

STAFF SUMMARY FOR AUGUST 24-25, 2016

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

Review and discuss legislation of interest, and provide staff direction. Receive and possibly take action on the Marine Resources Committee's (MRC) recommendation concerning a statement reflecting FGC support for voting "yes" on statewide ballot referendum Prop. 67.

Summary of Previous/Future Actions

- Brief legislative update Jun 22-23, 2016; Bakersfield
- **Today's update and possible action Aug 24-25, 2016; Folsom**

Background

FGC staff has prepared a list of legislative bills (Exhibit 1) 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 an 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.

The Legislature reconvened on Aug 1 and will recess again on Aug 31. As the session nears conclusion, there are some important deadlines to note: Aug 12 was the last day for fiscal committees to meet and report bills. Aug 19 was the final day to amend bills on the floor. Aug 31 is the last day for each house to pass bills. Sep 30 is the last day for the Governor to sign or veto bill passed by the legislature.

I. Proposition 67 – Referendum to overturn ban on single use plastic bags

A referendum on the Nov 8, 2016, statewide ballot challenges a State law previously approved by the Legislature and the Governor which prohibits grocery and certain other retail stores from providing single-use bags but permits sale of recycled paper bags and reusable bags statewide.

A "yes" vote is a vote in favor of upholding or ratifying the contested legislation banning plastic bags that was enacted by the California State Legislature under the name Senate Bill 270. A "no" vote is a vote in favor of overturning Senate Bill 270. A thorough overview of the referendum is available via Ballotpedia at [https://ballotpedia.org/California_Plastic_Bag_Ban_Referendum,_Proposition_67_\(2016\)#cite_note-4](https://ballotpedia.org/California_Plastic_Bag_Ban_Referendum,_Proposition_67_(2016)#cite_note-4)

At its Jul 21, 2016, meeting in Petaluma, the MRC recommended FGC issue a public statement of support in favor of voting "yes" on Proposition 67 to uphold the ban on plastic bags as a means to reduce ocean debris and protect marine life.

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Updates on New/Pending Legislation

AB 1792 (Wood) Elk tags for tribes – Would require DFW, upon request, to meet with individual federally recognized Indian tribes in California to discuss elk-related issues for elk located within the territory of the individual tribe. The bill would require DFW to work collaboratively, and in good faith, with that tribe to identify possible science-based solutions. Passed in the Assembly, passed Sen. Cmte. on Natural Resources and Water, referred to Sen. Cmte on Appropriations' suspense file.

AB 1844 (Baker) License fees veterans – This bill would require DFW to reduce the fee required to obtain the lifetime hunting and fishing licenses by 25% for honorably discharged resident veterans. Passed in the Assembly, passed in Sen. Cmte. on Natural Resources and Water, and referred to Sen. Cmte. on Appropriations' suspense file.

AB 2549 (Water, Parks and Wildlife) – This bill extends the procedures outlined in CESA indefinitely, extends the authority to DFW concerning dreissenid mussels to Jan 2020, and other provisions. Passed in the Assembly, passed in Sen. Cmte. on Natural Resources and Water, referred to Consent Calendar.

ACR 148 (Chau) Law Revision Commission – This bill would grant approval to the Law Revision Commission (LRC) to continue its study of designated topics that the Legislature previously authorized or directed it to study, and authorizes LRC to study, report on, and prepare recommended legislation as soon as possible concerning the revision of the portions of the Government Code relating to public records that would accomplish specified goals, including, among other things, reducing the length and complexity of current sections and clearly expressing legislative intent without any change in the substantive provisions. Passed in Assembly, referred to Sen. Cmte. on Appropriations, and ordered to third reading.

SB 345 (Berryhill) Sport Fishing Stimulus Act – This bill would (1) authorize charitable organizations to possess fish taken under a sport fishing license in excess of a possession under certain provisions; (2) require FGC to adopt regulations to clarify when a possession limit is not violated by processing into food lawfully taken sport fish; (3) make annual fishing licenses valid for a full 12 months; and (4) create a junior fishing license. Passed in Asm. Cmte. on Water, Parks and Wildlife, and placed on Asm. Cme. on Appropriations' suspense file.

SB 1235 (DeLeon) – Ammunition – This bill would, if the Safety for All Act of 2016 is enacted by voters, amend the act to instead allow ammunition to be sold only to a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, to a person who has a current certificate of eligibility issued by the department, or to a person who purchases or transfers the ammunition in a single ammunition transaction, as specified. Approved by the Governor on Jul 1, 2016.

SB 1287 (McGuire) – Fishing – This bill would (1) expand the authority of DFW to order the closure of any waters or restricting the taking of any species of fish if state health agencies determine that the fish is likely to pose a human health risk from high levels of toxins, (2) require the Director to notify the FGC and request that FGC schedule a public discussion of the closure or restriction at its next scheduled full meeting, and (3) remove the requirement

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that the closure or restriction be adopted by emergency regulation (by DFW or FGC) and would instead exempt a closure or restriction from the Administrative Procedure Act. Passed in Sen. Cmte. on Water, Parks, and Wildlife, and placed on Asm. Cmte. on Appropriations' suspense file.

SB 1363 (Monning) – OPC: Ocean Acidification and Hypoxia Reduction Program – This bill would require OPC, in consultation with the State Coastal Conservancy and other relevant entities, to establish and administer the Ocean Acidification and Hypoxia Reduction Program for the purposes of achieving specified goals. The bill would authorize moneys in the trust fund to be expended for grants or loans for projects or activities that further public purposes consistent with the Ocean Acidification and Hypoxia Reduction Program. Passed in Asm. Cmte. on Natural Resources, placed on Asm. Cmte. on Appropriations' suspense file.

SB 1473 (Committee on Natural Resources) Fish and Game Commission procedures – This bill would clarify that those procedures apply generally to any FGC regulation that governs the take or possession of any bird, mammal, fish, amphibian, or reptile, except as provided. The bill would conform certain FGC rulemaking procedures to the rulemaking procedures of the Administrative Procedure Act. The bill would delete obsolete and superfluous provisions, make organizational changes, delete obsolete cross references, and make other conforming changes. Passed in the Senate, passed in Asm. Cmtes. on Water, Parks and Wildlife, and on Natural Resources, and on Appropriations, and ordered to third reading.

Significant Public Comments (N/A)

Recommendation

MRC: *Issue a public statement of support in favor of voting “yes” on Proposition 67 to uphold the statewide ban on plastic bags approved under SB 270 (2014) as a means to reduce ocean debris and protect marine life.*

Exhibits

- B1. [FGC legislative tracking log, as of Aug 11, 2016](#)
- B2. [DFW legislative report, as of Aug 10, 2016](#)
- B3. [Prop 67 full text](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission directs staff to prepare a public statement of support in favor of voting “yes” on Proposition 67 to uphold the statewide ban on plastic bags as a means to reduce ocean debris and protect marine life.

FISH AND GAME COMMISSION LEGISLATIVE TRACKING LOG 2015-2016

updated 8/11/2016

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
AB-665	None	Frazier (A)	Hunting or fishing: local regulation (2/24/2015)(2 YR) 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.	Amend Sections 200, 203.1, 3004 and add Sections 200.5 and 200.6 to, the Fish and Game Code	9/10/15 Re-ref to Com. on APPR.	A-APPR		
AB-1792	Major	Wood (A)	Elk Tags: Indian Tribes -- Would require the DFW upon request, to meet with individual federally recognized Indian tribes in California to discuss elk-related issues for elk located within the territory of the individual tribe. The bill would require DFW to work collaboratively, and in good faith, with that tribe to identify possible science-based solutions.	Amend Section 332 of the Fish and Game Code	8/8/16 Ref to APPR suspense file. 6/29/16 Pass and re-refer to APPR. 6/9/16 Referred to NRW 6/2/16 3rd read. Passed. To Senate.	S- APPR		
AB-1842	None	Levine (A)	Water: pollution: fines. -- Would impose an additional civil penalty of not more than \$10 for each gallon or pound of polluting material discharged. Would prohibit a person from being subjected to both a civil penalty described above and a civil penalty imposed pursuant to the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act for the same act or failure to act.	amend Section 5650.1 of the Fish and Game Code, and and to amend Section 8670.61 of the Government Code,	8/9/16 2nd read. Ord to 3rd read. 8/2/16 Re-ref to APPR. 8/1/16 Pass as amended 6/9/16 Referred to EQ. 6/1/16 3rd read. Passed. To Senate.	Senate		

