

STAFF SUMMARY FOR JUNE 10-11, 2015

15B. OTHER ITEMS – LEGISLATIVE UPDATE**Today's Item****Information** ☒**Action** ☒

Review and discuss legislation of interest identified by FGC and DFW staff (exhibits B1 and B2), and provide staff direction.

Summary of Previous/Future Actions

- Brief update Apr 8-9, 2015; Santa Rosa
- **Today's update and possible action Jun 10-11, 2015; Mammoth Lakes**

Background

FGC staff has prepared a list of legislative bills that may be of interest to FGC, which includes a brief synopsis and current bill status. Items highlighted in yellow indicate legislation of particular interest or that may impact FGC's resources and workload.

This is the best opportunity for FGC to provide direction to staff concerning any proposed legislation. At any meeting FGC may direct staff to provide information or share concerns with bill authors. FGC members also have the option to take positions on bills at the same meeting an update is provided.

Updates on Pending Legislation

AB 290 (Bigelow) – This is a 2-year bill. Would re-define “pigs”, prohibit release into uncontrolled areas, eliminate DFW-required management plan, require up to 40% of funds from sale of wild pig validations be used to remedy damage by pigs, replaces wild pig tag with a validation on the hunting license which permits unlimited take and possession, set pig validation at \$15 for residents and \$30 for nonresidents, and prohibit take at night unless DFW is notified by 3:00 p.m. prior to the planned take.

AB 665 (Frazier) – Confirms that the state fully occupies the field of authority for the taking and possession of fish and game. *The bill was amended to alleviate concerns regarding the prohibition of cities and counties from enacting laws that affect incidental take for the purpose of protecting health and/or safety.* The bill clarifies that unless otherwise authorized by the Fish and Game Code or other state or federal law, FGC and DFW are the only entities that may adopt or promulgate regulations regarding the taking or possession of fish and game on any lands or waters within the state.

AB 729 (Atkins) – Per Commissioner Sutton's request, staff met with Speaker Atkins' office regarding AB 729 (San Diego Unified Port District, territory held in trust). Legislative staff indicated they are not seeking to remove FGC's aquaculture lease authority. This is a 2-year bill, to be amended in the coming weeks. FGC staff agreed to keep in touch with the office and monitor the legislation.

AB 1201 (Salas) – Would require DFW, by June 30, 2016, to develop and initiate a science-based approach that addresses predation by nonnative species upon species of fish listed

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pursuant to the act that reside all or a portion of their lives in the Sacramento-San Joaquin Delta.

SB 457 (Nielsen) – Would amend the Bobcat Protection Act to permit that the boundary features may also include, but are not limited to, landmarks. *The bill was amended to include roads instead of major roads and would provide that landmarks and geographic positions established by navigation and surveying methods may be used to delineate the boundaries of an area described above in which bobcat trapping is prohibited.*

Significant Public Comments

- California Law Review Commission (CLRC) is studying the Fish and Game Code to propose a complete revision. Phase 1 revisions are included in AB-1527, legislation currently pending before the legislature. CLRC is soliciting public comment on its Phase 2 recommendations to enact new provisions that authorize take or possession in specific circumstances and to abandon the FGC rulemaking procedures outlined in Article 1 in favor of APA procedures (Exhibit B3). Comments are due Sept 1, 2015.
- Siskiyou Houndsmen and Sportsmen letter in support of SB 457 (Exhibit B4).

Recommendation

FGC Staff:

AB 290 (Bigelow): Per WRC direction, direct staff to work with DFW, the state legislature, and stakeholders to facilitate an acceptable and pragmatic solution to the wild pig issues discussed at the May 2015 Wildlife Resources Committee meeting.

AB 665 (Frazier): Consider supporting this legislation because it directly addresses the pier and jetty fishing issue currently referred to the Marine Resources Committee.

WRC: WRC directed staff to work with the Department, state legislature, and stakeholders to facilitate an acceptable and pragmatic solution to the wild pig issues presented and discussed at the May 6, 2015, meeting in Los Angeles.

Exhibits

- B1. FGC Legislative Tracking Log, updated May 28, 2015
- B2. DFW Legislative Update, as of May 27, 2015
- B3. Memorandum 2015-20 from CLRC, received May 26, 2015
- B4. Letter from Siskiyou Houndsmen and Sportsmen, received Apr 28, 2015

Motion/Direction

Moved by _____ and seconded by _____ that the Commission directs staff to work with the state legislature to provide information and/or share concerns about AB _____ and/or SB _____ that would significantly impact Commission authority or resources.

FISH AND GAME COMMISSION LEGISLATIVE TRACKING LOG 2015
updated 5/29/2015

WPW = Water, Parks, Wildlife **RLS** = Rules **APPR** = Appropriations **GO** = Government Organization **AAR** = Accountability and Admin. Review
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| Bill No. | Impact | Authors | Title & General Purpose | Fish & Game Code/ Govt Code Sections | Bill Status | Hearing | Summary of FGC Action |
|----------|--------|------------|---|---|--|-----------|-----------------------|
| AB-12 | Minor | Cooley (A) | State government: administrative regulations: review -- Would, until January 1, 2019, require each state agency to, on or before January 1, 2018, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified. | To add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2, Government Code | 05/28/15 2nd read. To third reading. 5/28/15 From committee: Pass (17-0.) 5/13/15 Referred to APPR. suspense file. 4/29/15 - PASS (9-0) 4/23/15 Re-ref to AAR 4/22/15 Amend, 2nd read 1/16/2015 - Ref to AAR | 4/29/2015 | |

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|----------|--------|-------------|---|---|---|-----------|-----------------------|
| AB-14 | None | Waldren (A) | Unmanned aircraft systems: task force -- Would create the Unmanned Aircraft Systems Task Force, responsible for formulating to research, develop, and formulate a comprehensive plan policy for state regulation of unmanned aircraft systems. | | 4/6/2015- Re-ref to TRANS. 3/26/2015- Amend; 2nd read 2/13/2015- Re-ref to TRANS. 1/16/2015- Ref to TRANS and BPCP | 4/13/2015 | |

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|----------|--------|-----------|---|---|--|-----------|-----------------------|
| AB-56 | None | Quirk (A) | Unmanned aircraft systems.-- Would prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft systems with certain exceptions applicable to law enforcement agencies subject to approval by the legislative body having management and control of the law enforcement agency and other specified conditions, and in certain other cases, including when the use achieves the core mission of the agency and the purpose is unrelated to the gathering of criminal intelligence, as defined. | Add Section 6254.31 to the Government Code, and to add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code | 5/26/15 In Senate. 1st read. . . 5/26/15 3rd read. Passed. To Senate 5/14/15 2nd read. 5/13/15 PASS (17-0) 4/30/15 PASS (9-1). To APPR 4/23/15 Re-ref to PCP 4/22/15 Amend, 2nd read 4/15/15 Re-ref PCP 4/14/15 PASS (6-0) 4/9/15 Re-ref PUBS 4/8/15 Amend, 2nd read 1/22/15 Ref to PUBS and PCP | 4/14/2015 | |

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|----------|--------|-------------------------|---|---|---|---------|-----------------------|
| AB-92 | None | Committee on Budget (A) | Would require DFW to provide written notice to the owner that the diversion is deleterious to salmon and steelhead, to submit to the owner its proposals as to measures necessary to protect the salmon and steelhead, impose an civil penalties of up to \$8,000 for a violation of this provision, and other provisions related to water. | Amend Section 6100 of, and to add Sections 12025.1 and 12025.2 to, the Fish and Game Code, add Section 8687.9 to the Government Code, amend Section 4629.6 of the Public Resources Code, and to amend Section 81046 of, to amend, repeal, and add Section 13442 of, and to add Sections 189 and 81023 to, the Water Code. | 4/02/15- Enrolled measure corrected 3/26/15- Present to Gov . 3/26/15- PASS (50-27). 3/26/15- Concurrence w Sen 3/25/15- 3rd read PASS (25-14) 3/25/15- PASS (11-4) 3/24/15- Amend, 2nd read 3/24/15- Re-ref BFR. 3/23/15- Ref BFR 3/23/15- In Senate. 1st read 3/23/15- 3rd read PASS (51-27) 3/19/15- 2nd read 1/26/15- Referred BUD | | |

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|----------|--------|------------------------|---|--|--|---------|-----------------------|
| AB-96 | None | Atkins (A) Lara (S) | Animal parts and products: importation or sale of ivory and rhinoceros horn -- This bill would delete the criminal exemption for products imported before 1977. And, prohibit a person from purchasing, selling, offering for sale, possessing with intent to sell, or importing with intent to sell ivory or rhinoceros horn, except as specified, and would make this prohibition enforceable by the Department of Fish and Wildlife. | Add Section 2022 to the Fish and Game Code, and to repeal Section 5 of Chapter 692 of the Statutes of 1976, relating to animal parts and products. | 5/28/15 - PASS (12-4) 3/25/15 - Referred to suspense file. 3/10/15 - PASS 10-2-3 1/26/15 - Ref to WPW | | |

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|----------|--------|------------------------------|--|---|--|-----------|-----------------------|
| AB-142 | None | Bigelow (A) Berryhill (S) | Wild and scenic rivers: Mokelumne River -- Would require the Secretary, in a report analyzing the suitability or unsuitability of a proposed designation of the Mokelumne River, to consider the potential effects of the proposed designation on future water requirements, as specified, and the effects of climate change on river values and water supply, and to consider other factors. | Amend Section 5093.548 and add Sections 5093.548 and 5093.649 to the Public Resources Code, relating to wild and scenic rivers. | 5/28/15 2nd read. To 3rd reading. 5/28/15 PASS (17-0) 4/7/2015- Re-ref to APPR 4/6/2015- 2nd read 3/23/2015- Ref to APPR 3/26/2015- PASS (8-1) 1/26/2015 - Ref to NR | 3/23/2015 | |

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|----------|--------|------------|---|--|---|---------|-----------------------|
| AB-226 | None | Atkins (A) | Retail food safety: fisherman markets -- would create new type of nonpermanent food facility, that would be a food facility operated by a licensed commercial fisherman, a registered aquaculturist, or an entity representing California seafood producers, that sells only edible aquatic plants, raw fresh fish, or fresh frozen fish, legally caught by California-licensed commercial fishermen or harvested by California-registered aquaculturists, directly to consumers. The bill would establish and impose food safety and sanitation requirements upon a fishermen's market. | An act to amend Sections 113779, 113789, 113839, 113984, and 114266 of, and to add Sections 113729.5, 113780, and 113794.3 to, and to add Chapter 12.7 (commencing with Section 114378) to Part 7 of Division 104 of, the Health and Safety Code, relating to food safety. | 4/15/15 PASS (17-0) 4/8/15 Re-ref to HEALTH 4/7/15 Amend., 2nd read 3/2/15 Ref to HEALTH | | |

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|----------|--------|-------------|--|---|---|---------|-----------------------|
| AB-290 | Major | Bigelow (A) | Game mammals: wild pig depredation -- Would define "pigs", prohibit release into uncontrolled areas, eliminates DFW required management plan, requires 25-40% of funds from sale of wild pig validations be used to remedy damage by pigs, replaces wild pig tag with a validation on the hunting license which permits unlimited take and possession, set price of pig validation at \$15 for residents and \$30 for nonresidents, prohibit take at night unless the department is notified by 3:00 p.m. prior to the planned take or, if the daylight hours before the planned take are not on a business day, by 3:00 p.m. of the last business day before the planned take and the person taking the wild pig possesses a valid hunting license. | Amend Sections 714, 3953, 4181, 4181.1, 4188, 4650, 4654, and 13005 of, to repeal Sections 4181.2, 4656, and 4657 of, and to repeal and add Sections 4651, 4652, 4653, and 4655 of the Fish and Game Code | 4/06/15- Re-ref WPW 3/26/15- Amend. 2nd read. 03/26/15 Ref WPW. | | |

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|----------|--------|--------------|---|---|--|-----------|-----------------------|
| AB-298 | None | Gonzalez (A) | Fish and wildlife: violations-- Would make a violation of a specified regulation relating to marine protected areas, marine managed areas, and special closures an infraction or a misdemeanor, except if the person who violates the regulation holds a commercial fishing license or a commercial passenger fishing boat license. | Amend Section 12000 of the Fish and Game Code | 5/07/15 Ref to NRW 4/20/15 Senate, 1st read, to RLS 4/20/15 3rd read, PASS (80-0) . To Senate 4/15/15 2nd read, to Consent 4/14/15 PASS (15-0) 2/23/2015 - Ref to WPW | 4/14/2015 | |

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|----------|--------|------------|--|---|---|-----------|-----------------------|
| AB-353 | None | Lackey (A) | Protected species: take: Bouquet Canyon: habitat restoration project. -- Permit DFW to authorize, under the California Endangered Species Act, the take of the unarmored threespine stickleback resulting from impacts attributable to the habitat restoration project to restore and improve riparian habitat on public lands in the Bouquet Canyon area, and projects to restore the flow capacity to Bouquet Creek in Bouquet Canyon on public lands, as specified, if certain conditions are satisfied. | Amend Section 5515 and add Section 2081.6 of the Fish and Game Code | 5/28/15 Ref ro NRW 5/14/15 1st Read. To RLS for assignment 5/14/15 3rd read. Passed . To Senate 5/07/15 2nd read. To Consent. 5/06/15 Pass. (17-0). To Consent. 4/28/15- PASS (15-0). Ref to APPR Consent. 4/23/15- Re-ref to WPW 4/22/15- Amend, 2nd read 4/06/15- Re-ref WPW 3/26/15- Amend., 2nd read 3/26/15- Ref WPW | 4/28/2015 | |

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|----------|--------|---------------|---|--|---|-----------|-----------------------|
| AB-395 | Major | Gallagher (A) | Hunting: nonlead ammunition -- Would repeal the latter restriction against the use of nonlead ammunition for the taking of all wildlife and related provisions. | Amend Section 3004.5 of the Fish and Game Code | 4/20/15 CANCELLED BY AUTHOR 3/5/2015 - Ref to WPW | 3/21/2015 | |

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|----------|--------|---------------|--|---|--|---------|-----------------------|
| AB-410 | Minor | Obernolte (A) | Administrative procedures -- Would require all agencies to post on its web site any report required by law to submit to a committee of the Legislature. "Report" includes a study or audit, budget change proposal that has been approved by the Department of Finance and submitted to the Joint Legislative Budget Committee, the Assembly Committee on Budget, or the Senate Committee on Budget and Fiscal Review. | Add Section 9796 to the Government Code | 5/22/15 - In Senate. First read 5/22/15 - 3rd read. Passed. (74-0.) 5/13/15 - Pass to Consent. (17-0) 4/29/15 - PASS (9-0) 4/28/15 - Re-ref to AAR 4/27/15 - Amend, 2nd read 4/06/15- Re-ref AAR 3/26/15- Amend,, 2nd read 03/26/15 Ref AAR | | |

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|----------|--------|---------------------------|---|---|--|-----------|-----------------------|
| AB-435 | Major | Chang (A) Anderson (S) | California Environmental Protection Agency: Natural Resources Agency: Web casts of public meetings and workshops -- This bill would require that each department, board, and commission of the Natural Resources Agency and each department, board, and office of the California Environmental Protection Agency Web cast all onsite public meetings, in a manner that enables listeners and viewers to ask questions and provide public comment by telephone or email commensurate with those attending the meeting. The bill would require the agencies to make the recording of a webcast available for no less than 3 years. | Add Sections 12805.4 and 12812.4 to the Government Code | 5/28/15 2nd read and amended. 5/28/15 PASS as amended. (17-0) 3/23/2015- PASS (9-0) 3/19/2015- Re-ref to AAR 3/2/2015 - Ref to AAR | 3/25/2015 | |

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|----------|--------|------------|---|--|--|---------|-----------------------|
| AB-498 | None | Levine (A) | Wildlife conservation: wildlife corridors -- Would declare that it is the policy of the state to encourage wherever feasible and practicable voluntary steps to protect the functioning of wildlife corridors through various means, as applicable. Would provide that a project applicant may receive advance mitigation credits for investing in a mitigation that protects habitat connectivity for affected fish and wildlife resources. | Amend Sections 1797.5, 1930, and 1930.5 of the Fish and Game Code, | 5/28/15 In Senate. RLS. for assignment. 5/28/15 3rd read. PASS (52-24) 5/22/15 3rd read and amended. 5/07/15 2nd read. Ordered to 3rd reading. 5/06/15 Pass. (12-5) 4/29/15 Re-ref to APPR 4/28/15 Amend, 2nd read. 4/14/15 Re-ref to APPR. 4/14/15 PASS (8-5) 4/09/15 Re-ref WPW 4/8/15 Amend, 2nd read 3/5/15 Ref to WPW | | |

