) Establish the publication dates and manner and form in which the California Regulatory Notice Register shall be prepared and published and ensure that it is published and distributed in a timely manner to the presiding officer and rules committee of each house of the Legislature and to all subscribers.

(c) Post on its ~~website~~, *Internet Web site*, on a weekly basis:

(1) The California Regulatory Notice Register. Each issue of the California Regulatory Notice Register on the office's ~~website~~ *Internet Web site* shall remain posted for a minimum of 18 months.

(2) One or more Internet links to assist the public to gain access to the text of regulations proposed by state agencies.

*(d) Before January 1, 2017, the office shall make the California Regulatory Notice Register available in an electronically searchable Internet-Web based format, and shall include the ability for interested parties to subscribe to an electronic mail notification subscription to the California Regulatory Notice Register or other specific notices contained within the California Regulatory Notice Register.*

**SEC. 2.**

*Section 11344.15 is added to the Government Code, to read:*

**11344.15.**

*(a) Each state agency shall submit a notice to the office for publication in the California Regulatory Notice Register of proposed rulemaking activity. For purposes of this section, "proposed rulemaking activity" means any meeting or hearing that occurs prior to the mailing or posting of the notice required pursuant to Sections 11346.4 and 11346.5, for which the agency posts on its Internet Web site a public notice of a meeting or hearing. The notice required pursuant to this section shall appear in the California Regulatory Notice Register at least 15 days prior to the meeting or hearing date.*

*(b) The notice required by subdivision (a) shall include all of the following:*

*(1) The name of the state agency organizing the meeting.*

*(2) The date, time, place, location, and nature of the meeting.*

*(3) A brief statement identifying each topic under consideration or discussion.*

*(4) An Internet Web site address for the public meeting notice.*

*(5) An Internet Web site address to any other information prepared in connection with the meeting.*

*(c) Proposed rulemaking activity subject to the notice requirement of subdivision (a) shall include the following:*

*(1) Informational hearings.*

*(2) Workshops.*

*(3) Scoping hearings.*

*(4) Preliminary meetings.*

*(5) Public and stakeholder outreach meetings.*

*(d) Failure to publish proposed rulemaking activity shall not invalidate an action taken by a state agency pursuant to Section 11346.4 or 11346.5 if upon the agency's discovery or notification of failure to publish the agency submits the required notice to the office for publication in the California Regulatory Notice Register that notifies the public of the publication error. If an agency is required to republish a notice pursuant to this subdivision, the agency shall permit public comments related to the unnoticed meeting to be submitted for an additional 15 days, once the agency has posted all relevant meeting materials, presentations, studies, recordings, or minutes of the meeting to its Internet Web site.*

*The notice required by this subdivision shall include the requirements specified in subdivision (b) and include an Internet Web site address for transcript, recording, or minutes of the improperly noticed meeting or hearing.*

*(e) An intentional failure of the public to delay notice to an agency regarding a known publication oversight constitutes a waiver of the right to object and shall not invalidate a state agency's ability to enact a regulation if both of the following apply:*

*(1) The public comment period as prescribed in Section 11346.4 has been published in the California Regulatory Notice Register.*

*(2) The agency has made every reasonable attempt to comply with the procedures set forth in subdivision (d) which would remedy any publication oversight that may have occurred.*

*(f) Agencies shall not condition consideration of comments received during the period described in Section 11346.4 on attendance of proposed rulemaking activities as described in subdivision (a), and shall consider all issues pertinent to the regulation that may not have been raised during proposed rulemaking activities.*

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**SENATE BILL**

**No. 1138**

**FGC staff analysis:** No impact on FGC policies, procedures or programs.

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**Introduced by Senator Padilla**

February 20, 2014

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An act to add Section 110796 to the Health and Safety Code, relating to fish and shellfish.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1138, as introduced, Padilla. Fish and shellfish: labeling.

Existing federal law, the Federal Food, Drug, and Cosmetic Act, regulates, among other things, the labeling of foods introduced or delivered for introduction into interstate commerce and generally prohibits the misbranding of food. Existing state law, the Sherman Food, Drug, and Cosmetic Law, generally regulates misbranded food, which includes food that is not properly labeled. A violation of these provisions is a crime.