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
AB-1844	Minor	Baker (A)	Hunting and fishing licenses: reduced license fees: veterans -- would require DFW to reduce the fee to obtain a lifetime hunting or fishing license by 25% for a person who is an honorably discharged veteran of the Armed Forces of the United States States and a resident of California.	amend Sections 714, 3031.2, and 7149.2 of the Fish and Game Code	8/1/16 Ref to APPR. suspense file. 6/29/16 Pass. Re-refer to APPR. 6/9/16 Referred to NRW 6/1/16 3rd read. Passed. To Senate.	S- APPR		
AB-1845	None	Dahle (A)	Protected species: take: rough sculpin -- would permit the department to authorize, under the California Endangered Species Act, the take of the rough sculpin (<i>Cottus asperrimus</i>) resulting from impacts attributable to repairing the Spring Creek Bridge in the County of Shasta if certain conditions are satisfied.	amend Section 5515 of, and to add Section 2081.4 to, the Fish and Game Code	8/3/16 2nd read. Ord to 3rd read. 8/2/16 3rd read and amended. 4/21/16 Read 3rd time. Passed. To Senate.	Senate		
AB-2001	None	Mathis (A)	Fully protected fish: Owens pupfish: -- This bill would authorize the department to permit the taking of the Owens pupfish in the Owens River and Mojave River watersheds if the take is authorized under a safe harbor agreement.	Add Section 2089.7, Amend Section 5515 of the Fish and Game Code	08/03/16 2nd read. Ord to 3rd reading 8/2/16 3rd read, amended. 4/28/16 Read 3rd time. Passed. To Senate.	Senate		

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
AB-2087	None	Levine (A)	Regional conservation frameworks -- This bill would authorize the department, or any other public agency, to propose a regional conservation framework that would be required to contain specified information, including a regional conservation assessment. The bill would authorize the department to approve a regional conservation framework, or approve the framework with amendments, for a period of up to 10 years after certain public meetings and a public comment period regarding the proposed framework have been held and after it finds that the framework meets certain requirements.	add Chapter 9 (commencing with Section 1850) to Division 2 of the Fish and Game Code	8/8/16 Ref to APPR. suspense file 8/1/16 2nd read, amended. Re-ref to APPR 6/30/16 Pass as amended, re-ref to APPR 6/2/16 3rd read. Passed. To Senate	S- APPR		
AB-2148	None	Holden	Unmanned aircraft systems: take of fish and wildlife -- This bill would make it unlawful to launch, land, or operate an unmanned aircraft system from Department and Parks managed lands, waters, or airspace; also make it unlawful to use an unmanned aircraft system to take, or assist in the take of, fish or wildlife, including, but not limited to, the use of unmanned aircraft systems for scouting purposes,	An act to amend Section 3003.5 of, and to add Sections 1746 and 2001.5 to, the Fish and Game Code, and to add Article 4 (commencing with Section 5085) to Chapter 1.2 of Division 5 of the Public Resources Code,	8/8/16 Referred to APPR. suspense file. 8/2/16 2nd read, amended, re-ref to APPR 6/22/16 2nd read, amended, re-ref NRW 6/9/16 Referred to NRW	S - APPR		

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
AB-2488	None	Dababneh (A)	Protected species - unarmored threespine stickleback -- This bill would permit the department to authorize, under the California Endangered Species Act, the take of the unarmored threespine stickleback attributable to the periodic dewatering, inspection, maintenance, or repair of the Metropolitan Water District of Southern California's Foothill Feeder water supply facility from Castaic Dam to the Joseph Jensen Treatment Plant in the County of Los Angeles if certain conditions, including the adoption of an adaptive management process, are satisfied.	amend Section 5515 of, and to add Section 2081.10 to, the Fish and Game Code,	8/2/16 2nd read. Ord to 3rd read 6/21/16 2nd read, amended. Re-ref APPR. 6/20/16 Pass as amended, re-ref APPR 5/5/16 3rd read. Passed. To Senate.	Senate		
AB-2549	Minor	WPW (A)	Public Resources -- Extends the procedures outlined in CESA indefinitely, extends the authority to DFW concerning dreissenid mussels to Jan 2020, and other provisions.	Amend Section 2301 of, and to amend and repeal Sections 2074.2, 2074.6, 2074.8, and 2075.5 of, the Fish and Game Code, and to amend Sections 5002.2, 5009.1, 5010.6, and 5080.23 of the Public Resources Code, relating to public resources	8/9/16 2nd read, amended. To consent. 8/1/16 2nd read, amended, re-ref to APPR. 6/14/16 Pass, re-refer APPR 6/6/16 2nd read; amended, re-ref to NRW.	S - CONSENT		

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
ACR-148	Minor	Chau(A) Roth (S)	California Law Revision Commission: studies -- This measure would grant approval to the commission to continue its study of designated topics that the Legislature previously authorized or directed the commission to study including the Fish and Game Code.		8/2/16 2nd read. Ord to 3rd reading 6/16/16 Re-ref APPR. pur Joint Rule 10.5. 6/16/16 2d read. To Consent. 5/9/16 Adopted and ref to Senate.	Senate		
SB-122	Minor	Jackson (S) Hill (S)	California Environmental Quality Act: record of proceedings (1/15/2015) 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	7/15/15 Placed on APPR. suspense file	A-APPR		

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
SB-233	None	Hertzberg (S) Rendon (A)	Marine resources and preservation (2/13/2015) (2 YR) 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 by prescribed schedule, requires State Lands 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	8/26/15 Placed on APPR suspense file	A-APPR		
SB-345	Major	Berryhill (S) Bigelow (A)	The Sport Fishing Stimulus Act of 2015 (2/24/15) (2 YR) 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 7149.05, and, add Sections 7122 and 7233 to the Fish and Game Code	8/3/16 Placed on APPR. suspense file 6/28/16 Pass and re-ref to APPR 6/15/15 Ref to WPW	A-APPR	Discussion at MRC and WRC meetings.	

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
SB-1089	Minor	Pavley (S)	Wildlife Conservation Board - Under existing law, the board consists of the President of the Fish and Game Commission, the Director of Fish and Wildlife, and the Director of Finance. This bill would expand the composition of the board to include two public members appointed by a the Speaker of the Assembly and Senate Committee on Rules to serve terms of four years each. The bill would also authorize the Director of Finance to appoint a designee to serve on the board to represent the Director of Finance.	Amend Section 1320 of the Fish and Game Code	08/04/16 Ord to 3rd read 08/04/16 3rd read and amended 8/3/16 2nd read. Ord 3rd read 8/2/16 2nd read, amended. 8/01/16 Pass as amended 5/5/16 Referred to WPW 4/14/16 Read third time. Passed. To Assm	Assembly		

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
SB-1235	Minor	McCarty (A) DeLeon (S)	Ammunition -- Would, if the Safety for All Act of 2016 is enacted by voters, amend the act to instead allow ammunition to be sold only to a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, to a person who has a current certificate of eligibility issued by the department, or to a person who purchases or transfers the ammunition in a single ammunition transaction, as specified.	amend Sections 16150, 17315, 30000, and 30306 of, to add Sections 11106.5, 16151 to, to add Article 4 (commencing with Section 30355) and Article 5 (commencing with Section 30360) to Chapter 1 of Division 10 of Title 4 of Part 6 of, to repeal Sections 16650, 16662, and 30312 of, and to repeal and add Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of, the Penal Code, relating to ammunition.	06/30/16 Enrolled and presented to Gov 6/30/16 Assembly amendments concurred 6/30/16 In Sen. Concurrence in Assem. 5/19/16 3rd read. Passed. To Assembly.	CHAPTER E D		7/01/16 Chaptered by Secretary of State. Chapter 55, Statutes of 2016. 7/01/16 Appr by the Governor.
SB-1287	Minor	McGuire (S) Achadjian (A) Levine (A)	Fishing -- This bill would (1) expand the authority of DFW to order the closure of any waters or restricting the taking of any species of fish, (2) require the Director to notify the FGC and request that FGC schedule a public discussion of the closure or restriction at its next scheduled full meeting, and (3) remove the requirement that the closure or restriction be adopted by emergency regulation and would instead exempt a closure or restriction from the Administrative Procedure Act	amend Sections 5654, 8276.5, 8279.1, and 9002.5 of, and to amend and renumber Section 7715 of, the Fish and Game Code, and to amend Section 131052 of the Health and Safety Code, relating to fishing	8/3/16 Placed on APPR. suspense file. 6/29/16 2nd read, re-ref to APPR 6/28/16 Pass as amended. Re-ref to APPR 6/20/16 2nd read. Re-ref to WPW 6/9/16 Ref to WPW	A- APPR		