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|----------|--------|------------|--|--|--|-----------|-----------------------|
| AB-499 | Major | Cooley (A) | Archery season: concealed firearms -- Would authorize a person with a valid license to carry a firearm capable of being concealed on the person, consistent with the terms of that license, while engaged in the taking of deer with bow and arrow as long as he or she does not take or attempt to take deer with the firearm. | Amend Section 4370 of the Fish and Game Code | 5/14/15 Ref to NRW 5/4/15 To RLS for assignment. 5/4/15 3rd read. Pass (78-2) . To Senate. 4/29/15 2nd read. To consent. 4/28/15 Pass (15-0) . Consent Calendar 3/5/2015 - Ref to WPW | 3/26/2015 | |
| AB-559 | None | Lopez (A) | Monarch butterflies: conservation -- Would authorize the department to take actions to conserve monarch butterflies and the unique habitats they depend upon for successful migration. | Add Section 1021 to the Fish and Game Code | 5/14/15 Ref to NRW 4/30/15 To RLS. for assignment. 4/30/15 3rd read. Passed. To Senate 4/23/15 2nd read, to 3rd read 4/22/15 PASS (12-4) 4/14/15 Re-ref to APPR 4/14/15 PASS (10-4) 3/5/2015 - Ref to WPW | | |

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|----------|--------|-------------|---|---|---|---------|-----------------------|
| AB-665 | None | Frazier (A) | Hunting or fishing: local regulation -- Provides that unless authorized by the Fish and Game Code or other state or federal law, the commission and the department are the only entities that may adopt or promulgate regulations regarding the taking or possession of fish and game on any lands or waters within the state. Prohibits cities/counties from adopting an ordinance or regulation relating to the taking or possession of fish and game except for safety. | Amend Section 203.1 and add Sections 200.5 and 200.6 to, the Fish and Game Code | 5/14/15 Ref to NRW 4/30/15 Senate -- To RLS. for assignment. 4/30/15 3rd read. Pass (77-3). 4/23/15 2nd read, to Consent 4/22/15 Consent, PASS (17-0) 4/15/15 Amend., 2nd read 4/14/15 Re-ref to APPR 4/14/15 Amed, PASS (15-0) 3/9/2015- Ref to WPW | | |

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| Bill No. | Impact | Authors | Title & General Purpose | Fish & Game Code/ Govt Code Sections | Bill Status | Hearing | Summary of FGC Action |
|----------|--------|---------------|---|---|--|-----------|-----------------------|
| AB-731 | None | Gallagher (A) | Maintenance of the codes. -- This bill would make nonsubstantive changes in various provisions of law. | Amend Sections 1652, 1653, 1654, 1745.2, 12002, of the Fish and Game Code | 5/07/15 Ref to JUD. 4/13/15 In Senate, Ref to RLS 4/13/15 3rd read, pass. 4/8/15 2nd read; To consent 4/7/15 PASS (10-0) 3/23/2015- Ref to JUD | | |
| AB-797 | Minor | Steinorth (A) | Regulations: effective dates and legislative review -- Would require the agency submit to the appropriate policy committee of each house of the Legislature for review a copy of each <i>major</i> regulation that it submits to the Secretary of State, and specifies that a regulation would not become effective if the Legislature passes an overriding statute. | Amend Sections 11343.4 and 11349.3 of the Government Code | 5/14/15 Ref to GO 4/30/15 Senate -- To RLS. for assignment. 4/30/15 3rd read. Pass (77-3). 4/23/15 2nd read, to Consent 4/22/15 Consent, PASS (17-0) 4/15/15 Re-ref to APPR 4/15/15 PASS (9-0) 4/07/15 Re-ref AAR. 4/06/15 Amend, 2nd read. 3/12/15 Ref to AAR | 4/15/2015 | |

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|----------|--------|-----------|--|--|---|-----------|-----------------------|
| AB-820 | None. | Stone (A) | Fish and shellfish: labeling and identification -- Would prohibit sale or offer for sale any fresh, frozen, or processed fish or shellfish intended for human consumption without clearly identifying at the point of sale whether the fish or shellfish was wild caught or farm raised, and other provisions. This bill would prohibit Pacific red snapper or butterfish from being used as an alternate name for rockfish or sablefish. | Add Section 8379 to the Fish and Game Code, and to add Sections 110796 and 114092 to the Health and Safety Code, relating to fish and shellfish. | 4/23/15 Re-ref to AGRI 4/22/15 Amend, 2nd read 4/06/15 Re-ref AGRI. 3/26/15 Amend, 2nd read 3/26/15 Ref AGRI. | 4/29/2015 | |

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|----------|--------|-----------|--|---|--|-----------|--------------------------|
| AB 1201 | Minor | Salas (A) | Sacramento-San Joaquin Delta: predation by nonnative species -- Would require the Department, by June 30, 2016, to develop and initiate a science-based approach that addresses predation by nonnative species upon species of fish listed pursuant to the act that reside all or a portion of their lives in the Sacramento-San Joaquin Delta. | Ass Section 6940 to Fish and Game Code | 4/28/15 PASS (15-0). Re-ref to APPR. 4/23/15 Re-ref to WPW 4/22/15 Amend, 2nd read 4/06/15 Re-ref to WPW 3/26/15 Amend, 2nd read. 3/26/15 Ref WPW | 4/28/2015 | |

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|----------|--------|------------|--|--|---|---------|-----------------------|
| AB-1259 | None | Levine (A) | Relating to bees, and declaring the urgency thereof, to take effect immediately - Would authorize Department to authorize the temporary placement of bee hives on department-managed wildlife areas through simple agreements specifying appropriate conditions. This bill would declare that it is to take effect immediately as an urgency statute. | Amend Section 1745.2 of the Fish and Game Code | 5/28/15 Ref to AGRI 5/14/15 1st read. To RLS for assignment 5/14/15 3rd read. Urgency clause. Passed. 5/7/15 2nd read. To Consent. 5/6/15 PASS (17-0) 4/30/15 Re-ref APPR. 4/29/15 2nd read. 4/28/15 Re-ref to APPR to Consent 4/28/15 Amend, Pass (15-0) | | |

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|----------|--------|----------|---|---|---|---------|-----------------------|
| AB-1281 | Major | Wilk (A) | Regulations: legislative review -- Whenever 25% of the Members of the Assembly or Senate transmit to the Governor their written declaration of opposition to a proposed regulation, would require a majority vote of the Assembly and Senate to adopt that regulation. | Add Section 11346.01 to the Government Code | 4/9/2015 - Hearing cancelled by Author 3/23/2015- Ref to AAR and RLS | | |

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|----------|--------|-----------|--|--|-----------------------|---------|-----------------------|
| AB-1325 | None | Salas (A) | Delta smelt -- Would enact the Delta Smelt Preservation and Restoration Act of 2016 and require the department to develop a Delta smelt hatchery program to preserve and restore the Delta smelt. The bill would require the department to enter into mitigation banking agreements with banking partners for the purpose of providing take authorizations to banking partners and to obtain funding from banking agreements. | Add Chapter 7.1 (commencing with Section 1710) to Division 2 of the Fish and Game Code | 3/23/2015- Ref to WPW | | |

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|----------|--------|---------------------------|---|--|-----------------------|---------|-----------------------|
| AB-1398 | ?? | Wilk (A) Berryhill (S) | Environmental quality: the Sustainable Environmental Protection Act -- Would enact the Sustainable Environmental Protection Act and would specify the environmental review required pursuant to CEQA for projects related to specified environmental topical areas. The bill would provide that the Sustainable Environmental Protection Act only applies if the lead agency or project applicant has agreed to provide to the public in a readily accessible electronic format an annual compliance report prepared pursuant to the mitigation monitoring and reporting program | Add Division 13.6 (commencing with Section 21200) to the Public Resources Code | 3/23/2015- Ref to WPW | | |

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|----------|--------|--------------|---|---|------------------|---------|-----------------------|
| AB-1427 | None | Lackey (A) | Fish and Game Commission: hearings | Amend Section 309 of the Fish and Game Code | Pending referral | | |
| | | | Would make a technical, nonsubstantive change to that provision. | | | | |
| AB-1498 | None | Thurmond (A) | Renewable energy resources: comprehensive planning and environmental compliance services | Amend Section 705 of the Fish and Game Code | Pending referral | | |
| | | | This bill would make a nonsubstantive change in those provisions. | | | | |

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| Bill No. | Impact | Authors | Title & General Purpose | Fish & Game Code/ Govt Code Sections | Bill Status | Hearing | Summary of FGC Action |
|----------|--------|---|--|--|--|-----------|-----------------------|
| AB-1527 | Minor | Committee on Water, Parks, and Wildlife (A) | Fish and wildlife - Would apply provisions of code to both reptiles and amphibians. By applying certain provisions relative to the take and possession of certain animals to include both reptiles and amphibians, the violation of which would be a crime. | Amend various Sections, and to add Sections 80 and 89.5 to, the Fish and Game Code | 5/28/15 Ref to NRW 5/14/15 1st read. To RLS for assignment 5/14/15 3rd read. Pass (78-0). To Senate 5/07/15 2nd read. To Consent. 5/06/15 Pass. (17-0). To Consent.. 4/28/15- Ref to APPR to Consent. 4/28/15- PASS (15-0) 3/26/15- Ref WPW | 4/28/2015 | |

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|----------|--------|---|---|---|--|-----------|-----------------------|
| AB-1528 | None | Committee on Water, Parks, and Wildlife (A) | Public resources - This bill would make lace lichen (<i>Ramalina menziesii</i>) the official state lichen. | Add Section 424.6 to the Government Code, and to amend Sections 5003.6, 5008, 5008.5, 5071.7, 6232, 6311, 30411, and 30419 of, and to repeal Section 5044 of, the Public Resources Code | 5/14/15 Ref to NRW 4/30/15 To RLS. for assignment. 04/30/15 3rd read. Passed. To Senate. 4/29/15- 2nd read. Ordered to 3rd read. 4/28/15- PASS (14-0) 03/26/15- Ref WPW | 4/28/2015 | |

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| AJR-4 | None | Dodd (A) | Berryessa Snow Mountain National Monument -- Measure would urge the President of the United States and the Secretary of the United States Department of Interior to designate the area known as the Berryessa Snow Mountain region as the Berryessa Snow Mountain National Monument. | | 4/9/15 Chaptered 4/9/15 Enrolled 4/6/15 In Assembly 3/24/15 3rd reading PASS (7-2) 2/17/15- Ref to RLS 2/17/15- To Senate 2/17/15- PASS (54-20) 2/12/15- PASS (10-4) 2/4/15- Re-ref to WPW 2/3/15- Ref to WPW | | |
| SB-17 | None | Monning (S) | California Sea Otter Fund -- Would extend the operation of these provisions to January 1, 2021 | Amend Section 18754.3 of the Revenue and Taxation Code | 4/26/15 To Assembly 4/23/15 3rd read, PASS (35-2) 4/21/15 2nd read 4/20/15 PASS (6-1) 4/8/15 Re-refer APPR 4/8/15 PASS (7-0) 1/15/2015- Ref to GOVF | 4/20/2015 | |

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|----------|--------|-----------|--|--|--|----------|-----------------------|
| SB-29 | None | Beall (S) | Peace officer training: mental health -- Would require Peace Officer Standards and Training (POST) to require field training officers who are instructors for the field training program to have 40 hours of evidence-based behavioral health training, as specified. The bill would also require POST to require the field training program to include a 20-hour evidence-based behavioral health training course relating to law enforcement interaction with persons with mental illness or intellectual disability. | Add Sections 13515.28 and 13515.29 to the Penal Code | 4/15/15 Re-ref to APPR, 2nd read 4/14/15 PASS (7-0) 3/23/2015- Re-ref PUBS 3/23/15 Amend, 2nd read 3/5/2015- Re-ref to PUBS 1/15/2015- Ref to RLS | 4/7/2015 | |

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|----------|--------|-------------------------|---|--|---|-----------|-----------------------|
| SB-122 | Minor | Jackson (S) Hill (S) | California Environmental Quality Act: record of proceedings -- Would require the lead agency, at the request of a project applicant and consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects. | Amend Sections 21082.1, 21091, 21159.9, and 21167.6 of, and to add Section 21167.6.2 to, the Public Resources Code | 5/28/15 PASS as amended. (5-2) 4/20/15 2nd read, re-ref to APPR 4/16/15 PASS (5-1) 3/26/15- Amend., 2nd read 3/12/15- Re-ref to EQ 2/5/15- Ref to EQ | 4/15/2015 | |

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|----------|--------|-------------|--|--|---|----------|-----------------------|
| SB-165 | None | Monning (S) | Production or cultivation of a controlled substance: civil penalties -- Would impose various additional civil penalties, subject to these provisions, for violations of specified provisions of the Penal Code and the Public Resources Code, in connection with the production or cultivation of a controlled substance. | Amend Section 12025 of the Fish and Game Code | 5/28/15 Ref PUBS and W., P., & W. 4/30/15 1st read. At Desk. 4/30/15 3rd read. Pass (36-0) 4/28/15 2nd read. To third reading. 4/27/15 To 2nd reading, Senate Rule 28.8. 4/14/15 2nd read, Re-ref to APPR 4/13/15 PASS (7-0) 3/12/2015- Re-ref to PUBS 2/19/2015- Ref to PUBS | 4/7/2015 | |
| SB-166 | None | Gaines (S) | California Environmental Quality Act This bill would make technical, nonsubstantive changes to those provisions. | Amend Section 21000 of the Public Resources Code | 2/19/2015- Ref to RLS | | |

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|----------|--------|----------------|--|--|-----------------------|---------|--------------------------|
| SB-201 | ?? | Wieckowski (S) | California Public Records Act- - Would require a court, in an action by a third party to enjoin disclosure of a public record or declaratory relief concerning a request to inspect a public record, to apply the provisions of the California Public Records Act as if the action had been initiated by a person requesting disclosure of a public record. The bill would also require the third party seeking an injunction or declaratory relief to provide notice to the person whose request prompted the action at the same time the defendant public agency in the action is served | Add Section 6254.50 to the Government Code | 2/19/2015- Ref to JUD | | |

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|----------|--------|-----------------------------|---|---|--|-----------|-----------------------|
| SB-233 | None | Hertzberg (S) Rendon (A) | Marine resources and preservation. -- Would require offshore oil applicants to apportion and transmit a portion of the cost savings to the department, the department to apportion those cost-savings fby prescribed schedule, require the Commission to serve as the lead agency for the environmental review under CEQA and take certain adverse impacts to air quality and greenhouse gas emissions into account. | Amend Sections 6603, 6604, 6610, 6611, 6612, 6613, 6614, 6615, 6616, and 6618 of the Fish and Game Code | 4/26/15 PASS (6-1) Re-ref to NRW Amend, 2nd read Set for hearing April 28. Hearing canceled 3/19/2015 - Re-ref to NRW 2/26/2015- Ref to NRW | 4/28/2015 | |
| SB-234 | None | Wolk (S) , Nielsen (S) | Wildlife management areas: payments -- Would appropriate \$19,000,000 from the General Fund to the department to make payments to counties for unpaid amounts under these provisions. | Appropriations | 2/26/2015- Ref to NRW | 3/24/2015 | |

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|----------|--------|------------------------------|---|--|---|-----------|-----------------------|
| SB-345 | Major | Berryhill (S) Bigelow (A) | The Sport Fishing Stimulus Act of 2015 -- Would authorize a charitable organization or nonprofit organization to possess fish taken under a sport fishing license in excess of a possession limit if the charitable organization or nonprofit organization was given the fish by a donor intermediary, and requires the commission to recommend legislation or adopt regulations to clarify when a possession limit is not violated by processing into food lawfully taken sport fish, also makes changes to junior sport fishing license age requirements and sport fishing license fees. | Amend Section 7120; amend, repeal, and add Sections 7149, 7149.05, and 7233; and, add Sections 7122 and 7233 to the Fish and Game Code | 5/05/15 2nd read. Re-ref to APPR 5/04/15 Pass (8-0) 4/21/15 Set for hearing April 28. 4/16/15 Re-ref to NRW 4/06/15 2nd read. Re-ref to RLS. | 5/18/2015 | |

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|----------|--------|-------------|--|--|---|----------|-----------------------|
| SB-414 | Minor | Jackson (S) | Marriage -- Would replace references to a "husband" or "wife" with references to a "spouse," and would make other conforming and related changes. | Amend Section 8552.3 of the Fish and Game Code | 4/16/15 In Assembly. 1st Read. 4/16/15 PASS 35-2. To Assembly. 4/16/15 Ordered to 3rd read 4/14/15 Amend., 2nd read. 4/13/15 PASS (7-0) 3/5/2015- Ref to JUD | 4/7/2015 | |
| SB-457 | Major | Nielsen (S) | Bobcat Protection Act of 2013 -- Would provide that identifiable features may include roads instead of major roads and provide that landmarks and geographic positions established by navigation and surveying methods may be used to delineate the boundaries of an area described above in which bobcat trapping is prohibited. | Amend Section 4155 of the Fish and Game Code | 4/6/15 Re-ref to NRW 4/6/15 Amend., 2nd read 3/5/15 Ref to NRW | | |

