

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 108 of the Fish and Game Code and to implement, interpret or make specific Section 108 of the Fish and Game Code and Section 11125.7 of the Government Code, proposes to amend Section 665, Title 14, California Code of Regulations (CCR), relating to meeting procedures.

Informative Digest/Policy Statement Overview

Pursuant to Section 206 of the Fish and Game Code, the Commission holds no fewer than eight regular meetings per year in various locations throughout the State. Commission meetings are subject to the requirements of the Bagley-Keene Open Meeting Act (Government Code Sections 11120-11132).

In addition, the Commission's Marine Resources Committee (MRC), Wildlife Resources Committee (WRC) and Tribal Committee each hold approximately three meetings per year. Committees receive in depth information on topics and make recommendations to the Commission on those topics. The Commission may also establish other committees from time-to-time. Committee meetings are also subject to the Bagley-Keene Open Meeting Act if two Commission members are appointed to the committee.

AB 2609, signed into law in September 2012, added Section 108 to the Fish and Game Code. This statute required the Commission to adopt rules to govern business practices and processes.

Current regulations in Section 665, Title 14, CCR, provide that the time allotted for each speaker wishing to address an agenda item shall be set by the presiding Commissioner.

PROPOSED REGULATIONS

This regulatory proposal will amend Section 665, Title 14, CCR, Meeting Procedures, as follows:

- Define the number of members constituting a quorum to conduct Commission and committee meetings, and clarify that a meeting must be immediately adjourned if a quorum is no longer present;
- Provide that no more than two commissioners may attend committee meetings;
- Provide that a motion shall pass or fail only upon a majority vote of the membership present and voting; more than one motion related to an agenda topic may be made and voted upon; and, if no motion receives a majority vote of the membership present and voting, the agenda item shall be continued to a subsequent Commission meeting;
- Establish a deadline for public requests for meeting agenda items;
- Specify that, except for emergency meetings of the Commission, agenda items are approved by majority vote of the Commission; and that agendas for emergency meetings of the Commission are established by the president or president's designee;
- Specify that committee agenda items may not include items scheduled for action by the Commission, unless otherwise directed by majority vote of the Commission;

- Specify that the Commission president or his designee may add item items to meeting agendas;
- Establish deadlines, consistent with the Bagley-Keene Open Meeting Act, for public distribution of agendas;
- Outline the process and timeline for WRC and MRC recommendations;
- Specify the process for public participation in Commission and committee meetings including:
 - when public testimony will be taken;
 - appropriate public forum topics;
 - time limits for public comment at Commission meetings and methods the public may use to receive additional time;
 - when and how to submit written comments;
 - when and how to submit audio and visual presentations and how to receive approval of the presentation from the executive director; and
 - potential consequences of disruptive behavior; and
- Clarify that if any deadline or due date falls on a Saturday or holiday, it shall be adjusted pursuant to Government Code Sections 6707 and 6800.

BENEFITS OF THE PROPOSED REGULATION

The proposed regulation is anticipated to result in increases in

- the openness and transparency of Commission business;
- active public engagement with the Commission;
- Commission responsiveness to the public;
- efficiency of Commission process; and
- consistency of Commission activities.

CONSISTENCY WITH EXISTING STATE REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt rules to govern its business practices and processes (Section 108, Fish and Game Code). Commission staff has searched the California Code of Regulations and has found no other State regulations related to the Commission meeting procedures.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo Conference Resort and Spa, 2777 Fourth Street, Santa Rosa, California, on Thursday, April 14, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Bakersfield, CA, on Thursday, June 23, 2016, at 8:00 a.m., or as soon thereafter as the matter may be heard. The exact location of this meeting has not yet been determined. As soon as this information is available but not less than thirty days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published in the California Regulatory Notice Register and published on the Commission's website. It is requested, but not required, that written comments be submitted on or before June 9, 2016, at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed or**

emailed to the Commission office must be received before 12:00 noon on June 17, 2016.

Written and oral comments may be received at the **June 23, 2016** hearing. No comments will be received after the hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Michael Yaun or Sherrie Fonbuena at the preceding address or phone number. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Assessment

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This change will only affect Commission meeting procedures.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The Commission does not anticipate any benefits to the health and welfare of California

residents, worker safety, or the environment.

The Commission anticipates benefits regarding increased transparency and openness of the Commission's business, efficiency of Commission processes, consistency in Commission activities, public engagement with the Commission, and Commission responsiveness to the public.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Michael Yaun
Acting Executive Director

Dated: March 22, 2016