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
SB-1363	None	Monning (S) Pavley (S)	Ocean Protection Council: Ocean Acidification and Hypoxia Reduction Program - would require the council, in consultation with the State Coastal Conservancy and other relevant entities, to establish and administer the Ocean Acidification and Hypoxia Reduction Program for the purposes of achieving specified goals. The bill would authorize moneys in the trust fund to be expended for grants or loans for projects or activities that further public purposes consistent with the Ocean Acidification and Hypoxia Reduction Program.	amend Section 35650 of, and to add Sections 35630 and 35631 to, the Public Resources Code, relating to coastal resources	8/3/16 Placed on APPR. suspense file. 6/29/16 2nd read, amended. Ref to APPR 6/28/16 Pass as amended, re-ref to APPR 6/9/16 Ref to NR 6/2/16 In Assembly. Read first time. .	A- APPR		
SB-1396	None	Wolk (S) Dodd (A)	Inner Coast Range Program --Housed within WCB, this bill establishes the Inner Coast Range Program with specified goal areas and authorization related to the Inner Coast Range Region, as defined. This bill would require the board to establish an advisory board for the program, funds for the program, and requires a biannual report.	An act to add Chapter 4.5 (commencing with Section 1440) to Division 2 of, and to repeal Article 7 (commencing with Section 1462) of Chapter 4.5 of Division 2 of, the Fish and Game Code	6/9/16 Ref to WPW 6/2/16 In Assembly. Read first time. 6/2/16 3rd read. Passed. To the Assembly.	A - WPW		

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Bill No.	Impact	Authors	Title & General Purpose	Fish & Game Code/ Govt Code Sections	Bill Status	Location	Summary of FGC Action	Gov Action/Act No.
SB-1473	Major	NRW (S)	Natural resources -- would clarify that those procedures apply generally to any commission regulation that governs the take or possession of any bird, mammal, fish, amphibian, or reptile, except as provided. The bill would conform certain commission rulemaking procedures to the rulemaking procedures of the Administrative Procedure Act. The bill would delete obsolete and superfluous provisions, make organizational changes, delete obsolete cross references, and make other conforming changes. This bill would repeal those provisions of a 1946 grant of tidelands and submerged lands in trust to the City of Santa Monica, with the exception of certain described lands reserved to the state, subject to certain conditions	Various	08/08/16 Ordered to third reading 08/04/16 2nd read. Ordered to consent 8/3/16 Pass. To consent calendar. 8/1/16 2nd read, amended. Re-ref to APPR 5/5/16 Ref to WPW. and NR. 4/28/16 In Assembly. Read first time. 4/28/16 Read third time. Passed. To Assm.	Assembly		



Department of Fish & Wildlife Legislative Report August 2016

(as of August 10, 2016)

AB 1188 **(Gipson D) Importation or sale of endangered animals.**

Introduced: 2/27/2015

Last Amend: 9/4/2015

Status: 5/23/2016-In committee: Hearing postponed by committee.

Location: 1/28/2016-S. N.R. & W.

Summary: Current law makes it unlawful to import into the state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body or other part or product of specified endangered animals, including kangaroos. This bill would delete the prohibition on the importation, possession with the intent to sell, and selling within the state of kangaroos. This bill contains other related provisions.

AB 1575 **(Bonta D) Medical cannabis.**

Introduced: 1/4/2016

Last Amend: 8/1/2016

Status: 8/8/2016-Referred to APPR. suspense file.

Location: 8/8/2016-S. APPR. SUSPENSE FILE

Summary: Current law requires the classification of goods and services to conform to the classifications adopted by the United States Patent and Trademark Office. This bill would, notwithstanding that provision, for purposes of those marks for which a certificate of registration is issued on or after January 1, 2017, authorize the use of specified marks related to medical cannabis goods and services that are lawfully in commerce in the state. This bill contains other related provisions and other current laws.

AB 1611 **(Committee on Budget) Public resources.**

Introduced: 1/7/2016

Last Amend: 6/15/2016

Status: 6/28/2016-In Assembly. Concurrence in Senate amendments pending. May be considered on or after June 30 pursuant to Assembly Rule 77.

Location: 6/28/2016-A. CONCURRENCE

Summary: Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake designated by the Department of Fish and Wildlife, without first notifying the department of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources. This bill would make it unlawful for any entity to violate those provisions, thereby imposing a state-mandated local program by changing the definition of a crime.

AB 1704 **(Dodd D) Water rights: small irrigation use: lake or streambed alteration agreements.**

Introduced: 1/25/2016

Last Amend: 6/20/2016

Status: 8/1/2016-In committee: Referred to APPR. suspense file.

Location: 8/1/2016-S. APPR. SUSPENSE FILE

Summary: The Water Rights Permitting Reform Act of 1988 provides that the State Water Resources Control Board is not required to adopt general conditions for small irrigation use until the board determines that funds are available for that purpose and that a registration for small irrigation use pursuant to the act is not authorized until the board establishes general conditions for small irrigation use to protect instream beneficial uses, as specified. This bill would require the board, on or before January 1, 2018, to adopt general conditions that would permit a registrant to construct a facility that would store water for small irrigation use during times of high streamflow in exchange for the registrant reducing diversions during periods of low streamflow, as specified.

[AB 1716](#) **(McCarty D) Lower American River Conservancy Program.**

Introduced: 1/27/2016

Last Amend: 8/2/2016

Status: 8/8/2016-Referred to APPR. suspense file.

Location: 8/8/2016-S. APPR. SUSPENSE FILE

Summary: Would require the Wildlife Conservation Board to implement and administer the Lower American River Conservancy Program to receive and expend moneys for the benefit of the Lower American River and related lands by, among other things, providing grants to local public agencies and nonprofit organizations for projects benefiting the Lower American River. The bill would require the board to establish an advisory committee, as specified. The bill would establish the Lower American River Conservancy Program Fund in the State Treasury and would make moneys in the fund available, upon appropriation by the Legislature, for purposes of the program.

[AB 1755](#) **(Dodd D) The Open and Transparent Water Data Act.**

Introduced: 2/2/2016

Last Amend: 8/1/2016

Status: 8/1/2016-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on APPR. In committee: Referred to APPR. suspense file.

Location: 8/1/2016-S. APPR. SUSPENSE FILE

Summary: Would enact the Open and Transparent Water Data Act. The act would require the Department of Water Resources, in consultation with the California Water Quality Monitoring Council, the State Water Resources Control Board, and the Department of Fish and Wildlife, in accordance with a specified schedule, to create, operate, and maintain a statewide integrated water data platform that, among other things, would integrate existing water and ecological data information from multiple databases and provide data on completed water transfers and exchanges. This bill contains other existing laws.

[AB 1792](#) **(Wood D) Elk tags: federally recognized Indian tribes.**

Introduced: 2/4/2016

Last Amend: 5/31/2016

Status: 8/8/2016-Referred to APPR. suspense file.

Location: 8/8/2016-S. APPR. SUSPENSE FILE

Summary: Would require the Department of Fish and Wildlife, upon request, to meet with individual federally recognized Indian tribes in California to discuss elk -related issues for elk located within the territory of the individual tribe. The bill would require the department to work collaboratively, and in good faith, with that tribe to identify possible science-based solutions.

[AB 1842](#) **(Levine D) Water: pollution: fines.**

Introduced: 2/9/2016

Last Amend: 8/2/2016

Status: 8/9/2016-Read second time. Ordered to third reading.

Location: 8/9/2016-S. THIRD READING

Summary: Current law imposes a maximum civil penalty of \$25,000 on a person who discharges various pollutants or other designated materials into the waters of the state. This bill would impose an

additional civil penalty of not more than \$10 for each gallon or pound of material discharged. The bill would require that the civil penalty be reduced for every gallon or pound of the illegally discharged material that is recovered and properly disposed of by the responsible party. This bill contains other related provisions and other current laws.

[AB 1844](#) **(Gallagher R) Hunting and fishing licenses: reduced license fees: veterans.**

Introduced: 2/9/2016

Last Amend: 5/27/2016

Status: 8/1/2016-In committee: Referred to APPR. suspense file.

Location: 8/1/2016-S. APPR. SUSPENSE FILE

Summary: Would require the Department of Fish and Wildlife to reduce the fee required to obtain the lifetime licenses by 25% for a person who is a veteran of the Armed Forces of the United States, was honorably discharged, and is a resident of California.