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|----------|--------|-----------|--|---|---|---------|-----------------------|
| SB-637 | None | Allen (S) | Relating to dredging - Requires Department to issue a permit if it determines the use does not cause any significant effects on fish and wildlife, authorizes the Department to adjust the fee to cover all reasonable costs, prohibits the Department from issuing a permit until the permit application is deemed complete, as prescribed. | Amend Section 5653 of the Fish and Game Code, and add Section 13172.5 to the Water Code | 05/05/15 2nd read 5/04/15 Re-refer to APPR. 4/29/15 PASS (5-2) 4/24/15 Set for hearing April 29. 04/22/15 2nd read. Re-ref to EQ 4/21/15 PASS (6-0). | | |

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| Bill No. | Impact | Authors | Title & General Purpose | Fish & Game Code/ Govt Code Sections | Bill Status | Hearing | Summary of FGC Action |
|----------|--------|----------------------|---|--|---|------------------------|-----------------------|
| SB-718 | None | Leno (S) Dodd (A) | Hazardous Materials Response and Restoration Subaccount. -- Would authorize up to \$500,000 from the Oil Spill Response Trust Fund to the Hazardous Materials Response and Restoration Subaccount to reimburse organizations providing wildlife rescue and rehabilitation services for expenses incurred by rescue and rehabilitation. The bill would prohibit the administrator from making a loan if the total amount made from the loan has not been repaid exceeds | Add Section 8670.48.4 to the Government Code | 5/11/15 Amended. 2nd read. Ref to APPR 5/06/15 2nd read. Re-ref to APPR. 5/05/15 Pass (6-1) 4/16/15 Re-ref to EQ 4/14/15 PASS (6-2) 4/07/15 Re-ref to NRW 4/06/15 Amend., 2nd read 3/19/15 Ref NRW | 5/18/2015 4/14/2015 | |

FISH AND GAME COMMISSION LEGISLATIVE TRACKING LOG 2015
updated 5/29/2015

WPW = Water, Parks, Wildlife **RLS** = Rules **APPR** = Appropriations **GO** = Government Organization **AAR** = Accountability and Admin. Review
NR = Natural Resources **NRW**= Natural Resources and Water **PUBS** = Public Safety **JEDE**= Jobs, Econ. Development, and Economy **TRANS** = Transportation
BPCP= Business, Professions & Consumer Protection **GOVF**= Governance and Finance **EQ**= Environmental Quality **JUD**= Judiciary **AGRI** - Agriculture

| Bill No. | Impact | Authors | Title & General Purpose | Fish & Game Code/ Govt Code Sections | Bill Status | Hearing | Summary of FGC Action |
|----------|--------|--|--|---|--|-----------|-----------------------|
| SB 798 | ??? | Committee on Natural Resources and Water (S) | Water Natural resources -- Would clarify that specified laws relating to administrative regulations and rulemaking do not apply to the sportfishing federal conforming action, make additional confirming changes, and delete other requirements, | Amend Sections 205.1, 714, 1050.8, 1053.5, 1055.1, 1056, 1059, 1764, 3050, 7149.2, 7149.3, 7150, 7860, 12002.2.1, 12153, and 13005 of, and to repeal Sections 1053, 1055, 1055.4, 1055.5, 1060, 1070, 3682, 3700, 6596, 7149, 7149.4, 7180, 7181, 7182, 7183, 7184, and 7186 of, the Fish and Game Code, et al. | 5/22/15 In Assembly. First read. At Desk. 5/22/15 3rd read. Passed on consent (38-0.) 05/18/15 Ordered to consent. 5/06/15 2nd read. Re-ref APPR. 5/05/15 Pass (8-0.). To consent. 4/22/15 Re-ref to NR 04/22/15 Amend, 2nd read 03/25/15 Ref to NR | 4/28/2015 | |

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| Bill No. | Impact | Authors | Title & General Purpose | Fish & Game Code/ Govt Code Sections | Bill Status | Hearing | Summary of FGC Action |
|----------|--------|--|---|--|------------------|---------|-----------------------|
| SB-805 | Major | Committee on Natural Resources and Water (S) | Natrual Resources -- Would clarify that laws relating to administrative regulations and rulemaking do not apply to sport fishing conformance tp federal regualtions, among other provisions. | Amend Sections 205.1, 714, 1050.8, 1053.5, 1055.1, 1056, 1059, 1764, 3050, 7149.2, 7149.3, 7150, 7860, 12002.2.1, 12153, and 13005 of, and to repeal Sections 1053, 1055, 1055.4, 1055.5, 1060, 1070, 3682, 3700, 6596, 7149, 7149.4, 7181, 7182, 7183, 7184, and 7186 of, the Fish and Game Code, to amend Section 113 of the Government Code, to amend Sections 741, 8301, and 30315 of, and to repeal Section 30310.5 of, the Public Resources Code | Pending referral | | |

FISH AND GAME COMMISSION LEGISLATIVE TRACKING LOG 2015
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| Bill No. | Impact | Authors | Title & General Purpose | Fish & Game Code/ Govt Code Sections | Bill Status | Hearing | Summary of FGC Action |
|----------|--------|-------------|--|---|--|-----------|--------------------------|
| SJR-3 | None | McGuire (S) | Smith River watershed protection -- Would urge the President of the United States and Congress to permanently safeguard the currently unprotected North Fork of the Smith River watershed in Oregon from any mining activities that would have the potential impacts on water supplies, economies, or the environment in California's portion of the Smith River watershed. | | 4/09/15 Held at Desk. 4/09/15 PASS (25-12) To the Assembly 4/07/15 2nd read . 04/06/15 Amend. 3/24/15- PASS (7-2) 3/17/2015- Re-ref to NRW 2/5/2015- Ref to NRW | 3/24/2015 | |



Department of Fish & Wildlife

Legislative Report

June 2015

(as of May 27, 2015)

[AB 12](#)

(Cooley D) State government: administrative regulations: review.

Introduced: 12/1/2014

Last Amend: 4/22/2015

Status: 5/13/2015-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/13/2015-A. APPR. SUSPENSE FILE

Summary: Current law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations. This bill would, until January 1, 2019, require each state agency to, on or before January 1, 2018, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, to revise those identified regulations, as provided, and report to the Legislature and Governor, as specified.

[AB 56](#)

(Quirk D) Unmanned aircraft systems.

Introduced: 12/2/2014

Last Amend: 4/22/2015

Status: 5/26/2015-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/26/2015-S. RLS.

Summary: 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, subject to approval by the legislative body having management and control of the law enforcement agency and other specified conditions, and in certain other cases, including when the use or operation of the unmanned aircraft system achieves the core mission of the agency and the purpose is unrelated to the gathering of criminal intelligence, as defined. This bill contains other related provisions and other existing laws.

[AB 78](#)

(Mathis R) Groundwater basins.

Introduced: 1/5/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 1/5/2015)

Location: 5/15/2015-A. 2 YEAR

Summary: Current law requires the Department of Water Resources to categorize each basin or subbasin as high-, medium-, low-, or very low priority and to establish ground water the initial priority for each basin no later than January 31, 2015. This bill would make technical, nonsubstantive changes to this provision.

[AB 92](#)

(Committee on Budget) Water.

Introduced: 1/7/2015

Last Amend: 3/24/2015

Status: 3/27/2015-Chaptered by Secretary of State - Chapter No. 2

Location: 3/27/2015-A. CHAPTERED

Summary: Current law requires any new diversion of water from any stream having populations of salmon and steelhead that is determined by the Department of Fish and Wildlife to be deleterious to salmon and steelhead to be screened by the owner of the diversion. This bill would require the

department, within 30 days of providing written notice to the owner that the department has determined that the diversion is deleterious to salmon and steelhead, to submit to the owner its proposals as to measures necessary to protect the salmon and steelhead.

[AB 96](#) (Atkins D) Animal parts and products: importation or sale of ivory and rhinoceros horn.

Introduced: 1/7/2015

Status: 3/25/2015-In committee: Set, first hearing. Referred to suspense file.

Location: 3/25/2015-A. APPR. SUSPENSE FILE

Summary: Current law exempts the possession with intent to sell, or sale of the dead body, or any part or product thereof, of any elephant before June 1, 1977, or the possession with intent to sell or the sale of any such item on or after June 1, 1977, if the item was imported before January 1, 1977. This bill would delete this exemption. By changing the definition of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

[AB 102](#) (Rodriguez D) Railroad and surface transportation safety and emergency planning and response: hazardous materials.

Introduced: 1/8/2015

Last Amend: 3/26/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 4/28/2015)

Location: 5/1/2015-A. 2 YEAR

Summary: Would create the Regional Railroad and Surface Transportation Accident Preparedness and Immediate Response Force in the Office of Emergency Services, consisting of specified representatives, and would designate this force as being responsible for providing regional and onsite response capabilities in the event of a release of hazardous materials from a rail car or a railroad accident involving a rail car or a hazardous materials release from a truck accident. This bill contains other related provisions and other existing laws.

[AB 142](#) (Bigelow R) Wild and scenic rivers: Mokelumne River.

Introduced: 1/12/2015

Last Amend: 4/6/2015

Status: 4/15/2015-In committee: Set, first hearing. Referred to suspense file.

Location: 4/15/2015-A. APPR. SUSPENSE FILE

Summary: Would require the Secretary of the Natural Resources Agency, in a report analyzing the suitability or unsuitability of a proposed designation of the Mokelumne River, its tributaries, or portions thereof as additions to the system, to consider the potential effects of the proposed designation on future water requirements, as specified, and the effects of climate change. This bill contains other related provisions.

[AB 243](#) (Wood D) Medical marijuana cultivation.

Introduced: 2/5/2015

Last Amend: 4/22/2015

Status: 5/20/2015-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 5/20/2015-A. APPR. SUSPENSE FILE

Summary: Would generally require all persons who cultivate marijuana for medical purposes, except those cultivating for personal use, as specified, to obtain a permit to cultivate marijuana from the county, city, city and county, or from a state agency to be designated by the Governor if the county, city, or city and county chooses not to be the responsible entity for these purposes. The bill would allow the county, city, city and county, or state agency to charge a fee in an amount sufficient to cover the reasonable cost of issuing the permits and carrying out the program.

- [AB 290](#) **(Bigelow R) Game mammals: wild pig depredation.**
Introduced: 2/11/2015
Last Amend: 3/26/2015
Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 4/6/2015)
Location: 5/1/2015-A. 2 YEAR
Summary: Current law defines the term "wild pig" for purposes of managing, taking, or hunting that species. The bill would also define "pigs" and prohibit the release of pigs into uncontrolled areas. The bill would provide that an area shall be deemed controlled if the pigs are regularly cared for and enclosed by a lawful fence, as defined. The bill would provide that an owner of a pig that escapes from a controlled area who has complied with this provision is not deemed to be in violation of any law that prohibits the release of any animal.
- [AB 298](#) **(Gonzalez D) Fish and wildlife: violations.**
Introduced: 2/12/2015
Status: 5/7/2015-Referred to Com. on N.R. & W.
Location: 5/7/2015-S. N.R. & W.
Summary: Current law generally makes any violation of the Fish and Game Code or any rule, regulation, or order made or adopted under the code a misdemeanor, and specifies that a violation of designated statutes or regulations is either an infraction or a misdemeanor. This bill would make a violation of a specified regulation relating to marine protected areas, marine managed areas, and special closures an infraction or a misdemeanor, except if the person who violates the regulation holds a commercial fishing license or a commercial passenger fishing boat license.
- [AB 300](#) **(Alejo D) Safe Water and Wildlife Protection Act of 2015.**
Introduced: 2/12/2015
Last Amend: 4/7/2015
Status: 4/22/2015-In committee: Set, first hearing. Referred to APPR. suspense file.
Location: 4/22/2015-A. APPR. SUSPENSE FILE
Summary: Would enact the Safe Water and Wildlife Protection Act of 2015, which would require the State Water Resources Control Board to establish and coordinate the Algal Bloom Task Force, comprised of specified representatives of state agencies, including the State Coastal Conservancy, in consultation with the Secretary for Environmental Protection, and would prescribe the composition and functions and duties of the task force.
- [AB 311](#) **(Gallagher R) Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014.**
Introduced: 2/12/2015
Last Amend: 4/15/2015
Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 4/28/2015)
Location: 5/1/2015-A. 2 YEAR
Summary: Would require a public agency, in certifying an environmental impact report and in granting approvals for specified water storage projects funded, in whole or in part, by Proposition 1, to comply with specified procedures. Because a public agency would be required to comply with those new procedures, this bill would impose a state-mandated local program. The bill would authorize the public agency to concurrently prepare the record of proceedings for the project. This bill contains other related provisions and other existing laws.
- [AB 330](#) **(Chang R) State government.**
Introduced: 2/13/2015
Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/13/2015)
Location: 5/15/2015-A. 2 YEAR
Summary: Current law authorizes the Governor, from time to time, to examine the organization of all

agencies and to determine what changes are necessary to accomplish specified government goals, including, but not limited to, promotion of more effective management of the executive and administrative branch of state government. This bill would make technical, nonsubstantive changes to these provisions.

[AB 353](#) ([Lackey R](#)) Protected species: take: Bouquet Canyon: habitat restoration project.

Introduced: 2/17/2015

Last Amend: 4/22/2015

Status: 5/14/2015-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/14/2015-S. RLS.

Summary: Would require the Department of Fish and Wildlife to authorize, under the California Endangered Species Act, the take of the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) resulting from impacts attributable to the habitat restoration project to restore and improve riparian habitat on public lands in the Bouquet Canyon area, and projects to restore the flow capacity to Bouquet Creek in Bouquet Canyon on public lands, as specified, if certain conditions are satisfied.

[AB 367](#) ([Dodd D](#)) Clear Lake.

Introduced: 2/17/2015

Last Amend: 4/15/2015

Status: 4/22/2015-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/22/2015-A. APPR. SUSPENSE FILE

Summary: Would appropriate \$2,400,000 from an unspecified fund to the County of Lake for the purposes of restoring Clear Lake wetlands, maintaining the water quality of Clear Lake, preventing the spread of invasive species to Clear Lake, and controlling and eradicating invasive species in Clear Lake. This bill contains other current laws.

[AB 395](#) ([Gallagher R](#)) Hunting: nonlead ammunition.

Introduced: 2/18/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/5/2015)

Location: 5/1/2015-A. 2 YEAR

Summary: Current law requires, as soon as is practicable, but by no later than July 1, 2019, the use of nonlead ammunition for the taking of all wildlife, including game mammals, game birds, nongame birds, and nongame mammals, with any firearm, and requires the Fish and Game Commission to promulgate regulations by July 1, 2015, that phase in the requirements of these provisions. This bill would repeal the restriction against the use of nonlead ammunition for the taking of all wildlife and related provisions.

[AB 410](#) ([Oberholte R](#)) Reports submitted to legislative committees.

Introduced: 2/19/2015

Last Amend: 4/27/2015

Status: 5/22/2015-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/22/2015-S. RLS.

Summary: Would require a state agency to post on its Internet Web site any report it is required by law to submit to a committee of the Legislature. The bill would specify that a "report" includes a study or audit, or a budget change proposal that has been approved by the Department of Finance and submitted to the Joint Legislative Budget Committee, the Assembly Committee on Budget, or the Senate Committee on Budget and Fiscal Review.

[AB 411](#) ([Lackey R](#)) Public contracts.

Introduced: 2/19/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/19/2015)

Location: 5/15/2015-A. 2 YEAR

Summary: Current law generally requires the Department of General Services to approve state agency contracts for the acquisition of goods and services. Current law defines several terms relating

to these contract acquisitions. This bill would make technical, nonsubstantive changes to the provision of law setting forth these definitions.

[AB 435](#) ([Chang R](#)) California Environmental Protection Agency: Natural Resources Agency: Web casts of public meetings and workshops.

Introduced: 2/19/2015

Last Amend: 3/18/2015

Status: 4/15/2015-In committee: Set, first hearing. Referred to suspense file.

Location: 4/15/2015-A. APPR. SUSPENSE FILE

Summary: Would require that each department, board, and commission of the Natural Resources Agency and each department, board, and office of the California Environmental Protection Agency Web cast all public meetings and workshops, in a manner that enables listeners and viewers to ask questions and provide public comment by telephone or electronic communication commensurate with those attending the meeting or workshop. The bill would require the agencies to archive the recording of a Web cast for subsequent reasonable viewing by interested members of the public.

[AB 498](#) ([Levine D](#)) Wildlife conservation: wildlife corridors.

Introduced: 2/23/2015

Last Amend: 5/22/2015

Status: 5/22/2015-Read third time and amended. Ordered to third reading.

Location: 5/22/2015-A. THIRD READING

Summary: Would declare that it is the policy of the state to encourage, wherever feasible and practicable, voluntary steps to protect the functioning of wildlife corridors through various means, as applicable. This bill contains other related provisions and other existing laws.

[AB 499](#) ([Cooley D](#)) Archery season: concealed firearms.

Introduced: 2/23/2015

Status: 5/14/2015-Referred to Com. on N.R. & W.

Location: 5/14/2015-S. N.R. & W.

Summary: Current law generally prohibits a person taking or attempting to take deer during archery season from carrying, or having under his or her immediate control, a firearm of any kind, except for an active or honorably retired peace officer, as specified. This bill would authorize a person with a valid license to carry a firearm capable of being concealed on the person, consistent with the terms of that license, while engaged in the taking of deer with bow and arrow as long as he or she does not take or attempt to take deer with the firearm.