This bill would require any label of fresh, frozen, or processed fish or shellfish, wild or farm raised, offered for sale at wholesale or retail to clearly identify the species of fish or shellfish by its common name, as specified. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Digest Key

Vote: MAJORITY Appropriation: NO Fiscal Committee: YES Local Program: YES

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**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.**

*Section 110796 is added to the Health and Safety Code, to read:*

**110796.**

*(a) Any label of fresh, frozen, or processed fish or shellfish, wild or farm raised, offered for sale at wholesale or retail shall clearly identify the species of fish or shellfish by its common name. If the common name for a species of fish or other seafood is not defined by the department pursuant to Section 110795, for purposes of this subdivision, the "common name" means the common name or market name for any seafood species identified in the Seafood List issued by the federal Food and Drug Administration.*

*(b) For purposes of this section, "processed" means food fish or shellfish processed by heat for human consumption, such as food fish or shellfish that is kippered, smoked, boiled, canned, cleaned, portioned, or prepared for sale or attempted sale for human consumption.*

*(c) It is unlawful and constitutes misbranding for any person to knowingly sell or offer for sale any fish or shellfish that is labeled in violation of this section.*

**SEC. 2.**

*No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

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**FGC staff analysis:** No impact on FGC policies, procedures or programs. Primarily beneficial to DFW and its relationship with California counties.

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**Introduced by Senators Wolk and Nielsen**

**(Principal coauthors: Assembly Members Frazier, Harkey, Logue, and Yamada)**

**(Coauthors: Senators Berryhill, Cannella, Gaines, and Galgiani)**

**(Coauthors: Assembly Members Achadjian, Bigelow, Chesbro, Dahle, Gray, Levine, Nestande, Olsen, Patterson, and Waldron)**

February 21, 2014

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An act to amend Section 1504 of the Fish and Game Code, relating to fish and wildlife, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1410, as introduced, Wolk. Wildlife management areas: payments.

Existing law requires the Department of Fish and Wildlife, when income is derived directly from real property acquired and operated by the state as a wildlife management area, as defined, to pay annually to the county in which the property is located an amount equal to the county taxes levied upon the property at the time title to the property was transferred to the state, and any assessments levied upon the property by any irrigation, drainage, or reclamation district.

This bill would appropriate \$19,000,000 from the General Fund to the department to make payments to counties for outstanding obligations under these provisions. The bill would also appropriate \$2,000,000 annually, beginning with the 2014–15 fiscal year, from the General Fund to the department to make payments to counties for obligations incurred under these provisions.

Digest Key

Vote: 2/3 Appropriation: YES Fiscal Committee: YES Local Program: NO

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**Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

***SECTION 1.***

*The Legislature finds and declares all of the following:*

*(a) Section 1504 of the Fish and Game Code requires that payments be made to counties equal to the property taxes previously levied on property held by the Department of Fish and Wildlife pursuant to that section.*

*(b) No payments have been made to counties pursuant to Section 1504 of the Fish and Game Code since the 2001–02 fiscal year when a partial payment was made.*

*(c) Counties are now owed approximately \$19,000,000 for the unpaid payments.*

*(d) If this property were owned by a private party, a county could sell the property to recoup unpaid property taxes.*

*(e) Because the sale of this state-owned property is not an option for a county, the state should fulfill its statutory obligation and pay the current and owed moneys.*

*(f) To that end, an appropriation is needed to meet the obligations of the Department of Fish and Wildlife incurred pursuant to Section 1504 of the Fish and Game Code since the 2001–02 fiscal year.*

## **SEC. 2.**

*The sum of nineteen million dollars (\$19,000,000) is hereby appropriated from the General Fund to the Department of Fish and Wildlife, to make payments to counties for the obligations incurred pursuant to Section 1504 of the Fish and Game Code.*

## **SEC. 3.**

Section 1504 of the Fish and Game Code is amended to read:

### **1504.**

(a) When income is derived directly from real property acquired and operated by the state as wildlife management areas, and regardless of whether income is derived from property acquired after October 1, 1949, the department shall pay annually to the county in which the property is located an amount equal to the county taxes levied upon the property at the time title to the property was transferred to the state. The department shall also pay the assessments levied upon the property by any irrigation, drainage, or reclamation district.