[AB 1845](#) **(Dahle R) Protected species: take: rough sculpin.**

Introduced: 2/9/2016

Last Amend: 8/2/2016

Status: 8/3/2016-Read second time. Ordered to third reading.

Location: 8/3/2016-S. THIRD READING

Summary: Would permit the Department of Fish and Wildlife to authorize, under the California Endangered Species Act, the take of the rough sculpin (*Cottus asperimus*) resulting from impacts attributable to replacing the Spring Creek Bridge in the County of Shasta if certain conditions are satisfied.

[AB 1958](#) **(Wood D) Forestry: timberlands: restoration and conservation forest management activities.**

Introduced: 2/12/2016

Last Amend: 8/4/2016

Status: 8/8/2016-Referred to APPR. suspense file.

Location: 8/8/2016-S. APPR. SUSPENSE FILE

Summary: The Z'berg-Nejedly Forest Practice Act of 1973 authorizes the State Board of Forestry and Fire Protection to exempt from some or all of specified provisions of the act a person engaging in specified forest management activities. Current law authorizes a registered professional forester in an emergency to file, on behalf of a timber owner or operator, a specified emergency notice with the department that allows for the immediate commencement of timber operations. This bill would also, until January 1, 2024, authorize the board to exempt from some or all of those provisions of the act a person cutting or removing trees in specified areas to restore and conserve California black or Oregon white oak woodlands and associated grasslands, as specified.

[AB 2001](#) **(Mathis R) Fully protected fish: Owens pupfish: California State Safe Harbor Agreement Program Act.**

Introduced: 2/16/2016

Last Amend: 8/2/2016

Status: 8/3/2016-Read second time. Ordered to third reading.

Location: 8/3/2016-S. THIRD READING

Summary: Under current law, the Department of Fish and Wildlife is authorized to permit the taking of a fully protected fish for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species. This bill would authorize the department to permit the taking of the Owens pupfish in the Owens River watershed if the take is authorized under a safe harbor agreement. This bill contains other related provisions and other existing laws.

[AB 2087](#) **(Levine D) Regional conservation frameworks.**

Introduced: 2/17/2016

Last Amend: 8/1/2016

Status: 8/8/2016-Referred to APPR. suspense file.

Location: 8/8/2016-S. APPR. SUSPENSE FILE

Summary: Would authorize the Department of Fish and Wildlife, or any other public agency, to propose a regional conservation framework that would be required to contain specified information, including a regional conservation assessment. The bill would authorize the department to approve a regional conservation framework, or approve the framework with amendments, for an initial period of up to 10 years after certain public meetings and a public comment period regarding the proposed framework have been held and after it finds that the framework meets certain requirements.

[AB 2148](#) (Holden D) Unmanned aircraft systems: managed lands or waters: take of fish and wildlife.

Introduced: 2/17/2016

Last Amend: 8/2/2016

Status: 8/8/2016-Referred to APPR. suspense file.

Location: 8/8/2016-S. APPR. SUSPENSE FILE

Summary: Would make it unlawful for any person to launch, land, or operate an unmanned aircraft system from or within lands, waters, or airspace managed by the Department of Fish and Wildlife and Department of Parks and Recreation, except as authorized by these departments, or unless exempted from this prohibition. The bill would authorize the departments to consider certain factors when reviewing a request for the departments' authorization for the use of an unmanned aircraft system. This bill contains other related provisions and other existing laws.

[AB 2165](#) (Bonta D) Firearms: prohibitions: exemptions.

Introduced: 2/17/2016

Last Amend: 6/28/2016

Status: 8/2/2016-Read second time. Ordered to third reading.

Location: 8/2/2016-S. THIRD READING

Summary: Current law makes it a crime for any person in this state to manufacture, import into the state for sale, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Under current law, this prohibition does not apply to the sale or purchase of a handgun if the handgun is sold to, or purchased by, a police department, the Department of Corrections and Rehabilitation, or any federal law enforcement agency, among other entities. This bill would also make the above prohibition inapplicable to the sale or purchase of a handgun if the hand gun is sold to, or purchased by, specified entities or sworn members of those entities who have satisfactorily completed the firearms portion of a training course prescribed by the Commission on Peace Officer Standards and Training.

[AB 2243](#) (Wood D) Medical cannabis: taxation: cannabis production and environment mitigation.

Introduced: 2/18/2016

Last Amend: 8/1/2016

Status: 8/8/2016-Referred to APPR. suspense file.

Location: 8/8/2016-S. APPR. SUSPENSE FILE

Summary: The Medical Cannabis Regulation and Safety Act, administered by the director of the Bureau of Medical Cannabis Regulation, provides for the licensure of persons engaged in specified activities relating to medical cannabis, including cultivation and distribution. This bill would, for the privilege of doing business as a distributor in this state, impose a tax in specified amounts on every distributor upon all medical cannabis and medical cannabis products distributed to a dispensary in this state, as specified. The bill would require the State Board of Equalization to administer and collect the tax pursuant to the procedures set forth in the Fee Collection Procedures Law.

[AB 2245](#) (Cooper D) Firearms: prohibitions: exemptions: probation departments.

Introduced: 2/18/2016

Last Amend: 6/30/2016

Status: 8/8/2016-Referred to APPR. suspense file.

Location: 8/8/2016-S. APPR. SUSPENSE FILE

Summary: Current law makes it a crime for any person in this state to manufacture, import into the state, keep for sale, offer or expose for sale, give, or lend an unsafe handgun. Under current law, this prohibition does apply to the sale or purchase of a handgun if the handgun is sold to, or purchased by, the Department of Corrections and Rehabilitation or to any federal law enforcement agency, among other entities. This bill would also make the above prohibition inapplicable to the sale to, or purchase by, a probation department, or a sworn member of a probation department if that person satisfies certain requirements.

[AB 2446](#) (Gordon D) State Water Resources Control Board: judicial review.

Introduced: 2/19/2016

Last Amend: 8/1/2016

Status: 8/2/2016-Read second time. Ordered to third reading.

Location: 8/2/2016-S. THIRD READING

Summary: The Porter-Cologne Water Quality Control Act, within 30 days of any action or failure to act by a California regional water quality control board under specified law, authorizes an aggrieved person to petition the State Water Resources Control Board to review that action or failure to act. Current law authorizes the state board, in the case of such a review, upon notice and hearing, if a hearing is requested, to stay in whole or in part the effect of the decision and order of a regional board or of the state board. This bill would expand that provision to authorize the state board to issue a stay in the case of review by the state board of a decision or order issued under authority delegated to an officer or employee of the state board where the state board by regulation has authorized a petition for reconsideration by the state board.

[AB 2488](#) (Dababneh D) Protected species: unarmored threespine stickleback: taking or possession.

Introduced: 2/19/2016

Last Amend: 6/21/2016

Status: 8/2/2016-Read second time. Ordered to third reading.

Location: 8/2/2016-S. THIRD READING

Summary: Would permit the Department of Fish and Wildlife to authorize, under the California Endangered Species Act, the take of the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) attributable to the periodic dewatering, inspection, maintenance, modification, or repair of the Metropolitan Water District of Southern California's Foothill Feeder water supply facility from Castaic Dam to the Joseph Jensen Treatment Plant in the County of Los Angeles, as specified, if certain conditions, including the adoption of an adaptive management process, are satisfied.

[AB 2549](#) (Committee on Water, Parks, and Wildlife) Public resources.

Introduced: 2/19/2016

Last Amend: 8/9/2016

Status: 8/9/2016-Read second time and amended. Ordered to consent calendar.

Location: 8/9/2016-S. CONSENT CALENDAR

Summary: Under the California Endangered Species Act, an interested person may petition the Fish and Game Commission to add a species to, or remove a species from, either the list of endangered species or the list of threatened species, and current law requires the commission to consider the petition at a meeting, as prescribed. Current law, until January 1, 2017, establishes additional procedures for the review of a petition, including public hearings and public comment. This bill would extend those additional procedures indefinitely.

[AB 2800](#) (Quirk D) Climate change: infrastructure planning.

Introduced: 2/19/2016

Last Amend: 8/2/2016

Status: 8/8/2016-Referred to APPR. suspense file.

Location: 8/8/2016-S. APPR. SUSPENSE FILE

Summary: Would until July 1, 2020, require state agencies to take into account the expected impacts of climate change when planning, designing, building, and investing in state infrastructure. The bill, by

July 1, 2017, would require the Natural Resources Agency to establish a Climate-Safe Infrastructure Working Group for the purpose of examining how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering, as prescribed.