[AB 501](#) ([Levine D](#)) Resources: Delta research.

Introduced: 2/23/2015

Last Amend: 4/22/2015

Status: 4/29/2015-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/29/2015-A. APPR. SUSPENSE FILE

Summary: Would require a person conducting Delta research, as defined, whose research is funded, in whole or in part, by the state, to take specified actions with regard to the sharing of the primary data, samples, physical collections, and other supporting materials created or gathered in the course of that research. The bill would make a researcher ineligible for state funding if the researcher does not substantially comply with these requirements within 6 months of completing the Delta research project, until the researcher complies with those requirements.

[AB 559](#) ([Lopez D](#)) Monarch butterflies: conservation.

Introduced: 2/23/2015

Status: 5/14/2015-Referred to Com. on N.R. & W.

Location: 5/14/2015-S. N.R. & W.

Summary: Would authorize the Department of Fish and Wildlife to take actions to conserve monarch butterflies and the unique habitats they depend upon for successful migration. The bill would authorize

the department to partner with federal agencies, nonprofit organizations, academic programs, private landowners, and other entities that undertake actions to conserve monarch butterflies and aid their successful migration, including the Monarch Joint Venture.

[AB 665](#) ([Frazier D](#)) Hunting or fishing: local regulation.

Introduced: 2/24/2015

Last Amend: 4/15/2015

Status: 5/14/2015-Referred to Com. on N.R. & W.

Location: 5/14/2015-S. N.R. & W.

Summary: Under current law, a city or county has no authority to regulate fish and game except that a city or county may adopt an ordinance that incidentally affects fishing and hunting for the protection of public health and safety. This bill would provide that the state fully occupies the field of the taking and possession of fish and game. The bill would provide that unless otherwise authorized by the Fish and Game Code, other state law, or federal law, the commission and the department are the only entities that may adopt or promulgate regulations regarding the taking or possession of fish and game on any lands or waters within the state

[AB 794](#) ([Linder R](#)) Criminal acts against law enforcement animals.

Introduced: 2/25/2015

Last Amend: 4/8/2015

Status: 5/14/2015-Referred to Com. on PUB. S.

Location: 5/14/2015-S. PUB. S.

Summary: Would make specified criminal acts against law enforcement applicable when those acts are carried out against a horse or dog being used by, or under the supervision of, a volunteer who is acting under the direct supervision of a peace officer in the discharge or attempted discharge of his or her assigned volunteer duties. The bill would also require a defendant convicted of those acts to pay restitution for a horse or dog that is used by , or under the supervision of , a volunteer who is acting under the direct supervision of a peace officer, as specified.

[AB 815](#) ([Ridley-Thomas D](#)) Oil spill prevention and response fees: collection.

Introduced: 2/26/2015

Status: 5/14/2015-Referred to Com. on N.R. & W.

Location: 5/14/2015-S. N.R. & W.

Summary: The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act prohibits the oil spill prevention and administration fee from being collected by a marine terminal operator or refinery operator or imposed on the owner of crude oil or petroleum products if the fee has been previously collected or paid on the crude oil or petroleum products at another marine terminal or refinery and, in that case, requires a marine terminal operator, refinery operator, or owner of crude oil or petroleum products to demonstrate that the fee has already been paid. This bill instead would authorize a marine terminal operator or a refinery operator receiving petroleum products derived from crude oil refined in the state to presume the fee has been previously collected.

[AB 820](#) ([Stone, Mark D](#)) Fish and shellfish: labeling and identification.

Introduced: 2/26/2015

Last Amend: 4/22/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was AGRI. on 4/23/2015)

Location: 5/1/2015-A. 2 YEAR

Summary: Would provide that it is unlawful and constitutes misbranding to sell or offer for sale any fresh, frozen, or processed fish or shellfish intended for human consumption without clearly identifying at the point of sale whether the fish or shellfish was wild caught or farm raised. The bill would exempt a person who sells or offers for sale any fish or shellfish and acts in reasonable reliance on the fish or shellfish package labeling and product invoice from being found in violation of these requirements.

- [AB 956](#) **(Mathis R) California Environmental Quality Act: exemption.**
Introduced: 2/26/2015
Last Amend: 4/13/2015
Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 4/28/2015)
Location: 5/1/2015-A. 2 YEAR
Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would exempt from the requirements of CEQA activities undertaken by a local agency in response to a drought that are necessary for water recycling projects that provide water for drinking and sanitation to specific individuals and communities.
- [AB 965](#) **(Garcia, Eduardo D) California and Mexico border: water resources improvement.**
Introduced: 2/26/2015
Last Amend: 5/4/2015
Status: 5/20/2015-In committee: Set, first hearing. Referred to APPR. suspense file.
Location: 5/20/2015-A. APPR. SUSPENSE FILE
Summary: Would require the California-Mexico Border Relations Council to establish the New River Water Quality, Public Health, and River Parkway Development Program to coordinate funding for, and the implementation of, recommendations from a strategic plan required to be developed by the council and certain projects identified by the council pursuant to existing law. This bill contains other related provisions and other existing laws.
- [AB 1201](#) **(Salas D) Fish and wildlife: Sacramento-San Joaquin Delta: predation by nonnative species.**
Introduced: 2/27/2015
Last Amend: 4/22/2015
Status: 5/6/2015-In committee: Set, first hearing. Referred to APPR. suspense file.
Location: 5/6/2015-A. APPR. SUSPENSE FILE
Summary: Under the California Endangered Species Act, the Department of Fish and Wildlife may authorize the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated. This bill would require the department, by June 30, 2016, to develop and initiate a science-based approach that addresses predation by nonnative species upon species of fish listed pursuant to the act that reside all or a portion of their lives in the Sacramento-San Joaquin Delta.
- [AB 1244](#) **(Gray D) Water rights: small irrigation use.**
Introduced: 2/27/2015
Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/23/2015)
Location: 5/1/2015-A. 2 YEAR
Summary: Current law authorizes any person to obtain a right to appropriate water for a small irrigation use upon registering the use with the State Water Resources Control Board and thereafter applying the water to reasonable and beneficial use with due diligence. This bill would require the board to adopt general conditions, in consultation with the Department of Food and Agriculture, the University of California Cooperative Extension, and others, including, but not limited to the Department of Fish and Wildlife, for small irrigation use, unless the board determines that sufficient funds are not available for that purpose.
- [AB 1251](#) **(Gomez D) Greenway Development and Sustainment Act.**
Introduced: 2/27/2015
Last Amend: 4/14/2015
Status: 4/29/2015-In committee: Set, first hearing. Referred to APPR. suspense file.

Location: 4/29/2015-A. APPR. SUSPENSE FILE

Summary: Would enact the Greenway Development and Sustainment Act and would authorize specified tax-exempt nonprofit organizations to acquire and hold a conservation easement if the organizations have as their primary purpose the development of a greenway, as defined. The bill would also include greenways in the definition of "open-space land" for local planning purposes. The bill would make findings with regard to the development of a greenway along the Los Angeles River and its tributaries and would declare that, by developing a greenway, a city, county, or city and county, may apply for funds from various sources.

[AB 1259](#) (Levine D) Bees: apiculture: state-owned lands.

Introduced: 2/27/2015

Last Amend: 4/29/2015

Status: 5/14/2015-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/14/2015-S. RLS.

Summary: Current law requires the Department of Fish and Wildlife to consider permitting apiculture on department-managed wildlife areas. This bill would instead require the department to consider authorizing apiculture on department-managed wildlife areas. This bill contains other related provisions.

[AB 1281](#) (Wilk R) Regulations: legislative review.

Introduced: 2/27/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was A. & A.R. on 3/23/2015)

Location: 5/15/2015-A. 2 YEAR

Summary: The Administrative Procedure Act 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. This bill, whenever 25% of the Members of the Assembly or Senate transmit to the Governor their written declaration of opposition to a proposed regulation, would require a majority vote of the Assembly and Senate to adopt that regulation.

[AB 1312](#) (O'Donnell D) Ballast water management.

Introduced: 2/27/2015

Last Amend: 4/15/2015

Status: 5/21/2015-Referred to Coms. on N.R. & W. and E.Q.

Location: 5/21/2015-S. N.R. & W.

Summary: Would define the term "port" for purposes of the Marine Invasive Species Act to mean any port or place in which a vessel was, is, or will be anchored or moored, or where a vessel will transfer cargo. This bill contains other related provisions and other existing laws.

[AB 1325](#) (Salas D) Delta smelt.

Introduced: 2/27/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/23/2015)

Location: 5/1/2015-A. 2 YEAR

Summary: Would enact the Delta Smelt Preservation and Restoration Act of 2016. The act would require the Department of Fish and Wildlife to develop a Delta smelt hatchery program to preserve and restore the Delta smelt. The bill would require the department to enter into mitigation banking agreements with banking partners for the purpose of providing take authorizations to banking partners and to obtain funding from banking agreements. This bill contains other related provisions.

[AB 1398](#) (Wilk R) Environmental quality: the Sustainable Environmental Protection Act.

Introduced: 2/27/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 4/28/2015)

Location: 5/1/2015-A. 2 YEAR

Summary: Would enact the Sustainable Environmental Protection Act and would specify the environmental review required pursuant to CEQA for projects related to specified environmental topical areas. The bill would provide that the Sustainable Environmental Protection Act only applies if the lead agency or project applicant has agreed to provide to the public in a readily accessible electronic format an annual compliance report prepared pursuant to the mitigation monitoring and reporting program. This bill contains other related provisions and other existing laws.

[AB 1420](#) (Salas D) Oil and gas: pipelines.

Introduced: 2/27/2015

Last Amend: 4/21/2015

Status: 5/22/2015-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/22/2015-S. RLS.

Summary: Current law requires the Division of Oil, Gas, and Geothermal Resources to prescribe minimum facility maintenance standards for oil and gas production facilities, including pipelines that are not under the jurisdiction of the State Fire Marshal. This bill would require the division to prioritize the identification and testing of those pipelines that are near sensitive areas.

[AB 1427](#) (Lackey R) Fish and Game Commission: hearings.

Introduced: 2/27/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/27/2015)

Location: 5/15/2015-A. 2 YEAR

Summary: Current law authorizes the Fish and Game Commission, or any person appointed by the commission to conduct a hearing, to cause the deposition of witnesses, as prescribed, and to compel the attendance of witnesses and the production of documents and papers, in accordance with certain requirements. This bill would make a technical, nonsubstantive change to that provision.

[AB 1473](#) (Salas D) California Environmental Quality Act.

Introduced: 2/27/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/27/2015)

Location: 5/15/2015-A. 2 YEAR

Summary: The California Environmental Quality Act requires a lead agency to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. This bill would make technical, nonsubstantive changes to a provision within the act.

[AB 1498](#) (Thurmond D) Renewable energy resources: comprehensive planning and environmental compliance services.

Introduced: 2/27/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/27/2015)

Location: 5/15/2015-A. 2 YEAR

Summary: Current law requires the Department of Fish and Wildlife to establish an internal division with the primary purpose of performing comprehensive planning and environmental compliance services with priority given to projects involving the building of eligible renewable energy resources, as defined. This bill would make a nonsubstantive change in those provisions.

[AB 1527](#) (Committee on Water, Parks, and Wildlife) Fish and wildlife.

Introduced: 3/18/2015

Status: 5/14/2015-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 5/14/2015-S. RLS.

Summary: Current law requires the Fish and Game Code to be administered and enforced through regulations adopted by the Department of Fish and Wildlife, except as otherwise specifically provided by the code, or where the code requires the Fish and Game Commission to adopt regulations. This bill would make various nonsubstantive, minor substantive, and organizational changes to the code. The bill would provide that, unless the provision or context otherwise requires, a provision of the code that

applies to a whole animal also applies to a part of the animal. This bill contains other related provisions and other existing laws.

[SB 17](#) ([Monning D](#)) California Sea Otter Fund.

Introduced: 12/1/2014

Status: 5/14/2015-Referred to Com. on REV. & TAX.

Location: 5/14/2015-A. REV. & TAX

Summary: Current law, on and after January 1, 2015, requires money in the California Sea Otter Fund, upon appropriation by the Legislature, to be allocated to the Department of Fish and Wildlife for the purposes of establishing a sea otter fund to be used for sea otter conservation, and to the State Coastal Conservancy for competitive grants and contracts for research, projects, and programs related to the Federal Sea Otter Recovery Plan or improving the nearshore ocean ecosystem. This bill would extend the operation of these provisions to January 1, 2021.

[SB 127](#) ([Vidak R](#)) Environmental quality: Water Quality, Supply, and Infrastructure Improvement Act of 2014.

Introduced: 1/20/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 2/5/2015)

Location: 5/1/2015-S. 2 YEAR

Summary: CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA and a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA. This bill would require the public agency, in certifying the environmental impact report and in granting approvals for projects funded, in whole or in part, by Proposition 1, including the concurrent preparation of the record of proceedings and the certification of the record of proceeding within 5 days of the filing of a specified notice, to comply with specified procedures.

[SB 165](#) ([Monning D](#)) Production or cultivation of a controlled substance: civil penalties.

Introduced: 2/4/2015

Last Amend: 4/14/2015

Status: 4/30/2015-In Assembly. Read first time. Held at Desk.

Location: 4/30/2015-A. DESK

Summary: Current law imposes various civil penalties for violations of specified provisions of the Fish and Game Code in connection with the production or cultivation of a controlled substance. Current law authorizes the Department of Fish and Wildlife to impose those civil penalties administratively. Current law authorizes the department to adopt regulations to implement these provisions and requires the administrative penalties collected to be apportioned in a specified manner. This bill would impose various additional civil penalties, subject to these provisions, for violations of specified provisions of the Penal Code and the Public Resources Code, in connection with the production or cultivation of a controlled substance.

[SB 201](#) ([Wieckowski D](#)) California Public Records Act.

Introduced: 2/10/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was JUD. on 2/19/2015)

Location: 5/15/2015-S. 2 YEAR

Summary: Would require a court, in an action by a third party to enjoin disclosure of a public record or declaratory relief concerning a request to inspect a public record, to apply the provisions of the California Public Records Act as if the action had been initiated by a person requesting disclosure of a public record. The bill would also require the third party seeking an injunction or declaratory relief to provide notice to the person whose request prompted the action at the same time the defendant public agency in the action is served.

[SB 207](#) ([Wieckowski D](#)) California Global Warming Solutions Act of 2006: Greenhouse Gas Reduction Fund.

Introduced: 2/11/2015

Last Amend: 3/24/2015

Status: 5/14/2015-Referred to Com. on NAT. RES.

Location: 5/14/2015-A. NAT. RES.

Summary: Current law requires a state agency expending moneys from the Greenhouse Gas Reduction Fund to create a record, prior to the expenditure, that includes, among other things, a description of the expenditure proposed to be made and a description of how the proposed expenditure will contribute to achieving and maintaining greenhouse gas emissions reductions, as specified. This bill would require that record to be posted on the Internet Web sites of the state agency and the State Air Resources Board prior to the state agency expending those moneys.

SB 226 **(Pavley D) Sustainable Groundwater Management Act: groundwater rights.**

Introduced: 2/13/2015

Last Amend: 5/5/2015

Status: 5/26/2015-In Assembly. Read first time. Held at Desk.

Location: 5/26/2015-A. DESK

Summary: The bill would provide that a court shall use the Code of Civil Procedure for determining rights to groundwater, except as provided by the special procedures established in the bill. This bill would require the process for determining rights to groundwater to be available to any court of competent jurisdiction. The bill would provide that it applies to Indian tribes and the federal government. The bill would require the boundaries of a basin to be as identified in Bulletin 118, unless other basin boundaries are established, as specified. This bill contains other existing laws and other provisions.

SB 233 **(Hertzberg D) Marine resources and preservation.**

Introduced: 2/13/2015

Last Amend: 4/21/2015

Status: 5/23/2015-Set for hearing May 28.

Location: 5/11/2015-S. APPR. SUSPENSE FILE

Summary: Would require an applicant, upon conditional approval for partial removal of an offshore oil structure, to transmit a portion of the cost savings to the Department of Fish and Wildlife, instead of to the specified entities and funds. The bill would require the department to apportion those cost-savings funds received from the applicant in accordance with a prescribed schedule. This bill contains other related provisions and other existing laws.

SB 234 **(Wolk D) Wildlife management areas: payments.**

Introduced: 2/13/2015

Status: 5/23/2015-Set for hearing May 28.

Location: 4/13/2015-S. APPR. SUSPENSE FILE

Summary: Current 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 unpaid amounts under these provisions.

SB 317 **(De León D) The Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016.**

Introduced: 2/23/2015

Last Amend: 5/5/2015

Status: 5/23/2015-Set for hearing May 28.

Location: 5/18/2015-S. APPR. SUSPENSE FILE

Summary: Would enact the Safe Neighborhood Parks, Rivers, and Coastal Protection Bond Act of 2016, which, if adopted by the voters at the November 8, 2016, statewide general election, would authorize the issuance of bonds in the total amount of \$2,450,000,000 pursuant to the State General Obligation Bond Law to finance a safe neighborhood parks, rivers, and coastal protection program.