(b) Any delinquent penalties or interest applicable to any such assessments made prior to September 9, 1953, are hereby canceled and shall be waived.

~~(c) Payments provided by this section shall be from funds available to the department.~~ *Notwithstanding Section 13340 of the Government Code, the sum of two million dollars (\$2,000,000) is hereby appropriated annually, beginning with the 2014–15 fiscal year, from the General Fund to the department to make the payments to counties provided by this section.*

(d) As used in this section, the term “wildlife management area” includes waterfowl management areas, deer ranges, upland game bird management areas, and public shooting grounds.

(e) Payments under this section shall be made on or before December 10 of each year, excepting newly acquired property for which payments shall be made pursuant to subdivision (f).

(f) Payments for the purposes of this section shall be made within one year of the date title to the property was transferred to the state, or within 90 days from the date of designation as a wildlife management area, whichever occurs first, prorated for the balance of the year from the date of designation as a wildlife management area to the 30th day of June following the date of designation as a wildlife management area, and, thereafter, payments shall be made on or before December 10 of each year.

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**SENATE BILL**

**No. 1434**

**FGC staff analysis:** No impact on FGC policies, procedures or programs.

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**Introduced by Senator Wolk**

February 21, 2014

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An act to add Section 711.1 to the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 1434, as introduced, Wolk. Funding of fish and wildlife programs.

Existing federal law imposes a sales tax on the sale of bows and arrows, ammunition, and certain firearms. Existing federal law, the Federal Aid in Wildlife Restoration Act, makes certain revenues collected from those taxes available to the states by requiring the Secretary of the Interior to apportion an amount available to each state according to a specified formula. The federal act authorizes a state, through its fish and wildlife department, to submit programs or projects for wildlife restoration and hunter safety education to the Secretary of the Interior for funding of up to 75% of the cost of those programs or projects from the amount apportioned to the state.

Existing law establishes the Department of Fish and Wildlife in the Natural Resources Agency, administered through the Director of Fish and Wildlife. Existing law requires the department, with approval of the Fish and Game Commission, to perform acts as may be necessary to the conduct and establishment of cooperative wildlife-restoration projects, in compliance with the federal act and regulations adopted pursuant to the federal act. Under existing law, the Legislature has made findings that the costs of hunting programs shall be provided out of hunting revenues, reimbursements, and federal funds received for hunting programs, and from other funds appropriated by the Legislature for this purpose. The Legislature has also made findings that these revenues, reimbursements, and federal funds shall not be used to support commercial fishing programs, free hunting and fishing license programs, or nongame fish and wildlife programs.

This bill would require the department to only apply for grant funds available to the state under the federal act to fund eligible projects that are consistent with the legislative findings described above and that fulfill one or more specified purposes. The bill would require the department to post a brief

description of projects funded by moneys received from the federal act on its Internet Web site. The bill would require the department to consult with specified hunting advisory committees regarding any project funded by the federal act. The bill would prohibit any executive action from limiting statutory or other applicable authorizations for which the department receives funding exclusively from non-General Fund sources.

Digest Key

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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### **Today's Law as Amended (April 3, 2014)**

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

#### **SECTION 1.**

*Section 711.1 is added to the Fish and Game Code, to read:*

#### **711.1.**

*(a) The department shall only apply for grant funds available to the state pursuant to the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669 et seq.) to fund eligible projects under the act that are consistent with the legislative finding expressed in paragraph (3) of subdivision (a) of Section 711 and that fulfill one or more of the following purposes:*

*(1) Management of the department's wildlife areas or other lands open to the public for hunting, or both.*

*(2) Conservation of game species.*

*(3) Support of the department's hunting-related programs, including hunter education and target shooting.*

*(b) The department shall post a brief description of projects or programs funded by moneys received pursuant to the Federal Aid in Wildlife Restoration Act on its Internet Web site. The description shall include information about the budget of each project or program.*

*(c) The department shall consult with the advisory committees established pursuant to Sections 3684 and 3953 regarding any project funded by the Federal Aid in Wildlife Restoration Act.*

*(d) No executive action shall limit statutory and other applicable authorizations for which the department receives funding exclusively from non-General Fund sources*