[AB 2912](#) (Committee on Natural Resources) Oil spills.

Introduced: 3/15/2016

Last Amend: 6/30/2016

Status: 8/2/2016-Read second time. Ordered to Consent Calendar.

Location: 8/2/2016-S. CONSENT CALENDAR

Summary: Would require each owner or operator of a tank vessel, nontank vessel, vessel carrying oil as a secondary cargo, or facility to submit, upon request of the administrator for oil spill response, a copy of a federally approved oil spill response plan at the time of approval of the plan. The bill also would revise and add various definitions within the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act and would make nonsubstantive changes to these and other provisions.

[SB 233](#) (Hertzberg D) Marine resources and preservation.

Introduced: 2/13/2015

Last Amend: 7/16/2015

Status: 8/4/2016-Set for hearing.

Location: 8/4/2016-A. APPR. SUSPENSE FILE

Summary: The California Marine Resources Legacy Act establishes a program, administered by the Department of Fish and Wildlife, to allow partial removal of offshore oil structures. Before the first application to partially remove an offshore oil structure is filed, this bill would authorize a prospective applicant to pay a portion of the startup costs in an amount determined by the department to be necessary for staff and other costs in anticipation of receipt of the first application. The bill would require an applicant, upon conditional approval for partial removal of an offshore oil structure, to apportion and transmit a portion of the cost savings to the department, instead of to the specified entities and funds.

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

Introduced: 2/24/2015

Last Amend: 6/2/2015

Status: 8/3/2016-August 3 set for first hearing. Placed on APPR. suspense file.

Location: 8/3/2016-A. 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 837](#) (Committee on Budget and Fiscal Review) State government.

Introduced: 1/7/2016

Last Amend: 6/12/2016

Status: 6/27/2016-Chaptered by Secretary of State - Chapter 32, Statutes of 2016.

Location: 6/27/2016-S. CHAPTERED

Summary: Would, among other things, change the name of the Medical Marijuana Regulation and Safety Act, the Bureau of Medical Marijuana Regulation, and the Medical Marijuana Regulation and Safety Act Fund to the Medical Cannabis Regulation and Safety Act, the Bureau of Medical Cannabis Regulation, and the Medical Cannabis Regulation and Safety Act Fund, and would change references to medical marijuana or marijuana to medical cannabis or cannabis, respectively. The bill would authorize licensing authorities, as defined, to adopt rules and regulations to carry out the purposes of

that act and emergency regulations, as specified.

[SB 839](#) (Committee on Budget and Fiscal Review) Public resources.

Introduced: 1/7/2016

Last Amend: 6/14/2016

Status: 6/16/2016-In Senate. Concurrence in Assembly amendments pending.

Location: 6/16/2016-S. CONCURRENCE

Summary: Existing law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing certain material where it may pass into any river, stream, or lake designated by the Department of Fish and Wildlife, without first notifying the department of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources. Would make it unlawful for any entity to violate those provisions, thereby imposing a state-mandated local program by changing the definition of a crime. The bill would subject to that civil penalty any entity that violates those provisions. This bill contains other related provisions and other existing laws.

[SB 987](#) (McGuire D) Medical marijuana: Marijuana User Fee Act.

Introduced: 2/10/2016

Last Amend: 6/13/2016

Status: 6/20/2016-June 20 set for first hearing. Placed on REV. & TAX. suspense file. June 20 hearing: Failed passage in committee. (Ayes 4. Noes 5.)

Location: 6/20/2016-S. REV. & TAX SUSPENSE FILE

Summary: Would enact the Marijuana User Fee Act. The bill, on and after January 1, 2018, unless a specified initiative is passed by the voters at the November 8, 2016, statewide general election, would impose a fee on the consumption or other use in this state of medical marijuana purchased from any retailer for the consumption or other use in this state at the rate of 10% of the sales price of the medical marijuana.

[SB 1062](#) (Lara D) Elephants: prohibited treatment.

Introduced: 2/16/2016

Last Amend: 6/15/2016

Status: 8/4/2016-In Senate. Concurrence in Assembly amendments pending.

Location: 8/4/2016-S. CONCURRENCE

Summary: Would, beginning January 1, 2018, prohibit any person who houses, possesses, or is in direct contact with an elephant from using, or authorizing or allowing an employee, agent, or contractor to use, a bullhook, ankus, baseball bat, axe handle, pitchfork, or other device designed to inflict pain for the purpose of training or controlling the behavior of an elephant. A person who violates these provisions would not be subject to criminal penalty but would be subject to civil penalties and the restricted species permit for the elephant would be subject to immediate suspension or revocation by the Department of Fish and Wildlife.

[SB 1089](#) (Pavley D) Wildlife Conservation Board.

Introduced: 2/17/2016

Last Amend: 8/4/2016

Status: 8/4/2016-Read third time and amended. Ordered to third reading.

Location: 8/4/2016-A. THIRD READING

Summary: Would expand the composition of the Wildlife Conservation Board to include 4 public members to serve terms of 4 years each and would require one public member to be appointed by the Speaker of the Assembly, one public member to be appointed by the Senate Committee on Rules, and 2 public members to be appointed by the Governor. This bill would require the public members appointed to the board to have demonstrated interest and expertise in land acquisition for conservation purposes.

- [SB 1188](#) (McGuire D) Wildlife management areas: payment of taxes and assessments.**
Introduced: 2/18/2016
Status: 8/3/2016-August 3 set for first hearing. Placed on APPR. suspense file.
Location: 8/3/2016-A. APPR. SUSPENSE FILE
Summary: Current law regulates real property acquired and operated by the state as wildlife management areas, and authorizes the Department of Fish and Wildlife, when income is directly derived from that real property, as provided, to annually pay to the county in which the property is located an amount equal to the county taxes levied upon the property at the time it was transferred to the state. This bill would require, instead of authorize, the department to make these payments subject to appropriation by the Legislature.
- [SB 1235](#) (De León D) Ammunition.**
Introduced: 2/18/2016
Last Amend: 6/22/2016
Status: 7/1/2016-Chaptered by Secretary of State - Chapter No. 55, Statutes of 2016
Location: 7/1/2016-S. CHAPTERED
Summary: Would, if the Safety for All Act of 2016 is enacted by the voters at the November 8, 2016, statewide general election, amend the act to instead allow ammunition to be sold only to a person whose information matches an entry in the Automated Firearms System and who is eligible to possess ammunition, to a person who has a current certificate of eligibility issued by the department, or to a person who purchases or transfers the ammunition in a single ammunition transaction, as specified. This bill contains other related provisions and other existing laws.
- [SB 1287](#) (McGuire D) Fishing.**
Introduced: 2/19/2016
Last Amend: 6/29/2016
Status: 8/3/2016-August 3 set for first hearing. Placed on APPR. suspense file.
Location: 8/3/2016-A. APPR. SUSPENSE FILE
Summary: Current law authorizes the Director of Fish and Wildlife to order the closure of any waters or otherwise restrict the taking under a commercial fishing license in state waters of species of fish if the Director of Environmental Health Hazard Assessment, in consultation with the State Public Health Officer, determines that the species or subspecies of fish is likely to pose a human health risk from high levels of toxic substances. The closure or restriction is required to be adopted by emergency regulation, as specified. Under current law, any violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under the code, is generally a misdemeanor. This bill would expand this authority to all fishing.
- [SB 1386](#) (Wolk D) Resource conservation: working and natural lands.**
Introduced: 2/19/2016
Last Amend: 8/1/2016
Status: 8/4/2016-Read second time. Ordered to third reading.
Location: 8/4/2016-A. THIRD READING
Summary: W
- [SB 1416](#) (Stone R) Voluntary contribution: Revive the Salton Sea Fund.**
Introduced: 2/19/2016
Last Amend: 6/15/2016
Status: 8/4/2016-Read second time. Ordered to consent calendar.
Location: 8/4/2016-A. CONSENT CALENDAR
Summary: Would allow an individual to designate on his or her tax return that a specified amount in excess of his or her tax liability be transferred to the Revive the Salton Sea Fund, which would be created by this bill. The bill would prohibit a voluntary contribution designation for the Revive the Salton Sea Fund from being added on the tax return until another voluntary contribution designation is

removed or a space is available and would require, once the designation is added, specified information to be on the tax form, including the purposes for which the contribution would be used.

SB 1473 (Committee on Natural Resources and Water) Natural resources.

Introduced: 2/29/2016

Last Amend: 8/1/2016

Status: 8/8/2016-From consent calendar on motion of Assembly Member Calderon. Ordered to third reading.