This bill contains other related provisions.

[SB 345](#) ([Berryhill](#) R) The Sport Fishing Stimulus Act of 2015.

Introduced: 2/24/2015

Last Amend: 5/5/2015

Status: 5/23/2015-Set for hearing May 28.

Location: 5/18/2015-S. APPR. SUSPENSE FILE

Summary: Would authorize a charitable organization or nonprofit organization to possess fish taken under a sport fishing license in excess of a possession limit established by statute or by regulations adopted by the Fish and Game Commission at any time if the charitable organization or nonprofit organization was given the fish by a donor intermediary, as defined, or a person who holds a sport fishing license and an applicable license tag or tags, the charitable organization or nonprofit organization has documentation to that effect, as specified, and the charitable organization or nonprofit organization retains any tag required to be affixed to a fish in the manner prescribed in the Fish and Game Code or regulations adopted by the commission.

[SB 389](#) ([Berryhill](#) R) Environmental quality: the Sustainable Environmental Protection Act.

Introduced: 2/25/2015

Last Amend: 4/6/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 4/16/2015)

Location: 5/1/2015-S. 2 YEAR

Summary: Would enact the Sustainable Environmental Protection Act and would specify the environmental review required pursuant to CEQA for projects related to specified environmental topical areas. For a judicial action or proceeding filed challenging an action taken by a lead agency on the ground of noncompliance with CEQA, the bill would prohibit a cause of action that (1) relates any topical area or criteria for which compliance obligations are identified or (2) challenges the environmental document if: (A) the environmental document discloses compliance with applicable environmental law, (B) the project conforms with the use designation, density, or building intensity in an applicable plan, as defined, and (C) the project approval incorporates applicable mitigation requirements into the environmental document. The bill would provide that the Sustainable Environmental Protection Act only applies if the lead agency or project applicant has agreed to provide to the public in a readily accessible electronic format an annual compliance report prepared pursuant to the mitigation monitoring and reporting program. This bill contains other related provisions and other existing laws.

[SB 448](#) ([Galgiani](#) D) Law enforcement: communications.

Introduced: 2/25/2015

Last Amend: 4/15/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PUB. S. on 4/15/2015)

Location: 5/15/2015-S. 2 YEAR

Summary: Current law establishes various prohibitions against eavesdropping and recording or intercepting certain communications. Current law provides that specified law enforcement officers are not prohibited by those provisions from overhearing or recording any communication that they could lawfully overhear or record prior to the enactment of those prohibitions. This bill would add uniformed peace officers of the Department of Fish and Wildlife, the Department of Parks and Recreation, the State Department of Developmental Services, and the State Department of State Hospitals, and a special agent of the Attorney General or any district attorney, to the list of law enforcement officers to whom the prohibitions described above do not apply.

[SB 457](#) ([Nielsen](#) R) Bobcat Protection Act of 2013.

Introduced: 2/25/2015

Last Amend: 4/6/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 4/14/2015)

Location: 5/1/2015-S. 2 YEAR

Summary: The Bobcat Protection Act of 2013 requires the Fish and Game Commission to delineate the boundaries of an area in which bobcat trapping is prohibited pursuant to specified provisions using readily identifiable features, such as highways or other major roads, such as those delineated for Joshua Tree National Park. This bill would provide that these features may include roads instead of major roads and would provide that landmarks and geographic positions established by navigation and surveying methods may be used to delineate the boundaries of an area described above in which bobcat trapping is prohibited.

SB 615 **(Berryhill R) Waste discharge requirements: waivers: managed wetlands.**

Introduced: 2/27/2015

Last Amend: 4/6/2015

Status: 5/1/2015-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 4/9/2015)

Location: 5/1/2015-S. 2 YEAR

Summary: Would require that managed wetlands be presumed to not pose a significant threat to water quality and would require, with respect to managed wetlands, the state board and regional boards to waive the above-described reporting requirements, regional board prescribed waste discharge requirements, and monitoring requirements of the waiver program, except that the state board or a regional board shall require water quality monitoring of a managed wetland not more than once during the duration of each waiver period unless results of downstream monitoring demonstrate a violation of water quality discharge standards. The bill would limit this monitoring to contaminants that are actually applied by wetland managers to the wetland and contaminants that are known to be naturally present in the wetland environment.

SB 617 **(Block D) Crimes.**

Introduced: 2/27/2015

Last Amend: 4/29/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PUB. S. on 5/12/2015)

Location: 5/15/2015-S. 2 YEAR

Summary: Would , subject to exceptions, allow misdemeanors punishable by a maximum term of confinement not exceeding 6 months in jail to be charged as a misdemeanor or an infraction, in the discretion of the prosecuting attorney, as specified. The bill would, for a misdemeanor offense that is charged as an infraction under these provisions, make all statutory provisions of a misdemeanor offense, including fines or penalties, applicable to the infraction as if the offense were charged as a misdemeanor. The bill would prohibit a misdemeanor charged as an infraction pursuant to these provisions from being punished by imprisonment.

SB 637 **(Allen D) Suction dredge mining: permits.**

Introduced: 2/27/2015

Last Amend: 5/5/2015

Status: 5/23/2015-Set for hearing May 28.

Location: 5/18/2015-S. APPR. SUSPENSE FILE

Summary: Current law prohibits the use of any vacuum or suction dredge equipment by any person in any river, stream, or lake of this state without a permit issued by the Department of Fish and Wildlife. Current law requires the department to issue a permit, if the department determines that the use of a vacuum or suction dredge will not be deleterious to fish, upon the payment of a specified fee. This bill would instead require the department to issue a permit if the department determines that the use does not cause any significant effects on fish and wildlife and would authorize the department to adjust the specified fee to an amount sufficient to cover all reasonable costs of the department in regulating suction dredging activities.

SB 643

(McGuire D) Medical marijuana.

Introduced: 2/27/2015

Last Amend: 5/6/2015

Status: 5/23/2015-Set for hearing May 28.

Location: 5/18/2015-S. APPR. SUSPENSE FILE

Summary: Would establish within the Department of Consumer Affairs a Bureau of Medical Marijuana Regulation, under the supervision and control of the Chief of the Bureau of Medical Marijuana Regulation, and would require the bureau to license and regulate dispensing facilities, cultivation sites, transporters, and manufacturers of medical marijuana and medical marijuana products, subject to local ordinances. The bill would require a background check of applicants for licensure, as defined, to be administered by the Department of Justice, and submission of a statement signed by an applicant, under penalty of perjury, that the information on his or her application is true, thereby creating a crime and imposing a state-mandated local program.

SB 718

(Leno D) Hazardous Materials Response and Restoration Subaccount.

Introduced: 2/27/2015

Last Amend: 5/11/2015

Status: 5/23/2015-Set for hearing May 28.

Location: 5/18/2015-S. APPR. SUSPENSE FILE

Summary: Would authorize the administrator for oil spill response, upon making a specified finding, to loan moneys from the Oil Spill Response Trust Fund to the Hazardous Materials Response and Restoration Subaccount in an amount, not exceeding \$500,000 annually, necessary to reimburse organizations providing wildlife rescue and rehabilitation services for expenses incurred by rescue and rehabilitation operations for wildlife injured by spill events of nonoil materials, thereby making an appropriation. The bill would prohibit the administrator from making a loan if the total amount of moneys made from these loans that has not been repaid exceeds \$2,500,000.

SB 756

(Stone R) California Environmental Quality Act.

Introduced: 2/27/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/19/2015)

Location: 5/15/2015-S. 2 YEAR

Summary: Would state the intent of the Legislature to enact legislation to amend CEQA.

SB 772

(Stone R) Bay Delta Conservation Plan: judicial review.

Introduced: 2/27/2015

Status: 5/15/2015-Failed Deadline pursuant to Rule 61(a)(3). (Last location was RLS. on 3/19/2015)

Location: 5/15/2015-S. 2 YEAR

Summary: Current law imposes requirements on the Department of Water Resources in connection with the preparation of a Bay Delta Conservation Plan. This bill would state the intent of the Legislature to enact legislation establishing judicial review procedures for the Bay Delta Conservation Plan.

SB 788

(McGuire D) California Coastal Protection Act of 2015.

Introduced: 2/27/2015

Last Amend: 5/4/2015

Status: 5/23/2015-Set for hearing May 28.

Location: 5/18/2015-S. APPR. SUSPENSE FILE

Summary: The California Coastal Sanctuary Act of 1994 authorizes the State Lands Commission to enter into a lease for the extraction of oil or gas from state-owned tide and submerged lands in the California Coastal Sanctuary if the commission determines that the oil or gas deposits are being drained by means of producing wells upon adjacent federal lands and the lease is in the best interest of the state. This bill would enact the California Coastal Protection Act of 2015, which would delete this authorization. The bill would make related legislative findings and declarations.

SB 798

(Committee on Natural Resources and Water) Natural resources.

Introduced: 3/18/2015

Last Amend: 5/6/2015

Status: 5/22/2015-In Assembly. Read first time. Held at Desk.

Location: 5/22/2015-A. DESK

Summary: Current law authorizes the Fish and Game Commission to establish, by regulation, an automatic process to conform its sport fishing regulations to federal regulations. This bill would clarify that specified laws relating to administrative regulations and rulemaking do not apply to the conforming action implemented pursuant to the automatic process described above. This bill contains other related provisions and other current laws.

For more information call:

Susan LaGrande, CDFW Deputy Director at (916) 651-6719

Julie Oltmann, CDFW Legislative Representative at (916) 653-9772

Narisha Bonakdar, CDFW Legislative Coordinator at (916) 653-4183

You can also find legislative information on the web at <http://leginfo.legislature.ca.gov/> and follow the prompts to legislation.

Memorandum 2015-20

**Fish and Game Law:
Draft Tentative Recommendation**

The Commission¹ is presently studying the entire Fish and Game Code with the intention of proposing a complete recodification of that code.² Such work requires a comprehensive approach, treating the entire code as a whole. That generally precludes incremental enactment of the recodified law.

However, there are some beneficial changes to the existing code that can be made piecemeal, because they do not depend on reorganization of the entire code. At the February 2014 meeting, the Commission authorized the staff to prepare separate recommendations for the incremental enactment of such improvements.³

The Commission has previously approved the first of such recommendations.⁴ A bill that would implement that recommendation is presently pending before the Legislature.⁵ This memorandum presents a second draft tentative recommendation, proposing additional technical revisions and minor substantive improvements to the existing code.

The Commission should decide whether to approve the draft for circulation and public comment, with or without changes.

Respectfully submitted,

Steve Cohen
Staff Counsel

1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (www.clrc.ca.gov). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

2. See Memorandum 2012-41.

3. See Minutes (Feb. 2014), p. 13.

4. See *Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 1)*, 45 Cal. L. Revision Comm'n Reports 1 (2015); Minutes (Feb. 2015), p. 6.

5. AB 1527 (Committee on Water, Parks, and Wildlife).

CALIFORNIA LAW REVISION COMMISSION

STAFF DRAFT

TENTATIVE RECOMMENDATION

Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 2)

June 2015

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission may consider the comment at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN **September 1, 2015.**

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

California Law Revision Commission
4000 Middlefield Road, Room D-2
Palo Alto, CA 94303-4739
650-494-1335
<commission@clrc.ca.gov>

SUMMARY OF TENTATIVE RECOMMENDATION

The Law Revision Commission is preparing draft legislation to recodify the Fish and Game Code, in order to improve its organization and clarity, remove obsolete or redundant material, and correct technical errors. Because that work will involve the reorganization of the entire code, the recodification legislation will not be ready for presentation to the Legislature until the study is completed.

However, some beneficial changes can be made more quickly. As the larger study proceeds, the Law Revision Commission will make note of technical corrections and minor substantive improvements that can be made to the existing code, without waiting for completion of the entire study. Such improvements will be periodically compiled into recommendations for submission to the Legislature.

This tentative recommendation is the second such proposal. It proposes a largely nonsubstantive modernization and reorganization of provisions of the Fish and Game Code relating to the regulatory authority of the Fish and Game Commission.

This tentative recommendation was prepared pursuant to Resolution Chapter 63 of the Statutes of 2014.

FISH AND GAME LAW: TECHNICAL REVISIONS AND MINOR
SUBSTANTIVE IMPROVEMENTS (PART 2)

1 BACKGROUND

2 In 2010, the Legislature directed the Natural Resources Agency to develop and
3 submit a “strategic vision” for the Fish and Game Commission and what is now
4 the Department of Fish and Wildlife.¹

5 Among other things, the Strategic Vision report recommended that the Law
6 Revision Commission review and recommend “clean-up” of the Fish and Game
7 Code, to “(1) resolve inconsistencies; (2) eliminate redundancies; (3) eliminate
8 unused and outdated code sections; (4) consolidate sections creating parallel
9 systems and processes; and (5) restructure codes to group similar statutes....”²

10 Based on a draft of the Strategic Vision report, Senator Fran Pavley and
11 Assembly Member Jared Huffman (then Chairs of the Senate Natural Resources
12 and Water Committee and the Assembly Water, Parks, and Wildlife Committee)
13 requested that the Law Revision Commission conduct a comprehensive review of
14 the Fish and Game Code, and recommend changes to the Legislature that would
15 “update, clarify, and improve” the code.³

16 Authority to conduct such a study was enacted by concurrent resolution in 2012:

17 [The] Legislature approves for study by the California Law Revision
18 Commission the new topic listed below:

19

20 Whether the Fish and Game Code and related statutory law should be revised to
21 improve its organization, clarify its meaning, resolve inconsistencies, eliminate
22 unnecessary or obsolete provisions, standardize terminology, clarify program
23 authority and funding sources, and make other minor improvements, without
24 making any significant substantive change to the effect of the law[.]⁴

25 Pursuant to that authority, the Law Revision Commission is analyzing the entire
26 Fish and Game Code for the purpose of preparing recodification legislation that
27 would improve the code’s organization and clarity, remove obsolete or redundant
28 material, and correct technical errors. Because that work will involve the
29 reorganization of the entire code, the recodification legislation will not be ready
30 for presentation to the Legislature until the study is completed.

31 However, some beneficial changes can be made more quickly. As the larger
32 study proceeds, the Law Revision Commission has made note of minor

1. 2010 Cal. Stat. ch. 424 (AB 2376 (Huffman)).

2. *California Fish & Wildlife Strategic Vision, Recommendations for Enhancing the State’s Fish and Wildlife Management Agencies* (April 2012), p. A13, Law Revision Commission Staff Memorandum 2012-41, Exhibit p. 45.

3. Law Revision Commission Staff Memorandum 2012-5, Exhibit pp. 32-33.

4. 2012 Cal. Stat. res. ch. 108 (ACR 98 (Wagner)).

1 substantive improvements that can be made to the existing code without waiting
2 for completion of the entire study. Such improvements will be periodically
3 compiled into recommendations for submission to the Legislature.

4 The Law Revision Commission's first such recommendation⁵ has been
5 submitted to the Legislature, and a bill that would implement the recommendation
6 is presently pending.⁶ This tentative recommendation is the Law Revision
7 Commission's second such proposal.

8 The revisions proposed in the tentative recommendation are summarized below.

9 REGULATION OF TAKE AND POSSESSION

10 One of the central functions of the Fish and Game Commission (hereafter,
11 "Commission") is to adopt regulations governing the take and possession of wild
12 animals. General authority to adopt such regulations is granted in Fish and Game
13 Code Section 200, subject to certain express limitations.⁷

14 The article that contains Section 200 (hereafter, "Article 1") also contains a
15 number of provisions that prescribe procedures for Commission rulemaking.⁸

16 Article 1 and most of the sections within it were enacted in 1957, as part of the
17 last recodification of the Fish and Game Code.⁹ Since that time, there have been
18 significant changes in the law, which Article 1 has not been revised to properly
19 reflect. Those changes include:

- 20 (1) The enactment of new provisions that authorize Commission regulation of
21 take or possession in specific circumstances.
- 22 (2) Abandonment of the original procedure prescribed in Article 1 for
23 Commission rulemaking.
- 24 (3) Enactment of the modern Administrative Procedure Act ("APA"),¹⁰ which
25 provides a uniform and comprehensive procedure for state agency
26 rulemaking.

5. *Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 1)*, 45 Cal. L. Revision Comm'n Reports 1 (2015).

6. See AB 1527 (Committee on Water, Parks, and Wildlife).

7. See Fish & Game Code §§ 200 (commercial fishing), 201 (natural resources), 204(d) (spike bucks and spotted fawns).

8. See Fish & Game Code §§ 202 (exemptions from time periods in Administrative Procedure Act provisions), 203 and 205 (subject matter), 203.1 (required considerations), 206, 207, and 220(b) (meeting procedure), 210 and 211 (distribution of regulations), 215 (effective date of regulations), 218 (judicial review), 219 (effect on other code sections) 220(a) (effective time period of regulation).

9. 1957 Cal. Stat. ch. 456.

10. Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. As a state agency, the Fish and Game Commission is required to comply with all applicable procedural provisions of the APA when promulgating regulations, unless expressly exempted by legislation enacted after 1947. Gov't Code § 11346; see also *Voss v. Superior Court*, 46 Cal. App. 4th 900, 909; 54

1 This tentative recommendation proposes to modernize Article 1 and related law,
2 by conforming procedural rules to current practices, and by eliminating obsolete
3 language and distinctions.