Location: 8/8/2016-A. THIRD READING

Summary: The California Constitution provides for the delegation to the Fish and Game Commission of powers relating to the protection and propagation of fish and game. Current statutory law delegates to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibians, and reptiles, except as provided. Current law establishes procedures that are specific to regulations adopted by the commission pursuant to this authority. This bill would clarify that those procedures apply generally to any commission regulation that governs the take or possession of any bird, mammal, fish, amphibian, or reptile, except as provided.

SBX1 1 (Beall D) Transportation funding: environmental mitigation: oversight.

Introduced: 6/22/2015

Last Amend: 4/21/2016

Status: 4/21/2016-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

Location: 4/21/2016-S. APPR.

Summary: Would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system and for other specified purposes. The bill would provide for the deposit of various funds for the program in the Road Maintenance and Rehabilitation Account, which the bill would create in the State Transportation Fund.

For more information call:

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

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

You can also find legislative information on the web at <http://leginfo.legislature.ca.gov/> and follow the prompts from the 'bill information' link.

September 30, 2014**VIA PERSONAL DELIVERY**

The Honorable Kamala D. Harris.
Attorney General
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

RECEIVED

SEP 30 2014

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Proposed Referendum

Dear Ms. Harris:

Pursuant to Article II, Section 10(d) of the California Constitution, I hereby submit the attached proposed statewide referendum of all portions of Senate Bill 270 (2013-2014 Regular Session of the California Legislature), except for subdivision (a) of Section 42288 of the Public Resources Code, to your office and request that you prepare a title and summary of the measure as provided by law. Included with this submission is the required proponent affidavit signed by the proponent of this measure pursuant to section 9608 of the California Elections Code. My address as a registered voter is attached to this letter, along with a check for \$200.00.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto

Thank you for your assistance.

Sincerely,



Doyle L. Johnson, Proponent

Enclosure: Proposed Referendum Statute

**REFERENDUM AGAINST AN ACT PASSED BY THE LEGISLATURE
NOTICE: CHAPTER 850, STATUTES OF 2014 (SB 270), IS BEING SUBMITTED FOR APPROVAL
OR REJECTION BY THE VOTERS IN ITS ENTIRETY, EXCEPT FOR PUBLIC RESOURCES CODE §
42288, SUBD. (a), AS INDICATED IN BOLD, ITALICIZED, 8-POINT TYPE BELOW**

CHAPTER 850

An act to add Chapter 5.3 (commencing with Section 42280) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 270, Padilla. Solid waste: single-use carryout bags.

(1) Existing law, until 2020, requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store.

This bill, as of July 1, 2015, would prohibit stores that have a specified amount of sales in dollars or retail floor space from providing a single-use carryout bag to a customer, with specified exceptions. The bill would also prohibit those stores from selling or distributing a recycled paper bag at the point of sale unless the store makes that bag available for purchase for not less than \$0.10. The bill would also allow those stores, on or after July 1, 2015, to distribute compostable bags at the point of sale only in jurisdictions that meet specified requirements and at a cost of not less than \$0.10. The bill would require these stores to meet other specified requirements on and after July 1, 2015, regarding providing reusable grocery bags to customers, including distributing those bags only at a cost of not less than \$0.10. The bill would require all moneys collected pursuant to these provisions to be retained by the store and be used only for specified purposes.

The bill, on and after July 1, 2016, would additionally impose these prohibitions and requirements on convenience food stores, foodmarts, and entities engaged in the sale of a limited line of goods, or goods intended to be consumed off premises, and that hold a specified license with regard to alcoholic beverages.

The bill would allow a retail establishment to voluntarily comply with these requirements, if the retail establishment provides the department with irrevocable written notice. The bill would require the department to post on its Internet Web site, organized by county, the name and physical location of each retail establishment that has elected to comply with these requirements.

REFERENDUM AGAINST AN ACT PASSED BY THE LEGISLATURE

The bill would require the operator of a store that has a specified amount of sales in dollars or retail floor space and a retail establishment that voluntarily complies with the requirements of this bill to comply with the existing at-store recycling program requirements.

The bill would require, on and after July 1, 2015, a reusable grocery bag sold by certain stores to a customer at the point of sale to be made by a certified reusable grocery bag producer and to meet specified requirements with regard to the bag's durability, material, labeling, heavy metal content, and, with regard to reusable grocery bags made from plastic film on and after January 1, 2016, recycled material content. The bill would impose these requirements as of July 1, 2016, on the stores that are otherwise subject to the bill's requirements.

The bill would prohibit a producer of reusable grocery bags made from plastic film from selling or distributing those bags on and after July 1, 2015, unless the producer is certified by a 3rd-party certification entity, as specified. The bill would require a reusable grocery bag producer to provide proof of certification to the department. The bill would require the department to provide a system to receive proofs of certification online.

The department would be required to publish on its Internet Web site a list of reusable grocery bag producers that have submitted the required certification and their reusable grocery bags. The bill would require the department to establish an administrative certification fee schedule, which would require a reusable grocery bag producer providing proof to the department of certification or recertification to pay a fee. The bill would require that all moneys submitted to the department pursuant to these fee provisions be deposited into the Reusable Grocery Bag Fund, which would be established by the bill, and continuously appropriated for purposes of implementing these proof of certification and Internet Web site provisions, thereby making an appropriation. The bill would also require a reusable grocery bag producer to submit applicable certified test results to the department. The bill would authorize a person to object to a certification of a reusable grocery bag producer by filing an action for review of that certification in the superior court of a county that has jurisdiction over the reusable grocery bag producer. The bill would require the court to determine if the reusable grocery bag producer is in compliance with the

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provisions of the bill and, based on the court's determination, would require the court to direct the department to either remove or retain the reusable grocery bag producer on its published Internet Web site list.

The bill would allow a city, county, or city and county, or the state to impose civil penalties on a person or entity that knows or reasonably should have known it is in violation of the bill's requirements. The bill would require these civil penalties to be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, and would allow the penalties collected by the Attorney General to be expended by the Attorney General, upon appropriation by the Legislature, to enforce the bill's provisions.

The bill would declare that it occupies the whole field of the regulation of reusable grocery bags, single-use carryout bags, and recycled paper bags provided by a store and would prohibit a local public agency from enforcing or implementing an ordinance, resolution, regulation, or rule, or any amendment thereto, adopted on or after September 1, 2014, relating to those bags, against a store, except as provided.

(2) The California Integrated Waste Management Act of 1989 creates the Recycling Market Development Revolving Loan Subaccount in the Integrated Waste Management Account and continuously appropriates the funds deposited in the subaccount to the department for making loans for the purposes of the Recycling Market Development Revolving Loan Program. Existing law makes the provisions regarding the loan program, the creation of the subaccount, and expenditures from the subaccount inoperative on July 1, 2021, and repeals them as of January 1, 2022.

This bill would appropriate \$2,000,000 from the Recycling Market Development Revolving Loan Subaccount in the Integrated Waste Management Account to the department for the purposes of providing loans for the creation and retention of jobs and economic activity in California for the manufacture and recycling of plastic reusable grocery bags that use recycled content. The bill would require a recipient of a loan to agree, as a condition of receiving the loan, to take specified actions.

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(3) The bill would require the department, no later than March 1, 2018, to provide a status report to the Legislature on the implementation of the bill's provisions.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 5.3 (commencing with Section 42280) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 5.3. SINGLE-USE CARRYOUT BAGS

Article 1. Definitions

42280. (a) "Department" means the Department of Resources Recycling and Recovery.

(b) "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.

(c) "Recycled paper bag" means a paper carryout bag provided by a store to a customer at the point of sale that meets all of the following requirements:

(1) (A) Except as provided in subparagraph (B), contains a minimum of 40 percent postconsumer recycled materials.

(B) An eight pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material.

(2) Is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the state.

(3) Has printed on the bag the name of the manufacturer, the country where the bag was manufactured, and the minimum percentage of postconsumer content.

(d) "Reusable grocery bag" means a bag that is provided by a store to a customer at the point of sale that meets the requirements of Section 42281.

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(e) (1) "Reusable grocery bag producer" means a person or entity that does any of the following:

(A) Manufactures reusable grocery bags for sale or distribution to a store.

(B) Imports reusable grocery bags into this state, for sale or distribution to a store.

(C) Sells or distributes reusable bags to a store.

(2) "Reusable grocery bag producer" does not include a store, with regard to a reusable grocery bag for which there is a manufacturer or importer, as specified in subparagraph (A) or (B) of paragraph (1).

(f) (1) "Single-use carryout bag" means a bag made of plastic, paper, or other material that is provided by a store to a customer at the point of sale and that is not a recycled paper bag or a reusable grocery bag that meets the requirements of Section 42281.

(2) A single-use carryout bag does not include either of the following:

(A) A bag provided by a pharmacy pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code to a customer purchasing a prescription medication.

(B) A nonhandled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag, a reusable grocery bag, or a compostable plastic bag.

(C) A bag provided to contain an unwrapped food item.

(D) A nonhandled bag that is designed to be placed over articles of clothing on a hanger.

(g) "Store" means a retail establishment that meets any of the following requirements:

(1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000) or more that sells a line of dry groceries, canned goods, or nonfood items, and some perishable items.

(2) Has at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

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(3) Is a convenience food store, foodmart, or other entity that is engaged in the retail sale of a limited line of goods, generally including milk, bread, soda, and snack foods, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control.

(4) Is a convenience food store, foodmart, or other entity that is engaged in the retail sale of goods intended to be consumed off the premises, and that holds a Type 20 or Type 21 license issued by the Department of Alcoholic Beverage Control.

(5) Is not otherwise subject to paragraph (1), (2), (3), or (4), if the retail establishment voluntarily agrees to comply with the requirements imposed upon a store pursuant to this chapter, irrevocably notifies the department of its intent to comply with the requirements imposed upon a store pursuant to this chapter, and complies with the requirements established pursuant to Section 42284.

Article 2. Reusable Grocery Bags

42281. (a) On and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, may sell or distribute a reusable grocery bag to a customer at the point of sale only if the reusable bag is made by a producer certified pursuant to this article to meet all of the following requirements:

(1) Has a handle and is designed for at least 125 uses, as provided in this article.

(2) Has a volume capacity of at least 15 liters.

(3) Is machine washable or made from a material that can be cleaned and disinfected.

(4) Has printed on the bag, or on a tag attached to the bag that is not intended to be removed, and in a manner visible to the consumer, all of the following information:

(A) The name of the manufacturer.

(B) The country where the bag was manufactured.

(C) A statement that the bag is a reusable bag and designed for at least 125 uses.

(D) If the bag is eligible for recycling in the state, instructions to return the bag to the store for recycling or to another appropriate recycling location. If recyclable in the state, the bag shall include the chasing arrows recycling symbol or the term "recyclable,"

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consistent with the Federal Trade Commission guidelines use of that term, as updated.

(5) Does not contain lead, cadmium, or any other toxic material that may pose a threat to public health. A reusable bag manufacturer may demonstrate compliance with this requirement by obtaining a no objection letter from the federal Food and Drug Administration. This requirement shall not affect any authority of the Department of Toxic Substances Control pursuant to Article 14 (commencing with Section 25251) of Chapter 6.5 of Division 20 of the Health and Safety Code and, notwithstanding subdivision (c) of Section 25257.1 of the Health and Safety Code, the reusable grocery bag shall not be considered as a product category already regulated or subject to regulation.

(6) Complies with Section 260.12 of Part 260 of Title 16 of the Code of Federal Regulations related to recyclable claims if the reusable grocery bag producer makes a claim that the reusable grocery bag is recyclable.

(b) (1) In addition to the requirements in subdivision (a), a reusable grocery bag made from plastic film shall meet all of the following requirements:

(A) On and after January 1, 2016, it shall be made from a minimum of 20 percent postconsumer recycled material.

(B) On and after January 1, 2020, it shall be made from a minimum of 40 percent postconsumer recycled material.

(C) It shall be recyclable in this state, and accepted for return at stores subject to the at-store recycling program (Chapter 5.1 (commencing with Section 42250)) for recycling.

(D) It shall have, in addition to the information required to be printed on the bag or on a tag, pursuant to paragraph (4) of subdivision (a), a statement that the bag is made partly or wholly from postconsumer recycled material and stating the postconsumer recycled material content percentage, as applicable.

(E) It shall be capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125 uses and be at least 2.25 mils thick, measured according to the American Society of Testing and Materials (ASTM) Standard D6988-13.

(2) A reusable grocery bag made from plastic film that meets the specifications of the American Society of Testing and Materials (ASTM) International Standard Specification for Compostable Plastics D6400, as updated, is not required to meet the requirements

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of subparagraph (A) or (B) of paragraph (1), but shall be labeled in accordance with the applicable state law regarding compostable plastics.

(c) In addition to the requirements of subdivision (a), a reusable grocery bag that is not made of plastic film and that is made from any other natural or synthetic fabric, including, but not limited to, woven or nonwoven nylon, polypropylene, polyethylene-terephthalate, or Tyvek, shall satisfy all of the following:

(1) It shall be sewn.

(2) It shall be capable of carrying 22 pounds over a distance of 175 feet for a minimum of 125 uses.

(3) It shall have a minimum fabric weight of at least 80 grams per square meter.

(d) On and after July 1, 2016, a store as defined in paragraph (3), (4), or (5) of subdivision (g) of Section 42280, shall comply with the requirements of this section.

42281.5. On and after July 1, 2015, a producer of reusable grocery bags made from plastic film shall not sell or distribute a reusable grocery bag in this state unless the producer is certified by a third-party certification entity pursuant to Section 42282. A producer shall provide proof of certification to the department demonstrating that the reusable grocery bags produced by the producer comply with the provisions of this article. The proof of certification shall include all of the following:

(a) Names, locations, and contact information of all sources of postconsumer recycled material and suppliers of postconsumer recycled material.

(b) Quantity and dates of postconsumer recycled material purchases by the reusable grocery bag producer.

(c) How the postconsumer recycled material is obtained.

(d) Information demonstrating that the postconsumer recycled material is cleaned using appropriate washing equipment.

42282. (a) Commencing on or before July 1, 2015, the department shall accept from a reusable grocery bag producer proof of certification conducted by a third-party certification entity, submitted under penalty of perjury, for each type of reusable grocery bag that is manufactured, imported, sold, or distributed in the state and provided to a store for sale or distribution, at the point of sale, that meets all the applicable requirements of this article.

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The proof of certification shall be accompanied by a certification fee, established pursuant to Section 42282.1.

(b) A reusable grocery bag producer shall resubmit to the department proof of certification as described in subdivision (a) on a biennial basis. A reusable grocery bag producer shall provide the department with an updated proof of certification conducted by a third-party certification entity if any modification that is not solely aesthetic is made to a previously certified reusable bag. Failure to comply with this subdivision shall result in removal of the relevant information posted on the department's Internet Web site pursuant to paragraphs (1) and (2) of subdivision (e) for each reusable bag that lacks an updated proof of certification conducted by a third-party certification entity.

(c) A third-party certification entity shall be an independent, accredited (ISO/IEC 17025) laboratory. A third-party certification entity shall certify that the producer's reusable grocery bags meet the requirements of Section 44281.

(d) The department shall provide a system to receive proofs of certification online.

(e) On and after July 1, 2015, the department shall publish a list on its Internet Web site that includes all of the following:

(1) The name, location, and appropriate contact information of certified reusable grocery bag producers.

(2) The reusable grocery bags of producers that have provided the required certification.

(f) A reusable grocery bag producer shall submit applicable certified test results to the department confirming that the reusable grocery bag meets the requirements of this article for each type of reusable grocery bag that is manufactured, imported, sold, or distributed in the state and provided to a store for sale or distribution.

(1) A person may object to the certification of a reusable grocery bag producer pursuant to this section by filing an action for review of that certification in the superior court of a county that has jurisdiction over the reusable grocery bag producer. The court shall determine if the reusable grocery bag producer is in compliance with the requirements of this article.

(2) A reusable grocery bag producer whose certification is being objected to pursuant to paragraph (1) shall be deemed in compliance with this article pending a determination by the court.

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(3) Based on its determination, the court shall direct the department to remove the reusable grocery bag producer from, or retain the reusable grocery bag producer on, its list published pursuant to subdivision (e).

(4) If the court directs the department to remove a reusable grocery bag producer from its published list, the reusable grocery bag producer shall remain off of the published list for a period of one year from the date of the court's determination.

42282.1. (a) A reusable grocery bag producer shall submit the fee established pursuant to subdivision (b) to the department when providing proof of certification or recertification pursuant to Sections 42281.5 and 42282.