4 **Generalized Application of Rulemaking Procedure**

5 When Article 1 was first enacted in 1957, Section 200 provided nearly all of the
6 authority for Commission regulation of take and possession. In accord with that
7 fact, the procedural rules in Article 1 were largely drafted to apply to rulemaking
8 “pursuant to this article” — i.e., pursuant to the article that contained Section 200.
9 Consequently, the rulemaking procedures in Article 1 applied to every regulation
10 adopted by the Commission under its general authority to regulate take and
11 possession.

12 Since 1957, the Legislature has enacted a number of new code sections that
13 authorize the Commission to regulate the take or possession of specific animals, or
14 in specified circumstances. Those provisions have been located in the Fish and
15 Game Code near the subjects to which they relate, and not in Article 1. For
16 example, in 1986 the Legislature enacted Fish and Game Code Section 4902,
17 authorizing the Commission to regulate Nelson Bighorn Sheep.¹¹ That provision is
18 located in the Fish and Game Code among other provisions governing specific
19 mammals, rather than in Article 1.

20 This placement of new rulemaking authority outside of Article 1 creates
21 potential for confusion.

22 By their terms, the procedural provisions of Article 1 apply to rulemaking
23 “pursuant to this article,” i.e., pursuant to the general authority conferred by
24 Section 200. So, when the Commission regulates Nelson Bighorn Sheep pursuant
25 to Section 4902, is it subject to the procedural provisions in Article 1? A literal
26 reading of the Article 1 provisions would suggest that it is not.

27 But Nelson Bighorn Sheep are mammals. As such, one could also argue that a
28 regulation of Nelson Bighorn Sheep is concurrently authorized by Section 200. In
29 which case, the regulation would be subject to the procedures in Article 1.

30 The Law Revision Commission sees no policy reason to distinguish between the
31 regulation of wild animals generally, and the regulation of those same animals
32 specifically, with regard to the rulemaking procedures provided in Article 1. To
33 the contrary, it seems likely that the Legislature intended for the procedures in
34 Article 1 to apply to nearly every Commission regulation of take or possession (as
35 was the case when those procedural provisions were enacted). The later decisions
36 to locate more specific grants of regulatory authority (like Section 4902) according
37 to subject matter were likely driven only by organizational concerns, rather than

Cal. Rptr. 2d 225 (1996). However, the APA specifies only a “floor” of regulatory procedure, and agencies may be subjected to additional regulatory responsibilities as the Legislature provides.

11. See, e.g., Fish & Game Code § 4902(a).

1 an intention to exclude those grants of authority from general rulemaking
2 procedures.

3 The proposed legislation would therefore generalize the rulemaking procedures
4 in Article 1 so that they would apply to all Commission regulations governing take
5 or possession of wild animals, with one exception.¹² The procedures would not
6 apply to matters that are expressly excluded from the general rulemaking authority
7 provided in Section 200.¹³ Those exclusions were enacted together with the
8 rulemaking procedures, creating a strong inference that the Legislature intended to
9 exclude those matters from the procedures that governed rulemaking under
10 Section 200. Out of caution, the proposed legislation would not disturb that
11 inference.

12 **The Commission invites public comment on whether that is the correct**
13 **result.**

14 **Modernization of Procedure for Conducting Rulemaking at Public Meetings**

15 As originally enacted, Article 1 required the Commission to conduct its
16 rulemaking according to a fixed calendar. At its January and February meetings it
17 was to adopt regulations governing fish, amphibians, and reptiles, and at its April
18 and May meetings regulations governing birds and mammals.¹⁴

19 Over time, that calendaring approach was abandoned and replaced with a more
20 relaxed requirement that the Commission adopt regulations at a series of no fewer
21 than three public meetings.¹⁵ However, the procedure specified for the conduct of
22 those meetings is fairly loose, and is not well-coordinated with existing
23 requirements of the APA.

24 The proposed legislation would revise the existing meeting provision in Article
25 1 to make it fully consistent with the Commission's current practice and the
26 requirements of the APA.¹⁶

27 The proposed legislation would also repeal Fish and Game Code Section 220(b).
28 That provision gave the Commission flexibility to deviate from the former
29 statutory rulemaking calendar based on new information presented in the interval
30 between scheduled rulemaking meetings. With the abandonment of the calendared
31 meetings, that flexibility is no longer required.

12. See proposed Fish & Game Code § 250.

13. See note 7, *supra*.

14. See 1957 Cal. Stat. ch. 456, §§ 206-213.

15. See Fish & Game Code § 207.

16. See proposed Fish & Game Code § 255. See also Gov't Code §§ 11346.2, 11346.4, 11346.5, 11346.8, 11346.9.

1 **Continuity of Regulations Adopted Pursuant to Section 200**

2 When Article 1 was first enacted, it included Section 221. Section 221 was a
3 “sunset provision,” providing for the repeal of Article 1, by operation of law, on a
4 specified date.¹⁷

5 To account for that possible repeal, Article 1 also contained Section 250.¹⁸
6 Section 250 provides that in the event of a repeal of Article 1, any existing
7 regulation that had been adopted pursuant to that article would remain in effect
8 after the repeal.

9 In the years following the enactment of Article 1, Section 221 was repeatedly
10 amended to extend its sunset date.¹⁹ In 2001, Section 221 was finally repealed.²⁰
11 As a result, the Commission’s general rulemaking authority under Article 1 is no
12 longer subject to a sunset provision, and there is no need for the special continuity
13 rule provided in Section 250.

14 The proposed legislation would therefore repeal Section 250.

15 **Other Obsolete or Misplaced Provisions**

16 The proposed legislation would also repeal or amend other Fish and Game Code
17 provisions, to remove obsolete language and distinctions.²¹ Other provisions
18 would be relocated, to better reflect their function.²²

19 **Conforming Revisions**

20 The proposed legislation would also make conforming revisions as necessary to
21 accommodate the changes described above.²³

22 **EXTRAORDINARY RULEMAKING POWER**

23 Fish and Game Code Section 219 authorizes the Commission to adopt a
24 regulation that supersedes statutory law. This power applies in either of the
25 following circumstances:

17. See 1957 Cal. Stat. ch. 456, § 221.

18. See 1957 Cal. Stat. ch. 456, § 250.

19. See 1957 Cal. Stat. ch. 1549, 1959 Cal. Stat. ch. 1568, 1961 Cal. Stat. ch. 1245, 1963 (1st Ex. Sess.) Cal. Stat. ch. 7, 1965 Cal. Stat. ch. 748, 1969 Cal. Stat. ch. 110, 1973 Cal. Stat. ch. 723, 1975 Cal. Stat. ch. 1083, 1979 Cal. Stat. ch. 1076, 1984 Cal. Stat. ch. 229, 1989 Cal. Stat. ch. 564, 1994 Cal. Stat. ch. 935, 1999 Cal. Stat. ch. 483.

20. See 2001 Cal. Stat. ch. 398.

21. See proposed repeal of Fish & Game Code §§ 215, 218, and 300.

22. Fish and Game Code Section 206 would be relocated with other Fish and Game Commission organizational provisions, as Section 110. Fish and Game Code Sections 205.1, 217.5, and 217.6 would be relocated to a new article among other general sport fishing provisions. See proposed Fish & Game Code §§ 7110 and 7115.

23. See proposed revisions to Fish & Game Code §§ 460 and 7120, Gov’t Code § 11343.4, and Health & Safety Code § 131052.

1 (a) The regulation is necessary for the protection of fish, wildlife, and other
2 natural resources under the jurisdiction of the commission.

3 (b) The commission determines that an emergency exists or will exist unless the
4 action is taken. An emergency exists if there is an immediate threat to the public
5 health, safety, and welfare, or to the population or habitat of any species.²⁴

6 To exercise the power, the Commission must designate the superseded statute by
7 number in the regulation, and provide a written finding consistent with the
8 standards set out above. A regulation adopted pursuant to Section 219 may remain
9 in effect for no more than 12 months.²⁵

10 The Law Revision Commission is not recommending any change to Section 219
11 at this time. **However, public comment on the legal and policy justification for**
12 **the extraordinary power granted by Section 219 is invited.**

13 REQUEST FOR COMMENT

14 The Law Revision Commission requests public comment on all proposed
15 revisions included in this tentative recommendation.

24. Fish & Game Code § 219.

25. *Id.*

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PROPOSED LEGISLATION

FISH AND GAME CODE

1 **Heading of Chapter 2 (commencing with Section 200) (amended)**

2 SEC. _____. The heading of Chapter 2 of Division 1 of the Fish and Game Code is
3 amended to read:

4 CHAPTER 2. ~~GENERAL REGULATORY POWERS~~ REGULATION
5 OF TAKE AND POSSESSION GENERALLY

6 **Heading of Article 1 (commencing with Section 200) (amended)**

7 SEC. _____. The heading of Article 1 of Chapter 2 of Division 1 of the Fish and
8 Game Code is amended to read:

9 Article 1. ~~Regulations~~ Authority

10 **Fish & Game Code § 200 (amended). General authority**

11 SEC. _____. Section 200 of the Fish and Game Code is amended to read:

12 200. (a) There is hereby delegated to the commission the power to regulate the
13 taking or possession of birds, mammals, fish, ~~amphibia~~ amphibians, and reptiles ~~to~~
14 ~~the extent and in the manner prescribed in this article.~~

15 (b) No power is delegated to the commission by this ~~article~~ section to regulate
16 ~~the any of the following:~~

17 (1) ~~The taking, possessing, processing, or use of fish, amphibia amphibians,~~
18 ~~kelp, or other aquatic plants for commercial purposes, and no provision of this~~
19 ~~code relating or applying thereto, nor any regulation of the commission made~~
20 ~~pursuant to such provision, shall be affected by this article or any regulation made~~
21 ~~under this article.~~

22 (2) Any natural resource or activity connected with a natural resource.

23 (3) The taking or possession of a spike buck or spotted fawn. "Spotted fawn"
24 means a deer one year of age or less that has spotted pelage. "Spike buck" means a
25 male deer with unbranched antlers on both sides that are more than three inches in
26 length.

27 (c) This section and any regulations adopted pursuant to this section have no
28 effect on any provision of this code or any regulation adopted pursuant to this code
29 that relates to a matter described in paragraph (1) of subdivision (b).

30 **Comment.** Section 200 is amended to delete a reference to the "extent and manner" of
31 regulations. Rules formerly located in this article have been repealed or relocated. See Sections
32 250-285 (procedure).

33 The section is also amended to add subdivision and paragraph designations, and make other
34 nonsubstantive changes.

- 1 Subdivision (a) restates the first paragraph of Section 200.
- 2 Subdivision (b)(1) continues the first part of the second paragraph of Section 200 without
- 3 substantive change.
- 4 Subdivision (b)(2) continues former Section 201 without substantive change.
- 5 Subdivision (b)(3) continues former Section 204(d) without substantive change.
- 6 Subdivision (c) restates the second part of the second paragraph of Section 200 without
- 7 substantive change.

8 **Fish & Game Code § 219 (unchanged). Superseding of statute**

9 219. Any regulation adopted pursuant to this article may supersede any section
10 of this code designated by number in the regulation, but shall do so only to the
11 extent specifically provided in the regulation. A regulation which is adopted
12 pursuant to this section shall be valid only to the extent that it makes additions,
13 deletions, or changes to this code under one of the following circumstances:

14 (a) The regulation is necessary for the protection of fish, wildlife, and other
15 natural resources under the jurisdiction of the commission.

16 (b) The commission determines that an emergency exists or will exist unless the
17 action is taken. An emergency exists if there is an immediate threat to the public
18 health, safety, and welfare, or to the population or habitat of any species.

19 A regulation which is adopted pursuant to this section shall be supported by
20 written findings adopted by the commission at the time of the adoption of the
21 regulation setting forth the basis for the regulation.

22 A regulation adopted pursuant to this section shall remain in effect for not more
23 than 12 months from its effective date.

24 **Note.** For the most part, this tentative recommendation proposes to generalize the rulemaking
25 procedures that currently apply when the Fish and Game Commission regulates pursuant to the
26 authority delegated by Section 200. The generalized procedures would apply to any regulation of
27 take or possession of any bird, mammal, fish, amphibian, or reptile (with the exception of
28 regulation of the matters excluded from Section 200).

29 This tentative recommendation does not propose to generalize Section 219 (which is set out
30 above for reference purposes only). Section 219 purports to grant the Fish and Game Commission
31 the extraordinary power to adopt regulations that supersede statutes. The Law Revision
32 Commission has not yet reached any conclusion about the legal or policy merits of Section 219
33 and so is not prepared to recommend any amendment that would affect its scope of application.

34 **The Law Revision Commission invites public comment on whether Section 219 should be**
35 **generalized or otherwise reformed.**

36 **Fish & Game Code §§ 250-285 (added). Special rulemaking procedures**

37 SEC. ____ . Article 2 of Chapter 2 of Division 1 is added to the Fish and Game
38 Code, to read:

1 Article 2. Procedure

2 **§ 250. Application of article**

3 250. (a) Except as provided in subdivision (b), this article applies to a
4 commission regulation that governs the take or possession of any bird, mammal,
5 fish, amphibian, or reptile.

6 (b) This article does not apply to a regulation on a matter described in
7 subdivision (b) of Section 200.

8 (c) Except as expressly provided, this article does not supersede any other
9 applicable law that governs the adoption, amendment, or repeal of a regulation.

10 **Comment.** Section 250 is new. It makes clear that this article applies to any Fish and Game
11 Commission regulation that governs the take or possession of any bird, mammal, fish, amphibian,
12 or reptile, except for a regulation that falls within the scope of Section 200(b). For example,
13 rulemaking under Section 331 (take of antelope) is governed by this article, because it governs
14 the take of a mammal and is not described by Section 200(b). By contrast, rulemaking under
15 Section 8213 (sale of salmon) is not governed by this article, because regulation of the
16 commercial take of fish is described by Section 200(b).

17 Subdivision (c) makes clear that, except as expressly indicated (see, e.g., Section 265), the
18 rules in this article do not displace any other law that governs commission rulemaking. Other law
19 may impose additional requirements, either in specific circumstances or generally. See, e.g.,
20 Sections 307 (animal scarcity), 325-327 (animal surplus); Gov't Code § 11340 *et seq.* (general
21 state agency rulemaking procedure).

22 **§ 255. General rulemaking procedure**

23 255. (a) When adopting, amending, or repealing a regulation governed by this
24 article, the commission shall conduct the following steps at separate public
25 meetings:

26 (1) Approve the submission of a notice of proposed action to the Office of
27 Administrative Law.

28 (2) Consider public comment on the proposed action. The department shall
29 participate in this process by reviewing and responding to all public comment.

30 (3) Make a final decision on the proposed action.

31 (b) The meetings required by this section may be regular or special meetings.

32 (c) The meetings required by this section shall be duly noticed to the public in
33 accordance with subdivision (c) of Section 110 and the Administrative Procedure
34 Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
35 Title 2 of the Government Code).

36 (d) Within 45 days after the Commission makes a final decision to adopt,
37 amend, or repeal a regulation governed by this article, the department shall publish
38 and distribute the regulation to each county clerk, each district attorney, and each
39 judge of the superior court in the state.

40 **Comment.** Subdivisions (a) through (c) of Section 255 restate and generalize the provisions of
41 former Section 207(a)-(d) to conform to the rulemaking procedures of the Administrative
42 Procedure Act. See Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title
43 2 of the Government Code. Language requiring the Commission to “receive recommendations for

1 regulations” is obsolete and has not been continued. See Gov’t Code § 11340.6 (public
2 submission of rulemaking proposals).

3 Subdivision (d) combines and generalizes former Section 207(e) and 210(a).

4 **§ 260. Distribution of regulations**

5 260. (a) The commission and the department may do anything that is deemed
6 necessary and proper to publicize and distribute a regulation governed by this
7 article so that persons likely to be affected will be informed of them. The failure of
8 the commission to provide any notice of a regulation governed by this article,
9 beyond what is required by Chapter 3.5 (commencing with Section 11340) of Part
10 1 of Division 3 of Title 2 of the Government Code, shall not impair the validity of
11 the regulations.

12 (b) Notwithstanding any other provision of law, the commission and the
13 department may contract with private entities to print regulations governed by this
14 article, and other public information. The printing contract shall include criteria to
15 ensure that the public information provided in the publication is easy to reference,
16 read, and understand.

17 (c) Printing contracts authorized by this section for which no state funds are
18 expended are not subject to Chapter 2 (commencing with Section 10290) of Part 2
19 of Division 2 of the Public Contract Code, except for Article 2 (commencing with
20 Section 10295) of Chapter 2.