(b) The department shall establish an administrative certification fee schedule that will generate fee revenues sufficient to cover, but not exceed, the department's reasonable costs to implement this article. The department shall deposit all moneys submitted pursuant to this section into the Reusable Grocery Bag Fund, which is hereby established in the State Treasury. Notwithstanding Section 11340 of the Government Code, moneys in the fund are continuously appropriated, without regard to fiscal year, to the department for the purpose of implementing this article.

Article 3. Single-Use Carryout Bags

42283. (a) Except as provided in subdivision (e), on and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, shall not provide a single-use carryout bag to a customer at the point of sale.

(b) (1) On and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, shall not sell or distribute a reusable grocery bag at the point of sale except as provided in this subdivision.

(2) On and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, may make available for purchase at the point of sale a reusable grocery bag that meets the requirements of Section 42281.

(3) On and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, that makes reusable grocery bags available for purchase pursuant to paragraph (2) shall not sell the reusable grocery bag for less than ten cents (\$0.10) in

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order to ensure that the cost of providing a reusable grocery bag is not subsidized by a customer who does not require that bag.

(c) (1) On and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, shall not sell or distribute a recycled paper bag except as provided in this subdivision.

(2) A store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, may make available for purchase a recycled paper bag. On and after July 1, 2015, the store shall not sell a recycled paper bag for less than ten cents (\$0.10) in order to ensure that the cost of providing a recycled paper bag is not subsidized by a consumer who does not require that bag.

(d) Notwithstanding any other law, on and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, that makes reusable grocery bags or recycled paper bags available for purchase at the point of sale shall provide a reusable grocery bag or a recycled paper bag at no cost at the point of sale to a customer using a payment card or voucher issued by the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or an electronic benefit transfer card issued pursuant to Section 10072 of the Welfare and Institutions Code.

(e) On and after July 1, 2015, a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, may distribute a compostable bag at the point of sale, if the compostable bag is provided to the consumer at the cost specified pursuant to paragraph (2), the compostable bag, at a minimum, meets the American Society for Testing and Materials (ASTM) International Standard Specification for Compostable Plastics D6400, as updated, and in the jurisdiction where the compostable bag is sold and in the jurisdiction where the store is located, both of the following requirements are met:

(1) A majority of the residential households in the jurisdiction have access to curbside collection of foodwaste for composting.

(2) The governing authority for the jurisdiction has voted to allow stores in the jurisdiction to sell to consumers at the point of sale a compostable bag at a cost not less than the actual cost of the bag, which the Legislature hereby finds to be not less than ten cents (\$0.10) per bag.

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(f) A store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280, shall not require a customer to use, purchase, or accept a single-use carryout bag, recycled paper bag, compostable bag, or reusable grocery bag as a condition of sale of any product.

42283.5. On and after July 1, 2016, a store, as defined in paragraph (3), (4), or (5) of subdivision (g) of Section 42280, shall comply with the same requirements of Section 42283 that are imposed upon a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280.

42283.6. (a) The operator of a store, as defined in paragraph (1) or (2) of subdivision (g) of Section 42280 that makes recycled paper or reusable grocery bags available at the point of sale, shall be subject to the provisions of the at-store recycling program (Chapter 5.1 (commencing with Section 42250)).

(b) A store that voluntarily agrees to comply with the provisions of this article pursuant to subdivision (g) of Section 42280, shall also comply with the provisions of the at-store recycling program (Chapter 5.1 (commencing with Section 42250)).

42283.7. All moneys collected pursuant to this article shall be retained by the store and may be used only for the following purposes:

(a) Costs associated with complying with the requirements of this article.

(b) Actual costs of providing recycled paper bags or reusable grocery bags.

(c) Costs associated with a store's educational materials or educational campaign encouraging the use of reusable grocery bags.

42284. (a) A retail establishment not specifically required to comply with the requirements of this chapter is encouraged to reduce its distribution of single-use plastic carryout bags.

(b) Pursuant to the provisions of subdivision (g) of Section 42280, any retail establishment that is not a "store," that provides the department with the irrevocable written notice as specified in subdivision (c), shall be regulated as a "store" for the purposes of this chapter.

(c) The irrevocable written notice shall be dated and signed by an authorized representative of the retail establishment, and shall include the name and physical address of all retail locations covered

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by the notice. The department shall acknowledge receipt of the notice in writing and shall specify the date the retail establishment will be regulated as a "store," which shall not be less than 30 days after the date of the department's acknowledgment. The department shall post on its Internet Web site, organized by county, the name and physical location or locations of each retail establishment that has elected to be regulated as a "store."

Article 4. Enforcement

42285. (a) A city, a county, a city and county, or the state may impose civil liability on a person or entity that knowingly violated this chapter, or reasonably should have known that it violated this chapter, in the amount of one thousand dollars (\$1,000) per day for the first violation of this chapter, two thousand dollars (\$2,000) per day for the second violation, and five thousand dollars (\$5,000) per day for the third and subsequent violations.

(b) Any civil penalties collected pursuant to subdivision (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

Article 5. Preemption

42287. (a) Except as provided in subdivision (c), this chapter is a matter of statewide interest and concern and is applicable uniformly throughout the state. Accordingly, this chapter occupies the whole field of regulation of reusable grocery bags, single-use carryout bags, and recycled paper bags, as defined in this chapter, provided by a store, as defined in this chapter.

(b) On and after January 1, 2015, a city, county, or other local public agency shall not enforce, or otherwise implement, an ordinance, resolution, regulation, or rule, or any amendment thereto, adopted on or after September 1, 2014, relating to reusable grocery bags, single-use carryout bags, or recycled paper bags, against a store, as defined in this chapter, unless expressly authorized by this chapter.

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(c) (1) A city, county, or other local public agency that has adopted, before September 1, 2014, an ordinance, resolution, regulation, or rule relating to reusable grocery bags, single-use carryout bags, or recycled paper bags may continue to enforce and implement that ordinance, resolution, regulation, or rule that was in effect before that date. Any amendments to that ordinance, resolution, regulation, or rule on or after January 1, 2015, shall be subject to subdivision (b), except the city, county, or other local public agency may adopt or amend an ordinance, resolution, regulation, or rule to increase the amount that a store shall charge with regard to a recycled paper bag, compostable bag, or reusable grocery bag to no less than the amount specified in Section 42283.

(2) A city, county, or other local public agency not covered by paragraph (1) that, before September 1, 2014, has passed a first reading of an ordinance or resolution expressing the intent to restrict single-use carryout bags and, before January 1, 2015, adopts an ordinance to restrict single-use carryout bags, may continue to enforce and implement the ordinance that was in effect before January 1, 2015.

Article 6. Financial Provisions

<p><i>42288. (a) Notwithstanding Section 42023.2, the sum of two million dollars (\$2,000,000) is hereby appropriated from the Recycling Market Development Revolving Loan Subaccount in the Integrated Waste Management Account to the department for the purposes of providing loans for the creation and retention of jobs and economic activity in this state for the manufacture and recycling of plastic reusable grocery bags that use recycled content, including postconsumer recycled material.</i></p>	<p>NOT SUBJECT TO REFERENDUM</p>
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(b) The department may expend, if there are applicants eligible for funding from the Recycling Market Development Revolving Loan Subaccount, the funds appropriated pursuant to this section to provide loans for both of the following:

(1) Development and conversion of machinery and facilities for the manufacture of single-use plastic bags into machinery and facilities for the manufacturer of durable reusable grocery bags that, at a minimum, meet the requirements of Section 42281.

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(2) Development of equipment for the manufacture of reusable grocery bags, that, at a minimum, meet the requirements of Section 42281.

(c) A recipient of a loan authorized by this section shall agree, as a condition of receiving the loan, to retain and retrain existing employees for the manufacturing of reusable grocery bags that, at a minimum, meet the requirements of Section 42281.

(d) Any moneys appropriated pursuant to this section not expended by the end of the 2015–16 fiscal year shall revert to the Recycling Market Development Revolving Loan Subaccount for expenditure pursuant to Article 3 (commencing with Section 42010) of Chapter 1.

(e) Applicants for funding under this section may also apply for funding or benefits from other economic development programs for which they may be eligible, including, but not limited to, both of the following:

(1) An income tax credit, as described in Sections 17059.2 and 23689 of the Revenue and Taxation Code.

(2) A tax exemption pursuant to Section 6377.1 of the Revenue and Taxation Code.

SEC. 2. No later than March 1, 2018, the department, as a part of its reporting requirement pursuant to Section 40507 of the Public Resources Code, shall provide a status report on the implementation of Chapter 5.3 (commencing with Section 42280) of Part 3 of Division 30 of the Public Resources Code.