21 (d) Material printed pursuant to subdivision (b) that contains advertisements
22 shall meet all specifications prescribed by the department. The printed material
23 shall not contain advertisements for tobacco products, alcohol, firearms and
24 devices prohibited pursuant to Section 32625 of the Penal Code, Article 2
25 (commencing with Section 30600) of Chapter 2 of Division 10 of Title 4 of Part 6
26 of the Penal Code, or any provision listed in Section 16590 of the Penal Code, or
27 firearms not authorized by the commission as a legal method of sport-hunting,
28 political statements, solicitations for membership in organizations, or any other
29 statement, solicitation, or product advertisement that is in conflict with the
30 purposes for which the material is produced, as determined by the commission.

31 (e) Neither the department nor the commission shall contract with private
32 entities to print the materials described in subdivision (b) if the letting of those
33 contracts will result in the elimination of civil service positions.

34 (f) The department or the license agent may give a copy of the current applicable
35 published regulations governed by this article to each person issued a license, at
36 the time the license is issued.

37 **Comment.** Section 260 restates former Sections 210(b)-(d) and 211.

38 **§ 265. Exemption from time requirements**

39 265. A regulation governed by this article is not subject to the time periods for
40 the adoption, amendment, or repeal of a regulation prescribed in Sections 11343.4,
41 11346.4, 11346.8, and 11347.1 of the Government Code.

42 **Comment.** Section 265 generalizes the second sentence of former Section 202.

1 comes first. Meeting locations shall be accessible to the public and located
2 throughout the state. To the extent feasible, meetings shall be held in state
3 facilities. In setting the dates and locations for regular meetings, the commission
4 shall also consider the following factors:

5 (1) Recommendations of the department.

6 (2) Opening and closing dates of fishing and hunting seasons.

7 (3) The schedules of other state and federal regulatory agencies whose
8 regulations affect the management of fish and wildlife of this state.

9 (c) The commission shall cause the notice of the schedule for regular meetings,
10 and notice of any change in the date and location of a meeting, to be disseminated
11 to the public in a manner that will result in broad dissemination and that complies
12 with the Administrative Procedure Act (Chapter 3.5 (commencing with Section
13 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

14 **Comment.** Section 110 continues former Section 206 without change.

15 **Fish & Game Code § 201 (repealed). No regulation of natural resources**

16 SEC. _____. Section 201 of the Fish and Game Code is repealed.

17 ~~201. Nothing in this article confers upon the commission any power to regulate~~
18 ~~any natural resources or commercial or other activity connected therewith, except~~
19 ~~as specifically provided.~~

20 **Comment.** Former Section 201 is continued by Section 200(c).

21 **Fish & Game Code § 202 (repealed). Procedure**

22 SEC. _____. Section 202 of the Fish and Game Code is repealed.

23 ~~202. The commission shall exercise its powers under this article by regulations~~
24 ~~made and promulgated pursuant to this article. Regulations adopted pursuant to~~
25 ~~this article shall not be subject to the time periods for the adoption, amendment, or~~
26 ~~repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8, and~~
27 ~~11347.1 of the Government Code.~~

28 **Comment.** The second sentence of former Section 202 is continued by Section 265.

29 **Fish & Game Code § 203 (repealed). Scope of regulation**

30 SEC. _____. Section 203 of the Fish and Game Code is repealed.

31 ~~203. Any regulation of the commission pursuant to this article relating to~~
32 ~~resident game birds, game mammals and, fur bearing mammals may apply to all~~
33 ~~or any areas, districts, or portions thereof, at the discretion of the commission, and~~
34 ~~may do any or all of the following as to any or all species or subspecies:~~

35 ~~(a) Establish, extend, shorten, or abolish open seasons and closed seasons.~~

36 ~~(b) Establish, change, or abolish bag limits and possession limits.~~

37 ~~(c) Establish and change areas or territorial limits for their taking.~~

38 ~~(d) Prescribe the manner and the means of taking.~~

39 ~~(e) Establish, change, or abolish restrictions based upon sex, maturity, or other~~
40 ~~physical distinctions.~~

1 **Comment.** Former Section 203 is continued by Section 280.

2 **Fish & Game Code § 203.1 (repealed). Considerations**

3 SEC. _____. Section 203.1 of the Fish and Game Code is repealed.

4 ~~203.1. When adopting regulations pursuant to Section 203, the commission shall~~
5 ~~consider populations, habitat, food supplies, the welfare of individual animals, and~~
6 ~~other pertinent facts and testimony.~~

7 **Comment.** Former Section 203.1 is continued by Section 285.

8 **Fish & Game Code § 204 (amended). Limitation of authority**

9 SEC. _____. Section 204 of the Fish and Game Code is repealed.

10 ~~204. The commission has no power under this article to make any regulation~~
11 ~~authorizing or permitting the taking of:~~

12 ~~(a) Any bird or mammal in any refuge heretofore or hereafter established by~~
13 ~~statute, the taking or possession of which shall be regulated pursuant to Sections~~
14 ~~10500 to 10506, inclusive.~~

15 ~~(b) Elk, the taking or possession of which shall be regulated pursuant to Section~~
16 ~~332.~~

17 ~~(c) Antelope, the taking or possession of which shall be regulated pursuant to~~
18 ~~Section 331.~~

19 ~~(d) Any a spike buck or spotted fawn. "Spotted fawn" means a young deer born~~
20 ~~that year which has spotted pelage. "Spike buck" means a male deer with~~
21 ~~unbranched antlers on both sides which are more than three inches in length.~~

22 ~~Any regulation establishing a season to compensate for closure of an area due to~~
23 ~~extreme fire hazard shall be made pursuant to Section 306.~~

24 ~~Any regulation setting a special hunting season for mammals, except deer, or~~
25 ~~game birds which have increased in number to such an extent that a surplus exists~~
26 ~~or which are damaging property or are overgrazing their range shall be made~~
27 ~~pursuant to Section 325.~~

28 **Comment.** Former Section 204(d) is continued by Section 200(b)(3). The remainder of former
29 Section 204 is superfluous and is not continued. See Sections 306, 325, 331, 332, and 10500 to
30 10506.

31 **Fish & Game Code § 205 (repealed). Scope of regulations**

32 SEC. _____. Section 205 of the Fish and Game Code is repealed.

33 ~~205. Any regulation of the commission pursuant to this article which relates to~~
34 ~~fish, amphibia, and reptiles, may apply to all or any areas, districts, or portion~~
35 ~~thereof, at the discretion of the commission, and may do any or all of the~~
36 ~~following as to any or all species or subspecies:~~

37 ~~(a) Establish, extend, shorten, or abolish open seasons and closed seasons.~~

38 ~~(b) Establish, change, or abolish bag limits, possession limits, and size limits.~~

39 ~~(c) Establish and change areas or territorial limits for their taking.~~

40 ~~(d) Prescribe the manner and the means of taking.~~

41 **Comment.** Former Section 205 is continued by Section 280.

1 **Fish & Game Code § 205.1 (repealed). Automatic process to conform sport fishing**
2 **regulations**

3 SEC. _____. Section 205.1 of the Fish and Game Code is repealed.

4 ~~205.1. (a) The commission may establish by regulation an automatic process to~~
5 ~~conform its sport fishing regulations to federal regulations.~~

6 ~~(b) The department shall provide public notice of any conforming action~~
7 ~~implemented pursuant to this section.~~

8 **Comment.** Former Section 205.1 is continued by Section 7110.

9 **Fish & Game Code § 206 (repealed). Meetings**

10 SEC. _____. Section 206 of the Fish and Game Code is repealed.

11 ~~206. (a) The commission shall hold no fewer than eight regular meetings per~~
12 ~~calendar year, if the commission has adequate funding for related travel, including~~
13 ~~funding for department travel. The commission may also hold special meetings or~~
14 ~~hearings to receive additional input from the department and the public.~~

15 ~~(b) The commission shall announce the dates and locations of meetings for the~~
16 ~~year by January 1 of that year, or 60 days prior to the first meeting, whichever~~
17 ~~comes first. Meeting locations shall be accessible to the public and located~~
18 ~~throughout the state. To the extent feasible, meetings shall be held in state~~
19 ~~facilities. In setting the dates and locations for regular meetings, the commission~~
20 ~~shall also consider the following factors:~~

21 ~~(1) Recommendations of the department.~~

22 ~~(2) Opening and closing dates of fishing and hunting seasons.~~

23 ~~(3) The schedules of other state and federal regulatory agencies whose~~
24 ~~regulations affect the management of fish and wildlife of this state.~~

25 ~~(c) The commission shall cause the notice of the schedule for regular meetings,~~
26 ~~and notice of any change in the date and location of a meeting, to be disseminated~~
27 ~~to the public in a manner that will result in broad dissemination and that complies~~
28 ~~with the Administrative Procedure Act (Chapter 3.5 (commencing with Section~~
29 ~~11340) of Part 1 of Division 3 of Title 2 of the Government Code).~~

30 **Comment.** Former Section 206 is continued without change by Section 110.

31 **Fish & Game Code § 207 (repealed). General rulemaking procedure**

32 SEC. _____. Section 207 of the Fish and Game Code is repealed.

33 ~~207. (a) Except for emergency regulations, the commission shall consider and~~
34 ~~adopt regulations pursuant to Sections 203 and 205 at a series of no fewer than~~
35 ~~three meetings. These meetings may be regular or special meetings that are duly~~
36 ~~noticed to the public in accordance with subdivision (c) of Section 206 and the~~
37 ~~Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of~~
38 ~~Part 1 of Division 3 of Title 2 of the Government Code).~~

39 ~~(b) At the first meeting, the commission shall receive recommendations for~~
40 ~~regulations from its own members and staff, the department, other public agencies,~~
41 ~~and the public.~~

1 ~~(c) At the second meeting, the commission shall devote time for open public~~
2 ~~discussion of proposed regulations presented at the first meeting. The department~~
3 ~~shall participate in this discussion by reviewing and presenting its findings~~
4 ~~regarding each regulation proposed by the public and by responding to objections~~
5 ~~raised pertaining to its proposed regulations. After considering the public~~
6 ~~discussion, the commission shall announce, prior to adjournment of the meeting,~~
7 ~~the regulations it intends to add, amend, or repeal.~~

8 ~~(d) At the third meeting, the commission may choose to hear additional public~~
9 ~~discussion regarding the regulations it intends to adopt. At the meeting, the~~
10 ~~commission shall add, amend, or repeal regulations relating to any~~
11 ~~recommendation received at the initial meeting it deems necessary to preserve,~~
12 ~~properly utilize, and maintain each species or subspecies.~~

13 ~~(e) Within 45 days after adoption, the department shall publish and distribute~~
14 ~~regulations adopted pursuant to this section.~~

15 **Comment.** Former Section 207 is generally restated in Section 255.

16 **Fish & Game Code § 210 (repealed). Distribution of regulations**

17 SEC. ____ . Section 210 of the Fish and Game Code is repealed.

18 ~~210. (a) The commission shall provide copies of the regulations added,~~
19 ~~amended, or repealed pursuant to subdivision (e) of Section 206, subdivision (e) of~~
20 ~~Section 207, and subdivision (d) of Section 208 to each county clerk, each district~~
21 ~~attorney, and each judge of the superior court in the state.~~

22 ~~(b) The commission and the department may do anything that is deemed~~
23 ~~necessary and proper to publicize and distribute regulations so that persons likely~~
24 ~~to be affected will be informed of them. The failure of the commission to provide~~
25 ~~any notice of its regulations, other than by filing them in accordance with Section~~
26 ~~215, shall not impair the validity of the regulations.~~

27 ~~(c) The department or the license agent may give a copy of the current~~
28 ~~applicable published regulations to each person issued a license at the time the~~
29 ~~license is issued.~~

30 ~~(d) Notwithstanding any other provision of law, the commission and the~~
31 ~~department may contract with private entities to print regulations and other~~
32 ~~regulatory and public information. Printing contracts authorized by this~~
33 ~~subdivision and for which no state funds are expended are not subject to Chapter 2~~
34 ~~(commencing with Section 10290) of Part 2 of Division 2 of the Public Contract~~
35 ~~Code, except for Article 2 (commencing with Section 10295) of Chapter 2.~~

36 **Comment.** Former Section 210(a) is continued by Section 255(d).

37 Former Section 210(b)-(d) is continued by Section 260.

38 **Fish & Game Code § 211 (repealed). Printing of regulations**

39 SEC. ____ . Section 211 of the Fish and Game Code is repealed.

40 ~~211. (a) Material printed pursuant to subdivision (d) of Section 210 that contains~~
41 ~~advertisements shall meet all specifications prescribed by the department. The~~

1 ~~printed material shall not contain advertisements for tobacco products, alcohol,~~
2 ~~firearms and devices prohibited pursuant to Section 32625 of the Penal Code,~~
3 ~~Article 2 (commencing with Section 30600) of Chapter 2 of Division 10 of Title 4~~
4 ~~of Part 6 of the Penal Code, or any provision listed in Section 16590 of the Penal~~
5 ~~Code, or firearms not authorized by the commission as a legal method of sport-~~
6 ~~hunting, political statements, solicitations for membership in organizations, or any~~
7 ~~other statement, solicitation, or product advertisement that is in conflict with the~~
8 ~~purposes for which the material is produced, as determined by the commission.~~
9 ~~The printing contract shall include criteria to ensure that the public information~~
10 ~~provided in the publication is easy to reference, read, and understand.~~

11 ~~(b) Neither the department nor the commission shall contract with private~~
12 ~~entities to print the materials described in subdivision (d) of Section 210 if the~~
13 ~~letting of those contracts will result in the elimination of civil service positions.~~

14 **Comment.** Former Section 211 is continued by Section 260.

15 **Fish & Game Code § 215 (repealed). Filing of regulations**

16 SEC. ____ . Section 215 of the Fish and Game Code is repealed.

17 ~~215. Every regulation of the commission made pursuant to this article shall be~~
18 ~~filed with the Secretary of State, and shall become effective at the time specified~~
19 ~~therein, but not sooner than the date of the filing.~~

20 **Comment.** The second clause of former Section 215 (effective date of regulation) is continued
21 by Section 270.

22 The first clause of former Section 215 (required filing of regulation with Secretary of State) is
23 superfluous and not continued. See Gov't Code § 11343.

24 **Fish & Game Code § 217.5 (repealed). Persons with disabilities**

25 SEC. ____ . Section 215 of the Fish and Game Code is repealed.

26 ~~217.5. (a) The department shall identify property it owns or manages that~~
27 ~~includes areas for sport fishing which are accessible to disabled persons.~~

28 ~~(b) Commencing with the booklet of sport fishing regulations published by the~~
29 ~~commission in 1986, the availability of sport fishing areas, identified by the~~
30 ~~department as accessible to disabled persons under subdivision (a), shall be noted~~
31 ~~in the booklet of regulations, together with telephone numbers and instructions for~~
32 ~~obtaining a list of those areas from regional department offices.~~

33 **Comment.** Former Section 217.5 is continued by Section 7115(a)-(b).

34 **Fish & Game Code § 217.6 (repealed). Human health advisories**

35 SEC. ____ . Section 215 of the Fish and Game Code is repealed.

36 ~~217.6. Commencing with the booklet of sportfishing regulations published in~~
37 ~~1987, the booklet shall also contain any human health advisories relating to fish~~
38 ~~which are formally issued by the State Department of Health Services or~~
39 ~~summaries of those human health advisories. The summaries shall be prepared in~~
40 ~~consultation with the State Department of Health Services.~~

41 **Comment.** Former Section 217.6 is continued by Section 7115(c).

1 **Fish & Game Code § 218 (repealed). Judicial review**

2 ~~218. Any regulation of the commission made pursuant to this article shall be~~
3 ~~subject to review in accordance with law by any court of competent jurisdiction.~~

4 **Comment.** Former Section 218 is obsolete and is not continued. See Gov't Code § 11350.

5 **Fish & Game Code § 220 (repealed). Special rules**

6 SEC. _____. Section 220 of the Fish and Game Code is repealed.

7 ~~220. (a) Any regulation of the commission added or amended pursuant to this~~
8 ~~article shall remain in effect for the period specified therein or until superseded by~~
9 ~~subsequent regulation of the commission or by statute.~~

10 ~~(b) Notwithstanding this article, the commission may add, amend, or repeal~~
11 ~~regulations at any regular or special meeting if facts are presented to the~~
12 ~~commission which were not presented at the time the original regulations were~~
13 ~~adopted and if the commission determines that those regulations added, amended,~~
14 ~~or repealed are necessary to provide proper utilization, protection, or conservation~~
15 ~~of fish and wildlife species or subspecies.~~

16 **Comment.** Former Section 220(a) is continued without substantive change by Section 275.
17 Former Section 220(b) is obsolete and is not continued.

18 **Fish & Game Code § 240 (repealed). Emergency regulations**

19 SEC. _____. Article 1.5 of Chapter 2 of Division 1 of the Fish & Game Code is
20 repealed.

21 **Comment.** Former Section 240 is continued by Section 399.

22 **Fish & Game Code § 250 (repealed). Continuance of regulations**

23 SEC. _____. Article 2 of Chapter 2 of Division 1 of the Fish & Game Code is
24 repealed.

25 **Comment.** Former Section 250 is repealed as obsolete. Section 250 was originally enacted
26 when the Fish and Game Commission's authority to regulate the take and possession of wildlife
27 was subject to a series of sunset provisions set forth in Section 221. See 1957 Cal. Stat. ch. 456,
28 1957 Cal. Stat. ch. 1549, 1959 Cal. Stat. ch. 1568, 1961 Cal. Stat. ch. 1245, 1963 (1st Ex. Sess.)
29 Cal. Stat. ch. 7, 1965 Cal. Stat. ch. 748, 1969 Cal. Stat. ch. 110, 1973 Cal. Stat. ch. 723, 1975 Cal.
30 Stat. ch. 1083, 1979 Cal. Stat. ch. 1076, 1984 Cal. Stat. ch. 229, 1994 Cal. Stat. ch. 935, 1999
31 Cal. Stat. ch. 483.

32 The purpose of Section 250 was to provide for the continuity of adopted regulations in the
33 event that the Fish and Game Commission's rulemaking authority were to be repealed by
34 operation of law. That possibility is no longer a concern, as Section 221 was itself repealed in
35 2001. See 2001 Cal. Stat. ch. 398.

36 **Fish & Game Code § 300 (repealed). Filing with Secretary of State**

37 SEC. _____. Section 300 of the Fish and Game Code is repealed.

38 ~~300. Any regulation issued under any subsequent provisions of this code shall be~~
39 ~~filed with the Secretary of State, as required by Chapter 4 (commencing with~~
40 ~~Section 11370), Part 1, Division 3, Title 2, of the Government Code.~~

41 **Comment.** Former Section 300 is superfluous and is not continued. See Gov't Code § 11343.

1 **Fish & Game Code § 399 (added). Emergency regulations**

2 SEC. _____. Chapter 3.5 is added to Division 1 of the Fish and Game Code, to
3 read:

4 CHAPTER 3.5. EMERGENCY REGULATIONS

5 **§ 399. Emergency regulations**

6 399. Notwithstanding any other provision of this code, the commission, when
7 adopting, amending, or repealing a regulation pursuant to authority vested in it by
8 this code, may, after at least one hearing, adopt, amend, or repeal that regulation
9 pursuant to Section 11346.1 of the Government Code, if it makes either of the
10 following findings:

11 (a) That the adoption, amendment, or repeal is necessary for the immediate
12 conservation, preservation, or protection of birds, mammals, fish, amphibians, or
13 reptiles, including, but not limited to, their nests or eggs.

14 (b) That the adoption, amendment, or repeal is necessary for the immediate
15 preservation of the public peace, health and safety, or general welfare.

16 **Comment.** Section 399 restates former Section 240(a) without substantive change, except to
17 add a reference to amphibians.

18 Former Section 240(b) is redundant and is not continued. See Gov't Code Sections
19 11346.1(a)(1) & 11349.6 (review of proposed emergency regulation).

20 **Fish & Game Code § 460 (amended). Recommendations relating to deer**

21 SEC. _____. Section 460 of the Fish and Game Code is amended to read:

22 460. Prior to ~~the February~~ each meeting of the commission ~~as required in at~~
23 which the commission considers the regulation of deer and takes action pursuant
24 to paragraph (1) of subdivision (a) of Section 207 255, the department shall
25 recommend to the commission those deer herd units to be placed under a general
26 deer hunting season. At the same time, the department shall recommend to the
27 commission, subject to the provisions of Sections 458 and 459, whether any
28 antlerless deer should be taken and in what deer herd units antlerless deer are to be
29 taken. If in the judgment of the department there are deer herd units in which
30 hunting pressure would adversely affect the deer herd, impair the hunting
31 experience, or endanger the public safety, the department shall also recommend to
32 the commission those deer herd units where hunter numbers should be restricted
33 and which should be removed from the general deer hunting season designation.
34 The department shall inform the commission of the condition of each deer herd
35 unit. Upon receipt of the recommendations and information required in this
36 section, the commission shall make that material known to the public and its
37 determinations regarding proposed regulations. The recommendations of the
38 department shall, in accordance with the provisions of Sections 458 and 459,
39 include the number, if any, of antlerless deer that should be taken in deer herd

1 units, whether the permits should be either-sex permits, the proposed dates for the
2 taking, and the number of permits proposed for each deer herd unit. At the same
3 time, the department shall recommend the establishment of any hunter-restricted
4 quota units, if needed, and the number of the quota and manner in which the quota
5 permits should be issued.

6 **Comment.** Section 460 is amended to correct an obsolete cross-reference.

7 **Fish & Game Code §§ 7110-7115 (added). Sport fishing regulations**

8 SEC. _____. Article 1.5 is added to Chapter 1 of Part 2 of Division 6 of the Fish &
9 Game Code, to read:

10 Article 1.5. Sport Fishing Regulations

11 **§ 7110. Automatic process to conform sport fishing regulations**

12 7110. (a) The commission may establish by regulation an automatic process to
13 conform its sport fishing regulations to federal regulations.

14 (b) The department shall provide public notice of any conforming action
15 implemented pursuant to this section.

16 **Comment.** Section 7110 continues former Section 205.1 without change.

17 **§ 7115. Required information in regulation booklet**

18 7115. (a) The department shall identify property it owns or manages that
19 includes areas for sport fishing accessible to persons with disabilities.

20 (b) Commencing with the booklet of sport fishing regulations published by the
21 commission in 1986, the availability of sport fishing areas, identified by the
22 department as accessible to persons with disabilities under subdivision (a), shall be
23 noted in the booklet of regulations, together with telephone numbers and
24 instructions for obtaining a list of those areas from regional department offices.

25 (c) Commencing with the booklet of sportfishing regulations published in 1987,
26 the booklet shall also contain any human health advisories relating to fish that are
27 formally issued by the State Department of Health Services, or summaries of those
28 human health advisories. The summaries shall be prepared in consultation with the
29 State Department of Health Services.

30 **Comment.** Subdivisions (a) and (b) of Section 7115 continue former Section 217.5 without
31 substantive change.

32 Subdivision (c) continues former Section 217.6 without substantive change.

33 **Fish & Game Code § 7120 (amended). Bag limit**

34 SEC. _____. Section 7120 of the Fish and Game Code is amended to read:

35 7120. It is unlawful for any person to possess more than one daily bag limit of
36 any fish taken under a license issued pursuant to Section 714 or Article 3
37 (commencing with Section 7145) unless authorized by regulations adopted by the
38 commission pursuant to Section 206.

39 **Comment.** Section 7120 is amended to update a cross-reference.

1 **Government Code § 11343.4 (amended). Effective date of regulation**

2 SEC. _____. Section 11343.4 of the Government Code is amended to read:

3 11343.4. (a) Except as otherwise provided in subdivision (b), a regulation or an
4 order of repeal required to be filed with the Secretary of State shall become
5 effective on a quarterly basis as follows:

6 (1) January 1 if the regulation or order of repeal is filed on September 1 to
7 November 30, inclusive.

8 (2) April 1 if the regulation or order of repeal is filed on December 1 to February
9 29, inclusive.

10 (3) July 1 if the regulation or order of repeal is filed on March 1 to May 31,
11 inclusive.

12 (4) October 1 if the regulation or order of repeal is filed on June 1 to August 31,
13 inclusive.

14 (b) The effective dates in subdivision (a) shall not apply in all of the following:

15 (1) The effective date is specifically provided by the statute pursuant to which
16 the regulation or order of repeal was adopted, in which event it becomes effective
17 on the day prescribed by the statute.

18 (2) A later date is prescribed by the state agency in a written instrument filed
19 with, or as part of, the regulation or order of repeal.

20 (3) The agency makes a written request to the office demonstrating good cause
21 for an earlier effective date, in which case the office may prescribe an earlier date.

22 (4)(A) A regulation adopted by the Fish and Game Commission pursuant to that
23 is governed by Article 4 2 (commencing with Section 200 250) of Chapter 2 of
24 Division 1 of the Fish and Game Code.

25 (B) A regulation adopted by the Fish and Game Commission that requires a
26 different effective date in order to conform to a federal regulation.

27 **Comment.** Section 11343.4 is amended to update a cross-reference.

28 **Health and Safety Code § 131052 (amended). Transfer of jurisdiction**

29 SEC. _____. Section 131052 of the Health and Safety Code is amended to read:

30 131052. In implementing the transfer of jurisdiction pursuant to this article, the
31 State Department of Public Health succeeds to and is vested with all the statutory
32 duties, powers, purposes, responsibilities, and jurisdiction of the former State
33 Department of Health Services as they relate to public health as provided for or
34 referred to in all of the following provisions of law:

35 (1) Sections 550, 555, 650, 680, 1241, 1658, 2221.1, 2248.5, 2249, 2259,
36 2259.5, 2541.3, 2585, 2728, 3527, 4017, 4027, 4037, 4191, 19059.5, 19120,
37 22950, 22973.2, and 22974.8 of the Business and Professions Code.

38 (2) Sections 56.17, 1812.508, and 1812.543 of the Civil Code.

39 (3) Sections 8286, 8803, 17613, 32064, 32065, 32066, 32241, 49030, 49405,
40 49414, 49423.5, 49452.6, 49460, 49464, 49565, 49565.8, 49531.1, 56836.165, and
41 76403 of the Education Code.

1 (4) Sections 405, 6021, 6026, 18963, 30852, 41302, and 78486 of the Food and
2 Agricultural Code.

3 (5) Sections 307, 355, 422, 7572, 7574, 8706, 8817, and 8909 of the Family
4 Code.

5 (6) Sections ~~217.6~~ 1115, 1507, 1786, 4011, 5671, 5674, 5700, 5701, 5701.5,
6 7715, and 15700 of the Fish and Game Code.

7 (7) Sections 855, 51010, and 551017.1 of the Government Code. For purposes
8 of subdivision (s) of Section 6254 of the Government Code, the term “State
9 Department of Health Services” is hereby deemed to refer to the State Department
10 of Public Health.

11 (8) (A) Sections 475, 1180.6, 1418.1, 1422.1, 1428.2, 1457, 1505, 1507.1,
12 1507.5, 1570.7, 1599.2, 1599.60, 1599.75, 1599.87, 2002, 2804, 11362.7, 11776,
13 11839.21, 11839.23, 11839.24, 11839.25, 11839.26, 11839.27, 11839.28,
14 11839.29, 11839.30, 11839.31, 11839.32, 11839.33, 11839.34, 17920.10, 17961,
15 18897.2, 24185, 24186, 24187, 24275, 26101, 26122, 26134, 26155, 26200, and
16 26203.

17 (B) Chapters 1, 2, 2.05, 2.3, 2.35, 2.4, 3.3, 3.9, 3.93, 3.95, 4, 4.1, 4.5, 5, 6, 6.5, 8,
18 8.3, 8.5, 8.6, 9, and 11 of Division 2.

19 (C) Articles 2 and 4 of Chapter 2, Chapter 3, and Chapter 4 of Part 1, Part 2 and
20 Part 3 of Division 101.

21 (D) Division 102, including Sections 102230 and 102231.

22 (E) Division 103, including Sections 104145, 104181, 104182, 104182.5,
23 104187, 104191, 104192, 104193, 104316, 104317, 104318, 104319, 104320,
24 104321, 104324.2, 104324.25, 104350, 105191, 105251, 105255, 105280,
25 105340, and 105430.

26 (F) Division 104, including Sections 106615, 106675, 106770, 108115, 108855,
27 109282, 109910, 109915, 112155, 112500, 112650, 113355, 114460, 114475,
28 114650, 114710, 114850, 114855, 114985, 115061, 115261, 115340, 115736,
29 115880, 115885, 115915, 116064, 116183, 116270, 116365.5, 116366, 116375,
30 116610, 116751, 116760.20, 116825, 117100, 117924, and 119300.

31 (G) Division 105, including Sections 120262, 120381, 120395, 120440, 120480,
32 120956, 120966, 121155, 121285, 121340, 121349.1, 121480, 122410, and
33 122420.

34 (H) Part 1, Part 2 excluding Articles 5, 5.5, 6, and 6.5 of Chapter 3, Part 3 and
35 Part 5 excluding Articles 1 and 2 of Chapter 2, Part 7, and Part 8 of Division 106.

36 (9) Sections 799.03, 10123.35, 10123.5, 10123.55, 10123.10, 10123.184, and
37 11520 of the Insurance Code.

38 (10) Sections 50.8, 142.3, 144.5, 144.7, 147.2, 4600.6, 6307.1, 6359, 6712,
39 9009, and 9022 of the Labor Code.

40 (11) Sections 4018.1, 5008.1, 7501, 7502, 7510, 7511, 7515, 7518, 7530, 7550,
41 7553, 7575, 7576, 11010, 11174.34, and 13990 of the Penal Code.

42 (12) Section 4806 of the Probate Code.

1 (13) Sections 15027, 25912, 28004, 30950, 41781.1, 42830, 43210, 43308,
2 44103, and 71081 of the Public Resources Code.

3 (14) Section 10405 of the Public Contract Code.

4 (15) Sections 883, 1507, and 7718 of the Public Utilities Code.

5 (16) Sections 18833, 18838, 18845.2, 18846.2, 18847.2, 18863, 30461.6,
6 43010.1, and 43011.1 of the Revenue and Taxation Code.

7 (17) Section 11020 of the Unemployment Insurance Code.

8 (18) Sections 22511.55, 23158, 27366, and 33000 of the Vehicle Code.

9 (19) Sections 5326.9, 5328, 5328.15, 14132, 16902, and 16909, and Division 24
10 of the Welfare and Institutions Code. Payment for services provided under the
11 Family Planning, Access, Care, and Treatment (Family PACT) Waiver Program
12 pursuant to subdivision (aa) of Section 14132 and Division 24 shall be made
13 through the State Department of Health Care Services. The State Department of
14 Public Health and the State Department of Health Care Services may enter into an
15 interagency agreement for the administration of those payments. This paragraph,
16 to the extent that it applies to the Family PACT Waiver Program, shall become
17 inoperative on June 30, 2012.

18 (20) Sections 13176, 13177.5, 13178, 13193, 13390, 13392, 13392.5, 13393.5,
19 13395.5, 13396.7, 13521, 13522, 13523, 13528, 13529, 13529.2, 13550, 13552.4,
20 13552.8, 13553, 13553.1, 13554, 13554.2, 13816, 13819, 13820, 13823, 13824,
21 13825, 13827, 13830, 13834, 13835, 13836, 13837, 13858, 13861, 13862, 13864,
22 13868, 13868.1, 13868.3, 13868.5, 13882, 13885, 13886, 13887, 13891, 13892,
23 13895.1, 13895.6, 13895.9, 13896, 13896.3, 13896.4, 13896.5, 13897, 13897.4,
24 13897.5, 13897.6, 13898, 14011, 14012, 14015, 14016, 14017, 14019, 14022,
25 14025, 14026, 14027, and 14029 of the Water Code.

26 **Comment.** Section 131052 is amended to update a cross-reference.

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CALIFORNIA
FISH AND GAME
COMMISSION

Siskiyou Houndsmen and Sportsmen

15216 Indian Creek Road, Fort Jones, CA 96032

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(530) 643-0324

MLS

April 16, 2015

The Honorable Jim Nielsen
California State Senate
State Capitol Building
Sacramento, CA 95814

Position: Support

Re: SB 457 (Nielsen) Bobcat Protection Act of 2013

Dear Senator Nielsen:

This is to inform you of the support of Siskiyou Houndsmen and Sportsmen for the enactment of SB 457.

AB 1213 (Chapter 748, Statutes of 2013) requires the Fish and Game Commission to delineate the boundaries of an area in which bobcat trapping is prohibited using readily identifiable features [Fish & Game Code Section 4155 (b) (3)]. Although the legislation did provide some examples of such features, it did not specifically define what the term actually means for purposes of Section 4155, nor did it specify what "readily identifiable" means for the purposes of implementation.

The Department of Fish and Wildlife has proposed that there be only two areas of the state where bobcat trapping would be allowed and that buffer zones around the boundaries of places within them where bobcat trapping is prohibited by AB 1213 be defined by using highways and other major roads. This would result in vast closure areas far exceeding the boundaries of places where bobcat trapping is statutorily prohibited. Most such places do not have major roadways within a reasonable distance and major landmarks are not defined in the law.

In effect, the DFW proposed restrictions would ban bobcat trapping in most of the state.

Although AB 1213 provided the use of highways, major roads, and landmarks as examples of how the boundaries of non-bobcat trapping areas could be described, it did not limit boundary descriptions to just these features.

However, it is clear that confusion may exist relative to how such boundaries may be described.

SB 457 would provide clarity that AB 1213 did not prohibit the use of other appropriate methods of determining the locations of boundaries. In many cases, methods other than the use of highways and major roads would be the best choice

The Governor, in his signing message for AB 1213, asked that the department work with the legislature to obtain funding for a survey of California's bobcat population and that the commission adopt regulations to implement AB 1213 after the survey has been completed. It is believed that the survey requested by the Governor is important to proper implementation of the new statute. However, to date, this process has not occurred.

SB 457 would clarify existing law and its enactment is therefore supported by Siskiyou Houndsmen and Sportsmen.

Sincerely,



Paul Black
President, Siskiyou Houndsmen and Sportsmen

cc. California Fish and Game Commission
Governor Edmund G. Brown
Ms. Kathryn Lynch, Legislative Advocate